

# **MINUTES**

Cumberland Town Council Meeting  
Special Town Council Chambers

**WEDNESDAY, September 22, 2010**

## **7:00 p.m. Call to Order**

Present: Chairman Storey-King, Councilors Turner, Copp, Porter, Stiles and Moriarty

Excused: Councilor Perfetti

## **I. MANAGER'S REPORT**

Project Update:

- Route 88

Town Manager Shane reminded residents that the week of October 18<sup>th</sup> – 22<sup>nd</sup> is bulky waste pick up week. See information on town website for acceptable items to put curbside for pick up. Items not accepted include lumber, TV's, computers, and printers. Goodwill Industries will accept computers and computer accessories. They receive funding for recycling used computers.

Construction on Route 88 is going very well. Paving and striping will take place next week. They will continue working on cross-culverts through early October.

## **II. PUBLIC DISCUSSION**

None

## **III. LEGISLATION AND POLICY**

**10 – 131** To hold a Public Hearing to consider and act on amending Section 104 (Definitions) of the Cumberland Zoning Ordinance to add a definition for Railroad Facility.

Councilor Moriarty suggested two motions for this item. One to amend the definition of the section of the Zoning Ordinance by adding the definition of Railroad Facility, and one to amend the Rural Industrial Section (204.15) to substitute Railroad Facility for the current term of Road and Rail Facility.

Motion by Councilor Moriarty, seconded by Councilor Turner, to amend the Cumberland Zoning Ordinance by adding Section 104.132A to include the definition of Railroad Facility.

VOTE: 6-1 UNANIMOUS PASSAGE

Motion by Councilor Moriarty, seconded by Councilor Stiles, to amend Section 204.15.1.9 of the Cumberland Zoning Ordinance to delete the term "Road and Rail Facilities" and to insert the term "Railroad Facility".

VOTE: 6-1 UNANIMOUS PASSAGE

**10 – 132** To hold a Public Hearing to consider and act on a junkyard/recycler permit renewal for Cumberland Salvage for the period of October 1, 2010– September 30, 2011.

Town Manager Shane explained that this is an annual permit. There are no issues and no complaints have been filed with the Code Enforcement Officer. Staff is recommending approval.

Motion by Councilor Porter, seconded by Councilor Moriarty, to approve the junkyard/recycler permit renewal for Cumberland Salvage for the period of October 1, 2010– September 30, 2011.

VOTE: 6-0-1 (Councilor Copp abstained) UNANIMOUS PASSAGE

**10 – 133** To hold a Public Hearing to consider and act on amendments to the Cumberland Mass Gathering Ordinance.

Councilor Stiles suggested tabling this item until more information regarding the insurance requirement in the Mass Gathering Ordinance can be obtained and discussed.

Motion by Councilor Stiles, seconded by Councilor Turner, to table pending additional information regarding insurance requirements

VOTE: 6-0 UNANIMOUS PASSAGE

**10 – 134** To hold a Public Hearing to consider and act on forwarding Section 104.138 (setback definition) of the Cumberland Zoning Ordinance to the Planning Board for a Public Hearing and recommendation.

Town Manager Shane explained that this item was brought forward by a resident. The ordinance committee met with the resident and recommended forwarding it to the Planning Board for consideration and Public Hearing.

Councilor Turner said that Mr. Lay, the resident who brought this recommendation forward, is very knowledgeable in architecture. The intent is for the definition to be as specific as possible and not subject to too much interpretation, but it being too ponderous is another worry. The definition brought forward this evening is, hopefully, a balance of what Mr. Lay suggested, and what the Ordinance Committee feels comfortable with.

Councilor Moriarty explained that the issue that Mr. Lay raises is whether there can be a circumstance in which a homeowner can encroach into the setback area on the ground by extending a structure, as opposed to an encroachment that is in the air, such as an eave of a roof. The language that the Ordinance Committee suggests, allows for an above ground intrusion (attached to a building).

Councilor Porter questioned the process of the Council sending items to the Planning Board. He thinks that this system does not work well because often, the Council is not giving the Planning Board any guidance, but rather simply sending an item to them only to get it back again with a recommendation. In the future, he would like to have the process defined. The Council is not weighing in at this point in the process. The weighing in happens after an item comes back from the Planning Board with a recommendation.

Town Manager Shane responded that in this particular case, the process has worked. Mr. Lay brought the issue forward, met with staff and the Ordinance Committee, and the information is on the Town website (as an item on this agenda) so the public can see it. Mr. Lay is planning on

making a detailed presentation to the Planning Board. With the new process of the Ordinance Committee reviewing items and making a recommendation to the Council before sending it to the Planning Board, it gives the Council the opportunity to have a public discussion before sending it to the Planning Board.

Councilor Turner said that Councilor Porter's point is well taken. If the Council has serious reservations about an item that is being forwarded to the Planning Board, the Planning Board should be aware of those issues before they go through their process, only to send it back to the Council, and have the Council appear to cavalierly overturn their recommendation.

Motion by Councilor Moriarty, seconded by Councilor Turner, to forward Section 104.138 (setback definition) of the Cumberland Zoning Ordinance to the Planning Board for a Public Hearing and recommendation.

VOTE: 6-0 UNANIMOUS PASSAGE

**10 – 135** To hold a Public Hearing to consider and act on the annual "blanket" Mass Gathering Permit for all fall events at Twin Brook.

Town Manager Shane explained that Peter Bingham & Brian Bickford have been working with Greely Athletic Director, Mike Griffin on this permit. Mr. Griffin has been cooperative and has met with staff. This is a great event for the community and staff is recommending approval.

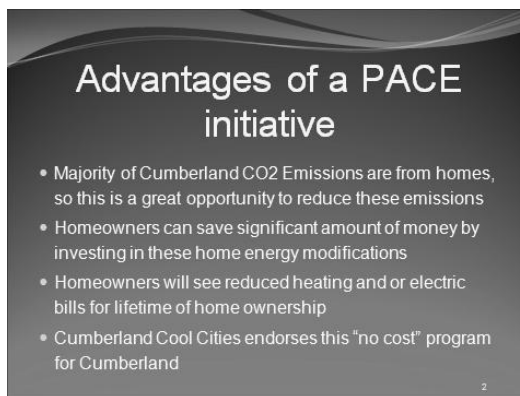
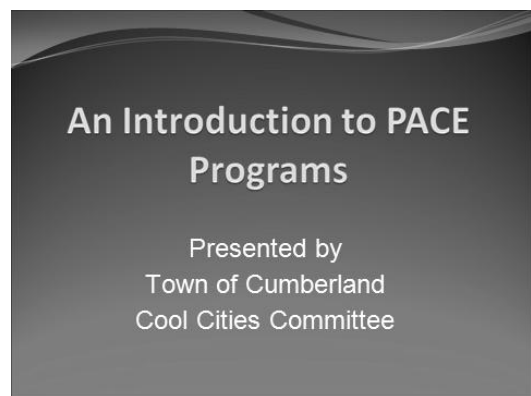
There was some concern voiced by Chairman Storey-King about the overuse of this wonderful facility and a reminder to the public that groups from neighboring communities need to get permission to use it. She asked Mr. Griffin for his assistance in getting the word out to local athletic groups.

Motion by Councilor Porter, seconded by Councilor Stiles, to approve a "blanket" Mass Gathering Permit for two fall events at Twin Brook.

VOTE: 6-0 UNANIMOUS PASSAGE

**10 – 136** To hold a Public Hearing to consider and act on the adoption of PACE Ordinance and authorization agreement.

Alex Kimball and Paul Weiss of the Cool Cities Committee presented the program below:



## What is a PACE Program?

- Pace stands for Property Assessed Clean Energy
- A PACE program enables property owners to finance the cost home improvements that save energy
- The collateral for the loan is the property for which the improvements are made.
- The loan is completely separate from other mortgages, and is secondary to them.

## How did this happen?

- Maine designed their PACE program to make the loans subordinate to primary mortgages, thus avoiding the problems that other programs have faced nationally.
- Because of this difference, Maine received \$20 million from the ARRA to set up the revolving loan fund for the program
- Maine also created the Efficiency Maine Trust to run the program on a statewide level, freeing municipalities from the administrative burden.

## Who can apply?

- Any property owner living in a town that has passed a PACE ordinance can apply
- Other restrictions include:
  - A debt-income ratio of less than 50%
  - Up to date on property taxes and sewer charges
  - No reverse mortgage
  - No existing liens, foreclosures or similar delinquencies

## What kind of improvements are allowed?

### Air Sealing



This two fan Blower Door System is used to test larger buildings

### Improved Insulation



### Thermal Air Heating systems



### Efficient Hot Water Heaters



## Photovoltaic Systems



11

## Geothermal, Pellet or Biomass Heating, Wind Energy systems



12

## Thermostats & Controllers



## What is the duration of a PACE Loan?

- The duration of a loan can vary, but it must be shorter than the expected useful life of the improvements
- In general, the term of the loans will be between 15 and 20 years

## Can Businesses Apply for a PACE Loan?

- At this time, there will not be funding provided by Efficiency Maine for a business PACE program.

## What is the likely interest rate?

- For 2010, rates are anticipated to be between 5 and 7 percent

## What happens to a loan upon sale of a property?

- The loan "runs with the property, not the person"
- For example, if a person were to do a 10 year, \$10,000 loan, and then sell the property after 5 years, the new owner would be responsible for the remaining 5 five years.

## Other Incentives

- \$3000.00 in Maine State Incentives and \$1500.00 in Federal incentives:  
[http://www.efficiencymaine.com/at-home/hesp\\_program](http://www.efficiencymaine.com/at-home/hesp_program)
- Otherwise there is a 30% Federal Tax Breaks for all qualifying Green Energy Projects up to December 31, 2010.

17

Councilor Copp asked Mr. Kimball if the interest from the loans goes back into the program. Mr. Kimball said that it did, and the intent is to keep the \$20 million revolving as people pay back the loans.

Councilor Stiles asked if we pass this ordinance this evening, can we “un-pass it”?

Councilor Porter stated that we can. There is a separability clause in the contract. We are only providing the umbrella to allow Efficiency Maine to do its job. We are in no way liable. We are simply giving Cumberland residents the right to go forward and apply to access money from Efficiency Maine.

Motion by Councilor Porter, seconded by Councilor Copp, to adopt the PACE Ordinance and authorize the Town Manager to sign the administrative agreement contract.

VOTE: 6-0 UNANIMOUS PASSAGE

**10 – 137** To hold a Public Hearing to consider and act on authorizing the Town Manager to accept delinquent taxes for property identified as Tax Map U22/Lot 65A in the amount of \$827.42.

Town Manager Shane explained that this property is located along Forest Lake. It is a triangular parcel with no access to the lake. It equals .07 total acres bordering Windham. A brother and sister own the property and each thought the other had paid the taxes. Consequently, the taxes were not paid and it went to foreclosure. Once a property goes to foreclosure, the taxes cannot be accepted without Council authorization.

Motion by Councilor Copp, seconded by Councilor Moriarty, to authorize the Town Manager to accept delinquent taxes for property identified as Tax Map U22/Lot 65A in the amount of \$827.42.

VOTE: 6-0 UNANIMOUS PASSAGE

#### **IV. NEW BUSINESS**

**Councilor Turner** – A resident contacted him with concerns regarding the speed of vehicles at Hallmark Road, Carriage Road, and Heritage Lane. Is it possible to make that area a 3-way stop to slow down traffic?

Town Manager Shane said that it is the Council’s prerogative to do so. The Manager will get a traffic study from Police Chief Charron of the area and report back to the Council at the next meeting.

**Councilor Copp** – The West Cumberland United Methodist Church has volunteered to put a donation bucket at their booth at the Cumberland Fair for donations to the Veterans Monument Fund. This is a great idea and a worthy cause.

Bob Logan passed away last week at the age of 79. Bob has lived in Cumberland his entire life. He was an All-Star baseball player when he was younger and a phenomenal outfielder. He could have gone on to play Major League Baseball, but decided to raise a family instead. He was a lifelong member of Val Halla. Councilor Copp expressed his condolences to the Logan family.

**Councilor Porter** – EcoMaine is hosting an open house this Saturday. He plans to attend. They are giving away free recycling bins and breakfast.

**Chairman Storey-King** – Reminded the public that the meeting this evening is in place of the September 27<sup>th</sup> Town Council meeting. She suggested that tonight's meeting be televised on the evening of September 27<sup>th</sup>.

She attended an event on Cumberland Foreside last week and received raved complements from the residents about the Route 88 project.

She complimented and thanked the Public Services department for the drainage/ditching project on Middle Road. It looks great.

**Councilor Stiles** – Urged residents to attend the Cumberland Fair, participate, and enjoy what the fair has to offer. His 4-H members will hold their pig races at 6:30 every evening. You will see 5 – 8 year old children working with an animal for the first time, learning the responsibility of caring for and training an animal.

Thank you to the Public Works and Police Departments for the tremendous work that they have been doing.

**Councilor Moriarty** – None

**Town Manager Shane** – Bulky Waste Pick-Up week is taking place October 18<sup>th</sup> – 22<sup>nd</sup>. Weather permitting, Range Road will be paved next week.

Absentee voting will begin on October 4<sup>th</sup>. Call the Town Clerk's office with questions.

At the end of the year, there will be many Town board & committee vacancies due to term expirations.

Those interested can contact Brenda Moore at Town Hall or visit the Town website for an application.

There will be a regular Town Council meeting on October 11<sup>th</sup> (Columbus Day).

## **V. ADJOURNMENT**

Motion by Councilor Moriarty, seconded by Councilor Copp, to adjourn.

VOTE: 6-0 UNANIMOUS

TIME: 8:21 p.m.

Respectfully submitted by:

Brenda L. Moore

Executive Secretary/Council Secretary