

MINUTES

Cumberland Town Council Meeting
Town Council Chambers
MONDAY, June 25, 2018

7:00 P.M. Call to Order

Present: Councilors Bingham, Copp, Edes, Gruber, Stiles and Turner

Excused: Councilor Storey-King

I. APPROVAL OF MINUTES

Motion by Councilor Gruber, seconded by Councilor Turner, to accept the June 18, 2018 meeting minutes as presented.

VOTE: 6-0 UNANIMOUS

II. MANAGER'S REPORT

Town Manager Shane reported that the recent election was a difficult one primarily due to the slow speed of the ballot machines. He and the Town Clerk are looking into a different voting locations with more space and parking. We had long lines all the way through the building until the polls closed at 8:00 p.m.

The Christmas tree at the intersection of Main Street and Tuttle Road will have to come down this summer. It has caught on fire twice and is entangled in wires. It has become a safety issue. We will plant a new tree in its place.

Ecomaine is having major problems with recycling and contamination in the recycling. Cumberland's contamination rates are 20% to 35% in our curbside recycling (see chart below). This has to stop very soon. Ecomaine will be at the next meeting to talk about what is happening in recycling and what we have to do in order to avoid our recycling loads being rejected and being charged as trash.

TOWN	DATE	% CONTAMINATIO N	LOCATION	Tons	NOTED CONTAMINANTS
Cumberland	5/16/2018	35%	Curbside	3.2	bags, lots of food waste
CUMBERLAND RECYCLE	6/5/2018	30%	CUMBERLAND – CURBSIDE	3.08	40+ bags, web, clothes, trash, food waste, cork board, dirty- this truck 929 consistently has some of the most contaminated loads every day
Cumberland	5/15/2018	30%	Curbside	2.61	bad load, too much MSW
CUMBERLAND RECYCLE	6/8/2018	25%	CUMBERLAND – CURBSIDE	2.4	30+ bags, helmet, metal pieces, clothes, 2 bags of cloth, food waste
CUMBERLAND RECYCLE	5/29/2018	25%	CUMBERLAND – CURBSIDE	1.94	lots of bags, food waste, clothes, towel, doll
Cumberland	5/16/2018	25%	Curbside	2.11	foam, bags, rackets, blender, MSW

CUMBERLAND RECYCLE	6/21/2018	20%	CUMBERLAND – CURBSIDE	1.55	20+ full bags, 5 x bedding bags, tarp, wires, metal, clothes
CUMBERLAND RECYCLE	6/20/2018	20%	CUMBERLAND – CURBSIDE	3.09	30+ bags, clothes, sheets, foam, nylon string, food waste
CUMBERLAND RECYCLE	6/19/2018	20%	CUMBERLAND – CURBSIDE	1.82	30+ bags, blower, car mat, metal
CUMBERLAND RECYCLE	6/14/2018	20%	CUMBERLAND – CURBSIDE	3.09	30+ bags, styrofoam, cloth bag, food waste
CUMBERLAND RECYCLE	6/12/2018	20%	CUMBERLAND – CURBSIDE	1.67	bags, trashed, stuffed animal, basket, power washer, dog run wire
CUMBERLAND RECYCLE	6/11/2018	20%	CUMBERLAND – CURBSIDE	2.73	mostly bags, twine, food waste, coat hangers
CUMBERLAND RECYCLE	6/7/2018	20%	CUMBERLAND – CURBSIDE	3.12	40+ bags, car floor mats, sprinkler nozzle
CUMBERLAND RECYCLE	6/4/2018	20%	CUMBERLAND – CURBSIDE	1.89	bags, trash, clothes, metal, window fan
CUMBERLAND RECYCLE	5/30/2018	20%	CUMBERLAND – CURBSIDE	2.58	trash, bags, Ryobi tools, metal, yard waste
CUMBERLAND RECYCLE	5/29/2018	20%	CUMBERLAND – CURBSIDE	2.04	bags, trash. This shows the huge difference in conscious drivers in RL Dbls
CUMBERLAND RECYCLE	5/28/2018	20%	CUMBERLAND – CURBSIDE	1.79	trash, bags, food waste
CUMBERLAND RECYCLE	5/24/2018	20%	CUMBERLAND – CURBSIDE	2.97	40+ bags, trash, plant waste
CUMBERLAND RECYCLE	5/23/2018	20%	CUMBERLAND – CURBSIDE	1.6	mop, clothes, bags, trash, cushions
CUMBERLAND RECYCLE	5/23/2018	20%	CUMBERLAND – CURBSIDE	2.56	lots of bags, lots of styrofoam, broom, trash
CUMBERLAND RECYCLE	5/22/2018	20%	CUMBERLAND – CURBSIDE	2.54	At least 8 visible bags of pure garbage
CUMBERLAND RECYCLE	5/22/2018	20%	CUMBERLAND – CURBSIDE	2.14	lots of bags, plus other debris, foam, bubble wrap, coat hangers, MSW
CUMBERLAND RECYCLE	5/21/2018	20%	CUMBERLAND – CURBSIDE	2.3	
Cumberland	5/17/2018	20%	Curbside	2.59	Bags, clothes, backpack, cooler, metal shelves
Cumberland	5/15/2018	20%	Curbside	2.88	lots of clothes and garbage

Cumberland	5/15/2018	20%	Curbside	1.15	30+ trash bags, most of the load was trashed, full of food waste
Cumberland	5/14/2018	20%	Curbside	1.81	metal, bags, crock pot, shovel
Cumberland	5/14/2018	20%	Curbside	3.11	lots of bags, trash
CUMBERLAND RECYCLE	6/13/2018	15%	CUMBERLAND – CURBSIDE	3.29	large net, bags, trash, clothes
CUMBERLAND RECYCLE	6/7/2018	15%	CUMBERLAND – CURBSIDE	1.45	Bags, Styrofoam, tarp, foam pad, plastic strapping
CUMBERLAND RECYCLE	6/6/2018	15%	CUMBERLAND – CURBSIDE	2.96	
CUMBERLAND RECYCLE	5/31/2018	15%	CUMBERLAND – CURBSIDE	2.28	plastic bags, food waste
CUMBERLAND RECYCLE	5/31/2018	15%	CUMBERLAND – CURBSIDE	2.84	20+ bags, trash, food waste, coat hangers, clothes
CUMBERLAND RECYCLE	5/30/2018	15%	CUMBERLAND – CURBSIDE	1.38	some bags, string, lights, twine, rope
CUMBERLAND RECYCLE	5/24/2018	15%	CUMBERLAND – CURBSIDE	2.34	plastic bags, not much else
Cumberland	5/17/2018	15%	Curbside	2.95	foam, bags, coat hangers
CUMBERLAND RECYCLE	6/14/2018	10%	CUMBERLAND – CURBSIDE	1.7	less than 20 bags
CUMBERLAND RECYCLE	6/12/2018	10%	CUMBERLAND – CURBSIDE	2.68	10+ bags, curtain rod, cloth lunch pail, Styrofoam, electrical box
CUMBERLAND RECYCLE	6/5/2018	10%	CUMBERLAND – CURBSIDE	2.38	Best load from them, bags, but only 10 filled, large tarp
CUMBERLAND RECYCLE	5/25/2018	10%	CUMBERLAND – CURBSIDE	1.7	
CUMBERLAND RECYCLE	6/21/2018	5%	CUMBERLAND – CURBSIDE	3.18	Good load for this truck
CUMBERLAND RECYCLE	6/13/2018	5%	CUMBERLAND – CURBSIDE	1.18	less than 10 bags, garden hose, cloth, foam
CUMBERLAND RECYCLE	6/4/2018	5%	CUMBERLAND – CURBSIDE	2.81	trash bags, hoses, clothes
Cumberland	5/17/2018	5%	Cumberland	0.4	

CUMBERLAND RECYCLE	6/19/2018	0%	CUMBERLAND – CURBSIDE	2.42	Not graded by Wayne
CUMBERLAND RECYCLE	6/18/2018	0%	CUMBERLAND – CURBSIDE	2.74	Not judged by Wayne
CUMBERLAND RECYCLE	6/15/2018	0%	CUMBERLAND – CURBSIDE	1.75	
CUMBERLAND RECYCLE	5/21/2018	0%	CUMBERLAND – CURBSIDE	2.69	

**14% of
Total
Recycling**

111.48 Tons
\$70.50 \$/ Ton
\$7,859.34 Total

- Loads which contain 3-5% contaminants by volume receive just this warning notification
- loads which contain 6-10% contaminants by volume incur a \$35 per ton fee
- loads which contain 11-15% contaminants by volume incur a \$45 per ton fee
- loads which contain 16-20% contaminants by volume incur a \$55 per ton fee
- loads which contain 21-25% contaminants by volume incur a \$65 per ton fee
- loads which contain 26% or higher contaminants by volume incur a \$70.50 per ton fee

Brown Tail Moths are spreading through the entire town and surrounding towns. Areas Town Managers are meeting soon to talk about the problem and declaring it a public health nuisance. We may have to consider a more effective spray program. More information to come.

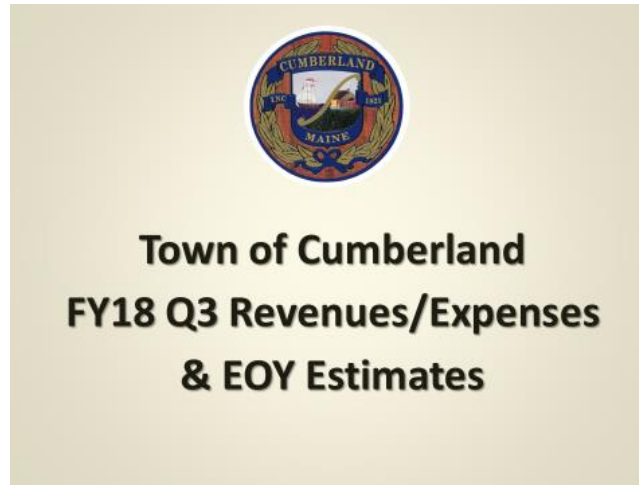
III. PUBLIC DISCUSSION

Brad Hilton of Blanchard Road said that approximately a year and a half ago, he asked the Council for their consideration in the conservation of Greely Woods. Nothing has happened and he would like to know what is holding this up.

Town Manger Shane said that after Mr. Hilton made the request to put the two parcels that the Town acquired through foreclosure into a conservation easement, it was discovered that one of the parcels was never registered at the Registry of Deeds and there was no title transfer or foreclosure recorded. The Town Attorney advised us that we had no right to the property. The owner of the property is getting an appraisal. When the appraisal is complete, the owner of the property will sign it over to the Town for a gift letter. We did not drop the ball on this, but it is simply taking some time to untangle it.

IV. LEGISLATION AND POLICY

18 – 082 To hear a report from the Finance Director re: 3rd Quarter Financials.
Finance Director, Heather Perreault, presented the following:



General Fund FY2018 Q3 Revenues & Expenditures

	FY18 Budget	FY18 Actual	FY18 %	FY17 %
TOTAL REVENUES	\$ 4,787,399	\$ 3,703,527	77.4%	83.5%
Controllable Expenses	\$ 7,881,844	\$ 6,116,163	77.6%	80.8%
Fixed Expenses	\$ 20,016,838	\$ 15,343,826	76.7%	78.1%
TOTAL EXPENSES	\$27,898,682	\$21,459,989	76.9%	78.9%

General Fund FY2018 Q3 Selected Revenues

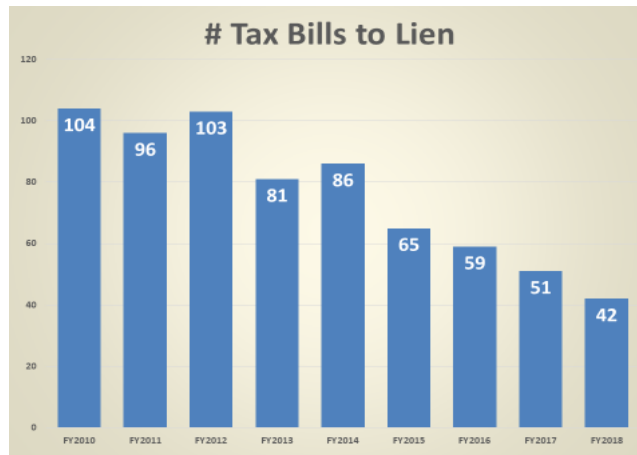
	FY18 Budget	FY18 Actual	FY18 %	FY17 %
Excise Tax	\$ 1,680,000	\$ 1,540,238	91.7%	93.6%
State Revenue Sharing	\$ 453,207	\$ 308,566	68.1%	75.0%
Permits & Impact Fees	\$ 158,000	\$ 127,184	80.5%	200.1%
EMS Billing	\$ 175,000	\$ 124,997	71.4%	96.1%
Recreation - After School	\$ 214,836	\$ 229,394	106.8%	101.0%
Recreation - All Other	\$ 603,280	\$ 373,212	61.9%	65.3%
Val Halla - Golf Revenues	\$ 634,632	\$ 346,818	54.6%	51.9%

General Fund FY2018 Q3 Selected Expenses

	FY18 Budget	FY18 Actual	FY18 %	FY17 %
Police	\$ 1,358,525	\$ 1,000,255	73.6%	81.5%
Fire	\$ 874,775	\$ 679,582	77.7%	81.3%
Public Services	\$ 1,901,644	\$ 1,552,813	81.7%	78.7%
Val Halla Golf Club	\$ 735,188	\$ 537,730	73.1%	76.3%
Recreation	\$ 920,638	\$ 728,149	79.1%	81.0%
Legal	\$ 42,500	\$ 36,820	86.6%	98.4%

Est. \$ Spent Over (Under) Budget





18 – 083 To hear a report from the Finance Committee Chair, authorize the Town Manager to transfer inter-departmental operating funds for FY’18, and to amend the fund balance policy as recommended by the Finance Committee.

Finance Director, Heather Perreault presented the following:

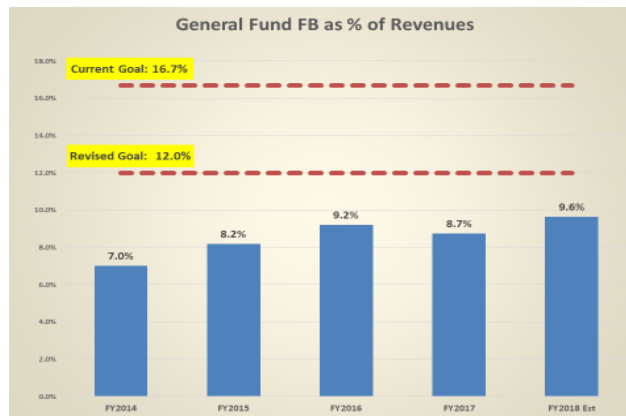
End of Year Surplus

	Budgeted	Estimated	
GF Revenues over (under) budget	\$4,787,399	\$5,367,074	579,675
GF Expenses (over) under budget	\$27,898,682	\$28,186,000	(287,318)
Homestead Exemption Reimbursement			367,114
Add: Overlay (excluding Homestead)			252,307
CIP unbudgeted expenses			(61,497)
Estimated End of Year funds available:			850,281

Transfers to Reduce Budget

		%
FY2018 Beginning GF Fund Balance	\$ 2,436,028	8.7%
Estimated End of Year funds available:	850,281	
Less transfers for:		
Assessing property audit	(100,000)	
Local roads PM	(88,000)	
Senior tax rebate	(70,000)	
Town anniversary	(15,000)	
Brown tail moth spraying	(20,000)	
TAN interest	(15,000)	
Library collection additions	(10,000)	
Police CIP Additional	(16,000)	
FIRE CIP	(16,000)	
	(350,000)	
<i>Any additional excess revenues will be added to Fund Balance</i>		%
Projected FY2018 GF Ending Fund Balance	\$ 2,936,309	9.6%

Heather explained that the fund balance is the amount that is left over at the end of the year and available to use, if need be. The bond rating agencies look at this as a stabilizing force for your financial health. The industry standard is 16.7%, which would be well over 5 million dollars for us. We are nowhere close to that number and it creates problems for us everytime we try to get a new bond rating. We would like to revise it to 12%, which is a more realistic goal.



Brad Hilton of Blanchard Road said that a rainy day fund is different for a family than it is for a Town. We could live with 6% fund balance. He feels that the general fund balance is way too high.

Councilor Stiles said that the fund balance is the cushion that gets us through the time when taxes are not yet collected and we have to make the large payment to the school. If we don't have that cushion, we have to borrow money in order to make the school payment.

Councilor Bingham said that we have had to use that money in the past after natural disasters to repair roads, etc.

Motion by Councilor Gruber, seconded by Councilor Stiles, to authorize the Town Manager to transfer excess end-of-year operating revenues and interdepartmental operating balances to close-out all departmental budgets for FY2018, as recommended by the Finance Committee.

VOTE: 6-0 UNANIMOUS

Motion by Councilor Gruber, seconded by Councilor Bingham, to change the Town's Fund Balance Policy goal from 16.7% to 12% and to re-visit annually, as recommended by the Finance Committee.

VOTE: 6-0 UNANIMOUS

18 – 084 To hold a Public Hearing to consider and act on the removal of the stop sign on Hemlock Drive at the intersection of Hemlock Drive and Farwell Avenue, as recommended by the Police Chief, and pursuant to Section 282-6 (Stop and yield intersections) of the Cumberland Code.

Town Manager Shane explained that the stop sign at Hemlock and Farwell really does not make sense. If you are driving down Farwell Avenue you can drive right through the intersection of Hemlock and Farwell. If you are driving up Farwell Avenue, there is a stop sign at the intersection with Hemlock. This does not meet normal traffic standards and the Police Chief is recommending the removal of the stop sign.



Farwell- Hemlock Stop Sign- June 2018

Chairman Copp opened the Public Hearing.

Public discussion: Adam Dews of 23 Farwell Avenue said that he is concerned about increased traffic on Farwell Avenue due to the fact there is a 3-way stop on Pinewood, which may cause more people to take Farwell Avenue to avoid that stop sign. Farwell is narrow and there are a lot of pedestrians in the neighborhood. There are many 3-way stops in Town. He does not want the stop sign removed and he would recommend adding a stop sign to stop traffic coming down Farwell Avenue.

Mike McDonough of Farwell Avenue said that he brought up this stop sign issue with the Police Chief because for 20+ years, he has seen people ignore this stop sign. With all due respect to Mr. Dews, he suggests a 25 mph speed limit sign instead of the stop sign. If speed is a problem, that is a separate issue.

Sam York said that he has seen speed tables in Town and they seem to work. Perhaps this could be considered.

Amber Dews of 23 Farwell Avenue said that there is a lot of walking traffic on Farwell Avenue and she thinks that since most people don't care that it is there, why not leave it? She liked her husband's suggestion of adding a stop sign going down Farwell Avenue.

Chairman Copp closed the Public Hearing.

Councilor Bingham said that he is of the opinion to let sleeping dogs lay and he will likely vote to keep it.

Councilor Turner said that in the spirit of being consistent, we agonized over the removal of the stop sign at Blanchard and Skillin Road at the request of a resident and ultimately did not remove the stop sign there.

Councilor Gruber agreed with Councilor Turner. We said no to that request, so to approve this one would be difficult. He will not support this.

Councilor Stiles said that if the removal of this stop sign is a big deal, why are there only 2 people here to talk about it? Let's just leave it alone.

Motion by Councilor Bingham, seconded by Councilor Gruber, to not remove the stop sign on Hemlock Drive at the intersection of Hemlock Drive and Farwell Avenue.

VOTE: 6-0 UNANIMOUS

18 – 085 To consider and act on accepting a gift of a 4-acre parcel off of Oxford Lane to be placed into the Rines Forest Conservation Easement and to issue a gift letter. (Tabled from June 4th)

Motion by Councilor Bingham, seconded by Councilor Stiles, to remove this item from the table.

VOTE: 6-0 UNANIMOUS

Town Manager Shane said that Paul Bernard approached the Town and explained to the manager that part of the dispute he had with his neighbors related to his subdivision on Oxford Lane had to do with the number of lots. They came to an agreement that one of the lots would be left in a perpetual conservation easement. He asked if the Town would have any interest in this, and it could be gifted to the Town or the Land Trust. The Council did not have any interest since Town residents would not be able to access it because it is located on a private road. The Lands and Conservation Commission did not recommend accepting this gift of land.

Chairman Copp asked for any public discussion.

Public discussion: none

Motion by Councilor Stiles, seconded by Councilor Edes, to not accept the gift of a 4-acre parcel off of Oxford Lane, as recommended by the Lands and Conservation Commission.

VOTE: 6-0 UNANIMOUS

18 – 086 To consider and act on amendments to the Credit Enhancement Agreement for Grun Development, LLC.

Town Manager Shane explained that the Credit Enhancement Agreement given to Grun Development back in March of 2016 was for commercial property and specifically a shoe last (specialty shoe mold) manufacturing facility. That business never materialized and 2 years later, we are ready to grant the Credit Enhancement Agreement to Casco Systems, but the Credit Enhancement Agreement lists the shoe last facility. He recommended approval of the transfer of the Credit Enhancement Agreement to Casco Systems, and setting a Public Hearing for amending the Credit Enhancement Agreement on July 9th.

Chairman Copp asked for any public discussion.

Public discussion: none

Motion by Councilor Bingham, seconded by Councilor Gruber, to allow the assignment of the Credit Enhancement Agreement (C.E.A.) with Grun Development to Casco Systems, pursuant to the terms of the Credit Enhancement Agreement signed in March of 2016 and **attached to the minutes of this meeting**.

VOTE: 6-0 UNANIMOUS

Motion by Councilor Bingham, seconded by Councilor Gruber, to further move to set a Public Hearing date of July 9th to amend the current Credit Enhancement Agreement with Grun Development and to assess Grun Development a fee of \$2,000 for the re-drafting and advertisement of the revised C.E.A.

VOTE: 6-0 UNANIMOUS

18 – 087 To consider and act on authorizing the Code Enforcement Officer to execute a Consent Agreement with the owners of 14 Mary Lane.

Town Manager Shane said that trees were cut at the rear of the property that violated the subdivision no tree cutting area. The homeowner has agreed to replant approximately 55 trees and pay the \$500 administrative fee for legal drafting of the Consent Agreement.

Chairman Copp asked for any public discussion.

Public discussion: none

Councilor Gruber said that he feels that there should be some greater penalty for cutting trees in a no cut buffer. He will not support this.

Chairman Copp said that replanting 55 trees will be cost between \$10,000 and \$20,000. That seems like justice being served.

Motion by Councilor Stiles, seconded by Councilor Turner, to authorize the Code Enforcement Officer to execute a Consent Agreement with the owners of 14 Mary Lane and collect \$500.00 for legal fees.

VOTE: 5-1 (Gruber opposed) MOTION PASSES

18 – 088 To consider and act on Commercial Hauler’s license renewals for FY’19.

Town Manager Shane said that staff is recommending approval.

Chairman Copp asked for any public discussion.

Public discussion: none

Motion by Councilor Bingham, seconded by Councilor Stiles, to approve the Commercial Hauler’s license renewals for FY’19.

VOTE: 5-0-1 (Copp abstained) MOTION PASSES

18 – 089 To hold a Public Hearing to consider and act on approval of annual Victualer’s Licenses for non-profit organizations for the period of July 1, 2018 – June 30, 2019.

Town Manager Shane said that staff is recommending approval.

Chairman Copp opened the Public Hearing.

Public discussion: none

Chairman Copp closed the Public Hearing.

Motion by Councilor Gruber, seconded by Councilor Bingham, to approve the annual Victualer’s Licenses for non-profit organizations for the period of July 1, 2018 – June 30, 2019.

VOTE: 6-0 UNANIMOUS

18 – 090 To set a Public Hearing date of July 23rd to consider and act on repealing and replacing Section 250 (Subdivision of Land) of the Cumberland Code to include new Conservation Subdivision language.

Town Manager Shane explained that the Conservation Subdivision Committee has done a great job putting together an ordinance that ended up revamping our entire subdivision ordinance. Since it is so complex, he suggested having the Chairman of the Planning Board and the Chairman of the Conservation Subdivision Committee at the next meeting to explain it to the Council and the public. Then a Public Hearing will be held on July 23rd to consider and act on the amendments to the ordinance.

After some discussion, it was decided that a notification of the meetings would be mailed to everyone in the RR1 and RR2 districts.

Motion by Councilor Bingham, seconded by Councilor Edes, to set July 9th to hear an overview of the amended Subdivision Ordinance from the Planning Board Chairman and Conservation Subdivision Committee Chairman.

VOTE: 6-0 UNANIMOUS

Motion by Councilor Bingham, seconded by Councilor Edes, to set a Public Hearing date of July 23rd to consider and act on repealing and replacing Section 250 (Subdivision of Land) of the Cumberland Code to include new Conservation Subdivision language.

VOTE: 6-0 UNANIMOUS

V. NEW BUSINESS

Councilor Bingham – Condolences to the Powers family on the passing of Tom Powers. Tom served on the Planning Board for several years. He was a retired Navy Officer and a member of the Lions Club. Tom was an all-around good guy who gave a lot to the Town.

Condolences to the Kinne family on the passing on Don Kinne. Don was a Korean War Veteran who was in our Memorial Day parade every year. He was also a long time member of the Lions Club and a member of the Congregational Church. He was a kind and descent human being who will be missed.

Councilor Gruber – Thank you to all the Aging in Place and Food Pantry volunteers. They are tremendous people who do so much for our community.

Town staff did a great job on Election Day. Thank you.

Councilor Edes – He congratulated Councilor Copp on being appointed Town Council Chair and Councilor Storey-King on being appointed Vice-Chair.

Cumberland Police Officer and longtime School Resource Officer, John Dalbec retired. He thanked John for 30 years of service to the Police Department and school system.

Chairman Copp – He also sent condolences to the Kinne family on the passing of Don.

He asked the Manager when the lines would be repainted on Route 100 at Morrison's Hill since the State repaved the road. There were turning lanes there and with no painted lines, it is confusing and dangerous.

Town Manger Shane said the state is working in Scarborough now, but should be back to paint our lines very soon.

Councilor Stiles – He thanked his fellow Council members for their donations to the 4-H auction that will benefit the Food Pantry.

Councilor Turner – Congratulations to Councilor's Copp and Storey-King on being appointed Council Chair and Vice-Chair.

Town Manager Shane – The annual Town Council meeting at the West Cumberland Hall will be on August 13th.

VI. ADJOURNMENT

Motion by Councilor Bingham, seconded by Councilor Gruber, to adjourn.

VOTE: 6-0 UNANIMOUS

TIME: 8:45 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary