

MINUTES

Cumberland Town Council Meeting
Town Council Chambers

MONDAY, October 22, 2012

6:00 p.m. Ordinance Committee Workshop re: Solid Waste Ordinance

7:00 p.m. Call to Order

Present: Chairman Moriarty, Councilors Turner, Storey-King, Stiles, Gruber, Copp & Perfetti

I. APPROVAL OF MINUTES

Motion by Councilor Stiles, seconded by Councilor Turner, to accept the October 8, 2012 minutes as presented.

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

II. MANAGER'S REPORT

Town Manager Shane said he would withhold his report until the New Business portion of the meeting.

III. PUBLIC DISCUSSION

None

IV. LEGISLATION AND POLICY

12 – 174 To hear a report from the Finance Committee Chair re: first quarter financials.

Councilor Stiles, Chairman of the Finance Committee reported that he and Councilor Gruber met with the Town Manager and Finance Director to review the first quarter financials. Everything is on track and Councilor Stiles introduced Finance Director, Alex Kimball who gave the following presentation:

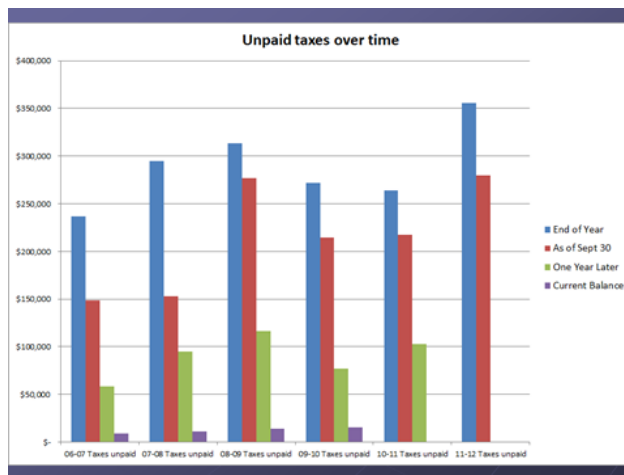
Fiscal Year 2012-13 1st Quarter Budget Report

Town of Cumberland		Year To Date Expenses			
Through September 30, 2012					
Department	Budget	2012-13 YTD Expenses	Used	Used	
General Administration	\$ 1,031,403	\$ 318,889	30.9%	32.1%	
Public Safety	\$ 1,896,372	\$ 464,848	24.5%	23.3%	
Public Works	\$ 1,563,454	\$ 341,027	21.8%	21.3%	
Parks & Recreation	\$ 771,686	\$ 246,407	31.9%	34.4%	
Library	\$ 372,366	\$ 88,849	23.9%	23.3%	
Other Expenses	\$ 407,037	\$ 95,433	23.4%	25.5%	
Controllable Expense Total	\$ 6,042,318	\$ 1,555,453	25.74%	25.7%	
Other Expenses	Budget	YTD Expenses	Used	Used	
MSAD #51	\$ 13,193,552	\$ 3,294,152	25.0%	25.0%	
Debt Service	\$ 913,551	\$ 209,683	23.0%	32.0%	
County Tax	\$ 623,416	\$ 623,416	100.0%	100.0%	
Capital Imp. Plan	\$ 896,137	\$ 896,137	100.0%	100.0%	
Insurance	\$ 271,584	\$ 154,550	56.9%	61.3%	
Other Expense Total	\$15,898,240	\$ 5,177,937	32.57%	30.9%	
All Expenses Total	\$21,940,558	\$ 6,733,390	30.69%	29.4%	

Revenues Through 09/30/12				
Description	Budget	2012-13 Actual	Percent Collected	2011-12 %
Misc Revenues	\$2,375,520	\$ 608,982	26%	27%
Dept Revenues	\$1,198,729	\$ 172,772	14%	16%
Total Revenues	\$3,574,249	\$ 781,754	21.9%	23%
Selected Revenue Lines				
	Budget	Actual	2012-13	2011-12
Excise Tax	\$1,330,000	\$ 389,545	29%	29%
State Revenue Sharing	\$ 575,000	\$ 145,554	25%	27%
Building Permits	\$ 40,000	\$ 26,434	66%	50%
Recreation Revenues	\$ 542,653	\$ 98,065	18%	23%
Bags/Universal Waste	\$ 290,000	\$ 20,524	7%	7%

This year versus last two						
	1st Quarter			Year End		
	12-13	11-12	10-11	12-13	11-12	10-11
	21.9%	23.3%	21.0%	?	101.5%	101.0%
Revenues						
Expenses	30.7%	29.4%	29.8%	?	100.3%	100.2%

Property Tax Collections through 9/30			
	2010-11	2011-12	2012-13
Tax Commitment	\$ 17,647,491	\$ 18,318,972	\$ 19,684,282
Taxes Collected	\$ 8,378,960	\$ 8,717,471	\$ 9,369,404
Percent Collected	47.48%	47.59%	47.60%
% Difference	N/A	0.11%	0.01%
\$\$ Difference	N/A	\$ 19,694	\$ 2,221



Councilor Storey-King asked Mr. Kimball what the last graph means as far as the number of property owners who have not paid their property taxes.

Mr. Kimball said that it is not a number to panic about at this early point. It is only approximately a 10% increase of the number of properties, but a few of those are larger properties, which drove the number up. Mr. Kimball said that the Town finished on June 30, 2011 at 98.37% of property taxes collected. We finished this year just under 97%.

Councilor Gruber explained that the Recreation Department revenue increase is due to the after school program not being included in the budget last year, but it is this year. It should even itself out.

The bag/universal waste budget line has always been an issue. It is difficult to put a handle on why we are not getting to where we want to be with this, but he hopes that it is due to the fact that households are creating less waste and are better at re-using.

The unpaid taxes only represent 2% of our residents. Compared to the rest of the nation, that is not bad. The number of late tax payments heading toward foreclosure concerns him and it should be monitored a little bit closer. A resident asked if there could be some benefit to tax payers who pay their entire year upfront. The Finance Committee will be looking into this.

12 – 175 To hold a Public Hearing to consider and act on repealing and replacing Chapter 235 (Solid Waste) of the Cumberland Code.

Chairman Moriarty explained that the Ordinance Committee has met 3-4 times to review the Solid Waste Ordinance, and again earlier this evening. The ordinance is divided into primarily 3 sections, curbside collection, the brush dump, and bulky waste pickup. There were a number of minor changes proposed at the

workshop this evening, so the Council may want to consider tabling this item to November 26th to allow time to prepare a draft copy with the changes.

Motion by Councilor Storey-King, seconded by Councilor Perfetti, to table this item to November 26, 2012.

VOTE: 7-0

UNANIMOUS PASSAGE

12 – 176 To set a Public Hearing date of November 12th to consider and act on amendments to the Official Overlay Zoning Map around the east side of Knight's Pond (Map R06/Lot 29, and a portion of Map R06/ Lot 33) from Resource Protection (RP) to Limited Residential (LR), as recommended by the Planning Board.

Chairman Moriarty explained to Mr. Paynter (property owner who was in the audience) that because there are so few items on the November 12th Town Council Agenda, they thought of cancelling that meeting (in addition, it is a holiday) until November 26th. He asked Mr. Paynter if postponing his public hearing would make a difference to him and the urgency of this matter for him.

Mr. Paynter said if the next meeting falls on a legal holiday, he does not feel that would be the proper day for a public hearing. November 26th is fine with him.

Town Manager Shane explained to Mr. Paynter that he would like to schedule a site walk of Mr. Paynter's property for the Council to allow them to get a feel of the requested zone change before the public hearing.

Mr. Paynter agreed.

A date and time of Saturday, November 10th @ 8:30 a.m. was chosen.

Motion by Councilor Storey-King, seconded by Councilor Copp, to set a Public Hearing date of November 26th to consider and act on amendments to the Official Overlay Zoning Map around the east side of Knight's Pond (Map R06/Lot 29, and a portion of Map R06/Lot 33) from Resource Protection (RP) to Limited Residential (LR), as recommended by the Planning Board.

VOTE: 7-0

UNANIMOUS PASSAGE

12 – 177 To hear a report from the Town Manager re: Request for Proposals for gas service to Cumberland.

Town Manager Shane explained that the Town is pursuing several vendors to potentially bring natural gas into the Town. Currently, there is a large gas main west of the fairgrounds and the Request for Proposals is for a vendor to take on a private venture of connecting at least 50% of the community over the next 10 years to gas. The Manager said that he feels this would be beneficial to the Town. Currently, the schools themselves burn almost 200,000 gallons of fuel annually. The savings to switch over to natural gas would be 30-50%. The proposals should be delivered to the Town by mid-January.

12 – 178 To set a Public Hearing date of November 26th to consider and act on draft zoning amendments to Chapter 315, Article I, Section 315.4 (Definitions) of the Cumberland Code, as recommended by the Planning Board.

Motion by Councilor Copp, seconded by Councilor Gruber, to set a Public Hearing date of November 26th to consider and act on draft zoning amendments to Chapter 315, Article I, Section 315.4 (Definitions) of the Cumberland Code, as recommended by the Planning Board.

VOTE: 7-0

UNANIMOUS PASSAGE

12 – 179 To set a Public Hearing date of November 26th to consider and act on draft zoning amendments to Chapter 315, Article VI, Section 315-45A (Accessory Apartments) of the Cumberland Code, as recommended by the Planning Board.

Motion by Councilor Copp, seconded by Councilor Gruber, to set a Public Hearing date of November 26th to consider and act on draft zoning amendments to Chapter 315, Article VI, Section 315-45A (Accessory Apartments) of the Cumberland Code, as recommended by the Planning Board.

VOTE: 7-0 UNANIMOUS PASSAGE

12 – 180 To set a Public Hearing date of November 26th to consider and act on draft zoning amendments to Chapter 315, Article II (Zoning Districts), Sections 315-6 through 11, §315-15 through 18, §315-20 and §315-21 of the Cumberland Code, as recommended by the Planning Board.

Motion by Councilor Copp, seconded by Councilor Gruber, to set a Public Hearing date of November 26th to consider and act on draft zoning amendments to Chapter 315, Article II (Zoning Districts), Sections 315-6 through 11, §315-15 through 18, §315-20 and §315-21 of the Cumberland Code, as recommended by the Planning Board.

VOTE: 7-0 UNANIMOUS PASSAGE

12 – 181 To set a Public Hearing date of November 26th to consider and act on draft zoning amendments to Chapter 229, Site Plan Review, Section 229-2B (Classification Levels) of the Cumberland Code, as recommended by the Planning Board.

Motion by Councilor Copp, seconded by Councilor Gruber, to set a Public Hearing date of November 26th to consider and act on draft zoning amendments to Chapter 229, Site Plan Review, Section 229-2B (Classification Levels) of the Cumberland Code, as recommended by the Planning Board.

VOTE: 7-0 UNANIMOUS PASSAGE

V. NEW BUSINESS

Councilor Turner – None

Councilor Copp – Firearm season for deer hunting starts on Saturday. Residents should be aware of that.

Kudos to the Fire, Rescue, and Police departments. There were numerous sporting events on both ends of Town over the weekend, and there were several calls for service all day long.

Cumberland has lost another longtime resident. Medley Watson passed away recently. Condolences to his family.

Councilor Storey-King – Good luck to all the Greely teams as they head to fall tournament competitions.

She agreed with Councilor Copp about how stretched our emergency personnel can become. The weekend of the Cumberland Fair, there were also many sporting events going on. She is appreciative for all they do.

The clam flats will be reopening on November 1st.

Councilor Perfetti – None

Chairman Moriarty – Meet the Candidates night will be held on Wednesday, October 24th @ 7:00 p.m.

Absentee voting dates:

Monday – Thursday 8:00 a.m. – 5:00 p.m.

Saturday, October 27th 9:00 a.m. – 12:00 p.m.

Sunday, October 28th 9:00 a.m. – 12:00 p.m.

Councilor Stiles – He viewed a North Yarmouth meeting recently, and there was discussion regarding TIF's (Tax Increment Financing) that was misleading and inaccurate.

Congratulations to Councilor Moriarty in the upcoming election.

Councilor Gruber – The roadwork on Friar Lane began today.

He attended an open house at Doc's Café last Sunday. It was a nice event and it is good to see their business doing well.

There were food drives the last two Saturday's during absentee voting. This past Saturday, the entire Greely Football team showed up with bags of food for the Food Bank. This gesture is what sportsmanship is all about. The soccer team will be helping relocate the food from the Congregational Church to the new Food Bank at Town Hall. The hockey team has an event next week where they will be collecting food. Thank you athletes, coaches and athletic directors for this great community service work.

The residents from North Yarmouth have also been terrific and have been helping out a lot.

The food bank will be opening on November 2nd and will be open every Friday.

Town Manager Shane – The groundbreaking ceremony for Maine Standards is taking place on November 2nd on Route One and Powell Road.

George Gervais from the State of Maine Department of Economic Development will be at the November 26th Town Council meeting to present the Town with the sign for Business Friendly Community.

Workshop – November 26th @ 6:00 p.m. with John Sevee re: Aquifer 101

VI. ADJOURNMENT

Motion by Councilor Storey-King, seconded by Councilor Copp, to adjourn.

VOTE: 7-0

UNANIMOUS PASSAGE

TIME: 7:56 p.m.

Respectfully submitted by,

Brenda L. Moore
Council Secretary