

**TOWN OF CUMBERLAND
MEETING OF THE TOWN COUNCIL
APRIL 14, 2003**

CALL TO ORDER in the Cumberland Town Council Chambers at 7:00 p.m.

I. APPROVAL OF MINUTES

a. March 24, 2003

II. MANAGER'S REPORT

III. PUBLIC DISCUSSION

IV. LEGISLATION AND POLICY

03 – 034. To hear report from the Forest Lake Association

03 – 035. To hold Public Hearing re: Mass Gathering Permit for the Bonny Eagle Car Show, to be held May 18, 2003 at the Cumberland Fairgrounds.

03 – 036. To execute certain certificates of settlement with Robert B. Benson, former Tax Collector, in regard to the tax years 2000-2001, 2001-2002, and 2002-2003, and to thereby discharge the said Robert B. Benson from any further liability to collect the remaining taxes due for the aforesaid years.

03 – 037. To abate certain uncollected real and personal property balances based upon the advice of the Town Auditor and Town Attorney that these taxes are no longer collectible.

03 – 038. To receive and act on property tax abatement.

03 – 039. Resolution to direct our representatives to the RWS Board of Directors to request an outside independent management efficiency audit of the financial aspects of RWS.

03 – 040. To set date for Budget Advisory public hearing.

V. CORRESPONDENCE

VI. NEW BUSINESS

VII. EXECUTIVE SESSION re: hardship abatement and personnel matter

VIII. ADJOURN

MEMBERS OF THE TOWN COUNCIL

Jeffrey Porter, Chairman	829-4129	Donna Damon	846-5141
Mark Kuntz	829-6482	Harland Storey	829-3939
Michael Savasuk	781-3061	William Stiles	829-6679
Stephen Moriarty	829-5096	web: www.cumberlandmaine.com	

**TOWN OF CUMBERLAND
MEETING OF THE TOWN COUNCIL
MARCH 24, 2003**

DRAFT

Chairman Porter called the meeting to Order in the Cumberland Town Council Chambers at 7:00 p.m.
Attendance: All councilors present.

I. APPROVAL OF MINUTES:

A) March 3, 2003

Motion made by Councilor Moriarty to approve the minutes as amended by Councilor Damon;

Seconded by Councilor Storey.

VOTE: 8-1 (Councilor Damon abstained)

II. MANAGER'S REPORT:

Manager Benson introduced Mr. Robert Storey, President of the Cumberland Cemetery Association to present the association's annual report. Mr. Storey thanked the Town Council for their support last year, which provided for the removal of several trees and overgrowth. The town will perform "stumping, loaming and seeding of the affected area" this year. Mr. Storey requested funding of \$6,000 "in addition to getting the front of Moss Side taken care of." Mr. Peter McKenney, Treasurer, distributed the association's 2002 budget, explaining "we sold more lots than expected; however, the stock market was not very kind to us. Overall the cemetery association lost a significant amount of its value." The fund currently holds \$211,000, a decline from \$250,000 just a few years earlier. "If we want the cemeteries to be improved in appearance ... we have to do everything we've been doing in the past, plus more. So, the amount of money that the cemetery association receives from the town is very critical to us." Mr. McKenney further stated, "The level that we've been funded for regular operations in the past is also not adequate. In fact, we would probably need six or seven thousand dollars more in support on an annual basis just to be able to do the things we're supposed to be doing and allow the perpetual care fund to grow." Otherwise, he explained, there will ultimately be a "depleted cemetery fund" requiring the Town to "bring it back into its own operating arrangements and be dealing with it with all the other things you have to deal with. I hope during the budget process this year, those things will be taken into account." The \$450 lot price was discussed. This price includes perpetual care. One half of the funds are deposited into the perpetual care fund, with the remaining half, as well as any earnings on the perpetual care fund, supporting the operating expenses. Councilor Damon reviewed the island's proportional share in order to "make sure there's enough money for them to do what they need to do." In response to comments from Chairman Porter and Councilor Stiles, Mr. McKenney described the \$450 fee as "on the top end of the local communities," when compared with Yarmouth, Falmouth and Gray. State law requires 30% of the lot sale to be placed into the perpetual care fund; Cumberland apportions fifty percent. On behalf of the Town Council, Chairman Porter thanked the association for their work.

III. PUBLIC DISCUSSION:

None.

IV. LEGISLATION AND POLICY:

03 - 021. To hear from John Aromando, MSAD #51, School Board Chairman, regarding the Drowne Road School lease/purchase agreement.

Chairman Aromando addressed the issue which will be before the district voters Thursday, March 27th, regarding a proposal for the district to enter into a lease/purchase agreement with the Town of Cumberland for the Drowne Road School property. The district is "mid-way" through a ten-year lease with the town, and the district voters will be asked to authorize the District to purchase the building from the Town of Cumberland. The agreement has received unanimous approval from the Town Council and School Board; however, pursuant to state law, the issue must now receive approval by the district voters. Chairman Aromando explained the school "has a long history of being used as a school facility," in addition to "a Town Hall and other community purposes. It is at this point a vital and integral part of the district's facilities; we need it." The move from a lease to a lease/purchase will prevent a significant loss in state subsidy. "Our lease payments to the town

are currently subsidized by the State of Maine and due to a change in the law that will no longer be possible beginning this fiscal year. The only way to maintain that subsidy is to convert to a lease/purchase. This means just under \$150,000 a year for the district." The "financial imperative, as well as our pressing space needs" combine to make the upcoming vote a critical one for the district. Chairman Aromando also spoke to the recent ad placed by a "group of district residents who are opposing this proposal on the basis of environmental issues", or more specifically "the proximity of the Drowne Road School to the former municipal landfill." In direct response to these concerns, he wished to "provide assurances" that the District, the District Board and the environmental professionals hired are "all confident that the Drowne Road School is every bit as safe as every other district facility that we have and are currently using. If there was any question about that the district ... would be behaving very differently." In his opinion, the opposition "boils down to the very simple premise that it is presumptively unsafe to have a school next to a landfill, and that is just not a valid premise." The professionals involved in the testing will address the extensive nature of the environmental testing at Thursday's meeting. Chairman Aromando read from a letter from the Maine Dept. of Environmental Protection stating "the closure action at this site has been effective, and any risk that this site may have posed has been minimized as much as possible." In response to questions from the Town Council, Chairman Aromando responded negatively to speculations that the district has plans for full-day kindergarten at the Drowne Road School, suggesting "the use of the Drowne Road School is going to be the subject of a task force next fall. There will be a new use; what that use will be has not been identified. We can not afford it right now, so I don't see anything in the short term that will involve an all day kindergarten." When queried whether any "resident or group of residents have given the board any actual findings, studies, analysis, establishing some level of risk at that site" Chairman Aromando replied no evidence has been presented "because there isn't any."

03 - 022. To approve Town Manager's appointment of Carla Nixon as Town Planner.

Motion by Councilor Moriarty to approve Robert Benson's appointment of Carla Nixon as Town Planner;

Seconded by Councilor Damon.

VOTE: UNANIMOUS 7-0

03 - 023. To hold public hearing to consider and act upon amendments to the Cumberland Zoning Ordinance, Sections 104, 104.12, 104.73, 104.74, 104.110.5, 104.112, 104.117, 104.126, 205.1, 403.1, 403.2, 403.3, 421, 501.1 and 501.4 re: streets, right-of-ways, and non-conforming buildings.

Barbara McPheters, Code Enforcement Officer, summarized the ordinance changes for the Town Council, explaining that references to right-of-ways and roads have been changed to street. Definitions for right-of-way and front, rear and side lot lines have been created due to enforcement issues resulting from interpretations required from either the CEO or the Board of Adjustment and Appeals.

The amendments stipulate paper streets not be included in the setback calculation and that the setback be measured from the edge of the street, not the property line. This should prevent situations where buildings and/or septic systems are built within paper streets. It is the responsibility of the property owner to provide the location of the right-of-way and property lines in order to determine the setbacks. Councilor Damon suggested "this is very difficult" for a landowner to determine when "the Town has no idea where those streets really sit. I think this is something there should be some flexibility on. I don't care who the surveyor is, if they come up with a plan (referring to an island road), it's a crapshoot. And, to make people go out and pay money for that kind of crapshoot is not fair." Barbara McPheters agreed that Chebeague Island is "much more difficult because a lot of the streets on Chebeague have not been surveyed at this point." Councilor Storey referenced Tuttle Road as a mainland example of where "the roads are not where the right-of-ways are." Chairman Porter stressed "whether we make this change or not, the situations you've described will not change." Councilor Kuntz asked if this would include "deeded right-of-ways. In other words, if I had a piece of property and I deeded a right-of-way to my neighbor to cross my property, would then the edge of that deeded right-of-way become the street line...impacting my setbacks? Is the owner then penalized?" CEO McPheters clarified the ordinance specifies a "vehicular right-of-way. " For any other purpose, it would not be classified as a street. CEO McPheters also stated that property owners would continue to appeal to the Board of Adjustment and Appeals for

variance requests. Councilor Kuntz recommended this ordinance should be reviewed "six months to a year to see if there have been any problems" or if further changes are necessary so "we don't provide any hardships on the citizens of the Town of Cumberland."

The lot regulations, back lot and road construction sections have been amended to correspond with the new and revised definitions. This resolves the concern about imposing front setbacks on corner lots from private ways when the private street was created after the building existed or is not used as a vehicular right of way. The road construction standard section was revised to require an effective setback and landscaped buffer between existing structures and a proposed private street. The non-conforming buildings section has been amended to allow expansion of buildings along the same setback line as the existing building. This should eliminate the need for variances for additions to existing buildings when the addition will be the same distance (setback) from the property line.

Councilor Damon suggested the change from roads and right-of-ways to streets is not in alignment with the goal of the Comprehensive Plan to "maintain the rural character of the Town," describing this change as "heading toward urbanization. It's a major philosophical shift." CEO McPheters indicated the Zoning Ordinance does contain a road definition; therefore, "a bit more manipulation" is needed before street is eliminated.

Motion was made by Councilor Damon to amend the Ordinance to "change 'streets' back to 'roads' and come up with another definition for road meaning a route or track consisting of a bed of exposed mineral, soil, gravel or asphalt." The motion failed for a lack of a second.

Motion by Councilor Savasuk to approve the amendments to the Cumberland Zoning Ordinance, Sections 104, 104.12, 104.73, 104.74, 104.110.5, 104.112, 104.117, 104.126, 205.1, 403.1, 403.2, 403.3, 403.3, 421, 501.1 and 501.4;

Seconded by Councilor Moriarty.

VOTE: UNANIMOUS 7-0

03 - 024. To set date for public hearing re: Mass Gathering Permit by the Bonny Eagle Car Show, to be held at the Cumberland Fairgrounds, May 18, 2003.

Motion made by Councilor Kuntz to set the date of April 14, 2003;

Seconded by Councilor Storey.

VOTE: UNANIMOUS 7-0

03 - 025. To hold public hearing to act upon the renewal application by Ed Harding, Cumberland Café, 172 Gray Road, for a Restaurant with Malt and Vinous license.

Motion by Councilor Storey to grant the license;

Seconded by Councilor Stiles.

VOTE: UNANIMOUS 6-1 (Councilor Kuntz opposed)

03 - 026. To hold public hearing to act upon renewal application by Innco, Inc. d/b/a Chebeague Inn, for a Hotel with Liquor license.

Motion by Councilor Storey to grant the license;

Seconded by Councilor Moriarty.

VOTE: UNANIMOUS 6-1 (Councilor Kuntz opposed)

03 - 027. Nominating Committee appointments.

RECREATION/COMMUNITY EDUCATION ADVISORY BOARD:
Charles Burnie, 30 Lower Methodist Road

PERSONNEL APPEALS BOARD:
William Ward, 128 Longwoods Road
Phillip Dobson, 8 Winn Road
James Hanley, 288 Blanchard Road

LAND & CONSERVATION COMMISSION:

Penny Asherman, 12 Hemlock Drive
James Hanley, 288 Blanchard Road
William Ward, 128 Longwoods Road
Cindi Farris, 29 Wyman Way

Motion by Councilor Kuntz to approve the nominations;
Seconded by Councilor Storey.

VOTE: UNANIMOUS 7-0 passage

CUMBERLAND ISLANDS COMMITTEE:

Randy Harriman	Milton Calder	Martha Hamilton
Elizabeth Howe	Sam Ballard	Jean Dyer
Nancy Adams	Jane Frizzell	Mabel Doughty
Adam Dougherty	Esther Knight	Thomas Calder
Michael Porter	Marjorie Munroe	J. Samuel Hunter
Beverly Johnson	Bruce Riddle	

Councilor Damon explained this Committee was originally created when Carla Nixon first served as Town Planner. So, it is "appropriate," and residents are "excited" that Carla will serve as the staff liaison for this committee. She described the charge for the committee as "to advise the Council on issues related to the Cumberland Islands." The mission of the committee is to "consider the various issues relating to the islands of Cumberland, and to recommend strategies for addressing these issues. Areas for consideration include, but are not limited to, environmental, economic, transportation, land use, solid waste, recycling, coastal access, public health, affordable housing and infrastructure development or improvement." Councilor Damon also noted that the creation of this committee will not "preclude special committees such as the Stone Wharf Committee, and other committees that will be called for specific purposes. In fact, this committee may identify other committees that need to be formed."

Motion by Councilor Damon to approve the nominations;
Seconded by Councilor Kuntz.

VOTE: UNANIMOUS 7-0

03 - 028. To approve a contract with William R. Shane for three years as Town Manager as prepared by The Town's Attorney.

The Town Council approved unanimously an earlier order that appointed William R. Shane as Town Manager, effective March 31, 2003, subject to prior execution of an employment contract to be prepared by the Town Attorney and approved by the Town Council.

Councilor Moriarty noted this evening's meeting as the last Council meeting at which Robert Benson will attend as Town Manager. He expressed his hope that "we will have an opportunity to more properly and formally thank you for your service to the town," and described Manager Benson as "one of the dean's in the field in this state," thanking him for his 24 years of service to the town. Chairman Porter echoed Councilor Moriarty's comments.

Motion by Councilor Moriarty to enter into an employment agreement with William R. Shane to serve as Cumberland Town Manager for a term not to exceed three years as set forth in greater detail in the employment agreement negotiated between Mr. Shane and the town;

Seconded by Councilor Damon.

VOTE: UNANIMOUS 7-0

03 - 029. To abate taxes related to the town's purchase of the Gosselin property.

Manager Benson requested the Council authorize abatement in the amount of \$4,544.96 for the Town's pro-rata share of property taxes as identified in the purchase and sale agreement. Councilor Moriarty requested an update from Councilor Damon regarding CMIT's fundraising efforts. Councilor Damon replied that grant applications have been submitted and the Land Trust is "getting ready to do a mailing."

→ *Motion + vote:*
03 - 030. To consider and act on a 5 percent sewer rate increase.

Manager Benson explained that the Portland Water District computes the town's assessment on a monthly basis. By Council direction, the users of the system and not the property tax have always supported this assessment. The agreement between The Portland Water District and the Town for the maintenance of the interceptors and collector systems requires upgrades to certain pump stations. Capital improvements, as well as studies in conjunction with the Town of Falmouth and the PWD will be undertaken, representing approximately \$75,000. system revenues include upgrade fees charged as new connections enter the system. For example, the new middle school will be assessed \$98,000. Mr. Benson recommended he, Public Works Director Adam Ogden, Sewer Engineer Ralph Oulton, and new Town Manager Bill Shane meet with Falmouth and the Portland Water District trustees to review issues that will occur in the near future. Proposed senior housing should be considered for impact to future sewer revenues. Manager Benson believes a sewer rate increase is needed at this time, saying "it will put some extra revenue in place which I think will be needed. The system has operated since 1986 with one rate increase. I am recommending a rate increase of 5 percent at this time." The increase will take effect May 1, 2003. The current rate covers debt service and maintenance; however, the debt service is eliminated in 2006, representing approximately \$30,000. Mr. Benson recommended a thorough study occur at that time to determine how ongoing rates should be assessed; i.e. flow versus usage. The system will also be twenty years old and a better understanding of the system maintenance requirements will be necessary.

Motion by Councilor Savasuk motioned to approve a five percent sewer rate increase as recommended by the Town Manager;
Seconded by Councilor Moriarty.
VOTE: UNANIMOUS 7-0

03 - 031. To receive request of Chebeague Orchard Inn for a zone change.

Manager Benson recommended the zone change request be referred to the Planning Board for recommendation.

Motion by Councilor Moriarty to refer the zone change request to The Planning Board;
Seconded by Councilor Kuntz.
VOTE: UNANIMOUS 7-0

03 - 032. To set bulky waste pickup dates.

Manager Benson recommended the following dates: May 5-9 and September 29 through October 3rd (for Mainland); and August 8-10 (Chebeague Island).

Motion by Councilor Storey to approve the dates as recommended;
Seconded by Councilor Kuntz.
VOTE: UNANIMOUS 7-0

03 - 033. WORKSHOP with Fire Chief Dan Small re: sprinklers.

Chief Small performed a PowerPoint and video demonstration during which he reviewed current fire safety and building practices. At the "root of this issue," explained Chief Small, are contemporary construction standards which involve floor and roof trusses held together with metal gusset plates. "It's a domino effect. Once one (truss) starts to fail, the others are depending on the support from the adjoining trusses; failure is imminent. An exposed truss can fail as early as 5-7 minutes. This is a critical issue for us as a volunteer fire

department because last year our average response time, town-wide, was in the 7.37 minute range, which means we're arriving at about the time the place is still standing. The best example is if you have a basement fire with unprotected ceilings in the basement with these types of floor trusses. We're sending firefighters into a building that may already be in jeopardy of collapsing before we even get there." Chief Small also addressed what he referred to as the "myths" associated with sprinkler systems.

Comments received as a result of the presentation included questioning the reason behind the distinction between subdivision and single-lot homes; system and related costs; scene safety; and system failure during power outages or dry spells.

In summarizing the workshop, Councilor Moriarty offered the following assessment: "We have a subdivision ordinance which vests substantial discretion in the fire chief as far as sprinkler installation is concerned; however, it only applies to subdivision construction. The issue is whether we should more precisely define the requirements or the conditions under which systems are to be introduced, if at all; whether they should be introduced in all construction, as opposed to a very limited segment of it; or whether it should be eliminated completely. If we're going to re-examine something we have in effect," he suggested, several pieces of information would be beneficial. Examples included a summary of our current ordinance regarding this subject; a more detailed understanding of what our ordinances provide; trends both region- and state-wide; the state's position on this topic; specifics behind surrounding community ordinances; the history behind the distinction between subdivisions and single family homes, and whether that distinction still makes sense."

"We're really fortunate to have such a professional fire department ...and to have people like Chris and Dan who have grown up here and who are vested in this town and want the best for it," expressed Councilor Damon, with the concurrence of several councilors.

V. CORRESPONDENCE:

*Councilor Savasuk - none

*Councilor Damon – Received calls re: dirt roads breaking up; report of someone falling at the hole in the Cousins Island hole – "can we sweep the sand off the hill down into the hole?"; Deer Point Road resident would like to speak with town re: the road becoming a town road.

*Councilor Storey – none

*Councilor Kuntz – none

*Chairman Porter – commended Steven Foster and Dan Burr for their recent Road Scholar Award; announced Forest Lake Community Watershed Forum on April 12th at Val Halla.

*Councilor Moriarty – referenced letter received from Toddle Inn with request for a Foreside Fire station.

*Councilor Stiles – Received a letter from constituent requesting a zone change in the Industrial zone for property located in West Cumberland; gave update on Regionalization Committee, noting their recent application to the Maine State Planning Office for a \$15,000 matching grant; in response to rumors regarding the committee's focus, he wanted to assure employees that the committee's top priorities are "more efficiency and provide better service to the public"; referred complaint to Town Manager regarding the heavy vehicles policy.

VI. NEW BUSINESS:

*Councilor Savasuk – none.

*Councilor Damon – announced the July 6th opening of the Museum of Chebeague History.

*Councilor Storey – announced he will be running for re-election.

*Councilor Kuntz – announced he will also seek re-election.

*Chairman Porter – referred to regional meeting re: browntail moth, noting the meeting was taped and will be rebroadcast several times; suggestion regarding council's ability to receive emails during town council meetings is still being reviewed due to logistical issues which still need to be resolved; announced town's plan to offer a backyard composting bin – notice will be published and placed on web channel and local access channel.

*Councilor Moriarty – requested timeframe for improvements to Route 100 intersection; stated browntail moth harvesting indicated the coastal areas have seen no benefit to the mortality of the moths due to the cold weather, as was hoped; suggested formal notification to residents on the island and foreside of town's decision to forego a spraying program this year.

*Councilor Stiles – 911 change of address to 226 Range Road; announced birth of heifer calf.

VII. EXECUTIVE SESSION re: land acquisition and union negotiations.

Motion by Councilor Stiles to go into Executive Session to discuss land acquisition and union negotiations;

Seconded by Councilor Moriarty,

VOTE: UNANIMOUS 7-0

TIME: 10:48 p.m.

VIII. ADJOURN

Motion by Councilor Moriarty to return from Executive Session;

Seconded by Councilor Kuntz.

VOTE: UNANIMOUS 7-0

TIME: 11:18 p.m.

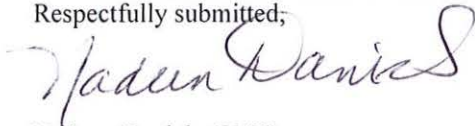
Motion by Councilor Storey to adjourn;

Seconded by Councilor Moriarty.

VOTE: UNANIMOUS 7-0

TIME: 11:18 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Nadeen Daniels".

Nadeen Daniels, CMC
Town Clerk

MEMORANDUM

April 8, 2003

To: Cumberland Town Council
Town Manager, William Shane

From: Charlene Doyle
Deputy Tax Collector

Re: Abatement of uncollectable taxes

Ken Cole and the Auditor recommend that the Town Council take action to abate the following personal property and real estate taxes as uncollectable:

Personal property taxes are considered to be uncollectable once they are six years old. The total amount of outstanding personal tax for tax years 1998 and prior is \$30,841.93.

In addition to this amount it is recommended that the 1999 and 2000 outstanding personal taxes in the amount of \$2,615.84, also be abated. This would leave taxes for 2001, 2002 and 2003 to be turned over to Mr. Shane, as will be the case with the real estate.

The total personal tax recommended for abatement is \$33,457.77.

Real estate taxes remaining on the books for 1984 and prior total \$3,844.20. This is before the tax records were computerized and the limited information we have shows that nearly all of the owners have not been assessed for property in Cumberland for years. There are two who continue to be assessed (they are deceased) and are on the foreclosed property list (tax foreclosures since 1984).

The recommended real estate abatement is \$3,844.20.

As to real estate tax liens since 1984, the Town Council should consider and act on the Foreclosed Property List at a future meeting, as required by the Foreclosed Property Policy adopted by the Town Council on June 8, 1998 and revised March 11, 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
FRANK K. N. CHOWDRY
NATALIE L. BURNS
SALLY J. DAGGETT
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April 7, 2003

Nadeen Daniels
Town Clerk
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021

Dear Nadeen:

Enclosed herewith is the original of the letter from Greg Chabot to me in regard to the personal property tax abatements. This should be included in the Council's packet for the evening of April 14 as part of the documentation for the reason that those old uncollected personal property taxes should be abated.

If you have any questions in regard to the enclosed, please feel free to contact me at your convenience.

Very truly yours,



Kenneth M. Cole III

KMC/ab
Enclosure

April 2, 2003

Mr. Kenneth M. Cole, III
Jensen Baird Gardner & Henry
Ten Free Street
P.O. Box 4510
Portland, Maine 04112

Mr. Cole:

I am writing in response to a request from Cumberland Town Manager Robert Benson to advise the Town Council on the handling of old outstanding personal property taxes. We advise our clients that every effort should be made to collect old balances of personal property taxes. Once all efforts have been exhausted, those balances should be written off against the deferred taxes balance on the general ledger. This entry has no effect on the Town's fund balance since any amount not collected within 60 days after year end is not recognized as revenue under generally accepted accounting principles. Uncollected balances are instead recorded as deferred revenue. In future years, the personal property tax balances should be monitored on an ongoing basis and, as they are deemed uncollectible, should be written off as well.

The Town has not written off old balances for many years and has balances dating back to 1981. In all likelihood, those old balances will never be collected despite any efforts to do so since the Town has no ability to lien personal property. Obviously, any decision to write off those balances should be done with the consent of the Town Council. Even if written off, I would also recommend that management continue to pursue collection efforts to the extent that collection remains a possibility and to the extent that the benefits outweigh the costs of such efforts.

Please call me if you have any questions regarding this matter.

Sincerely,



Greg Chebot, Principal

Personal Property Tax

1998 or Older = \$30,841.93
(must be abated uncollectable after 6yrs)

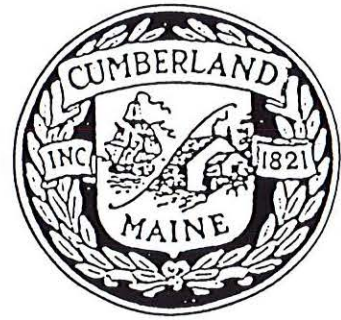
1999 + 2000 = 2,615.84

(Kenble feels should include leaving
3yrs as collectable (01-02+03) same
as real estate - but would like
you to check w/ G. Kersten to see
if he agrees)

Total amount to
be abated by Council = \$33,457.77

Town of Cumberland

Administration
290 Tuttle Rd
Cumberland, ME 04021
Phone: 207-829-2205
Fax: 207-829-2224
Web: www.cumberlandmaine.com



Fax Transmittal Form

To *Ken Cole*

From *Melody Main*

Fax number:

775-7935

Phone: 207-829-2205
Fax: 207-829-2224
Web: www.cumberlandmaine.com

- ☐ Urgent
- ☐ For Review
- ☐ Please Comment
- ☐ Please Reply

Date sent: *4/4/03*
Time sent: *9:45*
Number of pages including cover page: *2*

Message:

The Total Number is -

33,457.77

Memo

Date: March 17, 2003

To: Bob Benson, Town Manager

From: Bill Healey, Assessor

Re: Council Abatement

Dear Bob,

At the request of the taxpayers, I am seeking Council Abatements for Andrew and Maria Bowden of 8 Merion Way, representing reimbursement for overpayment of taxes caused by an error in assessment of their property in previous years. Because they meet the statutory requirement for Council Abatement, it is my recommendation that the Council grant the abatements in the amounts requested.

The Bowden's should receive a refund of \$562.53 for overpayment of taxes in tax years 2000 (Interim), 2001 and 2002. They were incorrectly assessed for a finished attic area and basement. The breakdown is as follows:

2000 (Interim)	- \$103.53
2001	- \$222.36
2002	- \$236.64

Please see me if you have any questions.


Bill Healey

FACSIMILE TRANSMISSION SHEET**JENSEN BAIRD GARDNER & HENRY**

Ten Free Street
P.O. Box 4510
Portland, ME 04112
(207) 775-7271
FAX: (207) 775-7935
www.jbgh.com

TO:	Nadeen Daniels
FAX:	829-2224
CC:	
FAX:	
File Number	364/1
FROM:	Kenneth M. Cole III
E-MAIL:	kcole@jbgh.com
DATE:	April 3, 2003
NUMBER OF PAGES (including fax sheet)	3

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COMMENTS:

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
FRANK K. N. CHOWDER
NATALIE L. BURNS
SALLY J. DACCETT
BRENDAN P. RIELLY
JEFFREY B. HERBERT
SUZANNE R. SCOTT
ANGELA G. CROCKER

ATTORNEYS AT LAW
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PORTLAND, MAINE 04112
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M. DONALD GARDNER
MERTON C. HENRY
JAMES E. KAPLAN
OF COUNSEL

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

YORK COUNTY
OFFICE

11 MAIN STREET, SUITE 4
KENNESBUNK, MAINE 04043
(207) 985-4676
TELESCOPIER (207) 985-4032

April 3, 2003

Via Telefax - 829-2224

Nadeen Daniels, Town Clerk
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021

Dear Nadeen:

Enclosed is a proposed Council order with regard to the certificates of settlement for the three prior tax years. I have e-mailed back and forth with Greg Chabot at RKO and he will be sending a letter along in regard to the personal property abatements. I have not seen a specific memorandum on those although I understand one will be being presented to the Council. If that is the case, there should also be a specific order abating the personal property taxes for whatever the series of years are in question based on the advice of their auditor and Town attorney that those taxes are no longer collectible.

Please call if you have any questions.

Very truly yours,


Kenneth M. Cole III

KMC/ab
Enclosure

~ Over 50 Years of Service ~

ORDERED, that the Cumberland Town Council acting as the municipal officers approve and execute certain certificates of settlement with Robert B. Benson, former Tax Collector, in regard to the tax years 2000-2001, 2001-2002 and 2002-2003 and to thereby discharge the said Robert B. Benson from any further liability or obligation to collect the remaining taxes due for the aforesaid years.

CERTIFICATE OF SETTLEMENT
36 MRSA § 763

COUNTY OF Cumberland ss.

STATE OF MAINE

TO: Robert B. Benson, Tax Collector of the Municipalityof Cumberland within this County:We hereby certify that the 2000-²⁰⁰¹ taxes committed to you consisting of:

- | | | |
|---|-------------------------|-------------------------|
| 1. Real and Personal Tax commitments: | \$ <u>11,291,973</u> | |
| 2. Supplemental commitments totaling: | \$ <u>4,523</u> | |
| 3. Interest: | \$ <u>2,695.35</u> | |
| 4. A grand total of: | | \$ <u>11,299,191.35</u> |
| 5. Cash Payments: | \$ <u>11,268,401.26</u> | |
| 6. Abatements granted: | \$ <u>8,695.67</u> | |
| 7. Tax lien mortgages:
(Recorded in the <u>CUMBERLAND</u>
County Registry of Deeds) | \$ <u>8,322.32</u> | |
| 8. Other credits: | \$ <u>-----</u> | |
| 9. A net total of: | | \$ <u>11,285,419.25</u> |
| 10. Balance due of: | | \$ <u>13,772.10</u> |

Under the authority contained in MRSA, Title 36, section 763, as amended,
we hereby discharge you from further liability or obligation to collect the
balance due of:

\$ 13,772.10and acknowledge receipt of the tax lists for the taxable year 2000-2001Given under our hands this 14th day of April 2003

[Signature] Municipal Officers
[Signature]
[Signature]
[Signature]

Donna Miley Damon
[Signature]

CERTIFICATE OF RECOMMITMENT

COUNTY OF Cumberland ss.

STATE OF MAINE

To William R. Shane, the Collector of the Municipality

of Cumberland.

Herewith are committed to you true lists of the assessments of the Estates of the persons therein named;

you are to levy and collect the same, of each one his/her respective amount, therein set down, of the sum

total of \$ 13,772.10 (being the yet uncollected amount of the lists contained herein),

according to the tenor of the foregoing warrant.

Given under our hands this 14th day of April 2003.

William H. Healey, Jr.
William H. Healey, Jr., Assessor
Jeffrey W. Smith
Phillip C. D.

Assessor(s) (Municipal Officers in a
primary assessing area)

WARRANT FOR COMPLETION OF COLLECTION 36 MRSA § 766

The warrant to be issued by the assessors (municipal officers in a primary assessing area) for the completion of the collection of taxes under 36 MRSA § § 763 to 765 shall be in substance as follows:

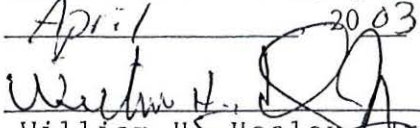
STATE OF MAINE COUNTY OF Cumberland, ss.

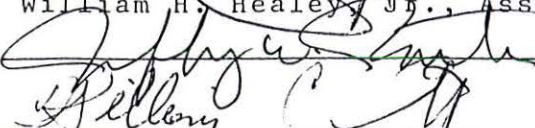
To A.B. William R. Shane, Tax Collector of the Municipality of
Cumberland within this County:

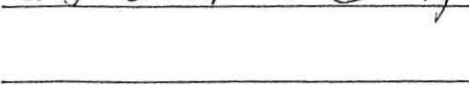
In the name of the State of Maine, you are hereby required to levy and collect of each of the several persons named in the list herewith committed unto you, his respective proportion therein set down, of the sum total of such list, amounting in the aggregate to 81,877. dollars and 22 cents, it being the unpaid portion of the taxes assessed in the municipality of CUMBERLAND for the year 2001-02 for state, county and municipal purposes, and to pay the same to WILLIAM R. SHANE, treasurer of said municipality, or to his successor in office, and to complete and make an account of your collection of the whole sum on or before the 15TH day of SEPT. 2001 & MARCH, 20 02.

In the case of the neglect of any person to pay the sum required by said list until after the 15TH day of SEPT. 2001 & MARCH 20 02; you will add interest to so much thereof as remains unpaid at the rate of 11.5 percent per annum, commencing on the 16TH day of SEPT. 2001 & MARCH, 20 02 to the time of payment, and collect the same with the tax remaining unpaid.

Given under our hands, by virtue of the law in such cases provided, this 14th day of

April 20 03


William H. Healey, Jr., Assessor




Assessor(s) (municipal officials in a primary assessing area)

PTA 206 (05/00)
100W

CERTIFICATE OF SETTLEMENT
36 MRSA § 763

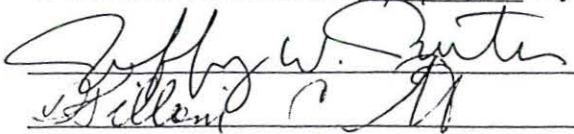
COUNTY OF Cumberland ss.

STATE OF MAINE

TO: Robert B. Benson, Tax Collector of the Municipalityof Cumberland within this County:We hereby certify that the 20 01 ²⁰⁰² taxes committed to you consisting of:

- | | | |
|---|-------------------------|-------------------------|
| 1. Real and Personal Tax commitments: | \$ <u>12,508,466</u> | |
| 2. Supplemental commitments totaling: | \$ <u>6,984</u> | |
| 3. Interest: | \$ <u>10,213.15</u> | |
| 4. A grand total of: | | \$ <u>12,525,663.15</u> |
| 5. Cash Payments: | \$ <u>12,370,617.54</u> | |
| 6. Abatements granted: | \$ <u>5,583.08</u> | |
| 7. Tax lien mortgages:
(Recorded in the <u>CUMBERLAND</u>
County Registry of Deeds) | \$ <u>67,585.31</u> | |
| 8. Other credits: | \$ <u>-----</u> | |
| 9. A net total of: | | \$ <u>12,443,785.93</u> |
| 10. Balance due of: | | \$ <u>81,877.22</u> |

Under the authority contained in MRSA, Title 36, section 763, as amended,
we hereby discharge you from further liability or obligation to collect the
balance due of:

\$ 81,877.22and acknowledge receipt of the tax lists for the taxable year 2001 - 2002Given under our hands this 14th day of April 2003.


Municipal Officers

CERTIFICATE OF SETTLEMENT
36 MRSA § 763

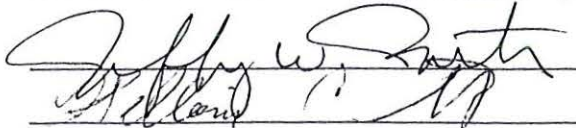
COUNTY OF Cumberland ss.

STATE OF MAINE

TO: Robert B. Benson, Tax Collector of the Municipalityof Cumberland within this County:We hereby certify that the 20~~02~~²⁰⁰³ taxes committed to you consisting of:

- | | | |
|---|-------------------------|-------------------------|
| 1. Real and Personal Tax commitments: | \$ <u>13,784,216</u> | |
| 2. Supplemental commitments totaling: | \$ <u>27,107</u> | |
| 3. Interest: | \$ <u>6,494.10</u> | |
| 4. A grand total of: | | \$ <u>13,817,817.10</u> |
| 5. Cash Payments: | \$ <u>13,277,345.18</u> | |
| 6. Abatements granted: | \$ <u>27,936.01</u> | |
| 7. Tax lien mortgages:
(Recorded in the <u>CUMBERLAND</u>
County Registry of Deeds) | \$ <u>----</u> | |
| 8. Other credits: | \$ <u>----</u> | |
| 9. A net total of: | | \$ <u>13,305,281.19</u> |
| 10. Balance due of: | | \$ <u>512,535.91</u> |

Under the authority contained in MRSA, Title 36, section 763, as amended,
we hereby discharge you from further liability or obligation to collect the
balance due of:

\$ 512,535.91and acknowledge receipt of the tax lists for the taxable year 2002-2003Given under our hands this 14th day of April 2003.


Municipal Officers

CERTIFICATE OF RECOMMITMENT

COUNTY OF Cumberland ss. STATE OF MAINE

To William R. Shane, the Collector of the Municipality

of Cumberland.

Herewith are committed to you true lists of the assessments of the Estates of the persons therein named;

you are to levy and collect the same, of each one his/her respective amount, therein set down, of the sum

total of \$ 81,877.22 (being the yet uncollected amount of the lists contained herein),

according to the tenor of the foregoing warrant.

Given under our hands this 14th day of April 20 03.

William H. Healey, Jr.
 William H. Healey, Jr., Assessor
Robert W. Smith
Gillian

Assessor(s) (Municipal Officers in a
 primary assessing area)

PTA 200.1
 (05/00)

CERTIFICATE OF RECOMMITMENT

COUNTY OF Cumberland ss.

STATE OF MAINE

To William R. Shane, the Collector of the Municipality

of Cumberland.

Herewith are committed to you true lists of the assessments of the Estates of the persons therein named;

you are to levy and collect the same, of each one his/her respective amount, therein set down, of the sum

total of \$ 512,535.91 (being the yet uncollected amount of the lists contained herein),

according to the tenor of the foregoing warrant.

Given under our hands this 14th day of April 20 03.

William H. Haaley, Jr.
William H. Haaley, Jr., Assessor
Jeffrey W. Smith
William R. Shane

Assessor(s) (Municipal Officers in a
primary assessing area)

WARRANT FOR COMPLETION OF COLLECTION

36 MRSA § 766

The warrant to be issued by the assessors (municipal officers in a primary assessing area) for the completion of the collection of taxes under 36 MRSA § § 763 to 765 shall be in substance as follows:

STATE OF MAINE

COUNTY OF Cumberland, ss.To A.B. William R. Shane, Tax Collector of the Municipality ofCumberland within this County:

In the name of the State of Maine, you are hereby required to levy and collect of each of the several persons named in the list herewith committed unto you, his respective proportion therein set down, of the sum total of such list, amounting in the aggregate to 512,535 dollars and 91 cents, it being the unpaid portion of the taxes assessed in the municipality of CUMBERLAND for the year 20⁰²-⁰³ for state, county and municipal purposes, and to pay the same to WILLIAM R. SHANE, treasurer of said municipality, or to his successor in office, and to complete and make an account of your collection of the whole sum on or before the 15TH day of SEPT. 2002 & MARCH, 20⁰³.

In the case of the neglect of any person to pay the sum required by said list until after the 15TH day of SEPT. 2002 & MARCH 20⁰³; you will add interest to so much thereof as remains unpaid at the rate of 8.75 percent per annum, commencing on the 16TH day of SEPT. 2002 & MARCH, 20⁰³ to the time of payment, and collect the same with the tax remaining unpaid.

Given under our hands, by virtue of the law in such cases provided, this 14th day of April, 20⁰³

William H. Healey, Jr.
William H. Healey, Jr., Assessor

[Signature]
[Signature]

Assessor(s) (municipal officials in a primary assessing area)

PTA 206 (05/00)

100W

Memorandum

To: Town Council
From: William R. Shane, Town Manager *WRS*
Date: 4/11/03
Re: Manager's Report

Stone Wharf Update –*Updated Information from Adam Ogden, Director of Public Works*

Spoke with Guy this morning. He now has the approved plan in hand and is planning to try to take the samples this weekend. Depending on the weather, it could take up to two days to accomplish (diving in wet suits, boat positioning, wave height, etc., are the factors). If he can get all the samples this weekend he will forward them to the lab and based on the labs schedule we could have the results by the beginning of the week of the 21st. Guy should be able to tell if the samples are "good" as he takes them. But we'll have to wait for a response from Army Corps. Once we get the grain size analysis back from the lab we'll forward them to Phil at ACOE. Should have a turn around of ten days from ACOE, hopefully. At that point we should have some direction on how to proceed with the rest of the project. This assumes that the samples pass and no further testing is required.

I have the updated dredging plans and Guy has them too. They have been put in the ACOE format and can be sent to the regulatory agencies as soon as we get the results back from ACOE on grain size (this is assuming that the samples pass). There is the possibility that we may have to publish the permit request, which would add time to the process because it may require public hearings and public comment. Guy and I have discussed this and he's working on making this not be the course that the regulatory agencies take. MDEP has been briefed on the project so they are familiar with the issues. If the samples don't pass then we will have to determine what course(s) of action we want to pursue, i.e Rockland, Portland Dump Site (Bioassay testing), change of scope, etc.

The PBR plans are complete for the new fendering system, ramp platform, etc. These can be sent to MDEP relatively soon and would allow us to proceed after 14 days of the application being delivered to MDEP. Guy will be taking the required photographs when he takes the samples.

Greely Road Extension

Speed Counters will be in place next week. Yarmouth Police is allowing us use of their Speed Board for one day and we are incorporating our own signs for two days to evaluate the effect of that each control (signs or speed board) has on speed of travel. We will be sharing the information with Yarmouth. Please don't share this information as we are trying to replicate existing driving patterns. I did inform Mr. Dufriis about the reduced speed limit and the program we are initiating.

Town & Country Credit Union

Barbara, Carla and I met with the President and Vice President. A very strong desire to be on Main Street, we laid out the challenges and the process for them and the fact that a drive through would likely not be possible in this zone. They will be back into touch with Carla after they have had a chance to review our concerns.

Sewer Work Route One- Monday

AH Grover will begin the sewer construction this Monday on Route One for the Kennedy Project. The length of the sewer has been shortened 600'. This will have no impact on our parcel, but eliminate blasting along Route One.

Blanchard Road Extension

No additional information other than what was provided to you on Wednesday.

Good Afternoon:

A quick update, Chief Charron is working on the home break-in which happened yesterday morning. The mother had called 911 and PD was in route and almost to the site when she yelled down to the intruders who were startled and fled. The information in the paper this morning is accurate.

The Chief is working with Falmouth PD as they had similar occurrences in their Town and believe it may be the same person(s).

I'll keep you posted as more information is available. Fortunately, no one was hurt.

Andy MacDonald- MDOT Contact

Wharf Road- will get back to me when he finds out more information on where the project stands.

Councilor Steve Moriarty will give the Council an update on related items Monday evening.

Melody Main

Melody has been recognized by her professional association the *Government Finance Officers Association*, for her "**Excellence in Financial Reporting**". Only 10 such awards were given State wide. This is Melody's tenth consecutive year receiving this award.

I'd like to take a minute during my Manager's report on Monday evening to report this to you via our TV system. This certainly is no surprise to me, in the short time I've known Melody, I can see why the Council has always had such a high regard for her ability.

Weekly Police Log

The council Chairman asked that I include this information with my Weekly report and it is attached for your review.

Chebeague Visit

Adam and I will be visiting the Island on Friday. I have asked him to give me a morning tour of roads and facilities as well as a closer look at the Stone Pier.

Chamber Meeting

I attended the Falmouth/ Cumberland Chamber of Commerce meeting on Thursday morning. Reports and updates of activities were presented as well as updates from the executive director with regards to collaborative efforts he has underway with the Governor's office. I'll keep you posted as more information develops. In early May there will be a press conference outlining some of the initiative, but he was unwilling to speak any further about the subject until after the announcement.

CUMBERLAND FARMERS' CLUB

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

Business Telephone: 207-829-5531

Fax: 207-829-3205

RENTAL AGREEMENT

In addition to the fee of ~~\$10.00~~ ^{\$25.00} per campsite, I agree to pay the Cumberland Farmers' Club \$_____ for the rental of their facilities, as follows:

<input type="checkbox"/> Horticulture Building	\$350.00/day	
<input checked="" type="checkbox"/> Entertainment Building	\$400.00/day	Registration Purposes
<input checked="" type="checkbox"/> Grounds	\$500.00/day	
<input type="checkbox"/> Exhibition Hall	\$500.00/day	
<input type="checkbox"/> Pulling Arena	\$100.00/day	
<input type="checkbox"/> Cattle Arena	\$100.00/day	
<input type="checkbox"/> Grandstand - All	\$1,000.00/day	
<input type="checkbox"/> Grandstand - First Floor only	\$500.00/day	
<input type="checkbox"/> Paddock Barn	\$100.00/day	
<input checked="" type="checkbox"/> Inside Race Track	\$500.00/day	
<input checked="" type="checkbox"/> 3 Tents - Per tent	\$ 75.00/day	Food Vendors
<input type="checkbox"/> Dumping Station	\$5.00 each dump	
<input checked="" type="checkbox"/> 12 110 Volt Outlet	\$5.00 each	
<input type="checkbox"/> 220 Volt Outlet	\$25.00 each	

I will be responsible for rubbish removal from grounds.

I agree to furnish proof of liability insurance of \$1,000,000.00.

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

Bonny Eagle Football Boosters
Name of Organization

29 Harker Dr. Limington Me. 04049
Mailing Address

007-64-8643
Social Security Number/ID #

207-637-2159
Telephone Number

Date Signed: 4/6/03

James C. Kelly
Signature of Authorized Person

Date Signed: 4-6-03

Frank M. Small President
Cumberland Farmers' Club Official

Check # 3005 \$900.00
deposit.



TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

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

April 9, 2003

TO: TOWN COUNCIL MEMBERS
FROM: NADEEN DANIELS, TOWN CLERK
RE: BONNY EAGLE MASS GATHERING PERMIT

We have received a request from Mr. James Colby, representing the Bonny Eagle Car Show, for a Mass Gathering Permit to hold their event at the Cumberland Fairgrounds on Sunday, May 18th.

Mr. Colby has met with the Rescue, Fire and Police Chief to review conditions of the permit, and has been provided those conditions and corresponding costs. I thought it would be helpful to you if I shared those assessed fees with you:

* Fire	\$ 480.	<i>+ 400 for Unit</i>
* Police	\$1,344.80	
* Rescue	\$ 826.	
* Vendors	\$ 60.	

Total	\$2,710.80
	<i>400</i>
	<i>3,110.80</i>

In addition to the above fees, we have been provided with the required million dollar Certificate of Liability Insurance and contracted services for portable restrooms and refuse services. I do not know the cost for these items.

Mr. Colby will be present at Monday night's meeting to answer any questions the Council may have.



CUMBERLAND RESCUE DEPARTMENT

290 Tuttle Road

Cumberland Center, Maine 04021-9321

Telephone (207) 829-2213 • Fax (207) 829-4214

CHRISTOPHER J. BOLDUC

CHIEF

April 7, 2003

Mr. James Colby
29 Harlan Drive
Limington, Maine 04049

RE: 24th Annual Bonny Eagle Car Show at the Cumberland Fair Grounds

Dear Mr. Colby;

As requested, I am providing you with a cost estimate of providing emergency medical services for the Bonny Eagle Car Show to be held on May 18th, 2003. This estimate is based on 6 medics at \$15.00 per hour plus applicable payroll taxes. Since this is a non-profit school function, I will not be charging you for an ambulance that will be stationed on the grounds for the day and I will not be charging you for my time at the event supervising the staff.

During the event, if it is determined that the staffing is more than is needed, we will send medics home and you will not be billed for their time. On the other side of that, if it is determined that more staff is needed and an abundance of medical supplies are used, your organization will be responsible for reimbursing the department for additional costs.

6 Medics	8am-4pm	48 hours total	\$720.00
Payroll Taxes			\$106.00
Ambulance on the Grounds			n/c
Supervisor on the Grounds			n/c
Medical Supplies			<u>(to be determined)</u>
		Total	\$826.00

If you have any questions please do not hesitate to call. I look forward to working with you and your organization.

Sincerely yours;

A handwritten signature in black ink that reads 'Christopher J. Bolduc'.

Christopher J. Bolduc
Chief of Department

Nadeen Daniels

From: Joe Charron
Sent: Tuesday, April 08, 2003 2:07 PM
To: Nadeen Daniels
Subject: RE: Bonny Eagle Car Show

Hi Nadine,

I am looking at five officers at eight hours each or 40 man hours at \$30.00 per hour for a total of \$1,200.00. On top of that I add the towns share of WC and FICA. Julie is getting those add-ons for me, but you can advise Mr. Colby the police costs will be approximately \$1,400.00.

-----Original Message-----

From: Nadeen Daniels
Sent: Tuesday, April 08, 2003 1:46 PM
To: Dan Small; Joe Charron
Subject: Bonny Eagle Car Show

Hi Dan and Joe,

I'm meeting today with Mr. Colby to complete the paperwork for his Mass Gathering application. I have a memo from Chris Bolduc with requirements and costs. I'm told you and Joe are putting something similar together and I think it would be easiest if I could get those memos to share with Mr. Colby all at once, rather than asking him to try to contact each of you individually. Is that something I can have today, or at tomorrow's dept head meeting when we review the agenda.

Thanks,
Nadeen

-----Original Message-----

From: Julie Flanigan
Sent: Tuesday, April 08, 2003 2:41 PM
To: Joe Charron
Subject: Officer rate for car show

Joe-
The breakdown will be as such:

\$30.00 per hour
2.30 FICA
1.52 W/C

\$33.62 per hour total so 40 hours equals \$1344.80

Julie

4/8/2003

Nadeen Daniels

From: D Small
Sent: Wednesday, April 09, 2003 3:13 PM
To: Nadeen Daniels
Cc: William Shane
Subject: Re: Bonny Eagle Car Show

Nadeen,

Administrative costs are included in our \$15 per hour rate and we charge the apparatus out at \$50 per hour.

Four firefighters for 8 hours = \$480
 One fire engine for 8 hours = \$400

Total fire department billing = \$880.

I have talked with Chris Bolduc and he is not planning on billing for the ambulances. However, we are committing the fire engine to the grounds for the day and he will use the ambulance else where if he needs to.

Hope this helps,
 Dan

----- Original Message -----

From: Nadeen Daniels
To: D Small
Sent: Wednesday, April 09, 2003 11:21 AM
Subject: RE: Bonny Eagle Car Show

Hi Dan,

Yes, you should plan to assess the fee based on the fact that the other chiefs are submitting bills as well.

Nadeen

-----Original Message-----

From: D Small
Sent: Wednesday, April 09, 2003 7:50 AM
To: Nadeen Daniels
Subject: Re: Bonny Eagle Car Show

Nadeen,

We will be placing 4 firefighters from 8 am until 4 pm on the grounds. We will be charging \$15 per firefighter for that time frame. We will also be dedicating one fire engine there for the day. I have not checked with the manager yet to see if he wants me to bill for that. We have done it either way in the past.

Sorry I didn't get this to you for your meeting yesterday. I was in the city.

Dan

----- Original Message -----

From: Nadeen Daniels
To: Dan Small ; Joe Charron
Sent: Tuesday, April 08, 2003 1:46 PM
Subject: Bonny Eagle Car Show

4/9/2003

Publication Date:	_____
Publication Names:	<u>Forecaster</u>
Date Filed	<u>3-17-03</u>
Fee rec'd	<u>3-17-03 + 4-6-03</u>
Date Ordinance received	<u>3-17-03</u>
Issued	_____
Denied	_____

Town of Cumberland Mass Gathering Application

Name: James M. Colby
Address: 29 Harlan Drive Limington, Me. 04049
Phone: 772-3199, Home 637-2159
Name of Event: 24th Annual Bonny Eagle Car Show

To held at: Cumberland Fair Grounds.

Date of Event: Sunday, May 18, 2003 Time 6:00am -5:00pm

Tickets: Open to public Expected Attendance: 4500 –5000

Description of Event:

The Bonny Eagle Car show has been a fund Raiser for our athletic programs for over 23 years. The nonprofit groups work to promote sports and give our youth the opportunity to grow both academically & physically.

Food Vendors:

Yes, 3 Tents, supplied by the Boosters and run by the Parents. One Boosters clubs will have a table selling cotton candy another one selling cookies. Its organized that only one group can sell one practical item so we don't have competition from our own groups.

Will any alcohol vendors be serving? NO, This a school fund raiser

Describe the Three most recent out performances:

1. Bonny Eagle Car Show, Standish Me. 5/18/2002 4500-4900 in attendance, Organization Bonny Eagle Car Show Boosters.
2. Bonny Eagle Car Show, Standish Me. 5/19/2001 4500-4900 in attendance, Organization - Bonny Eagle Car Show Boosters.
3. Bonny Eagle Car Show, Standish Me. 5/20/2000 4500-4900 in attendance, Organization - Bonny Eagle Car Show Boosters.

Description of facility:

- A. Cumberland Fair Grounds. We have contacted Francis Small.
- B. Refer to the Cumberland Fair Grounds
- C. We will be bringing in portal lets, 50, see contract
- D. Refer to the Cumberland Fair Grounds

- E. Refer to the Cumberland Fair Grounds
- F. Cumberland Fair Grounds/ For Sale Drinks soda/water
- G. Barrels will be placed around, and emptied over the course of day. Also we will have Two dumpster placed on the grounds. (see contract)
- H. Pine Tree removal.
- I. Monday after the event (Monday 19th)

Public Safety:

- J. Describe first Aid Facilities: Will be using the same procedure as the Cumberland Fair, Contact with Cumberland Rescue, First Aid Building on site.
- K. Describe emergency facilities: Cumberland Police and Rescue
- L. Will have 24 2-way radios on site and Cell phones for any emergency.
- M. Cumberland Police Dept..
- N. No out side security force.
- O. Cumberland fire department, one fire unit on the grounds.
- P. Description of routes: Will have most of Public coming in on Blanchard Road and entering the grounds. Show Cars will be coming in on Bruce Hill road and coming in the main gate. Will have our staff coming in from route 100 and then to the Range Rd. – Bruce Hill Road. 40 – 50 Peoples parking the public. 30-40 parking the Show Cars.
- Q. Describe methods used to publicize alternate routes: Signs, Internet.
- R. Will call for someone and will push disabled vehicle out of way.

Crowd Management:

- S. Not applicable
- T. Not applicable
- U. Not applicable
- V. Not applicable

Other:

- W. Liability insurance: _____
One Million Dollar Liability. (See Contract)
- X. Not applicable

Authorized signature

Date: 4/8/03

James W. Colby

On 3/26/03 (date), I received a copy of the Cumberland Mass

Gathering Ordinance. James W. Colby (Authorized signature)

ACORD CERTIFICATE OF LIABILITY INSURANCE		DATE (MM/DD/YYYY) 04/07/2003
PRODUCER (207)774-6257 FAX (207)774-2994 Clark Associates 2385 Congress Street P O Box 3543 Portland, ME 04104		THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.
INSURED Bonney Eagle Football Boosters 700 Saco Rd. Standish, ME 04084		INSURERS AFFORDING COVERAGE INSURER A: Burlington Insurance Company INSURER B: INSURER C: INSURER D: INSURER E:

COVERAGES

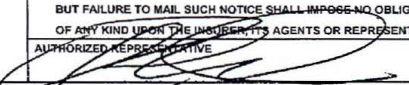
THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES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

INSR ADDL TR. ISSD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY	TBA	05/17/2003	05/18/2003 through	EACH OCCURRENCE \$ 1,000,000
	<input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
	<input type="checkbox"/> GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC				MED EXP (Any one person) \$ 5,000
					PERSONAL & ADV INJURY \$ 1,000,000
					GENERAL AGGREGATE \$ 1,000,000
					PRODUCTS - COMP/OP AGG \$ inc
	AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT (Ea accident) \$
	<input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				BODILY INJURY (Per person) \$
					BODILY INJURY (Per accident) \$
					PROPERTY DAMAGE (Per accident) \$
	GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT \$
	<input type="checkbox"/> ANY AUTO				OTHER THAN EA ACC \$
					AUTO ONLY: AGG \$
	EXCESS/UMBRELLA LIABILITY				EACH OCCURRENCE \$
	<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE				AGGREGATE \$
	<input type="checkbox"/> DEDUCTIBLE <input type="checkbox"/> RETENTION \$				\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATUTORY LIMITS \$
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?				OTH-ER \$
	If yes, describe under SPECIAL PROVISIONS below				E.L. EACH ACCIDENT \$
	OTHER				E.L. DISEASE - EA EMPLOYEE \$
					E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

Cumberland County Fairgrounds listed as additional insured / coverage is for a car show at the Cumberland County Fairgrounds on 5/18/2003

CERTIFICATE HOLDER**CANCELLATION**

Town of Cumberland Super. of Comm'l Exhibits/Julie Weeman 136 Orchard Road Cumberland, ME 04021	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL <u>10</u> DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE 
--	---

IMPORTANT

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.

INVENTORY OF ATHLETIC GROUP ACTIVITIES 2003 BONNY EAGLE CAR SHOW

ATHLETIC GROUP	ACTIVITY
Baseball	Football & \$100 Oil Raffle, Concession #2
✓ Cheering	Cotton Candy, Registration
Football	Gates, Parking, Candles, Registration, Main Tent Concession
✓ Golf	Pretzels
Ice Hockey	Concession #1
Key Club	Moon Bounce
✓ Lacrosse (Boys)	50/50, Bake Sale, Concession #2
Lacrosse (Girls)	Concession #1, Smile-a-Mile
Robotics	Trash Pick-up (during show), Bottle Returns
Soccer (Boys)	Main Tent Concession
Softball	T-shirts, Main Tent Concession
✓ Swim Team	Trash Pick-up (after show), Sno-Cones, Raffle
✓ Wrestling	Raffle, Nachos with Cheese, Candy Bars
Wrestling (MS)	Raffle

✓ Food Vendors

**TOWN OF CUMBERLAND
NOTICE OF PUBLIC HEARING**

The Cumberland Town Council will conduct a Public Hearing on Monday, April 14th, at 7:00 p.m., in the Town Council Chambers, 290 Tuttle Road, to receive comments, both oral and written, on a request for a Mass Gathering Permit from representatives of the 24th Annual Bonny Eagle Car Show to be held Sunday, May 18, 2003, from 6 am to 5 pm, at the Cumberland Fairgrounds.

Jeffrey Porter,
Council Chairman

Nadeen Daniels

From: D Small
Sent: Wednesday, April 09, 2003 7:50 AM
To: Nadeen Daniels
Subject: Re: Bonny Eagle Car Show

Nadeen,

We will be placing 4 firefighters from 8 am until 4 pm on the grounds. We will be charging \$15 per firefighter for that time frame. We will also be dedicating one fire engine there for the day. I have not checked with the manager yet to see if he wants me to bill for that. We have done it either way in the past.

Sorry I didn't get this to you for your meeting yesterday. I was in the city.

Dan

----- Original Message -----

From: Nadeen Daniels
To: Dan Small ; Joe Charron
Sent: Tuesday, April 08, 2003 1:46 PM
Subject: Bonny Eagle Car Show

Hi Dan and Joe,

I'm meeting today with Mr. Colby to complete the paperwork for his Mass Gathering application. I have a memo from Chris Bolduc with requirements and costs. I'm told you and Joe are putting something similar together and I think it would be easiest if I could get those memos to share with Mr. Colby all at once, rather than asking him to try to contact each of you individually. Is that something I can have today, or at tomorrow's dept head meeting when we review the agenda.

Thanks,
Nadeen

G & F Septic, Inc.

P. O. Box 32
E. Waterboro, ME 04030
1-800-559-5178

4/1/03

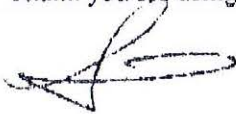
Sue Braun
Bonney Eagle Car Show Comm.
5/18/03
Cumberland Fair Ground

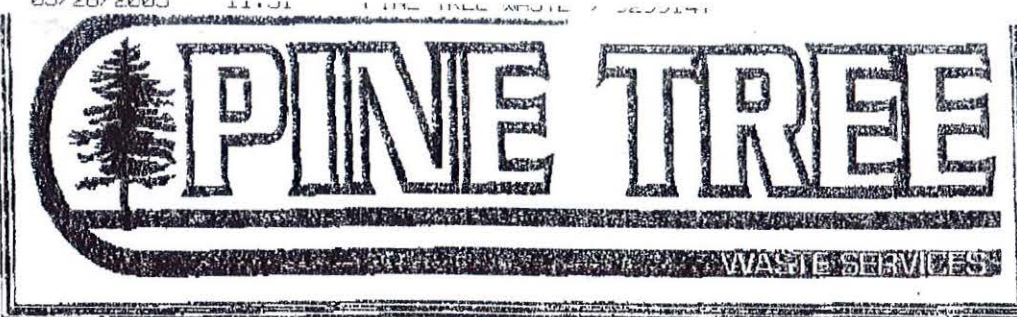
Dear Sue,
G & F Septic Service Inc. will be delivering portable restroom facilities for the car show on May 18, 2003. The amount of units follows.

Regular units -50
Handicapped Accessible-4
Multi-user men's room-2(five urinals per unit)
Wash stations-2(two sinks per unit)

The units will be delivered the morning of May 17th, 2003 and serviced and removed after the show that afternoon

Any questions call Fred or Scott at 247-5178
Thank you for using our service.

A handwritten signature in black ink, appearing to be 'Fred' or 'Scott', written over the closing text.



Roll Off Service Contract

2003

33 Rigby Rd., So. Portland, ME 04106
Phone: (207) 773-1122 Fax: (207) 773-2125
Toll Free: 1-888-867-0800

Faxed ☐

Customer: <u>Bonney Eagle Football Boosters</u>	Acct# <u>310</u>	38 <input checked="" type="checkbox"/> 39 <input type="checkbox"/> 68 <input type="checkbox"/>
Billing: <u>100 Saco Rd Attn: Sue Brown</u>	<u>Standish Me 04084</u>	New Cust: <input checked="" type="checkbox"/>
Service: <u>Cumberland Fair Grounds</u>	<u>Cumberland Me 04021</u>	New Loc: <input checked="" type="checkbox"/>
Contact: <u>Sue</u>	Ph: <u>1603-9080x109</u>	Current Cust: <input checked="" type="checkbox"/>
Cell: _____	Ph: <u>2</u>	Current Loc: _____
		Tax ID _____
		Payment _____
		Effective: _____
		Delivery: <u>5/16/03</u>
		Swap: _____
		Removal: <u>5/19/03</u>
		Disposal: _____

Containers Specifications:

Quantity	Container Size	Material	Price	Deposits:
2	30yd	Trash	80 each	NA
		Delivery	150 each	Credit Card:
		Haul	18/ton	Check:
		Disposal		Job Name:
		Rental		P.O.#:
		Misc		

Instructions/Directions:

See Jim Colby to place cans. Bonney Eagle can show.

Del. _____
Haul _____

CC# _____ EXP. _____ SC# _____
Contractor reserves the right to charge a late fee no greater than that allowed by law. In the event of default, in addition to finance charges, the Customer agrees to pay all attorney's fees, collection fees, court cost, and other expenses reasonably incurred. The Customer acknowledges that when paying by Credit Card, they authorize Pine Tree Waste Inc. to charge their Credit Card for any overage.

Customer Authorization for Solid Waste and Recycling Services
Authorized Signature: Susan Brown
Title: Manager
Date: 3/26/03

Pine Tree Waste, Inc.
Representative Signature: [Signature]
Title: Rep
Date: 3/26/03

4/2/03

Issues trouble waste agency

ABOUT THE AUTHOR

Norman E. Justice Jr. is the chairman of the RWS board of directors. He is the facilities manager for the Scarborough School Department and has served on the Gorham Town Council since 1992.

profit for those haulers.

In addition to the haulers' desire to maximize profits, other factors beyond RWS' control led to the financial pressures confronting us today:

- The 1994 U.S. Supreme Court ruling striking down "flow control" ordinances for commercial waste, destabilizing a significant waste stream for RWS.

- Electrical deregulation, which forced RWS in 1998 to begin receiving much-lower market rates for its power than the original CMP contract rate.

- Inconsistencies in state policy that require a municipal cooperative such as RWS to be innovative and environmentally sound with solid waste, yet permits the construction of an unneeded private solid waste facility nearby to compete directly with RWS.

These factors have put financial pressure on a waste management system at RWS created with the proper public intentions.

In Maine, local governments are responsible for the safe and environmentally sound collection and disposal of solid waste. RWS, formed more than 25 years ago to meet this responsibility, has never failed to deliver on its mandate. The RWS recycling program is the largest in Maine. RWS also has the latest technology to meet new federal Clean Air Act standards for NoX, dioxin and mercury.

RWS has required significant public investment in its assets -

waste-to-energy facility, recycling facility, ashfill and several closed landfills. The facilities we own are financed with tax-exempt bonds. To achieve a "AA" bond rating, each municipality pledged to pay to RWS any annual gate fees and/or assessments necessary to operate the system and make debt service payments. We currently have \$70 million in outstanding bonds.

Originally, CMP agreed in a long-term deal to purchase the power generated by RWS for as much as 13 cents a kilowatt hour, netting RWS \$8 million a year. As a result of deregulation and a subsequent court settlement, RWS now sells its power for \$3 million per year.

To deal with that reduction, waste disposal fees have needed to increase and assessments levied on local property taxes. RWS' current tipping fee is \$88 per ton. If RWS was still receiving the original CMP rate, the tipping fee would be under \$57.

Initially, RWS members-owners also agreed to adopt and enforce "flow control" ordinances requiring the delivery of all solid waste - commercial and residential - to RWS. The Supreme Court decision destabilized that revenue stream for commercial waste. The decision led to drastic measures at some facilities.

RWS responded by participating in an open-market disposal arena, devising a plan that continues to prevent sharp tipping fee increases and also uses a two-tiered system for waste-related revenue.

An equal gate fee is now charged to each ton of delivered solid waste, and any budget deficit is funded through a community assessment based upon tonnage generated.

The RWS board is resolved to finding a coordinated, long-term solution to these issues that balances the needs of its member communities with its original mandate.

—Special to the Press Herald

March 27, 2003

Dear Fellow Municipal Leaders,

The Scarborough Town Council passed an order at our March 19 meeting requesting an outside independent audit of the financial aspects of RWS. Enclosed is a copy of the action item and associated data for our next agenda to further refine our request for this audit.

The goal of the action item is to direct our representatives to the RWS Board of Directors to formally request the authorization of an outside independent audit. We would further request that this item be acted upon at the April 17 meeting of the RWS Board of Directors.

We respectfully request that your Town Council take up a similar action item at the earliest possible convenience. This is time critical as the aforementioned RWS meeting will be on April 17. We would strongly urge your elected officials to support the request for an outside independent audit. This audit would be paid for by RWS.

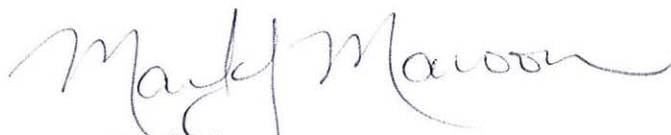
The intent of this audit is to determine the management efficiency of RWS. As we all know costs have been escalating with tipping fees more than doubling over the past decade. Municipalities are experiencing tough economic times with belt tightening and cost justification being requested at all levels of government. It seems reasonable to hold RWS to the same standard.

Thank you for your time and consideration of this request. We can be contacted at The numbers listed below if you have any further questions regarding this matter. Please update us on the status of this proposal in your community.

Best regards,



Jeffrey A. Messer
Scarborough Town Councilor
885-5459 (H)
883-7766 x741# (voice mail)



Mark Maroon
Scarborough Town Councilor
885-0957 (H)
879-4044 x101 (W)

Please copy your Town Council

received
3/31/03

Date: March 27, 2003

To: Tody Justice, Town Clerk

From: Jeffrey Messer, Town Council

Subject: Agenda Item

Could you please add the following item to the agenda for our April 2 meeting:

“Act to direct our representatives to the RWS Board of Directors to request an outside independent management efficiency audit of the financial aspects of RWS. This request shall be made at the April 17 meeting of the RWS Board of Directors and shall include an economic analysis of financial issues”.

The audits shall include, but not be limited to, the following items:

- A comparative data analysis of salary, compensation, benefits, use of consultants, number of employees and any other pertinent areas with other waste to energy firms in Northern New England.
- Analysis of all contracts, use of RFP's and items dealing with the internal economics of RWS that have an impact on the financial bottom line.
- Suggestions on streamlining the operating budget, debt restructuring and steps necessary to keep RWS competitive in the current marketplace
- Analysis on financial decisions and resulting impact on financing and negotiating strategies.
- Appraisal of the engineering and mechanical aspects of the operation (trash to energy, recycling, equipment, etc.) to determine financial viability.

Regional Waste Systems, Inc. *Involved*

Corporate Members

Bridgton
Cape Elizabeth
Casco
Cumberland
Falmouth
Freeport
Gorham
Gray
Harrison
Hollis
Limington
Lyman
North Yarmouth
Ogunquit
Portland
Pownal
Scarborough
South Portland
Waterboro
Windham
Yarmouth

Associate Members

Baldwin
Hiram
Naples
Parsonsfield
Porter
Standish

Norman E. Justice, Jr.
Chairman

Charles E. Foshay
General Manager

March 17, 2003

To: Board of Directors

From: Norman E. Justice, Jr., Chairman

Subject: Meeting Notice

I am authorizing the enclosed Notice of Meeting be sent to you, with a copy to your community, regarding the current funding of the 2003 and 2004, principal payments on our debt. As the notice states, the funds will be used to deal with this fiscal year's deficit and to allow us to construct the expansion of the ashfill. This is not additional debt. It is the deferment of two principal payments. This action positions RWS to refinance its entire fixed debt in 2005, should your communities, through you, vote to do so. Much more information and work will be needed in order to deal with the 2005 issue.

It is important, however, to understand that the RWS Board does need to deal with this year's revenue deficit, and the proposed financing allows options such as current funding the principal and future refinancing to be considered. I will be scheduling a Board workshop to discuss this proposed financing and other finance issues prior to the April 17th meeting. In the meantime, if you have any questions, please contact the staff and they will get answers for you.

Please remember we need a full Board attendance on April 17th.

64 Blueberry Road
Portland, Maine 04102

Tel: 207-773-6465

Fax: 207-773-8296

www.regionalwaste.org



Regional Waste Systems, Inc.

Corporate Members

Bridgton
Cape Elizabeth
Casco
Cumberland
Falmouth
Freeport
Gorham
Gray
Harrison
Hollis
Limington
Lyman
North Yarmouth
Ogunquit
Portland
Pownal
Scarborough
South Portland
Waterboro
Windham
Yarmouth

Associate Members

Baldwin
Hiram
Naples
Parsonsfield
Porter
Standish

NOTICE OF MEETING

Norman E. Justice, Jr.
Chairman

Charles E. Foshay
General Manager

To: Board of Directors

From: Norman E. Justice, Jr., Chairman

Date: March 17, 2003

Notice is hereby given that on April 17, 2003, at 7:00 p.m. in the Board Room, at Regional Waste Systems, 64 Blueberry Road, Portland, Maine, there will be a meeting of the Board of Directors of RWS for the purpose of determining whether, in order to eliminate accumulated deficit and to fund costs of expanding the ashfill/balefill, RWS will authorize: (a) issuance of up to \$6,765,000 in bonds within 90 days of July 1, 2003 for the purpose of current funding of principal due on outstanding bonds on July 1, 2003; (b) issuance of up to \$7,140,000 in bonds within 90 days of July 1, 2004 for the purpose of current funding of principal due on outstanding bonds on July 1, 2004; and (c) issuance of up to \$42,000,000 in bonds within 90 days of July 1, 2005, or any time subsequent to extension of the Interlocal Agreement, for the additional purpose of current refunding, defeasing and/or paying the redemption price of then outstanding fixed-rate bonds, provided that, prior to issuance, the term of the Interlocal Agreement has been extended beyond September 6, 2014.

This action, if approved by the Board, does not increase RWS' outstanding long term debt. This action, if approved by the Board, moves up to \$6,765,000 of principal due on July 1, 2003 to the years 2009 - 2012. Similarly, this action would move up to \$7,140,000 of principal due on July 1, 2004 to similar future years. The refunding of up to \$42,000,000 in 2005 would reschedule that current debt payment, which currently ends in 2014, in a dollar for dollar fashion to a later year in order to lower yearly debt payments.

Approval requires a three-quarter vote of the RWS Board. Therefore, it is very important that all Board members attend. Alternates may not vote, but if a Board member will be absent, the municipality which he or she represents may formally appoint another person to serve as the Board member for that meeting. A municipality which makes such appointment is encouraged to notify RWS in writing of the change prior to the meeting in order to ensure the municipality's vote is valid.

64 Blueberry Road
Portland, Maine 04102
Tel: 207-773-6465
Fax: 207-773-8296
www.regionalwaste.org

Regional Waste Systems

April 2, 2003

Norman E. Justice, Jr.
Chairman

Charles E. Foshay
General Manager

Corporate Members

Bridgton
Cape Elizabeth
Casco
Cumberland
Falmouth
Freeport
Gorham
Gray
Harrison
Hollis
Limington
Lyman
North Yarmouth
Ogunquit
Portland
Pownal
Scarborough
South Portland
Waterboro
Windham
Yarmouth

Dear Municipal Leader:

As Chairman of the 28-member Board of Directors at Regional Waste Systems, I am writing to give you an update of our efforts – on your behalf – to find a solution to a problem that threatens the long-term financial health of our organization.

The problem we are faced with is this: a significant amount of commercial waste collected by private trash haulers in communities like yours, communities who own RWS, is getting diverted to other facilities so that private haulers can maximize their profits.

The impact?

We are facing a projected \$2.5 million revenue shortfall in this fiscal year. Without action, the shortfall in the following year is projected to be \$4.5 million. Left unresolved, as you know, this budget gap will need to be filled at property taxpayer expense.

Associate Members

Baldwin
Hiram
Naples
Parsonsfield
Porter
Standish

That is why since the fall of 2002, the RWS Board, with members representing each municipality, has worked diligently to resolve this issue on behalf of the non-profit solid waste management corporation serving yours and 26 other communities in southern Maine.

The RWS Board's commitment is to do whatever it takes to find a long-term solution to resolve this waste diversion issue without further burdening local property taxes. That has been our sole motivation.

With that in mind, our effort is two-fold:

First, the RWS Board is continuing to look at short-term financing alternatives to cover the shortfalls this year and next and avoid an additional assessment on property taxpayers.

But this opportunity is contingent upon the banks being satisfied that RWS is a good credit risk. That means getting a commitment from member towns to honor original agreements that all waste generated in the towns will go to RWS.

Which leads me to the second part of our effort.

The RWS Board has worked hard to find a way to recover the diverted waste generated within its member-owner communities. Already, a number of options have

64 Blueberry Road
Portland, Maine 04102
Tel: 207-773-6465
Fax: 207-773-8296
www.regionalwaste.org



Printed on recycled paper

received
4/7/03

been explored, analyzed and debated by the Board and at the municipal level, i.e. franchising, enforcing "flow control," collecting our own waste. RWS representatives have met with haulers and agreed to concessions in an effort to appease them and find a cooperative, long-term solution.

But certain private haulers have resisted every effort, including those that would be the least disruptive to them. We can only conclude from their self-interested actions that they desire only to maintain the status quo.

And why not? By continuing to take commercial waste collected from businesses in RWS-member towns, charging those customers based on the RWS tip fee, and then disposing of that waste somewhere else for less money, they maximize their profits.

Are those savings from lower disposal costs passed along to business owners in RWS communities? Has any business received a rebate check or a rate reduction? And when the waste diversion creates a budget shortfall at RWS, property taxpayers are left to fill the gap. With waste diversion, everybody loses except for the private haulers.

To draw attention away from this issue and maintain the status quo, one private hauler in particular has resorted to innuendo and accusations regarding the financial stability and management of RWS. They have engineered a lobbying and PR campaign that has succeeded in convincing elected officials in at least one RWS community to call for a taxpayer-funded independent audit of RWS management, which is already overseen by representatives from every community.

The immediate impact of this so-called "efficiency" study would be profound.

By pausing to spend \$100,000 or more in tax dollars to study RWS, private haulers would be able to continue the practice of diverting commercial waste well into the future and RWS revenue shortfalls would continue to mount. Also, the deadline would pass for the financing alternative discussed above, dropping the budget shortfall back into the lap of property taxpayers.

As Windham Town Manager Tony Plante was recently quoted as saying, "RWS can't 'efficiency' its way out of a \$2.5 million shortfall."

It is true that in addition to commercial waste diversion, a number of factors out of the control of RWS – the U.S. Supreme Court striking down "flow control," energy deregulation – have contributed to the current financial situation.

But it simply would not be prudent at this time to halt a resolution of this waste-diversion problem to conduct a study of RWS management and examine past Board

decisions. We need action now to stop the diversion of commercial waste and to protect property taxpayers.

I, or any Board Member, would be more than happy to discuss these issues with you. I can be reached at 839-3840 or njustice@maine.rr.com We intend to keep you fully informed as we move forward.

Sincerely,

A handwritten signature in black ink, appearing to read "N E Justice Jr", written in a cursive style.

Norman E. Justice, Jr.

**PROPOSED BUDGET WORKSHOP SCHEDULE
TOWN COUNCIL CHAMBERS**

Tuesday, April 15	6:00 or 7:00 p.m.
Thursday, April 17	“
Monday, April 21	“
Tuesday, April 22	“
Wednesday, April 23 (if needed)	“

PUBLIC HEARINGS:

Budget Advisory Hearing (Town Council to set date 4/14/03)	
Thursday, April 24	7:00 p.m.
Town Council to Adopt Budget	
Monday, May 12	7:00 p.m.

NOTE: Bill, departments will be scheduled as we proceed.

County of Cumberland

cc: encl

Peter J. Crichton
County Manager



March 18, 2003

Nadeen Daniels
Town of Cumberland
290 Tuttle Road
Cumberland Center, ME 04021

Re: County Charter Commission Membership Election

Dear Nadeen,

As you know, the County Commissioners have voted to place on the November ballot the question of the establishment of a Cumberland County Charter Commission. At the same time, the members of that Commission will be elected. The provisions of the County Home Rule Statute provide that two Charter Commission members will be elected from each of the three County Commissioner districts.

We have consulted with the Secretary of State's office in regard to this process. Enclosed herewith is a copy of a letter to myself from Julie Flynn, the Deputy Secretary of State. Also enclosed herewith are copies of the relevant petition form and candidates guide prepared by the Secretary of State's office to assist in this election. As you can see, the petitions must be completed and submitted to the local registrars no later than May 27th, 2003 and then on to the Secretary of State by June 2nd. As such, we wish to bring to your attention the importance of these deadlines.

We would request that you place discussion of this election on your next meeting agenda so that any interested residents will become aware of the need for candidates for these positions. Should your town clerk require additional nomination petitions, please contact my office immediately. Otherwise, they may be picked up from the County Clerk.

Given the significance of county government to your municipal budgets, the County Commissioners are sure you would want to have the earliest opportunity to interest your citizenry in serving as a County Charter Commissioner from your district.

If you have any questions with regard to any of the enclosed, please feel free to contact me at your convenience.

Very truly yours,


Peter J. Crichton
County Manager

Att:

Cc: County Commissioners, w/attachment
Jane Duncan, Deputy County Manager, w/attachment
Town/City Managers, w/attachment
Cumberland County Legislators, w/attachment
News Media, w/attachment



Bureau of Corporations, Elections and Commissions

*Department of
the Secretary of State*

Domna Giatas
Chief Deputy
Secretary of State

Julie L. Flynn
Deputy Secretary of State

Dan A. Gwadosky
Secretary of State

March 14, 2003

RECEIVED

MAR 17 2003

COUNTY OF CUMBERLAND
EXECUTIVE DEPARTMENT

Mr. Peter J. Crichton
Cumberland County Manager
142 Federal Street, Suite 102
Portland ME 04101-4196

Dear Peter:

This letter will confirm the information that I provided to Ken Cole by telephone yesterday, regarding our office's role in the November 2003 Cumberland County Charter Commission Referendum, and election of the charter commission members.

The 6 voter members of the charter commission must be nominated as provided by Title 21-A, sections 351, 352, 354, 355 and 356. These provisions establish the filing deadline and the requirements for the petition. Since there are 3 county commissioner districts in Cumberland County pursuant to Title 30-A, section 66(3), there must be 2 charter commission members elected from each of these three districts. The candidates must be residents and registered voters of the applicable district from which they seek office; however, they do not have to be enrolled in any political party. Any registered voter in the applicable county commissioner district may sign the petition, without regard to party enrollment status. Each candidate must collect a minimum of 50 signatures and a maximum of 80 signatures. The petitions must be submitted to the appropriate municipal registrars for certification by May 27, 2003, and completed petitions must be submitted to our office by 5:00 p.m. on June 2, 2003. Our office will then certify the petitions and confirm the list of candidates for each of the three districts.

I have enclosed a supply of the nomination petitions, which may be distributed to potential candidates. These forms may be duplicated as necessary, or we can provide additional copies upon request. As the State has no candidate elections this year, and thus, no applicable Candidate's Guide that we can provide you, we have prepared an informational summary of the candidate and petition circulation requirements. We have also enclosed a copy of the sections of Title 21-A that pertain to the requirements for nomination to this office.

Our office does not have a statutory role with respect to conducting the election itself. However, as there will be a statewide referendum election on November 4, 2003, we can certainly advise you as to the process and deadlines that we will follow in conducting the election. In addition, since we will have to contract for the printing of statewide ballots for this election, it would be possible for us to include the County ballots in this printing contract, and invoice the County for these costs. If it is the wish of the County Commissioners, we could prepare the ballot layouts for their review and approval, and have them printed and distributed to the municipalities along with the State ballots. Although I cannot advise you of the printing costs at this time, I am certain it would be more cost-effective for the County to have the State print the ballots, then for the County to do this independently.

I will be happy to assist you over the coming months to develop the specific requirements for conducting the election and the production of ballots and other materials. Please don't hesitate to call me at 624-7734 if you have any further questions. I look forward to working with you to ensure a successful County election.

Sincerely,

A handwritten signature in cursive script, reading "Julie L. Flynn".

Julie L. Flynn

Deputy Secretary of State

Cc: Kenneth Cole, Esq.; Jensen, Baird, Gardner and Henry

Enclosures

CANDIDATE'S GUIDE FOR COUNTY CHARTER COMMISSION MEMBERS

- ✍ Candidates may obtain nomination petitions from any Town Office in Cumberland County, from the County Manager's Office, or from the Elections Division of the Secretary of State.
- ✍ The candidate or circulators for the candidate must obtain a minimum of 50 signatures and a maximum of 80 signatures of registered voters in the candidate's commission district. (Voters do not have to be enrolled in a political party.)
- ✍ Each petition must be verified by its circulator. All signatures must be certified by the applicable registrar of voters prior to filing with the Secretary of State (See below for further details.)
- ✍ Petitions must be submitted to the appropriate Registrars or Municipal Clerks for certification by 5 p.m., May 27, 2003.*
- ✍ The candidate must sign a "Candidate's Consent" before a notary public. (See below for further details.)
- ✍ The petitions must be submitted to the Elections Division for review on or before 5 p.m., June 2, 2003.* If properly completed with the required number of signatures, the petitions will be accepted and filed by the Secretary of State.
- ✍ Each candidate will be notified by the Secretary of State of the acceptance of the petitions.

*These filing dates have been adjusted to account for weekends and holidays. (Title 21-A §6)

NON-PARTY CANDIDATE PETITION:

Information on petition forms must be typed or printed except where a signature is required. Separate petition forms should be used for each municipality in which signatures are solicited.

1. State the candidate's name in one of the following forms:
 - A. first name, middle name, last name
 - B. first name, middle initial, last name
 - C. first initial, middle name, last name
 - D. first name, last name
2. State the exact title of the office sought (County Charter Commission Member).
3. State the electoral division to be represented (Charter Commission District 1, 2 or 3).
4. State the residence address where the candidate is registered to vote.
5. State the mailing address of the candidate, if different. If the mailing address is the same, so indicate.

6. Petition may only be signed by voters who reside in the electoral district in which the nomination is sought. Each voter must sign his or her name personally.
7. The printed name of the voter, the date signed, the street address and municipality may be completed by either the voter or the circulator. Ditto marks are permitted only for street address and municipality of registration.

VERIFICATION, CERTIFICATION AND CONSENT FOR A NON-PARTY CANDIDATE PETITION

1. The circulator of each petition must take oath before a notary public that each signature is the signature of the person whose name it purports to be; was made in his or her presence; and that each signer is a registered voter of the electoral district named in the petition.
2. The Registrar or Municipal Clerk must certify that each person whose name appears on the petition is registered to vote in that municipality, in the electoral district named in the petition.
3. The Registrar or Municipal Clerk of the candidate's municipality of residence must certify that the candidate is registered to vote in the municipality.
4. The candidate must sign, before a notary public: a consent to accept the nomination by petition; a declaration of the candidate's municipality of residence; and a statement that the candidate meets the qualifications of the office sought. The signature of the candidate on the consent must appear the same as the name of the candidate on the front of the petition. **The candidate's consent needs to be completed only once.**

COUNTY CHARTER COMMISSION DISTRICTS FOR CUMBERLAND COUNTY

Voters elect County Charter Commission Members from the County Commissioner District in which they reside. For example, voters in County Commissioner District One will vote for two County Charter Commission Members in District One.

Cumberland County Commissioner District 1 includes the municipalities of Cumberland, Falmouth, Long Island, North Yarmouth and Portland.

Cumberland County Commissioner District 2 includes the municipalities of Baldwin, Cape Elizabeth, Frye Island, Gorham, Scarborough, South Portland, Standish and Westbrook.

Cumberland County Commissioner District 3 includes the municipalities of Bridgton, Brunswick, Casco, Freeport, Gray, Harpswell, Harrison, Naples, New Gloucester, Pownal, Raymond, Sebago, Windham and Yarmouth.

Title 21-A, Chapter 5, NOMINATIONS

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we do require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication is current to the end of the First Special Session of the 120th Legislature, which ended November 14, 2002, but is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

Chapter 5: NOMINATIONS

Subchapter 2: BY PETITION

§351. Nomination authorized

The nomination of a candidate, other than by a party, for any federal, state or county office must be made by petition, as provided in this subchapter. [1985, c. 161, §6 (new).]

1. Limited to one office. A person may not file, whether by primary election or nomination petition, as a candidate for more than one federal, state or county office at any election, except as provided in subsection 3. [1985, c. 161, §6 (new).]

2. Limited to one method. A person may file as a candidate for any federal, state or county office either by primary election or nomination petition, except as provided in subsection 3, but not by both methods. [1985, c. 161, §6 (new).]

3. Exception. A candidate for membership in a county charter commission must be nominated by petition, and may file as a candidate for one additional federal, state or county office at that same election. A candidate for presidential elector may also file as a candidate for one additional federal, state or county office at that same election. [1997, c. 436, §49 (amd).]

PL 1985, Ch. 161, §6 (NEW).

PL 1997, Ch. 436, §49 (AMD).

§352. Qualification for presidential elector and county office

A candidate for the office of presidential elector or any county office must be a resident of and a voter in the electoral division he seeks to represent on the date established for filing nomination petitions in the year he seeks election. He must maintain a voting residence in that electoral division during his term of office. [1985, c. 161, §6 (new).]

PL 1985, Ch. 161, §6 (NEW).

§353. Qualification of candidate for nomination by petition

A person who seeks nomination by petition qualifies by filing a nomination petition and consent as provided in sections 354 and 355. If enrolled, the person must also withdraw enrollment in a party on or before March 1st to be eligible to file a petition as a candidate in that election year, as provided in section 145. The registrar, or clerk at the request or upon the absence of the registrar, in the candidate's municipality of residence must certify to that fact on the petition. [1999, c. 426, §11 (amd).]

PL 1985, Ch. 161, §6 (NEW).

PL 1995, Ch. 459, §25 (AMD).

PL 1999, Ch. 426, §11 (AMD).

§354. Petition requirements

A nomination petition shall be on a form provided by the Secretary of State and is governed by the following provisions. [1985, c. 161, §6 (new).]

1. Content. A nomination petition must contain the name of only one candidate, the candidate's place of residence, the office sought and electoral division. A nomination petition may contain as many separate papers as necessary and may contain the candidate's consent required by section 355. It may also contain the candidate's

Title 21-A, Chapter 5, NOMINATIONS

political designation, which may not exceed 3 words in length, and may not incorporate the candidate's name, or the designation or an abbreviation of the designation of a party that is qualified to nominate candidates by primary election. A candidate who intends to form a new party about that person's candidacy must use the proposed party's designation. [1997, c. 436, §50 (amd).]

A. When 2 United States Senators or 2 county commissioners are to be nominated, the nomination petition must contain the term of office sought by the candidate. [1985, c. 161, §6 (new).]

B. The names of presidential electors must be placed on the petition as a slate. The names of the candidates for President and Vice President must be placed on a petition for the nomination of presidential electors. [1985, c. 161, §6 (new).]

2. **By whom signed.** A nomination petition may be signed only by voters of the electoral division which is to make the nomination, except that nomination petitions for presidential electors may be signed by any Maine voter. Other signatures are void. [1985, c. 161, §6 (new).]

3. **How signed.** The voter must personally sign his name in such a manner as to satisfy the registrar of his municipality that he is a registered voter. Either the voter or the circulator of the petition must print the voter's name. [1985, c. 161, §6 (new).]

4. **Residence.** The voter or the circulator of the petition must write or print the voter's street address and municipality of registration. Ditto marks are permitted for street address and municipality of registration only. [1997, c. 436, §50 (amd).]

5. **Number of signatures required.** Nomination petitions must be signed by the following numbers of voters: [1991, c. 362, §§2, 3 (amd).]

A. For a slate of candidates for the office of presidential elector, at least 4,000 and not more than 6,000 voters; [1985, c. 161, §6 (new).]

B. For a candidate for Governor, at least 4,000 and not more than 6,000 voters; [1985, c. 161, §6 (new).]

C. For a candidate for United States Senator, at least 4,000 and not more than 6,000 voters; [1985, c. 161, §6 (new).]

D. For a candidate for United States Representative, at least 2,000 and not more than 3,000 voters; [1985, c. 161, §6 (new).]

E. For a candidate for county office other than county commissioner or county charter commission member, at least 300 and not more than 400 voters; [1991, c. 362, §2 (amd).]

E-1. For a candidate for county commissioner, at least 100 and not more than 150 voters; [1991, c. 362, §3 (new).]

F. For a candidate for State Senator, at least 200 and not more than 300 voters; [1985, c. 161, §6 (new).]

G. For a candidate for State Representative, at least 50 and not more than 80 voters; and [1985, c. 161, §6 (new).]

H. For a candidate for county charter commission member, at least 50 and not more than 80 voters. [1985, c. 161, §6 (new).]

6. **When signed.** A nomination petition may not be signed before January 1st of the election year in which it is to be used. [1985, c. 161, §6 (new).]

7. **Certification of petitions.** A nomination petition shall be verified and certified as follows. [1999, c. 264, §1 (amd).]

A. The circulator of a nomination petition shall verify by oath or affirmation before a notary public or other person authorized by law to administer oaths that all of the signatures to the petition were made in his presence and that to the best of his knowledge and belief each signature is the signature of the person whose name it purports to be and each person is a resident of the electoral division named in the petition. [1985, c. 161, §6 (new).]

Title 21-A, Chapter 5, NOMINATIONS

B. Petitions must be delivered to the registrar, or clerk at the request or upon the absence of the registrar, for certification by 5 p.m. on May 25th in the election year in which the petitions are to be used, except that petitions for a slate of candidates for the office of presidential elector must be delivered for certification by 5 p.m. on August 8th in the election year in which the petitions are to be used. [1999, c. 264, §1 (amd).]

C. The registrar, or clerk at the request or upon the absence of the registrar, of each municipality concerned shall certify which names on a petition appear on the voting list of the municipality as registered voters and shall strike out any names that do not satisfy subsection 3. [1995, c. 459, §27 (amd).]

8. Filed with the Secretary of State. [1985, c. 161, §6 (new); c. 383, §7 (rp).]

8-A. Filed with the Secretary of State. A nomination petition must be filed in the office of the Secretary of State by 5 p.m. on June 1st in the election year in which it is to be used, except that petitions for a slate of candidates for the office of presidential elector must be filed in the office of the Secretary of State by 5 p.m. on August 15th in the election year in which the petitions are to be used. [1999, c. 264, §2 (amd).]

9. Petition void. A nomination petition which does not meet the requirements of this section is void. If a voter or circulator fails to comply with this section in signing or printing the voter's name and address, that voter's name may not be counted, but the petition is otherwise valid. [1985, c. 161, §6 (new).]

PL 1985, Ch. 161, §6 (NEW).
PL 1985, Ch. 383, §7, 8 (AMD).
PL 1985, Ch. 614, §14, 15 (AMD).
PL 1991, Ch. 362, §2, 3 (AMD).
PL 1995, Ch. 459, §26-28 (AMD).
PL 1997, Ch. 436, §50 (AMD).
PL 1999, Ch. 264, §1, 2 (AMD).

§355. Consent of candidate to be filed

The written consent of each candidate must be filed with his nomination petition. [1985, c. 161, §6 (new).]

1. Consent. The consent must contain a statement signed by the candidate that he will accept the nomination. The statement may be printed as a part of the nomination petition. [1985, c. 161, §6 (new).]

2. Single filing sufficient. A candidate need file only one consent. The consent is valid even though it may be part of a nomination petition which is void. [1985, c. 161, §6 (new).]

3. Qualifications declared. The consent must contain a declaration of the candidate's place of residence and the fact that the candidate has not been enrolled in a party qualified to participate in a primary or general election after March 1st of that election year and that the candidate meets the qualifications of the office the candidate seeks. The candidate must verify by oath or affirmation before a notary public or other person authorized by law to administer oaths or affirmations that the declaration is true. If, pursuant to the challenge procedures in section 356, any part of the declaration is found to be false by the Secretary of State, the consent and the nomination petition are void. [1999, c. 645, §2 (amd).]

A. Candidates for the office of county charter commission need not verify by oath or affirmation that they are not enrolled in a party. [1989, c. 166, §3 (amd).]

PL 1985, Ch. 161, §6 (NEW).
PL 1987, Ch. 214, §2 (AMD).
PL 1989, Ch. 166, §3 (AMD).
PL 1995, Ch. 459, §29 (AMD).
PL 1997, Ch. 436, §51 (AMD).
PL 1999, Ch. 426, §12 (AMD).
PL 1999, Ch. 645, §2 (AMD).

§356. Review and challenge of petitions

Title 21-A, Chapter 5, NOMINATIONS

1. Review. When presented with a nomination petition, the Secretary of State shall review it and, if the petition contains the required number of certified names and is properly completed, shall accept and file it. [1985, c. 161, § 6 (new).]

2. Challenges. The procedure for challenging the validity of a nomination petition or of names upon a petition is as follows. [1987, c. 737, Pt. C, §§63, 106 (amd); 1989, c. 6 (amd); c. 9, §2 (amd); c. 104, Pt. C, §§8, 10 (amd); c. 166, §4 (amd); c. 502, Pt. D, §17 (amd).]

A. Only a registered voter residing in the electoral division of the candidate concerned may file a challenge. The challenge must be in writing and must set forth the reasons for the challenge. The challenge must be filed in the office of the Secretary of State by 5 p.m. on the 5th business day after the final date for filing petitions under section 354, subsection 8-A. [1989, c. 166, §4 (amd); c. 502, Pt. D, §17 (amd).]

B. Within 7 days after the final date for filing challenges and after due notice of the hearing to the candidate and to the challenger, the Secretary of State shall hold a public hearing on any challenge properly filed. The challenger has the burden of providing evidence to invalidate the petitions or any names upon the petitions. [1985, c. 161, §6 (new).]

C. The Secretary of State shall rule on a challenge within 5 days after the completion of the hearing described in paragraph B. [1985, c. 161, §6 (new).]

D. A challenger or a candidate may appeal the decision of the Secretary of State by commencing an action in the Superior Court. This action shall be conducted in accordance with the Maine Rules of Civil Procedure, Rule 80B, except as modified by this section. This action must be commenced within 5 days of the date of the decision of the Secretary of State and shall be tried, without a jury, within 10 days of the date of that decision. Upon timely application, anyone may intervene in this action when the applicant claims an interest relating to the subject matter of the petition, unless the applicant's interest is adequately represented by existing parties. The court shall issue its written decision containing its findings of fact and conclusions of law and setting forth the reasons for its decision within 20 days of the date of the decision of the Secretary of State. [1985, c. 161, §6 (new).]

E. Any aggrieved party may appeal the decision of the Superior Court, on questions of law, by filing a notice of appeal within 3 days of that decision. The record on appeal must be transmitted to the Law Court within 3 days after notice of appeal is filed. After filing notice of appeal, the parties have 4 days to file briefs and appendices with the clerk of courts. As soon as the record and briefs have been filed, the court shall immediately consider the case. The court shall issue its decision within 14 days of the date of the decision of the Superior Court. [1985, c. 161, §6 (new).]

F. Only a voter of the county establishing a charter commission may challenge the nomination petition for county charter commission member. The challenge must be in writing and must set forth the reasons for the challenge. The challenge must be filed in the office of the Secretary of State before 5 p.m. on the 55th day following the order of the county officers under Title 30-A, section 1321, subsection 1, or the receipt of a certificate of sufficiency under Title 30-A, section 1321, subsection 4. [1987, c. 737, Pt. C, §§63, 106 (amd); 1989, c. 6 (amd); c. 9, §2 (amd); c. 104, Pt. C, §§8, 10 (amd).]

PL 1985, Ch. 161, §6 (NEW).

PL 1987, Ch. 737, §C63,C106 (AMD).

PL 1989, Ch. 6, § (AMD).

PL 1989, Ch. 9, §2 (AMD).

PL 1989, Ch. 104, §C8,C10 (AMD).

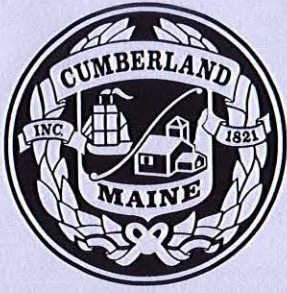
PL 1989, Ch. 166, §4 (AMD).

PL 1989, Ch. 502, §D17 (AMD).

§357. Candidates certified by the Secretary of State

The Secretary of State shall immediately certify by mail the nomination of each person nominated by petition. [1985, c. 161, § 6 (new).]

PL 1985, Ch. 161, §6 (NEW).



TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

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

April 7, 2003

TO: REGIONALIZATION COMMITTEE MEMBERS
FROM: WILLIAM STILES, CHAIRMAN
RE: MEETING OF APRIL 16, 2003

.....

Please find attached the DRAFT minutes of our March 19, 2003 meeting.

We are scheduled to meet again on Wednesday, April 16, 2003 at 7:00 p.m. in the
Cumberland Town Council Chambers.

An agenda will be prepared when I return from a business trip on Monday,
April 14th and Nadeen will send it via email or fax prior to our meeting. Please send
your email address or fax number to her at ndaniels@cumberlandmaine.com. With a
preference as to how you would like to receive it. Thanks.

CUMBERLAND FIRE & RESCUE CALLS FOR THE WEEK OF

2-Apr-03 To 8-Apr-03

The Cumberland Rescue Responded to 18 Calls

<u>3</u>	No Transport	
<u>10</u>	Maine Medical Center	1 TO PARKVIEW HOSPITAL
<u>5</u>	Mercy Hospital	
<u>5</u>	Of These Calls Were to Assist Other Towns	

The Cumberland Fire Department Responded to 3 Calls

<u>Date</u>	<u>Time</u>	<u>Address</u>	<u>Type of Incident</u>
4/4/03	721	FOREST LAKE	SMOKE INVESTIGATION
4/4/03	1918	GRAY STATION	STATION COVERAGE
4/5/03	1655	LONGWOODS RD	TRAFFIC ACCIDENT

DURING THE TIME PERIOD OF 04-02-03 TO
04-08-03 CUMBERLAND POLICE MADE
110 TRAFFIC STOPS ISSUING
86 WARNINGS
11 VEHICLE DEFECTS
19 SUMMONS ISSUED
7 FOR SPEEDING

April 8, 2003

TO: FALMOUTH FORECASTER
SHOPPING NOTES

FROM: WILLIAM SHANE, TOWN MANAGER

RE: TOWN FINANCE OFFICER RECEIVES
NATIONAL RECOGNITION

.....

It is with great pleasure that the town of Cumberland recognizes Melody Main, Cumberland Finance Director, for her recent Financial Reporting Achievement Award from the Government Finance Officers Association. Ms. Main has received the "Certificate Of Achievement" award for her efforts to achieve and maintain an appropriate standard of excellence in financial reporting. Stephen J. Gauthier, Director, GFOA Technical Services Center, describes this award as the "highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management." This year's recognition marks the ninth consecutive year Ms. Main has been recognized for her reporting practices.

We are proud of Ms. Main and her achievements on behalf of the Town, and hope you will see fit to note this significant accomplishment in your weekly.



Government Finance Officers Association
203 North LaSalle Street, Suite 2700
Chicago, Illinois 60601-1210
312.977.9700 fax: 312.977.4806

April 04, 2003

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

Dear Mr. Benson:

We are pleased to notify you that your comprehensive annual financial report for the fiscal year ended June 30, 2002 qualifies for a Certificate of Achievement for Excellence in Financial Reporting. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

The Certificate of Achievement plaque will be shipped to:

Ms. Melody Main
Finance Director

under separate cover in about eight weeks. We hope that you will arrange for a formal presentation of the Certificate and Award of Financial Reporting Achievement, and that appropriate publicity will be given to this notable achievement. To assist with this, enclosed are a sample news release and the Certificate Program "Results" for reports with fiscal years ended during 2000 representing the most recent statistics available.

We hope that your example will encourage other government officials in their efforts to achieve and maintain an appropriate standard of excellence in financial reporting.

Sincerely,

GOVERNMENT FINANCE OFFICERS ASSOCIATION

Stephen J. Gauthier
Director/Technical Services Center

SJG/ds



Government Finance Officers Association
203 North LaSalle Street, Suite 2700
Chicago, Illinois 60601-1210
312.977.9700 fax: 312.977.4806

April 4, 2003

NEWS RELEASE

For information contact:
Stephen Gauthier (312) 977-9700

(Chicago)--The Certificate of Achievement for Excellence in Financial Reporting has been awarded to: **Town of Cumberland, ME** by the Government Finance Officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR). The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

An Award of Financial Reporting Achievement has been awarded to the individual(s), department or agency designated by the government as primarily responsible for preparing the award-winning CAFR. This has been presented to:

Melody Main, Finance Director

The CAFR has been judged by an impartial panel to meet the high standards of the program including demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the CAFR.

The GFOA is a nonprofit professional association serving approximately 14,000 government finance professionals with offices in Chicago, Illinois, and Washington, D.C.

MICHAEL W. BROWN

April 4, 2003

Ms. Nadeen Daniels
Town Clerk, Town of Cumberland
290 Tuttle Road
Cumberland Center, Maine 04021-9321

Dear Ms. Daniels:

Please accept this letter as confirmation of my ongoing interest in serving the town of Cumberland.

While I was disappointed to learn that the other vacancies had been filled, I am excited about the potential opportunity to serve on the Planning Board. I reviewed a number of the Board's minutes posted on the web site and found them to be quite compelling. I would very much like to be considered for this vacancy.

Please advise me if you require anything further from me regarding this matter.

Best Regards,

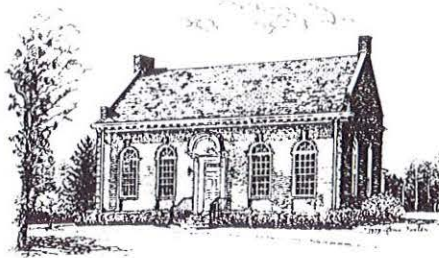


Michael Brown



26 MILL ROAD • CUMBERLAND, MAINE 04021 • 207.829.2812

Prince Memorial Library
266 Main Street
Cumberland, Maine
04021-9754



Tel: (207) 829-2215
Fax: (207) 829-2221
www.princememorial.lib.me.us
inquiry@princememorial.lib.me.us

To: Library Advisory Board
From: Thomas Bennett, Library Director
Date: April 1, 2003
Re: Library Advisory Board meeting 7 p.m. Wednesday, April 9, 2003

Agenda:

1. Acceptance of minutes of March 12 meeting
2. Discussion of budget process
3. Proposed survey

REGIONALIZATION COMMITTEE

DRAFT

Wednesday, March 19, 2003

MEETING MINUTES

Chairman Stiles called the meeting to order at the Cumberland Town Hall Council Chambers at 7:06 p.m.

Attendance: *Rick DeGrandpre*, *Carl Winslow*, Warren Turner, Nat Tupper (Yarmouth), Peggy McGehee, Doug Harris (Falmouth), William Stiles, Jeffrey Porter, Bill Shane (Cumberland), *Dick Brobst* (North Yarmouth).
Cumberland: Police Chief, Joe Charron; Rescue Chief, Chris Bolduc; Fire Chief, Dan Small.
Falmouth: Police Chief, Ed Tolan; Fire Chief, Jim Robertson.
Yarmouth: Police Chief, Michael Morrill; Fire Chief, Bryon Fairbanks.
North Yarmouth, Fire Chief, Jim Malonson.
Freeport: Police Chief, Gerald Schofield; Fire Chief, Darrel Fournier; Rescue Chief, Paul Conley.

Chairman **Bill Stiles** thanked the Chiefs for attending and stated that he believes between the five towns, we can come together and become more efficient.

1. Review of Minutes.

On motion and duly seconded, it was VOTED unanimously to approve the minutes from the meeting of February 26, 2003.

2. Hear Presentation from Chiefs and Managers

Ed Tolan, Police Chief from Falmouth distributed a memo to the Regionalization Committee and Chiefs. He stated that the memo serves as a tool to generate thoughts and ideas and he is more than happy to work with the communities. Chief Tolan reviewed the following regionalization information submitted for the record:

"As you know the Police, Fire and Rescue Chiefs from the communities of Falmouth, Freeport, Yarmouth and Cumberland have met on several occasions to discuss the issues surrounding the potential regionalization of police and dispatching services. It is our understanding from our meeting with the Town Managers that the committee would like us to concentrate on just dispatching services at this time. Therefore, at our meetings on March 10th and March 18th we attempted to list issues, both pros and cons, that must be considered as we venture down this path of regionalization.

This memo is intended to only serve as a tool to generate thoughts and ideas for discussion of this issue. All of the chiefs agree that there will be many additional issues that may support or deter us from this idea of a combined dispatch center as we begin exploring the possibilities.

If we are to implement a combined emergency communications center for the four or more towns, it is our opinion that the primary role of this center will be to accept 9-1-1 emergency telephone calls and dispatch the appropriate public safety response. In addition this center will be required to accept and to transfer business related calls for the various public safety agencies, as well as the "walk-in" traffic that is generated by residents or transients arriving to request information or pick-up material.

One of the keys to a successful dispatch center is that all dispatchers will be trained in all facets of police, fire and EMS communications services, so that they are able to handle whatever emergency arises. It will be the responsibility of the on-duty supervisor to assign the dispatchers to their roles (i.e., call taker, primary police or primary fire) for the shift they are working.

The chiefs believe that initial discussions should revolve around several key components such as; location, infrastructure, personnel, technology, political ramifications and support services. In this memo we will attempt to provide you with some areas to be discussed in consideration of each of these components.

Location:

- Needs to be in a visible and somewhat central location with easy access.
- Zoning and set back requirements for equipment such as towers, parking, generator, etc.
- Who will serve as the center's 9-1-1 emergency back up? This is required by the State for a PSAP.

Infrastructure:

- Facility; currently none of the four communities has a facility large enough to house the center.
- Build new or purchase existing building and remodel.
- Facility that could also be utilized as an EOC (Emergency Operations Center) for the four communities in the event of a natural or man-made disaster.

Technology/Equipment:

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- Equipment costs would be split; no need for one community to go it alone on major cost items.
- Opportunity for technological advancements in all equipment.
- Communications equipment requirements:
 - Radios with larger frequency capacity to service all communities.
 - Re-licensing of all frequencies for use in a regional center.
 - Software for connectivity to the cruiser laptop computers (Falmouth and Freeport currently have them in operation).
 - Repeaters for the larger area that will be serviced (currently not all the communities have repeaters).
 - One telephone system that is capable of direct transfer of calls to all police facilities for business related calls.
- Dispatch furniture:
 - Modular consoles for dispatchers.
 - Office furniture.
- 9-1-1 telephone system:
 - Verizon moving existing equipment from four buildings to one (**major cost item**).
 - Re-routing of all telephones in the communities serviced, to a new site (Verizon).
- Computers:
 - Need for a single software system for four departments; dispatch center CAD system to link to police/fire software.
 - Laptop computers for those towns that currently do not have them.
 - Hardware replacement (if needed) to meet the requirements of new software.

Personnel:

- Staffing levels must be a major consideration. With multiple dispatchers working in a single dispatch center it provides for improvements in;

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- Ability to handle large emergencies/natural disasters by assigning a particular dispatcher to a particular event.
 - Providing Emergency Medical Dispatch.
 - Hiring of dispatchers (more applicants).
 - Better ability to replace dispatchers who are on vacation, sick or extended leave (larger number of employees for overtime call-out).
 - Quicker response to police, fire and EMS officers during emergencies.
 - Ability to meet NFPA and ISO standards for staffing levels.
- Detriments to the removal of dispatch center from existing buildings:
- Loss of security of the police buildings/town offices after hours.
 - Loss of safe haven for someone coming to the police station for assistance.
 - Loss of public information window, i.e. greet the public to answer questions or provide requested material.
 - Loss of clerical staff to individual agencies.
 - Loss of familiarity with local community.
 - Potential loss of revenue to the communities that currently provide through a contract, dispatching services for small surrounding communities.
 - Police agencies such as Maine State Police who currently use our buildings for issues such as arrests processing, paperwork, etc., will not be able to gain access after normal business hours if the dispatch center is removed and the building secured for the evening.
- Pay and Benefits:
- Union contract; who will negotiate, administer and respond to grievances, proposals, etc.
 - Larger union, better bargaining power, higher wages and benefits.
 - Do all towns need to agree on a contract?

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- Policies and Procedures; all departments have current set of standards.
 - New set just for dispatch center, which does not conflict with existing policies in any of the departments.

Support Services:

- Loss of dispatchers at local PD who currently provide other services such as;
 - Clerical duties
 - Point of contact for "walk-in" citizens.
 - Data entry personnel.
 - Monitor security of local buildings after hours.

Political Issues:

- Who will govern; a representative from each community and chiefs?
- Towns who do not have a police department but rely on this center for fire and EMS; what will their role be in the governing body?
- How will costs be assessed for any of the new infrastructure and then the on-going operation?
- What if a Town decides to withdraw from the center?
- Is there a financial penalty?
- Will there be a contract for a specific number of years?
- Who owns the building and the equipment in the event this regional center dissolves?"

Chairman Stiles thanked Chief Tolan for this thorough presentation.

Darrel Fournier, Freeport Fire Chief distributed to the committee a "draft" Request For Proposal For Regionalization Of Dispatch Services (RFP). He explained "everyone's plates are extremely full at the local level. " He commented that when it is time to look at the technical aspect, we should look toward an expert who could do a comprehensive study for a regional center.

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Draft Request for Proposal (RFP) for Regionalization of Dispatch Services. Scope of Work

It is expected that the selected consultant will conduct a comprehensive analysis and evaluation of each of the three (3) project objectives described below, as well as a careful examination of the various sub-issues associated with each objective. The objectives and related issues described herein shall be considered as the Scope of Work for this project.

Objective #1. Technical - **Determine** the technical requirements need to support a Regional Dispatch Center in the Towns of Falmouth, Cumberland, Yarmouth, North Yarmouth, Freeport, Pownal and Durham to include, but not be limited to the following:

- A. Conducting a thorough assessment of the existing dispatch centers in the Towns of Falmouth, Cumberland, Yarmouth, North Yarmouth, Freeport, Pownal and Durham, and make a recommendation as to the feasibility of using one of the existing dispatch centers for a new Regional Dispatch Center.
- B. Conducting a thorough assessment and advising of any federal or state regulatory and statutory requirements that may have an impact on the creation or operation of a Regional Dispatch Center.
- C. Conducting a thorough assessment and advising as the impact that the formation of a Regional Dispatch Center will have on existing communication systems and equipment, including voice and data systems, radio systems, telephone systems, E-911 systems, computer systems and other related systems and equipment.
- D. Conducting a thorough assessment and advising as to the type, amount and cost of additional voice and data systems, radio systems, telephone systems, E-911 equipment, and other related equipment that would be recommended for purchase in order to provide the Regional Dispatch Center with the most up to date technology and equipment available.
- E. Conducting as assessment to identify all potential users of a Regional Dispatch Center, both within and outside the Town.

- F. Conducting an assessment and providing a discussion on the impact that a Regional Dispatch Center would have on the Insurance Services Office (ISO) rating of potential user fire departments.

Objective #2. Operational - Determine the optimal operational configuration for a Regional Dispatch Center to include, but not be limited to, the following:

- A. Conducting a thorough assessment and making a recommendation as to the type of organizational structure that would be the most efficient and optimal way to govern the operation of a Regional Dispatch Center; i.e., non-profit corporation, state government agency, existing local government entity, formation of a new local government entity.
- B. Conducting a thorough assessment of the staffing requirements for the Regional Dispatch Center and making a recommendation in regards to employment issues, existing staff and prospective staff, union and non-union employees, benefit and wage packages, seniority issues and re-hiring and displacement of employees.
- C. Conducting a thorough assessment and providing a recommendation concerning other transitional issues of either an operational or a human resource nature.
- D. Develop and recommendation of an implementation plan and time frame to have a Regional Dispatch Center fully operational.
- E. Develop and recommendation of a set of Standard Operating Guidelines for use in the Regional Dispatch Center.
- F. Conducting a thorough assessment and recommendation of a comprehensive training program for public safety dispatchers, to include initial and continuing training.

Objective #3. Cost - Determine the cost of establishing and operating a Regional Dispatch Center to include, but not be limited to, the following:

- A. Conducting a thorough assessment of the existing dispatch centers in the Towns of Falmouth, Cumberland, Yarmouth, North Yarmouth, Freeport, Pownal and Durham, and making a recommendation as to the costs associated with using one of the existing dispatch centers for a new Regional Dispatch Center.
- B. Development and recommendation of an annual operating and capital equipment budget for the first year of operation of the Regional Dispatch Center.

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- C. Conducting a thorough assessment, providing multiple alternatives, and making a recommendation for a cost allocation formula that could be used to fund the establishment of a Regional Dispatch Center.
- D. Conducting a thorough assessment, providing multiple alternatives, and making a recommendation for a cost allocation formula that could be used to fund the operation of a Regional Dispatch Center.
- E. Conducting a thorough assessment providing a cost analysis for each participating agency, or prospective participating agency. The cost analysis shall include the potential for using a portion of the 911-surcharge fee as one of many funding mechanisms for the operation of the Regional Dispatch Center.
- F. Providing alternatives and making a recommendation as to funding mechanisms for future operation and capital equipment replacements costs.
- G. Providing alternatives and making a recommendation as to a fee structure to be used for alarm monitoring in the Regional Dispatch Center.

Project Approach

- A. In keeping with the purpose and scope of this project, at a minimum, the selected consultant will be expected to perform the following tasks:
 - 1. Tour each of the existing dispatch centers and observe operational activities as may be appropriate.
 - 2. Conduct an examination and evaluate the equipment and facilities of each existing dispatch center.
 - 3. Meet with the Towns of Falmouth, Cumberland, Yarmouth, North Yarmouth, Freeport, Pownal and Durham's Project Manager to review the scope of the project, identify document requirements, and coordinate future visits.
 - 4. Examine and evaluate all relevant documents and data including, but not limited to, union contracts, mutual aid agreements, statistical reporting requirements and alarm activity for each existing dispatch center.

5. Meet with the representatives of all user, and potential user agencies, to solicit information necessary to meet the requirements of this RFP.

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Presentation

The selected consultant will prepare and present a draft report presenting and explaining the study's findings and proposed recommendations. The report will include, among other things, an executive summary, a comprehensive analysis and evaluation of the project scope of work and recommendations, which are based upon established standards. The consultant will insure that there is ample opportunity to review, comment and suggest changes to the draft report.

The draft report will describe, in detail, the procedures used in developing the report.

The report will explain in detail the study's findings and recommendations, and will include copies of all relevant reference material.

The final report will be supplied in a sufficient number of copies to distribute to all parties concerned.

The final report will be presented and explained in detail to the Towns of Falmouth, Cumberland, Yarmouth, North Yarmouth, Freeport, Pownal and Durham Town Managers and representatives of other government organizations and entities as requested by the Towns.

Timelines

The selection consultant shall adhere to the following schedule:

Commencement of Work under the RFP shall be within thirty (30) days of contracting signing.

Draft report shall be available for presentation within ninety (90) days of contract signing

Final report shall be available within one-hundred and twenty (120) days of contract signing.

Extension may be granted on a case-by-case basis, upon written request to the Towns Managers.

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Proposer Qualifications

Proposers shall demonstrate and quantify their experience in the following areas:

1. Planning and preparation of feasibility reports for the consolidation of multi-agency, multi-discipline safety agencies into a single public safety dispatch operations.
2. Planning and preparation of cost analysis reports for the consolidation of multi-agency, multi-discipline public safety agencies into a single public safety dispatch and communication system.
3. Design and implementation of organizational plans for the support, administration, management and supervision of a multi-jurisdiction and multi-discipline public safety dispatch and communication system.
4. Building design, floor plan development, space planning and utilization, and cost estimating for public safety dispatch centers.
5. Design and implementation of Town wide radio systems for use by fire, medical, police and emergency management agencies,
6. Design and implementation of multi-agency discipline CAD systems in a regional dispatch environment.
7. Design and implementation of consolidated E911 systems for the use in a regional public safety dispatch environment.
8. Any other experience that indicates the qualifications of the Proposer to meet the requirements of RFP.

Chairman Stiles mentioned that we are applying for a grant to receive some monies to enable us to move forward. Discussion continued and included conversation regarding the amount of call volumes for each town.

Councilor McGehee (Falmouth) stated that she had a question and a comment: She asked the Police Chiefs if they that thought theoretically that this is a good idea?

Chief Tolan responded that he does not think it is a bad idea. He thinks there are considerations and if we are going to do it right, than we are all for it. However, he mentioned that upfront costs can be staggering. In Gorham it took 8 years to see a payback. From his perspective " he certainly supports this as long as it is done right."

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Chief Fournier mentioned that he had spoken with several communities and this may not necessarily mean a cost savings initially. However, he thinks there may be better service going in this direction and feels this is a good thing.

Chief Tolan added that Falmouth received over 100,000 phone calls last year in dispatch.

Councilor McGehee commented regarding the RFP. In terms of the application we are all set. When we get the money, the state will have their own things that they will want to add to this.

Chief Fournier recommended that it may be well worth the trip to visit a dispatch center. The chiefs agreed to do a further study. Discussions continued regarding various day-to-day programs towns offer such as the "Reassurance programs" in which the elderly call in to dispatch each morning.

Councilor McGehee asked the Fire Chiefs and the Rescue Chiefs: "Do you think this is a good idea"?

Dan Small, Fire Chief (Cumberland) responded that he believes this is a good opportunity to provide service to all. However, employees are wondering, "what is going to happen? The dispatchers are concerned and the firefighters are concerned."

Councilor McGehee responded that the State Planning Office (SPO) is just looking for an agreement by 12/31/2003.

If consultants say "No Cost Savings" what is the thought?

Chairman Stiles read the following statement from the draft work plan:

"The Committee will investigate, and when appropriate, recommend consolidation, sharing or regionalization of municipal services and activities between two or more of the five communities of Cumberland Falmouth, Freeport, North Yarmouth and Yarmouth.

The Committee will investigate a range of services and projects, and programs for possible consolidation or regionalization with the intent to seek opportunities for:

- a. Increased cost efficiencies and reductions in property tax burdens, and
- b. Improved public policy and program designs, research, and administration, and
- c. Improved public service delivery, and
- d. Maximization of resource sharing, cooperation, and collaboration, and
- e. More thoughtful, efficient and coordinated land use and community development.

The committee will consider and recommend appropriate governance and policy development strategies and structures for consolidated service delivery, accountability, and democratic control, and equitable allocation of costs."

Chairman Stiles said that we are not limited to five communities. Pownel and Durham may want to come in.

Chief Fournier added that he hopes that this does not expand too large. Where it is at currently, is now manageable.

Chairman Stiles suggested that once this is completed, perhaps someone could come aboard at that point.

Jeff Porter stated that this is a great process and there is no question in his mind that we will save money and be more efficient. The question is: "are we going to be able to keep the service at a level our citizens expect?"

Doug Harris, suggests looking at the level of service and review and identify all the options.

Discussion continued regarding the RFP process and the suggestion of a committee to work together with the Regionalization Committee. The schedule for the RFP is possibly 4 to 6 weeks.

Councilor McGeehee explained that the State Planning Office (SPO) would provide 15,000 with 15,000 in matching funds. We would have a total of 30K. The state will have some of its own pieces in the RFP.

Councilor McGeehee suggested an RFP sub-committee, with a representative from this committee and from the Chiefs so that we are all on the same page. The committee would report back and make recommendations as to who would be the best consultant and or candidate.

Warren Turner suggested that he would trust the three town managers and the fire chiefs. It was decided to delegate this responsibility to three town managers: Doug Harris (Falmouth), Bill Shane (Cumberland) and Nat Tupper (Yarmouth).

Chairman Stiles thanked the chiefs for attending the meeting. He suggested that they talk to their dispatchers to let them know they are not out of a job.

3. Discuss and Begin Governance Process.

Discussion regarding the governance process included formation of a committee to review an interlocal agreement. MMA was suggested as a good resource.

Jeff Porter suggested that the three attorneys: Warren Turner, Peggy McGeehee and Steve Moriarty meet and bring back ideas to the next meeting.

Peggy McGehee suggests modification and commented that MMA has put a lot of work into this. She thinks we should study, comment and summarize. She suggests the formation of a board.

4. **Open Discussion Regarding General Topics**

The next meeting is scheduled for the 3rd Wednesday in April, which is April 16th at 7:00 p.m. in the Cumberland Town Hall Council Chambers.

Respectfully submitted,

Kathleen Babeu
Falmouth Town Clerk



TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

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

April 7, 2003

TO: REGIONALIZATION COMMITTEE MEMBERS
FROM: WILLIAM STILES, CHAIRMAN
RE: MEETING OF APRIL 16, 2003

.....

Please find attached the DRAFT minutes of our March 19, 2003 meeting.

We are scheduled to meet again on Wednesday, April 16, 2003 at 7:00 p.m. in the
Cumberland Town Council Chambers.

An agenda will be prepared when I return from a business trip on Monday,
April 14th and Nadeen will send it via email or fax prior to our meeting. Please send
your email address or fax number to her at ndaniels@cumberlandmaine.com. With a
preference as to how you would like to receive it. Thanks.

PLANNING BOARD HEARING
TOWN OF CUMBERLAND
Tuesday – April 15, 2003 - 7:00 p.m.
Council Chambers of the Town Offices,
290 Tuttle Road, Cumberland Center

- A. **Call to Order**
- B. **Roll Call**
- C. **Approval of Minutes of February 18, 2003**
- D. **Consent Calendar / De minimus Change Approvals**
- E. **Hearings and Presentations**
 - 1. **Discussion** – To discuss amendments to Section 104.14 of the Zoning Ordinance Bed and Breakfast Inn
 - 2. **Public Hearing** - Minor Site Plan Approval – To construct a 36' x 81' Boarding Kennel (cat shelter) for the Homeless Animal Rescue Team of Maine, Inc., at Gray Road, Tax Assessor Map U16, Lot 7B in the Local Business District, Thomas Greer, Pinkham & Greer Consulting Engineers, applicant H.A.R.T., owner Susan Chase
 - 3. **Public Hearing** – Zoning Map Amendment- To recommend to the Town Council the re-zoning of property from the Highway Commercial district to the Medium Density Residential District. The properties are located at Highland Avenue; 6 and 10 Forest Ave; 9 George Street, and property at Skillin Rd. Tax Assessor Map U20, Lot 81.
 - 4. **Public Hearing** – Zoning Amendment
Section 60. Outside Consulting Fee. If any person, partnership or corporation, in any amount for fees assessed on any project under this Ordinance, such person, partnership or corporation shall not be issued any building permit or certificate of occupancy, or have a subdivision plat released for any other building or development in Town until all such outstanding amounts have been paid in full.
 - 5. **Discussion** - Little League Baseball Dugout Shelter at Drowne Road School, Tax Assessor Map R03, Lot 51A.
 - 6. **Pre-Application Sketch Plan** – Major 11-lot subdivision, 12 Foreside Road, Tax Assessor Map U01, Lot 5, Frederic Light, P.E. Land Use Consultants, representative, Stephen & Laura Goodrich, owners.
- F. **Administrative Matters**
- G. **Adjournment**

**Central Corridors Coalition
Pineland Conference Center, New Gloucester**

April 10
6:30 – 8:00 p.m.

1. Welcome, call to order
2. Discussion: Haz Mat Waste Collection Day
3. Letter to the Governor
4. Corridor Planning Elements – draft report chapters
5. Follow up Fuel payment options – Cumberland County
6. CIP Update by Town – please bring copies if possible
7. Next meeting location and date
8. Adjourn

received
4/7/03

Central Corridor Coalition
Stimson Hall, Gray Meeting Minutes
March 14, 2003

Attendance: Neal W. Allen, GPCOG; Sue Austin, Gray; Dick Barter, Gray; Mitch Berkowitz, Gray; Dick Brobst, North Yarmouth; Stephanie Bryan, New Gloucester; Steve Chandler, New Gloucester; Bill Cogan, New Gloucester; Peter Crichton, Cumberland County; Vic Labrecque, Cumberland County; Steven Libby, New Gloucester; Kevin Sullivan, New Gloucester; David Willauer, GPCOG. Clark Whittier, North Yarmouth; Dick Wood, Gray.

Call to Order

David Willauer opened the meeting with introductions and a review of last month's meeting minutes. There were no adjustments to the agenda.

Hazardous Waste Day

Steve L. led the discussion regarding a location for this event. The New Gloucester Fairgrounds was identified as the best location, sometime in the summer. Each participant would need to be identified by town to be able to divide up the cost of the event. Clean Harbor takes care of the set up as part of their service cost. We need to advertise through each town, use the two area newspapers and web sites. A consistent list of what can and cannot be disposed needs to be developed. Steve agreed to start with some of the arrangements. Bill Cooper will talk to Scott Seaver regarding the set up details. Committee members will share progress at the next meeting and try to set a date.

Corridor Planning Elements

David W. distributed copies of the handouts from the last GPCOG Regional Forum in Raymond. The topic was "regional delivery of services." As a planning exercise, GPCOG developed a map of "Lakeville" with a population of 44,000 and asked participants to develop different regional delivery systems assuming they lived in Lakeville. The handouts included a general definition of regionalism (written agreement by two or more towns to share in the governance and associated costs of meeting a public purpose) and principles of regional cooperation.

David W. also distributed a color copy of the map developed by the Central Corridor Committee at the Pineland Conference on Transportation last fall. He said he would prepare the first draft of the inventory elements of the corridor report for review at the next meeting. He also gave a brief overview of the GPCOG regional forums. The next one on Housing in Westbrook will be on March 27, following by the final forum on Downtowns in Yarmouth on April 17.

The committee suggested a letter be drafted to the Governor describing coalition efforts. Neal A. agreed to draft the letter.

Shared Officers

Some towns share assessors and animal control officers. More joint training is occurring between fire and rescue departments within the region. There was a discussion regarding the advantages to the mutual aid system.

Fuel payment options

Peter C. introduced Vic Labrecque the Cumberland County Financial Officer. Peter and Vic described how patrol officers use a Rite Express card for fuel purchases. The system offers consolidated billing and no fees for participation. New Gloucester and North Yarmouth currently buy fuel in bulk through GPCOG. Vic said he will prepare some additional material on this topic for the next meeting.

Next Meeting

The next meeting was set for April 10 at 6:30 at the Pineland Conference Center. Agenda items included hazardous waste day, draft report, CIP update, letter to the Governor, County Sheriff spread sheet and follow up electronic payments for municipal fuel opportunities.

David Willauer
GPCOG 774-9891

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Central Corridor Coalition

Linking the Towns of Gray, New Gloucester, Pownal, North Yarmouth, Cumberland, Raymond & Windham

Letter to Governor Baldacci w/copies to Legislative leadership

Dear Governor Baldacci:

Recognizing your interest in promoting regionalism we are writing to brief you on a collaborative effort that has been underway for the last sixteen months.

With the assistance of the Greater Portland Council of Governments and active participation of Cumberland County and the Maine Turnpike Authority, the towns of Gray, New Gloucester, Pownal, North Yarmouth, Cumberland, Raymond, and Windham have collectively formed an ad hoc group, the Central Corridor Coalition. Meetings have been held on a monthly basis with elected officials and municipal managers actively involved. Functioning, at least for now, in an ad hoc capacity, this coalition has proven to be effective in promoting dialogue and building trust between the participants.

The primary objectives of the Coalition are to work together to identify regional goals, to inventory transportation and land use corridor elements and principles, to prioritize capital projects, to explore sharing of services, and to develop recommendations for infrastructure and coordinated development within the corridor. A report summarizing the first phase of this work will be completed this summer. Planning services for this effort are funded by MaineDOT, the Maine Turnpike Authority and matching funds from participating municipalities. To continue this effort, we need other funding sources.

Significant initiatives and activities to date of the Central Corridors Coalition include:

- Regional generalized zoning map of all seven towns
- Inventory of transportation and land use corridor elements
- Public Forum in Pineland on Transportation
- Short term regional project collaboration on hazard waste collection
-

In addition, the towns of, Gray, New Gloucester, Pownal, and North Yarmouth are meeting separately to explore the feasibility of developing a regional public safety service. Also worth noting, the Fire Chiefs of the Towns of Durham, Gray, Pownal, New Gloucester and North Yarmouth have been meeting regularly to discuss ways in which

they can share resources and coordinate their individual responsibilities on a regional level. Areas that they are now collaborating on include; sharing of personnel, joint training programs and possible purchase and subsequent sharing of such "big ticket" equipment as a ladder truck.

This coalition can serve as a model for other regional efforts. We hope you and your staff will recognize the benefits of forming such coalitions and provide funding to those coalitions that achieve cost savings and benefits to the region.

We look forward to hearing from you and welcome any ideas you have for helping to promote this and other coalitions in Maine.

Sincerely,

Central Corridor Coalition Towns

Cc: Neal W. Allen, GPCOG
Kathleen Fuller, Maine DOT,
Beth Della Valle, SPO,
Conrad Welzel, MTA
Peter Crichton, Cumberland County

NOTICE
TOWN OF CUMBERLAND

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Interested in timely information about town council and board meetings and minutes? Would you like to be among the first to learn of public meetings and/or schedules? Now you can. Just notify the Town Clerk of your email address and you will soon begin to receive a weekly notice with meeting dates, minutes and other town information as soon as it becomes available. Interested residents should send their email address to ndaniels@cumberlandmaine.com. Email addresses will remain confidential.

Cumberland Fire Department

366 Tuttle Road, Cumberland Center, Maine 04021

Emergency 911

Business 829-5421

Fax 829-4256

Email dsmall@cumberlandmaine.com

Daniel R. Small
Chief

Agenda **April** **Officers Meeting**

Location: Fire Headquarters

Date: April 9, 2003

Time: 1900 hours

Agenda Items:

- 1) Discuss training program for new recruits and changes to training division (15 minutes)
- 2) Discuss holding July Officer Meeting at Chebeague Station (5 minutes)
- 3) Discuss expectations of relationships with other town departments (15 minutes)
- 4) Discuss leadership/motivational speaker as discussed at last meeting (5 minutes)
- 5) New items (20 minutes)
- 6) Incident management training (60 minutes)
 - a) Set schedule for ICS training
 - b) Hazardous Materials / WMD incidents

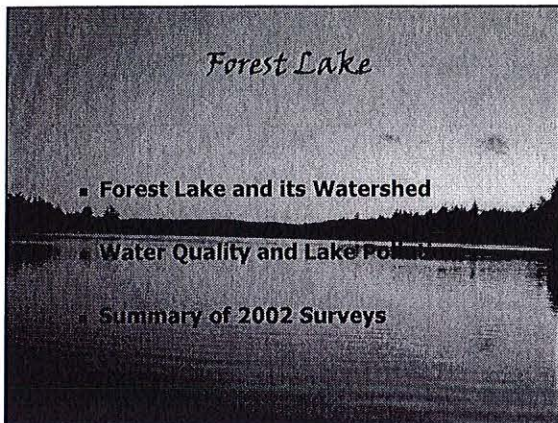
April 16, 2003

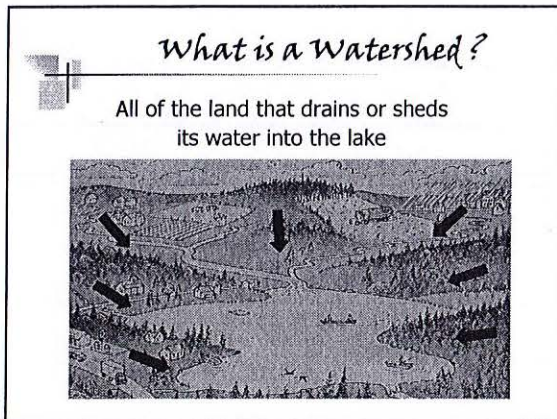
TO: Town Council members
FROM: Nadeen Daniels
RE: Budget Timeline

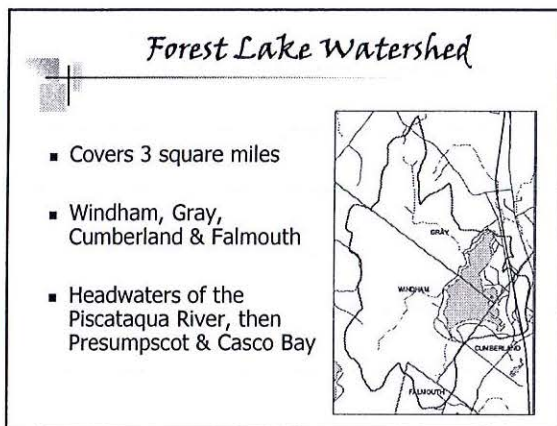
Chairman Porter has requested that I submit to you a summary of the budget process/timeline as required by Charter. It is as follows:

- 1) Town Manager must submit a budget and "explanatory budget message" to you at least 35 days prior to the beginning of the budget year (5/27);
- 2) The proposed budget as prepared by the Manager shall be reviewed by the Council, which shall approve it "with or without amendments."
- 3) A "general summary" of the budget as approved by the Council shall be printed and distributed.
- 4) The Town Council shall "fix the time and place for holding a public hearing" with the traditional public notices required.
- 5) The Town Council shall then "review the budget" again and vote to adopt it, with or without amendments, no later than sixty (60) days from the the beginning of the fiscal year (8/30).

In summary, you must receive the Manager's budget by May 27th. Following that, you're required to notice and hold a public hearing where copies of the budget and summary are "printed and distributed". The public hearing may be held any time between 5/27 and 8/30. You may choose to adopt the budget at the noticed public hearing, or at a later date, and the adopted budget can be in its original form or amended, but you must adopt a budget no later than August 30th.

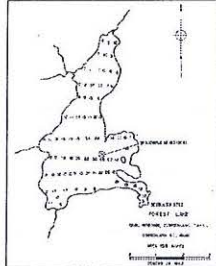






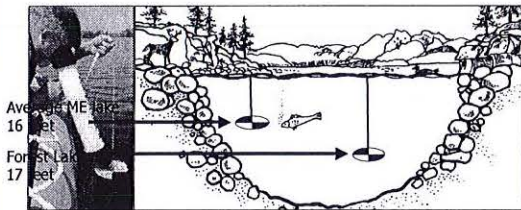
Forest Lake

- Surface area - 210 acres
- Maximum depth - 41 ft.
- Average depth - 12 ft.
- Flushing rate - 1.4 times per year



Forest Lake Water Quality

Water Clarity

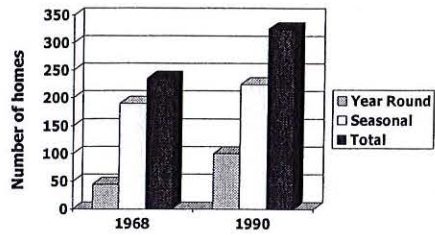


Why are we here?

- Forest Lake showing signs of stress
- Low oxygen in bottom of lake
- NPS Priority Watersheds List
- Most at Risk from New Development



Changing Population



Resulting Impacts

Roads were built for seasonal use



Now they are used year round

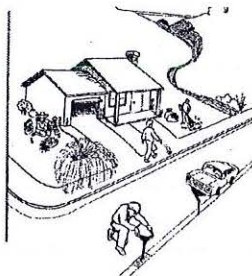
Pollution Sources

Past

Point source pollution discharged from pipe

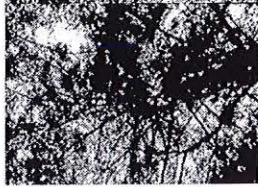
Present

Nonpoint source pollution (NPS) or polluted runoff from many smaller, diffuse sources



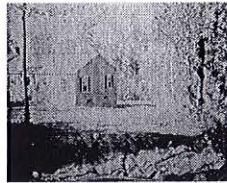
Forested Watersheds

- Roots hold soil in place
- Leaves and branches filter pollutants
- Soil absorbs pollutants



Developed Watershed

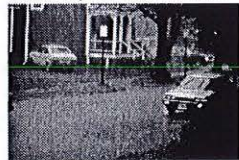
- Vegetation removed
- Impervious surfaces
- Land smoothed out
- Greater runoff potential



Forested Watershed



Developed Watershed



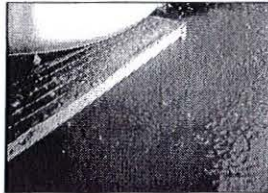
5 to 10 times the amount of **phosphorus**
in the runoff from the developed area

Phosphorus

Naturally occurring element

Sources

- Atmosphere
- Septic waste
- Manure & pet waste
- Fertilizers
- Soil erosion



Phosphorus Impacts

Excess algae growth



Less clear water



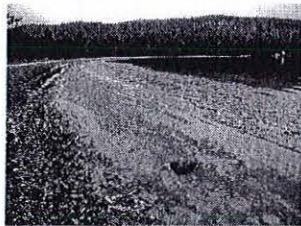
Oxygen depletion



Internal loading



Algae blooms



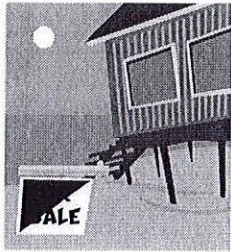
Other Impacts

- Creates favorable conditions for invasive plants
- Property damage from runoff and erosion
- Loss in aesthetic and recreational value



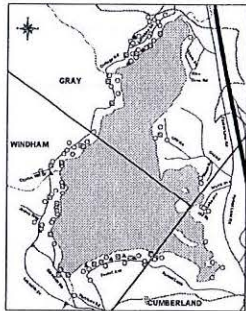
Impact on Property Values

- For every 3ft. decline in water clarity, shoreline property values can decline as much as 10-20%

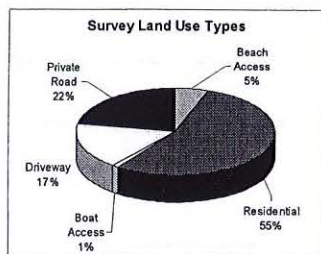


Watershed Survey Results

- 112 sites identified



Survey Land Use Categories

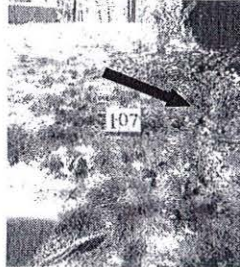


Residential

61 sites identified

Common Problems

- Slight or moderate surface erosion
- Bare soil
- Lack of vegetated buffer
- Roof runoff
- Direct flow to lake



Private Roads

25 sites identified

Common Problems

- Surface erosion
- Undersized ditches
- Ditch erosion
- Unstable culvert inlets & outlets
- Clogged culverts



Driveways

19 sites identified

Common Problems

- Surface Erosion
- Direct flow to lake or ditch
- Poor shaping
- Poor (too sandy) surface material



Beach & Boat Access

6 sites identified

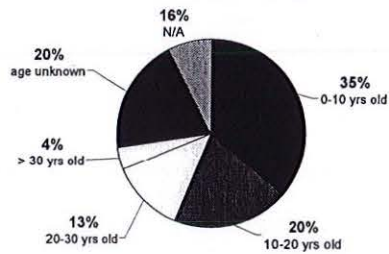
Common Problems

- Surface erosion
- Bare soil
- Direct flow of sediment to stream or lake
- Shoreline degradation
- Unstable beach access



Septic Survey Results

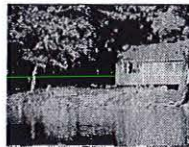
Sewage Disposal Age



Shoreline Survey Results

Total Lakefront Properties 176

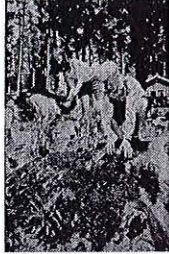
Bare Soil Evident 38



90% of the properties around the lake have implemented erosion controls

Future Steps

- Develop Forest Lake Plan based on forum ideas
- Carry out the plan's lake protection strategies



Forest Lake Association

The Forest Lake Association endeavors to maintain the quality of the lake water, along with the quality of life within the watershed.

The Association also endeavors to improve the feeling of community for a lake watershed shared by four towns.

Thank you

Forest Lake Watershed



Miles
0 0.1 0.2 0.4

A scale bar with markings for 0, 0.1, 0.2, and 0.4 miles.

1979-1984 Forest Lake Days. Picnic lunch and barbecues on the south end beach. Canoe Races are popular (around part of the lake). One result shows that Andy Brown & Steve Googins took first place.

March 1980 At 4:00am in the morning, a loud bang, and a suspected meteorite creates a slashing hole through the ice 30 feet away from the south shore.

1981 Bill Spitzinger is testing the water quality in the lake.

1985-1990 The quiet years - the lake association becomes inactive, lake testing stops.

With more than 100 year-round and 225+ seasonal residents, only Cumberland has upgraded road quality from seasonal gravel to paved roadway around the lake.

1991 Three lake residents, Bob Tellefsen, Greg Schulz, and Brad Rounds become certified for lake testing and contact Dave Randall, holder of the keys in the association for many years, and the association becomes an active force again under the presidency of Greg Schulz. Lake testing becomes continuous through 2002.

Hurricane Bob, not much for wind but good for more than 11 inches of rainfall in 24 hours, causes massive septic damage, dislodged docks, homes in the water and immense transport of road gravel into the lake. Both west shore bridges become impassable.

Cumberland County Soil and Water District spearheads replacement of the Gray bridge.

1992 \$3,000+ lake survey grant is funded by Maine Department of Environmental Protection with notable personalities on the Steering Committee: Donnell Carroll & Pam Wilkinson.

1993 Volunteer surveyors receive initial training in February. Septic surveys are mailed in March. Ultimately 136 residents will respond! Sites are visited, technical follow-ups are done and a final report is generated with a working group put together to make recommendations.

The Forest Lake Association has 47 families as members.

1994 Casco Bay Estuary Project, in support of the survey process, responds with a grant that funds three workshops: camp-roads, vegetated buffers, and septic management.

1995 Town of Cumberland responds to the survey by paving another road accessing the watershed, Goose Pond Road.

1996 The survey gains another hit with FEMA and other funding rebuilding major damage to the road and bridge on the west shore in Windham.

Brad Rounds assumes presidency of the Forest Lake Association.

The Forest Lake Association conducts and funds bacterial testing on an annual basis and continues through 2002.

2000 Bob Heyner assumes the reigns for the Forest Lake Association and primary responsibility for water quality testing.

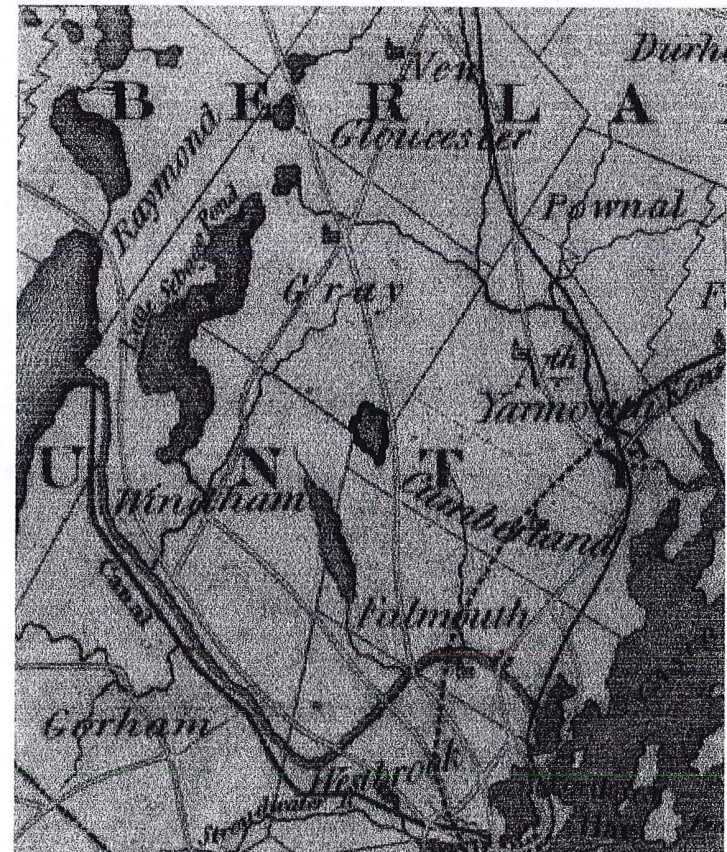
2001 A redesigned bridge with increased capacity is funded by road association and FEMA on the west shore in Windham.

2002 The lake association, working with Maine Department of Environmental Protection and Cumberland County Soil and Water District, starts a Watershed Management grant process.

Site visits are done, technical follow-up is started, a shoreline survey is done, and a septic survey receives strong response.

2003 The grant work continues with a public forum. The lake association has 87 members.

A History of Forest Lake



While every effort has been made to provide a reasonably accurate accounting, this history comes from personal recollections and lake association documents. We apologize if we have missed any noteworthy events or personalities.

Kirsten Boettcher
Brad Rounds

Phil Broad
Greg Schulz

Dave Randall
Bob Tellefsen

A map of the New England states, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island & Connecticut with the adjacent parts of New York & Lower Canada" Compiled and published by Nathan Hale, Boston 1826

Library of Congress Railroad Maps, 103, CALL#G3720 1849 .H3 RR103

1778 "A Plan of the late Province of Main as far as Kennebec River" map is published with Goose Pond clearly shown straddling the townships of Windham, New Boston and North Yarmouth.

1830 More mapping of the Goose Pond area is completed.

1871 Forest Lake shows on Cumberland County Atlas as Goose Pond, a natural body somewhat less than half its present size. It straddles Gray and West Falmouth (that part of West Falmouth appears to have been annexed from Windham and then back to Windham at a later date). Several names appear in the watershed; Allen, Babbidge, Fry, Latham, Ingersol, and Sullivan among others.

1920s A saw mill at the present site of the Cumberland Horse and Riding Club uses a short-lived small wooden dam at Forest Lake to control water power.

1930s Swan Development establishes many more homes on the east shore.

1933 A fish screen is constructed at the dam location.

1938 A replacement wooden dam is constructed.

1940s A group of summer residents form a loosely organized group to address issues concerning Forest Lake.

1950s Saturday Night Rock in the north end of the lake is so dubbed due to it's weekly use as a spot for bathing...a practice that is not encouraged today.

Public Beach at south end of the lake known as Welch Beach and is in full operation catering to many residents of surrounding towns. Small rides, food concessions, an Inn and rental cabins area part of the attractions.

Public beach at south end of the lake closes due to increased regulation. Goose Pond Road was Welch's Beach Road until then and the cabins at the south end of the lake were operated by the Welch family.

A very special person visits the lake on a repeated basis, star Arthur Godfrey.

Gray Road is in the watershed until re-routed for the turnpike.

1954 & 1955 Forest Lake Sands development builds the west shore of the lake.

1955 First water quality survey of the lake by the State of Maine discloses dissolved oxygen problems below 25 feet.

1960 Forest Lake's wooden dam, that feeds water into the Piscataquis (Abnaki for *At The River Forks*) for mills downstream, falls into disrepair.

1963 Organizing efforts on the lake start to forming the Forest Lake Association; as a result of the failure of the wooden dam on the lake in 1961. Leaders included Murry Gum, Irene and Pete Bush, Rocky Risbera, and the McNeils. Initial intentions were to build a second wooden dam for the maintenance of water levels.

1964 A new wooden dam is approved and installed. Gravel pit expansion is heavily fought.

The Forest Lake Association is formed to promote social and civic activities...and assist in neighborhood improvements. Hollis Allen is the first president.

With the first dues collected comes the first written complaint to the association about the noisy "Jet Skiffs" racing up and down the lake.

1966 Pete Bush is president of the association.

1968 The lake has around 45 year-round residents with 190 seasonal residents.

1970s Our contribution to Maine...gravel for the construction of 295 comes from our pits on either side of Goose Pond Road.

The watershed establishes a habit of serious flooding, defined as when you have more homes, seasonal use road construction, and a hill and ridgeline next to the lake: serious consequences to homes and the lake result. This pattern continues into the mid 80's with several 4" and 6" rainfalls.

August 22 - 26 is lake shut-down time for seasonals who frequently pull their docks to the sound of a nationally known trumpeter. His music moves and inspires listeners in the twilight hours and finishes his private concert at the end of the day with Taps.

1971 First documented state testing of lake water quality, especially bacterial tests with an attempt to tie the problem into septic issues...of which there were many, around the lake.

1972-1974 Public Beach returns to operation by the Copp and Allen families. Visitors are charged 50 cents per person or \$3.00 per carload to enjoy lake activities. Concerns surrounding water quality close the operation in 1974.

1973 The Forest Lake Association joins the fledgling Congress of Lake Associations.

The association successfully opposes a Town of Cumberland move for a boat landing on the lake.

1974 Volunteer water quality monitoring starts and continues with several multi-year breaks until 1984. Early in 1975 Pete Bush and Stan McNeil were trained as volunteer monitors.

It is noted that the wooden dam is in trouble again, and pleas start to go out for the following two years to replace the dam. 144 pay towards the dam during that two year period.

1975 An small algae bloom is documented on the lake. A second bloom occurs the following year

1976 Years of intense work in Augusta by the Lake Association pay off ... White Brothers construct the present concrete dam which is owned and maintained by the lake association.

First documented canoe race sponsored by the Forest Lake Association.

1977 Forest Lake has the dubious honor of being ranked "among the worst" by DEP in terms of phosphorus pollution.

Charles Marston is president of the lake association.

1979 There are a total of 68 year round residents along the lake.

There is a wash out around the ends of the dam. For the most part volunteers remedy it.

1979 & 1980 A \$25,000 grant is put together by the lake association, Windham, Gray, and Cumberland to work for septic corrections starting with dye testing through PROP. Participation is very limited

1980 The lake is stocked with 500 Brook Trout

Forest Lake Water Quality Report

Total Phosphorus

As noted earlier, phosphorus is one of the major nutrients needed for plant growth. It is generally present in small amounts and thus limits the plant growth (including algae,) in lakes. As phosphorus increases, the amount of algae increases. Collection methods vary, but generally, it can range from 1 – 134 parts per billion. The range of water column total phosphorus for the lake is 6 – 12 parts per billion, with an average of 8 parts per billion.

Chlorophyll A

Chlorophyll is a measurement of the green pigment found in all plants including microscopic ones like algae. The higher the amount of Chlorophyll A in the lake the better the likelihood of an algal bloom. Reading can average from .3 ppb to 60.0 ppb. Our lake has averaged 4.8 ppb over the past several years.

Comparing Clarity

In Maine, about 17% of lakes averaged 9 – 13 feet, 25% averaged 13 – 16.5 feet, and 16% averaged 16.5-20 feet. Lesser percentages occurred on either side of these ranges as reported during 2002.

Water Body	Minimum Secchi	Average Secchi	Maximum Secchi
Forest Lake	17.4 feet	19.4 feet	22 feet
Highland Lake	12.2 feet	16.1 feet	21 feet
Crystal Lake	17.4 feet	21.7 feet	25.7 feet
Little Sebago	24.4 feet	25.3 feet	26.7 feet
All Maine Lakes	.5 feet	16.1 feet	51 feet

Tests Done By The Lake Association

- ✓ Clarity (Secchi Disk)
- ✓ Temperature
- ✓ Dissolved Oxygen
- ✓ Total Bacteria and E-Coli

Tests Done by Maine DEP

- ✓ Color
- ✓ Total Phosphorus
- ✓ Chlorophyll A

Lakes may appear to be unchanged over the years. However, all lakes are slowly aging. This natural process, called eutrophication, may take hundreds or thousands of years. But the process can be accelerated dramatically as land is developed in a lake watershed. There is some evidence that the water quality of Forest Lake has been affected by land uses in its three square mile watershed.

In Maine, the primary factor affecting water quality is phosphorus. Phosphorus is a naturally occurring element that is abundant in the environment. Sources include human and animal waste, fertilizers, law trimmings, gas and oil residues, and soil. Virtually all organic matter contains phosphorus. When phosphorus is added to a lake it acts as a powerful stimulant to the growth of algae.

The Maine Department of Environmental Protection and the Volunteer Lake Monitoring Program have collaborated in the collection of lake data to evaluate present water quality, track algal blooms, and determine water quality trends. The data collected represents a limited view because such things as mercury are not tracked.

Water quality monitoring data for Forest lake has been collected since 1974. There are several "missing" years until 1991. Since that time, data has been collected every year. During this period, 9 years of basic chemical information was collected, in addition to Secchi Disk Transparencies.

In summary, the water quality of Forest Lake is considered to be slightly above average, based on measures of Secchi Disk Transparency, total phosphorus, and Chlorophyll-a. The potential for nuisance algal blooms on Forest Lake is moderate.

Forest Lake is a non-colored lake with an average clarity of 17 feet. Recent dissolved oxygen (DO) profiles show moderate DO depletion in the deep areas of the lake. The potential for total phosphorus to leave the bottom sediments and become available to fertilize algae in the water column (providing fuel for an algal bloom,) is moderate.

Oxygen levels below 5 parts per million stresses certain cold water fishes, and persistent loss of oxygen may eliminate or reduce habitat for sensitive cold water species. Forest Lake is considered a warm water fishery; with a state record-sized small mouth bass landed in 1998.

The flushing rate is the amount of time required for the lake water to be renewed each year. The average flushing rate is about 1 – 1.5 flushes per year for Maine lakes. The flushing rate for Forest Lake is 1.4 flushes per year. The lake sits on the edge of a major underground aquifer, with several springs located on the bottom near the south end of the lake. This may enhance the flushing, and subsequent turn-over, of the lake water.

Although Forest Lake ranks solidly in terms of clarity, **clarity does not equal purity**. Water from Forest lake should not be used for drinking, food preparation, etc. without first being treated due to bacteria.

Bacterial Testing

The lake has been tested regularly for coliform bacteria since 1996. There was occasional testing prior to that time, but specific data are not available at this time.

Coliform bacteria is generally associated with waste from animals. E-coli in particular is accepted as evidence of contamination from human waste.

In the string of tests over the past several years, the total coliforms I (of all types) has always been too numerous to count at each sample sites. The e-coli count has never been so high as to indicate an unsafe condition for swimming.

Readings for e-coli pollution are certainly enough to indicate some septic problems along the lakeshore.

A Historical Look at Transparency

Depth	1974	1977	1981	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
1 mtr													
1.5 mtr													
2 mtr													
2.5 mtr													
3 mtr													
3.5 mtr													
4 mtr													
4.5 mtr													
5 mtr													
5.5 mtr													
6 mtr													
6.5 mtr													
7 mtr													
7.5 mtr													
8 mtr													
8.5 mtr													

Secchi Disk Transparency

The above chart shows the historical trend for lake clarity. You see the entire range of readings for each year, from minimum to maximum with the average reading shown in black. Readings are actually taken in meters. The average is 4.9 meters (16 feet) over a ten year period. The trend over recent years is to be modestly clearer. Factors which reduce clarity are algae, zooplankton, water color, and silt. Color is not an appreciable factor for Forest Lake.

Color

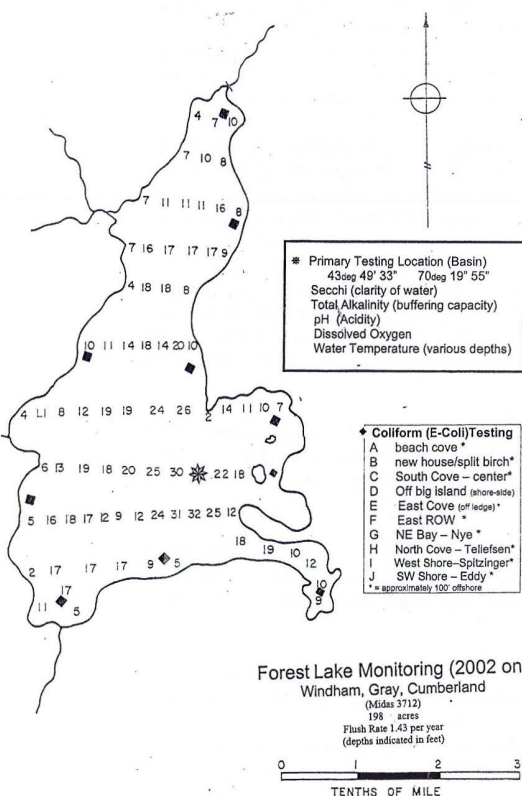
Color refers to the concentration of natural dissolved organic acids such as tannins and lignins, which give water a tea color. On a scale of 0-250, Forest Lake measures around 20 (standard platinum units).

pH

This reflects whether the water is acidic or basic and helps determine which plant and animal species are present. The measure is 1-14, with 7 being neutral and each number indicating a ten-fold change in acidity or alkalinity. 7 is neutral with lower numbers being acidic and higher ones being base. The average was a very consistent 6.2 this past year. The trend is toward being slightly more acidic for the past few years.

Alkalinity

Alkalinity is a measure of the capacity of the water to neutralize acids; also known as buffering capacity. It is due primarily to the presence of naturally available bicarbonate and other ions. It varies from 1-158 milligrams per liter. Total Alkalinity readings of less than 10 open the door to pH swings from rain storms and the like. Our average reading was between 10-15 mg/l.



2002 Watershed Survey Complete

The primary purpose of the watershed survey was to identify and prioritize existing sources of polluted runoff, particularly soil erosion sites in the Forest Lake Watershed. Equally important was to raise public awareness of the connection between land use and water quality and inspire people to become active stewards of the watershed. This information will be used as a component of a long-term lake protection strategy and to make general recommendations to landowners for fixing erosion problems.

On May 11, 2002, volunteers were trained and later broke into teams and surveyed five sectors on Forest Lake. The teams identified a total of 112 sites where polluted runoff occurs. A total of five land use types were associated with the identified sites; Beach Access, Boat Access, Driveways, Residential and Private Roads. Sites were also ranked according to three criteria:

Technical level to install describes the degree of technical expertise needed to address a problem.

- ♦ **Low**-tech level requires little or no specific technical assistance
- ♦ **Medium**-tech level needs to be visited by a technical expert who can make recommendations.
- ♦ **High**-tech level requires an engineered design.

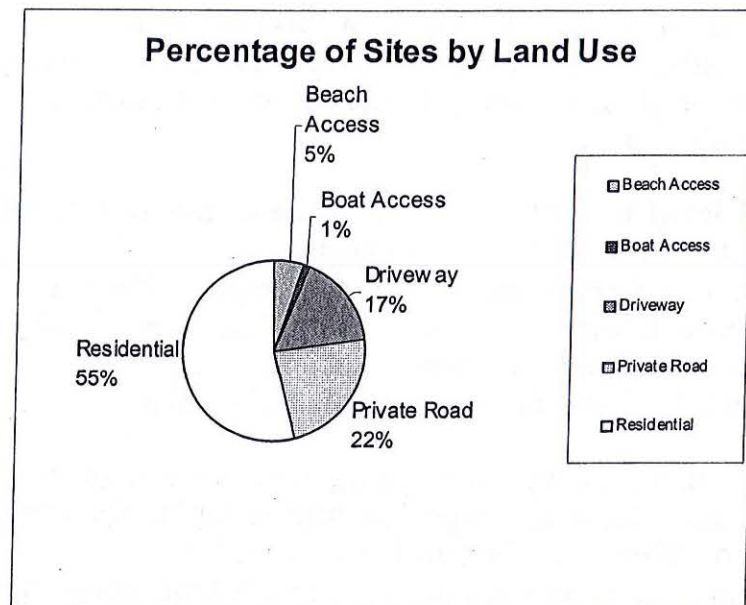
Impact was assigned by considering factors such as the size of disturbed area, slope, soil type, amount of soil that's eroding, proximity to water or buffer, and size of buffer.

- ♦ **Low**-impact eroding sites are those with limited transport offsite
- ♦ **Medium**-impact sites where sediment is transported off-site, but the erosion does not reach a high magnitude.
- ♦ **High**-Large sites where there is significant erosion that flows directly into a stream, lake or ditch

Cost

- ♦ **Low**-cost sites were estimated to cost less than \$500 to fix.
- ♦ **Medium**-\$500 to \$2,500 to fix
- ♦ **High**-\$2,500 to fix

Totals for Forest Lake Survey Sites				
Total Number	Type	Impact		
		High	Medium	Low
6	Beach Access Sites	2	3	1
1	Boat Access			1
19	Driveway	2	5	12
25	Private Road Sites	4	4	17
61	Residential	3	14	44
112		11	26	75



With a few exceptions, virtually all of the sites identified in the survey are significant to one degree or another. The cumulative effect of many "low" and "medium" impact sites can exceed that of any one "high" impact site.

Forest Lake Shoreline Survey

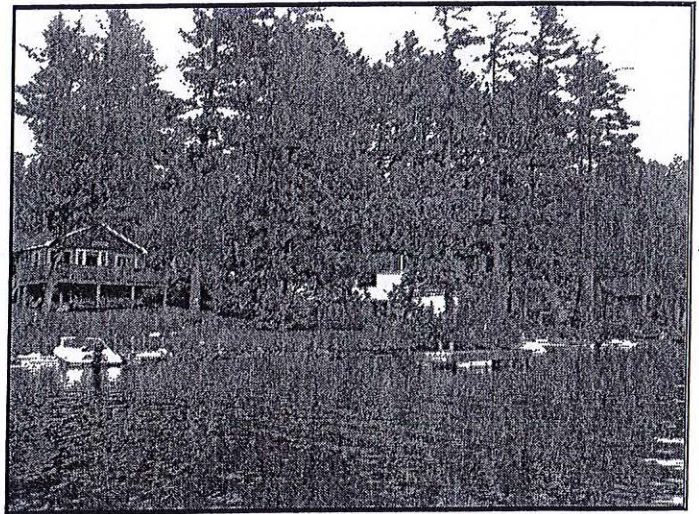
On September 4, five volunteers embarked a boat and toured the lakes shoreline to assess the length, width and composition of vegetated buffers. This survey, in addition to the watershed survey and septic survey is an additional element in developing a management plan for future protection of Forest Lake.

Of the 176 lots surveyed, 18 lots were undeveloped and or in natural growth state. The parameters used to assess the shoreline vegetation were:

- ◆ Shoreline
- ◆ Buffer
- ◆ Buffer Depth
- ◆ Shoreline Erosion
- ◆ Bare Soil
- ◆ Slope

Buffers can be installed inexpensively. You can either stop mowing and raking to the water's edge and let plants grow up naturally. Or you can plant the area with native trees and shrubs.

Total Number of lots surveyed	176	
Developed lots	158	89.8%
Lots on steep slope > 15%	31	17.6%
Inadequate Shoreline buffer	110	62.5%
bare soil evident	38	21.6%
riprap evident	33	18.8%
good vegetation present	68	38.6%



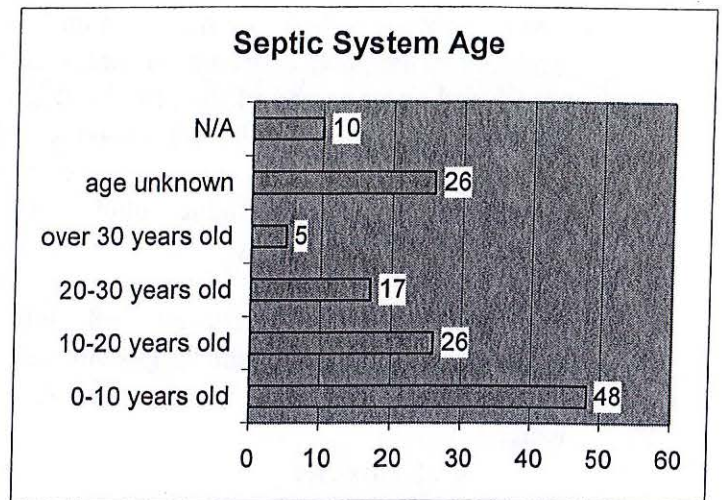
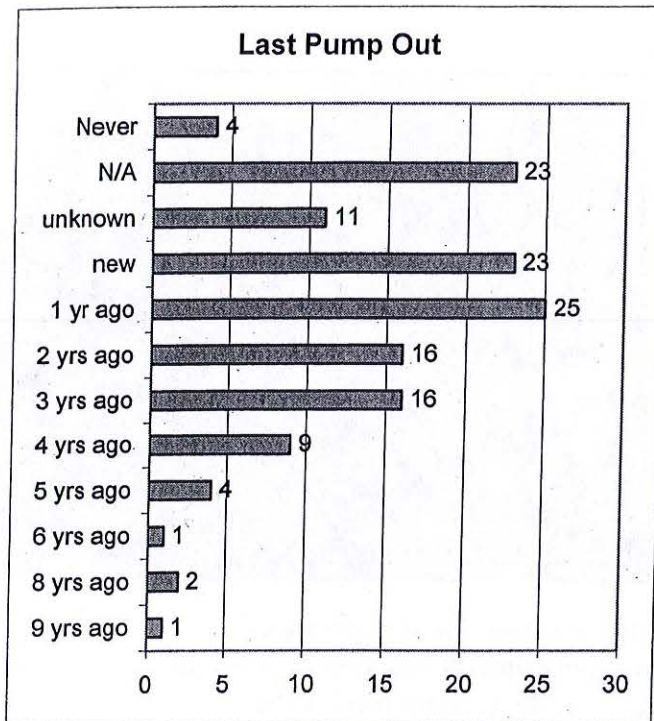
Buffers enhance the appearance of shorefront property and attract birds and other wildlife, without ruining the landowner's view.

Numerous lakeshore properties were observed to have little or no **vegetation** at the water's edge. It is important to note that buffers of shrubs and trees do a much more effective job than bare ground or grass at keeping polluted runoff from entering lakes. Deep shrub and tree roots also help hold the shoreline.



Forest Lake Septic System Survey

The surveys were developed to assess the functionality of the sewage disposal systems in the watershed and eligibility for state grants to upgrade substandard systems. Of the 421 Sanitary Surveys mailed out, 151 surveys were returned and information from this will be used as a component of a long-term lake protection strategy.



Failing septic systems are known contributors of polluted runoff in watersheds throughout the State. The survey was anonymous and no names will be tied to septic system data. Survey results will be used to help us determine whether septic systems are a threat to Forest Lake's water quality, and if so, how we can address the problem.



TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

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

Harland

April 11, 2003

TO: NOMINATING COMMITTEE
FROM: NADEEN DANIELS, TOWN CLERK
RE: PLANNING BOARD VACANCY

.....
I have received six calls from residents expressing interest in the vacancy on the Planning Board. They are:

- Steve Whipple
- Adam Dougherty
- Michael Brown
- Penny Asherman
- Phillip Dobson
- Jeffrey Kalinich

You recently interviewed each one of these applicants, with the sole exception of Adam Dougherty, whom I recall did not show that evening. Adam was appointed to the Islands Committee, however. As a result of your interviews, Phillip Dobson was appointed to the Personnel Appeals Board; and Penny Asherman was appointed to the Land & Conservation Commission. Steve Whipple, Michael Brown and Jeffrey Kalinich were not appointed to a committee.

Please advise as to how you would like to proceed. Thank you.

April 11, 2003

TO: NOMINATING COMMITTEE
FROM: NADEEN DANIELS, TOWN CLERK
RE: PLANNING BOARD VACANCY

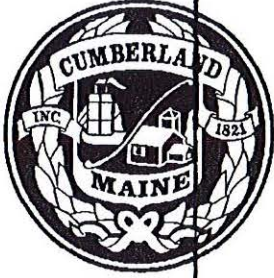
I have received seven calls from residents expressing interest in the vacancy on the Planning Board. They are:

- *Steve Whipple
- *Adam Dougherty
- *Michael Brown
- *Penny Asherman
- *Phillip Dobson
- *Jeffrey Kalinich
- *Joshua Dow

You recently interviewed each one of these applicants, with the exception of Adam Dougherty, whom I recall did not show that evening, and Joshua Dow. Mr. Dow originally applied for the Val Halla Board, but was not interviewed. Mr. Dougherty was subsequently appointed to the Islands Committee.

As a result of your interviews, Phillip Dobson was appointed to the Personnel Appeals Board and Penny Asherman was appointed to the Land & Conservation Commission. Steve Whipple, Michael Brown and Jeffrey Kalinich were not appointed to a committee.

For your review, copies of the original applications are attached. I will wait to hear from you as to how you would like to proceed. Thank you.

received
4-14-03

TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

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

March 31, 2003

Mr. William Ward
128 Longwoods Road
Cumberland, ME 04021

Dear Mr. Ward:

The Town Council has received a recent notification of a vacancy on the Cumberland Planning Board.

Upon review of current applications, your application indicates the Planning Board as an area of interest. If you remain interested in the Planning Board, please verify that with me no later than April 11, 2003 so that I may forward your name to the Nominating Committee. Otherwise, I will keep your application on file in the event a vacancy should occur within the next year. Thank you.

Sincerely,

Nadeen Daniels
Town Clerk

CC: Jeffrey Porter

4/11/03

To Nadeen

I do have an interest, and if you are in need of candidates
I will be more than happy to interview

thanks

-B.11