AGENDA
Cumberland Town Council Meeting
Town Council Chambers
MONDAY, February 12, 2018
5:00 P.M. Finance Committee Budget Workshop
7:00 P.M. Town Council Meeting

I. CALL TO ORDER

II. BUSINESS INTRODUCTION
Dews Doors, Foreside Outdoor Power and New England Specialty Stone

III. APPROVAL OF MINUTES
January 22, 2018

IV. MANAGER’S REPORT
Food Pantry Birthday Bag Report
Brief presentation re: Railroad line to Auburn update

V. PUBLIC DISCUSSION

VI. LEGISLATION AND POLICY

18 – 015 To hear a report from the Cumberland Climate Action team re: a solar array farm on closed landfill and to consider next steps.

18 – 016 To hold a Public Hearing to consider and act on amendments to Chapter 84 (Fees and Fines), to add Farm Based Special Events, as recommended by the Ordinance Committee.

18 – 017 To hold a Public Hearing to consider and act on a Farm Based Special Event License for the owners of 111 Bruce Hill Road.

18 – 018 To consider and act on a Mass Gathering Permit for the Vintage Bazaar New England to be held on June 30th through July 1st, 2018 at the Cumberland Fair Grounds.

18 – 019 To authorize the Town Manager to accept an anonymous donation and issue a gift letter for $50,000 to the food pantry and fuel assistance fund.

VII. NEW BUSINESS

VIII. EXECUTIVE SESSION pursuant to 1 M.R.S.A., § 405(6)(A) re: Town Manager evaluation and 3-year contract renewal.

IX. ADJOURNMENT
6:00 P.M. Workshop with the Cumberland Climate Action Team re: Solar Array Farm

7:00 P.M. Call to Order
Present: Councilors Bingham, Copp, Edes, Gruber, Stiles, Storey-King and Turner

I. APPROVAL OF MINUTES
Motion by Councilor Bingham, seconded by Councilor Copp, to accept the January 8, 2018 meeting minutes as presented.
VOTE: 7-0 UNANIMOUS

II. MANAGER’S REPORT
Chief Dan Small explained that Evariste Bernier has completed the National Fire Academy Executive Fire Officer Certification Program. The program takes 4-years to complete, taking a two week course per year. State Senator, Cathy Breen and Representative, Dale Denno spoke about their appreciation for the time that Captain Bernier took in achieving his certificate program. He is one of less than 10 in the entire state who have achieved this. Evariste thanked the Town for their support.

III. PUBLIC DISCUSSION
None

IV. LEGISLATION AND POLICY

18 – 010 To hear a report from the Finance Director re: 2nd Quarter Financials.
Finance Director, Heather Perreault, presented the following:

<table>
<thead>
<tr>
<th>General Fund</th>
<th>FY2018 Q2 Revenues &amp; Expenditures</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>FY18 Budget</td>
</tr>
<tr>
<td>TOTAL REVENUES</td>
<td>$ 4,787,399</td>
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<tr>
<td>Controllable Expenses</td>
<td>$ 7,881,844</td>
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<tr>
<td>Fixed Expenses</td>
<td>$ 20,016,836</td>
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<tr>
<td>TOTAL EXPENSES</td>
<td>$27,986,882</td>
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18 – 011 To hear a report from the Town Manager re: upcoming capital projects.

Town Manager Shane reviewed projects that are still in progress that were approved in the last budget:

- **Brown Tail Moth spraying project**
  We have sprayed on the Foreside for the last 3 years and will continue the program this year. Falmouth and Yarmouth have said that they will also spray this year. The program is truly only a tree preservation program, spraying from the street, and many residents opt out.

- **Middle Road**
  Pavement on Middle Road did not get completed due to the discovery of some ledge that had to be dealt with. This spring, Portland Water District will reline approximately 600 feet of the water line that had 2 breaks.

- **Tuttle Road**
  The Tuttle Road drainage and sidewalk project will run from Town Hall to 1,000 feet short of Twin Brook. This will take care of the flooding problem that occurs between Town Hall and the railroad tracks.
• **Middle Road (North) water line extension**
  We were hoping to have money left over from the bond to extend the waterline down Middle Road toward Yarmouth, but that was not the case. The cost would be $200,000 and that would not even get it to Greely Road. The Finance Committee agrees that the project would have to be put on hold and compete with other capital projects in the future.

18 – 012 **To authorize the Town Manager to execute a License Agreement with 179 Foreside Road, LLC for the new pier at Broad Cove Reserve.**

Town Manager Shane explained this will allow for mooring tie-up areas along the Broad Cove pier, and a cost sharing between the homeowners association and the Town for maintenance of the pier and floats. It requires up to a $5,000 annual appropriation by both the Town and the homeowners association for maintenance items, and an additional $5,000 per year for future pier replacement. We have secured $200,000 in funding from the Department of Transportation, the Town has $150,000 in reserve funds and Bateman Partners has agreed to pay $150,000 as part of the homeowner’s responsibility. Since it appears that the homeowners have not had time to review the agreement and there is no rush to act on this, he suggested tabling it in order to give them time to review it and get their questions answered.

Chairman Edes asked for public discussion.

Stacey Giuliani of 8 Bayview Drive said that the homeowners association is not against the agreement, but most of them just found out about it and have not had time to review it. He asked the Council for additional time to meet with the developer and any Town officials necessary to answer their questions.

Motion by Councilor Bingham, seconded by Councilor Gruber, to table to February 26, 2018.

VOTE: 7-0 UNANIMOUS

18 – 013 **To authorize the Town Manager to execute an agreement with Ocean View at Cumberland for property located on the Val Halla Golf Course (less than 1 acre in size).**

Town Manager Shane explained that this agreement is a tool to insure that if certain things occur, the Town would allow an easement to come across the golf course. Part of the discussion could be the relocation of a tee at Ocean View’s expense, water, sewer and natural gas extended to Greely Road, and other things that would not potentially be happening if it wasn’t for the project. The Town Attorney has reviewed the agreement and feels that it is a good vehicle to get us to the next step in the process.

Motion by Councilor Bingham, seconded by Councilor Gruber, to authorize the Town Manager to execute an agreement with Ocean View at Cumberland, LLC related to property located on the Val Halla Golf Course (less than 1 acre in size) and to authorize the Town Manager to execute the easement identified therein pursuant to the terms and conditions of the agreement.

VOTE: 7-0 UNANIMOUS

18 – 014 **To appoint Justin Brown as Deputy Code Enforcement Officer for the term of January 16 through February 28, 2018.**

Town Manager Shane explained that our Code Enforcement Officer is currently out on a medical leave until the middle or end of February. The Town of Falmouth has agreed to have Justin Brown be appointed as Deputy Code Enforcement Officer in the interim.
Motion by Councilor Storey-King, seconded by Councilor Copp, to appoint Justin Brown as Deputy Code Enforcement Officer on an interim basis from January 16th to February 28th, 2018.

VOTE: 7-0 UNANIMOUS

V. NEW BUSINESS
Councilor Bingham – None

Councilor Gruber – The Conservation Subdivision Committee met with the Planning Board last week. It was a very good meeting and they should be ready to report back to the Council in a couple of months.

The Food Pantry applied for a grant for additional freezers.

The Lands & Conservation Commission Trails Subcommittee is working with the Town of Falmouth on trail connectivity.

The Finance Committee has set the following budget workshop dates: February 12th, February 26th, March 5th and March 12th (all beginning at 5:00 p.m.) and Saturday March 17th from 8:00 a.m. to noon. The public is welcome to attend all of these meetings.

Councilor Storey-King – Our community lost one of our very best Santa Claus’s. John Ames passed away recently. His funeral will be held on February 12th in North Yarmouth.

Girl Scout, Audrey Hankinson’s house numbering project is well underway. Audrey and the Cumberland Fire Explorers have numbered 30 homes and Audrey was recently recognized by the Lion’s Club for her efforts with this project.

Thank you to Fire Explorer Jack Kane, Andrew Storey and Ryan Pooler, who visited her classroom and talked about volunteering and serving the community as a member of the Fire Department. Thank you to Representative Denno for also coming to her classroom to talk about leadership.

Councilor Copp – he has been hearing advertisements about local golf courses offering trifecta memberships and asked the Manager if we offered such a program.

Town Manager Shane said that we have offered a program with Riverside Golf Course for the past 10 years or so, which has been very successful.

Condolences to the Anderson family of North Yarmouth. Robert’s mother passed away recently.

Chairman Edes – In regard to the current situation with the Town Manager of Jackman, there are a lot of Councilors who have spent time recreating in Jackman. While Jackman is 1/10 the size of Cumberland, it has a lot of similarities and it has no room for hate. It is a community that prides itself in being open to everybody. He supports the community of Jackman and knows that they will do the right thing and they are not standing alone.

Councilor Stiles – the Central Fire Station is coming along very nicely and 2 fire trucks are being housed there again.
**Councilor Turner** – He seconded Councilor Storey-King’s comments about John Ames. John was indeed the best Santa Claus for many, many years. Our hearts go out to the Ames family on the passing of John.

He asked the Manager if there was an update on the walking trail that was supposed to be part of the Broad Cove Reserve property.

Town Manager Shane said that the Land Trust is working with Bateman Partners to come up with a design for a walking trail that will go around the perimeter of the property.

**Town Manager Shane** – thank you to Representative Denno for all you do. Dale is the most assessable Representative that we have had in a long time. Hopefully in the near future, he will be back to deliver an update.

VI. **ADJOURNMENT**
Motion by Councilor Stiles, seconded by Councilor Turner, to adjourn.

VOTE: 7-0 UNANIMOUS

TIME: 8:05 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary
ITEM
18-015

To hear a report from the Cumberland Climate Action team re: a solar array farm on closed landfill and to consider next steps
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: February 8, 2018
Re: Solar Farm Proposals – 18-015

I recommend that the Council consider direct the Finance Committee to work with the Cumberland Climate Action Team to solicit proposals for a Solar Farm to be located on the former municipal landfill on Drowne Road. I would also request that the Council request the Finance Committee present a recommendation for acceptance of a proposal to the full Council no later than March 26, 2018.

The early review of this project is very positive. The Town would purchase power from a group of investors for the next 6 to 7 years. The power would be paid for from the same operational accounts we presently purchase power. In 6 or 7 years we will have the option to purchase the equipment at about 60% of the initial cost and use for our own electrical needs for the next 30+ years at a fraction of the present cost and with a positive impact on the environment.
ITEM
18-016

To hold a Public Hearing to consider and act on amendments to Chapter 84 (Fees and Fines), to add Farm Based Special Events, as recommended by the Ordinance Committee
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:     February 8, 2018
Re:       Fees & Fines Ordinance Update

§ 84-34 Farm Based Special Events

A. License - $50

B. Events $250 each event up to $750 Maximum per calendar year. There shall be no more than 8 events under any individual license
ITEM
18-017

To hold a Public Hearing to consider and act on a Farm Based Specialty Event License for the owners of 111 Bruce Hill Road
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: February 8, 2018
Re: Farm Based Special Events License
111 Bruce Hill Road

As this is the first request for such a license and the Planning Board approved, in January, the land use application filed, Staff is recommending approval of this license. No events have been filed for under this license. Each event will require staff approval and review.

If approved by the Town Council on February 12, 2018, this license will expire on December 30, 2018.
Chapter 81
FARM BASED SPECIAL EVENT LICENSING

THE TOWN OF CUMBERLAND HEREBY ORDAINS the following to be the Licensing requirements for Farm Based Special Event:

81-1. Title.
This Chapter shall be known and may be cited as Farm Based Special Event Licensing Ordinance.

81-2. PURPOSE.

The Town of Cumberland is concerned about the adverse effect to the general health and safety of the community that may result from large crowds which attend Farm Based Special Events as defined in Section 315-49.1 of this Code, including exhibitions, festivals, music concerts, weddings, and fairs. Large gatherings may lead to sanitation problems, resulting from inadequate waste disposal, insufficient drinking water and ill-equipped first aid facilities; such gatherings may also threaten the safety of the community through the obstruction of roads, violations of liquor and drug laws, and destruction of property. Further, large gatherings that occur within a short period of time create traffic congestion, crowd control, health, sanitation, and safety problems. Therefore, the following License is hereby ordained for the purposes of protecting the general welfare, preventing disease, promoting health and providing for public safety.

81-3. DEFINITIONS.

A. Farm Based Special Event – An event held indoors or outdoors on farmland that is at least 5 contiguous acres in size and is primarily used for farming, agriculture or horticultural activities. Such events may be for commercial purposes other than farming and may include, but are not limited to, weddings, wedding receptions, family reunions, special occasion celebrations, fairs and recreation programs, subject to the requirements of Section 315-49.1. Farms must be registered farms with the Town Assessor.

81-4. LICENSE REQUIRED; APPLICATION PROCEDURE.

A. A Planning Board Site Plan Approval is required prior to applying for the first Annual License. Subsequent renewals do not require additional Planning Board approvals unless the site is modified, requiring an amended Site Plan approval.

B. No person may sponsor, promote, operate or hold any Farm Based Special Event unless a license therefor is first obtained from the Town Council of Cumberland “Event License(s)”.

C. Applications for all Event Licenses shall be made in writing to the Town Council and shall state the name of the applicant; his or her residential address; the
name of the business to be conducted; his or her business address; the nature of
his or her business; the location of the Special Event; whether the applicant has
ever had a license to conduct the business therein described either denied or
revoked and, if so, a specific description of the circumstances; whether the
applicant, including all partners or corporate officers, has ever been convicted of
a felony and, if so, the applicant shall describe specifically those circumstances;
and any additional information as may be required by the Town Council prior to
the issuance of said permit.

D. No license shall be issued for any event, if the premises and building to be
used do not fully comply with all ordinances, codes and regulations of the
Town and all applicable laws and regulations of the State of Maine.

E. The amount of said fee shall be set by the order of the Town Council.

F. The application review procedure shall require a written hard copy, plus
electronic submission of the Planning Board Site Plan approval including the
Notice of Decision and conditions of approval. These documents shall be the
basis for review of each License. Town staff will review each license and provide
a written recommendation to the Town Council prior to the Public Hearing
required in Section 81-6 of this Chapter. The review shall require conformance
with the standards set in Section § 81-5 of this Chapter unless waived by the
Town Council. Farmers are required to

G. Obtain Site Plan approval only once and not annually unless Site Plan has
changed.

Renewals shall follow the same procedure listed § 81-4F. The Renewals shall include
any correspondence related to the previous year’s license, all Fire-EMS and Police
Reports and any relevant items.§ 81-5 LICENSE STANDARDS.

In reviewing submissions pursuant to § 81-4, the Town Council shall determine whether
to issue an Event License based upon whether the application meets all of the following
standards:

A. **Access.** Convenient and safe access for the ingress and egress of pedestrian and
vehicular traffic exists, and all public roadways in the proximity of the Farm
Based Specialty Event shall be adequately staffed.

B. **Grounds.**

   (1) Each Farm Based Specialty Event assembly area shall be well drained and so
arranged to provide sufficient space for persons assembled, vehicles, sanitary
facilities, and appurtenant equipment.
(2) Trees, underbrush, large rocks and other natural features shall be left intact and undisturbed whenever possible, and the natural vegetative cover shall be retained, protected, and maintained so as to facilitate drainage, prevent erosion, and preserve the scenic attributes.

(3) The grounds shall be maintained free from accumulation of refuse and from health and safety hazards constituting a nuisance as defined.

(4) Illumination shall be provided at night beginning 1/2 hour before sunset to protect the safety of the persons at the Farm Based Specialty Event. The assembly area shall be adequately lighted, but lighting shall not unreasonably reflect beyond the assembly area boundaries unless adjacent properties are uninhabited.

(5) Parking shall be provided for persons arriving by vehicular means.

(a) Service road and parking spaces shall be located so as to permit convenient and safe movement of vehicular and pedestrian traffic and free passage of emergency vehicles.

(b) The width of the service road should not be less than the following:


(c) Adequate parking space shall be provided, which means that there shall be at least one parking space to every three persons, and the density shall not exceed 100 passenger cars or 30 buses per usable acre.

(6) At least 10 square feet per person shall be provided on the site for a Farm Based Specialty Event with assigned seating; at least 15 square feet shall be provided for a Farm Based Specialty Event with festival seating; and no overnight assemblage shall be permitted.

C. Water supply.

(1) An adequate, safe supply of potable water, meeting the requirements of the State Department of Health and Human Services, Division of Environmental Health, shall be provided and common cups shall not be used. Service buildings or rooms housing required plumbing fixtures shall be constructed of easily cleanable, nonabsorbent materials; the buildings, service rooms, and required plumbing fixtures located therein shall be maintained in good repair and in a clean and sanitary condition.

(2) Transported water shall be obtained from an approved source, stored and dispensed in an approved manner. "Approved" as used in this subsection means
in compliance with standards adopted by the State Department of Health and Human Services, Division of Environmental Health.

D. **Sanitation.**

(1) Where water is distributed under pressure and flush toilets are used, the water system shall deliver water at a normal operating pressure (20 pounds per square inch minimum to all fixtures at the rate of at least 30 gallons per person per day).

(2) When water is not available under pressure, and non-water carriage toilets are used, at least three gallons of water per person per day shall be provided for drinking and lavatory purposes.

(3) Where water under pressure is not available, equivalent facilities shall be provided and installed in accordance with the requirements of the Department of Health and Human Services, Bureau of Health, Mass Gathering Rules and Informational Guidelines.

(4) Sanitary facilities shall be provided at the rate of one for each 200 persons, and each toilet room shall be screened so that the interior is not visible from the outside. Any other proposal for providing sanitary facilities must be in accordance with the requirements of the Department of Health and Human Services, Bureau of Health, Mass Gathering Rules and Informational Guidelines.

(5) The required sanitary facilities shall be conveniently accessible and well defined.

(6) Each toilet shall have a continuous supply of toilet paper.

(7) Wastewater shall be discharged in a manner consistent with the requirements of the State Department of Health and Human Services, Division of Environmental Health.

(8) Disposal and/or treatment of any excretion or liquid waste shall be in a manner consistent with the requirements of the State Department of Health and Human Services, Division of Environmental Health.

E. **Refuse disposal.**

(1) Refuse shall be collected, stored, and transported in such a manner as to protect from odor, infestation of insects and/or rodents any and other nuisance condition or conditions which are inconsistent with the health, safety, and welfare of the patrons of the large outdoor event or of the public.

(2) Refuse containers shall be readily accessible, and one thirty-two gallon refuse container or its equivalent shall be provided for each 100 persons anticipated or one sixteen-cubic-yard trash container shall be provided for every 5,000 persons anticipated. All trash barrels shall be lined with plastic bags.

(3) All refuse shall be collected from the assembly area at least twice each twelve-
hour period of the large outdoor event, with a minimum of two such collections per large outdoor event exceeding six hours, or more if it is necessary, and disposed of at a waste disposal site approved by the Town.

(4) The grounds and immediate surrounding property shall be cleared of refuse within 24 hours following the large outdoor event.

F. Vermin control. Insects, rodents and other vermin shall be controlled by proper sanitation practices, extermination or other safe and effective control methods; where necessary, animal parasites and other disease-transmitting nuisances shall be controlled.

G. Safety.

(1) Where an electrical system is installed, it shall be installed and maintained in accordance with the provisions of the applicable state standards and regulations and the Town's electrical codes.

(2) The grounds, building, and related facilities shall be maintained and used in a manner as to prevent fire and in accordance with the applicable local fire prevention regulations.

(3) Internal and external traffic and security control shall meet requirements of the applicable state and local law enforcement agencies.

(4) The Town of Cumberland Police, Fire/EMS Department has been informed of the event and adequate public safety protection equipment is available.

I. Noise. No amplification of music or sound shall continue beyond 10:00 p.m., as measured by a sound-level meter and frequency weighting network (manufactured according the standards prescribed by the American National Standards Institute), inherently and recurrently generated shall not exceed a maximum of 60 decibels at lot boundaries, excepting air raid sirens and similar warning devices;

81-6. PUBLIC HEARING; GRANT OF EVENT LICENSE; TERM.

A. The Town Council shall, prior to granting an Event License and after reasonable notice to the municipality and the applicant, hold a public hearing within 21 days of receipt of a completed application, at which hearing the testimony of the applicant and that of any interested members of the public shall be taken.

B. Abutters and neighbors within 500’ of the Event location shall be notified in writing by the Town of the Public Hearing.

C. The event license may be granted subject to such conditions and restrictions as the Council may deem necessary.

D. An event license shall be valid only until December 31st of any calendar year.
§ 81-7. PERMITS, BALCK OUT DATES.

Each Event License holder may hold up to 8 Farm Based Special Events per calendar year with an approved Event License. The Town Council authorizes the Town Manager, or his designee, to meet with Event License holders to issue permits for proposed scheduled events and to collect fees. Chapter 84 of this code, FEES & FINES, will list the permit fee for each Farm Based Special Event. Said permit fee shall adequately cover the costs for additional Public Safety staffing as a result of one or more Farm Based Special Events occurring simultaneously in the community. Permit blackout dates around the annual Cumberland Fair are expected due to the lack of local resources to adequately cover the Town.

§ 81-8. INSPECTIONS.

A. Whenever inspections of the premises used for or in connection with a Farm Based Special Event for which an Event License has been granted are provided for or required by ordinance or state law, or are reasonably necessary to secure compliance with any municipal ordinance, code or regulation or state law, it shall be the duty of the Event License holder, or the person in charge of the premises to be inspected, to admit any officer, official, or employee of said Town authorized to make the inspection at any reasonable time that admission is requested.

B. In addition to any other penalty which may be provided, the Town Council may revoke the Event License of any licensee in the municipality who refuses to permit any such officer, official, or employee to make an inspection or who interferes with such officer, official, or employee while in the performance of his duty, provided that no Event License shall be revoked unless written demand for the inspection is made upon the licensee or person in charge of the premises at the time it is sought to make the inspection.

§ 81-9. SUSPENSION OR REVOCATION OF EVENT LICENSE.

The Town Council may, after a public hearing preceded by notice to interested parties, suspend or revoke any Event License which has been issued under this chapter on the ground that the music, dancing, or entertainment so permitted constitutes a detriment to the public health, safety, or welfare or violates any municipal regulations, or that any required state or local permits regarding the same have not been received or have expired.

§ 81-10. DENIAL OF EVENT LICENSE; APPEALS.

A. Any licensee requesting an Event License from the Town Council shall be notified in writing of its decision no later than 21 days from the date his or her application was received. In the event that a licensee is denied an Event License, the licensee shall be provided with the reasons for the denial in writing. The licensee may not reapply for an Event License within 30 days after an application for an Event License has been denied.
B. Any licensee who has requested an Event License and has been denied, or whose Event License has been revoked or suspended, may, within 30 days of the denial, suspension or revocation, appeal the decision to the Superior Court.

§ 81-11. RULES AND REGULATIONS.
A. The Town Council is hereby authorized, after public notice and hearing, to establish written rules and regulations governing the issuance, suspension, and revocation of Event Licenses, the classes of permits, the music, dancing, or entertainment permitted under each class, and other limitations on these activities required to protect the public health, safety and welfare. These rules and regulations may specifically determine the location and size of permitted premises, the facilities that may be required for the permitted activities on those premises, and the hours during which the permitted activities are permitted.

B. Such rules and regulations shall be additional to and consistent with all sections of this Chapter.

§ 81-12. VIOLATIONS AND PENALTIES.
The Town of Cumberland shall enforce this Chapter through its Code Enforcement Officer. Anyone violating any provision of this Chapter shall be subject to a fine not less than $500 nor more than $1,000 per violation. Each day such violation continues shall constitute a separate offense.

The Town Council may, in its discretion, waive any of the requirements under § 81-4 or § 81-5 of this chapter if it finds the requirement of information or materials with the application is unnecessary or irrelevant to the review of a particular license application.

§ 81-14. Transfer of license.
Licenses issued hereunder shall not be transferable or assignable.
FARM BASED SPECIALTY EVENTS LICENSING  
Chapter 81 of the Cumberland Code

Application

Name: Joanne Fryer
Address: 111 Bruce Hill Rd.
Email: jfryer@maine.rr.com
Telephone: (207)829-8450

PB Site Plan Approval Date: December 19, 2017

Submission Requirements

Please submit one paper copy and one electronic copy of your Site Plan (Planning Board submission), Notice of Decision and Conditions of Approval along with this Cover Sheet.

License Fee - $50

License Fee is to cover costs of Public Hearing Notices and advertisement to neighbors and abutters.
Notice of Decision

Date: December 20, 2017

To: Joanne Fryer
   111 Bruce Hill Rd.
   Cumberland, ME 04021

Re: Public Hearing: Site Plan Review to allow for Farm Based Special Events,
111 Bruce Hill Road, Tax Map R05, Lot 42 A, Owner and Applicant: Joanne Fryer.

This is to advise you that on December 19, 2017 the Planning Board held a public
hearing for Site Plan Review to allow for Farm Based Special Events, 111 Bruce Hill
Road, Tax Map R05, Lot 42 A, and voted to approve Site Plan Review to allow for Farm
Based Special Events, 111 Bruce Hill Road, Tax Map R05, Lot 42 A, Owner and
Applicant: Joanne Fryer subject to the Standard Condition of Approval and 4 Conditions
of Approval.

Findings of Fact: See Below
Waivers granted: None
Waivers Denied: None

Standard Condition of Approval: This approval is dependent upon and limited to the
proposals and plans contained in the application and supporting documents submitted
by the applicant. Any variation from the plans, proposals and supporting documents,
except de minimis changes as so determined by the Town Planner which do not affect
approval standards, is subject to review and approval of the Planning Board prior to
implementation.

Conditions of Approval:
1. The applicant shall obtain a sign permit from the Town of Cumberland.
2. The applicant shall comply with all state and local fire regulations.
3. All fees shall be paid prior to the Town Council's issuance of the Farm Based Event
   License.
4. Any temporary outdoor storage of fuels, petroleum products or chemicals shall be
   limited to the needs of a single event and will be temporary in nature and in approved
   containers.

Cumberland Planning Board

Stephen Moriarty, Board Chair
Chapter 229 – SITE PLAN REVIEW

SECTION 10: APPROVAL STANDARDS AND CRITERIA: The following criteria shall be used by the Planning Board in reviewing applications for site plan review and shall serve as minimum requirements for approval of the application. The application shall be approved unless the Planning Board determines that the applicant has failed to meet one or more of these standards. In all instances, the burden of proof shall be on the applicant who must produce evidence sufficient to warrant a finding that all applicable criteria have been met.

10.1 Utilization of the Site: The plan for the development, including buildings, lots, and support facilities, must reflect the natural capabilities of the site to support development. Environmentally sensitive areas, including but not limited to, wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers must be maintained and preserved to the maximum extent. The development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation. There will be no construction of new structures or parking areas. There are no known environmentally sensitive areas on the parcel. The events will be limited to 8 per year.

Based on the above findings of fact, the Board finds the standards of this section have been met.

10.2 Traffic, Circulation and Parking

10.2.1 Traffic Access and Parking: Vehicular access to and from the development must be safe and convenient.

10.2.1.1 Any driveway or proposed street must be designed so as to provide the minimum sight distance according to the Maine Department of Transportation standards, to the maximum extent possible.

10.2.1.2 Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.

10.2.1.3 The grade of any proposed drive or street must be not more than +3% for a minimum of two (2) car lengths, or forty (40) feet, from the intersection.

10.2.1.4 The intersection of any access/egress drive or proposed street must function: (a) at a Level of Service D, or better, following development if the project will generate one thousand (1,000) or more vehicle trips per twenty-four (24) hour period; or (b) at a level which will allow safe access into and out of the project if less than one thousand (1,000) trips are generated.

10.2.1.5 Where a lot has frontage on two (2) or more streets, the primary access to and egress from the lot must be provided from the street where there is less potential for traffic congestion and for traffic and pedestrians hazards. Access from other streets may be allowed if it is safe and does not promote short cutting through the site.

10.2.1.6 Where it is necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, the applicant shall be responsible for providing turning lanes, traffic directional islands, and traffic controls within public streets.

10.2.1.7 Access ways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street.

10.2.1.8 The following criteria must be used to limit the number of driveways serving a proposed project: a. No use which generates less than one hundred (100) vehicle trips per day shall have more than one (1) two-way driveway onto a single roadway. Such driveway must be no greater than thirty (30) feet wide.

b. No use which generates one hundred (100) or more vehicle trips per day shall have more than two (2) points of entry from and two (2) points of egress to a single roadway. The combined width of all access ways must not exceed sixty (60) feet.
10.2.2 Access Way Location and Spacing: Access ways must meet the following standards:
10.2.2.1 Private entrance / exits must be located at least fifty (50) feet from the closest un-signalized intersection and one hundred fifty (150) feet from the closest signalized intersection, as measured from the point of tangency for the corner to the point of tangency for the access way. This requirement may be reduced if the shape of the site does not allow conformance with this standard.
10.2.2.2 Private access ways in or out of a development must be separated by a minimum of seventy-five (75) feet where possible.
10.2.3 Internal Vehicular Circulation: The layout of the site must provide for the safe movement of passenger, service, and emergency vehicles through the site.
10.2.3.1 Projects that will be served by delivery vehicles must provide a clear route for such vehicles with appropriate geometric design to allow turning and backing.
10.2.3.2 Clear routes of access must be provided and maintained for emergency vehicles to and around buildings and must be posted with appropriate signage (fire lane - no parking).
10.2.3.3 The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.
10.2.3.4 All roadways must be designed to harmonize with the topographic and natural features of the site insofar as practical by minimizing filling, grading, excavation, or other similar activities which result in unstable soil conditions and soil erosion, by fitting the development to the natural contour of the land and avoiding substantial areas of excessive grade and tree removal, and by retaining existing vegetation during construction. The road network must provide for vehicular, pedestrian, and cyclist safety, all season emergency access, snow storage, and delivery and collection services.
10.2.4 Parking Layout and Design: Off street parking must conform to the following standards:
10.2.4.1 Parking areas with more than two (2) parking spaces must be arranged so that it is not necessary for vehicles to back into the street.
10.2.4.2 All parking spaces, access drives, and impervious surfaces must be located at least fifteen (15) feet from any side or rear lot line, except where standards for buffer yards require a greater distance. No parking spaces or asphalt type surface shall be located within fifteen (15) feet of the front property line. Parking lots on adjoining lots may be connected by accessways not exceeding twenty-four (24) feet in width.
10.2.4.3 Parking stalls and aisle layout must conform to the following standards.

<table>
<thead>
<tr>
<th>Parking Stall Angle</th>
<th>Skew Stall Width</th>
<th>Stall Width</th>
<th>Stall Depth</th>
<th>Aisle Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>90°</td>
<td>9'-0&quot;</td>
<td>10'-0&quot;</td>
<td>18'-0&quot;</td>
<td>24'-0&quot; 2-way</td>
</tr>
<tr>
<td>60°</td>
<td>8'-6&quot;</td>
<td>10'-6&quot;</td>
<td>18'-0&quot;</td>
<td>16'-0&quot; 1-way</td>
</tr>
<tr>
<td>45°</td>
<td>8'-6&quot;</td>
<td>12'-9&quot;</td>
<td>17'-6&quot;</td>
<td>12'-0&quot; 1-way</td>
</tr>
<tr>
<td>30°</td>
<td>8'-6&quot;</td>
<td>17'-0&quot;</td>
<td>17'-0&quot;</td>
<td>12'-0&quot; 1 way</td>
</tr>
</tbody>
</table>

10.2.4.4 In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs, pavement markings or other permanent indications and maintained as necessary.
10.2.4.5 Parking areas must be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.
10.2.4.6 Provisions must be made to restrict the "overhang" of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways, or damage landscape materials.
10.2.5 Building and Parking Placement
10.2.5.1 The site design should avoid creating a building surrounded by a parking lot. Parking should be to the side and preferably in the back. In rural, uncongested areas buildings should be set well back from the road so as to conform to the rural character of the area. If the parking is in front, a generous, landscaped buffer between road and parking lot is to be provided. Unused areas should be kept natural, as field, forest, wetland, etc.

10.2.5.2 Where two or more buildings are proposed, the buildings should be grouped and linked with sidewalks; tree planting should be used to provide shade and break up the scale of the site. Parking areas should be separated from the building by a minimum of five (5) to ten (10) feet. Plantings should be provided along the building edge, particularly where building facades consist of long or unbroken walls.

10.2.6 Pedestrian Circulation: The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development. This system must connect the major building entrances/ exits with parking areas and with existing sidewalks, if they exist or are planned in the vicinity of the project. The pedestrian network may be located either in the street right-of-way or outside of the right-of-way in open space or recreation areas. The system must be designed to link the project with residential, recreational, and commercial facilities, schools, bus stops, and existing sidewalks in the neighborhood or, when appropriate, to connect the amenities such as parks or open space on or adjacent to the site.

There is an existing 18' wide driveway into the site. There is adequate sight distance in each direction as shown in the file photos. There is a 16'-18' wide gravel driveway that extends approximately 2,000' into the site where the events will be held. Parking will be in open fields. There is no need for pedestrian sidewalks as the site is an open field and there will not be traffic circulating during the events. There are no buildings proposed.

Based on the above findings of fact, the Board finds the standards of this section have been met.

10.3 Stormwater Management and Erosion Control

10.3.1 Stormwater Management: Adequate provisions must be made for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other surfaces, through a stormwater drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties.

10.3.1.1 To the extent possible, the plan must retain stormwater on the site using the natural features of the site.

10.3.1.2 Unless the discharge is directly to the ocean or major river segment, stormwater runoff systems must detain or retain water such that the rate of flow from the site after development does not exceed the predevelopment rate.

10.3.1.3 The applicant must demonstrate that on- and off-site downstream channel or system capacity is sufficient to carry the flow without adverse effects, including but not limited to, flooding and erosion of shoreland areas, or that he/she will be responsible for whatever improvements are needed to provide the required increase in capacity and/or mitigation.

10.3.1.4 All natural drainage ways must be preserved at their natural gradients and must not be filled or converted to a closed system unless approved as part of the site plan review.

10.3.1.5 The design of the stormwater drainage system must provide for the disposal of stormwater without damage to streets, adjacent properties, downstream properties, soils, and vegetation.

10.3.1.6 The design of the storm drainage systems must be fully cognizant of upstream runoff which must pass over or through the site to be developed and provide for this movement.

10.3.1.7 The biological and chemical properties of the receiving waters must not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and vegetated buffer strips along waterways and drainage swales, and the
reduction in use of deicing salts and fertilizers may be required, especially where the development stormwater discharges into a gravel aquifer area or other water supply source, or a great pond.

10.3.2 Erosion Control

10.3.2.1 All building, site, and roadway designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible, such that filling, excavation and earth moving activity must be kept to a minimum. Parking lots on sloped sites must be terraced to avoid undue cut and fill, and / or the need for retaining walls. Natural vegetation must be preserved and protected wherever possible.

10.3.2.2 Soil erosion and sedimentation of watercourses and water bodies must be minimized by an active program meeting the requirements of the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, dated March 1991, and as amended from time to time.

There are no new impervious areas being created as part of this project. There is no construction associated with this application.

Based on the above findings of fact, the Board finds the standards of this section have been met.

10.4 Water, Sewer, Utilities and Fire Protection

10.4.1 Water Supply Provisions: The development must be provided with a system of water supply that provides each use with an adequate supply of water. If the project is to be served by a public water supply, the applicant must secure and submit a written statement from the supplier that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source of distribution system, and will be installed in a manner adequate to provide needed domestic and fire protection flows.

10.4.2 Sewage Disposal Provisions: The development must be provided with a method of disposing of sewage which is in compliance with the State Plumbing Code. If provisions are proposed for on-site waste disposal, all such systems must conform to the Subsurface Wastewater Disposal Rules.

10.4.3 Utilities: The development must be provided with electrical, telephone, and telecommunication service adequate to meet the anticipated use of the project. New utility lines and facilities must be screened from view to the extent feasible. If the service in the street or on adjoining lots is underground, the new service must be placed underground.

10.4.4 Fire Protection: The site design must comply with the Fire Protection Ordinance. The Fire Chief shall issue the applicant a “Certificate of Compliance” once the applicant has met the design requirement of the Town’s Fire Protection Ordinance.

Portable toilets will be used for each event. An on-site generator will provide necessary electrical power for tent lighting and sound amplification. The Fire Chief has reviewed and approved the proposed plan. Potable water will be brought in for each event.

Based on the above findings of fact, the Board finds the standards of this section have been met.

10.5 Water Protection

10.5.1 Groundwater Protection: The proposed site development and use must not adversely impact either the quality or quantity of groundwater available to abutting properties or to the public water supply systems. Applicants whose projects involve on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater must demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.

Temporary toilets will be brought in for each event. Permanent storage of fuels or chemicals will not occur.

10.5.2 Water Quality: All aspects of the project must be designed so that:
10.5.2.1 No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxious, toxicity, or temperature that may run off, seep, percolate, or wash into surface or groundwaters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.
10.5.2.2 All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, must meet the standards of the Maine Department of Environmental Protection and the State Fire Marshall's Office.

There is no permanent outdoor storage of petroleum products. Underground propane tanks are not part of this amendment.

10.5.3 Aquifer Protection: If the site is located within the Town Aquifer Protection Area, a positive finding by the Board that the proposed plan will not adversely affect the aquifer is required.

The site is not located within the Town Aquifer Protection Area.

Based on the materials included in the application, the Board finds that the standards of this section have been met.

10.6 Floodplain Management: If any portion of the site is located within a special flood hazard area as identified by the Federal Emergency Management Agency, all use and development of that portion of the site must be consistent with the Town's Floodplain management provisions.

The site is not located within a floodplain.

Based on the above finding of fact, the Board finds the standards of this section have been met.

10.7 Historic and Archaeological Resources: If any portion of the site has been identified as containing historic or archaeological resources, the development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

There will be no excavation or construction on the site. There are no apparent historical resources on the site.

Based on the above finding of fact, the Board finds the standards of this section have been met.

10.8 Exterior Lighting: The proposed development must have adequate exterior lighting to provide for its safe use during nighttime hours, if such use is contemplated. All exterior lighting must be designed and shielded to avoid undue glare, adverse impact on neighboring properties and rights - of way, and the unnecessary lighting of the night sky.

No lighting is proposed other than the temporary lighting that will be provided from on-site portable generators.

Based on the above findings of fact, the Board finds the standards of this section have been met.

10.9 Buffering and Landscaping
10.9.1 Buffering of Adjacent Uses: The development must provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for the screening of mechanical equipment and service and storage areas. The buffer may be provided by distance, landscaping, fencing, changes in grade, and / or a combination of these or other techniques.

10.9.2 Landscaping: Landscaping must be provided as part of site design. The landscape plan for the entire site must use landscape materials to integrate the various elements on site, preserve and enhance the particular identity of the site, and create a pleasing site character. The landscaping should define street edges, break up parking areas, soften the appearance of the development, and protect abutting properties.
There will be only infrequent (up to 8 per year) events at the site. There are no new structures or parking areas proposed therefore no new buffering or landscaping is required. The fields are bounded by stands of trees on three sides and Bruce Hill Road on the fourth side. Based on the above findings of fact, the Board finds the standards of this section have been met.

10.0 Noise: The development must control noise levels such that it will not create a nuisance for neighboring properties.

Potential point source generators of noise are the arrival and departure of trucks that will bring the generator, tents, chairs and other supplies needed for each of the 8 events. Given the distance that exists between neighboring properties and the site, this noise should not be audible. There will be amplified sound and music at most, if not all of the events. The Ordinance limits the hours for amplified music from 10:00 a.m. to 10:00 p.m. Based on the above findings of fact, the Board finds the standards of this section have been met.

10.11 Storage of Materials

10.11.1 Exposed nonresidential storage areas, exposed machinery, and areas used for the storage or collection of discarded automobiles, auto parts, metals or other articles of salvage or refuse must have sufficient setbacks and screening (such as a stockade fence or a dense evergreen hedge) to provide a visual buffer sufficient to minimize their impact on abutting residential uses and users of public streets.

10.11.2 All dumpsters or similar large collection receptacles for trash or other wastes must be located on level surfaces which are paved or graveled. Where the dumpster or receptacle is located in a yard which abuts a residential or institutional use or a public street, it must be screened by fencing or landscaping.

10.11.3 Where a potential safety hazard to children is likely to arise, physical screening sufficient to deter small children from entering the premises must be provided and maintained in good condition.

There will be no permanent outdoor storage of petroleum products. All trash will be removed within 24 hours of the conclusion of the event. Based on the above findings of fact, the Board finds the standards of this section have been met.

10.12 Capacity of the Applicant: The applicant must demonstrate that he / she has the financial and technical capacity to carry out the project in accordance with this ordinance and the approved plan.

Technical Ability: There was no need for technical assistance as there are no new roads, structures or parking areas being built.

Financial Capacity: There was no need for evidence of financial capacity as there are no public improvements required for the proposal.

Based on the above findings of fact, the Board finds the standards of this section have been met.

10.13 Design and Performance Standards

The project is NOT subject to any of the design and performance standards contained in the Ordinance for the Route 1, Route 100 or Main Street corridors.
ITEM 18-018

To consider and act on a Mass Gathering Permit for the Vintage Bazaar New England to be held on June 30th through July 1st, 2018 at the Cumberland Fair Grounds
TOWN OF CUMBERLAND

Mass Gathering Application-Major Outdoor Event
(5,000 or more 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 $500.00.

Name of Applicant: DEVON CHOLUNDARD & BRIAN MULVANY

Address of Applicant: PO BOX 1246 Wells Maine 04090

Name of Event: VINTAGE BAZAAR NEW ENGLAND

Facility where the event will be held: CUMBERLAND FAIRGROUNDS

Is the facility owned by the applicant: yes; no, (if no, attach a copy of the contract with The owner which allows use of property)

Name of promoter (if different from above): N/A

Telephone number: 978-518-0128 or 978-270-4527

Date of Event: JUNE 30-JULY 1st Time (start and finish times): 8:30 AM - 4 PM - SAT

Number of tickets available: 25,000 10 AM - 4 PM - SUN

Expected attendance: 10,000 - 15,000

Description of event: VINTAGE BAZAAR NE is a hybrid festival that mixes vintage/antiques with crafts/handmade goods + MUSIC + Food.

Will any food vendors be serving at the event: yes, __________ no, (if yes, how many, and what types) __________

An approx. amount range is 10-20.

Licensed + Insured Food Trucks from Maine and NH/MA selling fresh variety of food.

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 what alcohol will be served)

_________ no alcohol.
We were established in 2011 and have run 17 VINTAGE BAZAARS.

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. 2017 - DEC - Thompson's Point Portland (INDOORS) - 80+ VENDORS
   8,000+ people

2. 2017 - OCT - 200 VENDORS, FOOD TRUCKS, LIVE MUSIC - RAFTI FARM
   MAINE

3. 2017-JUNE - 200 VENDORS, FOOD TRUCKS, LIVE MUSIC

Description of facility: 2011-2016 - VINTAGE BAZAAR - RAFTI FARM
   SALSBURY MA.

A. Seating capacity: permanent; 1,000 temporary

B. Other seating capacity: ________ festival; ________ standing room only (sq. ft.)

C. Number of toilets available: ________ permanent; ________ portable

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: Public

G. Refuse containers available, number and size: Traiano - 40 yds
   50 - b barrels

H. Name of refuse disposal company (attach a copy of the agreement to pick up refuse)
   Traiano - Pick-up Monday noon July 2

I. When will refuse be picked up?________________________

Public Safety:

J. Describe first aid facilities: Cumberland

K. Describe emergency facilities: Cumberland

L. Describe communication facilities: radios
   2 police

M. Number of certified police officers:_____________________

N. Other security personnel (include company name and qualification): Vets
   will provide security

O. Describe fire personnel: Cumberland -
Traffic Plan
P. Description of routes persons attending the event are likely to take, include number of traffic controllers and deployment descriptions.
Blanchard Rd
Bruce Hull
Q. Describe methods used to publicize alternate routes of reaching the scene of the event.
Main Entrance
R. Attach statement of availability of private towing firms to remove disabled vehicles.
Copp Motors
Crowd Management
S. Plan for discouraging those not holding tickets for the event from not coming to the event
Site. Those that did not purchase tickets online or at ticket booths will not be allowed into the bazaar. This has been an issue.
T. Plan for preventing trespassing on private property in the area.
U. Will all publicity stop as soon as it is apparent that the event is sold out? Yes:
____ No We have never sold out before. If we do, the we would indicate it on social media and via email to our followers
V. Description of how the event will be publicized, include how a sell-out will be publicized.
Other:
- Social media, print ads, billboards, radio, mass/bulk email,
W. Name of liability insurance.
R.V. Nuccio Associates Insurance & PR.
Amount of coverage:
- 1,000,000 each
- 2,000,000 general aggregate
X. Preferred type of performance guarantee (i.e. escrow account, irrevocable letter of credit)
Security deposit
We can adjust amounts @ anytime
Authorized Signature

On ___________________________ (date), I received a copy of the Cumberland Mass Gathering Ordinance.

______________________________
Authorized Signature
ITEM
18-019

To authorize the Town Manager to accept an anonymous donation and issue a gift letter for $50,000 to the food pantry and fuel assistance fund
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: February 8, 2018  
Re: $50,000 Donation

Once again, I am happy to report the receipt of a $50,000 check for the Food Pantry and Heating Fuel Assistance Fund. This generous Cumberland citizen wishes to remain anonymous. I am requesting the Council accept this amazing gift and authorize a gift letter for tax purposes.