

# **MINUTES**

Cumberland Town Council Meeting  
Town Council Chambers

**MONDAY, August 9, 2010**

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

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

## **I. APPROVAL OF MINUTES**

July 26, 2010

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

VOTE: 7-0                      UNANIMOUS PASSAGE

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

Project Updates:

### **▪ Route 88 – Sea Cove**

The work on Sea Cove Road is going very well. The outfall is complete and work is heading up the street. All the side streets on Route 88 will have their final paving completed this year. The base paving and crack sealing will take place on 88 this year, allowing it to season through a frost cycle. Final pavement and any final drainage repairs will happen next June. Shoulder work is continuing and everything is on schedule. Major blasting is almost complete. 99% of tree removal is complete.

### **▪ Range Road – Final paving Phase I (September)**

As of last Friday, this phase is almost complete. Stripes and binder coat of the roadway are done. Portland Water District is testing the waterline; this should be completed this week. Residents interested in hooking into the water main on Range Road should contact Portland Water District directly.  
Final paving from Idlewood to Winn Road should occur around Labor Day.

The water main extension project on Route 100 from Record Lumber's new location to Skillins will begin soon.

In early September, installation of a new water main on Middle Road (from the Yarmouth Town line in about 1,000 feet) will begin. Four homes had contaminated wells due to winter salt operations. The Yarmouth Water District has done us a big favor by working with the PUC in getting us connected. Had we not been able to reach an agreement with Yarmouth, we would have been forced to extend the water main almost one mile, which would have been much more costly.

## **III. PUBLIC DISCUSSION**

## **IV. LEGISLATION AND POLICY**

**10 – 109 To hold a Public Hearing to consider and act on setting the FY'11 tax rate as recommended by the Tax Assessor.**

Tax Assessor, William Healey recommended a tax rate of \$15.30 per \$1,000. Mr. Healey explained that typically new construction and lot splits, which has been slow for the past couple of years, helps to offset the tax rate. In a good year, we would pick up 15-16 million in new value. Over the past couple of years, we have been fortunate to get between 6-8 million in new value.

Councilor Stiles asked Mr. Healey what the increase is comparison to last year.

Mr. Healey said it equals an increase of .75 cents per 1,000.

Motion by Councilor Porter, seconded by Councilor Perfetti, to set the municipal tax rate for FY'11 at \$15.30.

VOTE: 7-0                      UNANIMOUS PASSAGE

**10 – 110    To hold a Public Hearing to appoint Tamara O'Donnell as Town Clerk, Election Warden and Registrar of Voters.**

Town Manager Shane explained that the Town Charter requires that the initial appointment of all department heads be confirmed by the Town Council. It is with great pleasure that he recommend Tammy O'Donnell be appointed Town Clerk, Election Warden and Registrar of Voters. Tammy has been with the town for ten years, has been Deputy Town Clerk for several years, and is doing a fantastic job in that role. She has also been the President of the Cumberland County Municipal Clerks Association. Tammy resides in Cumberland with her husband Doug and they have three adult children.

Motion by Councilor Perfetti, seconded by Councilor Turner, to appoint Tamara O'Donnell to the following offices, effective Thursday, August 19, 2010:

- Town Clerk, pursuant to the Cumberland Town Charter and MRSA 21-A §505;
- Election Warden, pursuant to MRSA 21-A §501; and
- Registrar of Voters, pursuant to MRSA 21-A §101, with said term to expire on December 31, 2010.

VOTE: 7-0                      UNANIMOUS PASSAGE

**10 – 111    To hold a Public Hearing to set rates at which interest will be paid for delinquent and over paid taxes, and to authorize applying tax payments to the oldest unpaid taxes.**

Town Manager Shane said that based on Maine Municipal Association's recommendation of an interest rate of 7% for delinquent taxes, and 3.5% for overpayment of taxes, it is staff recommendation to follow these guidelines as has been done in the past.

Motion by Councilor Moriarty, seconded by Councilor Stiles, to set an interest rate of 7% for delinquent real and personal property taxes for the fiscal year 2010-2011, and set a rate of 3.5% for overpayment of real and personal property taxes.

Be it further Ordered, that all payments for delinquent real and personal property taxes be applied to the oldest unpaid taxes.

VOTE: 7-0                      UNANIMOUS PASSAGE

**10 – 112 To hold a Public Hearing to consider and act on a Mass Gathering Permit and Victualer's Licenses for the 139<sup>th</sup> Cumberland Fair to be held from September 26 – October 2, 2010 at the Cumberland Fairgrounds.**

Town Manager Shane explained that staff is recommending approval and all documentation is in order. The Farmers Club does a great job and the Town has a great working relationship with them.

Motion by Councilor Copp, seconded by Councilor Perfetti, to approve the Mass Gathering Permit, Victualer's Licenses, and Special Off-Premise Catering Permit, for the 139<sup>th</sup> Cumberland Fair to be held from September 26 – October 2, 2010 at the Cumberland Fairgrounds.

VOTE: 7-0 UNANIMOUS PASSAGE

**10 – 113 To hold a Public Hearing to consider and act on a Mass Gathering Permit and Victualer's Licenses for Nassau Broadcasting for Maine's Ultimate Fall Yard Sale to be held at the Cumberland Fairgrounds on Saturday, October 9, 2010 from 9:00 a.m. to 2:00 p.m.**

Town Manager Shane explained that staff is recommending approval and the application is complete. The first event was a success and the Town is excited that they have decided to come back.

Motion by Councilor Turner, seconded by Councilor Moriarty, to approve the Mass Gathering Permit and Victualer's Licenses for Nassau Broadcasting for Maine's Ultimate Fall Yard Sale to be held at the Cumberland Fairgrounds on Saturday, October 9, 2010 from 9:00 a.m. to 2:00 p.m.

VOTE: 7-0 UNANIMOUS PASSAGE

**10 – 114 To hold a Public Hearing to consider and act on setting October 18<sup>th</sup> – 22<sup>nd</sup> as Bulky Waste Pick-Up Week.**

Motion by Councilor Copp, seconded by Councilor Stiles, to set October 18<sup>th</sup> – 22<sup>nd</sup> as Bulky Waste Pick-Up Week.

VOTE: 7-0 UNANIMOUS PASSAGE

**10 – 115 To set a Public Hearing date (August 23<sup>rd</sup>) to consider and act on setting a fee for staff review of site plans at \$250.00 per plan.**

Town Manager Shane explained that this is the site plan staff review that was forward from the Planning Board with their support. The Town Planner and staff review development team will now review many of the smaller site plan applications in-house, streamlining the process for the applicant. The site plan review has been approved, but a fee was not set at that time.

Motion by Councilor Moriarty, seconded by Councilor Stiles, to set a Public Hearing date of August 23<sup>rd</sup> to consider and act on setting a fee for staff review of site plans at \$250.00 per plan.

VOTE: 7-0 UNANIMOUS PASSAGE

**10 – 116 To set a Public Hearing date (August 23<sup>rd</sup>) to consider and act on a Victualer's License application for The Barnyard Restaurant, located at the Cumberland Fairgrounds, for the period of August 23, 2010 through June 30, 2011.**

Councilor Moriarty asked if this was a new, year round restaurant.

Ms. O'Donnell explained that it is not, they are simply requesting a year round Victualer's License vs. requesting one for each event at the fairgrounds.

Motion by Councilor Moriarty, seconded by Councilor Turner, to set a Public Hearing date of August 23<sup>rd</sup> to consider and act on a Victualer's License application for The Barnyard Restaurant, located at the Cumberland Fairgrounds, for the period of August 23, 2010 through June 30, 2011.

VOTE: 7-0 UNANIMOUS PASSAGE

**10 – 117 To hear a report from the Finance Committee Chair re: FY'10 4<sup>th</sup> quarter financials.**

Councilor Perfetti, Finance Committee Chair, thanked Town Manager Shane and Finance Director, Alex Kimball for taking the time to meet with him to review the financial information. He reviewed the goals of the Council, which are:

- To budget transparently, accurately, and fairly,
- To increase cash reserves to eliminate the need for annual tax anticipation note borrowing,
- To annually review and make policy recommendations regarding all enterprise funds, and
- To grow commercial and residential tax bases.

Councilor Perfetti reviewed the following slides with the Council:

**Fiscal Year 2009-10  
Final Budget Report**

TOWN OF CUMBERLAND 2009-10 Expenses As of July 28, 2010					
Department	2009-10 Budget	2009-10 YTD Expenses	Percent Used	2008-09 Used	2007-08 Used
General Administration	\$ 1,091,637	\$ 1,120,337	102.6%	100.3%	105.3%
Public Safety	\$ 1,798,658	\$ 1,880,426	104.5%	101.9%	100.6%
Public Works	\$ 1,620,975	\$ 1,607,271	99.2%	103.5%	108.7%
Parks & Recreation	\$ 636,015	\$ 692,633	108.9%	102.6%	111.1%
Library	\$ 372,533	\$ 376,276	101.0%	96.7%	105.7%
Other Expenses	\$ 348,150	\$ 361,985	104.0%	99.6%	111.7%
Controllable Expense Total	\$ 5,867,968	\$ 6,038,929	102.9%	101.7%	105.5%
MSAD & Other Expense Total	\$ 13,076,900	\$ 13,043,876	99.7%	100.2%	100.3%
All Expenses Total	\$ 18,944,868	\$ 19,082,804	100.7%	100.7%	102.1%
Expense Comparison	Budget	Actual	Percent	Overage	
FY 2009-10	\$ 18,944,868	\$ 19,082,804	100.73%	\$ 137,936	
FY 2008-09	\$ 18,348,840	\$ 18,478,284	100.71%	\$ 129,444	
FY 2007-08	\$ 18,891,217	\$ 19,333,933	102.34%	\$ 442,716	

### FY 09-10 General Fund Revenues

Description	Budget	Actual	Percent Collected	Over/Under
Misc Revenues	\$ 2,548,077	\$ 2,460,272	103.7%	\$ 93,195
Dept Revenues	\$ 1,124,464	\$ 1,119,843	99.6%	\$ (4,621)
<b>Total Revenues</b>	<b>\$ 3,672,541</b>	<b>\$ 3,762,073</b>	<b>102.4%</b>	<b>\$ 89,532</b>

Selected Revenue Lines	Budget	Actual	Percent
Excise Tax	\$ 1,298,000	\$ 1,354,129	104%
Building Permits	\$ 35,000	\$ 38,492	110%
State Revenue Sharing	\$ 650,000	\$ 566,153	87%
Trash Bags	\$ 245,000	\$ 224,140	91%
Summer Rec	\$ 187,000	\$ 183,741	98%
Rescue Billing	\$ 150,000	\$ 147,096	98%

### General Fund Overall Budget vs. Actual

	Budget	Actual	Percent	Over/Short
<b>Revenues</b>				
Property Tax Revenues	\$ 15,759,205	\$ 15,762,893	100.0%	\$ 3,688
Non-Prop Revenues	\$ 3,672,541	\$ 3,762,073	102.4%	\$ 89,532
<b>Total Revenues</b>	<b>\$ 19,431,746</b>	<b>\$ 19,524,966</b>	<b>100.5%</b>	<b>\$ 93,220</b>
<b>Expenses</b>				
Controllable Expenses	\$ 5,867,968	\$ 6,038,929	102.9%	\$ 170,961
MSAD & Other Expenses	\$ 13,076,900	\$ 13,043,876	99.7%	\$ (33,024)
<b>Total Expenses</b>	<b>\$ 18,944,868</b>	<b>\$ 19,082,804</b>	<b>100.7%</b>	<b>\$ 137,936</b>
<b>Net Budget Overage</b>			<b>0.2%</b>	<b>\$(44,717)</b>

### Property Tax Collections through 6/30

	2006-07	2007-08	2008-09	2009-10
Tax Commitment	\$ 17,152,987	\$ 15,762,627	\$ 15,901,519	\$ 16,612,279
Taxes Collected	\$ 16,916,276	\$ 15,467,859	\$ 15,588,250	\$ 16,340,683
Percent Collected	98.62%	98.13%	98.03%	98.37%
% Difference		-0.49%	-0.10%	0.34%
\$\$ Difference		\$ (77,244)	\$ (15,904)	\$ 55,675

Councilor Perfetti made a recommendation to the Town Manager and Council Chair that the Council meet in workshop, before the budget process begins, to discuss budgeting goals and policies.

Councilor Porter said that he felt this is a good idea, but it may be challenging due to not knowing what the issues with the next budget are going to be as early as fall.

## V. NEW BUSINESS

**Councilor Turner** – Wants to congratulate the bicycle group that he encountered on Tuttle Road this evening for the courtesy of riding single file in the bike lane.

**Councilor Copp** - Rode the length of Range Road last week. He was amazed that the rural character of the road was preserved, with much better sight lines, larger ditches and walking lane than before. A.H. Grover did an excellent job.

**Councilor Porter** – None

**Councilor Perfetti** – None

**Chairman Storey-King** – Received a call from a resident who wanted to complain about the cost of trash bags.

Nancy Heyner requested the following be read: *I wish Nadeen the best of luck in whatever road she takes upon her retirement from the Town of Cumberland. It has been a pleasure to work with Nadeen. She has always been professional, informative, caring, and with the utmost integrity a person can have. I will miss her in her role as the best Town Clerk EVER, as most everyone will. Good Luck Nadeen!! And Tammy, congratulations on your new job!! I know you will be great at your job, because you could not have possibly had a better mentor than Nadeen Daniels. Best Regards, Nancy Heyner*

State Circuit Breaker flyers have been mailed. In order to be eligible for our local Senior Circuit Breaker Refund Program, you have had to file and receive a refund from the state program. Be sure to fill out the state application and return it.

Thanked the Council and Town employees for the beautiful flowers and get-well wishes after her recent heart surgery.

**Councilor Stiles** – A.H. Grover has done a fantastic job on Range Road. Encouraged residents to take a (35 mph or less) drive down the road. He agreed with Councilor Copp, that the road has lost very little of its ambiance. It was a pleasure to watch the A.H. Grover crew work.

**Councilor Moriarty** – None

**Town Manager Shane** - None

## **VI. ADJOURNMENT**

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

VOTE: 7-0 UNANIMOUS PASSAGE

TIME: 8:02 p.m.

Respectfully submitted by:

Brenda L. Moore  
Executive Assistant