

# **MINUTES**

Cumberland Town Council Meeting  
Town Council Chambers

**MONDAY, March 8, 2010**

**7:00 p.m. Call to Order**

## **I. APPROVAL OF MINUTES**

## **II. MANAGER'S REPORT**

- He will bring the appointment of Brian Bickford as the new Recreation Director to the April 12, 2010 meeting. After a 2.5 hour interview process, which consisted of representatives from the Recreation Advisory Board and Twin Brooks Committee, the team voted unanimously to recommend Brian's appointment. There will be a transition period from now to Bill Landis' departure on July 1<sup>st</sup>. "I think it's good for the town and I'm looking forward to having him on board."
- Requested a public hearing on 3/22 to appoint Bill Longley as plumbing inspector.
- Brush dump has opened a month early because of downed limbs after recent heavy rains. Hours are on website. A 2009 season pass is still required from now to July 1<sup>st</sup>.
- Election last Tuesday was "very close" and the bond was approved by 26 votes to move forward. 32% voter turnout was the largest for a single item election since 1988.

## **III. PUBLIC DISCUSSION**

Mr. Wayne Sherman, Ole Musket Road, asked why his tax bill showed an increase in the indebtedness from last year to this year. The Manager responded that the number shown on the tax bill includes the \$4 million dollar debt for Range Road as well as the following projects: lease purchase for a street sweeper; roof repairs to Town Hall and Val Halla; and a pump station at Val Halla. The Manager noted that he had provided similar information to Ms. Yavinsky recently via email and was happy to meet with Mr. Sherman to respond more comprehensively.

## **IV. LEGISLATION AND POLICY**

**10 – 024 To hear a report and request from the Greely Tennis Boosters to construct a new tennis court at Val Halla. *ITEM TABLED AT REQUEST OF APPLICANT***

Motion by Councilor Stiles, and seconded by Councilor Perfetti, to table this item at the request of the applicant.

VOTE: UNANIMOUS PASSAGE 7-0

**10 – 025 To appoint Democratic and Republican Election Clerks.**

The Town Clerk submitted a list of election clerks nominated by each of the two major municipal political parties.

Motion made by Councilor Porter, and seconded by Councilor Moriarty to appoint the following as Cumberland Election Clerks for the period April 1, 2010 to April 1, 2012.

VOTE: UNANIMOUS PASSAGE 7-0

## DEMOCRATIC PARTY

Robert Collin, 29 Carriage Road; Betty Melcher, 56 Hawthorne Court; Nancy Bernard, 68 Hawthorne Court; Marion Clark, 69 Hawthorne Court; Marilyn Brown, 67 Hawthorne Court; Peg McLeod, 57 Hawthorne Court; Joyce Trainor, 11 Woodside Road; Elaine Godsoe, 228 Greely Road; Sharon Antiouc, 171 Middle Road; Megan Thorn, 76 Field Road; Janet Puistonen, 43 Blanchard Road; Eileen Manglass, 20 Highland Avenue; and Bill (Charles) Kenney, 10 Whaleboat Lane.

## REPUBLICAN PARTY

Judy Flaker, 2 Sea Cove Road; Judith McAfee, 48 Hawthorne Court; Mary Lalumiere, 36 Val Halla Road; Robert Eaton, 420 Greely Road Extension; Carol Storey, 45 Middle Road; Harland Storey, 45 Middle Road; Mary Edwards, 340 Main Street; George Barrett, 2 Country Charm Road; Glenna Eliason, 42 Hawthorne Court; Diane Zglobicki, 298 Foreside Road; Carolyn Murray, 34 Foreside Road; and Raelene Lewis, 7 Prince Street.

### **10 – 026 To appoint members to vacant seats on Boards/Committees.**

Councilor Moriarty explained the Appointments Committee met earlier this evening and held three interviews. The committee nominated the following:

Linda Collins, Veterans Monument Committee; Joseph Loring, Twin Brook Advisory Committee; Thomas Haight, Twin Brook Advisory Committee; and Judith Ingraham, Val Halla Board of Trustee and Community Education and Recreation Advisory Board.

Motion to move the nominations by Councilor Moriarty, and seconded by Councilor Stiles.

VOTE: UNANIMOUS PASSAGE 7-0

### **10 – 027 To authorize the Town Manager to accept back taxes in the amount of \$13,588.22 and issue a quit-claim deed for property identified as Map R01/Lot 19.**

The Manager referenced the Murray Policy explaining that when a property goes to foreclosure for property tax reasons this policy provides an additional three month grace period to pay the delinquent taxes. If payment is made during this period, the owner will receive a quitclaim deed from the town. The homeowner will pay all fees associated with turning this property back to the owner. After query, Councilor Porter was informed this figure includes interest. The Manager explained these funds are deposited into the general fund to offset the uncollected tax line.

Motion by Councilor Porter, and seconded by Councilor Turner, to authorize the Town Manager to accept back taxes in the amount of \$13,685.48 and a \$100 fee for quitclaim deed issuance and issue a quitclaim deed for property identified as Map R01/Lot 19.

VOTE: UNANIMOUS PASSAGE 7-0

### **10 – 028 To hear a report from the Town Manager re: trash bag fees and to set a Public Hearing date (April 12<sup>th</sup>) to consider and act on increasing trash bag fees.**

The Town Manager provided an overview of the trash bag expenses and revenues. There has been no increase in the bag fees since the implementation of the program in 2005; however, he recommends an increase this year. Information provided by ECO Maine shows that Cumberland's tonnages saw a spike in the recycling rate (from 19 -26) in 2005. We are now around 30%. Falmouth has a recycling rate of 35-45%. North Yarmouth has historically shown a 12% recycling rate, but relied on silver bullets for their program. When implementing the pay as you throw, they increased to well over 40%. When Falmouth instituted a curbside recycling program their numbers increased significantly. "It's

pretty astounding.” Gorham also saw an increase from 30% to 40%. Portland is a mirror image of Cumberland but has “a lot more challenges” as an urban city.

Councilor Turner asked about “the best percentages” with a \$2.50 bag fee. There “is a correlation between recycling and per bag costs.” Councilor Turner indicated he supports a slightly higher per bag cost than the Manager recommended. “It’s a very simple cause and effect.” Manager Shane replied,

“When you’re the lowest game in town, it’s easy to grab” our bags. “It’s important to let our citizens know that this is one of our most costly items in the budget,” added Councilor Stiles. “We pay more for our disposal” with lower recycling rates. Surrounding communities are paying a lower assessment on the ECO Maine facility debt due to their higher recycling rates. The bags do not support the cost of this program – a \$700,000 cost. The costs “are starting to creep in the other direction” and if not addressed “could have a significant impact on our budget” added the Town Manager. Councilor Moriarty asked whether our hauler will leave a flyer at homes that do not appear to regularly recycle. The Manager indicated this request can be included in the hauler request for proposal next year. Councilor Perfetti suggested that 25% of the waste stream can be composted. He supports a bag fee increase. He questioned whether there is any information addressing “when people start subverting the system” to which Councilor Porter stated “for the most part that does not occur.” Councilor Turner added, “The tonnage shows that isn’t happening.” Councilor Porter believes “This is the easiest way for us to push down our budget. We should do whatever we can to encourage it.” Chairman Copp agreed. “It all adds up.” Manager Shane clarified further “If we did nothing, we would pay almost \$90,000 a year more...than we pay today. That’s just the assessment” on the facility. The tipping fees in 1990 were \$20 a ton and today are over \$100 a ton.

Motion by Councilor Stiles, and seconded by Councilor Perfetti, to set a public hearing date of April 12<sup>th</sup> to consider and act on increasing trash bag fees.

VOTE: UNANIMOUS PASSAGE 7-0

**10 – 029 To set a Public Hearing date (April 12<sup>th</sup>) to consider and act on a Mass Gathering Permit for the Cumberland Farmers Club for Maine’s Ultimate Spring Yard Sale to be held at the Cumberland Fairgrounds on Saturday, June 12, 2010 from 9:00 a.m. to 2:00 p.m.**

The Manager expressed his excitement for the Farmers Club. He was contacted by Mr. Patrick Collins, Nassau Broadcasting, who requested the use of the Farmer Club for their annual Ultimate Yard Sale event. “Lots and lots of people.” The issue for the event in the past has always come down to parking. More information will be available regarding vendors and victualers at the event.

Councilor Storey-King expressed concern regarding the rain date of June 13<sup>th</sup>. That is the same date on which graduation will be held this year, and she is concerned about public safety resources. “We need to be careful with the timing.” The Town Manager indicated he will contact the organizers to make them aware of that point. The cost for the public safety coverage will be borne by the event organizers. Graduation is at 2:00 p.m. This event will run from 8:00 am to 2:00 pm.

Motion by Councilor Stiles, and seconded by Councilor Moriarty to set a Public Hearing date of April 12<sup>th</sup> to consider and act on a Mass Gathering Permit for the Cumberland Farmers Club for Maine’s Ultimate Spring Yard Sale to be held at the Cumberland Fairgrounds on Saturday, June 12, 2010 from 9:00 a.m. to 2:00 p.m.

VOTE: UNANIMOUS PASSAGE 7-0

**10 – 030 To hear a report from the Town Manager re: FY’11 Municipal Budget Overview and to set a Public Hearing date (March 22<sup>nd</sup>) to consider and act on adoption of the FY’11 Municipal Budget.**

The Town Manager provided an overview of the FY 2011 municipal budget. This information was also presented at this past Saturday’s budget workshop. There has been a 4.5% average annual increase over the past ten years, and during the Manager’s six year tenure, the budget has seen an average 4% annual increase. In 2004 there were no Twin Brook or Town Hall facility lines in the budget. “There’s been a lot of changes in the last seven years” to the budgeting and accounting process. Sally Leavitt requested several pieces of information, and the town has created an FAQ of those question and answers and posted it to the town website. Right now, we are looking at a \$46,000 revenue shortfall. The Governor announced today that revenue sharing will be adjusted, but we are unsure whether it will apply to this budget or the following budget. Expenses are \$24,000 less than last year and the “net impact” is .02 cents on the mil rate, or .14%. The Manager will continue to work toward a “zero budget” between now and the new fiscal year. Both the police and public services unions have agreed to extend their contracts by one year and receive no cost of living increase during FY ‘2011. Our employee health insurance contribution will also increase. Our Wellness Program has been a huge success and we’ve been able to show some improvement in the health costs. Route 88 is included in this budget with no increase to the overall expenses. There are no employee layoffs assumed in this budget. Our next step is a March 22<sup>nd</sup> public hearing. The Tax Assessor will finalize his town valuation on April 1<sup>st</sup>. The Route 88 bids will come before the council in April and he anticipates between nine and twelve bids will be submitted for this project. We have extended the completion date of the project for July 2011. The town has received close to a 2.5% bonding interest rate. The tax mil rate will be set on August 9<sup>th</sup>. I am “clear in the council direction for at or below a zero budget.” This is the fourth year that we’ve “gone through the same type of scrutiny. We’ve been pretty close to zero for about four budgets in a row.”

Finance Chair William Stiles added the town has made conservative estimates so “there is a chance for these to move downward and hopefully they will.” Councilor Perfetti congratulated the Manager “for doing a good job on the budget.”

Motion by Councilor Porter, and seconded by Councilor Perfetti, to set a public hearing date of March 22<sup>nd</sup> to consider and act on the adoption of the FY ’11 Municipal Budget.

VOTE: UNANIMOUS PASSAGE 7-0

At this time, Councilor Stiles moved, and Councilor Turner seconded, to appoint William Longley, effective March 22, 2010 as the Plumbing Inspector.

VOTE: UNANIMOUS PASSAGE 7-0

**V. NEW BUSINESS**

**Councilor Turner** – reiterated his Saturday acknowledgement of the great job by our fire department with the assistance they provided to Mr. Drucker.

**Councilor Porter** – echoed congratulations to the Town Manager for his work on the budget; received a note from the Grant family for the flowers sent on behalf of Margaret Merrill; hope we will not involve ourselves on things that do not affect us as town councilors.

**Councilor Storey-King** – wanted to add yet another plug for the Sparrow’s Nest – she has received comments regarding their great meals at a very reasonable price; also a plug for Skillin’s Greenhouse

Open House; asked the Economic Development Director to place a coupon is on the CMBA website; she will be late for the next meeting due to the boys' basketball banquet – her son is a senior.

**Chairman Copp** – thanked everyone in the community who sent wishes in memory of his grandmother; commended the Manager on the clean-up of the Garnett house; a list of names on the new businesses – they are involved in the vernal pools; received an email from a person who attended Saturday's budget meeting congratulating the council and the professionalism of the Town Manager.

**Councilor Stiles** – thanked the Manager and council for their support in working on the budget; he thanked those residents who participated; Sally Leavitt asked thoughtful and germane questions; his computer is out and can not receive email at this time; Lucas Tree is doing work on Range Road but it does not look like the power and cable is involved; he would love to see the tree workers pick up a little better.

**Councilor Moriarty** – thanked the residents who had the stamina and fortitude to participate in Saturday's budget workshop.

**Town Manager Shane** – vernal pool training on April 10<sup>th</sup>, 9:30 to 12:30 at Town Hall - all residents are welcome; the town also would appreciate additional volunteers; the tree in the Wildwood area referred to by Councilor Turner would have wiped out the power in the entire neighborhood if it fell - the Fire Dept is not in the habit of taking trees down but the issue of safety warranted it; there were conversations held on Saturday regarding regionalization efforts and he will be speaking with the Falmouth and Yarmouth Town Managers regarding regional possibilities; Tom Gruber also volunteered his help in any way in regional efforts.

Motion by Councilor Moriarty, and seconded by Councilor Storey-king to adjourn.

VOTE: UNANIMOUS PASSAGE 7-0

TIME: 8:05 p.m.

## **VI. ADJOURNMENT**