

MINUTES

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, March 12, 2018

5:30 P.M. Finance Committee Budget Workshop

6:30 P.M. Workshop with Assessor re: Property Audit and Current Ratio Status

7:00 P.M. Call to Order

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

I. APPROVAL OF MINUTES

Motion by Councilor Gruber, seconded by Councilor Copp, to accept the February 26, 2018 meeting minutes as presented.

VOTE: 6-0-1 (Bingham abstained) MOTION PASSES

II. MANAGER'S REPORT

Town Manager Shane thanked our Public Works crew for all the hard work and tireless hours that they put in during the recent snowstorms.

III. PUBLIC DISCUSSION

Cathy Wright of 60 Skillin Road asked the status of the proposed light at Skillin Road and Route 100 and the left turn lane at Main Street and Blanchard Road.

Town Manager Shane said that we are still waiting to hear from MDOT. It may take a couple more months to hear back for these requests.

Mrs. Wright said that rather than extending the sidewalk from Town Hall to Twin Brook, she would rather see sidewalks from the bottom of Morrison's Hill up toward Blackstrap Road.

She would also like to see the Town consider getting access to Forest Lake for kayaking and canoeing.

IV. LEGISLATION AND POLICY

18 – 025 To hear a report from the Assessor re: Property Audit and Current Ratio Status.

Assessor, John Brushwein presented the following:

Town of Cumberland



**Assessment Ratio and
Property Audit
Presentation
Town Council Meeting
March 12, 2018**

Town of Cumberland Tax Assessor
John E. Brushwein, CMA

Maine Constitutional and Statutory Requirements

- Constitutional Requirement – Article IX, Section 8 –
“All taxes upon real and personal estate, assessed by
the authority of this State shall be apportioned and
assessed equally according to the just value thereof.”
(The Law Court has established that Just Value is
synonymous with Fair Market Value)
- Statutory Requirement – Annual Sales Ratio Studies

Ratio Study Purpose

- The assessment ratio study is used by the State to adjust all municipal entities to 100% annually. The 100% valuation is then used in calculating State Aid for Education, State Revenue Sharing, and County funding.
- Municipalities may certify within 10% of the developed parcel ratio.
- The certified ratio must then be applied to all exemptions, and to the rates for properties enrolled in Current Use programs, such as tree growth.

Maine Assessment Standards

- Minimum Assessment Ratio = 70%
 $\text{Assessed Value/Sale Price} = \text{Assessment Ratio}$
- Maximum Assessment Ratio = 110%
- Maximum Level of Assessment Quality = 20 (Quality Rating)

Sales Ratio Study Terms

- Assessment Ratio = Assessed Value/Sale Price
- Average Ratio = Average of all Assessment Ratios in a Sales Analysis
- Deviation = Difference of individual ratio from the average Assessment Ratio
- Quality Rating = Average Deviation/Average Ratio

Assessment Ratio & Deviation

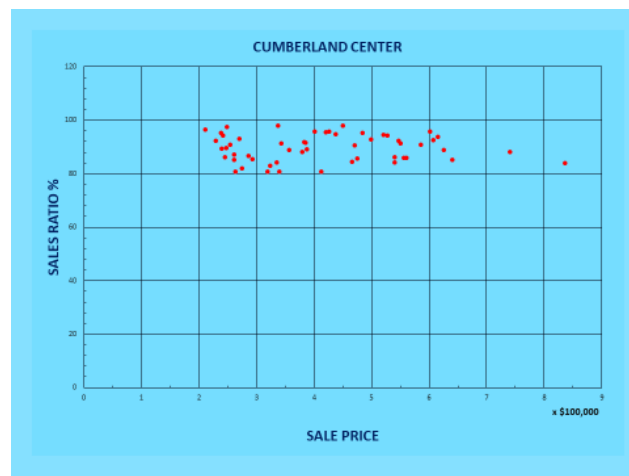
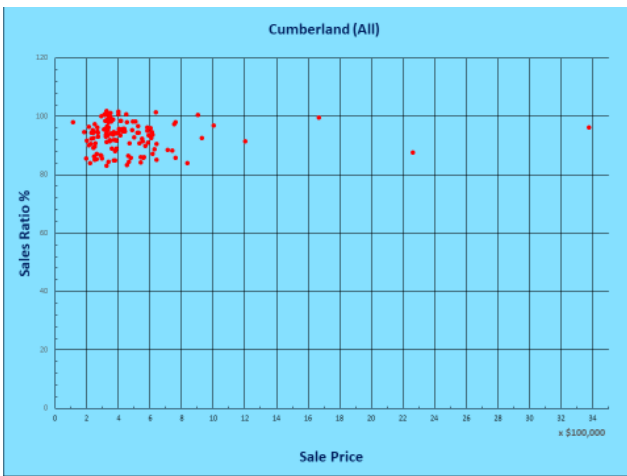
- Property assessed at \$300,000 sells for \$330,000
- Assessment Ratio = $\$300,000/\$330,000$ or 91%
- Current Average Ratio is 94% (Total up ratios in sample and divide by the number in the sample)
- Deviation = Average Ratio less individual ratio (94-91) or 3%
- Quality Rating = average deviation / average ratio
 $7.84/94 = 8.34$

Cumberland Overall Ratio Analysis

- 2016 Average Ratio = 102% with 159 qualified sales
- 2016 Quality Rating = 8
- 2017 Average Ratio = 96% with 159 qualified sales
- 2017 Quality Rating = 9
- 2018 Average Ratio = 94% with 192 qualified sales
- 2018 Quality Rating = 8

Stratified Sales Ratio Analysis

- West Cumberland - AVG Ratio – 92%
Quality Rating – 6
- Cumberland Center - AVG Ratio – 90%
Quality Rating – 9
- Cumberland Foreside - AVG Ratio – 99%
Quality Rating – 6
- Condominiums - AVG Ratio – 94%
Quality Rating - 8



Assessment Ratio Results

- The most recent Assessment Ratio of 94% in the developed parcel analysis and Quality Rating of 9 are well within State Standards and indicative of a high level of overall assessment equity .
- The sale of land only parcels does not have a large enough sample upon which to draw a reliable statistical conclusion.

Property Audit

- The most recent valuation update took place in 2008 consisting of a land and building schedule market adjustment. It did not include a full measure/list inventory of all real estate accounts.
- During the past two years it has become apparent that the real estate inventory (current tax database) is not completely accurate. Inspections for new construction and a review of past building permits has revealed omissions and other errors.

Inventory Errors/Omissions

- Additions, finished basements, decks-porches, and outbuildings have been discovered to have either been not included in assessments and/or in some cases, included after having been removed or demolished.
- Current lending practices have resulted in increased scrutiny of permitting records which has led to After the Fact permits being obtained to legitimize construction that took place without permits.

Errors/Omissions

PARCEL ID	PERMIT YEAR	PERMIT TYPE	PROPERTY ALTERATION - NOT COVERED BY PERMIT	ADJUSTED VALUE
RE01306		DECKING FLOOR ADD ABOVE GP	CEILING WOOD	6,000.00
RE01307		DECKING BY GARAGE	143 SF WOOD	8,000.00
RE01308		NO PERMIT	612 SF FIN SHED 6,120 SF WOOD	14,000.00
RE01309		DECKING PORCH	NO SF POP, 143 SF WOOD, GARAGE ADD TO FIN GARAGE	80,000.00
RE01310		DECKING PORCH	NO SF POP, 143 SF WOOD, PORTION OF GARAGE LANDING AREA	8,000.00
RE01311		DECKING PORCH	143 SF POP, 143 SF WOOD	6,000.00
RE01312		DECKING PORCH	143 SF WOOD	1,000.00
RE01313		DECKING PORCH	143 SF WOOD	1,000.00
RE01314		DECKING PORCH	143 SF WOOD	1,000.00
RE01315		DECKING PORCH	143 SF WOOD	1,000.00
RE01316		DECKING PORCH	143 SF WOOD	1,000.00
RE01317		DECKING PORCH	143 SF WOOD	1,000.00
RE01318		DECKING PORCH	143 SF WOOD	1,000.00
RE01319		DECKING PORCH	143 SF WOOD	1,000.00
RE01320		DECKING PORCH	143 SF WOOD	1,000.00
RE01321		DECKING PORCH	143 SF WOOD	1,000.00
RE01322		DECKING PORCH	143 SF WOOD	1,000.00
RE01323		DECKING PORCH	143 SF WOOD	1,000.00
RE01324		DECKING PORCH	143 SF WOOD	1,000.00
RE01325		DECKING PORCH	143 SF WOOD	1,000.00
RE01326		DECKING PORCH	143 SF WOOD	1,000.00
RE01327		DECKING PORCH	143 SF WOOD	1,000.00
RE01328		DECKING PORCH	143 SF WOOD	1,000.00
RE01329		DECKING PORCH	143 SF WOOD	1,000.00
RE01330		DECKING PORCH	143 SF WOOD	1,000.00
RE01331		DECKING PORCH	143 SF WOOD	1,000.00
RE01332		DECKING PORCH	143 SF WOOD	1,000.00
RE01333		DECKING PORCH	143 SF WOOD	1,000.00
RE01334		DECKING PORCH	143 SF WOOD	1,000.00
RE01335		DECKING PORCH	143 SF WOOD	1,000.00
RE01336		DECKING PORCH	143 SF WOOD	1,000.00
RE01337		DECKING PORCH	143 SF WOOD	1,000.00
RE01338		DECKING PORCH	143 SF WOOD	1,000.00
RE01339		DECKING PORCH	143 SF WOOD	1,000.00
RE01340		DECKING PORCH	143 SF WOOD	1,000.00
RE01341		DECKING PORCH	143 SF WOOD	1,000.00
RE01342		DECKING PORCH	143 SF WOOD	1,000.00
RE01343		DECKING PORCH	143 SF WOOD	1,000.00
RE01344		DECKING PORCH	143 SF WOOD	1,000.00
RE01345		DECKING PORCH	143 SF WOOD	1,000.00
RE01346		DECKING PORCH	143 SF WOOD	1,000.00
RE01347		DECKING PORCH	143 SF WOOD	1,000.00
RE01348		DECKING PORCH	143 SF WOOD	1,000.00
RE01349		DECKING PORCH	143 SF WOOD	1,000.00
RE01350		DECKING PORCH	143 SF WOOD	1,000.00
RE01351		DECKING PORCH	143 SF WOOD	1,000.00
RE01352		DECKING PORCH	143 SF WOOD	1,000.00
RE01353		DECKING PORCH	143 SF WOOD	1,000.00
RE01354		DECKING PORCH	143 SF WOOD	1,000.00
RE01355		DECKING PORCH	143 SF WOOD	1,000.00
RE01356		DECKING PORCH	143 SF WOOD	1,000.00
RE01357		DECKING PORCH	143 SF WOOD	1,000.00
RE01358		DECKING PORCH	143 SF WOOD	1,000.00
RE01359		DECKING PORCH	143 SF WOOD	1,000.00
RE01360		DECKING PORCH	143 SF WOOD	1,000.00
RE01361		DECKING PORCH	143 SF WOOD	1,000.00
RE01362		DECKING PORCH	143 SF WOOD	1,000.00
RE01363		DECKING PORCH	143 SF WOOD	1,000.00
RE01364		DECKING PORCH	143 SF WOOD	1,000.00
RE01365		DECKING PORCH	143 SF WOOD	1,000.00
RE01366		DECKING PORCH	143 SF WOOD	1,000.00
RE01367		DECKING PORCH	143 SF WOOD	1,000.00
RE01368		DECKING PORCH	143 SF WOOD	1,000.00
RE01369		DECKING PORCH	143 SF WOOD	1,000.00
RE01370		DECKING PORCH	143 SF WOOD	1,000.00
RE01371		DECKING PORCH	143 SF WOOD	1,000.00
RE01372		DECKING PORCH	143 SF WOOD	1,000.00
RE01373		DECKING PORCH	143 SF WOOD	1,000.00
RE01374		DECKING PORCH	143 SF WOOD	1,000.00
RE01375		DECKING PORCH	143 SF WOOD	1,000.00
RE01376		DECKING PORCH	143 SF WOOD	1,000.00
RE01377		DECKING PORCH	143 SF WOOD	1,000.00
RE01378		DECKING PORCH	143 SF WOOD	1,000.00
RE01379		DECKING PORCH	143 SF WOOD	1,000.00
RE01380		DECKING PORCH	143 SF WOOD	1,000.00
RE01381		DECKING PORCH	143 SF WOOD	1,000.00
RE01382		DECKING PORCH	143 SF WOOD	1,000.00
RE01383		DECKING PORCH	143 SF WOOD	1,000.00
RE01384		DECKING PORCH	143 SF WOOD	1,000.00
RE01385		DECKING PORCH	143 SF WOOD	1,000.00
RE01386		DECKING PORCH	143 SF WOOD	1,000.00
RE01387		DECKING PORCH	143 SF WOOD	1,000.00
RE01388		DECKING PORCH	143 SF WOOD	1,000.00
RE01389		DECKING PORCH	143 SF WOOD	1,000.00
RE01390		DECKING PORCH	143 SF WOOD	1,000.00
RE01391		DECKING PORCH	143 SF WOOD	1,000.00
RE01392		DECKING PORCH	143 SF WOOD	1,000.00
RE01393		DECKING PORCH	143 SF WOOD	1,000.00
RE01394		DECKING PORCH	143 SF WOOD	1,000.00
RE01395		DECKING PORCH	143 SF WOOD	1,000.00
RE01396		DECKING PORCH	143 SF WOOD	1,000.00
RE01397		DECKING PORCH	143 SF WOOD	1,000.00
RE01398		DECKING PORCH	143 SF WOOD	1,000.00
RE01399		DECKING PORCH	143 SF WOOD	1,000.00
RE01400		DECKING PORCH	143 SF WOOD	1,000.00

Property Audit Outline

- A letter will be mailed to all property owners prior to commencement of the audit outlining the process and will be posted on the Town website.
- The audit will be conducted by the Assessor with contracted assistance.
- Audit personnel will have Town of Cumberland photo identification, and the vehicle year, make, and license plate numbers of personnel will be recorded with the police department.

Property Audit cont.

- The audit will consist of (data collection) physical inspections, exterior measurements of improvements, and a new digital photo of principal structures.
- Interior information will be verified with owners when possible.
- The audit will begin in July of 2018 and the data collection will be complete by December 31, 2018.

Property Audit Results

- Any valuation changes (positive or negative) will be included in the assessments for the April 1, 2019 assessment year.
- Property owners will be notified of assessment valuation changes resulting from the audit in excess of \$5,000.

18 – 026 To hold a Public Hearing to consider and act on a Mass Gathering Permit for the Combat Veterans Motorcycle Association Maine 17-1 (The Crossroads Chapter) Rock, Ride & Remembrance event on August 11, 2018 from 1:00 p.m. to 10:30 p.m.

The Public Relations Officer of the Veterans Motorcycle Association outlined the events that they are planning: a motorcycle charity ride, a classic car cruise-in, and a concert with 2 bands. There will be food and drink vendors and the event will be open to the public. All proceeds will go to help Maine veterans.

Chairman Edes opened the Public Hearing.

Public discussion: None

Chairman Edes closed the Public Hearing.

Town Manager Shane said that this is a well-organized event and staff is recommending approval.

Motion by Councilor Gruber, seconded by Councilor Bingham, to approve the Mass Gathering permit for the Combat Veterans Motorcycle Association Maine 17-1 (The Crossroads Chapter) Rock, Ride & Remembrance event on August 11, 2018 from 1:00 p.m. to 10:30 p.m.

VOTE: 7-0 UNANIMOUS

18 – 027 To authorize the Town Manager to solicit appraisal proposals for the purchase of remaining 50 (+/-) acres of Rines Forest.

Town Manager Shane explained that the Town has the right of first refusal on the remaining 50 acres of land in the Rines Forest. The right of first refusal will expire on August 1, 2019 and Mr. Rines has asked the Town if we are interested in purchasing the property. If we are, the first step is to get an appraisal of the parcel. The Chebeague and Cumberland Land Trust has reached out and said that they would like to help with the purchase by fundraising and paying for half of the appraisal. This item is only to authorize the appraisal.

Councilor Turner said that he is not in favor of the Town purchasing any more land. He is hopeful that the Land Trust could pay for the majority of this.

Councilor Stiles said that this piece would complete the Rines Forest. The Rines Forest is used for hunting and if this last parcel ends up with houses on it, the hunting area would be severely diminished. He wants to see what the appraisal price comes back at. He is grateful that the Land Trust has offered to help with the purchase.

Councilor Copp said that he agrees with Councilor Turner. Do we really need this? He has spoken to a lot of residents who complain about the cost of their property taxes. He is in favor of getting the appraisal.

Councilor Storey-King said that she will support getting the appraisal, but is not necessarily in favor of buying any more Town-owned land. She would consider it if we could sell some of the land that we currently own.

Councilor Gruber said that he is very involved with the Lands and Conservation Commission and the Land Trust. He is leaning toward being in favor of the purchase.

Councilor Bingham said that he feels that this will complete the Rines Forest and he does not believe that we would be generating a significant amount of tax revenue if it were developed. He wants to see what the appraisal comes back at. It is also helpful that the Land Trust has offered their assistance and we can pay for this over 4 years.

Motion by Councilor Bingham, seconded by Councilor Gruber, to authorize the Town Manager to obtain an appraisal for the 50 (+/-) acres of Rines Forest, not presently owned by the Town, and to develop a proposal, financing plan and a draft Purchase and Sale Agreement for consideration by the Town Council at a future public hearing.

VOTE: 7-0 UNANIMOUS

18 – 028 To hold a Public Hearing to consider and act on a Liquor License application for Rachel's On the Green from March 29, 2018 to March 29, 2019.

Town Manager Shane said that the application is complete and staff is recommending approval.

Chairman Edes opened the Public Hearing.

Public discussion: None

Chairman Edes closed the Public Hearing.

Motion by Councilor Stiles, seconded by Councilor Bingham, to approve the Liquor License application for Rachel's On the Green from March 29, 2018 to March 29, 2019.

VOTE: 7-0 UNANIMOUS

18 – 029 To appoint William Longley as Code Enforcement Officer from April 1, 2018 to March 31, 2019.

Motion by Councilor Copp, seconded by Councilor Stiles, to appoint William Longley as Code Enforcement Officer from April 1, 2018 to March 31, 2019.

VOTE: 7-0 UNANIMOUS

18 – 030 To authorize the Town Manager to execute an easement deed with Fred Kinney for the Blanchard Road pump station through March 2027.

Town Manager Shane explained that we have water in West Cumberland because of this pump station. Mr. Kinney has continued to work with the Town by allowing this pump station on his property. This action will continue our current arrangement with Mr. Kinney through March 2027.

Motion by Councilor Stiles, seconded by Councilor Bingham, to authorize the Town Manager to execute an easement deed with Fred Kinney for the Blanchard Road pump station through March 2027.

VOTE: 7-0 UNANIMOUS

18 – 031 To hear a recommendation from the Ordinance Committee regarding the upcoming Conservation Subdivision Ordinance.

Councilor Storey-King explained that the Conservation Subdivision Committee has been very hard at work and has a workshop planned for next week with the Planning Board. She met with the Town Manager and Planning Board Chairman and it was decided that the Planning Board will hold a Public Hearing on the Conservation Subdivision Ordinance and then forward it to the Council with a recommendation.

18 – 032 To set a Public Hearing date of March 26th to consider and act on forwarding a Contract Zone Agreement for John Paynter, 445 Greely Road Extension, to the Planning Board for a Public Hearing and recommendation.

Motion by Councilor Bingham, seconded by Councilor Stiles, to set a Public Hearing date of March 26th to consider and act on forwarding a Contract Zone Agreement for John Paynter, 445 Greely Road Extension, to the Planning Board for a Public Hearing and recommendation.

VOTE: 7-0 UNANIMOUS

V. NEW BUSINESS

Councilor Bingham – Arthur Butler passed away recently. He was the former MSAD 51 Transportation Director. Condolences to his family.

Councilor Gruber – He attended the State of Maine Conservation Commission annual meeting with a few members of our own Lands and Conservation Commission members. This community has really accomplished a lot over the past few years in regard to our conservation efforts.

Councilor Storey-King – The Ordinance Committee met recently to review the Mass Gathering Ordinance, the Lands & Conservation and Coastal Waters Ordinances.

She met with Kristina Egan of the Greater Portland Council of Governments last week. They are looking for a nomination of a community member to sit on a “Purple” Regional Voice Committee who will advocate for regional funding for roads and infrastructure. The committee’s first goal is to

create a briefing book for the candidates running for governor and to host a forum in the fall for the candidates.

Councilor Copp – He asked the Town Manager how much the Town has spent on road salt this year. He wants the public to be aware.
Town Manger Shane responded \$120,000.

Chairman Edes – None

Councilor Stiles – He urged everyone to donate to the 4-H auction to benefit the food pantry. If 1,000 residents of Cumberland and North Yarmouth donate just \$10, he will reach his goal of \$10,000. He thanked the Council members for their continued support and donations to this worthy cause.

Councilor Turner – None

VI. ADJOURNMENT

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

VOTE: 7-0 UNANIMOUS

TIME: 8:20 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary