

MINUTES

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, July 25, 2022

6:00 P.M. Nominating Committee Meeting

7:00 P.M. Call to Order

Present: Councilors Copp, Edes, Filson, Foster, Segrist, Storey-King and Vail

I. APPROVAL OF MINUTES

Motion by Councilor Edes, seconded by Councilor Copp, to accept the July 11, 2022 meeting minutes as presented.

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

II. MANAGER'S REPORT

State Senator, Cathy Breen was scheduled to be here this evening to give a legislative update, but unfortunately, she is not feeling well. We will work with her office to reschedule her visit.

The turbine at Ecomaine has been offline since April. The repairs were scheduled based on information received from their consultant. When the repairs began, cracks and other unexpected defects were found causing a longer delay for the repairs. They will be offline until perhaps November. This extended period will result in an additional \$3,000,000 in costs.

III. PUBLIC DISCUSSION

No public discussion.

IV. LEGISLATION AND POLICY

22 – 092 To hear a report from the Tax Assessor re: upcoming revaluation.

Tax Assessor, John Brushwein explained that our proposed revaluation was originally scheduled to begin in June of 2022 with an implementation date of April 1, 2023. Parker Appraisal Company of Falmouth is assisting in the revaluation. They were unfortunately seriously affected by Covid 19 in September of 2021 resulting in a substantial setback in the company's schedule. As a result, our revaluation start has been pushed back to late September of 2022. Due to the compressed timeframe caused by the delay, we have moved the revaluation implementation forward to April 1, 2024. We will be mailing an informational letter to all property owners in September outlining the revaluation process. Additional information regarding the revaluation schedule and process will be available on the Town website and updates will be included in the Town Crier as the project progresses.

The revised schedule will give us 18 months to complete the revaluation compared to the original 12-month window. Additionally with interest rates and inventory on the rise, the market has begun to stabilize and sales through March of 2024 will be used in the analysis. The expanded revaluation timetable will also allow us to have substantially finalized valuations during the FY 2025 budget preparation.

The real estate market since the end of 2020 has seen unprecedented sales activity.

Cumberland Residential Sales 1/1/21 – 12/31/21

Median Sale Price:	\$541,000
Average Sale Price:	\$681,900
Average # of days on market:	11
Sales over asking price (%):	84
Average amount over asking:	\$ 59,400
Non-Maine resident buyers:	38%

Cumberland Residential Sales 1/1/22 – 6/30/22

Median Sale Price:	\$590,000
Average Sale Price:	\$823,900
Average # of days on Market:	9
Sales Over Asking Price (%):	77
Average amount over asking:	\$ 56,100
Non-Maine Resident buyers:	13%

During the January 1, 2021 to June 30, 2022 period there were typically no more than 5 or 6 properties listed for sale which created multiple bid offers. There were numerous cases that involved cash offers with no inspections. Only 13% of sales involved seller concessions.

Currently, there are 18 homes listed for sale with 4 indicating reduced asking price. The market seems to be slowing which will provide us with sale data that is more indicative of a normalized market for use in the development of land and building schedules used in the revaluation.

Chairman Foster asked for any public comment.
No public comment.

22 – 093 To hold a Public Hearing to consider and act on setting the FY2023 tax rate.

Tax Assessor, John Brushwein said that the 2022-23 commitment is complete with tax bills are scheduled to be mailed the 1st week in August. It is his recommendation that the tax rate be set at \$21.20 per \$1,000.00 of assessed value which represents a 3.16% (65 cent) increase above the 2021-2022 rate of \$20.55.

The overall assessed valuation of the Town increased by approximately \$33,897,130 as a result of new construction, land divisions, and additional personal property. The total taxable valuation of the Town is currently \$1,474,609,630. The \$25,000 homestead exemption is adjusted by the certified ratio which for FY23 is 89% which brings the exemption down to \$22,250.00. The table below represents the tax increase resulting from the 2022-23 rate change.

ASSESSED VALUE	TAX INC.	TAX INCREASE PER \$100,000
\$250,000	\$162.50	\$65.00
\$300,000	\$195.00	
\$400,000	\$260.00	
\$500,000	\$325.00	
\$1,000,000	\$650.00	

LD1 (2005) requires municipalities to calculate a property tax levy limit annually. If the municipality exceeds the limit, a vote must be taken by the local governing body to exceed the limit. The limit is based on local property growth and statewide average personal income growth. The State Office of Policy and Management calculates the personal income growth based on a 10-year average. This year's LD1 calculation resulted in a Municipal Property Tax Levy limit of \$6,582,906.00. The FY 2023 Municipal Property Tax Levy is \$6,151,008.00 which is \$431,898.00 under the limit, therefore, no vote is needed to exceed the limit.

Chairman Foster opened the Public Hearing.
 No public discussion.
 Chairman Foster closed the Public Hearing.

Motion by Councilor Copp, seconded by Councilor Segrist, to set the municipal tax rate for FY2023 at \$21.20 per \$1,000.00.
 VOTE: 7-0 UNANIMOUS

22 – 094 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.

Chairman Foster explained that every year, we get a recommendation from Maine Municipal Association for the interest rate on delinquent taxes. This year, they are recommending 4%. This is not done as a method for the Town to make money, it is simply an interest rate for past due payments.

Chairman Foster opened the Public Hearing.
 No public comment.
 Chairman Foster closed the Public Hearing.

Motion by Councilor Filson, seconded by Councilor Segrist, to set an interest rate of 4% for delinquent real and personal property taxes for FY2023.

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

22 – 095 To hear a report from Communications Director, Whitney Miller re: Annual Senior Tax Rebate Program.

Communications Director, Whitney Miller explained that the Town is preparing for our Annual Senior Tax Assistance program that occurs in early August. Letters and applications will be mailed out this week to previous applicants. To be eligible for the program, applicants must meet all of the following qualifications:

- 70 years of age or older
- Have a homestead in the Town of Cumberland
- Be a resident of the Town of Cumberland for at least 10 years
- Combined household income does not exceed \$91,000

How to Apply:

During the first week of August, stop by Cumberland Town Hall during the drop-in hours listed below. A staff member will review your application in 5 minutes or less. No appointment is necessary.

- **Monday, August 1st:** 9-11am
- **Tuesday, August 2nd:** 9-11am
- **Wednesday, August 3rd:** 1-4pm

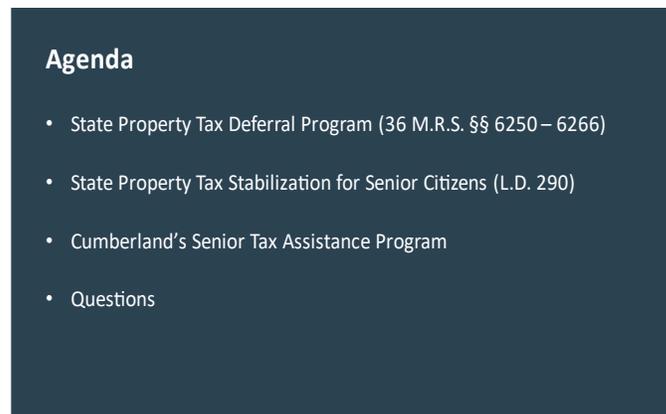
What to Bring:

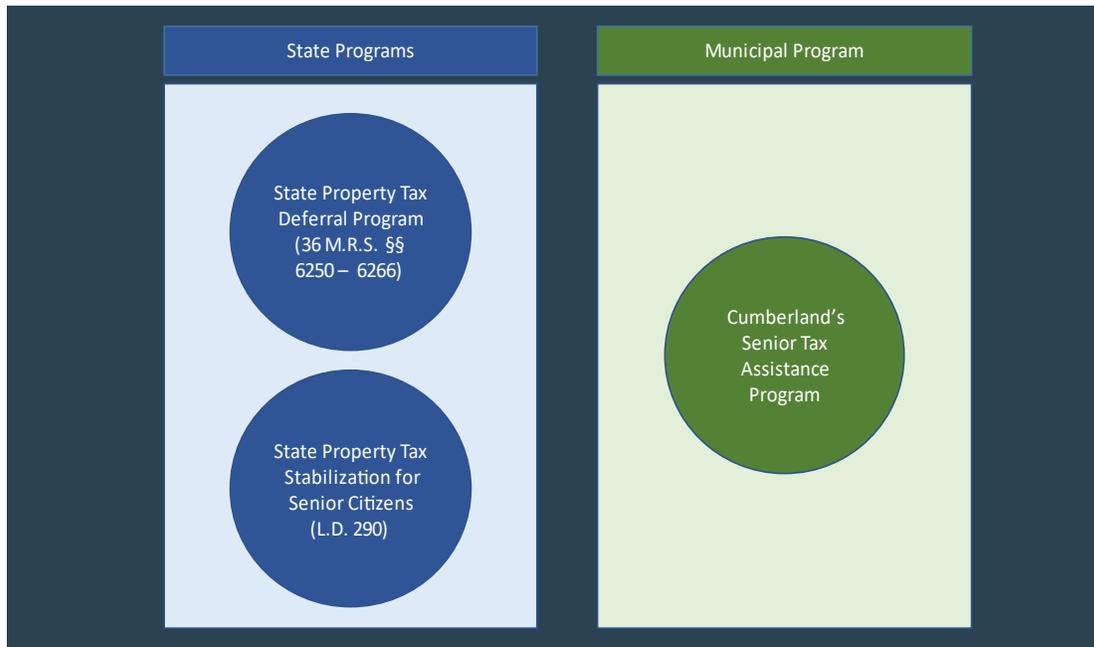
When you come to Town Hall, please bring the following with you:

- Application
- A copy of your 2021 tax filing *(If you do not file taxes, please bring 1099's or other forms to document income.)*
- Renters: a copy of your lease.

22 – 096 To hear a report from Councilor Segrist re: a comparison of the two State Senior Tax Programs and the one Town Senior Tax program.

Councilor Segrist presented the following:





	State Property Tax Deferral Program (36 M.R.S. §§ 6250 – 6266)	State Property Tax Stabilization For Senior Citizens (L.D. 290) (Sen. Trey Stewart, Presque Isle)
Program Type:	Full Deferral All Taxes Deferred	Stabilization Increment Deferred
State Reimbursement:	Yes All Taxes	Yes Increment Only
Requirements:	65 Years of Age or Older Derived In Homestead for 10+ Years Income of \$40,000 or Less Liquid Assets of Less Than \$50,000 (or \$75,000 if filing joint application)	65 Years of Age or Older Derived In Homestead for 10+ Years
Transfer Status:	Non-transferable Taxes plus interest must be repaid to State upon death, sale of or movement from property	Transferable taxpayer's "frozen" or "stabilized" baseline liability moves with them to any new property in Maine
Limitations:	No Municipal Tax Lien on Property Deferral of Taxes under Municipal Property Tax Deferral Program (Title 36, Chapter 908A).	None
Additional Comments:	Program currently only covers seniors making under \$40K per year. Seniors will need to decide if they want full tax amount deferred (or simply the "increment" amount - see LD 290); Annual Application (Jan. 1st - Apr. 1st).	No Income Requirement. Municipality may recover from State 100% of the deferred tax amount. Program takes effect Aug. 8th; Annual Application (Dec. 1st Filing Deadline) 2022. Taxes Stabilized for 2023.

	Cumberland's Senior Tax Assistance Program (Ch. 261 – Taxation, Art. I)
Program Type:	Refund up to \$750
State Reimbursement:	None
Requirements:	70 Years of Age or Older Homestead in the Town of Cumberland Resident of the Town for at least 10 Year Combined Household Income does not exceed \$91,000
Transfer Status:	Non-Transferrable
Limitations:	None
Additional Comments:	Annual Application (Available in late July now); Town officials meet with eligible applications first week of August, Aug. 1st–Aug. 3rd)

Chairman Foster asked for any public comment.

State Representative, Steve Moriarty of 12 Oak Street said that this program is not a deferral program, it is paid by the State. The law says that a Town may recover 100% of the increment above the stabilized point, but it's not mandatory. There is a provision in the constitution that says if there is State reimbursement in a program such as this, that reimbursement shall be no less than 50%. We don't know at this point if the State is going to be able to reimburse at 100%. There are a lot of issues to address in the upcoming year when the new Legislature takes office.

22 – 097 To hold a Public Hearing to consider and act on amendments to Chapter 250 (Subdivision of Land), Attachment 1 (Subdivision Road Standards), Table 2 (Geometric Design Standards) of the Cumberland Code to amend requirements for residential access to clarify a total width of 36 feet to include easements on each side for snow storage and utilities, as recommended by the Planning Board.

Chairman Foster explained that this is simply stating that the total width of 36' is in fact the total, and not an additional 5' on each side of the road for snow storage.

Chairman Foster opened the Public Hearing.

No public comment.

Chairman Foster closed the Public Hearing.

Motion by Councilor Vail, seconded by Councilor Storey-King, to amend Chapter 250 (Subdivision of Land), Attachment 1 (Subdivision Road Standards), Table 2 (Geometric Design Standards) of the Cumberland Code to amend requirements for residential access to clarify a total width of 36 feet to include easements on each side for snow storage and utilities, as recommended by the Planning Board.

VOTE: 7-0 UNANIMOUS

22 – 098 To hold a Public Hearing to consider and act on amendments to Chapter 315 (Zoning), Section 61 (Street Construction), Article VI (General Regulations), Section C, to amend private way standards for a total width of 36 feet to include easements on each side for snow storage and utilities, as recommended by the Planning Board.

Chairman Foster asked for any public comment.
No public comment.

Motion by Councilor Copp, seconded by Councilor Storey-King, to amend to Chapter 315 (Zoning), Section 61 (Street Construction), Article VI (General Regulations), Section C, to amend private way standards for a total width of 36 feet to include easements on each side for snow storage and utilities, as recommended by the Planning Board.

VOTE: 7-0 UNANIMOUS

22 – 099 To award contracts for drainage improvements on Ole Musket Road and Longmeadows Road to A.H. Grover Inc.

Chairman Foster explained that 4 bids were received, and A.H. Grover was the low bidder. There is a stipulation in the contract that all construction would need to be completed by July 15, 2023. Construction may start in October of this year, and it would have to stop by November 15th, then reconvene in the spring.

Chairman Foster asked for any public comment.
No public comment.

Motion by Councilor Copp, seconded by Councilor Storey-King, to award the contracts for drainage improvements on Ole Musket Road and Long Meadows Road to A.H. Grover Inc.

VOTE: 7-0 UNANIMOUS

22 – 100 To hold a Public Hearing to consider and act on a Mass Gathering Permit for Pineridge Acres Community Fall Fest to be held September 16th through October 31st.

Michael Cianchette, of Pineridge Acres, said that is a big fall party at the farm and they are looking forward to hosting a great event for people to come to and enjoy some outdoor fun with some good food, walking through a corn maze, and shoot a potato cannon. It will run from 10 a.m. to 6 p.m. from September 16th through Halloween on Friday, Saturday, and Sunday.

They have a website for the event, and it can be found at: <http://www.pineridgemaine.com/fall-fest/>

Chairman Foster opened the Public Hearing.
No public comment.
Chairman Foster closed the Public Hearing.

Motion by Councilor Storey-King, seconded by Councilor Segrist, to approve the Mass Gathering permit for Pineridge Acres Community Fall Fest to be held September 16th through October 31st.

VOTE: 7-0 UNANIMOUS

V. **NEW BUSINESS**

Councilor Copp – he made his donation to the 4-H fund that benefits the food pantry, as he does at every meeting and reminded everyone to donate to this worthy cause.

The Town Council has decided to interview all 8 school board candidates on the evening of August 3rd and the selected candidate will be appointed at the August 8th Town Council meeting.

Condolences to the Smith family on the passing of Whit Smith. The Smith family has some deep roots in this Town.

Councilor Filson – The Town Council and Planning Board will meet jointly in the near future to discuss the new State zoning law (LD2003), which goes into effect on July 1, 2023 in regard to subdivisions and future growth.

Councilor Vail – The Housing Task Force is holding their first meeting tomorrow evening. He is excited about this group getting started.

Chairman Foster – The 2022 survey results are in, and she will prepare some slides on the data and sent it to the Town Councilors by next Monday. This will allow a week for the results to be reviewed and ready to discuss in a workshop on August 8th.

We have a tentative date of September 13th for the Town Council, North Yarmouth Selectboard, and MSDA 51 to meet.

Councilor Segrist – Thank you to State Representative Moriarty for coming to the meeting this evening and adding some clarification and his thoughts regarding the new State senior tax program. These programs are very important, and he thinks that people who are eligible should learn more about the programs and take advantage of them. There will be a meeting later this week with State Representative Moriarty and State Senator Breen to discuss what we could potentially do at the local level in terms of a deferral program, in the event that LD290 doesn't have the necessary funding or some other implementation issues.

He noticed that the stone entry way into Wildwood has been fixed. It was knocked down last year during a snowstorm and the Town has now fixed it. It looks great.

Councilor Edes – Condolences to the Downey family on the passing of Chip Downey. Chip was a long-time friend of his.

He is very concerned about the new State zoning law that was passed that supersedes the Town zoning. He understands the legislatures aim, but Cumberland has done a great job on zoning and cluster housing. This new law worries him, and we should consider a building moratorium until we get a grip on what could happen.

Councilor Storey-King – The Ordinance Committee met last Wednesday. We are working on the sign ordinance, which should be before the Council soon. She had a suggestion that the Town Manager is looking into. She thinks it would be a good idea to limit temporary signs on Town owned property in front of monuments and cemeteries. It is the respectful thing to do. We are also looking at small

amendments to the Town Charter and a zone change request in West Cumberland regarding setback requirements.

The Library Board did not meet this month, but they sent out their weekly update and there are a couple of things that she found interesting. On Friday night, there will be a jazz concert at the outdoor amphitheater at the high school and tomorrow the library will host Mr. Drew and Animals Too on the back lawn of the library.

The Cumberland Historical Society is waiting for its elevator inspection, and they are planning a soft opening in September.

VI. ADJOURNMENT

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

VOTE: 7-0 UNANIMOUS

TIME: 8:31 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary