

**TOWN OF CUMBERLAND
MEETING OF THE TOWN COUNCIL
APRIL 23, 2001**

I. Call to order at Cumberland Town Hall at 7:00 p.m.

II. Manager's Report

III. Public Discussion

IV. Legislation and Policy

01-18 To consider and act on application for Innco, Inc. d/b/a Chebeague Island Inn for Liquor License renewal.

01-19 To hold a Public Hearing to consider and act on application for a Mass Gathering Permit by the United Maine Craftsmen to hold the annual craft fair at the Cumberland Fairgrounds August 9th through August 12th, 2001.

01-20 To re-set date for a Public Hearing on the 2001-2002 Municipal Budget.

01-21 To set dates for budget workshops.

V. Correspondence

VI. New Business

VII. Adjourn to workshop

VIII. WORKSHOP - Impact Fees

IX. EXECUTIVE SESSION: Hardship Abatement

MEMBERS OF THE TOWN COUNCIL

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

Town of Cumberland web site: www.cumberlandmaine.com

**TOWN OF CUMBERLAND
MEETING OF THE TOWN COUNCIL
APRIL 23, 2001**

Present: Stephen Moriarty, Peter Bingham, Mark Kuntz, Jeffrey Porter, and Harland Storey
Absent: John Lambert and James Phipps (excused)

I. The meeting was called to order by Chairman Moriarty at Cumberland Town Hall at 7:07 p.m.

II. Manager's Report

- Reminded the Council of the April 24th Volunteer Appreciation night at Val Halla
- Asked the Council's sense of the Assessor doing an interview with the Forecaster before the upcoming meeting of May 14th with regard to the letter sent to residents concerning possible changes in their property assessments. The Councilors felt it was important to keep the public informed on this issue.

III. Public Discussion

None

IV. Legislation and Policy

01-18 To consider and act on application for Innco, Inc. d/b/a Chebeague Island Inn for Liquor License renewal.

Councilor Bingham moved to grant a temporary Liquor License to Chebeague Island Inn to expire 6/30/2001, at which time the code related concerns will be reviewed.

Seconded by Councilor Porter.

**VOTE: IN FAVOR: 4
OPPOSED: 1 (Kuntz)**

01-19 To hold a Public Hearing to consider and act on application for a Mass Gathering Permit by the United Maine Craftsmen to hold the annual craft fair at the Cumberland Fairgrounds August 9th through August 12th, 2001.

Chairman Moriarty opened the Public Hearing.
No public was present.
Chairman Moriarty closed the Public Hearing.

Councilor Storey moved to grant a Mass Gathering Permit to the United Maine Craftsmen to hold their annual craft fair at the Cumberland Fairgrounds August 9th through August 12, 2001.

Seconded by Councilor Kuntz.

VOTE: UNANIMOUS (5)

01-20 To re-set date for a Public Hearing on the 2001-2002 Municipal Budget.

Councilor Porter moved to set the date of Thursday, May 10, 2001 at 7:00 p.m. for a Public Hearing on the 2001-2002 Municipal Budget.

Seconded by Councilor Kuntz.

VOTE: UNANIMOUS (5)

01-21 To set dates for budget workshops.

Councilor Bingham moved to set the dates of Monday, April 30th and Wednesday, May 2nd at 7:00 p.m. for budget workshops.

Seconded by Councilor Porter.

VOTE: UNANIMOUS (5)

V. Correspondence

- Robert Benson from Carla Nixon: Directional Sign for Town Center
- DEP Shoreland Zoning Newsletter
- Cumberland County Commissioner's 03-26-01 Meeting Minutes
- Cumberland Planning Board 03-20-01 Meeting Minutes
- Cumberland Soccer Club, Suburban Little League, Cumberland Football Boosters: Year 2000 Financial Disclosure Ordinance Statements required for use of Cumberland's recreational facilities.
- M.S.A.D. #51 School Board: 04-02-01 Meeting Minutes
- M.S.A.D. #51 School Board: 04-23-01 Meeting Agenda
- Barbara McPheters, Building Inspector: Master Summary Report - Building Permits
- Robert Benson from Ken Cole, Esq.: Growth Control Ordinance revision
- Robert Benson/Ken Cole from Andy Fillmore, Town Planner: Impact Fees Workshop
- Innco., Inc. (Chebeague Inn) from Rebecca Vigue, Manager, State of ME Eating & Lodging Program

VI. New Business

Councilor Bingham reported discussions with Klara Norton, Cumberland's Welfare Director, officials at the schools, North Yarmouth, Chebeague Island and local churches, to ensure coordination of services to meet special emergency needs of people in the community.

Chairman Moriarty pointed out that the S.A.D. #51 School Board and Steering Committee were meeting tonight to discuss the continued viability of the Drowne Road School site recommendation. It's conceivable that, with the clay problem there, other sites may have to be re-examined. More will be known by the time the evening is over.

VII. Adjourn to workshop

The Council adjourned to a workshop on Impact fees at 7:20 p.m.

VIII. WORKSHOP - Impact Fees

Town Planner Andy Fillmore and the Council had a general discussion regarding various options of implementing impact fees. The Council directed the Town Planner to draft an ordinance on impact fees to present to them at a later date.

IX. EXECUTIVE SESSION: Hardship Abatement

Councilor Bingham moved to go into Executive Session: Hardship Abatement at 8:05 p.m.

Seconded by Councilor Kuntz.

VOTE: UNANIMOUS (5)

Councilor Bingham moved to come out of Executive Session at 8:10 p.m.

Seconded by Councilor Kuntz.

VOTE: UNANIMOUS (5)

Councilor Kuntz moved to grant an abatement request made pursuant to 36 MRSA, subsection 841(2), in the sum of \$613.06 for tax year 2000 and \$1,316.72 for the year 2001.

Seconded by Councilor Bingham.

VOTE: UNANIMOUS (5)

The meeting adjourned at 8:12 p.m.

Respectfully submitted,



Klara M. Norton
Town Clerk

HARDSHIP ABATEMENT MOTION:

...motion to grant an abatement request made pursuant to 36 MRSA subsection 841(2) in the sum of \$613.06 for tax year 2000 and \$1,316,72 for the year 2001.

M E M O

TO: Town Councilors

FROM: Bob Benson

DATE: April 19, 2001

RE: Agenda items for April 23rd Town Council meeting

ITEM 01-18 :

Please review the letter from the state regarding the Chebeague Island Inn. As you can tell, the Inn was not sold by the Bowden family, and is having problems meeting the requirements of their state Eating and Lodging license. We will have a motion prepared for you on this item.

ITEM 01-19:

There are no problems reported for the annual craft fair.

ITEM 01-20 and ITEM 01-21:

These items are self-explanatory.

Peter Bingham and I will have recommendations for dates for you as of Monday night.

The Planner has given you substantial background information regarding Impact Fees for the workshop, and I have a brief hardship abatement to discuss with you in Executive Session. As usual, if you should have any questions, please don't hesitate to call me.

Jensen Baird Gardner & Henry

WALTER E. 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
JEFFREY B. HERBERT
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April 4, 2001

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

Re: ***Growth Control Ordinance***

Dear Bob:

Enclosed herewith please find a revised version of the Ordinance in a redlined basis showing the two new amendments included. We also enclose herewith a clean copy of the ordinance as well.

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

Enclosures

cc: Stephen W. Moriarty, Esq.

GROWTH MANAGEMENT ORDINANCE

1. TITLE

This Ordinance shall be known as the "Growth Management Ordinance of the Town of Cumberland, Maine" and shall be referred herein as the "Ordinance".

2. LEGAL AUTHORITY

This Ordinance is adopted pursuant to Home Rule Powers as provided in Article VIII-A of the Maine Constitution and Title 30-A, MR.S.A. Section 3001.

3. PURPOSE

The purpose of this Ordinance is to protect the health, safety and general welfare of the residents of Cumberland through placing limitations on residential development and meeting the following:

- A. To provide for the immediate housing needs of the existing residents of Cumberland.
- B. To ensure fairness in allocation of Building Permits.
- C. To plan for continued residential population growth of Cumberland which would be compatible with orderly and gradual expansion of community services including, but not limited to, education, public safety, transportation infrastructure, waste disposal and health services.
- D. Avoid a situation in which the rapid development of new residences, potentially housing many families with school-age children, could outpace the town's capability to expand its schools and other services soon enough to avoid serious school over-crowding and a significant reduction in other services.

4. APPLICABILITY

This Ordinance shall apply to all new dwelling units (including manufactured housing) within the Town of Cumberland. No new dwelling unit, which fails to meet the requirements of the Ordinance, shall be constructed or placed within the Town of Cumberland.

5. EXEMPTIONS

This Ordinance shall not apply to the following:

- A. The repair, replacement, reconstruction or alteration of any existing building or structure provided the number of dwelling units is not increased, regardless of the need for a variance.
- B. Dwelling units constructed by the Cumberland Housing Authority, an agency of the state or federal government; or by a private developer or contractor with a continuing age restriction of persons 55 years of age or older. Any conversion of these units eliminating the age restriction would require a Growth Permit.
- C. Accessory Apartments as allowed in Section 407.1 of the Cumberland Zoning Ordinance.
- D. Lots in subdivisions approved by the Cumberland Planning Board between January 1, 1998 and May 22, 2000.
- E. Lots in subdivisions located on Chebeague Island approved by the Cumberland Planning Board prior to the adoption of this Ordinance.

6. **ADMINISTRATION**

A. **Maximum Number of Dwelling Units**

- 1. Unless and / or until this Ordinance is amended pursuant to Section 10, the maximum number of new Growth Permits issued shall be forty-four (44), from July 1, 2000 to June 30, 2001, and annually thereafter from July 1 to June 30, plus 3 additional Growth Permits that shall be reserved for dwelling units located on Chebeague Island, plus 2 additional Growth Permits that shall be for affordable housing constructed by Habitat for Humanity or a similar not for profit organization.
- 2. No more than 50% of the Growth Permits shall be issued annually for dwelling units within subdivisions. This provision shall not apply to the Growth Permits reserved for Chebeague Island as allowed in Section 6.A. 1.
- 3. No more than 3 Growth Permits shall be issued on Chebeague Island in any fiscal year.

B. **Application Procedure**

- 1. All Growth Permit Applications shall be submitted in person to the Code Enforcement Officer or his/her assistant or agent (hereinafter the CEO) during normal office hours on the form designated

Growth Permit Application. No Growth Permit Applications shall be accepted by mail.

2. The CEO shall indicate on the Application form the date and time the Growth Permit Application was received and provide the applicant with a receipt, when said Application is complete. The Applications shall be reviewed in the order in which they were received. Only complete Applications will be accepted.
3. The Growth Permit Application shall be accompanied by a non-refundable administrative fee in the amount of One Hundred (\$100.00) Dollars, documentation establishing the applicant's right, title and interest to the property, and one copy of a subsurface wastewater disposal system application form (HHE200), and/or confirmation for eligibility of a sewer user unit.
4. A separate Application shall be required for each dwelling unit.

C. Issuance Procedure

1. Growth Permit Applications shall not be accepted by the CEO until on or after the effective date of this Ordinance. Growth Permit Applications shall be on file with the CEO. From that time on, Applications will be accepted, and Growth Permits issued, as provided for in Section 6.C.3.
2. Growth Permits shall be available on a first-come, first-served basis.
3.
 - i. The CEO shall notify an applicant once the applicant is entitled to have a Growth Permit issued. Once the CEO has notified the applicant that the applicant is entitled to have a Growth Permit issued, the applicant shall have thirty (30) days to accept the Growth Permit from the CEO. If the applicant shall fail to accept the Growth Permit, then the Growth Permit shall expire.
 - ii. Expired Growth Permits shall be available for reissue.
 - iii. The CEO shall issue Growth Permits for all complete Applications if they do not outnumber the supply of Growth Permits.
 - a. If Applications exceed supply for any given year, Permits shall be issued on the basis of the order

complete Applications were received by the CEO. Those on the list who do not get a Permit for that year shall have first priority to get a Permit in the next year, in the order in which the Applications were deemed to be complete.

4. With respect to Growth Permits sought for property located within a subdivision approved by the Planning Board of the Town, no more than 3 Growth Permits shall be issued during any year for the building of dwellings in a single subdivision. No person, partnership, or corporation shall be entitled in any single year to more than 2 of the three Growth Permits allocated to a subdivision. Corporations shall be treated as the same corporation for purposes of this Ordinance if they share common directors (or their spouses) and / or shareholders (or their spouses) of 10% or more of the stock. Any person or corporation which is a partner in a partnership shall also be considered the same person as the partnership. With respect to Growth Permits sought for property not located within a subdivision approved by the Planning Board of the Town, no more than 2 Growth Permits shall be issued during any year to any one person, partnership or corporation.
5. That the unused subdivision growth permits for the year 2000-2001 be available to those on the waiting list maintained by the Code Enforcement Officer by the formula of one third of the unused permits available April 1, 2001, one half of the remaining unused growth permits be available May 1, 2001 and the balance of any unused growth permits be available June 1, 2001.
65. If, at the end of the fiscal year, there are any unissued Growth Permits still available, they shall not be carried over to the next year.

D. Replacement with Building Permit and Expiration

1. A Growth Permit shall be replaced by a building permit for a dwelling on the specific site for which the Growth Permit was issued. A Growth Permit which has not been replaced with a building permit within 90 days of Growth Permit approval by CEO shall be considered expired and must be resubmitted for consideration. Resubmitted Growth Permit Applications will not have any priority over other Growth Permit Applications. The expiration of the building permit shall be in conformity with the Town of Cumberland Building Code.

2. Expired Permits shall be available for reissuance.

E. Transferability

Growth Permits are not transferable. They shall be valid for construction on the lot specified on the Application and by the Applicant; provided however, that such valid Permits shall be transferable to new owners of the lot should the property change hands. If a Permit is transferred, the date of issuance remains unchanged.

7. CONFLICT WITH OTHER ORDINANCES

This Ordinance shall not repeal, annul, or otherwise impair or remove the necessity of compliance with any federal, state or other local laws or ordinances. Where this Ordinance imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this Ordinance shall prevail.

8. SEPARABILITY

Should any section or provision of this Ordinance be found by the courts to be invalid, illegal, or unenforceable, such decision shall not affect any other section or provision of this Ordinance either singly or collectively.

9. EFFECTIVE DATE

The effective date of this Ordinance shall be July 1, 2000, but the total number of Growth Permits available through June 30, 2001 shall be limited by Section 6.A hereof.

10. REVIEW PROCEDURE

This Ordinance shall be reviewed by the Town Council in June 2001 to assess the efficacy of the Ordinance and shall be reviewed by the Planning Board periodically (but not less frequently than once every three years), to ensure that the annual maximum growth rate has not become inconsistent with the Town's capital program requirements to establish, maintain, or enlarge needed public facilities and services. Based on its review the Planning Board may recommend amending this Ordinance as provided in Section 11.

11. AMENDMENTS

1. An amendment to this Ordinance may be initiated by one of the following:

(A) The Planning Board.

- (B) The Town Council.
- (C) The residents, pursuant to Article X, Section 2 of the Town Charter.

12. VIOLATIONS

- A. A violation of this Ordinance shall be deemed to exist when any person, partnership or corporate entity engages in any construction activity directly related to the erection or placement of a dwelling unit, upon any land within the Town without first having obtained a Growth Permit from the CEO.
- B. If a dwelling unit has been constructed or placed, without a Growth Permit, it shall be deemed a violation for any person, firm, or corporate entity to sell, lease, rent or occupy such dwelling unit until such permit has been duly issued.

13. NOTICES OF VIOLATIONS; LEGAL ACTION

When a violation of any provision of this Ordinance shall be found, the CEO shall send a written notice of the violation to the responsible party or parties and shall notify the Town Council of the violation. If the notice does not result in the correction of the violation, the Town Council may institute any and all actions and proceedings, either legal or equitable, including seeking injunctive relief, the imposition of fines, removal of the structure, or other action that may be appropriate or necessary to enforce the provisions of this Ordinance. The remedies set forth herein are intended to be cumulative and not exclusive of each other. The Town Council is authorized to enter into administrative consent orders to eliminate violations with or without court action. Such agreement shall not allow an illegal structure or use to continue.

14. PENALTIES

- A. Any person owning or controlling the use of any dwelling unit being constructed or occupied in violation of this chapter shall be liable to be fined not less than \$ 100 or more than \$2,500 for each day such a violation (i.e. construction activity, unlawful occupancy) continues after notification by the CEO.
- B. If a dwelling unit has been built in violation of this chapter and is then occupied, for residential use, the owner may be fined as provided in Section 14 A. of this Ordinance.

15. **APPEALS**

- A. The Board of Adjustment and Appeals in accordance with Section 603 of the Cumberland Zoning Ordinance, may, upon written application of an aggrieved party and after public notice, hear appeals from determinations of the Code Enforcement Officer in the administration of this Ordinance. Following such hearing, the Board of Adjustment and Appeals may reverse the decision of the Code Enforcement Officer only upon a finding that the decision is clearly contrary to the specific provisions of this Ordinance.

16. **DEFINITIONS**

- A. **Building Permit:** A permit is defined by and issued in accordance with the Cumberland Building Code and Section 602.1 of the Cumberland Zoning Ordinance.
- B. **Dwelling Unit:** A room or group of rooms designed and equipped exclusively for use as living quarters for a family, including provisions for living, sleeping, cooking and eating. The term shall include, but not be limited to, manufactured housing, modular/mobile homes, apartment unit, duplexes and multiplexes and condominium units. The term shall not include trailers or recreational vehicles used for overnight or temporary lodging only.
- C. **Growth Permit:** A permit issued, in accordance with the provisions of this Ordinance, by the CEO to allow the establishment of a new dwelling unit.
- D. **Family:** A person or persons occupying a dwelling unit and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging residence, hotel or motel.
- E. **Manufactured Housing:** A fabricated pre-assembled dwelling unit designed to be transported after fabrication and to be used as living quarters. The term "Manufactured Housing" may include the term "Modular Home" and "Mobile Home", except that the fabricated single-family modular home is assembled on the building site on a permanent foundation.
- F. **Subdivision:** A subdivision shall be defined by 30-A M.R.S.A. § 4401, and as amended from time to time. For the purposes of this Ordinance, subdivisions shall mean only those approved by the Planning Board after March 6, 1959. In addition, any lots shown on a subdivision plan, but not

subject to Planning Board review shall not be considered a lot in a subdivision.

- H. **Person:** A person shall be defined to include an individual's spouse, parents, siblings and members of his or her immediate family unless the spouse, parents, sibling or immediate family member can demonstrate that the person seeking the Growth Permit owned the title to the property that is the subject of the Growth Permit independently of his spouse, parents, siblings or immediate family members as of May 1, 2000.

Adopted June 28, 2000

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This Ordinance shall not apply to the following:

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7. CONFLICT WITH OTHER ORDINANCES

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8. SEPARABILITY

Should any section or provision of this Ordinance be found by the courts to be invalid, illegal, or unenforceable, such decision shall not affect any other section or provision of this Ordinance either singly or collectively.

9. EFFECTIVE DATE

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10. REVIEW PROCEDURE

This Ordinance shall be reviewed by the Town Council in June 2001 to assess the efficacy of the Ordinance and shall be reviewed by the Planning Board periodically (but not less frequently than once every three years), to ensure that the annual maximum growth rate has not become inconsistent with the Town's capital program requirements to establish, maintain, or enlarge needed public facilities and services. Based on its review the Planning Board may recommend amending this Ordinance as provided in Section 11.

11. AMENDMENTS

1. An amendment to this Ordinance may be initiated by one of the following:

(A) The Planning Board.

(B) The Town Council.

(C) The residents, pursuant to Article X, Section 2 of the Town Charter.

12. VIOLATIONS

A. A violation of this Ordinance shall be deemed to exist when any person, partnership or corporate entity engages in any construction activity directly related to the erection or placement of a dwelling unit, upon any land within the Town without first having obtained a Growth Permit from the CEO.

B. If a dwelling unit has been constructed or placed, without a Growth Permit, it shall be deemed a violation for any person, firm, or corporate entity to sell, lease, rent or occupy such dwelling unit until such permit has been duly issued.

13. NOTICES OF VIOLATIONS; LEGAL ACTION

When a violation of any provision of this Ordinance shall be found, the CEO shall send a written notice of the violation to the responsible party or parties and shall notify the Town Council of the violation. If the notice does not result in the correction of the violation, the Town Council may institute any and all actions and proceedings, either legal or equitable, including seeking injunctive relief, the imposition of fines, removal of the structure, or other action that may be appropriate or necessary to enforce the provisions of this Ordinance. The remedies set forth herein are intended to be cumulative and not exclusive of each other. The Town Council is authorized to enter into administrative consent orders to eliminate violations with or without court action. Such agreement shall not allow an illegal structure or use to continue.

14. PENALTIES

A. Any person owning or controlling the use of any dwelling unit being constructed or occupied in violation of this chapter shall be liable to be fined not less than \$ 100 or more than \$2,500 for each day such a violation (i.e. construction activity, unlawful occupancy) continues after notification by the CEO.

B. If a dwelling unit has been built in violation of this chapter and is then occupied, for residential use, the owner may be fined as provided in Section 14 A. of this Ordinance.

15. **APPEALS**

- A. The Board of Adjustment and Appeals in accordance with Section 603 of the Cumberland Zoning Ordinance, may, upon written application of an aggrieved party and after public notice, hear appeals from determinations of the Code Enforcement Officer in the administration of this Ordinance. Following such hearing, the Board of Adjustment and Appeals may reverse the decision of the Code Enforcement Officer only upon a finding that the decision is clearly contrary to the specific provisions of this Ordinance.

16. **DEFINITIONS**

- A. **Building Permit:** A permit is defined by and issued in accordance with the Cumberland Building Code and Section 602.1 of the Cumberland Zoning Ordinance.
- B. **Dwelling Unit:** A room or group of rooms designed and equipped exclusively for use as living quarters for a family, including provisions for living, sleeping, cooking and eating. The term shall include, but not be limited to, manufactured housing, modular/mobile homes, apartment unit, duplexes and multiplexes and condominium units. The term shall not include trailers or recreational vehicles used for overnight or temporary lodging only.
- C. **Growth Permit:** A permit issued, in accordance with the provisions of this Ordinance, by the CEO to allow the establishment of a new dwelling unit.
- D. **Family:** A person or persons occupying a dwelling unit and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging residence, hotel or motel.
- E. **Manufactured Housing:** A fabricated pre-assembled dwelling unit designed to be transported after fabrication and to be used as living quarters. The term "Manufactured Housing" may include the term "Modular Home" and "Mobile Home", except that the fabricated single-family modular home is assembled on the building site on a permanent foundation.
- F. **Subdivision:** A subdivision shall be defined by 30-A M.R.S.A. § 4401, and as amended from time to time. For the purposes of this Ordinance, subdivisions shall mean only those approved by the Planning Board after March 6, 1959. In addition, any lots shown on a subdivision plan, but not

subject to Planning Board review shall not be considered a lot in a subdivision.

- H. **Person:** A person shall be defined to include an individual's spouse, parents, siblings and members of his or her immediate family unless the spouse, parents, sibling or immediate family member can demonstrate that the person seeking the Growth Permit owned the title to the property that is the subject of the Growth Permit independently of his spouse, parents, siblings or immediate family members as of May 1, 2000.

Adopted June 28, 2000

Council
4/23/01
M

The County of Cumberland is committed to providing quality services to all citizens equitably, in a responsive and caring manner.

COMMISSIONERS' MEETING

MINUTES

March 26, 2001

The Board of Cumberland County Commissioners, Esther B. Clenott, Richard J. Feeney and Gary E. Plummer, convened a meeting in Courtroom 1 on the above date.

Chairperson Clenott called the meeting to order at 7:00 PM and the following business was conducted.

Minutes of the regular meeting of March 12, 2001 were approved as written.

Peter Crichton, County Manager, reported that both the Sheriff's Department awards ceremony on March 21st and the 5th Annual Employee Recognition Ceremony on March 23rd went very well, with positive comments from employees who appreciated the effort put into the ceremonies. He commended the Sheriff's staff and the members of the Employee Advisory/Wellness Committee for their hard work. He reported that the next meeting of the Strategic Planning Committee was scheduled for April 26th in Gray, and would include reports from the subcommittee chairs on their strategies. He added that he is making arrangements for a county manager/administrator from outside of the New England region to be the guest speaker.

Commissioner Plummer agreed that the Employee Recognition Ceremony had nice touches added this year, especially the wellness awards given to employees who had used less than 3 days of sick time during the year. He commended the Sheriff on his excellent report regarding traffic details, noting the decrease in OUI summonses and increase in other traffic-related summonses over the last few years. He remarked that it was nice to see what could be accomplished through cooperation between law enforcement agencies.

Commissioner Feeney agreed, stating that he had received many comments from constituents that they had noticed a difference due to the Sheriff's efforts. He voiced his regret that the grant that funded this project had been discontinued.

Chairperson Clenott observed that they were receiving more informative memos from the Sheriff on all issues. She reported that the County would be working on many important legislative issues over the next few weeks.

01-14 Juvenile Lease Agreement, Maine Youth Center, CCSO

Chairperson Clenott noted that this item had been postponed

at the last meeting, and they had met with DOC representatives.

Motion by Commissioner Plummer to authorize the Chairperson to sign the lease agreement with the Maine Department of Corrections for the lease of a jail pod to house juveniles, from July 1 through October 31, 2001 and on a month by month basis after that, at a cost of \$35 per day, per juvenile. Second by Commissioner Feeney, so voted.

01-25 Bid Report, Polygraph Machine

Chief Deputy Richard Gagliano reported that the Sheriff's Department had sent a detective to be trained in use of a computerized polygraph machine. Funds for the training and purchase of a machine had been included in the FY2000 CIP, but training had been delayed until January 2001. He noted that three quotes had been requested, and two companies had responded by the time he prepared his report: Lafayette Instruments at \$8,423.50 and Stoelting at \$9,582. The third company, Axiton, had responded today with a quote that was slightly lower than Lafayette but did not include all the equipment, so it would be higher once all the equipment included. He noted that Lafayette had quoted the same bid price given to the State of Maine, and recommended awarding the purchase to Lafayette because this was the same equipment the detective had trained on, and it was the same one used by both Canadian and US federal law enforcement agencies. Mr. Crichton concurred with this recommendation.

Commissioner Plummer questioned the process of obtaining quotes for a purchase of over \$2,500 that was not bid by the County, and questioned why we did not piggyback on the state bid. Vic Labrecque, Director of Budget and Planning, responded that the County was not always able to piggyback on State bids due to the parameters of the bid specifications. He noted that this equipment was similar to a sole source bid, which would cover the process of three quotes to ensure a fair price.

Motion by Commissioner Plummer to waive the bidding requirements and award the purchase to Lafayette Instruments in the amount of \$8,423.50. Second by Commissioner Feeney, so voted.

01-26 Request for tax appeal hearing, Charles Gookin, property in Bridgton

Motion by Commissioner Plummer to place the request from Mr. Gookin on file. Second by Commissioner Feeney, so voted.

No further business conducted; motion to adjourn at 7:38 PM.

ATTEST:



Timothy J. Jarvis
Deputy Clerk

Next regular meeting, Monday, April 9, 2001 at 7:00 PM.

bevis



STATE OF MAINE
DEPARTMENT OF HUMAN SERVICES
DIVISION OF HEALTH ENGINEERING
10 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0010

ANGUS S. KING, JR.
GOVERNOR

KEVIN W. CONCANNON
COMMISSIONER

April 19, 2001

INCO Corporation
Cheabegue Island Inn
PO Box 492
Cheabegue Island, ME 04017

Subject: Hold on Re-issuance of License, Cheabegue Island Inn

Dear Sir:

I have been in discussion with Ms. Anita Anderson, District Sanitarian in the Eating and Lodging Program. As you are aware, Ms. Anderson inspected your facility on June 8, 1999, June 28, 2000, and September 1, 2000. During each of these visits there were a number of deficiencies, the last prompting us to place the Cheabegue Island Inn Eating and Lodging license on hold. This means we intend to not reissue the license unless considerable improvements are made.

Our records show that the Cheabegue Island Inn has a current license that is due to expire on 6/28/01. Because of a number of recurring critical violations we will not re-license the Cheabegue Island Inn until a reinspection shows no critical violations including, but not limited to, life safety code issues (e.g., Fire Marshall Issues), insufficient dishwasher rinse water temperature, unsatisfactory drinking water quality (i.e., compliance with the Safe Drinking Water Act), and proper screens on all doors and windows that are opened. There are many other less critical recurring violations that have been discussed with you by Ms. Anderson and noted on the inspection forms that have been left with and signed by the management following the inspection. These need to be addressed also.

Once you have complied with this request, you need to call 287-5671 and arrange for an inspection. This inspection must be done on or about May 28, 2001, in order to allow you to meet any pre-opening deficiencies, and allow for time to correct any remaining deficiencies.



PRINTED ON RECYCLED PAPER

Should you not receive an acceptable inspection, your license will not be reissued as indicated above. Operation after your license expires is a violation of Title 22 MRSA §2492 and is punishable by a fine of up to \$100 per day for each day of operation pursuant to 22 MRSA §2498(1)(C).

If you have any questions concerning the conditions of licensure as noted in this letter, please contact Mr. Ron McDougal at 287-5691.

Sincerely,


for

Rebecca Vigue
Manager, Eating and Lodging Program
Division of Health Engineering
Bureau of Health
Department of Human Services
E-mail: rebecca.vigue@state.me.us

cc: Anita Anderson, District Sanitarian
Ron McDougal, Supervising Sanitarian
Clara Norton, Town of Cumberland

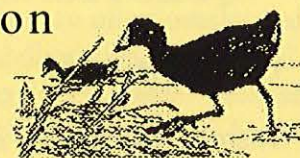


Department of Environmental Protection

Bureau of Land and Water Quality, 17 State House Station, Augusta, ME 04333

Volume 14, Number 1

Winter/Spring 2001



SHORELAND ZONING NEWS

Shoreland Zoning Unit, Augusta (207) 287-2111, Bangor (207) 941-4570

IN THIS ISSUE

Maintaining Buffers	Page 1
Questions and Answers	Page 2
Holding Tanks and the Shoreland Zone	Page 3
DEP and Town Permitting	Page 4

MAINTAINING BUFFER STRIP

The wooded buffers along Maine's waterways are critical to protecting water quality, maintaining wildlife habitat, and preserving the character of these natural resources. A recent survey by the DEP staff examining new residential development on lake shores across the state has highlighted a number of fairly common issues concerning lot clearing prior to development and the maintenance of these buffers.

Buffer Width and Shoreline Setback

All town shoreland ordinances specify minimum wooded buffer width and building setback standards. For example, the typical standard adjacent to great ponds is 100 feet. When the landowner or contractor locates the building right at the 100-foot mark, the foundation excavation and grading will encroach into the 100-foot buffer strip, reducing its



Wooded buffer width reduced by foundation grading in front of camp.

width by 10 to 15 feet or more depending on slope. If the owner wants to maintain a cleared area around the building, for

maintenance, landscaping, or whatever reason. The building needs to be set back further from the water to maintain the minimum wooded buffer width along the shoreline.

Under-story Removal

Within the shoreline buffer on the residential properties we visited, people generally did a good job of maintaining a well-distributed stand of trees with no clearings to the water, but were less conscientious with maintaining the under-story saplings and lower vegetation. Except for a footpath, existing ground cover less than three feet high must be maintained. Saplings must be maintained if there are not enough trees larger than 2" in diameter to meet the minimum point standard.

Lot Clearing

Most shoreland zoning ordinances specify that the maximum allowed clearing on a residential lot is 10,000 square feet or 25% of the lot, whichever is greater. Our survey indicated that this standard was often being exceeded in order to site the buildings, septic system, lawn, and driveway area. While people generally understood the buffer requirement between the buildings and the water, the clearing limits on the rest of the lot were being overlooked by both the landowners and Code Enforcement Officers.

PASS IT ON

Please share your copy of the *Shoreland Zoning News* with other town officials. We keep our costs and mailing lists manageable by sending four copies to one locally designated contact person to distribute to the selectmen, planning board, appeals board, and code officer. If you are the contact person, please make sure the newsletters reach the other town officials.

For more information about the DEP Shoreland Zoning Program, including recent newsletters and other publications, visit our web page at: <http://www.state.me.us/dep/blwq/docstand/szpage.htm>

STATE AND LOCAL PERMITS

Over the years, the DEP staff has heard from property owners, municipal officials, and abutting property owners who are confused by state and local permit requirements. Property owners complain that their town officials would not issue them a permit even though the DEP has approved the project. Town officials complain that they wanted to deny a project under the provisions of the local ordinance but felt compelled to issue a permit because the DEP had approved it. Abutters complain that their neighbor is violating the law by not getting all the necessary permits before starting their projects. The common thread running through all these complaints is a general misunderstanding of DEP and Town permitting authority and responsibility.

Municipal officials are responsible for administering the provisions of the local shoreland zoning and other land use ordinances. The DEP is responsible for permitting under the provisions of the Natural Resources Protection Act (NRPA). And landowners are responsible for making sure they have obtained all the necessary permits prior to beginning their project.

As an example, a proposed seasonal camp to be set back 75 feet from a river would require a permit from the town for the building and other improvements, external and internal plumbing permits from the Local Plumbing Inspector, and an NRPA permit from the DEP for the soil disturbance associated

with construction less than 100 feet from the shoreline. If the project is also located within the base flood area, a separate permit would also be required under the town's Floodplain Management Ordinance.

In each case, the permit application is reviewed under the specific provisions of the applicable ordinance, law, or code. The approval of one permit does not, and should not, imply the project is approvable under other ordinance or code requirements. Each application is reviewed on its own merits.

To help minimize the confusion, the DEP permit application forms include notes directing landowners to check with local officials for additional permit requirements. In addition, the DEP's Permit-by-Rule standards specify that the permit is not valid unless the project is also allowed under the local shoreland zoning ordinance. Finally, the Model Shoreland Zoning Permit Form developed for municipalities by the DEP and State Planning Office includes a check-off sheet to remind Code Officers and applicants that other permits may be necessary.

While it is ultimately the landowner's responsibility to obtain all the necessary permits prior to construction, it is also true that permitting for home construction or other shoreland project is a rare event for most folks. As such, both state and town officials need to provide as much information and assistance as we can to help the public understand the permitting process, and minimize the confusion.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF LAND AND WATER QUALITY
17 STATE HOUSE STATION
AUGUSTA, ME 04333-0017**

MAINE SCHOOL ADMINISTRATIVE DISTRICT #51
CUMBERLAND / NORTH YARMOUTH
P. O. Box 6A
Cumberland Center, ME 04021
Web site: www.msad51.org – Phone: 829-4800
Board of Directors
Minutes

Monday

April 2, 2001

7:00 PM

Cumberland Town Hall Council Chambers

1. Call to Order - by MSAD #51 Board of Directors Chairperson, Mary Schendel at ____ p.m.

Attendance:

Board of Directors: John Aromando, Maryellen Fitzpatrick, Audrey Lones, Mary Schendel, Kim True, Bob Vail

Administrators: Deb Bomaster, Brenda Breton, Robert Hasson, Pat Palmer, Scott Poulin, Susie Robbins, Scott Smith, Judy True, Walter Wallace

2. Approval of the Minutes – of the Board of Directors meetings held on March 26, 2001.

Motioned 2nd ed.

Voted: To approve the minutes of the Board of Directors meetings held on March 26, 2001. (Voted: 6-0, 2 absent.)

3. Presentations and Reports

4. Committee Reports

a) Finance Committee

b) Policy Committee

First reading of I policies and carryover K and J policies

IA Instructional Goals

ICA School Calendar

IE Organization of Instruction

IEA Instructional Strategies

IGA Curriculum Development and Adoption

IGAD Arts and Technology Education

IGD Sunday Events (already approved)

IGDH Academic Competitions

IHCD Advanced College Placement

IHCDA Post Secondary Enrollment

IHD Student Schedules and Course Loads

IICA Offsite Learning

IICAA Non-School Sponsored Trips

IJJ Instruction and Library Media Selections (Deletes old KLB and KLB-E)
 IJJ-E Request for Review of Instructional and Library Media
 IJOC School Volunteers
 IK Academic Achievement
 IKE Promotion, Retention
 IKEA Placement of Students
 IKB Homework
 IKFBA Graduation Exercises – Prayers
 ILA Tests/Assessments

Carryover J/K Policies:

KHB Advertising in the Schools (deletes old KJ)
 KH Public Solicitation in the Schools
 JJE Student Fundraising (deleted old IGDF)

- c) Negotiation Committee
- d) Design Team
- e) Performance Task Force
- f) Steering Committee
 - Update on middle school and Greely Junior High School renovations

5. Items for Action

1. Vote for resolution declaring official intent pursuant to treasury regulation §1.150

Motioned 2nd ed.

Voted: Vote to approve resolution declaring official intent pursuant to treasury regulation §1.15. (Voted: 6-0, 2 absent)

**MSAD #51 Board of Directors
 Resolution Declaring Official Intent
 Pursuant to Treasury Regulation 1.150-2**

WHEREAS, the Maine School Administrative District No. 51 (the “issuer”) currently intends to proceed with the Projects described below;

WHEREAS, the Issuer intends to finance a portion of the costs of the Projects through the issuance of bonds or notes in anticipation thereof; and

WHEREAS, certain of the costs of the Projects may be paid by the Issuer prior to the issuance of notes or bonds and be reimbursed from the proceeds thereof; and

WHEREAS, Treasury regulation §1.150-2 requires that the Issuer declare its official intent to reimburse expenditures with proceeds of borrowings prior to the date of expenditure;

NOW, THEREFORE, the Issuer does hereby RESOLVE and declare its official intent as follows:

1. **Declaration of Intent.** The Issuer reasonably expects to reimburse expenditures made on the Projects with the proceeds of notes or bonds to be issued by the Issuer in the maximum principal amount of \$20,000.000.
 2. **General Description of Property to which Reimbursement Relates.** The following is reasonably accurate general functional description of the type and use of the property with respect to which reimbursements will be made (the "projects"): acquisition of land and design, construction and equipping of a new middle school and renovations to the junior high school.
 3. **Public Availability of Official Intent.** This Declaration of Official Intent shall be maintained as a public record of the Issuer.
 4. **Treasury Regulations.** This is a declaration of official intent pursuant to the requirements of Treasury Regulations §1.150-2.
 5. **Authority for Declaration.** This declaration is adopted pursuant to the following action of the Issuer: Resolution adopted by its Board of Directors.
-

6. **Communications**

7. **Adjourn Meeting 8:59 PM**

Upcoming Meetings/Events

3/29/01 – Pioneer Night, NYMS, 6:30 PM
3/30/01 – End of 3rd Quarter
4/2/01 – Jr. High Spring Season – First Practice, Tentative
4/3/01 – GJHS Parent Information Night for 6th Grade Parents, 7:00 PM
4/4/01 – Policy Committee Meeting (Tentative), Central Office Conf. Room, 4:30 PM
4/4/01 – Early Release, Grades K-6 @ 12:15 PM, Grades 7-8 @ 11:15 AM, Grades 9-12 @ 1:15 PM
4/4/01 – PAC Meeting, GHS, 4:00 PM
4/4/01 – Performance Indicators, MIW Conf. Room, 5:00 PM
4/6/01 – Early Release, Grades K-6 @ 12:15 PM, Grades 7-8 @ 11:15 AM
4/8/01 – Passover
4/8/01 – Palm Sunday
4/10/01 – PTO Meeting, 6:30 PM
4/10/01 – PTO Information Forum, 7:00 PM
4/10/01 – Communications Committee, MIW Conf. Room, 5:30 PM
4/11/01 – Policy Committee Meeting (Tentative), Central Office Conf. Room, 4:30 PM
4/11/01 – Steering Committee Meeting, GHS Library, 7:00 PM
4/11/01 – Early Release, Grades K-6 @ 12:15 PM, Grades 7-8 @ 11:15 AM, Grades 9-12 @ 1:15 PM
4/12/01 – Naturalization Ceremony at GJHS, 9:00 AM
4/12/01 – Foreign Language Career Exploration day at GHS, 9:30 AM
4/12/01 – 8th Grade Transition, GHS, 6:30 – 8:00 PM
4/13/01 – Good Friday
4/13/01 - Early Release, Grades K-6 @ 12:15 PM, Grades 7-8 @ 11:15 AM
4/14/01 – Springtime Egg Hunt
4/16/01 through 4/20/01 – Spring Vacation, No School
4/23/01 – Grade 3 Terra Nova Testing, all week
4/23/01 – Steering Committee report to School Board, MIW, 7:00PM
4/24/01 – Communications Committee, MIW Library, 5:30 PM
4/24/01 – Steering Committee, GHS Library, 7:00 PM
4/25/01 – Policy Committee Meeting (Tentative), Central Office Conf. Room, 4:30 PM
4/25/01 – Secretaries Day
4/25/01 – Early Release, Grades 7-12 @ 1:15 PM, Grades K-6 @ 12:15 PM
4/26/01 – Community Forum, GJHS Auditorium, 7:00 PM
4/28/01 – Parents Exchange, Children's Fair

Next Board Meeting:

- Monday, April 23, Mabel I. Wilson School – Multipurpose Room

Council
4-23-01
MSJ

**MAINE SCHOOL ADMINISTRATIVE DISTRICT #51
CUMBERLAND / NORTH YARMOUTH**

P. O. Box 6A

Cumberland Center, ME 04021

Web site: www.msad51.org - Phone: 829-4800

Board of Directors

Agenda

**6:00 PM-Executive Session
To consider employment of an individual**

Monday

April 23, 2001

7:00 PM

Mabel I. Wilson School

1. Call To Order - by MSAD #51 Board of Directors Chairperson, Mary Schendel

2. Approval of Minutes

3. Presentations

- a) Summer work review and Math Investigations Program
- b) Update on Pownal Tuition
- c) Chairperson's report
 - August Board retreat planning
 - Cable broadcast schedule

4. Committee Reports

- a) Finance Committee
- b) Policy Committee
- c) Negotiation Committee
- d) Design Team
- e) Performance Task Force
- f) Steering Committee
 - Update on middle school and Greely Junior High School renovations

5. Items for Action

- a) Second reading and vote to approve the following policies
 - IA Instructional Goals
 - ICA School Calendar
 - IE Organization of Instruction
 - IEA Instructional Strategies
 - IGA Curriculum Development and Adoption
 - IGAD Arts and Technology Education
 - IGD Sunday Events (already approved)

IGDH Academic Competitions
 IHCD Advanced College Placement
 IHODA Post Secondary Enrollment
 IHD Student Schedules and Course Loads
 IICA Offsite Learning
 IICAA Non-School Sponsored Trips
 IJJ Instruction and Library Media Selections (Deletes old KLB and KLB-E)
 IJJ-E Request for Review of Instructional and Library Media
 IJOC School Volunteers
 IK Academic Achievement
 IKB Homework
 IKE Promotion, Retention
 IKEA Placement of Students
 IKFBA Graduation Exercises – Prayers
 ILA Tests/Assessments

Carryover J/K Policies:

KHB Advertising in the Schools (deletes old KJ)
 KH Public Solicitation in the Schools
 JJE Student Fundraising (deleted old IGDF)

The following policies are deleted:

IAB – Self Esteem
 IAC – Values Education
 IGDC – Student Social Events (redundant)
 IGDF – Student Fund-Raising Activities (new JJE)
 IGED – Post-graduate students (covered in IHCDE)
 IIAA – Textbook Selection (new IJJ)
 IIAC – Library Materials (new IJJ)
 IIAC-E – Request for Review (see IJJ-E)
 IIBG – Computer literacy (covered in Benchmarks and Outcomes)
 IKAB – Report Cards (covered in new IK)
 IL – Student Assessment (covered in IGA)
 KJ, now KHB – Advertising
 IGDG, now JJE – Student Fund Raising
 KLB, now IJJ – Library
 KLB-E, now IJJE – Library

6. Executive Sessions – 6:00 PM

- a) Executive Session – To consider employment of an individual
- b) Executive Session - Superintendent Evaluation

7. Adjourn Meeting _____PM

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 2000-2001

1. Support the District's work in curriculum, assessment, instruction and professional development through:
 - Promoting educational programming based on student learning needs;
 - Measuring the District's progress towards achieving our mission, including the certification that all students meet the State's Learning Results by 2003; and
 - Effectively communicating the results of our District's work.
2. Execute the Resolution on Facilities Planning by ensuring the timely completion of the Charges made to the Building Committees, and support measures to relieve constraints due to conditions created by our current facilities.
3. Promote sound resource management through:
 - Supporting measures to use time more effectively, such as one or more measures identified in the Time Task Force Report;
 - Developing long-term strategies to ensure that future leadership and personnel needs are met;
 - Involving the Board in the budget planning process; and
 - Effectively communicating to the public the District's resource needs.

MSAD #51 Board of Directors

John Aromando	829-6861	jaromando@pierceatwood.com
Maryellen Fitzpatrick	829-4657	efitzpa486@aol.com
Polly Haight Frawley	657-2373	PHFraw@aol.com
Audrey Lones	829-4171	audrey@alum.mit.edu
Henry Kennedy	829-6979	hrk@kieve.org
Mary Schendel	781-3787	mlschendel@unum.com
Kim True	829-3209	ktrue1@maine.rr.com
Bob Vail	829-5393	

Upcoming Meetings/Events

4/13/01 – Good Friday
4/13/01 - Early Release, Grades K-6 @ 12:15 PM, Grades 7-8 @ 11:15 AM
4/14/01 – Springtime Egg Hunt
4/16/01 through 4/20/01 – Spring Vacation, No School
4/23/01 – Grade 3 Terra Nova Testing, all week
4/23/01 – Steering Committee report to School Board, MIW, 7:00PM
4/24/01 – Communications Committee, MIW Library, 5:30 PM
4/24/01 – Steering Committee, GHS Library, 7:00 PM
4/25/01 – Secretaries Day
4/25/01 – Early Release, Grades 7-12 @ 1:15 PM, Grades K-6 @ 12:15 PM
4/26/01 – Policy Committee Meeting (Tentative), Central Office Conf. Room, 4:30 PM
4/26/01 – Policy Committee Meeting, Central Office, 4:30 PM
4/26/01 – Community Forum, GJHS Auditorium, 7:00 PM
5/1/01 – Puberty Information Meeting, NYMS, 7:00 PM
5/2/01 – Early Release, Grades 7-12 @ 1:15 PM, Grades K-6 @ 12:15 PM
5/2/01 – College Information Night, GHS, 7:00 PM
5/6/01 – 5/12/01 – Teacher Appreciation Week
5/7/01 – Teacher Appreciation Day, MIW
5/7/01 – AP Exam Week – GHS
5/8/01 – Teacher Appreciation Day, NYMS/DRS
5/8/01 – PTO meeting, MIW
5/9/01 – Teacher Appreciation GJHS
5/9/01 – MIW Art Show
5/9/01 – Early Release, Grades 7-12 @ 1:15 PM, Grades K-6 @ 12:15 PM
5/9/01 – Art Show/Inkwell, GHS, 5:30 PM
5/9/01 – Evening of Excellence, GHS, 6:30 PM
5/10/01 – Middle School Building Comm., GJHS Library, 7:00 PM
5/10/01 – Teacher Appreciation Day, GHS
5/10/01 – Spring Concert, GHS
5/11/01 – Teacher Appreciation Day, CIS
5/12/04 – Bogie Ball

Next Board Meeting:

- Monday, May 3, 2001, Public Budget Vote at Greely High School Auditorium, 7:00 PM
- May 7, 2001, Board of Directors Meeting at Cumberland Town Hall Council Chambers 7:00 PM

Council
4-23-01
ny

MEMORANDUM

To: Robert Benson, Town Manager
From: Carla Nixon, Assistant Town Manager
Re: Directional Sign for Town Center
Date: April 9, 2001

I received a voice mail message today from Mary Dickinson Wood who lives at the corner of Main St. and Tuttle Rd. (the house with the monument in the front yard). She suggested we consider placing a directional sign on the corner, perhaps behind the bench near the cemetery, to direct people to frequently visited locations such as the fairgrounds, Route 1, Val Halla, Town Hall, schools, etc. She explained that when she works in her yard she is often asked for directions. I agree that such a sign would be helpful to travelers. If you and the Council agree, I could begin working on this project. I would propose that I first email each department head for suggestions, consult with Barbara about code requirements and review processes, and then work with DownEast signs to create a sign that will be similar in style to the other town signs we have placed over the last few years (Town Hall, Town Forest, Twin Brook).

Let me know if you would like me to proceed.

FOR: TOWN MANAGER'S OFFICE:
FROM: Klara Norton, Town Clerk
DATE: April 5, 2001

=====

APRIL 23, 2001 COUNCIL AGENDA ITEM

- ① 00- To consider and act on a Special Amusement Permit application for Innco, Inc. d/b/a Chebeague Island Inn.
- ② 00- To consider and act on application of Innco, Inc. d/b/a Chebeague Island Inn for Liquor License Renewal.

③

**TOWN OF CUMBERLAND
MEETING OF THE TOWN COUNCIL
MONDAY - MARCH 9, 1998**

Call to order at the Cumberland Municipal Center at 6:30 p.m.

II. 6:30 P.M.: EXECUTIVE SESSION:

- Union Negotiations
- To discuss real estate acquisition issues.

III. Approval of Minutes

IV. Manager's Report

V. Public Discussion

VI. Legislation and Policy

*March
Folder*

- 98-12 To review report of Maine Forest Service for declaration of public health hazard in regard to Brownian infestation and set date for public hearing on possible aerial spraying program.
- 98-13 To ratify contract with Cumberland Police Benevolent Association.
- 98-14 To hear report of Recycling Committee.
- 98-15 To endorse the submittal of a Community Development Block Grant by the Town on behalf of Chebeague Care Resource.
- 98-16 To appoint Plumbing Inspector and alternates.
- 98-17 To set date for Public Hearing to consider an amendment to the Zoning Ordinance to allow "Construction Operations" as a permitted use in the Rural Industrial District.
- 98-18 To set date for a Public Hearing to consider and grant a liquor license to the Cumberland Cafe.

VII. Correspondence

VIII. New Business

IV. Adjourn

MEMBERS OF THE TOWN COUNCIL

John Lambert, Jr. (Chair)	781-5282		
Peter Bingham	829-5713	Harland Storey	829-3939
Philip Gleason	781-3787	James Phipps	846-6274
Mark Kuntz	829-6482	Stephen Moriarty	829-5095

ABBREVIATIONS HAVE THE FOLLOWING MEANINGS:

SZ = Shoreland Zoning

LU = Land Use

BS = Building Standards

IP = Internal Plumbing

SW = Subsurface Waste Water Disposal

Y = Yes

N = No

U = Unknown



ANGUS S. KING, JR.
GOVERNOR

STATE OF MAINE
EXECUTIVE DEPARTMENT
STATE PLANNING OFFICE
38 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0038

EVAN D. RICHERT, AICP
DIRECTOR

March, 2001

Dear Municipal Official,

This mailing brings you a copy of the Municipal Code Enforcement Status Record on file at the Code Enforcement Training and Certification Program for your Town/City. The data record reflects the Towns/Cities current code enforcement status as it relates to the *Municipal Code Enforcement Officer Qualifications and Certification Standards Rule*. **Please note: Any areas which are highlighted require your attention.**

Each municipality is required, under the *Municipal Code Enforcement Officer Qualifications and Certification Standards Rule*, to:

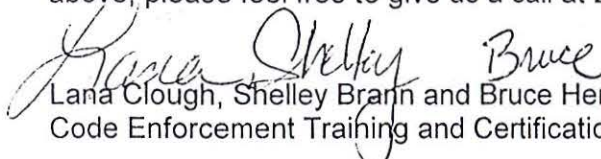
- 1) Submit a Code Enforcement job description, and
- 2) **Annually** notify the Office of the name(s) of its Code Enforcement Officer(s) and Local Plumbing Inspector(s).

If your Town/City has not submitted a job description and needs assistance to develop one, please refer to the sample job descriptions contained in the Information manual. Should you need a copy of this manual, please call and we will send you a copy. We need this information to assure the Code Officer in your municipality is certified in all areas of responsibility.

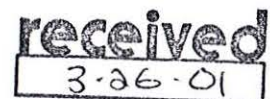
We have also supplied a **revised Notification of Appointment form** that may be used to notify us of the appointment of Code Enforcement Officer(s) and/or Local Plumbing Inspector(s). Please note on the certificate whether it is a new appointment or a reappointment. If your CEO has been appointed for an indefinite term, it is still **mandatory** to update your status with us **annually**. This form has also been revised to include a way for the municipality to notify this office when a CEO/LPI is no longer employed in that town. If the enclosed status report includes a CEO/LPI who no longer works for the municipality - please notify by us using the space provided on the enclosed Appointment Notice.

A notice of appointment should be sent immediately if the Town has never before sent a notice, or has employed a different CEO/LPI since the last notice. Notice should otherwise be sent shortly after the reappointment of a CEO/LPI or the anniversary of the original appointment. If we do not receive this information from you, it will appear that the Town/City does not or no longer employ(s) a code officer.

Thank you for your time and consideration. We look forward to hearing from you. If you have any questions concerning the Code Enforcement Training and Certification Program or the information above, please feel free to give us a call at 287-8050.


Lana Clough, Shelley Brann and Bruce Hensler
Code Enforcement Training and Certification Program

H:\2000townstatusletter



State Planning Office
Code Enforcement Program
Municipal Code Enforcement Status Record

Date: 03/20/2001

Town Name: Cumberland	Is Town/City Fully Compliant with Title 30A Sec. 4451? Y
County: Cumberland	Job Description Received: Y
Coastal (C) or Non-Coastal (NC): C	Job Description: BS SZ LU IP SW

Code Enforcement Officer's Name: Barbara McPheters

Appointment:	06/07/1999	Cert. Expire:	01/31/2002
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Areas CEO is Certified: BS SZ LU

Is CEO Fully Certified: Y

CEO Lacking Cert. in areas of:

Local Plumbing Inspector's Name: Richard Peterson

Appointment:	04/08/1998	Cert. Expire:	01/31/2002
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LPI Certified: Y

Assistant/Deputy/Alternate CEO: Donna Larson

Appointment:	03/24/1999	Cert. Expire:	01/31/2002
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Areas of Certification: SZ LU

Is Assistant Fully Cert.: Y

Areas of Cert. Lacking:

Alternate LPI's Name: William Chipman

Appointment:	04/24/1997	Cert. Expire:	01/31/2002
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LPI Certified: Y

Other Comments: Stanford Brown - Alt LPI and BS Dan Small - Alt. BS
Barbara McPheters - Alt. LPI

**MAINE STATE PLANNING OFFICE
CODE ENFORCEMENT TRAINING & CERTIFICATION PROGRAM
MUNICIPAL NOTICE OF CODE ENFORCEMENT OFFICER APPOINTMENT**

This notification is required annually by State Law.

Name of Municipality _____

Mailing Address: _____

The individual(s) named below have been officially appointed and sworn to serve the municipality as code enforcement officer(s) in conjunction with duties listed on Town's CEO job description:

PRIMARY CEO

Circle one: Initial Appointment Re-Appointment

NAME: _____

(RE)APPOINTMENT DATE: _____

Please mark only those areas that the CEO is responsible for.

☐ Shoreland Zoning Ordinances ☐ Zoning & Land Use Ordinances

☐ Building Ordinances (which contain Building Standards i.e. Stair treads, handrails, snowloads, etc.)

ALTERNATE/DEPUTY CEO

Circle one: Initial Appointment Re-Appointment

NAME: _____

(RE)APPOINTMENT DATE: _____

☐ Shoreland Zoning Ordinances ☐ Zoning & Land Use Ordinances

☐ Building Ordinances (which contain Building Standards i.e. Stair treads, handrails, snowloads, etc.)

PRIMARY LPI

Circle one: Initial Appointment Re-Appointment

NAME: _____

(RE)APPOINTMENT DATE: _____

ALTERNATE/DEPUTY LPI

Circle one: Initial Appointment Re-Appointment

NAME: _____

(RE)APPOINTMENT DATE: _____

The following CEO/LPI is no longer employed by Town: _____

Verifying Signature

Title

Date

Please see reverse.

Notes:

1. A Code Enforcement Officer who has not achieved certification in all areas of his/her job responsibilities within one (1) year of initial appointment may not be reappointed, unless a written extension of the certification deadline was granted to the municipality by the Office.
2. A copy of a certificate of appointment for each individual appointed as CEO/LPI may be substituted for this form and sent to the address below.
3. For information regarding municipal responsibilities under Title 30-A § 4451, certification of CEO's, or sample job descriptions, consult your information booklet, Municipal Code Enforcement Officers Certification Information.
4. Every municipality must file a certificate of appointment or its equivalent on an annual basis or upon appointment of a new code enforcement officer.

Please call 287-8050 with any questions.

Return this form to: State Planning Office FAX: 287-5756
 CEO Training & Certification Program
 #38 State House Station
 Augusta, ME 04333-0038



TO: FIRE CHIEF, RESCUE CHIEF, POLICE CHIEF AND BUILDING INSPECTOR
FROM: KLARA NORTON : PLEASE REVIEW APPLICATION. IF YOU HAVE QUESTIONS OR
SEE PROBLEMS, PLEASE LET ME KNOW BEFORE PUBLIC HEARING!!

MASS GATHERING CHECK LIST

NAME EVENT: UNITED MAINE CRAFTSMEN, INC.

DATE of EVENT: AUGUST 9, 10, 11 & 12, 2001

- ☒ (1) Gave correct APPLICATION and ORDINANCE
☒ (2) Is application complete (60 days before event)

☒ (3) Collect FEE: \$500 Waive FEE:

(4) DOCUMENTS needed:

- ☒ (1) Liability Insurance Info
 (2) Type of Performance Guaranty
☒ (3) Contract with fairgrounds
(4) Written PLAN for adequate:
☒ a. Waste Disposal contract/facilities
☒ b. First aid/rescue/fire/police personnel
☒ c. First aid/rescue/fire/police equipment
☒ d. First aid/rescue/fire/police facilities
☒ e. Communication facilities
☒ f. Parking facilities
☒ g. (M) crowd security of private property
☒ h. (M) traffic control
yes i. Food Vendors? Send license apps. ☒
No j. Alcohol served? Liquor license ?
N/A k. Liquor Liability Insurance?

☒ (5) Copy of application to FC, PC, RC, **TMgr** 03-21-01

04-09-01 - (6) Schedule PUBLIC HEARING

04-23-01 - (7) Public Hearing DATE

 (8) Sent permit Certificate

TOWN OF CUMBERLAND

Publication dates: _____
Publication names: _____
Date filed: 03-19-01
Fee rec'd: \$500
Date Ordinance received: _____
Issued: _____
Denied: _____

Mass Gathering Application – Major Outdoor Event (5,000 or more persons)

This application must be filed with the Town Clerk not less than 60 days before the date of the event.
Application must be accompanied by a non-refundable fee of \$500.

Name of applicant: United Maine Craftsmen, Inc.

Address of applicant: 16 Old Winthrop Rd. #2 Manchester Tel. # 621-2818

Name of event: 32nd Annual Cumberland Craft Show 04351

Facility where the event will be held: Cumberland Fairgrounds

Is the facility owned by the applicant: _____ yes; x no, (if no, attach a copy of the
contract with the owner which allows use of the property)

Name of promoter (if different from above): _____

Telephone number: 621-2818

Will any food vendors be serving at the event? x yes, _____ no (if yes, how many, and
what types) 20 vendors, selling lunch foods and drinks

Will any alcohol vendors be serving at the event? _____ yes, x no (if yes, list name and
attach a copy of the vendors license to sell alcohol, describe alcohol will be served) _____

Date of event: August 9-12, 2001 Time (start and finish times): 10am-5pm

Number of tickets available: none

Expected attendance: 20,000 over 4 days

Description of event: 300 craft booths and 20 food vendors

RECEIVED JAN 31 2001

Describe the three most recent outdoor performances of the group, performer, or event being proposed. Include location, date(s), number in attendance, promoter or sponsoring person or organization.

1. 2000 - 31st Cumberland Craft Show 16,349

2. 1999 - 30th Cumberland Craft Show 15,677

3. 1998 - 29th Cumberland Craft Show 18,044

Description of facility:

- A. Seating capacity: _____ permanent; _____ temporary
- B. Other seating capacity: _____ festival; _____ standing room only
- C. Number of toilets available: _____ permanent; 20 portable
- D. Number of parking spaces available: _____ on-site; _____ off-site
- E. Are all parking lots lighted (applicable only if event runs into evening hours)
_____ yes; _____ no, if no, which lots are not lighted _____
- F. Source of potable water: _____
- G. Refuse containers available, number and size: 3-30 yard roll offs
to be removed at the end of show by Troiano Waste Services
- H. Name of refuse disposal company (attach a copy of the agreement to pick up refuse)
Troiano Waste Services, Inc.
- I. When will refuse be picked up? Last pick up Monday August 13, 2001

Public Safety:

- J. Describe first aid facilities: First Aid Building on Grounds
managed by Cumberland Rescue
- K. Describe emergency facilities: _____

L. Describe communication facilities: 12 walkie talkies, cell phones,
PA system

M. Number of certified police officers: As required by Cumberland PD

N. Other security personnel (include company name and qualifications): Publicover Security Service 2 officers, 24hours

O. Describe fire personnel: Cumberland Fire Dept.

Traffic Plan

P. Description of routes persons attending the event are likely to take, include number of traffic controllers and deployment descriptions. Rt1, I95, Rt9, Rt100
to Blanchard Road and Tuttle Road.

Q. Describe methods used to publicize alternate routes of reaching the scene of the event.

R. Attach statement of availability of private towing firms to remove disabled vehicles.

Crowd Management

S. Plan for discouraging those not holding tickets for the event from not coming to the event site. No advance tickets sold

T. Plan for preventing trespassing on private property in the area.

Parking attendants and security available

U. Will all publicity stop as soon as it is apparent that the event is sold out? yes;
no

V. Description of how the event will be publicized, include how a sell-out will be publicized. Tv Radio, newspapers, posters and flyers

Other

W. Name of liability insurance Fairfield Insurance Agency/Maryland Group

Amount of coverage \$1,000,000; amount of property insurance \$1,000,000

X. Preferred type of performance guarantee (i.e.. escrow account, irrevocable letter of credit)


Authorized signature

On February 27, 2001 (date) I received a copy of the Cumberland Mass
Gathering Ordinance.  (authorized signature)

Troiano Waste Services Inc.

P.O. Box 3541

Portland, Maine 04104-3541

Telephone: 767-2070

Fax: 767-6156



Rubbish
Containers
1 cu.yd.
to
40 cu.yd.

PROPOSAL FOR WASTE REMOVAL

Date 1/22/01

Company Name: United Maine Craftsmen, Inc.

Address: 16 Old Winthrop Road Suite 2

City, State, Zip: Manchester, ME 04351

Contact Name: Judith D. Groves

Phone #: 621-2818 FAX: 621-1945

Size of Container: 3-30yd Roll Off Cans

Service Days: _____

Monthly Fee: _____

Service Address: Cumberland Fairgrounds

Comments: \$20.00 per week Rental

\$90.00 per Haul

\$75.00 per ton Disposal

Deliver August 6, 2001

Remove on August 13, 2001

0

A handwritten signature in black ink, written diagonally across the bottom right of the page. The signature is cursive and appears to be 'Michael Groves'.

This price will remain the same unless tipping fees at Landfill change.

Cumberland Farmers Club

Francis Small, President
6 Crossing Brook Road
Cumberland, ME 04021

Business Telephone: 207-829-5531

Fax: 207-829-3205

Rental Agreement

Rental of Grounds for one week beginning on

Monday August 6, 2001 until Monday, August 13, 2001 \$7000.00

Additional Costs- 4H Building \$400.00

Additional Camping- \$10.00 per night
Dumping Fee \$5.00 each time

I agree to furnish proof of liability insurance of \$1,000,000 and the Farmers Club must be named as co-insured.

Terms: One-half of rental due at the time of signing of this Agreement; the balance due the day before the scheduled event.

UNITED MAINE CRAFTSMEN, INC.

Name of Organization

16 Old Winthrop Rd. #2, Manchester ME 04351

Mailing Address

23-7072870

Social Security Number/ID#


207-624-2818

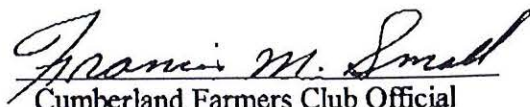
Telephone Number

Date(s) renting the grounds: August 6, 2001 until August 13, 2001

Date Signed: 2/27/01

Date Signed: 1-30-01


Signature of Authorized Person


Cumberland Farmers Club Official

Client#: 42067

16UNITMAT

ACORD CERTIFICATE OF LIABILITY INSURANCEDATE (MM/DD/YY)
03/21/01**PRODUCER**

FAIRFIELDS INSURANCE AGENCY
4 Wabon Street
P.O. Box 2266
Augusta, ME 04338

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION
ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE
HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR
ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED

United Maine Craftsmen, Inc.
Judy Groves
16 Old Winthrop Road Unit 2
Manchester, ME 04351

INSURERS AFFORDING COVERAGE

INSURER A: Maryland Casualty/Maine Bonding
INSURER B:
INSURER C:
INSURER D:
INSURER E:

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY	PPS34661208	03/07/01	03/07/02	EACH OCCURRENCE \$1,000,000
X	COMMERCIAL GENERAL LIABILITY				FIRE DAMAGE (Any one fire) \$100,000
	CLAIMS MADE X OCCUR				MED EXP (Any one person) \$10,000
					PERSONAL & ADV INJURY \$1,000,000
					GENERAL AGGREGATE \$2,000,000
					PRODUCTS-COMP/OP AGG \$2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:				
	POLICY PRO-JECT LOC				
	AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT (Per accident) \$
	ANY AUTO				
	ALL OWNED AUTOS				BODILY INJURY (Per person) \$
	SCHEDULED AUTOS				
	LOANED AUTOS				BODILY INJURY (Per accident) \$
	NON-OWNED AUTOS				PROPERTY DAMAGE (Per accident) \$
	GARAGE LIABILITY				AUTO ONLY - FA ACCIDENT \$
	ANY AUTO				OTHER THAN AUTO ONLY: EA ACC \$
					AGG \$
	EXCESS LIABILITY				EACH OCCURRENCE \$
	OCCUR CLAIMS MADE				AGGREGATE \$
					\$
	DEDUCTIBLE				\$
	RETENTION \$				\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				TWO STATUS-OTHER \$
					E.L. EACH ACCIDENT \$
					E.L. DISEASE-EA EMPLOYEE \$
					E.L. DISEASE-POLICY LIMIT \$
	OTHER				

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS
Insured's Activities*

CERTIFICATE HOLDER

ADDITIONAL INSURED; INSURER LETTER

CANCELLATION

Town of Cumberland
Cumberland Center, ME 04021

IF SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE