

# AGENDA

Cumberland Town Council Meeting

Town Council Chambers

**MONDAY, October 14, 2013**

**7:00 p.m. Call to Order**

## **I. CALL TO ORDER**

## **II. APPROVAL OF MINUTES**

September 23, 2013

## **III. MANAGER'S REPORT**

- Bulky Waste Pick Up Week – October 14<sup>th</sup> – 18<sup>th</sup>
- Universal Waste Drop Off – October 19<sup>th</sup> – Rechargeable Tool batteries too!
- \$500,000 MDOT Award for Blackstrap Road
- New ACO Officer

## **IV. PUBLIC DISCUSSION**

## **V. LEGISLATION AND POLICY**

- 13 – 155** To hold a Public Hearing to consider and act on junkyard/recycler permit renewal for Cumberland Salvage.
- 13 – 156** To hold a Public Hearing to consider and act on the exchange of deeds and reconfiguration of the lot at the intersection of Bruce Hill Road and Valley Road.
- 13 – 157** To hold a Public Hearing to consider and act on a Mass Gathering Permit for Maine Principals Association Regional Cross Country Meet on October 26, 2013 and State Championship Meet to be held on November 2, 2013, at Twin Brook.
- 13 – 158** To hold a Public Hearing consider and act on amending the Traffic Ordinance to consider alternative traffic calming measures for the Val Halla Road, Hedgerow Drive, and Country Charm Road area and prohibition of left turn.
- 13 – 159** To set a Public Hearing date (October 28<sup>th</sup>) to consider and act on awarding a 3-year contract for supplemental snow plowing services.
- 13 – 160** To hold a Public Hearing to consider and act on draft zoning amendments to Chapter 315-4 of the Cumberland Code (Word Usage and Definitions - Business and Professional Office) to add the phrase: *This shall not include registered dispensaries of medical marijuana or any other facility in operation to provide treatment for a dependency-related drug as defined by applicable state statutes.*

## **VI. NEW BUSINESS**

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

## **VIII. ADJOURNMENT**

# MOTIONS

# MOTIONS

- 13 – 155 I move to approve** the junkyard/recycler permit renewal for Cumberland Salvage.
- 13 – 156 I move to authorize** the Town Manager to execute a deed with Dale Thurston to clarify lots lines per the attached plan. The Town Council further requires that a fee of \$500 be paid to recover the Town's legal and recording costs for this deed.
- 13 – 157 I move to approve** the Mass Gathering Permit for Maine Principals Association Regional Cross Country Meet on October 26, 2013 and State Championship Meet to be held on November 2, 2013, at Twin Brook.
- 13 – 158 I move to amend** Section Chapter 282 (Vehicles & Traffic), Paragraph B (Turning Movements) of the Cumberland Code, to remove the prohibition of left turn signs from Val Halla Road onto Hedgerow Drive and Country Charm Road. Further, I authorize the Town Manager to expend from the Road Improvement Reserve account, the monies necessary to install speed tables on Val Halla Road, Hedgerow Drive, and Country Charm Road, to be installed no later than May 15<sup>th</sup> and removed no sooner than October 1<sup>st</sup> annually.
- 13 – 159 I move to set** a Public Hearing date of October 28<sup>th</sup> to consider and act on awarding a 3-year contract for supplemental snow plowing services.
- 13 – 160 I move to amend** Chapter 315-4 of the Cumberland Code (Word Usage and Definitions - Business and Professional Office) to add the phrase: *This shall not include registered dispensaries of medical marijuana or any other facility in operation to provide treatment for a dependency-related drug as defined by applicable state statutes.*
- I move to recess** to Executive Session pursuant to 1 M.R.S.A., § 405(6)(C) re: real property acquisition.

# MINUTES

## 9/23/13



# MINUTES

Cumberland Town Council Meeting  
Town Council Chambers

**MONDAY, September 23, 2013**

## **7:30 p.m. Call to Order**

**Present:** Councilors Stiles, Copp, Storey-King, Gruber, Edes and Bingham

**Excused:** Councilor Turner

## **I. APPROVAL OF MINUTES**

Motion by Councilor Gruber, seconded by Councilor Bingham, to accept the September 9, 2013 minutes as presented.

VOTE: 6-0 UNANIMOUS

## **II. MANAGER'S REPORT**

We are nearing the completion of this year's paving program with Drowne Road being paved tomorrow. Immediately following the fair, Blanchard Road will be ground up and paved within the next 2 weeks. Public Works is doing an outstanding job putting shoulders in. It is a difficult and tedious job. Road striping will be done next week.

Town Hall will be closed next Monday, September 30<sup>th</sup> for employee training in the morning, then the annual Employee Appreciation Luncheon in the afternoon.

The Towns of Chebeague Island, Cumberland, Falmouth, Freeport, North Yarmouth and Yarmouth will gather on Monday evening (September 30<sup>th</sup>) to hear a presentation from METRO about providing bus service from Falmouth into Freeport, followed by a discussion about regionalization of services. The meeting is in the banquet center of Val Halla and begins at 6:30 p.m.

An animal in North Yarmouth has tested positive for the EEE virus. The M.S.A.D. has been notified and they have contacted the Centers for Disease Control for more information. People should be cautious and use insect repellent or oil of lemon eucalyptus (which is also an effective repellent).

Last week, the U.S. House of Representatives voted 217 to 210 to cut 40 billion dollars from the SNAP Program (Supplemental Nutrition Assistance Program), more commonly known as the food stamp program. Maine is one of the largest (per capita) users of food stamps. The average benefit in Maine is \$125/month (\$4 per day). Decreasing the benefit is very worrisome for our residents. The food pantry will have been open for one year in November and at that time we will have exceeded 2,000 visits. Mr. Shane urged everyone to look out for their neighbors to make sure they have enough food.

Chairman Stiles reported some good news related to the food pantry. Thanks to a lot of good people, we have almost reached the \$5,000 goal of donations to the 4-H Auction fund, which will supply the food pantry with meat.

## **III. PUBLIC DISCUSSION**

None

#### **IV. LEGISLATION AND POLICY**

##### **13 – 144 To hold a Public Hearing to consider and act on a Wharfing Out Permit for 15 Ledge Road (Map U6A/Lot 22) for a replacement pier, ramp and dock system, as recommended by the Coastal Waters Commission.**

Chairman Stiles opened the public hearing.

Public comment: None

Town Manager Shane explained that the application is for a replacement pier and float system. The Coastal Waters Commission held a site walk and Public Hearing one week ago and came up with a list of conditions of approval. The application packet is complete and very well done.

Chairman Stiles closed the public hearing

Motion by Councilor Bingham, seconded by Councilor Edes, to approve the Wharfing Out Permit for Mereve Trust, 15 Ledge Road (Map U6A/Lot 22) for a replacement pier, ramp and dock system, with the conditions proposed by the Coastal Waters Commission, identified in their September 16, 2013 meeting minutes.

VOTE: 6-0 UNANIMOUS

##### **13 – 145 To hold a Public Hearing to consider and act on amendments to Section 216 (Sewers) of the Cumberland Code, as recommended by the Board of Sewer Appeals.**

Chairman Stiles opened the public hearing.

Public comment: None

Town Manager Shane said the Ralph Oulton and Doug Pride of the Board of Sewer Appeals are present this evening to answer any questions. Most of the changes are housekeeping in nature with updates to specifications to be more in line with Portland Water District.

Councilor Storey-King said the ordinance references the Superintendent of Sewers and she asked who that is.

Town Manager Shane said that he is the Superintendent per the Town Charter.

Chairman Stiles closed the public hearing.

Motion by Councilor Gruber, seconded by Councilor Copp, to amend Section 216 (Sewers) of the Cumberland Code, as recommended by the Board of Sewer Appeals.

VOTE: 6-0. UNANIMOUS

##### **13 – 146 To consider and act on setting a sewer connection fee of \$500 until December 31, 2016.**

Chairman of the Board of Sewer Appeals Ralph Oulton, explained that the reduced fee is to encourage people to hook up to the sewer system.

Town Manager Shane said that the biggest issue is future capacity. We cannot continue to reserve space in the system for people who are not paying into the system, and who will expect in 15 years to have a connection available. We are hoping that people will take advantage of the reduced fee program and connect now. In less than 10 years, there will be no option to connect in some parts of Town.



Councilor Edes asked if there is a cost to the Town for a resident to hook up.

Mr. Oulton said that the only “cost” to the Town would be inspections by the Code Enforcement Officer. The homeowner would incur all the installation fees.

Councilor Edes said that if there is no cost to the Town, why push the price up to \$4,000 after 3 years? Why not leave it at \$500?

Motion by Councilor Bingham, seconded by Councilor Gruber, to decrease all sewer connection fees to \$500.00 effective September 24, 2013, and ending on December 31, 2016. On January 1, 2017, all sewer connection fees will be increased to \$4,000.00.

VOTE: 5-1 (Edes opposed) MOTION PASSES

*\*item 13-151 was taken out of order and considered next*

**13 – 147 To hold a Public Hearing to consider and act on draft zoning amendments to § 315- 52 of the Cumberland Code (Height Regulations) to increase the building height from 35 feet in all districts to 40 feet, as recommended by the Planning Board.**

This came about from a request from the Friend’s School to construct a new building on Route One. The solar panels on the proposed building will exceed the 35 foot height restriction.

Bill Longley, Code Enforcement Officer, said that his job would be much easier if the height limit was 40 feet instead of 35 feet and he is recommending this amendment.

Councilor Storey-King said that this item had come before the Ordinance Committee and the committee was in favor of the amendment.

Chairman Stiles opened the public hearing

Public discussion: None

Chairman Stiles closed the public hearing

Councilor Edes reminded the public that this does not affect height restrictions in the Shore Land Zone.

Motion by Councilor Storey-King, seconded by Councilor Bingham, to amend §315- 52 of the Cumberland Code (Height Regulations) to increase the building height from 35 feet in all districts to 40 feet, as recommended by the Planning Board.

VOTE: 6-0 UNANIMOUS

**13 – 148 To hold a Public Hearing to consider and act on draft zoning amendments to §118-7A(1) of the Cumberland Code (Growth Permits) to increase the maximum number of new growth permits issued annually, as recommended by the Planning Board.**

Town Manager Shane explained that he spoke to the Town Attorney and asked him directly if we are required to have a Growth Ordinance in order to charge impact fees, as we have always believed was the case. The answer was unequivocally, no. We simply have to show the calculation and how the number is determined. The Ordinance Committee has come up with a good plan on increasing the number of Growth Permits allowed annually, with a buffer of borrowing forward or from unused permits from the prior year.

Chairman Stiles opened the public hearing  
Public comment: None  
Chairman Stiles closed the public hearing

Motion by Councilor Bingham, seconded by Councilor Storey-King, to amend §118-7A(1) of the Cumberland Code (Growth Permits) to increase the maximum number of new growth permits issued annually, as recommended by the Planning Board.

VOTE: 6-0 UNANIMOUS

**13 – 149 To hold a Public Hearing to consider and act on draft zoning amendments to Chapter §315-4 of the Cumberland Code (Word Usage and Definitions - Business and Professional Office) to add the phrase: *This shall not include registered dispensaries of medical marijuana or any other facility in operation to provide treatment for a dependency-related drug as defined by applicable state statutes.***

Motion by Councilor Bingham, seconded by Councilor Edes, to table this item to October 14, 2013.

VOTE: 6-0 UNANIMOUS

**13 – 150 To consider and act on authorizing the Council Chairman to submit a letter for consideration of the 2014 NCAA Division III Men's Cross Country National Championship to be held at Twin Brook.**

Councilor Storey-King said that as Council Liaison to the Twin Brook Advisory Committee, she advised them of this event and they had the opportunity to ask questions of Recreation Coordinator, Peter Bingham.

Mr. Bingham answered their questions and put the Committee member's fears and concerns at ease.

Motion by Councilor Storey-King, seconded by Councilor Bingham, to authorize the Council Chairman to submit a letter for consideration of the 2014 NCAA Division III Men's Cross Country National Championship to be held at Twin Brook.

VOTE: 6-0 UNANIMOUS

**13 – 151 To consider and act on authorizing a driveway license for Robert Poore across the un-built portion of Greely Road Extension.**

Town Manager Shane explained that Mr. Poore had met with Town staff approximately 10 years ago to discuss moving his driveway. He was told at that time that he had to build a road to Town standards to access the driveway, or move it over 20' to access Bruce Hill/Pleasant Valley Road. Mr. Poor decided to move the driveway. The current location is difficult to traverse due to the grade. Mr. Poore now wants to move the driveway over an un-built section (Town owned right of way) of Greely Road Extension.

Motion by Councilor Copp, seconded by Councilor Edes, to authorize the Town Manager to execute a Road Use License with Robert and Darcy Poor at the intersection of Bruce Hill Road and Pleasant Valley Road for the purpose of a driveway. The terms and conditions of the license shall be in accordance with the document prepared by the Town Attorney. The Town Council further requires that a fee of \$500.00 be paid prior to issuance of the license in order to recover the Town's legal and recording fees for the license.

VOTE: 6-0 UNANIMOUS



**13 – 152 To set a Public Hearing date (October 14<sup>th</sup>) to consider and act on junkyard/recycler permit renewal for Cumberland Salvage.**

Motion by Councilor Storey-King, seconded by Councilor Edes, to set a Public Hearing date of October 14<sup>th</sup> to consider and act on junkyard/recycler permit renewal for Cumberland Salvage.

VOTE: 5-0-1 (Copp abstained) MOTION PASSES

**13 – 153 To set a Public Hearing date (October 14<sup>th</sup>) to consider and act on the exchange of deeds and reconfiguration of the lot at the intersection of Bruce Hill Road and Valley Road.**

Town Manager Shane explained that this foreclosed parcel of land is basically a drainage swale that could not be sold as a house lot. The Thurston's have done all the surveying and mapping on the parcel. This will square up their property and protect the area of their ground water well.

Motion by Councilor Edes, seconded by Councilor Copp, to set a Public Hearing date of October 14<sup>th</sup> to consider and act on the exchange of deeds and reconfiguration of the lot at the intersection of Bruce Hill Road and Valley Road.

VOTE: 6-0 UNANIMOUS

**13-154 To set a Public Hearing date (October 14<sup>th</sup>) to consider and act on a Mass Gathering Permit for Maine Principals Association Regional Cross Country Meet on October 26, 2013 and State Championship Meet to be held on November 2, 2013, at Twin Brook.**

Motion by Councilor Bingham, seconded by Councilor Storey-King, to set a Public Hearing date of October 14<sup>th</sup> to consider and act on a Mass Gathering Permit for Maine Principals Association Regional Cross Country Meet on October 26, 2013 and State Championship Meet to be held on November 2, 2013, at Twin Brook.

VOTE: 6-0 UNANIMOUS

**V. NEW BUSINESS**

**Councilor Bingham** – None

**Councilor Storey-King** – Thank you to our Legislative Representative, Steve Moriarty, for all his help in assisting her with some transportation issues. Steve has been on top of it and it may be discussed at the next Legislative Session. Steve is as diligent, if not more, as he was on the Town Council.

The Korean War Veterans celebration is only 7 weeks away. She has two meetings on the planning and funding of the event this week.

**Councilor Gruber** – The newly paved roads look great.

He is a member of the board of Southern Maine Agency on Aging and they are also concerned about the cutting of the SNAP program. The group is going to see what they can do about it and try to come up with some relief programs as well.

**Chairman Stiles** – The Cumberland/North Yarmouth Joint Standing Committee met recently and discussed the possibility of building a joint Public Works facility. The Town Manager will submit a plan to the committee in December for their consideration.

Thank you to the residents and businesses of Cumberland for their generous donations to the 4-H Auction fund for the Food Pantry. We have reached a total of \$4,500 toward our \$5,000 goal. There is still time to donate in order to make the goal. Chairman Stiles thanked the following for their donation:

Gary Tims, Cumberland House of Pizza, Ames Farm Center, Sandra Grover, Bickford Golf, J.Brothers Variety Store, Barbara McManus, DJ Small Plumbing & Heating, William & Joyce Stiles, Norway Savings Bank, Copp Motors, Brian Gilbert Associates, Tony DeSimone, Harland Storey, Budd's Gulf, Rachel's On the Green, Doc's Café, George & Christine Turner, Terry Snow, Maine Standards Co., Storey Brothers, Back Cove Midwives, Septi Vac Pumping, Cumberland Salvage, Atlantic Regional Federal Credit Union, The Board Barn, Bill Price & Phyllis Jones, RW Googins Electric, Eileen Wyatt, Michael & Gail Boivin, Employees of Exactitude, Skillin's Greenhouses, Peter Bingham, Michael Edes, and Judy & Rick Scott.

**Councilor Edes** – He also contacted Representative Moriarty to discuss bringing State Law in line with Federal Law as it pertains to allowing public employees to run for public office. Steve was very responsive and Councilor Edes thanked him.

Hunting season is here and it is a great opportunity for hunters to donate their processed game to the Food Pantry.

**Councilor Copp** – His son married his junior high school sweetheart recently. They are both Greely graduates and reside in Cumberland. He is very proud of both of them.

The Town paving plan is going very well, especially Orchard Hill Road. That road is immaculate now.

Archery hunting is now open. He urged everyone to be safe for themselves and their pets while walking in the woods.

**Town Manager Shane** – The clam flats will reopen on November 1<sup>st</sup>. He would like to thank the Public Works team for building the new stairs that lead down to the clam flats.

Interviews for the Regional Assessor will take place this Thursday.

## **VI. ADJOURNMENT**

Motion by Councilor Bingham, seconded by Councilor Storey-King, to adjourn.

VOTE: 6-0                      UNANIMOUS

TIME: 8:42 P.M.

Respectfully submitted by,

Brenda L. Moore  
Council Secretary

# ITEM 13-155

To hold a Public Hearing to consider and act on junkyard/recycler  
permit renewal for Cumberland Salvage





# MEMORANDUM CODE ENFORCEMENT OFFICE

---

To: Town of Cumberland Council  
From: William C. Longley Jr. CEO  
Subject: Cumberland Salvage, Inc. application for an Automobile Recycling Business at  
40 Blackstrap Road Tax Map R-07 Lot 60  
Date: 10-01-2013  
CC: William Shane, Town Manager  
Tammy O'Donnell, Town Clerk

Recently I toured the facility known as Cumberland Salvage. As noted during previous inspections, the area appears to be adequately fenced and screened from public streets and also a new earthen berm has been installed along the boundary with a new residential subdivision called Foxes Gore. Additionally, the operation continues to be neat and organized.

Based upon my observations, I would recommend approval of the Annual Junkyard permit, reserving the right to inspect as needed.

During this visit I completed a review of all fluid handling procedures and locations of storage for the Aquifer Protection Zone.



# Town of Cumberland Maine

## APPLICATION FOR AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT

### MUNICIPAL OFFICE USE ONLY

Tentative Date of Hearing October 14, 2013

Application Received September 17, 2013

Time of Hearing 7:00 p.m. Permit No. \_\_\_\_\_

Place of Hearing Cumberland Town Hall Fee Paid \$ 50.00

Notifications sent by mail. Date 9/12/13

To the City/Town of Cumberland County of Cumberland Maine

I/We Cumberland Salvage Inc & Jerald Copp Jr hereby make application (in quadruplicate) for a permit to establish, operate, maintain an Automobile Graveyard, Automobile Recycling Business and/or Junkyard at the following described location and in accordance with the provisions of Title 30-A, Sections 3751 to 3760, Chapter 183.

### Answer all questions in full.

1. Give location of Automobile Graveyard and/or Junkyard  
40 Blackstrap Rd., Cumberland, ME 04021
2. Is this application made by or for a company, partnership, corporation, individual?  
Corporation
3. Is this property leased? NO Property owned by  
Jerald & Copp Jr.  
Address: 38 Blackstrap Rd., Cumberland, ME 04021
4. How is "yard" screened? - Fence? (Type) wood Height 7'  
stockade  
Trees? (Type) \_\_\_\_\_ Embankment? \_\_\_\_\_ Gully? \_\_\_\_\_ Hill? \_\_\_\_\_  
Other? Buildings
5. How far is edge of "yard" from center of highway? 130 Feet.
6. Can Junk be seen from any part of highway? Yes \_\_\_\_\_ No ✓
7. Were Junkyard Law, Requirements and Fees explained to you? Yes ✓ No \_\_\_\_\_


8. Is any portion of this "yard" on public property? Yes \_\_\_ No ☒

9. Is "yard" within 300 feet of a public park, public playground, public bathing beach, school, church or cemetery? Yes \_\_\_ No ☒

10. When was "yard" established? <sup>Lot 61 1971</sup> 62 1934 By whom? Jerald Copp + Clifton Copp

11. When was the last permit issued? 2012 To whom? Jerald E Copp Jr

The undersigned certifies that the above information is true and correct to the best of his/her knowledge and that he/she is the owner or agent of the property or the he/she has been duly authorized by the owner to make this application and the receive the permit under the law.

Signed by: 

For: Cumberland Salvage Inc  
Name of Company, Corporation,  
Partnership, Individual

Address 40 Blackstrap Rd., Cumberland, ME 04021

Tax Map No. R7 Lot No. <sup>Parts of</sup> Lot 60 + 61 Zone \_\_\_\_\_

1 copy of Application to City/Town

1 copy of Application to Applicant

1 copy of Application to Department of Transportation, Augusta

1 copy of Application to Bureau of Motor Vehicles mailed

Make complete sketch of "yard". Show footage of all sides and location in relationship to adjacent properties. Show distance (in feet) from edge of "yard" to center of highway. Fill in Route number or Local Road Name, Name of nearest City/Town in each direction, distance from nearest intersection, bridge or other known reference point.

**SITE PLAN**

**Circle Correct Direction:** N S E W

**Name:** Cumberland Salvage Inc

**Address:** 40 Blackstrap Rd., Cumberland, ME 04021

See attached







# Cumberland Salvage, Inc.

40 Blackstrap Road  
W. Cumberland, ME 04021

---

Jerald E. Copp, Jr., President

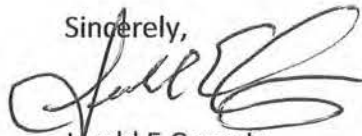
September 12, 2013

Christopher Copp  
17 Browning Way  
Cumberland, ME 04021

Dear Chris:

We are notifying you pursuant to M.R.S.A. Title 30-A, Section 3754, that we have filed our application for a renewal of our Automobile Graveyard/Junkyard Permit with the Cumberland Town Clerk. We understand that the Town Council will hold a public hearing on our renewal application at its meeting Monday, October 14<sup>th</sup>, at 7:00 pm. Please find a copy of our renewal application attached.

Sincerely,



Jerald E Copp Jr.  
President

Enclosures

# Cumberland Salvage, Inc.

40 Blackstrap Road  
W. Cumberland, ME 04021

---

Jerald E. Copp, Jr., President

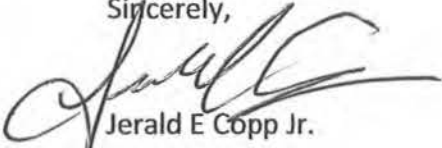
September 12, 2013

Clayton Copp Jr.  
27 Upper Methodist Road  
Cumberland, ME 04021

Dear Clayton:

We are notifying you pursuant to M.R.S.A. Title 30-A, Section 3754, that we have filed our application for a renewal of our Automobile Graveyard/Junkyard Permit with the Cumberland Town Clerk. We understand that the Town Council will hold a public hearing on our renewal application at its meeting Monday, October 14<sup>th</sup>, at 7:00 pm. Please find a copy of our renewal application attached.

Sincerely,



Jerald E Copp Jr.  
President

Enclosures

# Cumberland Salvage, Inc.

40 Blackstrap Road  
W. Cumberland, ME 04021

---

Jerald E. Copp, Jr., President

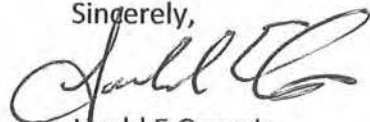
September 12, 2013

Peter Hendrickson  
28 Blackstrap Road  
Cumberland, ME 04021

Dear Peter:

We are notifying you pursuant to M.R.S.A. Title 30-A, Section 3754, that we have filed our application for a renewal of our Automobile Graveyard/Junkyard Permit with the Cumberland Town Clerk. We understand that the Town Council will hold a public hearing on our renewal application at its meeting Monday, October 14<sup>th</sup>, at 7:00 pm. Please find a copy of our renewal application attached.

Sincerely,



Jerald E Copp Jr.  
President

Enclosures

# Cumberland Salvage, Inc.

40 Blackstrap Road  
W. Cumberland, ME 04021

---

Jerald E. Copp, Jr., President

September 12, 2013

Goose Pond Development LLC  
501 County Road  
Westbrook, ME 04092

Dear Sirs:

We are notifying you pursuant to M.R.S.A. Title 30-A, Section 3754, that we have filed our application for a renewal of our Automobile Graveyard/Junkyard Permit with the Cumberland Town Clerk. We understand that the Town Council will hold a public hearing on our renewal application at its meeting Monday, October 14<sup>th</sup>, at 7:00 pm. Please find a copy of our renewal application attached.

Sincerely,



Jerald E Copp Jr.  
President

Enclosures



# Cumberland Salvage, Inc.

40 Blackstrap Road  
W. Cumberland, ME 04021

---

Jerald E. Copp, Jr., President


September 12, 2013

Graiver Homes LLC  
324 Gray Road  
Falmouth, ME 04105

Dear Sirs:

We are notifying you pursuant to M.R.S.A. Title 30-A, Section 3754, that we have filed our application for a renewal of our Automobile Graveyard/Junkyard Permit with the Cumberland Town Clerk. We understand that the Town Council will hold a public hearing on our renewal application at its meeting Monday, October 14<sup>th</sup>, at 7:00 pm. Please find a copy of our renewal application attached.

Sincerely,



Jerald E. Copp Jr.  
President

Enclosures

# ITEM 13-156

To hold a Public Hearing to consider and act on the exchange of  
deeds and reconfiguration of the lot at the intersection of  
Bruce Hill Road and Valley Road

**To:** Town Council  
**From:** William R. Shane, Town Manager  
**Date:** October 9, 2013  
**Re:** **Land Conveyance and Property Line Adjustment**  
**Bruce Hill and Valley Road Intersection**

---

Dale Thurston and his family have tried to purchase this lot from the Town for many years. The sale of this lot was first examined for a possible Habitat for Humanity site, but the lot size was too small and the proximity to the gravel pit was a small problem. The biggest challenge with this lot is that it serves as drainage basin for a large part of Bruce Hill Road and Valley Road with no real options to relocate the stormwater.

In January, the Council authorized the Town Manager to work with the abutting landowner Dale Thurston to come up with a fair and equitable resolution for the lot and return to the Town Council.

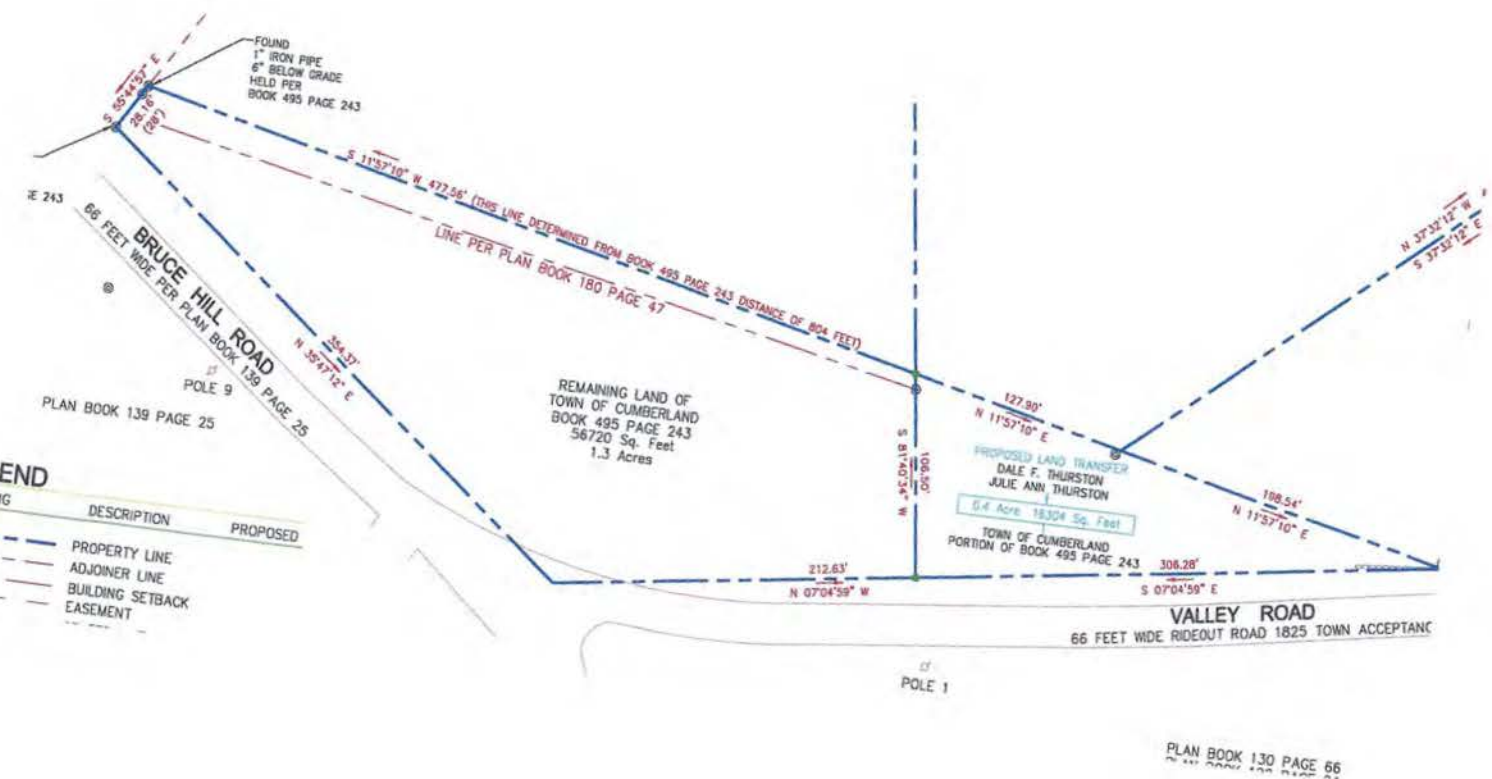
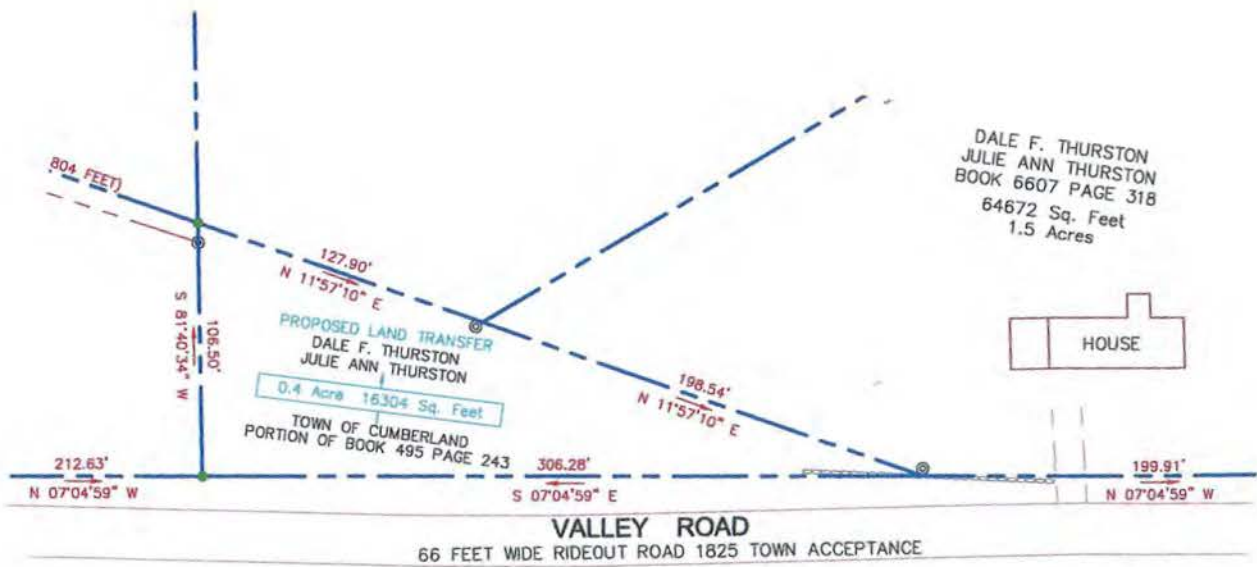
Mr. Thurston has paid for all survey and Monumentation work completed to date on the lot. Mr. Thurston has paid for the legal description for the lot and has corrected the survey lines. Mr. Thurston also agrees to pay for all legal fees for the land for the conveyance and property line clarifications.

The next pages show the new lot configuration which would give Mr. Thurston an additional 0.4 Acres in exchange for all his work to date. I will make a detailed presentation from the podium related to this lot on Monday evening using the attached GIS photo and this document.

**Motion:**

I move to authorize the Town Manager to **execute a deed with Dale Thurston to clarify lots lines per the attached plan.** The Town Council further requires that a fee of \$500 be paid to recover the Town's legal and recording costs for this deed.





**JENSEN BAIRD  
GARDNER HENRY**

*Attorneys at Law*

TEN FREE STREET  
P.O. BOX 4510  
PORTLAND, MAINE 04112-4510  
(207) 775-7271 (Phone)  
(207) 775-7935 (Fax)

[www.jbgh.com](http://www.jbgh.com)

MERTON C. HENRY  
FRANK H. FRYE  
BRIAN C. BROWNE  
OF COUNSEL

RAYMOND E. JENSEN  
(1908-2009)  
KENNETH BAIRD  
(1914-1997)  
J. DONALD GARDNER  
(1918-2003)

YORK COUNTY  
OFFICE

11 MAIN STREET, SUITE 4  
KENNEBUNK, MAINE 04043  
(207) 985-4676 (Phone)  
(207) 985-4952 (Fax)

KENNETH M. COLE III  
NICHOLAS S. NADZO  
DAVID J. JONES  
MICHAEL A. NELSON  
RICHARD H. SPENCER, JR.  
LAWRENCE R. CLOUGH  
RONALD A. EPSTEIN  
WILLIAM H. DALE  
JOSEPH H. GROFF III  
F. BRUCE SLEEPER  
DEBORAH M. MANN  
LESLIE E. LOWRY III  
PATRICIA M. DUNN

MICHAEL J. QUINLAN  
B. LEE IVY  
ROGER P. ASCH  
NATALIE L. BURNS  
SALLY J. DAGGETT  
BRENDAN P. RIELLY  
NICHOLAS J. MORRILL  
MARCIA G. CORRADINI  
KATHLEEN T. KONKOLY  
MARK A. BOWER  
JENNIFER W. PETERS  
J. CASEY MCCORMACK  
TUDOR N. GOLDSMITH

October 9, 2013

**Via E-Mail & U.S. First-Class Mail**

William R. Shane, Town Manager  
Town of Cumberland  
290 Tuttle Road  
Cumberland, ME 04021

Re: Town of Cumberland to Dale F. Thurston, et al.  
202 Bruce Hill Road, Cumberland

Dear Bill:

Enclosed herewith please find the proposed deed from the Town to Dale F. Thurston and Julie Ann Thurston in regard to the .4 acre parcel in the Town of Cumberland.

If you have any question in regard to the enclosed, please let me know.

Very truly yours,



Kenneth M. Cole III

KMC/lts  
Enclosures

~ Over 60 Years of Service ~

### Quitclaim Deed

KNOW ALL MEN BY THESE PRESENTS, THAT **Town of Cumberland**, a municipal corporation of Cumberland, County of Cumberland and State of Maine, in consideration of one dollar and other valuable consideration paid by **Dale F. Thurston and Julie Ann Thurston**, whose mailing address is 14 Valley Road, Cumberland, ME 04021, the receipt whereof it does hereby acknowledge, does hereby remise, release, bargain, sell and convey, and forever quitclaim unto the said **Dale F. Thurston and Julie Ann Thurston**, as joint tenants and not as tenants in common, their heirs and assigns forever, the land in the Town of Cumberland, County of Cumberland and State of Maine, the following described real estate:

**SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.**

To have and to hold the same, together with all the privileges and appurtenances thereunto belonging, to the said **Dale F. Thurston and Julie Ann Thurston**, as joint tenants and not as tenants in common, their heirs and assigns forever.

IN WITNESS WHEREOF, the said **Town of Cumberland**, relinquishing and conveying all rights by descent and all other rights in the above-described premises, has hereunto set its hand and seal this \_\_\_\_\_ day of the month of \_\_\_\_\_ A.D. 2013.

Signed Sealed and Delivered  
in presence of

**Town of Cumberland**

By: \_\_\_\_\_  
William R. Shane  
Town Manager

State of Maine  
County of Cumberland, ss.

\_\_\_\_\_, 2013

Then personally appeared the above-named William R. Shane, Town Manager of the Town of Cumberland and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of Town of Cumberland.

Before me,

\_\_\_\_\_  
Notary Public  
Print Name \_\_\_\_\_  
Commission Expires \_\_\_\_\_



EXHIBIT A  
0.4 Acre Parcel

A certain lot or parcel of land with any improvements thereon, located on the westerly side of Valley Road, formerly known as Rideout Road, in the Town of Cumberland, County of Cumberland, State of Maine and more particularly described as follows:

Beginning at a point on the westerly side of Valley Road at the land of Dale F. Thurston and Julie Ann Thurston as described in the deed recorded in the Cumberland County Registry of Deeds in Book 6607, Page 318;

Thence S 07°04'59" E, along Valley Road a distance of 306.28' to a set 5/8" iron rebar at the remaining land of the Town of Cumberland, being a portion of Book 495, Page 243;

Thence S 81°40'34" W, along the remaining land of the Town of Cumberland a distance of 106.50' to a set 5/8" iron rebar at the land of the Cumberland Farmer's Club as described in Book 8506, Page 288 and at the land of William A. Thurston and Doris A. Thurston as described in Book 3392, Page 122;

Thence N 11°57'10" E, along land of William A. and Doris A. Thurston a distance of 127.90' to a point at land of said Dale F. Thurston and Julie Ann Thurston;

Thence N 11°57'10" E, along land of Dale F. Thurston and Julie Ann Thurston a distance of 198.54' to the point of beginning;

The above parcel has an area of 16,304 square feet or 0.40 Acre of land, more or less.

The basis of bearings for this description being Maine State Plane, West Zone of the North American Datum of 1983.

Meaning and intending to describe a portion of the premises as described in a deed to The Town of Cumberland from Hezekiah Eaton dated 5-2-1882 and recorded in Book 495, Page 243.

This conveyance is to an abutter and shall not be separately alienable.



\*0599900\*

**RETTD**

00

**MAINE REVENUE SERVICES  
REAL ESTATE TRANSFER TAX  
DECLARATION**

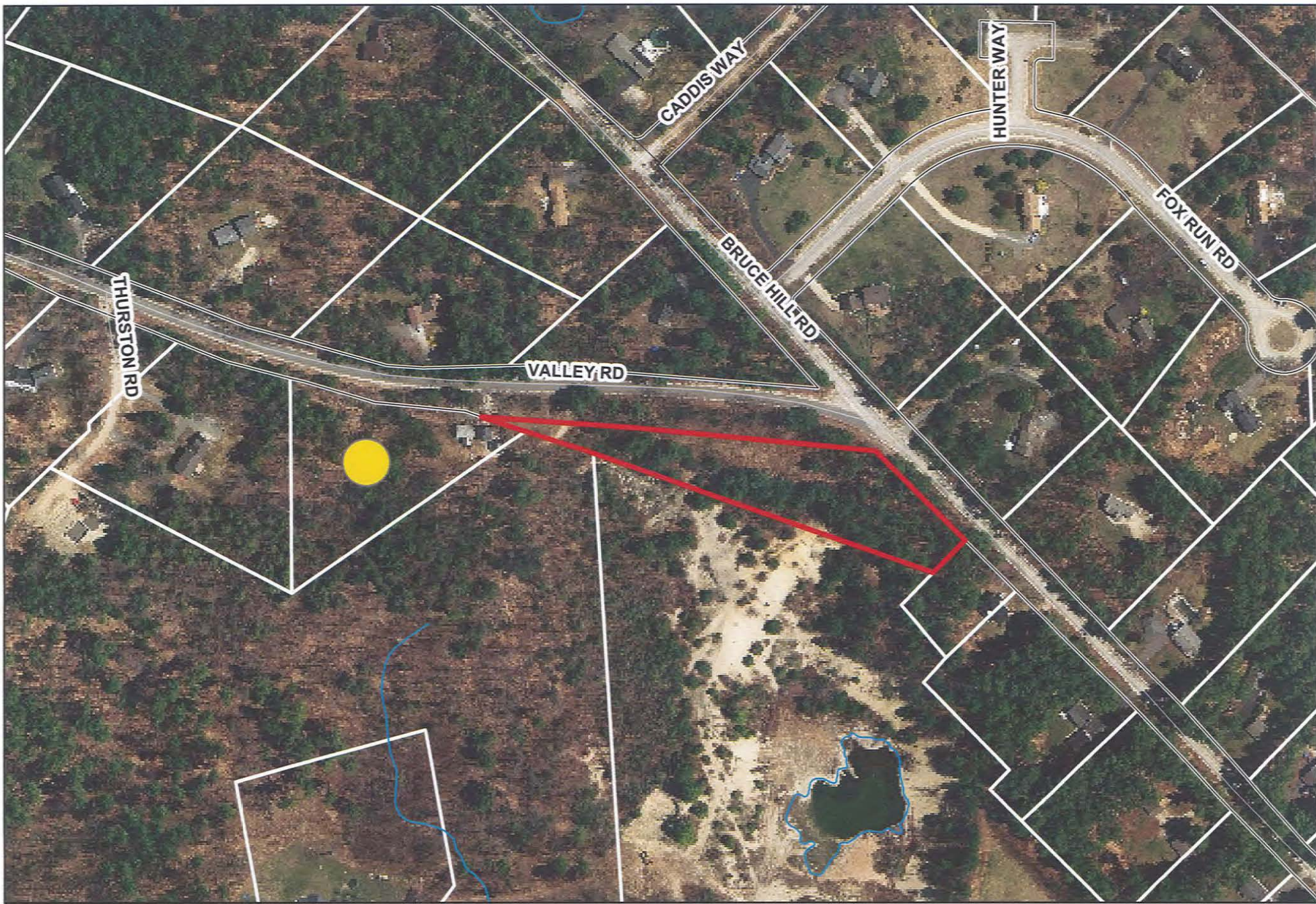
TITLE 36, M.R.S.A. SECTIONS 4641-4641N

**PLEASE TYPE OR PRINT CLEARLY**

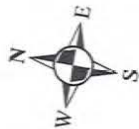
<b>1. COUNTY</b> CUMBERLAND		<b>DO NOT USE RED INK!</b>	
<b>2. MUNICIPALITY/TOWNSHIP</b> CUMBERLAND		<b>BOOK/PAGE—REGISTRY USE ONLY</b>	
<b>3. GRANTEE/ PURCHASER</b>	3a) Name (LAST, FIRST, MI) THURSTON, DALE F.		3b) SSN or Federal ID
	3c) Name (LAST, FIRST, MI) THURSTON, JULIE ANN		3d) SSN or Federal ID
	3e) Mailing Address 14 VALLEY ROAD		
	3f) City CUMBERLAND		3g) State ME
<b>4. GRANTOR/ SELLER</b>	4a) Name (LAST, FIRST, MI) TOWN OF CUMBERLAND		4b) SSN or Federal ID 01-6000128
	4c) Name (LAST, FIRST, MI)		4d) SSN or Federal ID
	4e) Mailing Address 290 TUTTLE ROAD		
	4f) City CUMBERLAND		4g) State ME
<b>5. PROPERTY</b>	5a) Map R08 Block A Lot 11 Sub-Lot	Check any that apply: <input type="checkbox"/> No tax maps exist <input type="checkbox"/> Multiple parcels <input type="checkbox"/> Portion of parcel	
	5c) Physical Location 202 BRUCE HILL ROAD	5b) Type of property—Enter the code number that best describes the property being sold. (See instructions) 101 5d) Acreage: 0.40	
<b>6. TRANSFER TAX</b>	6a) Purchase Price (If the transfer is a gift, enter "0") 500.00		6b) Fair Market Value (enter a value only if you entered "0" in 6a) or if 6a) was of nominal value) .00
	6c) Exemption claim - <input checked="" type="checkbox"/> Check the box if either grantor or grantee is claiming exemption from transfer tax and explain. Pursuant to Title 36 Section 4641-C(1), Grantee is a State of Maine municipal corporation.		
	7. DATE OF TRANSFER (MM-DD-YYYY) MONTH DAY YEAR		
8. WARNING TO BUYER—If the property is classified as Farmland, Open Space or Tree Growth, a Substantial financial penalty could be triggered by development, subdivision, partition or change in use. <input type="checkbox"/> CLASSIFIED		9. SPECIAL CIRCUMSTANCES—Were there any special circumstances in the transfer which suggest that the price paid was either more or less than its fair market value? If yes, check the box and explain: <input type="checkbox"/>	
10. INCOME TAX WITHHELD—Buyer(s) not required to withhold Maine income tax because: <input checked="" type="checkbox"/> Seller has qualified as a Maine resident <input type="checkbox"/> A waiver has been received from the State Tax Assessor <input type="checkbox"/> Consideration for the property is less than \$50,000		11. OATH Aware of penalties as set forth by Title 36 §4641-K, we hereby swear or affirm that we have each examined this return and to the best of our knowledge and belief, it is true, correct, and complete. Grantee(s) and Grantor(s) or their authorized agent(s) are required to sign below: Grantee _____ Date _____ Grantor _____ Date _____ Grantee _____ Date _____ Grantor _____ Date _____	
12. PREPARER Name of Preparer Jensen Baird Gardner & Henry Mailing Address P.O. Box 4510 Portland, ME 04112		Phone Number (207) 775-7271 E-Mail Address _____	

<http://www.maine.gov/revenue/propertytax/transferfax/transferfax.htm>





**Parcel to be Split**



200 100 0 200 Feet



**1 inch = 200 feet**



THE SURVEY PLAN IS CORRESPONDING PREPARED. THIS PLAN IS THE PROPERTY OF SOLARTECH INC. AND SHALL NOT BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF SOLARTECH INC. SIGNATURE POINTS

RECORDS REQUIRED

1. THE PLAN IS ONLY VALID IF AUTHENTIC ORIGINAL SEAL AND SIGNATURE OF CERTIFIED PROFESSIONAL APPEAR ON THE FACE OF THE SURVEY PLAN.

2. REFERENCE IS MADE TO THE CONTRACTUAL AGREEMENT BETWEEN THE PROFESSIONAL LAND SURVEYOR AND THE CLIENT.

3. THE SURVEY PLAN IS SUBJECT TO POSSIBLE REVISION UPON REQUEST OF A CERTIFIED TITLE OPINION.

4. ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF I CERTIFY EXCLUSIVELY TO THE ACCURACY OF THE INFORMATION AND DATA HEREON AND THAT THE PLAN OF LOTS, SUBSTANTIALLY CONFORMS TO THE MAINDE BOUNDARY OF LOTS/AREA FOR LAND SURVEY.

5. THE SURVEYOR IS CONFIDENT TO THE EXISTENCE OR NONEXISTENCE OF HAZARDOUS SUBSTANCES, ENVIRONMENTALLY SENSITIVE AREAS, UNDERGROUND UTILITIES, AND/OR OTHER FEATURES THAT MAY BE PRESENT ON THE SURVEYED AREA.

6. BIG HAT MAY BE CONTACTED AND CONTRACTOR SHALL FILL HOLEY LOCATIONS AND SHADINGS OF ALL UTILITIES PRIOR TO EXCAVATION.

7. THE PROPERTY IS DEFECTED ON THE TOWN ASSOCIATION'S MAP 88A AS LOT 8 AND 11.

### SURVEYOR'S NOTES

1. THIS SURVEY PLAN IS COPYRIGHT PROTECTED. THIS PLAN IS THE PROPERTY OF THE SURVEYOR AND SHALL NOT BE USED FOR ANY PURPOSE WITHOUT THE WRITTEN CONSENT OF AN AUTHORIZED AGENT OF BOUNDARY POINTS. ALL RIGHTS RESERVED.
2. THIS SURVEY PLAN IS ONLY VALID IF AUTHENTIC UNDOUBTED SEAL AND SIGNATURE OF CERTIFYING PROFESSIONAL APPEAR ON THE FACE OF THIS SURVEY PLAN.
3. REFERENCE IS MADE TO THE CONTRACTUAL AGREEMENT BETWEEN THE PROFESSIONAL LAND SURVEYOR AND THE CLIENT.
4. THIS SURVEY PLAN IS SUBJECT TO POSSIBLE REVISION UPON RECEIPT OF A CERTIFIED TITLE OPINION.
5. ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF I CERTIFY EXCLUSIVELY TO THE CLIENT THAT THIS SURVEY PLAN WERE TO THE HIGHEST STANDARD OF CARE, SUBSTANTIALLY CONFORMING TO THE MAIN BOARD OF LAND SURVEYING STANDARDS.
6. NO CERTIFICATION IS MADE TO THE EXISTENCE OR NONEXISTENCE OF HAZARDOUS SUBSURFACES, ENVIRONMENTALLY SENSITIVE AREAS, UNDERGROUND UTILITIES, UNDERGROUND STRUCTURES, ZONING REGULATIONS OR REAL ESTATE TITLES.
7. THE DATE MUST BE CONTACTED AND CONTRACTOR SHALL FIELD VERIFY LOCATIONS AND DIMENSIONS OF ALL UTILITIES PRIOR TO EXCAVATION.
8. THE PROPERTY IS DEPICTED ON THE TOWN ASSESSOR'S MAP FOR AS LOT 8 AND 11.

MAINE STATE PLANT GRID  
N.A.D. 1983 MEET ONE

### LEGEND

EXISTING	DESCRIPTION	PROPOSED
---	PROPERTY LINE	---
---	ADJOINER LINE	---
---	BUILDING SETBACK	---
---	EASEMENT	---
---	CENTER LINE	---
○	MONUMENT	○
○	IRON PIPE	○
○	IRON ROD	○
○	5/8" IRON REBAR	○
○	DRILL HOLE	○
---	BUILDING	---
---	IRON	---
---	STREAM	---
---	EDGE PAVEMENT	---
---	GRAVEL ROAD	---
---	TREE LINE	---
---	ELECTRIC LINES	---
---	UTILITY POLE	---
---	HYDRANT	---
---	POTABLE WELL	---
---	CULVERT	---
---	BARB WIRE FENCE	---
---	STONE WALL	---

GRAPHIC SCALE

1 IN. FEET  
1 inch = 50 ft.

No.	Revision	Date

THIS PLAN IS PROVIDED EXCLUSIVELY FOR THE CLIENT STATED HEREON. ANY USE OR ALTERATION OF THIS PLAN BY OTHERS SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO BOUNDARY POINTS, LLC.

EXISTING CONDITIONS SURVEY  
FOR  
DALE F. THURSTON  
OF  
14 VALLEY ROAD  
CUMBERLAND MAINE

Boundary Points

PROFESSIONAL LAND SURVEYING, LLC  
P.O. Box 175  
CUMBERLAND MAINE 04211-0175  
(207) 554-1916

1

			Scale: 1" = 50'
			Project No: 201313
			AutoCAD Release: 2011
			Drawn By: DB
			Field Date: 8-10-2013
No.	Revision	Date	Plan Date: 8-15-2013

THIS PLAN IS PROVIDED EXCLUSIVELY FOR THE CLIENT STATED HEREON. ANY USE OR ALTERATION OF THIS PLAN BY OTHERS SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO BOUNDARY POINTS, LLC.

EXISTING CONDITIONS SURVEY  
FOR  
DALE F. THURSTON  
OF  
14 VALLEY ROAD  
CUMBERLAND MAINE

## Boundary Points

PROFESSIONAL LAND SURVEYING, LLC  
P.O. BOX 179  
CUMBERLAND MARYE 04021-0179  
207-854-1815

1

# ITEM

## 13-157

To hold a Public Hearing to consider and act on a Mass Gathering  
Permit for Maine Principals Association Regional Cross Country  
Meet on October 26, 2013 and State Championship Meet to be held  
on November 2, 2013, at Twin Brook

## MEMORANDUM

To: William Shane, Town Manager

From: Tamara O'Donnell, Town Clerk

Re: Mass Gathering Permit for Twin Brook Facility  
Maine Principals Association Regional Cross Country Meet

Date: September 23, 2013

I held a meeting at 2:00 p.m., on Monday, April 22, 2013, with Peter Bingham, Assistant Recreation Director, Greely High School Athletic Director David Shapiro, Maine Principal Association Liaison Jerry Durgin, and Police Chief Joe Charron.

I have reviewed in detail the requirements of the Mass Gathering Ordinance. As in the past, the application fee has been waived for the M.S.A.D. However, all additional town personnel required to staff these events will be reimbursed. There were two separate events that were discussed. I will break each one down individually.

### **THE MAINE PRINCIPALS ASSOCIATION REGIONAL CROSS COUNTRY MEET**

The first event is The Maine Principals Association Regional Cross Country Meet. The event is being held on October 26, 2013. The following represents our mutual understanding:

- This event is sponsored by Maine Principals Association
- There will be approximately 500 to 600 runners. There will also be approximately another 800 spectators.
- The event will start at approximately 09:00 a.m. and end at approximately 4:00 p.m.
- This is a high school boys and girls cross country running event.
- The concession booth will be open and operated by the Lions Club.
- There will be 5 additional porta potties will be available during this event.
- There will be 3 police officers on duty for this event.
- There will be 10-12 adults assisting the police in directing traffic and parking. Greely High School boosters clubs will be directing the traffic. The buses will be required to drop off and pick up students on the Greely Road side of Twin Brook, with the buses actually parking at the Greely Middle school.
- Refuse containers will be available at the site. Public Services Director Chris Bolduc stated that there are a sufficient number at the site now to handle this event. Event staff will monitor trash and empty as needed and at the close of the event. There will be a staff person from Public Services on site at this event.



- Cumberland EMS will be on site, with 2 staff members. There will also be 2 Certified Athletic trainers on site and a medical tent set up at the finish area.
- EMS/Park/Race Director will have direct communications via radio and/or cell phone. Race personnel will have radio communications.
- Each school has designated a coach/race official or supervisor and a state representative will be on site.
- Contact person for this event will be Dave Shapiro, Greely Athletic Director. He can be reached at 829-4809.

Approximate fees for this event as follows:

Police	-	\$1,275.00
Fire	-	\$ 377.00
Recreation	-	\$1,750.00

- Insurance certificate forthcoming.

I believe we have covered all areas related to the Mass Gathering. There has been a concerted effort by the Recreation Department to avoid any parking issues. I appreciate the cooperation of all parties involved. I wish all participants success in their races.

Thank you.

## **MEMORANDUM**

To: William Shane, Town Manager

From: Tamara O'Donnell, Town Clerk

Re: Mass Gathering Permit for Twin Brook Facility  
Maine Principals Association Regional Cross Country Meet

Date: September 23, 2013

I held a meeting at 2:00 p.m., on Monday, April 22, 2013, with Peter Bingham, Assistant Recreation Director, Greely High School Athletic Director David Shapiro, Maine Principal Association Liaison Jerry Durgin, and Police Chief Joe Charron.

I have reviewed in detail the requirements of the Mass Gathering Ordinance. As in the past, the application fee has been waived for the M.S.A.D. However, all additional town personnel required to staff these events will be reimbursed. There were two separate events that were discussed. I will break each one down individually.

### **MAINE PRINCIPALS ASSOCIATION STATE CHAMPIONSHIP MEET**

The second event is The Maine Principals Association State Championship Meet. The event is being held on Saturday, November 2, 2013. The following represents our mutual understanding:

- This event is sponsored by The Maine Principals Association (MPA).
- There will be approximately 400 to 500 runners. There will also be approximately another 800-1000 spectators.
- The event will start at approximately 8:00 a.m. and end at approximately 4:00 p.m.
- This is a high school boys and girls cross country races for state championship class A, B, & C (boys & girls).
- The concession booth will be open and operated by the Lions Club. The Lions Club will also be using the cart that they have.
- There will be 5 additional porta potties will be available during this event.
- There will be 3 police officers on duty for this event.

- Refuse containers will be available at the site. Public Services Director Chris Bolduc stated that there are a sufficient number at the site now to handle this event. Even staff will monitor trash and empty as needed and at the close of the event. There will be a staff person from Public Services on site at this event.
- Cumberland EMS will be on site, with 2 staff members. There will also be 2 Certified Athletic trainers on site and a medical tent set up at the finish area.
- EMS/Park/Race Director will have direct communications via radio and/or cell phone. Race personnel will have radio communications.
- Each school has designated a coach/race official or supervisor and a state representative will be on site.
- Contact person for this event is Jerry Durgin. He can be reached at 1-800-244-0217

Approximate fees for this event as follows:

Police	-	\$1,500.00
Fire	-	\$ 400.00
Recreation	-	\$2,000.00

I believe we have covered all areas related to the Mass Gathering. There has been a concerted effort by the Recreation Department to avoid any parking issues. I appreciate the cooperation of all parties involved. I wish all participants success in their races.

Thank you.

Insurance certificate forthcoming.
------------------------------------



# **NEW ENGLAND X-COUNTRY CHAMPIONSHIPS**

## **SATURDAY, NOVEMBER 2, 2013**

- New England Council has submitted a Mass Gathering Application With Town Clerk Tammy O'Donnell. Certificate of Liability Insurance will be included with the application.
- All expenses incurred by the New England Council. Including but Not limited to Facility Rental, Facility Security Deposit, Municipal Staff costs including Parks & Recreation, Police (both onsite at TB & Greely Campus), Fire-EMS Special Detail, portable rest rooms.
- MSAD 51 Staff in conjunction with Cumberland Police Dept. will coordinate parking on campus. Greely Athletic Director David Shapiro will coordinate parking staff. A minimum of 15 locations.
- All race related event staff (onsite at Twin Brook) will be appointed By Gerry Durgin, Assistant Executive Director of the MPA. (Gerry will be present).
- Meet Directors will be Mike Griffin and Geroge Mendros. (Two Maine gentlemen familiar with the facilities and have directed large regional & state meets at this site before.
- Cumberland Parks Dept. staff will be onsite at the event to assist with race course logistics, waste disposal and miscellaneous event needs. Recreation Superintendent, Peter Bingham will be onsite as the primary liaison between MPA (Gerry Durgin), meet officials and the Town of Cumberland.
- We will hold meetings in October with all parties involved at Town Hall in preparation for the event.

APR 22 2013

## TOWN OF CUMBERLAND

Publication Dates: \_\_\_\_\_  
Publication Names: \_\_\_\_\_  
Date Filed: \_\_\_\_\_  
Fee Received: \_\_\_\_\_  
Date Ordinance Received: \_\_\_\_\_  
Issued: \_\_\_\_\_  
Denied: \_\_\_\_\_

### Mass Gathering Application-Minor Large Outdoor Event (500-4,999 persons)

This application must be filed with the Town Clerk not less than 60 days before the date of the event.  
Application must be accompanied by a non-refundable fee of \$250.00.

Name of Applicant: MAINE PRINCIPALS ASSOCIATION

Address of Applicant: 50 Industrial Dr. AUGUSTA, ME. 04330

Name of Event: Western Maine Regional X-C (10.26.13) State Champ. (11.2.13)

Facility where the event will be held: TWIN BROOK FACILITIES

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

Name of promoter (if different from above): \_\_\_\_\_

Telephone number: (0) 622-0217 (ext. 41) (C) 620-6069

Date of Event: 10.26.13 + 11.2.13 Time (start and finish times): 8:00 a.m. - 5:00 p.m.

Number of tickets available: —

Expected attendance: \_\_\_\_\_

Description of event: Western ME. Regional Cross Country  
State Championship Cross Country

Will any food vendors be serving at the event: \* yes, \_\_\_\_\_ no, (if yes, how many, and  
what types) \_\_\_\_\_

Greely H.S. Athletic Boosters

Will any alcohol vendors be serving at the event? \_\_\_\_\_ yes, \* no (if yes, list name and attach  
A copy of the vendors license to sell alcohol, describe what alcohol will be served) \_\_\_\_\_

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

1. The MPA has hosted these events at
2. Twin Brook for a number of years.
3. \_\_\_\_\_

**Description of facility:**

- A. Seating capacity: \_\_\_\_\_ permanent; \_\_\_\_\_ temporary
- B. Other seating capacity: \_\_\_\_\_ festival; \_\_\_\_\_ standing room only (sq. ft.)
- C. Number of toilets available: need 6 permanent; \_\_\_\_\_ portable
- D. Number of parking spaces available: \_\_\_\_\_ on-site; \_\_\_\_\_ off-site
- E. Are all parking lots lighted (applicable only if event runs into evening hours: \_\_\_\_\_ yes; \_\_\_\_\_ no, if no, which lots are not lighted \_\_\_\_\_)
- F. Source of potable water: \_\_\_\_\_
- G. Refuse containers available, number and size: \_\_\_\_\_
- H. Name of refuse disposal company (attach a copy of the agreement to pick up refuse) \_\_\_\_\_
- I. When will refuse be picked up? \_\_\_\_\_

**Public Safety:**

- J. Describe first aid facilities: Trainers will be assigned.
- K. Describe emergency facilities: Emergency rescue available as well.
- L. Describe communication facilities: Utilize P.A. System / Walkie Talkies
- M. Number of certified police officers: 2
- N. Other security personnel (include company name and qualification): \_\_\_\_\_
- O. Describe fire personnel: \_\_\_\_\_



Other:

P. Name of liability insurance Macomber, Farr + Whitten  
Amount of coverage \$1,000,000; amount of property insurance \$300,000

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

\_\_\_\_\_  
Authorized Signature

On \_\_\_\_\_ (date), I received a copy of the Cumberland Mass Gathering Ordinance.

\_\_\_\_\_  
Authorized Signature

# ITEM 13-158

To hold a Public Hearing consider and act on amending the Traffic Ordinance to consider alternative traffic calming measures for the Val Halla Road, Hedgerow Drive, and Country Charm Road area and prohibition of left turn



Joseph J. Charron  
Chief

*CUMBERLAND POLICE DEPARTMENT*

290 Tuttle Road  
Cumberland, Maine 04021

*"To Protect and Serve"*

Emergency  
829-3120

Business  
829-6391

Fax  
829-4214  
829-2211

October 8, 2013

Mr. William Shane  
Town Manager  
Town of Cumberland

RE: Traffic Signs on Val Halla Rd.

Dear Mr. Shane,

This letter serves as follow-up to our conversation regarding the traffic signs on Val Halla Rd., specifically the NO LEFT TURN at Hedge Row and Country Charm. These signs were posted by the town in response to neighborhood concerns and complaints involving the speed of vehicles using these roads to access the Val Halla Golf Course.

The intent was to reduce the use of these two roads to access the golf course by half thus reducing the number of speeding complaints in an effort to respond to the residents' concerns. The signs in and of themselves do not address any other legitimate traffic or safety concern.

Respectfully,

A handwritten signature in blue ink that reads "Joseph Charron".  
Joseph Charron  
Chief of Police



# Report of the Town Manager on Potential Changes to the Traffic Ordinance

October 14, 2013  
Town Council Meeting  
7:00 PM

The Town Council has been requested to consider **eliminating the prohibition of left turns from Val Halla Road** onto Hedgerow Drive and Country Charm Road. This issue has been placed on the Town Council agenda for public hearing on October 14, 2014.

Council action on this item may affect Chapter 282, Vehicles and Traffic, of the Cumberland Code of Ordinances; specifically Paragraph B of Section 282-6, Turning Movements, which is highlighted below.

## **Chapter 282. VEHICLES AND TRAFFIC**

### **§ 282-6. Turning movements.**

- A. *Authority to place devices altering normal course for turn. The Chief of Police is authorized, subject to the approval of the Town Council, to place or have placed official traffic control devices within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law. On state aid and state highways, the authority of the Police Chief is also subject to approval of the Maine Department of Transportation.*
- B. *Authority to place restricted turn signs. The Chief of Police is to recommend to the Town Council those intersections at which drivers of vehicles shall not make a right, left or U-turn and shall, upon affirmative vote of the Council, with the cooperation of the Public Services Department, place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs, or the signs may be removed when such turns are permitted. On state aid and state highways, the recommendations of the Police Chief and the authority of the Town Council are subject to approval of the Maine Department of Transportation.*

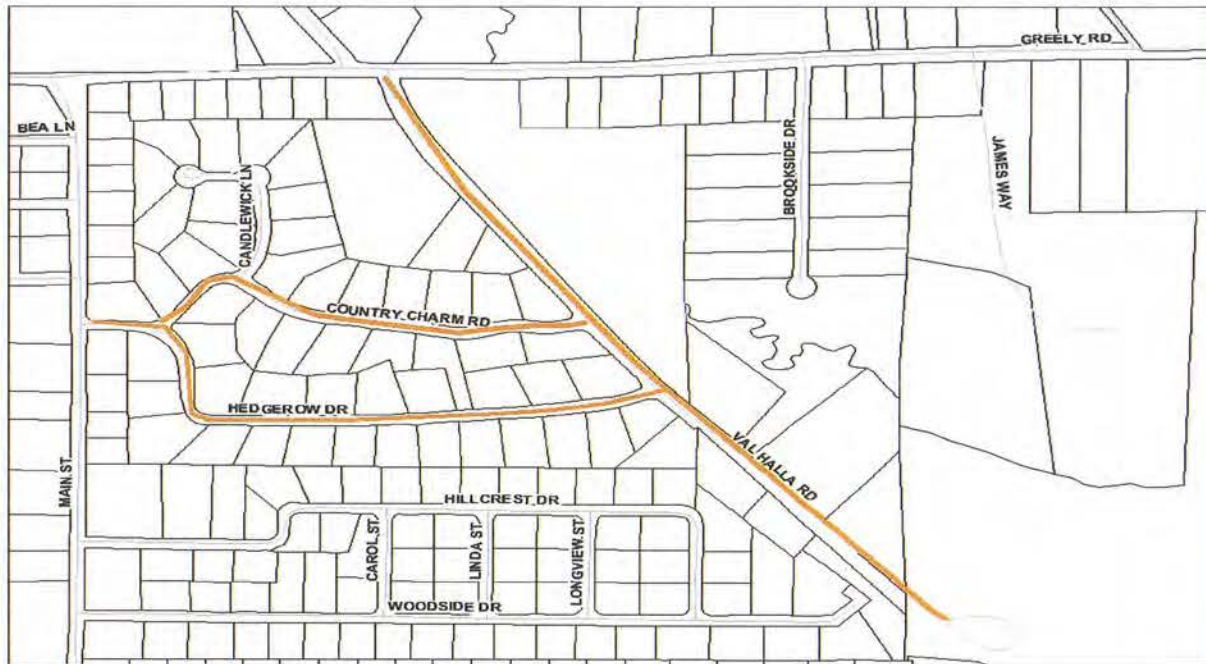
### **History**

Prior to 2000, residents of the Hedgerow Drive neighborhood requested that the Town Council prohibit turning movements from Val Halla Road onto the abutting neighborhood streets. The Council voted to place “no left turn” signs and install a three-way stop at the intersection of Hedgerow and Val Halla Road.

In 2003, the neighborhood approached the Town again to ask for speed relief on Country Charm, Hedgerow and Val Halla Roads, primarily from golfers’ cars heading to Val Halla. Four meetings were held, a survey was conducted regarding the installation of speed tables and 44 of the 60 homes responded to a survey regarding speed tables – 32 (73%) were in favor and 12 (27%) opposed. The majority of those in favor did not want the speed table installed in front of their homes. No further action was taken, with the exception of police traffic details, flyers, emails, and a posting on the Val Halla website asking golfers and Banquet Hall attendees to be considerate of the neighborhood and slow down on the roads to and from the golf course.

A week-long traffic survey was also conducted in 2003 and the results showed that the 85<sup>th</sup> percentile of speed from Greely Road into Valla Halla Road was 36.4 mph and from Val Halla toward Greely Road was 35 mph. The 85<sup>th</sup> percentile of speed is considered to be the range in which the majority of drivers feel comfortable traveling the roadway. The posted limit of speed in this area is 25 mph. Our typical experience has been that the 85<sup>th</sup> percentile exceeds the posted speed limit by no more than 5 to 7 mph. In this case, the 85<sup>th</sup> percentile was over 10 mph in excess of the speed limit. The relatively small sampling of vehicles for the week (1,500) may have skewed the data slightly, but, on average, 75 to 375 cars per day used Val Halla Road from Monday through Sunday. Monday, Tuesday and Thursdays were the lightest travelled days, while Saturday and Sunday the most popular days. The entire speed table data is attached to this report.

### Options to for the future



#### **Option 1: Status Quo.**

The first option to consider is to allow the existing set of conditions to remain in place. The roads in question are not scheduled to be repaved until fiscal year 2016 (July 1, 2015 – June 30, 2016) and are in fair to poor condition, Hedgerow being the widest and in the worst condition.

Road	Length	Width	Pavement Rating 2016
Val Halla Road	2,700'	22'	3.16
Country Charm Road	1,500'	24'	2.53
Hedgerow Drive	2,000'	25'	1.75

I believe the speeding issues will worsen after the roads are repaved two fiscal years from now. This option, while easier to manage, is not likely to improve the speeding issue and may even exacerbate the speeds over the 85<sup>th</sup> percentile. The poor conditions of the roads actually help slow down the traffic. A newly paved surface will result in higher speeds.



## Option 2: Speed Tables.

I believe the neighborhood is supportive of additional police speed enforcement and that speed tables would still receive a very favorable vote by the neighbors. As technology has changed, so have our options. The once year-round tables can now be replaced with seasonal speed tables that could be installed in May and removed in October with proper striping and reflective signage and no additional lighting would be required. The elimination of the tables during the winter months would allow snowplows to maneuver safely through the neighborhoods and eliminate the 10 tons of steel plow gear from slamming down after each bump further impacting the quality of life in the neighborhood.

I believe three speed tables installed in early May and removed in October on Val Halla Road, Country Charm Road and Hedgerow Drive would be more effective in helping with the speeding issue.

I believe the no left turn issue receives about a 50% compliance rate on a good day. And while some traffic is cut down, it is not an effective traffic calming device unless a police officer is stationed at the left turn lanes. Also, it has prompted residents trying to abide by the law, to make U-Turns in the middle of Val Halla Road near Country Charm Road to technically be in compliance with the traffic signs. This has the strong potential of being more problematic than the left turn, especially for walkers and bikers.

The stop sign at Hedgerow and Val Halla Road is in engineering terms a "political stop sign" and has been effective in slowing the traffic down. I would leave this intersection as marked especially if the left turn prohibition signs are removed.



*Approximate locations of Seasonal Speed Tables – Actual locations to be established with the direction and assistance of the Chief of Police*





## Conclusion

The resurging popularity of Val Halla as a golf course and a year round recreational area has not come without some frustration to the neighbors and the travelling public.



**.25 Miles difference between Hedgerow versus Greely Road**

The speed bumps on each of the roads will have an impact on speed, but will also add a bit of annoyance to most drivers that abide by the speed limits. There are no options however, that will make everyone happy. The compromise of Option 2 will most likely be the best solution available at this time. I believe each speed bump with signage, striping and materials will be \$2,500 to \$3,000 per installation. The annual costs to install, maintain and remove the speed bumps will be less than \$500 and is primarily in labor and equipment, but should not add to the operating costs of the highway department.

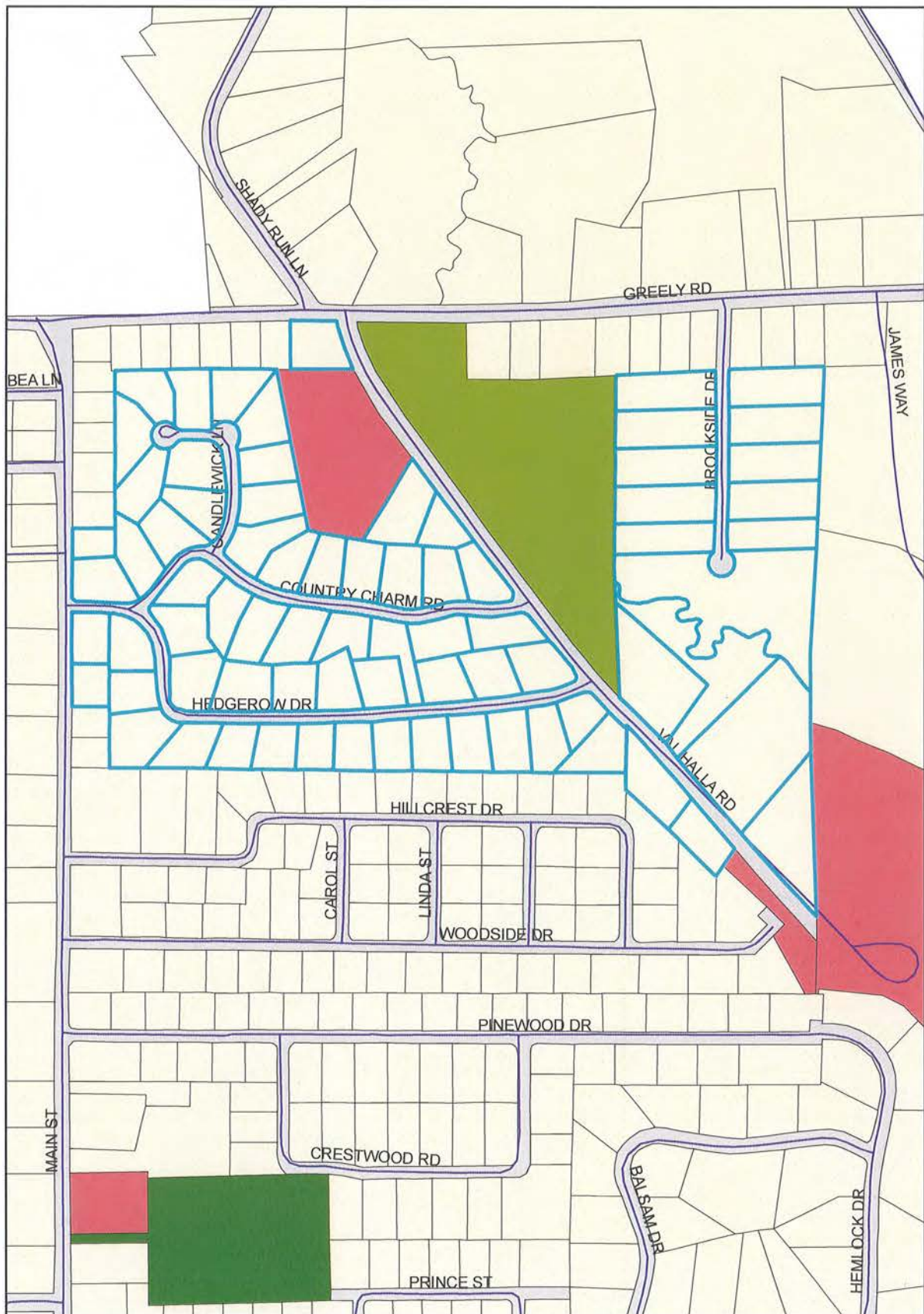
If Option 2. is selected, I would recommend authorizing the Town Manager to expend from Road Improvement Reserves the monies necessary to install all three crossings and that each crossing is installed no later than May 15<sup>th</sup> annually (weather permitting) and removed each year no sooner than October 1<sup>st</sup>.

# May 2003 Speed Survey- Val Halla Road

1861 25 mph		36.4 85th Percentile								
MPH	Tuesday 6-May	Wednesday 7-May	Thursday 8-May	Friday 9-May	Saturday 10-May	Sunday 11-May	Monday 12-May		Total in Range	MPH
10 MPH	4	0	2	3	4	2	0		15	10
15 MPH	4	5	7	3	10	6	7		42	15
20 MPH	17	23	23	27	50	23	23		186	20
25 MPH	33	61	53	70	109	59	48		433	25
30 MPH	43	78	55	90	145	77	56		544	30
									1220	81%
35 MPH	13	34	19	24	67	28	25		210	35
40 MPH	2	6	4	8	17	7	5		49	40
45 MPH	2	1	2	0	4	2	1		12	45
50 MPH	0	0	0	0	1	2	0		3	50
55MPH	0	1	1	0	1	0	0		3	55
60 MPH	0	0	1	0	0	1	0		2	60
65 MPH	0	0		1	0	0	1		2	65
70 MPH	0	0		0	0	0	0		0	70
									281	19%
	118	209	167	226	408	207	166		1501	
85%	100.3	177.65	192.1	346.8	175.95	175.95	141.1			

1860 25 mph Toward Greely		35 85th Percentile								
MPH	Tuesday 6-May	Wednesday 7-May	Thursday 8-May	Friday 9-May	Saturday 10-May	Sunday 11-May	Monday 12-May		Total in Range	MPH
10 MPH	2	1	5	1	4	3	1		17	10
15 MPH	9	8	12	8	23	4	9		73	15
20 MPH	15	25	11	27	67	32	38		215	20
25 MPH	30	45	23	69	128	72	33		400	25
30 MPH	19	41	14	39	95	63	17		288	30
									993	85%
35 MPH	7	16	5	14	42	16	11		111	35
40 MPH	2	5	3	6	10	7	4		37	40
45 MPH	2	0	0	2	3	1	1		9	45
50 MPH	0	1	0	0	3	1	0		5	50
55MPH	0	0	0	0	1	2	0		3	55
60 MPH	0	0	0	0	4	1	0		5	60
65 MPH	0	2	0	0	1	1	1		5	65
70 MPH	0	0		0	0	0	0		0	70
									175	15%
	86	144	73	166	381	203	115		1168	







0U14 0135 0000 BARRY THEODORE L 21 HEDGEROW DRIVE CUMBERLAND CTR ME 04021	0U14 0036 0000 HOLT DANIEL 2 HEDGEROW DR CUMBERLAND ME 04021	0U14 0141 0000 FIELD JOHN G 8 CANDLEWICK LANE CUMBERLAND CTR ME 04021
0U14 0008A0000 MOMM EDWARD W 12 BROOKSIDE DRIVE CUMBERLAND ME 04021	0U14 0133 0000 GARDNER SCOTT R 25 HEDGEROW DRIVE CUMBERLAND CTR ME 04021	0U14 0146 0000 WITHERILL GAIL E 5 CANDLEWICK LANE CUMBERLAND ME 04021
0U14 0128 0000 LAMBERT DANIEL A 28 HEDGEROW DRIVE PO BOX 1 CUMBERLAND ME 04021	0U14 0143 0000 COLLINS GEORGE B 11 CANDLEWICK LN CUMBERLAND CTR ME 04021	0U14 0123 0000 BOLDUC FAY L 5 HEDGEROW DRIVE CUMBERLAND ME 04021
0U14 0007 0000 LEPAGE MICHEL J 8 BROOKSIDE DRIVE CUMBERLAND ME 04021	0U14 0142 0000 THORNTON-CHANDLER DIANE 10 CANDLEWICK LANE CUMBERLAND ME 04021	0U14 0164 0000 JOHNSON ERIC H 1 COUNTRY CHARM ROAD CUMBERLAND ME 04021
0U14 0134 0000 GULEZIAN DEAN H 23 HEDGEROW DRIVE CUMBERLAND ME 04021	0U14 0144 0000 MIDDLEKAUFF CARLE A 9 CANDLEWICK LANE CUMBERLAND ME 04021	0U14 0149 0000 CARLSON CARL W III 8 COUNTRY CHARM ROAD CUMBERLAND ME 04021
0U14 0063C0000 LALUMIERE MARY A 36 VAL HALLA ROAD CUMBERLAND CTR ME 04021	0U14 0008 0000 KELLY THOMAS J 10 BROOKSIDE DRIVE CUMBERLAND ME 04021	0U14 0039 0000 FOLLETT WILLIAM E JR 371 MAIN ST CUMBERLAND ME 04021
0U14 0140 0000 HALL ROBERT V 4 CANDLEWICK LANE CUMBERLAND ME 04021	0U14 0132 0000 DEEVES RICHARD W 27 HEDGEROW DRIVE CUMBERLAND ME 04021	0U14 0113 0000 RYER MARY S 6 HEDGEROW DRIVE CUMBERLAND ME 04021
0U14 0035 0000 MERRIFIELD CHARLES A 379 MAIN STREET CUMBERLAND CTR ME 04021	0U14 0131 0000 MCALLISTER STEWART P 29 HEDGEROW DRIVE CUMBERLAND ME 04021	0U14 0163 0000 GETCHELL LINDSLEY Z 7 COUNTRY CHARM ROAD CUMBERLAND ME 04021
0U14 0137 0000 BARRETT GEORGE K 2 COUNTRY CHARM ROAD CUMBERLAND ME 04021	0U14 0145 0000 GRONDIN MATTHEW G 7 CANDLEWICK LANE CUMBERLAND ME 04021	0U14 0150 0000 JAGOLINZER KAREN ANN - TRU 10 COUNTRY CHARM ROAD CUMBERLAND ME 04021
0U14 0139 0000 OMEARA CHRISTOPHER J 2 CANDLEWICK LANE CUMBERLAND ME 04021	0U14 0022 0000 SPAULDING DOROTHY G 320 GREELY ROAD CUMBERLAND ME 04021	0U14 0122 0000 THERIAULT ROBERT P 7 HEDGEROW DRIVE CUMBERLAND ME 04021

0U14 0154 0000	MAGEE SALLY D 11 VAL HALLA ROAD CUMBERLAND ME 04021	0U14 0121 0000	MOLICA JOHN A 9 HEDGEROW DRIVE CUMBERLAND CTR ME 04021	0U14 0116 0000	YOUNG LYNN M - TRUSTEE 13 THUNDERMIST ROAD BAR HARBOR ME 04609
0U14 0151 0000	PERRY DANIEL JOHN 12 COUNTRY CHARM RD CUMBERLAND ME 04021	0U14 0155 0000	FULDA LINDA S 15 VAL HALLA ROAD CUMBERLAND CTR ME 00000	0U14 0157 0000	SAUNDERS JENNIFER 20 COUNTRY CHARM RD CUMBERLAND ME 04021
0U14 0138 0000	MEGATHLIN CRAIG S 4 COUNTRY CHARM ROAD CUMBERLAND ME 04021	0U14 0161 0000	CLANCY PATRICK M 11 COUNTRY CHARM RD CUMBERLAND ME 04021	0U14 0159 0000	ROCHON JOSEPH C 15 COUNTRY CHARM RD POBOX CUMBERLAND ME 04021
0U14 0147 0000	ARMSTRONG BARBARA C 3 CANDLEWICK LANE CUMBERLAND ME 04021	0U14 0153 0000	WEIR ELIZABETH C 16 COUNTRY CHARM ROAD CUMBERLAND ME 04021	0U14 0119 0000	CIANCHETTE ANN 13 HEDGEROW DRIVE CUMBERLAND ME 04021
0U14 0037 0000	PACKARD GERALD M - TRUSTEE 373 MAIN STREET CUMBERLAND ME 04021	0U14 0115 0000	GUIDI JAMES P 14 HEDGEROW DRIVE CUMBERLAND ME 04021	0U14 0124 0000	LOWELL DAVID S 20 HEDGEROW DRIVE PO BOX CUMBERLAND ME 04021
0U14 0148 0000	ADAMS ELIZA JANE 1 CANDLEWICK LANE CUMBERLAND ME 04021	0U14 0013 0000	CARLSON ROBERT 1 BROOKSIDE DRIVE CUMBERLAND ME 04021	0U14 0004 0000	GRENIER PRISCILLA M 2 BROOKSIDE DRIVE CUMBERLAND CTR ME 04021
0U14 0062A0000	MCNALLY RODERICK C 45 VAL HALLA ROAD CUMBERLAND ME 04021	0U14 0156 0000	WHITTUM JEFFREY P 18 COUNTRY CHARM ROAD CUMBERLAND ME 04021	0U14 0011 0000	KLEDARAS PETER M 5 BROOKSIDE DRIVE CUMBERLAND ME 04021
0U14 0162 0000	MATTSON RONALD D 9 COUNTRY CHARM ROAD CUMBERLAND ME 04021	0U14 0160 0000	RANDALL MURIEL 13 COUNTRY CHARM RD CUMBERLAND ME 04021	0U14 0126A0000	OTTOW JOSHUA J 19 COUNTRY CHARM RD CUMBERLAND ME 04021
0U14 0114 0000	WESCOTT SANDRA H 8 HEDGEROW DRIVE CUMBERLAND ME 00000	0U14 0120 0000	SCHMID ALLAN A 11 HEDGEROW DRIVE CUMBERLAND ME 04021	0U14 0118 0000	HIGGINS JONATHAN N 15 HEDGEROW DRIVE CUMBERLAND ME 04021
0U14 0152 0000	CARUSO LOUIS J JR 14 COUNTRY CHARM RD CUMBERLAND ME 04021	0U14 0012 0000	GRAY JAMES A 3 BROOKSIDE DRIVE CUMBERLAND CTR ME 04021	0U14 0125 0000	HIGGINS JAMES A 22 HEDGEROW DRIVE CUMBERLAND CTR ME 00000

0U14 0005 0000	0U14 0130 0000
MONGEAU DAVID	WESTHOVEN ROBERT C
4 BROOKSIDE DRIVE	31 HEDGEROW DRIVE
CUMBERLAND CTR ME 04021	CUMBERLAND CTR ME 00000

0U14 0010 0000	0U14 0129 0000
DENNEN PETER M	BROOKES JEFFREY H
7 BROOKSIDE DRIVE	31 VAL HALLA ROAD
CUMBERLAND CTR ME 04021	CUMBERLAND ME 04021

0U14 0117 0000	0U14 0062B0000
LIBBY JOSEPH S	DEL BIANCO PETER H JR
17 HEDGEROW DRIVE	35 VAL HALLA ROAD
CUMBERLAND CTR ME 04021	CUMBERLAND ME 04021

0U14 0158 0000	0U14 0063 0000
RICHTER ELIZABETH T	ANDREWS SAMUEL G
21 COUNTRY CHARM ROAD	40 VAL HALLA ROAD
CUMBERLAND ME 04021	CUMBERLAND CTR ME 04021

0U14 0126 0000	0U14 0063B0000
DONAHUE JAMES B	WHIPPLE PHOEBE MILLIKEN
24 HEDGEROW DRIVE	48 VAL HALLA ROAD
CUMBERLAND ME 04021	CUMBERLAND ME 04021

0U14 0136 0000
STILES DEBORAH W
P O BOX 185
CUMBERLAND CTR ME 00000

0U14 0006 0000
HIGGINS JAMES A
6 BROOKSIDE DRIVE
CUMBERLAND ME 04021

0U14 0009 0000
KING KRISTEN L*
9 BROOKSIDE DRIVE
CUMBERLAND ME 04021

0U14 0127 0000
LAMBRIDES GEORGE H
26 HEDGEROW DRIVE
CUMBERLAND ME 04021

0U14 0063A0000
GREEN WILLIAM C
34 VAL HALLA ROAD
CUMBERLAND ME 04021



# ITEM 13-159

To set a Public Hearing date (October 28<sup>th</sup>) to consider and act on  
awarding a 3-year contact for supplemental snow plowing services

# ***Snow Plow Bid Proposal- Final***

## **Bid Opening**

Sealed bids will be accepted until **12:00 Noon, Thursday, October 24, 2013** at the Town Hall located at 290 Tuttle Road, Cumberland, Maine at which time they will be publicly opened and read aloud. Electronic bids or faxed bid proposals will not be accepted. Mailed bids must be received prior to the bid opening. Mailed Bids can be sent to: William R. Shane, Town Manager, Cumberland Town Hall, 290 Tuttle Road, Cumberland, Maine 04021 and clearly mark **SNOW PLOWING BID 2013-2016**.

## **Bid**

The Town is accepting bid proposals for hourly Front End Loader snow plowing on a designated route as attached or assigned by the Public Services Director or his designee.

## **Payment**

The Payment shall be divided into three parts:

- I. **Base bid-** the base bid price shall reflect all costs associated with an hourly plowing rate for the Front End Loader (Loader) specified in the bid. The Town will guarantee \$10,000 per year as a minimum contract payment. The bid is a three-year bid proposal. The base bid shall be an hourly unit cost for the Loader including, labor, fuel, and maintenance.

This Contract is not exclusive. The Town reserves the right to perform plowing along the assigned route. This contract does not include snow removal. All work shall be performed under the direction of the Director of Public Services or his assigned designee. **The base bid shall include 3 hours of meeting time in the Departments annual Snow Plow Meeting. The contractor shall be compensated at the hourly sanding/salting rate for the classroom time.**

- II. **Equipment & Town Equipment-** No Loader shall be older than 2005 Model Year and shall be a minimum 130 HP and meet the minimum specifications of a Komatsu 200 -2.5 CY machine. The Loader shall be equipped with an 11' reversible plow with trip edge and a 10' wing. The Loader shall be equipped with two strobe lights on the cab. The lights shall be capable of emitting MDOT specified candle watts of light in the amber-flashing mode. The Loader shall be capable of plowing in all weather conditions which include rain, wind, ice, snow, sleet, etc. **It is recommended the loader be equipped with Michelin snow plus loader tires.**

The bidder is required to identify any discrepancies with the bid and request approval for any deviations from the specifications. The Loader shall be required to pass a minimum defect test conducted by the Town of Cumberland mechanic. All deficiencies must be corrected and re-inspected prior to release of the first \$5,000 payment. The mechanics shall rate the equipment and give a written report to the Public Services Director for final assessment.



There may be times where a driver is required to assist with Sanding & Salting. All Equipment will be provided by the Town, but the Operator must be familiar with One Ton trucks with Sanding/Salting Equipment or 6 yard dump trucks with Sanding & Salting equipment. The Town will provide training on equipment for the driver prior to start of winter operations. This will be paid at the Sanding/Salting rate of pay for the contract and will be coordinated with the Winter Operations meeting.

- III. Experience Statement-** Each proposal shall be accompanied by an experience statement. The statement shall include the names of the driver's to be assigned to this bid and the related snow plowing experience that individual has accumulated. Parking lots, streets, subdivision, and all experience statements shall specifically state the type of snow plowing previously completed. A list of three references shall be included with this section. The references shall include a contact person's name, telephone number and address. No formal written reference is required beyond the information outlined in the previous sentence.

**Insurance is required** in the amount not less than \$1,000,000 auto and liability *and all policies* shall list the Town of Cumberland as additional insured. *Workers Compensations insurance certificates are required.* A certificate from an accredited CDL Drug & Alcohol Testing Agency shall be submitted prior to **October 30, 2013**. The certificate shall indicate that your company participates in a random drug & alcohol testing pool as required by the Federal CDL Law.

**All bid prices shall be held for 60 days.** The Town has the right to reject any and all bid proposals. The Town shall notify all bidders of the bid results 1 week prior to issuing a Notice of Award. Any bidders who wish to challenge the bid results will have seven calendar days to present legal arguments and documentation to support their individual claim.

Once the bid has been awarded, the Contractor shall furnish the Town with all insurance and CDL Testing documents. The selected bidder shall have **10 days to schedule the inspection of the Loader and gear.** After defects are repaired and re-inspected by the Town, contracts shall be signed and the contractor shall be paid an initial \$5,000. Once the \$5,000 guarantee money has been worked off by hourly plowing, an additional \$5,000 will be awarded to the contractor. Once the \$10,000 is depleted, the contractor will be paid on an hourly basis for hours worked. **Hours shall be calculated** from the time the contractor arrives and signs in at the **Time Card Sign in Area of the Town Garage** and receives a signature from the Highway foreman or mechanic at the Town Garage, until the Driver is dismissed to leave by the Highway Foreman or his designee.

### **Response Time**

The Contractor is responsible to respond to the Town Garage locate on Drowne Road **within 30 minutes of being called.** Working cell phone numbers are required as part of this bid submission and are incidental to the hourly charges.

### **Break Downs and Repairs**

Any breakdown in the Snow Plow unit shall require the driver to **sign out** and make repairs in the Town garage. Repairs made at the garage shall be charged at \$40 per hour plus materials and parts. The fees shall be deducted from the plowing time. The Town has a mechanic in the garage at all times during snowstorms. The repairs made at the garage are intended as a **"quick fix"**.



A typical “quick fix” may include assistance with a flat repair, hydraulic hose repairs, cutting edge repair, and minor mechanical issues. The contractor shall be responsible for more lasting and permanent repairs after the storm event. The permanent repairs shall be made at the Contractor’s own facility and not the Town garage.

If you plan to leave your Loader at the garage, a **monthly plug-in rate** will be applied. The rate is \$30 per month. A spare set of keys shall be left with the Town Mechanics in the event the vehicle needs to be moved.

### **Repairs to Lawns, Property and mailboxes**

Lawn damage is part of snow plowing and is minimized with familiarity to routes and marking in advance of difficult areas. Repair areas will be measured and calculated at \$2.50 per square yard for repair. Excessive damage to property and particularly lawns may result in termination for “poor performance” under this contract. The Contractor may, at his cost, choose to repair damaged areas. The areas shall be repaired using approved loam, seed, fertilizer and mulch. The Town will repair up to **50 square yards at no cost** to the Contractor. The per square charge fee shall be assessed for each square yard **over the 50 square yard** threshold and shall be deducted from the next season’s initial \$5,000 retainer. In the last year of the contract, monies shall be withheld from the final plow payment to cover any costs of repairs.

Three mailboxes shall be repaired or replaced by the Town per storm. After the Contractor has damaged more than 3 mailboxes in a storm, a \$50 assessment per mailbox repaired or replaced shall be charged.

### **Time Card**

Upon arrival at the Town garage, the Driver’s shall sign in and write the time of arrival and the duty performed either A). Loader Plowing, or B). Sanding and Salting. Starting and Stopping times for each event shall be clearly marked on the time card.

### **Termination of Contract**

The Town reserves the right to terminate this contract without notice on the grounds of poor or non-performance. If the Town terminates the contract for poor or non-performance all fees paid to the contractor in advance shall be reimbursed to the Town minus the plow hours earned. No additional guarantees shall be paid if the contract is terminated for poor performance.

If the Town chooses to terminate the contract, it shall pay the remainder of the contract guarantees each year. For example, if the Town chooses not to contract Plow in year two of the contract, the Town shall pay the contractor \$10,000 by November 15<sup>th</sup> of the second year and \$10,000 by November 15<sup>th</sup> of the third year of the contract.

The Contractor may terminate the contract without penalty by August 15<sup>th</sup> in each year of the contract. The Town will then re-bid the proposal or negotiate a price with another contractor.

The Town is seeking Bid proposals for Plow Services. The routes designated may change or be modified. The bid is based upon hours driven. The Town reserves the right to modify the route at any time and without notice. The Town reserves the right to accept or reject, waive informalities or technical specifications. **This Contract shall expire in June 1, 2016.**

# Snow Plowing Contract - Bid Form

12:00 Noon, Thursday, October 24, 2013

Contractor Name: \_\_\_\_\_

Primary Contact Person: \_\_\_\_\_

Title: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Bid Price for Plowing: \_\_\_\_\_ Per hour  
written amount

\$ \_\_\_\_\_ Per hour  
numerical

Bid Price for Sanding & Salting: \_\_\_\_\_ Per hour  
written amount

\$ \_\_\_\_\_ Per hour  
numerical

Percentage increase (if any) for year Two: \_\_\_\_\_ %

Percentage increase for Year Three over Year Two: \_\_\_\_\_ %

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Title

Date : \_\_\_\_\_

# References

**Operator Name(s) and CDL License Numbers**

---

---

**Reference 1**

**Contact Name:** \_\_\_\_\_

**Telephone or Cell:** \_\_\_\_\_

**Area Plowed and Year** \_\_\_\_\_

---

---

**Reference 2**

**Contact Name:** \_\_\_\_\_

**Telephone or Cell:** \_\_\_\_\_

**Area Plowed and Year** \_\_\_\_\_

---

---

**Reference 3**

**Contact Name:** \_\_\_\_\_

**Telephone or Cell:** \_\_\_\_\_

**Area Plowed and Year** \_\_\_\_\_

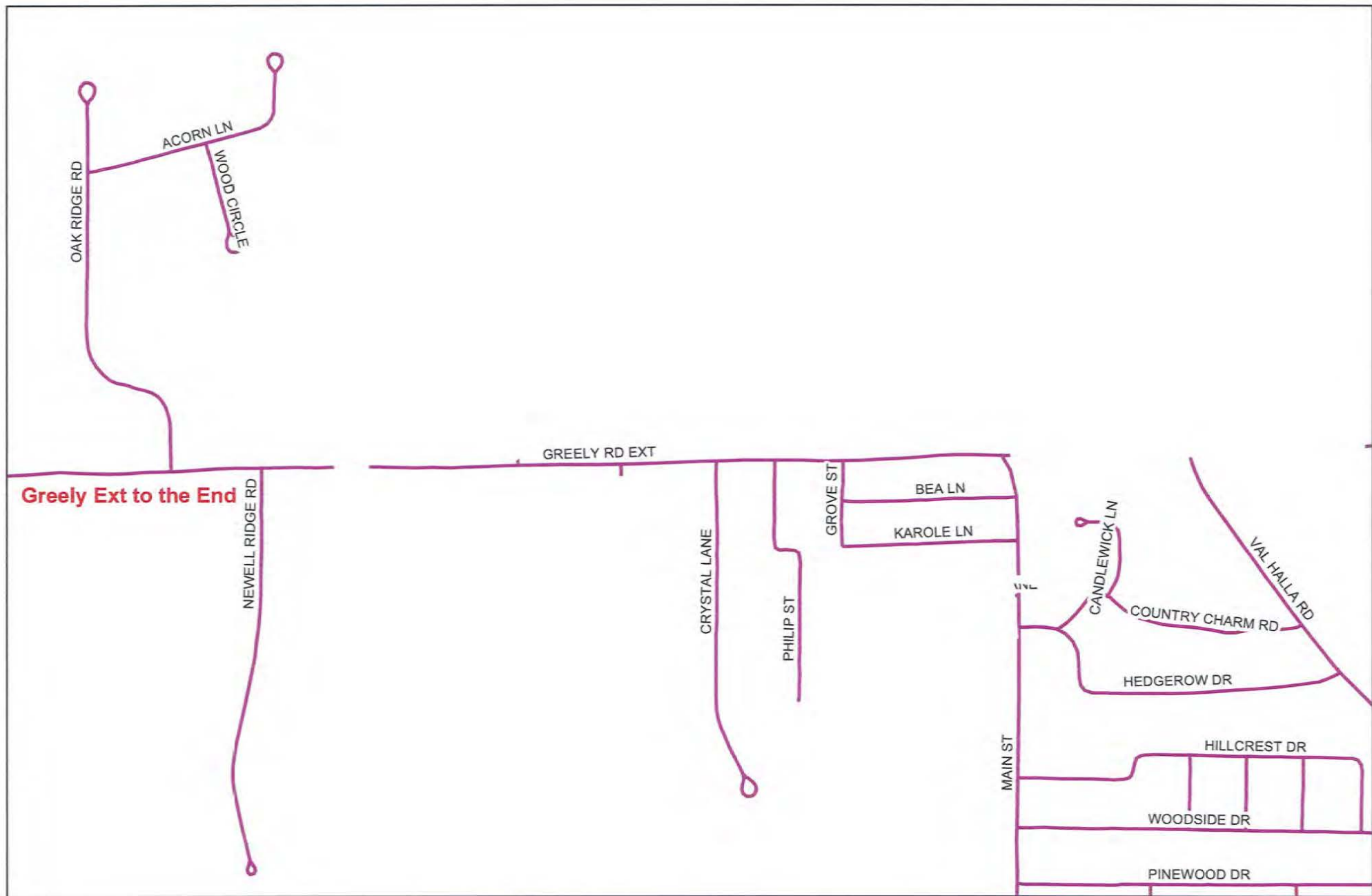
---

---





**Potential Contracted Snow Plow Route Winter 2013-14**  
**Aproximately 15 centerline miles Pg 1 of 2**



Potential Contracted Snow Plow Route Winter 2013-14  
Aproximately 15 centerline miles Pg 2 of 2

# ITEM

## 13-160

To hold a Public Hearing to consider and act on draft zoning amendments to Chapter §315-4 of the Cumberland Code (Word Usage and Definitions - Business and Professional Office) to add the phrase:  
*This shall not include registered dispensaries of medical marijuana or any other facility in operation to provide treatment for a dependency-related drug as defined by applicable state statutes*



### Notice of Decision

**Date:** October 10, 2013

**To:** William Shane, Town Manager  
Town of Cumberland  
290 Tuttle Road  
Cumberland, ME 04021

**Public Hearing:** To recommend to the Town Council draft zoning amendments to Chapter 315-4 of the Cumberland code – Definitions – Business and Professional Office -

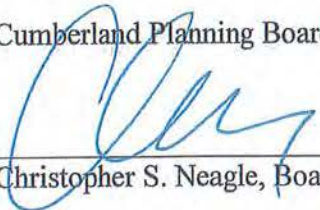
This is to advise you that on September 17, 2013 the Planning Board voted to recommend to the Town Council draft zoning amendments to Chapter 315-4 of the Cumberland Code – Definitions – Business and Professional Office to add the following language: This shall not include registered dispensaries of medical marijuana or any other facility in operation to provide treatment for a dependency-related drug as defined by applicable state statutes.

**Findings of Fact:** None  
**Waivers granted:** None  
**Waivers Denied:** None

#### **Standard Conditions of Approval**

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

Cumberland Planning Board

  
\_\_\_\_\_  
Christopher S. Neagle, Board Chair

**Chapter 315: Zoning**

**Section 4. Word usage and definitions.**

**BUSINESS AND PROFESSIONAL OFFICE**

*The place of business of individuals or groups providing professional services, including but not limited to doctors, lawyers, accountants, financial advisors, architects, surveyors, real estate and insurance businesses, psychologists, and counselors, or a place in which a business conducts its administrative, financial or clerical operations or provides services, including banks, credit unions and other financial services, excluding freestanding automated teller machines (ATMs). This shall not include registered dispensaries of medical marijuana or any other facility in operation to provide treatment for a dependency-related drug as defined by applicable state statutes.*

# NEW BUSINESS



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

# EXECUTIVE SESSION I

## Brenda Moore

---

**From:** William Shane  
**Sent:** Thursday, October 10, 2013 3:43 PM  
**To:** Brenda Moore  
**Subject:** Ex.Session Docs  
**Attachments:** Village Green app (2).pdf

William R. Shane, P.E.  
Town Manager  
290 Tuttle Road  
Cumberland, Maine 04021

Tel: 207-829-2205  
Fax: 207-829-2224  
Cell: 207-232-5258

---

**From:** William Shane  
**Sent:** Friday, October 04, 2013 12:22 PM  
**To:** Teri Maloney-Kelly (tmaloneykelly@maine.rr.com)  
**Cc:** Alyssa Tibbetts  
**Subject:** FW: Drowne Road - Application!

Hi Teri,

Alyssa did a great job on brining this issue full circle.  
Please call or email her if you have any questions - 829-2205.

Bill

William R. Shane, P.E.  
Town Manager  
290 Tuttle Road  
Cumberland, Maine 04021

Tel: 207-829-2205  
Fax: 207-829-2224  
Cell: 207-232-5258

---

**From:** Aaron Bateman [<mailto:abateman@phoenixmanagementcompany.com>]  
**Sent:** Friday, October 04, 2013 11:53 AM  
**To:** Alyssa Tibbetts  
**Cc:** William Shane; [kcole@jbgh.com](mailto:kcole@jbgh.com); Nathan Bateman  
**Subject:** FW: Drowne Road

Hi Alyssa,

Please find attached an application package. Please forward this package to each of the individuals mentioned below. We look forward to receiving their application.

Any questions please feel free to call me.

Thanks  
Aaron



**From:** Alyssa Tibbetts [mailto:atibbetts@cumberlandmaine.com]  
**Sent:** Thursday, October 03, 2013 3:55 PM  
**To:** David Bateman; Nathan Bateman  
**Cc:** William Shane; Kenneth M. Cole, III (KCole@JBGH.com)  
**Subject:** Drowne Road

Hi, David and Nathan.

Bill and I wanted to follow up on yesterday's meeting with our understanding of the next steps. David, we appreciate you joining us in Augusta and your willingness to consider ways in which you can fulfill your commitment to the Town of meeting multiple housing needs at the Drowne Road facility. I'm confident that we all share the goal of providing housing to a population that includes both elderly and disabled individuals that would benefit greatly from living in this type of facility.

As Jane confirmed yesterday, the provisions of the Fair Housing Act and the Housing for Older Persons Act that relate to elderly housing specify that a minimum of 80% of the units must be occupied by at least one person that is 55 years or older. The remaining 20% of the units may be occupied by persons under 55. Additionally, in MSHA's Extended Low Income Housing Commitment Agreement it states that the Developer shall give persons who are homeless, displaced or have special housing needs preference in at least 20% of the units and shall maintain a waiting list accordingly.

We understand that you want to ensure that you can always meet the minimum 80% requirement with regard to the age restriction in order to maintain your funding eligibility and are concerned that by allowing tenants under age 55 in the remaining 20% of the units you may not be able to meet that requirement should something happen to the qualifying tenant in another age-restricted unit. While the agreement referenced above does commit 20% of the units to those that are homeless, displaced or have special housing needs, it does not reference an age requirement. Therefore, we request that of those eight units (20%), you reserve four in which preference will be given to people with special housing needs under the age of 55. This should provide an adequate buffer to ensure that you meet the 80% minimum in order to maintain your funding and will not be in conflict with the scoring you received through the Qualified Allocation Plan.

As you know, two people under age 55 have already expressed interest in renting units - Jennifer Morton and Christopher Hutchins. Could you please forward us an application so that we can discuss this new information with these two and direct them to submit the application to Phoenix for review? They have both contacted town staff after being told they were not eligible to apply by staff at Pheonix, so we would like to follow up with them directly.

Thank you again for your quick response and attention to this issue. We're very proud of the project and relieved to see that it is still on track as we all anticipated.

Best,  
Alyssa

*Alyssa C. Tibbetts, Esq.*  
Assistant Town Manager  
Town of Cumberland  
290 Tuttle Road  
Cumberland, ME 04021  
(207) 829-2205 ext. 302

# Village Green@Drowne School - Housing Application

## Cumberland, Maine

### INSTRUCTIONS

PLEASE READ CAREFULLY. INCOMPLETED APPLICATION **WILL NOT BE ACCEPTED.**

1. **COMPLETE ALL AREAS.** If an item does not apply to you, answer "NO" on that question or mark with a "0" if it is a dollar amount line or section.
  - a) All sources of earned income must be reported for all household members 18 years and older.
  - b) All unearned income and assets must be reported for all household members, including minors.
2. **SIGNATURES are required** by all adult applicants (18 and older).
3. **COPIES OF SOCIAL SECURITY CARDS** are required for all applicants on the application. Copies of Drivers Licenses for all adult members of the household are needed for identification purposes and eligibility purposes.
4. **RETURN YOUR APPLICATION TO:**

**Phoenix Management  
P O Box 759  
Saco ME 04072**

---

**Your application is being returned because:**

- ☐ **You did not complete all areas or you did not sign the application.**

Please return your application along with the information that was missing if you want to be considered for housing.

# Village Green - Housing Application

Please complete the following application and return it to **Phoenix Management Corporation, ATTN: Darlene Prejean, P. O. Box 759 Saco ME 04072.** **All items** must be completed in order to determine your eligibility. **Incomplete applications will be returned.** If an item does not apply to you, please mark "N/A" on that line. Please include a copy of a picture ID or drivers license for each adult member of the household. Every applicant will be required to go through a formal interview before eligibility is determined.

## A. General Information -

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Daytime Telephone Number: \_\_\_\_\_ E-Mail Address: \_\_\_\_\_

Unit Size: **Studio 1BR 2BR** Please Circle One: **1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup> floor**

## B. Household Composition – List all persons, including yourself, who will be living in the apartment.

Name (List Head of Household first)	Relationship	Full-time Student?	Birth Date	Social Security Number
1.	<b>HEAD</b>			- -
2.				- -
3.				- -
4.				- -
5.				- -
6.				- -

☐ YES ☐ NO 1. Do you, or any member of your household request handicap accessible unit? (special unit design)

☐ YES ☐ NO 2. Do you expect any additions to the household within the next twelve months?

Name and Relationship: \_\_\_\_\_

Explanation: \_\_\_\_\_

☐ YES ☐ NO 3. Is there anyone living with you now who won't be living with you at this property?

Name and Relationship: \_\_\_\_\_

Explanation: \_\_\_\_\_

☐ YES ☐ NO 4. Do you have full custody of your child(ren)? (If no, what amount of time does child(ren) will be living with you in unit.)

Explanation: \_\_\_\_\_



☐ YES ☐ NO 5. Are there any absent household members who under normal conditions would live with you? (For example, a spouse in the military.)  
 Explanation: \_\_\_\_\_

☐ YES ☐ NO 6. Does your household have or anticipate having any pets other than those used as service animals?  
 Pet Type: \_\_\_\_\_ Weight: \_\_\_\_\_

☐ YES ☐ NO 7. Have you or anyone else named on this application filed for bankruptcy?  
 Explanation: \_\_\_\_\_

☐ YES ☐ NO 8. Have you or anyone else named on this application been convicted of a misdemeanor or felony?  
 Explanation: \_\_\_\_\_

☐ YES ☐ NO 9. Have you or anyone else named on this application been convicted for dealing or manufacturing illegal drugs?  
 Explanation: \_\_\_\_\_

☐ YES ☐ NO 10. Have you or anyone else named on this application been convicted of property damage?  
 Explanation: \_\_\_\_\_

☐ YES ☐ NO 11. Have you or anyone else named on this application been served a Notice to Quit or been evicted from a rental unit of any type including an apartment, home, mobile home or trailer?  
 Explanation: \_\_\_\_\_

**C. Income – All sources of regularly received monies must be listed regardless of recipient's age.**  
 Also, include income anticipated in the next 12 months. Put zero "0" or "N/A" next to any source that does not apply.

Family Member Name	Source	Source Name/Address/Claim # if Applicable	Gross Monthly Income
	Employer		\$
	Employer		\$
	Pension		\$
	Pension		\$
	Social Security		\$
	Social Security		\$
	Alimony and/or Child Support		\$
	Unemployment		\$
	State - TANF		\$
	Other:		\$

**D. Assets – Bank Accounts; Stocks & Bonds**

Family Member Name	Bank Name	Asset Type	Amount
			\$
			\$
			\$
			\$
			\$

☐ YES ☐ NO Do you own Real Estate? If yes, type of property & address: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

☐ YES ☐ NO Have you sold/disposed of any property/assets in the past 2 years? If yes, type of asset & date of disposed of: \_\_\_\_\_

☐ YES ☐ NO Do you have any other assets not listed (excluding household goods)? If yes, please list: \_\_\_\_\_

\_\_\_\_\_

**E. References – Current Landlord**

Name \_\_\_\_\_ Address \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_ ( ) Phone Number \_\_\_\_\_

Rental Began: \_\_\_\_\_ Current Rent: \$ \_\_\_\_\_ per \_\_\_\_\_

**F. Previous Landlords**

Name of Landlord	Address	Phone Number	Apartment Address	Period Rented
1.				From: To:
2.				From: To:
3.				From: To:

☐ YES ☐ NO Do you have a Rental Assistance Voucher? From what agency? \_\_\_\_\_

**G. Professional References (example: teachers, principals, past/present employers, clergy, etc.)**  
Please do not list relatives or friends.

Name of Professional Reference	Address	Phone Number
1.		
2.		
3.		

## H. Other Information

List any vehicles that you own:

Yr./Make: _____	License Plate _____
Yr./Make: _____	License Plate _____

**I. Signatures - All Household Member 18 year of age or older must sign the application.**

Signed: (✓)		
Head of Household		Date
(✓)		
Spouse/Co-Tenant		Date
(✓)		
Other Adult/Co-Tenant		Date





## **Authorization**

I/we do hereby authorize Phoenix Management and its staff to contact any employers, agencies, offices, credit bureaus, landlords, or professional references for the purpose of verifying the information I/we have provided on the application. The information provided will be used solely for the determination of my/our eligibility and admission to the housing I/we are applying for and the information that is supplied will be kept confidential.

## **Signatures**

(✓)

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

(✓)

\_\_\_\_\_  
Co-Applicant Signature

\_\_\_\_\_  
Date

(✓)

\_\_\_\_\_  
Co-Applicant Signature

\_\_\_\_\_  
Date

**RESIDENTIAL APPLICATION**  
(Please Print Clearly)

**NAME:**

First: \_\_\_\_\_

Middle: \_\_\_\_\_

Last: \_\_\_\_\_

Suffix: \_\_\_\_\_

**SOCIAL SECURITY #:**

\_\_\_\_\_

**DATE OF BIRTH:**

\_\_\_\_\_

**PRESENT ADDRESS:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**DRIVER'S LICENSE #:**

\_\_\_\_\_

**STATE:**

\_\_\_\_\_

**MOST RECENT PRIOR ADDRESS:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**OWNER/MANAGER AND UNIT  
WHERE I AM APPLYING:**

NAME: \_\_\_\_\_

\_\_\_\_\_

UNIT: \_\_\_\_\_

**CERTIFICATION AND CONSENT:**

I authorize Tenant-Net, Inc. to pull my personal credit report, to contact any companies, individuals, government entities, and/or consumer or credit reporting bureaus for the purposes of verifying information herein, reporting on any past criminal, credit and rental history, and providing any and all such information including this application to the herein above referenced Owner/Manager.

I also authorize and consent to the permanent recording and retention by Tenant-Net, Inc. of this application. However, this application and the information herein may only be re-published and released upon my subsequent written or electronic authorization and only to a third party I specifically designate. I release and hold Tenant-Net harmless from any and all liability for said acts provided these conditions are met.

I herein swear and affirm the information contained in this application is true and complete. I understand that material misstatements or misrepresentations herein may serve as a basis to deny my application, and could be deemed a possible breach of any lease I might subsequently enter.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

\*\*PLEASE PRINT\*\*



\*\*PLEASE PRINT\*\*

**ORDER FORM**  
NATIONWIDE CRIMINAL SEARCH  
FAX TO: CRIMINAL DEPT. 1-800-324-4595  
FOR QUESTIONS: 1-800-324-3681

Property Name: \_\_\_\_\_  
Customer Number: \_\_\_\_\_  
Lawson's Number: \_\_\_\_\_  
Phone: \_\_\_\_\_

Date: \_\_\_\_\_  
Requested by: \_\_\_\_\_  
Fax: \_\_\_\_\_

I, the undersigned, acknowledge and represent the information requested on the applicant below will not be used for employment purposes.

Agent Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Applicant Name: First: \_\_\_\_\_

Middle: \_\_\_\_\_ Last: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Address: \_\_\_\_\_

SSN: \_\_\_\_\_

I, the undersigned, warrant and represent the information contained herein to be true and correct. In addition, I authorize AmRent to conduct a criminal background search and release any and all information obtained to the above property, and I hereby waive all rights of action for any consequences resulting from such information.

Applicant Signature: \_\_\_\_\_

Date: \_\_\_\_\_

STATEWIDE CRIMINAL SEARCH	COUNTY LEVEL SEARCH
Please check the appropriate State you wish to search.	Please list the County and State you wish to search.
<div><div><input type="checkbox"/> Alabama</div><div><input checked="" type="checkbox"/> Alaska</div><div><input type="checkbox"/> Arizona*</div><div><input type="checkbox"/> Arkansas*</div><div><input type="checkbox"/> California</div><div><input type="checkbox"/> Colorado*</div><div><input type="checkbox"/> Connecticut*</div><div><input type="checkbox"/> DC</div><div><input type="checkbox"/> Delaware 1 to 3 days</div><div><input checked="" type="checkbox"/> Florida</div><div><input checked="" type="checkbox"/> Georgia</div><div><input type="checkbox"/> Hawaii</div><div><input type="checkbox"/> Idaho*</div><div><input checked="" type="checkbox"/> Illinois</div><div><input checked="" type="checkbox"/> Indiana Elkhart Cty 1 to 3 days</div><div><input type="checkbox"/> Iowa</div><div><input type="checkbox"/> Kansas</div><div><input type="checkbox"/> Kentucky*</div><div><input type="checkbox"/> Louisiana</div><div><input checked="" type="checkbox"/> Maine county level 48hrs-2weeks</div><div><input type="checkbox"/> Maryland</div><div><input type="checkbox"/> Massachusetts</div><div><input checked="" type="checkbox"/> Michigan</div><div><input checked="" type="checkbox"/> Minnesota</div><div><input type="checkbox"/> Mississippi*</div><div><input checked="" type="checkbox"/> Missouri</div></div> <div><div><input type="checkbox"/> Montana</div><div><input type="checkbox"/> Nebraska</div><div><input type="checkbox"/> Nevada</div><div><input type="checkbox"/> New Hampshire 1 to 5 days</div><div><input type="checkbox"/> New Jersey*</div><div><input type="checkbox"/> New Mexico</div><div><input type="checkbox"/> New York*</div><div><input type="checkbox"/> N Carolina*</div><div><input type="checkbox"/> N Dakota</div><div><input checked="" type="checkbox"/> Ohio</div><div><input type="checkbox"/> Oklahoma</div><div><input type="checkbox"/> Oregon*</div><div><input checked="" type="checkbox"/> Pennsylvania* 1 to 3 days</div><div><input type="checkbox"/> Rhode Island</div><div><input type="checkbox"/> S Carolina</div><div><input type="checkbox"/> S Dakota**</div><div><input type="checkbox"/> Tennessee*</div><div><input checked="" type="checkbox"/> Texas</div><div><input checked="" type="checkbox"/> Utah</div><div><input type="checkbox"/> Vermont</div><div><input type="checkbox"/> Virginia</div><div><input type="checkbox"/> Washington</div><div><input type="checkbox"/> W Virginia</div><div><input type="checkbox"/> Wisconsin</div><div><input type="checkbox"/> Wyoming</div></div>	

\*\*A \$5.00 surcharge will be assessed on all S. Dakota searches.  
Pricing is subject to change based on availability and data sources.



### Declaration Format

INSTRUCTIONS: Complete this Declaration for each member of the household listed on the Family Summary Sheet

LAST NAME \_\_\_\_\_

FIRST NAME \_\_\_\_\_

RELATIONSHIP TO HEAD OF HOUSEHOLD \_\_\_\_\_ SEX \_\_\_\_\_ DATE OF BIRTH \_\_\_\_\_

SOCIAL SECURITY NO. \_\_\_\_\_ ALIEN REGISTRATION NO. \_\_\_\_\_

ADMISSION NUMBER \_\_\_\_\_ if applicable (this is an 11-digit number found on DHS Form I-94, *Departure Record*)

NATIONALITY \_\_\_\_\_ (Enter the foreign nation or country to which you owe legal allegiance. This is normally but not always the country of birth.)

SAVE VERIFICATION NO. \_\_\_\_\_  
(to be entered by owner if and when received)

INSTRUCTIONS: Complete the Declaration below by printing or by typing the person's first name, middle initial, and last name in the space provided. Then review the blocks shown below and complete either block number 1, 2, or 3:

#### DECLARATION:

I, \_\_\_\_\_ hereby declare, under penalty of perjury, that I am \_\_\_\_\_  
(print or type first name, middle initial, last name):

\_\_\_\_\_ 1. A citizen or national of the United States.

Sign and date below and return to the name and address specified in the attached notification letter. If this block is checked on behalf of a child, the adult who will reside in the assisted unit and who is responsible for the child should sign and date below.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Check here if adult signed for a child: \_\_\_\_\_

- \_\_\_\_\_ 2. A noncitizen with eligible immigration status as evidenced by one of the documents listed below:

**NOTE:** If you checked this block and you are 62 years of age or older, you need only submit a proof of age document together with this format, and sign below:

If you checked this block and you are less than 62 years of age, you should submit the following documents:

- a. Verification Consent Format (\* Exhibit 3-6 \*).

AND

- b. One of the following documents:

- (1) Form I-551, *Alien Registration Receipt Card* (for permanent resident aliens).
- (2) Form I-94, *Arrival-Departure Record*, with one of the following annotations:
  - (a) "Admitted as Refugee Pursuant to section 207";
  - (b) "Section 208" or "Asylum";
  - (c) "Section 243(h)" or "Deportation stayed by Attorney General"; or
  - (d) "Paroled Pursuant to Sec. 212(d)(5) of the INA."
- (3) If Form I-94, *Arrival-Departure Record*, is not annotated, it must be accompanied by one of the following documents:
  - (a) A final court decision granting asylum (but only if no appeal is taken);
  - (b) A letter from an DHS asylum officer granting asylum (if application was filed on or after October 1, 1990) or from an DHS district director granting asylum (if application was filed before October 1, 1990);
  - (c) A court decision granting withholding or deportation; or
  - (d) A letter from an DHS asylum officer granting withholding of deportation (if application was filed on or after October 1, 1990).
- (4) Form I-688, *Temporary Resident Card*, which must be annotated "Section 245A" or "Section 210."
- (5) Form I-688B, *Employment Authorization Card*, which must be annotated "Provision of Law 274a.12(11)" or "Provision of Law 274a.12."
- (6) A receipt issued by the DHS indicating that an application for issuance of a replacement document in one of the above-listed categories has been made and that the applicant's entitlement to the document has been verified.
- (7) Form I-151 Alien Registration Receipt Card.

If this block is checked, sign and date below and submit the documentation required above with this declaration and a verification consent format to the name and address specified in the attached notification. If this block is checked on behalf of a child, the adult who will reside in the assisted unit and who is responsible for the child should sign and date below.

If for any reason, the documents shown in subparagraph 2.b. above are not currently available, complete the Request for Extension block below.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Check here if adult signed for a child: \_\_\_\_\_

**REQUEST FOR EXTENSION**

I hereby certify that I am a noncitizen with eligible immigration status, as noted in block 2 above, but the evidence needed to support my claim is temporarily unavailable. Therefore, I am requesting additional time to obtain the necessary evidence. I further certify that diligent and prompt efforts will be undertaken to obtain this evidence.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Check if adult signed for a child: \_\_\_\_\_

\_\_\_\_\_  
3. I am not contending eligible immigration status and I understand that I am not eligible for financial assistance.

If you checked this block, no further information is required, and the person named above is not eligible for assistance. Sign and date below and forward this format to the name and address specified in the attached notification. If this block is checked on behalf of a child, the adult who is responsible for the child should sign and date below.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Check here if adult signed for a child: \_\_\_\_\_



## Verification Consent Form

**INSTRUCTIONS:** Complete this format for each noncitizen family member who declared eligible immigration status on the Declaration Format. If this format is being completed on behalf of a child, it must be signed by the adult responsible for the child.

### CONSENT

I, \_\_\_\_\_ hereby consent to the following:

(print or type first name, middle initial, last name)

1. The use of the attached evidence to verify my eligible immigration status to enable me to receive financial assistance for housing; and
2. The release of such evidence of eligible immigration status by the project owner without responsibility for the further use or transmission of the evidence by the entity receiving it to the following:
  - a. HUD, as required by HUD; and
  - b. The DHS for purposes of verification of the immigration status of the individual.

### NOTIFICATION TO FAMILY:

Evidence of eligible immigration status shall be released only to the DHS for purposes of establishing eligibility for financial assistance and not for any other purpose. HUD is not responsible for the further use or transmission of the evidence or other information by the DHS.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Check here if adult signed for a child: \_\_\_\_\_

**Race and Ethnic Data  
Reporting Form**U.S. Department of Housing  
and Urban Development  
Office of Housing

OMB Approval No. 2502-0204

Name of Property	Project No.	Address of Property
Name of Owner/Managing Agent	Type of Assistance or Program Title:	
Name of Head of Household	Name of Household Member	

Date (mm/dd/yyyy): \_\_\_\_\_

Ethnic Categories*	Select One
Hispanic or Latino	
Not-Hispanic or Latino	
Racial Categories*	One or More
American Indian or Alaska Native	
Asian	
Black or African American	
Native Hawaiian or Other Pacific Islander	
White	

**\*Definitions of these categories may be found on the reverse side.****There is no penalty for persons who do not complete the form.**\_\_\_\_\_  
**Signature**\_\_\_\_\_  
**Date**

**Public reporting burden** for this collection is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This information is required to obtain benefits and voluntary. HUD may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

This information is authorized by the U.S. Housing Act of 1937 as amended, the Housing and Urban Rural Recovery Act of 1983 and Housing and Community Development Technical Amendments of 1984. This information is needed to be in compliance with OMB-mandated changes to Ethnicity and Race categories for recording the 50059 Data Requirements to HUD. Owners/agents must offer the opportunity to the head and co-head of each household to "self certify" during the application interview or lease signing. In-place tenants must complete the form as part of their next interim or annual re-certification. This process will allow the owner/agent to collect the needed information on all members of the household. Completed documents should be stapled together for each household and placed in the household's file. Parents or guardians are to complete the self-certification for children under the age of 18. Once system development funds are provided and the appropriate system upgrades have been implemented, owners/agents will be required to report the race and ethnicity data electronically to the TRACS (Tenant Rental Assistance Certification System). This information is considered non-sensitive and does not require any special protection.

**Instructions for the Race and Ethnic Data Reporting (Form HUD-27061-H)**

## A. General Instructions:

This form is to be completed by individuals wishing to be served (applicants) and those that are currently served (tenants) in housing assisted by the Department of Housing and Urban Development.

Owner and agents are required to offer the applicant/tenant the option to complete the form. The form is to be completed at initial application or at lease signing. In-place tenants must also be offered the opportunity to complete the form as part of the next interim or annual recertification. Once the form is completed it need not be completed again unless the head of household or household composition changes. There is no penalty for persons who do not complete the form. However, the owner or agent may place a note in the tenant file stating the applicant/tenant refused to complete the form. **Parents or guardians are to complete the form for children under the age of 18.**

The Office of Housing has been given permission to use this form for gathering race and ethnic data in assisted housing programs. Completed documents for the entire household should be stapled together and placed in the household's file.

1. The two ethnic categories you should choose from are defined below. You should check one of the two categories.

1. **Hispanic or Latino.** A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. The term "Spanish origin" can be used in addition to "Hispanic" or "Latino."
2. **Not Hispanic or Latino.** A person not of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.

2. The five racial categories to choose from are defined below: You may mark one or more.

1. **American Indian or Alaska Native.** A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.
2. **Asian.** A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
3. **Black or African American.** A person having origins in any of the black racial groups of Africa. Terms such as "Haitian" or "Negro" can be used in addition to "Black" or "African American."
4. **Native Hawaiian or Other Pacific Islander.** A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
5. **White.** A person having origins in any of the original peoples of Europe, the Middle East or North Africa.



## Employment Verification

Employer: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Re: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SS: \_\_\_\_\_

This person has applied or receives housing assistance under a tax credit program. This agency requires the housing owner to verify all information that is used in determining this person's eligibility or level of benefits. Your prompt return of this information is necessary to assure timely processing of the application or continuation of assistance. Thank you.

Phoenix Management

<b>Employed Since</b> _____/_____/_____	<b>Occupation</b> _____	
<b>1. Salary Information - Complete only one</b>		
<b>Weekly</b> \$ _____ /per wk	<b>Bi-Weekly</b> \$ _____ /bi-wkly	<b>Annual</b> \$ _____ /annually
<b>Hourly</b> \$ _____ /per hr	<b>Number of average hours worked weekly</b> _____	<b>hours</b>
<b>Expected # of weeks worked yearly (do not complete if annual salary was given)</b>		<b>weeks</b>
<b>2. Overtime Pay (complete only if overtime is regular)</b>		
<b>Per Hour Amount</b> \$ _____ /per hr		
<b>Expected average # of hours to be worked per week over the next twelve months</b>		<b>hours</b>
<b>3. Other Compensation not including above (Specify for commissions, regular bonuses, tips, etc.)</b>		
<b>Compensation Type</b> _____	<b>Amount</b> \$ _____	<b>Per</b> _____
<b>4. Total Base Pay Earnings past 12 months</b>	\$ _____	
<b>Total Overtime Earnings past 12 months</b>	\$ _____	
<b>If future 12 months earnings will be less than last years gross annual income please state reason: (ie. hours have been cut)</b> _____		

\_\_\_\_\_  
Signature & Title of Person Supplying Info

\_\_\_\_\_  
Phone #

\_\_\_\_\_  
Date

**RELEASE:** I hereby authorize the release of the requested information. Information obtained under this consent is limited to information that is no older than 12 months.

(✓)

\_\_\_\_\_  
Applicant/Resident

\_\_\_\_\_  
Date

**Penalties for misusing this consent:** Title 18, Section 1001 of the U.S. Code states that a person is guilty of a felony for knowingly and willingly making false or fraudulent statements to any department of the United States Government. HUD, the PHA and any owner (or any employee of HUD, the PHA or the owner) may be subject to penalties for unauthorized disclosures or improper uses of information collected based on the consent form. Use of the information collected based on this verification form is restricted to the purposes cited above. Any person who knowingly or willingly requests, obtains or discloses any information under false pretenses concerning an applicant or participant may be subject to a misdemeanor and fined not more than \$5,000. Any applicant or participant affected by negligent disclosure of information may bring civil action for damages, and seek other relief, as may be appropriate, against the officer or employee of HUD, the PHA or the owner responsible for the unauthorized disclosure or improper use. Penalty provisions for misusing the social security number are contained in the Social Security Act at 42 U.S.C. 208(f)(g) and (h). Violations of these provisions are cited as violations of 42 U.S.C. 408 (f)(g) and (h).

# PHOENIX MANAGEMENT

## RESIDENTIAL & COMMERCIAL

### Landlord Reference

Landlord Name & Address:

Applicant Name & Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This person has applied for housing in one of our communities. We ask your cooperation in providing the following information and returning it to us. Your prompt return of this information will help to assure timely processing of the application for assistance. Enclosed is a self-addressed, stamped envelope for this purpose. The applicant has consented to this release of information as shown below.

#### TO BE COMPLETED BY LANDLORD ONLY:

Address of Apartment Rented: \_\_\_\_\_ Rental Period: From \_\_\_\_\_ to \_\_\_\_\_

Amount of current/previous rent \$ \_\_\_\_\_ Amount in arrears at this time \$ \_\_\_\_\_

If this rental is current, do you receive a subsidy through the Rural Housing 515 program or HUD Section 8 program? ☐ Yes ☐ No

Had/have you begun/completed eviction proceedings for non-payment? ☐ Yes ☐ No

Rent payment history for the past year/prior years: ☐ Excellent ☐ Good ☐ Fair ☐ Poor

Housekeeping: Does (did) the tenant keep the unit clean, safe & sanitary? ☐ Yes ☐ No

Are (were) there any damages beyond normal wear and tear? ☐ Yes ☐ No

Does (did) tenant permit persons other than those on the lease to live in the unit on a regular basis? ☐ Yes ☐ No

Has (had) tenant/family members/guests damaged/vandalized the common areas? ☐ Yes ☐ No

Does (did) tenant/family members/guests interfere with the rights/quiet enjoyment of other tenants? ☐ Yes ☐ No

Has (had) tenant/family members/guests acted in a physically violent and/or verbally abusive manner towards neighbors, landlord, or landlord staff? ☐ Yes ☐ No

Type of tenant: ☐ Excellent ☐ Good ☐ Fair ☐ Poor Would you rent to applicant again? ☐ Yes ☐ No

Comments on any of the above: \_\_\_\_\_

Signature & Title of Person Supplying Info

Phone #

Date

**RELEASE:** I hereby authorize the release of the requested information. Information obtained under this consent is limited to information that is no older than 12 months. There are circumstances which would require the owner to verify information that is up to 5 years old, which would be authorized by me on a separate consent attached to a copy of this consent. You do not have to sign this form if it is not clear who the requesting organization is or what organization is supplying the information.

(✓)

**Please Return By:**

**Penalties for misusing this consent:** Title 18, Section 1001 of the U.S. Code states that a person is guilty of a felony for knowingly and willingly making false or fraudulent statements to any department of the United States Government. HUD, the PHA and any owner (or any employee of HUD, the PHA or the owner) may be subject to penalties for unauthorized disclosures or improper uses of information collected based on the consent form. Use of the information collected based on this verification form is restricted to the purposes cited above. Any person who knowingly or willingly requests, obtains or discloses any information under false pretenses concerning an applicant or participant may be subject to a misdemeanor and fined not more than \$5,000. Any applicant or participant affected by negligent disclosure of information may bring civil action for damages, and seek other relief, as may be appropriate, against the officer or employee of HUD, the PHA or the owner responsible for the unauthorized disclosure or improper use. Penalty provisions for misusing the social security number are contained in the Social Security Act at 42 U.S.C. 208(f)(g) and (h). Violations of these provisions are cited as violations of 42 U.S.C. 408 (f)(g) and (h).



40 Water Street, PO Box 759, Saco, ME 04072  
Phone (207) 571-3061 • 1 (866) 701-3904 • Fax (207) 571-3066  
info@phoenixmanagementcompany.com





# PHOENIX MANAGEMENT

## RESIDENTIAL & COMMERCIAL

### Landlord Reference

Landlord Name & Address:

Applicant Name & Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This person has applied for housing in one of our communities. We ask your cooperation in providing the following information and returning it to us. Your prompt return of this information will help to assure timely processing of the application for assistance. Enclosed is a self-addressed, stamped envelope for this purpose. The applicant has consented to this release of information as shown below.

### TO BE COMPLETED BY LANDLORD ONLY:

Address of Apartment Rented: \_\_\_\_\_ Rental Period: From \_\_\_\_\_ to \_\_\_\_\_

Amount of current/previous rent \$ \_\_\_\_\_ Amount in arrears at this time \$ \_\_\_\_\_

If this rental is current, do you receive a subsidy through the Rural Housing 515 program or HUD Section 8 program? ☐ Yes ☐ No

Had/have you begun/completed eviction proceedings for non-payment? ☐ Yes ☐ No

Rent payment history for the past year/prior years: ☐ Excellent ☐ Good ☐ Fair ☐ Poor

Housekeeping: Does (did) the tenant keep the unit clean, safe & sanitary? ☐ Yes ☐ No

Are (were) there any damages beyond normal wear and tear? ☐ Yes ☐ No

Does (did) tenant permit persons other than those on the lease to live in the unit on a regular basis? ☐ Yes ☐ No

Has (had) tenant/family members/guests damaged/vandalized the common areas? ☐ Yes ☐ No

Does (did) tenant/family members/guests interfere with the rights/quiet enjoyment of other tenants? ☐ Yes ☐ No

Has (had) tenant/family members/guests acted in a physically violent and/or verbally abusive manner towards neighbors, landlord, or landlord staff? ☐ Yes ☐ No

Type of tenant: ☐ Excellent ☐ Good ☐ Fair ☐ Poor Would you rent to applicant again? ☐ Yes ☐ No

Comments on any of the above: \_\_\_\_\_

Signature & Title of Person Supplying Info

Phone #

Date

**RELEASE:** I hereby authorize the release of the requested information. Information obtained under this consent is limited to information that is no older than 12 months. There are circumstances which would require the owner to verify information that is up to 5 years old, which would be authorized by me on a separate consent attached to a copy of this consent. You do not have to sign this form if it is not clear who the requesting organization is or what organization is supplying the information.

(✓)

**Please Return By:**

**Penalties for misusing this consent:** Title 18, Section 1001 of the U.S. Code states that a person is guilty of a felony for knowingly and willingly making false or fraudulent statements to any department of the United States Government. HUD, the PHA and any owner (or any employee of HUD, the PHA or the owner) may be subject to penalties for unauthorized disclosures or improper uses of information collected based on the consent form. Use of the information collected based on this verification form is restricted to the purposes cited above. Any person who knowingly or willingly requests, obtains or discloses any information under false pretenses concerning an applicant or participant may be subject to a misdemeanor and fined not more than \$5,000. Any applicant or participant affected by negligent disclosure of information may bring civil action for damages, and seek other relief, as may be appropriate, against the officer or employee of HUD, the PHA or the owner responsible for the unauthorized disclosure or improper use. Penalty provisions for misusing the social security number are contained in the Social Security Act at 42 U.S.C. 208(f)(g) and (h). Violations of these provisions are cited as violations of 42 U.S.C. 408 (f)(g) and (h).



40 Water Street, PO Box 759, Saco, ME 04072  
Phone (207) 571-3061 • 1 (866) 701-3904 • Fax (207) 571-3066  
info@phoenixmanagementcompany.com





# PHOENIX MANAGEMENT

## RESIDENTIAL & COMMERCIAL

### Professional Reference

Property: \_\_\_\_\_

Reference Name & Address:

Applicant Name & Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This person has applied for an apartment in one of our communities. We are asking for your cooperation in providing the following information and to return the form to us. Your prompt return of this information will help to assure timely processing of the application for housing. Enclosed is a self-addressed, stamped envelope for this purpose. The applicant has consented to this release of information as shown below.

#### TO BE COMPLETED BY REFERENCE ONLY:

1. How long have you known the applicant? \_\_\_\_\_

2. Would you consider the applicant a responsible person?

☐ Yes ☐ No

Please explain: \_\_\_\_\_

3. Would the applicant be a benefit to our community?

☐ Yes ☐ No

Please explain: \_\_\_\_\_

4. Does the applicant get along with his/her neighbors?

☐ Yes ☐ No

Please explain: \_\_\_\_\_

5. How would you describe the applicant? \_\_\_\_\_

6. How do you know the applicant? \_\_\_\_\_

7. Is the applicant a relative?

☐ Yes ☐ No

8. If you had property to rent, would you rent to this applicant?

☐ Yes ☐ No

Additional Comments on any of the above: \_\_\_\_\_

Signature & Title of Person Supplying Info

Phone #

Date

**RELEASE:** I hereby authorize the release of the requested information.

(✓)

Please Return By: \_\_\_\_\_

Applicant Signature

**Penalties for misusing this consent:** Title 18, Section 1001 of the U.S. Code states that a person is guilty of a felony for knowingly and willingly making false or fraudulent statements to any department of the United States Government.



40 Water Street, PO Box 759, Saco, ME 04072  
Phone (207) 571-3061 • 1 (866) 701-3904 • Fax (207) 571-3066  
info@phoenixmanagementcompany.com



# PHOENIX MANAGEMENT

## RESIDENTIAL & COMMERCIAL

### Professional Reference

Property: \_\_\_\_\_

Reference Name & Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Applicant Name & Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This person has applied for an apartment in one of our communities. We are asking for your cooperation in providing the following information and to return the form to us. Your prompt return of this information will help to assure timely processing of the application for housing. Enclosed is a self-addressed, stamped envelope for this purpose. The applicant has consented to this release of information as shown below.

#### TO BE COMPLETED BY REFERENCE ONLY:

1. How long have you known the applicant? \_\_\_\_\_

2. Would you consider the applicant a responsible person? ☐ Yes ☐ No

Please explain: \_\_\_\_\_

3. Would the applicant be a benefit to our community? ☐ Yes ☐ No

Please explain: \_\_\_\_\_

4. Does the applicant get along with his/her neighbors? ☐ Yes ☐ No

Please explain: \_\_\_\_\_

5. How would you describe the applicant? \_\_\_\_\_

6. How do you know the applicant? \_\_\_\_\_

7. Is the applicant a relative? ☐ Yes ☐ No

8. If you had property to rent, would you rent to this applicant? ☐ Yes ☐ No

Additional Comments on any of the above: \_\_\_\_\_

Signature & Title of Person Supplying Info

Phone #

Date

**RELEASE:** I hereby authorize the release of the requested information.

(✓)

Please Return By: \_\_\_\_\_

Applicant Signature

**Penalties for misusing this consent:** Title 18, Section 1001 of the U.S. Code states that a person is guilty of a felony for knowingly and willingly making false or fraudulent statements to any department of the United States Government.



40 Water Street, PO Box 759, Saco, ME 04072  
Phone (207) 571-3061 • 1 (866) 701-3904 • Fax (207) 571-3066  
info@phoenixmanagementcompany.com



**So, you've applied for a Housing  
Credit Apartment**

---

## **Application**



We'd like to help you better  
understand the process we must  
take to determine your eligibility

## **Phoenix Management**

40 Water Street

P.O. Box 759

Saco, ME 04072

Phone: 207-571-3061

Fax: 207-571-3066

[dprejean@phoenixmanagmentcompany.com](mailto:dprejean@phoenixmanagmentcompany.com)

## **Phoenix Management**

---

**Village Green Apartments  
Cumberland, Maine**



---

**Understanding  
the Housing  
Credit Program**





## The Housing Credit Program

The Housing Credit Program is an affordable housing program for individuals and families on fixed or low incomes. The program was created by Congress in 1986 as part of the Tax Reform Act and is administered by the Internal Revenue Service.

## Benefits to You

The benefit to residents living in such housing is a newly constructed or substantially rehabbed apartment home with rents lower than the market rate. The rents are 30% of the area median income as established by HUD, often resulting in rents substantially lower than other comparable apartments. Each year the rents will be reviewed to ensure they remain at 30% of the area median income.

## Difference from Other Housing Programs

This program is not a subsidized housing program. Each resident is responsible for the full amount of rent each month. The rental amount is NOT based on your individual household income, rather the pre-set income limits for the property. The rents will vary for the various limits/levels.

## Determining Your Eligibility

To find out if you are eligible for the Housing Credit Program, management must determine if you:

- Are Income Eligible
- Meet the Other Program Requirements
- Meet their Resident Selection Criteria

If it is determined that you meet all Program Requirements and management's Resident Selection Criteria, you will be qualified for a Housing Credit apartment.



## Income Eligibility

To be income eligible, your total household income, including income from your assets, must be less than or equal to the pre-set income limit for the area. For management to make this determination, they will need to conduct the following:

- An interview with you and the other adult members of your household to determine all income and asset sources.
- Verify all income and assets through the appropriate source. It will be your responsibility to assist management with this step and to provide all the necessary information to expedite this process. (Give names and address of all sources, etc.)

- Calculate your total household income using the information provided by your income and asset sources.

If your total household income is less than or equal to pre-set area income limit, your household is **INCOME ELIGIBLE**.

## Other Requirements, Program Requirements, and Resident Selection Criteria

The other program requirements are often specific to the apartment community and even the apartment you are applying to move into. Some communities or individual apartments may be designated for certain population groups such as elderly or individuals with disabilities. This program also has restriction on full-time students. Discuss these other requirements and restrictions with management.



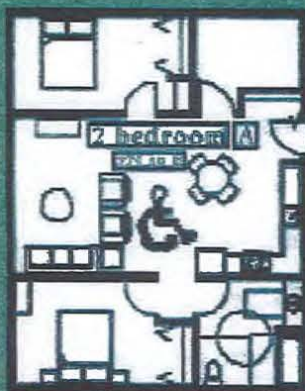
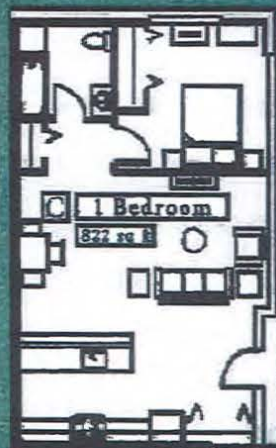
Cumberland County	Members in Household			
% AMI	1	2	3	4
50%	24,350	27,800	31,300	34,750
60%	29,220	33,360	37,560	41,700

AMI=Area Median Income



## Floor Plans

1 Bedroom



2 Bedroom

## Other Phoenix Properties

### Riverview Falls



On the banks of the Saco River, Riverview Falls offers pedestrian access to Saco, Biddeford, and the Amtrak Downeaster with service to Portland and Boston.



### Elderly & Disabled Housing

Buildings in ME and NH are handicap accessible. Rental assisted units available. Utilities included at most properties. Most pets are welcomed (some restrictions).



### Family Subsidized Housing

We offer 2, 3, & 4 bedroom units, some townhouse units available. Heat and hot water included. Rents are 30% of adjusted income. Small pets allowed, no dogs.

### Cummings Mill

Luxury living in South Berwick, ME. 1 and 2 bedroom apartments and 2 bedroom townhouse units with many amenities in a secure building.



Phone: 207-571-3061  
Fax: 207-571-3066



## Village Green Apts. A Phoenix Management Property



*Where History  
And Community  
Come Together*

Drowne School  
12 Drowne Road  
Cumberland, ME 04123

Contact:  
Darlene Prejean  
Cathie Jordan  
(207) 571-3061

E-mail:  
DPrejean@phoenixmanagementcompany.com



## Welcome to the Village Green Apts

Village Green apartments offers the perfect balance between an easy commute to local job centers/shopping in Portland/Freeport and the tranquility and safety of life in a small town.

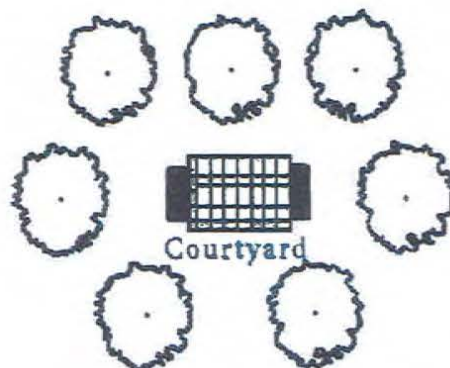
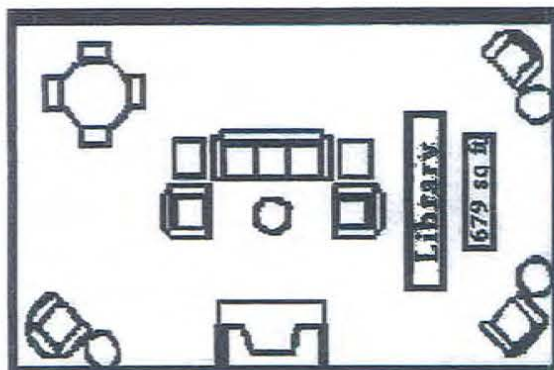
Located in the original Drowne school resurrected as affordable apartments; each of the units at the Village Green will be bright and comfortable.

Village Green apartments is located in the heart of Cumberland, at the intersection of routes 95 and 295. Minutes from the highway, shopping, and just a short walk to Downtown Cumberland.

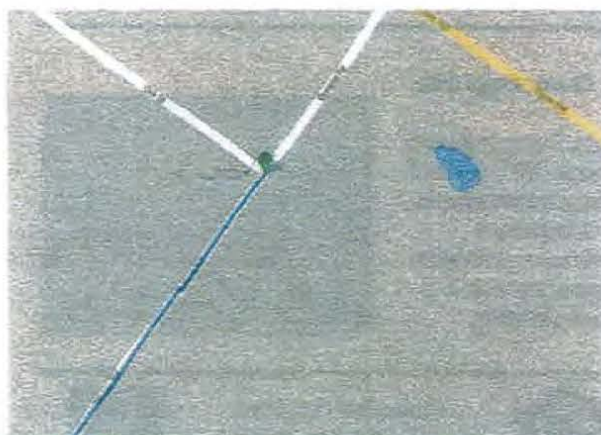
Unit Size	Projected Rents
Efficiency	\$595
1 Bedroom	\$640-\$775
2 Bedroom	\$760-\$925

Senior Housing ages 55 and older

\*Income Guidelines Apply



Each kitchen has a refrigerator, stove, range hood & a dishwasher.



## Features & Amenities

- Brand New Efficiency, 1 and 2 Bedroom Units
- Also Available: 2 Bedroom with Patio
- Smoke free and secure building
- Handicapped accessible units available
- Dishwasher
- Heat and hot water included
- Free internet
- Coin-Op Laundry
- Ample Parking
- Elevator
- Landscaped Courtyard
- Community Space
- Library with fireplace
- Window Shades
- Small pets permitted
- Resident Service Coordinator



## EXECUTIVE SESSION II



Attorneys at Law

TEN FREE STREET  
P.O. BOX 4510

PORTLAND, MAINE 04112-4510

(207) 775-7271 (Phone)

(207) 775-7935 (Fax)

[www.jbgh.com](http://www.jbgh.com)

MERTON G. HENRY  
FRANK H. FRYE  
BRIAN C. BROWNE  
OF COUNSEL

RAYMOND E. JENSEN  
(1908-2002)

KENNETH BAIRD  
(1914-1987)

M. DONALD GARDNER  
(1918-2003)

YORK COUNTY  
OFFICE  
11 MAIN STREET, SUITE #  
KENNEBUNK, MAINE 04043  
(207) 985-4676 (Phone)  
(207) 985-4932 (Fax)

KENNETH M. COLE III  
NICHOLAS S. NADZO  
DAVID J. JONES  
MICHAEL A. NELSON  
RICHARD H. SPENCER, JR.  
LAWRENCE R. CLOUGH  
RONALD A. EPSTEIN  
WILLIAM H. DALE  
JOSEPH H. GROFF III  
F. BRUCE SLEEPER  
DEBORAH M. MANN  
LESLIE E. LOWRY III  
PATRICIA M. DUNN

MICHAEL J. QUINLAN  
R. LEE IVY  
ROGER P. ASCH  
NATALIE L. BURNS  
SALLY J. DAGGETT  
BRENDAN P. RIELLY  
NICHOLAS J. MORRILL  
MARCIA G. CORRADINI  
KATHLEEN T. KONKOLY  
MARK A. BOWER  
JENNIFER W. PETERS  
J. CASEY MCCORMACK  
TUDOR N. GOLDSMITH

October 10, 2013

**CONFIDENTIAL**  
**ATTORNEY-CLIENT PRIVILEGED**

VIA E-MAIL & U.S. FIRST-CLASS MAIL

William R. Shane, Town Manager  
Town of Cumberland  
290 Tuttle Road  
Cumberland, ME 04021

Re: Turkey Lane, Cumberland

Dear Bill:

This letter is intended to summarize our various discussions in regard to the Town of Cumberland's responsibilities relating to Turkey Lane. Specifically as we have discussed and as your municipal record shows, Turkey Lane was actually accepted on May 2, 1808 as a 3-rod way running off the Range Road in Cumberland to Tuttle Road. As late as 1948, the bridge that is currently out was rebuilt for vehicular traffic. However, in 1959, the County Commissioners approved an order closing that portion of the road between December 1 and April 30 and since then the bridge has been only repaired for snowmobile use and the road itself not open all the way through from Range Road to Tuttle Road. The question you pose relates to what action should the Town take to avoid potential substantial responsibility for rebuilding and improving Turkey Lane.

Based on our discussions, I understand that the Town has not improved Turkey Lane or otherwise maintained it other than for snowmobile purposes for more than 30 years. Pursuant to Maine law, non-maintenance by a municipality of Town way for a period in excess of 30 years, can lead to the way being deemed abandoned. See 23 M.R.S.A. § 3028. Once abandoned, the Town no longer has continued maintenance

~ Over 60 Years of Service ~

Jensen Baird  
Gardner Henry

October 10, 2013  
Page 2

responsibilities and need not keep it, therefore, "safe and convenient for the traveling public" as required for all Town ways.

This conclusion, however, can lead to disputes with both the property owners and public, as we saw with Harris Road more than a decade ago. Further, depending on when abandonment accrued, the Town may not retain the same type of rights in the abandoned way that discontinuance allows. (Prior versions of the abandonment statute did not allow for retained easements – current law allows the municipal officers by order to create an easement for recreational use.)

Discontinuance is an action by the Town Council, in it the abutters to the way are given notice that the Town intends to terminate the public way in it and a formal hearing is held. See 23 M.R.S.A. § 3026. Technically, those abutters can be owed damages by the municipality in proceeding with the discontinuance. However, so long as either end of Turkey Lane is left open so that their property does not become landlocked, you should be able to discuss the discontinuance with the abutters so that they could accede to the discontinuance. In both the case of the discontinuance and abandonment, the title to the roadway technically vests to the abutters to the centerline. The difference again is that in the discontinuance, the Town automatically retains an easement for recreational and utility purposes.

I look forward to discussing this matter in greater detail with you and the Council at their workshop on Tuesday, October 22, 2013.

With best regards,

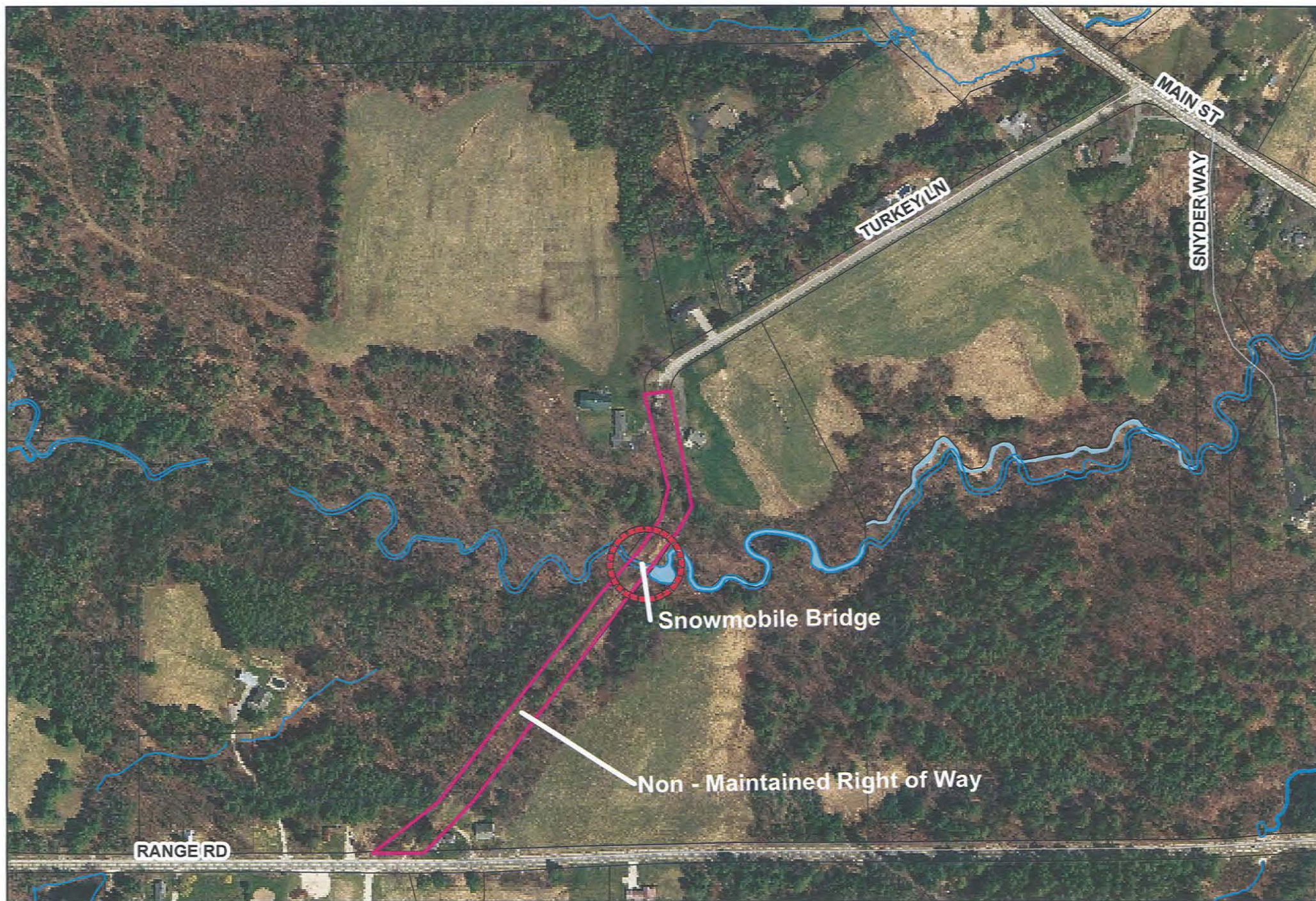
Very truly yours,



Kenneth M. Cole III

KMC/Its





**Turkey Lane- See Ken's Letter**





## EXECUTIVE SESSION III







Property Location: 3 LONGWOODS ROAD

MAP ID: R03/ 20/A / /

Bldg Name:

State Use: 1010

Vision ID: 1069

Account #

Bldg #: 1 of 1

Sec #: 1 of 1 Card 1 of 1

Print Date: 10/10/2013 15:51

CURRENT OWNER					TOPO.	UTILITIES	STRT./ROAD	LOCATION	CURRENT ASSESSMENT											
									Description	Code	Appraised Value	Assessed Value								
MORIARTY TERENCE P									RESIDNTL	1010	58,400	58,400								
BRADY PATRICIA ANNE									RES LAND	1010	115,700	115,700								
3 LONGWOODS ROAD									RESIDNTL	1010	3,600	3,600								
CUMBERLAND, ME 04021																				
Additional Owners:																				
					SUPPLEMENTAL DATA															
					Other ID: 0R03 0020A0000															
					EXEMPT RESEXM TREES Y															
					hearing															
					GIS ID: 0R03 0020A0000				ASSOC PID#											
									Total 177,700 177,700											
RECORD OF OWNERSHIP					BK-VOL/PAGE	SALE DATE	q/u	y/i	SALE PRICE	V.C.	PREVIOUS ASSESSMENTS (HISTORY)									
MORIARTY TERENCE P					27337/ 231	10/21/2009	U	I	0	1A	Yr.	Code	Assessed Value	Yr.	Code	Assessed Value				
MORIARTY TERENCE P					22970/ 252	08/02/2005	Q	I	125,000	00	2014	1010	58,400	2013	1010	58,400				
PRICE JACQUELINE LAIRD					7820/ 010		U		0		2014	1010	115,700	2012	1010	115,700				
									0		2014	1010	3,600	2013	1010	3,600				
											Total:	177,700	Total:	177,700	Total:	177,700				
EXEMPTIONS					OTHER ASSESSMENTS					This signature acknowledges a visit by a Data Collector or Assessor										
Year	Type	Description	Amount	Code	Description	Number	Amount	Comm. Int.												
Total:																				
ASSESSING NEIGHBORHOOD																				
NBHD/ SUB		NBHD Name		Street Index Name		Tracing		Batch												
0001/A																				
NOTES																				
IA NATURAL																				
LOCATED NEXT TO SALVAGE YARD																				
ECO=LOC																				
FUNC=DESIGN & APPEAL																				
APPRAISED VALUE SUMMARY																				
Appraised Bldg. Value (Card) 58,400																				
Appraised XF (B) Value (Bldg) 0																				
Appraised OB (L) Value (Bldg) 3,600																				
Appraised Land Value (Bldg) 115,700																				
Special Land Value 0																				
Total Appraised Parcel Value 177,700																				
Valuation Method: C																				
Adjustment: 0																				
Net Total Appraised Parcel Value 177,700																				
BUILDING PERMIT RECORD																				
Permit ID	Issue Date	Type	Description	Amount	Insp. Date	% Comp.	Date Comp.	Comments	Date	Type	IS	ID	Cd.	Purpose/Result						
									10/15/1996			RS	00	Measur+Listed						
LAND LINE VALUATION SECTION																				
B #	Use Code	Use Description	Zone	D	Front	Depth	Units	Unit Price	I. Factor	S.A.	Acre Disc	C. Factor	ST. Idx	Adj.	Notes- Adj	Special Pricing	S Adj Fact	Adj. Unit Price	Land Value	
1	1010	Single Fam MDL-01	RR1				152,460 SF		0.84	1.0000	5	1.0000	1.00	80	0.90			.00	0.76	115,700
Total Card Land Units: 3.50 AC Parcel Total Land Area: 3.5 AC																				
Total Land Value: 115,700																				

VISION

CONSTRUCTION DETAIL				CONSTRUCTION DETAIL (CONTINUED)			
Element	Cd.	Ch.	Description	Element	Cd.	Ch.	Description
Style	06		Conventional				
Model	01		Residential				
Grade	02		Below Average				
Stories	1		1 Story				
Occupancy	1			MIXED USE			
Exterior Wall 1	14		Wood Shingle	Code	Description		Percentage
Exterior Wall 2				1010	Single Fam MDL-01		100
Roof Structure	03		Gable/Hip				
Roof Cover	03		Asph/F Gls/Cmp				
Interior Wall 1	05		Drywall/Sheet	COST/MARKET VALUATION			
Interior Wall 2				Adj. Base Rate:		99.22	
Interior Flr 1	14		Carpet			108,145	
Interior Flr 2				Net Other Adj:		0.00	
Heat Fuel	02		Oil	Replace Cost		108,145	
Heat Type	05		Hot Water	AYB		1910	
AC Type	01		None	EYB		1972	
Total Bedrooms	02		2 Bedrooms	Dep Code		F	
Total Bthrms	1			Remodel Rating			
Total Half Baths	0			Year Remodeled			
Total Xtra Fixtrs				Dep %		36	
Total Rooms	4		4 Rooms	Functional ObsInc		5	
Bath Style	02		Average	External ObsInc		5	
Kitchen Style	02		Average	Cost Trend Factor		1	
				Status			
				% Complete			
				Overall % Cond		54	
				Apprais Val		58,400	
				Dep % Ovr		0	
				Dep Ovr Comment			
				Misc Imp Ovr		0	
				Misc Imp Ovr Comment			
				Cost to Cure Ovr		0	
				Cost to Cure Ovr Comment			