

MINUTES

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, July 23, 2018

7:00 P.M. Call to Order

Present: Councilors Bingham, Copp, Edes, Gruber, Stiles, Storey-King and Turner

I. APPROVAL OF MINUTES

Motion by Councilor Gruber, seconded by Councilor Turner, to accept the July 9, 2018 meeting minutes as presented.

VOTE: 7-0 UNANIMOUS

II. MANAGER'S REPORT

Town Manager Shane gave an update on the construction going on around Town:

- Tuttle Road will have a large pipe replaced tonight, then the road reconstruction and paving will begin next week. We are hopeful that Tuttle Road will be completed by mid-August.
- The majority of the blasting on Middle Road has been completed and the road reconstruction has begun. The project has gone very well and it should be ready for paving in the next few weeks.
- Skillin Road, Mill Road and Main Street projects will likely begin toward the end of August.

III. PUBLIC DISCUSSION

Cathy Wright of Skillin Road said that she feels that a lot of money is spent on other parts of Town and not in West Cumberland. She would like to see some sidewalks added and public access to Forest Lake for canoeing and kayaking. She also said that the speed on Skillin Road is getting excessive and some additional police presence may be needed.

IV. LEGISLATION AND POLICY

18 – 096 To hold a Public Hearing to set the FY2019 tax rate.

Tax Assessor, John Brushwein said that the 2018-19 commitment is complete and tax bills are scheduled to be mailed the second week of August. Mr. Brushwein made that recommendation that the tax rate be set at \$19.70 per \$1,000.00 of assessed value which represents a 4.79% increase above the 2017-18 rate of \$18.80.

The Maine Homestead Exemption reimbursement increased from 50% to 62.5% this year resulting in an additional \$85,502.00 reimbursement. The overall assessed valuation for the Town increased by \$26,757,500 as a result of new construction, land divisions, and additional personal property.

Chairman Copp opened the Public Hearing.

Public discussion: Liz Ventre asked Mr. Brushwein if the Town discovers new value, will resident's mid-term taxes get adjust for the additional value.

Mr. Brushwein said that taxes are set as of April 1st of each year. Therefore, whatever value accrues as a result of new construction, would be applied to the 2019 budget.

Chairman Copp closed the Public Hearing.

Motion by Councilor Gruber, seconded by Councilor Stiles, to set the municipal tax rate for FY2019 at \$19.70.
VOTE: 7-0 UNANIMOUS

18 – 097 To hold a Public Hearing to set rates at which interest will be paid for delinquent taxes and to authorizing applying tax payments to the oldest unpaid taxes.

Town Manager Shane explained that the maximum interest rate for delinquent will be 8% per the Maine Office of the Treasurer, and payments on delinquent taxes will be applied to the oldest, unpaid taxes, as is our past practice.

Chairman Copp opened the Public Hearing.

Public discussion: none

Chairman Copp closed the Public Hearing.

Motion by Councilor Gruber, seconded by Councilor Bingham, to set an interest rate of 8% for delinquent real and personal property taxes for FY2019.

Be it further ordered, that all payments for delinquent real and personal property taxes be applied to the oldest, unpaid taxes.

VOTE: 7-0 UNANIMOUS

18 – 098 To hold a Public Hearing to consider and act on repealing and replacing Section 250 (Subdivision of Land) of the Cumberland Code to include new Conservation Subdivision language, as recommended by the Planning Board. TABLE

Motion by Councilor Stiles, seconded by Councilor Turner, to table.

VOTE: 7-0 UNANIMOUS

18 – 099 To hold a Public Hearing to consider and act on amending 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 Credit Enhancement Agreement.

Town Manager Shane explained that Grun Development has met all the conditions placed upon them in the new Credit Enhancement Agreement. The original agreement was for a tax reduction for a shoe last factory and that project never came to be. It also allowed for an additional commercial building to be constructed that is now the Casco Systems building and the value of the remaining Credit Enhancement Agreement only has value to the original plan of the shoe last company. The Finance and TIF Committees have both authorized to amend the agreement for Casco Systems.

Chairman Copp opened the Public Hearing.

Public discussion: Cathy Wright of Skillin Road asked if the multiplexes are still planned for the rear of the property.

Town Manager Shane said that is still the plan.

Chairman Copp closed the Public Hearing

Motion by Councilor Turner, seconded by Councilor Bingham, to amend the current Credit Enhancement Agreement with Grun Development as recommended by the Finance and TIF Committees.

VOTE: 7-0 UNANIMOUS

18 – 100 To consider and act on authorizing the Code Enforcement Officer to execute a Consent Agreement with the owners of 84 Mill Road.

Town Manager Shane explained that this is another case of a building being too close to the property line. This was discovered during a survey when the property was sold.

Chairman Copp asked for public comment.

Public comment: none

Chairman Copp closed public comment.

Councilor Storey-King said that we should notify abutters before consent agreements are considered. If the Council makes a decision that is permanent, without the abutter's knowledge, they may have no recourse.

Town Manager Shane said that perhaps the Ordinance Committee could look at our current process and recommend something different. Increased fees should be considered due to additional staff time with potential abutter mailings, meetings, etc.

Councilor Edes said that this reeks of intention. They have a huge lot and they could have put their garage anywhere, yet they chose to place it directly on the lot line. If he were their neighbor, he would have some concerns with this.

Motion by Councilor Bingham, seconded by Councilor Gruber, to authorize the Code Enforcement Officer to execute a Consent Agreement with the owners of 84 Mill Road and collect \$500.00 for legal fees.

VOTE: 5-2 (Edes and Stiles opposed) MOTION PASSES

18 – 101 To hold a Public Hearing to consider and act on forwarding to the Planning Board for a Public Hearing and recommendation, amendments to Chapter 315 (Zoning), Section 29 (Lots abutting more than one street) of the Cumberland Code, as recommended by the Ordinance Committee.

Councilor Storey-King explained that the way the ordinance is currently written, if you have a corner lot, you have to have 250 feet of frontage on both roads. This amendment allows for frontage on only one road instead of both.

Chairman Copp opened the Public Hearing.

Public discussion: none

Chairman Copp closed the Public Hearing.

Motion by Councilor Stiles, seconded by Councilor Gruber, to forward to the Planning Board for a Public Hearing and recommendation, amendments to Chapter 315 (Zoning), Section 29 (Lots abutting more than one street) of the Cumberland Code, as recommended by the Ordinance Committee.

VOTE: 7-0 UNANIMOUS

18 – 102 To consider and act on accepting and awarding the bid for replacement of the pier at Broad Cove Reserve.

Mike Schwindt, Vice-Chairman of the Coastal Waters Commission said we received 5 bids for the pier replacement, and the Coastal Waters Commission is recommending acceptance of the lowest bid of \$552,000.00 from Prock Marine. Prock's bid is \$100,000 less than the 2nd lowest bidder. If approved, the demolition of the existing pier will begin this fall and the new pier will be installed in the spring. The Coastal Waters Commission has reviewed this and is recommending acceptance of Prock Marine's bid.

Chairman Copp asked for public comment.

Public comment: none

Chairman Copp closed public comment.

Motion by Councilor Gruber, seconded by Councilor Turner, to accept the recommendation of the Coastal Waters Commission to award the Broad Cove Pier replacement project to Prock Marine Company.

VOTE: 7-0 UNANIMOUS

Motion by Councilor Stiles, seconded by Councilor Gruber to further authorize the Town Manager to execute contracts and expend up to \$232,000 from the Broad Cove Reserve and Land Acquisition Funds; and \$350,000 in funds from MDOT and the Broad Cove Reserve Homeowners Association to pay for the project.

VOTE: 7-0 UNANIMOUS

18 – 103 To hold a Public Hearing to consider and act on forwarding to the Planning Board for a Public Hearing and recommendation, amendments to Chapter 315 (Zoning), Section 4 (Word usage and definitions) and Section 14 (Village Center Commercial District) of the Cumberland Code, as recommended by the Ordinance Committee (Storage Units on Route 100).

Town Manager Shane explained that we had a request for storage units to be built on Route 100. These units would have design requirements per the design guidelines for Route 100. The storage units on Route One in Falmouth are a good example of storage units that would meet our guidelines.

Chairman Copp opened the Public Hearing.

Public discussion: none

Chairman Copp closed the Public Hearing.

Motion by Councilor Stiles, seconded by Councilor Edes, to forward to the Planning Board for a Public Hearing and recommendation, amendments to Chapter 315 (Zoning), Section 4 (Word usage and definitions) and Section 14 (Village Center Commercial District) of the Cumberland Code, as recommended by the Ordinance Committee (Storage Units on Route 100).

VOTE: 7-0 UNANIMOUS

18 – 104 To set a Public Hearing date of August 27th to consider and act on amendments to Chapter 315 (Zoning), Section 38 (Animals) of the Cumberland Code, as recommended by the Ordinance Committee.

Councilor Storey-King explained that this is essentially cleaning up language in order to help the Animal Control Officer enforce the ordinance.

Chairman Copp asked for any public comment.

Public discussion: none

Chairman Copp closed public comment.

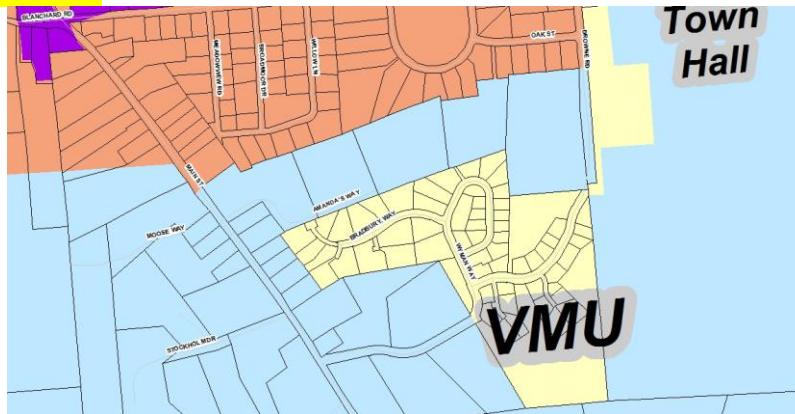
Motion by Councilor Bingham, seconded by Councilor Turner, to set a Public Hearing date of August 27th to consider and act on amendments to Chapter 315 (Zoning), Section 38 (Animals) of the Cumberland Code, as recommended by the Ordinance Committee.

VOTE: 7-0 UNANIMOUS

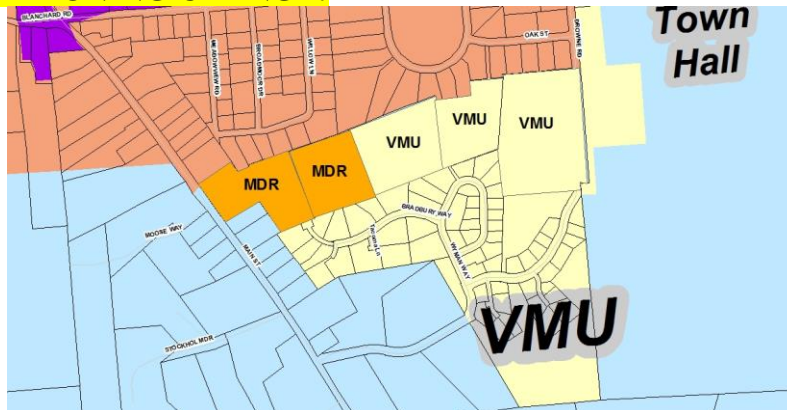
18 – 105 To hold a Public Hearing to consider and act on forwarding to the Planning Board for a Public Hearing and recommendation, draft zoning map amendments to rezone lots on Amanda’s Way from Rural Residential One (RR1) to Medium Density Residential (MDR) and Village Mixed Use (VMU) Zones, as recommended by the Ordinance Committee.

Town Manager Shane explained that three of the lots in the RR1 District are the civic lot, which is a 4-acre parcel that has a lot of deed restrictions; the Town Garage, which has a lot of setback issues related to the landfill closure; and the Russell lot, which is part of the Village Green Contract Zone Agreement. These three lots are already functioning as VMU parcels. The other two lots are MDR lots and both are over 5-acres and at one time were active farms. These lots have now converted to non-agricultural use.

PRESENT MAP:



PROPOSED ZONING CHANGE:



Chairman Copp asked for public comment.
Public comment: none
Chairman Copp closed public comment.

Motion by Councilor Turner, seconded by Councilor Edes, to forward to the Planning Board for a Public Hearing and recommendation, draft zoning map amendments to rezone lots on Amanda’s Way from Rural Residential One (RR1) to Medium Density Residential (MDR) and Village Mixed Use Zone (V-MUZ) Zones, as recommended by the Ordinance Committee.

VOTE: 7-0 UNANIMOUS

V. NEW BUSINESS

Councilor Bingham – he received a letter regarding U.S. Cellular’s interest in leasing land on Range Way for a cell tower. He asked the Town Manager if the Town had received any inquiries from U.S. Cellular.

Town Manager Shane said that they did inquire about the Town Garage site and the Fire Station. They were asked to come in to meet and discuss specifics.

The Nominating Committee will be holding interviews next week for the vacant Planning Board seat.

Councilor Gruber – the Senior Property Tax Assistance Program information is now on the Town website, including the application and guidelines.

He asked the Town Manager if the joint meeting with the School Board has been set up yet.

Town Manager Shane said the Superintendent Porter is in the process of setting up the meeting with the School Board, North Yarmouth and Cumberland and it is tentatively scheduled for October 15th.

Brian Cashin is the new Chairman of the Aging in Place Committee.

Councilor Edes – none

Councilor Storey-King – thank you to Janene Gorham for her nice thank you note to the Town Council. She brought an issue to the Town that was upsetting to her and we worked through it. It was nice of her to take the time to write a thank you note.

She attended a PUC meeting last week on the Bright Line Project. This expansion of the Bright Line is a low voltage powerline that runs from Raven Station to another station on Johnson Road then across the Woodlands in Falmouth and into the East Deering area of Portland. The meeting was supposed to be a technical meeting, but ended up being a procedural meeting. She thinks that CMP might not realize that they do not own the land that the lines travel across. They kept referring to property owners as abutters. She has written to every right-of-way land owner in Cumberland who may be impacted by this project.

Chairman Copp – none

Councilor Stiles – he encouraged everyone to check to be sure they are recycling the proper items. If you have a question if an item is recyclable, you can get a list on the Town website or Ecomaine’s website.

He attended a golf tournament put on by Norton Financial. Every year, they have a 50/50 raffle and he won it this year. He donated his winnings (\$1,450.00) to the Cumberland Food Pantry.

Councilor Turner – a follow up on Councilor Stiles recycling comments, he reminded everyone that plastic bags cannot be recycled.

VI. ADJOURNMENT

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

VOTE: 7-0 UNANIMOUS

TIME: 8:27 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary