

AGENDA

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, November 24, 2014

7:00 P.M. Call to Order

6:40 Finance Committee Meeting re: Review of Road Acceptance of Bud's Train and Rooster Ridge

I. CALL TO ORDER

II. APPROVAL OF MINUTES

November 10, 2014

III. MANAGER'S REPORT

IV. PUBLIC DISCUSSION

V. LEGISLATION AND POLICY

14 – 172 To hold a Public Hearing to consider and act on the road acceptance of Bud's Trail and Rooster Ridge Road.

14 – 173 To appoint Tamara O'Donnell as Registrar of Voters from January 1, 2015 through December 31, 2016.

14 – 174 Discussion re: Town owned properties and to set a date of December 22nd for a Public Hearing.

VI. NEW BUSINESS

VII. ADJOURNMENT

MOTIONS

MOTIONS

- 14 – 172 I move to accept** as a town road “Bud’s Trail” generally described as 1150’ in length by 50’ in width and “Rooster Ridge” generally described as 275’ in length by 50’ in width and more specifically described in a deed from Walnut Hill Investments, LLC of Cumberland, Maine, dated November 2014, being the parcel identified as “Morrison’s Hill Neighborhood” shown and laid out on a plan of Morrison’s Hill Neighborhood prepared by Gorrill Palmer Engineers , Inc. and further accept those related easements required by the road acceptance ordinance and described in a deed from Walnut Hill Investments, LLC, of Cumberland, Maine dated November 2014.
- 14 – 173 I move to appoint** Tamara O’Donnell as Registrar of Voters from January 1, 2015 through December 31, 2016.
- 14 – 174 I move to set** a Public Hearing date of December 22nd to consider and act on next steps for Town owned properties.

MINUTES

11-10-14

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 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:

ecomaine

Our Mission

provides comprehensive long-term solid waste solutions in a safe, environmentally responsible, economically sound manner, and is a leader in raising public awareness of sustainable waste management strategies.

ecomaine



Annual Report Presentation
Fiscal Year 2013-14
A Focus On Sustainability

ecomaine

Our focus on sustainability rests on two core components:

Environmental Sustainability



Maintained our commitment to excellence:

- Safety Certification
- Environment Certification
- Outreach & Education

Organizational Sustainability


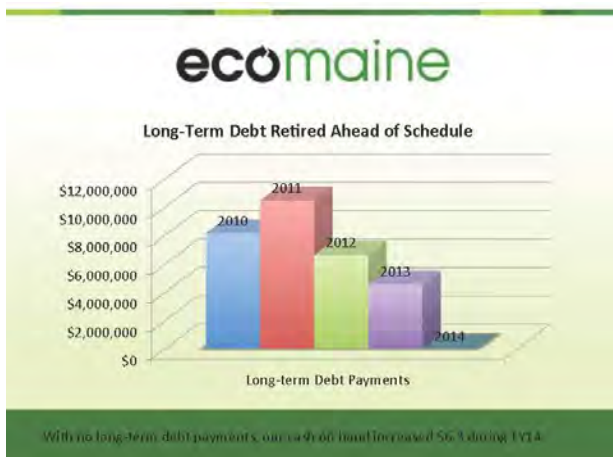


Provided Financial Relief To Owner Communities

- Reduced Tipping Fees
- Eliminated Assessments

ecomaine

Continuing to focus on the Waste Hierarchy.

ecomaine

Most significantly, overall revenues up over budget 10 percent to \$23.2 million, reflecting favorable volumes for:

- MSW – up 6% over budget
- Recycling – up 24% over budget
- Power sold – up 6% over budget



Owner Community Tons



Slight increase (up 3%) in tons from owner communities in FY 14, but still down 26% over last 10 years.

Spot Market Tons



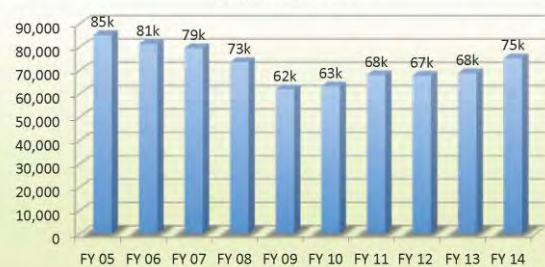
Spot market tons decreased by nearly 5 percent but have increased by 185% since FY 05.

Associate and Contract Tons



Associate and Contract Tons Remained Relatively Steady.

Commercial Tons



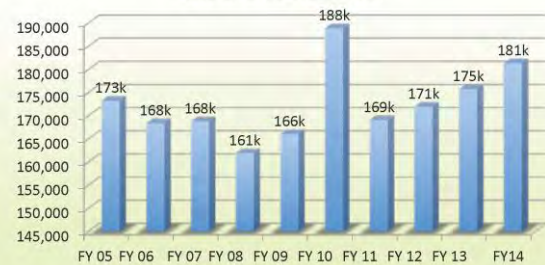
Commercial tons up by 9 percent from last year, but still down 12% from FY 05.

Recycling Market Average Price Per Ton



Recycling markets continued to see downward pressure.

Overall Solid Waste Tons



Overall solid waste tons increased for 4th straight year.



As a result, we were able to lower Tipping Fees for Owner Communities by 20 percent.

Cumberland



* Municipal Solid Waste into (for Cumberland, ME, 01910, 0101)

Taken together, the reduction in Tipping Fees and the elimination of Assessments saved ecomaine communities a total of \$3.7 million.



Conclusion

FY 14 emerged as a strong year for ecomaine. We were able to achieve a number of positive objectives, including our highest priority:

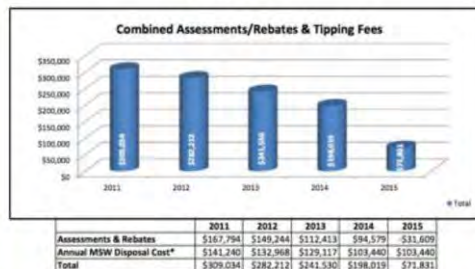
Providing Financial Relief To Our Owner Communities.

	FY 2011	FY 2015
Assessments	\$4,678,654	(\$1,000,000)
Tipping Fees	\$4,248,502	\$3,403,629
Total	\$8,927,156	\$2,403,629

In the coming fiscal year, we look forward to further strengthening our commitment to our mission and reducing fees paid by our owner communities by 73%, with a continued emphasis on environmental sustainability.



Cumberland



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 Representative to the Legislature. 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. LEGISLATION AND POLICY

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.

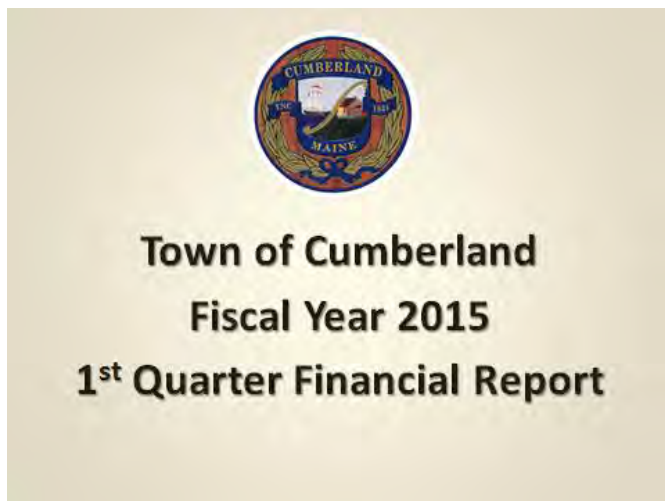
Vice-Chairman Bingham closed the Public Hearing.

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:

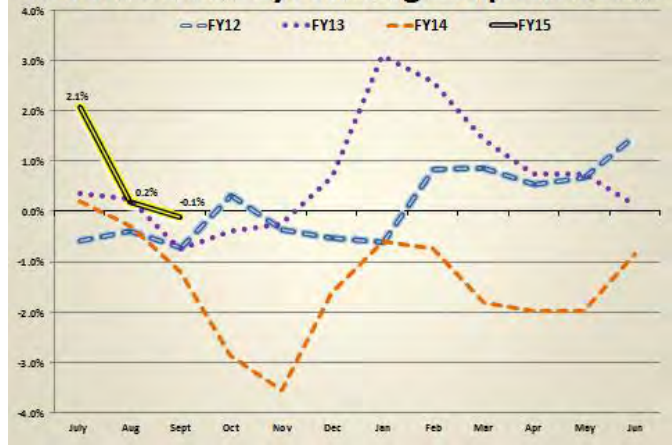


General Fund Q1 Revenues & Expenditures				
	FY15 Budget	FY15 Actual	FY15 %	FY14 %
TOTAL REVENUES	\$ 3,683,142	\$ 892,524	24.2%	24.5%
Controllable Expenses	\$ 6,285,878	\$ 1,653,047	26.3%	25.2%
Fixed Expenses	\$ 17,460,094	\$ 5,915,278	33.9%	33.4%
TOTAL EXPENSES	\$ 23,745,972	\$ 7,568,325	31.9%	31.2%

Selected Revenues

	FY15 Budget	FY15 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	\$ 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%

% Variance to 5yr Average Expenditures



Town of Cumberland Year to Date Expenses

Through September 30, 2014

FY 2015 vs Budget				
	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%
410 Recreation	\$ 644,444	\$ 249,937	38.8%	34.8%
430 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%
580 General Assistance	\$ 32,000	\$ 5,706	17.8%	25.7%
590 Health Services	\$ 10,375	\$ 7,543	72.7%	68.1%
620 Cemetery Association	\$ 26,700	\$ 22,500	84.3%	96.3%
630 Conservation Commission	\$ 6,000	\$ 2,000	33.3%	0.0%
800 Fire Hydrants	\$ 62,000	\$ 14,903	24.0%	25.2%
810 Street Lighting	\$ 37,000	\$ 6,574	17.8%	16.5%
830 Contingent	\$ 25,000	\$ -	0.0%	37.1%
840 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%
Debt Service	\$ 919,267	\$ 197,536	21.5%	24.6%
Insurance	\$ 207,499	\$ 119,475	57.6%	42.7%
County Tax	\$ 696,073	\$ 696,073	100.0%	100.0%
Capital Imp. Plan	\$ 1,323,868	\$ 1,323,868	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%
Total Expenses	\$ 23,745,972	\$ 7,568,325	31.9%	31.2%

**Town of Cumberland
Year to Date Revenues**

Through September 30, 2014

Description	FY 2015 vs Budget			
	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	\$ -	\$ 81,770		
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	\$ -	0.0%	0.0%
North Yarmouth Channel 2	\$ 2,547	\$ -	0.0%	0.0%
North Yarmouth ACO Charges	\$ -	\$ -		
Windham-Fire & Rescue	\$ 3,900	\$ -	0.0%	0.0%
NY Sidewalks	\$ -	\$ -		0.0%
Intergovernmental Revenues	\$ 644,958	\$ 146,586	22.7%	32.5%
Interest & Penalties	\$ 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		0.0%	0.0%
Interest on Investment	\$ -	\$ 89		0.3%
Building Rentals	\$ 500		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%	7.7%
Cable TV Revenue	\$ 110,000		0.0%	0.0%
Mooring Fees	\$ 1,000	\$ 135	13.5%	13.5%
Private Ways	\$ 400	\$ 200	50.0%	50.0%
WC Dividend	\$ -			
Impact Fees	\$ 40,000	\$ 25,613	64.0%	73.8%
Assessing Records	\$ 100		0.0%	0.0%
Other Revenues	\$ 266,700	\$ 34,289	12.9%	13.6%

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Town of Cumberland
Year to Date Revenues

Through September 30, 2014

Description	FY 2015 vs Budget			
	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	\$ -	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		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	\$ -	\$ -		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. NEW BUSINESS

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

ITEM 14-172

To hold a Public Hearing to consider and act on the road
acceptance of Bud's Trail and Rooster Ridge Road

STATUTORY WARRANTY DEED

WALNUT HILL INVESTMENTS, LLC, a Maine Limited Liability Company with a mailing address of P.O. Box 307, Cumberland Center, Maine 04021

For Consideration Paid, GRANT with WARRANTY COVENANTS TO:

TOWN OF CUMBERLAND, a municipal corporation organized and existing under the laws of the State of Maine, located at Cumberland, in the County of Cumberland and State of Maine, with a mailing address of 290 Tuttle Road, Cumberland, Maine 04021

The following described real property situated in the Town of Cumberland, County of Cumberland and State of Maine, and being the property described in Exhibit A annexed hereto and made a part hereof.

Meaning and intending to convey and hereby conveying Rooster Ridge and Bud's Trail as shown on a plan recorded at the Cumberland County Registry of Deeds in Plan Book 213, Page 42.

For Grantor's source of title, reference is made to deed recorded at said Registry of Deeds in Book 30095, Page 209.

Including with the herein conveyance all of Grantor's right, title and interest in the pipes, wires, cables, conduits and other public utilities facilities located over, under or in such roads. Subject to, however, the rights of all public utilities with respect thereto.

IN WITNESS WHEREOF, the said WALNUT HILL INVESTMENTS LLC has caused this instrument to be signed and sealed by Benjamin C. Grover, its Member thereunto duly authorized this _____ day of _____, 2014.

WALNUT HILL INVESTMENTS LLC

By: _____
Benjamin C. Grover
Its Manager

STATE OF MAINE
COUNTY OF CUMBERLAND

_____, 2014

Then personally appeared the above-named BENJAMIN C. GROVER,
Manager of WALNUT HILL INVESTMENTS LLC as aforesaid and acknowledged
the foregoing instrument to be his free act and deed in his said capacity and the free
act and deed of said Limited Liability Company.

Before me,

Attorney at Law/Notary Public
Print Name: _____
My Commission Expires: _____

IN WITNESS WHEREOF, the Grantee hereby joins in this deed to acknow-
ledge acceptance of this Warranty Deed and agreement to the terms, conditions and
provisions set forth herein, and has caused this instrument to be executed on this
_____ day of _____, 2014.

TOWN OF CUMBERLAND

_____ By: _____
William R. Shane, Town Manager

STATE OF MAINE
COUNTY OF CUMBERLAND

_____, 2014

Then personally appeared the above-named WILLIAM R. SHANE, Town
Manager of the TOWN OF CUMBERLAND as aforesaid and acknowledged the
foregoing instrument to be his free act and deed in his said capacity and the free act
and deed of said municipality.

Before me,

Attorney at Law/Notary Public
Print Name: _____
My Commission Expires: _____

EXHIBIT A

Warranty Deed from
Walnut Hill Investments LLC
to the Town of Cumberland

A certain lot or parcel of land situated on the Westerly side of the Gray Road in the Town of Cumberland, County of Cumberland and State of Maine, and being more particularly described as follows:

BEGINNING at a granite monument set in the ground on the Westerly side line of the Gray Road. Said point being located N 03° 58' 41" W a distance of 651.54 feet from a 5/8" capped rebar found set in the ground at the intersection of the Northerly side line of land now or formerly of Jean K. Couillard (15432/027) and the said Westerly side line of the Gray Road; thence S 86° 26' 05" W across land of the Grantor 218.58 feet to a granite monument set in the ground; thence Southwesterly continuing across land of the Grantor following a curve to the left having a radius of 30.00 feet a distance of 47.71 feet to a granite monument set in the ground; thence S 04° 40' 58" E continuing across land of the Grantor 56.41 feet to a granite monument set in the ground; thence Southerly continuing across land of the Grantor following a curve to the left having a radius of 125.00 feet a distance of 12.97 feet to a granite monument set in the ground; thence S 10° 37' 47" E continuing across land of the Grantor 423.63 feet to a granite monument set in the ground; thence Southerly continuing across land of the Grantor following a curve to the right having a radius of 175.00 feet a distance of 50.18 feet to a granite monument set in the ground; thence S 05° 47' 56" W continuing across land of the Grantor 175.44 feet to a granite monument set in the ground on the Northerly side line of land of the said Couillard; thence S 64° 31' 15" W along the said side line of Couillard 58.49 feet to a 5/8" capped rebar (#1328) set in the ground; thence N 05° 47' 30" E across land of the Grantor 60.00 feet to a 5/8" capped rebar (#1328) set in the ground; thence Northwesterly continuing across land of the Grantor following a curve to the left having a radius of 30.00 feet a distance of 48.69 feet to a 5/8" capped rebar (#1328) set in the ground; thence N 84° 12' 30" W continuing across land of the Grantor 22.00 feet to a 5/8" capped rebar (#1328) set in the ground; thence N 05° 47' 30" E continuing across land of the Grantor 50.00 feet to a 5/8" capped rebar (#1328) set in the ground; thence S 84° 12' 30" E continuing across land of the Grantor 22.00 feet to a 5/8" capped rebar (#1328) set in the ground; thence Northeasterly continuing across land of the Grantor following a curve to the left having a radius of 30.00 feet a distance of 48.69 feet to a 5/8" capped rebar (#1328) set in the ground; thence N 05° 47' 56" E

continuing across land of the Grantor 35.851 feet to a 5/8" capped rebar (#1328) set in the ground; thence continuing across land of the Grantor following a curve to the left having a radius of 125.00 feet a distance of 35.84 feet to a 5/8" capped rebar (#1328) set in the ground; thence N 10° 37' 47" W continuing across land of the Grantor 423.63 feet to a 5/8" capped rebar (#1328) set in the ground; thence Northerly continuing across land of the Grantor following a curve to the right having a radius of 175.00 feet a distance of 18.16 feet to a 5/8" capped rebar (#1328) set in the ground; thence N 04° 40' 58" W continuing across land of the Grantor 243.50 feet to a 5/8" capped rebar (#1328) set in the ground; thence Northwesterly continuing across land of the Grantor following a curve to the left having a radius of 125.00 feet a distance of 56.36 feet to a 5/8" capped rebar (#1328) set in the ground; thence N 30° 31' 01" W continuing across land of the Grantor 154.71 feet to a 5/8" capped rebar (#1328) set in the ground on the Southerly side line of land now or formerly of Peter P. and Suzanne Martelle (14737/220); thence N 71° 51' 06" E along land of the said Martelle 51.19 feet a granite monument set in the ground; thence S 30° 31' 01" E across land of the Grantor 25.00 feet to a granite monument set in the ground; thence Southeasterly continuing across land of the Grantor following a curve to the left having a radius of 30.00 feet a distance of 47.12 feet to a granite monument set in the ground; thence N 59° 28' 59" E continuing across land of the Grantor 20.00 feet to a granite monument set in the ground; thence S 30° 31' 01" E continuing across land of the Grantor 50.00 feet to a granite monument set in the ground; thence S 59° 28' 59" W continuing across land of the Grantor 20.00 feet to a granite monument set in the ground; thence Southwesterly continuing across land of the Grantor following a curve to the left having a radius of 30.00 feet a distance 47.12 feet to a granite monument set in the ground; thence S 30° 31' 01" E continuing across land of the Grantor 8.74 feet to a granite monument set in the ground; thence Southerly continuing across land of the Grantor following a curve to the right having a radius of 175.00 feet a distance of 78.91 feet to a granite monument set in the ground; thence S 04° 40' 48" E continuing across land of the Grantor 76.97 feet to a granite monument set in the ground; thence Southeasterly continuing across land of the Grantor following a curve to the left having a radius of 30.00 feet a distance of 46.54 feet to a granite monument set in the ground; thence N 86° 26' 05" E continuing across land of the Grantor 220.37 feet to a 5/8" capped rebar (#1328) set in the ground on the said sideline of the Gray Road; thence S 03° 58' 41" E along the said side line of the Gray Road 50.00 feet to the point of beginning.

All bearings are Magnetic of the year 1991.

Meaning and intending to convey "Rooster Ridge & Bud's Trail" as shown on the plan of "Morrison's Hill Neighborhood" recorded at the Cumberland County Registry of Deeds in Plan Book 213, Page 42, being a portion of the premises conveyed to Grantor herein by deed recorded in the Cumberland County Registry of Deeds in Book 30095, Page 209.

Road Name: Bud's Trail / Rooster Ridge

		Employee Cost	Vehicle Cost	Capital Cost
Paving	10 year paving plan (330 Tons *\$80)			\$ 26,400.00
Sweeping	Once per year (1 hour min)	\$ 22.00	\$ 74.00	
Catch Basin Cleaning	Once per year (6 basins 1/2 hour ea.)	\$ 66.00	\$ 250.50	
Painting	Once per year(cross walk/st Bar)	\$ 150.00		
Plowing	8 Storms/3hours Per	\$ 528.00	\$ 2,004.00	
	Totals	<u>\$ 766.00</u>	<u>\$ 2,328.50</u>	
	Total Yearly		\$ 3,094.50	
	Total Capital		\$ 26,400.00	

ITEM 14-173

To appoint Tamara O'Donnell as Registrar of Voters
from January 1, 2015 through December 31, 2016

ITEM 14-174

Discussion re: Town owned properties and to set a date of
December 22nd for a Public Hearing