

MINUTES

Cumberland Town Council Meeting
Town Council Chambers

MONDAY, DECEMBER 27, 2010

6:00 p.m. Workshop

8:00 p.m. Call to Order

6:00 – 7:30 P.M. WORKSHOP re: development proposal from Bateman Partners, LLC

7:30 – 8:00 P.M. *televised workshop re: Drowne Road revitalization project overview with Bateman Partners, LLC.*

WORKSHOPS CANCELLED DUE TO WEATHER. TABLED TO SPECIAL TOWN COUNCIL MEETING ON JANUARY 3, 2011.

7:00 p.m. Call to Order

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

I. APPROVAL OF MINUTES

December 13, 2010

Motion by Councilor Moriarty, to approve the December 13, 2010 minutes as presented, seconded by Councilor Turner.

VOTE: 7-0 UNANIMOUS PASSAGE

II. PUBLIC DISCUSSION

Linda Vail, 16 Wild Way, said that she is here this evening as friend, not foe. As the Council is aware, her husband, Robert Vail, resigned from the Planning Board following a telephone call last week, giving him a heads up that he would not be reappointed this evening. It became evident to Mrs. Vail that there were some things out of hand. She is not here this evening asking the Council to defend their decision. She recognizes that there are capable citizens that will provide insight, but she has some concerns that she would like to express. She asks the Council and the residents of Cumberland to step back take a deep breath and focus our energies on the future. With the future in mind, she has three requests for the Council members:

- 1) To better understand the impact that their voice has on the community. Each Council member has to remember that their voice inherently has the potential to carry more weight within the community. Your voice can help unite and it can also divide a community. Recognizing that at times, you have a difficult job to do, but it is still expected that you will maintain composure as individuals when you speak about town affairs or discussions as it relates to individuals and their service on boards or committees. You are, after all, held to a higher standard. If you are angry with any member of a board or committee that is serving our community, surely, there is a time and place to voice those concerns and anger. A member of this Council should refrain from venting those frustrations or expressing anger with an individual to the general public. It is just not accepted and it should not be tolerated. A suggestion is to listen more and talk less. She thinks that the Council has a responsibility to each other to reign yourselves in when you have fellow members that had begun to cross that line.
- 2) She would ask that the Council avoid the appearance of retaliation. Many towns and cities throughout the state (and country) struggle to find citizens willing to give their time to serve their communities. Honestly, at this point in time, she is not sure that she would be willing to serve this community. She thinks that she would feel compromised by spending time wondering which way the Council wind is blowing and she is not willing to be in the spotlight if she took a position that deviated from that of the Council. She feels that the Council would better serve the community if they recognize and expect that the action that they take can have the appearance of retaliation.

3) She thinks that it is important for the Council to implement a more consistent and orderly transition with people coming on and off boards. Communication regarding who is being selected and who is not being selected should be communicated more consistently, professionally, and courteously. These people are also making sacrifices to serve the community. She has often said that hindsight can be a cruelty of life, but she also thinks that there is something to learn from mistakes in life, moments of bad judgment, and loss of composure. She suggested that the Council start by looking at projects as things that belong to the community, not the Council. At the end of the day, she has chosen to believe that most are well intended, but we need to work harder to prevent dividing our community. It is a distraction that we cannot afford and she asked the Council to act with more deliberate integrity, honesty, courage, and professional conduct. She does not make this statement to make anyone on the Council defensive, but she does feel that it is a good time to stand back. We all know that united we stand and divided we fall. She has not lost her faith, but chooses to look at this as a bump in the road. The goal is to make Cumberland one of the best places to live, work, and prosper. Let's be proud of conducting ourselves as respectful and supportive of each other. Let's be sure that we are extending that same gesture to our neighbors and our surrounding communities.

III. LEGISLATION AND POLICY

10 – 177 To hold a Public Hearing to authorize the Town Manager to develop letters of intent for the sale, lease or transfer of the Doane Property, the Public Works Facility, and the Drowne Road School, and to work with Bateman Partners, LLC to create a master development plan for the entire project area, to be reviewed and report back to the Town Council no later than February 14, 2011.

Chairman Storey-King reviewed the project process for the public:

- Town purchased the 40.68 acres at the end of Drowne Rd. from the Doane family in the 90's.
- For nearly a decade, it sat as a town asset, with little action or consideration.
- As budgets tightened and the town council began to look at the usefulness of town properties, we looked at whether the town owned land that might be better used to generate revenue, at the very least be sold and put back on the tax roles. This property is one of those properties.
- In 2007, a committee was formed to make recommendations for the best use of this parcel. It was chaired by Pam Russell. Jeff Daigle was vice-chair, and many neighbors both in the commons and on the Main Street side of the property also served on this committee.
- In 2008, the property was assessed at \$425k, and in November of that year, the committee presented the council with recommendations, two of which are significant to our current considerations.
- First, a new zone, a V-MUZ was created. This zone allows a mix of housing options from single family dwellings to duplexes and apartments. It also allows for some small scale retail and commercial uses.
- Second, it recommended that the property be sold to a private developer.
- Simultaneously, the comprehensive plan committee was meeting and establishing a vision for our community. Part of that work included a survey of citizens as to what services they want and need within their community. Similar recommendations were made for more retail and commercial services, as well as an expansion of our tax base, a hope to reduce the tax burden for homeowners. The Comprehensive Plan was adopted just last year.
- In late summer, early fall, the town council put out a request for proposals for the sale and development of the Doane property.
- One serious developer put forth a proposal, David Bateman.
- The town council met with David in October in an executive session, as is standard protocol for property transactions. We were all extremely excited by both the experience and reputation of the David Bateman, as well as the concept he had begun and continues to develop. We knew then that we

would need to involve people as soon as possible, beginning with the neighbors. In November and December, we had three public meetings with the neighbors and others who were just beginning to hear about the project. There have been many questions asked and answered, and perhaps as many questions still to be generated and addressed, so we continue to move forward.

- Tonight, Mr. Bateman was supposed to meet with the council in a workshop session to answer some of our specific questions. We also have questions for the manager in relation to the adjacent municipal lots and town services. However, because of the weather, Mr. Bateman had to postpone, so I will be asking the council tonight to set a date of January 3 for a special town council meeting to do this work. We have on our calendars a date of January 6 to meet with the planning board to review this project and to get their feedback; I would like for us to meet before that meeting.

Town Manager Shane said that a workshop with the Town Council and Mr. Bateman will take place on January 3rd where Mr. Bateman will review the proposal for the public, review the project timeline, costs, and option agreements. After Mr. Bateman's presentation, the Manager will review the fiscal impact of the project.

Public Discussion: None

Motion by Councilor Copp, seconded by Councilor Moriarty, to table this item to a Special Town Council meeting date of January 3, 2010.

VOTE: 5-2 (Stiles & Turner opposed) MOTION PASSED

Councilor Stiles stated that he didn't feel the need to table this particular item as it only gives the Manager the authorization to put numbers together for the project, which could possibly be presented and discussed at the next Town Council meeting.

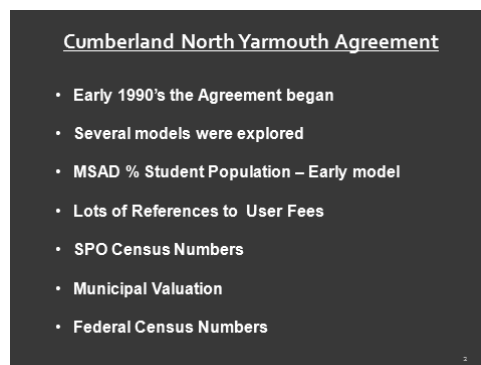
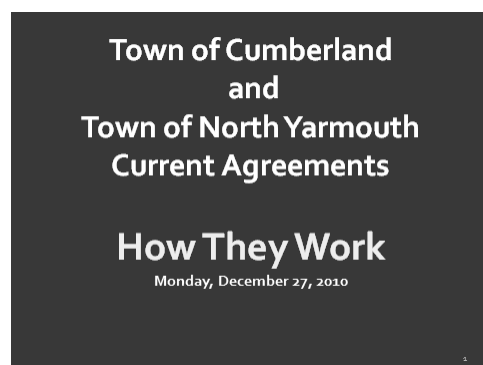
Councilor Perfetti agreed with Councilor Stiles. He felt that waiting to meet until the next regularly scheduled meeting would suffice and give the Manager enough time to prepare. He is not in favor of a special meeting.

Councilor Turner said he sees no sense in tabling this item.

Town Manager Shane explained that since the Council and the Planning Board are meeting on January 6th to discuss the details of the project, it would be best to meet with Mr. Bateman prior to that meeting.

10 – 178 To hear a report from the Town Manager re: present contracts with North Yarmouth for Recreation and Library services.

Town Manager Shane presented the following:



Cumberland North Yarmouth Agreement

MSAD 51 Student Population 2010

North Yarmouth	729	34%
Cumberland	1400	66%
Total	2129	

2010 State Valuation		
North Yarmouth	\$455,350,000	29%
Cumberland	\$1,131,350,000	71%
	\$1,586,700,000	

3

Cumberland North Yarmouth Agreement

Present Agreement

2000 Census Data

Population	North Yarmouth	3,210	31% US Census
	Cumberland	7,169	69%
	Total	10,369	

Cost Formula Census % + 5% for Admin. = 36%

4

Cumberland North Yarmouth Agreement

Why Not allow User Fees?

- User Fees work well for Programs when we're adding to an established format such as 8 soccer teams and 3 additional kids want to sign-up
- Economy of Scale we have today works well for programs for both Cumberland and North Yarmouth kids
- Cumberland Taxpayers are assessed on the same cost sharing formula offered to North Yarmouth

Expenses minus Revenues = Tax Bill

5

Cumberland North Yarmouth Agreement

What if a Fee were Calculated based on Today's Assessment

Total School Age Students N. Yarmouth	= 729
Eliminate High School (Estimate)	200
	529
Estimate 50% of Balance participate	265 Kids

Present Funding for Library & Recreation \$186,000

Annual Fee to Maintain Status Quo	\$702	50% or 265 kids
Annual Fee to Maintain Status Quo	\$352	100% or 529 kids

The numbers don't lend themselves to quality sustainable programming for children.

6

Cumberland North Yarmouth Agreement

	Recreation	Library	
Fines		\$3,101	Revenues
Interest		\$117	
Misc		\$1,144	
Fall	\$42,657		Minus
Winter	\$64,454		
Spring	\$26,524		
Summer	\$185,211		Expenses
MSAD 51	\$20,534		
Total Revenue	\$339,380	\$4,362	
Expenses	\$487,513	\$375,144	Net Costs
Net Costs	\$148,133	\$370,782	

7

Cumberland North Yarmouth Agreement

	Net Costs	\$148,133	\$370,782	
36% North Yarmouth	\$53,329	\$133,482	\$186,810	
64% Cumberland	\$94,805	\$237,300		
Winter Sidewalk Plowing			\$100/ hour	
Animal Control Officer			\$75/ call	
Channel 2- Bulletin Board & Rebroadcasts			\$2,000	
			\$188,810	

Expenses – Revenues = Net cost

Net Costs x 36% (31% population + 5% Admin) = Assessment

8

Cumberland North Yarmouth Agreement

So Why All the Stress Today?

In 2000-2006 the Town of Cumberland began actively growing the Twin Brook Site for additional Passive and Active Recreational Opportunities.

- Trails were upgraded
- Maintenance & Shelter Facilities Built
- New fields added
- Usage increased by all User group categories

In 2003/2004 representatives of Cumberland and North Yarmouth discussed the increasing demands of recreation on Twin Brooks. There was no budgets or cost accounting for maintaining any recreational fields.

9

Cumberland North Yarmouth Agreement

Twin Brooks : Costs of Operations No Debt No Capital

- In FY 2005 a Parks Budget was developed and placed under the Supervision of the Recreation Department
- The Parks Budget includes maintenance of all Twin Brooks, Commons, West Cumberland fields, Little League, Library and Town Hall grounds.
- The Parks Budget for this years is \$ 165,642
- The FY 2012 Draft Agreement includes a 3 year phase in of 50% of the Parks Budget - What's that look Like?

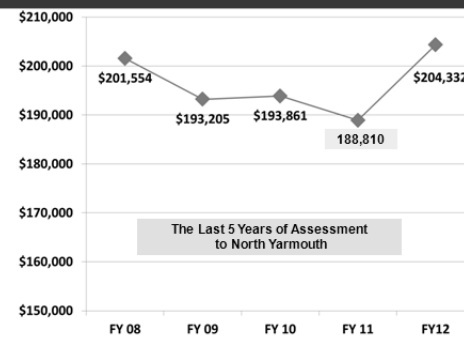
10

Cumberland North Yarmouth Agreement

	Expenses	Total Rev	Net Costs	at 36%	3 Yr Phase In TB
Recreation	\$503,092	\$341,014	\$163,712	\$58,936	\$58,936
Parks	\$184,362	\$0	\$92,191	\$33,189	\$10,952
			50% of Total		33% of \$33,189
Library	\$377,582	\$7,852	\$373,454	\$134,443	\$134,443
Total FY 2012 Preliminary Assessment				\$226,569	\$204,332
Total FY 2011 Assessment					\$188,810
Increase					\$15,522
					8.22%

\$8 to \$10 on a \$250,000 N Yarmouth Home at Full State Valuation

11



12

Cumberland North Yarmouth Agreement

- The Town's have a joint standing committee comprised of two Selectman and the North Yarmouth Administrator, two Town Councilors and the Town Manager.
- The Committee has met on two occasions this past year
- The Town of North Yarmouth has requested data on North Yarmouth resident usage for Library and Recreation services.
- We have never tracked this information as we were one program and in the case of the Library, we don't purge our Library card holders even if it has been decades since their card was last used.
- Cumberland provided North Yarmouth with the cardholder's list and it was not found to be useful because of the lack of purging

13

Cumberland North Yarmouth Agreement

The Library Services to the Town of North Yarmouth

- It's been stated in Public Meetings "Cumberland" won't give us the information we requested.
- Not a lot of benefits to North Yarmouth from the Library

14

Cumberland North Yarmouth Agreement

From: Kenneth M. Cole, III [mailto:K.Cole@JBGH.com]
Sent: Wednesday, September 03, 2010 1:42 PM
To: William Shane
Subject: RE: Confidentiality of library records

Bill: No problem on number of users, but I don't think you can identify them without violating the statute. Ken
Kenneth M. Cole III
Jensen Baird Gardner & Henry

Forwarded 8:07 9/2/2010

§121. Confidentiality of library records

Records maintained by any public municipal library, the Maine State Library, the Law and Legislative Reference Library and libraries of the University of Maine System, Maine Community College System and the Maine Maritime Academy that contain information relating to the identity of a library patron relative to the patron's use of books or other materials at the library are confidential. Those records may only be released with the express written permission of the patron involved or as the result of a court order. [2007, c. 67, §5 (AMD).]

15

Cumberland North Yarmouth Agreement

Between January 1, 2009, and August 31, 2010, 1,076 North Yarmouth residents borrowed materials from Prince Memorial Library. During the same period, 2,741 Cumberland residents borrowed materials. If we use the patron count of FY 2009-10 for the period of January 1, 2009, through August 31, 2010, then 40.3% of North Yarmouth cardholders and 44.1% of Cumberland cardholders borrowed materials during that time period

Thomas C. Bennett, Director
Prince Memorial Library
266 Main Street
Cumberland, Maine 04021-3607
(207) 829-2216
(207) 829-2221 fax

January 2009 – August 2010

North Yarmouth	1076	28%
Cumberland	2741	72%
Totals	3817	100%

16

Cumberland North Yarmouth Agreement

Prince Memorial Library Services to North Yarmouth: A Report

Submitted by
Thomas C. Bennett
Library Director
September 9, 2010

Forwarded Electronically on 9/20/2010 11:50 AM

17

Cumberland North Yarmouth Agreement

- Many parents put all of their materials on one card, even though their children have cards of their own
- The library does not track circulation of paperback books, magazines or school summer reading materials, nor does it track by town computer usage, adult programming attendance, reference services and meeting room use
- The 2010 Summer Reading Program had a total of 392 registrants. 127 listed North Yarmouth addresses (32%), while 247 listed Cumberland addresses (63%).

18

Cumberland North Yarmouth Agreement

- According to the Maine State Library's

Library Use Value Calculator

the materials circulated by North Yarmouth residents in FY2009-10 would have cost approximately \$255,156 if purchased.
(<http://www.maine.gov/msl/services/calculator.htm>)

19

Cumberland North Yarmouth Agreement

Programs in North Yarmouth

- February 2005: Mr. Phil & Co. (magic) at Westcustogo Hall; 235 in attendance
- February 2006: Ed Morris (magic) at Westcustogo Hall; 198 children in attendance
- February 2007: Peter Boie (magic) at Westcustogo Hall; 115 children in attendance
- February 2008: The Amazing Lou (magic) at Westcustogo Hall; 156 children in attendance
- February 2009: Jackson Gilman (music, magic) at Westcustogo Hall; 170 children in attendance
- April 2010: Martha Dana puppet show at Westcustogo Hall; 137 children in attendance

20

Cumberland North Yarmouth Agreement

Projects

In 2003, Prince Memorial Library provided North Yarmouth resident Betty Robinson with space, a computer, technological assistance and supplies so she could compile the vital records from the North Yarmouth town reports. The library also secured the interest of Picton Press, the Maine publisher of vital records and other books of interest to genealogists. Prior to publication, Prince Memorial Library offered the volume to the North Yarmouth Historical Society, which could have done a pre-publication deal that would have netted NYHS between \$8 and \$10 on each volume it sold. NYHS declined the offer. *Vital records from town reports of North Yarmouth, Maine: 1893-1963* was published by Picton in October 2004. Prince Memorial Library secured free copies of the book for the North Yarmouth Town Hall.

Thomas Bennett built the webpage for the North Yarmouth Business Directory

21

Cumberland North Yarmouth Agreement

Projects Cont.

In June 2009, the Maine Historical Society (MHS) announced that Cumberland and North Yarmouth had been chosen to participate in the Maine Community Heritage Project, a two-year partnership between MHS and the Maine State Library that promotes collaboration between local schools, historical societies, and public libraries through the exploration and celebration of local history. Prince Memorial Library acted as the team leader for the Cumberland-North Yarmouth Team, consisting of the Cumberland and North Yarmouth historical societies, Skyline Farm, Greely Middle School and the towns of Cumberland and North Yarmouth. One of the stipulations of the grant program was the team leader of all teams had to be a town library, meaning that the towns participating (to date only 17 statewide) had to have a local library. North Yarmouth would not have been able to participate in MCHP without Prince Memorial Library. The direct financial benefit of participating in MCHP to NYHS was \$1,365.64 in supplies and reimbursements. The benefit to Skyline was \$1,998.84. In addition, the library was able to purchase an LCD projector, a video camera and a digital recorder for use by community organizations. Since the end of the grant project in July, both NYHS and Skyline Farm have borrowed these items.

22

Cumberland North Yarmouth Agreement

Cost of Services

Item s	Cumberland	North Yarmouth	
Sidewalk plow cost	\$85,000	\$1,550	In FY 2010
ACO budget- FY 10	\$44,469	\$3,225	In FY 2010
Recreation Budget - FY 10	\$503,092	\$53,328	In FY 2011
Parks Budget- FY 10	\$184,382	\$0	In FY 2011
Library Budget - FY 10	\$377,582	\$133,482	In FY 2011
Technology Budget-FY 10	\$144,805	\$2,000	In FY 2011
Excludes Sidewalk Plow	\$1,254,330	\$192,035	15%

23

Cumberland North Yarmouth Agreement

Pursuant to the outcome of our very positive meeting on Friday, November 19, 2010, I have put together a preliminary assessment for the FY 2012 fiscal year.

- The assessment includes a reduction of cost sharing on the park maintenance component as we discussed from the original request of \$46,464 to \$33,189 phased in over a 3 year period as we agreed upon.
- We will also be willing to work with North Yarmouth in honoring your request to enforce the use of a "residency card" issued by North Yarmouth for Library and Recreational services.
- Cumberland will also be willing to host all programs at our facilities if you believe there is additional savings to North Yarmouth by eliminating recreation or library program space at the Westcustogo Hall or other Town facilities.

24

Cumberland North Yarmouth Agreement

	Expenses	Total Rev	Net Costs	at 36%	3 Yr Phase In TB
Recreation	\$503,092	\$341,014	\$163,712	\$58,936	\$58,936
Parks	\$184,382	\$0	\$92,191	\$33,189	\$10,952
			50% of Total		33% of \$33,189
Library	\$377,582	\$7,852	\$373,454	\$134,443	\$134,443
Total FY 2012 Preliminary Assessment				\$226,569	\$204,332
Total FY 2011 Assessment					\$188,894
Increase					\$15,438
					8.17%

\$8 to \$10 on a \$250,000 N Yarmouth Home at Full State Valuation

25

Cumberland North Yarmouth Agreement



What's Next?



- 2010 Census figures should be available in March
- Develop a 1-3 year agreement (must be ratified at North Yarmouth Town Meeting)
- Developing 2 Budgets for FY 2012
- Looking for Authorization of our 1st formal agreement in 20 years
- Presentation at www.cumberlandmaine.com

26

Councilor Turner asked if the numbers presented this evening were the same numbers as those discussed during the Cumberland/North Yarmouth Joint Standing Committee meeting in November.

Town Manager Shane said that they were.

Councilor Turner asked the Manager if, in his opinion, there was a lot of disagreement with those numbers in the Joint Standing Committee meeting.

Town Manager Shane responded that there was not. There appeared to be a lot of understanding and a need to share in the costs.

Councilor Turner said that he was dismayed by having viewed the North Yarmouth Selectman meeting on December 21st. There were some comments made by one particular North Yarmouth Selectman, in response to someone in the audience at that meeting. The response had to do with Library costs, and it was “if you were getting \$136,000 per year for the Library from 3,000 plus people, would you want to divulge the numbers?” Councilor Turner said that particular individual sat beside him at the Joint Standing Committee meeting. When people question transparency on this or any board’s part, he feels it is an unfortunate thing. He feels that the Town Manager has done a miraculous job in putting together the preciseness of the numbers that he has put together.

Chairman Storey-King said that she feels that we have put forth fair and fully disclosed numbers and it is feeling to her that this is a North Yarmouth issue, not a Cumberland issue. We want North Yarmouth to be involved with our programming.

Councilor Perfetti said that it feels that North Yarmouth is taking 20+ years of cooperation and sharing, and putting it in jeopardy. For what, he does not understand. He asked the Town Manager what the timeline is in receiving the money that North Yarmouth owes us.

Town Manager Shane responded 2-4 weeks.

Councilor Perfetti asked what would be the likely outcome for the Library if we were not sharing that resource with North Yarmouth.

Town Manager Shane said that the Library only has 3 full-time, passionate, and dedicated staff members and a phenomenal Director. The only option would likely be closing another full day, or two. It would be a change of culture in our community.

Councilor Moriarty asked how the Joint Standing Committee liaisons (Turner & Stiles) and the Manager felt about executing a retroactive agreement for services with North Yarmouth.

Councilor Stiles and Councilor Turner both agreed that they support the execution of a retroactive agreement since it is simply putting on paper something that has already been agreed to.

Town Manager Shane said that he feels it is a housekeeping issue. North Yarmouth has had three Administrators in the last four years. It’s simply a paper trail.

Motion by Councilor Stiles, seconded by Councilor Turner, to authorize the Town Manager to execute a retroactive agreement for Library, Recreation, Winter Sidewalk Plowing, Animal Control, and Channel 2 services with the Town of North Yarmouth for the period of July 1, 2010 to June 30, 2011.

VOTE: 7-0

UNANIMOUS PASSAGE

Councilor Porter said that we are two different governments that don't work on the same scale. Cumberland is the vendor for an array of services, and if North Yarmouth is not pleased with the offering or cost, they have other options to pursue. His hope is that the citizens of North Yarmouth value the services.

Rob Wood, North Yarmouth Board of Selectmen, said that he appreciates the conversation this evening. He feels that there is synergy and efficiency in working together and the two communities have always worked well together. As Councilor Porter stated, the two communities are very different and have different perspectives. He appreciates the agreement that was passed this evening. Going forward, he would like to have a signed agreement for a longer term than one year so we don't have to keep doing this.

10 – 179 To hold a Public Hearing to consider and act on the road acceptance of Old Colony Lane.

Town Manager Shane explained that the Old Colony Lane subdivision is ready for acceptance. They have completed all the items necessary for these types of projects and the Town Attorney has reviewed all the documents. Typically, when a subdivision has reached 75% build out, they are eligible to come forward for road acceptance. This subdivision is at 50% build out, an indication of the economy more than anything else. Staff is recommending approval of the two roads (Old Colony Lane and Liberty Lane).

Public Discussion: None

Councilor Copp asked the Manager is there is any possibility of connectivity since this is a dead end road.

Town Manager Shane said that the subdivision is in phase one and they would have to extend Old Colony Lane. He does not see it as a connector road.

Councilor Porter asked if the Town has any protection against road damage, if the road is accepted.

Town Manager Shane responded that the Town would have to deal with the lot owner or contractor if the road were damaged with equipment while building their homes.

Councilor Stiles voiced his concern about accepting the road due to the drainage easements on it. He urged the Council not to accept this road.

Councilors Porter, Turner, Copp, and Perfetti voiced concerned about accepting this road at less than 75% build-out.

Town Manager Shane said that the past practice of the Council has been to accept every subdivision that is built to standard (which is much higher than a private road standard) as a public infrastructure.

Councilor Porter said that there is a policy in place and suggested that the Council revert back to that policy and not accept a development until they meet the threshold of 75% build out.

Councilor Moriarty said there are two issues, (1) past practice of the build-out percentage, and (2) the proposition of acceptance regardless the build-out. Councilor Moriarty recollects 75% as

a rough litmus test, but in recent years, the Council has departed from that substantially. Rosa Way was accepted with only two homes. The former threshold appears to have been abandoned, it would need to be formalized, and the Planning Board made aware of it so there are no surprises.

Motion by Councilor Perfetti, seconded by Councilor Stiles, to table this item until the developer has met the current rule of 75% build-out.

VOTE: 3-4 (Turner, Copp, Storey-King, and Moriarty opposed) MOTION FAILED

Motion by Councilor Moriarty, seconded by Councilor Copp, to accept Old Colony Lane, off of Blackstrap Road, generally described as 1732' in length by 50' in width, and Liberty Lane, generally described as 471' in length by 50' in width, more specifically described in a deed from "Normand Berube Builders, Inc." and the "Old Colony Estates Homeowners Association of Cumberland" to the Town of Cumberland, and being the parcel identified as "Subdivisions Plan, Phase 1 of Old Colony Estates" prepared by Sebago Technics Engineers of Westbrook, Maine with an original recording date of February 24, 2004 and a January 4, 2005 revision date, and recorded in Plan Book 205, Pages 64 & 65, of the Cumberland County Registry of Deeds.

VOTE: 4-3 (Perfetti, Stiles, and Porter opposed) MOTION PASSES

10 – 180 To hold a Public Hearing to authorize the Town Treasurer to refinance the remaining balance of the 1991 General Obligation Bonds for the Senior Housing project.

Finance Director, Alex Kimball explained that we are 19 years in on a 30 year bond, with a balance of \$890,000 on the senior housing units. Since this bond was taken out in 1991, the interest rate is higher. A refinance will save a considerable amount of money on the remaining balance.

Councilor Porter asked if the refinance is for the remainder of the term or will it shorten the term, and is there any reason not to pay it off sooner.

Town Manager Shane said that he would like to shorten the term by 2-4 years.

Mr. Kimball said that he proposed to refinance for the remaining 11 years, but would attempt to get the best deal for it. The savings will be between \$100,000 - \$220,000.

Councilor Stiles said that this proposal was brought before the Housing Authority and they voted unanimously to support the reissuance of this bond.

Motion by Councilor Stiles, seconded by Councilor Copp, to authorize the Town Treasurer to refinance the remaining balance of the 1991 General Obligation Bonds for the Senior Housing project pursuant to the attached order, and keep the Town Council informed as to the progress thereof.

VOTE: 7-0 UNANIMOUS PASSAGE

10 – 181 To appoint members to various boards/committees.

Motion by Councilor Porter, seconded by Councilor Moriarty to appoint the following members to a Town Board/Committee for 2011:

BOARD OF ADJUSTMENT & APPEALS:

Andrew Black, Adrian Kendal, & Mathew Manahan

BOARD OF ASSESSMENT REVIEW:

Robert Crawford, Jeff Daigle, & Jerome Gamache

BOARD OF SEWER APPEALS:

Donald Fischer, Donald McKenna, Jr., & Steve Sloan

COASTAL WATERS COMMISSION:

Lew Incze, Jock McDonald, & Kathleen Babeau

COOL CITIES COMMITTEE:

Matt Mecray, Bob Vail, Adam Pitcher, Paul Weiss, & David Kaplan

CUMBERLAND HOUSING AUTHORITY:

Norman Maze, Jr., & Eileen Wyatt

PLANNING BOARD:

Ron Dillon

PERSONNEL APPEALS BOARD:

David Fenderson

RINES PROPERTY CITIZENS' ADVISORY COMMITTEE:

Warren Graumann, Henry Milburn, Bruce Wildes, & Greg McCarthy

SHELLFISH CONSERVATION COMMISSION:

Charles Adams, Michael Brown, & Harland Storey

TWIN BROOK FACILITY ADVISORY:

Kay Fowler & Joe Reynolds

VOTE: 7-0

UNANIMOUS PASSAGE

Councilor Porter thanked those longtime members who chose not to be reappointed for their tenure and contribution to the community.

10 – 182 To authorize the Town Manager to accept a \$2,500.00 grant from Time and Tide Resource Conservation and Development, to be used for shellfish conservation outreach efforts.

Motion by Councilor Copp, seconded by Councilor Stiles, to authorize the Town Manager to accept a \$2,500.00 grant from Time and Tide Resource Conservation and Development, to be used for shellfish conservation outreach efforts.

VOTE: 7-0

UNANIMOUS PASSAGE

10 – 183 To set a date of January 10th to authorize the Town Manager to enter into a Credit Enhancement Agreement with Exactitude, Inc.

Town Manager Shane said that this is great news. This company would like to build a new facility on Route One, close to the Falmouth town line. Exactitude has been around for quite a long time and builds architectural hardware and custom millwork. The proposed building would be a 30-40,000 square foot facility. Pursuant to the Tax Increment Financing District that was approved by DECD at the State level, the Town Council has the ability to offer Credit

Enhancement Agreements to developers. The policy has been to consider up to \$500,000 in Credit Enhancement Agreement for up to a 20 year period. If the Credit Enhancement Agreement is agreed to, this project will go before the Planning Board in January or February and break ground in the spring.

Motion by Councilor Turner, seconded by Councilor Stiles, to set a date of January 10th to authorize the Town Manager to enter into a Credit Enhancement Agreement with Exactitude, Inc.

VOTE: 7-0

UNANIMOUS PASSAGE

IV. MANAGER'S REPORT

The construction on Route 88 has been held up by the snowstorm, but is very close to reaching the goal of all the drainage being installed.

Town Hall was closed today due to the snowstorm. The Manager explained that he made this decision to keep Public Works attention on the roads, keeping them open and safe, rather than having them take time away to plow and sand the parking lot and walkways at Town Hall.

V. NEW BUSINESS

Councilor Turner – a couple of the items this evening reminded him of a saying by Will Rogers, “Diplomacy is the art of saying nice doggie until you can find a rock”. He feels that this Council deserves a lot of credit for trying to find the bone rather than a rock.

Councilor Copp – referred to a thank you letter to the Police Department regarding Officer Mazuzan. It is nice to get a positive letter and he thanked the person who took the time to write it.

Thanked Town Manager Shane for doing a great job on the North Yarmouth Agreement presentation this evening.

Councilor Porter – thank you to the Public Works crew for all the work that they have done clearing the roads.

Councilor Perfetti – None

Chairman Storey-King – None

Councilor Stiles – wished the residents a Happy & Healthy New Year.

Councilor Moriarty – None

VI. ADJOURNMENT

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

VOTE: 7-0

UNANIMOUS PASSAGE

TIME: 8:59 P.M.

Respectfully submitted by:

Brenda L. Moore
Council Secretary