

AGENDA

Cumberland Town Council Meeting

Town Council Chambers

Monday, September 8th, 2008

5:30 p.m. WORKSHOP w/ School Board Directors and North Yarmouth Selectmen
re: M.S.A.D. 51 School Reorganization.

7:00 p.m. CALL TO ORDER

I. APPROVAL OF MINUTES

August 11, 2008

August 25, 2008

II. MANAGER'S REPORT

III. PUBLIC DISCUSSION

IV. LEGISLATION AND POLICY

08 – 131. To hold a Public Hearing to consider and act on a Mass Gathering Permit for Twin Brook Recreation Area events. *ITEM TABLED TO SEPTEMBER 22, 2008*

08 – 132. To hold a Public Hearing to consider and act on amendments to Sections 1, 3 & 5 of the Cumberland Property Tax Assistance Ordinance re: minimum age and amount of eligibility.

08 – 133. To hold public hearing to consider and act on sending to the Planning Board for recommendation an amendment to the Cumberland Zoning Ordinance adding Section 206.8A re: Additional Review Requirements for Large-Scale Retail Development.

08 – 134. To hold a public hearing to amend the Cumberland Zoning Ordinance to amend §417.1 (parking and loading) and add §206.8.5.7 (parking layout and design) as recommended by the Planning Board.

08 – 135. To consider and act on calling a Special Advisory Referendum Election pursuant to

MRSA Title 30-A, Section 2528(5), to be held coincident with the MSAD 51, State and Federal Election on *Tuesday, November 4, 2008*, between the hours of 7:00 am and 8:00 pm at Cumberland Town Hall, 290 Tuttle Road, regarding whether the Cumberland Town Council should approve a contract zone along the northwesterly sideline of Route One at the Falmouth town line authorizing large-scale retail development, subject to later review by the Cumberland Planning Board of the proposed development's economic impact and to site plan and subdivision approval.

08 – 136. To consider and approve the ballot question for a *November 4, 2008* Special Advisory Referendum re: large-scale retail development contract zone on Route One at the Falmouth town line (pursuant to call of election).

08 – 137. To review proposed amendment to Section 424 of the Cumberland Zoning Ordinance re: temporary political signs, and to consider referral to the Planning Board.

08 – 138. To create a Veterans Memorial Committee and authorize the Town Manager to advertise for committee members.

08 – 139. To appoint a member to the Cumberland Planning Board to fill a vacancy whose term expires *December 31, 2008*.

08 – 140. To set a public hearing date (*October 13th*) to hear a report from the Shellfish Conservation Commission re: proposed ordinance amendments.

08 – 141. To set a public hearing date (*September 22*) to consider and act on junkyard/recycler permit renewals for Greenlaw Salvage and Cumberland Salvage for the period *October 1, 2008* through *September 30, 2009*.

08 – 142. To set two public hearing dates (*September 29th or 30th, and October 27th*) re: Range Road improvements.

08 – 143. To approve Victualer's Licenses for the Cumberland Fair, to be held at the Cumberland Fairgrounds, *September 21 – 27, 2008*.

V. NEW BUSINESS

VI. EXECUTIVE SESSION – pursuant to Title 36 M.R.S.A., § 841, re: Poverty Abatement Application.

VII. ADJOURNMENT

MINUTES

Cumberland Town Council Meeting
Town Council Chambers

MONDAY, AUGUST 11, 2008

6:00 p.m. Televised Workshop

7:00 p.m. Call to Order

Present: Chairman Turner, Councilors Copp, Storey-King, Porter, Stiles, and Moriarty.
Excused: Councilor Perfetti.

I. WORKSHOP: Sevee & Maher presentation re: aquifer protection and relationship to zoning and lot sizes.

Mark Bergeron and John Sevee were present to give a powerpoint presentation which was shown to the Comprehensive Plan Committee on June 5, 2008. Mr. Bergeron spoke to “how septic systems and minimum lot sizes relate to each other.” Matters involving soils, storm water, and road principals were among the many topics discussed. Cumberland defines different residential systems and pretreatment is possible on most septic systems. The state generally requires one hundred feet between a well and septic system, so “getting areas for a well can be tricky.” A recommendation for an ordinance amendment addressing lot size revisions included adding a minimum lot size of 20,000, 30,000 or 40,000 depending of the type of residential sewer system. A comparison of cluster development ordinances showed Cumberland’s minimum lot size for single family minimum lot size of four acres. “That’s a big lot” he remarked. Mr. Bergeron responded affirmatively to Chairman Turner’s question regarding the commonness of a cement tank buried at ground level. The disposal field should be shallow to take advantage of aeration and temperature. Councilor Moriarty asked whether the recommendations on minimum lot size apply town wide based on soil type? The engineers believe the lot size should be based on something other than the septic systems because the soils vary so much. These lot sizes would work anywhere in town, but other criteria may and should apply as well. The Town Manager asked about flexibility in the ordinance for septic system use in common open space areas. Mr. Bergeron responded the disposal field “can get pretty big” and if the site’s right “you can make a ballfield out of it. Over time, it’s still going to be a grassy field.” Councilor Porter asked if a sewer system is the “gold standard” for a subdivision. From a groundwater protection standard “absolutely...you’re not putting anything into the ground.” But, from a maintenance, replacement and cost standpoint “not necessarily.” A joint system versus a single system is based solely on the particulars of the site. The Manager noted the recommendations of a “fairly intense inspection” with clustered systems. We do not have full-time inspections on home systems but will require inspections with communal systems. Mr. John Sevee commented that they looked for water for the Twin Brook irrigation and dug a well which produces 600 gallons per minute. He feels it is an important resource to the town. It “takes a unique set of geological features” to have such a resource and the town should consider its protection. The Sebago Lake watershed will continue to have increased water pressures on it. Another well, located at Val Halla, is no longer in use and does not have the potential yield, but remains a potential resource in town. There are 2-3 trillion gallons of water recharged in this town and Cumberland residents use about five percent of that water. “That means there’s a tremendous potential for water availability in town.” He emphasized that review of wastewater disposal is important to protect this water resource. The workshop concluded at 6:50 p.m.

The regular meeting reconvened at 7:00 p.m.

Present: Chairman Turner, Councilors Copp, Storey-King, Porter, Stiles and Moriarty.
Excused: Councilor Perfetti.

II. APPROVAL OF MINUTES

July 14, 2008

Motion by Councilor Porter, seconded by Councilor Stiles, to approve the minutes as presented.

VOTE: UNANIMOUS PASSAGE 6-0

July 28, 2008

Motion by Councilor Porter, seconded by Councilor Stiles, to approve the minutes as presented.

VOTE: UNANIMOUS PASSAGE 6-0

III. MANAGER'S REPORT

Suspended until later in the agenda.

IV. PUBLIC DISCUSSION

None.

V. LEGISLATION AND POLICY

08 – 116 To act on request by the Greely Football Boosters Club for a bonfire permit for the Twin Brook Recreation Area on October 29, 2008.

Mr. Bob King, President of the Football Boosters Club, was present to respond to questions regarding this annual event. Manager Shane responded affirmatively to Councilor Stiles question whether Fire Department intends to monitor the event. No public comments received. Councilor Storey-King disclosed she is married to Mr. King and added this event is open to the community.

Motion by Councilor Moriarty, seconded by Councilor Stiles, to authorize a bonfire permit to the Greely Football Boosters Club for an event at Twin Brook Recreation Area, October 29, 2008.

VOTE: UNANIMOUS PASSAGE 6-0

08 – 117 To hold a Public Hearing to consider and act on a Mass Gathering Permit for the 2008 Maine Pumpkin Festival to be held at the Cumberland Fairgrounds September 30 – October 4, 2008.

The Manager explained he and the town clerk have met on two occasions with representatives from Camp Sunshine and the Farmers Club with focused attention on parking and traffic patterns and management.

Mr. Michael Smith, Camp Sunshine, reviewed a map of the fairgrounds which highlighted ingress, egress, and parking areas. The first pumpkin event was held in 2002 in Portland. "It's a great family friendly event." They "hope to bring the Guinness World Record back to Maine" with a goal of a 35,000 pumpkin display. He described past "clean up" efforts as "very efficient." Councilor Storey-King asked if the pumpkins are composted. Every effort is made working with New England Organics to dispose of the pumpkins at their compost facility in Unity. While there is not an admission charge, there is a \$5.00 parking fee. School groups and civic organizations will drop off pumpkins on the Monday prior to the event and the bulk of the pumpkin carving will occur Friday and Saturday, with the lighting to occur at dusk on Saturday.

The event is held rain or sunshine. Councilor Moriarty asked about the parking plan and the capacity of the plan, and saturation of traffic. "Do you turn back traffic?" When the fairgrounds reaches capacity of approximately 6-7,000 vehicles, they will need to prohibit further entrance. The roads will be designated no parking 1,000 feet in each direction. Chief Charron suggested he is most concerned with the egress. Ample staff to handle exiting traffic. Gate two will have an officer stationed, when the event is over lot one will be released first. Gate three will be the primary egress, then gate two, and officers manning the front gate, Blanchard and Bruce Hill intersection, gate three on Bruce Hill, Range Road and Bruce Hill, Route 100 and Range Road, Route 100 and Skillins Road, and Main Street. The majority of attendees will exit between 7:30 and 8:30 p.m. Officers will be advised to "stack vehicles" onto Route 100 from Skillins and north on Bruce Hill Road to Blanchard down Main Street. Mr. Bruce Flanigan, representing the fairgrounds, explained the fairgrounds handles significant and similar traffic patterns on the fair's opening day. The group will have a minimum of three personnel at each location to assist the officers and monitor the flow of traffic into the parking lot at all times. The group VIP (Volunteers In Police Service) will provide a minimum of 25 staff in addition to the 60-75 fairground staff assigned to parking responsibilities. "We've identified some new parking areas this year that we haven't had in the past. Our message...will be come early and stay late."

Councilor Moriarty remarked despite his concern about parking capacity and the volume of attendees arriving at the same time "I will cross my fingers and support this...but this is a huge leap of faith. I hope you give a lot of thought to how you turn traffic back." Bruce Flanigan, representative from Volunteers In Police Service (VIP) added the fairground deals with large number of attendees on opening day at the fair. The organization will provide a minimum of three personnel at each gate to assess the situation and a minimum of 25 people plus 60-75 people from the fairgrounds to assist with parking. "We've identified some new parking areas this year that we haven't had in the past." Our message will be "Come early and stay late."

Motion by Councilor Porter, seconded by Councilor Storey-King, to approve the Major Mass Gathering Permit for the 2008 Maine Pumpkin Festival to be held at the Cumberland Fairgrounds September 30 – October 4, 2008.

VOTE: UNANIMOUS PASSAGE 6-0

08 – 118 Receipt of Contract Zone Amendment request from Cedarwoods and referral to the Planning Board for review and recommendation.

Chairman Turner explained the hearing process to include a presentation from the developer after which the town attorney will address statutory requirements. The Chairman indicated he would accept "general" public comments. There will be future public hearing presuming there is a referral to the Planning Board. At this time, Councilor Moriarty informed the council and public that he will abstain from any participation on the grounds of a conflict of interest; specifically, his law firm represents several large retailers which could possibly become a tenant.

John Devine, Verill Dana counsel, representing Cedarwoods and in attendance with Douglas Miller, indicated they had "no formal presentation on site plans, per se; we are here to initiate the process to find out if this would be a viable development for Cedarwoods."

Ken Cole, counsel representing the town, gave a "quick overview" of the contract explaining the town council "only received this document Thursday afternoon." There was an initial contract zone with Peter Kennedy, who sold the property to Mr. David Chase. Mr. Chase, as Foreside Village LLC, successfully renegotiated that contract with the town, and "now we have before us again a succeeding amendment to the same contract zone." Comparing it to David Chase's contract, he articulated the "principle changes" as: deletes any residential portion (134 units

were allowed under the existing contract); adds retail to the entire parcel where originally only one lot was retail; the balance of what was an office park remains permissible; permits drive-through restaurants and banks; deletes twelve lots under the office complex set-up and reconfigures this as “what we would typically think of as a shopping center layout” – doing away with the interior lot lines but reserving the existing twenty-five foot undisturbed vegetation buffer from Route One and a ten foot pedestrian and bicycle lane; has a setback requirement of two hundred feet from the Route One right-of-way for any structure in excess of 100,000 square feet; if the satellite lots are kept along Route One, they must have one hundred and fifty feet of frontage and a 30,000 square foot lot size; and is subject to “a whole series of guidelines which initially were attached to the Chase Contract” and related to an office park. Guidelines will be submitted to the Planning Board based upon the Town Planner’s revisions. Technical changes include the deletion of an arbitration clause and “numerous other little changes. The rest to a great degree are simply stylistic.” In response to “why are we here” he explained a contract zone agreement under Maine law is “treated as if it were an amendment to the zoning ordinance.” Once proposed, the council refers it to the Planning Board who holds one or more public hearings “to confirm... this particular contract zone is consistent with your own comprehensive plan; that it’s consistent with zoning in terms of existing uses and permitted uses in the area” and that the Planning Board’s conclusion “contain whatever additional conditions or restrictions would be necessary to make it stay consistent.” The Planning Board’s recommendation is then sent back to the council who must act on it, after public hearing, either in support or opposition of that recommendation. The Planning Board’s recommendation “isn’t binding.” Under town charter, “if you don’t like what the council’s done” the charter permits Cumberland residents to override its actions by petition. “This is a long democratic process if it goes the full route.”

The Chair invited general comments and asked for a refrain from redundancy.

During the public hearing, Mr. Tom Foley, 29 Granite Ridge Road, as President of the True Spring Farms Condominium Association and the newly-formed group Citizens Preserving Cumberland’s Character addressed the council. Mr. Foley explained he returned to Maine to enjoy the rural quality of life “protected here by our zoning ordinances, our comprehensive plan and our Route One guidelines.” He believes a key statement in the comprehensive plan states the community’s goal “to maintain a rural community” and protection against “undesirable development.” He described a “ten year commitment on Route One to residential development” by way of the development of True Spring Farms, Hawks Ridge and Rockwood. Mr. Foley suggested the residents of True Spring Farms realized the land across the street “should be developed” and meetings and discussions with the town “resulted in the current contract zone” approving an office park. “We are not anti-development, we only ask that development take place according to the documents I just cited. We are very happy” with the approve office park project. However, he sees this proposal as “different; very big, consuming seventy acres...four times the size of the current Wal-Mart in Falmouth. This will have a huge impact on the quality of life for everyone in Cumberland, not just our neighborhoods.” Mr. Foley claimed national statistics suggest a two hundred thousand square foot development will generate ten thousand car trips per day, and three-hundred twenty thousand square feet will require sixteen thousands car trips per day “which will turn our rural roads into thoroughfares. If that doesn’t change the rural character of our town, I don’t know what would.” Mr. Foley believes this proposal is “a breach of faith and certainly a betrayal of trust.” Again referring to the comprehensive plan, Mr. Foley stated eighty-seven percent of the respondents indicated they “did not want a big box store. This would constitute to me evidence of undesirable development, so why are we looking at this?” While he understands the council’s “duty to lead,” he believes they also hold “a responsibility to listen to the public. We ask you to listen to the express will of the people and stop this project tonight.”

Peggy McGehee, attorney with Perkins Thompson, retained by the condominium associations and newly-formed group, presented both oral and written testimony. Attorney McGehee insisted the “proposed rezoning cannot lawfully be approved for two principal reasons.” The first being that the executive session process to date violates the state rezoning law. Regardless whether the executive sessions may have been permissible under the state’s freedom of access law, she suggested Section 4352(1) of the state rezoning laws has been interpreted by the Maine Superior Court to mean that the public has a right to participate in all phases of a rezoning issue, including the right to information councilors receive in considering a change in a zone. Further, “there cannot be a cure” by a subsequent open review process. She described the second principal reason as the proposed rezoning’s inconsistency with the town’s legally binding comprehensive plan. Referring to the plan and survey responses, attorney McGehee stated a town’s comprehensive plan is a “blueprint for what this town wants to be in the future.” Ms. McGehee shared that she represented a citizen group opposing a rezoning by the Westbrook City Council to allow big box development, and stated the Cumberland County Superior Court held that the Westbrook City Council violated the rezoning law by discussing a proposed Wal-Mart development outside the hearing of the public. The city attempted to “try to fix this later” and the court held that such “after the fact” disclosure was not adequate and the big box zone was therefore invalid. She concluded by remarking “these two principal legal infirmities alone compel a vote by the council to terminate any further review of this rezoning proposal.”

Later in the evening, the chairman offered attorney Cole an opportunity to provide a response to attorney McGehee’s remarks. Attorney Cole confirmed the court determination clarifying, however, that this council had “one executive session at which he was present that had to do with an offer by the developer to purchase municipal land” adjoining this project. No contract zone was submitted until Thursday, nor did the council review a contract. The substance of the executive session is not supposed to be disclosed. Referring to the Westbrook lawsuit, attorney Cole remarked “This is in no way similar to what happened in Westbrook.” The balance between the comprehensive plan’s support of rural character and increased commercial development “has to be struck by the council” and if citizens are in opposition to the council’s decision, our town charter provides an opportunity for a citizen initiated override. Attorney Cole remarked that in order to comply with the Freedom of Information Act and “To the extent that we discussed the contract zone, it had to be noticed publicly that it might come up. No contract zone discussion took place; no contract was offered. They’re (the council) having the same public discussion of this contract that you’re having this evening. The developer hasn’t made their pitch.”

Adding their opposition to referral of the contract zone request were: Charlie Thomas, 20 Falcon Drive, representing the owners of the Hawks Ridge Association; Sue Wall, 6 Woodside Drive; Brita Bonechi, 34 Longwoods Road; 4 Amy Lane, True Spring Farm; and Brandon Hill, graduate of Greely High School. Stacy Mitchell, 74 Atlantic Street, Portland, a senior researcher with the Institute For Local Self-Reliance, a non-profit that advises communities on economic development opportunities, suggested the \$750,000 in tax revenues “seems very optimistic to me based on other big box development in this region. These projects not only generate revenue, they generate costs” more specifically public works and police costs. Paul Weiss, 314 Blanchard Road, addressed the environmental impact of such a development, suggesting “this is a slap in the face” to the town’s desire to reduce the carbon footprint. Susan Feiner, 82 Burbank Lane, Yarmouth, an economist who has studied the impact of this kind of commercial development, read a passage from the book “There’s No Free Lunch” which states there is no “fiscal jackpot” from a Wal-Mart. Mr. Alan Schmidt, 11 Hedgerow Drive, said while taxes are an issue for him he cautioned the council against consideration of any tax breaks for the retailers. Bill Follett, 370 Main Street, suggested more information be acquired by the council before the item is sent to the Planning Board. Tim Cloudman, 7 Eagles Way, Hawkes Ridge; explained the group found

specific information regarding the “big box” development from Cedarwood Development’s website. Santo Cimino, 37 Granite Ridge Road, expressed concern that the only information received by the council thus far “has been from the developer.” He received a recent Dodge Bulletin publication, which referred to the Cumberland Foreside Village Chase Development as “abandoned” and the Cumberland Commons shopping center was described as including five buildings, with three hundred nineteen thousand total square feet. “Somebody’s way out in front. The credibility of the council is jeopardized by this kind of forward thinking by the developers.”

Mr. Charlie Clement, 162 Tuttle Road, stated he is uncertain whether he is in opposition or support of the development at this time, “however, I think it would be a mistake not to continue the process...and get more information.” Peter Bingham, 19 Brook Road, remarked that one of the top three objectives in the last three comprehensive plans “has been the diversification of our tax base.” Referring to comments made regarding property taxes, he stated the “substantial hole” left by the secession of Chebeague Island “is something that’s out there.” I do feel that the process should not be cut short until a few more facts” are known.

Speaking in support of forwarding the contract zone request were Susan Bisbing, Spruce Lane, Robert Heyner, 66 Forest Lake Road, and Donna Frost. Mrs. Bisbing stated she and her husband were “disappointed when land was used on Route One for condominiums.” Mr. and Mrs. Bisbing support commercial activities on Route One due to the need for increased commercial tax base. “People in Cumberland already shop somewhere...I don’t think we’re going to create a whole new generation of shoppers by putting retail in Cumberland.” Ms. Bisbing referenced family members who own expensive condominiums on the north shore of Massachusetts, and who live across the street from shopping plazas, which she stated “makes their development more desirable.” Mr. Heyner, noted the significant tax increase he received as a result of the recent revaluation. “I might have been one of those eighty-seven percent when the questionnaire came out. I can change my mind based on events. I love Maine...but unless we get some business base in here it’s gonna be too much for me and I’m gonna have to move out of here.” He said an office park planned for that area ten or twelve years ago “went nowhere. If you don’t have a business base, you’re gonna get creamed with taxes.” Ms. Frost, a forty-three year resident and school district bus driver, also spoke to tax increases, and expressed her faith in the council’s decision making abilities, adding the town can not rely solely on its base of small businesses.

Chairman Turner ended the public comment portion at 8:42 p.m. He expressed “honor” for the opinions received this evening. “I’m a believer in process” and the democratic process often times starts with something that looks evil and ends u with something that’s actually workable” and it’s unfortunate to terminate a proposal at the point at which “none of us even know what the details are. We don’t know any more than you do at this point as to what they’re likely to do.” The town invited input from everyone in town regarding the best possible plan for the existing contract zone. “We always want that” but “That’s a very different situation than a negotiation” that has been referred to. “Nobody’s being betrayed. The bottom line is we need to know more...and the only way we know more is to have this process go forward in an appropriate way. I don’t know where it’s going but I do believe in the process.” Councilor Porter thinks “it would be absolutely irresponsible of the town council to kill this without gathering information. I certainly respect those of you who are opposed to this” but as a councilor “presumably I represent the entire town.” The ultimate decision won’t be about a particular store “it will be about whether this particular project works at this particular site. All of the used that have been brought up this evening have to be addressed. It’s gonna be the factual information that decides this on whether I support this or not.” Councilor Storey-King shared her concerns about any impact to local business. “I don’t like the big box concept...I’m more likely to oppose it than anyone probably...but I can’t stop the process at this point. This process needs to go forward.”

Councilor Copp wondered aloud whether there would be as strong an opposition if this project were proposed for West Cumberland. "If something like this doesn't happen in the town of Cumberland, taxes are gonna go out of sight. We need commercial tax base in this town. Everyone in this room needs to know more about it. We need to see this on paper in front of us." He believes a citizen initiated referendum "would be the best thing that ever happened." Councilor Stiles has "the same feelings in mind" as those stated. He expressed disappointment with the minimal presentation by the developer this evening.

Motion made by Councilor Porter, seconded by Councilor Copp, to refer the Contract Zone Amendment request from Cedarwoods to the Planning Board for review and recommendation.
VOTE: UNANIMOUS PASSAGE 5-1 (Councilor Moriarty seated in audience)

A recess was taken at 9:02 p.m. and the meeting reconvened at 9:13 pm

08 – 119 To set a date of August 20th for joint Town Council/Planning Board workshop re: Economic Impact Review of Large Scale Retail Development.

The chairman noted this meeting will be open to the public. No public comments received.

Motion by Councilor Stiles, seconded by Councilor Copp, to set a date of August 20th for a joint Town Council/Planning Board workshop re: Economic Impact Review of Large Scale Retail Development Ordinance.

VOTE: UNANIMOUS PASSAGE 5-0-1 (Councilor Moriarty abstaining)

08 – 120 To set October 13th – 17th for Bulky Waste pick up week.

Councilor Stiles reminded the public to find out what material or objects may be placed out during this pick-up week. For example, tires with a rim are not acceptable, yet tires off the rim are ok. Computers and refrigerants are not acceptable. No public comments received.

Motion by Councilor Moriarty, seconded by Councilor Stiles, to set October 13th through 17th as Bulky Waste pick-up week.

VOTE: UNANIMOUS PASSAGE 6-0

08 – 121 To hold a Public Hearing to consider and act on setting the FY09 tax rate as recommended by the Tax Assessor.

Town Manager Shane indicated the town council held the line on our budget this fiscal year and the tax rate after revaluation is proposed by the Town Assessor at \$14.00. The expected rate was \$14.50. He explained that 49 percent of our taxpayers will see no increase, another will see The Manager thanked the SAD for their assistance with the budget this year. No public comments received.

Motion by Councilor Stiles, seconded by Councilor Moriarty, to set the municipal tax rate for FY '09 at \$14.00.

VOTE: UNANIMOUS PASSAGE 6-0

08 – 122 To set rates at which interest will be paid for delinquent and over paid taxes, and to authorize applying tax payments to the oldest unpaid taxes.

Cumberland traditionally accepts the interest rate for delinquent and overpaid taxes as recommended by the Maine Municipal Association. No public comments received.

Motion by Councilor Porter, seconded by Councilor Copp, to set the interest rate for overpayment of taxes for fiscal year 2009 at 11% for delinquent taxes and at 5.5% for overpayment of taxes. Further, all payments for taxes and personal property shall be applied to the oldest unpaid taxes.

VOTE: UNANIMOUS PASSAGE 6-0

08 – 123 To hear a report from the Finance Committee Chair re: FY08 4th quarter financials.

Councilor Stiles reviewed the year-to-date expenses through June 30, 2008. We exceeded our budget by \$366,938 due predominantly to winter plowing and maintenance, associated overtime, and utilities. However, revenues were in excess of budget by \$355,436.

No action taken.

08 – 124 To set a Public Hearing (September 8th) to amend the parking requirements in Sections 206.8.5 and 417.1 of the Cumberland Zoning Ordinance as recommended by the Planning Board.

Motion by Councilor Porter, seconded by Councilor Stiles, to set a public hearing date of September 8th to amend the parking requirements in Section 206.8.5 and 417.1 of the Cumberland Zoning Ordinance as recommended by the Planning Board.

VOTE: UNANIMOUS PASSAGE 6-0

VI. NEW BUSINESS

Councilor Copp – Route 100 Doughty Road bridge is open and passable; AH Grover will install the waterline on both sides of that bridge in the gravel areas; it may be in and not marked the ends to know where to hook on at a future date.

Councilor Storey-King – watched CH 5 in Bangor and saw the Cumberland Fire Academy featured; thanked the fire department and academy.

Councilor Stiles - attended granddaughter's wedding; looking forward to the next one; congratulated Councilor Moriarty on his excellent performance in the Beach to Beacon Race.

Councilor Moriarty – attended Cumberland Fire Dept lobster bake graduation ceremony for the Cumberland Fire Academy; real enthusiastic bunch of young folks; elected to the MMA Legislative Policy Committee from Senate District Eleven, designated Councilor Perfetti as alternate.

Manager Shane – had all 16 fire explorers at his house Wednesday evening; great bunch of dedicated kids; asked Town Clerk Daniels to explain recent issues with online car registrations; there is an asphalt shortage and as a result asphalt has increased from \$300 to \$800 a ton and MDOT has canceled all pavement and returned bids; state will work on rebidding the projects in the spring; paving contracts are built in with an escalator now; we will put on hold any paving projects for this year; council has received information from town attorney related to bicyclists and rules of the road noting difficulty in adopting language restricting bicyclists; has asked DOT to send info re: local programs that have been successful re: sharing the road; he asked for a meeting of the Senior Circuit Breaker Committee.

VII. ADJOURNMENT

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

VOTE: UNANIMOUS PASSAGE 6-0

TIME: 9:45 p.m.

Respectfully submitted,

Nadeen M. Daniels, CMC
Cumberland Town Clerk