

# MINUTES

Cumberland Town Council Meeting

Town Council Chambers

**MONDAY, July 22, 2013**

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

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

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

### **I. APPROVAL OF MINUTES**

Motion by Councilor Gruber, seconded by Councilor Bingham, to approve the July 8, 2013 minutes as presented.

VOTE: 7-0

UNANIMOUS

### **II. MANAGER'S REPORT**

Town Manager Shane introduced Karen Campbell of the Food Pantry Communications Committee who gave a presentation on the work of the committee to date. The Food Pantry Communications Committee was formed in November of 2012. They began by gathering information on the food pantry that would be helpful for people. Ms. Campbell thanked Margie Gruber for her hard work in developing the first website. The committee was approached by Emma Nicholson, who is a high school student and Girl Scout. Emma was working toward her Gold Award (the highest award for a Girl Scout) and offered to develop the Facebook page for the pantry. This sparked an idea that students and community members could be utilized to assist the committee. Andrew Benger and Ben Rovner-Freidman of the Computer Club at Greely High School and Cumberland resident, Joyce Baughn, who develops websites, have since joined the committee and have developed a new website. The committee has been meeting since April and since then they have developed a communications plan where an objective was established and the communication channels they would be using going forward.

Andrew Benger demonstrated the Food Pantry website and Emma Nicholson demonstrated the Food Pantry Facebook page.

### **III. PUBLIC DISCUSSION**

Brad Hilton of Blanchard Road said he is very impressed with the excellent job that Public Services is doing with the roadside cutting and mowing around Town.

Mr. Hilton gave another warning to the hunters who left illegal tree stands in the Town Forest that they will be removed within a couple of weeks unless they are claimed. According to State Law, a hunter must get permission from the land owner to place a tree stand on their property and they must tag it with their name and address.

### **IV. LEGISLATION AND POLICY**

#### **13 – 117 To hear a report from State Representative, Steve Moriarty re: the last State Legislative session.**

Representative Moriarty gave the following updates from the last Legislative session:

- This session, just under 1600 bills were introduced. Of the 1600, only 1/3 became law.

- Every district throughout the State will have a boundary change, effective at the time of the 2014 election. Cumberland will remain unified and not be split, but we will lose Long Island and Chebeague Island (they will go to Yarmouth) and a portion of North Yarmouth. Our district will include all of Cumberland a piece of Gray around Forest Lake, and our new number will be District 45.
- Although it did not pass, Representative Moriarty supported an item that would allow military recruiters, in uniform, into public schools to talk about military career options with students. This will not affect us locally, since it is presently the policy at Greely.
- The first 6-7 weeks of the session was spent by the Appropriations Committee working on a supplemental budget, which passed.
- A committee of 13 worked on the very difficult job of tackling the state budget. When it came for a vote in mid-June, it just barely passed both houses by a 2/3 majority. The vote was vetoed by the Governor because it included a couple of minor revenue increases to which he has been consistently opposed. The veto was subsequently overridden and as of July 1, 2013, there was a balanced state budget in place.
- It was originally proposed to completely abolish state revenue sharing to towns and cities across the state. Ultimately, it was restored to 2/3 of the revenue sharing funding.
- Money was restored to property tax exemption fund.
- There was an increase in funding to general purpose aid to education.
- Sales tax was increased from 5% to 5.5%, and meals and lodging tax was increased from 7% to 8%.
- The circuit breaker program was abolished and in its place, a property tax fairness credit was created.
- An energy bill was passed that will enhance natural gas distribution, weatherization and other projects which will, over a short time, save Mainer's money.
- Privacy and the Fourth Amendment became big issues this year. For example, there was an early bill passed that said that the names of people who pulled a concealed weapons permit could not be disclosed under the Freedom of Access Act. A bill to prohibit placement of a fixed camera to record private property (by law enforcement) without the owner's permission was passed (only allowed with a warrant). Cell phone content or records and tracking information from a cell phone can now only be obtained by law enforcement with a warrant.  
A warrant is now required for the use of drone type surveillance equipment by law enforcement.

Chairman Stiles thanked Representative Moriarty and followed up on one of the items he mentioned. With the abolishment of the Circuit Breaker Program, municipalities who have their own Circuit Breaker Program funds can no longer offer this to their residents. Chairman Stiles asked Representative Moriarty to look into the possibility of towns being allowed to continue their own program.

Representative Moriarty agreed that the local programs should not be required to stop. They are funded with taxpayer money. He will follow up on this issue.

### **13 – 118 To hear a report from the acting Tax Assessor and to hold a Public Hearing to set the FY'14 tax rate.**

Acting Tax Assessor, Paul McKenney recommended a tax rate of \$17.00 per thousand for the FY2014 tax year. This represents an increase of .45 cents or 2.7% (which includes the reduction in state revenue).

Chairman Stiles opened the Public Hearing.

Public discussion: None

Chairman Stiles closed the Public Hearing

Motion by Councilor Bingham, seconded by Councilor Edes, to set the municipal tax rate for FY'14 at \$17.00.  
VOTE: 7-0 UNANIMOUS

**13 – 119 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.**

Annually, Maine Municipal Association recommends an interest rate for delinquent sewer, real and personal property taxes. The Town has historically adopted MMA's recommendation. The recommendation is 7% which is the same as last year.

Chairman Stiles opened the Public Hearing.

Public discussion: None

Chairman Stiles closed the Public Hearing

Motion by Councilor Turner, seconded by Councilor Storey-King, to set an interest rate of 7% for delinquent real and personal property taxes for FY'14.

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

**13 – 120 To hold a Public Hearing to adopt the Maine Municipal Association Model General Assistance Ordinance and Appendix A for the period of July 1, 2013 – June 30, 2014, and Appendixes B-E for the period of October 1, 2013 – September 30, 2014.**

Chairman Stiles opened the Public Hearing.

Public discussion: None

Chairman Stiles closed the Public Hearing

Motion by Councilor Gruber, seconded by Councilor Bingham, to adopt the Maine Municipal Association Model General Assistance Ordinance and Appendix A for the period of July 1, 2013 – June 30, 2014, and Appendixes B-E for the period of October 1, 2013 – September 30, 2014.

VOTE: 7-0 UNANIMOUS

**13 – 121 To hear an update from the Ordinance Committee re: upcoming Ordinance amendments.**

Councilor Storey-King explained that the Ordinance Committee met on July 11<sup>th</sup> and review proposed changes to the Erosion and Sedimentation Control section of the Zoning Ordinance, that was forwarded by the Planning Board. The Council will act on these changes at their next meeting. The Committee also discussed building height variances, hunting in the Town Forest and medical marijuana facilities. Future discussion will include permitting for special event firework displays.

**13 – 122 To authorize the Town Manager to enter into a 3-year lease/purchase agreement for a new voting machine.**

Motion by Councilor Bingham, seconded by Councilor Turner, to add agenda item 13-122, a three-year lease/purchase agreement for a new voting machine.

VOTE: 7-0 UNANIMOUS

Town Manager Shane explained that Town Clerk, Tammy O'Donnell has been away at training and while she was away, she received a letter and the lease agreement from the Secretary of State with a fast approaching

deadline to return the lease agreement for the new voting machines. That is why we added this item to the agenda this evening. Typically, voting machines are \$5,000 to \$7,000 and could become obsolete after a few years. For \$589 a year, we can lease the new machines instead of purchasing them. Any contract over one year has to be approved by the Town Council.

Motion by Councilor Bingham, seconded by Councilor Copp, to authorize the Town Manager to execute a 3-year lease/purchase agreement with the Secretary of State for \$589.00 per year for a new voting machine.

VOTE: 7-0

UNANIMOUS

## **V. NEW BUSINESS**

**Councilor Turner** – It was great to see Steve Moriarty this evening. He was amazed at Steve's ability to articulate what was going on in Augusta during the last session as precisely as Steve can without missing a beat.

**Councilor Bingham** – Referenced an article in the Press Herald recently about our aging and the impact our aging population has on our Towns and school systems. The municipal model of operating without consolidating services will not be sustainable over the next 10 – 15 years. As far as our Town is concerned, it's time to address this and there will be a section in the revised Comprehensive Plan that deals with the aging demographic.

**Councilor Storey-King** – Thank you to Steve Moriarty for being here this evening. There will be a meeting of the Korean War Veterans Celebration Committee this week. She will be selling ads in celebration program to help pay for meals for Veterans on Veterans Day.

**Councilor Gruber** – In regard to the new I-pads that the public may notice that the Council has this evening, he wants to make sure that the public is aware that they are saving the Town \$5,000 per year (in materials and labor).

**Chairman Stiles** – Thank you to those who submitted letters of interest in the 2 vacant school board seats (interviews will be conducted on July 29<sup>th</sup>).

**Councilor Edes** – He thanked Steve Moriarty for being here this evening. He is disappointed that the State raised the sales tax. He hates the thought of more business being driven down to New Hampshire.

He would like the Council to have the discussion about Hedgerow and Country Charm Road soon (no access from Val Halla Road).

**Councilor Copp** – He thanked Steve Moriarty for being here and encouraged him to give it his best effort in Augusta to allow municipalities to fund their own Circuit Breaker Program. There are a lot of people in this community who depend on that money.

**Town Manager Shane** – Paving is scheduled to begin tomorrow on Greely Road (near the power station), Drowne Road and Friar Lane. We are scheduled to be in full force paving in early August on the Whitney Road/Orchard Road and Blanchard Road Extension area.

Summit Natural Gas has received their DEP and DOT permits. Approximately 6,000 feet of gas mains will be installed from Skillin Road to Bruce Hill Road. The gas main will not be operating yet; it is being done now in conjunction with the Blanchard Road reconstruction project.

**VI. EXECUTIVE SESSION** pursuant to Title 36 M.R.S.A., § 841 re: Hardship Abatement Request.  
Motion by Councilor Bingham, seconded by Councilor Gruber, to recess to Executive Session pursuant to Title 36 M.R.S.A., § 841 re: Hardship Abatement Request.

VOTE: 7-0 UNANIMOUS

TIME: 8:34 p.m.

Returned to regular session at 8:48 p.m.

Motion by Councilor Bingham seconded by Councilor Turner, to approve the Hardship Abatement Request for property identified as Tax Map R06/Lot 25 per the recommendation of the Town Manager.

VOTE: 7-0 UNANIMOUS

**VII. ADJOURNMENT**

Motion by Councilor Copp, seconded by Councilor Gruber, to adjourn to workshop.

VOTE: 7-0 UNANIMOUS

TIME: 8:50 p.m.

**VIII. WORKSHOP** to discuss Meet the Candidates Night and winter snow disposal area.

Respectfully submitted by:

Brenda Moore  
Council Secretary