

# **AGENDA**

Cumberland Town Council Meeting

Town Council Chambers

**MONDAY, June 2, 2014**

**6:30 Executive Session**

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

## **I. CALL TO ORDER**

## **II. EXECUTIVE SESSION pursuant to 1 M.R.S.A., § 405(6)(C) re: real property. *Town Council may take action based on results of Executive Session.***

## **III. APPROVAL OF MINUTES**

May 12, 2014

May 20, 2014

## **IV. MANAGER'S REPORT**

## **V. PUBLIC DISCUSSION**

## **VI. LEGISLATION AND POLICY**

- 14 – 092** To hold a Public Hearing to consider and act on a Wharfing Out Permit for property located on Sturdivant Island, Map I08/Lot 4.
- 14 – 093** To hold a Public Hearing to consider and act on amendments to Chapter 200 (Roads and Public Property), Section 2 (Animals at large), of the Cumberland Code.
- 14 – 094** To hold a Public Hearing to consider and act on amendments to Chapter 17 (Animal Control), Section 3 (Dogs at Large) and Section 5 (Violations and Penalties), of the Cumberland Code.
- 14 – 095** To set a Public Hearing date (June 16<sup>th</sup>) to award the Tax Anticipation Notes for FY2015.
- 14 – 096** To set a date of June 16<sup>th</sup> to hear a report from the Finance Committee Chair and to authorize the Town Manager to transfer inter-departmental operating funds for FY'14.
- 14 – 097** To set a Public Hearing date (July 14<sup>th</sup>) to consider and act on a Contract Zone Agreement with Justin M. Fletcher, Inc. for property located at 3 Longwoods Road to create two lots and convey to the Town of Cumberland a right of way from Longwoods Road to Harris Road.  
*(Planning Board site-walk on June 9<sup>th</sup> at 6:00 p.m. and a Public Hearing on June 17<sup>th</sup> at 7:00 p.m.)*
- 14 – 098** To consider and act on authorizing the Town Manager to accept delinquent taxes and issue a quitclaim deed, upon payment of \$7,453.00 for property identified as Tax Map R07/Lot 81.
- 14 – 099** To consider and act on authorizing the Town Manager to execute a 3-year contract with BCN Telecom for telecommunication service.

## **VII. NEW BUSINESS**

- Dan Burr & Frank Smith - Cumberland County Snow Plow Rodeo Champions

## **VIII. ADJOURNMENT**

# MOTIONS

**Call to order.**

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

**14 – 092 I move to approve** the Wharfing Out Permit for Herbert Strout for a proposed pier, ramp, float and float haul-out system to be located on Sturdivant Island (Map 8/Lot 4), as recommended by the Coastal Waters Commission.

**14 – 093 I move to amend** Chapter 200 (Roads and Public Property), Section 2 (Animals at large), of the Cumberland Code as recommended by the Ordinance Committee.

**14 – 094 I move to amend** Chapter 17 (Animal Control), Section 3 (Dogs at Large) and Section 5 (Violations and Penalties), of the Cumberland Code as recommended by the Ordinance Committee.

**14 – 095 I move to set** a Public Hearing date of June 16<sup>th</sup> to award the Tax Anticipation Notes for FY2015.

**14 – 096 I move to set** a date of June 16<sup>th</sup> to hear a report from the Finance Committee Chair and to authorize the Town Manager to transfer inter-departmental operating funds for FY'14.

**14 – 097 I move to set** a Public Hearing date of July 14<sup>th</sup> to consider and act on a Contract Zone Agreement with Justin M. Fletcher, Inc. for property located at 3 Longwoods Road to create two lots and convey to the Town of Cumberland a right of way from Longwoods Road to Harris Road.

**14 – 098 I move to authorize** the Town Manager to accept delinquent taxes and issue a quitclaim deed, upon payment of \$7,453.00 for property identified as Tax Map R07/Lot 81.

# ITEM 14-099

To consider and act on authorizing the Town Manager to execute a 3-year contract with BCN Telecom for telecommunication service



## SUBSCRIBER SERVICE AGREEMENT LETTER OF AUTHORIZATION

Company/Individual Name Town of Cumberland Contact Name Christopher Bolduc  
Billing Street Address 290 Tuttle Road Contact Number 207-829-2220  
City, State and Zip Cumberland, ME 04021 Contact Email Address cbolduc@cumberlandmaine.i  
Request Email Billing ☒ Yes ☐ No FID/FEIN/SSN NAS03362  
(By signing up for email billing you will not receive a paper invoice by mail)  
Email Billing Address \_\_\_\_\_ Tax Exempt ☐ Yes ☐ No  
(if yes, copy of certification required)

### LETTER OF AUTHORIZATION

Customer authorizes BCN Telecom, Inc. to act as its telecommunications service provider for all telecommunications service(s) indicated on the attached Service Order Form(s) and/or Exhibits. Such telecommunications services may include local and long distance voice services, data/Internet services and VoIP services as requested by the Customer. Customer also understands there could be a Primary Interexchange Carrier (PIC) change fee charged by its existing provider to facilitate a long distance change. This Subscriber Service Agreement and Letter of Authorization shall provide BCN Telecom authorization to receive any information from the existing provider to facilitate the service provisioning process. Customer represents and warrants that the Customer is the exclusive end-user for these telecommunications services.

Under the penalty of perjury, the signer of this Letter of Authorization certifies that he/she has authorization (i) to enter into a legal agreement with regard to the company's telecommunications services and (ii) to designate BCN Telecom as the telecommunications carrier of record to act on behalf of the Customer for the provision of such telecommunications services.

Printed Name \_\_\_\_\_ Title \_\_\_\_\_ Company/Individual Town of Cumberland  
Authorized Signature \_\_\_\_\_ Date Signed \_\_\_\_/\_\_\_\_/\_\_\_\_

### SERVICE TERMS AND CONDITIONS

Customer acknowledges and hereby agrees to the BCN Telecom Terms and Conditions of Service as set forth on [www.bcntele.com](http://www.bcntele.com). Customer understands these terms and conditions and acknowledges that such terms and conditions may be modified from time to time by BCN Telecom. Customer may request a current copy of the Terms and Conditions of Service via email at [customerservice@bcntele.com](mailto:customerservice@bcntele.com) or by contacting BCN Telecom at 1-888-866-7266.

Customer Initials: \_\_\_\_\_

### SERVICE TERM AGREEMENT

This Service Term Agreement (the "Term Agreement") dated \_\_\_\_\_ is by and between BCN Telecom, Inc. (BCN Telecom) and Town of Cumberland (the "Customer"), collectively, the "Parties".

For good and valuable consideration, the sufficiency of which is hereby acknowledged, the Parties do hereby agree as follows:

All new/existing telecommunications services provided by BCN Telecom to the Customer including, but not limited to, local and long distance voice services, data/Internet services and VoIP services (collectively, the "Services") shall be subject to the terms and conditions of this Term Agreement. Any additional Services added by the Customer during the course of this Term Agreement shall be subject to this Term Agreement, unless otherwise agreed to in writing by BCN Telecom.

The Term Agreement shall commence on the later of (a) the date the underlying Services are installed by BCN Telecom or (b) the date first written above in the event the Services are already active with BCN Telecom, and shall continue for a period of 36 consecutive months (the "Agreement Term").

In the event the Customer disconnects or transfers part or all of the Services provided by BCN Telecom during the Agreement Term, an early service termination penalty shall apply (the "Broken Term Penalty"). The Broken Term Penalty shall be equal to the Customer's average monthly invoice charges for the three months preceding the date the Services were disconnected/ transferred, partial or all, multiplied by the number of months remaining under the Agreement Term at the time of service disconnect/transfer. If Customer has less than three months invoice charges for the disconnected/transferred Services, the most recent full month's invoice charges shall be used within the Broken Term Penalty calculation. The Broken Term Penalty amount shall be calculated by BCN Telecom and invoiced to the Customer at any time. In the event of reconnection due to service disconnect, a reconnection fee shall apply.

The Customer agrees to immediately pay BCN Telecom in full for (1) the Broken Term Penalty amounts and (2) all unpaid invoice amounts incurred as of the disconnection/transfer date of the Services.

This Term Agreement shall replace any other existing term agreements for similar services in place between BCN Telecom and the Customer.

Under the penalty of perjury, as the signer of this Term Agreement, I certify that I have authorization from the Customer to enter into a legal and binding agreement with regard to the Customer's telecommunications services.

Agreed and Executed this \_\_\_\_ day of \_\_\_\_\_ (month), 20\_\_\_\_.

Printed Name \_\_\_\_\_ Title \_\_\_\_\_ Company Name Town of Cumberland  
Authorized Signature \_\_\_\_\_

Agent Name Innovative Network Solutions Agent Id# 5700-1057

# MINUTES

## 05/12/14

# MINUTES

Cumberland Town Council Meeting

Town Council Chambers

**MONDAY, May 12, 2014**

## 7:00 P.M. Call to Order

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

**Excused:** Councilor Edes

### I. APPROVAL OF MINUTES

Motion by Councilor Gruber, seconded by Councilor Bingham, to accept the April 28, 2014 minutes as presented.

VOTE: 6-0

UNANIMOUS

### II. MANAGER'S REPORT

Town Manager Shane reminded the public that if they have interest in hooking up to natural gas, they should let Summit Natural Gas know. Every road in Town will not necessarily get natural gas if there is lack of interest by that neighborhood. Natural gas will not be installed on speculation. The following roads have shown little to no interest: Carriage Road/Hallmark area, Hedgerow Avenue, Lawn Avenue and Glenview Avenue. All these areas are scheduled for natural gas this year, and to date, Summit Natural Gas has had very little response from these areas. Neighborhood meetings will be held in the near future to explain the natural gas process. It is imperative that if anyone has interest in hooking up to natural gas, they attend these meetings or contact Summit Natural Gas.

It is bulky waste pick up week. It is not free trash week; it is bulky waste pick up week. An example of bulky waste would be furniture. Waste Management will not be picking up those items (such as construction debris) that should not be left curbside or fits in a town trash bag.

### III. PUBLIC DISCUSSION

Girl Scout Troop 106, Grace, Allison & Kallee presented the following on their Silver Project and to share news of an exciting event on Memorial Day. Their project is Surplus2Supper, focusing on the food pantry's surplus items and finding recipes using these items.



Nearly 100 Recipe Rings distributed to Pantry Customers.

**AN EQUATION THAT WORKS!**



So far the Girl Scouts have created and distributed nearly 100 Recipe Rings and are continuing to add new recipes. They have provided samples of featured recipes including Trail Mix, Mystery Spice Cake and Lentil Soup to pantry customers.

### Trail Mix, Mystery Spice Cake & Lentil Soup Kits.



Cooking Matters Food Truck coming to Cumberland!

To help raise awareness of the Community Food Pantry as well as Good Shepherd Food Bank & Cooking Matters, we are excited to announce that the Cooking Matters Food Truck will be included in the Town's Memorial Day festivities.



Selling copies of our Recipe Rings.

### FOOD DRIVE

- 20 jars Peanut Butter
- 20 jars Jelly/Fruit Spreads
- 20 cans Vegetables
- 20 cans Fruit
- 20 jars Pasta/Spaghetti Sauce
- 20 Spices (any welcome)
- 20 bags Flour

HELP US COLLECT THE FOLLOWING ITEMS!

They will also be selling copies of their Recipe Rings to help raise money for their project costs. In addition they are holding a community food drive for the pantry and will have collection bins at their display beside the Food Truck.



May 17<sup>th</sup> Grocery Store Tour Open to the Public!

### We'll see you on Memorial Day!

Thank you for your support!



Please bring a food donation.

### FOOD DRIVE

- 20 jars Peanut Butter
- 20 jars Jelly/Fruit Spreads
- 20 cans Vegetables
- 20 cans Fruit
- 20 jars Pasta Sauce
- 20 Spices (any welcome)
- 20 bags Flour

Another part of the project has been organizing Cooking Matters Grocery Store Tours for the pantry.

Cooking Matters at the Store teaches how to get the most for your money by buying fruits & veggies on a budget, comparing unit prices, reading food labels & identifying whole grains. They have a tour scheduled for this Wednesday, May 14<sup>th</sup> at Hannaford in Yarmouth for pantry customers. Another store tour will be open to the public on Saturday, May 17<sup>th</sup> from 11:00 AM – 3:00 PM at the Forest Ave. Hannaford in Portland.

They thanked Mr. and Mrs. Shane along with many other employees and volunteers for all of their support with our project.

Town Manager Shane said that these girls are absolutely amazing and are so committed to our community. They put a lot of hard work into their project.

Brad Hilton of Blanchard Road asked when the Tax Assessor will reevaluate the lots that were rezoned from 4 acres to 2 acres recently. Those parcels, in his opinion, are likely worth more now with the new zoning. When will those lot owners see an increase in their property taxes?

Town Manager Shane said that would not happen until a revaluation in 5-10 years. We are currently at 100% and a revaluation does not occur unless we are at around 70%. The values today will be the value in place until the land is divided. When the Assessor looks at a property, he takes the zoning that you are in and carves out the primary house lot (if you in a 4 acre zone, 4 acres are considered your house lot). The remaining acreage is taxed on a per-acre basis, depending on the type of land it is. The Manager said that he does not foresee any significant change in this new zone until those properties are carved out, or subdivided. They would still require the minimum road frontage of 200 feet in that area.

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

##### **14 – 083 To appoint members to the Land Use Committee.**

Motion by Councilor Copp, seconded by Councilor Turner, to appoint the following to the Land Use Committee:

Steve Moriarty, Chairman  
Jeff Porter  
Bob Waterhouse  
Sally Pierce  
Bob Maloney  
Ron Dillon  
James Orser  
Tom Foley  
John Lambert  
Chris Franklin  
Peter Gagne  
Adrian Brown  
Beth Fitzgerald  
Linda Jensen  
Catlin Byers  
Sally Stockwell

**Town Council Liaisons:** Councilor Storey -King & Councilor Bingham

**Planning Board Liaisons:** Chris Neagle & Peter Sherr

VOTE: 6-0                      UNANIMOUS



**14 – 084 To appoint a member to the Rines Forest Advisory Committee.**

Motion by Councilor Copp, seconded by Councilor Gruber, to appoint Brian McAllister Rines Forest Advisory Committee.

VOTE: 6-0

UNANIMOUS

**14 – 085 To hold a Public Hearing to consider and act on approving the proposed 2015-2019 Capital Improvement Plan, as recommended by the Planning Board.**

Town Manager Shane explained that the Capital Improvement Plan is presented to the Planning Board every year, as required by Charter. Many of the projects that have happened around Town would never have happened without the CIP.

Town Manager Shane presented the following on the FY 2015 – FY 2019 CIP:

**Capital Improvements**

**FY 2015- FY 2019**

**Capital Stewardship Program**

The Town Charter requires a 5-year Capital Program be submitted to the Town Council with a recommendation from the Planning Board annually. While the attached narrative below focuses on the upcoming year, the entire project listing can be found on pages 12-18 inclusive.

The Planning Board's role in the past has been an endorsement that Staff presented the plan, the Planning Board held a public hearing and then forwarded the CIP to the Town Council with a recommendation for changes or an acceptance of the plan as presented. The Charter gives great flexibility to the Board as there is minimal description of task. While the role may be loosely defined, many projects have been completed over the past 10 years began in the Capital Program listing.

**TOWN CHARTER**

**ARTICLE VI**

**Budget**

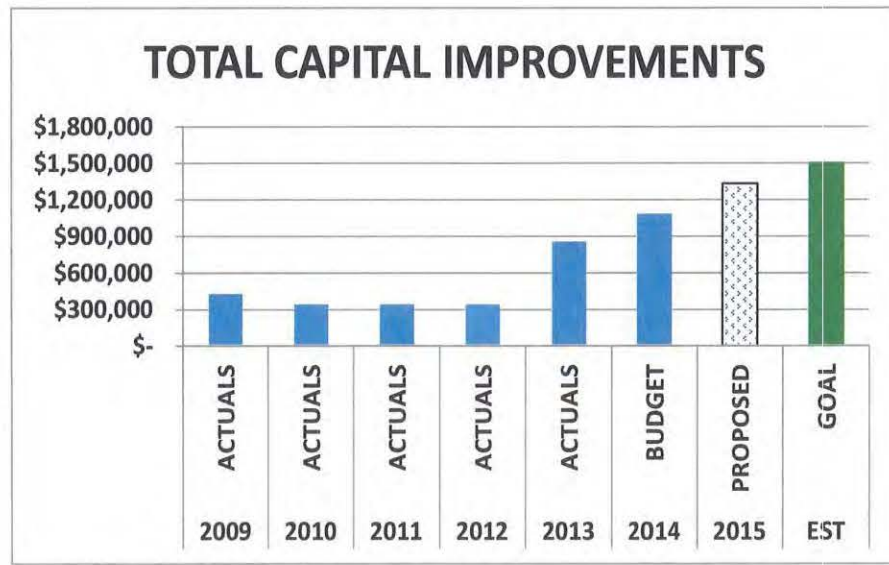
**Section 3. Capital Program**

- (a) **Submission to the Council.** The Manager with the assistance of the Planning Board shall prepare and submit to the Council a five-year Capital Program at least three months prior to the final date for submission of the budget.
- (b) **Contents.** The Capital Program shall include:
1. A clear general summary of its contents;
  2. A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
  3. Cost estimates, method of financing and recommended time schedules for each improvement; and
  4. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

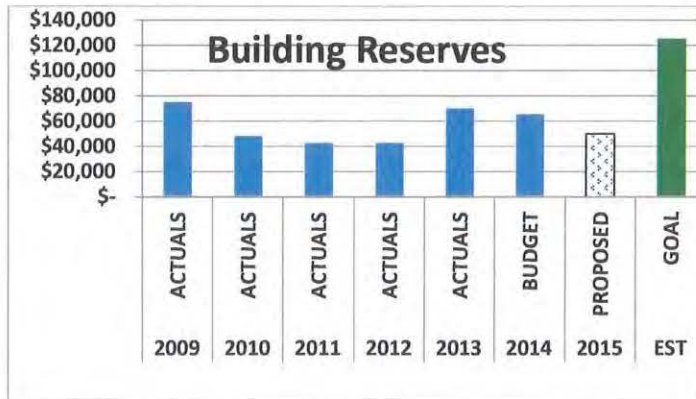
### Capital Stewardship- FY 2015

Capital Program	2009	2010	2011	2012	2013	2014	2015	EST	% TO
	ACTUALS	ACTUALS	ACTUALS	ACTUALS	ACTUALS	BUDGET	PROPOSED	GOAL	GOAL
Building Reserves	\$ 75,000	\$ 48,000	\$ 42,500	\$ 42,500	\$ 70,000	\$ 65,480	\$ 50,000	\$ 125,000	40.00%
Environmental Reserves	\$ 15,000	\$ 32,000	\$ 30,000	\$ 30,000	\$ 32,000	\$ 32,000	\$ 32,000	\$ 32,000	100.00%
Equipment Reserves	\$ 164,000	\$ 69,000	\$ 182,000	\$ 182,000	\$ 333,500	\$ 387,500	\$ 364,500	\$ 450,000	81.00%
Major Infrastructure	\$ -	\$ 200,000	\$ -	\$ -	\$ 50,000	\$ 50,000	\$ 125,000	\$ 100,000	125.00%
Road Paving	\$ 166,000	\$ 183,538	\$ 78,985	\$ 78,985	\$ 410,637	\$ 598,713	\$ 762,365	\$ 800,000	95.30%
<b>TOTAL CAPITAL IMPROVEMENTS</b>	<b>\$ 420,000</b>	<b>\$ 532,538</b>	<b>\$ 333,485</b>	<b>\$ 333,485</b>	<b>\$ 896,137</b>	<b>\$ 1,133,693</b>	<b>\$ 1,333,865</b>	<b>\$ 1,507,000</b>	<b>88.51%</b>



### FY 2014 Capital Funding Requests:

#### **Building Reserves – 40% of Goal**



Capital Program	2009	2010	2011	2012	2013	2014	2015	EST
	ACTUALS	ACTUALS	ACTUALS	ACTUALS	ACTUALS	BUDGET	PROPOSED	GOAL
Building Reserves	\$ 75,000	\$ 48,000	\$ 42,500	\$ 42,500	\$ 70,000	\$ 65,480	\$ 50,000	\$ 125,000

In the past, this has been a best guess dollar figure. We are in the midst of a comprehensive building energy audit which will become the “road map” for future capital projects.

Our plan will be broken into heating plants, roofs, exterior surfaces, parking lots, and other projects, which would exceed the \$10,000 threshold. Carpets, painting and electrical work will typically be budgeted annually in the Building Maintenance Account.

**This year we will focus efforts on conversions to new natural gas heating systems for the Town Hall, both Fire Stations and West Cumberland Hall .** Last year a new playground and pickle ball courts were added to the West Cumberland athletic complex on Blackstrap Road.

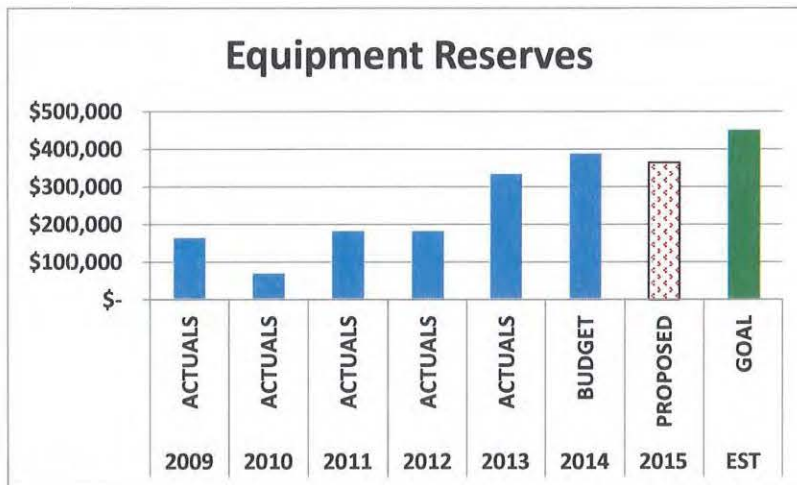
#### **Environmental Reserves – 100% of Goal**

When the population density around the town center grew to more than 1,000 people per square mile, we became a MS2 Town, or an urban classified watershed. The abbreviated explanation for this classification is that we must be more vigilant with our run-off and storm water. Monitoring, education and a lot of what we always have done are required to be documented and submitted to the MDEP annually. Twenty communities partnered in developing educational programming to assist all of us in this federal (EPA) mandate.

### Equipment Reserves – 81% of Funding Goal

This category includes all equipment except for Fire Trucks. The total funding is based upon depreciation schedules of all equipment excluding Fire. The Total value of all Non- Fire Equipment equals \$4.5 Million with equipment life expectancies from 4 to 15 years.

Capital Program	2013	2014	2015	EST	% TO
	ACTUALS	BUDGET	PROPOSED	GOAL	GOAL
Equipment Reserves	\$ 333,500	\$ 387,500	\$ 364,500	\$ 450,000	81.00%



### **Replacement of one Police Cruiser - \$30,000**



**VEHICLE 6 2010 FORD CROWN VICTORIA**

**83,935 TO BE TRADED**



### Remainder of Police Vehicles

VEHICLE 1 2005 FORD EXPLORER SUV – SRO	102,764
VEHICLE 2 2013 FORD EXPLORER SUV	43,929
VEHICLE 3 2014 FORD EXPLORER SUV	14,483
VEHICLE 4 2005 FORD EXPLORER SUV (CHIEFS VEHICLE)	78,984
VEHICLE 5 2013 FORD EXPLORER SUV	45,414
VEHICLE 7 2005 FORD PICK-UP F150 - ACO	125,693 ** To be traded in FY 2016

### **Replacement of one Plow Truck -\$166,000**



Account Explanation		# of Units	Unit Price	Total
				\$ -
Police SUV	Police	1	\$ 30,000	\$ 30,000
Plow Truck	Highway	1	\$ 166,000	\$ 166,000
1 Ton Pick-up Replacement	Highway	1	\$ 60,000	\$ 60,000
Fire/ EMS	Fire	1	\$ 46,500	\$ 46,500
Police Equipment	Police	1	\$ 22,000	\$ 22,000
PWD Foreman PU	Highway	1	\$ 30,000	\$ 30,000
		<b>TOTAL COST</b>		<b>\$ 354,500</b>



## 2000 Ladder 107

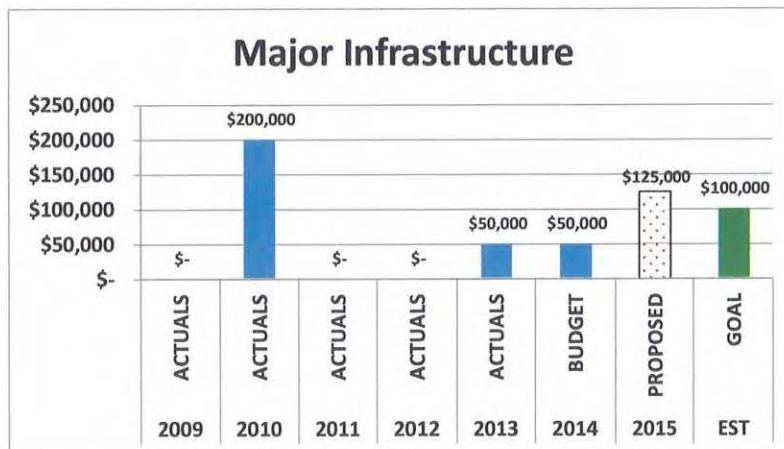


Replacement scheduled  
in FY 2020

(5 fiscal years away)

Estimated replacement  
cost: \$750,000 to  
\$1,000,000

## Major Infrastructure – 125% of Funding Goal



Capital Program	2009 ACTUALS	2010 ACTUALS	2011 ACTUALS	2012 ACTUALS	2013 ACTUALS	2014 BUDGET	2015 PROPOSED	EST GOAL
Major Infrastructure	\$ -	\$ 200,000	\$ -	\$ -	\$ 50,000	\$ 50,000	\$ 125,000	\$ 100,000

Begin drainage repairs to Schooner Ridge (\$50,000) and begin funding (\$75,000) for Middle Road Water & Road repair project for FY 2017.

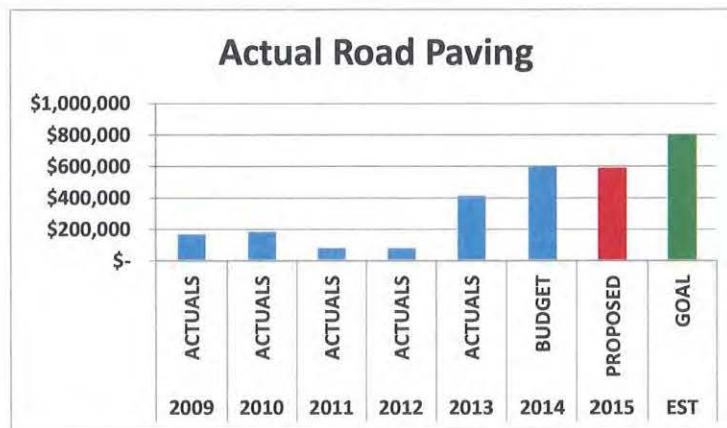
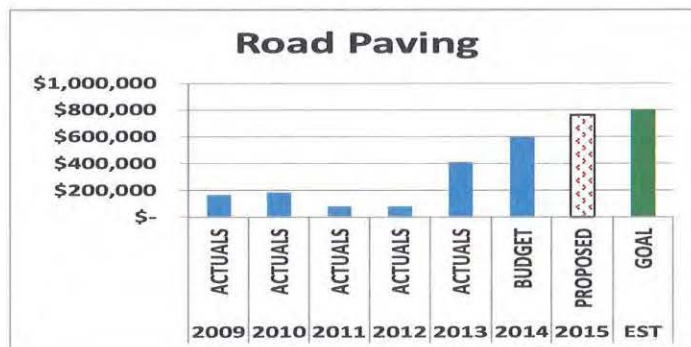
### Middle Road – Tuttle Road to Falmouth Line -8,500'

	Length	Cost Per Mile	Water Per Foot			
Middle Road	8,500	\$1,200,000	\$125			
	Miles	Road	Water	Total	Engineering	Project
	1.61	\$1,931,818	\$1,062,500	\$2,994,318	\$239,545	\$3,233,864

	FY 15	FY 16	FY 17
Time Table - Add to Capital Plan	\$ 75,000	\$ 75,000	\$ 75,000
Begin Engineering - FY 16		\$ 81,000	\$ 81,000
BOND - FY 17			\$ 100,000
	\$ 75,000	\$ 156,000	\$ 256,000

### Road Paving – 81% of Funding Goal

Capital Program	2009	2010	2011	2012	2013	2014	2015	EST	% TO
	ACTUALS	ACTUALS	ACTUALS	ACTUALS	ACTUALS	BUDGET	PROPOSED	GOAL	GOAL
Road Paving	\$ 166,000	\$ 183,538	\$ 78,985	\$ 78,985	\$ 410,637	\$ 598,713	\$ 762,368	\$ 800,000	95.30%



Road Paving Detail				# of Units	Unit Price	Total
						\$ -
<b>Gas Work will dictate Paving Summer 2014 - most likely will occur May 2015</b>						\$ -
						\$ -
Paving FY 2014- Spring FY 2015 per Plan (below)						\$ 587,368
CIP- Middle Road Engineering						\$ 75,000
Blackstrap Road - Engineering & Construction- Partial of \$500,000						\$ 175,000
Schooner Ridge Drainage- Part 1						\$ 50,000
						\$ -
						\$ -
				<b>TOTAL COST</b>		<b>\$ 887,368</b>
Pavement Improvement Plan - FY2015				# of Units	Unit Price	Total
Acorn Lane	0.30	Miles		1	\$ 45,968	\$ 45,968
Cottage Farms	0.17	Miles		1	\$ 26,048	\$ 26,048
Cross Road	0.39	Miles		1	\$ 155,132	\$ 155,132
Lawn Ave	0.27	Miles		1	\$ 41,371	\$ 41,371
Lockwood	0.07	Miles		1	\$ 10,726	\$ 10,726
Maple	0.27	Miles		1	\$107,399	\$ 107,399
Newell Ridge	0.43	Miles		1	\$65,887	\$ 65,887
Oak Ridge	0.49	Miles		1	\$ 75,080.20	\$ 75,080
Range Way	0.09	Miles		1	\$ 13,790.20	\$ 13,790
Spar Hawk Lane	0.14	Miles		1	\$ 21,451.50	\$ 21,452
Wood Circle	0.16	Miles		1	\$ 24,516.00	\$ 24,516
	2.78	Miles				\$ 587,368
Blanchard Road ( State)	1.53	Miles	\$112,560	1	deferred	\$ -
Total Town Roads - 51.20 Miles						\$ -
Total State Roads - 21.70 Miles						\$ -
Total Treatment Miles - State Roads						\$ -
						\$ -
				<b>TOTAL COST</b>	<b>\$ 587,368</b>	<b>\$ 587,368</b>

Paving and road construction are the two most pressing Capital Stewardship issues we face annually. In December 2011 Town Council meeting, Chris Bolduc, our Operations Manager, presented a comprehensive program. The plan will require a funding commitment of over \$400,000 in FY 13; \$648,713 in FY 14; **and \$800,000 in FY 15 and thereafter.**

The full paving plan is attached as an appendix to this report. As concerning as past funding levels may be, we are on a good path now. Difficult future funding choices will always need to be made, but capital funding must remain at a priority level or the future costs will be financially oppressive.





Reclamation of asphalt pavement by grinding the pavement into small pieces in place and mixing with the existing gravel will form a stronger future base. This eliminates removal of excessively cracked pavement and adds a supplemental gravel/pavement base layer prior to new pavement. We will be using a cement stabilizer as well for additional strength. (\$ 45,000 per mile @ \$3/square yard)



This is the first layer of pavement also known as the binder or base pavement. This layer is typically 2.5" thick and comprises 63% of the total pavement thickness (4"). (\$196,000 per mile)

We typically have waited 1 year to overlay the binder with surface pavement layer of 1.5" to allow for any defects in the road to appear during or just after the frost/ defrost cycle of the base. This allows us to repair any defects prior to the final paving. (\$ 117,660 per mile @ \$85/ton)

### Summer 2013

Street	Beg desc	End desc	Length Miles	Last Pave Date	2011 PCR	2016 PCR	Planned Improve Date	Planned Improve Type	Total Expense 2013
Autumn Ridge							NA	NA	\$ -
Blanchard Rd Ext A	Orchard Hill	Drain \$50/ft X	0.29	1993	4.80	3.69	2013	Overlay	\$ 115,354.70
Blanchard Rd Ext B	Orchard Hill	Drain \$50/ft X	0.10	1993	1.67	1.17	2013	Overlay	\$ 15,322.50
Blanchard Rd Ext Total	Orchard Hill		0.3920455	1993			2013	Overlay	\$ 130,677.20
Kerri Farms Drive	Orchard Rd		0.13	1996	3.49	2.77	2013	Overlay	\$ 19,919.20
Orchard Road	Blanchard Rd		0.59	1994	2.37	1.82	2013	Overlay	\$ 90,402.70
Orchard Road A			0.26	1999	2.35	1.79	2013	Overlay	\$ 39,838.50
Orchard Road B	Orchard Hill Road		0.92	1999	3.88	3.01	2013	Overlay	\$ 140,967.00
Orchard Road Total			1.76	1999			2013	Overlay	\$ 271,208.20
ROSE DRIVE			0.31	2010	4.39	3.38	NA	NA	\$ -
Stonewall Drive	Blanchard Rd. Ext	drive	0.32	2000	3.21	2.55	2013	Overlay	\$ 49,032.00
West Branch Road			0.34	2005	4.39	3.39	NA	NA	\$ -
Whitney Road	Orchard Road		0.36	1994	2.22	1.69	2013	Reclaim	\$ 143,199.00
			3.61						\$ 614,035.60

Miles	3.61
Cost	\$614,035.60

### Summer 2014

Street	Beg desc	End desc	Length Miles	Last Pave	2011 PCR	2016 PCR	Planned Improve	Planned Improve	Total Expense 2014
Acorn Lane	Oak Ridge Rd		0.30	1994	3.59	2.82	2014	Overlay	\$45,967.50
Cottage Farms Road	Main St		0.17	1995	3.34	2.67	2014	Overlay	\$26,048.20
Friar Lane A	Tuttle	Drain \$50/ft X	0.18	1995	1.72	1.22	2012	NA	\$0.00
Friar Lane B	Tuttle	Drain \$50/ft X	0.44	1995	2.78	2.25	2012	NA	\$0.00
Friar Lane Total	Tuttle		0.62	1995			2012	NA	\$0.00
Lawn Avenue	Main Street		0.27	1995	2.76	2.17	2014	Overlay	\$41,370.70
Lockwood Lane	water gate	pavement	0.07	1995	3.23	2.56	2014	Overlay	\$10,725.70
Maple Street	Lawn Ave-west	Lawn Ave-east	0.27	1995	2.25	1.97	2014	Reclaim	\$107,399.20
Newel Ridge	Road Greely Rd Ext		0.43	1995	3.83	2.98	2014	Overlay	\$65,886.70
Oak Ridge Road	Greely Rd Ext		0.49	1994	2.92	2.30	2014	Overlay	\$75,080.20
Range Way			0.09	2006	5.00	3.85	2014	Overlay	\$13,790.20
Spar Hawk Lane	Cottage Farms	Dead End	0.14	1995	2.91	2.31	2014	Overlay	\$21,451.50
Wood Circle	Acorn Ln		0.16	1994	2.94	2.34	2014	Overlay	\$24,516.00
Blanchard Road A	Main Street	Road	1.67	2002	3.21	2.53	2014	Shim	\$67,134.00
Blanchard Road B	Bruce Hill Road	Skillin Road	1.13	2005	4.13	3.20	2014	Shim	\$45,426.00
Cross Road 1	Main Street	U Pole Lt.	0.08	1995	1.99	1.49	2014	Reclaim	\$31,822.00
Cross Road 2	Winn Rd.	U Pole Rt.	0.31	1995	1.99	1.49	2014	Reclaim	\$123,310.20
Cross Road Total	Main Street	U Pole Rt.	0.39	1995			2014	Reclaim	\$155,132.20
			6.20						\$699,928.10

Miles	6.20
Cost	\$699,928.10



### Summer 2015

Street	Beg desc	End desc	Length Miles	Last Pave Date	2011 PCR	2016 PCR	Planned Improve Date	Planned Improve Type	Total Expense 2015
Balsam Drive	Farwell- west	Hemlock	0.28	1990	3.35	2.68	2015	Overlay	\$42,903.00
Candlewick Lane	Country Charm	Drain \$50/ft X	0.12	1995	2.55	2.01	2015	Overlay	\$18,387.00
Carol Street	Woodside	Drain \$50/ft X	0.07	1995	3.09	2.47	2015	Overlay	\$10,725.70
Country Charm Road	Val Halla	Drain \$50/ft X	0.28	1995	3.20	2.53	2015	Overlay	\$42,903.00
Crestwood Road	East Pinewood	W. Pinewood	0.30	2003	3.54	2.79	2015	Overlay	\$46,967.50
Farwell Ave A	Main Street	Drain \$50/ft X	0.19	1995	3.33	2.63	2015	Overlay	\$29,112.70
Farwell Ave B	Main Street	Drain \$50/ft X	0.08	1995	2.95	2.33	2015	Overlay	\$11,607.95
Farwell Ave Total	Main Street		0.2623106	1995			2015	Overlay	\$40,192.54
Hedgerow Dr	Main Street	Drain \$50/ft X	0.38	1995	2.29	1.75	2015	Overlay	\$58,225.50
Hemlock Dr	Prince		0.44	1990	3.63	2.85	2015	Overlay	\$67,419.00
Hillcrest Drive A	Woodside	Drain \$50/ft X	0.17	1995	2.42	1.90	2015	Overlay	\$25,537.50
Hillcrest Drive B	Woodside	Drain \$50/ft X	0.27	1995	3.47	2.73	2015	Overlay	\$41,933.74
Hillcrest Drive Total	Woodside		0.4403409	1995			2015	Overlay	\$67,471.24
Linda Street	Hillcrest	Drain \$50/ft X	0.07	1995	2.56	2.02	2015	Overlay	\$11,027.56
Longview Street	Woodside	Drain \$50/ft X	0.07	1995	2.02	1.52	2015	Overlay	\$11,317.76
Pinewood Drive	Hemlock	Drain \$50/ft X	0.46	1995	3.78	2.95	2015	Overlay	\$70,483.50
Prince Street	Farwell- west		0.16	1995	2.35	1.78	2015	Reclaim	\$63,644.00
Val Halla Road	Greely Rd	Parking Area	0.51	2004	4.07	3.16	2015	Overlay	\$78,144.75
Woodside Drive A		X Drain \$50/ft X	0.19	1995	2.54	1.70	2015	Overlay	\$29,600.28
Woodside Drive B	Main Street	Drain \$50/ft X	0.27	1995	2.40	1.84	2015	Overlay	\$40,918.04
Woodside Drive Total	Main Street		0.4602273	1995			2015	Overlay	\$70,518.32
			4.31						\$700,330.36

Miles	3.88
Cost	\$700,330.36

### Summer 2016

Street	Beg desc	End desc	Length Miles	Last Pave Date	2011 PCR	2016 PCR	Planned Improve Date	Planned Improve Type	Total Expense 2016
Forest Lake Rd	Blackstrap	Gray TL	0.72	1995	2.58	2.03	2016	Overlay	\$110,322.00
Forest Lane	Forest Lake Rd		0.44	1995	2.98	2.36	2016	Overlay	\$68,051.63
George Road	Blackstrap		0.26	1993	3.40	2.68	2016	Overlay	\$39,838.50
Goose Pond Rd	Blackstrap		0.41	1999	3.03	2.40	2016	Overlay	\$62,822.25
Highland Ave	Old Gray Rd	Gray Rd	0.19	1993	3.69	2.89	2016	Overlay	\$29,310.09
Hill Top Road	Pond Shore		0.14	1984	2.87	2.22	2016	Overlay	\$21,184.52
Kathy Lane	Skillin Road		0.19	1993	2.91	2.29	2016	Overlay	\$28,439.49
Liberty Lane			0.08	2010	4.22	3.25	2016	Overlay	\$12,258.00
Old Gray Road	North End		0.23	1993	3.38	2.68	2016	Overlay	\$35,241.75
OLD COLONY			0.34	2010	4.80	3.69	2016	Overlay	\$52,096.50
Pond Shore Drive	Skillin Rd		0.32	1984	2.29	1.77	2016	Overlay	\$49,333.81
Skillin Road			0.91	2005	4.6	3.5	2016	Overlay	\$139,434.75
Union Road	Highland Ave	George Rd	0.10	1993	2.91	2.29	2016	Overlay	\$15,322.50
Upper Methodist	Blackstrap	Dead End	0.40	1993	3.30	2.61	2016	Overlay	\$60,796.66
			4.73						\$724,452.44

Miles	4.73
Cost	\$724,452.44

### Summer 2017

Street	Beg desc	End desc	Length Miles	Last Pave Date	2011 PCR	2016 PCR	Planned Improve Date	Planned Improve Type	Total Expense 2017
Castlerock			0.18				2017	Overlay	\$27,580.50
Cross Road 1	Main Street	U Pole Lt.	0.08	1995	1.99	1.49	2014	NA	
Cross Road 2	Winn Rd.	U Pole Rt.	0.31	1995	1.99	1.49	2014	NA	
Cross Road Total	Main Street	U Pole Rt.	0.39	1995			2014	NA	
Harris Road A	Tuttle Road		0.80	2002	4.04	3.13	2017	Overlay	\$122,463.92
Harris Road B	Tuttle Road		0.81	2001	3.32	2.63	2017	Overlay	\$124,495.31
Harris Road Total	Tuttle Road		1.61	2002			2017	Overlay	\$246,959.23
Lower Methodist	Gray Rd	End of pavement	0.50	1995	1.98	1.48	2017	Overlay	\$76,612.50
Mill Ridge Road A			0.08	2000	3.07	2.44	2017	Overlay	\$12,333.45
Mill Ridge Road B	Mill Rd		0.31	1995	2.85	2.26	2017	Overlay	\$48,173.01
Mill Ridge Road Total	Mill Rd		0.3948864	2000			2017	Overlay	\$60,506.46
Mill Road A			0.65	2005	4.03	3.13	2017	Overlay	\$99,248.01
Mill Road B	Blanchard	Gray Rd	0.54	2005	2.89	2.29	2017	Overlay	\$82,561.58
Mill Road Total	Blanchard		1.186553	2005			2017	Overlay	\$181,809.59
Rock Ridge Run	Harris Rd		0.47	2002	4.03	3.12	2017	Overlay	\$72,015.75
Turkey Lane	Main Street		0.30	1995	2.37	1.85	2017	Overlay	\$45,967.50
Whitetail Road	Harris Rd		0.19	1995	3.76	2.93	2017	Overlay	\$29,019.89
			5.22						\$740,471.42

Miles	5.22
Cost	\$740,471.42

### Summer 2018

Street	Beg desc	End desc	Length Miles	Last Pave Date	2011 PCR	2016 PCR	Planned Improve Date	Planned Improve Type	Total Expense 2018
Aspen Crest	Mere Wind Dr.		0.13	2000	3.77	2.93	2018	Overlay	\$20,313.92
Brookside Dr	Greely		0.17	1995	3.27	2.56	2018	Overlay	\$25,972.80
Edes Rd	Greely		0.33	1988	3.34	2.62	2018	Overlay	\$50,204.40
Greely Rd A	Middle Road	Main St	1.17	2004	2.85	2.26	2018	Overlay	\$178,762.50
Greely Rd B	Middle Road	Main St	1.50	2004	2.60	2.06	2018	Overlay	\$229,112.00
Greely Rd C	Middle Road	Main St	0.31	2004	3.10	2.45	2018	Overlay	\$48,027.91
Greely Rd D	Middle Road	Main St	0.20	2004	2.94	2.05	2018	Overlay	\$30,906.18
Greely Rd Total	Middle Road	Main St	3.1770833	2004			2018	Overlay	\$486,808.59
Hillside Ave	Greely Rd	TL	0.50		3.59	2.83	2018	Overlay	\$76,902.70
Mere Wind Drive	Greely		0.37	2000	3.41	2.71	2018	Overlay	\$56,693.25
Shady Run Lane	Greely Rd		0.42	1993	3.67	2.87	2018	Overlay	\$64,354.50
			5.10						\$781,250.16

Miles	5.10
Cost	\$781,250.16



**2015-2019 CIP Project Proposals:**

DEPARTMENT	PROJECT NAME	IS THIS A NEW PROJECT?	COST	PROPOSED YEAR OF FUNDING
ASSESSING	Town-wide Revaluation	NO	\$400,000	TBD
	In-House Update	NO	\$75,000	TBD
FIRE	Central Station Replacement	NO	\$3,925,000	TBD
IT	Phone System	NO	\$70,000	2015
	Map & Plan Scanning	YES	\$14 k per yr. for 5 yrs.	2015
LIBRARY	Prince Expansion	NO	\$1.6 million	TBD
	Basement Archives Area	YES	\$18,500	2014-2015
	Collections Project	NO	\$30,000	TBD
PUBLIC SERVICES				
<u>*West Cumb.</u>	Rec Hall Renovations	NO	\$75,000	2014-2015
<u>*Twin Brook</u>	3 Field Renovations	NO	\$150,000	TBD
	Storage Building	YES	\$60,000	2014 -2015
	Playground (Twin Brook)	YES	\$40,000	TBD
	Trail Upgrade at Twin Brook & Town Forest	YES	\$10,000	2015-2018

	Culvert Replacement	NO	\$50,000	On-going
<u>*Sidewalks</u>	Town Hall to Twin Brook	NO	\$877,000	TBD
	Drowne Rd to Main Street (loop)	NO	\$250,000	TBD
	Cumberland Commons Sidewalk Replacement	YES	\$60,000	TBD
<u>*Roads</u>	Reconstruction: Rt. 88, Greely, Middle, Blackstrap	NO	Revolving Schedule	TBD
	Pavement Mgmt. Plan	NO	\$800,000/yr	2015-19 (Annual Cost)
<u>NS</u>	Blanchard Rd. Recon. (Bruce Hill to Skillin)	NO	\$1,100,000	2014
	Rt. 1 South Turn Lane	YES	\$600,000	2015
	Rt. 1 North Turn Lane	YES	\$150,000	TBD
	Rt. 88 to Yarmouth Town Line Road Recon (widen, drainage, paved shoulder)	NO	\$550,000 w/out state funding \$109,000 w/state funds	TBD
	Main Street from Tuttle to Greely (town share of state project)	YES	\$53K-106K	TBD - PACTS
<u>*Utilities</u>				
	Rt. 9 Sewer & Water line ext. from library to Falmouth	NO	\$830,000	TBD

	Water ext. to Val Halla	NO	\$250,000	Begin 2014-15
	Range Road Water Line & Pump Station	NO	\$1,150,000	TBD
<u>*Public Works</u>	New PW & Bus Garage & Salt/Sand Storage	YES	\$4,000,000	Bond in FY 2015
	Crushing Operations: Gravel Pit-Goose Pond Rd.	NO	\$143,00	Every 3 yrs (\$49,000) Begin 2015
	Wood Waste Landfill Closure	NO	\$475,000	TBD
	Large/Deep Drainage Pipe	NO	\$204,000	TBD
<u>*Val Halla</u>	Outdoor Skating Rink	YES	\$10,000	2015
	Events Area Shelter	NO	\$33K or \$48K	TBD
	Wash Pad	NO	\$25,000	TBD
	Maintenance Bldg. Addition	NO	\$125,000	TBD
Town Buildings	Energy Audit & HVAC Update	YES	\$100,000	2015-2018
*Equipment Maintenance Reserve	Annual Depreciation of Equipment	NO	\$390,000	Annual
*NPDES	Phase 3 Federal mandate re: stormwater pollution	NO	\$30,000/Yr.	Annual
*Senior Housing	Roof & Boiler Replacement	NO	\$377,000	2015-2018



**Projects Underway or Completed in Past Fiscal Year (2013-2014)**

DEPT.	PROJECT	COST
PUBLIC SERVICES	West Cumberland Playground Renovations	\$40,000
	Survey of Town-Owned Land	\$10,000
	Blanchard Rd. Reconstruction (Bruce Hill to Skillin)	\$1,100,000
FIRE	Paving W. Cumb. Station	\$20,000
	Ambulance Replacement	\$200,000
	Overhead Doors Central Station	\$16,000
IT	2 New Servers (replacement)	\$31,000
	MUNIS Server Replacement	\$15,000
CLERK	Voting Booths	\$5,000 ( ½ in FY 2013; ½ in FY 2014)

**Previously Included Projects Now Removed from CIP**

Synthetic Turf Field & lights	Synthetic Turf Field & lights	No	\$675,000	Removed
Public Services	Outdoor Community Pool	No	\$900,000	Removed

**HISTORY OF COMPLETED CIP PROJECTS**

Department	Project	Cost	Year(s)
ADMIN	HVAC		FY 2010 - 2011

IT	S1 Server Replacement?	\$20,700	FY 2010 - 2011
Public Services	Road Reconstruction Route 88	\$4.2 Million	FY 2010 - 2011
Public Services	Range Road Reconstruction & Water Line Ext.	\$7,000,000	FY 2010 - 2011
Val Halla	Irrigation	\$500,000	FY 2009-10
Val Halla	Roof Replacement	\$75,000	FY 2009
Public Services	Drainage Projects: Bea, Carol, Forest	\$2,700,000	FY 2009
Public Services	Paving: Bea, Carol, Forest	\$103,000	FY 2009
Public Services	Roof Replacement Town Garage	\$56,000	FY 2009
Public Services	Compost Pad	\$45,000	FY 2009
Public Services	NPDES – Annual	\$32,000	FY 2009
Public Services	Range Road Reconstruction & Water Line Ext.	\$7,000,000	FY 2009
Library	Brick Re-pointing	\$30,000	FY 2008- 2009
Planning	Comprehensive Plan Mapping & Survey Consulting Work	\$60,000	FY 2008- 2009
Assessing	Property Revaluation	\$300,000	FY 2008- 2009
Public Services Twin Brook Projects:	Shelter Field Renovations Electrical hook up Parking Expansion Restrooms Equipment Field House Water Supply	\$75,000 \$140,000 \$70,000 \$30,000 \$30,000 \$200,000 \$75,000	FY 2008- 2009
Administration	Town Center Sidewalk Reconstruction/Extension	\$250,000	FY 2007 - 2008
Administration	Town Hall Generator & Fuel Tank	\$40,000	FY 2007 - 2008
Public Services	Twin Brook Well (drilled and capped)	\$20,000	FY 2007 - 2008
Public Services	Fence Materials for Securing Twin Brook Fields	\$20,000	FY 2007 - 2008

Town Clerk	Vault Filing System & Records Restoration	\$32,000	FY 2007 - 2008
Fire	Generator – West Cumb. Station	\$12,000	FY 2007 - 2008
Fire	Air Tank Compressor	\$50,000	FY 2006-2007
Fire	Generator – Central Station	\$25,000	FY 2006 - 2007
Finance	Computer System	\$175,000	FY 2006 - 2007
Police	Computer System	\$99,630	FY 2006 - 2007
Library	Air Conditioning (Prince Room & Staff Room)	\$35,000	FY 2006 - 2007
Library	Air Conditioning	\$37,000	FY 2006 - 2007
Public Services	Generator -Garage	\$32,000	FY 2006 - 2007
Administration	Water Line Extension – West Cumberland	\$1.2 million	FY 2005-2006
Public Services	Infield Grooming Machine	\$5,000	FY 2005 - 2006
Public Services	Salt Storage Shed	\$90,000	FY 2004 – 2005
Public Services	Stone Wharf Reconstruction	\$650,000	FY 2003 - 2004
Administration	Rines Forest Purchase	\$1.3 million	FY 2003 -2004
Fire	SCBA Breathing Apparatus	Equip. Repl.	On-going
Fire	Personal Protective Equipment	Equip. Repl.	On-going

Chairman Stiles opened the Public Hearing.  
Public discussion: None  
Chairman Stiles closed the Public Hearing.

Motion by Councilor Gruber, seconded by Councilor Turner, to approve the proposed 2015-2019 Capital Improvement Plan, as recommended by the Planning Board.  
VOTE: 6-0                      UNANIMOUS

**14 – 086    To hold a Public Hearing to consider and act on a Mass Gathering Permit for the 45<sup>th</sup> Annual Cumberland Arts & Crafts Show to be held on August 7<sup>th</sup> – 10<sup>th</sup> at the Cumberland Fairgrounds.**

Chairman Stiles opened the Public Hearing.  
Public discussion: None  
Chairman Stiles closed the Public Hearing.

Motion by Councilor Storey-King, seconded by Councilor Copp, to approve the Mass Gathering Permit for the 45<sup>th</sup> Annual Cumberland Arts & Crafts Show to be held on August 7<sup>th</sup> – 10<sup>th</sup> at the Cumberland Fairgrounds.  
VOTE: 6-0                      UNANIMOUS

**14 – 087    To consider and act on authorizing the Town Manager to execute an Easement Deed with Kenneth Richards for property located at 162 Fairwind Lane for a Police, Fire & EMS antenna.**

Town Manager Shane explained that we have struggled with emergency radio coverage on the Foreside, due to the ridge that is created from Middle Road to Route 88. The ridge causes radio signals to bounce around, making it very difficult for our emergency personnel to respond to emergency calls in that area. Lieutenant Calder and the Manager looked at the map of the area and thought that the water tower at the top of Fairwind Lane may be a good solution. RCM did a study and determined that an antenna there would be a good solution. Portland Water District has given us permission to install the antenna on their tower and advised us that we would need an easement from the Richards (the abutting landowner). The Richards family agreed to the easement. More information to come on the actual cost of the antenna system.

Motion by Councilor Gruber, seconded by Councilor Bingham, to authorize the Town Manager to execute an Easement Deed with Kenneth Richards for property located at 162 Fairwind Lane for a Police, Fire & EMS antenna.  
VOTE: 6-0                      UNANIMOUS

**14 – 088    To consider and act on authorizing the Town Manager to accept delinquent taxes and issue a quitclaim deed, upon payment of 4,858.93 for property identified as Tax Map R07/Lot 84.**

Motion by Councilor Copp, seconded by Councilor Turner, to authorize the Town Manager to accept delinquent taxes and issue a quitclaim deed, upon payment of 4,858.93 for property identified as Tax Map R07/Lot 84.  
VOTE: 6-0                      UNANIMOUS

**14 – 089 To consider and act on authorizing the Town Manager to accept delinquent taxes and issue a quitclaim deed, upon payment of \$18,230.96 for property identified as Tax Map U20/Lot 70A.**

Motion by Councilor Bingham, seconded by Councilor Turner, to authorize the Town Manager to accept delinquent taxes and issue a quitclaim deed, upon payment of \$18,230.96 for property identified as Tax Map U20/Lot 70A.

VOTE: 6-0 UNANIMOUS

**14 – 090 To consider and act on authorizing the Town Manager to accept delinquent taxes and issue a quitclaim deed, upon payment of \$4,791.98 for property identified as Tax Map U20/Lot 70E.**

Motion by Councilor Turner, seconded by Councilor Copp, to authorize the Town Manager to accept delinquent taxes and issue a quitclaim deed, upon payment of \$4,791.98 for property identified as Tax Map U20/Lot 70E.

VOTE: 6-0 UNANIMOUS

**V. NEW BUSINESS**

**Councilor Turner** – thank you to whoever removed the tree that fell across the Cumberland/Chebeague Island Trust trail that parallels Route 88. It was taken care of in a hurry.

Every spring, we have the same concern. Landscaping companies parking in the shoulder on Route 88 when they could have parked in the driveway.

**Councilor Bingham** – he drove up Maeves Way recently and was surprised to see how built up the subdivision is. It isn't only the Route 100 area that is showing signs of development.

**Councilor Storey-King** – there will be a Twin Brook Advisory Committee tomorrow evening and an Ordinance Committee meeting later in the week. Both meetings will focus on the dog issue. She reminded dog owners to keep it civil and respectful when dealing with one and another. There was another complaint recently where a loose dog interfered with a youth race.

**Councilor Gruber** – there was a meeting recently with local churches to discuss senior citizen issues and what the needs are in our community. There will be a survey available on Election Day.

There is a program called Hunters for the Hungry where game meat can be donated to local food pantries. One of the Cumberland Police Officers contacted Wayside Food Pantry to see if they wanted a deer that was struck by a vehicle. Because of this, the Cumberland Food Pantry will be getting 45 pounds of venison all packaged and ready to go.

**Chairman Stiles** – there will be a table at the Election collecting donations for the 4-H auction to benefit the Food Pantry with meat. If 1,000 people donate just \$10, that will be \$10,000 to purchase beef and pork for the Food Pantry.

He reminded cyclists to please ride single file. It is the considerate thing to do and much safer for themselves and vehicle traffic.

Our next Council meeting will be on May 20<sup>th</sup>. It will be a very brief meeting to only sign the warrant for the school election. The next regular meeting after that date will be on June 2<sup>nd</sup> and 16<sup>th</sup>. Those dates had to be changed (from the regular 2<sup>nd</sup> & 4<sup>th</sup> Monday) due to the Election and swearing in of Councilors.



**Councilor Copp** – he referred to the building permit report in the materials. The numbers are astronomical. The total for the month was \$4,299,111.95, and the year to date total is 7.5 million. This is great news because it proves that Cumberland continues to grow.

The Police and Rescue departments are doing phenomenal things in this Town. Last week there was a rescue call and the first responder was Police Officer Tom Adams. He knew the moment he arrived that it was a heart attack situation and he was prepared to respond. The second to respond was Jason Copp. The family could not say enough good things about these two gentlemen. It is priceless to this Town that our police officers are trained in Emergency Medical Service.

**Town Manager Shane** – we are days away from ground breaking and the installation of gas pipe. We are only waiting on MDOT permits and those should be received any day. A lot of activity will be happening in the fairgrounds area.

We finalized the renewal on our health insurance plan today. We have a zero increase again this year. This is good news. We are very proud of the success of our employee wellness plan. The plan has caused our rates to flatten or go down over the last 7 years.

- VI. EXECUTIVE SESSION** pursuant to 1 M.R.S.A., § 405(6)(C) re: real property.  
Motion by Councilor Copp, seconded by Councilor Bingham, to recess to Executive Session pursuant to 1 M.R.S.A., § 405(6)(C) re: real property.  
VOTE: 6-0 UNANIMOUS  
TIME: 8:22 P.M.

Reconvene to regular session at 9:06 P.M.

- VII. ADJOURNMENT**  
Motion by Councilor Storey-King, seconded by Councilor Gruber, to adjourn.  
VOTE: 6-0 UNANIMOUS  
TIME: 9:06 P.M.

Respectfully submitted by,

Brenda L. Moore  
Council Secretary

# MINUTES

## 05/20/14

## **MINUTES**

Special Cumberland Town Council Meeting

Town Council Chambers

**TUESDAY, May 20, 2014**

**5:30 p.m. Call to Order**

### **5:30 P.M. Call to Order**

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

**Excused:** Councilor Copp

## **I. LEGISLATION AND POLICY**

### **14 – 091 To countersign the Warrant and Notice of Election calling the June 10, 2014 M.S.A.D. 51 Budget Validation Referendum.**

Motion by Councilor Storey-King, seconded by Councilor Gruber, countersign the Warrant and Notice of Election calling the June 10, 2014 M.S.A.D. 51 Budget Validation Referendum.

VOTE: 6-0 UNANIMOUS

## **II. ADJOURNMENT**

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

VOTE: 6-0 UNANIMOUS

TIME: 5:36 P.M.

Respectfully submitted by,

Brenda L. Moore  
Council Secretary

# ITEM

## 14-092

To hold a Public Hearing to consider and act on a Wharfing  
Out Permit for property located on Sturdivant Island,  
Map I08/Lot 4

*Coastal Waters Commission is holding their Public Hearing on Thursday, May 29<sup>th</sup> at 7:00 p.m.  
Their recommendation and motion will be e-mailed to Town Council over the weekend.*





## ECO-ANALYSTS, INC.

### *Environmental Consultants*

*P.O. Box 224 Bath, Maine 04530*

*(207) 837-2199 • (207) 386-0451 (Fax) • [timforrester@comcast.net](mailto:timforrester@comcast.net)*

April 15, 2014

Mr. Bill Shane  
Cumberland Town Manager  
290 Tuttle Road,  
Cumberland, Maine 04021

RE: Shoreland Wharfing Out Application for Herbert Stout, on Sturdivant Island, in Cumberland, Maine (Map 8, Lot 4).

Dear Bill,

On behalf of Herbert Stout (Applicant) ECO-ANALYSTS, INC. (EA) is pleased to submit to the Town of Cumberland a Shoreland/Wharfing Out Application. The Applicant proposes to remove the existing dock and to construct a new pier, ramp, float and float haul-out system. The existing dock consists of a pier and several floats. That system does not function well within the site. It has an unnecessarily large footprint within the resource and should be replaced. The new structure will eliminate several issues with the current design and will provide better boat access. Additional information on the project purpose, alternatives, and design drawings are included in the original Natural Resources Protection Act (NRPA) application that was submitted to the Maine Department of Environmental Protection (DEP).

Lastly, this project has been approved by the DEP and the U.S. Army Corps of Engineers. Copies of those Permits as well as the Town of Cumberland's review criteria are included in this application.

Thank you for the opportunity to work with you on this project. Should you have any questions, please do not hesitate to contact me at 207-837-2199 or via email at [timforrester@comcast.net](mailto:timforrester@comcast.net).

Sincerely,  
ECO-ANALYSTS, INC.

Timothy A. Forrester  
Biologist, PWS #1933

Section D - APPROVAL STANDARDS AND CRITERIA.

- (1) Access from the shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

*The pier will be anchored into the upland with 2 pilings and secured to exposed ledge within the intertidal zone. This project will generate little if any sedimentation or erosion.*

- (2) The location shall not interfere with existing developed or natural beach areas.

*No beach areas exist within the location of the proposed dock.*

- (3) The facility shall be located so as to minimize adverse effects on fisheries.

*The proposed pier, ramp and float have been positioned to land the float just beyond the edge of the rockweed covered ledge and within the inter tidal zone. No fisheries concerns were raised by the Maine Department of Marine Resources during the NRPA review process. Therefore this project will have no measurable impact to fisheries.*

- (4) The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock, or wharf in nontidal waters shall not be wider than six feet for noncommercial uses.

*The project purpose is to improve the amount of tidal access the applicant has to the water. The proposed float will land on sandy/mud bottom just beyond areas of intertidal ledge. Extending the dock any further into the resource would gain little if any additional tidal access and therefore was eliminated as an option. Similar docks exist within the general area. While the dock is longer then most, it does not stick out into the resource any further then the abutting structures, therefore it is consistent with surround uses.*

- (5) No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.

*No structures are being proposed on, over or adjacent to the pier.*

- (6) New permanent piers and docks on nontidal waters shall not be permitted unless it is clearly demonstrated to the Coastal Waters Commission that a temporary pier or dock is not feasible and a permit has been obtained from the Department of Environmental Protection pursuant to the Natural Resources Protection Act.

*The proposed dock is located on tidal waters, permits have been obtained from DEP and the Army Corps of Engineers.*

- (7) No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.

*No structures are proposed with this project.*



- (8) Except in the General Development District, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed 20 feet in height above the pier, wharf, dock or other structure.

***Other than the pier, ramp, float, and haul-out, no other structures are proposed for this project.***

- (9) Structures shall not unduly interfere with passage along or within the intertidal zone in order to protect established colonial rights for fishing, fowling, and navigation. This may require accommodations such as steps or pier elevation to allow passage over or beneath a structure.

***The pier will be elevated to a height of 14.4' NGVD and will permit foot traffic to pass under the pier during all tides.***

- (10) Where the applicant has applied for "group dock" and the waterfront structure proposed will serve more than one property, the property owners shall submit to the Town a proposed easement deed demonstrating that permanent access and maintenance rights shall be granted to the parties sharing the structure. The parties shall submit to the Code Enforcement Officer proof of recording of the easement after its review and approval by the Town.

***The proposed structure will provide tidal water access for the Applicant only.***

- (11) Storage of floats, ramps, and pier accessories is prohibited within the intertidal zone.

***The ramp will be stored on the pier and the float will be stored on a haul-out above the intertidal zone.***

- (12) Storage of floats, ramps, and pier accessories must comply with all federal, state, and local shoreland zoning rules and regulations.

***Storage of the ramp, float and all pier related accessories will comply with all Federal, State, and local Shoreland Zoning rules and regulations.***

- (13) Lighting on piers, wharves, docks, bridges, floats and other structures should be designed and installed to minimize negative impacts on other properties and to promote safe navigation at night. Negative impacts include excessive lighting and unnecessary glare that can be a hazard to navigation.

***No lighting is proposed with this project.***

PERMIT NO.: \_\_\_\_\_

ISSUE DATE: \_\_\_\_\_

FEE AMOUNT: \_\_\_\_\_

**Town of Cumberland  
Shoreland Zoning Permit Application**

**GENERAL INFORMATION**

1. APPLICANT: Tim Forrester, ECO-ANALYSTS	2. ADDRESS: PO Box 224 Bath, ME 04530	3. PHONE NUMBER 207-837-2199
4. PROPERTY OWNER: Herbert Strout	5. ADDRESS: 14 Strout Road	6. OWNER PHONE NUMBER 207-838-0766
7. CONTRACTOR: Owner	8. ADDRESS: Same	9. PHONE NUMBER: Same
10. LOCATION: Sturdivant Island	11. Map 8, Lot 4	12. ZONING DISTRICT: IR
13. DESCRIPTION OF PROPERTY INCLUDING A DESCRIPTION OF ALL PROPOSED CONSTRUCTION, E.G. LAND CLEARING, ROAD BUILDING, SEPTIC SYSTEMS AND WELLS (PLEASE NOTE THAT A SITE PLAN SKETCH IS REQUIRED ON PAGE 3).  <b>Construct a 200' long by 8' wide pier, connecting to a 3.5' x40' ramp, and a 10' x20' float.</b>  <b>The Applicant also proposes to construct a Haul-out as shown on the attaced plans.</b>		
14. PROPOSED USE OF PROJECT: Island Access to an existing lot.		15. COST OF CONSTRUCTION : \$50,000



## SHORELAND PROPERTY INFORMATION

16. LOT AREA (SQ. FT.) 190,000 (4.36 acres)	17. FRONTAGE ON ROAD (FT.) N/A
18. SQ. FT. OF LOT TO BE COVERED BY NON-VEGETATED SURFACES: N/A	19. ELEVATION ABOVE 100 YEAR FLOOD : 14.4 NGVD
20. FRONTAGE ON WATERBODY (FT.) 406	21. HEIGHT OF PROPOSED STRUCTURE : 14.4 NGVD
22. EXISTING USE OF PROPERTY : Residential	23. PROPOSED USE OF PROPERTY: Same

NOTE: Questions 24 & 25 apply only to expansions of portions of existing structures which are less than the required setback from the high water mark.

24. A) TOTAL FLOOR AREA OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK AS OF 1/1/89 (SQ. FT.)	25. A) TOTAL VOLUME OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK AS OF 1/1/89 (CU. FT.)
B) FLOOR AREA OF EXPANSIONS OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK FROM 1/1/89 TO PRESENT (SQ. FT.)	B) VOLUME OF EXPANSIONS OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK FROM 1/1/89 TO PRESENT (CU. FT.)
C) FLOOR AREA OF PROPOSED EXPANSION OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK (SQ. FT.)	C) VOLUME OF PROPOSED EXPANSION OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK (CU. FT.)
D) % INCREASE OF FLOOR AREA OF ACTUAL AND PROPOSED EXPANSIONS OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK SINCE 1/1/89 (% INCREASE = (B+C)/A x 100)	D) % INCREASE OF VOLUME OF ACTUAL AND PROPOSED EXPANSIONS OF PORTION OF STRUCTURE WHICH IS LESS THAN REQUIRED SETBACK SINCE 1/1/89 (%) (% INCREASE = (B+C)/A x 100)

## **2.0 ALTERNATIVES ANALYSIS**

Several alternatives were considered in determining the need and the placement of the proposed structures. Factors considered in this analysis include: existing structures, shoreline characteristics, substrates, vegetation, tidal access, identified natural resources, and proximity to existing public and private facilities.

### **2.1 NO ACTION**

One of the goals of this project is to increase the time that the Applicant can access the Island. The existing dock consists of a short pier and a collection of floats that the Applicant has acquired over the years and provides limited tidal access. Those floats are located on intertidal cordgrass and should be removed to reduce the overall impact to the resource. This alternative was rejected since the Applicant's existing floats provide less than 2 hours of access on either side of high tide.

### **2.2 PUBLIC / PRIVATE FACILITIES**

No public or commercially owned docks or marinas exist on Sturdivant Island. Therefore this alternative was rejected.

### **2.3 OTHER LOCATIONS WITHIN THE APPLICANT'S PARCEL**

EA evaluated the entire shoreline within the Applicants parcel to determine if a less impacting design could be installed that meets the project purpose. The following siting locations were considered:

1. Placing a dock to the south of the existing dock would encroach on the property line and therefore was rejected.
2. A dock could be constructed to the north of the existing dock. While that dock would have a favorable shorter pier distance of one-hundred and thirty feet (130), it would also land the float on the sandy flats 3.6 feet above and one hundred and fifty (150) inside of Mean Low Water (MLW) which is more than two feet (2) higher and twice as far away than the proposed dock. That increase in elevation and distance would reduce the amount of tidal access from the proposed site by half. Additionally, the pier would span a larger area of cordgrass and that site

does not have sufficient ledge to anchor the steel supports. For those reasons this alternative was rejected.

3. The subject parcel does contain water front on the south side of the island (opposite from the proposed location). That side of the Island is mapped by FEMA as a Velocity Zone (V3) and a permit would not be issued from the Town. Additionally, a dock in that location would impact the existing beach and would be prone to exposure from storm swells. For those reasons this alternative was rejected.

#### **2.4 EXTENDING THE PROPOSED DOCK FOR ALL TIDE ACCESS**

The Applicant would prefer to have full tide access. In order to gain full tide access a dock over four hundred feet (400) long would be required to reach a depth of minus two feet (-2) at MLW. That dock would have a permanent direct impact to mapped Tidal Wading Bird and Waterfowl Habitat (TWWH), eelgrass and shellfish beds. It would also create significant visual impacts to abutting properties and the general public when viewed from within the resource. This alternative was rejected because the proposed alternative of a shorter pier avoids impacts to eelgrass, shellfish habitat and TWWH while at the same time provides a reasonable amount of tidal access and extends no further into the resource than the abutting docks.

#### **2.5 PROPOSED LOCATION AND DESIGN**

The proposed location and design were selected for several reasons:

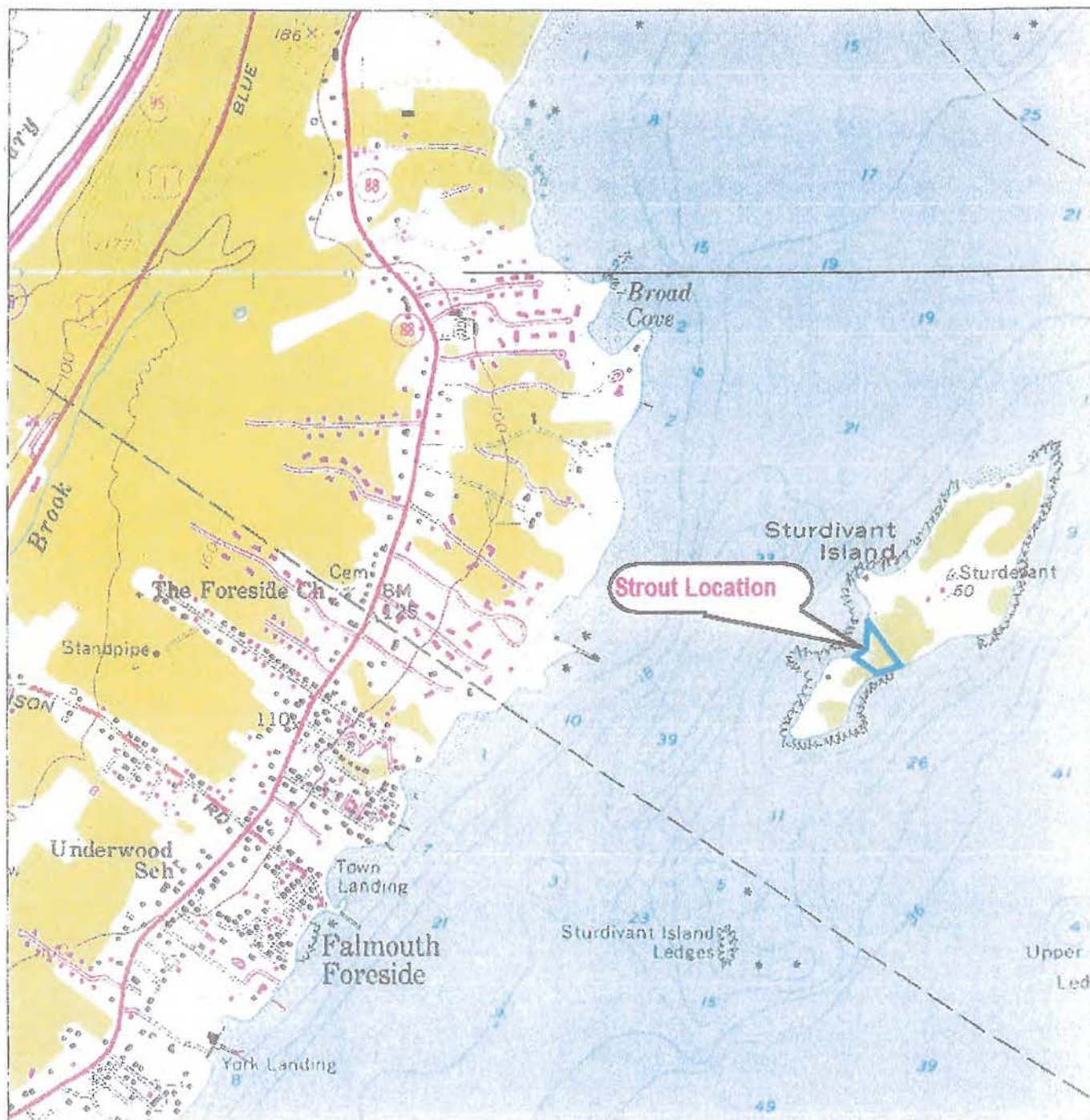
1. All proposed structures maintain at least twenty-five feet (25) from the sidelines.
2. The preferred location avoids/minimizes impacts to eelgrass and shellfish beds by landing the float close enough to shore that those areas will have at least three feet (3) of water covering them before the applicant can gain access to the float.
3. Impacts to TWWH have been reduced by keeping the permanent portion of the project out of the habitat and only locating the ramp and float (seasonal structures) within the sandy intertidal substrates.
4. The preferred location will avoid and minimize impacts over intertidal vegetation by placing the steel supports over areas of exposed ledge and rockweed covered ledge.



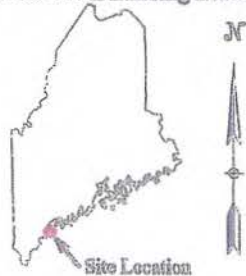
5. The proposed location meets the project purpose of increasing tidal access while avoiding and minimizing impacts to the resource. On an average tide cycle the Applicant will have 70% access to the float.
6. No less impacting location exists within the Applicants parcel that meet the project purpose.



**Map One: Site Location Map for Herbert F. Strout, Sturdivant Island, Cumberland, Maine.**



**Directions:** From Route One in Falmouth, turn onto Route 88. Follow Route 88 for 3.6 miles. Turn onto Town Landing Road. From the Town Landing head northeast by boat for 1.1 miles to Sturdivant Island.



**Notes:**

Maine Atlas & Gazetteer  
Map 5 (Section E-5)  
43.739714°N  
70.184249°W



**ECO-ANALYSTS, INC.**  
**ENVIRONMENTAL CONSULTANTS**

P.O. BOX 224 BATH, MAINE 04530  
(207) 837-2199 Fax (207) 386-0451  
timforrester@comcast.net

Date:  
December 10, 2013

DWG Name:  
Herbert Strout Site Location

# ITEM

## 14-093

To hold a Public Hearing to consider and act on amendments to  
Chapter 200 (Roads and Public Property), Section 2  
(Animals at large), of the Cumberland Code



# **Draft for Town Council Consideration**

## **on June 2, 2014**

### **Chapter 200. ROADS AND PUBLIC PROPERTY**

#### Article I. Roads and Town-Owned Property

##### § 200-2. Animals at large.

Whoever, being the owner or person having the care of any sheep, swine, horses, oxen, cows, or other grazing animals, shall permit them to go at large or to graze on any street, lane, park, square, cemetery or other public place within the limits of the Town of Cumberland, or permit any such animal to go or stand upon any sidewalk therein, and whoever shall fasten any horse or other grazing animal to any tree growing in any street, public way or park within said limits, shall be subject to violations as provided in § 200-5.

Dogs shall be considered at large when on public property or a public street unless controlled by a leash of not more than 15 feet in length or under voice control from the hours of 6:00 am – 9:00 am and 7:00 pm – 9 PM or another time as may be the designated closing time of a particular public property. Between the hours of 9:00 am – 7:00 pm, dogs shall be considered at large unless controlled by a leash of not more than 15 feet in length. Voice control shall mean that the dog returns immediately to and remains by the side of the owner in response to the owner's verbal command. The owner of a dog under voice control shall have in hand at all times a leash of not more than 15 feet in length in order to restrain the dog as needed. Owner shall mean any person who is an actual owner of a dog or is in possession or keeping of a dog on public property. No more than two dogs shall be under the-control of one owner at one time while on public property.

Public property shall mean all land owned by the Town of Cumberland, including without limitation Twin Brook Recreation Area, the Rines Forest, the Town Forest and Val Halla Golf Course and Recreation Center. All additional regulations and policies as adopted by the Town Council for specific public property as well as Chapter 17, Animal Control, of this Code shall also apply to animals at large and owners.

##### § 200-5. Violations and penalties.

Whoever violates § 200-1, 200-2 or 200-3 of this article shall be subject to a civil penalty of not less than \$50 nor more than \$250 for the first offense and not less than \$100 nor more than \$500 for each subsequent offense.

## **Chapter 17. ANIMAL CONTROL**

### **§ 17-3. Dogs at large.**

It is unlawful for any dog, licensed or unlicensed, to be at large, except when used for hunting. The owner of any dog found at large shall be subject to the civil penalties provided in Title 7, Chapter 719, of the Maine Revised Statutes Annotated. Dogs at large found on public property are also subject to the regulations set forth in Section 200-2 of this Code.

### **§ 17-8. Violations and penalties.**

A. Any persons who violate § 17-3, Dogs at large, or §17-7, Animal noise, Subsection A, shall be subject to a civil penalty of not less than \$50 and not more than \$250 for the first violation and not less than \$100 nor more than \$500 for each subsequent offense.

B. All civil penalties collected pursuant to this chapter shall be recovered for the use of the Town of Cumberland and deposited in the separate account required by Title 7 of the Maine Revised Statutes Annotated.

C. The fine for failure to obtain a dog license shall be \$100.



**Brenda Moore**

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**From:** Phyllis Chinlund <pchinlund@gmail.com>  
**Sent:** Tuesday, May 20, 2014 5:56 PM  
**To:** Town Council  
**Cc:** William Shane  
**Subject:** dog rules,

To members of the Cumberland Town Council:

I am writing in hopes that our town can avoid the kind of divisive battles over dog rules that have caused rancor between neighbors in other towns. My 9 year old golden retriever and I have enjoyed our walks at Twin Brooks since she was a puppy, and have not been aware of any problems caused by dogs, except for the large groups brought there by dog walkers. Although these groups have not disturbed me personally, I can understand why they would be threatening, and it seems reasonable to restrict them. With regard to problems that have apparently been raised about the behavior of individual dogs, it seems to me we should be able to address them amicably.

For example, a committee could be formed, guidelines could be worked out, signs could be posted at the park, and volunteers could walk the trails to educate dog owners about the importance of following the guidelines. Possible guidelines might include leashing dogs when school groups are running on the trails, leashing or calling them to heel when small children or elderly are in range, and banning dogs that are aggressive.

These are only suggestions. I plan to attend the council meeting on June 2 in hopes that others will be interested in taking a constructive, cooperative approach to keeping the park a safe and pleasurable place for all of us.

Respectfully yours,

Phyllis Chinlund  
29 Pine Lane  
Cumberland Foreside  
[pchinlund@gmail.com](mailto:pchinlund@gmail.com)  
781-8842

## Brenda Moore

---

**From:** William Shane  
**Sent:** Sunday, May 18, 2014 6:46 PM  
**To:** Phyllis Chinlund  
**Cc:** Town Council  
**Subject:** RE: dog rules

Good Evening Phyllis,

The Town Council is working on solutions so that everyone can use the parks. Obviously, the majority of dog owners are responsible and have well trained and well-mannered dogs. We are increasingly under pressure as more and more towns around us further regulate dogs. Twin Brooks in particular is quickly becoming a commercial dog park with large groups of dogs showing up on a regular basis. The next **Council Meeting is June 2nd** and support materials for the meeting will be posted on the Town website on May 29th. The Memorial Day holiday and June Elections typically require the Town Council's usual 2<sup>nd</sup> and 4<sup>th</sup> Monday nights to be rearranged.

I am hopeful on June 2<sup>nd</sup> dog owners will come prepared to share ideas to make a new Ordinance fair and manageable. Absent a collaborative approach, no one will improve the current situation particularly at Twin Brooks. Speaking out against dogs is much like arguing against "motherhood and apple pie". There have been many people who have shared with the Town Council a multitude of unpleasant encounters. Their voices are important in this conversation too. The best solution would include some self-policing by the Dog walkers particularly those with well trained dogs, so that everyone can share in a positive experience. Ordinances and enforcement are tools to affect a change in behavior. Cooperation and education always result in changes that are positive and create a cultural shift so that good behavior and respect become the norm for all park users.

I don't have a dog, but I don't fear them and I do enjoy meeting them in the park. Sorry for the long reply, but leaving the last meeting's discussion on this topic left me with a feeling of divisiveness and "lines in the sand" not creative solutions. I hope to see you on June 2<sup>nd</sup> and thank you for taking the time to write for clarification. I've have cc: the Town Council on this reply and would encourage you to reach out to each of them with ideas or thoughts you may have to share.

Take Care,

Bill

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

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

**From:** Phyllis Chinlund [<mailto:pchinlund@gmail.com>]  
**Sent:** Sunday, May 18, 2014 4:52 PM  
**To:** William Shane  
**Subject:** dog rules

Dear Mr. Shane,

I am one of the many people who attended a meeting last year about changing rules for dogs off-leash at Twin Brooks. That meeting was publicized by signs posted at Twin Brooks. Almost everyone there spoke in favor of

allowing responsible dogs and their owners to enjoy the park. Recently I noticed an article in the Foresider about a new initiative to restrict dogs, but the conclusion seemed to be that in order to limit the ability of dog walkers to let large numbers run loose, the proposed change was likely to be that no one could have more than 2 dogs at a time off leash. This seems quite reasonable.

However, I was approached by another dog owner at Twin Brooks yesterday who told me that the Town Council was likely to vote to restrict all dogs off leash except for a few early and late hours of the day. If so, this would be sad example of a few people imposing their views on the majority. I have been walking two successive golden retrievers at Twin Brooks for 15 years, and have never had an unpleasant incident with anyone else using the park, with or without a dog.

I looked on the Cumberland Town website to find more information, but I couldn't find anything. Is this decision going to get made by the town council without public input except from those who complained? What about all the people who love the park the way it is?

Please advise me how to advocate for a more equitable way to address whatever problems may exist about dogs at Twin Brooks, and other Cumberland public lands.

Thank you!

Phyllis Chinlund  
29 Pine Lane  
Cumberland Foreside  
[pchinlund@gmail.com](mailto:pchinlund@gmail.com)

# ITEM

## 14-094

To hold a Public Hearing to consider and act on amendments to Chapter 17 (Animal Control), Section 3 (Dogs at Large) and Section 5 (Violations and Penalties), of the Cumberland Code

See item 14-093 for materials



# ITEM 14-095

To set a Public Hearing date (June 16<sup>th</sup>) to award the  
Tax Anticipation Notes for FY2015

No materials

# ITEM

## 14-096

To set a date of June 16<sup>th</sup> to hear a report from the Finance Committee Chair and to authorize the Town Manager to transfer inter-departmental operating funds for FY'14

No materials

# ITEM

## 14-097

To set a Public Hearing date (July 14<sup>th</sup>) to consider and act on a Contract Zone Agreement with Justin M. Fletcher, Inc. for property located at 3 Longwoods Road to create two lots and convey to the Town of Cumberland a right of way from Longwoods Road to Harris Road, as recommended by the Planning Board

No materials

# ITEM

## 14-098

To consider and act on authorizing the Town Manager to accept delinquent taxes and issue a quitclaim deed, upon payment of \$7,453.00 for property identified as Tax Map R07/Lot 81





# 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, Deputy Tax Collector

DATE: May 29, 2014

SUBJECT: Acceptance of back taxes for Map R07/Lot 81

I have received a request from the heirs of Ms. Delores Greer to accept payment of back taxes for her property located at 30 Skillin Road, Map R07/Lot 81. Ms. Greer passed away in 2011 and the heirs have been trying to sell the property since that time. The property is in tax foreclosure with the Town. The past due amount is \$7,453.00, which is inclusive of all fees.

Property Location: 30 SKILLINGS ROAD

MAP ID: R07/ 81/ /

Bldg Name:

State Use: 1010

Vision ID: 1726

Account # G1350R

Bldg #: 1 of 1

Sec #: 1 of 1

1 Card 1 of 1

Print Date: 05/29/2014 08:36

CURRENT OWNER		TOPO.	UTILITIES	STRT./ROAD	LOCATION	CURRENT ASSESSMENT												
						Description	Code	Appraised Value	Assessed Value									
GREER DOLORES W C/O OCONNOR KEVIN & KIM 41 PLUMMER DRIVE						RESIDNTL	1010	45,900	45,900									
						RES LAND	1010	95,300	95,300									
						RESIDNTL	1010	200	200									
RAYMOND, ME 04071 Additional Owners:		SUPPLEMENTAL DATA																
		Other ID: 0R07 0081 0000																
		EXEMPT RESEXM TREES hearing GIS ID: 0R07 0081 0000				ASSOC PID#												
						Total 141,400 141,400												
RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	q/u	v/i	SALE PRICE	V.C.	PREVIOUS ASSESSMENTS (HISTORY)										
GREER DOLORES W		3878/ 294		U		0		Yr. Code Assessed Value	Yr. Code Assessed Value									
								2014 1010 45,900	2012 1010 45,900									
								2014 1010 95,300	2012 1010 95,300									
								2014 1010 200	2012 1010 200									
								Total: 141,400	Total: 141,400									
EXEMPTIONS		OTHER ASSESSMENTS		This signature acknowledges a visit by a Data Collector or Assessor														
Year	Type	Description	Amount	Code	Description	Number	Amount	Comm. Int.										
1998	11	HOMESTEAD 1	10,000															
Total:			10,000															
ASSESSING NEIGHBORHOOD																		
NBHD/ SUB		NBHD Name		Street Index Name		Tracing		Batch										
0001/A																		
NOTES																		
IA WHITE ATTIC UNFIN BSMT 1/2 CEMENT/1/2 DIRT																		
APPAISED VALUE SUMMARY																		
Appraised Bldg. Value (Card)								45,900										
Appraised XF (B) Value (Bldg)								0										
Appraised OB (L) Value (Bldg)								200										
Appraised Land Value (Bldg)								95,300										
Special Land Value								0										
Total Appraised Parcel Value								141,400										
Valuation Method:								C										
Adjustment:								0										
Net Total Appraised Parcel Value								141,400										
BUILDING PERMIT RECORD																		
Permit ID	Issue Date	Type	Description	Amount	Insp. Date	% Comp.	Date Comp.	Comments	VISIT/ CHANGE HISTORY									
									Date Type IS ID Cd. Purpose/Result									
									09/20/1996 PB 00 Measur+Listed									
									09/19/1996 PB 01 Measur+1Visit									
LAND LINE VALUATION SECTION																		
B #	Use Code	Use Description	Zone	D	Front	Depth	Units	Unit Price	I. Factor S.A.	Acre Disc	C. Factor	ST. Idx	Adj.	Notes- Adj	Special Pricing	S Adj Fact	Adj. Unit Price	Land Value
1	1010	Single Fam MDL-01	RR2				30,056 SF	3.52	1.0000 5	1.0000	1.00	90	0.90		Spec Use Spec Calc	1.00	3.17	95,300
Total Card Land Units: 0.69 AC										Parcel Total Land Area: 0.69 AC					Total Land Value: 95,300			

VISION

3206  
UMBERLAND CTR, M.



CONSTRUCTION DETAIL				CONSTRUCTION DETAIL (CONTINUED)			
Element	Cd.	Ch.	Description	Element	Cd.	Ch.	Description
Style	05		Bungalow				
Model	01		Residential				
Grade	02		Below Average				
Stories	1		1 Story				
Occupancy	1			MIXED USE			
Exterior Wall 1	11		Clapboard	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	03		Plastered				
Interior Wall 2				COST/MARKET VALUATION			
Interior Flr 1	09		Pine/Soft Wood	Adj. Base Rate:			76.64
Interior Flr 2	14		Carpet				104,236
Heat Fuel	02		Oil	Net Other Adj:			0.00
Heat Type	04		Forced Air-Duc	Replace Cost			104,236
AC Type	01		None	AYB			1945
Total Bedrooms	01		1 Bedroom	EYB			1972
Total Bthrms	1			Dep Code			P
Total Half Baths	0			Remodel Rating			
Total Xtra Fixtrs				Year Remodeled			
Total Rooms	4		4 Rooms	Dep %			36
Bath Style	01		Old Style	Functional Obslnc			0
Kitchen Style	01		Old Style	External Obslnc			0
				Cost Trend Factor			1
				Status			AP
				% Complete			20
				Overall % Cond			44
				Apprais Val			45,900
				Dep % Ovr			0
				Dep Ovr Comment			
				Misc Imp Ovr			0
				Misc Imp Ovr Comment			
				Cost to Cure Ovr			0
				Cost to Cure Ovr Comment			



# ITEM 14-099

To consider and act on authorizing the Town Manager to execute a 3-year contract with BCN Telecom for telecommunication service



## SUBSCRIBER SERVICE AGREEMENT LETTER OF AUTHORIZATION

Company/Individual Name Town of Cumberland Contact Name Christopher Bolduc  
Billing Street Address 290 Tuttle Road Contact Number 207-829-2220  
City, State and Zip Cumberland, ME 04021 Contact Email Address cbolduc@cumberlandmaine.i  
Request Email Billing ☒ Yes ☐ No FID/FEIN/SSN NAS03362  
(By signing up for email billing you will not receive a paper invoice by mail)  
Email Billing Address \_\_\_\_\_ Tax Exempt ☐ Yes ☐ No  
(if yes, copy of certification required)

### LETTER OF AUTHORIZATION

Customer authorizes BCN Telecom, Inc. to act as its telecommunications service provider for all telecommunications service(s) indicated on the attached Service Order Form(s) and/or Exhibits. Such telecommunications services may include local and long distance voice services, data/Internet services and VoIP services as requested by the Customer. Customer also understands there could be a Primary Interexchange Carrier (PIC) change fee charged by its existing provider to facilitate a long distance change. This Subscriber Service Agreement and Letter of Authorization shall provide BCN Telecom authorization to receive any information from the existing provider to facilitate the service provisioning process. Customer represents and warrants that the Customer is the exclusive end-user for these telecommunications services.

Under the penalty of perjury, the signer of this Letter of Authorization certifies that he/she has authorization (i) to enter into a legal agreement with regard to the company's telecommunications services and (ii) to designate BCN Telecom as the telecommunications carrier of record to act on behalf of the Customer for the provision of such telecommunications services.

Printed Name \_\_\_\_\_ Title \_\_\_\_\_ Company/Individual Town of Cumberland  
Authorized Signature \_\_\_\_\_ Date Signed \_\_\_\_/\_\_\_\_/\_\_\_\_

### SERVICE TERMS AND CONDITIONS

Customer acknowledges and hereby agrees to the BCN Telecom Terms and Conditions of Service as set forth on [www.bcntele.com](http://www.bcntele.com). Customer understands these terms and conditions and acknowledges that such terms and conditions may be modified from time to time by BCN Telecom. Customer may request a current copy of the Terms and Conditions of Service via email at [customerservice@bcntele.com](mailto:customerservice@bcntele.com) or by contacting BCN Telecom at 1-888-866-7266.

Customer Initials: \_\_\_\_\_

### SERVICE TERM AGREEMENT

This Service Term Agreement (the "Term Agreement") dated \_\_\_\_\_ is by and between BCN Telecom, Inc. (BCN Telecom) and Town of Cumberland (the "Customer"), collectively, the "Parties".

For good and valuable consideration, the sufficiency of which is hereby acknowledged, the Parties do hereby agree as follows:

All new/existing telecommunications services provided by BCN Telecom to the Customer including, but not limited to, local and long distance voice services, data/Internet services and VoIP services (collectively, the "Services") shall be subject to the terms and conditions of this Term Agreement. Any additional Services added by the Customer during the course of this Term Agreement shall be subject to this Term Agreement, unless otherwise agreed to in writing by BCN Telecom.

The Term Agreement shall commence on the later of (a) the date the underlying Services are installed by BCN Telecom or (b) the date first written above in the event the Services are already active with BCN Telecom, and shall continue for a period of 36 consecutive months (the "Agreement Term").

In the event the Customer disconnects or transfers part or all of the Services provided by BCN Telecom during the Agreement Term, an early service termination penalty shall apply (the "Broken Term Penalty"). The Broken Term Penalty shall be equal to the Customer's average monthly invoice charges for the three months preceding the date the Services were disconnected/ transferred, partial or all, multiplied by the number of months remaining under the Agreement Term at the time of service disconnect/transfer. If Customer has less than three months invoice charges for the disconnected/transferred Services, the most recent full month's invoice charges shall be used within the Broken Term Penalty calculation. The Broken Term Penalty amount shall be calculated by BCN Telecom and invoiced to the Customer at any time. In the event of reconnection due to service disconnect, a reconnection fee shall apply.

The Customer agrees to immediately pay BCN Telecom in full for (1) the Broken Term Penalty amounts and (2) all unpaid invoice amounts incurred as of the disconnection/transfer date of the Services.

This Term Agreement shall replace any other existing term agreements for similar services in place between BCN Telecom and the Customer.

Under the penalty of perjury, as the signer of this Term Agreement, I certify that I have authorization from the Customer to enter into a legal and binding agreement with regard to the Customer's telecommunications services.

Agreed and Executed this \_\_\_\_ day of \_\_\_\_\_ (month), 20\_\_\_\_.

Printed Name \_\_\_\_\_ Title \_\_\_\_\_ Company Name Town of Cumberland  
Authorized Signature \_\_\_\_\_

Agent Name Innovative Network Solutions Agent Id# 5700-1057

# NEW BUSINESS



TO: CUMBERLAND  
TOWN COUNCIL & FOOD PANTRY STAFF  
~

THANK YOU FOR THE BEAUTIFUL  
WHITE LILLIES - SNAPDRAGON &  
IRISH BELLS FOR BARBARA'S  
FUNERAL.

CUMBERLAND REMAINS  
A COMPASSIONATE "SMALL  
TOWN" - EVEN AFTER OUR  
45 YEARS OF LIVING HERE!

KEEP THAT SPIRIT ALIVE -  
GOD BLESS YOU ALL!

Jack Mullin

The family of

*Barbara K. Mullin*

acknowledges with deep  
appreciation your kind  
expression of sympathy.

STATE OF MAINE  
DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY  
LAND FOR MAINE'S FUTURE PROGRAM  
28 STATE HOUSE STATION, AUGUSTA, MAINE 04333-0028

WALTER E. WHITCOMB  
COMMISSIONER

May 16, 2014

Board of Selectmen/Town Manager/County Commissioner  
Towns of Cumberland and North Yarmouth

RE: **Knight's Pond** Land For Maine's Future Proposal

Dear Chief Elected Official:

The Land for Maine's Future Program (LMF) works to coordinate, and provide funds for, acquisition of lands for conservation, water access, outdoor recreation, wildlife and fish habitat, farmland and working waterfront protection. These projects are funded by bonds authorized by the legislature and approved by voters.

This letter is to notify you that the LMF has received a proposal for funding from the Chebeague & Cumberland Land Trusts titled Knight's Pond Project. The project lands are in the Towns of Cumberland and North Yarmouth.

Over the next three months the LMF Board will be reviewing all of the proposals received. We expect to select finalists at the July 15, 2014 meeting of the Board in Augusta. We will notify you at that time if this project is selected as a finalist.

All LMF Board meetings are open to the public and provide opportunity for public comment prior to the Board's vote to select projects as finalists.

Once projects are selected, we will proceed with the LMF due diligence process on each project. Before project funding is finally approved, the Board will publish a public notice and take public comment at one of its regularly scheduled meetings.

Written comments can be addressed to: Chair, Land for Maine's Future Board, 28 SHS, Augusta, ME 04333-0028

If you have questions about the Knight's Pond Proposal please contact the applicant:  
Chebeague & Cumberland Land Trusts, 12 Hemlock Drive, Cumberland, 04021  
Telephone: 829-5315 Email: pennyash@maine.rr.com

Or, you can reach me at 287-7576 or email ed.meadows@maine.gov

You may also want to visit the Land for Maine's Future web site <http://www.maine.gov/dacf/lmf/> where you can learn more about the Program and past projects.

Sincerely,



Ed Meadows, Director, Land for Maine's Future

cc:

- Penny Anderson, Chebeague & Cumberland Land Trusts
- Kathy Eickenberg, DACF-Bureau of Parks and Lands



**Teresa Myers Conservation Services**  
**26 Frandy Lane / Sebec, ME 04481**  
**(207) 564-3910**  
**[www.myersconservation.com](http://www.myersconservation.com)**

**Condition Assessment 3/27/14**

**Officer's Sword from the War of 1812**

The sword is steel, decoratively blued and gilt, with a bronze and ivory hilt. The sword has fingerprints etched on the surface from barehanded handling and no subsequent cleaning. There are patches of rust on the blade. Some of these patches are relatively stable black patina, some are a red-brown which could become active rust if exposed to high levels of humidity. The gilding appears to be in good condition, though worn. The ivory in the hilt is chipped but otherwise appears to be in good condition. The bronze, deeply incised, has a whitish material in the lines, possibly some cleaning material. There appear to be some green copper soaps developed within the body of this material. This may indicate some copper corrosion below.

**Scabbard of Officer's Sword**

The scabbard is gilt bronze. The scabbard has fingerprints etched in the surface. There are scattered areas of dark green copper soaps in evidence. The gilding, though worn, appears to be stable. Incised areas have the same whitish deposits as the sword handle. There are two areas of a white coating, one on the scabbard proper and one on a carrying ring. This coating appears to be paint, likely wall paint.

**18<sup>th</sup> Century Arabian flint lock rifle**

The rifle is wood and steel, with copper alloy bands and ivory inlays. Where the firing mechanism was replaced it is secured with an organic putty filler. The steel elements have an even red-brown rust layer, though the firing mechanism does have some clear surface. It appears fairly stable though in a high humidity environment the rust could become active. The bronze bands appear to be in good condition though there is some small amount of copper corrosion in evidence. The putty filler appears somewhat unstable. The ivory inlay appears to be in good condition. The firing mechanism bears a heavy layer of dust and grime, which appears somewhat greasy and so cannot be simply dusted off.

**Recommendations**

Overall, these pieces are in excellent condition.

The chief concern for their future condition is maintaining an appropriate range of relative humidity (RH). High levels of humidity (such as are easily achieved in the summer months in



Maine) may activate the corrosion present on all of the metals (aside from the gold, of course). Humidity levels that are too low (such as are easily achieved in a heated space in the winter in Maine) pose a risk to the organic materials present and can cause cracking or warping. In particular, quick shifts above and below 35%RH can be extremely damaging to wood. The recommended RH range for these pieces is **40% - 55% RH**. This can be monitored via a meter placed inside the case. Very inexpensive meters are available but they require daily observation. More expensive, electronic versions are available which keep maintenance to a minimum. It is recommended that an annual inspection of the pieces be completed to check for further evidence of active corrosion. This can be done in the Fall when the heat comes on and the ambient relative humidity goes down (it should be a dry day). Opening of the case should be kept to a minimum to maintain the RH levels within.

The pieces may be kept in their display case and monitored and will likely continue to be in reasonable condition. However, they would benefit significantly from treatment by a conservator. This would include treatment of the corrosion and cleaning of the surfaces. The corrosion can be treated chemically to create a passive top layer, or patina, which will prevent further corrosion below. Together with a stable RH range as discussed above, this treatment would result in no expectation of further corrosion in the metals. The most important aspect of the cleaning would be to "degrease" the metals; this would remove oils from incidental contact with human skin and prevent further etching of the surface. Because of the delicate and decorative nature of the surfaces involved it is inadvisable for an untrained person to undertake this cleaning. The cleaning would also involve removal of the dirt and grime from the rifle's firing mechanism, which is important because these materials attract moisture and can increase the chance of corrosion. Also, the cleaning would involve removal of the whitish material from the engraved decorations, which may be concealing some level of copper corrosion. And as an aesthetic touch, the white paint could likely be removed from the scabbard.

## APPRAISAL FOR INSURANCE PURPOSES

*Thomas C. Bennett, Director  
Prince Memorial Library  
266 Main Street  
Cumberland, Maine 04021-3607*



APPRAISED ON 4/11/2014

BY:

J. Wesley Dillon  
James D. Julia, Inc.  
203 Skowhegan Road  
Fairfield, ME 04937  
(207) 453-7125

Display Case  
58" x 22" x 6.5"



## APPRAISAL FOR INSURANCE PURPOSES

Dear Mr. Bennett,

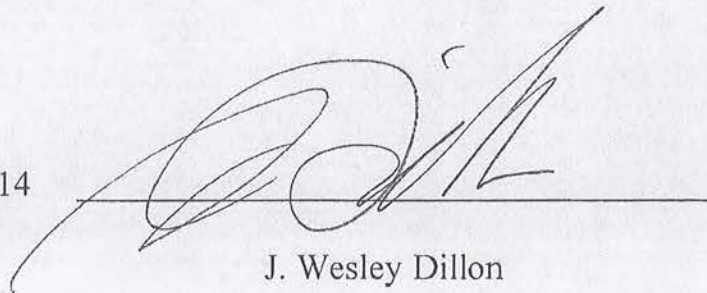
Per your request I have inspected images of the two items designated for transfer and using the information you supplied us for evaluation on 3/20/14, render the following assessment. This appraisal for insurance purposes only and represents approximate replacement value cost for like items.

**Bird's Head style Mounted Officer's sword with brass scabbard, ca 1815-30.**

Sword features carved and checkered grip with fancy knuckle guard and eagle decorated languet. Blade is fire blued with gold washed etchings of eagles, arms and floral designs. Fancy brass scabbard is engraved with floral patterns and is gold washed and has two hangers. Provenance to Joshua Col. Joshua Emery of Hollis, who served in militia during War of 1812. Frank Emery of Gorham, son of Joshua, unmarried, gave the sword to Robert Scott Thomes, who gave it to Prince Memorial Library. Condition: Generally, very fine. **Value: \$ 8,000.**

**Mediterranean Snaphaunce Kabyle ca 1800.** Typical plain North African (Algerian or Tunisian), molded and carved, hardwood (olive-wood?), halfstock with a wide and flared, flat, triangular ivory butt and circular decorative ivory inlay. Classic snaphaunce lock is set into wood putty surrounding the damaged lock mortise and appears non-functional. Round smooth bore damascus barrel set with iron bands. Condition: About good with some structural issues to the stock and moderated to heavy pitting to metal surfaces. **Value: \$650.**

Dated: April 11, 2014

A handwritten signature in dark ink, appearing to read 'J. Wesley Dillon', is written over a horizontal line.

J. Wesley Dillon

James D. Julia, Inc.