

AGENDA

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, August 24, 2015

7:00 P.M. Call to Order

I. CALL TO ORDER

II. APPROVAL OF MINUTES

August 10, 2015

III. MANAGER'S REPORT

- Rescue Billing 2nd notices
- “Clink” trash bags

IV. PUBLIC DISCUSSION

V. LEGISLATION AND POLICY

15 – 113 To hold a Public Hearing to consider and act on setting sewer user fees for FY' 16.

15 – 114 To hold a Public Hearing to consider and act on a Mass Gathering Permit for Binnie Media's Fall Ultimate Yard Sale to be held on October 17th at the Cumberland Fair Grounds.

15 – 115 To consider and act on forwarding to the Planning Board for a Public Hearing and recommendation a zone change request for 306 Tuttle Road to change the zone from Rural Residential 1 (RRI) to Village Mixed Use (VMU).

VI. NEW BUSINESS

VII. EXECUTIVE SESSION pursuant to 1 M.R.S.A., § 405(6)(C) re: real property and 1 M.R.S.A., § 405(6)(A)(1) re: a personnel matter.

VIII. ADJOURNMENT

MOTIONS

MOTIONS

15 – 113 I move to authorize a 2% increase in sewer user fees for FY'16.

15 – 114 I move to approve the Mass Gathering Permit for Binnie Media's Fall Ultimate Yard Sale to be held on October 17th at the Cumberland Fair Grounds.

15 – 115 I move to forward to the Planning Board for a Public Hearing and recommendation a zone change request for 306 Tuttle Road to change the zone from Rural Residential 1 (RRI) to Village Mixed Use (VMU).

I move to recess to Executive Session pursuant to 1 M.R.S.A., § 405(6)(C) re: real property and 1 M.R.S.A., § 405(6)(A)(1) re: a personnel matter.

MINUTES

08/10/15

MINUTES

Cumberland Town Council Meeting Town Council Chambers

MONDAY, August 10, 2015

6:30 P.M. WORKSHOP with Fire Chief, Dan Small re: Future of Central Station



Department Overview


- Volunteer base works out of town which leads to day-time staffing issues.
 - 70% of calls are during the day (6AM to 6PM).
- 1 Firefighter/EMT-P and 1 Firefighter/EMT-B on duty at all times
- College live-in students
 - 6 student positions (4 @ central and 2 @ west)
 - 34 weeks per year
- Deputy Bernier and Firefighter Balvin (M-F/8-4)
- Chief part-time

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Central Station

- Built in 1968
- Built on same lot as previous station
- Meeting Room w/Kitchen
- 3 offices
 - Fire
 - Police
 - Dispatch



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Whitman House



- Purchased in 1993 and rented
- 4 College Students
- 1 Firefighter/Paramedic
- Storage of PPE
- Filing of sub-division/business projects
- Washer/dryer
- Medical equipment

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Limitations

- Size for staff (Offices, Training, Sleeping)
- Storage (Gear, tables/chairs, supplies)
- Handicap Accessible
- Heating loss (walls and ceilings)
- Radio Equipment in 1 of the offices for Fire, Police and Public Services

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Limitations (cont.)

- Community Room / Medical Checks
- Conference/Small meeting Room
- Maine BLS has condemned second floor of barn and mezzanine above storage area
- Readiness storage of PPE
- On site parking
- Decontamination area for equipment

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Cumberland Fire Department

10



Second floor condemned by Bureau of Labor



First floor wall studs and overhead doors rotted

8/10/2015 -V/16

Cumberland Fire Department

11



Not Handicap Accessible



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Cumberland Fire Department

12



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Cumberland Fire Department

13

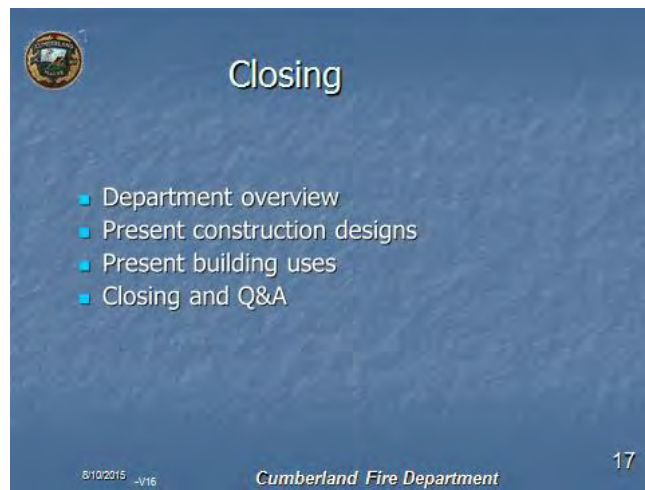


8/10/2015 -V/16

Cumberland Fire Department

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7:00 P.M. CALL TO ORDER

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

I. APPROVAL OF MINUTES

Motion by Councilor Gruber, seconded by Councilor Turner, to accept the July 27, 2015 minutes as presented.

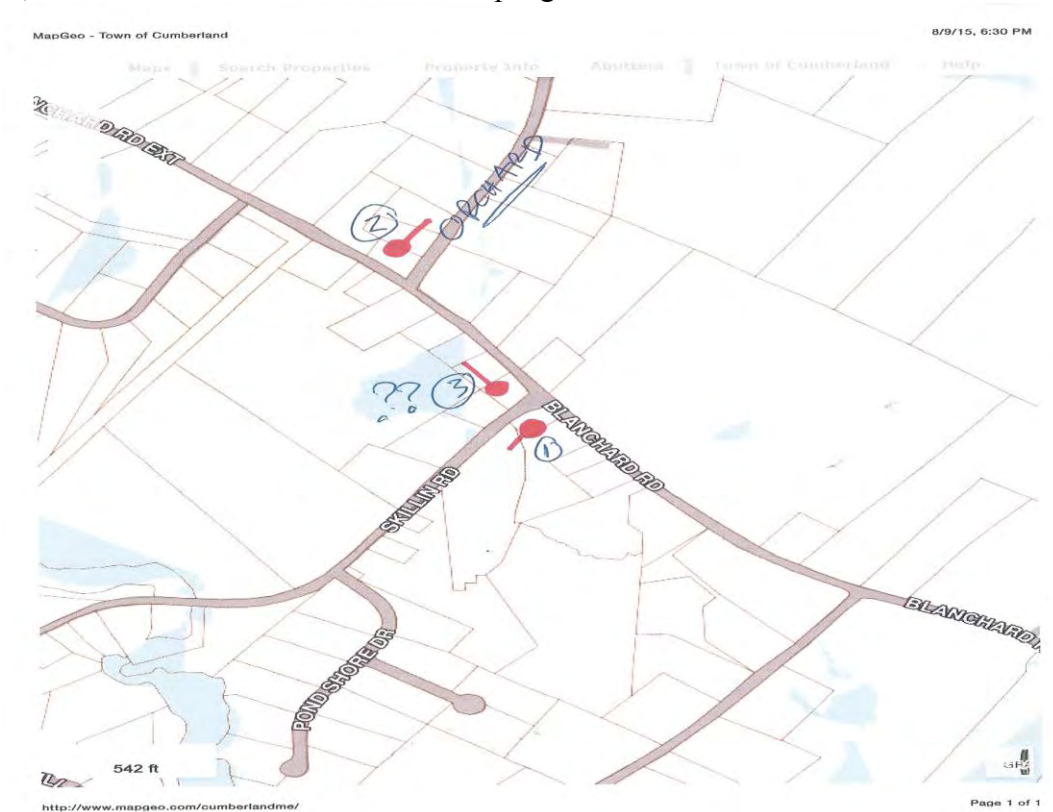
VOTE: 7-0

II. MANAGER'S REPORT

Town Manager Shane said that he would hold off and report under New Business.

III. PUBLIC DISCUSSION

Chris Neagle, 76 Orchard Road referenced the stop signs below:



Mr. Neagle asked why stop sign # 3 is there at all. To him, stop signs do a lot of bad things. First of all, they cause you to use gas by stopping and starting, it puts wear and tear on your vehicle every time you stop and start, and it adds time to your commute. The stop sign may have been installed when there was much more traffic in that area, but this is not the case now. It seems to him that if stop sign #3 were eliminated, there would not be a public safety issue. A sign would have to be installed warning drivers that there is a new traffic pattern and that they would have to yield.

Town Manager Shane said that it is the Council's decision if they want to get some traffic study information.

Chairman Bingham asked the Council if they would like the Manager to get that information.

They all agreed that they did.

IV. LEGISLATION AND POLICY

15 – 105 To consider and act on authorizing the Code Enforcement Officer to execute a Consent Agreement with the owners of 81 Blackstrap Road.

Town Manager Shane explained that the Consent Agreement has been drafted as directed by the Town Council in order to levy a fine against the owner of 81 Blackstrap Road. The property owner, Mark Sloat is here this evening to answer any questions. The property has been cleaned up to the satisfaction of the Code Enforcement Officer.

Mark Sloat of 81 Blackstrap Road said that he spoke to each Town Councilor in person (with the exception of Chairman Bingham who he was not able to reach) about this issue, but would be happy to answer any questions this evening.

Councilor Stiles asked Mr. Sloat to explain to the public how he "attacked this problem" and cleaned up the property.

Mr. Sloat explained that his son collects scrap metal and got carried away during the last bulky waste pick up week. He told his son that there was too much junk on the property and that "it has to go". They began making trips to the salvage yard when they could, but then the road work on Blackstrap Road started and he had to get his property ready to allow room for fill to be dumped there, and move the junk in the same period of time. He moved the junk "out back" until he could remove it for good the following week during his vacation. He thought it was still on his property, but later learned that it was not. It is that same location that his parents always had their garden. He admits that ignorance is not an excuse, but he sincerely thought that was his property.

Councilor Gruber told Mr. Sloat that he did the right thing by reaching out to every Town Councilor to explain his situation to them.

Councilor Edes told Mr. Sloat that he really appreciated him taking the time to come see him and explain his situation in person.

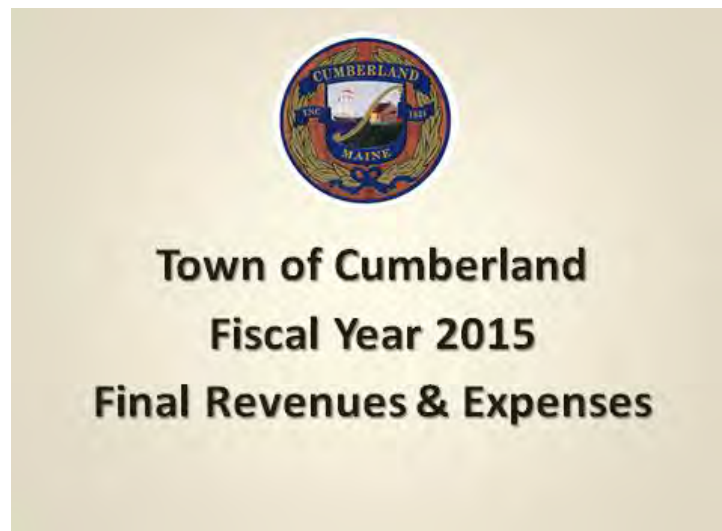
Motion by Councilor Edes, seconded by Councilor Turner, to table action on this item, but if there is any reoccurrence it will be brought back to the Town Council and the Consent Agreement will increase to \$1,000.

VOTE: 7-0 UNANIMOUS

Councilor Turner said that it is a good thing to reach out to each Town Councilor, but it is even better to come to a meeting and explain your situation to the public. That is the most important thing that Mr. Sloat did in his situation.

15 – 106 To hear a report from the Finance Director re: 4th quarter financials.

Finance Director, Heather Perreault presented the 4th quarter financial report:



General Fund Revenues & Expenditures			
	Budget	Actual	FY15 Over (Under) Budget
Total Revenues	\$ 3,869,062	\$ 4,482,904	\$ 613,842
Over budget			
Controllable Expenses	\$ 6,285,878	\$ 6,565,527	\$ 279,649
Fixed Expenses	\$ 17,460,094	\$ 17,299,032	\$ (161,062)
Total Expenses	\$ 23,745,972	\$ 23,864,559	\$ 118,587
Over budget			
GF Net Revenues over Expenditures			\$ 495,255

Selected Revenues

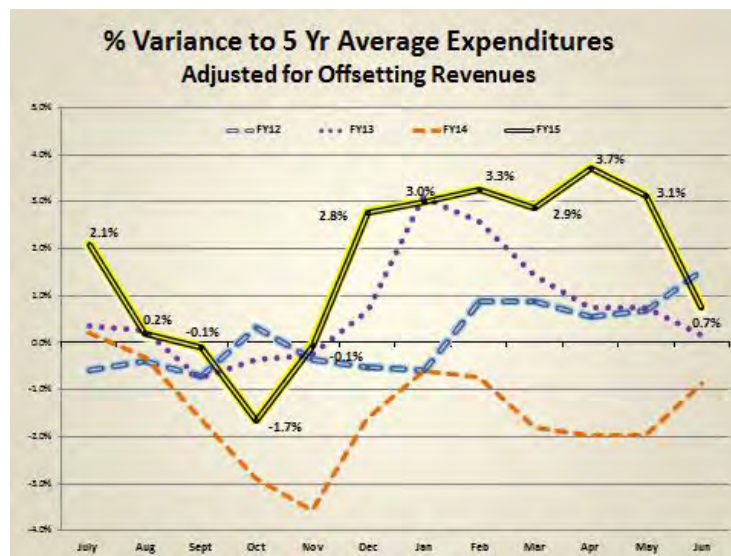
	Budget	Actual	FY15 Over (Under) Budget
Excise Tax	\$ 1,430,000	\$ 1,679,725	\$ 249,725
Recreation	\$ 567,826	\$ 637,067	\$ 69,241
State Revenue Share	\$ 385,710	\$ 421,155	\$ 35,445
PAYT Bag Sales	\$ 250,000	\$ 279,276	\$ 29,276
Rescue Billing	\$ 155,000	\$ 199,921	\$ 44,921
Permits & Impact Fees	\$ 141,500	\$ 185,097	\$ 43,597

Unbudgeted Revenues

	Budget	Actual
Non-Emerg Transport	\$ -	\$ 56,434
EcoMaine Rebate	\$ -	\$ 31,609
State Aid - MEMA	\$ -	\$ 29,042
WC Div & Refunds	\$ -	\$ 26,587
ACO Sharing	\$ -	\$ 12,644

Selected Expenditures

	Budget	Actual	FY15 Over (Under)	Revenue Offset
Abatelements	\$ 20,000	\$ 75,921	\$ 55,921	
Legal	\$ 32,500	\$ 60,601	\$ 28,101	
Debt Service	\$ 919,267	\$ 766,386	\$ (152,881)	
FD NET Wages	\$ -	\$ 36,341	\$ 36,341	\$ 56,434
Public Works	\$ 941,925	\$ 978,911	\$ 36,986	\$ 29,042
Recreation	\$ 644,444	\$ 742,156	\$ 97,712	\$ 69,241



15 – 107 To authorize the Town Manager to execute a grant award contract for the Payson Pier Replacement Project.

Town Manager Shane explained that we were fortunate to receive this grant. The pier at the Payson Property is a 200 foot pier that is primarily a residential pier. This grant is for \$21,000 for the engineering to construct a future replacement pier. We are currently working with the Coastal Waters Commission, who is the ultimate permitting authority per Town Charter. The action this evening is to authorize the Manager to execute the contract and accept the grant.

Motion by Councilor Gruber, seconded by Councilor Stiles, to authorize the Town Manager to execute a contract with the State of Maine for the Payson Pier Replacement Project Grant (\$20,906) and to allow the balance of the funding to be transferred from the Land Acquisition Reserve funds (estimated less than \$10,000).

VOTE: 7-0 UNANIMOUS

15 – 108 To set a Public Hearing date of August 24th to consider and act on setting sewer user fees for FY'16.

Motion by Councilor Stiles, seconded by Councilor Turner, to set a Public Hearing date of August 24th to consider and act on setting sewer user fees for FY'16 and to authorize the Town Manager to send a rate increase letter to all sewer users.

VOTE: 7-0 UNANIMOUS

15 – 109 To consider and act on authorizing the Town Manager to execute a 3-year Rental Service Agreement with Cintas for Public Services uniforms.

Town Manager Shane explained that any contract over one year in length requires Town Council authorization. This is for the rental of Public Services uniforms, Cintas was the lowest bidder, and staff is recommending approval.

Motion by Councilor Turner, seconded by Councilor Copp, to authorize the Town Manager to execute a 3-year Rental Service Agreement with Cintas for Public Services uniforms.

VOTE: 7-0 UNANIMOUS

15 – 110 To consider and act on authorizing the Town Manager to execute a 6-year lease agreement with Wells Fargo Financial Leasing, Inc. for maintenance golf carts at Val Halla.

Town Manager Shane explained that this is for the maintenance vehicles that are used at the golf course, not the regular golf carts. This will authorize the rental company go out to bid for a competitive rate (not necessarily Wells Fargo).

Motion by Councilor Stiles, seconded by Councilor Turner, to authorize the Town Manager to execute a 6-year lease agreement for maintenance golf carts at Val Halla.

VOTE: 7-0 UNANIMOUS

15 – 111 To consider and act on Mass Gathering Permits for the Maine Principals Association Regional Cross Country Meet to be held on October 24th at Twin Brook.

Motion by Councilor Storey-King, seconded by Councilor Stiles, to approve the Mass Gathering Permit for the Maine Principals Association Regional Cross Country Meet to be held on October 24th at Twin Brook.

VOTE: 7-0 UNANIMOUS

15 – 112 To consider and act on Mass Gathering Permits for the Maine Principals Association State Cross Country Meet to be held on October 31st at Twin Brook.

Motion by Councilor Copp, seconded by Councilor Storey-King, to approve the Mass Gathering Permit for the Maine Principals Association State Cross Country Meet to be held on October 31st at Twin Brook.

VOTE: 7-0 UNANIMOUS

V. NEW BUSINESS

Councilor Edes – in regard to the statement at the last meeting about the LED sign at the High School, the Town Council did not authorize any funds and the Town did not contribute toward that sign.

He, Councilor Copp and the Town Manager met with the Windham Town Council to continue discussions about the mutual aid emergency coverage around the Forest Lake area. We hope to have the issue resolved by fall.

He referred to an article in the Forecaster that reported that the Town of Falmouth received \$522,000.00 in State aid and instead of spending it they used it to reduce their mil rate. He feels that if a school department finds extra money, it doesn't belong to them; it belongs to all the tax payers.

Councilor Gruber – the Aging in Place Committee Chair will be at a Council meeting in September to report on the results of the survey that was mailed to all residents.

He and his wife walked the new trail system in the Town Forest recently. It is unbelievable. Thank you to the Lands and Conservation Commission and Public Works Department for making it happen. He thanked Brad Hilton for having the vision to make the trail what it is today.

Thank you to all the volunteers who help at our Food Pantry and make it a success.

Councilor Storey-King – tax bills have been mailed out.

She has received some complaints about the flimsiness of the Town trash bags. She responded that we are cycling through the last of the flimsy bags and the next batch will be better. She suggested that they use a regular trash bag and put that inside the Town bag until they get the stronger bags.

Thank you to the Lands & Conservation Commission for the great flyer that they mailed to everyone in Town. It was an educational piece on invasive species that was very informative.

She encountered a peloton (a large group of cyclists) that came off Route 88 and stayed the entire width of the road across the bridge on Tuttle Road, stayed in a group while turning left onto Middle Road. They remained grouped wide down Middle Road and didn't move over for traffic to safely pass them. There are several blind spots on Middle Road a large gully. She respectfully reminded the pelotons that they are required by law to ride single file.

Councilor Turner – he was a critic of the Planning Board's decision to widen the road into the Payson Property, because he felt that the rustic charm would be destroyed. He is glad to report that he now feels that it was a beautifully done project and has not detracted from the beauty of that property. He is very proud of what the Town has done there.

We have some recently paved roads around Town. He reminded everyone to be mindful of their speed when traveling these newly paved roads, especially on Route 88. If the police sat at a couple of spots in particular on Route 88 around 4:00 in the afternoon, they would likely stop $\frac{3}{4}$ of the people that drive by going 15 mph over the speed limit.

He agreed with Councilor Storey-King in regard to cyclists. They have their rights, but they should not ride in the middle of the road and God help any car that comes within 3 feet of them. A lot of times, they ride in single line formation, but there always seems to be a couple that insists on riding side by side in the middle of the road. To those cyclists that insist on riding in that dangerous manner, you probably shouldn't.

Chairman Bingham – Mary Dillon passed away recently. Mary was the wife of Ron Dillon, who served us well on the last major Comprehensive Plan Committee and the Planning Board. Ron was very respected and thoughtful.

Claudia “Cookie” Lowell also passed away recently. She was a marvelous person who was very active in our community as well as the church. Her beloved-ness was evident last Friday by the full house at the Congregational Church for her service.

He was diagnosed with Lyme disease recently. He is starting to feel better, but has still not regained his strength. He works on his property a lot and is very good about checking for ticks, but he must have missed one.

Councilor Stiles – he took his grandson to the Payson Property recently. It was low tide when they were there and it was absolutely gorgeous.

He reminded everyone that he is still collecting money for the 4-H auction that will benefit the food pantry. If everyone in Cumberland and North Yarmouth donate just \$10, we can purchase a lot of quality meat products for the Food Pantry while helping the 4-H kids.

Councilor Copp – he also ran into a problem with cyclist recently on Blanchard Road. They were not riding single file and he was not able to pass them in his wrecker truck. The cyclists need to remember that motorists move over for them in order to give them 3 feet between them and the vehicle, they should be courteous enough to ride single file. We need to see some police presence dealing with this issue.

Town Manager Shane – a portion of Blanchard Road was paved recently, from Glenview to almost Bruce Hill (and a portion of Bruce Hill). We just received an award from PACTS for \$650,000 for the paving of the rest of Blanchard Road for next year (from Main Street to Glenview)

Construction work on Blackstrap Road started today and drainage work around the Main Street area will begin tomorrow. The drainage work and paving in the Farwell Drive area will begin late fall/early spring and paved next summer.

VI. ADJOURNMENT

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

VOTE: 7-0 UNANIMOUS

TIME: 8:14 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary

MANAGER'S REPORT

TOWN OF CUMBERLAND EMS BILLING
PO BOX 1810
WINDHAM, ME 04062-1810

TOTAL DUE	\$1,017.00
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Current

ITEMIZED INVOICE



TOWN OF CUMBERLAND EMS BILLING
PO BOX 1810
WINDHAM, ME 04062-1810

TO ASSURE PROPER CREDIT, RETURN THIS
PORTION WITH YOUR PAYMENT
Ticket #: 52-15-0483:1

Statement Date	Patient ID	AMOUNT PAID
06/19/15	175935	

DETACH HERE

MAKE CHECKS PAYABLE TO:

TOWN OF CUMBERLAND EMS BILLING

BALANCE	\$1,017.00
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Date of Service	Description	Patient Name	Charge(s)	Payment(s)
Charges				
6/3/2015	ALS TRANSPORT		\$800.00	
6/3/2015	MILEAGE		\$217.00	
Charge Total:			\$1,017.00	

PLEASE CALL THIS OFFICE WITH INSURANCE INFORMATION OR
YOU MAY MAKE MONTHLY PAYMENTS.

BALANCE \$1,017.00

PLEASE CONTACT 1-800-734-6677 WITH YOUR INSURANCE
INFORMATION IF YOU DO NOT HAVE INSURANCE OR UNABLE TO PAY
THIS BILL PLEASE CONTACT US

TOWN OF CUMBERLAND EMS BILLING
PO BOX 1810
WINDHAM, ME 04062-1810

TOTAL DUE	\$1,017.00
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Proposed

ITEMIZED INVOICE



TOWN OF CUMBERLAND EMS BILLING
PO BOX 1810
WINDHAM, ME 04062-1810

TO ASSURE PROPER CREDIT, RETURN THIS
PORTION WITH YOUR PAYMENT
Ticket #: 52-15-0483:1

Statement Date	Patient ID	AMOUNT PAID
06/19/15	175935	

DETACH HERE

MAKE CHECKS PAYABLE TO:

TOWN OF CUMBERLAND EMS BILLING

BALANCE	\$1,017.00
---------	------------

Date of Service	Description	Patient Name	Charge(s)	Payment(s)
Charges				
6/3/2015	ALS TRANSPORT	[REDACTED]	\$800.00	
6/3/2015	MILEAGE		\$217.00	
Charge Total:			\$1,017.00	

BALANCE \$1,017.00

Please call 1-800-734-6677 to provide insurance information or to set up a payment plan.

If you are having difficulty paying this bill, please contact:
Town of Cumberland Fire/EMS Department 207-829-4573
Chief Dan Small dsmall@cumberlandmaine.com
Deputy Chief Evariste Bernier ebarnier@cumberlandmaine.com



TOWN OF CUMBERLAND, MAINE

EMERGENCY MEDICAL SERVICES – FINANCIAL HARDSHIP ASSISTANCE

Patient's Name _____
Person Responsible for Payment _____
Address to use for Billing _____ Phone # _____
City/State _____ Zip Code _____

Amount of Financial Assistance requested: \$ _____

Are you able to set up a payment plan? Requested monthly payment: \$ _____

Does the patient have Medical Insurance? YES NO

Name of Insurance Company _____

ID# _____ Group/Plan # _____

Is the patient a resident of Cumberland? YES NO

Is the patient eligible for Medicare? YES NO

Is the patient eligible for Medicaid? YES NO

Does the patient have a Mercy Hospital Charity Care Card? YES NO

Does the patient have a Maine Medical Center Uncompensated Care Card? YES NO

Please indicate the reason financial assistance is being requested, and any other comments:

For questions or additional information, please contact:

Town of Cumberland Fire/EMS Department 207-829-4573

Chief Dan Small dsmall@cumberlandmaine.com

Deputy Chief Evariste Bernier eberner@cumberlandmaine.com

RETURN THIS FORM TO: Cumberland Fire Dept., 290 Tuttle Road, Cumberland ME 04021

SEND ALL PAYMENTS TO: Town of Cumberland EMS, PO Box 1810, Windham ME 04062

I certify that the information provided on this form is true to the best of my knowledge. I am giving permission for the Town of Cumberland, or its agent, to verify any of the information contained herein.

Signature _____

Date _____

July 31, 2015

	Curr	31-60	61-90	91-120	121+	Total	
SELF PAY	2,476.33	633.03	3,100.18	-	-	6,209.54	10%
MEDICARE/CAID	29,865.80	4,370.40	4,683.00	-	-	38,919.20	64%
INSURANCE	10,006.80	5,279.21	-	-	-	15,286.01	25%
	42,348.93	10,282.64	7,783.18	-	-	60,414.75	

G:\Finance\General Finance Documents\Departmental Files\EMS Billing\

2015-08-17 EMS Receivables

	Curr	31-60	61-90	91-120	121+	Total	Current Payer
171303	542.80	-	-	-	-	542.80	MEDICARE
171303	542.80	-	-	-	-	542.80	MEDICARE
171303	-	549.80	-	-	-	549.80	MEDICARE
171303	-	549.80	-	-	-	549.80	MEDICARE
171303	-	549.80	-	-	-	549.80	MEDICARE
171303	-	545.60	-	-	-	545.60	MEDICARE
171303	-	545.60	-	-	-	545.60	MEDICARE
171303	-	545.60	-	-	-	545.60	MEDICARE
171303	-	542.80	-	-	-	542.80	MEDICARE
171303	-	541.40	-	-	-	541.40	MEDICARE
171303	-	-	554.00	-	-	554.00	MEDICARE
171303	-	-	549.80	-	-	549.80	MEDICARE
171303	-	-	549.80	-	-	549.80	MEDICARE
171303	-	-	549.80	-	-	549.80	MEDICARE
171303	-	-	545.60	-	-	545.60	MEDICARE
171303	-	-	545.60	-	-	545.60	MEDICARE
171303	-	-	545.60	-	-	545.60	MEDICARE
171303	-	-	542.80	-	-	542.80	MEDICARE
175474	963.80	-	-	-	-	963.80	MEDICARE
177072	968.00	-	-	-	-	968.00	MEDICARE
177625	976.40	-	-	-	-	976.40	MEDICARE
177625	696.00	-	-	-	-	696.00	MEDICARE
177626	968.00	-	-	-	-	968.00	MEDICARE
178091	941.40	-	-	-	-	941.40	MEDICARE
178092	634.40	-	-	-	-	634.40	MEDICARE
178093	965.20	-	-	-	-	965.20	MEDICARE
178585	1,014.20	-	-	-	-	1,014.20	MEDICARE
178586	1,003.00	-	-	-	-	1,003.00	MEDICARE
178590	982.00	-	-	-	-	982.00	MEDICARE
179138	987.60	-	-	-	-	987.60	MEDICARE
179141	691.80	-	-	-	-	691.80	MEDICARE
171303	54.89	-	-	-	-	54.89	AARP
171303	54.89	-	-	-	-	54.89	AARP
178589	926.00	-	-	-	-	926.00	AETNA
175932	104.35	-	-	-	-	104.35	BLUECROSS NATIONAL
174360	640.00	-	-	-	-	640.00	BLUECROSS OF MAINE
178095	989.00	-	-	-	-	989.00	BLUECROSS OF MAINE
175507	-	543.42	-	-	-	543.42	BLUECROSS OF MAINE
178094	991.80	-	-	-	-	991.80	BLUECROSS OF MAINE
179139	913.40	-	-	-	-	913.40	BLUECROSS OF MAINE
176606	1,000.20	-	-	-	-	1,000.20	GEISINGER HEALTH PLAN
169276	976.40	-	-	-	-	976.40	MAINE MEDICAL CENTER
175092	-	975.00	-	-	-	975.00	MAINE MEDICAL CENTER
177071	937.20	-	-	-	-	937.20	MARTINS POINT
177073	696.00	-	-	-	-	696.00	MARTINS POINT
178587	654.00	-	-	-	-	654.00	MET LIFE HOME AND AUTO
113667	-	979.20	-	-	-	979.20	MVA
176278	-	104.79	-	-	-	104.79	NATIONAL ELEVATOR INS
175088	90.87	-	-	-	-	90.87	TRICARE FOR LIFE
175935	-	1,017.00	-	-	-	1,017.00	UNITED HEALTHCARE
179140	977.80	-	-	-	-	977.80	VA MAINE HEALTHCARE
176607	-	973.60	-	-	-	973.60	VA MAINE HEALTHCARE
175934	-	686.20	-	-	-	686.20	XEROX NH MEDICAL
	42,348.93	10,282.64	7,783.18	-	-	60,414.75	



TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland, Maine 04021

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

August 11, 2015

Geoff Hart
Site Manager
Waste Management
2000 Forest Avenue
Portland, Maine 04103-1004

Dear Geoff,

At their August 11th Town Council meeting, it was brought to the Town's attention that residents are using the green "Clynk" bags to dispose of their household trash on collection day, and the bags are being picked up by Waste Management. We can only assume that some residents are doing this because they are the same color as the Town of Cumberland PAYT bags and are a fraction of the price.

I went out on Main Street this morning and found one "Clynk" bag filled with trash at the end of a resident's driveway. When I returned this afternoon, the bag had been picked up with the rest of the trash.

As you know, the only bags that should be picked up by your staff are Town of Cumberland green PAYT bags with the black Cumberland seal printed on it. Could you please speak with your staff and remind them of this and have them leave behind any trash not in the authorized Cumberland bags. We would also like your drivers to make note of the address of the resident using the bags and forward that information to my office, in care of Laura Neleski, so we can then send the resident a letter.

I appreciate your assistance with this matter. If you have any questions please don't hesitate to contact me.

Sincerely,

Christopher Bolduc
Assistant Town Manager

ITEM 15-113

To hold a Public Hearing to consider and act on setting sewer user fees
for FY'16



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

August 11, 2015

Re: Sewer User Fee – 2% Increase - Proposed September 2015

Dear Cumberland Sewer User:

A Public Hearing has been set for **7:00 PM, Monday, August 24, 2015** in the Town Council Chambers at **Town Hall** to discuss the sewer user fees as proposed in the table below.

	2013	Current	Sept 2015	Sept 2016	Sept 2017
Consumption 6 HCF or 150gallons/day	6.00	6.00	6.00	6.00	6.00
Charge per HCF	\$5.29	\$ 5.29	$\$5.29 \times 6 = \31.74	\$5.29	\$5.29
Base Fee- Ready to Serve	\$34.25	\$ 34.25	\$35.58	\$36.92	\$38.26
Proposed Monthly Avg.	66.00	\$ 66.00	\$67.32	\$68.66	\$70.00
\$\$ Increase		\$ 0.00	\$1.32	\$1.34	\$1.34
% Increase		0%	2%	2%	2%

The nearly \$6 million dollar of improvements to the pump stations in Falmouth which process all of our wastewater has resulted in a 17% increase to our users. Fortunately, by expanding our customer base and using reserve funds we will be able to mitigate some of the impact and gradually add modest increases of 2% over the next few years.

The Town Council will be hearing public comment and voting on the proposed increases at their August 24th meeting. If you cannot attend the Town Council meeting, it will be televised on cable Channel 2 and re-broadcast several times during the month. Please contact my office if I can be of any further assistance to you regarding this matter.

Sincerely,

William R. Shane, P.E.
Town Manager
wshane@cumberlandmaine.com

ITEM

15-114

To hold a Public Hearing to consider and act on a Mass Gathering
Permit for Binnie Media's Fall Ultimate Yard Sale to be held on
October 17th at the Cumberland Fair Grounds

MEMORANDUM

To: William Shane, Town Manager

From: Tamara O'Donnell, Town Clerk

Re: Maine's Ultimate Yard Sale

I have held discussions, on Monday, March 23, 2015, with Police Chief Charron, Mr. Jerry Prevost, Representative of the Cumberland Farmers Club and Deputy Fire Chief Bernier, in which we discussed the Fall Ultimate Yard Sale, at the Cumberland Fairgrounds. I reviewed in detail the requirements of the Mass Gathering Ordinance. The following represents our mutual understanding:

- Event participators will register online through the ultimateyardsale.com site.
- Registration levels have been increased to 300 from the previous level of 250.
- Exact attendance levels are unknown, however, it was determined that 4,500 is likely. Therefore, the organizers will pay the Minor Mass Gathering fee of \$500.00.
- Registration cost will be \$30.00 per 12 x 12 foot booth.
- Entrance fee for attendee is \$2.00 per person.
- No parking fee will be charged.
- The event will be held Saturday, October 17, 2015 and occur within a fenced area.
- There will be no collection of the entrance fee at the gate. Vehicles will be flagged from the entrance to the parking area and the entrance fee will be paid after parking and at the gate of the fenced vendor area.
- If the event is to be cancelled for any reason, a 24 hour notice will be provided by email to all participants and to the public through the broadcasting agency's seven radio stations.
- Registrants are required to set up between 5:00 a.m. and 8:00 a.m.
- Additional staff (6) have been hired by "At Work" flaggers to control parking.
- There will be 1 Paramedic, 1 EMT, and 1 Supervisor from the Fire Department on site.
- There will be 1 Fire Engine on site.
- There will be 2 police officers on duty at the event.
- Communication between parties will be by two way radio and cell phone.
- Food Vendors will be handled exclusively through the Farmers' Club.
- A copy of the contract with Blow Brothers as well as a copy of the event insurance coverage naming the town as an additional insured is attached to the application.
- Binnie Media will have approximately 25 employees in attendance throughout the event.

The Town fees for this event are listed below:

\$500.00	-	Mass Gathering Fee
\$445.00	-	Police Department
\$380.00	-	Fire Department

I believe we have covered all areas related to the Mass Gathering Permit application. I anticipate that this event will be very successful and well managed. I hope the weather cooperates and they have a wonderful turnout. Thank you.

TOWN OF CUMBERLAND

Publication Dates: _____
 Publication Names: _____
 Date Filed: _____
 Fee Received: _____
 Date Ordinance Received: _____
 Issued: _____
 Denied: _____

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

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

Name of Applicant: BINNIE MEDIA

Address of Applicant: 477 CONGRESS ST. PORTLAND, ME

Name of Event: FALL ULTIMATE YARD SALE

Facility where the event will be held: CUMBERLAND FAIRGROUNDS

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

Name of promoter (if different from above): _____

Telephone number: 207-797-0780 x202

Date of Event: 10/17/15 Time (start and finish times): 9AM-2PM

Number of tickets available: _____

Expected attendance: 5,000

Description of event: LARGE COMMUNITY YARD SALE & FLEA MARKET

Will any food vendors be serving at the event: ☒ yes, _____ no, (if yes, how many, and
 what types) FAT GUYS I & II, STEVE'S FRIED DOUGH, Fresh Lemonade.

- ALL CONTRACTED BY THE CUMBERLAND FARMERS CLUB

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

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

1. YARD SALE Spring 2015
2. YARD SALE FALL 2014
3. YARD SALE Spring 2014

Description of facility:

- A. Seating capacity: — permanent; — temporary
- B. Other seating capacity: — festival; — standing room only (sq. ft.)
- C. Number of toilets available: — permanent; 20 portable
- D. Number of parking spaces available: 3,000 on-site; — off-site
- E. Are all parking lots lighted (applicable only if event runs into evening hours: — yes; — no, if no, which lots are not lighted N/A
- F. Source of potable water: —
- G. Refuse containers available, number and size: 20 + a 30 YARD dumpster from fire tree waste - confirm attached
- H. Name of refuse disposal company (attach a copy of the agreement to pick up refuse) Caseella Waste
- I. When will refuse be picked up? 10/16/15

Public Safety:

- J. Describe first aid facilities: CUMBERLAND FIRE & EMT
- K. Describe emergency facilities: CUMBERLAND FIRE & EMT
- L. Describe communication facilities: —
- M. Number of certified police officers: 3 - CUMBERLAND POLICE DEPT
- N. Other security personnel (Include company name and qualification): SGT. MARE MARION CUMBERLAND Sheriff's Dept. Oversees traffic and parking / crowd control
- O. Describe fire personnel: CUMBERLAND FIRE

Other:

- P. Name of liability insurance Accord - Certificate Attached
Amount of coverage 1,000,000; amount of property insurance _____
- Q. Preferred type of performance guarantee (i.e. escrow account, irrevocable letter of credit)

Patricia Collis
Authorized Signature

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

Authorized Signature



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

8/3/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

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

PRODUCER Ellis Agency Inc 196 York Street P.O. Box 380 York, Maine 03909	Phone: (207)363-7670 Fax: (207)363-1389	CONTACT NAME: Jonel Thames Leake PHONE (A/C, No, Ext): (207)363-7670 E-MAIL ADDRESS: jleake@ellisinsuranceagency.com FAX (A/C, No):																					
INSURED Wbin Inc 126 Daniel St Ste 200 Portsmouth, NH 03801	<table border="1"><thead><tr><th colspan="2">INSURER(S) AFFORDING COVERAGE</th><th>NAIC #</th></tr></thead><tbody><tr><td>INSURER A:</td><td>Peerless Insurance Company</td><td>24198</td></tr><tr><td>INSURER B:</td><td>The Netherlands Insurance Company</td><td>24171</td></tr><tr><td>INSURER C:</td><td>Ohio Security Insurance Company</td><td>24082</td></tr><tr><td>INSURER D:</td><td></td><td></td></tr><tr><td>INSURER E:</td><td></td><td></td></tr><tr><td>INSURER F:</td><td></td><td></td></tr></tbody></table>		INSURER(S) AFFORDING COVERAGE		NAIC #	INSURER A:	Peerless Insurance Company	24198	INSURER B:	The Netherlands Insurance Company	24171	INSURER C:	Ohio Security Insurance Company	24082	INSURER D:			INSURER E:			INSURER F:		
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COVERAGES

CERTIFICATE NUMBER: 254

REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			CBP8986739	5/17/2015	5/17/2016	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ EXCLUDED GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
B	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO ALL OWNED AUTOS HIRED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS			BA8985939	5/17/2015	5/17/2016	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 10,000			CU8985739	5/17/2015	5/17/2016	EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ 10,000,000
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/>	N/A	XWS56126269	5/17/2015	5/17/2016	PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

WBIN Media Co Inc dba Binnie Media
477 Congress Street 3rd Floor Annex
Portland ME 04101

Is part of the named insured. Event: Fall Yard Sale at the Cumberland County Fair Grounds, October 17, 2015

CERTIFICATE HOLDER

Holder's Nature of Interest : Additional Insured

Cumberland Farmers Club

197 Blanchard Rd.
Cumberland, ME 04021

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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Pat Collins

From: Heather Panoushek <heather.panoushek@casella.com>
Sent: Monday, August 03, 2015 10:59 AM
To: Pat Collins
Subject: Casella 30yd dumpset

Good Afternoon Pat,

This is to confirm you are on schedule for delivery of a 30 yard container at the Cumberland Fairgrounds, October 17th, 2015.

Thank you,

Heather Panoushek
Customer Care Representative
Casella Waste Systems, Inc.

50 Belden Rd, Rutland, VT 05701
p. 888.485.1469 | | f. 802.773.5988

Learn more at casella.com

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Pat Collins

From: Margi Brown <Margi.Brown@casella.com>
Sent: Tuesday, July 28, 2015 4:15 PM
To: Pat Collins
Cc: Stan Bennett
Subject: Portable Restroom Quote 10/17/15
Attachments: BinnieMedia101715Prop.docx

Hi Stan & Pat,

Please see attached for the October 17 event. To reserve, please sign and return via email, fax or regular mail.

Thanks! ☺

Margi Brown

Blow Bros Portable Toilets & Septic - Office Manager
Casella Waste Systems, Inc.
PO Box 221, Old Orchard Beach, ME 04064
p. 207.934.2525 | f. 207.934.1723

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Pat Collins

Subject: FW: Yard Sale in October

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

From: Cynthia Martin [mailto:cindym@atwork.com]

Sent: Tuesday, July 28, 2015 9:22 AM

To: Stan Bennett

Subject: Yard Sale in October

Hi Stan, this email is to confirm that we will supply 6 traffic control parkers for the Yard Sale on Sunday, October 17, 2015, starting at 6am until approximately 1pm.

Thank you,

Cindy Martin

400 Riverside St

Portland ME 04103

Phone: 207-772-6060

Fax: 207-772-6336

cindym@atwork.com

ITEM

15-115

To consider and act on forwarding to the Planning Board for a Public Hearing and recommendation a zone change request for 306 Tuttle Road to change the zone from Rural Residential 1 (RRI) to Village Mixed Use (VMU)

Drowne Farm

306 Tuttle Road, Cumberland ME 43° 47'26.92"N / 70°14'52.87" W Lot Elevation ~123'
Book & Page 31516/ 276 Mblu R03/ 52/
Acct# M1010R Owner Jeremiah D. McCarty Supp Care Trust
PID 1137 McCarty Blackwell Jane E Trustee

Zone Change Application

2014 Town Assessment

Total: **\$201,600** = Improvements: \$77,400 + Land (1 acre): \$124,200

The owner of this property asks that the current zoning for 306 Tuttle Road (formally Drowne Farm) be changed from Rural Residential 1 (RR1) to Village Mixed Use Zone (V-MUZ). A zone change will reduce development restrictions, increase the value of the property by reducing required yard setbacks and allow subdivision of the lot into two lots.

Drowne Farm Development Restrictions

The current home and lot does not conform to the Rural Residential (RR1) zone for two reasons:

- First, The house is currently located in the required rear yard. There is only a ~11.3' deep by ~56' buildable strip of land in front of the house after subtracting the 50' front yard and the 75' rear yard from the lot's 134.60' plus lot depth. A new addition is permissible to the east and flush with the rear provided that the addition does not project further into the rear yard than the existing house. If the foundation is removed then a new home can only be built in that 11'-3" deep strip. The current RR1 zoning severely restricts its buildable area because of large front and rear setbacks.
- Second, this one acre lot does not conform to the minimum two acre lot size required by the RR1 zone when hooked-up to a sewer (a 4 acre lot requirement without a sewer hook-up).

Drowne Farm Development Goal

1. Subdivide the one acre property into two approximately one-half acre lots which is permissible if the current RR1 zone were changed to Village -Mixed Use Zone (V- MUZ) to match the adjacent properties to the south and west. V- MUZ permits a 5,000 s.f. lot area with 15' front and rear yard setbacks and 10' side yard setback. See Site Plans.
2. Develop Lot #1 such that it saves and restores the circa 1788 Georgian Style historic home that meets current building and energy codes, construct an addition that does not visually overwhelm the historic home, and provides all the features (i.e. HVAC, kitchen, bathroom, attached garage...) provided in neighboring homes to make the property sellable to the majority of the real estate market and profitable for the developer.

Note: The current home is un-insulated, the heating system, electrical, bathroom and kitchen are unusable, and the roof, siding, windows, front sill girt, chimney, & first floor framing require much restoration work.

3. Develop lot #2 with a new Georgian Style replica home with features similar to neighborhood homes that is sellable to the majority of the real estate market and profitable for the developer.

Drowne Farm Developer

Jeremiah D. McCarty Supp Care Trust and Flying Point Construction propose to jointly develop Drowne Farm on speculation.

Due to the poor condition of the home and cost to renovate there is no Real value to the home and the zoning restrictions limits the value of the land.

Reducing zoning yard setback requirements and allowing subdivision of this property into a second lot with a new home will help to defray costs to restore the existing c1788 Georgian Style home and contribute favorably to Cumberland's historic character.. The two homes to be developed will match zoning of adjacent property on two sides, help connect the neighborhood between the new town hall and Cumberland Center, add to Cumberland's property tax base, and make our project more economically viable.

Thank you for your consideration,

Application submitted by:
Clyde Blackwell Maine Licensed Architect
361 Ludlow Street
Portland ME 04102
(207) 317-6449

Representing: Jane McCarty Blackwell Trustee

