

AGENDA

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, December 9, 2013

6:00 Workshop

7:00 Call to Order

6:00 P.M. WORKSHOP with the Lands & Conservation Commission re: foreclosed property on Cottage Farm Road and Greely Road Extension.

I. CALL TO ORDER

II. APPROVAL OF MINUTES

November 25, 2013

III. MANAGER'S REPORT

IV. PUBLIC DISCUSSION

V. LEGISLATION AND POLICY

13 – 177 To hold a Public Hearing to consider and act on accepting a gift of 29 acres of land abutting the Rines Forest from the Godsoe family and to authorize the Town Manager to execute a gift letter.

13 – 178 To set a Public Hearing date (January 13th) to consider and act on a recommendation from the Lands and Conservation Commission re: foreclosed properties.

13 – 179 To hear a report from Casco Bay C.A.N. (*Create Awareness Now*) and the Cumberland Police Department re: prevention and reducing youth substance abuse in Portland North communities.

13 - 180 To hear a report from Integrated Forest Management re: update on tree cutting.

13 – 181 To hear a presentation from Siemens re: conversion of Town buildings to natural gas.

13 – 182 To hold a Public Hearing to consider and act on a Class I Liquor License application for Cumberland House of Pizza.

13 – 183 To accept a gift of \$3,000.00 to the Cumberland Police Department from Maine Marathon.

VI. NEW BUSINESS

- December 23rd Workshop at 6:00 p.m. re: FY'15 pre-budget meeting.
- December 23rd to hear a report from the Comprehensive Plan Update Committee and to set a Public Hearing date of January 13th to consider and act on accepting their recommendation.

VII. EXECUTIVE SESSION pursuant to Title 36 M.R.S.A., § 841 re: Hardship Abatement Request and pursuant to 1 M.R.S.A., § 405(6)(C) re: real property.

VIII. ADJOURNMENT

MOTIONS

13 – 177 I move to accept a gift of 29 acres of land abutting the Rines Forest from the Godsoe family and to authorize the Town Manager to execute a gift letter.

13 – 178 I move to set a Public Hearing date of January 13th to consider and act on a recommendation from the Lands and Conservation Commission re: foreclosed properties.

13 – 179 No action.

13 – 180 No action.

13 – 181 No action.

13 – 182 I move to approve the Class I Liquor License application for Cumberland House of Pizza.

13 – 183 I move to accept the donation of \$3,000.00 to the Cumberland Police Department from Maine Marathon.

I move to recess to Executive Session pursuant to Title 36 M.R.S.A., § 841 re: Hardship Abatement Request, and pursuant to 1 M.R.S.A., § 405(6)(C) re: real property.

I move to (approve or deny) the Hardship Abatement Request for property identified as Tax Map R05/Lot 34.

MINUTES

Cumberland Town Council Meeting
Town Council Chambers
MONDAY, November 25, 2013

7:00 p.m. Call to Order

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

Absent: Councilor Turner

I. APPROVAL OF MINUTES

Motion by Councilor Gruber, seconded by Councilor Bingham, to accept the October 28, 2013 minutes as presented.

VOTE: 6-0 UNANIMOUS

II. MANAGER'S REPORT

- **Introduction of Gary James, Tax Assessor**

Town Manager Shane introduced the new County Tax Assessor, Gary James.

Mr. James said that he is excited about his new position as County Assessor. He has been an appraiser for 22 years, and has been doing assessing appeals for the past 6-7 years. This opportunity to work as Regional Assessor for the County (particularly for Cumberland and Yarmouth) is a perfect fit for him and he looks forward to working with Cumberland residents. He will do his best to be flexible and meet with residents at times that are convenient with them, even evenings and weekends if need be.

- **Veterans Day Celebration**

Town Manager Shane showed photos of the Korean War Veteran celebration that was held on Veterans Day to celebrate the 60th anniversary of the end of the war. He said that it was a very special and emotional day. He thanked Councilor Storey-King who worked on the planning committee and helped make the celebration a reality.

Councilor Storey-King said she was so proud to be on the committee and was proud of Cumberland, who already had the Veterans identified and the Korean War Veterans list prepared for her. The S.A.D. was kind enough to let them use school busses to transport the Veterans to Cumberland, North Yarmouth and Yarmouth. Sam, Tate, and Isabelle Porter read the Cumberland Veteran names. It was a very somber and amazing experience.

- **Greely Cross Country**

This Saturday is a special day for Greely High School student, Kirstin Sandreuter, who will be running in a Regional Cross Country Final in Bronx, New York. . A couple of weeks ago, she finished 4th in New England. If she finishes in the top 10 on Saturday, she will move on to the nationals in Pasadena, California. Kirstin is a resident of North Yarmouth and this is huge for our community.

- **Medical Marijuana**

The Planning Board met last week in workshop to discuss licensed medical marijuana facilities. There was a lot of discussion regarding where in Town these facilities would be allowed. Mr. Shane said that staff would prefer to only allow such facilities on the two Town owned lots on Route One.

The Planning Board felt that was too restrictive and could open the Town up for potential law suits. The Planning Board felt that the Route One South area should be considered (Tuttle Road ramp to the Falmouth line). Mr. Shane reminded them that we are trying to build our business and economic develop center in that area. When the Planning Board meets in December they will review all the definitions that have already been approved by the Ordinance Committee, plus the two areas of zoning that staff is recommending (OC South and OC North).

- **Natural Gas Update**

Town Manager Shane said that he received the gas line layout from Summit last week. The first year will start with pipe being laid from the fairgrounds, down Blanchard Road, down Tuttle Road, to Route One heading north and south. Town staff met with the School Board Finance Committee to discuss the very aggressive schedule next summer. The schools have a potential savings of \$200,000 just in heating costs in the first heating season. The Manager and Operations Director met with an energy service contract provider recently. They will go into all the Town buildings and give an evaluation and a guarantee of savings. They will be at the December 9th Town Council meeting to give a presentation and explain how their contract will work.

- **Cumberland Farmer's Market "Lettuce Run for Hunger"**

Councilor Gruber gave the following update on the Cumberland Farmer's Market and the Thanksgiving basket program through the Food Pantry:

Last week, the Town Council Chambers was filled with food as the Girl Scouts helped sort items for the Thanksgiving baskets. It was very impressive and emotional to see. Thank you to Girl Scout Leader, Sarah Rose and the Girl Scouts for their amazing work.

Over 70 baskets were handed out, which translates to over 230 people.

The Farmer's Market event, "Lettuce Run for Hunger" donated \$700 to the Food Pantry.

Rachel's On the Green (the Smith Family) donated 22 turkeys.

Bert Kendall and the American Legion Post 91 donated \$100 and 15 turkeys.

Thank you to Bill and Linda Shane for all their hard work at the Food Pantry all year long.

III. PUBLIC DISCUSSION

None

IV. LEGISLATION AND POLICY

13 – 169 To hold a Public Hearing to consider and act on the 2014 Shellfish License allocations, as recommended by the Shellfish Conservation Commission.

Chairman of the Shellfish Conservation Commission, Mike Brown, said that the Commission met recently, and is making the following license allocations for 2014. The allocations are identical to last year, with the exception of no commercial licenses issued in 2014:

RECREATIONAL: Unlimited resident recreational licenses
25 non-resident recreational licenses
8 monthly resident licenses
2 monthly non-resident licenses

COMMERCIAL: **5** 0 resident commercial licenses
 + 0 non-resident commercial license

Mr. Brown said that the clam flats remain open seasonally (November – May) and there is some antidotal evidence that the number of clams is down. This could be due to the rising water temperature, which makes the clams softer, making them more susceptible to predators, as well as the green crab problem.

Chairman Stiles opened the Public Hearing.

Public discussion: none

Chairman closed the Public Hearing.

Motion by Councilor Bingham, seconded by Councilor Gruber, to approve the 2014 Shellfish License allocations, as recommended by the Shellfish Conservation Commission.

VOTE: 6-0 UNANIMOUS

13 – 170 To hear a report from Public Services Director, Chris Bolduc re: bulky waste pick up tonnage.

**Bulky Item Pickup Week
Status Update**

November 2013

1

**Education Efforts
Starting Summer of 2011**

A PDF was Posted on the Town's Website under Public Services

Town of Cumberland
Fall
Bulky Item Pickup Week
October 15th through the 19th
Items will be collected on your regular pickup day

Items accepted at curbside:

- Household Appliances
- Refrigerators and Freezers
- Washing Machines
- Stoves and Ranges
- Freezers
- TVs
- Small Appliances
- Power Tools
- Paint Cans
- Flammable Liquids
- Flammable Solids
- Flammable Gases
- Flammable Powders
- Flammable Pastes
- Flammable Gels
- Flammable Creams
- Flammable Oils
- Flammable Greases
- Flammable Waxes
- Flammable Resins
- Flammable Adhesives
- Flammable Inks
- Flammable Dyes
- Flammable Pigments
- Flammable Fillers
- Flammable Additives
- Flammable Catalysts
- Flammable Inhibitors
- Flammable Stabilizers
- Flammable Retarders
- Flammable Hardeners
- Flammable Primers
- Flammable Sealers
- Flammable Coatings
- Flammable Treatments
- Flammable Finishes
- Flammable Polishes
- Flammable Cleaners
- Flammable Degreasers
- Flammable Disinfectants
- Flammable Sanitizers
- Flammable Antiseptics
- Flammable Antifungals
- Flammable Antibacterials
- Flammable Antivirals
- Flammable Antiparasitics
- Flammable Anticorrosives
- Flammable Antifouling
- Flammable Anticracking
- Flammable Anticorrosion
- Flammable Anticorrosion Inhibitors
- Flammable Anticorrosion Accelerators
- Flammable Anticorrosion Retarders
- Flammable Anticorrosion Promoters
- Flammable Anticorrosion Inhibitors
- Flammable Anticorrosion Accelerators
- Flammable Anticorrosion Retarders
- Flammable Anticorrosion Promoters

Items NOT accepted at curbside:

- Refrigerators
- Freezers
- Stoves
- Washing Machines
- TVs
- Small Appliances
- Power Tools
- Paint Cans
- Flammable Liquids
- Flammable Solids
- Flammable Gases
- Flammable Powders
- Flammable Pastes
- Flammable Gels
- Flammable Creams
- Flammable Oils
- Flammable Greases
- Flammable Waxes
- Flammable Resins
- Flammable Adhesives
- Flammable Inks
- Flammable Dyes
- Flammable Pigments
- Flammable Additives
- Flammable Catalysts
- Flammable Inhibitors
- Flammable Stabilizers
- Flammable Retarders
- Flammable Hardeners
- Flammable Primers
- Flammable Sealers
- Flammable Coatings
- Flammable Treatments
- Flammable Finishes
- Flammable Polishes
- Flammable Cleaners
- Flammable Degreasers
- Flammable Disinfectants
- Flammable Sanitizers
- Flammable Antiseptics
- Flammable Antifungals
- Flammable Antibacterials
- Flammable Antivirals
- Flammable Antiparasitics
- Flammable Anticorrosives
- Flammable Antifouling
- Flammable Anticracking
- Flammable Anticorrosion
- Flammable Anticorrosion Inhibitors
- Flammable Anticorrosion Accelerators
- Flammable Anticorrosion Retarders
- Flammable Anticorrosion Promoters

2

Early Fall 2011

Information was broadcast in the Crier in August and again at the beginning of October

Fall Waste Spring Pick-Up Notice

If an item or group of items fits in a Town of Cumberland FAIT bag, the material IS NOT BULKY. Items that will not be picked up unless it fits in a Town of Cumberland FAIT bag.

Only residential waste is accepted. No commercial trash is permitted.

Fall of 2011 Bulky Item Pickup Week is scheduled for the week of October 14th through the 18th.

A Bulky Item Pickup Week was designed to assist the Residents of Cumberland in the disposal of large, oversized items that cannot fit into the Town's FAIT bags in the weekly trash or be recycled in regular curbside recycling.

Examples of items that could be included in the Bulky Item Pickup are: stoves, freezers, refrigerators, washers, dryers, lawnmowers, snowblowers, power tools, paint cans, and other household items.

Items that are NOT accepted are: hazardous materials, flammable liquids, gases, solids, pastes, gels, creams, oils, greases, waxes, resins, adhesives, inks, dyes, pigments, additives, catalysts, inhibitors, stabilizers, retarders, hardeners, primers, sealers, coatings, treatments, finishes, polishes, cleaners, degreasers, disinfectants, sanitizers, antiseptics, antifungals, antibacterials, antivirals, antiparasitics, anticorrosives, antifouling, anticracking, anticorrosion, anticorrosion inhibitors, anticorrosion accelerators, anticorrosion retarders, anticorrosion promoters.

2 Items per household will be accepted if the rim has been removed.

Paint Cans that are OPIH and DRY will be picked up during Bulky Item Week only, at no other time during the year.

For a more extensive list of items that will and will not be picked up this time, please see the Town's Web Site at: www.cumberlandmaine.com or Call Cumberland Public Services at 829-2226.

3

October 2011

Informational mailer was sent to all residents.

Bulky Item Pickup Information for the Town of Cumberland

October 14th through the 18th

A Bulky Item Pickup Week was designed to assist the Residents of Cumberland in the disposal of large, oversized items that cannot fit into the Town's FAIT bags in the weekly trash or be recycled in regular curbside recycling.

Examples of items that could be included in the Bulky Item Pickup are: stoves, freezers, refrigerators, washers, dryers, lawnmowers, snowblowers, power tools, paint cans, and other household items.

Items that are NOT accepted are: hazardous materials, flammable liquids, gases, solids, pastes, gels, creams, oils, greases, waxes, resins, adhesives, inks, dyes, pigments, additives, catalysts, inhibitors, stabilizers, retarders, hardeners, primers, sealers, coatings, treatments, finishes, polishes, cleaners, degreasers, disinfectants, sanitizers, antiseptics, antifungals, antibacterials, antivirals, antiparasitics, anticorrosives, antifouling, anticracking, anticorrosion, anticorrosion inhibitors, anticorrosion accelerators, anticorrosion retarders, anticorrosion promoters.

2 Items per household will be accepted if the rim has been removed.

Paint Cans that are OPIH and DRY will be picked up during Bulky Item Week only, at no other time during the year.

For a more extensive list of items that will and will not be picked up this time, please see the Town's Web Site at: www.cumberlandmaine.com or Call Cumberland Public Services at 829-2226.

List of items NOT ACCEPTED

These items will be tagged and left for your disposal!

- Gas and Gasoline Containers
- Any Hazardous Waste
- Flammable Liquids
- Flammable Solids
- Flammable Gases
- Flammable Powders
- Flammable Pastes
- Flammable Gels
- Flammable Creams
- Flammable Oils
- Flammable Greases
- Flammable Waxes
- Flammable Resins
- Flammable Adhesives
- Flammable Inks
- Flammable Dyes
- Flammable Pigments
- Flammable Additives
- Flammable Catalysts
- Flammable Inhibitors
- Flammable Stabilizers
- Flammable Retarders
- Flammable Hardeners
- Flammable Primers
- Flammable Sealers
- Flammable Coatings
- Flammable Treatments
- Flammable Finishes
- Flammable Polishes
- Flammable Cleaners
- Flammable Degreasers
- Flammable Disinfectants
- Flammable Sanitizers
- Flammable Antiseptics
- Flammable Antifungals
- Flammable Antibacterials
- Flammable Antivirals
- Flammable Antiparasitics
- Flammable Anticorrosives
- Flammable Antifouling
- Flammable Anticracking
- Flammable Anticorrosion
- Flammable Anticorrosion Inhibitors
- Flammable Anticorrosion Accelerators
- Flammable Anticorrosion Retarders
- Flammable Anticorrosion Promoters

4

Possibilities:

Continue Current Service:

- Continue to work with Hauler to pick up only the items that are meant to be included in this program.
- Continue to work with residents to ensure knowledge of the way the program is intended to work.
- Continue to reduce the expense of this service to the Taxpayers

11

E-Card:

- Electronic System that involves new software, materials and staff to issue the cards – Can be expensive to start up and time consuming to maintain/administer

Punch Card:

- Only works at landfills and recycling centers

12

Dumpsters at Public Works:

- Twice a year, residents can bring items to the public Works garage for disposal. Staff can sort into the correct dumpsters to be hauled away.
- + Should reduce tonnage, should reduce litter and clutter in town.
- Not all residents have the means to get their items to the garage.

13

Tag System: Free or for a Fee

- Issue 5 – 10 tags per household for item of the homeowners choosing
- Hauler can collect once a month or as in current contract, twice a year.
- This would decrease tonnage but comes with its own expenses.

Additional Expenses:

- Tags**
- Estimated cost of tags is .60 per tag or \$600.00 per 1,000.
 - 10 tags per household, 2700 households = \$16,200.00
 - Assume 50% reduction in tonnage = \$12,000 + the \$16,200 = \$28,200
 - more than the current program costs
- Fees can be assessed to offset the cost of tags however, residents would have to come into Town Hall.
 - Program set up and tracking would also have some logistical challenges
 - Staff hours to administer, track and maintain the distribution of tags.
 - Increased traffic at counter, time away from current duties
 - If mailed to each residence, approximately \$1,400.00 per mailing in addition to cost of tags.

14

Universal Waste

Town Expenses		\$89 42
Waste Collection Services		\$ 3,619.18
Batteries	\$ 587.00	
Bulbs	\$ 335.33	
Tires w/ Repairs	\$ 110.00	
CPMC Management	Household Bulbs	\$ 28.00
Total Expense		\$4,069.83

Town Expenses		\$89 42
Waste Collection Services		\$ 3,619.18
Batteries	1,513 lbs	
Bulbs	599 lbs	
Tires w/ Repairs	41 lbs	
TV's	335 lbs	
Commodities	75 lbs	
Shredders	91 lbs	
Printers	100 lbs	
CPMC Management	Household Bulbs	\$ 280.40
Total Expense		\$3,999.90



15

Councilor Bingham asked Mr. Bolduc his thoughts of having only one bulky item pick up per year.

Mr. Bolduc said that it would likely not be much of an issue with residents, but there is no additional fee from our trash hauler for two pick-ups per year. He would be worried that once residents realized they were only getting one pick-up per year, they would put out twice as much anyway, and the tonnage would be the same.

Chairman Stiles asked Mr. Bolduc if the haulers were educated not to pick up items that are not allowed or would fit into a trash bag.

Mr. Bolduc said that we have a new hauler this year and there was a little confusion at first, but they now realize that they are not to pick up everything.

Councilor Copp suggested having a spring pick-up and in the fall, place 2 or 3 large dumpsters at Public Works for residents to dispose of the items themselves. It would be interesting to compare the tonnage of each.

Chairman Stiles said that the only reason we are having this discussion is because people don't follow the rules.

13 – 171 To set a Public Hearing date (December 23rd) to hear a report and accept from the Comprehensive Plan updates from the Ad Hoc Committee.

Motion by Councilor Storey-King, seconded by Councilor Bingham, to set a Public Hearing date of December 23rd to hear a report and accept Comprehensive Plan updates from the Ad Hoc Committee.

VOTE: 7-0 UNANIMOUS

13 – 172 To set a Public Hearing date (December 9th) to accept a gift of 29 acres of land abutting the Rines Forest from the Godsoe family and to authorize the Town Manager to execute a gift letter.

Chairman Stiles said that there was a Council site-walk of this property last weekend. He knows that everyone who went is very appreciative of this very generous gift from the Godsoe's.

Town Manager Shane pointed out that this property abuts the Rines Forest.

Motion by Councilor Copp, seconded by Councilor Gruber, to set a Public Hearing date of December 9th to accept a gift of 29 acres of land abutting the Rines Forest from the Godsoe family and to authorize the Town Manager to execute a gift letter.

VOTE: 6-0 UNANIMOUS

13 – 173 To set a Public Hearing date (December 9th) to consider and act on a Class I Liquor License application for Cumberland House of Pizza.

Motion by Councilor Bingham, seconded by Councilor Edes, to set a Public Hearing date of December 9th to consider and act on a Class I Liquor License application for Cumberland House of Pizza.

VOTE: 6-0 UNANIMOUS

13 – 174 To set a workshop date of December 9th with the Lands & Conservation Commission re: foreclosed property on Cottage Farm Road and Greely Road Extension.

Motion by Councilor Gruber, seconded by Councilor Bingham, to set a workshop date of December 9th with the Lands & Conservation Commission re: foreclosed property on Cottage Farm Road and Greely Road Extension.

VOTE: 6-0 UNANIMOUS

13 – 175 To consider and act on authorizing the Town Manager to accept delinquent taxes and issue a quitclaim deed, upon receipt of \$11,000.00 for property located at 69 Pleasant Valley Road, Tax Map R08/Lot 27.

Town Manager Shane said that, as the Council knows, when a property goes into foreclosure, the Town attempts to work with the property owners to help them get the taxes current. This payment will bring this property within a tax year away from being current. A lien will remain on the property and the property owner has been working closely with Town staff to take care of back taxes.

Motion by Councilor Bingham, seconded by Councilor Copp, to authorize the Town Manager to accept delinquent taxes and issue a quitclaim deed, upon receipt of \$11,000.00 for property located at 69 Pleasant Valley Road, Tax Map R08/Lot 27.

VOTE: 6-0 UNANIMOUS

13 – 176 To consider and act on authorizing the Town Manager to accept delinquent taxes and issue a quitclaim deed, upon receipt of \$5,915.32 for property located at 331 Blanchard Road, Tax Map R08/Lot 68B.

Town Manager Shane said that this situation is very similar to the previous item. This one will be very close to being paid in full during this fiscal year.

Motion by Councilor Storey-King, seconded by Councilor Gruber, to authorize the Town Manager to accept delinquent taxes and issue a quitclaim deed, upon receipt of \$5,915.32 for property located at 331 Blanchard Road, Tax Map R08/Lot 68B.

VOTE: 7-0 UNANIMOUS

V. NEW BUSINESS

Councilor Bingham – he helped with the Lions Club pie project. They sold 170 pies, which is up from 130 last year. Thank you to everyone who purchased a pie. The annual Lions Club citrus sale, which supports the Greely Scholarship Fund, will be happening soon.

Councilor Storey-King – the Twin Brook Advisory Committee is in need of one member. Thank you to Theresa Maloney-Kelly for her service on the committee. She had to resign due to another commitment.

She attended a meeting in Yarmouth last week with PACTS to discuss public input on road improvement.

Thank you to those who were involved in the Veterans Day celebration for the Korean War Veterans. Thank you to Representative, Steve Moriarty for his keynote speech and legislative proclamation, Girl Scout Troop Number 24, buglers Caleb Howell and Jordan Merrifield, and our generous sponsors. This was a community effort and a great honor for her.

She wished everyone a Happy Thanksgiving.

Councilor Gruber – he thanked Councilor Storey-King for all her hard work on the Veterans Day event.

He is looking forward to the presentation on December 9th by the energy service contract provider to hear suggestions on how we can save on energy costs in Town and School buildings. This is a tremendous opportunity for the Town and School to work together.

Thank you to the Assistant Town Manager and Finance Director for taking the time to complete the application for the Food Pantry to become a 501(3)(C). This will allow the pantry to apply for grant opportunities.

Chairman Stiles – he reminded the community that the Library Board is need of two North Yarmouth representatives. If anyone knows of a North Yarmouth resident who would be interested in serving on the Library Board, they can contact someone at Town Hall in North Yarmouth.

The Library has a lot of activities going on. Everyone should check out the activities so they don't miss something that would interest them. Last Thursday, he attended a program at the Library where community members read pieces of Cumberland history. He learned that the boat building industry was in Cumberland. He didn't realize that boats were built inland and hauled to the sea. There are fascinating programs that go on at the Library all the time.

Councilor Edes – he wished everyone a Happy Thanksgiving and reminded them to drive safe, drive sober, and enjoy the holiday.

Councilor Copp – his two grandsons would like to thank the Town for the new playground in West Cumberland. One is 3, one is 5, they have been there often and they love it. It was a great idea that Peter Bingham of the Recreation Department had when he decided to have second graders vote for the playground that they liked best.

On November 7th our heavy rescue unit responded to a call on the back side of Forest Lake for a car accident in Windham. The rescue unit was slightly damaged due to the condition of the road, but if something is not done, our vehicles can incur major damage or be totaled. We are supplying emergency services to the Town of Windham and a small portion of the Town of Gray. In his opinion, we are being taken advantage of. The roads are so bad that they are damaging our emergency vehicles. He urged the Council to ride down these roads if they have the opportunity. He, the Manager, and the Public Works Director checked out the roads in the fall, and they are atrocious. There are over 200 homes on these roads and the roads are not built to any standards whatsoever. The conditions are even worse in the winter. The roads are like horse paths.

Town Manager Shane said that after Councilor Copp first made him aware of this problem, he met with our Public Works Director and Fire Chief, and the Fire Chief, Public Works Director, and Town Manager from Windham. They rode down every road in that area. The Windham staff clearly had not been in that area of Forest Lake for quite some time, since they were surprised by the number homes that had been built. These are homes valued at \$200,000 to \$300,000. Town Manager Shane said that he put Windham on notice that we need a plan to implement safe turnarounds, road maintenance and brush cutting. Cumberland is taking all the risk by responding to emergencies and not getting any help in return. At a minimum, we need a place to turn emergency vehicles around so they don't have to back down these roads to get out. Manager Shane said that the Council can meet with the Windham Council to discuss this, if they so desire.

Town Manager Shane – last week, he attended a bike/pedestrian meeting in Falmouth. The Towns of North Yarmouth and Freeport put together a grant for PACTS to look at the region north of Portland and their public trails for biking and/or hiking for connectivity. They hired a consultant back in September, and the consultant put together a plan that shows the connections. The purpose is to get communities to work together. More information to come on this at the beginning of the year.

He had a great meeting with the Town Manager of Gray last week to discuss similar issues between the two Towns. Gray is also very interested in trying to expand natural gas to their Town, as well as the potential water main with Portland Water District that goes out Route 100 and ends just below the Board Barn. He will be speaking to the Gray Town Council at a meeting in December about all these topics.

VI. ADJOURNMENT

Motion by Councilor Edes, seconded by Councilor Gruber, to adjourn.

VOTE: 6-0

TIME: 8:37 p.m.

Respectfully submitted by,

Brenda L. Moore
Council Secretary

ITEM

13-177

To hold a Public Hearing to consider and act on accepting a gift of 29 acres of land abutting the Rines Forest from the Godsoe family and to authorize the Town Manager to execute a gift letter

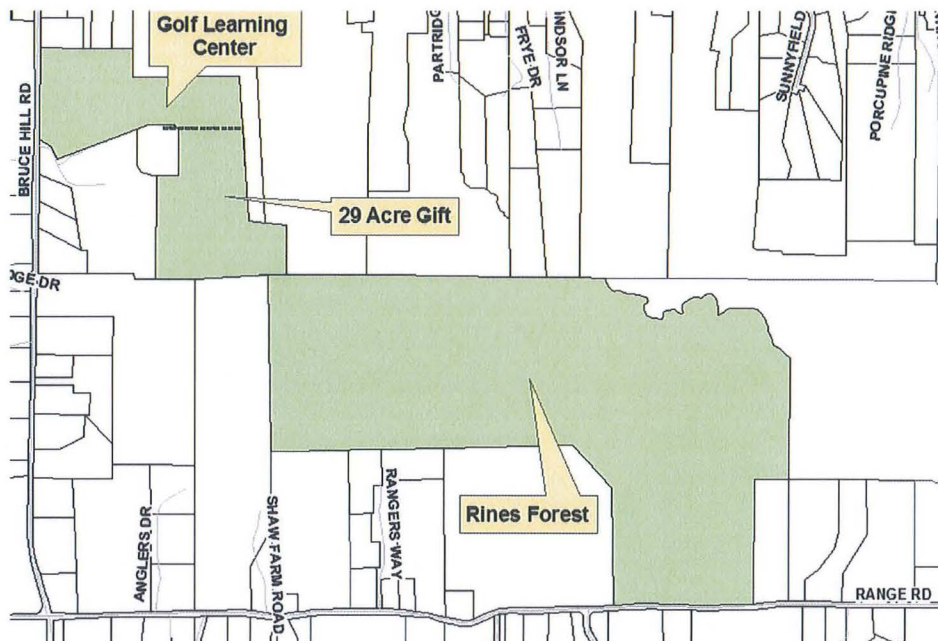


MEMORANDUM

TOWN OF CUMBERLAND, MAINE
290 TUTTLE ROAD
CUMBERLAND, MAINE 04021
TEL: 207-829-2205 FAX: 829-2224

To: Town Council
From: William R. Shane, Town Manager
Date: December 3, 2013
Re: Gift of Land

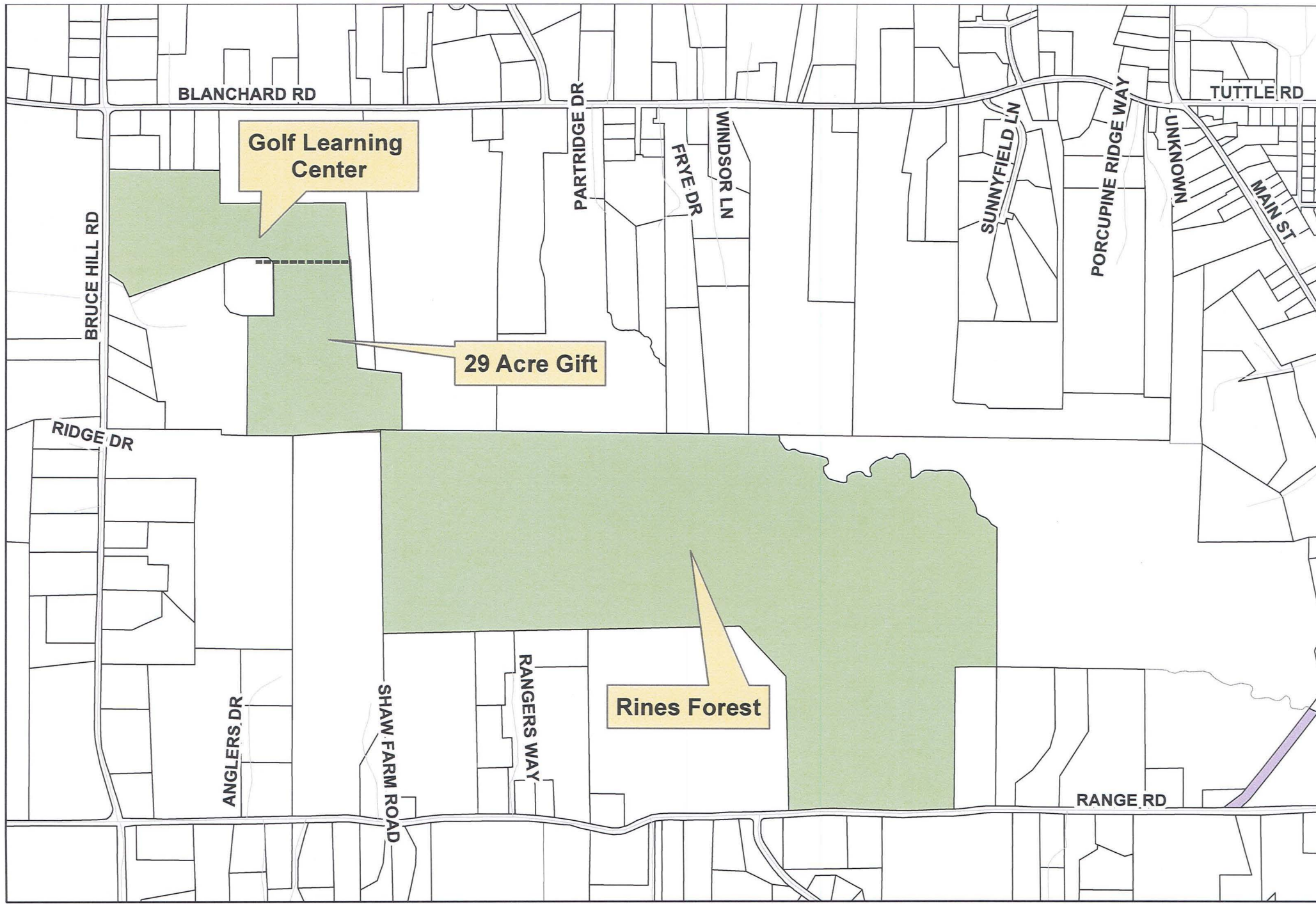
John and Elaine Godsoe have donated 29 acres of land adjacent to the Rines Forest. The Godsoe's are requesting that the Council work with the Land Trust to adapt a similar conservation easement that presently exists on the Rines Forest.



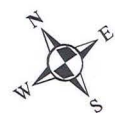
On Monday evening I will be requesting your authorization to execute gift letter (sample enclosed as part of your packet) for \$161,000 per the appraised value attached.

Chairman Stiles will be requesting the assistance of one additional Councilor to work with staff and the Land trust to develop a new Conservation Easement or an amendment to the existing easement. This will begin probably in early January.

Dr. and Mrs. Godsoe will be present at the Town Council meeting. I have all the documentation necessary to proceed with this generous gift and the Town Attorney has approved and reviewed all the documentation presented to date.



Godsoe Land Gift , December 9, 2013



1,000 500 0 1,000 Feet

1 inch = 1,000 feet

Appraisal Report

John A. and Elaine Godsoe Real Estate
29.46 Acres of Rear Land
147 Bruce Hill Road
Cumberland, ME 04021

For

Dr. John & Elaine Godsoe
P.O. Box 46A
Cumberland, ME 04021

By

Eastern Appraisal & Consulting, Inc.
Two Monument Square
Portland, Maine 04101

subject raw land, "as is". The likely buyer would be a residential real estate developer or home building contractor. Any future change in the estimation of soils and lot yield would have an impact on the appraised values, as would a change in market conditions, supply and demand.

The subject EU Three value estimate is also predicated on assumptions which include obtaining the necessary local, state and federal governmental approvals which are not in place. There has not been any marketing of the potential subject lot or the abutting potential subdivision lots. It is very difficult to accurately predict the number of lots, their future retail prices, marketing activity, and ultimate absorption of the entire subdivision, all of which have an impact on the value estimate for the land "wholesale", "as is, where is". Wholesale value is the raw land value to a developer prior to investment in the permitting process, construction of infrastructure and marketing of the created lots at the "retail" level to builders or home buyers. "Bulk" value would be the sale to a developer or homebuilder of the subject lots with infrastructure in place and ready for home construction. The subject is presently raw land without subdivision approval, although it would likely be obtained with less than a year of studies, discussions, presentations and processing. No warranty can be made that the hypothetical estimates made herein will actually occur, although they are considered reasonable.

EU Three comprises the remaining 29.46 acres of rear land south of the boundary with EU Two. The Sweet preliminary soils study confirmed the presence of significant wetlands which encumber at least 80% of total land area, with only two locations having suitable septic soils near the north and south boundaries. The largest and closest lot to Bruce Hill Rd. comprises about five acres near the north boundary with EU Two subdivision land. The further lot is not economically feasible to develop because of the excessive road costs and permitting that would be required to provide access to it. Although the subject wetland areas diminish utility and market value by reducing developable land, they provide privacy and protection that enhance developable lot value. Furthermore, the subject parcel abuts the town's Rines Forest, a large vacant parcel of conservation land through which hiking, horse and snowmobile trails run.

The lot value is estimated for the five acres of buildable land, *plus* the estimated contributory value of the remaining 24.46 acres of conservation and recreation land, and *minus* the estimated cost of a hypothetical private, gravel access driveway extending from the eastern end of the existing driveway. This includes the approximate three acres of the more distant second buildable but financially unfeasible lot.

This appraisal is presented in the required USPAP Summary Report you requested. USPAP requires the appraiser, after discussion with the client, to determine an appropriate Scope of Work to carry out a credible appraisal. This has been done as described in the appraisal report. There are also USPAP Extraordinary Assumptions and Hypothetical Conditions underlying this appraisal. These assumptions and conditions are also described in detail in the appraisal report.

The intended users of this appraisal are you and authorized designees, not including any sources of financing for any alternative use or development of the property or other non-authorized parties who obtain a copy of the report. The function of the appraisal is valuation of

Dr. John A. Godsoe
Nov. 22, 2013
Page Four

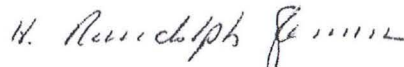
the subject property for consideration of various disposition alternatives, foremost of which is a potential gift of the parcel to the Town of Cumberland. If a gift, the appraisal would support the gift value for income tax purposes.

My conclusion is based on the facts, assumptions; and conditions in the enclosed report. It is my opinion that the subject property market value, as of my most recent inspection on Nov. 7, 2013, was as follows:

One Hundred and Sixty-One Thousand Dollars...\$161,000

I welcome any questions or comments you may have after you have reviewed the enclosed appraisal report. Thank you for the opportunity to be of service.

Very truly yours,
EASTERN APPRAISAL & CONSULTING, INC.



H. Randolph Glennon, III, MAI, CRE
President

4675report

QUITCLAIM DEED

JOHN A. GODSOE and ELAINE A. GODSOE of the Town of Cumberland, Cumberland County, Maine (the "Grantors"), for no monetary consideration, grant to the TOWN OF CUMBERLAND, a municipal corporation with an address of 290 Tuttle Road, Cumberland, Maine 04021 (the "Grantee"), the following described real property:

A certain lot or parcel of land, situated southeasterly of, but not adjacent to, the southeasterly line of the Bruce Hill Road in the Town of Cumberland, County of Cumberland, State of Maine, being more particularly bounded and described as follows:

BEGINNING at a point on the northwesterly line of land now or formerly of Fred T. Kinney as described in a deed recorded at the Cumberland County Registry of Deeds in Book 9418, Page 301. Said point being located S 45° 34' 52" W, a distance of 491.29 feet from a corner in the lines of said Kinney, the corner also being the easterly most corner of land conveyed to the grantors herein, John A. Godsoe and Elaine A. Godsoe, by deed recorded in said Registry of Deeds in Book 25115, Page 8;

THENCE N 40° 33' 15" W along remaining land of the said John A. Godsoe and Elaine A. Godsoe, a distance of 611.45 feet to the easterly most corner of land now or formerly of John D. Godsoe and Jennifer R. Goss-Godsoe as described in a deed recorded at said registry in Book 13077, Page 47;

THENCE S 2° 54' 08" W along the easterly line of said Godsoe, a distance of 60.01 feet to an angle point;

THENCE S 47° 54' 08" W along the southeasterly line of said Godsoe, a distance of 438.71 feet to an angle point;

THENCE N 42° 05' 52" W along the southwesterly line of said Godsoe, a distance of 252.01 feet to a survey pin previously found on the southeasterly line of land now or formerly of Frank J. Pitassi, as described in a deed recorded at said registry in Book 23183, Page 310;

THENCE S 50° 00' 58" W along the southeasterly line of said Pitassi, a distance of 138.79 feet to a survey pin previously found;

THENCE S 51° 57' 09" W along the southeasterly line of said Pitassi, a distance of 803.00 feet to a point on the northeasterly line of land now or formerly of Gregory S. & Joanne T. Fryer, as described in a deed recorded at said registry in Book 28691, Page 112.

THENCE S 40° 20' 42" W along the northeasterly line of said Fryer and land now or formerly of Robert B. Waterhouse, as described in a deed recorded at said registry in Book 25363, Page 339,

a distance of 1273.18 feet to a survey pin previously found at the westerly most corner of land of Fred T. Kinney as described in a deed recorded at said registry in Book 10621, Page 64;

THENCE N 46° 47' 56" E along the northwesterly line of said Kinney, a distance of 455.58 feet to a survey pin previously found;

THENCE N 32° 25' 30" W along the southwesterly line of said Kinney, a distance of 348.44 feet to a survey pin previously found;

THENCE N 45° 34' 52" E along the northwesterly line of said Kinney, a distance of 930.12 feet to the POINT OF BEGINNING.

Containing 29.46 acres, more or less.

This description was prepared by Kevin P. Clark, PLS 2245, of Sitelines, PA.

The preparer of this description did not perform a Boundary Survey. Boundaries and monumentation are based on record plans and deeds.

Being a portion of the premises described in a deed from Elaine A. Godsoe to John A. Godsoe and Elaine A. Godsoe recorded at the Cumberland County Registry of Deeds in Book 25115, Page 8.


By acceptance of this deed, the Grantee acknowledges the following:

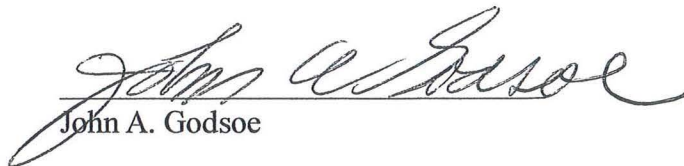
1. The within conveyed premises are not benefited any rights of ingress and egress by virtue of this conveyance. The within-conveyed premises are specifically not benefited by the thirty (30) foot wide easement or right of way referred to in the above referenced deed in Book 25115, Page 8, nor by the fifty (50) foot wide right of way described in the above referenced deed from the Grantors to John D. Godsoe and Jennifer R. Goss-Godsoe in Book 13077, Page 47, nor by any rights or easements for ingress and egress or for any other purpose over or upon the remaining land of the Grantors.

2. The within conveyed premises are not benefited by any restrictions imposed upon said premises conveyed in Book 13077, Page 47, said restrictions being appurtenant to the then remaining premises of the Grantors. Said restrictions shall henceforth be appurtenant only to the premises of the Grantors remaining after the conveyance to the Grantee herein.

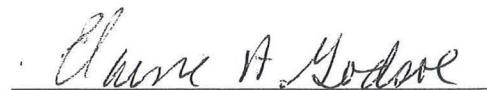
Witness our hands and seals this 3 day of December, 2013.

WITNESS




John A. Godsoe




Elaine A. Godsoe

State of Maine
County of Cumberland

December 3, 2013

Personally appeared before me the above named John A. Godsoe and Elaine A. Godsoe and severally acknowledged the foregoing instrument to their free act and deed.

Ann T. Eisenhart
Notary Public
State of Maine
My Comm. Exp. June 28, 2019

Ann Eisenhart
Notary Public/Attorney at Law

Print Name Ann T Eisenhart

My Commission Expires 6/28/2019



TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

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

December 10, 2013

Dr. John and Mrs. Elaine Godsoe
228 Greely Road
Cumberland, Maine 04021

Dear John and Elaine:

On December 9, 2013, the Town Council unanimously voted to accept your generous gift of 29 acres of property located off Bruce Hill Road, transferred by quitclaim deed signed and delivered on December 3, 2013. The value of your gift is \$161,000 as indicated on the appraisal report submitted by Eastern Appraisal & Consulting on November 22, 2013. Your charitable donation to the Town of Cumberland (EIN 01-6000128) will be used to extend the town owned property, the Rines Forest, for the recreational use and enjoyment of the public.

This letter serves as acknowledgment and receipt of your charitable contribution. The Town of Cumberland has not offered or provided anything of value to you in exchange for your charitable contribution. Part IV, donee acknowledgement, of IRS Form 8283 has been completed by the Town and is attached hereto for your tax filing purposes.

The Town of Cumberland is a qualified governmental unit as defined in Section 170(c)(1) of the Internal Revenue Code. Charitable contributions made by individuals and corporations to the Town of Cumberland may be deductible if they are made exclusively for public purposes. Deductions cannot be guaranteed by the Town of Cumberland and are subject to certain limitations and rules as prescribed by the IRS. Please check with a qualified tax professional to determine the appropriate value of your donation and the necessary filing requirements for your tax deduction.

On behalf of the Town of Cumberland and those that will benefit from your donation, thank you again for your generosity and commitment to the betterment of our community. This property will be an integral part in connecting the Town's recreational open space and will be enjoyed by residents and visitors for many years to come.

Sincerely,

William R. Shane
Town Manager

ITEM

13-178

To set a Public Hearing date (December 23rd) to consider and act on
a recommendation from the Lands and Conservation Commission
re: foreclosed properties

Refer to workshop materials

ITEM

13-179

To hear a report from Casco Bay C.A.N. (*Create Awareness Now*) and the Cumberland Police Department re: prevention and reducing youth substance abuse in Portland North communities

ITEM

13-180

To hear a report from Integrated Forest Management
re: update on tree cutting



M E M O R A N D U M

TOWN OF CUMBERLAND, MAINE
290 TUTTLE ROAD
CUMBERLAND, MAINE 04021
TEL: 207-829-2205 FAX: 829-2224

To: Town Council
From: William R. Shane, Town Manager
Date: December 3, 2013
Re: Town Forest Harvest Plan

Two years ago you approved this plan, but we have been unable to harvest the area because of warm temperatures and the fear of destroying trails. If we get colder weather soon, our plan is to begin the harvest in January. Todd Sevey, from North Yarmouth, will be the harvester and Integrated Forest Management (IFM) will be our Forester overseeing the cutting operation.

IFM also oversaw the Rines Forest Harvest 3 years ago. Jeremy Stultz from IFM will be giving you a brief update and overview of the operation. The attached Power point slides are what was presented originally.

William Shane

From: William Shane
Sent: Tuesday, December 03, 2013 9:52 AM
To: 'Jeremy Stultz'
Cc: Brenda Moore (bmoore@cumberlandmaine.com); Brad Hilton; Dave Young; Chris Bolduc; Lands & Conservation Committee
Subject: RE: Checking In
Attachments: Town Forest 2011 Harvest Plan.pdf; Buckthorn Memo - Cumberland Town Forest - Oct 2013.pdf

Hi Jeremy,

Here are **Brad & Dave's emails**. Please contact them for the Connector Trail work.

bradfordhilton@aol.com

dwy123@aol.com

Please contact Chris Bolduc to make sure we are all on the same page and all the abutters are notified. We can help with that, but want to make sure the abutting landowners are all in the loop.

From our conversation today here's my list:

1. You and Chris will touch base on notifications to abutters
2. You will use the existing culvert above the landing supplementing with brush or planking to cross into the forest
3. You will meet with Brad Hilton to look at a potential connector trail internally in the forest
4. You will begin tree markings within the next few weeks
5. You will email me any changes to the PowerPoint slide(I'll send you original PPT in next email – file too big)
6. IFM will post signs in the forest regarding " Warning- harvesting in Progress" or some type of warning
7. You will generate a revenue estimate for the harvest and a recommendation for buckthorn eradication for next Summer with herbicide treatment
8. The Town will execute the TSA and any other paper work required by the Maine Forest Service within 5 days of receipt.
9. The Town will work with IFM to access the landing area and assist with access road plowing in the event of major snow storms.

Anything else?

The new logger is Todd Sevey from North Yarmouth and you have worked with him and are happy with his work.

I apologize for the listing of tasks, but we have several new members on the Conservation Commission that were not on the board when the plan was approved two years ago.

Look forward to seeing you very soon!

Thank you,

Bill



William Shane
Cumberland Town Manager
290 Tuttle Road
Cumberland, ME 04021

October 25, 2013

Dear Mr. Shane:

On October 17th, 2013, in an e-mail, you had requested an answer to the following question, "The unmanaged section of the Town Forest has virtually no buckthorn, while the managed and cut sections [are] overgrown with buckthorn. By cutting 35% out of the unmanaged section, do we risk introducing, at a rapid rate, buckthorn or other invasives? Is the thick canopy of the unmanaged forest in some way keeping out the ability for invasives to grow?"

To help answer your question more thoroughly, I enlisted the advice of Don Cameron, a Botanist/Ecologist with the Maine Natural Areas Program. He, in turn, passed the question on to Ted Elliman, an invasives species manager with the New England Wildflower Society.

Based on the limited information I offered on the situation with the Town Forest, Ted felt that – "especially with glossy buckthorn - that it will move in quickly following a cutting, compete with tree regeneration, and, given its shade-tolerance, persist." He does admit that the degree and rate of potential incursion is dependent on the current proximity of the buckthorn to the harvest area.

Ted goes on to say that, "In any case, I don't think that natural tree regeneration will be enough to minimize the buckthorn incursions. Post-harvest control with herbicides (and pulling seedlings) will probably be necessary to eliminate it from the timbered [harvested] area. The sooner that control happens, of course, the better." The natural tree regeneration comment comes specifically from my hope that good forest management would produce regeneration of desired trees quickly and stem the ability for the invasives to become established.

In answer to the other part of your original question, I think that the thick canopy and limited light in the unmanaged section of forest *may* be helping in keeping the buckthorn at bay. Of course, the buckthorn may already be there in smaller amounts and has yet to become as visually noticeable yet. Also, it could just be further away from current buckthorn populations and the invasive has yet to make it there. Buckthorn is extremely shade tolerant and could still (and does) become a problem in unmanaged fully-stocked stands.

Please keep in mind Ted is referring mostly to glossy buckthorn, which is a bigger problem than the common buckthorn.

Given this information, I suspect we may need to do a bit more research on the Town Forest. I may propose another walk-through so that we can map-out, in greater detail, just where the worst buckthorn is, and what type it is. Obviously it is more of a problem where there has been greater and more frequent disturbance. We may find that the operation as planned is far enough away from current problem areas to not become overrun with invasives, post-harvest, in the near future.

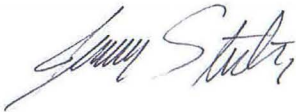
Also, and I think Jay had advocated for this previously, we should consider the development of an Integrated Pest Management strategy to deal with the current and potential future problems buckthorn and other invasives present. Ted makes reference to pulling seedlings; perhaps a group of volunteer stewards could be commissioned to patrol the area and prevent buckthorn from overwhelming additional areas. Proceeds from timber harvesting may also be used to some degree to continue the control efforts in the coming years, similar to activities on the Rhines Forest in past years. Adjacent woodlots in Cumberland are also overrun with buckthorn and other invasives, so even by eliminating all problem plants on the Town Forest, the area is still at risk. I would postulate that even if the town never embarked on forest management activities, species like glossy buckthorn may well still become established through time.

In summary, I think the notion that following through with the harvest *may* come with a potential of increased spread of invasive species. I also think that with proper planning we can reduce the potential future problem that buckthorn, in particular, presents.

I look forward to continuing this discussion and working on solutions that meet the Town's needs.

Respectfully,

Jeremy Stultz



Vice President
Integrated Forest Management
207-615-6387
jstultz@ifmgt.com

Town Forest 2013 Harvest Plan



Jeremy Stultz 207-615-6387 jstultz@ifmgt.com

Management Plan Highlights

- Prepared Fall 2011
- Funded through Project Canopy
- Goals similar to Rines Forest:
 - Habitat maintenance/creation
 - Improve/Preserve Forest Health
 - Protect biological features (i.e. wetlands)
 - Implement exemplary forest management
 - Invasive species control

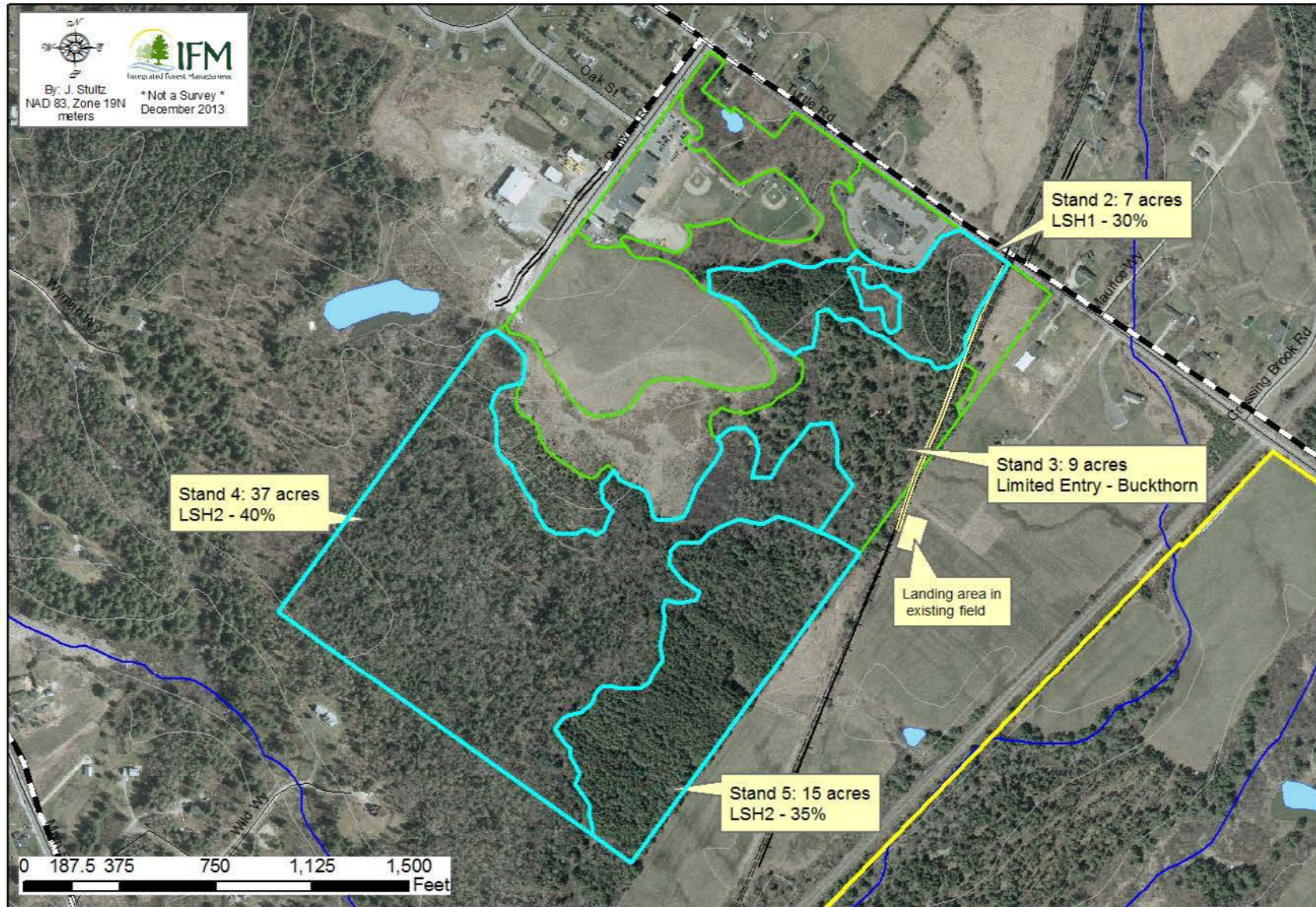
Management Plan Highlights, cont.

- Maintain/enhance other uses (i.e. recreation)

Harvest Plan

- Winter only harvest; 2014 & 2015
- Propose Cut-to-Length harvesting
 - Low impact processor / forwarder
 - Brush in trails
 - Potential for hand-crew as well
- Modest revenue from improvement harvesting

Cumberland Town Forest - Harvest Planning Map



Buckthorn....



Buckthorn (top) and Glossy Buckthorn (photos by Mary W. Walker and Chris Mattrick, courtesy of the New England Wild Flower Society)



Questions.....

Looking Forward...

- December – Contract and final pricing
- Mid January – Harvesting begins
 - Start small, full production by February
- Spring – post harvest close out
- Late spring – further mechanical buckthorn (invasive) control
- Fall – Further invasive control

Buckthorn Control

- Mechanical & herbicide control
 - Mech: brush saws or Fecon
 - Late spring / early summer
 - Herb: foliar application
 - Late summer / early fall
- Estimate is \$550-650/acre total

Work in Progress...

- Marking
 - Property lines (pink flags)
 - Stream zones (blue flags)
 - Trail system (orange flags)
 - Trees to be harvested (blue paint)
- Neighbor notification and meetings
- Revenue projection

ITEM

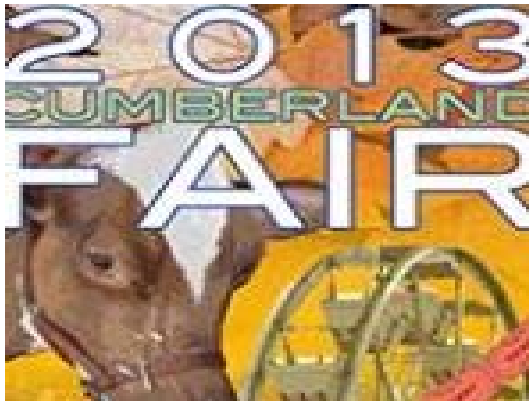
13-181

To hear a presentation from Siemens re: conversion of Town
buildings to natural gas

Cumberland.Maine



Upgrading Town Buildings and Reducing Energy and Maintenance Costs Utilizing Performance Contracting



What is Energy Performance Contracting?

An ESPC is an agreement between a building owner and an Energy Services Company (ESCO) that identifies, designs, and installs energy related improvements that pays for the new equipment over time and guarantees their performance.



What is Performance Contracting?

A different means of procurement...

...a vehicle for utilizing energy and operating savings to finance needed capital improvements.

A new means of renovation...

...a mechanism for facility infrastructure upgrades and modernization.

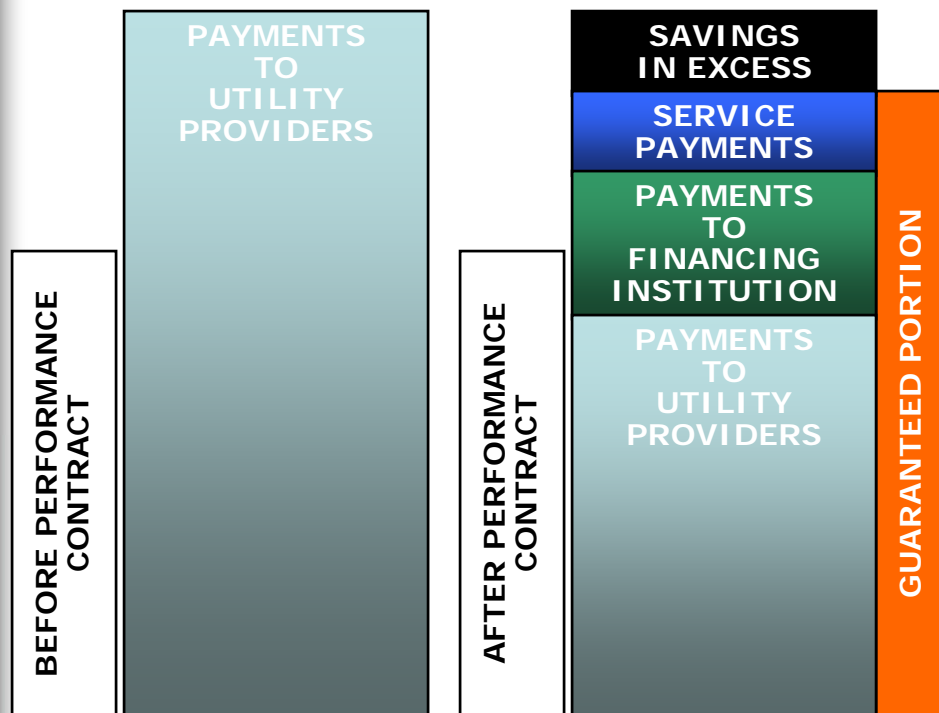
A unique means of partnering...

...a relationship of mutual benefit focused on the customer's operational needs and objectives.

What is Performance Contracting (ESPC)?

Energy related capital improvements paid from energy and operating cost savings

How it works



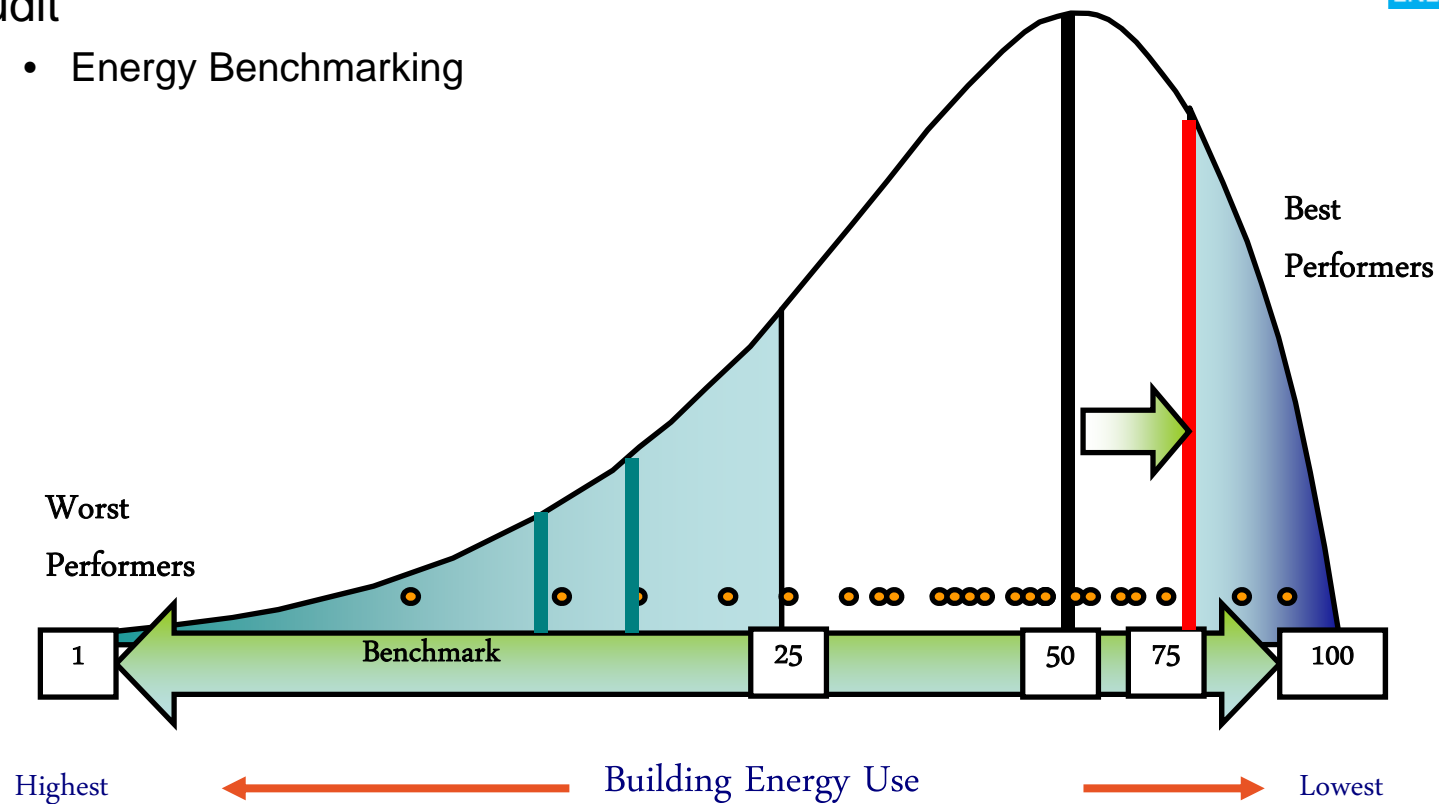
- ⊕ Guaranteed performance
- ⊕ Single source responsibility
- ⊕ Life-cycle versus first cost approach
- ⊕ Improvements can be made with no impact to taxpayers
- ⊕ Supported by The State of Maine

Technical Approach-Benchmark Buildings



Audit

- Energy Benchmarking



Challenges in Managing Town Buildings

Step One Preliminary Audit

- Confirm Existence of Energy & Operational Savings Opportunities



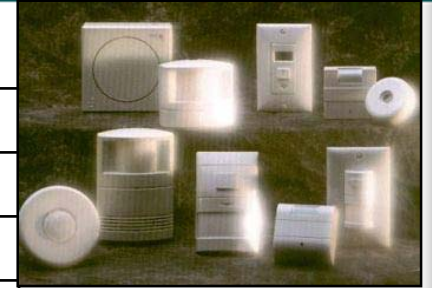
Challenges in Managing Town Buildings

- **Aging Boiler Plants & Buildings**
- **Building Infrastructure Issues**
 - Hot Water & Steam Piping
 - Windows
 - Electrical Systems
 - Lighting
 - Roofs
- **Occupant Comfort & Safety**
- **Managing Energy Costs:**
 - Energy Price
 - Energy Conservation & Efficiency
 - Energy Reliability & Security
 - Environmental Responsibility



Savings Projects at XYZ Schools & Town Buildings

	Energy Savings Projects-PRELIMINARY
FIM-1	Occupancy Sensors
FIM-2	Demand Controlled Ventilation, Gym, Auditorium, Cafeteria
FIM-3	Energy Management System Upgrades
FIM-4	Install Energy Management System
FIM-5	Building Envelope Improvements
FIM-6	VFD's and high efficiency motors on Hot Water Pumps
FIM-7	New Circulator Pumps
FIM-8	New Hot Water Tanks
FIM-9	Condensing Boilers, New Gas Burners
FIM-10	Unit Ventilators, ERV, HRU, AHU, Package units etc.
FIM-11	CoolTrol Controls for Walk-in Freezers and Refrigerators
FIM-12	Kitchen Exhaust Hood Controls (Melink Controller)
FIM-13	Steam System Improvements
FIM-14	Network Controllers
FIM-15	Vending Machine Controls
FIM-16	New Siding and Insulation



Performance Contracting Option

Performance Contract Delivers:

- | | |
|---|---------|
| • Initial Investment of \$25K-\$75K | No Risk |
| • Perform an Investment Grade Audit (“IGA”) | No Risk |
| • Present Projects for Selection by | No Risk |
| • Arrange Financing | No Risk |
| • Authorize Agreement to Construct Projects | No Risk |
| • Construct Projects | No Risk |
| • Savings Begins | No Risk |
| • Construction Completion | No Risk |
| • Investment of IGA and Project is Repaid | No Risk |
| • Measurement of Savings Achieved vs. Guarantee | No Risk |

Performance Contracting Option-Benefits



Cash Flow Positive From Concept to Construction:

- Preserves operating cash
- Improves comfort, safety and security
- Provides enhanced learning environment
- Provides town residents, students & faculty an environment that is **Green**

Renewables

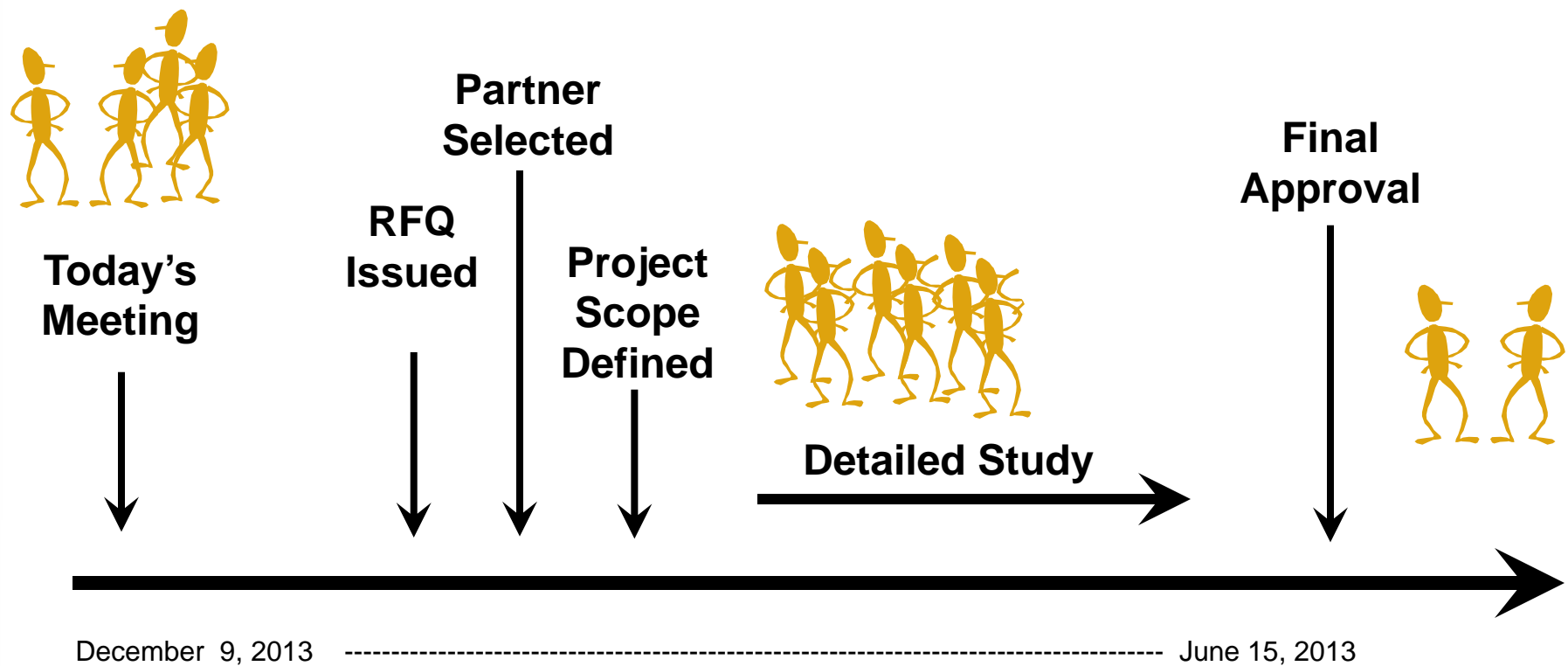


Wind



Solar

Potential Timeline...



ITEM 13-182

To hold a Public Hearing to consider and act on a Class I Liquor
License application for Cumberland House of Pizza

Print Name

Print Name

NOTICE – SPECIAL ATTENTION

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

THIS APPROVAL EXPIRES IN 60 DAYS.

FEE SCHEDULE

Class I	Spirituos, Vinous and Malt	\$ 900.00
	CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
Class I-A	Spirituos, Vinous and Malt, Optional Food (Hotels Only)	\$1,100.00
	CLASS I-A: Hotels only that do not serve three meals a day.	
Class II	Spirituos Only	\$ 550.00
	CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
Class III	Vinous Only	\$ 220.00
	CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class IV	Malt Liquor Only	\$ 220.00
	CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
Class V	Spirituos, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)	\$ 495.00
	CLASS V: Clubs without catering privileges.	
Class X	Spirituos, Vinous and Malt – Class A Lounge	\$2,200.00
	CLASS X: Class A Lounge	
Class XI	Spirituos, Vinous and Malt – Restaurant Lounge	\$1,500.00
	CLASS XI: Restaurant/Lounge; and OTB.	

FILING FEE.....\$ 10.00

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All fees must accompany application, made payable to: **TREASURER, STATE OF MAINE. – DEPARTMENT OF PUBLIC SAFETY, LIQUOR LICENSING AND INSPECTION DIVISION, 164 STATE HOUSE STATION, AUGUSTA ME 04333-0164.** Payments by check subject to penalty provided by Sec. 3, Title 28A, MRS.

**Department of Public Safety
Division**



Liquor Licensing & Inspection

BUREAU USE ONLY

License No. Assigned:

Class:

Deposit Date:

Amt. Deposited:

Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.
To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: ☐ MALT ☐ SPIRITUOUS ☐ VINOUS

INDICATE TYPE OF LICENSE:

☒ RESTAURANT (Class I,II,III,IV)

☐ HOTEL-OPTIONAL FOOD (Class I-A)

☐ CLASS A LOUNGE (Class X)

☐ CLUB (Class V)

☐ TAVERN (Class IV)

☐ RESTAURANT/LOUNGE (Class XI)

☐ HOTEL (Class I,II,III,IV)

☐ CLUB-ON PREMISE CATERING (Class I)

☐ GOLF CLUB (Class I,II,III,IV)

☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.)				2. Business Name (D/B/A)			
SHKELQIM DOBRA DOB: 01/27/1963				CUMBERLAND HOUSE OF PIZZA			
VIOLETA DOBRA DOB: 02/06/1960							
Address				Location (Street Address)			
4 SKAMPA DRIVE, # 2				176 Grey Road, CUMBERLAND, ME			
City/Town				City/Town		State	
WINDHAM				CUMBERLAND		ME	
State				State		Zip Code	
ME				ME		04021	
Zip Code				Mailing Address			
04062				P.O. Box 297,			
City/Town				City/Town		State	
WINDHAM				WINDHAM		ME	
State				State		Zip Code	
ME				ME		04062	
Telephone Number				Business Telephone Number		Fax Number	
207-892-0195				207-829-5400		207-829-	
Fax Number				Seller Certificate #			
				1091307			
Federal I.D. #							

3. If premises are a hotel, indicate number of rooms available for transient guests: _____

4. State amount of gross income from period of last license: ROOMS \$ N/A FOOD \$ 298,785.12 LIQUOR \$ 37,894.88

5. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

If YES, complete Supplementary Questionnaire

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

7. If manager is to be employed, give name: N/A

8. If business is NEW or under new ownership, indicate starting date: N/A

Requested inspection date: 01/02/2014 or any time Business hours: 11 AM - 9:00 PM Sun - Sat.

9. Business records are located at: _____

10. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐

STATE OF MAINE
Liquor Licensing & Inspection Unit
164 State House Station
Augusta, Maine 04333-0164
Tel: (207) 624-7220 Fax: (207) 287-3424

**SUPPLEMENTARY QUESTIONNAIRE FOR CORPORATE APPLICANTS, LIMITED LIABILITY COMPANIES AND
LIMITED PARTNERSHIPS**

1. Exact Corporate Name: CUMBERLAND HOUSE OF PIZZA
- Business D/B/A Name: CUMBERLAND HOUSE OF PIZZA
2. Date of Incorporation: July 01, 2006
3. State in which you are incorporated: MAINE
4. If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list percent of stock owned:

Name	Address Previous 5 Years	Birth Date	% of Stock	Title
SHKELQIM DOBRA	4 Skampa Dr. #2	01/27/1963	50%	OWNER
VIOLETA DOBRA	4 Skampa Dr. #2	02/06/1960	50%	OWNER
	WINDHAM, ME 04062			

6. What is the amount of authorized stock? _____ Outstanding Stock? _____
7. Is any principal officer of the corporation a law enforcement official? () YES (✓) NO
8. Has applicant(s) or manager ever been convicted of any violation of the law, other than a minor traffic violation(s), of the United States? () YES (✓) NO.
9. If yes, please complete the following: Name: _____

Date of Conviction: _____ Offense: _____

Location: _____ Disposition: _____

Dated at: _____ On: _____
City/Town Date

Signature of Duly Authorized Officer Date: _____

Print Name of Duly Authorized Officer

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

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
SHKELBIM DOBRA	01/27/1963	ALBANIA
VIOLETA CALA (DOBRA)	02/06/1960	ALBANIA

Residence address on all of the above for previous 5 years (Limit answer to city & state)

4 SKAMPA DRIVE, # 2
4 SKAMPA DRIVE, # 2

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

Yes ☐ No ☒ If Yes, give name: _____

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

16. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: CHRIS COPP

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) _____

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

YES ☒ NO ☐ Applied for: _____

19. What is the distance from the premises to the **NEAREST** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1.1 miles Which of the above is nearest? Parish House

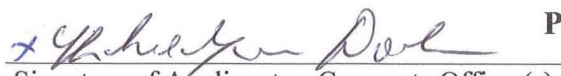
20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☐ NO ☒

If YES, give details: _____

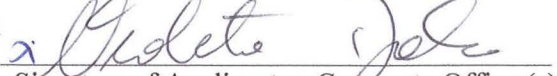
The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: _____ on _____, 20 _____
Town/City, State Date


Signature of Applicant or Corporate Officer(s)

Please sign in blue ink


Signature of Applicant or Corporate Officer(s)

Dated at: _____, Maine _____ ss
City/Town (County)

On: _____
Date

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

NOTICE – SPECIAL ATTENTION

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

- A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
- B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
- C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c589, §1 (amd).]

2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

- A. Conviction of the applicant of any Class A, Class B or Class c crime: [1987, c.45, Pt.A§4 (new).]
- B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
- C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
- D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592,§3 (amd).]
- E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
- F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]

[1993, c730, §27 (amd).]

3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

- A. [1993, c.730, §27 (rp).]

- 4. No license to person who moved to obtain a license. (REPEALED)**

- 5. (TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

PREMISE DIAGRAM

ITEM

13-183

To accept a gift of \$3,000.00 to the Cumberland Police Department
from Maine Marathon



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

November 12, 2012

Mr. William Shane,
Town Manager
Town of Cumberland

Dear Mr. Shane,

Please find attached a letter from Mr. Howard Spear, Director of the Maine Marathon highlighting the success of the 2013 Maine Marathon. Mr. Spear has once again shown his generosity to the departments involved in making the 2013 Maine Marathon a safe and secure event. This year Mr. Spear is donating on behalf of the Maine Marathon, \$3,000 to the law enforcement agencies that provided personnel and equipment.

I will be sending Mr. Spear a heartfelt thank you letter on behalf of the department and community we serve. In order to accept this generous donation I am submitting copies of Mr. Spear's letter and check to you for Town Council approval and acceptance.

Respectfully,

A handwritten signature in cursive script that reads "Joseph Charron".

Joseph Charron
Chief of Police



OCT 21 2013



22nd. Annual Maine Marathon
Relay, Maine Half Marathon & Kids Marathon Mile
Presented by: GORHAM SAVINGS BANK
Non-profit all volunteer! Proceeds always benefit Maine children!

P.O. Box 10836 – Portland, ME 04104 – (207) 749-9160 – racedirector@mainemarathon.com – MaineMarathon.com

SPONSORS

Gorham Savings Bank
Cigna
New England Runner Magazine
The Forecaster
Poland Spring Bottling Company
Portland Sea Dogs
Hannaford
WMTW TV8
Bob The Screenprinter
Leonardo's Pizza
Maine Running Company
Bon Ton Stores – The Maine Mall

SUPPORTERS

AAA Northern New England
Creative Imaging Group
Blow Bros
Gatorade
Maine Medical Center
Sports Medicine
University of Southern Maine
USM Women's Cross Country
Kris-Way Truck Leasing
Maine Sports Massage Team
Maine Turnpike Authority
Road Runners Club of America
Skillins Greenhouses
Towns of Falmouth, Cumberland
& Yarmouth, City of Portland

FUND RAISERS

Leukemia & Lymphoma Society
Massachusetts/RI Chapters
Center for Grieving Children
Maine Children's Cancer Program
Big Brothers/Big Sisters
Lincoln County Healthcare
Girls on the Run –Maine
Esperanza Academy - MA

BENEFICERIES

Portland Bayside Little League
Portland Parks & Rec
Cumberland Dare Program
Yarmouth YCAN
Falmouth Police Youth Services

October 17, 2013

Chief Edward Tolan
Chief Joseph Charron
Chief Michael Morrill

RE: Maine Marathon

Hi all,

First, thanks very much for your help again this year with our event. With the altered course I am sure it presented a challenge and all seemed to work out well.

We sold out again for the 4th year in a row, but of course had many emails and calls from frantic runners, some of whom we did let in. Weather held off until our clean up started so that was good.

Please know this year we have donated \$50,000 to STRIVE, \$5,000 to Shawnee Adaptive Ski Program and another \$20,000 to various local organizations.

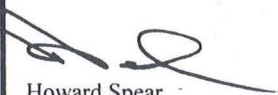
Fund raising by the usual; Leukemia & Lymphoma Society, Girls on the Run Maine, Maine Children's Cancer Program is down a bit this year, as the economy took its toll, approx. \$100,000 was raised.

Please find enclosed our donation to your town, of which we know it will be put to good use.

Our charity selection for 2014 & 2015 is The Robbie Foundation of Scarborough, a fairly new non profit that provides much needed adaptive equipment for children throughout Maine. Equipment that is not normally paid by insurance and something which the families cannot afford. A commitment on our part of \$100,000 over two years. We had narrowed it down to three organizations and the other two that we did not select, Camp Susan Curtis and The Dream Factory of Maine (similar to Make A Wish but more Maine), both of which will receive in 2014 a donation of \$5,000 each.

Oh, sorry about not letting you all know about the bands.....look for more next year. What?!

Regards,


Howard Spear
Race Director

A portion of the 2012 & 2013 proceeds to benefit: **STRIVE**
(Serving Tweens, Teens & Young Adults with Developmental Disabilities)

MAINE MARATHON

WWW.MAINEMARATHON.COM

PO BOX 10836

PORTLAND, ME 04104

52-7457-2112

1130

10-12-13
DATE

Pay to the order of
Cumberland Day Program

\$3000-

Three Thousand

DOLLARS

Security Features
Included
Details on Back.

Gorham
SAVINGS BANK

David Donahoe

[Signature]

MP

⑆211274573⑆ 605 0042529⑈ 1130

NEW BUSINESS

KOREAN WAR ANNIVERSARY CELEBRATION COMMITTEE

December 2, 2013

Councilwoman Shirley Storey-King and Cumberland Council:

I would be remiss as the now retired chair of this committee by not thanking all of you for your tremendous support of our ceremonies on Veterans Day. Shirley was a great representative on our committee, and your enthusiasm, including Steve Moriarty as speaker at the Cumberland ceremony, permeated the entire convoy and ceremony at Moss Side Cemetery. I am sending copies of this letter to Town Manager Bill Shane and Interim Superintendent of Schools Sally Loughlin for their tremendous support as well, and to steal Bill's statement of that morning "We hit a home run!".

There were so many highlights that it is difficult to know where to start, but here goes:

- The site was well organized with those terrific blue flags for the KW vets and even medals on their seats. Bill himself guided us off the buses.

- Decorating the two MSAD 51 buses was made easier by the Superintendent of Schools herself coming on Sunday afternoon to make sure we did the right buses.

- Both Cumberland Police and Fire outdid themselves by planning traffic control, leading the first portion of the parade and ringing the bell for the deceased.

- Greely High School had a big part by providing us with Service Club students to decorate the buses, assisting at the ceremony from everything to handing out flags to reading names to playing taps. Special thanks to GHS band members and buglers Jordan Merrifield and Caleb Howell for playing taps at both Cumberland and North Yarmouth sites, and to the Porter family for reading names of veterans.


- Many local businesses supported our cause with ads in our program, and I am happy to report we finished in the black and will donate any overage to local veterans causes.

- The public at large responded in many ways including cheering on the buses, waving flags at every turn and showing up for the Cumberland ceremony. It means a lot to an old KW vet to have a teenager or young family approach them and say "Thank you for your service".

- The Veterans Committee and Brenda Moore of your staff had done great research to build the beautiful monument at Moss Side, and that paid off in assisting us gather names of living and deceased KW veterans.

It is a pleasure to live in Cumberland knowing that you support your local veterans as demonstrated by your efforts on November 11, 2013. Thanks again.

cc: Town Manager Bill Shane
Interim Supt. of Schools Sally Loughlin


Bert Kendall
Chair

WORKSHOP with the Lands & Conservation
Commission re: foreclosed property on Cottage
Farm Road and Greely Road Extension



M E M O R A N D U M

TOWN OF CUMBERLAND, MAINE

290 TUTTLE ROAD

CUMBERLAND, MAINE 04021

TEL: 207-829-2205 FAX: 829-2224

To: Town Council
From: William R. Shane, Town Manager
Date: October 23, 2013
Re: Cumberland Lands & Conservation Commission (CLCC) Recommendation

The Lands & Conservation Commission will be recommending to you the sale with easements of one property located at the end of Cottage Farm Road and retaining two other properties off Greely Road Extension.

I have attached the minutes from the meeting and the back-up materials provide by CLCC member Brad Hilton to the Commission. It should be noted that Brad is a direct abutter to the properties being recommended for Town ownership.

My recommendation would be to send this to the Finance Committee and hold a workshop with the members of the Commission and be hear their thoughts for the properties as well as be able to ask your own questions. My concern for making a decision on Monday evening is that only one or two of the members of the CLCC may be present and it may be wise to get more opinions.

The CLCC will be at your **December 10th meeting** to update the Council on the harvesting plan for the Town Forest this winter. This could also be the time when you direct me to return in January for a listing of all foreclosed properties to be acted upon as you did very successfully last year.

Cumberland Town Lands and Conservation Commission

Date: July 21, 2013 (* = Chair; + = liaison TC; ++=Town Mgr.) Bill Shane++ (abs)

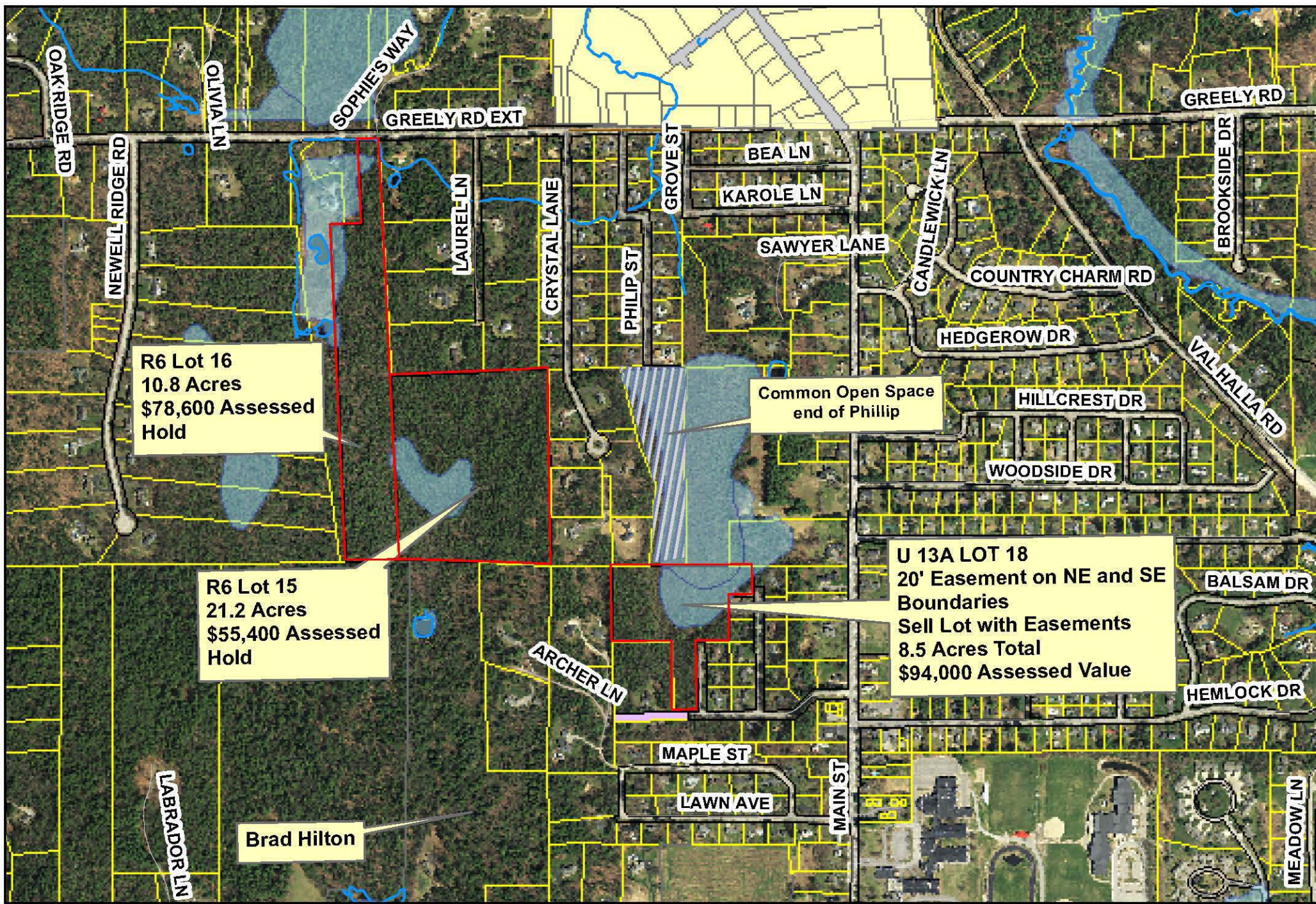
To: CTL&CC members: Brad Hilton Brian Restuccia (abs)
Penny Asherman Ellen Hoffman *Sam York (abs)
Ted Chadbourne Bill Mullin David Young
Tom Gruber + (abs) Susan Nolde (start only)

From: Ellen Hoffman

Re: Meeting July 10th, 2013 (Brad chaired meeting in Sam's absence.)

- Minutes from June meeting were approved.
- Discussion of Brad's proposal of disposition of three town-owned lots: U13A, Cottage Farms Rd and R6 lots 15, 16 off Greely Rd Ext:
 - Town should take no action (i.e. keep) lots 15 & 16. Known as old town forest.
 - Cottage Farm lot – should only keep right of way but sell rest of property. Have easement – public access for potential pedestrian easement back and along corner to get to Sparhawk Ln.
 - Penny made motion to approve Brad's proposal with some suggested changes. Add language to encourage town to upgrade forest and connecting (existing) trails on Lots 15 and 16 off Greely Rd. Also there are trails across Blanchard Rd from these lots. 4 in favor – Ted opposed. Brad will upgrade proposal.
- Town Forest – need to wait for feedback from Joe Anderson. He plans to attend September meeting (no meeting in August). Joe surveyed the Town Forest last month marking where buckthorn hot spots are. EII walked part of the forest with him.
- Brad wants to start working on relocating some of the worse sections of trail. EH concerned that any work should be coordinated with Joe Anderson - at least make him aware of "the plan". Brad will put flags (yellow) to indicate where trail will be rerouted and touch base with Joe.
- Planning Board Project – nothing discussed.
- Rines Forest – no update
- Blueberry Hill logging – no update
- Vernal pools – no update
- Invasive species grant search – no update
- Continuing projects/goals for 2013:

- Invasive species education: Possibly do a fall presentation with someone from Cooperative Extension.
- Educational site walk of Rines Forest scheduled for September 29th (1:00 pm) with the Maine Tree Club.
- Update Trail Guide. Sam will contact Brian Sterns to see status of trail system (no update). No update on trail connection between Falmouth trail and Rines Forest. Penny mentioned town looking to buy a Trimble GPS (grant through Norcross Foundation). Use for a variety of Town-wide purposes.
- Next meeting September 4th (no meeting in August).



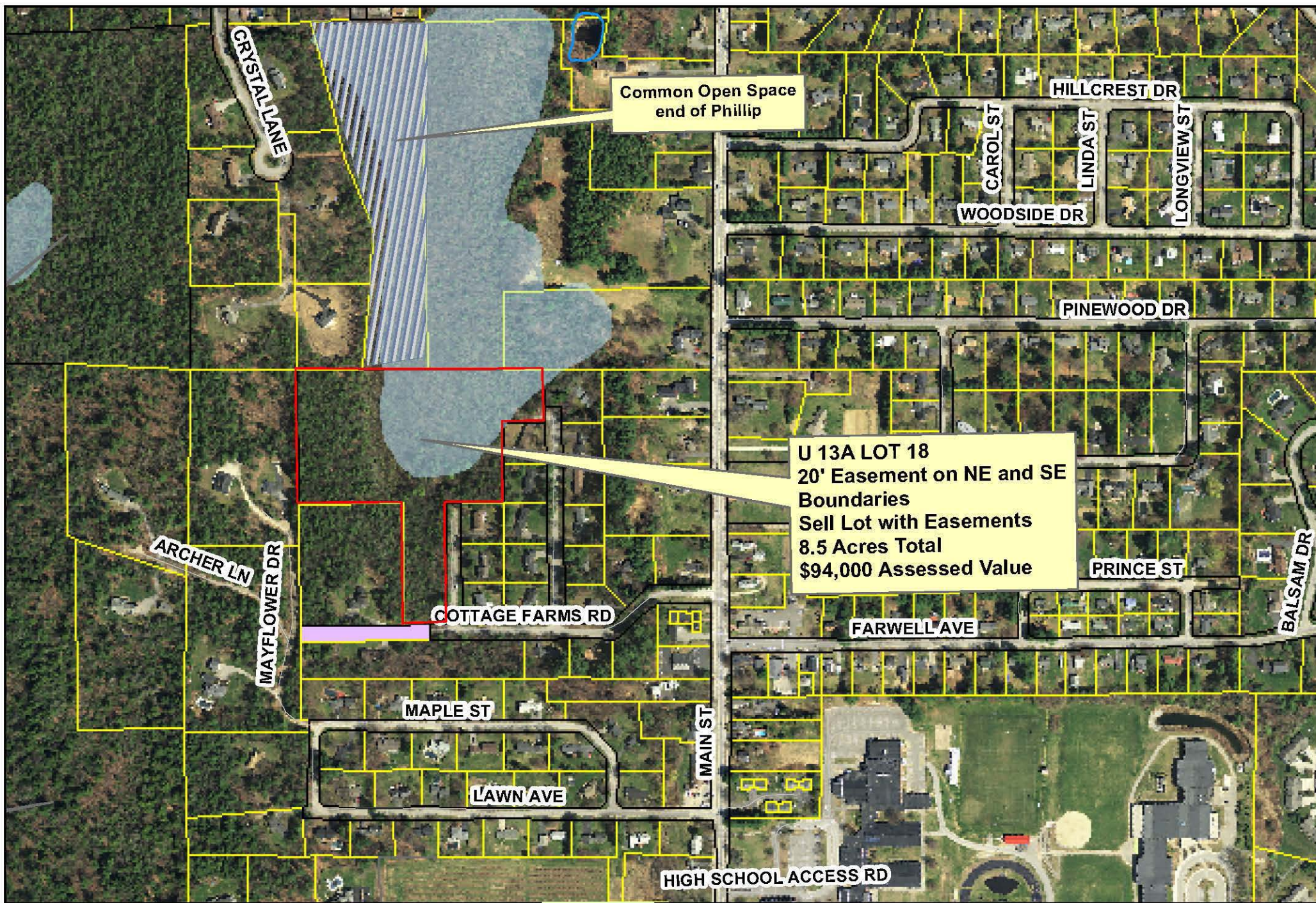
 Cumberland Town Owned Land  NWI



700 350 0 700 Feet



1 inch = 700 feet



 Cumberland Town Owned Land

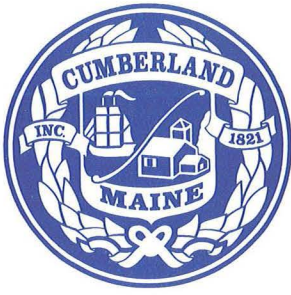
 NWI



400 200 0 400 Feet

1 inch = 400 feet

EXECUTIVE SESSION pursuant to
Title 36 M.R.S.A., § 841 re: Hardship
Abatement Request



TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

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

TO: William Shane, Town Manager

FROM: Tammy O'Donnell, Town Clerk/Deputy Tax Collector

DATE: December 4, 2013

SUBJECT: Hardship Abatement Request

I have received a Hardship Abatement Request from Mrs. Audrey Jacobson for property located at 219 Range Road, Cumberland, Map R05/Lot 34. Mrs. Jacobson is requesting the abatement for the tax year 2012 (in the amount of \$4,237.41), which will be going to tax foreclosure on December 18, 2013. Mrs. Jacobson is a widow and has only social security for income. She is struggling with health issues at this time. I have attached the application as well as her 2012 social security statement (she couldn't find the 2013 statement). I have also attached the tax statement for this property.

**MUNICIPALITY OF CUMBERLAND
MUNICIPAL OFFICERS
CUMBERLAND, MAINE**

Application for Abatement of Local Property Tax
(Under 36 M.R.S.A. ss. 841)

Instructions: All questions should be answered. You may be requested to supply additional data to support your request. An application must be submitted for each year for which the abatement is being requested.

Name: Audrey C. Jacobson

Address: 219 Range Road, Cumberland, Me

Phone: _____

Marital Status: Single _____ Married _____ Widowed ✓
 Divorced _____ Separated: _____

List **ALL** household members including applicant and spouse:

<u>Name</u>	<u>Birthdate</u>	<u>Occupation</u>
<u>Audrey Jacobson</u>	<u>12-3-36</u>	<u>Retired</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Are you or your spouse a disabled veteran? N/A

If either you or your spouse is disabled, specify whom and describe disability:

Please describe real estate for which abatement is requested.

Description (Address)	Location (Town)	Current Assessed Value (on tax bill)
<u>219 Range Road</u>	<u>Cumberland</u>	<u>284,100</u>

Amount of property tax abatement requested: \$ 4237.41 (2012)

INCOME: (Monthly)

Net Income: 1362.00 (ss)
S. S. Benefits: _____
S. S. Income: 1362.00
Pensions: —
Other: —

ASSETS:

Cash on hand: 1362.00
Checking: _____
Property: assessed at \$284,100
Vehicles: 2000 Buick

DEBT: (Monthly)

Mortgage: —
Credit Cards: 100.00
Food: 250.00
Household items: 10.00
Medication: —
Insurance: 87.00
Heating Fuel: 369.00
Electricity: 147.00
Telephone: 165.00 TV & Phone
Gas: 100.00
Car Payments: —
Medical Expenses: —
Taxes: 353.12

OUTSTANDING INDEBTEDNESS:**AMOUNT OF MORTGAGE ON PROPERTY:** 0**CREDITOR'S NAME:**

Macy's
J.C. Penny

TOTAL AMOUNT OWED:

100.00
100.00

TOTAL INCOME: \$ 1362.00**TOTAL EXPENSES:** 1581.12

To the Municipal Officers for the Municipality of Cumberland, Maine:

I hereby apply for abatement of property taxes in accordance with Title 36, M.R.S.A., Section 841, as amended, which permits tax abatement by the municipal officers, or the State Tax Assessor for the Unorganized Territory, who may on their own knowledge or on written application therefore, make such abatements as they believe reasonable in the real and personal taxes of all persons who, by reason of infirmity or poverty, are in their judgement unable to contribute to the public charges. The answers to the above questions are correct to the best of my knowledge and belief.

X Dated: 12-4-13
Dated: _____
STATE OF MAINE

X Applicant: Bruce R. [Signature]
Applicant: _____

Cumberland, ss

Subscribed and sworn to before me this day.

Dated: 12-4-13

Notary Public:

Jamara P. O'Donnell

Notice: A written decision shall be made within 30 days of the date of application.

FACTS ABOUT YOUR 2012 SOCIAL SECURITY BENEFIT STATEMENT

Your 2012 Social Security Benefit Statement is on the back of this form. Use it, along with the information below, to see if part of your Social Security benefits may be taxable.

What You Need To Do

Use the 2012 statement on the reverse, with the Internal Revenue Service (IRS) Notice 703 below, to see if any of your Social Security benefits are taxable. Do not return this form to us or the IRS. Do not attach it.

Box 2—"Social Security Number"— shows the Social Security number of the person shown in Box 1, if we have the number.

Box 3—"Benefits Paid in 2012"— shows the total amount of Social Security we paid you in 2012.

2012 for earlier years are shown in a separate column.

Box 4—"Benefits Repaid to SSA in 2012"— shows the total amount of benefits you repaid us in 2012. We show items that apply to you in the column headed "Description of Amount in Box 4."

FORM SSA-1099 – SOCIAL SECURITY BENEFIT STATEMENT

2012 • PART OF YOUR SOCIAL SECURITY BENEFITS SHOWN IN BOX 5 MAY BE TAXABLE INCOME. • SEE THE REVERSE FOR MORE INFORMATION.		
Box 1. Name AUDREY C JACOBSON		Box 2. Beneficiary's Social Security Number 020-28-8083
Box 3. Benefits Paid in 2012 \$16,344.00	Box 4. Benefits Repaid to SSA in 2012 NONE	Box 5. Net Benefits for 2012 (Box 3 minus Box 4) \$16,344.00
DESCRIPTION OF AMOUNT IN BOX 3 Paid by check or direct deposit \$16,344.00 Benefits for 2012 \$16,344.00		DESCRIPTION OF AMOUNT IN BOX 4 NONE
		Box 6. Voluntary Federal Income Tax Withheld NONE
		Box 7. Address AUDREY C JACOBSON 219 RANGE RD CUMBERLAND CENTER ME 04021-3436
		Box 8. Claim Number (Use this number if you need to contact SSA.) 020-28-8083A

Form SSA-1099-SM (1-2013)

DO NOT RETURN THIS FORM TO SSA OR IRS

office.

12/04/2013 15:32
todonnell

TOWN OF CUMBERLAND
CUSTOMER STATEMENT

PG 1
arcidstm

CURRENT ADDRESS:
JACOBSON RAYMOND E
JACOBSON AUDREY C
219 RANGE ROAD
CUMBERLAND ME 04021

LOCATION:
219 RANGE ROAD

PROPERTY CODE:
R05034000000

CUSTOMER ID: 101603

INTEREST DATE: 12/13/2013

YEAR	TYPE	CHARGE	BILLED	PRIN DUE	INT DUE	FEE/PEN DUE	TOTAL DUE
2013	TL-R	1 REAL ESTAT	3,229.70	3,229.70	115.21	.00	3,344.91
		1 CERTIFIED	6.11	6.11	.00	.00	6.11
		1 COLLECTORS	1.00	1.00	.00	.00	1.00
		1 LNFEE	9.00	9.00	.00	.00	9.00
		1 NOTFEE	3.00	3.00	.00	.00	3.00
		1 REGFEE	26.00	26.00	.00	.00	26.00
		1 TAX LIEN I	20.44	20.44	.00	.00	20.44
		BILL# 44	3,295.25	3,295.25	115.21	.00	3,410.46
2012	TL-R	1 REAL ESTAT	3,688.78	3,688.78	387.67	.00	4,076.45
		1 CERTIFIED	5.75	5.75	.00	.00	5.75
		1 NOTFEE	3.00	3.00	.00	.00	3.00
		1 COLLECTORS	1.00	1.00	.00	.00	1.00
		1 LNFEE	9.00	9.00	.00	.00	9.00
		1 REGFEE	26.00	26.00	.00	.00	26.00
		1 TAX LIEN I	116.21	116.21	.00	.00	116.21
		1st INST. TOTAL	3,849.74	3,849.74	387.67	.00	4,237.41
		BILL# 20128059	3,849.74	3,849.74	387.67	.00	4,237.41
		CUSTOMER TOTALS	7,144.99	7,144.99	502.88	.00	7,647.87

** END OF REPORT - Generated by Tammy Odonnell **

Property Location: 219 RANGE ROAD

MAP ID: R05/ 34/ /

Bldg Name:

State Use: 1010

Vision ID: 1383

Account # J0110R

Bldg #: 1 of 1

Sec #: 1 of 1 Card 1 of 1

Print Date: 12/04/2013 16:18

CURRENT OWNER		TOPO.	UTILITIES	STRT./ROAD	LOCATION	CURRENT ASSESSMENT														
						Description	Code	Appraised Value	Assessed Value											
JACOBSON AUDREY C						RESIDENTIAL	1010	162,100	162,100											
219 RANGE ROAD						RES LAND	1010	132,000	132,000											
CUMBERLAND, ME 04021																				
Additional Owners:																				
<div> <div>Other ID: 0R05 0034 0000</div> <div> <div>EXEMPT RESEXM TREES hearing</div> <div>GIS ID: 0R05 0034 0000</div> </div> <div>ASSOC PID#</div> </div>																				
						Total		294,100	294,100											
<div> <div>RECORD OF OWNERSHIP</div> <div>BK-VOL/PAGE</div> <div>SALE DATE</div> <div>q/u</div> <div>v/i</div> <div>SALE PRICE</div> <div>V.C.</div> </div>																				
<div> <div>PREVIOUS ASSESSMENTS (HISTORY)</div> <div> <div>Yr.</div> <div>Code</div> <div>Assessed Value</div> </div> <div> <div>Yr.</div> <div>Code</div> <div>Assessed Value</div> </div> <div> <div>Yr.</div> <div>Code</div> <div>Assessed Value</div> </div> <div> <div>Yr.</div> <div>Code</div> <div>Assessed Value</div> </div> </div>																				
<div> <div>JACOBSON AUDREY C</div> <div>4696/ 247</div> <div></div> <div>U</div> <div></div> <div>0</div> </div>																				
<div> <div>Yr.</div> <div>Code</div> <div>Assessed Value</div> </div> <div> <div>Yr.</div> <div>Code</div> <div>Assessed Value</div> </div> <div> <div>Yr.</div> <div>Code</div> <div>Assessed Value</div> </div> <div> <div>Yr.</div> <div>Code</div> <div>Assessed Value</div> </div>																				
<div> <div>2014</div> <div>1010</div> <div>162,100</div> </div> <div> <div>2013</div> <div>1010</div> <div>162,100</div> </div> <div> <div>2012</div> <div>1010</div> <div>162,100</div> </div> <div> <div>2014</div> <div>1010</div> <div>132,000</div> </div> <div> <div>2013</div> <div>1010</div> <div>132,000</div> </div> <div> <div>2012</div> <div>1010</div> <div>132,000</div> </div>																				
<div> <div>Total:</div> <div>294,100</div> <div>Total:</div> <div>294,100</div> <div>Total:</div> <div>294,100</div> </div>																				
<div> <div>EXEMPTIONS</div> <div>OTHER ASSESSMENTS</div> </div>																				
Year	Type	Description	Amount	Code	Description	Number	Amount	Comm. Int.												
1998	10	HOMESTEAD 2	10,000																	
Total:			10,000																	
<div> <div>ASSESSING NEIGHBORHOOD</div> <div> <div>NBHD/ SUB</div> <div>NBHD Name</div> <div>Street Index Name</div> <div>Tracing</div> <div>Batch</div> </div> </div>																				
<div> <div>0001/A</div> <div></div> <div></div> <div></div> <div></div> </div>																				
<div> <div>NOTES</div> <div>HOME DEMOLISHED AND REPLACED WITH RITZ CRAFT MODULAR RANCH IN 2004</div> <div>14363/306 NEW LOT 34B</div> <div>14502/290 NEW LOT 35C</div> </div>																				
<div> <div>APPRAISED VALUE SUMMARY</div> <div> <div>Appraised Bldg. Value (Card)</div> <div>162,100</div> </div> <div> <div>Appraised XF (B) Value (Bldg)</div> <div>0</div> </div> <div> <div>Appraised OB (L) Value (Bldg)</div> <div>0</div> </div> <div> <div>Appraised Land Value (Bldg)</div> <div>132,000</div> </div> <div> <div>Special Land Value</div> <div>0</div> </div> <div> <div>Total Appraised Parcel Value</div> <div>294,100</div> </div> <div> <div>Valuation Method:</div> <div>C</div> </div> <div> <div>Adjustment:</div> <div>0</div> </div> <div> <div>Net Total Appraised Parcel Value</div> <div>294,100</div> </div> </div>																				
<div> <div>BUILDING PERMIT RECORD</div> <div>VISIT/ CHANGE HISTORY</div> </div>																				
Permit ID	Issue Date	Type	Description	Amount	Insp. Date	% Comp.	Date Comp.	Comments	Date											
05-161	08/17/2005	RS	Residential	3,500	10/04/2006	100	10/04/2006	DECK	10/04/2006											
04-190	07/08/2004	NC	New Construct	163,151	04/06/2005	100	04/06/2005	NEW CONST	04/06/2005											
04-023	02/26/2004	DE	Demolish	11,300	04/06/2005	100	04/06/2005	DEMOLISH FIRE DAM	10/08/1996											
<div> <div>LAND LINE VALUATION SECTION</div> <div> <div> <div>B #</div> <div>Use Code</div> <div>Use Description</div> <div>Zone</div> <div>D</div> <div>Front</div> <div>Depth</div> <div>Units</div> <div>Unit Price</div> <div>I. Factor</div> <div>S.A.</div> <div>Acre Disc</div> <div>C. Factor</div> <div>ST. Idx</div> <div>Adj.</div> <div>Notes- Adj</div> <div>Special Pricing</div> <div>S Adj Fact</div> <div>Adj. Unit Price</div> <div>Land Value</div> </div> </div> </div>																				
1	1010	Single Fam MDL-01	RR1				174,240	SF	0.75	1.0000	5	1.0000	1.00	120	1.00			1.00	0.75	130,700
1	1010	Single Fam MDL-01	RR1				0.21	AC	6,000.00	1.0000	0	1.0000	1.00	120	1.00	AD		1.00	6,000.00	1,300
<div> <div>Total Card Land Units:</div> <div>4.21</div> <div>AC</div> <div>Parcel Total Land Area:</div> <div>4.21</div> <div>AC</div> </div>																				
<div> <div>Total Land Value:</div> <div>132,000</div> </div>																				

Property Location: 219 RANGE ROAD

MAP ID: R05/ 34/ / /

Bldg Name:

State Use: 1010

Vision ID: 1383

Account # J0110R

Bldg #: 1 of 1

Sec #: 1 of 1

Card 1 of 1

Print Date: 12/04/2013 16:18

CONSTRUCTION DETAIL				CONSTRUCTION DETAIL (CONTINUED)			
Element	Cd.	Ch.	Description	Element	Cd.	Ch.	Description
Style	01		Ranch				
Model	01		Residential				
Grade	03		Average				
Stories	1						
Occupancy	1			MIXED USE			
Exterior Wall 1	25		Vinyl Siding	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				
Interior Wall 2				COST/MARKET VALUATION			
Interior Flr 1	14		Carpet	Adj. Base Rate:		70.98	
Interior Flr 2						163,822	
Heat Fuel	02		Oil	Net Other Adj:		5,000.00	
Heat Type	05		Hot Water	Replace Cost		168,822	
AC Type	01		None	AYB		2004	
Total Bedrooms	02		2 Bedrooms	EYB		2004	
Total Bthrms	2			Dep Code		A	
Total Half Baths	0			Remodel Rating			
Total Xtra Fixtrs				Year Remodeled			
Total Rooms	5			Dep %		4	
Bath Style	03		Modern	Functional Obslnc		0	
Kitchen Style	02		Average	External Obslnc		0	
				Cost Trend Factor		1	
				Status			
				% Complete			
				Overall % Cond		96	
				Apprais Val		162,100	
				Dep % Ovr		0	
				Dep Ovr Comment			
				Misc Imp Ovr		0	
				Misc Imp Ovr Comment			
				Cost to Cure Ovr		0	
				Cost to Cure Ovr Comment			