

AGENDA

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, March 9, 2015

6:00 Workshop

7:00 P.M. Call to Order

6:00 P.M. WORKSHOP with the Finance Committee re: FY2016 Budget

I. CALL TO ORDER

II. APPROVAL OF MINUTES

February 23, 2015

III. MANAGER'S REPORT

- Budget rebuttal to Forecaster headline

IV. PUBLIC DISCUSSION

V. LEGISLATION AND POLICY

- 15 – 024** To hold a Public Hearing to consider and act on a Class I Liquor License, Special Amusement Permit, and Auxiliary Mobile Golf Cart License, for Rachel's on The Green at Val Halla, for the period of April 2015 – April 2016.
- 15 – 025** To hear a report from the Ordinance Committee re: amendments to Chapter 96 (Fire and Fire Protection) of the Cumberland Code with regard to sprinkler systems for commercial buildings, and to consider and act on sending to the Planning Board for a Public Hearing and recommendation.
- 15 – 026** To hear a report from the Town Manager re: Portland Water District, Falmouth Mill Creek Pump Station Replacement.
- 15 – 027** To set a Public Hearing date (March 23rd) to consider and act on a Class III Vinous & Malt Liquor License for Doc's Café, for the period of May 2015 – May 2016.

VI. NEW BUSINESS

- Nomination Papers available on March 16th (3 Council & 2 School Board Seats)
- Assessor's Report, March 23rd
- New Natural Gas TIF District report from the Town Manager

VII. ADJOURNMENT

MOTIONS

MOTIONS

- 15 – 024 I move to approve** the Class I Liquor License, Special Amusement Permit, and Auxiliary Mobile Golf Cart License, for Rachel's on The Green at Val Halla, for the period of April 2015 – April 2016.
- 15 – 025 I move to send** Chapter 96 (Fire and Fire Protection), Article II (Fire Protection), Section 96-14 (Fire Protection Requirements) of the Cumberland Code, to the Planning Board for a Public Hearing and recommendation on amending the requirement for sprinkler systems in new commercial buildings.
- 15 – 026 No action necessary**
- 15 – 027 I move to set** a Public Hearing date of March 23rd to consider and act on a Class III Vinous & Malt Liquor License for Doc's Café, for the period of May 2015 – May 2016.

MINUTES

02/23/15

MINUTES

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, February 23, 2015

6:00 P.M. Workshop with the Finance Committee re: FY2016 Budget

7:00 P.M. Call to Order

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

Excused: Councilor Copp

I. CALL TO ORDER

II. APPROVAL OF MINUTES

Motion by Councilor Bingham, seconded by Councilor Edes, to accept the February 9, 2015 minutes as presented.

VOTE: 6-0 UNANIMOUS

III. MANAGER'S REPORT

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

IV. PUBLIC DISCUSSION

None

V. LEGISLATION AND POLICY

15 – 019 To hear a report from Police Sergeant, Angelo Mazzone re: Cumberland County Dispatch services.

Sergeant Mazzone presented the following:

CCRCC

*Cumberland County Regional
Communications Center*

Board Of Directors

Each Town has a member representative on the board of directors, along with three appointed positions.

There are three non voting members who act as advisors due to their area of expertise such as Radio Communications.

Sgt. Angelo Mazzone is the representative for Cumberland
Also serves on two sub committees

Channel Consolidation

Police Policy

PSAP

- The CCRCC PSAPS
- Primary Answering Point for 911
- Cell Phones included most towns
- For 18 Towns In Cumberland County



CODE RED

- Replacing City watch March 2015
- Emergency Notification system which allows homes/ phones to be called with messages from the center .
- Can be used for anything examples storms, amber alerts, road closures etc.

Service Areas

- In addition to providing complete dispatch service to the listed public safety agencies, we serve as the Public Safety Answering Point (PSAP) for 18 of the 28 communities in Cumberland County. If you dial 9-1-1 from any of these communities your call will be received here at the Regional Communications Center:
- Baldwin
- Bridgton
- Casco
- Chebeague Island
- Cumberland
- Frye Island
- Gorham
- Gray
- Hargovell
- Harrison
- Long Island
- Naples
- New Gloucester
- North Yarmouth
- Pownal
- Raymond
- Sebago
- Standish
- Windham

DISPATCH

- The CCRCC Dispatches for 19 Agencies as well as the Cumberland County Sheriff's Office.
- Some Towns they do all departments



POLICE

- Call In Call Out: Dispatch Policy
- Radio And Mobile Data Terminals (MDT's)
- December Times for calls going out was 128 Seconds



NCMEC

- **NCMEC CERTIFICATION**
- I am very pleased to announce that the CCRCC has achieved Certification from the National Center for Missing and Exploited Children (NCMEC) as a member of the Missing Kids Readiness Project. This process took nearly two years to achieve. The certification means that the CCRCC recognizes the seriousness of children reported missing or in danger and has made the commitment to create policies and training which reflect the best practices in the interest of the endangered children. The CCRCC is one of only 5 agencies in the State of Maine to achieve this certification. We congratulate and thank Deputy Director Deb Plummer, Supervisor Melinda Dyer and the Law Enforcement agencies at the CCRCC for their dedication and commitment to this important project. .

FIRE

- Call In Call OUT
- Radio and MDT
- Emergency Medical Dispatch (Priority Dispatch) 5 saves so far CPR on phone County Wide
- Spillman is live so pre alert can go out quickly, send the truck, finish the call.
- December Tones out 109 Seconds



PRE ALERT

- Besides The Pre Alert there is a monitor In the Station So the calls can be seen as they are being entered, which allows the truck to be on the road sometimes before the pre-alert.



Lets Take A Look



TOWER



Inside



Equipment

- Everything inside the building and the towers belong to the center, and are maintained by the center.
- Recent upgrades new computers at each station all 10
- New Tower
- New satellite radios at 5 of the 8 remote sites

15 – 020 To consider and act on authorizing contractors to work within 25 feet of Methodist Cemetery during the Blackstrap Road reconstruction project.

Assistant Town Manager Bolduc explained that per Maine State Statute, excavation cannot be conducted within 25 feet of a cemetery, unless that construction is for public improvement and approved by the governing body. The work will take place in the existing dirt shoulder and the cemetery will not be impacted at all. Staff is recommending approval.

Motion by Councilor Bingham, seconded by Councilor Edes, to authorize contractors to work within 25 feet of Methodist Cemetery during the Blackstrap Road reconstruction project.

VOTE: 6-0

UNANIMOUS

15 – 021 To authorize the Town Manager to execute a 3-year contract with Medical Reimbursement Services for EMS billing services.

Assistant Town Manager Bolduc explained that we have been doing our own EMS Billing for the past 14 years and the duties have morphed into a full time job for the Police Department Administrative Assistant, instead of the part-time hours it previously took.

Fire Chief Small explained that we looked at three different companies and Medical Reimbursement Services was chosen. We will be charged 6% of the revenues collected and we have made it very clear that they are not to use aggressive collection tactics.

Councilor Storey-King said that she wants to be sure that if a resident is unable to pay that the agency will not report that to a credit company.

Chief Small assured her that would not happen.

Assistant Town Manager Bolduc said that our emphasis has always been patient care first, then billing. It has always been our policy to accept whatever amount is received from the billing and not actively pursuing amounts not paid.

Councilor Storey-King requested 6-month updates on the new process to be sure it is going well. It makes her a little nervous giving up our local control.

Motion by Councilor Bingham, seconded by Councilor Turner, to authorize the Town Manager to execute a 3-year contract with Medical Reimbursement Services for EMS billing services. We have looked into contracting the service out and asking what surrounding Towns are doing.

VOTE: 6-0

UNANIMOUS

15 – 022 To hear an update from Fire Chief, Dan Small re: Community Paramedicine Program.

Fire Chief Small explained that the Community Paramedicine program is designed to make it easier for those who have medical conditions or have recently had surgery to be seen at home for minor things (checking vitals or medication, etc.) without having to go to their doctor's office or the emergency room. We currently have 3 paramedics going through the extensive training. It will save insurance companies money because it is billed at a much lower rate than a visit to the emergency room, not to mention not tying up an ambulance by going to the hospital.

Councilor Stiles asked the Chief to speak about the fundraising efforts going on for a Cumberland Firefighter.

Chief Small explained that Brandon Thibeault was recently diagnosed with cancer and his fellow firefighters have started a t-shirt campaign to raise money to help his family for hotel stays in Boston or anything else they can use the money for in order to help them.

15 – 023 To set a Public Hearing date (March 9th) to consider and act on a Class I Liquor License, Special Amusement Permit, and Auxiliary Mobile Golf Cart License, for Rachel's on The Green at Val Halla, for the period of April 2015 – April 2016.

Motion by Councilor Stiles, seconded by Councilor Turner, to set a Public Hearing date of March 9th to consider and act on a Class I Liquor License, Special Amusement Permit, and Auxiliary Mobile Golf Cart License, for Rachel's on The Green at Val Halla, for the period of April 2015 – April 2016.

VOTE: 6-0

UNANIMOUS

VI. NEW BUSINESS

Councilor Edes – Joan Banks passed away recently. The Banks family had 7 great kids that grew up in town. He sent condolences to the family.

Greely High Alumni has a great Facebook page. He encouraged everyone to check it out.

Councilor Storey-King – Greely Boys hockey start the playoffs tomorrow evening.

Congratulations to Coach Rob Hale for bringing home the state title for Greely Girls Swimming.

Councilor Bingham – He is amazed at the energy coming from the Aging in Place Committee. Over the next year, we will see some amazing stuff come from that committee.

If anyone else received the card in the mail offering 2 free airline tickets, his advice is to not invest a lot of time pursuing this. He understands that the Attorney General's Office is investigating this.

Chairman Gruber – Most of the Town Council members will attend a meeting at Gray Town Hall tomorrow evening with Maine Municipal Association to talk about the State budget.

The Aging in Place Committee will hold a community forum on April 18th. More details to come as the date gets closer.

Thank you to all the volunteers at the Food Pantry for your service.

Councilor Stiles – The Public Works department has been going around Town clearing out fire hydrants. He requested that residents do their part in helping to keep the hydrants clear from snow. Adopt a hydrant near your house.

Councilor Turner – Denny Gallaudit chairs the Ocean Access Committee and he deserves special kudos for all the work he does. He put together data from 7 comparable sites for the committee to consider. Denny is doing a super job and goes above and beyond as a committee chairman.

Assistant Town Manager Bolduc – the following items will be on the March 9th Council meeting agenda:

Sprinklers & Commercial Buildings – send to the Planning Board for recommendation.

To hear a report from the Town Manager re: Portland Water District, Falmouth Mill Creek Pump Station.

Finance Committee Budget Workshop at 6:00 p.m.

The Assessor will be at the March 23rd meeting to give a report on property values town wide.

The roads are now posted to commercial vehicles. A permit can be granted and are available by contacting Town Hall.

VII. ADJOURNMENT

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

VOTE: 6-0 UNANIMOUS

TIME: 8:35 p.m.

Respectfully submitted by,

Brenda L. Moore
Council Secretary

MANAGER'S REPORT

Early Cumberland budget proposes 10.6% hike



Alex Lear

Tuesday, March 3, 2015 at 8:40 am

CUMBERLAND — A draft of the town's fiscal 2016 general fund budget shows a 10.6 percent increase over current spending.

Much of the hike is due to changes in the way the town accounts for programs it already funds.

The preliminary \$10.4 million budget for next year is still under review by the Finance Committee; it may be voted on by the Town Council in April. It includes an operating budget of \$8.9 million, up 1.4 percent, and an approximately \$747,000 Cumberland County tax, a hike of 0.5 percent.

The School Administrative District 51 tax is not yet included in the general fund budget.

Val Halla Golf & Recreation Center, budgeted at about \$761,000, is responsible for 8.1 percent of an 8.7 percent general fund increase, Finance Director Heather Perreault said. Adult education, budgeted at about \$60,000, comprises 0.6 percent of the increase. Both programs are already funded by the town, but would be shifted into the general fund.

Adult education had been run jointly with SAD 51 out of a special revenue fund, but "because the school district can no longer get the state funding for it, they've stopped doing it, so we've taken it over completely," Perreault said.

As a result, the expense budget shows a gain, but offsetting revenues are also up, Perreault said. Adult education is contained in the town's recreation budget, contributing to that department's 21.3 percent increase.

The budget spike to the general fund caused by the addition of Val Halla — previously paid for in an enterprise fund — is also offset by revenues, but not completely, Perreault said. Because the center has not been entirely able to maintain itself through memberships and greens fees, the town's auditor and bond rating agencies are among those recommending it be moved into the general fund.

"The town has been supporting it all along," Perreault said. "We're just changing the way we account for it."

Taking into account revenues, Val Halla would add a net expense of about \$100,000 to the general fund, she said, noting that "every year we've been making transfers from the general fund to Val Halla, to make up that difference."

With paving put on hold last year as natural gas lines were installed, this year should see double the work. Roads off Main Street, between Tuttle and Greely roads, are due to be paved, and \$700,000 is being budgeted.

A Town Council budget workshop will be held at Town Hall at 8 a.m. Saturday, March 14.

Alex Lear can be reached at 781-3661 ext. 113 or alear@theforecaster.net. Follow him on Twitter: [@learics](https://twitter.com/learics).



Budget Proposal FY 2016



Preliminary Tax Rate Impact

Municipal

\$950,652 Expenses - \$772,147 Rev Incr (\$178,495)
Val Halla + Adult Ed (Exp.) – VH +AE (Rev)

County Tax Increase (\$ 51,358)

Tax Base Growth FY 16 vs FY 15 \$ 532,500
\$302,647

If the MSAD 51 Assessment increase less than \$716,000 or 5%
Mil Rate for FY 2016 = \$ 17.75 or less 2% increase over FY 2015

ITEM

15-024

To hold a Public Hearing to consider and act on a Class I Liquor License, Special Amusement Permit, and Auxiliary Mobile Golf Cart License, for Rachel's on The Green at Val Halla, for the period of April 2015 – April 2016

**BUREAU OF ALCOHOLIC BEVERAGES
DIVISION OF LIQUOR LICENSING & ENFORCEMENT
164 STATE HOUSE STATION
AUGUSTA, ME 04333-0164**



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.

To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

DEPARTMENT USE ONLY

LICENSE NUMBER: _____ **CLASS:** _____

DEPOSIT DATE _____

AMT. DEPOSITED: _____ **BY:** _____

CK/MO/CASH: _____

PRESENT LICENSE EXPIRES 3/29/15

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ SPIRITUOUS ☒ VINOUS

INDICATE TYPE OF LICENSE:

☒ RESTAURANT (Class I,II,III,IV)

☐ HOTEL-OPTINONAL FOOD (Class I-A)

☐ CLASS A LOUNGE (Class X)

☐ CLUB (Class V)

☐ TAVERN (Class IV)

☐ RESTAURANT/LOUNGE (Class XI)

☐ HOTEL (Class I,II,III,IV)

☐ CLUB-ON PREMISE CATERING (Class I)

☐ GOLF CLUB (Class I,II,III,IV)

☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) --(Sole Proprietor, Corporation, Limited Liability Co., etc.)			2. Business Name (D/B/A)		
<u>Lowell Smith</u> DOB: <u>4-2-55</u>			<u>Rachel's On The Green</u>		
<u>Lloyd Smith</u> DOB: <u>10-6-56</u>					
Address <u>3 Brockview Lane</u>			Location (Street Address) <u>60 Val Halla Road</u>		
City/Town <u>No. Karmouth</u> State <u>Me</u> Zip Code <u>04097</u>			City/Town <u>Cumberland</u> State <u>Me</u> Zip Code <u>04021</u>		
Telephone Number <u>207-846-0103</u> Fax Number <u>207-846-7704</u>			Mailing Address <u>Same</u>		
Federal I.D. # <u>27-5380488</u>			City/Town _____ State _____ Zip Code _____		
			Business Telephone Number <u>207-829-2225 Ext 4</u> Fax Number <u>207-846-7704</u>		
			Seller Certificate # <u>1149663</u>		

3. If premises is a hotel, indicate number of rooms available for transient guests: N/A

4. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ 331870 LIQUOR \$ 200830

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

If YES, complete Supplementary Questionnaire

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

7. If manager is to be employed, give name: Lloyd M. Smith

8. If business is NEW or under new ownership, indicate starting date: _____

Requested inspection date: _____ Business hours: _____

9. Business records are located at: 60 Val Halla Rd. Cumberland, Me 04021

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

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

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

Name in Full (Print Clearly)	DOB	Place of Birth
Lowell Mason Smith Jr	4-2-55	Winterhaven Fl
Lloyd Michael Smith	10-6-56	Winterhaven Fl

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

North Yarmouth Me
North Yarmouth Me

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?
Yes ☐ No ☒ If Yes, give name: _____

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

16. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: _____
Town of Cumberland 290 Tuttle Rd. Cumberland Me 04021

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) _____
Restaurant/Bar Area adjacent to Pro Shop + MSGA

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES ☒ NO ☐ Applied for: _____

19. What is the distance from the premises to the **NEAREST** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1.5 miles Which of the above is nearest? School

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

If YES, give details: _____

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

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

Dated at: Cumberland Me on February 17, 2015
Town/City, State Date

Signature of Applicant or Corporate Officer(s)
LOWELL SMITH
Print Name

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)
Lloyd M Smith
Print Name

The undersigned being: ف Municipal Officers ف County Commissioners of the
 ف City ف Town ف Plantation ف Unincorporated Place of: _____, Maine

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

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.
 - A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
 - B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
 - C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c.589, §1 (amd).]
 2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
 - A. Conviction of the applicant of any Class A, Class B or Class c crime: [1987, c.45, Pt.A§4 (new).]
 - B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
 - C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
 - D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592, §3 (amd).]
 - E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
 - F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]

[1993, c.730, §27 (amd).]
 3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all license requirements and findings referred to in subsection 2.
 - A. [1993, c.730, §27 (rp).]
 4. **No license to person who moved to obtain a license. (REPEALED)**
 5. **(TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.
- An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.



Bureau of Alcoholic Beverages
Division of Liquor Licensing & Enforcement
164 State House Station
Augusta, ME 04330-0164
Tel: (207) 624-7220 Fax: (207) 287-3424

APPLICATION FOR AUXILIARY LICENSE - \$100.00
Check Payable: Treasurer State of Maine

The undersigned hereby applies for an auxiliary license and certifies that the applicant is the holder of a spirituous, vinous and malt restaurant, hotel license or club license located at a ski area / golf course.

1. Full Name of Applicant: Smith Lowell M.
(PLEASE PRINT) Last First Middle Initial
Date of Birth: 4/2/55 Telephone #: 207-846-0103 FAX #: 207-846-7704
Address: 3 Brookview Lane North Yarmouth ME 04097
Mailing Address City/Town State Zip Code

2. Describe auxiliary premise and the location at the ski/golf area: _____

Golf Course @ Val Hall 60 Val Hall Road Cumberland ME 04021

3. Do you have all necessary permits from the Department of Human Services for your auxiliary premise?
Yes ☒ No ☐

4. What is the distance from the premise to the nearest school, school dormitory, church, chapel or parish house, measured from the main entrance of the premise to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1.5 miles

Which of the above is nearest? School

NOTE: The above application must be signed by the individual(s) or a duly authorized officer of the corporation executing the application and approved by the **Municipal Officers/County Commissioner** and filed with the Liquor Licensing & Inspection Division.

Dated at: CUMBERLAND on FEBRUARY 18, 20 15
City/Town Date

[Signature] LOWELL SMITH

Signature of Individual(s) or Duly Authorized Officer(s) of Corporation or if Partnership by Members of Partnership

Print Name

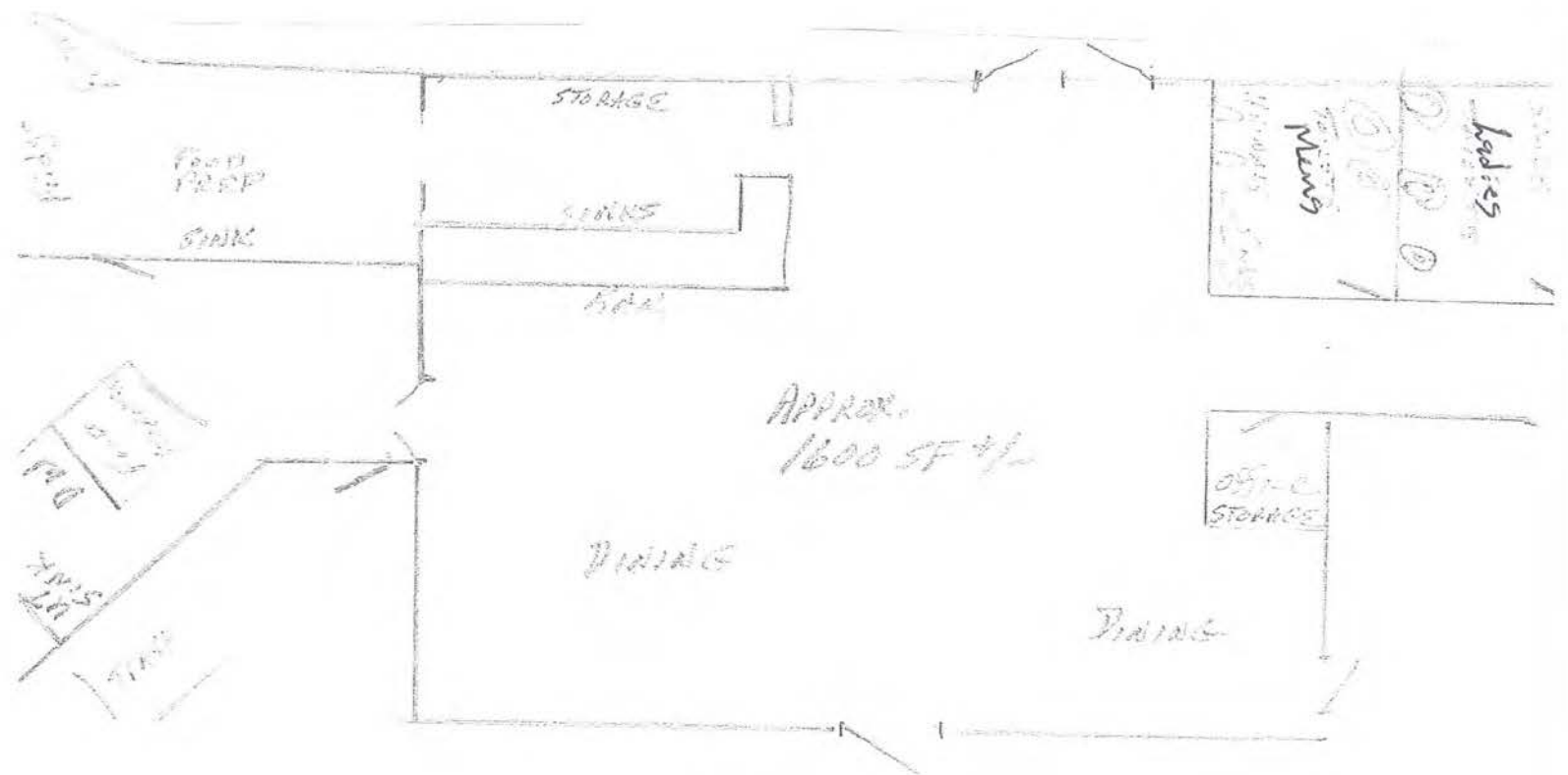
Office Located at CENTRAL MAINE COMMERCE CENTER 45 Commerce Drive Suite 1, AUGUSTA, ME 04330

(207) 624-7220

(207) 287-3424 FAX

AuxLicApp 12/13

PREMISE DIAGRAM



NOTICE – SPECIAL ATTENTION

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

THIS APPROVAL EXPIRES IN 60 DAYS.

FEE SCHEDULE

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

FILING FEE..... \$ 10.00

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

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

STATE OF MAINE

Dated at: CUMBERLAND, Maine CUMBERLAND ss
City/Town (County)
On: 02/18/2015

ITEM

15-025

To hear a report from the Ordinance Committee re: amendments to Chapter 96 (Fire and Fire Protection) of the Cumberland Code with regard to sprinkler systems for commercial buildings, and to consider and act on sending to the Planning Board for a Public Hearing and recommendation



MEMORANDUM

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

To: Town Council
From: William R. Shane, Town Manager
Date: March 5, 2015
Re: Sprinkler Ordinance Changes

The Ordinance Committee will be recommending an amendment to the Sprinkler Ordinance, which will give the Planning Board some flexibility when projects before them may not warrant the expense for such a system. The current ordinance has no waiver provision. As you will see, the waiver provision requires sign-off from the Fire Chief as well, so we do have a good check and balance.

The Town Attorney has approved the language and Dan Small, our Fire Chief, is on board with this provision. Remember, regardless of our ordinance, the State Fire Marshall's office can require additional measure above and beyond our local rules. All commercial buildings are reviewed by the Fire Marshall's Office.

§ 96-14. Fire protection requirements.

A. All new commercial properties in excess of 4,000 square feet and all new residential dwelling units in major subdivisions shall meet one of the requirements set forth in the following three subsections:

(1) An extension of the public water system with hydrants supplied at a distance not greater than 1,000 feet from each other and from the added building(s).

(2) An approved automatic sprinkler system.

(3) A dry hydrant connected to one of the following may be allowed. Subdivisions protected as provided by this subsection shall be designed with two entrances (maintained year round) to facilitate Fire/EMS Department tanker shuttle operations.

(a) Fire pond (preexisting as of October 6, 2003).

(b) Underground storage tank(s).

B. Additional requirements. The Cumberland Fire/EMS Department may recommend and the Planning Board may approve additional requirements for multifamily dwelling units or major subdivisions in which the dwelling units are separated by less than 100 feet. Additional requirements may include automatic fire protection sprinkler systems, additional fire hydrants, building construction designs intended to reduce the spread of fire, or other accepted engineering methods.

C. Distances shall be measured by the path of a fire apparatus from the water source to the dwelling unit or commercial property, including the driveway.

D. The Planning Board may waive any requirement for the installation sprinkler systems for buildings not intended to be accessible to the general public when the Planning Board, after consultation with the Fire Chief, finds that the location of the building, the type of construction, the proposed use, or some combination of those factors, makes installation of a sprinkler system unnecessary to protect the safety of people served by and property contained within the building, the building itself and any nearby buildings. Any waiver granted pursuant to this subsection shall be limited to the specific use reviewed by the Planning Board and shall expire if the use of the building is changed. Waivers shall not be valid if the State Fire Marshal otherwise requires a sprinkler system for the building.

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B. Additional requirements. The Cumberland Fire/EMS Department may recommend and the Planning Board may approve additional requirements for multifamily dwelling units or major subdivisions in which the dwelling units are separated by less than 100 feet. Additional requirements may include automatic fire protection sprinkler systems, additional fire hydrants, building construction designs intended to reduce the spread of fire, or other accepted engineering methods.

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Formatted: Width: 11", Height: 8.5"

Comment [WRS1]: All New Commercial Properties regardless of use – has no other explanation other than its commercial.

Chapter 96. Fires and Fire Protection

[HISTORY: Adopted by the Town of Cumberland as indicated in article histories. Amendments noted where applicable.]

Article I. Fire/EMS Department

[Adopted 7-31-1972]

§ 96-1. Membership.

The Fire/EMS Department shall consist of a Chief, two Deputy Chiefs and as many officers and men as the Chief deems necessary for the effective operation of the Department.

§ 96-2. Officers.

The Chief shall be appointed by the Town Manager as stated in Article III, Section 3(b), of the Council-Manager Charter of the Town of Cumberland, Maine. The Chief shall appoint the Deputy Chiefs to serve during his administration. The Captains shall be elected by the members assigned to their respective stations at their annual meeting for a period of one year. Lieutenants shall be appointed by the Chief, Deputy Chiefs, and Captains as necessary.

[1]:

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 96-3. Powers and duties.

A.

The Chief shall take charge and have the management of all fire-fighting apparatus and equipment owned by the Town and shall be charged with its proper care and maintenance.

B.

All Fire/EMS Department personnel shall obey the orders of the Chief.

C.

The Chief shall designate the order in which other officers take charge when he is absent.

D.

The Chief shall submit a complete inventory of all fire apparatus and equipment owned by the Town to the Town Manager annually.

E.

The Chief is authorized to enter into agreements with adjoining towns for mutual aid. Such agreements must be approved by the Town Council.

§ 96-4. Forest Fire Warden.

The Town Manager shall appoint the Town Forest Fire Warden required under the provisions of the general statutes from among the Fire/EMS Chief and the officers of the various companies.

§ 96-5. Outdoor burning; other prohibited acts.

A.

The Chief shall, by publication of appropriate orders in a Portland newspaper, prohibit or ban all outdoor burning of trash, leaves, grass or other combustible materials for such period of time as he deems necessary when in his opinion a condition of serious fire hazard exists due to drought or other reasons. During the period of such prohibition or ban, it shall be unlawful for any person or persons to burn, kindle, ignite, or set fire to trash, lumber, leaves, straw, grass or other combustible materials anywhere outdoors, except that during such period of ban or prohibition the Chief may grant specific written permission for such burning at such a time and in such a manner as he deems necessary to assure safe control of the fire.

B.

It shall be unlawful for any person not a member of a fire company to enter any place where fire equipment or apparatus is stored or handle any fire equipment or apparatus owned by the Town unless accompanied by or having the special permission of an authorized officer of the Fire/EMS Department or of the Town Council.

C.

It shall be unlawful for any person or persons to:

(1)

Drive any vehicle or any conveyance over fire hose at any time except upon specific order of the Chief or officer of the Fire/EMS Department in command where the hose is being used.

(2)

Park any vehicle in a manner that will obstruct the entrance to any fire station, or to obstruct the entrance to any fire station in any other manner.

(3)

Park any vehicle or place any obstruction on a public way within 10 feet of any fire hydrant or fireplug.

(4)

Use any fire equipment or fire apparatus owned by the Town for any private purpose, except with the approval of the Town Council.

(5)

Pass a piece of fire apparatus on its way to a fire without specific order from the Fire/EMS Department officers in charge of the apparatus.

(6)

Burn, kindle, set fire to or ignite any combustible material of any sort within the limits of any public way within the Town without the written permission of the Fire/EMS Chief.

(7)

Burn, kindle, or ignite or set fire to any household accumulation, paper, cardboard or other light combustible material, on his own land or elsewhere, except such burning shall be done in a screened receptacle having a screened covering and under proper safeguards.

D.

It shall be unlawful for any unauthorized person to follow within 300 feet of any fire apparatus.^{III}

[1]:

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 96-6. Violations and penalties.

Any person or persons found guilty of a violation of this article shall be fined not less than \$5 nor more than \$20 for each offense.

Article II. Fire Protection

[Adopted 9-13-2004]

§ 96-7. Title.

This article shall be known as the "Fire Protection Ordinance of the Town of Cumberland, Maine" and shall be referred to herein as "this article."

§ 96-8. Authority.

This article is adopted pursuant to home rule powers as provided in Article VIII of the Maine Constitution and 30-A M.R.S.A. § 3001.

§ 96-9. Purpose.

The purpose of this article is to protect the health, safety and general welfare of the residents of Cumberland by establishing fire protection measures for residential and commercial occupancies to:

A.

Provide for the protection and enhancement of life safety against fire and its by-products to persons occupying new buildings in the Town of Cumberland by improving the chances of emergency escape.

B.

Ensure the reasonable protection and safety of firefighters against building collapse and other effects of fires.

C.

Better facilitate the needs of a volunteer fire department response.

D.

Ensure that sound engineering practices are utilized when installing fire protection systems.

§ 96-10. Definitions.

As used in this article, the following terms shall have the meanings indicated:

APPROVED

Acceptable to the authority having jurisdiction.

AUTHORITY HAVING JURISDICTION (AHJ)

The organization, office, or individual responsible for approving equipment, materials, an installation, or a procedure.

COMMERCIAL PROPERTY

Any building designed for the following occupancy use(s): business, educational, industrial, health care, public assembly, day care, lodging/rooming, mercantile, apartment, hotel, detention, board and care, storage or any combination thereof as defined by the National Fire Protection Association Life Safety Code.

DRY HYDRANT

A drafting source for Fire/EMS Department apparatus connected to either an underground storage tank or a body of water. Each hydrant shall be equipped with a male four-and-five-tenths-inch national standard thread (NST) fire department connection with a reducing male two-and-five-tenths-inch NST connection with cap and chain. This connection shall be located within six feet from pavement for support of fire apparatus. The center of the cap shall be 30 inches from the final grade. There must be six feet of level ground around the hydrant. Protective posts shall be approved by the Fire/EMS Department. All vertical pipe components and the hydrant shall not be plastic. The design of the hydrant, associated components and piping shall be approved by a licensed engineer. The Public Services Director and the Fire/EMS Chief, or their designees, shall approve access roads, protection from vehicular traffic, signage, gates, painting of the hydrant, and any other associated items. Access roads must be maintained year round and will be the responsibility of the developer.

DWELLING UNIT

A room or group of rooms designed and equipped exclusively for use as living quarters for a family, including provisions for living, sleeping, cooking and eating. The term shall include, but not be limited to, manufactured housing, modular/mobile homes, apartment units, duplexes and multiplexes and condominium units. The term shall not include trailers or recreational vehicles used for overnight or temporary lodging only.

FIRE POND

A body of water containing at a minimum 120,000 gallons of usable water for fire protection. A hydrologic study shall be performed by a licensed engineer to certify the availability of the 120,000 gallons of water during all conditions, including drought and freezing temperatures. Ponds to be considered shall have been in place prior to October 6, 2003.

MAJOR SUBDIVISION

A Town of Cumberland Planning Board approved subdivision with five or more residential occupancies.

MINOR SUBDIVISION

A Town of Cumberland Planning Board approved subdivision with four or fewer dwelling units.

MONITORED FIRE ALARM SYSTEM

An approved automatic fire alarm system, with battery backup, shall be capable of detecting the presence of elevated heat temperatures, smoke conditions or sprinkler system water flow within a building and have the capability of calling an approved fire alarm monitoring company. The system shall meet all of the requirements as outlined in the National Fire Alarm Code.

PUBLIC WATER SYSTEM

Water system maintained by the Portland Water District, including water mains and fire hydrants.

SPRINKLER SYSTEM

An approved automatic fire protection sprinkler system shall be capable of immediately supplying water to a fire without human intervention. The system shall meet all of the requirements as outlined in the applicable National Fire Protection Association (NFPA) standard. These standards shall include NFPA 13, NFPA 13R or NFPA 13D. The system design is required by state law to be permitted by the State Fire Marshal's office prior to installation.

SUBDIVISION

A subdivision shall be defined by 30-A M.R.S.A. § 4401 and as amended from time to time. For the purposes of this article, "subdivision" shall mean only those approved by the Planning Board after March 6, 1959. In addition, any lots shown on a subdivision plan but not subject to Planning Board review shall not be considered a lot in a subdivision.

UNDERGROUND STORAGE TANK

A tank or network of tanks located in the ground serving the sole purpose of supplying at a minimum 30,000 gallons of water for fire protection purposes.

§ 96-11. Fire protection water supply plan required.

All applications shall contain a fire protection water supply plan with profiles designed and stamped by a State of Maine registered professional engineer. A State of Maine registered professional engineer shall also approve the installation of all components of the tank(s) and hydrant system. This plan shall show the fire pond or existing water body, spring, well point, or pumping facility; overflow system; security fence; access road; dry hydrant(s); associated piping and materials; easements; and other elements of the proposed water supply system or other means of providing fire protection as approved by the Fire/EMS Chief. In addition, the engineer shall provide a written narrative describing the materials and methods used in the water supply system, and supportive documentation for the proper sizing of the system shall accompany the plan.

§ 96-12. Applicability.

This article shall apply to all new commercial buildings in excess of 4,000 square feet and all new residential dwelling units in major subdivisions (including manufactured housing) within the Town of Cumberland. No new dwelling unit or commercial property that fails to meet the requirements of this article shall be constructed or placed within the Town of Cumberland. The Planning Board, after review by the Fire/EMS Department, may impose additional requirements for projects with multifamily dwelling units or single-family dwellings separated by less than 100 feet.

§ 96-13. Exemptions.

This article shall not apply to the following:

A.

The repair, replacement, reconstruction or alteration of any existing building or structure, provided that the number of dwellings units is not increased, regardless of the need for a variance.

B.

Minor subdivisions and any new residential units that are not located within a major subdivision (five or more dwelling units).

§ 96-14. Fire protection requirements.

A.

All new commercial properties in excess of 4,000 square feet and all new residential dwelling units in major subdivisions shall meet one of the requirements set forth in the following three subsections:

(1)

An extension of the public water system with hydrants supplied at a distance not greater than 1,000 feet from each other and from the added building(s).

(2)

An approved automatic sprinkler system.

(3)

A dry hydrant connected to one of the following may be allowed. Subdivisions protected as provided by this subsection shall be designed with two entrances (maintained year round) to facilitate Fire/EMS Department tanker shuttle operations.

(a)

Fire pond (preexisting as of October 6, 2003).

(b)

Underground storage tank(s).

B.

Additional requirements. The Cumberland Fire/EMS Department may recommend and the Planning Board may approve additional requirements for multifamily dwelling units or major subdivisions in which the dwelling units are separated by less than 100 feet. Additional requirements may include automatic fire protection sprinkler systems, additional fire hydrants, building construction designs intended to reduce the spread of fire, or other accepted engineering methods.

C.

Distances shall be measured by the path of a fire apparatus from the water source to the dwelling unit or commercial property, including the driveway.

§ 96-15. Effect on other regulations.

This article shall not repeal, annul, or otherwise impair or remove the necessity of compliance with any federal, state or other local laws, codes or ordinances. Where this article imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this article shall prevail.

§ 96-16. Periodic review.

This article shall be reviewed by the Town Council in September 2007 to assess the efficacy of this article and shall be reviewed by the Planning Board periodically (but not less frequently than once every three years). Based on its review the Planning Board may recommend amending this article as provided in § 96-17, Amendments.

§ 96-17. Amendments.

An amendment to this article may be initiated by one of the following:

A.

The Planning Board.

B.

The Town Council.

C.

The residents, pursuant to Article X, Section 2, of the Town Charter.

§ 96-18. Construction or occupancy without approved plan.

A.

A violation of this article shall be deemed to exist when any person, partnership, or corporate entity engages in any construction activity directly related to the erection or placement of a commercial property in excess of 4,000 square feet or a residential dwelling unit in a major subdivision without first having an approved fire protection plan obtained from the Fire/EMS Chief or his/her designee.

B.

If a new commercial property in excess of 4,000 square feet or a new residential dwelling unit in a major subdivision has been constructed without an approved fire protection plan, it shall be deemed a violation for any person, firm, or corporate entity to sell, lease, rent or occupy such new commercial property in excess of 4,000 square feet or new residential dwelling unit in a major subdivision until such approval has been duly issued.

§ 96-19. Notice of violation; remedies.

When a violation of any provision of this article shall be found, the Code Enforcement Officer shall send a written notice of the violation to the responsible party or parties and shall notify the Town Council of the violation. If the notice does not result in the correction of the violation, the Town Council may institute any and all actions and proceedings, either legal or equitable,

including seeking injunctive relief, the imposition of fines, removal of the structure, or other action that may be appropriate or necessary, to enforce the provisions of this article. The remedies set forth herein are intended to be cumulative and not exclusive of each other. The Town Council is authorized to enter into administrative consent orders to eliminate violations with or without court action. Such agreement shall not allow an illegal structure or use to continue.

§ 96-20. Violations and penalties.

A.

Any person owning or controlling the use of any new commercial property in excess of 4,000 square feet or any new residential dwelling unit in a major subdivision being constructed or occupied in violation of this article shall be liable to be fined not less than \$100 nor more than \$2,500 for each day such a violation (i.e., construction activity or unlawful occupancy) continues after notification by the Code Enforcement Officer.

B.

If a new commercial property in excess of 4,000 square feet or a new residential dwelling unit in a major subdivision has been built in violation of this article and is then occupied, the owner may be fined as provided in § 96-19, Notice of violation; remedies, of this article.

§ 96-21. Appeals.

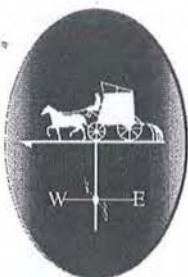
The Board of Adjustment and Appeals, in accordance with Chapter 315, Zoning, § 315-77, may, upon written application of an aggrieved party and after public notice, hear appeals from determinations of the Code Enforcement Officer in the administration of this article. Following such hearing, the Board of Adjustment and Appeals may reverse the decision of the Code Enforcement Officer only upon a finding that the decision is clearly contrary to the spe

ITEM

15-026

To hear a report from the Town Manager re: Portland Water District,
Falmouth Mill Creek Pump Station Replacement

*Town Manager will present a PowerPoint presentation at meeting.
Impact to be spread over 4 years.*



MEMORANDUM PORTLAND WATER DISTRICT

TO: Operations Committee / Board of Trustees

FROM: Scott Firmin, Director of Wastewater Services
James Wallace, Director of Water Services

DATE: January 30, 2014

RE: Operations Committee Meeting – February 9, 2015

A meeting of the Operations Committee of the Portland Water District Board of Trustees will be held on Monday, February 9, 2015 beginning at 5:30 p.m., in the Emergency Operations Center of the District, 225 Douglass Street, Portland, Maine.

AGENDA

1. Amendment to the Falmouth Sewerage Service Contract – Mill Creek Pump Station Replacement

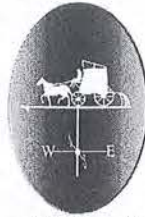
Staff will review a proposed amendment to the Sewerage Service Contract with Falmouth related to the receipt and treatment of wastewater from the Town of Cumberland. The amendment will provide for increased capacity in the pump station and will memorialize the capital cost sharing for the replacement of the Mill Creek Pump Station and force main.

2. Operational Update of B4 Treatment Facilities –

Staff will provide a summary discussion of the B4 area treatment facilities and ongoing efforts to effectively manage the three wastewater treatment facilities in that group.

3. Finalize Operations Committee 2015 Work Plan

4. Other



Portland Water District
From Sebago Lake To Casco Bay

OPERATIONS COMMITTEE / AGENDA ITEM SUMMARY

Agenda Item: 1
Date of Meeting: January 30, 2015
Subject: Amendment to the Falmouth Sewerage Service Contract – Mill Creek Pump Station Replacement
Presented By: Scott Firmin, Director of Wastewater Services

RECOMMENDATION

The following proposed language is presented for Board of Trustee approval:

ORDERED, that the General Manager is hereby authorized to execute an Amendment to the Falmouth Sewerage Service Contract in substantial form as attached hereto, and to take such other action necessary to implement the intent of this vote.

BACKGROUND ANALYSIS

The Portland Water District owns, operates, and maintains interceptor sewers and pumping stations in the Town of Cumberland. The collected flow from the Town of Cumberland is conveyed to the treatment plant in Falmouth for treatment pursuant to a Sewerage Service Contract. The original contract between the District and the Town of Falmouth was signed in March of 1981 and has served all communities well since that time.

The Mill Creek Pump Station is located in the Town of Falmouth. This major pump station receives and conveys all of the flow from Cumberland to the Falmouth treatment plant. The Mill Creek Pump Station is approaching the end of its design life. During the preliminary design of the new pump station, the Town of Falmouth's engineering consultant reviewed current and anticipated future flows and recommended an increase in the peak flow capacity of the pump station. After a careful review of the projected flows and the allocation of those flows, Falmouth, Cumberland and the District have agreed with the engineer's recommendation. The proposed Amendment to the Falmouth Sewerage Service Contract memorializes the new pump station and force main capacity, and the future cost sharing by the District (on behalf of Cumberland) and the Town of Falmouth.

The original agreement allocated a peak flow of 1.076 mgd to Cumberland. The resultant share of 35% of the full pump station capacity was used to allocate capital costs to the District, with Falmouth

responsible of the remaining 65%. Operational costs are paid based upon the percentage of actual annual flows from each town. The Amendment will increase the ultimate capacity of the Mill Creek Pump Station and force main, with Cumberland's peak hourly capacity increasing to 1.827 mgd. This increase in capacity will raise the District's share of capital costs (on behalf of Cumberland) to 43.7%. With an estimated project cost of \$5,900,000, the District's share (on behalf of Cumberland) will be approximately \$2,600,000. Operational cost will continue to be allocated based on the percentage of actual annual flows.

The peak design flows to the Mill Creek Pump station include peaking factors associated with wet weather and groundwater influence. In order for both Cumberland and Falmouth to reach the full future projected average daily flows, each town will have to continue efforts to reduce the high flows associated with inflow and infiltration during wet weather. The District has been working closely with the Town of Cumberland to identify possible sources of Infiltration/Inflow in the interceptor and collection system. These ongoing efforts, in addition to efforts by the Town to identify and mitigate other private sources of I/I, will be critical if the Town of Cumberland expects to ultimately reach its allocated daily capacity at the treatment plant.

FISCAL REVIEW / FUNDING

The Town of Falmouth has estimated the total cost to replace the Mill Creek Pump Station and force main at \$5,900,000. The District (on behalf of Cumberland) would be responsible for 43.7% of the project costs, making the District's share of capital costs approximately \$2,600,000. It is expected Falmouth will bond finance the project through the Maine Municipal Bond Bank's State Revolving Loan Fund resulting in an annual debt service payment of \$208,000. The debt service payment will increase the District's assessment to the town of Cumberland by more than 28%.

LEGAL REVIEW

Corporate Counsel reviewed the proposed motion and approved it as to form.

CONCLUSION(S)

District staff recommends approval of this order.

ATTACHMENTS

None

**AMENDMENT TO SEWERAGE SERVICE CONTRACT
BETWEEN PORTLAND WATER DISTRICT AND
TOWN OF FALMOUTH**

This Amendment to Sewerage Service Contract is made this _____ day of _____, 2015 by and between the Portland Water District and the Town of Falmouth.

Whereas, the parties entered into a Sewerage Service Contract dated March 13, 1981 (the "Contract") establishing rates, prices and rentals for joint-use facilities used by both parties; and

Whereas, the parties anticipate that the Mill Creek Pump Station and Mill Creek force main will be upgraded or replaced to provide 4.18 MGD peak flow capacity; and

Whereas, the anticipated increased capacity of the pump station and force main allows for growth and which capacity increase affords the ability to modify the flow allocations established in the 1981 agreement related to the Mill Creek pump station and Mill Creek force main; and

Whereas, the DISTRICT desires to increase its proportionate share of its peak capacity allocation in the Mill Creek pump station and Mill Creek force main to accommodate the DISTRICT'S stated need for future capacity per the terms of Section 14 of the contract;

Now Therefore, the parties agree as follows:

The March 13, 1981 Contract, as last amended 10 September 2002, is hereby further amended so that Section 8 of the Contract shall read as follows:

8. FALMOUTH agrees to allot the DISTRICT, upon completion of anticipated improvements or replacement to the Mill Creek pump station and Mill Creek force main to provide 4.18 MGD peak flow capacity, 43.7% of the peak capacity (1.827 M.G.D. peak hourly flow value) in the Mill Creek pump station and Mill Creek force main and 30.0% (0.468 M.G.D.) of capacity in FALMOUTH'S existing wastewater treatment facility. The use of "peak hourly flow value" in this section shall have no bearing on the interpretation of peak flow value elsewhere in the Contract.

In return for said allocation the DISTRICT shall pay FALMOUTH 43.7% of the expenditures incurred by FALMOUTH for the referenced upgrades or replacement. The DISTRICT also agrees to reimburse FALMOUTH 43.7 % of any future capital costs to the Mill Creek pump station or the Mill Creek force main or shall reimburse FALMOUTH per the terms of Section 14 of the Contract, whichever is greater.

All remaining sections of the Contract not herein amended remain in full force and effect.

In Witness Whereof, the parties have caused this Amendment to Sewerage Contract to be signed the day and date above written.

Date: _____

Portland Water District

By: _____

Title: Ronald Miller, General Manager

Date: _____

Inhabitants of the Town of Falmouth, Maine

By: _____

Title: Nathan A. Poore, Town Manager

ITEM

15-027

To set a Public Hearing date (March 23rd) to consider and act on a
Class III Vinous & Malt Liquor License for Doc's Café, for the
period of May 2015 – May 2016

**BUREAU OF ALCOHOLIC BEVERAGES
DIVISION OF LIQUOR LICENSING & ENFORCEMENT
8 STATE HOUSE STATION
AUGUSTA, ME 04333-0008**



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.

To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

DEPARTMENT USE ONLY

LICENSE NUMBER: _____ **CLASS:** _____

DEPOSIT DATE

AMT. DEPOSITED: _____ **BY:** _____

CK/MO/CASH: _____

PRESENT LICENSE EXPIRES 5/28/2015

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☐ SPIRITUOUS ☒ VINOUS

INDICATE TYPE OF LICENSE:

☐ RESTAURANT/LOUNGE (Class XI ☐

☒ RESTAURANT (Class I,II,III,IV ☒

☐ HOTEL (Class I,II,III,IV ☐

☐ HOTEL-OPTIONAL FOOD (Class I-A ☐

☐ CLUB-ON PREMISE CATERING (Class I ☐

☐ CLASS A LOUNGE (Class X ☐

☐ GOLF CLUB (Class I,II,III,IV ☐

☐ CLUB (Class V ☐

☐ OTHER ☐

☐ TAVERN (Class IV ☐

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>Rebecca Williams</u> DOB: <u>5/21/78</u>		2. Business Name (D/B/A) <u>Deli Cafe Marketplace</u>	
DOB: _____		<u>371 Tuttle Rd</u>	
DOB: _____		Location (Street Address) <u>371 Tuttle Rd</u>	
Address <u>6 Humlock Dr</u>		City/Town _____	State _____
<u>Cumberland ME 04021</u>		Zip Code _____	
City/Town _____		Mailing Address _____	
State _____		City/Town _____	State _____
Zip Code _____		Zip Code _____	
Telephone Number <u>207 347 1298</u>	Fax Number _____	Business Telephone Number <u>207 347 8294</u>	Fax Number _____
Federal I.D. # <u>45-4820323</u>		Seller Certificate # <u>1155716</u>	

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

4. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ 357,129.38 LIQUOR \$ 2152

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

If YES, complete Supplementary Questionnaire

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

7. If manager is to be employed, give name: _____

8. If business is NEW or under new ownership, indicate starting date: _____

Requested inspection date: _____ Business hours: _____

10. Is/are applicants(s) citizens of the United States?

YES ☒ NO ☐

11. Is/are applicant(s) residents of the State of Maine?

YES ☒ NO ☐

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

Name in Full (Print Clearly)	DOB	Place of Birth
Rebecca Williams	5/21/78	Perth, MA

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

North Yarmouth, ME
Cumberland, ME

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

Yes ☐ No ☒ If Yes, give name: _____

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

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

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

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

YES ☒ NO ☐ Applied for: _____

19. What is the distance from the premises to the **NEAREST** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 300 ft. Which of the above is nearest? church

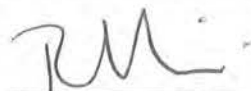
20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☐ NO ☒

If YES, give details: _____

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

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

Dated at: Cumberland ME on 2/23/15, 2015
Town/City, State Date



Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

Print Name

Print Name

NOTICE – SPECIAL ATTENTION

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

THIS APPROVAL EXPIRES IN 60 DAYS.

FEE SCHEDULE

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

FILING FEE.....\$ 10.00

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

All fees must accompany application, made payable to the **Treasurer of Maine**. This application must be completed and mailed to Bureau of Alcoholic Beverages and Lottery Operations, Division of Liquor Licensing and Enforcement, 164 State House Station, Augusta ME 04333-0164. Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.

STATE OF MAINE

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

On: _____
Date

The undersigned being: _____ Municipal Officers _____ County Commissioners of the
Unincorporated Place of: _____, Maine _____ Plantation _____ Town _____ City _____

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

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.
 - A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
 - B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
 - C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c.589, §1 (amd).]
2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
 - A. Conviction of the applicant of any Class A, Class B or Class c crime: [1987, c.45, Pt.A§4 (new).]
 - B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
 - C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
 - D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592, §3 (amd).]
 - E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
 - F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]

[1993, c.730, §27 (amd).]

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

A. [1993, c.730, §27 (rp).]

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

5. **(TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.



STATE OF MAINE
Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement

Supplemental Information Required for
Business Entities Who Are Licensees

For Office Use Only:

License #: _____

Date Filed: _____

For information required for Questions 1 to 4, this information is on file with the Maine Secretary of State's office and must match their record information. Please clearly complete this form in its entirety.

1. Exact legal name:

Doc's Cafe LLC

2. Other business name for your entity (DBA), if any:

Doc's Cafe & Marketplace

3. Date of filing with the Secretary of State: Jan 1, 2012

4. State in which you are formed: ME

5. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____

6. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

Name	Address for Previous 5 years	Date of Birth	Ownership %
Rebecca Williams	322 green rd N. Yarmouth 10 Hemlock Dr Cumberland	5/21/78	100

7. Is any principal person involved with the entity a law enforcement official?

Yes

☐

No

☒

8. If Yes to Question 7, please provide the name and law enforcement agency:

Name: _____ Agency: _____

9. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes

☐

No

☒

10. If Yes to Question 9, please complete the following: (attached additional sheets as needed)

Name: _____

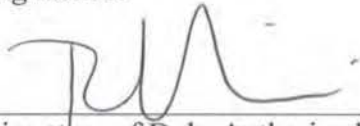
Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:



Signature of Duly Authorized Person

2/24/15

Date

Rebecca Williams

Print Name of Duly Authorized Person

If you have questions regarding the legal name or assumed (DBA) name on file with the Secretary of State's office, please call (207) 624-7752. The SOS can only speak to the information on file with their office, not the filing of this supplemental information – please direct any questions about this form to our office at the number below.

Submit Completed Forms To:

Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing and Enforcement
164 State House Station
Augusta, Me 04333-0101
Telephone Inquiries: (207) 624-7220
Fax: (207) 287-3424
Email Inquiries: MaineLiquor@Maine.gov



Bureau of Alcoholic Beverages
Division of Liquor Licensing & Enforcement
164 State House Station
Augusta, ME 04330-0164
Tel: (207) 624-7220 Fax: (207) 387-3424

SUPPLEMENTAL APPLICATION FORM ON-PREMISE DIAGRAM

In an effort to clearly define your license premise and the areas that consumption and storage of liquor is allowed, The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, decks and all areas that you are requesting approval from the Division for liquor consumption.

