AGENDA
CUMBERLAND TOWN COUNCIL
Cumberland Town Hall
Monday, August 13th, 2007

6:00 p.m. – Circuit Breaker Program Committee Meeting (televised)
Counselors Stiles, Copp, and Storey-King

7:00 p.m. – CALL TO ORDER

I. APPROVAL OF MINUTES
   July 23, 2007

II. MANAGER’S REPORT

III. PUBLIC DISCUSSION

IV. LEGISLATION AND POLICY

   07 – 105. To administer Oath of Office to Fire Department Officers.

   07 – 106. To set Public Hearing date to fill Committee/Board vacancies(August 27th).

   07 – 107. To set waste disposal dates:
   a) Household Hazardous Waste Disposal Day, September 8th (Yarmouth)
   b) Universal Waste, October 6th
   c) Bulky Waste Pick-up Week, October 15th -19th

   07 – 108. To hold a public hearing to consider and act on a Mass Gathering Permit and Victualer’s Licenses for the Cumberland Fair, Cumberland Fairgrounds, September 23rd – 30th, 2007.

   07 – 109. To set Public Hearing date to amend the Property Tax Assistance Ordinance (August 27th).

V. NEW BUSINESS
VI. ADJOURNMENT

VII. EXECUTIVE SESSION – pursuant to M.R.S.A. Title 1 405(6)(D) re: police contract negotiations; and 405(6)(C) re: use of real estate.
MINUTES
CUMBERLAND TOWN COUNCIL
Monday, July 23, 2007

6:00 p.m. WORKSHOP I – To discuss Sex Offender Ordinance

7:00 p.m. CALL TO ORDER
Present: Chairman Porter, Councilors Copp, Perfetti, Storey-King, Turner, and Moriarty.
Excused: Councilor Stiles.

I. APPROVAL OF MINUTES

II. MINUTES
July 9, 2007
Motion by Councilor Storey-King, seconded by Councilor Copp, to approve the minutes with typographical amendments noted.

III. MANAGERS REPORT

- Bud Stratton recently passed; Manager shared a letter from the Chief stating Mr. Stratton served 20 years as a dedicated member of the West Cumberland station.
- Town received a Certificate Achievement for Excellence in Financial Reporting.
- State law amended re: bicycle regulation which may create a loophole for “peloton” activity. However, a municipality may make other provisions regarding the operating location of a bicycle on a roadway if the ordinance is approved by MDOT.
- Event held at the entrance to the Rines Forest yesterday morning. Eagle Scout candidate Sam Kearn built a new kiosk as part of his efforts to achieve Eagle Scout rank. The kiosk, built on skids, identifies the entrance to the site and contains a pitched roof covering a map of the forest, with a mailbox container and posting of basic information.

IV. PUBLIC DISCUSSION

Chairman Porter deferred to Susan Campbell, Cumberland member of the MSAD 51 Board of Directors, who explained the board is “actively pursuing” a partnership with Falmouth, and have extended a joint invitation to Yarmouth “to be part of our process.” A letter of intent must be submitted to the Department of Education by August 31st which will in effect “begin the planning process. Our hope is that we will be partnering with both Falmouth and with Yarmouth.” The planning team will include members of the community and respective districts. The state seeks a reorganization plan by December 31, 2007 and a plan validation referendum by January 15, 2008. “We have some latitude…we can delay…and do more municipal referendum in June” with implementation by July 2008 or 2009, depending “on the progress of the planning process. We are looking at the possibilities and the opportunities that consolidation provides for us in terms of efficiencies and cost effectiveness, but also in terms of the enrichment possibilities and opportunities it presents for our students. There are an awful lot of details to cover in a short period of time.” Chairman Porter encouraged Ms. Campbell to return with future updates.
Councilor Moriarty applauded the SAD for “taking that step in the right direction” to include Yarmouth.
Nancy Heyner, Forest Lake, addressing the recent Forest Lake referendum spoke to recognize the willing assistance of several town employees. “Incredible assistance came from Mike Crosby, Tammy O’Donnell, Bill Longley and Pam Bosarge.” She also extended her thanks to the council members, Town Manager and Town Clerk. Chairman Porter thanked Ms. Heyner for offering “those kind words” toward the town employees.

V. LEGISLATION AND POLICY

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

Assessor William Healey recommended a tax rate of $19.80 per thousand. A total taxable valuation of “just over $800 million” which was “higher than we originally projected.” Due in part to lot splits, new construction, additions and a small increase in personal property, the tax rate is “considerably lower” than originally expected.

Mr. Frank DeWolfe asked why the TIF Financing Plan Amount, shown as line item number 9 on the 2007 Municipal Tax Rate Calculation form, changed from $743,434 to $659,341.98. He also asked why the overlay was increased significantly and asked what affects the overlay from one year to the next. Town Manager Shane responded that the commercial values in the TIF District “weren’t adjusted back when we put those projections out initially.” The new number represents “the non revaluation numbers. Next year, once there’s a revaluation, you’ll see a higher number. They’re based on the values we have on the books versus what the reval numbers would look like next year.” Overlay has a few purposes – (1) originally to allow selectmen/councilors to round numbers up; (2) to abate properties for tax abatement purposes that might not have been included in the budget; and (3) a contingency account for the town. Monies not used were applied to the next year to offset taxes for the upcoming year in three of the last four budgets. Because there is some uncertainty in a revaluation process, “the overlay will be as high as five percent. We may have …several abatements or adjustments to the taxes that will whittle that down.” If not needed, the funds will likely be applied toward the next year’s tax rate to offset taxes. Money for the new senior citizen tax rebate program “will come out of that overlay.”

Motion by Councilor Turner; seconded by Councilor Moriarty, to set the municipal FY ’08 tax rate at $19.80. VOTE: UNANIMOUS PASSAGE 6-0

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.

No public comment received. Motion by Councilor Moriarty; seconded by Councilor Perfetti, to set the interest rate for delinquent taxes at twelve percent. VOTE: UNANIMOUS PASSAGE 6-0

Motion by Councilor Perfetti; seconded by Councilor Copp, to set the interest for overpayment of taxes at six percent. VOTE: UNANIMOUS PASSAGE 6-0

7-23-07
Motion by Councilor Copp; seconded by Councilor Perfetti, to apply all tax payments to the oldest unpaid taxes.

VOTE: UNANIMOUS PASSAGE 6-0

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.

The Town Manager introduced Bob King to represent the Football Boosters. This has been approved for a few years and “we have a good system in process right now.” The boosters club has paid a refundable deposit. Mr. King noted that the pallets will be delivered Sunday, October 21st as well as a flatbed trailer that will be used as a stage. This is held before the annual game with Falmouth.

Councilor Perfetti asked if there are signs posted during the four days. Given the presence of staff throughout the four days, the Manager did not feel there was a safety concern. Councilor Storey-King informed the council and public that while Mr. King is her husband, there is no fiscal gain or personal benefit with approval of this permit.

Motion by Councilor Copp; seconded by Councilor Turner to approve a permit to the Greely Boosters Football Club to conduct a bonfire at Twin Brook Recreational Area on October 25, 2007.

VOTE: UNANIMOUS PASSAGE 6-0

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

The Town Manager indicated he was asked to post tow-away zone areas in the park “particularly for large events.” The Twin Brook Committee feels this is needed. Our town attorney has stated that Maine law recognizes the rights of municipalities to regular parking; i.e. a law enforcement officer may cause the removal to a suitable parking place of a vehicle interfering with the normal movement of traffic. This authority extends to a public event such as those occurring at Twin Brook. “It has to specifically say under police order. It’s a little less problematic” than signs posted every few hundred feet. “This way we can put ‘em up for the specific tournaments…probably a hand full a year.”

Councilor Moriarty agreed with the “lease complex route and endorse the chief’s existing authority per state law to temporarily post. That way we avoid the complexities of an ordinance.”

No public comment received. Councilor Turner agreed “creating ordinances where it isn’t necessary is a huge problem. It’s appropriate that we take this route.”

Motion by Councilor Moriarty; seconded by Councilor Storey-King to encourage the Cumberland Police chief to exercise his authority pursuant to state law to post the entrance to Twin Brooks against parking on an emergency basis.

VOTE: UNANIMOUS PASSAGE 6-0
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.

Motion by Councilor Moriarty; seconded by Councilor Copp, to set an August 13, 2007 public hearing date to consider and act on a Mass Gathering Permit and Victualers Licenses for the Cumberland Fair, September 23 – 30, 2007.

VOTE: UNANIMOUS PASSAGE 6-0

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

The Manager explained the sewer system is funded “solely by the users” and the DEP has required major upgrades to the Falmouth plant costing approximately $8 million dollars. Cumberland owns thirty percent of the Falmouth treatment plant and is responsible for those debt payments. A 7% increase is requested, effective August 1, 2007. The increase has averaged sixteen percent over the past three years. With the increase, the base fee will average $55.16 per household, a $3.58 month increase.

Councilor Turner stated “there was some prediction that we’d run into this difficulty eventually. We do need to do something to get more people on board on the system.” Councilor Copp inquired whether the system peaks at a certain number. The system can accommodate another 3-400 single-family equivalents. Councilor Moriarty inquired whether any of the potential users are paying the readiness-to-serve fee now. “Some of the newer ones are…but there is a great majority of folks that the sewer passes by that don’t pay anything. The sticking point is the connection permit” cost of $2,250 replied the Town Manager. With the addition of a few thousand dollars for the cost of the sewer line, a homeowner could be faced with a cost of nearly $5,000 to $7,000.

Frank DeWolfe, Orchard Road, questioned whether the fees and expenses are a break-even proposition. “If you were on well and septic, nothing in the tax rate reflects that in your tax bill. It’s supposed to pay for all its costs. The debt service payment attributed to the upgrades is factored in the monthly fee,” responded the Town Manager.

Don Fisher, a Rockwood resident, feels system payers “deserve a background and explanation of how the system works.” Three issues of particular concern to him are whether the Portland Water District is an efficient, well-run organization; how assessments are allocated to the member towns; and whether the allocation is fair to the users in the Town of Cumberland.

The Town Manager responded with a two-part proposal: hold a meeting between the Town Council and Sewer Board of Appeals to glean “some technical insight” and history, and institute a sewer connection amnesty program. “We’re not getting any revenue from those folks that didn’t connect.” He proposed an eighteen to twenty-four month amnesty period during which the connection fee is waived; only the $50 permit fee would be required. Additionally, the manager proposed that the connection fee be increased to $3,500 at the expiration of the amnesty period. Currently, the connection fee varies between $2,500 and $9,200 depending on where the street is located, how many homes are on the street, and when the system was installed. “I don’t know who
could do that and then put in a system as well on top of that. If we can add more revenue by adding 200-400 more users to the system, it’s almost a two-for-one. We have the ability to probably reduce the increases to next to nothing in the near future if we can add more users to the system, and I see that as a huge benefit” to the existing users and the town as a whole. The Manager also questioned why the town is “in the sewer business? I’ve had a preliminary discussion with the Water District to see if they would entertain that.” If the Portland Water District received approval from the state legislature they would then “set the annual assessments for the town just like they do on the water bill.”

Councilor Turner believes the original system model came about as a result of “a fixation on slowing growth down…and was part of what caused that system to be put in the way it was.” Councilor Moriarty solicited information regarding the origination of the different connection fees. The manager explained that neighborhood requests for sewer line installations were granted, but a number less than the actual number of homes on the street was actually connected to the system. “We don’t have full capacity on those line extensions that happened after the initial contract.”

Richard Moore, Cumberland Foreside, questioned the “possibility” for the residents of Lantern Lane to connect to the sewer system. The Manager stated “most of the public roads” received a sewer line, including Route 88, but queried the public status of Lantern Lane, adding, “The line would have to be created that isn’t there presently. That doesn’t help the situation we’re in right now; that just adds more cost to it unless that cost was paid for by those residents of Lantern Lane.” Chairman Porter clarified that the system has capacity, but “this would be borne by the residents of that lane. The Chairman agreed to schedule a workshop, likely at the meeting of September 24, 2007.

Motion by Councilor Moriarty; seconded by Councilor Turner, to approve a 7% increase in the sewer user fees.

VOTE: UNANIMOUS PASSAGE 6-0

07 – 104 To set public hearing date to act upon recommendations from the Planning Board re: Route 100 zoning changes.

Councilor Moriarty indicated that Planning Board had not yet acted on the zoning recommendations of the Route 100 Committee.

Motion by Councilor Moriarty; seconded by Councilor Perfetti, to table this item.

VOTE: UNANIMOUS PASSAGE 6-0

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.

Town Manager Shane described TIF District Three as the area that along the Falmouth border, “just beyond SeaFax” on Route One. “This one lot became 12 commercial lots” and requires a significant amount of blasting of ledge. Mr. David Chase, owner and developer of the site, has received a one-year site plan approval for the top lots, with a possibility for two six month extensions. The manager requested the council “put a circle around this entire parcel” and designate it as TIF District #3.
The present taxable value of this land is approximately $766,000. Because the lots were subdivided after April 1, 2007, “they don’t come onto the books as anything but a gross piece of land until next April.” At that time, the taxable value “will go...to nearly $3 million dollars in value.” The incremental value in year one alone is nearly $2.4 million dollars and the manager estimated a TIF value of over $10 million dollars if buildings were placed on the lots over the next ten years. The manager reviewed TIF expenses to date and provided a “probable cost” of $16,471,100 for future TIF funded projects, estimated tax collections at $18,645,982, for a net revenue of $2,174,882. TIF Bonds issued to date include a $2.6 million and $1.015 million dollar bond for water line projects and Twin Brook improvements, respectively.

The manager broke down the taxable value as follows: town - $752,709,950; TIF 1 - $25,630,400; and TIF 2 - $7,669,700. This represents $659,342 in TIF fund revenues, identified on the FY ’08 commitment form as “TIF Financing Plan.” The manager stated the mil rate would increase from $19.80 to $19.85 if the TIF revenues were not applied as reimbursement for costs incurred at Twin Brook and Economic Development. These applied revenues are “booked as revenues...in your present budget and would have to be compensated for if we didn’t have a TIF.”

The Manager recommended adoption of the Route One TIF District #3 in order to begin to market the properties. The developer and town have received preliminary interest in these lots. The Route One project list includes the sidewalk and center turning lane, and approval of the Route 100 project list includes the design of the waterline extension to Castle Rock; landscape enhancement and easement work along Route 100; and design of the turn lane into Castle Rock. Councilor Moriarty clarified that the request for the Route 100 project list includes the “design” and not construction of the waterline extension and turn lane.

Frank DeWolfe, Orchard Road, requested clarification regarding the TIF Financing Plan Amount. He believes that “Without that revenue...our mil rate actually goes down. If the value of that real estate in those TIF Districts was actually utilized for town services everybody’s taxes would be reduced.” The Manager responded that the TIF value can not be used for “anything other than economic development that’s approved by DECD. The value of those districts would stay the same; we just wouldn’t capture the taxes. All we are capturing now is the incremental value. If we had no TIF Districts today our mil rate would be .05 cents higher than it is today. Mr. DeWolfe also felt that “If the TIF District wasn’t created, the taxes from that new building would be used to help reduce our taxes because those monies would be applied to our town services. It’s still being earned through the taxes.” The Manager detailed that the state municipal valuation form requires a separate listing of appropriations and revenues. “If the TIF fund disappears, the $300,000 is still in the budget...it gets refunded from either the revenue...or you have to add an appropriation to it. It’s very black and white.” In response to the “profitability of TIF District One and Two” Mr. DeWolfe questioned the need to create another TIF District “and keep that segregated” from the tax base? “I may never really see the benefits of the commercial districts as a taxpayer.” He invited the council to consider “setting more money...into the general fund” adding “You’re really capturing all the best properties in town. None of those improvements are gonna go to help fund taxpayer expenses.” The Manager countered that a Credit Enhancement Agreement helps the town attract desirable businesses, but “It’s not automatic that someone gets a credit enhancement agreement just because a TIF District is in place. We have twelve to fifteen years of projects that are needed before that money will be funneled into the tax rate.”
Ed Kerstein, Mackworth Lane, asked if the waterlines have any relationship to the sewer lines “in terms of does it use capacity on it?” The TIF bonds paid for the upgrades to the pumping station on Route One and will pay for $650,000 in future improvement costs to the upgrade of line capacity. There are no increased costs to the homeowners because of these water lines.

Bob Simonds, Bruce Hill Road, questioned if a “ledger” exists which itemizes the $659,342 expenditures. The manager clarified that the approvals requested this evening are a part of the FY ‘08 funds. However, monies from the two TIF districts may be “filtered back and forth” between the two districts. “That’s the type of flexibility we’ve been” given by DECD.

Councilor Moriarty questioned the number of districts state wide. Bond Attorney Ron Epstein believes there are approximately a few hundred, and they are utilized predominantly in the southern part of the state. The evolution moves from the original and somewhat exclusive use for municipal infrastructure, to incentives for businesses to locate, to the present inclusion of projects “the municipality might do anyway to facilitate economic development.” Approximately 45% of Cumberland’s taxes are lost to “getting less benefit under the education, county tax and revenue sharing.” The state “pretends” that that new value doesn’t exist. “That’s one of the ways that you can benefit for infrastructure projects even without doing credit enhancement agreements.” Councilor Story-King asked if the TIF agreements are at risk of change by the legislature. “To date a substantial component of that formula has always been property tax valuation, and they’ve always consistently said TIF valuation is excluded from consideration in that.”

Motion by Councilor Storey-King; seconded by Councilor Copp, to designate TIF District #3 the Cumberland Foreside Village Municipal Development and Tax Increment Financing District and adopt the development program for the district; such designation and adoption to be on terms and provisions of the TIF District #3, the Cumberland Foreside Village Municipal Development and Tax Increment Financing District Development Program, as presented at this town council meeting and has been on file in the Town Clerk’s Office, a copy of which is incorporated herein by reference, and also makes the findings set forth in the development program, adopts the financial plan including the percentage of increased assessed value of said district to be retained as captured assessed value in accordance with the development program and authorizes the town manager to submit to the state of Maine Commissioner of Economic & Community Development for approval such applications and further documentations as may be necessary or appropriate for final approval in establishment of TIF District #3, the Cumberland Foreside Village Municipal Development and Tax Increment Financing District and its development program and financial plan pursuant to 30-A M.R.S.A., Chapter 206.
VOTE: UNANIMOUS PASSAGE 6-0

Motion by Councilor Perfetti; seconded by Councilor Moriarty, to authorize the Route One project list consisting of a sidewalk and center turning lane as presented by the Town Manager.
VOTE: UNANIMOUS PASSAGE 6-0

Motion by Councilor Moriarty; seconded by Councilor Perfetti, to approve the Route 100 Project List, which consists of design of water line extension to the Castle Rock Business Park, landscape enhancements and easements, and design of a turn lane into Castle Rock.
VOTE: UNANIMOUS PASSAGE 5-0-1 (Councilor Copp abstained)
VI. **NEW BUSINESS**

Councilor Copp – passing of Bud Stratton, a longtime resident who ran hardware store for over 50 years; truly a gentleman who ran a good business - can only hope somebody moves into town with a new hardware store; he’s going to be missed by a lot of us.

Councilor Storey-King - another plead to bicyclist groups to be mindful of automobiles; congratulated the fire department on another great year; ‘huge congratulations’ to Becky O’Brien for her wins at the World Youth Track and Field championships –placed eighth in the world in the discus and fourth in the world for shot-put.

Councilor Turner – seconded comments re: bikers - “a real potential accident waiting to happen.”

Chairman Porter – Cumberland Farmers Market produce – support our local farmers; letter from Nancy & Nate Wiles re: opposition to sexual predator ordinance; note and article from Sally Stockwell re: Cool Cities Initiative; letter from Mr. Dill re: floating ramp/dock.

Town Manager – a float/ramp broke loose from its mooring and was reported to be floating in harbor for more than a week; Falmouth Harbormaster ultimately confiscated the float. Future communication process will be improved to more quickly address an issue of this sort.

Motion by Councilor Copp; seconded by Councilor Perfetti to recess to Workshop.

VOTE: **UNANIMOUS PASSAGE 6-0**
TIME: 9:25 p.m.

VII. **WORKSHOP II – Transfer Development Rights discussion**

VIII. **ADJOURNMENT**

Motion by Councilor Moriarty; seconded by Councilor Copp, to adjourn.

VOTE: **UNANIMOUS PASSAGE 6-0**
TIME: 10:18 p.m.

Respectfully submitted,

Nadeen Daniels, CMC
Town Clerk

7-23-07
ITEM
07-105

To administer Oath of Office to Fire Department Officers
The following members will be sworn in to the following positions at the August 13, 2007 Town Council Meeting.

Deputy Chief Daryl Rawnsley – Special Operations Division
Captain Brian Brooks – Squad 1
Captain Scott Morgan – Engine 2
Captain Craig Rawnsley – Engine 3
Lieutenant Norm Dutil – Squad 1
Lieutenant Robert Hodsdon – Engine 3
Lieutenant David St. Clair – Engine 5
ITEM
07-106

To set Public Hearing date to fill Committee/Board vacancies
(August 27th)
COMMITTEE/BOARD VACANCIES

BOARD OF ADJUSTMENTS & APPEALS: 1 vacancy
BOARD OF ASSESSMENT REVIEW: 1 vacancy
BOARD OF SEWER APPEALS: 2 vacancies
COASTAL WATERS COMMISSION: 3 vacancies
CUMBERLAND HOUSING AUTHORITY: 2 vacancies
DOANE PROPERTY DEVELOPMENT COMMITTEE: New board – need to fill
GREELY SCHOLARSHIP COMMITTEE – 2 vacancies
LANDS & CONSERVATION COMMISSION: 1 vacancy
RECREATION/COMMUNITY EDUCATION ADVISORY BOARD: 2 vacancies
VAL HALLA BOARD OF TRUSTEES: 1 vacancy

SCHOOL CONSOLIDATION COMMITTEE
- Councilor
- At-Large (from Public)

*Staff will be contacting committee members and members of the community who have expressed interest in serving on a committee in the past to see if they are still interested.
ITEM 07-107

To set waste disposal dates:

- Household Hazardous Waste Disposal Day, September 8th
- Universal Waste, October 6th
- Bulky Waste Pick-up Week, October 15th - 19th
Town of Cumberland
Regional Household Hazardous Waste Collection Days

Saturday, September 8, 2007
9:00 AM to 1:00 PM
Yarmouth North Road Fire Station
Yarmouth, Maine

What Do I Bring ???

From the Work Bench:
- Oil Based Paints
- Stains & Varnishes
- Wood Preservatives
- Paint Strippers & Thinners
- Aerosol Cans
- Adhesives

From the Garage:
- Fuels /Gasoline/ Kerosene
- Engine Degreasers
- Brake Fluid & Antifreeze
- Car Wax & Polishes
- Driveway Sealer
- Roofing Tar
- Pool Chemicals

From the Yard:
- Insecticides, Fungicides
- Chemical Fertilizers
- Weed Killers
- Flea Control Products

From the House:
- Rubber Cement
- Fiber Resins
- Photo Chemicals
- Chemistry Sets
- Furniture Polish
- Floor & Metal Polish
- Spot Removers
- Solvents
- Lithium & NiCad Batteries

What Not to Bring !!!!!!
- No Motor Oil
- No Tires
- No Empty Containers- metal or plastic
- No Household Trash
- No Commercial or Industrial Generated Wastes
- No Smoke Detectors
- No Biological Wastes
- No Prescription Medicines
- No Syringes
- No Compressed Gas Cylinders
- No Latex Paint

How Do I Transport These Materials Safely ??
- Never Mix Chemicals Together
- Bring Materials in Original Containers, be sure they are secured
- Pack contents in sturdy upright boxes and pad with newspaper if necessary to prevent spillage
- Leaking Containers must be contained prior to transporting
- Leave Pets at Home
- Never Smoke, eat or drink while handling or transporting hazardous materials

What is Household Hazardous Waste (HHW) ??
HHW is any product that is classified as Toxic (Poisonous), corrosive, flammable, or Reactive (Explosive). Many products are found in most homes, garages, or workshops:

Reading the labels can identify many of these products. Look for Words Such as:
- POISON, CORROSIVE, TOXIC, VOLATILE, OR FLAMMABLE,

Please call Cumberland Public Works at 829-2220 if you have any questions.
Town of Cumberland

UNIVERSAL WASTE COLLECTION DAY
October 6, 2007 from 9:00 a.m. to 1:00 p.m.
Drop off items at Cumberland Public Works Garage – 23 Drowne Road

What Can I Bring?

Computers & Monitors, UPS (Battery Back-Up Systems) – Televisions, Microwave Ovens
Mercury Devices (Thermometers, Manometers, Switches, Blood Pressure Cups)
Mercury Containing Thermostats – Motor Vehicle Mercury Switches – PCB Ballasts (Non-Leaking)
Batteries (NiCad, NiMH, Lithium, Automobile, Cell Phone, Alkaline, Rechargeable)
Fluorescent Light Bulbs (Straight, U-Shaped and Compact)
HID Lamps – Capacitors – Copiers, Printers, Scanners & Fax Machines

NO COST TO
CUMBERLAND RESIDENTS!!

For more information, visit the town website at www.cumberlandmaine.com
FALL BULKY WASTE PICK-UP WEEK

OCTOBER 15TH THROUGH OCTOBER 19TH

Items will be collected on your regular pick-up day.

Items accepted at curbside:

- Bathroom Fixtures
- Box Springs
- Cabinets
- Carpets
- Chairs
- Dressers
- Hot Water Tanks
- Large Metal Items
- Large Toys
- Mattresses
- Recliners
- Sofas
- Stoves
- Tables
- Washers & Dryers
Items NOT accepted at curbside:

- No wood products, including picnic tables or fencing
- No appliances containing Freon (e.g., refrigerators, freezers or air conditioners)
- No brush, construction/demolition/remodeling debris (C/D) including lumber, shingles, brick or cement
- No Hazardous Waste including oil, automotive or household batteries or mercury products.
- No propane tanks
- No cardboard
- No windows or Glass items
- No yard or tree waste
- No liquid waste
- No plastic bags
- No clothing or textiles
- No tires (with rims)
- No computers or monitors
- No fluorescent light bulbs
- No TV’s
Items containing Freon may be taken to the Public Works Garage and disposed of for a fee. Items not accepted curbside may be taken to Riverside Recycling in Portland for a fee. They are located at 910 Riverside Street and their number is 797-6200. Brush and Freon containing items may be taken to the Public Works Garage and disposed off at the following times:

Riverside Recycling – Monday – Saturday – 7:00 – 4:00
Drowne Road Garage – Tuesday – 12:00 – 4:00 & Saturdays – 9:00 – 1:00

If you have any other questions, please contact the Cumberland Public Works Department for more information at 829-2220.
ITEM

07-108

To hold a public hearing to consider and act on a Mass Gathering Permit and Victualer’s Licenses for the Cumberland Fair, Cumberland Fairgrounds, September 23rd – 30th, 2007.
Mass Gathering Application – Major Outdoor Event
(5,000 or more persons)

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

Name of applicant: Cumberland Farmers Club

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

Name of event: Cumberland County Fair - 136th 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):

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 goods, ice cream, fried dough, hamburgers, grilled steak + chicken tender

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

Date of event: 9-28 thru 10-30 Time (start and finish times): 7:30 - 11 pm

Number of tickets available: Unlimited

Expected attendance: 30,000 for 1 week

Description of event: Agricultural Fair - Includes animal shows, pulling competitions, attractions, tractor + truck events, Carnival rides,
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. 

2. 

3. 

Description of facility:
A. Seating capacity: 5,000 permanent; 900-1,000 temporary
B. Other seating capacity: 1,000 festival; 500 standing room only
C. Number of toilets available: 40 permanent; 35 portable
D. Number of parking spaces available: 8,000 on-site; 2,000 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: 
G. Refuse containers available, number and size: six 55-gallon drums with plastic liners
H. Name of refuse disposal company (attach a copy of the agreement to pick up refuse)
   Pine Tree West
I. When will refuse be picked up? Before 8:00 am daily

Public Safety:
J. Describe first aid facilities: 5x8 Building staffed by the Cumberland Rescue Department
K. Describe emergency facilities: Cumberland Fire Department, school fire trucks on grounds, Fire Trucks also at special events, such as parades and church fairs.
L. Describe communication facilities:

- 2-way Radios
- 4 Radio Units
- 18 Golf Carts + Numerous Cellular Phones
- Communication Contractor is Radio Services

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 Chief 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.

R. Attach statement of availability of private towing firms to remove disabled vehicles.

Crowd Management

S. Plan for discouraging those not holding tickets for the event from not coming to the event site.

T. Plan for preventing trespassing on private property in the area.

U. Will all publicity stop as soon as it is apparent that the event is sold out?

- yes;
- no

V. Description of how the event will be publicized, include how a sell-out will be publicized.

- TV, Radio, Newspaper, + Announcements

Other

W. Name of liability insurance:

[Signature]

Amount of coverage: $5 million; amount of property insurance: [Signature]

X. Preferred type of performance guarantee (i.e., escrow account, irrevocable letter of credit)

Authorized signature

On ____________________________ (date), I received a copy of the Cumberland Mass Gathering Ordinance. ____________________________ (authorized signature)
<table>
<thead>
<tr>
<th>Item to be Paid - Description</th>
<th>Check Amount:</th>
</tr>
</thead>
<tbody>
<tr>
<td>PERMITS/LICENSING</td>
<td>$350.00</td>
</tr>
<tr>
<td>Check Date:</td>
<td>Jun 13, 2007</td>
</tr>
</tbody>
</table>

Check Number: 3352
Amount Paid: 350.00
Discount Taken: 0.00

Town of Cumberland Farmers Club

Check Date: Jun 13, 2007
Check Number: 3352
Amount Paid: 350.00
Discount Taken: 0.00

Town of Cumberland Farmers Club
ITEM
07-109

To set Public Hearing date to amend the Property Tax Assistance Ordinance (August 27th)
Town of Cumberland

Senior Citizen Property Tax Assistance Program
August 2007

Council Subcommittee
Councilor William Stiles
Councilor Ronald Copp
Councilor Shirley Storey-King
Purpose

- The purpose of this Ordinance is to establish a program to provide property tax assistance to persons 70 years of age and over who reside in the Town of Cumberland.
Est. Population Groups as a % of Total Population
Who Can Participate?

a. The applicant shall be 70 years of age or more.

b. The applicant shall have a homestead in the Town of Cumberland at the time of the application and for the entire year prior to the date of application.

c. The applicant has received a refund under the provisions of Chapter 907 of 36 M.R.S.A. (State Circuit Breaker)

d. The applicant has been a resident of the Town of Cumberland for at least ten years.
How do I participate

- Persons seeking to participate in the Property Tax Assistance Program shall submit a written application to the Town Assessor no later than November 15th.

- The Town Manager shall provide an application form for the program, which shall include, the applicant's name, homestead address, contact information and proof and amount of refund under Chapter 907 of Title 36 (State Circuit Breaker Program).

- The Town Manager shall review and determine if the application is complete. The Town Manager's decision on eligibility to participate in the Program shall be final.
How much of a Refund is Available From the Town?

- Eligibility shall be the lesser of the following amounts:
  
  a. The amount of the refund awarded by the State under Chapter 907, Title 36 M.R.S.A. (Maine Circuit Breaker Program) or
  
  b. Available monies in the Town Circuit Breaker fund
  
  c. $500.00.

- The Town Manager shall report to the Town Council at their first meeting in December each year the projected payments and number of eligible applicants requesting assistance for the program fund.
TOWN OF CUMBERLAND
PROPERTY TAX ASSISTANCE
Senior Circuit Breaker Program
Application Deadline- November 15, 2007

- Name
- Age
- Property Address
- Home Phone Number
- Map and Lot Number (on Property Tax Bill)
- Mailing Address If different than property
- Copy of Proof of Age (License, Birth Cert)
- Proof of Residency (Ownership or Rental)
- Please attach a copy of your State Circuit Breaker Refund Check or confirmation.
How Will the Fund be Created?

As funds are available, the Town Council shall annually appropriate monies from the general fund or other sources to support this program. Any surplus monies available after all payments have been made shall be carried forward within the Fund to the next fiscal year.
Timing of Payments

A person who qualifies for payment under this Program shall be mailed a check for the full amount (or pro-rated amount if inadequate funds are available) no later than December 15th.
Limitations

- Only one qualifying applicant per household shall be entitled to payment under this Program each year.

- In the event that a lack of funding, the request will not carry over to the next year or create any right to additional payments on account of the application which resulted in no payment or less than full payment.

You must Apply each year to get a Refund!
State of Maine Program for All Property Owners

For Cumberland residents 70 and older,

You must apply and qualify for the State Program to Receive any rebates from the Town of Cumberland Program
State Circuit Breaker
Property Tax and
Rent Refund Program

- Bill Healey, Assessor 829-2204  M-W-F

- Before Getting Started
  1. Previous Year’s Tax Bill
  2. Previous Federal Income Tax Return
Starting your application:

• Step 1 – General Information

Name, Address, Social Security Number, Death of a spouse during tax year
**BE SURE TO ANSWER "Yes" or "No" to each question.**

YOUR REFUND WILL BE DELAYED IF YOUR APPLICATION IS NOT COMPLETE.

<table>
<thead>
<tr>
<th>Step 2</th>
<th>Answer Each Question</th>
</tr>
</thead>
<tbody>
<tr>
<td>1a. Do you receive any federal disability payments such as social security disability benefits or supplemental security income disability benefits?</td>
<td>Yes</td>
</tr>
<tr>
<td>1b. Does your spouse receive any federal disability payments such as social security disability benefits or supplemental security income disability benefits?</td>
<td>Yes</td>
</tr>
<tr>
<td>1c. Were you a Maine resident for all of 2005?</td>
<td>Yes</td>
</tr>
<tr>
<td>1d. Did you have a home or apartment in Maine for all of 2005 and live in your home or apartment for at least 6 months of 2005?</td>
<td>Yes</td>
</tr>
<tr>
<td>1e. Whether you owned or rented your home, did you rent part of your home to others or use part of it for a business?</td>
<td>Yes</td>
</tr>
</tbody>
</table>

2. **Physical location- if different from mailing address**
   Landlord name & telephone number if you pay rent
3. Dependents: names, date of birth, Social Security Number, question regarding disability payments

- Dependents First Name, Last Name
- Dependents Social Security Number
- Dependents Date of Birth
- More than two (2) dependents on separate sheet of paper
4. Enter property tax assessed on your home in 2005 (See instructions on pages 6 and 7) .... 4. $______
   (If your property tax bill is more than $2,500, attach the copy of the tax bill that has your name on it.)
   a. Was your home on a rented lot? ............................................................ 4a. □ Yes □ No

5. Enter total rent you paid on your home or lot in 2005 (Do not include mortgage payments) .... 5. $______
   (If your rent is over $9,000, attach copies of your rent receipts.)
   a. Does the rent on line 5 include heat? ..................................................... 5a. □ Yes □ No
   b. Was your rent reduced or paid in part by the government? ....................... 5b. □ Yes □ No

4. Property taxes paid in 2005
   a. Is Home on a rented lot? (Mobile Home Park-typical)

5. Total rent paid on a home or lot for tax year
   a. Does rent include heat?
   b. Is rent reduced or paid in part by government?
### 6. Income Information

a. Maine adjusted gross income tax
   - 2005 form 1040ME line 16 or
   - 2005 form 1040S-ME line 15

b. Only for claimed losses on 2005 income tax
   - line 12 2005 form 1040

c. Additional income tax not included in your Federal tax return

d. Math - Total 6a + 6b + 6c

e. Rollovers of IRA's

f. Math – subtract line 6e from 6d
7. Direct Deposit Information if you wish to have check sent to your bank

<table>
<thead>
<tr>
<th>Step 6</th>
<th>Direct Deposit Information</th>
<th>Routing Number:</th>
<th>Account Number:</th>
<th>Type of Account:</th>
</tr>
</thead>
</table>

NOTE: Completing the information below authorizes Maine Revenue Services to disclose your social security number, listed on the front of this form, to your financial institution for the sole purpose of depositing your refund directly into your bank account.
8. **Third Party Designee** (see instructions on page 9): Do you want to allow another person to discuss this return with Maine Revenue Services? □ Yes (complete the following). □ No.

<table>
<thead>
<tr>
<th>Designee's name:</th>
<th>Phone number:</th>
<th>5-digit Personal Identification number:</th>
</tr>
</thead>
</table>

8. Designate a 3rd party to discuss this return on your behalf. (Accountant or family member)
Under penalties of perjury, I declare that I have examined this application and to the best of my knowledge and belief, it is true, correct, and complete. Applications may be audited either before or after refunds are issued. Refunds may be applied to other outstanding government debts you may owe.

Signature of Applicant                      Date

Signature of Preparer other than Applicant Date

If you I-File your application, you will receive a 9-digit confirmation number after you have successfully completed the application process. You must write this number below and keep this application for your records. It is proof that you filed an application.

CONFIRMATION NUMBER: __________________

NOTE: If you do not I-file, leave this information blank and mail this application to Maine Revenue Services in the envelope provided.

Mailing your application in the envelope provided.
Maine Revenue Services, PO Box 9116, Augusta, ME 04332-9116

Office Use only: □ TB □ FR □ □ □

- Signature
- Confirmation Number (if you file online)
For Assistance with the State Form or Additional Questions

- Call for appointment at 829-2204 or leave voice mail or e-mail at
  bhealey@cumberlandmaine.com
TOWN OF CUMBERLAND
PROPERTY TAX ASSISTANCE
Senior Circuit Breaker Program
Application Deadline- November 15, 2007

Name: ______________________ Age: __________

Property Address: __________________________________________

Home Phone Number: ____________________________

Map and Lot Number (on Property Tax Bill): ______________

If different than property address please provide mailing address:

________________________________________________________________________

Please Check and Attach a Copy of Proof of Age:

Driver’s License: _____ Birth Certificate: _____ Other: __________

Proof of Residency: Ownership __________ (Assessor to Verify)

Rental __________ (Please provide copy of lease)

Please attach a copy of your State Circuit Breaker Refund Check or confirmation.

If you need any assistance with the completion of this form or the State form, please call Town Assessor, Bill Healey, at 829-2205 to schedule an appointment to review either or both forms. Remember only one of the property owners must be 70 years of age or older to qualify for this program.

Please Return Form to: Mr. William Healey, Town Assessor
Cumberland Senior Property Tax Relief
290 Tuttle Road
Cumberland, Maine 04021
Section 1. Purpose

The purpose of this Ordinance is to establish a program to provide property tax assistance to persons 70 years of age and over who reside in the Town of Cumberland. Under this program, the Town of Cumberland will provide supplemental cash refund payments to those individuals who qualify as Cumberland resident beneficiaries of the State of Maine Residents Property Tax Program pursuant to Chapter 907 of Title 36 of the Maine Revised Statutes and meet the criteria established by this Ordinance.

Section 2. Definitions

Homestead: A homestead is a dwelling owned or rented by the person seeking tax assistance under this Ordinance or held in a revocable living trust for the benefit of that person. The dwelling must be occupied by that person and that person’s dependents as a home.

Qualifying applicant: A qualifying applicant is a person who is determined by the Town Manager, after review of a complete application under Section 4 of this Ordinance, to be eligible for a refund payment under the terms of this Ordinance.

Section 3. Criteria for Participation

In order to participate in the Property Tax Assistance Program, an applicant shall demonstrate all of the following:

a. The applicant shall be 70 years of age or more at the time of application.

b. The applicant shall have a homestead in the Town of Cumberland at the time of the application and for the entire year prior to the date of application.

c. The applicant has received a refund under the provisions of Chapter 907 of 36 M.R.S.A.

d. The applicant has been a resident of the Town of Cumberland for at least ten years immediately proceeding the date of application for participation in the Program.
Section 4. Application and Payment Procedures

Persons seeking to participate in the Property Tax Assistance Program shall submit a written request to the Town Manager no later than August 15th, November 15th. Applications are required every year to participate in this program. The Town Manager shall provide an application form for the program, which shall include, at a minimum, the applicant’s name, homestead address and contact information. Attached to all applications shall be proof and dollar amount (copy of check) of State Refund under Chapter 907 of Title 36 (State Circuit Breaker Program). The Town Manager shall review and determine if the application is complete and accurate and if the applicant is otherwise eligible to participate in the Program. The Town Manager shall notify an applicant if an application is determined to be incomplete. The Town Manager’s decision on eligibility to participate in the Program shall be final.

Section 5. Determination of eligibility and amount of eligibility

If the Town Manager determines that the applicant is eligible to participate in the Program, he shall determine the total amount of such eligibility. Eligibility shall be the lesser of the following amounts:

a. The amount of the refund awarded by the State under Chapter 907, Title 36 M.R.S.A. (Maine Circuit Breaker Program) or;

b. Available monies in the Town Circuit Breaker fund or;

c. $500.00.

The Town Manager shall report to the Town Council at their first meeting in December each year the projected payments and number of eligible applicant requesting assistance for the program fund.

Section 6. Program Fund - Limitations upon payments

Payments under this Ordinance shall be conditioned upon the existence of sufficient monies in the Program Fund the year in which participation is sought. If there are not sufficient monies in the Program Fund to pay all qualifying applicants under this Ordinance, payments shall be limited to the amounts available in the Fund. In the event that a lack of funding results in no payment or less than the full payment to a qualifying applicant, the request will not carry over to the next year.
Section 7. Creation of the Program Fund

The Program Fund from which payments shall be made under the terms of this Ordinance shall be created as follows:

As funds are available, the Town Council shall annually appropriate monies from the general fund or other sources to support this program. Any surplus monies available after all payments have been made shall be carried forward within the Fund to the next fiscal year.

Section 8. Timing of Payments

A person who qualifies for payment under this Program shall be mailed a check for the full amount (or pro-rated amount if inadequate funds are available) no later than December 15th, November 15th for the year in which participation is sought.

Section 9. Limitations upon payments

Only one qualifying applicant per household shall be entitled to payment under this Program each year. The right to file an application under this Ordinance is personal to the applicant and does not survive the applicant’s death, but the right may be exercised on behalf of an applicant by the applicant’s legal guardian or attorney-in-fact. If an applicant dies after having filed a timely complete application that results in a determination of qualification, the amount determined by the Town Manager shall be disbursed to another member of the household as determined by the Town Assessor or the Town Manager. If the applicant was the only member of a household, then no payment shall be made under this Ordinance.