

AGENDA

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, September 13, 2021

4:30 P.M. Meeting with Avesta Housing

6:00 P.M. Senior Tax Relief Committee (Edes, Gruber & Segrist)

7:00 P.M. Call to Order

I. CALL TO ORDER

II. APPROVAL OF MINUTES

August 23, 2021

III. MANAGER'S REPORT

Swearing in of Police and Fire Department personnel

Bruce Hill Road Neighborhood – Water Line Request

IV. PUBLIC DISCUSSION

Public discussion is for comments on items that are not on the agenda. Comments are limited to 5 minutes per person. Rebuttal comments will be limited to 2 minutes. Public discussion topics may be brought up again under New Business for further Council discussion.

V. LEGISLATION AND POLICY

21 – 089. To hold a Public Hearing to consider and act on a Wharfing Out Permit for 301 Foreside Road (Map R2/Lot 17), as recommended by the Coastal Waters Commission. **TABLED**

21 – 090. To hear a presentation from Mary Ann Larson and Nancy Hewett of the Bicycle Coalition of Maine re: bike and pedestrian safety and ways to promote more biking and walking in our community.

21 – 091. To consider and act on the adoption of a resolution to create a Rail Corridor Advisory Council for the proposed Casco Bay and Royal River Trails, and to appoint a Town of Cumberland Official to serve on any such Advisory Council.

21 – 092. To consider and act on forwarding to the Planning Board for a Public Hearing and

recommendation, a zone change request for property identified as Map U21/Lot 2, from the Village Office Commercial 1 Zone (VOC1) to the Village Medium Density Residential Zone (VMDR), as recommended by the Ordinance Committee.

21 – 093. To hold a Public Hearing to consider and act on amendments to Chapter 48 (Coastal Waters), Section 2-D (Definitions) of the Cumberland Code, as recommended by the Ordinance Committee.

21 – 094. To hold a Public Hearing to consider and act on amendments to Chapter 84 (Fees & Fines), Section 12 (Moorings) of the Cumberland Code, as recommended by the Ordinance Committee.

21 – 095. To hold a Public Hearing to consider and act on amendments to Chapter 9 (Alarm Systems) of the Cumberland Code, as recommended by the Ordinance Committee.

21 – 096. To consider and act on setting October 11th through 15th as bulky item pick up week.

VI. NEW BUSINESS

- Town Council Work Plan Updates
- Ordinance Committee Meetings: September 23rd, October 14th & 28th (all at 5:00 P.M.)
- Jensen Baird Municipal Client Seminar, September 16th at 6:00 P.M. (see staff to sign up)
- FOAA Training with Town Attorney, September 27th at 6:00 P.M.
- Comprehensive Plan review by Town Planner, September 27th
- Finance Committee Meeting (October date to be determined) – ARP Funds, End of Year, 1st Quarter Financials
- Cumberland/North Yarmouth Joint Standing Committee Meeting (date to be determined) to discuss collaboration efforts going forward

VII.BUDGET REPORT

VIII.ADJOURNMENT

MINUTES

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, August 23, 2021

6:00 P.M. Senior Tax Relief Committee (Edes, Gruber & Segrist)

7:00 P.M. Call to Order

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

I. APPROVAL OF MINUTES

Motion by Councilor Gruber, seconded by Councilor Copp, to accept the August 9, 2021 meeting minutes as presented.

VOTE: 7-0 UNANIMOUS

II. MANAGER'S REPORT

Paving around Town continues, primarily on the Foreside now. It should be completed within 2 to 3 weeks.

We will be going over the final punch list on the Public Works garage in a couple of weeks.

III. PUBLIC DISCUSSION

No public discussion.

IV. LEGISLATION AND POLICY

Councilor Gruber made the following motion, Councilor Segrist seconded: to rescind the motion to not adopt the resolution endorsing a Rail Corridor Advisory Council process to consider alternative future uses of the corridor, as proposed by the Maine Trails Coalition, and I move to set a Public Hearing date of September 13th to consider and act on a new resolution endorsing a Rail Corridor Advisory Council process to consider alternative future uses of the corridor, crafted by the Cumberland Town Council.

Councilor Storey-King said that her opposition with bringing this item back up is that the room will be packed with cyclists who are in favor of this and the voices of the 20 residents on Middle Road will be drowned out by this process. That is upsetting to her. Increasingly in our world, the majority gets to decide how personal property owners use their land.

Chairman Vail said that we are here to represent everyone and should not allow the crowd that shows up to sway our vote. It is for us to make sure that we are considering everyone's vote and he will certainly be acting in that manner.

Councilor Edes asked the Chairman how we got here.

Chairman Vail responded that the Town Manager felt that we had missed an opportunity and that we have the connections to ensure that we have a seat on this advisory committee.

Councilor Edes said that this bothers him. It is not the Manager's job to set legislation. This Council took a vote at the last meeting on this, and he cannot understand how we went from a 5-2 vote to not support this to rescinding the vote tonight.

Chairman Vail said that he takes the blame for this. The Town Manager was not present at the last meeting. If he had been, he believes that the vote would have been different.

Councilor Segrist said that two weeks ago, we had some individuals stand up and raise some concerns about this potential project, which are legitimate concerns that need to be addressed. But we didn't have anybody here that supported the project, because this appeared on the agenda quickly and we really didn't get a chance to hear from a significant number of folks in our Town that support this. If we truly want to know what the best thing for the people of Cumberland is, we need to have a larger debate where all sides are present. He feels that we should make our support for this idea contingent on having a seat at the table to ensure that we can be part of the process and raise the concerns of the abutters. If we don't do that and we just choose not to endorse any resolution, his concern is that Towns like Falmouth and Yarmouth are going to be deciding Cumberland's fate. If we're not part of the discussion, we're simply choosing to be on the outside with our arms folded, saying, I don't like that you did this.

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

VOTE: 5-2 (Edes and Storey-King opposed) MOTION PASSES

21 – 086 To hold a Public Hearing to consider and act on a Mass Gathering Permit for the Cumberland County Fair to be held from September 26th – October 3rd at the Cumberland Fairgrounds.

President of the Cumberland Farmer's Club, Lyle Merrifield said that the fair will be held this year. They will keep an eye on the CDC guidelines and enforce those accordingly. All the agricultural fairs have had record setting numbers this year. They are confident that they will have a successful and safe fair.

Chairman Vail opened the Public Hearing.
No public discussion.
Chairman Vail closed the Public Hearing.

Councilor Foster said that there was concern raised at a prior meeting about the number of cones placed in the road by the front gate, making it difficult for cyclists to maneuver safely past the fairgrounds.

Town Manager Shane said that he would work with the Police Chief and Mr. Merrifield to make sure that the cones are placed in a manner, so people feel that there is a room to maneuver while keeping the cyclists and pedestrians safe.

Councilor Copp suggested temporary signs that read "Cyclists May Use Entire Traffic Lane".

Motion by Councilor Copp, seconded by Councilor Gruber, to approve the Mass Gathering Permit for the Cumberland County Fair to be held from September 26th – October 3rd at the Cumberland Fairgrounds.

VOTE: 7-0 UNANIMOUS

21 – 087 To hold a Public Hearing to consider and act on a Mass Gathering Permit for Binnie Media's Fall Ultimate Yard Sale to be held on October 9th from 9:00 a.m. to 3:00 p.m. at the Cumberland Fairgrounds.

Chairman Vail opened the Public Hearing.
No public discussion.
Chairman Vail closed the Public Hearing.

Motion by Councilor Copp, seconded by Councilor Gruber, to approve the Mass Gathering Permit for Binnie Media's Fall Ultimate Yard Sale to be held on October 9th from 9:00 a.m. to 3:00 p.m. at the Cumberland Fairgrounds.

VOTE: 7-0 UNANIMOUS

21 – 088 To hold a Public Hearing to consider and act on a Mass Gathering Permit for the Maine Principals' Association South Regional Cross-Country Championships to be held on October 23rd from 9:00 a.m. to 3:30 p.m. at Twin Brook.

Chairman Vail opened the Public Hearing.
No public discussion.
Chairman Vail closed the Public Hearing.

Motion by Councilor Storey-King, seconded by Councilor Copp, to approve the Mass Gathering Permit for the Maine Principals' Association South Regional Cross-Country Championships to be held on October 23rd from 9:00 a.m. to 3:30 p.m. at Twin Brook.

VOTE: 7-0 UNANIMOUS

V. NEW BUSINESS

Councilor Segrist – there was a great meeting before the Council meeting this evening to discuss potential ways that we can help our seniors stay in their homes longer. This will be building on the rebate program that we currently have.

Councilor Storey-King – the Town Manager notified her today that the “Beach to Bacon” road race that will be held during our Bicentennial celebration will have to be re-named. We were notified by the attorney for the Beach to Beacon race that we cannot use that name. The Bicentennial Committee has done amazing work and the celebration will be held on September 18th at Twin Brook.

There is a DVD available for sale entitled “Cumberland Maine Building Community and Memories for 200 Years. It is very special, and Judy Gagnon did the lion's share of the work on this project. Copies can be purchased at Town Hall, the Library or by contacting Carolyn Small or Judy Gagnon.

Councilor Gruber – the Food Pantry served 60 families last week. The numbers are coming down a bit, which is a good thing.

Chairman Vail – he did a little preliminary legwork with the eldercare facility on Chebeague Island. They will get back to him with more information. He also spoke to Avesta Housing and invited them to come meet with the Town Council and have a conversation about what we can do as a municipality and what we can do collaboratively with them.

We had a very productive meeting with the Planning Board last week.

The Town Council has received their committee assignments on the goals list that was developed. He will be asking for committee updates at future meetings under new business.

Councilor Foster – when the Town Council had a joint meeting with the Planning Board recently, we gave the Town Planner a heads up that we would be asking for her to come to a future Council meeting to discuss the Comprehensive Plan process.

Councilor Edes – no new business.

Councilor Copp – he and Councilor Segrist are on the Town Council goals committee to inventory all the businesses in Town. They also want to make a list of all the commercial land available in Town that a business may relocate to.

There are 4 weeks left until the Cumberland Fair. There is still time to donate to the 4-H auction. This is a very worthy cause that helps the 4-H kids and the Food Pantry.

He had the opportunity to watch the Bicentennial DVD and it is phenomenal.

- VI. EXECUTIVE SESSION** pursuant to 1 M.R.S.A., § 405(6)(C) re: real property.
Motion by Councilor Copp, seconded by Councilor Segrist, to recess to Executive Session pursuant to 1 M.R.S.A., § 405(6)(C) re: real property.
VOTE: 7-0 UNANIMOUS

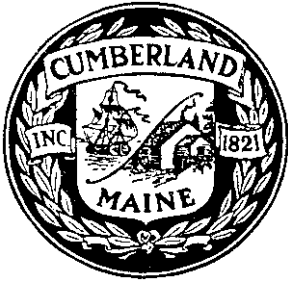
Reconvene to regular session at 8:45 P.M.

- VII. ADJOURNMENT**
Motion by Councilor Foster, seconded by Councilor Gruber, to adjourn.
VOTE: 7-0 UNANIMOUS
TIME: 8:45 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary

MANAGER'S REPORT



M E M O R A N D U M

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

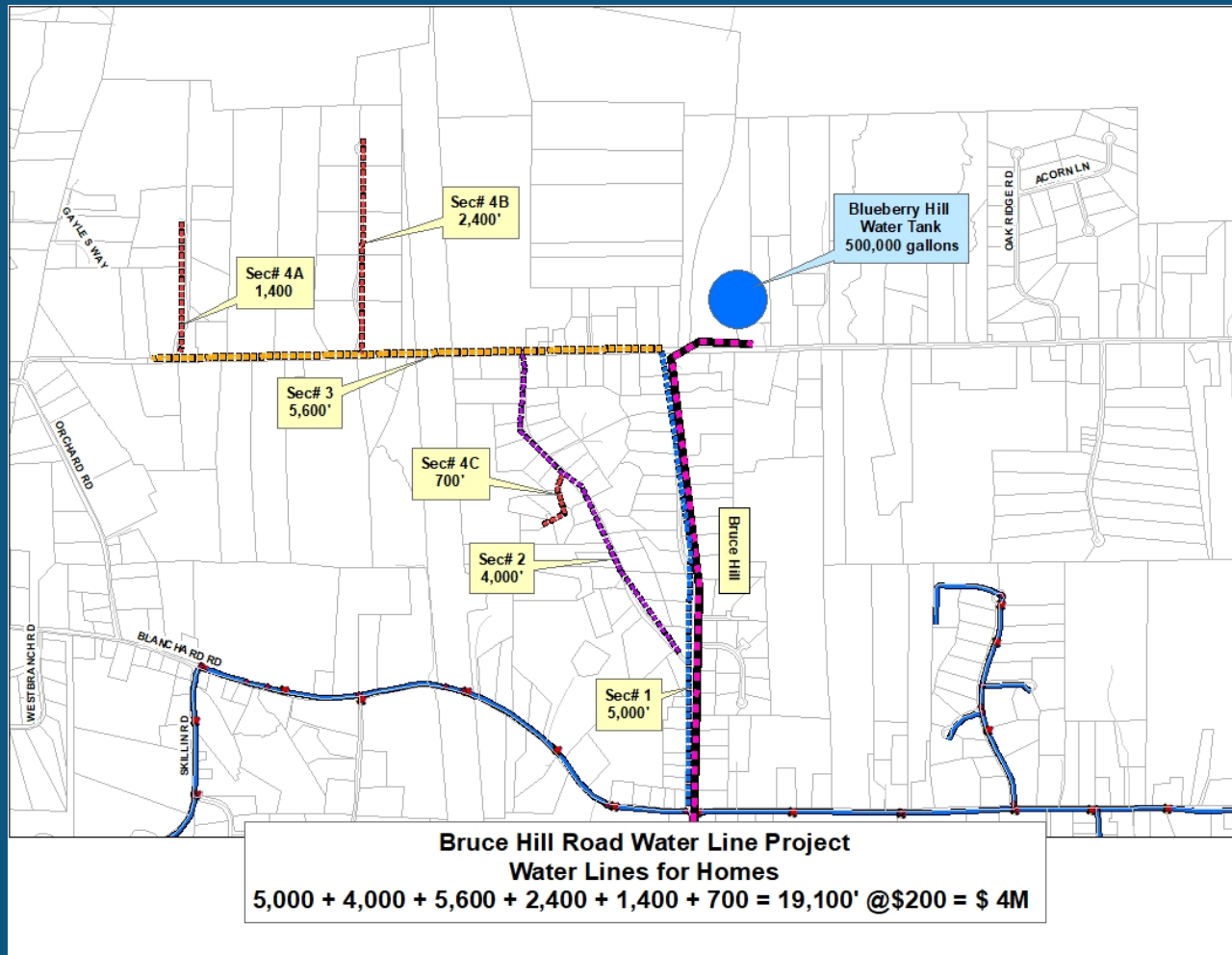
To: Town Council
From: William R. Shane, Town Manager
Date: September 8, 2021
Re: Bruce Hill Rd- Pleasant Valley Area Water

This neighborhood has met with me on two occasions to discuss the potential of bringing public water to their neighborhood. I explained the best way to move the project forward was to bring it to the Town Council for discussion.

This project was identified in the 2009 Comprehensive Plan and subsequent CIP's as an area of town in need of drinking water and fire protection. While the entire area encompasses over 150 properties, the real issue is supply with many wells having very low yields for gallons per minute. In discussions with the neighbors, I also reviewed the cost to each home from the property lines can be a substantial investment, several thousands of dollars in most cases.

My recommendation would be to send this request to the Finance Committee for further deliberation and perhaps set a workshop with the neighbors once additional details could be discussed including, project phasing, timing and other future projects and priorities of the Town Council.

Capital Improvement Plan 2021- Council



ITEM

21-090

To hear a presentation from Mary Ann Larson and Nancy Hewett of the Bicycle Coalition of Maine re: bike and pedestrian safety and ways to promote more biking and walking in our community

From: [Mary Ann Larson](#)
To: [Brenda Moore](#)
Cc: [Nancy Hewett](#)
Subject: September 13th council meeting
Date: Monday, September 6, 2021 1:17:19 PM

WARNING: This is an external email that originated outside of our email system. DO NOT CLICK links or open attachments unless you recognize the sender and know that the content is safe!

Good morning Brenda,

Here's the information relating to Nancy Hewett's and my presentation to the board on the 13th, as volunteers for the Bicycle Coalition of Maine.

1) I will be advocating for a bike rack to be placed in front of the town office building on Tuttle Rd., and for the relocation of the sign encouraging bikers and walkers, currently placed on the building, to near the rack.

One of the links below directs you to information about bike racks. The Bicycle Coalition is a dealer for Dero bike racks. Prices are consistent across vendors, but the coalition receives a portion of costs to support their work.

The other link connects you to information about available grant monies that might be available for purchases.

2) Nancy Hewitt will be advocating, on behalf of the neighborhoods in the area of Val Halla, Shady Run Lane, Greely Road and Doughty Road, for safer access to town library, dentists, post office, schools etc. Cars are traveling at fast speeds on Greely throughout the day and there are no sidewalks and inadequate paved shoulders. This is a densely populated area, and many children live in these neighborhoods.

Citizens in this area believe there should be speed limit signs placed in each direction on Greeley Rd. as well as adequate paved shoulders and pedestrian sidewalks and crosswalks that will allow for safe walking and/or biking in this area into town. There's a strong belief that this would greatly enhance quality of life for citizens living in this area.

Residents of this area are also strong supporters of the proposed Rail Trail that would connect towns in this area. Such paths provide for safe recreation and for commutes to work or town services.

**Nancy and I were wondering what time the meeting begins, and where on the agenda our presentation is located.

Thank you Brenda. Let me know if you need anything else.

Mary Ann

<https://www.bikemaine.org/about/dero-bike-racks/>

<https://americawalks.org/programs/community-change-grants/>

Total Control Panel

[Login](#)

To: [Remove](#) this sender from my allow list

bmoore@cumberlandmaine.com

From: larsonma47@gmail.com

You received this message because the sender is on your allow list.

ITEM

21-091

To consider and act on the adoption of a resolution to create a Rail Corridor Advisory Council for the proposed Casco Bay and Royal River Trails, and to appoint a Town of Cumberland Official to serve on any such Advisory Council

TOWN OF CUMBERLAND RESOLUTION

Request to the Maine Department of Transportation to Create a Rail Corridor Advisory Council for the proposed Casco Bay and Royal River Trails and to a Appoint a Town of Cumberland Official to Serve on any such Rail Corridor Advisory Council

WHEREAS, the Casco Bay Trail network includes in its vision a 26-mile, disused rail corridor (hereinafter referred to as the “Casco Bay and Royal River SLA Corridor”) from Portland to Falmouth, Cumberland, Yarmouth, North Yarmouth, Pownal, New Gloucester, and Auburn, currently known as the St. Lawrence and Atlantic Rail Corridor, that was acquired by the State of Maine in 2007 and 2010, respectively; and

WHEREAS, the Casco Bay Trail Alliance, formed in 2019, created a vision, and is leading the effort, to convert the Casco Bay and Royal River SLA Corridor to a multi-purpose “trail-until-rail” to be included in an off-road, multi-use trail network connecting Portland, Lewiston-Auburn, and Brunswick, Maine; and

Casco Bay Trail Alliance

WHEREAS, the Casco Bay Trail network is part of a statewide trail plan, “Maine Rail Trail Plan 2020-2030,” issued by the Maine Trails Coalition in 2020, which calls for the construction of multiple specific rail-trail projects over the next decade, each of which would connect with existing multi-use trail infrastructure; and

Maine Rail Trail Plan 2020-2030

WHEREAS, long-distance multi-use trails are a key recommendation of a 2010 report “Improving Maine’s Quality of Place Through Integrated Bicycle and Pedestrian Connections” by the Maine Dept. of Transportation, State Planning Office, Dept. of Conservation, and Center for Disease Control and Prevention; and

Improving Maine’s Quality of Place Through Integrated Bicycle and Pedestrian Connections

WHEREAS, the Governor has recently signed into law LD 1133, allowing for the creation of Rail Corridor Advisory Councils to “facilitate discussion, gather information and provide advice to the commissioner regarding future use” of rail corridors owned by the State; and

LD 1133 As Enacted

WHEREAS, we understand that a freight operator holds a freight railroad easement, but has discontinued freight service on the rail line; and

WHEREAS, we understand that the freight operator is subject to a contract with the Maine Department of Transportation (hereinafter referred to as the “the-2018 Amended Discontinuance Agreement”), stating that, unless freight rail service is resumed by November 1, 2021, the operator “shall . . . seek authority from the [Surface Transportation Board] to abandon the Railroad Line. Maine DOT shall not object to the proposed abandonment;” and

Discontinuance Agreement – 10 June 2013

Discontinuance Agreement Amendment – 18 June 2018

WHEREAS, it is recognized that some part of the rail corridor is potentially also suitable for future passenger rail service, but there is an alternative corridor that could also be used to extend passenger train service between Portland and Lewiston-Auburn that is still actively used by trains, including Amtrak, thereby allowing both public purposes, trains, and trails; and

Corridor Map from July 26 Council Presentation

Rail Trail Discussion on CBTA Website

WHEREAS, the Town of Cumberland Comprehensive Plan identifies specific goals and actions that include: “to maintain existing trail systems with the Town and where possible, connect trails;” “consider off-street multi-use trails in certain locations;” “encourage a trail system throughout town;” “develop a map that shows parcels that would allow for important trail and open space linkages,” and “support the development of sidewalks, bike lanes and trails to provide safe non-vehicular transportation;” ~~and~~

Comprehensive Plan, Town of Cumberland

WHEREAS, Sec. 2 to 23 M.R.S.A. §75, entitled “An Act to Create the Rail Corridor Use Advisory Council Process,” requires the Commissioner of Transportation to invite at least nine (9) and no more than fifteen (15) persons to serve on a council, which include: . . . (I) One or more municipal officials or staff from municipalities located on the rail corridor; and

WHEREAS, to ensure that the rights of Cumberland residents and abutters are thoroughly considered and respected as part of this process, it may be worthwhile for the Town of Cumberland to express its interest to learn more about, and to be proactively involved in the membership of any council discussing the Casco Bay and Royal River SLA Corridor ~~with~~ the Maine Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CUMBERLAND ASSEMBLED THIS ____th DAY OF ____, 2021, THAT:

1. The Cumberland Town Council hereby petitions the Maine Department of Transportation to create a Rail Corridor Use Advisory Council to discuss and consider the future use of the Casco Bay SLA Corridor as an off-road, multi-use trail;

2. As part of that process, and as a pre-condition to the Town of Cumberland's initial support for the project, that at least one representative from Cumberland's Town Council be included in the membership of any Rail Corridor Use Advisory Council to ensure the rights and concerns of Cumberland residents and abutters to any proposed trail be thoroughly considered and respected, prior to the creation of any off-road, multi-use trail network; and:
3. The Cumberland Town Council also petitions the Maine Department of Transportation, where lawful and appropriate, to enforce the 2018 Amended Discontinuance Agreement, or, in the alternative, provide a notice-and-comment procedure to consider public comment prior to~~before~~ amending or extending that agreement.

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Create the Rail Corridor Use Advisory Council Process

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 23 MRSA §75 is enacted to read:

§ 75. Rail corridor use advisory councils

1. Purpose. Upon petition by one or more governmental entities that represent communities along a state-owned rail corridor requesting the Department of Transportation to review a nonrail use of that rail corridor, the Commissioner of Transportation for each petition received may establish a rail corridor use advisory council, referred to in this section as "a council," to facilitate discussion, gather information and provide advice to the commissioner regarding future use of the rail corridor identified in the petition. The council shall review and make recommendations on the likelihood, benefits and costs of potential uses of the rail corridor, including, but not limited to, rail use, trail use or bikeways, as long as any nonrail use is considered by the council to be interim in nature and all such rail corridors are preserved for future rail use as provided in chapter 615.

2. Membership. The Commissioner of Transportation shall invite at least 9 and no more than 15 persons to serve on a council. Membership may include:

- A. The Commissioner of Transportation or the commissioner's designee;
- B. The Commissioner of Agriculture, Conservation and Forestry or the commissioner's designee;
- C. The Commissioner of Economic and Community Development or the commissioner's designee;
- D. One or more members representing other state agencies;
- E. One member representing a statewide or regional tourism organization;
- F. One member representing a chamber of commerce or other regional or local economic development entity of the geographic area containing the rail corridor;
- G. One member representing an organization advocating for rail use or preservation;
- H. One member representing an organization advocating for recreational trail use;
- I. One or more municipal officials or staff from municipalities located on the rail corridor; and
- J. One member representing an organization advocating for bicyclist or pedestrian needs.

3. Meetings; chair. The Commissioner of Transportation shall designate a chair of a council. The Department of Transportation shall provide staff support to the council. The council may adopt bylaws and other policies to effectively govern its proceedings. The council shall meet at the call

of the chair and shall hold a minimum of one public hearing located in the geographic area along the rail corridor for which the council was formed.

4. Report. Within 9 months of convening its first meeting, a council shall submit a report to the Department of Transportation on its findings and recommendations regarding the use of the rail corridor, including majority and minority reports if necessary. Upon conclusion of the council's work, the Commissioner of Transportation shall disband that council.

Sec. 2. 23 MRSA §7107, as enacted by PL 2003, c. 498, §4, is amended to read:

§ 7107.Dismantling of state-owned track or other nonrail use

Except as provided in this section, the Department of Transportation may not dismantle or change state-owned track or contract with a state agency or private entity for the dismantling of state-owned track or making other changes to that track for a nonrail use. When the department, in consultation with a regional economic planning entity and a regional transportation advisory committee established in accordance with rules adopted under section 73, subsection 4, determines that removal of a specific length of rail owned by the State will not have a negative impact on a region or on future economic opportunities for that region, If the Commissioner of Transportation receives a report from a rail corridor use advisory council established under section 75 that includes a recommendation of track removal or another change to a nonrail use and the commissioner concurs with that recommendation, the commissioner shall seek review by legislative approval of the recommendation by submitting legislation to the joint standing committee of the Legislature having jurisdiction over transportation matters prior to removal or the other change to a nonrail use. Legislation submitted under this section must include language stating that any track removal or other nonrail use is considered interim in nature and that the rail corridor will be preserved for future rail use as provided under this chapter.

SUMMARY

This bill authorizes the Commissioner of Transportation to convene a rail corridor use advisory council to advise and make recommendations each time one or more governmental entities that represent communities along a state-owned rail corridor request the Department of Transportation to review a nonrail use of that rail corridor, as long as any nonrail use is considered to be interim in nature and that all such rail corridors are preserved for future rail use. Upon receiving a report from a rail corridor use advisory council that recommends track removal or another change to nonrail use of the rail corridor, the commissioner is required, if the commissioner concurs with the recommendation, to seek legislative approval of the recommendation by submitting legislation to the joint standing committee of the Legislature having jurisdiction over transportation matters prior to removal or another change to a nonrail use.

ITEM

21-092

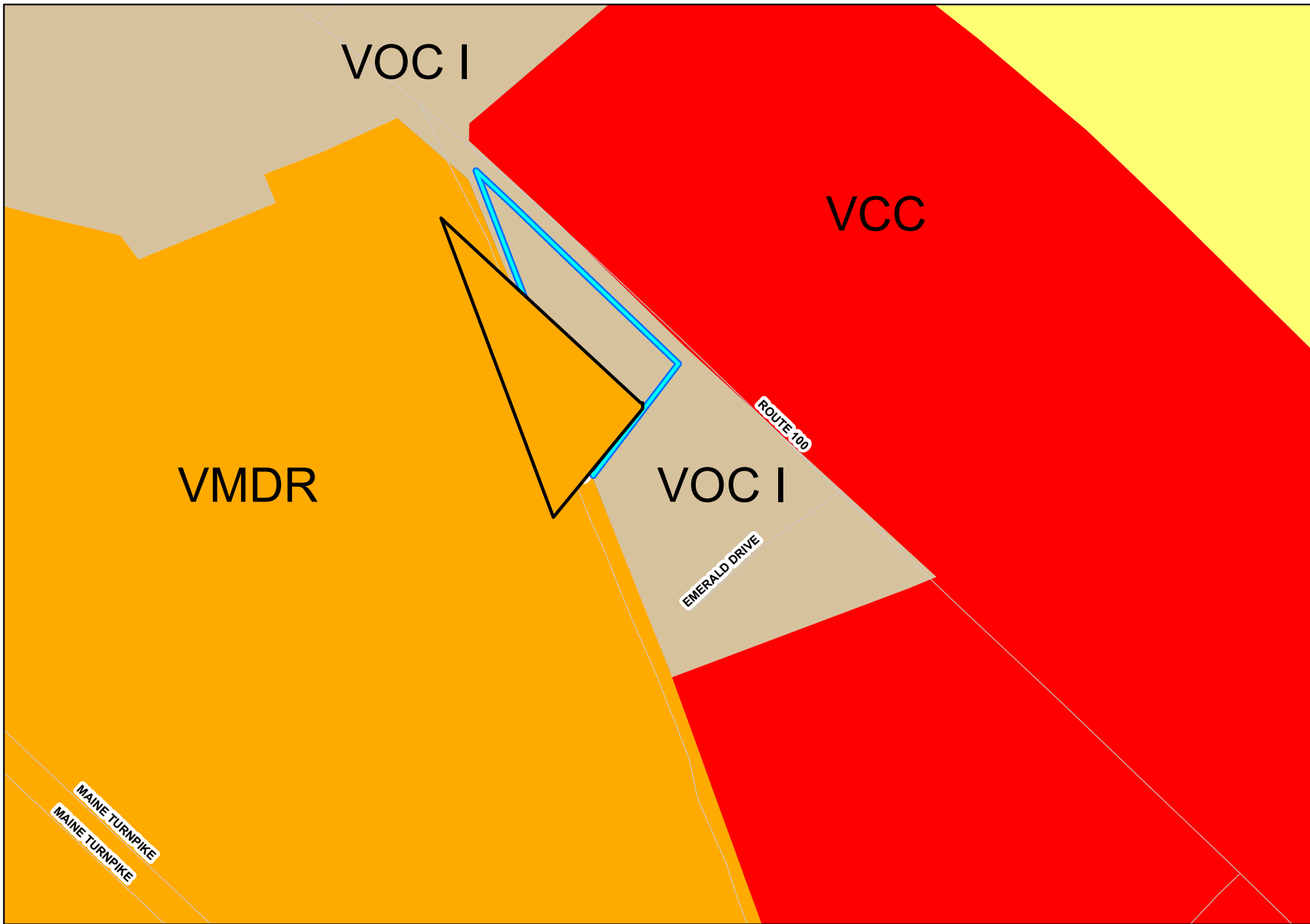
To consider and act on forwarding to the Planning Board for a Public Hearing and recommendation, a zone change request for property identified as Map U21/Lot 2, from the Village Office Commercial 1 Zone (VOC1) to the Village Medium Density Residential Zone (VMDR), as recommended by the Ordinance Committee



100 50 0 100 Feet

1 inch = 200 feet

1.2 Acre Lot



VOC I

VCC

VMDR

VOC I

ROUTE 100

EMERALD DRIVE

MAINE TURNPIKE
MAINE TURNPIKE

100 50 0 100 Feet

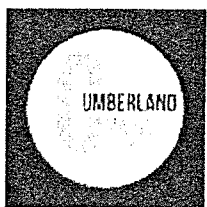
1 inch = 200 feet




1.2 Acre Lot

Brenda Moore

From: Carla Nixon
Sent: Monday, August 23, 2021 11:34 AM
To: William Shane; Brenda Moore
Subject: FW: Zone Change Request Next Step
Attachments: ATT00001.htm; 21530 PSI report final.pdf

Another email



Carla Nixon
Director of Planning, Town of Cumberland
207-829-2206
www.cumberlandmaine.com
290 Tuttle Road, Cumberland, Maine 04021
  

From: Carla Nixon
Sent: Tuesday, June 22, 2021 1:22 PM
To: James Banfield <jbanfield@leonspeakers.com>
Cc: William Shane <wshane@cumberlandmaine.com>; William Longley <wlongley@cumberlandmaine.com>; Christina Silberman <csilberman@cumberlandmaine.com>
Subject: Zone Change Request Next Step

Hi James,

You will see in this email thread that I recommended you do two things before requesting the zone change. One was getting the letter from MDOT that you can't have an entrance for a second lot onto Gray Rd. (Route 100). The other item was getting a passing soils test for a new septic.

Now that you have completed both items, the process is for you to write an email to Bill Shane requesting the zone change (your email should state that you are requesting that your property be moved from the VOC 1 zoning district to the VM DR zoning district.) Mr. Shane will bring it to the Town Council for consideration and if they are favorably inclined, they will refer it to the Planning Board for a recommendation to the Council to do the change.

The total fees (as shown in Section 84-16 of the Cumberland Code of Ordinances) are as follows:

\$500 Staff Review fee: This should be provided when applying to the Council for the zone change.

\$700 for our cost to amend the zoning ordinance and zoning map. You can pay this when the Council receives the recommendation from the Planning Board.

Please let me know if you have any other questions.

Carla

Hi Carla,

I would like to proceed with the change of zoning for our lot to VMDR. Attached is the results from the soil test.

Please let me know the process to change the zones. We have not had the survey done yet to determine the layout of splitting the lot, but I assume I should start with just changing the zone if we can because if there is an issue I would rather find out sooner before we have the survey done.

Let me know how to proceed.

Thanks
James



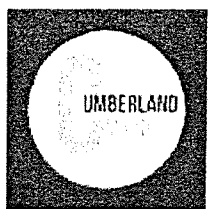
Carla Nixon
Director of Planning, Town of Cumberland
207-829-2206
www.cumberlandmaine.com
290 Tuttle Road, Cumberland, Maine 04021



From: Carla Nixon
Sent: Thursday, April 15, 2021 10:40 AM
To: William Longley <wlongley@cumberlandmaine.com>; William Shane <wshane@cumberlandmaine.com>; Christina Silberman <csilberman@cumberlandmaine.com>; John Brushwein <jbrushwein@cumberlandmaine.com>
Subject: James Banfield

Just to follow up with all of you on James Banfield's property.....I sent the message below to him on April 7th. I have not heard anything back since then.....

Carla



Carla Nixon
Director of Planning, Town of Cumberland
207-829-2206
www.cumberlandmaine.com
290 Tuttle Road, Cumberland, Maine 04021



From: Carla Nixon
Sent: Wednesday, April 7, 2021 11:22 AM
To: James Banfield <ibanfield@leonspeakers.com>
Cc: William Shane <wshane@cumberlandmaine.com>; William Longley <wlongley@cumberlandmaine.com>; Christina Silberman <csilberman@cumberlandmaine.com>
Subject: RE: Route 100

Hi James,

Thanks for sending this along. So the process now is for you to request that your property be moved from the VOC 1 zoning district to the VMDR zoning district. This will give you the ability to construct another residence on your parcel as long as each lot has the required minimum lot size of 20,000 sf with at least 100' of frontage on either Rt. 100 or Old Gray Road. You should also find out if the parcels will support the two septic systems that would be needed (one for

each lot) and also make sure the well/septic separation distance of 100' (which I believe State plumbing code may allow to be reduced to 75", though you should confirm that with the State).

You should make sure all this would enable you to do the two lots because when you apply for the rezoning, there is a Staff Review fee of \$500 and a fee for when we have to amend the zoning map. That fee is \$350. So, \$850 altogether, plus the expense of the survey to create the lots and the deed preparation to sell the lot(s).

All worth it given the real estate prices these days, but just want to make sure you understand this process does involve some expense.

Let me know when you are ready to ask for the zone change.

Take Care,
Carla



Carla Nixon
Director of Planning, Town of Cumberland
207-829-2206
www.cumberlandmaine.com
290 Tuttle Road, Cumberland, Maine 04021



From: James Banfield <jbfield@leonspeakers.com>

Sent: Tuesday, April 6, 2021 4:36 PM

To: Carla Nixon <cnixon@cumberlandmaine.com>; William Shane <wshane@cumberlandmaine.com>

Subject: Re: Route 100

This message's attachments contains at least one web link. This is often used for phishing attempts. Please only interact with this attachment if you know its source and that the content is safe. If in doubt, confirm the legitimacy with the sender by phone.

WARNING: This is an external email that originated outside of our email system. DO NOT CLICK links or open attachments unless you recognize the sender and know that the content is safe!

Hi Bill,

I have gone through the process and as we all assumed the MDOT did Deny the permit. I would like to proceed with the option to change to Zone VMDR. I am also in the process of changing my address to Old Gray Rd as that is where the entrance to the house is. The new Address at my current house is now 10 Old Gray Rd. Both the town and USPS has made the change.

Please let me know how to proceed.

Thanks
James

Brenda Moore

From: Carla Nixon
Sent: Monday, August 23, 2021 11:32 AM
To: William Shane; Brenda Moore
Subject: Banfield Info
Attachments: ATT00001.htm; 21530 PSI report final.pdf

Bill,
Brenda asked me what I had for the Banfield zone change request.....I will forward all my emails relating to this in case you need any of the information contained in them.
Carla



Carla Nixon
Director of Planning, Town of Cumberland
207-829-2206
www.cumberlandmaine.com
290 Tuttle Road, Cumberland, Maine 04021



From: James Banfield <jbanfield@leonspeakers.com>
Sent: Tuesday, July 27, 2021 12:21 PM
To: William Shane <wshane@cumberlandmaine.com>
Cc: William Longley <wlongley@cumberlandmaine.com>; Christina Silberman <csilberman@cumberlandmaine.com>; Carla Nixon <cnixon@cumberlandmaine.com>
Subject: Re: Zone Change Request Next Step

This message's attachments contains at least one web link. This is often used for phishing attempts. Please only interact with this attachment if you know its source and that the content is safe. If in doubt, confirm the legitimacy with the sender by phone.

WARNING: This is an external email that originated outside of our email system. DO NOT CLICK links or open attachments unless you recognize the sender and know that the content is safe!

Hi Bill,

I am writing this email so that we can move forward with the zone change for our property. We would like to move from zone VOC 1 and to the VM DR zone. We have lived at this location since 2008 and would like to split our land to two lots. Because of the location we can not have an entrance on rt 100 so there is no viable commercial use for this lot. I have attached a letter from the MDOT rejecting the permit request as well as the soil test.

Please let me know what you need to proceed and when I should bring a check by for the start of this process.

Thanks
James

10 Old Gray Rd.
Cumberland ME 04021



STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
REGION 1
P.O. BOX 438
SARASOTA, MAINE 04870-0358

James T. Mello
Commissioner

Shirley A. VanNatta
Deputy Commissioner

March 18, 2021

James Banfield
242 Gray Rd.
Cumberland, ME 04021

Re: Driveway/Entrance Permit Application # 29188

Dear Mr. Banfield:

The Maine Department of Transportation has completed its review of your application for a MaineDOT Driveway/Entrance Permit for your property on Route 100 / Gray Road in Cumberland, Maine. Based on our review, we cannot issue the Permit for the following reasons:

Access Management rules require a minimum sight distance of 840 feet looking in both directions from the driveway location. Your proposed driveway location has 428 feet looking to the left (northerly direction).

Access Management rules require a minimum separation distance between adjacent driveways of 350 feet. Your proposed driveway location has 325 feet looking to the right (southerly direction).

Access Management rules prohibit access onto an Arterial Highway (as is Route 100) when the property has access onto another public way such as Old Gray Road.

I have attached a copy of the relevant rules for your review. Please note that as the measured sight distance fails to meet the minimum safety standard of 495 feet, it is not eligible for a waiver and therefore, a request for reconsideration will not be considered. It is suggested that you seek alternate access to your property.

Sincerely,

Anthony Fontaine
MaineDOT Senior Technician

Enclosure

THE MAINE DEPARTMENT OF TRANSPORTATION IS AN AFFIRMATIVE ACTION - EQUAL OPPORTUNITY EMPLOYER
PHONE: (207) 888-7000 TDD: (207) 888-7000 FAX: (207) 888-7000

On Jun 22, 2021, at 1:21 PM, Carla Nixon <cnixon@cumberlandmaine.com> wrote:

Hi James,

You will see in this email thread that I recommended you do two things before requesting the zone change. One was getting the letter from MDOT that you can't have an entrance for a second lot onto Gray Rd. (Route 100). The other item was getting a passing soils test for a new septic.

Now that you have completed both items, the process is for you to write an email to Bill Shane requesting the zone change (your email should state that you are requesting that your property be moved from the VOC 1 zoning district to the VMDR zoning district.) Mr. Shane will bring it to the Town Council for consideration and if they are favorably inclined, they will refer it to the Planning Board for a recommendation to the Council to do the change.



PRELIMINARY SOIL INVESTIGATION

DATE: June 8, 2021
21530

TO: James Banfield
10 Old Gray Road
Cumberland, ME 04021

LOCATION: The site is at 10 Old Gray Road Cumberland, Maine.

DATE OF INVESTIGATION: June 2, 2021

PURPOSE OF INVESTIGATION: The purpose is to determine the suitability of the soil and site for subsurface wastewater disposal.

METHOD OF INVESTIGATION: Hand auger and shovel.

RESULTS OF INVESTIGATION:

The test pit on this lot was labeled as TP-1 and shown on the Soils Investigation Plan. The test pit log is attached. The test pits revealed a brown, fine sandy loam with gravel topsoil and a firm, olive brown fine sandy loam subsoil. This was a dense glacial till soil with a seasonal high groundwater table at 14 inches. The Maine Subsurface Wastewater Disposal Rules designation is 3D.

CONCLUSION:

The tested site is acceptable for subsurface sewage disposal according to the Maine Subsurface Wastewater Disposal Rules for a single-family home. Further investigation will be required to prepare an HHE-200 septic system application for the site. Please contact me if you have any questions regarding this information or when you are in need of a septic system design.

Sincerely,

SEBAGO TECHNICS, INC.



Gary M. Fullerton, LSE #355
Director of Natural Resources

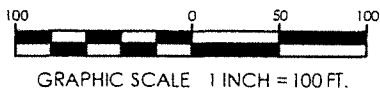
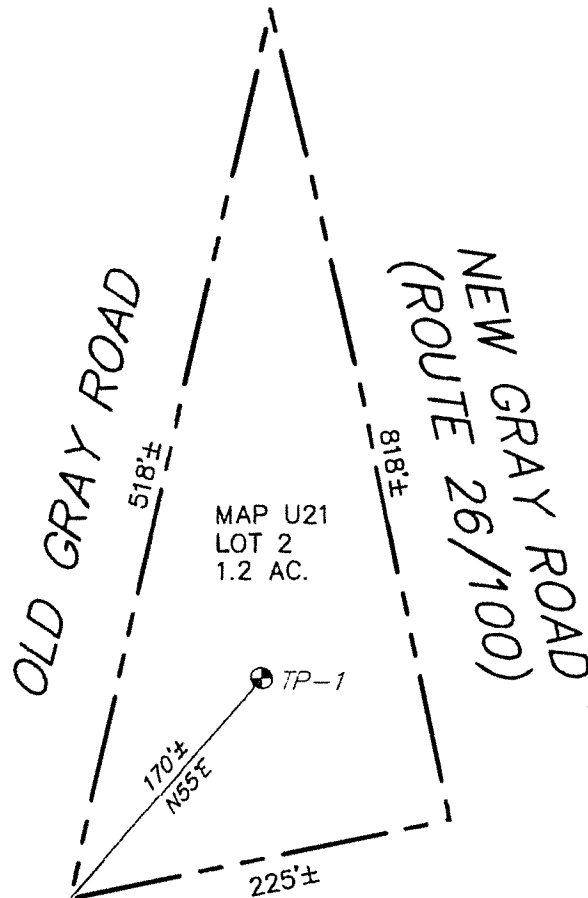
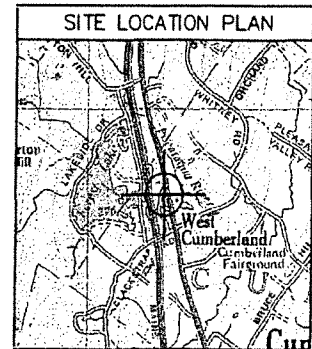


SOIL PROFILE/CLASSIFICATION INFORMATION

Detailed Description of Subsurface Conditions at Project Sites

Project Name: 10 OLD GRAY ROAD Applicant Name: JAMES BANFIELD Project Location (municipality): CUMBERLAND

SOIL DESCRIPTION AND CLASSIFICATION				
Exploration Symbol: TP-1 <input checked="" type="checkbox"/> Test Pit <input type="checkbox"/> Boring				
* Depth of Organic Horizon Above Mineral Soil				
Texture	Consistency	Color	Mottling	
1				
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LEGEND

	PROPERTY LINE/R.O.W.
	TEST PIT
	CULVERT

GENERAL NOTES:

1. THE BASE PLAN IS TAKEN FROM THE TOWN OF CUMBERLAND TAX MAP.
2. THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM SEBAGO TECHNICS, INC. ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SEBAGO TECHNICS, INC.
3. THIS PLAN WAS PREPARED FOR A PRELIMINARY SOILS INVESTIGATION FOR JAMES BANFIELD.

SEBAGO
TECHNICS
WWW.SEAGOTECHNICS.COM
75 John Roberts Rd.
Suite 4A
South Portland, ME 04106
Tel: 207-200-2100

SOIL INVESTIGATION PLAN

10 OLD GRAY ROAD

LOCATION:
10 OLD GRAY ROAD
CUMBERLAND, MAINE

FOR:
JAMES BANFIELD
CUMBERLAND, MAINE

SCALE: 1"=100'

DATE: 06/08/21

SHEET:
1 OF 1

ITEM

21-093

To hold a Public Hearing to consider and act on amendments to Chapter 48 (Coastal Waters), Section 2-D (Definitions) of the Cumberland Code, as recommended by the Ordinance Committee

Chapter 48

COASTAL WATERS

§ 48-1. General provisions.

- A. Purpose. The Coastal Waters Ordinance is established to regulate marine activities within the coastal and tidal waters of the Town, to ensure the safety of persons and property, promote availability and the safety of valuable public resources, and to create a fair and efficient framework for the administration of the same.
- B. Authority. This chapter is adopted pursuant to the authority granted by Title 38, Chapter 1, of the Maine Revised Statutes Annotated, as amended, and pursuant to the Town's home rule authority under the Constitution of Maine, Article VIII, Part 2, and 30-A M.R.S.A. § 3002, as amended.
- C. Applicability. The provisions of this chapter apply to all coastal and tidal waters located within the boundaries of the Town.
- D. Conflict. Nothing contained herein may be construed to conflict with the lawful jurisdiction of the United States government with respect to the enforcement of navigation, shipping, or anchorage and associated laws of the United States or any laws or regulations of the State of Maine.

§ 48-2. Definitions.

As used in this chapter, the following terms mean:

APPROVED MOORING SERVICE — A mooring service, including sole proprietorships and other persons, which has provided an in-force certificate of insurance to the Harbormaster verifying that the mooring service has a minimum of \$1,000,000 of commercial general liability and lists the Town as an additional insured.

CANOE — A personal watercraft that is subject to the same rules as a kayak in this chapter.

COASTAL AND TIDAL WATERS PLAN (PLAN) — A plan adopted by the Town Council designating the coastal and tidal waters of the Town and describing and showing the locations of mooring areas and channels for the passage of watercraft. This Plan may include mooring plans.

COMMERCIAL WATERCRAFT — Any type of watercraft used in a business or trade.

DERELICT OR ABANDONED WATERCRAFT — A watercraft that is given up by its master or owner with the intent to never again claim a right or interest in it.

DINGHY — A punt, skiff, tender or similar watercraft, 12 feet or less in length, used solely as transportation to or from a watercraft on a mooring.

KAYAK — A small, narrow personal watercraft which is pointed at both ends and propelled solely by paddle.

MOORING — A fixed anchor to which a watercraft can be made fast.

MOORING PLAN — A plan adopted by the Town Council as part of the Coastal and Tidal Waters Plan designating specific locations for moorings within a mooring area and establishing limits on the numbers of moorings allowed within a mooring area.

MOORING SERVICE — A business engaged in installing and inspecting moorings using qualified mooring inspectors.

PADDLEBOARD — A large buoyant board used for recreation that is generally propelled by a standing rider using a paddle. A paddleboard is deemed to be a personal watercraft and subject to the same rules as a kayak in this chapter.

PARCEL OF LAND —

- A. For persons taking title to shorefront property on or after January 1, 1987, a lot the area of which is the larger of the minimum buildable lot size in the Town or 20,000 square feet, but in either case including 100 feet of shoreline frontage; or
- B. For persons who owned shore rights of at least 100 feet of frontage prior to January 1, 1987, a lot of any size.

PERMIT YEAR — The permit year is from January 1 through December 31.

PERSON — Includes the singular and plural, and including any individual, firm or corporation, association, club, partnership or society.

PERSONAL WATERCRAFT — A canoe, kayak or paddleboard.

QUALIFIED MOORING INSPECTOR — An approved mooring service that satisfies the Harbormaster as to its qualifications to inspect the condition and size of a mooring. Qualifications will be judged by past experience in installing and inspecting moorings, and familiarity with moorings to include the size and kind of tackle needed for the safe mooring of different size vessels.

RECORDS MANAGEMENT — The sections of the Maine State Archive Manual pertaining to records generated or controlled by the Town.

REGISTERED DINGHY — A dinghy owned or used by either a mooring holder in the Broad Cove Reserve mooring field or a transient mooring renter.

RESIDENT — A property owner or any person who occupies a dwelling within the Town for more than 180 days.

RIPARIAN OWNER — A person who owns the shore rights to a parcel of land abutting the coastal or tidal waters of the Town.

TOWN — The Town of Cumberland, Maine.

WATERCRAFT — Any type of vessel, boat, barge, float or craft, other than a seaplane or personal watercraft, used or capable of being used as a means of transportation on water.

§ 48-3. Coastal waters commission.

- A. Establishing policy. The Cumberland Coastal Waters Commission exists for the general purpose of evaluating public usage of and access to the coastal and tidal waters under the jurisdiction of the Town and planning for the future use of those waters; to advise the Town Council on policy matters and proposed regulations concerning the Town's coastal and tidal waters; to plan and implement improvements in conjunction with state and federal authorities; to supervise the enforcement of Town rules and regulations by the Harbormaster; and to sit as a board of appeals to hear appeals as provided by this chapter from any person aggrieved by a decision, act, or failure to act of the Harbormaster. The Commission may recommend to the Town Council a mooring plan for any area in which moorings are allowed under this chapter. The Commission will regularly inform the Town Council and other boards, committees, or officials of the Town of its activities.
- B. Organization.
- (1) The Coastal Waters Commission consists of at least five members appointed by the Town Council. Each Commissioner must be a resident of the Town and will serve without compensation.
 - (2) Neither a Town Councilor nor their spouse may be a member of the Commission.
 - (3) Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting on that issue will be decided by a majority vote of the members, excluding the member who is being challenged; in the event of a tie vote on the question of whether a member should be disqualified from voting on the issue, the member will be disqualified from voting on the issue.
 - (4) The Town Council may dismiss a member of the Commission for cause before the member's term expires. A Commissioner will forfeit membership on the Commission for failure to attend three consecutive regular meetings of the Commission without being excused by the Commission. The Chairman of the Commission will notify the Town Council Chairman of the forfeiture of office.
 - (5) The term of office of a member is three years, except the initial appointments which are as follows: two members for three-year terms, two members for two-year terms, and one member for a one-year term.
 - (6) The Commission will annually elect a Chairman and Vice Chairman from its membership and may create and fill such other offices as it

may determine. Officers will serve one-year terms and are eligible for reelection.

C. Procedure.

- (1) The Chairman will call meetings of the Commission. The Chairman will also call meetings of the Commission when requested to do so by a majority of the members or by the Town Council. A quorum of the Commission necessary to conduct an official Commission meeting consists of at least three members. The Chairman will preside at all meetings of the Commission and will be the official spokesman of the Commission. In the absence of the Chairman, the Vice Chairman will assume these duties.
- (2) The Commission must maintain a permanent record of all Commission meetings and all correspondence. The Commission is responsible for maintaining those records which are required as a part of the various proceedings which may be brought before the Commission. All records to be maintained or prepared by the Commission are public records and must be filed in the Town Clerk's office and may be inspected at reasonable times.
- (3) In any appeal under § 48-11, the following procedures apply:
 - (a) The Commission may receive any oral or documentary evidence but will provide as a matter of policy for the exclusion of irrelevant, immaterial, or unduly repetitious evidence. Every party has the right to present their case or defense by oral or documentary evidence, to submit rebuttal evidence and to conduct any cross-examination required for a full and true disclosure of the facts;
 - (b) The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceeding, constitutes the record. All decisions become a part of the record and must include a statement of findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented in the appropriate order, relief or denial of relief. Notice of any decision will be mailed or hand-delivered to the petitioner, any representative or agent, and the Town Council within seven days of the Commission's decision;
 - (c) The Commission may reconsider any decision reached under this section within 30 days of its decision. The Commission may conduct additional hearings and receive additional evidence and testimony as provided in this section; and
 - (d) An appeal may be taken from any order, relief or denial of the Coastal Waters Commission by procedure as outlined in § 48-11 of this chapter.

- D. Jurisdiction. The Coastal Waters Commission will hear appeals as provided for by § 48-11 of this chapter. For purposes of 38 M.R.S.A. § 9, as amended, the Coastal Waters Commission is entrusted with harbor management.

§ 48-4. Harbormaster.

- A. The Harbormaster will be appointed by the Town Manager annually. The Harbormaster's duties and responsibilities are as prescribed by 38 M.R.S.A. § 1 et seq. and by the provisions of this chapter. The Town Council may establish the Harbormaster's compensation, and the Harbormaster may be removed for cause in accordance with 38 M.R.S.A. § 1.
- B. The Harbormaster will regularly attend the meetings of the Coastal Waters Commission and inform the Commission of their activities as well as provide such information as may be requested by the Commission in the execution of its duties.

§ 48-5. Dockage time limit.

Other than registered dinghies, all watercraft which tie up to the Broad Cove Reserve floats must be tied to the south or east side of the floats. No person may tie up any watercraft to Town public facilities for more than 30 minutes except with special prior permission from the Harbormaster. The penalty for violating the time limit is prescribed in § 84-12E.

§ 48-6. Dinghy dockage.

- A. No dinghy may tie up to any Town facility such as a wharf or float without permission of the Harbormaster, except for those owned or used by a mooring holder as described below. All dinghies will be tied with rope from bow to float, not parallel to the float.
- B. Any dinghy owned or used by a holder in the Town mooring field must be tied to the north or west side of Broad Cove Reserve floats in an area designated for dinghy dockage. Each dinghy must be clearly marked so that the mooring registration number and owner's name are clearly visible from the floats in letters at least two inches high. Dinghies may be outfitted with an outboard motor of 10 hp or less. A Town-issued registration sticker must be clearly displayed on the outside front third of the dinghy.
- C. No watercraft exceeding 12 feet in length or equipped with an outboard motor exceeding 10 hp may tie up to the north or west side of the Broad Cove Reserve floats. All motors must be stored in the raised position when tied to the floats. The penalty for inappropriately tying to the floats is as prescribed in § 84-12E.

§ 48-7. Personal watercraft storage.

- A. General. The Town may provide facilities at Broad Cove Reserve for the storage of personal watercraft. Such storage, if provided, will be governed by the following:
- (1) Personal watercraft storage space will be awarded to only residents by an annual lottery managed by the Clerk's office. The lottery will be held on the first Thursday of April of each year. Notification must be made by the last Thursday of March of each year to the Clerk's office, by use of the required process, of the applicant's desire to be included in the lottery. No more than two individuals from the same household will be eligible to apply for or be awarded storage space. Personal watercraft storage space is nontransferable and may not be rented or otherwise assigned. **[Amended 10-26-2020]**
 - (2) No more than two personal watercraft will be stored in each storage space.
 - (3) Applicants awarded storage space must pay the annual fee as specified in § 84-12H. An applicant who does not pay the annual fee within 30 days will forfeit the storage space, and the space will be awarded to the next applicant on the list.
 - (4) Personal watercraft stored at Town facilities are required to display a current registration sticker along the port side of the kayak or canoe, or port side or top front of the paddleboard.
 - (5) Maximum length for a personal watercraft stored at Town facilities is 20 feet.
 - (6) Personal watercraft owners are responsible for removal by October 1. Failure to timely remove the personal watercraft will result in the inability to rent during the next calendar year.
 - (7) Each owner will ensure that the personal watercraft is reasonably secured and locked in its assigned rack space and will not pose a risk to others.
 - (8) Each owner will ensure their rack space is clean and tidy at all times. No property other than two personal watercraft will be stored in the assigned rack space.
 - (9) Personal watercraft stored at Town facilities are stored at the owner's risk. The Town accepts no responsibility for loss of or damages to any personal watercraft.
 - (10) Violation of any portion of this section will result in immediate revocation of storage privileges, inability to rent a rack space in the following year, and will subject the owner to a fine as specified in § 84-12. **[Amended 10-26-2020]**

§ 48-8. Moorings.

A. General. No person may place or establish a mooring in the coastal and tidal waters of the Town except within designated mooring areas as described in and shown on the Coastal and Tidal Waters Plan; provided, however, that:

- (1) A riparian owner who is the master or owner of a watercraft may be assigned a mooring fronting their land even though the mooring is not within a mooring area shown on the Plan, so long as the mooring does not encroach upon the natural channel or channels established in the Coastal and Tidal Waters Plan and provided that the riparian owner annually registers the mooring as provided in Subsection B of this section.
- (2) A riparian owner using a mooring or moorings fronting their land but not located within the mooring areas shown and described in the Plan of the Town as of the effective date of this chapter and Plan may be allowed to continue to use up to three such moorings at the same location, so long as the moorings do not encroach upon the natural channel or channels established in the Plan and provided the riparian owner informs the Harbormaster of the mooring location within one year from the effective date of this chapter and annually registers the moorings as provided by Subsection B of this section.
- (3) A property owner with a right-of-way (ROW) to the water is accorded the same rights and restrictions accorded to a riparian owner under Subsection A(1) and (2) above, except that the mooring(s) may be placed as conveniently as possible in front of the ROW and must not interfere with the reasonable placement or moorings allowed for riparian owners. Furthermore, should space be insufficient to meet demands, the number of moorings allowed for a ROW property owner in front of the ROW may be reduced to one.
- (4) The Town may permit a contractor to establish up to two moorings within the mooring field. These moorings are reserved for the contractor's exclusive use from January 1 until June 1 and from October 1 until December 31 for the purpose of tending Town and privately owned floats and moorings. From June 1 until September 30, the Town may use the floats as rental or transient moorings. The annual mooring fee is waived for these floats. The daily rental fee is established at § 84-12C.

B. Assignment and location of moorings.

- (1) No person may moor a watercraft in any part of the coastal and tidal waters of the Town without first annually registering the watercraft and obtaining a mooring assignment specifying the location of the mooring.
- (2) No owner or master of any watercraft may permit their watercraft to be docked or moored in such a manner as to obstruct the free

passage of other watercraft going to or from any wharf, pier, or other mooring in the Town.

- (3) Any mooring assignment in the coastal and tidal waters of the Town is governed by the following guidelines:
- (a) Application for a mooring must be made by March 15 of each year unless an applicant shows good cause why they could not apply by that date (as, for example, a person who acquires a boat or becomes a resident after March 15). A mooring assignment will be valid until December 31. Any renewal application made after March 15 will be subject to a late fee established by the Town Council and listed in § 84-12G. A person previously holding a mooring permit in the Broad Cove mooring field who fails to renew the mooring by March 15 loses the right to renew and must apply for a new mooring.
 - (b) All persons applying for and receiving a mooring assignment must pay to the Town a fee as established by order of the Town Council. See § 84-12A and B.
 - (c) If a person with an assigned mooring changes watercraft during the permit year, they must submit information regarding the change to the Harbormaster through approved means for review. If the characteristics of the mooring (block, chain, pennant) must be modified to accommodate the new watercraft, the notification should be made in advance of the change. If the mooring location needs to change, the notification and Harbormaster approval **MUST** precede any change. No new fees will be charged. The Harbormaster should be consulted if there are any questions.
 - (d) Notwithstanding any other provision of this chapter, any person using a mooring located within the mooring areas shown and described in the Plan of the Town as of the effective date of this chapter and Plan will be allowed to continue to use that mooring at the same location, so long as the mooring does not encroach upon the natural channel or channels established in the Plan, and provided that such person informs the Harbormaster of the location of the mooring within one year from the effective date of this chapter and annually registers the mooring as provided by this Subsection B.
- (4) In the event more mooring applications for the Broad Cove Reserve mooring field are received than there are available spaces, the Harbormaster may maintain a waiting list of all applicants who have not been assigned a mooring. Further, if a plan is amended and that revised plan provides for fewer moorings, the moorings available under the revised plan must be assigned to persons who had registered moorings at the time of amendment of the plan under this allocation system, except as otherwise provided by this

chapter. Persons may add their names to the waiting list using the required process. This procedure must be posted in the Town Hall, and the waiting list must be a public document under the Freedom of Access Law. The waiting list must be maintained in chronological order of application, and any vacant space must be assigned to the first person on the waiting list, in accordance with the following priorities:

- (a) A riparian owner who is the owner or master of a watercraft and who is applying for a mooring assignment must receive the first vacancy available, and the mooring must be located fronting their property, provided that such location does not encroach upon the natural channel or channels established by the Plan. No more than one mooring may be assigned to any shorefront parcel of land under this priority, but this limitation may not prevent a riparian owner from receiving additional mooring assignments under this allocation system.
- (b) A homeowners' association member who has recorded rights to the shore through a deed, subdivision plan, or homeowners' association document.
- (c) A property owner with a ROW to the water is accorded the same rights and restrictions accorded to a riparian owner, except that the mooring(s) may be placed as conveniently as possible in front of the ROW and must not interfere with the reasonable placement of moorings allowed for riparian owners.
- (d) Any other resident or property owner of the Town.
- (e) Any person who does not meet the requirements of Subsection B(4)(a) through (d) above; however, if a waiting list is created, the next vacant space must be assigned to the first nonresident on the waiting list in accordance with the following priority:
 - [1] If the principal use of the vessel is noncommercial and less than 10% of the assigned moorings in the mooring area are currently assigned to persons fitting this description, then to the first such person on the waiting list.
 - [2] If the principal use of the vessel is commercial and less than 10% of the assigned moorings in the mooring area are currently assigned to persons fitting this description, then to the first such person on the waiting list.
 - [3] If both nonresident noncommercial and nonresident commercial assignments are below 10% of the moorings and there are both types of applicants on the waiting list, the available space must be assigned to the first applicant in the category that is farthest below 10%.

- (5) The Harbormaster must maintain a record of each mooring assignment, including the location of assignment as well as the application information required by this chapter. These records must be retained as required by the state's records management process.
 - (6) Mooring assignments are not transferable, and assignments must not be rented unless approved by the Harbormaster.
 - (7) The Town reserves the right to reassign moorings each year to better use available space.
- C. Moorings. Moorings must consist of appropriately sized mushroom anchors, granite blocks, or helix moorings, connected to a surface buoy by a chain of appropriate size and length for the vessel, depth of water, and exposure to weather. Concrete blocks, engine blocks, and other "objects of convenience" are not allowed. The surface float must consist of a white mooring ball on which the name of the watercraft owner or master and mooring registration number is painted with at least three-inch-tall letters and numbers in a contrasting color. A pennant of suitable diameter and length completes the mooring assembly. Guidance for selecting the sizes of materials can be obtained from the Town website or from approved mooring services listed on the Town website.
- D. Inspections.
- (1) An approved mooring service must inspect and be satisfied that each mooring is in safe condition before it is placed in the mooring area.
 - (2) Each mooring must be inspected every two years by a qualified mooring inspector. A list of qualified mooring inspectors may be obtained by contacting the Harbormaster. Inspection results must be reported to the Harbormaster within five working days and all deficiencies repaired within 30 days of the inspection.
 - (3) The Harbormaster will, in accordance with Maine Revised Statutes, Chapter 5, Section 95-B, Local Government Records, maintain a file on each mooring, including the dates of inspection and the approved mooring service that inspected it.
- E. Winter spars. Winter spars cannot be installed before September 15 and must be attached by December 1 each year. They must be removed and replaced with the white ball by June 1.
- F. Removal of moorings. An owner who discontinues the use of a mooring is responsible for removing the mooring from the marine environment. The Town has the right to remove and dispose of any mooring, including unsafe, abandoned, unregistered, improperly identified and objects of convenience moorings at the owner's expense. The penalty for failing to remove and dispose of any mooring is described in § 84-12F.

Disposition of any proceeds from removed moorings is governed by State Abandoned Property Law.

- G. An applicant receiving a mooring assignment within Broad Cove Reserve, effective on or after May 1, 2017, must install the mooring. Should a mooring not be installed by July 1, the applicant forfeits the mooring and may apply again in three years. A fee must be paid to cover the administrative expense of managing the reassignment process. The reassignment fee is specified in § 84-12D.
- H. Mooring services rules and regulations.
- (1) No person may install or inspect moorings or offer to install or inspect moorings for hire within the coastal and tidal waters of the Town without first qualifying the mooring service with the Harbormaster.
 - (2) Mooring services operating within the mooring area must adhere to the following rules:
 - (a) Mooring buoys must comply with the requirements of § 48-8 before being set or reset.
 - (b) A certificate of insurance indicating the coverages detailed in § 48-2 (approved mooring service), must be provided to the Harbormaster annually.
 - (c) Approval of the Harbormaster must be obtained at least two working days prior to setting, hauling out, relocating or adjusting any mooring. The mooring service must provide the Harbormaster with the location by GPS coordinates before and after the action for which approval is sought.
 - (d) Moorings for which the service is responsible must be adjusted within two days after notification by the Harbormaster.
 - (e) All new moorings must be registered and pass a complete mooring inspection prior to use.
 - (f) Each mooring service must inspect the moorings it services at least once every two years.

§ 48-9. Derelict, abandoned or sinking watercraft.

- A. No person may bring into or maintain in the coastal and tidal waters of the Town any derelict watercraft:
- (1) That had not been home-ported at a Town mooring immediately prior to such damaged state. The sole exception will be for crew safety. Upon arrival, the Harbormaster must be immediately notified of the watercraft's seaworthy status.

- (2) For salvage or abandon any watercraft in the coastal and tidal waters of the Town.
- B. The Harbormaster must notify the master or owner of a derelict or abandoned watercraft, that the watercraft must be removed within seven days. If the master or owner has not removed it within that time, the Harbormaster is authorized to remove the watercraft at the master's or owner's expense. However, in the event the Harbormaster determines the watercraft causes or threatens to cause property damage, pollution, or is a hazard to navigation, then removal must be by the fastest means available. The Harbormaster is authorized to remove the watercraft at the master's or owner's expense.
- C. If any watercraft is polluting, hazardous to navigation, or in danger of sinking, the Harbormaster may authorize a private contractor to mitigate the damage to or from the watercraft at the owner's or master's expense.
- D. The owner or master must pay all reasonable costs associated with mitigating loss or damages from a derelict, abandoned or sinking watercraft within 60 days of invoicing. Failure to make full and timely payment will result in the immediate loss of all mooring privileges and continued loss for two years after the debt is paid in full.

§ 48-10. Enforcement; violations and penalties.

- A. The Harbormaster is to enforce the provisions of this chapter and of Title 38, Chapter 1, of the Maine Revised Statutes Annotated, as amended. If the Harbormaster finds any provisions of this chapter or statute being violated, the Harbormaster must notify the person responsible for said violation, either verbally or in writing, indicating the nature of the violation or ordering the action necessary to correct it. The Harbormaster must maintain a written record of such notices. In the event the violation causes or threatens to cause property damage, then notification of the violation must be by the fastest means available. In this case, if contact with the mooring or boat owner or corrective action cannot be made within 24 hours after such notice, the Harbormaster is authorized to take whatever corrective action is necessary, the expense and risk for which will be borne by the boat owner.
- B. Violation of any provisions of this chapter is a civil violation. This chapter is enforceable by the Harbormaster or any law enforcement officer of the Town, County of Cumberland, or State of Maine with jurisdiction in the Town. This chapter will be enforced through a civil action in the District Court, and the Town may seek one or more of the following: injunctive relief, money damages not exceeding the sum of \$200 for each violation along with attorney fees and costs pursuant to 30-A M.R.S.A. § 4452, as amended. Each day a violation exists constitutes a separate violation.

- C. The Harbormaster must terminate the mooring assignments of any person who violates this chapter two or more times within a permit year.
- D. A person may elect to pay a waiver ~~fee~~ fine of the minimum penalty specified in § 84-12 in lieu of appearing in court to answer the citation. Such payment must be received by the office of the Town Clerk no later than five business days prior to the assigned court date. Upon receipt of such payment by the Town Clerk, the Harbormaster shall cause the citation to be dismissed.

§ 48-11. Appeals.

- A. Any persons aggrieved directly or indirectly by an action or failure to act of the Harbormaster may appeal such action or failure to act to the Coastal Waters Commission. In deciding any appeal, the Commission may hear and approve, with modifications or conditions, or disapprove the action or failure from which the appeal is made.
- B. Such appeals must be made in writing to the Coastal Waters Commission within five calendar days of the action or failure to act from which the appeal is taken. The application must state with specificity the action or failure to act from which the appeal is taken and the reason for the appeal. The appeal will be considered by the Coastal Waters Commission at its next regular meeting.
- C. Any action or failure to act by the Harbormaster concerning the location of moorings or boats, as a result of which location there is immediate danger to lives or property, will not be stayed pending appeal.
- D. An appeal may be taken by any party from any order, relief or denial by the Coastal Waters Commission under Subsection A above, within 30 days after the decision is rendered, to the Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

ITEM

21-094

To hold a Public Hearing to consider and act on amendments to Chapter 84
(Fees & Fines), Section 12 (Moorings) of the Cumberland Code, as
recommended by the Ordinance Committee

§ 84-12. Moorings. [Amended 12-14-2015; 1-3-2017; 3-26-2018; 2-11-2019; 10-28-2019]

- A. Resident mooring fee: \$50.
- B. Nonresident mooring fee: \$250.
- C. Daily rental for transient mooring: \$20.
- D. Reassignment fee: \$250.
- E. Dinghy dockage and time limit ~~fee~~ fine: \$50.
- F. Mooring removal minimum fee: \$250 plus any added costs incurred by the Town for removing, storing and disposing of the mooring.
- G. Late mooring renewal/application fee: \$50.
- H. Personal watercraft rack storage fee: \$50 per craft.
- I. Violation of § 48-7, Personal watercraft storage, fee: \$50.
- J. Violation of any provision of Chapter 48 not listed above, ~~fee~~ fine: \$100.

ITEM

21-095

To hold a Public Hearing to consider and act on amendments to Chapter 9
(Alarm Systems) of the Cumberland Code, as recommended by the
Ordinance Committee

Chapter 9

ALARM SYSTEMS

GENERAL REFERENCES

Fires and fire protection — See Ch. 96.

ARTICLE I

Title, Purpose and Definitions

§ 9-1. Title; repealer.

This chapter shall be known and may be cited as the "Alarm Systems Ordinance of the Town of Cumberland, Maine." This chapter shall repeal and replace the alarm systems ordinance previously adopted on August 28, 1978.

§ 9-2. Purpose. [Amended 8-10-2020]

The purpose of this chapter is to protect the health, safety and welfare of its residents and reduce the incidence of false alarms by establishing appropriate guidelines for the registration and use of alarm systems.

§ 9-3. Definitions.

For purposes of this chapter, certain terms or words used herein shall be defined as follows:

ALARM AGENT — Any employee or representative of an alarm business whose duties include installing, servicing or repairing alarm systems located within the Town.

ALARM SYSTEM — A system including any mechanism, equipment, hardware, software or device designed for the detection of unauthorized entry upon any property (other than motor vehicles or vessels), and/or the detection of heat, smoke or fire, or transmission of the notification of a medical emergency requiring ambulance response and which transmits a signal, message or warning from a private facility by any means, including but not limited to a phone call from a system operator, automated phone message from an alarm system, an external audible alarm, or telephonic alarm system designed to operate automatically to the Town of Cumberland Police Department, Fire/EMS Department, the Cumberland County Regional Communication Center, or any person, agent, or entity that subsequently summons an emergency response.**[Amended 8-10-2020]**

FALSE ALARM — Any alarm signal sent to the Town of Cumberland Police Department, Fire/EMS Department, the Cumberland County Regional Communication Center, or any person, agent, or entity that subsequently summons an emergency response that is not in response to an actual or attempted unauthorized entry upon property, any alarm signal sent to the Fire/EMS Department that is not in response to heat, smoke, fire or water, and any alarm signal sent to the Fire/EMS Department that is not in response to a medical emergency. It includes, but is not limited to,

unintentional alarms caused by domestic animals, a malfunctioning alarm system, ~~unusually severe weather conditions~~, negligent activation of the alarm system or an improperly maintained alarm system, or intentional activation of an alarm system when an immediate response is not required.**[Amended 8-10-2020]**

PERSON — A natural person, association, firm, partnership, corporation, or other entity.

RESPONSIBLE PERSON — The person responsible for an alarm system. In the case of a residence, the responsible person will generally be a resident. In any case, if a responsible person cannot be identified, the property owner shall be considered the responsible person. **[Added 8-10-2020]**

ARTICLE II Registrations **[Amended 9-10-2012; 8-10-2020]**

§ 9-4. Registration encouraged.

A person who is responsible for an alarm system is encouraged to register the alarm system with the Town. The purpose for registering the alarm system is so that first responders will have accurate contact information for the person or persons responsible for the property in the event of an emergency or false alarm.

§ 9-5. Procedural rules.

(Reserved)

§ 9-6. Registration forms.

Alarm system registrations should be filed with the Town on forms supplied by the Town of Cumberland. Said registration shall set forth the following:

- A. Registrant's name, address and telephone number;
- B. Address and telephone number of structure in which alarm system is to be installed;
- C. Name, address and telephone number of the alarm system installer;
- D. Name, address and telephone number of the person maintaining the alarm system;
- E. Name, address and telephone number of the person(s) to contact when the Police or Fire/EMS Department receives an alarm;
- F. Location of alarm system control panel within the structure;
- G. Location of any lock box;
- H. Type of alarm (telephonic, audible, or other); and

§ 9-7. through § 9-9. (Reserved)

§ 9-10. (Reserved)¹

ARTICLE III
General Provisions

§ 9-11. Alarm system information.

Information relating to any alarm system shall be maintained in a confidential manner, and the unauthorized release of such information by any person shall be a violation of this chapter.

§ 9-12. Lock boxes. [Amended 9-10-2012; 8-10-2020]

It is not a requirement of this chapter, but the Town urges persons to install an approved lock box (preferably a Knox-Box® system or equivalent) as part of the alarm system in order to provide a key to the structure for use by the Police or Fire/EMS Department when responding to an alarm. Further, all responsible persons are urged to provide a lock box with a key to their structures and to notify the Police or Fire/EMS Department in writing of the location of said lock box within 90 days after the effective date of this chapter

ARTICLE IV
Transmittal of False Alarms
[Amended 8-10-2020]

§ 9-13. Penalties for false alarms.

- A. The person whose system causes the transmittal of a false alarm shall be subject to the following penalties; provided, however, that in the event an alarm system is activated as a result of a natural or unnatural event beyond the permit holder's control and not directly caused by the permit holder (e.g., disruption of electrical service due to storm, motor vehicle accident, or contractor's negligence), no penalty shall be imposed.
- B. For the purpose of this section, the number of false alarms shall be based upon the ~~calendar year and shall be recalculated annually~~ **previous twelve months**.
 - (1) First response. For the first response by the Police or Fire/EMS Department to a false alarm ~~within any calendar year~~, the Police or Fire/EMS Chief or his/her designee will document the date, time and alarm malfunction and keep this information on file.
 - (2) Second response. For the second response by the Police or Fire/EMS Department to a false alarm within any ~~calendar year~~ **twelve-month period**, the Police or Fire/EMS Chief shall deliver or cause to be delivered written notice of the false alarm to the address where the alarm occurred within ~~30~~ **60** days of the false alarm, along with notice of the monetary penalty for any additional false alarms received.

1. **Editor's Note: Former § 9-10, Automatic dialing services, was repealed 8-10-2020**

- (3) Third response. For the third response by the Police or Fire/EMS Department to a false alarm within any ~~calendar-year~~ **twelve-month period**, the Police or Fire/EMS Chief shall deliver or cause to be delivered written notice of the false alarm to the address where the alarm occurred within ~~30~~ **60** days of the false alarm, which notice shall demand payment of \$100 for a false fire/EMS alarm or \$50 for a false police alarm. This penalty may be excused by the Police or Fire/EMS Chief for good cause shown by the responsible person.
- (4) Fourth response. For the fourth response by the Police or Fire/EMS Department to a false alarm within a ~~calendar-year~~ **twelve-month period**, the respective Chief shall deliver or cause to be delivered written notice to the address where the alarm occurred within ~~30~~ **60** days of the false alarm, which notice shall demand payment of a penalty to the Town in the amount of \$125 for a false fire/EMS alarm or \$75 for a false police alarm.
- (5) Subsequent alarms. For all subsequent responses by the Police or Fire/EMS Department to a false alarm within a ~~calendar-year~~ **twelve-month period**, the respective Chief shall deliver or cause to be delivered written notice to the address where the alarm occurred within ~~30~~ **60** days of the false alarm, which notice shall demand payment of a penalty to the Town as listed below. Each unnecessary response to a false alarm shall be billed in twenty-five-dollar increments as the following examples demonstrate:

Response	Fire/EMS Alarms	Police Alarms
5th	\$150	\$100
6th	\$175	\$125
7th	\$200	\$150
8th	\$225	\$175

- (6) Payment due date; late fee. The responsible person shall pay any penalty demanded hereunder within 10 business days after the person's receipt of written notice from the Police or Fire/EMS Department. If the responsible person fails to pay assessed charges within 10 business days of receipt of said charges, there will be an additional late fee of \$5 per day added.

§ 9-14. (Reserved)

ARTICLE V
Annual Registration
[Amended 9-10-2012; 8-10-2020]

§ 9-15. (Reserved)

ARTICLE VI
Enforcement

§ 9-16. Violations and penalties.

Violation of any provisions of this chapter, other than those provided for in Article IV, shall be punished by a fine of not more than \$100 for each offense. Each act of violation shall constitute a separate offense. In addition to such penalty, the Town may enjoin or abate any violation of this chapter by appropriate action.

ITEM 21-096

To consider and act on setting October 11th through 15th as bulky
item pick up week

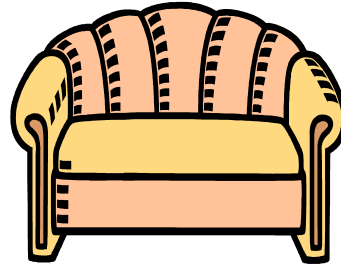
FALL BULKY ITEM PICK-UP WEEK

OCTOBER 11th – 15th

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

Items accepted at curbside:

- Box Springs
- Rolled Area Carpets
- Chairs
- Dressers
- Bicycles
- Large Metal Items
- Large Toys
- Mattresses
- Recliners
- Sofas
- Stoves
- Tables
- 2 Tires without rims
- Washers & Dryers
- Fixtures such as toilets or sinks – without any wood attachments/debris



Items NOT accepted at curbside:

- No wood products, such as picnic tables, wood pallets or fencing
- No appliances containing Freon (e.g., refrigerators, freezers or air conditioners)
- No brush, construction/demolition/remodeling debris (C/D) including lumber, shingles, brick or cement, windows or doors still in frames
- No Hazardous Waste including oil, automotive or household batteries or mercury products.
- No propane tanks
- No windows or Glass items such as mirrors
- No yard or tree waste
- No liquid waste
- No plastic bags
- No clothing or textiles
- No tires with rims
- No computers or monitors
- No fluorescent light bulbs
- No TV's



Bulky Item Pick-Up Notice:

If an item, or group of items, fits in a Town of Cumberland PAYT bag,
the material **IS NOT BULKY WASTE** and **WILL NOT BE PICKED UP** unless it is in a
Town of Cumberland PAYT bag.

Only residential waste is accepted - no commercial trash is permitted.

A Bulky Item Pickup Week was designed to assist the Residents of Cumberland in the disposal of large, oversized items that cannot fit into the Town's PAYT bags in the weekly trash or be recycled in regular curbside recycling.

Examples of items that could be included in the Bulky Waste Pickup are chairs, couches, mattresses, large metal items such as electric water heaters and bicycles.

Phones, computers, TV's and appliances containing Freon are NOT ACCEPTED as part of this event. Look for information on disposal options on the Cumberland Town Website.

2 Tires per household will be accepted *if* the rim has been removed.

Paint Cans that are OPEN and DRY will be picked up during Bulky Waste Week only, at no other time during the year.



Items not accepted curbside may be taken to Riverside Recycling in Portland for a fee.
They are located at 910 Riverside Street and their number is 797-6200.

Please contact organizations like the Salvation Army, Goodwill Industries or the Resale
Store for donation possibilities

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



The Town of Cumberland
will be hosting an



Electronics Drop Off Event

(Universal Waste)

Saturday, October 09, 2021
9am to 1pm

This is a free event for Cumberland Residents.

The following items may be brought to the Public Works Garage at
23 Drowne Road for disposal on this day:

TV's
Monitors
Speakers
Telephones
Laptops
Fluorescent Lamps
Digital clocks

Computers
Keyboards
Stereos
VCR/DVD players
Game Consoles
Batteries

**Freon containing devices like air conditioners, microwave ovens and mini fridges
will NOT be accepted.**

Please do not bring items prior to 9am on the day of the event. The event will end promptly at 1pm. For more information contact Cumberland Public Services at 829-2220



Confidential Shredding Service

Drop Off Event at 23 Drowne Road

Saturday, October 2, 2021

9am—1pm

Please take advantage of this opportunity to safeguard your personal information and prevent identity theft.

Simply load all paper to be shredded into bags or boxes, removing any plastic items (metal paper clips & staples are okay)

Bring them to the Public Works Garage where they will be shredded in your presence. We will ask that you take your containers, bags and boxes home with you for curbside disposal.

Residential Paperwork only. No Commercial Business.

FMI: Cumberland Public Services – 829-2220

Revenues

09/09/2021
12:49:20

TOWN OF CUMBERLAND HISTORICAL ACTUALS COMPARISON REPORT

PAGE 1
glactrpt

FOR PERIOD 01 OF 2022

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	-196,051.26	-202,432.89	-272,579.12	-207,116.37	-2,003,000.00
0011 0304 Boat Excise Tax	-1,466.20	-1,820.10	-2,330.80	-1,368.00	-17,000.00
0011 0328 Outer Islands Property Tax	.00	.00	.00	.00	-46,000.00
0011 0329 Payment in Lieu of Taxes	.00	.00	.00	.00	-33,000.00
TOTAL Other Tax Revenues	-197,517.46	-204,252.99	-274,909.92	-208,484.37	-2,099,000.00
0012 License & Permit Revenues					
<hr/>					
0012 0311 Hunting/Fishing Lic Agent Fees	-69.00	-40.00	-35.00	-20.25	-541.00
0012 0312 Marriage Lic & Vital Records	-417.60	-315.20	-451.80	-302.20	-2,400.00
0012 0313 Birth Certificates	-173.00	-106.00	-117.20	-93.00	-1,400.00
0012 0314 Death Certificates	-76.40	-335.60	-24.20	-54.00	-1,500.00
0012 0315 Clerk Licenses	-105.00	-640.00	-55.00	-355.00	-4,608.00
0012 0316 Shellfish Licenses	-21.42	-7.14	-36.89	-21.42	-600.00
0012 0317 Conservation Fees	-8.58	-2.86	-13.11	-8.58	-100.00
0012 0361 Motor Vehicle Reg. Agent Fees	-2,200.00	-2,472.00	-4,152.00	-3,255.00	-21,406.00
0012 0362 Boat Reg. Agent Fees	-86.00	-103.00	-103.00	-84.00	-500.00
0012 0366 Building Permits	-7,769.55	-6,563.25	-9,473.68	-16,832.43	-75,000.00
0012 0367 Electrical Permits	-1,403.35	-1,946.30	-2,057.65	-2,819.11	-21,634.00
0012 0368 Plumbing Permits	-1,072.50	-1,162.50	-1,665.00	-1,645.00	-18,789.00
0012 0369 Other Permits	-124.00	-38.00	-84.00	-89.00	-1,751.00
0012 0383 ATV Reg. Agent Fees	-24.00	-14.00	-25.00	-17.00	-60.00
0012 0390 Misc. Revenue	.00	.00	-100.00	-50.00	.00
0012 0398 Application Fee	.00	.00	.00	-200.00	-1,300.00
0012 0401 Dog Reg. Clerk Fees	-8.00	-18.00	-17.00	-12.00	-900.00
0012 0404 Commercial Haulers License	.00	.00	-100.00	.00	-500.00
TOTAL License & Permit Revenue	-13,558.40	-13,763.85	-18,510.53	-25,857.99	-152,989.00
0013 Intergovernmental Revenues					
<hr/>					
0013 0331 State Revenue Sharing	-42,924.40	-63,579.94	-86,102.67	-149,520.32	-825,000.00
0013 0335 DOT Block Grant	.00	.00	.00	.00	-67,000.00
0013 0341 North Yarmouth Recreation Shar	8,344.00	.00	.00	.00	-129,216.00
0013 0342 North Yarmouth Library Share	38,856.00	.00	.00	.00	-192,435.00

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ACCOUNTS FOR: 001 General Fund	PRIOR YR3 ACTUALS	PRIOR YR2 ACTUALS	LAST YR ACTUALS	CURRENT YR ACTUALS	CY REV BUDGET
TOTAL Intergovernmental Revenue	4,275.60	-63,579.94	-86,102.67	-149,520.32	-1,213,651.00
0015 Other Revenues					
0015 0305 Interest & Penalties	-61.82	-546.17	-1,617.89	-398.43	-30,000.00
0015 0306 Over/Short	5,510.17	15.64	1,154.90	16.39	-100.00
0015 0364 Growth Permits	-400.00	-100.00	-700.00	-300.00	-2,000.00
0015 0365 Board of Appeals	.00	-100.00	.00	.00	.00
0015 0390 Misc. Revenue	-3.00	-10.00	-69.00	-25.00	-25,000.00
0015 0399 Staff Review Fee	-150.00	-600.00	-500.00	-3,400.00	-9,700.00
0015 0403 Mooring Fees	-50.00	-616.00	-64.00	-44.00	-5,000.00
0015 0410 Private Ways	-200.00	.00	.00	.00	-400.00
0015 0508 Impact Fees	-11,881.80	-7,666.40	-19,087.60	-9,784.60	-60,000.00
TOTAL Other Revenues	-7,236.45	-9,622.93	-20,883.59	-13,935.64	-132,200.00
0021 Police Related Revenues					
0021 0351 Police Issued Permits	-270.00	-310.00	-290.00	-55.00	-2,000.00
0021 0353 Police Insurance Reports	-30.00	-30.00	-20.00	-18.00	-500.00
0021 0390 Miscellaneous Police Revenue	.00	-9.00	-12.00	.00	-648.00
0021 0427 Parking Tickets	.00	.00	-100.00	.00	-100.00
0021 0431 Outside Detail	1,475.28	.00	.00	.00	.00
0021 0536 Dog Licenses ACO Revenue	-64.00	-101.00	-66.00	-43.00	-1,800.00
0021 0546 Court Reimbursements	1,021.00	-1,834.56	.00	.00	-2,200.00
TOTAL Police Related Revenues	2,132.28	-2,284.56	-488.00	-116.00	-7,248.00
0022 Fire Related Revenues					
0022 0504 Rescue Billing	-16,090.70	12,010.36	6,068.14	7,817.93	-160,000.00
TOTAL Fire Related Revenues	-16,090.70	12,010.36	6,068.14	7,817.93	-160,000.00
0031 Public Services Revenues					
0031 0390 Misc. Revenue	-145.00	-3,712.00	-121.00	-28.00	-20,500.00

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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	.00	-360.00	.00	-60.00	-5,000.00
0031 0517 Bags/Universal Waste	-420.00	42,002.50	62,841.00	114,235.00	-295,015.00
0031 0539 Brush Passes	-639.00	-618.00	-2,454.00	-476.00	-8,277.00
TOTAL Public Services Revenues	-1,204.00	37,312.50	60,266.00	113,671.00	-328,792.00
0035 VH Other Revenues					
0035 0378 Soda Sales	-555.10	-502.60	-601.40	-967.00	-2,500.00
0035 0560 Rental Income	5,842.71	.00	.00	.00	-14,000.00
0035 0565 Cell Tower Land Lease	-1,800.00	-1,800.00	-1,800.00	-2,070.00	-24,840.00
TOTAL VH Other Revenues	3,487.61	-2,302.60	-2,401.40	-3,037.00	-41,340.00
0037 VH Golf Revenues					
0037 0306 Over/Short	-3.07	2.05	-.08	-2.67	.00
0037 0357 Golf Memberships	-3,022.50	-2,560.00	-1,608.00	-1,775.00	-235,542.00
0037 0358 Greens Fees	-25,601.80	-22,910.50	-29,828.50	-43,646.00	-179,737.00
0037 0359 Golf Cart Rentals	-15,123.20	-14,076.65	-17,369.70	-22,595.00	-92,257.00
0037 0416 Practice Range	-1,465.00	-175.00	-1,118.97	-1,852.00	-8,860.00
0037 0417 VH Program Revenues	-12,754.05	.00	-16,889.50	-75,570.00	-70,500.00
0037 0419 Advertising Sales	-4,800.00	.00	.00	.00	-22,500.00
0037 0522 Outing Golf	-9,279.00	-1,296.00	-1,725.00	-6,757.00	-48,290.00
TOTAL VH Golf Revenues	-72,048.62	-41,016.10	-68,539.75	-152,197.67	-657,686.00
0041 Recreation Related Revenues					
0041 0440 41100 After School Programs	-1,953.00	-3,390.00	-55,210.00	-9,933.00	-272,000.00
0041 0441 41110 Youth Enrichment Programs	-7,598.00	-19,668.00	-3,578.00	-86,408.50	-175,000.00
0041 0442 41120 Youth Sports Programs	-7,921.00	-11,054.00	-1,656.00	-57,198.50	-115,000.00
0041 0443 41130 Skiing Programs	.00	.00	.00	.00	-45,020.00
0041 0444 41140 Day Camps	-25,383.00	-25,829.19	-61,889.00	-209,052.90	-165,000.00
0041 0445 41150 Swimming Programs	-2,219.29	-1,825.00	.00	.00	-21,250.00
0041 0446 41160 Adult Enrichment Revenue	-779.03	-601.00	-120.00	-540.00	-31,715.00
0041 0447 41170 Adult Fitness Revenue	-2,241.63	-1,520.00	-1,045.00	-1,915.00	-45,000.00
0041 0448 41190 Special Events/Trips Reven	.00	-145.00	.00	-40.00	-5,000.00

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ACCOUNTS FOR:	PRIOR YR3	PRIOR YR2	LAST YR	CURRENT YR	CY REV
001 General Fund	ACTUALS	ACTUALS	ACTUALS	ACTUALS	BUDGET
0041 0449 41190 Recreation Programs	-600.00	-520.00	.00	.00	-1,995.00
0041 0570 41190 Rec Soccer Revenue	-5,655.00	-8,700.00	-1,240.00	-16,985.00	-23,000.00
0041 0571 41190 Rec Ultimate Frisbee Reven	.00	.00	.00	.00	-14,000.00
0041 0606 41190 CPR/First Aid Revenues	-100.00	-165.00	.00	.00	-250.00
TOTAL Recreation Related Reven	-54,449.95	-73,417.19	-124,738.00	-382,072.90	-914,230.00
0044 W Cumberland Hall Revenues					
0044 0377 Hall Rental	.00	.00	.00	-280.00	.00
TOTAL W Cumberland Hall Revenu	.00	.00	.00	-280.00	.00
0045 Library Related Revenues					
0045 0392 Library Fines	-115.12	-769.75	.00	-41.00	.00
0045 0394 Misc. Library Revenue	-110.00	-216.60	-24.00	-16.55	.00
TOTAL Library Related Revenues	-225.12	-986.35	-24.00	-57.55	.00
0211 Police- Salaries & Bens					
0211 0431 Outside Details	184.68	2,643.24	.00	.00	-26,741.00
TOTAL Police- Salaries & Bens	184.68	2,643.24	.00	.00	-26,741.00
0221 Fire- Salaries & Benefits					
0221 0431 Outside Details	338.00	182.08	.00	-4,500.00	-18,000.00
TOTAL Fire- Salaries & Benefits	338.00	182.08	.00	-4,500.00	-18,000.00
TOTAL General Fund	-351,912.53	-359,078.33	-530,263.72	-818,570.51	-5,751,877.00
TOTAL REVENUES	-351,912.53	-359,078.33	-530,263.72	-818,570.51	-5,751,877.00
GRAND TOTAL	-351,912.53	-359,078.33	-530,263.72	-818,570.51	-5,751,877.00

Expenses

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FOR PERIOD 01 OF 2022

ACCOUNTS FOR: 001 General Fund	PRIOR YR3 ACTUALS	PRIOR YR2 ACTUALS	LAST YR ACTUALS	CURRENT YR ACTUALS	CY REV BUDGET
130 Administration	73,262.38	71,235.28	43,622.41	79,785.91	664,743.00
140 Assessor	7,367.49	8,481.48	7,930.57	13,601.71	118,867.00
150 Town Clerk	17,943.13	22,238.95	23,085.50	19,953.58	291,177.00
160 Technology	24,056.94	16,980.99	26,711.35	28,559.79	280,613.00
165 Elections	.00	25.50	8,412.38	3,796.11	35,127.00
170 Planning	4,611.67	4,765.75	4,384.65	5,058.22	74,035.00
190 Legal	-6,350.95	.00	.00	.00	47,500.00
210 Police	82,543.25	107,269.37	118,007.34	116,036.89	1,578,958.00
220 Fire	58,817.50	72,988.32	70,492.12	80,201.96	1,096,586.00
240 Code Enforcement	10,076.06	11,176.34	11,412.58	11,370.35	150,858.00
250 Harbor Master	.00	2,446.20	192.00	483.35	22,480.00
260 Animal Control	8,314.51	10,697.71	18,924.57	12,278.50	36,179.00
310 Public Works	50,104.95	60,729.11	59,010.91	67,846.24	1,302,955.00
320 Waste Disposal	2,228.00	13,490.04	165.00	733.64	637,459.00
350 Valhalla-Club	959.21	7,462.94	1,471.01	1,661.31	26,241.00
360 Valhalla-Course	71,892.00	64,142.05	82,881.57	61,973.44	559,899.00
370 Valhalla-Pro Shop	35,479.49	33,869.05	32,436.09	29,304.13	240,351.00
410 Recreation	105,019.63	137,205.38	77,467.12	135,169.01	955,292.00
420 Aging in Place	1,076.92	51,394.15	55,919.07	1,321.13	101,716.00
430 Parks	32,117.25	32,414.59	25,354.87	28,545.08	327,477.00
440 West Cumberland Rec	176.19	206.30	47.29	48.05	8,744.00
450 Library	31,195.52	37,364.04	37,455.10	37,542.29	550,098.00
470 Historical Society Building	137.88	308.79	.00	.00	11,364.00
580 General Assistance	2,368.10	544.84	14,136.29	806.33	35,000.00
590 Health Services	10,298.10	12,298.10	.00	298.10	3,875.00
620 Cemetery Association	26,700.00	.00	26,700.00	26,700.00	26,700.00
630 Conservation	1,000.00	28.73	1,013.98	13.98	21,000.00
650 Debt Service	-75,825.00	-79,324.00	-210,000.00	.00	1,262,301.00
750 Insurance	99,236.65	164,808.93	152,430.60	33,725.86	319,619.00
800 Fire Hydrants	125.00	6,968.00	6,871.10	6,986.09	83,500.00
810 Street Lighting	107.35	3,340.86	.00	.00	45,000.00
830 Contingent	-247.20	2,000.00	1,792.64	19,673.28	10,000.00
840 Municipal Building	3,371.53	8,388.39	2,293.81	2,619.29	109,837.00
850 Abatements	.00	16,116.25	.00	.00	1.00
TOTAL General Fund	678,163.55	902,062.43	700,621.92	826,093.62	11,035,552.00
TOTAL EXPENSES	678,163.55	902,062.43	700,621.92	826,093.62	11,035,552.00
GRAND TOTAL	678,163.55	902,062.43	700,621.92	826,093.62	11,035,552.00