

## **AGENDA**

Cumberland Town Council Meeting

Town Council Chambers

**MONDAY, August 9, 2021**

**6:00 P.M.** Workshop re: Town Council Goal Setting

**7:30 P.M.** Call to Order

### **I. CALL TO ORDER**

### **II. APPROVAL OF MINUTES**

July 26, 2021

### **III. MANAGER'S REPORT**

### **IV. PUBLIC DISCUSSION**

*Public discussion is for comments on items that are not on the agenda. Comments are limited to 5 minutes per person. Rebuttal comments will be limited to 2 minutes. Public discussion topics may be brought up again under New Business for further Council discussion.*

### **V. LEGISLATION AND POLICY**

**21 – 084.** To authorize the issuance of Senior Property Tax Assistance Program payments.

**21 – 085.** To consider and act on the adoption of a resolution endorsing a Rail Corridor Advisory Council process to consider alternative future uses of the corridor, as proposed by the Maine Trails Coalition.

### **VI. NEW BUSINESS**

### **VII. BUDGET REPORT**

### **VIII. ADJOURNMENT**

# MINUTES

Cumberland Town Council Meeting  
Town Council Chambers  
**MONDAY, July 26, 2021**  
**6:30 P.M. Council Photos**

## 7:00 P.M. Call to Order

Present: Councilors Copp, Edes, Foster, Gruber, Segrist, Storey-King and Vail

### I. APPROVAL OF MINUTES

Motion by Councilor Copp, seconded by Councilor Storey-King, to accept the July 12, 2021 meeting minutes as presented.

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

### II. MANAGER'S REPORT

Tickets have been available and purchased online for a monster truck show to be held at the Cumberland fairgrounds from August 27<sup>th</sup> through 29<sup>th</sup>. This event will likely not happen, since an event like this requires that a 60-day mass gathering permit application be submitted and approved by the Town Council, which has not happened to date. We do not want to put the neighbors through an event like this, and we don't have enough public safety personnel required to staff it.

The application process for our Senior Tax Rebate Program will begin on Monday. Seniors are welcome to drop into Town Hall from 9 to 11 a.m. on Monday and Tuesday, and Wednesday afternoon from 1 to 4 p.m. for assistance from staff in filling out the application. You must be at least 70 years old, lived in Town for at least 10 years, and meet the income requirement to be eligible for a rebate.

Construction on the railroad crossings will begin later this week starting on Greely Road, then Tuttle Road and wrapping up on Route 9.

Town Manager Shane introduced State Representative Steve Moriarty and Senator Cathy Breen to give a legislative update.

Representative Moriarty reported that the first legislative session has wrapped up and he will talk about 5 or 6 bills of municipal interest.

- LD32 – Remote Participation Bill. The Judiciary Committee took this on and decided to build a framework to allow all the cities and towns in the state to complete it and work to meet their own needs and the needs of their residents. The good news is that there is no mandate upon a governing body to conduct its meetings remotely. Instead, the bill says that each public body will make that determination on its own. If the governing body does choose to meet remotely, a written policy must be adopted to determine how remote meetings will be handled. The policy must contain conditions by which members of the public can participate in the meeting.
- With the current housing crisis and lack of affordable housing, a bill was presented this session to expand the availability of Accessory Dwelling Units (ADU's) on a statewide basis. The bill was passed by both houses of the legislature but was not signed by the Governor. It has been carried over to the second session. The Town's setback requirements and minimum lot size would still apply, and it would not impact shoreland zoning. The bill would provide that if an ADU was constructed on a parcel, one of the two buildings would have to be occupied by the owner.

- LD1541 - A new law was passed involving recycling that is called Extended Producer Responsibility. This law will target one particular part of the recycling stream, which accounts for approximately 50% of the total by weight, and that is packaging material (cardboard, glass, paper, plastic, etc.). The goal is to shift at least part of the cost away from the customer and put it on the merchant, the producer, or the manufacturer. The goal is to get the amount of packaging materials cut back and get the merchants or manufacturers to pay part of the cost of disposal. The DEP would contract with a packaging stewardship company, and the producer of the product would pay into a fund managed by the stewardship company. The towns would then receive payments from the fund and would have full discretion as to how to spend the money.
- A bill that he sponsored and became law will extend the time period for pre-election day processing of absentee ballots from 4 days to 7 days. This will take some of the burden off the Town and City Clerks by giving them more time to process absentee ballots prior to election night.
- A bill was passed to provide online voter registration. This bill will not take effect until November 1, 2023, to allow the Secretary of State time to develop detailed rules in order to implement this.
- A bill that was carried over to the second session will establish semi-open primaries, which would allow people who are not enrolled in a party, or registered as independent, to participate in a party primary election. This only pertains to primaries, not the general election.

Senator Breen presented the following:

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## Legislative Review

CUMBERLAND, MAINE  
JULY 26, 2021

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## Cumberland by the Numbers

- ▶ Cumberland will receive \$866,842 from the American Rescue Plan Act's Local Fiscal Relief Fund
- ▶ The biennial budget reduces MSAD 51's estimated local contribution for K-12 Education in Fiscal Year 2022 by \$1.2 million
- ▶ The biennial budget increases the projected amount of municipal revenue sharing coming to Cumberland in Fiscal Year 2022 by \$200,000
- ▶ Municipal reimbursement for the Homestead Exemption will increase from 70% to 73% in Fiscal Year 2022 and is on a plan to reach 100% in ten years

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## Education

Between the biennial budget and the American Rescue Plan Act (ARPA) budget, we:

- ▶ Increased the state share of K12 education costs to 55% for the first time since mandated by state referendum in 2004
- ▶ Increased funding for higher education (the University of Maine, Maine Maritime Academy and the Community College system) by 3% per year and provided one-time funding of \$35 million each for the UMaine and Community College systems
- ▶ Ensured all students will receive free school meals
- ▶ Kept tuition at our public colleges flat for the coming school year
- ▶ Increased the maximum award amount of the Maine State Grant Program from \$1000 to \$2500
- ▶ Directed \$40 million to Career and Technical Education centers

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## Land Conservation and Environmental Protection

- ▶ Maine will now require companies that create packaging waste to help pay for the costs of recycling
- ▶ The Land for Maine's Future Program received \$40 million in the biennial budget
  - ▶ Knight's Pond, the largest undeveloped parcel of land in Cumberland, was an LMF project in 2016

The biennial budget also includes:

- ▶ Vital funds and 20 new DEP positions to clean up PFAS contamination
- ▶ New positions in DMR for monitoring right whales, white sharks and supporting offshore wind development
- ▶ New positions to work on resiliency planning for sea level rise
- ▶ \$3 million for the Governor's Office of Policy Innovation and the Future for green communities emissions reduction planning, technical assistance and grants for community climate projects

The ARPA budget includes:

- ▶ \$50 million to improve state parks
- ▶ \$1 million to modernize licensing processes and reduce backlog in DEP

## Infrastructure and Transportation

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- ▶ We passed a \$100 million Transportation Bond, which will draw down \$253 million in matching funds

The ARPA budget includes:

- ▶ \$150 million for the Maine Connectivity Authority to expand affordable broadband

The biennial budget includes:

- ▶ a new fund as part of the cascade that uses the unappropriated surplus to fund transportation projects
- ▶ \$45 million for the School Revolving Renovation Fund
- ▶ \$50 million for construction and repair of state facilities
- ▶ \$2 million for the repair of dams

## Help for Vulnerable Mainers

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(Most of these initiatives draw down a federal match)

The biennial budget:

- ▶ Provides \$26.7 million for nursing facilities, to be matched by \$90 million in federal funds
- ▶ Provides all direct care workers with wages 125% of the minimum wage
- ▶ Provides MaineCare access to preventive and routine dental care for adults
- ▶ Provides MaineCare or CHIP for mothers and children regardless of immigration status
- ▶ Funds 15 new positions in Child Protective Services
- ▶ Includes multiple Substance Use Disorder initiatives, including expansion of treatment beds, overdose prevention and help for parents with Substance Use Disorder

## Help for Vulnerable Mainers, cont.

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The ARPA budget:

- ▶ Provides \$1 million to reduce disparities in health outcomes for minority groups
- ▶ Allocates \$500,000 for a pilot program to provide respite care support for parents caring for adult children
- ▶ Allocates \$5 million to create the Family Caregiver pilot program

## Economic and Workforce Development

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The ARPA budget provides:

- ▶ \$20 million in grants and loans to businesses and organizations that were not eligible for previous relief
- ▶ \$48.4 million in loans and loan guarantees from FAME
- ▶ \$50 million for Maine's heritage industries: agriculture infrastructure and food processing, forest products and manufacturing, and seafood facilities and processing
- ▶ \$80 million to replenish the Unemployment Insurance Trust Fund
- ▶ \$39.6 million for research and development
- ▶ \$1 million to FAME for health care provider loan repayment
- ▶ \$2 million for the Doctors for Maine's Future program
- ▶ Funds 16 new Career Center positions in the Department of Labor
- ▶ \$20 million to the Department of Economic and Community Development to expand Jobs for Maine Graduates (JMG), Focus Maine and others

## Changes in Tax Policy

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In the biennial budget, we:

- ▶ Did not change the income tax
- ▶ Approved \$300 checks to all Mainers who worked during the pandemic with an Adjusted Gross Income under \$75,000 (\$150,000 for joint filers)
- ▶ Created the Elderly Tax Deferral Program
- ▶ Permanently expanded the Property Tax Fairness Credit to provide property tax relief to 16,000 additional Mainers
- ▶ Raised the amount of the Earned Income Tax Credit from 12% to 20% of the federal limit
- ▶ Increased municipal revenue sharing from 3.75% to 4.5% in fiscal year 2022, then 5% in fiscal year 2023
- ▶ Exempted the sale of menstrual products from sales tax

## Housing

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The ARPA budget provides:

- ▶ \$50 million for affordable workforce housing through a partnership with the Maine State Housing Authority and the Department of Economic and Community Development
- ▶ \$10 million for homelessness support efforts
- ▶ Authorization for the Maine State Housing Authority to refinance Part E housing bonds, providing \$32 million more for affordable housing
- ▶ \$1.5 million for housing navigators in the Maine State Housing Authority

## Other Initiatives

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In the first session of the 130<sup>th</sup> Legislature, we

- ▶ Increased the Rainy Day Fund to \$492 million — the highest amount ever
- ▶ Implemented the recommendations of the Sixth Amendment Center for improving the Maine Commission on Indigent Legal Services
- ▶ Allocated \$1.8 million in ongoing funding for the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations

## Thank you for listening.

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Please let me know if you have any questions!

### III. PUBLIC DISCUSSION

Ann Maksymowicz of Tuttle Road presented a check to the Food Pantry in the amount of \$3,750.00. This money was raised by the community and the same amount will be donated to the Prince Memorial Library, Maine Boys to Men, and to the school district.



#### **IV. LEGISLATION AND POLICY**

##### **21 – 076 To hear a report from the Tax Assessor and to hold a Public Hearing to consider and act on setting the FY2022 tax rate.**

Tax Assessor, John Brushwein explained that the 2021-22 commitment is complete and tax bills are scheduled to be mailed the 1<sup>st</sup> week of August. His recommendation is that the tax rate be set at \$20.55 per \$1,000.00 of assessed value, which represents a .98% (20 cent) increase above the 2020-2021 rate of \$20.35.

The overall assessed valuation of the Town increased by approximately \$28,804,350 as a result of new construction, land divisions, and additional personal property. The total taxable valuation of the Town is currently \$1,441,027,350. The homestead exemption is adjusted by the certified ratio which for FY22 is 95% which brings the exemption down to \$23,750.00.

LD1 (2005) requires municipalities to calculate a property tax levy limit annually. If the municipality exceeds the limit, a vote must be taken by the local governing body to exceed the limit. The limit is based on local property growth and statewide average personal income growth. The State Office of Policy and Management calculates the personal income growth based on a 10-year average. This year's LD1 calculation resulted in a Municipal Property Tax Levy limit of \$6,228,485.00. The FY 2021 Municipal Property Tax Levy is \$5,621,902.00 which is \$606,583.00 under the limit, therefore, no vote is needed to exceed the limit.

Chairman Vail opened the Public Hearing.  
No public comment.  
Chairman Vail closed the Public Hearing.

Motion by Councilor Foster, seconded by Councilor Gruber, to set the municipal tax rate for FY2022 at \$20.55.

VOTE: 7-0                      UNANIMOUS

##### **21 – 077 To hold a Public Hearing to set rates at which interest will be paid for delinquent taxes and to authorize applying tax payments to the oldest unpaid taxes.**

Town Manager Shane explained that Maine Municipal Association makes a recommendation annually on the interest rate for delinquent taxes. This year they are recommending between 4 and 8%. Staff is recommending 4%.

Chairman Vail opened the Public Hearing.  
No public comment.  
Chairman Vail closed the Public Hearing.

Motion by Councilor Copp, seconded by Councilor Gruber, to set an interest rate of 4% for delinquent real and personal taxes for FY2022.

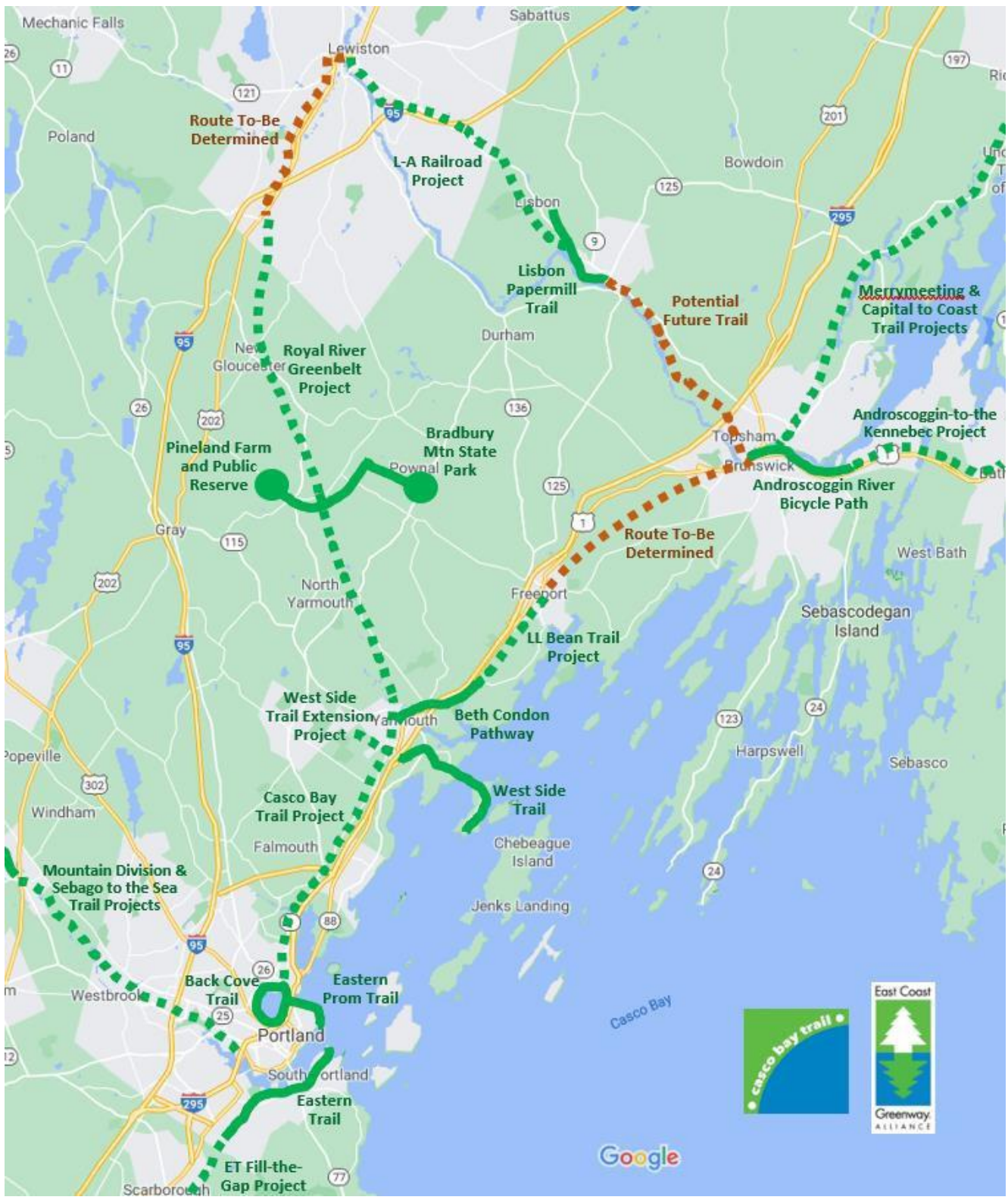
Be it further ordered that all payments for delinquent real and personal property taxes be applies to the oldest, unpaid taxes.

VOTE: 7-0                      UNANIMOUS

**21 – 078 To hear a presentation re: a rail and trail system along the former Canadian/Atlantic rail line.**

Dick Woodbury, board member of the East Coast Greenway, the Maine Trails Coalition, and the Casco Bay Trail Alliance, explained that each of these groups are thinking about and working on an inter-connected bike and walking trail network described below:

- The Casco Bay Trail system would connect 13 municipalities between Portland, Lewiston- Auburn, and Brunswick. Additional projects extend this multi-use trail network west to Fryeburg, north to Augusta, east to Bath, and south to Kittery. See Map 1.
- The network would be anchored by a multi-use trail on the St. Lawrence and Atlantic rail corridor between Portland and Auburn, passing through Cumberland. This corridor is state- owned and unused by trains.
- The SLA corridor south from Cumberland would be a resource for bicycle commuting into Portland, as well as for other recreational use. The SLA corridor north from Cumberland would connect many conservation lands in the Royal River watershed, as well trail systems through Pineland Farm and Bradbury Mountain State Park.
- There is a second, still-active rail corridor between Portland and Lewiston-Auburn that could be used to extend future Amtrak, commuter train, and/or freight service from Boston, through Portland to Brunswick, Lewiston-Auburn, Waterville, and Bangor. See Map 3.
- The legislature just enacted LD 1133, which creates a *Rail Corridor Advisory Council* process. This process is explicitly designed to evaluate alternative uses of corridors like the St. Lawrence and Atlantic. MaineDOT has already committed to using the process to evaluate prospective rail-trails between Brunswick and Augusta (the Merrymeeting Trail) and between Portland and Fryeburg (the Mountain Division Trail).
- The trigger for MaineDOT to initiate a *Rail Corridor Advisory Council* is having the municipalities along the corridor request it. We would like to get the St. Lawrence and Atlantic corridor on MaineDOT's evaluation agenda at the same time or shortly after their evaluations of these other corridors.
- There is an unused freight easement on the St. Lawrence and Atlantic corridor that expires at the end of October. MaineDOT has indicated that municipal interests along the corridor (i.e., whether a freight easement is important to the communities, or whether an alternative use might be explored instead) are a key input to their evaluation of whether to renew the easement.
- Our hope is that Cumberland might join with other communities along the St. Lawrence and Atlantic corridor in adopting resolutions requesting a *Rail Corridor Advisory Council* process to consider alternative future uses of the corridor, specifically as a rail-trail.



**21 – 079 To hold a Public Hearing to consider and act on a moratorium ordinance re: Medical Marijuana Caregiver Uses.**

Chairman Vail explained that there have been a lot of changes recently from the State in how Towns are able to allow marijuana operations to exist. We currently have the use concentrated in one particular part of our Town. There is a lot of concern on how we legislate it, and this moratorium will buy us some time to enact our own ordinance that is fitting for our community.

Chairman Vail opened the Public Hearing.

Rick Doane of 4 Catalpa Lane said that he lives in proximity to an individual who grows marijuana plants outside, and the smell is a tremendous nuisance from August to October. As the Town Council works through the ordinance, he requested that outdoor grows are looked at specifically and regulations are placed on it.

Steve Moriarty said that there was a bill before the legislature this session that was carried over to the second session (January), that would double the number of mature plants from 30 to 60 and double the number of immature plants from 60 to 120. If the Town does pass a moratorium, it will dovetail nicely timewise with the fact that this bill has been carried over.

Chairman Vail closed the Public Hearing.

Motion by Councilor Storey-King, seconded by Councilor Gruber, to adopt a moratorium ordinance regarding medical marijuana caregiver uses, effective immediately, for a period not to exceed 180 days (starting July 12, 2021).

WHEREAS, the Town Council of the Town of Cumberland (the “Town”) makes the following findings:

- (1) The Maine Medical Use of Marijuana Act (the “Act”), codified in the Maine Revised Statutes in Title 22, Chapter 558-C, authorizes registered caregivers to possess, cultivate, and transfer medical marijuana to qualifying patients, as those terms are defined by 22 M.R.S. § 2422; and
- (2) On July 9, 2018 the Maine Legislature enacted as emergency legislation PL 2017, c. 447 (LD 239), *An Act to Amend the Maine Medical Marijuana Law*, which expressly recognizes municipal home rule authority to regulate registered caregiver operations; and
- (3) The Town has previously enacted a Registered Caregiver Overlay District as part of its Zoning Ordinance; and
- (4) Because the Registered Caregiver Overlay District only applies to commercial zoning districts, it has not resolved legitimate and substantial questions about the impact of medical marijuana uses on the Town in other zoning districts, including questions as to compatibility with existing land uses and developments in the Town; the sufficiency of municipal infrastructure to accommodate such activity; and the possibility of unlawful sale of medical marijuana and medical marijuana products; and
- (5) As a result of the foregoing issues, the location and operation of medical marijuana uses within the Town have potentially serious implications for the health, safety and welfare of the Town and its residents; and
- (6) The Town currently faces the possibility of an overconcentration of medical marijuana uses, both in the Registered Caregiver Overlay District and in other districts; and



- (7) An overburdening of public facilities and resources, including public safety resources, is a reasonably foreseeable result of the unregulated location and operation of medical marijuana uses in the Town; and
- (8) In the judgment of the Town Council, the foregoing findings and conclusions constitute an emergency within the meaning of 30-A M.R.S. § 4356 requiring immediate legislative action.

NOW, THEREFORE, pursuant to 30-A M.R.S. § 4356, and Article II, § 11 of the Cumberland Town Charter, the Town of Cumberland hereby ordains:

**Section 1. Moratorium.** The Town does hereby declare a moratorium on the location, operation, permitting, approval, or licensing of any and all medical marijuana uses within the Town.

No person or organization shall develop or operate a new medical marijuana use that was not in lawful existence on or after the effective date of this Ordinance. During the time this Ordinance is in effect, no officer, official, employee, office, administrative board or agency of the Town shall accept, process, approve, deny, or in any other way act upon any application for a license, building permit, any other type of land use approval or permit and/or any other permits or licenses related to a medical marijuana use.

**Section 2. Definitions.** For purposes of this ordinance, the term “medical marijuana uses” means a registered caregiver as defined in 22 M.R.S. § 2422(11), and includes a caregiver cultivation facility, a caregiver processing facility or any other associated use.

**Section 3. Pending Proceedings.** Notwithstanding 1 M.R.S. § 302 or any other law to the contrary, this Ordinance shall govern any proposed medical marijuana use for which an application for a building permit, certificate of occupancy, site plan or any other required approval has been submitted to the Town, whether or not a pending proceeding, prior to the enactment of this Ordinance, but it shall not apply to any medical marijuana use that has received site plan approval from the Town prior to July 12, 2021.

**Section 4. Conflicts/Savings Clause.** Any provisions of the Town’s ordinances that are inconsistent or conflicting with the provisions of this Ordinance are hereby repealed to the extent applicable for the duration of this moratorium. If any section or provision of this Ordinance is declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

**Section 5. Violations.** If any medical marijuana use is established in violation of this Ordinance, each day of any continuing violation shall constitute a separate violation of this Ordinance and the Town shall be entitled to all rights and remedies available to it pursuant to 30-A M.R.S. § 4452, including, but not limited to, fines and penalties, injunctive relief, and its reasonable attorney’s fees and costs in prosecuting any such violations.

**Section 6. Effective Date.** Pursuant to Article II, § 11(c) of the Cumberland Town Charter, this Ordinance shall become effective immediately upon its adoption and shall remain in full force and effect for a period of 180 days after July 12, 2021, unless extended pursuant to law or until a new and revised set of regulations is adopted by the Town, whichever shall first occur.

**Section 7. Severability.** Should any section or provision of this Moratorium Ordinance be declared by any court of competent jurisdiction to be invalid, such a decision shall not invalidate any other section or provision.

VOTE: 7-0                      UNANIMOUS

**21 – 080 To hold a Public Hearing to consider and act on amendments to Chapter 250 (Subdivision of Land), Section 250-6.D.7 (Conservation Subdivision Standards); and to Section 250-8.D and E (Prohibited uses of common open space); and to Section 250-9 (Ownership, management, legal protection and maintenance of common open space in a conservation subdivision) A(1) and B(1)(b) and 250-13 (General subdivision procedures) B.1 and 250-14 (Procedure for subdivisions in the RR1 or RR2 Districts) A and D, as recommended by the Planning Board.**

Town Manager Shane said that the Planning Board took a lot of testimony on this item and recommends that the Town Council does not adopt these amendments, but rather appoint a subcommittee of the Lands & Conservation Commission and the Planning Board to work through some of the issues that the Planning Board has with this. Some of them felt that it was too early to make changes to the Conservation Subdivision Ordinance, some were unclear of their authority with the ordinance, and some wanted to have more discussion. The Lands & Conservation Commission has requested that the Town Council consider the acceptance of open space in the Town's name, and we will get the easement for managing that open space.

Chairman Vail opened the Public Hearing.

No public comment.

Chairman Vail closed the Public Hearing.

Motion by Councilor Gruber, seconded by Councilor Copp, to table.

VOTE: 7-0 UNANIMOUS

**21 – 081 To hold a Public Hearing to consider and act on amendments to Chapter 229 (Site Plan Review) Section 229-6 A (Major Staff Review) and Appendix C (Submission Requirements) to change the number of copies of an application packet to 2 full size paper plan sets and an electronic application packet, as recommended by the Planning Board.**

Chairman Vail explained that this is simply a housekeeping item.

Chairman Vail opened the Public Hearing.

No public comment.

Chairman Vail closed the Public Hearing.

Motion by Councilor Copp, seconded by Councilor Gruber, to amend Chapter 229 (Site Plan Review) Section 229-6 A (Major Staff Review) and Appendix C (Submission Requirements) to change the number of copies of an application packet to 2 full size paper plan sets and an electronic application packet, as recommended by the Planning Board.

VOTE: 7-0 UNANIMOUS

**21 – 082 To hold a Public Hearing to consider and act on a Mass Gathering Permit for the Cumberland Soccer Club's "Just for Fun Tournament" to be held on September 4<sup>th</sup> and 5<sup>th</sup>, 2021 at Twin Brook Recreation Facility.**

Chairman Vail explained that this application has been vetted by the Police and Fire Departments and staff is recommending approval.

Chairman Vail opened the Public Hearing.

No public comment.

Chairman Vail closed the Public Hearing.

Motion by Councilor Edes, seconded by Councilor Gruber, to approve the Mass Gathering Permit for the Cumberland Soccer Club's "Just for Fun Tournament" to be held on September 4<sup>th</sup> and 5<sup>th</sup>, 2021 at Twin Brook Recreation Facility.

VOTE: 7-0 UNANIMOUS

**21 – 083 To consider and act on endorsing the Maine Municipal Association Workers' Compensation Safety Incentive Program.**

Town Manager Shane explained that Maine Municipal is our Workers Compensation carrier and they have asked for a Council Resolution to endorse the use of their safe practices and programs.

Chairman Vail asked for any public comment.

No public comment.

Motion by Councilor Segrist, seconded by Councilor Gruber, to endorse the Maine Municipal Association Workers' Compensation Safety Incentive Program.

VOTE: 7-0 UNANIMOUS

**V. NEW BUSINESS**

**Councilor Segrist** – His parents are in Town this week visiting from Nebraska. He credits his desire to want to get involved in public service from his parents.

**Councilor Storey-King** – She sent her sincere and deepest condolences to the Soule family on the loss of one of their patriarchs, Paul Soule. His daughter is a teacher at the high school, and they have been great citizens of our community for many years.

**Councilor Gruber** – The food pantry served 55 families last week. This number is down a bit, which is a good thing.

The Town Councilor's have been taking turns being at the Farmer's Market every Saturday to chat with residents. He thanked Councilor Foster for this great idea. It is very well received by the public and he is enjoying it.

He has been swimming at the high school through the Recreation program. They do a terrific job.

**Chairman Vail** – We received a thank you note from the Calder family. Thank you to Town staff for sending flowers to Diane Calder's funeral service.

The things that get done in this Town are largely due to someone just doing what needs to get done. He thinks that the Food Pantry is one of the most important things that get done in our Town.

He has noticed a lot of gardening in the community lately. The pandemic has sparked a lot of interest in agriculture.

He would like to hold another Council workshop to review the Council goals again, get some more input and make committee assignments.

**Councilor Foster** – The Mental Health Committee held its July event recently. It was hosted by Walnut Hill Wellness and Trust Your Gut. The weather cooperated and they did a wonderful job with events to keep the kids busy during the adult session. It was our best attended event so far. We are taking the month of August off in consideration of people being away on vacation and getting the kids ready to go back to school. Our September event will be with Casco Bay C.A.N. and will be held at the end of the month. The big event will be in early October when we will partner with the Yellow Tulip Project to hold a planting celebration in preparation for the May blooming day (day of hope). You may have noticed the Smash the Stigma signs around Town. These are in reference to the Yellow Tulip Project and smashing the stigma around talking about mental illness and having it be part of the same conversations that we have about headaches or broken bones. It’s all part of being human.

**Councilor Edes** – He proposed to the Chairman and other Councilors that we create a committee to gather information regarding our options on serious tax relief for our senior residents and report back to the Council before the end of the year with information and proposals for the Council to consider. He feels that it is important to help our seniors stay in their homes and developing a program will be something that the Town Council will be very proud of. He asked the Council to allow him and Councilor Segrist to start the process of gathering information.

Councilor Gruber said he would also like to be involved.

Chairman Vail said as Chairman, he hereby charges them to go forth and gather the information.

**Councilor Copp** – He gave his donation to the Food Pantry 4-H fund and reminded everyone to give to this worthy cause. The 4-H auction at the Cumberland Fair is coming right up.

Last Thursday, the Maine State Police Crime Lab was parked at his shop because he towed in a vehicle that was involved in a serious crime and a high-speed chase on the Maine Turnpike. It was mind boggling what they found in the vehicle. The State Police and our local police do a great job.

- VI. EXECUTIVE SESSION** pursuant to 1 M.R.S.A., § 405(6)(C) re: real property.  
Motion by Councilor Storey-King, seconded by Councilor Gruber, to recess to Executive Session pursuant to 1 M.R.S.A., § 405(6)(C) re: real property.  
VOTE: 7-0 UNANIMOUS  
TIME: 9:19 A.M.

Reconvene to regular session at 9:58 P.M.

- VII. ADJOURNMENT**  
Motion by Councilor Foster, seconded by Councilor Edes, to adjourn.  
VOTE: 7-0 UNANIMOUS  
TIME: 9:58 P.M.

Respectfully submitted by,

Brenda L. Moore  
Council Secretary



# ITEM

# 21-085

To consider and act on the adoption of a resolution endorsing a Rail Corridor Advisory Council process to consider alternative future uses of the corridor, as proposed by the Maine Trails Coalition

## TOWN OF CUMBERLAND RESOLUTION

### Request to the Maine Department of Transportation to Create a Rail Corridor Advisory Council for the proposed Casco Bay and Royal River Trails

**WHEREAS,** the Casco Bay Trail network includes in its vision a 26-mile, disused rail corridor (hereinafter “Casco Bay and Royal River SLA Corridor”) from Portland to Falmouth, Cumberland, Yarmouth, North Yarmouth, Pownal, New Gloucester, and Auburn, currently known as the St Lawrence and Atlantic rail corridor, that was acquired by the State of Maine in 2007 and 2010; and

**WHEREAS,** the Casco Bay Trail Alliance, formed in 2019, created a vision, and is leading the effort, to convert the Casco Bay and Royal River SLA Corridor to a multi-purpose “trail-until-rail” to be included in an off-road multi-use trail network connecting Portland, Lewiston-Auburn, and Brunswick, Maine; and

[Casco Bay Trail Alliance](#)

**WHEREAS,** the Casco Bay Trail network is part of a statewide trail plan, “Maine Rail Trail Plan 2020-2030,” issued by the Maine Trails Coalition in 2020, which calls for the construction of multiple specific rail-trail projects over the next decade, each of which would connect with existing multi-use trail infrastructure; and

[Maine Rail Trail Plan 2020-2030](#)

**WHEREAS,** long-distance multi-use trails are a key recommendation of a 2010 report “Improving Maine’s Quality of Place Through Integrated Bicycle and Pedestrian Connections” by the Maine Dept. of Transportation, State Planning Office, Dept. of Conservation, and Center for Disease Control and Prevention; and

[Improving Maine’s Quality of Place Through Integrated Bicycle and Pedestrian Connections](#)

**WHEREAS,** the Governor has recently signed into law LD 1133, allowing for the creation of Rail Corridor Advisory Councils to “facilitate discussion, gather information and provide advice to the commissioner regarding future use” of rail corridors owned by the State; and

[LD 1133 As Enacted](#)

**WHEREAS,** a freight operator holds a freight railroad easement, but has discontinued freight service on the rail line; and

**WHEREAS,** the freight operator is subject to a contract with the Maine Department of Transportation (“the 2018 Amended Discontinuance Agreement”), stating that, unless freight rail service is resumed by November 1, 2021, the operator “shall . . . seek authority from the [Surface Transportation Board] to abandon the Railroad Line. Maine DOT shall not object to the proposed abandonment;” and

[Discontinuance Agreement – 10 June 2013](#)

[Discontinuance Agreement Amendment – 18 June 2018](#)

**WHEREAS,** it is recognized that some part of the rail corridor is potentially also suitable for future passenger rail service, but there is an alternative corridor that could also be used to extend passenger train service between Portland and Lewiston-Auburn that is still actively used by trains, including Amtrak, thereby allowing both public purposes, trains and trails; and

[Corridor Map from July 26 Council Presentation](#)

[Rail Trail Discussion on CBTA Website](#)

**WHEREAS,** the Town of Cumberland Comprehensive Plan identifies specific goals and actions that include: “to maintain existing trail systems with the Town and where possible, connect trails;” “consider off-street multi-use trails in certain locations;” “encourage a trail system throughout town;” “develop a map that shows parcels that would allow for important trail and open space linkages,” and “support the development of sidewalks, bike lanes and trails to provide safe non-vehicular transportation;” and

[Comprehensive Plan, Town of Cumberland](#)

**WHEREAS,** it may be worthwhile for the Town of Cumberland to express its interest in the Casco Bay and Royal River SLA Corridor to the Maine Department of Transportation.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CUMBERLAND ASSEMBLED THIS \_\_\_\_<sup>th</sup> DAY OF \_\_\_\_\_, 2021, THAT:**

1. The Cumberland Town Council hereby petitions the Maine Department of Transportation to create a Rail Corridor Use Advisory Council to consider future use of the Casco Bay SLA Corridor as a multi-use trail.
2. The Cumberland Town Council also petitions the Maine Department of Transportation to enforce the 2018 Amended Discontinuance Agreement, or, in the alternative, provide a notice-and-comment procedure to consider public comment before amending or extending that agreement.

# BUDGET REPORT



# Revenues



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HISTORICAL ACTUALS COMPARISON REPORT

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FOR PERIOD 13 OF 2021

ACCOUNTS FOR: 001 General Fund	PRIOR YR3 ACTUALS	PRIOR YR2 ACTUALS	LAST YR ACTUALS	CURRENT YR ACTUALS	CY REV BUDGET
<u>0011 Other Tax Revenues</u>					
0011 0303 Motor Vehicle Excise Tax	-2,101,824.00	-2,146,834.02	-2,040,442.63	-2,417,941.26	-1,735,000.00
0011 0304 Boat Excise Tax	-18,402.19	-16,043.70	-16,697.40	-21,832.99	-14,000.00
0011 0324 Change in Deferred Taxes	66,128.74	21,911.96	-34,883.00	.00	.00
0011 0325 Supplemental Taxes	.00	.00	-38,940.00	-14,315.72	.00
0011 0328 Outer Islands Property Tax	-43,774.06	-44,041.00	-47,027.48	-45,895.38	-46,000.00
0011 0329 Payment in Lieu of Taxes	-30,688.00	-31,918.00	-32,122.96	-37,806.00	-33,000.00
TOTAL Other Tax Revenues	-2,128,559.51	-2,216,924.76	-2,210,113.47	-2,537,791.35	-1,828,000.00
<u>0012 License &amp; Permit Revenues</u>					
0012 0311 Hunting/Fishing Lic Agent Fees	-488.50	-481.25	-320.75	-389.00	-541.00
0012 0312 Marriage Lic & Vital Records	-2,090.60	-2,503.80	-2,119.20	-2,605.80	-2,436.00
0012 0313 Birth Certificates	-1,667.20	-1,491.40	-1,398.60	-1,457.80	-1,361.00
0012 0314 Death Certificates	-1,391.00	-1,994.00	-1,344.20	-1,608.60	-1,713.00
0012 0315 Clerk Licenses	-4,615.00	-5,170.00	-1,810.00	-2,055.00	-4,608.00
0012 0316 Shellfish Licenses	-593.85	-662.95	-679.61	-984.30	.00
0012 0317 Conservation Fees	-146.15	-177.05	-150.39	-255.70	.00
0012 0334 Snowmobile Reg. Agent Fees	-201.00	-223.00	-225.00	-268.00	.00
0012 0361 Motor Vehicle Reg. Agent Fees	-22,030.00	-21,763.00	-25,319.00	-35,418.00	-21,406.00
0012 0362 Boat Reg. Agent Fees	-706.00	-681.00	-529.50	-752.00	-1,098.00
0012 0366 Building Permits	-68,660.01	-74,055.25	-75,552.82	-133,107.92	-75,000.00
0012 0367 Electrical Permits	-25,610.10	-22,440.55	-19,894.35	-33,379.21	-21,634.00
0012 0368 Plumbing Permits	-18,252.50	-15,056.00	-15,457.50	-27,156.25	-18,789.00
0012 0369 Other Permits	-1,000.00	-976.00	-586.00	-623.00	-1,751.00
0012 0383 ATV Reg. Agent Fees	-94.00	-122.00	-99.00	-160.00	-37.00
0012 0390 Misc. Revenue	.00	-1,350.00	-1,900.00	-2,250.00	.00
0012 0398 Application Fee	-1,450.00	-4,150.00	-1,550.00	-3,700.00	-1,300.00
0012 0401 Dog Reg. Clerk Fees	-1,999.00	-937.00	-839.00	-735.00	-2,800.00
0012 0404 Commercial Haulers License	-500.00	-500.00	-400.00	-600.00	-500.00
TOTAL License & Permit Revenue	-151,494.91	-154,734.25	-150,174.92	-247,505.58	-154,974.00
<u>0013 Intergovernmental Revenues</u>					
0013 0331 State Revenue Sharing	-458,304.35	-468,848.55	-746,067.28	-1,033,071.69	-500,000.00

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TOWN OF CUMBERLAND  
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FOR PERIOD 13 OF 2021

ACCOUNTS FOR:	PRIOR YR3 ACTUALS	PRIOR YR2 ACTUALS	LAST YR ACTUALS	CURRENT YR ACTUALS	CY REV BUDGET
001 General Fund					
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0013 0335 DOT Block Grant	-69,136.00	-68,644.00	-71,480.00	-66,876.00	-71,480.00
0013 0338 Federal Grants	.00	.00	.00	-13,262.44	.00
0013 0341 North Yarmouth Recreation Shar	-33,376.00	-18,920.00	3,485.00	-18,184.00	-18,184.00
0013 0342 North Yarmouth Library Share	-155,424.00	-160,072.00	-169,360.92	-183,393.00	-183,393.00
0013 0347 North Yarmouth Channel 2	-737.00	.00	.00	.00	.00
TOTAL Intergovernmental Revenue	-716,977.35	-716,484.55	-983,423.20	-1,314,787.13	-773,057.00
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0015 Other Revenues					
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0015 0305 Interest & Penalties	-24,351.71	-31,902.49	-46,433.49	-29,330.23	-30,000.00
0015 0306 Over/Short	1,207.02	-442.16	-1,791.40	622.90	-100.00
0015 0364 Growth Permits	-3,000.00	-2,400.00	-2,600.00	-3,500.00	-2,000.00
0015 0365 Board of Appeals	-300.00	-100.00	-200.00	-100.00	.00
0015 0390 Misc. Revenue	-33,518.02	-40,746.09	-32,125.83	-33,594.26	-25,000.00
0015 0399 Staff Review Fee	-23,332.50	-11,250.00	-9,725.00	-11,450.00	-14,117.00
0015 0403 Mooring Fees	-4,100.13	-4,387.92	-7,706.00	-6,728.00	-1,500.00
0015 0410 Private Ways	-200.00	-1,000.00	.00	-400.00	-400.00
0015 0508 Impact Fees	-59,616.20	-79,340.10	-71,624.00	-102,408.60	-60,000.00
TOTAL Other Revenues	-147,211.54	-171,568.76	-172,205.72	-186,888.19	-133,117.00
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0021 Police Related Revenues					
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0021 0337 State Grant revenue	.00	-1,195.00	-1,846.00	-951.30	.00
0021 0351 Police Issued Permits	-2,329.00	-2,212.00	-9,814.00	-1,150.00	-2,000.00
0021 0353 Police Insurance Reports	-562.00	-446.00	-430.00	-460.00	-500.00
0021 0390 Miscellaneous Police Revenue	-318.15	-811.25	-216.00	-51.00	-648.00
0021 0390 GRANT Police Mini Grant	.00	.00	-509.75	.00	.00
0021 0427 Parking Tickets	-615.00	-375.00	-700.00	-200.00	-100.00
0021 0536 Dog Licenses ACO Revenue	-3,003.00	-2,983.00	-3,109.00	-1,549.00	-1,800.00
0021 0540 MSAD #51 SRO Reimbursement	-48,000.00	-49,000.00	.00	.00	.00
0021 0546 Court Reimbursements	-3,246.56	-1,209.32	-5,146.72	-3,172.38	-2,200.00
TOTAL Police Related Revenues	-58,073.71	-58,231.57	-21,771.47	-7,533.68	-7,248.00
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0022 Fire Related Revenues					
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0022 0390 Misc. Revenue	-450.00	.00	-15.00	-15.00	.00

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ACCOUNTS FOR:	PRIOR YR3 ACTUALS	PRIOR YR2 ACTUALS	LAST YR ACTUALS	CURRENT YR ACTUALS	CY REV BUDGET
001 General Fund					
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0022 0504 Rescue Billing	-166,729.49	-180,580.79	-178,854.64	-135,576.14	-160,000.00
0022 0505 Non Emergency Transports	-6,865.06	.00	.00	.00	.00
0022 0507 Paramedic Intercepts	-300.00	.00	.00	-300.00	.00
0022 0617 Donations Received	.00	.00	-1,392.26	592.53	.00
0022 0617 COVID Donations Received	.00	.00	.00	8.99	.00
TOTAL Fire Related Revenues	-174,344.55	-180,580.79	-180,261.90	-135,289.62	-160,000.00
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0031 Public Services Revenues					
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0031 0390 Misc. Revenue	-615.00	-23,706.60	-26,626.07	-25,801.57	-20,500.00
0031 0391 Field Usage Fees	-9,774.40	-7,643.80	-4,031.80	.00	-5,000.00
0031 0517 Bags/Universal Waste	-311,753.65	-314,056.35	-365,367.50	-299,846.50	-295,015.00
0031 0539 Brush Passes	-10,200.00	-10,730.00	-6,541.00	-26,028.00	-8,277.00
0031 0617 Twin Brooks Donations	-143.00	.00	-100.00	-1,885.00	-92.00
TOTAL Public Services Revenues	-332,486.05	-356,136.75	-402,666.37	-353,561.07	-328,884.00
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0035 VH Other Revenues					
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0035 0329 Payment in Lieu of Taxes	-3,000.00	.00	-4,000.00	.00	-6,000.00
0035 0378 Soda Sales	-2,860.30	-2,604.60	-2,141.80	-3,584.89	-2,500.00
0035 0560 Rental Income	-25,091.49	-23,151.91	-6,750.00	-7,500.00	-14,000.00
0035 0565 Cell Tower Land Lease	-21,600.00	-21,600.00	-21,600.00	-23,760.00	-21,600.00
TOTAL VH Other Revenues	-52,551.79	-47,356.51	-34,491.80	-34,844.89	-44,100.00
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0037 VH Golf Revenues					
<hr/>					
0037 0306 Over/Short	-5.43	250.38	506.73	457.82	.00
0037 0357 Golf Memberships	-223,335.69	-220,646.15	-214,046.93	-330,189.80	-230,000.00
0037 0358 Greens Fees	-131,917.19	-132,082.98	-148,690.19	-239,931.13	-120,000.00
0037 0359 Golf Cart Rentals	-93,134.10	-76,800.09	-85,424.93	-133,937.44	-82,000.00
0037 0416 Practice Range	-9,798.00	-5,281.75	-2,263.25	-9,757.97	-7,000.00
0037 0417 VH Program Revenues	-78,586.57	-69,027.70	-60,589.00	-79,028.63	-64,715.00
0037 0419 Advertising Sales	-16,390.00	-19,631.50	-6,500.00	-17,000.00	-23,500.00
0037 0522 Outing Golf	-43,998.00	-46,725.43	-66,487.00	-47,529.00	-46,430.00
0037 0617 Donations Received	-845.00	.00	.00	.00	.00

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FOR PERIOD 13 OF 2021

ACCOUNTS FOR:	PRIOR YR3 ACTUALS	PRIOR YR2 ACTUALS	LAST YR ACTUALS	CURRENT YR ACTUALS	CY REV BUDGET
001 General Fund					
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TOTAL VH Golf Revenues	-598,009.98	-569,945.22	-583,494.57	-856,916.15	-573,645.00
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0041 Recreation Related Revenues					
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0041 0440 41100 After School Programs	-304,583.25	-315,864.87	-201,863.50	-320,526.50	-270,000.00
0041 0441 41110 Youth Enrichment Programs	-155,269.23	-173,051.23	-137,177.82	-22,287.50	-175,000.00
0041 0442 41120 Youth Sports Programs	-108,076.27	-122,223.96	-78,307.00	-16,083.50	-115,000.00
0041 0443 41130 Skiing Programs	-49,560.85	-52,049.32	-57,274.00	-14,282.50	-45,020.00
0041 0444 41140 Day Camps	-205,066.36	-205,424.63	-30,108.43	-72,644.50	-175,000.00
0041 0445 41150 Swimming Programs	-28,319.02	-26,468.45	-20,141.00	-1,155.00	-22,500.00
0041 0446 41160 Adult Enrichment Revenue	-41,566.98	-38,503.05	-19,749.40	-15,195.00	-30,000.00
0041 0447 41170 Adult Fitness Revenue	-62,142.14	-61,279.49	-47,140.20	-38,416.00	-60,000.00
0041 0448 41190 Special Events/Trips Reven	-6,292.58	-5,763.61	-4,415.00	.00	.00
0041 0449 41190 Recreation Programs	-3,209.26	-2,098.49	-6,104.28	.00	.00
0041 0570 41190 Rec Soccer Revenue	-29,279.99	-23,561.67	-25,317.00	-9,123.00	-23,000.00
0041 0571 41190 Rec Ultimate Frisbee Reven	-12,318.14	-14,279.33	-12,035.00	-6,545.00	-14,000.00
0041 0606 41190 CPR/First Aid Revenues	-50.00	295.00	-630.00	-300.00	-250.00
TOTAL Recreation Related Reven	-1,005,734.07	-1,040,273.10	-640,262.63	-516,558.50	-929,770.00
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0045 Library Related Revenues					
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0045 0392 Library Fines	-3,314.26	-3,221.73	-3,177.22	-747.69	-3,500.00
0045 0394 Misc. Library Revenue	-1,253.90	-1,199.00	-995.20	-732.45	-1,000.00
TOTAL Library Related Revenues	-4,568.16	-4,420.73	-4,172.42	-1,480.14	-4,500.00
TOTAL General Fund	-5,370,011.62	-5,516,656.99	-5,383,038.47	-6,193,156.30	-4,937,295.00
TOTAL REVENUES	-5,370,011.62	-5,516,656.99	-5,383,038.47	-6,193,156.30	-4,937,295.00
GRAND TOTAL	-5,370,011.62	-5,516,656.99	-5,383,038.47	-6,193,156.30	-4,937,295.00



# Expenses



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HISTORICAL ACTUALS COMPARISON REPORT

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FOR PERIOD 13 OF 2021

ACCOUNTS FOR:	PRIOR YR3 ACTUALS	PRIOR YR2 ACTUALS	LAST YR ACTUALS	CURRENT YR ACTUALS	CY REV BUDGET
001 General Fund					
130 Administration	618,426.36	628,525.46	657,212.19	564,977.72	616,244.00
140 Assessor	96,402.59	109,157.82	106,755.70	112,040.52	112,471.00
150 Town Clerk	215,491.19	246,662.88	270,626.87	236,492.46	275,187.00
160 Technology	212,608.77	210,954.94	260,813.46	315,659.14	212,517.00
165 Elections	13,895.66	10,827.72	13,731.55	14,975.34	14,241.00
170 Planning	62,427.78	63,159.04	61,013.46	59,843.18	73,137.00
190 Legal	59,052.56	63,448.53	58,927.53	57,099.88	47,500.00
210 Police	1,320,827.15	1,333,991.48	1,383,729.99	1,356,246.32	1,472,754.00
220 Fire	909,273.45	943,893.75	989,646.75	1,007,839.76	1,070,962.00
240 Code Enforcement	136,083.96	142,020.09	138,488.14	147,519.12	143,113.00
250 Harbor Master	6,058.23	5,745.97	14,454.48	16,933.73	25,226.00
260 Animal Control	32,715.85	30,710.58	38,423.42	12,768.09	35,412.00
310 Public Works	1,169,185.42	1,128,220.95	1,127,403.46	1,097,251.92	1,269,713.00
320 Waste Disposal	506,020.60	524,667.39	578,397.21	596,569.25	592,696.00
350 Valhalla-Club	36,267.41	35,775.72	19,492.86	26,450.93	27,231.00
360 Valhalla-Course	472,737.27	485,039.95	535,688.71	568,234.54	515,427.00
370 Valhalla-Pro Shop	234,472.18	269,057.44	210,913.53	213,643.16	238,467.00
410 Recreation	996,563.32	1,088,124.62	980,303.83	734,776.13	914,018.00
420 Aging in Place	185.50	24,793.90	68,798.59	68,088.27	85,105.00
430 Parks	298,549.71	313,321.36	298,869.09	353,856.66	318,355.00
440 West Cumberland Rec	6,294.36	6,184.03	5,965.28	5,268.01	8,204.00
450 Library	450,253.64	491,453.33	510,579.98	502,108.75	516,000.00
470 Historical Society Building	5,821.22	7,418.96	4,335.30	204.00	8,964.00
580 General Assistance	27,783.78	31,100.17	30,142.02	23,287.18	35,000.00
590 Health Services	13,875.30	13,875.30	17,651.72	1,310.15	3,875.00
620 Cemetery Association	31,165.00	28,450.00	26,700.00	27,575.00	26,700.00
630 Conservation	5,216.99	6,212.20	3,143.61	9,931.41	13,000.00
650 Debt Service	962,673.17	969,023.35	1,053,399.23	1,156,096.72	1,157,320.00
750 Insurance	318,755.09	284,468.82	272,388.41	351,148.99	277,823.00
800 Fire Hydrants	76,381.42	80,355.12	82,011.56	84,100.34	81,686.00
810 Street Lighting	43,693.00	37,248.35	40,911.42	45,000.00	45,000.00
830 Contingent	8,365.00	9,339.68	8,803.35	74,159.06	100,000.00
840 Municipal Building	102,008.54	102,248.17	93,000.26	103,905.08	105,160.00
850 Abatements	23,069.43	23,670.91	38,816.52	10,625.06	1.00
TOTAL General Fund	9,472,600.90	9,749,147.98	10,001,539.48	9,955,985.87	10,438,509.00
TOTAL EXPENSES	9,472,600.90	9,749,147.98	10,001,539.48	9,955,985.87	10,438,509.00
GRAND TOTAL	9,472,600.90	9,749,147.98	10,001,539.48	9,955,985.87	10,438,509.00