AGENDA
CUMBERLAND TOWN COUNCIL MEETING
Town Council Chambers, 290 Tuttle Road
Monday, April 25, 2005
7:00 p.m. Call To Order

I. APPROVAL OF MINUTES: April 11, 2005

II. MANAGER’S REPORT:

III. PUBLIC DISCUSSION

IV. LEGISLATION AND POLICY

05 – 056. To hold public hearing to approve and issue a mass gathering permit for the Bonny Eagle Car Show, Cumberland Fairgrounds, Sunday, May 15, 2005 from 6 AM to 5 PM.

05 – 057. To hold public hearing to authorize the conveyance of property for a second Habitat for Humanity Site.

05 – 058. To hold public hearing to adopt a “Pay As You Throw” disposal program requiring a fee for designated trash bags.

05 – 059 To hold a public hearing and to authorize the Town Clerk to hold elections for MSAD 51 for the Validation referendum on May 24, 2005.

05 – 060 To hold public hearing and to set a date for adoption of the Fiscal Year 2006 Town of Cumberland Municipal Budget.

V. NEW BUSINESS

VI. EXECUTIVE SESSION: Pursuant to MRS Title 1 - Section 405 (6)(c) Real & Personal Properties

VII. ADJOURNMENT

MEMBERS OF THE TOWN COUNCIL

William Stiles, Chair 829-6679 westiles@maine.rr.com Donna Damon 846-5140 publicservant1@aol.com
Mark Kuntz 829-8127 mkuntz1@maine.rr.com Harland Storey 829-3939 cstorey@gwi.net
Michael Savasuk 781-3061 mxslaw@maine.rr.com Jeffrey Porter 829-4129 mesit5@maine.rr.com
Stephen Moriarty 829-5095 smoriarty@nhdlaw.com web: www.cumberlandmaine.com
MINUTES
CUMBERLAND TOWN COUNCIL MEETING
MONDAY, APRIL 11, 2005

PRESENT: Chairman Stiles, Councilors Moriarty, Storcy, Kuntz, Damon & Porter

EXCUSED: Councilor Savasuk, Town Clerk Daniels

CALL TO ORDER: Chairman Stiles called the meeting to order in the Council Chambers at Town Hall at 7:02 pm.

I. APPROVAL OF MINUTES

March 14, 2005
Councilor Moriarty requested two corrections:
- Page 4: Line 1 in Paragraph 2 should read: Councilor Moriarty summarized the eighth consecutive year dealing with the brown tail moth issue.
- Page 4: Paragraph 2, Sentence 2 should be deleted.
- Page 7: Under New Business, it should read “NONE” under Councilors who have no New Business, instead of “Excused.”

Councilor Stiles stated that “Excused” meant that the Councilors were excused early from the meeting before the New Business portion of the meeting. Those Councilors names should be deleted from the minutes.

Councilor Moriarty moved to accept the minutes as corrected.

Seconded by Councilor Damon. VOTE: IN FAVOR (5) ABSTAIN: (1) STOREY

March 31, 2005
Councilor Porter moved to accept the minutes as written.

Seconded by Councilor Damon VOTE: IN FAVOR (5) ABSTAIN: (1) STOREY

April 7, 2005
Councilor Porter moved to accept the minutes as written.

Seconded by Councilor Damon. VOTE: IN FAVOR (5) ABSTAIN: (1) KUNTZ

II MANAGER’S REPORT

- New ambulance for Mainland has been ordered.
- Route 1 Design Guidelines: Buffer zone requires 75’ tree line along Route 1 - should be developed into ordinance so buffer clear cuts can be minimized. Town Planner and Town Manager will work to amend ordinance.

III. PUBLIC DISCUSSION

Chairman Stiles opened the Public Discussion portion of the meeting at 7:07 pm.
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- Paul Gilbert, 2 Ole Musket Road: Petition letter in regards to requesting the Town Council to pay for and budget the aerial spraying in 2006.

Councilor Stiles closed the Public Discussion portion of the meeting at 7:15 pm.

IV. LEGISLATION & POLICY

05-044. To hold public hearing to adopt updates to building permits and application fees.

William Longley, Building Inspector/Code Enforcement Officer for the towns of Cumberland and Yarmouth stated that the building code fees had been updated to mirror the building code in Yarmouth, Falmouth & Portland, and the fees would move us closer to paying for the inspection services provided.

Councilor Porter moved to adopt the updates as proposed to the building codes and application fees.

Seconded by Councilor Moriarty. VOTE: UNANIMOUS (6)

05-045. To hold public hearing re: Auto Recycling Permit for Copp Motors.

William Longley, Code Enforcement Officer, stated that the Recycling Permit will be in effect for 5 years and is required for a company who buys automobiles that have been in a major collision and repairs that automobile and then resells it.

Ronald Copp, co-owner of Copp Motors, stated that there will be no changes to the existing facility. This permit is required for Copp Motors to obtain Dealer Plates.

Councilor Porter moved to approve a five-year Auto Recycling Permit for Copp Motors.

Seconded by Councilor Kuntz. VOTE: UNANIMOUS (6).

Item 05-049 was taken out of order.

05-049. To set dates for the Mainland and Chebeague Island Bulky Waste Pick-up.

Manager Shane stated that the following dates have been scheduled for bulky waste pick-up and hazardous waste:
- May 2 through 6, 2005 for the Mainland Bulky Waste Pick-up.
- August 5 through August 7, 2005 Bulky Waste Pick-Up for Chebeague Island
- July 16, 2005 for Hazardous Waste Collection on Chebeague Island.

Councilor Moriarty moved to set the dates of:
- May 2 through May 6, 2005 as Bulky Waste Pick-Up on the Mainland.
- August 5, 6, 7 2005 on Chebeague Island for Bulky Waste Pick-up.
- And Saturday July 16, 2005 for Household Hazardous Waste Collection on Chebeague Island.

Seconded by Councilor Damon. VOTE: UNANIMOUS (6)

Item 05-051 was taken out of order.

05-051. To establish and appoint members to the Chanders Cove Committee.
Councilor Moriarty moved to establish the Chanders Cove Advisory Committee and appoint the following members: Pam Pulsifer, Ted Houghton, Ken Hamilton, John Martin and Leila Bisharat.

Seconded by Councilor Porter. VOTE: UNANIMOUS

05-046. To receive report from Winter Roads Committee and set public hearing dates.

Winter Roads Committee Chairman Robert Vail stated that the Town Council formed the Committee to look at what was deemed unlawful plowing of private roads by the Town of Cumberland. Mr. Vail stated the committee recommended discontinuing plowing of all private roads.

Gregory Poitras presented a PowerPoint overview of the options made by the committee. (The PowerPoint is attached to these minutes).

Option 1: Discontinue practice of providing winter road maintenance for all private roads; limit winter road maintenance to Town accepted public roads.

Option 2: Continue providing winter road maintenance for the 29 private roads currently receiving such services, conditioned upon the Town receiving and accepting a public easement over such roads, and subject to such roads meeting minimum road condition standards; no additional private roads to be added to this list.

Option 3: Provide winter road maintenance for all private roads, conditioned upon the Town receiving and accepting a public easement over such roads, and subject to such roads meeting the Town’s current private road standards, and further subject to such roads serving a minimum number of houses.

Public Discussion:

- Mary Dinan, 17 Island Pond Road, expressed concerns regarding emergency vehicles being able to get down a private road that is not being plowed; trash pick-up.
- Anne Maher, 12 Wildflower Way, stated that when the road was built, there were standards to be met at homeowners expense. The road is currently plowed with a smaller truck.
- Spence Bising, 2 Spruce Lane, Town should be looking at way to continue plowing private roads.
- Ray Rivera, 74 Rock Ridge Run, was not notified that his road was a private road; road was never presented to Council for acceptance as public road.
- Donald Bushey, 61 Flintlock Drive, inquired is Flintlock Drive needs to be accepted as public road.
- Catherine Sanders, 16 Island Pond Road, stated that the homeowners on Island Pond Road formed an association and gave the town a public access easement. Easement is not valid because it is not a full public access easement.
- Larry Morse, 4 Lake Road, stated that his road is a short road with 3 houses on it. If easement waiver is signed, will problem be solved?
- Susan Bising, 2 Spruce Lane, member of Winter Roads Committee, regarding letter from Town Attorney, Kenneth Cole III, stating that it is illegal for a municipality to expend public funds on private property absent some form of public easement. The exception to this relates to 23 MSRA 3105, which authorizes the town annually to approve the plowing of certain roads for public safety reasons during the winter.
- Fred Lombard, 16 Island Avenue, inquired if his road is one of the 29 roads being considered by the Town Council.
- Thomas Lea, 8 Island Pond Road, stated that there is a fire hydrant on Island Pond Road. If public access is granted to the Town, is there any guarantee that the town will plow the road.
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- David Hughes, 6 Russell Road, stated that there are 8 homes on Russell Road and he supports Option #2.
- Lisa Arsenault, 10 Stockholm Drive, inquired if an easement was granted to the Town, could it be reversed.
- Dorothy Jensen, 12 Lake Road, inquired if her road already has a public easement.
- Chris Copp, 17 Browning Way, stated that a third house is currently being built on the road and if Option #2 is chosen, there should be stringent guidelines.
- Theodore Chadbourne, 50 Stockholm Drive, member of Winter Roads Committee stated that he did not support having the Winter Roads Committee discuss the subject of trash removal on private roads.

Council discussion:

- Councilor Damon: Public easement should be required in order to plow private roads. Developing minimum standards would be hypocritical, as there are Town roads that don’t meet the minimum standards. She does not feel that it is fair to the Winter Roads Committee to have them discuss trash removal.
- Councilor Porter: Does not believe private roads should be plowed. If roads are to be plowed, it should be on a case by case basis.
- Chairman Stiles: Thanked the Winter Roads for their time and effort.
- Councilor Kuntz: Stated that 29 current private roads being plowed, and homeowners on those roads should grant a public easement; plowing private roads should be decided on a case by case basis.
- Councilor Moriarty: Should we stop doing something we have been doing for over 40 years? Town should have a full public easement to plow private roads; minimum standards should be developed; some private roads are actually private driveways; new roads should have higher standards.
- Councilor Storey: Do the roads accepted before 1970, during town meeting form of government constitute a public easement?
- Chairman Stiles: Does not feel private roads should be plowed without a public easement in place; he feels it is not fair to just stop plowing private roads that have been plowed for years; supports Option #3 with input from the Town Council and the public.

Councilor Porter moved to accept the report from the Winter Roads Maintenance Committee and adopt Option #1 as recommended.

The motion failed due to lack of being seconded.

Councilor Damon moved to accept the report from the Winter Roads Maintenance Committee and adopt Option #3, plow all private roads subject to conditions as determined by the Town Council.

Councilor Moriarty moved to amend the motion by Councilor Damon to add the criteria as suggested by the Town Manager with the following advisory principles:

(A) All existing roads must present to the Town Council for acceptance a Public Easement in a form acceptable to the Town Manager and approved by the Town Council.
(B) All existing private roads receiving winter maintenance services (winter of 2004-2005) shall be permitted to maintain the existing road width and geometry providing the road maintained in a safe and passable condition as determined by the Town Council in its sole discretion based on a report to it from the Town’s Public Work Director and the following conditions are met:

1. A public easement is prepared to include turnaround space for winter road equipment.
2. A road association shall be formed and a designated contact person assigned as the Town’s primary contact when dealing with all road issues.
The road surface, if gravel, shall be graded and free of ruts, depressions and washboard surface on October 1 of each year. If paved, must be free of potholes, divots or other road defects that may damage Town equipment.

The drainage system shall be maintained and functional throughout the year.

The Public Works Director shall perform an annual inspection each year by September 1 and prepare a defect list for the Road Association. All repairs must be completed by October 1. If repairs have not been completed by October 1, the Town Council shall make a determination if snow plowing and winter maintenance will be permitted on the roadway.

Winter Road Repairs – If the road conditions over the winter deteriorate to a point where the Public Works Director has determined continued plowing will damage equipment and/or property, the Road Association shall make necessary repairs within 5 working days. If the Association has not repaired the defects, the Town may repair the defects and invoice the Association for all equipment, labor, and materials (per the values in the most recently published FEMA rates) to the Association or contract such repairs and forward paid invoices to the Association for reimbursement. Failure to pay the invoiced amount prior to June 30th shall suspend all winter plowing activities until the Town Council has reviewed the circumstances and determined the proper recourse which may include discontinuance of all maintenance activities.

Winter maintenance shall be limited to plowing, sanding, salting, shellfish, etc. No spring clean-up or year round maintenance shall be implemented unless specifically authorized by the Town Council. (No additional activities budgeted in FY 06).

The Town Council may waive any or all conditions, except the Public Easement, when it deems that such waivers are in the best interest of the Town.

All future winter road plowing requests shall be brought to a standard accepted by the Town council with recommendations from the Winter Maintenance Private Roads Committee of the Town. (To be developed by December 1, 2005 – no additional monies have been budgeted for FY 06 for the plowing of any additional roads).

The Town’s acceptance of a public easement over any private road shall not obligate the Town to provide winter maintenance or any other improvement to said road except to the extent that the Town Council annually votes to do so as a part of the municipal budget process.

New subdivision roads shall be held to the present acceptance standards and procedures as defined in the Subdivision Ordinance, but shall not be brought forward for consideration until 75% of all the homes in the subdivision have been built. Until 75% of the homes have been built, the Town shall not consider any road maintenance requests unless authorized by the Town Council in a public meeting.

Councilor Storey seconded.

VOTE: UNANIMOUS (6)

04-047. To hear annual report from the Fire Department.

Captain Daryl Rawnsley and Firefighter Curtis Ingraham presented a PowerPoint report that generally focused on the following items:

- Fleet improvements: a 5-year plan to replace fire trucks
- Property Improvements to Central Station, West Station & Chebeague Station. Adding an east facility within 10 years.
- Regionalization process: automatic mutual aid agreements with North Yarmouth, Yarmouth, Freeport, Falmouth, Gray, Long Island, Windham and Portland
- Staffing Update: Attract more volunteer firefighters; enhance the per diem weekday staffing, plan for future needs.
04-048. To hold public hearings re: TIF requests by Norton Financial and Planet Dog for properties in the Route One North TIF District.

Manager Shane stated that there are three items:

1. The amendment to TIF District which would bring the Town from 50% capture to 100% capture.
2. To authorize the Town Manager to execute a credit enhancement agreement with Norton Financial.
3. To authorize the Town Manager to execute a credit enhancement agreement for Planet Dog.

Norton Financial & Planet Dog are both located in the Route 1 North TIF District in the Cumberland Business Park.

Councilor Porter moved: May it be ordered that the Town, acting pursuant to the provisions of Title 30-A, Chapters 206 and 207 of the Maine Revised Statutes, (a) adopts the First Amendment to the Town of Cumberland Tax Increment Financing District Development Program (the “First Amendment to Development Program”) amending the Development Program approved by the Town Council on March 11, 1996, as presented to this Town Council Meeting and as had been on file in the Town Clerk’s office, a copy of which is incorporated herein and made a part of the minutes of this Town Meeting; (b) makes the findings set forth in the Development Program; (c) authorized the Town Manager to submit to the State of Maine Commissioner of Economic and Community Development for approval such applications and further documentation as may be necessary or appropriate for final approval of such First Amendment to Development Program;

Seconded by Councilor Damon.

Councilor Porter moved: Be it ordered that the Town, acting pursuant to the provisions of Title 30-A, Chapters 206 and 207 of the Maine Revised Statutes, authorizes and directs the Town Manager to execute and deliver a Credit Enhancement Agreement with BFTE Properties, LLC (Norton), substantially in the form submitted to the Town Council in connection with the First Amendment to Development Program;

Seconded by Councilor Kuntz.

Councilor Moriarty moved: Be it ordered that the Town, acting pursuant to the provisions of Title 30-A, chapters 206 and 207 of the Maine Revised Statutes authorizes and directs the Town Manager to execute and deliver a Credit Enhancement Agreement with Planet Dog Campus, LLC, substantially in the form submitted to the Town Council in connection with the First Amendment to Development Program.

Seconded by Councilor Storey.

Public Discussion:

Michael Sheehan from Preti Flaherty stated that Planet Dog currently employs 38 people in Maine.

Travis Bezoi from Planet Dog would like to have a public dog access park with trails through the property. The company grants $300,000 per year in donations to non-profit organizations.

Jim Guidi, 14 Hedgerow Drive, stated that Norton Financial and Planet Dog are the only two companies to request a credit enhancement. He supported both companies receiving the credit enhancement.

VOTE: IN FAVOR: 5       OPPOSED: 1 (PORTER)

Councilor Moriarty moved to establish an Economic Development Subcommittee to be appointed by Town Manager Shane.
Seconded by Councilor Damon. VOTE: UNANIMOUS (6)

05-050. To hold public hearing to act on forming a Regional Dispatch Center with the Town of Yarmouth.

Manager Shane stated that the Town of Cumberland has been working with the Town of Yarmouth for the past few months to establish a regional dispatch center, with a target start date of August 1, 2005. He is requesting authorization by the Town Council to enter into a contract with the Town of Yarmouth for regional dispatch services and to begin purchasing equipment authorized by the $100,000 joint grant received from the Governor Baldacci’s office.

Public Discussion: None

Councilor Porter moved to authorize the Town Manager to enter into a contract with the Town of Yarmouth for regional dispatch services.

Public discussion was closed.

Seconded by Councilor Damon. VOTE: UNANIMOUS (6)

05-052. To set public hearing date of April 25, 2005 to consider and act on a Pay as You Throw Trash Disposal Program and to hear the report on the FY 06 Municipal Budget from the Finance Committee and to set a date for adoption.

Councilor Porter moved to set a public hearing date of April 25, 2005 to consider and act on a Pay as You Throw Trash Disposal Program and to hear the report on the FY 06 Municipal Budget from the Finance Committee and to set date for adoption.

Seconded by Councilor Storey. VOTE: UNANIMOUS (6)

05-053. To approve the Project Development Package for the CDBG Grant to conduct a housing study on Chebeague Island.

Town Manager Shane stated that Town Planner Carla Nixon had applied for a grant to study affordable housing on Chebeague Island and the grant has been approved by CDBG.

Councilor Porter moved to approve the Project Development Packet and accept a $10,000 grant to conduct a housing study on Chebeague Island.

Seconded by Councilor Damon. VOTE: UNANIMOUS (6)

05-054. To set public hearing date re: Mass Gathering Permit for the Bonny Eagle Car Show, Cumberland Fairgrounds, May 15, 2005, 6 am to 5 pm.

Councilor Storey moved to set a public hearing date of April 25, 2005 to consider and act on A Mass Gathering Permit for the Bonny Eagle Car Show, to be held at the Cumberland Fairgrounds, May 15, 2005, 6 am to 5 pm.

05-055. To set a public hearing to discuss a site for a second Habitat for Humanity home.

Councilor Damon moved to set a public hearing date of April 25, 2005 to consider and act on Establishing a site for the second Habitat for Humanity Home.

Seconded by Councilor Porter. VOTE: UNANIMOUS (6)
V. NEW BUSINESS

Councilor Moriarty:
- Date for neighborhood meeting for Greely Road side of Twin Brook.

Councilor Storey: None
Councilor Kuntz: None
Councilor Damon:
- Requested to have agenda item at future Council meeting to discuss moratorium on construction of wharves on Chebeague Island.
- Letter from Roger Berle, Chairman of Island Coalition re: administration donations of $50.00 to help with overhead costs.
- Concern with dog owners letting dogs run loose on beach. Suggested to publish dog leash law in monthly Island Calendar.
- Chebeague Island Fire Department has no assistance for back-up from area towns.

Councilor Storey: None
Councilor Kuntz: None
Councilor Porter:
- Letter from Chairman Stiles to MSAD 51 and to discussion with Town of North Yarmouth re: apportionment of school funding.

Manager Shane:
- Requested Town Council motion to donate $50 to Island Coalition.

Councilor Damon moved to donate $50.00 for overhead costs to the Island Coalition.

Seconded by Councilor Porter. VOTE: UNANIMOUS (6)

Councilor Stiles:
- Communication from MSAD 51 and Town of North Yarmouth re: equitability in apportionment of school funding.

Councilor Damon moved to adjourn the meeting at 10:45 pm

Seconded by Councilor Kuntz. VOTE: UNANIMOUS (6)

Respectfully Submitted,

Deborah Flanigan
Dep Clerk
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05 – 056. **I move to approve a Mass Gathering Permit** for the Bonny Eagle Car Show, to be held at the Cumberland Fairgrounds, May 15, 2005, 6 am to 5 pm.

05 – 057. I move to authorize the Town Manager to **develop, for Town Council approval, an agreement** with Habitat for Humanity to begin a second Habitat home on the Greely Road Extension site.

05 – 058. **I move to authorize the Town Manager** to include a “Pay as You Throw” trash disposal program in the FY 2006 Budget per the attached recommendation. (You may or may not wish to include the following)

_Which Includes:_

a) _I free bag per mainland resident_
b) _Each additional bag shall cost $2_
c) _Additional Demolition Waste fees/reductions for Chebeague Island_
d) _No PAYT program on Chebeague Island for FY 2006_

05 – 059. **I move to authorize the Town Clerk** to hold elections pursuant to the warrant from MSAD 51 dated April 13, 2005 for the purposes of a Validation Referendum to be held on May 24, 2005.

05 – 060. I move to set a public hearing date of May 9, 2005 to consider and adopt the FY 2006 Municipal Budget.

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**Executive Session:**

**I move the Town Council** move into Executive Session pursuant to MRS Title 1 Section 405 (6) (c) Real & Personal Property.

**I move the Town Council** reconvene in Public Session to take action and give the Town Manager direction on the following item:

1) Real Estate on Chebeague Island Map I 01- Lot 36
   a) Take possession
   or
   b) Accept Tax Payment and release deed
OS-056

Car Show

Stuff

Paid??
Mass Gathering Application -- Minor Large Outdoor Event (1,000 - 4,999 persons)

This application must be filed with the Town Clerk not less than 60 days before the date of the event. Application must be accompanied by a non-refundable fee of $250.

Name of applicant: Jim Duggan
Address of applicant: 29 Boulder Dr, Standish, ME Tel. # 832-1625
Name of event: Benny Eagle Car Show 04084
Facility where the event will be held: Cumberland Fair Grounds
Is the facility owned by the applicant: yes; ☑ no, (if no, attach a copy of the contract with the owner which allows use of the property)
Name of promoter (if different from above): 
Telephone number: 
Date of event: 5/15/05 Time (start and finish times): 6:00 AM - 5:00 PM
Number of tickets available: 
Expected attendance: 4,500

Description of event: Benny Eagle Car Show has been a fundraiser for our athletic programs for over 25 years. The non-profit group’s work to promote sports and give our youth the opportunity to grow both academically & physically.

Will any food vendors be serving at the event? ☑ yes, ☐ no (if yes, how many, and what types) one, fast foods, snacks, beverages.
Will any alcohol vendors be serving at the event? ______ yes, _____ no (if yes, list name and attach a copy of the vendors license to sell alcohol, describe alcohol will be served) __________

Describe the three most recent outdoor performances of the group, performer, or event being proposed. Include location, date(s), number in attendance, promoter or sponsoring person or organization.

1. Benny Eagle Car Show, Cumberland Fair Grounds 5/2004, 2,000 in attendance
2. Benny Eagle Car Show, Cumberland Fair Grounds 5/2003, 4,500 in attendance

Description of facility:
A. Seating capacity: ___________ permanent; ____ X ____ temporary
B. Other seating capacity: ___________ festival; ___________ standing room only (sq. ft)
C. Number of toilets available: ___________ permanent; ____ X ____ portable 40
D. Number of parking spaces available: ___________ on-site; ___________ off-site
E. Are all parking lots lighted (applicable only if event runs into evening hours) yes; _____ no, if no, which lots are not lighted ___________

F. Source of potable water: Cumberland Fair Grounds, Beverages
G. Refuse containers available, number and size: Barrels will be available.

H. Name of refuse disposal company (attach a copy of the agreement to pick up refuse) Village Farm - Fair Grounds Food Vendor - Providing Truck

I. When will refuse be picked up? Sunday, May 15

Public Safety:
J. Describe first aid facilities: Cumberland Fire Dept/
K. Describe emergency facilities: Cumberland Fire & Rescue

L. Describe communication facilities: Two way radios (20) cell phones

M. Number of certified police officers: Cumberland Police Dept

N. Other security personnel (include company name and qualifications): None

O. Describe fire personnel: Cumberland Fire Dept

Other

P. Name of liability insurance See Attached

Amount of coverage ___________________; amount of property insurance __________

Q. Preferred type of performance guarantee (i.e., escrow account, irrevocable letter of credit)

Authorized signature

On ______________________ (date), I received a copy of the Cumberland Mass Gathering Ordinance. ______________________ (authorized signature)
Cumberland Farmers Club is listed as an additional insured on the above policy for the upcoming car show event at the Cumberland County Fairgrounds, Blanchard Road, Cumberland, Me
### Line of Business Coverages for General Liability

<table>
<thead>
<tr>
<th>Coverage</th>
<th>Limits</th>
<th>Ded/Ded Type</th>
<th>Rate</th>
<th>Premium</th>
<th>Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Aggregate</td>
<td>2,000,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Products/Completed Ops</td>
<td>2,000,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aggregate</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personal &amp; Advertising Injury</td>
<td>1,000,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Each Occurrence</td>
<td>1,000,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fire Damage</td>
<td>100,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medical Expense</td>
<td>5,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
IMPORTANT

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.
Bonny Eagle Football Boosters
Car Show
PO Box 628
Standish, ME 04084

Gorham Savings Bank
Standish, ME 04084

PAY TO THE ORDER OF
TOWN & CUMBERLAND
Two hundred fifty 00/00

Date 3/15/05
$250.00

Authorized Signature

memo: Mass Lerner

1003

VOID
MEMORANDUM

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

To: Town Council
From: William R. Shane, Town Manager
Date: April 21, 2005
Re: Habitat House #2

On Monday evening Steve Bolton of Habitat for Humanity and other Cumberland Habitat Committee members will be before you to request a second site for a second Habitat project. As you know, our Greely Road Extension lot is ready to go and would be easy access for the next house site. I have enclosed the layout diagrams for your review.

Why so soon for #2?

One of the local radio stations Frank – FM had an aggressive fund raising campaign and raised nearly $100,000 for a Habitat House. They are willing to contribute a significant portion of the funds to this site if approved by Habitat for Humanity. Our local volunteer group is ready and willing to take on this second home and we have a Cumberland family and other families with Cumberland roots that would be eligible for the home. This site presently is generating no taxable income for the Town and would easily yield over $2,000 annually in property taxes.

Be a part of the Solution

I personally have searched for two years for a larger home without any luck. Not because homes were not available, but anything larger than my home today would be at least $375,000 and that was without any frills. My family is now building a significant addition onto our home because we love Cumberland and want to be here for a longtime. The sad facts are that over 50% of Cumberland residents today could not afford to purchase their existing home.

We have a tremendous opportunity to take advantage of the generosity of many people who care about housing for all. Why not allow that to happen here in Cumberland? The stories about lower property values and causing people to be categorized because they live in the “habitat neighborhood” are over exaggerated and just plain NIMBY-ism.

I’d ask you to follow your heart on this issue. Do a good thing and allow the second lot to be built out. We can make a big difference even it is one house and one family at a time.
MEMORANDUM

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

To: Town Council
From: William R. Shane, Town Manager
Date: April 21, 2005
Re: Pay As You Throw - The Many Options

The public hearing probably will not result in a lot of support or opposition for this program as witnessed in our past informational hearings on this item. You have multiple choices you can make with this program. Here are a few of the possibilities:

<table>
<thead>
<tr>
<th>Budget Impact</th>
<th>Status Quo No Change</th>
<th>PAYT No Free</th>
<th>PAYT-1 Free-$1.50 per bag</th>
<th>PAYT-1 Free Bag $2 per bag</th>
<th>PAYT-1 Free-$3 per bag</th>
</tr>
</thead>
<tbody>
<tr>
<td>CI- Tran. Station Fee Increases</td>
<td>$20,000</td>
<td>$20,000</td>
<td>$20,000</td>
<td>$20,000</td>
<td>$20,000</td>
</tr>
<tr>
<td>No PAYT on CI Revenue Loss</td>
<td>No Change</td>
<td>- $22,950</td>
<td>- $11,475</td>
<td>- $15,300</td>
<td>- $22,950</td>
</tr>
<tr>
<td>Additional Staff at Transfer Sta.</td>
<td>None</td>
<td>$8,000</td>
<td>$8,000</td>
<td>$8,000</td>
<td>$8,000</td>
</tr>
</tbody>
</table>

Manager’s Recommendation

Implement a “Pay as You Throw” trash disposal program with the incentive of 1 free bag per week with additional bag cost of $2.00 each and no PAYT on Chebeague Island for FY 2006, but an increase of demolition waste revenues of $20,000. The additional cost for the program shall be paid for with a $00.05 increase to the proposed Tax Rate and an equivalent $00.04 savings in the existing proposed budget.
### Solid Waste 3200 Summary

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>2002-03</th>
<th>2003-04</th>
<th>2004-2005</th>
<th>2005-2006</th>
<th>Increase (Decrease) +/-</th>
<th>% Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>0416</td>
<td>Part time Wages ML</td>
<td>$ 4,713</td>
<td>$ 14,777</td>
<td>$ 5,300</td>
<td>$ 6,300</td>
<td>$ 1,000</td>
<td>18.87%</td>
</tr>
<tr>
<td>0417</td>
<td>Part Time Wages CI</td>
<td>$ 12,086</td>
<td>$ 5,110</td>
<td>$ 14,068</td>
<td>$ 14,490</td>
<td>$ 422</td>
<td>3.00%</td>
</tr>
<tr>
<td>0418</td>
<td>Overtime</td>
<td>$ -</td>
<td>$ 81</td>
<td>$ 588</td>
<td>$ 606</td>
<td>$ 18</td>
<td>3.02%</td>
</tr>
<tr>
<td>0450</td>
<td>Telephone</td>
<td>$ 543</td>
<td>$ 534</td>
<td>$ 600</td>
<td>$ 600</td>
<td>-</td>
<td>0.00%</td>
</tr>
<tr>
<td>0460</td>
<td>Printing</td>
<td>$ 100</td>
<td>-</td>
<td>$ 200</td>
<td>$ 250</td>
<td>$ 50</td>
<td>25.00%</td>
</tr>
<tr>
<td>0470</td>
<td>Electricity</td>
<td>$ 307</td>
<td>$ 213</td>
<td>$ 400</td>
<td>$ 400</td>
<td>(0)</td>
<td>0.00%</td>
</tr>
<tr>
<td>0480</td>
<td>Building Maintenance</td>
<td>$ 48</td>
<td>$ 34</td>
<td>$ 250</td>
<td>$ 250</td>
<td>(0)</td>
<td>0.00%</td>
</tr>
<tr>
<td>0490</td>
<td>Rental of Equipment</td>
<td>$ -</td>
<td>$ 213</td>
<td>$ 1,200</td>
<td>$ 2,200</td>
<td>$ 1,000</td>
<td>83.33%</td>
</tr>
<tr>
<td>0520</td>
<td>Advertising</td>
<td>$ 447</td>
<td>$ 638</td>
<td>$ 400</td>
<td>$ 400</td>
<td>-</td>
<td>0.00%</td>
</tr>
<tr>
<td>0564</td>
<td>Diesel-C.I.</td>
<td>$ -</td>
<td>$ 500</td>
<td>$ 500</td>
<td>$ 800</td>
<td>$ 300</td>
<td>60.00%</td>
</tr>
<tr>
<td>0631</td>
<td>Landscaping-C.I.</td>
<td>$ -</td>
<td>-</td>
<td>$ 250</td>
<td>$ 250</td>
<td>-</td>
<td>0.00%</td>
</tr>
<tr>
<td>0633</td>
<td>Solid Waste Pick up</td>
<td>$ 237,470</td>
<td>$ 245,344</td>
<td>$ 255,044</td>
<td>$ 317,796</td>
<td>$ 62,752</td>
<td>24.60%</td>
</tr>
<tr>
<td>0634</td>
<td>Chebeague Landfill Monitor</td>
<td>$ 11,394</td>
<td>$ 11,846</td>
<td>$ 11,000</td>
<td>$ 11,000</td>
<td>-</td>
<td>0.00%</td>
</tr>
<tr>
<td>0635</td>
<td>Landfill Monitor ML</td>
<td>$ 5,099</td>
<td>$ 5,778</td>
<td>$ 5,500</td>
<td>$ 5,500</td>
<td>-</td>
<td>0.00%</td>
</tr>
<tr>
<td>0636</td>
<td>Regional Waste</td>
<td>$ 309,470</td>
<td>$ 371,150</td>
<td>$ 500,000</td>
<td>$ 407,620</td>
<td>(92,380)</td>
<td>-18.48%</td>
</tr>
<tr>
<td>0641</td>
<td>Misc. Expense</td>
<td>$ 451</td>
<td>$ 1,680</td>
<td>$ 1,500</td>
<td>$ 119,100</td>
<td>$ 117,600</td>
<td>7840.00%</td>
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<tr>
<td>0642</td>
<td>Recycling Charges C.I.</td>
<td>$ 7,582</td>
<td>$ 7,483</td>
<td>$ 2,000</td>
<td>$ 2,000</td>
<td>-</td>
<td>0.00%</td>
</tr>
<tr>
<td>0643</td>
<td>Wood Products-C.I.</td>
<td>$ -</td>
<td>$ 10,400</td>
<td>$ 10,000</td>
<td>$ 10,000</td>
<td>-</td>
<td>0.00%</td>
</tr>
<tr>
<td>0701</td>
<td>Barging-C.I.</td>
<td>$ 29,200</td>
<td>$ 30,005</td>
<td>$ 29,000</td>
<td>$ 29,200</td>
<td>$ 200</td>
<td>0.69%</td>
</tr>
<tr>
<td>0702</td>
<td>Hauling-C.I.</td>
<td>$ 34,681</td>
<td>$ 34,922</td>
<td>$ 35,000</td>
<td>$ 35,000</td>
<td>-</td>
<td>0.00%</td>
</tr>
<tr>
<td>0703</td>
<td>Wood Products M.L.</td>
<td>$ 2,387</td>
<td>-</td>
<td>$ 10,000</td>
<td>$ 10,000</td>
<td>-</td>
<td>0.00%</td>
</tr>
<tr>
<td>0706</td>
<td>Hazardous Waste M.L.</td>
<td>$ 1,584</td>
<td>$ 2,038</td>
<td>$ 4,500</td>
<td>$ 6,000</td>
<td>$ 1,500</td>
<td>33.33%</td>
</tr>
<tr>
<td>0707</td>
<td>Hazardous Waste C.I.</td>
<td>$ -</td>
<td>-</td>
<td>$ 11,000</td>
<td>$ 11,000</td>
<td>-</td>
<td>0.00%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td>$ 657,562</td>
<td>$ 742,926</td>
<td>$ 898,300</td>
<td>$ 900,761</td>
<td>$ 92,461</td>
<td>10.29%</td>
</tr>
</tbody>
</table>

#### Revenue accounts FY 2005

- **Recycling**: $15,000
- **C.I. Solid waste**: $13,000

Add $80,00 after year 1
eliminate Containers and Contingency

Bag Revenues
$107,000 to $276,000
Plus $20,000 for CI DEMO

---

3200 Draft BUDGET 2005 meeting 1-25

8:01 PM 4/21/2005
## No - Pay As You Throw Budget

### Solid Waste 3200 Summary

<table>
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<th>Account</th>
<th>Description</th>
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<td>0450</td>
<td>Telephone</td>
<td>$ 543</td>
<td>$ 534</td>
<td>$ 600</td>
<td>$ 600</td>
<td>$ -                0.00%</td>
</tr>
<tr>
<td>0460</td>
<td>Printing</td>
<td>$ 100</td>
<td>$ -</td>
<td>$ 200</td>
<td>$ 250</td>
<td>$ 50               25.00%</td>
</tr>
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<td>0470</td>
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<td>$255,044</td>
<td>$267,796</td>
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<td>Regional Waste</td>
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<td>$371,150</td>
<td>$500,000</td>
<td>$510,020</td>
<td>$10,020           2.00%</td>
</tr>
<tr>
<td>0641</td>
<td>Misc. Expense</td>
<td>$ 451</td>
<td>$ 1,860</td>
<td>$ 1,500</td>
<td>$ 1,500</td>
<td>$ -                0.00%</td>
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<tr>
<td>0642</td>
<td>Recycling Charges C.I.</td>
<td>$ 7,582</td>
<td>$ 7,483</td>
<td>$ 2,000</td>
<td>$ 2,000</td>
<td>$ -                0.00%</td>
</tr>
<tr>
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<td>$ 10,000</td>
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<td>$ 29,000</td>
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<td>$ 4,500</td>
<td>$ 6,000</td>
<td>$ 1,500           33.33%</td>
</tr>
<tr>
<td>0707</td>
<td>Hazardous Waste C.I.</td>
<td>$ -</td>
<td>$ -</td>
<td>$ 11,000</td>
<td>$ 11,000</td>
<td>$ -                0.00%</td>
</tr>
</tbody>
</table>

**Total**

$657,562  $742,926  $898,300  $925,561  $27,261  3.03%

### Revenue accounts FY 2005

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recycling C.I.</td>
<td>$15,000</td>
</tr>
<tr>
<td>C.I. Solid waste</td>
<td>$13,000</td>
</tr>
</tbody>
</table>

### Bag Revenues

- $107,000 to $276,000
- Plus $20,000 for CI DEMO

Add $80,00 after year 1
eliminate Containers and Contingency

### No PAYT

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operations</td>
<td>$65,200</td>
</tr>
<tr>
<td>Revenue Loss</td>
<td>-$260,000</td>
</tr>
<tr>
<td>Tax Increase</td>
<td>$194,800</td>
</tr>
<tr>
<td>Added to Budget</td>
<td>0.23</td>
</tr>
</tbody>
</table>
MEMORANDUM

To: Town Manager William R. Shane
From: Nadeen Daniels, Town Clerk
Date: April 4, 2005
Re: MSAD 51 Budget Validation Referendum

I understand from you that the MSAD Board of Directors intends to conduct the budget validation process referendum on Tuesday, May 24, 2005. As such, I wanted to bring to your attention some of the critical points in the election process. As you know, this election is managed by the Board of Directors, and the municipal clerks conduct the polling event on Election Day. However, there are important pre-election actions which correspond to my own pre-election duties. I have confirmed the pre-election process with Ken Cole and am submitting below the broad parameters of the election for your knowledge; however, my main concerns are that of notice and ballots.

Section 1305(B)(2) of Title 20-A states the SAD Board of Directors shall place the article for approval of the budget validation process on the next scheduled Warrant (or earlier if deemed appropriate). I believe the next scheduled Warrant is the one which will call the district budget meeting of May 19, 2005.

- If requested by written petition ... and received at least 15 days before the date set for the district budget meeting, the directors shall place the article in the Warrant for consideration at the next annual district budget meeting and the article shall be considered before action relating to the appropriation of money for the operation of schools (1303).

A petition was received at the March directors’ meeting. The next annual district budget meeting is scheduled for May 19th. The Warrant for the May 19, 2005 meeting must be posted at least 7 days prior, or by May 11, 2005.

- The Directors also have the prerogative to set a unique budget meeting date prior to the regular district budget meeting date. Both the petitioners’ article and an article calling a special district referendum may be considered at the earlier meeting. Also, the Directors may set the referendum election for any date they so choose. However, unlike the budget meeting warrant, a Warrant for a referendum shall be prepared and distributed at least 30 days prior to the referendum date (1352).
- If a Warrant for a validation referendum is consolidated with the impending May 19, 2005 District Budget Meeting Warrant, it will need to be distributed 30 days prior to the meeting, or April 19th at the latest.

- The Warrant for a referendum shall be served on the municipal clerk of each district municipality by delivering an attested copy in hand within 3 days of the date of the Warrant, ensuring I receive it by April 19th.

- The “municipal officers shall forthwith meet, countersign and have the Warrant posted.” Therefore, I envision the Warrant will be signed by the Council at their regular Town Council meeting of April 25th.

- From this point on, I have notice requirements which must be met. Section 1352(1)(C) provides that referendum notices shall be the same as provided in Title 21-A. Title 21-A requires the clerk to post a Notice and Sample Ballot at least 7 days before Election Day. A May 24th Validation Referendum date requires me to post a Notice before May 17th.

- Title 20-A, Section 1353.2 requires voting at referenda held in towns to be conducted in accordance with Title 30-A, Sections 2524 and 2528 through 2532. However, 30-A, Section 2529 simply incorporates by reference all of the Title 21-A statutes relating to absentee voting procedures and also the statute governing absentee ballots, the contents of the application, and the form of the ballot return envelope.

- Title 20-A, Section 1353, also states that the directors shall prepare and furnish the required number of ballots for carrying out the referendum, including absentee ballots. Title 21A requires absentee ballots and return envelopes to be provided to the Clerk “not less than 30 days” prior to the election, which is April 24 or sooner.

- Incorporated into the 21A absentee laws is the requirement that the municipal clerk designates one or more times during the 30-day period prior to an election during which the clerk shall be present in each licensed nursing home, residential care facility or congregate housing unit. So, it is imperative that I receive the absentee ballots in a timely fashion in order to distribute them by mail, in person, or at the licensed nursing facilities. Past practice has us taking applications 60-90 days in advance of an election, and mailing the absentee ballots on the first day they are received (4/24). I generally visit the nursing home on the mainland and island two weeks in advance of the election.
If I haven’t lost you already in the sea of laws, let me try to layout a timeline:

- **March, 2005**  
  Petition submitted to Directors

- **April 19, 2005**  
  Combined Budget Meeting and Petition Article Warrant Distributed and Served on Town Clerk 30 days prior

- **April 24, 2005**  
  SAMPLE, Absentee (and Regular?) Ballots provided to Town Clerk

- **April 25, 2005**  
  Town Council meets to Countersign

- **May 9, 2005**  
  Clerk visits licensed homes

- **May 17, 2005**  
  Clerk posts Notice and Sample Ballot 7 days before election

- **May 19, 2005**  
  District Budget Meeting held

- **May 24, 2005**  
  District Referendum Election held

- **May 25, 2005**  
  Town Clerk certifies and sends total votes cast to Directors

I hope this helps to explain the process for the upcoming district budget validation process. Please let me know if I can answer any further questions.
WARRANT AND NOTICE OF ELECTION
TO CALL SCHOOL ADMINISTRATIVE DISTRICT REFERENDUM
(20-A M.R.S.A. §§1351-54)

TO: Donald Foster, a resident of Maine School Administrative District
No. 51 composed of the Towns of Cumberland and North Yarmouth, State
of Maine.

In the name of the State of Maine, you are hereby ordered to serve upon the
municipal clerks of each of the municipalities within the Maine School
Administrative District No. 51, namely, the Towns of Cumberland and
North Yarmouth, an attested copy of this warrant and notice of election.
Service shall be in hand within three (3) days of the date of this warrant and
notice of election. The municipal clerks of the above municipalities shall
immediately notify the respective municipal officers, who shall post the
following warrant and notice of election:

TOWN OF CUMBERLAND
DISTRICT REFERENDUM
WARRANT AND NOTICE OF ELECTION

Cumberland ss. State of Maine

TO: Nadeen Daniels, Town Clerk of Cumberland: you are hereby required in the name of
the State of Maine to notify the voters of this municipality of the election described in
this warrant and notice of election.

TO THE VOTERS OF CUMBERLAND:

You are hereby notified that a District referendum election will be held at the
Cumberland Town Hall, 290 Tuttle Road and Chebeague Island Hall and Community
Center, South Road, Chebeague Island in the Town of Cumberland at 7:00 A.M. on May
24, 2005 for the purpose of determining the following articles:

Article 1: To choose a moderator to preside at said meeting.

QUESTION SUBMITTED BY PETITIONERS

Article 2: Shall the budget of School Administrative District No. 51 be prepared in
the cost center summary budget format and subject to the budget validation
referendum process as described, respectively, in Title 20-A, Maine
Revised Statutes Annotated, Chapter 103, Sections 1305-A and 1305-B?

The voting on Article 2 shall be by secret ballot referendum. The polls will be
opened immediately after the election of the Moderator following commencement of the
meeting at 7:00 A.M. and closed at 8:00 P.M.
The Registrar of Voters will hold office hours while the polls are open to correct any error in or change a name or address on the voting list; to accept the registration of any person eligible to vote and to accept new enrollments.

A person who is not registered as a voter may not vote in any election.

Given under our hand this day, April 11, 2005 at Cumberland, Maine.

______________________________  ________________________________
James E. Madison          Audrey J. Jones
Susan M. Campbell           Rhoda Blalock
V. Karen Todd                Cindy Paetz

A majority of the Board of School Directors of Maine School Administrative District No. 51

A true copy of the Warrant and Notice of Election, attest:

Donald Foster
Resident of Maine School Administrative District No. 51

Countersigned this 13th day of April, 2005 at Cumberland, Maine.

______________________________  ________________________________
Johndy W. Reynolds           Jeff M. Monahan
Billings                    Town Mgr

A majority of the municipal officers of the Town of Cumberland

A true copy of the Warrant and Notice of Election, attest:

Nadeen Daniels, Town Clerk
Town of Cumberland

DEBORAH FLANIGAN, DEP CLERK
RETURN

Cumberland County, ss. State of Maine

TO: The Directors of School Administrative District No. 51 4/13, 2005

Pursuant to the within warrant and notice of election, directed to me, I have served in hand upon the municipal clerk of the Town of Cumberland, an attested copy of this warrant and notice of election, directing the municipal officers of said Town to call a District referendum at said time and place and for the purposes therein stated.

Donald Foster
Resident of School Administrative District No. 51

RETURN

Cumberland County, ss. State of Maine

TO: The municipal officers of the Town of Cumberland

I certify that I have notified the voters of the Town of Cumberland of the time and place of the District referendum by posting an attested copy of the within warrant and notice of election as follows:

<table>
<thead>
<tr>
<th>DATE</th>
<th>TIME</th>
<th>LOCATION OF POSTING</th>
</tr>
</thead>
<tbody>
<tr>
<td>4-14-05</td>
<td>4-14-05</td>
<td>Chebeague Island Community Hall</td>
</tr>
<tr>
<td>4-14-05</td>
<td></td>
<td>Cumberland Town Hall</td>
</tr>
</tbody>
</table>

being public and conspicuous places in said town and being at least seven days next prior to election day.

Dated at the Town of Cumberland: April 13, 2005

Nadeen Daniels, Town Clerk
Town of Cumberland, Maine
MEMORANDUM

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

To: Town Council
From: William Stiles, Council Chairman
Date: April 22, 2005
Re: FY 2006 Budget Review

The Town Manager and I have been working on the presentation for the Public Hearing for the FY 06 Municipal Budget. Attached you will find the Revenue and Operating Expenses. I will be presenting a power point presentation for the public’s benefit outlining some of the following budget highlights:

- Project Tax Decrease of $.45 to $.50 per mil or a reduction of $125 to the average tax payer
- Implementation of a Shared Dispatch Service with the Town of Yarmouth
- Replacement and upgrade of the financial accounting systems at Town Hall
- Implementation of a “Pay As You Throw” trash reduction program
- Replacement of Engine 1 at Central Station
- Replacement of Engine 4 on Chebeague Island
- $150,000 of Paving on the Mainland
- $50,000 of Paving on the Island
- Start of a Re-codification and electronic filing for all Town ordinances
- Start of a records preservation program for the Town’s vital documents and records.

More information will be developed for the budget presentation, but the information will be pulled from your budget binders. Please let me or the Manager know if you have specific areas you would like covered or reviewed in greater detail, but as of this date we are putting together a general overview followed by a Public Q&A.
BE SURE TO COMPLETE THIS FORM BEFORE FILLING IN THE TAX ASSESSMENT WARRANT

1. Local Taxable Real Estate Valuation ........................................... $834,394,700.00
2. Local Taxable Personal Property Valuation ................................... $8,325,900.00
3. Total Taxable Valuation (Line 1 plus line 2) ............................... $842,720,600.00
4. Total of Homestead Exemption Valuation .................................... $12,129,000.00
5. Total Valuation Base (Line 3 plus line 4) ................................. $854,849,600.00

   Adjusted for Gov. 240 K

6. Municipal Fiscal Year = 07/01/05 to 06/30/06

APPROPRIATIONS

7. County Tax .................................................................................. $657,346.00
8. Municipal Appropriation ................................................................. $7,323,588.00
9. TIF Financing Plan Amount RT 1 North & south ....................... $84,720.00
10. School/Educational Appropriations (Adjusted to Municipal Fiscal Year) $11,756,897.00
11. Total Appropriations (Add lines 7 through 10) ........................... $19,822,551.00

ALLOWABLE DEDUCTIONS

12. State Municipal Revenue Sharing .............................................. $650,000.00
13. Other Revenues: (Revenues not accounted for in Municipal Appropriation which are to be used to reduce the commitment such as Tree Growth and Veterans reimbursement, trust fund income, etc.)

14. Total Deductions (Line 12 plus line 13) ..................................... $4,050,032.00

15. Net to be raised by local property tax rate (Line 11 minus line 14) $15,772,519.00 × 1.05 = $16,561,144.95

Maximum Allowable Tax

Minimum Tax Rate

Maximum Tax Rate

Tax for Commitment

Maximum Overlay

Homestead Reimbursement

Overlay

(Enter on line 8, Assessment Warrant)

(Enter on line 5, Assessment Warrant)

Results from this completed form should be used to prepare the Municipal Tax Assessment Warrant, Certificate of Assessment to Municipal Treasurer and Municipal Valuation Return.

9:03 AM 4/22/2005
## Town of Cumberland Budget FY 2006

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Description</th>
<th>Budget FY 2005</th>
<th>Request FY 2006</th>
<th>$5 Increase</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>1300</td>
<td>Administration &amp; Council</td>
<td>$306,600</td>
<td>$305,000</td>
<td>$(1,600)</td>
<td>-1%</td>
</tr>
<tr>
<td>1400</td>
<td>Assessor</td>
<td>$73,250</td>
<td>$75,210</td>
<td>$2,960</td>
<td>3%</td>
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<tr>
<td>1500</td>
<td>Treasurer / Tax Collector</td>
<td>$211,815</td>
<td>$241,795</td>
<td>$29,980</td>
<td>14%</td>
</tr>
<tr>
<td>1800</td>
<td>Engineer / Admin.</td>
<td>$2,000</td>
<td>$2,000</td>
<td>$0</td>
<td>0%</td>
</tr>
<tr>
<td>1900</td>
<td>Legal Services</td>
<td>$45,000</td>
<td>$45,000</td>
<td>$0</td>
<td>0%</td>
</tr>
<tr>
<td>2100</td>
<td>Police Department</td>
<td>$733,411</td>
<td>$836,019</td>
<td>$102,608</td>
<td>14%</td>
</tr>
<tr>
<td>2200</td>
<td>Fire Department</td>
<td>$255,982</td>
<td>$270,488</td>
<td>$14,506</td>
<td>6%</td>
</tr>
<tr>
<td>2300</td>
<td>Rescue Department</td>
<td>$394,068</td>
<td>$438,641</td>
<td>$44,573</td>
<td>11%</td>
</tr>
<tr>
<td>2400</td>
<td>Code Enforcement</td>
<td>$84,641</td>
<td>$84,950</td>
<td>$309</td>
<td>0%</td>
</tr>
<tr>
<td>3100</td>
<td>Public Works</td>
<td>$724,098</td>
<td>$866,664</td>
<td>$142,566</td>
<td>20%</td>
</tr>
<tr>
<td>3200</td>
<td>Solid Waste</td>
<td>$898,300</td>
<td>$980,761</td>
<td>$92,461</td>
<td>10%</td>
</tr>
<tr>
<td>4100</td>
<td>Recreation</td>
<td>$374,694</td>
<td>$410,410</td>
<td>$35,716</td>
<td>10%</td>
</tr>
<tr>
<td>4300</td>
<td>Recreation- Parks</td>
<td>$60,623</td>
<td>$88,764</td>
<td>$28,131</td>
<td>46%</td>
</tr>
<tr>
<td>4500</td>
<td>Prince Memorial Library</td>
<td>$254,261</td>
<td>$272,438</td>
<td>$18,177</td>
<td>7%</td>
</tr>
<tr>
<td>4600</td>
<td>Chebeague Island Library - Non Profit</td>
<td>$43,200</td>
<td>$44,200</td>
<td>$1,000</td>
<td>2%</td>
</tr>
<tr>
<td>4601</td>
<td>CI Recreation- In Recreation FY 04</td>
<td>$37,500</td>
<td>$40,000</td>
<td>$2,500</td>
<td>7%</td>
</tr>
<tr>
<td>4800</td>
<td>West Cumberland Rec Building</td>
<td>$9,300</td>
<td>$9,300</td>
<td>$0</td>
<td>0%</td>
</tr>
<tr>
<td>5200</td>
<td>Board of Registration</td>
<td>$12,440</td>
<td>$11,600</td>
<td>$(840)</td>
<td>-7%</td>
</tr>
<tr>
<td>5400</td>
<td>Planning Board</td>
<td>$67,331</td>
<td>$63,727</td>
<td>$(3,604)</td>
<td>-5%</td>
</tr>
<tr>
<td>5500</td>
<td>Communications Committee</td>
<td>$53,800</td>
<td>$46,320</td>
<td>$(7,480)</td>
<td>-14%</td>
</tr>
<tr>
<td>5600</td>
<td>Conservation Commission</td>
<td>$1,000</td>
<td>$1,000</td>
<td>$0</td>
<td>0%</td>
</tr>
<tr>
<td>5700</td>
<td>Harbor Master/ Shellfish Warden</td>
<td>$40,347</td>
<td>$14,012</td>
<td>$(26,335)</td>
<td>-65%</td>
</tr>
<tr>
<td>5800</td>
<td>General Assistance</td>
<td>$11,000</td>
<td>$13,000</td>
<td>$2,000</td>
<td>18%</td>
</tr>
<tr>
<td>5900</td>
<td>Health Services</td>
<td>$7,730</td>
<td>$8,015</td>
<td>$285</td>
<td>4%</td>
</tr>
<tr>
<td>6100</td>
<td>Debt Service</td>
<td>$497,817</td>
<td>$492,200</td>
<td>$(5,617)</td>
<td>-1%</td>
</tr>
<tr>
<td>6200</td>
<td>Cemetery Association- Non Profit</td>
<td>$13,500</td>
<td>$16,500</td>
<td>$3,000</td>
<td>22%</td>
</tr>
<tr>
<td>7500</td>
<td>Benefits &amp; Insurance</td>
<td>$943,574</td>
<td>$943,441</td>
<td>$(133)</td>
<td>0%</td>
</tr>
<tr>
<td>8000</td>
<td>Fire Hydrants</td>
<td>$48,000</td>
<td>$50,000</td>
<td>$2,000</td>
<td>4%</td>
</tr>
<tr>
<td>8100</td>
<td>Street Lights</td>
<td>$40,000</td>
<td>$40,000</td>
<td>$0</td>
<td>0%</td>
</tr>
<tr>
<td>8300</td>
<td>Contingent</td>
<td>$25,000</td>
<td>$25,000</td>
<td>$0</td>
<td>0%</td>
</tr>
<tr>
<td>8400</td>
<td>Municipal Building Maintenance</td>
<td>$65,230</td>
<td>$77,414</td>
<td>$12,184</td>
<td>19%</td>
</tr>
<tr>
<td>8500</td>
<td>Abatements</td>
<td>$10,000</td>
<td>$8,000</td>
<td>$(2,000)</td>
<td>-20%</td>
</tr>
<tr>
<td>8900</td>
<td>County Tax- 4%</td>
<td>$629,488</td>
<td>$657,346</td>
<td>$27,858</td>
<td>4%</td>
</tr>
<tr>
<td>9000</td>
<td>Capital Improvements Program</td>
<td>$351,000</td>
<td>$351,000</td>
<td>$0</td>
<td>0%</td>
</tr>
<tr>
<td>9800</td>
<td>Canine Control</td>
<td>$17,376</td>
<td>$17,723</td>
<td>$347</td>
<td>2%</td>
</tr>
<tr>
<td>NEW</td>
<td>Rines Property Short Fall</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NEW</td>
<td>Revenue Adjustments- Increases</td>
<td>($325,044)</td>
<td>($325,044)</td>
<td>$0</td>
<td>0%</td>
</tr>
<tr>
<td></td>
<td>Paving Chebeague Island- Includes Barging</td>
<td></td>
<td>$80,000</td>
<td>$80,000</td>
<td>0%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Account Number</th>
<th>Description</th>
<th>Budget 2005</th>
<th>Proposed 2006</th>
<th>$5</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Grand Totals</td>
<td>$7,345,461</td>
<td>$7,655,890</td>
<td>$310,428</td>
<td>4.23%</td>
</tr>
</tbody>
</table>

FY 2006 Town Budget - Draft #1 $6,998,544
FY 2005 Town Budget $6,715,973
Net Increase $282,571 4.21%

Town Expenditure Budget Increase $635,473
County Budget - No New Revenues Adj. $7,980,934
County Total Revenues (includes Governor’s $249 K Surprise) ($657,346)
Municipal Impact on Tax Commitment FY 06 ($4,050,022)
Commitment - School - County $3,273,556
Municipal Impact on Tax Commitment FY 06 $3,273,556
Tax Commitment '05 $3,123,112
Net Town Increase $150,444 4.82%

Mil Rate FY 06 $18.70 $.50 Decrease

8:39 AM 4/22/2005
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>R0303 EXCISE TAX</td>
<td></td>
<td>$1,375,000</td>
<td>$1,400,652</td>
<td>$25,652</td>
<td>$1,425,000</td>
<td>($4,216)</td>
<td>$1,425,000</td>
<td></td>
</tr>
<tr>
<td>R0304 BOAT EXCISE TAX</td>
<td></td>
<td>$20,000</td>
<td>$22,913</td>
<td>$2,913</td>
<td>$20,000</td>
<td>$0</td>
<td>$20,000</td>
<td></td>
</tr>
<tr>
<td>R0305 INTEREST &amp; PENALTIES</td>
<td></td>
<td>$50,000</td>
<td>$38,137</td>
<td>($11,863)</td>
<td>$50,000</td>
<td>$37,688</td>
<td>($12,442)</td>
<td>$40,000</td>
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<tr>
<td>R0306 OVER SHORT</td>
<td></td>
<td>$0</td>
<td>$30</td>
<td>$30</td>
<td>$0</td>
<td>$183</td>
<td>$183</td>
<td>$0</td>
</tr>
<tr>
<td>R0311 HUNTING &amp; FISHING LIC</td>
<td></td>
<td>$3,000</td>
<td>$2,070</td>
<td>($930)</td>
<td>$3,000</td>
<td>$1,496</td>
<td>($1,504)</td>
<td>$3,000</td>
</tr>
<tr>
<td>R0312 MARRIAGE LICENSES</td>
<td></td>
<td>$1,000</td>
<td>$1,348</td>
<td>$348</td>
<td>$1,000</td>
<td>$1,109</td>
<td>$109</td>
<td>$1,000</td>
</tr>
<tr>
<td>R0313 BIRTH CERTIFICATES</td>
<td></td>
<td>$1,000</td>
<td>$1,301</td>
<td>$301</td>
<td>$1,000</td>
<td>$1,214</td>
<td>$214</td>
<td>$1,000</td>
</tr>
<tr>
<td>R0314 DEATH CERTIFICATES</td>
<td></td>
<td>$500</td>
<td>$685</td>
<td>$185</td>
<td>$500</td>
<td>$494</td>
<td>($5)</td>
<td>$500</td>
</tr>
<tr>
<td>R0315 CLERK LICENSES</td>
<td></td>
<td>$2,500</td>
<td>$2,846</td>
<td>$346</td>
<td>$2,500</td>
<td>$3,329</td>
<td>$829</td>
<td>$2,500</td>
</tr>
<tr>
<td>R0316 SHELLFISH LICENSES</td>
<td></td>
<td>$4,000</td>
<td>$7,175</td>
<td>$3,175</td>
<td>$5,000</td>
<td>$8,576</td>
<td>$3,576</td>
<td>$7,000</td>
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<tr>
<td>R0325 SUPPLEMENTAL TAX</td>
<td></td>
<td>$0</td>
<td>$0</td>
<td>$2,437</td>
<td>$2,437</td>
<td>$0</td>
<td>$0</td>
<td></td>
</tr>
<tr>
<td>R0326 TAX COMMITMENT</td>
<td></td>
<td>$0</td>
<td>$143,284</td>
<td>$144,057</td>
<td>$773</td>
<td>$149,347</td>
<td>$149,347</td>
<td>$0</td>
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<tr>
<td>R0331 STATE REVENUE SHARING</td>
<td></td>
<td>$700,000</td>
<td>$606,847</td>
<td>($93,153)</td>
<td>$650,000</td>
<td>$652,001</td>
<td>$2,801</td>
<td>$650,000</td>
</tr>
<tr>
<td>R0332 PARK FEE SHARING</td>
<td></td>
<td>$9,000</td>
<td>$11,760</td>
<td>$2,760</td>
<td>$10,000</td>
<td>$11,508</td>
<td>$1,508</td>
<td>$10,000</td>
</tr>
<tr>
<td>R0334 SNOWMOBILE REGISTRATION</td>
<td></td>
<td>$1,800</td>
<td>$1,572</td>
<td>$272</td>
<td>$1,600</td>
<td>$2,340</td>
<td>$840</td>
<td>$1,500</td>
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<tr>
<td>R0335 DOT BLOCK GRANT</td>
<td></td>
<td>$80,000</td>
<td>$82,192</td>
<td>$2,192</td>
<td>$82,000</td>
<td>$82,088</td>
<td>$88</td>
<td>$82,000</td>
</tr>
<tr>
<td>R0336 STATE AID TO LIBRARIES</td>
<td></td>
<td>$500</td>
<td>$200</td>
<td>($300)</td>
<td>$500</td>
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Can not use TIF #3 - Dedicated Revenue not General Fund Eligible

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Revenues FY 2006

Revenues 2 - 2

4/22/2005 8:55 AM
Executive Session Item 1.
Kennedy Property Rt 1

- Gleason Letter
- Ken Cole’s Letter
- Contract Zone Document
April 20, 2005

William R. Shane, Town Manager
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021

Re: Kennedy Contract Zone Parcel

Dear Bill:

Enclosed herewith is a copy of the quitclaim deed with covenant granted by Peter Kennedy to the Town of Cumberland of the contract zone parcel. As you can see, the deed of 10.2 acres to the Town is in no way restricted as to use and therefore, at least on the face of the deed, there is nothing that would prohibit a resale by the Town.

I also enclose herewith a copy of the Contract Zoning Agreement as executed. The agreement establishing the contract zone does include a number of specific proposals including up to 40 units of elderly on the Town’s 10.2 acres. Although it technically is merely a zoning change to enable the development and not specifically a restriction, it could be interpreted at least as to paragraph V(9) to restrict the Town. That provision states that the restrictions, provisions and conditions of the contract run with the subject premises are binding on the owner and enforceable by the Town. Since the provision is enforceable by the Town—not Kennedy, it would appear that the Town is not obligated to proceed with the elderly project. Further, I would note that at paragraph V(6) the various permits that Kennedy’s part of the project required have not been obtained within the required deadlines. Subsection (7) of the contract provides that if Kennedy should fail to proceed pursuant to the provisions of subsection (6) and you formally withdraw the sewer permits, the agreement is void and of no effect. Therefore, based on the terms of the contract and the lack of any specific restriction in the deed, I believe the Town is free to proceed to sell the property in any manner it desires.

If you have any questions, please let me know.

Very truly yours,

Kenneth M. Cole III

~ Over 50 Years of Service ~
April 15, 2005

William Shane, Town Manager
Town of Cumberland
290 Tuttle Road
Cumberland Center, Maine 04021

Re: Peter Kennedy Property, U.S. Route One

Dear Bill:

Following up on our recent discussions, I am writing to request that the Town re-convey to my client Peter Kennedy or his nominee the 10.2 acre parcel off U.S. Route One which Mr. Kennedy conveyed to the Town in 2002. As you know, the property was conveyed to the Town by Mr. Kennedy, for no consideration, as part of a larger transaction whereby the entire 67.24 acre parcel owned by Mr. Kennedy was subjected to a Contract Zoning Agreement with the Town. That Agreement contemplated that Mr. Kennedy would develop certain portions of the property for senior housing and other parts for commercial uses. At the time, the Town was committed to finding a site for additional senior rental housing, and it was clearly intended that the Town parcel be used only for that purpose. There were also discussions about the joint development of a community center which would serve the residents of both Mr. Kennedy’s senior housing and the Town’s rental project, and it was also understood that the Town’s project and Mr. Kennedy’s would not compete with one another.

As is often the case, the passage of time has changed perceptions as to potential uses of the property, and it is my understanding that the Town has abandoned the idea of a rental housing project at this location. Although Mr. Kennedy’s property has attracted considerable interest for a variety of commercial uses, he still believes that a mixed used development, combining residential and commercial uses, is the highest and best use of the property. However, being able to utilize the Town parcel is critical to that vision, and Mr. Kennedy believes quite strongly that it should be returned to him, since the Town does not intend to use it for the purpose for which it was given.

As noted above, Mr. Kennedy received no consideration from the Town for the parcel. Nonetheless, he is prepared to pay the Town the sum of $100,000 for its re-conveyance, which is basically a windfall to the Town, and which the Town could certainly dedicate to a rental housing or other public benefit project elsewhere in Town, although that of course is up to the Town.
April 15, 2005
Page: 2

With the reacquisition of this parcel, I expect that Mr. Kennedy or David Chase, to whom Mr. Kennedy intends to convey the entire property, will be able to proceed expeditiously with development of the site, which will have considerable benefits, both short and long term, to the Town.

I look forward to discussing this matter with you and the Council in executive session on April 25th. In the meantime, please feel free to contact me with any questions.

Very truly yours,

Philip H. Gleason

PHG:jjc

cc: Mr. Peter Kennedy
    Mr. David Chase
April 20, 2005

William R. Shane, Town Manager
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021

Re: Kennedy Contract Zone Parcel

Dear Bill:

Enclosed herewith is a copy of the quitclaim deed with covenant granted by Peter Kennedy to the Town of Cumberland of the contract zone parcel. As you can see, the deed of 10.2 acres to the Town is in no way restricted as to use and therefore, at least on the face of the deed, there is nothing that would prohibit a resale by the Town.

I also enclose herewith a copy of the Contract Zoning Agreement as executed. The agreement establishing the contract zone does include a number of specific proposals including up to 40 units of elderly on the Town’s 10.2 acres. Although it technically is merely a zoning change to enable the development and not specifically a restriction, it could be interpreted at least as to paragraph V(9) to restrict the Town. That provision states that the restrictions, provisions and conditions of the contract run with the subject premises are binding on the owner and enforceable by the Town. Since the provision is enforceable by the Town—not Kennedy, it would appear that the Town is not obligated to proceed with the elderly project. Further, I would note that at paragraph V(6) the various permits that Kennedy’s part of the project required have not been obtained within the required deadlines. Subsection (7) of the contract provides that if Kennedy should fail to proceed pursuant to the provisions of subsection (6) and you formally withdraw the sewer permits, the agreement is void and of no effect. Therefore, based on the terms of the contract and the lack of any specific restriction in the deed, I believe the Town is free to proceed to sell the property in any manner it desires.

If you have any questions, please let me know.

Very truly yours,

Kenneth M. Cole III

~ Over 50 Years of Service ~
QUITCLAIM DEED WITH COVENANT

Peter D. Kennedy, whose mailing address is 18 Carroll Street, Falmouth, ME 04105 ("Grantor"), FOR CONSIDERATION PAID, grants to the Town of Cumberland, a Maine municipal corporation with a place of business in Cumberland, Maine ("Grantee"), with QUITCLAIM COVENANT, certain real property located on the northwesterly side of Route One in the Town of Cumberland, County of Cumberland and State of Maine, bounded and described on Exhibit A attached hereto and made a part hereof.

Being a portion of the premises conveyed to the Grantor herein by deed from Blanchard Cumberland, LLC acknowledged February 8, 2002 and recorded in the Cumberland County Registry of Deeds in Book 17330, Page 154.

WITNESS my hand and seal this 10th day of September, 2002.

WITNESS:

[Signature]

Print Name: PHILIP H. CLESON

Peter D. Kennedy

STATE OF MAINE
CUMBERLAND, ss

September 10, 2002

PERSONALLY APPEARED the above-named Peter D. Kennedy and acknowledged the foregoing instrument to be his free act and deed.

Before me,

[Signature]

Notary Public/Attorney-at-Law
Print Name:
August 28, 2002

A certain parcel of land situated on the northwesterly side of Route One, in the Town of Cumberland, County of Cumberland, State of Maine being bounded and described as follows:

Beginning at the most southerly corner of land now or formerly of Foreside Realty Trust, Reference Book 13025 Page 219;

Thence N 31° 03’ 58” E along said land 1213.18 feet;

Thence S 60° 44’ 22” E along said land 83.34 feet;

Thence S 19° 34’ 32” W across land of the grantor herein 651.25 feet;

Thence S 47° 28’ 25” E across land of the grantor herein 363.86 feet to said northwesterly sideline of Route One;

Thence southerly, along said sideline, along a curve concave to the left having a radius of 7092.03 feet, an arc distance of 532.93 feet;

Thence N 58° 24’ 20” W across land of said grantor herein 295.30 feet;

Thence S 68° 57’ 15” W across land of said grantor herein 42.30 feet;

Thence S 58° 24’ 20” W across land of said grantor herein 211.72 feet;

Thence N 26° 30’ 03” W across land of said grantor herein 100.69 feet to the Point of Beginning, containing 10.2 acres, more or less.

Reference is made to survey and plan by Owen Haskell, Inc. for a further description of the above described premises.
CONTRACT ZONING AGREEMENT

BY AND BETWEEN THE TOWN OF CUMBERLAND

AND

PETER KENNEDY

RELATING TO THE HERITAGE VILLAGE SUBDIVISION

ROUTE 1, CUMBERLAND, MAINE

This Contract Zoning Agreement is entered into this 10th day of September, 2002 by and between the Town of Cumberland, a municipal corporation, and Peter Kennedy, of Falmouth, Maine, pursuant to the Conditional and Contract Rezoning Provisions set forth in 30-A M.R.S.A. § 4352 and Section 606 of the Cumberland Zoning Ordinance, as amended.

WHEREAS, the Town of Cumberland (the “Town”) and Peter Kennedy (“Kennedy”) both desire to develop an age-restricted “elderly housing” project in accordance with the requirements of the Fair Housing Act, 42 U.S.C. §§ 3601 et seq.(the “Act”); and

WHEREAS, Kennedy has presented to the Town a proposal for the development and construction of an age-restricted subdivision consisting of up to 42 individual single family residential houses on an approximately 10.9 acre parcel, up to 38 multiplex condominium units or single family residential houses on an approximately 12.3 acre parcel, and up to 11 commercial lots containing approximately 14.8 acres, and an additional approximately 10.2 acre parcel to be deeded to the Town for development of a rental elderly housing project by the Town, all on an approximately 67.24 acre parcel located off Route 1; and

WHEREAS, Kennedy proposes that each house and/or condominium so constructed and sold in the said subdivision shall be occupied by individuals or couples with one person of 55 years of age or greater; and

WHEREAS, Kennedy proposes that no persons of 18 years of age or younger shall be permitted as permanent residents in said houses or condominiums; and

WHEREAS, in order for the development to be financially feasible for the construction and sale of said single family homes and/or condominiums to an age limited elderly market while meeting all applicable codes, certain amendments with respect to density, setbacks, road lengths and certain other performance standards of the Cumberland Zoning Ordinance will be required; and
WHEREAS, the Cumberland Town Council has, prior hereto, allocated a sufficient number of sewer permits to Kennedy’s project on the condition that such sewer permits be utilized for the construction of “elderly housing”; and

WHEREAS, on November 26, 2001 the Cumberland Town Council voted to request the Cumberland Planning Board to review Kennedy’s subdivision proposal with a view to entering into a Contract Zoning Agreement permitting the Heritage Village Subdivision, subject to later compliance with Subdivision and Site Plan Standards as set forth in the Cumberland Subdivision Ordinance for Major Subdivisions; and

WHEREAS, the Cumberland Town Council is willing to enter into a Contract Zoning Agreement with Kennedy subject to the terms and conditions set forth herein;

NOW THEREFORE, pursuant to the provisions of 30-A M.R.S.A. § 4352(8) and Section 606 of the Cumberland Zoning Ordinance (as amended), the Cumberland Town Council hereby finds that the following Agreement:

A) is consistent with the Comprehensive Plan duly adopted by the Town of Cumberland on June 22, 1998; and

B) establishes a contract zone area consistent with the existing and permitted uses in the original zone of the area involved; and

C) only includes conditions and restrictions which relate to the physical development and future operation of the proposed development; and

D) imposes those conditions and restrictions which are necessary and appropriate for the protection of the public health, safety and general welfare of the Town of Cumberland.

The parties agree as follows:

I. **Establishment of the Contract Zone:**

The Town hereby agrees that that certain area of approximately 70 acres shown on a plan of land entitled “Property Development Plan Heritage Village” prepared by Mohr & Seredin for Peter Kennedy dated April 30, 2002 shall be a Contract Zone pursuant to the provisions of 30-A M.R.S.A. § 4352(8) and Section 606 of the Cumberland Zoning Ordinance.

II. **Permitted Use Within the Contract Zone:**

The development permitted within the Contract Zone established in paragraph I above shall be as follows:

A) All uses currently authorized in the Office Commercial District, including possible assisted living facilities.
B) The construction of up to 42 single family residential houses on individual house lots, each of which lots must contain not less than 10,000 square feet, and up to 38 multiplex condominium units or single family residential houses on an approximately 12.3 acre adjoining parcel; all of which shall be restricted for occupancy by persons 55 years of age or older, and permit no persons 18 years of age or younger as permanent residents. Kennedy shall have the right to (i) vary the mix between single family houses and condominium units, and (ii) to convey or subcontract all or any portion of the project to one or more third parties, subject to the provisions of this Agreement and the approval of the Town, which approval shall not be unreasonably withheld.

C) That approximately 10.2 acres of the total site will be deeded to the Town for a rental elderly housing project of up to 40 units and a community building location.

D) That approximately 14.8 acres along U.S. Route 1 shall be reserved for commercial development of up to 11 lots, as specified in the existing zone; said commercial development to be developed with adequate buffering from the residential development to the rear.

E) That not more than 40% of the parcel retained by Kennedy (exclusive of the approximately 10.2 acre parcel to be conveyed to the Town) be required to be reserved as open space and deeded to the Town.

F) That a Community Center be jointly developed by the Town and Kennedy as a public amenity benefiting this over-all project at a convenient site adjacent to the Kennedy and Town parcels, which community center may have public and private recreational and therapeutic facilities located within it.

G) That a communications tower be permitted on up to a 1.3 acre site properly buffered from all residential uses in accordance with Section 433 of the Cumberland Zoning Ordinance.

H) That the layout and overall plan of the development will be substantially as that shown on the Plan.

I) That the setback provisions relating to said conceptual plan be:

(1) each single family residential lot shall be as follows:
   - Front yard setback not less than 25 feet.
   - Side yard setback not less than 12 feet.
   - Rear yard setback not less than 20 feet.

(2) each commercial lot said set back shall be as follows:
• Front 25
• Side 20
• Rear 65.

(3) any assisted living facility
• Front 65
• Side 65
• Rear 65

J) That the minimum frontage on the street providing access to each residential lot shall be 75 feet and for each commercial lot shall be 150 feet.

K) That the length of the cul-de-sac road serving the subdivision be not more than 2,000 feet, and that the road right-of-way be established at 50 feet in width, with a paved width of 24 feet (including shoulders) and a four foot paved sidewalk on one side for the main road and a paved width of 20 feet (including shoulders) and a four foot paved sidewalk on one side for the side roads.

L) That the distance between the foundations of any two principal structures, shall be no less than 25 feet.

M) That there shall be no other variances from the Cumberland zoning ordinance granted to any lot owner beyond those expressly set forth herein, unless the Town and Kennedy both agree.

N) This Agreement shall be subject to the Town’s Growth Control and Impact Fee Ordinances to the extent applicable.

Subject to the following, the Cumberland Planning Board shall have review authority under the applicable provisions of the Cumberland Subdivision, Site Plan and Zoning Ordinances to impose reasonable conditions of approval relating to the development and construction of the project.

III. Definition of “Elderly Person”

The parties agree that, in order to preserve the status of the units in the development as “elderly,” the following shall apply:

1. “Elderly person” shall mean a person 55 years of age or older.
2. The Town of Cumberland shall, either through its own municipal officers or through an agency authorized and empowered by the Town to act in behalf of the Town, monitor and approve the selection of eligible elderly persons and shall issue a certificate of compliance as may be required by any purchaser or lender.

3. The parties agree that this project is subject to the requirements of the Act and the regulations thereunder, in particular the exemption provisions contained in 42 U.S.C. §3607, and agree to take such steps as may be necessary from time to time to maintain the project in compliance with the Act and the regulations thereunder.

IV. Preservation of Elderly Housing – Deed Restriction Enforceable by Town:

1. Each unit in the development shall be occupied by at least one “elderly person” as defined herein, and shall not be used other than as a single family residence by the occupants, lessees, guests or invitees. No persons of 18 years of age or younger shall be permitted as permanent residents, nor shall the unit be occupied (except on an occasional basis) by persons other than the elderly person and such person’s spouse.

2. At the time of the initial sale of each unit in the development, the deed shall contain a covenant running with the land and enforceable by the Town setting forth the restrictions contained in subparagraph IV(1) above.

V. Miscellaneous Provisions:

1. Survival Clause: The terms and conditions of this Agreement shall be binding upon and shall inure to the benefit of the respective successors, heirs and assigns of the parties hereto except as specifically set forth herein. A true copy of this Agreement shall be recorded in the Cumberland County Registry of Deeds. It is specifically contemplated that Kennedy shall assign his rights and obligations hereunder to a development corporation primarily owned and controlled by him, and shall sell lots in the single family residential portion of the project. However, Kennedy shall not otherwise assign his rights and obligations hereunder without the prior written consent of the Town, which consent shall not be unreasonably withheld or delayed.

2. Arbitration Clause: In the event of any dispute between the parties hereto arising out of the Town’s approval of (or failure to approve) eligible and qualified purchasers, such dispute shall be submitted to arbitration pursuant to the rules and regulations of the American Arbitration Association, or such other similar arbitration tribunal as the parties may select. The decision of such arbitration panel shall be final, binding and conclusive as to all issues arbitrated therein. Any and all other disputes, claims, counterclaims, and other matters in question between the parties hereto arising out of or relating to this Agreement shall be decided by a Maine court of competent jurisdiction.
3. **Further Assurances**: In order to effectively and properly implement this Agreement, the parties agree to negotiate in good faith the terms and conditions of such further instruments and agreements as may be reasonably necessary from time to time to give effect to this Agreement.

4. **Maine Agreement**: This contract is a Maine agreement, entered into in the State of Maine and shall be governed by and enforced in accordance with the laws of the State of Maine.

5. **Bankruptcy**: Except as set forth below, if Kennedy or a development corporation primarily owned and controlled by him to which he has assigned his rights and obligations hereunder should be adjudged a bankrupt, or should make a general assignment for the benefit of creditors, or if a receiver should be appointed on account of his or its insolvency, then this Agreement shall be null and void and neither Kennedy nor his assignees shall be entitled to any sewer use permits for the Contract Zone property or the benefits of this Agreement. Notwithstanding the foregoing, the Town agrees that this Agreement shall not be deemed null and void upon the occurrence of any of the foregoing events provided that any mortgagee (or any such mortgagee's designee or agent) then takes over and continues with the development of the project in accordance with this Agreement. The Town further agrees that upon the occurrence of any of the foregoing events, or upon default by Kennedy (or a development corporation primarily owned and controlled by him to which he has assigned his rights and obligations hereunder) under this Agreement or under any other document or agreement which affects the project or the subdivision, any such mortgagee (or any such mortgagee's designee or agent) who assumes the rights, benefits and obligations of this Agreement shall be entitled to any sewer use permits for the Contract Zone property.

6. **Approvals; Phasing; Sewer Use Permits**: The parties to this Agreement specifically contemplate that Kennedy or a development corporation primarily owned and controlled by him to which he has assigned his rights and obligations hereunder shall obtain all necessary State and local approvals (the “Approvals”) for the proposed development(s) in said Contract Zone (except for the Town portion). This contract does not entitle Kennedy to any such approvals and Kennedy expects to obtain such approvals in phases, including initial approvals for the overall site plan, and subsequent, specific approvals for the single family house and the multiplex portions of the project. Nothing contained herein shall require Kennedy to obtain the Approvals within any defined time periods; provided, however, that the Town shall have the right to withdraw, in whole or in part, the sewer use units which the Town has reserved for the project, as follows: (a) if Kennedy fails to obtain the Approvals for the overall site plan (excepting the multiplex portion) for the project by April 15, 2004, the Town shall have the right to withdraw up to 40 of the sewer use permits reserved for the project (except for those reserved for the portion to be conveyed to the Town); (b) if Kennedy fails to obtain the Approvals for the single family house portion of the project by April 15, 2004, the Town shall have the right to withdraw up to 42 of the sewer use permits reserved for the project; (c) if Kennedy fails to obtain the Approvals for the multiplex portion of the project by December 31, 2005, the Town shall have the right to withdraw up to 38 of the sewer use permits reserved for the project. Kennedy shall bear the sole cost and expense of extending said sewer lines to provide for service to this project exclusive of the Town.
portion. The withdrawal of sewer use permits shall be the Town’s sole recourse for Kennedy’s failure to develop all or any portion of the project, it being specifically understood that nothing contained in this Agreement shall obligate Kennedy to proceed with the project or obtain all or any of the Approvals. Nothing contained in this Agreement shall preclude Kennedy from applying to the Town for additional sewer use permits in the event that additional sewer capacity should become available in the future.

The communications tower shall likewise be subject to all required municipal review and approvals, but shall not be subject to the time limits contained herein.

7. **Default:** Should Kennedy fail to proceed pursuant to paragraph 6 above and the Town acts to withdraw the required sewer permits, then this Agreement shall become void and of no further effect as it applies to the Kennedy portion of the project.

8. **Amenities:** The Town and Kennedy shall cooperate to provide amenities, such as walking trails, community gardens and passive recreation areas. Any development on said site shall respect the criteria of the Route 1 design guidelines, as they may be amended.

9. **Binding Covenants:** The above-stated restrictions, provisions, and conditions are an essential part of this contract and shall run with the subject premises, shall bind the Owner, his heirs and assigns of said property or any part thereof or any interest therein, and any party in possession or occupancy of said property or any part thereof, and shall inure to the benefit of and be enforceable by, the Town of Cumberland, by and through its duly authorized representatives. This Agreement may not be amended except by mutual agreement of the parties.

10. **Severability:** In the event any one or more clauses of this Agreement shall be held to be void or unenforceable for any reason by any court of competent jurisdiction, such clause or clauses shall be deemed to be severable and of no force or effect in such jurisdiction, and the remainder of this Agreement shall be deemed to be valid and in full force and effect, and the terms of this Agreement shall be equitably adjusted if possible so as to compensate the appropriate party for any consideration lost because of the elimination of such clause or clauses.
IN WITNESS WHEREOF, the parties have hereunto caused this Agreement to be executed as of the day and year first above written.

TOWN OF CUMBERLAND

By: ____________________________

Robert B. Benson
Town Manager

______________________________

Peter Kennedy
Individually

STATE OF MAINE
CUMBERLAND, ss

September 10, 2002

PERSONALLY APPEARED the above-named Peter B. Kennedy and acknowledged the foregoing instrument to be his free act and deed.

Before me,

______________________________

Notary Public/Attorney-at-Law
Print Name: PHILIP H. CLAYTON
Executive Session Item 2.
Action to Condemn Home
April 19, 2005

William Shane, Town Manager
Town of Cumberland
290 Tuttle Road
Cumberland, Maine 04021

Re: Dangerous Buildings Procedures

Dear Bill:

You have asked for information concerning the procedures for declaring a structure a “dangerous building” under the provisions of state law. There are two separate methods established by the statute. One is to pursue a summary process in the Superior Court. The first step in this process is to determine through a title search the names of all persons who have any interest in the property, including mortgage holders. The Town then files a verified complaint and serves it upon the owner and the parties-in-interest. Once that is filed, the Court is supposed to issue an order setting forth how the parties will be served and setting a hearing date. Under the statute, the hearing date should be within ten days of filing the complaint, but the Court can extend this. If any party who is served fails to appear, that party is defaulted. If the Court orders demolition of a structure, that order cannot be appealed. However, the parties may appeal an award of the Town’s costs and may also seek damages for a wrongful removal.

The second procedure involves a hearing and determination by the Town Council. Again, the first step is to do a title search to determine who is entitled to notice of the proceedings. The Code Enforcement Officer should send a notice to the owner and the other parties-in-interest setting forth the problems with the property and giving some period of time in which to fix the problems. This first notice should also include a statement that the Code Enforcement Officer will request the Town Council to initiate formal proceedings under the Dangerous Building Statute if the problems are not fixed. If the problems are not resolved within the stated period of time, the Council must vote on an order setting a time for a hearing and requiring notice of the hearing on the proposed demolition to the owners and all parties-in-interest. The Town Clerk then attests the notice, and a copy of it is recorded in the Registry of Deeds. Notice must be served as required by the Maine Rules of Civil Procedure. This means that the notice is either served by a deputy sheriff if all of the parties’ addresses are known, or the notice has to be published in a newspaper for three consecutive weeks if the
address of any party is unknown. If the Town wants the ability to secure the building under 17 M.R.S.A. §2856, that also has to be included in the notice.

The Town Council then must hold a hearing on the date specified in the notice. At that meeting, the Council must determine whether the building or any portion thereof is structurally unsafe; unstable; unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence, or abandonment; or is otherwise dangerous to life or property. If the Council finds that the building meets one or more of these criteria, it may order it demolished if the nuisance is not abated within some established period of time. An attested copy of the Order must be recorded in the Registry of Deeds, and attested copies must be served on the owner and parties-in-interest. This service also must be accomplished by a deputy sheriff.

The statute establishes a 30-day appeal period. Any demolition should not occur until after that period ends. However, the building may be secured immediately after the hearing if that is necessary to protect the public. The statute allows the Town to demolish the building or otherwise abate the nuisance if no appeal occurs within the 30-day period and the owners do not abate the nuisance during that period of time. If the Town takes this type of action, it can recover its expenses. These include title searches, service costs, costs of securing the structure, costs of removal, and all other costs reasonably related to the removal of the structure. You can either bill the owners and assess a special tax on the property if they fail to pay within 30 days, or you can recover your costs in a court action against the owner. This court action includes an award of your attorney’s fees.

If there is any concern that there may be hazardous materials in the building or on the site and such materials could be impacted by the Town’s actions to abate the nuisance, you may also want to have an environmental assessment done prior to the demolition or other abatement action. The cost of this assessment also may be included in the fees to be recovered from the property owner.

If you wish to proceed with a dangerous building proceeding, we can provide you with the appropriate forms for required notices and Council orders. Please call me if you have any questions. Thank you.

Sincerely,

Kenneth M. Cole III
Executive Session Item 3.
Action to Release Property
on Chebeague Island
April 19, 2005

William R. Shane, Town Manager
Town of Cumberland
290 Tuttle Road
Cumberland, ME  04021

Re:  Tax Acquired Property

Dear Bill:

This letter is intended to confirm our telephone conversation of Tuesday, April 19, 2005 in regard to a request by a Chebeague Island lot owner to pay the back taxes on a parcel that the Town has acquired through tax lien foreclosure. As we discussed, once the Town has acquired property by tax lien foreclosure, it technically has no obligation to reconvey the property. Most towns, as does Cumberland, have policies in place by which a residential property owner can work out an arrangement to reacquire their residence after the Town has foreclosed. However, as to non-residential property such as this lot, the Town has basically three options. The Council can, for whatever reason it desires, reconvey the property to the taxpayer who lost it or it can decide to simply keep it as municipal property, assuming the land has some value to the Town, (in which event it should be removed from the tax records) or they can place it out for auction to the highest bidder. In the current instance we understand that a prospective purchaser from the taxpayer who lost the property is actually making the request to the Town. We would not recommend that any release go from the Town to that individual, but rather only to the taxpayer, if the Council desires to make such a reconveyance. Case law, however, is very specific in that the Town owns the property outright and has no obligation to either reconvey the property or to share the proceeds of the sale with the original owner. See  City of Auburn vs. Mandarelli, 320 A.2d 22 (Me. 1974).

I hope this answers your question in this regard. If there is anything more you need from me, please let me know.

Very truly yours,

Kenneth M. Cole III
April 14, 2005

Re: Habitat House #2

Dear Greely Road Extension Area Neighbors:

This letter is to inform you that the Town Council will be discussing the possibility of authorizing the construction of a second Habitat House. The meeting will be held at 7:00 PM on April 25, 2005 at the Town Hall located at 290 Tuttle Road.

Though no specific lot or area has been designated for the next home, the site at the end of Greely Road Extension is designed for up to three homes if approved by the Town Council.

If you can not attend the meeting and would like to have your comments, concerns, support or opposition read into the record, you can write to me at the Town Hall at the address above or e-mail me at the address below.

Sincerely,

William R. Shane, P.E.
Town Manager
wshane@cumberlandmaine.com
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<td>COHEN JEFFREY D</td>
<td>266 BRUCE HILL ROAD</td>
<td>CUMBERLAND</td>
<td>ME</td>
<td>04021</td>
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<tr>
<td>TREUHAFT WARREN H</td>
<td>262 BRUCE HILL ROAD</td>
<td>CUMBERLAND</td>
<td>ME</td>
<td>04021</td>
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<tr>
<td>STEVENSON ROBERT</td>
<td>258 BRUCE HILL ROAD</td>
<td>CUMBERLAND</td>
<td>ME</td>
<td>04021</td>
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<td>HAYS BETHANY M</td>
<td>263 BRUCE HILL ROAD</td>
<td>CUMBERLAND</td>
<td>ME</td>
<td>04021</td>
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<tr>
<td>NYE WILLIAM H</td>
<td>253 BRUCE HILL ROAD</td>
<td>CUMBERLAND</td>
<td>ME</td>
<td>04021</td>
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</tbody>
</table>

**Avery® 5960™**

*www.avery.com

1-800-GO-AVERY

Impression à gabarit 5960™
Dear Mr. Shane,

I write with concern that there may be in progress, consultations with Peter Kennedy's reference property on Route 1 and the possibility of legal action against the town with specific purpose.

Can you verify this and the specific reasons for this possibility at our meetings on going for other adjustments and corrections.

Sincerely,

[Signature]

Called - 2:30 PM 4/21/05
- No law suit from Kennedy - Peter was changing ownership
- Seafac had not followed through - still many future DEP requirements
- Would not say where he heard information.
1 April 2005

Mr. William Shane, Town Manager
Town of Cumberland
290 Tuttle Road
Cumberland Center, ME 04021

Dear Bill:

As a supporter of PROP, your contribution has made a real difference in the lives of many throughout Cumberland County and the state of Maine. Here are a few recent highlights of some of the programs you have helped fund:

- **PROP's Women's Project** recently brought their maternal alcohol use prevention campaign to the State House – educating legislators on the effects just one drink can have on the fetus.

- Thanks to the work of **PROP's Communities Promoting Health** program, both South Portland and Windham passed resolutions in February making all athletic facilities, playgrounds, and assembly areas tobacco free zones.

- **PROP's Child & Family Services** Head Start program has been recognized as one of seven exemplary Head Start Mental Health systems in New England by the Center for Children and Families Education Development Center, Inc.

- **PROP's A Company of Girls** is producing the *Women and Girls Film Festival* this month. The Festival will connect local girls with filmmakers from Maine while featuring films on a variety of topics. Several of the girls’ works will be showcased in the festival as well.

- **PROP’s Parkside Neighborhood Center**, featuring 16 units of affordable housing and a first floor neighborhood center hosting a number of different community programs, is set to open in June.

If you have any questions about any of our programs, please give me a call at 874-1140 ext. 349. PROP’s success in serving our neighbors in need is made possible through the involvement and support of our good friends like you. Thank you for your commitment to strengthening our communities.

Sincerely,

[Signature]

Grant R. Lee
Executive Director
To: Mr. William Shane, Manager, Town of Cumberland and
members of the Town Council

From: Carolyn Small, President, and
Officers, Trustees, and Members of the Cumberland Historical Society

Date: March 28, 2005
Re: Historical Society floor

This is just an informational update from the Cumberland Historical Society in
regard to our floor repair in the 1853 Red Brick Schoolhouse building. The floor is
shored up, the building is now secure, the bill has been paid, and all is well.

The Officers, Trustees, and Members of the Cumberland
Historical Society thank you once again for your help with
our situation,

Carolyn F. Small, President,

Carolyn Small

Cumberland Historical Society
P.O. Box 82
Cumberland, ME 04021
To: Portland Press Herald
From: Debbie Flanigan, Dep Clerk
Fax: 791-6920
Pages: 2
Phone: 
Date: 4/20/2005
Re: Town Council Meeting Ad
CC: 

☐ Urgent  ☐ For Review  ☐ Please Comment  ☐ Please Reply  ☐ Please Recycle

• Comments: Attached is the Public Hearing ad for the April 25, 2005 Town Council Meeting.

I would like to place this ad in the legal section of the Friday, April 22, 2005 Portland Press Herald edition.

Thanks

Deb Flanigan
NOTICE
CUMBERLAND TOWN COUNCIL MEETING
Town Hall, 290 Tuttie Road
MONDAY, APRIL 25, 2005

The Cumberland Town Council will meet at 7:00 p.m., Monday, April 25, 2005 at Cumberland Town Hall. Agenda items will include, but are not limited to:

- Public hearing re: approve and issue a mass gathering permit for the Bonny Eagle Car show
- Public hearing re: authorize the conveyance of property for a second Habitat for Humanity home
- Public hearing re: adopt a “Pay as You Throw” program
- Public hearing re: authorize the Town Clerk to hold elections for MSAD 51 for the Validation referendum on May 24, 2005
- Public hearing re: set a date for the adoption of the Fiscal Year 2006 Town of Cumberland Municipal Budget

Executive Session will follow the regular Town Council meeting re:
Pursuant to MRS Title 1 – Section 405 (6) (c) Real & Personal Properties

These items are subject to change. A complete and final agenda is available online at www.cumberlandmaine.com and at the Office of the Town Manager. Opportunity for public comment will be provided.