

# **MINUTES**

Cumberland Town Council Meeting  
Town Council Chambers

**MONDAY, March 22, 2010**

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

**7:00 p.m. Call to Order** – Chairman Copp, Councilor Perfetti, Stiles, and Moriarty.

Councilor Turner Excused.

Councilor Porter arrived at 7:06 p.m.

Councilor Storey-King arrived at 7:27 p.m.

## **I. APPROVAL OF MINUTES**

**February 22, 2010**

Motion by Councilor Moriarty, seconded by Councilor Stiles, to accept the minutes as presented.

VOTE: UNANIMOUS PASSAGE 4-0

**March 8, 2010**

Motion by Councilor Moriarty, seconded by Councilor Stiles, to accept the minutes as presented.

VOTE: UNANIMOUS PASSAGE 4-0

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

- The Public Services Department is currently out sweeping roads. Sweeping is done in two rounds. Public Services Director, Chris Bolduc will be posting the second round schedule within the next two weeks.
- The Veterans Monument fundraising letters have been mailed. The dedication ceremony for the main monument (Phase I) will be on Memorial Day, May 31<sup>st</sup>. FMI, please contact Town Manager Shane or Brenda Stiffler at Town Hall.

## **III. PUBLIC DISCUSSION**

Rita Yavinsky, 16 Old Musket Road, asked the Council “what was the cost of phase one for Range Road”.

Town Manager Shane responded approximately \$1.6 million.

Mrs. Yavinsky asked what the cost of phase two is expected to be.

Town Manager Shane responded that he couldn't give the exact amount, but it is close to \$2 million.

Mrs. Yavinsky asked if there a phase three planned for the Range Road project.

Town Manager Shane explained that phases two and three are combined. It is the hope to get beyond Bruce Hill Road with those two phases. A future phase would be to get to Route 100 to connect to the existing water main on Route 100.

Mrs. Yavinsky asked if the combined cost of phase two and phase three is \$2 million.

Town Manager Shane responded that it is fairly close to \$2 million.

Mrs. Yavinsky asked if the total project equals \$3.6 million.

Town Manager Shane responded, yes.

Mrs. Yavinsky asked if the \$400,000 that remains in the bond is designated to go back to the authorities to reduce the principal of the bond.

Town Manager Shane answered, no. It is designated to do the next phase to Cross Road.

Mrs. Yavinsky asked if it was the intent of the Council to spend the entire \$4 million.

Councilor Porter explained that the intent of the Council was to get the entire road repaired. Sections of the road were prioritized, repairing the worst sections first. The total project was approved up to \$4 million.

Mrs. Yavinsky asked the Council (not the Manager) if there is a commitment by the Council that if the Route 88 project should come in at less than \$4.5 million, that that money will be returned to reduce the principal of the bond.

Councilor Stiles pointed out that there hasn't been a reason to discuss that because the bids haven't been received yet. Personally speaking, he has committed himself not to exceed \$4.5 million. If it comes in less, he would likely recommend that the bond amount be less.

Mrs. Yavinsky asked that there be a commitment that the bond be fenced and any excess not be spent on equipment or capital or lease expenditures.

Councilor Porter said that the money could not be spent on those items. If the project comes in lower and everything on that road is taken care of, then the debate can take place. We don't even have a bid yet. It is an appropriate question, but we have to wait until we get to that point.

Councilor Moriarty said that Mrs. Yavinsky is asking the Council for a commitment from a group of 7 people who haven't discussed formally, or otherwise, the very question that she has presented. It's premature to even consider yet.

Chairman Copp pointed out that nobody on the Council knows what the dollar amount will be until after the bid opening.

#### **IV. LEGISLATION AND POLICY**

**10 – 031** To hold a Public Hearing to consider and act on rezoning a portion of Map R07/Lot 53 from Rural Residential 2 (RR2) to Industrial (I), as recommended by the Planning Board.

Town Manager Shane introduced Town Planner, Carla Nixon. Ms. Nixon explained that Mr. Chase purchased the parcel and has requested rezoning of the portion of the parcel that was zoned Rural Residential 2 (RR2), meaning that most of the uses included in the Industrial Zone could not take place there. An abutter, Mr. Sloat, has no issue with the zone change to Industrial.

Naomi Clough said that the water level concerns her. Their land exists down into the pit. The water table is only down one foot. What will be done to protect the water table and water quality? They have had issues with ground water contamination. The pit is currently flooded in areas. This is a serious concern for her.

Town Manager Shane acknowledged that Ms. Cloud raises good points. The DEP put in an aquifer well protection area in that area in the 90's. This rezoning only allows for the use of the land to change. Mr. Chase is not asking for a permit for extraction of any materials from the pit.

Carla Nixon pointed out that Mr. Chase is planning to use the property as a landscape business utilizing the existing building. There will be a review process and abutters within 300 feet of the property will be notified. If there are concerns about this use having an impact on the water quality, she may have an outside engineering company look into it.

Motion by Councilor Perfetti, seconded by Councilor Moriarty to amend the Cumberland Zoning Map to rezone a portion of Map R07/Lot 53 from Rural Residential 2 (RR2) to Industrial (I), as recommended by the Planning Board.

VOTE: UNANIMOUS PASSAGE 6-0

**10 – 032** To appoint William Longley as Licensed Plumbing Inspector, effective March 22, 2010.

This item will be skipped as it was acted upon at the March 8, 2010 Town Council Meeting.

**10 – 033** To hold a Public Hearing to consider and act on adoption of the FY'11 Municipal Budget.

Councilor Stiles reviewed the budget summary, explaining that the impact to the mil rate is \$0.01 with no impact on the tax rate.

Points to consider with this budget are:

- No layoff of any employee
- School Resource Officer position being funded by school
- Full cost of the Route 88 project bond
- Increase of trash bag revenues
- Selling of town assets (foreclosed properties)

- 0 % wage increase for both union
- 2 % salary increase of non-union employees (last year 5 – 10 % pay cuts)
- Decreasing Capital Projects for 1 year
- Funding a replacement ambulance
- Lease/Purchase of a new plow truck
- School budget is expected to increase the tax rate by 5.5%

Rita Yavinsky asked if there is a capital reserve fund in this budget.

Councilor Storey-King responded that the capital reserve fund (which includes town building reserves, environmental reserves, equipment reserves, and road paving) is \$333,485.00.

Mrs. Yavinsky asked how many resident proposals presented at the budget workshop were accepted into the budget.

Councilor Stiles responded saying that all the proposals were appreciated and considered. Many of the suggestions were something that the Council had already considered. He understands that the average person looking at the bonding schedule thinks that it is very high, but the infrastructure of the Town has to be taken care of.

Councilor Perfetti said that he feels that this is an incredibly responsible budget. The town is getting a major road improvement with no increase to the tax rate. The Manager should be applauded for that. He (the manager) is owed a huge amount of credit for steering the council through a very difficult budget process.

Councilor Porter said that he wants to clear up a big misconception that the Council didn't care about budgets until the Cumberland Taxpayers Association showed up. That is absolutely ridiculous. Our budgets are down \$300,000 since 2006. It is unlikely that there is a citizen out there that even notices this. The people providing the service notice that their budget is thin, but they do their job and he appreciates what they do. The Council has done a very good job and he's very proud of this budget. Any opportunity to find additional savings is always something that the Council will consider.

Councilor Moriarty pointed out that the budget workshop lasted about 9 hours. He feels that a lot of the people in attendance walked away with an understanding of the process and felt much better informed.

Chairman Copp said that there was discussion during the budget process regarding cutting Police and Fire services. The entire Council agreed that would save little or no money and the level of service would go down. Kudos to the Police and Public Services departments for coming forward and agreeing to a zero percent pay increase.

Motion by Councilor Porter, seconded by Councilor Perfetti to approve the FY'11 Municipal Budget not to exceed \$7,986,788.00.

VOTE: UNANIMOUS PASSAGE 6-0

**10 – 034** To authorize the Town Manager to accept back taxes in the amount of \$14,380.24 and issue a quit-claim deed for property identified as Map U19/Lot 10.

Town Manager Shane explained that any property that goes through the foreclosure process, in order for the owner to recoup the property, the Council is required to vote to accept taxes, interest, and filing fees.

Motion by Councilor Perfetti, seconded by Councilor Storey King to authorize the Town Manager to accept back taxes in the amount of \$14,380.24 and issue a quit-claim deed for property identified as Map U19/Lot 10.

VOTE: 5-0-1 Abstention (Copp)

## **V. NEW BUSINESS**

**Councilor Perfetti** – None

**Councilor Porter** – According to the most recent Maine Municipal Association publication, State revenue sharing will drop by \$212,800.00. This is not new news; it is reflected in our budget.

**Councilor Storey-King** – Many of the Councilors attended the Fire Department annual banquet. It was very well attended. Congratulations to Officer of the Year, Evariste Bernier and Firefighter of the Year, Craig Weeman.

**Chairman Copp** – Urged residents to look at the Cumberland Maine Business Association website. Coupons available for Skillin's open house this weekend. Council received a letter from Wayne Flanigan thanking town for outstanding EMS service that his brother Bruce received.

**Councilor Stiles** – Thank you to Thomas Bennett and Channel 6. Thomas appeared on Bill Green's Maine in a story about indentured servants. It was a very interesting story.

**Councilor Moriarty** – Thanks to the Finance Committee and Chairman, Bill Stiles, the Town Manager, department heads, town staff, and everyone who contributed to the budget process. Well done and thank you.

**Town Manager** – This Friday is the bid opening for the Route 88 project. Based on preliminary discussions, it is expected to come in under \$4 million. The only concern is pavement escalation for the final paving next year. The bond rate and award of contract will be put before the Council on April 12<sup>th</sup>.

## **VI. ADJOURNMENT**

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

VOTE: UNANIMOUS PASSAGE 6-0

TIME: 8:02 p.m.

Respectfully submitted by,

Brenda Stiffler  
Executive Assistant