

**TOWN OF CUMBERLAND
MEETING OF THE TOWN COUNCIL
MONDAY, APRIL 22, 2002**

I. Call to order in the Council Chambers at Cumberland Town Hall at 7:00 PM

II. Approval of Minutes
(a) April 4, 2002
(b) April 8, 2002

III. Manager's Report

IV. Public Discussion

V. Legislation and Policy

02-35 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 8th - August 11th, 2002.

02-36 To hold a Public Hearing on amendment to Zoning Ordinance section 204.11 to allow professional offices on Island Business Zone.

02-37 To hold a Public Hearing on amendment to Zoning Ordinance Section 206 site plan review RE: Driveway Entrances.

02-38 To consider and act on application for Innco., d/b/a/ Chebeague Island Inn for Liquor License renewal.

02-39 To consider and act on Special Amusement Permit application for Innco, Inc., d/b/a/ Chebeague Island Inn.

02-40 To consider and act on amendment to lease agreement, to convert to lease purchase agreement - SAD #51, Drowne Road School.

02-41 To set date for Budget Advisory Hearing. 5/13

02-42 To set date for second Town Council meeting in May, 2002. 5/20

02-43 To set dates for Special Council Meetings on Chebeague Island.

VI. Correspondence

VII. Adjourn.

MEMBERS OF THE TOWN COUNCIL

Stephen Moriarty (Chair)
Mark Kuntz
Peter Bingham
Michael Savasuk

829-5095
829-6482
829-5713
781-3061

Jeffrey Porter
Harland Storey
Donna Damon

829-4129
829-3939
846-5140

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Town Council
April 4, 2002

**TOWN OF CUMBERLAND
MEETING OF THE TOWN COUNCIL
SPECIAL MEETING
APRIL 4, 2002**

Present: Stephen Moriarty, Peter Bingham, Mark Kuntz, Harland Storey, Donna Damon, & Michael Savasuk
Excused: Jeffrey Porter

I. The meeting was called to order by Chairman Moriarty in the Council Chambers at Cumberland Town Hall at 7:01 PM.

II. **Legislation and Policy.**

02-24. To meet with resident of Hope Island pursuant to State secession statute.

Chris Neagle, attorney for John and Phyllis Cacoulidis, stated that his clients could not be at the meeting because they had a business meeting in New York. He reviewed the process thus far. He stated that Mr. & Mrs. Cacoulidis would like to initiate mediation as soon as possible.

Chairman Moriarty stated that he had a draft motion from Town Attorney Kenneth Cole to negotiate with Mr. Neagle to select an appropriate mediator.

Councilor Bingham moved to authorize Town Attorney Kenneth Cole to negotiate with the Hope Island Attorney to select a mediator.

Seconded by Councilor Kuntz.

VOTE: UNANIMOUS (6)

02-25. To Hear Report of Fire Chief RE: Training Exercise

Fire Chief Daniel Small stated that the owner of 14 Lantern Lane had purchased the property at 12 Lantern Lane and wanted to have the building burned down. He had generously offered for the Fire Department to do so as a training exercise. Chief Small felt that it would be an invaluable experience for the Fire Department. The burn would begin on Saturday, April 6, 2002 and would be completed on Sunday, April 7, 2002. All neighbors had been notified and all safety precautions would be taken.

Councilor Bingham moved to endorse the training exercise as described by the Fire Chief.

Seconded by Councilor Storey.

VOTE: IN FAVOR: (5)
OPPOSED: (1) Savasuk

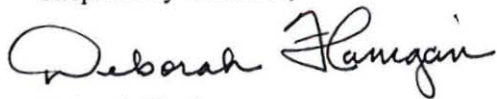
Councilor Bingham moved to adjourn the meeting at 7:30 PM.

Seconded by Councilor Damon.

VOTE: UNANIMOUS (6)

Town Council
April 4, 2002

Respectfully submitted,

A handwritten signature in cursive script, reading "Deborah Flanigan". The signature is written in dark ink and is positioned above the printed name and title.

Deborah Flanigan
Deputy Town Clerk

**TOWN OF CUMBERLAND
MEETING MINUTES OF THE TOWN COUNCIL
APRIL 8, 2002**

Present: Stephen Moriarty, Peter Bingham, Mark Kuntz, Harland Storey, Donna Damon & Michael Savasuk

Excused: Jeffrey Porter

I. The meeting was called to order by Chairman Moriarty in the Council Chambers at Cumberland Town Hall at 7:00 PM.

II. Approval of Minutes

a) March 25, 2002

Councilor Storey moved to adopt the March 25, 2002 minutes as written.

Seconded by Councilor Kuntz.

VOTE: IN FAVOR: 4

ABSTAIN: (1) Damon

III. Manager's Report

Town Manager stated that the members of the Town Council will be receiving a copy of a letter from the Department of Transportation regarding Portland North Rail Service.

Letter dated April 4, 2002 from the Cumberland County Commissioners regarding meeting on April 17, 2002 of Budget Advisory Committee and other interested public officials.

IV. Public Discussion

None

V. Legislation and Policy

02-27. To award barging bid

Town Manager Robert Benson stated that the bid was sent to three companies. He recommended awarding the bid to Intercoastal Marine for a three year period.

Councilor Damon moved to award the barging bid to Intercoastal Marine for a three year period.

Seconded by Councilor Savasuk.

VOTE: UNANIMOUS (6)

02-28. To set date for 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 8 - August 11, 2002.

Town Manager Benson recommended setting the date for a public hearing for the April 22, 2002 council meeting.

Councilor Storey moved to set a date of April 22, 2002 for the 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

8 - August 11, 2002.

Seconded by Councilor Bingham.

VOTE: UNANIMOUS (6)

02-29. To consider and act on a Special Amusement Permit application for Val Halla Golf & Recreation Center.

Councilor Bingham moved to grant the Special Amusement Permit application for Val Halla Golf & Recreation Center.

Seconded by Councilor Savasuk.

VOTE: UNANIMOUS (6)

02-30. To appoint Election Clerks.

Councilor Storey moved, pursuant to Title 21-A, Section 503, to appoint for two years the following election clerks and counters:

DEMOCRATS

Sharon Antoniuc, Nancy Bernard, Marilyn Brown, Marion Clark, Margaret Dyer, June Frey, Martha Hamilton, Lavinia Hughes, Susan Kneeland, Elizabeth Melcher, Louise Sallinger, Susie Stavropoulos, Joyce Trainer, and Debra Willson.

REPUBLICANS

Dianne Calder, Robert Eaton, Elaine Godsoe, Robert Leon, Judy McAfee, Hope Moody, Jean Olsen, Gladys Placey, Joan Robinson, April Ross, Carol Storey, Elizabeth Surgi, Lucy Vaughan, and Diane Zglobicki

Seconded by Councilor Kuntz.

VOTE: UNANIMOUS (6)

02-31. To appoint members to the Registration Appeals Board.

Councilor Bingham moved, pursuant to Title 21-A, Section 103, to appoint for 3 year terms:

(1) Ian D. Goepfert (Republican)

(2) Michael D. Perfetti (Democrat)

and to appoint for a 4 year term for Chairman:

(1) Carolyn B. Murray, (Republican)

and to appoint for a 3 year term as alternate:

(1) Cheryl R. Buxbaum (Republican)

Seconded by Councilor Kuntz

VOTE: UNANIMOUS (6)

02-32. To consider and act on application of Cumberland Café for a Liquor License Renewal.

Town Manager Benson recommended approving the Liquor License renewal for

the Cumberland Café.

Councilor Savasuk moved to grant the application of Cumberland Café for a Liquor License renewal.

Seconded by Councilor Damon.

VOTE: UNANIMOUS (5)
OPPOSED (1) Kuntz

02-33. To set date for Public Hearing on amendments to Zoning Ordinance section 204.11 to allow professional offices on Island Business Zone.

Councilor Kuntz moved to set April 22, 2002 as the date for Public Hearing on amendments to Zoning Ordinance section 204.11 to allow professional offices on Island Business Zone.

Seconded by Councilor Bingham.

VOTE: UNANIMOUS (6)

02-34. To set date for Public Hearing on amendment to Zoning Ordinance section 206 site plan review RE: Driveway Entrances.

Councilor Kuntz moved to set April 22, 2002 as the date for Public Hearing on amendment to Zoning Ordinance section 206 site plan review RE: Driveway Entrances.

Seconded by Councilor Bingham.

VOTE: UNANIMOUS (6)

VI. Correspondence.

- Chairman Moriarty sent letter to Forecaster regarding the Drowne Road School situation

VII. New Business.

Councilor Damon stated that residents of Chebeague have expressed interest in having Town Office personnel to do business on Chebeague Island.

Councilor Damon stated that Chebeague Island Librarian inquired if the Town assessment maps were available on CD.

Councilor Damon stated fishermen have expressed concern about Dimilin. There are cards available to indicate if Dimilin has been oversprayed.

Councilor Damon inquired of the status of the paper street project.

Councilor Damon stated that a resident had inquired if residents of Chebeague Island were interested in trying to use some of the impact fee money for open space or recreation.

Councilor Kuntz stated that an article in the Forecaster, reference to the event at the gravel pit, he was quoted as saying that "Chief Joe Charron and the guys did a great job." He apologized to anyone who took offense as him saying "the guys".

Cumberland Town Council
April 8, 2002

Councilor Bingham moved to adjourn the meeting.

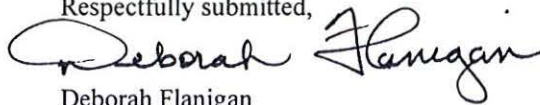
Seconded by Councilor Kuntz.

VOTE: UNANIMOUS (6)

VIII. Adjourn.

The meeting was adjourned at 7:30 PM

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Deborah Flanigan". The signature is written in a cursive, flowing style. The first name "Deborah" is written with a large, looped 'D' and the last name "Flanigan" follows in a similar cursive script.

Deborah Flanigan
Deputy Town Clerk



April 16, 2002

Mr Robert B Benson
Town Manager
Town of Cumberland
290 Tuttle Rd
Cumberland Center, ME 04021

Dear Mr Benson:

If your community is like ours, you are struggling to hold the line on property taxes in the face of escalating costs for essential services. Now more than ever, the cost of education, infrastructure improvements, and providing health care coverage to municipal employees is stretching our budgets to the breaking point.


After years of decline following the 1992 reforms, workers' compensation costs have also started to rise again for many municipalities. If the Maine State Legislature does not act soon to overturn the so-called Kotch loophole, costs will escalate even faster, and we will return to the days when Maine led the nation in comp costs.


In February, the Maine Supreme Law Court rendered a decision in the Kotch Case. The decision would require that pre-existing, non work-related conditions are considered in determining an employee's level of permanent impairment. The National Council of Compensation Insurers has estimated that every employer in Maine will face a fifteen percent increase in premiums to cover new liability. In addition, employers are going to be liable for \$160 to \$240 million in retroactive premiums to cover increases in liability back to 1993.

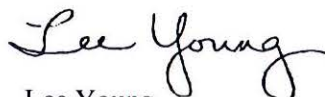
Governor King has introduced bipartisan legislation that would close the Kotch loophole. The legislation has passed the Senate but has yet to come out of the House. The legislation will be considered again when members of the Legislature return to Augusta on April 24 for veto day. As municipal leaders, we need to send the message to our legislators that the Kotch loophole can and should be fixed so as not to increase costs to employers and to ensure that injured workers get the benefits to which they are entitled. It can be done!


Please join us in voicing your concerns to your elected representatives. We would also ask that you consider adopting a resolution calling on the Legislature to prevent an escalation in workers' compensation costs. A draft is enclosed for your review. Thank you for your consideration of this important matter.

Sincerely,


Jolene Lovejoy
Selectman
Town of Rumford


Robert H. Crosthwaite
City Councilor
City of Ellsworth


Lee Young
Mayor
City of Auburn


Cheryl A. Leeman
Former Mayor and City Councilor
City of Portland

**RESOLVE THAT THE MAINE LEGISLATURE SHOULD ACT TO
PREVENT INCREASES IN WORKERS' COMPENSATION COSTS**

- WHEREAS,** Municipalities are struggling to balance budgets in the face of escalating costs for education, road maintenance, and basic municipal services; and
- WHEREAS,** The cost of offering health insurance to municipal employees is spiraling out of control and putting a strain on local budgets; and
- WHEREAS,** After years of decline, workers' compensation rates have increased significantly over the past two years; and
- WHEREAS,** The Maine Supreme Law Court rendered a decision in the Kotch Case on February 7, 2002 requiring the consideration of pre-existing, non work-related conditions for the calculation of workers' compensation benefits; and
- WHEREAS,** The National Council of Compensation Insurers, the organization whose recommendations provide the basis upon which premiums are based in Maine, has estimated that workers' compensation premiums will increase by fifteen percent for all employers and retroactive costs will be between \$160 and \$240 million because of the Kotch loophole; and
- WHEREAS,** Municipalities will have to reduce services or increase taxes to pay for any increases in workers' compensation premiums; now, therefore, be it
- RESOLVED:** That we, the members of the City Council/Board of Selectman, urge the Maine State Legislature to immediately close the Kotch loophole without increasing employer costs while maintaining a workers' compensation system that continues to provide benefits to workers who have been injured while on the job.

Given on this the ____ day of April, 2002

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.
ALAN R. ATKINS
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
SUZANNE R. SCOTT
ANGELA O. CROCKER

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

TELECOPIER (207) 775-7935

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MERTON O. HENRY
JAMES E. KAPLAN
OF COUNSEL

RAYMOND E. JENSEN
(1908-2002)
KENNETH BAIRD
(1914-1987)

YORK COUNTY OFFICE

11 MAIN STREET, SUITE 4
KENNETH, MAINE 04043
(207) 985-4676
TELECOPIER (207) 985-4932

TELECOPIER TRANSMITTAL INFORMATION

TO: **Bob Benson**
TELECOPIER NO.: 829-2224
FROM: Ken Cole DATE: April 22, 2002

This transmission consists of 2 pages, including this cover sheet.

Please deliver this telecopy immediately upon receipt. If there has been an uncorrected error in transmission, please call our office at the number listed above.

Return telecopy phone number, direct line is: (207) 775-7935.

Thank you.

**LATEST MISSIVE FROM NEAGLE RE HOPE ISLAND. NOTE—HE EVEN
CC'D IT TO STEVE MORIARTY.**

kmc



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Jensen Baird Gardner & Henry

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**LATEST MISSIVE FROM NEAGLE RE HOPE ISLAND. NOTE—HE EVEN
CC'D IT TO STEVE MORIARTY.**

P.S. my reply, also
cc'ing Steve
kmc

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Kenneth M. Cole, III

From: Christopher Neagle [cneagle@verilldana.com]
Sent: Monday, April 22, 2002 10:45 AM
To: Kenneth M. Cole, III
Cc: smoriarity@nhdlaw.com
Subject: Cacoulidis/Cumberland

Ken: I was very disappointed to read the substance of what I thought was a professional conversation with you last week in the Falmouth Forecaster two days later. I was even more disappointed to have my clients' position distorted based on what you told the reporter.

We are not trying to add substantial costs or time to the mediation process. If the Town is spending 'more money on legal fees' it is because you are apparently talking to the press instead of working with me to find an acceptable mediator.

We are not trying to take the full 6 months. I think the mediation should last a few hours at most. I do not foresee multiple sessions. A quick, fair process is all we are asking for.

We rejected the only mediator you suggested as he had no relevant experience in municipal or real estate law and apparently has very little if any experience as a mediator. You also told me that he is your friend who could 'go through the motions' at little cost. The Cacoulidis understandably did not want that person helping in a process that obviously is important to them, no matter how many times you belittle their cause.

Even if the Town is not going to do so, the Cacoulidis will enter the mediation in good faith. All the Coucalidis want is an experienced mediator with some relevant substantive law experience, which the statute states is necessary.

I suggested David Plimpton as a mediator to you but apparently he is not acceptable for reasons you have not yet explained. We can get a list of mediators from CADRES if you want. I am sure we can easily find a mutually acceptable mediator if you are willing to make an honest effort to do so.

For us to reject the only mediator you suggested for obvious reasons and then have you tell the reporter that "we can't agree on a mediator" is exactly the kind of unfair press that my clients do not understand.

You may 'have all the cards' as you seem to be so proud of saying, but you do not need to make me or my clients look bad in the process. I could easily go to the press to refute your statements and make you look bad, too, but I have never had any interest in negotiating in the media or making a fellow professional or his clients look bad.

Since you consider our professional conversations fodder for the local media, I would prefer to communicate with you by email from this point forward. Send the text of our email to the press if you want.

When you are ready to talk about other possible mediators, please let me know.

Kenneth M. Cole, III

From: Kenneth M. Cole, III
Sent: Monday, April 22, 2002 1:34 PM
To: 'cneagle@verrilldana.com'
Cc: 'smoriarity@nhdlaw.com'
Subject: Cacoulidis/Cumberland

Chris, Let's be candid—your client is abusing a statutory process that was created to solve real problems for disenfranchised communities—not real estate tax problems for the wealthy. My suggested mediator was a friend starting out (and thus inexpensive)—who also was general counsel to a Fortune 500 company recruited by your firm. There was no implication of bias and it would be irrelevant since the Town's position is fixed. You and your client entered the public arena when you chose the secession route. Our conversations are not privileged and neither is this email. If the Press calls, I will always be forthright and honest. No amount of posturing by you or your client can change the facts here (even if it involves vilifying me personally in emails copied to the Council Chair). If your client wants real relief, file for a tax abatement and demonstrate the over-assessment.

In the meantime, I did contact Paul Frinsko (as I said I would) last week, who is indisputably well qualified, and is ready, willing and able to act as a mediator. Ken

We don't completed an EPA Self Audit -

∴ need to watch waste oil that
" dropped off at garage - i.e.
we have it tested & we have it
disposed properly if required

SAD-51 will conduct self
audit and will be in compliance

We Are SAD will be
same company will do EER
Enviro Eng + Remediation

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- waste sample of charcoal
not all applicable

H.S.
Solid waste
part of

Arena's trustees frown on addition

● They doubt the wisdom of spending \$30 million on the aging civic center, but welcome public opinions.

By MARK SHANAHAN
Staff Writer

Trustees of the Cumberland County Civic Center have concluded that it may not make sense after all to add 2,000 seats to the 25-year-old arena.

As they prepare to hold a series of public meetings to talk about the civic center's future, trustees are questioning the wisdom of spending \$30 million to expand the aging building.

"The board, as a whole, does not feel that is a viable option," said Linda Cohen, the chairwoman. "But we want to hear what the people have to say."

The meetings to discuss renovation options will be held this month and next month in Windham, Cumberland, Brunswick and Portland.

With architects and engineers, the trustees have spent nearly three years studying ways in which the profile and profitability of the 6,726-seat arena on Spring Street might be enhanced. Many believe the building needs substantial work — and increased capacity — if it is to compete for musical acts and other events with newer arenas in Lowell, Mass., Durham, N.H., and Manchester, N.H.

One option that has been seriously considered would add as many as 2,000 seats, including some luxury boxes, and substantially improve concession areas, handicapped accessibility, rest rooms, locker rooms and loading docks.

The plan, which had been viewed

ARENA

Continued from Page 1B

as a compromise between doing nothing at all and building a new arena, would cost between \$27 million and \$30 million.

But trustees no longer are convinced that it makes economic sense to spend millions on a building that may have already seen its best days, and biggest crowds.

"We're talking about an old building," Cohen said.

The preferred option, at least at this point, is the cheapest one. Trustees are considering spending \$5 million on needed roof repairs and upgrades to the heating and ventilation systems — improvements that could get the building by for another five to seven years.

The third option, costing \$15 million, is to improve the concession areas and bathrooms, address handicapped accessibility issues, and upgrade locker rooms and loading docks. Seating would stay the same.

Trustees have been assessing the civic center's future needs since Portland officials declined an offer of land and \$20 million to build a 10,000-seat arena in the Bayside neighborhood.

Management of the Portland Pirates hockey team, the building's primary tenant with 40 home dates, has long maintained that in order to stay financially competitive, the team needs a bigger building with revenue-producing premium seating.

Portland Pirates President Brian Petrovek, a member of the trustees' long-range planning committee, said Thursday that he understands and agrees with the board's thinking.

"They're suggesting it's inappropriate to spend exorbitant amounts of money on this facility," he said.

PUBLIC MEETINGS

Civic Center trustees will hold four public meetings in the next few weeks, all of them from 7-9 p.m. The dates and locations:

Windham: April 24, Windham High School Cafeteria

Brunswick: April 30, Brunswick Council Chamber

Cumberland: May 1, Cumberland Council Chamber

Portland: May 7, Cumberland County Civic Center

"(The long-range planning committee) feels a commitment needs to be made to build new. We've said from the beginning: New is better."

Elizabeth Swain, of Barton & Gingold, the management consultants hired to facilitate the upcoming public meetings, said trustees have not made up their minds.

"We need to ask the public, based on the information that's been gathered, what do you want to do?" Swain said. "It's your civic center. What are you willing to pay for? What's it worth to you? Some may say they want new, and some may not."

The civic center has hosted more than 3,800 events since it opened in 1977, from minor-league hockey and high school basketball to Kiss concerts and tractor pulls.

The original \$3.5 million bond that partially paid for the arena has been retired, but the county borrowed another \$1 million in the early 1990s to fix the roof. That will be paid off in December 2003 after the last annual payment of \$164,590.

Staff Writer Mark Shanahan can be contacted at 791-6363 or at: mshanahan@pressherald.com

*Town
Manager*

MASS GATHERING CHECK LIST

NAME EVENT: UNITED MAINE CRAFTSMEN

DATE of EVENT: AUGUST 8 thru 11th, 2002

- ☒ (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
☒ i. Food Vendors? ^{yes} Send license apps. has them
No j. Alcohol served? Liquor license ? No
No k. Liquor Liability Insurance?

☒ (5) Copy of application to FC, PC, RC, TMgr

☒ (6) Schedule PUBLIC HEARING 04-08-02

☒ (7) Public Hearing DATE 04-22-02 04-22-02

☐ (8) Sent permit Certificate



MEMORANDUM

PLANNING DEPARTMENT
TOWN OF CUMBERLAND, MAINE

Date: 22 April 2002
To: Bob Benson, Town Manager
Cc: file
From: Andy Fillmore, Town Planner
Subject: **Amendment to the "Island Business" zone**

Dear Bob,

At the Planning Board's April 16 2002 hearing the Board voted to recommend that the Town Council adopt the amendment to the Island Business zone described in the attached memo. The memo was written by me to the Planning Board, and was the basis for their review.

Please let me know if I can be of any further assistance in this matter.

Best regards,

Andy Fillmore, AICP
Cumberland Town Planner

ITEM 1: ISLAND BUSINESS ZONE AMENDMENT

Date 16 April, 2002
To Town of Cumberland Planning Board
From Andy Fillmore, Town Planner
Subject **Recommendation to Town Council – Amendment to the Island Business Zone**

REQUEST: The Planning Board is asked to review the attached proposed ordinance amendment and make recommendations to the Council with regard to its adoption. If the Planning Board makes a positive recommendation to the Town Council, the Council is prepared to review and act upon the proposed amendment at their 22 April 2002 meeting.

DESCRIPTION: The proposed amendment is to Section 204.11 (Island Business Zone) of the Cumberland Zoning Ordinance. The amendment would simply add "business/professional offices" as an allowable use to the list of allowable uses in this zone found in Section 204.11.1, page 54.

Some useful background information is as follows:


1. The Planning Board recently conducted a Pre-Application Conference for Jonathan KomLosy's renovation of the Nellie G Restaurant. This renovation included a small take-out style restaurant on part of the ground floor, the continued use of the other part of the ground floor by the Chebeague Transportation Company as office space, and the use of the second floor as a residential apartment.
2. As a result of Town staff review of Mr. KomLosy's pre-application it was discovered that, although the CTC has operated in this building for several years (and has survived a site plan review process already) it is not actually an allowed use according to the Zoning Ordinance.
3. Both the Town Planner and the Code Enforcement Officer believe that the omission of "offices" from a business zone was an unintentional oversight. If any Board member or resident recollects any intentional reason that "offices" were omitted from this zone, the Town would be interested to know more about it.
4. Chapter IV(B) of the Draft Chebeague Island Long Range Plan discusses the need for zoning amendments to make the Island zones more hospitable to office/business uses. It goes on to state that the provisions of the "Home Occupation" designation in the ordinance are too restrictive for the fragile nature of Island businesses. The proposed amendment would make the ordinance more hospitable to business enterprises and would hopefully aid in the fostering of economic development on the Island.
5. The Town Planner has spoken with Town Councilor Donna Damon and Planning Board member Beth Howe, both Island residents and members of the Chebeague Island Long Range Planning Committee, about the proposed amendment, and they are in support of it. When asked if the Long Range Planning Committee should review the proposed amendment prior to its review by the Planning Board, Councilor Damon suggested that it proceed directly to the Planning Board on the grounds that we should not hamper professional opportunities.

EXHIBITS: 1) Proposed amendment to the Island Business zone (amendment in **bold underline**)

204.11 Island Business District (IB)

Site plan review and approval by the Planning Board is required for all permitted uses and special exceptions, with the exception of single-family dwellings, day care homes, bed & breakfast inns with three or fewer guest bedrooms, home occupations, agriculture, and animal husbandry and uses related to commercial fishing as allowed in 204.11.1.3, below . [Amended, effective 12/13/89]

204.11.1 The following uses are permitted within the IB District:

- .1 Single family detached dwellings and duplex dwellings; [Effective 5/15/89]
- .2 Retail stores;
- .3 Uses related to commercial fishing, including, but not limited to, storage and repair of boats and equipment, the keeping and cooking of fish for retail sale on the premises, and fish processing as a home occupation;
- .4 Marinas, and other facilities for building and storage of boats;
- .5 Personal services;
- .6 Private clubs;
- .7 Restaurants;
- .8 Private schools;
- .9 Municipal buildings and uses;
- .10 Religious institutions;
- .11 Private Heliport, Personal Use, subject to Site Plan Review and to the provisions of Section 419;
- .12 Home occupations (special exception not required notwithstanding Sec. 414); [Amended, effective 12/13/89]
- .13 Auto repair service garage; [Amended, effective 7/12/93]
- .14 Residential Care Facility; [Amended, effective 10/28/96]
- .15 Agriculture; [Amended, effective 2/13/97]
- .16 Timber harvesting; [Amended, effective 10/26/98]
- .17 Public Facility; [Amended, effective 11/13/00]
-  **.18 Business/professional offices; [Amended, effective XX/XX/02]**
- .19 Uses and buildings accessory to those above.

204.11.2 The following uses are allowed in the IB District as special exceptions, requiring the approval of the Board of Adjustment and Appeals:

- .1 Accessory structures of public utilities;
- .2 Above ground utility lines not located in a public way;
- .3 Gasoline stations, and other facilities for the retail sale and storage of petroleum products;
- .4 Funeral homes;
- .5 Day care centers and nursery schools, subject to the provisions of Sec. 408A and Site Plan Review; (Amended, effective 12/13/89)
- .6 Residential care facilities, (see Sec. 432, amended, effective 10/28/96)
- .7 Animal husbandry, [Adopted, effective April 28, 1997]
- .8 Telecommunications Facilities, subject to Site Plan Review and the provisions of Sec. 433, [Adopted, effective 12/13/99]
- .9 Uses and buildings accessory to those above.



MEMORANDUM

PLANNING DEPARTMENT
TOWN OF CUMBERLAND, MAINE

Date: 22 April 2002
To: Bob Benson, Town Manager
Cc: file
From: Andy Fillmore, Town Planner
Subject: **Amendment to the "Site Plan Ordinance"**

Dear Bob,

At the Planning Board's April 16 2002 hearing the Board voted to recommend that the Town Council adopt the amendment to the Site Plan Ordinance described in the attached memo. The memo was written by me to the Planning Board, and was the basis for their review.

Please let me know if I can be of any further assistance in this matter.

Best regards,

Andy Fillmore, AICP
Cumberland Town Planner

Date 16 April, 2002
To Town of Cumberland Planning Board
From Andy Fillmore, Town Planner
Subject **Recommendation to Town Council – Ordinance Amendment Re. Driveways**

REQUEST:

The Planning Board is asked to review the attached proposed ordinance amendment and make recommendations to the Council with regard to its adoption. If the Planning Board makes a positive recommendation to the Town Council, the Council is prepared to review and act upon the proposed amendment at their 22 April 2002 meeting.

The effect of the proposed ordinance is to allow a second driveway for residential care, health care and extended care facilities which generate less than 100 vehicle trips per day, where the applicant can demonstrate that there is inadequate access for emergency vehicles, or where a dangerous conflict between service vehicles and pedestrians will occur on site. Approval of such a second driveway would require input from the Public Safety chiefs and the Public Works director.

HISTORY:

In the course of the Planning Board's recent Site Plan Review for Fred Jensen's "Ledgeview Estates" on Route One (for a six bedroom addition) it was learned that there are currently two driveways in existence that service the property. As part of that review the Code Enforcement Officer correctly interpreted the approval criteria found in Section 206.8.2.8 (a) (page 74) as limiting to one the number of driveways permitted for a use generating less than 100 vehicle trips per day. The Planning Board expressed to Mr. Jensen its interest in finding a way to allow him to continue to use both of his driveways, as the separation of the two made sense from both a public safety and site design point of view.

The Town's attorney, Ken Cole, was consulted to determine whether the ordinance provided any "administrative relief" that would allow the Planning Board to waive this particular approval criteria. The determination was that the ordinance provides no administrative relief. Mr. Cole then recommended that an ordinance waiver based on "life safety" considerations could be requested. The possibility of this amendment was passed on to the Planning Board as part of the project's Site Plan review.

Upon reviewing the project at their February 19 hearing, the Planning Board advised Mr. Jensen that there were three courses of action he could pursue to get his project approved:

- a. Close the "second" driveway and redesign the site so that all vehicle activity made use of the "main" driveway.
- b. Seek a life-safety based ordinance amendment that would allow the continued use of the second driveway for emergency and service vehicles.
- c. Provide the Town with a professionally prepared daily vehicle trip count showing that more than 100 vehicle trips per day are generated by the use.

Mr. Jensen chose to follow both a) and b) above. He amended his site plan drawing to show the closure of the second driveway, which in part allowed him to be granted Site Plan Approval on 19 March 2002. Mr. Jensen has *also* chosen to follow the Town attorney's and the Planning Board's

suggestion to seek a life-safety based ordinance amendment that will allow him to continue to use his second driveway.

It should be noted that in the event this amendment is adopted, Mr. Jensen will be required to appear before the Planning Board for a "Site Plan Amendment" in order to re-establish use of the second driveway. (His currently approved Site Plan requires its closure.)

**DEPT. HEAD
COMMENTS:**

Rescue Chief Bolduc: Believes that Ledgeview and other facilities like it (residential care, health care, etc.) appear to be exceptions to the one-driveway rule of the ordinance as it is now written, as such facilities contain a large number of people of limited mobility. As such he supports the proposed life-safety based amendment to allow the possibility of a second driveway for such facilities. He and Fire Chief Small have concluded that in the event of an emergency a hazardous bottleneck of emergency vehicles (ambulances, fire trucks, etc.) will occur in the main driveway at Ledgeview. For this reason the emergency plan that he and Chief Small currently have in place makes use of the second driveway for the safe evacuation of residents, and its removal would be detrimental to this emergency plan. Chief Bolduc's memo is attached.

Fire Chief Small: Concurs that Ledgeview's emergency plan is based upon the existence of the second driveway. He estimates that in an emergency as many as thirty emergency vehicles could converge on the site, and ambulances will require their own means of egress, which should be unhindered by hoses and fire apparatus. He further suggests, and the Planning Department is in agreement, that the proposed amendment should give the Fire and Rescue chiefs a strong voice in the approval or rejection of second driveways for this type of use. The Town's attorney advises us that in accordance with State law the final authority would be the Planning Board's. Chief Small's memo is attached.

Adam Ogden, Public Works director: Is concerned that having the two Ledgeview driveways next to one another in itself creates a life-safety issue for vehicles entering and exiting Route One. Has some concern that the provisions of this amendment could be misused by an applicant to gain secondary access when not actually required for life-safety, and would like to stress that it must be very narrowly and carefully applied by the Planning Board. Believes that proper site design should remove the need for a second entrance, and requests that the Planning Board make sure an applicant seeking to invoke the provisions of this amendment has thoroughly exhausted all other site design options first.

Barbara McPheters, CEO: Would like to ensure that any second driveway for emergency vehicles approved under the terms of this amendment be constructed as paved, not gravel or dirt, and that it be properly maintained in all seasons. Would like to make sure that the amendment is made to the Site Plan section of the ordinance and not to the Residential Care section or elsewhere.

MDOT COMMENT: In early February 2002 Mr. Jensen applied to the DOT for a new entrance permit for the second driveway. His application was returned to him by the DOT with a letter (attached) stating that the proposed expansion of Ledgeview Estates did not require that a new permit be issued, and that the existing permit, issued in 1993, was still valid. In a discussion with the Planner, David Sherlock of MDOT indicated that according to their approval criteria (for drainage and sight distance) Mr. Jensen's driveway is in compliance, even with the adoption of the DOT's new Access Management rules.

DISCUSSION: 1. There are legitimate life-safety concerns about having two driveways in close proximity to

one another, such as at Ledgeview Estates where the centerlines of the two driveways are approximately 90' apart, and it could be argued that such a configuration should be discouraged. However there are also legitimate life-safety concerns about whether or not emergency vehicles (fire trucks, ambulances) can adequately access a structure, in this case a wooden one, in case of an emergency. It is the belief of the planning department that in balancing these two areas of concern it is more prudent to favor the latter and ensure that adequate access is possible. As previously stated, the second driveway at Ledgeview is an integral part of the Town's emergency plan for that facility.

2. The Town of Cumberland has at least two future residential care/extended care developments in the pipeline. One is being discussed for the Cumberland Business Park, and the other for Peter Kennedy's land on Route One near the Falmouth town line. With this projected increase in elder-care within the Town it seems prudent to make provisions to ensure the absolute safety of their residents, and to provide the Rescue and Fire chiefs as much flexibility in this as possible. That being said, the Town should always first demand a solution to emergency access via a site design that features a single entrance, and only when such a solution is not possible should it entertain a second entrance.

**PROPOSED
AMENDMENT:**

It is therefore suggested that Section 206.8.2.8 (a), (page 74) of the Site Plan Ordinance be amended as follows. The current language of the section is below in normal font. The proposed addition follows in **underlined-boldfaced** font:

- (a) No use which generates less than one hundred (100) vehicle trips per day shall have more than one (1) two-way driveway onto a single roadway. Such driveway must be no greater than thirty (30) feet wide. **For health care, residential care, extended care and similar facilities, which generate less than one hundred (100) vehicle trips per day, where the applicant can conclusively demonstrate that life safety is or could be at risk due to the lack of adequate access for emergency vehicles, and only after all other site design alternatives have been exhausted, the Planning Board may at its discretion, with appropriate input from the Town's Public Safety Chiefs and the Town's Public Works director, approve a second separate driveway.**

EXHIBITS:

- 1) Memo from Fire Chief Dan Small, dated 9 April 2002.

Andy Fillmore

From: D Small
Sent: Tuesday, April 09, 2002 8:27 AM
To: Andy Fillmore
Subject: Re: Your input on a proposed ordinance amendment - April 16...

Andy,

The revision as worded is acceptable to me, with one recommendation. Although Chris and I currently review site plans, I would have mandatory wording that the Fire and Rescue departments shall make final approval of any additional driveways, which are deemed necessary. This first gives us input on emergency access and egress design issues and second gives us the option to say that the second driveway is not needed if appropriate. (in case the developer is trying to push a second driveway, for non-emergency needs, and is trying to use this revision as their selling point) There may be times when two driveways are more dangerous than just one.

Chris and I have worked out the escape planning for the facility and the second driveway in this case is crucial to our safe operation there. The ambulances will need their own separate access and more importantly egress without being blocked by fire apparatus and hose. Due to the construction type and the number of occupants (17 now and 25 or so in the near future) there will be potentially over 30 emergency vehicles converging on the scene of a fire.

If you need anything else please don't hesitate to give me a shout.

Dan

THE WORDING AS
PRESENTED HAS BEEN
CHANGED TO REFLECT
CHIEF SMALL'S COMMENT.

- A.F.

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 _____
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:

INDICATE TYPE OF PREMISE:

- ☐ CLUB ☐ CLUB-ON PREMISE CATERING ☒ HOTEL ☒ HOTEL-OPTIONAL FOOD
☐ GOLF CLUB ☐ INDOOR ICE SKATING CLUB ☐ INDOOR TENNIS CLUB ☐ RESTAURANT
☐ TAVERN ☐ RESTAURANT/LOUNGE ☐ CLASS A LOUNGE ☐ OTHER _____

PLEASE REFER TO PAGE 4 FOR FEE SCHEDULE

☐ MALT

☐ SPIRITUOUS ☐ VINOUS

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>Corporation</u>	2. BUSINESS NAME (D/B/A) <u>Chebeague Island Inn</u>
<u>Innco, Inc</u>	
LOCATION (STREET ADDRESS) <u>Box 492</u>	<u>Box 492</u>
ADDRESS <u>South Road</u>	City or Town <u>South Road</u> Zip Code _____
<u>Chebeague Island ME 04017</u>	Mailing Address <u>Chebeague Island ME 04017</u>
City or Town _____ State _____ Zip Code _____	City or Town _____ State _____ Zip Code _____
TELEPHONE NUMBER <u>01-0478443</u>	Business Telephone Number <u>(207) 846-5155</u>
Federal I.D. #: _____	Seller's Certificate Number: _____

3. If premises is a Hotel, indicate number of rooms available for transient guests: 21
4. State amount of gross income from period of last license:
ROOMS \$ 116,000.- FOOD \$ 174,000.- LIQUOR \$ 99,000.-
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: Karrie Bowden-Schiebler
8. If business is NEW indicate opening date: _____
Business Hours: _____
9. Business records are located at _____
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 ☐

12. List name, date of birth, place of birth for all applicants and manager, if any. Give maiden name, if married.

A. Kevin R Bowden 3/6/57 MA
 Name in Full Date of Birth Place of Birth

B. Kerrie A (Bowden) Schietler 4/1/62 MA
 Name in Full Date of Birth Place of Birth

C. _____
 Name in Full Date of Birth Place of Birth

D. 70 Dacey Road, York ME
 Residence address on all of above for previous 5 years. (Limit answer to city & state)

13. Has applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States?

YES _____ NO ☒

Name _____ Date of Conviction _____

Offense _____ Location _____

Disposition _____

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?

YES _____ NO ☒

If "YES," give name _____

15. Has applicant(s) formerly held a Maine liquor license? YES ☒ NO _____

16. Do applicant(s) own the premises? YES ☒ NO _____ If "NO," give name and address of owner _____

17. Describe in detail the premises and/or buildings to be licensed: 3 Story Wood Structure
Single Bldg

18. Do applicant(s) have all the necessary permits required by the State Department of Human Services?

YES ☒ NO _____ Applied For _____

19. What is the distance from the premise to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premise to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? _____ Which of the above is nearest? _____

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☒ NO _____

If "YES," give details Bank North First Mortgage

21. Has any other person any interest directly or indirectly in your business? YES _____ NO ☒

If "YES," give details _____

You are hereby authorized to obtain and examine all books, records and tax returns pertaining to the business for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$500 or by both."

TOWN OF CUMBERLAND

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

Name of Applicant: Imco, Inc. Phone: (207) 846-5155
Residence of Applicant: Box 492 South Road Chebeague Island
Business Name: Imco Inc. DBA Chebeague Island Bus. Phone: (207) 846-5155
Business Address: Box 492 Chebeague Island ME 04017
Name of Manager: Karrie Bowden-Schubler Phone: (207) 846-5155
Residence of Manager: Box 492 Chebeague Island ME 04017
Type of Entertainment Applied for: Music / Dancing Weddings

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.

[Signature]
Applicant's Signature

4/11/02
Date

* * * * *

For Town Office Use Only:

Municipal Officers:

Approved: _____
Disapproved: _____
Comment: _____

Paid \$10 Cash

Application Received: 04-11-02
Public Notice Posted: _____
Date Issued: _____
Date of Expiration: _____

Bob - FyI C. Council
4-22-02

Carla Nixon

From: Carla Nixon
Sent: Friday, April 12, 2002 10:57 AM
To: Donna Damon (E-mail); Harland Storey (E-mail); Mark Kuntz (E-mail); Michael Savasuk (E-mail); Peter Bingham (E-mail); Stephen Moriarty (E-mail); Jef Porter (E-mail)
Subject: Civic Center Meeting

Councilors:

Cumberland has been asked by the Cumberland County Civic Center Board of Trustees to host a public information meeting on Wednesday, May 1 at 7:00 p.m., to hear input from the Council and the public on the civic center's future. The meeting will be televised (at their expense and request). There is an article in today's Portland Press Herald (April 12th-Section B) re: the issue. The meetings will be held in Windham, Cumberland, Brunswick and Portland.

If you have any questions regarding this, contact Bob next week, as I will be away from the 16th-25th.

Carla

Council
4-22-02
h

FACSIMILE COVER PAGE

To : Robert Benson

From : Paula

Sent : 4/16/2002 at 4:18:44 PM

Pages : 2 (including Cover)

Subject : Falmouth/Cumberland Chamber Membership Meeting next Tuesday, April 23

To register, call Paula at 772-2811, ext 223, and give me your name and your company name. This is a free event. Registration will ensure a nametag for you Tuesday morning. Thanks. Paula

**You are invited to your
Membership Meeting
Falmouth/Cumberland Chamber of Commerce**

-----◆-----
Tuesday, April 23, 7:30 – 9:00 a.m.

**Falmouth Memorial Library
5 Lunt Road
Falmouth**

SPEAKER: Beda Knight of the Yarmouth School of Etiquette & Protocol, Inc.

“How to Harness the Power of the First Impression”

Beda will share in a fun and informative session the “Bad” news - if we *blow* the first impression with someone we are put on a silent probation period for over six (6) months - along with the “Good” news - most of the elements of the first impression are *under our control*. She will then show us how we can use this information to ensure a *positive* first impression.

SPONSORS:

**Hors d’oeuvres & Catered Events
Doncaster**

AGENDA

7:30 a.m. Networking

7:45 a.m. Introductions/Committee Updates

8:10 a.m. Guest Speaker: Beda Knight of Yarmouth School of Etiquette & Protocol, Inc.

9:00 a.m. Adjourn

Beda has combined her private high schooling that included etiquette lessons as part of the curriculum and her Bachelor’s Degree in Education from the University of Maine, with her research on the many useful and practical aspects of etiquette and protocol, to start the *Yarmouth School of Etiquette and Protocol, Inc.*

She is a frequent guest on local television and radio, as an etiquette expert, where she shares her knowledge in many areas of social and business etiquette, including her experience in corporate settings.

Her clients include legal and medical professionals, employees of municipalities and universities, and a variety of local businesses and associations.

Bring your business cards and join other Falmouth/Cumberland business people as you network and learn.

Continental breakfast will be available.

This is a free service of your local Chamber.

SOLID WASTE TO R.W.S.

YEAR MONTH	2001	2002	1997	1998	1999	2000
January	211.07	207.21	204.61	192.30	191.10	184.53
February	163.98	170.02	152.55	163.73	167.36	171.20
March	175.61	180.66	164.92	187.13	188.09	193.05
April	211.90		233.12*	179.17	190.87	181.92
May	331.97*		175.02	217.70*	277.75*	304.98*
June	228.57		201.01	229.98	222.10	229.93
July	248.17		223.52	224.88	212.91	223.73
August	244.76		175.55	194.03	251.36	267.61
September	217.00		247.89	245.27	229.28	225.17
October	277.72*		260.72*	273.00*	270.87*	267.31*
November	240.28		185.99	197.09	209.37	236.55
December	225.56		214.89	208.16	230.40	195.88
Total	2,776.59		2,439.79	2,512.44	2,641.46	2,681.86

NOTE: All Measurements in tons

* Bulky Waste Pick-up week included

Post-it® Fax Note	7671	Date	4/18/02	# of pages	5
To	Bob Benson	From	Ken Cole		
Co./Dept.		Co.			
Phone #		Phone #	75-7271		
Fax #	829-2224	Fax #			

TO: Bob Benson
FROM: Ken Cole KC3
RE: Drowne Road School Lease
DATE: April 18, 2002

I have reviewed the proposed amendment to the Lease Agreement to convert the Drowne Road School Lease to a Lease/Purchase Agreement. Dick Spencer and I have spent over four months negotiating this matter. Apparently changes in the school funding law require that the School District either have ownership subject to financing or ownership at the end of the term in order for the reimbursement of the lease to continue to be paid by the state. The underlying initial lease did not contain such a provision.

Initially, Mr. Spencer proposed a straight forward conveyance of the school with only a promise by the SAD to continue making payments that would hopefully retire our bond. Melodie Main has dealt both with myself and Dick Spencer to confirm the amounts remaining on the bond and we have adjusted the lease over its new ten year term (July 1, 2002 to June 30, 2012) to an amount that could equal the balance remaining on the initial bond indebtedness. We would convey them the property as of July 1, 2002. I understand that Adam Ogden is in the process of preparing a legal description of exactly the site to be conveyed. However, we have revised the agreement to provide that there will be a mortgage back to the Town to secure the SAD's payment. Given the purchase and mortgage aspects of this lease, the school funding laws require a referendum vote in Cumberland and North Yarmouth to approve the SAD's entry into the arrangement. The provision regarding the referendum is in paragraph 21 in the new lease.

Further, by converting to a Lease/Purchase, we also shift the obligations of maintenance and other liabilities for damages and injuries over to the SAD thereby relieving the Town from the contingent liability contained in the current agreement. Finally, by paragraph 3 of the amended document, the school directors are required, following a determination that they have no future anticipated school use for the premises, to offer to transfer the property to the Town at no cost.

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

AMENDMENT TO LEASE AGREEMENT TO CONVERT
TO LEASE PURCHASE AGREEMENT

This Amendment to Lease Agreement to Convert to Lease Purchase Agreement made and entered into this ____ day of June, 2002, by and between the Town of Cumberland, a municipal corporation ("Lessor") with a mailing address of: 290 Tuttle Road, Cumberland, ME 04021 attention: Town Manager, and School Administrative District 51, a school administrative district ("Lessee") with a mailing address of 357 Tuttle Road, P. O. Box 6A, Cumberland Center, ME 04021 attention: Superintendent.

WITNESSETH:

WHEREAS, the Lessor and Lessee entered into a certain Lease dated June 25, 1997 in regard to the Drowne Road School, so-called; and

WHEREAS, the term of said Lease is for ten (10) years commencing June 1, 1998 and ending on June 1, 2008; and

WHEREAS, the parties wish to convert said lease to a lease purchase agreement with a term of ten (10) years commencing July 1, 2002 and ending June 30, 2012. Now therefore, based on the foregoing considerations, the parties agree as follows:

1. The Lessor and Lessee agree that as of July 1, 2002 the Lease shall be converted to a Lease Purchase Agreement with a ten (10) year term commencing July 1, 2002 and ending June 30, 2012. During the ten year term of the Lease Purchase Agreement Lessee shall pay Lessor One Hundred Eighty-Three Thousand One Hundred Dollars (\$183,100), annually, in equal monthly installments of Fifteen Thousand Two Hundred Fifty-Eight Dollars (\$15,258.33), each monthly installment payable in advance on or before the first day of each month.
2. On July 1, 2002 Lessor shall convey to Lessee by quitclaim deed, subject only to encumbrances of record as of the date of this Agreement, utility easements of record, and the provisions of the zoning ordinance of the Town of Cumberland, the premises described in Exhibit A attached hereto, together with the buildings and improvements located thereon (hereinafter "the Premises"). The terms of this Agreement shall survive the delivery of the deed. At closing, Lessee shall grant to Lessor a mortgage on the Premises to secure Lessor against a default by Lessee in the performance of its obligations under this Lease Purchase Agreement.
3. In the event that the Board of School Directors of Lessee determine at any time in the future that the Premises do not have any future anticipated use for school purposes, the Board of School Directors shall offer to transfer control or ownership of the Premises to the municipal officers or inhabitants of Lessor at no cost to Lessor before offering or conveying the Premises to any other party.
4. Any sums remaining in Lessor's maintenance reserve account established pursuant to the lease dated June 25, 1997 shall remain the property of Lessor and no credit or financial adjustment shall be made by virtue of this provision.

5. Lessee agrees it has had a substantial opportunity to inspect the premises and that it shall take the Premises on an "as is, where is" basis and the Lessor shall have no obligations in regard to any express or implied warranties or representations regarding the condition of said Premises.

6. Lessee further agrees that following delivery of the deed, it shall, within the terms of the Maine Tort Claims Act, defend and indemnify Lessor from any and all actions, claims for damages, including property and bodily injury claims, debts, breach of contract, environmental damage or other loss or expense caused by the negligence of the Lessor or otherwise, including attorney's fees and costs, arising out of the Lessor's ownership of the premises subsequent to June 25, 1997.

7. Quiet Enjoyment. Lessor agrees to deliver to the Lessee physical possession and quiet enjoyment of the Premises upon the commencement of the term hereof, free and clear of any and all encumbrances, attachments, liens or other interests, claims or rights of possession, except as aforesaid.

8. Utilities; Expenses. Lessee shall be responsible for all utility expenses and costs at the Premises commencing July 1, 2002 and throughout the ten year term of this Lease Purchase Agreement.

9. Insurance. During the term of this Agreement, Lessee shall obtain and maintain at its expense a policy of general liability insurance coverage, insuring against liability for bodily injury and property damage with a minimum combined single limit of \$1,000,000. The policy shall name the Lessor as an additional insured. Lessee shall supply evidence of such coverage to Lessor, which shall not be canceled without 30 days notice to Lessor and Lessee. During the term of this Agreement, Lessee shall maintain fire and hazard liability insurance on the Premises for the full replacement value of the building and improvements. Lessee shall also insure its property and effects. Lessor and Lessee hereby waive rights of subrogation to the extent not prohibited by the insurance policies required under this subparagraph, and hereby each release the other from claims required to be insured against, including claims based on negligence. During the term of this Agreement, Lessee shall be entitled to any insurance proceeds for fire and hazard damage to the Premises.

10. Maintenance and Repairs. Lessee shall be responsible for all maintenance on the Premises, including but not limited to, snow and ice removal, sanding of sidewalks, parking areas and drives, lawn and landscaping maintenance, general routine maintenance, garbage removal and for all cleaning and janitorial services. Lessee shall also be responsible for the cost of structural repairs and replacements, including the roof, foundation, exterior walls, facades, parking areas and drives and the replacement and repair of major building systems components of a capital nature.

11. Signs. Lessee shall be permitted to install signage on the Premises. Any sign installed shall conform with any and all governmental regulations and ordinances applicable.

12. Alterations, Modifications, Repairs. Lessee may make such changes and alterations to the Premises as it deems necessary or useful in connection with Lessee's use of the Premises.

13. Destruction of Premises. In the event of total or partial destruction of the Premises, Lessee shall determine whether or not to rebuild or repair the same, provided that such total or partial destruction shall not relieve Lessee of its payment obligations to Lessor under this Agreement.

14. Eminent Domain. Lessee shall receive the total of any damages awarded as a result of condemnation proceedings. Such condemnation shall not relieve Lessee of its payment obligations to Lessor under this Agreement unless the condemnation proceedings are instituted by Lessor and the Premises are thereby rendered unsuitable for use as a school by Lessee.

15. Assignment and Sublease. Lessee may not sublet or assign the Premises or other part thereof without the prior consent of Lessor, which consent shall not be unreasonably withheld.

16. Default. Lessee shall have breached this Agreement and shall be considered in default hereunder if (1) Lessee fails to pay any lease purchase payment when due, and such failure continues for a period of thirty (30) days after receipt of notice thereof from Lessor or (2) Lessee fails to substantially perform or comply with any of the covenants or conditions of this Agreement and such failure continues for a period of thirty (30) days after receipt of notice thereof from Lessor, or if such default cannot reasonably be cured within 30 days, such additional time as is reasonably required given the nature of such default for Lessee to diligently prosecute such cure to completion.

17. Remedies. In case of a default by Lessee during the term of this Agreement, Lessor in addition to its remedy of foreclosure under the mortgage shall be entitled to payment by Lessee of all lease purchase payments due hereunder through the date of foreclosure or termination of Lessee's occupancy of the Premises, whichever is later.. Additionally, in the event of a default by either party hereunder, the substantially prevailing party shall be entitled to recover it's attorneys' fees and costs in enforcing the terms of this Agreement.

18. Notice. All notices to be given with respect to this Agreement shall be in writing. Each notice shall be sent by registered or certified mail, postage prepaid and return receipt requested, to the party to be notified at the address set forth above or at such other address as either party may from time to time designate in writing.

19. Consents. Any consent by Lessor hereunder shall not be unreasonably withheld or delayed.

20. Entire Agreement. Effective July 1, 2002, this Agreement replaces and supercedes the Lease Agreement dated June 25, 1997 between the Parties which shall thereafter be deemed terminated and of no further force and effect. This agreement contains the entire agreement of the parties hereto with respect to the Premises. This

Agreement may not be amended, modified, released or discharged, in whole or in part, except by an instrument in writing signed by the parties hereto, their respective successors or assigns.

21. Referendum Vote. This agreement is subject to approval by the legislative body of Lessee at a referendum vote to be conducted before July 1, 2002.

IN WITNESS WHEREOF, the parties have executed this Amendment to Lease and Conversion to Lease Purchase Agreement under seal as of the day and year first above-written.

Witness:

Lessor:

Town of Cumberland

By: _____

Robert B. Benson

Its: Town Manager

Lessee:

Maine School Administrative

District No. 51

By: _____

Its: Superintendent

Council
4-22-02
Ry

10 April, 2002

Bob Benson
Town Manager
290 Tuttle Road
Cumberland, ME 04021

Dear Bob,

The Forest lake association (FLA), in conjunction with the DEP has now started to implement the \$47,000.00 grant to arrive at a Management Plan for the lake watershed.

The Steering Committee has been established and Letters to property owners that reside within the watershed will go out shortly. The letters will request access to properties in the towns of Cumberland, Gray and Windham in order to allow walk on visual surveys to take place. Property owners may deny access if they wish however in the past these denials have been the exception.

A training class will be held on Saturday 11 May to allow trained technicians to give the volunteer surveyors the necessary information to enable them to properly accomplish their work.

I represent the Town on the Steering Committee in keeping with my being a member of the Conservation Commission and president of the FLA. There is room for additional representation if you or the Council wish to add an individual or two. Gray and Windham have rotating members based on their availability.

There will be some publicity aspects of this important work as it evolves and I will keep you informed as the information is made available to me.

Sincerely,



F. Robert Heyner

829-6757

Lisa Brown

From: Andy Fillmore
Sent: Tuesday, March 26, 2002 9:08 AM
To: Bob Benson
Cc: Lisa Brown
Subject: 4/22 Council agenda...

Bob,
For
Immediate
Action

Hi Bob,

The Planning Board will be making recommendations on two zoning amendments at their 4/16 hearing. Assuming they give favorable recommendations, I wonder if the Council could act on them at their 4/22 meeting. Is there room on that agenda?

The two amendments are as follows:

- 1) To amend the Island Business zone to allow "professional office" uses. The CTC has been operating a non-conforming office in the Nellie G. for several years. This amendment would make it legal. Barbara and I are in agreement that the omission of "professional offices" from a business zone appears to accidental.
- 2) To amend the site plan ordinance to allow the Planning Board to relax its approval standard regarding the number of driveway entrances a project can have, in order to protect "life safety." Currently Fred Jensen (Ledgeview Estates) has two driveways. This separates service vehicle traffic from the area where both residents walk and visitor traffic enters. As a condition of Jensen's recent site plan approval (6 bedroom addition) the Planning Board was forced by the ordinance to require him to close one of the driveways, thereby combining the elderly walkers in the same area as service vehicles. This amendment would allow him to keep his second driveway - a sensible site planning proposition.

Please let me know if the Council can act on these on 4/22, and let me know if you'd like more information. Thanks very much,

- Andy.

Andy Fillmore, AICP
Town Planner, Town of Cumberland
290 Tuttle Road, Cumberland, ME. 04021
ph. (207)-829-2206 fx. (207)-829-2224
e-mail: afillmore@cumberlandmaine.com
website: www.cumberlandmaine.com

FACSIMILE COVER PAGE

To : Robert Benson
Sent : 4/8/2002 at 3:57:54 PM
Subject : Falmouth/Cumberland Chamber Board of Directors & Regional Board openings

From : Paula
Pages : 1 (including Cover)

The Nominating Committee is looking for interested business members to serve in a number of board capacities with both the Falmouth/Cumberland Chamber (FCC) Board of Directors and the Regional (Greater Portland Chambers of Commerce) Board of Directors representing the Falmouth/Cumberland Chamber.

The FCC has five board openings, as well as openings for the vice president and treasurer's positions. The Regional Board has three (3) seats, which will represent the Falmouth/Cumberland Chamber, to fill.

If you have interest in serving (or know of someone who might), or have questions about the positions, please call Debra Madigan (President) at 878-7077 or email her at dmadigan@banknorth.com or Sharon Bushey (Incoming President) at 829-3090 or email her at sbushey@maine.rr.com

We look forward to hearing from you!
Paula

**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 1, 2002

7:00 PM

**Cumberland Town Hall
Council Chambers**

1. Call To Order - by MSAD #51 Board of Directors Chairperson, Kim True 7:10 PM.

Attendance:

Board of Directors: John Aromando, Maryellen Fitzpatrick, Polly Haight Frawley, Henry Kennedy, Betts Gorsky, Audrey Lones, Kim True, Bob Vail

Administrators: Brenda Breton, Becky Foley, Jack Hardy, Robert Hasson, Pat Palmer, Scott Poulin, Penny Wheeler-Abbott

2. Approval of the Minutes – of the Board of Directors meeting held on March 25, 2002.

Motioned 2nd ed.

Voted: To approve the minutes of the Board of Directors meeting held on March 25, 2002. (Voted: 7-0)

3. Superintendent's Report:

4. Presentation: Jennifer Jacobson – Math Focus Groups

5. Committee Report

- a) Finance Committee
- b) Negotiation Committee
- c) Design Team
- d) Steering Committee
- e) Policy Committee
- f) Performance Indicators
- g) Time Task Force
- h) Technology Task Force

6. Items for Action

a) Executive Session - Discuss Custodial Negotiations

Motioned 2nd ed

Voted: To enter in to Executive Session 9:57 PM. (Voted: 8-0)

April 1, 2002 BOD Minutes

Motioned 2nd ed.

Voted: To come out of Executive Session 10:14 PM. (Voted: 8-0)

b) Vote to approve coaching position recommendations

Motioned 2nd ed

Voted: To approve coaching position recommendations. (Voted: 8-0)

Greely Junior High School

Jr. High Baseball, Volunteer – Gregg Burdett

Jr. High Baseball, Volunteer – Bill Green

7. Communications

8. Adjourn Meeting 10:14 PM

Upcoming Meetings/Events

3/28/02 – Passover

3/28/02 – Steering Committee, GJHS Library, 7:00 PM

3/29/02 – Good Friday

3/31/02 - Easter

4/3/02 – Early Release: Teacher Conferences

12:15 PM Grades K-6 P/T Conferences

11:15 PM Grades 7 & 8 P/T Conferences

1:15 PM Grades 9 –12 Early Release

4/4/02 – First Practice, Jr. High Spring Athletics

4/4/02 – PAC meeting, GHS, 4:00 PM

4/5/02 – Teacher Inservice Day – No School: Conference Day for K-8.

4/5/02 – End of 3rd quarter

4/7/02 – Daylight Savings Time Begins, set clocks ahead one hour

4/10/02 - Early Release: P/T Conferences

12:15 PM Grades K-6 dismissed

11:15 PM Grades 7 & 8 dismissed

1:15 PM Grades 9 –12 Early Release

4/10/02 – Induction of Languages Honor Society, GHS Auditorium, 7:00 PM

4/15 through 4/19/02 – Spring Break, no school

4/15/02 – Patriots Day

4/24/02 - Early Release, Grades 7-12 @ 1:12 PM, Grades K-6 @ 12:15 PM

4/24/02 – MIW parent meeting at Prince Memorial Library, 5:30 PM – 6:30 PM

4/24/02 – Secretaries Day

5/1/02 – Early Release, Grades 7-12 @ 1:12 PM, Grades K-6 @ 12:15 PM

5/1/02 – Performance Indicators, MIW Conference Room, 5:00 PM – 7:00 PM

5/2/02 – Public Budget Vote, Greely High School, 7:00 PM

5/8/02 - Early Release, Grades 7-12 @ 1:12 PM, Grades K-6 @ 12:15 PM

5/8/02 – MIW Art Show, 5:30 PM – 7:30 PM

5/8/02 and 5/9/02 – Maine Drama Festival Regionals

5/10/02 – GJHS/GHS Mid-quarter reports
 5/10/02 – GHS Prom, 8:00 PM
 5/12/02 – Mother's Day
 5/15/02 - Early Release, Grades 7-12 @ 1:12 PM, Grades K-6 @ 12:15 PM
 5/15/02 – GHS Art/Inkwell Show, 5:30 PM
 5/15/02 – GHS Evening of Excellence, 6:30 PM
 5/16/02 – Grades 6-12 All Choral Concert, Falmouth High School Auditorium, 7:00 PM
 5/22/02 - Early Release, Grades 7-12 @ 1:12 PM, Grades K-6 @ 12:15 PM
 5/23/02 – Volunteer Recognition, 9:00 AM – 10:00 AM
 5/23/02 – GJHS Spring Concert and Art Show, 7:00 PM
 5/27/02 – Memorial Day, No School
 5/29/02 – Full Day of School
 5/29/02 – NYMS/DRS Spring Band Concert
 5/30/02 – NYMS/DRS Spring Chorus Concert @ NYMS
 6/5/02 - Early Release, Grades 7-12 @ 1:12 PM, Grades K-6 @ 12:15 PM
 6/6/02 – GHS Class Day, 12:00 PM
 6/6/02 – GJHS Awards Night, 7:00 PM
 6/7/02 – GHS Candlelight, 8:00 PM
 6/9/02 – GHS Graduation, 2:30 PM
 6/12/02 - Early Release, Grades 7-12 @ 1:12 PM, Grades K-6 @ 12:15 PM
 6/16/02 – Father's Day
 6/17/02 – Last Day of School: Early Release, Grades 7-12 @ 11:15 PM, Grades K-6 @ 12:15 PM
 6/18 and 6/19/02 – Teacher In-Service days

Next Meeting:

- Monday, April 22, 2002 – Mabel I. Wilson Elementary School Multipurpose Room, 7:00 PM

Council
4.22.02
dy

**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

Emergency Board Meeting

Monday

April 8, 2002

7:00 PM

Mabel I. Wilson

Multipurpose Room

1. Call To Order - by MSAD #51 Board of Directors Chairperson, Kim True.

2. Approval of Minutes

3. Superintendent's Report

4. Presentation:

5. Committee Report

- a) Finance Committee
- b) Negotiation Committee
- c) Design Team
- d) Steering Committee
- e) Policy Committee
- f) Performance Indicators
- g) Time Task Force
- h) Technology Task Force

6. Items for Action

- a) Vote to adopt new 2002-2003 budget (reduced from 11.69% to 11.09%)

7. Communications

8. 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 2001-2002

- 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 by 2003, including progress toward the certification that all students meet the State's Learning Results; and
 - Effectively communicating the results of our District's work.
- Execute the Resolution on Facilities Planning by ensuring the timely completion of the Charges made to the Building Committees to construct a new middle school and renovate Greely Junior High School into high school space, and support measures to relieve constraints due to conditions created by our current facilities.
- Promote sound resource management through:
 - Measuring progress towards structuring the school day and year to maximize student achievement;
 - Budgeting three-year resource needs;
 - Effectively communicating to the public the District's resource needs.

MSAD #51 Board of Directors

John Aromando, Vice Chair	829-6861	jaromando@pierceatwood.com
Maryellen Fitzpatrick	829-4657	efitzpa486@aol.com
Polly Haight Frawley	657-2373	PHFraw@aol.com
Betts Gorsky	781-2234	bjgorsky@hotmail.com
Audrey Lones	829-4171	audrey@alum.mit.edu
Henry Kennedy	829-6979	hrk@kieve.org
Kim True, Chair	829-3209	ktrue1@maine.rr.com
Bob Vail	829-5393	

Upcoming Meetings/Events

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12:15 PM Grades K-6 dismissed

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6/18 and 6/19/02 – Teacher In-Service days

Next Meeting:

- Monday, April 22, 2002 – Mabel I. Wilson School Multipurpose Room, 7:00 PM
- Thursday, May 2, 2002 – Public Budget Vote, Greely High School, 7:00 PM

Master Summary Report

Monthly Building Permits			March, 2002
Addition	1	\$100,000.00	\$230.00
Commercial	1	\$300,000.00	\$940.00
Deck	2	\$13,770.00	\$50.00
Demolition	1	\$0.00	\$10.00
Garage	1	\$20,000.00	\$70.00
House	1	\$150,000.00	\$527.95
Pool	1	\$14,000.00	\$80.00
Renovation	5	\$31,000.00	\$187.60
Shed	1	\$1,559.00	\$20.00
Totals	14	\$630,329.00	\$2,115.55

YTD Building Permits			
Addition	4	\$177,705.00	\$454.00
Commercial	2	\$398,000.00	\$1,274.00
Deck	2	\$13,770.00	\$50.00
Demolition	1	\$0.00	\$10.00
Garage	3	\$192,000.00	\$420.25
House	4	\$1,365,000.00	\$1,579.91
Miscellaneous	1	\$0.00	\$75.00
Pool	1	\$14,000.00	\$80.00
Renovation	10	\$68,400.00	\$327.60
Shed	2	\$6,159.00	\$40.00
	30	\$2,235,034.00	\$4,310.76

Electrical Permits for March 2002

Count	Fee
7	\$116.00


YTD Electrical Permits

Count	Fee
31	\$415.00

Plumbing Permits for March, 200

<i>Count</i>	<i>Fee</i>
10	\$852.00

<i>Count</i>	<i>Fee</i>
35	\$3,051.00



Barbara McPheters
Building Inspector

Publication date: 12-Apr-2002
Reprinted from RatingsDirect

Summary: Cumberland Twn, ME; Tax Secured, General Obligation

Analyst: Geoffrey Buswick, Boston (1) 617-371-0313; Eden Perry, New York (1) 212-438-7967

Credit Profile
\$1 mil muni debt muni issue
due 2022
AA-
Sale date: 09-APR-2002
OUTLOOK:
STABLE

Rationale

The 'AA-' rating on the town of Cumberland, Maine's GO bonds reflects:

- Participation in the greater Portland economy,
- An affluent population supporting a primarily residential tax base,
- Consistently solid financial operations, and
- A favorable debt position with no other identified bond requirements.

The bonds are secured by the town's full faith and credit pledge.

The town of Cumberland, population 7,159, is located in Cumberland County 10 miles northeast of Portland. The town's 23 square miles encompasses portions of the mainland as well as Chebeague Island and other Casco Bay islands. The local economy is limited, however, residents have excellent access to the deep and diverse Portland MSA with interstate 95 and route 1. Historically, unemployment is similar to the county and below both the state and national averages. The fiscal 2001 \$545,000 tax base has grown 11% over the past four years. The tax base is diverse, with the 10 leading taxpayers, eight of which are residences, accounting for only 3.1% of total value. Market value per capita is high at \$76,128. Median single family home prices are high at nearly \$250,000.

Strong financial management practices have contributed to a well-established trend of solid financial results. The town closed fiscal 2001 with a strong undesignated fund balance of 9.4%, along the lines of historic balances. Fiscal 2002 closed with an undesignated fund balance of 24% due to it being a six-month transitional fiscal year, changing from a Dec. 31 fiscal-year end to a June 30 fiscal-year end.

The town's goal is to maintain a total fund balance around 10% of expenditures (11% in fiscal 2002). Property taxes are the largest source of revenue and account for 88% of operating revenue in fiscal 2001. Collection rates are strong; fiscal 2001 was the first year the town issued biannual tax bills and the collection rate during the levy year improved from the historical level around 95% to more than 98%.

Overall net debt, including the overlapping debt from the regional school district, is moderate at \$1,485 per capita, or low at 2.0% of market value. Amortization is above-average at 63% within 10 years. The town's five-year capital plan is manageable at \$1.2 million, with no expectations for additional bonded debt in that period. Proceeds from this issue will be used to finance the purchase of two fire trucks (\$630,000) and improvement to the transportation facilities for Chebeague Island.

Outlook

The stable outlook reflects Standard & Poor's expectation of continuing well-managed operations, strengthening financial position, and ongoing tax base growth.

This report was reproduced from Standard & Poor's RatingsDirect, the premier source of real-time, Web-based credit ratings and research from an organization that has been a leader in objective credit analysis for more than 140 years. To preview this dynamic on-line product, visit our RatingsDirect Web site at www.standardandpoors.com/ratingsdirect.
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Setting The Standard.

Standard & Poor's

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**Cumberland Town Lands and Conservation Commission
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021**

April 12, 2002

Bob Benson, Town Manager
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021

Dear Bob:

Per your request, the Town Lands and Conservation Commission has reviewed two Town-owned parcels along Route 100—specifically U19/5 and U20/57. Neither parcel is deemed to have any conservation value.

Instead, we recommend that the Town put these parcels out to bid for sale. Once sold, these parcels will once again become tax revenue-generating properties. We further recommend that the proceeds from the sale of these parcels be placed in a “Land Bank” fund to be used for the future purchases of properties with conservation and/or recreation value to town residents.

Bob, please share this letter with the Town Council and please let me know if you have any questions and/or need us to present our recommendation to the Town Council. Thanks for your consideration.

Sincerely,

John Eldredge, Chairman
Cumberland Town Lands and Conservation Commission

cc: all CTLCC members

Cumberland Town Lands and Conservation Commission
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021

April 12, 2002

Bob Benson, Town Manager
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021

Dear Bob:

Per your request, the Town Lands and Conservation Commission has discussed at length the issues surrounding hunting within the Town Forest. We make the following key observations as the basis for our recommendation to follow:

- The Town has historically permitted hunting in the Town Forest during a period of decades when the property was virtually unused.
- In recent years, the Drowne Road School has been renovated and reopened, two Little League fields have been constructed, and the new Town Hall was built adjacent to the Town Forest. Each of these projects has added significantly to the human activity in and near the Town Forest.
- The Town Forest Trail was cut and has been steadily improved and enhanced by various volunteer groups, including the Town Forest Board, the local Boy Scout troop, and numerous SAD51 school classes. The trail is now used regularly by Cumberland residents for hiking and wildlife observation. In addition, school classes regularly use the trail for access to the Town Forest for school science and history projects.

Recommendation

In light of the existence of buildings immediately next to the Town Forest, as well as the substantial recreational and education activity taking place within the Town Forest throughout the year, the Town Lands and Conservation Commission recommends that, effective immediately, the Town Forest be posted for bow hunting only. It is our belief that this policy will best ensure the safety of town residents and employees, while still providing the opportunity for a single, relatively safe form of hunting.

Please share this recommendation with the Town Council and please let us know if you would like us to present our recommendation to the Town Council and/or at a public hearing. Thanks, Bob, for your consideration.

Sincerely,

John Eldredge, Chairman
Cumberland Town Lands and Conservation Commission

cc: all CTLCC members

**TOWN OF CUMBERLAND
Planning Board Meeting**

**Tuesday, April 30, 2002
Council Chambers of the Town Offices
290 Tuttle Road, Cumberland Center
7 PM**

- A. Call To Order**
- B. Roll Call**
- C. Minutes of Prior Meetings - March 19, 2002**
- D. Consent Calendar**
- E. Hearings and Presentations**

1. Public Hearing – Continuation of temporarily adjourned 16 April 2002 hearing for Preliminary Site Plan Review, Site Inventory and Analysis review prior to Major Site Plan Review, to construct a new middle school and associated site improvements at the Greely Campus, Tax Assessors Map U11, Lot 9, and Map U11, Lot 1; MSAD #51 owner, Stephen Blatt Associates, applicant.

- F. Adjournment**

OFFICIAL STATEMENT DATED APRIL 19, 2002**NEW ISSUE
S&P: AA-**

In the opinion of Bond Counsel, under existing statutes and court decisions, and assuming compliance with certain covenants, interest on the Bonds will not be included in the gross income of the owners thereof or federal income tax purposes pursuant to Section 103 of the Internal Revenue Code as amended (the "Code") and such interest will not be treated as a preference item to be included in calculating alternative minimum taxable income under the Code with respect to individuals and corporations; however, such interest will be taken into account in the computation of certain taxes that may be imposed with respect to corporations, including, without limitation, the alternative minimum tax, the environmental tax and the foreign branch profits tax. Bond Counsel is also of the opinion that the interest paid on the Bonds is exempt from income tax imposed upon individuals by the State of Maine (the "State") under existing statutes and judicial decisions. **The Bonds will be designated as "qualified tax-exempt obligations" for purposes of Section 265 (b)(3) of the Code. See "THE BONDS - TAX MATTERS" and "APPENDIX B" herein.**

TOWN OF CUMBERLAND, MAINE
\$1,000,000
2002 GENERAL OBLIGATION BONDS

Dated: April 1, 2002**Due: April 1, as shown below**

The Bonds will be issued as fully-registered certificates without coupons and, when issued, will be registered in the name of Cede & Co., as Bondowner and nominee for The Depository Trust Company ("DTC"), New York, New York. DTC will act as securities depository for the Bonds. Purchases of the Bonds will be made in book-entry form, in the denomination of \$5,000 or any integral multiple thereof. Purchasers will not receive certificates representing their interest in Bonds purchased. See "THE BONDS - BOOK - ENTRY - ONLY SYSTEM" herein.

Principal and semi-annual interest on the Bonds will be paid to DTC by State Street Bank and Trust Company, Boston, Massachusetts as Paying Agent. Interest on the Bonds will be payable on October 1, 2002, and semi-annually on each April 1 and October 1 thereafter until maturity. As long as DTC or its nominee is the Bondowner, such payments will be made directly to such Bondowners. Disbursements of such payments to the DTC Participants is the responsibility of DTC and disbursements of such payments to the Beneficial Owners is the responsibility of the DTC Participants and the Indirect participants, as more fully described herein.

The legal opinion of Jensen, Baird, Gardner & Henry, of Portland, Maine, Bond Counsel, will be provided to the original purchaser and will indicate that the Bonds are valid and binding general obligations of the Town of Cumberland, Maine and, unless paid from other sources, are payable as to both principal and interest from ad valorem taxes which may be levied without limit as to rate or amount upon all the property within the territorial limits of the Town and taxable by it, except to the extent that the Town may enter into an agreement under Title 30-A, Chapter 223, Subchapter V of the Maine Revised Statutes, as amended, to share its assessed valuation with another municipality; and except to the extent that the Town has in the past established or may in the future establish municipal development districts as tax increment financing districts, pursuant to Title 30-A, Chapter 207 of the Maine Revised Statutes, as amended, the captured tax increment of which may not be available for payment of debt service on the Bonds. Within the limits established by statute, the Town has the right to designate municipal development districts pursuant to Chapter 207 of Title 30-A of the Maine Revised Statutes, as amended. The Town Treasurer has certified that no agreements under Chapter 223, Subchapter V, to share assessed valuation with another municipality, now exist. The opinion of Bond Counsel will indicate that the obligations of the Town, including the Bonds, are subject to bankruptcy, insolvency, moratorium and other laws affecting the rights and remedies of creditors generally, and are subject to general principles of equity. The opinion of Bond Counsel will be dated and given on and will speak as of the date of original delivery of the Bonds to the original purchasers.

The Bonds are being issued to provide funds to finance various capital purchases and improvements for the Town. See "THE BONDS - AUTHORIZATION AND PURPOSE" herein.

MATURITY SCHEDULE

<u>April 1,</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Yield or Price</u>	<u>April 1,</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Yield or Price</u>
2003	\$30,000	4.500%	NRO	2013	\$50,000	4.600%	4.450
2004	30,000	4.500	2.700	2014	50,000	4.600	4.550
2005	35,000	4.500	3.150	2015	55,000	4.600	4.650
2006	35,000	4.500	3.400	2016	60,000	4.700	NRO
2007	40,000	4.500	3.750	2017	60,000	5.000	4.850
2008	40,000	4.500	3.900	2018	60,000	5.000	4.900
2009	45,000	4.500	4.050	2019	65,000	5.000	4.950
2010	45,000	4.600	4.150	2020	65,000	5.000	5.000
2011	45,000	4.600	4.250	2021	70,000	5.000	NRO
2012	50,000	4.600	4.350	2022	70,000	5.000	NRO

The Bonds are offered when, as and if issued, subject to the approval of legality by Jensen, Baird, Gardner & Henry, of Portland, Maine, Bond Counsel. It is expected that the Bonds, in definitive form, will be available for delivery to The Depository Trust Company in New York City, New York, on or about April 22, 2002.

Banknorth, N.A.
Two Portland Square, Portland, Maine, 04101, (207) 761-8573
Financial Advisor

ROOSEVELT & CROSS, INC.

No dealer, broker, salesman or other person has been authorized by the Issuer or the Underwriter to give any information or to make any representations, other than those contained in this Official Statement, in connection with the offering of the Bonds, and if given or made, such information or representations must not be relied upon as having been authorized by any of the foregoing. This Official Statement does not constitute an offer to sell or the solicitation of an offer to buy, nor shall there be any sale of the Bonds by any person in any jurisdiction in which it is unlawful for such person to make such offer, solicitation or sale. The information set forth herein has been obtained from the Issuer and other sources which are believed to be reliable, but is not guaranteed as to accuracy or completeness by, and is not to be construed as a representation by, any party other than the Issuer. The information and expressions of opinion herein are subject to change without notice, and neither the delivery of this Official Statement nor any sale made hereunder shall, under any circumstances, create any implication that there has been no change in the condition or affairs of the Issuer since the date hereof.

IN CONNECTION WITH THIS OFFERING, THE UNDERWRITER MAY OVERALLOT OR EFFECT TRANSACTIONS WHICH STABILIZE OR MAINTAIN THE MARKET PRICE OF THE BONDS AT A LEVEL ABOVE THAT WHICH MIGHT OTHERWISE PREVAIL IN THE OPEN MARKET. SUCH STABILIZING TRANSACTIONS, IF COMMENCED, MAY BE DISCONTINUED AT ANY TIME.

THE BONDS HAVE NOT BEEN REGISTERED UNDER THE SECURITIES ACT OF 1933, AS AMENDED, NOR HAS ANY INDENTURE BEEN QUALIFIED UNDER THE TRUST INDENTURE ACT OF 1939, AS AMENDED, IN RELIANCE UPON EXEMPTIONS CONTAINED IN SUCH ACTS. THE REGISTRATION OR QUALIFICATION OF THE BONDS IN ACCORDANCE WITH APPLICABLE PROVISIONS OF SECURITIES LAWS OF THE STATES IN WHICH THE BONDS HAVE BEEN REGISTERED OR QUALIFIED, AND THE EXEMPTION FROM REGISTRATION OR QUALIFICATION IN OTHER STATES, CANNOT BE REGARDED AS A RECOMMENDATION THEREOF. NONE OF THESE STATES NOR ANY OF THEIR AGENCIES HAVE PASSED UPON THE MERITS OF THE BONDS OR THE ACCURACY OR COMPLETENESS OF THIS OFFICIAL STATEMENT. ANY REPRESENTATION TO THE CONTRARY MAY BE A CRIMINAL OFFENSE.

FOR NEW HAMPSHIRE RESIDENTS: IN MAKING AN INVESTMENT DECISION, INVESTORS MUST RELY ON THEIR OWN EXAMINATION OF THE ISSUER AND THE TERMS OF THE OFFERING, INCLUDING THE MERITS AND RISKS INVOLVED. THE BONDS HAVE NOT BEEN RECOMMENDED BY ANY FEDERAL OR STATE SECURITIES COMMISSION OR REGULATORY AUTHORITY. FURTHERMORE, THE FOREGOING AUTHORITIES HAVE NOT CONFIRMED THE ACCURACY OR DETERMINED THE ADEQUACY OF THIS OFFICIAL STATEMENT. ANY REPRESENTATION TO THE CONTRARY IS A CRIMINAL OFFENSE.

TOWN OF CUMBERLAND

ADOPTION OF AN ORDINANCE

THE TOWN OF CUMBERLAND HEREBY ORDAINS the following to be a Special Amusement Ordinance:

SECTION I TITLE, PURPOSE & DEFINITIONS

A. Title

This Ordinance shall be known and may be cited as the Special Amusement Ordinance of the Town of Cumberland, Maine.

B. Purpose

The purpose of this Ordinance is to control the issuance of special permits as required by Section 702 of Title 28 of the Maine Revised Statutes, for music, dancing or entertainment in facilities licensed by the State of Maine to sell liquor.

C. Definitions

(1) Entertainment: For the purposes of this Ordinance, "entertainment" shall include any amusement, performance, exhibition or diversion for patrons or customers of the licensed premises whether provided by professional entertainers or by full-time or part-time employees of the licensed premises whose incidental duties include activities with an entertainment value.

(2) Licensee: For purposes of this Section, "licensee" shall include any person, individual, partnership, firm, association, corporation, or other legal entity which is the holder of a license for the sale of liquor to be consumed on premises owned by said licensee, or any agent, or employee of any such licensee.

SECTION II SPECIAL AMUSEMENT PERMIT

A. Application

(1) No licensee for the sale of liquor to be consumed on his licensed premises, shall permit, on his licensed premises, any music, except radio or other mechanical device, any dancing or entertainment of any sort unless the licensee shall have first obtained from the municipality in which the licensed premises are situated a special amusement permit.

(2) Applications for all special amusement permits shall be made in writing to the Town Council and shall state the name of the applicant; his resident address; the name of the business to be conducted; his business address; the nature of his business the location to be used; whether the applicant has ever had a license to conduct the business therein described either denied or revoked and, if so, the applicant shall describe those circumstances specifically; whether the applicant, including all partners or corporate officers, has ever been convicted of a felony and, if so, the applicant shall describe specifically those circumstances; and any additional information as 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.

(3) No permit shall be issued for any thing or act, or premises, if the premises and building to be used do not fully comply with all ordinances, codes and regulations of the said Town.

(4) The amount of said fee shall be set by the order of the Town Council.

(5) A licensed hotel, Class A restaurant, Class A tavern or restaurant malt liquor licensee as defined in the Maine Revised Statutes who has been issued a special amusement permit may charge admission in designated areas approved in said permit.

B. Hearing

(1) The Town Council shall, prior to granting a permit and after reasonable notice to the municipality and the applicant, hold a public hearing within fifteen (15) days of receipt of a completed application, at which hearing the testimony of the applicant and that of any interested members of the public shall be taken.

(2) The permit may be granted subject to such conditions and restrictions as the Council may deem necessary.

(3) A permit shall be valid only for the license year of the applicant's existing liquor license.

C. Inspections

(1) Whenever inspections of the premises used for or in connection with the operation of a licensed business which has obtained a special amusement permit are provided for or required by ordinance or State law, or are reasonably necessary to secure compliance with any municipal ordinance, code or regulation or State law, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit any officer, official, or employee of the said Town authorized to make the inspection at any reasonable time that admission is requested.

(2) In addition to any other penalty which may be provided, the Town Council may revoke the special amusement permit of any licensee in the municipality who refuses to permit any such officer, official, or employee to make an inspection, or who interferes with such officer, official, or employee while in the performance of his duty. Provided, that no license or special amusement permit shall be revoked unless written demand for the inspection is made upon the licensee or person in charge of the premises, at the time it is sought to make the inspection.

D. Suspension or Revocation

The Town Council may, after a public hearing preceded by

notice to interested parties, suspend, or revoke any special amusement permit which has been issued under this Ordinance on the ground that the music, dancing, or entertainment so permitted constitutes a detriment to the public health, safety, or welfare, or violates any municipal regulations.

E. Appeals

(1) Any licensee requesting a special amusement permit from the Town Council shall be notified in writing of their decision no later than fifteen (15) days from the date his application was received. In the event that a licensee is denied a permit, the licensee shall be provided with the reasons for the denial in writing. The licensee may not reapply for a permit within thirty (30) days after an application for a permit has been denied.

(2) Any licensee who has requested a permit and has been denied, or whose permit has been revoked or suspended, may, within thirty (30) days of the denial, suspension or revocation, appeal the decision to the Superior Court.

SECTION III RULES AND REGULATIONS

The Town Council is hereby authorized, after public notice and hearing, to establish written rules and regulations governing the issuance, suspension, and revocation of special amusement permits, the classes of permits, the music, dancing, or entertainment permitted under each class, and other limitations on these activities required to protect the public health, safety and welfare. These rules and regulations may specifically determine the location and size of permitted premises, the facilities that may be required for the permitted activities on those premises, and the hours during which the permitted activities are permitted.

Such rules and regulations shall be additional to and consistent with all sections of this Ordinance.

SECTION IV PENALTY, SEPARABILITY AND EFFECTIVE DATE

A Penalty

Anyone found guilty of violating any provision of this Ordinance shall be subject to a fine of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00). Each day such violation continues shall be deemed to be a new offense.

B. Separability

If any section or provision, or part thereof of this Ordinance shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of the Ordinance as a whole or of any other section or provision or part thereof.

C. Effective Date

The effective date of this Ordinance shall be JUL 26 1978

A TRUE COPY:

ATTEST:

Christine A. St. Peter
Town Clerk