AGENDA
Cumberland Town Council Meeting
Town Council Chambers
MONDAY, July 11, 2011
7:00 p.m. Call to Order

I. APPROVAL OF MINUTES
   June 20, 2011

II. MANAGER’S REPORT
   • Maine Municipal Association “Then and Now” Photo Contest Then & Now Photo Contest
   • Post Office Letter

III. PUBLIC DISCUSSION

IV. LEGISLATION AND POLICY

   11 - 115 To hear a report from the Cool Cities Committee re: household energy usage.

   11 - 116 To hold a Public Hearing to consider and act on the adoption of a Street Lighting
   Ordinance.  TABLED INDEFINITELY

   11 - 117 To appoint members to vacant boards/committees.

   11 - 118 To hold a Public Hearing to consider and act on an amendment to Section 410
   (Extraction of Earth Materials) of the Cumberland Zoning Ordinance to add the condition of
   contract zone requirement to existing criteria for review and approval, as recommended by
   the Planning Board.

   11 - 119 To hold a Public Hearing to consider and act on an amendment to the Mass
   Gathering Ordinance to exempt Town functions from the Mass Gathering Permit
   requirement.

   11 - 120 To set a Public Hearing date (July 25th) to consider and act on setting the FY’12
   tax rate as recommended by the Tax Assessor.
11 - 121  To set a Public Hearing date (July 25th) to set rates at which interest will be paid for delinquent and over paid taxes, and to authorize applying tax payments to the oldest unpaid taxes.

11 - 122  To hear a report from the Town Manager re: Request for Proposals for the Drowne Road School conversion to senior housing.

V. NEW BUSINESS
• Report from Councilor Gruber re: Maine Trail Finder online mapping
• Boston Fed May Housing Numbers
• Bateman Property open space – public or private

VI. ADJOURNMENT
MINUTES
Cumberland Town Council Meeting
Town Council Chambers
[MONDAY, June 20, 2011]
6:30 p.m. Finance Committee Meeting

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

I. APPROVAL OF MINUTES
June 6, 2011
Motion by Councilor Moriarty, seconded by Councilor Copp, to accept the minutes as presented.
VOTE: 5-0-1 (Gruber abstained)

II. MANAGER’S REPORT
The Patriot Flag Tour will be at Moss Side Cemetery on Thursday, June 23rd from 7:00 a.m. to noon. The flag has flown in 40 states and it is a great honor to have it in Cumberland. The Patriot Flag is 30 x 57 feet and will tour the United States in honor of those fallen on September 11, 2001.

Cumberland mail is now being distributed through the Yarmouth Post Office. The purpose is to defray costs and the Cumberland Post Office will remain open post office boxes and counter service. However, the mail delivery will be approximately 2 hours later than usual. The Manager requested that a letter be written to State Senators and Representatives, on behalf of the Town Council, advising them that the Post Office is an important part of our community and we would like assurances that it will remain open.

The first coat of pavement is going on Route 88. The final coat is expected to be completed by early August. The project is on budget and the Manager thanked Storey Brothers for their great work.

Town Manager Shane thanked Chairman Storey-King for a great year and presented her with the flag that has flown over Town Hall during her year as Council Chair.

III. PUBLIC DISCUSSION
Chairman Storey-King thanked Town Manager Shane and Brenda Moore for their bi-weekly Council Agenda setting meetings. These meetings were very helpful and she will miss them. She thanked her fellow Councilors for their hard work. She is looking forward to the continuation of the Drowne Road Revitalization Project. She is very proud of this project and the transparency of the process.

IV. LEGISLATION AND POLICY

11 – 100 To swear in newly elected Councilors.
Town Clerk, Tammy O’Donnell, administered the oath of office to Councilors Gruber and Stiles.

11 – 101 Election of Council Chair and Vice-Chair.
Motion by Councilor Moriarty, seconded by Councilor Copp, to nominate Councilor Perfetti as Council Chair.
VOTE: 6-0 UNANIMOUS PASSAGE
Motion by Councilor Storey-King, seconded by Councilor Stiles, to nominate Councilor Moriarty as Council Vice-Chair.
VOTE: 5-0-1 (Moriarty abstained) MOTION PASSES

11 – 102 To hold a Public Hearing to authorize the Code Enforcement Officer to enter into a Consent Decree with property owners located at 18 Frye Drive.

Town Manager Shane explained that several decades and 3 owners ago, a garage was built on this property that was too close to the property line. The present owners have sold the property and during a mortgage survey, it was discovered that the garage was 27 feet away from the property line and the ordinance requires 50 feet. The consent agreement will allow the garage to remain where it is and future property owners will not have an issue. Historically, the penalties assessed in these situations have been $500 - $1000, which cover legal and administrative costs. The suggested penalty assessed in this case is $500, but the amount is at the discretion of the Council.

The owner of the property, Dennis Vealitzek, said that the boundary line pins have not been visible for some time and when the building permit was issued (in 1991), the builder submitted a sitemap with the building permit application that illustrated the setback at 56 feet. Mr. Vealitzek said that he understands that the fee is not intended to be a penalty, but rather to defray costs to the Town as the Town Manager explained. However, after 20 years, 3 owners, and nobody ever questioning the property line or setback, it seems a bit excessive to have to pay $500. He respectfully requested the consideration of a lesser fee or perhaps waiving the fee altogether.

Public discussion: None

Councilor Copp said that it is obvious that Mr. Vealitzek did not create this problem, but the Town cannot afford to waive the fee. He feels badly about the situation.

Councilor Moriarty explained that the Town does not aggressively search for these types of minor boundary issues and this situation came up during a mortgage survey. In order to close the loan approval for the sale of the property, this discrepancy needs to be taken care and that will involve some legal and Town work. The fee imposed is an effort on the Council’s part not to make the taxpayers responsible for the costs incurred. It is not pleasant to have to ask anyone to pay the fee, but it is the responsible thing to do for the citizens.

Motion by Councilor Moriarty, seconded by Councilor Stiles, to authorize the Code Enforcement Officer to enter into a Consent Decree with property owners located at 18 Frye Drive, and to assess a fee of $500.00 to cover all legal and administrative expenses.
VOTE: 6-0 UNANIMOUS PASSAGE

11 – 103 To consider and act repealing and replacing the Twin Brook Facility Use Policy as recommended by the Twin Brook Facility Advisory Committee.

Town Manager Shane explained that the Twin Brook Committee has done a great job in separating out the policies and rules and adding a lightening policy. The changes include formatting and moving sections around, making it easier to read and understand. John Leavitt from the Twin Brook Committee was present to answer any questions.

Councilor Gruber asked Mr. Leavitt if the committee considered whether it should be noted in the Lightning Policy where people should go in the event of a thunder/lightning storm. He feels that some wording should be included.
Mr. Leavitt agreed that the committee would look at adding wording to the Lightning Policy advising people where to take shelter during a thunder/lightning storm.

Motion by Councilor Stiles, seconded by Councilor Copp, to repeal and replace the Twin Brook Facility Use Policy as recommended by the Twin Brook Facility Advisory Committee.
VOTE: 6-0 UNANIMOUS PASSAGE

11 – 104 To hold a Public Hearing to consider and act on amendments to the Coastal Waters Ordinance as recommended by the Planning Board.
This is a housekeeping issue to clean up the Coastal Waters Ordinance to delete some Chebeague Island and harbor references. Staff and the Planning Board are recommending approval.

Public discussion: None

Motion by Councilor Moriarty, seconded by Councilor Gruber, to amend the Coastal Waters Ordinance as recommended by the Planning Board.
VOTE: 6-0 UNANIMOUS PASSAGE

11 – 105 To hold a Public Hearing to consider and act on amendments to the Shoreland Zoning Ordinance as recommended by the Planning Board.
Town Manager Shane explained that when the Shoreland Zoning Ordinance was converted to a standalone ordinance, the section on lighting was inadvertently omitted.

Public discussion: None

Councilor Gruber said that as a member of the Planning Board the addition of this definition makes a lot of sense because there was no definition of lighting when reviewing applications.

Councilor Storey-King suggested the following amendment to the language:
*Lighting on piers, wharves, docks, floats and other structures should be designed and installed to minimize negative impacts on other properties and to promote safe navigation at night.*

Motion by Councilor Copp, seconded by Councilor Gruber, to amend the Shoreland Zoning Ordinance as recommended by the Planning Board and with Councilor Storey-King’s amendment.
VOTE: 6-0 UNANIMOUS PASSAGE

11 – 106 To award the Tax Anticipation Note borrowing for FY’12 for $3 million dollars.
Finance Director, Alex Kimball explained that the amount of borrowing is the same as last year and the winning bank was Androscoggin Bank with an interest rate of 1.09%

Motion by Councilor Stiles, seconded by Councilor Storey-King, to award the Tax Anticipation Note borrowing for FY’12 for $3 million dollars to Androscoggin Bank at an interest rate of 1.09%.
VOTE: 6-0 UNANIMOUS PASSAGE

11 – 107 To consider and act on Commercial Hauler’s License renewals for FY’12.
Town Manager Shane explained that these are the annual renewals for commercial trash haulers and staff is recommending approval.
VOTE: 5-0-1 (Copp abstained) MOTION PASSES

11 – 108 To hear a report from the Finance Committee Chair and to authorize the Town Manager to transfer inter-departmental operating funds.
Town Manager Shane explained that per the Town Charter the Town Council has to authorize the Manager to move monies between different departments. Over the course of a year, we have approximately $8 million in expenses in various operating funds. Those operating funds were $14,000 under budget this year. The revenues look like they will be on target, and the budget projections for the year have essentially been met. This is an accounting procedure that is done each year to prepare for the auditors and close out the books for the current fiscal year.

Motion by Councilor Storey-King, seconded by Councilor Copp, to authorize the Town Manager to transfer inter-departmental revenues and expenses to balance and close out the FY2011 budget, and I move to authorize that the following amounts be transferred from the end of year fund balance to the following accounts:
- Circuit Breaker Fund: $50,000
- Veterans Monument Fund: $30,000
- Heating Fund: $15,000
- Val Halla Inter-fund Loan Payable: $97,000

And, the remainder of all fund balances be applied to the fund balance consistent with the new Fund Balance Policy adopted on May 23, 2011.
VOTE: 5-1 (Stiles opposed) MOTION PASSES

11 – 109 To hear a report on potential amendments to the Resource Protection setbacks.
Town Manager Shane explained that several years ago, the Department of Environmental Protection issued resource protection setback rules for moderate or high value waterfowl and wading bird habitat areas. Knight’s Pond is the only area impacted in Cumberland. Instead of a 75’ setback from the water, this area has a 250’ setback. The Governor’s office has requested that the DEP establish rulemaking to allow municipalities to choose if the RP designation is required or if it should revert to a 75’ setback. This will be a 6 – 18 month process at the DEP level and until the rules are in place, the Manager is not recommending any action from the Council.

11 – 110 To hold a Public Hearing to consider and act on a Class I Liquor License and Victualer’s License application for The Cumberland County Republican Committee “Reagan Rodeo” fundraiser to be held at the Cumberland Fairgrounds on June 26, 2011.
Town Manager Shane said that the application is complete and staff is recommending approval.

Public discussion: None

Motion by Councilor Storey-King, seconded by Councilor Moriarty, to approve the Class I Liquor License and Victualer's License application for The Cumberland County Republican Committee "Reagan Rodeo" fundraiser to be held at the Cumberland Fairgrounds on June 26, 2011.
VOTE: 6-0 UNANIMOUS PASSAGE

11 – 111 To hold a Public Hearing 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.
Town Manager Shane explained that his is a great event that takes place annually. The application is complete and staff is recommending approval.

Public discussion: None

Motion by Councilor Gruber, seconded by Councilor Copp, to approve the 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.

VOTE: 6-0 UNANIMOUS PASSAGE

11 – 112 FY’12 Council Committee Assignments.
The following is the list of FY’12 Council Committee Assignments:

AD HOC COMMITTEES:

<table>
<thead>
<tr>
<th>Board of Appeals</th>
<th>Councilor Turner</th>
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<tbody>
<tr>
<td>Coastal Waters Commission</td>
<td>Councilors Gruber and Turner</td>
</tr>
<tr>
<td>Cool Cities Committee</td>
<td>Councilor Copp</td>
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<tr>
<td>Housing Authority</td>
<td>Councilor Stiles</td>
</tr>
<tr>
<td>Lands &amp; Conservation Commission</td>
<td>Councilors Gruber and Moriarty</td>
</tr>
<tr>
<td>Planning Board</td>
<td>Councilor Moriarty</td>
</tr>
<tr>
<td>Prince Memorial Library Advisory Board</td>
<td>Councilor Moriarty</td>
</tr>
<tr>
<td>Recreation/Community Education Advisory Board</td>
<td>Councilor Storey-King</td>
</tr>
<tr>
<td>Rines Forest Committee</td>
<td>Councilor Moriarty</td>
</tr>
<tr>
<td>Shellfish Conservation Commission</td>
<td>Councilors Gruber and Turner</td>
</tr>
<tr>
<td>Twin Brook Advisory Committee</td>
<td>Councilors Gruber, Moriarty, and Storey-King</td>
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<tr>
<td>Val Halla Board of Trustees</td>
<td>Councilors Stiles, Perfetti, and Turner</td>
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<tr>
<td>Veteran’s Monument Committee</td>
<td>Councilor Moriarty</td>
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COUNCIL COMMITTEES:

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<thead>
<tr>
<th>Board/Committee Nominating Committee</th>
<th>Councilor Copp, Perfetti, and Turner</th>
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<tr>
<td>Circuit Breaker Committee</td>
<td>Councilors Stiles, Copp, and Storey-King</td>
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<tr>
<td>Cumberland/No.Yarmouth Joint Liaison Comm.</td>
<td>Councilors Moriarty, Stiles, and Turner</td>
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<tr>
<td>Falmouth/Cumberland Chamber of Commerce</td>
<td>Alyssa Daniels/Councilor Turner</td>
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<tr>
<td>Finance Committee</td>
<td>Councilors Stiles, and Gruber</td>
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<tr>
<td>Greater Portland Council of Government</td>
<td>Councilor Turner</td>
</tr>
<tr>
<td>Ordinance Committee</td>
<td>Councilors Moriarty, Storey-King, and Turner</td>
</tr>
<tr>
<td>TIF Committee</td>
<td>Councilors Gruber, Turner, and Stiles</td>
</tr>
</tbody>
</table>

Motion by Councilor Stiles, seconded by Councilor Gruber, to approve the Town Council Committee Assignments for 2011-2012 as listed above.

VOTE: 6-0 UNANIMOUS PASSAGE

11 – 113 To hear a report and authorize the Town Manager to execute an agreement between the Towns of Cumberland and North Yarmouth for Recreation, Library, Parks Maintenance, Government Access Channel (Channel 2), Animal Control Officer, and winter sidewalk plowing services for FY’12.
Chairman Perfetti said that many people worked hard to make this happen for all the services that we share. He thanked Councilors Turner and Stiles for the time they spent articulating our position to the North Yarmouth Board of Selectmen. He thanked all the residents of North Yarmouth for having the discussion, and all the people who worked tirelessly to help North Yarmouth government and citizens try to understand what our two communities share and value together. He thanked Town Manager Shane, who patiently and diligently explained our position while delivering accurate and comprehensive information to any and all who asked for it. Our Manager is a lesson in good government. He thanked anyone he may have left out who had a part in maintaining this very important relationship between Cumberland and North Yarmouth. We look forward to strengthening that relationship in the coming months and years.

Town Manager Shane said that it was a very contentious meeting in North Yarmouth last Saturday and there is a lot of healing that has to happen. He sent an e-mail to North Yarmouth Administrative Assistant, Marnie Diffin, which outlines things to come, getting everything on the table and keeping communication open. Meetings between the two towns will begin in July, open to the public and posting notes of the meetings on our website. It will not help either community to allow the hurt feelings to continue to fester.

Manager Shane addressed Paul Napolitano, who was in the audience, saying that if he offended Mr. Napolitano in any way, he apologizes. He meant no disrespect to him personally and he is sorry if he felt that way.

Even though this is not a public hearing, Chairman Perfetti offered Mr. Napolitano the opportunity to speak to the Council. He declined.

Motion by Councilor Stiles, seconded by Councilor Storey-King, to authorize the Town Manager to execute an agreement between the Towns of Cumberland and North Yarmouth for Recreation, Library, Parks Maintenance, Government Access Channel (Channel 2), Animal Control Officer, and winter sidewalk plowing services for FY’12.

VOTE: 6-0 UNANIMOUS PASSAGE

Motion by Councilor Moriarty, seconded by Councilor Copp, to amend the previous motion replace the phrase “Parks Maintenance” with “Twin Brook Maintenance” as it is referred to in the agreement.

VOTE: 6-0 UNANIMOUS PASSAGE

11 – 114 To hold a Public Hearing to consider and act on sending to the Planning Board for a Public Hearing and a recommendation, amendment to the Cumberland Zoning Ordinance to remove Retail as a permitted use in the Office Commercial South (OCS) Zone.

Councilor Moriarty explained that he and Councilor Turner attended a neighborhood meeting on the Exactitude project to be located on Lot One in the Chase subdivision. At that meeting, Councilor Moriarty acknowledged to the group that an oversight happened a year ago by allowing these two permitted uses as part of a large series of zone changes. Those in attendance seemed to understand how this happened and there was strong opposition to retail as a permitted use in the OC South Zone.

Public discussion: None

Motion by Councilor Moriarty, seconded by Councilor Stiles, to forward to the Planning Board for a Public Hearing and a recommendation, amendment to the Cumberland Zoning Ordinance to remove Retail as a permitted use in the Office Commercial South (OCS) Zone.

VOTE: 6-0 UNANIMOUS PASSAGE
V. NEW BUSINESS

Councillor Copp: The Cumberland Maine Business Association is sponsoring an open house on Route 100 this Saturday. It starts at the Board Barn at 9:30 a.m. Every business along Route 100 will have specials and/or door prizes. Things are starting to move in a positive direction in West Cumberland and he hopes a lot of people will attend on Saturday. The situation with North Yarmouth has gotten out of hand. He suggested quarterly meetings with the Council and the North Yarmouth Selectman.

Councillor Gruber: Thank you to the community for their confidence in him and their votes. He thanked his two opponents, Sally Leavitt and Mike Edes. He thanked Councillor Moriarty for moderating “Meet the Candidates Night”. He thanked Town staff for their hard work during election time. He urged the citizens to get involved with a Town committee. You learn a lot about the community when serving on a committee.

Councillor Storey-King: Thanked the Cumberland Historical Society for another fascinating newsletter.

Chairman Perfetti: He thanked everyone for their support and hopes he will do as good a job as Councillor Storey-King did as Chairman.

Councillor Stiles: Thank you to Councillor Storey-King for her time as Council Chair. Requested an update on Range Road from the Manager. Town Manager Shane said that it is anticipated that the paving will be complete by mid to late August.

Councillor Moriarty: Thank you to Chairman Storey-King for her year of service as Council Chair, and thank you to all those residents who voted last week.

VI. EXECUTIVE SESSION: pursuant to 1 M.R.S.A., § 405(6)(C) re: real property acquisition. Motion by Councillor Stiles, seconded by Councillor Copp, to recess to Executive Session pursuant to 1 M.R.S.A., § 405(6)(C) re: real property acquisition.

VOTE: 6-0 UNANIMOUS PASSAGE
TIME: 8:39 p.m.

Motion by Councillor Moriarty, seconded by Councillor Stiles, to return from Executive Session.

VOTE: 6-0 UNANIMOUS PASSAGE
TIME: 8:51 p.m.

VII. ADJOURNMENT
Motion by Councillor Storey-King, seconded by Councillor Stiles, to adjourn.

VOTE: 6-0
TIME: 8:52 p.m.

Respectfully submitted by:

Brenda L. Moore
Council Secretary
ITEM
11-115

To hear a report from the Cool Cities Committee re: household energy usage.
UNDERSTANDING YOUR HOME ENERGY USE

Presented by Cumberland Cool Cities Committee

Is MY house energy efficient?

Am I spending too much?

Am I using too much heating fuel?

Am I using too much electricity?

How much money are we really talking about saving here?
How does the average US house use power?

What does a New England house use?

New England Household Energy Use

Heating

Hot Water

Refrigeration

A/C

All other appliances/lights

Heating

Hot Water

Refrigeration

A/C

All other appliances/lights
Our household “Carbon Footprint”

![Pounds of CO2 per household](chart)

What makes us different?

- It’s cold here.
- We use less electricity because we use less electric heat, and much less A/C
- The average Maine house uses 6,250 kWh per year, below the national average of 10,896
- The average Maine house uses 1,000 gallons of #2 heating fuel per year, over the average of 730 gallons
So how am I doing?

- Step 1  Find your CMP bill
- Step 2  Read the numbers at the bottom to get your yearly kilowatts

Messages about your Central Maine Power delivery account
We are installing Smart Meters at homes and businesses throughout our service area. You will receive a new smart meter over the next 15 months. Smart meters will provide you with information to manage your energy use.

Please see back page for important information

| Yearly usage in kilowatt-hours | 03/11 | 04/11 | 05/11 | 06/11 | 07/11 | 08/11 | 09/11 | 10/11 | 11/11 | 12/11 | Total
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<tr>
<td>Daily</td>
<td>22</td>
<td>22</td>
<td>22</td>
<td>20</td>
<td>18</td>
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<td>20</td>
<td>18</td>
<td>18</td>
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<tr>
<td>Monthly</td>
<td>646</td>
<td>647</td>
<td>746</td>
<td>606</td>
<td>528</td>
<td>574</td>
<td>610</td>
<td>575</td>
<td>518</td>
<td>816</td>
<td>623</td>
</tr>
</tbody>
</table>

Rate my house

- Step 3  Divide the amount due by your monthly kWh to get your current rate per kWh.
Last steps

- Step 4  Call your fuel provider and ask how many gallons you received in the past year
- Step 5  Figure out the heated square feet of your house
- Step 6  Enter all this into Home Efficiency O'Matic!

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### How does MY house match up?

<table>
<thead>
<tr>
<th></th>
<th>You</th>
<th>Average</th>
<th>% of Average</th>
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<tbody>
<tr>
<td><strong>House Size (Sq. Ft)</strong></td>
<td>1950</td>
<td></td>
<td></td>
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<tr>
<td><strong>Cost per KWH</strong></td>
<td>0.15</td>
<td></td>
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<tr>
<td><strong>Cost per Gal</strong></td>
<td>3.4</td>
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<tr>
<td><strong>Electricity</strong></td>
<td></td>
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<tr>
<td>Yearly</td>
<td>7477</td>
<td>6130.68</td>
<td>122%</td>
</tr>
<tr>
<td>Electric % of cost</td>
<td>27%</td>
<td>23%</td>
<td></td>
</tr>
<tr>
<td><strong>Fuel</strong></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Yearly</td>
<td>880</td>
<td>886.36</td>
<td>99%</td>
</tr>
<tr>
<td>Fuel Oil % of cost</td>
<td>73%</td>
<td>77%</td>
<td></td>
</tr>
</tbody>
</table>

- **Average yearly cost**: $3,933.24
- **Your yearly cost**: $4,113.55
- **Yearly savings at average usage**: $180.31
- **Savings at 90% of average usage**: $573.64
- **Savings at 75% of average usage**: $1,163.62
ITEM

11-116

To hold a Public Hearing to consider and act on the adoption of a Street Lighting Ordinance.

To be tabled indefinitely
ITEM
11-117

To appoint members to vacant boards/committees.
ITEM
11-118

To hold a Public Hearing to consider and act on an amendment to Section 410 (Extraction of Earth Materials) of the Cumberland Zoning Ordinance to add the condition of contract zone requirement to existing criteria for review and approval, as recommended by the Planning Board.
Notice of Decision

Date: April 21, 2011

To: William Shane, Town Manager
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021

Re: Public Hearing: To recommend draft zoning amendments to the Town Council to amend Section 410 – Extraction of Earth Materials in the Zoning Ordinance to consider the addition of a contract zone requirement to existing criteria for review and approval.

This is to advise you that on April 18, 2011 the Planning Board voted to recommend to the to the Town Council the adoption of draft zoning amendments to Section 410 Extraction of Earth Materials.

Findings of Fact: None
Waivers granted: None
Waivers Denied: None

Standard Conditions of Approval

This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents, except deminimus changes as so determined by the Town Planner which do not affect approval standards, is subject to review and approval of the Planning Board prior to implementation.

Cumberland Planning Board

Christopher S. Naugle, Board Chair
Sec. 410  Extraction of Earth Materials

410.1 Top soil, rock, sand, gravel and similar earth materials may be removed from locations where permitted under the terms of this Ordinance subject to a Contract Zone Agreement with the Town Council and approval by the Planning Board under the Site Plan Ordinance. If the Planning Board grants approval under the Site Plan Ordinance, it shall also issue a one-year, annually renewable special permit for such operations as may be issued by the Board of Adjustment and Appeals and under such terms and conditions as may be approved and provided for by the Planning Board and as provided for in this Ordinance. The owner or operator shall be responsible for returning to the Planning Board each year for review of the Annual Renewable Special Permit. The Planning Board shall review the operations for continuing compliance with all applicable requirements and to address any operational problems identified during the prior year.

After the issuance of five (5) consecutive Annual Renewable Special Permits, the applicant may apply for a 5-year permit as long as all standards are met; and there have been no complaints or verified violations. A verified complaint or violation of standards may require review or reconsideration. This provision shall apply retroactively from amended date [amended effective ].

410.2 Procedure:

.1 The applicant shall present a site plan with detailed information of the proposed extraction operation as required under the Site Plan Ordinance, Site Plan Review, and a written report describing the method of extraction, duration of the operation, traffic generation, measures to be taken to control erosion and stormwater runoff, and other information requested by the Board of Adjustment and Appeals.

.2 The site plan, written report, and fee as required in Sec. 602.4 shall be submitted to the Code Enforcement Officer at least 30 days prior to the next available meeting date of the Board of Adjustment and Appeals, and shall be forwarded to the Planning Board for their review and advisory opinion.

.3 After receipt of the advisory recommendations of the Planning Board and all other required materials, the Board of Adjustment and Appeals shall decide whether, and under what conditions, the proposed extraction operation may be permitted consistent with the provisions of Section 410.3, below:
410.3 Standards:

.1 The operation shall be shielded from surrounding property by an adequate buffer area of not less than 200 feet from the top of the final grade to the property line. If approved by the Contract Zone Agreement, the Planning Board except that the Board of Adjustment and Appeals may reduce the buffer area from the minimum requirement of two hundred (200) feet to a minimum requirement of not less than one hundred (100) feet provided that any excavated property remaining will be left in a condition more useful for some future purpose conforming to the district requirements in which the excavation site is located.

.2 An applicant may specifically apply as a part of his application for the excavation and removal of lands to the Board of Adjustment and Appeals for waiver of the requirement of the 200 foot buffer strip when the protective barrier serves only to separate two existing gravel pits. The if approved by the Contract Zone Agreement the Planning Board Board of Adjustment and Appeals may only grant a waiver from this requirement of the Ordinance if (1) the protective buffer zones exist only between two existing gravel pits, (2) the owner of the respective properties mutually and voluntarily consent to the removal of the buffer zone, and (3) the Planning Board Board of Adjustment and Appeals finds that it shall not have a detrimental effect upon adjoining properties.

.3 Specific plans shall be established to avoid hazards from excessive slopes and/or standing water. In no case may soils be removed or excavated to closer than within five (5) feet of the seasonal high water table as may be determined by a competent authority. Where an embankment must be left upon the completion of operations, it shall be at a slope of not steeper than one (1) foot vertical to three (3) feet horizontal, except that where the required buffer area has been reduced to 100 feet the slope of the edge of the excavation area shall not exceed one (1) foot vertical to four (4) feet horizontal.

.4 No standing water shall be allowed to remain longer than two consecutive calendar weeks unless specifically provided for by the Contract Zone Agreement and the Planning Board as part of the site plan approval. Board of Adjustment and Appeals.

.5 In the case of any excavation to a depth of more than 20 feet below the surface there shall be constructed a substantial fence with suitable gates completely enclosing the property or area in which the excavation is located. No portion of such fence shall be located closer than forty feet to the edge of such excavation. However, this condition shall not apply in the case of an excavation or removal of lands adding a slope of one foot vertical to greater than 3 feet horizontal.
.6 No excavation shall be extended below the grade of adjacent streets unless a 200-foot buffer strip shall be provided from the edge of the right-of-way except in cases where a specific condition has been made with the consent of authorized by the Contract Zone Agreement and the Planning Board as part of the site plan approval Board of Adjustment and Appeals and through agreement with other involved parties such as the Cumberland Public Works Department, Maine State Department of Transportation and other property owners for the reconstruction of the right-of-way and street at a different level.

.7 Provision shall be made for the control of stormwater runoff to prevent on-site erosion, and to ensure that stormwater runoff leaves the site at the same location and is not significantly increased.

.8 Sufficient topsoil shall be retained on the site or otherwise provided sufficient to cover all disturbed areas with an average depth of not less than two (2) inches. All disturbed areas resulting from the excavation and removal of lands or soils shall be graded and sloped to conform to the provisions of this Ordinance, reloamed and seeded with grasses indigenous to the area and such trees as the Planning Board as part of the site plan review and Contract Zone Agreement Board of Adjustment and Appeals may require and otherwise restored to a natural condition. In the case of topsoil removal, the upper six inches of topsoil shall be stockpiled and restored to a depth of six (6) inches throughout the site.

.9 Loaded vehicles shall be suitably covered to prevent dust and contents from spilling or blowing from the load.

.10 All access roads leading from the extraction site to public ways shall be treated with stone, calcium or other suitable materials to reduce mud and dust.

410.4 A letter of credit or escrow account surety bond shall be posted with the Town Treasurer by the applicant in an amount and form approved by the Town Council Board of Adjustment and Appeals with the advice of the Town Manager sufficient to guarantee performance and conformity with the provisions of this Ordinance and approval of the special permit for the excavation and removal of lands.

410.5 The foregoing provisions shall not apply to any lawful use of land for the removal of sand or gravel and the quarrying of stone, existing at the time of adoption of this Ordinance provided, however (a) that no such existing operation shall expand closer to or within two hundred feet to any adjoining property line or to the line of any existing public way, (b) that no such existing operation which may be within two hundred feet to any such adjoining
property line or the line of any existing public right-of-way shall be permitted to expand closer to such line or lines, and (c) existing restrictions as may have been previously provided for previous approvals shall continue in full force and effect, and (d) further provided the Planning Board, Board of Adjustment and Appeals shall have the authority to approve applications for the expansion of such existing pits or quarries into such areas, under the same terms and conditions as it may approve applications for new gravel pits and quarries for the excavation and removal of lands pursuant to the provisions of this ordinance.

410.6 This subsection shall not apply to (a) extraction necessarily incidental to construction, alteration, excavation, or grading for which a building permit has been issued, (b) to extraction from one portion of a lot for use on another portion of the same lot, or contiguous lot of the same owner, or (c) removal of topsoil from a site that is less than one acre in area during a one-year period.

410.7 Violations of this section of the Ordinance shall be punishable by a fine as established by order of the Town Council. Each day such violations are permitted to continue to exist shall constitute a separate violation. [Amended, effective 9/1/98]
To hold a Public Hearing to consider and act on an amendment to the Mass Gathering Ordinance to exempt Town functions from the Mass Gathering Permit requirement.
TOWN OF CUMBERLAND
MASS GATHERING ORDINANCE

THE TOWN OF CUMBERLAND HEREBY ORDAINS the following to be the Mass Gathering Ordinance –

I. STATEMENT OF PURPOSE

The Town of Cumberland is concerned about the adverse effect to the general health and safety of the community that may result from large crowds which attend outdoor events, including exhibitions, festivals, music concerts and fairs. Large gatherings may lead to sanitation problems, resulting from inadequate waste disposal, insufficient drinking water and ill-equipped first aid facilities; such gatherings may also threaten the safety of the community through the obstruction of roads, violations of liquor and drug laws, and destruction of property. Further, large gatherings that occur within a short period of time create traffic congestion, crowd control, health, sanitation and safety problems which are greater than those which accompany gatherings which occur over a longer duration. Therefore, the following ordinance is hereby ordained for the purposes of protecting the general welfare, preventing disease, promoting health and providing for public safety.

II. DEFINITIONS

A. Large Outdoor Event - means any gathering held outdoors with the intent to attract five hundred (500) one thousand (1,000) or more persons for a festival, exhibition, amusement show, fair, theatrical performance, musical performance or other similar activity. Large Outdoor Events are regulated depending on their anticipated attendance, and so there are two categories of Large Outdoor Events:

1. Major Large Outdoor Event - means a Large Outdoor Event which is held with the intent to attract a continued attendance of five thousand (5,000) or more persons for any length of time.

2. Minor Large Outdoor Event - means a Large Outdoor Event which is held with the intent to attract a continued attendance of fewer than five thousand (5,000) persons for any length of time.

B. Town - means the Town of Cumberland.

C. Town Council - means the Town Council of the Town of Cumberland.

D. Person - means any natural person, sole proprietorship, partnership, corporation or other entity.

E. Operator - means the person responsible for the Large Outdoor Event.
F. Insurance - Any such groups or individuals applying for any Mass Gathering permit for any organized purpose are required to provide evidence of insurance on an occurrence format for Bodily Injury and Property Damage liability of not less than $1,000,000 per occurrence. For Mass Gatherings on Town owned property the Town of Cumberland shall be named as additional insured in all such policies. The Town Council shall review, approve and may modify any or all of the insurance requirements.

G. Assembly Area - means that portion of the premises on which the Large Outdoor Event is held within which persons in attendance are expected to sit or stand.

III. REQUIREMENT OF A LICENSE FOR LARGE OUTDOOR EVENTS

A. No person may sponsor, promote, operate or hold any Large Outdoor Event unless a license therefore is first obtained from the Town Council of Cumberland.

B. The licensing procedure will be administered in the following manner:

1. The person(s) seeking a license must file an application form with the Town Clerk of the Town of Cumberland no less than 60 days before the proposed commencement of the Large Outdoor Event.

2. The fee for the license shall be established by order of the Town Council and must accompany the application. Money received under this ordinance will help defray costs of its administration. The Town Council may at its discretion reduce or waive the fee for charitable and nonprofit organizations.

3. The application, filed with the Town Clerk, must include a contract with the property owner allowing use of the facility or property, unless the property or facility is owned by the applicant.

4. Within 5 days of the receipt of an application, the Town Clerk shall notify the Town Manager, Police and Fire-EMS Chiefs of the application.

5. Before a license may be issued hereunder, the Town Council shall hold a public hearing, in order to review the application and determine the conditions required to safeguard the public health, safety and welfare.

The license applicants have the right to attend and to represent their interests at such hearing. When considering the issuance of a license for a Large Outdoor Event, the Town Council may seek advice from the Police Chief, Fire-EMS Chief, Code Enforcement Officer, Health Officer and such other Town officials as it deems necessary. After assessing the possible effects that the proposed event may have on the public's health, safety and welfare, the Town Council may deny the license or grant the license, or grant
the license and impose such reasonable conditions on the issuance of a license as would safeguard the public interest; including, requiring the applicant to:

a. post a performance guaranty in a form acceptable to the Town Attorney in an amount estimated by the Town Council to be equal to the Public Costs described in paragraph II F of this Ordinance.

b. agree to hiring of certified police officers, and fire-ems personnel at the expense of the licensee. The Police Chief, and Fire – EMS Chief will be notified no less than 45 days before the proposed event that the personnel will be needed;

c. demonstrate, by means of a written, descriptive plan addressing the standards of this Ordinance, that adequate facilities will be provided at the site of the Large Outdoor Event, in order to protect the health of the people who attend, including:

i. adequate waste disposal facilities;

ii. adequate fire-ems and police personnel;

iii. adequate water supplies;

iv. adequate first aid, ems rescue and fire facilities, and police equipment; and

v. adequate communication facilities;

d. give notice to the appropriate Town, County and State officials, as named by the Town Council;

e. demonstrate, by means of a written descriptive plan, that adequate parking spaces will be available;

f. provide, for major Large Outdoor Events, a detailed plan showing how crowd security and police protection of private property will be accomplished;

g. provide, for Major Large Outdoor Events, a detailed plan for controlling traffic, which shall contain:

i. a description of routes which persons attending are likely to take;

ii. methods to be used to publicize alternative routes;
iii. the number of persons who will be present to direct traffic at the site both before and after the event and their locations, and;

iv. a description of what means will be available to remove disabled vehicles from locations under the control of the Operator where such vehicles would prevent the free flow of traffic.

h. provide a contract with a waste disposal company to remove waste from the site.

IV. LICENSE STANDARDS

In reviewing Large Outdoor Event license applications submitted pursuant to Section III A, the Town Council shall determine whether to issue a license based upon whether the application meets all of the following standards:

A. Access - That convenient and safe access for the ingress and egress of pedestrian and vehicular traffic exists, and that all public roadways in the proximity of the Large Outdoor Event shall be adequately staffed with uniformed police officers to insure safety to all the public.

B. Grounds -

1. That each Large Outdoor Event Assembly Area shall be well drained and so arranged to provide sufficient space for persons assembled, vehicles, sanitary facilities, and appurtenant equipment.

2. That trees, underbrush, large rocks and other natural features shall be left intact and undisturbed whenever possible, and the natural vegetative cover shall be retained, protected, and maintained so as to facilitate drainage, prevent erosion, and preserve the scenic attributes.

3. That the grounds shall be maintained free from accumulation of refuse, and from health and safety hazards constituting a nuisance as defined.

4. That illumination shall be provided at night beginning one half hour before sunset to protect the safety of the persons at the Large Outdoor Event. The Assembly Area shall be adequately lighted, but lighting shall not unreasonably reflect beyond the Assembly Area boundaries unless adjacent properties are uninhabited.

5. That parking shall be provided for persons arriving by vehicular means; that service road and parking spaces shall be located so as to permit convenient and safe movement of vehicular and pedestrian traffic and free passage of emergency vehicles; that the width of the service road should not be less than the following: 1 traffic lane -- 12'; 2 traffic lanes -- 24'; parallel parking lanes -- 7'; that adequate
parking space shall be provided which means that there shall be at least one parking space to every three persons and the density shall not exceed one hundred passenger cars or 30 buses per usable acre.

6. That at least ten (10) square feet per person shall be provided on the site for a Large Outdoor Event with assigned seating; that at least fifteen (15) square feet shall be provided for a Large Outdoor Event with festival seating; and that no overnight assemblage shall be permitted.

C. Water Supply -

1. That an adequate, safe supply of potable water, meeting the requirements of the State Department of Human Services, Division of Health Engineering, shall be provided and that common cups shall not be used.

2. That transported water shall be obtained from an approved source, stored and dispensed in an approved manner. Approval as used in this paragraph means in compliance with standards adopted by the State Department of Human Services, Division of Health Engineering.

D. Sanitation -

1. That where water is distributed under pressure and flush toilets are used, the water system shall deliver water at a normal operating pressure (20 lbs per square inch minimum to all fixtures at the rate of at least 30 gallons per person per day).

2. That when water is not available under pressure, and non water carriage toilets are used, at least 3 gallons of water per person per day shall be provided for drinking and lavatory purposes.

3. That where water under pressure is not available, equivalent facilities shall be provided and installed in accordance with the requirements of the Department of Human Services, Bureau of Health, Mass Gathering Rules and Informational Guidelines.

4. That sanitary facilities shall be separate for males and females, and shall be provided at the rate of one for each 200 persons. Any other proposal for providing sanitary facilities must be in accordance with the requirements of the Department of Human Services, Bureau of Health, Mass Gathering Rules and Informational Guidelines.

5. That the required sanitary facilities shall be conveniently accessible and well defined.

6. That each toilet shall have a continuous supply of toilet paper.
7. That service buildings or rooms housing required plumbing fixtures shall be constructed of easily cleanable, nonabsorbent materials; the buildings, service rooms, and required plumbing fixtures located therein shall be maintained in good repair and in a clean and sanitary condition.

8. That separate service buildings or rooms containing sanitary facilities, clearly marked, shall be provided for each sex, and each toilet room shall be screened so that the interior is not visible from the outside.

9. That wastewater shall be discharged in a manner consistent with the requirements of the State Department of Human Services, Division of Health Engineering.

10. That disposal and/or treatment of any excretion or liquid waste shall be in a manner consistent with the requirements of the State Department of Human Services, Division of Health Engineering.

E. Refuse Disposal

1. That refuse shall be collected, stored, and transported in such a manner as to protect from odor, infestation of insects and/or rodents any and other nuisance condition, or conditions which are inconsistent with the health, safety, and welfare of the patrons of the Large Outdoor Event or of the public.

2. That refuse containers shall be readily accessible and that one (1) fifty gallon refuse container or its equivalent shall be provided for each one hundred persons anticipated or that one (1) sixteen (16) cubic yard trash container shall be provided for every five thousand (5,000) persons anticipated. All trash barrels shall be lined with plastic bags.

3. That the area where motor vehicles are parked shall have one (1) fifty, (50) gallon refuse container or its equivalent for every two hundred, (200) such motor vehicles.

4. That all refuse shall be collected from the Assembly Area at least twice each twelve (12) hour period of the Large Outdoor Event, with a minimum of two (2) such collections per Large Outdoor Event exceeding six (6) hours, or more if it is necessary, and disposed of at a waste disposal site approved by the Town.

5. That the grounds and immediate surrounding property shall be cleared of refuse within twenty-four (24) hours following the Large Outdoor Event.

F. Vermin Control - That insects, rodents and other vermin shall be controlled by proper sanitation practices, extermination or other safe, and effective control
methods, where necessary animal parasites and other disease-transmitting nuisances shall be controlled.

G. Safety

1. That where an electrical system is installed, it shall be installed and maintained in accordance with the provisions of the applicable State standards and regulations and the Town's Electrical Codes.

2. That the grounds, building, and related facilities shall be maintained and used in a manner as to prevent fire and in accordance with the applicable local fire prevention regulations.

3. That internal and external traffic and security control shall meet requirements of the applicable State and local law enforcement agencies.

4. That the Town of Cumberland Fire Department has been informed of the Large Outdoor Event and that adequate fire protection equipment is available.

5. That for Large Outdoor Events, at least one law enforcement officer per 1,000 persons expected to attend the Large Outdoor Event shall be on site to assist in crowd and traffic control, and for Major Large Outdoor Events, there shall be a minimum ratio of 5 officers for every 2,000 additional persons beyond 5,000 persons in attendance.

H. Medical

1. That emergency medical services shall be provided. All personnel must be Cumberland Fire-EMS personnel and/or approved by the Chief of the Cumberland Fire -EMS Department and they shall be licensed by the State of Maine, as either Physician Assistant, R.N., or Emergency Medical Technician.

2. That a First Aid building or tent with adequate medical supplies shall be available.

3. That an adequate number of vehicles duly licensed by the State of Maine as ambulances shall be available on the site during the complete time of the Large Outdoor Event.

4. That telephone and radio communications shall be provided and kept available for emergency purposes.

5. That the Chief of the Cumberland Fire – EMS Department shall determine the number of E.M.T. personnel and ambulances needed.

I. Noise
1. No Large Outdoor Event shall continue beyond 11:00 p.m.

VI. WAIVERS

The Town of Cumberland is exempt from the Mass Gathering Permit application process. The Town Council may, in its discretion, waive any of the requirements under Section III of this ordinance, if it finds the requirement of information or materials with the application is unnecessary or irrelevant to the review of a particular mass gathering permit application.

V. ENFORCEMENT, PENALTY, ASSIGNABILITY

The Town Of Cumberland shall enforce this Ordinance through its Code Enforcement Officer. Anyone violating any provision of this Ordinance shall be subject to a fine in an amount to be set per order of Town Council for each violation. Each day such violation continues shall constitute a separate offense. Licenses issued hereunder shall not be transferable or assignable.

AMENDED: 12/28/81
04/22/96
09/2009
10/2010
ITEM
11-120

To set a Public Hearing date (July 25th) to consider and act on setting the FY’12 tax rate as recommended by the Tax Assessor.
MEMORANDUM

TOWN OF CUMBERLAND, MAINE
290 TUTTLE ROAD
CUMBERLAND, MAINE 04021
TEL: 207-829-2204 FAX: 829-2224

To: William R. Shane, Town Manager
From: William Healey, Town Assessor
Date: July 6, 2011
Re: Rate for Tax Year 2011-2012

Bill,

Unfortunately the valuation increase from lot splits, new construction and additions is still lower than we’ve seen in the past. With that being said, I would like to recommend a tax rate of $15.80 per thousand for the Town’s Fiscal 2012 Tax Year. Please see me if you have any questions or concerns.
# 2011 Municipal Tax Rate Calculation Form

**Municipality:** Cumberland

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

1. Local Taxable Real Estate Valuation......................... 1 **$1,147,263,800**  
   (should agree with Page 1, line 6)

2. Local Taxable Personal Property Valuation................... 2 **$12,117,400**  
   (should agree with Page 1, line 10)

3. Total Taxable Valuation (Line 1 plus line 2).................. 3 **$1,159,381,200**  
   (should agree with Page 1, line 11)

4. Total of all Homestead Exempt Valuation .................... 4(a) **$16,610,000**  
   (should agree with Page 1, line 14f)

5. Total of all BETE Exempt Valuation ........................... 4(b) **$8,305,000**  

6. Total Valuation Base (Line 3 plus line 4(b) plus line 5).... 5 **$243,120**  
   (should agree with Page 2, line 15a)

7. County Tax........................................... 7 **601,242.00**

8. Municipal Appropriation.................................... 8 **7,363,601.00**

9. TIF Financing Plan Amount.................................. 9 **919,608.98**

10. School/Educational Appropriations............................ 10 **12,354,475.31**  
    (Adjusted to Municipal Fiscal Year)

11. Total Appropriations (Add lines 7 through 10)............. 11 **$21,238,927.29**

**ALLOWABLE DEDUCTIONS**

12. State Municipal Revenue Sharing.......................... 12 **550,000.00**

13. Other Revenues: (All other revenues that have been formally appropriated to be used to reduce the commitment such as excise tax revenue, tree growth reimbursement, trust fund or bank interest income, Do Not Include any Homestead or BETE Reimbursement) 13 **3,021,916.00**

14. Total Deductions (Line 12 plus line 13)..................... 14 **$3,571,916.00**

15. Net to be raised by local property tax rate (Line 11 minus line 14).......................................................... 15 **$17,667,011.29**

16. \[ \frac{17,667,011.29}{1.05} = 18,550,351.85 \]  
   Maximum Allowable Tax

17. \[ \frac{17,667,011.29}{1,167,929,320} \]  
   Minimum Tax Rate

18. \[ \frac{18,550,361.85}{1,167,929,320} \]  
   Maximum Tax Rate

19. \[ \frac{1,159,381,200.00}{0.01580} \]  
   Tax for Commitment  
   (Enter on Page 1, line 12)

20. \[ \frac{17,667,011.29}{0.05} \]  
   Maximum Overlay

21. \[ \frac{8,305,000}{0.01580} \]  
   Homestead Reimbursement  
   (Enter on line 8, Assessment Warrant)

22. \[ \frac{243,120}{0.01580} \]  
   BETE Reimbursement  
   (Enter on line 9, Assessment Warrant)

23. \[ \frac{18,453,283.26 - 17,667,011.29}{1.05} \]  
   Overlay  
   (Enter on line 5, Assessment Warrant)

\[(\text{If Line 23 exceeds Line 20 select a lower tax rate.})\]

Results from this completed form should be used to prepare the Municipal Tax Assessment Warrant, Certificate of Assessment to Municipal Treasurer and Municipal Valuation Return.
To: William R. Shane, Town Manager
From: William Healey, Town Assessor
Date: July 6, 2011
Re: LD1 Limit for FY 2012

Bill,

I have calculated the Town’s LD-1 Base Municipal Commitment Limit for the 2011 – 2012 Tax Year and determined that the Town’s Actual Base Commitment is $615,237 under the LD-1 Limit of $4,254,247.
2011 - 2012 LD-1 Commitment Limit for the Town of Cumberland

1) FY2010-11 Base Municipal Commitment/Limit

2) Total Taxable Value of Land, Buildings and Personal Property First Assessed on April 1, 2011

3) Total Taxable Valuation (Line 3 Page 10 of 2011 MVR)

4) Property Growth Factor (Divide Line 2 by Line 3)

5) Average Real Personal Income Growth

6) Growth Limitation Factor (Add 1.000 Plus Line 5)

7) 2010 Municipal Revenue Sharing

8) Multiply Line 7 by Line 6

9) 2011 Municipal Revenue Sharing

10) Enter Any New State Funds Not Accounted For Last Year. If Unnecessary Enter Zero on Line 10

11) Net New State Funds (Line 9 Plus 10 Minus Line 8)

12) Multiple Line 1 by Line 6

13) FY2011-12 Base Municipal Commitment Limit

14) FY2011-12 Tax for Commitment (Line 19 Page 10 of 2011 MVR)

15) FY2011-12 County Tax (Line 7 Page 10 of 2011 MVR)

16) FY2011-12 TIF Financing Plan Amount (Line 9 Page 10 of 2011 MVR)

17) FY2011-12 School Appropriations (Line 10 Page 10 of 2011 MVR)

18) FY2011-12 Overlay (Line 23 Page 10 of 2011 MVR)

19) FY2011-12 Base Municipal Commitment

20) Over/Under Limit

LD-1 Limit for 2011-12

$4,229,758.00

$6,000,000.00

$1,159,381,200.00

0.0052

0.0166

1.0218

$500,000.00

$510,887.59

$567,615.00

$0.00

$67,615.00

$4,321,361.72

$4,254,246.72

$18,318,222.96

$601,242.00

$919,608.98

$12,354,475.31

$803,886.97

$3,639,309.70

-$615,237.02
ITEM
11-121

To set a Public Hearing date (July 25th) to set rates at which interest will be paid for delinquent and over paid taxes, and to authorize applying tax payments to the oldest unpaid taxes.
To: Town Council

From: William R. Shane, Town Manager

Date: July 11, 2011

Re: Interest Rates for Delinquent Sewer Fees and Real and Personal Property Taxes

Annually the Maine Municipal Association (MMA) recommends an interest rate for delinquent sewer, real and personal property taxes. The Town has historically used the rates recommended by the Maine Municipal Association.

This year’s rate for Delinquent Taxes is: 7%

Motion:
I move to set an interest rate of 7% for delinquent real and personal property taxes for FY’11. Be it further Ordered, that all payments for delinquent real and personal property taxes be applied to the oldest unpaid taxes.
ITEM
11-122

To hear a report from the Town Manager re: Request for Proposals for the Drowne Road School conversion to senior housing.
Request for Proposals
Town of Cumberland
Drowne Road School
Revitalization Project

The Town of Cumberland is seeking proposals for the revitalization of Drowne Road School into a senior housing facility.

Objective:
To convert the Drowne Road School into senior housing and to generate approximately $4-$5 million dollars of equivalent taxable real estate.

Desired Development Specifics:
• No less than 35 units of rental senior housing
• Units will be 800-1,000 square feet each
• Independent living facility
• Onsite 24/7 nurse
• Community Room or Library
• Onsite parking
• Long term year lease
• A $480,000 payment to the Town to be paid over 3 years
• Payment in Lieu of Taxes (PILOT) for $80,000 annually with a negotiated escalation clause tied into annual local tax increases.
• The present Little League baseball fields will remain as is with an additional 40 satellite parking area to be constructed in the rear of the Town Hall.

Your written proposal should outline all elements listed in the above “Specifics” section of this request.

Your written proposal shall also include previous project experience on similar projects.

Please include resumes of project staff members who will be part of your team.

Proposals will be evaluated on completeness of submission, conformance with Town goals, and experience with similar projects.

All proposals shall be submitted to:

Town of Cumberland
William R. Shane, Town Manager
290 Tuttle Road
Cumberland, ME 04021
Re: Drowne Road School Revitalization Project

Proposals shall be submitted by 5:00 p.m. on Thursday, July 27, 2011.
Request for Proposals
Town of Cumberland
Drowne Road School
Revitalization Project

The Town of Cumberland is seeking proposals for the revitalization of Drowne Road School into a senior housing facility. Please refer to the Town of Cumberland website for additional details www.cumberlandmaine.com.