

**AGENDA**  
**CUMBERLAND TOWN COUNCIL**  
Cumberland Town Hall  
**Monday, July 23, 2007**

**7:00 p.m. – CALL TO ORDER**

**I. APPROVAL OF MINUTES**

July 9, 2007

**II. MANAGER’S REPORT**

Update on bicycle signage request.

**III. PUBLIC DISCUSSION**

**IV. LEGISLATION AND POLICY**

**07 – 097.** To hold a public hearing to set FY’08 tax rate as recommended by the Tax Assessor.

**07 – 098.** To set rates at which interest will be paid for delinquent and over paid taxes, and to authorize applying tax payments to oldest unpaid taxes.

**07 – 099.** To act on permit request by the Greely Football Boosters Club for a bonfire at Twin Brook Recreation Area on October 25, 2007.

**07 – 100.** To hold public hearing to set FY ’08 sewer rate and discuss Manager’s proposal for transferring administration to Portland Water District.

**07 – 101.** To hold public hearing re: no parking restrictions and tow away zones in Twin Brook Recreation Area.

**07 – 102.** To hold public hearing re: establishment of third Route One TIF District:

a) Approval of project list for Route One TIF

b) Approval of project list for Route 100 TIF

c) Set public hearing date for establishment of Route 100 TIF

**07 – 103.** To set public hearing date (August 13, 2007) to consider and act on a Mass Gathering Permit and Victualers Licenses for the Cumberland Fair, Cumberland Fairgrounds, September 23rd – 30th, 2007.

**07 – 104.** To set public hearing date (August 13, 2007) to act upon recommendations from the Planning Board re: Route 100 zoning changes. *TABLED*

## **V. NEW BUSINESS**

*WORKSHOP II* – Transfer Development Rights discussion.

## **VI. ADJOURNMENT**

**MINUTES**  
**CUMBERLAND TOWN COUNCIL MEETING**  
**Cumberland Town Hall**  
**Monday, July 9, 2007**  
**7:00 p.m. – CALL TO ORDER**

**Present: Councilors Copp, Perfetti, Turner, Moriarty, Stiles and Porter.**

**Excused: Councilor Storey-King.**

**I (a) To swear in newly-elected Councilor Michael Perfetti**

Town Clerk, Nadeen Daniels, issued the oath of office to councilor-elect Michael Perfetti. Councilor Perfetti will serve as the first elected official in the new At Large council seat.

**(b) To elect Council Chair and Vice-Chair**

Motion by Councilor Stiles; seconded by Turner, to nominate Councilor Porter as Chairman for Fiscal year 07/08.

VOTE: UNANIMOUS 5-0-1 PASSAGE (Councilor Porter abstaining)

Councilor Porter thanked Councilor Moriarty for his service as Chair this past year, which represented his sixth term as Chair.

Motion by Councilor Moriarty; seconded by Councilor Copp to nominate Councilor Turner as Vice Chairman.

VOTE: UNANIMOUS 5-0-1 PASSAGE (Councilor Turner abstaining)

**(c) APPROVAL OF MINUTES**

June 25, 2007

Motion by Councilor Stiles; seconded by Councilor Perfetti, to accept the minutes as amended.

VOTE: UNANIMOUS PASSAGE 6-0

**II. MANAGER'S REPORT**

- Chebeague Island "it's own town" July 1st; in 1821 Sturdivant and Basket Island was part of North Yarmouth and when we left they stated that we had to take the 16 islands with us; "what's old is now again"
- Add the Route 88 Pedestrian Committee draft charge under New Business.
- MDOT stated there would be no additional funding available for the completion of Blanchard Road; not eligible for funding during the next four to six years; still eligible from the TIF funding
- Heard from FEMA today re: upgrade to culvert under Harris Road; will not fund a 10 x 6' box replacement culvert. The road will be repaired to "its present state." The cost difference is significant. \$25K to replace existing, versus \$225,000 "to fix it properly."
- Two projects remaining under March storm event - Ledge Road drainage easement to Route 88, and a drainage outlet repair at Wildwood.
- Construction of senior condos, Guidi's Main Street Project, seems to be going very well.
- Dave Swan/Rick Wortley Main Street project is underway - available by fall.
- Thanked Bob Hasson and Scott Poulin for working with the Parks Dept re: remediation of the arsenic in the high school varsity field. Materials removed and encapsulated in a berm on site. Field ready by mid-August to beginning of September.

### **III. PUBLIC DISCUSSION**

Paul Weiss, 314 Blanchard Road, thanked the town for planting four trees in front of his house at the intersection of Blanchard and Orchard. "It is a nicer intersection." He added "It is sad that the Forest Lake thing fell through." He referred to Yarmouth's endorsement of the US Mayor's Climate Protection Agreement. Several cities and towns "have signed onto this. The proclamation addresses "the global climate change at the local level. By signing on to this, it's showing leadership at the local and national level. I'd like to see the town taking direction towards this as an important issue as any other issue they face."

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

#### **07 - 088 To determine Town Council Committee Assignments for FY '07/08.**

Chairman Porter announced the postponement of this item until the end of the evening's agenda.

#### **07 - 089 To hold a public hearing to act on a Wharfing Out Permit for Matthew & Melissa Rubel, 13 Lantern Lane.**

The Manager stated the Coastal Waters Commission held a site walk and a public hearing and recommends approval subject to Planning Board review and approval. "The application is well done," suggesting it will serve as a model for others to follow. Referring to ongoing requests for private docks, the Manager suggested "It goes back to none of our ordinances will impact land use of the private citizens. Without a taking of private rights, it's going to be very, very difficult."

In response to a question raised by Councilor Stiles, design consultant Barney Baker, responded that the applicant seeks a 48 foot pier and an additional 32 foot float. The state and federal permits are in hand. Councilor Perfetti question the mechanism for inspection of the pier and dock. The Code Enforcement Officer provides a building permit for the project and checks it when it's finished. We make "sure it's installed by design." The Manager stated the town considers the pier's impact on the clam flats and eels, and whether it should be moved in one direction or another. The Code Enforcement Officer and committee "felt there was no impact." When asked, Councilor Perfetti was informed "In this direct area, there are three" piers and several as you head toward Yarmouth.

Motion by Councilor Turner; seconded by Councilor Moriarty, to approve the Wharfing Out Permit for Matthew & Melissa Rubel, 13 Lantern Lane, to construct an 89' x 5' pile and timber pier with a 48' x 3' ramp leading to a 12' x 32' float, conditioned upon Planning Board approval.  
VOTE: UNANIMOUS PASSAGE 6-0

#### **07 - 090 To hear a presentation from Frank DeWolfe regarding FY'08 Municipal Budget.**

Mr. DeWolfe utilized a power point presentation to address his questions and concerns and explained he would be speaking to some of the budget items posted on the town's web site. "I think without more clarity...there are still some questions...in my eyes regarding what was presented." The budget numbers represent a \$537,700 reduction, which Mr. DeWolfe suggested is misleading. "A majority, if not all that reduction, was actually at the expense of the secession from Chebeague. The Chebeague Island elimination makes up almost 45% of that reduction. From a taxpayer's standpoint, I'd like to know exactly what the elimination of Chebeague Island did to our expenses. It's really important to know...it's a payment for assets that are now owned by Chebeague that we no longer control. My point is that money was scheduled to be used, it didn't get used. Either pay down the debt that's against it or hold it into a savings account until... we really need to spend it." The town's budget information also refers to a 7.02% expenditure increase, and Mr. DeWolfe suggested that by adding the TIF, Overlay and Homestead Exemption to the budgeted expenses "we actually increased expenditures by 10%." In his comments Mr. DeWolfe also spoke

to the issue of TIF's, capital outlay and the school budget. He asked "why the TIF spending is not shown as costing taxpayers money," claiming "the TIF spending is actually costing the taxpayers money." Mr. DeWolfe also spent time addressing the school budget and the funds it included from the secession of Chebeague Island. Chairman Porter responded "At the end of the day...we only can control... 25% of the budget." Mr. DeWolfe countered, "The fact is...the presentation to the taxpayer needs to be combined." The budget is adopted "by the public at a town meeting; it's not just the school board. And, as the saying goes, there's no more purer form of democracy than the town meeting." Councilor Turner added "I'm sympathetic with your concerns. The issue is transparency. We are transparent. The public is welcome and encouraged to come to those (budgets) meetings. I can't speak to what the SAD does but I know our process is transparent."

Councilor and budget chair, William Stiles, complimented Mr. DeWolfe for his time and effort. "I think it's great that citizenry are getting involved." He explained that the Town Manager and Finance Director sit down with each department head to review their department budget and make preliminary cuts. The benefits are combined into one line item in order to know the exact cost "because we shop them out to get the best insurance rates" possible. The town's recent upgrade to its computer system will allow the Manager to easily charge each department for its benefit costs. The Town Council then sits with each department head to review the budgets line by line. "We cut, we work, and we try to get that budget down as low as we can." He mentioned \$2.1 mil from CI as income to the town. "That's not true; the town only gets to use about \$600,000 of that money. We were spending a little more than \$600,000...to maintain their infrastructure. So, if that \$2 million is factored into our revenues, it throws his numbers off." We have no input on the SAD budget. "We recognize...that about three years out from now there's going to be a problem" because the secession money in the SAD budget will be depleted. "Quite honestly, we're down to the point...which town service don't you want?" The town trimmed its budget after the Palesky initiative, and then again last year after a second initiative. "We came in this year under all the state guidelines. Next year in order for us to go down drastically, we're going to have to eliminate a department." He deferred to the responses of the comprehensive plan survey regarding town spending. "For the most part, with the exception of the schools, they felt we were spending about the right amount of money. I don't want to spend the taxes that I spend in this town, but I'm not ready yet to give up having the roads plowed. We have done an austere a job as we can on the budget." Mr. DeWolfe replied "as a taxpayer, until recently, I didn't realize what we spent." He requested more information be placed on the town web site, but recognized the Town Manager "jumped through hoops to get information to me." Chairman Porter added more generally "this is a representative democracy. It means people have to be involved. The comprehensive plan survey results show "the people of this community are very supportive of the level of services that they have; they just are."

Mr. 'Stretch' Madore, Cumberland Foreside, referred to his frustration over the school budget meetings. "It is discouraging and I think...we've got some rough roads coming ahead. Our taxes will not balance on in two or three years. When that (the Chebeague revenue) goes away...we are looking for real serious trouble." The SAD budget "did compare apples to oranges. We're still spending 6.4% more money. Pa's rich and ma don't care. Somehow it's got to stop. I do feel like I'm all by myself out there when I start talking to the SAD."

The Manager stated he and Mr. DeWolfe have met several times to review numbers. "I don't want folks...to think it's all doom and gloom. There are some good things going on;" noting in particular the cemetery expenditures; two habitat homes; pay-as-you throw program; Stone Wharf restoration on Chebeague Island; 207 acres of Rines Forest; Channel 2 is expanding; a doubling of our commercial tax base to 4.5%; improvements to Twin Brook; increase of affordable units at senior housing; safety improvements at the Route 100 intersection; Tuttle/Main Street sidewalks; regionalization efforts for assessing, codes, animal control, ambulance, harbormaster, and Route 9 sidewalk plowing; increased fire protection through the water line extension to West Cumberland; addition of a senior circuit breaker program." The 800 responses to the Comprehensive Plan showed a satisfaction average of 70% and above

for the funding of town services. Town department satisfaction showed an excellent rating for fire, police and rescue with 89, 71 and 92% respectively. The mil rate over the last five years shows an average increase of .49 cents per year; a 2.7% average. The FY '09 budget should not see "much, if any of an increase." However, the 2010 will be fairly significant because "that's the spike in the debt service year. That all by itself could have somewhere around a 10 to 14 percent increase in the mil rate all by itself." However, with the new school consolidation plan, "There's a lot in the crystal ball right now that's still not connected to what we can project in the mil rate." The Manager recommended beginning the FY '09 budget earlier. "Perhaps having community discussions...perhaps even looking at a survey. What are you willing to give up for your dollars? We're really down to the least level of efficiency that we can operate without eliminating lots of bodies and lots of services."

The public hearing concluded at 8:32 p.m.

**07 - 091 To hold a public hearing after a presentation from Town Manager regarding Route One & Route 100 TIF Districts and to set public hearing date to consider and act on TIF Districts.**

The Manager gave a presentation regarding Tax Increment Financing. In his opinion, "Growth Pays For Growth." Our state equalized value will be at \$1 billion dollars next year. His goal is to shift the residential tax base from 98.5% to 90%. We are currently at 4.5% commercial tax base. The Manager added that projects paid for through the TIF, are "projects that are needed today. These projects – waterline extension, repair of Range Road...these are things that we would have to do regardless of whether we had a TIF. With those districts, we can shelter that money and get full value. In fifteen, twenty years, that money comes back onto the books...and we'll see the impacts of those businesses down the road."

The Manager requested the council add to the Route One South TIF District and expand the Cumberland Foreside Village TIF District. The town will widen Route One to incorporate a center turn lane and add a pedestrian sidewalk. Zoning changes to Route 100 will be adopted in the next few months. The new Route 100 VCC zone (142 Acres) will become a TIF District and will include a nine-lot park with off street parking for each lot. "A new vision with attractive sidewalks and landscaping" is underway at the Route 100/Blackstrap Road intersection. A turning lane and sidewalk work at Route 100, waterline extension to Castle Rock, beautification work near Blackstrap Road, landscape easements in the VCC zone, and a turning lane at Castle Rock, are all eligible for TIF monies. The Manager requested approval for the creation of a third Route One South TIF District, and a fourth TIF District at Route 100. This meeting represents the first of two public hearings.

Chairman Porter clarified the point that "many people confuse the TIF and the Credit Enhancement Agreement. The TIF doesn't necessarily give any money back to the developer; the Credit Enhancement Agreement does. And, that is left to the council to negotiate with the business if that does go forward."

During the public hearing Mr. DeWolfe asserted the presentation "lacks substance – what are the numbers?" "I'm not here to say TIF is wrong or bad; I don't honestly know." The Manager explained the TIF fund grows as the property values increase each year. To date, we've spent TIF funds on extending the water main from the fairgrounds to Route 100, improvements to Twin Brooks, Skillins Road and future improvements to Blanchard Road. We also authorized a 50% reimbursement of tax monies over the next twenty years, capped at \$500,000, to SeaFax and Norton through a Credit Enhancement Agreement.

Councilor Perfetti commented that "having the information you require is a good thing to be informed of the costs upfront. But because we're a representative democracy, the town council is charged with asking these questions...and requiring that this information be presented." Councilor Stiles clarified that a Credit Enhancement Agreement is not required; it is at the discretion of the council.

Mr. Weiss shared that he completed a town survey and he “fundamentally disagree with the idea that our taxes nee to come from commercial revenue. I like the mishmash of roads. I think the tax base that we have works. I would hate to see Route 100 developed beyond what it is. We wouldn’t need those big improvements if some of those businesses weren’t there. I do not want commercialization development in Cumberland. You’re just thinking dollars and cents.”

Mr. Pete Wilson, 18 Oak Ridge Road, implored the council to consider a “limit to floor time” and a TIF creating money. “I don’t understand where this money comes from.” The Manager described the property within a TIF District as having “a line drawn around them” and those dollars are set aside into a TIF fund, and separated out from all the other tax dollars. Those monies can then be used for specific projects within those districts. The “second piece...a Credit Enhancement Agreement” can be created to entice businesses. That agreement can vary between projects. This council has determined that they will look at each project individually.

Councilor Moriarty pointed out that TIF District 4 dovetails with the new proposed zoning districts on Route One, which goes before the Planning Board on Tuesday, June 17. “My point is...these zoning districts may not yet exist” on July 23<sup>rd</sup>. .

Randy Copp questioned what portion of the Route 100 water line was paid by TIF funds? 100% of the funding came from the Route One North and South TIF Districts. The Route 100 TIF District will pay for 100% of the Range Road upgrades? “You’re able to take this money and kinda put it in your pocket...set it aside to benefit the community by doing upgrades to...the community. I don’t see any downside to it at all.”

Councilor Perfetti asked the Manager if it was likely the improvement made “would have had to have been made anyway? You had to fix this and you found a way to finance this.” “Absolutely...but I don’t know how we would have afforded to do it” responded the Manager.” Every million dollars we bond is an \$80,000 addition to our debt payment. Chairman Porter added that the intent of the two existing Credit Enhancement Agreements was “to anchor one on the south, one on the north. The two aren’t mutually exclusive. The two of them don’t have to occur.”

Ms. Kathy Allen-Merrill, expressed “mixed feelings” over a Route 100 district. A private way, Tammy Lane, is shown as an entrance to the district. “At some point I would like to be able to see some of these new plans.” This new district would merely “allow” the businesses to go in these districts, explained the Chair. “Nobody’s personal property is going to be taken to make this happen.” Councilor Moriarty echoed the chair’s comments, noting the schematic shown this evening “is not a plan; it’s a sketch of what could theoretically happen. If we create a TIF district, that doesn’t make this happen. Even a zoning change doesn’t make it happen. This is an illustration of what, in theory, could be done.” The public hearing concluded at 9:48 p.m.

Motion by Councilor Moriarty; seconded by Councilor Stiles, to set a July 23, 2007 public hearing date to consider and act on establishing a Route One TIF District and to conduct such further discussion of a Route 100 TIF District as may be appropriate.

The Manager stated he will request at the meeting of July 23<sup>rd</sup> for action on items that need to occur on Route 100 within the next six to nine months. “I’ll bring a whole list of stuff to that meeting.” Councilor Copp indicated he will abstain from the Route 100 vote, “because I’m a property owner on Route 100. But, I feel that I can vote on Route One with a clear conscience.”

Councilor Moriarty amended, and Councilor Stiles seconded, the motion as follows: I move to set a July 23, 2007 public hearing date to consider and act on establishing a Route One TIF District.

VOTE: UNANIMOUS PASSAGE 6-0

TIME: 9:51 p.m.

**07 - 092 To hold a public hearing to accept open space on Mill Road and Route 100 from Elvin Copp.**

The Manager introduced owner, Mr. Elvin Copp, who is offering to donate 8.62 acres of land for use as open space. Mr. Copp has conditioned the donation to allow the land to be “hayed twice a year in perpetuity.” The Manager asked to amend the agreement to reconsider the provision for haying every five years and Mr. Copp was amenable. The deed will be amended to reflect the 5 year renewal period. “So every five years, you would have a public hearing to extend that five years.” Councilor Stiles asked whether the council this evening can guarantee a renewal in five years and the Manager responded in the negative. Councilor Perfetti was informed that the back land is buildable.

Mr. Randy Copp asked to stock pile materials on the open space during construction. “And then after construction, put it back into the original grassy field that it is now.” The chair felt this request should be a “discussion between you and the manager...not a part of the discussion this evening.”

Councilor Stiles wanted language that would give Mr. Copp “a reasonable assurance that prudent people would again renew the terms.” Councilor Moriarty also wished to “avoid any potential for misunderstanding right here at the outset.” He questioned Mr. Copp if he is “concerned about what the town may do with it? Are there things you don’t want to see the town to do with it? Do you realize that it’s basically wide open the town can do whatever it wants once the transfer is made?” Mr. Copp indicated he was clear. replied “It’s yours to do what you want.” “You accept that risk, if you will” added Councilor Moriarty. “Yes sir, I do.” Page 2 of the deed, the next to the last paragraph. - It indicates the transfer is subject to the restriction that the parcel shall be used in accordance with the Land Use Ordinance. Councilor Moriarty ask that the language refer to the Town of Cumberland Zoning Ordinance, Subdivision Ordinance and related land use ordinances (plural) to indicate that it’s restricted in accordance with a variety of difference ordinances that we have.

Mr. DeWolfe questioned whether this lot could be sold by the town. Yes, it can, it’s not part of the open space of the subdivision. Mr. Paul Weiss encouraged the council to include a conservation easement so that the open space would be in perpetuity. “That doesn’t conflict at all with mowing or haying fields.” Councilor Turner feels “it’s appropriate that the property not be encumbered early on. I’m all for conservation, but I’m also very leery about arbitrarily taking any piece of property that isn’t developed and saying that it’s appropriate for a conservation easement. You’re tying peoples hands a long way out and there ought to be a real good reason for doing it before you do it.” Chairman Porter referenced a letter from Jennifer West, Chair of the Conservation Commission, stating “I want to be equally clear...this property does not have to retain in its natural state...the town could sell that property and it could be developed.” Councilor Moriarty added “that’s true...even today Twin Brook is not encumbered.” The Town Forest and the Doane property are not encumbered. Councilor Moriarty supports the acceptance of the open space and would like to see an eventual connection from the backline to the power lines to the fairground and over to Blanchard Road “in my dreams, what I’d like to see is an eventual connection between the back line all the way over to the power line and from there to the fairgrounds which would tie into the Blanchard Road paved shoulder network. I see this as the first link in a chain which could... create a nice off road trail for those who live in this area of town to get into the fairground area...and into the center. It has that potential but it’s only the first of several links that would be necessary.”

Motion by Councilor Stiles; seconded by Councilor Turner, authorize the Town manager to accept a warranty deed for 8.62 acres of open space from Elvin Copp for property located on Mill Road and Route 100, and as specifically described in the gift deed, with the alterations so stated (“and as defined by the Town of Cumberland’s Zoning Ordinance, Subdivision Ordinances and related land use ordinances, as they may be amended;” and the addition of a five year renewal related to the haying of the property).

VOTE: UNANIMOUS PASSAGE 5-0-1 (Councilor Copp abstaining)



**07 - 093 To set a public hearing date to set the tax rate for FY'08. (July 23<sup>rd</sup>)**

Motion by Councilor Moriarty; seconded by Councilor Stiles, to set a July 23<sup>rd</sup> public hearing date to consider and act on setting the tax rate for Fiscal Year '08.

VOTE: UNANIMOUS PASSAGE 6-0

**07 – 094 To set a public hearing date to set sewer rates for FY'08. (July 23<sup>rd</sup>)**

Motion by Councilor Stiles; seconded by Councilor Turner, to set a July 23<sup>rd</sup> public hearing date to consider and act on setting the sewer rate for Fiscal Year '08.

VOTE: UNANIMOUS PASSAGE 6-0

**07 – 095 To set a public hearing to act upon adding no parking restrictions and tow away zones in Twin Brook Recreation Area.**

The Manager explained rather than creating a new ordinance and amending the traffic ordinance the council may issue the Chief of Police authority to designate no parking and tow away zones. These would be legally enforceable during the four to five events occurring at Twin Brook on an annual basis. Parking is enforced at the Yarmouth Clam Festival in this manner. “That would prevent us from having to put a whole new ordinance in place.” Councilor Moriarty questioned whether the Twin Brook Committee has expressed an opinion. The Manager indicated the committee did endorse establishing no parking and tow away zones.

Motion by Councilor Stiles; seconded by Councilor Perfetti, to set a July 23<sup>rd</sup> public hearing date to consider and act on adding no parking restrictions and tow away zones in the Twin Brook Recreation area.

VOTE: UNANIMOUS PASSAGE 6-0  
(Councilor Moriarty left at this time, 10:16 p.m.)

**07 – 096 To hold a public hearing and authorize the Town Manager to accept all outstanding taxes on Map U19/Lot 22, Spring Road.**

This property has gone to foreclosure and the council must accept payment of the taxes. The Manager recommended accepting the back taxes. The tax payment is \$2,279.53, including all penalties and interest. No public comments received.

Motion by Councilor Perfetti; seconded by Councilor Turner, to authorize the Town Manager To accept all outstanding taxes on Map U19, Lot 22, and issue a quitclaim deed for release of the property.

VOTE: UNANIMOUS PASSAGE 4-0-1 (Councilor Copp abstaining)

**V. NEW BUSINESS**

**a.) Route 88 Committee – draft charge**

Councilor Moriarty presented a draft charge for the Route 88 Committee. He charged the committee with researching avenues of funding and providing written recommendations to the town council. The Manager recommended approval of the draft charge. Councilor Perfetti asked about a date for reporting. The Chair sated “this is gonna take some time” and suggested a deadline not be placed at this time.

Motion by Councilor Stiles; seconded by Councilor Perfetti, to accept the Route 88 Pedestrian Access Advisory Committee.

VOTE: UNANIMOUS PASSAGE 5-0

At this time, Chairman Porter took up Item 07-088. Upon discussion, the following list of assignments for 2007/08 were agreed upon:

Greater Portland Council of Government	Councilor Turner
Nominating Committee	Councilors Porter, Moriarty and Turner
Prince Memorial Library Advisory Board	Councilor Moriarty
Recreation/Community Education Advs Board	Councilors Storey-King and Perfetti
ECOMaine	Susan McGinty/Alternate William Shane
Finance Committee	Councilors Stiles, Porter and Perfetti
Val Halla Board of Trustees	Councilor Stiles
Liaison to Board of Appeals	Councilor Turner
Liaison to Conservation Commission	Councilor Moriarty
Liaison to Falmouth/Cumberland Chamber	Manager Shane/Alternate Ned Gribbin
Liaison to Planning Board	Councilor Moriarty
Housing Authority	Councilors Stiles and Perfetti
Rines Forest Committee	Councilors Moriarty and Porter
Regionalization Committee	Councilors Stiles and Storey-King
Coastal Waters Commission	Councilor Perfetti (and Paul Weiss)
Route 88 Pedestrian & Bike Committee	Councilors Turner and Copp
Shellfish Conservation Commission	Councilor Turner
Comprehensive Plan Committee	Councilors Porter, Turner and Storey-King
Twin Brook Advisory Committee	Councilors Moriarty and Porter
Doane Property Development	Councilors Copp, Perfetti and Turner
TIF Committee	Councilors Stiles, Turner and Porter

The following committees were sunset: Cable TV Regulatory Board, Cumberland Islands Committee, Solid Waste Advisory Committee, and the Stone Wharf Committee.

**Councilor Copp** - none.

**Councilor Perfetti** – looking forward to starting my term.

**Councilor Turner** – none.

**Chairman Porter** – none.

**Councilor Stiles** – issues of bicycles “cruising Range Road” coming through in packs of 2 and 3 across – 20 to 30 bikes at a time; asked to consider a local ordinance if it doesn’t change; Councilor Turner suggested taking a look at sign on Dutton Road re: bikers; asked the Manager to research an ordinance re: limiting the number of bicycles; “road rage is gonna take over one of these days,” Chairman Porter suggested speaking with Mr. Weiss about education through VELO.

## **VI. ADJOURNMENT**

Motion by Councilor Stiles; seconded by Councilor Perfetti to adjourn.

VOTE: UNANIMOUS PASSAGE 5-0

TIME: 10:33 p.m.

Respectfully submitted,

Nadeen Daniels, CMC  
Town Clerk

# ITEM 07-097

To hold a public hearing to set FY'08 tax rate as  
recommended by the Tax Assessor



# MEMORANDUM

TOWN OF CUMBERLAND, MAINE

290 TUTTLE ROAD

CUMBERLAND, MAINE 04021

TEL: 207-829-2204 FAX: 829-2224

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**To:** William R. Shane, Town Manager  
**From:** William Healey, Town Assessor  
**Date:** July 18, 2007  
**Re:** Rate for Tax Year 2007-2008

Bill,

Thanks in part to lot splits, new construction, additions and a small increase in personal property, I am pleased to recommend a tax rate of \$19.80 per thousand for the Town's Fiscal 2008 Tax Year. Please see me if you have any questions or concerns. *Wet*

**BE SURE TO COMPLETE THIS FORM BEFORE FILLING IN THE TAX ASSESSMENT WARRANT**



# ITEM

## 07-098

To set rates at which interest will be paid for delinquent and over paid taxes, and to authorize applying tax payments to oldest unpaid taxes



# MEMORANDUM

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

**To:** Town Council  
**From:** William R. Shane, Town Manager  
**Date:** July 23, 2007  
**Re:** Interest Rates for Delinquent Sewer Fees and Real and Personal Property Taxes and Overpayments of Taxes

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Annually the Maine Municipal Association (MMA) recommends an interest rate for delinquent sewer, real, and personal property taxes. MMA also recommends an interest rate to be paid on over-payment of taxes. The Town has historically used the rates recommended by the Maine Municipal Association.

This year's rate for Delinquent Taxes is:	<b>12.00 %</b>
This year's rate for interest on overpayment of taxes is:	<b>6.00 %</b>

**Motion:**

**I make a motion to use the recommended interest rates supplied by the Maine Municipal Association for Overpayment and Delinquent Taxes. For Fiscal year 2008 they are: 12.00% for delinquent taxes and 6.00% for overpayment of taxes.**

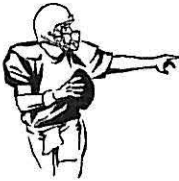
**Be it further ordered all payments for taxes and personal property shall be applied to the oldest unpaid taxes.**



# ITEM

## 07-099

To act on October 25, 2007 bonfire permit for Greely  
Football Boosters Club at Twin Brook Park



**CUMBERLAND/NORTH YARMOUTH  
FOOTBALL BOOSTERS**

*www.greelyfootball.com*

Bob King  
President  
28 Shirley Lane  
Cumberland, Maine 04021  
(207) 829-5006

Luke Anderson  
Vice President  
20 Steeple Chase Rd.  
North Yarmouth, Maine 04097  
(207) 829-5989

July 17, 2007

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

Mr. Shane:

The Cumberland North Yarmouth Football Boosters would like to hold our annual Bonfire at Twin Brooks – Tuttle Road on Thursday, October 25, 2007. The event has become a tradition before our final game against our neighbors Falmouth and I believe has been well received in the community.

The Club understands that they have to clean up the site within 72 hours. Similar to last year, I have secured the services of Storey Brothers to help perform this task. We have included a deposit for \$200 if we fail to perform this task.

The Boosters appreciate the Town's support for this activity that has become a great tradition and community event.

Sincerely,

Bob King  
President  
Cumberland North Yarmouth Football Boosters

# ITEM 07-100

To hold public hearing to set sewer rate and discuss  
Manager's proposal for transferring administration to Portland  
Water District



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

July 2, 2007

**Re: Sewer User Fee Increase – August 1, 2007**

**Dear Cumberland Sewer User:**

A Public Hearing has been set for **7:00 PM, Monday, July 9, 2007** in the Town Council Chambers **at Town Hall** to discuss the proposed sewer user fee increases as proposed in the table below.

	Present Avg / Month	August 2007	August 2008	August 2009
Proposed August 1, 2007	\$51.58	\$55.16	\$59.16	\$62.25
Avg \$ Increase / Month		\$3.58	\$4.00	\$3.09
% Increase		7%	7%	5%

The proposed increases are based upon conservative projections of sewer growth over the next few years. The Town Council will be looking at incentives to encourage families to connect to the sewer system. As the 990 users of the system increases the unit costs for all homeowners will decrease.

If you can not attend the Town Council meeting, it will be televised on Cable Channel 2 and re-broadcast several times during the month. Please contact my office if I can be of any further assistance to you regarding this matter.

Sincerely,

William R. Shane, P.E.  
Town Manager  
[wshane@cumberlandmaine.com](mailto:wshane@cumberlandmaine.com)





# MEMORANDUM

TOWN OF CUMBERLAND, MAINE

290 TUTTLE ROAD

CUMBERLAND, MAINE 04021

TEL: 207-829-2205 FAX: 829-2224

**To:** Town Council  
**From:** William R. Shane, Town Manager  
**Date:** July 18, 2007  
**Re:** Sewer Funding Related Issues

---

I will be proposing to you for consideration a "**Sewer Connection Amnesty Program**" which may be somewhat controversial. The program's primary goal is to connect more homes to the sewer system to make it more affordable for all those connected.

For Example:

Total Users Today	990
Total Cost to day	\$ 785,000
Average Annual cost per User	\$ 793

If we could increase our sewer users by 20% we could decrease our costs by 10%. It appears to be about a 2:1. As we add more flow our treatment costs rise, but all our administrative fees, bond debt, etc. don't change, they spread over more sewer users.

I am proposing to increase the users on the system we offer an 18 month only Amnesty program where any single family home or dwelling unit can connect to the sewer for \$50. This is a savings of \$2,000 to \$7,500 dollars per user. As soon as you're issued a permit you will begin being charged a "ready to use" fee of \$28 per month (or the minimum fee in effect) until you connect then be charged the consumption fee as well.

I would like to discuss the need for the **Town to be in the sewer business**. I can not justify the administrative expense nor can I understand why would want to oversee the system since;

1. It has nearly reached its capacity as far as users (if in-fill is included)
2. It is a break even fund with no surplus revenues attached and the Portland Water District operates and maintains our entire system today.

# ITEM 07-101

To hold public hearing re: no parking restrictions and tow  
away zones in Twin Brook Recreation Area



Attorneys at Law

TEN FREE STREET  
P.O. BOX 4510  
PORTLAND, MAINE 04112-4510  
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(1908-2002)

KENNETH BAIRD  
(1914-1987)

M. DONALD GARDNER  
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YORK COUNTY  
OFFICE

11 MAIN STREET, SUITE 4  
KENNEBUNK, MAINE 04043  
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(207) 985-4932 (Fax)

KENNETH M. COLE III  
NICHOLAS S. NADZO  
FRANK H. FRYE  
DAVID J. JONES  
MICHAEL A. NELSON  
RICHARD H. SPENCER, JR.  
ALAN R. ATKINS  
RONALD A. EPSTEIN  
WILLIAM H. DALE  
JOSEPH H. GROFF III  
F. BRUCE SLEEPER  
DEBORAH M. MANN

LESLIE E. LOWRY III  
PATRICIA M. DUNN  
MICHAEL J. QUINLAN  
R. LEE IVY  
FRANK K. N. CHOWDRY  
NATALIE L. BURNS  
SALLY J. DAGGETT  
BRENDAN P. RIELLY  
SUZANNE R. SCOTT  
LORAIN L. HITE  
MARCIA C. CORRADINI  
JONATHAN T. NASS

July 16, 2007

Via E-Mail: wshane@cumberlandmaine.com

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

**Re: Public Safety Questions**

Dear Bill:

Enclosed herewith please find a brief research memorandum that I asked our associate to do in regard to your two (2) traffic safety issues – regulation of bicyclists and temporary no parking declarations.

You will note that the bicyclists lobby, apparently in last session of the legislature, was able to amend the law to, in fact, give them even greater ability to clog the highways and put the burden on vehicular traffic to avoid conflicts with them.

In regard to the temporary parking prohibition, he did track down a specific statute which allows a law enforcement officer to regulate parking sufficiently that I am sure it serves as the basis of the usual temporary, no parking zone designation made by numerous police departments.

If you have question in regard to the enclosed, please let me know.

Very truly yours,

Kenneth M. Cole III

KMC/lts  
Enclosure

~ Over 50 Years of Service ~



## MEMORANDUM

To: Ken Cole

From: Jon Nass

Date: July 13, 2007

RE: Town of Cumberland/ Public Safety Questions

---

### I. Questions presented:

1. Can a Town regulate bicycle traffic whereby bicyclists are riding in two or more abreast (in a peloton) to the detriment of public traffic safety?
2. Is there a basis in state law for a Town to temporarily institute a no parking zone to protect public safety related to a public event such as a fair?

### II. Answer:

#### 1. Bicycle regulation

Generally, a person operating a bicycle has the same rights and duties as the operator of motor vehicle. 29-A M.R.S.A § 2063 (5).

Current state law requires a person operating a bicycle to ride it as "far as practicable to the right side of the road except when making a left turn." However, "this subsection does not apply in a municipality that, by ordinance and with the approval of the Department of Public Safety and the Department of Transportation, makes other provisions for the location of bicycle . . . traffic."

The most recent session of the Maine legislation, however, passed "An Act to Improve Road Safety and Update Bicycling Laws." This bill was signed into law on June 22, 2007, was not designated an emergency bill, and therefore will go into effect this fall. This new law maintains the bicyclists "shall ride on the right portion of the way as far as practicable" standard but will add several new exceptions including:

A. When overtaking and passing another bicycle or other vehicle proceeding in the same direction . . .

C. When approaching a place where right turns are permitted; and



D. When necessary to avoid hazardous conditions, including, but not limited to, fixed or moving objects, vehicles, bicycles, pedestrians, animals, broken pavement, glass, sand, puddles, ice, surface hazards or opening doors from parallel-parked vehicles, or a lane of substandard width that makes it unsafe to continue along the right portion of the way. For purposes of this paragraph, "lane of substandard width" means a lane that is too narrow for a bicycle and a vehicle to travel safely side by side in the lane.

The addition of "except when passing" exception may be problematic when addressing the peloton issues that are hindering safe traffic flow in Cumberland. As I understand it, a peloton is a mass of bicyclists passing and repassing. Thus, this new exception may create a loophole for such activity. The new law, however, maintains a provision that allows a municipality to "make[] other provisions regarding the operating location of a bicycle on a roadway" if the ordinance is approved by the Department of Public Safety and the Department of Transportation.

The new law has additional provisions that appear to shift responsibility for the safety from the bicyclists to motor vehicle operators. It requires a motor vehicle operator passing a bicycle to leave a distance of at least 3 feet, increased by one foot for every 10 miles per hour over 35 miles per hour. Thus, the burden shifts to the motor vehicle operator to ensure a safe distance between the bicycle and traffic.

The Town may want to consider entering into an agreement with the Departments of Transportation and Public Safety to designation different passing rules for certain narrow roadways or congested areas.

## 2. Temporary Parking Prohibitions

Maine law clearly recognizes the right of municipalities to regulate parking. See 30-A M.R.S.A. § 3009 (1)(2006) ("The municipal officers have the exclusive authority to enact all traffic ordinances in the municipality"). "The municipal officers may regulate the parking of motor vehicles on any public way . . ." *Id.* These provisions all imply or require that a town ordinance be in place establishing such regulation.

The case law supports this interpretation. See *State v. Rush*, 324 A.2d 748 (Me, 1974) (upholding violation of city ordinance prohibiting parking during certain hours); *Nugent v. Town of Camden*, 710 A.2d 245, 248 (Me. 1998) (holding that Town authority to regulate parking by employees of day sailing business at public landing was properly drawn from parking ordinance).

Regardless of whether or not a specific ordinance exists, a "law enforcement officer may cause the removal to a suitable parking place, at the expense of the registered owner, of a vehicle interfering with snow removal or the normal movement of traffic." 29-A M.R.S.A. § 2069 (2)(2006) (emphasis added). Therefore, the authority probably exists under § 2069 to prohibit parking that disrupts the normal flow of traffic and/or interferes with public safety vehicles.

14-8 Tow-Away Zone – Parking shall be prohibited at all times on certain streets or Town facilities. When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets or Town properties and described in Schedule C attached hereto and made part of this ordinance.

#### Schedule C- Tow Away Zones

##### Twin Brook Park- Tuttle Road

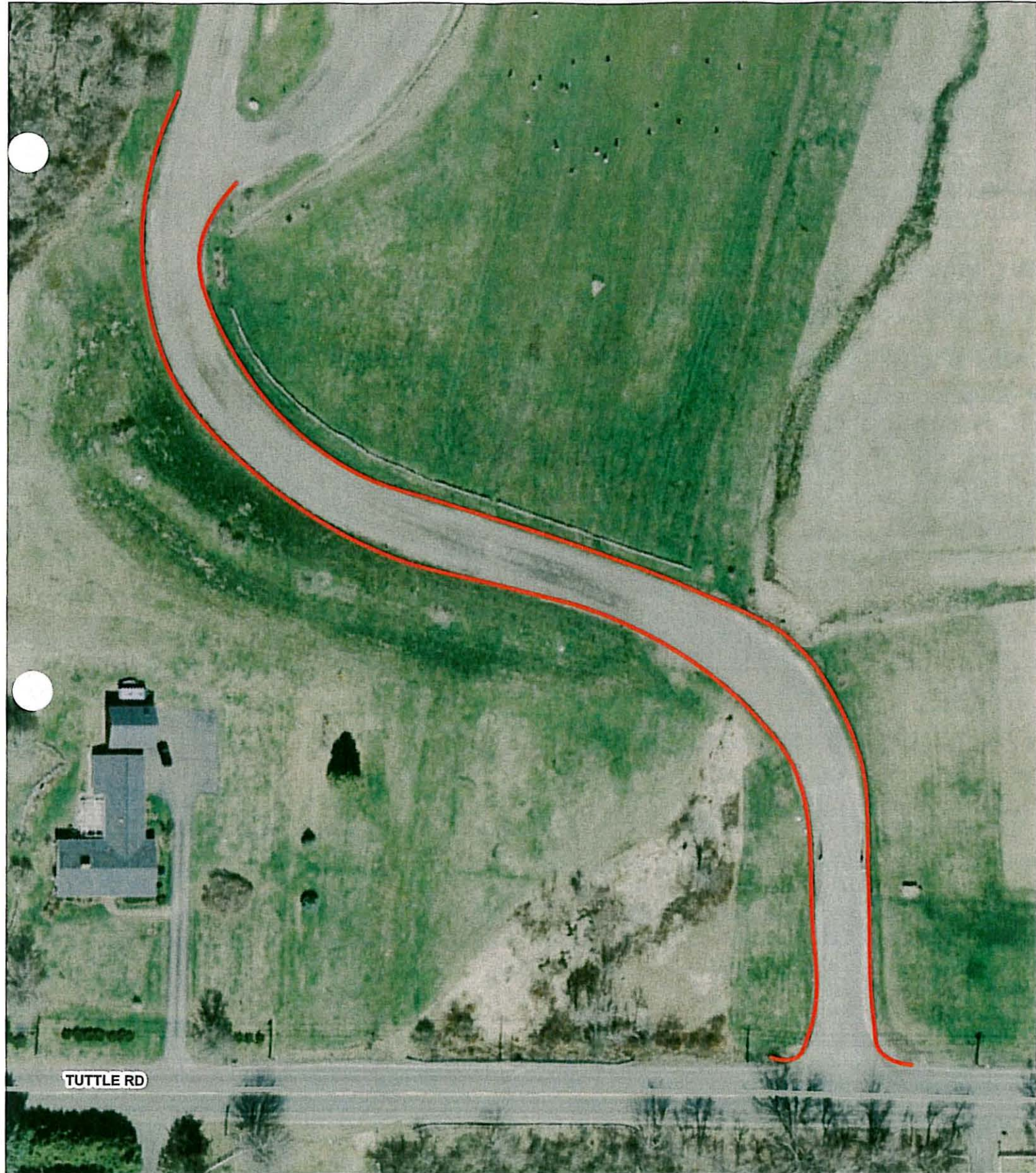
Beginning at the entrance of Tuttle Road and extending to the first parking lot in Twin Brook Park- Tuttle Road side, no person shall park any vehicle. Parking any vehicle shall result in towing of the vehicle at the Owners expense.

At a regular meeting of the Town Council held on Monday, July 23, 2007 these new restriction to the ordinance were passed

## Alternative

Police can issue an "Emergency No Parking Tow Away Zone" order for Public Safety reason and can enforce the order for specific events. This may be more palatable than a year round prohibition and tow-way restriction in the park.





**Twin Brook  
No Parking  
Tow Away - Zone**



**Tow Away Zone Area**



## **CHAPTER 49**

# **VEHICLE TOWING ORDINANCE**

### **SECTION I PURPOSE**

In order to protect persons who operate motor vehicles within the corporate limits of the Town of Freeport, to insure that the streets and public ways of the Town remain open and free of hazard to the public and to further effectuate the efficient enforcement of the Town of Freeport's traffic, parking, snow removal and other regulatory ordinances, it is determined necessary to insure by licensing the regulation of persons engaged in the business of providing vehicle wrecker or towing and required repair services, to establish rates for such service, to regulate the storage and disposition of vehicles to be towed, and to set fees and penalties for the enforcement thereof.

### **SECTION II DEFINITIONS**

The following words and terms as used in this chapter, "Definitions", shall have the meaning ascribed thereto, unless the context otherwise indicates:

- (a) Chief of Police means the executive head of the Police Department of the Town of Freeport or anyone designated by him.
- (b) Town means the Town of Freeport.
- (c) Towing List means a list maintained by the Police Department containing the names of those "wreckers" licensed by the Town to respond to requests for the towing of vehicles made by the Police Department. The towing list itself shall consist of two lists:
  - 1. A primary list which the one location where the main business activities of the wrecker company are headquartered as evidenced by its office location, auto storage area, wrecker storage space, payment of wrecker excise taxes and identification as such on official business filings with the Secretary of State, State Treasurer and Internal Revenue Service. Primary list companies shall receive the first call for wrecker services for all rotation calls.
  - 2. A secondary list which shall include wrecker companies that are not eligible for the primary list but are physically located within eight (8) miles of the Freeport Police Department located at 16 Main Street.

- (d) Wrecker means a person engaged in the business of, or offering the services of, a vehicle wrecker or towing service, whereby motor vehicles are or may be towed or otherwise removed from one place to another by the use of a motor vehicle adapted to and designated for that purpose.

### **SECTION III APPLICATION FOR WRECKER SERVICE LICENSE**

Any person desiring to perform towing work at police request shall submit an "Application for Wrecker Service License" to the Chief of Police. Application forms shall be obtained from the Office of the Chief of Police. These forms shall include the name of the owner, home and business address, home phone and name under which the person does or will trade, the location, size and security features of the storage lot on which towed vehicles will be stored, the location to which the public must come to claim stored vehicles, a statement of willingness to provide wrecker service on a continuous 24-hour-a-day basis each day of the year, a list of the towing equipment, its size and capacity, a complete listing of the insurance policies, carriers and agents, the owner would place into effect upon license approval, and such other information as the Chief of Police shall require.

### **SECTION IV INVESTIGATION; ISSUANCE OF LICENSE**

Within thirty (30) days after receipt of such application, the Chief of Police shall conduct an investigation to determine the truth, accuracy and adequacy of the information contained in said application; the ability of the applicant to furnish the required service and to abide by the regulations and provisions set forth herein or established pursuant to Section 5 hereof; the applicant's past record of performance in wrecker or towing business and the adequacy of the applicant's equipment and storage facilities. Upon completion of said investigation, the Chief shall either grant or deny said license and notify the applicant in writing of such decision, and the findings and reasons, if any, for denial of said license. Upon issuance of said license, the chief shall forward to the licensee a copy of this chapter and any regulations adopted pursuant thereto, and shall place the licensee's name at the end of the towing list. The license issued hereunder is non-transferable.

Insurance Required: No wrecker shall be issued a license until the applicant has deposited with the Chief of Police an insurance certificate for the following insurance coverage:

- (a) Garage Keeper's Legal Liability covering at the least Comprehensive with a minimum \$30,000 limit and Collision with a minimum \$30,000 limit, and

- (b) Garage Liability covering the operation of the licensee's business, equipment or other vehicles for any bodily injury or property damage. This policy shall be in the minimum amount of \$500,000 per occurrence with a \$1,000,000 aggregate or; \$500,000 for any one person injured or killed, and a minimum of \$1,000,000 for more than one person injured or killed in any accident and a minimum of \$500,000 for property damage.

The insurance certificate shall show thirty (30) days notice is provided to both the Town and the insured in the event of any change in coverage limits or cancellation of the policy for anything other than nonpayment.

The lapsing or cancellation of any policy as required hereinabove shall result in the immediate termination of the wrecker's license without any action on the part of the Town.

Terms of License Each license issued hereunder shall be effective for the period of January 1 until December 31 of each year, or any remaining portion thereof, unless earlier revoked, suspended or terminated in accordance with this chapter.

License Fee The annual fee for the license issued pursuant to Section IV hereof or for any renewal thereof shall be \$50.00. Such fee shall be pro-ratable at a rate of \$25.00 per half year or any portion thereof, for those applying after July 1. Such fee will be paid prior to issuance of any license. No part or portion of any fee shall be returnable after issuance of for any reason including (but not limited to) suspension, revocation or termination.

## SECTION V REGULATIONS

The following minimum regulations will be met on a continuous basis by all licensees:

- (a) Licensees shall operate and maintain storage facilities as outlined in Section II, C-1 & 2.
- (b) All vehicles licensed under this ordinance must comply with the inspection requirement of Title 29A. Section 1753, M.R.S.A.;
- (c) Licensees shall permit the Chief of Police to conduct one regular and two random inspections of each storage area during the term of the license;
- (d) Licensees shall maintain such records as required by the regulations promulgated by the Chief of Police pursuant to Section VI hereinafter, and shall permit their inspection by the Chief during normal business hours;

- (e) Licensees shall arrive on the scene within thirty (30) minutes of receipt of a request for service from the police.
- (f) Vehicles must be towed, not driven to storage lots;
- (g) Licensees must provide a secure storage area at their place of business which meets with regulations to be promulgated in accordance with Section IX hereinafter;
- (h) Licensees must fill out a vehicle damage form of the type prescribed by the Chief of Police prior to towing any vehicle pursuant hereto;
- (i) Licensees shall clean the accident area of all debris resulting from the accident, if there be any;
- (j) Licensees shall not make any repairs to a vehicle without the consent of the owner;
- (k) Vehicles shall be released from storage in accordance with regulations promulgated by the Chief of Police pursuant to Section VI hereinafter;
- (l) The licensee shall hold the Town harmless from all claims for damages to property and injuries to persons resulting from the licensee's negligence in the towing or storage of vehicles pursuant hereto.

#### **SECTION VI REGULATIONS MAY BE PROMULGATED BY CHIEF OF POLICE**

The Chief of Police is hereby authorized to promulgate regulations not inconsistent herewith to carry out the intent of this chapter. All licenses issued pursuant to this chapter shall be subject to such regulations as are adopted hereunder either prior to or after the date of the issuance thereof.

#### **SECTION VII RATES FOR SERVICES REGULATED HEREUNDER**

Maximum rates for services regulated by this chapter shall be established by the Municipal Officers after written notice to licensees and a public hearing thereon.

Vehicle Tows:      Day    \$65.00  
                         Night   \$75.00



Snow Tow\* Range: Day \$75.00  
Night \$85.00

\*Snow Tow means any vehicle that is towed for snow removal reasons.

Recovery – Same rates as tow, depending upon time of day. After first hour \$70.00 per additional hour plus any special equipment.

Call out fee, to come to shop during non-business hours \$25.00 plus towing fees.

Vehicle Storage, per day, including non-business days \$25.00 (storage rates begin 24 hours after the vehicle is towed).

MINIMAL CALL OUT: In the event that an operator has been requested for service and upon arrival the situation has changed and services are no longer required, a minimum fee of \$15.00 must be assessed for daytime and \$20.00 for nighttime calls. Fees to be paid by the vehicle owner/operator.

**DEFINITION OF HOURS:**

DAYS: 07:00 a.m. to 07:00 p.m.

NIGHTS: 07:00 p.m. to 07:00 a.m.

**SECTION VIII DISPOSITION OF ABANDONED VEHICLES**

- (a) The licensee shall comply with the procedures set forth in Title 29-A M.R.S.A. Sections 1851-1859, Abandoned Vehicles.
- (b) In the event of an unclaimed or abandoned vehicle, the licensee's sole remedy shall be as outlined in Title 29-A M.R.S.A. Sections 1851-1859 regarding unclaimed and abandoned vehicles.
- (c) A copy of Title 29-A M.R.S.A. Sections 1851-1859 shall be issued to each licensee with the Wrecker License.

**SECTION IX SOLICITATION OF BUSINESS**

No wrecker may respond to the scene of an accident or emergency for the purpose of towing vehicles unless specifically called there by the Police or person involved in the accident or emergency. This section is intended to prohibit wrecker owners from soliciting business at the scenes of accidents and emergencies and shall not be construed to prohibit any wrecker from contracting with any person, firm, or corporation providing the wrecker owner, his agents and employees do not solicit towing contracts at the scenes of accidents or emergencies.

**EMERGENCY  
NO PARKING  
TOW AWAY ZONE  
POLICE ORDER**

# ITEM

## 07-102

To hold public hearing re: establishment of third Route One TIF District:

- a) Approval of project list for Route One TIF
- b) Approval of project list for Route 100 TIF
- c) Set public hearing date for establishment of Route 100 TIF

**Materials for this item are located on our home page**



# ITEM

## 07-103

To set public hearing date (August 13, 2007) to consider  
and act on a Mass Gathering Permit Victualer's Licenses  
for the Cumberland Fair, Cumberland Fairgrounds,  
September 23<sup>rd</sup> – 30<sup>th</sup>, 2007.

TOWN OF CUMBERLAND

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

Mass Gathering Application – <sup>Major</sup> Outdoor Event  
(5,000 or more persons)

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

Name of applicant: Cumberland Farmers Club

Address of applicant: 140 Bruce Hill Rd. Cumberland Tel. # 829-4856

Name of event: Cumberland County Fair - 136<sup>th</sup> year 2008

Facility where the event will be held: Cumberland Fairgrounds

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

Name of promoter (if different from above): if

Telephone number: 829-4856

Will any food vendors be serving at the event? ☒ yes, \_\_\_\_\_ no (if yes, how many, and what types) 20 + Booths serving all types of food, including pizza, hot dogs, french fries, cotton candy, baked beans, pig roast, fried dough, hamburgers, grilled steak + chicken, etc.

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

Club House + Beer Garden, State Licensed

Date of event: 9-23 thru 19-30 Time (start and finish times): 7:30 - 11pm

Number of tickets available: Unlimited

Expected attendance: 50,000 for Week

Description of event: Agricultural Fair - Includes animal shows + pulling competitions, mechanical truck + tractor races, carnival rides,

and demonstrations of all kinds. Also includes musical entertainment and harness racing - Maine Agriculture Day for School Children who are bussed in.

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

1. NA

2.

3.

#### Description of facility:

A. Seating capacity: 5,000 permanent; 300-400 temporary

B. Other seating capacity: 100 festival; NA standing room only

C. Number of toilets available: 40 permanent; 25 portable

D. Number of parking spaces available: 8,000 on-site; 2500 off-site

E. Are all parking lots lighted (applicable only if event runs into evening hours)  
☒ yes; ☐ no, if no, which lots are not lighted

F. Source of potable water: Portland Water District

G. Refuse containers available, number and size: 500 55 gallon drums with plastic liners.

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

Pine Tree Waste

I. When will refuse be picked up? Before 8:00 am daily

#### Public Safety:

J. Describe first aid facilities: 8812 Building staffed by the Cumberland Rescue Department

K. Describe emergency facilities: Cumberland Fire Dept, Rescue - Fire + Sea, Fire truck on grounds. Fire truck also at special events, such as pulling + heavy work.

- L. Describe communication facilities: 2 Way Radios; 40 Units  
18 Gold Cops + numerous cellular phones  
Communication Contractor is Audio Sound Systems
- M. Number of certified police officers: Cumberland Police Dept. as directed  
by the Police Chief.
- N. Other security personnel (include company name and qualifications):  
Cumberland Fair Security Supt. is Bruce Flanigan
- O. Describe fire personnel: Cumberland Fire Dept.

#### Traffic Plan

- P. Description of routes persons attending the event are likely to take, include number of traffic controllers and deployment descriptions.
- Q. Describe methods used to publicize alternate routes of reaching the scene of the event.  
Drum Hill Rd, Blanchard Rd, Rt. 100 (Cumberland  
TV + Radio Ads
- R. Attach statement of availability of private towing firms to remove disabled vehicles.  
Capp Motors is Fairgrounds Towing Service -

#### Crowd Management

- S. Plan for discouraging those not holding tickets for the event from not coming to the event site. up
- T. Plan for preventing trespassing on private property in the area.  
Cumberland Police Dept. (patrols, foot beat -
- U. Will all publicity stop as soon as it is apparent that the event is sold out? X yes;  
no
- V. Description of how the event will be publicized, include how a sell-out will be publicized. TV, Radio, Newspaper, + annual flyers -

#### Other

- W. Name of liability insurance Harvard Insurance  
Amount of coverage 1.5 million; amount of property insurance up
- X. Preferred type of performance guarantee (i.e.. escrow account, irrevocable letter of credit)

Christopher E. G...  
Authorized signature

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



# ITEM

## 07-104

To set public hearing date (August 13, 2007) to act upon  
recommendations from the Planning Board re: Route 100  
zoning changes

***THIS ITEM HAS BEEN TABLED***