

## **AGENDA**

Cumberland Town Council Meeting

Town Council Chambers

**MONDAY, September 28, 2020**

**7:00 P.M.** Call to Order

Streaming on YouTube - Town of Cumberland Maine and broadcast live on  
Spectrum Channel 2 and 1301

### **I. CALL TO ORDER**

### **II. APPROVAL OF MINUTES**

September 14, 2020

### **III. MANAGER'S REPORT**

### **IV. PUBLIC DISCUSSION**

### **V. LEGISLATION AND POLICY**

**20 – 074.** To hold a Public Hearing on the order of discontinuance as a Town way, a portion of Turkey Lane from Range Road to the snowmobile bridge.

**20 – 075.** To set a Public Hearing date of October 12th to consider and act on the order of discontinuance as a Town way, a portion of Turkey Lane from Range Road to the snowmobile bridge.

**20 – 076.** To hold a Public Hearing to consider and act on accepting a portion of Red Mill Way as a public road, as recommended by the Lands & Conservation Commission.

**20 – 077.** To hold a Public Hearing to consider and act on amendments to Chapter 315 (Zoning), Section 21 (Town Center District), B-12 (Day Care Centers and Nursery Schools), to increase the number of children allowed from 20 to 28, as recommended by the Planning Board.

**20 – 078.** To hold a Public Hearing to consider and act on setting sewer user fees for FY2021.

**20 – 079.** To hold a Public Hearing to adopt the Maine Municipal Association Model General Assistance Ordinance and Appendices A-D for the period of October 1, 2020 through September 30, 2021.

**VI. NEW BUSINESS**

**VII. BUDGET REPORT**

**VIII. ADJOURNMENT**

# MINUTES

Cumberland Town Council Meeting

Town Council Chambers

**MONDAY, September 14, 2020**

**5:45 P.M. Farewell gathering for Bill Stiles**

## 7:00 P.M. Call to Order

Present: Councilors Copp, Edes, Foster, Gruber, Storey-King, Turner and Vail

### I. APPROVAL OF MINUTES

Motion by Councilor Edes, seconded by Councilor Copp, to accept the August 24, 2020 meeting minutes as presented.

VOTE: 7-0 UNANIMOUS

### II. MANAGER'S REPORT

Town Manager Shane introduced local author Bill Kinney who spoke about his new book "A History of Maine Railroads".

### III. PUBLIC DISCUSSION

Chris Neagle of Orchard Road thanked Cumberland Fire Department Paramedics Chris Copp and Lida Green for responding to his aid and saving his life recently.

Mr. Neagle voiced his concern about an article in a Maine State Bar Association periodical by Attorney Krystal Williams, who is self-described as a "Christian female attorney from away" and the challenges that presents. He read from the article, which he found troubling: *When I am stopped by a Cumberland police officer because – allegedly – the small light that illuminates my license plate is out on one side – it's personal. And when that same officer sees my ACLU and Maine Law tote bags in my back seat and "let's" me go only to follow me until I reach my house – it's personal. When I am stopped on my way to the gym by a Cumberland police officer who approaches my car yelling, "Do you have a gun?!" – it's personal.* Mr. Neagle said that he does not know this woman and pointed out that she is a black woman. This is a big problem for our Town and we now have a statewide reputation for having at least one racist police officer. He realizes that there is another side to the story and he would like to know the other side of the story.

Town Manager Shane responded that the day after the article came out, the Town Council was notified and an investigation began. As with any investigation, when the final adjudication is released it becomes public information. The Council cannot comment on an ongoing investigation.

Mr. Neagle said that he feels protected by the Cumberland Police Department and he hopes that this issue will be dealt with publically and openly.

Mari Balow, of Portland, requested the Council's permission to hold a 50K trail race that will go through Rines Forest and Knight's Pond this Saturday. The organizers of the race were under the impression that since they had received approval from the Chebeague and Cumberland Land Trust, that they were all set. They were recently advised by the Town Manager that they need permission from the Cumberland/North Yarmouth Joint Standing Committee for the use of Knight's Pond Preserve. This event is capped at 60 runners and they have gotten permission from the 2 private landowners who may be impacted because the

trails cross their property. Both Cumberland and North Yarmouth will be added to their insurance rider for this event.

Town Manager Shane said that a meeting of the Joint Standing Committee could be pulled together this week to listen to the event proposal and consider giving permission to allow it to take place at Knight's Pond.

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

##### **20 – 065 To set a Public Hearing date of September 28<sup>th</sup> on the order of discontinuance as a Town way, a portion of Turkey Lane from Range Road to the snowmobile bridge.**

Town Attorney, Alyssa Tibbetts explained that Turkey Lane is what is known under Maine Law as a Town Way. The Town does not own the fee in the land, meaning that the Town does not own the title to the underlying property where Turkey Lane exists. The Town has an interest in that land for the use of the property for a passage as a Town Way. This currently includes, to the extent possible, vehicular access, motorized access, pedestrian access, etc. The options over time are twofold, with respect to a Town Way that goes unused, whether it is not maintained, not built to a particular standard or not passable by vehicles. One is to let the Town Way stand as it is today, make no affirmative designation with respect to the Town's position regarding the status of that Town Way, and wait and see if a property owner comes forward, requesting that it be built to Town standard for purposes of development, or to take the position that at that time the road has effectively been abandoned due to lack of use over a period of 30 years. The second option is to make a decision at any point in time (which is before the Council now) to discontinue the road. What happens at that point is the Town no longer has a Town Way used for highway purposes (vehicular access), but a public easement can be retained and the Council can determine the types of uses allowed over the public easement. With a Town Way where the Town does not own the underlying fee, the ownership of the land does not change. It is ultimately about the use of the land for both the abutters to that property and the public as a result of the Town's decision. If the Council decides that it would like to pursue the discontinuance process, there are a number of decisions that have to be made at the outset of the process to be sure that we are satisfying the State statute.

Councilor Turner said that the discussion by the Council on this has been that we do not want to give up anything as far as the Town is concerned based on a 66-foot wide right-of-way. Only about 20 feet is useable because of the terrain.

Councilor Copp said that he is concerned that if we reduce the 66-foot right-of-way and somebody wants to drive down to the bridge, they could potentially be driving over somebody's property. This is the situation with the right-of-way to Blueberry Hill.

Councilor Vail said that he does not want to prohibit vehicular traffic because some people have ambulatory problems and cannot walk down to the pond to fish. He does not want to constrain the people of the Town and he is comfortable with the discontinuance.

Motion by Councilor Vail, seconded by Councilor Copp, to set a Public Hearing date of September 28<sup>th</sup> on the order of discontinuance as a Town way, a 66-foot public easement of Turkey Lane from Range Road to the snowmobile bridge.

The Town Attorney advised the Council that the process for discontinuance is that the Council holds a discussion about the terms of the discontinuance, which generally will give direction for the attorney to draft the Order of Discontinuance. The direction that she needs this evening is not only the location and the width, but also whether there are any restrictions as well as any damages to be considered to the abutters.



Motion amended by Councilor Foster, seconded by Councilor Copp, to set a Public Hearing date of September 28<sup>th</sup> on the order of discontinuance as a Town way, a portion of Turkey Lane from Range Road to the snowmobile bridge with a 66-foot public easement, with no restrictions on the uses, and no damages ordered to abutters.

VOTE: 7-0

UNANIMOUS

**20 – 066 To hold a Public Hearing to consider and act on the 2021 Shellfish License allocations, as recommended by the Shellfish Conservation Commission.**

Town Manager Shane explained that the Shellfish Conservation Commission met last week and are recommending that the annual shellfish license allocations be the same as last year (unlimited resident recreational, 25 non-resident recreational, 8 monthly resident, 2 monthly non-resident, 1 resident commercial and 1 non-resident commercial).

Chairman Gruber opened the Public Hearing.

Public discussion: none

Chairman Gruber closed the Public Hearing.

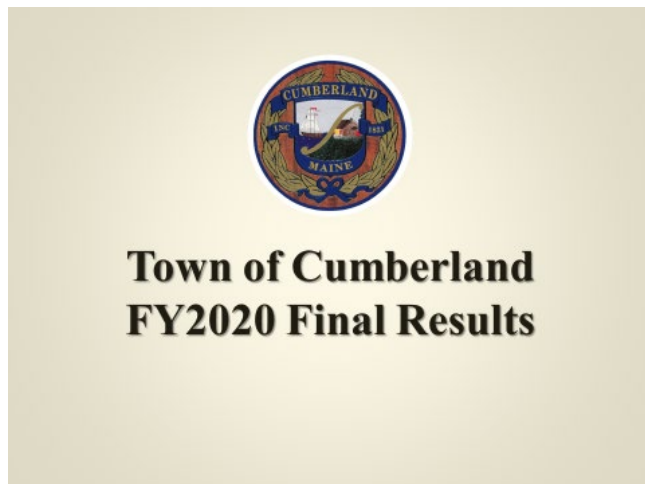
Motion by Councilor Storey-King, seconded by Councilor Edes, to approve the 2021 Shellfish License allocations, as recommended by the Shellfish Conservation Commission.

VOTE: 7-0

UNANIMOUS

**20 – 067 To hear a report from the Finance Director re: 4<sup>th</sup> Quarter Financials.**

Finance Director, Helene DiBartolomeo, presented the following:



<b>General Fund</b>			
<b>FY2020 Revenues &amp; Expenditures</b>			
	FY20 Budget	FY20 Actual	Over (Under) Budget
<b>TOTAL REVENUES</b>	<b>\$ 5,726,256</b>	<b>\$ 5,951,848</b>	<b>\$ 225,592</b>
			<i>Over Budget</i>
Controllable Expenses	\$ 8,826,793	\$ 8,713,315	\$ (113,478)
Fixed Expenses	\$ 21,877,979	\$ 21,945,366	\$ 67,387
<b>TOTAL EXPENSES</b>	<b>\$30,704,772</b>	<b>\$30,658,681</b>	<b>\$ (46,091)</b>
<b>GF Net Revenues over Expenditures</b>			<b>\$ 271,683</b>

## General Fund FY2020 Selected Revenues

	FY20 Budget	FY20 Actual	Over (Under) Budget	FY20 %	FY19 %
Excise Tax	\$ 1,950,000	\$ 2,040,443	\$ 90,443	4.6%	9.3%
State Revenue Sharing	\$ 603,207	\$ 746,067	\$ 142,860	23.7%	3.5%
Permits & Impact Fees	\$ 177,174	\$ 183,115	\$ 5,941	3.4%	8.3%
EMS Billing	\$ 160,000	\$ 178,855	\$ 18,855	11.8%	4.6%
Val Halla - Golf Revenues	\$ 572,921	\$ 583,495	\$ 10,574	1.8%	-0.5%
Recreation	\$ 918,116	\$ 640,262	\$ (277,854)	-30.3%	27.2%

## General Fund FY2020 Selected Expenses

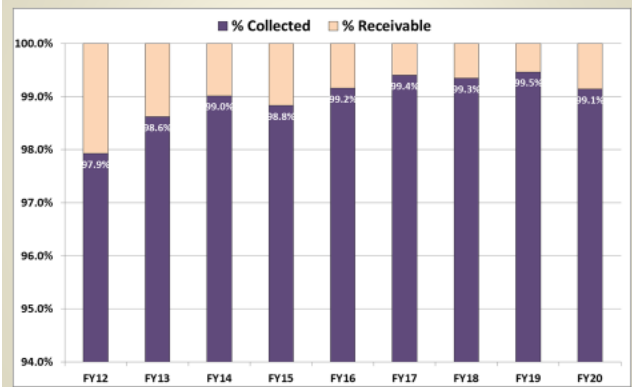
	FY20 Budget	FY20 Actual	Over (Under) Budget	FY20 %	FY19 %
Police	\$ 1,412,547	\$ 1,405,780	\$ (6,767)	-0.5%	-2.9%
Fire	\$ 1,032,324	\$ 1,004,308	\$ (28,016)	-2.7%	-2.5%
Public Services	\$ 2,127,425	\$ 2,015,823	\$ (111,603)	-5.2%	-0.2%
Val Halla Golf Club	\$ 761,933	\$ 766,095	\$ 4,162	0.5%	3.9%
Recreation	\$ 1,048,508	\$ 980,304	\$ (68,204)	-6.5%	8.0%

## Overages by Department

The Operating Budget overages this year can be classified as follows:

130 Administration	\$ (35,394)
140 Assessor	\$ (4,222)
150 Town Clerk	\$ (4,638)
160 Technology	\$ (46,002)
190 Legal	\$ (11,428)
250 Harbor Master	\$ (2,454)
260 Animal Control	\$ (5,548)
320 Waste Disposal	\$ (12,762)
360 Valhalla-Course	\$ (26,430)
450 Library	\$ (13,277)
800 Fire Hydrants	\$ (3,088)
850 Abatements	\$ (35,917)
750 Insurance	\$ (8,988)
650 Debt Service	\$ (58,399)
	<b>\$ (268,547)</b>

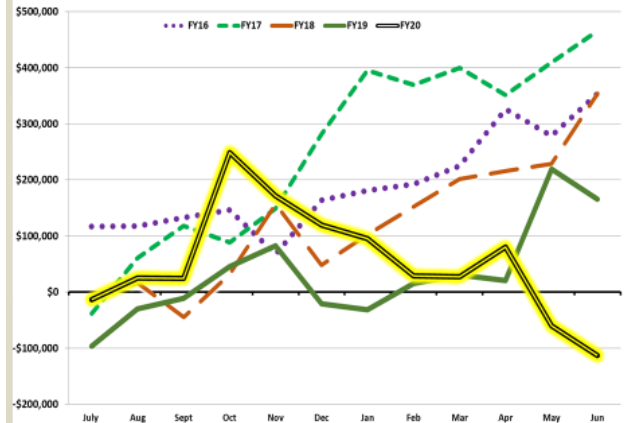
## Tax Collection Rate



## Recommended Uses

				%	Goal - FY 19
FY2019 Ending GF Fund Balance			\$ 2,483,299	8.1%	12.0%
	Budgeted	Actuals			
GF Revenues over (under) budget	\$31,092,623	\$31,368,627	31,368,627		
GF Expenses (over) under budget	\$30,704,772	\$30,658,681	(30,658,681)		
Net change in GF reserve accounts			205,668		
Estimated End of Year funds available:			915,614		
Less transfers for:					
Debt service reserve			(65,000)		
Land Acquisitions			(50,000)		
			(115,000)		
Any additional excess revenues will be added to Fund Balance				%	Goal - FY 20
FY2020 GF Ending Fund Balance			\$ 3,283,913	10.5%	12.0%

## Est. \$ Spent Over (Under) Budget



## Fund Balance

<b>Fund Balance @ 6/30/2020</b>	<b>\$ 3,283,913</b>
<i>10.5% of Revenues</i>	
<b>July &amp; August Operating Costs</b>	<b>\$ (1,320,000)</b>
<b>July &amp; August Revenues</b>	<b>\$ 900,000</b>
<b>July &amp; August School Assessment</b>	<b>\$ (3,156,292)</b>
<b>Balance before September Property Tax Receipts</b>	<b>\$ (292,379)</b>

## Fund Balance

<b>Fund Balance @ 12% of Revenues</b>	<b>\$ 3,764,235</b>
<b>July &amp; August Operating Costs</b>	<b>\$ (1,320,000)</b>
<b>July &amp; August Revenues</b>	<b>\$ 900,000</b>
<b>July &amp; August School Assessment</b>	<b>\$ (3,156,292)</b>
<b>Balance before September Property Tax Receipts</b>	<b>\$ 187,943</b>
<b>Additional Fund Balance needed to reach 12% Fund Balance</b>	<b>\$ 480,322</b>

Chairman Gruber asked for any public comment.  
No public comment.

### **20 – 068 To hold a Public Hearing to authorize the Town Manager to transfer inter-departmental operating funds for FY'20, as recommended by the Finance Committee.**

Town Manager Shane said that he is looking for the Town Council's authorization to transfer excess inter-departmental operating funds to the department budgets that fell short. He is also looking for authorization for the transfers to the property acquisition and debt service reserve funds.

Chairman Gruber opened the Public Hearing.  
Public comment: none  
Chairman Gruber closed the Public Hearing.

Motion by Councilor Vail, seconded by Councilor Foster, to authorize the Town Manager to transfer excess end of year operating revenues and interdepartmental operating balances to close-out all departmental budgets for FY 2020, as recommended by the Finance Committee.

VOTE: 7-0 UNANIMOUS

Motion by Councilor Vail, seconded by Councilor Turner, to authorize the Town Manager to transfer up to \$115,000.00 from end of year excess revenues for projects approved by the Finance Committee and that any additional excess revenues be applied to end of year Fund Balance.

VOTE: 7-0 UNANIMOUS

### **20 – 069 To consider and act on setting October 12<sup>th</sup> – 16<sup>th</sup> as bulky item pick up week.**

Councilor Storey-King reminded the public that if they have a large item that they want to get rid of, Riverside Recycling in Portland is always an option. The Council received some information from Ecomaine recently and Cumberland's numbers are up as far as items being put out for recycling that are not recyclable. The plastic bags that you get from grocery stores are not recyclable. If we have a percentage rate over 5% contamination, it costs us an additional \$36 per ton in our recycling. Everyone should please educate themselves on what is and is not recyclable.

Chairman Gruber asked for any public comment.  
No public comment.

Motion by Councilor Copp, seconded by Councilor Storey-King, to set October 12<sup>th</sup> – 16<sup>th</sup> as bulky item pick up week.

VOTE: 7-0                      UNANIMOUS

**20 – 070    To request a recommendation for the sale of Town owned property located at 4 Blanchard Road from the Lands and Conservation Commission.**

Town Manager Shane explained that this started 2 years ago when we had the land that the Historical Society building sat on appraised. At that time, we were negotiating with Sevee and Maher to purchase the land and we agreed on the appraised value of the land (\$88,000). Since it has been a couple of years since the original negotiation, they went back to the table and he asked Sevee and Maher to include \$12,000 in engineering fees for the Town. He is requesting that the Council send this to the Lands & Conservation Commission for a recommendation.

Chairman Gruber asked for any public comment.  
No public comment.

Motion by Councilor Turner, seconded by Councilor Copp, to send to the Lands and Conservation Commission for a recommendation, the sale of Town owned property located at 4 Blanchard Road, as recommended by the Finance Committee in 2019.

VOTE: 7-0                      UNANIMOUS

**20 – 071    To set a Public Hearing date of September 28<sup>th</sup> to consider and act on accepting a portion of Red Mill Way as a public road, as recommended by the Lands & Conservation Commission.**

Town Manager Shane explained that there was a portion of Red Mill Way between Winterberry, Linden and Hawthorne Courts that got lost in the process of the Town acquiring Hawthorne Court, and it was never accepted as a Town road. The Homeowners Association and the Lands & Conservation Commission have both voted in favor of the acceptance.

Chairman Gruber asked for any public comment.  
No public comment.

Motion by Councilor Storey-King, seconded by Councilor Turner, to set a Public Hearing date of September 28<sup>th</sup> to consider and act on accepting a portion of Red Mill Way as a public road, as recommended by the Lands & Conservation Commission.

VOTE: 7-0                      UNANIMOUS

**20 – 072    To set a Public Hearing date of September 28<sup>th</sup> to consider and act on amendments to Chapter 315 (Zoning), Section 21 (Town Center District), B-12 (Day Care Centers and Nursery Schools), to increase the number of children allowed from 20 to 28, as recommended by the Planning Board.**

Councilor Storey-King explained that this is a request from the daycare center at the Congregational Church and the Ordinance Committee has reviewed it. The daycare is trying to work with the hybrid model that the school is operating under and 28 is the maximum number of children that the State will allow them to have.

Chairman Gruber asked for any public comment.  
No public comment.

Motion by Councilor Edes, seconded by Councilor Foster , to set a Public Hearing date of September 28<sup>th</sup> to consider and act on amendments to Chapter 315 (Zoning), Section 21 (Town Center District), B-12 (Day Care Centers and Nursery Schools), to increase the number of children allowed from 20 to 28, as recommended by the Planning Board.

VOTE: 7-0                      UNANIMOUS

**20 – 073    To set a Public Hearing date of September 28<sup>th</sup> to consider and act on adding a Residential Solar Energy System Ordinance to the Cumberland Code, as recommended by the Ordinance Committee.**

Town Manager Shane explained that the Ordinance Committee met about this and is still waiting for a response from the Town Attorney related to language prohibiting solar arrays being placed in the front yards of homes.

Councilor Storey-King explained that this came up when a resident questioned the setback requirements of residential solar arrays. Currently they are treated as a structure and the setback is further than a shed. She did some research and found an ordinance from Belfast that is very thorough that we can work with. The intent is to have a stand-alone ordinance, like our windmill ordinance.

Chairman Gruber asked for any public comment.

Paul Weiss said that typically, prior to things going to Public Hearing, you would confirm that the proposal meets State requirements. He is a resident who is fully solar at his home and is also a solar professional. He has reviewed this proposal and recommended working with the many companies who install solar arrays, because they all have in-depth knowledge of the regulations and requirements. This ordinance as it is currently written does not comply with State law on multiple accounts.

Councilor Storey-King asked Mr. Weiss to share his findings with her directly in regard to language that conflicts with State law.

Town Manager Shane said that we can wait 2 additional weeks in order to get some more input from the Town Attorney and some solar energy companies. That will give the Ordinance Committee more time to work on it.

Motion by Councilor Copp, seconded by Councilor Vail, to set a Public Hearing date of October 12<sup>th</sup> to consider and act on adding a Residential Solar Energy System Ordinance (Chapter 232) to the Cumberland Code, as recommended by the Ordinance Committee.

VOTE: 7-0                      UNANIMOUS

**V.    NEW BUSINESS**

**Councilor Edes – None**

**Councilor Storey-King – None**

**Councilor Vail – None**

**Chairman Gruber** – The Food Pantry continues to do so much for our community. Thank you to the volunteers who give their time and compassion every week. We have served over 1,500 families to date.

The Planning Board meets tomorrow evening.

He is looking forward to the Employee Appreciation Luncheon this Thursday. Town Hall will be closing at noon that day.

**Councilor Foster** – School started last week and as a parent of a school-aged child, she wants to give a huge shout out to Peter Bingham and his team, who through all of this scrambled and collaborated with North Yarmouth, getting access to the new Westcustago Hall. Parents have care before and after school. This is a huge lifesaver and many families are very grateful.

**Councilor Turner** – He has a neighbor who is in her mid-80's who lost her husband recently. There are a lot of people in that age group who aren't necessarily savvy with technology who we may not be reaching with information. If there is any improvement that we can make to communicate information with our elderly population, we should be focusing on this.

**Councilor Copp** – Before the Council meeting this evening, we had a small farewell gathering for Bill Stiles. It was great to see Bill and some other elders from our Town.

The 4-H auction will still take place even though the fair has been cancelled. Donations are still being accepted to benefit the food pantry. This helps the food pantry customers as well as the 4-H kids who raise the animals that are auctioned.

## **VI. ADJOURNMENT**

Motion by Councilor Vail, seconded by Councilor Storey-King, to adjourn.

VOTE: 7-0 UNANIMOUS

TIME: 9:38 P.M.

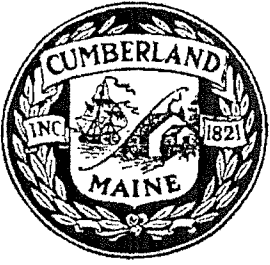
Respectfully submitted by,

Brenda L. Moore  
Council Secretary

# ITEM

## 20-074

To hold a Public Hearing on the order of discontinuance as a Town way,  
a portion of Turkey Lane from Range Road to the snowmobile bridge



## LANDS AND CONSERVATION COMMISSION

Town of Cumberland  
290 Tuttle Road  
Cumberland, ME 04021

September 15, 2020

Tom Gruber, Chair  
Cumberland Town Council  
290 Tuttle Road  
Cumberland, ME 04021

Dear Mr. Gruber:

At its September 2, 2020 meeting, your Lands and Conservation Commission voted to recommend that the Town Council discontinue Turkey Lane from Range Road to the snowmobile bridge as a town way provided that the Town retain a trail easement from Range Road to the snowmobile trail sufficiently wide to allow for a future driveway and snowmobile trail.

Furthermore, the Lands and Conservation Commission believes that vehicular traffic leading down to the snowmobile bridge would create erosion of the trail and therefore recommends that trail use in the easement be limited to non-motorized vehicles and snowmobiles.

Please let me know if there are questions.

Sincerely,

Mike Schwindt  
Chair



67 Range Road  
Cumberland ME 04021  
September 23, 2020

Mr. Thomas Gruber  
Town Council Chair  
Town of Cumberland Maine  
290 Tuttle Road  
Cumberland, ME 04021

Dear Tom

On September 19, 2020 I received a notice of proposed discontinuance of Turkey Lane. I understand that the proposal is to discontinue a portion of Turkey Lane as a town way without discontinuing any of the public easement rights in the way (the "Public Easement") and that the Town Council will hold a public hearing concerning the proposed discontinuance on September 28, 2020

As the owner of one of the two properties abutting the portion of Turkey Lane that is proposed to be discontinued, I have the following comments on the terms of the proposed discontinuance:

1. I am greatly disappointed that the original plan presented to me of a 20 foot easement width and no motorized vehicles was tabled by the Town Council. The failure to reduce the width is especially puzzling because so much of the 44 feet in question is unusable for recreation.
2. The notice states that I have the right to maintain my portion of the Public Easement to provide access to my property. I agree and will therefore disregard prior suggestions that I would need a license from the Town to maintain and use same or to build a driveway.
3. During periods of wet soil conditions, I plan to erect a temporary barrier to close my portion of the Public Easement to all but pedestrian traffic in order to prevent damage to my property.
4. Pursuant to 17 M.R.S. § 3853-D, a person commits a Class E crime who as a result of operating a motor vehicle on the Public Easement damages forest products, personal property or roads on that public easement. I request that the Town make persons aware of this law through appropriate signage or other means.
5. Pursuant to 29-A M.R.S. § 101, all-terrain vehicles are not motor vehicles and are currently restricted from access to Turkey Lane which is a town way. By extension they will not have access to the Public Easement. I request that the Town make persons aware of this restriction through appropriate signage or other means.
6. I disagree with the Town's proposed finding that there will be no damages to my property resulting from the discontinuance. My property has approximately 1500 feet of frontage on Range Road, thus providing sufficient frontage to develop 6 house lots in addition to my personal residence. This is likely the total number of subdivision lots permitted for my property under current zoning. At least one of these lots lies on that portion of my property which runs along the north side of Turkey Lane. That portion is physically inaccessible from Range Road to the northwest without construction of at least a 100 foot bridge to span a deep gully and spring-

fed stream. The only other method of access to Range Road is through construction of a private way over the Public Easement. As a result of discontinuance, I will incur the additional cost of using one of these methods of providing access to that portion of my property.

7. In light of the damages set forth in the preceding paragraph, I request that the Council's order be revised to award damages for the reduction in value of my property caused by the discontinuance.

Regards,

A handwritten signature in dark ink, reading "Mary Lucile Gallaudet". The signature is written in a cursive style with a prominent initial "M" and a stylized "G".

Mary Lucile Gallaudet

Trustee, Revocable Inter Vivos Trust Agreement of Mary Lucile Gallaudet

cc by email: William Shane

## **Order of Discontinuance of a Portion of a Town Way**

**To:** Residents of the Town of Cumberland and other interested persons

**From:** Municipal Officers of the Town of Cumberland

Pursuant to 23 M.R.S.A. § 3026-A, the Municipal Officers of the Town of Cumberland hereby order the discontinuance as a Town way of that portion of Turkey Lane running from Range Road up to, but not including, the bridge on Turkey Lane, as further shown on Exhibit A, for a distance of approximately 1,040 feet.

Having given best practicable notice to all abutting property owners, a list of whom is attached to this Order, and the Town Planning Board, we further order that no damages be awarded to the abutting property owners.

Further, said Municipal Officers in their capacity as the Town Council and the legislative body of the Town of Cumberland, hereby approve said order of the municipal officers and further order that said portion of Turkey Lane be discontinued immediately, without damages to abutters and with a public easement retained as described and set forth in Exhibit B.

Date: \_\_\_\_\_,

\_\_\_\_\_  
Thomas Gruber, Chair

\_\_\_\_\_  
Robert Vail

\_\_\_\_\_  
Ronald Copp, Jr.

\_\_\_\_\_  
Allison Foster

\_\_\_\_\_  
Michael Edes

\_\_\_\_\_  
Shirley Storey-King

\_\_\_\_\_  
George Turner

\_\_\_\_\_  
Municipal Officers/Town Council

## **LIST OF ABUTTING PROPERTY OWNERS**

1. Bella LLC  
60 Range Road  
Cumberland Center, Maine 04021  
Tax Map R05, Lot 14
2. Trustees of Revocable Inter Vivos Trust Agreement of Mary Lucile Gallaudet  
67 Range Road  
Cumberland Center, Maine 04021  
Tax Map R05, Lot 15A

**EXHIBIT A**  
**DESCRIPTION OF PORTION OF TURKEY LANE TO BE DISCONTINUED**



PROFESSIONAL LAND SURVEYING, LLC  
P.O. BOX 175  
CUMBERLAND, MAINE 04021-0175  
207-854-1015

September 17, 2020

Proposed Description For  
Town of Cumberland  
290 Tuttle Road  
Cumberland, Maine 04021

**EXHIBIT A**

A certain lot or parcel of land with any improvements thereon, located on the northeasterly side of Range Road in the Town of Cumberland, County of Cumberland, State of Maine and more particularly bounded and described as follows:

**BEGINNING** at an iron rebar on the easterly side of Range Road at the corner of Turkey Lane ;

Thence the following courses and distances along Turkey Lane:

**thence N 54°53'55" W, a distance of 85.81';  
thence N 74°49'40" E, a distance of 385.17';  
thence N 69°53'45" E, a distance of 129.98';  
thence N 73°15'50" E, a distance of 150.33';  
thence N 76°27'03" E, a distance of 366.66';  
thence S 13°32'57" E, a distance of 66.00';  
thence S 76°27'03" W, a distance of 364.82';  
thence S 73°15'50" W, a distance of 146.56';  
thence S 69°53'45" W, a distance of 130.88';  
thence S 74°49'40" W, a distance of 333.17';**

Containing an area of **1.52 Acre**

The basis of bearings for this description was the Maine State Grid Plane North American Datum 1983 located in the West Zone.

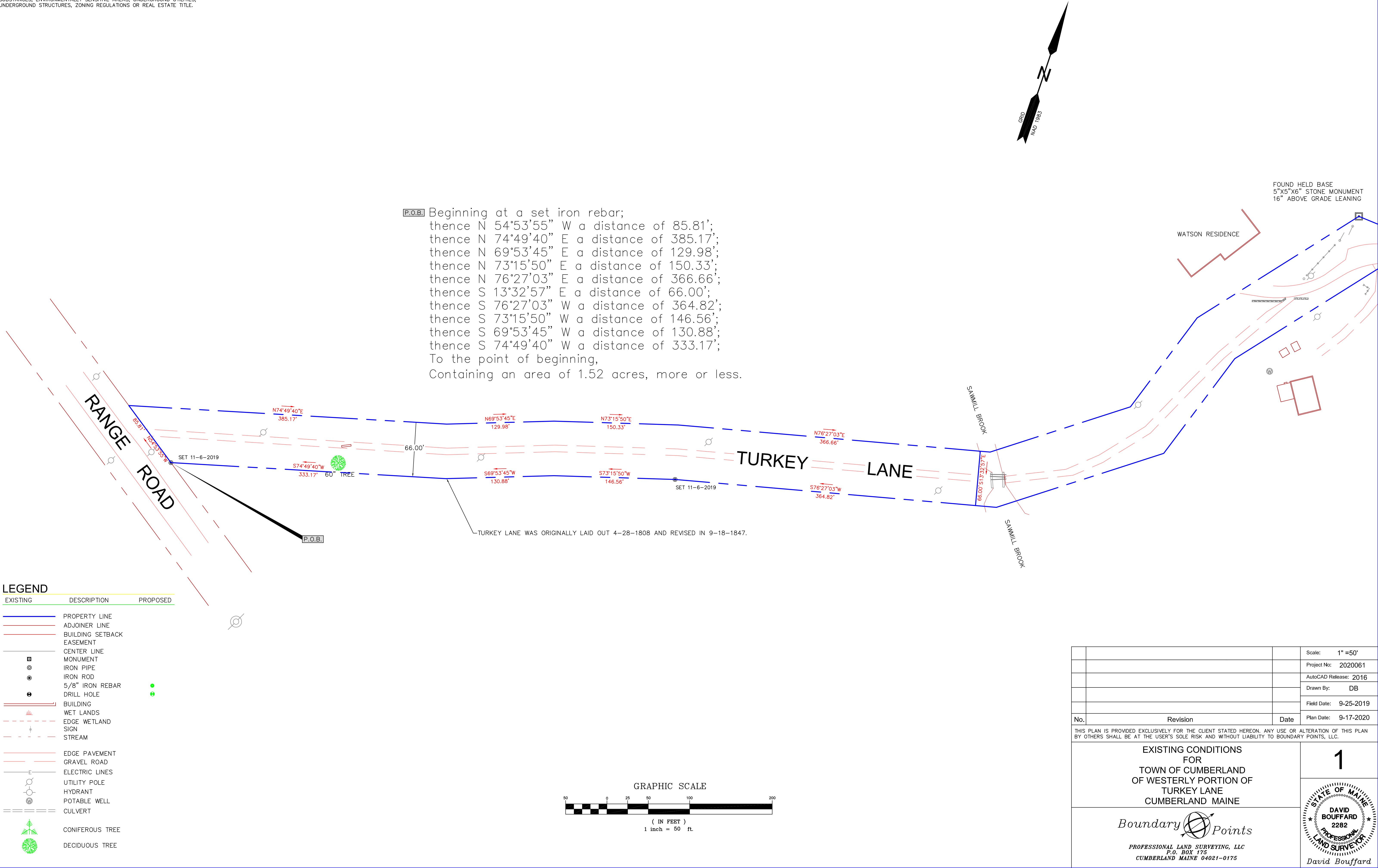
Together with the right to install and maintain utilities.

Meaning and intending to describe the original layout of Turkey Lane being 66 feet wide and approximately centered on the old travelled way.

SURVEYOR'S NOTES

ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF I CERTIFY EXCLUSIVELY TO THE CLIENT THAT THIS SURVEY PLAN, MADE TO THE NORMAL STANDARD OF CARE, SUBSTANTIALLY CONFORMS TO THE MAINE BOARD OF LICENSURE FOR LAND SURVEYOR STANDARDS.

NO CERTIFICATION IS MADE TO THE EXISTENCE OR NONEXISTENCE OF HAZARDOUS SUBSTANCES, ENVIRONMENTALLY SENSITIVE AREAS, UNDERGROUND UTILITIES, UNDERGROUND STRUCTURES, ZONING REGULATIONS OR REAL ESTATE TITLE.



**EXHIBIT B**  
**DESCRIPTION OF PUBLIC EASEMENT TO BE RETAINED**

Meaning and intending to retain the full existing width of the old travelled way of Turkey Lane as 66 feet wide. Together with the right to install and maintain utilities.

Use of the public easement will not be limited in any manner and may be used by vehicles, pedestrians, snowmobiles, non-motorized vehicles and emergency vehicles.



TO: Bella LLC  
60 Range Road  
Cumberland Center, Maine 04021  
Tax Map R05, Lot 14

FROM: Cumberland Town Council, as the Municipal Officers of the Town

Dear Property Owner:

This letter follows the notice that was mailed to you on August 6, 2020 as an owner of property abutting Turkey Lane. This letter is to notify you that the Town Council met on September 14, 2020, to consider whether to issue an order to discontinue Turkey Lane from its intersection with the Range Road to, but not including, the bridge on Turkey Lane, for a distance of approximately 1,040 feet. Following that discussion, the Town Council voted to set a public hearing date of September 28, 2020, on the enclosed proposed order of discontinuance, which has been filed with the Town Clerk.

As you know, this section of Turkey Lane is now a town way, subject to a winter closure order, that is approximately sixty-six feet wide and is shown more particularly on Assessor's Tax Map R05, on file at Cumberland Town Hall, 290 Tuttle Road, Cumberland, ME (sketch enclosed). The Town Council intends to retain a public easement in the road. The public easement will encompass the full sixty-six feet of the existing town way and will not be limited as to the use or access by pedestrians, vehicles, snowmobiles, non-motorized vehicles or emergency vehicles. The Town Council does not intend to award damages to any abutting property owners in connection with the discontinuance of Turkey Lane.

If an Order of Discontinuance is issued following the September 28, 2020 public hearing, and subsequently approved by vote of the Town Council, as the legislative body of the Town, the Town will have no obligation to maintain, repair or plow that section of Turkey Lane, but the public will still have the right to utilize the public easement as indicated above. Following discontinuance, ownership of the road is generally presumed to revert to the abutting landowners to the center line, but the Town cannot provide legal advice to you on ownership of any discontinued portion of the road.

As an abutting property owner, you would have the right to maintain a discontinued road and to form a road association or enter private agreements to maintain, plow and repair the road if it is discontinued with or without a public easement. Abutting property owners have the right to establish private easements to provide access to their property if they do not already possess a private right of access over a discontinued road.

Our records show that the two properties abutting this portion of Turkey Lane to be discontinued are otherwise accessible by another public way. If you believe that your property is not otherwise accessible by another public way, please notify the Town at your earliest convenience. The Town considers your property to be accessible by another public way if it has the required frontage on that public way, regardless of whether you ultimately choose to utilize Turkey Lane as your driveway access.

On September 28, 2020, the Town Council will hold a public hearing regarding the proposed order to proceed with the discontinuance process and retain a public easement in the discontinued road as described above. As an abutter, you or your designated agent are invited to attend that meeting, and to attend and be heard at the public hearing.

The Town Council will not vote on the discontinuance on September 28, 2020. Following the public hearing on September 28, 2020, the Town Council will vote at its next regular meeting scheduled for October 12, 2020 to either 1.) Approve the order of discontinuance and award of no damages, or 2.) Disapprove the order of discontinuance.

If you have any immediate questions, please do not hesitate to contact the Town Manager, Bill Shane, at (207) 829-2205. Thank you.

---

Thomas Gruber  
Town Council Chair

Enclosures:  
Proposed Order of Discontinuance  
Sketch of Turkey Lane Area

TO: Trustees of Revocable Inter Vivos Trust Agreement of Mary Lucile Gallaudet  
67 Range Road  
Cumberland Center, Maine 04021  
Tax Map R05, Lot 15A

FROM: Cumberland Town Council, as the Municipal Officers of the Town

Dear Property Owner:

This letter follows the notice that was mailed to you on August 6, 2020 as an owner of property abutting Turkey Lane. This letter is to notify you that the Town Council met on September 14, 2020, to consider whether to issue an order to discontinue Turkey Lane from its intersection with the Range Road to, but not including, the bridge on Turkey Lane, for a distance of approximately 1,040 feet. Following that discussion, the Town Council voted to set a public hearing date of September 28, 2020, on the enclosed proposed order of discontinuance, which has been filed with the Town Clerk.

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---

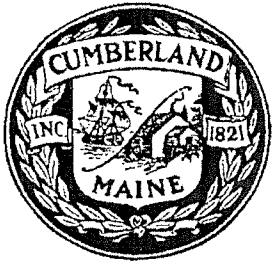
Thomas Gruber  
Town Council Chair

Enclosures:  
Proposed Order of Discontinuance  
Sketch of Turkey Lane Area

# ITEM

## 20-076

To hold a Public Hearing to consider and act on accepting a portion of  
Red Mill Way as a public road, as recommended by the  
Lands & Conservation Commission



## LANDS AND CONSERVATION COMMISSION

Town of Cumberland  
290 Tuttle Road  
Cumberland, ME 04021

September 15, 2020

Tom Gruber, Chair  
Cumberland Town Council  
290 Tuttle Road  
Cumberland, ME 04021

Dear Mr. Gruber:

At its September 2, 2020 meeting, your Lands and Conservation Commission voted to recommend that the Town Council accept a portion of Red Mill Way as a public road and to accept the proposed pedestrian/drainage/utility easement.

Please let me know if there are questions.

Sincerely,

Mike Schwindt  
Chair

**AFTER RECORDING RETURN TO:**

Jeffrey B. Herbert, Esq.  
Jensen Baird Gardner & Henry  
P.O. Box 4510  
Portland, Maine 04112-4510

**WARRANTY DEED**  
(Maine Statutory Short Form)

KNOW ALL PERSONS BY THESE PRESENTS, that **CUMBERLAND MEADOWS HOMEOWNERS ASSOCIATION**, a Maine nonprofit corporation of the Town of Cumberland, County of Cumberland and State of Maine, for NO consideration paid, grants to the **TOWN OF CUMBERLAND**, a municipal corporation organized and existing under the laws of Maine, with a mailing address of 290 Tuttle Road, Cumberland, Maine 04021, with **WARRANTY COVENANTS**, the land in said Town of Cumberland, County of Cumberland and State of Maine, being more particularly described on Exhibit A attached hereto and made a part hereof.

WITNESS my hand and seal this 21<sup>st</sup> day of August, 2020, joined by the signatures Grantor's Members representing at least 80% of the votes in the Association appended hereto.

**CUMBERLAND MEADOWS HOMEOWNERS ASSOCIATION**

  
Witness

By:   
Katherine A. Brooks its President

STATE OF MAINE  
CUMBERLAND, ss.

August 21, 2020

Then personally appeared the above named Katherine A. Brooks in his/her said capacity and acknowledged the foregoing instrument to be his/her free act and deed, and the free act and deed of said corporation.

Before me,

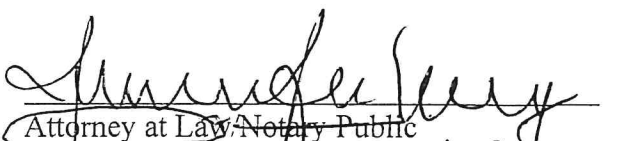
  
Attorney at Law/Notary Public  
Printed Name: John A. Carey  
Commission Expires: March 2023  
#9083

EXHIBIT A

A certain lot or parcel of land, being a portion of Red Mill Way in the Town of Cumberland, County of Cumberland, State of Maine and more particularly bounded and described as follows:

Beginning at a found iron rebar at the end of the already publicly accepted Red Mill Way;

Thence N 55°26'33" W a distance of 54.12';

Thence N 57°03'27" E a distance of 20.73';

Thence along a curve to the left having an arc length of 541.96' and a radius of 522.56';

Thence S 54°17'24" E a distance of 42.81';

Thence S 14°51'05" E a distance of 51.51';

Thence along a curve turning to the right having an arc length of 516.90' and a radius of 572.56' to the point of beginning. Containing an area of 0.63 Acres.



The forgoing Warranty Deed was approved by the Cumberland Meadows Homeowners Association by the affirmative vote of Members entitled to cast at least 80% of the votes in the association. The undersigned Members, who represent at least 80% of the votes in the Association hereby join in the Deed memorializing their agreement to convey the real estate conveyed herein in accordance with 33 M.R.S. §1603-112(b).

Signature Heidi Williams Signature Robin Williams  
Printed name: Heidi Williams Printed name: Robin Williams

Signature Susan Wilmot Signature Larry A. Brooke  
Printed name: Susan Wilmot Printed name: Larry A. Brooke

Signature Sharon Halligan Signature Tim Higgins  
Printed name: Sharon Halligan Printed name: Tim Higgins

Signature Donna Lathrop Signature Denise Lessard  
Printed name: Donna Lathrop Printed name: Denise Lessard

Signature Lawrence R. Latta Signature Elizabeth Gamage  
Printed name: LAWRENCE R. Latta Printed name: Elizabeth Gamage

Signature Patricia Gids Signature Bill Bickford  
Printed name: PATRICIA Gids Printed name: BILL BICKFORD

Signature Virginia Garneau Signature Charles Bickford  
Printed name: Virginia Garneau Printed name: Charles Bickford

Signature Elaine Walker Signature Linda F. Whitham  
Printed name: Elaine Walker Printed name: Linda F. Whitham

Signature D Jean McPherson Signature Jeffrey P. Whitham  
Printed name: D Jean McPherson Printed name: Jeffrey P. Whitham

Signature Andrea R Morse Signature Andrea R. Morse  
Printed name: Andrea R Morse Printed name: Andrea R. Morse

Signature David W. Young Signature JOSEPH SMYTH  
Printed name: David W. Young Printed name: JOSEPH SMYTH

Signature Elizabeth C. McFadden Signature Barbara B. Ivers  
Printed name: Elizabeth C. McFadden Printed name: Barbara B. Ivers

Signature Dorothy B. Woods Signature \_\_\_\_\_  
Printed name: DOROTHY B. Woods Printed name: \_\_\_\_\_

The forgoing Warranty Deed was approved by the Cumberland Meadows Homeowners Association by the affirmative vote of Members entitled to cast at least 80% of the votes in the association. The undersigned Members, who represent at least 80% of the votes in the Association hereby join in the Deed memorializing their agreement to convey the real estate conveyed herein in accordance with 33 M.R.S. §1603-112(b).

Carolee Lindsey  
Signature

Printed name: Carolee Lindsey

25 Winderberry  
Signature

Printed name: \_\_\_\_\_

Thomas M. Letkewich  
Signature

Printed name: THOMAS M. LETKEWICH  
27 Winderberry Court

Heidi Williams  
Signature

Printed name: Heidi Williams  
Judi Williams

Signature  
Printed name: Raymond Lessard

RAYMOND LESSARD  
36 Winderberry Rd.

Signature  
Printed name: Jacqueline Lessard

Jaqueline Lessard  
Signature

Printed name: Chester Adams

Curt Adams

Signature  
Printed name: KARIN ADAMS

Karin Adams  
Signature

Printed name: THORNTON CANDAGE

Sally Pierce  
Signature

Printed name: Sally Pierce

Richard Williams  
Signature

Printed name: Richard Williams

Patricia A. Olds  
Signature

Printed name: PATRICIA A. Olds

Ruth M. Harris  
Signature

Printed name: Ruth Harris

Signature  
Printed name: \_\_\_\_\_

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Signature

Printed name: DIANE MARRONSH

*Diane Marronsh*

Signature

Printed name: Shannon Walton

*Shannon Walton*

Signature

Printed name: \_\_\_\_\_

*Donna M. Sutton*

Signature

Printed name: Donna M. Sutton

Signature

Printed name: \_\_\_\_\_

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*Susan E. Casey*

Susan E Casey

Signature

Printed name: \_\_\_\_\_

Signature

Printed name: \_\_\_\_\_

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# WARRANTY

*Ramon Crouch*

Signature  
Printed name: RAMON CROUCH

Signature  
Printed name: \_\_\_\_\_

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Printed name: \_\_\_\_\_

## EASEMENT

**CUMBERLAND MEADOWS HOMEOWNERS ASSOCIATION**, a Maine nonprofit corporation of the Town of Cumberland, County of Cumberland and State of Maine (hereinafter referred to as the "Grantor"), being the Association of Unit Owners for the CUMBERLAND MEADOWS CONDOMINIUM (the "Condominium") established under an Amended and Restated Declaration of Condominium dated November 8, 2017 and recorded in the Cumberland County Registry of Deeds in Book 34474, Page 1 (the "Declaration"), their successors and assigns, hereby GRANTS, with Quitclaim Covenant, as a gift, to the **TOWN OF CUMBERLAND**, a municipality organized and existing under the laws of the State of Maine, with a mailing address of 290 Tuttle Road, Cumberland, Maine 04021 (hereinafter referred to as the "Holder"), its successors and assigns, in common with Grantor and others, in perpetuity, the following easements over certain portions of the common elements of the Condominium, as described in the Declaration:

### 1. Pedestrian, Drainage, Utility Easement

A. Pedestrian, Drainage, Utility Easement Area. Grantor hereby conveys and assigns to the Holder a non-exclusive easement along the pedestrian walkways (the "Walkways") of the Condominium (the "Pedestrian, Drainage, Utility Easement") as depicted on a plan entitled "Boundary Survey of Red Mill Way for The Town of Cumberland, Maine," prepared by Boundary Points, dated March 23, 2020 and recorded in the Cumberland County Registry of Deeds in Plan Book \_\_\_, Page \_\_\_, a reduced copy of which is attached hereto and made a part hereof as Exhibit A (the "Plan"). The easement area for the Pedestrian, Drainage, Utility Easement ("the "Pedestrian, Drainage, Utility Easement Area") shall generally consist of a network of strips of land forty (40) foot in width along the centerline of the Walkways, said centerline as depicted on the Plan and as legally described on the Plan as Pedestrian, Drainage, Utility Easement I, II, II, IV, and V. The Pedestrian, Drainage, Utility Easement Area shall hold a width of forty (40) feet along the centerline of the Walkways, except in those areas of the Walkways as depicted on the Plan where the boundary of the Condominium property is less than twenty (20) feet from the centerline of the Walkways.

B. Purpose of Pedestrian, Drainage, Utility Easement. The Pedestrian, Drainage, Utility Easement shall be for the purpose of providing pedestrian access and passage over the Walkways, and shall include the right of the Holder to construct, maintain, and repair said Walkways and associated landscaping within the Pedestrian, Drainage, Utility Easement Area as depicted on the Plan. The Holder shall be responsible for constructing, maintaining, and repairing said Walkways and associated landscaping within the Pedestrian, Drainage, Utility Easement Area as depicted on the Plan. The Pedestrian, Drainage, Utility Easement shall also be for the following purposes 1) to permit Holder the right, at its sole cost, expense, and risk, to access, utilize, maintain, inspect, improve and/or replace the existing above ground and subterranean water drainage system, and/or to construct a new water drainage system, including pipes, rip-rap, culverts, manholes, ditches, conduits, swales, and other necessary and customary drainage equipment within the Pedestrian, Drainage, Utility Easement Area, and 2) to permit Holder the right, at its sole cost, expense, and risk, to access, utilize, construct, maintain, inspect, improve and/or replace utilities, utility lines and utility systems, including but not limited to pipes, ducts, sewer lines, water lines, wires, gas lines, electrical lines, and telecommunications lines, and conduits, with all appurtenances reasonably necessary for such utilities. Holder shall have the right, at its own cost, expense, and risk, to access



the Pedestrian, Drainage, Utility Easement Area on foot and with construction vehicles and equipment for the construction, maintenance, repair, inspection, improvement and/or replacement of said water drainage system and utility systems, for the duration of the installation, inspection, improvement, replacement and/or necessary maintenance of the water drainage system and utility systems. This right shall include the right to access the Pedestrian, Drainage, Utility Easement Area with men, vehicles, machinery and equipment required to construct, maintain, inspect, improve and/or replace the water drainage system and utility systems. Holder shall have the right to remove vegetation, as needed, in the course of installation, maintenance, inspection, improvement, or replacement

At all times in the exercise of its Pedestrian, Drainage, Utility rights, Holder shall reasonably restore the surface and vegetation of the easement area to the condition that existed prior to any such construction, maintenance, repair, inspection, improvement and/or replacement.

## **2. Drainage Easement**

A. Drainage Easement Area. Grantor hereby conveys and assigns to the Holder certain stormwater drainage easement rights (the "Drainage Easement") over a portion of the Condominium property depicted as Town Drainage Easement Area on the Plan. The easement area for the Drainage Easement (the "Drainage Easement Area") shall run along the centerline of the Walkway depicted and legally described in the Plan as Pedestrian Easement II, and shall extend in a generally westerly direction to the property owned by the Holder and depicted on the Plan.

B. Purpose of Drainage Easement. The Drainage Easement shall be for the purpose of permitting the Holder the right, at its sole cost, expense, and risk, to access, utilize, maintain, inspect, improve and/or replace the existing above ground and subterranean water drainage system, and/or to construct a new water drainage system, including pipes, rip-rap, culverts, manholes, ditches, conduits, swales, and other necessary and customary drainage equipment within the Drainage Easement Area. Holder shall have the right, at its own cost, expense, and risk, to access the Drainage Easement Area on foot and with construction vehicles and equipment for the construction, maintenance, repair, inspection, improvement and/or replacement of said water drainage system, for the duration of the installation, inspection, improvement, replacement and/or necessary maintenance of the water drainage system. This right shall include the right to access the Drainage Easement Area with men, vehicles, machinery and equipment required to construct, maintain, inspect, improve and/or replace the water drainage system. Holder shall have the right to remove vegetation, as needed, in the course of installation, maintenance, inspection, improvement, or replacement.

In the exercise of its Drainage Easement rights, Holder shall reasonably restore the surface and vegetation of the easement area to the condition that existed prior to any such installation, maintenance, inspection, improvement, or replacement.

**3. Indemnification.** Holder agrees to indemnify and hold harmless Grantor and all those subject to the governance of Grantor or claiming by, under or through Grantor from all loss, claim, cost, damage and expense for damage to persons or property arising out of the use by Holder and all parties acting or claiming by, through or under Holder, of the rights and easements granted herein,

except as and to the extent that any such loss, claim, cost, damage or expense is the result of the negligence of Grantor, or any party acting by, through or under Grantor

#### 4. Public Use

Holder has the right to permit, and the Grantor agrees to refrain from taking any action to prohibit or discourage or to exact a fee for, non-motorized access and low-impact outdoor recreational use by the general public on the Walkways in the Pedestrian Easement Area, including, without limitation, walking, nature observation, bicycling, snowshoeing and cross-country skiing.

This grant prohibits motorized vehicles of any nature on the Walkways except in connection with maintenance of or improvement to the Pedestrian Easement Area by Holder or its authorized representatives, or in emergency circumstances.

#### 5. General Provisions

A. This Easement may be amended by written agreement of the Holder and Grantor, provided that Holder determines in its sole and exclusive judgment that the amendment furthers or is not inconsistent with the Recreational Purpose of this Easement, as stated hereinabove.

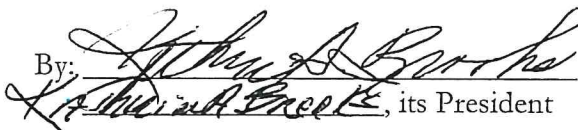
B. The rights and easements created hereby shall run with the land and shall be binding upon and inure to the benefit of Grantor and Holder, and their respective successors and assigns, as owners of the respective parcels benefiting from and burdened by the respective rights and easements created herein.

C. This Easement Agreement shall be governed by the laws of the State of Maine, as the same may now exist or as may be hereafter enacted.

IN WITNESS WHEREOF, Grantor has caused these presents to be signed and sealed on this 21<sup>st</sup> day of August, 2020, and by the signatures its Members representing at least 80% of the votes in the Association appended hereto.

#### CUMBERLAND MEADOWS HOMEOWNERS ASSOCIATION

  
Witness

By:   
Katherine A. Brink, its President

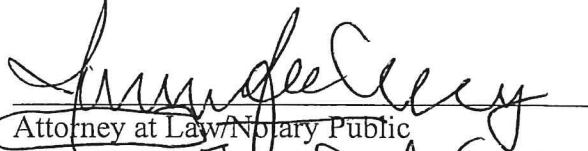
STATE OF MAINE  
CUMBERLAND, ss.

August 21, 2020

Then personally appeared the above named Katherine A. Brink in his/her said capacity and acknowledged the foregoing instrument to be his/her free act and deed, and the free act and deed of said corporation.



Before me,



Attorney at Law/Notary Public

Printed Name: Jennifer A. Carey

Commission Expires: March 2014

#9083

The forgoing Easement Deed was approved by the Cumberland Meadows Homeowners Association by the affirmative vote of Members entitled to cast at least 80% of the votes in the association. The undersigned Members, who represent at least 80% of the votes in the Association hereby join in the Easement Deed memorializing their agreement to the easement rights conveyed herein in accordance with 33 M.R.S. §1603-112(b).

Carolyn Lindsey  
Signature

Printed name: Carolyn Lindsey

25 Winduberry  
Signature

Printed name: \_\_\_\_\_

Thomas M. Liskow  
Signature

Printed name: THOMAS M. LISKOW

27 WINDUBERRY  
Signature

Printed name: Heidi Williams

Heidi Williams  
Signature

Printed name: RAYMOND J. LESSARD

RAYMOND J. LESSARD  
Signature

Printed name: 36 WINDUBERRY CR.

36 WINDUBERRY CR.  
Signature

Printed name: Jacqueline Lessard

Jacqueline Lessard  
Signature

Printed name: CLYDE A. ADAMS

Clyde Adams  
Signature

Printed name: KARIN ADAMS

Karin Adams  
Signature

Printed name: THORNTON CANDAGE

Thornton Candage  
Signature

Printed name: \_\_\_\_\_

Richard H. Williams  
Signature

Printed name: Richard H. Williams

Patricia A. Olds  
Signature

Printed name: PATRICIA A. Olds

Ruth M. Harris  
Signature

Printed name: Ruth M. Harris

Sally Pierce  
Signature

Printed name: SALLY PIERCE

Elizabeth C. McFadden  
Signature

Printed name: Elizabeth C. McFadden

Shannon Walton  
Signature

Printed name: Shannon Walton

Shanna Walton  
Signature

Printed name: \_\_\_\_\_

Donna M. Sutton  
Signature

Printed name: DONNA M. SUTTON

Donna M. Sutton  
Signature

Printed name: \_\_\_\_\_

Printed name: \_\_\_\_\_

The forgoing Easement Deed was approved by the Cumberland Meadows Homeowners Association by the affirmative vote of Members entitled to cast at least 80% of the votes in the association. The undersigned Members, who represent at least 80% of the votes in the Association hereby join in the Easement Deed memorializing their agreement to the easement rights conveyed herein in accordance with 33 M.R.S. §1603-112(b).

Signature Sharon Halligan Signature Barbara B. Ivers  
Printed name: Sharon Halligan Printed name: Barbara B. Ivers

Signature Dorothy B. Woods Signature \_\_\_\_\_  
Printed name: Dorothy B. Woods Printed name: \_\_\_\_\_

Signature Elizabeth Gamage Signature \_\_\_\_\_  
Printed name: Elizabeth Gamage Printed name: \_\_\_\_\_

Signature B. B. Ivers Signature \_\_\_\_\_  
Printed name: B. B. Ivers Printed name: \_\_\_\_\_

Signature Charles B. Ivers Signature \_\_\_\_\_  
Printed name: Charles B. Ivers Printed name: \_\_\_\_\_

Signature Linda F. Whitham Signature \_\_\_\_\_  
Printed name: Linda F. Whitham Printed name: \_\_\_\_\_

Signature John P. Whitham Signature \_\_\_\_\_  
Printed name: John P. Whitham Printed name: \_\_\_\_\_

Signature Andrea R. Morse Signature \_\_\_\_\_  
Printed name: Andrea R. Morse Printed name: \_\_\_\_\_

Signature Joseph Smyth Signature \_\_\_\_\_  
Printed name: JOSEPH SMYTH Printed name: \_\_\_\_\_

Signature \_\_\_\_\_ Signature \_\_\_\_\_  
Printed name: \_\_\_\_\_ Printed name: \_\_\_\_\_

Signature \_\_\_\_\_ Signature \_\_\_\_\_

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Signature

Printed name: DYANE MARKOWSKI

*Dyane Markowski*

Signature

Printed name: \_\_\_\_\_

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*Susan E. Casey*

Signature \_\_\_\_\_  
Printed name: \_\_\_\_\_

Susan E Casey

Signature \_\_\_\_\_  
Printed name: \_\_\_\_\_

Signature \_\_\_\_\_  
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*Ramon Crouch*

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Printed name: RAMON CROUCH

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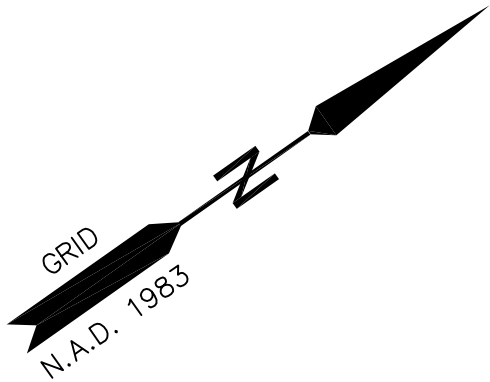
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Signature  
Printed name: \_\_\_\_\_





PEDESTRIAN, DRAINAGE, UTILITY EASEMENT II  
Beginning at a magnetic nail in pavement  
thence N 65°58'09" E a distance of 40.96'  
thence along a curve turning to the left with an arc length of 25.93' and a radius of 27.80'  
thence N 12°31'15" E a distance of 17.15'  
thence along a curve turning to the right with an arc length of 40.98' and a radius of 96.05'  
thence N 36°57'55" E a distance of 84.48'  
thence along a curve turning to the right with an arc length of 75.54' and a radius of 212.05'  
thence N 57°22'35" E a distance of 50.66'  
thence along a curve to the left with an arc length of 71.74' and a radius of 87.74'  
thence N 10°31'38" E a distance of 48.74'  
thence along a curve turning to the right with an arc length of 121.68' and a radius of 120.95'  
thence N 68°10'08" E a distance of 80.72'  
thence along a curve turning to the left with an arc length of 85.09' and a radius of 67.91'  
thence N 03°37'02" W a distance of 10.41'  
thence along a curve turning to the right with an arc length of 233.23' and a radius of 200.00'  
thence N 63°11'53" E a distance of 72.71'  
thence N 74°41'22" E a distance of 40.17'  
thence along a curve turning to the right with an arc length of 48.53' and a radius of 122.56'

TOWN OF CUMBERLAND  
BOOK 2567 PAGE 42

PEDESTRIAN, DRAINAGE, UTILITY EASEMENT IV  
Beginning at the centerline intersection of paved walkways  
thence S 53°25'37" E a distance of 118.07'  
to Winterberry Court

PEDESTRIAN, DRAINAGE, UTILITY EASEMENT V  
Beginning at the centerline intersection of paved walkways  
thence N 20°00'16" W a distance of 6.71'  
thence along a curve turning to the right with an arc length of 21.64' and a radius of 25.66'  
thence N 28°18'46" E a distance of 19.05'  
thence along a curve turning to the left with an arc length of 33.63' and a radius of 30.93'  
thence N 34°00'00" W a distance of 45.43'  
thence N 44°00'00" W a distance of 7.75'  
to the school yard

PEDESTRIAN, DRAINAGE, UTILITY EASEMENT III  
Beginning at the centerline intersection of paved walkways  
thence S 34°50'33" E a distance of 45.11'  
thence along a curve to the left with an arc length of 43.27' and a radius of 110.75'  
thence S 57°13'52" E a distance of 65.42'  
to Linden Court

TUTTLE ROAD  
CUMBERLAND COUNTY COMMISSIONERS RECORDS PLAN BOOK 5 PAGE 2

BOOK 7406 PAGE 188

CONDOMINIUM DECLARATION  
BOOK 7783 PAGE 183

LINDEN COURT  
WINTERBERRY COURT  
PLAN BOOK 162 PAGE 58  
SHEET 1 OF 2  
PLAN BOOK 158 PAGE 45  
SHEET 2 OF 2

THIS LINE DETERMINED BY PLAN ENTITLED  
SITE PLAN PROPOSED APARTMENT UNITS  
CUMBERLAND HOUSING FOR THE ELDERLY  
THE TOWN OF CUMBERLAND. DRAWN BY  
S. COWDER, TOWN ENGINEER JAN. 14, 1992.  
BOOK 10209 PAGE 282

TOWN OF CUMBERLAND  
BOOK 10209 PAGE 282  
PLAN BOOK 162 PAGE 58  
SHEET 2 OF 2  
PLAN BOOK 158 PAGE 45  
SHEET 2 OF 2

CUMBERLAND ESTATES  
PLAN BOOK 154 PAGE 15

PEDESTRIAN, DRAINAGE, UTILITY EASEMENT I  
Beginning at a magnetic nail in pavement  
thence N 33°38'11" W a distance of 18.38'  
thence along a curve to the left with an arc length of 52.57' and a radius of 74.35'  
thence along a reverse curve to the right with an arc length of 25.79' and a radius of 75.89'  
thence N 54°40'39" W a distance of 351.60'  
to the school yard

## LEGEND

EXISTING	DESCRIPTION	PROPOSED
---	PROPERTY LINE	
---	ADJOINER LINE	
---	BUILDING SETBACK	
---	EASEMENT	
---	CENTERLINE	
■	MONUMENT	
⊙	IRON PIPE	
⊙	IRON ROD	
⊙	5/8" IRON REBAR	
⊙	MAGNETIC NAIL	
■	BUILDING	
■	WET LANDS	
---	EDGE WETLAND	
---	SIGN	
---	STREAM	
---	EDGE PAVEMENT	
---	GRAVEL ROAD	
---	CURB LINE	
---	TREE LINE	
G	GAS	
W	WATER	
S	SEWER	
SD	STORM DRAIN	
E	ELECTRIC LINES	
■	MAIL BOX	
○	GATE VALVE	
○	UTILITY POLE	
○	HYDRANT	
○	CATCH BASIN	
○	MAN HOLE	
○	POTABLE WELL	
---	CULVERT	
■	CONIFEROUS TREE	
■	DECIDUOUS TREE	
■	LIGHT POLE	

TOWN OF CUMBERLAND  
MEADOW LANE EASEMENT  
BOOK 8573 PAGE 296

ADDITIONAL ACCEPTANCE OF RED MILL WAY  
Beginning at a found iron rebar at the end of the already publicly accepted Red Mill Way;  
thence N 55°28'33" W a distance of 54.12';  
thence N 57°03'27" E a distance of 20.73';  
thence along a curve to the left an arc length of 541.96' and a radius of 522.56';  
thence S 54°17'24" E a distance of 42.81';  
thence S 14°51'05" E a distance of 51.51';  
thence along a curve turning to the right an arc length of 516.90' and a radius of 572.56'  
to the point of beginning.  
Containing an area of 0.63 Acre

LOT 16  
PLAN BOOK 191 PAGE 215

LOT 15  
PLAN BOOK 191 PAGE 215

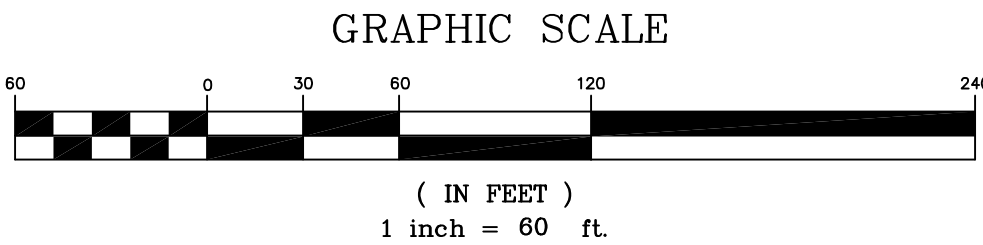
MEADOW LANE SUBDIVISION  
PLAN BOOK 191 PAGE 215

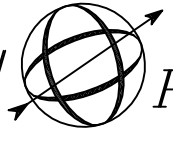

APPROVAL—  
TOWN OF CUMBERLAND  
COUNCIL MEMBERS

\_\_\_\_\_  
DATE  
\_\_\_\_\_  
CHAIRPERSON  
\_\_\_\_\_  
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STATE OF MAINE

\_\_\_\_\_  
COUNTY SS REGISTRY  
OF DEEDS RECEIVED \_\_\_\_\_ 20\_\_\_\_  
AT \_\_\_\_h \_\_\_\_m \_\_\_\_M. RECORDED IN  
PLAN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
ATTEST \_\_\_\_\_  
REGISTER



		Scale: 1" = 60'
		Project No: 2020017
		AutoCAD Release: 2016
		Drawn By: DB
		Field Date: 6-15-2019
No.	Revision	Date
		Plan Date: 3-23-2020
THIS PLAN IS PROVIDED EXCLUSIVELY FOR THE CLIENT STATED HEREON. ANY USE OR ALTERATION OF THIS PLAN BY OTHERS SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO BOUNDARY POINTS, LLC.		
BOUNDARY SURVEY OF RED MILL WAY FOR THE TOWN OF CUMBERLAND MAINE RECORD OWNER TOWN OF CUMBERLAND 290 TUTTLE ROAD CUMBERLAND MAINE 04021		1
Boundary  Points PROFESSIONAL LAND SURVEYING, LLC P.O. BOX 175 CUMBERLAND MAINE 04021-0175		 David Bouffard

# ITEM

## 20-077

To hold a Public Hearing to consider and act on amendments to Chapter 315 (Zoning), Section 21 (Town Center District), B-12 (Day Care Centers and Nursery Schools), to increase the number of children allowed from 20 to 28, as recommended by the Planning Board



## Notice of Decision

**Date:** September 17, 2020

**To:** William Shane, Town Manager

**From:** Carla Nixon, Town Planner

**Re:** Public Hearing: Recommendation to the Town Council on proposed amendments to Chapter 315 (Zoning), Section 21 (Town Center District), B-12 (Day Care Centers and Nursery Schools) of the Cumberland Code, to increase the number of children allowed from 20 to 28.

This is to advise you that on Tuesday, September 15, 2020, the Planning Board conducted a Public Hearing on a request to provide a recommendation to the Town Council on proposed amendments to Chapter 315 (Zoning), Section 21 (Town Center District), B-12 (Day Care Centers and Nursery Schools) of the Cumberland Code. The Board discussed whether the language should include the maximum number of children, "28", or state "the maximum number of children allowed by the State.". The Board voted unanimously to favorably recommend to the Town Council that Chapter 315, section 21, B-12 of the Cumberland Code be amended to increase the number of children allowed in daycare centers and nursery schools from 20 to 28.

Cumberland Planning Board

  
Paul Auclair, Chairman

### **Proposed Amendment to Zoning Ordinance Chapter 315, Section 21 - Town Center District (TCD)**

B. The following uses are permitted in the TCD:

- (1) Single-family dwellings.
- (2) Duplex dwellings.
- (3) Multiplex dwellings, subject to the provisions of § **315-44**, Multiplex dwellings.
- (4) An accessory dwelling unit as permitted in § **315-45A**.
- (5) Personal services.
- (6) Business and professional offices.
- (7) Retail stores, maximum 2,000 square feet. Square footage shall not include internal storage areas.
- (8) Small markets, maximum 2,500 square feet, with no drive-through. Square footage shall not include internal storage areas.
- (9) Cafes, maximum 2,500 square feet, with no drive-through and in accordance with § **315- 18F(3)**. Square footage shall not include internal storage areas and outdoor seating areas. Square footage shall include bathrooms, prep areas, cooking area and dining area.

- (10) Residential care facilities, subject to § **315-71**.
- (11) Health and fitness studio.
- (12) Day-care centers and nursery schools for no more than ~~20~~28 children, subject to the provisions of § **315-47** and site plan review.
- (13) Municipal uses and buildings.
- (14) Sewer pumping stations, subject to the provisions of § **315-59D**.
- (15) Uses and buildings accessory to those above, except that no accessory storage units and buildings for nonresidential uses shall be permitted.



## CONGREGATIONAL CHURCH IN CUMBERLAND

...at the Center of Cumberland  
282 Main Street  
P O Box 247  
Cumberland Center ME 04021  
Telephone: (207) 829-3419

Email: [office@cumberlanducc.org](mailto:office@cumberlanducc.org)  
Website: [www.cumberlanducc.org](http://www.cumberlanducc.org)

Carla Nixon, Town Planner  
Town of Cumberland  
290 Tuttle Road  
Cumberland, ME 04021

### **RE: Request by the Main Street Children's Center for a Change in the Town Zoning Ordinance**

Dear Ms. Nixon:

Section 315-21(B)(12) of the Town Zoning Ordinance permits the operation of "day care centers and nursery schools for no more than 20 children" in the Town Center District. The Congregational Church in Cumberland has operated a day care center—the Main Street Children's Center (MSCC)—for the past twelve years. We believe that altering the ordinance to allow us to care for 28 children would benefit the community.

State licensing authorities have advised us that our facilities can accommodate 28 children and that the State would approve a revision of our current license to allow us to care for this number. Of course, if the Town were to approve our request, we would continue to adhere to State-mandated child-teacher ratios.

In 2019, the Cumberland-North Yarmouth School District (MSAD #51) began a pre-kindergarten program that operated four days per week (Mondays, Tuesdays, Thursdays, and Fridays). The parents of children enrolled in this program sought care for their children from MSCC on Wednesdays and on other days during hours that the School District's pre-K program was not in operation. To accommodate these parents and their children, we allowed children to enroll in our Core Preschool Program from 9:00 am to noon only on Wednesdays and then to obtain extended-hours care on other days as well. In 2019-20, five children did enroll in our Wednesday-only Core program.

Because the Town ordinance allows us to serve only 20 children at a time, the new Wednesday-only program required us to limit the number of children enrolled in our Core

program five days per week to 15. Historically, we have been fully enrolled or close to it with 20 children receiving Core-program care five days per week. Accommodating the School District program thus led us to reduce the total amount of childcare we provide. The change to the Zoning Ordinance we request would enable us to accommodate the School District program by increasing (slightly) the total amount of care we provide. The Superintendent of MSAD #51, Jeff Porter, has advised us that he supports our request.

Our request for revision of the Zoning Ordinance is not tied to the School District program. We would like to be able ultimately to increase our enrollment to 28 children five days per week. Initially, however, we would expect to care for more than 20 children only on Wednesdays. We have the ability to provide an additional teacher on Wednesdays, as MSCC's Director, Susan Novak, can take on that task.

Please contact me ([a-alschuler@law.northwestern.edu](mailto:a-alschuler@law.northwestern.edu), 773-896-7427) or Susan Novak ([susan@cumberlandcc.org](mailto:susan@cumberlandcc.org), 207-829-3419) with any questions or concerns.

The Main Street Children's Center, which is open to all regardless of religious affiliation, has nurtured hundreds of young members of the Cumberland community over the years. As our community has grown and life patterns have changed, the demand for quality childcare has increased. See *As Workplaces Reopen, Maine Parents Scramble for Child Care Made Short by Pandemic*, PORTLAND PRESS HERALD, July 4, 2020. In partnership with the Town, the School District, and the parents of Cumberland, we would like to do more.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Albert W. Alschuler", followed by a horizontal line.

Albert W. Alschuler  
Moderator, the Congregational Church in Cumberland

Cc: Bill Shane, Town Manager  
Jeff Porter, Superintendent, MSAD #51

**§ 315-21. Town Center District (TCD).**

- A. The purpose of the Town Center District (TCD) is to provide an area in the center of Town that will allow for a mix of residential and low-intensity commercial uses that will enhance the livability and sustainability of the community.
- (1) All multiplex and nonresidential development shall be subject to the Town Center District Design Standards.<sup>1</sup>
  - (2) All multiplex and nonresidential uses shall be subject to Chapter 229, Site Plan Review.
  - (3) All development in this area shall be connected to public water and sewer, when available.
- B. The following uses are permitted in the TCD:
- (1) Single-family dwellings.
  - (2) Duplex dwellings.
  - (3) Multiplex dwellings, subject to the provisions of § 315-44, Multiplex dwellings.
  - (4) An accessory dwelling unit as permitted in § 315-45A. **[Added 11-26-2012<sup>2</sup>]**
  - (5) Personal services.
  - (6) Business and professional offices.
  - (7) Retail stores, maximum 2,000 square feet. Square footage shall not include internal storage areas.
  - (8) Small markets, maximum 2,500 square feet, with no drive-through. Square footage shall not include internal storage areas.
  - (9) Cafes, maximum 2,500 square feet, with no drive-through and in accordance with § 315-18F(3). Square footage shall not include internal storage areas and outdoor seating areas. Square footage shall include bathrooms, prep areas, cooking area and dining area. **[Amended 6-1-2015]**
  - (10) Residential care facilities, subject to § 315-71.

---

1. **Editor's Note: The Town Center District Design Standards are included as an attachment to this chapter.**

2. **Editor's Note: This ordinance also redesignated former Subsection B(4) through (14) as Subsection B(5) through (15), respectively.**

- (11) Health and fitness studio.
  - (12) Day-care centers and nursery schools for no more than 20 children, subject to the provisions of § 315-47 and site plan review.
  - (13) Municipal uses and buildings.
  - (14) Sewer pumping stations, subject to the provisions of § 315-59D.
  - (15) Uses and buildings accessory to those above, except that no accessory storage units and buildings for nonresidential uses shall be permitted.
- C. The following uses are allowed as special exceptions in the TCD, requiring the approval of the Board of Adjustment and Appeals:
- (1) Home occupations.
  - (2) Home-based occupations.
  - (3) Home-based retail (subject to site plan review).
  - (4) Bed-and-breakfasts.
  - (5) Day-care homes.
  - (6) Adult day care.
  - (7) Accessory structures of public utilities.
  - (8) Aboveground utility lines.
  - (9) Uses and buildings accessory to those above.
- D. The following lot standards shall apply within the TCD:
- (1) Minimum lot size of 10,000 square feet per unit if on public sewer; 20,000 square feet if not on public sewer.
  - (2) In the case of duplex or multiplex developments, the minimum lot area per dwelling unit shall be no less than 5,000 square feet if on public sewer.
  - (3) There shall be no less than 80 feet of lot frontage. This provision shall not apply to Map U13 Lot 109.
  - (4) There may be multiple uses on one parcel as long as each use meets the required lot standards.

- E. The following minimum setbacks are required for all structures in the TCD, except that sheds and driveways are permitted to a minimum setback of eight feet from the side and rear lot lines:
- (1) Front: 15 feet.
  - (2) Rear: 15 feet.
  - (3) Side: 10 feet.
- F. The following performance standards shall apply within the TCD; provided, however that the Planning Board may determine, based on the specific elements of a proposed development, that the standards be modified. For additional requirements relating to building and site improvements, refer to the Town Center District Design Standards.
- (1) Building design. New structures, excluding single-family homes, within the district shall be of a New England architectural style and materials consistent with Section 2.1 of the Design Standards.
  - (2) Lighting. The use of exterior lighting shall be only as required for safety and to identify, during business hours only, businesses, parking areas and sidewalks. Fixtures shall be fully shielded, giving off no light above the horizontal plane. There shall be no internally illuminated signs. No greater than one footcandle of lighting is permitted on the site, and there shall be zero footcandle at the property line.
  - (3) Cafe standards.
    - (a) Seating shall be limited to 48 seats.
    - (b) No more than 20 square feet of advertising shall be permitted on site. There shall be no advertising placed in windows or doorways of the building. Advertising shall not include internally illuminated signs.
    - (c) Kitchen ventilation hoods will not be mounted on the front door street side of the building and will be located to minimize impact on neighboring properties.
    - (d) Outdoor seating is permitted but must be buffered from adjacent uses by fencing and plantings unless located between the front of the structure and the public right-of-way. Outdoor seating shall not be counted toward the total seating referenced in Subsection F(3)(a). Outdoor seating shall be permitted for up to 16 seats unless the



Planning Board finds the unique characteristics of the site allows for additional outdoor seating. No additional parking shall be required for outdoor seating. **[Amended 6-1-2015]**

- (e) All parking and loading facilities shall be located to the side or rear of the building and shall be screened from abutting residences within 200 feet. Screening shall be comprised of a continuous landscaped area not less than eight feet in width containing evergreen shrubs, trees, fences, walls, berms, or any combination, forming a visual barrier not less than six feet in height.
- (f) Rest room facilities for the patrons shall be provided on the premises.
- (4) Parking standards. Parking shall be located to the side or rear of multiplex residential and nonresidential structures.
- (5) Buffering and landscaping. All nonresidential uses must provide for the buffering of adjacent uses, where there is a transition from one type of use to another use, and for the screening of mechanical equipment and service and storage areas. The buffer may be provided by distance, landscaping, fencing, changes in grade and/or a combination of these or other techniques.
- (6) Hours of operation. All nonresidential uses in the TCD shall be open for business only within the time frame of 6:00 a.m. to 9:00 p.m.
- (7) Commercial deliveries. Commercial deliveries shall be limited to the hours of 7:00 a.m. to 7:00 p.m. for all nonresidential uses added to the district after April 11, 2011.
- (8) Noise.
  - (a) Intent. These performance standards governing noise are intended to ensure that the rights of property owners, as well as the overall health and general welfare of the district, are not diminished by unreasonable noise levels generated by any permitted or special exception use within the district.
  - (b) Maximum permissible sound level. The maximum permissible sound level produced by any continuous, regular, or frequent source of sound or noise shall not exceed a measurable level of 75 dB beyond the property



boundaries of the site upon which the sound or noise is generated or originates.

(c) Sound or noise abatement. In order to comply with these maximum sound level requirements, sound or noise level abatement techniques may be used to mitigate levels of site-generated sound or noise. To this end, modern acoustical technology may be applied to achieve compliance with these regulations.

(d) Measurement of sound or noise. In cases where sound measurements are required in order to ensure compliance with these regulations, measurements shall be:

[1] Taken with a device meeting the standards of the American National Standards Institute, American Standard Specifications for General Purpose Sound Level Meters;

[2] Taken at a height of four feet above prevailing grade at the property boundary in question;

[3] Taken with the instrument set to the A-weighted response scale; and

[4] Recorded by an individual familiar with sound measurement and the particular device being used.

(e) Exemptions.

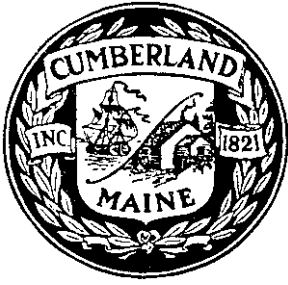
[1] Activities related to public and private construction or maintenance work, agriculture, emergency warning devices, and other similar short-term or temporary uses may be administratively exempted from the requirements of this section if, in the opinion of the Code Enforcement Officer or his/her agent, sufficient reason exists to do so.

[2] In these special circumstances, the Code Enforcement Officer may place reasonable conditions (such as time limitations and hours of operation) on such an exemption.

# ITEM

# 20-078

To hold a Public Hearing to consider and act on setting sewer user fees  
for FY2021



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

September 24, 2020

Re: Sewer User Fee – 0% **Increase** - Proposed September 2020

**Dear Town Council Members:**

A Public Hearing has been set for **7:00 PM, Monday, September 28, 2020** at the Town Hall on 290 Tuttle Road to discuss the sewer user fees as proposed in the table below.

	Sept 2017	Sept. 2018	Sept. 2019	Sept. 2020
Typical Consumption 6 HCF or 150gallons/day	6.00	6.00	6.00	6.00
Charge per HCF	\$5.29	\$5.52	\$5.52	\$5.52
Base Fee- Ready to Serve	\$36.92	\$36.92	\$36.92	\$36.92
Proposed Monthly Avg.	\$68.66	\$70.04	\$70.04	\$70.04
\$\$ Increase	\$0	\$1.38	\$0	\$0
<b>% Increase</b>	<b>0%</b>	<b>2%</b>	<b>0%</b>	<b>0%</b>

MATH:

6 HCF (Actual water usage) x 5.52 = \$33.12 + \$36.92 base fee = \$70.04 for the Avg. water user.

I will be recommend no increase in sewer user fees for the third time in the last four years. This is a result of the additional revenues received throughout the system. Remember this is an Enterprise Fund paid entirely by the system users and not the Taxpayers of Cumberland.

Sincerely,

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

# ITEM

# 20-079

To hold a Public Hearing to adopt the Maine Municipal Association  
Model General Assistance Ordinance and Appendices A-D for the period  
of October 1, 2020 through September 30, 2021

# GENERAL ASSISTANCE ORDINANCE

## APPENDICES A-H

### 2020-2021

The Municipality of \_\_\_\_\_ adopts the MMA Model Ordinance GA Appendices (A-H) for the period of Oct. 1, 2020—September 30, 2021. These appendices are filed with the Department of Health and Human Services (DHHS) in compliance with Title 22 M.R.S.A. §4305(4).

Signed the \_\_\_\_\_ (day) of \_\_\_\_\_ (month) \_\_\_\_\_ (year)  
by the municipal officers:

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Signature)

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(Print Name)

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(Signature)

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(Print Name)

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(Print Name)

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(Signature)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Signature)

Janet T. Mills  
Governor

Jeanne M. Lambrew, Ph.D.  
Commissioner



Maine Department of Health and Human Services  
Office for Family Independence  
109 Capitol St.  
11 State House Station  
Augusta, Maine 04333-0011  
Tel.: (207) 624-4168; Toll-Free: (800) 442-6603  
TTY: Dial 711 (Maine Relay); Fax: (207) 287-3455

To: Welfare Officials and Contracted Agents  
From: Sara Russell, Program Manager, General Assistance  
Date: September 3, 2020  
Subject: New GA Maximums

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Enclosed please find the following items:

- MMA's new (October 1, 2020–September 30, 2021) “**General Assistance Ordinance Appendices**” (A – H).
- “**GA Maximums Adoption Form**” which was developed so that municipalities may easily send DHHS proof of GA maximums adoption. Once the selectpersons or council adopts the new maximums, the enclosed form should be signed and submitted to DHHS. (see “*Filing of GA Ordinance and/or Appendices*” below for further information).

### **Appendix A – H**

The enclosed Appendices A – H have been revised for your municipality’s General Assistance Ordinance. These new Appendices, **once adopted**, should replace the existing Appendices A – H. Even if you have already adopted MMA's model General Assistance Ordinance, **the municipal officers must approve/adopt the new Appendices yearly.**

### **The Adoption Process**

The **municipal officers (i.e., selectpersons/council)** adopt the local **General Assistance Ordinance and yearly Appendices**, even in town meeting communities. The law requires that the municipal officers adopt the ordinance and/or Appendices **after notice and hearing**. Seven days posted notice is recommended, unless local law (or practice) provides otherwise.

At the hearing, the municipal officers should:

- 1) Allow all interested members of the public an opportunity to comment on the proposed ordinance;
- 2) End public discussion, close the hearing; and
- 3) Move and vote to adopt the ordinance either in its posted form or as amended in light of public discussion.



### **Municipalities May Establish Their Own Maximums**

Municipalities may establish their own maximum levels of assistance provided that the proposed levels of assistance are reasonable and meet adequate standards sufficient to maintain the health and safety of applicants in the municipality. The municipality must submit to the Department documentation to justify these levels of assistance and verify that the figures developed are appropriate to maintain health and decency.

A municipality's maximum assistance level for Food may not be below the Department provided figures which are issued by the USDA and published annually following a study of cost of food for various family sizes. A market basket survey may be used to establish food maximums if the maximums provided by the USDA are insufficient to maintain health in the municipality.

### **Filing of GA Ordinance and/or Appendices**

Please remember that General Assistance law requires each municipality to send DHHS a copy of its ordinance once adopted. *(For a copy of the GA model ordinance, please call MMA's Publication Department, or visit their web site [www.memun.org](http://www.memun.org)).* In addition, any changes or amendments, such as new Appendices, must also be submitted to DHHS. DHHS will accept the enclosed "adoption sheet" as proof that a municipality has adopted the current GA maximums.

## 2020-2021 GA Overall Maximums

### Metropolitan Areas

COUNTY	Persons in Household				
	1	2	3	4	5*
<b>Bangor HMFA:</b> Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Old Town, Orono, Orrington, Penobscot Indian Island Reservation, Veazie	775	879	1,116	1,397	1,956
<b>Cumberland County HMFA:</b> Baldwin, Bridgton, Brunswick, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago	883	926	1,197	1,649	1,882
<b>Lewiston/Auburn MSA:</b> Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	741	798	1,025	1,287	1,633
<b>Penobscot County HMFA:</b> Alton, Argyle UT, Bradford, Bradley, Burlington, Carmel, Carroll plantation, Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dixmont, Drew plantation, East Central Penobscot UT, East Millinocket, Edinburg, Enfield, Etna, Exeter, Garland, Greenbush, Howland, Hudson, Kingman UT, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell town, Mattawamkeag, Maxfield, Medway, Millinocket, Mount Chase, Newburgh Newport, North Penobscot UT, Passadumkeag, Patten, Plymouth, Prentiss UT, Sebocis plantation, Springfield, Stacyville, Stetson, Twombly UT, Webster plantation, Whitney UT, Winn, Woodville	741	742	981	1,229	1,341
<b>Portland HMFA:</b> Cape Elizabeth, Casco, Chebeague Island, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, Long Island, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, Yarmouth; Buxton, Hollis, Limington, Old Orchard Beach	1,179	1,284	1,668	2,180	2,654
<b>Sagadahoc HMFA:</b> Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Perkins UT, Phippsburg, Richmond, Topsham, West Bath, Woolwich	821	933	1,095	1,449	1,691

**Appendix A**  
Effective: 10/01/20-09/30/21

COUNTY	1	2	3	4	5*
<b>York County HMFA:</b> Acton, Alfred, Arundel, Biddeford, Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limerick, Lyman, Newfield, North Berwick, Ogunquit, Parsonsfield, Saco, Sanford, Shapleigh, Waterboro, Wells	918	980	1,212	1,539	1,720
<b>York/Kittery/S.Berwick HMFA:</b> Berwick, Eliot, Kittery, South Berwick, York	1,136	1,165	1,539	1,926	2,699

\*Note: Add \$75 for each additional person.

**Non-Metropolitan Areas**

**Persons in Household**

COUNTY	1	2	3	4	5*
<b>Aroostook County</b>	649	710	831	1,119	1,200
<b>Franklin County</b>	683	729	837	1,102	1,480
<b>Hancock County</b>	836	871	1,047	1,319	1,445
<b>Kennebec County</b>	769	786	979	1,284	1,371
<b>Knox County</b>	792	795	979	1,291	1,390
<b>Lincoln County</b>	868	886	1,057	1,349	1,554
<b>Oxford County</b>	764	767	936	1,322	1,537
<b>Piscataquis County</b>	659	708	874	1,158	1,396
<b>Somerset County</b>	709	744	959	1,249	1,338
<b>Waldo County</b>	818	871	997	1,339	1,705
<b>Washington County</b>	710	713	926	1,160	1,254

\* Please Note: Add \$75 for each additional person.

## Appendix B

Effective: 10/01/20 to 09/30/21

### 2020-2021 Food Maximums

Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan. As of October 1, 2020, those amounts are:

Number in Household	Weekly Maximum	Monthly Maximum
1	\$ 47.44	\$ 204
2	86.98	374
3	124.42	535
4	158.14	680
5	187.67	807
6	225.35	969
7	249.07	1,071
8	284.65	1,224

**Note: For each additional person add \$153 per month.**

## 2020-2021 GA Housing Maximums (Heated & Unheated Rents)

**NOTE: NOT ALL MUNICIPALITIES SHOULD ADOPT THESE SUGGESTED HOUSING MAXIMUMS!** Municipalities should **ONLY consider** adopting the following numbers, if these figures are consistent with local rent values. If not, a market survey should be conducted and the figures should be altered accordingly. The results of any such survey must be presented to DHHS prior to adoption. Or, no housing maximums should be adopted and eligibility should be analyzed in terms of the Overall Maximum—Appendix A. *(See Instruction Memo for further guidance.)*

### **Non-Metropolitan FMR Areas**

<b><u>Aroostook County</u></b>				
Bedrooms	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
0	117	504	141	606
1	123	528	154	663
2	139	599	180	776
3	195	840	246	1,057
4	200	859	262	1,126
<b><u>Franklin County</u></b>				
Bedrooms	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
0	125	538	149	640
1	127	547	159	682
2	141	605	182	782
3	191	823	242	1,040
4	265	1,139	327	1,406
<b><u>Hancock County</u></b>				
Bedrooms	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
0	159	682	182	783
1	159	682	188	809
2	186	801	227	975
3	238	1,022	287	1,235
4	251	1,079	312	1,342
<b><u>Kennebec County</u></b>				
Bedrooms	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
0	143	615	167	716
1	143	615	168	724
2	170	733	211	907
3	230	987	279	1,200
4	234	1,005	295	1,268

**Non-Metropolitan FMR Areas**

<b><u>Knox County</u></b>	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
0	148	638	172	739
1	148	638	172	739
2	170	733	211	907
3	231	994	281	1,207
4	238	1,024	299	1,287
<b><u>Lincoln County</u></b>	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
0	166	714	190	815
1	166	714	192	824
2	189	811	229	985
3	245	1,052	294	1,265
4	276	1,188	337	1,451
<b><u>Oxford County</u></b>	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
0	142	610	165	711
1	142	610	165	711
2	160	690	201	864
3	238	1,025	288	1,238
4	272	1,171	333	1,434
<b><u>Piscataquis County</u></b>	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
0	116	501	142	609
1	119	512	152	652
2	146	627	189	811
3	200	862	253	1,086
4	241	1,037	305	1,312
<b><u>Somerset County</u></b>	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
0	129	555	153	656
1	129	555	159	682
2	166	713	206	887
3	221	952	271	1,165
4	226	972	287	1,235



# Appendix C

Effective: 10/01/20-09/30/21

## Non-Metropolitan FMR Areas

<u>Waldo County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	154	664	178	765
1	157	676	188	809
2	175	751	215	925
3	242	1,042	292	1,255
4	311	1,339	373	1,602

<u>Washington County</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	129	556	153	657
1	129	556	153	657
2	158	680	199	854
3	201	863	250	1,076
4	206	888	268	1,151

## Metropolitan FMR Areas

<u>Bangor HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	144	621	168	722
1	159	684	190	817
2	202	870	243	1,044
3	256	1,100	305	1,313
4	370	1,590	431	1,853

<u>Cumberland Cty. HMFA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	170	729	193	830
1	170	731	201	864
2	221	951	262	1,125
3	314	1,352	364	1,565
4	353	1,516	414	1,779

<u>Lewiston/Auburn MSA</u>	<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	137	587	160	688
1	140	603	171	736
2	181	779	222	953
3	230	990	280	1,203
4	295	1,267	356	1,530

**Metropolitan FMR Areas**

<b><u>Penobscot Cty. HMFA</u></b>		<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms		<b><u>Weekly</u></b>	<b><u>Monthly</u></b>	<b><u>Weekly</u></b>	<b><u>Monthly</u></b>
0		137	587	160	688
1		137	587	160	688
2		171	735	211	909
3		217	932	266	1,145
4		227	975	288	1,238
<b><u>Portland HMFA</u></b>		<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms		<b><u>Weekly</u></b>	<b><u>Monthly</u></b>	<b><u>Weekly</u></b>	<b><u>Monthly</u></b>
0		238	1,025	262	1,126
1		253	1,089	284	1,222
2		331	1,422	371	1,596
3		438	1,883	487	2,096
4		532	2,288	593	2,551
<b><u>Sagadahoc Cty. HMFA</u></b>		<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms		<b><u>Weekly</u></b>	<b><u>Monthly</u></b>	<b><u>Weekly</u></b>	<b><u>Monthly</u></b>
0		155	667	179	768
1		172	738	203	871
2		197	849	238	1,023
3		268	1,152	317	1,365
4		308	1,325	369	1,588
<b><u>York Cty. HMFA</u></b>		<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms		<b><u>Weekly</u></b>	<b><u>Monthly</u></b>	<b><u>Weekly</u></b>	<b><u>Monthly</u></b>
0		178	764	201	865
1		183	785	213	918
2		225	966	265	1,140
3		289	1,242	338	1,455
4		315	1,354	376	1,617
<b><u>York/Kittery/S. Berwick HMFA</u></b>		<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms		<b><u>Weekly</u></b>	<b><u>Monthly</u></b>	<b><u>Weekly</u></b>	<b><u>Monthly</u></b>
0		228	982	252	1,083
1		228	982	257	1,103
2		301	1,293	341	1,467
3		379	1,629	428	1,842
4		543	2,333	604	2,596

## 2020-2021 GA MAXIMUMS SUMMARY SHEET

Note: The overall maximums found in *Appendices A, B, C, D, E, and F* are effective from October 1, 2020 to September 30, 2021.

### APPENDIX A - OVERALL MAXIMUMS

<u>County</u>	<u>Persons in Household</u>					
	1	2	3	4	5	6
NOTE: For each additional person add \$75 per month.						
(The applicable figures from Appendix A, <i>once adopted</i> , should be inserted here.)						

### APPENDIX B - FOOD MAXIMUMS

<u>Number in Household</u>	<u>Weekly Maximum</u>	<u>Monthly Maximum</u>
1	\$ 47.44	\$ 204
2	86.98	374
3	124.42	535
4	158.14	680
5	187.67	807
6	225.35	969
7	249.07	1,071
8	284.65	1,224
NOTE: For each additional person add \$153 per month.		

### APPENDIX C - HOUSING MAXIMUMS

Number of Bedrooms	<u>Unheated</u>		<u>Heated</u>	
	Weekly	Monthly	Weekly	Monthly
0				
1				
2				
3				
4				
(The applicable figures from Appendix C, <i>once adopted</i> , should be inserted here.)				

FOR MUNICIPAL USE ONLY

## APPENDIX D - UTILITIES

### ELECTRIC

**NOTE:** For an electrically heated dwelling also see “Heating Fuel” maximums below. But remember, an applicant is *not automatically* entitled to the “maximums” established—applicants must demonstrate need.

1) **Electricity Maximums for Households Without Electric Hot Water:** The maximum amounts allowed for utilities, for lights, cooking and other electric uses *excluding* electric hot water and heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$14.00	\$60.00
2	\$15.70	\$67.50
3	\$17.45	\$75.00
4	\$19.90	\$86.00
5	\$23.10	\$99.00
6	\$25.00	\$107.00

**NOTE:** For each additional person add \$7.50 per month.

2) **Electricity Maximums for Households With Electrically Heated Hot Water:** The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses *excluding* heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$20.65	\$89.00
2	\$23.75	\$102.00
3	\$27.70	\$119.00
4	\$32.25	\$139.00
5	\$38.75	\$167.00
6	\$41.00	\$176.00

**NOTE:** For each additional person add \$10.00 per month.

**NOTE:** For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below.

## APPENDIX E - HEATING FUEL

<u>Month</u>	<u>Gallons</u>	<u>Month</u>	<u>Gallons</u>
September	50	January	225
October	100	February	225
November	200	March	125
December	200	April	125
		May	50

**FOR MUNICIPAL USE ONLY**

**NOTE:** When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon. When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than 7 tons of coal per year, 8 cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.

## **APPENDIX F - PERSONAL CARE & HOUSEHOLD SUPPLIES**

<b><u>Number in Household</u></b>	<b><u>Weekly Amount</u></b>	<b><u>Monthly Amount</u></b>
1-2	\$10.50	\$45.00
3-4	\$11.60	\$50.00
5-6	\$12.80	\$55.00
7-8	\$14.00	\$60.00

**NOTE:** For each additional person add \$1.25 per week or \$5.00 per month.

### **SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5**

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

<b><u>Number of Children</u></b>	<b><u>Weekly Amount</u></b>	<b><u>Monthly Amount</u></b>
1	\$12.80	\$55.00
2	\$17.40	\$75.00
3	\$23.30	\$100.00
4	\$27.90	\$120.00

*FOR MUNICIPAL USE ONLY*

**2020-2021 Mileage Rate**

This municipality adopts the State of Maine travel expense reimbursement rate as set by the Office of the State Controller. The current rate for approved employment and necessary medical travel etc. is 45 cents (45¢) per mile.

Please refer to the Office of State Controller for changes to this rate:

Telephone: 626-8420 or visit: <http://www.state.me.us/osc/>

## **Funeral Maximums**

### **Burial Maximums**

The maximum amount of general assistance granted for the purpose of burial is **\$1,475**. The municipality's obligation to provide funds for burial purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable burial expenses are limited to:

- removal of the body from a local residence or institution
- a secured death certificate or obituary
- embalming
- a minimum casket
- a reasonable cost for necessary transportation
- other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal administrator.

Additional costs may be allowed by the GA administrator, where there is an actual cost, for:

- the wholesale cost of a cement liner if the cemetery by-laws require one;
- the opening and closing of the grave site; and
- a lot in the least expensive section of the cemetery. If the municipality is able to provide a cemetery lot in a municipally owned cemetery or in a cemetery under municipal control, the cost of the cemetery lot in any other cemetery will not be paid by the municipality.

### **Cremation Maximums**

The maximum amount of assistance granted for a cremation shall be **\$1,025**.

The municipality's obligation to provide funds for cremation purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable cremation expenses are limited to:

- removal and transportation of the body from a local residence or institution
- professional fees
- crematorium fees
- a secured death certificate or obituary



## **Appendix H**

**Effective: 10/01/20-9/30/21**

- other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal administrator.

Additional costs may be allowed by the GA administrator where there is an actual cost, for:

- a cremation lot in the least expensive section of the cemetery
- a reasonable cost for a burial urn not to exceed \$55
- transportation costs borne by the funeral director at a reasonable rate per mile for transporting the remains to and from the cremation facility.

Oct 1, 2020 to Sept 30, 2021

**OVERALL MAXIMUMS****Persons in Household**

1	2	3	4	5
\$1,179	\$1,284	\$1,668	\$2,180	\$2,654

Household of 6 = \$2,792

\* Add \$75 for each additional person

**FOOD MAXIMUMS**

Persons	Weekly	Monthly
1	\$47.44	\$204
2	\$86.98	\$374
3	\$124.42	\$535
4	\$158.14	\$680
5	\$187.67	\$807
6	\$225.35	\$969
7	\$249.07	\$1,071
8	\$284.65	\$1,224

Add \$146 per month for each + person

**HEATING FUEL**

Month	Gallons	Month	Gallons
September	50	January	225
October	100	February	225
November	200	March	125
December	200	April	125
		May	50

NOTE: When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon. When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than 7 tons of coal per year, 8 cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.

**HOUSING MAXIMUMS**

BEDROOM	UNHEATED		Heated	
	Weekly	Monthly	Weekly	Monthly
0	\$238	\$1,025	\$262	\$1,126
1	\$253	\$1,089	\$284	\$1,222
2	\$331	\$1,422	\$371	\$1,596
3	\$438	\$1,883	\$487	\$2,096
4	\$532	\$2,288	\$593	\$2,551

**PERSONAL CARE & HOUSEHOLD SUPPLIES**

Number in Household	Weekly Amount	Monthly Amount
1-2	\$10.50	\$45.00
3-4	\$11.60	\$50.00
5-6	\$12.80	\$55.00
7-8	\$14.00	\$60.00

NOTE: For each additional person add \$1.25 per week or \$5.00 per month.

**SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5**

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

Number of Children	Weekly Amount	Monthly Amount
1	\$12.80	\$55.00
2	\$17.40	\$75.00
3	\$23.30	\$100.00
4	\$27.90	\$120.00

\*\*\*New - Appendix H Revisions

Burial Maximum: \$1,475  
Cremation Maximum: \$1,025

**ELECTRIC**

NOTE: For an electrically heated dwelling also see "Heating Fuel" maximums below. But remember, an applicant is not automatically entitled to the "maximums" established applicants must demonstrate need.  
1) Electricity Maximums for Households Without Electric Hot Water: The maximum amounts allowed for utilities, for lights, cooking and other electric uses excluding electric hot water and heat:

Number in Household	Weekly	Monthly
1	\$14.00	\$60.00
2	\$15.70	\$67.50
3	\$17.45	\$75.00
4	\$19.90	\$86.00
5	\$23.10	\$99.00
6	\$25.00	\$107.00

NOTE: For each additional person add \$7.50 per month.

2) Electricity Maximums for Households With Electrically Heated Hot Water: The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses excluding heat:

Number in Household	Weekly	Monthly
1	\$20.65	\$89.00
2	\$23.75	\$102.00
3	\$27.70	\$119.00
4	\$32.25	\$139.00
5	\$38.75	\$167.00
6	\$41.00	\$176.00

NOTE: For each additional person add \$10.00 per month.

**1-800-442-6003**

Revised 7/22/20

Oct 1, 2020 to Sept 30, 2021

**OVERALL MAXIMUMS****Persons in Household**

1	2	3	4	5
\$883	\$926	\$1,197	\$1,649	\$1,882

Household of 6 = \$1,957

\* Add \$75 for each additional person

**FOOD MAXIMUMS**

Persons	Weekly	Monthly
1	\$47.44	\$204
2	\$86.98	\$374
3	\$124.42	\$535
4	\$158.14	\$680
5	\$187.67	\$807
6	\$225.35	\$969
7	\$249.07	\$1,071
8	\$284.65	\$1,224

Add \$146 per month for each + person

**HEATING FUEL**

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**HOUSING MAXIMUMS**

BEDROOM	UNHEATED		Heated	
	Weekly	Monthly	Weekly	Monthly
0	\$170	\$729	\$193	\$830
1	\$170	\$731	\$201	\$864
2	\$221	\$951	\$262	\$1,125
3	\$314	\$1,352	\$364	\$1,565
4	\$353	\$1,516	\$414	\$1,779

**PERSONAL CARE & HOUSEHOLD SUPPLIES**

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**1-800-442-6003**

Revised 7/22/20

**OVERALL MAXIMUMS****Persons in Household**

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\* Add \$75 for each additional person

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**1-800-442-6003**

# BUDGET REPORT

# REVENUES

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TOWN OF CUMBERLAND  
HISTORICAL ACTUALS COMPARISON REPORT

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FOR PERIOD 03 OF 2021

ACCOUNTS FOR: 001 General Fund	PRIOR YR3 ACTUALS	PRIOR YR2 ACTUALS	LAST YR ACTUALS	CURRENT YR ACTUALS	CY REV BUDGET
<hr/>					
0011 Other Tax Revenues					
<hr/>					
0011 0303 Motor Vehicle Excise Tax	-597,084.20	-609,705.18	-649,247.91	-681,193.29	-1,735,000.00
0011 0304 Boat Excise Tax	-2,792.74	-2,319.60	-2,412.70	-3,358.20	-14,000.00
0011 0328 Outer Islands Property Tax	.00	.00	.00	.00	-46,000.00
0011 0329 Payment in Lieu of Taxes	-15,344.00	-15,959.00	.00	.00	-33,000.00
TOTAL Other Tax Revenues	-615,220.94	-627,983.78	-651,660.61	-684,551.49	-1,828,000.00
0012 License & Permit Revenues					
<hr/>					
0012 0311 Hunting/Fishing Lic Agent Fees	-73.25	-112.50	-67.25	-63.00	-541.00
0012 0312 Marriage Lic & Vital Records	-913.80	-1,144.60	-1,030.80	-1,084.00	-2,436.00
0012 0313 Birth Certificates	-524.40	-465.00	-411.00	-398.00	-1,361.00
0012 0314 Death Certificates	-673.20	-477.20	-592.80	-182.60	-1,713.00
0012 0315 Clerk Licenses	-780.00	-2,050.00	-920.00	-205.00	-4,608.00
0012 0316 Shellfish Licenses	-36.06	-35.70	-14.28	-66.64	.00
0012 0317 Conservation Fees	-13.94	-14.30	-5.72	-23.36	.00
0012 0361 Motor Vehicle Reg. Agent Fees	-6,208.00	-6,322.00	-6,938.00	-9,588.00	-21,406.00
0012 0362 Boat Reg. Agent Fees	-112.00	-131.00	-152.00	-491.00	-1,098.00
0012 0366 Building Permits	-20,179.32	-17,458.50	-18,301.10	-20,712.63	-75,000.00
0012 0367 Electrical Permits	-8,739.70	-5,194.35	-5,834.70	-7,878.73	-21,634.00
0012 0368 Plumbing Permits	-7,615.00	-2,790.00	-3,720.00	-5,677.50	-18,789.00
0012 0369 Other Permits	-222.00	-452.00	-141.00	-158.00	-1,751.00
0012 0383 ATV Reg. Agent Fees	-23.00	-52.00	-44.00	-42.00	-37.00
0012 0390 Misc. Revenue	.00	.00	.00	-100.00	.00
0012 0398 Application Fee	-600.00	-350.00	-200.00	-200.00	-1,300.00
0012 0401 Dog Reg. Clerk Fees	-44.00	-32.00	-41.00	-28.00	-2,800.00
0012 0404 Commercial Haulers License	.00	.00	.00	-100.00	-500.00
TOTAL License & Permit Revenue	-46,757.67	-37,081.15	-38,413.65	-46,998.46	-154,974.00
0013 Intergovernmental Revenues					
<hr/>					
0013 0331 State Revenue Sharing	-110,210.52	-114,011.51	-180,251.36	-86,102.67	-500,000.00
0013 0335 DOT Block Grant	.00	.00	.00	.00	-71,480.00
0013 0341 North Yarmouth Recreation Shar	.00	.00	.00	.00	-18,184.00
0013 0342 North Yarmouth Library Share	.00	.00	.00	.00	-183,393.00

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TOWN OF CUMBERLAND  
HISTORICAL ACTUALS COMPARISON REPORT

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FOR PERIOD 03 OF 2021

ACCOUNTS FOR: 001 General Fund	PRIOR YR3 ACTUALS	PRIOR YR2 ACTUALS	LAST YR ACTUALS	CURRENT YR ACTUALS	CY REV BUDGET
TOTAL Intergovernmental Revenue	-110,210.52	-114,011.51	-180,251.36	-86,102.67	-773,057.00
0015 Other Revenues					
0015 0305 Interest & Penalties	-1,992.51	-1,418.89	-2,006.18	-2,484.64	-30,000.00
0015 0306 Over/Short	510.12	5,518.73	14.85	453.98	-100.00
0015 0364 Growth Permits	-1,300.00	-500.00	-600.00	-900.00	-2,000.00
0015 0365 Board of Appeals	-200.00	-100.00	-100.00	.00	.00
0015 0390 Misc. Revenue	-984.99	-576.80	-31.00	-89.00	-25,000.00
0015 0399 Staff Review Fee	-4,500.00	-1,250.00	-1,200.00	-2,300.00	-14,117.00
0015 0403 Mooring Fees	-750.00	-150.02	-980.00	-64.00	-1,500.00
0015 0410 Private Ways	-200.00	-200.00	.00	.00	-400.00
0015 0508 Impact Fees	-22,285.20	-15,078.00	-13,917.40	-27,658.40	-60,000.00
TOTAL Other Revenues	-31,702.58	-13,754.98	-18,819.73	-33,042.06	-133,117.00
0021 Police Related Revenues					
0021 0351 Police Issued Permits	-422.00	-850.00	-452.00	-345.00	-2,000.00
0021 0353 Police Insurance Reports	-112.00	-110.00	-130.00	-100.00	-500.00
0021 0390 Miscellaneous Police Revenue	-33.00	-18.00	-147.00	-27.00	-648.00
0021 0427 Parking Tickets	-75.00	.00	-175.00	-150.00	-100.00
0021 0431 Outside Detail	797.30	737.52	.00	.00	.00
0021 0536 Dog Licenses ACO Revenue	-355.00	-113.00	-224.00	-140.00	-1,800.00
0021 0546 Court Reimbursements	-50.00	46.00	-1,834.56	.00	-2,200.00
TOTAL Police Related Revenues	-249.70	-307.48	-2,962.56	-762.00	-7,248.00
0022 Fire Related Revenues					
0022 0390 Misc. Revenue	-300.00	.00	.00	.00	.00
0022 0431 Outside Details	-95.75	.00	.00	.00	.00
0022 0504 Rescue Billing	-34,418.03	-44,526.04	-15,361.78	3,265.07	-160,000.00
0022 0505 Non Emergency Transports	-6,377.67	.00	.00	.00	.00
TOTAL Fire Related Revenues	-41,191.45	-44,526.04	-15,361.78	3,265.07	-160,000.00
0031 Public Services Revenues					
0031 0390 Misc. Revenue	-117.00	-3,093.00	-3,817.00	-223.00	-20,500.00



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TOWN OF CUMBERLAND  
HISTORICAL ACTUALS COMPARISON REPORT

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FOR PERIOD 03 OF 2021

ACCOUNTS FOR:	PRIOR YR3	PRIOR YR2	LAST YR	CURRENT YR	CY REV
001 General Fund	ACTUALS	ACTUALS	ACTUALS	ACTUALS	BUDGET
0031 0391 Field Usage Fees	-1,440.00	.00	-360.00	.00	-5,000.00
0031 0431 Outside Details	720.00	.00	.00	.00	.00
0031 0517 Bags/Universal Waste	-87,687.50	-78,345.00	-21,777.50	60,746.00	-295,015.00
0031 0539 Brush Passes	-1,030.00	-1,146.00	-1,025.00	-4,593.00	-8,277.00
0031 0617 Twin Brooks Donations	.00	.00	.00	.00	-92.00
TOTAL Public Services Revenues	-89,554.50	-82,584.00	-26,979.50	55,930.00	-328,884.00
0035 VH Other Revenues					
0035 0329 Payment in Lieu of Taxes	.00	.00	.00	.00	-6,000.00
0035 0378 Soda Sales	-1,298.50	-1,706.30	-1,387.40	-1,688.40	-2,500.00
0035 0560 Rental Income	-2,790.51	-3,323.23	-6,750.00	-6,750.00	-14,000.00
0035 0565 Cell Tower Land Lease	-5,400.00	-5,400.00	-5,400.00	-5,400.00	-21,600.00
TOTAL VH Other Revenues	-9,489.01	-10,429.53	-13,537.40	-13,838.40	-44,100.00
0037 VH Golf Revenues					
0037 0306 Over/Short	3.00	-4.82	503.21	-1.07	.00
0037 0357 Golf Memberships	-14,528.00	-18,380.60	-22,571.10	-32,887.55	-230,000.00
0037 0358 Greens Fees	-63,464.70	-72,409.04	-60,407.89	-90,697.96	-120,000.00
0037 0359 Golf Cart Rentals	-44,510.21	-40,230.81	-36,633.05	-49,800.09	-82,000.00
0037 0416 Practice Range	-5,511.50	-4,539.00	-395.00	-4,333.97	-7,000.00
0037 0417 VH Program Revenues	-27,569.20	-41,409.70	-42,284.00	-49,551.63	-64,715.00
0037 0419 Advertising Sales	-800.00	-5,600.00	.00	.00	-23,500.00
0037 0522 Outing Golf	-34,780.00	-39,528.43	-54,371.00	-21,398.00	-46,430.00
0037 0617 Donations Received	-120.00	.00	.00	.00	.00
TOTAL VH Golf Revenues	-191,280.61	-222,102.40	-216,158.83	-248,670.27	-573,645.00
0041 Recreation Related Revenues					
0041 0440 41100 After School Programs	-45,595.00	-38,733.36	-54,549.00	-21,962.50	-270,000.00
0041 0441 41110 Youth Enrichment Programs	-32,960.00	-39,682.00	-49,317.00	-11,359.50	-175,000.00
0041 0442 41120 Youth Sports Programs	-22,770.00	-31,219.75	-30,978.00	-3,521.00	-115,000.00
0041 0443 41130 Skiing Programs	.00	.00	.00	-295.00	-45,020.00
0041 0444 41140 Day Camps	-33,700.18	-29,100.65	-29,548.93	-67,166.50	-175,000.00

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TOWN OF CUMBERLAND  
HISTORICAL ACTUALS COMPARISON REPORT

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FOR PERIOD 03 OF 2021

ACCOUNTS FOR:	PRIOR YR3	PRIOR YR2	LAST YR	CURRENT YR	CY REV
001 General Fund	ACTUALS	ACTUALS	ACTUALS	ACTUALS	BUDGET
0041 0445 41150 Swimming Programs	-5,914.00	-7,462.29	-7,345.00	.00	-22,500.00
0041 0446 41160 Adult Enrichment Revenue	-9,044.04	-8,467.17	-8,322.32	-380.00	-30,000.00
0041 0447 41170 Adult Fitness Revenue	-20,601.84	-22,967.63	-21,235.10	-6,525.00	-60,000.00
0041 0448 41190 Special Events/Trips Reven	-1,079.00	-365.00	-449.00	.00	.00
0041 0449 41190 Recreation Programs	-1,890.00	-1,800.00	-3,805.00	.00	.00
0041 0570 41190 Rec Soccer Revenue	-16,120.00	-18,175.00	-20,090.00	-8,863.00	-23,000.00
0041 0571 41190 Rec Ultimate Frisbee Reven	.00	.00	.00	.00	-14,000.00
0041 0606 41190 CPR/First Aid Revenues	-50.00	-350.00	-380.00	-165.00	-250.00
TOTAL Recreation Related Reven	-189,724.06	-198,322.85	-226,019.35	-120,237.50	-929,770.00
0045 Library Related Revenues					
0045 0392 Library Fines	-851.40	-543.95	-1,363.22	-314.85	-3,500.00
0045 0394 Misc. Library Revenue	-265.50	-330.80	-376.60	-160.30	-1,000.00
TOTAL Library Related Revenues	-1,116.90	-874.75	-1,739.82	-475.15	-4,500.00
0211 Police- Salaries & Bens					
0211 0431 Outside Details	.00	184.68	1,356.79	-1,229.40	-21,998.00
TOTAL Police- Salaries & Bens	.00	184.68	1,356.79	-1,229.40	-21,998.00
0221 Fire- Salaries & Benefits					
0221 0431 Outside Details	.00	338.00	-97.76	.00	-18,000.00
TOTAL Fire- Salaries & Benefits	.00	338.00	-97.76	.00	-18,000.00
TOTAL General Fund	-1,326,497.94	-1,351,455.79	-1,390,645.56	-1,176,712.33	-4,977,293.00
TOTAL REVENUES	-1,326,497.94	-1,351,455.79	-1,390,645.56	-1,176,712.33	-4,977,293.00
GRAND TOTAL	-1,326,497.94	-1,351,455.79	-1,390,645.56	-1,176,712.33	-4,977,293.00

# EXPENSES

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TOWN OF CUMBERLAND  
HISTORICAL ACTUALS COMPARISON REPORT

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FOR PERIOD 03 OF 2021

ACCOUNTS FOR:	PRIOR YR3	PRIOR YR2	LAST YR	CURRENT YR	CY REV
001 General Fund	ACTUALS	ACTUALS	ACTUALS	ACTUALS	BUDGET
<hr/>					
10 General Government					
<hr/>					
130 Administration	180,458.72	162,233.73	158,836.72	113,063.07	616,244.00
140 Assessor	18,139.35	22,618.46	24,168.81	23,937.36	112,471.00
150 Town Clerk	44,028.79	54,579.73	66,109.80	67,833.91	275,187.00
160 Technology	64,440.27	51,084.68	88,358.87	77,145.79	212,517.00
165 Elections	118.42	391.13	25.50	10,005.38	14,241.00
170 Planning	14,926.25	14,061.45	14,663.04	13,219.29	73,137.00
190 Legal	9,794.69	4,964.00	9,153.00	5,065.75	47,500.00
TOTAL General Government	331,906.49	309,933.18	361,315.74	310,270.55	1,351,297.00
20 Public Safety					
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210 Police	270,885.13	300,790.86	325,911.08	330,442.36	1,494,752.00
220 Fire	190,937.96	209,909.69	229,144.82	206,402.52	1,088,962.00
240 Code Enforcement	33,999.90	31,315.58	33,926.33	34,293.58	143,113.00
250 Harbor Master	1,515.12	2,279.81	8,260.21	192.00	25,226.00
260 Animal Control	5,332.05	12,050.60	20,316.05	21,436.35	35,412.00
TOTAL Public Safety	502,670.16	556,346.54	617,558.49	592,766.81	2,787,465.00
30 Public Services					
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310 Public Works	169,154.79	207,825.23	191,387.06	192,466.00	1,269,713.00
320 Waste Disposal	84,076.15	112,787.63	121,852.58	95,423.67	592,696.00
430 Parks	99,907.85	111,964.02	98,531.27	76,628.70	318,355.00
440 West Cumberland Rec	350.43	550.48	1,168.73	141.81	8,204.00
470 Historical Society Building	407.61	2,272.01	579.48	168.00	8,964.00
TOTAL Public Services	353,896.83	435,399.37	413,519.12	364,828.18	2,197,932.00
37 Val Halla Golf Club					
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350 Valhalla-Club	12,392.53	15,379.95	8,913.53	1,798.72	27,231.00
360 Valhalla-Course	183,356.14	187,711.14	190,851.34	196,665.86	515,427.00

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HISTORICAL ACTUALS COMPARISON REPORT

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FOR PERIOD 03 OF 2021

ACCOUNTS FOR:	PRIOR YR3	PRIOR YR2	LAST YR	CURRENT YR	CY REV
001 General Fund	ACTUALS	ACTUALS	ACTUALS	ACTUALS	BUDGET
370 Valhalla-Pro Shop	123,830.97	111,727.04	112,035.17	83,753.14	238,467.00
TOTAL Val Halla Golf Club	319,579.64	314,818.13	311,800.04	282,217.72	781,125.00
40 Recreation					
410 Recreation	295,856.37	328,373.84	339,125.69	186,635.49	914,018.00
420 Aging in Place	.00	3,598.78	53,513.07	2,618.45	85,105.00
TOTAL Recreation	295,856.37	331,972.62	392,638.76	189,253.94	999,123.00
45 Library					
450 Library	93,110.18	112,244.98	124,040.56	108,945.92	516,000.00
TOTAL Library	93,110.18	112,244.98	124,040.56	108,945.92	516,000.00
90 Other					
580 General Assistance	12,271.56	6,361.24	10,192.52	25,220.40	35,000.00
590 Health Services	10,894.30	10,894.30	14,894.30	.00	3,875.00
620 Cemetery Association	26,700.00	27,575.00	26,700.00	26,700.00	26,700.00
630 Conservation	2,000.00	4,122.45	1,279.29	1,552.96	13,000.00
800 Fire Hydrants	12,752.30	12,966.76	20,498.62	13,883.02	81,686.00
810 Street Lighting	7,031.85	3,133.90	6,893.20	2,393.20	45,000.00
830 Contingent	.00	-247.20	2,000.00	3,369.08	100,000.00
840 Municipal Building	11,811.02	24,217.95	20,338.33	12,945.97	105,160.00
850 Abatements	18,873.43	1,264.74	18,247.96	1,469.28	1.00
TOTAL Other	102,334.46	90,289.14	121,044.22	87,533.91	410,422.00
96 Fixed Expenses					
650 Debt Service	312,922.66	10,631.00	-5,592.00	.00	1,157,320.00
750 Insurance	129,279.29	192,325.88	175,761.99	182,197.10	277,823.00
910 Capital Reserves	693,000.00	699,300.00	771,061.00	.00	180,000.00
TOTAL Fixed Expenses	1,135,201.95	902,256.88	941,230.99	182,197.10	1,615,143.00

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HISTORICAL ACTUALS COMPARISON REPORT

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FOR PERIOD 03 OF 2021

ACCOUNTS FOR: 001 General Fund	PRIOR YR3 ACTUALS	PRIOR YR2 ACTUALS	LAST YR ACTUALS	CURRENT YR ACTUALS	CY REV BUDGET
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98 Assessments					
860 MSAD #51	4,302,026.82	4,672,567.71	4,734,439.23	3,350,800.67	20,104,804.00
890 County Tax	.00	.00	.00	.00	938,569.00
TOTAL Assessments	4,302,026.82	4,672,567.71	4,734,439.23	3,350,800.67	21,043,373.00
TOTAL General Fund	7,436,582.90	7,725,828.55	8,017,587.15	5,468,814.80	31,701,880.00
TOTAL EXPENSES	7,436,582.90	7,725,828.55	8,017,587.15	5,468,814.80	31,701,880.00
GRAND TOTAL	7,436,582.90	7,725,828.55	8,017,587.15	5,468,814.80	31,701,880.00