

**MINUTES**  
Cumberland Town Council Meeting  
Town Council Chambers  
**MONDAY, May 9, 2011**  
**6:00 p.m. Call to Order**

**6:00 p.m. Call to Order**

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

- I.** Motion by Councilor Stiles , seconded by Councilor Moriarty, to enter into Executive Session pursuant to 1 M.R.S.A., Section 405(6)(D) re: contract negotiations between the Town and the Public Works/Val Halla Employees Association, and pursuant to 1 M.R.S.A., §405(6)(C) re: real property acquisition.  
VOTE: 7-0 UNANIMOUS PASSAGE  
TIME: 6:01 P.M.

Motion by Councilor Stiles, seconded by Councilor Turner, to return from Executive Session.  
VOTE: 7-0 UNANIMOUS PASSAGE  
TIME: 6:52 P.M.

**II. APPROVAL OF MINUTES**

April 25, 2011

Motion by Councilor Moriarty, seconded by Councilor Stiles, to accept the minutes as presented.  
VOTE: 7-0 UNANIMOUS PASSAGE

**III. MANAGER'S REPORT**

A few residents have complained that they have received a mailing that, at first glance, appears to be from the Cumberland Police Department (an example is below). It is actually from the "Cumberland Center Area Emergency Appeal" Police Family Survivors Fund. This non-profit organization raises money for families of police officers who have died in the line of duty. Police Chief Charron has contacted the organization and verified that they are legitimate.



Cumberland Center Area Emergency Appeal  
POLICE FAMILY SURVIVORS FUND  
American Federation of Police & Concerned Citizens

**Extremely Important News Inside...**

Last week, the Manager sent a letter to the Town of North Yarmouth regarding cost sharing of Library and Recreation services. The cost sharing formula is based on population. With the latest census numbers, there has been a 2% shift in population and cost in North Yarmouth's share.

Town Manager Shane reviewed the following calculations with the Council:

North Yarmouth Cost Share for July 1, 2011 to June 30, 2012				
Populations + 5% for OH & Admin.				
New Census Data March 2011				
	2000		2010	
Chebeague	356		0	341
Cumberland	6,803		7,211	
	7,159	69%	7,211	67%
North Yarmouth	3,210	31%	3,565	33%
Total	10,369	100%	10,776	100%

North Yarmouth Cost Share for July 1, 2011 to June 30, 2012						
Program	Expenses	Revenues	Sub Total	2010 Census	Totals	
Library	\$377,582	\$7,852	\$369,730	x 38%	\$140,497	37%
Parks	\$184,382	0	\$184,382	3 yr Phase in Phase	\$10,952	6%
Recreation	\$503,092	\$341,014	\$162,078	x 38%	\$61,590	12%
Grand Total	\$1,065,056				\$213,039	20%

#### IV. PUBLIC DISCUSSION

Dudley Greely presented the following slides regarding the spring bulky waste pick-up program this year:

## Define "Bulky"

- A: Anything placed at the end of a driveway on "Bulky Trash" pick-up day
- B: Any item too big to fit into a Town of Cumberland trash bag
- C: Taking up much space; large and unwieldy
- D: None of the above



Note: yellow Bisquick box at top of white plastic trash bag under left lower corner of blue tarp. The only thing "bulky" about this trash is the size of the pile.



Why are generic black plastic trash bags picked up some days and not others?



In Cumberland trash magically becomes "bulky" twice a year!



How convenient for the loader! Do you see anything here that wouldn't fit into a Town of Cumberland trash bag? Can you find the recyclable items?



Why put stuff into a Town of Cumberland trash bag when you can use a recyclable box or just dump the stuff near the street?



Should neighbors be forced to pay for trash removal just because folks decide taking stuff to the street more than once a year is too much of a bother?



In spite of the warning sign, everything but the computer monitor was presumably taken away at taxpayer's expense?



Note the apparently random use of an official Town of Cumberland trash bag in the foreground.



Much of the “bulky waste” in these photos would have fit into a Cumberland trash bag or a recycle bin. Mr. Greely requested that the Council follow through with the unit volume pricing and get rid of this system. Perhaps go to a sticker program where a resident could purchase stickers to be placed on their large items to be disposed of. This would reduce the trash picker traffic and perhaps give that item a second life because it wouldn’t be sitting out in the rain for a week.

Town Manager Shane said that we need to do a better job of educating the public. He estimates that 50-70% of the residents who use the system are not using it properly.

Mr. Greely said that there may be some pushback from those who abuse the system. However, for every 1 of those who push back, there may be 10 people like him who will be happy that they no longer have to endure trash blowing up and down their street for a month, and pleased that they are no longer subsidizing a behavior that the Town does not condone.

## **V. LEGISLATION AND POLICY**

### **11 – 076 To countersign the Warrant and Notice of Election calling the June 14, 2011 M.S.A.D. 51 Budget Validation Referendum.**

Town Clerk, Tammy O’Donnell is currently attending the school board meeting and will return with the warrant to be countersigned by the Council this evening. The warrant was countersigned after adjournment of this meeting.

### **11 – 077 To hold a Public Hearing to authorize the Town Manager to enter into a labor contract agreement with the Public Services/Val Halla Employees Association for the period of July 1, 2011 – June 30, 2014.**

Town Manager Shane explained that this is a 3 year agreement with the Public Services and Val Halla employees. They have done an outstanding job and in the past, they have agreed to 0% increases and time off in lieu of overtime to save in budget matters. Staff is recommending approval of the contract.


Motion by Councilor Porter, seconded by Councilor Stiles, to authorize the Town Manager to enter into a labor contract agreement with the Public Services/Val Halla Employees Association for the period of July 1, 2011 – June 30, 2014.

VOTE: 7-0

UNANIMOUS PASSAGE

**11 – 078 To hear a report from the Tax Assessor re: Assessments and Property Values by District.**  
Tax Assessor, Bill Healey reviewed the following assessment and property value information with the Council:

## Town of Cumberland



Assessor's Annual Report  
to the Cumberland Town  
Council  
May 9, 2011

Town of Cumberland Tax Assessor  
William H. Healey Jr., CMA

### Review of State Assessing Standards

- Minimum Assessment Ratio – 70%
- Maximum Assessment Ratio – 110%
- Maximum Rating of Assessment (COD) – 20%

### State Valuations for Cumberland Since 2008

Tax Year	State Valuation	Sales Ratio Used to Calculate Valuation
2008	\$1,132,250,000	66%
2009	\$1,162,000,000	67%
2010	\$1,131,150,000	96%
2011	\$1,084,700,000	100%
2012*	\$1,068,500,000	103%

\*In effect 4/1/2012

### Sales Information – Town Wide

Number of Sales	Assessment Ratio	Quality Rating (COD)
70	103%	8%

### Sales Information – Center

Number of Sales	Assessment Ratio	Quality Rating (COD)
28	100%	8%

### Sales Information – Foreside

Number of Sales	Assessment Ratio	Quality Rating (COD)
12	100%	9%

### Sales Information – West Cumberland

Number of Sales	Assessment Ratio	Quality Rating (COD)
19	109%	8%

### Sales Information – Condominiums

Number of Sales	Assessment Ratio	Quality Rating (COD)
11	107%	8%

**11 – 079 To hold a Public Hearing to consider and act on a Mass Gathering Permit for the Cumberland Memorial Day Parade to be held on May 30, 2011.**

Town Manager Shane explained that any gathering of more than 500 people requires a Mass Gathering Permit.

Public comment: None

Motion by Councilor Moriarty, seconded by Councilor Stiles, to approve the Mass Gathering Permit for the Cumberland Memorial Day Parade to be held on May 30, 2011.

VOTE: 7-0 UNANIMOUS PASSAGE

**11 – 080 To hold a Public Hearing to consider and act on Victualer's License Applications for Fat Guys Concessions for a miniature horse show at the Cumberland Fairgrounds on June 25 & 26, 2011.**

Town Manager Shane said that staff is recommending approval.

Public comment: None

Motion by Councilor Copp, seconded by Councilor Turner, to approve the Victualer's License Applications for Fat Guys Concessions for a miniature horse show at the Cumberland Fairgrounds on June 25 & 26, 2011.

VOTE: 7-0 UNANIMOUS PASSAGE

**11 – 081 To set a Public Hearing date (May 23<sup>rd</sup>) to consider and act on a Victualer's License application for The Golf Learning Center, 147 Bruce Hill Road.**

Motion by Councilor Turner, seconded by Councilor Perfetti, to set a Public Hearing date of May 23<sup>rd</sup> to consider and act on a Victualer's License application for The Golf Learning Center, 147 Bruce Hill Road.

VOTE: 7-0 UNANIMOUS PASSAGE

**11 – 082 To set a Public Hearing date (May 23<sup>rd</sup>) to consider and act on a Class I Liquor License for the Cumberland House of Pizza for the period of May 2011 – May 2012.**

Town Manager Shane explained that the Cumberland House of Pizza will be expanding their business by 700-800 square feet and adding a sports bar to their current location.

Motion by Councilor Stiles, seconded by Councilor Perfetti, to set a Public Hearing date of May 23<sup>rd</sup> to consider and act on a Class I Liquor License for the Cumberland House of Pizza for the period of May 2011 – May 2012.

VOTE: 7-0 UNANIMOUS PASSAGE

**11 – 083 To authorize the Town Attorney to take all actions necessary to collect any amount outstanding (\$13,297.45) for the Greenlaw Writ of Execution dated December 28, 2010.**

Town Manager Shane explained that this item is a result of an unlawful junkyard that remained in operation. The Town took action at the Supreme Court to have the operation closed. The Town was awarded penalties and attorney fees, which Mr. Greenlaw did not pay. The Manager contacted Mr. Greenlaw to advise him that the Council would be acting on this item this evening and Mr. Greenlaw paid the amount in full today. The Manager advised the Council to act on this item this evening in the event that Mr. Greenlaw's check does not clear the bank, at which time the Town Attorney will take action.

Motion by Councilor Stiles, seconded by Councilor Copp, to authorize the Town Attorney to take all actions necessary to collect any amount outstanding (\$13,297.45) for the Greenlaw Writ of Execution dated December 28, 2010.

VOTE: 7-0

UNANIMOUS PASSAGE

## **VI. NEW BUSINESS**

**Councilor Turner:** None

**Councilor Copp:** Computer screens and T.V.'s continue to be left curbside year after year during bulky waste pick-up week even though they are not eligible to be picked-up.

**Councilor Porter:** When is candidate's night? Town Manager Shane responded, Wednesday, June 8<sup>th</sup> at 6:30.

He hopes that the Council will address the bulky waste issue that Mr. Greely presented this evening.

He feels that the Town should support and spend Town funds to complete the Veterans Monument.

**Councilor Perfetti:** None

**Chairman Storey-King:** Greely Science Students took 1<sup>st</sup> and 2<sup>nd</sup> place in the state science fair. Thanked Town Manager Shane for his efforts and time spent answering questions for North Yarmouth residents regarding the agreements for Recreation and Library Services. He has gone above and beyond his responsibility to Cumberland citizens to answer their questions and she is hopeful that the North Yarmouth residents recognize this when they make their decision to continue the partnership or not.

**Councilor Stiles:** None

**Councilor Moriarty:** There have been 2 resignations from the Prince Memorial Library Advisory Board, and Tom Foley has applied.

Councilor Moriarty moved to appoint Mr. Foley to the Prince Memorial Library Advisory Board to finish an unexpired term. Councilor Perfetti seconded.

VOTE: 7-0

UNANIMOUS PASSAGE

Councilor Moriarty suggested a hotline for residents to call to report offenders of bulky waste pick-up week.

**Town Manager Shane:** None

## **VII. ADJOURNMENT**

Motion by Councilor Porter, seconded by Councilor Copp, to adjourn.

VOTE: 7-0

UNANIMOUS PASSAGE

TIME: 8:18 p.m.

Respectfully submitted by:

Brenda L. Moore  
Council Secretary