

III. PUBLIC DISCUSSION

None

IV. LEGISLATION AND POLICY

12 – 053 To hear a report from the Finance Committee re: 3rd quarter financials.
Councilor Stiles introduced Finance Director, Alex Kimball who presented the following:

3rd Quarter 2011-12 Budget Update

Not as inexpensive a winter as one might think

Storm Related Expenses through 3/31

	Overtime	Diesel	Road Salt	Totals
2011-12 Budget	\$ 60,000	\$ 40,000	\$ 95,000	\$ 195,000
2011-12 YTD	\$ 45,302	\$ 42,434	\$ 90,228	\$ 177,964
2010-11 YTD	\$ 56,452	\$ 37,767	\$ 96,313	\$ 190,532
2009-10 YTD	\$ 41,124	\$ 28,708	\$ 80,864	\$ 150,696
2008-09 YTD	\$ 53,749	\$ 27,659	\$ 127,405	\$ 208,813
2007-08 YTD	\$ 70,751	\$ 35,000	\$ 113,878	\$ 219,629

Town of Cumberland Through March 31, 2012				
Year To Date Expenses				
Department	Budget	2011-12 YTD Expenses	Used	2010-11 Used
General Administration	\$ 1,018,843	\$ 842,707	82.7%	78.7%
Public Safety	\$ 1,865,778	\$ 1,408,850	75.5%	78.2%
Public Works	\$ 1,557,165	\$ 1,188,912	76.4%	76.0%
Parks & Recreation	\$ 658,242	\$ 550,217	83.6%	82.5%
Library	\$ 363,875	\$ 264,345	72.6%	76.5%
Other Expenses	\$ 351,355	\$ 309,694	88.1%	90.6%
Controllable Expense Total	\$ 5,815,258	\$ 4,564,725	78.50%	78.75%
Other Expenses				
	Budget	YTD Expenses	Used	Used
MSAD #51	\$ 12,354,475	\$ 9,263,022	75.0%	74.9%
Debt Service	\$ 951,583	\$ 810,233	85.1%	81.9%
County Tax	\$ 601,242	\$ 601,242	100.0%	100.0%
Capital Imp. Plan	\$ 333,485	\$ 333,485	100.0%	100.0%
Insurance	\$ 263,275	\$ 246,387	93.6%	101.6%
Other Expense Total	\$ 14,504,060	\$ 11,254,370	77.59%	77.55%
All Expenses Total	\$ 20,319,318	\$ 15,819,095	77.85%	77.90%

Revenues are up

Revenues Through 03/31/12

Description	Budget	2011-2012 Actual	Percent Collected	2010-11 %
Misc Revenues	\$ 2,401,116	\$ 1,794,144	75%	73%
Dept Revenues	\$ 1,091,300	\$ 683,134	63%	54%
Total Revenues	\$ 3,492,416	\$ 2,477,278	71%	67%
Selected Revenue Lines				
	Budget	Actual	11-12	10-11
Excise Tax	\$ 1,330,446	\$ 977,125	73%	74%
State Revenue Sharing	\$ 550,000	\$ 438,196	80%	83%
Building Permits	\$ 40,000	\$ 45,318	113%	69%
Recreation Revenues	\$ 409,057	\$ 303,001	74%	47%
Bags/Universal Waste	\$ 300,000	\$ 165,795	55%	50%

The overall budget is projected to exceed expectations by .5%

Estimated 2011-12 General Fund Budget vs. Actual

	Budget	Actual	\$ Variance	% Variance
Revenues	\$ 20,970,529	\$ 21,113,949	\$ 143,420	0.7%
Expenses	\$ 20,319,318	\$ 20,369,998	\$ 50,680	0.2%
Net Effect			\$ 92,740	0.5%

12 – 054 To hold a Public Hearing to consider and act on draft zoning amendments to the Recreational Facilities & Open Space Impact Fee Ordinance.

Town Manager Shane presented the following Impact Fee calculation explaining that the Ordinance Subcommittee met last week, reviewed and approved this calculation.

IMPACT FEE CALCULATION

Rines	\$1,241,000	WITH 1,000 SF DISCOUNT	Option 2
TB	\$1,594,546		
Total	\$2,835,546		A
Impact Fees Collected	\$730,814		B
Unpaid Debt	\$2,104,732		A- B
30 Yr note @ 4% \$2.1 M	\$121,717		C Annual Debt
Cost Per Growth Permit (50)	\$2,434		D C / 50
Avg Size Home	2,739	1,000	E
		SF Discount	Net for Impact
Impact Fee Per SQ Foot	\$1.40		D/E
2739 AVG SF - 1000 SF Discount			

Home SF	Present - 500 SF at \$1.36	Modified - 1000 SF at \$1.40	% Difference
1,500	\$1,360	\$700	-48.53%
1,750	\$1,700	\$1,050	-38.24%
2,000	\$2,040	\$1,400	-31.37%
2,250	\$2,380	\$1,750	-26.47%
2,500	\$2,720	\$2,100	-22.79%
2,750	\$3,060	\$2,450	-19.93%
3,000	\$3,400	\$2,800	-17.65%
3,250	\$3,740	\$3,150	-15.78%
3,500	\$4,080	\$3,500	-14.22%
3,750	\$4,420	\$3,850	-12.90%
4,000	\$4,760	\$4,200	-11.76%
4,250	\$5,100	\$4,550	-10.78%
4,500	\$5,440	\$4,900	-9.93%
4,750	\$5,780	\$5,250	-9.17%
5,000	\$6,120	\$5,600	-8.50%
5,250	\$6,460	\$5,950	-7.89%
5,500	\$6,800	\$6,300	-7.35%

OLD FEES STAFF PROPOSED MODIFIED 3/26/12

Home SF	Present - 500 SF at \$1.36	Staff Proposal 500 SF at \$1.09	% Difference	Modified - 1000 SF at \$1.40	% Difference
1,500	\$1,360	\$1,090	-19.85%	\$700	-48.53%
1,750	\$1,700	\$1,363	-19.85%	\$1,050	-38.24%
2,000	\$2,040	\$1,635	-19.85%	\$1,400	-31.37%
2,250	\$2,380	\$1,908	-19.85%	\$1,750	-26.47%
2,500	\$2,720	\$2,180	-19.85%	\$2,100	-22.79%
2,750	\$3,060	\$2,453	-19.85%	\$2,450	-19.93%
3,000	\$3,400	\$2,725	-19.85%	\$2,800	-17.65%
3,250	\$3,740	\$2,998	-19.85%	\$3,150	-15.78%
3,500	\$4,080	\$3,270	-19.85%	\$3,500	-14.22%
3,750	\$4,420	\$3,543	-19.85%	\$3,850	-12.90%
4,000	\$4,760	\$3,815	-19.85%	\$4,200	-11.76%
4,250	\$5,100	\$4,088	-19.85%	\$4,550	-10.78%
4,500	\$5,440	\$4,360	-19.85%	\$4,900	-9.93%
4,750	\$5,780	\$4,633	-19.85%	\$5,250	-9.17%
5,000	\$6,120	\$4,905	-19.85%	\$5,600	-8.50%
5,250	\$6,460	\$5,178	-19.85%	\$5,950	-7.89%
5,500	\$6,800	\$5,450	-19.85%	\$6,300	-7.35%

Councilor Turner said that this calculation made sense to the Ordinance Committee and is the most attractive option. This creates a progressive situation. The less square footage, the less cost. It seems to be the fairest alternative.

Public discussion: Brad Hilton of Blanchard Road said he feels that when the Impact Fee Ordinance was introduced in 2000, it was very appropriate for that point in time. The environment is very different now and he feels that the Impact Fee is fighting against the Town and the Town is losing real estate revenue and school population growth. He said that the Impact Fee is going to raise his taxes because it hinders growth in Cumberland. Mr. Hilton said that Cumberland needs more pupils in the schools and more real estate revenue. He requested that the Council vote to eliminate Impact Fees in order to get a clear view of where the Council stands. The votes at the last meeting were a little confusing and he was not able to tell how each Councilor felt about this issue. Mr. Hilton said that we need to be a little more competitive with our neighboring towns and they way to do this is by eliminating the impact fees.

Adam Dews of Lower Methodist Road asked if this is the only fee that someone would pay the Town if they build a new house.

Town Manager Shane responded that it is not. Building, plumbing, and electrical permits are also required and are additional fees.

Councilor Turner responded to Mr. Hilton saying that if the Town had no obligations relative to Impact Fees, it would be a very easy vote for him. He agrees with most of what Mr. Hilton said, adding that he feels that there is a substantial psychological impact to someone looking into moving into Cumberland. However, if we are not going to continue to pay for the Rines Forest with Impact Fees, the only other option is to raise property taxes.

Councilor Storey-King also responded to Mr. Hilton saying that to eliminate any fee would be a popular idea, but as Councilor Turner said, we have an obligation. The other point that she wants to respond to is, from her experience, she does not see any evidence that shows eliminating the Impact Fee will increase school growth. All the surrounding communities are losing school population. There are no children out there waiting to be scooped up by the Town of Cumberland. Falmouth and Yarmouth both have declining school population. The population in the entire state is going down. Since it is well known that there will be no great influx in property taxes, increasing the commercial tax base has been the big push in order to promote growth in the most sensible and logical places. Right now, for Cumberland, that is in our commercial tax base. On a positive note, there has been an increase in building permits over the past year. She said that she is simply not seeing the evidence that eliminating Impact Fees will make a significant difference.

Councilor Moriarty responded to Mr. Dews saying that no matter where someone builds in the State, there would be some sort of municipal fee associated with new construction. Cumberland Impact Fees are only for new construction and do not apply to someone who is purchasing an existing home.

Motion by Councilor Copp, seconded by Councilor Gruber, to amend the Recreational Facilities & Open Space Impact Fee Ordinance to charge \$1.40 per square foot and exempt the first 1,000 feet from the Impact Fee calculation.

VOTE: 7-0

UNANIMOUS PASSAGE

12 – 055 To hold a Public Hearing to consider and act on draft amendments to the Route 100 Design Standards to add Section 2.1.5 (Overhead Doors), as recommended by the Planning Board.
TABLED 3-26-12

Town Manager Shane said that staff is recommending not to define overhead doors in the Route 100 Design Standards and allow the Planning Board handle it to be sure overhead doors are in proportion with the architecture, etc.

Public discussion: Adam Dews of Lower Methodist Road thanked the Manager for his recommendation. He felt that adding the definition of overhead doors would be anti-business by limiting the style or size door allowed.

Motion by Councilor Moriarty, seconded by Councilor Turner, to not amend the Route 100 design Standards to include a definition of overhead doors and to allow the Planning Board to review overhead door design and placement as part of their review of the overall structure under consideration.

VOTE: 6-1 (Copp opposed)

MOTION PASSES

12 – 056 To hold a Public Hearing to consider and act on a Mass Gathering Permit for the Cumberland Farmers Club's "Cumberland/Windham Family Fundraiser" to be held at the Cumberland Fairgrounds on May 5, 2012 from 1:00 – 8:30 p.m.

Town Manager Shane said the application is in order and staff is recommending approval. Mike Timmons of the Cumberland Farmer's Club is present this evening and has respectfully requested that the Council consider

waiving the Mass Gathering Permit fee so that additional money can be donated to the two charities who will benefit from the event.

Mike Timmons thanked the Council for their consideration in approving the Mass Gathering Permit and their consideration in waiving the fee.

Public discussion: None

Councilor Stiles said that as a member of the Cumberland Farmers Club, he will recuse himself from discussion and vote on this item.

Motion by Councilor Copp, seconded by Councilor Moriarty, to approve the Mass Gathering Permit for the Cumberland Farmers Club's "Cumberland/Windham Family Fundraiser" to be held at the Cumberland Fairgrounds on May 5, 2012 from 1:00 – 8:30 p.m. and to waive the Mass Gathering Fee of \$250.00

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

12 – 057 To hold a Public Hearing to consider and act on a Mass Gathering Permit for Nassau Broadcasting's "Maine's Ultimate Yard Sale" to be held at the Cumberland Fairgrounds on June 9, 2012 from 9:00 a.m. – 2:00 p.m.

Town Manager said that staff is recommending approval.

Public discussion: None

Motion by Councilor Storey-King, seconded by Councilor Turner, to approve the Mass Gathering Permit for Nassau Broadcasting's "Maine's Ultimate Yard Sale" to be held at the Cumberland Fairgrounds on June 9, 2012 from 9:00 a.m. – 2:00 p.m.

VOTE: 7-0 UNANIMOUS PASSAGE

12 – 058 To hold a Public Hearing to consider and act on a Mass Gathering Permit for the "Chickadee Classic Dog Show" to be held at the Cumberland Fairgrounds, June 21st – 24th from 8:00 a.m. – 5:00 p.m.

Town Manager Shane said that staff is recommending approval. The fee is \$250 because of the smaller size of the event and they are anticipating no need for Police or Fire Department coverage.

Public discussion: None

Motion by Councilor Moriarty, seconded by Councilor Storey-King, to approve the Mass Gathering Permit for the "Chickadee Classic Dog Show" to be held at the Cumberland Fairgrounds, June 21st – 24th from 8:00 a.m. – 5:00 p.m.

VOTE: 7-0 UNANIMOUS PASSAGE

12 – 059 To consider and act on a Victualer's License for Seamus Maguire d/b/a Steakhouse Steaks.

Town Manager Shane said that staff is recommending approval. This is a door-to-door type business with a freezer truck, clearly marked with the business name.

Councilor Gruber said that he is not supportive of a door-to-door business. He feels that it could become a nuisance for residents.

Motion by Councilor Turner, seconded by Councilor Stiles, to approve the Victualer's License for Seamus Maguire d/b/a Steakhouse Steaks.

VOTE: 6-1 (Gruber opposed) MOTION PASSES

12 – 060 To appoint Democratic and Republican Election Clerks.

Motion by Councilor Moriarty, seconded by Councilor Stiles, to appoint Democratic and Republican Election Clerks as recommended by the Town Clerk.

VOTE: 7-0 UNANIMOUS PASSAGE

12 – 061 To set a Public Hearing date (April 23rd) to consider and act on a Mass Gathering Permit for the Cumberland Farmer's Club 2nd Annual Cumberland "Sho-n-Shine Car Show" to be held at the Cumberland Fairgrounds on June 10, 2012 from 8:00 a.m. to 3:00 p.m.

Motion by Councilor Stiles, seconded by Councilor Copp, to set a Public Hearing date of April 23rd to consider and act on a Mass Gathering Permit for the Cumberland Farmer's Club 2nd Annual Cumberland "Sho-n-Shine Car Show" to be held at the Cumberland Fairgrounds on June 10, 2012 from 8:00 a.m. to 3:00 p.m.

VOTE: 7-0 UNANIMOUS PASSAGE

12 – 062 To set a Public Hearing date (April 23rd) to consider and act on amendments to the Fees and Fines Ordinance to add Twin Brook Recreation Facility Usage Fees.

Motion by Councilor Gruber, seconded by Councilor Copp, to set a Public Hearing date of April 23rd to consider and act on amendments to the Fees and Fines Ordinance to add Twin Brook Recreation Facility Usage Fees.

VOTE: 7-0 UNANIMOUS PASSAGE


12 – 063 To set a Public Hearing date (April 23rd) to consider and act on draft zoning amendments to Section 204.14 (Industrial Zone) of the Cumberland Zoning Ordinance to add motor vehicle sales as a permitted use, as recommended by the Planning Board.

Motion by Councilor Stiles, seconded by Councilor Moriarty, to set a Public Hearing date of April 23rd to consider and act on draft zoning amendments to Section 204.14 (Industrial Zone) of the Cumberland Zoning Ordinance to add motor vehicle sales as a permitted use, as recommended by the Planning Board.

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

12 – 064 To hold a Public Hearing to consider and act on adoption of the FY'13 Municipal Budget.

Town Manager Shane presented the following:



FY 13 Budget Overview
Monday, April 9, 2012

William R. Shane
Town Manager

Budget 2013 – Overview

FUND BALANCE POLICY

Goal – 2 months or 16.67% of real fund balance = \$3.2 M
Present- \$ 2,105,042 June 30, 2011

Strategies:

1. Eliminate deficit funds in Enterprise Funds & Capital Reserves
2. Use end of year surplus to pay down deficit funds
3. Once deficit funds gone- build up Capital Reserves
4. Once All of the Above Met- build Tax Stabilization Fund

Budget 2013 – Overview

Budget Changes

Admin.

- added salary and benefit adjustments into the budget
- Retirement program adjustments

Police Dept.

- Increased Details by \$16,000 – added also to revenues

Public Works

- \$20,000 in Wages and benefits transferred for winter plowing operations from VH

Budget 2013 – Overview

Budget Changes

Recreation

- added 109,226 of expenses for ASP and added \$130,00 in revenues

Debt Service

- Decreased by \$38,032

Contingency

- Added \$36,000 for Fuel contingency – end of year adjustment

Abatements

- Added \$10,000 to better reflect the last 3 year trend

County Tax- up \$22,172

Budget 2013 – Overview

Operating Budget Changes

- Increase \$ 219,236 or 2.79 %
- Deduct \$109k for Recreation increase equals 1.4%

Capital Budget Changes

Building Reserves	\$ 27,500
Equipment Reserves	\$151,500
Roads	<u>\$381,652</u>
	\$562,652 169% increase

Budget 2013 – Overview

Operating Budget Changes	\$ 219,236	
Capital Budget Changes	<u>\$ 562,652</u>	
	\$781,888	9.8%

Budget Offsets

New Property Values	\$ 499,500
New Revenues	\$ 97,333
Overlay Reduction	<u>\$ 207,813</u>
	\$804,646

Revenues – Expenses = \$22,758

Budget 2013 – Overview

Mil Rate Today \$15.80

Mil Rate July 1st \$ 16.55 \$00.75 \$4.75%

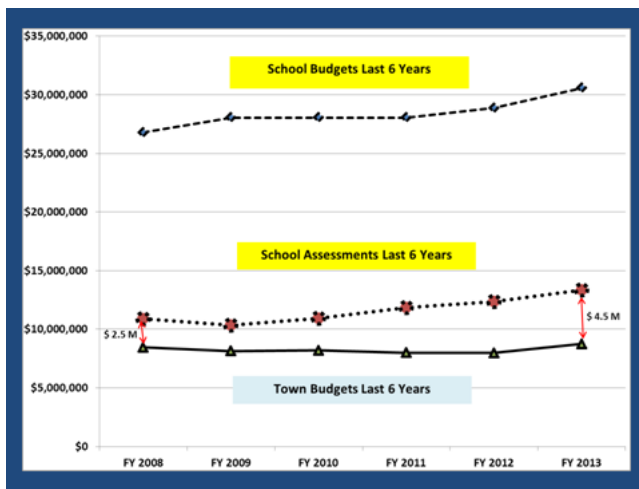
Tax Bill Breakdown		of 4.75% Increase	
School	\$ 11.55 70%		3.33%
Town	\$ 4.45 27%		1.28%
County	<u>\$ 0.55 3%</u>		<u>0.14%</u>
	\$16.55 100%		4.75%

Budget 2013 – Overview

Tax Bill Breakdown		of 4.75% Increase	
School	\$ 11.55 70%		3.33%
Town	\$ 4.45 27%		1.28%
County	<u>\$ 0.55 3%</u>		<u>0.14%</u>
	\$16.55 100%		4.75%

\$350,000 Avg. Home Breakdown - \$263 Increase

\$4,042 School
\$1,558 Town
<u>\$ 193 County</u>
\$5,793 Total



Budget 2013 – Overview

Questions & Clarifications

All Information Can be found on the
Town Website at
www.cumberlandmaine.com

Public discussion: None

Councilor Stiles said that the budget reflects the much needed repair of many roads in Town. He feels that it is time that the entire Town, as a group, contribute toward improving our roads. Councilor Stiles thanked the Council for the group effort in working on this budget.

Councilor Gruber said a lot of work went into this budget and it is the best that can be done at this time. Future budgets will require a hard look at expenses and making some hard decisions.

Chairman Perfetti said that revenues will come up when the economy rebounds. For every 10 million in new valuation the Town gains \$160,000 in revenue. Chairman Perfetti thanked Town Manager Shane for putting the budget together.

Motion by Councilor Moriarty, seconded by Councilor Stiles, to approve the FY'13 Municipal Budget not to exceed \$8,746,732.00.

VOTE: 7-0

UNANIMOUS PASSAGE

V. NEW BUSINESS

Councilor Turner – Brian Bickford has done a great job at increasing business at Val Halla. Brian is working very hard to increase membership and offer golf programs.

Cyclists need to be mindful and considerate of vehicles and use the bike lanes whenever possible. He has noticed many cyclists riding too close to the travel lane when they have the option of a bike lane and are not using it.

Councilor Copp – The Town has applied for the 2012 Certified Business Friendly Community. There were 4 letters of recommendation (that were submitted with the application) from businesses relocating to Cumberland who appreciated the efforts and assistance shown to them by the Town.

Councilor Storey-King – Congratulations to the Town Manager and Economic Development Director for submitting the application for the Business Friendly Community.

Reminder to residents to obtain a building permit, or check with the Code Enforcement office to see if a permit is required, for any home repairs or remodeling projects.

April 28th is the annual Fire Department Banquet. She will be attending and encouraged other Councilors to attend. This is a great annual event for the Fire Department.

Councilor Moriarty – There was an open house at Val Halla this past weekend. It was a great way to kick off the golf season.

He plans also plans to attend the Fire Department Banquet.

Chairman Perfetti – There will be a Council Workshop on April 23rd regarding Twin Brook fees. He will be away and unable to attend the Fire Department Banquet or the April 23rd Town Council Meeting.

Councilor Stiles – He will not be able to attend the Fire Department Banquet, as he will be on vacation at the Grand Canyon.

He also attended the open house at Val Halla and had Easter Dinner at Rachel's On the Green. Both events were excellent.

Councilor Gruber – The annual walk for Habitat for Humanity was last Friday. He saw a number of people participating, which is wonderful.

Bulky waste pick-up week will be May 14 – 18. If residents have household items that can be donated to the Habitat for Humanity Re-Store (in Portland), contact them and they will come pick it up. It will help a good cause and help the Town save money in disposals fees.

Town Manager Shane – Cumberland was one of 19 towns who submitted applications to be a 2012 Business Friendly Community.

There will be a Public Hearing in Yarmouth tomorrow evening with the Maine Department of Transportation regarding the Exit 15 improvements. We are looking forward to the improvement and the project will have a positive impact on Cumberland.

VI. ADJOURNMENT

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

VOTE: 7-0

UNANIMOUS PASSAGE

TIME: 8:59 p.m.

Respectfully submitted by,

Brenda L. Moore
Council Secretary