

AGENDA

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, September 12, 2022

5:45 P.M. Finance Committee Meeting

6:00 P.M. Workshop with Phoenix Management re: Drowne Road Senior Housing

7:00 P.M. Call to Order

I. CALL TO ORDER

II. APPROVAL OF MINUTES

August 22, 2022

III. MANAGER'S REPORT

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

22 – 113. To hear a report from the Lands & Conservation Commission re: Twin Brook Forestry Plan and to consider and act on their recommendation.

22 – 114. To hold a Public Hearing date to consider and act on amendments to Chapter 78 (Explosives) of the Cumberland Code, as recommended by the Ordinance Committee.

22 – 115. To consider and act on authorizing the Code Enforcement Officer to execute a Consent Agreement with the owners of 43 Wilson Road.

22 – 116. To consider and act on authorizing the Code Enforcement Officer to execute a Consent Agreement with the owners of 52 Rose Drive.

22 – 117. To set a Public Hearing date of September 26th to consider and act on an Automobile Graveyard Permit for Cumberland Salvage for the period of

November 1, 2022 – October 31, 2023.

22 – 118. To consider and act on how to pay the FY2024 County Tax due to a change in the billing from calendar year to fiscal year.

22 – 119. To hear an update from the Housing Task Force Council Liaisons.

VI. NEW BUSINESS

- **September 13th at 6:00 p.m.** meeting with Cumberland Town Council, North Yarmouth Selectboard and MSAD 51 School Board
- **October 26th at 6:00 p.m.** Workshop with Planning Board and Town Attorney re: LD2003

VII. BUDGET REPORT

VIII. EXECUTIVE SESSION pursuant to 1 M.R.S.A., § 405(6)(C) re: real property.

IX. ADJOURNMENT

MINUTES

Cumberland Town Council Meeting
Town Council Chambers

MONDAY, August 22, 2022

6:00 P.M. Workshop with the Lands & Conservation Commission re: Forest Management Plan

7:00 P.M. Call to Order

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

Excused: Councilor Filson

I. APPROVAL OF MINUTES

Motion by Councilor Copp, seconded by Councilor Vail, to accept the August 8, 2022 meeting minutes as presented.

VOTE: 6-0 UNANIMOUS

II. MANAGER'S REPORT

Police Chief Rumsey introduced new Police Officer, Eric Bell. Eric joined our department on Monday, August 15th and is currently in a short Field Training Program to familiarize him with our town and department operations. Officer Bell is a veteran of the United States Army, having served as a Combat Medical Specialist for 6 years before embarking on his law enforcement professional journey. Officer Bell is an experienced officer with over 19 years of full-time experience, having served most recently with the Auburn Police Department for nearly 18 years. During his time at Auburn, Eric served as a Patrol Officer, School Resource Officer, Field Training Officer, Corporal, and as a Detective. During his 6 years as a Detective, Eric received specialized training from the United States Secret Service on the forensic examination of computers and cell phones in furtherance of investigations into child abuse and human trafficking. He brings with him a wealth of knowledge and experience and is as excited to be a member of our department as we are to have him here. Deputy Town Clerk, Abbey Lombard administered the oath of office to Officer Bell.

Councilor Storey-King reported the following on the Rail to Trail meetings:

Rail Trail July 28 meeting report out

Cost estimates Portland to Lewiston/Auburn:

Freight (low service)	\$13,000,000
Freight (high service)	\$31,000,000
Passenger (2018 estimate)	\$274,000,000
Trail until rail-gravel	\$47,500,000
Trail until rail-paved	\$55,000,000
Rail with trail-gravel	\$90,000,000
Rail with trail-paved	\$94,000,000

FMI: <https://www.maine.gov/mdot/ofps/ruac/parac/index.shtml>

Key take-aways:

- Frustrating: again, the number of participants and public feedback that think is a good idea without looking at the big picture; still the “done deal” feel.
- Misrepresentation on community support by Dick Woodbury.
- Compelling testimony from Bangor City Councilor on the need for Southern Maine to support Northern Maine in rail development: “Don’t cut us off.”
- My best recommendation for the Rail Use Advisory Council would be to give no advice to the DOT.

Bruce Sherwin of Blanchard Road asked if municipalities would have to contribute to the cost.

Chairman Foster said that the slide above is the full cost of implementation to construct. Where that cost sits has not yet been established.

Mr. Sherwin said that there hasn’t been any information regarding the economic benefit of this project.

Town Manager Shane said that information is coming out next month.

Mr. Sherwin said that whenever pathways are built, it is usually for an economic reason. He sees no economic reason for a trail or bike trail to be put through Cumberland. There is no access and no commercial businesses to go to.

III. PUBLIC DISCUSSION

No public discussion

IV. LEGISLATION AND POLICY

22 – 103 To hold a Public Hearing to consider proposed amendments to Article II (Town Council), Section 5 (Induction of Council into office) of the Town Charter.

PROPOSED AMENDMENT

Article II, Section 5

The Council shall meet at the municipal building on the ~~first~~ second Monday of July following the regular town election in June, and at said meeting Councilors elect shall be sworn to the faithful discharge of their duties by a Notary Public or by the Town Clerk.

Chairman Foster said that the Ordinance Committee has reviewed this at the recommendation of Councilor Vail. According to the current Town Charter, an election takes place on a Tuesday and Councilors are sworn in the following Monday.

Councilor Vail added that when he was elected to his first term, he assumed that he would not start until July 1st. That was not the case. It was the very next Monday. He feels that this timing is a little awkward and his proposal is a little more of a smooth transition because there is still a second meeting in June, prior to the first meeting in July. There are a lot of issues that are moving parts throughout the year that Councilors may be involved with, so those people who are stepping down would have the opportunity finalize their service, and it would give those who are still on the Council to recognize their service.

Councilor Storey-King said that if someone is thinking about running for office, she would love to see them attending Town Council meetings.

Chairman Foster opened the Public Hearing.

Bruce Sherwin of Blanchard Road suggested changing the wording to say the first Council meeting in July and not pinning it to a day or specific week. A meeting could take place before that if something comes up that needs to be acted on and it would give the flexibility to change the day if need be.

Bill Stiles of Range Road said that if something is not broken, why fix it? When the election is over and you are out of office, you cease to represent the Town Council at that point. Secondly, if someone is interested in running for Town Council, they should come to meetings, as Councilor Storey-King said. Trying to align with another community or the School Board is ridiculous. If anything, the School Board should align with us. He is strictly against this.

Councilor Vail responded that we are not doing this because of North Yarmouth or the School Board meeting schedule. We are doing it, in his opinion, simply to make a smoother transition.

Councilor Segrist said hypothetically, if there were three seats up for re-election and all three currently sitting Councilors lose those seats in the election, and they show up at the next meeting and vote on an item to pass something, the legal question would be, did they have the authority to vote on that particular issue? Are they still technically an acting Councilor?

Town Manager Shane said that until there is somebody that replaces you, you are still a Town Councilor.

Councilor Segrist said that we would need to define what replacement means.

Councilor Storey-King said that if a Town Councilor is not seeking re-election and nobody runs against them, then a handful of people wrote them in on the ballot, they would still continue as a Town Councilor until they resign. At that time the Town Council would appointment someone to fill their seat. This is the way she understands it to be.

George Turner of Carriage Road said that he spent 22 years on the Appeals Board and 16 years on the Town Council. He feels that when the people vote, and they vote you out as a Town Councilor, you should be out as of when the votes are tabulated. From the standpoint of the people who elected the person who won, they would probably like to see them have authority from the time that the election actually took place and not have the person who they voted out sticking around for 3 weeks with any authority.

Bruce Sherwin of Blanchard Road asked if the Charter defined what a term of a Town Councilor is.

Town Manager Shane said that the current Charter says: *The Council shall meet at the municipal building on the Monday following the regular town election, and at said meeting Councilors elect shall be sworn to the faithful discharge of their duties by a Notary Public or by the Town Clerk.* This basically does define the term and says that you are a Councilor until the next person is sworn in. This has always been the Monday following the election and the first item on that agenda is to swear in newly elected Town Councilors.

Dave Noonan of Meadow Lane asked if that person that just got elected got sworn in on that following Monday, do they have the ability right then to cast their vote?

Town Manger Shane responded that they do.

Councilor Vail said that this is not the hill to die on, but he still thinks that the term should be from July 1st to July 1st, but either way it is not a big deal. He will vote in favor of it.

Motion by Councilor Vail, seconded by Councilor Storey-King, to approve the proposed amendments to Article II (Town Council), Section 5 (Induction of Council into office) of the Town Charter.

VOTE: 1-5 (Copp, Foster, Segrist, Edes, and Storey-King opposed) MOTION FAILS

22 – 104 To consider and act on placing the proposed amendments to Article II (Town Council), Section 5 (Induction of Council into office) of the Town Charter on the ballot for the November 8, 2022 election.

Motion by Councilor Storey-King, seconded by Councilor Edes, to table.

VOTE: 6-0 UNANIMOUS

22 – 105 To authorize the issuance of Senior Property Tax Assistance Program payments.

Chairman Foster said that we had 180 residents qualify for the Senior Property Assistance Program. They will be receiving a refund check to apply to their FY23 property taxes. The refunds totaled \$95,395.

Chairman Foster asked for any public comment.

No public comment.

Motion by Councilor Storey-King, seconded by Councilor Copp, to authorize the issuance of Senior Property Tax Assistance Program payments.

VOTE: 6-0 UNANIMOUS

22 – 106 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 September 10th from 9:00 a.m. to 3:00 p.m. at the Cumberland Fairgrounds.

Chairman Foster opened the Public Hearing.

No public discussion.

Chairman Foster closed the Public Hearing.

Motion by Councilor Edes, seconded by Councilor Copp, to approve the Mass Gathering permit for Binnie Media's Fall Ultimate Yard Sale to be held on September 10th from 9:00 a.m. to 3:00 p.m. at the Cumberland Fairgrounds.

VOTE: 6-0 UNANIMOUS

22 – 107 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 at Twin Brook Recreational Facility on October 22nd from 8:30 a.m. to 3:30 p.m.

Chairman Foster opened the Public Hearing.

No public discussion.

Chairman Foster closed the Public Hearing.

Councilor Storey-King asked the Town Manager is there is any sort of user fee paid by the Maine Principals Association for the use of Twin Brook. She has concerns about Twin Brook being used for free.

Town Manager Shane said that we did not get a payment for use of the facility, but he will speak to the Recreation Director and look at getting back to a use fee for next year.

Motion by Councilor Segrist, seconded by Councilor Edes, to approve the Mass Gathering permit for the Maine Principals Association South Regional Cross Country Championships to be held at Twin Brook Recreational Facility on October 22nd from 8:30 a.m. to 3:30 p.m.

VOTE: 5-1 (Storey-King opposed) MOTION PASSES

22 – 108 To hold a Public Hearing to consider and act on a Mass Gathering permit for the Maine Principals Association State Cross Country Championships to be held at Twin Brook Recreational Facility on October 29th from 8:30 a.m. to 3:30 p.m.

Chairman Foster opened the Public Hearing.

No public discussion.

Chairman Foster closed the Public Hearing.

Councilor Storey-King said that she has the same concerns as with the previous item.

Motion by Councilor Segrist, seconded by Councilor Vail, to approve the Mass Gathering permit for the Maine Principals Association State Cross Country Championships to be held at Twin Brook Recreational Facility on October 29th from 8:30 a.m. to 3:30 p.m.

VOTE: 6-0 UNANIMOUS

22 – 109 To hold a Public Hearing to consider and act on amendments to Chapter 315 (Zoning), Article VI (General Regulations), Section 63 (Signs) of the Cumberland Code, to ensure consistency with State guidelines for temporary, off-premise, non-commercial signs, as recommended by the Planning Board.

Councilor Storey-King said that this is the politically correct definition of campaign signs or any other types of signs advertising an event.

Chairman Foster added that it is clarifying that it is six weeks in the first six months of the year and six weeks in the second six months of the year, and not a cumulative 12 weeks.

Chairman Foster opened the Public Hearing.

No public discussion.

Chairman Foster closed the Public Hearing.

Motion by Councilor Copp, seconded by Councilor Storey-King, to amend Chapter 315 (Zoning), Article VI (General Regulations), Section 63 (Signs) of the Cumberland Code, to ensure consistency with State guidelines for temporary, off-premise, non-commercial signs, as recommended by the Planning Board.

VOTE: 6-0 UNANIMOUS

22 – 110 To consider and act on setting the following household waste disposal events:

- **Confidential Shredding, Saturday, October 1st from 9:00 a.m. to 1:00 p.m.**
- **Universal Waste Collection, Saturday, October 8th from 9:00 a.m. to 1:00 p.m.**
- **Bulky Item Pick-up Week, October 10th through 14th**

Chairman Foster asked for any public comment.

No public comment.

Councilor Copp said that he has been asked by a couple of people if business are allowed to use the shredding service.

Town Manager Shane said that the intent is for households to use the service, not businesses due to the volume of materials that business could have.

Motion by Councilor Storey-King, seconded by Councilor Edes, to approve the following household waste disposal events: Confidential Shredding, Saturday, October 1st from 9:00 a.m. to 1:00 p.m., Universal Waste Collection, Saturday, October 8th from 9:00 a.m. to 1:00 p.m., and Bulky Item Pick-up Week, October 10th through 14th.

VOTE: 6-0 UNANIMOUS

22 – 111 To set a Public Hearing date of September 12th to consider and act on amendments to Chapter 78 (Explosives) of the Cumberland Code, as recommended by the Ordinance Committee.

Councilor Storey-King explained that most of the work that the Ordinance Committee did on this was updating definitions and putting the burden of notification on to the blasting company. Also, extending the radius of the notification requirement.

Councilor Vail added that the blasting companies were under no obligation to share the pre-blast surveys with anybody. In the past, they only had to say that they did the survey. Now they have to share the pre and post-blast surveys with the Code Enforcement Officer.

Chairman Foster asked for any public comment.

No public comment.

Motion by Councilor Copp, seconded by Councilor Vail, to set a Public Hearing date of September 12th to consider and act on amendments to Chapter 78 (Explosives) of the Cumberland Code, as recommended by the Ordinance Committee.

VOTE: 6-0 UNANIMOUS

22 – 112 To authorize the Town Manager to accept payment for delinquent FY'19 taxes in the amount of \$600.00 on property identified as Map U19/Lot 18.

Chairman Foster asked for any public comment.

No public comment.

Motion by Councilor Copp, seconded by Councilor Vail, to authorize the Town Manager to accept payment for delinquent FY'19 taxes in the amount of \$600.00 on property identified as Map U19/Lot 18.

VOTE: 6-0 UNANIMOUS

V. **NEW BUSINESS**

Councilor Copp – he (and his friend Dean) donated \$20 (as they both do at every Council meeting) to the 4-H Food Pantry Fund. This is a very worthy cause and he encouraged others to donate.

Councilor Vail – he liked the Cumberland items that the Bicentennial Committee sold and suggested having some stock of Cumberland swag to sell at Town Hall and/or the Library.

Councilor Storey-King said that the Cumberland Historical Society offers these types of items.

Councilor Segrist – he and Councilor Vail have been sitting in meetings with the Cumberland Affordable Housing Task Force Committee, and it is a great group of very dedicated folks who are very knowledgeable in their own areas. Thank you to the volunteers and public servants here in Cumberland who come to meetings week after week and do the good work they do.

Councilor Edes – he spoke to the President of the Auburn Police Union, who said that our new Police Officer, Eric Bell, is a great, level-headed guy and a great hire for Cumberland. It was a huge loss for Auburn.

Councilor Storey-King – the Ordinance Committee has been meeting regularly and have a lot of items to cover on their agenda. One of the important items that they are working on is setbacks in the Village Center Commercial Zone on Route 100. After much discussion, we have sent a request to the Planning Board to review a change in the setback requirements from 45 feet to 25 feet in order to allow a development to put parking in the back or side of their building. The Town Manager has some depictions of what this would look like, and she suggested that the Town Councilors who are not on the Ordinance Committee take a look and be thinking about this change.

The Lands & Conservation Commission has requested through the Ordinance Committee, a definition of prime farmland. The committee started looking at the definitions that are out there and discovered that the federal government is notoriously vague on their definition, so we are working with the Town Attorney on this.

Another item that will be coming forward is the addition of telecommunication towers. Our police chief received a \$20,000 grant to look at telecommunication for our public safety departments. The Ordinance Committee is just beginning discussions on this.

Other items that the Ordinance Committee will be discussing are erosion and sedimentation control, impact fees, site plan and subdivision regarding foundation elevation and foot drains, and the Murray Policy regarding taxes.

Chairman Foster – some meetings coming up in September are:

- September 12th at 6:00 p.m. Town Council Workshop with Aaron Bateman of Phoenix Management re: Senior Housing on Drowne Road.
- September 13th at 6:00 p.m. meeting with Cumberland Town Council, North Yarmouth Selectboard and MSAD 51 School Board.
- September 15th at 7:00 p.m. Meet the Candidates. This may be cancelled due to some of the candidates having prior commitments that evening.
- October 26th at 6:00 p.m. Town Council Workshop with Planning Board and Town Attorney re: LD2003.

The Communications Committee met last week, and one of items that they talked about was the fact that the farmer's market really seems to thin out in the summer so we would like to bring back the elected leaders attending the farmer's market to speak to people. The farmer's market runs until the end of October and there is a lot happening in our community and she hopes that her fellow Town Councilors will consider signing up.

VI. ADJOURNMENT

Motion by Councilor Copp, seconded by Councilor Vail, to adjourn.

VOTE: 6-0 UNANIMOUS

TIME: 8:31 P.M.

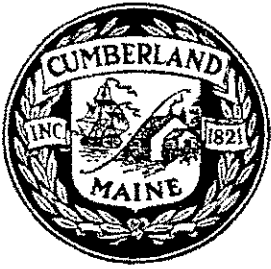
Respectfully submitted by,

Brenda L. Moore
Council Secretary

ITEM

22-113

To hear a report from the Lands & Conservation
Commission re: Twin Brook Forestry Plan and to consider
and act on their recommendation



LANDS AND CONSERVATION COMMISSION

Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021

May 10, 2022

Robert Vail, Chair
Cumberland Town Council
290 Tuttle Road
Cumberland, ME 04021

Re: Twin Brook

Dear Mr. Vail:

Attached is a document prepared by your Lands and Conservation Commission's Forestry and Natural Resources subcommittee. They have concerns about the timber harvesting that has occurred in Twin Brook and ask that harvesting be paused until the Town Forester can update the forest management plan.

The Commission heard their concerns and endorsed their position. Consequently, we are forwarding their concerns to the Town Council for its consideration. The Town Forester will also be corresponding with you, offering his professional view.

We are available, at your convenience, for discussion.

Sincerely,

Mike Schwindt
Chair

MEMO

To: Cumberland Lands and Conservation Commission
From: Forestry Subcommittee
Re: Twin Brook Forest Management Plan
Date: 28 April 2022

The Forestry Subcommittee has carefully reviewed the current management plan written by Chip Love, recent harvesting activity, and state of the remaining forest at Twin Brook and as a result of that review - which included several walks through the forests with members of the subcommittee and the Town Forester - we would like to strongly recommend pausing all future harvesting activity until our Town Forester Paul Larrivee can update the management plan. In particular, we feel some urgency to consider the public use of the property, the town's forestry management guidelines, and the encroaching invasive plants in and adjacent to the property while developing a new plan.

The current plan calls for first harvesting in the "wilderness" side of the property off Greely Road (Harvest Area # 1 on attached map). This was accomplished over the past several years. In our collective view, including input from Mr. Larrivee, harvesting is now complete in Harvest Area 1 - the area between the ball field and the railroad tracks - and there is no need to return to that area for further harvesting activity for at least another 10 years, perhaps more.

However, we understand the Town Manager has already brought together Mr. Larrivee and Spring Brook farm manager Jeff Storey to discuss moving forward with additional harvesting at Twin Brook during the winter of 2022. If a harvest does occur, we request: (1) any additional harvesting follows sound silvicultural prescriptions and operational practices; (2) the planned work takes into consideration the town's forestry management goals and harvesting restrictions in the stream buffers and wetland protection areas as required under a DEP Order (see attached order and map); (3) a contract is prepared between the Town and Mr. Storey that spells out how the harvest will be managed, how the wood will be measured, how the wood will be sold, and how much the town will receive for the stumpage; (4) that the contract be limited only to 2022; and (5) that the contract clearly states that Mr. Larrivee will be managing the harvest and that Mr. Storey will be acting under Mr. Larrivee's direction as the logger/harvester only.

The current plan then suggests doing some "light" harvesting in other sections of the property between 2020-2029, and then returning to Harvest Area #1 and starting over again on a 10-year rotating basis. However, the area on the east side of the Greely Rd entrance road (Harvest Area #2) and surrounding Windle Brook is heavily infested with a cornucopia of invasive plants. Before any harvesting in that section can occur, if at all, we must first address how to manage the invasives; otherwise opening up the canopy will certainly cause the invasives to spread even more.

Similarly, we have deep concerns about opening up the forest canopy to the east of the soccer fields off Tuttle Road (Harvest Area #4), as that would likely invite a rapid spread of buckthorn and other invasives

that are lurking at the edge of the town property, having grown up after a heavy harvest on the adjacent land some years ago.

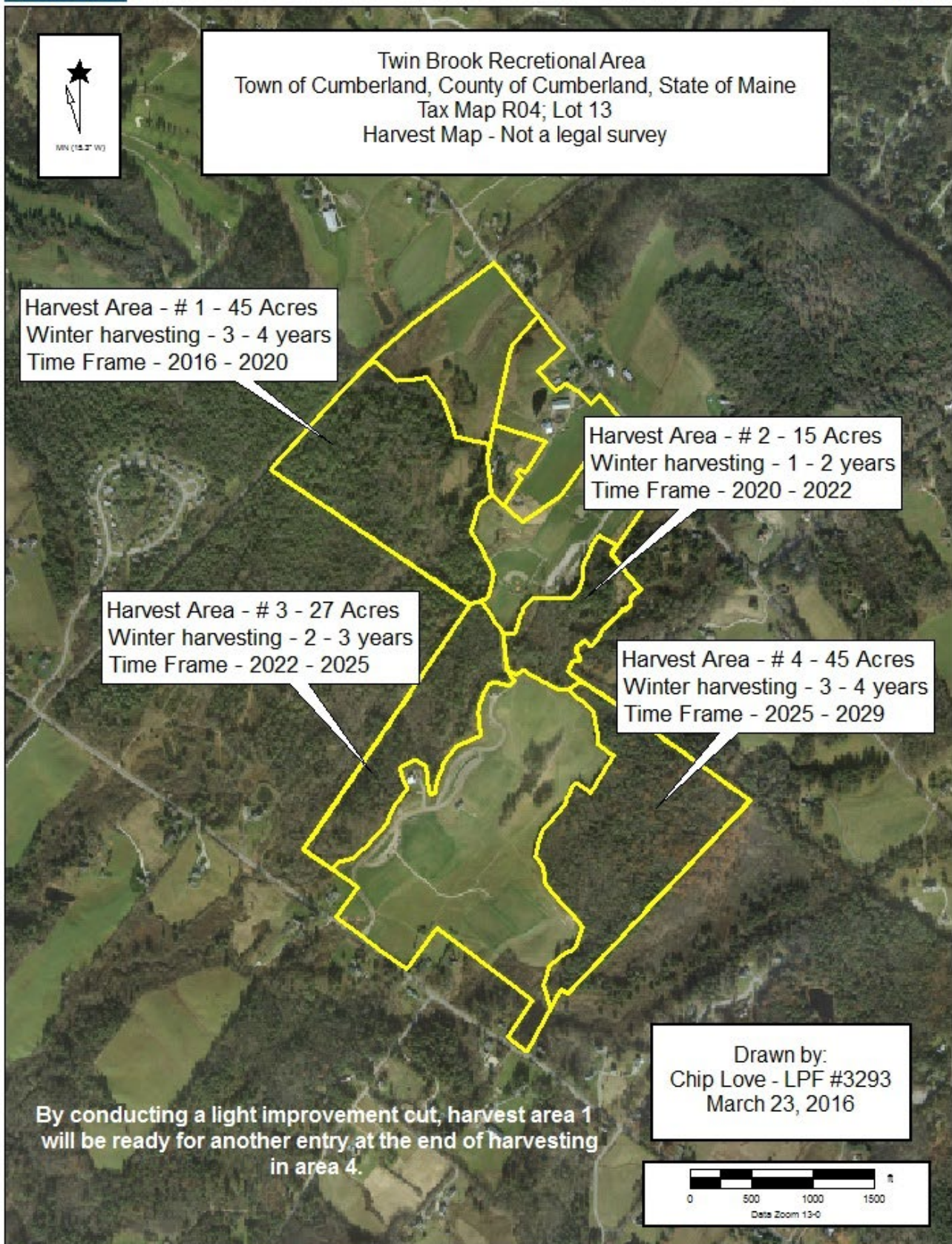
We all know how expensive and challenging it is to control invasives once they have taken hold, and we do not want to encourage that in yet another one of the town's forests. Unfortunately, the current plan does not fully address the threat of invasives, other than stating: "There are some invasive species and should be removed as soon as possible".

In addition, the subcommittee questions whether the "light" harvests as described in the current plan are too aggressive given current stocking levels and growth projections, and overall forest management goals of the town. Furthermore, the plan does not really take into account the recreational use of the property or other public benefits.

Therefore, we feel it would be in the best interest of the town and the public to pause any future forestry activity at Twin Brook now, but definitely after a potential winter 2022 harvest, until we can reassess our options, consider how the forests and forest management of Twin Brook fit into the larger goals for the public's use of this property, and determine if it is possible to both safely conduct a harvest and keep the invasives from spreading. We can then work with the Town Forester to develop an updated forest management plan to replace the current one, which could be completed by fall of 2022.

If any future harvesting activity is planned at Twin Brook, we recommend the harvest be conducted under the guidance of the Town Forester, just as all other harvests are managed on Town lands. The Town Forester is responsible for ensuring both the management plan and the harvest operations are in the best interest of the town and meet the *Cumberland Town Forests Management Guiding Principles* (attached).

Under this scenario, the Town Forester would be responsible for identifying trees that are slated for harvesting; recommend to the Forestry Subcommittee the names of at least two trained professional loggers that could do the work under a signed contract administered by the Town Forester; be responsible for ensuring the most appropriate equipment is used for the planned job that will minimize damage to soils and other trees; oversee the harvest; and oversee the sale of the wood.



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Cumberland Town Forests Management Guiding Principles

The Town of Cumberland owns multiple properties that are forested and may be appropriate for active forest management. Below is a list of forest management goals for all primary town-owned forest sites, including as of July 2017 the Town Forest, Rines Forest, Knights Pond, and Twin Brook. This list refers specifically to forest management and related activities and not to all other management considerations that are pertinent to each site, such as what types of use are allowed. That will be covered in the other parts of the Management Plan for each property. A site-specific Forest Management Plan shall be developed for each primary forest site that is consistent with these guiding principles and is designed to protect and reflect the unique characteristics of each of the town's forested properties (such as landscape setting, geography, important natural resources, and public use). The Town will strive to manage the town's forests as models of a well-managed community forest.

- Maintain and protect productive soils and water quality, including using *Stream Smart* crossings, with a particular emphasis on the Mill Creek and Presumpscot River watersheds (see Maine Forest Service 2017 Water Quality BMPs).
- Protect special ecological features and functionality intrinsic to each Forest (i.e. rare plant or animal sites, wetlands, riparian areas, vernal pools, deer wintering areas, rare or exemplary natural communities, late successional forests, dead and downed wood, etc.).
- Manage forest stands in a manner that maintains or improves habitat and the overall biodiversity of native plant communities and fish and wildlife species to the extent possible. Particular emphasis will be on maintaining and expanding structurally complex, mature portions of the forest, balanced by special and unique areas, small gaps of early successional habitat, and reserve areas. Two programs that can help guide this approach are *Focus Species Forestry* and *Forestry for Maine Birds*.
- Identify and protect reserve areas as forest stands or compartments which express the following attributes: large blocks of forest, older forest, unusual natural areas (e.g. streams, wetlands, riparian areas, rare natural communities), presence of legacy trees, and topographically or geologically diverse or interesting areas.
- Focus long-rotation silvicultural efforts on stands and compartments with productive soils, good access and of reasonable size and quality. Long-term goals may include increasing structural and species diversity, emphasizing the growth of high-quality sawlogs of commercially important species, promoting the continued sequestration of carbon, and contributing to the local wood products market.
- Maintain resilience of native biodiversity and ecosystem processes in the face of climate change. Increase resilience by managing for multiple age classes; managing for the forest types and species best suited to the site; avoiding conversion to other types (e.g. spruce-fir dominated to hardwood-dominated); and using natural regeneration to retain and increase species diversity characteristic of the site and forest type, including the proportion of species predicted to be better adapted to future conditions, such as white pine and red oak. In addition, plan for high-volume runoff by using *Stream Smart* crossings.
- The actual balance of forest type, age, and silvicultural treatment recommended within each forest should be determined in consideration of the habitat matrix of the surrounding

landscape. This would include an analysis of the extent and age-class structure of habitats in the surrounding lands as well as opportunities for maintaining and enhancing both terrestrial and aquatic habitat connections and recreational trail connections; and management opportunities across all town forests. In other words, different properties may be managed for different site-specific goals as long as the sum of the whole meets the overall town's forest management goals.

- Make every reasonable effort to control invasive plant species in the forest while reaching out to adjacent landowners to encourage the same.
- Implement exemplary forest management that is consistent with sustainable forestry standards such as those provided by the Forest Stewardship Council (FSC).
- Strive to keep forest harvesting activities revenue neutral over the long run (this is separate from the cost of managing other activities in the forests such as reducing invasive species, building and maintaining trails, and providing educational signs etc).
- Offer quality aesthetic, educational and recreational opportunities to the community for the benefit of the public as long as it doesn't detract from above goals. All trails should be built and maintained to minimize soil erosion and compaction and limit disturbance to fish and wildlife.
- Conduct all harvests in a manner that minimizes impacts to soil, water, and fish and wildlife, including avoiding or minimizing the use of new roads and road-stream crossings; using Stream Smart crossings where crossings are needed; putting unused roads to bed; giving preference to harvesting on frozen ground or dry-soil conditions; avoiding harvesting during peak amphibian and bird nesting times (April 1-July 31); and using appropriate equipment given the silvicultural goals.

MEMO

To: Cumberland Town Council
From: Paul Larrivee, Town Forester
Re: Twin Brook Forest Management Plan
Date: 28 April 2022

I am writing to support the recommendations of the Forestry Subcommittee for next steps regarding harvest plans for the Twin Brook Recreation Area.

I have walked through the entire property and carefully evaluated the current condition of the forest. I firmly believe that before any new harvesting can occur on the site it is paramount the town prepare a new forest management plan for the property that is consistent with the *Cumberland Town Forest Management Guiding Principles* and takes into consideration the public values and uses of the property, and the threats posed by invasive species both within and adjacent to the property.

Unfortunately, opening up the canopy at Twin Brook runs the risk of inviting the spread of invasives, and as you know from experience on other Cumberland town forest lands, once invasives become established, it is extremely difficult and expensive to control them. With my training in both forestry and invasive plant management, I will be able to prepare an updated management plan that takes all this into consideration by fall of 2022.

The Forestry Subcommittee recently applied for several grants to address invasive plants on town-owned properties. A grant was submitted for a Maine Forest Service Invasive Plant Plan for Twin Brooks. Once this plan is prepared and approved, the town of Cumberland becomes eligible for additional grant monies to help control and eradicate invasive plants.

Harvesting the timber from the Twin Brooks Forest without a plan on how to control the spread of existing invasive plants will worsen the existing problem. This will result in much higher future costs for eradication and control. I worked again this winter to keep Mr. Storey working in an area without invasive species, but future harvest areas all contain invasive plants.

Thank you for your consideration,

Paul Larrivee

Paul L Larrivee, LF 3306

September 7, 2022

Dear Council Members,

After attending the workshop on August 22nd, I have realized a lot of topics were not discussed. I have heard the concern of invasive species and I agree with them. Invasive Species are here and not going away. No one is interested in an invasive species in our town as it threatens agriculture, recreation and property values. I am in agreement with the Forestry Committee that a reassessment of our Town's recreation and forestry practices in conjunction with an invasive species management plan is necessary and that the town-owned lands and the private land-owners will benefit from such a plan. By continuing to work with the town, I hope to gather resources to battle invasives on the private lands as well as offer my resources to help if needed.

I propose a plan for winter of 2022/2023:

1. A meeting with Bill Shane, Paul Larrivee, and myself.
2. The Council instructs the Forest Sub-Committee and Paul Larrivee to design a new Twin Brooks Management Plan that includes an Invasive Species Management plan and have ready for November 2022 approval.
3. Council renews their contract with Jeff Storey until 2028; that the contract be written in last years' contract language; that allows some work in area 1; that includes starting cutting in the SouthEast corner of Area 4 and harvest from Farm's Edge Way.

I would like to remind the council of the advantages offered by my operations and forest management practices. In 2016 when I came to the Council you had a plan to harvest Twin Brooks. I agreed to manage the harvest with my small, operational abilities. The Council has had no complaints - of safety issues, property damage, or decreased recreational opportunity - because of my forest management practices. With our small crew, machines and ability to quickly adapt, we minimize damage to property and animal habitat. Our harvest practices not only makes this forest healthier it makes it safer for people and their pets. Prior to harvest Parks and Rec was responding to trees blocking trails constantly. This costs the Town of Cumberland money. Parks and Rec is mowing my skidder trails and people are using the skidder bridges to cross wet areas. We post where we are working. We work around the people. We keep recreation working. My forest management practices save the Town of Cumberland money and allow for increased public recreational opportunity. I consider the town's forestry management goals, any restrictions in the stream buffers and wetland protection areas. Over the past six years of operating in Twin Brooks Forest, the Town and I have made changes to the original plan to accommodate the health of the forest and people's recreation. I have been completely flexible to make changes, continuing to adapt as necessary and continuing to practice responsible forest management. It is my understanding there is 15 plus or minus acres unaffected by invasives in area 4. With an approved management plan for invasive species, the abutting land beside the 15 acres can be treated during Spring/Summer 2023 and ready for cutting 2023/2024 and we move together on selected parcels to harvest and manage invasive species treatment.

I have invested in the public value of Twin Brooks Forest. I have invested in equipment and people over the past six years. It makes no sense to pause revenues to my operation while continuing to make payments on my Twin Brooks forest project investment. I would like to remind you my farm is designed

around this community. I support them and they support me. The ability to harvest in Twin Brooks allows me to supply fifty plus families with firewood each winter.

I would like to be part of solving our invasive species problem here at Twin Brooks Forest. The Forestry Sub-Committee states that I am done harvesting in Lot 1, which does not have any invasive species. I have stated that I am not done. Skidder rub trees and some dangerous trees on the trail still stand. I need a few days to complete this maintenance of the trail. There are some areas of harvestable wood still on Lot 1. Basically there is still one week or two of work in Lot 1. The schedule on the 2016 harvest plan has fallen behind due to weather – warm winters so the ground is not frozen solid enough for my equipment to use and not make a mess of the habitat. The three or four invasive species in Twin Brooks are a challenge to the forest management program I have practiced the past six years. I manage 200+ acres of land in this town and my continued land management would be beneficial to both the Town and my farm.

I do not agree with the Committee that pausing harvesting is a good idea. Harvesting Twin Brooks allows my operation to hire full-time, year-round employees. Pausing harvest results in no work for my full-time employees and no revenues for my farm while I am making payments on a value to our community – Twin Brook Forest. I appreciate your consideration upon keeping us working during our non-farm harvest times of the year. Twin Brooks is my only logging job and it is too late in the season to prepare another job for this season. To continue with a 2022 winter harvest and per the Committee's request the Town and I have signed a "Contract for Sale of Standing Timber" and I have provided the Town with documentation of my Certified Professional Logger status.

Sincerely,

Jeffery Storey

ITEM

22-114

To hold a Public Hearing date to consider and act on amendments to Chapter 78 (Explosives) of the Cumberland Code, as recommended by the Ordinance Committee

CHAPTER 78
EXPLOSIVES
Amended September 12, 2022 (Proposed)

§ 78-1. Purpose.

The purpose of this chapter is to ~~provide for the safety of the citizens of Cumberland protect the public's health, safety, and general welfare by regulating and controlling blasting operations within the Town,~~ and to ensure that any damages caused by a person who uses an explosive device in Cumberland are adequately covered by insurance.

§ 78-2. Applicability.

This chapter shall apply to all blasting operations related to construction and development of real estate within the Town and also shall apply to any person using or detonating explosive devices within the Town for gravel extraction or personal use.

§ 78-3. Definitions.

For the purpose of this chapter, the following term shall have the meaning indicated:

APPLICANT

A person or business entity that has a permit issued by the Maine Commissioner of Public Safety under the provisions of Chapter 318 of Title 25 of the Maine Revised Statutes for the possession, use, storage or transport of explosives, who seeks to conduct blasting for construction or site alterations of a site in accordance with a Planning Board-approved site plan or subdivision plan or residential construction as approved by the Code Enforcement Officer.

EXPLOSIVE DEVICES

Dynamite, blasting caps and other detonating agents such as those used for construction, well blasting and other related activities.

§ 78-4. Permit required.

- A. ~~Any person proposing to use or detonate an explosive device in Cumberland shall obtain a permit from the Fire Chief or his designated representative. This permit will be granted only after the applicant certifies to the Fire Chief, in writing, the following information:~~ No person or entity may conduct blasting operations within the Town without first obtaining a permit from the Code Enforcement Officer as required by the National Fire Protection Association 1 Fire Prevention Code, as adopted and amended in Chapter 96 of Town of Cumberland Code of Ordinances. Fees for this permit shall be as established by order of the Town Council.

This permit will be granted only after the applicant provides to the Code Enforcement Officer, in writing, the following information:

(1) Applicant's name, ~~and~~ address, contact information including telephone number and email address, and information on the length of time the company has been in business;

(2) Property owner's name, ~~and~~ address; and other contact information, including telephone number and email address;

(3) Names of all abutters within 500 feet of the property as shown by the Town tax records;

(4) Proof that the abutters have all been notified of the date and approximate time of the detonation;

(5) Proof that all public utilities such as water, sewer and natural gas have been notified;

(6) Testing results for all public and private wells within 1000 feet of the blast site, both prior to, and following completion of, blasting. If a permit is issued, a copy of these test results shall be provided to the CEO and permanently maintained in his/her office; and

(7) A blasting plan that includes the number of cubic yards of materials to be removed, the anticipated dates and times that blasting will occur, and information on where the blasted material will be taken, if to be removed from the site. If on-site crushing or processing is to occur, information on the amount of material and dates and times of work will be required.

B. The applicant shall also provide a written certificate of insurance with a company licensed to do business in Maine in an amount no less than ~~\$500,000~~1,000,000. Where the extent of blasting requires, the Code Enforcement Officer may require the applicant to offer pre- and post-blasting photography of buildings to property owners within 500 1,000 feet of the blasting site. If a permit is issued, a copy of the pre- and post-blasting photography shall be provided to the Code Enforcement Officer and permanently maintained in his/her office.

§ 78-5 Storage and handling.

All explosives shall be stored and handled in accordance with the provisions of this Ordinance, the laws of the State of Maine, and NFPA #1 Uniform Fire Code as adopted in Chapter 3 of the Rules of the Office of the State Fire Marshall.

§ 78-6 Notice and survey requirements.

A. ~~Basic noticing of a~~An applicant proposing a small residential blast of less than 50 cubic yards (as measured in place) shall send notice all property owners of record within 500 feet. The notice shall ~~and~~ offer pre-blast and post-blast surveys, which shall be provided by the applicant to those who request it.

B. An applicant proposing any other blasts shall notify owners within 1,000 feet of the property at least 10 days prior to the blast. The notice shall and offer pre-blast and post-blast surveys to those, which shall be provided to those who request it. Proof of this notice shall be given to the Code Enforcement Officer prior to issuance of the blasting permit.

§ 78-7 Hours of blasting.

Blasting shall occur Monday through Friday, between the hours of 9 a.m. and 4 p.m., unless otherwise approved by the Planning Board. Requests for extension of hours of blasting must be submitted by the applicant in writing to the Code Enforcement Officer at least 24 hours in advance of blasting date.

§ 78-8 Suspension of blasting operations.

If it is determined that blasting operations pose any risk to public health, safety, or general welfare, the Code Enforcement Officer shall have the authority to suspend the blasting permit at any time until they deem it safe for blasting operations to continue.

§ 78-9 Violations and penalties.

Any person acting in violation of this chapter shall be subject to ~~a fine of up to \$1,000 and appropriate injunctive relief~~ enforcement under the provisions of this Section.

In the event that there are more than three documented violations of the blasting plan, blasting submittal, or blasting permit, or any other requirement of this article, a stop work order may be issued by the Code Enforcement Officer on all construction or development related to the permitted operation. The permittee shall then be required to submit a revised blasting plan to the Code Enforcement Officer for review and approval. Work shall not be allowed to continue until the revised blasting plan is approved.

In addition to the possibility of a stop work order in the event of a violation, the permittee shall be subject to the following penalties:

1st offense \$500

2nd offense \$1,000

Subsequent offenses \$1,000

Each ~~instance~~ violation shall constitute a separate offense. In addition to penalties, the Town may seek injunctive relief. If the Town is successful in an enforcement action under this Chapter, it shall be entitled to its costs of enforcement, including its attorney's fees.

§ 78-10 Waivers.

Upon written request by the Applicant, the CEO may waive all or a portion of the blasting provisions provided that all waivers are consistent with the purposes set forth in Section 78.1.

ITEM

22-115

To consider and act on authorizing the Code Enforcement Officer to execute a Consent Agreement with the owners of 43 Wilson Road

CONSENT AGREEMENT

This Consent Agreement is entered into on the _____ day of _____, 2022 by and between **Ryan Trerotola and Francesca Trerotola** who own property located at 43 Wilson Road, Cumberland, Maine ("Trerotola") and the TOWN OF CUMBERLAND, a municipal corporation located in the County of Cumberland and State of Maine (the "Town").

WHEREAS, the Town of Cumberland (the "Town") is a municipal corporation duly organized under the laws of the State of Maine; and

WHEREAS, William Longley is the duly authorized Code Enforcement Officer of the Town and Building Inspector (collectively the "CEO") of the Town authorized under state law to administer and enforce provisions of the Zoning Ordinance of the Town of Cumberland (the "Zoning Ordinance"); and

WHEREAS, since May 31, 2022, Trerotola has been the owner of real property located at 43 Wilson Road, Cumberland, Maine, described in a deed from Pinnacle Home Builders, LLC, recorded at the Cumberland County Registry of Deeds in Book 39467 Page 67, and currently shown on Assessors Map R07 as Lot 13C (the "Premises"); and

WHEREAS, on or about July 1, 2022, Pinnacle Home Builders, LLC constructed the currently existing single-family home with an attached garage (the "Improvements"). The Premises is located on approximately 5 acres of land and includes a single-family residence with an attached garage; and

WHEREAS, a survey prepared by Survey, Inc. and dated August 3, 2022 reveals an apparent encroachment by the house of the setback requirement as the house is located within the 30 foot side setback from the boundary line. Attached as Exhibit A is a copy of the survey showing the aforementioned encroachment and the survey depicts the new location for the hammerhead turnaround that is required to be located on the premises per the plan recorded in Plan Book 193 Page 95 with the Cumberland County Registry of Deeds; and

WHEREAS, due to misunderstanding and uncertainty concerning the boundaries of the Premises, the Improvements were constructed partially within the applicable building setback; and

WHEREAS, the CEO has investigated this case and has determined that the current location of the Improvements does not result in any significant health, safety or welfare problems; and those portions of the Improvements that may be encroaching into the setback are so integral to the Premises that removal of the Improvements, without harming the integrity of the remaining Improvements, is not feasible; and

WHEREAS, movement of the hammerhead to the new location as shown on the attached survey will not create an undue hardship on anyone who may use said hammerhead;

Trerotola and the Town agree as follows:

1. The Town will grant a two-foot (2) setback variance for the side setback as shown on the attached Plan and allow for the hammerhead to be moved to the opposite side of the property as depicted on the attached plan;
2. The Improvements shall be allowed to remain, and be repaired and replaced, in their current locations, but those portions of the Improvements that encroach into any setback shall not be expanded in height, length or width from the now-current configuration.
3. All future improvements to the Premises must be in compliance with the setback requirements of the Town of Cumberland, and all other applicable requirements of the Zoning Ordinance.
4. Trerotola agrees to pay the Town's attorney's fees and costs associated in the amount of Five Hundred Dollars (\$500.00). Such payment shall be made payable to the Town of Cumberland.
5. The Town agrees to relinquish its rights to prosecute Trerotola, their successors in real property interest, assigns and heirs, for any alleged violation arising from the setback or building permit disputes arising from the construction or location of the Improvements.
6. This Consent Agreement shall be binding upon Trerotola, their successors in real property interest, assigns and heirs and it shall be duly recorded by Trerotola in the Cumberland County Registry of Deeds within thirty (30) days, with a copy of the recorded instrument to be provided to the CEO.
7. At a meeting of the Town Council on _____, 2022, the Town approved this resolution of the alleged zoning violation based upon the terms and conditions set forth in this Agreement and authorizes the CEO to sign this Consent Agreement on behalf of the Town.

IN WITNESS WHEREOF, the undersigned have executed this Agreement on the date appearing beside their names below.

Date: _____

Ryan Trerotola

Date: _____

Francesca Trerotola

TOWN OF CUMBERLAND

Date: _____

By: _____
William Longley, Its Duly Authorized
Code Enforcement Officer

STATE OF _____
COUNTY OF _____, 2022

Then personally appeared before me the above-named Ryan Trerotola and Francesca Trerotola and acknowledged the foregoing instrument to be their free act and deed.

Before me,

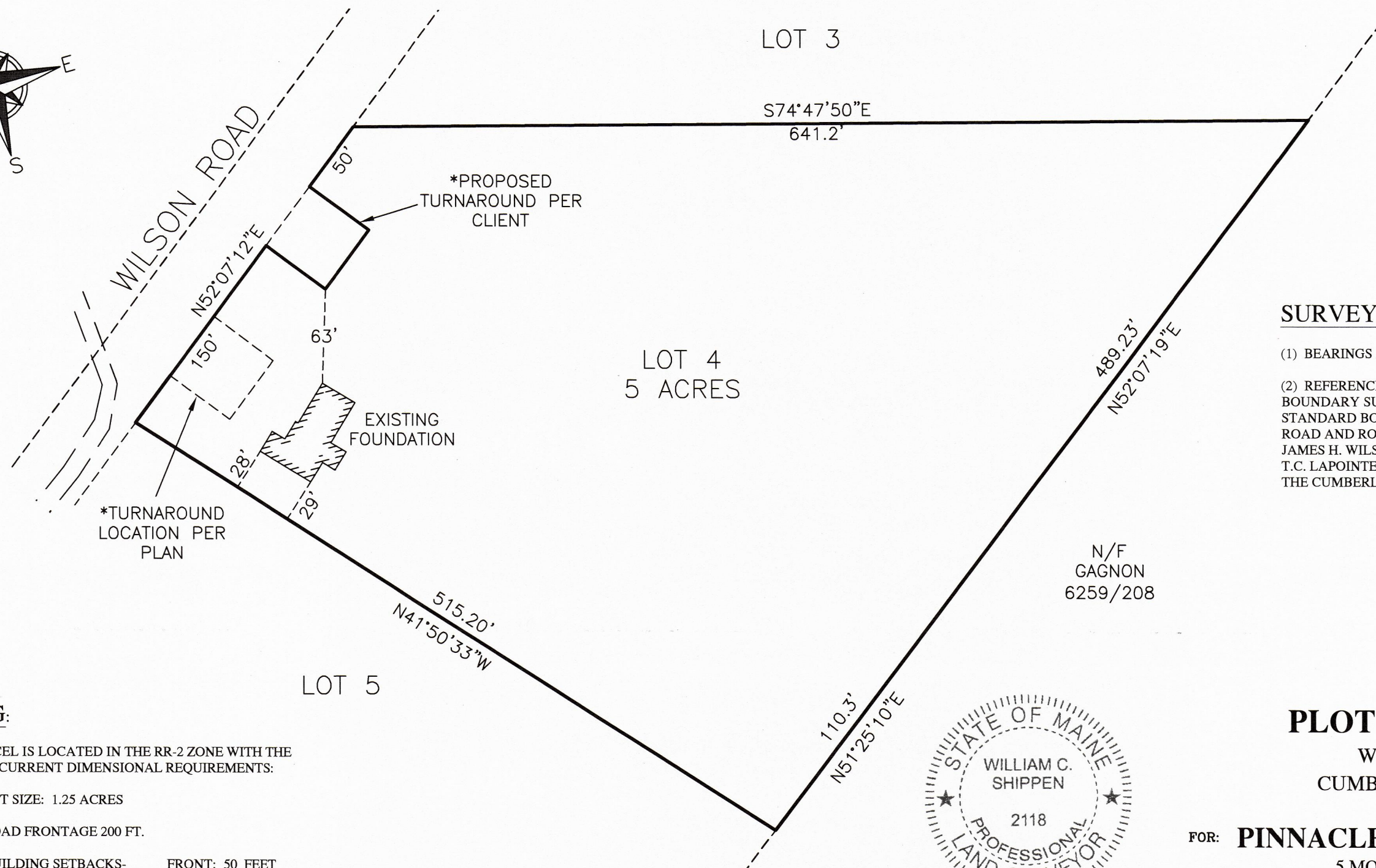
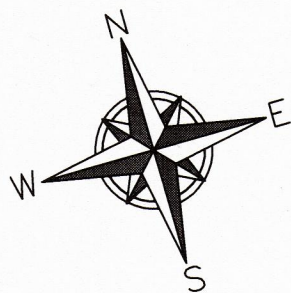
Attorney at Law/Notary
Public Print Name:

STATE OF _____
COUNTY OF _____, 2022

Then personally appeared before me the above-named WILLIAM LONGLEY, CODE ENFORCEMENT OFFICER OF THE TOWN OF CUMBERLAND, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the Town of Cumberland.

Before me,

Attorney-at-law/Notary Public
Print Name:



SURVEY NOTES:

- (1) BEARINGS ARE MAGNETIC 1990
- (2) REFERENCE IS MADE TO A PLAN ENTITLED PHASE I BOUNDARY SURVEY PHASE II ESTATE DIVISION STANDARD BOUNDARY SURVEY PLAN OF LAND ON MILL ROAD AND ROUTE 100 IN CUMBERLAND, MAINE FOR JAMES H. WILSON ESTATE DATED 3-29-1990 BY DANIEL T.C. LAPOINTE RECORDED IN PLAN BOOK 193PAGE 95 IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS.

ZONING:

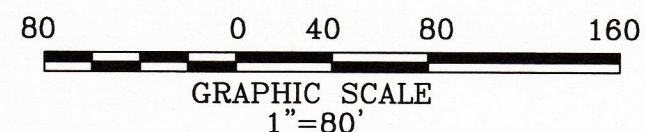
(3) THE PARCEL IS LOCATED IN THE RR-2 ZONE WITH THE FOLLOWING CURRENT DIMENSIONAL REQUIREMENTS:

MINIMUM LOT SIZE: 1.25 ACRES

MINIMUM ROAD FRONTAGE 200 FT.

MINIMUM BUILDING SETBACKS- FRONT: 50 FEET
REAR: 75 FEET
SIDES: 30 FEET

REFERENCE IS MADE TO THE ZONING ORDINANCE FOR THE TOWN OF CUMBERLAND FOR ADDITIONAL INFORMATION.



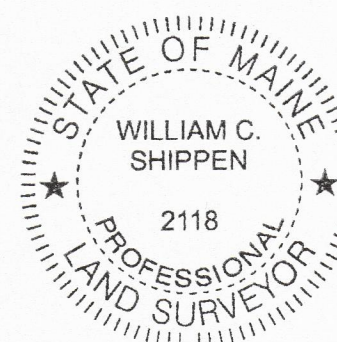
CERTIFICATION:

I CERTIFY THAT THIS SURVEY CONFORMS TO THE STANDARDS OF THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS AND IS CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

WILLIAM C. SHIPPEN

P.L.S. 2118

8-3-22



PLOT PLAN LOT 4

WILSON ROAD
CUMBERLAND, MAINE

FOR: **PINNACLE HOME BUILDERS**

5 MOSES LITTLE DRIVE
WINDHAM, MAINE 04062
(CLIEN)

SURVEY BY: **SURVEY, INC.**

P.O. BOX 210
WINDHAM, ME 04062

(207) 892-2556

INFO@SURVEYINCORPORATED.COM

DWN:WCS

DATE: JUNE 2021

REV: AUG 2022 ADDED FOUNDATION & CHANGED SCALE

CHK: DRR

JOB NO. 21-161

ITEM

22-116

To consider and act on authorizing the Code Enforcement Officer to execute a Consent Agreement with the owners of 52 Rose Drive

CONSENT AGREEMENT

This Consent Agreement is entered into on the _____ day of _____, 2022 by and between **Mark Fortin and Megan Fortin** who own property located at 52 Rose Dr, Cumberland, Maine ("Fortin") and the TOWN OF CUMBERLAND, a municipal corporation located in the County of Cumberland and State of Maine (the "Town").

WHERE AS, the Town of Cumberland (the "Town") is a municipal corporation duly organized under the laws of the State of Maine; and

WHERE AS William Longley is the duly authorized Code Enforcement Officer of the Town and Building Inspector (collectively the "CEO") of the Town authorized under state law to administer and enforce provisions of the Zoning Ordinance of the Town of Cumberland (the "Zoning Ordinance"); and

WHERE AS, since May 2, 2018, Fortin has been the owner of real property located at 52 Rose Dr, Cumberland, Maine, described in a deed from Katharine H. Sama, recorded at the Cumberland County Registry of Deeds in Book 34828 Page 335, and currently shown on Assessors Map R08 as Lot 44H (the "Premises"); and

WHERE AS, on or about June 1, 2018, Fortin Construction Inc. constructed the currently existing single-family home with an attached garage (the "Improvements"). The Premises is located on approximately 1.38 acres of land and includes a single-family residence with an attached garage; and

WHERE AS, a Mortgage Loan Inspection prepared by Livingston - Hughes. and dated August 26, 2022 reveals an apparent encroachment by the house of the setback requirement as the house is located within the 75 foot rear setback from the boundary line. Attached as Exhibit A is a copy of the survey showing the aforementioned encroachment and

WHERE AS, a Partial Boundary Survey prepared by CAD master Drafting, Land Surveying & Septic Design under signature and seal of George Bouchles Land Surveyor # 2295 dated 9-04-2022 which confirms the encroachment to be 52.8' at the closest point where 75' was required. Attached as Exhibit B is a copy of the aforementioned plan.

WHERE AS, due to misunderstanding and uncertainty concerning the boundaries of the Premises, the Improvements were constructed partially within the applicable building setback; and

WHERE AS, the CEO has investigated this case and has determined that the current location of the Improvements does not result in any significant health, safety, or welfare problems; and those portions of the Improvements that may be encroaching into the setback are so integral to the Premises that removal of the Improvements, without harming the integrity of the remaining Improvements, is not feasible; and

Fortin and the Town agree as follows:

1. The Town will grant a twenty-Three-foot (23) setback variance for the rear setback as shown on the attached Plan.
2. The Improvements shall be allowed to remain, and be repaired and replaced, in their current locations, but those portions of the Improvements that encroach into any setback shall not be expanded in height, length or width from the now-current configuration.
3. All future improvements to the Premises must be in compliance with the setback requirements of the Town of Cumberland, and all other applicable requirements of the Zoning Ordinance.
4. Fortin agrees to pay the Town's attorney's fees and costs associated in the amount of Five Hundred Dollars (\$500.00). Such payment shall be made payable to the Town of Cumberland.
5. The Town agrees to relinquish its rights to prosecute Fortin, their successors in real property interest, assigns and heirs, for any alleged violation arising from the setback or building permit disputes arising from the construction or location of the Improvements.
6. This Consent Agreement shall be binding upon Fortin, their successors in real property interest, assigns and heirs and it shall be duly recorded by Fortin in the Cumberland County Registry of Deeds within thirty (30) days, with a copy of the recorded instrument to be provided to the CEO.
7. At a meeting of the Town Council on _____, 2022, the Town approved this resolution of the alleged zoning violation based upon the terms and conditions set forth in this Agreement and authorizes the CEO to sign this Consent Agreement on behalf of the Town.

IN WITNESS WHEREOF, the undersigned have executed this Agreement on the date appearing beside their names below.

Date: _____

Mark Fortin

Date: _____

Megan Fortin

STATE OF _____
COUNTY OF _____, 2022

Then personally appeared before me the above-named Mark Fortin and Megan Fortin and acknowledged the foregoing instrument to be their free act and deed.

Before me,
Attorney at Law/Notary
Public Print Name:

TOWN OF CUMBERLAND

Date: _____ By: _____ William Longley,
Its Duly Authorized Code Enforcement Officer

STATE OF _____
COUNTY OF _____, 2022

Then personally appeared before me the above-named WILLIAM LONGLEY, CODE ENFORCEMENT OFFICER OF THE TOWN OF CUMBERLAND, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the Town of Cumberland.

Before me,

Attorney-at-law/Notary Public
Print Name:

ATTACHMENT "A"

THIS IS NOT A BOUNDARY SURVEY

This copyrighted document expires 11-26-22. Reproduction and/or dissemination after this date is unauthorized.

MORTGAGE INSPECTION OF: DEED BOOK 34828 PAGE 335 COUNTY Cumberland
PLAN BOOK 205 PAGE 724 LOT 11

ADDRESS: 52 Rose Drive, Cumberland, Maine

Job Number: 1175-27

Buyers: Sarah & Lucas Vergin

Inspection Date: 08-26-22

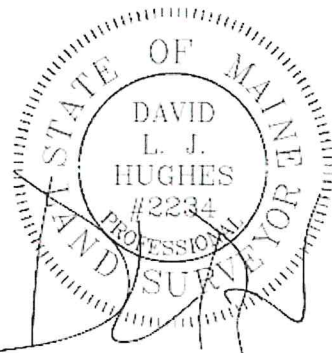
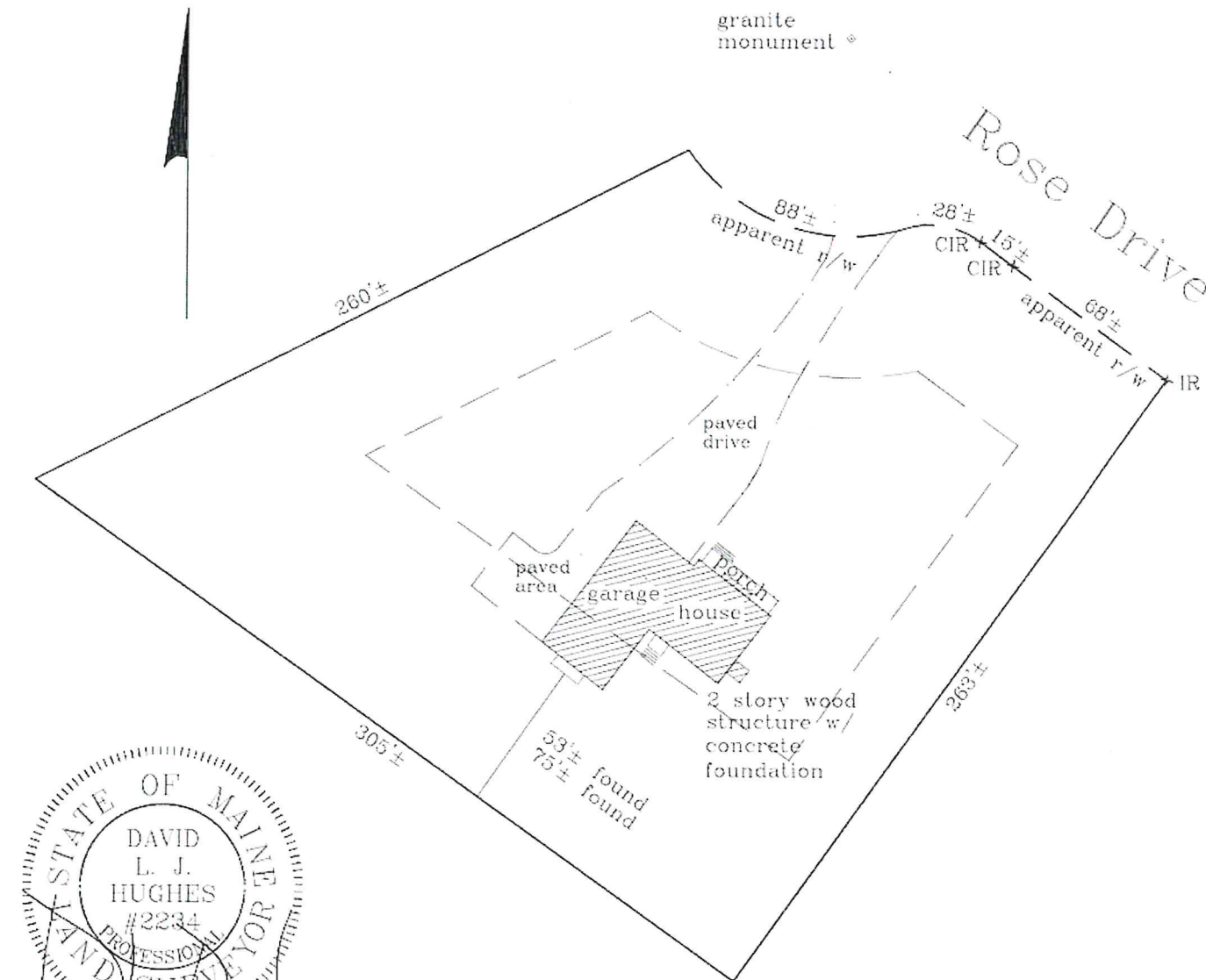
Scale: 1" = 60'

Sellers: Megan & Mark Fortin

Client File #: 2022-1534

granite
monument *

Rose Drive



I HEREBY CERTIFY TO: Black Point Title;
Guild Mortgage Company, LLC
and its title insurer.

Monuments found did not conflict with the deed description.

The dwelling setbacks do ~~XXX~~ violate town zoning requirements.

As delineated on the Federal Emergency Management Agency Community Panel 230162-0015 B :

The structure does not fall within the special flood hazard zone.

The land does not fall within the special flood hazard zone.

A wetlands study has not been performed.

APPARENT EASEMENTS AND RIGHTS OF WAY ARE SHOWN. OTHER ENCUMBRANCES, RECORDED OR NOT, MAY EXIST. THIS SKETCH WILL NOT REVEAL ABUTTING DEED CONFLICTS, IF ANY.

copyright©

Livingston-Hughes

Professional Land Surveyors

88 Guinea Road

Kennebunkport, Maine 04046

207-967-9761 phone 207-967-4831 fax

www.livingstonhughes.com

THIS SKETCH IS FOR MORTGAGE PURPOSES ONLY

LOT 12
PLAN REFERENCE
BOOK 205 PAGE 724

LOT 11

LOT 9

ROSE DRIVE

PAVED DRIVE

SINGLE FAMILY DWELLING

PATIO

PROANE TANK

DRILLED WELL

CANTILEVERED UPPER DECK

TRANSFORMER

UNDERGROUND UTILITY LINES

BUILDING ENVELOPE

APPROXIMATE BUILDING AND UPPER DECK ENCROACHMENT

MONUMENT

MAGNETIC

STATE OF MAINE
GEORGE S. BOUCHLES
#2295
PROFESSIONAL LAND SURVEYOR

NOTES:

SCALE 1" = 60'

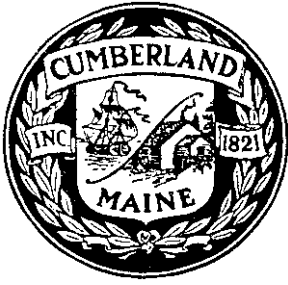
1) THIS IS NOT A FULL BOUNDARY SURVEY. THE SOLE PURPOSE OF THIS PARTIAL BOUNDARY SURVEY PLAN IS TO SERVE AS A VISUAL AID IN THE REVIEW OF THE EXISTING LOCATION OF AN EXISTING SINGLE FAMILY DWELLING AND ASSOCIATED IMPROVEMENT, AS WELL AS APPARENT ENCROACHMENTS, IN RELATIONSHIP TO APPARENT BOUNDARY LINES AS SHOWN ON THE ABOVE REFERENCED PLAN, AND THEREFORE IS SUBJECT TO VARIATIONS THAT A FULL BOUNDARY SURVEY MAY REVEAL. NO MONUMENTS WERE SET AT THE CORNERS SHOWN ABOVE BY THIS SURVEYOR.

PROJECT NAME MARK FORTIN PROPERTY 52 ROSE DRIVE - CUMBERLAND, ME	RECORDING INFORMATION BOOK 34828 PAGE 335 COUNTY: CUMBERLAND PLAN BOOK 205 PAGE 724
PARTIAL BOUNDARY SURVEY PREPARED FOR MARK FORTIN 35 MARKARLYN STREET AUBURN, ME 04210	prepared by CADmaster Drafting, Land Surveying & Septic Design 586 Park Avenue. - Auburn, ME 04210 tel./fax = 689-3232 cell=240-5567
DATE: 9/4/2022	FILE NAME: 18-030.DWG
JOB NO. 18-030	

ITEM

22-118

To consider and act on how to pay the FY2024 County Tax due to
a change in the billing from calendar year to fiscal year



MEMORANDUM

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

To: Town Council
From: William R. Shane, Town Manager
Date: September 7, 2022
Re: County Tax – FY 2024

The County will begin a new Fiscal year beginning in July 2023 to match ours. This will require a budgeting that is a bit quirky for us to catch up. Their current calendar year budget is such that we pay our annual bill in October (near the end of their fiscal year, but in the first half of ours).

Our budget number now is nearly \$1M annually.

We will pay our bill for the County Tax in calendar year 2022 and FY 2023 in October. They are proposing the following:

Jan 1, 2023 – June 30, 2023	amount due \$500,000	Amount not budgeted
July 1, 2023 – June 30, 2024	amount due \$1,000,000	Amount to be budgeted

We will owe roughly \$500,000 that has not been budgeted and the County is willing to accept 5 payments with no interest for us to catch -up. Here is a best guess snapshot of County Tax:

	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
	3% Incr.	1.03	1.03	1.03	1.03	1.03	1.03
Current	\$1,002,045	\$1,032,106	\$1,063,070	\$1,094,962	\$1,127,810	\$1,161,645	\$1,196,494
<i>IOU</i>	<i>\$500,000</i>	<i>\$100,000</i>	<i>\$100,000</i>	<i>\$100,000</i>	<i>\$100,000</i>	<i>\$100,000</i>	<i>\$0</i>
Total Tax		\$1,132,106	\$1,163,070	\$1,194,962	\$1,227,810	\$1,261,645	\$1,196,494

-\$65,151

BUDGET REPORT

Revenues



09/08/2022
10:43:00

TOWN OF CUMBERLAND HISTORICAL ACTUALS COMPARISON REPORT

PAGE 1
glactrpt

FOR PERIOD 13 OF 2022

ACCOUNTS FOR:	PRIOR YR3	PRIOR YR2	LAST YR	CURRENT YR	CY REV
001 General Fund	ACTUALS	ACTUALS	ACTUALS	ACTUALS	BUDGET
<hr/>					
0011 Other Tax Revenues					
<hr/>					
0011 0303 Motor Vehicle Excise Tax	-2,146,834.02	-2,040,442.63	-2,417,941.26	-2,260,575.65	-2,003,000.00
0011 0304 Boat Excise Tax	-16,043.70	-16,697.40	-21,832.99	-20,042.21	-17,000.00
0011 0324 Change in Deferred Taxes	21,911.96	-34,883.00	-1,141.00	.00	.00
0011 0325 Supplemental Taxes	.00	-38,940.00	-14,315.72	-1,212.60	.00
0011 0328 Outer Islands Property Tax	-44,041.00	-47,027.48	-45,895.38	-45,895.36	-46,000.00
0011 0329 Payment in Lieu of Taxes	-31,918.00	-32,122.96	-37,806.00	-38,079.00	-33,000.00
TOTAL Other Tax Revenues	-2,216,924.76	-2,210,113.47	-2,538,932.35	-2,365,804.82	-2,099,000.00
0012 License & Permit Revenues					
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0012 0311 Hunting/Fishing Lic Agent Fees	-481.25	-320.75	-389.00	-920.18	-541.00
0012 0312 Marriage Lic & Vital Records	-2,503.80	-2,119.20	-2,605.80	-2,784.00	-2,400.00
0012 0313 Birth Certificates	-1,491.40	-1,398.60	-1,457.80	-2,019.80	-1,400.00
0012 0314 Death Certificates	-1,994.00	-1,344.20	-1,608.60	-1,181.80	-1,500.00
0012 0315 Clerk Licenses	-5,170.00	-1,810.00	-2,055.00	-4,569.64	-4,608.00
0012 0316 Shellfish Licenses	-662.95	-679.61	-984.30	-1,016.99	-600.00
0012 0317 Conservation Fees	-177.05	-150.39	-255.70	-263.01	-100.00
0012 0334 Snowmobile Reg. Agent Fees	-223.00	-225.00	-268.00	-257.00	.00
0012 0361 Motor Vehicle Reg. Agent Fees	-21,763.00	-25,319.00	-40,554.10	-34,356.50	-21,406.00
0012 0362 Boat Reg. Agent Fees	-681.00	-529.50	-752.00	-682.25	-500.00
0012 0366 Building Permits	-74,055.25	-75,552.82	-133,107.92	-174,312.86	-75,000.00
0012 0367 Electrical Permits	-22,440.55	-19,894.35	-33,379.21	-37,089.22	-21,634.00
0012 0368 Plumbing Permits	-15,056.00	-15,457.50	-27,156.25	-27,096.25	-18,789.00
0012 0369 Other Permits	-976.00	-586.00	-623.00	-1,809.00	-1,751.00
0012 0383 ATV Reg. Agent Fees	-122.00	-99.00	-160.00	-110.00	-60.00
0012 0390 Misc. Revenue	-1,350.00	-1,900.00	-2,250.00	-1,830.00	.00
0012 0398 Application Fee	-4,150.00	-1,550.00	-3,800.00	-1,850.00	-1,300.00
0012 0401 Dog Reg. Clerk Fees	-937.00	-839.00	-735.00	-892.00	-900.00
0012 0404 Commercial Haulers License	-500.00	-400.00	-600.00	-700.00	-500.00
TOTAL License & Permit Revenue	-154,734.25	-150,174.92	-252,741.68	-293,740.50	-152,989.00
0013 Intergovernmental Revenues					
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0013 0331 State Revenue Sharing	-468,848.55	-746,067.28	-1,033,071.69	-1,554,960.53	-825,000.00

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FOR PERIOD 13 OF 2022

ACCOUNTS FOR: 001 General Fund	PRIOR YR3 ACTUALS	PRIOR YR2 ACTUALS	LAST YR ACTUALS	CURRENT YR ACTUALS	CY REV BUDGET
0013 0335 Local Rd Asst Prog	-68,644.00	-71,480.00	-66,876.00	-72,636.00	-67,000.00
0013 0338 Federal Grants	.00	.00	-13,262.44	.00	.00
0013 0341 North Yarmouth Recreation Shar	-18,920.00	3,485.00	-18,184.00	-129,216.00	-129,216.00
0013 0342 North Yarmouth Library Share	-160,072.00	-169,360.92	-183,393.00	-192,435.00	-192,435.00
0013 0390 Misc. Revenue	.00	.00	.00	-13,415.79	.00
TOTAL Intergovernmental Revenue	-716,484.55	-983,423.20	-1,314,787.13	-1,962,663.32	-1,213,651.00
0015 Other Revenues					
0015 0305 Interest & Penalties	-31,902.49	-46,433.49	-29,330.23	-21,274.66	-30,000.00
0015 0306 Over/Short	-442.16	-1,791.40	622.90	-2,372.39	-100.00
0015 0364 Growth Permits	-2,400.00	-2,600.00	-3,500.00	-2,700.00	-2,000.00
0015 0365 Board of Appeals	-100.00	-200.00	-100.00	.00	.00
0015 0390 Misc. Revenue	-40,746.09	-32,125.83	-33,594.26	-53,030.04	-25,000.00
0015 0399 Staff Review Fee	-11,250.00	-9,725.00	-11,450.00	-7,650.00	-9,700.00
0015 0403 Mooring Fees	-4,387.92	-7,706.00	-6,728.00	-18,130.00	-5,000.00
0015 0410 Private Ways	-1,000.00	.00	-400.00	-200.00	-400.00
0015 0508 Impact Fees	-79,340.10	-71,624.00	-102,408.60	-114,802.80	-60,000.00
TOTAL Other Revenues	-171,568.76	-172,205.72	-186,888.19	-220,159.89	-132,200.00
0021 Police Related Revenues					
0021 0337 State Grant revenue	-1,195.00	-1,846.00	-951.30	.00	.00
0021 0351 Police Issued Permits	-2,212.00	-9,814.00	-1,150.00	-652.00	-2,000.00
0021 0353 Police Insurance Reports	-446.00	-430.00	-460.00	-980.00	-500.00
0021 0390 Miscellaneous Police Revenue	-811.25	-216.00	-51.00	-515.00	-648.00
0021 0390 GRANT Police Mini Grant	.00	-509.75	.00	.00	.00
0021 0427 Parking Tickets	-375.00	-700.00	-200.00	-25.00	-100.00
0021 0536 Dog Licenses ACO Revenue	-2,983.00	-3,109.00	-1,549.00	-2,502.00	-1,800.00
0021 0540 MSAD #51 SRO Reimbursement	-49,000.00	.00	.00	.00	.00
0021 0546 Court Reimbursements	-1,209.32	-5,146.72	-3,172.38	-1,706.64	-2,200.00
0021 0620 Federal Grant revenue	.00	.00	.00	-998.54	.00
TOTAL Police Related Revenues	-58,231.57	-21,771.47	-7,533.68	-7,379.18	-7,248.00
0022 Fire Related Revenues					
0022 0390 Misc. Revenue	.00	-15.00	-15.00	.00	.00

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FOR PERIOD 13 OF 2022

ACCOUNTS FOR:	PRIOR YR3	PRIOR YR2	LAST YR	CURRENT YR	CY REV
001 General Fund	ACTUALS	ACTUALS	ACTUALS	ACTUALS	BUDGET
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0022 0431 Outside Details	.00	-103.76	.00	.00	.00
0022 0504 Rescue Billing	-180,580.79	-178,854.64	-155,859.99	-205,155.56	-160,000.00
0022 0507 Paramedic Intercepts	.00	.00	-300.00	.00	.00
0022 0617 Donations Received	.00	-1,392.26	592.53	.00	.00
0022 0617 COVID Donations Received	.00	.00	8.99	.00	.00
TOTAL Fire Related Revenues	-180,580.79	-180,365.66	-155,573.47	-205,155.56	-160,000.00
 0031 Public Services Revenues					
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0031 0390 Misc. Revenue	-23,706.60	-26,626.07	-25,801.57	-21,408.26	-20,500.00
0031 0391 Field Usage Fees	-7,643.80	-4,031.80	-1,860.00	-4,696.60	-5,000.00
0031 0431 Outside Details	-1,234.03	-852.16	.00	.00	.00
0031 0517 Bags/Universal Waste	-314,056.35	-365,367.50	-415,846.50	-380,187.50	-295,015.00
0031 0539 Brush Passes	-10,730.00	-6,541.00	-26,028.00	-21,680.00	-8,277.00
0031 0617 Twin Brooks Donations	.00	-100.00	-25.00	-562.00	.00
TOTAL Public Services Revenues	-357,370.78	-403,518.53	-469,561.07	-428,534.36	-328,792.00
 0035 VH Other Revenues					
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0035 0329 Payment in Lieu of Taxes	.00	-4,000.00	.00	.00	.00
0035 0378 Soda Sales	-2,604.60	-2,141.80	-3,584.89	-4,115.00	-2,500.00
0035 0560 Rental Income	-23,151.91	-6,750.00	-8,250.00	-9,000.00	-14,000.00
0035 0565 Cell Tower Land Lease	-21,600.00	-21,600.00	-23,760.00	-24,840.00	-24,840.00
TOTAL VH Other Revenues	-47,356.51	-34,491.80	-35,594.89	-37,955.00	-41,340.00
 0037 VH Golf Revenues					
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0037 0306 Over/Short	250.38	506.73	485.99	72.83	.00
0037 0357 Golf Memberships	-220,646.15	-214,046.93	-330,189.80	-410,799.60	-235,542.00
0037 0358 Greens Fees	-132,082.98	-148,690.19	-239,931.13	-269,834.40	-179,737.00
0037 0359 Golf Cart Rentals	-76,800.09	-85,424.93	-133,937.44	-147,794.10	-92,257.00
0037 0416 Practice Range	-5,281.75	-2,263.25	-9,757.97	-8,337.00	-8,860.00
0037 0417 VH Program Revenues	-69,027.70	-60,589.00	-70,536.63	-86,923.00	-70,500.00
0037 0419 Advertising Sales	-19,631.50	-6,500.00	-17,000.00	-11,000.00	-22,500.00
0037 0522 Outing Golf	-46,725.43	-66,487.00	-47,529.00	-73,150.00	-48,290.00

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FOR PERIOD 13 OF 2022

ACCOUNTS FOR:	PRIOR YR3	PRIOR YR2	LAST YR	CURRENT YR	CY REV
001 General Fund	ACTUALS	ACTUALS	ACTUALS	ACTUALS	BUDGET
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TOTAL VH Golf Revenues	-569,945.22	-583,494.57	-848,395.98	-1,007,765.27	-657,686.00
0041 Recreation Related Revenues					
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0041 0440 41100 After School Programs	-315,864.87	-201,863.50	-320,526.50	-355,510.00	-272,000.00
0041 0441 41110 Youth Enrichment Programs	-173,051.23	-137,177.82	-22,287.50	-98,170.50	-175,000.00
0041 0441 41180 Youth Summer Enrichment Re	.00	.00	.00	-71,495.00	.00
0041 0442 41120 Youth Sports Programs	-122,223.96	-78,307.00	-16,083.50	-114,897.75	-115,000.00
0041 0443 41130 Skiing Programs	-52,049.32	-57,274.00	-14,282.50	-39,685.00	-45,020.00
0041 0444 41140 Day Camps	-205,424.63	-30,108.43	-72,644.50	-211,997.90	-165,000.00
0041 0445 41150 Swimming Programs	-26,468.45	-20,141.00	-1,155.00	4,338.80	-21,250.00
0041 0446 41160 Adult Enrichment Revenue	-38,503.05	-19,749.40	-15,195.00	-18,829.40	-31,715.00
0041 0447 41170 Adult Fitness Revenue	-61,279.49	-47,140.20	-38,416.00	-73,541.80	-45,000.00
0041 0448 41190 Special Events/Trips Reven	-5,763.61	-4,415.00	.00	-8,237.00	-5,000.00
0041 0449 41190 Recreation Programs	-2,098.49	-6,104.28	.00	.00	-1,995.00
0041 0570 41190 Rec Soccer Revenue	-23,561.67	-25,317.00	-9,123.00	-29,827.00	-23,000.00
0041 0571 41190 Rec Ultimate Frisbee Reven	-14,279.33	-12,035.00	-6,545.00	-15,455.00	-14,000.00
0041 0606 41190 CPR/First Aid Revenues	295.00	-630.00	-300.00	-2,215.00	-250.00
TOTAL Recreation Related Reven	-1,040,273.10	-640,262.63	-516,558.50	-1,035,522.55	-914,230.00
0044 W Cumberland Hall Revenues					
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0044 0377 Hall Rental	.00	.00	.00	-1,775.00	.00
TOTAL W Cumberland Hall Revenu	.00	.00	.00	-1,775.00	.00
0045 Library Related Revenues					
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0045 0392 Library Fines	-3,221.73	-3,177.22	-747.69	-49.15	.00
0045 0394 Misc. Library Revenue	-1,199.00	-995.20	-732.45	-553.99	.00
TOTAL Library Related Revenues	-4,420.73	-4,172.42	-1,480.14	-603.14	.00
TOTAL General Fund	-5,517,891.02	-5,383,994.39	-6,328,047.08	-7,567,058.59	-5,707,136.00
TOTAL REVENUES	-5,517,891.02	-5,383,994.39	-6,328,047.08	-7,567,058.59	-5,707,136.00
GRAND TOTAL	-5,517,891.02	-5,383,994.39	-6,328,047.08	-7,567,058.59	-5,707,136.00

Expenses

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TOWN OF CUMBERLAND HISTORICAL ACTUALS COMPARISON REPORT

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FOR PERIOD 13 OF 2022

ACCOUNTS FOR: 001 General Fund	PRIOR YR3 ACTUALS	PRIOR YR2 ACTUALS	LAST YR ACTUALS	CURRENT YR ACTUALS	CY REV BUDGET
130 Administration	628,525.46	657,212.19	572,407.05	634,484.85	664,743.00
140 Assessor	109,157.82	106,755.70	112,909.36	116,800.51	118,867.00
150 Town Clerk	246,662.88	270,626.87	238,757.16	311,764.59	291,177.00
160 Technology	210,954.94	260,813.46	315,662.87	291,595.97	280,613.00
165 Elections	10,827.72	13,731.55	12,591.34	38,608.37	35,127.00
170 Planning	63,159.04	61,013.46	60,298.28	68,751.73	74,035.00
190 Legal	63,448.53	58,927.53	62,604.21	52,014.79	47,500.00
210 Police	1,333,991.48	1,383,729.99	1,366,218.25	1,508,035.72	1,552,217.00
220 Fire	943,893.75	989,750.51	1,024,271.16	1,003,046.61	1,078,586.00
240 Code Enforcement	142,020.09	138,488.14	148,524.00	158,252.61	150,858.00
250 Harbor Master	5,745.97	14,454.48	16,941.14	16,481.55	22,480.00
260 Animal Control	30,710.58	38,423.42	13,468.14	29,414.83	36,913.00
310 Public Works	1,129,454.98	1,128,255.62	1,111,060.96	1,277,413.16	1,302,955.00
320 Waste Disposal	524,667.39	578,397.21	596,592.97	685,393.53	637,459.00
350 Valhalla-Club	35,775.72	19,492.86	26,450.93	25,677.34	26,241.00
360 Valhalla-Course	485,039.95	535,688.71	572,260.19	605,845.53	539,899.00
370 Valhalla-Pro Shop	269,057.44	210,913.53	213,651.55	235,877.23	240,351.00
410 Recreation	1,088,124.62	980,303.83	807,334.84	1,051,413.52	955,292.00
420 Aging in Place	24,793.90	68,798.59	68,103.39	83,451.76	101,716.00
430 Parks	313,321.36	298,869.09	356,940.68	345,796.51	327,477.00
440 West Cumberland Rec	6,184.03	5,965.28	5,268.01	8,865.52	8,744.00
450 Library	491,453.33	510,579.98	510,101.35	558,976.90	542,098.00
470 Historical Society Building	7,418.96	4,335.30	204.00	4,418.18	11,364.00
580 General Assistance	31,100.17	30,142.02	22,651.60	17,103.86	35,000.00
590 Health Services	13,875.30	17,651.72	1,310.15	3,875.30	3,875.00
620 Cemetery Association	28,450.00	26,700.00	27,575.00	26,700.00	26,700.00
630 Conservation	6,212.20	3,143.61	18,131.41	30,557.42	21,000.00
650 Debt Service	969,023.35	1,053,399.23	1,156,096.72	1,238,180.21	1,262,301.00
750 Insurance	284,468.82	272,388.41	352,071.78	353,469.48	319,619.00
800 Fire Hydrants	80,355.12	82,011.56	84,100.34	85,784.19	83,500.00
810 Street Lighting	37,248.35	40,911.42	45,000.00	45,000.00	45,000.00
830 Contingent	9,339.68	8,803.35	74,176.39	27,376.19	10,000.00
840 Municipal Building	102,248.17	93,000.26	104,203.43	141,912.91	109,837.00
850 Abatements	23,670.91	38,816.52	10,625.06	14,378.85	1.00
TOTAL General Fund	9,750,382.01	10,002,495.40	10,108,563.71	11,096,719.72	10,963,545.00
TOTAL EXPENSES	9,750,382.01	10,002,495.40	10,108,563.71	11,096,719.72	10,963,545.00
GRAND TOTAL	9,750,382.01	10,002,495.40	10,108,563.71	11,096,719.72	10,963,545.00