

# MINUTES

Cumberland Town Council Meeting  
Town Council Chambers  
**MONDAY, January 27, 2014**

**6:00 p.m. Workshop** re: Conduit Financing review for Friend's School with Town Attorney

**6:40 p.m. Call to Order**

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

- I. EXECUTIVE SESSION** pursuant to 1 M.R.S.A., § 405(6)(C) re: real property and 1 M.R.S.A., § 405(6)(A)(1) re: a personnel matter.

Motion by Councilor Copp, seconded by Councilor Gruber, to recess to Executive Session pursuant to 1 M.R.S.A., § 405(6)(C) re: real property and 1 M.R.S.A., § 405(6)(A)(1) re: a personnel matter.

VOTE: 7-0 UNANIMOUS

TIME: 6:40 p.m.

Reconvened to regular session at 7:00 p.m.

**II. APPROVAL OF MINUTES**

Motion by Councilor Gruber, seconded by Councilor Bingham, to accept the January 13, 2014 minutes as presented.

VOTE: 7-0 UNANIMOUS

**III. MANAGER'S REPORT**

Last year, the State Legislature eliminated the State Circuit Breaker Program and as a result, we lost our local authority to issue payments effective in last June. 2 days before that was scheduled to go into effect, anyone who was on the previous year's list was contacted by Town staff to apply and they will be eligible to receive a Circuit Breaker refund from the Town this year. There was not enough time to accept any new applications, but we were able to get refunds for approximately 90 of our senior residents. Last week, the Manager and Chairman Stiles went to Augusta to testify before the Legislature and word came today that they passed the reinstatement of the local Circuit Breaker program. When we get official approval from the Legislature to begin the program again, we will develop our own program for fiscal year 2015.

There will be a Council workshop with the Planning Board and Comprehensive Plan Update Committee next Monday evening at 6:00, to review the recommended Comp Plan updates. The earliest that this item can get back to the Planning Board will likely be in March. The public is invited and encouraged to attend the workshop.

**IV. PUBLIC DISCUSSION**

Brad Hilton of Blanchard Road said that the discussion at the last meeting regarding the foreclosed properties on Greely Road Extension and Cottage Farm Road was a good discussion between the Council and the public. Mr. Hilton said that the Council and Manager do an excellent job and he feels that they should be told that. The Council consists of a variety of personalities and opinions, but they work well together and he thinks they did their job correctly and the process was well done.

Mr. Hilton said that one of the points that came out of that meeting needs repeating because he feels that it was not fully absorbed by everyone. The point is one that Councilor Turner made regarding evaluations of property around an area with open space. The key comment was that the present evaluations of properties around an open space are already increased because of the open space. There is a demand for these types of rural parcels and because of the larger evaluations there is already increased real estate tax income because of the open space.

Councilor Edes said that since the discussion on the two foreclosed parcels, he has struggled with the fact that this is not open space, it is foreclosed property. It is very different than Town owned property, such as the Rines Forest, which the Council voted to purchase. This is foreclosed property and he still struggles with what the Council's obligation is to the residents of the entire Town.

Town Manager Shane said that since that meeting, the abutters have contact him to ask what happens now. He advised them that the issue can be brought up in Public Hearing anytime in the future. He feels that in the next month or so, the Council will have proposals from the neighborhood to consider. He encouraged anyone to put together some thoughtful offers for consideration.

## **V. LEGISLATION AND POLICY**

### **14 – 009 To hear a report from the Finance Committee Chair re: 2nd quarter financials.**

Councilor Gruber, Chairman of the Finance Committee, said that revenues are strong, expenditures are running lower than normal, and property tax collection is holding steady. Councilor Gruber introduced Finance Director, Heather Perreault, who presented the following:

**Town of Cumberland  
Financial Report  
as of  
December 31, 2013**

**Summary as of December 31, 2013**

- Revenues are strong, despite State reductions
- Expenditures running lower than normal due to retirements and unfilled positions
- Property tax collections holding steady

## Q2 FY2014 Selected Revenue Lines

|                       | Budget      | Actual     | FY 14  | FY13 % |
|-----------------------|-------------|------------|--------|--------|
| Excise Tax            | \$1,330,000 | \$ 814,330 | 61.2%  | 55.5%  |
| State Revenue Sharing | \$ 414,616  | \$ 204,849 | 49.4%  | 50.2%  |
| MeDOT Block Grant     | \$ 82,000   | \$ 68,440  | 83.5%  | 49.8%  |
| Building Permits      | \$ 70,000   | \$ 38,569  | 55.1%  | 145.1% |
| Impact Fees           | \$ 40,000   | \$ 44,289  | 110.7% | 79.2%  |
| Recreation Revenues   | \$ 545,816  | \$ 226,982 | 41.6%  | 42.2%  |
| Bags/Universal Waste  | \$ 250,000  | \$ 105,891 | 42.4%  | 32.4%  |

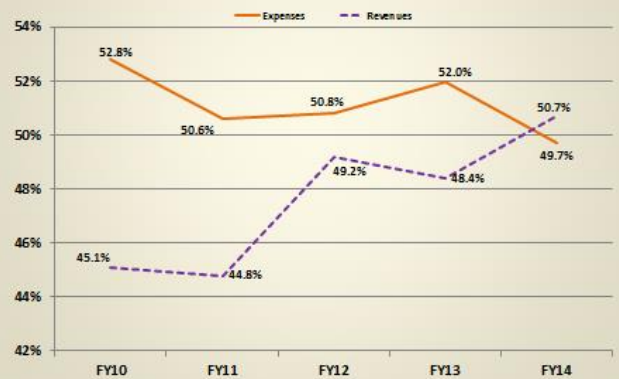
## Q2 FY2014 General Fund Revenues

|                    | Budget             | Actual             | FY14 %       | FY13 %       |
|--------------------|--------------------|--------------------|--------------|--------------|
| Tax Revenues       | \$ 1,358,100       | \$ 828,491         | 61.0%        | 55.3%        |
| Licenses & Permits | \$ 143,465         | \$ 79,753          | 55.6%        | 86.7%        |
| Intergovernmental  | \$ 510,596         | \$ 273,289         | 53.5%        | 53.5%        |
| Other Revenues     | \$ 326,700         | \$ 124,204         | 38.0%        | 23.9%        |
| Police Department  | \$ 100,126         | \$ 47,208          | 47.1%        | 75.7%        |
| Fire Department    | \$ 187,000         | \$ 46,485          | 24.9%        | 33.0%        |
| Public Works       | \$ 257,000         | \$ 107,396         | 41.8%        | 32.5%        |
| Parks & Recreation | \$ 560,816         | \$ 240,279         | 42.8%        | 42.5%        |
| Library            | \$ 135,976         | \$ 69,200          | 50.9%        | 50.9%        |
| <b>Grand Total</b> | <b>\$3,579,779</b> | <b>\$1,816,305</b> | <b>50.7%</b> | <b>48.4%</b> |

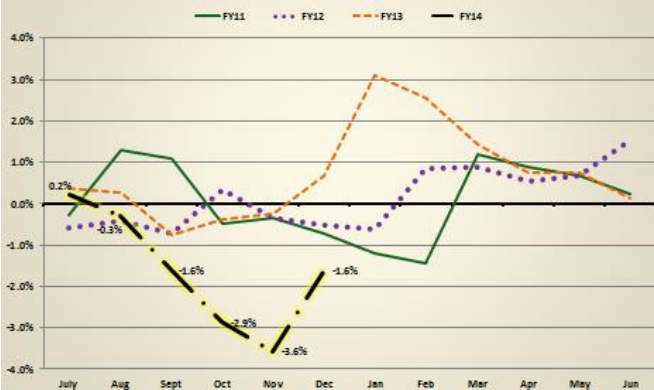
## Q2 FY 2014 Expenditures

|                              | Budget               | Actual               | FY14 %       | FY13 %       |
|------------------------------|----------------------|----------------------|--------------|--------------|
| General Administration       | \$ 1,020,921         | \$ 563,575           | 55.2%        | 58.0%        |
| Public Safety                | \$ 1,986,072         | \$ 982,502           | 49.5%        | 52.1%        |
| Public Works                 | \$ 1,560,681         | \$ 662,677           | 42.5%        | 49.2%        |
| Parks & Recreation           | \$ 812,754           | \$ 450,724           | 55.5%        | 54.7%        |
| Library                      | \$ 373,483           | \$ 193,710           | 51.9%        | 48.6%        |
| Other Expenses               | \$ 388,657           | \$ 199,194           | 51.3%        | 45.3%        |
| <b>Controllable Expenses</b> | <b>\$ 6,142,568</b>  | <b>\$ 3,052,382</b>  | <b>49.7%</b> | <b>52.0%</b> |
| MSAD #51                     | \$ 13,693,545        | \$ 6,855,291         | 50.1%        | 49.9%        |
| Debt Service                 | \$ 824,825           | \$ 573,110           | 69.5%        | 62.7%        |
| Insurance                    | \$ 295,032           | \$ 213,661           | 72.4%        | 76.6%        |
| County Tax                   | \$ 665,675           | \$ 665,675           | 100.0%       | 100.0%       |
| Capital Imp. Plan            | \$ 1,133,693         | \$ 1,133,693         | 100.0%       | 100.0%       |
| <b>Fixed Expenses</b>        | <b>\$ 16,612,770</b> | <b>\$ 9,441,430</b>  | <b>56.8%</b> | <b>55.9%</b> |
| <b>Total Expenses</b>        | <b>\$ 22,755,338</b> | <b>\$ 12,493,812</b> | <b>54.9%</b> | <b>54.8%</b> |

## % of Budget Spent and Received as of December 31

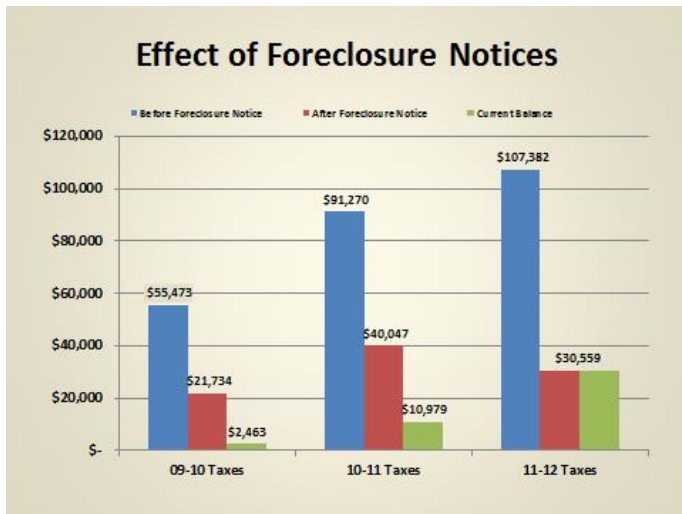


## % of Budget Spent by Month



## % of Property Tax Collected as of December 31<sup>st</sup>

|                   | 2011-12       | 2012-13       | 2013-14       |
|-------------------|---------------|---------------|---------------|
| Tax Commitment    | \$ 18,318,972 | \$ 19,684,282 | \$ 20,610,409 |
| Taxes Collected   | \$ 9,015,329  | \$ 9,739,649  | \$ 10,243,526 |
| Percent Collected | 49.2%         | 49.5%         | 49.7%         |
| % Difference      |               | 0.3%          | 0.2%          |
| \$\$ Difference   |               | \$ 52,409     | \$ 45,636     |



**14 – 010 To hold a Public Hearing to consider and act on draft zoning amendments to Chapter 315, Section 74-D (Non-Conforming Uses, Buildings, Structures and Lots) of the Cumberland Code, as recommended by the Planning Board.**

Town Manager Shane explained that this is basically a housekeeping item. Previously, the language for non-conforming uses was amended and the intent was to give property owners more time before a non-conforming use converted back to the underlying zone. For example, if someone had a business that was in a residential neighborhood (similar to the former Chase Flower Shop), there was only 6-months under the old rules before it converted to the underlying zone (Residential use). The language was amended to extend that period of time, but a key element was omitted that in the instance of a fill-in of a deck or addition, that should be permitted if the new structure did not cause the building to become any more non-conforming than it has been prior to the addition. This has always been the case in the Shoreland Zoning, but was missed in the other zones. Staff did not realize this had not been changed in the Zoning Ordinance until a resident brought it to our attention.

Chairman Stiles opened the Public Hearing.

Public discussion: None

Chairman Stiles closed the Public Hearing.

Motion by Councilor Turner, seconded by Councilor Bingham, to adopt draft zoning amendments to Chapter 315, Section 74(D) (Non-Conforming Uses, Buildings, Structures and Lots) of the Cumberland Code, to be consistent with language in Chapter 226-14 (Shoreland Zoning), as recommended by the Planning Board.

VOTE: 7-0 UNANIMOUS

**14 – 011 To hold a Public Hearing to consider and act draft amendments to the Comprehensive Plan as recommended by the Planning Board. *TABLED***

Motion by Councilor Bingham, seconded by Councilor Edes, to table this item.

VOTE: 7-0 UNANIMOUS



**14 – 012 To hold a Public Hearing to consider and act on adopting an ordinance for Payment in Lieu of Taxes (PILOT).**

Town Manager Shane explained that the Town Attorney was present in a workshop this evening to review how a PILOT works and to answer any questions that the Council had in regard to it. The Friend's School will be building a new school in Cumberland and they have agreed to make a payment in lieu of taxes to contribute toward Town services. In order to do this, the Town is required to have a PILOT ordinance. With non-profits, this is a voluntary and negotiated payment process. The ordinance has been drafted by the Town Attorney and the Manager is recommending adoption of it.

Chairman Stiles opened the Public Hearing.

Public discussion: Brad Hilton of Blanchard Road said that our society has an obligation to educate our kids and as a result, it is always problematic how we come up with the funds. Therefore, we have a complicated tax system and hence, have the need for various tax exemptions. What Mr. Hilton concludes from this ordinance is that he would like to do some exploring to see how our society can meet another obligation of how to not tax our retirees so that they are forced out of their homes. He will explore the possibility with his attorney as to how he can personally become tax exempt and apply for a PILOT.

Councilor Storey-King encouraged Mr. Hilton to reach out to the State Legislature with this idea. She remembers seeing reference to some legislature regarding a proposal to freeze tax rates for our seniors.

Chairman Stiles clarified that this is an agreement between two parties to contribute toward some of the services that a non-profit would receive from a community, since they are tax exempt.

Chairman Stiles closed the Public Hearing.

Motion by Councilor Gruber, seconded by Councilor Bingham, to adopt the Ordinance to Authorize Service Charges (PILOT) on Certain Tax Exempt Properties as approved by the Town Attorney.

VOTE: 7-0 UNANIMOUS

**14 – 013 To consider and act on authorizing the Town Manager to process Senior Circuit Breaker Program payments.**

Town Manager Shane said that staff is recommending a reimbursement of just over \$70,000 for the current fiscal year. The program was funded through savings in the FY'13 budget and was part of the FY'14 budget to date.

Motion by Councilor Copp, seconded by Councilor Turner, to authorize the Town Manager to process Senior Circuit Breaker Program payments.

VOTE: 7-0 UNANIMOUS

**14 – 014 To set a Public Hearing date (February 10<sup>th</sup>) to consider and act on draft zoning amendments to Chapter 315 of the Cumberland Code re: Registered Dispensaries of Medical Marijuana and to allow registered dispensaries as a permitted use in the Office Commercial North district.**

Town Manager Shane said that he will have an extensive presentation on February 10<sup>th</sup> regarding this item. This matter came out of State Legislation with the legalization of medical marijuana. The Planning Board has considered this matter on two occasions, and decided that the OC-North is the district where it will be permitted and only one will be allowed in the Town of Cumberland.

Motion by Councilor Edes, seconded by Councilor Gruber, to set a Public Hearing date February 10<sup>th</sup> to consider and act on draft zoning amendments to Chapter 315 of the Cumberland Code re: Registered Dispensaries of Medical Marijuana and to allow registered dispensaries as a permitted use in the Office Commercial North district.

VOTE: 7-0

UNANIMOUS

## **VI. NEW BUSINESS**

**Councilor Turner** – He attended the Val Halla Board of Trustees meeting last week. They are a dedicated board who has done phenomenal work in trying to make Val Halla go in the right direction with regard to potential profitability. Brian Bickford has come up with some outside the box ideas for advertising that will benefit Val Halla immensely. He thinks that most people do not realize how hard Brian's job is and what an asset he is to the Town.

**Councilor Bingham** – None

**Councilor Storey-King** – The Twin Brook Advisory Committee met last week and had a good discussion with a forester regarding healthy cutting in Twin Brook. He had some great things to say about Twin Brook, but his biggest concern is the dead trees along some of the trails. That would be the top priority of any harvesting that might take place at Twin Brook. It was a very interesting discussion and she was very impressed with the knowledge of the forester. If and when any harvesting does take place in Twin Brook, its purpose is to make the forest healthier.

She also attended a Recreation Advisory Committee meeting recently and learned that adult education will be returned to the Town. It will no longer be administered by the school district. There is some concern within the committee as to how we can better serve our senior population with day programs, etc. They are also concerned with the dog walkers using Twin Brook and possibility not allowing the walking of a large number of dogs, but limiting each person to only walking 2 dogs.

Finally, the outgoing Chairman of the Recreation Committee, Bill Green, has been inducted into the Maine Sports Hall of Fame. We have another local celebrity who donates his time to the Town.

**Councilor Gruber** – There was an article in the Portland Press Herald today regarding Southern Maine Community College opening a food pantry for their students. That is an indication of the food insecurity that we have in our state. This is a major issue.

He thanked Bill and Linda Shane again for all their hard work and time put into the food pantry. They spent their anniversary weekend shopping for the food pantry. That is real dedication.

He is on the board of the Southern Maine Area on Aging and he asked the Director for Cumberland's statistics and how many of our senior residents are using their services. He will report on this at the next Council meeting.

**Chairman Stiles** – Library Director, Thomas Bennett has asked him to bring to the Council the idea of presenting to the State Museum a sword that the Prince Memorial Library has in their possession since 1923. Robert Scott Thomas gave the American early 19<sup>th</sup> century officers sword to the Library. It is claimed that the sword was a gift from President Andrew Jackson to Maine Governor John Fairfield, who before becoming Governor, served in the U.S. House of Representatives. Mr. Bennett and State Representative Steve Moriarty have both researched the history of the sword, and have concluded that the history is likely not factual. They were not able to verify that President Jackson was ever in Maine to present the sword. But, since the sword has considerable value and it is Town property, the Library Board has asked if the Council would consider allowing it be given to the State Museum.

**Councilor Edes** – He thanked Chairman Stiles for going to Augusta and testifying in regard to the local Circuit Breaker refund program. Good job.

**Councilor Copp** – He referred to the year to date building reports that was included in their meeting materials in regard to construction that is very interesting:

2008 \$10,400,000

2009 \$ 7,900,000

2010 \$ 7,400,000

2011 \$11,700,000

2012 \$19,730,000

2013 \$22,245,000

These numbers say to him that Cumberland is still a very desirable community for both residential and commercial construction.

**Town Manager Shane** – The forester that the Town hired with the Lands and Conservation Commission to do cutting in the Town Forest, has informed him that he will not be able to get here until March. Mr. Shane said that it may not be possible to do the cutting this year because it is not good to cut so late in the season due to potential damage to the existing trails.

He was on the Superintendent search committee and the committee's work is now complete. It was a privilege to work with the committee and based on the applicants, he is confident that the School Board will have an excellent candidate to consider.

## **VII. ADJOURNMENT**

Motion by Councilor Gruber, seconded by Councilor Storey-King, to adjourn.

VOTE: 7-0 UNANIMOUS

TIME: 8:03 P.M.

Respectfully submitted by,

Brenda L. Moore  
Council Secretary