MINUTES

Cumberland Town Council Meeting Town Council Chambers

MONDAY, March 25, 2013

6:00 p.m. Workshop: To hear a presentation re: train service to Auburn passing through Cumberland near Middle Road

7:00 p.m. Call to Order

Present: Councilors Stiles, Turner, Copp, Storey-King, Gruber, and Jennings

Excused: Councilor Perfetti

I. APPROVAL OF MINUTES

Motion by Councilor Gruber, seconded by Councilor Jennings to approve the March 11, 2013 minutes as presented.

VOTE: 6-0 UNANIMOUS PASSAGE

II. MANAGER'S REPORT

Nomination papers are available now for School Board and Town Council seats.

We received word today from the Commissioner of Education that we have been granted an additional School Board member. The additional seat will be a 2-year term. There are 3 Cumberland School Board seats that on the ballot in the June election.

III. PUBLIC DISCUSSION

None

IV. <u>LEGISLATION AND POLICY</u>

13 – 049 To hold a Public Hearing to consider and act on a Mass Gathering Permit for the Cumberland Youth Boys Lacrosse Jamboree to be held on May 4th from 8:00 a.m. to 5:00 p.m. at Twin Brook Recreation Facility.

Chairman Stiles opened the Public Hearing.

Public comment: None

Councilor Gruber requested that the Manager look into requiring groups such as these to have recycling bins for empty water bottles, etc.

Chairman Stiles closed the Public Hearing.

Motion by Councilor Copp, seconded by Councilor Gruber, to approve the Mass Gathering Permit for the Cumberland Youth Boys Lacrosse Jamboree to be held on May 4th from 8:00 a.m. to 5:00 p.m. at Twin Brook Recreation Facility.

VOTE: 6-0 UNANIMOUS PASSAGE

13 – 050 To hold a Public Hearing to consider and act on a Mass Gathering Permit for the Cumberland Youth Girls Lacrosse Round Robin to be held on June 1st from 8:00 a.m. to 5:30 p.m. at Twin Brook Recreation Facility.

Chairman Stiles opened the Public Hearing.

Public comment: None

Chairman Stiles closed the Public Hearing.

Motion by Councilor Storey-King, seconded by Councilor Turner, to approve the Mass Gathering Permit for the Cumberland Youth Girls Lacrosse Round Robin to be held on June 1st from 8:00 a.m. to 5:30 p.m. at Twin Brook Recreation Facility.

VOTE: 6-0 UNANIMOUS PASSAGE

13 – 051 To set a Public Hearing date (April 8th) to consider and act on the award of a 3-year solid waste and recycling pick-up contract.

Town Manager Shane explained that this contract comes up every three years and the request for bids has been advertised.

Motion by Copp, seconded by Councilor Gruber, to set a Public Hearing date of April 8th to consider and act on the award of a 3-year solid waste and recycling pick-up contract.

VOTE: 6-0 UNANIMOUS PASSAGE

13 – 052 To set a Public Hearing date (April 8th) to consider and act on a Mass Gathering Permit for Binnie Media for Maine's Ultimate Yard Sale to be held on June 8, 2013 from 9:00 a.m. to 2:00 p.m. at the Cumberland Fairgrounds.

Councilor Turner said that he has heard comments in the past about smoking at this event and the poor quality of the items being sold (like dollar store items being resold).

Town Manager Shane said he would ask Mike Timmons of the Cumberland Farmers Club to be present on April 8th to answer questions and address concerns.

Motion by Councilor Turner, seconded by Councilor Jennings, to set a Public Hearing date of April 8th to consider and act on a Mass Gathering Permit for Binnie Media for Maine's Ultimate Yard Sale to be held on June 8, 2013 from 9:00 a.m. to 2:00 p.m. at the Cumberland Fairgrounds.

VOTE: 6-0 UNANIMOUS PASSAGE

13 – 053 To consider and act on authorizing the Town Manager to enter into a Memorandum of Understanding with Summit Natural Gas of Maine.

Town Manager Shane explained that this is the culmination of many years of work between Cumberland, Falmouth and Yarmouth. We are now at the place where we are ready to put together an understanding that the communities have some expectations going into this project. Summits proposals looks like it will be very favorable to our residents, saving them approximately 40% compared to what is presently available to them.

Last week, the Governor made some comments that were not very favorable of Summit Natural Gas because of a Project Labor Agreement that is on the Kennebec Valley line. That project requires the steel portion to be done by union contractors. Unless a state contractor wishes to enter into an agreement to pay union wages, union dues, etc., that contractor would be excluded from bidding that portion of the job. Tim Johnston of Summit Natural Gas has told the Manager that we will have a Project Labor Agreement on the steel pipe of our project, but not on the plastic pipe. We have also asked Mr. Johnston to look at the proposals to see if language can be added to ensure that local subcontractors are looked upon more favorably than out of state subcontractors.

Manager Shane said that the Town of Yarmouth has passed this MOU by unanimous vote.

Town Manager Shane said that the Town will file with the Public Utilities Commission in early May and will start our informational neighborhood meetings in the fall.

Councilor Gruber suggested a letter be attached to the MOU stating that the Council supports the use of local contractors. Even though technically the MOU is not a binding, legal document, it is important to show our support to the local, non-union contractors.

Town Manager Shane said that he will draft a letter for the Council to review and sign at their next meeting.

Chairman Stiles reminded everybody that Summit has the right to file with the PUC and start the project without any input from the Town.

Town Manager Shane said that is true, but it is in their best interest to work collaboratively with us because the Town controls the road opening and utility location permits.

Councilor Jennings thanked the Manager and staff for doing an amazing job with this project.

Motion by Councilor Gruber, seconded by Councilor Jennings, to authorize the Town Manager to enter into a Memorandum of Understanding with Summit Natural Gas of Maine.

VOTE: 6-0 UNANIMOUS PASSAGE

13 – 054 To consider and act on authorizing the Town Manger to approve a 3-year contract with Time Warner for internet access.

Town Manager Shane explained that per the Town Charter, the Council has to approve any contract over 1 year. This contract reflects a savings of \$2,100 per year, which is great news.

Motion by Councilor Jennings, seconded by Councilor Turner, to authorize the Town Manger to approve a 3-year contract with Time Warner for internet access.

VOTE: 6-0 UNANIMOUS PASSAGE

13 – 055 To consider and act on authorizing the Town Manager to accept delinquent taxes and issue a quitclaim deed, upon receipt of \$28,882.39 for property located at 32 Sullivan Drive, Tax Map R03/Lot 10A.

Town Manager Shane explained that he and Town Clerk, Tammy O'Donnell met to review the foreclosed property list and came up with a plan to maximize our return. Tammy did a phenomenal job on the coordination of an auction of foreclosed property. In this particular case, the Town worked with the property owner, who had two foreclosed properties. We were able to cover the delinquent taxes on both properties and allow the property owner to make approximately \$8,000. This is a win-win for both parties.

Motion by Councilor Copp, seconded by Storey-King, to authorize the Town Manager to accept delinquent taxes and issue a quitclaim deed, upon receipt of \$28,882.39 for property located at 32 Sullivan Drive, Tax Map R03/Lot 10A.

VOTE: 6-0 UNANIMOUS PASSAGE

13 – 056 To consider and act on authorizing the Town Manager to accept delinquent taxes and issue a quitclaim deed, upon receipt of \$20,577.17 for property located at 26 Sullivan Drive, Tax Map R03/Lot 10B.

Chairman Stiles explained that this is the same situation as the previous item.

Motion by Councilor Storey-King, seconded by Councilor Gruber, to authorize the Town Manager to accept delinquent taxes and issue a quitclaim deed, upon receipt of \$20,577.17 for property located at 26 Sullivan Drive, Tax Map R03/Lot 10B.

VOTE: 6-0 UNANIMOUS PASSAGE

13 – 057 To appoint members to vacant board and committee seats.

Motion by Councilor Turner, seconded by Councilor Copp, to appoint the following to Boards/Committees:

Jeff Davis, Planning Board Bill Mullin, Shellfish Conservation Commission and Lands & Conservation Deb Towle, Val Halla Board of Trustees Lloyd Doughty, Val Halla Board of Trustees Bill Hansen, Val Halla Board of Trustees

VOTE: 6-0 UNANIMOUS PASSAGE

13 – 058 To hold a Public Hearing to consider and act on adoption of the FY'14 Municipal Budget. Chairman Stiles opened the Public Hearing.

Councilor Gruber explained that he will be reviewing the Managers answers to the questions that the Council raised during their March 16th budget workshop:

1. Overtime amount in the Town Clerk's budget for Elections.

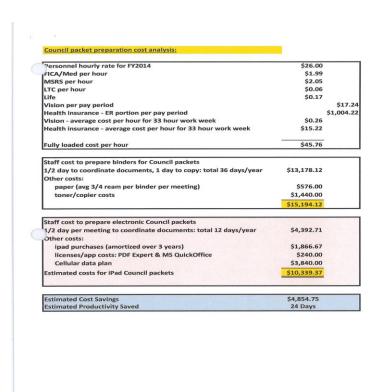
Upon further inspection, the overtime for the past three fiscal years has been a result of work around the elections. The Town of Cumberland is most passionate about making voting accessible to all of its residents and tries even with increasing roadblocks by the state, to make voting easy. If the Town Council wishes to eliminate the overtime from the budget, I will work with the Town Clerk to make this happen requiring more salaried employees to participate in evening and weekend voting hours so that the public is not impacted. I have removed the \$900 from the budget and will work with the Town Clerk to insure no change in the current level of service occurs.

2. IT budget reduce the internet access expense from \$4,920 to \$2,800 \$2,760.

I have adjusted the IT budget to be reflective of the new internet charges and reduced the budget by \$2,156. The new contract will be on your agenda for approval on March 25, 2013.

3. Might be a good drill to do, by having a Cost/Benefits Analysis on the 8 I-Pads.

The Cost/ Benefit Analysis will be submitted to the Finance Committee for review and approval prior to any purchase. The monies are in this year's capital budget and will not be expended unless approved and authorized. Currently 24 days are spent on copying and developing Council Packets. A cost analysis showed a savings of \$4,854.75 per year by switching to paperless Council meeting materials.



4. Police Budget, Reduce overtime by \$5,000.

I have cut the overtime budget to \$31,000 and we will keep the Finance Committee informed on the OT usage with monthly reports. Once the Department has reached milestones of 50% and 75% I will give the Finance Committee projections of anticipated end of year OT estimations.

5. Review potential regionalization opportunities with Yarmouth and Falmouth for a combined Fire ladder truck.

As all communities are in the middle of FY 2014 Budgets right now, I will send a note to both communities about getting together with the Fire Chiefs and Town Managers to consider the consolidation of ladder trucks. I will keep the Town Council apprised of the discussions and progress and provide an interim report by the end of the year report to the next budget cycle.

As of 3/20/13 all Fire Chiefs and Town Managers have been contacted. A meeting will be scheduled once all towns have completed their FY 2014.

6. Have Chief Dan Small talk to the Town Council about dispatching procedures.

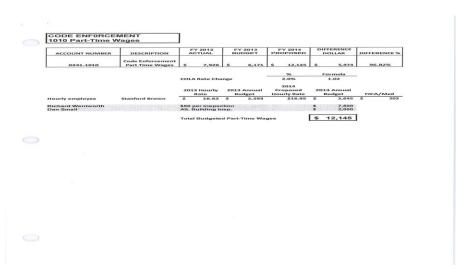
I have communicated with the Fire Chief today to prepare his April report to the Town Council to explain dispatching procedures, coverage areas, reciprocity of service this year and the past 3 years.

On March 19th, Chief Small and I met to discuss a "State of the Fire Department Report" that he will present to you on April 8, 2013 at 7 PM. He is prepared to discuss a variety of topics that were raised in our Saturday Budget Workshop along with any other questions or concerns you may have.

7. More details for the part time expenses in the CEO budget.

I will provide additional details for you related to this request and clean-up the existing detail sheet in the budget.

The Budget sheet was cleaned up to better detail the costs Additional materials were provided to show historical costs over time.



Copy of Code Enforcement Revenues-Expenses REV by WCL.xlsx Prepared: 3/19/2013 10:18 AM

	# Permits: Building	# Permits: Electrical	# Permits: Plumbing	# Permits	Revenues: Building	Revenues: Electrical	Revenues: Plumbing	Revenues Collected	PT Wages	CEO Total Expense	Revenue in excess / (short) of expenses
FY2008	206	145	140	491	\$49,568	\$12,506	\$12,697	\$74,771	\$22,380	\$77,921	(\$3,150)
FY2009	151	122	121	394	\$29,631	\$9,026	\$5,610	\$44,267	\$9,982	\$73,238	(\$28,971)
FY2010	181	133	124	438	\$38,492	\$10,315	\$9,393	\$58,200	\$5,807	\$67,597	(\$9,397)
FY2011	180	133	89	402	\$34,185	\$13,510	\$7,820	\$55,514	\$4,932	\$72,543	(\$17,029)
FY2012	224	160	133	517	\$60,717	\$14,584	\$13,458	\$88,759	\$7,926	\$77,773	\$10,986
FY2013 YTD 02/13**	147	118	104	369	\$61,091	\$10,195	\$11,501	\$82,787	\$5,056	\$39,420	\$43,367
FY2014 Proposed	225	175	140	540	\$70,000	\$15,000	\$15,000	\$100,000	\$12,145	\$86,458	\$13,542

Primary Use of Part Time Assistance

^{**}does not include wages for Pam Bosarge - this is usually added via journal entry at fiscal year end.

CEO Bill Longley does majority of Building and Plumbing inspections and some limited Electric when Stan or Richard are not available.

Alt. Stan Brown covers for Building and Plumbing and is primary Electric Inspector when available

Alt. Richard Wentworth covers for Stan when not available for Electric only!

Alt. Dan Small covers for Building inspections when Bill and Stan not available

8. Clean-up the numbers for public works.

Item completed on Saturday after the Budget Meeting. They were reposted on Monday.

9. West Cumberland Playground – prepare overview and funding alternatives with impact fees.

I will work with Staff to prepare a report for the Town Council on Monday, March 25, 2013. I will not have detailed analysis (specific equipment, location, planning board review, etc.), but generally that \$25,000 will be needed to begin the process and anticipated fees from the two Subdivisions on Rte. 100 will total around \$31,500.



TOWN OF CUMBERLAND, MAINE
290 TUTTLE ROAD
CUMBERLAND, MAINE 04021
TEL: 207-829-2205 FAX: 829-2224

To:

Town Council

From:

William R. Shane, Town Manager

Date:

March 20, 2013

Re:

Playground Funding - Deficit Funding Options

You have the option to fund this project directly from the General Fund, Fund Balance, or Deficit fund the project based upon an expected \$31,000 in revenues from impact fees from the two affordable housing subdivisions on Route 100.

We have similar deficit funds established for the Route One CTC parking lot which pay the Town approximately \$16,000 per year. Drowne Road School renovations were set up with a deficit fund and annual payments from MSAD 51 were received to offset the annual bond cost of the upgrades.

We are prepared to respond to the Council's directive and will adjust impacted budgets or accounts accordingly. If added to the budget this year, \$31,000 in expenses would need to be cut or the mil rate increased by $.0083 \times 3.1 = 0.026

\$10,000 \$ 0.0083 \$100,000 \$ 0.0827 1,000,000 \$ 0.8269

Office of the Town Manager, Town of Cumberland • 290 Tuttle Road, Cumberland, Maine 04021 Telephone (207) 829-2205 Fax (207) 829-2224

10. Remove Community Counseling Center of \$2,500 from the budget. Done

Councilor Storey-King explained that this was a new request for non-profit assistance this year. This is one of many non-profits we get requests for assistance from. The Council chose not to approve this particular one. She said that she personally feels that our community has proven again and again that we take care of one another.

11. Obtain financial statement from the Cemetery Association.

							Proposed		
	Ordinary Income/Expense	Jan - Dec 12	Jan - Dec 11	\$ Change	2012 Budget	2012 Variance	2013 Budget		
	Income								
	Burial administrative fee	4,200.00	2,275.00	1,925.00	3,150	1,050	3,400		
	Interest and Dividend Income	218.85	854.58	-635.73	700	(481)	100		
	Sales Proceeds	1,350.00	3,600.00	-2,250.00	3,900	(2,550)	3,150		
	Contributions Income Appropriation, Town of Cumber.	22,500.00	22,000.00	500.00					
	Total Contributions Income	22,500.00	22,000.00	500.00	22,000	500	22,500		
	Total Contributions income	22,000.00	22,000.00	300.00					
	Interest, Perpetual Care Funds								
	Custody of Association	6,862.82	6,677.85	184.97	5,500	1,363	6,000		
	Total Interest, Perpetual Care Funds	6,862.82	6,677.85	184.97					
	Total Income	35,131.67	35,407.43	-275.76	35,250	(118)	35,150	•	
		00,101.01	00,407.40	-210.10	33,230	(110)	33,130		
	Expense								
	Cemetery Maintenance								
	Cemetery Superintendent Fees	1,800.00	1,800.00	0.00	1,800	181	1,800		
	Special maintenance projects Cemetery Maintenance - Other	5,048.68 21,200.00	9,304.83 21,200.00	-4,256.15 0.00	8,000 21,200	(2,951)	8,000 21,200		
	Total Cemetery Maintenance	28,048.68	32,304.83	-4,256.15	21,200		31,000		
	Total Collectify Maintenance	20,040.00	32,304.03	-4,230.13			31,000		
	Conferences	0.00	50.00	-50.00	50	(50)	50		
	Bank Service Charges	490.00	300.00	190.00	300	190	300		
	Dues and Subscriptions				25	(25)	25		
	Office Supplies & Expenses Miscellaneous				50	(50)	50		
	Professional Fees				25	(25)	25		
	Investment Management Services	1,863.57	1,825.80	37.77	1,900		1,900		
	Management	750.00	750.00	0.00	750		750		
	Accounting	750.00	750.00	0.00	750		750		
	Total Professional Fees	3,363.57	3,325.80	37.77		3,364			
	Utilities								
	Water	202.45	202.45	0.00	210	(8)	210		
	Total Utilities	202.45	202.45	0.00					
	Total Expense	32,104.70	36,183.08	-4,078.38	35,060	(2,955)	35,060		
	Net Ordinary Income	3,026.97	-775.65	3,802.62	190	2,837	90		
	2000-000 (000-000-000 € 0000-000-000-000-000-000-0		constraints.			-,	an an		
	Other Income/Expense								
	Other Income Realized gain/ (loss) PCF	315.54	-1,711.48	2,027.02					
	PCF Unrealized gains/(losses)	18,209.78	-4,257.76	22,467.54					
	Unrealized gains/(losses)	0.00	-312.93	312.93					
	Total Other Income	18,525.32	-6,282.17	24,807.49	6,800	11,725	6,300		
		Approximation		100.000.00					
	Net Other Income	18,525.32	-6,282.17	24,807.49					
Net Income		21,552.29	-7,057.82	28,610.11	6,990	14,562	6,390		

12. Look into GA rental assistance for recurring payments.

I will ask our GA staff to provide a general report on how the rental assistance works and what measures are used to prevent abuse.

Spoke to GA staff and was informed the situation was primarily related to a serious illness and no other alternative were available. The Rent prices are negotiated with GA person and the landlord. If the landlord does not accept the partial payment as full rent, then no payment is made. These funds are 50% reimbursable if the paperwork and the MMA guidelines are followed.

13. Resolution on the Homestead cuts by Governor.

I will have sample resolutions for you to examine and will recommend you consider them under new business versus an agenda item. If satisfied, you can place them on the agenda for April 8, 2013.

Brad Hilton of Blanchard Road said that as a retired person, he has worked hard to reduce his monthly bills. The one that he has no control over is his property tax bill. There are a lot of retired people in our community whose expenses continue to go up and their revenues are not keeping up with the rise of expenses. The Homestead Exemption is an important savings for them.

Mr. Hilton said that he feels the paving plan seems like a little bit of overkill to him given the population and the condition of our roads. Our budget was increased last year and again this year for paving. Paving was the largest percentage increase in this year's budget. He feels that the budget can remain at the same number as last year. It will delay some things, but it would be adequate for our community.

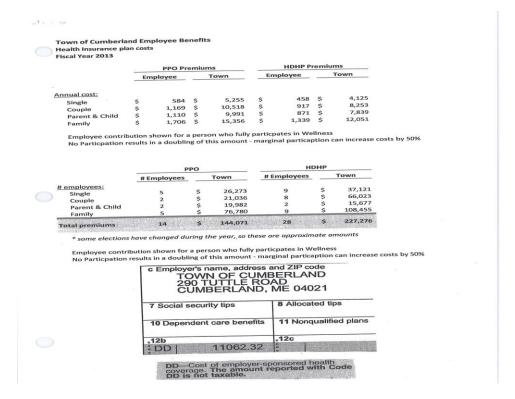
Councilor Turner replied that the paving plan will not improve our infrastructure, but rather maintain it in such a way that it will hopefully not cost future residents exorbitant taxes. If the Council does not make decisions such as this, the Town will be in worse shape down the road and it will cost a fortune to repair them.

In regard to the playground in West Cumberland, Mr. Hilton said that he is all for it. He is confused about the fact that the Town will use impact fees to fund it. When the impact fee ordinance was amended, it was agreed that impact fees would be dedicated to reduce the debt on Rines Forest.

Chairman Stiles explained that as part of the Contract Zone Agreement for the two developments in West Cumberland, it was agreed that the impact fees would stay in West Cumberland. Any other impact fees collected throughout Town will go to pay down the Rines Forest debt.

14. Cost Benefit Analysis for Contracting plow routes versus buying trucks and using year round labor. I will prepare a more detailed report for the Finance Committee relative to his request. The quick estimate is that a Public Works employee with gross ay and couple only health plan coverage is approximately \$70,000 per year inclusive of overtime. A \$160,000 plow tuck depreciated over 13 years a with \$8,000 average per year maintenance and fuel costs = \$12,300 per year. Total \$82,300. A plow route could be contracted out for less than \$30,000 per year leaving \$50,000 for contracted services for Spring/Summer Fall.

15. Did the Town's contribution to health care appear on this year's W-2 forms? Yes in Box 12



16. Police Maintenance Agreements seem to be running behind past years- is there an explanation? Yes. The IMC contract agreement had not yet been paid. The invoice was processed this week bringing the current historical to actual spending current with previous periods of the Police budget.

Chairman Stiles closed the Public Hearing.

Motion by Councilor Copp, seconded by Councilor Jennings, to approve the FY'14 Municipal Budget not to exceed \$9,053,493.00

VOTE: 6-0

UNANIMOUS PASSAGE

V. NEW BUSINESS

Councilor Turner – The Town lost a dear friend and tremendous asset when Barbara Garsoe passed away last week. He attended the funeral and thought how extraordinary it was that the service for an almost 94 year old woman had the church packed to capacity. His heart goes out to the Garsoe family.

Councilor Copp – None

Councilor Storey-King – Thank you to the middle school students who brought in food to donate to the Food Pantry during Spirit Week.

Last Wednesday she attended the second planning meeting to honor Korean War Veterans on Veterans Day this year. Plans are coming along for a nice celebration that will make the veterans feel special.

Councilor Gruber – He attended his first PACTS (Portland Area Comprehensive Traffic Study) meeting recently. It is interesting to see the value of what PACTS does and the potential funding for the Town. There is a lot of competition between towns for funding.

He received a letter notifying him that he was nominated for the Red Cross Maine Real Hero Award. Although he did not win, he appreciates the nomination. He thanked Councilor Storey-King for the nomination.

The Food Pantry continues to do well. They get many requests from other communities for tours of our pantry. He feels it is becoming a model for the state. He thanked Bill and Linda Shane for all their hard work, as well as the many other volunteers. 27 families will be receiving Easter food baskets this week.

Chairman Stiles – He hopes people will remember to donate funds to the Food Pantry so the Manager can attend the 4-H auction at the fair this year to purchase pork and beef for the Food Pantry.

Councilor Jennings – Asked the Manager if the Food Pantry needed donations in order to make the Easter food baskets.

Town Manager Shane said that donations are always needed and appreciated.

Town Manager Shane – The deadline for accepting names to be engraved on the Veterans Monument is this Thursday. We have 43 names to be engraved in time for Memorial Day.

On April 3rd the Lands & Conservation Commission will hold a site walk in the Town Forest to look at the proposed harvesting plan for next year, and looking at invasive species.

Homes are starting to be constructed in both the Route 100 subdivisions. These homes will be priced between \$220,000 & \$225,000. This is an exciting project for the Town.

VI. EXECUTIVE SESSION: pursuant to 1 M.R.S.A., § 405(6)(A)(1) re: personnel matter Motion by Councilor Jennings, seconded by Councilor Turner, to recess to Executive Session pursuant to 1 M.R.S.A., § 405(6)(A)(1) re: a personnel matter.

VOTE: 6-0 UNANIMOUS PASSAGE

TIME: 8:24 p.m.

Motion by Councilor Turner, seconded by Councilor Copp to authorize the Town Council Chairman to meet with the Town Manager and review the Managers evaluation and authorize a bonus of \$5,000 for exceptional work performance in FY'13.

VOTE: 6-0 UNANIMOUS PASSAGE

VII. ADJOURNMENT

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

VOTE: 6-0 UNANIMOUS PASSAGE

TIME: 8:53 p.m.

Respectfully submitted by,

Brenda L. Moore Council Secretary