

# MINUTES

Cumberland Town Council Meeting

Town Council Chambers

**MONDAY, March 23, 2015**

**5:30 P.M. Workshop** with the Finance Committee re: FY2016 Budget

**6:15 P.M. Workshop** with the Tax Assessor

**7:00 P.M. Call to Order**

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

## **I. APPROVAL OF MINUTES**

Motion by Councilor Bingham, seconded by Councilor Stiles, to accept the March 9, 2015 minutes as presented.

VOTE: 7-0                      UNANIMOUS

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

Town Manager Shane said that the item on the agenda regarding the foreclosed properties will be partially tabled. The majority of the property owners have come in to meet with the Deputy Tax Collector and plan to pay the taxes due on their property. He asked the Council to consider tabling until the April 13<sup>th</sup> Council meeting.

Gendron & Gendron was the low bidder on the Blackstrap Road reconstruction project. He will make a recommendation at the April 13<sup>th</sup> meeting to award the bid to them.

Last Saturday evening there was a Father/Daughter dance put on by the Recreation Department that was a huge success. Recreation Staff will be at the next meeting to share photos and talk about the event. It was amazing and he hopes that it becomes an annual event.

## **III. PUBLIC DISCUSSION**

Geoff Michalak, of Bud's Trail said that he reviewed the budget slides on the website and he had some comments regarding a new Public Works facility, and the expenses related to relocating that facility. He hopes that employees will be given the tools and equipment to work efficiently and safely. The proposed cost of a new facility is 4 million dollars. In 2012, his employer constructed a new facility in Massachusetts that cost 12 million dollars (28,000 square feet). If you are building a facility that is not well thought out and well planned, what have you accomplished? A building can be constructed for 4 million dollars, but will the square footage be adequate? He encouraged the Council to do their homework and look at other facilities to get an idea of what it really costs to construct such a facility. We need to find out what the real cost is. He is not saying that the number is incorrect; he simply wants to see us get some efficiency gains from it.

Councilor Bingham responded that the Town had planned to build a new Public Works facility this year, but other circumstances have come up that put that project on hold until 2018 at best. We are looking into working with North Yarmouth and MSAD 51 to share one facility. We would like to relocate the building so the current area can be developed into residential and maybe more elderly housing.

Town Manager Shane added that the biggest difference that Geoff mentioned was the cost. We no longer have the ability to keep up with technology in the construction world and our Public Works department has become a much lower level of maintenance compared to 10 years ago. Everything has changed. The Public Works facility of the future will likely have a smaller maintenance crew with the majority of the work and equipment repairs being contracted out. That slide in the budget presentation was done as a placeholder until the Council is ready to move forward on the project.

#### IV. LEGISLATION AND POLICY

##### **15 – 029 To hold a Public Hearing to consider and act on a Class III Vinous & Malt Liquor License for Doc's Café, for the period of May 2015 – May 2016.**

Town Manager Shane said that staff is recommending approval.

Chairman Gruber opened the Public Hearing.

Public Discussion: None

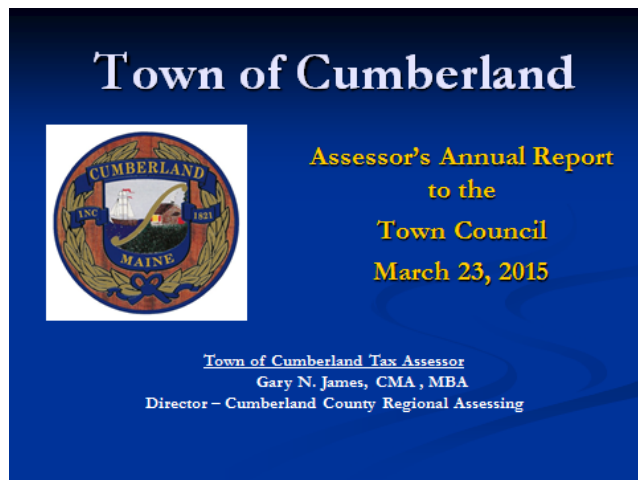
Chairman Gruber closed the Public Hearing

Motion by Councilor Storey-King, seconded by Councilor Stiles, to approve the Class III Vinous & Malt Liquor License for Doc's Café, for the period of May 2015 – May 2016.

VOTE: 7-0 UNANIMOUS

##### **15 – 030 To hear a report from the Assessor re: property values.**

Tax Assessor, Gary James, presented the following:



**Town of Cumberland**

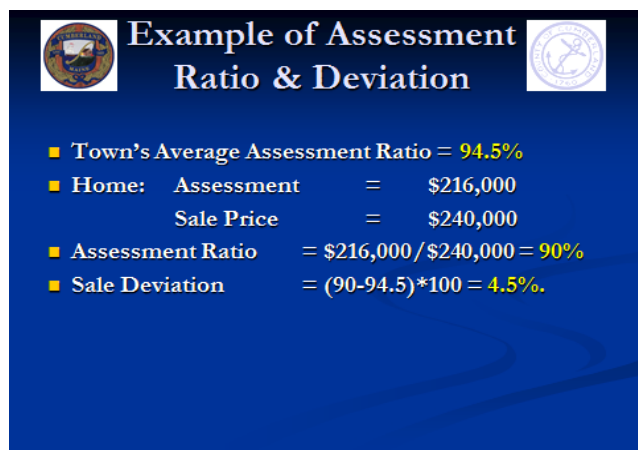
**Assessor's Annual Report  
to the  
Town Council  
March 23, 2015**

Town of Cumberland Tax Assessor  
Gary N. James, CMA, MBA  
Director – Cumberland County Regional Assessing



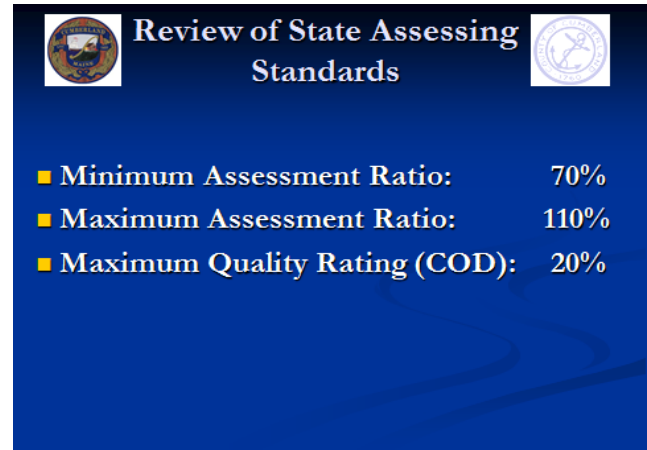
**Definitions**

- **Assessment Ratio** =  $\frac{\text{Current Assessment}}{\text{Sale Price}}$
- **Average Assessment Ratio**: Average of All Assessment Ratios in a Sales Analysis
- **Deviation**: Percentage Difference of each Sale from the Average Assessment Ratio
- **Quality Rating** =  $\frac{\text{Average Deviation of All Sales}}{\text{Average Assessment Ratio}}$



**Example of Assessment Ratio & Deviation**

- Town's Average Assessment Ratio = **94.5%**
- Home: Assessment = \$216,000  
Sale Price = \$240,000
- Assessment Ratio =  $\$216,000 / \$240,000 = 90\%$
- Sale Deviation =  $(90 - 94.5) * 100 = 4.5\%$



**Review of State Assessing Standards**

- Minimum Assessment Ratio: 70%
- Maximum Assessment Ratio: 110%
- Maximum Quality Rating (COD): 20%



## State Valuations for Cumberland Since 2008



<u>Tax Year</u>	<u>Equalized Valuation</u>	<u>Actual Ratio</u>	<u>Certified Ratio</u>
2010	\$1,131,150,000	96	100
2011	\$1,084,700,000	100	100
2012	\$1,068,500,000	103	100
2013	\$1,056,700,000	104	100
2014	\$1,057,800,000	107	100
2015	\$1,099,350,000	103	100
2016	\$1,125,000,000	100	100



## Sales Information: 2008 - 2014 Town Wide



<u>Number of Sales</u>	<u>Assessment Ratio</u>	<u>Quality Rating (COD)</u>
644	100.92%	11.13%
	<u>Assessment Sale Price</u>	Below 20% Lower the Better



## Sales Information: 2008 – 2014 Foreside



<u>Number of Sales</u>	<u>Assessment Ratio</u>	<u>Quality Rating (COD)</u>
161	102.72%	12.47%
	<u>Assessment Sale Price</u>	Below 20% Lower the Better



## Sales Information: 2008 – 2014 Cumberland Center



<u>Number of Sales</u>	<u>Assessment Ratio</u>	<u>Quality Rating (COD)</u>
323	98.49%	9.82%
	<u>Assessment Sale Price</u>	Below 20% Lower the Better



## Sales Information: 2008 – 2014 West Cumberland



<u>Number of Sales</u>	<u>Assessment Ratio</u>	<u>Quality Rating (COD)</u>
155	103.46%	9.22%
	<u>Assessment Sale Price</u>	Below 20% Lower the Better



## Sales Information: 2008 - 2014 Condominiums



<u>Number of Sales</u>	<u>Assessment Ratio</u>	<u>Quality Rating (COD)</u>
10	101.68%	3.44%
	<u>Assessment Sale Price</u>	Below 20% Lower the Better



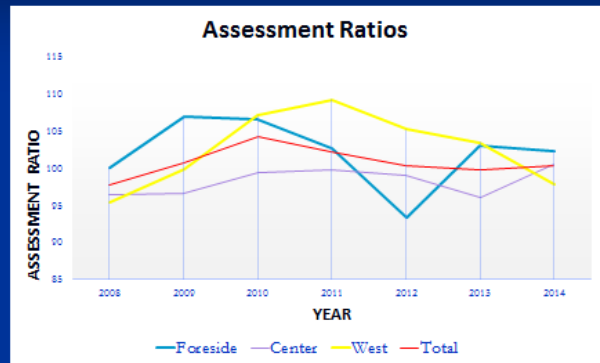
## Sales Information: All Areas: 2014



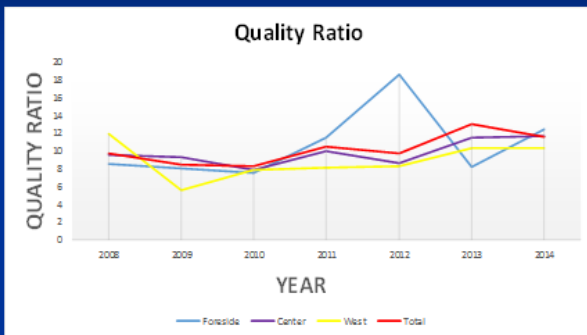
Location	Assessment Ratio	Quality Rating (COD)
Cumberland Center	100.42%	11.63%
Cumberland Foreside	102.29%	12.40%
West Cumberland	97.82%	10.28%
Condominiums	101.68%	3.44%
Vacant Land	97.76%	20.00%



## Sales Information: All Areas: 2008 to 2014



## Sales Information: All Areas: 2008 - 2014



## Conclusions/Contact Info



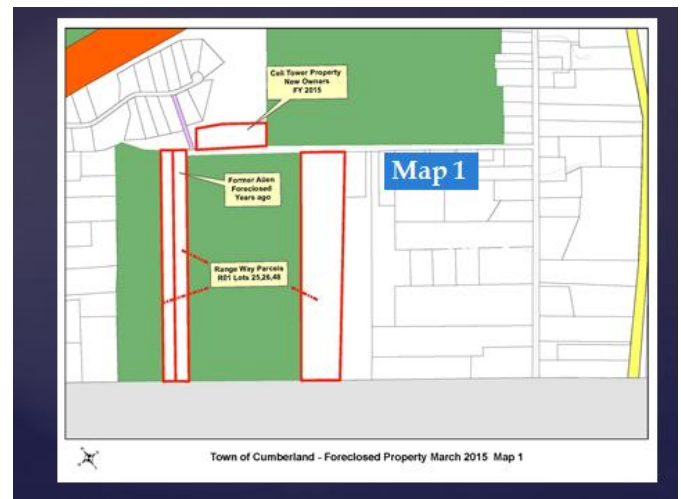
- **Trends:**
    - Dramatic Increases in Foreside Prices in 2012
    - Stabilization since 2013
  - **Very Good Ratios - Equitable Assessments**
  - **Areas of Concern – Under Assessment:**
    - Maevs Way
    - Mary Lane
  - **Areas of Concern – High Ratios/Outliers:**
    - Vacant Land Values
- Gary James– Town Assessor (207) 699-2475  
Email: james@cumberlandcounty.org

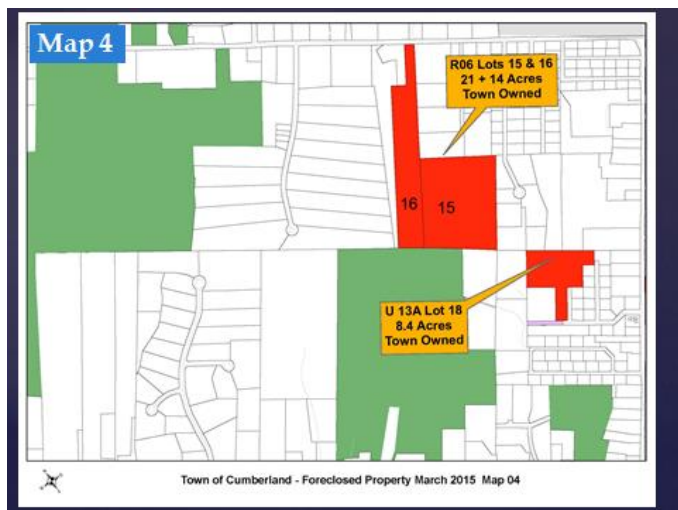
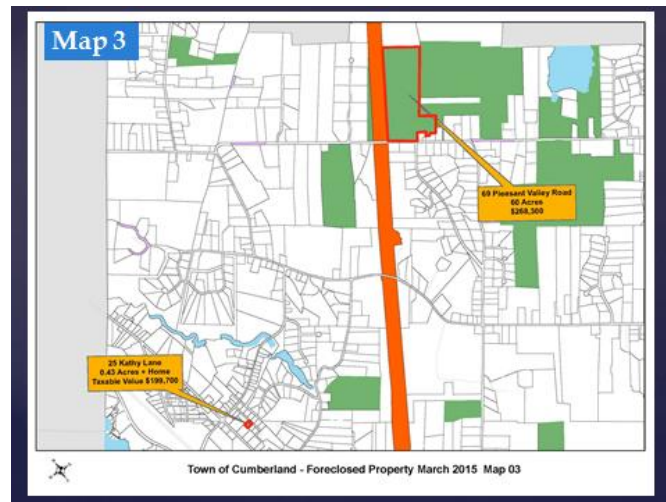
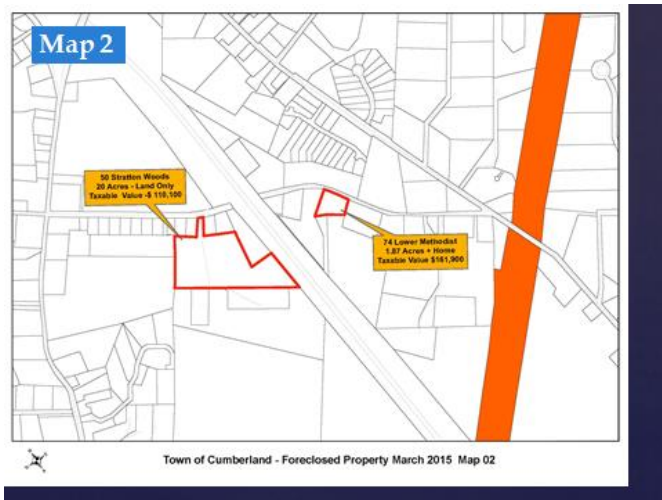
### 15 – 031 To hear a report from the Town Manager and to consider and act on disposition of foreclosed property.

Town Manager Shane presented the following:



## Foreclosed Properties March 23, 2015





Everett White of 26 Mayflower Drive said that he, his wife and their daughter and her family live on the same property, in separate houses. Their property abuts 2 of the Town properties that are being discussed this evening. He feels that he is well informed about the trail system in that area because he walks it almost every day, year round. While walking, he often meets other walkers, some with dogs, joggers, bike riders, large groups of Greely Cross Country runners and people on horseback. In the winter, he sees people snowshoeing, cross country skiers and occasionally, snowmobiles. These woods and trails are used by a lot more people than anyone realizes. As for animal life, he has seen deer, fox, turkeys, coyotes, raccoons and huge striated owls. This wooded area is a human and animal sanctuary, and hopefully, it can be kept as such for a long, long time. These properties are not going to cost the taxpayers any money because the Town already owns the land and they are tax exempt. In the 15 years that he has been in Cumberland, he has never heard of anyone being prevented from accessing the trails in that area. He and his family would be willing to volunteer to help to improve and maintain the trail system.

ORDERED by Councilor Bingham, seconded by Councilor Stiles, that pursuant to 36 M.R.S.A. § 841(3) the Council hereby abates taxes assessed on property described as Lot 25 on Tax Map R03 in the name of the Robert Allen heirs, so-called, on the basis of the Tax Collector's recommendation that said taxes are uncollectable, and further

ORDERED, that pursuant to 36 M.R.S.A. § 841(1) the Council hereby abates taxes assessed on property described as Lot 19-2 on Tax Map R03 on the basis of the error in assessment as to the proper owner of said premises.

VOTE: 7-0

UNANIMOUS



Motion by Councilor Stiles, seconded by Councilor Edes, to table action on the following parcels to April 13, 2015:

Map R07/Lot 55

Map U18/Lot 02

Map R08/Lot 27

Map U19/Lot 32

VOTE: 7-0 UNANIMOUS

Motion by Councilor Stiles, seconded by Councilor Turner that the disposition of the remaining parcels be in accordance with the Town Manager's recommendation.

VOTE: 7-0 UNANIMOUS

Town Manager Shane explained that these are the "Greely woods" and Range Way properties on Map 4 that the Town will attempt to obtain easements from abutters to expand the trail system.

**15 – 032 To hold a Public Hearing to consider and act on amendments to Chapter 96 (Fire and Fire Protection) of the Cumberland Code with regard to sprinkler systems for commercial buildings, as recommended by the Planning Board.**

Town Manager Shane explained that the Ordinance Committee reviewed the sprinkler ordinance and determined that the only criteria in the ordinance is that if the building is a commercial building, it required a sprinkler system. It did not matter how the building was used or what was in it, if it was over 4,000 square feet, it required a sprinkler. The Fire Chief agreed that if the building was not occupied, such as a storage building, the sprinkler requirement could be waived if the sprinkler was not for life saving purposes. The Planning Board agreed with this recommendation.

Chairman Gruber opened the Public Hearing.

Bob Vail said that when ordinance changes come before the Council, there should be due process that may affect how people do business. Those people should have some input.

Councilor Turner responded that the intent was to have the ability to waive the sprinkler requirement, taking the burden of related costs away from those business owners where sprinklers are not necessary.

Chairman Gruber closed the Public Hearing.

Motion by Councilor Bingham, seconded by Councilor Turner, to amend Chapter 96, Section 96-14D (Fire Protection Requirements) of the Cumberland Code, regarding sprinkler requirements for commercial properties in excess of 4,000 square feet and single family dwelling units in major subdivisions, as recommended by the Planning Board.

VOTE: 7-0 UNANIMOUS

**15 – 033 To appoint William Longley as Code Enforcement Officer, Dan Small as alternate Building Inspector, and Richard Wentworth as Electrical Inspector for the term of July 1, 2015 – June 30, 2017.**

Motion by Councilor Copp, seconded by Councilor Edes, to appoint William Longley as Code Enforcement Officer, Dan Small as alternate Building Inspector and Richard Wentworth as Electrical Inspector for the term of July 1, 2015 – June 30, 2017.

VOTE: 7-0 UNANIMOUS

**15 – 034 To consider and act on setting the week of May 18<sup>th</sup> – 22<sup>nd</sup> as Spring Bulky Item Pick-up Week.**  
Motion by Councilor Bingham, seconded by Councilor Stiles, to set the week of May 18<sup>th</sup> – 22<sup>nd</sup> as Spring Bulky Item Pick-up Week.

VOTE: 7-0 UNANIMOUS

**15 – 035 To set a Public Hearing date (April 13<sup>th</sup>) to consider and act on a Mass Gathering Permit for Binnie Media's Maine's Ultimate Yard Sale to be held on June 13, 2015 at the Cumberland Fairgrounds.**

Motion by Councilor Edes, seconded by Councilor Copp, to set a Public Hearing date of April 13<sup>th</sup> to consider and act on a Mass Gathering Permit for Binnie Media's Maine's Ultimate Yard Sale to be held on June 13, 2015 at the Cumberland Fairgrounds.

VOTE: 7-0 UNANIMOUS

**15 – 036 Motion by Councilor Storey-King, seconded by Councilor Bingham to send to the Planning Board for a recommendation to add the use of catering to the VCC Zone.**

VOTE: 7-0 UNANIMOUS

## **V. NEW BUSINESS**

**Councilor Copp** – it's spring! Thank goodness.

**Councilor Edes** – thank you to those residents who attended the Council meeting this evening. The Council appreciates it when people show up and have a voice. They do listen to them.

There was a fundraiser at Rachel's On the Green last Saturday evening for the owner's sister. A lot of people showed up to support the event, which is what this Town is about.

**Councilor Storey-King** – she received an email from the Manager earlier today regarding adding a use to the VCC Zone due to someone being interested in the Allen Farm property. The proposed added use is catering. As a member of the Ordinance Committee, she feels that they Committee does not need to discuss it before sending it to the Planning Board for their recommendation. She made a motion to send it to the Planning Board. (see added item 15-036).

Greely High School and Middle School are both busy with theater productions in the near future.

The Greely Middle School Jazz Band came in first in the State Festival this past weekend.

Thank you to her fellow Councilors and Town Employees for the beautiful flowers that were sent to her during her recent recuperation.

**Councilor Bingham** – the Land Use Committee met last week and they are getting closer to reaching and end point. Over the next couple of weeks they will be working on a preliminary report to bring to the Council within a month or so.

The Finance Committee met earlier in workshop earlier this evening. There were some concerns about health insurance and utilities. The Manager and his staff did some work over the past week and were able to add another \$41,000 to the budget to take care of the realistic expectations of the health

insurance and other items of concern, while also finding \$65,000 worth of deductions. We have been able to take the Town increase on the tax rate from 5 cents to 3 cents. He urged the public to attend the Public Hearings on the school budget as the voters are the ones who will determine the fate of it.

**Chairman Gruber** – the Greely High School Choir preformed recently at Town Hall as part of the *Tea and Talk* series put on by our Recreation Department. They were fantastic.

State Senator, Cathy Breen and State Representative, Mike Timmons will be at Town Hall on March 25<sup>th</sup> for a community forum on the Governor's proposed budget.

**Councilor Stiles** – he will begin his fundraising efforts again soon to raise money for the food pantry to purchase meat at the Cumberland Fair. If 1,000 residents of Cumberland and North Yarmouth donate \$10.00, we would have \$10,000 to benefit a great cause.

**Councilor Turner** – Ashley Storey is officially Miss Maine Basketball and that is a tremendous honor.

**Town Manager Shane** – he spoke to the Windham Town Manager and the Windham Town Council is willing to sit down with the Cumberland Town Council to discuss the road conditions around Forest Lake. He will set up a Workshop meeting with the 2 Councils in April.

Our former Assistant Town Manager, Alyssa Tibbetts and her husband Chris welcomed their first child, a daughter, Lily. Congratulations to Alyssa and Chris.

- VI. EXECUTIVE SESSION** pursuant to 1 M.R.S.A., § 405(6)(C) re: real property.  
Motion by Councilor Bingham, seconded by Councilor Stiles, to recess to Executive Session pursuant to 1 M.R.S.A., § 405(6)(C) re: real property.  
VOTE: 7-0 UNANIMOUS  
TIME: 8:22 P.M.

Reconvene to regular session at 8:45 P.M.

Motion by Councilor Bingham, seconded by Councilor Copp, to not exercise the Town's right of first refusal on Tax Map R04, Lot 32C, as recommended by the Town Manager.  
VOTE: 7-0 UNANIMOUS

- VII. ADJOURNMENT**  
Motion by Councilor Bingham, seconded by Councilor Turner, to adjourn.  
VOTE: 7-0 UNANIMOUS  
TIME: 8:45 P.M.

Respectfully submitted by,

Brenda L. Moore  
Council Secretary