

**AGENDA**  
Cumberland Town Council Meeting  
Town Council Chambers  
**MONDAY, October 14, 2019**  
6:30 P.M. Ordinance Committee Meeting  
7:00 P.M. Call to Order

**I. CALL TO ORDER**

**II. APPROVAL OF MINUTES**

September 9, 2019

**III. MANAGER'S REPORT**

**IV. PUBLIC DISCUSSION**

**V. LEGISLATION AND POLICY**

- 19 – 117** To hold a Public Hearing to consider and act on the 2020 Shellfish License allocations, as recommended by the Shellfish Conservation Commission.
- 19 – 118** To hold a Public Hearing to adopt the Maine Municipal Association Model General Assistance Ordinance and Appendices A-D for the period of October 1, 2019 through September 30, 2020.
- 19 – 119** To appoint members to vacant boards and committees.
- 19 – 120** To authorize the Town Manager to accept an anonymous donation and issue a gift letter for \$50,000 to the food pantry and heating fuel assistance fund and \$10,000 to the school lunch program.
- 19 – 121** To set a Public Hearing date of October 28th to consider and act on a Graveyard/Junkyard permit for Cumberland Salvage.
- 19 – 122** To set a Public Hearing date of October 28th to consider and act on amendments to Chapter 48 (Coastal Waters) of the Cumberland Code, as recommended by the Ordinance Committee.
- 19 – 123** To set a Public Hearing date of October 28th to consider and act on amendments to Chapter 84 Fees and Fines), Section 12 (Moorings) of the Cumberland Code, as recommended by the Ordinance Committee.

**VI. NEW BUSINESS**

Joint meeting with Cumberland Town Council, North Yarmouth Select Board and MSAD 51 Board of Directors on November 7th from 6:00 to 8:00 p.m. at the Wescustogo Hall & Community Center in North Yarmouth.

**VII. EXECUTIVE SESSION** pursuant to Title 36 M.R.S.A. Section 841(2) to consider and act on an application for tax abatement based on hardship.

**VIII. ADJOURNMENT**

## **MINUTES**

Cumberland Town Council Meeting

Town Council Chambers

**MONDAY, September 9, 2019**

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

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

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

Motion by Councilor Copp, seconded by Councilor Stiles, to accept the August 26, 2019 meeting minutes as presented.

VOTE: 7-0                      UNANIMOUS

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

Paving in West Cumberland and Tuttle Road will begin in the next few weeks.

Some drainage work will be done on the Winn Road end of Range Road beginning tomorrow. This will only take a couple of days.

The Route 100 waterline extension will be done later in the fall.

#### **III. PUBLIC DISCUSSION**

None

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

##### **19 – 113    To hold a Public Hearing to consider and act on forwarding to the Planning Board for a Public Hearing and recommendation, amendments to the Zoning Ordinance to create an Institutional Overlay District for LED signs, as recommended by the Ordinance Committee.**

Town Manager Shane said that this is our second attempt to allow LED signs in a small area of Town, from the Congregational Church to the Middle School. The signs would only be allowed to have a black background with white letters. The action this evening is to send this to the Planning Board for the technical requirements to be considered and send a recommendation back to the Council.

Chairman Storey-King opened the Public Hearing.

Public discussion: None

Chairman Storey-King closed the Public Hearing.

Chairman Storey-King said that the first time that the Council considered this, we tried to keep it simple. When it went to the Planning Board it got to be more inclusive rather than restrictive, and we ended up abandoning the whole process. It is back again with a small number of institutions being allowed to use a small LED sign.

Councilor Vail said that he would like to remove the reference “LED” sign because it represents a technology today that may not be relevant tomorrow. He would rather use the term “lighted”.

Town Manager Shane agreed and said that the definition in the ordinance would be “electronic message center sign”.

Councilor Stiles said that he would be comfortable with a sign that doesn't change or move rapidly. He also wouldn't mind allowing different colored lettering.

Councilor Turner said that the Town of Windham also struggled with this issue and how often the message should be allowed to change. They decided to restrict it to once a day. When we discussed this issue the first time, the Council decided that we don't want these signs all over Town, but if we do want to allow them on a restrictive basis, what legal ramifications will there be to restricting them? This current proposal doesn't run a foul with the law and it gives us an opportunity to make the decision over time to allow more of them if we choose to.

Councilor Copp said that he has no problem forwarding this to the Planning Board for their recommendation, but he does not think that it is fair to only allow the schools and a church to use the signs. They don't pay taxes. There are taxpayers in this Town who might want an LED sign and it won't be allowed for them. Let's do this right and do it once. It needs to be fair for everybody. He suggested putting one outside Town Hall and see how it goes.

Councilor Edes said that he supports this and it will give us a good template to work with. He thinks that we can look at it in 6 months or a year and possibly add other business.

Councilor Gruber said that he is in favor of this and he agreed with Councilor Edes that we can look at it later to see if the area where it is allowed should be expanded.

Councilor Vail agreed with Councilor Copp. If we are creating something for a very small minority, he feels that some further discussion on the Council's part is warranted.

Motion by Councilor Gruber, seconded by Councilor Edes, to forward to the Planning Board for additional technical specifications, a Public Hearing and recommendation, amendments to the Zoning Ordinance to create an Institutional Overlay District for Electronic Messaging Signs, as recommended by the Ordinance Committee.

VOTE: 7-0                      UNANIMOUS

#### **19 – 114    To authorize the Library/Historical Building Committee to begin fundraising for the Library and Historical Society renovation project.**

Town Manager Shane said that we are hoping to raise between 4 and 6 million dollars for an addition to the Library that would also connect to the Historical Society building. There are folks in town who have expertise in fundraising and they could be instrumental in a successful fundraising campaign, but he is not sure that they would want to be permanent committee members. He would like to advertise for a fundraising committee and the Nominating Committee could interview the applicants and make appointments in October. This is a significant capital campaign and it will take 3 to 5 years to get us there.

Chairman Storey-King asked for any public comment on this item.  
No public comment.

Councilor Turner said that a 7 member committee sounds reasonable to him.

Councilor Stiles said that he strongly urges that the nucleus of this fundraising committee be some of the members of the Library/Historical Society Building Committee. The Nominating Committee could appoint up to 7 members to the fundraising committee. He recommended approaching Jennifer Robinson, Paul Draper, Jerry Benezra and Linda Fulda as initial members of the committee, as they know the project and have fundraising experience.

Motion by Councilor Stiles, seconded by Councilor Turner, to authorize the Library/Historical Society Building Committee to begin fundraising tax deductible donations for the Library and Historical Society renovation project. Further moved to appoint Jennifer Robinson, Paul Draper, Jerry Benezra and Linda Fulda as original committee members to serve on the fundraising committee, if they are so willing.

VOTE: 7-0                      UNANIMOUS

**19 – 115    To hold a Public Hearing to consider and act on a Mass Gathering Permit for the Maine Principals Association Regional Cross Country Championships to be held on October 26<sup>th</sup> from 9:00 a.m. to 4:00 p.m. at Twin Brook.**

Chairman Storey-King opened the Public Hearing.

Public discussion: none

Chairman Storey-King closed the Public Hearing.

Motion by Councilor Stiles, seconded by Councilor Copp, to approve the Mass Gathering Permit for the Maine Principals Association Regional Cross Country Championships to be held on October 26<sup>th</sup> from 9:00 a.m. to 4:00 p.m. at Twin Brook.

VOTE: 7-0                      UNANIMOUS

**19 – 116    To hold a Public Hearing to consider and act on a Mass Gathering Permit for the Maine Principals Association State Cross Country Championships to be held on November 2<sup>nd</sup> from 9:00 a.m. to 4:00 p.m. at Twin Brook.**

Chairman Storey-King opened the Public Hearing.

Public discussion: none

Chairman Storey-King closed the Public Hearing.

Motion by Councilor Gruber, seconded by Councilor Edes, to approve the Mass Gathering Permit for the Maine Principals Association State Cross Country Championships to be held on November 2<sup>nd</sup> from 9:00 a.m. to 4:00 p.m. at Twin Brook.

VOTE: 7-0                      UNANIMOUS

**V.        NEW BUSINESS**

**Councilor Vail** – he would like to start a conversation regarding building a nursing home in Town, much like the Barron Center in Portland. We have assisted living facilities and we have senior housing, but the time is long overdue for a nursing home.

**Councilor Gruber** – none

**Councilor Edes** – none

**Councilor Stiles** – the Cumberland Fair is coming up and he reminded the public that he continues his efforts to collect money for the 4-H auction that will benefit the Food Pantry.

**Chairman Storey-King** – she thanked Councilor Gruber for his regular visits to the Maine Veterans Home in Scarborough through the Vet to Vet program. He has been making weekly visits to her dad, which she and her family appreciate.

She received an email from a citizen regarding the cross walk at the Library. There is a blind spot there and we should take a look at making it safer.

There will be a site walk this Saturday at 8:30 a.m. at the proposed site for the compost pad and sand/salt shed on the town owned land adjacent to the Town Forest. The public is welcome to attend.

**Councilor Copp** – with all the construction going on around Town, Range Road has become very busy with detour traffic. Everybody should be conscious of the people who live on Range Road, mind the speed limit, and be aware of the increased traffic.

**Councilor Turner** – there have been a lot of complaints about the railroad crossings in Town. He agrees that they could be a little smoother, but they are definitely better than they were.

**VI. ADJOURNMENT**

Motion by Councilor Stiles, seconded by Councilor Turner, to adjourn.

VOTE: 7-0 UNANIMOUS

TIME: 7:47 P.M.

Respectfully submitted by,

Brenda L. Moore  
Council Secretary

# ITEM 19-117

To hold a Public Hearing to consider and act on the 2020 Shellfish  
License allocations, as recommended by the Shellfish Conservation  
Commission



## CUMBERLAND POLICE DEPARTMENT

290 Tuttle Road  
Cumberland, Maine 04021

*"To Protect and Serve"*

Emergency  
911  
Business  
829-6391

Fax  
829-4214  
829-2211

Charles J. Rumsey, IV  
*Police Chief*

September 19, 2019

Shirley Storey-King  
Cumberland Town Council  
290 Tuttle Road  
Cumberland, ME 04021

**Re: 2020 Shellfish License Allocation Recommendation**

Dear Chairman Storey-King:

On Thursday, September 19, 2019, the Cumberland Shellfish Commission, by unanimous vote, pursuant to the Town of Cumberland Shellfish Conservation Ordinance, Section 116.2 recommends the following Shellfish License Allocations for 2020.

| <u>2020 Calendar Year Shellfish Allocation</u> |           |                                    |
|--|-----------|------------------------------------|
| <b>RECREATIONAL:</b>                           | Unlimited | Resident recreational licenses     |
|  | 25        | Non-resident recreational licenses |
|  | 8         | Monthly resident licenses          |
|  | 2         | Monthly non-resident licenses      |
| <b>COMMERCIAL:</b>                             | 1         | Resident commercial license        |
|  | 1         | Non-resident commercial license    |

I will be present at your October 14, 2019 Public Hearing on the allocations to answer any questions related to this recommendation.

Sincerely,

Michael Brown, Chairman  
Cumberland Shellfish Commission

Cc: Department of Marine Resources  
Tammy O'Donnell, Town Clerk  
Chief Rumsey, Cumberland Police Department



# MUNICIPAL LICENSE ALLOCATION REQUEST

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To: Area Biologist ARI Leach Date: 9-19-19

From: Jan 1 to Dec 31 2020 Date Licenses go on sale: 1-2-20

The Shellfish Conservation Committee upon review of the shellfish resources and in consultation with the DMR Regional Biologist requests the following shellfish license allocation for the coming year.

| <i>License Class</i>       | <i>Number</i>    | <i>Cost @</i> |
|----------------------------|------------------|---------------|
| <b>Commercial</b>          |                  |               |
| Resident                   | <u>1</u>         | <u>110 -</u>  |
| Nonresident                | <u>1</u>         | <u>210 -</u>  |
| Senior Resident            | <u>      </u>    | <u>      </u> |
| Senior Nonresident         | <u>      </u>    | <u>      </u> |
| Junior/Student Resident    | <u>      </u>    | <u>      </u> |
| Junior/Student Nonresident | <u>      </u>    | <u>      </u> |
| Other                      | <u>      </u>    | <u>      </u> |
| <b>Recreational</b>        |                  |               |
| Resident                   | <u>unlimited</u> | <u>10 -</u>   |
| Nonresident                | <u>25</u>        | <u>10 -</u>   |
| Senior Resident            | <u>      </u>    | <u>      </u> |
| Senior Nonresident         | <u>      </u>    | <u>      </u> |
| Junior Resident            | <u>      </u>    | <u>      </u> |
| Junior Nonresident         | <u>      </u>    | <u>      </u> |
| Resident Day/Week/Month    | <u>8</u>         | <u>10 -</u>   |
| Non-Res. Day/Week/Month    | <u>2</u>         | <u>10 -</u>   |
| Nonresident. Other         | <u>      </u>    | <u>      </u> |

Contact Person for the Shellfish Committee or municipality:

Name: Michael Brown Title: Chairman

Address: 26 Mill Rd  
Cumberland, Me 04021

Telephone 207-829-2812

# MUNICIPAL LICENSE ALLOCATION REQUEST

Page 1 of 2

**Annually, as indicated by your ordinance, your municipality or regional program must submit a request for the number of licenses to be sold during the next licensing period.**

## PROCEDURE

1. Contact the Regional DMR biologist responsible for your town. His or her agreement will be required for any license allocation proposed by your municipality. (See the last page for your Area Biologist)

2. Fill out the application on the following page. Do not submit the application directly to your area biologist. Submit the completed application, *at least 30 days* prior the requested date, by one of the following methods:

A. By Mail (USPS):

Shellfish Program Coordinator  
Shellfish Management Program  
P.O. Box 8  
West Boothbay Harbor, Maine 04575-0008

B. By Email:

A. Complete the form on your computer

B. Save the form on your computer with a distinctive name.

(Example the town of Myaville might be saved as "Myaville-allocation01-02-10")

C. Send the completed form electronically to:

[DMRPublicHealthDiv@maine.gov](mailto:DMRPublicHealthDiv@maine.gov)

Tel/Fax: 207-633-9515 or 207-633-9579

# ITEM 19-118

To hold a Public Hearing to adopt the Maine Municipal Association  
Model General Assistance Ordinance and Appendices A-D for the  
period of October 1, 2019 through September 30, 2020

Janet T. Mills  
Governor

Jeanne M. Lambrew, Ph.D.  
Commissioner



Maine Department of Health and Human Services  
Office for Family Independence  
109 Capitol St.  
11 State House Station  
Augusta, Maine 04333-0011  
Tel.: (207) 624-4168; Toll-Free: (800) 442-6003  
TTY: Dial 711 (Maine Relay); Fax: (207) 287-3455

To: Welfare Officials and Contracted Agents  
From: Sara Russell, Program Manager, General Assistance  
Date: September 6, 2019  
Subject: New GA Maximums

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Enclosed please find the following items:

- MMA's new (October 1, 2019–September 30, 2020) “**General Assistance Ordinance Appendices**” (A – F and H).
- “**GA Maximums Adoption Form**” which was developed so that municipalities may easily send DHHS proof of GA maximums adoption. Once the selectpersons or council adopts the new maximums, the enclosed form should be signed and submitted to DHHS. (*see “Filing of GA Ordinance and/or Appendices” below for further information*).

### **Appendix A – F & Appendix H**

The enclosed Appendices A – F, and Appendix H have been revised for your municipality’s General Assistance Ordinance. These new Appendices, **once adopted**, should replace the existing Appendices A – F and Appendix H. Even if you have already adopted MMA’s model General Assistance Ordinance, **the municipal officers must approve/adopt the new Appendices yearly.**

### **The Adoption Process**

The **municipal officers (i.e., selectpersons/council)** adopt the local **General Assistance Ordinance and yearly Appendices**, even in town meeting communities. The law requires that the municipal officers adopt the ordinance and/or Appendices **after notice and hearing**. Seven days posted notice is recommended, unless local law (or practice) provides otherwise.

At the hearing, the municipal officers should:

- 1) Allow all interested members of the public an opportunity to comment on the proposed ordinance;
- 2) End public discussion, close the hearing; and
- 3) Move and vote to adopt the ordinance either in its posted form or as amended in light of public discussion.



### **Municipalities May Establish Their Own Maximums**

Municipalities may establish their own maximum levels of assistance provided that the proposed levels of assistance are reasonable and meet adequate standards sufficient to maintain the health and safety of applicants in the municipality. The municipality must submit to the Department documentation to justify these levels of assistance and verify that the figures developed are appropriate to maintain health and decency.

A municipality's maximum assistance level for Food may not be below the Department provided figures which are issued by the USDA and published annually following a study of cost of food for various family sizes. A market basket survey may be used to establish food maximums if the maximums provided by the USDA are insufficient to maintain health in the municipality.

### **Filing of GA Ordinance and/or Appendices**

Please remember that General Assistance law requires each municipality to send DHHS a copy of its ordinance once adopted. *(For a copy of the GA model ordinance, please call MMA's Publication Department, or visit their web site [www.memun.org](http://www.memun.org)).* In addition, any changes or amendments, such as new Appendices, must also be submitted to DHHS. DHHS will accept the enclosed "adoption sheet" as proof that a municipality has adopted the current GA maximums.

## **Funeral Maximums**

### **Burial Maximums**

The maximum amount of general assistance granted for the purpose of burial is **\$1,475**. Additional costs may be allowed by the GA administrator, where there is an actual cost, for:

- the wholesale cost of a cement liner if the cemetery by-laws require one;
- the opening and closing of the grave site; and
- a lot in the least expensive section of the cemetery. If the municipality is able to provide a cemetery lot in a municipally owned cemetery or in a cemetery under municipal control, the cost of the cemetery lot in any other cemetery will not be paid by the municipality.

The municipality's obligation to provide funds for burial purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable burial expenses are limited to:

- removal of the body from a local residence or institution
- a secured death certificate or obituary
- embalming
- a minimum casket
- a reasonable cost for necessary transportation
- other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal administrator.

### **Cremation Maximums**

The maximum amount of assistance granted for a cremation shall be **\$1,025**. Additional costs may be allowed by the GA administrator where there is an actual cost, for:

- a cremation lot in the least expensive section of the cemetery
- a reasonable cost for a burial urn not to exceed \$55
- transportation costs borne by the funeral director at a reasonable rate per mile for transporting the remains to and from the cremation facility.

## Appendix B

Effective: 10/01/19 to 09/30/20

### 2019-2020 Food Maximums

Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan. As of October 1, 2019, those amounts are:

| Number in Household | Weekly Maximum | Monthly Maximum |
|---------------------|----------------|-----------------|
| 1                   | \$ 45.12       | \$ 194          |
| 2                   | 82.56          | 355             |
| 3                   | 118.37         | 509             |
| 4                   | 150.23         | 646             |
| 5                   | 178.60         | 768             |
| 6                   | 214.19         | 921             |
| 7                   | 236.74         | 1,018           |
| 8                   | 270.70         | 1,164           |

**Note: For each additional person add \$146 per month.**

## 2019-2020 GA Housing Maximums (Heated & Unheated Rents)

**NOTE: NOT ALL MUNICIPALITIES SHOULD ADOPT THESE SUGGESTED HOUSING MAXIMUMS!** Municipalities should ONLY **consider** adopting the following numbers, if these figures are consistent with local rent values. If not, a market survey should be conducted and the figures should be altered accordingly. The results of any such survey must be presented to DHHS prior to adoption. **Or, no housing maximums should be adopted and eligibility should be analyzed in terms of the Overall Maximum—Appendix A. (See Instruction Memo for further guidance.)**

### **Non-Metropolitan FMR Areas**

| <b><u>Aroostook County</u></b> | <b><u>Unheated</u></b> |                | <b><u>Heated</u></b> |                |
|--------------------------------|------------------------|----------------|----------------------|----------------|
| Bedrooms                       | <b>Weekly</b>          | <b>Monthly</b> | <b>Weekly</b>        | <b>Monthly</b> |
| 0                              | 113                    | 487            | 137                  | 587            |
| 1                              | 117                    | 502            | 147                  | 634            |
| 2                              | 133                    | 572            | 173                  | 743            |
| 3                              | 186                    | 799            | 236                  | 1,015          |
| 4                              | 192                    | 826            | 251                  | 1,079          |
|                                |                        |                |                      |                |
| <b><u>Franklin County</u></b>  | <b><u>Unheated</u></b> |                | <b><u>Heated</u></b> |                |
| Bedrooms                       | <b>Weekly</b>          | <b>Monthly</b> | <b>Weekly</b>        | <b>Monthly</b> |
| 0                              | 120                    | 516            | 143                  | 616            |
| 1                              | 121                    | 521            | 152                  | 653            |
| 2                              | 141                    | 606            | 176                  | 755            |
| 3                              | 182                    | 783            | 232                  | 999            |
| 4                              | 266                    | 1,145          | 318                  | 1,367          |
|                                |                        |                |                      |                |
| <b><u>Hancock County</u></b>   | <b><u>Unheated</u></b> |                | <b><u>Heated</u></b> |                |
| Bedrooms                       | <b>Weekly</b>          | <b>Monthly</b> | <b>Weekly</b>        | <b>Monthly</b> |
| 0                              | 155                    | 667            | 178                  | 764            |
| 1                              | 155                    | 667            | 184                  | 791            |
| 2                              | 184                    | 792            | 223                  | 958            |
| 3                              | 234                    | 1,007          | 283                  | 1,216          |
| 4                              | 248                    | 1,067          | 308                  | 1,324          |
|                                |                        |                |                      |                |
| <b><u>Kennebec County</u></b>  | <b><u>Unheated</u></b> |                | <b><u>Heated</u></b> |                |
| Bedrooms                       | <b>Weekly</b>          | <b>Monthly</b> | <b>Weekly</b>        | <b>Monthly</b> |
| 0                              | 140                    | 601            | 162                  | 698            |
| 1                              | 140                    | 601            | 166                  | 713            |
| 2                              | 169                    | 725            | 207                  | 891            |
| 3                              | 226                    | 973            | 275                  | 1,182          |
| 4                              | 231                    | 994            | 291                  | 1,251          |



# Appendix C

Effective: 10/01/19-09/30/20

## Non-Metropolitan FMR Areas

| <b><u>Knox County</u></b>        | <b><u>Unheated</u></b> |         | <b><u>Heated</u></b> |         |
|----------------------------------|------------------------|---------|----------------------|---------|
| Bedrooms                         | Weekly                 | Monthly | Weekly               | Monthly |
| 0                                | 147                    | 630     | 169                  | 727     |
| 1                                | 147                    | 630     | 169                  | 727     |
| 2                                | 169                    | 725     | 207                  | 891     |
| 3                                | 225                    | 969     | 274                  | 1,178   |
| 4                                | 235                    | 1,013   | 295                  | 1,270   |
|                                  |                        |         |                      |         |
| <b><u>Lincoln County</u></b>     | <b><u>Unheated</u></b> |         | <b><u>Heated</u></b> |         |
| Bedrooms                         | Weekly                 | Monthly | Weekly               | Monthly |
| 0                                | 162                    | 698     | 185                  | 795     |
| 1                                | 162                    | 698     | 187                  | 805     |
| 2                                | 185                    | 794     | 223                  | 960     |
| 3                                | 238                    | 1,026   | 287                  | 1,235   |
| 4                                | 273                    | 1,175   | 333                  | 1,432   |
|                                  |                        |         |                      |         |
| <b><u>Oxford County</u></b>      | <b><u>Unheated</u></b> |         | <b><u>Heated</u></b> |         |
| Bedrooms                         | Weekly                 | Monthly | Weekly               | Monthly |
| 0                                | 139                    | 597     | 161                  | 694     |
| 1                                | 139                    | 597     | 161                  | 694     |
| 2                                | 157                    | 676     | 196                  | 842     |
| 3                                | 232                    | 999     | 281                  | 1,208   |
| 4                                | 266                    | 1,145   | 326                  | 1,402   |
|                                  |                        |         |                      |         |
| <b><u>Piscataquis County</u></b> | <b><u>Unheated</u></b> |         | <b><u>Heated</u></b> |         |
| Bedrooms                         | Weekly                 | Monthly | Weekly               | Monthly |
| 0                                | 113                    | 487     | 135                  | 580     |
| 1                                | 119                    | 512     | 146                  | 627     |
| 2                                | 149                    | 640     | 181                  | 780     |
| 3                                | 203                    | 871     | 244                  | 1,048   |
| 4                                | 237                    | 1,019   | 293                  | 1,262   |
|                                  |                        |         |                      |         |
| <b><u>Somerset County</u></b>    | <b><u>Unheated</u></b> |         | <b><u>Heated</u></b> |         |
| Bedrooms                         | Weekly                 | Monthly | Weekly               | Monthly |
| 0                                | 127                    | 548     | 150                  | 645     |
| 1                                | 127                    | 548     | 156                  | 669     |
| 2                                | 162                    | 698     | 201                  | 864     |
| 3                                | 216                    | 928     | 264                  | 1,137   |
| 4                                | 221                    | 950     | 281                  | 1,207   |

**Non-Metropolitan FMR Areas**

| <b><u>Waldo County</u></b> | <b><u>Unheated</u></b> |                       | <b><u>Heated</u></b> |                       |
|----------------------------|------------------------|-----------------------|----------------------|-----------------------|
| Bedrooms                   | <b><u>Weekly</u></b>   | <b><u>Monthly</u></b> | <b><u>Weekly</u></b> | <b><u>Monthly</u></b> |
| 0                          | 151                    | 650                   | 174                  | 747                   |
| 1                          | 154                    | 663                   | 184                  | 791                   |
| 2                          | 171                    | 735                   | 210                  | 901                   |
| 3                          | 236                    | 1,016                 | 285                  | 1,225                 |
| 4                          | 305                    | 1,310                 | 364                  | 1,567                 |

| <b><u>Washington County</u></b> | <b><u>Unheated</u></b> |                       | <b><u>Heated</u></b> |                       |
|---------------------------------|------------------------|-----------------------|----------------------|-----------------------|
| Bedrooms                        | <b><u>Weekly</u></b>   | <b><u>Monthly</u></b> | <b><u>Weekly</u></b> | <b><u>Monthly</u></b> |
| 0                               | 127                    | 547                   | 150                  | 644                   |
| 1                               | 127                    | 547                   | 150                  | 644                   |
| 2                               | 155                    | 666                   | 193                  | 832                   |
| 3                               | 195                    | 840                   | 244                  | 1,049                 |
| 4                               | 204                    | 877                   | 264                  | 1,134                 |

**Metropolitan FMR Areas**

| <b><u>Bangor HMFA</u></b> | <b><u>Unheated</u></b> |                       | <b><u>Heated</u></b> |                       |
|---------------------------|------------------------|-----------------------|----------------------|-----------------------|
| Bedrooms                  | <b><u>Weekly</u></b>   | <b><u>Monthly</u></b> | <b><u>Weekly</u></b> | <b><u>Monthly</u></b> |
| 0                         | 141                    | 608                   | 164                  | 705                   |
| 1                         | 156                    | 670                   | 186                  | 798                   |
| 2                         | 198                    | 852                   | 237                  | 1,018                 |
| 3                         | 249                    | 1,073                 | 298                  | 1,282                 |
| 4                         | 362                    | 1,558                 | 422                  | 1,815                 |

| <b><u>Cumberland Cty. HMFA</u></b> | <b><u>Unheated</u></b> |                       | <b><u>Heated</u></b> |                       |
|------------------------------------|------------------------|-----------------------|----------------------|-----------------------|
| Bedrooms                           | <b><u>Weekly</u></b>   | <b><u>Monthly</u></b> | <b><u>Weekly</u></b> | <b><u>Monthly</u></b> |
| 0                                  | 166                    | 714                   | 189                  | 811                   |
| 1                                  | 167                    | 717                   | 197                  | 845                   |
| 2                                  | 217                    | 932                   | 255                  | 1,098                 |
| 3                                  | 310                    | 1,334                 | 359                  | 1,543                 |
| 4                                  | 349                    | 1,500                 | 409                  | 1,757                 |

| <b><u>Lewiston/Auburn MSA</u></b> | <b><u>Unheated</u></b> |                       | <b><u>Heated</u></b> |                       |
|-----------------------------------|------------------------|-----------------------|----------------------|-----------------------|
| Bedrooms                          | <b><u>Weekly</u></b>   | <b><u>Monthly</u></b> | <b><u>Weekly</u></b> | <b><u>Monthly</u></b> |
| 0                                 | 133                    | 574                   | 156                  | 671                   |
| 1                                 | 137                    | 591                   | 167                  | 719                   |
| 2                                 | 177                    | 763                   | 216                  | 929                   |
| 3                                 | 224                    | 965                   | 273                  | 1,174                 |
| 4                                 | 288                    | 1,240                 | 348                  | 1,497                 |

# Appendix C

Effective: 10/01/19-09/30/20

## Metropolitan FMR Areas

| <u>Penobscot Cty. HMFA</u>          | <u>Unheated</u> |         | <u>Heated</u> |         |
|-------------------------------------|-----------------|---------|---------------|---------|
| Bedrooms                            | Weekly          | Monthly | Weekly        | Monthly |
| 0                                   | 133             | 574     | 156           | 671     |
| 1                                   | 133             | 574     | 156           | 671     |
| 2                                   | 167             | 720     | 206           | 886     |
| 3                                   | 211             | 908     | 260           | 1,117   |
| 4                                   | 224             | 964     | 284           | 1,221   |
|                                     |                 |         |               |         |
| <u>Portland HMFA</u>                | <u>Unheated</u> |         | <u>Heated</u> |         |
| Bedrooms                            | Weekly          | Monthly | Weekly        | Monthly |
| 0                                   | 218             | 938     | 241           | 1,035   |
| 1                                   | 232             | 999     | 262           | 1,127   |
| 2                                   | 298             | 1,282   | 337           | 1,448   |
| 3                                   | 404             | 1,737   | 453           | 1,946   |
| 4                                   | 477             | 2,052   | 537           | 2,309   |
|                                     |                 |         |               |         |
| <u>Sagadahoc Cty. HMFA</u>          | <u>Unheated</u> |         | <u>Heated</u> |         |
| Bedrooms                            | Weekly          | Monthly | Weekly        | Monthly |
| 0                                   | 153             | 658     | 176           | 755     |
| 1                                   | 168             | 723     | 198           | 851     |
| 2                                   | 193             | 832     | 232           | 998     |
| 3                                   | 262             | 1,125   | 310           | 1,334   |
| 4                                   | 305             | 1,311   | 365           | 1,568   |
|                                     |                 |         |               |         |
| <u>York Cty. HMFA</u>               | <u>Unheated</u> |         | <u>Heated</u> |         |
| Bedrooms                            | Weekly          | Monthly | Weekly        | Monthly |
| 0                                   | 174             | 748     | 197           | 845     |
| 1                                   | 179             | 769     | 209           | 897     |
| 2                                   | 220             | 946     | 259           | 1,112   |
| 3                                   | 285             | 1,225   | 333           | 1,434   |
| 4                                   | 308             | 1,326   | 368           | 1,583   |
|                                     |                 |         |               |         |
| <u>York/Kittery/S. Berwick HMFA</u> | <u>Unheated</u> |         | <u>Heated</u> |         |
| Bedrooms                            | Weekly          | Monthly | Weekly        | Monthly |
| 0                                   | 223             | 961     | 246           | 1,058   |
| 1                                   | 223             | 961     | 251           | 1,079   |
| 2                                   | 295             | 1,267   | 333           | 1,433   |
| 3                                   | 370             | 1,593   | 419           | 1,802   |
| 4                                   | 532             | 2,288   | 592           | 2,545   |

# **GENERAL ASSISTANCE ORDINANCE APPENDICES A-D & APPENDIX H 2019-2020**

The Municipality of \_\_\_\_\_ adopts the MMA Model Ordinance GA Appendices (A-D) for the period of Oct. 1, 2019—September 30, 2020. These appendices are filed with the Department of Health and Human Services (DHHS) in compliance with Title 22 M.R.S.A. §4305(4).

Signed the \_\_\_\_\_ (day) of \_\_\_\_\_ (month) \_\_\_\_\_ (year)  
by the municipal officers:

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Signature)

## 2019-2020 GA MAXIMUMS SUMMARY SHEET

Note: The overall maximums found in *Appendices A, B, C, D, E, and F* are effective from **October 1, 2019 to September 30, 2020.**

### APPENDIX A - OVERALL MAXIMUMS

| <u>County</u>  | <u>Persons in Household</u> |   |   |   |   |   |
|--|-----------------------------|---|---|---|---|---|
|  | 1                           | 2 | 3 | 4 | 5 | 6 |
| NOTE: For each additional person add \$75 per month.                                     |                             |   |   |   |   |   |
| (The applicable figures from Appendix A, <i>once adopted</i> , should be inserted here.) |                             |   |   |   |   |   |

### APPENDIX B - FOOD MAXIMUMS

| <u>Number in Household</u>                            | <u>Weekly Maximum</u> | <u>Monthly Maximum</u> |
|---|-----------------------|------------------------|
| 1   | \$ 45.12              | \$ 194                 |
| 2   | 82.56                 | 355                    |
| 3   | 118.37                | 509                    |
| 4   | 150.23                | 646                    |
| 5   | 178.60                | 768                    |
| 6   | 214.19                | 921                    |
| 7   | 236.74                | 1,018                  |
| 8   | 270.70                | 1,164                  |
| NOTE: For each additional person add \$144 per month. |                       |                        |

### APPENDIX C - HOUSING MAXIMUMS

| Number of<br>Bedrooms  | <u>Unheated</u> |         | <u>Heated</u> |         |
|--|-----------------|---------|---------------|---------|
|  | Weekly          | Monthly | Weekly        | Monthly |
| 0  |                 |         |               |         |
| 1  |                 |         |               |         |
| 2  |                 |         |               |         |
| 3  |                 |         |               |         |
| 4  |                 |         |               |         |
| (The applicable figures from Appendix C, <i>once adopted</i> , should be inserted here.) |                 |         |               |         |

*FOR MUNICIPAL USE ONLY*

## APPENDIX D - UTILITIES

### ELECTRIC

**NOTE:** For an electrically heated dwelling also see “Heating Fuel” maximums below. But remember, an applicant is *not automatically* entitled to the “maximums” established—applicants must demonstrate need.

1) **Electricity Maximums for Households Without Electric Hot Water:** The maximum amounts allowed for utilities, for lights, cooking and other electric uses *excluding* electric hot water and heat:

| <u>Number in Household</u> | <u>Weekly</u> | <u>Monthly</u> |
|----------------------------|---------------|----------------|
| 1                          | \$14.00       | \$60.00        |
| 2                          | \$15.70       | \$67.50        |
| 3                          | \$17.45       | \$75.00        |
| 4                          | \$19.90       | \$86.00        |
| 5                          | \$23.10       | \$99.00        |
| 6                          | \$25.00       | \$107.00       |

**NOTE:** For each additional person add \$7.50 per month.

2) **Electricity Maximums for Households With Electrically Heated Hot Water:** The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses *excluding* heat:

| <u>Number in Household</u> | <u>Weekly</u> | <u>Monthly</u> |
|----------------------------|---------------|----------------|
| 1                          | \$20.65       | \$89.00        |
| 2                          | \$23.75       | \$102.00       |
| 3                          | \$27.70       | \$119.00       |
| 4                          | \$32.25       | \$139.00       |
| 5                          | \$38.75       | \$167.00       |
| 6                          | \$41.00       | \$176.00       |

**NOTE:** For each additional person add \$10.00 per month.

**NOTE:** For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below.

## APPENDIX E - HEATING FUEL

| <u>Month</u> | <u>Gallons</u> | <u>Month</u> | <u>Gallons</u> |
|--------------|----------------|--------------|----------------|
| September    | 50             | January      | 225            |
| October      | 100            | February     | 225            |
| November     | 200            | March        | 125            |
| December     | 200            | April        | 125            |
|              |                | May          | 50             |

**FOR MUNICIPAL USE ONLY**

**NOTE:** When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon. When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than 7 tons of coal per year, 8 cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.

## **APPENDIX F - PERSONAL CARE & HOUSEHOLD SUPPLIES**

| <b><u>Number in Household</u></b> | <b><u>Weekly Amount</u></b> | <b><u>Monthly Amount</u></b> |
|-----------------------------------|-----------------------------|------------------------------|
| 1-2                               | \$10.50                     | \$45.00                      |
| 3-4                               | \$11.60                     | \$50.00                      |
| 5-6                               | \$12.80                     | \$55.00                      |
| 7-8                               | \$14.00                     | \$60.00                      |

**NOTE:** For each additional person add \$1.25 per week or \$5.00 per month.

### **SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5**

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

| <b><u>Number of Children</u></b> | <b><u>Weekly Amount</u></b> | <b><u>Monthly Amount</u></b> |
|----------------------------------|-----------------------------|------------------------------|
| 1                                | \$12.80                     | \$55.00                      |
| 2                                | \$17.40                     | \$75.00                      |
| 3                                | \$23.30                     | \$100.00                     |
| 4                                | \$27.90                     | \$120.00                     |

***FOR MUNICIPAL USE ONLY***



## 2019-2020 GA Overall Maximums

Metropolitan Areas

| COUNTY  | Persons in Household |       |       |       |       |
|---|----------------------|-------|-------|-------|-------|
|   | 1                    | 2     | 3     | 4     | 5*    |
| <b>Bangor HMFA:</b><br>Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Old Town, Orono, Orrington, Penobscot Indian Island Reservation, Veazie   | 759                  | 862   | 1,096 | 1,373 | 1,924 |
|   |                      |       |       |       |       |
| <b>Cumberland County HMFA:</b> Baldwin, Bridgton, Brunswick, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago  | 865                  | 909   | 1,176 | 1,634 | 1,866 |
|   |                      |       |       |       |       |
| <b>Lewiston/Auburn MSA:</b><br>Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales  | 725                  | 783   | 1,007 | 1,265 | 1,606 |
|   |                      |       |       |       |       |
| <b>Penobscot County HMFA:</b><br>Alton, Argyle UT, Bradford, Bradley, Burlington, Carmel, Carroll plantation, Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dixmont, Drew plantation, East Central Penobscot UT, East Millinocket, Edinburg, Enfield, Etna, Exeter, Garland, Greenbush, Howland, Hudson, Kingman UT, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell town, Mattawamkeag, Maxfield, Medway, Millinocket, Mount Chase, Newburgh Newport, North Penobscot UT, Passadumkeag, Patten, Plymouth, Prentiss UT, Seboeis plantation, Springfield, Stacyville, Stetson, Twombly UT, Webster plantation, Whitney UT, Winn, Woodville | 725                  | 728   | 964   | 1,208 | 1,330 |
|   |                      |       |       |       |       |
| <b>Portland HMFA:</b><br>Cape Elizabeth, Casco, Chebeague Island, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, Long Island, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, Yarmouth; Buxton, Hollis, Limington, Old Orchard Beach  | 1,089                | 1,191 | 1,526 | 2,037 | 2,418 |
|   |                      |       |       |       |       |
| <b>Sagadahoc HMFA:</b><br>Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Perkins UT, Phippsburg, Richmond, Topsham, West Bath, Woolwich   | 809                  | 915   | 1,076 | 1,425 | 1,677 |



**Appendix A**  
Effective: 10/01/19-09/30/20

| COUNTY  | 1     | 2     | 3     | 4     | 5*    |
|---|-------|-------|-------|-------|-------|
| <b>York County HMFA:</b><br>Acton, Alfred, Arundel, Biddeford, Cornish, Dayton,<br>Kennebunk, Kennebunkport, Lebanon, Limerick,<br>Lyman, Newfield, North Berwick, Ogunquit,<br>Parsonsfield, Saco, Sanford, Shapleigh, Waterboro,<br>Wells | 899   | 961   | 1,190 | 1,525 | 1,692 |
| <b>York/Kittery/S.Berwick HMFA:</b><br>Berwick, Eliot, Kittery, South Berwick, York   | 1,112 | 1,143 | 1,511 | 1,893 | 2,654 |

\*Note: Add \$75 for each additional person.

**Non-Metropolitan Areas**

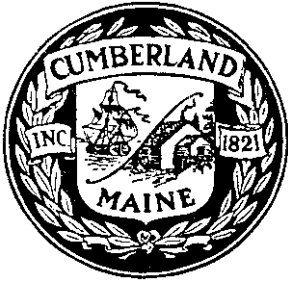
**Persons in Household**

| COUNTY                    | 1   | 2   | 3     | 4     | 5*    |
|---------------------------|-----|-----|-------|-------|-------|
| <b>Aroostook County</b>   | 640 | 696 | 816   | 1,100 | 1,180 |
| <b>Franklin County</b>    | 669 | 715 | 828   | 1,084 | 1,468 |
| <b>Hancock County</b>     | 818 | 855 | 1,036 | 1,307 | 1,433 |
| <b>Kennebec County</b>    | 752 | 777 | 969   | 1,273 | 1,360 |
| <b>Knox County</b>        | 781 | 786 | 969   | 1,269 | 1,379 |
| <b>Lincoln County</b>     | 849 | 869 | 1,038 | 1,326 | 1,541 |
| <b>Oxford County</b>      | 748 | 752 | 920   | 1,299 | 1,511 |
| <b>Piscataquis County</b> | 645 | 700 | 865   | 1,144 | 1,373 |
| <b>Somerset County</b>    | 699 | 733 | 942   | 1,228 | 1,316 |
| <b>Waldo County</b>       | 801 | 855 | 979   | 1,316 | 1,676 |
| <b>Washington County</b>  | 698 | 702 | 910   | 1,140 | 1,243 |

\* Please Note: Add \$75 for each additional person.

# ITEM 19-120

To authorize the Town Manager to accept an anonymous donation and issue a gift letter for \$50,000 to the food pantry and heating fuel assistance fund and \$10,000 to the school lunch program



# 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:** October 2, 2109  
**Re:** **Authorization to Accept Gifts and Apply to Benevolent Funds**

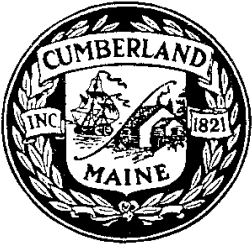
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Once again a generous family (wishing to remain anonymous) has donated \$50,000 to assist with our Benevolent Heating Fund and Food Pantry and School lunch program (\$10,000)!

I am recommending that you accept this gift of \$50,000 and use the monies to help our fuel and food pantry. I am also requesting your authorization to send \$10,000 to the MSAD for the School Lunch program to help those who cannot afford the lunches and to issue a gift letter for \$60,000 to this family for tax purposes.

# ITEM 19-121

To set a Public Hearing date of October 28th to consider and act on  
a Graveyard/Junkyard permit for Cumberland Salvage



# MEMORANDUM CODE ENFORCEMENT OFFICE

---

To: Cumberland Town Council  
From: William C. Longley Jr. CEO  
Subject: Cumberland Salvage, Inc. application for an Automobile Recycling Business at  
40 Blackstrap Road (Tax Map R07, Lot 60)  
Date: 9-23-19  
CC: William Shane, Town Manager  
Tammy O'Donnell, Town Clerk

I recently toured the facility known as Cumberland Salvage. As noted during previous inspections, the area appears to be adequately fenced and screened from public streets and also a larger earthen berm has been installed along the boundary with a residential subdivision called Foxes Gore. Additionally, the operation continues to be neat and organized.

Based upon my observations, I would recommend approval of the Annual Junkyard permit, reserving the right to inspect as needed.

# Town of Cumberland Maine

## APPLICATION FOR AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT

### MUNICIPAL OFFICE USE ONLY

Tentative Date of Hearing \_\_\_\_\_

Application Received \_\_\_\_\_

Time of Hearing \_\_\_\_\_ Permit No. \_\_\_\_\_

Place of Hearing \_\_\_\_\_ Fee Paid \$ \_\_\_\_\_

Notifications sent by Mail Date 9/12/19

To the City/Town Cumberland County Cumberland Maine

I/We Cumberland Salvage Inc + Gerald E Copp Jr hereby make application (in quadruplicate) for a permit to establish, operate, maintain an Automobile Graveyard, Automobile Recycling Business and/or Junkyard at the following described location and in accordance with the provisions of Title 30-A, Sections 3751 to 3760, Chapter 183.

#### Answer all questions in full.

1. Give location of Automobile Graveyard and/or Junkyard

40 Blackstrap Rd, Cumberland, ME

2. Is this application made by or for a company, partnership, corporation, individual?

Corporation

3. Is this property leased? NO Property owned by

Gerald E Copp Jr

Address:

38 Blackstrap Rd, Cumberland, ME

4. How is "yard" screened? - Fence? (Type) wood stockade Height 7'

Trees? (Type) \_\_\_\_\_ Embankment? \_\_\_ Gully? \_\_\_ Hill? \_\_\_ Other?

Buildings

5. How far is edge of "yard" from center of highway? 130 feet.

6. Can junk be seen from any part of highway? Yes \_\_\_ No ✓

7. Was Junkyard Law, Requirements and Fees explained to you? Yes ✓ No \_\_\_



8. Is any portion of this "yard" on public property? Yes \_\_\_ No ✓

9. Is "yard" within 300 feet of a Public Park, Public Playground, Public Bathing Beach, School, Church or Cemetery? Yes \_\_\_ No ✓

10. When was "yard" established? Lot 61 1971  
Lot 62 1934 By Whom?  
Jerald + Clifton Copp

11. When was last permit issued? 2018 To Whom?  
Jerald E Copp Sr

The undersigned certifies that the above information is true and correct to the best of his/her knowledge and that he/she is the owner or agent of the property or that he/she has been duly authorized by the owner to make this application and to receive the permit under the law.

Signed by: 

For: Cumberland Salvage Inc  
Name of Company, Corporation,  
Partnership, Individual

Address 40 Blackstrap Rd, Cumberland, ME 04021

Tax Map No. R7 Lot No. Parts of  
Lots 60 + 61 Zone \_\_\_\_\_

1 copy of Application to City/Town

1 copy of Application to Applicant

1 copy of Application to Department of Transportation, Augusta

1 copy of Application to Bureau of Motor Vehicles,

Make complete sketch of "yard." Show footage of all sides and location in relationship to adjacent properties. Show distance (in feet) from edge of "yard" to center of highway. Fill in Route Number or Local Road Name, Name of nearest City/Town in each direction, distance from nearest intersection, bridge or other known reference point.

**SITE PLAN**

**Circle Correct Direction: N S E W**

**Name:**

Cumberland Salvage Inc

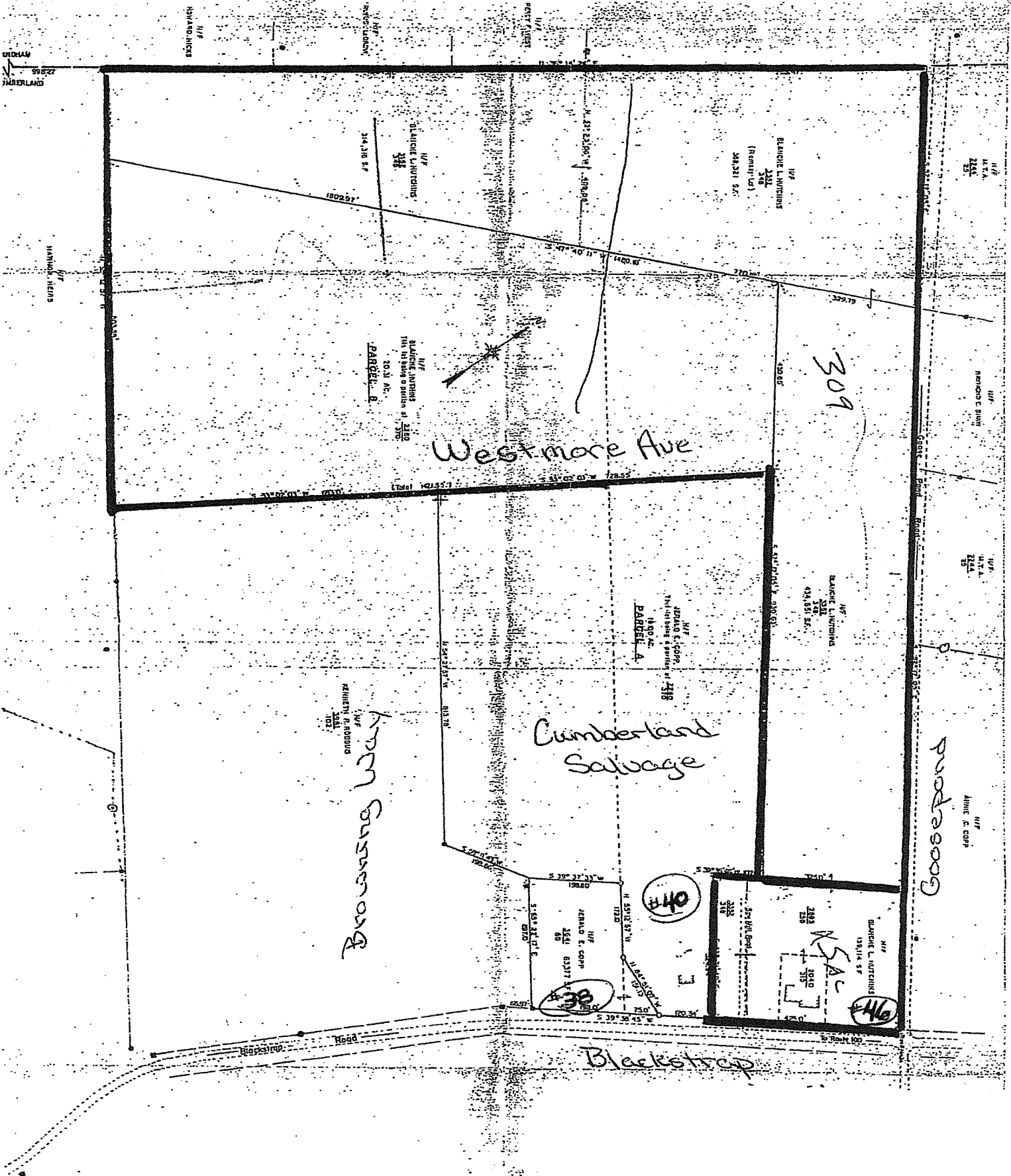
**Address:**

40 Blackstrap Rd

Cumberland, ME 04021

\*see attached\*





UTAH  
99227  
HARBERLAND

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HARBERLAND

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HARBERLAND

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HARBERLAND

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BLANCHE L. HITCHINS  
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(Remainder)  
28,231 S.F.

1/4  
BLANCHE L. HITCHINS  
231  
318  
(Remainder)  
28,231 S.F.

1/4  
REMOND C. HINN  
231  
318  
(Remainder)  
28,231 S.F.

1/4  
BLANCHE L. HITCHINS  
231  
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(Remainder)  
28,231 S.F.

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ANNIE S. COOP  
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JESSE E. COOP  
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(Remainder)  
28,231 S.F.

1/4  
BLANCHE L. HITCHINS  
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(Remainder)  
28,231 S.F.

1/4  
KATHLEEN A. COOP  
231  
318  
(Remainder)  
28,231 S.F.

1/4  
BLANCHE L. HITCHINS  
231  
318  
(Remainder)  
28,231 S.F.

Blacktop Road

Goosepond

Westmore Ave

Cumberland Salvage

Browning Way

38

40

46

# Cumberland Salvage Inc.

40 Blackstrap Road  
W. Cumberland, ME 04021

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Jerald E Copp Jr, President

September 11, 2019

Dear \_\_\_\_\_:

We are notifying you pursuant to M.R.S.A. Title 30-A, Section 3754, that we have filed our application for a renewal of our Automobile Graveyard/Junkyard Permit with the Cumberland Town Clerk. We understand that the Town Council will hold a public hearing on our renewal application at its meeting Monday, October 28, 2019, at 7:00 pm. Please find a copy of our renewal application attached.

Sincerely,

*Jerald E Copp Jr.*

Jerald E Copp Jr.  
President

Enclosures

# ITEM 19-122

To set a Public Hearing date of October 28<sup>th</sup> to consider and act on amendments to Chapter 48 (Coastal Waters) of the Cumberland Code, as recommended by the Ordinance Committee

## Chapter 48 COASTAL WATERS

### § 48-1. General provisions.

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

### § 48-2. Definitions.

As used in this chapter, the following terms mean:

#### **APPROVED MOORING SERVICE**

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

#### **CANOE**

A personal watercraft that is subject to the same rules as a kayak in this chapter.

#### **COASTAL AND TIDAL WATERS PLAN (PLAN)**

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

#### **COMMERCIAL WATERCRAFT**

Any type of watercraft used in a business or trade.

#### **DERELICT OR ABANDONED WATERCRAFT**

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

#### **DINGHY**

A punt, skiff, tender or similar watercraft, 12 feet or less in length, used solely as transportation to or from a watercraft on a mooring. Each dinghy must be clearly marked so that the mooring registration number and owner's name are clearly visible from the floats in letters at

least two inches high. Dinghies may be outfitted with an outboard motor of 10 hp or less.

#### **KAYAK**

A small, narrow personal watercraft which is pointed at both ends and propelled solely by a paddle.

#### **MOORING**

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

#### **MOORING PLAN**

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

#### **MOORING SERVICE**

A business engaged in installing and inspecting moorings using qualified mooring inspectors.

#### **PADDLEBOARD**

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

#### **PARCEL OF LAND**

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

#### **PERMIT YEAR**

The permit year is from January 1 through December 31.

#### **PERSON**

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

#### **PERSONAL WATERCRAFT**

A canoe, kayak or paddleboard.

#### **QUALIFIED MOORING INSPECTOR**

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

## **RECORDS MANAGEMENT**

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

### **REGISTERED DINGHY**

A dinghy owned or used by either a mooring holder in the Broad Cove Reserve mooring field or a transient mooring renter.

## **RESIDENT**

A property owner or any person who occupies a dwelling within the Town for more than 180 days.

## **RIPARIAN OWNER**

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

## **TOWN**

The Town of Cumberland, Maine.

## **WATERCRAFT**

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

### **§ 48-3. Coastal Waters Commission.**

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

- (4) is being challenged; in the event of a tie vote on the question of whether a member should be disqualified from voting on the issue, the member will be disqualified from voting on the issue.
- (5) The Town Council may dismiss a member of the Commission for cause before the member's term expires. A Commissioner will forfeit membership on the Commission for failure to attend three consecutive regular meetings of the Commission without being excused by the Commission. The Chairman of the Commission will notify the Town Council Chairman of the forfeiture of office.
- (6) The term of office of a member is three years, except the initial appointments which are as follows: two members for three-year terms, two members for two-year terms, and one member for a one-year term.
- (7) The Commission will annually elect a Chairman and Vice Chairman from its membership and may create and fill such other offices as it may determine. Officers will serve one-year terms and are eligible for reelection.

C. Procedure.

- (1) The Chairman will call meetings of the Commission. The Chairman will also call meetings of the Commission when requested to do so by a majority of the members or by the Town Council. A quorum of the Commission necessary to conduct an official Commission meeting consists of at least three members. The Chairman will preside at all meetings of the Commission and will be the official spokesman of the Commission. In the absence of the Chairman, the Vice Chairman will assume these duties.
- (2) The Commission must maintain a permanent record of all Commission meetings and all correspondence. The Commission is responsible for maintaining those records which are required as a part of the various proceedings which may be brought before the Commission. All records to be maintained or prepared by the Commission are public records and must be filed in the Town Clerk's office and may be inspected at reasonable times.
- (3) In any appeal under § 48-11, the following procedures apply:
  - (a) The Commission may receive any oral or documentary evidence but will provide as a matter of policy for the exclusion of irrelevant, immaterial, or unduly repetitious evidence. Every party has the right to present their case or defense by oral or documentary evidence, to submit rebuttal evidence and to conduct any cross-examination required for a full and true disclosure of the facts;
  - (b) The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceeding, constitutes the record. All decisions become a part of the record and must include a statement of findings and conclusions, as well as the

reasons or basis therefor, upon all the material issues of fact, law, or discretion presented in the appropriate order, relief or denial of relief. Notice of any decision will be mailed or hand-delivered to the petitioner, any representative or agent, and the Town Council within seven days of the Commission's decision;

(c) The Commission may reconsider any decision reached under this section within 30 days of its decision. The Commission may conduct additional hearings and receive additional evidence and testimony as provided in this section; and

(d) An appeal may be taken from any order, relief or denial of the Coastal Waters Commission by procedure as outlined in § 48-11 of this chapter.

D. Jurisdiction. The Coastal Waters Commission will hear appeals as provided for by § 48-11 of this chapter. For purposes of 38 M.R.S.A. § 9, as amended, the Coastal Waters Commission is entrusted with harbor management.

#### **§ 48-4. Harbormaster.**

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

#### **§ 48-5. Dockage time limit.**

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

#### **§ 48-6. Dinghy dockage.**

- A. No dinghy may tie up to any Town facility such as a wharf or float without permission of the Harbormaster, except for those owned or used by a mooring holder as described below. **All dinghies will be tied with rope from bow to float, not parallel to the float.**
- B. Any dinghy owned or used by a holder in the Town mooring field must be tied to the north **or west** side of Broad Cove Reserve floats in an area designated for dinghy dockage. **Each dinghy must be clearly marked so that the mooring registration number and owner's name are clearly visible from the floats in letters at least two inches high. Dinghies may be outfitted with an outboard motor of 10 hp or less. A Town-issued registration sticker must**



be clearly displayed on the outside front third of the dinghy.

- C. No watercraft exceeding 12 feet in length or equipped with an outboard motor exceeding 10 hp may tie up to the north or west side of the Broad Cove Reserve floats. All motors must be stored in the raised position when tied to the floats. The penalty for inappropriately tying to the floats is as prescribed in § 84-12DE.

**§ 48-7. Kayak/paddleboard Personal watercraft storage.**

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

- (1) Kayak and paddleboard Personal watercraft storage space will be awarded to only residents by an annual lottery managed by the Clerk's office. The lottery will be held on the first Thursday of April of each year. Notification must be made by the last Thursday of March of each year to the Clerk's office, by use of the required process, of the applicant's desire to be included in the lottery. No more than two individuals from the same household will be eligible to apply for or be awarded storage space.

- (2) No more than two personal watercraft will be stored in each storage space.

- (3) Applicants awarded storage space must pay the annual fee as specified in § 84-12GH. An applicant who does not pay the annual fee within 30 days will forfeit the storage space, and the space will be awarded to the next applicant on the list.

- (4) Kayaks and paddleboards Personal watercraft stored at Town facilities are required to display a current registration sticker along the port side of the kayak or canoe, or port side or top front of the paddleboard.

- (5) Maximum length for a kayak or paddleboard personal watercraft stored at Town facilities is 20 feet.

- (6) Kayak and paddleboard Personal watercraft owners are responsible for removal by November October 1. Failure to timely remove the kayak or paddleboard personal watercraft will result in the inability to rent during the next calendar year.

- (7) Each owner will ensure that the kayak or paddleboard personal watercraft is reasonably secured and locked in its assigned rack space and will not pose a risk to others.

- ~~(8)~~ Each owner will ensure their rack space is clean and tidy at all times. No property other than one kayak or paddleboard two personal watercraft will be stored left on, in, around or by the assigned rack space. at any time.

- ~~(9)~~ Each rack storage space will be used for one registered kayak or paddleboard.

- (9) Kayaks and paddleboards Personal watercraft stored at Town facilities are stored at the owner's risk. The Town accepts no responsibility for loss of or damages to any kayak or paddleboard personal watercraft.

- (10) Violation of any portion of this section will result in immediate revocation of storage privileges, and will subject the owner to a fee as specified in § 84-12-HI.

#### **§ 48-8. Moorings.**

A. General. No person may place or establish a mooring in the coastal and tidal waters of the Town except within designated mooring areas as described in and shown on the Coastal and Tidal Waters Plan; provided, however, that:

- (1) A riparian owner who is the master or owner of a watercraft may be assigned a mooring fronting their land even though the mooring is not within a mooring area shown on the Plan, so long as the mooring does not encroach upon the natural channel or channels established in the Coastal and Tidal Waters Plan and provided that the riparian owner annually registers the mooring as provided in Subsection B of this section.
- (2) A riparian owner using a mooring or moorings fronting their land but not located within the mooring areas shown and described in the Plan of the Town as of the effective date of this chapter and Plan may be allowed to continue to use up to three such moorings at the same location, so long as the moorings do not encroach upon the natural channel or channels established in the Plan and provided the riparian owner informs the Harbormaster of the mooring location within one year from the effective date of this chapter and annually registers the moorings as provided by Subsection B of this section.
- (3) A property owner with a right-of-way (ROW) to the water is accorded the same rights and restrictions accorded to a riparian owner under Subsection A(1) and (2) above, except that the mooring(s) may be placed as conveniently as possible in front of the ROW and must not interfere with the reasonable placement or moorings allowed for riparian owners. Furthermore, should space be insufficient to meet demands, the number of moorings allowed for a ROW property owner in front of the ROW may be reduced to one.
- (4) The Town may permit a contractor to establish up to two moorings within the mooring field. These moorings are reserved for the contractor's exclusive use from January 1<sup>st</sup> until June 1<sup>st</sup> and from October 1<sup>st</sup> until December 31<sup>st</sup> for the purpose of tending town and privately owned floats and moorings. From June 1<sup>st</sup> until September 30<sup>th</sup>, the Town may use the floats as rental or transient moorings. The annual mooring fee is waived for these floats. The daily rental fee is established at 84-12-C.

B. Assignment and location of moorings.

- (1) No person may moor a watercraft in any part of the coastal and tidal waters of the Town without first annually registering the watercraft and obtaining a mooring assignment specifying the location of the mooring.
- (2) No owner or master of any watercraft may permit their watercraft to be docked or moored in such a manner as to obstruct the free passage of other watercraft going to or from any wharf, pier, or other mooring in

the Town.

- (3) Any mooring assignment in the coastal and tidal waters of the Town is governed by the following guidelines:
- (a) Application for a mooring must be made by March 15 of each year unless an applicant shows good cause why they could not apply by that date (as, for example, a person who acquires a boat or becomes a resident after March 15). A mooring assignment will be valid until December 31. Any renewal application made after March 15 will be subject to a late fee established by the Town Council and listed in § 84-12 ~~FG~~. A person previously holding a mooring permit in the Broad Cove mooring field who fails to renew the mooring by March 15 loses the right to renew and must apply for a new mooring.
  - (b) All persons applying for and receiving a mooring assignment must pay to the Town a fee as established by order of the Town Council. See § 84-12A and B.
  - (c) If a person with an assigned mooring changes watercraft during the permit year, they must submit information regarding the change to the Harbormaster through approved means for review. If the characteristics of the mooring (block, chain, pennant) must be modified to accommodate the new watercraft, the notification should be made in advance of the change. If the mooring location needs to change, the notification and Harbormaster approval MUST precede any change. No new fees will be charged. The Harbormaster should be consulted if there are any questions.
  - (d) Notwithstanding any other provision of this chapter, any person using a mooring located within the mooring areas shown and described in the Plan of the Town as of the effective date of this chapter and Plan will be allowed to continue to use that mooring at the same location, so long as the mooring does not encroach upon the natural channel or channels established in the Plan, and provided that such person informs the Harbormaster of the location of the mooring within one year from the effective date of this chapter and annually registers the mooring as provided by this Subsection B.
- (4) In the event more mooring applications for the Broad Cove Reserve mooring field are received than there are available spaces, the Harbormaster may maintain a waiting list of all applicants who have not been assigned a mooring. Further, if a plan is amended and that revised plan provides for fewer moorings, the moorings available under the revised plan must be assigned to persons who had registered moorings at the time of amendment of the plan under this allocation system, except as otherwise provided by this chapter. Persons may add their names to the waiting list using the required process. This procedure must be posted in the Town Hall, and the waiting list must be a public document under the Freedom of Access Law. The waiting list must be maintained in chronological order of application, and any vacant space must be assigned to the first person on the waiting list, in accordance with the following

priorities:

- (a) A riparian owner who is the owner or master of a watercraft and who is applying for a mooring assignment must receive the first vacancy available, and the mooring must be located fronting their property, provided that such location does not encroach upon the natural channel or channels established by the Plan. No more than one mooring may be assigned to any shorefront parcel of land under this priority, but this limitation may not prevent a riparian owner from receiving additional mooring assignments under this allocation system.
- (b) A homeowners' association member who has recorded rights to the shore through a deed, subdivision plan, or homeowners' association document.
- (c) A property owner with a ROW to the water is accorded the same rights and restrictions accorded to a riparian owner, except that the mooring(s) may be placed as conveniently as possible in front of the ROW and must not interfere with the reasonable placement of moorings allowed for riparian owners.
- (d) Any other resident or property owner of the Town.
- (e) Any person who does not meet the requirements of Subsection B(4)(a) through (d) above; however, if a waiting list is created, the next vacant space must be assigned to the first nonresident on the waiting list in accordance with the following priority:
  - [1] If the principal use of the vessel is noncommercial and less than 10% of the assigned moorings in the mooring area are currently assigned to persons fitting this description, then to the first such person on the waiting list.
  - [2] If the principal use of the vessel is commercial and less than 10% of the assigned moorings in the mooring area are currently assigned to persons fitting this description, then to the first such person on the waiting list.
  - [3] If both nonresident noncommercial and nonresident commercial assignments are below 10% of the moorings and there are both types of applicants on the waiting list, the available space must be assigned to the first applicant in the category that is farthest below 10%.
- [5] The Harbormaster must maintain a record of each mooring assignment, including the location of assignment as well as the application information required by this chapter. These records must be retained as required by the state's records management process.
- [6] Mooring assignments are not transferable, and assignments must not be rented unless approved by the Harbormaster.
- [7] The Town reserves the right to reassign moorings each year to better use available space.

- C. Moorings. Moorings must consist of appropriately sized mushroom anchors, granite blocks, or helix moorings, connected to a surface buoy by a chain of appropriate size and length for the vessel, depth of water, and exposure to weather. Concrete blocks, engine blocks, and other "objects of convenience" are not allowed. The surface float must consist of a white mooring ball on which the name of the watercraft owner or master and mooring registration number is painted with at least three-inch-tall letters and numbers in a contrasting color. A pennant of suitable diameter and length completes the mooring assembly. Guidance for selecting the sizes of materials can be obtained from the Town website or from approved mooring services listed on the Town website.
- D. Inspections.
- (1) An approved mooring service must inspect and be satisfied that each mooring is in safe condition before it is placed in the mooring area.
  - (2) Each mooring must be inspected every two years by a qualified mooring inspector. A list of qualified mooring inspectors may be obtained by contacting the Harbormaster. Inspection results must be reported to the Harbormaster within five working days and all deficiencies repaired within 30 days of the inspection.
  - (3) The Harbormaster will, in accordance with Maine Revised Statutes, Chapter 5, Section 95-B, Local Government Records, maintain a file on each mooring, including the dates of inspection and the approved mooring service that inspected it.
- E. Winter spars. Winter spars cannot be installed before September 15 and must be attached by December 1 each year. They must be removed and replaced with the white ball by June 1.
- F. Removal of moorings. An owner who discontinues the use of a mooring is responsible for removing the mooring from the marine environment. The Town has the right to remove and dispose of any mooring, including unsafe, abandoned, unregistered, improperly identified and objects of convenience moorings at the owner's expense. The penalty for failing to remove and dispose of any mooring is described in § 84-12EF. Disposition of any proceeds from removed moorings is governed by State Abandoned Property Law.
- G. An applicant receiving a mooring assignment within Broad Cove Reserve, effective on or after May 1, 2017, must install the mooring. Should a mooring not be installed by July 1, the applicant forfeits the mooring and may apply again in three years. A fee must be paid to cover the administrative expense of managing the reassignment process. The reassignment fee is specified in § 84-12ED.
- H. Mooring services rules and regulations.
- (1) No person may install or inspect moorings or offer to install or inspect moorings for hire within the coastal and tidal waters of the

Town without first qualifying the mooring service with the Harbormaster.

- (2) Mooring services operating within the mooring area must adhere to the following rules:
  - (a) Mooring buoys must comply with the requirements of § 48-8 before being set or reset.
  - (b) A certificate of insurance indicating the coverages detailed in § 48-2 (approved mooring service), must be provided to the Harbormaster annually.
  - (c) Approval of the Harbormaster must be obtained at least two working days prior to setting, hauling out, relocating or adjusting any mooring. The mooring service must provide the Harbormaster with the location by GPS coordinates before and after the action for which approval is sought.
  - (d) Moorings for which the service is responsible must be adjusted within two days after notification by the Harbormaster.
  - (e) All new moorings must be registered and pass a complete mooring inspection prior to use.
  - (f) Each mooring service must inspect the moorings it services at least once every two years.

**§ 48-9. Derelict, abandoned or sinking watercraft.**

- A. No person may bring into or maintain in the coastal and tidal waters of the Town any derelict watercraft:
  - (1) That had not been home-ported at a Town mooring immediately prior to such damaged state. The sole exception will be for crew safety. Upon arrival, the Harbormaster must be immediately notified of the watercraft's seaworthy status.
  - (2) For salvage or abandon any watercraft in the coastal and tidal waters of the Town.
- B. The Harbormaster must notify the master or owner of a derelict or abandoned watercraft, that the watercraft must be removed within seven days. If the master or owner has not removed it within that time, the Harbormaster is authorized to remove the watercraft at the master's or owner's expense. However, in the event the Harbormaster determines the watercraft causes or threatens to cause property damage, pollution, or is a hazard to navigation, then removal must be by the fastest means available. The Harbormaster is authorized to remove the watercraft at the master's or owner's expense.
- C. If any watercraft is polluting, hazardous to navigation, or in danger of sinking, the Harbormaster may authorize a private contractor to mitigate the damage to or from the watercraft at the owner's or master's expense.
- D. The owner or master must pay all reasonable costs associated with mitigating



loss or damages from a derelict, abandoned or sinking watercraft within 60 days of invoicing. Failure to make full and timely payment will result in the immediate loss of all mooring privileges and continued loss for two years after the debt is paid in full.

**§ 48-10. Enforcement; violations and penalties.**

- A. The Harbormaster is to enforce the provisions of this chapter and of Title 38, Chapter 1, of the Maine Revised Statutes Annotated, as amended. If the Harbormaster finds any provisions of this chapter or statute being violated, the Harbormaster must notify the person responsible for said violation, either verbally or in writing, indicating the nature of the violation or ordering the action necessary to correct it. The Harbormaster must maintain a written record of such notices. In the event the violation causes or threatens to cause property damage, then notification of the violation must be by the fastest means available. In this case, if contact with the mooring or boat owner or corrective action cannot be made within 24 hours after such notice, the Harbormaster is authorized to take whatever corrective action is necessary, the expense and risk for which will be borne by the boat owner.
- B. Violation of any provisions of this chapter is a civil violation. This chapter is enforceable by the Harbormaster or any law enforcement officer of the Town, County of Cumberland, or State of Maine with jurisdiction in the Town. This chapter will be enforced through a civil action in the District Court, and the Town may seek one or more of the following: injunctive relief, money damages not exceeding the sum of \$200 for each violation along with attorney fees and costs pursuant to 30-A M.R.S.A. § 4452, as amended. Each day a violation exists constitutes a separate violation.
- C. The Harbormaster must terminate the mooring assignments of any person who violates this chapter two or more times within a permit year.
- D. A person may elect to pay a waiver fee of the minimum penalty specified in 84-12 in lieu of appearing in court to answer the citation. Such payment must be received by the office of the Town Clerk no later than five business days prior to the assigned court date. Upon receipt of such payment by the Town Clerk, the Harbormaster shall cause the citation to be dismissed.

**§ 48-11. Appeals.**

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

of moorings or boats, as a result of which location there is immediate danger to lives or property, will not be stayed pending appeal.

- D. An appeal may be taken by any party from any order, relief or denial by the Coastal Waters Commission under Subsection A above, within 30 days after the decision is rendered, to the Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

# ITEM 19-123

To set a Public Hearing date of October 28<sup>th</sup> to consider and act on amendments to Chapter 84 Fees and Fines), Section 12 (Moorings) of the Cumberland Code, as recommended by the Ordinance Committee

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

A. Resident: \$50.

B. Nonresident: \$250.

**C. Daily rental for transient mooring: \$20.**

D. Reassignment fee: \$250. **[Added 1-23-2017; amended 2-11-2019]**

E. Dinghy dockage and time limit fee: \$50. **[Added 3-26-2018; amended 2-11-2019]**

F. Mooring removal minimum fee: \$250 plus any added costs incurred by the Town for removing, storing and disposing of the mooring. **[Added 3-26-2018]**

G. Late mooring renewal/application fee: \$50. **[Added 2-11-2019]**

H. ~~Kayak~~ **Personal watercraft** rack storage fee: \$50 **per craft**. **[Added 2-11-2019]**

I. Violation of § 48-7, ~~Kayak~~ **Personal watercraft** storage, fee: \$50. **[Added 2-11-2019]**

**J. Violation of any provision of Chapter 48 not listed above, fee: \$100**