

MINUTES
Cumberland Town Council Meeting
Town Council Chambers
MONDAY, July 27, 2020
6:00 P.M. Finance Committee Meeting

7:00 P.M. Call to Order

Present: Councilors Copp, Edes, Foster, Gruber, Storey-King, Turner and Vail

I. APPROVAL OF MINUTES

Motion by Councilor Edes, seconded by Councilor Vail, to accept the July 20, 2020 meeting minutes as presented.

VOTE: 7-0 UNANIMOUS

II. MANAGER'S REPORT

None

III. PUBLIC DISCUSSION

Bill Stiles of Range Road said that he met with the Town Manager in regard to the recommendation that Siemen's made to improve the air quality in Town buildings and alleviate viruses. He met with his old friend, Dr. Jimmy Vaughn at the University of New England to discuss this. Dr. Vaughn's opinion is that the proposal that Siemen's submitted will not kill 100% bacteria in the ventilation systems. He said that to kill 98% of the coronavirus, HEPA filters would need to be cleaned and sterilized frequently.

IV. LEGISLATION AND POLICY

20 – 042 To hear a report from the Tax Assessor and to hold a Public Hearing to consider and act on setting the FY2021 tax rate.

Tax Assessor, John Brushwein said that the 2021 Tax Assessment is complete as of today and tax bills will be mailed next week. His recommendation is that the FY2021 tax rate be set at \$20.35 per \$1,000.00 of assessed value. This represents a 2.52% (.50 cent) increase above the FY2020 tax rate of \$19.85.

Chairman Gruber opened the Public Hearing.

Public discussion: none

Chairman Gruber closed the Public Hearing.

Councilor Edes asked for the breakdown of what the tax increase would be on a \$400,000 home since the increases are only coming from the County and the School (there was no increase on the Town portion).

Town Manager Shane responded that the County is responsible for 3% of the increase, and the School is responsible for 97% of the increase.

Motion by Councilor Foster, seconded by Councilor Vail, to set the municipal tax rate for FY2021 at \$20.35.

VOTE: 7-0 UNANIMOUS

20 – 043 To hold a Public Hearing to set rates at which interest will be paid for delinquent taxes and to authorize applying tax payments to the oldest unpaid taxes.

Town Manager Shane said that Maine Revenue Service is recommending 8%.

Chairman Gruber opened the Public Hearing.

Public discussion: none

Chairman Gruber closed the Public Hearing.

Motion by Councilor Storey-King, seconded by Councilor Copp, to set an interest rate of 8% for delinquent real and personal property taxes for FY2021.

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

20 – 044 To consider and act on forwarding to the Planning Board for a Public Hearing and recommendation, a zone change request for a 3.35 acre parcel located in the Village Center Commercial (VCC) zone to the Village Medium Density Residential (VMDR) zone, as recommended by the Ordinance Committee.

Councilor Storey-King said that the Ordinance Committee discussed this at their meeting last week. There was some discussion that it made sense to put housing on the backside of the (Board Barn) property, which abuts a dirt road. There was also a discussion that we have so little commercial property in Town, it was not favorable to give it up for residential development.



Zone Change Request - Board Barn property - 3.35 Acres to VMDR from VCC

Town Manager Shane said that most of the parcel outlined on the map above is undevelopable, except for the back portion along Old Gray Road, which could be developed for residential homes.

Councilor Vail said that he is not in favor of allowing duplexes in a single family residential neighborhood.

Councilor Turner said that this has to go before the Planning Board and then back to the Town Council for Public Hearings. The neighborhood will have an opportunity to state their concerns. He thinks it will naturally play itself out and we will have a clear picture when the Council has to make a decision.

Councilor Edes said that he is not in favor of this. We have heard from the people in this Town that they want more commercial tax base. In this case, we are taking 3.35 acres out of commercial zoning. We did it on Route One. We keep losing commercial property and there is almost none left that can be developed in this Town.

Councilor Copp said that nobody knows what is going to happen to the Board Barn property. He is a little hesitant and is not in favor of changing zoning because someone wants to build residential homes in a commercial zone.

Councilor Storey-King said that she supports sending this to the Planning Board. She would like to see how this plays out at the Planning Board meeting and we will hopefully hear from the neighbors.

Chairman Gruber asked for any public discussion.
No public discussion.

Motion by Councilor Storey-King, seconded by Councilor Turner, to forward to the Planning Board for a Public Hearing and recommendation, a zone change request for a 3.35 acre parcel located in the Village Center Commercial (VCC) zone to the Village Medium Density Residential (VMDR) zone, as recommended by the Ordinance Committee.

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

20 – 045 To consider and act on forwarding to the Planning Board for a Public Hearing and recommendation, amendments to Chapter 229 (Site Plan Review), Section 10 (Approval Standards and Criteria), Sub-section H (Exterior Lighting) of the Cumberland Code, as recommended by the Ordinance Committee.

Town Manager Shane explained that we currently have only 3 lines of text in the exterior lighting section of the ordinance, which is not very descriptive. The new language spells out hours of operation, height of fixtures, when lights can be turned on and off, etc. The new language will give businesses the technical guidelines that we currently do not have.

Councilor Edes said that this came from the residents who live in residential homes next to commercial buildings on Route One. There are business and insurance reasons that these businesses are lit at night. He is not in favor of this.

Councilor Turner agreed with Councilor Edes. We ended up with residential homes on Route One. People should be reminded that they were scared to death that a big box store was going to be built on Route One. We tried for years to get commercial businesses on Route One and Route 100.

Councilor Foster said that regardless if you think this amendment is right or wrong, the current 3 lines in the ordinance is not appropriate. It needs more specificity. Regardless if you live next to a business or not, there is light pollution, and as a Town we talk about how much we appreciate our rural character. We don't want lights on just for the sake of having lights on.

Councilor Vail said that this is an opportunity to take a look at what we need for lighting in order to operate businesses safely, street lights, intersections, and nuisance lighting. He feels that we need more than the amendments proposed.

Chairman Gruber asked for any public comment.

Bill Stiles said that he feels that the ordinance does need to be updated to keep up with the advancements in lighting.

Motion by Councilor Turner, seconded by Councilor Vail, to forward to the Planning Board for a Public Hearing and recommendation, amendments to Chapter 229 (Site Plan Review), Section 10 (Approval Standards and Criteria), Sub-section H (Exterior Lighting) of the Cumberland Code, as recommended by the Ordinance Committee.

VOTE: 6-1 (Edes opposed) MOTION PASSES

20 – 046 To hear a report from the Town Manager and to set a Public Hearing date of August 10th to consider and act on amendments to Chapter 84 (Fees and Fines) of the Cumberland code, as recommended by the Ordinance Committee.

Town Manager Shane explained that our building permit fees have not been changed for 15 years. We have attempted to keep our fees in line with our neighboring Towns and similar sized communities. Councilor Foster asked for an example of what the new fees would look like currently vs. what it would look like if we change our fees. See example below on a 2,000 sf building:

	<u>OLD FEES</u>	<u>NEW FEES</u>
1700 finished	\$425	\$680
300 unfinished	30	60
Garage 24x30 (720 sf)	72	144
3 bathrooms	150	275
Septic system	265	390
Well	0	0
Electrical	85	119
TOTAL	\$1,027	\$1,668

This is a big increase, but again, we have not raised our fees in over 15 years. The increase would represent \$28,000 to \$35,000 in additional revenue for the Town.

Chairman Gruber asked for any public comments.

No public comments.

Councilor Foster asked Mr. Longley (Code Enforcement Officer) if there are certain permits issued that cost more and use more of his time. Maybe we could target those first as opposed to the ones that are more of a "rubber stamped" permit.

Mr. Longley replied that he feels that he has done this in the proposed fee amendments. Not all the fees are being changed.

Motion by Councilor Copp, seconded by Councilor Foster, to set a Public Hearing date of August 10th to consider and act on amendments to Chapter 84 (Fees and Fines) of the Cumberland code, as recommended by the Ordinance Committee.

VOTE: 7-0 UNANIMOUS

20 – 047 To hear a report from the Town Manager and to set a Public Hearing date of August 10th to consider and act on amendments to Chapter 9 (Alarms) of the Cumberland code, as recommended by the Ordinance Committee.

Police Chief Rumsey explained that this came up after a resident complained that they had to pay a registration fee for their alarm system when there are a lot of other residents who have self-installed systems who don't have to pay a fee. This is a valid point and he checked with other communities to see how they handle this. They all seem to handle it differently. We chose to take the middle ground and not require an annual registration, but encouraging voluntary registration. The reason this is important to the Police Department is when they go to an alarm call and nobody is home (this happens frequently), it is very important to have contact information for a responsible resident to assist with getting the alarm turned off. The proposed amendments removed the requirement to register alarms, encourages voluntary registration, and keeps the fee structure for numerous false alarms.

Chairman Gruber asked for any public comments.

No public comments.

Motion by Councilor Copp, seconded by Councilor Vail, to set a Public Hearing date of August 10th to consider and act on amendments to Chapter 9 (Alarms) of the Cumberland code, as recommended by the Ordinance Committee.

VOTE: 7-0 UNANIMOUS

20 – 048 To consider and act on authorizing the Police Department to dispose of unclaimed bicycles by donating them to the Cumberland Food Pantry or Firefighters 4-Kidz, pursuant to 25 M.R.S.A., Section 3503-B.

Police Chief Rumsey explained that State statute allows municipalities to dispose of bicycles in any way that we see fit, after we have followed our normal process. For example, if we take in unclaimed property we hold onto it for 5 months, make a public notification, then wait 30 days. With the Council's approval, we can donate unclaimed bikes to a charity. This is also helpful to the Police Department because they won't take up room in our storage area.

Councilor Gruber asked for any public comment.

No public comment.

Motion by Councilor Vail, seconded by Councilor Storey-King, to authorize the Cumberland Police Department to dispose of unclaimed bicycles by donating them to the Cumberland Food Pantry or Firefighters 4-Kidz, pursuant to 25 M.R.S.A., Section 3503-B.

VOTE: 7-0 UNANIMOUS

20 – 049 To appoint members to boards and committees.

Motion by Councilor Copp, seconded by Councilor Turner, to appoint Riva Krut to the Lands & Conservation Commission and Bill Stiles to the Cumberland Housing Authority and the Prince Memorial Library Advisory Board.

VOTE: 7-0 UNANIMOUS

20 – 050 Town Council committee assignments.

Motion by Councilor Edes, seconded by Councilor Turner, to approve the FY'21 Town Council Committee Assignments as presented.

VOTE: 7-0 UNANIMOUS

V. NEW BUSINESS

Councilor Storey-King – She donated \$20 to the Food Pantry. She got an inspection sticker at Copp Motors and instead of taking payment, Councilor Copp asked her to donate \$20 to the Food Pantry.

Councilor Edes – There was a lot of good discussion this evening. He appreciates that about this Council.

Councilor Vail – He also donated \$20 to the Food Pantry in lieu of paying for an inspection sticker at Copp Motors.

He had the opportunity to go through 2 houses in Town that were torn down today. The craftsmanship was amazing to see, albeit 60 years of neglect.

Chairman Gruber – The food pantry served 61 customers last week. Thank you to the volunteers who put their time into the pantry each week.

He thanked the Town Manager for posting 15 mph signs on the road into the brush dump.

He spoke to the gentleman who picked up the donated items at the Salvation Army donation box and he asked him to let the public know to please not leave items outside the donation box.

Councilor Foster – None

Councilor Turner – None

Councilor Copp – A few weeks ago, he, Councilor Edes and the Town Manager sat in on a demo meeting on body cameras for the Police Department. The quote came back and they are very expensive.

Town Manager Shane added that the challenge for us, as a small Police Department, is the cost of the data management. We would have to add a position or a \$50,000 to \$60,000 fee just to manage the data. We have other priorities and the Police Chief agrees with that. We have to focus on our radio system first. Maybe in a few years the price will come down on body cams, but the quarter of a million dollar cost could be better spent within the department.

Town Manager Shane – Channel 2 is broadcasting again, but only temporarily. We are in a lawsuit, along with 6 – 7 other Towns through GPCOG, which challenged Spectrum’s decision to take channel 2 away from us without the ability to challenge their decision. While this is being sorted out in the courts, channel 2 is broadcasting again.

A reminder to the public that we are not funding the railroad quiet zones in this budget year. That project is on hold until the Finance Committee and Town Council decide if and when it will be budgeted.

We have been hit again as a community with brown tail moths. Our past spraying programs were ineffective. To be successful, a spray program should be a concerted effort with our neighboring Towns and with an aerial spraying. We have learned that spraying from the road does not work.

VI. ADJOURNMENT

Motion by Councilor Vail, seconded by Councilor Storey-King, to adjourn.

VOTE: 7-0 UNANIMOUS

TIME: 8:32 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary