

**TOWN OF CUMBERLAND
MEETING OF THE TOWN COUNCIL
MONDAY – APRIL 10, 2000**

- I. Call to order at the Cumberland Town Hall at 7:00 p.m.
- II. Approval of Minutes
 - a. March 27, 2000
- III. Manager's Report
- IV. Public Discussion
- V. Legislation and Policy
 - 00-24 To receive Fiscal Impact of Residential Development Report from the Growth Management Committee.
 - 00-25 To hear report from Cable TV Committee.
 - 00-26 To approve Public Works Union Contract.
 - 00-27 To consider and act on a Special Amusement Permit application for the Cumberland Café.
 - 00-28 To consider and act on a Liquor License application renewal for Rt. 9 Junction Station House Pizza.
 - 00-29 To appoint Election Clerks according to Title 21-A, Section 503 (1).
- VI. Correspondence
- VII. New Business
- VIII. EXECUTIVE SESSION – Land Acquisition
- IX. Adjourn

MEMBERS OF THE TOWN COUNCIL

Peter Bingham (Chair)	829-5713	James Phipps	846-6274
Stephen Moriarty	829-5095	Harland Storey	829-3939
John Lambert, Jr.	781-5282	Mark Kuntz	829-6482
Jeffrey Porter	829-4129		

Town of Cumberland web site: www.cumberlandmaine.com

**TOWN OF CUMBERLAND
MEETING MINUTES OF THE TOWN COUNCIL
MONDAY – MARCH 27, 2000**

Present: Peter Bingham, Stephen Moriarty, John Lambert, Jeff Porter, James Phipps, Harland Storey, Mark Kuntz.

- I. The meeting was called to order by Chairman Bingham at the Cumberland Town Hall at 7:06 p.m.

- II. Approval of Minutes
a. March 13, 2000

Councilor Moriarty moved to approve the minutes of March 13, 2000 as written.

Seconded by Councilor Kuntz.

VOTE:	IN FAVOR (6)
Lambert	ABSTAIN (1)

- III. Manager's Report

The Town Manager introduced Joe Taylor, representative to the Cumberland-York group regarding electricity. He is also a representative on the Falmouth/Cumberland Chamber of Commerce. Mr. Taylor has been following up on the Cumberland-York Aggregation Coalition for the Council and briefed the Council on a number of issues that have come up recently or have changed. Electric supply was deregulated as of the first of March. The Cumberland Aggregation and York Aggregation group findings recommend Maine PowerOptions.

Councilor Lambert moved that the Town Manager be given the discretion to commit the town for a period of up to two years to participate in the ultimately successful bid submitted to Maine PowerOptions for the provision of electricity.

Seconded by Councilor Kuntz.

VOTE: UNANIMOUS (7)

- IV. Public Discussion

This was taken out of order, and discussed after approval of minutes.

Concerned residents on Meadow View Road, across from the Mabel I. Wilson School voiced their concern regarding traffic speed on Tuttle Road, especially during the early morning school hours. They would like to see more of a police presence in order to maintain a safe speed of 15mph during school hours.

Councilor Moriarty recommended concerned residents attend the School Board meeting to raise the issue of installing flashing lights, similar to the lights by the high school. In addition, Councilor Moriarty suggested a visible presence by a police officer near the Wilson School.

Resident, Fred Kinney inquired as to the timeframe for posting the Town Council and Planning Board minutes on the town's website. Upon approval by the Town Council, council minutes are posted to the website the morning following a council meeting, generally every 2 weeks. Planning Board minutes are also posted upon approval by the Planning Board, which is once a month.

V. Legislation and Policy

- 00-16 To set date for Public Hearing to: 1) consider amendment to zoning to allow agriculture as a permitted use in the MDR district or 2) to consider contract zoning to add agriculture with conditions as a permitted use at the Sweetser properties – Blanchard Road, Map U12, Lot 13 and 14.

Town Planner, Donna Larson was present to review this issue.

Councilor Moriarty moved to set date of April 24, 2000 for Public Hearing to consider an amendment to the Zoning Ordinance to allow agriculture as a permitted use in the MDR district.

Seconded by Councilor Lambert.

VOTE: UNANIMOUS (7)

- 00-17 To set date for workshop- Council/Planning Board/ Setback requirements.

Councilor Lambert moved to set date of May 8, 2000 for workshop-Council/Planning Board/Setback requirements.

Seconded by Councilor Kuntz.

VOTE: UNANIMOUS (7)

- 00-18 To consider and act on application for Victualer's License for Rt. 9 Junction Station House Pizza.

The Town Manager recommended to approve Rt. 9 Junction Station House Pizza's Victualer's application until June 12, 2000 Town Council meeting, as they have met the Dept. of Human Services, Health Engineering's two conditions in order to qualify for their annual license through the state. The two conditions were:

- 1) provide concrete documentation for a legal easement to the right to extend their leach field onto their neighbors property and
- 2) A site evaluation plan, by a plumber, for the new leach field.

Councilor Storey moved to approve Rt. 9 Junction Station House Pizza's Victualer's application until June 12, 2000 Town Council Meeting. At that time the Council will determine if they met the requirements.

Seconded by Councilor Kuntz.

VOTE: IN FAVOR (6)
Porter OPPOSED: (1)

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- 00-19 To consider and act on application of Cumberland Café for a Liquor License Renewal.

Councilor Moriarty moved to grant a liquor license renewal for Cumberland Café.

Seconded by Councilor Lambert.

VOTE: UNANIMOUS (7)

- 00-20 To consider and act on application of Innco, Inc. d/b/a Chebeague Inn for a Liquor License Renewal.

Councilor Lambert moved to grant a liquor license renewal for Innco, Inc. d/b/a Chebeague Inn.

Seconded by Councilor Storey.

VOTE: UNANIMOUS (7)

- 00-21 To consider and act on Special Amusement Permit for Innco, Inc. d/b/a/ Chebeague Inn.

Councilor Storey moved to grant Special Amusement Permit for Innco, Inc. d/b/a/ Chebeague Inn.

Seconded by Councilor Moriarty.

VOTE: UNANIMOUS (7)

- 00-22 To approve FY2000 – 2001 Budget Schedule.

Councilor Moriarty moved to approve to approve the proposed schedule FY2000 – 2001 Budget Schedule.

Seconded by Councilor Lambert.

VOTE: UNANIMOUS (7)

The Town Council of Cumberland will hold a Public Hearing on the proposed Budget FY2000 – 2001 on Wednesday, April 19, 2000. The date to adopt the Budget is scheduled for Monday, April 24, 2000.

- 00-23 To review Indemnification Policy.

Councilor Moriarty supports the policy as drafted and stated the need for this protection for all of the town's committees and boards and all its members. Councilor Moriarty moved to schedule this for action at the next available opportunity and put into existence.

Seconded by Councilor Lambert.

VOTE: UNANIMOUS (7)

VI. Correspondence

- 1) Harding Lawson Associates: Town Manager: Route 1 Sewer Extension, Construction Bid Evaluation
- 2) Notice of Award: Gorham Sand & Gravel, Inc. – Sewer Extension Route 1.
- 3) Maine Power Options, Town Manager: membership application & authorization.
- 4) MSAD #51 Board of Directors Minutes 2/28/00, 3/6/00.
- 5) MSAD #51 Board of Directors Agenda 3/20/00.
- 6) County of Cumberland, Commissioners' Meeting Minutes 2/28/00.
- 7) Town of Cumberland Public Notice Nomination Papers.
- 8) State of Maine, Department of Conservation – Dick Bradbury, Town of Cumberland, Browntail Moth.
- 9) Master Summary Report – Building Permits Feb. 2000.
- 10) Solid Waste to R.W.S.

The Town Manager updated the Council in regard to Brown Tail Moth spraying. Dick Bradbury, from the State of Maine, Department of Conservation suggested aerial spraying is not needed this year for the BTM. This will be published in the Chebeague Island Newsletter.

Chairman Bingham received and sent correspondence to the Dinan's and Pisini's regarding *de minimus* decision by the Planning Board.

The Town Manager met with Dick Ranaghan from People's Heritage Bank regarding a document, which would enable residents of Small Brooks to utilize the home equity provision that most mortgages have, with the town sharing the silent second mortgage.

The Town Manager has asked the State to review the speed limit on Harris Road, in response to a letter received by a resident.

Councilor Moriarty presented Cumberland paperweights as gifts to the Japanese guests during the Japanese Homestay program.

Councilor Lambert addressed the issue of a building permit cap as part of growth management.

Councilor Lambert suggested meeting with the school and inviting members from the various organizations regarding a financial disclosure requirement for:

Proposed Ordinance

Any entity, organization, or association that charges for participation, membership, or involvement in any of its activities that intends to use any properties owned by the Town of Cumberland, must have on file with the Town Clerk by April 15, 2000,

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attested financial statements established in a manner consistent with generally accepted accounting principles for the preceding financial year that identify at least the following:

1. All sources of revenue;
2. All capital assets; and
3. All payments that (a) would be considered as taxable income for the payee together with the name of the payee (b) are the subject of an IRS 1099 notice or (3) are the subject of a W-2, K1 or any other IRS form reflecting the payment of personal income.

Chairman Bingham suggested the Recreation Director collect information regarding surrounding suburban communities and what their policy is regarding sports club, fields, fees and schedule a workshop inviting the clubs to discuss the proposed ordinance.

VII. New Business

A Budget request was received from Chebeague Island Library in regard to the ongoing program to provide library space and services for school children. There will be meeting with the School Board as part of the budget request.

VIII. EXECUTIVE SESSION – Union Negotiations

Councilor Storey requested that the following becomes a part of the minutes of this meeting:

I oppose going into executive session to discuss salary proposals that were given to us in our packets. In my opinion, this is public information and the public has a right to know. I have taken the time to check some of the information and find that it is misleading and does not represent the facts.

I will not attend an executive session on this matter. Let the record show that I am opposed to all the salary increases presented to us amounting to 5-7-10-11-12-18-20-23-28-&34%.

Let's be upfront, with the taxpayers and have an open meeting. We need to forget about the back room, closed doors, and let's make a deal meetings. I am requesting, in writing the results of the executive session.

Councilor Lambert moved to go into Executive Session to discuss Union Negotiations at 8:31 p.m.

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Seconded by Councilor Porter.

VOTE: IN FAVOR (6)
Storey OPPOSED (1)

Councilor Lambert moved to come out of Executive Session at 9:15 p.m.

Seconded by Councilor Porter.

VOTE: UNANIMOUS (6)

IX. Adjourn

No further business conducted. Motion to adjourn 9:16 p.m.

Respectfully submitted,



Kathleen Babeu
Council Secretary

CHEBEAGUE ISLAND LIBRARY
R.R. 1, BOX 511
CHEBEAGUE ISLAND
MAINE 04017

March 31, 2000

Mr. Robert Hasson
Superintendent of Schools, SAD 51
P.O. Box 6 A
Cumberland, ME 04021

Dear Bob,

The Chebeague Island Library is organized as a private nonprofit 501(c)(3) organization. Each year the library receives an appropriation from the Town of Cumberland, which is used for salary and maintenance expenses. Fees, fundraising events, private donations, contributions and memorial gifts fund approximately two-thirds of the annual budget and pay for all additional expenses incurred. This differs from municipal public libraries such as the Prince Memorial Library, which is operated as a department of the Town of Cumberland and primarily funded by local property tax revenues.

For thirty-five years, a part time librarian, who plans to retire at the end of May, and two part time assistants have run the C.I.L. With the expanded library facility, planned computerization of the library, the implementation of the MBNA grant, and extended library hours, a full time librarian is a necessity. The full time librarian's salary will increase the library's 2000 budget by \$10,000.

Why are we asking SAD 51 for support in this matter?

The library has been effectively serving the Chebeague Island School (K through grade 6) for 35 years. The C.I.L. was founded in classroom space at the Chebeague Island School and relocated to the current library facility in 1990. SAD 51 transports the children to use the library once a week. There are a diversity of materials for this age group ranging from over 5000 books, read along tapes, video and audio tapes to games and puzzles. The library purchases books, which are compatible with the school's curriculum and theme. The island teachers order books and other materials from the library for classroom use. In short, the C.I.L. serves as the school library for the Chebeague Island School.

The one age group, which has not been frequenting the library, is the teen group. To determine what must be done to improve attendance, a teen-age focus group was conducted. The teens wanted additional reference materials and computer accessibility. We organized a plan to better service the 7th through 12th graders. The plan was submitted to MBNA as a grant proposal and was accepted.

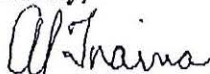
Judy Gray, the Greely High School librarian, has advised us regarding the software and reference books appropriate for research projects, reports, and assignments. The MBNA grant gave the library a once in a life time opportunity to purchase the hardware, the software, and reference books, that the library could not afford previously. With implementation of this program, the library is providing needed services for the junior high and high school students while continuing to serve the C.I.S. students.

The Library Trustees are in the process of hiring a new full time librarian. She is proficient in library science, is computer literate, holds a teaching certificate, and has had excellent experience motivating and instructing children and young adults in becoming more knowledgeable about the information resources available through the library and the computer.

The MBNA grant proved a major break through in terms of having the ability to purchase the latest technology and materials, but without a knowledgeable experienced librarian, it will be nearly impossible to achieve our goal. The C.I.L. is in transition. Your support of the library with the \$10,000 needed for a new full time librarian will have a major impact on our success and on present and future generations of island students.

On behalf of the C.I.L. Board of Trustees, I thank you for the time you and Scott Poulin took to meet with Jim Phipps and me last week. I trust this summary of the information we presented to you will be of assistance as you evaluate this request. Of course, if you or Scott have any questions or if any additional information would be helpful, please call me at 846-4462.

Sincerely,



Albert S. Traina,
Chairman, Board of Trustees
Chebeague Island Library

AST/ast

CC: Scott Poulin, SAD 51 Business Manager
James E. Phipps, Cumberland Town Councilor

Cumberland Public Works

4/10/00

Contract Salary Survey

Cumberland Public Works Department

Employee	Existing Position	Existing \$/hr.	Proposed Position	Proposed \$/hr.	Yarmouth	Freeport	Cape Elizabeth	Gorham	Scarborough	Windham	Private	State of Maine
STEVEN GOOGINS	Foreman	\$ 15.22	Foreman	\$ 17.98	\$ 17.83 Deputy Dir.	\$ 17.52 Foreman	\$ 18.41 Foreman	\$17.28 Foreman	\$ 20.02 Foreman	\$11.62 to \$17.66 Foreman	\$50,000 Foreman /Supervisor	\$12.20 to \$16.55
MED BOWEN	Island Foreman	\$ 14.89	Island Foreman	\$ 16.38	\$ 15.15 Lead Operator	\$ 17.52 Foreman	\$ 18.41 Foreman	\$17.28 Foreman	20.02 Foreman	\$11.62 to \$17.66 Foreman	Foreman	\$12.20 to \$16.55
BERT COPP	E.O. 1	\$ 14.79	H.E.O.	\$ 15.57	\$ 15.15 Lead Operator	\$ 15.55 H.E.O.	\$ 14.13 E.O.	10 Equipment Operators	Equipment Operators	Equipment Operators \$9.65 to \$14.53	Equipment Operators \$15.00 to \$16.00	Light Equipment Operators/ Laborer
STEPHEN FOSTER	E.O. 2	\$ 12.93	H.E.O.	\$ 14.69	\$ 15.15 Lead Oper.	\$ 14.90 H.E.O.	\$ 14.13 E.O.	\$9.75 to 13.01	\$12.41, \$13.55, \$15.08, \$16.16, \$16.63	Heavy Equipment Operators \$10.04 to \$15.26	Laborer \$12.00	\$8.09 to \$12.68
DANIEL BURR	E.O. 2	\$ 12.93	H.E.O.	\$ 14.69	\$ 15.15 Lead. Oper.	\$ 14.90 H.E.O.	\$ 14.13 E.O.					
CALVIN BRIDGES	E.O.3	\$ 12.45	E.O.	\$ 13.38	\$ 12.57 E.O.	\$ 13.92 E.O.	\$ 14.13 E.O.			Driver \$7.86 to \$11.95		
DENNIS BLAISDELL	E.O. 3	\$ 10.51	E.O.	\$ 12.62	\$ 12.57 E.O.	\$ 12.81 E.O.	\$ 13.62 E.O.					
CLAYTON WEED	Mechanic	\$ 14.79	Mechanic	\$ 16.48	\$ 15.99 Mechanic	N/A N/A	\$ 16.84 Garage Foreman	\$17.28 Mechanic	\$11.71 to \$19.85 Mechanic	\$9.56 to \$14.53 Mechanic	\$14.00 Mechanic	
EDWIN JOHNSON	E.O. 3	\$ 9.27	E.O.	\$ 11.90	\$ 12.57 E.O.	\$ 11.62 E.O.	\$ 12.98 E.O.					
DAVID CAMPBELL	E.O. 3	\$ 10.30	E.O.	\$ 13.76	\$ 12.57 E.O.	\$ 13.36 E.O.	\$ 18.41 Mech/Oper.					
THOMAS CALDER	Transfer Sta. Att'd.	\$ 8.58	Transfer Sta. Att'd.	\$ 10.55 *1	\$ 13.26 landfill Oper.	\$ 12.36 Transfer Sta. Att'd.	\$ 10.09 Transfer Sta. Att'd.					
DALE LAWLESS	Parks	\$ 14.29	Parks	\$ 14.72 *2	\$ 14.13 Parks Supervisor	N/A N/A	\$ 15.04 Parks Foreman					
ANDREW CZARNECKI	Foreman	\$ 11.11	Foreman	\$ 13.25 *3								
RON SAWYER	Mechanic	\$ 12.79	Mechanic	\$ 13.17 *3								
GIL MARCO	Grounds Keeper	\$ 9.69	Grounds Keeper	\$ 10.75 *3								

1 Solid Waste Department

2 Parks/SAD 51

3 Val Halla

TOWN OF CUMBERLAND
Planning Department

April 5, 2000

TO: Growth Management Committee, and Town Council
FROM: Donna Larson, Town Planner 
RE: Fiscal Impact of Growth report updates

Enclosed are updated, revised, and new sections of the Fiscal Impact of Residential Development report sent to you last fall (the report is in a small loose leaf notebook with a gold colored title sheet). The replacement chapters and the new Section 8 are a combination of the original draft report and the new information sent to you for last week's meeting.

The directions below explain what substitutions and additions need to be done to complete the update.

1. Replace existing Table of Contents (first page of report) with the attached Table of Contents
2. Section One - replace existing section with the attached materials
3. Section Two - replace existing section with the attached materials
4. Section 5
 - a. replace existing Table of Contents with attached Table of Contents
 - b. add Addendum 1 attached to the end of Section 5
5. Section 8 - add attached materials as a new section

The Town Council will be receiving the report on Monday, April 10th. I will let you know if a follow-up meeting is scheduled.

**replace existing Table of Contents (first
page of report) with the attached Table
of Contents**

FISCAL IMPACT ANALYSIS
TABLE OF CONTENTS

INTRODUCTIONSection 1

TRENDS IN PROGRAMS AND SERVICESSection 2

RESULTS OF NEW HOUSING SURVEYSection 3

RECENT RESIDENTIAL TRENDSSection 4

TRENDS IN FISCAL CONDITIONSection 5

MAPS DEPICTING GROWTH TRENDSSection 6

GROWTH MANAGEMENT PRESENTATION.....Section 7

ANALYSIS OF THE FISCAL IMPACTS ON LOW AND MODERATE
INCOME HOUSEHOLDS.....Section 8

**replace existing Section One with the
attached materials**

INTRODUCTION

Like many communities in Southern Maine, the Town of Cumberland experienced significant levels of residential development in the mid 1980's. During this period, concerns over growth led to an examination of growth and growth impacts on both the state and local levels in Maine.

With the recession of the early 1990's, growth decreased in Southern Maine and concern over the impacts of growth decreased with it. However, since 1992, the economy of Southern Maine has been in recovery, and in several Southern Maine communities including Cumberland, residential growth levels have again increased. As this recent growth has occurred, local officials in Cumberland have become focused on residential growth, its impacts, and the challenging issues it raises.

The following draft report presents an analysis of the fiscal impact of residential development in Cumberland, Maine. This draft report contains five sections including Residential Development Trends, New Housing Survey, Fiscal Trends and Impacts, Options and Alternatives, and Maps.

The following is a summary of the major findings along with recommendations for consideration by the Town of Cumberland.

FINDINGS

- ☐ The residential development trend data indicates that residential growth levels in the 1990's have not yet reached the peak years of the 1980's in Cumberland. However, increases over the last 24 months point to the potential to once again reach peak residential development levels.
- ☐ Based on residential growth, three different though possible residential growth scenarios were constructed for the analysis: a low scenario based on 20-30 new housing units per year, a medium scenario based on 35-55 units per year, and a high scenario based on 60-80 units per year.
- ☐ For 1999 it is estimated that the Town of Cumberland has a total population of 7,074 persons. By 2009, under a low growth scenario the population of Cumberland is projected to be 7,783 persons. Under a medium growth scenario the population of Cumberland is projected to be 8,461 persons and under a high growth scenario the population of Cumberland is projected to be 9,362 persons.

The analysis of historical fiscal variables (revenues and expenditures) between 1990 and 1998 in Cumberland suggests that the Town has reasonably been able to handle growth from a fiscal perspective, avoiding significant changes in the total rate of property taxation.

- ☐ Although property tax dollars raised between 1990 and 1998, increased 29.7% even when

adjusted for inflation, the property tax base (state valuation) increased more (34.5% when adjusted for inflation). This had a combined affect of a slight reduction in the full-value property tax rate from 21.67 mills in 1990 to 20.89 mills in 1998.

- ❑ A key fiscal indicator for municipal program and service cost is the number of households in the community. Regarding expenditures for municipal programs and services, when adjusted for inflation, total municipal expenditures per household decreased 6.5% between 1990 and 1998. The big municipal items (public works and public safety) decreased between 9.5% and 12.5% when adjusted for inflation and expressed on a per household basis.
- ❑ For school programs and services, there are two key fiscal indicators, the number of pupils (which indicates the per unit costs of providing services) and the number of households (which indicates the number of taxpaying units that costs are spread across) Regarding school programs and services, when adjusted for inflation and expressed on a per pupil basis, total SAD 51 school expenditures (which includes both Cumberland and North Yarmouth) decreased around 4% between 1990 and 1998. The Town of Cumberland's portion of the SAD 51 property tax commitment between 1990 and 1998 increased around 10% when adjusted for inflation and expressed on a per pupil, Cumberland pupil only, basis. On a per household basis when adjusted for inflation, Cumberland's portion of the SAD 51 tax commitment increased 15% between 1990 and 1998. So, even though per pupil costs for SAD 51 when adjusted for inflation decreased between 1990 and 1998, the property tax impact per household in Cumberland increased. This trend was driven by the fact that between 1990 and 1998, growth in the number of SAD 51 pupils (37%) was higher than the growth in the number of household's in Cumberland (23%) during the same period.
- ❑ The increasing tax burden for education on Cumberland households between 1990 and 1998, is also related to changes in State General Purpose Aid to Education. Between 1990 and 1998 on a per pupil basis adjusted for inflation, GPA for Education for SAD 51, decreased 22%. Therefore, even though total per pupil expenditures for SAD 51 decreased when adjusted for inflation, between 1990 and 1998, a reduction in State Aid per pupil when adjusted for inflation combined with enrollment growth that outpaced household growth, resulted in higher education tax burdens per household in Cumberland.

The period in which the fiscal variables were examined is comparable to the medium growth scenario, around 55 new housing units per year. Therefore, assuming that services and costs in Cumberland over the next 5-10 years grow with the same relation to residential growth that they have in the last 8-10 years, it can be assumed that fiscal impacts of growth will be modest and incremental. However, interviews with Municipal and School Department staff suggest some areas where increases in staff, facilities, or equipment might be required to meet increased demand that has been and will continue to be driven by growth. Specific examples include:

- ❑ Regarding police services, if growth in Cumberland continues at levels experienced in the

1990's or at higher levels, between 1 and 4 additional officers (in addition to the 2 needed to meet current needs) might need to be added over the next 10 years. To accommodate the additional officers, between 1 and 2 additional cruisers would also be needed. The Police Department is also currently in need of additional part-time dispatch coverage. The estimated added annual cost to meet the additional growth demands ranges between \$40,000 and \$195,000 depending on the level of growth.

- ☐ For EMS services, in the future, 2 full-time salaried paramedics beyond the two to meet current needs, may be needed to meet future growth demands. This is being driven by a combination of demand increases and the difficulty of providing around the clock coverage with non-salaried staff. The estimated cost of adding one paid paramedic is \$14 per hour if hourly, part-time; or \$34,000 annually if salaried (\$27,000 salary & \$7,000 benefits). The estimated added annual cost to meet the additional growth demands ranges between \$54,000 and \$68,000 depending on the level of growth.
- ☐ Five to ten years out the Fire Department may need to go to some full-time salaried personnel. This would be driven less by the increase in demand and more by the difficulty in attracting and retaining call personnel. The first positions needed would be a salaried drivers to get apparatus to the incidents. The estimated cost of a driver for fire apparatus would be \$10 per hour if paid hourly, or if salaried, \$25,600 annually (\$19,200 salary and \$6,400 benefits). Assuming the need for between 2 and 4 paid personnel, The estimated added annual cost to meet the additional growth demands ranges between \$38,400 and \$102,400 depending on the level of growth.
- ☐ The Public Works Department recently completed a pavement management study. The study indicated that the estimated annual cost needed to re-pave, repair and reclaim roads (including mainland and Island) is \$353,000. The Town currently spends about \$130,000 per year on road pavement and reconstruction for both the Island and the mainland. This is \$223,000 less than the estimated annual need. Therefore, according to the recent road study, significant additional annual funding is needed to meet current road needs. These needs exist regardless of future growth levels, however, additional growth will increase the urgency of meeting this demand.
- ☐ To keep roads maintained during winter for plowing and sanding to present standards would require at least 1 additional plow truck, possibly 2 and 2 additional personnel. Again, this is a current need that exists regardless of the level of future growth, but further growth will exacerbate the demand. Furthermore, development since 1990 has added a total of 31,291 feet of new roads. In the winter of 1998-99, the Planning and Public works Department estimated plow times on these new roads. They concluded that it takes approximately 2 to 2.5 hours to plow these routes, each pass, which is the equivalent of one plow route. This increase in demand was cited by the Public Works Director as necessitating additional plow equipment and personnel. Assuming a similar level of growth occurs over the next ten years

in Cumberland, a doubling of this existing need would occur as a result of growth.

- ☐ Regarding Recreation and Parks, due to growth in programming and services over the past few years, the Department is currently in need of 1 full-time recreation coordinator, who could spend 3/4 time directly working with participants and programs and 1/4 time on administrative duties. Also in need of extending summer parks maintenance staff hours beyond June and September to perform more maintenance than just mowing. Once the existing needs are met, additional growth and development will incrementally impact Recreation and Parks services, but the fiscal impact will be partially offset by the fees generated by the Department.
- ☐ Regarding recreation facilities, the following are needed to meet the needs of the current population into the future: outdoor basketball facilities, tennis facilities, and at the Twin Brook Recreation Area the Recreation Department 1 baseball field, 1 softball field, 1 additional multi-purpose field, and 1 little league field. Also, the connection from the Twin Brook Area to Val Halla needs to be completed. If growth and development continues, it may contribute to the need for multi-purpose community center in the long-term, but not in the next five to ten years.
- ☐ By far the biggest potential for significant increases in existing facility capacity exists within the School District. Based on SAD 51's Long Range Facilities Plan, it is evident that existing facility capacity to accommodate past growth as well as future growth is insufficient. Cost estimates to provide needed facilities range between \$10 and \$32 million depending on the level of expansion, renovation and new construction completed. The School District currently has an application before the State to obtain State School Construction Aid. If the aid is received, the impact of expanding school facilities on Cumberland households may not be significant. However, if State Aid is not received for expanding school capacity, the fiscal impact on Cumberland households could be significant. It should be noted, that the existing need for school facility expansion exists, regardless of the level of growth over the next 3 to 10 years in Cumberland.

Based on the fiscal cost/benefit model of recent subdivision development:

- ☐ Residential growth in Cumberland over the last 15 years generates more costs than benefits and thus has a significant negative fiscal impact (estimated at \$2,226 lost per household).
- ☐ The negative fiscal impact is driven primarily by school costs resulting from the 1.3 students per household (based on both the survey and the subdivision analysis conducted as part of this project). Education costs rise by about \$80,000 when capital and debt is included yet state school aid rises by only \$22,562. The difference must be made up by property taxes paid by all households in Cumberland. This situation is made worse for Cumberland by the SAD 51 formula which is based purely on valuation and not students.

Although Cumberland overall has been able to handle growth from a fiscal perspective between 1990 and 1998, the tax burden on low income households may be increasing. This is being driven by increases in valuation that are outpacing growth in incomes for low and moderate income households. The fiscal impact analysis of low and moderate income households revealed the following:

- ☐ Between 1990 and 1998, the median valued home within the lowest valuation quintile (bottom 20% in terms of 1999 assessed value) experienced a 60% increase in taxes paid in comparison to an estimated increase of 30% on the median valued home for all other households. During this same period the estimated median household income grew by only 13% for lowest valuation households in comparison to an estimated 31% for the rest of the households.
- ☐ Increases in taxes paid that were higher than incomes received resulted in an increase in the tax burden (tax paid as a percent of income) from 6.89% in 1990 to 9.76% in 1998 for households in the lowest valuation quintile. This compares to an estimated tax burden of 3.58% in 1990 and 3.56% in 1998 for all other households (or a decrease in tax burdens).

RECOMMENDATIONS

Because Cumberland may experience fiscal impacts in the next five to ten years beyond the impacts experienced over the last 8 years due to increased demand for services and facilities, and, because fiscal conditions have had more of an impact on tax burdens of low and moderate income households, the Town should consider the following recommendations.

1. Since much of the needs for expanded capacity currently exist, controls over the level of growth will have only limited fiscal impacts over the next 3-10 years in Cumberland. If growth limitation strategies are pursued, they should be looked at as tools for long-term fiscal management. This finding is particularly true with regard to the need for expanded school facility capacity, a need which currently exists regardless of the level of future growth. In the long-term however, growth limitations can be used to extend the life of service levels and facility capacity and avoid the need to make significant service and facility expansions. In doing so, growth limitations would help control the tax burden of low and moderate income households in Cumberland over the long-run. Furthermore the analysis indicates the recent residential development costs more in services than it generates in revenues. This fiscal loss from development spreads the cost of development among all households in Cumberland, including low and moderate income households.
2. The use of impact fees would have very limited potential for addressing fiscal impacts in the short-run because they could not be used to address existing capacity needs and costs.

Furthermore, because Cumberland is part of a School District, there may exist legal and administrative limitations regarding the use of impact fees for future school facility needs. The Town should obtain clarification regarding administrative and legal issues surrounding the use of school impact fees before pursuing this alternative any further. Furthermore, if impact fees are considered further by the Town, then they ought to be viewed in terms of their potential in the long-term and not as a solution to existing fiscal pressures. Over the long-term however, impact fees may help the Town shift the costs of growth from all existing households back to the new developments. This would be a benefit to existing low and moderate income households in the community. Areas in which to consider impact fees include school facilities, recreation facilities, open space acquisition, and public safety facilities.

3. Past growth and potential future growth has necessitated the need for a continuation of multi-year capital planning in the Community. The Town's existing capital plans and the recent road pavement management plan are good tools for controlling the annual fiscal impact of growth. These efforts should be continued by the Town. How the Town proceeds with regard to school facility improvements and expansions could have significant fiscal implications on the property tax burdens of households. Therefore, it is important for the Town to consider the fiscal impacts when deciding the best course of action regarding pending school capital improvements.
4. The fiscal trend analysis highlighted that user fees did not increase when adjusted for inflation and expressed on a per unit basis. The Town should examine increased use of user fees to support non-essential programs and services. This would more adequately distribute costs to those who are benefitting from the service in comparison to the use of tax revenues. Concern was raised that the burden of increased fees may fall on low and moderate income households. Therefore, in examining user fees further, the Town should consider the use of sliding fee scales, fee waivers or vouchers.
5. There are a limited number of tools available to local governments that can be used to directly relieve local tax burden on low and moderate income households. Two State programs that directly assist households with property taxes are the property tax circuit breaker program and homestead exemption program. To help low and moderate income households, the Town of Cumberland should continue to aggressively encourage homeowners to take advantage of these programs as well as any other tax programs such as veterans exemptions, and farm and open space programs. Furthermore, the Town may want to continue exploring the "silent second mortgage program" through the State's Community Development Block Grant Program to provide assistance to low and moderate income households who want to improve the quality of their existing homes.

**replace existing Section Two with the
attached materials**

TRENDS IN MUNICIPAL PROGRAMS & SERVICES
SINCE 1990 & RESIDENTIAL GROWTH IMPACTS
TOWN OF CUMBERLAND, MAINE

*Prepared by Planning Decisions
for the Town of Cumberland
as part of the Residential Fiscal Impact Project
November 1999*

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INTRODUCTION

In preparation for the analysis of the fiscal impacts of residential growth, Planning Decisions and the Town's Planner, met with the municipal department heads from Public Works, Police, Fire, Emergency Medical Services, Recreation, Library, and Town Administration (Clerk, Tax Collecting, Assessing) to discuss trends in programs and services since 1990 and issues related to residential growth and its impact.

Each department head was asked to discuss the following as they relate to the programs and services for which you are responsible.

1. Description of current programs and services provided - What programs and services are currently being provided?
2. Have there been any significant changes in programs and services since 1990 in terms of the amount or type provided?
3. What role if any have the following factors played regarding changes in programs and services since 1990?
 - ▶ Increases in the amount of people, residents, or households served
 - ▶ Changes in peoples' expectations or demands for services
 - ▶ State or Federal Mandates
 - ▶ The location of where new development has occurred in Town
4. Regarding facilities, equipment and staffing levels within your department, program or service area, describe the following:
 - ▶ Capacity/condition to meet existing needs
 - ▶ Capacity/condition to meet future needs
 - ▶ Significant changes since 1990
 - ▶ Anticipated future changes

The following are the findings from each of these meetings listed by program or service area.

I. PUBLIC SAFETY - POLICE

Description of Current Programs and Services

In addition to providing routine patrol and protection services, the Police Department provides all dispatching for the Town including Police, Fire, Rescue, and Public Works. The Department also provides direct services to the School System, SAD 51, including the DARE program. It is Department policy that a police officer respond to all fire and rescue calls. Each officer receives training on the use of a automatic defibrillator.

The Police Department's main location is at the Town Office, but the Department also maintains a police substation on Chebeague. The Town Office is new and was meant to provide adequate space for all police services in the foreseeable future.

Current staffing levels for the Police Department include:

- ▶ 1 Chief (full-time)
- ▶ 2 Sergeants (full-time)
- ▶ 7 Officers (full-time)
- ▶ 4 Dispatchers (full-time)
- ▶ 4 Dispatchers (part-time)
- ▶ 1 Animal Control Officer (part-time, but he works almost full-time)
- ▶ ½ Secretary (other ½ for fire & rescue)
- ▶ 1 Harbor Master (year round)

The Dare officer position is budgeted through the Police Department. The Department does not receive funds from the School Department to cover costs. During the summer, 1 of the officers (out of those listed above), is responsible for coverage on Chebeague Island.

For vehicles, the Cumberland Police Department currently has 4 marked and 1 unmarked cruisers on the mainland, 1 cruiser on Chebeague, and 1 animal control vehicle. Vehicles last about 100,000 miles or approximately 2 years. The Department currently replaces 3 vehicles every 2 years or 1.5 vehicles per year. One vehicle on the mainland is kept active each day and the vehicles rotated. The Department places drives approximately 200,000 miles per year on average, or about 50,000 miles per vehicle.

Coverage is provided by the Police Department 24 hours per day, seven days per week. To do this, the Department uses three, eight hour shifts per day. The are essentially two patrol areas in Town, the mainland and Chebeague Island.

Significant Changes in Programs and Services since 1990 in Terms of the Amount or Type Provided

In 1990, dispatching was provided by the Cumberland Police Department, Monday through Friday, 8 AM to 12 midnight. For dispatch services at other times, the Town contracted with the Cumberland County Sheriff's Office. In 1994, the Town expanded its dispatching services by ending its contract with the County and began providing 100% of dispatching services in-house.

In 1990 the Police Department responded to 1,047 calls for service, representing a level of 0.52 calls per household. In 1998, the Police Department responded to 2,085 calls for service, or 0.84 per household. As indicated by the data, calls for services have outpaced growth in the number of households in Cumberland between 1990 and 1998 (see Table Ia).

Table Ia: Police Calls for Service - Town of Cumberland 1990 & 1998			
	1990	1998	% Chg 90-98
Total Calls	1,047	2,085	99.1%
Total Households	2,021	2,494	23.40%
Calls per Hshld	0.52	0.84	61.37%
Sources: Calls-Police Department, Town of Cumberland; Households-1990 from U.S. Census, U.S. Dept of Commerce; 1998 estimated by Planning Decisions			

Factors Which Have Impacted Changes in Programs and Services Since 1990 Or are Anticipated to Impact Services Over the Next Ten Years

Increases in the amount of persons, residents, or households served

New home construction impacts the Department in several ways. During construction officers are required to check the site to deter construction site thefts. Once completed, homeowners may install alarm systems with automatic dialing requiring police response. Requests for property checks while homeowners are away also increase. In addition, requests for traffic enforcement in the area also increase.

Changes in peoples' expectations or demands for services

Police services to the school (SAD 51), including the DARE program, has grown over the last ten

years and now requires about a 3/4 of a full time officer's position.

It is Department policy that a police officer respond to all fire and rescue calls. Each officer has or is scheduled to receive EMT training and training on the use of an automatic defibrillator.

The emphasis of service provided by the Police Department has shifted over the last ten years from being traffic oriented to being oriented towards community policing.

The location of where new development has occurred in Town

Homes built in secluded areas are targets for theft and burglary. Increases in calls for suspicious persons/activity are experienced. Also homes in remote areas tend to have more calls for ATV/snowmobile trespass and illegal hunting.

Other factors

The Twins Brook Recreation Area is beginning to have an impact on demand for police services. As this area becomes more and more used, the Police Chief anticipates a bigger demand of police patrol and response within the area. Because of its size and remoteness from major road, this area poses some difficulties for the police services.

Capacity of Facilities, Equipment and Staffing Levels

Significant changes since 1990

In 1990 the staffing level for the Police Department was as follows:

- ▶ 1 Chief (full-time)
- ▶ 2 Sergeants (full-time)
- ▶ 6 Officers (full-time)
- ▶ 2 Dispatchers to cover 8AM-4PM Monday through Friday (full-time, one of which performed the secretary function as well) for other times obtained dispatch coverage from Cumberland County through contract for services.
- ▶ 1 Animal Control Officer (part-time, but he works almost full-time)
- ▶ 1 Harbor Master (year round)

So, since 1990, Police Department has added 1 full-time officer, 2 full-time dispatchers, 3 part-time dispatchers (but eliminated contract for service with Cumberland County). According to the Chief, the addition of the patrol officer has been used to provide increased services to the school and to Chebeague during the summer and not for increased regular, mainland services.

The Police Station is housed in the new Town Office and the Police Space was designed to meet the needs of the Department well into the future. Therefore, there is adequate capacity in terms of facilities to meet existing demands as well as foreseeable increases in demands.

Capacity/condition to meet existing needs

The Police Department has a goal of having 2 officers on duty each shift, 7 day a week. According to the Chief, because of patrol time dedicated to Chebeague in the summer, services provided to the school, and time needed for vacations and sick time, the current staffing level of 7 officers and 2 sergeants is insufficient to attain the goal. In order to continue meeting existing needs, and better be able to provide 2 officers on duty each shift, 7 day a week, the Police Chief estimates that 2 additional full-time officers are needed. No additional cruisers would be needed to accommodate the 2 additional officers. Also, 1 permanent, part-time person is needed for dispatch to provide adequate cover allowing for vacation and sick-time.

Table Ib presents data on existing police officer staffing in Cumberland in comparison to a benchmark of officers per 1,000 population as reported by the U.S. Department of Justice. The Benchmark of 1.8 officers per thousand is based on northeast communities with populations between 10,000 and 24,999 which is higher than Cumberland's estimated 1999 population of 7,074. If Cumberland were to achieve the benchmark in 1999, the Department would have 13 officers or 3 more than the current level to meet existing needs. Based on the benchmark data, the Police Chief's estimate of 2 additional officers needed to meet existing needs is reasonable.

Because the Police facility is new, there is adequate capacity in terms of facilities to meet existing demands. Facility capacity was not raised as an issue with the Police Chief.

Capacity/condition to meet future needs

According to the Police Chief, if growth in Cumberland continues at levels experienced in the 1990's or at higher levels, 2 additional officers (in addition to the 2 needed to meet current needs) might need to be added in the next 5 to 10 years. To accommodate the 2 additional officers, an additional cruiser would also be needed.

By applying the projected populations under each growth scenario to the U.S. Department of Justice benchmark, and comparing it to existing staffing needs, the potential impact of each scenario on police officer staffing could be estimated. As indicated in the last row of Table Ib, a low growth scenario would potentially create demand for 1 additional officer above the level needed to meet current needs. A medium growth scenario would potentially create demand for 2 additional officers above the level needed to meet current needs. And, a high growth scenario would potentially create demand for 4 additional officers above the level needed to meet current needs.

Based on the potential staffing needs it is reasonable to assume that a low growth scenario (with 1

additional officer) would require no additional cruisers, a medium growth scenario (with 2 additional officers) would require 1 additional cruiser, and a high growth scenario (with 4 additional officers) would require 2 additional cruisers.

Because the Police facility is new, there is adequate capacity in terms of facilities to meet reasonably foreseeable increases in demands. Facility capacity was not raised as an issue with the Police Chief under any future growth scenario.

Table Ib: Police Department Staffing -Current Levels & Benchmarks Town of Cumberland				
	1999	2009 Low	2009 Med	2009 High
Population	7,074	7,783	8,461	9,362
Officers 1999 Actual (1)	10	10	10	10
Officers per 1,000 pop w/ existing capacity	1.4	1.3	1.2	1.1
Officers per 1,000 pop Benchmark (2)	1.8	1.8	1.8	1.8
Total Officers if Benchmark Achieved	13	14	15	17
Difference in Total Officers Benchmark-existing Capacity	3	4	5	7
Difference Above 1999 Benchmark		1	2	4
Sources & Notes: Population estimated and projected by Planning Decisions; (1) includes all sworn officers; (2) based on 1998 Uniform Crime Reports, U.S. Dept of Justice for Northeast communities with populations between 10,000 and 24,999				

Cost Implications

In estimating the cost impacts needed to meet current needs and future needs, the following cost data was provided by the Cumberland Police Department. Based on the current contract, the annual cost of hiring one police officer is approximately \$40,300 which includes base salary, FICA, health insurance, retirement, workers' compensation, and long-term disability. Based on 1999 figures, the purchase cost of a new cruiser is \$21,000. Approximate annual maintenance costs for a cruiser is \$2,000. The life expectancy of a cruiser is 100,000 miles or 1.5 years. Therefore, the total annual cost of a cruiser is approximately \$16,000 excluding fuel. Average annual salary costs excluding benefits for a full-time dispatcher in Cumberland is \$25,000. Therefore, a part-time person would cost the Town about \$12,500 annually.

By applying the per unit cost estimates to added personnel and cruisers needed to meet demands, the fiscal impacts of the growth scenarios on the Police Department can be estimated. Results are summarized and presented in Table Ic. To expand capacity to meet current demands would cost the Town approximately \$93,100 annually. In ten years under a low growth scenario, the cost of added capacity would be \$133,400 or \$40,300 more than what is currently needed. In ten years under a medium growth scenario, the cost of added capacity would be \$189,700 or \$96,600 more than what is currently needed. In ten years under a high growth scenario, the cost of added capacity would be \$286,300 or \$193,200 more than what is currently needed.

Table Ic: Potential Fiscal Impact of Residential Growth on the Police Department Town of Cumberland				
Growth Scenario	Added Capacity Needed to Meet Demand		Capacity Needed above Capacity to Meet Current Demand	
	Description	Annual Cost	Description	Annual Cost
1999 Current	2 officers, 1 part-time dispatch	\$93,100	n/a	n/a
2009-Low	3 officers, 1 part-time dispatch	\$133,400	1 officer	\$40,300
2009-Medium	4 officers, 1 part-time dispatch, 1 cruiser	\$189,700	2 officers, 1 cruiser	\$96,600
2009-High	6 officers, 1 part-time dispatch, 2 cruisers	\$286,300	4 officers, 2 cruisers	\$193,200
Estimated by Planning Decisions based on the following annual costs provided by Cumberland Police Department including officer=\$40,300, cruiser=\$16,000, ½ time dispatch=\$12,500				

II. PUBLIC SAFETY - FIRE & RESCUE

Description of Current Programs and Services

The Town of Cumberland currently has a joint Fire & Rescue Department. Current staffing levels for fire and rescue are as follows:

- ▶ 1 full-time salaried rescue director
- ▶ per diem (paid to be on call, provided no benefits) paramedics, provide coverage 10 PM to 6 AM, 7 days per week
- ▶ 1 part-time fire chief
- ▶ 1 part-time firefighter
- ▶ 1 part-time inspector
- ▶ approximately 80, paid per call hour firemen
- ▶ approximately 38 volunteer, paid per call hour rescue personnel

Rescue coverage is divided into three shifts per day (1 of which is 10PM to 6Am for which paramedics are paid to be on call)

Current equipment levels for fire and rescue are as follows:

Central Fire Station - 2 engine trucks, 1 ladder, 1 heavy rescue, and 1 squad

Town office - 1 rescue vehicle, 1 vehicle for administration

West Cumberland - 2 engine, 1 tank, 1 rescue

Chebeague - 4 engine, 1 tank, 1 rescue

Significant Changes in Programs and Services since 1990 in Terms of the Amount or Type Provided

Recently, rescue went to charging fee for service and does in-house billing for services. This was done to attempt to cover the cost of "paid to be on call" paramedic service. Billing is done by the public safety secretary.

As indicated in Table II-a, since 1990 not only have the number of calls for service for fire and rescue increased, but the amount of calls per household have increased as well.

Table IIa: Fire & Rescue Calls for Service Town of Cumberland 1990 & 1998			
	1990	1998	% Chg 90-98
Fire Calls	167	320	91.6%
Rescue Calls	375	610	62.7%
Total Calls	542	930	71.6%
Total Households	2,021	2,494	23.40%
Calls per Hshld	0.27	0.37	39.04%
Sources: Calls-Fire & Rescue Departments, Town of Cumberland; Households-1990 from U.S. Census, U.S. Dept of Commerce; 1998 estimated by Planning Decisions			

Factors Which Have Impacted Changes in Programs and Services Since 1990 Or are Anticipated to Impact Services Over the Next Ten Years

Changes in peoples' expectations or demands for services

Increases in home health care have increased demand for rescue services and have increased the demand for routine transfers as opposed to emergency transports.

Fire has seen increases in the amount of false alarms.

State or Federal Mandates

"2 in 2 out" mandate requires 4 or 5 persons to be at a fire before it can be attacked. Towns with volunteer units don't always have this luxury causing small towns to explore hiring full and part-time personnel.

Training requirement have increased significantly. This increases the amount of time volunteers must commit to the fire department making it harder to recruit volunteers.

Regarding rescue, state mandates for training and licensing makes finding willing volunteers more difficult, which in turn drives the need for the hiring of paid personnel.

The location of where new development has occurred in Town

Remote locations have inadequate driveways and turn-around space for large apparatus. The homes in more remote locations are sometimes more difficult to locate.

Other factors

Socio-economic factor - many households now include two working parents, time is precious to these households and therefore it is more difficult to get persons to volunteer for fire service.

Capacity of Facilities, Equipment and Staffing Levels

Significant changes since 1990

The new town office now houses 1 rescue vehicle and 1 vehicle for administration as well as provides fire and rescue with administrative space.

In 1990 staffing for fire & rescue included 1 full-time rescue & fire chief (combined position). Therefore since 1990, town has added 1 part-time fire chief, per diem "paid to be on call" paramedic coverage, 1 part-time fire fighter, 1 part-time inspector, some administrative staff time for billing.

Capacity/condition to meet existing needs

The following are current facility needs:

Central Station - living quarters

Chebeague - more apparatus space; sleeping quarters

West Cumberland - an expansion was done ten years ago, apparatus bays are sufficient; next improvement need would be sleeping quarters.

Regarding equipment needs, fire and rescue have adequate equipment levels to meet current needs.

Regarding staffing to meet current needs, rescue could use 2 full-time paramedics to man 1 ambulance and additional billing staff hours.

Capacity/condition to meet future needs

In the future, 2 full-time salaried paramedics beyond the two meet current needs, may be needed to meet future growth demands. This is being driven by a combination of demand increases and the difficulty of providing round the clock coverage with non-salaried staff. Also, future growth may

drive the need for additional billing staff hours.

Five to ten years out, fire may need to go to some full-time salaried personnel. This would be driven less by the increase in demand and more by the difficulty in attracting and retaining call personnel. The first positions needed would be a salaried drivers to get apparatus to the incidents.

Cost Implications

The estimated cost of a driver for fire apparatus would be \$10 per hour if paid hourly, or if salaried, \$25,600 annually (\$19,200 salary and \$6,400 benefits).

The estimated cost of adding a paid paramedic is \$14 per hour if hourly, part-time; or \$34,000 annually if salaried (\$27,000 salary & \$7,000 benefits)

III. PUBLIC WORKS - SOLID WASTE

Description of Current Programs and Services

The Island residents bring solid waste, recyclables and other waste items to the transfer station on the Island. Mainland residents are provided with curbside pick-up of solid waste and recyclables. This service is contracted for by the Town and is paid for out of the Town's General Fund. No pick-up and disposal of commercial waste is provided or contracted for by the Town.

The Island transfer station is fairly new (about 4 years old), built after the landfill was capped in 1994-95. In addition to space provided for transfer of household solid waste, the station includes areas for demo debris, metals, brush/wood, silver bullets (recycling containers). The Town contracts with a private company to haul solid waste and materials off the Island.

The mainland has an area for (not officially a transfer station) wood products, white goods, metals, leaf and yard waste.

The Island transfer station is staffed by 1 attendant, 24 hours per week. The mainland disposal area is staffed by an attendant, 8 hours per week.

Significant Changes in Programs and Services since 1990 in Terms of the Amount or Type Provided

In 1992 the landfill on the mainland was capped and in 1994-95 the landfill on Chebeague Island was capped. Prior to capping, residents brought solid waste to landfill for disposal. Since capping, a new transfer station was built on the Island and residents now bring solid waste, recyclables and other waste items to the transfer station. Mainland residents are now provided with curbside pick-up of solid waste and recyclables. This service is contracted for by the Town. No pick-up and disposal of commercial waste is provided or contracted for by the Town.

Factors Which Have Impacted Changes in Programs and Services Since 1990 Or are Anticipated to Impact Services Over the Next Ten Years

Changes in peoples' expectations or demands for services

Once the landfill was closed on the mainland, the Town had to implement another method of collection/disposal. Although there were other options, peoples high expectations for service led to provision of curbside collection of solid waste and recycling.

State or Federal Mandates

Changes in state solid waste regulations in the late 80's led to the requirement that the landfills in Cumberland be closed. State mandates also require licensing of transfer stations which impacted how the Island Transfer station was built and operated and how mainland accommodation area will be improved and operated in the future.

Capacity of Facilities, Equipment and Staffing Levels

Significant changes since 1990

In 1992 the landfill on the mainland was capped and in 1994-95 the landfill on Chebeague Island was capped. Prior to capping, residents brought solid waste to landfill for disposal. Since capping, a new transfer station was built on the Island and residents now bring solid waste, recyclables and other waste items to the transfer station. Mainland residents are now provided with curbside pick-up of solid waste and recyclables. This service is contracted for by the Town. No pick-up and disposal of commercial waste is provided or contracted for by the Town.

Capacity/condition to meet existing needs

Could use transfer station operator (check this) (Island or Mainland?)

Need to get licensing for operation of mainland transfer station (currently it is not licensed as a transfer station)

IV. PUBLIC WORKS - ROADS

Description of Current Programs and Services

The Public Works Department provides the following programs and services:

- ▶ road maintenance and repairs
- ▶ drainage
- ▶ street cleaning
- ▶ plowing and sanding
- ▶ paving
- ▶ public works related construction projects
- ▶ oversee laying of sewer lines but does not perform the work
- ▶ mechanic work for all public works equipment plus mechanic work for fire, police and rescue vehicles and equipment.
- ▶ in addition public works provides solid waste services which were mentioned in a separate section that include operation of a transfer station on the Island and a waste accommodation area on the mainland.

In 1998-99 there were a total of 78 road miles in Cumberland of which:

59 were town maintained (44 mainland and 15 Island)
19 were state maintained

For facilities, the Public Works Department operates and maintains:

- ▶ 2 public works garages, 1 on the mainland and 1 on the Island
- ▶ 2 salt sheds, 1 on the mainland and 1 on the Island
- ▶ 2 gravel pits, 1 on the mainland and 1 on the Island

Current staffing levels for Public Works is as follows:

(Excludes solid waste attendants)

- ▶ 1 - full time Director
- ▶ 1 - full-time foreman
- ▶ 5 - full-time equipment operators
- ▶ 1 - full-time mechanic
- ▶ 1 - half year maintenance person w/truck driver's license
- ▶ 1 - 16 hour per week secretary

plus on the Island:

- ▶ 1 - full-time Island foreman

- 2 - part-time call persons during storms

Island facilities include a public works garage, a sand and salt shed, and a transfer station

Significant Changes in Programs and Services since 1990 in Terms of the Amount or Type Provided

In 1990, it took 2 hours to complete snow plow route now it takes 3 hours. This is the result of both more road mileage as well as more traffic to contend with, and the extra time it takes to plow certain types of new roads including cul-de-sacs and dead-ends.

Fifteen new town roads have been added since 1990.

Factors Which Have Impacted Changes in Programs and Services Since 1990 Or are Anticipated to Impact Services Over the Next Ten Years

Increases in the amount of persons, residents, or households served

Fifteen new town roads have been added since 1990 as a result of new housing development. In the short-term these roads require little annual maintenance, however, eventually maintenance will be needed. Regarding plowing and sanding, the new roads have an immediate impact requiring plowing and sanding once they are built.

Changes in peoples' expectations or demands for services

Current road system was designed for vehicles. Now there is a greater demand and expectation for accommodating bikes, jogging, walkers, skating.

The location of where new development has occurred in Town

Cul-de-sacs and dead end roads take more time to plow and sand per mile than other roads.

Capacity of Facilities, Equipment and Staffing Levels

Significant changes since 1990

The Island has a relatively new salt shed and a new public works garage.

Capacity/condition to meet existing needs

The Public Works Department recently completed a pavement management study. The study

indicated the that the Town treat 32,485 l.f of mainland road with overlay per year at an estimated cost of \$195,000 per year for the next ten years (this includes roads that are projected to be in better than poor condition to prevent them from deteriorating to poor). It also recommended that 5,885 l.f. of island roads be treated annually at a cost of approximately \$85,000 per year (this also includes roads that are projected to be in better than poor condition to prevent them from deteriorating to poor). The study also recommends that 1,885 feet or poor mainland roads be reclaimed each year at an annual cost of \$23,000 and an average 1,665 l.f of island roads be reclaimed each year at an estimated cost of \$50,000. This makes the an annual cost needed to meet current demands for roads, \$353,000. The Town currently spends about \$130,000 per year on road pavement and reconstruction for both the Island and the mainland. Therefore, according to recent road study significant additional funding is needed to meet current road needs.

Plowing and sanding - to keep roads maintained during winter to present standards would require at least 1 additional plow truck, possibly 2 and 2 additional personnel

Capacity/condition to meet future needs

Pressure is being placed by the public to relocate the mainland public works garage. Although the current garage is in an ideal location from a public works' perspective (centrally located in Town where old Town office was), recent residential development has encroached on the garage and now neighbors view the garage as a nuisance. Therefore, although the capacity of the current garage may be adequate to meet future needs, its location may need to be changed as the result of the location of past residential development.

Anticipated future changes

The Public Works Department is considering adding a staff person on the Island

V. PROGRAM - RECREATION & PARKS

Description of Current Programs and Services

Programs and services offered by the Recreation and Parks Department include:

- ▶ youth recreation and youth sport leagues
- ▶ adult education
- ▶ adult recreation
- ▶ summer recreation youth day camp
- ▶ after school enrichment activities
- ▶ maintenance of Town properties including Town office grounds, Library grounds, Twin Brook Recreation Area. (Note, school grounds are maintained by School Department)

Current Recreation & Parks facilities include:

- ▶ The Twin Brook Recreation Area, which was built two years ago and includes two multi-purpose fields.
- ▶ 3 Little League fields, Town property mowed by Town but maintained for league play by Little League
- ▶ West Cumberland Recreation Center - old Grange Hall, used for contracting out for special functions such as weddings, also used for some recreation and community service programming.
- ▶ administrative offices - located at Town Office
- ▶ old Police Garage - used for equipment storage, such as mowers

note: The Val Halla Golf area is run as an enterprise fund and is separate from Town Recreation & Parks.

Current staffing levels for Recreation & Parks are as follows:

- ▶ 1 - full-time director
- ▶ 1 - full-time secretary
- ▶ 1 - full-time parks superintendent (for park maintenance)
- ▶ 1 - half-time(20 hrs per week) adult education coordinator
- ▶ 1 - full-time aquatics director shared between school and town (50% each)
- ▶ 2 - part-year (June-September) half-time (20 hrs each per week) summer maintenance staff (mowing)
- ▶ also summer camp staff (around 55 people to run summer recreation program for 7 weeks (end of June -August)
- ▶ contracted people as need to staff and run programs September through June (around another

50 people)

Regarding funding: All parks expenditures are funded out of Town General Fund. Recreation programs are funded through a combination of participant fees and General Fund support. The Town's General Fund supports permanent staff of the Recreation Department, field and facility maintenance, overhead costs. Participant fees are designed to cover costs of coaches, instructors, equipment for the individual program, and t-shirts. Whenever possible and appropriate volunteers are used to provide and staff programs. Val Halla Recreation area is funded by an enterprise fund of the Town.

North Yarmouth residents account for about 25% of participation in community programs.

Factors Which Have Impacted Changes in Programs and Services Since 1990 Or are Anticipated to Impact Services Over the Next Ten Years

Increases in the amount of persons, residents, or households served

There is a growing number of seniors as the baby boom generation ages.

Changes in peoples' expectations or demands for services

Parents are demanding more structured programs for kids than in the past. Also, the demand for structured programming is occurring for earlier age groups (4,5,6 year olds).

Not only has the number of seniors grown, but activity level and demand for programs and services among seniors seems to be increasing.

Overall, at all age groups, there seems to be a greater expectation for parks and recreation services than there was in the past.

The location of where new development has occurred in Town

The Twin Brooks Area is centrally located in Cumberland. If growth and development occurs away from this area, there will be a greater demand for facilities in the areas where the growth has occurred.

Other factors

The school systems seem to be providing less of the non-athletic and non-traditional club options for students in the past. This places increased demand on the Town to provide after-school programs.

Capacity of Facilities, Equipment and Staffing Levels

Significant changes since 1990

The Twin Brook Recreation Area was acquired by the Town several years ago and built two years ago. It currently includes 2 multi-purpose fields.

Year round staffing levels, in 1990 included 1 full-time director and 1 full-time secretary. So since 1990, the Town has added 1 - full-time parks superintendent (for park maintenance), 1 - half-time (20 hrs per week) adult education coordinator, 1 - full-time aquatics director shared between school and town (50% each).

Capacity/condition to meet existing needs

Due to growth in programming and services over the past few years, the Department is currently in need of 1 full-time recreation coordinator, who could spend 3/4 time directly working with participants and programs and 1/4 time on administrative duties. Also in need of extending summer parks maintenance staff hours beyond June and September to perform more maintenance than just mowing.

Regarding facilities, the following are needed to meet the needs of the current population into the future: outdoor basketball facilities, tennis facilities, and at the Twin Brook Recreation Area the Recreation Department 1 baseball field, 1 softball field, 1 additional multi-purpose field, and 1 little league field. Also, a connection from the Twin Brook Area to Val Halla needs to be completed.

Capacity/condition to meet future needs

If growth and development continues, it may drive need for community center in the long-term, but not near future. As growth continues, demand for programs will increase and at some point, facilities beyond those needed to meet existing needs mentioned above, will need to be expanded and others added to meet needs.

Anticipated future changes

At the Twin Brook Recreation Area the Recreation Department is trying to add 1 baseball field, 1 softball field, 1 additional multi-purpose field, and 1 little league field.

- 1. replace existing Table of Contents in Section 5 with attached Table of Contents**
- 2. Add Addendum 1 attached to the end of Section 5**

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Table 1: Trends in Fiscal Conditions 1990 & 1998	
Table 2: Trends in Fiscal Conditions 1990 & 1998 (actual \$)	
Table 3: Trends in Fiscal Conditions 1990 & 1998 (adjusted to constant 1990 \$)	
Table 4: Trends in Fiscal Conditions 1990 & 1998 (per unit, not adjusted)	
Table 5: Trends in Fiscal Conditions 1990 & 1998 (per unit, adjusted to constant 1990 \$)	
Addendum 1: Cost/Benefit Model for Recent Residential Development in Cumberland	

Cost/Benefit Model for
Recent Residential Development
In Cumberland

Prepared by Planning Decisions
For the Town of Cumberland, Residential Fiscal Impact Project
March 2000

This model portrays the costs and benefits of a typical 10 unit subdivision built since 1985 in Cumberland. As you can see from the model, residential growth in Cumberland over the last 15 years generates more costs than benefits and thus has a significant negative fiscal impact (estimated at \$2,226 lost per household).

The negative fiscal impact is driven primarily by school costs resulting from the 1.3 students per household (based on both the survey and the subdivision analysis conducted as part of this project). Additional education costs rise by about \$80,000 when capital and debt is included yet state school aid rises by only \$22,562. The difference must be made up by property taxes. This situation is made worse for Cumberland by the SAD 51 formula which is based purely on valuation and not students.

Costs and benefits used in the model are based on per household and per pupil expenditures and revenues in Cumberland based on the Town's Audited Financial Statements for 1998. When appropriate costs and benefits associated with Chebeague have been factored out as well as a small amount of costs associated with commercial development.

What this model tells us is that recent and new residential growth doesn't pay its way. This loss must be made up by all existing households. Furthermore, given the pending school facility need, the costs for development will likely increase above the amounts shown here, unless a significant portion of the costs are financed through State Construction Aid.

K-12 Enrollments Per Household for Recent Subdivisions Cumberland & Reference Communities		
Community	K-12 Enrollments per Unit	Period Subdivisions Built
Cumberland	1.263	Since 1985
Falmouth	.769	Since 1990
Gorham	.87	Since 1990
Scarborough	.829	Since 1985
Yarmouth	.784	Since 1985
Source: From Planning Decisions, Inc. Based on data for each Town's Planning, Assessing, and School Departments		

profilenarrative.wpd

Model 1: Typical Cumberland Subdivision Built Since 1985

1	Development Profile			
2	Number of Units	10		
3	Persons Per Unit	3.8		
4	Bedrooms Per Unit	3-4		
5	Vehicles Per Unit	2.3		
6	Lot Size	2.7 acres		
7	Average Per Unit Assessed Value	\$240,000		
8	Length of New Road (Miles)	0.37		
9	Number of Pupils K-8	10		
10	Number of Pupils 9-12	3		
11	Total Assessed Value All Units	\$2,400,000		
12	Annual Net Fiscal Impacts			
13	Estimated Annual Benefits			
14	<i>Own-Source Revenues</i>			
15	Property Taxes @ 1998 mill rate of 19.05	\$45,720		
16	Excise Taxes	\$4,383		
17	All Other Own-Source Revenues	\$1,820		
18	Total Own-Source Revenues		\$51,923	
19	<i>State Aid Impacts</i>			
20	State GPA Education Change	\$22,562		
21	State Revenue Sharing Change	\$526		
22	All Other Intergovernmental Revenues	\$3,050		
23	Total State Aid Impacts		\$26,138	
24	Total Estimated Annual Benefits			\$78,061
25	Estimated Annual Costs			
26	<i>Operating Costs</i>			
27	Municipal Operating Costs	\$14,130		
28	New Road Maintenance Costs	\$2,319		
29	Education Operating Costs	\$74,504		
30	Increase in County Tax	\$1,695		
31	Total Operating Costs		\$92,649	
32	<i>Capital & Debt Costs (annual current funding levels)</i>			
33	Municipal Capital Outlay	\$530		
34	School Capital Outlay	\$1,053		
35	Municipal Debt Service	\$890		
36	School Debt Service	\$5,200		
37	Total Capital & Debt Costs (annual current funding)		\$7,673	
38	Total Estimated Annual Costs			\$100,322
39	Annual Net Impact (Benefits-Costs)			(\$22,261)
40	Annual Net Impact Per Household *			(\$2,226)
41	*Excludes some costs for expanding current school facilities and other service areas to meet demand generated by residential growth over the past decade - a currently unfunded obligation that needs to be allocated to past growth.			

Add attached materials as a new Section
8

ANALYSIS OF THE FISCAL IMPACTS
ON LOW & MODERATE INCOME HOUSEHOLDS
TOWN OF CUMBERLAND MAINE

*Prepared by Planning Decisions
for the Town of Cumberland
as part of the Residential Fiscal Impact Project
March 2000*

The analysis of historical fiscal variables (revenues and expenditures) between 1990 and 1998 in Cumberland suggests that the Town has reasonably been able to handle growth from a fiscal perspective, avoiding significant changes in property taxation. However, changes in fiscal conditions can have varying impacts on different types of households. Of particular concern to Cumberland Officials is the impact of growth and fiscal conditions on low and moderate income households.

As part of the Residential Fiscal Impact Project, Planning Decisions examined estimated property tax burdens on households in Cumberland that are within the lowest 20% (lowest quintile) in terms of 1999 valuation of property in comparison to estimated property tax burdens on all other households or the top 80% in terms of 1999 valuation (rest of valuation quintiles). For the two sample groups, 1990 and 1998 tax burden indicators were examined as well as the change between 1990 and 1998. The results are shown Table 1.

Three variables determine the property tax burden level on given household. They are the valuation of the household's property, the local tax rate, and the household's income. The estimated median home value of households in the lowest quintile in 1990 was \$60,590. The estimated median home value of these same homes increased to \$84,800 in 1998, an increase of 40%. This compares to an increase of 14% between 1990 and 1998 for homes in all the other quintiles. With regard to median household income, households in the lowest valuation quintile experienced an estimated increase of 13% in comparison to an estimated 31% for all other households between 1990 and 1998.

In 1990 the local tax rate in Cumberland was 16.65 mills. By 1998 the tax rate had increased to 19.05 mills. Applying the tax rate to the home value figures results in an estimated increase between 1990 and 1998 of 60% in taxes paid on the median valued home in the lowest quintile in comparison to an estimated increase of 30% on the median valued home for all other households. During this same period the estimated median household income grew by only 13% for lowest valuation households in comparison to an estimated 31% for the rest of the households.

Taken together, increases in taxes paid that were higher than incomes received resulted in an increase in the tax burden (tax paid as a percent of income) from 6.89% in 1990 to 9.76% in 1998 for households in the lowest valuation quintile. This compares to an estimated tax burden of 3.58% in 1990 and 3.56% in 1998 for all other households (or a decrease in tax burdens).

As the data indicates, although Cumberland overall has been able to handle growth from a fiscal perspective between 1990 and 1998, the tax burden on low income households may be increasing. This is being driven by increases in valuation that are outpacing growth in incomes for low and moderate income households.

**Table 1: 1990-1998 Change in Property Tax Burdens
Low Valuation Households vs. All Other - Town of Cumberland**

Property Tax Burden Indicator	1990	1998	Change 1990-98	
			actual	%
Lowest Valuation Quintile				
Median Home Value	\$60,590	\$84,800	\$24,210	39.96%
Tax Paid on Median Valued Home	\$1,009	\$1,615	\$607	60.13%
Median Household Income	\$14,648	\$16,557	\$1,909	13.03%
Tax Paid on Med Home as % of Med Income	6.89%	9.76%	2.87%	41.67%
Rest of Valuation Quintiles				
Median Home Value	\$125,680	\$143,150	\$17,470	13.90%
Tax Paid on Median Valued Home	\$2,093	\$2,727	\$634	30.32%
Median Household Income	\$58,525	\$76,683	\$18,158	31.03%
Tax Paid on Med Home as % of Med Income	3.58%	3.56%	-0.02%	-0.54%
Total Mill Rate (Based on Local Valuation)	16.65	19.05		

Sources & Notes:

Median Home Value - Based on a random sample of homes built in 1990 or prior excluding ocean & waterfront properties using 1990 and 1998 Town assessment records. 1998 valuation excludes changes in valuation due to structural changes in property such as additions. For the sample, homes were ranked from lowest to highest in terms of 1998 valuation and grouped into two categories the lowest 20% of homes by value (lowest quintile) and the rest of the homes by value (top 80% or rest of quintiles)

Median Household Income - Estimated by Planning Decisions based on 1990 U.S. Census and 1998 household income estimates from Claritas Inc.

Total Mill Rate - Annual Financial Reports, Town of Cumberland

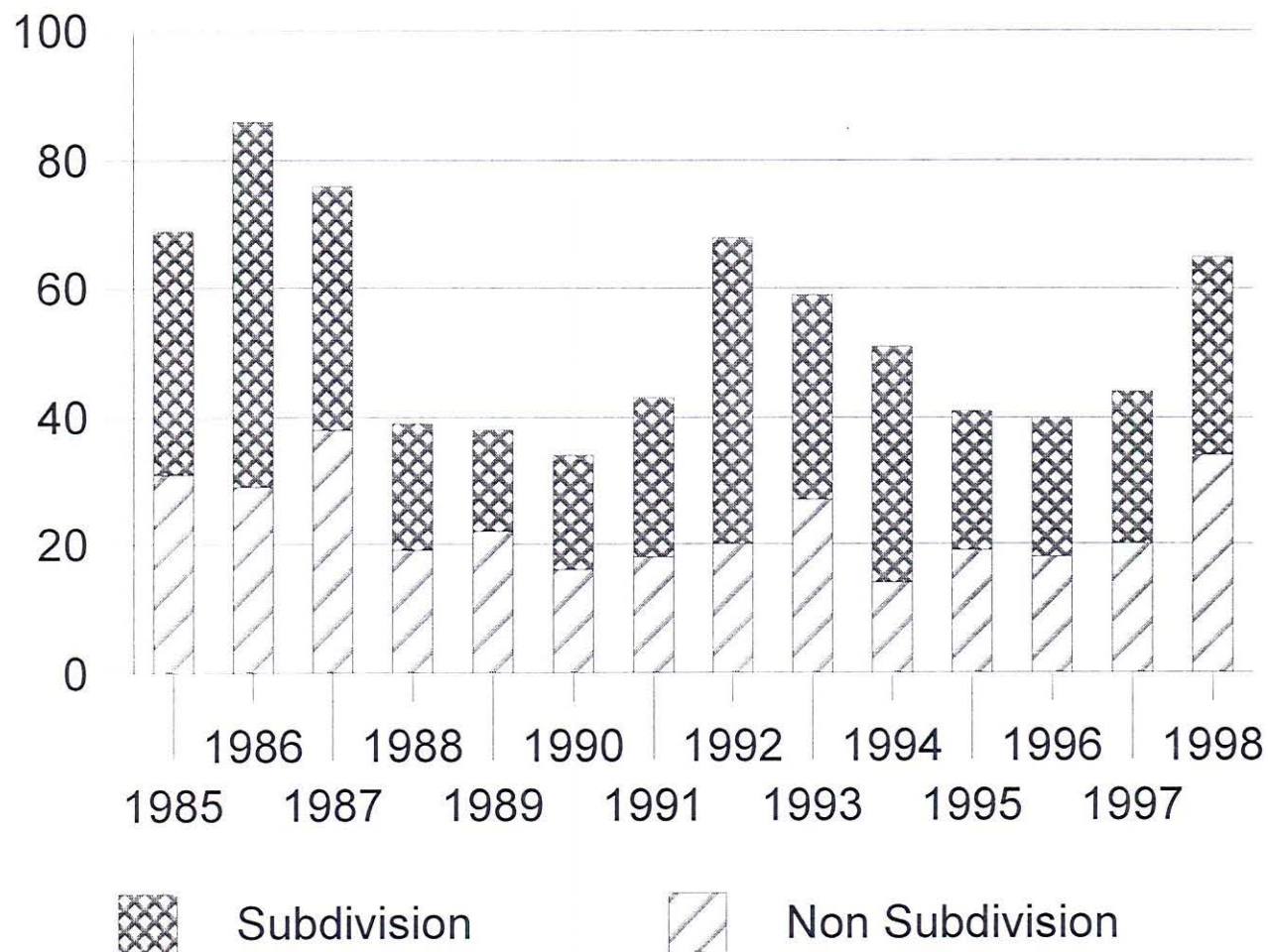
All else calculated by Planning Decisions, Inc.

Residential Fiscal Impact Project

Town of Cumberland

Presented by James Damichis, Associate
Planning Decisions, Inc.
April 10, 2000

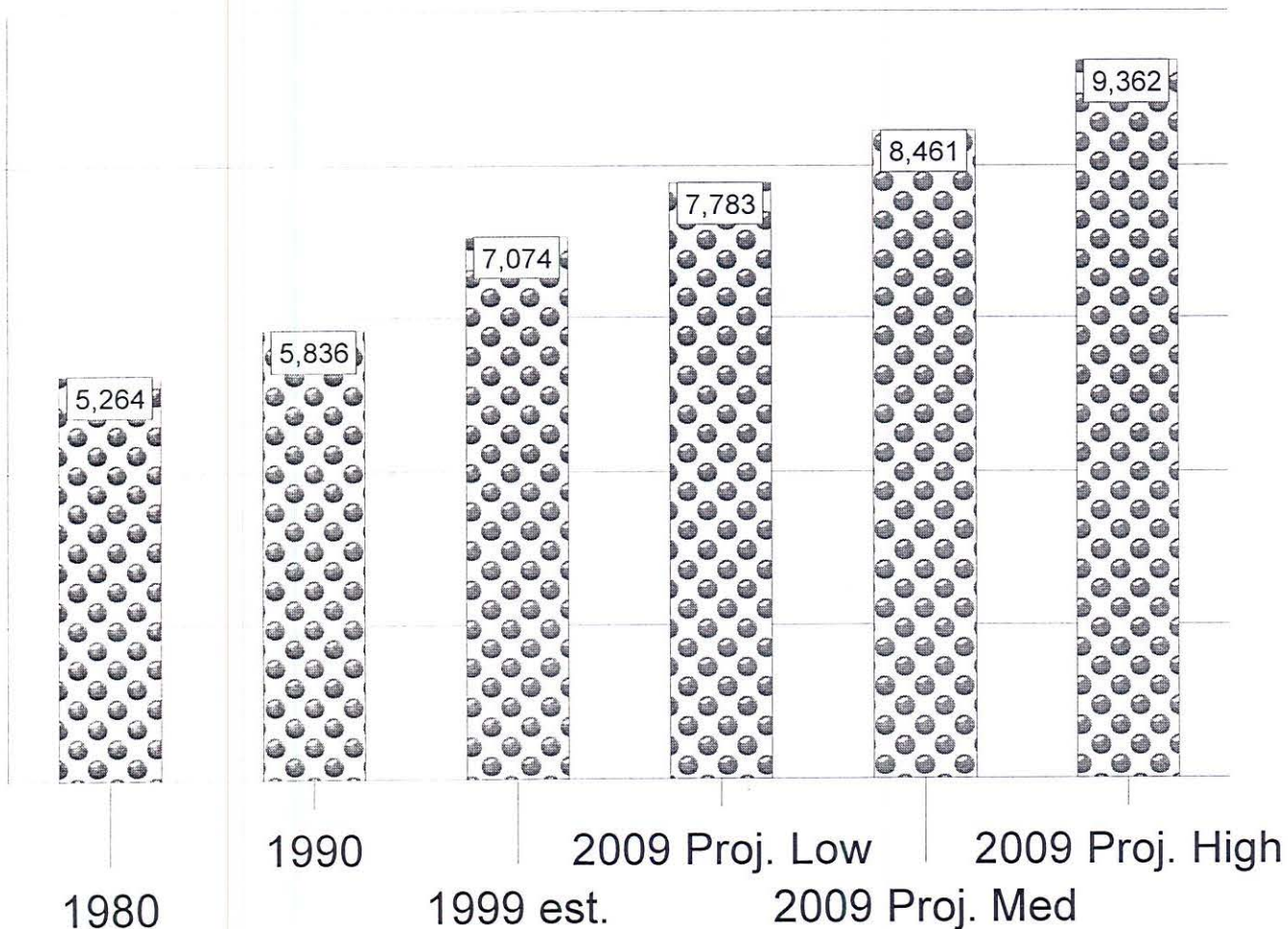
Annual Building Permits Issued for New Housing Units 1985 - 1998 - Town of Cumberland



Source: Town of Cumberland, Planning Department; Note Excludes 30 Units of Senior Housing in 1991, includes 49 Units at Small's Brook Between 1992 and 1994

Population Trends and Projections 1980 - 2009

Town of Cumberland

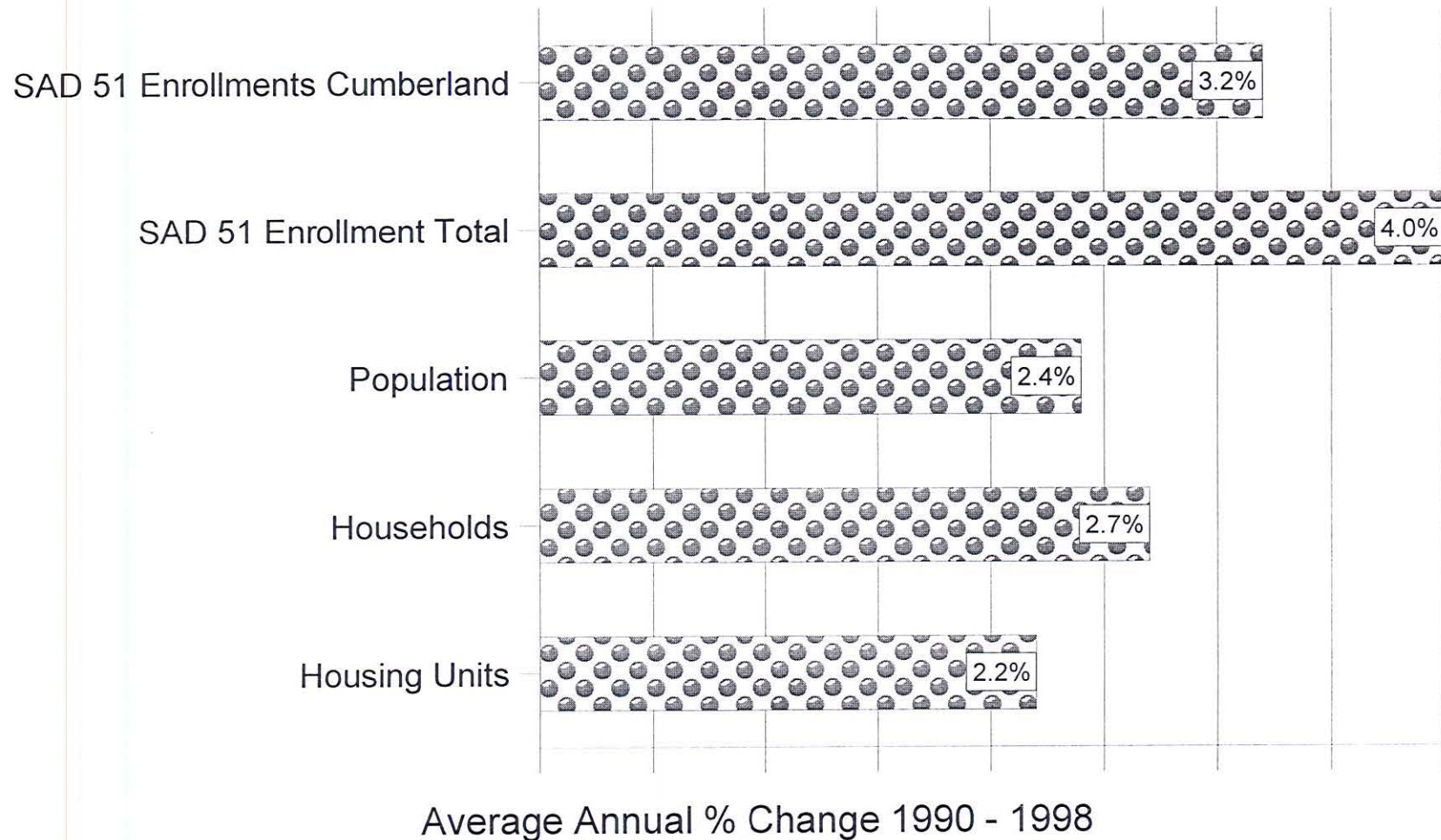


Low projection
based on 20-30
annual new
units, Med 35-
55 new units,
and high 60-80
new units

Source: 1980 + 1990 from U.S. Census, All Else Estimated and Projected by Planning Decisions

Demographic Trends 1990 - 1998

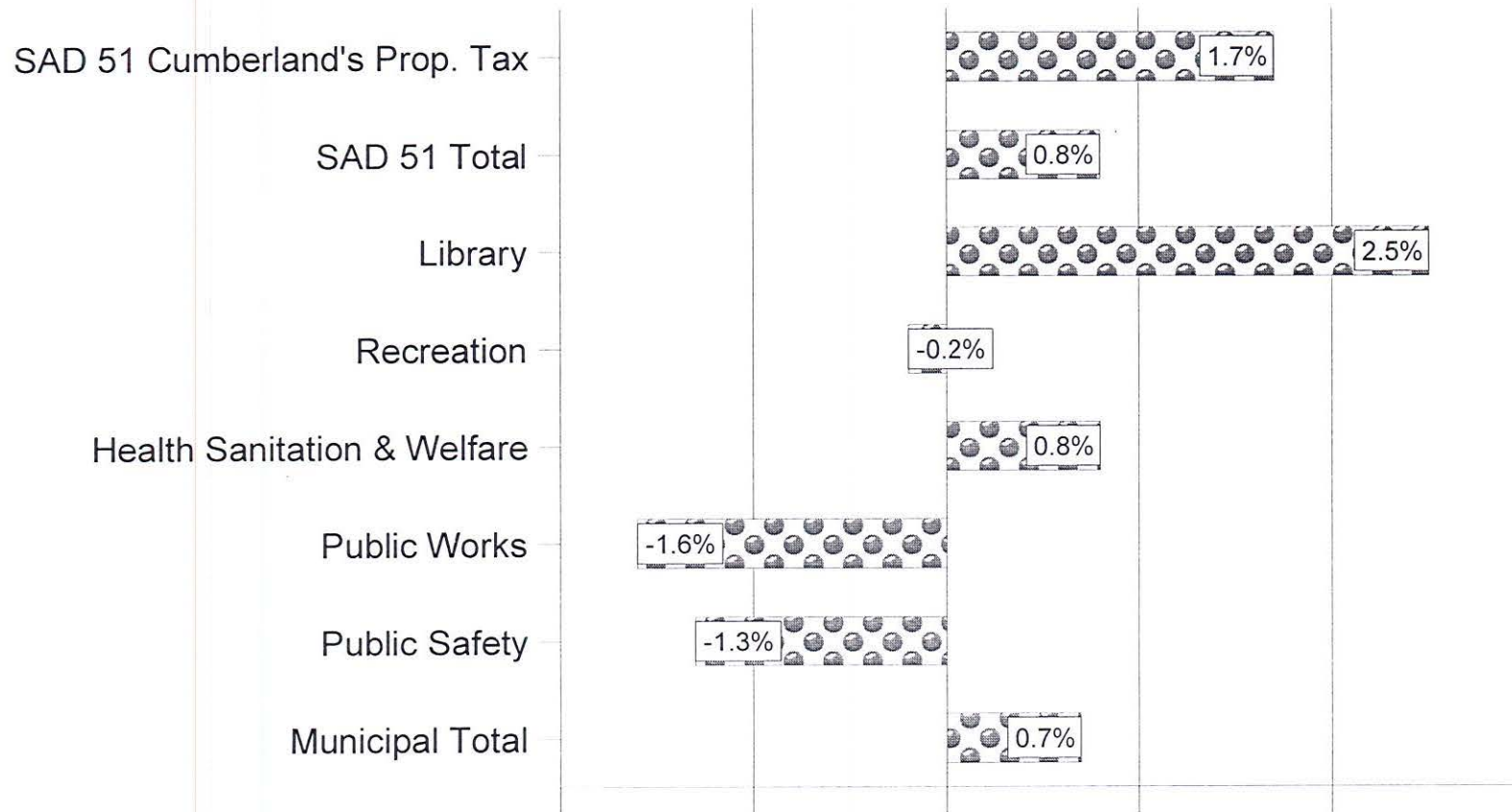
Town of Cumberland



Source: Housing Units, Households, Population - 1990 From U.S. Census, 1998 Estimated by Planning Decisions; Enrollments - Oct. 1st District Enrollment Reports

Trends in Expenditures 1990 - 1998

Town of Cumberland



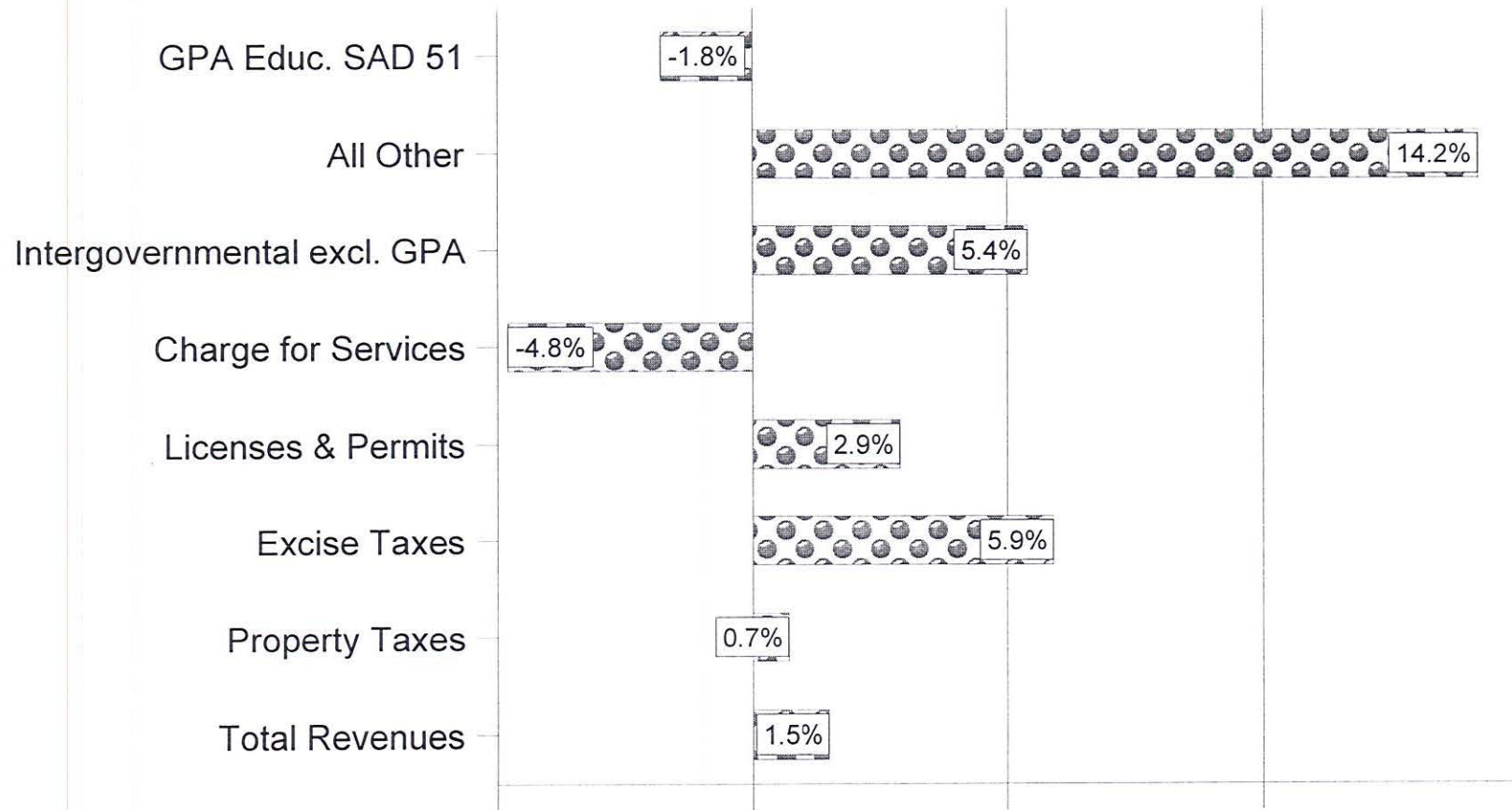
Average Annual % Change 1990 - 1998

Per Household, Adjusted for Inflation

*Source: Households - 1990 from U.S. Census, 1998 Estimated by Planning Decisions.
Expenditures From Annual Financial Reports Town of Cumberland; State Valuation From
Maine Bureau of Taxation*

Trends in Revenues 1990 - 1998

Town of Cumberland



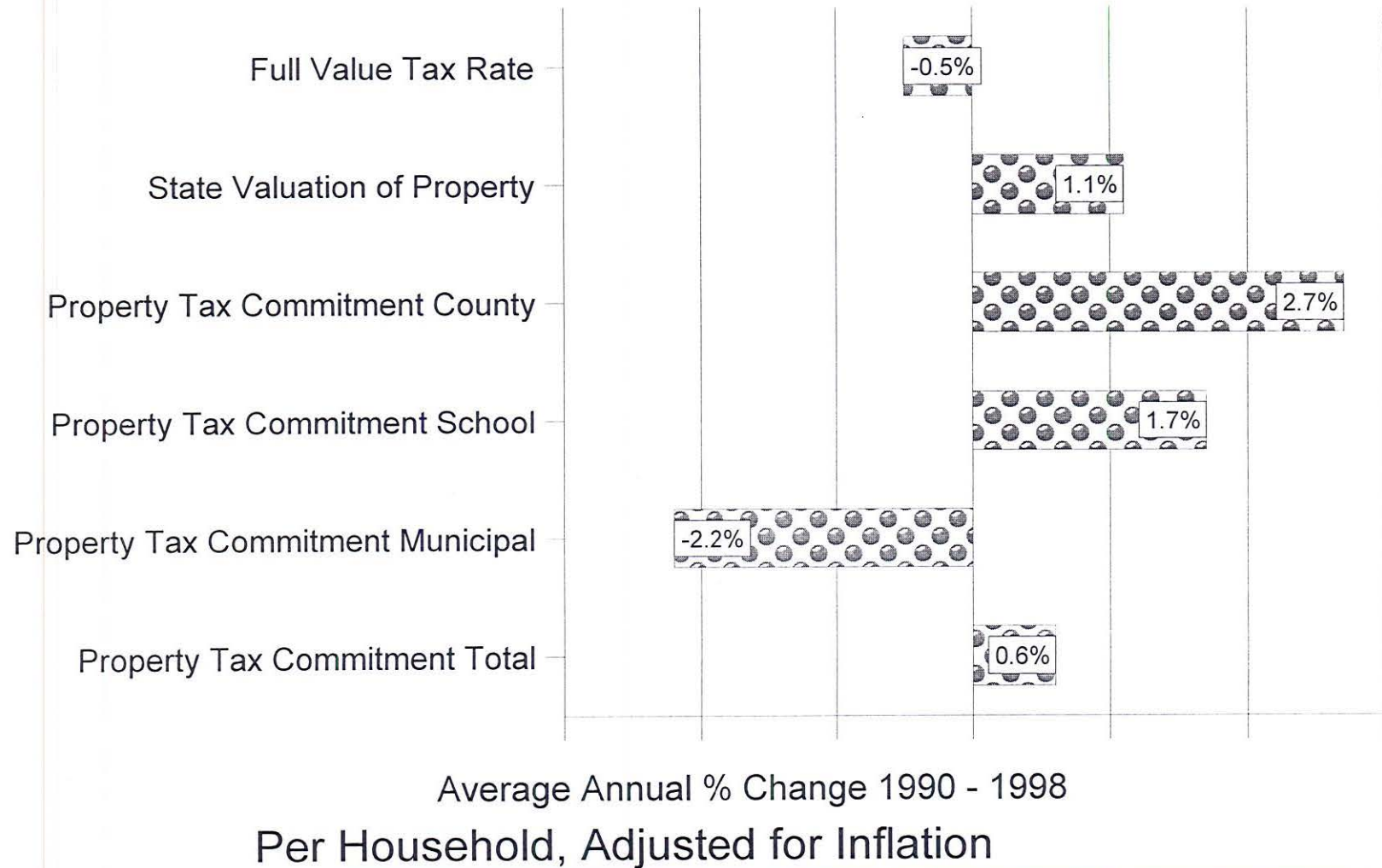
Average Annual % Change 1990 - 1998

Per Household, Adjusted for Inflation

Source: Households - 1990 from U.S. Census, 1998 Estimated by Planning Decisions. Revenues From Annual Financial Reports Town of Cumberland; State Valuation From Maine Bureau of Taxation

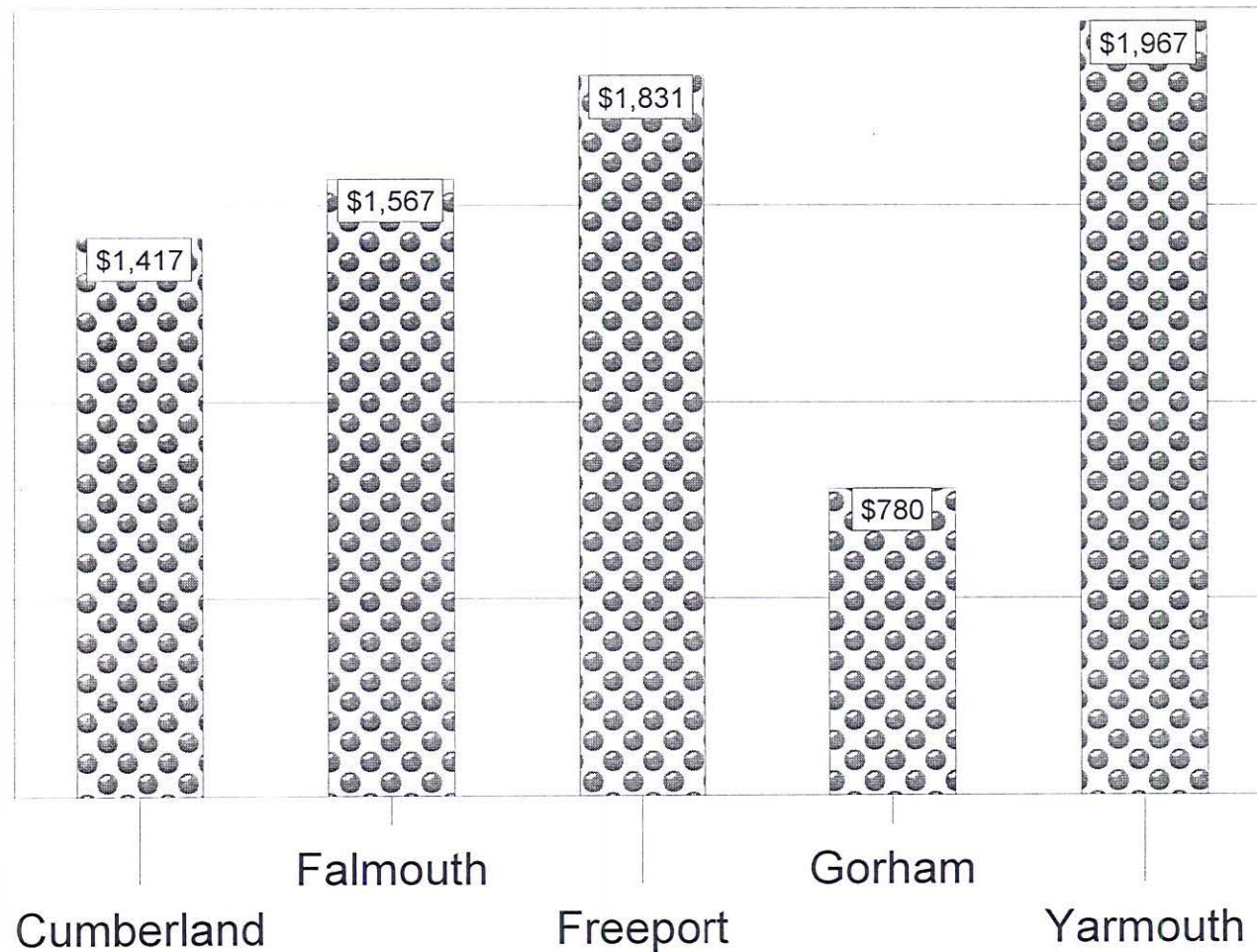
Trends in Property Tax Variables 1990 - 1998

Town of Cumberland



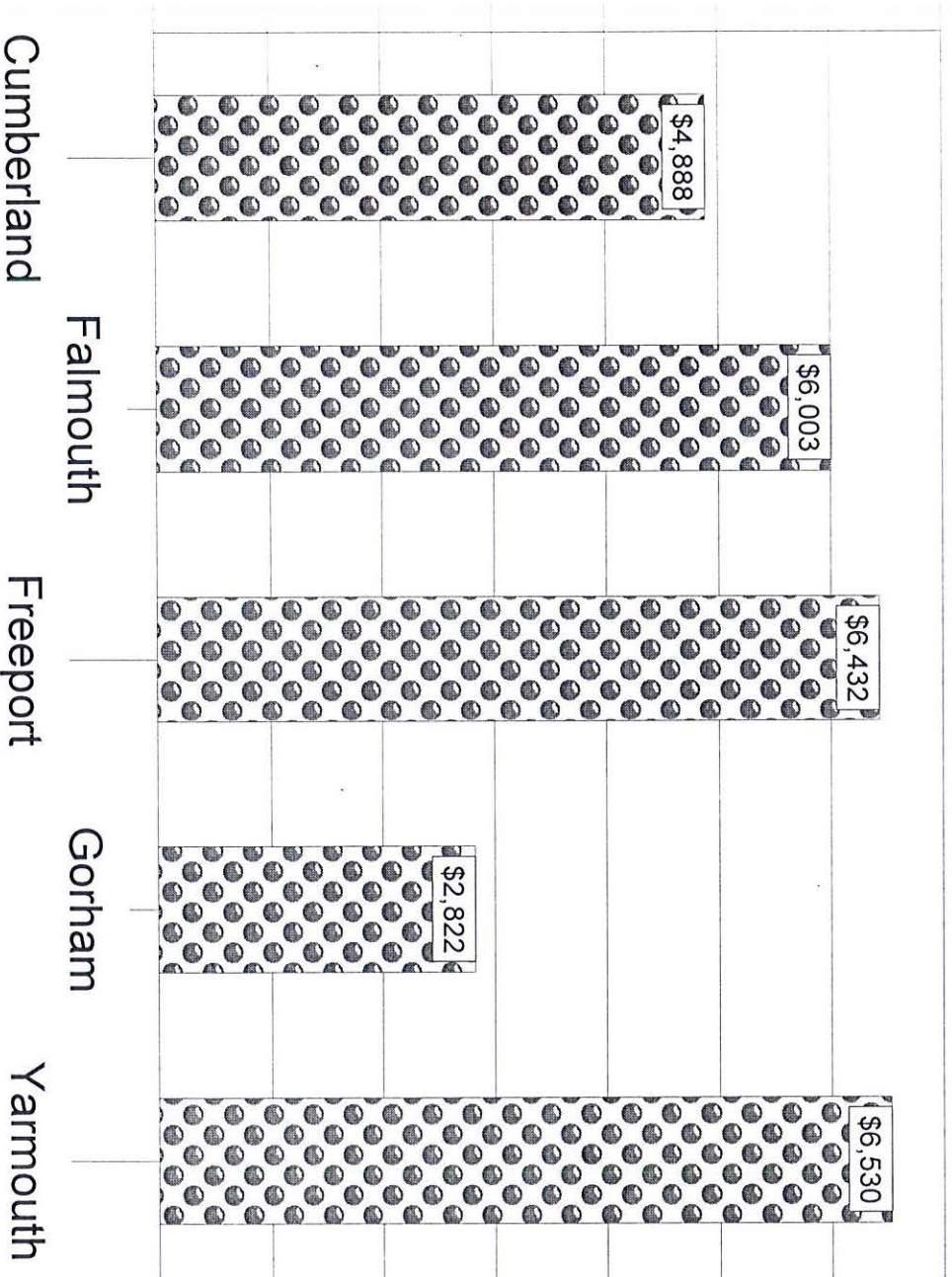
Source: Households - 1990 from U.S. Census, 1998 Estimated by Planning Decisions.
Property Tax Data From Annual Financial Reports Town of Cumberland; State Valuation
From Maine Bureau of Taxation

Per Capita Total Property Taxes - 1998 Cumberland Vs. Reference Communities



Source: Based on tax data from Maine Bureau of Taxation and population data from Maine Department of Human Services

Per Capita School Property Taxes - 1998 Cumberland Vs. Reference Communities



Source: Based on tax and pupil data from Maine Department of Education

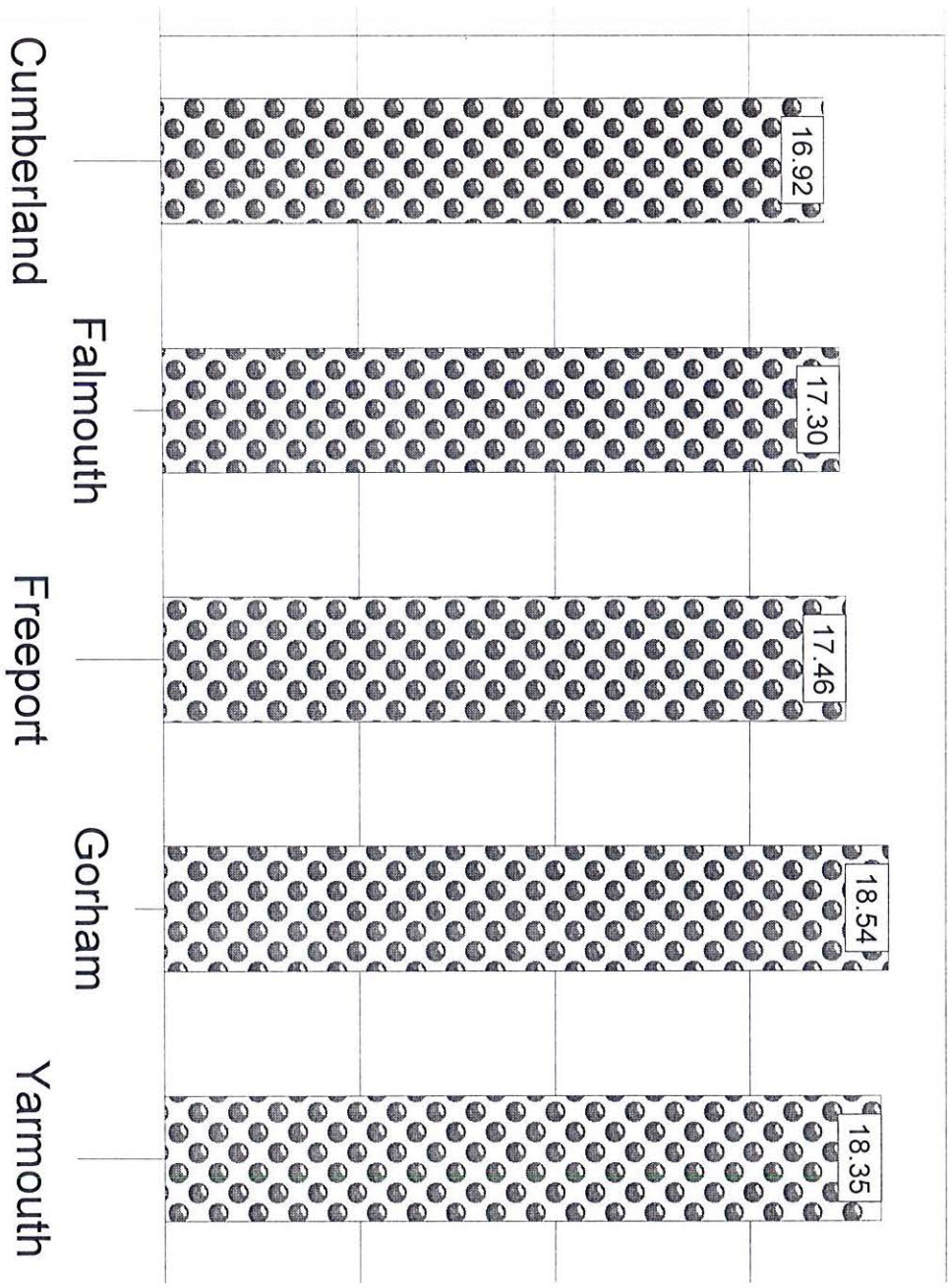
Per Capita Non-School Property Taxes - 1998

Cumberland Vs. Reference Communities



Source: Based on tax data from Maine Bureau of Taxation and population data from Maine Department of Human Services

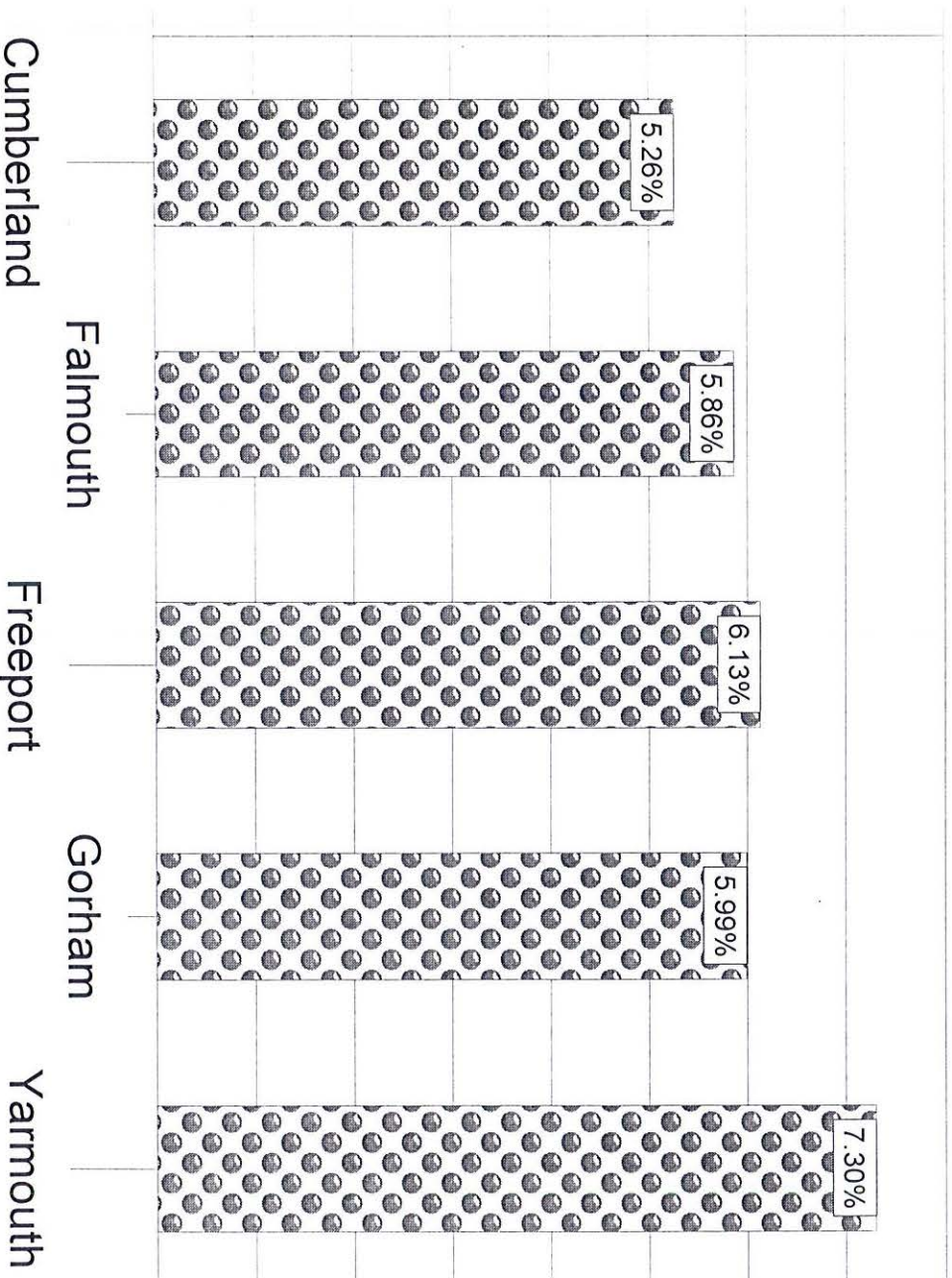
Full Value Property Tax Rate -1998 Cumberland Vs. Reference Communities



Source: Based on tax data from Maine Bureau of Taxation

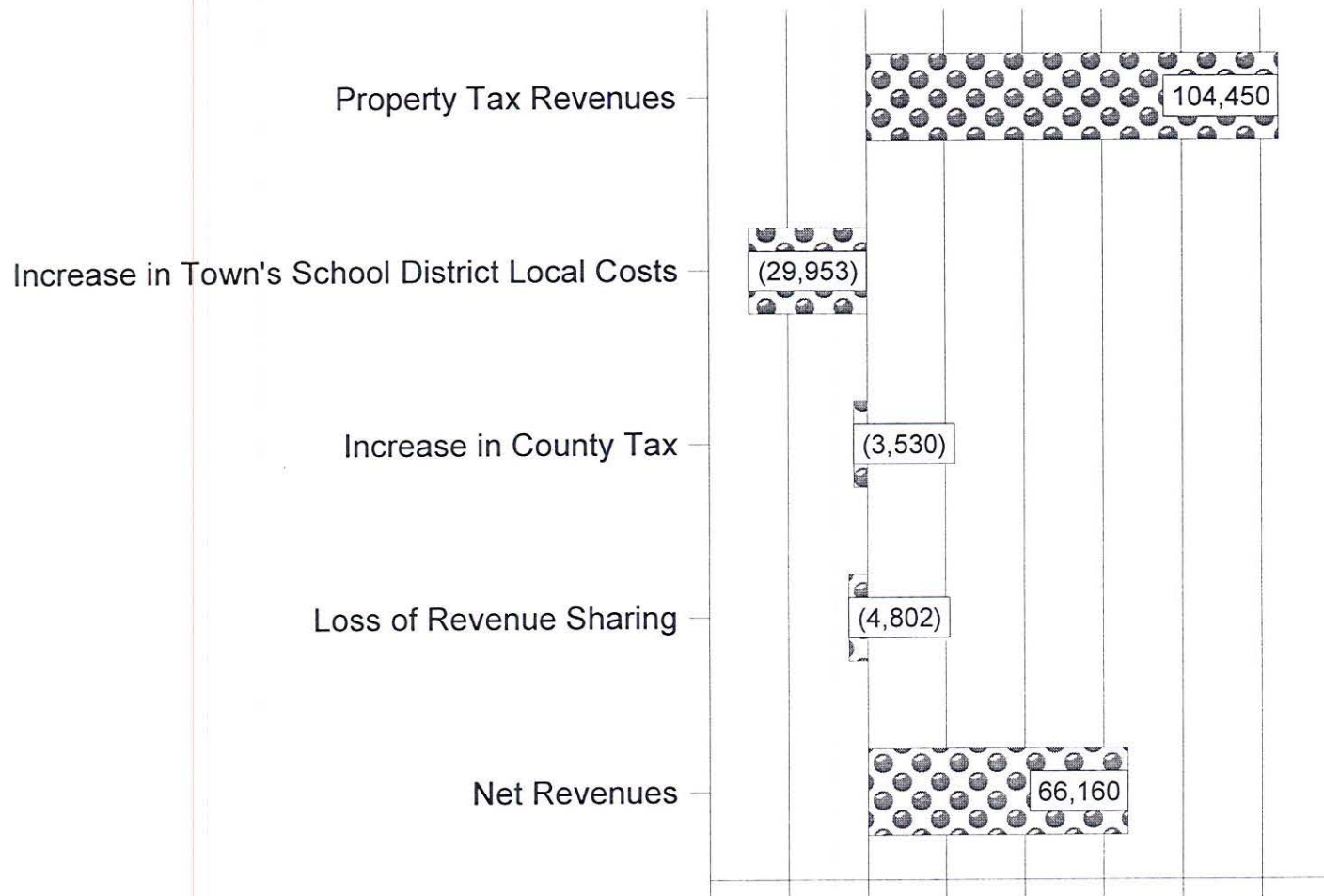
Property Tax Paid on Median Home as % of Median Income -1998

Cumberland Vs. Reference Communities



Source: Based on tax data from Maine Bureau of Taxation, home value and median income from Claritas Inc.

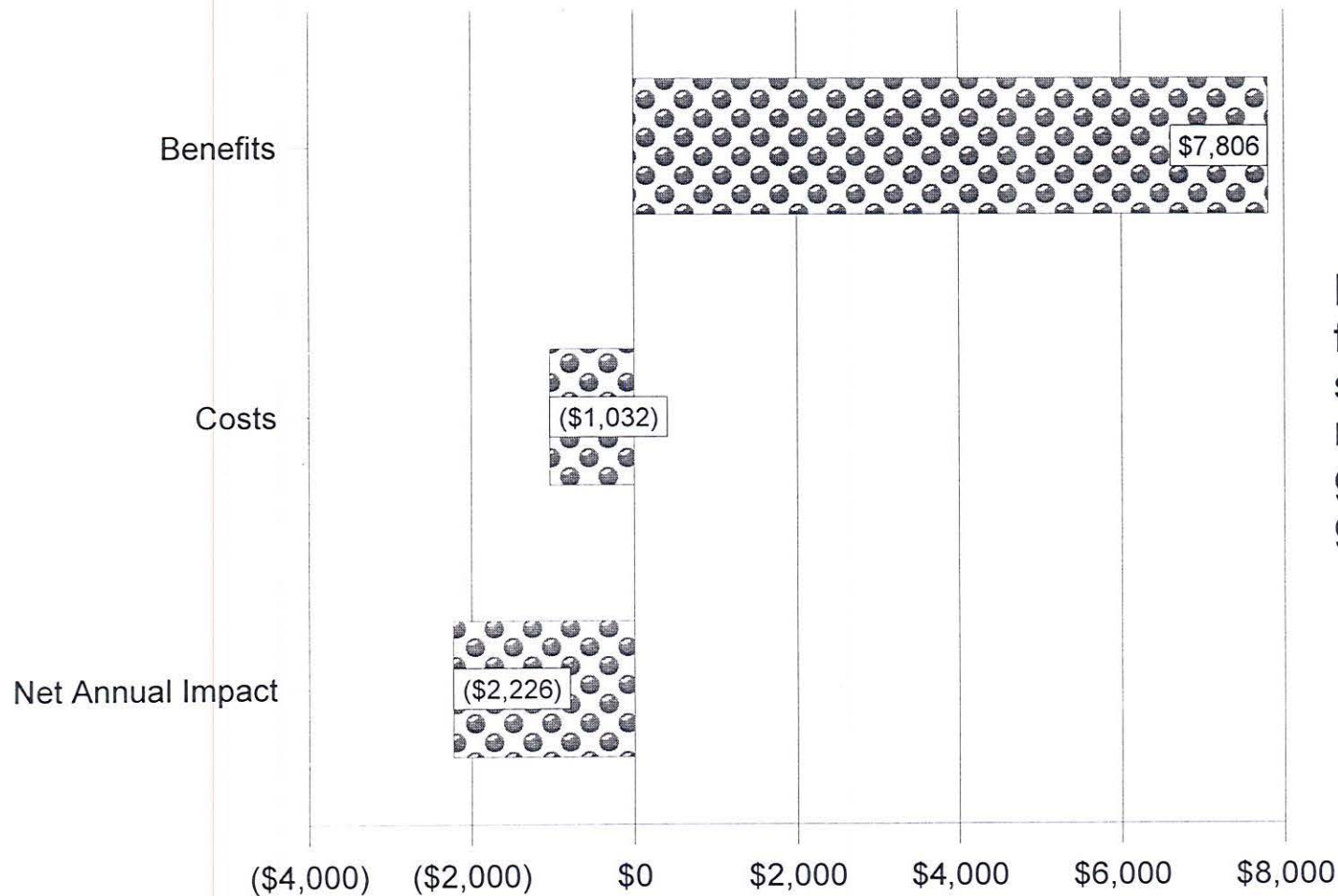
Impact of \$5,000,000 of New Valuation on Net Revenues Received - Town of Cumberland



Result: Because of GPA, Revenue Sharing, and County Tax Formulas, Cumberland retains 63% of of property taxes generated from an additional \$5 million in valuation.

Source: Estimated by Planning Decisions, Note Property Tax Revenues Based on 1998 Full value Tax Rate of 20.89 mills.

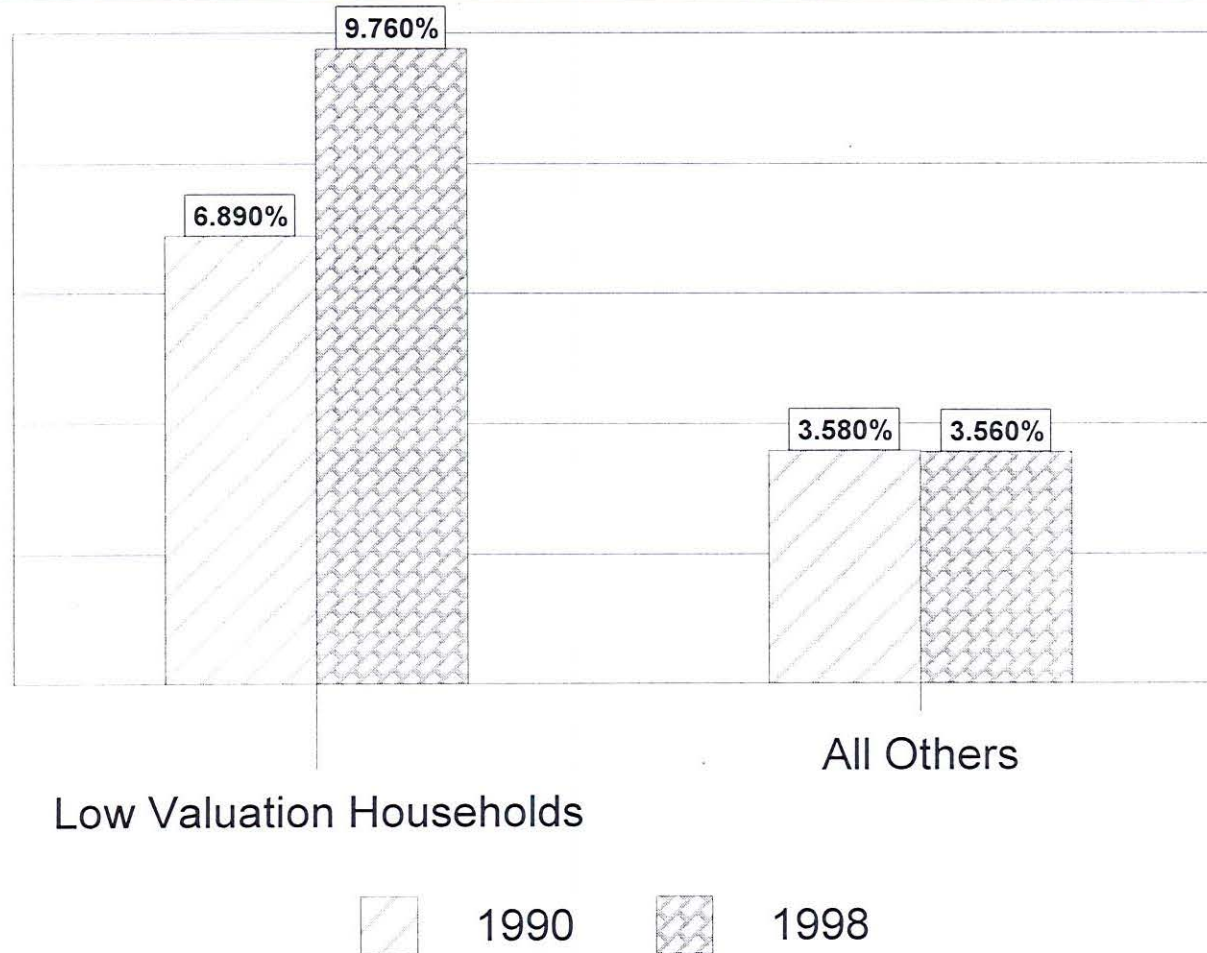
Estimated Net Annual Fiscal Impact of a Typical Cumberland Subdivision built since 1985



Note: Excludes costs for expanding current school facilities to meet demand generated by past growth

Source: Estimated by Planning Decisions based on 1998 Audited Financial Statements of Town and Assessment Records

Change in Estimated Property Tax Burdens Low Valuation Households Vs. All Others 1990-1998 - Town of Cumberland



Source: Estimated by Planning Decisions based on data from Town of Cumberland, Planning Department & Assessing Departments, and income data from Claritas Inc.

**Cable TV Committee Presentation
To Cumberland Town Council
April 10, 2000**

- The Cumberland Cable TV Committee began meeting in January of this year. Its goal was to explore the feasibility of televising local government meetings to enhance the ability of residents to view and understand the way in which local government decisions are made.
- The Committee is comprised of 10 members who either responded to an advertisement asking for interested volunteers, or who were personally asked to serve. We sought out both those residents who had technical expertise in media and communications, as well as those who simply had a general interest in the topic. We have been extremely fortunate in gathering together a group of individuals who bring a wealth of knowledge and experience to the table. I would like to now list our members, some of whom are here tonight.
- Will Barry who is an attorney and has a background in broadcasting.
- John Fehlau who is a student at UME in the Webmaster program, in addition to being a project manager.
- Ted Miles who has over 30 years experience in television.
- Elfie Shaak who is a studying new media and TV technology at SMTC.
- Bruce Bowman who has a knowledge of streaming audio and video.
- Bill Shane who brings his experience from working in local government in Yarmouth where meetings are broadcast.
- Paul Argerow who owns an audio-video production company.
- Myself: I serve as general task master, coordinating meeting dates and times; setting up site visits; following up with technical advisors. I will add that in my previous position as assistant manager in Brunswick, I assisted that community's cable tv committee with various issues such as staffing, equipment purchases, budgeting and to a lesser extent, franchise negotiations.
- And we were well-served by having the following board/committee representatives:
 - Bob Vail from the MSAD #51 School Board.
 - Steve Sloan from the Cumberland Planning Board.
 - Jeff Porter from the Cumberland Town Council, without whom we would very likely not be here this evening. During Jeff's travels around the town while campaigning for the Council last year, he heard from residents that they would like to see town meetings on television. Jeff followed up on this and was instrumental in establishing this committee and in moving this issue forward.

- There are three types of access to local cable television broadcasts, they are: Public Access, Educational Access and Government Access. The acronym PEG stands for those three categories. Public Access is the broadcast of programming of community interest such as sporting events, performances, cooking shows, etc. Educational access is that provided for the purpose of assisting the public education effort. It can include information about school events or activities or actual educational broadcasts. Government Access is that provided for the express purpose of informing the public about events or activities within town government. This includes meetings, workshops, candidates' nights, etc.
- While the Committee discussed the public access and educational access areas as they would relate to Cumberland, we decided as a Committee to focus on the government access only at this time. We felt that if we could succeed in setting up the equipment and operation needed to begin broadcasting town meetings, that the public access piece could be developed over time as interest in the community demanded it.
- To begin, we are proposing to only broadcast the Town Council and Planning Board meetings. I have met with the SAD #51 School Board to determine their level of interest in joining us and as Bob Vail can tell you, they are receptive to the idea, although there are some logistical issues to be addressed, such as meeting nights that coincide with Council meetings, the need for them to come here for their meetings.
- During the last three months we have conducted site visits to six communities to assess their operations. The municipalities we have visited include Falmouth, Yarmouth, Cape Elizabeth, South Portland, Gray, and Brunswick. We have learned a great deal about the various types of equipment, lighting, policies, staffing options and so on. We have taken this information and applied it to our situation. We have at this time two different equipment proposals with a cost differential of about \$27,000. The difference is attributable in large part to less expensive cameras. The less expensive option includes security type cameras which are less maneuverable and offer a poorer picture quality. That proposal costs \$40,562. The preferable equipment package is quoted currently at \$67,800, although we are told the prices may be lowered shortly. Neither quote includes labor costs; we are hoping to negotiate that cost in with the purchase of the equipment. If not, it has been estimated at approximately \$3,000. We are still in the process of comparing equipment specifications and costs. We hope to have a decision on the desired package within the next month.

- Finance Options:

1. Renegotiate Franchise Agreement. 50% of cost to set up operation would be a grant from Time Warner, other 50% to be paid back from franchise fee over term of agreement.
2. Town self-fund. Currently included in proposed budget at \$20,000 per year for 4 years, along with \$20,000 in operating costs.
3. Town obtains a loan from a commercial lending institution for 5-year term. Annual cost of approximately \$13,000 for a \$60,000 loan at 5.8% interest.

- The Committee has spent considerable time exploring ways in which to provide coverage of meetings to Chebeague Island. As you know, the Island does not currently have cable access. The options for providing meeting coverage include:

1. Microwave signal: cost estimate is \$350,000.
2. Run cable to Island: Need CMP to run a new, larger conduit that would have space for Time Warner cable. Also exploring Bell-Atlantic option.
3. Streaming Video via our website. Problems include slow modem connections held by Island residents because they do not have Roadrunner access.
4. Streaming Audio
5. Last resort: have Island Councilor carry home a videotape to be dropped at the Library.

- In closing, the Committee believes that the time is right for this initiative to go forward. We are the only municipality in southern, coastal Maine that does not currently televise its meetings. It is the Committee's belief that residents will benefit from being able to directly observe the way in which issues are debated and resolved by their local boards. With this new means of communication, in addition to our successful website, we can ensure that residents have access to gaining clear information about the business of local government.

Public Works Contract Points

- You have before you the proposed agreement and highlights sheet.
- There are few changes other than the wage adjustments discussed previously.
- This contract has been approved by the Association in a vote on Friday.
- The Town Attorney has reviewed the agreement.
- The members of the negotiating committees are here: Carla, Adam and Eric for the Town; Dan Burr (Calvin?) for the Association. They began negotiating in October. The meetings were frequent, ~~productive~~ ^{thorough} and amiable. ^{+ courteous}
- There has been discussion about the percentage increases some employees will be receiving. ~~Bear in mind that those wages are still below the average for similar positions in our market area.~~ The fact that the increases are, in some cases significant, is a reflection of the fact that those positions were the most underpaid. ^{+ coming with a 3 yr contract} ^{pos. incr. change to skill level} ^{cheap recognize}
- The total cost of this package is \$40,000. It has been incorporated into the proposed budget which still shows a 0 percent ^{increase} change. The Town can afford the cost of this contract. If we fail to adjust wages as proposed we stand to lose more skilled employees. We recently lost one equipment operator who found a position with higher base pay and regular, year-round overtime. We placed an advertisement last Sunday and have received only two applications to date. We have a dedicated, hard-working crew that has served the Town well, saving taxpayers money on municipal, ^{recreation,} and school projects. ^{- specifying}

Senior housing
valhalla & club have
municipal Bldg
Downtown
Tues bk

Final #s
are still below market
average

Are not above average
in effect till 7/2001
But on Fair and have
support of mgmt & union

MEMORANDUM

To: Cumberland Town Council

From: Carla Nixon, Assistant Town Manager

Date: April 7, 2000

Re: Proposed Public Works Contract

I have attached for your review the proposed agreement with the Cumberland Public Works Employees Association. Note that any deletions from the current contract are struck through (~~like this~~) and any additions are underlined. The major changes to note are:

1. Replacement of the term Superintendent with the term General Manager. This refers to having the Val Halla department head (Eric) being responsible for the decision making rather than the superintendent (Jim Hodge).
2. There are some minor language corrections which we hope will clarify ambiguous or erroneous areas.
3. We added an additional holiday (day after Thanksgiving) but took away a personal day provided for in Article 10. This makes the Association like the other employees in terms of holidays and personal days.
4. Article 12 (Insurance and Retirement) contains numerous language changes which serve to state correctly the benefits provided by the Town. There has been no enhancement or reduction in the actual level of benefits.
5. Article 21 (Pay Scale) shows the proposed adjustments discussed previously.
6. Article 26 (Term of Agreement) indicates that this will be a 2 ½ year contract with one wage re-opener next April.

There are actually very few changes, since, as stated previously, the Association agreed to drop all other requests for changes in order to focus on the salary adjustments.

If you have any questions, please do not hesitate to contact me at 829-2205.

DRAFT

AGREEMENT BETWEEN THE
TOWN OF CUMBERLAND
AND
CUMBERLAND PUBLIC WORKS EMPLOYEES ASSOCIATION

JANUARY 1, 2000 TO JUNE 30, 2002

ARTICLE I

RECOGNITION

The Town recognizes the Association as the sole and exclusive bargaining agent for all regular full and regular part time Public Works employees in the Public Works Department and Val Halla Golf and Recreation Center, except for the position of Public Works Director ("Director"), Public Works Secretary, and Val Halla General Manager, Golf Course Superintendent ("Superintendent"), and seasonal Val Halla employees for collective bargaining purposes to the extent provided by the Maine Municipal Public Employee Labor Relations Act.

ARTICLE 2

ASSOCIATION MEMBERSHIP

Any present or future regular full time or regular part time Public Works or Val Halla employee who has served the probationary period and who is not an Association member, and who does not make application for membership in the Association, shall pay a service charge as a contribution toward the administration of this agreement in an amount equal to the regular monthly dues of the Association. This payment shall be made to the Association or, if such employee specifically objects to such payment on religious grounds, he/she shall pay an equivalent sum to the charity of his/her choice.

ARTICLE 3

DUES CHECKOFF

The Town shall deduct monthly dues upon receipt of signed authorizations from 100% of the Association's members (a copy of which is to be retained by the Town), and a certified statement from the Treasurer of the local unit as to the amount of dues. The Town shall forward all such dues so collected to the Treasurer of the Association within ten (10) days following the deduction. The Association hereby agrees to indemnify and hold the Town harmless from and against any and all claims and causes of action which may arise from the administration and execution of this article.

ARTICLE 4

Hours of Work

The parties recognize that the normal work week shall be forty (40) hours, eight (8) hours a day 7:00 a.m. – 3:30 p.m. A thirty (30) minute lunch period shall be scheduled accompanied by an A.M. and P.M. coffee break of fifteen (15) minute duration, weather permitting. The normal work week shall not apply to those employees hired to perform specific duties on non-standard work days. The parties acknowledge that the Val Halla department is a unique operation in that it must account for weather, changing daylight hours, tournaments, and other use patterns that are beyond the control of management and therefore, hours of work shall remain flexible and will be established by the General Manager to meet the needs of the department.

ARTICLE 5

JURY DUTY

In the event that a member of the bargaining unit is duly called to serve on a civil or criminal jury in the federal or state courts of this state and is not excused from so appearing, the Town of Cumberland agrees to continue to pay to said employee the regular weekly wage which said employee is entitled to under this agreement except that the amount agreed for said service on the jury shall be deducted therefrom so that the resulting compensation received will be equaled to what the employee would have received if he had not been called to jury duty. Alternatively, the employee may choose to turn the check they received from the court over to the town, rather than having the amount deducted from their paycheck. The employee may retain an amount equal to the amount paid for parking expenses while performing jury duty, upon providing a valid receipt.

ARTICLE 6

Holidays

- A. The following holidays shall be paid holidays for all employees covered by this agreement:

New Year's Day
Martin Luther King Day
~~Washington's Birthday~~
President's Day
Patriot's Day
Memorial Day
Independence Day

Labor Day
Columbus Day
Veteran's Day
Day after Thanksgiving
Thanksgiving Day
Christmas Day

can be paid day

During the calendar year, a ~~floating holiday~~ personal day may be taken by an employee at a time agreeable to the Director or General Manager and the individual employee.

7
see
page 6

B. Holiday Pay.

Eligible employees who ~~perform no work~~ do not work on a holiday shall be ~~entitled to take such day off at a later date~~ compensated at eight times their base hourly rate of pay.

?

C. Holiday Work.

If an employee works on New Year's Day, Thanksgiving Day, or Christmas Day, he/she shall be paid time and one-half times the base hourly rate, and such employee shall be entitled to take such day off at a later date. If an employee works on any of the other listed holidays, he/she shall be paid time and one-half times the base hourly rate, or such employee shall be entitled to take such holiday off at a later date with pay as provided in Paragraph B above, at his/her election.

D. If a holiday is observed while an employee is on vacation, he/she shall receive a day off in lieu of the holiday at a later date.

ARTICLE 7

SICK LEAVE

A. Sick leave shall accrue at the rate of one (1) day for each full calendar month of service beginning with the first full calendar month of employment accumulated to a maximum of one hundred and twenty (120) days. Accumulated sick leave may be used for early retirement up to the maximum accumulation or at the time an employee retires, he/she may, at his/her option, be paid his/her then regular rate of pay for the period accumulated.

B. An employee who is injured while on duty assigned by the Director, ~~Superintendent~~, General Manager, or his/her representative, shall receive in addition to compensation paid under the Workmen's Compensation Act, an amount sufficient to bring him/her up to his/her base, net weekly salary after deductions of any taxes, union dues and employee's share of retirement premiums, if any, while any incapacity exists and the employee is unable to perform any other duties assigned by the Director or ~~Superintendent~~ General Manager until the employee is approved for disability retirement by the Social Security Administration. It is agreed hereunder that the employee may be required by the Town to apply for disability and to cooperate fully in the prosecution of any such disability application. Failure to apply and cooperate shall result in the employee being ineligible for further benefits hereunder. It is

understood that this paragraph only applies to situations where an employee actually receives payments under the Workmen's Compensation Act. Should an employee recover lost wages in an action against the party causing the injury, the employee shall assign to the Town an amount equal to the supplemental wages paid hereunder. Absence due to such injuries shall not be charged to accumulated sick leave.

C. Any employee absent on sick leave more than three (3) days and under a doctor's care shall, at the request of the Director or General Manager, file a doctor's certificate with the Director or General Manager setting forth the reasons for such sick leave and, at the request of the Director or General Manager, file a doctor's certificate every ten (10) days thereafter so long as sick leave continues, in order to be able to continue on sick leave. At the request of the Director or General Manager and at the expense of the Town, any employee on sick leave may be required to undergo a physical examination by a physician of the Director or General Manager's choice.

D. Sick leave credits will not be allowed when absence is due to the use of narcotics or intoxicants, misconduct, or any illness or injury occurred while gainfully self employed by other than the Town of Cumberland.

ARTICLE 8

SENIORITY

A. A seniority list shall be established naming all the employees covered by this agreement with the employee with the greatest seniority (years of service) listed first. Seniority shall be based upon the employee's last date of hire by the Town of Cumberland. The list shall be made available to the Association and the Town.

B. Seniority shall be governing factor in all matters effecting: promotion, reduction in work force, recall and vacation preference provided the employees are equally qualified. This shall apply within each department (Public Works and Val Halla), not within the entire association.

C. In the event an employee is layed off, he/she shall retain his/her seniority for fifteen (15) months from the date of the last lay-off.

ARTICLE 9

ANNUAL VACATION

A. Employees shall be allowed annual vacation with pay based upon the following schedule:

- After being employed one (1) continuous year - 10 working days
- After being employed five (5) continuous years - 15 working days
- After being employed ten (10) continuous years - 20 working days

A. Holiday Vacation leave shall be scheduled by the Director or Superintendent General Manager. Schedules of allowable vacation time during the forthcoming year shall be presented to the Association by March 1 of the same year. The Association shall thereafter, and by March 31, present the Director or Superintendent General Manager with a vacation schedule assigning vacation times to each employee, which schedule shall be adopted by the Director or Superintendent General Manager. If no schedule is presented by the Association by March 31, the Director or Superintendent General Manager may assign all vacations. Vacation leave shall be cumulative up to five (5) days until May 30 of the following year. Holiday leave, if not taken on the holiday and not paid for, must be used within one hundred twenty (120) days of the holiday in question. If an employee wished to work in lieu of using accumulated vacation or holiday leave, and the Director or Superintendent General Manager may assign such employee to work such shift, and the employee shall be paid for such lost accumulated vacation or holiday leave in addition to pay for the time worked.

Vacations must be taken in units of at least five (5) consecutive days unless otherwise authorized by the Director or Superintendent General Manager.


The Director or Superintendent General Manager may cancel all vacation or holiday leave in case of emergency. In such case, the employee so affected shall receive leave at a later time and shall receive his/her overtime rate of pay for the vacation or holiday leave lost during the emergency.

~~No more than one (1)~~ Up to two (2) employees may take vacation leave at one (1) time ~~unless otherwise if~~ authorized by the Director or Superintendent General Manager.

ARTICLE 10

PAID LEAVE

All Department personnel covered by this agreement shall be entitled to the following, temporary non-cumulative leaves of absences with full pay.

- A. Family deaths: An employee shall be excused from work for up to three (3) days as needed and as determined by the Director or Superintendent General Manager in the event of death in the employee's family. In addition, such employees shall have the use of two (2) days of sick leave and accumulated holiday and vacation leave, if needed. Family shall be deemed to be: spouse, mother, father, child, brother, sister, grandfather, grandmother, father-in-law, mother-in-law, brother-in-law, sister-in-law, or stepchild. The definition of spouse shall include those employees living in an espoused relationship. The definition of child shall include natural born, adopted, step and foster children living in the employee's home.
-  ~~B. One (1) day's leave for personal matters. Application shall be made to the Director or Superintendent in writing at least three (3) days before taking such leave (except in the case of emergency).~~
- B. Four (4) days for illness in the immediate family which may be extended by permission of the Director or Superintendent General Manager. For the purpose of this section, the immediate family shall be defined as those persons included under the Article of this agreement providing family death leave. Leave for this purpose shall be chargeable to sick leave and shall be at the discretion of the Director or Superintendent General Manager.

ARTICLE 11

OUTSIDE WORK

- A. An employee may engage in off duty employment subject to the following limitations:
 - 1. That such employment constitutes no more than twenty (20) hours per week.
 - 2. Such employment will not adversely affect current employment.

ARTICLE 12

INSURANCE AND RETIREMENT

A. The Town shall provide Workmen's Compensation coverage for all employees of the department.

B. Health: Regular employees and dependents are eligible to participate in plans offered by the Town and the Maine Municipal Employees Health Trust ~~Major Medical, Blue Cross Plan~~, which are is paid for by the Town of Cumberland at 100% cost to the Town, except for dependents over 19 years of age, provided, however, that for an employee whose employment commences on or after April 1, 1992, the Town of Cumberland shall pay 100% of the cost of said insurance for only the employee. An employee whose employment commences on or after April 1, 1992 may insure eligible dependents by payment of the applicable premium. In the event the Town elects to, or is required to change insurance coverage, the Association will be notified and consulted. ?

C. The Town shall offer pension and disability retirement under the Maine State Retirement System for all employees as heretofore provided with the effective date of this agreement.

D. The Town further agrees to continue participation in the Social Security program (F.I.C.A.) for the period of this agreement.

E. For non-Maine State Retirement participants, the Town offers the ICMA Retirement Corporation ~~Section 401A Money Purchase Plan~~ 457 Deferred Compensation Plan. The Town will match regular employees' contribution at a ~~four (4)~~ six (6) percent of gross wages level with the employee contribution to be paid through payroll deductions. Employees are fully responsible for any fees assessed to participants by the Plan and are responsible for choosing from among a number of investment options for the balances of their accounts. 15 Nov 2003 on 10/20/03

F. For employees in the ICMA Retirement Corporation ~~Section 401A Money Purchase Plan~~ 457 Deferred Compensation plan, the Town shall offer, effective January 1, 1995, a disability plan with coverage similar to that provided by the Maine State Retirement System. The Town contribution for the plan shall be limited to 1% of the annual base salary of an employee. The employee shall pay any balance due through payroll deductions.

G. ~~The Town shall continue to make available to employees the ICMA Retirement Corporation Section 457 Deferred Compensation Plan. The Town shall not make a contribution and any fees assessed to participants which are the responsibility of the employee. Employees are also responsible for their own investment option decisions.~~

ARTICLE 13

EMPLOYMENT

- A. All new employees shall serve a probationary period of six (6) months and shall have no seniority rights during this period. It is understood that during this probationary period said employee may be discharged at any time without cause.

All employees who have worked said six (6) months and have satisfactorily completed their probationary period, shall be classified as regular, full-time employees; and the probationary period shall then be considered as part of their seniority time.

- B. Any re-hired employee who has already served the probationary period, shall not be required to serve another probationary period. The Director or Superintendent General Manager may grant a leave of absence without pay to any employee and during the period of absence, the employee shall not lose his seniority rights.

ARTICLE 14

EMPLOYEE RESPONSIBILITY

A. The Town shall furnish each new employee with a copy of all existing work rules upon employment and update working rules each year for distribution to all regular, full-time employees. It will be the responsibility of employees to read the bulletin board or memoranda daily for working rules and amendments thereto.

B. All suspensions and dismissals of employees who are members of the Association are to be made public to the Association within three (3) days in writing by the Director or Superintendent General Manager or his/her designated representative stating the reason and conditions of the suspension when agreed to by the employee. If, in the opinion of the Association, the suspension is not warranted, the Association has the option of submitting, in writing, such a statement to the Director or Superintendent General Manager, within five (5) working days. If an agreement is not made between the Director or Superintendent General Manager and the Association within five (5) working days, arbitration may be requested.

C. If a citizen's complaint, whether written or verbal, is lodged against an employee and the complainant's name is not included in the written complaint and subsequent investigation fails to establish the validity of such complaint, no notation of any such complaint shall be placed in the employee's file.

D. Each employee's personnel file held by the Town shall be open to him/her upon his/her request anytime during normal business hours of the Town Office

between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday upon written request to the Director or Superintendent General Manager.

All new employees, including a re-hired employee, shall have, subsequent to his/her offer of employment, a physical examination by a physician of the Town's choice. The Town will pay for the cost of such an examination.

ARTICLE 15

SETTLEMENT OF DISPUTES

A. Grievance and Arbitration Procedure: Any dispute which arises between the parties concerning the application, meaning or interpretation of this agreement, shall be settled in the following manner:

Step 1. Any grievance shall be presented in writing by the Association steward or the Association Grievance Committee to the Director or Superintendent General Manager within ten (10) working days after the cause for the grievance arose. The Director or Superintendent General Manager shall respond to the Association steward or Grievance Committee in writing within five (5) working days.

Step 2. If the grievance still remains unadjusted, it shall be presented in writing, within five (5) working days after the response of the Director or Superintendent General Manager is due, by the Association steward, Association representative or Grievance Committee to the Town Manager. The Town Manager shall respond in writing to the Association steward/representative or Grievance Committee within five (5) working days.

Step 3. If the grievance is still unsettled, either party may, within thirty (30) working days after the reply of the Town Manager is due, by written notice to the other, request arbitration. The arbitration proceedings shall be conducted by an arbitrator to be selected by the Town and the Association within ten (10) working days after the notice has been given. If the parties fail to select an arbitrator, either may request the American Arbitration Association to provide an arbitrator in accordance with the American Arbitration Association Rules. The decision of the arbitrator shall be final and binding on the parties, and the arbitrator shall be requested to issue his/her decision within thirty (30) days after the conclusion of the testimony and argument. Expenses for the arbitrator's services and the proceedings shall be born by the losing party. However, each party shall be responsible for compensating its own representatives and witnesses. If either party desire a verbatim record of the proceedings, it may cause such a record to be made, providing it pays for the record. Grievances initiated by the Town shall be processed in the same manner.

B. Grievance Committee: Employees selected by the Association to act as

Association representatives shall be known as "Stewards". The names of the employees selected as stewards, and the names of other Association representatives who may represent employees, shall be certified in writing to the Town by the Association Grievance Committee. The purpose of Grievance Committee meetings will be to adjust pending grievances and to discuss procedures for avoiding future grievances. In addition, the Committee may discuss with the Town other issues which would improve the relationship between the parties.

C. Processing grievances during working hours: The Steward may process grievances during working hours without loss of pay with the permission of the Director or Superintendent General Manager.

D. This article shall not apply to Article 22, the General Authority and responsibility of the Town of Cumberland.

E. The Association agrees that any and all disputes that arise between parties will be settled by Article 15, Settlement of Disputes.

F. It is understood that if the Association, or any members of the Association, use any other means to settle a dispute, the grievance is automatically adjusted to the Town of Cumberland and shall be final and binding.

ARTICLE 16

OVERTIME

A. All hours worked by regular, full-time employees over forty (40) hours in a one hundred sixty-eight (168) hour work week shall be paid at a monetary rate of one and one-half (1 1/2) times the base hourly rate. (Base hourly rate shall be determined by dividing the base weekly wage rate by forty (40) hours.)

For the purpose of this entire section, "hours worked" shall mean only the following:

1. Hours actually worked.
2. Hours compensated for by holiday, base pay.
3. Hours compensated for by vacation, sick, family death leaves.

B. Preference for overtime shall be offered according to seniority when consistent with the needs of the Department and the public's safety, health, and general welfare. Such order of rotation is to give such regular, full-time employees equalization of overtime work, if desired by an employee. At the request of an employee, compensatory time off in lieu of overtime pay shall be permitted under this agreement at the discretion of

the Director or Superintendent General Manager.

- C. All overtime will be prior approved by the Director or Superintendent General Manager.
- D. Employees of the Public Works Department called to work during the hours of 4:00 p.m. to 4:00 a.m., and at any time during Saturday, Sunday, or holidays shall be paid overtime at the rate of one and one-half times the hourly rate for a minimum of three (3) hours.
- E. An employee, with prior approval of the Director or Superintendent General Manager, may elect to receive compensation time in lieu of overtime pay. All compensatory time for hours worked in excess of 40 hours per week shall be earned at one and one-half (1 1/2) times the regular pay.

ARTICLE 17

BULLETIN BOARD

The employer agrees to furnish a suitable bulletin board in the town Public Works Department garage and Val Halla garage and the Association agrees to maintain it in a clean and orderly condition.

The Association shall not post any material which is obscene, defamatory, or impairs the operations of the Cumberland Public Works Department, or which constitutes partisan political campaign material.

Any material on the Bulletin Board that the employer alleges to be in violation of this application shall be promptly removed by the Association.

ARTICLE 18

ASSOCIATION ACTIVITIES ON EMPLOYER'S TIME AND PREMISES

The employer agrees that during work hours at the Town garage and without loss of pay, the Association steward or Association representative shall be allowed to:

1. Post Association notices.
2. Distribute Association literature.
3. Transmit communications, authorized by the Association or its President, to the Town.
4. Consult with the employer, its representative, local association officers or other Association representatives concerning the enforcement of any provisions of this agreement.

5. Process grievances.
6. Attend negotiating meetings.

The steward or representative may engage in these activities during working hours without loss of pay except when the Director or Superintendent General Manager determines that such activity interferes with the needs of the Department and the public's safety, health, and general welfare.

ARTICLE 19

UNIFORMS AND PROTECTIVE CLOTHING

If any employee is required to wear a uniform, protective clothing or any type of protective device as a condition of employment, such uniform, protective clothing, or protective device shall be furnished by the Town to the employee. Any equipment required by the Department for its employees shall be paid for by the Town. The cost of uniform cleaning will be provided by the Town.

Each employee so required shall be given Two Hundred, Twenty-five dollars (\$225.00) on January 31 annually for allowance for the purchase of safety shoes upon submission of proper bills.

ARTICLE 20

SAVINGS CLAUSE

If any provisions of this agreement shall be contrary to any law, such invalidity shall not affect the validity of the remaining provisions of this agreement.

ARTICLE 21

PAY SCALE

From the date of April 1, 2000 to June 30, 2001, the pay scale covered by this agreement shall be as follows:

Category	Name	Seniority	Pay
Island Foreman	Med Bowen	06/01/75	<u>\$16.38</u>
Heavy Equipment Operator	Bert Copp	12/14/82	<u>\$15.57</u>
Heavy Equipment Operator	Dan Burr	11/30/87	<u>\$14.69</u>
Heavy Equipment Operator	Steve Foster	06/01/84	<u>\$14.69</u>
Equipment Operator	Calvin Bridges	05/1/80	<u>\$13.38</u>
Equipment Operator	Dennis Blaisdell	07/06/98	<u>\$12.62</u>
Mechanic	Clayton Weed	07/18/82	<u>\$16.48</u>
Equipment Operator/mechanic	Dave Campbell	07/26/99	<u>\$13.76</u>
Parks	Dale Lawless	05/05/80	<u>\$14.72</u>
Transfer Station Attendant	Tom Calder	08/11/99	<u>\$10.55</u>

Val Halla Golf & Recreation Center

Category	Name	Seniority	Pay
Foreman	Andrew Czarnecki	<u>04/01/98</u>	<u>\$13.25</u>
Mechanic	Ron Sawyer	<u>07/31/98</u>	<u>\$13.17</u>
Groundskeeper	Gil Marco	<u>06/08/98</u>	<u>\$10.75</u>

ARTICLE 22

GENERAL AUTHORITY AND RESPONSIBILITY OF TOWN OF CUMBERLAND

- A. The Association hereby recognizes that the Town shall retain all rights and authority to manage and direct the operations of the Town Departments and its working forces, including the right to plan, direct, and control Department activities; to schedule and assign work to employees, including in emergency situations the right to split two days off; to determine means, methods, procedures, and equipment to maintain the efficiency of the Departments and their employees; to determine the manner of jobs, to create, or for lack of funding or for lack of work, revise (meaning a material change in job assignments relating to public works and Val Halla activities) or eliminate jobs; to establish and require observance of rules and regulations governing the conduct and performance of its employees; to formulate and adopt ordinances and other regulations incidental to management of the affairs of the Town; to hire and promote employees to maintain order.
- B. The Town reserves the right to discipline or discharge for cause.
- C. The Association hereby agrees not to grieve and/or arbitrate any dispute which arises from Article 21, the general authority and responsibility of the Town of Cumberland.

ARTICLE 23

ASSOCIATION LIST

The Association agrees to supply the Director and Superintendent with a list of officers of the Association, the name of the Association representative and the names of the Grievance Committee members upon the contract signing date. It shall be the duty of the Association to keep these lists of names up to date and to notify the Director and Superintendent of any change within ten (10) days of such change.

ARTICLE 24

STRIKES AND SLOWDOWNS PROHIBITED

The Association agrees that neither it nor its officers or members will engage in, or encourage, any strikes, slowdowns, mass absenteeism, picketing which will involve suspension of or interference with the normal work of the Department or other Town Departments. In the event that the Association members participate in such activities in violation of this provision, the

Association shall notify those members so engaged to cease and return to their normal duties. In any event, any employee participating in these prohibited activities may be discharged by the Town.

ARTICLE 25

DISCRIMINATION CLAUSE

The Town agrees to continue its established policy against all forms of illegal discrimination, including (1) discrimination with regard to race, creed, color, national origin, sex, marital status, age, physical or mental disability, unless based upon bona fide occupational qualification, and (2) intimidation or harassment on the basis of race, creed, color, national origin, sex, marital status, age, physical or mental disability.

The Association agrees to continue its policy to admit all members to membership and to represent all members without regard to race, creed, color, national origin, sex, marital status, age, physical or mental disability.

The Association and the Town agree that discrimination, intimidation, or harassment of employees, including sexual harassment in all its various forms, is unacceptable conduct and will not be condoned or tolerated by the Association or the Town.

The Town and the Association agree that any disputes arising out of the provision of this article may be processed through the grievance procedure contained the Grievance and Arbitration Procedure. This provision shall not preclude other legal remedies provided by law.

All references in this agreement to employees of the male gender are used for convenience only and shall be construed to include both male and female employees.

ARTICLE 26

TERM OF AGREEMENT

This agreement shall govern the rights of the parties from the date of January 1, 2000 to June 30, 2002 regardless of the date of ratification by both parties; and all terms shall be applied retroactively to January 1, 2000; provided however wage increases for 2000 shall be effective April 1, 2000.

The Parties further agree that they shall meet in April of 2001 to re-negotiate only the base salary as contained in Article 21, of the wage package provided herein, specifically excluding, but not be way of limitation, from consideration during the term of this contract such other financial matters as

yearly increments of new categories on the pay scale as set forth in said Article 21.

IN WITNESS WHEREOF, the said Town of Cumberland, Maine, has caused these presents to be signed in its behalf by Robert Benson, as Town Manager, thereunto duly authorized; and the Town of Cumberland Municipal Employees Association has caused these presents to be signed in its behalf by Daniel Burr, its President, thereunto duly authorized.

DATED this _____ day of _____, 2000

Witness

By: _____
Robert B. Benson,
Town Manager
Duly Authorized

Witness

CUMBERLAND MUNICIPAL
EMPLOYEES ASSOCIATION

By: _____
Daniel Burr,
Its President
Duly Authorized

AGREEMENT BETWEEN THE
TOWN OF CUMBERLAND
AND
CUMBERLAND PUBLIC WORKS EMPLOYEES ASSOCIATION

JANUARY 1, 2000
TO
JUNE 30, 2002

AGREEMENT BETWEEN THE TOWN OF CUMBERLAND
AND
CUMBERLAND PUBLIC WORKS EMPLOYEES ASSOCIATION

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ARTICLE I

RECOGNITION

The Town recognizes the Association as the sole and exclusive bargaining agent for all regular full and regular part time employees in the Public Works Department and Val Halla Golf and Recreation Center, except for the position of Public Works Director ("Director"), Public Works Foreman, Public Works Secretary, Val Halla General Manager, Val Halla Superintendent, Val Halla clubhouse personnel and seasonal Val Halla employees, for collective bargaining purposes to the extent provided by the Maine Municipal Public Employee Labor Relations Act.

ARTICLE 2

ASSOCIATION MEMBERSHIP

Any present or future regular full time or regular part time Public Works or Val Halla employee who has served the probationary period and who is not an Association member, and who does not make application for membership in the Association, shall pay a service charge as a contribution toward the administration of this agreement in an amount equal to the regular monthly dues of the Association. This payment shall be made to the Association or, if such employee specifically objects to such payment on religious grounds, he/she shall pay an equivalent sum to the charity of his/her choice.

ARTICLE 3

DUES CHECKOFF

The Town shall deduct monthly dues upon receipt of signed authorizations from 100% of the Association's members (a copy of which is to be retained by the Town), and a certified statement from the Treasurer of the local unit as to the amount of dues. The Town shall forward all such dues so collected to the Treasurer of the Association within ten (10) days following the deduction. The Association hereby agrees to indemnify and hold the Town harmless from and against any and all claims and causes of action which may arise from the administration and execution of this article.

ARTICLE 4
HOURS OF WORK

The parties recognize that the normal work week shall be forty (40) hours, eight (8) hours a day 7:00 a.m. – 3:30 p.m. A thirty (30) minute lunch period shall be scheduled accompanied by an A.M. and P.M. break of fifteen (15) minute duration, weather permitting. The normal work week shall not apply to those employees hired to perform specific duties on non-standard work days. The parties acknowledge that the Val Halla department is a unique operation in that it must account for weather, changing daylight hours, tournaments, and other use patterns that are beyond the control of management and therefore, hours of work shall remain flexible and will be established by the General Manager to meet the needs of the department.

ARTICLE 5

JURY DUTY

In the event that a member of the bargaining unit is duly called to serve on a civil or criminal jury in the federal or state courts of this state and is not excused from so appearing, the Town of Cumberland agrees to continue to pay to said employee the regular weekly wage which said employee is entitled to under this agreement except that the amount agreed for said service on the jury shall be deducted therefrom so that the resulting compensation received will be equaled to what the employee would have received if he had not been called to jury duty. Alternatively, the employee may choose to turn the check they received from the court over to the town, rather than having the amount deducted from their paycheck. The employee may retain an amount equal to the amount paid for parking expenses while performing jury duty, upon providing a valid receipt.

ARTICLE 6

HOLIDAYS

- A. The following holidays shall be paid holidays for all employees covered by this agreement:

New Year's Day
Martin Luther King Day
President's Day
Patriot's Day
Memorial Day
Independence Day

Labor Day
Columbus Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day

During the calendar year, a personal day may be taken by an employee at a time agreeable to the Director or General Manager and the individual employee.

B. Holiday Pay.

Eligible employees who do not work on a holiday shall be compensated at eight times their base hourly rate of pay.

C. Holiday Work.

If an employee works on New Year's Day, Thanksgiving Day, or Christmas Day, he/she shall be paid time and one-half times the base hourly rate, and such employee shall be entitled to take such day off at a later date. If an employee works on any of the other listed holidays, he/she shall be paid time and one-half times the base hourly rate, or such employee shall be entitled to take such holiday off at a later date with pay as provided in Paragraph B above, at his/her election.

D. If a holiday is observed while an employee is on vacation, he/she shall receive a day off in lieu of the holiday at a later date.

ARTICLE 7

SICK LEAVE

A. Sick leave shall accrue at the rate of one (1) day for each full calendar month of service beginning with the first full calendar month of employment accumulated to a maximum of one hundred and twenty (120) days. Accumulated sick leave may be used for early retirement up to the maximum accumulation or at the time an employee retires, he/she may, at his/her option, be paid his/her then regular rate of pay for the period accumulated.

B. An employee who is injured while on duty assigned by the Director, General Manager, or his/her representative, shall receive in addition to compensation paid under the Workmen's Compensation Act, an amount sufficient to bring him/her up to his/her base, net weekly salary after deductions of any taxes, union dues and employee's share of retirement premiums, if any, while any incapacity exists and the employee is unable to perform any other duties assigned by the Director or General Manager until the employee is approved for disability retirement by the Social Security Administration. It is agreed hereunder that the employee may be required by the Town to apply for disability and to cooperate fully in the prosecution of any such disability application. Failure to apply and cooperate shall result in the employee being ineligible for further benefits hereunder. It is understood that this paragraph only applies to situations where an employee actually receives payments under the Workmen's Compensation Act. Should an employee recover lost wages in an action against the party causing the injury, the employee shall assign to the Town

an amount equal to the supplemental wages paid hereunder. Absence due to such injuries shall not be charged to accumulated sick leave.

C. Any employee absent on sick leave more than three (3) days and under a doctor's care shall, at the request of the Director or General Manager, file a doctor's certificate with the Director or General Manager setting forth the reasons for such sick leave and, at the request of the Director or General Manager, file a doctor's certificate every ten (10) days thereafter so long as sick leave continues, in order to be able to continue on sick leave. At the request of the Director or General Manager and at the expense of the Town, any employee on sick leave may be required to undergo a physical examination by a physician of the Director or General Manager's choice.

D. Sick leave credits will not be allowed when absence is due to the use of narcotics or intoxicants, misconduct, or any illness or injury occurred while gainfully self employed by other than the Town of Cumberland.

ARTICLE 8

SENIORITY

A. A seniority list shall be established naming all the employees covered by this agreement with the employee with the greatest seniority (years of service) listed first. Seniority shall be based upon the employee's last date of hire by the Town of Cumberland. The list shall be made available to the Association and the Town.

B. Seniority shall be governing factor in all matters effecting: promotion, reduction in work force, recall and vacation preference provided the employees are equally qualified. This shall apply within each department (Public Works and Val Halla), not within the entire association.

C. In the event an employee is layed off, he/she shall retain his/her seniority for fifteen (15) months from the date of the last lay-off.

ARTICLE 9

ANNUAL VACATION

A. Employees shall be allowed annual vacation with pay based upon the following schedule:

- After being employed one (1) continuous year - 10 working days

- After being employed five (5) continuous years - 15 working days
- After being employed ten (10) continuous years - 20 working days

A. Vacation leave shall be scheduled by the Director or General Manager. Schedules of allowable vacation time during the forthcoming year shall be presented to the Association by March 1 of the same year. The Association shall thereafter, and by March 31, present the Director or General Manager with a vacation schedule assigning vacation times to each employee, which schedule shall be adopted by the Director or General Manager. If no schedule is presented by the Association by March 31, the Director or General Manager may assign all vacations. Vacation leave shall be cumulative up to five (5) days until May 30 of the following year. Holiday leave, if not taken on the holiday and not paid for, must be used within one hundred twenty (120) days of the holiday in question. If an employee wished to work in lieu of using accumulated vacation or holiday leave, and the Director or General Manager may assign such employee to work such shift, and the employee shall be paid for such lost accumulated vacation or holiday leave in addition to pay for the time worked.

Vacations must be taken in units of at least five (5) consecutive days unless otherwise authorized by the Director or General Manager.

The Director or General Manager may cancel all vacation or holiday leave in case of emergency. In such case, the employee so affected shall receive leave at a later time and shall receive his/her overtime rate of pay for the vacation or holiday leave lost during the emergency.

Up to two (2) employees may take vacation leave at one (1) time if authorized by the Director or General Manager.

ARTICLE 10

PAID LEAVE

All Department personnel covered by this agreement shall be entitled to the following, temporary non-cumulative leaves of absences with full pay.

A. Family deaths: An employee shall be excused from work for up to three (3) days as needed and as determined by the Director or General Manager in the event of death in the employee's family. In addition, such employees shall have the use of two (2) days of sick leave and accumulated holiday and vacation leave, if needed. Family shall be deemed to be: spouse, mother, father, child, brother, sister, grandfather,

grandmother, father-in-law, mother-in-law, brother-in-law, sister-in-law, or stepchild. The definition of spouse shall include those employees living in an espoused relationship. The definition of child shall include natural born, adopted, step and foster children living in the employee's home.

- B. Four (4) days for illness in the immediate family which may be extended by permission of the Director or General Manager. For the purpose of this section, the immediate family shall be defined as those persons included under the Article of this agreement providing family death leave. Leave for this purpose shall be chargeable to sick leave and shall be at the discretion of the Director or General Manager.

ARTICLE 11

OUTSIDE WORK

- A. An employee may engage in off duty employment subject to the following limitations:
1. That such employment constitutes no more than twenty (20) hours per week.
 2. Such employment will not adversely affect current employment.

ARTICLE 12

INSURANCE AND RETIREMENT

- A. The Town shall provide Workmen's Compensation coverage for all employees of the department.
- B. Health: The Town offers health insurance through Maine Municipal Employees Health Trust (MMEHT). A choice of plans is offered. The Town will pay 100% of the cost of the plan selected by the regular full time employee whose date of hire commenced on or before April 1, 1992 (inclusive of any eligible dependents). The Town will pay 100% of the cost of the plan selected by the regular full time employee whose date of hire is April 2, 1992 or later, however the Town will pay only 90% of the cost to cover any eligible dependents, the employee shall pay the other 10% on a pre or post tax dollar basis, as desired. Regular part time employees are eligible to participate in the health insurance program on a pro-rated basis provided they regularly are scheduled for a work week of 20 hours or more and provided they meet the Plan's eligibility requirements. In the event the Town elects to, or is required to change insurance coverage, the Association will be notified and consulted.

C. The Town shall offer pension and disability retirement under the Maine State Retirement System for all employees as heretofore provided with the effective date of this agreement.

D. The Town further agrees to continue participation in the Social Security program (F.I.C.A.) for the period of this agreement.

E. For non-Maine State Retirement participants, the Town offers the ICMA Retirement Corporation 457 Deferred Compensation Plan. The Town will match regular employees' contribution at a six (6) percent of gross wages level with the employee contribution to be paid through payroll deductions. Employees are fully responsible for any fees assessed to participants by the Plan and are responsible for choosing from among a number of investment options for the balances of their accounts.

F. For employees in the ICMA Retirement Corporation 457 Deferred Compensation plan, the Town shall offer, effective January 1, 1995, a disability plan with coverage similar to that provided by the Maine State Retirement System. The Town contribution for the plan shall be limited to 1% of the annual base salary of an employee. The employee shall pay any balance due through payroll deductions.

ARTICLE 13

EMPLOYMENT

- A. All new employees shall serve a probationary period of six (6) months and shall have no seniority rights during this period. It is understood that during this probationary period said employee may be discharged at any time without cause.

All employees who have worked said six (6) months and have satisfactorily completed their probationary period, shall be classified as regular, full-time employees, and the probationary period shall then be considered as part of their seniority time.

- B. Any re-hired employee who has already served the probationary period, shall not be required to serve another probationary period. The Director or General Manager may grant a leave of absence without pay to any employee and during the period of absence, the employee shall not lose his/her seniority rights.

ARTICLE 14

EMPLOYEE RESPONSIBILITY

A. The Town shall furnish each new employee with a copy of all existing work rules upon employment and update working rules each year for distribution to all regular, full-time employees. It will be the responsibility of employees to read the bulletin board or memoranda daily for working rules and amendments thereto.

B. All suspensions and dismissals of employees who are members of the Association are to be made public to the Association within three (3) days in writing by the Director or General Manager or his/her designated representative stating the reason and conditions of the suspension when agreed to by the employee. If, in the opinion of the Association, the suspension is not warranted, the Association has the option of submitting, in writing, such a statement to the Director or General Manager, within five (5) working days. If an agreement is not made between the Director or General Manager and the Association within five (5) working days, arbitration may be requested.

C. If a citizen's complaint, whether written or verbal, is lodged against an employee and the complainant's name is not included in the written complaint and subsequent investigation fails to establish the validity of such complaint, no notation of any such complaint shall be placed in the employee's file.

D. Each employee's personnel file held by the Town shall be open to him/her upon his/her request anytime during normal business hours of the Town Office upon written request to the Director or General Manager.

All new employees, including a re-hired employee, shall have, subsequent to his/her offer of employment, a physical examination by a physician of the Town's choice. The Town will pay for the cost of such an examination.

ARTICLE 15

SETTLEMENT OF DISPUTES

A. Grievance and Arbitration Procedure: Any dispute which arises between the parties concerning the application, meaning or interpretation of this agreement, shall be settled in the following manner:

Step 1. Any grievance shall be presented in writing by the Association steward or the Association Grievance Committee to the Director or General Manager within ten (10) working days after the cause for the grievance arose. The Director or General Manager shall respond to the Association steward or Grievance Committee in writing within five (5) working days.

Step 2. If the grievance still remains unadjusted, it shall be presented in writing, within five (5) working days after the response of the Director or General Manager is due, by the Association steward, Association representative or Grievance Committee to the Town Manager. The Town Manager shall respond in writing to the Association steward/representative or Grievance Committee within five (5) working days.

Step 3. If the grievance is still unsettled, either party may, within thirty (30) working days after the reply of the Town Manager is due, by written notice to the other, request arbitration. The arbitration proceedings shall be conducted by an arbitrator to be selected by the Town and the Association within ten (10) working days after the notice has been given. If the parties fail to select an arbitrator, either may request the American Arbitration Association to provide an arbitrator in accordance with the American Arbitration Association Rules. The decision of the arbitrator shall be final and binding on the parties, and the arbitrator shall be requested to issue his/her decision within thirty (30) days after the conclusion of the testimony and argument. Expenses for the arbitrator's services and the proceedings shall be born by the losing party. However, each party shall be responsible for compensating its own representatives and witnesses. If either party desire a verbatim record of the proceedings, it may cause such a record to be made, providing it pays for the record. Grievances initiated by the Town shall be processed in the same manner.

B. Grievance Committee: Employees selected by the Association to act as Association representatives shall be known as "Stewards". The names of the employees selected as stewards, and the names of other Association representatives who may represent employees, shall be certified in writing to the Town by the Association Grievance Committee. The purpose of Grievance Committee meetings will be to adjust pending grievances and to discuss procedures for avoiding future grievances. In addition, the Committee may discuss with the Town other issues which would improve the relationship between the parties.

C. Processing grievances during working hours: The Steward may process grievances during working hours without loss of pay with the permission of the Director or General Manager.

D. This article shall not apply to Article 22, the General Authority and responsibility of the Town of Cumberland.

E. The Association agrees that any and all disputes that arise between parties will be settled by Article 15, Settlement of Disputes.

F. It is understood that if the Association, or any members of the Association, use any other means to settle a dispute, the grievance is automatically adjusted to the Town of Cumberland and shall be final and binding.

ARTICLE 16

OVERTIME

A. All hours worked by regular, full-time employees over forty (40) hours in a one hundred sixty-eight (168) hour work week shall be paid at a monetary rate of one and one-half (1 1/2) times the base hourly rate. (Base hourly rate shall be determined by dividing the base weekly wage rate by forty (40) hours.)

For the purpose of this entire section, "hours worked" shall mean only the following:

1. Hours actually worked.
 2. Hours compensated for by holiday, base pay.
 3. Hours compensated for by vacation, sick, family death leaves.
- B. Preference for overtime shall be offered according to seniority when consistent with the needs of the Department and the public's safety, health, and general welfare. Such order of rotation is to give such regular, full-time employees equalization of overtime work, if desired by an employee. At the request of an employee, compensatory time off in lieu of overtime pay shall be permitted under this agreement at the discretion of the Director or General Manager.
- C. All overtime will be prior approved by the Director or General Manager.
- D. Employees of the Public Works Department called to work during the hours of 4:00 p.m. to 4:00 a.m., and at any time during Saturday, Sunday, or holidays shall be paid overtime at the rate of one and one-half times the hourly rate for a minimum of three (3) hours.
- E. An employee, with prior approval of the Director or General Manager, may elect to receive compensation time in lieu of overtime pay. All compensatory time for hours worked in excess of 40 hours per week shall be earned at one and one-half (1 1/2) times the regular pay.

ARTICLE 17

BULLETIN BOARD

The employer agrees to furnish a suitable bulletin board in the Public Works Department garage and Val Halla garage and the Association agrees to maintain it in a clean and orderly condition.

The Association shall not post any material which is obscene, defamatory, or impairs the operations of the Cumberland Public Works Department, or which constitutes partisan political campaign material.

Any material on the Bulletin Board that the employer alleges to be in violation of this application shall be promptly removed by the Association.

ARTICLE 18

ASSOCIATION ACTIVITIES ON EMPLOYER'S TIME AND PREMISES

The employer agrees that during work hours at the Town garage and without loss of pay, the Association steward or Association representative shall be allowed to:

1. Post Association notices.
2. Distribute Association literature.
3. Transmit communications, authorized by the Association or its President, to the Town.
4. Consult with the employer, its representative, local association officers or other Association representatives concerning the enforcement of any provisions of this agreement.
5. Process grievances.
6. Attend negotiating meetings.

The steward or representative may engage in these activities during working hours without loss of pay except when the Director or General Manager determines that such activity interferes with the needs of the Department and the public's safety, health, and general welfare.

ARTICLE 19

UNIFORMS AND PROTECTIVE CLOTHING

If any employee is required to wear a uniform, protective clothing or any type of protective device as a condition of employment, such uniform, protective clothing, or protective device shall be furnished by the Town to the employee. Any equipment required by the Department for its employees shall be paid for by the Town. The cost of uniform cleaning will be provided by the Town.

Each employee so required shall be given Two Hundred, Twenty-five dollars (\$225.00) on January 31 annually for allowance for the purchase of safety shoes upon submission of proper bills.

ARTICLE 20

SAVINGS CLAUSE

If any provisions of this agreement shall be contrary to any law, such invalidity shall not affect the validity of the remaining provisions of this agreement.

ARTICLE 21

PAY SCALE

From the date of April 1, 2000 to June 30, 2001, the pay scale covered by this agreement shall be as follows:

Public Works

Category	Name	Seniority	Pay
Island Foreman	Med Bowen	06/01/75	\$16.38
Heavy Equipment Operator	Bert Copp	12/14/82	\$15.57
Heavy Equipment Operator	Dan Burr	11/30/87	\$14.69
Heavy Equipment Operator	Steve Foster	06/01/84	\$14.69
Equipment Operator	Calvin Bridges	05/1/80	\$13.38
Equipment Operator	Dennis Blaisdell	07/06/98	\$12.62
Equipment Operator	Edwin Johnson	02/25/99	\$11.90
Mechanic	Clayton Weed	07/18/82	\$16.48
Equipment Operator/mechanic	Dave Campbell	07/26/99	\$13.76
Parks	Dale Lawless	05/05/80	\$14.72
Transfer Station Attendant	Tom Calder	08/11/99	\$10.55

Val Halla Golf & Recreation Center

Category	Name	Seniority	Pay
Asst. Supt./Groundskeeper	Andrew Czarnecki	04/01/98	\$13.25
Mechanic	Ron Sawyer	07/31/98	\$13.17
Groundskeeper	Gil Marco	06/08/98	\$10.75

ARTICLE 22

**GENERAL AUTHORITY AND RESPONSIBILITY OF
TOWN OF CUMBERLAND**

- A. The Association hereby recognizes that the Town shall retain all rights and authority to manage and direct the operations of the Town Departments and its working forces, including the right to plan, direct, and control Department activities; to schedule and assign work to employees, including in emergency situations the right to split two days off; to determine means, methods, procedures, and equipment to maintain the efficiency of the Departments and their employees; to determine the manner of jobs, to create, or for lack of funding or for lack of work, revise (meaning a material change in job assignments relating to public works and Val Halla activities) or eliminate jobs; to establish and require observance of rules and regulations governing the conduct and performance of its employees; to formulate and adopt ordinances and other regulations incidental to management of the affairs of the Town; to hire and promote employees to maintain order.
- B. The Town reserves the right to discipline or discharge for cause.
- C. The Association hereby agrees not to grieve and/or arbitrate any dispute which arises from Article 22, the general authority and responsibility of the Town of Cumberland.

ARTICLE 23

ASSOCIATION LIST

The Association agrees to supply the Director and General Manager with a list of officers of the Association, the name of the Association representative and the names of the Grievance Committee members upon the contract signing date. It shall be the duty of the Association to keep these lists of names up to date and to notify the Director and General Manager of any change within ten (10) days of such change.

ARTICLE 24

STRIKES AND SLOWDOWNS PROHIBITED

The Association agrees that neither it nor its officers or members will engage in, or encourage, any strikes, slowdowns, mass absenteeism, picketing which will involve suspension of or interference with the normal work of the Department or other Town Departments. In the event that the Association members participate in such activities in violation of this provision, the Association shall notify those members so engaged to cease and return to their normal duties. In any event, any employee participating in these prohibited activities may be discharged by the Town.

ARTICLE 25

DISCRIMINATION CLAUSE

The Town agrees to continue its established policy against all forms of illegal discrimination, including (1) discrimination with regard to race, creed, color, national origin, sex, marital status, age, physical or mental disability, unless based upon bona fide occupational qualification, and (2) intimidation or harassment on the basis of race, creed, color, national origin, sex, marital status, age, physical or mental disability.

The Association agrees to continue its policy to admit all members to membership and to represent all members without regard to race, creed, color, national origin, sex, marital status, age, physical or mental disability.

The Association and the Town agree that discrimination, intimidation, or harassment of employees, including sexual harassment in all its various forms, is unacceptable conduct and will not be condoned or tolerated by the Association or

the Town.

The Town and the Association agree that any disputes arising out of the provision of this article may be processed through the grievance procedure contained the Grievance and Arbitration Procedure. This provision shall not preclude other legal remedies provided by law.

ARTICLE 26

TERM OF AGREEMENT

This agreement shall govern the rights of the parties from the date of January 1, 2000 to June 30, 2002 regardless of the date of ratification by both parties; and all terms shall be applied retroactively to January 1, 2000; provided however wage increases for 2000 shall be effective April 1, 2000.

The Parties further agree that they shall meet in April of 2001 to re-negotiate only the base salary as contained in Article 21, of the wage package provided herein, specifically excluding, but not be way of limitation, from consideration during the term of this contract such other financial matters as yearly increments of new categories on the pay scale as set forth in said Article 21.

IN WITNESS WHEREOF, the said Town of Cumberland, Maine, has caused these presents to be signed in its behalf by Robert Benson, as Town Manager, thereunto duly authorized; and the Town of Cumberland Municipal Employees Association has caused these presents to be signed in its behalf by Daniel Burr, its President, thereunto duly authorized.

DATED this _____ day of _____, 2000

Witness

By: _____
Robert B. Benson,
Town Manager
Duly Authorized

Witness

CUMBERLAND MUNICIPAL
EMPLOYEES ASSOCIATION

By: _____
Daniel Burr,
Its President
Duly Authorized

Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.

To avoid possible financial loss an applicant, or prospective applicant, should consult with the Bureau before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.



Present License Expires 4/26/00
Department of Public Safety
Licensing and Inspection Unit — Liquor

BUREAU USE ONLY	
License No. Assigned	
Class License Assigned	
Deposit Date	
Amount Deposited	

Please Indicate Type of License

BY A CHECK MARK IN PROPER BOXES

INDICATE TYPE OF PRIVILEGE:

☒ MALT

☐ SPIRITUOUS

☒ VINOUS

INDICATE TYPE OF PREMISE:

- | | | | |
|------------------------------------|---|---|--|
| <input type="checkbox"/> CLUB | <input type="checkbox"/> CLUB-ON PREMISE CATERING | <input type="checkbox"/> HOTEL | <input type="checkbox"/> HOTEL-OPTIONAL FOOD |
| <input type="checkbox"/> GOLF CLUB | <input type="checkbox"/> INDOOR ICE SKATING CLUB | <input type="checkbox"/> INDOOR TENNIS CLUB | <input checked="" type="checkbox"/> RESTAURANT |
| <input type="checkbox"/> TAVERN | <input type="checkbox"/> RESTAURANT/LOUNGE | <input type="checkbox"/> CLASS A LOUNGE | <input type="checkbox"/> OTHER _____ |

PLEASE REFER TO PAGE 4 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL & \$10.00 FILING FEE MUST ACCOMPANY ALL APPLICATIONS

1. APPLICANT(S) - (Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>KAREN A ROSE</u>		2. BUSINESS NAME (D/B/A) <u>STATION HOUSE PIZZA.</u>	
<u>RT 9 JUNCTION INC.</u>			
<u>137 MAIN ST.</u>		LOCATION (STREET ADDRESS) <u>137 MAIN ST.</u>	
ADDRESS		City or Town	Zip Code
<u>Cumberland, ME.</u>		<u>Cumberland</u>	<u>ME 04021</u>
City or Town		Mailing Address	
<u>04021</u>		<u>Same</u>	
State		City or Town	State
<u>(207) 829-2171</u>		<u>" "</u>	<u>" "</u>
Zip Code		Zip Code	
TELEPHONE NUMBER		Business Telephone Number <u>829-2171</u>	
Federal I.D. #: <u>010515299</u>		Seller's Certificate Number:	

3. If premises is a Hotel, indicate number of rooms available for transient guests: NA

4. State amount of gross income from period of last license:

ROOMS \$ ✓ FOOD \$ _____ LIQUOR \$ _____

5. Is applicant a Corporation, Limited Liability Co. or Limited Partnership: YES ☒ NO ☐ If answer is "YES" complete Supplementary Questionnaire.

6. Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒

7. If manager is to be employed, give name: NA

8. If business is NEW indicate opening date: NA

Business Hours: 11AM 930 - 7PM 41.

9. Business records are located at 137 MAIN ST. Cumberland.

10. Is/Are applicant(s) citizens of the United States: YES ☒ NO ☐

11. Is/Are applicant(s) residents of the State of Maine? YES ☒ NO ☐

DATED AT Cumberland ME ON 3/13/ 18 2000
Town or City, State Date

Karen A. Bel
Signature(s) of Applicant(s) or Corporate Officer

NOTICE — SPECIAL ATTENTION

ALL APPLICANTS FOR NEW OR RENEWAL LIQUOR LICENSES MUST CONTACT THEIR MUNICIPAL OFFICIALS OR THE COUNTY COMMISSIONERS IN UNINCORPORATED PLACES FOR APPROVAL OF THEIR APPLICATION FOR LIQUOR LICENSES PRIOR TO SUBMITTING THEM TO THE BUREAU. **THIS APPROVAL EXPIRES IN 60 DAYS.**

FEE SCHEDULE

Class I	— Spirituous, Vinous & Malt*	\$ 900.00
Class I-A	— Spirituous, Vinous & Malt*, Optional Food (Hotels Only)	\$1,100.00
Class II	— Spirituous Only*	\$ 550.00
<u>Class III</u>	— Vinous Only*	\$ <u>220.00</u>
<u>Class IV</u>	— Malt Liqour Only*	\$ <u>220.00</u>
Class V	— Spirituous, Vinous & Malt* (Clubs without Catering)	\$ 495.00
Class X	— Spirituous, Vinous & Malt* Class A Lounge	\$2,200.00
Class XI	— Spirituous, Vinous & Malt* Restaurant/Lounge	\$1,500.00
*Filing Fee must accompany all applications		\$ 10.00

Every applicant for an original or renewal liquor license shall also remit with his application a filing fee of \$10.00, except in unorganized places the filing fee of \$10.00 shall be paid to the county treasurer of the county in which the unincorporated place is located, and all such applicants for license in unincorporated places shall be accompanied by evidence of payment of filing fee to the county treasurer.

CLASS I LICENSE: The following premises shall be eligible for a Class I License — Spirituous, Vinous and Malt Beverages: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.

CLASS I-A LICENSE: The following premises shall be eligible for a Class I-A License — Spirituous, Vinous and Malt Beverages: Hotels only that do not serve three meals a day.

CLASS II LICENSE: The following premises shall be eligible for a Class II License — Spirituous Only: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.

CLASS III LICENSE: The following premises shall be eligible for a Class III License — Vinuous Only: Airlines, Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; and Vessels.

CLASS IV LICENSE: The following premises shall be eligible for a Class IV License — Malt Beverages Only: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; and Taverns.

CLASS V LICENSE: The following premises shall be eligible for a Class V License — Spirituous, Vinous and Malt Beverages: Clubs without catering privileges.

CLASS X LICENSE: The following premises shall be eligible for a Class X License — Spirituous, Vinous and Malt Beverages: Class A Lounge.

CLASS XI LICENSE: The following premises shall be eligible for a Class XI License — Spirituous, Vinous and Malt Beverages: Restaurant/Lounge.

ALL FEES MUST ACCOMPANY APPLICATION AND BE MADE PAYABLE TO: TREASURER, STATE OF MAINE. PAYMENTS BY CHECK SUBJECT TO PENALTY PROVIDED BY SEC. 3 OF TITLE 28A, MAINE REVISED STATUTES.

DEPARTMENT OF PUBLIC SAFETY, LICENSING AND INSPECTION UNIT-LIQUOR, 164 STATE HOUSE STATION, AUGUSTA, MAINE 04333-0164. TEL. (207) 624-8745

**CHAPTER 7
ELECTION OFFICIALS**

§ 501. Wardens and ward clerks

1. **In a city.** In a city, the selection, term of office, compensation and partial duties of wardens and ward clerks are determined by the city charter. Additional duties are prescribed by this Title.

2. **In a town.** In a town, with the approval of the municipal officers, the clerk of the municipality shall appoint a warden and may appoint one or more deputy wardens to assist in the duties on election day. If the clerk appoints another person as warden, the clerk may serve as deputy warden. It does not constitute an incompatibility of office for the clerk to serve as warden or deputy warden. The warden and deputy warden are entitled to a reasonable compensation as determined by the municipal officers.

3. **Provisions applicable to both towns and cities.** A warden, ward clerk or any deputy warden may not be an officer of a municipal committee of a political party. Ward clerks or deputy wardens shall perform the duties of the warden when necessary and may not replace election clerks prescribed by this Title. The warden, ward clerk and deputy wardens must be registered voters of the municipality, except when a nonresident clerk is acting as either warden, ward clerk or deputy warden.

**Klara also serves
as deputy warden
at all elections.*

§ 502. Duties and vacancies -- warden and ward clerk

In the event of a vacancy in the office of warden or in the absence or incapacity of the warden, the ward clerk may perform the duties of the warden. A vacancy in the office of ward clerk may be filled by an election clerk appointed by the warden. When a ward clerk is elected in a partisan election, an election clerk appointed by the warden must be enrolled in the same political party as the ward clerk and shall serve as ward clerk pro tem.

§ 503. Election clerks

Elections clerks are governed by the following provisions.

1. Qualifications; appointment; compensation.

Election clerks must be at least 18 years of age, registered to vote and a resident of the municipality. The municipal officers of each municipality shall appoint election clerks no later than May 1st of each general election year to serve at each voting place during the time the polls are open and as counters after the polls close. A list of the election clerks appointed by the municipal officers must be posted at each voting place. Election clerks are entitled to a reasonable compensation as determined by the municipal officers.

1-A. Repealed. Laws 1995, c. 459, § 33.

2. Representation of parties. The municipal officers shall consider the following for appointment as election clerks.

A. The municipal officers shall consider persons nominated by the municipal committees of the major parties to serve as election clerks. The municipal officers shall appoint at least one election clerk from each of the major parties to serve at each voting place during the time the polls are open. The municipal officers shall also appoint a sufficient number of election clerks to serve as counters after the polls close. The election clerks must be selected so that the number of election clerks from one major party does not exceed the number of election clerks from another major party by more than one.

B. The municipal officers shall appoint at least one election clerk nominated by the municipal committee of a qualified minor party represented on the last general election ballot for each voting place at the committee's request.

C. Notwithstanding subsection 1, the municipal officers may also consider persons who are 17 years of age to serve as student election clerks for a specific election. A student election clerk may not assist a voter unless the voter

A. This subsection does not apply to a candidate for warden or ward clerk or the immediate family of the candidate for warden or ward clerk.

B. This subsection does not apply to municipalities with a population of less than 500.

§ 505. Municipal clerk

The clerk of the municipality is the supervisor of all elections and is entitled to a reasonable compensation as determined by the municipal officers and has the following duties:

1. **Absentee voting.** Administer the absentee voting procedures;

2. **Instruction.** Instruct election officials on election laws and procedures prior to election day;

3. **Election officials.** Coordinate and schedule election officials to work at the polls on election day;

4. **Poll watchers and others.** Make arrangements in advance of election day for poll watchers, petition circulators and others who request to be present at the polls;

5. **Election materials and equipment.** Prepare and deliver to and from the polls all election equipment and materials, including the ballots;

6. **Advise warden.** Advise the warden on election laws and procedures on election day;

7. **Return of votes cast.** Report the return of votes cast to the Secretary of State; and

8. **Other duties.** Perform any other duties required for conducting an election.

A. Moderator;

B. Selectmen; and

C. School committee.

2. **Other officials.** A town, at a meeting held at least 90 days before the annual meeting, may designate other town officials to be elected by ballot. The election of officials at the last annual town meeting is deemed to be such a designation until the town acts otherwise at a meeting held at least 90 days before the annual meeting at which the election will be held.

3. **Limitation.** A town official may not be elected on a motion to cast one ballot.

§ 2526. Choice and qualifications of town officials

✱ Unless otherwise provided by charter, the following provisions apply to the choice and qualifications of town officials.

1. **Manner of election.** In a town with a population greater than 4,000, according to the last Federal Decennial Census, election shall be by plurality. Except as provided in section 2528, subsection 10, in a town with a population of 4,000 or under, election shall be by majority.

2. **Appointment in writing.** The appointment of any town official or deputy must be in writing and shall be signed by the appointing party.

✱ 3. **Qualifications.** In order to hold a municipal office, a person must be a resident of the State, at least 18 years of age and a citizen of the United States.

A. In order to hold the office of selectman, a person must be a voter in the town in which that person is elected.

4. **Selectmen and overseers.** The following provisions apply to selectmen and overseers.

**TOWN OF CUMBERLAND
MEETING OF THE TOWN COUNCIL
MONDAY – APRIL 10, 2000**

- I. Call to order at the Cumberland Town Hall at 7:00 p.m.
- II. Approval of Minutes
 - a. March 27, 2000
- III. Manager's Report
- IV. Public Discussion
- V. Legislation and Policy
 - 00-24 To receive Fiscal Impact of Residential Development Report from the Growth Management Committee. *L.P.C. a impact fee - doc council want this reported*
 - 00-25 To hear report from Cable TV Committee.
 - 00-26 To approve Public Works Union Contract.
 - 00-27 To consider and act on a Special Amusement Permit application for the Cumberland Café.
 - 00-28 To consider and act on a Liquor License application renewal for Rt. 9 Junction Station House Pizza.
 - 00-29 To appoint Election Clerks according to Title 21-A, Section 503 (1).
- VI. Correspondence
- VII. New Business
- VIII. EXECUTIVE SESSION – Land Acquisition
- IX. Adjourn

MEMBERS OF THE TOWN COUNCIL

Peter Bingham (Chair)	829-5713	James Phipps	846-6274
Stephen Moriarty	829-5095	Harland Storey	829-3939
John Lambert, Jr.	781-5282	Mark Kuntz	829-6482
Jeffrey Porter	829-4129		

APRIL 10, 2000 COUNCIL AGENDA ITEMS

-
- 00- To consider and act on a Special Amusement Permit application for the Cumberland Cafe.
-

HISTORY: Cafe was granted this permit last year to host one special dinner/comedian event per month. (See Item #99-21)
They hosted a total of six of these dinners last year.

-
- 00- To consider and act on a Liquor License application renewal for Rt 9 Junction Station House Pizza.
-

HISTORY: This is for serving beer and wine only.

-
- 00- To appoint Election Clerks according to Title 21-A, Section 503 (1)
-

HISTORY: This needs to be done every two years (each general election year).

MOTION: Move to appoint as DEMOCRATIC election clerks for 2 years:
Sharon Antoniuc, Marilyn Brown, Marion Clark, Margaret Dyer,
June Frey, Martha Hamilton, Lavinia Hughes, Elizabeth Melcher,
Louise Sallinger, Joyce Trainor, Debra Willson;

Move to appoint as REPUBLICAN election clerks for 2 years:
Nancy Bernard, Elva Brooks, Dianne Calder, Robert Eaton,
Kathleen Ford, Elaine Godsoe, Robert Leon, Judith McAfee,
Hope Moody, Jean Olsen, Gladys Placey, Joan Robinson, April Ross,
Carol Storey, Elizabeth Surgi, Diane Zglobicki

**TOWN OF CUMBERLAND
PLANNING BOARD MEETING
Chebeague Island Community Center
South Road, Chebeague Island
Saturday, February 12, 2000 8:50 a.m.**

A. Call to Order

The meeting was called to order at 8:50 a.m.

B. Roll Call

Present: Phil Hunt, Jeff Daigle, Tom Powers, Beth Howe

Absent: Stephen Sloan, Martha Porch, Terry Turner

Staff: Donna Larson, Town Planner, Pam Bosarge, Clerk

C. Minutes of Prior Meetings

Mr. Daigle moved to accept the minutes of January 18, 2000 as presented.

Mr. Powers seconded.

VOTE: Unanimous

D. Consent Calendar

There were no items on the consent calendar.

D. Hearings and Presentations

1. Public Hearing – Subdivision Revision – School House Road Subdivision – to create (1), two acre parcel from Lot # 1 (16.98 acres) of the subdivision Tax Assessor Map I-6, Lot 32, Dan Kidd, owner.

Ms. Larson presented background information as follows: The applicant is Dan Kidd, P.E., of Limington, Maine. The parcel is located in the Island Residential District. The subdivision was approved on September 18, 1990. The applicant is the present owner of the property located on Schoolhouse Road, Chebeague Island as identified in Map I-6, Lot 32. The applicant is proposing to create a 2-acre lot out of the existing 16.98-acre parcel. Currently 14 acres of the lot are enrolled in the Tree Growth Program; the creation of the two-acre lot doesn't affect this tax classification. Board members have a letter from Paula Jansmann, Assessor in their packets. Individual well and septic systems will be provided. Wetlands have been identified on Lot 1A, the actual location of the wetlands on Lot 1A are shown on the plan. The state laws regarding wetlands have changed; therefore, the 75' setback requirement shown on the original plan is no longer required. Current rules require a permit if more than 4,330 square feet of wetlands are filled. Lot number 2 has no building, and the note on the plan states septic locations need

to be as shown on the plan. Department Heads have reviewed the proposal with the following comments:

Barbara McPheters, CEO: I have no issues based upon my review of the plan dated 2/1/00.

Adam Ogden, Public Works Director: reviewed, no comment.

Dan Small, Fire Chief: Reviewed, no comment.

Joe Charron, Police Chief: No comment.

Mr. Kidd, applicant stated his original intent was to keep the 16.98 acres, but financially he is unable to do so, and wants to keep two acres.

Ms. Howe asked if the 15-acre lot was to be divided would it create back lots?

Mr. Kidd stated if it was developed it might be divided into two pieces.

Ms. Howe asked about maintaining the existing trail.

The Public Portion of the meeting was opened.

Ms. Donna Damon, of Fenderson Road, and Ms. Bev Johnson independently explained the existence of connecting trails on the Island. They stated they were in favor of the trail being preserved.

Mr. Kidd agreed it would be nice to have the trail, but didn't want it as a condition of approval.

Ms. Damon questioned the possibility of the trail being placed in a land trust.

Mr. Daigle asked Mr. Kidd how he felt about the trail system.

Mr. Kidd stated he may have to sell the land and wasn't sure what the impact would be on a potential buyer. He stated he was in favor of the trail system, but didn't want it as a condition on the subdivision plan.

Mr. Daigle stated it was a narrow building envelope, and questioned moving the well out of the wetland area.

Mr. Kidd stated the site evaluator said there would be no problem locating the well in the wetland area.

Mr. Daigle stated it was not desirable and asked about the need for a Permit by Rule.

Mr. Peter Maher, of Sevee and Maher stated a Permit by Rule from DEP might be needed.

Mr. Powers stated the trail was intended for personal use, and he was not in favor of a formal trail easement.

Ms. Donna Damon, of Fenderson Road stated the Land Trust worked with Ben Thompson on Rose Point to deed a 10' or 20' strip trail along the property line. She stated that if the Town had a right-of-way or easement it would enhance the value of the property.

Mr. Daigle moved to close the Public Portion of the meeting.

Mr. Powers seconded.

VOTE: Unanimous

Ms. Howe stated she was in favor of proposing a pedestrian trail easement over the northern boundary line as a condition of approval.

Mr. Daigle and Mr. Powers stated they respected private property rights, and felt this should be negotiated as a private matter.

Mr. Powers stated it was not a trail in its current state.

Mr. Hunt stated if there were public rights they would survive the sale to a new buyer. He would encourage the parties to define the rights as a private matter.

Mr. Daigle moved to approve the findings of fact as presented and the original standards of condition with the revision.

Mr. Powers seconded.

VOTE: Unanimous

Mr. Daigle moved to grant subdivision revision to Dan Kidd, for School House Road Subdivision to create (1), two acre parcel from Lot #1 (16.98 acres) of the subdivision Tax Assessor Map, I06, Lot 32, with a note on the plan stating there are existing public use trails across the parcel with open and adverse use.

Mr. Powers seconded.

VOTE: Unanimous

Standard Conditions of Approval

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

Additional Conditions of Approval

1. All fees must be paid before mylars are signed.

2. That one original and one copy of a mylar be submitted for signing by the Board, the original to be recorded at the Cumberland County Registry of Deeds, the copy to be retained by the Town, and that 10 paper copies be submitted to the Town with the book and page number written on it.
3. That the conditions of approval of the 9/18/90 still stand.
4. That a note be added to the plan stating the existence of public use trails across the parcel, with open and adverse use.

Proposed Findings of Fact

In accordance with the provisions of Section 1.1 of the Cumberland Zoning Ordinance, as indicated in bold type below, the Planning Board makes the following findings of fact: SUBDIVISION ORDINANCE Section 1.1: The purpose of these standards shall be to assure the comfort, convenience, safety, health and welfare of the people, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivision within the Town of Cumberland, Maine, the Board shall consider the following criteria and before granting approval shall determine that proposed subdivision:

1. **Pollution.** The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider:

- A. The elevation of land above sea level and its relation to flood plains;
- B. The nature of soils and subsoils and their ability to adequately support waste disposal;
- C. The slope of the land and its effect on effluents;
- D. The availability of streams for disposal of effluents; and
- E. The applicable state and local health and water resource rules and regulations;

According to the National Flood Insurance Program's Flood Insurance Rate Map # 2301620023E, dated July 15, 1992, the proposed subdivision is not in a flood zone.

As a residential subdivision, the proposed subdivision will not result in undue air pollution.

Based on the Town Engineer's report of September 11, 1990, Board may wish to require that the subsurface sewage disposal systems be located where test pits are specified on the plan and that the location of these test pits be specified on the plan by measurements to permanent monuments or property corners.

6. **Sewage disposal.** The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services, if they are utilized;

Ken Gardner, Site Evaluator #73 has completed an HHE-200 form showing that an adequate septic system can be installed on the property.

Based on the preliminary soils investigation conducted by John Hatchkins on April 14, 1988, the proposed subdivision will provide for adequate sewage waste disposal. The Town Engineer in his report of 9/11/90, recommends that note #5 on the plan should be amended to require that systems be located where shown on this plan (with location defined by measurements to permanent monuments or property corners. If the Board desires.) Since several of the proposed septic systems are located within 200' of the perimeter property line, well locations on abutting parcels should be shown on the plan.

15. **Freshwater wetlands,** All potential freshwater wetlands, as defined in 30-A M.R.S.A., § 4401 (2-A), within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district; and

Title 30-A Definition

Freshwater wetlands: "Freshwater wetlands" means freshwater swamps, marshes, bogs and similar areas are: A. Of 10 or more contiguous acres, or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that, in a natural state, the combined surface area is in excess of 10 acres; and B. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils. Freshwater wetlands may contain small stream channel or inclusions of land that do not conform to the criteria of this subsection.

Since the approval of the subdivision the rules regarding wetlands have changed. As no permits from the Department of Environmental Protection were issued for this development, the current rules apply to any construction on the site. The wetlands on Lot 1A have been identified and mapped. All other wetlands are shown as approximate locations. Based on these facts the standards of this section have been met.

1. **Public Hearing** – Site Plan Review, MSAD#51, Ballfield Improvements at schools property, School House Road, Tax Assessor Map I-6, Lot 31, MSAD#51, owner; Sevee & Maher, representative.

Ms. Larson presented background information as follows: The property is located at School House Road, Chebeague Island, Tax Assessor Map I-6, Lot 31, in the Island Residential district. The application includes reorienting the ballfield with home plate facing School House Road, regrading and properly constructing the existing field, installing a fence around the unwooded perimeter of the field, and installing a subsurface irrigation system. This project is classified as a minor site plan review, a project involving only the installation of impervious surfaces. Mr. Robert G. Hasson, Jr. Superintendent of Schools for M.S.A.D.#51 has sent a letter stating his support for the project.

Department Head Reviews

1. Adam Ogden, Public Works Director; reviewed, no comment.
2. Dan Small, Fire Chief: reviewed: no comment.
3. Christopher Bolduc, Rescue Chief: reviewed no comment.
4. Joseph Charron, Police: reviewed, no comment.
5. Richard Peterson, LPI: no plumbing is proposed.
6. Barbara McPheters, Building Inspector: reviewed, no comment.

Waivers Requested

1. A partial waiver from Section 206.7.2.3 – boundary survey.
2. A partial waiver from Section 206.7.2.12 – stormwater calculations.

All other required information listed in Section 206.7 are shown on the plan or is not applicable to the project.

Mr. Peter Maher, of Sevee & Maher, representative stated the project will consist of reorienting the ballfield with home plate facing School House Road; Re-grading the existing field, importing and incorporating soil amendments, and establishing grass; Installing a fence around the un-wooded perimeter of the field; and Installing a

subsurface irrigation system. Sports Fields, Inc. of Monmouth, Maine, prepared the field design with the assistance of Construction Consultants, Inc. of Livermore, Maine.

Ms. Howe asked what wells were tested.

Mr. Maher stated the Chebeague Island School; Rec.-Center; Munroe; Olson; McCollum; Linberg; and Newcomb wells.

The Public portion of the meeting was opened.

Ms. Laurie Wood, of School House Road, stated she resides at the McCollum well. The plan looks good; she questioned whether there would be provisions for storage for dry conditions. She also stated she would like to be assured only organic fertilizer be used.

Ms. Laurie Wood asked what kind of fencing would be on the street side.

Mr. Maher stated probably chain link fence.

Mr. Powers moved to close the public portion of the meeting.

Mr. Daigle seconded.

VOTE: Unanimous

Mr. Tom Powers moved to approve the Site Plan Review, MSAD#51, ballfield improvements at the school's property, School House Road, Tax Assessor Map, I06, Lot 31, with the proposed findings of fact, waivers and conditions of approval

Mr. Daigle seconded.

VOTE: Unanimous

Proposed Findings of Fact

.1 Utilization of the Site

Utilization of the Site - The plan for the development, including buildings, lots, and support facilities, must reflect the natural capabilities of the site to support development. Environmentally sensitive areas, including but not limited to, wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers must be maintained and preserved to the maximum extent. The development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

The land use is currently an open field with a softball field. The application includes the proper construction of the fields to improve their use. Based on these facts the standards of this section are met.

.2 Traffic Access and Parking

Vehicular access to and from the development must be safe and convenient.

Parking areas adjacent to the fields will be used when necessary. No new parking areas are proposed.

.3 Accessway Location and Spacing

Accessways must meet the specific.

Access to the site will not be changed by this request.

.4 Internal Vehicular Circulation

The layout of the site must provide for the safe movement of passenger, service, and emergency vehicles through the site.

The internal vehicular traffic will not be changed with this request.

.5 Parking Layout and Design

Off street parking must conform to the following standards:

Parking is not affected by this proposal.

.6 Pedestrian Circulation

The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development. This system must connect the major building entrances/ exits with parking areas and with existing sidewalks, if they exist or are planned in the vicinity of the project. The pedestrian network may be located either in the street right-of-way or outside of the right-of-way in open space or recreation areas. The system must be designed to link the project with residential, recreational, and commercial facilities, schools, bus stops, and existing sidewalks in the neighborhood or, when appropriate, to connect the amenities such as parks or open space on or adjacent to the site.

Pedestrian circulation will not be affected by this proposal.

.7 Stormwater Management

Adequate provisions must be made for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other surfaces, through a stormwater drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties.

The post development surface will be the same as the pre-development surface, the direction of the flow will not change; therefore, stormwater will not be significantly altered on the site.

.8 Erosion Control

.1 All building, site, and roadway designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible, such that filling, excavation and earth moving activity must be kept to a minimum. Parking lots on sloped sites must be terraced to avoid undue cut and fill, and / or the

need for retaining walls. Natural vegetation must be preserved and protected wherever possible.

Soil erosion and sedimentation of watercourses and water bodies must be minimized by an active program meeting the requirements of the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, dated March 1991, and as amended from time to time.

Appropriate erosion control will be installed during construction.

.9 Water Supply Provisions

The development must be provided with a system of water supply that provides each use with an adequate supply of water. If the project is to be served by a public water supply, the applicant must secure and submit a written statement from the supplier that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source of distribution system, and will be installed in a manner adequate to provide needed domestic and fire protection flows.

An irrigation system will be installed as part of the project.

.10 Sewage Disposal Provisions

The development must be provided with a method of disposing of sewage, which is in compliance with the State Plumbing Code. If provisions are proposed for on-site waste disposal, all such systems must conform to the Subsurface Wastewater Disposal Rules.

The proposal will not require any sewage disposal.

.11 Utilities

The development must be provided with electrical, telephone, and telecommunication service adequate to meet the anticipated use of the project. New utility lines and facilities must be screened from view to the extent feasible. If the service in the street or on adjoining lots is underground, the new service must be placed underground.

No utilities will be installed.

.12 Groundwater Protection

The proposed site development and use must not adversely impact either the quality or quantity of groundwater available to abutting properties or to the public water supply systems. Applicants whose projects involve on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater must demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.

Sevee & Maher Engineers have conducted a pump test on the School and recreation center well to determine if irrigating the fields will have a negative impact on those or adjacent wells. The report, Evaluation of Proposed Irrigation

System Impacts, suggests that the drilled residential well in the area (currently owned by Munroe) should be tested during the operation of the irrigation system to assure that there are no adverse effects on their water system. Based on these facts the standards of this section have been met provided the Munroe well is tested while the irrigation system is operational and if an adverse impact is found that the applicant ensure that the Munroe's will have a water supply at least equal to that of before the irrigation system was put in.

.13 Water Quality Protection

All aspects of the project must be designed so that:

.1 No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxious, toxicity, or temperature that may run off, seep, percolate, or wash into surface or groundwater so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

.2 All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, must meet the standards of the Maine Department of Environmental Protection and the State Fire Marshall's Office.

The report prepared by Sevee & Maher, Evaluation of Proposed Irrigation System Impacts, recommends using low impact applications of fertilizers and herbicide, and using organic and organic/synthetic fertilizers to minimize the impact. Based on these facts the standards of this section have been met provided the recommendations of the Sevee and Maher report are strictly adhered to.

.14 Capacity of the Applicant

The applicant must demonstrate that he / she has the financial and technical capacity to carry out the project in accordance with this ordinance and the approved plan.

A private donor has pledged the funds to complete the project. Sevee and Maher have several years designing projects. Sports Fields, Inc. and Construction Consultants, Inc., are leaders in the design of playing fields. Based on these facts the standards of this section have been met.

.15 Historic and Archaeological Resources

If any portion of the site has been identified as containing historic or archaeological resources, the development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

The standard doesn't apply to the application.

.16 Floodplain Management

If any portion of the site is located within a special flood hazard area as identified by the Federal Emergency Management Agency, all use and development of that portion of the site must be consistent with the Town's Floodplain management provisions.

Based on Flood Insurance Rate Map #230162 0023 E, dated June 15, 1992, the fields are not in a flood zone.

.17 Exterior Lighting

The proposed development must have adequate exterior lighting to provide for its safe use during nighttime hours, if such use is contemplated. All exterior lighting must be designed and shielded to avoid undue glare, adverse impact on neighboring properties and rights - of way, and the unnecessary lighting of the night sky.

No lights are proposed.

.18 Buffering of Adjacent Uses

The development must provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for the screening of mechanical equipment and service and storage areas. The buffer may be provided by distance, landscaping, fencing, changes in grade, and / or a combination of these or other techniques.

A Chain link fence is proposed around the non-wooded portions of the field.

.19 Noise

The development must control noise levels such that it will not create a nuisance for neighboring properties.

No additional noise is anticipated by this use.

.20 Storage of Materials

.1 Exposed nonresidential storage areas, exposed machinery, and areas used for the storage or collection of discarded automobiles, auto parts, metals or other articles of salvage or refuse must have sufficient setbacks and screening (such as a stockade fence or a dense evergreen hedge) to provide a visual buffer sufficient to minimize their impact on abutting residential uses and users of public streets.

.2 All dumpsters or similar large collection receptacles for trash or other wastes must be located on level surfaces which are paved or graveled. Where the dumpster or receptacle is located in a yard which abuts a residential or institutional use or a public street, it must be screened by fencing or landscaping.

.3 Where a potential safety hazard to children is likely to arise, physical screening sufficient to deter small children from entering the premises must be provided and maintained in good condition.

No materials are expected by the use.

.21 Landscaping

Landscaping must be provided as part of site design. The landscape plan for the entire site must use landscape materials to integrate the various elements on site, preserve and enhance the particular identity of the site, and create a pleasing site character. The landscaping should define street edges, break up parking areas, soften the appearance of the development, and protect abutting properties.

No landscaping is proposed.

.22 Building and Parking Placement

.1 The site design should avoid creating a building surrounded by a parking lot. Parking should be to the side and preferably in the back. In rural, uncongested areas buildings should be set well back from the road so as to conform with the rural character of the area. If the parking is in front, a generous, landscaped buffer between road and parking lot is to be provided. Unused areas should be kept natural, as field, forest, wetland, etc.

.2 Where two or more buildings are proposed, the buildings should be grouped and linked with sidewalks; tree planting should be used to provide shade and break up the scale of the site. Parking areas should be separated from the building by a minimum of five (5) to ten (10) feet. Plantings should be provided along the building edge, particularly where building facades consist of long or unbroken walls.

The standard does not apply to the application.

SECTION 300 – AQUIFER PROTECTION (if applicable)

The use is located in the Aquifer Protection district. Due to the small size of the project and its intended use, no positive finding by the Board is required.

Standard Conditions of Approval

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

Additional Conditions of Approval

1. That the Monroe well is tested while the irrigation system is operational and if an adverse impact is found that the applicant ensure that the Monroe's will have a water supply at least equal to that of before the irrigation system was put in.
2. That an adequate form of water storage be investigated and provided, an appropriate method of interference be provided along the road, and any fertilizer use be organic in nature.

The meeting was adjourned at 9:45 a.m.

The Meeting was reconvened on the ferry.

3. **Sketch Plan** – 23 Blanchard Road. Subdivision – Minor Subdivision, 4-lot subdivision, one lot has an existing house, Tax Assessor Map, U-12, Lot 11 & 11A, Scott Verrill, applicant; Squaw Bay Corp., representative. Three Board members were present for the discussion (not a quorum).

Ms. Larson presented background information as follows: The following topics should be determined. Is the subdivision major or minor? Barbara McPheters, Code Enforcement Officer has classified the project as a major subdivision.

S. Subdivision, Major:

Any subdivision containing more than four lots; **or requiring new streets or private ways**, or extensions of existing streets or private ways; or construction and/or extension of public utilities, or any subdivision proposing that any of its lots not meet the minimum area or lot requirements of the zones in which they are located.

T. Subdivision, Minor:

A subdivision containing not more than four (4) lots, and not otherwise requiring classification as a major subdivision, as defined in Section 3.1(R).

4.1 GENERAL PROCEDURES

Classification of a proposed project as either a minor or major subdivision shall be made by the Code Enforcement Officer, subject to Planning Board approval at the time of the initial application submission. Once the project is so classified, the applicant shall follow the applicable procedures in Section 4.3 or Sections 4.4. The pre-application conference step, **for minor subdivisions**, Section 4.2, is recommended but not mandatory. A copy of the required application form is included as Appendix A of this Ordinance. The Subdivision Review Fee Schedule is included as Appendix B of this Ordinance. Outside consulting fees shall be charged in accordance with Section 608 of the Zoning Ordinance. Appendices C and D list the submission requirements for minor and major subdivision plans. Overall Subdivision Review sheets are included in Appendix E and Appendix F. Application checklists for both minor and major subdivision plans are included in Appendices G, H, and I. Appendix J contains an Application Completeness form and Appendix K contains a Notice of Decision form. In all instances throughout the subdivision review process, the burden of proof shall

be upon the person or persons proposing the subdivision. [Amended, effective 3/25/87]

2. Should the subdivision be dispersed or traditional? The property is adjacent to Sweetsers' Orchard, the Zoning Ordinance states:

406.8 STANDARDS FOR REQUIRING DISPERSED RESIDENTIAL DEVELOPMENT: The Planning Board shall require that a residential development be designed as a dispersed residential development if the following standards are met:

- .1 The Planning Board determines that adequate wells cannot be established for each residential unit in the proposed residential development without risk of contamination or interference with existing wells or wells to be established within the proposed residential development unless the wells are widely separated. **(the project will be connected to the public water system)**
- .2 The Planning Board determines that due to the nature of soils and the configuration of the tract or parcel of land to be developed, on site septic systems must be widely separated in order to eliminate risk of contamination and interference with wells and septic systems on adjoining properties or within the proposed residential development.
- .3 The tract or parcel to be developed contains one or more of the following types of open space:
 - a. **Land which is active farmland or which adjoins or abuts active farmland.**
 - b. Land which contains an existing trail system used by the public or which can provide a link to existing trails.
 - c. Land which contains or adjoins a significant wildlife habitat or other rare and irreplaceable natural area as determined by the Department of Inland Fisheries and Wildlife or the Town of Cumberland.
 - d. Land which may provide physical or visual access to waterbodies including the ocean, lakes, ponds, rivers, streams, and brooks.
 - e. Land which contains or adjoins a Resource Protection district as shown on the official zoning map of the Town of Cumberland.

f. Land which adjoins or abuts an existing parcel of land which constitutes public open space.

g. Land which is suitable for active recreational activities.

Ms. Larson explained that it was her recommendation that the project be designed as a dispersed subdivision with the majority of the open space adjacent to Sweetser's Orchard. In 1988, the Legislature adopted the Farmland Registration Act. This law gave farmers the ability to register with their town, among other forms of protection, the law requires that any new houses be setback at least 100' from the property line. Sweetser's is the only farm that took advantage of this law.

Additional information to be submitted before the application is found to be complete; septic details; road details; stormwater and erosion details, water line details, topography, soils information.

Ms. Susan Chase, applicant asked for the clarification on the difference between a major and minor subdivision, and what the impacts would be on the town and the developer. She also asked what specifically about this project would require a major classification.

Ms. Larson stated the Ordinance is written to allow the Planning Board to require the same requirements for a minor subdivision as for a major subdivision. It would be beneficial for the Planning Board to classify this as a major subdivision and grant waivers. A Subdivision can be classified as a major subdivision by definition with the creation of a new road.

Mr. Hunt stated the general requirements are the same. A major subdivision has two stages of approval, and the same requirements can be required for both major and minor subdivisions.

The consensus of the Board was to qualify the project as a major subdivision.

Ms. Larson stated the net residential acreage calculations were based upon obtaining the strip of land from the abutters.

Ms. Chase stated it was not contingent upon purchasing the property, they already had an agreement.

Ms. Larson stated the open space on the Sweetser side would be more in line with the definition of open space characteristics.

Ms. Chase stated she prefers the traditional plan, with a driveway through the 100-foot buffer zone.

Mr. Daigle stated the bigger lots would be consistent with Sunnyfield Farms.

Mr. Powers asked if the driveway could be installed in the buffer zone.

Ms. Larson stated it was her understanding that only primary structures could not be located in the 100-foot buffer zone.

Mr. Hunt agreed there was no reason to have a disconnected two-acre open space parcel. He was in favor of the traditional plan.

The Board preference was a traditional plan, reviewed as a major subdivision. There was no quorum.

F. Administrative Matters


Ms. Larson informed the Board of the deminimus change in the sewer at the Route One True Spring Farm Condominiums. The sewer was moved to alleviate the need for two pump stations. The developer crossed a wetland without the required permits from DEP. There has been a stop work order issued for that section of the project.

The April Planning Board meeting will be the second Tuesday, April 11.

Meeting adjourned: 10:30 a.m.

A True Copy Attest:


Philip Hunt, Board Chair


Pam Bosarge, Clerk to the Board

March 29, 2000

Bob
FYI
②

Dear John and the Cumberland Police Department,

Thank you so much from the Greely Hockey Boosters for the recent St. Patrick's Day Tournament, Pot 'o' Gold. It was one of the very best tournaments I have ever been at at this age level. The ideas were great, and it was run very well. We are grateful for such a great effort for our community and for Greely Hockey.

This tournament strengthened relationships between hockey players on all four Greely teams, particularly the Varsity and the Middle School B Team. It also strengthened relationships between Greely and other communities. Once again, thank you. We are very grateful.

Sincerely,

Lynne Chaffee

Lynne Chaffee
President, Greely Hockey Boosters



TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

Telephone (207) 829-5559 • Fax (207) 829-2214

10 April 2000

Mr. & Mrs. Peter and Linda Carleton
293 Durham Road
Guilford, CT 06437

Bob,

FYI

Dear Peter and Linda:

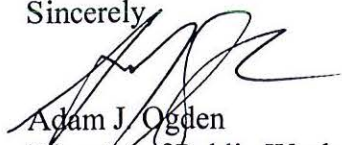
Enclosed are copies of the final plans for the parking areas at the pier. Drawing C-1 is the boundary survey. Drawing C-2 is the parking layout plan. Drawing C-3 is the Grading and Drainage Plan. Drawing C-4 contains site details. Drawing E-1 is the electrical layout. Drawing S-9 is the Waiting Shelter

Please understand that these plans are final in nature and show the project as it is going to be built. Buffering or fencing can be discussed at your convenience as we discussed this morning. MDOT is providing for 45 dark American Arborvitae (Thuja Occidentalis Nigra) 4' to 5' tall and 40 Rosarugosa plants. The MDOT has not shown a fence on the plans and prefers plantings to fences. However, as we discussed the town has agreed to put some fencing in, if required. Please feel free to call me or I can meet with you when you are on Chebeague.

We anticipate that the work on the pier structure and adjacent parking will commence this Spring, with a completion of the work this summer of 2000. This is all subject to favorable bids, award of a contract, etc. The MDOT is committed to the upgrading the pier and has money for this work which has been received from a grant. The residents, working fisherman and visitors will benefit greatly when this work is completed.

Again, this is a State of Maine Project, which is to the benefit to the entire community of Chebeague. Please call me at 207-829-2220 if you have any questions or if I can be of further assistance.

Sincerely,


Adam J. Ogden
Director of Public Works

I called and
spoke with them



TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

Telephone (207) 829-5559 • Fax (207) 829-2214

March 27, 2000

Mr. and Mrs. Dinan
17 Island Pond Road
Cumberland Foreside, ME 04110

Dear Mr. and Mrs. Dinan:

Thank you for your letter of March 22, 2000 in regard to the Planning Board's actions on March 21 relating to True Spring Farms. I appreciate your concern in regard to the division of opinion on the Planning Board relating to the change in sewer location. It is unfortunate that the Planning Board's rules of procedure did not allow for public comment on the decision of whether or not to uphold the *de minimus* change made by the planning staff.

As to your decision to appeal the Planning Board's action, the Town's Subdivision Ordinance, at Section 11.3, states that any appeal from Planning Board action goes directly to the Superior Court. As such, I cannot forward your requested appeal but rather you will need to seek legal advice as to whether or not you wish to take this to the courts. It is unfortunate that this matter has led to possible litigation. I hope that before bringing suit you will review the impact of the sewer change. I have been assured by the Town Manager, who is Sewer Superintendent, that it should not be detrimental to you.

Thank you for your attention to this matter.

Very truly yours,

Peter Bingham, Chairman
Town Council



TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

Telephone (207) 829-5559 • Fax (207) 829-2214

March 27, 2000

Mr. and Mrs. Pisini
13 Island Pond Road
Cumberland Foreside, ME 04021

Dear Mr. and Mrs. Pisini:

Thank you for your letter of March 22, 2000 in regard to the Planning Board's actions on March 21 relating to True Spring Farms. I appreciate your concern in regard to the division of opinion on the Planning Board relating to the change in sewer location. It is unfortunate that the Planning Board's rules of procedure did not allow for public comment on the decision of whether or not to uphold the *de minimus* change made by the planning staff.

As to your decision to appeal the Planning Board's action, the Town's Subdivision Ordinance, at Section 11.3, states that any appeal from Planning Board action goes directly to the Superior Court. As such, I cannot forward your requested appeal but rather you will need to seek legal advice as to whether or not you wish to take this to the courts. It is unfortunate that this matter has led to possible litigation. I hope that before bringing suit you will review the impact of the sewer change. I have been assured by the Town Manager, who is Sewer Superintendent, that it should not be detrimental to you.

Thank you for your attention to this matter.

Very truly yours,

Peter Bingham, Chairman
Town Council



TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

Telephone (207) 829-5559 • Fax (207) 829-2214

April 7, 2000

Terry Bragg
44 Old Mill Road
Falmouth, ME 04105

Re: Stop Work Order, True Spring Farm

Dear Terry,

This letter is to inform you that the 2/10/00 Stop Work Order imposed on the above referenced project is no longer in effect as all of the necessary permits have been obtained.

Please don't hesitate to call if you have any questions.

Sincerely,

Donna Larson
Town Planner

cc: Robert B. Benson, Town Manager
Barbara McPheters, Building Inspector
Adam Ogden, Public Works Director



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

ANGUS S. KING, JR.
GOVERNOR

MARTHA KIRKPATRICK
COMMISSIONER

April 4, 2000

Ms. Donna Larson, Town Planner
Town of Cumberland
290 Tuttle Rd.
Cumberland Center, Maine 04021

Re: Stop Work Order, True Spring Farm Development, Cumberland, Maine

Dear Donna:

This letter follows our conversation at your office yesterday regarding the existing stop work order for Terry Bragg, Inc. at the True Spring Farm project on Rt. 1.

It is my understanding that the town is considering lifting it's stop work order, and has requested the department's input into this decision. The department has no concerns with removing the stop work order. Terry Bragg, Inc. now has a valid permit from the department to continue construction of the stream crossing at the site. I am currently drafting a Consent Agreement to fully resolve the violation caused by Terry Bragg, Inc. and Dearborn Construction, Inc., but feel that a stop work order will have no effect on this process.

Please call me at (207) 822-6350 with any questions.

Sincerely,

Michael Clark
Division of Land Resource Regulation
Bureau of Land and Water Quality

cc: Barbara McPheters, Cumberland
File

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207) 764-1507

CNixon

From: Peter Crichton [Crichton@cumberlandcounty.org]
Sent: Tuesday, April 04, 2000 11:47 AM
To: rbg@ci.portland.me.us; dgerrish@curtislibrary.com; dolmstead@freeportmaine.com; vrichards@fryeisland.com; harpswell@gwi.net; cdavid1@maine.it.com; grayme@maine.it.com; mmcgove1@maine.it.com; seaver@maine.it.com; wcooper1@maine.it.com; casco@pivot.net; nathan.poore@raymondmaine.org; jjordan@spsd.org; manager@standish.org; Carlb@tn.scarborough.me.us; cnixon@town.cumberland.me.us; DHarris@town.falmouth.me.us; atplante@town.windam.me.us; jbenne@westbrook.me.us; NTUPPER@YARMOUTH.ME.US
Cc: billb@ci.augusta.me.us; Devlin@cumberlandcounty.org; nallen@gpcog.eddmaine.org; Grnshoe@Maine.rr.com
Subject: County Search Conference

As most of you are aware, I have been working with the three County Commissioners and other county officials to hold a Search Conference to help begin the creation of a 5 - 10 Year Strategic Plan for Cumberland County Government. My feeling is that your participation, along with your elected officials, will be very important, perhaps even critical to the outcome of this conference.

At this time I am planning to hold the conference the last week of June. It will be over a couple of days, with an evening get together from 5 PM to 9 PM, including a dinner, followed by a day long session that will begin at approximately 8:30 AM the next morning.

It would be very helpful to me and our conference facilitator Marsha Greenberg if you could let Bob Devlin or me know which option works best for you and your elected officials:

Option 1) Tuesday evening, June 27 and all day Wednesday, June 28 ; or

Option 2) Wednesday evening, June 28 followed by a full day on Thursday, June 29

Coming from a background of almost 13 years in municipal government, between Lewiston and Mars Hill, I believe this conference is necessary so that town officials and others can focus on issues affecting the future of both county and municipal government. For example, how county government is funded and whether there is any interest in having the county send out its own tax bill? Or thinking even more outside the box, whether there is any interest in having the county send out everyone's tax bill, which is a common practice in other parts of the nation through a county based Assessing Department?

A number of you have privately told me that you believe more regional initiatives, through municipal agreements, the Greater Portland Council of Governments, or county government, should be encouraged. Some of you have even confided that we should be demanding of ourselves and others that we search for better ways to allocate the personnel and financial resources that we share, so that the final goal can be achieved of having a more cost efficient and effective government delivery system. I agree.

So, I hope that you will respond to this memo and plan on attending the conference.

April 6, 2000

Dinan and Pisini
13 & 17 Island Pond Road
Cumberland, ME 04110

Mr. Peter Bingham, Chairman
Town Council
Town Offices
290 Tuttle Road
Cumberland Center, ME 04021

RE: March 27, 2000 Response Letter True Spring Farms (Route One)

Dear Mr. Bingham,

We wish to make clear the intent of our request of March 22, 2000. In a close vote by the Planning Board (3/21/00) recent activities by the developer and town officials were classified as *de minimus* variations from the development plan. We contend that this characterization is not supported by the evidence and therefore we appeal it's determination.

According to Black's Law Dictionary (sixth edition 1990), a *de minimus* change amounts to no more than a **trifle**. We feel that:

- Any classification of an act that resulted in a violation of the Environmental Protection Act with subsequent D.E.P. fines attached is not a *mere trifle*.
- That any change that has to be made to a recorded document and that will go into town records is not a small change.

In an *unusual* variation from town procedures, at the December 1999 Planning Board meeting it was agreed that both preliminary and final approval were to be granted to the True Spring Farms development on the condition all permits would be in place prior to any actions. In addition, it was agreed that if there were changes to the sewer plan that it would be discussed with the Planning Board. This did not take place.

It must be pointed out that prior to the December meeting considerable discussions took place between Terry Bragg, Inc., Town Planner, Department of Environmental Protection, the Army Corps of Engineers as well as the abutters. Everyone fully understood the ecological significance of improper development in this sensitive resource area. At that meeting there was a strong sense of cooperation and compromise we felt everyone was very comfortable with the development as it was recorded and would abide by this agreement.


To our dismay, the first indication we had of any change to this development came when we were informed about the impending blasting. We called the Town Planner immediately to inquire as to the proximity and how blasting might effect planned home improvements. As an aside, we asked about the second road off Route One that cut through the wetlands and appeared to have crossed a stream. Naively, we had thought it was a mistake. We were shocked that town officials had knowingly granted a significant change in the sewer plans not only without public discussion with the Planning Board members but without following D.E.P.'s permit by rule process. We made her aware of this and asked her to have the developer stop until it was clarified with the D.E.P., the permits necessary were granted and in place and that a discussion took place with the Planning Board members as they had originally required. She said, "NO". and we were forced to contact our attorney at considerable expense.

Chairman Bingham, we are not saying that after discussing the change in the sewer that the decision by the Planning Board would be any different. That is not the issue at hand. Nor is it one of name calling or minutia but rather we wish to address that proper procedures were not followed. We were fortunate enough to be able to afford an attorney to help through the legalities. It should be pointed out that not everyone can afford a lawyer nor should they be forced to hire one to help navigate through this process. We do not consider violations of the law or changes that are made to a recorded document *de minimus* changes. These are significant changes and should be reviewed as such. Laws and town ordinances are in place for the protection of both the people and the environment. We would like to request that the Planning Board revisit their discussion of a *de minimus* change and reevaluate the consequences to future development. Our appeal has significant ramifications for the town, environment and developers. We feel that this issue is of paramount importance to future development of the town and the validity of our appeal should be addressed within the town and it's appeals process.

Sincerely,



Mary A. Dinan



Margaret M.S. Pisini

cc: John Bannon, Esq.
Donna Larson, Town Planner
Robert Benson, Town Manager
Carla Nixon, Asst. Town Manager
Phil Hunt, Chairman, Planning Board

Bob FYI

Joe Charron

From: Cathy Watt <mmogul@maine.rr.com>
To: <jcharron@cumberlandmaine.com>
Sent: Friday, March 31, 2000 11:56 AM
Subject: Tuttle Road Safety

Dear Chief Charron,

I wanted to thank you so much for the police presence on Tuttle Road this morning. It was so wonderful to see Milt sitting in his patrol car and stopping several cars who were speeding by. His being there did work...you could see people slowing down while they were on the road and it did make a difference. We appreciate you responding to our request and hope to see the police out there on a daily basis.

Thank you again,

Cathy Watt

4/4/00 RJ called Mr. Burke (David)



STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0016

ANGUS S. KING, JR.
GOVERNOR

JOHN G. MELROSE
COMMISSIONER

April 4, 2000

Nathaniel J. Tupper, Manager
Town of Yarmouth
79 Main Street
Yarmouth, Maine 04096

Re: Chebeague/Cousins Island

Dear Nat:

This is in response to your letter of March 23, 2000, concerning the Cousins Island Transportation System.

First, we respect your decision not to join in the Lease Agreement between the Department and the Town of Cumberland. We assume that you want no part of the management of the parking lot and we will proceed accordingly.

This leaves the issue of the Wharf Agreement unresolved. We appreciate your assurance that at the very least, access to the Wharf will continue to be available to the general public. Sooner or later, given the expected growth in the area's population, the status quo may need to change. At that point, our hope is that Yarmouth and Cumberland will have worked together to independently resolve issues involving Island access. However, a failure to resolve significant access concerns may necessitate a greater role for MDOT in the future.

That said, we are ready to move forward on the design of improvements for the access to the Wharf and the Wharf itself. We would appreciate your designating a contact person for that purpose. However, we may choose not to commence construction until the Blanchard case is resolved.

Sincerely,

John G. Melrose, Commissioner

JGM/sms

cc: Robert B. Benson, Town Manager
Cumberland



PRINTED ON RECYCLED PAPER



STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0016

ANGUS S. KING, JR.
GOVERNOR

JOHN G. MELROSE
COMMISSIONER

April 4, 2000

Robert B. Benson, Manager
Town of Cumberland
290 Tuttle Road
Cumberland, Maine 04021

Re: Chebeague/Cousins Island

Dear Bob:

I assume that Cumberland has reviewed Nat Tupper's letter of March 23, 2000, concerning the Cousins Island Transportation System. In this letter he states Yarmouth's decision not to join in the Lease Agreement between the Department and the Town of Cumberland and not to execute the new Wharf Agreement that was negotiated between the Towns.

I have replied to Yarmouth, acknowledging their decision as to the Lease Agreement and their willingness to allow continued use of the Cousins Island Wharf at current levels. I also challenged them to work with Cumberland to resolve growth issues in the future. You are copied on that letter.

As I indicated to Yarmouth, the Department is prepared to move forward with the design of improvements and possibly with construction depending on the status of the Blanchard case. I would appreciate your designating a contact person from Cumberland for that purpose.

Sincerely,

John G. Melrose, Commissioner

cc: Nat Tupper, Town Manager
Yarmouth



PRINTED ON RECYCLED PAPER

TOWN OF CUMBERLAND

APPLICATION FOR A SPECIAL AMUSEMENT PERMIT
FOR MUSIC, DANCING AND/OR ENTERTAINMENT

Name of Applicant: Ed Hardy Phone: 657-6336
Residence of Applicant: 233 Yarmouth Rd B Gray ME 04039
Business Name: CUMBERLAND CAFE Bus. Phone: 829-0990
172 GRAY ROAD
Business Address: CUMBERLAND, ME 04021
Name of Manager: Ed Hardy / Mike Smith Phone: 829-0990
Residence of Manager: See Above
Type of Entertainment Applied for: Comedy Shows

Has applicant ever had a license to conduct the business therein described either denied or revoked? No If so, the applicant shall describe specifically those circumstances _____

Has applicant, Partners, Associates or Corporate Officers ever been convicted of a felony? No If so, the applicant shall describe specifically those circumstances. _____

Additional information may be required by the Town Council prior to the issuance of said permit, including but not limited to a copy of the applicant's current liquor license.

The fee for a Special Amusement Permit shall be \$10.00, non-refundable and payable when application is made for said permit.

Ed Hardy
Applicant's Signature

3-30-00
Date

For Town Office Use Only:

Municipal Officers:

Approved: _____
Disapproved: _____
Comment: _____

Application Received: 03-30-00
Public Notice Posted: Agenda 4-10-00
Date Issued: _____
Date of Expiration: _____

MEMO
TO: 2112881611 700303018951 2291

DATE: 3-36-60

AMOUNT: \$16.00

DESCRIPTION: Ten of Cumberland Ten

REMARKS: See 100

UNIVERSITY CREDIT UNION
ORONO, ME 04473
52-48162112

CUMBERLAND CAFE
173 SHAW ROAD
CUMBERLAND, ME 04021
(207) 829-0980

PAY TO THE ORDER OF

DOLLARS

Security features included. Details on back.

Maine School Administrative District #51 Cumberland ~ North Yarmouth

Robert G. Hasson, Jr., Ed.D. - Superintendent

Scott D. Poulin - Director of Finance, Human Resources and Operations

Judith H. True - Director of Instructional Support

April 10, 2000

Ms. Carla Nixon
Town of Cumberland
290 Tuttle Rd.
Cumberland, ME 04021

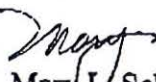
Dear Carla,

The MSAD #51 Board of Directors unanimously agreed at the last meeting that we would like to use the Town of Cumberland's cable transmission services to broadcast our regular business meetings and workshops as soon as we can work out a few logistical details with you and the Town of North Yarmouth and you have the cable system fully operational at the town hall. Because, ideally, we would like to hold our meetings in school facilities, rather than at town hall, if after further investigation, quality portable equipment is available at a reasonable price, we would prefer that approach.

We are grateful to the Town of Cumberland for sharing with us this opportunity to communicate better with our communities. The Town's willingness to fund the capital and maintenance costs associated with this program is a great help to us at a time when the District is facing so many competing budget needs. We do feel, however, that the District should not accept the Town's gracious offer to pay even the costs of an on site operator for our meetings. We would expect to either reimburse the Town for those modest operator services or barter them with the Town, as we often do when the District and the Town work together to share resources and services.

On behalf of the Board, our many thanks to the members of the Town Council for facilitating this opportunity and especially to Jeff Porter for his leadership and hard work in bringing forth a well researched and forward-looking proposal.

Very truly yours,



Mary L. Schendel

Chairperson MSAD #51 Board of Directors

Kath

APRIL 10, 2000 COUNCIL AGENDA ITEMS

-
- 00- To consider and act on a Special Amusement Permit application for the Cumberland Cafe.
-

HISTORY: Cafe was granted this permit last year to host one special dinner/comedian event per month. (See Item #99-21)
They hosted a total of six of these dinners last year.

-
- 00- To consider and act on a Liquor License application renewal for Rt 9 Junction Station House Pizza.
-

HISTORY: This is for serving beer and wine only.

-
- 00- To appoint Election Clerks according to Title 21-A, Section 503 (1)
-

HISTORY: This needs to be done every two years (each general election year).

MOTION: Move to appoint as DEMOCRATIC election clerks for 2 years:
Sharon Antoniuc, Marilyn Brown, Marion Clark, Margaret Dyer,
June Frey, Martha Hamilton, Lavinia Hughes, Elizabeth Melcher,
Louise Sallinger, Joyce Trainor, Debra Willson;

Move to appoint as REPUBLICAN election clerks for 2 years:
Nancy Bernard, Elva Brooks, Dianne Calder, Robert Eaton,
Kathleen Ford, Elaine Godsoe, Robert Leon, Judith McAfee,
Hope Moody, Jean Olsen, Gladys Placey, Joan Robinson, April Ross,
Carol Storey, Elizabeth Surgi, Diane Zglobicki

TOWN OF YARMOUTH, MAINE
P.O. BOX 907
YARMOUTH, MAINE 04096
Fax: 846-2403

Fax Transmittal Form

To: Bob Benson

From: Bill Shabe

Date: 4-6-00

Re: Payroll

Number of pages being sent, including this cover sheet: 4

Please telephone 846-4971 if any pages are not received properly.

Notes: _____

3111 -REGULAR PAYROLL

July 1,2000

ACCT.	DESCRIPTION	1998-99 ACTUAL	1999-00 BUDGET	2000-01 REQUEST	\$\$\$ INCREASE	% INCREASE
3111	REGULAR PAYROLL	\$185,692	\$186,300	\$196,000	\$9,700	5.21%

July 1,2000

	RATE	INCR	NEW RATE	ANNUAL
EQUIP OPERATOR	\$12.57	6.00%	\$13.32	\$27,714.34
LEAD OPERATOR	\$15.15	3.00%	\$15.60	\$32,457.36
DEPUTY DIRECTOR	\$17.83	3.00%	\$18.36	\$38,198.99

Tim, Roger, Robert, Todd
Dave Cline, Foreman
Erik Street

Overtime Earnings

Annual Hours of OT Last 4 Yrs	Avg OT Earnings
500	\$9,000
350	\$8,000
416	\$10,000

Erik Street- Deputy Director Of Public Works- Second In Charge for Wastewater, Solidwaste, Highway, Engineering- In charge of Direct Supervision of Highway Department manages a \$600,000 Capital & Operating Budget. Meet with Citizen groups, leads Council appointed Committees, attends Planning Board Meetings when required, Prepares Budgets.

Dave Cline- Lead Operator- Organizes daily work activity of Work crew - position is more like a foreman's Responsible for tracking materials, lining up rental equipment, assign job tasks and assists Deputy Director in developing work schedules

Equipment Operators- Operate Backhoes, Loaders, Dump Trucks, Excavators, all Heavy Equipment. Also Require to labor and perform related maintenance activities.

2000-01 PUBLIC WORKS BUDGET- HIGHWAY**4/6/2000****3100 -HIGHWAYS**

ACCOUNT	DESCRIPTION	1998-99 ACTUAL	1999-00 BUDGET	2000-01 REQUEST	\$\$\$ INCREASE	% INCREASE
3111	REGULAR PAYROLL	\$185,692	\$186,300	\$196,000	\$9,700	5.21
3112	OT/PART TIME	\$73,338	\$52,000	\$63,000	\$11,000	21.15
3113	ON CALL & INCENTIVES	\$0	\$9,000	\$9,000	\$0	0.00
3114	CONTRACT SERVICES	\$0	\$0	\$25,000	\$25,000	NEW
3124	SALT	\$82,358	\$57,000	\$75,000	\$18,000	31.58
3125	WINTER SAND	\$16,856	\$22,500	\$22,500	\$0	0.00
3126	STREET SIGNS	\$7,895	\$6,000	\$6,000	\$0	0.00
3127	SIDEWALKS	\$445	\$1,500	\$1,500	\$0	0.00
3128	ROAD PATCH	\$3,573	\$8,500	\$8,500	\$0	0.00
3129	GRAVEL	\$2,502	\$4,300	\$4,300	\$0	0.00
3130	STORM DRAINS	\$3,699	\$3,000	\$3,000	\$0	0.00
3132	MINOR EQUIPMENT	\$6,077	\$5,000	\$5,000	\$0	0.00
3134	MISCELLANEOUS	\$5,214	\$5,200	\$5,200	\$0	0.00
3140	MAIL BOXES	\$514	\$500	\$500	\$0	0.00
3146	UNIFORM RENTAL	\$7,700	\$6,600	\$8,300	\$1,700	25.76
3147	EQUIPMENT RENTAL	\$12,534	\$18,500	\$18,500	\$0	0.00
3148	ROAD STRIPING	\$18,732	\$18,000	\$20,000	\$2,000	11.11
3149	EDUCATION	\$1,333	\$1,200	\$1,400	\$200	16.67
	TOTALS	\$428,362	\$405,100	\$472,700	\$67,600	16.69

NEW ROADS FOR 2000 01

Forest Falls Drive, Gables Drive, Eider Point, Hayfield Road,
Concord Circle, Oldfield Road, Beth Condon Pathway, Route One- winter/summer

3111 Regular Payroll- \$196,000

This account includes Funding for 5 Equipment Operators, one Superintendent, and one Lead Operator.

3112 Overtime- \$63,000

This account includes primarily winter overtime. It also covers call outs for patching, road hazards, clam festival, etc. With the return of more snow falls to our winter months, this account is totally dependent on the severity of the winter. Approximately 250 hours of overtime per person are budgeted.

3113 On Call & Contract Incentives \$9,000

This account includes Contract Bonus incentives for all department employees and On Call compensation for one person 6 months of the year and 2 people for six months (winter season). \$5,400 of the total amount is designated for On Call compensation

3150 Contract Snow Plowing \$25,000

This account is for the Snow Plowing Operations on Route One
This will require a Dump Truck with Plow & Wing Assembly, Sander Unit & Calcium Spray System

2000-01 PUBLIC WORKS BUDGET- HIGHWAY**4/6/2000****3124 Salt-****\$75,000**

This account is for 2100 Tons of Salt and 4000 gallons of Calcium Chloride, Salt Testing, and Building Materials.

3125 Winter Sand-**\$22,500**

This account is for 3500 cubic yards of sand for winter maintenance.

3126 Street Signs-**\$6,000**

This account is used for maintenance and replacement of Street Name signs- Public / Private , Stop Signs, Speed Limit signs and all other regulatory signs as defined by the MUTCD.

3127 Sidewalks-**\$1,500**

This account is used as a sidewalk patching account and typically funds are used from Road Patch. Sidewalks have been funded at a higher level over the past two years through reserve accounts.

3128 Road Patch-**\$8,500**

The use of a permanent patching material (QPR) has resulted in less repeat trips to the same area.

3129 Gravel-**\$4,300**

This account is used to purchase stone, gravel and loam for highway projects.

3130 Storm Drains-**\$3,000**

This account is used to purchase driveway culverts. Typical pipe costs for a driveway range from \$5 - \$ 9 per foot for the pipe. Typical driveway openings in Yarmouth are 24' in width (Avg Pipe Cost - \$ 168/ driveway)

3132 Minor Equipment-**\$5,000**

This account is for the purchase of hand tools and safety equipment.
(Eye protection, ear protection, hard hats , welding gloves, first aid kit supplies.)

3134 Miscellaneous-**\$5,200**

This account is used for the purchase of paint, lumber, Hay mulch, hardware for sign installation, silt fence, nuts and bolts.

3140 Mail Boxes-**\$500**

This account is for the replacement and repair of mailboxes damaged during winter storm operations. It has been reduced due to the surplus of mailboxes and posts we have in stock.

3146 Uniform Rental-**\$8,300**

This account is used for uniforms, safety boots, shop rags, and rain gear.

3147 Equipment Rental-**\$18,500**

This account includes Roadside Mowing, Truck Rental for snow removal, and additional sidewalk plow rental.

3148 Road Striping-**\$20,000**

This account is for center line striping- double yellow, edge lines, and crosswalks.

3149 Education-**\$1,400**

This account is for training of employees typically through APWA and the Maine Local Roads organization.

CNixon

Bob - Do you want to Respond?
Carla.

From: Peter Crichton [Crichton@cumberlandcounty.org]
Sent: Tuesday, April 04, 2000 11:47 AM
To: rbg@ci.portland.me.us; dgerrish@curtislibrary.com; dolmstead@freeportmaine.com; vrichards@fryeisland.com; harpswell@gwi.net; cdavid1@maine.it.com; grayme@maine.it.com; mmcgove1@maine.it.com; seaver@maine.it.com; wcooper1@maine.it.com; casco@pivot.net; nathan.poore@raymondmaine.org; jjordan@spsd.org; manager@standish.org; Carlb@tn.scarborough.me.us; cnixon@town.cumberland.me.us; DHarris@town.falmouth.me.us; atplante@town.windam.me.us; jbenne@westbrook.me.us; NTUPPER@YARMOUTH.ME.US
Cc: billb@ci.augusta.me.us; Devlin@cumberlandcounty.org; nallen@gpcog.eddmaine.org; Grnshoe@Maine.rr.com
Subject: County Search Conference

As most of you are aware, I have been working with the three County Commissioners and other county officials to hold a Search Conference to help begin the creation of a 5 - 10 Year Strategic Plan for Cumberland County Government. My feeling is that your participation, along with your elected officials, will be very important, perhaps even critical to the outcome of this conference.

At this time I am planning to hold the conference the last week of June. It will be over a couple of days, with an evening get together from 5 PM to 9 PM, including a dinner, followed by a day long session that will begin at approximately 8:30 AM the next morning.

It would be very helpful to me and our conference facilitator Marsha Greenberg if you could let Bob Devlin or me know which option works best for you and your elected officials:

Option 1) Tuesday evening, June 27 and all day Wednesday, June 28 ; or

Option 2) Wednesday evening, June 28 followed by a full day on Thursday, June 29

Coming from a background of almost 13 years in municipal government, between Lewiston and Mars Hill, I believe this conference is necessary so that town officials and others can focus on issues affecting the future of both county and municipal government. For example, how county government is funded and whether there is any interest in having the county send out its own tax bill? Or thinking even more outside the box, whether there is any interest in having the county send out everyone's tax bill, which is a common practice in other parts of the nation through a county based Assessing Department?

A number of you have privately told me that you believe more regional initiatives, through municipal agreements, the Greater Portland Council of Governments, or county government, should be encouraged. Some of you have even confided that we should be demanding of ourselves and others that we search for better ways to allocate the personnel and financial resources that we share, so that the final goal can be achieved of having a more cost efficient and effective government delivery system. I agree.

Sp, I hope that you will respond to this memo and plan on attending the conference.

JENSEN BAIRD GARDNER & HENRY

ATTORNEYS AT LAW

**TEN FREE STREET
P.O. BOX 4510
PORTLAND, MAINE 04112
(207) 775-7271**

TELECOPIER (207) 775-7935

WALTER L. WEBBER
KENNETH M. COLE III
NICHOLAS S. NADZO
FRANK H. FRYE
DAVID J. JONES
MICHAEL A. NELSON
RICHARD H. SPENCER, JR.
RONALD A. EPSTEIN
WILLIAM H. DALE
JOSEPH H. GROFF III

F. BRUCE SLEEPER
DEBORAH M. MANN
LESLIE E. LOWRY III
PATRICIA McDONOUGH DUNN
MICHAEL J. QUINLAN
R. LEE IVY
NATALIE L. BURNS
SALLY J. DAGGETT
BRENDAN P. RIELLY
SUZANNE R. SCOTT

RAYMOND E. JENSEN
M. DONALD GARDNER
MERTON G. HENRY
JOHN D. BRADFORD
JAMES E. KAPLAN
OF COUNSEL

KENNETH BAIRD
(1914-1997)

**YORK COUNTY
OFFICE**

11 MAIN STREET, SUITE 4
KENNEBUNK, MAINE 04643
(207) 985-4676
TELECOPIER (207) 985-4932

April 10, 2000

Robert B. Benson, Town Manager
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021

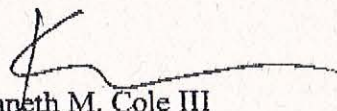
Re: *Dinan and Pisini Letter of April 6, 2000*

Dear Bob:

This letter is intended to confirm our telephone conversations of this date that as Peter Bingham informed the Dinans and Pisinis on March 27, 2000, there is no appeal to the Cumberland Town Council from Planning Board action. To the extent that the Dinans and Pisinis are unhappy with the Planning Board's vote of March 21, their only recourse is to appeal to the Maine Superior Court. The Council's authority is limited to appointing Planning Board Members and approving the ordinance that the Board works under, but does not include the right to review the Board's decisions.

If there is anything further that you need from me in this regard, please let me know.

Very truly yours,


Kenneth M. Cole III

KMC/ab

April 6, 2000

Dinan and Pisini
13 & 17 Island Pond Road
Cumberland, ME 04110

Mr. Peter Bingham, Chairman
Town Council
Town Offices
290 Tuttle Road
Cumberland Center, ME 04021

RE: March 27, 2000 Response Letter True Spring Farms (Route One)

Dear Mr. Bingham,

We wish to make clear the intent of our request of March 22, 2000. In a close vote by the Planning Board (3/21/00) recent activities by the developer and town officials were classified as *de minimus* variations from the development plan. We contend that this characterization is not supported by the evidence and therefore we appeal it's determination.

According to Black's Law Dictionary (sixth edition 1990), a *de minimus* change amounts to no more than a **trifle**. We feel that:

- Any classification of an act that resulted in a violation of the Environmental Protection Act with subsequent D.E.P. fines attached is not a *mere trifle*.
- That any change that has to be made to a recorded document and that will go into town records is not a small change.

In an *unusual* variation from town procedures, at the December 1999 Planning Board meeting it was agreed that both preliminary and final approval were to be granted to the True Spring Farms development on the condition all permits would be in place prior to any actions. In addition, it was agreed that if there were changes to the sewer plan that it would be discussed with the Planning Board. This did not take place.

It must be pointed out that prior to the December meeting considerable discussions took place between Terry Bragg, Inc., Town Planner, Department of Environmental Protection, the Army Corps of Engineers as well as the abutters. Everyone fully understood the ecological significance of improper development in this sensitive resource area. At that meeting there was a strong sense of cooperation and compromise we felt everyone was very comfortable with the development as it was recorded and would abide by this agreement.

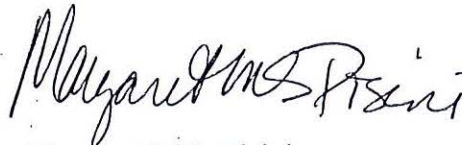
To our dismay, the first indication we had of any change to this development came when we were informed about the impending blasting. We called the Town Planner immediately to inquire as to the proximity and how blasting might effect planned home improvements. As an aside, we asked about the second road off Route One that cut through the wetlands and appeared to have crossed a stream. Naively, we had thought it was a mistake. We were shocked that town officials had knowingly granted a significant change in the sewer plans not only without public discussion with the Planning Board members but without following D.E.P.'s permit by rule process. We made her aware of this and asked her to have the developer stop until it was clarified with the D.E.P., the permits necessary were granted and in place and that a discussion took place with the Planning Board members as they had originally required. She said, "NO". and we were forced to contact our attorney at considerable expense.

Chairman Bingham, we are not saying that after discussing the change in the sewer that the decision by the Planning Board would be any different. That is not the issue at hand. Nor is it one of name calling or minutia but rather we wish to address that proper procedures were not followed. We were fortunate enough to be able to afford an attorney to help through the legalities. It should be pointed out that not everyone can afford a lawyer nor should they be forced to hire one to help navigate through this process. We do not consider violations of the law or changes that are made to a recorded document *de minimus* changes. These are significant changes and should be reviewed as such. Laws and town ordinances are in place for the protection of both the people and the environment. We would like to request that the Planning Board revisit their discussion of a *de minimus* change and reevaluate the consequences to future development. Our appeal has significant ramifications for the town, environment and developers. We feel that this issue is of paramount importance to future development of the town and the validity of our appeal should be addressed within the town and it's appeals process.

Sincerely,



Mary A. Dinan



Margaret M.S. Pisini

cc: John Bannon, Esq.
Donna Larson, Town Planner
Robert Benson, Town Manager
Carla Nixon, Asst. Town Manager
Phil Hunt, Chairman, Planning Board

Dana Souza
Director



Carroll
4-10-00
RJ
Robert B. Ganley
City Manager

CITY OF PORTLAND Parks & Recreation Department

Nancy A. Geer
Recreation Administrator

Carol McClure
Operations Manager

Donn Mathews
Parks Coordinator

Jeff Tarling
City Arborist

Christopher DiMatteo
Landscape Architect

Paul Butters
Principal Financial Officer

Michael Murray
Cemetery Coordinator
797-4597

John Wone
Athletic Facilities
Coordinator

Sally DeLuca
Program Coordinator

Marie Davis Sweatt
Aquatics Supervisor
874-8456

Keith Hansen
Adult & Senior
Program Coordinator

Gina L. Ripley
Safety Coordinator

David Venditti
Portland Ice Arena
774-8553

Riverside Municipal
Golf Course 797-3524

Dan Brown
P.D.D. Coordinator

Reiche Community
Center 874-8873

Riverton Community
Center 874-8455

Cummings Community
Center 874-8870

Peaks Island Community
Center 766-2970

Mr. Robert Benson
Town of Cumberland
PO Box 128,
Cumberland Center, ME 04021-0128

March 29, 2000

Dear Mr. Benson:

The City of Portland has a long-standing tradition of celebrating this Nation's birthday. This year's spectacular fireworks display will be on July 1st. Our cost for this is \$32,000 and provides not only the citizens of Portland, but those of the Greater Portland community, with an excellent display of pyrotechnics. In order to continue this festive tradition we need your support.

Each year the July Fireworks and Festival Celebration at the Eastern Promenade attracts thousands of spectators. Many view the fireworks from other Portland locations; Falmouth, South Portland, the Islands of Casco Bay, and from the hundreds of boats that are in the harbor. This year's fireworks will be complemented by musical entertainment for the family, food, games and refreshments for everyone at the Eastern Promenade. This is truly one of the best celebrations that occur in Portland.

In order to continue this American Celebration we need support from the business community. As I am sure you know from recent articles, this years city budget will be extremely tight. This means we must raise the entire \$32,000 from private sources or the show can not go on! The benefits for participating in the events are:

- ❖ Association with a festive and patriotic celebration in the Greater Portland area.
- ❖ Businesses donating \$1,000 (or more) are recognized on a banner suspended over Congress Street, June 29th – July 5th, and may display their own company banner at the festival main stage at the Eastern Promenade.
- ❖ Major contributions (\$500 or more) are recognized on a banner at the festival main stage.
- ❖ Sponsors of \$100 or more are credited on all July 4th publicity.
- ❖ Your contribution to the 4th of July activities is tax deductible.

This year, more than ever, we need your assistance. I appreciate the consideration you are giving this request. If you have any questions please call Carol McClure or Ted Musgrave at 874-8793. Please help keep the Independence Day Celebration "booming" in Portland.

Very truly yours,

Dana A. Souza
Director

NOTE: Make checks payable to: City of Portland, and mail to: Portland Parks & Recreation, ATT: Brenda McGovern, 17 Arbor Street, Portland, Maine 04103. Please list a contact name and number with your donation. We will contact you soon to discuss sponsorship recognition.

**TOWN OF CUMBERLAND
Planning Board Meeting**

**Tuesday, April 11, 2000 – 7:00 P.M.
Council Chambers of the Town Offices
290 Tuttle Road, Cumberland Center**

A. Call To Order

B. Roll Call

C. Minutes of Prior Meetings

March 21, 2000

D. Consent Calendar

1. Public Hearing – Subdivision Revision – Stonegate Estates, to allow a dry hydrant connected to an existing pond at the adjacent property currently owned by Daniel and Diane Caputo rather than underground storage tanks. Tax Assessor Map R-7, Lot '94, Chase Custom Homes, owner.

E. Hearings and Presentations

1. Presentation of Growth Management Recommendations by Tanya Higgins, Senior at College of the Atlantic majoring in Human Ecology with a focus on Ecological Land Use Planning
2. Discussion of setback requirements and variances.

F. Administrative Matters

G. Adjournment

The County of Cumberland is committed to providing quality services to all citizens equitably, in a responsive and caring manner.

COMMISSIONERS' MEETING

MINUTES

March 13, 2000

The Board of Cumberland County Commissioners, Gary E. Plummer, Richard J. Feeney and Esther B. Clenott, convened a meeting in Courtroom 1 on the above date.

Chairperson Plummer called the meeting to order at 7:00 PM and the following business was conducted.

Minutes of the regular meeting of February 28 and the special meeting of February 29, 2000 approved as written.

Peter Crichton, County Manager, reported that he and Commissioner Clenott had recently attended a Workforce Investment Act conference in Washington, DC. The conference had 1,700 attendees, and was very helpful on the setting up of Workforce Development Boards. He noted that the Southern Maine counties are meeting on Tuesday to continue progress on developing their Board. He also reported that a preliminary report on the wage/salary study has been presented to the Leadership Team and the Teamsters union leadership, with a meeting to be scheduled with the AFSCME union leaders.

Commissioner Feeney reported that he had recently toured the courthouse with Bruce Tarbox, the Facilities Manager. He was very impressed with the attic renovations, and realized the concerns regarding space needs issues. He extended his appreciation to Mr. Tarbox for his time and insight during the tour. He stated that a memorial service for Peter Feeney will be held at the opening session of the State Legislature on March 14th, and noted that his 11-year-old grandson will be an honorary page. He was glad to know that Peter had many friends at all levels of government.

Commissioner Clenott requested that Workforce Investment Act issues be added to the next workshop they schedule. Commissioner Plummer suggested Monday, March 20th. The Commissioners agreed.

Chairperson Plummer reported that the Civic Center Board of Trustees has formally voted to have Herry International perform the study on the Civic Center renovation.

2000-17 Approval, FY2000 Tax Rate (previously tabled)

Chairperson Plummer noted that this item had been tabled at the last meeting to allow time for the legislature to vote on the appeal of the Town of Standish regarding their valuation.

Robert Devlin, Deputy County Manager, reported that he had

talked with Bill Kirk, Standish Town Manager, who has not yet received a decision from the legislature at this time. He reported that he notified all towns of the possible reconfiguration if Standish is granted their appeal. As a result of that memo, he had been left a voice mail message by the City of Westbrook stating that they had also submitted an appeal to the legislature, but he has been unable to reach Jim Bennett for the specifics. He noted that Westbrook had received a reduction last year, which was reflected in the current valuation. Chairperson Plummer cautioned against waiting too long to set the tax rate, as each appeal would mean an increase for other municipalities. After a short discussion, it was agreed to leave this item on the table until the next meeting, at which time there would hopefully be a decision on the Town of Standish and possibly Westbrook as well.

2000-19 Interest Rate on Delinquent County Taxes

Chairperson Plummer noted that each year, the State sets a maximum allowable interest rate for overdue property taxes. He reported that taxes are due on September 1st, with a 60-day grace period. Interest can be charged after November 1st. The current rate allowed by the State is 10.75%.

Motion by Commissioner Feeney to set the interest rate for overdue FY2000 County taxes at 10.75%. Second by Commissioner Clenott, so voted.

2000-20 Approval, FY99 Carry-Over Requests

Chairperson Plummer noted that each year, many departments have funds for projects that have not yet been completed for various reasons, and request the funds be carried over into the next budget year.

Mr. Crichton reported that 13 requests had been received from departments for a total of \$53,355.74. He reported that he had reviewed the requests, and only recommended that 3 be approved, as follows:

- \$4,160 for the dam inventory project for EMA
- \$2,436 for the EMA building access control system
- \$26,561.90 for the Facilities Department's engineering study on the parking garage

Mr. Crichton reported that the study on the garage was very important, as it could result in savings on long term maintenance. Chairperson Plummer noted that the Commissioners had recently held a workshop on the carry-over requests, and commended the County Manager on his proposed recommendations.

Motion by Commissioner Clenott to approve the 3 choices as recommended. Second by Commissioner Feeney, so voted.

2000-21 Request for deputy sheriff commissions

The following request for deputy sheriff commissions was received from Sheriff Dion: Paul Gallagher, CCSO and Robert Scarpelli, South Portland PD. Approved on the motion of Commissioner Clenott and the second of Commissioner Feeney.

2000-22 Approval, Expenses for Attic Records Storage Project

Chairperson Plummer noted that this was a continuation, and the final phase, of an important ongoing project. Mr. Crichton commended Bruce Tarbox, Facilities Manager, Brendan Benson, Purchasing Agent, Gerard Conley Sr., Register of Probate, John O'Brien, Register of Deeds, and Bob Devlin, Deputy County Manager for their team effort on this project. He presented a request for the following expenditures, which total \$61,897.67:

- \$37,437.67 to purchase needed folders/labels for storage of Probate records currently stored in boxes
- \$11,160 for temporary labor to organize Probate records in folders
- \$300 for transportation of 120 Probate books from Augusta to Portland
- \$7,500 for shelving to store Deeds records in attic
- \$5,500 for moving Deeds records from the basement and the Registry to the attic

Discussion ensued on the shortage of Probate staff due to injury/illness, and the requirements by statute that the County store the records and keep them in order. Chairperson Plummer stated that although he was pleased that the request was for less than the estimated \$70,000 he noted that many of these amounts were estimates. He suggested approving 'up to' the requested amount, so that if the costs were less than estimated, unused funds would be returned to the space expansion account.

Motion by Commissioner Clenott to approve up to \$61,897.67 from the space expansion account as requested for the completion of the attic records storage project. Second by Commissioner Feeney, so voted. Chairperson Plummer noted that this was a very important project, and if anything has been overlooked and additional funds were required, to come back to the Commissioners with any requests.

No further business conducted, motion to adjourn at 7:34 PM.

ATTEST:



Timothy J. Jarvis
Deputy Clerk

Next regular meeting, Monday, March 27, 2000 at 7:00 PM.

MAINE SCHOOL ADMINISTRATIVE DISTRICT #51
CUMBERLAND / NORTH YARMOUTH
Cumberland Center, ME 04021

Board of Directors
Minutes

Monday,
March 20 , 2000

7:00 PM

Mabel I. Wilson School

MSAD #51 Mission

The mission of MSAD # 5 1 is to guide all students as they acquire enthusiasm for learning, assume responsibility for their education, achieve academic excellence, and discover and attain their personal bests.

To accomplish this mission, the MSAD # 5 1 community will collaborate to:

- Use effective instructional practices and provide professional development to assure that all students meet or exceed the district's benchmarks and outcomes;
- Ensure a safe and respectful environment where all feel a sense of belonging; and
- Promote parental participation as fundamental to each student's success.

Board Goals for 1999-2000

- 1 . Support the district's work in curriculum, assessment, instruction, and professional development by increasing Board and community understanding of the State of Maine Learning Results and by reviewing the district's progress toward achieving our mission.
- 2 . Implement the facilities planning steps adopted by the Board.
- 3 . Promote sound resource management, improve the Board's involvement in the budget planning process, and better communicate with the public about the district's financial needs.

MSAD #51 Board of Directors

Jeanne Chadbourne	829-5166
Maryellen Fitzpatrick	829-4657
Reid Hayward	829-5942
Karen Herold	829-6146
Thomas Hyndman	781-4644
Mary Schendel	781-3787
Kim True	829-3209
Bob Vail	829-5393

1. **Call to Order** - by MSAD #51 Board of Directors Chairperson, Mary Schendel at 7:10 P.M.

Attendance:

Board of Directors: Jeanne Chadbourne, Maryellen Fitzpatrick, Reid Hayward, Karen Herold, Tom Hyndman, Mary Schendel, Kim True, Bob Vail

Administrators: Brenda Breton, Wayne Fordham, Don Foster, Suzanne Godin, Jack Hardy, Robert Hasson, Scott Poulin, Susie Robbins, Scott Smith, Klaus-Peter Voss, Shannon Welsh

2. Approval of Minutes - of the Board of Directors meeting held on February 28, 2000 and 3/6/00 Workshop Minutes.

Motion by Karen Herold 2nd Kim True.

Voted: To approve the minutes of the Board of Directors meeting held on February 28, 2000. (Voted: 8-0)

Motion by Maryellen Fitzpatrick 2nd by Reid Hayward.

Voted: To approve the minutes of the Board of Directors meeting held on March 6, 2000. (Voted: 8-0)

3. Superintendent / Administrator Reports

- a) Superintendent's 2000-2001 Budget Overview presented to the BOD.

4. Committee Reports

a) Committee Updates

- Facilities:

- Alternative Plan Committee
- Site Selection Committee

- Finance

- Policy

- Follow-up on Time Task Force Report Discussion

- b) Cumberland Cable Committee: local origination television, \$50,000-\$80,000.

5. Items for Action

6. Communications:

7. Adjourn Meeting 10:10 PM

Upcoming Meetings /Events

- 3/22/00 - Policy Committee, Central Office, 8:15 AM
- 3/22/00 - Full day of school
- 3/22/00 - French & Spanish Honor Society Induction Ceremony, GHS Library, 7:00 PM
- 3/23/00 - Report Cards go home - NYMS/DRS/CIS
- 3/24/00 - Teacher In-Service Day, No School
- 3/27/00 - Budget Discussion at NYMS, MIW 6-7:30 PM, NYMS/CIS 8-9:30 PM
- 3/27/00 - First Practice - High School Spring Athletics
- 3/27/00 - 3/27 through 3/31/00 Celebration of Reading Week
- 3/28/00 - Alternative Plan Committee, GHS, 7:00 PM
- 3/29/00 - Budget Discussion Meeting at GJHS, 6:00 PM:
 - 6:00 - 7:30 PM GHS, Special Education & Gifted and Talented
 - 8:00 - 9:30 PM GJHS
- 3/29/00 - Early Release, 7-12 @ 1:12 PM, K-6 @ 12:15 PM
- 3/31/00 - Third Quarter Ends
- 3/31/00 - High School Pops Concert
- 4/3/00 - Board of Directors Public Budget Hearing, MIW, 7:00 PM
- 4/3/00 - First Practice Junior High Spring Athletics
- 4/5/00 - Design Team, GHS Library, 3:15 PM
- 4/5/00 - Early Release, 7-12 @ 1:12 PM, K-6 @ 12:15 PM
- 4/5/00 - M. I. Wilson Parent/Teacher conferences, 12:15 PM

- 4/5/00 - Policy Committee, Central Office, 8:15 AM
- 4/6/00 - Performance Indicators, MIW, 5:00 PM
- 4/6/00 - GJHS Parent Information Night for 6th grade parents, 7:00 PM
- 4/7/00 - Early Release Wilson school only - Parent/Teacher Conferences, 12:15 PM
- 4/11/00 - PTO Business Meeting, 6:30 PM and PTO Info Forum, 7:00 PM
- 4/12/00 - Early Release, 7-12 @ 1:12 PM, K-6 @ 12:15 PM, MIW Parent/Teacher Conferences
- 4/13/00 - 8th Grade Transition to high school, 6:30 PM
- 4/14/00 - Early Release Wilson school only - Parent/Teacher Conferences, 12:15 PM
- 4/14/00 - 6th grade event
- 4/14/00 - PTO Secretaries Appreciation
- 4/17 through 4/21/00 - Spring Vacation
- 4/22/00 - Policy Committee, Central Office, 8:15 AM
- 4/22/00 - High School State Solo & Ensemble Festival
- 4/22/00 - PTO Springtime Egg Hunt
- 4/24/00 - Board of Directors Adopts 2000-01 Budget, MIW, 7:00 PM
- 5/18/200 - Public Vote on Proposed 2000-01 Budget, GHS Auditorium, 7:00 PM

Next Board Meeting:

- Monday, April 3, 2000 @ M. I. Wilson, 7:00 PM
Board of Directors Public Budget Hearing

MAINE SCHOOL ADMINISTRATIVE DISTRICT #51
CUMBERLAND / NORTH YARMOUTH
Cumberland Center, ME 04021
Board of Directors
Public Budget Discussions

Monday, March 27, 2000	6:00 PM	North Yarmouth Memorial School
Wednesday, March 29, 2000	6:00 PM	Greely Junior High School

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- And
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1. Support the district's work in curriculum, assessment, instruction and professional development by increasing Board and Community understanding of the State of Maine Learning Results and by reviewing the district's progress toward achieving our mission.
2. Implement the facilities planning steps adopted by the Board.
3. Promote sound resource management, improve the Board's involvement in the budget planning process, and better communicate with the public about the district's financial needs.

MSAD #51 Board of Directors

Jeanne Chadbourne	829-5166	
Maryellen Fitzpatrick	829-4657	efitzpa486@aol.com
Reid Hayward	829-5942	
Karen Herold	829-6146	kherold2@maine.rr.com
Thomas Hyndman	781-4644	tom.hyndman@sappl-na.com
Mary Schendel	781-3787	mschendel@mainelaw.com
Kim True	839-3209	ktrue1@maine.rr.com
Bob Vail	829-5393	

2000-2001 Public Budget Discussions Agenda

- Monday, 3/27/00 At North Yarmouth Memorial School

- Items:
- 6:00 PM - 7:30 PM M. I. Wilson
 - 8:00 PM - 9:30 PM North Yarmouth Memorial/Chebeague Island School

- Wednesday, 3/29/00 At Greely Junior High School

- Items:
- 6:00 - 7:30 PM Greely High School, Special Education, Gifted and Talented
 - 8:00 - 9:30 PM Greely Junior High School

7. Adjourn Meeting _____

Upcoming Meeting/Events

- 3/27/00 - Budget Discussion at NYMS: MIW 6-7:30 PM, NYMS/CIS @ 8-9:30 PM
3/27/00 - First Practice - High School Spring Athletics
3/27/00 - 3/27 through 3/31/00 Celebration of Reading Week
3/28/00 - Community Support Committee, Superintendent's Office Conference Room, 7:00 - 8:00 PM
3/29/00 - Budget Discussion Meeting at GJHS, 6:00 PM:
 6-7:30 PM GHS, Special Education & Gifted & Talented
 8:00 - 9:30 PM GJHS
3/29/00 - Early Release, 7-12 @ 1:12 PM, K-6 @ 12:15 PM
3/31/00 - Third Quarter Ends
3/31/00 - High School Pops Concert
4/3/00 - Board of Directors Public Budget Hearing, MIW, 7:00 PM
4/5/00 - Design Team, GHS Library, 3:15 PM
4/5/00 - Early Release, 7-12 @ 1:12 PM, K-6 @ 12:15 PM
4/5/00 - Policy Committee, Central Office, 8:15 AM
4/6/00 - Performance Indicators, MIW, 5:00 PM
4/6/00 - GJHS Parent Information Night for 6th grade parents, 7:00 PM
4/7/00 - Early Release Wilson school only - Parent/Teacher Conferences, 12:15 PM
4/11/00 - PTO Business Meeting, 6:30 PM and PTO Info Forum, 7:00 PM
4/12/00 - Early Release, 7-12 @ 1:12 PM, K-6 @ 12:15 PM, MIW Parent/Teacher Conferences
4/13/00 - 8th Grade Transition to high school, 6:30 PM
4/14/00 - Early Release Wilson school only - Parent/Teacher Conferences, 12:15 PM
4/14/00 - PTO Secretaries Appreciation
4/17/00 through 4/21/00 - Spring Vacation
4/22/00 - Policy Committee, Central Office, 8:15 AM
4/22/00 - High School State Solo & Ensemble Festival
4/22/00 - PTO Springtime Egg Hunt
4/24/00 - Board of Directors Adopts 2000-01 Budget, MIW, 7:00 PM
5/18/00 - Public Vote on Proposed 2000-01 Budget, GHS Auditorium, 7:00 PM

Next Board Meeting:

Monday, April 3, 2000 @ M. I. Wilson, 7:00 PM

Board of Directors Public Budget Hearing

3/27/00 and 3/28/00 BOD Public Budget Discussions Agenda

**MAINE SCHOOL ADMINISTRATIVE DISTRICT #51
CUMBERLAND / NORTH YARMOUTH
Cumberland Center, ME 04021
Board of Directors**

Public Budget Discussions

Agenda

Monday, April 3, 2000

7:00 PM

Mabel I. Wilson Elementary School

MSAD #51 Mission

The mission of MSAD #51 is to guide all students as they acquire enthusiasm for learning, assume responsibility for their education, achieve academic excellence, and discover and attain their personal bests.

To accomplish this mission, the MSAD #51 community will collaborate to:

Use effective instructional practices and provide professional development to assure that all students meet or exceed the district's benchmarks and outcomes;

Ensure a safe and respectful environment where all feel a sense of belonging;

And Promote parental participation as fundamental to each student's success.

Board Goals for 1999-2000

- Support the district's work in curriculum, assessment, instruction and professional development by increasing Board and Community understanding of the State of Maine Learning Results and by reviewing the district's progress toward achieving our mission.
- Implement the facilities planning steps adopted by the Board.
- Promote sound resource management, improve the Board's involvement in the budget planning process, and better communicate with the public about the district's financial needs.

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Bob Vail	829-5393	

1. Call To Order - by MSAD #51 Board of Directors Chairperson, Mary Schendel.

2. Approval of Minutes

3. Finance Committee - Report

- Transportation
- Maintenance
- Food Service
- Central Office
- District Wide

4. Public Budget Hearing

5. Alternative Plan Committee - Report

6. Site Selection Committee - Report

7. Superintendent/Administrator Reports

- Teacher Leader Data

8. Committee Reports

- a) Committee Updates
 - Facilities
 - Policy

9. Items for Action

- a) Vote to approve grade 7 baseball coaches
- b) Vote to approve Municipal Lease Purchase Agreement with Peoples Heritage Leasing Corp.
- c) Vote to use Cumberland's cable transmission

10. Communications

11. Adjourn Meeting _____PM

Upcoming Meetings/Events

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4/24/00 - Board of Directors Adopts 2000-01 Budget, MIW, 7:00 PM
4/25/00 - Community Support Committee, 7:00 PM, Superintendent's Office
5/18/00 - Public Vote on Proposed 2000-01 Budget, GHS Auditorium, 7:00 PM

Next Board Meeting:

Monday, April 24, 2000 @ M. I. Wilson, 7:00 PM
Board of Directors Adopts 2000-2001 Budget

Council
4-10-00
M

5 Farwell Ave.
Cumberland, ME 04021

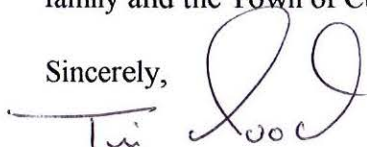
March 30, 2000

Mr. Terry Brooks
United States Postal Service
P.O. Box 800
Winthrop, ME 04364-0800

Dear Mr. Brooks:

Thank you for taking the time to speak with me on the phone last week. On February 19, 2000 I extended the deadline for the Post Office to make an offer on my properties to April 14, 2000. Since you will be out of town on that date you suggested I contact you the morning of April 7th. The Post Office had an appraisal done on my properties in late November. They expressed interest in moving or expanding over a year ago. For these reasons I feel strongly that I have giving the Post Office sufficient time to make a conclusion regarding my properties. I will need an answer by April 14th. Mr. Brooks, I enjoyed working with you. I hope you understand that my family and the Town of Cumberland would like a decision from the Post Office.

Sincerely,



Tim Gooch

CC: Cumberland Town Manager

Elected Officials Workshop Selectmen, Councilors...

Here's a chance for elected officials to take advantage of the expertise that the Maine Municipal Association staff has to offer. This workshop is a "must" for newly elected and veteran officials to attain a better understanding of their role as public officials and stay abreast of ever-changing local government responsibilities and issues. It also provides an excellent forum for networking with local government officials from around the state.

Most Common Questions Asked at an EOW

- What meetings are open to the public?
- Can I take a job with the town? Can I hold another town office position?
- Can we ignore that pothole?
- Can the Selectmen adopt an ordinance?
- What authority do we have over the school committee?
- Is the town required to use a competitive bid process?
- Do we need to take minutes of the meetings?
Do we need an agenda?
- Is a town responsible if someone slips and falls on tax acquired property?

Questions

Call Joan Kiszely at 1-800-452-8786 (623-8428 Augusta).

Register by Fax: 207-626-5947, mail, or on-line at <http://www.memun.org>

Newly Elected Officials! Free!

Be on the lookout for a coupon from MMA to attend this workshop free! The coupon is good only for the year in which it was issued.

Elected Officials! \$20.00

Fee includes dinner, coffee breaks, written materials and a copy of the *Handbook for Municipal Officers*.

Topics to be Covered

- Overview of Municipal Government (home rule, charters)
- Public Meetings (Right to Know Law)
- Municipal Liability
- Road Issues
- Ethics and Conflict of Interest
- General Question & Answer Period

Dates • Locations

4:30 - 8:30 p.m. (all locations)

Saco: Thursday, June 1

Holiday Inn Express – 352 North St.
Exit 5 off the Maine Turnpike

Bethel: Tuesday, June 6

The Summit Hotel – Sunday River

Houlton: Wednesday, June 14

Shiretown Hotel – US 1 North at Interstate 95

Machias: Thursday, June 15

Blue Bird Restaurant – 3 East Main St.

Madawaska: Tuesday, November 14

Safety Complex Building – 344 East Main St.

Orono: Wednesday, November 15

Black Bear Inn – Exit 51 off I-95

Augusta: Tuesday, December 5

Maine Municipal Association
(behind Augusta Civic Center)

Portland: Thursday, December 7

Keeley's Banquet Center – Warren Ave.

Elected Officials Workshop Registration Form

Please register the following person(s) from _____ for the Elected Officials Workshop.

NAME: _____ TITLE: _____ FEE: \$ _____

NAME: _____ TITLE: _____ FEE: \$ _____

TOWN/CITY: _____ PHONE: _____ TOTAL FEE: \$ _____

CIRCLE THE WORKSHOP YOU WISH TO ATTEND:

Saco: June 1	Bethel: June 6	Houlton: June 14	Machias: June 15
Madawaska: November 14	Orono: November 15	Augusta: December 5	Portland: December 7

RETURN COUPON OR SEND CHECK MADE PAYABLE TO MMA:

Maine Municipal Association, 60 Community Drive, Augusta, ME 04330

TO ENSURE YOUR COMPLETE PARTICIPATION IN THIS WORKSHOP WE WOULD APPRECIATE YOUR INFORMING US OF ANY SPECIAL REQUIREMENTS YOU MAY HAVE DUE TO A DISABILITY.

Maine Municipal Association
60 Community Drive
Augusta, ME 04330

Mr Robert B. Benson
Town Manager
Town Of Cumberland
290 Tuttle Rd
Cumberland Center ME 04021-9321

So You Got Elected...

NOW WHAT?



Attend the

Elected Officials Workshop

A presentation of the
Maine Municipal Association

FAX

TO Jim Rhipps

FROM Al Traina

2 NUMBER OF PAGES

If you do not receive the entire FAX, please call 207-846-4462

CHEBEAGUE ISLAND LIBRARY
R.R. 1, BOX 511
CHEBEAGUE ISLAND
MAINE 04017

March 31, 2000

Mr. Robert Hasson
Superintendent of Schools, SAD 51
P.O. Box 6 A
Cumberland, ME 04021

Dear Bob,

The Chebeague Island Library is organized as a private nonprofit 501(c)(3) organization. Each year the library receives an appropriation from the Town of Cumberland, which is used for salary and maintenance expenses. Fees, fundraising events, private donations, contributions and memorial gifts fund approximately two-thirds of the annual budget and pay for all additional expenses incurred. This differs from municipal public libraries such as the Prince Memorial Library, which is operated as a department of the Town of Cumberland and primarily funded by local property tax revenues.

For thirty-five years, a part time librarian, who plans to retire at the end of May, and two part time assistants have run the C.I.L. With the expanded library facility, planned computerization of the library, the implementation of the MBNA grant, and extended library hours, a full time librarian is a necessity. The full time librarian's salary will increase the library's 2000 budget by \$10,000.

Why are we asking SAD 51 for support in this matter?

The library has been effectively serving the Chebeague Island School (K through grade 6) for 35 years. The C.I.L. was founded in classroom space at the Chebeague Island School and relocated to the current library facility in 1990. SAD 51 transports the children to use the library once a week. There are a diversity of materials for this age group ranging from over 5000 books, read along tapes, video and audio tapes to games and puzzles. The library purchases books, which are compatible with the school's curriculum and theme. The island teachers order books and other materials from the library for classroom use. In short, the C.I.L. serves as the school library for the Chebeague Island School.

The one age group, which has not been frequenting the library, is the teen group. To determine what must be done to improve attendance, a teen-age focus group was conducted. The teens wanted additional reference materials and computer accessibility. We organized a plan to better service the 7th through 12th graders. The plan was submitted to MBNA as a grant proposal and was accepted.

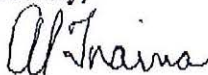
Judy Gray, the Greely High School librarian, has advised us regarding the software and reference books appropriate for research projects, reports, and assignments. The MBNA grant gave the library a once in a life time opportunity to purchase the hardware, the software, and reference books, that the library could not afford previously. With implementation of this program, the library is providing needed services for the junior high and high school students while continuing to serve the C.I.S. students.

The Library Trustees are in the process of hiring a new full time librarian. She is proficient in library science, is computer literate, holds a teaching certificate, and has had excellent experience motivating and instructing children and young adults in becoming more knowledgeable about the information resources available through the library and the computer.

The MBNA grant proved a major break through in terms of having the ability to purchase the latest technology and materials, but without a knowledgeable experienced librarian, it will be nearly impossible to achieve our goal. The C.I.L. is in transition. Your support of the library with the \$10,000 needed for a new full time librarian will have a major impact on our success and on present and future generations of island students.

On behalf of the C.I.L. Board of Trustees, I thank you for the time you and Scott Poulin took to meet with Jim Phipps and me last week. I trust this summary of the information we presented to you will be of assistance as you evaluate this request. Of course, if you or Scott have any questions or if any additional information would be helpful, please call me at 846-4462.

Sincerely,



Albert S. Traina,
Chairman, Board of Trustees
Chebeague Island Library

AST/ast

CC: Scott Poulin, SAD 51 Business Manager
James E. Phipps, Cumberland Town Councilor

Estimates to mail Open Space Plan

color maps

owners of ≥ 50 acres - 40 owners @ \$15/copy = \$600

owners of ≥ 25 acres - 100 owners @ \$15/copy = \$1,500