

# **AGENDA**

Cumberland Town Council Meeting

Town Council Chambers

**MONDAY, June 3, 2019**

**6:00 P.M.** Finance Committee Meeting with Full Council re:  
Fire Truck, Contract Zone Agreement & End of Year Transfers

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

## **I. CALL TO ORDER**

## **II. APPROVAL OF MINUTES**

May 13, 2019

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

Knight's Pond Dam

Quahogs – Shellfish Commission Meeting June 25th

## **IV. PUBLIC DISCUSSION**

## **V. LEGISLATION AND POLICY**

- 19 – 071** To hold a Public Hearing to consider and act on amendments to the Contract Zone Agreement with Heritage Village, as recommended by the Planning Board.
- 19 – 072** To hear an update from the Town Manager re: relocating the brush/compost pad at the Fairgrounds and reconsidering brush and composting services.
- 19 – 073** To set a Public Hearing date of June 17th to authorize the Town Manager to execute a Purchase and Sale Agreement to relocate the sand/salt building to 215 Middle Road (Storey Brothers).
- 19 – 074** To hold a Public Hearing to authorize the Town Manager to transfer inter-departmental operating funds for FY'19, as recommended by the Finance Committee.
- 19 – 075** To hold a Public Hearing to consider and act on a Mass Gathering Permit for Binnie Media's Ultimate Yard Sale to be held at the Cumberland Fairgrounds on June 8th from 9:00 a.m. to 2:00 p.m.
- 19 – 076** To accept the proposal from Scott Simons Architects for \$14,500.00 for design services related to the Library/Historical Society project

**19 – 077** To set a Public Hearing date of June 17th to authorize the Town Manager to develop a bond schedule for improvements to Town facilities and the purchase of a new fire truck.

**19 – 077** To appoint a member to the Cumberland Housing Authority.

**VI. NEW BUSINESS**

- **June 17th** Workshop with the Lands & Conservation Commission @ 6:15 p.m.
- **July 8th** Workshop at 5:30 p.m. with the Assessor re: property audit update
- Letter from North Yarmouth - JSC?

**VII. BUDGET REPORT**

**VIII. ADJOURNMENT**

# MINUTES

Cumberland Town Council Meeting

Town Council Chambers

**MONDAY, May 13, 2019**

## **5:30 P.M. Finance and Ordinance Committee Workshop with full Town Council**

- Greely Woods Conservation Easement
- Fire Department Ladder Truck
- Shellfish Ordinance

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

Present: Councilors Copp, Gruber, Stiles, Storey-King and Turner

Excused: Councilor Edes

### **I. APPROVAL OF MINUTES**

Motion by Councilor Gruber, seconded by Councilor Bingham, to accept the April 22, 2019 meeting minutes as presented.

VOTE: 6-0 UNANIMOUS

Motion by Councilor Gruber, seconded by Councilor Bingham, to accept the May 7, 2019 special meeting minutes as presented.

VOTE: 6-0 UNANIMOUS

### **II. MANAGER'S REPORT**

The Brown Tail Moth spraying will begin this Thursday at 11:59 p.m. In an attempt to spray more affected streets, Whitney Tree will be starting work at midnight and finishing by 7:00 a.m. until the project is completed. They will working seven days a week, weather permitting, and will use two trucks with spray apparatus and spot lights. One truck will be moving along Route 88 and the other will be spraying on the side streets. Spraying will start near the Falmouth town line and work its way north toward Yarmouth. Whitney will complete as many streets as possible, but this work is all weather and wind dependent.

### **III. PUBLIC DISCUSSION**

Terry Philbrick of 6 Baxter Lane asked for an update on anything that is new in regard to moving operations at the Public Works garage.

Town Manger Shane said that tomorrow evening, the Farmer's Club will be discussing our proposal to build a compost pad on their property at the fairgrounds. This meeting will direct what happens next. If they accept our proposal, we will begin working with them to construct a 2-acre compost pad behind the horse barns. This will assist them in removing 2,500 yards of horse manure that they generate. If the response is negative, we will have to begin looking for another site. In regard to the sand/salt shed, we have two interested parties on Middle Road that we are presently negotiating with and we hope to have something to present at one of the June Council meetings. In regard to the school buses, we met with the Town of North Yarmouth several months ago and they asked if we would endorse the relocation of the school buses to North Yarmouth, which we did. After the Memorial School closed, North Yarmouth had no connection to MSAD 51 and they thought that since they were going to expand their Public Works garage, it would be a good time to relocate the school buses to North Yarmouth. There was no opposition from the Town of Cumberland whatsoever, despite the rumors going on out there. The Planning Board will form a small subcommittee to talk about a redevelopment plan of the garage facility and making it more of a

maintenance facility rather than a full industrial operation. With the compost pad and sand/salt shed gone, and if the buses stay or go, we will have a plan in place by fall.

Josh Houghton of 99 Bruce Hill Road said that he has empathy for the Village Green residents. Clearly, the plan was to move the Public Works facility and develop that site, and it is too bad that that idea never happened. The million dollar question is why would anyone ever choose to buy a house next to a Public Works facility? The key word being “choose”. There was no plan to move the garage, but they chose to move there anyway. Given the picture that the Village Green neighborhood paints about the garage and living next to it, nobody else wants it near them. If the brush dump moves to the fairgrounds, the salt shed will likely soon follow. With those two eco-disasters devaluing the land, there will be no choice for the farmer’s club but to finish it off and take the garage and buses. This is all to their financial disadvantage that will start with the brush dump and it is a slippery slope that should be stopped now. He asked the Town to please think differently when trying to solve this problem. You are taking away people’s choice and making his neighborhood feel less than the rest of the community. Try to come up with a plan that puts each piece in different parts of the community and keep open communication with the neighbors as plans develop.

Councilor Storey-King responded that she wants to address any misinformation that is out there. There has never been any intent to move the sand/salt shed to West Cumberland. We are only talking about moving the composting operation to the fairgrounds because she was approached by someone in the farmer’s club who said that they had purchased some additional acreage and they might be willing to talk about the composting pad relocating there. We are not looking to purchase land from the farmer’s club. We are looking to enter into a mutual, beneficial agreement to compost. This is a 2-day a week operation, May through November.

Cassie Pitassi of 30 Rosa Way and 129 Bruce Hill Road, where her 80 year mother lives, is directly across the street from the proposed fair grounds site. She is not happy about this decision and she did not realize that the Town could make a deal when it has so much environmental impact on their neighborhood. The Bruce Hill Road neighborhood have been great neighbors to the fairgrounds and she feels that they should take that into consideration when they’re deciding what they are going to be doing with that parcel of land. She respectfully asked the Council to consider a different location.

A resident of 129 Bruce Hill Road (did not state her name) spoke about the need to protect our environment.

Brad Knowles of 97 Bruce Hill Road said that he does not understand why we are moving the compost pile from its current location. It is on a site that cannot be used for any other means.

Town Manager Shane said that we do not know at this point if it will be moved. We will know more at our June 3<sup>rd</sup> meeting. He is hopeful that by June, we will know if we have two different locations for the compost pad and the sand/salt shed.

Cathy Wright of 60 Skillin Road asked if there is a plan to put a left turn light from Main Street to Blanchard Road. The other three roads have left turn arrows, but Main Street does not.

Town Manager Shane said that it make sense and we will take a look at it once the construction is done.

Laura Huddy of 5 Ridge Drive said that her property is the closest to the horse barns at the fairgrounds. She understands the position that the Town is in and that this is all very preliminary, but she wants to voice her concerns about the noise, the odor, and all the issues raised tonight by others. She would be interested in hearing about the financial implications of this proposal.

Dave Harding of 90 Bruce Hill Road wondered if there was a way to make issues such as these more transparent. He only found out about this by the signs that appeared on his road.

Penny Houghton of 99 Bruce Hill Road said that she is concerned about water being polluted and she does not want this for her street.

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

##### **19 – 064 To hold a Public Hearing to consider and act on amendments to Chapter 223 (Shellfish Conservation) of the Cumberland Code, as recommended by the Shellfish Conservation Commission.**

Motion by Councilor Storey-King, seconded by Councilor Stiles to remove this item from the table.

VOTE: 6-0 UNANIMOUS

Chairman of the Shellfish Conservation Commission, Mike Brown, reviewed the amendments to the Shellfish Conservation Ordinance, explaining that the changes are fairly minimal. The Department of Marine Resources has also reviewed the amendments and have approved them.

Chairman Copp opened the Public Hearing.

Public discussion: none

Chairman Copp closed the Public Hearing.

Motion by Councilor Bingham, seconded by Councilor Gruber, to amend Chapter 223 (Shellfish Conservation) of the Cumberland Code, as recommended by the Shellfish Conservation Commission.

VOTE: 6-0 UNANIMOUS

##### **19 – 065 To consider and act on allowing the Sunnyfield Lane Homeowners Association to landscape the Town owned land at the entrance to Sunnyfield Lane, as recommended by the Lands & Conservation Commission.**

Town Manager Shane explained that the Sunnyfield Lane Homeowners Association made a request to landscape the Town owned open space at the entrance of Sunnyfield Lane. Since it is Town owned land, it requires Lands & Conservation Commission and Town Council approval. The Lands & Conservation Commission has approved the plan.

Chairman Copp asked if there was any public comment.

Ann Sawchuck of 44 Sunnyfield Lane is the President of the Homeowners Association, and is here to represent the homeowners association on this request and answer any questions.

Motion by Councilor Bingham, seconded by Councilor Gruber, to authorize the Sunnyfield Lane Homeowners Association to landscape the Town owned land at the entrance to Sunnyfield Lane, as recommended by the Lands & Conservation Commission.

VOTE: 6-0 UNANIMOUS

**19 – 066 To consider and act on authorizing the Town Manager to execute a Conservation Easement with Chebeague & Cumberland Land Trust for Greely Woods, as recommended by the Lands & Conservation Commission.**

Town Manager Shane explained that this easement will put three properties that have been in foreclosed status for quite some time, into a conservation easement. It has taken us about 3-years to get here and this conservation easement document is very similar to Knight's Pond and Rines Forest. We will continue our efforts to conserve land and encourage public use of Town owned land.

Chairman Copp asked if there was any public comment.

Penny Asherman, President of the Chebeague and Cumberland Land Trust said that some of the conservation value and public benefits that they see with this conversation easement is recreational access for a very densely populated area of our Town, the trail connectivity that it provides as well as habitat protection for wildlife, protection to our watershed and aquifer, and educational opportunities. She thanked the Town Council for the opportunity to work with the Town again to protect this property.

Mike Schwindt and John Jensenius of the Lands & Conservation Commission both spoke in support of the conservation easement.

Motion by Councilor Gruber, seconded by Councilor Turner, to authorize the Town Manager to execute a Conservation Easement with Chebeague & Cumberland Land Trust for Greely Woods, as recommended by the Lands & Conservation Commission.

VOTE: 6-0 UNANIMOUS

**19 – 067 To accept donations for the purchase of benches for the Town Forest and Knight's Pond, as recommended by the Lands & Conservation Commission.**

Town Manager Shane said that we have 3 bench donations, 2 at the Town Forest and 1 at Knight's Pond. The Lands & Conservation Commission heard the request for bench donations and recommends acceptance and issue a gift letter to both donors.

Chairman Copp asked for any public comment.

Mike Schwindt, Chairman of the Lands & Conservation Commission said that this is the second donation by the Foreside Garden Club and it is for 2 benches and bird and bat houses. The second donation is from Martha Ehrenfeld for a bench at Knight's Pond in honor of her sister's 60<sup>th</sup> birthday. The benches are made by the Yarmouth Rotary Club.

Motion by Councilor Stiles, seconded by Councilor Storey-King, to accept donations and issue gift letters for the purchase of benches for the Town Forest and Knight's Pond, as recommended by the Lands & Conservation Commission.

VOTE: 6-0 UNANIMOUS

**19 – 068 To consider and act on cancelling the May 27<sup>th</sup> (Memorial Day) Town Council Meeting.**

Chairman Copp asked for any public comment.

No public comment.

Motion by Councilor Bingham, seconded by Councilor Stiles, to cancel the May 27<sup>th</sup> (Memorial Day) Town Council Meeting.

VOTE: 6-0 UNANIMOUS

**19 – 069 To consider and act on moving the June 10<sup>th</sup> and 24<sup>th</sup> Town Council meetings to June 3<sup>rd</sup> and 17<sup>th</sup> due to the election and swearing in of newly elected Town Councilors.**

Chairman Copp asked for any public comment.

No public comment.

Motion by Councilor Bingham, seconded by Councilor Stiles, to cancel the June 10<sup>th</sup> and 24<sup>th</sup> Town Council meetings and set June 3<sup>rd</sup> and 17<sup>th</sup> as new Town Council meeting dates.

VOTE: 6-0 UNANIMOUS

**19 – 070 To set a Public Hearing date of June 3<sup>rd</sup> to authorize the Town Manager to transfer inter-departmental operating funds for FY'19, as recommended by the Finance Committee.**

Chairman Copp asked for any public comment.

No public comment.

Motion by Councilor Gruber, seconded by Councilor Turner, to set a Public Hearing date of June 3<sup>rd</sup> for discussion and authorization of the transfer of inter-departmental operating funds for FY'19, as recommended by the Finance Committee.

VOTE: 6-0 UNANIMOUS

**V. NEW BUSINESS**

**Councilor Bingham** – The Town Council Nominating Committee consists of himself and Councilor's Copp and Turner. A majority of the work that is done by this Council is really done by our committees. These are the people who play a significant role in running this Town and we are lucky to have them.

**Councilor Gruber** – We had our annual new resident orientation recently and it was very well attended. Thank you to Councilor Bingham for the idea.

Thank you to Teri Maloney-Kelly for the work that she did for The Day of Caring, which assists senior citizens with chores around their house.

**Councilor Storey-King** – She attended a meeting of the K-5 Task Force. They are looking at school space and learned that the school numbers are increasing.

She attended the new resident orientation and thanked Eliza Porter for organizing it. It was an awesome event.

She encouraged people to get out and vote on the school budget on May 23<sup>rd</sup>. She thinks that the school has done a fantastic job with their budget this year.

**Chairman Copp** – He has been on the Council for 13 years and it amazes him how many people come to the podium that are misinformed about things going on in Town. Rumors spread in this Town like wildfire and it is shameful how many people are misinformed. He owns the lot across from Stratton Hardware on Route 100, which Storey Brothers is currently stumping then will grade it to flatten it out. He heard from someone yesterday that they thought there was going to be a gravel pit there. Not true. Then he heard that Section 8 housing was going in there. Not true. There is nothing

planned for that property other than it being graded so that the undergrowth won't grow back. The rumors are unbelievable to him.

**Councilor Stiles** – If he wanted to make a request to a property owner to put something on their land, until that landowner agreed, it would not be possible. How is this any different than the Town making the same type of request? Until we get an answer and something is agreed upon, there is nothing to talk about.

The Library/Historical Society Building Committee will be interviewing architects this Wednesday evening. We have received 4 great proposals from architectural firms.

He reminded everyone that he continues his efforts to collect \$10 from 1,000 Cumberland and North Yarmouth residents for the 4-H auction fund that will benefit our food pantry with meat.

**Councilor Turner** – He applauded all the volunteerism that we have in this Town, as Councilor Bingham alluded to.

He is sure that Councilor Bingham will do as good a job on the School Board as he did on the Town Council. He is proud of him.

**Town Manager Shane** – He asked the Chairman to consider if we get into long debates under Public Discussion on items that are not on the agenda, we might move Public Discussion to the end of the agenda out of respect to those sitting in the audience to speak on an item that is on the agenda.

- VI. EXECUTIVE SESSION** pursuant to 1 M.R.S.A., § 405(6)(A) re: Town Manager evaluation.  
Motion by Councilor Bingham, seconded by Councilor Gruber, to recess to EXECUTIVE SESSION pursuant to 1 M.R.S.A., § 405(6)(A) re: Town Manager evaluation.  
VOTE: 6-0 UNANIMOUS  
TIME: 8:30 P.M.

Reconvene to regular session at 8:46 P.M.

- VII. ADJOURNMENT**  
Motion by Councilor Bingham, seconded by Councilor Gruber, to adjourn.  
VOTE: 6-0 UNANIMOUS  
TIME: 8:46 P.M.

Respectfully submitted by,

Brenda L. Moore  
Council Secretary

MEMO TO: Dan Diffin  
FROM: Matt Muzzy  
DATE: May 17, 2019  
SUBJECT: **KNIGHTS POND, LOWER DAM**

As requested, I made a visit to the lower dam at Knights Pond on May 16, 2019. The purpose of the visit was to visually examine a vertical crack (i.e., C-1) in the downstream face of the concrete dam as shown on Photo 1. The concrete dam is the downstream most (i.e., Lower) dam at Knights Pond. While at the site, Photos 2 and 3 of the crack (C-1) were taken. Photo 1 of the crack (C-1) was taken by others on May 14, 2019 and was received via email from William Shane (Town of Cumberland) with a request to look at the dam (and the crack).

Note, the dam was previously visited on June 18, 2013, at which time, photographs of the crack C-1 were taken, see Photos 4 and 5.

**Comments:**

Crack C-1 in photos 2 and 3 appears to be quite old and appears to have occurred at a vertical construction joint in the concrete. Looking into crack C-1 (but not probing or picking) showed no apparent presence of a waterstop material. The top of the crack C-1 shows the most degradation whereas the bottom of the crack (near ground level) appears as a construction joint, in relatively good condition. It is likely the size of crack C-1 and the integrity of the concrete around it is aggravated annually by freezing and thawing.

**Evaluation:**

It is this engineer's opinion that the crack shown in Photos 1 through 5 does not represent an eminent threat to the integrity of the dam relative to the dam's ability to retain the volume of water currently impounded. The crack does however represent a clear maintenance issue relative to the size of the crack potentially enlarging and continued deterioration of the concrete surrounding it.

A similar crack (i.e. C-2) in the downstream face of the dam's concrete exists approximately 30 feet to the southeast (see Photos 6 and 7). Similar to the crack in Photos 1 through 5, crack C-2 is not considered to represent a threat to the integrity of the dam but does represent a similar maintenance concern. Aside from the cracks mentioned above, the Lower Dam at Knights Pond appeared to be in sound, functional condition at the time of the May 16, 2019 visit.

**Recommendations:**

1. A concrete repair specialist, such as Knowles Industrial Services (Gorham, Maine) should be requested to observe the cracks in the downstream face of the concrete dam and offer potential solutions to repairing those cracks using methods and materials used for similar repairs at other locations.
2. If observation of the crack(s) by a concrete repair specialist should raise concern relative to the condition of exposed reinforcement steel (i.e., rebar) in the cracks, then a structural engineer with experience in concrete/concrete reinforcement should be consulted relative to possible repair.
3. The Lower Dam at Knights Pond should be observed annually by a civil engineer that has experience regarding dams and similar water retention structures.

**Closure:**

Please contact me with questions or comments.



Photo 1. Crack C-1. Photo from William Shane May 14, 2019



Photo 2. Crack C-1 on June 18, 2013.



Photo 3. Crack C-1 on June 18, 2013



Photo 4. Crack C-1 on May 16, 2019.



Photo 5. Crack C-1 on May 16, 2019.



Photo 6. Crack C-2 on June 18, 2013.



Photo 7. Crack C-2 on May 16, 2019.



Photo 8. Crack C-1 (left) and Crack C-2 (right). Photo taken on May 16, 2019.

# ITEM 19-071

To hold a Public Hearing to consider and act on amendments to the  
Contract Zone Agreement with Heritage Village, as recommended by  
the Planning Board

## **Notice of Decision**

**Date:** May 22, 2019

**To:** William Shane, Town Manager

**From:** Carla Nixon, Town Planner

**Re:** Public Hearing: **Recommendation to Town Council on proposed amendments to the Contract Zone Agreement for Cumberland Foreside Village dated March 28, 2017.** *Applicant, Peter Kennedy, d/b/a Heritage Village.*

This is to advise you that on May 21, 2019, the Planning Board conducted a Public Hearing on a recommendation to the Town Council on proposed amendments to the Contract Zone Agreement for Cumberland Foreside Village dated March 28, 2017 and voted to recommend to the Town Council to approve the amendments to the Contract Zone Agreement for Cumberland Foreside Village dated March 28, 2017 as presented with modifications as discussed tonight during the Planning Board Workshop and the Planning Board Meeting.

Cumberland Planning Board

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Paul Auclair, Board Chair

Nixon's 5-29-29 Edited CFV CZA (includes all comments from Shane, Nixon, Burns and Mohr).

Note: Changes made by Burns and Mohr are in yellow highlighting so as to stand out from the other changes being proposed.

**AMENDED AND RESTATED CONTRACT ZONING AGREEMENT  
BY AND BETWEEN THE TOWN OF CUMBERLAND**

**AND**

**CUMBERLAND FORESIDE HERITAGE VILLAGE DEVELOPMENT GROUP,  
LLC**

**RELATING TO THE CUMBERLAND FORESIDE HERITAGE VILLAGE  
(formerly "HERITAGE-CUMBERLAND FORESIDE VILLAGE") SUBDIVISION  
ROUTE 1, CUMBERLAND, MAINE**

This Amended and Restated Contract Zoning Agreement is entered into this \_\_\_\_ day of \_\_\_\_\_, ~~2016~~2019, by and between the Town of Cumberland, a municipal corporation (the "Town"), and ~~Cumberland Foreside Heritage Village Development Group, LLC~~, a ~~Maine-Florida~~ limited liability company qualified to conduct business in Maine (the "Developer"), pursuant to the Conditional and Contract Rezoning Provisions set forth in 30-A M.R.S.A. Section 4352 (the "Act") and Section 315-79 of the Cumberland Code, as may be amended from time to time.

WHEREAS, the Town and Peter Kennedy ("Kennedy") entered into a Contract Zoning Agreement dated September 10, 2002, which is recorded at the Cumberland County Registry of Deeds in Book 18114, Page 330 (the "Original Agreement"); and

WHEREAS, Kennedy conveyed his property which is subject to the Agreement to ~~the Developer~~Cumberland Foreside Village, LLC ("CFV") by Deed dated December 27, 2005 and recorded at the Cumberland County Registry of Deeds in Book 23549, Page 231; and

WHEREAS, Kennedy assigned his interest in the Original Agreement to the ~~CFV Developer~~ by Assignment of Contract Zoning Agreement dated December 27, 2005 and recorded at the Cumberland County Registry of Deeds in Book 23652, Page 65; and

WHEREAS, the Town and the ~~CFV Developer~~ amended and restated the Original Agreement in its entirety in the Amended and Restated Contract Zoning Agreement dated January 31, 2007, which is recorded at the Cumberland County Registry of Deeds in Book 24825, Page 242 (the "Amended and Restated Agreement"); and

WHEREAS, the Town and ~~CFV the Developer~~ amended the Amended and Restated Agreement on October 23, 2014 by document titled First Amendment to

Amended and Restated Contract Zoning Agreement (the "First Amendment"), which is recorded at the Cumberland County Registry of Deeds in Book 31899, Page 262; and

WHEREAS, the Town and ~~CFV the Developer~~ amended and restated the Original Agreement and the First Amendment in its entirety on February 27, 2015 by document titled Amended and Restated Contract Zoning Agreement, which is recorded at the Cumberland County Registry of Deeds in Book 32162, Page 191 (the "2015 Amended and Restated Agreement"); and

WHEREAS, the Town and ~~the Developer~~CFV ~~desire to amend~~ and restated the Original Agreement in its entirety in order to incorporate subsequent amendments (the Amended and Restated Agreement, the First Amendment and the 2015 Amended and Restated Agreement), and proposed additional amendments to expand the permitted residential development and revise the lot lines of the parcels consistent with the development goals of the Original Agreement, which is recorded at the Cumberland County Registry of Deeds in Book \_\_\_\_\_ 33880, Page \_\_\_\_\_ 87 (the "2016 Amended and Restated Agreement"); and

WHEREAS, the Town and CFV amended and restated the 2016 Amended and Restated Agreement in its entirety on May 11, 2017 in order to amend and clarify the requirements set forth therein related to the common walkway/path and the buffers along Interstate 295 and Route 1 corridors, which is recorded at the Cumberland County Registry of Deeds in Book 34000, Page 177 (the "2017 Amended and Restated Agreement"); and

WHEREAS, CFV conveyed its property which is subject to the 2017 Amended and Restated Agreement to the Developer by Deeds dated October 10, 2017 and recorded at the Cumberland County Registry of Deeds in Book 34376, Page 330 and to David Chase (as to Lot 9A/B only) by Deed dated October 10, 2017 and recorded at the Cumberland County Registry of Deeds in Book 34376, Page 332; and

WHEREAS, the Town and the Developer desire to amend and restate the 20167 Amended and Restated Agreement in its entirety in order to amend and clarify the requirements set forth herein related to the development of the commercial lots; for additional residential dwelling units; to expand where retail stores can be located; and to add new standards for private roadsecommon walkway/path and the buffers along the Interstate 295 and Route 1 corridors.

NOW THEREFORE, the 20176 Amended and Restated Original Agreement is hereby amended and restated in its entirety, as follows, it being understood that this Amended and Restated Contract Zoning Agreement supersedes and replaces the Original Agreement, the former Amended and Restated Agreement dated January 31, 2007, the First Amendment dated October 23, 2014, ~~and~~ the 2015 Amended and Restated Contract Zoning Agreement dated February 27, 2015, and the 2016 Amended and Restated Contract Zoning Agreement dated April 12, 2016, and the 2017 Amended and Restated Contract Zoning Agreement dated May 11, 2017, which shall be of no further force and effect:

WHEREAS, the Property subject to this Amended and Restated Contract Zoning Agreement consists of the approximately 74.90-74.87 acre parcel of land (the "Project")

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located off U.S. Route One, depicted as Lots 1 – ~~10B9~~ on **Exhibit A** (the “Plan”) prepared by Mohr & Seredin dated April 18, 2019 and more particularly described in **Exhibit A-1** attached hereto; and

WHEREAS, ~~the Developer~~CFV ~~received intends to submit an application for~~ subdivision approval ~~from~~to the Cumberland Planning Board on August 16, 2016, in accordance with the subdivision plan prepared by Owen Haskell dated August 18, 2016 and recorded in the Cumberland County Registry of Deeds in Plan Book 216, Page 335, and- subsequently amended on March 21, 2017 in accordance with the subdivision plan prepared by Owen Haskell dated January 26, 2017 and recorded in the Cumberland County Registry of Deeds in Plan Book 217, Page 85 attached hereto as **Exhibit B** (the “Subdivision Plan”)and which may be further amended from time to time, such amendments to be expressly incorporated herein; and

WHEREAS, the Developer’s Updated Estimated Schedule of Completion of the Project is attached hereto as **Exhibit ~~BE~~**; and

WHEREAS, in order for the Project to be financially feasible for the construction and sale of commercial buildings and residential dwelling units while meeting all applicable codes, certain amendments with respect to density, setbacks, road lengths and certain other performance standards of the Cumberland Code are required; and

WHEREAS, on ~~April 11, 2016~~March 28, 2017, the Cumberland Town Council approved the execution of this Amended and Restated Contract Zoning Agreement, subject to later compliance with Subdivision and Site Plan Standards as set forth in Chapter 229 and Chapter 250 the Cumberland Code, provided such Ordinance provisions are not in conflict with the Act.

NOW THEREFORE, pursuant to the provisions of 30-A M.R.S.A. § 4352(8) and Section 315-79 of the Cumberland Code (as may be amended from time to time), the Cumberland Town Council hereby finds that this Amended and Restated Contract Zoning Agreement:

A) is consistent with the Comprehensive Plan duly adopted by the Town of Cumberland on April 14, 2014; and

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

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

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

The parties agree as follows:

I. Establishment of the Contract Zone:

The Town hereby agrees that the approximately 74.90-74.87 acres shown on the Plan shall be a Contract Zone pursuant to the provisions of 30-A M.R.S.A. § 4352(8) and Section 315-79 of the Cumberland Code.

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II. Permitted Uses Within the Contract Zone:

The development permitted within the Contract Zone established in paragraph I above shall be as follows (Note: References to lot numbers herein shall be to those lot numbers as shown on the Plan attached hereto as **Exhibit A**, unless expressly stated otherwise):

A) All uses authorized as of the date of execution of this Amended and Restated Contract Zoning Agreement and as may be amended hereafter either as permitted uses or special exceptions in the Office Commercial South District, Section 315-13 of the Cumberland Code, and expressly including assisted-living residential care facilities and light manufacturing as defined in Section 315-4 of the Cumberland Code. Light manufacturing shall be permitted only on Lots 3 and 4 only, as shown on Exhibit A.

B) Residential-Dwelling Units as follows:

(1) Up to 14150 residential-dwelling units, which may be either detached dwelling units (single family) or attached duplex or multiplex dwellings, on Lots 10A and 10B8 as shown on the Plan; said residential development to include buffering as set forth in Section III of this Agreement. Individual house lots shall contain not less than 5,000 square feet.

(2) Up to 120 ~~residential~~ duplex or multiplex dwelling units on Lot 7 as shown on the Plan; provided that at least twenty-five percent (25%) of the dwelling units developed on Lot 7 are occupied by a tenant resident -that is 55 years of age or older and whose median family income is less than 140% of the United States Department of Housing and Urban Development median family income for the Greater Portland Metropolitan Statistical Area at the time of occupancy.

For purposes of this Subsection B, Multiplex dwelling units shall be developed for rent or lease only and shall not be converted to condominiums for private sale without prior approval of the Town Council. At least one dwelling unit contained within each multiplex dwelling structure developed under this Paragraph must be occupied by a tenant that is 55 years of age or older and at least 20% (not less than nineteen) of the total dwelling units contained within all of the multiplex dwelling structures developed under this Paragraph must be occupied by a tenant that is 55 years of age or older. The Developer shall have the right to (i) vary the mix between detached dwelling units, duplex and multiplex dwellings on Lot 7, provided that each unit within a duplex or multiplex shall be counted as a residential dwelling unit for purposes of the limitations imposed in subsections B(1) and B(2) above and (ii) convey or subcontract all or any portion of the Project to one or more third parties, subject to the provisions of this Agreement. The residential development permitted under this Section shall include buffering as set forth in Section III

of this Agreement. The residential development permitted under this Paragraph shall not be subject to the net residential density requirements of Section 315-43(E) of the Cumberland Code; provided, however, that the requirements of Section 315-43(E) shall not apply to the development of multiplex dwellings under this Paragraph. The development of multiplex dwellings permitted under this Paragraph shall also be exempt from the regulations of Section 315-44 of the Cumberland Code related to multiplex dwellings. Individual house lots for detached dwellings units shall contain not less than 5,000 square feet per dwelling unit on Lots 10-A and 10-B, and not less than 4,000 square feet per dwelling unit on Lot 7.

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C) Commercial development of not less than six (6) lots, as shown on the Plan; said commercial development to be developed with buffering from existing or proposed the adjacent residential areas of the Project as set forth in Section III of this Agreement.

~~D) On proposed Lot 7 only, indoor warehouse and storage facilities and wholesale distribution facilities as defined in Section 315-4 of the Cumberland Code shall be permitted, provided that such facilities are set back at least 300 feet from the U.S. Route One right of way and only if no residential use is created or existing on the same lot. Indoor warehouse and storage facilities shall include enclosed buildings for the keeping of nonhazardous goods, commodities, equipment, materials or supplies in which buildings there are not any sales, manufacturing, production or repair activity, except on an incidental or occasional basis. Outdoor storage of any goods, commodities, equipment, materials or supplies in conjunction with an indoor warehouse and storage facility shall not be permitted. If an indoor warehouse and storage facility or a wholesale distribution facility is adjacent to residential property, the buffering requirements set forth in Section III of this Agreement shall apply. Nothing in this section shall preclude the establishment of any other commercial use allowed by the terms of this Agreement.~~

~~ED) An Antenna or Alternative Tower Structure communications properly buffered from all residential uses in accordance with Section 315-72 of the Cumberland Code.~~

EF) On Lots 1, 7 and 8 only, all uses authorized as of the date of execution of this Amended and Restated Contract Zoning Agreement and as may be amended hereafter either as permitted uses or special exceptions in the Town Center District, Section 315-21 of the Cumberland Code, retail stores (uses may include any shop or store for the retail sale of goods or personal services, excluding any drive-up service, freestanding retail stand, gasoline and motor vehicle repair service, new and used car sales and service, and trailer and mobile home sales and service).

~~G) Tradesmen's offices (i.e., the office of a self-employed craftsman or person in a skilled trade) involving only the management of the business; interior storage of materials and goods related to the business; and outdoor storage of vehicles, equipment and material ancillary to the business provided that such items are not visible from a public way. No on-site retail sales or wholesale distribution shall be permitted as part of such use, except as otherwise permitted within the Office Commercial South District.~~

~~II) Site preparation activities including grading and aggregate processing, as defined in Section 315-4 of the Cumberland Code, which substantially alter terrain and site character shall be permitted subject to the requirements set forth herein. Site preparation activities shall be permitted by the Developer and/or his subcontractor and shall include aggregate processing of materials on site for use in conjunction with the development of the site or off site, but shall not be permitted unless in preparation of the site for proposed or approved development. The foregoing activities shall be performed in accordance with Maine Department of Environmental Protection requirements for ledge removal and materials processing, regardless of whether such use actually requires a permit from the Maine Department of Environmental Protection. If a permit from the Maine Department of Environmental Protection is not required for the use, the Town shall have the authority to enforce these requirements. Any such activities and any other site work proposed on the site, including development permitted under the terms of this Agreement shall be subject to review and approval by the Planning Board and shall be completed pursuant to all applicable sections of the Cumberland Code including, but not limited to, Sections 315-48 and 315-49. All site preparation activities must be completed within one year of approval unless an extension is requested by the Developer from the Planning Board prior to the expiration date. The Planning Board is authorized to extend the project completion not more than two times for a period of up to six months each time. The Planning Board shall deny a request for extension if the site preparation activities are not at least 35% completed within one year from the date of approval and if an application for site plan and/or subdivision including the area for which site preparation activity was permitted has not been approved.~~

III. Restrictions within the Contract Zone:

A) The setback provisions within the Contract Zone shall be as follows. All setbacks shall be measured from the exterior wall of the structure and shall not include overhangs, which overhangs shall not exceed one foot on any side of the structure.

(1) setbacks for ~~detached~~ dwelling units:

- Front yard setback not less than 15 feet.
- Side yard setback not less than 9 feet each side.
- Rear yard setback not less than 15 feet.
- Driveway setback not less than 5 feet, unless driveways are shared by 2 or more lots, in which case there are no driveway setback requirements.
- If a residential lot is adjacent to a commercial lot, there shall be a 25 foot buffer of undisturbed or replanted vegetation. The Developer shall provide for additional plantings, as approved by the Planning Board, within the 25 foot undisturbed buffer where existing conditions do not provide adequate screening between the properties.

(2) setbacks for commercial lots:

- Front yard setback not less than 25 feet.
- Side yard setback not less than 20 feet each side.
- Rear yard setback not less than 40 feet.
- Driveway setback not less than 10 feet, unless driveways are shared for access by 2 or more lots in which case there are no driveway setback requirements.
- If a commercial lot is adjacent to a residential lot, there shall be a 25 foot buffer of undisturbed or replanted vegetation. The Developer shall provide for additional plantings, as approved by the Planning Board, within the 25 foot undisturbed buffer where existing conditions do not provide adequate screening between the properties.

(3) setbacks for Rresidential Ceare assisted-living-Ffacilities and duplex and multiplex dwellings:

- Front yard setback not less than 50 feet.
- Side yard setback not less than 30 feet each side.
- Rear yard setback not less than 50 feet.
- Driveway setback not less than 5 feet.
- If an Rresidential Ceare assisted-living-Ffacility, duplex or multiplex dwelling is adjacent to a commercial lot, there shall be a 25 foot buffer of undisturbed or replanted vegetation. The Developer shall provide for additional plantings, as approved by the Planning Board, within the 25 foot undisturbed buffer where existing conditions do not provide adequate screening between the properties.
- Any building that is constructed for the sole purpose of and used exclusively in connection with the development of multiplex dwellings and located on the same lot as the multiplex dwellings, such as a community center or rental office, shall be subject to the setback requirements of this section; provided, however, that the rear setback for such building shall be not less than 25 feet.

~~(4) setbacks for indoor warehouse and storage and wholesale distribution facilities:~~

- ~~• Front yard setback not less than 25 feet.~~
- ~~• Side yard setback not less than 25 feet each side.~~
- ~~• Rear yard setback not less than 25 feet.~~
- ~~• If indoor storage and warehouse facilities or wholesale distribution facilities are adjacent to residential development, the above minimum setbacks shall be increased to 60 feet and there shall be a 75 foot undisturbed or replanted buffer on the property line between the commercial and residential uses. The Developer shall provide for additional plantings, as approved by the Planning Board, within the 75 foot undisturbed buffer where existing conditions do not provide adequate screening between the properties.~~

(45) A setback of not less than 100 feet shall be maintained along the entire length of the property boundary that borders the Interstate 295 highway. The setback shall be measured from the edge of the I-295 right of way and shall remain at all times undisturbed. The Town shall periodically survey this setback to ensure that it has been maintained. In the event that this area is disturbed for any reason, the Developer shall be required to prepare and submit a landscape plan to be approved by the Town Council and shall be required to complete plantings in accordance with the approved plan within a timeframe designated by the Town Council. Additional plantings consisting of evergreen trees shall be field located with Town staff. Plantings shall be at least five feet (5') that are at least 8'—12' tall when planted. Plantings shall be required within the portion of the setback that runs along Lot 10B0, the Cumberland Foreside Village Apartments, as shown on Exhibit BA, to provide a visual buffer of the multiplex dwelling units constructed on that lot. The location of the plantings within the Lot 100 buffer shall be substantially the same location as shown on Exhibit D, subject to Town approval of the same.

- B) The minimum frontage on the street providing access to each residential lot shall be 50 feet and for each commercial lot shall be 150 feet for lots with frontage on Route 1 and 100 feet for interior lots.
- C) The length of Skyview Drive, the dead-end road serving the commercial and residential portion(s) of the Project, shall be not more than 3,000 feet, and the road right-of-way be established at 50 feet in width, with a paved

width of at least 24 feet (base shall be 30 feet wide), a five foot paved sidewalk for Skyview Drive, a four foot esplanade and an enclosed drainage system if the road is public. All other roads, except for driveways and alleyways, within the interior commercial lots in the project shall be constructed with a paved width of at least 24 feet, shall require may have an open or an enclosed drainage system, curbing and a five foot paved sidewalk, and be constructed in accordance with the geometric design standards for commercial subdivisions found in Chapter 250 of the Cumberland Code as amended, unless the roads are private and for residential use, in which case the roads may be constructed as set forth in Exhibit GD of this Contract Zone Amendment.

D) The height restriction on all nonresidential structures and multiplex dwellings shall be 50 feet and the height restriction on all detached (single family) and duplex dwellings shall be 40 feet.

E) There shall be no other variances from the Cumberland Zoning Ordinance granted to any lot owner beyond those expressly set forth herein, unless the Town and Developer agree by written and duly authorized amendment to this Agreement.

F) This Agreement shall be subject to the Town's Impact Fee Ordinance to the extent applicable. Impact Fees shall be calculated based on the gross floor area of the total structure for each multiplex dwelling structure constructed under Section II(B) of this Agreement. The gross floor area of the multiplex dwelling structure shall be reduced by the gross floor area of any dwelling unit within that structure that is designated to be occupied by a tenant-resident that is 55 years of age or older. The senior and affordable residential development permitted under Section II (B)(2) of this Agreement shall be exempt from the requirements of the Town's Growth Management Ordinance pursuant to Section 118-6(D) of the Cumberland Code; provided, however, that the Developer shall be responsible to pay a fee of \$100 per multiplex dwelling unit in lieu of a growth permit. All other residential development permitted under Section II (B)(2) of this Agreement shall be subject to the requirements of the Town's Growth Management Ordinance.

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G) Any commercial development or multiplex dwelling development shall be subject to the "Design Guidelines for Commercial Properties & Multiplex Dwellings" which are attached hereto as Exhibit D Route One Design Standards, as may be amended, as well as the Design Guidelines and Design Requirements set forth in Exhibit C. This shall include the requirement for 10% integrated green space which may include amenities such as benches, tables and playground equipment.

H) The Route 1 buffer shown on the Plan shall be 35 feet from the Route 1 right of way. 25 feet of the Route 1 buffer shall be undisturbed vegetation and the remaining 10 feet shall be used for a common walkway/path. A The common walkway/path shall be constructed within the Route 1 right of way beginning at Sky View Drive and ending at the northerly lot line of Lot 5, subject to approval by the Town, or within 25 feet of the Route 1 right of way beginning at Sky View Drive and ending at Lot 9 11-C of the Town of Cumberland's Tax Map R01, shown as the ("Seafax") Lot as shown on Exhibit AEF. The

common walkway/path shall be completed prior to the occupancy of any residential dwellings constructed pursuant to Section II(B). No additional buffer shall be required along Route 1 for Lot 9 as shown on Exhibit AB, provided that the front setback for the property as set forth in Section III (A) is met and that the setback area includes undisturbed vegetation to the greatest extent practicable and additional plantings as necessary to create a sufficient vegetated buffer within the setback.

I) Notwithstanding aAnything in Section III (A) above to the contrary ~~notwithstanding~~, the building setback from Route 1 ~~shall be~~ shall be 65 feet from the Route 1 right of way, except that the building setback from the Route 1 right of way on Lot 9 ~~only~~ shall be 25 feet and the building setback from the Route 1 right of way for Lots 3 and 4 shall be 50'.

J) The minimum lot size for commercial lots shall be 60,000 square feet.

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K) The use of bituminous or concrete curb throughout the road network and on site plans shall be allowed at the developer's option.

L) The parking requirements of Section 315-57 of the Cumberland Code shall apply to development under this Agreement; provided, however, that the minimum number of parking spaces required for multiplex dwellings under Section II(B) shall be two (2) spaces per dwelling unit, unless waived by the Planning Board during site plan review. A landscaped berm may be required by the Planning Board shall be installed on the exterior perimeter of each parking area ~~designated for the multiplex dwelling structures~~ developed under Section ~~II~~(B). Such berms shall be designed and constructed to provide screening from vehicle headlights within the parking area facing outward in both easterly and westerly directions.

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M) Notwithstanding anything in the Town's Zoning Ordinance to the contrary, Residential Care Facilities shall be subject to the following requirements:

(1) Minimum lot size of two acres;

(2) Site coverage. The facility, as measured by the area of the building footprint of all structures, shall not cover more than 30% of any site's gross acreage. This limitation on site coverage applies only to structures and does not apply to drives, parking areas, walkways, and gardens;

(3) Open Space. At least 20% of the gross site acreage shall be devoted to vegetated open space. The open space may include lawn areas, forest areas, areas with a vegetative cover, and gardens. Open space shall not include areas covered by structures, parking areas, drives, walkways, swimming pools, tennis courts, or similar improvements; and

(4) Height. The maximum building height shall not exceed 50 feet.

N) A fifteen-foot trail easement shall be located within Lot 8 as conceptually shown on Exhibit A with the exact easement location to be determined at the

time of subdivision approval. The trail/path/walk shall be constructed by Heritage Village Development Group, LLC or its assigns.

O) All development on Lots 7 and 8 shall comply with the lighting requirements set forth in the International Dark Sky Association (IDA) 2011 Model Lighting Ordinance.

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

#### IV. Miscellaneous Provisions:

A) Offsite Improvements: The Developer shall be responsible for the design, engineering and construction of all offsite improvements as may be required for the residential development permitted under this Agreement. The obligations related to the design, engineering, construction and financing of other offsite improvements as may be required for all other development permitted under this Agreement shall be negotiated by the Parties. ~~by the owners or operators of property within the Project or as may be required by rule, regulation, law or determination of a governmental agency or utility in conjunction with the development of any Lots within the Project, except that the Town shall be responsible for the widening, paving and striping of a designated portion of Route 1 pursuant to the plan titled "Route 1 Improvements" drafted by Gorrill Palmer Consulting Engineers and dated July 2007, attached hereto as Exhibit EGF, or as otherwise approved by the Town Council.~~

B) Survival Clause: The terms and conditions of this Agreement shall run with the land and be binding upon and shall inure to the benefit of the respective successors, heirs and assigns of the parties hereto except as specifically set forth herein. A true copy of this Agreement shall be recorded in the Cumberland County Registry of Deeds.

C) Arbitration Clause: In the event of any dispute between the parties hereto arising out of the Town's approval of (or failure to approve) eligible and qualified purchasers, such dispute shall be submitted to arbitration pursuant to the rules and regulations of the American Arbitration Association, or such other similar arbitration tribunal as the parties may select. The decision of such arbitration panel shall be final, binding and conclusive as to all issues arbitrated therein. Any and all other disputes, claims, counterclaims, and other matters in question between the parties hereto arising out of or relating to this Agreement shall be decided by a Maine court of competent jurisdiction.

D) Further Assurances: In order to effectively and properly implement this Agreement, the parties agree to negotiate in good faith the terms and conditions of such further instruments and agreements as may be reasonably necessary from time to time to give effect to this Agreement.

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

F) Binding Covenants: The above-stated restrictions, provisions, and conditions are an essential part of this contract and shall run with the subject premises, shall bind the Developer, its successors and assigns with respect to the Project or any part thereof or any interest therein, and any party in possession or occupancy of said property or any part thereof, and shall inure to the benefit of and be enforceable by, the Town, by and through its duly authorized representatives. However, if all site work related to the infrastructure on the subdivision plan is not substantially completed within five (5) years from the date of this Amended and Restated Agreement, then the Town Council shall review the status of the project and shall determine whether to initiate a rezoning of the property to the current zoning classification as it exists at the time of the rezoning determination.

G) Severability: In the event any one or more clauses of this Agreement shall be held to be void or unenforceable for any reason by any court of competent jurisdiction, such clause or clauses shall be deemed to be severable and of no force or effect in such jurisdiction, and the remainder of this Agreement shall be deemed to be valid and in full force and effect, and the terms of this Agreement shall be equitably adjusted if possible so as to compensate the appropriate party for any consideration lost because of the elimination of such clause or clauses.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the parties have hereunto caused this Agreement to be executed as of the day and year first above written.

WITNESS: TOWN OF CUMBERLAND

Name: \_\_\_\_\_ By: \_\_\_\_\_  
William R. Shane  
Town Manager

~~CUMBERLAND~~ ~~FORESIDE~~ HERITAGE  
VILLAGE DEVELOPMENT GROUP, LLC

Name: \_\_\_\_\_ By: \_\_\_\_\_  
~~David Chase~~ Peter D. Kennedy  
Sole Member and Manager

State of Maine  
County of Cumberland, ss. \_\_\_\_\_,  
~~2016~~ 2019

Then personally appeared the above-named William R. Shane in his capacity as Town Manager of the Town of Cumberland and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of the Town of Cumberland.

Before me,

\_\_\_\_\_  
Notary Public  
Print Name: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_



Interstate 295

4 STORY  
CONDOMINIUMS  
WITH PARKING ON  
FIRST LEVEL.

VILLAGE MIXED RETAIL  
AND COMMERCIAL WITH POTENTIAL  
RESIDENTIAL ON SECOND FLOOR.

Falmouth  
Cumberland

MINIMUM 10%  
GREEN SPACE  
OPEN AREAS  
WITH AMENITIES.

TRAIL EXTENSION

MINIMUM 10% GREENSPACE  
AND COMMON WALKING PATHS

LANDSCAPE BUFFER PER  
TOWN ORDINANCE

9 - 12 UNIT  
3 & 4 STORY  
CONDOMINIUMS

MIXTURE OF  
DWELLINGS IN  
DUPLEX OR TRIPLEX  
UNITS.

OFFICE/MIXED USES  
4,500 - 10,000 SF FOOTPRINTS  
2 - 3 STORY, MAX. 20,000 SF

ROUTE 1 COMMERCIAL  
10,000 - 25,000 SF

COMMONS

Skyview  
Drive

Lot 1

Lot 2

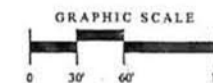
Lot 3

Lot 4

US Route 1

## Site Concept - Mixed Use Residential / Commercial Development

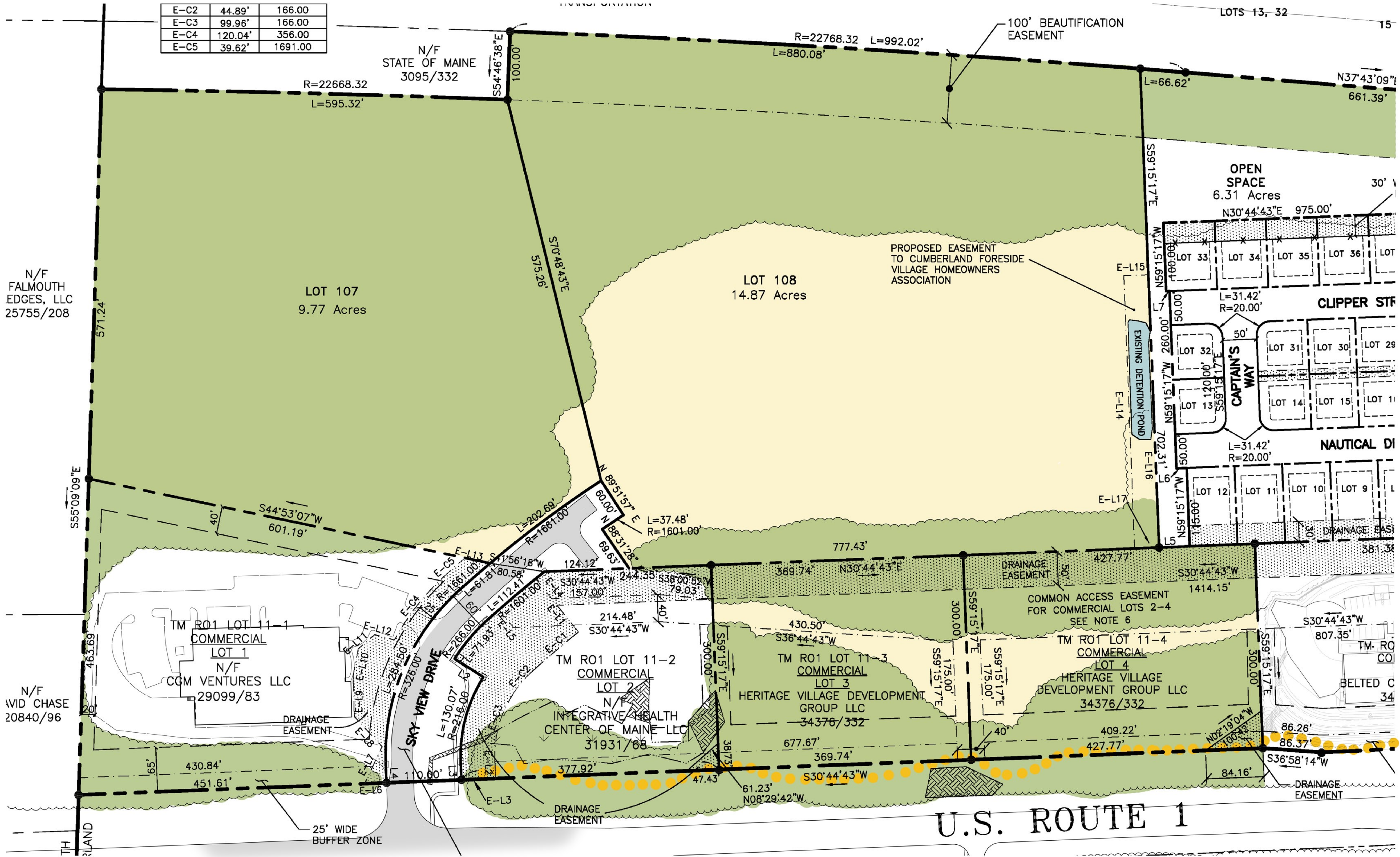
U.S. Route One, Cumberland, Maine  
Heritage Village Development Group, LLC.



**WALSH**  
LANDSCAPE ARCHITECTS, INC.  
18 Pleasant Street, Portland, Maine 04101  
ph: 1.207.871.0003  
fax: 1.207.871.1419

MOHR & SEREDIN  
Landscape Architects, Inc.  
18 Pleasant Street, Portland, Maine 04101  
ph: 1.207.871.0003  
fax: 1.207.871.1419

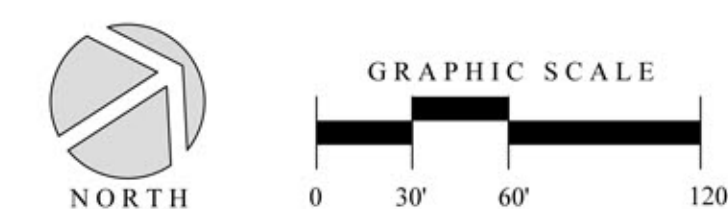
May 15, 2019



# Ownership of Heritage Village Development Group, LLC

U.S. Route One, Cumberland, Maine  
Heritage Village Development Group, LLC.

February 2019, Rev. March 14, 2019



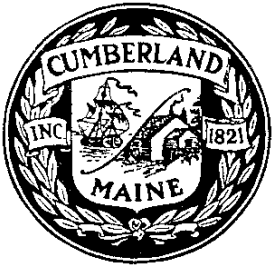
**WALSH**  
ENGINEERING ASSOCIATES, INC.  
One Karen Dr., Suite 2A | Westbrook, Maine 04092  
ph: 207.553.8888 | www.walsh-eng.com

**MOHR & SEREDIN**  
Landscape Architects, Inc.  
18 Pleasant Street, Portland, Maine 04101  
ph: 1.207.871.0003  
fax: 1.207.871.1419

# ITEM

## 19-072

To hear an update from the Town Manager re: relocating the brush/compost pad at the Fairgrounds and reconsidering brush and composting services



**MEMORANDUM**  
Town of Cumberland, Maine  
290 Tuttle Road  
Cumberland, ME 04021  
Telephone (207) 829-2205 • Fax (207) 829-2214

To: Town Council  
From: William Shane, Town Manager  
Date: May 28, 2019  
Re: Composting Area

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To date, I have not heard from Mike Timmons, President of the Farmer's Club, on their decision to allow the Town to develop a 2-acre compost pad at the fairgrounds. I estimate the cost to develop the compost pad and the road into the facility to be \$125,000 to \$150,000.

I believe that we will be challenged by the neighbors on Bruce Hill Road for the location of the compost and brush facility. I have heard that neighbors are organizing for a referendum.

Several Council members have expressed a desire to possibly eliminate the service because of the difficulty in relocating the facility. I believe that composting and brush removal have both become an environmentally responsible and proper way to deal with this portion of our waste stream. Annually, nearly 300 residents have purchased passes and we have had nearly 1,200 trips to the current facility. The revenues generated have nearly paid for the overtime to operate the facility.

The unknown about this service is its support Town wide and would residents want to see the service continue? Would residents support a new site at a cost of \$150,000 for development and annual operating cost of close to \$22,000?

<u>ITEM</u>	<u>ANNUAL OPERATING COST</u>	<u>CAPITAL</u>
Construction		\$150,000
Overtime	\$ 7,000	
Weekly Labor	\$ 5,000	
Equipment Costs	\$10,000	
	<u>\$22,000</u>	<u>\$150,000</u>

It may be time to see how valuable a service this can be. I would recommend that we locate this option to our original site next to the Town Forest off Tuttle Road and not "lease" any land from the Farmer's Club. The Tuttle Road site has access to all utilities and has fewer neighbors. Any site that is chosen will have impacts that we cannot mitigate entirely. If the residents wish to keep this service, we need to find a location that has the least impact. This site was chosen for a future Public Works location. That is no longer financially feasible. The compost and brush facility are easy to build and pose the least amount of disruption during daylight hours.



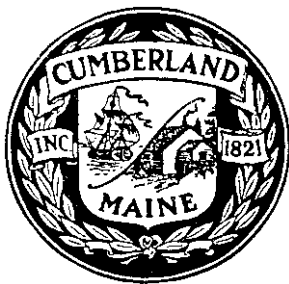
#### LEGEND

- SAW DUST PILES
- HORSE MANURE PILES



FIGURE 1  
SITE CONCEPT PLAN  
CUMBERLAND FAIRGROUNDS PROPERTY  
COMPOST PAD RELOCATION  
TOWN OF CUMBERLAND  
CUMBERLAND, MAINE

**SME**  
SEVEE & MAHER  
ENGINEERS



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

April 22, 2019

Mr. Michael Timmons, President  
Cumberland Farmers Club  
Fairgrounds Road  
Cumberland, Maine 04021

RE: Proposal for a land lease for Composting for the Town of Cumberland

Dear Mike,

The Town of Cumberland is requesting the Cumberland Farmers Club consideration for leasing land for the Town's yard waste composting operations. To add the 2,500 cubic yards of horse manure that we composted for you in the past year, we would be required a change and upgrade to our license, which we are willing to do. I understand there is some reservation to sell the property, but that option is available should your current position change now or in the future.

The Town would be willing to work with the Farmers Club to develop the land closest to Bruce Hill Road per the attached sketch.

**The Town would provide the following:**

1. Construct a 2 acre compost pad plus access roads from Bruce Hill Road and the Fairgrounds
2. Develop and present all required permitting through the Maine Dept. of Environmental Protection and the Cumberland Planning Board
3. Staff and equipment to operate and maintain the composting operation
  - Tuesday afternoons and Saturdays from early April to Thanksgiving weekend
  - Operations would be closed to the public during Fair Week
4. Compost all Horse Manure generated at the Fairgrounds

5. Compost any grass or leaves generated at the Fairgrounds and delivered to the composting area
6. Grind and dispose of any brush delivered to the brush pad generated at the fairgrounds
7. The site would be gated at Bruce Hill Road and at the Horse barns (if requested)
8. Provide all legal work for the development of a 20 year lease
9. Reimburse the Farmers Club for up to \$1,500 for your attorney to review the lease document
10. The lease document will include a right of first refusal should the Farmers Club choose to sell the parcel. If the Farmers Club decided to sell, the property's fair market value would be determined by an independent licensed appraiser to be paid by the Town.
11. The Lease agreement could be terminated by either party with 12 months' notice. The agreement shall renew automatically each year up to 20 years at which time, with mutual agreement of both parties, the lease could be extended for up to another 20 years or any other mutually agreed upon term.
12. The compost pad and access roads would remain, at no cost, the property of the Farmers Club
13. A close out plan would be developed in the event the lease was terminated. The closeout plan would require all materials on the pad be removed and the pad and access roads left in place. All costs related to the close out would be borne by the Town.

I am certain there will be additional legal language added to this draft after our attorneys have a chance to review. I don't know what the Farmer Club would require for compensation. The Town is willing to consider winter plowing of the fairgrounds major roads, a monthly or annual payment, or other reasonable capital upgrades to the facility. The Town would be happy to meet with you and the Farmers Club Board of Directors to discuss in more detail this proposal. Please let me know if you feel that would be appropriate and the time and date of your next meeting if you choose to have the Town attend.

Thank you for your consideration of this important operation to the Town.

Sincerely,

A handwritten signature in blue ink, appearing to read 'W.R. Shane', with a long horizontal flourish extending to the right.

William R. Shane, P.E.  
Town Manager

# ITEM

## 19-073

To set a Public Hearing date of June 17<sup>th</sup> to authorize the Town Manager to execute a Purchase and Sale Agreement to relocate the sand/salt building to 215 Middle Road (Storey Brothers)



1 inch = 200 feet

Sand Salt Shed Proposed Location 2019



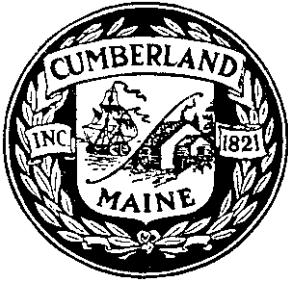
1.5 Acre Area



1 inch = 50 feet

# ITEM 19-074

To hold a Public Hearing to authorize the Town Manager to transfer inter-departmental operating funds for FY'19, as recommended by the Finance Committee



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

**To:** William Stiles, Finance Committee Chairman

**From:** William R. Shane, Town Manager

**Date:** May 30, 2019

**Re:** Budget Transfers FY 19

**Charter Section 7 & 8- Expenditures & Transfers pages 12 and 13**

---

I am requesting a meeting of the Finance Committee to review and prepare a recommendation to the full **Town Council at its June 3rd** meeting for the transfer of funds to close-out the **FY 2019 Budget**.

All transfers will result in no increase in taxes and represents monies not spent from operating accounts, excess revenues and overlay.

***Town Charter Article VI. Section 7. Expenditures and departmental revenue***

*The budget for all departments shall include all proposed expenditures; and the Council shall make a gross appropriation for each department for the ensuing fiscal year. The gross appropriation for each department shall not be exceeded except by consent of the Council.*

***Town Charter Article VI. Section 8. Transfers of appropriations***

*At the request of the Town Manager and within the last three (3) months of the budget year, the Council may by resolution transfer any unencumbered appropriations, balance or portion thereof between general classification of expenditures within a department. Following the close of the fiscal year the Council may also continue unexpended balances in capital accounts and prepaid items.*

I am asking that you authorize me to make the necessary transfers between Revenues and Departmental Operating Budgets to close-out the **FY 2019** budget. The following pages show the actual line items for both Revenues and Expenses.

At the end of the presentation of the attached expenses, revenues and transfer recommendations, I would suggest the following motions which the Finance Committee approved at its **Wednesday, May 29, 2019 meeting**.

The operating Budget overages this year can be classified as follows:

130 Administration	(\$47,099)
410 Recreation	(\$19,861)
190 Legal	(\$18,050)
140 Assessor	(\$11,524)
240 Code Enforcement	(\$6,648)
350 Valhalla-Club	(\$6,621)
850 Abatements	(\$3,600)
470 Historical Society Building	(\$2,132)
620 Cemetery Association	(\$1,869)
630 Conservation	(\$1,200)
<b>Total</b>	<b>(\$118,604)</b>
<b>Use for Transfer Up to</b>	<b>\$130,000</b>

*This Year's (FY 2019) Overlay is equal to \$133,670. I would recommend that the overlay be used to offset the overages and any balance be applied to Fund Balance.*

The Revenues budget overages this year can be classified as follows:

ACCOUNT FY 19 P 13 EST	ORIG	YTD	EXPECT	TOTAL EST
011 Other Tax Revenues	-\$2,037,000	-\$1,994,329	-\$150,000	-\$2,144,329
012 Licenses & Permits	-\$154,974	-\$140,166	-\$10,000	-\$150,166
013 Intergovernmental Revenues	-\$727,398	-\$517,283	-\$100,000	-\$617,283
015 Other Revenues	-\$133,117	-\$279,292	-\$7,000	-\$286,292
210 Police	-\$56,248	-\$57,104	-\$1,000	-\$58,104
220 Fire	-\$172,700	-\$134,281	-\$30,000	-\$164,281
310 Public Works	-\$304,884	-\$228,551	-\$30,000	-\$258,551
350 Valhalla-Club	-\$48,500	-\$32,205	-\$20,000	-\$52,205
370 Valhalla-Pro Shop	-\$572,921	-\$491,864	-\$10,000	-\$501,864
410 Recreation	-\$818,116	-\$956,467	-\$60,000	-\$1,016,467
450 Library	-\$4,500	-\$4,020	-\$300	-\$4,320
<b>Grand Total</b>	<b>-\$5,030,358</b>	<b>-\$4,835,563</b>	<b>-\$418,300</b>	<b>-\$5,253,863</b>
				<b>104.44%</b>
				<b>-\$223,505</b>

Excise Tax and Recreation are once again the largest departments contributing to this year's strong revenues. I have attached a copy of all the revenues and expenses to this summary report.

## **Recommended FY 2019 Transfers:**

**General Fund Revenues over (under) Budget                      \$223,505 (estimated)**

<b>Debt Service Reserve</b>	<b>\$ 50,000</b>
<b>Methane Remediation</b>	<b>\$ 25,000</b>
<b>200 year Celebration</b>	<b>\$ 25,000</b>
<b>Library – Historical Society</b>	<b>\$ 50,000</b>
<b>Fire Truck – Repairs?</b>	<b>\$ 25,000</b>
<b>Police Reserves - Rifles</b>	<b><u>\$ 9,000</u></b>
	<b>\$184,000</b>

## **Recommended Motions:**

1. I move the authorize the Town Manager to transfer excess end of year operating revenues and interdepartmental operating balances to close-out all departmental budgets for FY 2019 as recommended by the Finance Committee.
2. I move the authorize the Town Manager to transfer up to \$184,000 from end of year excess revenues for projects approved by the Finance Committee and that any additional excess revenues be applied to end of year Fund Balance.

# Memo

**To:** Town Manager William Shane  
**From:** Chief Charles Rumsey  
**cc:**  
**Date:** April 17, 2019  
**Re:** Request for \$9,600 in supplemental capital equipment funding

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On June 5<sup>th</sup>, 2018 the Police Department requested supplemental capital equipment funding of \$16,000 for the purchase of complete rifle packages to outfit members of the department with individually issued rifles. Our original estimate per package was \$2,750. We planned to purchase 6 rifle packages with the supplemental funding and then complete the project with the purchase of 6 more rifle packages at the end of FY19 if funding was available.

As we began the project we determined that with some additional funding, we could purchase additional rifle packages so that the entire patrol division could be properly equipped, at the same time. I spoke with you and received permission to forego the purchase of a mobile incident management unit (\$6,600) so that a portion of those funds (\$4,609) could be used for rifles instead.

To date, we have purchased 9 rifle packages (minus \$503.00 in spending which is in process). We've spent \$20,609 and with the additional \$503, it will bring the total for 9 rifle packages to \$21,112. This figure equals approximately \$2,356 per rifle package (less than initially anticipated).

In order to complete our project, we are requesting an additional \$9,600 in supplemental capital spending. This funding would allow us to purchase 4 additional rifle packages – enough to outfit 12 full time members of the department, with one spare in the event a rifle is removed from service for repairs, etc.

ACCOUNT DESCRIPTION	ORIGINAL APPROP	YTD EXPENDED	AVAILABLE BUDGET	% USED	Projected	Projected Actual	Overage	% Over
130 Administration	\$588,736	\$559,201	\$29,535	95	108%	\$635,835	(\$47,099)	-8%
140 Assessor	\$96,036	\$101,288	(\$5,252)	106	112%	\$107,560	(\$11,524)	-12%
150 Town Clerk	\$247,295	\$218,908	\$28,388	89	100%	\$247,295	\$0	0%
160 Technology	\$202,151	\$184,442	\$17,709	91	100%	\$202,151	\$0	0%
165 Elections	\$16,026	\$8,400	\$7,626	52	100%	\$16,026	\$0	0%
170 Planning	\$71,630	\$58,271	\$13,359	81	100%	\$71,630	\$0	0%
190 Legal	\$47,500	\$56,464	(\$8,964)	119	138%	\$65,550	(\$18,050)	-38%
210 Police	\$1,378,565	\$1,209,240	\$169,325	88	100%	\$1,378,565	\$0	0%
220 Fire	\$968,342	\$845,984	\$122,358	87	100%	\$968,342	\$0	0%
240 Code Enforcement	\$132,952	\$130,729	\$2,223	98	105%	\$139,600	(\$6,648)	-5%
250 Harbor Master	\$11,650	\$4,682	\$6,968	40	100%	\$11,650	\$0	0%
260 Animal Control	\$31,108	\$28,096	\$3,012	90	100%	\$31,108	\$0	0%
310 Public Works	\$1,166,478	\$1,050,093	\$116,385	90	100%	\$1,166,478	\$0	0%
320 Waste Disposal	\$512,350	\$405,678	\$106,672	79	100%	\$512,350	\$0	0%
350 Valhalla-Club	\$26,485	\$31,033	(\$4,548)	117	125%	\$33,106	(\$6,621)	-25%
360 Valhalla-Course	\$489,882	\$430,546	\$59,336	88	100%	\$489,882	\$0	0%
370 Valhalla-Pro Shop	\$243,415	\$232,725	\$10,690	96	100%	\$243,415	\$0	0%
410 Recreation	\$993,045	\$963,125	\$29,920	97	102%	\$1,012,906	(\$19,861)	-2%
420 Aging in Place	\$37,453	\$21,824	\$15,629	58	100%	\$37,453	\$0	0%
430 Parks	\$292,754	\$280,659	\$12,095	96	100%	\$292,754	\$0	0%
440 West Cumberland Rec	\$7,202	\$5,529	\$1,673	77	100%	\$7,202	\$0	0%
450 Library	\$494,236	\$443,439	\$50,797	90	100%	\$494,236	\$0	0%
470 Historical Society Buildin	\$4,958	\$7,089	(\$2,131)	143	143%	\$7,090	(\$2,132)	-43%
580 General Assistance	\$35,000	\$28,816	\$6,184	82	100%	\$35,000	\$0	0%
590 Health Services	\$13,875	\$13,577	\$298	98	100%	\$13,875	\$0	0%
620 Cemetery Association	\$26,700	\$28,450	(\$1,750)	107	107%	\$28,569	(\$1,869)	-7%
630 Conservation	\$5,000	\$6,212	(\$1,212)	124	124%	\$6,200	(\$1,200)	-24%
650 Debt Service	\$970,000	\$969,023	\$977	100	100%	\$970,000	\$0	0%
750 Insurance	\$286,554	\$280,190	\$6,364	98	100%	\$286,554	\$0	0%
800 Fire Hydrants	\$75,624	\$66,935	\$8,689	89	100%	\$75,624	\$0	0%
810 Street Lighting	\$45,000	\$30,687	\$14,313	68	100%	\$45,000	\$0	0%
830 Contingent	\$10,000	\$5,907	\$4,093	59	100%	\$10,000	\$0	0%
840 Municipal Building	\$90,847	\$85,580	\$5,267	94	100%	\$90,847	\$0	0%
850 Abatements	\$20,000	\$23,671	(\$3,671)	118	118%	\$23,600	(\$3,600)	-18%
860 MSAD #51	\$18,690,271	\$17,132,748	\$1,557,523	92	100%	\$18,690,271	\$0	0%
890 County Tax	\$878,954	\$878,954	\$0	100	100%	\$878,954	\$0	0%
910 Capital Reserves	\$699,300	\$699,300	\$0	100	100%	\$699,300	\$0	0%
	\$29,907,374	\$27,527,497	\$2,379,877		100.40%	\$30,025,978	\$118,604	0.40%

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**TOWN OF CUMBERLAND**  
**YEAR-TO-DATE BUDGET REPORT**

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**FOR 2019 13**

	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
001 General Fund							
130 Administration	588,736	588,736	559,201.21	.00	.00	29,534.79	95.0%
140 Assessor	96,036	96,036	101,288.27	.00	.00	-5,252.27	105.5%
150 Town Clerk	247,295	247,295	218,907.50	.00	.00	28,387.50	88.5%
160 Technology	202,151	202,151	184,442.40	.00	.00	17,708.60	91.2%
165 Elections	16,026	16,026	8,400.30	.00	.00	7,625.70	52.4%
170 Planning	71,630	71,630	58,270.90	.00	.00	13,359.10	81.3%
190 Legal	47,500	47,500	56,463.85	.00	.00	-8,963.85	118.9%
210 Police	1,378,565	1,378,565	1,209,239.59	.00	.00	169,325.41	87.7%
220 Fire	968,342	968,342	845,983.67	.00	.00	122,358.33	87.4%
240 Code Enforcement	132,952	132,952	130,729.35	.00	.00	2,222.65	98.3%
250 Harbor Master	11,650	11,650	4,682.18	.00	.00	6,967.82	40.2%
260 Animal Control	31,108	31,108	28,096.46	.00	.00	3,011.54	90.3%
310 Public Works	1,166,478	1,166,478	1,050,092.82	.00	.00	116,385.18	90.0%
320 Waste Disposal	512,350	512,350	405,678.44	.00	.00	106,671.56	79.2%
350 Valhalla-Club	26,485	26,485	31,033.19	.00	.00	-4,548.19	117.2%
360 Valhalla-Course	489,882	489,882	430,545.88	.00	.00	59,336.12	87.9%
370 Valhalla-Pro Shop	243,415	243,415	232,724.77	.00	.00	10,690.23	95.6%
410 Recreation	993,045	993,045	963,125.05	.00	.00	29,919.95	97.0%
420 Aging in Place	37,453	37,453	21,824.48	.00	.00	15,628.52	58.3%
430 Parks	292,754	292,754	280,659.36	.00	.00	12,094.64	95.9%
440 West Cumberland Rec	7,202	7,202	5,528.83	.00	.00	1,673.17	76.8%
450 Library	494,236	494,236	443,438.71	.00	.00	50,797.29	89.7%
470 Historical Society Building	4,958	4,958	7,088.99	.00	.00	-2,130.99	143.0%
580 General Assistance	35,000	35,000	28,816.12	.00	.00	6,183.88	82.3%
590 Health Services	13,875	13,875	13,577.20	.00	.00	297.80	97.9%
620 Cemetery Association	26,700	26,700	28,450.00	.00	.00	-1,750.00	106.6%
630 Conservation	5,000	5,000	6,212.20	.00	.00	-1,212.20	124.2%
650 Debt Service	970,000	970,000	969,023.35	.00	.00	976.65	99.9%
750 Insurance	286,554	286,554	280,189.94	.00	.00	6,364.06	97.8%
800 Fire Hydrants	75,624	75,624	66,934.64	.00	.00	8,689.36	88.5%
810 Street Lighting	45,000	45,000	30,687.01	.00	.00	14,312.99	68.2%
830 Contingent	10,000	10,000	5,907.19	.00	.00	4,092.81	59.1%
840 Municipal Building	90,847	90,847	85,580.21	.00	.00	5,266.79	94.2%
850 Abatements	20,000	20,000	23,670.91	.00	.00	-3,670.91	118.4%
860 MSAD #51	18,690,271	18,690,271	17,132,748.27	.00	.00	1,557,522.57	91.7%
890 County Tax	878,954	878,954	878,954.00	.00	.00	.00	100.0%
910 Capital Reserves	699,300	699,300	699,300.00	.00	.00	.00	100.0%
TOTAL General Fund	29,907,374	29,907,374	27,527,497.24	.00	.00	2,379,876.60	92.0%
GRAND TOTAL	29,907,374	29,907,374	27,527,497.24	.00	.00	2,379,876.60	92.0%

\*\* END OF REPORT - Generated by William Shane \*\*

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TOWN OF CUMBERLAND  
YEAR-TO-DATE BUDGET REPORT

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FOR 2019 13

	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
001 General Fund							
010 Property Taxes							
0010 0326 Tax Commitment	0	0	-24,525,641.52	.00	.00	24,525,641.52	100.0%
0010 0327 Homestead State Reimb	0	0	-374,499.00	.00	.00	374,499.00	100.0%
TOTAL Property Taxes	0	0	-24,900,140.52	.00	.00	24,900,140.52	100.0%
011 Other Tax Revenues							
0011 0303 Motor Vehicle Excise Tax	-1,950,000	-1,950,000	-1,929,653.70	.00	.00	-20,346.30	99.0%*
0011 0304 Boat Excise Tax	-14,000	-14,000	-10,736.70	.00	.00	-3,263.30	76.7%*
0011 0324 Change in Deferred Taxes	0	0	.00	.00	.00	.00	.0%
0011 0325 Supplemental Taxes	0	0	.00	.00	.00	.00	.0%
0011 0328 Outer Islands Property T	-42,000	-42,000	-22,020.50	.00	.00	-19,979.50	52.4%*
0011 0329 Payment in Lieu of Taxes	-31,000	-31,000	-31,918.00	.00	.00	918.00	103.0%
TOTAL Other Tax Revenues	-2,037,000	-2,037,000	-1,994,328.90	.00	.00	-42,671.10	97.9%
012 Licenses & Permits							
0012 0311 Hunting/Fishing Lic Agen	-541	-541	-449.25	.00	.00	-91.75	83.0%*
0012 0312 Marriage Lic & Vital Rec	-2,436	-2,436	-2,212.80	.00	.00	-223.20	90.8%*
0012 0313 Birth Certificates	-1,361	-1,361	-1,288.60	.00	.00	-72.40	94.7%*
0012 0314 Death Certificates	-1,713	-1,713	-1,906.40	.00	.00	193.40	111.3%
0012 0315 Clerk Licenses	-4,608	-4,608	-4,335.00	.00	.00	-273.00	94.1%*
0012 0316 Shellfish Licenses	0	0	-609.39	.00	.00	609.39	100.0%
0012 0317 Conservation Fees	0	0	-160.61	.00	.00	160.61	100.0%
0012 0334 Snowmobile Reg. Agent Fe	0	0	-223.00	.00	.00	223.00	100.0%
0012 0350 Solid Waste Permits	0	0	.00	.00	.00	.00	.0%
0012 0361 Motor Vehicle Reg. Agent	-21,406	-21,406	-19,208.00	.00	.00	-2,198.00	89.7%*
0012 0362 Boat Reg. Agent Fees	-1,098	-1,098	-482.00	.00	.00	-616.00	43.9%*
0012 0366 Building Permits	-75,000	-75,000	-68,313.05	.00	.00	-6,686.95	91.1%*
0012 0367 Electrical Permits	-21,634	-21,634	-19,338.30	.00	.00	-2,295.70	89.4%*
0012 0368 Plumbing Permits	-18,789	-18,789	-13,986.00	.00	.00	-4,803.00	74.4%*
0012 0369 Other Permits	-1,751	-1,751	-932.00	.00	.00	-819.00	53.2%*

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TOWN OF CUMBERLAND  
YEAR-TO-DATE BUDGET REPORT

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FOR 2019 13

	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
0012 0383 ATV Reg. Agent Fees	-37	-37	-100.00	.00	.00	63.00	270.3%
0012 0384 Excise Tax- Moses	0	0	.00	.00	.00	.00	.0%
0012 0390 Misc. Revenue	0	0	-1,350.00	.00	.00	1,350.00	100.0%
0012 0398 Application Fee	-1,300	-1,300	-3,950.00	.00	.00	2,650.00	303.8%
0012 0401 Dog Reg. Clerk Fees	-2,800	-2,800	-922.00	.00	.00	-1,878.00	32.9%*
0012 0404 Commercial Haulers Licens	-500	-500	-400.00	.00	.00	-100.00	80.0%*
TOTAL Licenses & Permits	-154,974	-154,974	-140,166.40	.00	.00	-14,807.60	90.4%
013 Intergovernmental Revenues							
0013 0331 State Revenue Sharing	-453,207	-453,207	-314,395.09	.00	.00	-138,811.91	69.4%*
0013 0332 Park Fee Sharing	-10,055	-10,055	.00	.00	.00	-10,055.00	.0%*
0013 0335 DOT Block Grant	-69,136	-69,136	-68,644.00	.00	.00	-492.00	99.3%*
0013 0336 State Aid to Libraries	0	0	.00	.00	.00	.00	.0%
0013 0337 State Grant revenue	0	0	.00	.00	.00	.00	.0%
0013 0338 Federal Grants	0	0	.00	.00	.00	.00	.0%
0013 0341 North Yarmouth Recreation	-35,000	-35,000	-14,190.00	.00	.00	-20,810.00	40.5%*
0013 0342 North Yarmouth Library S	-160,000	-160,000	-120,054.00	.00	.00	-39,946.00	75.0%*
0013 0347 North Yarmouth Channel 2	0	0	.00	.00	.00	.00	.0%
0013 0348 ACO Sharing Payments	0	0	.00	.00	.00	.00	.0%
0013 0349 Chebeague County Tax Ref	0	0	.00	.00	.00	.00	.0%
0013 0397 Windham-Fire & Rescue	0	0	.00	.00	.00	.00	.0%
0013 0509 Regional Assessing	0	0	.00	.00	.00	.00	.0%
0013 0545 North Yarm Sidewalk Plow	0	0	.00	.00	.00	.00	.0%
TOTAL Intergovernmental Revenues	-727,398	-727,398	-517,283.09	.00	.00	-210,114.91	71.1%
014 Charges for Services							
0014 0431 Outside Coverage	0	0	.00	.00	.00	.00	.0%
0014 0511 Ski Club Snowmaking	0	0	.00	.00	.00	.00	.0%
0014 0516 Twin Brook-Greely Mowing	0	0	.00	.00	.00	.00	.0%
TOTAL Charges for Services	0	0	.00	.00	.00	.00	.0%
015 Other Revenues							
0015 0305 Interest & Penalties	-30,000	-30,000	-22,693.87	224.82	.00	-7,306.13	75.6%*

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TOWN OF CUMBERLAND  
YEAR-TO-DATE BUDGET REPORT

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FOR 2019 13

	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
0015 0306 Over/Short	-100	-100	472.21	.00	.00	-572.21	-472.2%*
0015 0354 Court Fees	0	0	.00	.00	.00	.00	.0%
0015 0364 Growth Permits	-2,000	-2,000	-2,300.00	.00	.00	300.00	115.0%
0015 0365 Board of Appeals	0	0	-100.00	.00	.00	100.00	100.0%
0015 0379 Investment Earnings	0	0	.00	.00	.00	.00	.0%
0015 0380 Interest On Savings	0	0	.00	.00	.00	.00	.0%
0015 0381 Building Rentals	0	0	.00	.00	.00	.00	.0%
0015 0382 Sale of Assets	0	0	.00	.00	.00	.00	.0%
0015 0390 Misc. Revenue	-25,000	-25,000	-40,663.59	.00	.00	15,663.59	162.7%
0015 0399 Staff Review Fee	-14,117	-14,117	-10,750.00	.00	.00	-3,367.00	76.1%*
0015 0402 Cable TV Revenue	0	0	-128,633.84	.00	.00	128,633.84	100.0%
0015 0403 Mooring Fees	-1,500	-1,500	-3,655.92	.00	.00	2,155.92	243.7%
0015 0405 Transfer from Trust Fund	0	0	.00	.00	.00	.00	.0%
0015 0410 Private Ways	-400	-400	-800.00	.00	.00	400.00	200.0%
0015 0418 Chebeague Island Solid W	0	0	.00	.00	.00	.00	.0%
0015 0432 Workers Compensation Div	0	0	.00	.00	.00	.00	.0%
0015 0508 Impact Fees	-60,000	-60,000	-69,941.90	.00	.00	9,941.90	116.6%
0015 0512 Use of Fund Balance	0	0	.00	.00	.00	.00	.0%
0015 0513 Assessing Records	0	0	.00	.00	.00	.00	.0%
0015 0514 Credit Card Handling Fee	0	0	.00	.00	.00	.00	.0%
0015 0518 TIF District 1 -Twin	0	0	.00	.00	.00	.00	.0%
0015 0600 Transfers In	0	0	.00	.00	.00	.00	.0%
TOTAL Other Revenues	-133,117	-133,117	-279,066.91	224.82	.00	145,949.91	209.6%
130 Administration							
0131 0542 TIF ECONOMIC DEVELOPMENT	0	0	.00	.00	.00	.00	.0%
TOTAL Administration	0	0	.00	.00	.00	.00	.0%
170 Planning							
0171 0542 TIF ECONOMIC DEVELOPMENT	0	0	.00	.00	.00	.00	.0%
TOTAL Planning	0	0	.00	.00	.00	.00	.0%
210 Police							
0021 0337 State Grant revenue	0	0	-1,195.00	.00	.00	1,195.00	100.0%

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**TOWN OF CUMBERLAND**  
**YEAR-TO-DATE BUDGET REPORT**

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**glytdbud**

**FOR 2019 13**

	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
0021 0351 Police Issued Permits	-2,000	-2,000	-2,095.00	.00	.00	95.00	104.8%
0021 0353 Police Insurance Reports	-500	-500	-416.00	.00	.00	-84.00	83.2%*
0021 0390 Miscellaneous Police Rev	-648	-648	-805.25	.00	.00	157.25	124.3%
0021 0427 Parking Tickets	-100	-100	-375.00	.00	.00	275.00	375.0%
0021 0431 Outside Detail	0	0	.00	.00	.00	.00	.0%
0021 0536 Dog Licenses ACO Revenue	-1,800	-1,800	-2,783.00	.00	.00	983.00	154.6%
0021 0540 MSAD #51 SRO Reimburseme	-49,000	-49,000	-49,000.00	.00	.00	.00	100.0%
0021 0546 Court Reimbursements	-2,200	-2,200	-434.32	.00	.00	-1,765.68	19.7%*
0021 0620 Federal Grant revenue	0	0	.00	.00	.00	.00	.0%
TOTAL Police	-56,248	-56,248	-57,103.57	.00	.00	855.57	101.5%
220 Fire							
0022 0390 Misc. Revenue	-100	-100	.00	.00	.00	-100.00	.0%*
0022 0431 Outside Details	0	0	.00	.00	.00	.00	.0%
0022 0504 Rescue Billing	-160,000	-160,000	-134,281.40	.00	.00	-25,718.60	83.9%*
0022 0505 Non Emergency Transports	-12,000	-12,000	.00	.00	.00	-12,000.00	.0%*
0022 0507 Paramedic Intercepts	-600	-600	.00	.00	.00	-600.00	.0%*
TOTAL Fire	-172,700	-172,700	-134,281.40	.00	.00	-38,418.60	77.8%
230 Rescue							
0023 0504 Rescue Billing	0	0	.00	.00	.00	.00	.0%
0023 0506 Regional Contribution-Re	0	0	.00	.00	.00	.00	.0%
TOTAL Rescue	0	0	.00	.00	.00	.00	.0%
310 Public Works							
0031 0355 Recycling Income	0	0	.00	.00	.00	.00	.0%
0031 0390 Misc. Revenue	-500	-500	-3,273.00	.00	.00	2,773.00	654.6%
0031 0391 Field Usage Fees	-10,000	-10,000	-5,383.20	.00	.00	-4,616.80	53.8%*
0031 0431 Outside Details	0	0	-1,234.03	.00	.00	1,234.03	100.0%
0031 0515 Gas Billing	0	0	.00	.00	.00	.00	.0%
0031 0517 Bags/Universal Waste	-286,015	-286,015	-209,462.50	.00	.00	-76,552.50	73.2%*
0031 0539 Brush Passes	-8,277	-8,277	-9,198.00	.00	.00	921.00	111.1%

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wshane

TOWN OF CUMBERLAND  
YEAR-TO-DATE BUDGET REPORT

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FOR 2019 13

	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
<a href="#">0031 0617 Twin Brooks Donations</a>	-92	-92	.00	.00	.00	-92.00	.0%*
TOTAL Public Works	-304,884	-304,884	-228,550.73	.00	.00	-76,333.27	75.0%
350 Valhalla-Club							
<a href="#">0035 0329 Payment in Lieu of Taxes</a>	-8,000	-8,000	.00	.00	.00	-8,000.00	.0%*
<a href="#">0035 0378 Soda Sales</a>	-2,500	-2,500	-2,128.60	.00	.00	-371.40	85.1%*
<a href="#">0035 0560 Rental Income</a>	-14,000	-14,000	-10,276.25	.00	.00	-3,723.75	73.4%*
<a href="#">0035 0565 Cell Tower Land Lease</a>	-24,000	-24,000	-19,800.00	.00	.00	-4,200.00	82.5%*
TOTAL Valhalla-Club	-48,500	-48,500	-32,204.85	.00	.00	-16,295.15	66.4%
370 Valhalla-Pro Shop							
<a href="#">0037 0306 Over/Short</a>	0	0	242.03	.00	.00	-242.03	100.0%*
<a href="#">0037 0357 Golf Memberships</a>	-230,000	-230,000	-201,232.40	.00	.00	-28,767.60	87.5%*
<a href="#">0037 0358 Greens Fees</a>	-120,000	-120,000	-107,734.63	.00	.00	-12,265.37	89.8%*
<a href="#">0037 0359 Golf Cart Rentals</a>	-88,000	-88,000	-61,513.99	.00	.00	-26,486.01	69.9%*
<a href="#">0037 0390 Misc. Revenue</a>	0	0	.00	.00	.00	.00	.0%
<a href="#">0037 0416 Practice Range</a>	-10,000	-10,000	-4,911.75	.00	.00	-5,088.25	49.1%*
<a href="#">0037 0417 VH Program Revenues</a>	-56,529	-56,529	-57,103.70	.00	.00	574.70	101.0%
<a href="#">0037 0419 Advertising Sales</a>	-23,392	-23,392	-16,631.50	.00	.00	-6,760.50	71.1%*
<a href="#">0037 0522 Outing Golf</a>	-45,000	-45,000	-42,978.43	.00	.00	-2,021.57	95.5%*
<a href="#">0037 0617 Donations Received</a>	0	0	.00	.00	.00	.00	.0%
TOTAL Valhalla-Pro Shop	-572,921	-572,921	-491,864.37	.00	.00	-81,056.63	85.9%
410 Recreation							
<a href="#">0041 0371 41000 Fall Recreation Rev</a>	0	0	.00	.00	.00	.00	.0%
<a href="#">0041 0372 41000 Winter Recreation R</a>	0	0	.00	.00	.00	.00	.0%
<a href="#">0041 0373 41000 Spring Recreation R</a>	0	0	.00	.00	.00	.00	.0%
<a href="#">0041 0374 41000 Summer Recreation R</a>	0	0	.00	.00	.00	.00	.0%
<a href="#">0041 0375 41000 MSAD #51 Recreation</a>	0	0	.00	.00	.00	.00	.0%
<a href="#">0041 0440 41100 After School Progra</a>	-214,836	-214,836	-305,049.09	.00	.00	90,213.09	142.0%
<a href="#">0041 0441 41110 Youth Enrichment Pr</a>	-108,607	-108,607	-164,655.20	.00	.00	56,048.20	151.6%
<a href="#">0041 0442 41120 Youth Sports Progra</a>	-93,052	-93,052	-107,423.75	.00	.00	14,371.75	115.4%

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TOWN OF CUMBERLAND  
YEAR-TO-DATE BUDGET REPORT

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FOR 2019 13

	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
0041 0443 41130 Skiing Programs	-45,020	-45,020	-53,362.00	.00	.00	8,342.00	118.5%
0041 0444 41140 Day Camps	-180,160	-180,160	-159,653.75	.00	.00	-20,506.25	88.6%*
0041 0445 41150 Swimming Programs	-54,052	-54,052	-25,155.29	.00	.00	-28,896.71	46.5%*
0041 0446 41160 Adult Enrichment Re	-39,515	-39,515	-37,398.43	.00	.00	-2,116.57	94.6%*
0041 0447 41170 Adult Fitness Reven	-37,743	-37,743	-61,670.83	.00	.00	23,927.83	163.4%
0041 0448 41190 Special Events/Trip	-2,243	-2,243	-4,174.00	.00	.00	1,931.00	186.1%
0041 0449 41190 Recreation Programs	-6,971	-6,971	-2,151.00	.00	.00	-4,820.00	30.9%*
0041 0570 41190 Rec Soccer Revenue	-20,245	-20,245	-21,100.00	.00	.00	855.00	104.2%
0041 0571 41190 Rec Ultimate Frisbe	-15,672	-15,672	-14,434.00	.00	.00	-1,238.00	92.1%*
0041 0606 41190 CPR/First Aid Reven	0	0	-240.00	.00	.00	240.00	100.0%
TOTAL Recreation	-818,116	-818,116	-956,467.34	.00	.00	138,351.34	116.9%
420 Aging in Place							
0420 0448 Special Events/Trips Rev	0	0	.00	.00	.00	.00	.0%
TOTAL Aging in Place	0	0	.00	.00	.00	.00	.0%
450 Library							
0045 0379 Library Interest Income	0	0	.00	.00	.00	.00	.0%
0045 0392 Library Fines	-3,500	-3,500	-2,954.23	.00	.00	-545.77	84.4%*
0045 0394 Misc. Library Revenue	-1,000	-1,000	-1,065.90	.00	.00	65.90	106.6%
TOTAL Library	-4,500	-4,500	-4,020.13	.00	.00	-479.87	89.3%
999 Finance/GAAP entries							
0999 0326 Tax Commitment	0	0	.00	.00	.00	.00	.0%
0999 0327 Homestead State Reimb	0	0	.00	.00	.00	.00	.0%
0999 0337 Other State Aid	0	0	.00	.00	.00	.00	.0%
0999 0338 Federal Grants	0	0	.00	.00	.00	.00	.0%
0999 0507 Paramedic Intercepts	0	0	.00	.00	.00	.00	.0%
0999 0547 Miscellaneous Police Rev	0	0	.00	.00	.00	.00	.0%
0999 0620 Grant revenue	0	0	.00	.00	.00	.00	.0%
TOTAL Finance/GAAP entries	0	0	.00	.00	.00	.00	.0%

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**TOWN OF CUMBERLAND**  
**YEAR-TO-DATE BUDGET REPORT**

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**FOR 2019 13**

	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
TOTAL General Fund	-5,030,358	-5,030,358	-29,735,478.21	224.82	.00	24,705,120.21	591.1%
TOTAL REVENUES	-5,030,358	-5,030,358	-29,735,478.21	224.82	.00	24,705,120.21	
GRAND TOTAL	-5,030,358	-5,030,358	-29,735,478.21	224.82	.00	24,705,120.21	591.1%
** END OF REPORT - Generated by William Shane **							

Subtract \$25,000,000 from YTD Line = \$4.7 M

# ITEM

## 19-075

To hold a Public Hearing to consider and act on a Mass Gathering  
Permit for Binnie Media's Ultimate Yard Sale to be held at the  
Cumberland Fairgrounds on June 8<sup>th</sup> from 9:00 a.m. to 2:00 p.m.

## MEMORANDUM

To: William Shane, Town Manager

From: Tamara O'Donnell, Town Clerk

Re: Maine's Ultimate Yard Sale

I have held discussions, on Monday, March 25, 2019, with Police Chief Rumsey, Lt. Dave Young, Fire Dept. Representative Patty Murphy, and Mr. Mike Timmons, President of the Cumberland Farmers Club, in which we discussed the Spring/Fall Ultimate Yard Sale, at the Cumberland Fairgrounds. I reviewed in detail the requirements of the Mass Gathering Ordinance. The following represents our mutual understanding:

- Event participators will register online through the [ultimateyardsale.com](http://ultimateyardsale.com) site.
- Registration levels have been increased to 300 from the previous level of 250.
- Exact attendance levels are unknown, however, it was determined that 5,000 is likely. Therefore, the organizers will pay the Major Mass Gathering fee of \$500.00.
- Registration cost will be \$30.00 per 12 x 12 foot booth.
- Entrance fee for attendee is \$2.00 per person.
- No parking fee will be charged.
- The event will be held Saturday, Saturday, June 8, 2019.
- There will be no collection of the entrance fee at the gate. Vehicles will be flagged from the entrance to the parking area and the entrance fee will be paid after parking and at the gate of the fenced vendor area.
- If the event is to be cancelled for any reason, a 24 hour notice will be provided by email to all participants and to the public through the broadcasting agency's seven radio stations.
- Registrants are required to set up between 5:00 a.m. and 8:00 a.m.
- Additional staff (6) have been hired by "At Work" flaggers to control parking.
- There will be 1 Paramedic, 1 EMT, and 1 Supervisor from the Fire Department on site.
- There will be 1 Fire Engine on site.
- There will be 2 police officers on duty at the event.
- Communication between parties will be by two way radio and cell phone.
- Food Vendors will be handled exclusively through the Farmers' Club.
- A copy of the contract with Blow Brothers as well as a copy of the event insurance coverage naming the town as an additional insured is attached to the application.
- Binne Media will have approximately 25 employees in attendance throughout the event.

This application has been submitted late and I have had discussions with the applicant. They were not aware that the 2<sup>nd</sup> May Town Council meeting had been cancelled and were planning to have it in prior to the month of May. This is a recurring event and this organization is very respectful.

I believe we have covered all areas related to the Mass Gathering Permit application. I anticipate that this event will be very successful and well managed, as it has in the past. I hope the weather cooperates and they have a wonderful turnout. Thank you.



**TOWN OF CUMBERLAND**  
**MASS GATHERING EVENT PUBLIC SAFETY SIGN-OFF**

Date of event June 8, 2019

Name of event Ultimate Yard Sale

Location of event Cumberland Fair Grounds

Estimated attendance 5,000

---

Police Chief recommendation for event coverage: 2 Officers from 8:30 a.m. -  
2 p.m. @ \$61.21 per hour

Police event coverage cost: \$ 795.73

Fire Chief recommendation for event coverage: 2 EMT's from 8:30 a.m. -  
2:00 p.m. @ \$25.44 per hour

Fire Department event coverage cost: \$ 279.84

---

Total safety cost for event coverage: \$ 1,075.57

**\*This is a cost estimate based on the numbers you provided. If the event changes & additional staff is required, costs will increase.**

Event Coordinator Signature: Michael Timmons

# TOWN OF CUMBERLAND

Publication dates: \_\_\_\_\_  
Publication names: \_\_\_\_\_  
Date filed: \_\_\_\_\_  
Fee rec'd: \_\_\_\_\_  
Date Ordinance received: \_\_\_\_\_  
Issued: \_\_\_\_\_  
Denied: \_\_\_\_\_

## Mass Gathering Application – Major Outdoor Event (5,000 or more persons)

This application must be filed with the Town Clerk not less than 60 days before the date of the event.  
Application must be accompanied by a non-refundable fee of \$500.

Name of applicant: Binnie Media  
Address of applicant: 30 Thomas dr. Westbrook, ME Tel. # 207-344-8007  
Name of event: ULTIMATE yard Sale  
Facility where the event will be held: Cumberland Fair grounds  
Is the facility owned by the applicant: \_\_\_\_\_ yes; ☒ no, (if no, attach a copy of the contract with the owner which allows use of the property)  
Name of promoter (if different from above): Binnie Media  
Telephone number: 207-344-8007

Will any food vendors be serving at the event? ☒ yes, \_\_\_\_\_ no (if yes, how many, and what types) 5 Selling burgers, BBQ, Fries & Drinks

Will any alcohol vendors be serving at the event? \_\_\_\_\_ yes, ☒ no (if yes, list name and attach a copy of the vendors license to sell alcohol, describe alcohol will be served) \_\_\_\_\_

Date of event: 6/8/19 Time (start and finish times): 9a-2p

Number of tickets available: \_\_\_\_\_

Expected attendance: 5,000

Description of event: yard sale

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

1. The ULTIMATE yard Sale has been held AT The Cumberland Fair grounds FOR 5 years

2.

3.

**Description of facility:**

- A. Seating capacity: \_\_\_\_\_ permanent; \_\_\_\_\_ temporary  
B. Other seating capacity: \_\_\_\_\_ festival; \_\_\_\_\_ standing room only  
C. Number of toilets available: \_\_\_\_\_ permanent; \_\_\_\_\_ portable  
D. Number of parking spaces available: \_\_\_\_\_ on-site; 17 off-site  
E. Are all parking lots lighted (applicable only if event runs into evening hours)  
☒ yes; \_\_\_\_\_ no, if no, which lots are not lighted \_\_\_\_\_

F. Source of potable water: Cumberland Fair grounds

G. Refuse containers available, number and size: 25 Trash cans 1 MASSIVE Dumpster provided by Casella waste

H. Name of refuse disposal company (attach a copy of the agreement to pick up refuse)  
Casella waste

I. When will refuse be picked up? Monday June 10<sup>th</sup>

**Public Safety:**

J. Describe first aid facilities: Cumberland Rescue

K. Describe emergency facilities: Cumberland Rescue

L. Describe communication facilities: Staff Equipped with  
Two-way Radio's

M. Number of certified police officers: 2 to 3 From Cumberland Police  
DEPT

N. Other security personnel (include company name and qualifications):  
Marc Marion Cumberland County Sheriff

O. Describe fire personnel: Cumberland Fire Department

#### Traffic Plan

- P. Description of routes persons attending the event are likely to take, include number of traffic controllers and deployment descriptions. AT work provides 6 traffic
- Q. Describe methods used to publicize alternate routes of reaching the scene of the event. Flaggers
- R. Attach statement of availability of private towing firms to remove disabled vehicles.

#### Crowd Management


- S. Plan for discouraging those not holding tickets for the event from not coming to the event site.
- T. Plan for preventing trespassing on private property in the area.

U. Will all publicity stop as soon as it is apparent that the event is sold out? ✓ yes;  
no

V. Description of how the event will be publicized, include how a sell-out will be publicized. Marketing on All Binnie Media Stations,  
TV and digital. Marketing will end June 7th, 2019

#### Other

- W. Name of liability insurance ACORD
- X. Amount of coverage 1,000,000; amount of property insurance \_\_\_\_\_
- Preferred type of performance guarantee (i.e.. escrow account, irrevocable letter of credit)

  
Authorized signature

On \_\_\_\_\_ (date), I received a copy of the Cumberland Mass  
Gathering Ordinance. \_\_\_\_\_ (authorized signature)

⏮ Reply all ⏪ Delete 🗑 Junk Block ⋮

## Re: Traffic Controllers

SR

Sue Richards <suer@atwork.com>  
Mon 5/13/2019 8:58 AM  
Stan Bennett ✉

👍 ↶ ⏮ → ⋮

To whom it may concern,

Flaggers have been requested and will be provided for June 8th to handle all traffic control for the yard sale.

Regards,

*Sue Richards*  
*Account Manager*

358 Main Street  
Gorham, ME 04038  
207-839-5060 Office  
207-839-9060 Fax  
207-281-3193 ER Cell  
suer@atwork.com



**\*\*\*IMPORTANT\*\*\***

Starting in March we will be emailing your Direct Deposit stubs- there will be no more checks or Direct Deposits mailed to you. Please email me from the email address you would like to use for these before March 11<sup>th</sup> 2019.

---

**From:** Stan Bennett <sbennett@binradio.com>  
**Sent:** Monday, May 13, 2019 7:55 AM  
**To:** Sue Richards  
**Subject:** Re: Traffic Controllers

Yes and thank you

---

**From:** Sue Richards <suer@atwork.com>  
**Sent:** Monday, May 13, 2019 8:51 AM  
**To:** Stan Bennett  
**Subject:** Re: Traffic Controllers

Morning,

I can work on that for you.

Will you need the email stating you have requested that from us for the town/city?

Regards,

*Sue Richards*  
*Account Manager*

358 Main Street  
Gorham, ME 04038  
207-839-5060 Office  
207-839-9060 Fax  
207-281-3193 ER Cell  
suer@atwork.com



" We're # 1 in the # 2 Business "

P.O. BOX 221

OLD ORCHARD BEACH, ME 04064

## PROPOSAL

May 13, 2019

TO: Binnie Media  
Attn: Stan Bennett  
Phone: 207-344-8007  
Email: [sbennett@binradio.com](mailto:sbennett@binradio.com)

RE: **Portable Toilet Rentals for Ultimate Yard Sale at Cumberland County Fairgrounds on 6/8/19**

We hereby submit specifications and estimates for:

14 Standard Portable Units (\$ 65.00 per unit)	\$	910.00
3 Barrier Free Portable Units (\$ 95.00 per unit)	\$	285.00
TOTAL	\$	1,195.00

\*\*\*\*\*DELIVERY TO BE THURSDAY/FRIDAY BEFORE EVENT, PICKUP TO BE MON/TUES AFTER EVENT

Price Includes: Delivery, Set Up, Pick-Up, Paper Goods, Waterless Hand Sanitizer, Chemicals, Deodorization and Disposal.

We propose hereby to furnish material and labor—complete in accordance with the above specifications:

### TERMS AND CONDITIONS

1. The customer agrees to pay all invoices related to the service of the portable sanitation facilities, including extra and overtime charges for any service rendered over and above normal servicing schedule. Customer authorizes uses of credit card number on file for all charges incurred in accordance with terms and conditions cited above. Blow Bros. reserves the right to prosecute any customer who intentionally issues a credit card or negotiating a worthless instrument knowing that it will not be honored by the maker or drawee in accordance with State of Maine Law.
2. The customer agrees to pay for any and all damage to or loss of the portable sanitation facilities as an insurer of cause or fault, except for reasonable wear and tear, while the portable sanitation facilities are at the site address.
3. Blow Bros. reserves the right to NOT remove, pump dry and lock the unit until account is paid in full. If lock is destroyed or continued use of unit occurs the customer will be subject to additional charges.
4. The customer agrees not to sell, rent, lease, or otherwise give up possession of the portable sanitation facilities listed herein without prior consent from BLOW BROS.
5. The customer agrees to keep the portable sanitation units clear and accessible for service trucks at all times and to assume any and all tow charges resulting from substandard site conditions.
6. The customer acknowledges that Blow Bros. will not be liable for any damages to pavement, curbing, lawns or any other property resulting from trucks servicing units placed at customer request.
7. The customer agrees to pay a **late charge of 1.5% per month** on the unpaid balance for all invoices over 30 days. This is an **Annual Percentage Rate of 18%**. The customer also agrees to pay costs of collection including attorney fees.

Payment to be made as follows:

#### Due prior to delivery

All material is guaranteed to be as specified. All work to be completed in a professional manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Worker's Compensation Insurance.

**Acceptance of Proposal** - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified.

Payment will be made as outlined above.

**\*Must sign and fax back to (207)934-1723. A representative from Blow Bros. will contact you for completion of your detailed order.**

Date of Acceptance: 5/13/19

Authorized Signature: [Signature]

Note: We may withdraw this proposal if not accepted within 30 days.

Signature: M. Brown  
Margi Brown, Office Manager



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

5/13/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Fred C. Church Insurance 41 Wellman Street Lowell MA 01851	<b>CONTACT NAME:</b> Debora Kobelenz	
	<b>PHONE (A/C, No, Ext):</b> 978-322-7287	<b>FAX (A/C, No):</b> 978-454-1865
	<b>E-MAIL ADDRESS:</b> dkobelenz@fredchurch.com	
	<b>INSURER(S) AFFORDING COVERAGE</b>	<b>NAIC #</b>
	INSURER A : Massachusetts Bay Insurance	22306
	INSURER B : Hanover Insurance Company	22292
	INSURER C : Allmerica Financial Benefit Insurance Company	41840
	INSURER D :	
	INSURER E :	
	INSURER F :	

**INSURED**  
Carlisle Capital Corporation  
126 Daniel Street, Suite 200  
Portsmouth NH 03801

CARLCAP-01

**COVERAGES****CERTIFICATE NUMBER:** 204912292**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			ZDNA819084	12/31/2018	12/31/2019	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
C	<b>AUTOMOBILE LIABILITY</b> <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			AWNA819385	12/31/2018	12/31/2019	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
B	<input checked="" type="checkbox"/> <b>UMBRELLA LIAB</b> <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 0			UHNA819085	12/31/2018	12/31/2019	EACH OCCURRENCE \$ 15,000,000 AGGREGATE \$ 15,000,000 \$
B	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/> N/A		WHNA759833	12/31/2018	12/31/2019	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Cumberland Farmers Club is included as Additional Insured as per General Liability form #421-2915 (6/15) if required by written contract.  
EVENT: Yard Sale to be held on 6/8/2019.

**CERTIFICATE HOLDER****CANCELLATION**

Cumberland Farmers Club  
197 Blanchard Rd.  
Cumberland ME 04021

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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# ITEM 19-076

To accept the proposal from Scott Simons Architects for \$14,500.00 for design services related to the Library/Historical Society project

May 20, 2019

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

RE: Proposal for Design Services for Preliminary Design Report for Cumberland Historical Society and Prince Memorial Library

Dear Bill,

Kayla and I are very pleased to be selected to work with you and the Building Committee on developing a Preliminary Design Report for relocating the existing Cumberland Historical Society building and planning an expansion to the Prince Memorial Library. This letter will serve as our proposal for Preliminary Design Phase services. It is our understanding that you would like us to work collaboratively with the Building Committee, the Library Trustees, the Historical Society trustees, Town administrators, the Town Council, and the community to develop a preliminary design report, as outlined in the Request for Proposal dated April 10, 2019. We have developed our proposed scope of work, preliminary schedule, and fee for your review. Please take a look and let me know if this is in line with your thinking.

**Scope of Work/Schedule/Fees:**

We propose the following scope of work, schedule, and fee for your review and consideration, based on a start-up date of May 21, 2019. Our outline is based on the following assumptions:

1. The project is to include a preliminary design for relocating the existing Cumberland Historical Society (CHS) building, currently located at 4 Blanchard Road, and an expansion to the Prince Memorial Library currently located at 266 Main Street.
2. The project is to include an evaluation of the current building housing the CHS.
3. We will engage Becker Structural Engineers to evaluate the building with the understanding the town desires to relocate the building if feasible.
4. We will develop an approach to the relocation and expansion of the library in collaboration with the Building Committee.
5. We will prepare a Conceptual Exterior Design Sketch and Interior colored footprints for new areas and uses for our meetings with the Building Committee.
6. We will prepare a Conceptual Site Plan for the Library Campus that includes the relocated CHS and potential Library expansion of both the building and parking.
7. We will provide the Building Committee with costs and alternatives as together we develop the final design. The costs will reflect 1) the cost of moving the CHS onto a full foundation and accompanying site work and 2) the cost of the full build out of the Library Expansion and site work.
8. We will attend up to 5 Committee or subcommittee meetings.
9. We will prepare electronic meeting minutes within 72 hours of our meetings.

10. We will prepare the Preliminary Design Report for review by the Committee, with the final report submitted to the Town of Cumberland by August 20, 2019. We will plan to attend the Town Council Meeting on August 26th at 7 pm to present the report.
11. This letter is a proposal for Preliminary Design Report, including site plans, floor plans, exterior elevations, cost estimate, and final report detailing the results of the work and recommendations including graphics and plans.

#### Preliminary Design Phase

Scope of Work: The purpose of this phase is to develop a concept design for the relocation of the Cumberland Historical Society and the expansion of the library, including parking lot. Our work with the committee will be workshops where we present alternative design studies to stimulate the discussion of the different approaches to the organization of the expansion.

The workshops will be interactive, inclusive, and collaborative in nature. We will actively listen to the information and suggestions provided by the Building Committee, Library Trustees, and Town Councilors and will incorporate their ideas as appropriate. Once the Building Committee approves the preferred alternative, we will prepare the Preliminary Design Report and present to the Town Council in August.

#### Schedule

We are prepared to begin the work immediately upon authorization. We will plan to meet with the Building Committee on June 4th and establish the schedule of meetings at that time. The final Preliminary Design Report will be completed in late August with a presentation date to the Town Council on August 26th, 2019, as outlined in the RFP dated April 10, 2019.

#### Fee Proposal:

Our fee for the project is based on the work plan outlined above. It anticipates five meetings to develop the conceptual plan and Preliminary Design Report.

We propose a fee of \$14,500 for the concept design.

Structural engineering evaluation of the Cumberland Historical Society building is included in our fee, as is a preliminary cost estimate for the relocation and expansion.

If additional meetings are needed (beyond the 5 specified) we will consider that an additional service and bill hourly for the meeting, including preparation time at a discounted rate of \$125/hr.

Reimbursable expenses incurred on behalf of the project, such as printing, postage, mileage, etc., are not included in our fee and will be billed to the Town of Cumberland with each monthly invoice for professional services rendered.

If this scope of work and fee are acceptable to you, please indicate by signing below and returning one copy to us for our records. We are looking forward to working with you, the Building Committee, and the Town on this exciting project.

Sincerely,



Austin Smith, AIA, RLA  
Principal

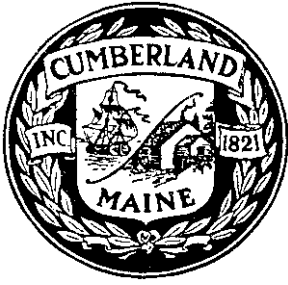
William Shane, Town Manager, Cumberland

Date

# ITEM

## 19-077

To set a Public Hearing date of June 17<sup>th</sup> to authorize the Town Manager to develop a bond schedule for improvements to Town facilities and the purchase of a new fire truck



# M E M O R A N D U M

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

**To:** Town Council  
**From:** William R. Shane, Town Manager  
**Date:** May 29, 2019  
**Re:** 19-077 Bonds 2019

---

A very preliminary number and schedule for Bond Issuance for late 2019:

Bond: \$5,000,000

Interest Rate: 2.5%

Council Vote: July 2019

				Order	Design	Build	Completion
Fire Ladder Truck		\$1,500,000		Aug '19			Jan 2021
Public Works- Drowne Road		\$2,850,000			Fall 2019	Sum '20	Fall 2021
Wash Bay							
Locker Room							
Lunch Room							
Sand Salt Shed							
Lot Restoration							
Senior Center - Food Pantry		\$125,000			Fall 2019	Sum 2020	Sum 2020
Interior Walls for Elections		\$125,000			Fall 2019	Sum 2020	
Police Space Renovations		\$400,000			Fall 2019	Sum 2020	Fall 2020
		\$5,000,000					

I will have more details for your June 17<sup>th</sup> meeting.

# BUDGET REPORT

# REVENUES

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## TOWN OF CUMBERLAND HISTORICAL ACTUALS COMPARISON REPORT

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FOR PERIOD 11 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	-1,657,242.09	-1,768,536.92	-1,912,500.99	-1,950,874.01	-1,950,000.00
0011 0304 Boat Excise Tax	-13,140.50	-11,328.70	-14,191.74	-11,239.50	-14,000.00
0011 0325 Supplemental Taxes	-12,507.10	-14,130.35	.00	.00	.00
0011 0328 Outer Islands Property Tax	-39,889.25	-43,352.06	-21,887.03	-22,020.50	-42,000.00
0011 0329 Payment in Lieu of Taxes	-29,608.00	-29,804.00	-30,688.00	-31,918.00	-31,000.00
TOTAL Other Tax Revenues	-1,752,386.94	-1,867,152.03	-1,979,267.76	-2,016,052.01	-2,037,000.00
0012 License & Permit Revenues					
<hr/>					
0012 0311 Hunting/Fishing Lic Agent Fees	-471.25	-427.03	-426.50	-453.25	-541.00
0012 0312 Marriage Lic & Vital Records	-1,959.00	-1,967.86	-1,827.60	-2,212.80	-2,436.00
0012 0313 Birth Certificates	-1,133.00	-1,370.80	-1,572.40	-1,288.60	-1,361.00
0012 0314 Death Certificates	-1,359.80	-1,713.93	-1,355.60	-1,994.00	-1,713.00
0012 0315 Clerk Licenses	-4,955.00	-2,965.00	-4,075.00	-4,345.00	-4,608.00
0012 0316 Shellfish Licenses	-553.44	-629.69	-537.86	-609.39	.00
0012 0317 Conservation Fees	-121.56	-140.31	-122.14	-160.61	.00
0012 0334 Snowmobile Reg. Agent Fees	-183.00	-241.00	-201.00	-223.00	.00
0012 0361 Motor Vehicle Reg. Agent Fees	-19,253.00	-19,049.00	-19,955.00	-19,492.00	-21,406.00
0012 0362 Boat Reg. Agent Fees	-535.00	-480.00	-550.00	-514.00	-1,098.00
0012 0366 Building Permits	-77,684.47	-114,734.71	-63,908.63	-68,638.05	-75,000.00
0012 0367 Electrical Permits	-17,567.10	-24,147.28	-24,028.50	-19,886.15	-21,634.00
0012 0368 Plumbing Permits	-14,127.98	-20,005.00	-16,790.00	-14,098.50	-18,789.00
0012 0369 Other Permits	-1,550.00	-1,698.00	-586.00	-966.00	-1,751.00
0012 0383 ATV Reg. Agent Fees	-28.00	-29.72	-65.00	-100.00	-37.00
0012 0390 Misc. Revenue	.00	.00	.00	-1,350.00	.00
0012 0398 Application Fee	-1,297.23	-800.00	-1,450.00	-3,950.00	-1,300.00
0012 0401 Dog Reg. Clerk Fees	-2,413.00	-2,378.00	-926.00	-929.00	-2,800.00
0012 0404 Commercial Haulers License	-200.00	-400.00	-100.00	-400.00	-500.00
TOTAL License & Permit Revenue	-145,391.83	-193,177.33	-138,477.23	-141,610.35	-154,974.00
0013 Intergovernmental Revenues					
<hr/>					
0013 0331 State Revenue Sharing	-375,202.14	-360,268.95	-398,690.58	-314,395.09	-453,207.00
0013 0332 Park Fee Sharing	-8,133.33	-10,624.80	.00	.00	-10,055.00

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**TOWN OF CUMBERLAND  
HISTORICAL ACTUALS COMPARISON REPORT**
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**FOR PERIOD 11 OF 2019**

<b>ACCOUNTS FOR:</b>	<b>PRIOR YR3</b>	<b>PRIOR YR2</b>	<b>LAST YR</b>	<b>CURRENT YR</b>	<b>CY REV</b>
<b>001 General Fund</b>	<b>ACTUALS</b>	<b>ACTUALS</b>	<b>ACTUALS</b>	<b>ACTUALS</b>	<b>BUDGET</b>
0013 0335 DOT Block Grant	-63,232.00	-68,012.00	-69,136.00	-68,644.00	-69,136.00
0013 0341 North Yarmouth Recreation Shar	-7,288.00	-32,768.00	-25,032.00	-14,190.00	-35,000.00
0013 0342 North Yarmouth Library Share	-145,952.00	-108,266.00	-116,568.00	-120,054.00	-160,000.00
0013 0347 North Yarmouth Channel 2	-2,548.00	-2,072.00	-737.00	.00	.00
0013 0348 ACO Sharing Payments	-6,322.00	-10,039.34	.00	.00	.00
<b>TOTAL Intergovernmental Revenue</b>	<b>-608,677.47</b>	<b>-592,051.09</b>	<b>-610,163.58</b>	<b>-517,283.09</b>	<b>-727,398.00</b>
<b>0015 Other Revenues</b>					
0015 0305 Interest & Penalties	-29,847.50	-30,056.23	-23,839.04	-22,954.83	-30,000.00
0015 0306 Over/Short	-11.05	56.39	866.28	472.21	-100.00
0015 0364 Growth Permits	-3,700.00	-13,400.00	-2,700.00	-2,300.00	-2,000.00
0015 0365 Board of Appeals	-500.00	.00	-300.00	-100.00	.00
0015 0379 Investment Earnings	783.86	-349.64	.00	.00	.00
0015 0382 Sale of Assets	-7,599.00	.00	.00	.00	.00
0015 0390 Misc. Revenue	-41,888.63	-37,012.36	-35,965.95	-40,663.59	-25,000.00
0015 0399 Staff Review Fee	-3,577.77	-10,675.00	-21,450.00	-10,750.00	-14,117.00
0015 0402 Cable TV Revenue	-111,418.32	-116,809.64	.00	-128,633.84	.00
0015 0403 Mooring Fees	-1,185.00	-2,800.00	-3,850.11	-3,705.92	-1,500.00
0015 0410 Private Ways	-1,200.00	-200.00	-200.00	-1,000.00	-400.00
0015 0432 Workers Compensation Dividend	-10,803.37	-13,558.82	.00	.00	.00
0015 0508 Impact Fees	-103,822.70	-178,009.19	-52,600.80	-69,941.90	-60,000.00
<b>TOTAL Other Revenues</b>	<b>-314,769.48</b>	<b>-402,814.49</b>	<b>-140,039.62</b>	<b>-279,577.87</b>	<b>-133,117.00</b>
<b>0021 Police Related Revenues</b>					
0021 0337 State Grant revenue	.00	.00	.00	-1,195.00	.00
0021 0351 Police Issued Permits	-3,497.00	-2,557.00	-1,699.00	-2,095.00	-2,000.00
0021 0353 Police Insurance Reports	-513.00	-408.00	-522.00	-416.00	-500.00
0021 0390 Miscellaneous Police Revenue	-545.00	-95.00	-318.15	-805.25	-648.00
0021 0427 Parking Tickets	.00	-111.00	-590.00	-375.00	-100.00
0021 0431 Outside Detail	-25,017.14	-27,582.89	-26,128.58	.00	.00
0021 0536 Dog Licenses ACO Revenue	-1,685.00	-1,771.00	-2,912.00	-2,920.00	-1,800.00
0021 0540 MSAD #51 SRO Reimbursement	.00	.00	-48,000.00	-49,000.00	-49,000.00
0021 0546 Court Reimbursements	-1,439.76	-953.72	-1,543.04	-434.32	-2,200.00
0021 0620 Federal Grant revenue	-25,000.00	.00	.00	.00	.00
<b>TOTAL Police Related Revenues</b>	<b>-57,696.90</b>	<b>-33,478.61</b>	<b>-81,712.77</b>	<b>-57,240.57</b>	<b>-56,248.00</b>
<b>0022 Fire Related Revenues</b>					

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**TOWN OF CUMBERLAND  
HISTORICAL ACTUALS COMPARISON REPORT**
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**FOR PERIOD 11 OF 2019**

<b>ACCOUNTS FOR:</b>	<b>PRIOR YR3</b>	<b>PRIOR YR2</b>	<b>LAST YR</b>	<b>CURRENT YR</b>	<b>CY REV</b>
<b>001 General Fund</b>	<b>ACTUALS</b>	<b>ACTUALS</b>	<b>ACTUALS</b>	<b>ACTUALS</b>	<b>BUDGET</b>
<hr/>					
0022 0390 Misc. Revenue	-60.00	-77.50	-450.00	.00	-100.00
0022 0431 Outside Details	-17,921.35	-19,726.54	-19,698.25	.00	.00
0022 0504 Rescue Billing	-133,428.59	-148,125.86	-168,340.43	-147,474.92	-160,000.00
0022 0505 Non Emergency Transports	-67,006.58	-52,680.42	-6,865.06	.00	-12,000.00
0022 0507 Paramedic Intercepts	-900.00	-600.00	-300.00	.00	-600.00
TOTAL Fire Related Revenues	-219,316.52	-221,210.32	-195,653.74	-147,474.92	-172,700.00
 0031 Public Services Revenues					
<hr/>					
0031 0390 Misc. Revenue	-390.00	-234.00	-488.00	-3,286.00	-500.00
0031 0391 Field Usage Fees	-10,847.56	-5,274.00	-7,416.20	-5,383.20	-10,000.00
0031 0431 Outside Details	-1,909.49	-1,043.80	-1,407.02	-1,234.03	.00
0031 0517 Bags/Universal Waste	-213,822.50	-237,681.00	-270,252.50	-209,462.50	-286,015.00
0031 0539 Brush Passes	-6,918.00	-8,811.00	-9,241.00	-9,423.00	-8,277.00
0031 0617 Twin Brooks Donations	-77.00	-23.00	-143.00	.00	-92.00
TOTAL Public Services Revenues	-233,964.55	-253,066.80	-288,947.72	-228,788.73	-304,884.00
 0035 VH Other Revenues					
<hr/>					
0035 0329 Payment in Lieu of Taxes	-2,000.00	-2,000.00	-3,000.00	.00	-8,000.00
0035 0378 Soda Sales	-1,986.87	-1,991.19	-2,196.80	-2,206.60	-2,500.00
0035 0560 Rental Income	-15,077.70	-20,919.91	-19,248.78	-10,276.25	-14,000.00
0035 0565 Cell Tower Land Lease	-12,600.00	-21,600.00	-19,800.00	-19,800.00	-24,000.00
TOTAL VH Other Revenues	-31,664.57	-46,511.10	-44,245.58	-32,282.85	-48,500.00
 0037 VH Golf Revenues					
<hr/>					
0037 0306 Over/Short	-12.21	-17.46	-4.62	242.99	.00
0037 0357 Golf Memberships	-216,979.85	-203,043.50	-213,421.45	-211,707.15	-230,000.00
0037 0358 Greens Fees	-107,121.95	-93,757.77	-106,463.63	-113,205.83	-120,000.00
0037 0359 Golf Cart Rentals	-65,212.24	-71,600.63	-78,743.49	-65,153.19	-88,000.00
0037 0416 Practice Range	-7,879.00	-6,036.75	-7,561.00	-4,911.75	-10,000.00
0037 0417 VH Program Revenues	-35,766.84	-50,267.00	-64,371.52	-57,392.70	-56,529.00
0037 0419 Advertising Sales	-6,050.00	-18,095.69	-9,340.00	-16,631.50	-23,392.00

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**TOWN OF CUMBERLAND  
HISTORICAL ACTUALS COMPARISON REPORT**
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**FOR PERIOD 11 OF 2019**

<b>ACCOUNTS FOR:</b>		<b>PRIOR YR3 ACTUALS</b>	<b>PRIOR YR2 ACTUALS</b>	<b>LAST YR ACTUALS</b>	<b>CURRENT YR ACTUALS</b>	<b>CY REV BUDGET</b>
<b>001</b>	<b>General Fund</b>					
0037	0522 Outing Golf	-72,602.08	-57,391.43	-36,680.00	-42,978.43	-45,000.00
0037	0617 Donations Received	.00	.00	-845.00	.00	.00
	<b>TOTAL VH Golf Revenues</b>	<b>-511,624.17</b>	<b>-500,210.23</b>	<b>-517,430.71</b>	<b>-511,737.56</b>	<b>-572,921.00</b>
<b>0041 Recreation Related Revenues</b>						
0041	0371 41000 Fall Recreation Revenue	-44,877.45	.00	.00	.00	.00
0041	0372 41000 Winter Recreation Revenue	-97,131.00	.00	.00	.00	.00
0041	0373 41000 Spring Recreation Revenue	-37,799.00	.00	.00	.00	.00
0041	0374 41000 Summer Recreation Revenue	-146,623.50	.00	.00	.00	.00
0041	0440 41100 After School Programs	-198,237.43	-250,035.82	-294,337.50	-306,877.09	-214,836.00
0041	0441 41110 Youth Enrichment Programs	.00	-113,819.63	-146,312.40	-166,495.20	-108,607.00
0041	0442 41120 Youth Sports Programs	.00	-89,314.00	-95,396.00	-109,762.75	-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	-145,254.05	-151,279.24	-162,722.75	-180,160.00
0041	0445 41150 Swimming Programs	.00	-23,097.00	-26,920.00	-25,585.29	-54,052.00
0041	0446 41160 Adult Enrichment Revenue	-37,463.60	-42,975.50	-41,228.95	-38,020.43	-39,515.00
0041	0447 41170 Adult Fitness Revenue	-55,604.75	-70,604.60	-60,889.28	-61,860.83	-37,743.00
0041	0448 41190 Special Events/Trips Reven	-329.00	-7,408.00	-5,025.00	-4,189.00	-2,243.00
0041	0449 41190 Recreation Programs	-7,996.00	-1,234.75	-3,050.00	-2,151.00	-6,971.00
0041	0570 41190 Rec Soccer Revenue	-9,410.00	-19,770.00	-25,193.00	-21,355.00	-20,245.00
0041	0571 41190 Rec Ultimate Frisbee Reven	-15,663.00	-13,135.00	-12,285.00	-14,519.00	-15,672.00
0041	0606 41190 CPR/First Aid Revenues	1,401.20	-960.00	-275.00	-240.00	.00
	<b>TOTAL Recreation Related Reven</b>	<b>-649,733.53</b>	<b>-825,153.35</b>	<b>-912,906.37</b>	<b>-967,140.34</b>	<b>-818,116.00</b>
<b>0045 Library Related Revenues</b>						
0045	0379 Library Interest Income	-293.70	.00	.00	.00	.00
0045	0392 Library Fines	-3,982.70	-3,184.66	-3,085.26	-3,026.73	-3,500.00
0045	0394 Misc. Library Revenue	-1,100.65	-1,521.16	-1,131.00	-1,151.90	-1,000.00
	<b>TOTAL Library Related Revenues</b>	<b>-5,377.05</b>	<b>-4,705.82</b>	<b>-4,216.26</b>	<b>-4,178.63</b>	<b>-4,500.00</b>
	<b>TOTAL General Fund</b>	<b>-4,530,603.01</b>	<b>-4,939,531.17</b>	<b>-4,913,061.34</b>	<b>-4,903,366.92</b>	<b>-5,030,358.00</b>
	<b>TOTAL REVENUES</b>	<b>-4,530,603.01</b>	<b>-4,939,531.17</b>	<b>-4,913,061.34</b>	<b>-4,903,366.92</b>	<b>-5,030,358.00</b>
	<b>GRAND TOTAL</b>	<b>-4,530,603.01</b>	<b>-4,939,531.17</b>	<b>-4,913,061.34</b>	<b>-4,903,366.92</b>	<b>-5,030,358.00</b>

**EXPENSES**05/30/2019  
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HISTORICAL ACTUALS COMPARISON REPORT****PAGE 1  
glactrpt****FOR PERIOD 11 OF 2019**

<b>ACCOUNTS FOR:</b>	<b>PRIOR YR3</b>	<b>PRIOR YR2</b>	<b>LAST YR</b>	<b>CURRENT YR</b>	<b>CY REV</b>
<b>001 General Fund</b>	<b>ACTUALS</b>	<b>ACTUALS</b>	<b>ACTUALS</b>	<b>ACTUALS</b>	<b>BUDGET</b>
<hr/>					
10 General Government					
<hr/>					
130 Administration	531,745.44	548,672.03	569,632.94	559,677.08	588,736.00
140 Assessor	101,193.65	79,931.61	85,856.19	101,288.27	96,036.00
150 Town Clerk	200,758.78	199,695.44	197,271.65	219,155.75	247,295.00
160 Technology	155,554.59	184,277.40	198,915.48	184,442.40	202,151.00
165 Elections	3,413.41	12,197.15	6,720.50	8,400.30	16,026.00
170 Planning	65,961.65	63,626.74	57,681.17	58,408.00	71,630.00
190 Legal	43,485.66	55,681.55	42,498.25	56,463.85	47,500.00
999 Finance/GAAP entries	-1,346.92	.00	.00	.00	.00
TOTAL General Government	1,100,766.26	1,144,081.92	1,158,576.18	1,187,835.65	1,269,374.00
20 Public Safety					
<hr/>					
210 Police	1,224,238.25	1,216,312.61	1,233,065.72	1,210,811.56	1,378,565.00
220 Fire	784,750.75	883,616.65	852,519.25	851,973.11	968,342.00
240 Code Enforcement	100,351.80	95,639.81	124,989.25	130,729.35	132,952.00
250 Harbor Master	.00	105.49	6,058.23	4,682.18	11,650.00
260 Animal Control	28,968.29	27,571.12	30,562.28	28,096.46	31,108.00
TOTAL Public Safety	2,138,309.09	2,223,245.68	2,247,194.73	2,226,292.66	2,522,617.00
30 Public Services					
<hr/>					
310 Public Works	924,366.18	1,108,102.02	1,127,203.57	1,052,545.57	1,166,478.00
320 Waste Disposal	420,940.77	410,167.47	420,887.85	435,562.21	512,350.00
430 Parks	206,617.76	193,725.24	260,537.64	282,144.40	292,754.00
440 West Cumberland Rec	3,602.67	5,376.02	5,967.68	5,608.25	7,202.00
470 Historical Society Building	2,622.28	3,799.87	5,429.91	7,146.28	4,958.00
TOTAL Public Services	1,558,149.66	1,721,170.62	1,820,026.65	1,783,006.71	1,983,742.00
37 Val Halla Golf Club					
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350 Valhalla-Club	34,614.44	33,204.16	32,408.91	34,317.10	26,485.00

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**TOWN OF CUMBERLAND  
HISTORICAL ACTUALS COMPARISON REPORT**
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**FOR PERIOD 11 OF 2019**

<b>ACCOUNTS FOR:</b>	<b>PRIOR YR3</b>	<b>PRIOR YR2</b>	<b>LAST YR</b>	<b>CURRENT YR</b>	<b>CY REV</b>
<b>001 General Fund</b>	<b>ACTUALS</b>	<b>ACTUALS</b>	<b>ACTUALS</b>	<b>ACTUALS</b>	<b>BUDGET</b>
360 Valhalla-Course	411,882.30	404,577.06	421,942.31	435,028.75	489,882.00
370 Valhalla-Pro Shop	191,314.56	203,673.48	202,769.06	232,724.77	243,415.00
TOTAL Val Halla Golf Club	637,811.30	641,454.70	657,120.28	702,070.62	759,782.00
40 Recreation					
410 Recreation	756,886.20	847,028.75	896,230.19	965,031.97	993,045.00
420 Aging in Place	.00	.00	.00	22,568.28	37,453.00
TOTAL Recreation	756,886.20	847,028.75	896,230.19	987,600.25	1,030,498.00
45 Library					
450 Library	372,320.61	388,616.32	409,639.62	446,972.28	494,236.00
TOTAL Library	372,320.61	388,616.32	409,639.62	446,972.28	494,236.00
90 Other					
580 General Assistance	23,781.06	35,173.98	28,285.42	30,990.78	35,000.00
590 Health Services	13,077.20	13,577.20	13,577.20	13,577.20	13,875.00
620 Cemetery Association	38,100.00	27,925.00	26,700.00	28,450.00	26,700.00
630 Conservation	6,046.68	4,733.73	4,716.29	6,212.20	5,000.00
800 Fire Hydrants	51,681.04	58,596.10	63,367.31	73,523.06	75,624.00
810 Street Lighting	36,534.69	36,471.56	40,173.98	30,794.42	45,000.00
830 Contingent	1,298.92	13,622.01	3,715.00	5,907.19	10,000.00
840 Municipal Building	71,420.71	77,817.11	88,792.43	90,390.25	90,847.00
850 Abatements	87,646.48	42,444.09	23,069.43	23,670.91	20,000.00
TOTAL Other	329,586.78	310,360.78	292,397.06	303,516.01	322,046.00
96 Fixed Expenses					
650 Debt Service	835,125.86	867,225.40	962,673.17	969,023.35	970,000.00
750 Insurance	217,436.52	209,485.58	210,846.61	280,189.94	286,554.00

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**TOWN OF CUMBERLAND  
HISTORICAL ACTUALS COMPARISON REPORT**
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**FOR PERIOD 11 OF 2019**
**ACCOUNTS FOR:**  
001 General Fund

**PRIOR YR3  
ACTUALS**
**PRIOR YR2  
ACTUALS**
**LAST YR  
ACTUALS**
**CURRENT YR  
ACTUALS**
**CY REV  
BUDGET**

910 Capital Reserves	1,181,500.00	1,038,598.00	693,000.00	699,300.00	699,300.00
TOTAL Fixed Expenses	2,234,062.38	2,115,308.98	1,866,519.78	1,948,513.29	1,955,854.00
 98 Assessments					
860 MSAD #51	14,260,630.01	14,722,101.24	15,774,098.34	17,132,748.27	18,690,270.84
890 County Tax	747,431.00	775,374.00	813,904.00	878,954.00	878,954.00
TOTAL Assessments	15,008,061.01	15,497,475.24	16,588,002.34	18,011,702.27	19,569,224.84
TOTAL General Fund	24,135,953.29	24,888,742.99	25,935,706.83	27,597,509.74	29,907,373.84
TOTAL EXPENSES	24,135,953.29	24,888,742.99	25,935,706.83	27,597,509.74	29,907,373.84
GRAND TOTAL	24,135,953.29	24,888,742.99	25,935,706.83	27,597,509.74	29,907,373.84