AGENDA
Cumberland Town Council Meeting
Town Council Chambers
MONDAY, June 6, 2011
7:00 p.m. Call to Order

I. APPROVAL OF MINUTES
   May 23, 2011

II. MANAGER’S REPORT

III. PUBLIC DISCUSSION

IV. LEGISLATION AND POLICY

   11 - 095 To hold a Public Hearing to consider and act on a Mass Gathering Permit and
               Victualer’s Licenses for the United Maine Craftsmen’s 42nd Annual Cumberland Arts
               and Crafts Show, August 11th – 14th, 2011 at the Cumberland Fair Grounds.

   11 - 096 To hold a Public Hearing to consider and act on annual Victualer’s Licenses for

   11 - 097 To hold a Public Hearing to consider and act on a 3-month moratorium on
               Associated Retail and Retail uses in the Office Commercial South (OCS) Zone.

   11 - 098 To set a date of June 20th to award the Tax Anticipation Note borrowing for
               FY’12 for $3 million dollars.

V. NEW BUSINESS

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

I. APPROVAL OF MINUTES
May 9, 2011
Motion by Councilor Moriarty, seconded by Councilor Stiles, to accept the minutes as presented.
VOTE: 7-0 UNANIMOUS PASSAGE

II. MANAGER’S REPORT
Update on North Yarmouth Parks, Library, and Recreation Services:
The assessment for next year’s services was sent to the North Yarmouth Town Administrator and unfortunately, there is a difference between what is in their Town Warrant and the assessment letter of $19,700. Some of the shortage is a result of the census shift that showed a 2% increase in the population of North Yarmouth. This does not include only Recreation and Library Services, but also Animal Control, sidewalk plowing and Channel 2. We are hopeful that this issue is rectified over the next month.

- Memorial Day events this year include a 5K road race and Kids Fun Run, the annual parade, and the first annual tree planting at the Veterans Monument.

III. PUBLIC DISCUSSION
Chairman Storey-King said that she had the honor of attending the Fire Department Banquet last week and wanted to recognize the following award recipients of the department:
Nathan Schools, 5 years of service
Andrew Pollock & Jeff Storey, 10 years of service
K.C. Putnam, 20 years of service
Chief Dan Small, 25 years of service
Officer of the Year was awarded to Lt. Gerald Croce
Firefighter of the Year was awarded to Mike Devoid
A recognition award was given to Firefighter Kevin Foster for his work for the Toys for Tots Program.

Councilor Porter spoke as a member of the Cumberland/North Yarmouth Lions Club and referenced approximately 15 members of the Lions Club in attendance this evening to present the 2011 Citizens of the Year Award to Town Manager, Bill Shane. Councilor Porter said that this community has been blessed with all the good work that he has done for the Town.

IV. LEGISLATION AND POLICY
11 – 084 To authorize the Town Manager to enter into a Credit Enhancement Agreement with Maine Standards, LLC.
Economic Development Director, Alyssa Daniels explained that Maine Standards is a privately held Maine company established in 2000. The company develops and manufactures calibration verification products, which are used in clinical laboratories. Currently located in Windham, Maine Standards has been growing since 2000 and the owners are confident that it will continue to do so. They expect to double their current number of
employees (45) to almost 90 in the next 5 – 7 years by expanding into related markets. They are looking to build a headquarters consisting of over 30,000 square feet with room for expansion. They are working to secure a location within the Cumberland Foreside Village subdivision on Route One. The project is estimated to be worth over $5 million. To support the development of this project, Maine Standards has requested that the Council consider authorizing the Town Manager entering into a Credit Enhancement Agreement.

Motion by Councilor Porter, seconded by Councilor Stiles, to authorize the Town Manager to enter into a Credit Enhancement Agreement with Maine Standards, LLC, for a tax reimbursement for the duration of 20 years, not to exceed $500,000.

VOTE: 7-0

UNANIMOUS PASSAGE

11 – 085 To hear a report from the Finance Committee Chair and consider and act on the adoption of a new Fund Balance Policy.

Councilor Perfetti explained that a government account agency requires that the Town create a positive savings account. The goal of the polity is to build a fund balance to $3 million, which lessens the need to borrow and allows the Town to pay for operations out of our own account.

Finance Director Alex Kimball reviewed the following:
Transferring from Fund to Fund

- **Before**
  - Fund 1: $10,000
  - Fund 2: $-3,000

- **After**
  - Fund 1: $0
  - Fund 2: $8,000

Closing A Fund

- **Positive Balance**
  - Transferring balance to other fund

- **Negative Balance** (AKA Deficit Fund)
  - Transferring funds from other fund

Fund Balances by Category

GASB 54

- GASB 54 is the latest round of requirements from the Governmental Accounting Standards Board.
- GASB 54 focuses on Fund Balances, both in their definitions, the appropriate amounts to maintain, and policies designed to meet and maintain these levels.
- This set of rules needs to be in place before June 30, 2011.

GASB 54-Definitions of Fund Balances

- In the past, Fund Balances were either "Assigned" or "Unassigned". Now there are five categories:
  - Yes, five.
  - The new categories are designed to provide more accurate reporting and to create a uniform set of standards for balances.
  - General Fund Balances are tracked slightly differently from all other funds.
  - Categories are listed from most to least restrictive.

Definitions continued

- **Committed**: Balances where the amounts have been designated for use by a specific council action, and these amounts can only be altered or used by a similar council action. This is the classification frequently given to emergency or "Rainy Day" funds. The Town of Cumberland has no such funds at present, but would like to add them in the future.

Definitions continued

- **Assigned**: Amounts stated for an intended use as established by the council or delegated authority. Any balances in funds other than the General Fund would be classified as assigned, since the fund itself has an assigned purpose.
- **Unassigned**: This is the only truly undesignated balance and can only exist as a positive amount within the General Fund.
Motion by Councilor Perfetti, seconded by Councilor Turner, to adopt the Fund Balance Policy dated May 23, 2011.
VOTE: 7-0 UNANIMOUS PASSAGE

11 – 086 To hold a Public Hearing to consider and act on amendments to Section 430 (Water Extraction & Storage) and Section 104 (Definitions) of the Cumberland Zoning Ordinance, as recommended by the Planning Board, effective June 27, 2011.

Councilor Moriarty explained that two issues have emerged as a result of the investigation into the situation with Elvin and Randy Copp’s property in West Cumberland which began last October. The first issue being a publicly initiated zoning change which will go to the voters on June 14th that if passed, will prohibit earth extraction in the two large rural residential districts of the Town. The second issue considered was the current ordinance that allows the bulk extraction of ground or spring water in five specific districts of the Town. The Ordinance Committee met several times and recommended to the Council that the extraction of ground and spring water be abolished in those districts, except for municipal or quasi-municipal purposes. Councilor Moriarty prepared three specific motions that would implement the recommendation of the Planning Board and the intent of the Council as they have articulated it over the past several months.

Public comment: None

Motion by Councilor Moriarty, seconded by Councilor Perfetti to amend Section 430 of the Cumberland Zoning Ordinance as recommended by the Planning Board to limit its application to the extraction and/or bulk storage of ground water or spring water only for municipal and quasi-municipal purposes.
VOTE: 7-0 UNANIMOUS PASSAGE
Motion by Councilor Moriarthy, seconded by Councilor Copp, to amend the following sections of the Cumberland Zoning Ordinance:
204.1.1.1.23 (RR1), 204.1.2.1.14 (RR2), 204.2.1.17 (LDR), 204.3.1.16 (MDR), 204.4.1.15 (VMDR), such that in each instance the permitted use shall be defined as follows:
*Extraction and/or bulk storage of ground water or spring water for municipal and quasi-municipal purposes, subject to the provisions of Section 430.*
VOTE: 7-0 UNANIMOUS PASSAGE

Motion by Councilor Moriarthy, seconded by Councilor Perfetti, to amend Section 104 of the Cumberland Zoning Ordinance to add the following sub-section and definition:

**104.121B Quasi-Municipal:** a quasi-municipal operation or district as defined in Title 30A MRSA §2351.
VOTE: 7-0 UNANIMOUS PASSAGE

11 – 087 To hold a Public Hearing to consider and act on a Victualer’s License application for The Golf Learning Center, 147 Bruce Hill Road.
Town Manager Shane said staff is recommending approval.

Public comment: None

Motion by Councilor Stiles, seconded by Councilor Turner, to approve the Victualer’s License application for The Golf Learning Center, 147 Bruce Hill Road.
VOTE: 7-0 UNANIMOUS PASSAGE

11 – 088 To hold a Public Hearing to consider and act on a Class I Liquor License, with Malt, Spirituous, and Vinous, for the Cumberland House of Pizza for the period of May 2011 – May 2012.
Town Manager Shane said that this expansion plan for the Cumberland House of Pizza is exciting news for their business. The restaurant will remain on one side and the other side will be a sports bar.

Public comment: None

Motion by Councilor Turner, seconded by Councilor Stiles, to approve the Class I Liquor License, with Malt, Spirituous, and Vinous, for the Cumberland House of Pizza for the period of May 2011 – May 2012.
VOTE: 7-0-1 (Copp abstained) MOTION PASSES

11 – 089 To set a Public Hearing date (June 20th) to consider and act on amendments to the Coastal Waters Ordinances as recommended by the Planning Board.

Motion by Councilor Moriarthy, seconded by Councilor Stiles, to set a Public Hearing date of June 20th to consider and act on amendments to the Coastal Waters Ordinances as recommended by the Planning Board.
VOTE: 7-0 UNANIMOUS PASSAGE

11 – 090 To set a Public Hearing date (June 20th) to consider and act on amendments to the Shoreland Zoning Ordinances as recommended by the Planning Board.

Motion by Councilor Copp, seconded by Councilor Turner, to set a Public Hearing date of June 20th to consider and act on amendments to the Shoreland Zoning Ordinances as recommended by the Planning Board.
VOTE: 7-0 UNANIMOUS PASSAGE
11–091  To set a Public Hearing date (June 6th) to consider and act on a Mass Gathering Permit and Victualer’s Licenses for the United Maine Craftsmen’s 42nd Annual Cumberland Arts and Crafts Show, August 11th – 14th, 2011 at the Cumberland Fair Grounds.

Town Manager Shane explained that event is always a huge success, paperwork is in order and staff is recommending approval.

Motion by Councilor Stiles, seconded by Councilor Perfetti, to set a Public Hearing date of June 6th to consider and act on a Mass Gathering Permit and Victualer’s Licenses for the United Maine Craftsmen’s 42nd Annual Cumberland Arts and Crafts Show, August 11th – 14th, 2011 at the Cumberland Fair Grounds.

VOTE: 7-0  UNANIMOUS PASSAGE

11–092  To set a Public Hearing date (June 20th) to consider and act on a Mass Gathering Permit for the Cumberland Soccer Club Labor Day “Just For Fun” Soccer Tournament to be held at Twin Brook Recreational Facility on September 3rd & 4th, 2011.

Motion by Councilor Moriarty, seconded by Councilor Perfetti, to set a Public Hearing date of June 20th to consider and act on a Mass Gathering Permit for the Cumberland Soccer Club Labor Day “Just For Fun” Soccer Tournament to be held at Twin Brook Recreational Facility and on the Greely campus on September 3rd & 4th, 2011.

VOTE: 7-0  UNANIMOUS PASSAGE

11–093  To set a Public Hearing date (June 6th) to consider and act on annual Victualer’s Licenses for the period of July 1, 2011 – June 30, 2012.

Motion by Councilor Stiles, seconded by Councilor Turner, to set a Public Hearing date of June 6th to consider and act on annual Victualer’s Licenses for the period of July 1, 2011 – June 30, 2012.

VOTE: 7-0  UNANIMOUS PASSAGE

11–094  To consider and act on sending to the Planning Board for a Public Hearing and recommendation the repeal of the Contract Zone Agreement for Cumberland Foreside Village, LLC.

Town Manager Shane explained that the applicant requested tabling this item indefinitely. There are some changes that the applicant would like to see, but it needs to be flushed out a bit more.

Motion by Councilor Turner, seconded by Councilor Copp, to table this item indefinitely.

VOTE: 7-0  UNANIMOUS PASSAGE

V.  NEW BUSINESS

Councilor Turner – Has the weather moved the completion date for Route 88?
Town Manager Shane said that July 1st is still the target date for completion.

Councilor Copp – Congratulations to the Manager for the Citizens of the Year Award. He does a fantastic job and is very deserving to the award.

Councilor Porter – None
Counselor Perfetti – None

Chairman Storey-King – Reminder that the Town Council meetings in June have been moved to the 6th & 20th due to the election. Meet the candidates night is on June 1st and the election in on June 14th.

Counselor Stiles – He has been noticing more green trash bags and less recycling around Town and urged residents to attempt to do a better job recycling. Congratulated Town Manager Shane on receiving the Citizens of the Year Award. It is well deserved.

Counselor Moriarty – He recently discovered that retail and associated retail are listed as permitted uses in the Southern Office Commercial zone. This discovery prompted him to look at the zoning ordinance to verify this. He does not recollect the Council discussing retail uses in the Route One area. It appears that last June, the Council passed a large motion where a lot of special exceptions were moved into the permitted use category. Apparently, these two retail uses got caught up in that motion and got inserted as permitted uses only in the Southern Office Commercial Zone with no discussion. To allow retail in this zone should require some discussion. Counselor Moriarty suggested that action is taken this evening to send this to the Planning Board with a recommendation that these be withdrawn as permitted uses in the Southern OC zone to avoid unanticipated applications and to discuss the issue and use in the zone.

Councilor Porter said that his preference would be a moratorium to allow an in depth discussion. Considering what this could mean for the area the discussion is necessary, but he is not sure that rescinding the law and then adding it back at a later date is the correct method.

Councilor Moriarty agreed that a moratorium is a reasonable alternative.

Motion by Counselor Moriarty, seconded by Counselor Perfetti, to set a Public Hearing date of June 6th to consider and act on a 6-month moratorium on Associated Retail and Retail uses in the Office Commercial South (OCS) Zone.
VOTE: 7-0 UNANIMOUS PASSAGE

Town Manager Shane – Update on the Police Family Survivor Fundraiser from the last meeting. Police Chief Charron did contact the charity and did verify that it was legitimate. A resident who researched the organization contacted the Manager with the following information: “Although you had the Police Chief check out the fund and found it is legitimate it has a rating of zero given by the Charity Navigator, according to an article written by David Offer in the Kennebec Journal November 16, 2010. Efficient charities with the same goal rate three or four stars. Also according to the same article, the person who founded the charity has been involved with charity scams for years. Although, as you stated, the fund is legitimate, I believe you should have warned the folks who had received a letter asking for funds not to contribute until they were satisfied their contribution would be used in a prudent manner. In this case it would not”.

There was an issue recently at the fairgrounds where some debris had been stockpiled. The Manager contacted the Farmers Club and the problem was rectified within a very short period of time. The Farmers Club is always easy to work with as well as being responsible stewards of our environment.

Route 88: work will begin on King’s Highway and Tuttle Road within the next 2 weeks (weather permitting).
Range Road: final punch review with engineers occurred last week. Minor road repairs, loam and seed repairs, culvert installation, and final paving will take place by the third week of June. Notices will be sent to residents when the dates are finalized.

VI. ADJOURNMENT
Motion by Councilor Perfetti, seconded by Councilor Copp, to adjourn.
VOTE: 7-0
TIME: 8:24 p.m.

Respectfully submitted by:

Brenda L. Moore
Council Secretary
ITEM 11-095

To hold a Public Hearing to consider and act on a Mass Gathering Permit and Victualer’s Licenses for the United Maine Craftsmen’s 42nd Annual Cumberland Arts and Crafts Show, August 11th – 14th, 2011 at the Cumberland Fair Grounds.
MEMORANDUM

To: William Shane, Town Manager

From: Tamara O'Donnell, Town Clerk

Re: United Maine Craftsman Craft Show

I held a meeting at 3:00 p.m., on Wednesday, April 6, 2011, with Cumberland Farmer's Club President Mike Timmons, Police Chief Charron, Lt. Milt Calder, and Deputy Fire Chief Schools.

I reviewed in detail the requirements of the Mass Gathering Ordinance with Mr. Timmons. The following represents our mutual understanding:

- Exact attendance levels are unknown, however, it was determined that 10,000 is likely. Therefore, the organizers will pay the Major Mass Gathering fee of $500.00.
- Entrance fee for attendees is $4.00 per person.
- The 2011 United Maine Craftsman Fair will be held August 11th, 12th, 13th and 14th. The hours will be Thursday, Friday and Saturday 8 a.m.-5:00 p.m., Sunday 10:00 a.m.-4:00 p.m.
- Vehicles will be flagged from the entrance to the parking area and the entrance fee will be paid after parking. There is no parking fee.
- There will be parking attendants for the parking areas. The Tuttle Road United Methodist Church group have been hired to be flaggers for parking again this year. Police will be onsite to help with pedestrian traffic. The Blanchard Road lot will be open.
- There will be approximately 250 artisans selling their handcrafted products.
- Additional security staff have been hired by Publicover Security.
- There will be 1 Paramedic, 1 EMT, and 1 Supervisor from the Fire Department on site.
- There will be 1 Fire Engine on site.
- There will be 3 police officers on duty at the event.
- Communication between parties will be by two way radio and cell phone.
- Food Vendors will be handled exclusively through the Farmers’ Club. There are approximately 14 food vendors signed up.
- Eileen Wyatt will conduct food vendor inspections during the set-up hours.
- A copy of the contract with Troiano Waste Services, as well as a copy of the event insurance coverage naming the town as an additional insured is attached to the application.
- Contact person for this event is Ms. Laurie Kelly. Contact number is 621-2818.

I believe we have covered all areas related to the Mass Gathering Permit application. I anticipate that this event will be very successful and well managed. I hope the weather cooperates and they have a wonderful turnout. Thank you.
April 8th, 2011

Ms. Tammy O’Donnell
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021

RE: 42nd Annual Cumberland Arts & Crafts Show – Mass gathering Permit

Greetings Tammy,

I am sending you the Mass Gathering Permit for our event in August, and a check in the amount of $500. Mike Timmons urged me to get it to you for your meeting on April 11th. I generally send the food vendor licenses and fee along with the Mass Gathering Permit, but with a deadline of April 15th, we have only received a few. I will forward a first batch later this month.

I just received the contract from the Farmer’s Club, so have not had time to get it back to Mike for a signature. I did include a copy of it with the Mass Gathering Permit.

Also, the Tuttle Road Church has been handling our parking, but I have not yet received their commitment letter for this year.

Please call or email if you have any questions or need additional information. I look forward to working with you.

Thank you,

Laurie Kelley
Administrator
May 12, 2011

Ms. Tammy O’Donnell
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021

RE: 42nd Annual Cumberland Arts & Crafts Show – FoodConcessions

Hi Tammy,

Enclosed please find the Applications for Victualer’s Licenses for the food vendors who have applied and been accepted into our show.

Scott McGraw – Fat Guys
Dan Casparius – Kernel Bob’s Kettle Korn
Steve Aucoin – (2)Aucoin Concessions
Vincent Nielsen – Vinny’s Concession
Roger Wullerman – Slush Express
Kathleen Vachowski – KC’s Walking Sandwiches

We have also contracted with The Cumberland Lions Club and they will get their permit direct from you.

I have asked our insurance company to forward a certificate of insurance to The Town of Cumberland as requested.

Sincerely,

Laurie Kelley
Administrator
PAYMENT SUMMARY RECEIPT

TOWN OF CUMBERLAND
290 TUTTLE ROAD
CUMBERLAND ME 04021

DATE: 04/12/11   CUSTOMER#: 00000000
TIME: 07:54
CLERK: todanle

RECPT#: 61253   PREV BAL:
TP/YR: MB/2011   AMT PAID:  500.00
BILL: ADJSTMT:
EFF DT: 04/12/11   BAL DUE:
MISCELLANEOUS PAYMENT

----------------------TOTALS----------------------

PRINCIPAL PAID:  500.00
INTEREST PAID:  .00
ADJUSTMENTS:  .00
DISC TAKEN:  .00

AMT TENDERED:  500.00
AMT APPL TO:  500.00
CHANGE:  .00

PAID BY: UNITED MAINE CRAFTSM
PAYMENT METH: CHECK
PAYMENT REF: 11385
TOWN OF CUMBERLAND

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: United Maine Craftsmen, Inc
Address of applicant: 116 Old Winthrop Rd #2, Manchester, ME 04351 Tel. # 207-621-2818
Name of event: 42nd Annual Cumberland Arts & Crafts Show
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): Same
Telephone number: 207-621-2818

Will any food vendors be serving at the event? ___ yes, ___ no (if yes, how many, and what types) 12 +/- Food vendors - Concessions

In free-standing tents, truck units, and Lions Club building

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: August 11-12-13-14, 2011 Time (start and finish times): Thurs-Sat 9-9
Number of tickets available: Unlimite - Sold at gate
Expected attendance: 10,000 +/-
Description of event: 250 +/- Maine Artisans selling their handcrafted products
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. 9th Fall Festival of Arts & Crafts - Smiling Hill Farm, Westerly, RI
   100 Exhibitors, 2000 customers - Sept 11th 2010 - sponsored by UHC

2. 41st Cumberland Arts & Crafts Show - Cumberland Fairgrounds, Cumberland, RI
   August 12-14 2010  9000 customers  promoted by UHC

3. 3rd Waterfront A+C Show - Bangor Waterfront, Bangor ME
   July 9-10-11 2010  3000 customers  sponsored by UHC

Description of facility:

A. Seating capacity: ________ permanent; ________ temporary
B. Other seating capacity: ________ festival; ________ standing room only
C. Number of toilets available: 12 on site permanent; 14 portable plus 3 handicap
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: Portland Water District
G. Refuse containers available, number and size:
   2 - 30 yd roll off container
H. Name of refuse disposal company (attach a copy of the agreement to pick up refuse)
   Trojan Waste Service
I. When will refuse be picked up? Monday August 17th

Public Safety:

J. Describe first aid facilities: Cumberland Rescue
K. Describe emergency facilities: Cumberland Police Dept
L. Describe communication facilities: All necessary personnel will carry radios. Cell phones also available.

M. Number of certified police officers: as required by Cumberland Police Dept

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

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. Cumberland Police will be at Blanchard Road gate to help with traffic if necessary.

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. Signs

Crowd Management
S. Plan for discouraging those not holding tickets for the event from not coming to the event site. All gates manned during show hours.

T. Plan for preventing trespassing on private property in the area. Not an issue.

U. Will all publicity stop as soon as it is apparent that the event is sold out? ______ yes; ______ no Not an issue

V. Description of how the event will be publicized, include how a sell-out will be publicized. TV, Print, email, posters, flyers, postcards - (Sell out not an issue)

Other
W. Name of liability insurance: Zurich Insurance

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

Y. [Signature]

On ______________________ (date), I received a copy of the Cumberland Mass Gathering Ordinance. ______________________ (authorized signature)
CERTIFICATE OF LIABILITY INSURANCE

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

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

PRODUCER
Cross Insurance-Augusta
116 Community Drive
Augusta ME 04330

INSURED
United Maine Craftsmen, Inc.
C/O Laura Kelly
16 Old Winthrop Road Unit 2
Manchester ME 04351

INSURER(A) AFFORDING COVERAGE

INSURER B:

INSURER C:

INSURER D:

INSURER E:

INSURER F:

COVERAGES CERTIFICATE NUMBER: 11-12 pkg & 10-11 WC REVISION NUMBER:

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

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<th>TYPE OF INSURANCE</th>
<th>ADDED INSURED W/O</th>
<th>POLICY NUMBER</th>
<th>POLICY EFF (MM/DD/YYYY)</th>
<th>POLICY EL (MM/DD/YYYY)</th>
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<td>3/7/2012</td>
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<td>E.L. DISEASE - POLICY LIMIT $500,000</td>
</tr>
</tbody>
</table>

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
Refer to policy for exclusionary endorsements and special provisions.
Event: 42nd Annual Cumberland Craft Show, August 11, 12, 13 & 14, 2011.

CERTIFICATE HOLDER

The Cumberland Farms Club
140 Bruce Hill Rd
Cumberland, ME 04021

CANCELLATION

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

AUTHORIZED REPRESENTATIVE

Katherine Woodman/KLW

ACORD 25 (2009/09)
IN3025 (2009/09)

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ITEM

11-096

To hold a Public Hearing to consider and act on annual Victualer’s Licenses for the period of July 1\textsuperscript{st}, 2011 – June 30\textsuperscript{th}, 2012.
<table>
<thead>
<tr>
<th>BUSINESS</th>
<th>ADDRESS</th>
<th>TOWN</th>
<th>STATE</th>
<th>ZIP</th>
<th>FEE PAID</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allen's Country Store</td>
<td>201 Gray Road</td>
<td>Cumberland</td>
<td>ME</td>
<td>04021</td>
<td>X</td>
</tr>
<tr>
<td>Basil Provisions</td>
<td>138 Main Street</td>
<td>Cumberland</td>
<td>ME</td>
<td>04021</td>
<td>X</td>
</tr>
<tr>
<td>Bru Thru</td>
<td>180 Gray Road</td>
<td>Cumberland</td>
<td>ME</td>
<td>04021</td>
<td>X</td>
</tr>
<tr>
<td>Cumberland Express Mart</td>
<td>174 Main Street</td>
<td>Cumberland</td>
<td>ME</td>
<td>04021</td>
<td>X</td>
</tr>
<tr>
<td>Cumberland House of Pizza</td>
<td>P.O. Box 297</td>
<td>Windham</td>
<td>ME</td>
<td>04062</td>
<td>X</td>
</tr>
<tr>
<td>D’Antonio’s Baking Company</td>
<td>25 Pond Shore Drive</td>
<td>Cumberland</td>
<td>ME</td>
<td>04021</td>
<td>X</td>
</tr>
<tr>
<td>The Davnic Corp., D/B/A Food Stop</td>
<td>318 Main Street</td>
<td>Cumberland</td>
<td>ME</td>
<td>04021</td>
<td>X</td>
</tr>
<tr>
<td>J. Brothers Variety</td>
<td>42 Gray Road</td>
<td>Cumberland</td>
<td>ME</td>
<td>04021</td>
<td>X</td>
</tr>
<tr>
<td>Northeast Ice Cream</td>
<td>44 Rigby Road</td>
<td>South Portland</td>
<td>ME</td>
<td>04106</td>
<td>X</td>
</tr>
<tr>
<td>Orchard Hill Farm LLC</td>
<td>9 Orchard Road</td>
<td>Cumberland</td>
<td>ME</td>
<td>04021</td>
<td>X</td>
</tr>
<tr>
<td>Ms. Brenda Pitcher-Cumberland Baking</td>
<td>79 Woody Creek Lane</td>
<td>Cumberland</td>
<td>ME</td>
<td>04021</td>
<td>X</td>
</tr>
<tr>
<td>Rachel’s On The Green</td>
<td>60 Val Halla Road</td>
<td>Cumberland</td>
<td>ME</td>
<td>04021</td>
<td>X</td>
</tr>
<tr>
<td>Spring Brook Farm</td>
<td>168 Greey Road</td>
<td>Cumberland</td>
<td>ME</td>
<td>04021</td>
<td>X</td>
</tr>
<tr>
<td>Starbuck’s-HMS Hosting</td>
<td>P.O. Box 337</td>
<td>Gray</td>
<td>ME</td>
<td>04039</td>
<td>X</td>
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<tr>
<td>Sweeter’s Apple Barrel</td>
<td>19 Blanchard Road</td>
<td>Cumberland</td>
<td>ME</td>
<td>04021</td>
<td>X</td>
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<tr>
<td>The Golf Learning Center</td>
<td>147 Bruce Hill Road</td>
<td>Cumberland</td>
<td>ME</td>
<td>04021</td>
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</tbody>
</table>

**Non-Profits:**

<table>
<thead>
<tr>
<th>BUSINESS</th>
<th>ADDRESS</th>
<th>TOWN</th>
<th>STATE</th>
<th>ZIP</th>
<th>FEE PAID</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cumberland/No. Yarmouth Lions Club</td>
<td>C/O Ken Snitger</td>
<td>105 Tuttle Road</td>
<td>Cumberland</td>
<td>ME</td>
<td>04021</td>
</tr>
<tr>
<td>Cumberland Soccer Club</td>
<td>P.O. Box 352</td>
<td>Cumberland</td>
<td>ME</td>
<td>04021</td>
<td>X</td>
</tr>
<tr>
<td>Greely Football Boosters</td>
<td>C/O Jim Guidi</td>
<td>14 Hedgerow Drive</td>
<td>Cumberland</td>
<td>ME</td>
<td>04021</td>
</tr>
<tr>
<td>Suburban Little League</td>
<td>P.O. Box 42</td>
<td>Cumberland</td>
<td>ME</td>
<td>04021</td>
<td>X</td>
</tr>
<tr>
<td>West Cumberland United Methodist Church</td>
<td>C/O Carol Myers</td>
<td>268 Gray Road</td>
<td>Cumberland</td>
<td>ME</td>
<td>04021</td>
</tr>
<tr>
<td>4-H (Kelly Strout)</td>
<td>30 Fowler Road</td>
<td>Cape Elizabeth</td>
<td>ME</td>
<td>04021</td>
<td>X</td>
</tr>
<tr>
<td>Tuttle Road Methodist Church</td>
<td>52 Tuttle Road</td>
<td>Cumberland</td>
<td>ME</td>
<td>04021</td>
<td>X</td>
</tr>
<tr>
<td>Cumberland Boys Lacrosse Boosters</td>
<td>c/o Bonnie Stanhope</td>
<td>24 Stanhope Lane</td>
<td>Cumberland</td>
<td>ME</td>
<td>04021</td>
</tr>
<tr>
<td>Cumberland Girls Lacrosse Boosters</td>
<td>c/o Karyn Kurland</td>
<td>66 Serenity Way</td>
<td>Cumberland</td>
<td>ME</td>
<td>04021</td>
</tr>
</tbody>
</table>

**Not Renewing:**

<table>
<thead>
<tr>
<th>BUSINESS</th>
<th>ADDRESS</th>
<th>TOWN</th>
<th>STATE</th>
<th>ZIP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nutmeg Foods</td>
<td>7B Corey Road</td>
<td>Cumberland</td>
<td>ME</td>
<td>04021</td>
</tr>
<tr>
<td>Chebeague Island Bakery</td>
<td>4 Grove Street</td>
<td>Cumberland</td>
<td>ME</td>
<td>04021</td>
</tr>
<tr>
<td>Tulips Cupcakery &amp; Farm</td>
<td>306 W.Pcwntnl Road</td>
<td>No.Yarmouth</td>
<td>ME</td>
<td>04097</td>
</tr>
</tbody>
</table>
ITEM
11-097

To hold a Public Hearing to consider and act on a 3-month moratorium on Associated Retail and Retail uses in the Office Commercial South (OCS) Zone.
MORATORIUM ORDINANCE REGARDING RETAIL USES 
AND ASSOCIATED RETAIL USES IN THE 
OFFICE COMMERCIAL SOUTH (OC-S) ZONING DISTRICT

The Town Council of the Town of Cumberland hereby ordains that this Moratorium 
Ordinance Regarding Retail Uses in the Office Commercial South Zoning District (OC-S 
District) be, and hereby is, enacted as follows:

WHEREAS, the Town of Cumberland enacted the OC-S District for the purpose of 
allowing a limited range of employment-intensive commercial uses with low intensity land use 
impacts, measured in terms of traffic generation, environmental effects, building scale and site 
layout; and

WHEREAS, the OC-S District currently allows a variety of uses, including business and 
professional offices, research facilities, residential care facilities, light manufacturing, hotels and 
motels, and day care centers, in addition to retail stores and associated retail; and

WHEREAS, the development and impact of retail stores and associated retail uses under 
the current regulations has proved to be incompatible with the purpose of the OC-S District, as 
well as incompatible with some of the other allowed uses; and

WHEREAS, this development pressure was unanticipated and has not been adequately 
provided for in the Town’s current zoning or other land use ordinances; and

WHEREAS, there is a strong likelihood that the Town will continue to be subjected to 
this development pressure due to the lack of adequate regulations or restrictions on the location 
and effects of these uses in the OC-S District; and

WHEREAS, amendments to the zoning and other land use ordinances require public 
hearings by the Planning Board and a vote by the Town Council; and

WHEREAS, in the judgment of the Town, these facts continue to create an emergency 
within the meaning of 30-A M.R.S.A. § 4356(1)(B) and require enactment of the Moratorium 
Ordinance as immediately necessary for the preservation of the public health, safety and welfare;

NOW, THEREFORE, the Town of Cumberland hereby ordains that the Moratorium 
Ordinance be, and hereby is, adopted for 90 days from the date of adoption of this Ordinance, 
unless earlier repealed by action of the Town Council.

BE IT FURTHER ORDAINED, that the Planning Board, Board of Adjustment and 
Appeals, all Town agencies and all Town employees shall neither accept nor approve 
applications, plans, permits, licenses, and/or fees for any new construction or uses governed by 
this Moratorium Ordinance for said period of time;

BE IT FURTHER ORDAINED, that those provisions of the Town’s Zoning Ordinance 
and any other regulations that are inconsistent or conflicting with the provisions of this
Moratorium Ordinance, are hereby repealed to the extent that they are applicable for the duration of the Moratorium Ordinance hereby ordained, but not otherwise; and

BE IT FURTHER ORDAINED, that to the extent any provision of this Moratorium Ordinance is deemed invalid by a court of competent jurisdiction, the balance of the Moratorium Ordinance shall remain valid.
ITEM
11-098

To set a date of June 20th to award the Tax Anticipation Note borrowing for FY'12 for $3 million dollars.
To: William Shane, Town Manager  
From: Alex Kimball, Finance Director  
Subject: 2011-12 Tax Anticipation Note  
Date: 05-23-2011  
CC: Town Council

Based off of my latest cash flow forecast, I recommend a $3 million Tax Anticipation Note for FY 2011-12. This is the same amount as the prior year. While overall fund balance for the town has improved slightly, uncertainties regarding revenue collections remain, and thus no decrease in the maximum amount is recommended. As with last year, we will be requesting that the funds be disbursed on an as-needed basis. This means that while we are asking for a maximum of $3 million, the actual amount borrowed may prove to be less than this amount. The bids on this note will be due on June 16, 2011, to be disbursed in early July.
May 23, 2011

To whom it may concern:

The Town of Cumberland is seeking bids for the following:

1. A Tax Anticipation Note dated on or about July 6, 2011 for fiscal year ending June 30, 2012. We anticipate our borrowing to be 3,000,000. We would like a quote on an as needed basis. The quote would allow a draw down, a second draw down, and a repayment. Disbursement would be on or about July 6, 2011 with repayment on or before June 30, 2012. The Note may be prepaid at anytime without premium or penalty. Interest will be payable on the stated date of maturity of the Note, June 30, 2012.

2. The Note will be issued, sold and borrowed on only in authorized denominations of 100,000 or more, the purchaser will assume full responsibility of complying with all the applicable federal and state securities laws in connection with the sale of the same.

3. The Note will be designated as a “qualified tax exempt obligation” for purpose of Section 265(b) (3) of the Internal Revenue Code of 1986, as amended.

Bids are to be WITHOUT a depositor relationship. The following is a list of terms that must be included in the bid(s):

1. Interest rate for principal amount. Bidders may only bid on the entire issue, and the Note will be awarded to the bidder offering the lowest net interest cost to the Town. The interest rate specified shall be in a multiple of 1/100 of 1% per annum. If more than one bid is made at the same lowest net interest cost, the Town shall select the winning bid by lottery.

2. Bids must be submitted on the enclosed proposal form to be considered and shall not be amended with any other terms and conditions.

Bids must be submitted by 1:00 pm, Thursday, June 16, 2011 and will be opened and reviewed at that time. Bids must be SEALED (faxed copies will be accepted 829-2224), and addressed to: Town of Cumberland, 290 Tuttle Road, Cumberland, ME 04021, ATTN: Alex Kimball and marked “TAN BIDS” on the outside of the envelope. The Town is not responsible for the receipt of fax bids on a timely basis. The successful bid is expected to be awarded at the Town hall on or about June 16, 2011, pending acceptance by the Town Council. The Town reserves the right to accept and/or reject any and all bids and to waive any irregularity with respect to any bid.

All bidders agree as condition of submitting bids to provide the Town with a certification evidencing the issue price and arbitrage yield for the Notes. Further, the successful bidder shall be required to provide a certification that the Notes are either (1) purchased for the successful bidder’s own account without view to resale or further distribution of the Notes, or (2) will be resold to no more that thirty-five persons, each of whom the successful bidder reasonably believes (a) has such knowledge and experience in financial and business matters that it is capable of evaluating the merits and risks of perspective investment and (b) is not purchasing for more than one account with a view to distributing the securities.

Certain financial information and operating data of the Town has been provided in the Notice of Sale and has been compiled from the records of the Town as well as from the 2010 audit prepared by Runyon, Kersteene, and Ouellette. Complete copies of the most current audited financial statements and annual report of the Town are available upon request. Please do not hesitate to call me if you have any questions.

Sincerely,

Alex Kimball
Finance Director
MUNICIPAL FACT SHEET

FOR THE CITY/TOWN OF CUMBERLAND

X Tax Anticipation Note
     General Obligation Bond

Name of Issuer: Town of Cumberland
Address: 290 Tuttle Road, Cumberland, ME 04021
Primary Contact Person: Alex Kimball
Telephone Number: 829-2255
Employer ID #(Tax ID): 01-6000128
Form of Loan: TAN DATED July 6, 2011 - June 30, 2012

TOWN OF CUMBERLAND
GENERAL FUND REVENUE, EXPENDITURES & TRANSFERS (Last 3 Years)

<table>
<thead>
<tr>
<th></th>
<th>2009-10</th>
<th>2008-09</th>
<th>2007-08</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>REVENUE</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Taxes - Property/Non-Property</td>
<td>17,141,010</td>
<td>16,547,545</td>
<td>16,602,600</td>
</tr>
<tr>
<td>Grants-in-aid</td>
<td>842,501</td>
<td>967,321</td>
<td>1,066,379</td>
</tr>
<tr>
<td>Charges current services</td>
<td>962,936</td>
<td>875,385</td>
<td>855,829</td>
</tr>
<tr>
<td>Other</td>
<td>512,787</td>
<td>714,917</td>
<td>2,193,523</td>
</tr>
<tr>
<td>Chebeague Settlement</td>
<td>0</td>
<td>0</td>
<td>1,300,000</td>
</tr>
<tr>
<td><strong>TOTAL REVENUE</strong></td>
<td>19,459,234</td>
<td>19,105,168</td>
<td>20,718,331</td>
</tr>
<tr>
<td><strong>EXPENDITURES</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Government</td>
<td>1,031,502</td>
<td>1,076,082</td>
<td>1,126,505</td>
</tr>
<tr>
<td>Public Works &amp; Safety</td>
<td>2,816,478</td>
<td>2,826,415</td>
<td>3,326,380</td>
</tr>
<tr>
<td>Education (SAD Payment)</td>
<td>11,291,481</td>
<td>10,350,263</td>
<td>10,894,169</td>
</tr>
<tr>
<td>Health, Sanitation, &amp; Welfare</td>
<td>856,075</td>
<td>833,056</td>
<td>756,913</td>
</tr>
<tr>
<td>All other expenditures</td>
<td>1,998,792</td>
<td>2,431,480</td>
<td>2,602,177</td>
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<tr>
<td>Transfer to other funds</td>
<td>844,844</td>
<td>681,194</td>
<td>1,192,757</td>
</tr>
<tr>
<td>County Tax</td>
<td>615,032</td>
<td>588,870</td>
<td>685,529</td>
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<tr>
<td><strong>TOTAL EXPENDITURES/TRANSFERS</strong></td>
<td>19,454,204</td>
<td>18,787,360</td>
<td>20,584,430</td>
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<tr>
<td>Surplus (Deficit)</td>
<td>5,030</td>
<td>317,808</td>
<td>133,901</td>
</tr>
<tr>
<td>FUND BALANCE</td>
<td>1,999,806</td>
<td>1,994,776</td>
<td>1,676,968</td>
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<tr>
<td>UNCOLLECTED TAXES</td>
<td>271,000</td>
<td>313,000</td>
<td>294,000</td>
</tr>
<tr>
<td><strong>NAME</strong></td>
<td><strong>TYPE OF BUSINESS</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------------------------------</td>
<td>----------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Central Maine Power</td>
<td>Utility</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Spears Hill LLC</td>
<td>Residential LLC</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Martin, Joseph R</td>
<td>Resident</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maritimes &amp; Northeast Pipeline</td>
<td>Utility</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lemole, Emily Jane A</td>
<td>Resident</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

9. Population as of 2010 7211

10. Notes Outstanding as of June 30, 2010
   - Tax Anticipation $0 due
   - Bond Anticipation $0 due
   - Grant Anticipation $0 due

11. Total Long Term Debt Outstanding as of June 30, 2010 19,177,044
   (does not include items listed in #10)
   - Debt Per Capita $2,659.42
   - Debt as % of Assessed Valuation 1.7%

12. What additional borrowings are anticipated? None

13. Have all previous municipal obligations been paid when due? **X** Yes  _____ No
   (If no, please give details on separate sheet)

14. Have any unpaid bills been carried forward to next fiscal year? _____ Yes  **X** No
   (If yes, please give details on separate sheet)

15. Will any proceeds of new Tax Anticipation borrowing be used to pay bills or expenses carried forward from previous year? _____ Yes  **X** No
   (If yes, please give details on separate sheet)

16. Three Largest Employers:

<table>
<thead>
<tr>
<th><strong>NAME</strong></th>
<th><strong>TYPE OF BUSINESS</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Town of Cumberland</td>
<td>Municipal Government</td>
</tr>
<tr>
<td>M.S.A.D. #51</td>
<td>School District</td>
</tr>
<tr>
<td>Cumberland Farmers Club</td>
<td>Private Business</td>
</tr>
</tbody>
</table>

**TO MY BEST KNOWLEDGE, THE ABOVE INFORMATION IS TRUE AND CORRECT:**

(City/Town Manager, Treasurer, 1st Selectman) 5/34/11
## CASH FLOW PROJECTION FOR THE FISCAL YEAR JULY 1, 2011 - JUNE 30, 2012

<table>
<thead>
<tr>
<th>Fiscal Year 11-12</th>
<th>Beginning Cash Balance as of July 1, 2011</th>
<th>$ 375,000.00</th>
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</thead>
<tbody>
<tr>
<td>Revenues</td>
<td>Expenses</td>
<td>Monthly Net</td>
</tr>
<tr>
<td>JULY</td>
<td>$ 567,478</td>
<td>$ 2,010,960</td>
</tr>
<tr>
<td>AUGUST</td>
<td>$ 823,955</td>
<td>$ 2,404,614</td>
</tr>
<tr>
<td>SEPTEMBER</td>
<td>$ 8,580,050</td>
<td>$ 1,871,554</td>
</tr>
<tr>
<td>OCTOBER</td>
<td>$ 618,865</td>
<td>$ 2,512,481</td>
</tr>
<tr>
<td>NOVEMBER</td>
<td>$ 637,666</td>
<td>$ 1,729,752</td>
</tr>
<tr>
<td>DECEMBER</td>
<td>$ 508,555</td>
<td>$ 1,633,100</td>
</tr>
<tr>
<td>JANUARY</td>
<td>$ 661,491</td>
<td>$ 1,676,901</td>
</tr>
<tr>
<td>FEBRUARY</td>
<td>$ 658,345</td>
<td>$ 1,632,535</td>
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<tr>
<td>MARCH</td>
<td>$ 8,406,255</td>
<td>$ 1,860,179</td>
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<tr>
<td>APRIL</td>
<td>$ 742,786</td>
<td>$ 2,314,494</td>
</tr>
<tr>
<td>MAY</td>
<td>$ 766,462</td>
<td>$ 1,708,439</td>
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<tr>
<td>JUNE</td>
<td>$ 756,298</td>
<td>$ 1,787,950</td>
</tr>
</tbody>
</table>

### 11-12 Totals

- 23,728,207
- 23,142,959
- $ 585,248

### Maximum Deficit

- $ 2,649,141

### Total 2009-10 Working Expenses

- $ 23,142,959

### 5% of Working Expenses

- $ 1,157,148

### Total Allowable TAN

- $ 3,806,289

### 11-12 TAN Request

- $ 3,000,000

---

**Reasons for amounts over $2,649,141:**

- While overall tax collection rates have been stable, timing of payments has been inconsistent.
- No room in existing budget or cash balances for major storms or other natural disasters.
Cumberland Tax Anticipation Note Proposal Form

Name of Bank/Institution ____________________________________________

Interest rate for principle amount of $3,000,000 (as needed basis) ________%  

(____) We are not interested in bidding on the TAN at this time.

The Town will provide the successful bidder with a legal opinion from the recognized bond counsel. The Town confirms that the anticipated total borrowing for fiscal year 2012 will not exceed $10,000,000 and that the Town will comply with all aspects of the Tax Reform Act of 1986, as amended, including all provisions relating to arbitrage and rebate.

No requirements for a depository relationship or any terms or conditions other than the above shall be placed upon the Town by the Proposer.

_________________________________________  ____________________________________
Date                                                                 Authorizing Officer

All proposals must be received by the Town of Cumberland no later than 1:00 p.m. Thursday, June 16, 2011.
TOWN OF CUMBERLAND
VOTE OF TOWN COUNCIL
AUTHORIZING TAX ANTICIPATION BORROWING

Order #

Ordered, that, pursuant to Section 5771 of Title 30-A of the Maine Revised Statutes, as amended, the Town Treasurer is hereby authorized and empowered to borrow money from time to time during the fiscal year ending June 30, 2012 in the principal amount or amounts not exceeding $3,000,000 at any one time outstanding, in anticipation of the collections or receipts from taxes, by the issuance of tax anticipation notes of the Town, each of which notes shall be designated "Town of Cumberland 2012 Tax Anticipation Notes." All of such tax anticipation notes, and any extensions, renewals or replacements thereof, shall be signed by the Town Treasurer and countersigned by the Chair of the Town Council, shall be payable on or before June 30, 2012, out of money raised by taxation during the fiscal year ending June 30, 2012, shall bear interest payable at maturity at a rate determined in the manner as approved by the Treasurer, and shall contain such other terms and provisions, not inconsistent herewith, and be in such form, as shall be approved by the officers signing the same, whose approval shall be conclusively evidenced by their execution thereof, and

Be It Further Ordered that the Treasurer is hereby authorized to negotiate the interest rate, maturity and other terms and conditions of the notes with whatever financial institutions the Treasurer deems appropriate and to award the notes to such financial institution or institutions, and

Be It Further Ordered that the notes authorized by the foregoing are hereby designated as qualified tax exempt obligations for purposes of Section 265(b) of the Internal Revenue Code of 1986, as amended, and

Be It Further Ordered that the Treasurer of the Town be authorized to covenant with the purchasers of the notes on behalf of the Town and for the benefit of the holders of the notes, that the Town will take whatever steps, and refrain from taking any action, as may be necessary or appropriate to ensure that interest on the notes will remain free from federal income taxes, including without limitation, the filing of information returns and reports with the Internal Revenue Service and the payment of any rebate due to the United States of America.