

AGENDA
Cumberland Town Council Meeting
Town Council Chambers
MONDAY, January 28, 2019
7:00 P.M. Call to Order

I. CALL TO ORDER

II. APPROVAL OF MINUTES

January 14, 2019

III. MANAGER'S REPORT

IV. PUBLIC DISCUSSION

V. LEGISLATION AND POLICY

- 19 – 012** To hear a report from the Finance Director re: 2nd Quarter Financials.
- 19 – 013** To hear a report from the Finance Committee Chairman re: joint Finance Committee meeting with M.S.A.D. 51.
- 19 – 014** To hold a Public Hearing to consider and act on amendments to Chapter 250 (Subdivision of Land) to include a Conservation Subdivision option, as recommended by the Planning Board.
TABLE to February 25th
- 19 – 015** To appoint members to the Lands & Conservation Commission Trails Subcommittee and the Coastal Waters Commission.
- 19 – 016** To set a Public Hearing date of February 11th to consider and act on amendments to Chapter 48 (Coastal Waters) of the Cumberland Code, as recommended by the Coastal Waters Commission.
- 19 – 017** To set a Public Hearing date of February 11th to consider and act on amendments to Chapter 84 (Fees and Fines), Section 12 (Moorings) of the Cumberland Code, as recommended by the Coastal Waters Commission.

VI. NEW BUSINESS

- Budget Report
- CMP Project Update: New England Clean Energy Connect

Budget Workshop Schedule:

February 11th @ 5:30 p.m. (Ordinance Committee meeting @ 5:00 p.m.)

February 25th @ 5:30 p.m.

March 4th @ 5:30 p.m.

March 11th at 5:30 p.m.

Saturday, March 16th 8:00 a.m. to noon

March 25th or April 8th Town Council budget adoption

VII. ADJOURNMENT

MINUTES

Cumberland Town Council Meeting
Town Council Chambers

MONDAY, January 14, 2019

6:00 P.M. WORKSHOP re: Police Department Overview and Staffing

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 Gruber, to accept the December 10, 2018 meeting minutes as presented.

VOTE: 7-0 UNANIMOUS

II. MANAGER'S REPORT

Town Clerk, Tammy O'Donnell, administered the oath of office to Fire Department Deputy Chief, Mark Stewart.

Brian Cashin, Chairman of the Aging in Place Committee presented the Town Council with a plaque from AARP recognizing the Town of Cumberland as an "Age-Friendly Community".

III. PUBLIC DISCUSSION

None

IV. LEGISLATION AND POLICY

19 – 001 To hold a Public Hearing to consider and act on amendments to Chapter 92 (Firearms) of the Cumberland Code, as recommended by the Ordinance Committee.

Councilor Edes explained that our firearms ordinance was extremely vague and he thought the Ordinance Committee should review it. The Ordinance Committee added some items that gave it "some teeth" and decided to prohibit the discharge of firearms within the Town Forest because it is getting so much use. Bow hunting will still be allowed in the Town Forest.

Police Chief Rumsey said that he feels this ordinance, as amended, strikes a nice balance between public safety and the ability to hunt and control the population of wild animals. He feels that this is a fair and enforceable ordinance.

Chairman Copp opened the Public Hearing.

Public discussion: Shawn McBreairty of 1 Willow Lane said that he feels that taking away any use on Town owned land concerns him. He hunts turkeys in the field next to the Town Forest. If this ordinance change is approved, he would like to see clarification as to where you can and cannot hunt. For example, is the Town Forest just the canopy of trees? If he is sitting in a blind adjacent to the Town Forest, can he shoot into the Town Forest? This needs to be defined properly.

Town Manager Shane said that we can easily add the text "excluding the Town owned properties adjacent to the Town Forest, formerly owned by the Railroad and NELMA".

Chairman Copp suggested adding "do not discharge into the Town Forest". He agreed with Mr. McBreairty that the tree canopy should be defined as the Town Forest boundary, which separates the field.

Councilor Storey-King suggested adding "no discharge of firearms west of the old railroad bed". This would allow the scrub brush area to act as a buffer.

Chairman Copp disagreed. He feels that the edge of the field gives you a better buffer than the railroad bed would. Someone could still stand on the railroad bed and discharge into the Town Forest. If someone stood in the field, there is a better buffer.

Town Manager Shane said that we currently have the property line marked on the back side with a row of markers, and using the tree canopy line would be a simple solution.

Chairman Copp closed the Public Hearing.

Councilor Storey-King made some punctuation corrections:

Under 92-1(A) commas go inside the quotation marks. In section B, it states “It shall be unlawful for any person to discharge any other type of firearm within 300 feet of any dwelling other than his or her own...” the word other should be removed and there should be a comma after the word dwelling. It should read, “It shall be unlawful for any person to discharge any type of firearm within 300 feet of any dwelling, other than his or her own...”

Motion by Councilor Bingham, seconded by Councilor Storey-King, to amend Chapter 92 (Firearms) of the Cumberland Code, as recommended by the Ordinance Committee and as amended.

VOTE: 7-0 UNANIMOUS

19 – 002 To hold a Public Hearing to consider and act on amendments to Chapter 84 (Fees and Fines) of the Cumberland Code, as recommended by the Ordinance Committee.

Chief Rumsey explained that this provides a section in the Fees and Fines section of the ordinance for fines for violations of the Firearms section.

Chairman Copp opened the Public Hearing.

Public discussion: none

Chairman Copp closed the Public Hearing.

Motion by Councilor Storey-King, seconded by Councilor Turner, to amend Chapter 84 (Fees and Fines) of the Cumberland Code, as recommended by the Ordinance Committee.

VOTE: 7-0 UNANIMOUS

19 – 003 To authorize the Town Manager to execute a 1-year contract with the Animal Emergency Clinic.

Police Chief Rumsey explained that this contract states that if our Animal Control Officer or a Patrol Officer has an animal that has been injured and requires medical care, we can take it to the Animal Emergency Clinic for treatment at a significant discount. If the owner is located, the owner would be responsible for payment.

Chairman Copp asked for any public comment.

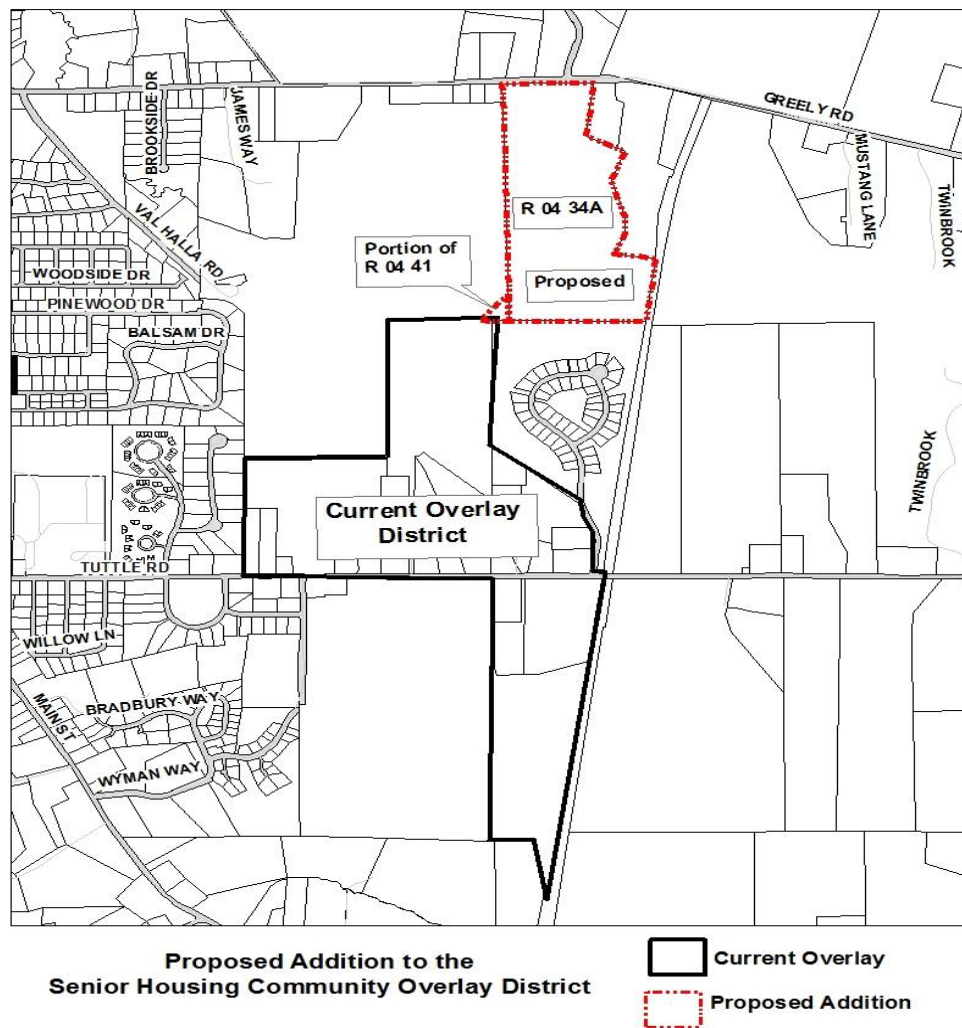
No public comment.

Motion by Councilor Gruber, seconded by Councilor Stiles, to authorize the Town Manager to execute a 1-year contract with the Animal Emergency Clinic.

VOTE: 7-0 UNANIMOUS

19 – 004 To hold a Public Hearing to consider and act amendments Chapter 315 (Zoning), Section 28.4B (Senior Housing Community (SHC) Overlay District) to add the lot located at 228 Greely Road (Tax Map R04/Lot 34A) and a portion of 60 Val Halla Road (Tax Map R04/Lot 41), as recommended by the Planning Board.

Town Manager Shane referred to the map below which shows the current SHC Overlay District and the proposed addition to the SCH Overlay District (in red):



Manager Shane said that there was previously a lawsuit between two parties, who each believed that they had rights to the former Godsoe property (parcel in red) under a legal purchase and sale agreement. While that litigation was going on, we removed the Godsoe parcel from the SHC overlay that the Planning Board was considering. It has been settled and decided that Oceanview had the legal purchase and sale agreement and they now own the parcel. It has since gone before the Planning Board and they have voted to include the parcel (and a small connector piece) in the SHC overlay district. The Planning Board recommended a 500-foot setback to act as a view shed on Greely Road. This is incorporated into the ordinance.

Manager Shane said that there is currently an ongoing dispute whether this property violates a covenant or deed restriction when the property was transferred from Mr. Doane to Oceanview. His testimony to the Planning Board in regard to this was: "In discussion with the Town Attorney today, I do not believe the deed restrictions that apply to the former Doane property also apply to the Godsoe property. In addition, this Board does not have the authority to intervene in title disputes, such as those involving deed restrictions. The Board is being asked this evening to make a recommendation to the Town Council regarding the extension of the Senior Housing Community Overlay District. Although the extension of this District may result in additional development, there is no plan for such development before you at this time. If and when such a plan is submitted, this Board's role is to determine whether the applicant has made a sufficient showing of administrative standing through some evidence of right, title or interest in the property. Beyond that, the Board's review should not include a discussion of whether these deed restrictions do or do not allow the proposed development." Manager Shane requested that the Council move forward with this as this is a civil matter between Mr. Doane and Oceanview.

Chairman Copp opened the Public Hearing.

Public comment: Rick Doane of Catalpa Lane requested that the Council table action this evening. It is a little ironic to him that the Godsoe parcel was originally not considered for inclusion due to there being two sides and attorney's representing those two sides, which is precisely the situation now. Somehow, his legal situation does not arise to the same level. There is no reason for this issue to be decided now. We have seen a lot of change in this community regard with to land use and there is ample reason to wait 2 to 4 years. If Oceanview proceeds under their current plan, they would be at the place to begin building out his dad's former property and then move on to this property. His understanding is that they have very few homes under contract, so there is no compelling need. Another concern is the possible inclusion of the Netland property. His understanding is that Oceanview approached Dr. Netland. Since the Council has no information on this in front of them this evening, they are essentially dealing with a portion of what Oceanview's project and the expanded zone may look like. Why not deal with it all at once when you have the complete picture in front of you?

Attorney Scott Anderson said that he is working with the Wasileski's and Oceanview and would like to respond to some of Mr. Doane's comments. What makes this different from the other legal dispute that Mr. Shane described is that with that dispute, it was unclear who the property owner would be and now it is clear who the property owner is, and the property owner is now coming forward and asking for the rezoning. This is a significant difference and explains why this is the time to act on this. With regard to the timing, this is very much an active project and Oceanview is actively working on a plan that will be coming to the Planning Board very soon. This portion of the project has been anticipated for some time and everyone understood that when the legal issues were resolved with the Godsoe parcel, Oceanview would be moving forward to develop it. Oceanview has been very transparent with their plan. As the Town Attorney has indicated, private disputes do not get resolved in front of the Town Council or Planning Board, but in the courts, if it goes that far.

Councilor Turner agreed that the Council is not here to resolve a private matter and by the same token, their decision shouldn't have anything to do with a private dispute.

Mr. Doane responded that he is not asking the Council to resolve the dispute. Specific to this expansion, the Council has the language that prohibits traffic going through to Greely Road. By approving that language on this parcel, you are forcing Oceanview to come across his father's property. With the absence of a compelling need, the issue of litigation, the fact the Council does not have a complete concept in front of them at this time, he is simply asking for this to be tabled, and give them time to resolve their access issues and for Oceanview to come forward with a single proposal.

Bob Poole of Windmere Drive feels like we are getting the cart ahead of the horse. Phase 2 seems unclear and he hasn't been able to find any information on it. He would also appreciate the go slow approach.

Town Manager Shane said that all projects require zoning to allow them to happen. Zoning is the first step and that is what we are dealing with this evening. The second piece of this project (the Godsoe parcel) was part of the master plan and Oceanview has followed that plan. The Planning Board has seen concept plans, but those plans are not even possible to move forward until the zoning is approved.

Chris Wasileski of Oceanview Cumberland said that Oceanview has no intention of acquiring the Netland property in the immediate future or to add it to this approval package. It was the decision of Dr. Netland to include his parcel for the long term flexibility of the uses in the overlay zone. It was never Oceanview's intention to include the Netland parcel into this round of approval. Without phase 2 moving forward, the excitement around the entire project, a lot of the connectivity to the community center and the excitement with regard to the revitalization of the Godsoe estate, will predictably die down a bit.

Councilor Edes asked the Manager why there is no way to have traffic go out to Greely Road.

Town Manager Shane said the intent was to protect the view shed corridor of the Godsoe parcel and a road would take away from the view. The Planning Board wanted to protect the view corridor and the developer agreed to put any development or amenities to the project behind the building.

Councilor Storey-King asked if Oceanview moves forward with phase 2, could they sell the Godsoe horse farm portion of the parcel separately to someone.

Town Manager Shane explained that the buildings on the Godsoe parcel will become part of amenities offered to the residents of both phases, but they could sell it if they chose to.

Councilor Turner said that he will abstain from the vote because he had pecuniary interest in the property and he considers Rick Doane a friend. He does not want anybody to have any illusions as to where his loyalty lies.

Councilor Storey-King said that this feels a little fast. She is in favor of the project, but the phases have her a little gun-shy.

Motion by Councilor Bingham, seconded by Councilor Stiles, to amend Chapter 315 (Zoning), Section 28.4B (Senior Housing Community (SHC) Overlay District) to add the lot located at 228 Greely Road (Tax Map R04/Lot 34A) and a portion of 60 Val Halla Road (Tax Map R04/Lot 41), as recommended by the Planning Board.

VOTE: 4-2-1 (Edes and Storey-King opposed, Turner abstained) MOTION PASSES

19 – 005 To hold a Public Hearing to consider and act on an amendment the Official Overlay Zoning Map to add the lot located at 228 Greely Road (Tax Map R04/Lot 34A) and a portion of 60 Val Halla Road (Tax Map R04/Lot 41) to the Senior Housing Overlay (SHC), as recommended by the Planning Board.

Motion by Councilor Bingham seconded by Councilor Stiles, to amend the Official Overlay Zoning Map to add the lot located at 228 Greely Road (Tax Map R04/Lot 34A) and a portion of 60 Val Halla Road (Tax Map R04/Lot 41) to the Senior Housing Overlay (SHC), as recommended by the Planning Board.

VOTE: 4-2-1 (Edes and Storey-King opposed, Turner abstained) MOTION PASSES

19 – 006 To hear an update on the reconsideration of relocating the Public Works facility to Skillin Road.

Town Manager Shane said that the Council requested that an item be put on this agenda to remove from consideration any other site in Town for the relocation of the Public Works facility, and to work with the Town of North Yarmouth and the S.A.D. to shrink the Drowne Road operation.

Chairman Copp asked for any public comment.

There was no public comment.

Councilor Bingham moved to take this item off the table, Councilor Stiles seconded.

VOTE: 7-0 UNANIMOUS

Motion by Councilor Bingham, seconded by Councilor Gruber, to suspend any further consideration of relocating the Public Works facility to the Riding Club site on Skillin Road, and to continue working with MSAD 51 and the Town of North Yarmouth for potential cost saving partnerships.

VOTE: 7-0 UNANIMOUS

19 – 007 To hold a Public Hearing on the Town Council endorsement of the relocation of the M.S.A.D. 51 school buses and maintenance garage to the North Yarmouth Public Works facility.

Town Manager Shane explained that the Cumberland & North Yarmouth Joint Standing met recently and it was very clear that North Yarmouth wants to have a connection to the S.A.D. since the closing of the Memorial School. The connection now can be the relocation of the bus garage to the North Yarmouth public

works facility. This seems to be a cost advantage for both towns. There was some good discussion about other cost savings opportunities that the towns of Cumberland and North Yarmouth and the S.A.D. could share.

Chairman Copp opened the Public Hearing.

Public discussion: Katherine Pelletrin of Drowne Road asked what the timeframe is in moving the buses and addressing the challenges with the brush and compost piles.

Town Manager Shane said that moving the brush dump and compost pile will be addressed in the budget process, which begins next month. His proposal will be to find another location for the brush dump and compost pad. This will be a relatively inexpensive project since our Public Works department can do the work with our own equipment. Moving the bus garage is much more complex and could take 2+ years. It depends on the Town of North Yarmouth.

Bob McKinnon of the Yarmouth District said that the district appreciates and applauds Cumberland for their collaborative efforts in working with the Town of North Yarmouth. The proposed site at the North Yarmouth Public Works facility is situated on the aquifer that feeds the district's Hayes well. The district recently completed a ground water model that found that the area of contribution to that well is actually much larger than they thought and the water moves much more quickly to the well. Because of this information, he urged the Council to reconsider its support of the relocation to this site. This is a poor site when you consider the additional fuel and the additional storage of vehicles.

Heather Jacoma of 12 Pond Shore Drive thanked the Town Council for taking the Skillin Road site off the table. As a 25-year resident, she does make use of the compost for her gardens. She is in favor of working with other municipalities, but she finds the compost and brush facility a value as a resident and it is important to her.

Beth (last name not stated) of Wyman Way said that she is very much in favor of collaboration efforts with North Yarmouth. She has noticed a number of critters around the compost pile and it feels like it is a dangerous operation to have so close to a residential neighborhood. She would applaud anything the Council would do to research other location options.

In regard to Mr. McKinnon's comments, Councilor Bingham said the West Cumberland is on one of the largest acquirer's around and it is a lot larger than the acquirer in North Yarmouth. The Turnpike Authority has been operating a maintenance and truck facility in West Cumberland since 1966 with no problems as far as he is aware. North Yarmouth has been operating their public works facility in its current location, not to mention Dugas, and there have not been any issues there. With all the DEP restrictions that would be put in place with moving the buses to the North Yarmouth Public Works facility, he does not see any major concern.

Chairman Copp closed the Public Hearing.

Motion by Councilor Gruber, seconded by Councilor Bingham, to support plans for a joint MSAD 51 and North Yarmouth maintenance facility.

VOTE: 7-0 UNANIMOUS

19 – 008 To hear a report from the Town Manager re: additional vents to be installed at the demolition landfill and future of the Town Garage site.

Town Manager Shane explained that it was discovered that the methane levels at the stump dump area of the Public Works facility were high. Methane measurements were taken at the homes adjacent to the area and the levels were very minimal. A new vent will be installed which will allow the methane gas to be released into the atmosphere. The plan to move the Public Works facility and develop the site with residential homes cannot happen now because the setback line for the new vents cuts through the current Public Works garage, making the developable parcel very small. We are now considering downsizing the Public Works operation and looking into moving the compost pad to another location, making the site more of a maintenance facility. The sand/salt shed would have to be moved up closer to the current building.

Councilor Storey-King said that she has heard from some of the Oak Street neighbors who are concerned with the salt shed being moved closer to them. They have always been great neighbors of the Public Works facility and she wants to advocate for them to be thoughtful of moving the salt shed to a place that will not impact them.

Chairman Copp asked for any public comment.

Karen Finnegan of Cumberland Commons said that they have been good neighbors to the Town. She had been to a meeting where the height of the salt shed would make it visible from Tuttle Road. She asked why the salt shed has to be moved. Is there something in writing that says it has to move?

Town Manager Shane said that a portion of the salt shed is still sitting on the covered landfill. There is no specific timetable to move it, but the issue will be capacity and placement of the current shed. It was built as a temporary facility and it is filled to capacity right now. If we do move it, there will be a lot more discussion and other areas on the site explored. There is nothing in writing that says it has to be moved by a specific date.

Nancy Law of Baxter Lane said that when she was looking to buy her house, her broker assured her that the salt shed was going to be moved. She feels that everybody who bought a house in Village Green was promised that it would be moved.

Terry Philbrick of 6 Baxter Lane asked what the methane level has to be to be harmful to people.

Town Manager Shane said that there is not a lot of activity at the Town garage that would raise concerns related to health. The issue with methane is its explosive limit. You are at risk for potential explosion with levels over 5%. We are trying to get it vented as soon as possible and work with the DEP in getting the levels down.

Suzie Andrews of 5 Baxter Lane reiterated what Mrs. Law said. She was also told by a broker that the salt shed would be moved. It just doesn't make sense to have it in a residential neighborhood. There has to be a way to put the salt shed in an area that it isn't so unsightly to an entire neighborhood.

Councilor Storey-King said that the Council is sensitive to all the neighbors and they are looking for solutions.

John Law of Baxter Lane said that all the neighbors have been patient. He does not have a problem with the location of the Public Works garage, but he would like to see the salt shed moved.

19 – 009 To appoint members to Boards & Committees.

Motion by Councilor Turner, seconded by Councilor Bingham, to make the following Board and Committee appointments:

Reappoint to the Aging in Place Committee:

Barbara Berkovich

Mike Kemna

Suzie McCormack

Cicely Russell

Reappoint to the Board of Adjustments and Appeals:

Ronald Copp, Sr.

Christian Lewis (from alternate to regular member)

Michael Martin (from regular member to alternate)

Scott Wyman

Reappoint to the Board of Assessment Review:

James Thomas

Newly appoint Peter Garsoe

Reappoint to the Board of Sewer Appeals:

Ralph Oulton

Newly appoint Rhonda Grigg

Reappoint to the Coastal Waters Commission:

David Carlson

Hugh Judge

Robert Vail

Richard Thompson

Newly appoint Ivy Frignoca

Reappoint to the Housing Authority:

Connie Bingham

Bill Hansen

Norman Maze, Jr.

Sally Pierce

Reappoint to the Lands and Conservation Commission:

Jennifer Grasso

Ellen Hoffman

Sam York

Newly appoint to the Forestry Subcommittee:

Melissa Cott

Rhonda Grigg

Reappoint to the Trails Subcommittee:

John Jensenius

Newly appoint Peter Garsoe

Reappoint to the Planning Board:

Paul Auclair

Reappoint to the Parks and Recreation Commission:

Don Stowell

Travis Seaver

Nancy Storey

Newly appoint:

Rhonda Grigg

Melissa Cott

Reappoint to the Personnel Appeals Board:

Mary Porter
Doug Pride

Reappoint to the Prince Memorial Library Advisory Board:
David Echeverria

Newly appoint:
Jill O'Connor

Reappoint to the Shellfish Conservation Commission:
Robert Maloney

Newly appoint: Peter Garsoe

New Bicentennial Committee:

Allyson Knowles
Emily Gray
Nicole Boudle
Megan Pelinski
Baily Douglass
Rhonda Grigg
Dale Hahn
Linda Fulda
Tig Filson
Christina Mitchell
Sally Pierce

VOTE: 7-0 UNANIMOUS

19 – 010 To set a Public Hearing date of January 28th to consider and act on amendments to Chapter 250 (Subdivision of Land).

Motion by Councilor Bingham, seconded by Councilor Stiles, to set a Public Hearing date of January 28th to consider and act on amendments to Chapter 250 (Subdivision of Land).

VOTE: 7-0 UNANIMOUS

19 – 011 To appoint Craig Jones and Justin Brown as Deputy Code Enforcement Officers.

Motion by Councilor Stiles, seconded by Councilor Turner, to appoint Craig Jones and Justin Brown as Deputy Code Enforcement Officers for the term of the Code Enforcement Officers medical leave.

VOTE: 7-0 UNANIMOUS

V. NEW BUSINESS

Councilor Bingham – He urged everyone to look out for their elderly neighbors during the cold and snowy weather. Check on them and make sure they are ok.

Councilor Gruber – Many thanks to all that supported the Christmas basket distribution for the Food Pantry.

Much appreciation to Mike Schwindt and Steve Moriarty for all of the effort they put in the drafting of the Conservation Subdivision Ordinance

Thanks for all the efforts by Denny Gallaudet and David Witherill for their efforts with the conversion of our street light planning.

Many of us enjoyed another well planned and organized Town employee recognition event last month.

He will miss our next Town Council meeting due to having a knee replacement procedure on Wednesday.

Councilor Edes – None

Councilor Storey-King – She had a call about the traffic light at Main Street and Blanchard Road. When the lights are on, you can see all 4 lights at the same time, which can be confusing to drivers.

There is no center marking on Main Street/Route 9. This is dangerous in bad weather because you don't know which lane you are in.

For those who heat with natural gas, don't forget to shovel your gas vent after a snow storm.

Her students have submitted their essays to Maine Municipal entitled "If I Led My Community". Hopefully, we will have another winner this year.

Chairman Copp – He stopped by the skating rink behind Public Works recently to show it to his wife. It is a nice rink that could be used by more people. While he was there, he ran into a West Cumberland resident getting sand for home use. He wanted to remind everyone that there is also sand available behind the community hall in West Cumberland for residents to use.

There were a lot of comments on social media over the weekend regarding the reconsideration of moving the Public Works facility to Skillin Road. From the remarks, it was obvious that a lot of people didn't understand what the Council action was and that they didn't look at the backup materials that the Council receives, which was posted on the Town website. He had his wife post it on West Cumberland Facebook page, so that everyone would understand and get the complete story.

Councilor Stiles – He thanked everyone who donated to the 4-H auction that will benefit the food pantry with meat, especially Councilor Copp, who donates at every Council meeting. He urged the public to donate to this worthy cause.

The State has changed some of the speed limits in various areas of Town. New speed limit signs will be posted soon. The changes are not significant.

Councilor Turner – In this Town, we are hostages to our own success to some extent. When we tried to find a new location for the Public Works facility, we got a lot of criticism because it was always going to be near somebody's neighborhood. We are all neighbors in this Town and it's important to keep our patience.

In regard to the railroad quiet zone issue that was brought back up recently, he feels that unfortunately the people affected by train whistles will have to exercise patience. We have to weigh the potential cost against the reality that a train engineer could blow the whistle anytime they want to by saying it was a safety issue, regardless of quiet zones being in place. We are all going to have to be a little more patient. He thinks that most people are happy with the decisions the Town Council (past and present) have made, and the Town Manager deserves a lot of credit for all that he has done for this

Town and he has done an exemplary job of explaining his position on every controversial issue that has come up.

Town Manager Shane – Town Manager Shane presented the following on automated trash collection. Our contract with Waste Management will expire on June 30th of this year and we are negotiating for a one year extension of that contract. Currently, our trash and recycling is picked up by 2 men on a truck. Trash collection has one of the biggest workers compensation rates of almost any industry. We are going to have to transition to self-automated trucks within the 5 years. Ecomaine presented to us that if we would do a regionalization system, it would save a lot of money.



To Automated Collection With Carts...



Automated Collection with 2 carts...



Advantages of automated Collection...



- Is more efficient – stabilizes collection costs over time
- Addresses labor shortage
- Reduces green house gas emissions from improved route efficiencies
- Is safer for the workers and the public – accidents are driving up costs
- Better contains Trash & Recyclables (from weather & animals)



Stopping the collection route at the Town Line is a build-in inefficiency... easily fixed by a regional approach



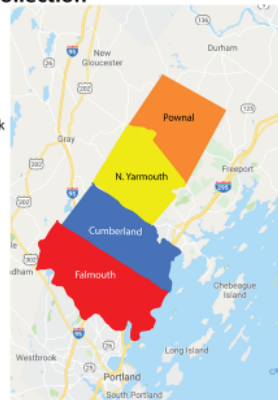
Pros & Cons to Regionalization of Collection

PROS

- Economies of scale
- More efficient collection – saving time, money, and fuel
- Collection trucks can keep collecting across Town boundaries
- Fewer trucks needed... some towns may only require a fraction of a truck
- Would encourage more competition and bids
- Less municipal staff time needed to manage the programs
- Education and messaging would be more uniform & regional
- Reduce duplication of efforts

CONS

- Towns don't manage the program - less Town control
- Tighter tracking of tons



Equipment requirements don't match up well on a town by town basis

Municipality	Centerline Miles	Stops	Density, HH's/Mile	Stops/Week Single Cart	Trucks Required	Stops/Week Two Carts	Trucks Required
Cumberland	80	3,000	37	3000	1.0	2429	1.2
Falmouth	102	3,700	36	3000	1.3	2429	1.4
Freeport	98	3,580	37	3000	1.2	2429	1.4
Gorham	156	5,447	39	3000	1.8	2429	2.1
Gray	104	3,044	29	2250	1.3	1929	1.5
Hollis	75	1,592	21	2250	0.7	1929	0.8
Limington	72	1,354	19	1750	0.8	1556	0.8
North Yarmouth	41	1,400	38	3000	0.5	2429	0.5
Portland	241	17,000	71	4000	4.8	2984	5.4
Pownal	44	650	15	1750	0.4	1556	0.4
Saco	127	7,485	59	3500	2.6	2722	2.6
Scarborough	169	6,300	37	3000	3.1	2429	2.9
South Portland	117	8,933	76	4000	2.8	2984	3.2
Windham	150	5,300	35	3000	1.5	2429	2.1
Yarmouth	68	3,544	52	3500	1.1	2722	1.3

VI. ADJOURNMENT

Motion by Councilor Bingham, seconded by Councilor Edes, to adjourn.

VOTE: 7-0 UNANIMOUS

TIME: 9:42 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary

ITEM 19-013

To hear a report from the Finance Committee Chairman re:
joint Finance Committee meeting with M.S.A.D. 51



**Town of Cumberland
Joint Finance Committee Meeting with MSAD 51
January 15, 2019
8:15 A.M.**

PRESENT: Bill Stiles, Peter Bingham, Tom Gruber, Gigi Sanchez, Mike Brown, Kate Perrin, Mike Simmons
Bill Shane, Chris Bolduc, Jeff Porter, Scott Poulin

I. Welcome & Introductions

II. Major Projects on the horizon – Town

Mr. Stiles reviewed the following Town projects:

- a. Town Garage - \$3.5 to \$5M
- b. Rines Forest purchase of additional 51 acres - \$300k over 3 years
- c. Fire Truck – Ladder Truck \$1.3M
- d. Other Fire Trucks over the next 5-7 years – 4 @ \$600k each
- e. Ambulance over the next 2-3 years - \$225k
- f. Water Lines - \$4M next 5-10 years

\$1,000,000 in new growth = \$20,000 in tax revenue

\$ 20,000,000 = \$400,000 new revenues

Every \$100,000 increase in expenses = .076 per thousand to tax rate

Current tax rate is \$19.70

Mr. Porter reviewed the attached enrollment numbers and School projects on the horizon.

Mr. Poulin reviewed the attached consolidated debt service schedules.

III. Budget FY2020

Town Finance Committee Budget Meeting Dates:

February 11th @5:30 p.m.

February 25th at 5:30 p.m.

March 4th at 5:30 p.m.

March 11th at 5:30 p.m.

Saturday public workshop: March 16th 8 a.m. to noon

Budget adoption public hearing – March 25th or April 8th at 7 p.m.

School Budget Meeting Dates:

Superintendent presents budget to Board mid-March, followed by workshops and public hearings into May.

IV. Other Business

None

V. Adjournment

Meeting adjourned at 9:34 a.m.

Respectfully submitted by,

Brenda Moore
Committee Secretary

**Joint Finance Committee Meeting
January 15, 2019**

1. Enrollment

- a. Current
- b. Projected

2. Space Study

3. Recent Capital Projects

- a. Mabel I. Wilson School space configurations
- b. MIW energy project
- c. Greely Institute
- d. Arts Center
- e. GHS STEM labs

4. Future Capital Projects

a. Elementary Education Task Force

- i. Enrollment growth
- ii. Pre-K
- iii. Grade configurations
- iv. Possible addition or new facility

b. Turf Field

c. Greely High School

- i. Cafeteria
- ii. Pool (vessel,locker rooms,ventilation)
- iii. Library

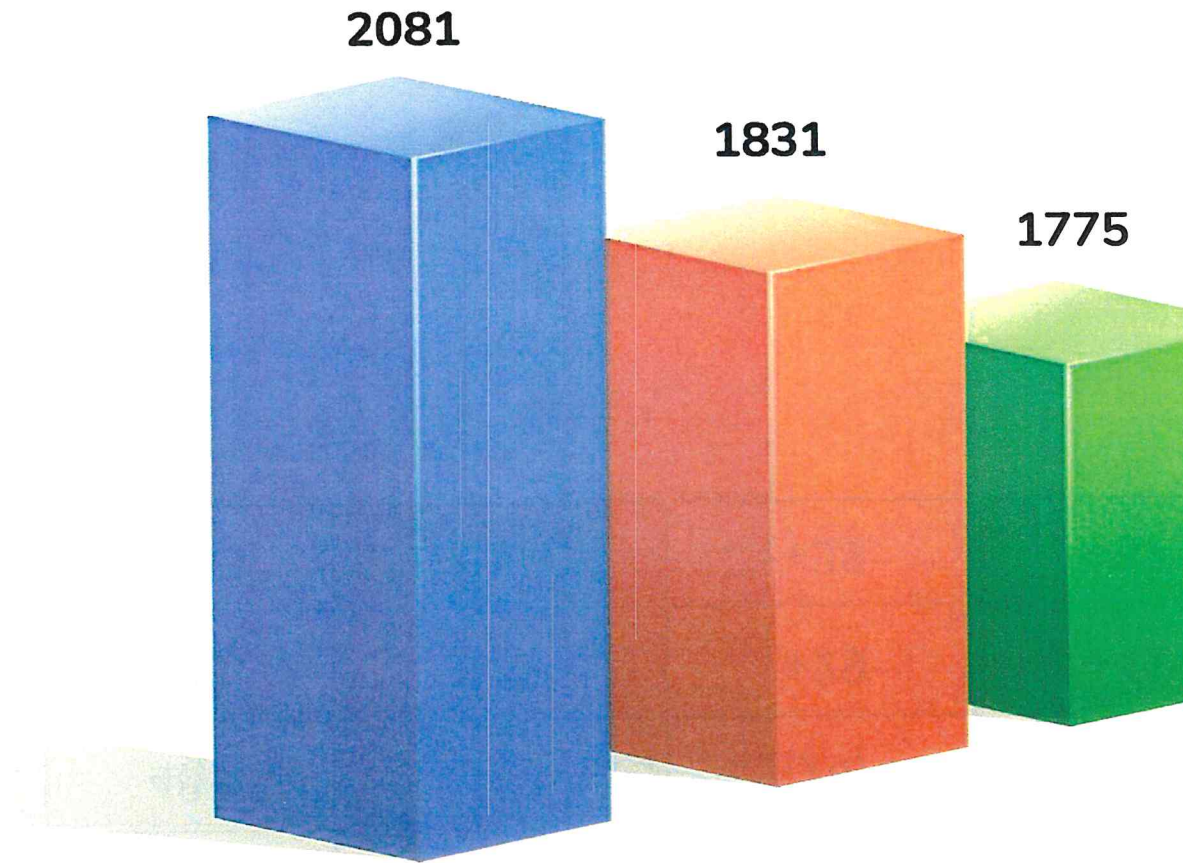
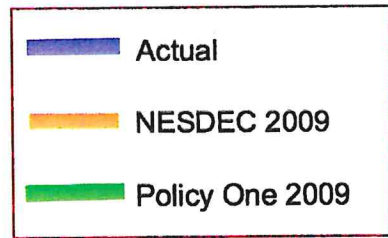
d. Bus Garage

5. Current Debt Schedule

Student Enrollment Sept. 2018

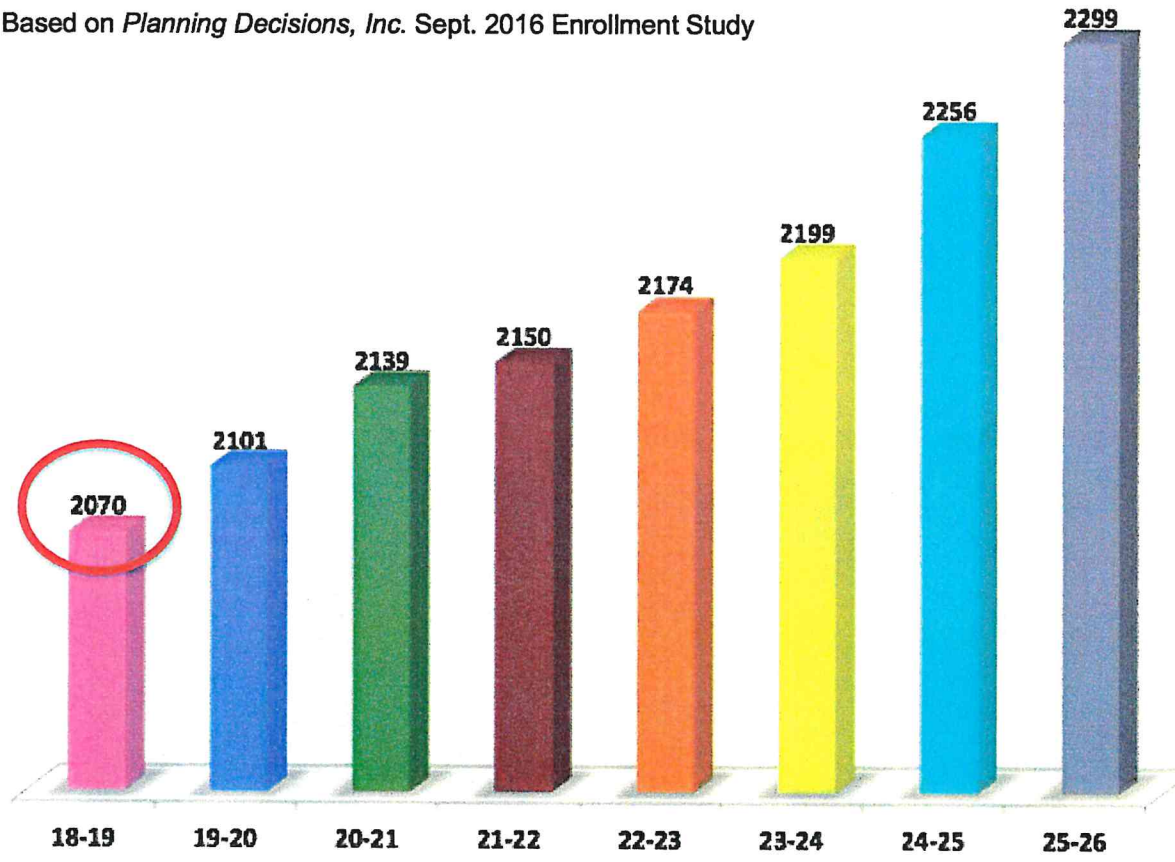
	2016-17	2017-18	Current	1 Year Change	2 Year Change
K-3	584	604	613	+9	+29
4-5	297	308	318	+10	+21
6-8	512	488	478	(10)	(34)
9-12	631	643	672	+29	+41
K-12	2024	2043	2081	+38	+57

2018-19 Enrollment

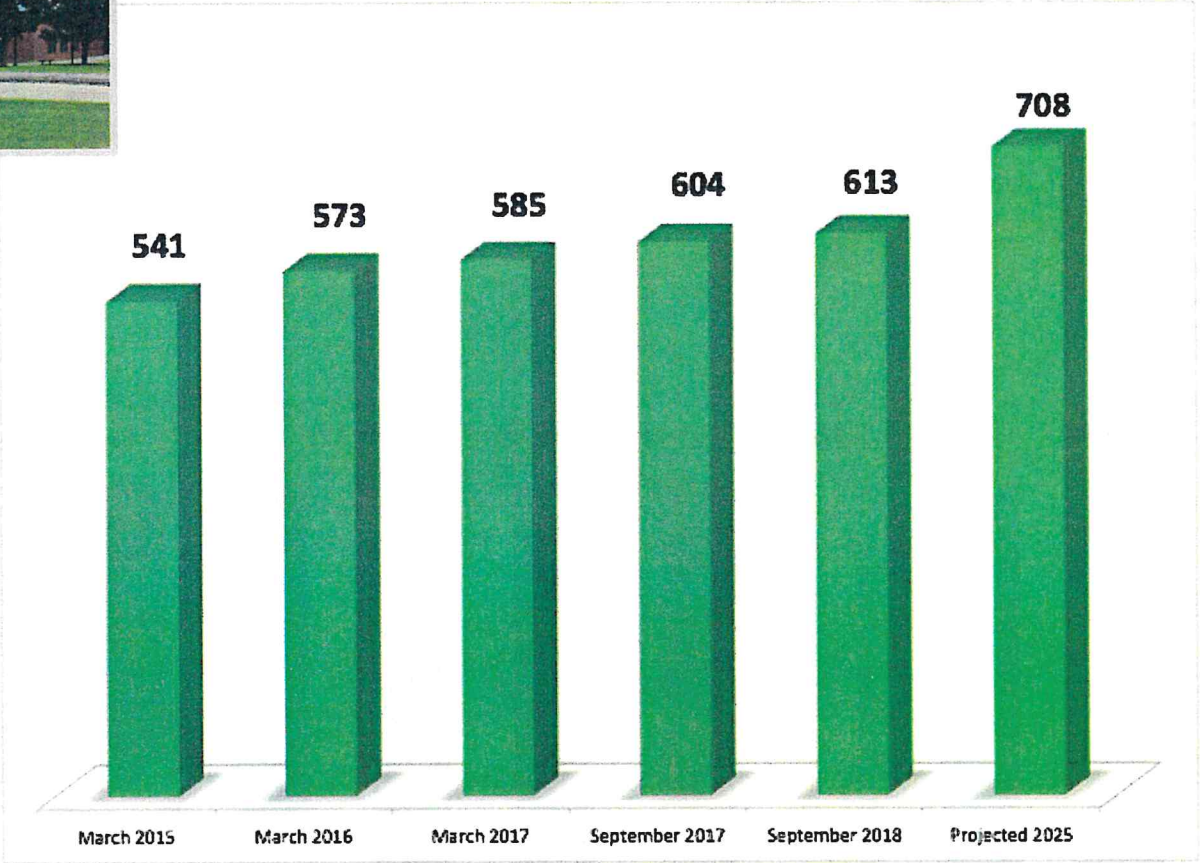


Enrollment Projections for MSAD #51 2018-19 to 2025-26

Based on *Planning Decisions, Inc.* Sept. 2016 Enrollment Study



Enrollment at Mabel I. Wilson School



MSAD # 51 5 YEAR CAPITAL PLAN

FY

18/19	Mabel I Wilson		Greely Middle School		Greely High School		Central Office		Maint	
	Building envelope Windows /Doors	\$200,000	Shaded pergola on playground	\$42,000	Parking lot rear of pool area	\$42,000	Rebuild ramp	\$12,500	Garage	\$200,000
	Roof repairs per roof reports	\$9,600	Roof repairs per roof reports	\$12,000	Roof repairs per roof report	\$12,000	Redesign roof back door	\$24,000	Roof	\$35,000
	Front step/ sidewalk repairs	\$12,300	Security/camera upgrades		Room darkening shades	\$8,000	Building Envelope/windows	\$28,000		
			Replacement of tile in lobby	\$90,000	Replace pool drain/dry well	\$34,000				
			Stair treads and risers	\$10,000	Security/camera upgrades	\$75,000				
					Architect Fees	\$35,000				
					Band/Choral space					
					Cafeteria/Commons/ Library					
TOTAL		\$221,900		\$154,000		\$206,000		\$64,500		\$235,000
19/20										
	Snow brakes	\$24,000	Replacement of tile in cafe	\$90,000	Replace roof in Commons	\$82,000	Building envelope/windows	\$42,000		
	Floor replacement	\$18,000	Replace dishwasher with direct vent	\$40,000	Brick repointing	\$82,000				
	Stair treads and risers	\$14,000	Rebuild ball fields	\$20,000	Remove old boiler	\$24,000				
			Inspect and rebuild interior folding walls	\$21,000	Energy Project climate Control					
	Construction Bond	District wide grade configuration and construction based on enrollment and space study								
TOTAL		\$56,000		\$325,000		\$188,000		\$42,000		\$0
20/21										
	Ceramic tile replacement	\$57,000	Caulking of windows	\$15,000	Replace exterior trim boards	\$48,000	Replace air handler	\$40,000		
	Flooring replacement	\$18,000			Painting of exterior trim	\$18,500				
					Brick repointing	\$68,000				
TOTAL		\$75,000		\$15,000		\$134,500		\$40,000		\$0.00
21/22										
	Interior door replacement	\$18,500	Sand gym floor	\$31,000	Replace Commons floor	\$85,000	Update lighting	\$24,000		
	Roof replacement	\$120,000	Rebuild structure in lobby (wood)	\$22,000	Replace air handler in Cafe	\$69,000				
	Flooring replacement	\$18,000								
TOTAL		\$156,500		\$53,000		\$154,000		\$24,000		\$0.00
22/23										
	Exterior door replacement	\$82,000	Rebuild sidewalks	\$45,000	Replace exterior doors	\$82,000	Replace siding	\$58,000		
	Sand gym floor	\$30,000	Seal/reline parking lot	\$34,000	Brick repointing	\$48,000				
TOTAL		\$112,000		\$79,000		\$130,000		\$58,000		\$0.00
5YR TOTALS		\$221,900		\$154,000		\$206,000		\$64,500		\$235,000

Maine School Administrative District No. 51 Project

		<u>New</u> <u>Money</u>	<u>Rollover</u>	<u>Total</u> <u>Issued</u>	<u>Outstanding Debt Service</u>						Possible
					<u>Fiscal</u> <u>Year</u>	<u>Total</u>	<u>Existing</u>	<u>2023</u> <u>Bonds</u>	<u>New Debt</u> <u>Service</u>	<u>Net Budget</u> <u>Number</u>	<u>Capital</u> <u>Project</u>
Nov 2020	Referendum				2019 / 2020	2,769,538					
May 2021	Start construction				2020 / 2021	3,157,063	387,525				
June 2021	Issue BAN #1	5,000,000		5,000,000	2021 / 2022	3,075,300	(81,763)				
June 2022	Close BAN #2	5,000,000	5,000,000	10,000,000	2022 / 2023	2,982,325	(92,975)				
May 2023	Issue Bonds		10,000,000	10,000,000	2023 / 2024	2,887,638	(94,688)	400,000	3,287,638	305,313	Elementary
					2024 / 2025	2,708,144	(179,494)	400,000	3,108,144	(179,494)	Turf Field
May 2025	First Principal				2025 / 2026	1,904,225	(803,919)	890,000	2,794,225	(313,919)	GHS?
	(2025 - 2044)				2026 / 2027	1,601,975	(302,250)	870,000	2,471,975	(322,250)	GHS?
	(defer Princ 2 yrs)				2027 / 2028	1,552,725		850,000	2,402,725	(69,250)	
	(23 years from				2028 / 2029	1,503,100		830,000	2,333,100	(69,625)	
	Orig Issue Date)				2029 / 2030	1,453,100		810,000	2,263,100	(70,000)	
					2030 / 2031	731,800	(721,300)	790,000	1,521,800	(741,300)	GHS
					2031 / 2032	711,525		770,000	1,481,525		
					2032 / 2033	692,994		750,000	1,442,994		
					2033 / 2034	673,881		730,000	1,403,881		
					2034 / 2035	654,769		710,000	1,364,769		
					2035 / 2036	537,656		690,000	1,227,656		
					2036 / 2037	521,963		670,000	1,191,963		
					2037 / 2038	505,688		650,000	1,155,688		
					2038 / 2039	489,413		630,000	1,119,413		
					2039 / 2040	473,138		610,000	1,083,138		
								590,000	590,000		
								570,000	570,000		
								550,000	550,000		
								530,000	530,000		
								510,000	510,000		
						36,805,019		14,800,000	34,403,731		

Consolidated Debt Service

Fiscal Year	Total Debt Service				Budget Variance
	Int	Int	Prin	FY	
	Fall	Spring	Fall	Total	
2017 / 2018	323,693.75	0.00	1,900,000.00	0.00	
2017 / 2018	0.00	321,250.00	0.00	2,544,943.75	
2018 / 2019	321,250.00	0.00	1,890,000.00	0.00	
2018 / 2019	0.00	460,868.75	0.00	2,672,118.75	
2019 / 2020	460,868.75	0.00	1,885,000.00	0.00	
2019 / 2020	0.00	423,668.75	0.00	2,769,537.50	97,418.75
2020 / 2021	423,668.75	0.00	2,340,000.00	0.00	
2020 / 2021	0.00	393,393.75	0.00	3,157,062.50	387,525.00
2021 / 2022	393,393.75	0.00	2,335,000.00	0.00	
2021 / 2022	0.00	346,906.25	0.00	3,075,300.00	-81,762.5
2022 / 2023	346,906.25	0.00	2,335,000.00	0.00	
2022 / 2023	0.00	300,418.75	0.00	2,982,325.00	-92,975.0
2023 / 2024	300,418.75	0.00	2,335,000.00	0.00	
2023 / 2024	0.00	252,218.75	0.00	2,887,637.50	-94,687.5
2024 / 2025	252,218.75	0.00	2,240,000.00	0.00	
2024 / 2025	0.00	215,925.00	0.00	2,708,143.75	-179,493.75
2025 / 2026	215,925.00	0.00	1,500,000.00	0.00	
2025 / 2026	0.00	188,300.00	0.00	1,904,225.00	-803,918.75
2026 / 2027	188,300.00	0.00	1,250,000.00	0.00	
2026 / 2027	0.00	163,675.00	0.00	1,601,975.00	-302,250.00
2027 / 2028	163,675.00	0.00	1,250,000.00	0.00	
2027 / 2028	0.00	139,050.00	0.00	1,552,725.00	-49,250
2028 / 2029	139,050.00	0.00	1,250,000.00	0.00	
2028 / 2029	0.00	114,050.00	0.00	1,503,100.00	-49,625.00
2029 / 2030	114,050.00	0.00	1,250,000.00	0.00	
2029 / 2030	0.00	89,050.00	0.00	1,453,100.00	-50,000.00
2030 / 2031	89,050.00	0.00	565,000.00	0.00	
2030 / 2031	0.00	77,750.00	0.00	731,800.00	-721,300.00
2031 / 2032	77,750.00	0.00	565,000.00	0.00	
2031 / 2032	0.00	68,775.00	0.00	711,525.00	-20,275.00
2032 / 2033	68,775.00	0.00	565,000.00	0.00	
2032 / 2033	0.00	59,218.75	0.00	692,993.75	-18,531.25
2033 / 2034	59,218.75	0.00	565,000.00	0.00	
2033 / 2034	0.00	49,662.50	0.00	673,881.25	-19,112.50
2034 / 2035	49,662.50	0.00	565,000.00	0.00	
2034 / 2035	0.00	40,106.25	0.00	654,768.75	-19,112.50
2035 / 2036	40,106.25	0.00	465,000.00	0.00	
2035 / 2036	0.00	32,550.00	0.00	537,656.25	-117,112.50
2036 / 2037	32,550.00	0.00	465,000.00	0.00	
2036 / 2037	0.00	24,412.50	0.00	521,962.50	-15,693.75
2037 / 2038	24,412.50	0.00	465,000.00	0.00	
2037 / 2038	0.00	16,275.00	0.00	505,687.50	-16,275.00
2038 / 2039	16,275.00	0.00	465,000.00	0.00	
2038 / 2039	0.00	8,137.50	0.00	489,412.50	-16,275.00
2039 / 2040	8,137.50	0.00	465,000.00	0.00	
2039 / 2040	0.00	0.00	0.00	473,137.50	-16,275.00
	4,109,356.25	3,785,662.50	28,910,000.00	36,805,018.75	

Consolidated Debt Service

Fiscal Year	State Qualified				Local Share				Total Debt Service			
	Int 15-Oct	Int 15-Apr	Prin 15-Oct	FY Total	Int Fall	Int Spring	Prin Fall	FY Total	Int Fall	Int Spring	Prin Fall	FY Total
2017 / 2018	109,225.00	0.00	745,000.00	0.00	214,468.75	0.00	1,155,000.00	0.00	323,693.75	0.00	1,900,000.00	0.00
2017 / 2018	0.00	98,050.00	0.00	952,275.00	0.00	223,200.00	0.00	1,592,668.75	0.00	321,250.00	0.00	2,544,943.75
2018 / 2019	98,050.00	0.00	740,000.00	0.00	223,200.00	0.00	1,150,000.00	0.00	321,250.00	0.00	1,890,000.00	0.00
2018 / 2019	0.00	86,950.00	0.00	925,000.00	0.00	373,918.75	0.00	1,747,118.75	0.00	460,868.75	0.00	2,672,118.75
2019 / 2020	86,950.00	0.00	740,000.00	0.00	373,918.75	0.00	1,145,000.00	0.00	460,868.75	0.00	1,885,000.00	0.00
2019 / 2020	0.00	72,150.00	0.00	899,100.00	0.00	351,518.75	0.00	1,870,437.50	0.00	423,668.75	0.00	2,769,537.50
2020 / 2021	72,150.00	0.00	740,000.00	0.00	351,518.75	0.00	1,600,000.00	0.00	423,668.75	0.00	2,340,000.00	0.00
2020 / 2021	0.00	64,750.00	0.00	876,900.00	0.00	328,643.75	0.00	2,280,162.50	0.00	393,393.75	0.00	3,157,062.50
2021 / 2022	64,750.00	0.00	740,000.00	0.00	328,643.75	0.00	1,595,000.00	0.00	393,393.75	0.00	2,335,000.00	0.00
2021 / 2022	0.00	46,250.00	0.00	851,000.00	0.00	300,656.25	0.00	2,224,300.00	0.00	346,906.25	0.00	3,075,300.00
2022 / 2023	46,250.00	0.00	740,000.00	0.00	300,656.25	0.00	1,595,000.00	0.00	346,906.25	0.00	2,335,000.00	0.00
2022 / 2023	0.00	27,750.00	0.00	814,000.00	0.00	272,668.75	0.00	2,168,325.00	0.00	300,418.75	0.00	2,982,325.00
2023 / 2024	27,750.00	0.00	740,000.00	0.00	272,668.75	0.00	1,595,000.00	0.00	300,418.75	0.00	2,335,000.00	0.00
2023 / 2024	0.00	9,250.00	0.00	777,000.00	0.00	242,968.75	0.00	2,110,637.50	0.00	252,218.75	0.00	2,887,637.50
2024 / 2025	9,250.00	0.00	740,000.00	0.00	242,968.75	0.00	1,500,000.00	0.00	252,218.75	0.00	2,240,000.00	0.00
2024 / 2025	0.00	0.00	0.00	749,250.00	0.00	215,925.00	0.00	1,958,893.75	0.00	215,925.00	0.00	2,708,143.75
2025 / 2026	0.00	0.00	0.00	0.00	215,925.00	0.00	1,500,000.00	0.00	215,925.00	0.00	1,500,000.00	0.00
2026 / 2027	0.00	0.00	0.00	0.00	188,300.00	0.00	1,250,000.00	0.00	188,300.00	0.00	1,250,000.00	0.00
2026 / 2027	0.00	0.00	0.00	0.00	163,675.00	0.00	1,250,000.00	0.00	163,675.00	0.00	1,250,000.00	0.00
2027 / 2028	0.00	0.00	0.00	0.00	163,675.00	0.00	1,250,000.00	0.00	163,675.00	0.00	1,250,000.00	0.00
2027 / 2028	0.00	0.00	0.00	0.00	139,050.00	0.00	1,250,000.00	0.00	139,050.00	0.00	1,250,000.00	0.00
2028 / 2029	0.00	0.00	0.00	0.00	139,050.00	0.00	1,250,000.00	0.00	139,050.00	0.00	1,250,000.00	0.00
2028 / 2029	0.00	0.00	0.00	0.00	114,050.00	0.00	1,250,000.00	0.00	114,050.00	0.00	1,250,000.00	0.00
2029 / 2030	0.00	0.00	0.00	0.00	114,050.00	0.00	1,250,000.00	0.00	114,050.00	0.00	1,250,000.00	0.00
2029 / 2030	0.00	0.00	0.00	0.00	89,050.00	0.00	565,000.00	0.00	89,050.00	0.00	565,000.00	0.00
2030 / 2031	0.00	0.00	0.00	0.00	89,050.00	0.00	565,000.00	0.00	89,050.00	0.00	565,000.00	0.00
2030 / 2031	0.00	0.00	0.00	0.00	77,750.00	0.00	565,000.00	0.00	77,750.00	0.00	565,000.00	0.00
2031 / 2032	0.00	0.00	0.00	0.00	77,750.00	0.00	565,000.00	0.00	77,750.00	0.00	565,000.00	0.00
2031 / 2032	0.00	0.00	0.00	0.00	68,775.00	0.00	565,000.00	0.00	68,775.00	0.00	565,000.00	0.00
2032 / 2033	0.00	0.00	0.00	0.00	68,775.00	0.00	565,000.00	0.00	68,775.00	0.00	565,000.00	0.00
2032 / 2033	0.00	0.00	0.00	0.00	59,218.75	0.00	565,000.00	0.00	59,218.75	0.00	565,000.00	0.00
2033 / 2034	0.00	0.00	0.00	0.00	59,218.75	0.00	565,000.00	0.00	59,218.75	0.00	565,000.00	0.00
2033 / 2034	0.00	0.00	0.00	0.00	49,662.50	0.00	565,000.00	0.00	49,662.50	0.00	565,000.00	0.00
2034 / 2035	0.00	0.00	0.00	0.00	49,662.50	0.00	565,000.00	0.00	49,662.50	0.00	565,000.00	0.00
2034 / 2035	0.00	0.00	0.00	0.00	40,106.25	0.00	465,000.00	0.00	40,106.25	0.00	465,000.00	0.00
2035 / 2036	0.00	0.00	0.00	0.00	40,106.25	0.00	465,000.00	0.00	40,106.25	0.00	465,000.00	0.00
2035 / 2036	0.00	0.00	0.00	0.00	32,550.00	0.00	465,000.00	0.00	32,550.00	0.00	465,000.00	0.00
2036 / 2037	0.00	0.00	0.00	0.00	32,550.00	0.00	465,000.00	0.00	32,550.00	0.00	465,000.00	0.00
2036 / 2037	0.00	0.00	0.00	0.00	24,412.50	0.00	465,000.00	0.00	24,412.50	0.00	465,000.00	0.00
2037 / 2038	0.00	0.00	0.00	0.00	24,412.50	0.00	465,000.00	0.00	24,412.50	0.00	465,000.00	0.00
2037 / 2038	0.00	0.00	0.00	0.00	16,275.00	0.00	465,000.00	0.00	16,275.00	0.00	465,000.00	0.00
2038 / 2039	0.00	0.00	0.00	0.00	16,275.00	0.00	465,000.00	0.00	16,275.00	0.00	465,000.00	0.00
2038 / 2039	0.00	0.00	0.00	0.00	8,137.50	0.00	465,000.00	0.00	8,137.50	0.00	465,000.00	0.00
2039 / 2040	0.00	0.00	0.00	0.00	8,137.50	0.00	465,000.00	0.00	8,137.50	0.00	465,000.00	0.00
2039 / 2040	0.00	0.00	0.00	0.00	0.00	0.00	0.00	473,137.50	0.00	0.00	0.00	473,137.50
	514,375.00	405,150.00	5,925,000.00	6,844,525.00	3,594,981.25	3,380,512.50	22,985,000.00	29,960,493.75	4,109,356.25	3,785,662.50	28,910,000.00	36,805,018.75

ITEM 19-016

To set a Public Hearing date of February 11th to consider and act on amendments to Chapter 48 (Coastal Waters) of the Cumberland Code, as recommended by the Coastal Waters Commission

*The following Code does not display images or complicated formatting. Codes should be viewed online.
This tool is only meant for editing.*

Chapter 48 Coastal Waters

**[HISTORY: Adopted by the Town of Cumberland 10-10-1989; amended in its entirety 5-23-2016.
Subsequent amendments noted where applicable.]**

§ 48-1 General provisions.

- A. Purpose. The Coastal Waters Ordinance is hereby established **to regulate** ~~regulating~~ marine activities within the coastal and tidal waters of the Town, **in order** to ensure the safety of persons and property, promote availability and the safety of valuable public resources, and to create a fair and efficient framework for the administration of the same.
- B. Authority. This chapter is adopted pursuant to the authority granted by Title 38, Chapter 1, of the Maine Revised Statutes Annotated, as amended **from time to time**, and pursuant to the Town's home rule authority under the Constitution of Maine, Article VIII, Part 2, and 30-A M.R.S.A § 3002, as amended **from time to time**.
- C. Applicability. The provisions of this chapter **shall** apply to all coastal and tidal waters located within the boundaries of the Town.
- D. Conflict. Nothing contained herein **may shall** be construed to conflict with the lawful jurisdiction of the United States government with respect to the enforcement of navigation, shipping, or anchorage and associated laws of the United States or any **valid** laws or regulations of the State of Maine.

§ 48-2 Definitions.

[Amended 3-26-2018]

As used in this chapter, the following terms mean:

APPROVED MOORING SERVICE

A mooring service, including sole proprietorships and other persons, which has provided an in-force certificate of insurance to the Harbormaster verifying that the mooring service has a minimum of \$1,000,000.00 of commercial general liability and lists the Town as an additional insured.

[Added 3-26-2018]

COASTAL AND TIDAL WATERS PLAN (PLAN)

A plan adopted by the Town Council designating the coastal and tidal waters of the Town and describing and showing the locations of mooring areas **and** channels for the passage of watercraft. This Plan may **be amended by the Town Council and may** include mooring plans.

[Amended 3-26-2018]

COMMERCIAL WATERCRAFT

Any type of watercraft used in a business or trade.

DERELICT OR ABANDONED WATERCRAFT

A watercraft that is given up by its master or owner with the intent to never again claim a right or interest in it.

DINGHY

A punt, skiff, tender or similar watercraft, 12 feet or less in length, used solely as transportation to or from a watercraft on a mooring. Each dinghy must be clearly marked so that the mooring registration number and owner's name are clearly visible from the floats in letters at least two inches high. Dinghies may be outfitted with an outboard motor of 10 hp or less.

KAYAK

A small, narrow watercraft which is pointed at both ends and propelled solely by a paddle. A paddleboard is deemed to be the same as and subject to the same rules as a kayak in this ordinance. ~~with two blades.~~

[Added 10-23-2017]

MOORING

A fixed anchor to which a watercraft can be made fast.

MOORING PLAN

A plan adopted by the Town Council as part of the Coastal and Tidal Waters Plan designating specific locations for moorings within a mooring area and establishing limits on the numbers of moorings allowed within a mooring area.

MOORING SERVICE

A business engaged in installing and inspecting moorings using qualified mooring inspectors. ~~WHY IS THIS HERE? CAN IT BE COLLAPSED INTO APPROVED MOORING SERVICE? (Note: I agree that this could be combined with Approved Mooring Service Definition.)~~

[Added 3-26-2018]

PADDLEBOARD

A large buoyant board used for recreation that is generally propelled by a standing rider using a paddle. A paddleboard is deemed to be the same and subject to the same rules as a kayak in this ordinance. ~~insert paddleboard definition here~~

PARCEL OF LAND

- A. For persons taking title to shorefront property on or after January 1, 1987, a lot the area of which is the larger of the minimum buildable lot size in the Town or 20,000 square feet, but in either case including 100 feet of shoreline frontage; or
- B. For persons who owned shore rights of at least 100 feet of frontage prior to January 1, 1987, a lot of any size.

PERMIT YEAR

~~The permit year is from May 1 through April 30. [Amended 3-26-2018]~~ The permit year is from January 1 through December 31. ~~(Question: if the permit year starts January 1, why are the applications due in March? See Sec. 48-7.5.)~~

PERSON

Includes the singular and plural, and including any individual, firm or corporation, association, club, partnership or society.

[Amended 3-26-2018]

QUALIFIED MOORING INSPECTOR

An approved mooring service ~~that who~~ satisfies the Harbormaster ~~as to its qualifications that he/she~~ ~~is qualified~~ to inspect ~~a mooring as to the~~ condition and size ~~of a mooring~~. Qualifications will be judged by past experience in installing and inspecting moorings, and familiarity with moorings to include the size and kind of tackle needed for the safe mooring of different size vessels.

[Added 3-26-2018]

RECORDS MANAGEMENT

The sections of the Maine State Archive Manual pertaining to records generated or controlled by the Town.

[Added 3-26-2018]

RESIDENT

A property owner or any person who occupies a dwelling within the Town for more than 180 days in ~~a~~ ~~the most recent~~ calendar year.

RIPARIAN OWNER

A person who owns the shore rights to a parcel of land abutting the coastal or tidal waters of the Town.

TOWN

The Town of Cumberland, Maine.

WATERCRAFT

Any type of vessel, boat, barge, float or craft, other than a seaplane, used or capable of being used as a means of transportation on water.

[Amended 3-26-2018]

§ 48-3 Coastal Waters Commission.

- A. Establishing policy. The Cumberland Coastal Waters Commission exists for the general purpose of evaluating public usage of and access to the coastal and tidal waters under the jurisdiction of the Town and planning for the future use of those waters; to advise the Town Council on policy matters and proposed regulations concerning the Town's coastal and tidal waters; to plan and implement improvements in conjunction with state and federal authorities; to supervise the enforcement of Town rules and regulations by the Harbormaster; and to sit as a board of appeals to hear appeals as provided by this chapter from any person aggrieved by a decision, act, or failure to act of the Harbormaster. The Commission may recommend to the Town Council a mooring plan for any area in which moorings are allowed under this chapter. The Commission ~~shall~~ ~~will~~ regularly inform the Town Council and ~~such~~ other boards, committees, or officials of the Town ~~as are appropriate~~ of its activities.
- B. Organization.
- (1) The Coastal Waters Commission ~~shall~~ consists of at least five members appointed by the Town Council. Each Commissioner ~~shall~~ ~~must~~ be a resident of the Town and ~~shall~~ ~~will~~ serve without compensation.
 - (2) Neither a Town Councilor nor ~~his/her~~ ~~their~~ spouse may be a member of the Commission.
 - (3) Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a

member from voting on that issue ~~shall~~ will be decided by a majority vote of the members, excluding the member who is being challenged; in the event of a tie ~~in the~~ vote on the question of whether a member should be disqualified from voting on the issue, the member ~~shall~~ will be disqualified from voting on the issue.

- (4) The Town Council may dismiss a member of the Commission for cause before the member's term expires. A Commissioner ~~shall~~ will forfeit ~~his/her~~ membership on the Commission ~~if he/she fails for failure~~ to attend three consecutive regular meetings of the Commission without being excused by the Commission. The Chairman of the Commission ~~shall~~ will notify the Town Council Chairman of the forfeiture of office ~~by a Commissioner~~.
- (5) The term of office of a member ~~shall be~~ is three years, except the initial appointments which ~~shall be~~ are as follows: two members for three-year terms, two members for two-year terms, and one member for a one-year term.
- (6) The Commission ~~shall~~ will annually elect a Chairman and Vice Chairman from its membership and may create and fill such other offices as it may determine. Officers ~~shall~~ will serve one-year terms and ~~shall be~~ are eligible for reelection.

C. Procedure.

- (1) The Chairman ~~or designee shall~~ will call meetings of the Commission ~~as required~~. The Chairman ~~or designee shall~~ will also call meetings of the Commission when requested to do so by a majority of the members or by the Town Council. A quorum of the Commission necessary to conduct an official Commission meeting ~~shall~~ consists of at least three members. The Chairman ~~/ Vice Chairman will or designee shall~~ preside at all meetings of the Commission and ~~shall~~ will be the official spokesman of the Commission. In the absence of the Chairman, the Vice Chairman will assume these duties.
- (2) The Commission ~~shall~~ must maintain a permanent record of all Commission meetings and all correspondence ~~of the Commission~~. The Commission ~~shall be~~ is responsible for maintaining those records which are required as a part of the various proceedings which may be brought before the Commission. All records to be maintained or prepared by the Commission are public records and ~~shall~~ must be filed in the Town Clerk's office and may be inspected at reasonable times.
- (3) In any appeal under § 48-~~118A~~, the following procedures apply:
 - (a) The Commission may receive any oral or documentary evidence but ~~shall~~ will provide as a matter of policy for the exclusion of irrelevant, immaterial, or unduly repetitious evidence. Every party ~~shall have~~ has the right to present ~~the party's~~ their case or defense by oral or documentary evidence, to submit rebuttal evidence and to conduct any cross-examination ~~that is~~ required for a full and true disclosure of the facts;
 - (b) The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceeding, ~~shall~~ constitutes the record. All decisions become a part of the record and must include a statement of findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented in the appropriate order, relief or denial of relief. Notice of any decision ~~shall~~ will be mailed or hand-delivered to the petitioner, ~~his/her~~ any representative or agent, and the Town Council within seven days of the Commission's decision;
 - (c) The Commission may reconsider any decision reached under this section within 30 days of its ~~prior~~ decision. The Commission may conduct additional hearings and receive additional evidence and testimony as provided in this section; and
 - (d) An appeal may be taken from any order, relief or denial of the Coastal Waters Commission by procedure as outlined in § 48-~~11810~~ of this chapter.

D. Jurisdiction. The Coastal Waters Commission ~~shall~~ **will** hear appeals as provided for by § ~~48-11810~~ of this chapter. For purposes of 38 M.R.S.A. § 9, as amended ~~from time to time~~, the Coastal Waters Commission is entrusted with harbor management.

§ 48-4 Harbormaster.

- A. The Harbormaster ~~shall~~ **will** be appointed by the Town Manager annually. The Harbormaster's duties and responsibilities ~~shall be~~ **are** as prescribed by 38 M.R.S.A. § 1 et seq. and by the provisions of this chapter. The Town Council may establish the Harbormaster's compensation, and the Harbormaster may be removed for cause in accordance with 38 M.R.S.A. § 1.
- B. The Harbormaster ~~shall~~ **will** regularly attend the meetings of the Coastal Waters Commission and inform the Commission of ~~his/her~~ **their** activities as well as provide such information ~~available to him/her~~ as may be requested by the Commission in the execution of its duties.

§ 48-5 Dockage time limit. [Added 10-23-2017]

~~Other than dinghysdinghies,~~ all watercraft which tie up to the Broad Cove Reserve floats must be tied to the south side of the floats. No person may tie up any watercraft to Town public facilities for more than 30 minutes except with special prior permission from the Harbormaster. The penalty for violating the time limit is prescribed in § ~~84-12D~~.

§ 48-6 Dinghy dockage. [Added 10-23-2017]

- A. No dinghy may tie up to any Town facility such as a wharf or float without permission of the Harbormaster, except for those owned or used by a mooring holder as described below. ~~All watercraft which tie up to the Broad Cove Reserve floats must be tied to the south side of the floats.~~
- B. Any dinghy owned or used ~~by a riparian mooring~~ **by a** holder in the Town mooring field must be tied ~~off~~ to the north side of Broad Cove Reserve floats ~~in an area designated by conspicuous markings for dingy dockage.~~
- C. No watercraft ~~used as a dinghy~~ exceeding 12 feet in length or equipped with an outboard motor exceeding 10 hp may tie up to ~~the north side of the Broad Cove Reserve floats any Town facility.~~ All motors must be stored in the raised position when tied to the floats. The penalty for ~~incorrectly inappropriately~~ tying to the floats is as prescribed in § ~~84-12D~~. ~~(Note: use of the term dinghy here is inconsistent with the definition of dinghy)~~ **22B**

§ 48-7 **Kayak / Paddleboard storage**

A. General. The Town may provide facilities at Broad Cove Reserve for the storage of kayaks and ~~paddleboards and paddleboards.~~ Such storage, if provided, will be governed by the following:

- (1) **Kayak and paddleboard storage space will be awarded ~~only~~ to only residents ~~only~~ by an annual lottery managed by the Clerk's office. The lottery will be held on the first Thursday of April of each year. Notification must be made by the last Thursday of March of each year to the Clerk's office, by use of the required process, of the applicant's desire to be included in the lottery.**
- (2) **Applicants ~~who are awarded kayak storage space must through the lottery shall be required to pay the annual fee as specified in §84-12G. An applicant who does not pay the annual fee within thirty days will forfeit his or her~~ the storage space, and the space will be awarded to the next applicant on the list.**
- (3) **Kayaks and paddleboards stored at Town facilities are required to display a ~~current~~ approved registration sticker along the port side of the kayak or port side or top front of the paddleboard.**

- (4) Maximum length for a kayak or paddleboard stored at Town facilities is 20 feet.²
- (5) Kayak and paddleboard owners are responsible for removal of the kayak by November 1. Failure to timely remove the kayak or paddleboard from Town facilities by November 1 will result in the inability to rent during subsequent seasons the next calendar year.
- (6) Each Owner/operators will ensure that the kayak or paddleboard is reasonably secured and locked in its assigned rack space and will not pose a risk to others. any danger to passersby. Owner must provide locking mechanism.
- (7) Each Owner will ensure their kayak rack space is clean and tidy at all times. No property other than one kayak or paddleboard will be left on, in, around or by the rack at any time.
- (8) Each kayak rack storage space unit will be used for one registered kayak or paddleboard only, as registered.
- (9) Kayaks and paddleboards stored at Town facilities are stored at the risk of the owner's risk. The Town of Cumberland accepts no responsibility for loss of or damages to any kayak or paddleboard.
- (10) Violation of any portion of §48-7 will shall result in immediate revocation of kayak storage privileges, and will subject the kayak owner/operator to a fee as specified in §84-12H.

§ 48-8 7-5 Moorings.

[Amended 1-23-2017]

- A. General. No person may place or establish a mooring in the coastal and tidal waters of the Town except within designated mooring areas as described in and shown on the Coastal and Tidal Waters Plan; provided, however, that: [Amended 3-26-2018]
- (1) A riparian owner who is the master or owner of a watercraft may be assigned a mooring fronting his/her/their land even though the mooring is not within a mooring area shown on the Plan, so long as the mooring does not encroach upon the natural channel or channels established in the Coastal and Tidal Waters Plan and provided that the riparian owner annually registers the mooring as provided in Subsection B of this section.
 - (2) A riparian owner using a mooring or moorings fronting his/her/their land but not located within the mooring areas shown and described in the Plan of the Town as of the effective date of this chapter and Plan may be allowed to continue to use up to three such moorings at the same location, so long as said the moorings do not encroach upon the natural channel or channels established in said the Plan and provided the riparian owner informs the Harbormaster of the mooring location within one year from the effective date of this chapter and annually registers the moorings as provided by Subsection B of this section.
 - (3) A property owner with a right-of-way (ROW) to the water is accorded the same rights and restrictions accorded to a riparian owner under Subsection A(1) and (2) above, except that the mooring(s) may be placed as conveniently as possible in front of the ROW and must not interfere with the reasonable placement or moorings allowed for riparian owners. Furthermore, should space be insufficient to meet demands, the number of moorings allowed for a ROW property owner in front of the ROW may be reduced to one.
- B. Assignment and location of moorings.
- (1) No person may moor his/her a watercraft in any part of the coastal and tidal waters of the Town without first annually registering the watercraft and obtaining a mooring assignment specifying the location of the mooring. [Amended 3-26-2018]

- (2) No owner or master of any watercraft may permit ~~his/her~~ their watercraft to be docked or moored in such a manner as to obstruct the free passage of other watercraft going to or from any wharf, pier, or other mooring in the Town. **[Amended 3-26-2018]**
- (3) Any mooring assignment in the coastal and tidal waters of the Town is governed by the following guidelines:
- (a) Application for a mooring must be made by March 15th ~~May 1~~ of each year unless an applicant shows good cause why ~~he/she~~ they could not apply by ~~that date~~ March 15th ~~May 1~~ (as, for example, a person who acquires a boat or becomes a resident after March 15th ~~May 1~~). A mooring assignment will be valid until December 31 ~~the next April 30~~. Any renewal application made after March 15 will be subject to a late fee established by the Town Council Coastal Waters Commission and listed in §84-12F. AIf a person previously holding a mooring permit in the Broad Cove mooring field who fails to renew thehis/her mooring by March 15ay 1, he or she shall loses their right to renew and must apply for a new mooring. **[Amended 3-26-2018]**
- (b) All persons applying for and receiving a mooring assignment must pay to the Town a fee as established by order of the Town Council. See § **84-12A and B.** **[Amended 3-26-2018]**
- (c) If a person with an assigned mooring changes watercraft during the permit year, they must-person shall submit information regarding the change to the Harbormaster through approved means for review. a new mooring application must be submitted as soon as possible describing the new watercraft. If the characteristics of the mooring (block, chain, pennant) must be ~~changed~~ modified to accommodate the new watercraft, the application notification should be made in advance of the changes. If the mooring location needs to change, the application notification and Harbormaster approval MUST precede any changes. No new fees will be charged. The Harbormaster should be consulted if there are any questions. ~~-(Question: what is "the approved means for review?" Could this be revised to state that the "person shall submit a request for an amendment to the Harbormaster?")~~
- ~~(d) Each mooring application must be fully completed.~~
- ~~(e)~~ (d) Notwithstanding any other provision of this chapter, any person using a mooring located within the mooring areas shown and described in the Plan of the Town as of the effective date of this chapter and Plan will be allowed to continue to use that mooring at the same location, so long as the mooring does not encroach upon the natural channel or channels established in the Plan, and provided that such person informs the Harbormaster of the location of the mooring within one year from the effective date of this chapter and annually registers the mooring as provided by this Subsection **B.** **[Amended 3-26-2018]**
- (4) In the event more mooring applications for the Broad Cove Reserve mooring field are received than there are available spaces, the Harbormaster may maintain a waiting list of all applicants who have not been assigned a mooring. Further, if a plan is amended and that revised plan provides for fewer moorings, the moorings available under the revised plan must be assigned to persons who had registered moorings at the time of amendment of the plan under this allocation system, except as otherwise provided by this chapter. Persons may add their names to the waiting list using the required process. ~~-(Question: what is the "required process?")~~ at the Town Clerk's office during normal business hours. This procedure if used ~~-~~ must be posted in the Town Hall, and the waiting list must be a public document under the Freedom of Access Law. The waiting list must be maintained in chronological order of application, and any vacant space must be assigned to the first person on the waiting list, in accordance with the following priorities: **[Amended 3-26-2018]**
- (a) A riparian owner who is the owner or master of a watercraft and who is applying for a mooring assignment must receive the first vacancy available, and the mooring must be located fronting ~~his/her~~ their property, provided that such location does not encroach upon the natural channel or channels established by the Plan. No more than one mooring may be assigned to any shorefront

parcel of land under this priority, but this limitation may not prevent a riparian owner from receiving additional mooring assignments under this allocation system.

- (b) A homeowners' association member who has recorded rights to the shore through a deed, subdivision plan, or homeowners' association document.
- (c) A property owner with a ROW to the water is accorded the same rights and restrictions accorded to a riparian owner, except that the mooring(s) may be placed as conveniently as possible in front of the ROW and must not interfere with the reasonable placement of moorings allowed for riparian owners.
- (d) Any other resident or property owner of the Town.
- (e) Any person who does not meet the requirements of Subsection **B(4)(a)** through **(d)** above; however, if a waiting list is created, the next vacant space must be assigned to the first nonresident on the waiting list in accordance with the following priority:
 - [1] If the principal use of the vessel is noncommercial and less than 10% of the assigned moorings in the mooring area are currently assigned to persons fitting this description, then to the first such person on the waiting list.
 - [2] If the principal use of the vessel is commercial and less than 10% of the assigned moorings in the mooring area are currently assigned to persons fitting this description, then to the first such person on the waiting list.
 - [3] If both nonresident noncommercial and nonresident commercial assignments are below 10% of the moorings and there are both types of applicants on the waiting list, the available space must be assigned to the first applicant in the category that is farthest below 10%.
- (5) The Harbormaster must maintain a record of each mooring assignment, including the location of assignment as well as the application information required by this chapter. These records must be retained as required by the state's records management process. **[Amended 3-26-2018]**
- (6) Mooring assignments are not transferable, and assignments must not be rented unless approved by the Harbormaster. **[Amended 3-26-2018]**
- (7) The Town reserves the right to reassign moorings each year to better use available space.
- C. Moorings. Moorings must consist of appropriately sized mushroom anchors, granite blocks, or helix moorings, connected to a surface buoy by a chain of appropriate size and length for the vessel, depth of water, and exposure to weather. Concrete blocks, engine blocks, and other "objects of convenience" are not allowed. The surface float must consist of a white mooring ball on which the name of the watercraft owner or master and mooring registration number is painted with at least three-inch-tall letters and numbers in a contrasting color. A pennant of suitable diameter and length completes the mooring assembly. Guidance for selecting the sizes of materials can be obtained from the Town website ~~and/or~~ from approved mooring services listed on the Town website. **[Amended 3-26-2018]**
- D. Inspections. ~~Each mooring must be inspected every two years by a qualified mooring specialist. The inspection results must be reported to the Harbormaster and all deficiencies repaired within 30 days.~~
 - (1) An approved mooring service must inspect and be satisfied that each mooring is in safe condition before it is placed in the mooring area. **[Added 3-26-2018]**
 - (2) Each mooring must be inspected every two years by a qualified mooring inspector. A list of qualified mooring inspectors may be obtained by contacting the Harbormaster. Inspection results must be reported to the Harbormaster within five working days and all deficiencies repaired within 30 days

of the inspection. **[Added 3-26-2018]**

- (3) The Harbormaster will, in accordance with Maine Revised Statutes, Chapter 5, Section 95-B, Local Government Records, maintain a file on each mooring, including the dates of inspection and **the** approved mooring service that inspected it. **[Added 3-26-2018]**
- E. Winter spars. Winter spars cannot be installed before September 15 and must be attached by December 1 each year. They must be removed and replaced with the white ball by June 1.
- F. Removal of moorings. An owner who discontinues the use of a mooring is responsible for removing the mooring from the marine environment. The Town has the right to remove and dispose of any mooring, including unsafe, abandoned, unregistered, improperly identified and objects of convenience moorings at the owner's expense. The penalty for failing to remove and dispose of any mooring is described in § **84-12E**. Disposition of any proceeds from removed moorings is governed by State Abandoned Property Law. **[Amended 3-26-2018]**
- G. An applicant receiving a mooring assignment within Broad Cove Reserve, effective on or after May 1, 2017, must install the mooring **during the first year of assignment**. Should a mooring not be installed **by July 1st, the applicant forfeits the mooring and may apply again in three years. during that first year and the applicant again apply within three years, a relocation** A fee must be paid to cover the **administrative expense of managing the reassignment process, retrieving the original marker and subsequent locating and marking of the second mooring site.** The **reassignment relocation** fee is specified in § **84-12C**. **[Amended 3-26-2018]**
- H. Mooring services rules and regulations. **[Added 3-26-2018]**
 - (1) No person may install or inspect moorings or offer to install or inspect moorings for hire within the **coastal and tidal waters of the Town mooring area** without first **registering qualifying** the mooring service with the Harbormaster.
 - (2) Mooring services operating within the mooring area must adhere to the following rules:
 - (a) Mooring buoys must comply with the requirements of § **48-87** before being set or reset.
 - (b) A certificate of insurance indicating the coverages detailed in § **48-2** (approved mooring service), must be provided to the Harbormaster annually.
 - (c) Approval of the Harbormaster must be obtained at least two working days prior to setting, hauling out, relocating or adjusting any mooring. The mooring service must provide the Harbormaster with the location by GPS coordinates before and after the action for which approval is sought.
 - (d) Moorings for which the service is responsible must be adjusted within two days after notification by the Harbormaster.
 - (e) All new moorings must be registered and pass a complete mooring inspection prior to use.
 - (f) Each mooring service must inspect the moorings it services at least once every two years.

§ 48-**98** **Derelict, abandoned or sinking watercraft.**
[Amended 7-26-2017]

- A. No person may bring into or maintain in the coastal and tidal waters of the Town any derelict watercraft:
 - (1) That had not been home-ported at a Town mooring immediately prior to such damaged state. The sole exception will be for crew safety. Upon arrival, the Harbormaster must be immediately notified

of the watercraft's seaworthy status.

- (2) For salvage or abandon any watercraft in the coastal and tidal waters of the Town.
- B. The Harbormaster must notify the master or owner of a derelict or abandoned watercraft, that the watercraft must be removed within seven days. If the master or owner has not removed it within that time, the Harbormaster is authorized to remove the watercraft at the master's or owner's expense. However, in the event the Harbormaster determines the watercraft causes or threatens to cause property damage, pollution, or is a hazard to navigation, then removal must be by the fastest means available. The Harbormaster is authorized to remove the watercraft at the master's or owner's expense.
- C. If any watercraft is polluting, hazardous to navigation, or in danger of sinking, the Harbormaster may authorize a private contractor to mitigate the damage to or from the watercraft at the owner's or master's expense.
- D. The owner or master must pay all reasonable costs associated with mitigating loss or damages from a derelict, abandoned or sinking watercraft within 60 days of invoicing. Failure to make full and timely payment will result in the immediate loss of all mooring privileges and continued loss for two years after the debt is paid in full.

§ 48-~~109~~ **Enforcement; violations and penalties.**

- A. ~~It shall be the primary duty of the~~ The Harbormaster ~~is~~ to enforce the provisions of this chapter and of Title 38, Chapter 1, of the Maine Revised Statutes Annotated, as amended ~~from time to time~~. If the Harbormaster ~~shall find~~s any provisions of this chapter or statute being violated, ~~he/she shall~~ the Harbormaster ~~must~~ notify the person responsible for said violation, either verbally or in writing, indicating the nature of the violation or ordering the action necessary to correct it. The Harbormaster ~~shall~~ ~~must~~ maintain a written record of such notices. In the event the violation causes or threatens to cause property damage, then notification of the violation ~~shall~~ ~~must~~ be by the fastest means available. In this case, if contact with the mooring or boat owner or corrective action cannot be made within 24 hours after such notice, the Harbormaster is authorized to take whatever corrective action is necessary, the expense and risk for which ~~shall~~ ~~will~~ be borne by the boat owner.
- B. Violation of any provisions of this chapter ~~shall be deemed~~ ~~is~~ a civil violation. This chapter is enforceable by the Harbormaster or any law enforcement officer of the Town, County of Cumberland, or State of Maine with jurisdiction in the Town. This chapter ~~shall~~ ~~will~~ be enforced through a civil action in the District Court, and the Town may seek one or more of the following: injunctive relief, money damages not exceeding the sum of \$200 for each violation ~~and~~ ~~along with~~ attorney fees and costs pursuant to 30-A M.R.S.A. § 4452, as amended ~~from time to time~~. Each day ~~such a~~ violation exists ~~shall~~ constitute ~~s~~ a separate violation.
- C. The Harbormaster ~~shall~~ ~~must~~ ~~terminate~~ ~~suspend for the remainder of the permit year~~ the mooring assignments of any person who violates this chapter two or more times within ~~that a~~ permit year.

§ 48-~~1140~~ **Appeals.**

- A. Any ~~and all~~ persons aggrieved directly or indirectly by an action or failure to act of the Harbormaster may appeal such action or failure to act to the Coastal Waters Commission. In deciding any appeal, the Commission ~~shall~~ ~~may~~ hear and approve, with modifications or conditions, or disapprove the action or failure from which the appeal is made.
- B. Such appeals ~~shall~~ ~~must~~ be made ~~by application~~ in writing to the Coastal Waters Commission within five calendar days of the action or failure to act from which the appeal is taken. The application must state with specificity the action or failure to act from which the appeal is taken and the reason for the appeal. The appeal ~~shall~~ ~~will~~ be considered by the Coastal Waters Commission at its next regular meeting.

- C. Any action or failure to act by the Harbormaster concerning the location of moorings or boats, as a result of which location there is immediate danger to lives or property, ~~shall~~ will not be stayed pending appeal.
- D. An appeal may be taken by any party from any order, relief or denial by the Coastal Waters Commission under Subsection A above, within 30 days after the decision is rendered, to the Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

ITEM 19-017

To set a Public Hearing date of February 11th to consider and act on amendments to Chapter 84 (Fees and Fines), Section 12 (Moorings) of the Cumberland Code, as recommended by the Coastal Waters Commission

§ 84-12 Moorings.
[Amended 12-14-2015]

- A. Resident: \$50.
- B. Nonresident: \$250.
- C. Reassignment Relocation fee: \$250. **[Added 1-23-2017]**
- D. Dinghy dockage and time limit penalty fee: \$50. **[Added 3-26-2018]**
- E. Mooring removal minimum fee: \$250 plus any added costs incurred by the Town for removing, storing and disposing of the mooring. **[Added 3-26-2018]**
- F. Late mooring renewal / application fee: \$50.
- G. Kayak rack storage fee: \$50.
- H. Violation of §48-7 Kayak Storage fee: \$50.

§ 84-13 Plumbing permit.

- A. Internal fees: \$10 per fixture; \$40 minimum.
- B. External fees.
 - (1) Complete systems.
 - (a) Engineered system: \$200.
 - (b) Nonengineered system: \$250.
 - (c) Primitive system: \$100.
 - (d) Separate laundry: \$35.
 - (e) Seasonal conversion: \$50.
 - (f) Variance: \$20.
 - (2) Separate parts of systems.
 - (a) Alternate toilet only: \$50.
 - (b) Disposal field (engineered): \$150.
 - (c) Disposal field (nonengineered): \$150.
 - (d) Treatment tank only (nonengineered): \$150.
 - (e) Treatment tank only (engineered): \$80.
 - (f) Holding tank: \$100.
 - (g) Other components: \$30.
 - (3) Subsurface septic surcharge: \$15.

REVENUES

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TOWN OF CUMBERLAND HISTORICAL ACTUALS COMPARISON REPORT

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FOR PERIOD 07 OF 2019

ACCOUNTS FOR: 001 General Fund	PRIOR YR3 ACTUALS	PRIOR YR2 ACTUALS	LAST YR ACTUALS	CURRENT YR ACTUALS	CY REV BUDGET
<hr/>					
0011 Other Tax Revenues					
<hr/>					
0011 0303 Motor Vehicle Excise Tax	-1,047,987.09	-1,129,406.85	-1,235,265.62	-1,219,960.06	-1,950,000.00
0011 0304 Boat Excise Tax	-2,743.70	-2,258.40	-3,370.74	-2,688.60	-14,000.00
0011 0325 Supplemental Taxes	.00	-14,130.35	.00	.00	.00
0011 0328 Outer Islands Property Tax	-19,944.63	-21,676.03	-21,887.03	-22,020.50	-42,000.00
0011 0329 Payment in Lieu of Taxes	-14,804.00	-14,902.00	-15,344.00	-15,959.00	-31,000.00
TOTAL Other Tax Revenues	-1,085,479.42	-1,182,373.63	-1,275,867.39	-1,260,628.16	-2,037,000.00
0012 License & Permit Revenues					
<hr/>					
0012 0311 Hunting/Fishing Lic Agent Fees	-247.00	-270.75	-246.50	-259.25	-541.00
0012 0312 Marriage Lic & Vital Records	-1,413.00	-1,467.86	-1,368.60	-1,637.00	-2,436.00
0012 0313 Birth Certificates	-686.20	-976.60	-1,005.20	-792.20	-1,361.00
0012 0314 Death Certificates	-808.20	-938.13	-1,167.40	-1,207.40	-1,713.00
0012 0315 Clerk Licenses	-1,955.00	-1,170.00	-1,785.00	-2,285.00	-4,608.00
0012 0316 Shellfish Licenses	-378.51	-477.35	-313.77	-402.33	.00
0012 0317 Conservation Fees	-56.49	-82.65	-46.23	-87.67	.00
0012 0334 Snowmobile Reg. Agent Fees	-141.00	-201.00	-167.00	-151.00	.00
0012 0361 Motor Vehicle Reg. Agent Fees	-11,691.00	-11,578.00	-12,296.00	-11,844.00	-21,406.00
0012 0362 Boat Reg. Agent Fees	-155.00	-136.00	-127.00	-148.00	-1,098.00
0012 0366 Building Permits	-47,810.42	-87,848.83	-39,351.94	-45,301.58	-75,000.00
0012 0367 Electrical Permits	-11,512.55	-14,714.53	-17,211.50	-11,692.80	-21,634.00
0012 0368 Plumbing Permits	-8,474.98	-11,475.00	-12,342.50	-9,133.50	-18,789.00
0012 0369 Other Permits	-650.00	-1,177.00	-377.00	-670.00	-1,751.00
0012 0383 ATV Reg. Agent Fees	-6.00	.00	-42.00	-69.00	-37.00
0012 0398 Application Fee	-655.56	-200.00	-1,350.00	-1,150.00	-1,300.00
0012 0401 Dog Reg. Clerk Fees	-766.00	-803.00	-843.00	-770.00	-2,800.00
0012 0404 Commercial Haulers License	-200.00	-100.00	.00	.00	-500.00
TOTAL License & Permit Revenue	-87,606.91	-133,616.70	-90,040.64	-87,600.73	-154,974.00
0013 Intergovernmental Revenues					
<hr/>					
0013 0331 State Revenue Sharing	-219,288.92	-239,418.26	-262,567.42	-231,569.24	-453,207.00
0013 0332 Park Fee Sharing	.00	.00	.00	.00	-10,055.00
0013 0335 DOT Block Grant	-63,232.00	-68,012.00	-69,136.00	-68,644.00	-69,136.00

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**TOWN OF CUMBERLAND
HISTORICAL ACTUALS COMPARISON REPORT**

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FOR PERIOD 07 OF 2019

ACCOUNTS FOR:	PRIOR YR3	PRIOR YR2	LAST YR	CURRENT YR	CY REV
001 General Fund	ACTUALS	ACTUALS	ACTUALS	ACTUALS	BUDGET
0013 0341 North Yarmouth Recreation Shar	-3,644.00	-21,851.00	-16,688.00	-9,460.00	-35,000.00
0013 0342 North Yarmouth Library Share	-72,976.00	-72,183.00	-77,712.00	-80,036.00	-160,000.00
0013 0347 North Yarmouth Channel 2	-1,274.00	-1,370.00	-1,474.00	.00	.00
0013 0348 ACO Sharing Payments	-3,161.00	.00	.00	.00	.00
TOTAL Intergovernmental Revenue	-363,575.92	-402,834.26	-427,577.42	-389,709.24	-727,398.00
0015 Other Revenues					
0015 0305 Interest & Penalties	-16,349.83	-9,508.73	-9,615.92	-10,695.00	-30,000.00
0015 0306 Over/Short	-47.50	-351.25	648.75	376.36	-100.00
0015 0364 Growth Permits	-2,600.00	-12,700.00	-2,000.00	-1,900.00	-2,000.00
0015 0365 Board of Appeals	-400.00	.00	-200.00	-100.00	.00
0015 0379 Investment Earnings	785.33	-275.52	.00	.00	.00
0015 0382 Sale of Assets	-7,599.00	.00	.00	.00	.00
0015 0390 Misc. Revenue	-34,860.08	-36,637.61	-34,492.28	-31,087.95	-25,000.00
0015 0399 Staff Review Fee	-2,069.44	-5,500.00	-17,600.00	-8,750.00	-14,117.00
0015 0403 Mooring Fees	-235.00	-500.00	-1,400.00	-306.02	-1,500.00
0015 0410 Private Ways	-800.00	-200.00	-200.00	-600.00	-400.00
0015 0432 Workers Compensation Dividend	-10,803.37	-13,558.82	.00	.00	.00
0015 0508 Impact Fees	-77,312.30	-157,318.00	-30,823.80	-48,997.90	-60,000.00
TOTAL Other Revenues	-152,291.19	-236,549.93	-95,683.25	-102,060.51	-133,117.00
0021 Police Related Revenues					
0021 0351 Police Issued Permits	-290.00	-1,127.00	-832.00	-1,305.00	-2,000.00
0021 0353 Police Insurance Reports	-327.00	-264.00	-310.00	-288.00	-500.00
0021 0390 Miscellaneous Police Revenue	-515.00	-66.00	-300.15	-723.00	-648.00
0021 0427 Parking Tickets	.00	.00	-565.00	-25.00	-100.00
0021 0431 Outside Detail	-22,827.16	-27,582.89	-22,150.30	.00	.00
0021 0536 Dog Licenses ACO Revenue	-1,464.00	-1,393.00	-1,899.00	-1,559.00	-1,800.00
0021 0540 MSAD #51 SRO Reimbursement	.00	.00	-24,000.00	-24,500.00	-49,000.00
0021 0546 Court Reimbursements	-150.00	-953.72	-300.00	671.00	-2,200.00
0021 0620 Federal Grant revenue	-25,000.00	.00	.00	.00	.00
TOTAL Police Related Revenues	-50,573.16	-31,386.61	-50,356.45	-27,729.00	-56,248.00
0022 Fire Related Revenues					
0022 0390 Misc. Revenue	-5.00	-2.50	-300.00	.00	-100.00

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**TOWN OF CUMBERLAND
HISTORICAL ACTUALS COMPARISON REPORT**
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FOR PERIOD 07 OF 2019

ACCOUNTS FOR:	PRIOR YR3	PRIOR YR2	LAST YR	CURRENT YR	CY REV
001 General Fund	ACTUALS	ACTUALS	ACTUALS	ACTUALS	BUDGET
0022 0431 Outside Details	-17,083.59	-19,726.54	-19,698.25	.00	.00
0022 0504 Rescue Billing	-82,094.19	-96,541.10	-93,303.75	-80,102.41	-160,000.00
0022 0505 Non Emergency Transports	-47,401.59	-50,281.83	-6,765.06	.00	-12,000.00
0022 0507 Paramedic Intercepts	-600.00	-300.00	-300.00	.00	-600.00
TOTAL Fire Related Revenues	-147,184.37	-166,851.97	-120,367.06	-80,102.41	-172,700.00
0031 Public Services Revenues					
0031 0390 Misc. Revenue	-273.00	-78.00	-234.00	-3,130.00	-500.00
0031 0391 Field Usage Fees	-8,500.56	-5,274.00	-5,281.20	-5,113.20	-10,000.00
0031 0431 Outside Details	-1,113.10	-1,043.80	-1,407.02	-1,234.03	.00
0031 0517 Bags/Universal Waste	-93,580.00	-131,496.00	-184,550.00	-161,195.00	-286,015.00
0031 0539 Brush Passes	-1,365.00	-2,250.00	-1,681.00	-1,570.00	-8,277.00
0031 0617 Twin Brooks Donations	.00	-23.00	-118.00	.00	-92.00
TOTAL Public Services Revenues	-104,831.66	-140,164.80	-193,271.22	-172,242.23	-304,884.00
0035 VH Other Revenues					
0035 0329 Payment in Lieu of Taxes	.00	.00	.00	.00	-8,000.00
0035 0378 Soda Sales	-1,705.87	-1,724.94	-1,644.50	-2,039.60	-2,500.00
0035 0560 Rental Income	-10,863.18	-16,029.39	-13,227.66	-10,276.25	-14,000.00
0035 0565 Cell Tower Land Lease	.00	-12,600.00	-12,600.00	-12,600.00	-24,000.00
TOTAL VH Other Revenues	-12,569.05	-30,354.33	-27,472.16	-24,915.85	-48,500.00
0037 VH Golf Revenues					
0037 0306 Over/Short	-9.68	-11.20	.98	-7.24	.00
0037 0357 Golf Memberships	-111,309.35	-106,430.88	-96,858.00	-117,410.40	-230,000.00
0037 0358 Greens Fees	-81,238.95	-73,726.70	-87,265.95	-99,893.75	-120,000.00
0037 0359 Golf Cart Rentals	-47,776.08	-55,022.77	-67,304.21	-56,108.29	-88,000.00
0037 0416 Practice Range	-7,009.00	-5,451.75	-7,191.50	-4,911.75	-10,000.00
0037 0417 VH Program Revenues	-12,954.00	-19,655.00	-27,491.52	-46,365.70	-56,529.00
0037 0419 Advertising Sales	.00	3,325.00	-800.00	-5,681.50	-23,392.00
0037 0522 Outing Golf	-69,602.08	-56,391.43	-36,180.00	-41,978.43	-45,000.00
0037 0617 Donations Received	.00	.00	-845.00	.00	.00

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TOWN OF CUMBERLAND
HISTORICAL ACTUALS COMPARISON REPORT

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FOR PERIOD 07 OF 2019

ACCOUNTS FOR:		PRIOR YR3 ACTUALS	PRIOR YR2 ACTUALS	LAST YR ACTUALS	CURRENT YR ACTUALS	CY REV BUDGET
001	General Fund					
<hr/>						
	TOTAL VH Golf Revenues	-329,899.14	-313,364.73	-323,935.20	-372,357.06	-572,921.00
<hr/>						
0041	Recreation Related Revenues					
<hr/>						
0041	0371 41000 Fall Recreation Revenue	-44,877.45	.00	.00	.00	.00
0041	0372 41000 Winter Recreation Revenue	-89,671.00	.00	.00	.00	.00
0041	0373 41000 Spring Recreation Revenue	-5,809.00	.00	.00	.00	.00
0041	0374 41000 Summer Recreation Revenue	-21,743.50	.00	.00	.00	.00
0041	0440 41100 After School Programs	-103,240.05	-149,670.00	-169,909.50	-165,132.59	-214,836.00
0041	0441 41110 Youth Enrichment Programs	.00	-52,276.68	-73,583.60	-96,402.60	-108,607.00
0041	0442 41120 Youth Sports Programs	.00	-50,595.00	-52,666.00	-55,107.25	-93,052.00
0041	0443 41130 Skiing Programs	.00	-47,545.00	-50,715.00	-53,362.00	-45,020.00
0041	0444 41140 Day Camps	.00	-44,802.05	-33,700.18	-29,100.65	-180,160.00
0041	0445 41150 Swimming Programs	.00	-16,687.00	-16,851.00	-19,882.29	-54,052.00
0041	0446 41160 Adult Enrichment Revenue	-21,304.90	-27,195.50	-24,459.94	-25,794.43	-39,515.00
0041	0447 41170 Adult Fitness Revenue	-36,129.68	-45,406.10	-43,405.34	-42,855.13	-37,743.00
0041	0448 41190 Special Events/Trips Reven	-220.00	-1,586.00	-1,900.00	-2,286.00	-2,243.00
0041	0449 41190 Recreation Programs	-4,484.00	-3,325.55	-2,714.00	-1,016.00	-6,971.00
0041	0570 41190 Rec Soccer Revenue	-6,815.00	-11,760.00	-16,190.00	-18,175.00	-20,245.00
0041	0571 41190 Rec Ultimate Frisbee Reven	.00	-615.00	-1,575.00	-1,834.00	-15,672.00
0041	0606 41190 CPR/First Aid Revenues	1,551.20	-660.00	.00	-580.00	.00
	TOTAL Recreation Related Reven	-332,743.38	-452,123.88	-487,669.56	-511,527.94	-818,116.00
<hr/>						
0045	Library Related Revenues					
<hr/>						
0045	0379 Library Interest Income	-160.64	.00	.00	.00	.00
0045	0392 Library Fines	-2,819.82	-2,046.59	-1,899.43	-1,543.95	-3,500.00
0045	0394 Misc. Library Revenue	-736.00	-1,081.36	-672.50	-646.10	-1,000.00
	TOTAL Library Related Revenues	-3,716.46	-3,127.95	-2,571.93	-2,190.05	-4,500.00
	TOTAL General Fund	-2,670,470.66	-3,092,748.79	-3,094,812.28	-3,031,063.18	-5,030,358.00
	TOTAL REVENUES	-2,670,470.66	-3,092,748.79	-3,094,812.28	-3,031,063.18	-5,030,358.00
	GRAND TOTAL	-2,670,470.66	-3,092,748.79	-3,094,812.28	-3,031,063.18	-5,030,358.00

EXPENSES

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TOWN OF CUMBERLAND HISTORICAL ACTUALS COMPARISON REPORT

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ACCOUNTS FOR: 001 General Fund	PRIOR YR3 ACTUALS	PRIOR YR2 ACTUALS	LAST YR ACTUALS	CURRENT YR ACTUALS	CY REV BUDGET
<hr/>					
10 General Government					
<hr/>					
130 Administration	351,804.84	369,807.34	364,293.30	364,731.49	588,736.00
140 Assessor	52,336.94	47,708.57	44,139.31	64,536.38	96,036.00
150 Town Clerk	129,031.94	122,521.46	118,305.60	140,730.08	247,295.00
160 Technology	107,500.12	130,250.67	135,430.16	132,326.37	202,151.00
165 Elections	2,784.99	7,630.77	2,938.75	6,954.98	16,026.00
170 Planning	37,234.99	36,796.62	37,399.76	37,193.34	71,630.00
190 Legal	25,457.08	30,214.06	35,599.91	22,143.57	47,500.00
TOTAL General Government	706,150.90	744,929.49	738,106.79	768,616.21	1,269,374.00
20 Public Safety					
<hr/>					
210 Police	791,745.21	816,396.63	790,099.35	750,283.79	1,378,565.00
220 Fire	530,481.49	572,533.38	533,166.29	517,359.53	968,342.00
240 Code Enforcement	63,347.21	51,622.98	80,220.85	77,350.31	132,952.00
250 Harbor Master	.00	.00	5,079.13	3,511.64	11,650.00
260 Animal Control	21,574.71	20,552.14	21,842.29	20,191.69	31,108.00
TOTAL Public Safety	1,407,148.62	1,461,105.13	1,430,407.91	1,368,696.96	2,522,617.00
30 Public Services					
<hr/>					
310 Public Works	578,166.79	688,733.01	724,926.57	601,307.29	1,166,478.00
320 Waste Disposal	252,345.28	304,754.44	282,678.91	282,473.40	512,350.00
430 Parks	153,988.54	149,585.23	190,374.82	203,692.97	292,754.00
440 West Cumberland Rec	985.90	3,377.33	3,324.83	2,541.15	7,202.00
470 Historical Society Building	815.83	1,928.85	2,771.62	4,114.57	4,958.00
TOTAL Public Services	986,302.34	1,148,378.86	1,204,076.75	1,094,129.38	1,983,742.00
37 Val Halla Golf Club					
<hr/>					
350 Valhalla-Club	21,260.76	24,143.90	22,921.07	15,512.55	26,485.00
360 Valhalla-Course	345,932.40	302,131.96	301,299.66	332,779.09	489,882.00

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**TOWN OF CUMBERLAND
HISTORICAL ACTUALS COMPARISON REPORT**
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FOR PERIOD 07 OF 2019

ACCOUNTS FOR:	PRIOR YR3	PRIOR YR2	LAST YR	CURRENT YR	CY REV
001 General Fund	ACTUALS	ACTUALS	ACTUALS	ACTUALS	BUDGET
370 Valhalla-Pro Shop	161,049.17	168,473.10	165,548.69	188,214.43	243,415.00
TOTAL Val Halla Golf Club	528,242.33	494,748.96	489,769.42	536,506.07	759,782.00
40 Recreation					
410 Recreation	509,875.99	558,114.65	567,532.02	612,496.46	993,045.00
420 Aging in Place	.00	.00	.00	15,204.84	37,453.00
TOTAL Recreation	509,875.99	558,114.65	567,532.02	627,701.30	1,030,498.00
45 Library					
450 Library	236,817.35	243,084.54	246,188.05	276,659.64	494,236.00
TOTAL Library	236,817.35	243,084.54	246,188.05	276,659.64	494,236.00
90 Other					
580 General Assistance	22,470.49	22,614.43	17,704.72	19,451.77	35,000.00
590 Health Services	11,884.80	12,235.75	12,235.75	12,235.75	13,875.00
620 Cemetery Association	35,700.00	27,925.00	26,700.00	28,450.00	26,700.00
630 Conservation	5,961.36	2,750.00	2,762.04	5,542.45	5,000.00
800 Fire Hydrants	31,038.74	32,052.92	38,006.90	39,018.23	75,624.00
810 Street Lighting	22,016.89	22,306.16	21,895.60	17,199.84	45,000.00
830 Contingent	2,958.70	12,579.41	.00	2,907.19	10,000.00
840 Municipal Building	37,934.37	46,351.73	45,461.67	54,235.60	90,847.00
850 Abatements	33,872.31	40,894.65	22,336.23	4,969.70	20,000.00
TOTAL Other	203,837.66	219,710.05	187,102.91	184,010.53	322,046.00
96 Fixed Expenses					
650 Debt Service	578,751.72	565,020.80	692,833.99	528,987.24	970,000.00
750 Insurance	177,856.03	175,023.41	181,549.75	250,332.04	286,554.00
910 Capital Reserves	1,181,500.00	1,038,598.00	693,000.00	699,300.00	699,300.00
TOTAL Fixed Expenses	1,938,107.75	1,778,642.21	1,567,383.74	1,478,619.28	1,955,854.00

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**TOWN OF CUMBERLAND
HISTORICAL ACTUALS COMPARISON REPORT**

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FOR PERIOD 07 OF 2019

ACCOUNTS FOR:	PRIOR YR3	PRIOR YR2	LAST YR	CURRENT YR	CY REV
001 General Fund	ACTUALS	ACTUALS	ACTUALS	ACTUALS	BUDGET
<hr/>					
98 Assessments					
<hr/>					
860 MSAD #51	9,074,946.37	9,368,609.88	10,038,062.58	10,902,657.99	18,690,270.84
890 County Tax	747,431.00	775,374.00	813,904.00	878,954.00	878,954.00
TOTAL Assessments	9,822,377.37	10,143,983.88	10,851,966.58	11,781,611.99	19,569,224.84
TOTAL General Fund	16,338,860.31	16,792,697.77	17,282,534.17	18,116,551.36	29,907,373.84
TOTAL EXPENSES	16,338,860.31	16,792,697.77	17,282,534.17	18,116,551.36	29,907,373.84
GRAND TOTAL	16,338,860.31	16,792,697.77	17,282,534.17	18,116,551.36	29,907,373.84



Town of Cumberland
January 22, 2019

**Project Update:
New England
Clean Energy
Connect**

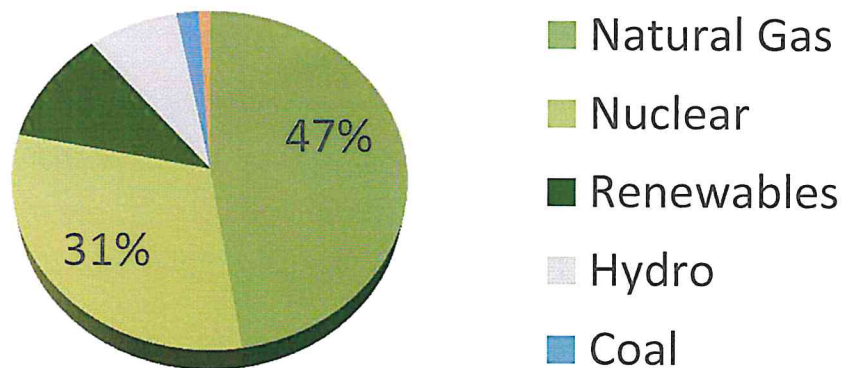
Project Update

Milestone	Date
State review applications: DEP, PUC,LUPC	September 2017
83D Final Selection	March 2018
Revised DEP application for HDD at Kennebec River	October 2018
FERC Tariff Approval	December 2018
MPUC Public Hearings	January 2019
MPUC Examiner's Report	March 1, 2019
MPUC Deliberations	March 2019
DEP Public Hearings	April 2 – 5, 2019
DEP Decision	May/June, 2019
U.S. Army Corps of Engineers	September 2019
U.S. DOE Presidential Permit	December 2019
Start Cumberland local permitting	4Q/19 – 1Q/20
Start Construction	1Q/2020
Operation Date	December 2022

NECEC: Purpose and Benefits

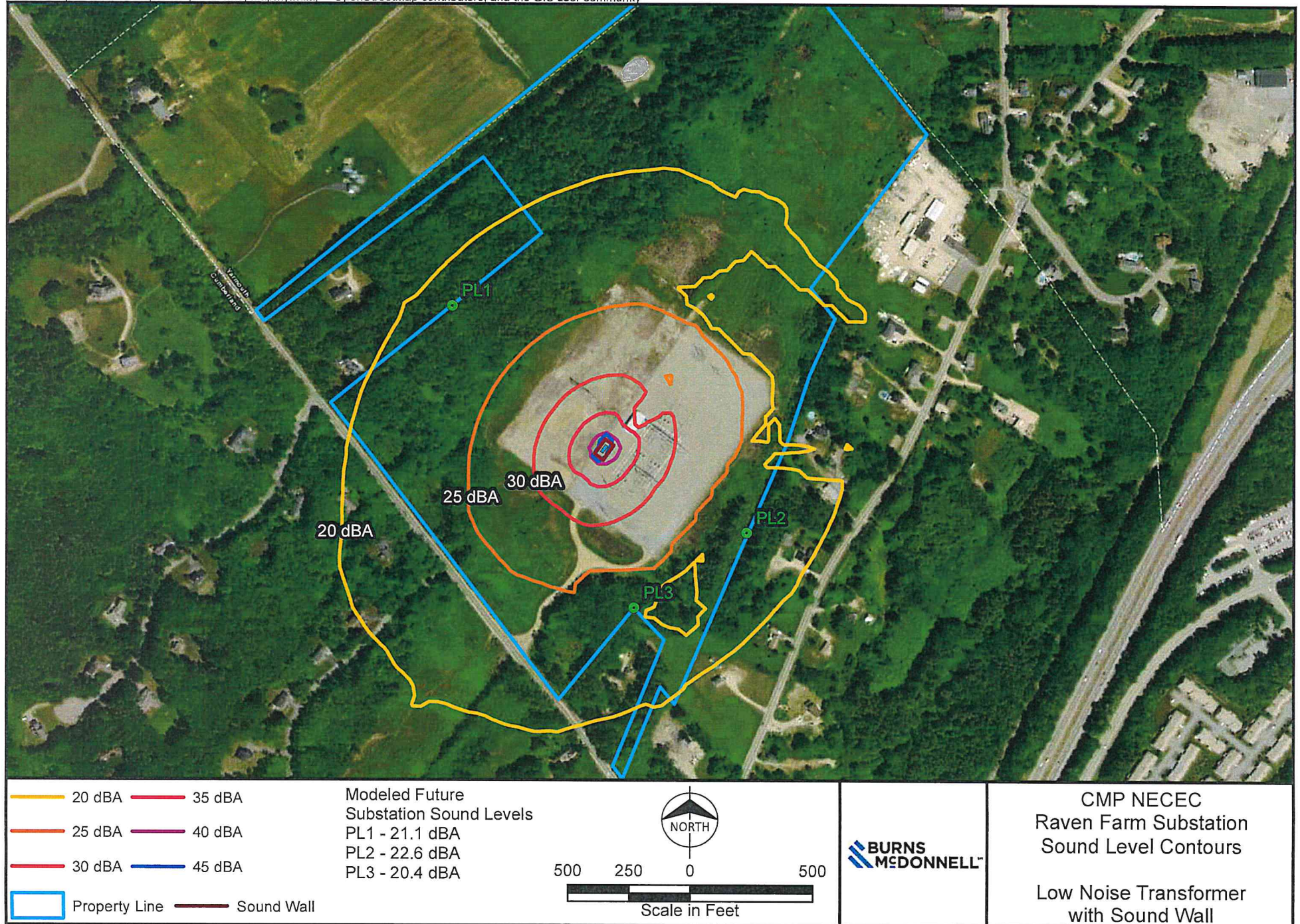
New England's heavy dependence on natural gas contributes to high electricity costs and CO₂ emissions, while reducing grid reliability.

New England Generation Mix
2017 Annual

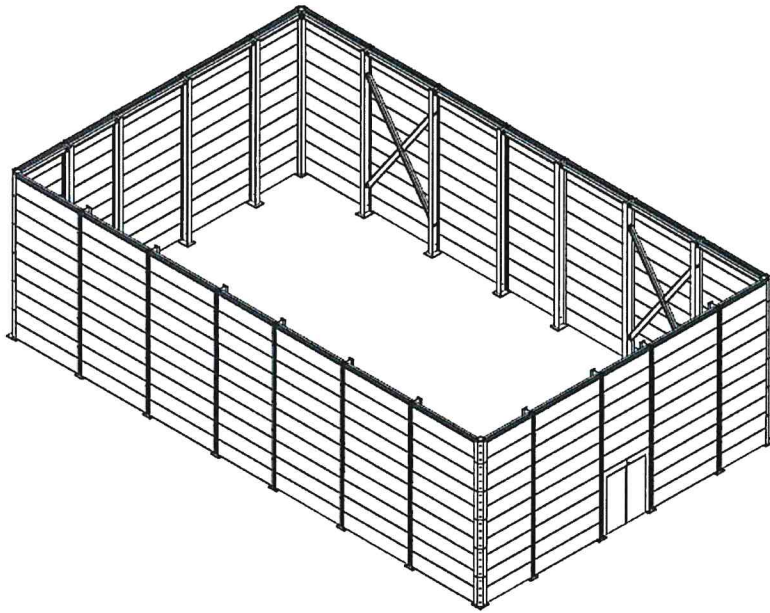


Benefits for Maine communities and consumers:

- \$40 – 45 million annual savings through lower future energy costs
- \$23 million annually higher GDP
- 1,700 jobs supported, 2017 – 2022.
- \$18 million annually in property tax payments, particularly in Androscoggin, Franklin, and Somerset counties
- 265,000 metric tons less in annual CO₂ emissions
- 8 million MMBtu reduction in natural gas burned
- **\$0 annual project costs to Maine utility customers.**



Sound Wall Option



Approximate dimensions
XXW x XXL x XXH



Maquire Road 345 kV Substation
Kennebunk, Maine

Existing Raven Farm Ambient Sound Levels

Average of measurements at 5 monitoring point locations onsite:

- Daytime levels less than typical suburban levels
- Nighttime levels generally comparable to a quiet office

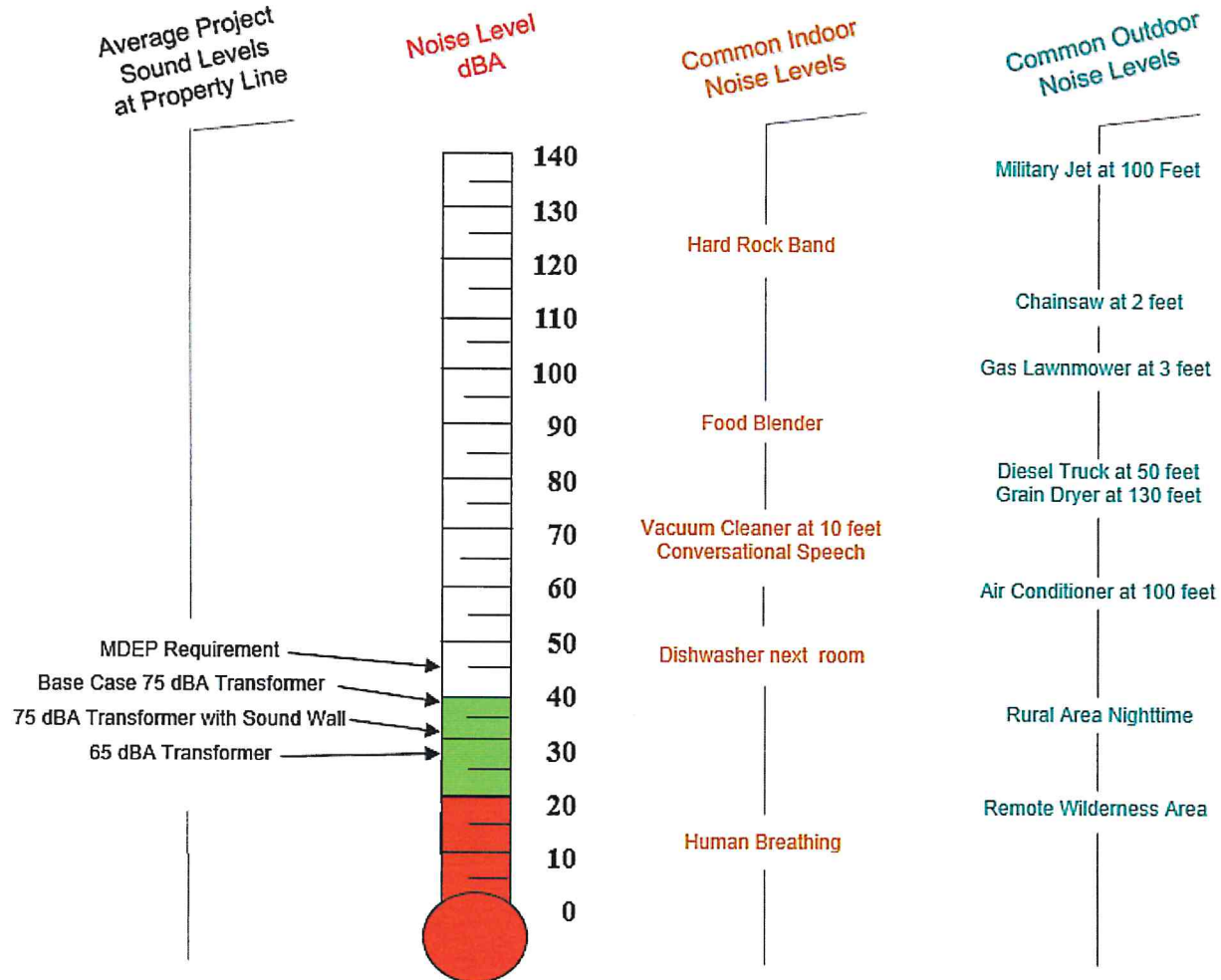
Time Period	Average Sound Level	
	L_{eq} (dBA)	L_{90} (dBA)
Morning 6 AM	43.5	40.9
Noon 12 PM	46.9	43.7
Evening 6 PM	50.8	47.5
Midnight 12 AM	44.6	40.9

Notes:

- L_{eq} - Average sound level over the measurement time
- L_{90} - Sound level exceeded 90% of the measurement time (representative of background sound levels without intermittent short term spikes in sound)
- Typical Suburban Daytime 50 dBA
- Quiet Office 40 dBA
- Quiet Suburban nighttime 35 dBA

General Sound Background

Noise is measured on a logarithmic scale, commonly expressed in A-weighted decibels (dBA). In order to provide a frame of reference, some common sound levels are listed below:





NEW ENGLAND
**CLEAN ENERGY
CONNECT**

GOOD FOR MAINE

\$1 BILLION in jobs, taxes and other benefits in the **FIRST DECADE** plus **cleaner air** for everyone. Maine energy consumers win when we are part of the solution to New England's need for renewable supplies of **clean energy**.



ENERGY COST SAVINGS

Maine consumers will save approximately **\$40 million** each year for the next 20 years through lower electricity costs.



JOB CREATOR

NECEC will provide **3,500 jobs** at peak construction, primarily in western Maine counties that need jobs.



ECONOMIC GROWTH

This investment in the transmission infrastructure will contribute to the Maine's economy, increasing the state's **Gross Domestic Product (GDP) by \$564 million**. In addition, **NECEC** will expand fiber optic cable opportunities in Somerset and Franklin Counties and generate much needed economic development for western Maine.



CLEANER AIR

Maine's **carbon emissions will be reduced** by nearly 265,000 metric tons of CO2 annually, the equivalent of removing 57,000 cars from Maine roads and highways. The project reduces air emissions in New England by 3 million metric tons annually. A cleaner environment is better for our health and our economy.



TAX BENEFITS

Maine communities that host the project will be paid over **\$18 million in increased property tax** revenues annually with the largest share going to western Maine communities in Androscoggin, Franklin, and Somerset counties.



A GOOD FIT IN MAINE'S WORKING LANDSCAPE

NECEC follows a corridor that is fully owned by Central Maine Power. It includes 50 miles of commercial, working forest and 95 miles of existing transmission corridor. This route means fewer impacts to the environment. **NECEC** has signed a Memorandum of Understanding with Somerset County-based nonprofit Western Mountains and Rivers Corporation for investment in western Maine conservation and nature-based tourism infrastructure.



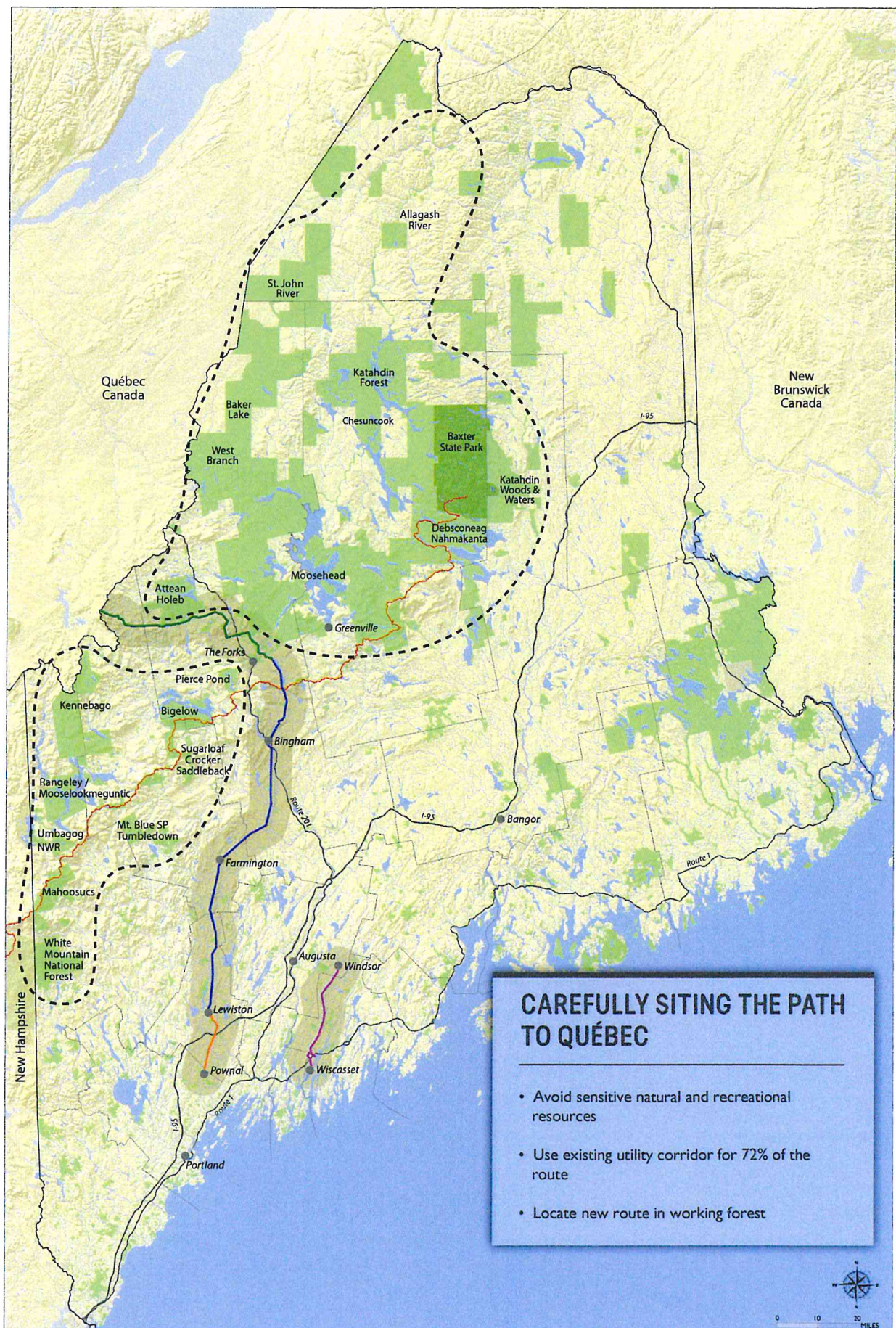
A CLEAN ENERGY LEADER

NECEC will deliver up to 1,200 megawatts of clean, reliable hydropower directly to Lewiston, Maine, making the project one of New England's largest sources of renewable energy.



PRICE STABILITY

Diversifying the region's energy supply mix with dependable hydropower will buffer Maine consumers from seasonal energy price spikes.

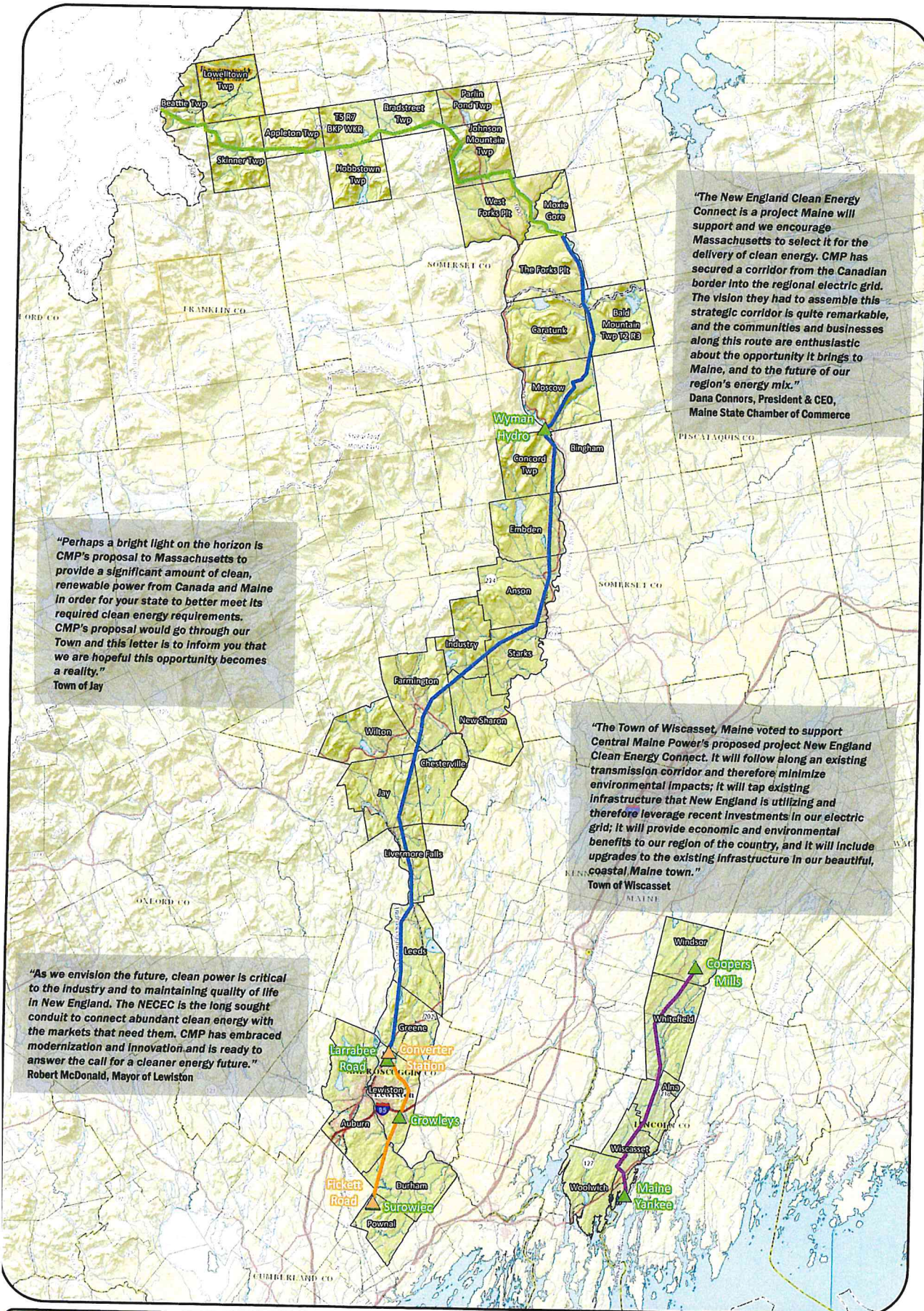


Project Overview Map Recreation Areas



LEGEND

- Conservation Land
- Appalachian Trail
- Rebuild Sections
- 5-mile Study Area for Visual / Scenic Resources
- Direct Current Transmission Line (new ROW)
- Direct Current Transmission Line (existing ROW)
- New 345 kV Line



"The New England Clean Energy Connect is a project Maine will support and we encourage Massachusetts to select it for the delivery of clean energy. CMP has secured a corridor from the Canadian border into the regional electric grid. The vision they had to assemble this strategic corridor is quite remarkable, and the communities and businesses along this route are enthusiastic about the opportunity it brings to Maine, and to the future of our region's energy mix."

Dana Connors, President & CEO, Maine State Chamber of Commerce

"Perhaps a bright light on the horizon is CMP's proposal to Massachusetts to provide a significant amount of clean, renewable power from Canada and Maine in order for your state to better meet its required clean energy requirements. CMP's proposal would go through our Town and this letter is to inform you that we are hopeful this opportunity becomes a reality."

Town of Jay

"The Town of Wiscasset, Maine voted to support Central Maine Power's proposed project New England Clean Energy Connect. It will follow along an existing transmission corridor and therefore minimize environmental impacts; it will tap existing infrastructure that New England is utilizing and therefore leverage recent investments in our electric grid; it will provide economic and environmental benefits to our region of the country, and it will include upgrades to the existing infrastructure in our beautiful, coastal, Maine town."

Town of Wiscasset

"As we envision the future, clean power is critical to the industry and to maintaining quality of life in New England. The NECEC is the long sought conduit to connect abundant clean energy with the markets that need them. CMP has embraced modernization and innovation and is ready to answer the call for a cleaner energy future."

Robert McDonald, Mayor of Lewiston



Legend

- Direct Current Transmission Line (new ROW)
- Direct Current Transmission Line (existing ROW)
- New 345 kV Line
- Rebuild Sections
- Existing Substation
- Proposed Substation

New England Clean Energy Connect

Overview Map

10 Miles





QUESTIONS & ANSWERS

How is this project good for Maine?

According to an independent study by the University of Southern Maine, the **New England Clean Energy Connect (NECEC)** will provide benefits throughout New England, including \$1 billion in economic benefits to Maine in the first 10 years.

- \$40 million in annual electricity cost savings for Maine consumers over the next 20 years;
- 1,700 new jobs (on average) during the 6-year permitting & construction phases, with 3,500 jobs in the peak year;
- \$18 million annually, in new tax revenue, to Maine's host communities;
- Cleaner Air- a reduction in Maine's carbon emissions by nearly 265,000 metric tons of CO₂ per year; and
- Expanded fiber optic cable for Franklin and Somerset Counties.

Is Massachusetts taking advantage of Maine in its pursuit of clean energy for New England?

No. Maine is taking advantage of Massachusetts' willingness to pay for a new clean energy source for the New England electric grid, which connects and balances the energy needs of all six New England States. **NECEC** was proposed by CMP and selected to deliver hydropower from Québec to Lewiston, Maine where the electricity will enter the New England grid, benefitting the entire region.

How will this project lower energy prices?

Bringing this much lower-cost hydropower to New England will displace higher cost energy sources, such as fossil-fuel based power plants, therefore driving wholesale prices down. The **NECEC** is expected to suppress electricity costs by \$3.9 billion over the next 20 years, which translates to over \$40 million annually for Maine consumers.

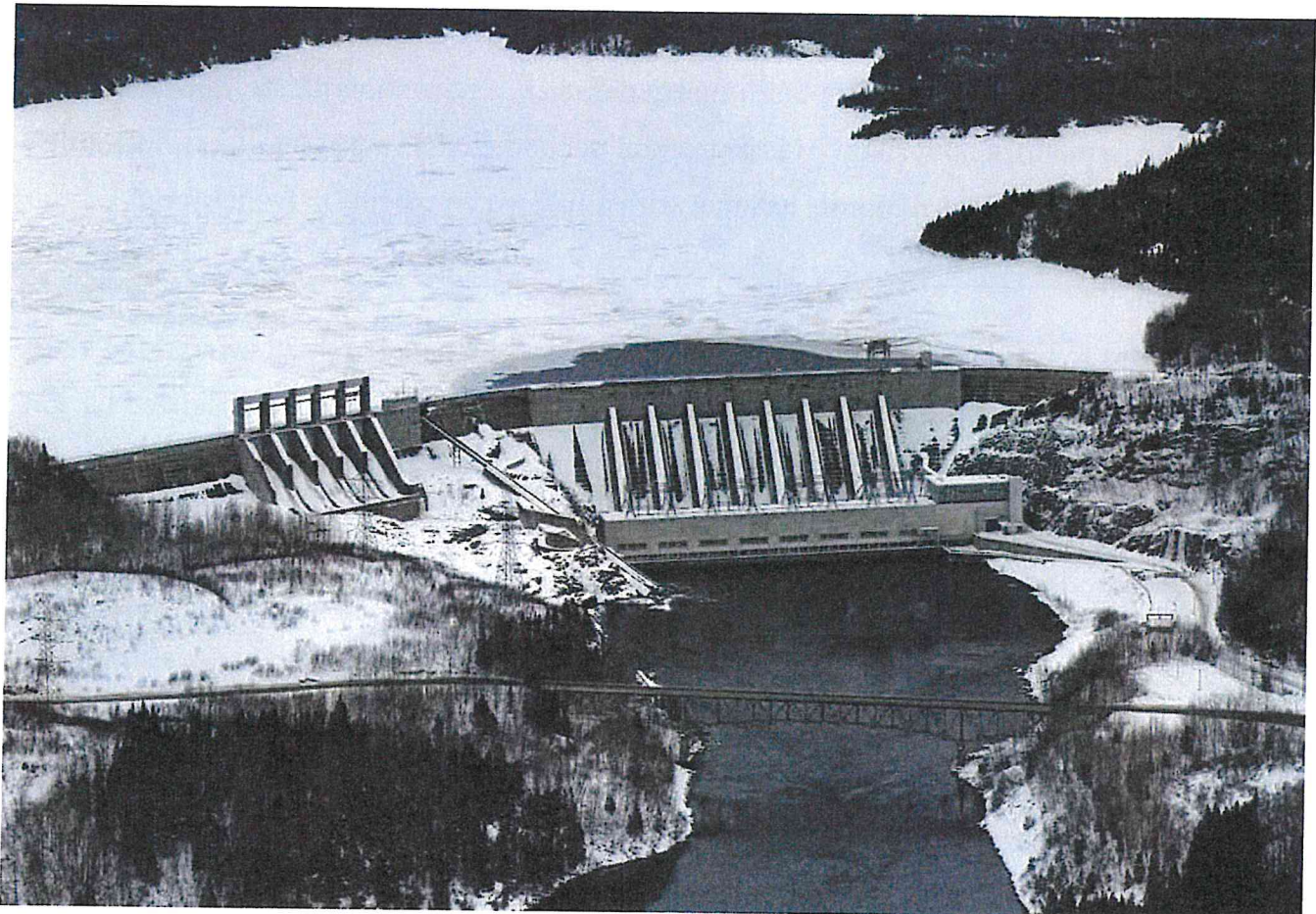
How will the NECEC impact Maine's environment?

The Maine DEP will oversee construction and ensure that the new line will be good for our environment. More than 70% of the line will be in existing, active utility corridors from The Forks to Lewiston. Co-locating in an existing corridor minimizes new clearing requirements and minimizes environmental impacts. Large segments of existing corridors will require no additional clearing. In segments that will be cleared, it will require on average an additional 75 feet to make room for the new line.



EDITORIAL

In Quebec, clean energy goes to waste. Let's use it.



DAVID L. RYAN/GLOBE STAFF

One of the larger Hydro-Quebec dams, the Manicouagan-2 dam, with the Manicouagan Reservoir, in Baie Comeau, Quebec.

DECEMBER 14, 2018

Once again, a planned electric transmission line from Canada to New England has created an odd [alliance between a few environmental groups and fossil fuel interests](#) determined to stop it.

Once again, the climate stands to be the big loser.

Zero-carbon hydropower from Quebec, generated at 63 massive dams owned by the provincial utility company Hydro-Quebec, offers a realistic way for Massachusetts and the rest of New England to reduce greenhouse gas emissions — fast.

The Massachusetts Legislature passed, and Governor Charlie Baker signed, a law in 2016 that authorized utilities to import huge amounts of Canadian hydropower. But the first winner of the state's contract, the Northern Pass transmission line through New Hampshire, stalled because of opposition from fossil fuel generators, environmentalists, and one New Hampshire regulatory body. Now Massachusetts' second choice, a \$950 million, 145-mile power line through western Maine, has met with a [lukewarm reception from Maine Governor-elect Janet Mills](#).

Pushback was to be expected from fossil fuel generators, who had lobbied against the 2016 Massachusetts law and don't think it's fair to compete against a resource subsidized by state ratepayers. But the opposition of some environmental groups who say it won't really add new clean power, such as the Sierra Club and the Natural Resources Council of Maine, is simply bewildering.

Unfortunately, we've seen this movie before. Whether its opposition to preserving emission-free nuclear power; fighting natural gas pipelines needed to displace coal, oil, and imported liquefied natural gas; or lobbying against federal carbon-capture incentives designed to clean up fossil fuel use, environmental advocates too often hold the good hostage to the perfect in the climate fight.

For all the local environmental disruption it can cause, hydropower has allowed Quebec to virtually decarbonize its electric grid, an astonishing accomplishment that means the province's residents light their homes and charge their iPhones without contributing to global warming. More than three-quarters of [the electricity generated in Massachusetts](#), in contrast, comes from natural gas.

The Massachusetts law called for an eye-popping 9.5 terawatt-hours of electricity annually, an amount roughly equivalent to what a large nuclear reactor like Seabrook Station in New

Hampshire generates in a year. To put that number in perspective, wind turbines in the Commonwealth generated 0.23 terawatt-hours in 2017, according to federal data. The transmission line would make an appreciable dent in the whole region's carbon emissions, create jobs and tax revenue in Maine, and set the stage for further hydro imports down the road.

Opposition to the plan rests, to some extent, on local concerns about unsightly power lines. Parts of the state that rely on tourism need to feel comfortable with the project; an agreement to bury a key river crossing on the line should help assuage some of those fears. But the most serious criticism is that the plan won't result in an overall reduction in greenhouse gas emissions. Massachusetts might get clean power, critics say, but Hydro-Quebec would fulfill the terms of the deal by diverting power from other customers, who would then use fossil fuels instead.

Diversion would call into question the whole point of the Massachusetts law, which is to combat climate change, and was the thrust of a critical study recently presented to state regulators in Maine.

In its fullest rebuttal yet, the company has disclosed operational details to show how the contract would, indeed, result in new clean generation at its dams. Hydro-Quebec says that it does not currently operate its existing power plants at full capacity: It says it is forced to "spill" water, meaning let water flow downstream without generating electricity from it. The company estimated it spills enough "fuel" in a year to produce about 10.4 terawatts of electricity — more, in other words, than the entire amount of the Massachusetts contract.

"We simply don't have the transmission lines to export the power that we could potentially produce," said Serge Abergel, a spokesman for Hydro-Quebec, told the Globe. Spills can be necessary because reservoirs have limited capacity; electricity can't be generated from the surplus water because it would overload the electrical grid.

To substantiate its contention, the company gave the Globe still photos or videos of water being spilled at seven of its dams, all dated in 2018; copies of written notifications it sent to communities preceding spills this year; and letters it sent to the provincial government outlining plans to spill water.



Courtesy of Lynn St-Laurent

We don't have to take the company's word for it, though. Local media have reported [on spills](#), and Dominique Savoie, a deputy minister in Quebec's Department of Energy and Natural Resources, confirmed to the Globe that water releases had been carried out.

Meanwhile, the accusation that the utility could buy dirty power to resell to Massachusetts ignores provincial environmental laws. Unlike American states, [most Canadian provinces levy carbon fees](#), and all will do so beginning next year: "If we bought dirty energy, we'd have to pay a carbon tax on that. It makes no business sense," Abergel said.

Residents of Quebec might wonder why their provincial utility built dams without the capacity to use them fully. But that leftover capacity can be the Commonwealth's gain — and the climate's. The state has spent a better part of a decade arguing over if and how to make use of the huge zero-carbon resource next door. Meanwhile, the state's greenhouse gas emissions [have resumed climbing](#).

The historic concerns about hydropower are understandable. But it's time to get everyone to yes.

Our View: Hydro-Quebec answers key climate question

centralmaine.com/2018/12/09/our-view-hydro-quebec-answers-key-climate-question-on-central-maine-powers-new-england-clean-energy-connect-project-western-maine/

December 9, 2018

Mainers are already paying the price for the world's slow response to manmade climate change. Studies like the National Climate Assessment report last month make it clear that we are running out of time if we hope to hold off widespread catastrophe.

That makes climate impact the most important question for regulators who are considering any infrastructure proposal. Will it add to the greenhouse gases that trap heat in the atmosphere? Will it reduce the level of emissions, postponing or even preventing a disaster?



That's the lens we hope the Maine Public Utilities Commission will use to evaluate New England Clean Energy Connect, a 145-mile transmission line proposed for western Maine that would deliver Canadian hydropower to the regional grid. Based on the representations made to us recently by Hydro-Quebec, this project has the right answer to both questions. With this line, the company would be able to sell as much carbon-free power into New England as could be produced by two nuclear power-plants.

Hydro-Quebec is expanding its capacity, with a new dam coming online in 2020. But even with existing capacity, the company has "spilled" enough water — or released it without generating any power — to produce 10.4 trillion watts of electricity. To put that in perspective, the company is wasting as much electricity as Maine consumes during a year.

There is nothing simple about a project like this. Even though the transmission line is in Maine, the power has been purchased by the state of Massachusetts to meet its ambitious clean power goals. Massachusetts ratepayers will foot the entire cost of the project that never touches their state.

The 145-mile transmission line would be within a 300-foot corridor that would be visible in some scenic vistas. The project will create construction jobs, and it will be subject to local property taxes because it's on private land.

The line would be built by Avangrid, the parent company of Central Maine Power. They say that it will put downward pressure on Maine electricity prices by creating competition during times of peak demand when natural gas prices spike.

The issue, in all of its complexity, is under consideration by the Maine Public Utilities Committee, with input from the state's Public Advocate's Office, which represents the

interests of ratepayers.

The project has a number of opponents, including people who live near the corridor, regional power producers and some environmental groups, most notably the Natural Resources Council of Maine, which has accused Hydro-Quebec of “greenwashing.”

The organization alleges that Hydro-Quebec could ship the power purchased by Massachusetts to New England over the new transmission line but make less-clean power available elsewhere, meaning that there would be no net benefit to total greenhouse-gas emissions if those customers filled the gap with fossil fuels.

But Hydro-Quebec’s representatives were very clear: They are currently wasting enough water to fill the Massachusetts contract right now, and their generation capacity is growing. If they are able to make the same representations to the PUC as part of Avangrid’s case, they should put the question of climate impact to rest.

Climate may not be the only issue in this case, but it is the most important. The PUC should give it the weight it demands.

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[View from Away: George H.W. Bush was himself a point of light in a life of public service](#)

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(Printed from url=<https://www.ellsworthamerican.com/opinions/editorials/sustainable-energy-includes-hydro/>)

Sustainable energy includes hydro

January 10, 2019 on Editorials, Opinion



The New England states, and many other regions of the country, are legislating reduced greenhouse gas emissions for our energy production, as well as clean energy goals for the future. The increased use of natural gas as a primary energy producer for New England has dramatically reduced greenhouse gas emissions impact and helped hasten the replacement of older coal- and oil-generating power stations. Wind and solar generating capacity is increasing but remains a very small contributor to our total energy supply.

The proposed New England Clean Energy Connect Project would connect Maine — and New England's — electric grid to Quebec's massive Hydro-Quebec system via an expanded transmission line traveling through Western Maine. Hydro-Quebec is a giant reservoir and dam electricity generator that produced 34.4 terrawatts (THw's) of electricity last year, enough power for 6 million users.

Unfortunately, approximately 10.4 terrawatts of energy were "spilled" (water was released without generating power) due to over-capacity behind the dams and no outlets for the power into a grid. Hydro-Quebec is a clean, renewable, dispatchable liquid energy source — in our backyard — that today is pouring a significant portion of that resource onto the ground, unused.

And therein lies one of the major assets of Hydro-Quebec. It is dispatchable, meaning its energy is available at the flick of a switch. It is a zero-carbon fuel that is ready to meet the region's carbon reduction goals. Unlike wind and solar, which each have long periods of relatively low output that require other fuels to be ramped up to replace them, Hydro-Quebec's energy is controllable, on-demand, reliable energy ready right now.

The New England Clean Energy Connect Project put forth by Central Maine Power would use 135 miles of existing transmission line corridor for 72 percent of the route. Some 54 miles of the powerline route, the other 28 percent, is routed across private lands under easements. No public lands are involved.

In the end, Maine gains one larger transmission line that extends to existing substations, relaying clean power to the New England grid and lowering overall electricity rates.

While wind and solar expansion will play a role in reaching stated carbon-reduction goals, these remotely located projects also entail massive transmission line projects to connect to New England's power grid. Until battery technology can meet the storage capacity needed to hold weeks' worth of alternative energy to meet fluctuating demand, wind and solar energy sources will remain peripheral suppliers of clean energy.

Connecting to the Hydro-Quebec system provides access to clean energy right now. No subsidies for ratepayers needed. This is a proven and practical path to reducing carbon-based fuel consumption. This is especially relevant as several carbon-fuel generators will retire from the system over the next 10 years. This would leave the Hydro-Quebec project as the most cost-effective power source available to New England's electricity users.

Our alternative energy goals are laudable. They must include hydro. Electricity demands are growing and will ramp up quickly as energy-intensive carbon-based electricity generators are removed from the grid and our driving fleet moves to electric power.

The New England Clean Energy Connect Project will have impacts not favorable to all. Yet this is a reasonable, sound, cost-responsible approach to meeting current and future energy goals using an abundant, already available clean energy source.

LOAD COMMENTS

(Printed from url=<https://www.mdislander.com/opinions/an-energy-transition>)

An energy transition

March 23, 2018 on [Editorials, Opinion](#)

When one looks at a map of Maine, it is easy to see that we share most of our border with Canada. In practical terms, we are at the end of the American pipeline for energy sources shared with our neighboring states, for Maine is the most easterly state in the union. This fact creates significant energy cost issues for Maine.

Given the push to embrace cleaner energy sources, does it not make sense to explore alternative energy options with our northerly neighbor?

Currently, there is a proposal by the New England Clean Energy Connect project to access Hydro-Quebec's massive power resources with our electric grid through western Maine. The grand plan is to meet the mandated alternative energy demands of Massachusetts. But Maine stands to gain.

This \$950 million project would expand an existing power line right-of-way in western Maine from Wyman Dam in Bingham to a new converter station-transmission hub outside Lewiston. Central Maine Power would secure additional land access in far northwest Maine — already in place — as well as permits from towns along the existing route, mostly completed, to build the connection to Hydro-Quebec's transmission lines across the border in Quebec. Potentially, 1,700 jobs would be created over the three-year construction period, while power line-sited towns would receive new property tax payments for decades. None of the cost for the new DC power line would be borne by Maine rate payers.

Mainers could see more secure and stable energy pricing, as the New England ISO energy market would be stabilized. Projections estimate that Maine's combined energy bills could drop up to \$40 million a year. Apart from the cost savings, the New England Clean Energy Connect project is necessary. Retiring coal and nuclear energy capacity must be replaced in the next few years, while regulators have stymied natural gas line expansion in New England even

as demand soars. The contract with Hydro-Quebec also would block nondispatchable energy supply from the grid. Translation: Wind and solar, both non-instantaneous energy providers, could not connect, eliminating one source of contention for western Maine residents concerned about wind power proliferation beyond the existing Mayfield-Bingham wind farm.

Many affected western Maine towns are overwhelmingly in favor of the proposed CMP project. And why not? They have a history of embracing and understanding the impact of hydropower. In 1929, Walter Wyman pushed to build Wyman dam in Bingham, at the time one of the largest dams in the east. There was opposition; the state even prevented Wyman and CMP from selling his electric power out of state. That law was repealed in the 1950s. Supplying inexpensive electric power up and down the Kennebec River valley, Wyman Dam helped a diverse cross-section of businesses to grow and prosper.

In a perspective on Wyman's forward-thinking vision moving toward hydropower, the Maine Historical Society's review of his accomplishments includes the following. "Even in the 21st century, the shadow of this older way of life falls across the state, in towns of fierce attachment to locality, an ambivalence about modernity, and an acute sense of loss, as well as gain, that comes with progress."

Our energy supplies need to be affordable and continuously scalable. Energy infrastructure tends to be very capital-intensive. Investors, regulators and users need to know it will work for decades so that our energy supply is reliable and sustainable. Before the New England Clean Energy Connect project is realized, opponents to hydropower projects must offer realistic alternatives on the scale necessary to supplement the 85 percent of America's energy currently based on coal, oil, nuclear and natural gas. Existing wind and solar infrastructure alternatives help our electric energy supply, yet they remain fractional contributors on the scale necessary for everyday life. Dispatchable, on-demand power such as Hydro-Quebec is offering to New England and Maine appears to be the best big solution to Maine's perennial search for an affordable energy supply.