MINUTES

Cumberland Town Council Meeting Town Council Chambers

MONDAY, November 10, 2014

7:30 P.M. Call to Order

Present: Councilors, Bingham, Stiles, Copp, Turner, and Edes

Tardy: Councilors Gruber and Storey-King (attending MSAD 51 Strategic Planning meeting)

I. APPROVAL OF MINUTES

Motion by Councilor Stiles, seconded by Councilor Edes, to approve the October 6, 2014 meeting minutes as presented.

VOTE: 4-0 UNANIMOUS

Motion by Councilor Stiles, seconded by Councilor Edes, to approve the October 8, 2014 meeting minutes as presented.

VOTE: 4-0 UNANIMOUS

II. MANAGER'S REPORT

Boy Scout Eagle Project – Town Landing Road Kiosk

Lieutenant Calder introduced Eagle Scout, Troy Cochran who built a kiosk at Town Landing Road for his Eagle Scout project. He did a great job on the project.

• Acceptance of donation to the Fire/EMS Department from the family of Don Richards Andrew Allyn, grandson of Don Richards, read the following on behalf of Mr. Richards:

Before reading his letter, there are a few people that the family would like to thank. First, is Mr. Mike Timmons, President of the Cumberland Farmers Club. Mike was instrumental in setting up Don Richards Day at the Cumberland Fair, which raised this money. Even more importantly, he was able to handle my grandfathers' stubbornness that inevitably had him fighting against having a day dedicated to him. Thank you Mike and everyone at the fair for all your efforts. This wouldn't have been possible without them. Second, we want to thank all the members of the harness racing community. The outpouring of thoughts, prayers and stories were amazing and helped everyone through some very tough days. Although I doubt my grandfather has ever been on Facebook, or any website for that matter, I am positive he enjoyed hearing all of your thoughts and took strength from them, so thank you. Lastly, to all those who bid during the silent auction at the Cumberland Fair, thank you for your generous donations.

Now, I would like to read the statement that my grandfather wrote:

Dear members of the Cumberland Rescue Department,

Please accept \$5,025 as a sift for helping save my life. This is

Please accept \$5,025 as a gift for helping save my life. This is given with deep appreciation for your quick response and knowledge of life supporting techniques. I am forever grateful.

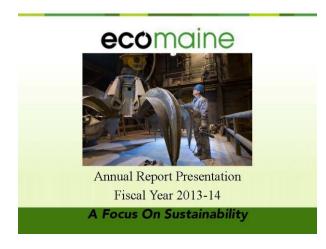
Sincerely,

Donald J. Richards

• To hear a report from EcoMaine Representative, Susan McGinty

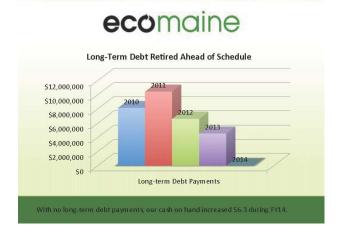
Susan McGinty presented the following:

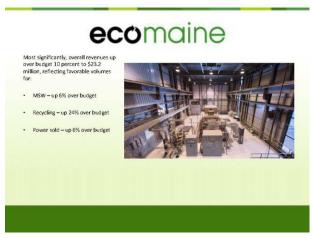




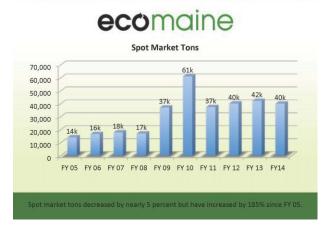




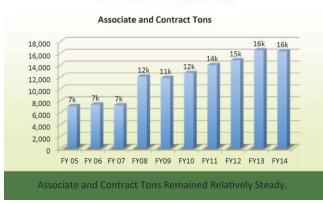




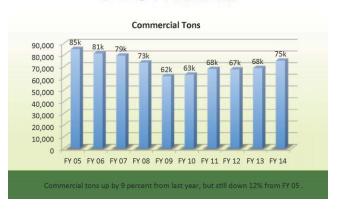
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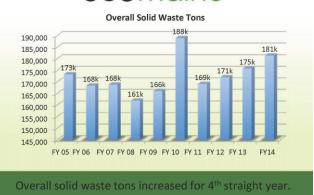
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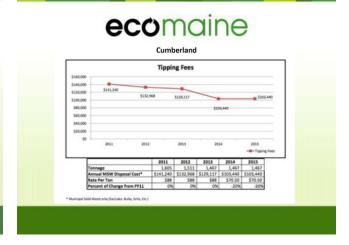


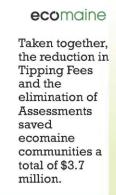
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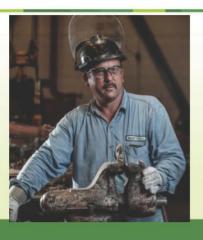


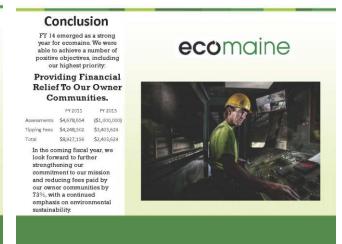
ecomaine













Ms. McGinty presented Vice-Chairman Bingham with a rebate check for \$31,609 on behalf of EcoMaine.

• Acceptance of donation to the Police Department from Maine Marathon
Lieutenant Calder said that Maine Marathon presented a donation to the Police Department for
Community Policing activities in the amount of \$3,000.

Next steps – Harris Road & Payson Property

Town Manager Shane reported that on the agenda this evening, there is an item to post the end of Harris Road with signs that read "Road under Construction – Pass at Your Own Risk". This will warn people that the road is not up to Town standards and will be under construction.

In regard to the Payson Property, Mr. Shane said that the Town Council has appointed an Ocean Access Committee who will be meeting with the abutting neighbors soon to talk about their concerns. There is a lot of work to be done and the developer will be before the Planning Board next Tuesday for approval. Please remember that even though the referendum has passed the Town does not own the property until after the closing.

Chairman Gruber arrived at 7:43 p.m. Councilor Storey-King arrived at 7:52 p.m.

III. PUBLIC DISCUSSION

Mike Timmons thanked the community for voting for him (for State Senate). He will carry out this awesome responsibility with hard work and open communication with the Council on items that may affect our community.

Harland Storey of Middle Road thanked the Council and Town Manager for the purchase of the Payson Property and the Harris Road thru-way to Route 9. Both of these issues have been before the Council at various times for the past 50 years. He is proud of the Council that they took both of these issues on and that they passed.

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

14 – 164 To hold a Public Hearing to consider and act on the 2015 Shellfish License allocations, as recommended by the Shellfish Conservation Commission.

Shellfish Conservation Commission Chairman, Mike Brown said that the Shellfish Conservation Commission is recommending no change in recreational licenses. The only change that they are asking for is 1 resident, and 1 non-resident commercial license. The Department of Marine Resources brought it to our attention that we are required by law to offer a non-resident commercial license, and in order to be equitable, the Commission wants to also offer one resident commercial license.

Vice-Chairman Bingham opened the Public Hearing.

Harland Storey said that if nobody purchases the resident commercial license, it then becomes available to a non-resident. We have to make sure that a resident purchases the one resident commercial license.

Vice-Chairman Bingham closed the Public Hearing.

Motion by Councilor Copp, seconded by Councilor Gruber, to approve the 2015 Shellfish License allocations, as recommended by the Shellfish Conservation Commission.

VOTE: 7-0 UNANIMOUS

14 – 165 To hold a Public Hearing to consider and act on amendments Section 108(1) Commercial Licenses, of the Shellfish Conservation Ordinance as recommended by the Shellfish Conservation Commission.

Mr. Brown explained that the amendments have to do with the issuance of Commercial Licenses and adding provisions to require volunteer hours to resident and non-resident commercial license holders.

Vice-Chairman Bingham opened the Public Hearing.

Public discussion: none

Vice-Chairman Bingham closed the Public Hearing.

Motion by Councilor Stiles, seconded by Councilor Turner, to amend Section 108(1) Commercial Licenses, of the Shellfish Conservation Ordinance as recommended by the Shellfish Conservation Commission.

VOTE: 7-0 UNANIMOUS

14 – 166 To hold a Public Hearing to consider and act on authorizing the Code Enforcement Officer to enter into a Consent Agreement with property owners located at 84 Wyman Way.

Town Manager Shane explained that the porch on the house is 18 inches into the setback due to a misunderstanding between the surveyor and builder. Staff is recommending issuance of a Consent Agreement and a fee of \$500 to cover legal fees.

Vice-Chairman Bingham opened the Public Hearing.

Public discussion: Harvey Klugman, the builder, said that this is the first time in his 30 years of building that this has ever happened. He believes that it was an oversight of the site engineer who did not see on the foundation plan that there was a front porch.

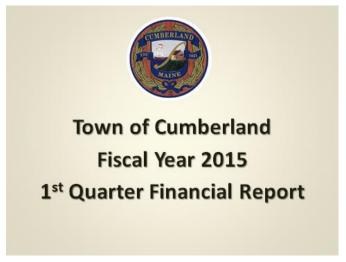
Vice-Chairman Bingham closed the Public Hearing.

Motion by Councilor Gruber, seconded by Councilor Stiles, to authorize the Code Enforcement Officer to enter into a Consent Agreement with property owners located at 84 Wyman Way and to collect \$500 for legal and administrative fees.

VOTE: 7-0 UNANIMOUS

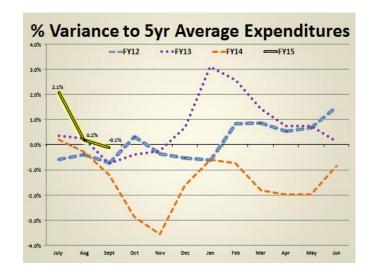
14 – 167 To hear a report from the Finance Committee re: 1st Quarter Financials.

Finance Director, Heather Perreault presented the following:



General Fund Q1 Revenues & Expenditures								
	FY15 Budget		FY15 Actual	FY15 %	FY14 %			
TOTAL REVENUES	\$3,683,142	\$	892,524	24.2%	24.5%			
Controllable Expenses	\$ 6,285,878	\$	1,653,047	26.3%	25.2%			
Fixed Expenses	\$ 17,460,094	\$	5,915,278	33.9%	33.4%			
TOTAL EXPENSES	\$ 23,745,972	\$	7,568,325	31.9%	31.2%			

Excise Tax	FY15 Budget			FY15 Actual	FY15 %	FY14 %
	\$	1,430,000	\$	475,770	33.3%	31.1%
State Revenue Sharing	\$	385,710	\$	64,816	16.8%	22.7%
Building Permits	\$	70,000	\$	21,232	30.3%	34.8%
Recreation-After School	\$	145,000	\$	30,589	21.1%	14.9%
Recreation-All Other	\$	422,826	\$	101,167	23.9%	21.2%
Bags/Universal Waste	\$	250,000	\$	13,250	5.3%	10.2%



Town of Cumberland Year to Date Expenses

Through September 30, 2014

	real to Date Expenses	FY 2015 vs Budget						
		0	Budget		Actual	FY15%	FY14 %	
130	Administration	\$	474,360	\$	157,841	33.3%	33.7%	
140	Assessor	\$	80,463	\$	15,854	19.7%	32.1%	
150	Town Clerk/Tax Collector	\$	208,078	\$	51,574	24.8%	23.0%	
160	Technology	\$	165,346	\$	34,941	21.1%	31.3%	
165	Elections	\$	13,953	\$	3,254	23.3%	10.8%	
170	Planning	\$	63,541	\$	15,448	24.3%	24.8%	
190	Legal	\$	32,500	\$	8,308	25.6%	12.5%	
	General Administration	\$	1,038,241	\$	287,220	27.7%	29.6%	
210	Police	\$	1,196,499	\$	315,874	26.4%	24.7%	
220	Fire	\$	827,001	\$	210,517	25.5%	24.2%	
240	Code Enforcement	\$	90,871	\$	23,377	25.7%	19.1%	
260	Animal Control	\$	27,300	\$	7,262	26.6%	24.7%	
	Public Safety	\$	2,141,671	\$	557,030	26.0%	24.3%	
310	Public Works	\$	941,925	\$	158,679	16.8%	17.7%	
320	Waste Disposal	\$	521,771	\$	100,541	19.3%	19.2%	
	Public Works	\$	1,463,696	\$	259,220	17.7%	18.3%	
	Recreation	\$	644,444	\$	249,937	38.8%	34.8%	
10.570	Parks	\$	220,772	\$	92,941	42.1%	30.2%	
440	West Cumberland Hall	\$	7,720	\$	287	3.7%	19.8%	
	Parks & Recreation	\$	872,936	\$	343,165	39.3%	33.6%	
	Library	\$	387,607	\$	97,190	25.1%	25.1%	
10000000	General Assistance	\$	32,000	\$	5,706	17.8%	25.7%	
	Health Services	\$	10,375	\$	7,543	72.7%	68.1%	
	Cemetery Association	\$	26,700	\$	22,500	84.3%	96.3%	
	Conservation Commission	\$	6,000	\$	2,000	33.3%	0.0%	
	Fire Hydrants	\$	62,000	\$	14,903	24.0%	25.2%	
	Street Lighting	\$	37,000	\$	6,574	17.8%	16.5%	
	Contingent	\$	25,000	\$	With the second	0.0%	37.1%	
	Municipal Building	\$	162,652	\$	33,423	0.0%	7.0%	
850	Abatements	\$	20,000	\$	16,573	82.9%	8.5%	
	Other Expenses	\$	381,727	\$	109,222	28.6%	28.4%	
	Controllable Expenses	\$	6,285,878	\$	1,653,047	26.3%	25.2%	
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	Debt Service		919,267	\$	197,536	21.5%	24.6%	
	Insurance	\$ \$	207,499	\$	119,475	57.6%	42.7%	
		\$		\$	157			
	County Tax Capital Imp. Plan	\$	696,073 1,323,868	\$	696,073 1,323,868	100.0% 100.0%	100.0% 100.0%	
	MSAD #51	\$	14,313,387	\$	3,578,326	25.0%	25.0%	
	Fixed Expenses	\$	17.460.094	\$	5,915,278	33.9%	33.4%	
	rived Exhelises	4	17,400,094	Φ	3,813,276	33.5%	33.4%	
	Total Expenses	\$	23,745,972	\$	7,568,325	31.9%	31.2%	

Year to Date Revenues	FY 2015 vs Budget					
Description		Budget		Actual	FY15%	FY14 %
Excise Tax	\$	1,430,000	\$	475,770	33.3%	31.1%
Boat Excise Tax	\$	5,000	\$	1,544	30.9%	52.1%
Outer Island Taxes	\$	40,000	\$	_	0.0%	0.0%
Supplemental Taxes/PILOT	\$	23,793	\$	14,328	60.2%	50.0%
Tax Revenues	\$	1,498,793	\$	491,642	32.8%	30.6%
Hunting & Fishing Licenses	\$	700	\$	124	17.7%	14.1%
Marriage Licenses	\$	3,000	\$	1,090	36.3%	35.8%
Birth Certificates	\$	365	\$	351	96.2%	145.8%
Death Certificates	\$ \$	500	\$	354	70.8%	54.8%
Clerk Licenses	\$	4,500	\$	675	15.0%	25.6%
Shellfish Licenses		3,000	\$	25	0.8%	0.2%
Conservation Fees	\$ \$	500	\$	10	2.0%	0.6%
Snowmobile Reg	\$	300	\$	=	0.0%	0.0%
Auto Reg. Fees	\$ \$	20,000	\$	5,714	28.6%	28.1%
Boat Reg. Fees	\$	500	\$	472	94.4%	97.0%
Building Permits**	\$	70,000	\$	21,232	30.3%	34.8%
Electrical Permits	\$ \$	15,000	\$	5,231	34.9%	43.4%
Plumbing Permits	\$	15,000	\$	7,566	50.4%	47.2%
Other Permits	\$ \$	2,500	\$	800	32.0%	31.0%
Application Fees	\$	1,000	\$	202	20.2%	0.0%
Dog Revenues	\$	5,000	\$	90	1.8%	3.9%
Commercial Haulers License	\$	600	\$	=	0.0%	121.5%
Licenses & Permits	\$	142,465	\$	43,936	30.8%	34.1%
Homestead Reimbursement	\$	= 5000 × 100000	\$	81,770	6732000 D 2000	Del Mageir John
State Revenue Sharing	\$	385,710	\$	64,816	16.8%	22.7%
Park Fee Sharing	\$	7,080	\$,	0.0%	0.0%
DOT Block Grant	\$ \$ \$	68,440	\$	-	0.0%	0.0%
Other State Aid/MEMA	\$		\$	_		
North Yarmouth Recreation Shar	\$	35,902	\$	-	0.0%	0.0%
North Yarmouth Library Share	\$	141,379	\$	<u>-</u> :	0.0%	0.0%
North Yarmouth Channel 2	\$	2,547	\$	-	0.0%	0.0%
North Yarmouth ACO Charges	\$	-11	\$	-		
Windham-Fire & Rescue	\$ \$	3,900	\$	-	0.0%	0.0%
NY Sidewalks	\$	-,	\$	₩.		0.0%
Intergovernmental Revenues	\$	644,958	\$	146,586	22.7%	32.5%
Interest & Penaties	\$	30,000	\$	3,010	10.0%	34.3%
Over/Short	\$	100	\$	18	18.0%	263.0%
Growth Permits	\$	1,500	\$	1,700	113.3%	126.7%
Board of Appeals	\$	100	Ψ.	1,700	0.0%	0.0%
Interest on Investment	\$ \$ \$ \$ \$ \$ \$	-	\$	89	0.070	0.3%
Building Rentals	\$	500	Ψ	00	0.0%	0.0%
Sale of Assets	\$	25,000	\$	1,300	5.2%	0.7%
Misc. Revenue	\$	48,000	\$	1,474	3.1%	1.5%
Staff Review Fee	\$	10,000	\$	750	7.5%	
Cable TV Revenue	\$	110,000	13.453	, 55	0.0%	0.0%
Mooring Fees	\$	1,000	\$	135	13.5%	13.5%
Private Ways	\$ \$	400	\$	200	50.0%	50.0%
WC Dividend	\$	750	Ψ	200	55.570	50.070
Impact Fees	\$	40,000	\$	25,613	64.0%	73.8%
Assessing Records	\$	100	Ψ	20,013	0.0%	0.0%
Other Revenues	- \$	266,700	\$	34,289	12.9%	13.6%
Outer Nevertues	_ []	200,700	Ą	34,209	12.5%	13.0%

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Town of Cumberland Year to Date Revenues

	FY 2015 vs Budget							
Description		Budget		Actual	FY15%	FY14 %		
Police Issued Permits	\$	3,500	\$	139	4.0%	11.1%		
Police Insurance Reports	\$	500	\$	120	24.0%	36.8%		
Parking Tickets	\$	200			0.0%	0.0%		
Police Outside Detail	\$	35,000	\$	2,788	8.0%	13.0%		
Animal Control Revenue	\$	2,500	\$	68	2.7%	4.0%		
Court Reimbursement	\$	3,500	\$	50	1.4%	24.8%		
Misc Police Rev	\$	500	\$	33	6.6%	24.8%		
Grants/COPS Vet program	\$	53,000	\$	2204	0.0%	0.0%		
Police Department	\$	98,700	\$	3,198	3.2%	7.0%		
Misc. Revenue	\$	15,000			0.0%	0.0%		
Fire Outside Details	\$	15,000	\$	2,990	19.9%	5.1%		
Rescue Billing	\$	155,000	\$	11,434	7.4%	5.4%		
Non-Emergency Transports	\$	= :	\$	7,337				
Paramedic Intercepts	\$	2,000	/UIIII-010/		0.0%	30.0%		
Fire Department	\$	187,000	\$	21,761	11.6%	5.2%		
Misc Revenue	\$	500	\$	78	15.6%	58.6%		
Bags/Universal Waste**	\$	250,000	\$	13,250	5.3%	10.2%		
Brush Passes	\$	6,500	\$	1,069	16.4%	14.2%		
Public Works	\$	257,000	\$	14,397	5.6%	10.4%		
Recreation Programs	- \$	20,016	\$	1,931	9.6%	20.4%		
Fall Recreation Revenue	\$	60,622	\$	29,982	49.5%	61.3%		
Winter Recreation Revenue**	\$	94,563	\$	1,237	1.3%	1.3%		
Spring Recreation Revenue	\$	32,000	\$	2,288	7.2%	0.1%		
Summer Recreation Revenue	\$	212,370	\$	35,970	16.9%	18.3%		
MSAD Rec Revenue	\$		\$ \$	12 h 12 h		0.0%		
After School Programs	\$	145,000	\$	30,589	21.1%	14.9%		
Adult Enrichment			\$	9,009				
Adult Fitness			\$	13,294				
Soccer revenue	\$	3,255	\$	7,456	229.1%	307.4%		
Parks Revenues	\$	15,000	\$	2,355	15.7%	20.1%		
Parks & Recreation	\$	582,826	\$	134,111	23.0%	19.7%		
Library Fines	\$	3,500	\$	2,112	60.3%	34.1%		
Library Interest Income	\$	200	\$	···	0.0%	40.0%		
Misc. Library Revenue	\$	1,000	\$	492	49.2%	25.4%		
Library	\$	4,700	\$	2,604	55.4%	32.5%		
Grand Total	\$	3,683,142	\$	892,524	24.2%	24.5%		

Selected Revenue Lines	Budget	Actual	FY15%	FY14 %
Excise Tax	\$ 1,430,000	\$ 475,770	33.3%	31.1%
State Revenue Sharing	\$ 385,710	\$ 64,816	16.8%	22.7%
Building Permits	\$ 70,000	\$ 21,232	30.3%	34.8%
Recreation-After School Program	\$ 145,000	\$ 30,589	21.1%	14.9%
Recreation-All Other Revenues	\$ 422,826	\$ 101,167	23.9%	21.2%
Bags/Universal Waste	\$ 250,000	\$ 13,250	5.3%	10.2%

14 – 168 To consider and act on authorizing the refunding of bonds issued by the Town in 2002, 2003 and 2006, as recommended by the Finance Committee.

Town Manager Shane explained that the Town has the opportunity to refinance 3 years of bonds while not extending the payment or length of the bonds. The rate will be in the low 3% range, saving the Town approximately \$180,000 over the life of the bonds. The Finance Committee has reviewed this and is recommending the refunding of the bonds.

Motion by Councilor Stiles, seconded by Councilor Storey-King, to adopt the Order Authorizing the Issuance of General Obligation Bonds, incorporated herein by reference, to authorize the refunding of bonds issued by the Town in 2002, 2003 and 2006.

VOTE: 7-0 UNANIMOUS

14 – 169 To authorize the Town Manager to post road under construction signs on Route 9 & Harris Road.

Town Manager Shane explained that with the passage of the referendum, he is asking permission of the Council to erect signs once the Town has the deed to the property (within a week or so). The signs will warn people that the road is not up to Town standard and to take caution. The Town will maintain the road when we receive the deed.

Motion by Councilor Edes, seconded by Councilor Copp, to authorize the Town Manager to post road under construction signs on Route 9 & Harris Road.

VOTE: 7-0 UNANIMOUS

14 – 170 To hold a Public Hearing to adopt the Maine Municipal Association Model General Assistance Ordinance and Appendix B & C for the period of October 1, 2014 – October 1, 2015.

Town Manager Shane explained that this is an annual Council approval. It is the guidelines for our General Assistance program.

Vice-Chairman Bingham opened the Public Hearing.

Public discussion: none

Motion by Councilor Turner, seconded by Councilor Edes, to adopt the Maine Municipal Association Model General Assistance Ordinance and Appendix B & C for the period of October 1, 2014 – October 1, 2015.

VOTE: 7-0 UNANIMOUS

14 – 171 To consider and act on authorizing the Town Manager to execute a 3-year agreement with Constellation Energy, as recommended by the Finance Committee.

Town Manager explained that this contract will lock in a rate of 7.5 cents per kilowatt which will save approximately \$250 per month on our street light bill. The Finance Committee has reviewed this and is recommending approval.

Motion by Councilor Stiles, seconded by Councilor Gruber, to authorize the Town Manager to execute a 3-year agreement with Constellation Energy, as recommended by the Finance Committee.

VOTE: 7-0 UNANIMOUS

V. <u>NEW BUSINESS</u>

Councilor Copp – Firearm season for deer hunting has started so be sure to wear orange if you are out on the trails.

Thank you to the Fire Department who responded to a kitchen fire at a relative's home recently. The Cumberland Fire Department in second to none. The firefighters took the time to help clean up after the fire was out and make sure the house was secure. They did a phenomenal job.

Congratulations to his son Ben and his wife who are expecting a baby.

Councilor Storey-King – she extended her thanks to all the Veterans. Her class has mailed out thank you letters to Veteran's in our community for Veterans Day.

Next week, Greely Middle School grades 4-8 are having a food drive called "Fill a Bus, Fill a Belly". They will attempt to fill a school bus with food for the Food Pantry.

Councilor Edes – the Ordinance Committee met recently to discuss trapping on Town owned property. The committee felt that it is not necessary for the Town to enact an ordinance since State Law covers trapping on municipal property. The Ordinance Committee felt it would be redundant to have our own ordinance.

Mike Timmons was at the meeting earlier. Mike is truly a gentleman as is his opponent, Dale Denno.

Jack Raven passed away recently. Jack owned Raven's Variety and was a World War II Tank Commander. His thoughts are with the Raven family.

Councilor Bingham – he and his wife attended a dinner at the University of New England recently for former University Trustees. He was on the board in the 1980's when they were forming the medical school. Jack Ketchum (University President) really had a vision regarding what medical service was going to be. It has been exciting to see how the medical program has evolved.

Chairman Gruber – the Food Pantry continues to see growth in the number of people they serve. The good news is that we are able to serve all those people with the help of generous donations and hard work from our many volunteers. Thanksgiving baskets will be going out next week to over 100 families.

Councilor Stiles – he attended a presentation on the cemeteries of Cumberland at the Library recently. It was an excellent presentation. The Library offers a lot of fantastic programs that the public should check out.

Councilor Turner – he appreciates the work that everyone did on both sides of the referendum questions.

Town Manager Shane – Police Sargent, Angelo Mazzone and Public Works Mechanic, Elliott Weed both lost their fathers this week. Our thoughts and prayers go out to both families.

Thank you to Cub Scout Troop 58 for their generous donation of food to the food pantry.

VI. ADJOURNMENT

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

VOTE: 7-0 UNANIMOUS

TIME: 8:52 P.M.

Respectfully submitted by,

Brenda L. Moore Council Secretary