

AGENDA

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, July 28, 2014

6:00 p.m. Call to Order

Executive Session

I. 6:00 P.M. CALL TO ORDER

II. EXECUTIVE SESSION pursuant to 1 M.R.S.A., § 405(6)(C) re: real property and § 405(6)(E) consultation with the Town Attorney.

III. APPROVAL OF MINUTES
July 14, 2014

IV. MANAGER'S REPORT

V. PUBLIC DISCUSSION

VI. LEGISLATION AND POLICY

14 – 127 To hold a Public Hearing to consider and act on authorizing the Town Manager to enter into the Purchase and Sale Agreement proposed by 179 Foreside LLC relating to the acquisition of the real estate located at 179 Foreside Road in Cumberland.

14 – 128 To hold a Public Hearing to consider and act on adopting a Town Council order authorizing the issuance of General Obligation Bonds in an amount not to exceed \$3,000,000, and notes in anticipation thereof, and to appropriate the proceeds thereof to finance costs related to the acquisition and use of property located at 179 Foreside Road in Cumberland.

14 – 129 To hold a Public Hearing to call a special Town election to be held on November 4, 2014 for the purpose of submitting to a referendum vote the question of “Shall the Town purchase certain property at 179 Foreside Road in Cumberland pursuant to the Purchase and Sale Agreement with 179 Foreside LLC and authorize the issuance of General Obligation Bonds and Notes in an amount not to exceed \$3,000,000 to finance the costs related to the acquisition and use of said property.”

14 – 130 To hold a Public Hearing to consider and act on authorization of revenue bonds for The Friends School of Portland project.

14 – 131 To hear a report from the Tax Assessor and to hold a Public Hearing to set the FY'15 tax rate.

14 – 132 To hold a Public Hearing to set rates at which interest will be paid for delinquent taxes, and to authorize applying tax payments to the oldest unpaid taxes.

14 – 133 To amend the dollar amount for the municipal property tax levy for LD 1 for FY 2015.

14 – 134 To hold a Public Hearing to consider and act on a Mass Gathering Permit for the 143rd Cumberland Fair to be held from September 21st – 28th, 2014 at the Cumberland Fairgrounds.

14 – 135 To hold a Public Hearing to consider and act on the Mass Gathering Permit for the Cumberland Soccer Club's “Just For Fun” Labor Day Soccer Tournament to be held at Twin Brook on August 30th & 31st, 2014.

NEW BUSINESS

- August 11th – John Leavitt, Twin Brook Advisory Committee, report on tree harvesting
- Annual sewer rate letter
- Closeout of FY'14
- Energy Audit Report
- METRO Resolution for pilot project
- New “Aging in Place Committee” update

VII. ADJOURNMENT

MOTIONS

MOTIONS

I move to recess to Executive Session pursuant to 1 M.R.S.A., § 405(6)(C) re: real property and § 405(6)(E) consultation with the Town Attorney.

- 14 – 127 I move to authorize** the Town Manager to enter into the Purchase and Sale Agreement proposed by 179 Foreside LLC relating to the acquisition of the real estate located at 179 Foreside Road in Cumberland.
- 14 – 128 I move to adopt** the Town Council order authorizing the issuance of General Obligation Bonds in an amount not to exceed \$3,000,000, and notes in anticipation thereof, and to appropriate the proceeds thereof to finance costs related to the acquisition and use of property located at 179 Foreside Road in Cumberland.
- 14 – 129 I move to call** a special Town election to be held on November 4, 2014 for the purpose of submitting to a referendum vote the question of “Shall the Town purchase certain property at 179 Foreside Road in Cumberland pursuant to the Purchase and Sale Agreement with 179 Foreside LLC and authorize the issuance of General Obligation Bonds and Notes in an amount not to exceed \$3,000,000 to finance the costs related to the acquisition and use of said property.”
- 14 – 130 The Town Council hereby authorizes** and approves issuance of Revenue Bonds of the Town in an aggregate principal amount not to exceed \$2,300,000, to be designated “Town of Cumberland, Maine Revenue Bonds (Friends School of Portland Project)”. The proceeds of the Revenue Bonds, if and when issued by the Town, shall be loaned to Friends School and used to finance the Project. Nothing herein shall obligate the Town to issue the Revenue Bonds, which shall be issued in the sole discretion of the Town.
- 14 – 131 I move to set** the municipal tax rate for FY2015 at \$17.40.
- 14 – 132 I move to set** an interest rate of 7% for delinquent real and personal property taxes for FY2015. Be it further Ordered, that all payments for delinquent real and personal property taxes be applied to the oldest, unpaid taxes.
- 14 – 133 Be it be ordered,** to increase the property tax levy limit to \$5,053,679.00, pursuant to Title 30-A, Section 5721-A of the Maine Revised Statutes, as amended, it is the intent of the Town Council to increase the commitment to greater than the Property Tax Levy Limit for Fiscal year 2015.
- 14 – 134 I move to approve** the Mass Gathering Permit for the 143rd Cumberland Fair to be held from September 21st – 28th, 2014 at the Cumberland Fairgrounds.
- 14 – 135 I move to approve** the Mass Gathering Permit for the Cumberland Soccer Club’s “Just For Fun” Labor Day Soccer Tournament to be held at Twin Brook on August 30th & 31st, 2014.

MINUTES

07/14/14

MINUTES

Cumberland Town Council Meeting
Town Council Chambers
MONDAY, July 14, 2014

6:00 P.M. Workshop with the Ordinance Committee re: dogs at large on Town owned property.

7:00 P.M. Call to Order

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

I. APPROVAL OF MINUTES

Motion by Councilor Storey-King, seconded by Councilor Stiles, to accept the June 30, 2014 minutes as presented.

VOTE: 6-0-1 (Bingham abstained) MOTION PASSES

II. MANAGER'S REPORT

Town Manager Shane said that he would hold his report until New Business.

III. PUBLIC DISCUSSION

None

IV. LEGISLATION AND POLICY

14 – 117 To hold a Public Hearing 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.

Town Manager Shane presented the following:







Chairman Gruber opened the Public Hearing.

Public Comment:

Brian Leighton asked if the road could be widened to make it easier to enter from Route 9. He suggested leaving the road as it is, remove the gate, and give it a try to see how much the traffic increases.

Chairman Gruber said that any Town road has to be built to standards. We cannot leave it as it is.

Lalla Crothers of Main Street commented that perhaps this road would be an opportunity to make a safe area for cyclists and pedestrians.

Chuck Staples of 232 Harris Road said that Harris Road is a great place to walk and cycle. What is the public benefit of getting this access road when the neighborhood currently has a dead end where they can recreate? This will all go away with the increase in traffic. He suggested a 3-way stop at Rock Ridge Run. Mr. Staples asked if the Council could make changes to the Contract Zone Agreement (such as not allowing Mr. Fletcher to build 2 duplexes).

Town Manager Shane said yes, the Council will decide if they want to allow a duplex or a single family home.

Coleen Higgins 59 Harris Road asked that the Council represent her as well as Mr. Fletcher. The Comprehensive Plan survey indicated that 47% of residents did not care if Harris Road went through to Route 9. She has lived on Harris Road for many years and is very passionate that it remains a dead end road. The majority of Harris Road residents are against this.

Chris Lindsay of 286 Harris Road is concerned and not happy that her daughter will not be able to ride her bike after this road is opened. If the Council would look at this as a preservation issue and not a progress issue, their thinking may be turned around. She wants to be very sure that this progress will be worth it.

Aaron Amirault of 244 Harris Road said that he and his wife bought a house on Harris Road after doing their research and determining that the paper street was a dead issue with Falmouth, and there was no chance of this road going through to Route 9. 74 families bought a house on a dead end road and one man comes along with a

proposal for profit and nobody is considering the families that live on this dead end road. Once you do this, it is done and gone forever. He urged the Council not to allow this to happen. Harris Road will become a super highway to Twin Brook.

Amy Gautschi of 14 Willow Lane said that listening to all the families this evening is very moving to her. To hear that one developer's needs are being put before all these family's needs is odd to her.

Meg Housman of Puddle Duck Road said that the public benefit of opening up this road will not really change from the way it currently is. The neighborhood has worked with the community to open the gate when it needs to be open.

Chairman Gruber closed the Public Hearing.

Councilor Bingham said that he has been a resident of Harris Road since 1970 when it was a dirt road. The way of life for the lower part of Harris Road went away when Rock Ridge was built. He has tried to be a good neighbor, allowing other neighbors to hunt on his property and walk the trails. As a Town Councilor looking at the situation, he has been involved in 3 Comprehensive Plans and it has been considered in our Comp Plans to eliminate dead-end roads. He is hopeful that we can come to some mitigation for the potential speed issues, but feels that the concerns for greater Cumberland outweigh the local concerns, and he is in favor of it.

Councilor Storey-King said that she would prefer only single family homes on each of the lots and not a duplex, in keeping with the character of the neighborhood.

Councilor Edes said that the desirability of the property on a scale of 1-10 is about 1. In order to make this work, Mr. Fletcher is considering duplexes. Any improvement to the property is going to be a good one and he is in favor of allowing duplexes.

Councilor Copp said he would prefer one single family home and one duplex.

Councilor Bingham agreed with Councilor Copp.

Councilor Stiles would be in favor of what the State allows. He is not certain that two duplexes would be allowed due to plumbing restraints. He would be in favor of one single family home and one duplex.

Councilor Turner said he is in favor of one single family home and one duplex. He would prefer 2 single family homes, but can live with one of each.

Chairman Gruber said that he is in favor of the connector road and would prefer two single family homes.

Motion by Councilor Edes, seconded by Councilor Copp, to authorize the Town Manager to execute 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.

VOTE: 7-0 UNANIMOUS

Motion by Councilor Bingham, seconded by Councilor Copp, to allow one duplex on one lot, and one single family home on the property.

VOTE: 4-3 (Edes, Storey-King & Turner opposed) MOTION PASSES

14 – 118 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.

Councilor Storey-King presented the following on behalf of the Ordinance Committee:

New Rules

- Chapter- 200 Public Property
 - a. Where Dogs Allowed & When
- Chapter 17- Animal Control
 - a. Definitions
 - b. Dogs at Large
 - c. Animal Noise
 - d. Violations & penalties

Rules will be posted at all Active Town sites (mailboxes) & distributed w/ license renewals

New Rules

- Voice Control = Within Sight & Carry a Leash
- Leash Only = 15' or less in length- no electronic leashes
- Not Allowed Certain Times of the Year Dogs are not permitted on the Site
- No more than 2 Dogs per person

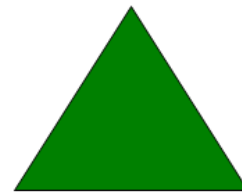
There is Always an Option for Voice Control

Where and When You Can Walk Your Dog



A general rule for all Town facilities:
No more than **2 dogs** under control of one person.

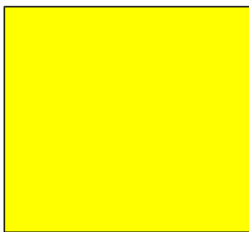
Voice Control



A dog is **within sight of their owner at all times and returns immediately** to and remains by the side of the owner in response to a verbal command.

Owners must have leash with them even when dog is under voice control.

Leash



A dog must be on a physical leash.
(No longer than 15ft and cannot be an electronic control collar.)

Not Allowed



Dogs are **not permitted** on the posted Town Property.

Twin Brooks (Tuttle Road Side)



March 1st– December 1st

Voice Control



Open-12 PM

Leash



12 PM–Close

December 2nd–February 28th

Not Allowed



Twin Brooks (Greely Road Side)



March 1st– December 1st

Voice Control



12 PM–Close

Leash



Open-12 PM

December 2nd–February 28th

Voice Control



Open–Close

Town Forest



January 1st– December 31st

Voice Control



12 PM–Close

Leash



Open-12 PM

Rines Forest



January 1st– December 31st

Voice Control



Open–Close

West Cumberland Athletic Complex



January 1st– December 31st

Leash



Open–Close

Val Halla



April 1st– December 1st

Not Allowed



December 1st– February 28th

Voice Control



Open–Close

Who do I contact to report a problem?



- **Cumberland Police Department (829-6391)**

- **Animal Control Officer-Zach Copp**
(zcopp@cumberlandmaine.com)

- **Cumberland Town Hall (829-2205)**



Councilor Bingham said that he would be in favor of a 1-year trial of this proposal, amending the number of dogs allowed per person to 3, and seeing how that goes.

Chairman Gruber opened the Public Hearing.
Public discussion:

Jamie Andrews of Valley Road said that unless the Town agrees to fix the trails on the Greely Road side of Twin Brook, this Ordinance proposal is not equitable. There are some elderly people who cannot use the trails on that side. It is wet and unsafe.

Patrick Williams of Lawn Avenue asked if there was any consideration given to splitting the paths by certain days as opposed to time of day.

Councilor Storey-King said that was not considered.

Mr. Williams said that it would be similar to urban parking and would be easier for people to remember.

Joyce Monjo of Greely Road said that she likes to walk her dog in the open field near the tree line in the summer while the sun is setting. Since accommodations are being made for various groups in the parks, she would ask that the Council support evening hours in the field portion of Twin Brook.

John Leavitt, Chairman of the Twin Brook Advisory Committee said that this is not a new issue and he feels that is a problem on all Town owned property, not only Twin Brook.

Jackie Stowell of 385 Greely Road Extension said that she would like there to be more openness with the nature of the complaints. She would like to know what problem is attempted to be solved with this ordinance. If we could legislate kindness and respect, that would be the way to go.

Dave Lebel of Pine Lane said that he has never inquired a problem with a dog at Twin Brook. He would like to know what the complaints have been and the method they were delivered to the Town.

Amy Gautschi asked if there was data that could be shared with the public.

Councilor Storey-King said that there is data, but she doesn't have it with her. Every Council member has heard a story about an incident with a dog. The Ordinance Committee has considered everything and is trying to make the park user friendly for everyone.

Ms. Gautschi said that she hopes that there are not assumptions being made (about people not wanting to use Twin Brook because of the dogs) with faulty logic, and no data to back it up.

Nick Witte of 179 Tuttle Road said that the dogs and kids playing sports is a non-issue in his opinion. This ordinance seems very harsh. He is not happy with 50% use of Twin Brook when there is no problem.

Linda Collins requested that the Council consider taking the policy, beef it up with what off-leash means, make that the Ordinance and see how it goes. People want to be good stewards of our parks.

Chairman Gruber closed the Public Hearing.

Motion by Councilor Bingham, seconded by Councilor Stiles, to amend Chapter 200 (Roads and Public Property), Section 2 (Animals at large), of the Cumberland Code as recommended by the Ordinance Committee, with the exception of amending 2 to 3 dogs allowed.

VOTE: 7-0 UNANIMOUS

14 – 119 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.

Motion by Councilor Bingham, seconded by Councilor Turner, 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.

VOTE: 7-0 UNANIMOUS

14 – 120 To hear a report from the Town Manager, re: Payson Property & public beach access and to set a Public Hearing date (July 28th) to consider and act on authorizing bonds for the purchase of a portion of the Payson Property, following a November Referendum.

Town Manager Shane presented the following:



Payson Property July 2014
Manager's Overview to
Town Council

Chronology of Events

- Early May – I found out Payson Estate was for Sale- Contacted Bateman Group
- Bateman Group signs P&S in early June (around the 10th) and begins to present Town with potential Options for participation
- Ultimately 2 proposals are rejected and current proposal being developed for Council consideration July 28th

Town's Request



Town's Request



Town's Request

- This is the 1st presentation to the Town Council
- The Town is seeking Public Access to the water as a Town Park and intends for passive recreation as allowed under the Conservation Easement on pg. 13- section 4n
- 100 Acre parcels under Conservation Easement
 - a. Allows for 7 more homes
 - b. Allows for the Sale to the Town
 - c. **USES** – approved by the Land Trust

I will post photos and Conservation Easement on line in the morning- www.cumberlandmaine.com

Next Steps

- Post P&S, if available, for Public review on July 28th (hopefully we will have P&S by 7/23)
- July 28th possible meeting with Town Attorney
- Public Hearing on moving ahead w/ P&S
- Set Public Hearing for Sept. for a Nov Referendum
- Begin developing a charge and advertising for a Committee to develop Facility Use Policies with Land Trust assistance (Similar to TB #1 and Rines Forest)
- Await the outcome of November referendum
- Cost = \$3 Million to be bonded = \$240k x 20 years



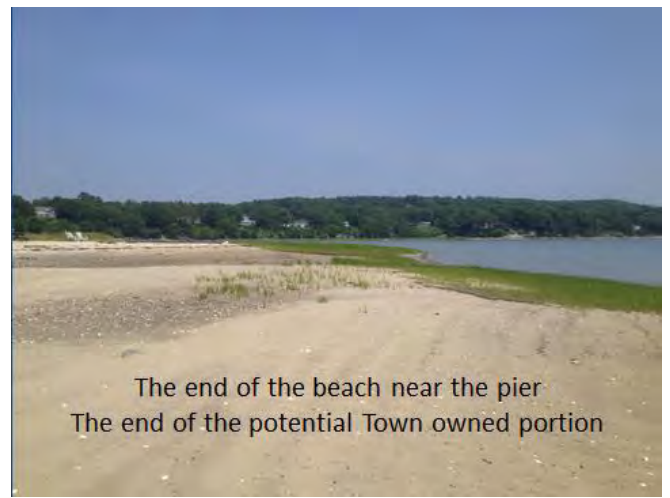
Looking from Wildwood property line
toward northerly toward pier



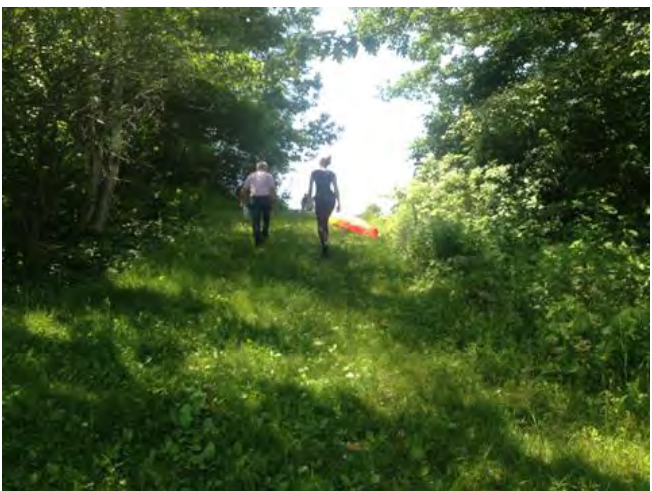
Looking from Wildwood property line
toward northerly toward pier



Ramp & Float at end o 220' Pier



The end of the beach near the pier
The end of the potential Town owned portion



Potential future Changing Room- Bathroom



Chairman Gruber assured the public that this process will not be done in a vacuum, it will be very public. There will be an Executive Session to review the Purchase & Sale Agreement since that is considered confidential until the Council has the opportunity to review it.

Motion by Councilor Bingham, seconded by Councilor Turner, to set a Public Hearing date of July 28th to consider and act on authorizing a Purchase & Sale Agreement for approximately 22 acres of the Payson Property along the Foreside.

VOTE: 6-0-1 (Edes abstained) MOTION PASSES

Councilor Edes explained that his wife works for Peter Robbins, so he will abstain from any vote pertaining to this property.

14 – 121 To set a date of July 28th to hear a report from the Tax Assessor and to hold a Public Hearing to set the FY'15 tax rate.

Motion by Councilor Stiles, seconded by Councilor Turner, to set a date of July 28th to hear a report from the Tax Assessor and to hold a Public Hearing to set the FY'15 tax rate.

VOTE: 7-0 UNANIMOUS

14 – 122 To set a Public Hearing date (July 28th) to set rates at which interest will be paid for delinquent taxes, and to authorize applying tax payments to the oldest unpaid taxes.

Motion by Councilor Stiles, seconded by Councilor Bingham, to set a Public Hearing date of July 28th to set rates at which interest will be paid for delinquent taxes, and to authorize applying tax payments to the oldest unpaid taxes.

VOTE: 7-0

UNANIMOUS

14 – 123 To set a Public Hearing date (July 28th) to consider and act on a Mass Gathering Permit for the 143rd Cumberland Fair to be held from September 21st – 27th, 2014 at the Cumberland Fairgrounds.

Motion by Councilor Bingham, seconded by Councilor Storey-King, to set a Public Hearing date of July 28th to consider and act on a Mass Gathering Permit for the 143rd Cumberland Fair to be held from September 21st – 27th, 2014 at the Cumberland Fairgrounds.

VOTE: 7-0

UNANIMOUS

14 – 124 To set a Public Hearing date (July 28th) to consider and act on a Mass Gathering Permit for the annual Labor Day Soccer Tournament August 30-31, 2014.

Motion by Councilor Stiles, seconded by Councilor Turner, to set a Public Hearing date of July 28th to consider and act on a Mass Gathering Permit for the annual Labor Day Soccer Tournament August 30-31, 2014.

VOTE: 7-0

UNANIMOUS

14 – 125 To appoint a member to the Coastal Waters Commission and Shellfish Conservation Commission.

Motion by Councilor Turner, seconded by Councilor Bingham, to appoint John Berrett to the Coastal Waters Commission and Shellfish Conservation Commission.

VOTE: 7-0

UNANIMOUS

14 – 126 To set a Public Hearing date (July 28th) to consider and act on authorization of revenue bonds for The Friends School of Portland project.

Motion by Councilor Stiles, seconded by Councilor Storey-King, to set a Public Hearing date of July 28th to consider and act on authorization of revenue bonds for The Friends School of Portland project.

VOTE: 7-0

UNANIMOUS

V. NEW BUSINESS

Councilor Copp – he asked the Manager when Blanchard Road will be paved. It appears that they are grinding and patching now preparing for the final coat of pavement.

Town Manager Shane said that it was scheduled for tomorrow, but because of the impending rain, it will likely be Wednesday or Thursday of this week.

Councilor Storey-King – the Land Use Committee met last week and began developing a survey. The next meeting is July 31st and the public is always welcome to attend.

Councilor Edes – reminder that the clam flats are now closed.

Councilor Bingham – he also attended the Land Use Committee meeting last week. The committee is making some good progress and should be ready to tackle the 2 acre vs. 4 acre issue soon.

Chairman Gruber – he and the Manager met with the new Superintendent of Schools, Jeff Porter. The meeting went well and it was a pleasure to meet Mr. Porter.

On the 4th of July, he is almost positive that Cumberland was the only food pantry open in Cumberland County. Thank you to Town Manager Shane, Linda Shane and Jean Lamson for working on the holiday.

Councilor Stiles – the University of Maine Cooperative Extension is sponsoring a 2014 Backyard Locavore Tour. This will show how vegetables can be grown in different growing situations. The Cooperative Extension offers our community many different programs.

Councilor Turner – in regard to the comments about the data on dog incidents, this Council spends a lot of time on a lot of issues and they certainly don't conjure up reasons to have to deal with Ordinances. The antidotal data does not mean much. The entire Council has had complaints come before them.

Town Manager Shane – when the gas utility came down Tuttle Road, it was discovered that there is very little gravel underneath the pavement, causing it to basically cave in after Summit opened the road for the gas lines. The Town will work with DOT to look at remediation for the problem. The State has said that they would like to make the trench repairs and make the road passable for the winter. More to come on this issue.

He was approached by a concerned citizen recently complaining about the cost of the natural gas mailing that went to every resident. The entire mailing cost approximately \$3,500 and the Credit Union paid \$1,000 toward the cost. He believes very strongly that was an appropriate use of the money. TIF monies were used to pay for the mailing.

Thank you to Sally Laughlin for stepping into the interim Superintendent role. Sally has done a great job during a tough time and she led us through the process of choosing the new Superintendent.

VI. ADJOURNMENT

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

VOTE: 7-0 UNANIMOUS

TIME: 10:04 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary

ITEM

14-127

To hold a Public Hearing to consider and act on authorizing the
Town Manager to enter into the Purchase and Sale Agreement
proposed by 179 Foreside LLC relating to the acquisition of the real
estate located at 179 Foreside Road in Cumberland



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

To: Town Council
From: William R. Shane, Town Manager
Date: July 23, 2014
Re: Items 14-127, 14-128, 14-129 PH pertaining to Payson Property

The first three items of the agenda Monday evening will relate to the Payson Property. The items are as follows:

14-127	To Authorize the Purchase & Sale Agreement
14-128	To Authorize Bonding up to \$3,000,000
14-129	To Authorize Referendum on November 4, 2014

I will be presenting an overview of the upcoming process. Ken Cole, the Town Council's attorney, will be present for all items and will be able to answer questions the public may have related to the future uses permitted on the property.

I believe that we are permitted to widen the road, create future parking, and add plumbing to an existing building to create a future bathroom facility. I believe under section 10.3 of the Easement, the Town is permitted to construct parking areas, new roads, driveways outside the limited building areas subject to the review of the Chebeague & Cumberland Land Trust.

I would recommend advertising for a Water/Ocean Access Committee to begin to read through and understand the conservation easement and begin developing facility use policies. If directed, I could work with Appointments Committee to have something ready for your August 11th meeting.

I would recommend that since the first three items are so interrelated, it would be wise to open the public hearing on the first three items as one hearing, (P&S, Bonding, Referendum). This will allow the Council to hear concerns that are interrelated to any of the first three items and perhaps limit repetitious testimony.

Finally, this is the beginning point. Like a purchase and sale for a home, the due diligence period begins once the Council authorizes the Purchase & Sales agreement. We now have 3 months to get all our information. An appraisal will begin shortly; annual maintenance costs will be developed; capital costs present and future will be developed; funding strategies will be explored and numerous other issues that arise will be researched. All capital expenses will be presented during our annual budget reviews and scheduled as funding allows.

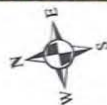
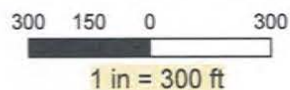


Exhibit A - Excluded Land

Town Request- 14 Acres+/- Outlined in Red and Yellow
8.8 Acres near Rt 88
2500' x 50' ROW + Pier
July 8, 2014

PURCHASE AND SALE AGREEMENT

THIS AGREEMENT made and entered into this ____ day of July, 2014, by and between 179 FORESIDE LLC, a Maine limited liability company with a place of business in Portland, Maine and a mailing address at P.O. Box 3572, Portland, Maine 04104-3571 ("Seller"), and the TOWN OF CUMBERLAND, a Maine municipal corporation located in Cumberland County and State of Maine ("Town").

RECITALS

1. WHEREAS, the Seller has entered into a Purchase and Sale Agreement bearing the Effective Date of June 10, 2014 with Spears Hill LLC relating to real estate and improvements located at 179 Foreside Road, Cumberland, Maine and included in a deed recorded in the Cumberland County Registry of Deeds in Book 1496, Page 239 ("Base Premises"); and
2. WHEREAS, Town has expressed an interest in acquiring a portion of the Base Premises from Seller, subject to the conditions, reservations and easements of record or referenced herein; and
3. WHEREAS, Seller has noted to Town that the Base Premises are encumbered by a Conservation Easement dated December 23, 1997 and recorded in said Registry of Deeds in Book 13517, Page 25 ("Conservation Easement") which substantially limits both development and approved uses of the Base Premises; and
4. WHEREAS, Seller and Town agree that any uses of any portion of the Base Premises must comply with the terms of the Conservation Easement and that the Town's use, being quasi-public in nature, must be compatible with both the Conservation Easement and the surrounding, existing uses; and

5. WHEREAS, Seller and Town believe that access to the shorefront for residents of the Town, properly controlled and managed, would result in benefits to all concerned and would be consistent with the standards of the Conservation Easement and surrounding uses.

AGREEMENTS

NOW, THEREFORE, in consideration of the mutual promises stated herein, the receipt and adequacy of which are hereby affirmed, Seller and Town, intending to be bound, hereby agree as follows:

1. Description of the Premises. In consideration of the mutual promises expressed in this Agreement, Seller agrees to sell and Town agrees to purchase for the price and upon and subject to the terms and conditions set forth in this Agreement, an undeveloped parcel of land located at 179 Foreside Road, Cumberland, Maine containing approximately 23 acres of land, including upland and waterfront, and the fee in a 50-foot access road, as more particularly depicted in Exhibit A attached hereto and made a part hereof ("Premises"), and Seller's title, if any, to the flats adjacent to the waterfront portion of the Premises. (The precise location of the boundaries and total acreage will be confirmed by Seller's site survey which includes the Premises, to be submitted to Town prior to Closing.)

2. Purchase Price. The purchase price is THREE MILLION AND NO/100 DOLLARS (\$3,000,000.00), all payable by bank check or wire transfer to Seller's account at the closing, as hereinafter stated.

3. Deed. Seller shall convey the Premises by Quitclaim With Covenant Deed, conveying good and marketable title to the Premises, free of all liens and encumbrances, except and subject to:

(a) Existing rights, easements, restrictions, licenses, covenants and conditions reserved or contained or referenced in deeds of record or referenced herein, including the rights reserved to Lot 2C and not included in the Base Premises, as depicted on Exhibit A;

(b) Reserved mooring rights for the benefit of all lot owners included or to be included within the Seller's surrounding development not exceeding ten (10) in total (including Lot 2C), subject only to the payment of customary Town permitting fees; and

(c) All Conditions imposed upon the Premises by the Town of Cumberland pursuant to the Town's land use ordinances and site plan approval, or any other permitting authority with jurisdiction over the Premises.

4. Closing. The Closing shall take place following Seller's acquisition of the Premises, upon fourteen (14) days' advance written notice from Town to Seller, the Closing to be completed on or before December 15, 2014. Any extensions of time by Seller shall be at its sole discretion. Unless otherwise agreed in writing, the Closing shall take place at the offices of the Seller. At Closing, Seller shall deliver the Deed, declaration of value and customary certifications to allow Town to secure Owner's title insurance coverage. Time is of the essence to all obligations hereunder.

5. Possession. Seller shall deliver full possession of the Premises at Closing. Town shall be entitled to enter the Premises at its risk in advance of Closing with advance notice to Seller and with Seller's express consent to each such entry and subject to Seller's obligations to the current owner.

6. Closing Adjustments. Seller shall pay its statutory share of the real estate transfer tax. Each party shall pay its own permitting, legal and administrative expenses. Both parties

warrant and represent that they have dealt with no brokers or third parties who could claim a commission due from this proposed sale, and each indemnifies the other for any such claims made by, through or under the indemnifying party.

7. Conditions of Closing.

(a) Seller's Closing Conditions:

- (i) Seller's successful acquisition of the Premises from Spears Hill LLC pursuant to its existing Purchase and Sale Agreement dated June 10, 2014. Seller shall have no liability to Town if its proposed acquisition is not completed.

(b) Town's Closing Conditions:

- (i) Town's successful completion without appeal of all Town votes, including a public referendum on the Town's purchase, and other proceedings required for it to timely complete the proposed acquisition;
- (ii) Town's acquisition of any development permits and approvals required for its proposed use of the Premises, including those required from the Town of Cumberland;
- (iii) Town's review and approval of the title to the Premises within thirty (30) days hereof and its review and approval of the text of the grants/reservations to the benefit of Lot 2C, referenced in Section 3(a), above; and
- (iv) Town's acquisition of an appraisal of the Premises from a qualified appraiser of Town's choice which states a fair market value of not

less than the Purchase Price, with the cost of said appraisal to be jointly paid by Seller and the Town. Said appraisal shall be completed and made publicly available no later than October 7, 2014. Town may terminate this Agreement without further liability to Seller if the appraisal states a value of less than \$3,000,000.00. Nothing herein shall limit the rights of the Seller and Town to adjust the Purchase Price by mutual agreement.

Town shall promptly notify Seller of the failure of any condition which will prevent Town from completing the acquisition anticipated hereunder.

8. Default. If either Seller or Town defaults in its performance of this Agreement, the other may elect to pursue any and all legal or equitable remedies available to it under Maine law.

9. Risk of Loss. The risk of loss or damage by fire or other casualty is assumed by Seller until the Deed is delivered to Town at Closing.

10. Miscellaneous.

(a) This Agreement constitutes the entire Agreement between the parties regarding the Premises.

(b) The acceptance of the delivery of the Deed by Town shall be deemed to be full performance and discharge of every agreement and obligation herein contained or expressed.

(c) This Agreement is personal to Town and Town may not assign this Agreement without the prior written consent of Seller, which consent may be withheld at Seller's absolute discretion.

(d) This Agreement shall inure to the benefit of and be binding upon the parties hereto, their heirs, personal representatives, successors and assigns.

(e) This Agreement shall not be altered, modified or amended except by a written instrument signed by Seller and Town.

(f) This Agreement shall be construed and enforced in accordance with and governed by the laws of the State of Maine.

[Signature Page to follow.]


IN WITNESS WHEREOF, the parties hereto have executed this Agreement as a sealed instrument as of the date first set forth above.

Witness:



179 FORESIDE LLC

By:


Print Name: Nathan Bateman

Its:

member

Seller

TOWN OF CUMBERLAND

By:

William Shane

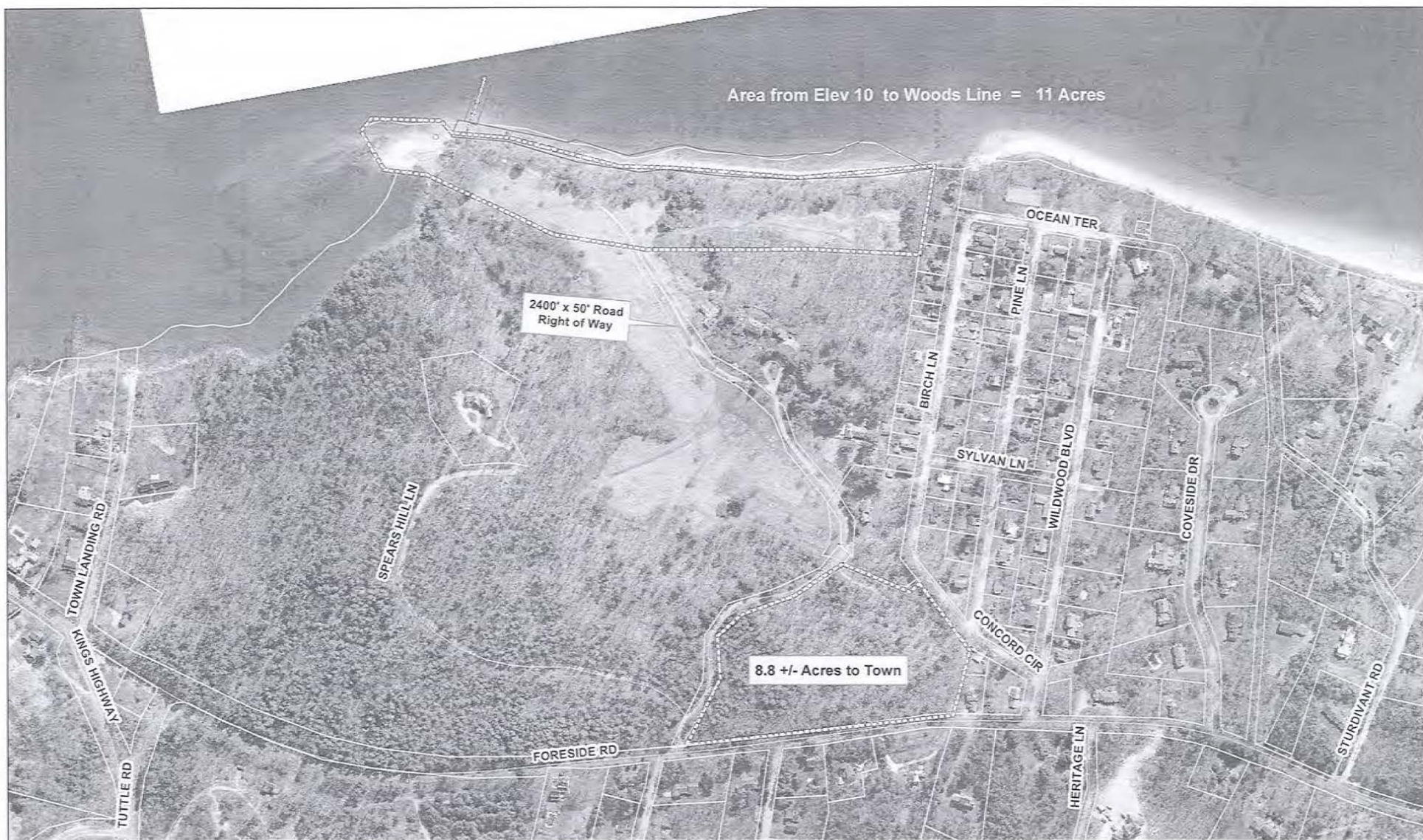
Its:

Town Manager

Town

EXHIBIT A

[to be submitted by Town]



300 150 0 300
1 in = 300 ft



Exhibit A - Excluded Land

Town Request- 14 Acres+/- Outlined in Red and Yellow
8.8 Acres near Rt 88
2500' x 50' ROW + Pier
July 8, 2014

ITEM

14-128

To hold a Public Hearing to consider and act on adopting a Town Council order authorizing the issuance of General Obligation Bonds in an amount not to exceed \$3,000,000, and notes in anticipation thereof, and to appropriate the proceeds thereof to finance costs related to the acquisition and use of property located at 179 Foreside Road in Cumberland

**CUMBERLAND TOWN COUNCIL ORDER
AUTHORIZING THE ISSUANCE OF
GENERAL OBLIGATION BONDS AND NOTES**

WHEREAS, the Town desires to issue its general obligation bonds in an aggregate principal amount not to exceed \$3,000,000 and to appropriate the proceeds thereof to finance the Project described in this Order;

NOW, THEREFORE, be it voted, resolved, and ordered by the Town Council of the Town of Cumberland, Maine:

Section 1: Appropriation. The proceeds of the Bonds authorized herein are hereby appropriated to finance the costs of acquisition of property located at or 179 Foreside Road and construction of an access road, parking and restroom facilities, including waterline and sewer extensions, in order to provide public waterfront access and which Bonds and Notes may also finance costs of issuance of the Bonds and Notes and capitalized interest of up to three years on the Bonds and Notes (the "Project").

Section 2: Authorization of Bonds. For the purposes of financing the aforesaid appropriation, pursuant to the Town Charter and all other authority thereto enabling, there is hereby authorized and approved the issuance of the general obligation bonds (the "Bonds") of the Town in an aggregate principal amount not to exceed \$3,000,000. The Bonds shall be designated "Town of Cumberland, Maine, [Year of Issuance] General Obligation Bonds." The proceeds of the Bonds and any Notes shall be used to finance the costs of the Project.

Section 3: Authorization of Notes. The Treasurer is authorized to borrow money in anticipation of said Bonds by the issuance and sale of notes or renewal notes in anticipation thereof (the "Notes"). Any notes issued in anticipation of the Bonds shall be designated "Town of Cumberland [Year of Issuance] General Obligation Bond Anticipation Notes."

Section 4: Interest Rates and Details. The Treasurer is authorized to determine the date(s), form(s), interest rate(s) (which interest rate may be a fixed rate or a variable rate or some combination of the two), maturities and all other details of each issue of the Bonds and the Notes, including the form and manner of their sale and award. The Bonds and any Notes shall mature at the times and shall be in the amounts, and be dated as of such date, bear interest at the rate or rates and be in such form and contain such terms and provisions (including but not limited to early redemption provisions, if any) as the Treasurer may hereafter determine or authorize.

Section 5: Redemption; Execution. The Treasurer is authorized to provide that any of the Bonds and Notes be made callable, with or without premium, prior to their maturity, and each Bond or Note issued hereunder shall be signed by the Treasurer, shall be countersigned by the Chair of the Town Council, and shall be sealed with the seal of the Town, attested to by its Clerk.

Section 6: Financial Advisor; Underwriter. The Treasurer is authorized to select a financial advisor and/or an underwriter for the Bonds and Notes, and the Treasurer of the Town is authorized and empowered to execute and deliver such contracts or agreements as may be necessary or appropriate in connection therewith.

Section 7: Official Statement. The Treasurer is authorized to prepare, or cause to be prepared, a Notice of Sale and/or a Preliminary Official Statement and an Official Statement for use in the offering and sale of the Bonds and/or Notes, such Notice of Sale, Preliminary Official Statement and Official Statement to be in such form and contain such information as may be approved by the Treasurer, with the advice of the bond counsel for the Town, and that the distribution of the Notice of Sale and/or Preliminary Official Statement and the Official Statement in the name of and on behalf of the Town in connection with offering the Bonds and/or Notes be and hereby is approved.

Section 8: Transfer Agent. The Treasurer is authorized to select the registrar, paying agent and transfer agent (the "Transfer Agent") for the Bonds and Notes and to execute and deliver such contracts and agreements as may be necessary or appropriate to secure their services.

Section 9: Registration. The Bonds and Notes shall be transferable only on registration books of the Town kept by the transfer agent, and said principal amount of the Bonds or Notes of the same maturity (but not of other maturity) in the denomination of \$5,000 or any multiple thereof (or such other minimum denomination as the Treasurer shall establish) upon surrender thereof at the principal office of the transfer agent, with a written instrument of transfer satisfactory to the transfer agent duly executed by the registered owner or his attorney duly authorized in writing. Upon each exchange or transfer of a Bond or Note the Town and the Transfer Agent shall make a charge sufficient to cover any tax, fee or any other governmental charge required to be payable with respect to such exchange or transfer, and with respect to such exchange or transfer, and subsequent to the first exchange or transfer, the cost of preparing new Bonds or Notes upon exchanges or transfer thereof to be paid by the person requesting the same.

Section 10: Book Entry. The Treasurer is authorized to undertake all acts necessary to provide, if deemed necessary or appropriate by the Treasurer in his discretion, for the issuance and transfer of such Bonds and Notes in book-entry form pursuant to the Depository Trust Company Book-Entry Only System, as an alternative to the provisions of the foregoing Order above regarding physical transfer of Bonds and Notes, and the Treasurer is authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in his opinion, appropriate in order to qualify the Bonds or Notes for and participate in the Depository Trust Company Book-Entry Only System.

Section 11: Exchanges and Transfers. The Treasurer and Chair of the Town Council from time to time shall execute such Bonds or Notes as may be required to provide for exchanges or transfers of Bonds or Notes as heretofore authorized, all such Bonds or Notes to be executed as above described, and in case any officer of the Town whose signature appears on any Bond or Note shall cease to be such officer before the delivery of said Bond or Note, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery thereof.

Section 12: Tax-Exempt Bond Covenants. The Treasurer is authorized to covenant and certify on behalf of the Town that no part of the proceeds of the issue and sale of the Notes or the Bonds authorized to be issued hereunder shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such Notes or Bonds to be

"arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and that no part of the proceeds of the issue and sale of such Notes or Bonds (including any notes and bonds in renewal thereof) shall be used, directly or indirectly, in such manner which would cause the Notes or Bonds to be "private activity bonds" within the meaning of Section 141 of the Code.

To the extent permitted under the Code, the Treasurer is authorized to designate any of the Bonds or Notes authorized to be issued hereunder as qualified obligations for purposes of Section 265(b) of the Code.

The Treasurer is authorized to covenant and agree, on behalf of the Town, for the benefit of the holders of the Bonds and Notes, that the Town will file any required reports and take any other action that may be necessary to ensure that interest on the Bonds and Notes will remain exempt from federal income taxation, and that the Town will refrain from any action that would cause interest on the Bonds or Notes to be subject to federal income taxation.

Section 13: Continuing Disclosure. The Treasurer is authorized to covenant, certify and agree, on behalf of the Town, for the benefit of the holders of the Notes or Bonds, that the Town will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to insure that the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, if applicable, are met.

Section 14: Town Officials. If any of the officers or officials of the Town who have signed or sealed the Bonds or Notes shall cease to be such officers or officials before the Bonds or Notes so signed and sealed shall have been actually authenticated or delivered by the Town, such Bonds or Notes nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such Bonds or Notes had not ceased to be such officer or official; and also any such Bonds or Notes may be signed and sealed on behalf of the Town by those persons who, at the actual date of the execution of such Bonds or Notes, shall be the proper officers and officials of the Town, although at the nominal date of such Bonds or Notes any such person shall not have been such officer or official.

Section 15: Deputy Officials. If the Treasurer, Chair of the Town Council or Clerk are for any reason unavailable to approve and execute the Bonds or Notes or any of the related financing documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had herself performed such act.

Section 16: Other Actions. The Treasurer, Chair of the Town Council, Clerk and other appropriate officers of the Town are hereby authorized and empowered to do all such acts and things, and to execute, deliver, file, approve, and record all such financing documents, contracts, deeds, assignments, certificates, memoranda, abstracts, and other documents as may be necessary or advisable, with the advice of counsel for the Town, including but not limited to any certificates, bond insurance agreements, notices of sale and other documents as may be necessary or appropriate in connection with the sale of the Bonds and Notes and any letter of credit agreement or liquidity facility agreement necessary to the issuance of any Bonds or Notes, to carry out the provisions of the resolutions heretofore adopted at this meeting in connection with the Project, the

execution, sale, and delivery by the Town of the Bonds and Notes and the execution and delivery of any related financing documents.

Section 17: Costs; Reallocation. The term "cost" or "costs" as used herein and applied to the Project, or any portion thereof, includes, but is not limited to (1) the purchase price or acquisition cost of all or any portion of the Project; (2) the cost of construction, building, alteration, enlargement, reconstruction, renovation, improvement, and equipping of the Project; (3) the cost of all appurtenances and other facilities either on, above, or under the ground which are used or usable in connection with the Project; (4) the cost of landscaping, site preparation and remodeling of any improvements or facilities; (5) the cost of all labor, materials, building systems, machinery and equipment; (6) the cost of land, structures, real property interests, rights, easements, and franchises acquired in connection with the Project; (7) the cost of all utility extensions and site improvements and development; (8) the cost of planning, developing, preparation of specifications, surveys, engineering, feasibility studies, legal and other professional services associated with the Project; (9) the cost of environmental studies and assessments; (10) the cost of financing charges and issuance costs, including premiums for insurance, interest prior to and during construction and for a period not to exceed three (3) years from the issue date of the Bonds or Notes, underwriters' fees and costs, legal and accounting fees and costs, application fees, and other fees and expenses relating to the financing transaction; and (11) the cost of all other financing authorized hereunder, whether related or unrelated to the foregoing. In the event that any proceeds of the Bonds or Notes remain unspent upon completion of a Project, or if the Town abandons a Project, the Town reserves the right to reallocate unspent proceeds to the costs of other qualified projects approved, or to be approved, by the Town Council, or to apply unspent proceeds to the payment of debt service on the Bonds or the Notes.

Section 18: Tax Levy. In each of the years during which any of the Bonds or Notes issued hereunder are outstanding, there shall be levied a tax in an amount which, with other revenues, if any, available for that purpose, shall be sufficient to pay the interest on said Bonds or Notes, payable in such year, and the principal of such Bonds or Notes maturing in such year (except in the case of Notes to be refunded in that year by the issuance of Bonds).

Section 19: Consolidation. Any or all of the Bonds or Notes issued hereunder may be consolidated with and become a part of any other issue of temporary notes or general obligation bonds authorized to be issued by any previous or subsequent Order of the Town Council of the Town of Gorham.

Section 20: Investment Earnings; Premium. The investment earnings on the proceeds of the Bonds and Notes, if any, and the excess proceeds (including any premium on the sale) of the Bonds and Notes, if any, be and hereby are appropriated for the following purposes, such proceeds to be held and applied in the following order of priority: (a) to any costs of the Project in excess of the principal amount of the Bonds or Notes; and (b) in accordance with applicable terms and provisions of the Arbitrage and the Use of Proceeds Certificate delivered in connection with the sale of the Bonds or Notes.

Section 21: Reimbursement. It is the intent of the Town Council that this Bond Order shall constitute the Town's declaration of official intent within the meaning of Treasury Regulation 1.150-2 to pay, on an interim basis, costs of the Project in an amount up to the

principal amount of the Bonds to be issued, which costs the Town reasonably expects to reimburse with proceeds of the Bonds or Notes.

ITEM

14-129

To hold a Public Hearing to call a special Town election to be held on November 4, 2014 for the purpose of submitting to a referendum vote the question of “Shall the Town purchase certain property at 179 Foreside Road in Cumberland pursuant to the Purchase and Sale Agreement with 179 Foreside LLC and authorize the issuance of General Obligation Bonds and Notes in an amount not to exceed \$3,000,000 to finance the costs related to the acquisition and use of said property.”

ITEM

14-130

To hold a Public Hearing to consider and act on authorization of revenue bonds for The Friends School of Portland project



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

To: Town Council
From: William R. Shane, Town Manager
Date: July 23, 2014
Re: Friends School Item 14-130

Attached is the April Memo regarding this request. The Friends School is now ready to proceed with the project and bonding and has submitted the documents necessary to secure \$2.3 Million of funding. Work is still schedule to begin in August/September for a September 2015 occupancy.

Ken Cole will be present to answer any questions related to this item.



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

To: Town Council
From: William R. Shane, Town Manager
Date: April 10, 2014
Re: Friends School Item 14-050 and 14-051

At your workshop meeting, Town Attorney, Ken Cole will update you on the process for the Friends School and their request to use Conduit Financing for the project. The School will be requesting \$2.7 Million and under Maine law, will be able to use our strong credit rating to secure bonding for this project.

The unique pieces of this request are that while we allow and endorse the application to FAME for the bonding, the Town has no obligation related to the bond including default and it does not impact our bond threshold which under 30 MSRA, Section 5061 cannot exceed 15% of the State Assessed valuation. We are currently 1.42% of state valuation or 9% of our maximum borrowing limit.

There are bonding limits for the conduit financing. The Town cannot exceed \$10 million in new borrowing in a calendar year. The current plan is for the Friends School to borrow \$2.7 Million.

Town Tax Anticipation Note	\$ 2.5 Million
Proposed Town Garage	\$ 4.0 Million
Friends School	<u>\$ 2.7 Million</u>
	\$ 9.2 Million

This is the first step in the process. The Friends School will be back in 6- 12 weeks at which time the Town Council will need to hold a public hearing for the issuance of the bonds. It is a complex process, but Ron Epstein and Ken Cole will insure the Town is protected throughout the process. All legal fees are being paid by the Friends School.

The Friends School has also agreed to pay the Town a Payment in Lieu of Taxes. As a Tax Exempt entity, they are not required to pay real estate taxes. They have voluntarily agreed to pay the taxes at an agreed upon rate of 85% of the non- school assessment begin in year five (2019) and \$5,000 per yer until 2019.

FY 2015	\$5,000
FY 2016	\$5,000
FY 2017	\$5,000
FY 2018	\$5,000
FY 2019	85% of the Non School and County Mil Rate per ordinance

Example if the Tax Rate were present Tax Rate:

\$ 11.83	School
\$.58	County
<u>\$ 4.59</u>	<u>Town</u>

\$ 17.00 mil rate

$\$ 4.59 \times .85\% = \$3.90 \times \text{Assessed Value (Preliminary numbers around \$2.8M)}$

$\$2.8 \text{ M} \times \$3.90 / 1000 = \$ 10,920$

TOWN OF CUMBERLAND

TOWN COUNCIL

FINDINGS OF FACT AND A RESOLUTION AND ORDER
AUTHORIZING ISSUANCE OF UP TO
TWO MILLION THREE HUNDRED THOUSAND DOLLARS
(\$2,300,000)
OF REVENUE BONDS
(Friends School of Portland Project)

WHEREAS, the Finance Authority of Maine Act, 10 M.R.S.A., Ch. 110, §§961 et seq. (the "Act"), authorizes and empowers the Town of Cumberland, Maine (the "Town"), upon receipt of a Certificate of Approval from the Finance Authority of Maine ("FAME") to issue revenue obligation securities (referred to as the Revenue Bonds, as defined below) in order to provide financing for eligible projects within the corporate limits of the Town, and to make and enter into all financing documents, security agreements, mortgages, contracts, and trust agreements necessary or convenient to carry out each such power; and

WHEREAS, Friends School of Portland ("Friends School") has requested that the Town of Cumberland, Maine (the "Town") issue the Town's revenue bonds, to be designated "Town of Cumberland, Maine, Revenue Bonds (Friends School of Portland Project)" in an aggregate principal amount not to exceed \$2,300,000 (the "Revenue Bonds") and to loan the proceeds thereof to Friends School to finance or refinance or reimburse Gould for the following improvements (the "Project"): design, build and equip a 15,000 s.f. (approx.) preschool – 8th grade school and campus, to be located on the Friends School campus at 11 Route 1, Cumberland, Maine.

WHEREAS, Section 1064(1) of the Act authorizes the Town Council, as the Municipal Officers of the Town, to authorize issuance of the Revenue Bonds by resolution; and

WHEREAS, the Revenue Bonds shall not be issued until the Town receives a Certificate of Approval issued by FAME; and

WHEREAS, the Town Council acting as the "applicable elected representative" of the Town held a public hearing at 7:00 p.m. on July 28, 2014, after reasonable public notice published in the *Portland Press Herald* on or before July 14, 2014, a newspaper of general circulation in the Town of Cumberland, about the proposed issue of the Revenue Bonds for the Project as required by Section 147 of the Internal Revenue Code of 1986, as amended, and regulations thereunder;

NOW, THEREFORE, following such public hearing held by the Town Council upon due notice, THE TOWN COUNCIL OF THE TOWN OF CUMBERLAND HEREBY RESOLVES AND ORDERS:

1. THAT the Town Council hereby finds and determines that:
 - a. The Town is a duly organized municipality of the State of Maine and the Town Council is comprised of the duly elected municipal officers of the Town; and
 - b. The Act authorizes and empowers the Town to issue the Revenue Bonds and loan the proceeds thereof to Friends School to finance the cost of the Project; and
 - c. The Act authorizes the Town to enter into financing documents including security agreements, mortgages, contracts, and trust agreements and all other contracts and agreements which are necessary or convenient to the exercise of its powers under the Act; and
 - d. The Certificate of Approval, the receipt of which is a necessary precondition to issuance of the Revenue Bonds, is expected to be issued by FAME as required by Section 1064(1)(A) of the Act prior to issuance of the Revenue Bonds, which Certificate authorizes the Town to proceed to issue the Revenue Bonds to finance the Project; and
 - e. Based solely upon representations of Friends School, there are expected to be sufficient revenues and funds to pay the principal of and the interest on the Revenue Bonds as such become due and payable; and
 - f. Friends School has represented that provisions will be made in a loan agreement or other contract for the maintenance and repair of the Project; and
 - g. Based solely upon representation of Friends School, the proceeds of the Revenue Bonds in an aggregate principal amount not to exceed \$2,300,000 will be required and, when added to the funds provided by Friends School, will be sufficient to pay the estimated costs of the Project.
2. THAT pursuant to the Act, the Town Council hereby authorizes and approves issuance of the Revenue Bonds of the Town in an aggregate principal amount not to exceed \$2,300,000, to be designated "Town of Cumberland, Maine, Revenue Bonds (Friends School of Portland Project)". The proceeds of the Revenue Bonds, if and when issued by the Town, shall be loaned to Friends School and used to finance the Project. Nothing herein shall obligate the Town to issue the Revenue Bonds, which shall be issued in the sole discretion of the Town.
3. THAT the Revenue Bonds shall be issued or reissued in denominations of \$5,000 (or such other denomination or denominations as may be selected by Friends School) and the date, maturities, interest rate or rates (whether fixed, variable, or subject to multiple modes at Friends School's discretion), place of payment, call features (with or without premium), and other details of the Revenue Bonds shall be determined by the Town Treasurer with the

approval and at the direction of Friends School, and said Revenue Bonds shall be executed in the name of the Town by the Chairman of the Town Council and the Town Treasurer, and shall be sealed with the seal of the Town, attested to by its Clerk, and be in such form and contain such terms and provisions, not inconsistent herewith, as they may approve, their approval to be conclusively evidenced by their execution thereof.

4. THAT the Revenue Bonds shall: (1) consist of registered bonds, without coupons substantially in the form as may be approved by the Town Treasurer, which approval shall be conclusively evidenced by his execution thereof; and (2) mature not more than twenty-five (25) years from the date of issuance.

5. THAT the Revenue Bonds hereinbefore authorized be made callable, with or without premiums, prior to their stated dates of maturity.

6. THAT the Town Treasurer be and hereby is individually authorized and empowered to take all such action as may be necessary to designate the Revenue Bonds as qualified tax-exempt obligations for purposes of Section 265(b) of the Code, provided that such Revenue Bonds are issued in calendar year 2014; it being the Town Council's intention that, to the extent permitted under the Code and provided that such Revenue Bonds are issued in calendar year 2014, the Revenue Bonds be Section 265(b) designated and that the Town Treasurer with advice of bond counsel, make the required Section 265(b) election with respect to such Revenue Bonds to the extent that the election may be available and advisable as determined by the Town Treasurer.

7. **THAT the Revenue Bonds shall be, and shall contain on their face, a statement substantially to the effect that the Revenue Bonds are a limited obligation of the Town and shall not constitute any debt or liability of the Town, the State of Maine or any other political subdivision thereof or municipality therein or a pledge of the faith and credit of the Town, the State of Maine or of any other such political subdivision or municipality, but shall be payable solely from revenues of the Project for which they are issued; and the issuance of the Revenue Bonds shall not directly or indirectly or contingently obligate the Town, the State of Maine or any other political subdivision thereof or municipality therein to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment.**

8. THAT the Clerk is hereby authorized and directed to cause a true copy of the form of Notice of Intent to issue Town of Cumberland, Maine, Revenue Bonds (Friends School of Portland Project) to be published in *The Portland Press Herald*, a newspaper of general circulation in the Town of Cumberland, and the *Kennebec Journal*, the state newspaper of the State of Maine, no later than fourteen (14) days after the date hereof. Such publications shall constitute the notice of intent to issue the Revenue Bonds required by Section 1064(1)(C) of the Act.

9. THAT the Town Treasurer is hereby authorized to negotiate, approve, execute, deliver, and record in the name of and on behalf of the Town such contracts, deeds, leases, assignments, certificates, memoranda, abstracts, agreements, and other documents, including but not limited to a Loan Agreement (which may be in the form of a Loan and Security

Agreement or a Loan and Mortgage Agreement), a Security Agreement and a Tax Compliance Certificate and Agreement (the "Bond Documents"), as may be necessary or appropriate as determined and approved by the Town Treasurer in connection with the financing of the Project to carry out (i) the provisions of this Order, (ii) the execution, sale, and delivery by the Town of the Revenue Bonds and (iii) the execution and delivery of the bond documents, which documents shall be in such form and contain such terms, provisions, and conditions, not inconsistent herewith, as may be approved by the Town Treasurer such approval to be conclusively evidenced by his execution thereof;

10. THAT the Revenue Bonds shall be transferable only on the registration books of the Town kept by the transfer agent, and said principal amount of the Revenue Bonds of the same maturity (but not of other maturity) in the denomination approved by Friends School, upon surrender thereof at the principal office of the transfer agent, with a written instrument of transfer satisfactory to the transfer agent duly executed by the registered owner or his attorney duly authorized in writing. Upon each exchange or transfer of a bond the Town and the transfer agent shall make a charge sufficient to cover any tax, fee or any other governmental charge required to be payable with respect to such exchange or transfer, and with respect to such exchange or transfer, and subsequent to the first exchange or transfer, the cost of preparing new bonds upon exchanges or transfer thereof to be paid by the person requesting the same;

11. THAT the Chairman of the Town Council and the Town Treasurer are hereby authorized from time to time to execute such bonds as may be required to provide for exchanges or transfers of bonds as heretofore authorized, all such bonds to bear the original signature of at least one of the Chairman of the Town Council or the Town Treasurer, and in case any officer or representative of the Town whose signature appears on any bond shall cease to be such officer before the delivery of said bond, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer or representative had remained in office until delivery thereof;

12. THAT the Town Treasurer is hereby authorized and directed to covenant and certify on behalf of the Town that no part of the proceeds of the issue and sale of the Revenue Bonds authorized to be issued hereunder shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such Revenue Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended;

13. THAT the Town Treasurer is hereby authorized to covenant, certify, and agree, on behalf of the Town, for the benefit of the holders of such Revenue Bonds, that the Town will file any required reports and take any other action that may be necessary to insure that interest on the Revenue Bonds will remain exempt from federal income taxation, and that the Town will refrain from any action that would cause interest on the Revenue Bonds to be subject to federal income taxation;

14. THAT the term "cost" or "costs" as used herein and applied to the Project, or any portion thereof, includes, but is not limited to (1) the purchase price or acquisition cost of all or any portion of the Project; (2) the cost of construction, building, alteration, enlargement,

reconstruction, renovation, improvement, and equipping of the Project; (3) the cost of all appurtenances and other facilities either on, above, or under the ground which are used or usable in connection with the Project; (4) the cost of landscaping, site preparation and remodeling of any improvements or facilities; (5) the cost of all labor, materials, building systems, machinery and equipment; (6) the cost of land, structures, real property interests, rights, easements, and franchises acquired in connection with the Project; (7) the cost of all utility extensions and site improvements and development; (8) the cost of planning, developing, preparation of specifications, surveys, engineering, feasibility studies, legal and other professional services associated with the Project; (9) the cost of environmental studies and assessments; (10) the cost of financing charges and issuance costs, including premiums for insurance and letters of credit, interest prior to and during construction and for the period ending 3 years from the date of issuance, underwriters' fees and costs, legal and accounting fees and costs, application fees, and other fees and expenses relating to the financing transaction; and (11) the cost of all other financing authorized hereunder, whether related or unrelated to the foregoing; and

15. THAT the Chairman of the Town Council, the Town Treasurer and the Clerk and other proper officials of the Town be, and hereby are authorized and empowered in its name and on its behalf to do or cause to be done all such other acts and things as may be necessary or desirable in order to effect the issuance, sale and delivery of the Revenue Bonds hereinabove authorized.

16. THAT if any of the officers or officials of the Town who have signed or sealed the Revenue Bonds shall cease to be such officers or officials before the Revenue Bonds so signed and sealed shall have been actually authenticated or delivered by the Town, such Revenue Bonds nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such Revenue Bonds had not ceased to be such officer or official; and also any such Revenue Bonds may be signed and sealed on behalf of the Town by those persons who, at the actual date of the execution of such Revenue Bonds, shall be the proper officers and officials of the Town, although at the nominal date of such Revenue Bonds any such person shall not have been such officer or official.

17. THAT if the Chairman of the Town Council, the Town Treasurer, or the Clerk are for any reason unavailable to approve and execute the Revenue Bonds or any of the Bond Documents, the person or persons then acting in any such capacity whether as an assistant, a deputy, as the "acting" official or otherwise, are each individually authorized to act for such official with the same force and effect as if such official had herself or himself performed such act.

18. THAT all prior actions of the Town Treasurer or Town Manager of the Town taken with respect to the Project, including but not limited to the filing of the application for a Certificate of Approval with FAME and the execution of certain stipulations and findings with respect thereto, be, and hereby are ratified, approved and confirmed.

19. THAT during the term of the Revenue Bonds, all authority granted pursuant to these resolves shall be, remain and continue, in full force and effect without the necessity of any further action of the Town Council.

20. THAT Friends School shall pay any legal fees and expenses incurred by the Town with respect to the issuance of the Revenue Bonds.

21. That these Resolutions shall not in any way: (a) authorize or be deemed to create any debt or liability of the Town or a pledge of its faith or credit, (b) obligate the Town to take any action or to enter any agreement, document, contract or certificate or to issue the Revenue Bonds; or (c) directly or indirectly obligate the Town to expend any funds of the Town or levy or pledge any form of taxation or to make any appropriation for payment. The issuance of the Revenue Bonds and any actions taken by the Town or by any officer or official thereof pursuant to this Resolution or in connection with the Revenue Bonds or the issuance thereof and each agreement, contract, certificate or document executed pursuant to the Resolution or in connection with the Revenue Bonds or the issuance thereof shall not in any way create or constitute a debt or liability of the Town or a pledge of its faith or credit or directly or indirectly obligate the Town to expend any funds of the Town or levy or pledge any form of taxation or to make any appropriation for payment.

22. THAT these Resolutions are adopted under the following conditions:

(a) That Friends School release the Town from and agree to indemnify, hold harmless, and defend the Town, its officers, agents, and employees, in their public and individual capacities, from any and all losses, claims, damages, liabilities, or expenses whatsoever, whether based on a tort, contractual, or other claim of any nature whatsoever including, but not limited to, any loss or damage to property or injury to or death of any persons, that arises out of the issuance or sale of the Revenue Bonds or the execution or performance of any of the financing documents or the acquisition, construction, or operation of the Project or the failure of Friends School to perform any of its obligations relating to the Project, and

(b) That Friends School further agree to pay promptly upon receipt of an invoice, bill, or other evidence of an expense incurred and all reasonable and necessary out-of-pocket expenses, including reasonable attorneys' fees, that the Town may have incurred with respect to the Revenue Bonds, whether or not said Revenue Bonds are issued.

Duly adopted on July 28, 2014.

Attest:

Clerk, Town of Cumberland

FINANCE AUTHORITY OF MAINE
MUNICIPAL SECURITIES APPROVAL PROGRAM

MUNICIPAL APPLICATION

TO BE COMPLETED BY MUNICIPALITY

1. GENERAL MUNICIPALITY INFORMATION

Name of Municipality: Cumberland
Address: 290 Tuttle Rd., Cumberland, ME
Zip: 04021 County: Cumberland
Name and title of municipal official responsible for project oversight:
Bill Shane, Town Manager Phone: 829-2205

2. BORROWER IDENTIFICATION

Name: Friends School of Portland
Address: 1 Mackworth Island, Falmouth, ME 04105

3. PROPOSED PROJECT

Describe the project: The borrower is requesting that the Town of Cumberland issue a \$2.3M bond to finance a portion of the costs to design, build, and equip a 15,000 sq/ft. preschool - 8th grade school and campus

4. PROJECT LOCATION

Exact address or location description: 11 Route 1, Cumberland, ME
04102

5. MUNICIPAL ACTION

Date of Inducement: 4/14/14
Date of Inducement Agreement: _____

6. PROPOSED PURCHASER OF BONDS OR NOTES

Name: TD Bank
Address: One Portland Square, PO Box 9540
Portland, ME Zip Code: 04101
Principal Amount of Issue: \$ 2.3 million
Rate of Interest: see attached term sheet %
Term of Issue: see attached term sheet

7. COST OF PROJECT

How site was acquired: Bought by Friends School in December 2012
from Andrew and Martha Soule.

8. DEMAND ON PUBLIC FACILITIES

The municipality must identify completely the impact upon public facilities that will result from this project including cost and municipality cost recovery (attach separate sheets as necessary).

Sewer and water generated by Portland Water District.
We will contract our own waste disposal service.
No other municipal services will be needed.

9. PERMITS AND ZONING

Have all permits necessary for construction, use and occupancy been obtained?
☒ yes ☐ no

If no, explain: _____

Does this project comply with local planning and zoning ordinances?

☒ yes ☐ no

If no, explain how compliance will be assured: _____

10. ADJOINING MUNICIPAL DETRIMENT

Will this project have a detrimental impact on an adjoining municipality's facilities or services?

_____ yes ✓ no (If yes, explain)

11. PUBLIC BENEFITS

What specific public benefit(s) will the municipality or state derive from this project?

Friends School offers a free speaker series to the public twice a year.
Trails on land will be accessible to neighbors. Meeting / gathering space
will be made available to community.

A. What are the estimated annual municipal taxes to be derived from this project?

No municipal taxes, but PILOT agreement
in place

12. ENVIRONMENTAL BENEFITS

Will this project provide any substantial environmental benefits?

✓ yes _____ no (if yes, explain)

Eighteen of 21 acres will be kept undeveloped. Building
will be "net zero," producing as much energy as it uses.
We will use no fossil fuels to heat the school.

13. COST ALLOCATION

Date of Land or Building Purchase: 12/27/12

	<u>New Construction</u> <u>Project</u>	<u>Expansion/</u> <u>Renovation Project</u>
Land	\$ <u>400,000</u>	\$ _____
Land Improvements	\$ <u>675,000</u>	\$ _____
Building	\$ <u>2,766,000</u>	\$ _____
Fixtures	\$ <u>75,000</u>	\$ _____

Equipment/Utilities	\$ _____	\$ _____
Architectural Fees	\$ <u>273,482</u>	\$ _____
Engineering Fees	\$ _____	\$ _____
Legal Fees	\$ <u>66,000</u>	\$ _____
Construction Loan Points	\$ _____	\$ _____
Construction Loan Interest	\$ <u>168,890</u>	\$ _____
Percent Loan Points	\$ _____	\$ _____
Other Packaging Fees	\$ _____	\$ _____
Legal/Bond Counsel	\$ <u>45,000</u>	\$ _____
Issuance	\$ <u>10,000</u>	\$ _____
Other (specify) 10% contingency	\$ <u>344,100</u>	\$ _____
Owner's Rep.	\$ <u>30,000</u>	\$ _____
Total Cost of New Project	\$ <u>4,853,472</u>	
Total Cost of Improvement		\$ _____
Total Cost *	\$ <u><u>4,853,472</u></u>	

* Total Cost of New Project plus Total Cost of Improvement.

MUNICIPAL CERTIFICATION

I certify that I am authorized to complete this application on behalf of the municipality and that the information provided is true and accurate.

Municipality

Name and Title of Authorized
Municipal Official

Official's Signature

Date

The municipality must provide as part of the application:

- A copy of the signed and dated Inducement Resolution,
- A copy of the signed and dated Inducement Agreement,
- A complete letter of commitment or financing for a private placement,
- Commitment letters or letters of intent may be supplied subsequent to filing of application but will be required prior to FAME's public hearing for the issuance of a Certificate of Approval.

**TOWN OF BETHEL, MAINE
FRIENDS SCHOOL OF PORTLAND
TAX-EXEMPT REVENUE BOND PROPOSAL**

FREQUENTLY ASKED QUESTIONS

1. **Background.** Friends School of Portland intends to finance the design, building and equipping of a 15,000 s.f. (approx.) preschool – 8th grade school and campus, to be located on the Friends School of Portland campus at 11 Route 1, Cumberland, Maine (the “Project”). Friends School would like to finance the Project with a tax-exempt loan from TD Bank, N.A. To document the tax-exempt loan, Friends School is requesting that the Town of Bethel act as a “conduit” issuer and issue a tax-exempt 501(c)(3) Bond for the project to TD Bank.

2. **What is a Tax-exempt 501(c)(3) Bond?** Under state law and the tax code, the Town may issue a limited obligation revenue bond to assist a 501(c)(3) organization such as Friends School of Portland. This type of bond is referred to as a 501(c)(3) Bond. The Town is referred to as a “conduit” issuer because the 501(c)(3) Bond issued by the Town allows Friends School to access the tax-exempt market through the Town. This allows Friends School to obtain attractive lower-interest debt financing for the project.

3. **Is the 501(c)(3) Bond a General Obligation of the Town?** No, the 501(c)(3) Bond is **not** a general obligation of the Town. It is neither backed by nor paid with Town funds and is non-recourse to the Town. The 501(c)(3) Bond is referred to as a **limited obligation** revenue bond. This means that the Town is not obligated, either directly or indirectly, to repay the 501(c)(3) Bond. Rather, the 501(c)(3) Bond will be repaid **solely** from revenues provided by or on behalf of Friends School. The Town has no obligation to pay the 501(c)(3) Bond from its own money. State law explicitly establishes this protection and the Town’s authorizing vote and the related Bond documents will clearly state it.

4. **What is the Town’s role?** In order to obtain the benefit of the lower tax-exempt interest rate, the 501(c)(3) Bond must be issued by a state or local government. In this proposed financing, the Town of Bethel will issue the 501(c)(3) Bond. As mentioned above, however, the Town will not be obligated to repay the 501(c)(3) Bond from its own money. Rather, the Town is a mere facilitator or “conduit” through which both the proceeds from the sale of the 501(c)(3) Bond (from TD Bank to Friends School) and the repayment of the 501(c)(3) Bond (from Friends School to TD Bank) will flow. This allows the 501(c)(3) Bond to be issued on a tax-exempt basis.

5. **What is the role of the Finance Authority of Maine (“FAME”)?** Federal law establishes the tax program under which 501(c)(3) are issued. Each state has one or more

authorized agencies to administer the program. In Maine, FAME is the entity authorized to administer and approve 501(c)(3) Bond transactions.

See <http://www.famemaine.com/files/Pages/business/lenders/Bonds.aspx>

6. **Who is responsible for repaying the 501(c)(3) Bond?** Friends School is responsible for repaying the 501(c)(3) Bond. Friends School will make its payments directly to TD Bank. The Town will not be involved in these payment logistics. Neither the Town nor FAME will be obligated to repay any of the 501(c)(3) Bond with their own money. The Town will not pledge its taxing power to repay the 501(c)(3) Bond. There is absolutely no debt obligation by the Town or by its residents. The 501(c)(3) Bond will state, **as required by Maine law**, that it does not constitute a debt or obligation of the Town or a pledge of its faith and credit, but instead will be payable solely from the revenues of the project provided by Friends School. The law further provides that the 501(c)(3) Bond will not obligate the Town to levy or pledge any form of taxation whatever or to make any appropriation for its payment.

7. **What other security is there for the 501(c)(3) Bond?** In addition to Friends School's repayment obligation, the 501(c)(3) Bond may be secured by other collateral provided by Friends School to TD Bank. If Friends School does not repay the 501(c)(3) Bond, the Bank's remedy will be to pursue this other collateral directly against Friends School.

8. **Will the 501(c)(3) Bond count against the Town's debt limit?** No. Maine law specifically excludes the 501(c)(3) Bond from the Town's debt limit.

9. **Are there any other issues the Town should be aware of?** Under the tax code, the Town receives certain beneficial treatment with respect to its own debt (for example, a tax anticipation note financing) if it issues less than \$10 million of tax-exempt debt in a calendar year. This is known as "bank qualified" debt. Friends School would like the Town to designate the proposed 501(c)(3) Bond as "bank qualified". If the Town does this, the 501(c)(3) Bond will count against the Town's permitted \$10 million annual limit for the 2014 calendar year. However, since the Town does not expect to issue more than \$10 million in tax-exempt debt in the 2014 calendar year (counting the proposed \$2,300,000 Friends School 501(c)(3) Bond), this will not be an issue for the Town.

10. **Has the Town or other communities done this before?** Other recent revenue bond issues under the same FAME program similar to the Friends School financing currently being proposed include: Town of Bethel (Gould Academy) (pending), City of Sanford (2013 York County Community Action Project); City of Bath (2012 Hyde School Project); City of Waterville (2011 Delta Ambulance Project)

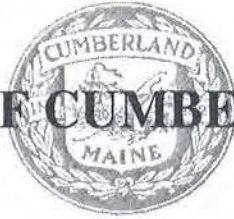
11. **What does the Town Council need to do?** The Town Council must hold a public hearing on 14 days published notice and then adopt an approving resolution authorizing issuance of the 501(c)(3) Bond. Once the Town and FAME approve the financing, the Town will issue the 501(c)(3) Bond and the Town, Friends School and TD Bank will enter into various agreements that document the loan.

ITEM

14-131

To hear a report from the Tax Assessor and to hold a
Public Hearing to set the FY'15 tax rate

TOWN OF CUMBERLAND



Gary N. James, MBA, CMA
Assessor
james@cumberlandcounty.org
(207) 822-2204

July 22, 2014

To: William Shane
Town Manager

From: Gary N. James
Assessor

A handwritten signature in black ink, appearing to read "G. N. James", is written over the printed name of the Assessor.

Re: Tax Rate Calculations

The below noted calculations have been utilized to determine a recommended tax rate of .0174 mils on the dollar for the fiscal year 2014-2015 for the Town of Cumberland.

Assessments:

1	County Tax	\$ 696,073
2	Municipal Appropriation	\$ 8,736,821
3	TIF Financing Plan Amount	\$ 1,294,321
4	Local Educational Appropriation	\$14,313,387
5	Overlay Not to Exceed 5% of "Net To Be Raised"	<u>\$ 463,346</u>
Total Assessments		\$25,040,602

Deductions:

1	State Municipal Revenue Sharing	\$ 385,710
2	Other Revenue	<u>\$3,297,432</u>
Total Deductions		\$ 3,683,142
Net Tax for Commitment		\$21,357,460

Total Taxable Valuation Base:	\$1,243,394,274
Recommended Tax Rate (mils):	<u>.0174</u>
Tax To Be Raised:	\$21,635,060

Should you have any questions, feel free to call me or contact me via email.

ITEM

14-132

To hold a Public Hearing to set rates at which interest will be paid
for delinquent taxes, and to authorize applying tax payments
to the oldest unpaid taxes



M E M O R A N D U M

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

To: Town Council
From: William R. Shane, Town Manager
Date: July 23, 2014
Re: Interest Rates for Delinquent Sewer Fees and Real and Personal Property Taxes
Item 14-132

Annually the Maine Municipal Association (MMA) recommends an interest rate for delinquent sewer, real and personal property taxes. The Town has historically used the rates recommended by the Maine Municipal Association.

This year's rate for Delinquent Taxes is:

7%

Motion:

**I move to set an interest rate of 7% for delinquent real and personal property taxes for FY'15.
Be it further Ordered, that all payments for delinquent real and personal property taxes be applied to the oldest unpaid taxes.**

Per Ken Cole August 2010– No State statute requiring that a 3.5% (or half of delinquent payment) be applied to overpayment of taxes.

ITEM

14-133

To amend the dollar amount for the municipal property tax levy for
LD 1 for FY 2015



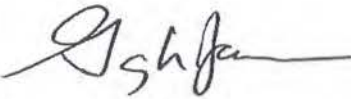
TOWN OF CUMBERLAND

Gary N. James, MBA, CMA
Assessor
james@cumberlandcounty.org
(207) 822-2204

July 22, 2014

To: William Shane
Town Manager

From: Gary N. James
Assessor



Re: LD-1 Calculations – Exceeding Limits Explanation

Attached you will find the 2014 Municipal Property Tax Levy Limit Worksheet (a. k. a. the LD-1 calculations). This worksheet ensures that Cumberland is in compliance with Maine law on the rate of property tax increases.

Based on the calculations, this year's Municipal Property Tax Levy will exceed the limit by approximately \$265,000. As a result, a vote by the town council is required to exceed the limit.

The council may vote to exceed the limit once, or to increase the limit permanently.

It is my recommendation that the Cumberland Town Council vote to exceed the limit for this year.

Should you have any questions, feel free to call me or contact me via email.

OFFICE OF POLICY AND MANAGEMENT - 2014 MUNICIPAL PROPERTY TAX LEVY LIMIT WORKSHEETQuestions? Call the Office of Policy and Management - 287-2873. Or visit "<http://www.maine.gov/economist/economics/ld1>"Municipality: Cumberland Contact Person*: Gary N. James Phone Number: (207) 650-8217*** The Contact Person should be able to answer clarifying questions about the reported information.**

The following two pages show how to calculate your municipality's property tax levy limit. Completing these pages is not mandatory, but doing so will help ensure that your municipality complies with Maine law on the rate of property tax increases. Information on new property, appropriations, and deductions should be collected from the assessor and the valuation book before completing these pages.

Calendar Year Municipalities - For communities with "calendar year" budgets, the use of the term 2013 refers to the budget year that ended at the end of 2013 or early 2014. The use of the term 2014 refers to the budget year that will end at the end of 2014 or in early 2015.

Fiscal Year Municipalities - For communities with "fiscal year" budgets, the use of the term 2013 refers to the July 1, 2013 to June 30, 2014 budget year. The use of the term 2014 refers to the July 1, 2014 to June 30, 2015 budget year.

LAST YEAR'S (2013) MUNICIPAL PROPERTY TAX LEVY LIMIT

This is the portion of 2013 property tax revenue used for municipal services.

- If last year the municipality committed LESS THAN or EQUAL TO the limit, enter last year's **limit** on Line 1 below.
- If last year the municipality voted to EXCEED the limit ONCE (just last year), enter last year's **limit** on Line 1 below.

1. LAST YEAR'S MUNICIPAL PROPERTY TAX LEVY LIMIT\$4,595,361**OR**

- If last year the municipality voted to INCREASE the limit PERMANENTLY, complete Steps A-D below. The information needed for this calculation is on the *Municipal Tax Assessment Warrant*, filed in the Valuation Book.

- A. Last year's Municipal Appropriations (Line 2, 2013 *Municipal Tax Assessment Warrant*) \$ _____
- B. Last year's Total Deductions (Line 11, 2013 *Municipal Tax Assessment Warrant*) \$ _____
- C. If necessary, enter any revenue included in Total Deductions that paid for non-municipal appropriations, such as schools. (If all deductions paid for municipal appropriations, enter "0".) \$ _____
- D. Add Lines A and C, and subtract Line B. Enter result on Line 1 above.

CALCULATE GROWTH LIMITATION FACTOR

- Each municipality's Growth Limitation Factor is based on local property growth and statewide income growth.

2. Total New Taxable Value of lots (splits), buildings, building improvements, and personal property first taxed on April 1, 2013 (or most recent year available) \$30,962,800
3. Total Taxable Value of Municipality on April 1, 2013 (or most recent year available) \$1,212,377,000
4. Property Growth Factor (Line 2 divided by Line 3) 0.0255
5. Income Growth Factor (provided by Office of Policy and Management) 0.0109
6. Growth Limitation Factor (Line 4 plus Line 5) 0.0364
7. Add 1 to the Growth Limitation Factor calculated in Line 6. 1.0364
(For example, if Line 6 is 0.0362, then enter 1.0362 on Line 7.)

OFFICE OF POLICY AND MANAGEMENT - 2014 MUNICIPAL PROPERTY TAX LEVY LIMIT WORKSHEET

CALCULATE 2013-2014 CHANGE IN REVENUE SHARING (previously "NET NEW STATE FUNDS")

- Determine if revenue sharing increased or decreased. Years refer to municipal fiscal year.

8. 2013 Municipal Revenue Sharing	\$414,616
9. 2014 Estimated Municipal Revenue Sharing	\$385,710
10. If Line 8 is greater than Line 9, then calculate Line 8 minus Line 9. Enter result at right; skip Line 11	\$28,906
11. If Line 9 is greater than Line 8, then complete 11A & 11B below.	
A. Multiply Line 8 by Line 7.	\$429,724
B. Calculate Line 9 minus Line 11A. Enter result at right. (If result is negative, enter "0".)	\$0

CALCULATE THIS YEAR'S (2014) MUNICIPAL PROPERTY TAX LEVY LIMIT

- This year's Property Tax Levy Limit is last year's limit increased by the Growth Factor and adjusted for revenue sharing.

12 Apply Growth Limitation Factor to last year's limit. (Line 1 multiplied by Line 7) \$4,762,811

13 THIS YEAR'S MUNICIPAL PROPERTY TAX LEVY LIMIT

If Line 9 is greater than Line 8 (revenue sharing increased), you MUST subtract Line 11B from Line 12. This is required.

OR If Line 9 is less than Line 8 (revenue sharing decreased), you MAY add Line 10 to Line 12. This is optional.

- Enter result at right. \$4,791,717

CALCULATE THIS YEAR'S (2014) MUNICIPAL PROPERTY TAX LEVY

- The information needed for this calculation is on the 2014 *Municipal Tax Assessment Warrant*, filed in the Valuation Book. Use estimates if necessary.

A. This year's Municipal Appropriations	(Line 2, 2014 <i>Municipal Tax Assessment Warrant</i>)	\$8,736,821
B. This year's Total Deductions	(Line 11, 2014 <i>Municipal Tax Assessment Warrant</i>)	\$3,683,142
C. If necessary, enter any revenue included in Total Deductions that paid for non-municipal appropriations, such as schools. (If all deductions paid for municipal appropriations, enter "0".)		\$
14 THIS YEAR'S MUNICIPAL PROPERTY TAX LEVY (Add Lines A and C, and subtract Line B)		<u>\$5,053,679</u>

15 COMPARE this year's MUNICIPAL PROPERTY TAX LEVY to the LIMIT (Line 13 minus Line 14) (\$261,962)
(If the result is **negative**, then this year's municipal property tax levy is greater than the limit and a vote must be taken.)

16 Did the municipality vote to EXCEED the limit ONCE (just this year)? ☐ NO ☐ YES

(Voting to exceed the limit means the municipality will calculate next year's limit based on line 13.)

If "yes", please describe why:

17 Did the municipality vote to INCREASE the limit PERMANENTLY (for current and future years)? ☐ NO ☐ YES

(Voting to increase the limit means the municipality will calculate next year's limit based on line 14.)

If "yes", please describe why:

ITEM

14-134

To hold a Public Hearing to consider and act on a Mass Gathering
Permit for the 143rd Cumberland Fair to be held from
September 21st – 28th, 2014 at the Cumberland Fairgrounds

MEMORANDUM

To: William Shane, Town Manager

From: Tamara O'Donnell, Town Clerk

Re: 2014 Cumberland Fair, September 21 – September 27, 2014

I held a meeting at 9:00 a.m., on Tuesday, June 24, 2014, with Cumberland Farmer's Club President Mike Timmons, Police Chief Charron, Lt. Milt Calder, Fire Chief Small and Deputy Fire Chief Bernier.

I reviewed in detail the requirements of the Mass Gathering Ordinance with Mr. Timmons. The following represents our mutual understanding:

- Exact attendance levels are unknown, however, it was determined that up to 50,000 is likely, therefore, the organizers will pay the Major Mass Gathering fee of \$500.00.
- Entrance fee for attendees is \$9.00 per person .
- There will be no parking fee this year .
- There will be a Bull Riding Competition on Sunday, September 22. There will also a rodeo on Friday and Saturday. There will be harness racing on Monday night, Friday night, and Saturday afternoon. New this year will be Fireworks on Saturday evening at 8:30 p.m. The Fire Chief is prepared and the necessary permits will be in place.
- There will be parking attendants for the parking areas. The parking is being handled by the American Legion Group from New Gloucester.
- During races, there will be one ambulance and crew dedicated to just the races; as well as having the regular Medical and Fire staff available at the fair. The Medical and Fire staff will be set up at the First Aid Booth.
- Police coverage will be consistent with years past. The Cumberland Farmers Club has Has hired Mr. Jay Costa as their new head of security.
- The Certificate of Liability Insurance is attached.
- There will be 1 Fire Engine on site, except for Saturday evening when the Fireworks are held.
- Communication between parties will be by two way radio and cell phone.
- Food Vendors will be handled exclusively through the Farmers' Club. There are approximately 50 food vendors that will be signed up.
- A copy of the contract with Troiano Waste Services is on file with the Town Office.
- Contact person for this event is Mr. Mike Timmons. Contact number is 653-9783.

Approximate fees for this event are as follows:

Police	-	\$10,000.00
Fire & Rescue	-	\$7,500.00

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

TOWN OF CUMBERLAND

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

Mass Gathering Application-Major Outdoor Event (5,000 or more persons)

This application **must be filed with the Town Clerk not less than 60 days** before the date of the event.
Application must be accompanied by a non-refundable fee of \$500.00.

Name of Applicant: Cumberland Farmer's Club

Address of Applicant: 140 Bruce Hill Road, Cumberland, Me 04021

Name of Event: Cumberland County Fair

Facility where the event will be held: 197 Blanchard Rd, Cumberland, Me 04021

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

Name of promoter (if different from above): SAA

Telephone number: 207-653-9783 cell 207-828-4856 (H)

Date of Event: Sept 21-28 Time (start and finish times): 7 AM 10 P.M

Number of tickets available: 40,000+

Expected attendance: 40,000, 60,000

Description of event: County Fair -

Will any food vendors be serving at the event: ☒ yes, _____ no, (if yes, how many, and
what types) 25-30 food vendors

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

In the beer garden, under the grandstand

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

1. Cumberland Fair 2013 + 25 other Events
2. Cumberland Fair 2012
3. Cumberland Fair 2011

Description of facility:

- A. Seating capacity: 5,000+ permanent; Portable seating + 100 picnic tables temporary
- B. Other seating capacity: Pulling arena festival; show arena standing room only (sq. ft.)
- C. Number of toilets available: 24 permanent; 30+ portable
- D. Number of parking spaces available: 5,7,000 on-site; — off-site
- E. Are all parking lots lighted (applicable only if event runs into evening hours: ✓ yes; — no, if no, which lots are not lighted —
- F. Source of potable water: Portland Water District - Town water
- G. Refuse containers available, number and size: see Triano Contract - attached
- H. Name of refuse disposal company (attach a copy of the agreement to pick up refuse) See attached contract
- I. When will refuse be picked up? 6 AM - Daily

Public Safety:

- J. Describe first aid facilities: Building located on the grounds for fire, Police, rescue.
- K. Describe emergency facilities: Cumberland Fire, Police, Rescue
- L. Describe communication facilities: 30+ Two way radios, cell phones public address systems
- M. Number of certified police officers: Police, Fire, Rescue - scheduled for week
- N. Other security personnel (include company name and qualification): Cumberland security - calls to others as needed
- O. Describe fire personnel: scheduled by chief Small

Traffic Plan

- P. Description of routes persons attending the event are likely to take, include number of traffic controllers and deployment descriptions. - Fall staff - Parking attendors
Plus - Police staff + Farmers club staff
- Q. Describe methods used to publicize alternate routes of reaching the scene of the event.
Blanchard Rd — Bruce Hill Rd — 4 - major entrances to the fair
- R. Attach statement of availability of private towing firms to remove disabled vehicles.
Copp motors - Cumberland

Crowd Management

- S. Plan for discouraging those not holding tickets for the event from not coming to the event Site. - Tickets always sold at the gates.
- T. Plan for preventing trespassing on private property in the area.
Cumberland Police, Farmers club staff
- U. Will all publicity stop as soon as it is apparent that the event is sold out? ☒ Yes;
☐ No
- V. Description of how the event will be publicized, include how a sell-out will be publicized.
by local 101.9 Radio, Police notification.

Other:

- W. Name of liability insurance See Attached
Amount of coverage \$2,000,000 +; amount of property insurance \$100,000 +
- X. Preferred type of performance guarantee (i.e. escrow account, irrevocable letter of credit)
See attached

Michael Timmons
Authorized Signature President

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

Authorized Signature



THE TROIANO FAMILY OF BUSINESSES



Troiano Waste Services

P O Box 3541
Portland, Maine 04104-3541
Telephone: 207-767-2070
FAX 207-767-6156

Troiano Transfer Station

P O Box 8459
Portland, Maine 04104-8459
Telephone: 207-767-2070
FAX 207-775-2468

T & J Towing

P O Box 1258
Portland, Maine 04104-1258
Telephone: 207-773-2122
FAX 207-767-6156

Associated Septic Services

P O Box 10839
Portland, Maine 04104
Telephone: 207-799-1980
FAX 207-767-6156

May 29, 2014

The Cumberland Farmers Club
140 Bruce Hill Road,
Cumberland, ME 04021

Dear Mr. Prevost

We at Troiano Waste and Associated Septic would like to thank you once again for letting us provide you liquid and solid waste solutions for 2014 at the Cumberland fair grounds facility. As discussed we will have adequate cans and trucks as needed to meet all your needs during your regular season and all your events.

Sincerely,

TJ Troiano
Troiano Waste Services, Inc.



CERTIFICATE OF LIABILITY INSURANCE

 DATE (MM/DD/YYYY)
 6/25/2014

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

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

PRODUCER Cross Insurance-Portland 2331 Congress Street Portland ME 04102		CONTACT NAME: Kasie Thornton PHONE (A/C No.): (207) 221-8551 FAX (A/C No.): (207) 820-8902 E-MAIL ADDRESS: kthornton@crossagency.com	
INSURED Cumberland Farmers' Club Attn: Gerry Prevost 39 Samuel Road Portland ME 04103		INSURER(S) AFFORDING COVERAGE: INSURER A: Philadelphia Ins Co INSURER B: Maine Employers Mutual Ins Co 11149 INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES	CERTIFICATE NUMBER: CL1462512622	REVISION NUMBER:
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THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INBR LTR	TYPE OF INSURANCE	ADDL INSR	INSR WYD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY			DHPK1389371	7/1/2014	7/1/2015	EACH OCCURRENCE \$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Excess/Once) \$ 100,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						MED EXP (Any one person) \$ excluded
	GEN'L AGGREGATE LIMIT APPLIED PER:						
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						GENERAL AGGREGATE \$ 5,000,000
							PRODUCTS - COMPROP AGG \$ 3,000,000
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ex accident) \$
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS	<input type="checkbox"/> SCHEDULED AUTOS					BODILY INJURY (Per accident) \$
	<input type="checkbox"/> HIRED AUTOS	<input type="checkbox"/> NON-OWNED AUTOS					PROPERTY DAMAGE (Per accident) \$
							\$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB	<input checked="" type="checkbox"/> OCCUR		PHUB462843	7/1/2014	7/1/2015	EACH OCCURRENCE \$ 1,000,000
	<input type="checkbox"/> EXCESS LIAB	<input type="checkbox"/> CLAIMS-MADE					AGGREGATE \$ 1,000,000
	<input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 10,000						\$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			1810008422	5/24/2014	5/24/2015	<input checked="" type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N <input type="checkbox"/>					E.L. EACH ACCIDENT \$ 500,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$ 500,000
							E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
 Re: Cumberland County Fair Sep. 21st - Sep. 28th

Refer to policy for exclusionary endorsements and special provisions.

CERTIFICATE HOLDER

829-2214

 Town of Cumberland
 290 Tuttle Road
 Cumberland, ME 04021

CANCELLATION

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

AUTHORIZED REPRESENTATIVE

Kasie Thornton/HVB

Kasie Thornton

ITEM

14-135

To hold a Public Hearing to consider and act on the Mass
Gathering Permit for the Cumberland Soccer Club's "Just For
Fun" Labor Day Soccer Tournament to be held at Twin Brook on
August 30th & 31st, 2014

MEMORANDUM

To: William Shane, Town Manager

From: Tamara O'Donnell, Town Clerk

Re: Cumberland Soccer Club "Just For Fun" Labor Day Tournament

I held a meeting at 10:00 a.m., on Tuesday, June 24, 2014, with Cumberland Soccer Club Representative Ms. Martha Leggat, Mr. Kevin Doree, Police Chief Charron, Lt. Milt Calder, Fire Chief Small, and Deputy Chief Bernier and Recreation Program Director Peter Bingham.

I reviewed in detail the requirements of the Mass Gathering Ordinance with Ms. Leggat and Mr. Doree. The following represents our mutual understanding:

- Exact attendance levels are unknown, however, it was determined that 3,000 is likely. Therefore, the organizers will pay the Minor Mass Gathering fee of \$250.00.
- The 2013 "Just For Fun" Tournament will be held August 30th and August 31st. The hours will be from 7 a.m. to 7 p.m.
- There will be 200 teams from all across Maine participating.
- There will be parking attendants for the parking areas. The Cumberland Soccer Club parents will be used as parking attendants.
- "No Parking" signs will be posted on the edge of Tuttle Road at the entrance to the park.
- The current insurance expires August 31, 2014, and a renewal certificate will be provided to the Clerk immediately prior to the event.
- The Soccer Club Boosters will be running the concession stands at both locations (Twin Brook and the High School).
- Greely Soccer teams will dispose of all trash and place in dumpster. Dumpster will be emptied on Monday, September 1, 2014.
- There will be 1 Paramedic and 1 EMT, from the Fire Department on site at both locations.
- There will be 4 police officers on duty at the event, with one (.5) being there at peak times only.
- There will be seven (7) additional porta potties available.

- Communication between parties will be by two way radio and cell phone.
- Anita Anderson will conduct food vendor inspections during the set-up hours.
- Contact person for this event is Ms. Martha Leggat. Contact number is 846-0051.

Approximate fees for this event are as follow:

\$ 250.00 Mass Gathering Permit
\$2,771.00 Twin Brook Fee
\$2,125.00 Police Department
\$1,175.00 Fire Department
\$ 700.00 Municipal Staff

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

Wed 27th 10:00 am

TOWN OF CUMBERLAND

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

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

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

Name of Applicant:

Cumberland Soccer Club

Address of Applicant:

PO Box 352, Cumberland ME

Name of Event:

Labor Day "Just for Fun" Tournament

Facility where the event will be held:

Twin Brook Recreational Park

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

Name of promoter (if different from above): _____

Telephone number: _____

Date of Event:

August 30 & 31

Time (start and finish times):

7AM-7PM

Number of tickets available: _____

Expected attendance:

3,000

Description of event:

Youth soccer tournament consisting of
30 min. games with up to 200 teams from all over

Will any food vendors be serving at the event: ☒ yes, _____ no, (if yes, how many, and
what types) one vendor (CSC) at the Red Shelter

Pizza, sandwiches, fruit, bottled water, juice, baked
goods

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

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

1. Labor Day 2013 - TB - 3000 - CSC
2. Labor Day 2012 - TB - 3000 - CSC
3. Labor Day 2011 - TB - 3000 - CSC

Description of facility:

- A. Seating capacity: _____ permanent; ☒ temporary
- B. Other seating capacity: 11/2 festival; _____ standing room only (sq. ft.)
- C. Number of toilets available: 2 (Red Shirts) permanent; 7 portable (supplied by Royal Flush)
- D. Number of parking spaces available: _____ on-site; _____ off-site
- E. Are all parking lots lighted (applicable only if event runs into evening hours: _____ yes; ☒ no, if no, which lots are not lighted _____
- F. Source of potable water: CSC - bottled water + running water @ shelter
- G. Refuse containers available, number and size: Trash cans + recycling bins supplied by CSC will be placed around the facility
- H. Name of refuse disposal company (attach a copy of the agreement to pick up refuse): Greely HS Soccer Teams will dispose of all waste and put in dumpster - Pine Tree Waste
- I. When will refuse be picked up? Monday, Sept 1st

Public Safety:

- J. Describe first aid facilities: Camberland Rescue
- K. Describe emergency facilities: Police, Fire + Rescue
- L. Describe communication facilities: Cell Phones + Walkie Talkies
- M. Number of certified police officers: 2
- N. Other security personnel (include company name and qualification): Parking Attendants
- O. Describe fire personnel: One truck - at least one fire fighter available

Other:

- P. Name of liability insurance Market Insurance Co
Amount of coverage \$1,000,000 / occasion; amount of property insurance \$2,000,000
- Q. Preferred type of performance guarantee (i.e. escrow account, irrevocable letter of credit)
N/A

Marthe Leggett
Authorized Signature

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

Authorized Signature

NEW BUSINESS

Cumberland Maine

Business Association



CONNECTING CUMBERLAND BUSINESS OWNERS WITH ONE
ANOTHER & CREATING AN EXTENSIVE NETWORK OF SUPPORT
AND RESOURCES SINCE 2010.



This month's featured business...

Goose Pond

Creating original designs in ornaments and jewelry since 1982.



Goose Pond is a retail store located in Cumberland, between Cumberland House of Pizza and Skin Deep Spa. In 1982, Susan Pine, started Goose Pond with only 17 ornament designs. She travelled to different shops down the coast until she reached Florida, where she attended craft shows and sold her work door-to-door. Until 1995, she sold her pieces from her home in Gray, Maine. When she outgrew the space in her home, she moved the location of the business to her location on Gray Road in West Cumberland. Ever since moving into her retail space, her business has grown immensely. Her products range from ornaments, to jewelry, spa

products, frames, pottery, hand blown glass, paper goods, knitting supplies, and wood products. Goose Pond is filled with carefully crafted and unique products. The business also offers custom ordering of intricate metal items. All of these items can be found at the store location, the Goose Pond website, and at the Cumberland Craft Fair. The business has flourished in Cumberland and Susan's designs have reached people all over the world. She has received orders from England, Japan, and as far as Australia. This retail store is the perfect place to pick up a gift for any occasion. Stop by Goose Pond to check out Susan Pines designs.



*Interested in having your business featured in the CMBA newsletter?
Contact Eliza Porter or Emily Fisher to set up a meeting with them to come visit your business.*

Town of Cumberland



**Cumberland Maine
Business Association**

290 Tuttle Road, Cumberland, Maine 04021
www.thecmba.com

Like us on Facebook and follow us on Twitter!



@CumberlandMBA

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

Eliza S. Porter
Special Projects Coordinator
eporter@cumberlandmaine.com

Emily L. Fisher
Special Projects Coordinator
efisher@cumberlandmaine.com



MEMORANDUM

Town of Cumberland Recreation Department
290 Little Road
Cumberland, ME 04021
Telephone (207) 829-2208

To: Town Council
From: Peter Bingham, Recreation Superintendent
Date: July 15th, 2014
Re: Veterans Monument Donation
cc: William R. Shane, Town Manager

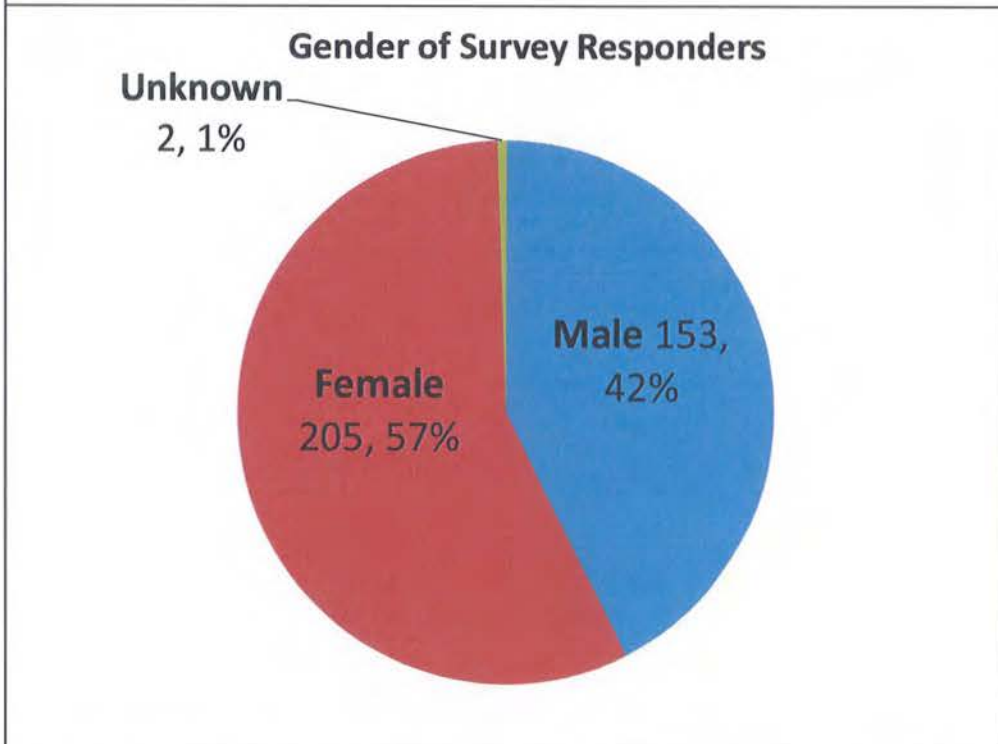
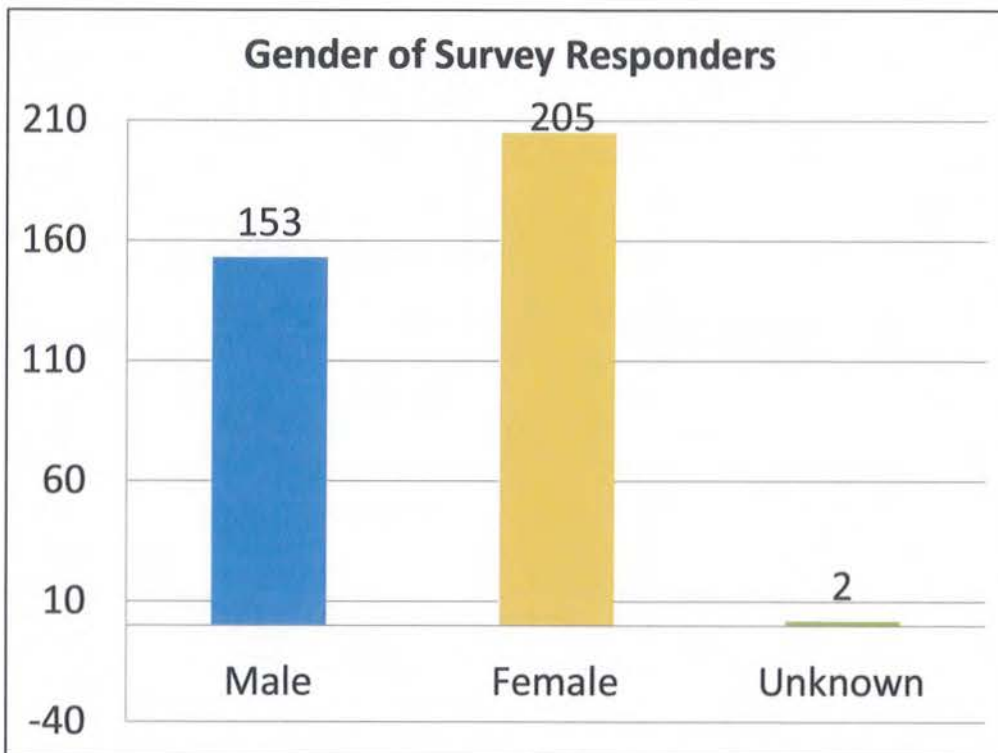
The Cumberland Community Recreation Department and Greely PTO recently made a joint contribution of \$624.00 to the Veterans Monument Fund from a portion of the proceeds received from the 4th Annual Memorial Day 5k road race.

On May 26th we held the 4th edition of this annual race and each year it continues to grow. The total number of 5k participants has nearly doubled since our inaugural race. It is the goal of both organizations to continue this race each year in conjunction with Memorial Day parade festivities and continue contributions to the monument fund annually.

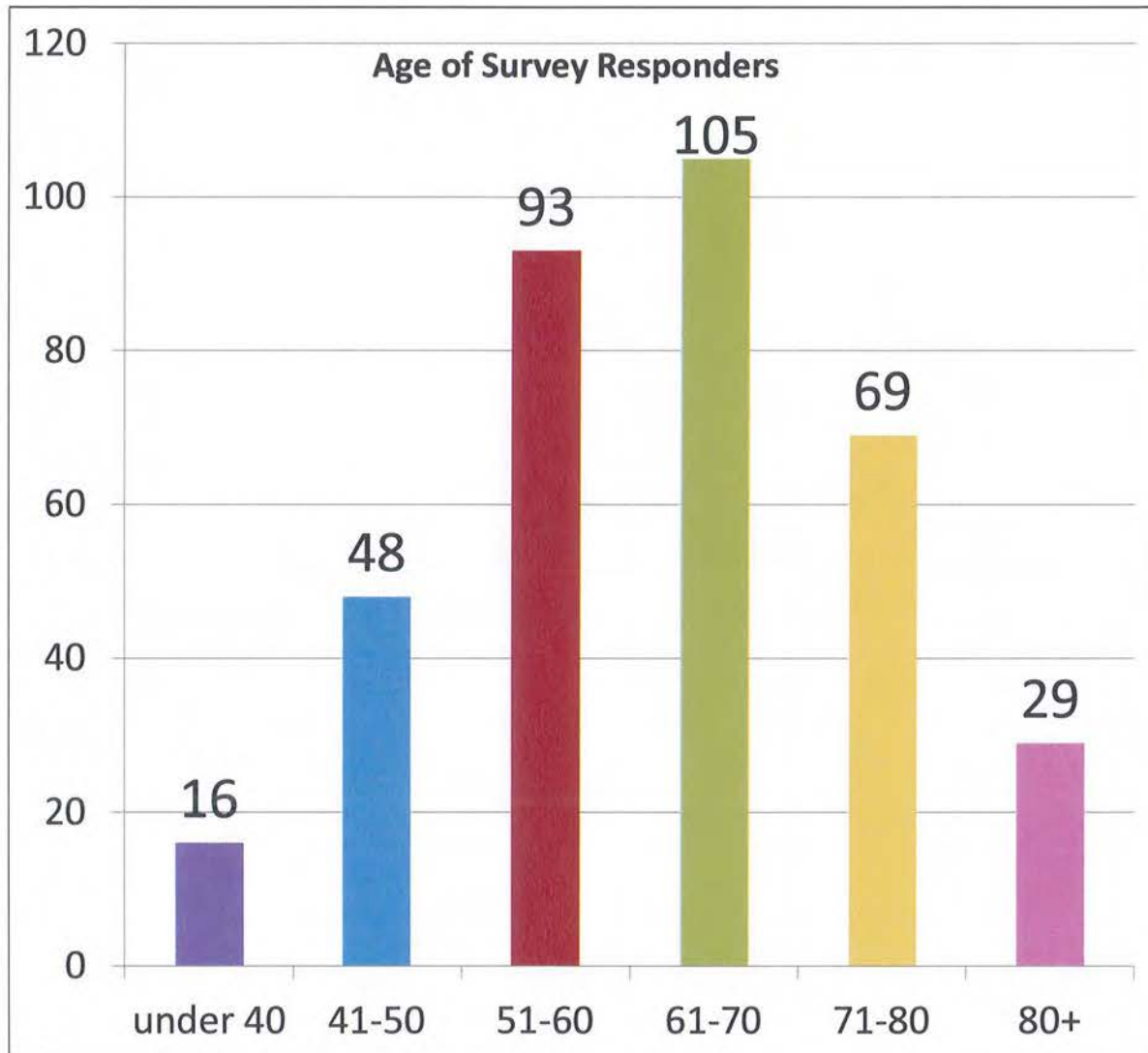
Jen Piesik of the PTO and I were extremely pleased with the turnout for the race and are excited to build on the continued excitement of this fun community event. The 5th annual race will be held on Memorial Day, May 25th 2015.

Keeping You In Cumberland!

June 2014 Survey

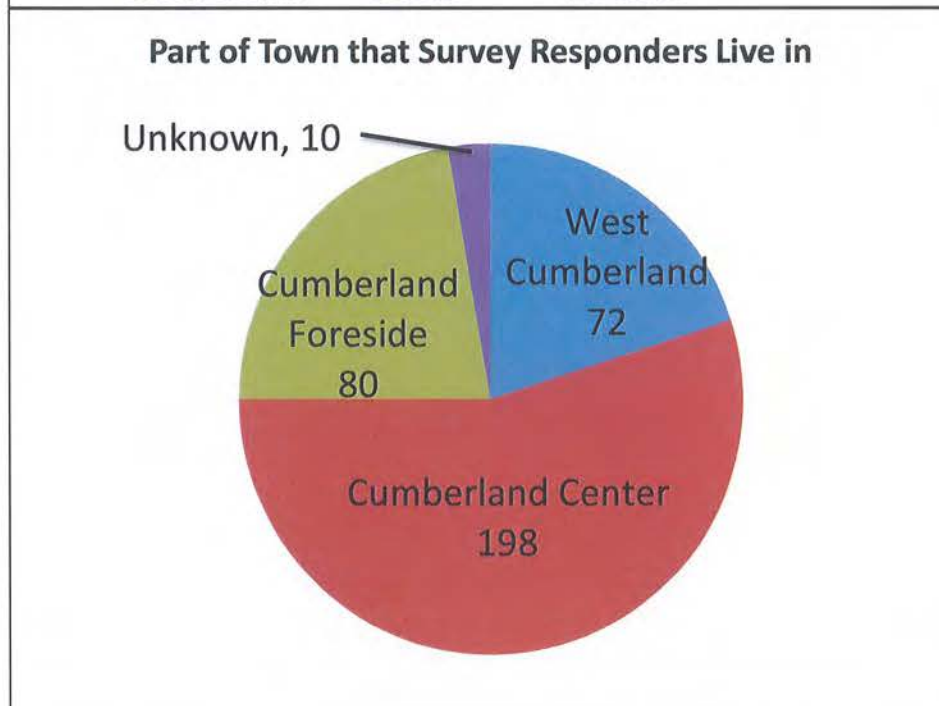
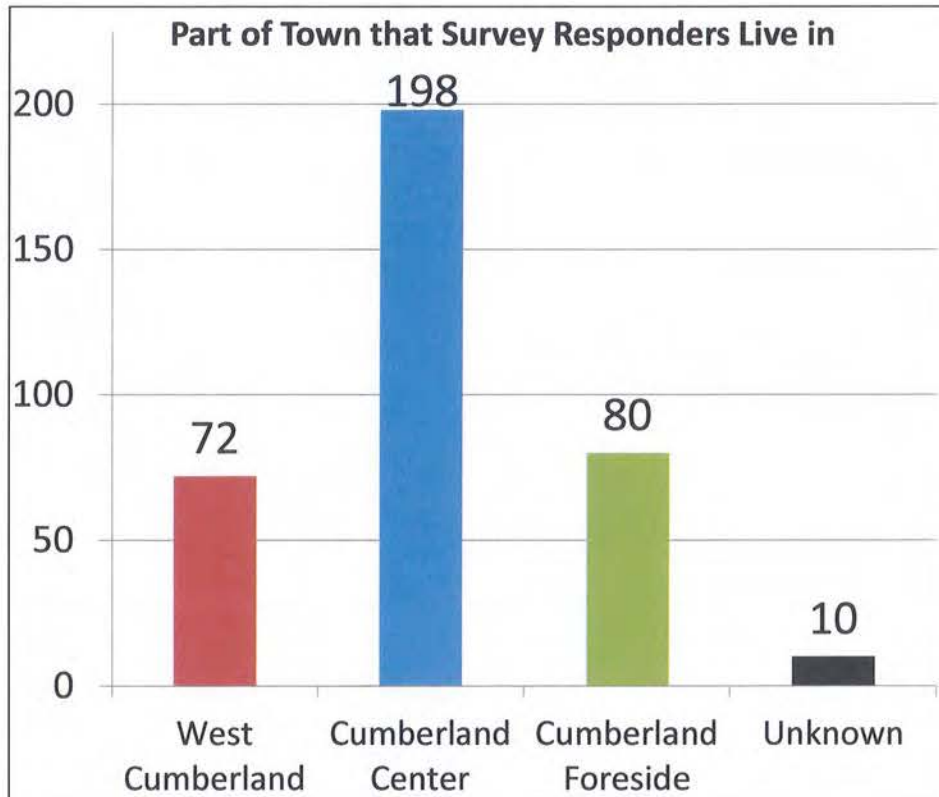


Keeping You In Cumberland!



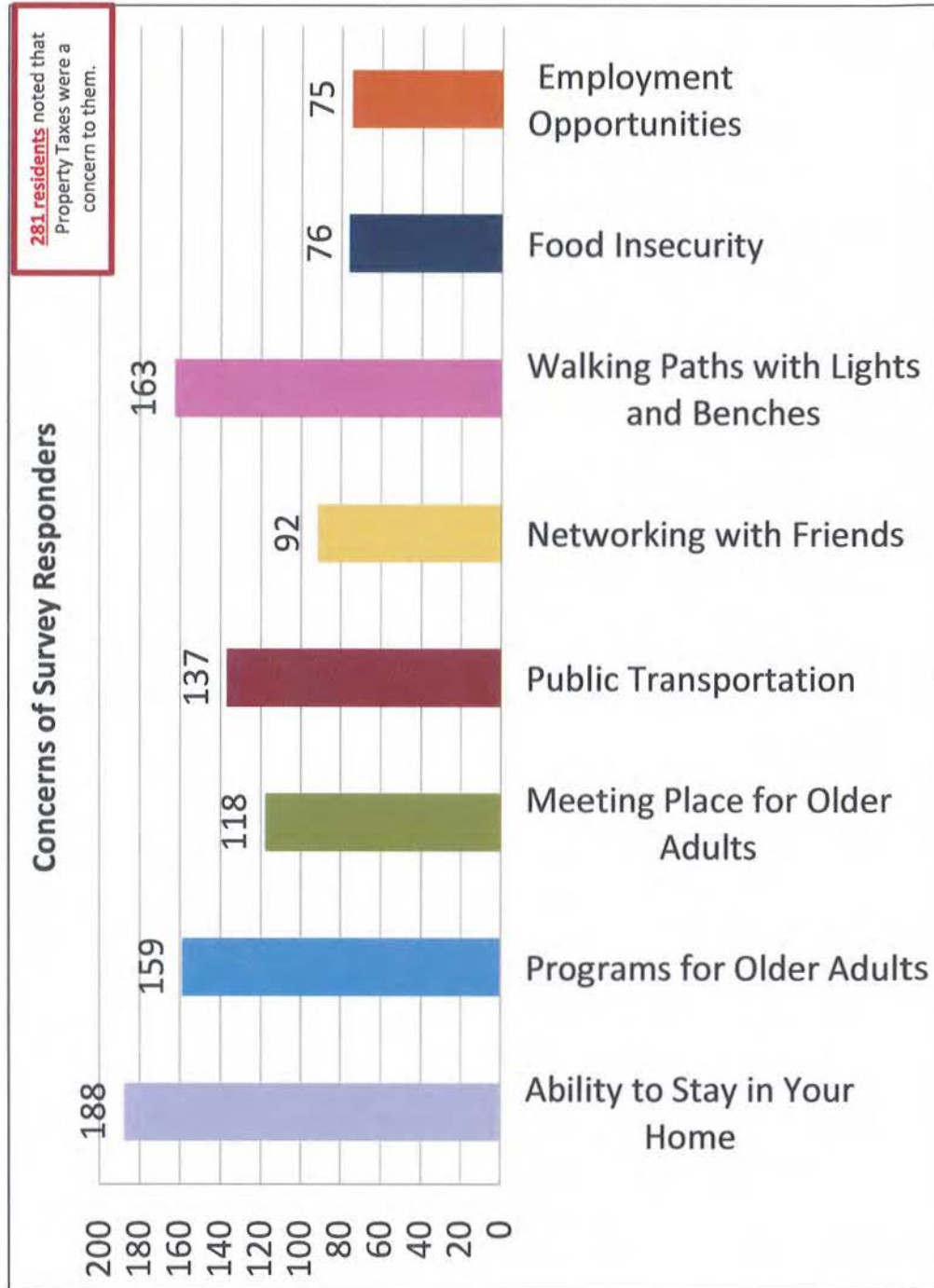
Keeping You In Cumberland!

June 2014 Survey



Keeping You In Cumberland!

June 2014 Survey



Name	Address	City	State	Zip Code	Email Address	Phone Number (H)	Phone Number (M)	Phone Number (W)	Best Way to Contact
Carol Storey	45 Middle Road	Cumberland	ME	04021		829-3939			Phone
Marilyn Brown	67 Hawthorn Court	Cumberland	ME	04021	mabrown@maine.rr.com	829-3886	233-7662		Phone
Susan Martin	128 Orchard Road	Cumberland	ME	04021	smpmartin@maine.rr.com		754-4760	575-8126	Work Phone
Elizabeth Tarantino	29 Daffodil Lane	Cumberland	ME	04021	cfsecretary@maine.rr.com		504-7032	406-4066	Email
Melissa Lalumiere	23 Turnberry Drive	Cumberland	ME	04021	mlalumiere@aol.com	829-4594	240-4838		Email
Peter Bingham	19 Brook Road	Cumberland	ME	04021					
Barbara Mcinnes	7 Lantern Lane	Cumberland Foreside	ME	04110		781-4187			Phone
April Caron	12 Gray Road	Cumberland	ME	04021	shackleycaron@yahoo.com		272-4569	729-6779 ext: 208	Work Phone
Geraldine G. Sanchez									
Glenn A. Hutchins	7 Crestwood Road	Cumberland	ME	04021	glennhtc@aol.com	829-3997	939-7032		Phone
Mary A. Powers	10 Island Avenue	Cumberland	ME	04021	mpowers.4@roadrunner.com	207-330-8155			
Jill Marsanski's	266 Bruce Hill Road	Cumberland	ME	04021	jmarsanskis@gmail.com	450-9613			Email
Kay Fowler	168 Bruce Hill Road	Cumberland	ME	04021	kayfowler1@myfairpoint.net	829-5977			
Ronald Dillon	234 Bruce Hill Road	Cumberland	ME	04021	rdillon@maine.rr.com	829-4209	650-9948		Email
Jim Higgins	22 Hedgerow Drive	Cumberland	ME	04021	higgins@nlis.net	829-2762	615-3280	767-5576	
John Berrett	34 Foreside Road	Cumberland Foreside	ME	04110	chicagojohn8@gmail.com		831-0164		
Joseph Derby	38 Crossing Brook Road	Cumberland	ME	04021			207-317-1126		
Sally Bancroft	12 October Farm Lane	Cumberland	ME	04021	sibancroft@gmail.com	829-3793			
Robyn Rawnsley-Dutil	338 Main Street	Cumberland	ME	04021	robynn1973@yahoo.com	829-2702	318-8187		Cell Phone or Email
Daniel Lambert	28 Hedgerow Drive, PO Box 583	Cumberland	ME	04021	maineapothecary@yahoo.com		615-4634		
Pete Wilson	18 Oak Ridge Road	Cumberland	ME	04021	pwilson4@maine.rr.com	829-3365			Email
Rita Farry	216 Range Road	Cumberland	ME	04021	ritafarry@gmail.com	829-6319	415-8761	846-7760	Email or Cell Phone
Mary Lalumiere	36 Val Halla Road	Cumberland	ME	04021	marylalumiere@gmail.com	829-3321	233-6873		Cell Phone
Judith Wohl	120 Range Road	Cumberland	ME	04021	realister@gmail.com	829-6867	712-2138		Email
Kassi Pitassi	30 Rosa Way	Cumberland	ME	04021	kassi.pitassi@yahoo.com	829-3760			Phone at night
Connie Looke	12 Meadowview Road	Cumberland	ME	04021		829-3634			
Janene Gorham	25 Forest Lane	Cumberland	ME	04021	gorhamjanene3@gmail.com	829-3878	332-0946		
Linda Kinkad	24 Newell Ridge	Cumberland	ME	04021	lkinkad@maine.rr.com	829-2831	838-7458		Cell Phone
Sally Pierce	40 Winterberry Court	Cumberland	ME	04021	pierce1396@aol.com	829-3330			Phone/Email
Dick Rozene	17 Fox Run Road	Cumberland	ME	04021	drozene@gmail.com	829-6484	232-5268		Email
Phyllis Adams	15 Sea Cove Road	Cumberland Foreside	ME	04110	bernardharbor@yahoo.com	747-4674	266-4751		Cell Phone
Dexter Field	308 Harris Road	Cumberland	ME	04021		829-8257			Phone
Bernadette Tanguay	308 Harris Road	Cumberland	ME	04021		829-8257			
Pete O'Donnell	20 Edes Road	Cumberland	ME	04021	podonnel@maine.rr.com		450-5898		
Rosemary Goranites	4 Friar Lane	Cumberland	ME	04021	tigerann19@gmail.com	829-4165			Phone
Kathleen Brown-Hodgetts	250 Gray Road	Cumberland	ME	04021	kbrownhodgetts44@aol.com		272-9900		
Jessica Sturges	117 Longwoods Road	Cumberland	ME	04021	jesturges@yahoo.com		749-6558		Email
Winthrop Wright	16 Blanchard Road	Cumberland	ME	04021	prww31@yahoo.com				
Ron Greco	43 Sturbridge Lane	Cumberland	ME	04021	mubc32@yahoo.com		740-0200		Email
Eleanor Wright	16 Blanchard Road	Cumberland	ME	04021		829-6196			
Susan D. Nolde	10 Willow Lane	Cumberland	ME	04021	epnolde@montanasky.com		331-6312		Phone or Email
Raelene Lewis	PO Box 513	Cumberland	ME	04021		829-3798			
Jean K. Couillard	55 Lower Methodist Road	Cumberland	ME	04021	bcouil@myfairpoint.net	829-5853			Phone
Nancy Storey	Main Street	Cumberland	ME	04021	nantr@maine.rr.com		590-7676		
Matt Jacobson		Cumberland	ME	04110			449-2992		
Matthew S. Goldfarb	17 Granite Ridge Road	Cumberland Foreside	ME	04110	mgoldfarb9@gmail.com		781-7595		

Senior Survey Comments/Suggestions

- Lower the budget
- Lower taxes! This means saying no on the little things so the town can say yes on the big things!
- Great ideas for seniors!
- Thanks for doing this!
- Provide educational opportunities for older adults
- Go Tom!
- Nice job!
- I Love the ideas of helping older people on fixed income, but only when means tested (income) AND lien placed on property. A young friend gets huge benefits because he chooses not to work, but has great wealth in property and other non-liquid assets.
- Have to move due to increasing taxes
- Anybody over 60 shouldn't have to pay school taxes
- I do not believe that a municipality needs to or should be addressing older/elder issues to the extent___does not address needs, largely due to lack of income/assets
- Thanks!
- How about daily contacts for isolated seniors? Housing for independent seniors?
- Thank you!
- We need to get more businesses in town!
- Stop property tax, implement local income tax to replace
- Assisted living/nursing
- Schools should be on a diet
- Encourage home care businesses—directory of
- It would be nice to stay in my home and not be forced out because the school systems always needs more money. It is never enough! I don't like these 12 year wonders! They raise the taxes and then they leave...use with higher taxes!
- 1) develop comprehensive town building energy use reduction goal that includes turning off lights at night and aggressive temperature set back (and set up) settings
2) set goal to become GHG neutral by 2040.
3) Establish and enforce effective public noise ordinance/disturbing the peace ordinance that includes noise, light, odor, etc
- Need public gym or use of school gym
- A livable community should have 10 places you can easily walk to according to the MIT Age Research Lab. Low housing....lighted walk ways
- The school budget needs to have more restraints. It can't just keep escalating especially with the school population on the decline
- Taxes are too much for us at this time
- Cumberland Amtrak Stop
- Seasonal residents—becoming Florida residents within 5 years

- Recreation Programs
- I would like to learn more about Co-Housing---(there are examples on Highway 88 and in Brunswick
- Can we do anything through Community Ed. Community Center?
- Establish neighborhood supported seniors
- Safe walking path on 88
- Please make bike path on Blanchard Road so kids can ride their bikes to school! ☺
- Thank you
- Support passenger rail transportation not only the Downeaster, but also SLR and Mt. Division and Maine Eastern RR for Passenger rail service
- Intergenerational programs
- There are better economic and environmental heating solutions than natural gas. We should give equal support to these other offerings.
- The Town is well-run!
- Property taxes are too high—let people stand on their own 2 feet
- Public transportation only if you can get enough residents to pay for the service
- Food insecurity-police it, Cumberland area residents only
- Employment Opportunities-get info out on jobs and volunteering
- Must grow tax base
- Property tax should be for local service only. Public education should be tied to state tax based on income. Both are easily calculated.
- Town needs to work on state issues around real estate taxes---to give seniors a big break
- Cap property taxes at a certain age
- The town, state, and nation are way too involved in our lives; no need to change anything
- 1.) smaller buses coming out Route 9 on a regular schedule
- 2.) sidewalk to get up to Main Street
- 3.) a path that has sand/salt in winter
- 4.) a note board for employing young (high schoolers or college students) for grass cutting, snow plowing, etc.)
- Thanks
- We are not informed
- Concentrate on reducing taxes---not spending more on tax dollars
- Stop tarring the roads to death
- Retro (?) current inventory
- The taxes have raise 2 years in a row to cover mostly school expenses. It is very difficult to constantly have taxes raised.