

MINUTES

Cumberland Town Council Meeting
Town Council Chambers
MONDAY, April 8, 2013

7:00 p.m. Call to Order

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

Excused: Councilor Perfetti

I. APPROVAL OF MINUTES

Motion by Councilor Gruber, seconded by Councilor Storey-King, to approve the March 25, 2013 minutes as presented.

VOTE: 6-0

UNANIMOUS PASSAGE

Motion by Councilor Gruber, seconded by Councilor Storey-King, to approve the April 2, 2013 minutes as presented.

VOTE: 6-0

UNANIMOUS PASSAGE

II. MANAGER'S REPORT

Town Manager Shane said that he will hold off his report until new business.

III. PUBLIC DISCUSSION

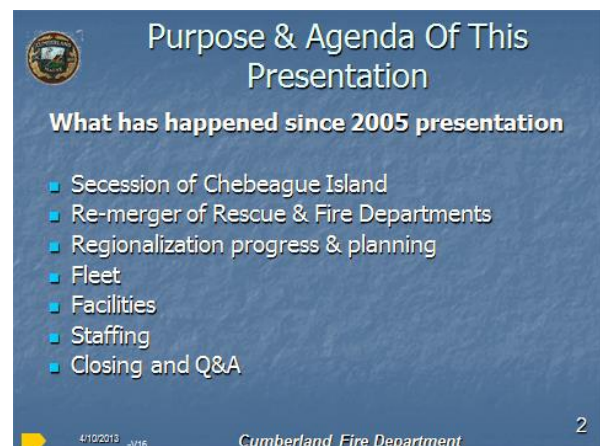
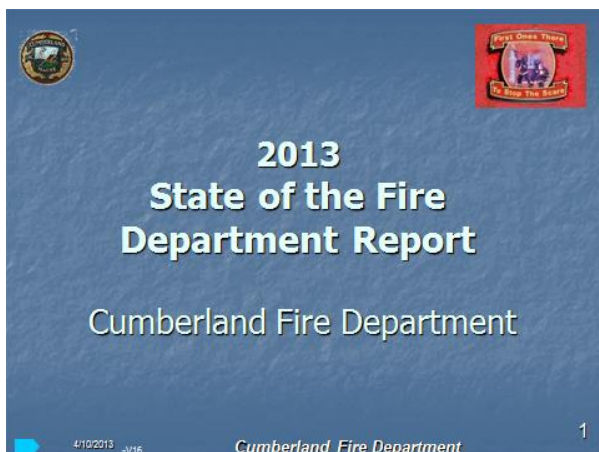
Councilor Turner read an e-mail from Councilor Perfetti (absent this evening) per his request:

I have asked George to read this on my behalf. I am sorry that I cannot make this announcement myself, but I am away this week on business. After two terms on the Town Council, I have made the decision not to run for a third consecutive term. The reasons are simple and I am sure many people will understand. My work schedule has picked up considerably and it leaves much less time to serve on the Council. I want to make this announcement well before the nomination papers are due, which is April 29th in order to encourage as many people as possible to consider taking out papers and running.

IV. LEGISLATION AND POLICY

13 – 060 To hear a state of the Fire Department report from Fire Chief Small.

Chief Small presented the following report:





Rescue & Fire Re-Merger

- Re-merger of Rescue & Fire Departments
 - Combined staffing
 - Combined training
 - Combined facilities
 - Shared equipment
 - EMS, Fire & Police
- Savings

4/10/2013 -JY16

Cumberland Fire Department

3



Medical Coverage

- Emergency calls
 - Minimum staff
- Event coverage
 - Fairgrounds events
 - Twin Brooks
 - School
 - West Cumberland Field
- Non-emergency



4/10/2013 -JY16

Cumberland Fire Department

4



NFPA 1720 - First Alarm Requirements For A Structure Fire

- Fire Attack and Backup hose lines
- Ventilation
- Search & Rescue
- Water supply
- RIT



4/10/2013 -JY16

Cumberland Fire Department

5



NFPA 1720 - First Alarm Requirements For A Structure Fire

- First alarm for a structure fire requires: incident command, attack, backup, water supply, ventilation, search, and a rapid intervention team (RIT).
 - This translates into **19 people**.
 - 3 engines, 1 ladder, 1 heavy rescue, & a RIT company. More are needed in non-hydrant districts.

4/10/2013 -JY16

Cumberland Fire Department

6



REGIONALIZATION PROGRESS

4/10/2013 -JY16

Cumberland Fire Department

7



REGIONALIZATION PROGRESS Today

- Automatic mutual aid agreements with North Yarmouth, Yarmouth, Freeport, Falmouth, Gray, Long Island, Chebeague, Windham and Portland.
- Common training facilities and joint training.
- Automatic mutual aid has grown dramatically in the last several years.
- EMS Coverage
 - Internal to department, police department & mutual aid
- County Dispatch

4/10/2013 -JY16

Cumberland Fire Department

8



REGIONALIZATION PROGRESS Vehicles

- With the specialty vehicles, engines, and tankers, we have tried to not all purchase the identical trucks so that our collective needs are evenly distributed throughout the region.



Yarmouth 100' platform



Cumberland 75' straight tip



Falmouth 100' platform

4/10/2013 -V16

Cumberland Fire Department

9



FLEET CHANGES

VEHICLE CHANGES

Engine 1---Replaced 1984
Engine 3---Removed from service
Engine 2---Combined Engine and Tank Truck
2010 Ambulance---Replaced 2006 (1999 still in service)
Forestry Truck---Removed from service
Ambulance---Expected delivery in July 2013

4/10/2013 -V16

Cumberland Fire Department

10



FACILITY IMPROVEMENTS

4/10/2013 -V16

Cumberland Fire Department

11



PROPERTY IMPROVEMENTS Central Station

- Central Station is the right location.
- Antiquated (built in 1968)
 - 3 offices (fire, police & dispatch)
 - Utilities
- Recommend a second story
 - Office
 - Training/Operations rooms
 - Overnight use
 - Public use



4/10/2013 -V16

Cumberland Fire Department

12



PROPERTY IMPROVEMENTS Central Station

- Currently own adjacent property east bound side of Central Station.
- Recommend expanding upward and to the east.
 - Parking area needed



4/10/2013 -V16

Cumberland Fire Department

13



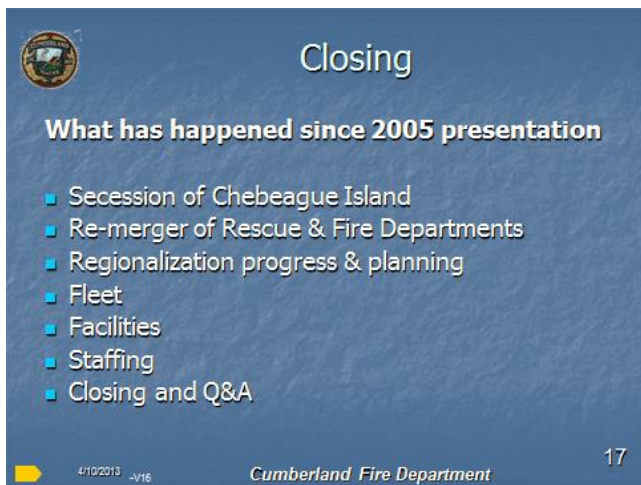
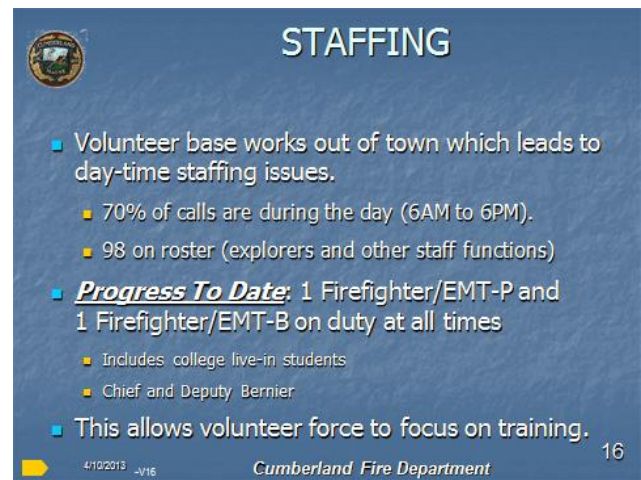
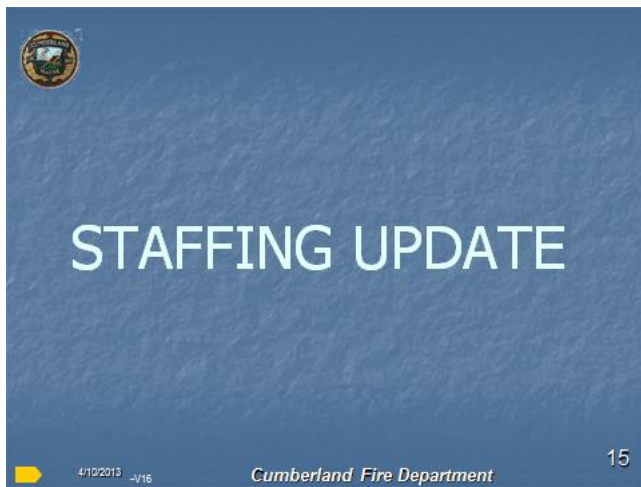
FACILITY IMPROVEMENTS West Station

- West Station also requires some upgrades
 - Driveway
 - Side accessibility
 - Lighting
 - Heating

4/10/2013 -V16

Cumberland Fire Department

14



Chairman Stiles thanked Chief Small for his update on the Fire Department.

13 – 061 To hold a Public Hearing to consider and act on the award of a 3-year solid waste and recycling pick-up contract.

Town Manager Shane said that it is his pleasure to announce that the Town has saved over \$40,000 in what was anticipated in the current year budget, and our solid waste contract over the next three years is just under \$980,000, which represents a little over \$117,000 less than the next lowest bidder (Pine Tree Waste). This will be a large change in our community. Pine Tree Waste has serviced our community for decades. Waste Management is a very reputable company and staff is recommending that we accept the three year proposal from Waste Management for \$979,788.00.

The Manager and Public Services Director met with Waste Management to discuss concerns and are comfortable that the transition on July 1st will be an easy one. The current pick up schedule will remain the same as well as the recycling program.

Chairman Stiles opened the Public Hearing.

Public comment: None

Chairman Stiles closed the Public Hearing.

Motion by Councilor Gruber, seconded by Councilor Copp, to award a 3-year solid waste and recycling pick-up contract to Waste Management of Maine, Inc. in the amount of \$979,788.00.

VOTE: 6-0 UNANIMOUS PASSAGE

13 – 062 To hold a Public Hearing to consider and act on a Mass Gathering Permit for Binnie Media for Maine’s Ultimate Yard Sale to be held on June 8, 2013 from 9:00 a.m. to 2:00 p.m. at the Cumberland Fairgrounds.

Town Manager Shane said that staff is recommending approval and Mike Timmons of the Cumberland Farmers Club is present this evening to answer any questions.

Chairman Stiles opened the Public Hearing.

Councilor Copp asked if the fairgrounds are a non-smoking facility.

Mr. Timmons said that there are areas that are marked non-smoking. It would be impossible to enforce no smoking on the entire fairground property.

Chairman Stiles asked Mr. Timmons if dogs are allowed.

Mr. Timmons responded that only service dogs are allowed on the fairgrounds.

Chairman Stiles closed the Public Hearing.

Motion by Councilor Copp, seconded by Councilor Jennings, to approve the Mass Gathering Permit for Binnie Media for Maine’s Ultimate Yard Sale to be held on June 8, 2013 from 9:00 a.m. to 2:00 p.m. at the Cumberland Fairgrounds.

VOTE: 6-0 UNANIMOUS PASSAGE

13 – 063 To consider and act on amendments to the ICMA plan loan provisions.

Town Manager Shane explained that Town employees are allowed to take loans from their retirement accounts. Currently, the repayment of loans is processed via a payroll deduction plan. There is no reason for the Town to be involved in repayment of these loans and the Town feels that it is not their business to be involved at all. Going forward the employees will work directly with ICMA to obtain and repay loans.

Motion by Councilor Turner, seconded by Councilor Jennings, to authorize Town Manager to enter into an agreement with ICMA to amend the retirement plan loan provisions to allow employees to work directly with ICMA to make arrangements for loans and loan repayments.

VOTE: 6-0 UNANIMOUS PASSAGE

13 – 064 To appoint a member to the Planning Board.

Councilor Copp said that the Town Council Nominating Committee interviewed Mr. Saunders two weeks ago and would like to nominate him to the Planning Board this evening.

Motion by Councilor Copp, seconded by Councilor Turner, to appoint Joshua Saunders to the Planning Board.

VOTE: 6-0 UNANIMOUS PASSAGE

13 – 065 To establish a charge and appoint members to the Comprehensive Plan Committee.

Town Manager Shane explained that the charge of this committee will be to review and update the 2009 Comprehensive Plan as needed.

Motion by Councilor Storey-King, seconded by Councilor Turner, to charge the Cumberland Comprehensive Plan Update Committee to review and provide recommendations to the Town Council for revisions and/ or updates to key elements of the 2009 Comprehensive Plan. The Town Council would like the Committee to focus their review on:

- Updating chapters relating to demographics from the 2010 census
- Current Land use Housing Trends
- Public facilities and Infrastructure

The Committee is requested to present their recommendations to the Town Council no later than November 26, 2013.

FURTHER, I move to appoint the following committee members:

Shirley Storey King (Town Council)

George Turner (Town Council)

Peter Bingham (Planning Board)

Peter Sherr (Planning Board) *to be confirmed

April Caron

Jim Guidi

Terry Maloney-Kelly

VOTE: 6-0

UNANIMOUS PASSAGE

13 – 066 To consider and act on authorizing the Town Manager to sign a 5-year Municipal Lease Purchase Agreement with Gorham Savings Leasing Group, LLC, for a photocopier at Town Hall.

Town Manager Shane explained that this was part of the budget approval process that took place a couple of weeks ago. Photocopiers are typically leased for a 5-year period and then need to be replaced.

Councilor Storey-King asked if maintenance and toner is included in the contract.

Town Manager Shane said that Portland Computer Copier, Inc. maintains all the copiers, but toner is separate and not included.

Motion by Councilor Jennings, seconded by Councilor Storey-King, to authorize the Town Manager to sign a 5-year Municipal Lease Purchase Agreement with Gorham Savings Leasing Group, LLC, for a photocopier at Town Hall.

VOTE: 6-0

UNANIMOUS PASSAGE

13 – 067 To appoint Alyssa Tibbetts as Assistant Town Manager.

Town Manager Shane said that Ms. Tibbetts is currently our Economic Development and Human Resources Director, and works very closely with him on a number of different projects. In an effort to bring clarity to her role and her importance to our organization, he is asking the Council their approval in making her position the Assistant Town Manager. Per the Town Charter, the Council has to approve initial appointments.

Motion by Councilor Copp, seconded by Councilor Jennings, to appoint Alyssa Tibbetts as Assistant Town Manager.

VOTE: 6-0

UNANIMOUS PASSAGE

13 – 068 To sign a cover letter for the Memorandum of Understanding to Summit Natural Gas of Maine in support of local area contractors.

Chairman Stiles explained that the Council discussed this at a previous meeting and felt strongly that they did not agree with Summit's project agreement to give all or part of the work to only union contractors. The cover letter from the Council strongly urges Summit to make a fair effort to offer some of the work to our local contractors.

Councilor Gruber read the last paragraph of the letter in order to summarize for the public:

The Cumberland Town Council has pledged to its constituents that this project will benefit not just the personal heating bills of many homeowners, but the livelihood of many local business owners. The Council, its staff, residents and business owners look forward to the opportunities that this project brings to our community and hope that the endeavors of Summit Natural Gas of Maine in executing this project align with the expectations of the Council and its constituents.

Motion by Councilor Gruber, seconded by Councilor Storey-King, to endorse a cover letter for the Memorandum of Understanding to Summit Natural Gas of Maine in support of local area contractors.

VOTE: 6-0 UNANIMOUS PASSAGE

13 – 069 To consider and act on forwarding to the Planning Board for a Public Hearing and recommendation, amendments to the Official Cumberland Zoning Map.

Town Manager Shane explained that there is a section on the Town Zoning Map that is a shoreland zone overlay. Staff is recommending that the entire shoreland zone be removed so that the limited residential designation can be removed. This zone does not meet the State designation as shoreland and the Town's current designation is therefore more restrictive. There are approximately 20 property owners off Range Road that are impacted by this one of them requested that the Town look at amending the zoning map to be in conformance with the State zoning map. This is simply amending a mapping issue that was done many years ago, and staff is recommending forwarding it to the Planning Board for a Public Hearing and a recommendation.

Motion by Councilor Storey-King, seconded by Councilor Turner, to forward to the Planning Board for a Public Hearing and recommendation, amendments to the Official Cumberland Zoning Map.

VOTE: 6-0 UNANIMOUS PASSAGE

13 – 070 To consider and act on forwarding to the Planning Board for a Public Hearing and recommendation, amendments to Chapter 315 (Zoning), Section 48 (Erosion and sedimentation control) of the Cumberland Code.

Town Manager Shane explained that this item creates a mechanism for the Code Enforcement Officer to work directly with homeowners and develop a plan that will allow for property owners to fill their land in such a way that it will not cause sediment and erosion, causing drainage problems for their neighbors.

Motion by Councilor Storey-King, seconded by Councilor Copp, to forward to the Planning Board for a Public Hearing and recommendation, amendments to Chapter 315 (Zoning), Section 48 (Erosion and sedimentation control) of the Cumberland Code.

VOTE: 6-0 UNANIMOUS PASSAGE

13 – 071 To consider and act on forwarding to the Planning Board for a Public Hearing and recommendation, amendments to Chapter 229 (Site Plan Review), Section 11 (Expiration of approval) of the Cumberland Code.

Town Manager Shane explained that this item clarifies some of the expiration of approval language that is presently in the Code. This will be helpful for the Planning Board and be helpful for staff.

Motion by Councilor Turner, seconded by Councilor Gruber, to forward to the Planning Board for a Public Hearing and recommendation, amendments to Chapter 229 (Site Plan Review), Section 11 (Expiration of approval) of the Cumberland Code.

VOTE: 6-0 UNANIMOUS PASSAGE

13 – 072 To set a Public Hearing date (April 22nd) to consider and act on a Mass Gathering Permit for the 3rd Annual Cumberland Sho-n-Shine to be held on June 9th from 8:00 a.m. to 3:00 p.m. at the Cumberland Fairgrounds.

Motion by Councilor Copp, seconded by Councilor Storey-King, to set a Public Hearing date of April 22nd to consider and act on a Mass Gathering Permit for the 3rd Annual Cumberland Sho-n-Shine to be held on June 9th from 8:00 a.m. to 3:00 p.m. at the Cumberland Fairgrounds.

VOTE: 6-0 UNANIMOUS PASSAGE

13 – 073 To set a Public Hearing date (April 22nd) to consider and act on a Mass Gathering Permit for the Chickadee Classic Dog Show to be held June 20th – 23rd from 8:00 a.m. to 5:00 p.m., at the Cumberland Fairgrounds.

Motion by Councilor Jennings, seconded by Councilor Storey-King, to set a Public Hearing date of April 22nd to consider and act on a Mass Gathering Permit for the Chickadee Classic Dog Show to be held June 20th – 23rd from 8:00 a.m. to 5:00 p.m., at the Cumberland Fairgrounds.

VOTE: 6-0 UNANIMOUS PASSAGE

V. NEW BUSINESS

Councilor Turner – In regard to item # 13-069 where the Town statute is stricter than the State requirement, it makes sense to change the shoreland zoning in that instance. But, in some instances it may make sense for the Town to be stricter than the State and we have that right, if need be. He wanted to clarify that the Town does not have to be less strict than the State.

Councilor Copp – When will the road posting be lifted?

Town Manager Shane said the heavy load limit posting will be removed by Friday of this week.

Councilor Storey-King – The school budget hearing is this Thursday. Residents will be given the opportunity to voice their opinion MSAD 51 budget.

If anyone forgot to register their dog they should do so. The late fee will be less than allowing a dog to run at large fine.

Councilor Gruber – The food pantry continues to do well. Thank you to all the volunteers and those who make donations.

He attended a meeting at Wayside Rescue this afternoon and learned of a USDA grant program that provides education pertaining to cooking.

He received a couple of calls from residents regarding the use of fire trucks in welcoming championship teams back into Town. One call was a budget concern and the other was a noise concern.

Chairman Stiles responded that these types of complaints come up periodically and the Council is in full support of the tradition.

Chairman Stiles – There continues to be water flow valve issue on Range Road that Portland Water District will be taking care of. The Town Manager will be meeting with PWD tomorrow to work out the details.

He continues to work with the Town Manager to solicit cash donations to the Food Pantry for the 4-H purchase program to buy meat for the Pantry.

Cumberland Cemetery Association is looking for someone interested in becoming a trustee of the association and someone willing to be the association investment advisor.

Councilor Jennings – He attended a hearing in Augusta today regarding LD563 (an act to clarify Tax Increment Financing – TIF). TIF's are one of the very few municipally based economic development tools that are flexible and permits municipalities participate in local project financing using property taxes generated from capital investments within a TIF district. Some of the anticipated amendments in LD563 would allow a much broader discretion over training and using TIF funds. There are a lot of good things proposed in this bill.

Town Manager Shane – There will be 54 names to be added to the Veterans Monument in time for a Memorial Day dedication after the annual parade.

Nomination papers are due by April 29th. There are three School Board seats and two Town Council seats open.

An "April Stools Day" event took place at Twin Brook this past weekend. Volunteers helped clean up dog waste in the park. It was a successful event and the Town is very appreciative that the group took the initiative to clean up the park for all to enjoy.

VI. ADJOURNMENT

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

VOTE: 6-0 UNANIMOUS PASSAGE

TIME: 8:49 p.m.

Respectfully submitted by,

Brenda L. Moore
Council Secretary