AGENDA
Cumberland Town Council Meeting
Town Council Chambers
MONDAY, FEBRUARY 11, 2008

7:00 p.m. – Call To Order

I. APPROVAL OF MINUTES
   January 14, 2008
   January 28, 2008

II. MANAGER’S REPORT
   Meeting with Susan McGinty of ECOMAINE (February 25th)

III. PUBLIC DISCUSSION

IV. LEGISLATION AND POLICY

   08 – 022. To award the Boston Post Cane to Cumberland’s eldest citizen, Kenneth Russell Dorr of West Cumberland.

   08 – 023. To consider and act on a municipal supplemental heating fuel assistance program to be administered by PROP.

   08 – 024. To accept donations on behalf of the Rescue Department.

   08 – 025. To appoint members to the Shellfish Conversation Commission.

   08 – 026. To set a Public Hearing (February 25) to authorize Town Manager to bond waterline and road improvements from the Route 1 and Route 100 TIF Funds.

   08 – 027. To set a Public Hearing (February 25th) to consider and act on an Off-Premise Retailer with Malt & Vinous License for Basil Provisions, 137 Main Street, for the period March 2008 – 2009.

   08 – 028. To set a Public Hearing (February 25) to consider and act on a Mass Gathering Permit for the Labor Day Soccer Tournament, to be held at Twin Brook.

   08 – 029. To set a Public Hearing (February 25) to consider and act on an amendment to Section 204.8 of the Cumberland Zoning Ordinance re: OC (office commercial) South Zone.

V. NEW BUSINESS
VI. ADJOURNMENT
6:00 p.m. WORKSHOP – Val Halla Banquet Facility Proposals & Heating Fuel Assistance Program.

Call to Order: 7:00 p.m.
Present: Chairman Porter, Councilors Storey-King, Perfetti, Turner, Stiles, and Moriarty.
Excused: Councilor Copp.

I. APPROVAL OF MINUTES
December 10, 2007

II. MANAGER’S REPORT

- Transfer station will be closed Saturdays beginning this week, but will remain open Tuesdays. Saturday hours will resume in mid to late March, weather dependent. If immediate assistance is needed, contact the Town Manager or Public Works Director.

III. PUBLIC DISCUSSION
None.

IV. LEGISLATION AND POLICY

08 - 001 To accept recommendation from the Val Halla Board of Trustees re: banquet center bid awards.

The Val Halla Board of Trustees solicited bids for event catering at the Val Halla Banquet Facility. Only one proposal from Personal Touch Catering was received. The Trustees and town are pleased with the proposal and are familiar with Personal Touch’s high quality catering services. The Trustees recommend award to Personal Touch. No public comments received.

Motion by Councilor Stiles, seconded by Councilor Turner, to accept the recommendation from the Val Halla Board of Trustees to award the banquet center services to Personal Touch Catering, Inc.
VOTE: UNANIMOUS PASSAGE 6-0

08 - 002 To authorize Town Manager to explore Public Safety Dispatch options for FY’09.

The Town Manager addressed the difficulties facing him in preparing next year’s budget. He is reviewing “cost cutting measures” and an option under consideration is the move of dispatch services from Yarmouth to Cumberland County. Several meetings have occurred with the county to discuss the town’s needs and concerns and to review the “detailed measures” required for the move. Police Sergeant Antonio Mazzone has taken the lead role for the town in these discussions. “I am recommending that we consider the county as a viable option for dispatch services.”
The Manager estimated a savings of between $100,000 and $130,000 annually from this move. The first year start up costs are estimated at between $30,000 and $50,000. The Manager believes the move is a positive step stating, “The County has come a long way,” noting that any concerns expressed by Cumberland emergency personnel were addressed. The Manager recommended a July 1, 2008 move and added if other towns such as Freeport and Falmouth are interested as well, we will “try to package the deal.” Police Chief Charron and Fire Chief Small met with Freeport and Yarmouth emergency personnel to discuss microwave technology and the options for increased services it could provide going forward. Chief Charron remarked, “Things are moving smoothly and information is constantly being updated.” RCM is studying whether “antenna to antenna” connection, versus phone line connection, can be made. The switch from phone line to antenna connection would result in an additional savings. The microwave technology is “at least a year and a half, two years out.” IMC is working on the switch over from Yarmouth to county and systems engineering is working on the IT issues. “We’re anticipating that the delivery of service is going to be equal to” Yarmouth’s service. “And, we’ve been given some assurances from the county that they anticipate that will be the case.” Chairman Porter recognized Chiefs Small and Bolduc, who had no additional comments.

Councilor Moriarty asked whether Chief Charron and his colleagues are on board and fully supportive of this proposal. Chief Charron responded that the department understands the budgetary constraints, and considers the switch a viable alternative. “And if the services are the same or better with a savings of money, then everyone’s on board with that.” Councilor Storey-King expressed concern whether the dispatch services funding could be absorbed into the county’s general fund. The Manager responded his understanding that dispatch operations are “almost set up as an enterprise fund.” We would be viewed as a user of those services. “I see that as somewhat insulated because those fees are going directly toward the dispatch center.” Chief Charron noted that the county’s proposal includes a fixed increase of three percent per year over the next five years. Councilor Perfetti asked when the cost will “get nailed down.” The Manager replied that the cost is “closer to $50,000 if we do it by ourselves.” And, it could be closer to $35,000 if one or two towns go with us. “It’s waiting to see if anybody else wants to join us.” Chairman Porter referred to an article from a 1994 edition of the Forecaster addressing Cumberland’s move from Yarmouth in order to establish a town dispatch. In 2005, Cumberland rejoined Yarmouth’s dispatch center, and we are now considering leaving Yarmouth again for a county service in 2008. No public comments received.

Motion by Councilor Perfetti, seconded by Councilor Stiles, to authorize the Town Manager to explore public safety dispatch options for fiscal year 2009.

VOTE:  UNANIMOUS PASSAGE 6-0

08 - 003  To consider and act on abatement request for property known as Map R02D, Lot 2/U29, located at 20 York Ledge Drive.

The Manager explained this item represents the third request for abatement from a Rockwood condominium owner. Each of the three properties was erroneously assessed with a finished basement based on the contractor’s original development plans. The Assessor has corrected this year’s assessment and abated taxes accordingly, however, only the town council may abate taxes beyond one year. Tax Assessor, William Healey, will conduct a review of other condominiums at this development to determine how many additional units, if any, require correction.
Motion by Councilor Stiles, seconded by Councilor Perfetti, to grant an abatement of $901.52 for property know as Map R02D, Lot 2/U29, located at 29 York Ledge Drive.

VOTE:    UNANIMOUS PASSAGE   6-0

08 - 004  To hold a Public Hearing to consider and act on a Credit Enhancement Agreement with Dr. Kevin Bardwell, Map R01/Lot 11, Route One South Foreside Village, TIF District #3.

The council’s TIF subcommittee met with Dr. Bardwell and reviewed his application for a Credit Enhancement Agreement. The committee was unanimous in its support of a Credit Enhancement Agreement equal to twenty-five percent of the property real estate taxes, capped at $250,000 over a maximum term of twenty years. Dr. Kevin Bardwell addressed the council with an overview of his plans for the facility. Dr. Bardwell wishes to move his existing chiropractic business to the Route One TIF District and “add a gym.” His facility will consist of 14,000 square feet, with 7,000 square feet dedicated to the gym. His office will consist of 2,000 square feet, with the remaining 5,000 square feet used as rental space to “a like business.” The new gym space will service the immediate area with a “higher end facility” offering pilates, yoga, back rehabilitation programs, and a new program titled “Mothers and Me” for new mothers looking to get back into shape. He also hopes to offer classes to “service the older population and promote health basically.”

No public comments received. Councilor Perfetti questioned whether Dr. Bardwell has purchased the land. “We’re trying to do a package deal,” explained Dr. Bardwell. When asked about the enhancement agreement, Dr. Bardwell responded, “It’s not going to break us but it will make it very doable. It will make it much more comfortable for us.” Councilor Stiles expressed his feelings that “it’s really a very exciting plan. It will anchor that subdivision…in fine style.” Additionally, the mothers and me and elders program appear to be unique to the area. Councilor Moriarty questioned the subcommittee members with regard to future enhancement agreements. “Where are we going with this sort of thing?” Councilor Stiles responded, “We take each one on its individual merits.” Chairman Porter concurred with Councilor Stiles commenting, “This is a very black and white one to me. It’s going to depend what they offer this community. We need to continue to let people out there know that we are open for business.” Councilor Turner added, “We all agree that it’s an ideal anchor…from the standpoint of merging a good business with providing a service to the town.” Councilor Perfetti sought information regarding the tax break over the agreement period. The Manager responded that the town is estimating the incremental value at approximately $1.9 million, creating approximately $38,000 a year in new property taxes, of which twenty-five percent will be refunded back to Dr. Bardwell over twenty years, capped at $250,000. Councilor Moriarty noted two agreement contingencies; purchase of the property and approval by the Department of Economic Development.

Motion by Councilor Stiles, seconded by Councilor Turner, to authorize the Town Manager to execute a Credit Enhancement Agreement with Dr. Kevin Bardwell, contingent upon proof of ownership, for property known as Lot 9 of the Cumberland Foreside Village Commercial Subdivision. The Credit Enhancement Agreement shall be equal to 25% of the property real estate taxes; shall be capped at $250,000; and shall be for a term of up to 20 years. This agreement shall be also contingent upon approval by the State of Maine Department of Economic Development.

VOTE:    UNANIMOUS PASSAGE 6-0
To hold a Public Hearing to consider and act on establishment of Route 100 TIF Districts 4 & 5.

The Manager described the establishment of Route 100 TIF Districts 4 & 5 as “another historic event” for the town. These districts comprise a fairly substantial area which spans a distance from the Old Gray Road to the power lines south of Range Road. Upon establishment, the Department of Economic Development will review for approval Districts 4 and 5. If approved, the town may enter into credit enhancement agreements within the districts. No public comments received.

Councilor Moriarty noted a minor discrepancy between the map provided the council and the text of the district establishment. The Manager explained the map was created “before we cut off” the back area of District 5. “The text is accurate. The map is strictly for visual purposes.”

Motion by Councilor Turner, seconded by Councilor Perfetti, to hereby (a) designate TIF District #4, the Route 100 Municipal Development and Tax Increment Financing District, and adopt the Development Program for the District, such designation and adoption to be on the terms and provisions of the “TIF District #4, the Route 100 Municipal Development and Tax Increment Financing District Development Program” (“Development Program”) as presented at this Town Council Meeting, and as has been on file in the Town Clerk’s Office, a copy of which is incorporated herein by reference; (b) makes the findings set forth in the Development Program; (c) 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 (d) authorizes the Town Manager to submit to the State of Maine Commissioner of Economic and Community Development for approval such applications and further documentation as may be necessary or appropriate for final approval and establishment of TIF District #4, the Route 100 Municipal Development and Tax Increment Financing District and its Development Program and financial plan pursuant to 30-A M.R.S.A. Chapter 206, and to hereby (a) designate TIF District #5, the Route 100 Municipal Development and Tax Increment Financing District, and adopt the Development Program for the District, such designation and adoption to be on the terms and provisions of the “TIF District #5, the Route 100 Municipal Development and Tax Increment Financing District Development Program” (“Development Program”) as presented at this Town Council Meeting, and as has been on file in the Town Clerk’s Office, a copy of which is incorporated herein by reference; (b) makes the findings set forth in the Development Program; (c) 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 (d) authorizes the Town Manager to submit to the State of Maine Commissioner of Economic and Community Development for approval such applications and further documentation as may be necessary or appropriate for final approval and establishment of TIF District #5, the Route 100 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
To hold a Public Hearing to consider and act on a Credit Enhancement Agreement with Elvin and Randy Copp, Castle Rock Subdivision, Route 100, Map R07C/Lot 1A.

Chairman Porter noted the error in the agenda title describing this item as a request for a Credit Enhancement Agreement. The Manager agreed, clarifying that this applicant does not seek a credit enhancement agreement at this time. Instead, this item intends to authorize the allocation of TIF funds for specific improvements within the Castle Rock Subdivision. These improvements are consistent with the Route 100 Committee design standard guidelines for development along Route 100. “I think you’re going to see a very attractive project when it’s done.” An appropriation of $315,000 in TIF Funds will provide an internal water line extension, curb and gutter, closed drainage, and a turning lane on Route 100. This appropriation represents the incremental cost necessary to meet the infrastructure development upgrades sought by the town through the Route 100 design guidelines. The Manager explained the Department of Economic Development “has authorized us to use funds from any of the (TIF) districts...for economic development in another district.” To date, we have funded two major waterline projects and the Twin Brook improvements, and the Route One center turning lane improvements will be funded through the TIF funds. “There’s significant infrastructure that’s happened throughout the town” by “being able to move these funds around.” Approximately $700,000 in TIF funds are generated by the TIF Districts annually. Councilor Perfetti questioned the current state of development for this project. The Manager confirmed receipt of Planning Board approval. “I believe their intention is to break ground this spring and begin marketing lots.” Councilor Perfetti questioned whether the noted improvements represent something we would expect from a developer generally. The Manager responded affirmatively, but added, “What’s not required by ordinance is the boulevard look” preferred by the town and included in the Route 100 design guidelines. “The developer doesn’t have to do this.” The intent is to create a subdivision that will be seen from the street and which represents a pedestrian friendly development through sidewalks, curbing and closed drainage. “I think this is a better thing for the businesses moving into the community as well as the town fire department. When we’re looking bigger picture…this is the right way to do it and it’s best for the town.” Chairman Porter concurred, “This isn’t something the Planning Board can require. They’ve already received their approvals. You could make the argument that our participation in this makes the development fit better into the zone as we would like to see that and there is a cost in our extending TIF funds. You can argue that this is one way to stimulate the development of this property.” Councilor Moriarty requested information regarding the water line extension. The extension will run from within the subdivision to Route 100 and will eventually connect to a Route 100 water main, which will be installed at a later date. The Manager anticipates the water main extension from Skillins Road to Route 100 to come before the council in the spring. The section from Range Road to Skillins Road is expected to be accomplished concurrent with the Route 100 bridge replacement. In order to meet that construction timeline, bonding will need to occur this spring. Chairman Porter added, “They’re going to be ready to go sooner than we’re going to be ready to go. It’s a timing issue.” Councilor Moriarty sought clarification regarding a possible future request for a Credit Enhancement Agreement for this project. The Chairman replied that Mr. Elvin Copp has suggested he “would like us to remain open” to receipt of such a request. Councilor Storey-King questioned whether there is a mechanism to recapture the town funds if “the project doesn’t continue forward.” The Manager responded that the taxes generated by this development will pay for the bond for these improvements. “The risk is fairly minimal.” Councilor Turner commented, “There’s no doubt in my mind, once those improvements are
made, this is going to happen.” With respect to a down economy, “it’s a question of timing rather than whether it will happen or not.” The Manager commented that “the real benefit” will be felt fifteen to twenty years out when these projects are at full build out.

Motion by Councilor Perfetti, seconded by Councilor Stiles, to approve use of TIF funds for Castle Rock Subdivision, Map R07C/Lot 1A, as outlined in the memo prepared by the Town Manager and contingent upon approval by the State of Maine Department of Economic Development.

VOTE: UNANIMOUS PASSAGE 6-0

08 - 007 To hold a Public Hearing to consider and act on a supplemental heating fuel assistance program for Cumberland residents and administered by P.R.O.P.

Councilor Copp arrived during discussion on this item. The town has received a low number of requests this winter for assistance under its general assistance program, which is administered by PROP (People’s Regional Opportunity Program). The Manager expressed concern regarding the impact to our residents from this season’s high fuel costs. PROP administers fuel assistance through the LIHEAP program; however, the per household allocation fills “maybe a half a tank.” The Manager referenced Yarmouth’s municipal fuel assistance program supplement the LIHEAP program through additional municipal funds sufficient to provide a full tank of oil for the LIHEAP recipient. The Manager requested the council consider a similar supplemental program for Cumberland LIHEAP recipients, and recommended a $300 stipend “toward topping off their tank.” He estimates between 25 and 30 eligible recipients, for a total cost of approximately $4,000 to $5,000. The council can direct the Manager to fund the program within the existing budget or within the general assistance budget specifically. The general assistance budget is currently under expended. Chairman Porter noted the council discussed this topic in workshop session this evening. Councilor Moriarty believes the recommendation is “a good idea and worthy of consideration” but requested further information with respect to the funding mechanism. “I think we’re lacking some detail.” He also expressed concern regarding expending the remainder of the general assistance funds at this stage of the fiscal year. Councilor Perfetti remarked, “I could see debating the issue if it were a larger sum or a long term commitment. It seems like miniscule risk. We just got done giving a developer a big sum of money. This seems very small to me.” He added that he supports this proposal and can not be present for a vote at the next meeting.

Motion by Councilor Stiles, seconded by Councilor Storey-King, to table until the next meeting.

VOTE: PASSAGE 6-1 (Councilor Perfetti opposed)

08 - 008 To hear a report from the Council Chairman re: Joint Council meeting with Falmouth Town Council (February 5th).

Chairman Porter explained he and the Town Manger met last week with the Manager and Chairman of the Falmouth Town Council involving “a very wide ranging discussion about a number of issues” including sharing, contracting or regionalizing services. Chairman Porter announced a joint council workshop on Tuesday, February 5, 2008, at 7:00 p.m. in Cumberland Town Council chambers.
To hear a report from Finance Committee Chairman re: FY09 budget meeting schedule.

Finance Committee Chairman Stiles explained the process for preparation of the FY ‘09 budget. The Finance has Committee directed the Manager to present a budget based on three scenarios: a 3% spending increase; a 1.7% spending increase; and a zero percent increase. Revenues may not be adjusted to achieve these directives. Additional considerations include: a hiring freeze effective immediately; wages frozen for all non-union employees earning over $50,000 annually; wages frozen for seasonal employees; emergency dispatch move to Cumberland County; fixed utility cost of thirteen percent; increase to capital improvement budget of $219,000; benefit increase of six percent; a 1.5% wage increase for employees earning between $40,000 and $50,000; and 3.5% wage increase for employees earning below $40,000. Department heads will meet with the Town Manager beginning February 4, 2008. The Finance Committee and Town Manager will meet the week of February 20, 2008 and the budget will be presented to the Council at its February 28, 2008 council meeting. Public budget workshop sessions will be held between the council and department heads on Saturday, March 8 and 15, and March 22 or 29 if needed. Finally the Town Council will hold public budget hearings at their April 14 and 28th meetings. The Saturday dates were confirmed by consensus.

To set a Public Hearing date (January 28th) to consider and act on amendments to the Traffic Ordinance to replace the yield with a stop sign at the intersection of Tuttle Road and King’s Highway.

Motion by Councilor Storey-King, seconded by Councilor Copp, to set a public hearing date to consider and act on amendments to the Traffic Ordinance to replace the yield with a stop sign at the intersection of Tuttle Road and King’s Highway. VOTE: UNANIMOUS PASSAGE 7-0

To hear a report from Councilor Storey-King re: School Consolidation progress.

Councilor Storey-King reported that the Regional Planning Committee held two meetings and a public hearing since the last council meeting. Much discussion occurred at the January 2nd meeting regarding cost shifting. Essentially, “Falmouth is keeping Falmouth’s assets.” The Regional Planning Committee agreed early on that none of the communities should suffer harm from consolidation. Projected net savings in cost/penalty avoidance over the next two years are $527,092 and $379,246 for a total of $906,338. “Most of us agree that there are zero dollar benefits the first year.” Not all agree there are zero dollar benefits year two and year three; however. The committee will submit the consolidation plan to the state tomorrow and the town will receive a response from the Education Commissioner by February 1st. Other decisions made in the last two weeks include: development of a cost sharing model that considers property tax and other ways to measure ability to pay; changes to the plan will require a referendum; and, in five years the plan will be reexamined to see if it’s working. After acceptance of the plan, a transition team shall be appointed and whose tasks will include recommendation of an administrative model; becoming more specific with cost savings for years 2 and 3; and monitor of current budget development. Language was added to the plan which allows the transition team to add more members than those required by statute. The Town Council should meet with the SAD Board to discuss the property details. Chairman
Porter requested the Manager and SAD Superintendent review the template prepared earlier in the process. Councilor Turner added the issue of salaries is just one example of the difficulty in estimating cost savings. “Those kinds of things make it impossible to look beyond the first year.”

08 - 012 To consider and act on 2008 Board/Committee appointments.

Chairman Porter, and Councilors Moriarty and Turner met last week to review committee appointments. The following slate of nominations was offered:

Councilor Moriarty moved, seconded by Councilor Stiles, to appoint the following members for three year terms on the following committees.

VOTE: UNANIMOUS PASSAGE 7-0

Board of Adjustment & Appeals - Matthew Manahan, Andrew Black, Adrian Kendall,
Board of Assessment Review - Robert Crawford and Jerome Gamache
Coastal Waters Commission - Lewis Incze
Board of Sewer Appeals - Donald Fischer, Edward Kirstein, and Don McKenna
Housing Authority - Norman Maze, Eileen Wyatt
Lands & Conservation Commission - Donald Borchert, Jennifer West
Planning Board - William Richards, Bob Vail, and Bill Ward
Personnel Appeals Board - David Fenderson
Library Advisory Committee - David Fenderson, Adam Moody
Recreation Community Education - George Collins
Shellfish Conservation - Mike Brown
Val Halla Trustees - Frank Sola

Motion by Councilor Moriarty, seconded by Councilor Turner to transfer Joe Reynolds from the Rines Committee to the Twin Brook Advisory Committee (making the full membership of the committee nine members) for a three year term.

VOTE: UNANIMOUS PASSAGE 7-0

Motion by Councilor Moriarty, seconded by Councilor Perfetti, to assign staggered terms to members of the Twin Brook Committee (as follows).

VOTE: UNANIMOUS PASSAGE 7-0

Alan Kissack, John Stroud, Anne Witte - expiration date of December 31, 2009;
John Eldredge, Peter Gordon and Glenn Hutchins - expiration date of December 31, 2008

Motion by Councilor Moriarty, seconded by Councilor Storey-King to reappoint Henry Milburn and appoint Dick Sweetser, Bruce Wildes, and Warren Graumann to the Rines Committee for a term of three years to expire December 31, 2010.

VOTE: UNANIMOUS PASSAGE 7-0
To authorize the Town Manager to release a quit claim deed for tax acquired property known as Map U13, Lot 66, located at 327 Main Street.

The Town Manager explained this item relates to the vacant flower shop previously located at 327 Main Street. The owners of the property have divorced and the property has entered into foreclosure. The Town Manager recently contacted the property owners regarding the foreclosure. They expressed an immediate desire to pay the delinquent taxes. The town policy states that upon payment of back taxes and applicable fees, the town will issue a quitclaim deed. The policy also provides for an additional ninety days after foreclosure in which payment may be accepted. Beyond that time, the council must authorize a quitclaim deed. However, “with commercial properties it hasn’t been as black and white.” Despite discussions with several councilors serving at the time of adoption of the “Murray Policy” the Manager was not able to determine a distinction exists between the application of the policy for commercial and residential property. Because it is unclear, our town attorney recommends the council authorize the Town Manager to execute the quitclaim deed. The Manager also recommended the council review existing town policies at the beginning of each fiscal year. Chairman Porter questioned the status of payment of the taxes. The Manager responded that all outstanding taxes and fees were paid in full. Councilor Turner questioned the benefit to specifically adding commercial property to the policy. Councilor Stiles indicated his recollection as a member of the committee who created the policy was the intent to include “all property,” real and commercial. Councilor Moriarty added, “The policy right now simply defines property as real estate.” Chairman Porter questioned whether the owners understand they have “lost the commercial aspect of that property.” The Manager responded affirmatively and added the owner claims he had conversations with the Code Enforcement Officer to explain his belief that the one year period was “interrupted” as a result of a short term rental. Chairman Porter felt the council should further discuss the inclusion of commercial property in this policy. No public comments received.

Motion by Councilor Copp, seconded by Councilor Turner, to authorize the Town Manager to execute a quitclaim deed for tax-acquired property known as Map U13, Lot 66, located at 327 Main Street.

VOTE: UNANIMOUS PASSAGE 7-0

V. **NEW BUSINESS**

Copp – recent eye opener regarding the variety and number of travelers through our town during the early morning; six different people went to jail on a recent evening; the police are doing a good job.

Perfetti – phone lines for meetings; questioned holding the meeting tonight when the public is “housebound;” traveling on business in Atlanta – heard similar community issues – severe budget problem is happening all over the country.

Storey-King – thoughts to the Betty Weir family; Betty passed away since last meeting; Recreation Committee met and heard from the Healthy Casco Bay Program re: tobacco cessation initiative; Harland had a question about the clamming license online; state site has it online; you can still obtain all of your marine licenses online.

Turner – Marlon Tubby Hilton passed away; in town for 56 years; one of original owners of Val Halla; 99 years old; a special person loved by a lot of town residents.
Porter – none

Stiles – letter re: circuit breaker participant; road crews doing fine job; asked Manager about budget – at about 80% right now.

Moriarty – revaluation meetings on February 6, 12, 20; Greenlaw Salvage - asked if Chair could meet with the attorney to provide update; Town Manager responded Greenlaw’s attorney requests a license until 2013 in exchange for his grandfathering status; we declined and we’re off to court.

Town Manager – Doane Property Advisory Committee met for first time; looking at updating the appraisal number; Jeff Daigle helped us get a reasonable appraisal cost; will try to meet first Monday of each month at Town Hall; caucus dates of 2/03 for Republicans and 2/10 for Democrats; site walk on the Doane Property this Saturday morning weather dependent; Rines Committee met last week with the forester and discussed keeping snowmobiles on marked trails; posters will be placed.

VI. ADJOURNMENT

Motion by Councilor Storey-King; seconded by Councilor Copp, to adjourn.
VOTE: UNANMOUS PASSAGE 7-0
TIME: 9:23 p.m.

Respectfully submitted,

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Nadeen Daniels, CMC
Town Clerk
MINUTES
Cumberland Town Council Meeting
Town Council Chambers
MONDAY, JANUARY 28, 2008

Present:  Chairman Porter, Councilors Copp, Storey-King, Turner, Stiles and Moriarty.
Excused:  Councilor Perfetti.

6:00 p.m. – EXECUTIVE SESSION – contract negotiations with the Cumberland Police Benevolent Association and the Public Works/Val Halla Maintenance Employees Association, pursuant to 1 M.R.S.A. Section 405(6)(D), labor negotiations, and 1 M.R.S.A. Section 405(6)(C) re: real property.

Motion by Councilor Stiles, seconded by Councilor Moriarty, to move to Executive Session pursuant to 1 M.R.S.A. Section 405(6)(D) and 1 M.R.S.A. Section 405 (6)(C) re: real property.
VOTE:  UNANIMOUS PASSAGE 6-0
TIME:  6:00 p.m.

7:00 p.m. – CALL TO ORDER
Motion by Councilor Copp, seconded by Councilor Stiles, to return from Executive Session to regular session.
VOTE:  UNANIMOUS PASSAGE 6
TIME:  7:08 p.m.

I.  APPROVAL OF MINUTES

II.  MANAGER’S REPORT

  • Kenneth Russell Dorr will be presented the Boston Cane award at the February 11th council meeting. Mr. Dorr succeeds Bertha Gray, a Chebeague Island resident.

III.  PUBLIC DISCUSSION

Paul Weiss addressed the council to ask about the status of the Cool Cities Initiative. “I was hoping that we could get started” on the formation of the committee. Chairman Porter responded he anticipates the committee being established after the revaluation and budget process. The Town Manager recommended advertising for committee members in February. The town will also place information on our web site. Finance Director Alex Kimball has expressed interest in serving as staff to the committee. “It wouldn’t take us long to catch up.”

IV.  LEGISLATION AND POLICY

08–014.  To hear a report from Tax Assessor, William Healey, regarding impending property revaluation.

Tax Assessor William Healey addressed the council with a PowerPoint presentation. The Assessor reviewed the in-house revaluation project status. The data verification phase was
completed in the fall of 2006, sales analysis was completed in December 2007, land and building tables were created in January 2008, and preliminary values were set in January 2008. The completion timeline provides for public informational meetings with the Town Council on February 6, 12 and 20, 2008. A final review of values will occur in March; valuation notices mailed to property owners in late April and informal hearings between the Assessor and individual property owners during May and June 2008. The tax commitment will occur in early to mid August and tax bills with the new values will be sent in mid August. Formal appeals before the Board of Assessment Review will begin after that time. Assessor Healey stated the average percentage increase to property values is 38% town-wide, with an area breakdown as follows: Cumberland Center, 38%; Cumberland Foreside 35%; and West Cumberland, 53%.

08–015. To hear a report from Human Resources Director, Nadeen Daniels, regarding labor contract settlements with the Public Works/Val Halla Maintenance Employees Association and the Police Benevolent Association for the period July 1, 2007 through June 30, 2010.

Human Resources Director, Nadeen Daniels, explained that her remarks would cover agenda items 15 and 17. The town has recently completed a six plus month period of contract negotiations with the Police Benevolent Association and the Public Works/Val Halla Maintenance Employees Association. The town’s negotiation position centered on five directives: an increase from zero percent to ten percent in employee contributions to the single health plan premium. This will create an across the board employee contribution of ten percent toward the cost of a health plan, irrespective of the plan in which the employee is enrolled; implementation of a Wellness Program and Wellness Committee, requiring a Health Risk Assessment and ongoing interaction with a health practitioner to monitor employee efforts to address and respond to identified health risks; Safety Program and Safety Committee to monitor Workers’ Compensation costs to ensure compliance with safety rules and regulations; and a reduction of fifty percent – 960 to 480 – in the maximum number of hours an employee may accrue in sick time. This will address the town’s significant sick time liability. In exchange for these items, the public works unit employees will receive cost of living increases and a longevity stipend, and the Police unit members will receive a cost of living increase. Their contract is an incentive laden contract, and provided incentives for education and physical fitness. Additionally, both contracts include a move from the Regular AB Maine State Retirement System Plan to the Special 2C Plan. The change in plan provides for a change in the retirement prerequisite of 60 years AND 25 years of service to 60 years OR 25 years of service. No action taken at this time.

08–016. To authorize the Town Manager to execute the Plan Adoption Agreement and Administrative Services Agreement with ICMA to establish a Retirement Health Savings (RHS) Plan.

Human Resources Director, Nadeen Daniels, explained she and the Town Manager’s are recommending the adoption of a Retirement Health Savings (RHS) Plan. This plan will cover all town employees coincides with the fifty percent reduction in sick time accruals. The plan works similar to a 457 retirement plan in that individual employee accounts are established as each employee reaches his/her maximum accrual. Accruals beyond the maximum will be valued at a set amount and that value deposited into the account at the end of each fiscal year. The reduction of accrual rates in concert with this new plan addresses the town’s significant sick time accrual liabilities and places the issue of future health costs directly in front of employees. The
Health Savings Plan establishes eligibility for retirees, terminating employees and employed workers who have attained the age of 55. The plan is accessible to all town employees and funded solely through the use of earned, accrued, sick time. No public comments received.

Motion by Councilor Moriarty, seconded by Councilor Stiles, to affirm the establishment of a Employee Retirement Health Savings (RHS) Plan for the exclusive benefit of plan participants and their survivors, said plan assets shall not be diverted to any other purposes, and move further to adopt the RHS Plan in the form of the ICMA-RC VantageCare Retirement Health Savings Program, and further move to authorize the Town Manager to execute the Administrative Services Agreement and Plan Adoption Agreement with the ICMA-RC for administration of the RHS Plan.

VOTE: UNANIMOUS PASSAGE 6-0

08–017. To authorize the Town Manager to enter into labor contract agreements with the Public Works/Val Halla Employees Association and the Police Benevolent Association for the period July 1, 2007 through June 30, 2010.

No public comments received.

Motion by Councilor Stiles, seconded by Councilor Storey-King, to authorize the labor contract agreements with the Police Benevolent Association and Public Works/Val Halla Employees Association for the period July 1, 2007 through June 30, 2010.

VOTE: UNANIMOUS PASSAGE 6-0

08–018. To hear a report from Councilor William Stiles, Finance Committee Chairman, regarding second quarter FY ’08 finances.

Budget Chairman, Councilor Stiles, explained our expenses are down by 1.1 percent compared against this point in time last year. The capital and county lines show a one hundred percent expenditure because those are paid at the “front end.” Revenues are “doing very well.” In FY 05/06 the town received 47% of projected revenues, 48% in 06/07 and 49% in the current fiscal year. We continue to do “quite well” with property tax collections. The building permit revenues are down approximately $3 million overall. While the number of housing starts remained the same, the value of those homes decreased by nearly $1.6 million. “For the most part, we’re right on track for what we budgeted for revenues, and what we budgeted for expenses.” No public comments received.

08–019. To hold a public hearing to consider and act on an amendment to the Cumberland Traffic Ordinance to replace the Yield sign with a Stop sign at the intersection of Tuttle Road and King’s Highway.

The Town Manager explained the Cumberland Traffic Ordinance requires the automatic inclusion of any MDOT recommendations into the traffic ordinance. MDOT has ultimate authority over signs on state highways. Therefore, the Manager requested the council adopt the MDOT requirement to replace the existing yield sign with a stop sign at the intersection of Kings Highway and Tuttle Road. Councilor Turner commented, “The presence of that stop sign, if it changes any pattern at all, is going to change it to the good.” No public comments received.
Motion by Councilor Storey-King, seconded by Councilor Turner, to endorse the MDOT Traffic Engineer’s recommendation to replace the yield sign with a stop sign at the intersection of Tuttle Road and Kings Highway pursuant to the Cumberland Traffic Ordinance, Article 7, Section 74.

VOTE: UNANIMOUS PASSAGE 6-0

08–020. To hear a report from Councilor Storey-King re: School Consolidation.

Councilor Storey-King noted the Regional Planning Committee is awaiting the Education Commissioner’s response to its school consolidation plan. The RPC anticipates the Commissioner’s response by February 1, 2008. The Manager suggested the town is anticipating a budget validation referendum in May 2008. Upon acceptance by the Education Commissioner, the RPC is dissolved. “And then there will be a transition committee appointed by the governing school boards.” Unlike the charge of the RPC, the transition committee’s charge will be to “scrutinize the nuts and bolts of costs” added Councilor Turner. No public comments received.

08–021. To consider and act on a supplemental heating fuel assistance program.

TABLED

Motion by Councilor Copp, seconded by Councilor Stiles, to table this item.

VOTE: UNANIMOUS PASSAGE 6-0

V. NEW BUSINESS

Councilor Copp – none.

Councilor Storey-King – reminder to dog owners to license their dogs before late fee becomes effective, February 1st; asked for information re: meeting with Falmouth Town Council on 2/05.

Councilor Turner – reminder re: Route 88 pedestrian committee for bikeways and pathways; public is welcome and encouraged to attend meetings; likelihood of PACT money “may have all but evaporated.”

Chairman Porter – meeting with Falmouth Town Council 2/05 to get to know one another and look at ways to work together – open to public; he and Town Manager met with representatives from PROP and the United Methodist Church, Cumberland Congregational Church and White Pines Church re: ways to cooperatively meet the needs of our residents, and provided in formation re: the town’s recent discussions around a municipal fuel assistance program. “If there are people in need in this community, we want to see what we can do to help them with state, federal and possibly town funds as well.”

Councilor Stiles – receipt of notice re: entitlement to military honor funeral services for all honorably discharged Maine veterans; Cumberland County is participating in a prescription drug program sponsored by the National Association of Counties;

Councilor Moriarty - none.
Town Manager – article in Forecaster re: Route 88 well done; application to MDOT for 2010/2011 funding – really a “placeholder” don’t anticipate funding; Route 88 Committee will hold a public hearing in March; Doane Property Development Committee held a site walk Saturday; Republican caucus Sunday at 3:00 at Town Hall; Democratic caucus on 2/10 at 1:30.

VI.  ADJOURNMENT

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

VOTE:       UNANIMOUS PASSAGE 6-0
TIME:       8:04 p.m.

Respectfully submitted,

___________________________________
Nadeen Daniels, CMC
Town Clerk
ITEM 08-022

To award the Boston Post Cane to Cumberland’s eldest citizen, Kenneth Russell Dorr of West Cumberland.
Kenneth Russell Dorr

Kenneth Russell Dorr is the latest recipient of Cumberland’s *Boston Post* Cane, awarded since 1909 to the oldest resident of the town. Mr. Dorr succeeds Bertha Gray as holder of Cumberland’s cane. Mrs. Gray, a resident of Chebeague, lost possession of the cane due to the secession of Chebeague from the Town of Cumberland.

Mr. Dorr was born May 15, 1907, in Ellsworth. He graduated Colburn Classical Institute in 1924, Thomas Business College in 1926, and Bentley College in 1929, and received a law degree from Blackstone School of Law.

Kenneth married Esther Donovan of Dorchester, MA, on December 31, 1929, and the couple lived in Portland and Lewiston before moving to Cumberland in 1931. They raised 11 children in their home, which was built by Kenneth’s father.

Kenneth worked for Chester Foster Accounting of Portland before joining the Internal Revenue Service in 1936. He served with the U.S. Army Air Corps from 1942 to 1946 and with the Air Force Reserves until retiring as a Colonel in 1964. He was appointed Chief of the Intelligence Division of the IRS in 1947, a position he held until retirement in 1967. Mr. Dorr is a Master Mason and past president of the National Sojourners, a military order.

Kenneth and Esther were married for 72 years before her death in 2002. In addition to 11 children, he has 31 grandchildren, 53 great-grandchildren and six great-great-grandchildren.
ITEM
08-023

To consider and act on a municipal supplemental heating fuel assistance program to be administered by PROP.
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: February 7, 2008
Re: PROP Heating Supplement

The Town of Yarmouth contracts with PROP for a supplemental heating program. Its residents who qualify for the LIHEAP program receive an additional $300 benefit to essentially fill their tanks versus leaving them only half full.

30 families x $300 = $9,000

I would recommend funding $9,000 from the 8300-3160 Contingent Account. Year to date expenditures are less than $3,000 of a $20,000 budget line.
ITEM
08-024

To accept donations on behalf of the Rescue Department.
MEMORANDUM

TO: William Shane, Town Manager
FROM: Christopher Bolduc, Rescue Chief
RE: Donations to the Rescue Department

I have received $750 in donations, from town residents, in appreciation for the care the rescue department staff provided to them or a family member. These contributions are not earmarked for a specific fundraising project and will be used for a future purpose that will benefit the department as a whole.

I have attached the letters we received with the donations.
To appoint members to the Shellfish Conversation Commission.
THERE ARE NO MATERIALS FOR THIS ITEM
To set a Public Hearing (February 25th) to authorize Town Manager to bond waterline and road improvements from the Route 1 and Route 100 TIF Funds.
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: February 7, 2008
Re: Bonds for Water line & Rt. 100 Work

We have discussed the following projects for sometime now and I would like to go to bond this spring with the Maine Bond Bank. Alex and I have met with the Bond Bank and for the lower bond amounts (less than $4million) the Bond bank is less expensive when all issuance costs and interest costs are calculated.

Here are the projects to be authorized for spring issuance:
Rt. 1 Water Line- Skillins to Castle Rock $ 1,400,000
Castle Rock Improvements $ 175,000
Turn Lane Rt. 100 $ 450,000
Val Halla Sprinkler System $ 600,000
Rt. 100 Water line – Bridge to Range Road $ 150,000

$ 2,775,000

As I have stated on several occasion the Sprinkler system at Val Halla has exceeded its useful life and needs to be replaced. With this Bond Issuance, it would be cost effective to do the repairs at this time. I would recommend scheduling a Council Workshop on February 25th to discuss all the projects in more detail.
## TOWN OF CUMBERLAND
### UTILITIES OPINION OF COST
#### WATER MAINE EXTENSION
#### RT 100 SKILLIN GREEN HOUSE TO CASTLEROCK
#### CUMBERLAND, MAINE
#### 18-Jan-08

**Material and Labor**

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<th>DESCRIPTION</th>
<th>QTY.</th>
<th>UNIT</th>
<th>UNIT COST</th>
<th>ITEMIZED COST</th>
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<td>Test Pits</td>
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**Subtotal**

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<td>Overall</td>
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**15% Contingency**

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**Total**

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<td>$1,365,802.00</td>
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**Notes:**

1. Opinion does not include legal costs.
2. Unit costs presented for utilities include miscellaneous items such as mobilization, erosion control, clearing, grubbing, vegetation removal, traffic control, subsurface restoration and dust control.
3. It is assumed that the Portland Water District would pay for the cost differential between a 12" main and 16" main.
Gorrill-Palmer Consulting Engineers Inc.
Preliminary Opinion of Probable Construction Cost

Job Number: 1455.01
Project Location: Route 100, Cumberland
Comments: Widens Route 100 and construct Left Turn Lane
Does not include overlay of existing roadway, Does not include costs or quantities for the proposed waterline.

Date: 1/15/2008
References: 25 scale plans dated 1/11/08
MaineDOT 2007 Unit Prices
Calculated By: DAB
Checked By: RCN

Notes:
1. Opinion of cost does not include Legal or Engineering Costs.
2. Opinion of cost does not include the remediation or removal of any special or hazardous materials such as Asbestos, PCB's, etc.
3. Opinion of cost does not include costs associated with right of way
4. Opinion of cost does not include costs associated with wetlands
5. Opinion of cost is based on MDOT 2007 unit prices
6. Opinion of cost does not include utility relocations

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<tr>
<th>Item</th>
<th>Item Description</th>
<th>Unit</th>
<th>Quantity</th>
<th>Unit Price</th>
<th>Amount</th>
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| TOTAL  | $373,000.00 |
| CONTINGENCY(15%) | $66,000.00 |
| SUBTOTAL | $429,000.00 |
| CONSTRUCTION ENGINEERING | $50,000.00 |
| TOTAL  | $459,000.00 |
Rt. 100 Waterline Near Range Road
ITEM 08-027

To set a Public Hearing (February 25th) to consider and act on an Off-Premise Retailer with Malt & Vinous License for Basil Provisions, 137 Main Street, for the period March 2008 - 2009.
STATE OF MAINE
DEPARTMENT OF HEALTH & HUMAN SERVICES
HEALTH INSPECTION PROGRAM LICENSE APPLICATION

1. License Category (Check one):
   ( ) New Establishment ( ) Change of Ownership ( ) Remodeling ( ) Converting
   ( ) Expanding: ( ) seating ( ) sites ( ) rooms

2. Establishment Information:
   Establishment Name: Basil Provisions
   Location: (street, road) 137 Main St. City/Town: Cumberland, ME
   Phone #: 207-829-3799 FAX #: 207-829-3777 E-mail: info@basilprovisions.com

3. License Type: [Check the one(s) that fit the best.]
   ( ) Adult Recreational Camp ( ) Eating Place plus Lodging
   ( ) Bed & Breakfast ( ) Eating Place Mobile
   ( ) Bottle Club ( ) Eating Place Takeout
   ( ) Campground ( ) Eating Place / Vending Machine
   ( ) Catering Establishment ( ) Jails (Correctional Facilities)
   ( ) Cottages ( ) Lodging Place
   ( ) Day Youth Camp ( ) Residential Youth Camp
   ( ) Eating Place ( ) School Feeding Satellite
   ( ) Eating Place and Caterer ( ) School Feeding

   Number: Seats ___ Camping Sites ___ Rooms ___ Cottages ___ Campers: Boys ___ Girls ___ Staff ___

NOTE: Eating Places located in Portland, South Portland, Lewiston, and Auburn only pay a flat fee of $80.00.

4. Business Owner Information: Please print clearly:
   ( ) Association ( ) Corporation, LLC ( ) Individual ( ) Partnership
   Name: Sheila Donaldrio Contact Person’s Name: Sheila
   Employer Identification Number (EIN) 02-0657343 Social Security Number (SS#)

5. Mailing Address for License & Renewal Notices:
   Street: 137 Main St. City: Cumberland State: ME ZIP: 04021

6. Previous Owner’s Information:
   Former Owner’s Name
   Former Business Name

7. Signatures:
   Applicant’s Signature ( )
   Date of Application: 2/10/08 Planned Opening Date:

   ( )

8. Does water come from an on site source: (Well, spring, surface water)
   Yes ( ) No

   If yes, please contact the Drinking Water Program at 207-287-7590, for further information and requirements, and refer to the form titled “Water Testing Requirements for Licensed Establishments”

9. Is Wastewater disposal to a private system: (Not maintained by a municipality)
   Yes ( ) No

   If yes, please contact the Subsurface Wastewater Program at 207-287-5672, for further information and requirements, and refer to the form entitled “Septic Review Requirements for an Eating and Lodging License”

PLEASE ALLOW 30 DAYS FOR PROCESSING.
MAKE CHECKS PAYABLE TO TREASURER, STATE OF MAINE, AND REFER TO FEE SCHEDULE ON PAGE 4.

HHE-602 revised 5/07
Use this grid to draw a floor plan including square footage, or provide an engineered floor plan.

Each square is approximately \( \frac{1}{4} \) inch by \( \frac{1}{4} \) inch. Please include square footage.

Floor plan should include the following items:

<table>
<thead>
<tr>
<th>Sinks:</th>
<th>Toilet Facilities:</th>
<th>Refrigeration:</th>
<th>Facilities:</th>
</tr>
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<tr>
<td>2. Ware Washing</td>
<td>2. Lavatories</td>
<td>2. Walk-in Freezers</td>
<td>2. Food Storage Areas</td>
</tr>
<tr>
<td>5. Dipper Wells</td>
<td>Other</td>
<td>5. Other</td>
<td>5. Break Rooms/Office</td>
</tr>
<tr>
<td>6. Other</td>
<td></td>
<td></td>
<td>6. Equipment/Counters/Seats/Tables</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>7. Dry Storage/All Other Storage</td>
</tr>
</tbody>
</table>
ITEM 08-028

To set a Public Hearing (February 25th) to consider and act on a Mass Gathering Permit for the Labor Day Soccer Tournament, to be held at Twin Brook.
January 31, 2008

Nadeen Daniels
Town Clerk
Town of Cumberland
290 Tuttle Road
Cumberland Center, Maine 04021

Dear Nadeen:

Attached you will find the Mass Gathering Application for our annual “Labor Day Just For Fun Tournament,” which is to be held at Twin Brooks on August 30-31, 2008. You will find attachments to the application regarding the following items:

- Check #1154 in the amount of $100
- Check #1155 in the amount of $250
- Portable Toilet and Waste provider (Royal Flush)
- Police Department requirements
- Health Officer confirmation regarding potable water

As you know, we have held this tournament many years in the past, and we expect no changes this year. I have received oral confirmation from Bill Landis, but have not received anything in writing from him as of this date. However, I have attached an email that we received last year from him, and please be advised that all of the items he outlines in the email will remain the same at the tournament this year. I have also contacted the fire department, and have oral confirmation from Chief Small that all will remain status quo from last year, as well. I have also contacted Chief Bolduc of the Rescue Department.

As written confirmation becomes available to me, I will certainly forward it to you. I would like to submit this document so that it will brought up at the February Town Council Meeting.

Thank you, Nadeen, and if you have any questions, or if you need to discuss anything with me, please contact me.

Sincerely,

Susan Clifford
Cumberland Soccer Club
Co-Chair Labor Day Tournament
Sclifford1@maine.rr.com
829-6097
Mass Gathering Application -- Minor Large Outdoor Event
(1,000 - 4,999 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 $250.

Name of applicant: Cumberland Soccer Club
Address of applicant: PO Box 352, Cumberland Tel. #
Name of event: Labor Day "Just For Fun" Soccer Tournament
Facility where the event will be held: Twin Brooks
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: ____________________
Date of event: August 30-31, 2008 Time (start and finish times): 7:30am - 6pm
Number of tickets available n/a
Expected attendance 3,000

Description of event: Various youth soccer teams from across Maine competing against each other. Ages U-10 - U14.

Will any food vendors be serving at the event? yes, (if yes, how many, and what types) CSC will be serving Pizza, Sandwiches, and baked goods - similar to years past.
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) 

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: permanent; temporary
B. Other seating capacity: festival; standing room only (sq. ft)
C. Number of toilets available: permanent; portable
D. Number of parking spaces available: on-site; 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: Bottled Water
G. Refuse containers available, number and size: Trash Cans throughout Twin Brooks, as well as dumpsters
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? Monday, Sept. 1

Public Safety:
J. Describe first aid facilities: Cumberland Rescue
K. Describe emergency facilities: Police, Fire & Rescue
    Town of Cumberland

L. Describe communication facilities: Cell phones and 2-way radios

M. Number of certified police officers: 2-3

N. Other security personnel (include company name and qualifications):
   na

O. Describe fire personnel: na

Other

P. Name of liability insurance: Markel Ins. Co
   Amount of coverage: see attached; amount of property insurance

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

Authorized signature

On ___________________________ (date), I received a copy of the Cumberland Mass
Gathering Ordinance. ___________________________ (authorized signature)
**Certificate of Liability Insurance**

**Certificate Holder:**
Maine School Administrative District #51
357 Tuttle Road
Cumberland ME 04021

**Insurers Affording Coverage:**
- **INSURER A:** Markel Insurance Company (NAIC # 38970)
- **INSURER B:**
- **INSURER C:**
- **INSURER D:**
- **INSURER E:**

**Coverages:**

The policies of insurance listed below have been issued to the Insured named above for the policy period indicated. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policies described herein is subject to all the terms, exclusions and conditions of such policies. Aggregate limits shown may have been reduced by paid claims.

<table>
<thead>
<tr>
<th>Type of Insurance</th>
<th>Policy Number</th>
<th>Policy Effective Date (MM/DD/YYYY)</th>
<th>Policy Expiration Date (MM/DD/YYYY)</th>
<th>Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Liability</td>
<td>3602AH027607</td>
<td>09/01/07</td>
<td>09/01/08</td>
<td>$1,000,000, $100,000</td>
</tr>
<tr>
<td>Automobile Liability</td>
<td>3602AH027607</td>
<td>09/01/07</td>
<td>09/01/08</td>
<td>$1,000,000, $100,000</td>
</tr>
<tr>
<td>Excess/Umbrella Liability</td>
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<td>09/01/07</td>
<td>09/01/08</td>
<td>$1,000,000, $100,000</td>
</tr>
<tr>
<td>Accident Insurance</td>
<td>4102AH027606</td>
<td>09/01/07</td>
<td>09/01/08</td>
<td>Med Max: $100,000, Ded: $100/Claim</td>
</tr>
</tbody>
</table>

**Description of Operations / Locations / Vehicles / Exclusions Added by Endorsement / Special Provisions:**

All activities sanctioned by SoccerMaine for their registered member leagues, clubs and teams. The certificate holder is named as an additional insured.

**Cancellation:**

Should any of the above described policies be cancelled before the expiration date thereof, the issuing insurer will endeavor to mail 30 days written notice to the certificate holder named to the left, but failure to do so shall impose no obligation or liability of any kind upon the insurer, its agents or representatives.

**Authorized Representative:**

Maine School Administrative District #51
357 Tuttle Road
Cumberland ME 04021
ITEM
08-029
To set a Public Hearing (February 25th) to consider and act on an amendment to Section 204.9 of the Cumberland Zoning Ordinance re: OC (office commercial) South Zone.
To: Town Council  
From: William R. Shane, Town Manager  
Date: February 7, 2008  
Re: OC- South Zone

Several meetings ago the Town Council adopted the Official zone name change for the Office Commercial North Zone, but tabled the change to the Office Commercial southern zone because the supporting information was missing from the packet. The supporting information is now included (previous minutes, zoning map, OC South Zone Standards (no changes to text other than name).

Staff recommends changing the name of the Office Commercial zone located at the Falmouth town line to Office Commercial South (OC- S).
Office Commercial South (OC-S)

The purpose of the OC-S District is to allow a limited range of employment-intensive commercial uses with low intensity land use impacts, measured in terms of traffic generation, environmental effects, and building scale and site layout. All development in this zone is encouraged to be consistent with the Route 1 Design Guidelines. Site Plan review and approval by the Planning Board is required with the exception of day care homes and bed & breakfast inns with three or fewer guest bedrooms. [Amended, effective 12/13/89, Amended, effective 10/22/07]

204.8.1 The following uses are permitted within the OC-S District:

1. Business and professional offices;
2. Research facilities;
3. Uses and buildings accessory to those above;
4. Sewer pumping stations, subject to the provisions of Sec. 419.4;
5. Commercial health and recreation facility; [Amended, effective 10/13/92]
6. Timber harvesting; [Amended, effective 10/26/98]
7. Residential care facilities, subject to the provisions of Sec. 432, except that for the purposes of this District, those provisions shall be modified as follows: [Amended, effective 6/14/99]
    1. The minimum lot size shall be 4 acres;
    2. All facilities shall be connected to the public water and sewer system;
    3. The total gross area of all building footprints on the site shall not exceed thirty thousand square feet for each four acres of lot area. Additional building footprints of 30,000 square feet shall be permitted for each additional land area increment of four acres;
    4. Buildings and parking lots shall cover not more than 25% of the lot;
    5. The parking requirement included in Section 432 may be reduced upon a positive finding by the Board that the proposed use does not, in practice, require the amount stated in the standard;
8. Self-storage facilities as defined in Section 420; [Amended, effective 6/26/06]
9. Antennas as defined in Sec. 100, subject to Site Plan Review, and Section 433; [Adopted, effective 12/13/99]
10. Uses and buildings accessory to those above; [Amended, effective 5/15/89]
204.8.2 The following uses are allowed as special exceptions in the OC-S District, requiring the approval of the Board of Adjustment and Appeals:

.1 Light manufacturing, as defined;
.2 Hotels and motels;
.3 Municipal uses and buildings;
.4 Accessory structures of public utilities;
.5 Above ground utility transmission lines not located within public ways;
.6 Uses listed as permitted uses in the LB District under 204.6.1; [Amended, effective 5/15/89]
.7 Home occupations; [Amended, effective 12/13/89], Home Based Occupations [Amended, effective 2/12/07]
.8 Day care centers and nursery schools, subject to the provisions of Sec. 408A and Site Plan Review; [Amended, effective 12/13/89]
.9 Uses and building accessory to those above;

204.8.3 The following lot standards apply in the OC South District:

.1 One (1) acre minimum lot size;
.2 There shall be no less than 150 feet of lot frontage; [Amended, effective 5/15/89]

204.8.4 The following setbacks are required for all structures in the OC South District: [Amended, effective 6/12/95}

.1 Front: 25 feet;
.2 Rear: 65 feet;
.3 Side: 20 feet