

MINUTES

Cumberland Town Council Meeting
Town Council Chambers

MONDAY, JANUARY 10, 2011

7:00 p.m. Call to Order

I. APPROVAL OF MINUTES

December 27, 2010

Motion by Councilor Stiles, seconded by Councilor Turner, to approve the minutes with one correction.

VOTE: 7-0 UNANIMOUS PASSAGE

January 3, 2011

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

VOTE: 7-0 UNANIMOUS PASSAGE

II. MANAGER'S REPORT

Storey Brothers is completing drainage work tomorrow. They may begin work on Tuttle Road this week. If so, that area may be shut down and traffic diverted to Kings Highway.

Last month, the Manager met with the Superintendent of Schools and School Board members, Bill Dunnett & Bob Vail, regarding allowing the public to utilize the school gymnasium on the weekends. Last Saturday there was an open gym from 2-4 p.m. and approximately 40 people showed up. This was a great use of the facility. Thank you to Mr. Dunnett and Mr. Vail for bringing this idea forward. The open gym will continue through the winter months for the public to enjoy.

There is a new family of cows in town. 18 Piedmontese cows arrived from Georgia just before Christmas to the Cianchette farm (formally the Merrill Farm). They are the only Piedmontese cattle in New England. It's nice to see cattle on the farm again.

Last Thursday, there was a meeting with the Town Council, Planning Board, and Bateman Partners regarding the proposed development of the Doane Property. Based on input from that meeting, Mr. Bateman thought it would be best to connect the road from Main Street through to Drowne Road. Originally, this road was a proposed dead-end. This change will expand the open space near Oak Street.

Councilor Moriarty suggested connecting the village to the cul-de-sac across the corner of the civic lot, addressing a lot of concerns from the Oak Street neighbors, while creating a second access in and out of the village. This would leave the majority of the civic lot intact. Councilor Moriarty also said that he feels it is important to move forward with the 40-acre parcel clustered subdivision and the Drowne Road School renovation and not necessarily couple them with the Town Garage. He feels that those two pieces ought to be cleared to move forward. Phase I and the possible relocation of the Public Works facility are two stand-alone projects.

III. PUBLIC DISCUSSION

None

IV. LEGISLATION AND POLICY

11 – 004 To appoint members to vacant boards/committees.

Motion by Councilor Porter, seconded by Councilor Moriarty to appoint the following board/committee members:

Judy Ingraham, Val Halla Board of Trustees

Chessell McGee, Cool Cities Committee

Teri Maloney-Kelly, Twin Brook Facility Advisory Committee

VOTE: 7-0 UNANIMIOUS PASSAGE

11 – 005 To set a Public Hearing date (January 24th) to consider and act on authorizing the Town Manager to accept delinquent taxes and issue a quitclaim deed for property identified as Tax Map R07/Lot 84 in the amount of \$6,498.75.

Town Manager Shane said that the owners have brought forward all back taxes and fees to bring this property out of its delinquent state and into a current state.

Motion by Councilor Stiles, seconded by Councilor Perfetti, to set a Public Hearing date of January 24th to consider and act on authorizing the Town Manager to accept delinquent taxes and issue a quitclaim deed for property identified as Tax Map R07/Lot 84 in the amount of \$6,498.75.

VOTE: 7-0 UNANIMIOUS PASSAGE

11 – 006 To set a Public Hearing date (January 24th) to consider and act on authorizing the Town Manager to accept delinquent taxes and issue a quitclaim deed for property identified as Tax Map U20/Lot 70E in the amount of \$4,077.11.

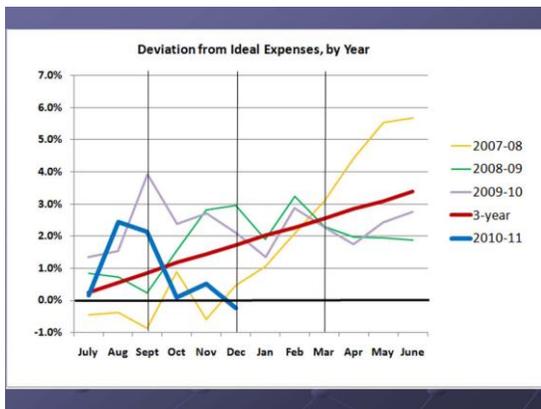
Motion by Councilor Stiles, seconded by Councilor Perfetti, to set a Public Hearing date of January 24th to consider and act on authorizing the Town Manager to accept delinquent taxes and issue a quitclaim deed for property identified as Tax Map U20/Lot 70E in the amount of \$4,077.11.

VOTE: 7-0 UNANIMIOUS PASSAGE

11 – 007 To hear a report from the Finance Committee re: 2nd quarter financials.

Finance Director, Alex Kimball presented the following information regarding the 2nd quarter financials:

TOWN OF CUMBERLAND YTD Expense Report Through December 31, 2010				
Department	2010-11			2009-10
	Budget	YTD Expenses	Used	Used
General Administration	\$ 1,078,436	\$ 590,620	54.8%	57.7%
Public Safety	\$ 1,792,273	\$ 946,224	52.8%	53.3%
Public Works	\$ 1,626,002	\$ 681,236	41.9%	48.7%
Parks & Recreation	\$ 624,231	\$ 373,016	59.8%	62.0%
Library	\$ 353,580	\$ 177,192	50.1%	52.1%
Other Expenses	\$ 303,049	\$ 150,998	49.8%	48.7%
Controllable Expense Total	\$ 5,777,571	\$ 2,919,287	50.5%	53.4%
Other Expenses				
	Budget	YTD Expenses	Used	Used
MSAD #51	\$ 11,830,338	\$ 5,906,568	49.9%	49.8%
Debt Service	\$ 998,578	\$ 578,748	58.0%	51.3%
County Tax	\$ 600,901	\$ 600,901	100.0%	100.0%
Cemetary Association	\$ 22,000	\$ 24,112	109.6%	100.0%
Capital Imp. Plan	\$ 333,485	\$ 333,485	100.0%	100.0%
Insurance	\$ 254,252	\$ 203,974	80.2%	71.6%
Other Expense Total	\$ 14,039,554	\$ 7,647,788	54.5%	54.8%
All Expenses Total	\$ 19,817,125	\$ 10,567,076	53.3%	54.4%



Revenues Through 12/31/10

Description	2010-2011		Percent Collected	2009-10 %
	Budget	Actual		
Misc Revenues	\$ 2,418,786	\$ 1,169,082	48.3%	47.8%
Dept Revenues	\$ 1,126,747	\$ 419,418	37.2%	34.9%
Total Revenues	\$3,545,533	\$ 1,588,499	44.8%	44.0%

Selected Revenue Lines	2010-11			09-10
	Budget	Actual	Percent Collected	
Excise Tax	\$ 1,330,446	\$ 715,005	54%	55%
Building Permits	\$ 35,000	\$ 17,285	49%	52%
State Revenue Sharing	\$ 500,000	\$ 284,477	57%	47%
Winter Recreation	\$ 63,515	\$ 55,856	88%	70%
Bags/Universal Waste	\$ 325,000	\$ 93,790	29%	29%

No Celebrating Yet

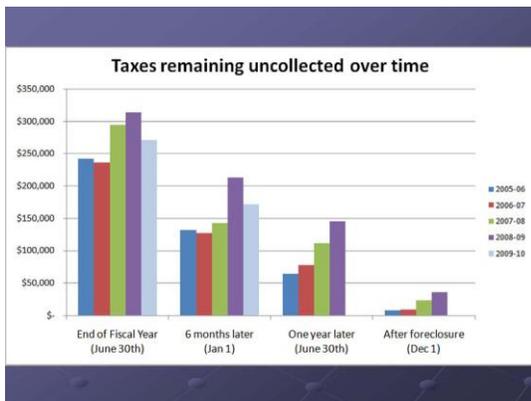
Costs associated with Dec 19-31 Storms

Overtime	\$ 12,070
Road Salt	\$ 8,820
Diesel Fuel	\$ 4,532
Total Costs	\$ 25,422

Tax collections return to normal

Property Tax Collections through 1/03/2011

	2008-09	2009-10	2010-11
Tax Commitment	\$ 15,901,519	\$ 16,612,279	\$ 17,647,491
Taxes Collected	\$ 7,869,338	\$ 8,144,221	\$ 8,726,104
Percent Collected	49.49%	49.03%	49.45%
% Difference		-0.46%	0.42%
\$\$ Difference		\$ (76,858)	\$ 74,367



11 – 008 To authorize the Town Manager to enter into a Credit Enhancement Agreement with Exactitude, Inc.

Economic Development Director, Alyssa Daniels announced that there is a company that is interested in purchasing property at the Cumberland Foreside Village subdivision on Route One. Exactitude, Inc. is a native Maine business, established 30 years ago, and their operations include manufacturing, distributing, and installing doors, frames, architectural hardware, and custom millwork for local contractors and businesses. The company will construct a 30-40,000 square foot facility. This would be the first business constructed in the Cumberland Foreside Village subdivision, which is very encouraging. Exactitude currently employs approximately 65 people and they are hoping that this new facility will allow for the addition of more employees. The facility will include office space, a small retail area, manufacturing area, and associated storage space. All of the operations will hold regular business hours during a regular M-F work week. All of the proposed uses that Exactitude hopes to utilize with their operations are permitted uses within the Office Commercial District. The company has requested that the Council consider a

Credit Enhancement Agreement for their proposed new construction, with the terms similar to what was presented to Seafax and Norton. Ms. Daniels introduced two representatives from Exactitude present this evening, Ben Getchell, Comptroller and Michael Bovine, Treasurer of Exactitude.

Tom Foley, True Spring Farm, asked how it came about that the original contract zone, which allowed only one lot for retail, is now extended through the entire property.

Town Manager Shane explained that all the zones were reviewed and the special exceptions were all changed to permitted uses. The Town Council, Planning Board and Zoning Board all agreed with this change.

Town Manager Shane said that the TIF Subcommittee met and gives their support for a full Credit Enhancement agreement, which would be 50% of the taxes reimbursed up to a 20 year period, capped at \$500,000, identical to the Credit Enhancement Agreement that was given to Norton and Seafax.

Motion by Councilor Porter, seconded by Councilor Copp to authorize the Town Manager to enter into a Credit Enhancement Agreement with Exactitude, Inc.

VOTE: 7-0 UNANIMOUS PASSAGE

11 – 009 To set a Public Hearing date (January 24th) to consider and act on authorizing the Town Manager to execute project agreements with Maine Department of Transportation for the Tuttle Road sidewalk project and Tuttle Road pavement overlay project.

Town Manager Shane explained that DOT requires a formal Public Hearing even though the Council has endorsed these types of projects in the past. The first project is a very short paving project on Tuttle Road (less than ¼ mile). MDOT will pay 75% and the Town will be responsible for 25% of the cost (approximately \$40,000). The second project is a sidewalk project that will begin at Cumberland Commons and end near Town Hall. This is a \$250,000 project and the Town would be responsible for 10%. Both these projects come from a credit program through PACTS and we are eligible because of the project on Route 88.

Motion by Councilor Stiles, seconded by Councilor Turner, to set a Public Hearing date of January 24th to consider and act on authorizing the Town Manager to execute project agreements with Maine Department of Transportation for the Tuttle Road sidewalk project and Tuttle Road pavement overlay project.

VOTE: 7-0 UNANIMOUS PASSAGE

V. NEW BUSINESS

Councilor Turner – None

Councilor Copp – None

Councilor Porter – None

Councilor Perfetti – None

Chairman Storey-King – Thanks to the Town Manager for the cow story. It was a nice way to start the meeting this evening.

Councilor Stiles – Get well wishes to Harland Storey who had surgery recently.

Councilor Moriarty – Suggested a workshop to discuss the build out threshold in sub-divisions for road acceptance purposes. It is time to take a fresh look at this and perhaps develop a policy.

Regarding the Raven Farm CMP Substation, is there anything that the Council can do to accelerate the project.

Town Manager Shane responded that he is meeting with Town Planner and project engineers tomorrow. Questions that have not been answered yet have been cataloged by a neighbor. He is hopeful that the project will be approved by the Planning Board next week. Work will begin within 72 hours of approval.

Councilor Porter said that most of the delays have been of CMP's own creation. He hopes that they will be prepared to answer the questions at the Planning Board meeting.

Town Manager Shane – Town Planner, Carla Nixon has drafted a road acceptance ordinance. The ordinance sub-committee should review it and bring it back to the Council in a workshop.

The Town Center Advisory Committee Liaisons (Moriarty, Perfetti, Porter) should meet over the next few months and report to the Council.

VI. EXECUTIVE SESSION: pursuant to 1 M.R.S.A., § 405 (6)(C) re: real property acquisition. Motion by Councilor Stiles, seconded by Councilor Copp, to recess to Executive Session pursuant to 1 M.R.S.A., § 405 (6)(C) re: real property acquisition.

Councilor Perfetti recused himself from the Executive Session.

VOTE: 7-0 UNANIMOUS PASSAGE

TIME: 7:59 P.M.

Motion by Councilor Copp, seconded by Councilor Stiles, to return from Executive Session.

VOTE: 6-1-0 (Perfetti abstained) MOTION PASSES

TIME: 8:22 P.M.

Motion by Councilor Porter, seconded by Councilor Copp, to authorize the Town Manager to execute a quitclaim deed for property know as 74 Valley Road, Map R08A, Lot 16, upon receipt of all appropriate taxes and legal fees and a closing date of no later than March 31, 2011.

VOTE: 6-1-0 (Perfetti abstained) MOTION PASSES

VII. ADJOURNMENT

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

VOTE: 6-1-0 (Perfetti abstained) MOTION PASSES

TIME: 8:24 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary