

**TOWN OF CUMBERLAND
MEETING OF THE TOWN COUNCIL
MONDAY – FEBRUARY 28, 2000**

***** 6:00 P.M. WORKSHOP –OPEN SPACE COMMITTEE/PLANNING BOARD/
CONSERVATION COMMITTEE – OPEN SPACE PLAN *****

- I. Call to order at the Cumberland Town Hall at 7:00 p.m.
- II. Approval of Minutes
 - a. January 24, 2000
- III. Manager's Report
- IV. Public Discussion
- V. Legislation and Policy
 - 00-06 To receive report of Open Space Committee.
 - 00-07 To hear presentation – Habitat for Humanity.
 - 00-08 To hear request for contract zoning – Sweetser's Apple Barrel – Blanchard Road.
 - 00-09 To set the hours required for the Voter Registrar to be open prior to an election, Title 21-A, Section 122.8.
 - 00-10 Nominating Committee Appointments.
 - 00-11 To authorize Town Manager to issue quit-claim deed.
- VI. Correspondence
- VII. New Business
- VIII. EXECUTIVE SESSION – Land Acquisition
- IX. Adjourn

MEMBERS OF THE TOWN COUNCIL

Peter Bingham (Chair)	829-5713	James Phipps	846-6274
Stephen Moriarty	829-5095	Harland Storey	829-3939
John Lambert, Jr.	781-5282	Mark Kuntz	829-6482
Jeffrey Porter	829-4129		

Town of Cumberland web site: www.cumberlandmaine.com

MEMO

TO: Town Council
FROM: Robert Benson
RE: Council Meeting February 28, 2000
DATE: February 24, 2000

Please be aware that the workshop with the Open Space Committee starts at 6:00 PM. At that time Phil Gleason will brief the Council on the report prior to receiving the report formally as agenda item 00-06. (#1)

ITEMS:

- 00-07 Habitat for Humanity will be present to discuss with the Council their plans for a housing effort on property that may be available to them in West Cumberland.
- 00-08 Donna Larson will review this with the Council. I believe that in Connie and Richard Sweetser's absence, their son will be present to answer any questions that the Council may have.
- 00-09 This item is self-explanatory. Please refer to the information contained in your packet.
- 00-11 Please refer to the information furnished within the packet.
- 00-12 This is a quit-claim deed for taxes which I'll have present at the Council meeting.

Regarding the Executive Session, I will be presenting the appraisals on both pieces of property, which were discussed with the Council previously in Executive Session. Any questions please don't hesitate to call. Thank you.

**TOWN OF CUMBERLAND
MEETING MINUTES OF THE TOWN COUNCIL
MONDAY – JANUARY 24, 2000**

Present: Peter Bingham, Mark Kuntz, Stephen Moriarty, Jeffrey Porter

Absent: John Lambert, James Phipps, Harland Storey (all excused)

- I. The meeting was called to order by Chairman Bingham at the Cumberland Town Hall at 7:02 p.m.

II. Approval of Minutes

- a. January 10, 2000

Councilor Moriarty moved to approve the minutes of the meeting of January 10, 2000 as written.

Seconded by Councilor Kuntz.

VOTE: IN FAVOR (4)

III. Manager's Report

The Manager asked Donna Larson to brief the Council on a proposal by Habitat for Humanity to the Town of Cumberland. The Council asked Donna to notify Habitat for Humanity that they welcome the opportunity to speak with them on this proposal.

The Manager briefed the Council on the following items:

- ◆ The final cost figures on the current ladder truck renovation into a tanker truck are between \$80,000 to \$85,000, to be funded from the Fire Equipment Reserve Fund. The Council approved this renovation.
- ◆ A proposal by the Manager and Fire Chief to send a town-wide, fund-raising mailing, requesting donations for two Thermal Imaging camera's for the mainland and island met with the Council's approval.
- ◆ There is an active group, with substantial pledges, interested in exploring the possibility of building a Teen Center in Cumberland.
- ◆ Asked the Council to authorize the Chairman to cancel the first Council meeting in February. It was agreed to cancel the February 14th meeting.
- ◆ S.A.D. #51 is hosting a joint meeting of the S.A.D. 51 Board of Directors, the North Yarmouth Selectmen and the Cumberland Town Council on February 7, 2000 at Val Halla from 5:00 to 6:30 p.m.
- ◆ A letter dated 1-21-00 from Yarmouth Town Manager Tupper to John Melrose, Commissioner, Dept. of Transportation, with regard to Yarmouth's conditional approval of the Wharf Agreement, subject to one condition: "A mutually satisfactory negotiation and resolution of outstanding issues and concerns on a lease agreement (Blanchard Parking lot) between MDOT and the Town of Cumberland dated October 26, 1999".
- ◆ An organizational meeting of the Cumberland Cable TV Public Access Advisory Committee will be held on February 9th at 7:00 p.m. in the East Conference Room at Town Hall.

- ◆ A letter from Dick Bradbury, State Entomologist reported that a survey of the Brown Tail Moth has been completed on the mainland for year 2000, and no areas were found that would warrant a town sponsored aerial treatment. Chebeague Island will be checked as soon as the weather softens, but after two years of treatment, not much of a problem is expected there.
- ◆ The suit between Judith Wohl and Agnes Gormley Vs the Town of Cumberland has been settled.
- ◆ James Fortin is resigning from the Board of Adjustment & Appeals due to business commitments.

IV. Public Discussion

Mr. Stratton from West Cumberland addressed a tax question to the Council.

V. Legislation and Policy

00-05 To consider and act on application of J. Gail Terison d/b/a Terison's Log Cabin For a Victualer's license.

Councilor Moriarty moved to grant a Victualer's license to J. Gail Terison d/b/a Terison's Log Cabin.

Seconded by Councilor Kuntz.

VOTE: IN FAVOR (4)

VI. Correspondence

- (1) Robert Benson, Town Manager to Nat Tupper, Yarmouth Town Manager
- (2) Maine Public Utilities Commission: Electric restructuring info meeting sites and dates
- (3) Joseph Taylor to Robert Benson: Cumberland-York Aggregation Coalition & Falmouth-Cumberland Chamber of Commerce.
- (4) Town from Wayne Poland, President of Local 458, American Postal Workers Union
- (5) Cumberland's Solid Waste to R.W.S. report for 1999

VII. New Business

Councilor Moriarty asked the Manager to check if the flashing yellow light on Tuttle Road by the Wilson School issue is resolved, and if we have received a copy of a Lands Ordinance from MMA yet. He also reported that the Prince Memorial Library's Sunday hours experiment did not succeed due to the lack of patrons.

Councilor Moriarty moved to schedule a Workshop with the Open Space Committee, the Planning Board and the Conservation Commission on February 28, 2000 at 6:00 p.m. to discuss a draft of the Open Space Plan.

Seconded by Councilor Porter.

VOTE: UNANIMOUS (4)

VIII. Adjourn

No further business was conducted: motion to adjourn at 7:38 p.m.

Respectfully submitted,

Klara M. Norton
Town Clerk

Minutes of the Chebeague Long-Range Planning Committee, January 8, 2000 at 9:00 at the Parish Hall

Members present: Sam Ballard, Jim Phipps, Carol White, Ernie Burgess, Donna Damon, Jean Dyer, Sylvia Ross, Mabel Doughty, Beth Howe, Martha Hamilton, Nancy Adams

Others present: Pommy Hatfield, Jim Millinger, Jane Frizzell, David Hill, Suzie Stavropoulos, Billy Munroe.

Members absent: Michael Porter, Alnah Robinson, Louise Doughty, Al Traina, Jami KomLosy, Phil Jordan, Ann Thaxter.

Staff: Mark Eyerma

Sam opened the meeting by going over the schedule of future meetings. It was agreed to change the meeting of January 29 to January 22. Sam has been going through drafts of sections as people submit them to him and will make them available to everyone soon.

There was a discussion about when the Committee might be able to have a public meeting on Chebeague and then make a presentation to the Council. It was agreed that we might be ready for a public meeting on April 8, suggested time 10:30 to 12:30. The presentation to the Council might be on April 24. The Committee's report will be available to the public and to the Council before the Chebeague meeting and an executive summary will be made and widely distributed. Sam said he was giving all the reports to Bob Benson as they are produced.

Sam raised the issue of legislative efforts in Augusta related to property taxes. He said that Bob Benson and John Lambert are planning to go to the Maine Sustainable Agriculture Meeting. This organization is lobbying for a bill that would tax farm land at its existing use value. This is similar to our issue with fishermen. Sam also talked with Philip Conkling to tell him what we were interested in the tax issue, but that we were not ready to do anything with the Island Institute at this point. Sam, Jim, Benson and Lambert are planning to have lunch with John Cole. Benson, especially is interested in his ideas.

Ernie suggested that if and when we do get to some state legislative proposal, we might involve the Maine Lobstermen's Association.

Jim suggested that we need not be specific about who the Town should work with on Island taxes in Augusta. The Town is working with the Agricultural group already and might work with the Island Institute, especially as the Island Institute gets its legislative work up and running. There are lots of other islands and mainland communities interested in this issue.

Jean said that this group, at any rate, is working through the Town and wouldn't be going to Augusta separate from it.

Donna asked what are we urging the Town to do or support in terms

of state legislation. Jim said that we don't know yet, the committee has to discuss this. Sam said that he hoped the meeting with Benson and Cole would help to set up a dialogue with the Town on this issue. Beth said that a meeting was fine but that Sam should not be making representations about positions on state tax issues that the LRPC has not discussed yet. She said she thought the whole issue of state legislation should be taken up after the rest of the plan and recommendations were complete. Carol countered that if the committee does come up with ideas during its deliberations, that it would be more effective to deal with the Town earlier, when the committee's report is made.

Donna summed up by saying that people were saying to Sam: we want to go to the Town to see if they would be willing to go to Augusta with us on taxes on fishermen. But we have to start the process. Sam and Jim should be saying to Benson that the Committee will be bringing proposals on this issue to the Town later. Jim added that we want to encourage the Town to take this on the way they have taxes for farmers. This would prepare the way for specific recommendations we will have later.

Ernie said that although he and Sam had been discussing specific issues related to fishermen, he thought taxes is the single most important issue to the fishermen. Fishermen in other communities like Boothbay and Cape Porpoise have all moved away from the shore. Jim said that in our case it is important to make clear to people that for us it isn't just an issue of people living on the shore. If fishermen can't afford live anywhere on the island, they won't fish from it anymore. We should try to get a tax exemption that would cover land anywhere used for fishing. This might be easier politically than the broad homestead exemption that has been tried and watered down by the Legislature.

Mark went over an overview a piece that he had prepared about the vision of what the community wants Chebeague to be and not to be in the future. It was in the packet sent to members. There was a short discussion of a couple of the specific statements. But Jim said that this statement makes clear why the Town should, in some instances, do different things on Chebeague than on the mainland. Sylvia and David said they thought it was a clear outline of the Committee's goals. Ernie said that we should also not give up on issues or things where we have already lost ground, like loss of wetlands and forest.

Martha said that Mark's piece gave a good philosophical background for her presentation on the island economy. She said that a starting place for her group is that people live on the Island because they want to and they find or create jobs in order to do it. They did not talk to commuters or workers who come out to the Island. They did some non-profit organizations that employ people, like the Golf Club, but had not talked to anyone at the Rec Center. The interviewed 62 people and she passed out summaries of each person's interviews, and an overall summary

(attached to the minutes). Areas for improvement include: disposal of building debris, scrap metal, tires, oil at the Transfer Station could be done better. Dredging at the boatyard would be helpful. The present zoning code restricts businesses like food or crafts that might sell from portable or temporary stands. Also public regulations like zoning can make it difficult to establish a business like daycare.

This led to a discussion about daycare and whether it would make sense to ask the Town for help in this area. They provide some assistance to Headstart on the mainland, and they also regulate it. It may be that practices that may be unacceptable on the mainland, may be acceptable on Chebeague -- like having daycare of up to 5 children a permitted use in both the residential and business district.

The Island Economy group is working with Mark, who had a memo on the island economy in the agenda packet that was sent to all committee members. Mark is also working with Sam and Ernie on fishing issues.

Pommy gave her presentation on health, welfare and safety. This will be included in the report draft that Sam will be sending out. The summary is included in these minutes. It was a comprehensive catalog of services available to Chebeaguers as well as gaps in service.

In health she included personal and community health, physical and emotional. Most Chebeague residents get much of their health care on the mainland. She reviewed the changes in primary health care on the Island, now provided by a Physician's Assistant. She indicated that most home care is provided by family members. Home care professionals must come from the mainland, and they can't be sent for non-skilled nursing care. Home care is needed but hard to get. Long term care is provided by the Island Commons. Even so, older people in need of care still prefer to live at home.

The Island has a variety of mechanisms for providing preventive health care. It is not a very visible health issue. Also the emergency rescue system is excellent.

Pommy defined "welfare" broadly. She talked about various local, state and federal financial assistance programs available to people in need. But she also covered assistance with taxes, rent, fuel, food, housing, electricity, medications, nutrition, and medical care for children. She reviewed the many ways in which Island organizations provide opportunities for assistance to people in need but also provide intellectual stimulation, fun and entertainment and social activities.

She discussed safety in terms of safety in the home, from things like fires or falls. Community safety includes police protection and informal checking on houses and people. It also includes

traffic safety for drivers, pedestrians and bicyclists.

Carol pointed out that many self-employed people may not have health insurance. She wondered if Island people could form a group that could get health insurance. Maybe people could join MLA's program for fishermen, or maybe an existing organization could take this on, like the Island Council.

Sylvia pointed out the many contributions the Hall makes to Island welfare in the broad way that Pommy defined it.

David asked whether poverty is a problem on Chebeague. Pommy said that people are often reluctant to apply for help because of pride but also because the process is complex. CCR as tried to provide materials to educate people about programs.

Donna said that Pommy should give more attention in her piece to substance abuse, especially underage drinking. This is a serious issue on the Island. There are laws to deal with it but enforcement is an issue. Only if a real consensus can be developed on the Island that teen drinking is unacceptable, will officials be able to effectively enforce the laws.

CHEBEAGUE ISLAND LONG RANGE PLANNING SURVEY -ISLAND ECONOMY

Intent : To look at island businesses and the livelihood of island residents with a focus on how the Town of Cumberland can improve working conditions or enable small businesses to expand.

A committee of 5 began with a list of 18 categories which was expanded to include some home industry, etc. so that ultimately about 62 persons were interviewed. Adding the number of fishermen reported at 38, and comparing the total of 100 to the number of surveys (91) sent out by the Town for a Island Business survey 1992 would indicate that at least 10 of the 100 were not in business in 1992. Actually, the years in business answers went from 1 to 50 with an average of 15 years and under. Most people were self employed and less than 15 employed extra workers.

Very few had grievances with the Town or transportation in general. I will summarize the specific suggestions at the end of this report. Few of the businesses wished to expand as most had all they could handle by themselves and part time employees are extremely scarce. The exception were some of the craftsmen/artists who would like to have more outlets for their work.

AREAS FOR IMPROVEMENT:

Contractors and builders unanimously complained that the system for disposal of construction waste is physically difficult, time consuming and therefore costly.

Disposal of scrap metal, tires, oil etc. is also difficult for automobile mechanics, other than the annual 3 days set aside for this at the Transfer Station.

Some businesses are restricted by present zoning. i.e...roadside stands for art work and produce, portable food stands, a sawmill, etc.

Some zoning relaxation would be appreciated for adding to existing structures .

The present arrangement for using the ambulance as a hearse should be reviewed.

Dredging in the Boatyard area would be helpful..also more road repair since the traffic has increased due to the demand for gasoline at only one location.

Transportation and parking is a major complaint..particularly from the safety stand point on the Stone Wharf and road. Special concerns are for the elderly and sick being transported to the mainland. Suggest shuttle bus from Stone Wharf to parking area.

Regular roadside pickup of trash and recycle items was suggested.

CIC issues yearly folders on bicycle and pedestrian safety. In the summer months, bicyclists and pedestrians make full use of our roads – a concern to drivers and residents as well. CIC also distributes maps for visitors to access public roads and beaches.

Road crews are visible on the roadsides, cutting, dredging, putting in culverts, and on roads, grading, sanding and plowing. These tasks on black top and dirt roads are provided by a combination of Town and island equipment and workers. This service must continue with on-going energy.

Safety Summary

Home and community safety hazards are threats to the general health and welfare of the island. Concerned citizens, health professionals, and fire, police and rescue officials must continue to work together to help prevent accidents, falls, and life threatening attacks.

Total Summary

Some Health, Welfare, and Safety concerns are:

- the lack of appropriate on-island child care for working parents,
- the reluctance of people to ask for help,
- the insufficient research conducted for people discharged from mainland facilities to their island homes,
- the myth that long term care planning is a bunch of whoey,
- the fearful and often dehumanizing process to receive medical help,
- the challenging transportation issues,
- the surprisingly small numbers of island people in assistance programs,
- the lack of adequate non-skilled home care on the island.

Some positive notes on Health, Welfare, and Safety on Chebeague:

- Island organizations and programs are providing many helpful services.
- Island people care about each other, and will advocate for them and help them.
- Town police, rescue, fire, and public works departments work in partnership with island workers to enhance health, welfare, and safety.
- CTC (transportation to the mainland) is our ultimate life line.
- Our island PA has proved to be a major influence upon the quality of life of our older population.

Some service areas where the Town might be more involved in island Health, Welfare, and Safety:

- Affordable child care,
- Connecting with mainland transportation to shopping, doctors,
- Education about entitlements and assistance programs,
- Recognition of island people for the leadership and services we provide for our own community,
- Provide platforms for opportunities to collaborate and network with other service providers in Cumberland – to share assets.

**MAINE SCHOOL ADMINISTRATIVE DISTRICT #51
CUMBERLAND / NORTH YARMOUTH
Cumberland Center, ME 04021**

**Board of Directors
Minutes**

**Monday,
January 24, 2000**

7:00 PM

Mabel I. Wilson School

-
- 1. Call to Order** - by MSAD #51 Board of Directors Chairperson, Mary Schendel at 7:07 P.M.

Attendance:

Board of Directors: Jeanne Chadbourne, Maryellen Fitzpatrick, Reid Hayward, Karen Herold, Tom Hyndman, Mary Schendel, Kim True, Bob Vail

Administrators: Brenda Breton, Wayne Fordham, Suzanne Godin, Robert Hasson, Susie Robbins, Judy True, Klaus-Peter Voss, Shannon Welsh

- 2. Approval of Minutes** - of the Board of Directors meeting held on January 10, 2000.

Motion by Kim True 2nd by Maryellen Fitzpatrick

Voted: To approve the minutes of the Board of Directors meeting held on January 10, 2000. (Voted: 7-0- 1, T. Hyndman abstained)

3. Superintendent / Administrator Reports

- a) David Silvernail presenting from Performance Indicators on community survey and recent graduate survey
- b) Committee Updates
 - Finance
 - Facilities:
 - Alternative Plan Committee
 - Site Selection Committee
 - Time Task Force
- c) Media Selection Policy Presentation by Judy Gray
- d) Efficacy Institute Update
- e) Crisis Management Update

4. Items for Action

- a) Vote to approve the following policies:

AC	Nondiscrimination and Compliance
ACAA	Harassment and Sexual Harassment of Students
ACAA-R	Student Grievance Procedure
ACAB	Harassment and Sexual Harassment of Employees
ACAB-R	Employee Grievance Procedure
ACAC	Relations Between Staff and Students
ACAD	Hazing

The following policies are deleted:

ACA (old)
AC-R

JFA
GBEA

Motion by Tom Hyndman 2nd by Maryellen Fitzpatrick.

Voted: Vote to approve the above policies. (Voted: 8-0)

b) Appointment of athletic, co-curricular coaching stipend position for the 1999/200 school year.

Motion by Tom Hyndman 2nd by Kim True.

Voted: Vote to appoint athletic, co-curricular stipend position for the 1999/2000 school year. (Voted: 8-0)

Wiley Burrall

Special Olympics

5. Communications:

Upcoming Meetings /Events

- 1/20/00 - Site Selection Committee, 7:00 PM, GHS Library
- 1/24/00 - Finance Committee, MIW Conference Room, 5:00 PM
- 1/24/00 - Time Task Force, Central Office, 3:30 PM
- 1/26/00 - Policy Committee Meeting, Central Office, 8:15 AM
- 1/26/00 - Early Release, 7-12 @ 1:12 PM, K-6 @ 12:15 PM
- 1/28/00 - MIW Progress Reports Go Home
- 1/28/00 - High School District II Band Festival
- 1/29/00 - High School District II Band Festival
- 1/31/00 to 2/4/00 M. I. Wilson Culture Fair Week
- 2/1/00 - First Practice Junior High Track & Swimming
- 2/2/00 - Early Release, 7-12 @ 1:12 PM, K-6 @ 12:15 PM
- 2/2/00 - Fingerprinting, Cumberland Town Office Council Chambers, 11:30 AM - 3:30 PM
- 2/2/00 - Design Team, 3:15 PM, GHS Library
- 2/4/00 - High School District II Choral Festival
- 2/5/00 - High School District II Choral Festival
- 2/7/00 - Finance Committee, MIW Conference Room, 5:00 PM
- 2/7/00 through 2/11/00 MSAD #51 registration for Kindergarten for 2000-01
Daily 8:00 Am - 4:00 PM , MIW
- 2/8/00 - PTO Business Meeting, 7:00 PM
- 2/9/00 - Policy Committee Meeting, Central Office, 8:15 AM
- 2/9/00 - Early Release, 7-12 @ 1:12 PM, K-6 @ 12:15 PM
- 2/9/00 - Fingerprinting, Cumberland Town Office Council Chambers, 11:30 AM - 3:30 PM
- 2/14/00 - Valentine's Day
- 2/16/00 - Policy Committee Meeting, Central Office, 8:15 AM
- 2/16/00 - Early Release, 7-12 @ 1:12 PM, K-6 @ 12:15 PM
- 2/18/00 - Sixth Grade Event
- 2/21/00 through 2/25/00 - Mid-winter Vacation
- 2/28/00 - Finance Committee, MIW Conference Room, 5:00 PM

6. Adjourn Meeting at _____ PM

SOLID WASTE TO R.W.S.

YEAR MONTH	1995	1996	1997	1998	1999	2000
January	184.90	179.89	204.61	192.30	191.10	184.53
February	144.88	154.08	152.55	163.73	167.36	
March	177.17	148.88	164.92	187.13	188.09	
April	291.90*	347.03*	233.12*	179.17	190.87	
May	219.80	200.44	175.02	217.70*	277.75*	
June	215.15	190.25	201.01	229.98	222.10	
July	208.09	232.78	223.52	224.88	212.91	
August	249.42	224.45	175.55	194.03	251.36	
September	196.76	193.89	247.89	245.27	229.28	
October	300.20*	343.81*	260.72*	273.00*	270.87*	
November	203.80	172.94	185.99	197.09	209.37	
December	168.69	194.62	214.89	208.16	230.40	
Total	2,560.76	2,583.06	2,439.79	2,512.44	2,641.46	

NOTE: All Measurements in tons

* Bulky Waste Pick-up week included

TRANSPORTATION ON CHEBEAGUE

Wharves and Parking at Wharves

Chebeague has two active wharves and Sunset Landing which was bought for the purpose, since abandoned, of building another wharf for CTC. But clearly there are residents of the Island who would still like to use Sunset for some kind of wharf. The possible uses and the parking for these sites need to be considered together.

Recommendation: After the Long-Range Planning Committee has made its recommendations to the Council, some other committee should be appointed to consider in detail the issues of uses at present wharves, possible construction of any other wharves, and parking at all wharves. Should a date be chosen for this committee to report?

Traffic

Chebeague now has a 30 mph speed limit. The issue now is to educate people that there is a speed limit and what it is. At present there are no speed limit signs on the Island.

Recommendation: Speed limit signs could be posted or painted on the pavement (if concern exists about their disappearing) at the Stone Wharf and at Chandler Cove. John Nickerson would also like to have a radar gun for the Island.

Recommendation: John Small Road and South Road fork. People often don't know who is supposed to yield. We could recommend that the Town post a stop or yield sign on John Small Road.

Road Standards

The major reason for having design standards is to make sure that roads are accessible to service vehicles that need to use them -- the fire trucks, ambulance, school bus, police, snowplows (on the mainland, garbage trucks). On the mainland the Comprehensive Plan has a policy that the Town should not allow private roads that do not conform to Town design standards. This is because it is not uncommon for owners of private roads, after a while, to ask the Town to take them over as public roads, especially for snow plowing. There's a bit of this on Chebeague, too. On the other side, there is no reason for roads to be "over designed".

Recommendation: We should ask the Town to do traffic volume studies for various roads on Chebeague. This would give us better information for deciding about road standards.

Recommendation: A suggestion (which would need more detailed

work to be adopted) for Island standards for public roads might be:

Type	ADT	ROW	pave	shoulder	MPH
Island Residential	<50 cars	50'	18'	2'	25
Island Crossroad	200-400	50'	20'	4'	30
Island Main	400-2000	50'	22'*	6'	30

* If parallel parking is needed on one side, then pavement should be 30 feet wide.

Question: Should we have any standards for construction of private roads serving one house or more than one house?

Recommendation: Since Chebeague has large numbers of bicyclists during the summer, having a painted stripe down one side of main roads that defined a two-foot wide "paved shoulder" (as defined in the Town Subdivision Ordinance) could help to separate bike and car traffic. A "paved shoulder" is not just for bikes but for pedestrians and handicapped people in motorized wheelchairs. However if having the paved shoulder required widening the roads or having bike lanes on both sides (to go in both directions) this would not be worth doing.

Road Maintenance

The condition of Chebeague's roads ranked 12th overall among the Town services rated on the questionnaire, and 13th, or last, for year-round residents. On the other hand, this could be an expensive item for Chebeague, and we need to consider carefully whether money spent on roads would be better spent on other things. But in making this calculation, it is useful to have some understanding about road condition, maintenance and maintenance costs.

Regular and timely maintenance of roads, even ones that don't carry a lot of traffic, is essential if the roads are to remain useable. The basic "take home" message is that the least costly option is to do routine and preventive maintenance of roads when they are in good condition.

Gravel roads also require regular maintenance by being regavelled, so that it is probably not a cost saving solution to go back to having more gravel roads.

In the Town's 1999 Pavement Management Study 34 percent of Chebeague's paved road mileage was rated as less than "fair" (very poor, poor and poor/fair), 36 percent was "fair" and the balance of 32 percent was graded better than fair (fair/good, good or very good). The study recommends that roads that are in less than fair condition be reclaimed or reconstructed altogether. The "contract cost" to hire a mainland firm to bring materials and equipment out to reclaim a road on Chebeague is \$30

per linear foot. The alternative to this treatment is to patch and apply a 1" overlay which costs \$9.50 per linear foot on the Island. These contract costs are lower than the cost of having the DPW do the work. If the roads are simply patched by DPW when they get potholes, it costs the Town \$600 to bring out a truck of patch material and one truckload does not go very far.

The Cumberland DPW has submitted the 1999 Pavement Management Study to the Town Manager and the Council. Since the annual cost on the mainland as well as on Chebeague would be much greater than what the Town has been paying, no action has been taken on this proposal so far.

At present the DPW is simply patching roads. Its major effort over the past year or so has been renewing the drainage ditches beside the roads. Proper drainage underneath the road is necessary in order for pavement on top to last.

Recommendation Alternatives:

1. Maintain the road surfaces as they are. The Pavement Management Study projects that if little or no maintenance is done, by 2003 86 percent of the paved mileage on Chebeague would be in poorer than fair condition.
2. Improve paved roads in accord with Town Pavement Management Study, including "reclamation" or "reconstruction" of roads in poor to fair condition.

Recommendation: One action that the Island could take that would reduce the cost of road maintenance would be to open a new gravel pit. Having to bring out gravel from the mainland increases the cost of roadwork substantially. The Town owns a lot across Division Point road from the existing gravel pit that has the same geology. At present, section 410 of the Town Zoning Ordinance on opening gravel pits generally requires a 200-foot buffer between the work and the property lines. On the Town's Chebeague lot this means that very little of the lot could be used.

There was a question on the closed ended part of the survey asking about maintaining a source of gravel on the Island. Overall, it ranked 20th (mean of 4.69) out of the 29 issues, not surprising, given all the issues on the list. However, among year round residents it had a mean of 5.17, with 71 percent rating it 5, 6, or 7 on the scale -- meaning they want attention paid to it.

New Roads

As development occurs today on Chebeague, new public roads are built only in formal subdivisions. Otherwise, houses that are not on an existing public right of way are built on existing or

new private driveways.

Question: Should we plan for any additional/new public roads, either paved or unpaved? This would, to some extent, shape where new development would occur.

Question: Should we reclaim lost public roads? Donna Damon has done research on "paper streets" on Chebeague. It probably does not make sense to keep some of these on the books. Several, however, may be needed or useful in the future. At least one is a road that did exist until fairly recently and has been informally closed. Clearly this issue had some public salience. Donna is probably the person to suggest recommendations in this area.

MAINE SCHOOL ADMINISTRATIVE DISTRICT #51
CUMBERLAND / NORTH YARMOUTH
Cumberland Center, ME 04021
Board of Directors
Agenda

Monday
February 7, 2000

7:00 PM

Mabel I. Wilson School

MSAD #51 Mission

The mission of MSAD #51 is to guide all students as they acquire enthusiasm for learning, assume responsibility for their education, achieve academic excellence, and discover and attain their personal bests.

To accomplish this mission, the MSAD #51 community will collaborate to:

- Use effective instructional practices and provide professional development to assure that all students meet or exceed the district's benchmarks and outcomes;
- Ensure a safe and respectful environment where all feel a sense of belonging; and
- Promote parental participation as fundamental to each student's success.

Board Goals for 1999-2000

1. Support the district's work in curriculum, assessment, instruction, and professional development by increasing Board and community understanding of the State of Maine Learning Results and by reviewing the district's progress toward achieving our mission.
2. Implement the facilities planning steps adopted by the Board.
3. Promote sound resource management, improve the Board's involvement in the budget planning process, and better communicate with the public about the district's financial needs.

MSAD #51 Board of Directors

Jeanne Chadbourne	829-5166
Maryellen Fitzpatrick	829-4657
Reid Hayward	829-5942
Karen Herold	829-6146
Thomas Hyndman	781-4644
Mary Schendel	781-3787
Kim True	829-3209
Bob Vail	829-5393

Time Task Force Workshop

1. **Call to Order** - by MSAD #51 Board of Directors Chairperson, Mary Schendel

2. **Approval of Minutes**

3. **Adjourn Meeting**_____ P M

Upcoming Meetings /Events

- 2/4/00 - High School District II Choral Festival
- 2/5/00 - High School District II Choral Festival
- 2/7/00 - Finance Committee, MIW Conference Room, 5:00 PM
- 2/7/00 through 2/11/00 MSAD #51 registration for Kindergarten for 2000-01
Daily 8:00 Am - 4:00 PM , MIW
- 2/8/00 - PTO Business Meeting, 7:00 PM
- 2/9/00 - Policy Committee Meeting, Central Office, 8:15 AM
- 2/9/00 - Early Release, 7-12 @ 1:12 PM, K-6 @ 12:15 PM
- 2/9/00 - Fingerprinting, Cumberland Town Office Council Chambers, 11:30 AM - 3:30 PM
- 2/10/00 - Site Selection Committee, GHS Library, 7:00 PM
- 2/14/00 - Valentine's Day
- 2/16/00 - Policy Committee Meeting, Central Office, 8:15 AM
- 2/16/00 - Early Release, 7-12 @ 1:12 PM, K-6 @ 12:15 PM
- 2/17/00 - Performance Indicators, MIW Conf. Room, 5:00 PM
- 2/18/00 - Sixth Grade Event
- 2/21/00 through 2/25/00 - Mid-winter Vacation
- 2/28/00 - Finance Committee, MIW Conference Room, 5:00 PM
- 3/1/00 - Design Team, GHS Library, 3:15 PM
- 3/1/00 - Early Release, 7-12 @ 1:12 PM, K-6 @ 12:15 PM
- 3/2/00 - MIW Kindergarten Screenings Process and Program Overview, 6:30 - 8 PM
- 3/2/00 - GHS Spring Play, 7:30 PM
- 3/3/00 - GHS Mid Qtr. Reports
- 3/3/00 - GHS Spring Play, 7:30 PM
- 3/4/00 - GHS Dinner Theater, 6:30 PM
- 3/9/00 - MIW Grades 1-3 Program Overview, 6:30 - 8:00 PM
- 3/10/00 - Maine Drama Festival
- 3/11/00 - Maine Drama Festival High School Solo & Ensemble Festival
- 3/13/00 - 3/13 through 3/17/00 Kindergarten screening for 2000-01
- 3/14/00 - PTO Business Meeting, 7:00 PM
- 3/15/00 - Early Release, 7-12 @ 1:12 PM, K-6 @ 12:15 PM
- 3/17/00 - 2nd trimester ends NYMS/DRS/CIS
- 3/22/00 - Full day of school
- 3/22/00 - French & Spanish Honor Society Induction Ceremony, GHS Library, 7:00 PM
- 3/23/00 - Report Cards go home - NYMS/DRS/CIS
- 3/24/00 - Teacher In-Service Day, No School
- 3/27/00 - First Practice - High School Spring Athletics
- 3/27/00 - 3/27 through 3/31/00 Celebration of Reading Week
- 3/29/00 - Early Release, 7-12 @ 1:12 PM, K-6 @ 12:15 PM
- 3/31/00 - Third Quarter Ends
- 3/31/00 - High School Pops Concert

Next Board Meeting:

- February 28, 2000

Minutes of the Chebeague Long-Range Planning Committee, January 22, 2000 at 9:00 at the Parish House.

Members Present: Jim Phipps, Sam Ballard, Jean Dyer, Sylvia Ross, Carol White, Mabel Doughty, Donna Damon, Al Traina, Nancy Adams, Beth Howe, Martha Hamilton.

Members Absent: Ernie Bugress, Michael Porter, Jami KomLosy, Phil Jordan, Ann Thaxter, Louise Doughty, Alnah Robinson

Others present: Jane Frizzell, Suzie Stavropoulos.

Sam handed out and discussed a set of guidelines for writers of sections (attached). He asked that they get revisions to him in a few days by email. He set up an editing committee: Sam, Mabel, Jean and Donna if she is available. They will produce a master document that everyone can review.

One issue is whether the sections are property titled. Especially the section on Preserving the Island Community which now focuses on taxes. Carol said she didn't want it only to focus on that. Donna and Mabel said that this is one section where all the others come together like a spiderweb or the hub and spokes of a wheel.

Sam praised Jean's piece in the affordable housing section on "Chebeague Then and Now", which says, in part, that people were willing to make do with less in the past. Donna said that we have to be careful about idealizing the past. People didn't necessarily make do with less if they didn't have to, and at times they did have "the best" -- at one point one of the two fanciest houses in the whole Town was on Chebeague. If we are going to use the past we have to understand it as it really was.

Jean said that what was really important was not that some groups had more than others but the attitudes of the people in the various groups. There is a "live and let live" attitude on Chebeague. She said that there are some people who criticize the ugliness of lobster traps in yards. There was some agreement with this; the fishermen worry about it. Jean said it is a difference between people who come to the island and embrace it versus those who come and want to make it like the mainland.

Sam reported that when he and Jim meet with Lambert, Benson and Cole, they would be discussing the "strategies for limiting property taxes" listed on the back of the agenda. He asked if there were any other ideas they should include. Donna suggested the possibility of donating a "historic easement" on a house. Everyone agreed to the list.

Carol presented the recommendations on her section on Groundwater. She reviewed some of the findings of the 1992 groundwater study including the finding that about 25 percent of the wells sampled had positive tests for coliform bacteria. Then she went over the problems that had been discussed several months

ago: junk cars, household waste and spills, petroleum use and storage, fertilizers and herbicides, septic systems and saltwater intrusion. The recommendations she made on each are attached or picked up at the meeting.

In the discussion these, further points were made. On junked cars, one of the real issues is getting public support for doing something about this. The Town is hesitant to enforce the rules that do exist because of this. This is just not much of an issue on the mainland, but on Chebeague it would be far better to prevent problems from junked cars than to clean the problem up later. People are also personally liable for pollution from a car, that is you can be personally sued for damages; whereas if your heating tank leaks you are not personally liable.

Donna said that in general it is a bad situation to have regulations that are not enforced.

Sam said what about the impact on people who repair cars and need parts. Carol said that they can be licensed junk dealers which requires that polluting substances in stored cars be removed.

On saltwater intrusion, the suggested study would produce a map of areas that have problems if there are any. Jim asked if larger shorefront lots would be a solution. Carol said that we do not have enough data now to justify that. In any case, distance between the well and the shore is more important.

Carol argued in general that we not only need to update the 1992 groundwater study but we need to have an ongoing process of data collection. Jim said that we could recommend registration of wells with the Town. Carol thought that would be a good idea.

Beth asked whether there was any justification to increase lot sizes because of pollution from septic systems. She mentioned the pollution at Central Landing on the clam flat map. Jim said that the Town is not wild about increasing lot sizes. Carol responded that we don't have information that would justify larger lot sizes and that even if there were pollution, that might not be a good answer. The state has a program to fix overboard discharges and septic system problems like the one at Central Landing. The homeowner pays part but the state pays most. The Town has not been applying for this money.

Jim said we should remind the Council and staff that this money is there and to apply for it.

When the discussion was completed, there was no vote on the specific items but there was general agreement with these recommendations, with some minor additions such as registration of wells.

Mabel and Sylvia gave their initial report on wetlands. They have not yet worked out all their recommendations. They will be

working with Beth to combine the open space section with land use.

They passed around a map with wetlands of various kinds marked on it. Chebeague does not have large areas of wetland. But some areas that probably are wetlands are not mapped on Town maps. So they are recommending that a more thorough study of wetlands on the Island be done. Donna said that maybe it would be useful to have baseline sampling of water in wetland areas that might be developed. Then it would be possible to tell if there were adverse impacts from development.

They also recommended environmental education for young people and restrictions on "clearcutting". Beth asked whether they wanted to prohibit timber harvesting. Sylvia said, no and that maybe criteria for appropriate cutting could be developed. Mabel said that maybe the agreement about selective cutting on lots at Rose's Point could be used as a model for regulations on this.

Beth said that she thought that timber harvesting could be developed as a more active economic activity on the Island and that people could be encouraged to protect their land by putting it into the Tree Growth program. The Town could provide access to timber management expertise, and sawn timber could be sold for building on the Island. Sam and Suzie said that it is difficult to do active timber management on Chebeague. Chuck won't do selective cutting. Donna said that what is needed is an amendment to the zoning ordinance to allow non-temporary sawmills. Sam said that sawmills are far too expensive for a small market like Chebeague.

Beth then presented for discussion the recommendations on transportation on the Island (attached or picked up at meeting).

On the recommendation to have another committee consider use and parking at wharves, Jim said that the fishermen had said that they do not need another wharf besides the Stone Wharf, and CTC wants to stay there too. Obviously wharves are expensive. But everyone hopes that other uses could be shifted somewhere else, and both the CTC traffic and, as Donna said, the fishermen's use of the Stone Wharf have increased over the years. Is this really a solvable issue? Beth said she thought the real issue was with the Golf Course over space for parking. It was agreed that the recommendation should be: that this issue should be addressed by another Town committee with the goal of bringing specific recommendations to the public and the Town Council.

Road standards: Beth proposed her standards. Donna suggested that the proposed standards apply not just to new roads but to existing ones. Also there should be a fourth category of roads that would especially cover small roads and easements to the shore to prevent them from being abandoned. These may often not be traditional 50' ROW, paved (blacktop or gravel) roads, but they must be maintained to a reasonable standard so that they

provide public access.

Beth also asked whether people thought there should be standards for private roads as well. Jim said the Town Council had just adopted some. Beth said she would review them.

Bicycles: Beth proposed a defined paved shoulder on roads. This was considered unworkable and yuppified. Martha and Suzie suggested instead having a brochure of Chebeague bike rules that could be given to people on the ferries with bikes. Jim said that the Town cannot make the CTC and CBITD to actually hand out brochures. Someone else said that the rules are in the present Council brochures on the ferries. Martha suggested that the regulations be posted on a sign at each wharf along with the speed limit.

Road maintenance: Donna said that there had been money in last year's capital budget for road paving on Chebeague but that she thought it had not been spent and did not know why. Sam said that Benson was unhappy that the Road Maintenance Report had gotten out into the public since he and the Council had not dealt with it yet and it is expensive. Beth said that at the last Growth Management Committee meeting there had been a discussion of road maintenance on the mainland like we are having here and that Peter Bingham seemed supportive of the need for it. Sam will be meeting with Bob Benson again to collect the more data on municipal services. He said that Benson will have Beth's two alternatives: to do nothing on the roads or to follow the Road Maintenance Report, and he will respond about which the Town will do. Beth and Sam then engaged in a shouting match over whether he was going to preclude recommendations from the Committee on road maintenance. When they both cooled down, Sam said he primarily wanted to get information on the cost of road maintenance and Beth said that would be useful.

Donna also said that she thought one problem with the cost of road maintenance was that the Island was not getting its money's worth from the road work it has. Sam said that we should not be trying to micromanage a Town department. Donna agreed but said that this is part of the reason for dissatisfaction with road maintenance. Al suggested proposing that the DPW have annual goals and a work plan for the Island. Beth asked Sam if he could simply find out whether the DPW has an annual work plan with goals for work on Chebeague. There was also some discussion about when it may be appropriate or necessary to contract with an outside firm for specific projects.

Beth asked for reactions on the proposal to open a new gravel pit. Donna said that the Town had always planned to do this. One problem seems to be that the buffers required by the zoning ordinance make the existing lot unusable. This is a significant issue that should be pursued further.

Beth asked Donna whether we should have any recommendations about

paper roads. Donna said that she had given studies to Donna Larson on Nubble View between Chandler and Bennett Coves and on Waldo Point. She is completing one on Sunset Landing. Jim said the Council had not gotten any information on these and was expecting a report that would cover them all. Donna said that she thought they would go to the Planning Board one at a time for individual public hearings, since each subdivision poses separate issues. Beth summarized the discussion by suggesting that the recommendation would be that: now that specific recommendations are being made on paper streets, we urge the Town to act on the process for deciding whether they will keep or let go title to each of these streets, some of which may be valuable resources for the community.

Again, no votes were taken but there was a consensus on the items relating to the Stone Wharf, traffic, road standards (except private roads) bikes and paper streets. On opening a new gravel pit, comments are needed from Carol about groundwater issues and the issue of the buffer needs to be explored. No conclusion was reached on road maintenance.

Recommendations

1. Septic Systems:

On Chebeague, malfunctioning or improperly installed septic systems pose a significant threat to groundwater quality which can impact both our water supply and the marine environment. Properly maintaining septic systems on Chebeague is difficult and expensive due to transportation and logistics. We recommend the Town provide assistance in establishing an island-wide maintenance program. This program could possibly include coordinated trips of a septic pump truck at a reduced rate utilizing the with the Town provide barge transportation.

A Phase 2 septic system survey of the island should be completed by a qualified individual to identify areas where existing septic systems are malfunctioning.

A public education program on septic system operation and maintenance consisting of written material and public forums should be implemented

2. Petroleum Storage and Use

Home heating oil tanks are a significant threat the Groundwater Resources on Chebeague. As part of this project, we have asked the Town to apply to a subsidized tank upgrade program available through the Maine DEP. The Town has submitted this request and the Maine DEP is optimistic that Chebeague will be eligible for funds in the year 2000.

Due to the potential for significant groundwater contamination that junk cars present, minimizing the number of junk cars on Chebeague is an important goal of this committee. We recommend that the Town consider an annual inspection program, similar to the one on Long Island, where all properties are inspected by the CEO for the presence of junk vehicles and compliance with Town ordinances. Current regulations should be reviewed to determine if they are adequate and appropriate for the island.

4. Saltwater Intrusion

The extent of existing saltwater intrusion problems on Chebeague is unknown. The Town sponsor a study to establish the extent of saltwater intrusion problems on the island. This could be completed with a combination of homeowner surveys and inexpensive water quality testing. These data could be used to determine what, if any, any additional protections may be necessary.

5. Use and disposal of hazardous chemicals

The existing household hazardous waste disposal program should be continued at regular intervals. Information on the proper use and disposal of hazardous chemical, used motor oil and paint-related compounds should be made available to the public.

6. Application of Fertilizers and Herbicides

An assessment of the current use of pesticides and herbicides on the island should be completed

7. Groundwater Study Update

The data in the 1992 groundwater study should be reviewed and updated. This may require completion of a homeowner well survey, placement of geologic and well data on Town's GIS system, evaluation of the saltwater intrusion potential, and inventory of fertilizer and pesticide use. In addition a system of ongoing data collection should be developed to maintain current data set on island groundwater wells, etc.

**TOWN OF CUMBERLAND
Planning Board Meeting**

**Saturday, February 12, 2000 8:30 A..M.
Chebeague Island Community Center
South Road, Chebeague Island**

A. Call To Order

B. Roll Call

C. Minutes of Prior Meetings

January 18, 2000

D. Consent Calendar

E. Hearings and Presentations

1. Public Hearing –Subdivision Revision– School House Road Subdivision – to create (1), two acre parcel from Lot # 1 (16.98 acres) of the subdivision Tax Assessor Map I06, Lot 32, Dan Kidd, owner.
2. Public Hearing – Site Plan Review, MSAD #51, Ballfield Improvements at schools property, School House Road, Tax Assessor Map I-6, Lot 31, MSAD #51, owner; Sevee & Maher, representative.
3. Sketch Plan – 23 Blanchard Rd. Subdivision – Minor Subdivision, 4-lot subdivision, one lot has an existing house, Tax Assessor Map U-12, Lot 11 & 11A, Scott Verrill, applicant; Squaw Bay Corp., representative.

F. Administrative Matters

G. Adjournment

TC mail
2/3

13 Shady Run Lane
Cumberland, ME 04021

11 January 2000

Peter Bingham, Chairman
Cumberland Town Council
290 Tuttle Road
Cumberland, ME 04021


Dear Mr. Bingham:

Please accept this letter as my immediate resignation from the Board of Adjustment and Appeals.

Family and business commitments have made it more difficult for me to attend meetings of the Board, and I feel that the increasing number of my absences does a disservice to the Town.

I have appreciated the opportunity to serve on the Board over the past few years, and I hope to be able to volunteer for some other position with the Town in the future.

Very truly yours,



James E. Fortin

cc: George Turner, Chairman
Board of Adjustment and Appeals

Council
by March 1
2/3

The County of Cumberland is committed to providing quality services to all citizens equitably, in a responsive and caring manner.

COMMISSIONERS' MEETING

MINUTES

January 10, 2000

The Board of Cumberland County Commissioners, Esther B. Clenott and Gary E. Plummer, convened a meeting in Courtroom 1 on the above date.

Acting Chairperson Plummer called the meeting to order at 7:00 PM and the following business was conducted. Commissioner Clenott moved to appoint Commissioner Plummer as Chairperson for the upcoming year. Second by Commissioner Plummer, so voted.

Minutes of the regular meeting of December 27, 1999 approved as written.

Peter Crichton, County Manager, reported that a search conference with stakeholders in County government has tentatively been scheduled for May. He noted that he has met with our strategic Planning consultant, Marsha Greenberg, to discuss the goals and objectives of the conference, as well as the expected outcome. He will meet with her again in February to continue the planning efforts.

He also reported that he and Commissioner Clenott are continuing to be involved in meetings regarding the implementation of the new Workforce Investment Act. He noted that nine public forums will be held around the state this week, and that the forum in Cumberland County will take place Thursday, January 13, 4-6 PM, at the Career Center at 185 Lancaster Street in Portland.

Commissioner Clenott emphasized the importance of the WIA public forums, and encouraged all interested parties to attend.

Chairperson Plummer noted he has had a hard time adjusting to the fact that Commissioner Peter Feeney is not present to add his insight to County issues. He reported that he has been in contact with the Chairperson of the County Democratic Delegation and has been informed that a number of people have expressed interest in completing Commissioner Feeney's term. A caucus for District 2 will be held late in February, and a nomination will be made to the Governor for the appointment. A replacement may not be in office until the end of February or early March.

2000-01 Appointments, Civic Center Trustees

The Commissioners noted that they had interviewed eight wonderful applicants this year, and felt that they had chosen

well from the pool of qualified people. Motion by Commissioner Clenott to appoint George Campbell of Portland to a three year term representing District One; Dale Olmstead Jr. of Freeport, to a one year term (replacing a Trustee who had resigned) representing District Five; William Whitten of Yarmouth to a three year term representing District Six; and the re-appointment of Linda Cohen of South Portland to a second three year term for the At Large seat. Second by Chairperson Plummer, so voted.

2000-02 Request for deputy sheriff commissions

The following request for deputy sheriff commissions was submitted by Sheriff Dion: Burt Babbidge, Ronald Gregor, Clayton Stromski, and Jay Ward, CCSO. Approved on the motion of Commissioner Clenott and the second of Chairperson Plummer.

2000-03 Indemnification Agreement, Town of Bridgton

Mr. Crichton reported that this was very similar to the agreement with other towns in the County regarding the deputization of police officers. Patricia Dunn, County's legal counsel, highlighted a few significant revisions.

Motion by Commissioner Clenott to authorize the Chairperson to sign the agreement. Second by Chairperson Plummer, so voted.

2000-04 Authorization, BJA Grant

Mr. Crichton reported that this was a local law enforcement block grant that the County has applied for and received since 1996. The Sheriff's office uses the grant to acquire needed equipment as recommended by an advisory board set up in accordance with the requirements of the grant. Major Walter Slocum reviewed the list of equipment and noted that this action of approval was also in accordance with the requirements of the grant, as they have done each year.

Motion by Commissioner Clenott to accept the grant. Second by Chairperson Plummer, so voted.

2000-05 Report, Phone System, District Attorney

Mr. Crichton reported that this request was to add the District Attorney's office to the existing phone system used by all other County departments in the courthouse. He noted that this had been thoroughly discussed during the budget process, and the cost of \$39,836 was included in the CIP. He noted that the District Attorney's office was originally included in the original bid in 1997, but removed due to funding constraints.. It was determined at that time to add this office at a later time when funding was available. He noted that the current phone system and voice mail system used in the District Attorney's office was obsolete and deteriorating.

Chairperson Plummer expressed his concern that they were spending almost \$40,000 without going out to bid.

Stephanie Anderson, District Attorney, noted that this was simply a continuation of the 1997 bid. Bruce Tarbox, Facilities Manager, noted that currently County departments had to dial an outside line to get to the District Attorney's office, which is in the same building. He reported that he was recommending the purchase of the new system from Executone, as it would be much more cost effective. Bidding out for a different system would require the purchase of another mainframe computer. The current mainframe will allow the addition of the District Attorney's offices without additional equipment. He also noted the advantage of compatible phone parts, one vendor and contract, and one company to call for repairs. He reported that the system purchased in 1997 was a digital system, as opposed to the older analog system used at the District Attorney's office.

Motion by Commissioner Clenott to approve the purchase of the phone system from Executone for the amount of \$39,836. Second by Chairperson Plummer, so voted.

2000-06 Report, ACT Software, Facilities

Mr. Tarbox reported that in 1998, the Facilities department established a computerized work order system purchased from Applied Computer Technology (ACT) which was needed to provide documentation of work requests, preventative maintenance, and vehicle repairs, etc. Currently, departments have to request a work order form, fill it out, have it approved, and wait for action, which can sometimes take a few days. With the requested software, entries for work orders would be done from the employee's computer and sent to the facilities department. It would be reviewed, approved or rejected, and supplies would be ordered if needed. The employee would be able to access the status of their work order immediately and know without calling if supplies were on back order, or if funds were unavailable. This would save time and allow accountability. The software cost is \$8,200 and only available from ACT, and is included in the CIP.

Motion by Commissioner Clenott to authorize the purchase of the software in the amount of \$8,200. Second by Chairperson Plummer, so voted.

2000-07 Report, Freezer Installation, Jail

Mr. Tarbox reported that in 1997, a \$33,420 bid was awarded to Air Temp, Inc. for the purchase of a new freezer to be located at the jail. The installation was delayed due to numerous problems with the jail floor, and the freezer has been in storage. The floor problems have been resolved, and the freezer can now be installed. The cost of installation has increased from \$13,420 in 1997 to \$15,450 in 2000, which is simply an increase in labor costs. He noted that he is also requesting an additional \$4,550

for electrical work and shelving, to be done in-house by his department. This results in a total cost of \$20,000 and the amount is included in the CIP.

Motion by Commissioner Clenott to approve \$20,000 for the installation of the freezer. Second by Chairperson Plummer, so voted.

2000-08 Tax Appeal Requests: Bouchard, property in Harpswell
Brown, property in Raymond

On the motion of Commissioner Clenott and the second of Chairperson Plummer, tax appeal requests from Armand & Anne Bouchard, property in Harpswell, and Peter & Marcia Brown, property in Raymond, were placed on file for a hearing at a later date.

No further business conducted, motion to adjourn at 7:47 PM.

ATTEST:



Timothy J. Jarvis
Deputy Clerk

Next regular meeting, Monday, January 24, 2000 at 7:00 PM.

JENSEN BAIRD GARDNER & HENRY

ATTORNEYS AT LAW

TEN FREE STREET
P.O. BOX 4510
PORTLAND, MAINE 04112
(207) 775-7271

TELECOPIER (207) 775-7935

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DAVID J. JONES
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RICHARD H. SPENCER, JR.
RONALD A. EPSTEIN
WILLIAM H. DALE
JOSEPH H. GROFF III

F. BRUCE SLEEPER
DEBORAH M. MANN
LESLIE E. LOWRY III
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2/3 Council
By mail
NB

January 31, 2000

Robert B. Benson, Town Manager
Cumberland Town Offices
290 Tuttle Road
Cumberland, ME 04021

Re: Judith M. Wohl and Agnes Gormley v. Town of Cumberland and Joseph Frustaci, Superior Court (Cumberland County) Docket No. AP-99-120

Dear Bob:

Enclosed please find a copy of the fully executed Stipulation of Dismissal in this case. This Stipulation has now been filed with the court. This should be our final action in this matter.

Please give me a call if you have any questions. Thank you.

Sincerely,

Natalie

Natalie L. Burns

NLB:gb

Enclosure

cc: Donna Larson, Town Planner
Kenneth M. Cole III, Esq.

SUPERIOR COURT
DOCKET #: RE-99-120

STIPULATION OF DISMISSAL

So Stipulated and Agreed this 8th day of January, 2000.

Natalie L Burns
Natalie Burns, Esq.
Jensen Baird Gardner
Ten Free Street
P.O. Box 4510
Portland, ME 04112

Agnes Gormley

MAINE SCHOOL ADMINISTRATIVE DISTRICT #51
CUMBERLAND / NORTH YARMOUTH
Cumberland Center, ME 04021

MEMORANDUM

DATE: February 1, 2000

TO: Selectmen, Town of North Yarmouth
Council Members, Town of Cumberland
MSAD #51 Board Members
(see distribution)

FROM: Scott Poulin, Director of Operations, MSAD #51

RE: MSAD #51 and Towns of North Yarmouth & Cumberland Joint Meeting

Our annual joint meeting will be held,

Date: Monday, February 7, 2000
Time: 5:00 - 6:30 PM
Place: Val Halla

The agenda is attached and MSAD #51 will provide refreshments.

cc: Scott Seaver, Administrative Assistant, Town of North Yarmouth
Bob Benson, Manager, Town of Cumberland
R. Hasson, MSAD #51 Supt.
S. Smith, Food Service Director
E. Moynihan, Val Halla

**Joint Meeting of
Towns of North Yarmouth and Cumberland
and MSAD #51**

**Date: Monday, 2/7/00
Time: 5:00 PM - 6:30 PM
Place: Val Halla**

Agenda

- I. Welcome -Introductions**
- II Board Chairs - Goals and Challenges for the Year**
- III Budget Processes and Projections**
- IV Towns - Growth Issues (legal opinions attached)**
- V Future Meeting Schedule**

JENSEN BAIRD GARDNER & HENRY

ATTORNEYS AT LAW

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LESLIE E. LOWRY III
PATRICIA MCDONOUGH DUNN
MICHAEL J. QUINLAN
R. LEE IVY
NATALIE L. BURNS
SALLY J. DAGGETT
BRENDAN P. RIELLY
SUZANNE R. SCOTT

RAYMOND E. JENSEN
M. DONALD GARDNER
MERTON G. HENRY
JOHN D. BRADFORD
JAMES E. KAPLAN
OF COUNSEL

KENNETH BAIRD
(1914-1987)

YORK COUNTY
OFFICE

11 MAIN STREET, SUITE 4
KENNEBUNK, MAINE 04043
(207) 985-4676
TELECOPIER (207) 985-4932

December 17, 1999

Donna Larson, Town Planner
Town of Cumberland
290 Tuttle Road
Cumberland Center, Maine 04021

Re: Subdivision Issues

Dear Donna:

You have inquired whether Section 7.4 of the Subdivision Ordinance could be used as a deterrent to growth. As currently written, this section requires the Board to consider the impact of a proposed subdivision upon existing services and facilities. The Board may require a Community Impact Statement regarding the anticipated impact upon several Town services and facilities, including schools and school buses. There is not a standard in the Subdivision Ordinance that authorizes the Planning Board to deny a project that will have a negative impact upon these services or facilities.¹ Thus, the current Ordinance actually serves as a facilities and services planning tool that the Town can utilize when preparing its budget, rather than as a growth control standard.

The Council has inquired whether the Ordinance could be amended to adopt it as a standard that would allow the Planning Board to deny a project due to its impact upon services and facilities. The particular concern at this point is the impact upon the schools. I think that there are problems with adopting such a standard as related to schools. For example, a denial of a subdivision based upon its impact upon school facilities could be subject to a challenge under the Maine Constitution, which imposes upon municipalities the obligation to support education. In addition, it would take away rights to use property that is zoned for residential use only until such time as the schools have increased capacity. This could be challenged as an unconstitutional taking of property, even if the restriction is only temporary.

You also asked whether the Town could adopt a moratorium until the school issues are resolved. 30-A M.R.S.A. § 4356 allows a municipality to adopt a moratorium "to prevent a shortage or an overburden of public facilities that would otherwise occur during the effective period of the moratorium or that is reasonably foreseeable as a result of any proposed or

¹ The State Subdivision Law initially contained a review standard that stated that subdivisions could not "place an unreasonable burden on the ability of the local governments to provide municipal or governmental services." This section was repealed in 1973.

December 17, 1999

Page 2

anticipated development." The initial period of the moratorium is limited to 180 days. The Council may extend this for addition 180 day periods if the problem still exists and reasonable progress is being made toward resolution of the problem. If the Town has some strategies that will assist with the school crowding issue, such as zoning amendments, then it can adopt a moratorium on developments that might add to the existing problem. If the Council wishes to do this, the Planning Board should gather some specific statistics concerning existing school usage and projected future use. This would be used as part of the adopted moratorium ordinance.

Another question concerning a moratorium is whether it can be limited to subdivisions only. I think that a moratorium based upon school facilities deficiencies would be subject to an equal protection challenge if it only targets one type of residential development. Other than residential development limited to older residents without children (as permitted by the Fair Housing Act), all residential development has a potential impact upon schools. In addition, there are may divisions of land that result in new housing units that are exempt from subdivision review for one reason or another. However, these units have the same impact upon the schools as those that go through subdivision result. Because of this, I think that a moratorium based upon school facilities deficiencies must include all new residential development other than elderly housing development.

I have previously sent a letter to the Council on the issue of school impact fees. While there is some question about whether the Town, as a member of a School Administrative District, can adopt a school impact fee or whether any community is authorized to adopt a school impact fee, the legality of school impact fees has never been reviewed by a Maine court. Any impact fee would have to meet the requirements of 30-A M.R.S.A. § 4354, a copy of which is attached. Of course, an impact fee can only be used to offset the costs of improvements necessitated by the development charged the fee and cannot be utilized to correct existing deficiencies.

Please call me if you have any questions. Thank you.

Sincerely,



Kenneth M. Cole III

cc: Robert B. Benson, Town Manager

JENSEN BAIRD GARDNER & HENRY

ATTORNEYS AT LAW

TEN FREE STREET
P.O. BOX 4510
PORTLAND, MAINE 04112
(207) 775-7271

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WALTER E. WEBBER
KENNETH M. COLE III
NICHOLAS S. NADZO
FRANK H. FRYE
DAVID J. JONES
MICHAEL A. NELSON
RICHARD H. SPENCER, JR.
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11 MAIN STREET, SUITE 4
KENNEBUNK, MAINE 04043
(207) 985-4676
TELECOPIER (207) 985-4932

April 21, 1999

Members of the Cumberland Town Council
Cumberland Town Offices
290 Tuttle Road
Cumberland, ME 04021

Re: Growth Caps and School Impact Fees

Dear Members of the Council:

Councilor Gleason has requested that we look into two separate issues. The first was the growth cap in the Town of Eliot. This cap has been challenged in court. Recently Justice Brennan issued an opinion in the case Homebuilders Association of Maine v. Inhabitants of the Town of Eliot, York County Superior Court Docket No. CV-97-160. However, the decision is limited to a one-paragraph order denying the Plaintiffs' Motion for Summary Judgment on some of the counts of the Complaint. Justice Brennan included a statement in his decision that the ordinance at issue "is more accurately described as a growth control ordinance rather than as a moratorium." He then recognized the authority of municipalities to enact growth control ordinances, citing Begin v. Town of Sabbatus and Tisei v. Town of Ogunquit. There are other issues still awaiting resolution in the case, so there has not yet been a final judgment.

There is currently pending in the Legislature a bill that would codify Justice Brennan's position. LD 494 would amend the definition of moratorium in 30-A M.R.S.A. §4301 to exempt ordinances that impose building permit limitations where such ordinances are consistent with the Town's comprehensive plan and the plan is enacted in accordance with the Growth Management Act. This means that growth cap ordinances would not be subject to the normal restrictions placed on moratoria, such as the time limits imposed by State statute.

In addition, we reviewed a copy of the Town of York's ordinance and regulations on school impact fees. The administrative ordinance complies with the requirements of State statute by limiting the use of fees to increased demand for schools due to new growth. The fee must be paid at the time of occupancy, although the regulations state that the amount is calculated at the time of issuance of the building permit. In York's case, the fees are to be used for new construction or improvements to the middle school and renovations to the high school. The regulations establish the fee, which is imposed upon single-family dwellings, apartments and mobile homes with three or more bedrooms. Each of these categories pays a different fee. The

April 21, 1999

Page 2

Town also provided a copy of the calculations utilized to determine the fees, as well as the rationalizations for imposing different amounts on different types of dwellings. There are exemptions for elderly housing and expansions of seasonal structures that are not used in the winter.

30-A M.R.S.A. §4354, one of the statutory impact fee provisions, includes a list of items that may be considered as infrastructure for which impact fees may be assessed. Schools are not included on the list; however, the statute specifies that fees are not limited to the facilities included on the list. A separate issue for Cumberland is 20-A M.R.S.A. §1310. This section sets forth the procedure for district assessments for School Administrative Districts. Under the statute, municipal assessors must assess the municipality's share of district costs upon taxable estates within the municipality. The municipality may use proceeds from gifts or trust funds allocated for education purposes to pay its share of the district costs. However, the statute does not provide for any other sources of payments. As a result, it is not clear that a Town may utilize an impact fee to pay its share of district costs under State law. The Town of York is not part of a School Administrative District, so it did not have to deal with this issue in writing its ordinance.

Please call me if you have any questions. Thank you.

Sincerely,



Kenneth M. Cole III

cc: Robert B. Benson, Town Manager
Donna Larson, Town Planner

*49567 30-A M.R.S.A. § 4354

**MAINE REVISED STATUTES
ANNOTATED
TITLE 30-A. MUNICIPALITIES
AND COUNTIES
PART 2. MUNICIPALITIES
SUBPART 6-A. PLANNING AND
LAND USE REGULATION
CHAPTER 187. PLANNING AND
LAND USE REGULATION
SUBCHAPTER III. LAND USE
REGULATION**

Current through End of 1997 Second Sp. Sess.

§ 4354. Impact fees

A municipality may enact an ordinance under its home rule authority requiring the construction of off-site capital improvements or the payment of impact fees instead of the construction. Notwithstanding section 3442, subsection 2, an impact fee may be imposed that results in a developer or developers paying the entire cost of an infrastructure improvement. A municipality may impose an impact fee either before or after completing the infrastructure improvement.

1. Construction or fees may be required. The requirements may include construction of capital improvements or impact fees instead of capital improvements including the expansion or replacement of existing infrastructure facilities and the construction of new infrastructure facilities.

A. For the purposes of this subsection, infrastructure facilities include, but are not limited to:

- (1) Waste water collection and treatment facilities;
- (2) Municipal water facilities;
- (3) Solid waste facilities;

(4) Fire protection facilities;

(5) Roads and traffic control devices; and

(6) Parks and other open space or recreational areas.

2. Restrictions. Any ordinance that imposes or provides for the imposition of impact fees must meet the following requirements.

A. The amount of the fee must be reasonably related to the development's share of the cost of infrastructure improvements made necessary by the development or, if the improvements were constructed at municipal expense prior to the development, the fee must be reasonably related to the portion or percentage of the infrastructure used by the development.

B. Funds received from impact fees must be segregated from the municipality's general revenues. The municipality shall expend the funds solely for the purposes for which they were collected.

C. The ordinance must establish a reasonable schedule under which the municipality is required to use the funds in a manner consistent with the capital investment component of the comprehensive plan.

*49568 D. The ordinance must establish a mechanism by which the municipality shall refund impact fees, or that portion of impact fees, actually paid that exceed the municipality's actual costs or that were not expended according to the schedule under this subsection.

E. Repealed. Laws 1989, c. 562, § 18, eff. July 11, 1989.

CREDIT(S)

1996 Main Volume

1989, c. 104, § A, 45; 1989, c. 562, §§ 16 to 18, eff. July 11, 1989; 1991, c. 18, §§ 2, 3; 1991, c. 236, § 2; 1991, c. 722, § 8.

HISTORICAL NOTES

HISTORICAL AND STATUTORY NOTES

1996 Main Volume

Amendments

1989 Amendment. Laws 1989, c. 562, § 16, in the opening par., changed the beginning of the second sentence from "After the applicable deadlines" to "No later than 2 years after the applicable deadlines".

Laws 1989, c. 562, § 17, in subsec. 2, par. D, substituted "shall" for "may" and "that portion" for "a portion".

Laws 1989, c. 562, § 18, in subsec. 2, repealed par. E, which required that applicable ordinances be adopted as part of local growth management programs.

1991 Amendments. Laws 1991, c. 18, § 2, first par., added provisions concerning the imposition of impact fees to be paid by developers and municipal imposition of impact fees before or after completion.

Laws 1991, c. 18, § 3, in subsec. 2, par. A, inserted restriction concerning improvements constructed at municipal expense prior to development.

Laws 1991, c. 236, § 2, in the first par., made provisions applicable notwithstanding subsec. 2 of 30-A M.R.S.A. § 3442.

Laws 1991, c. 722, § 8, repealed and replaced the first (opening) par., which, in effect, in provision relating to imposition of impact fees resulting in the payment of the entire cost on an infrastructure, substituted reference to subsec. 2 of 30-A M.R.S.A. § 3442 for reference to 30-A M.R.S.A. § 3442, deleted reference to 30-A M.R.S.A. § 3443, subsec. 2, in the provision authorizing a municipality to enact an ordinance under its home rule authority and deleted provisions stating that no later than 2 years after the deadline established under 30-A M.R.S.A. § 4343, subsec. 1, any impact fee ordinance must have been adopted as part of a certified local growth management program.

Effective Dates

1989 Act. Laws 1989, c. 104, § C, 10, provided:

*49569 "This Act shall be retroactive to February 28, 1989."

The emergency clause of Laws 1989, c. 104, provided:

"In view of the emergency cited in the preamble, this Act shall take effect when approved [May 4, 1989]."

1991 Act. Laws 1991, c. 722, § 11, provided:

"This Act takes effect retroactively to December 23, 1991."

The emergency clause of Laws 1991, c. 722, provided:

"In view of the emergency cited in the preamble, this Act takes effect when approved [March 23, 1992]."

Derivation:

Laws 1987, c. 737, § A, 1; Laws 1987, c. 766, § 6; Laws 1987, c. 860, § 2; former 30 M.R.S.A. § 4961-A.

Costs Excluded from Mandate

Laws 1991, c. 722, § 10, provided:

"Notwithstanding the Maine Revised Statutes, Title 30-A, section 5684, any requirements of this Act that result in additional costs to local or county government are not state mandates subject to that section and the State is not required to fund those costs."

REFERENCES

LIBRARY REFERENCES

1996 Main Volume

American Digest System

Validity of zoning regulations generally; considerations and factors involved in valid zoning, see Zoning and Planning Ⓔ21 et seq.

Encyclopedias

Validity of zoning regulations generally; considerations and factors involved in valid zoning, see C.J.S. Zoning and Land Planning §§ 18 et seq., 38 et seq.

POLICY SOUNDINGS

Your forum for shaping public policy.



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Professor of Public Policy, The Muskie School, USM

Business Attraction: Joe Wischerath
Executive VP, Maine & Company

Business: John Keffer
President and Owner Forum Financial Group

Low Income: Kit St. John
Director, Maine Center for Economic Policy

WEDNESDAY, MARCH 22

REGISTRATION FEE: \$12.00 INCLUDES BREAKFAST

7:00-9:00 A.M. • EASTLAND HOTEL • PORTLAND

☆☆

Policy Soundings

Name(s): _____ Phone _____

Title or position _____ Organization _____

Please indicate meal choice (check one) ☐ Fruit plate with bran muffin ☐ Eggs, bacon, homefries and muffin

Registration fee \$12.00 To register by phone, please call **772-1196**, ext. **228**

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Policy Soundings will be recorded by Time Warner Cable and Maine Public Radio for rebroadcast.

Council
H. J.

MAINE SCHOOL ADMINISTRATIVE DISTRICT #51
CUMBERLAND / NORTH YARMOUTH
Cumberland Center, ME 04021
Board of Directors
Agenda

Monday
January 24, 2000

7:00 PM

Mabel I. Wilson School

MSAD #51 Mission

The mission of MSAD #51 is to guide all students as they acquire enthusiasm for learning, assume responsibility for their education, achieve academic excellence, and discover and attain their personal bests.

To accomplish this mission, the MSAD #51 community will collaborate to:

- Use effective instructional practices and provide professional development to assure that all students meet or exceed the district's benchmarks and outcomes;
- Ensure a safe and respectful environment where all feel a sense of belonging; and
- Promote parental participation as fundamental to each student's success.

Board Goals for 1999-2000

1. Support the district's work in curriculum, assessment, instruction, and professional development by increasing Board and community understanding of the State of Maine Learning Results and by reviewing the district's progress toward achieving our mission.
2. Implement the facilities planning steps adopted by the Board.
3. Promote sound resource management, improve the Board's involvement in the budget planning process, and better communicate with the public about the district's financial needs.

MSAD #51 Board of Directors

Jeanne Chadbourne	829-5166
Maryellen Fitzpatrick	829-4657
Reid Hayward	829-5942
Karen Herold	829-6146
Thomas Hyndman	781-4644
Mary Schendel	781-3787
Kim True	829-3209
Bob Vail	829-5393

1. **Call to Order** - by MSAD #51 Board of Directors Chairperson, Mary Schendel

2. **Approval of Minutes**

3. Superintendent / Administrator Reports

- a) David Silvernail presenting from Performance Indicators on community survey and recent graduate survey
- b) Committee Updates
 - Finance
 - Facilities:
 - Alternative Plan Committee
 - Site Selection Committee
 - Time Task Force
- c) Media Selection Policy Presentation by Judy Gray
- d) Efficacy Institute Update
- e) Crisis Management Update

4. Items for Action

- a) Vote to approve the following policies:

AC	Nondiscrimination and Compliance
ACAA	Harassment and Sexual Harassment of Students
ACAA-R	Student Grievance Procedure
ACAB	Harassment and Sexual Harassment of Employees
ACAB-R	Employee Grievance Procedure
ACAC	Relations Between Staff and Students
ACAD	Hazing
JICIA	Weapons, Violence, Theft and School Safety
- b) Appointment of athletic, co-curricular coaching stipend position for the 1999/200 school year.

5. Communications

6. Adjourn Meeting_____ P M

Upcoming Meetings /Events

- 1/20/00 - Site Selection Committee, 7:00 PM, GHS Library
- 1/24/00 - Finance Committee, MIW Conference Room, 5:00 PM
- 1/24/00 - Time Task Force, Central Office, 3:30 PM
- 1/26/00 - Policy Committee Meeting, Central Office, 8:15 AM
- 1/26/00 - Early Release, 7-12 @ 1:12 PM, K-6 @ 12:15 PM
- 1/28/00 - MIW Progress Reports Go Home
- 1/28/00 - High School District II Band Festival
- 1/29/00 - High School District II Band Festival
- 1/31/00 to 2/4/00 M. I. Wilson Culture Fair Week
- 2/1/00 - First Practice Junior High Track & Swimming
- 2/2/00 - Early Release, 7-12 @ 1:12 PM, K-6 @ 12:15 PM
- 2/2/00 - Fingerprinting, Cumberland Town Office Council Chambers, 11:30 AM - 3:30 PM
- 2/2/00 - Design Team, 3:15 PM, GHS Library
- 2/4/00 - High School District II Choral Festival
- 2/5/00 - High School District II Choral Festival
- 2/7/00 - Finance Committee, MIW Conference Room, 5:00 PM
- 2/7/00 through 2/11/00 MSAD #51 registration for Kindergarten for 2000-01
Daily 8:00 Am - 4:00 PM, MIW
- 2/8/00 - PTO Business Meeting, 7:00 PM
- 2/9/00 - Policy Committee Meeting, Central Office, 8:15 AM
- 2/9/00 - Early Release, 7-12 @ 1:12 PM, K-6 @ 12:15 PM
- 2/9/00 - Fingerprinting, Cumberland Town Office Council Chambers, 11:30 AM - 3:30 PM

**MAINE SCHOOL ADMINISTRATIVE DISTRICT #51
CUMBERLAND / NORTH YARMOUTH
Cumberland Center, ME 04021
Board of Directors
Minutes**

Monday

January 10, 2000

7:00 PM

Mabel I. Wilson School

1. **Call to Order** - by MSAD #51 Board of Directors Chairperson, Mary Schendel

Teacher Evaluation Workshop

1. **Call to Order** - by MSAD #51 Board of Directors Chairperson, Mary Schendel at 7:05 P.M.

Attendance:

Board of Directors: Jeanne Chadbourne, Maryellen Fitzpatrick, Reid Hayward, Karen Herold, Mary Schendel, Kim True, Bob Vail

Administrators: Brenda Breton, Suzanne Godin, Robert Hasson, Klaus-Peter Voss, Shannon Welsh

2. **Approval of Minutes** - of the Board of Directors meeting held on December 20, 1999.

Motion by Reid Hayward 2nd by Kim True.

Voted: To approve the minutes of the Board of Directors meeting held on December 20, 1999. (Voted: 6-0. T. Hyndman and J. Chadbourne absent)

3. **Adjourn Meeting 9:21 P M**

Upcoming Meetings /Events

- 1/5/00 - Early Release, 7-12 @ 1:12 PM, K-6 @ 12:15 PM
- 1/5/00 - Design Team, GHS Library, 3:15 PM
- 1/6/00 - High School Jazz All State
- 1/7/00 - High School Jazz All State
- 1/6/00 - Site Selection Committee GHS Library, 7:00 PM
- 1/6/00 - Wilson Forum: Progress Report, 6:30 - 8:00 PM
- 1/7/00 - Time Task Force, Central Office, 3:30 PM
- 1/11/00 - PTO Business Meeting, 7:00 PM
- 1/12/00 - Grade 4 Math Fair
- 1/12/00 - Early Release, 7-12 @ 1:12 PM, K-6 @ 12:15 PM
- 1/17/00 - Martin Luther King Day - No School
- 1/18/00 - GHS Mid-Terms
- 1/19/00 - Full Day of School
- 1/20/00 - GHS Mid-Terms
- 1/20/00 - Site Selection Committee, GHS Library, 7:00 PM
- 1/21/00 - GHS Mid-Terms
- 1/21/00 - Second quarter ends
- 1/24/00 - Time Task Force, Central Office, 3:30 PM
- 1/26/00 - Early Release, 7-12 @ 1:12 PM, K-6 @ 12:15 PM
- 1/28/00 - MIW Progress Reports Go Home
- 1/28/00 - High School District II Band Festival



STATE OF MAINE
DEPARTMENT OF
ECONOMIC AND COMMUNITY DEVELOPMENT
33 STONE STREET
59 STATE HOUSE STATION
AUGUSTA, MAINE

ANGUS S. KING, JR.
GOVERNOR

04333-0059

STEVEN H. LEVESQUE
COMMISSIONER

*Council
by
mail
1/27*

January 24, 2000

Robert Benson
Town of Cumberland
290 Tuttle Rd
Cumberland Center ME 04021

Dear Mr. Benson:

I regret to inform you that the Town of Cumberland has not been selected to receive a Community Development Block Grant (CDBG) Housing Assistance program grant.

The Office of Community Development received many worthwhile applications for the 2000 Housing Assistance program grant competition. Funding was only available to select 9 projects from the 22 applications for program funds.

The Office intends to continue to work with all communities that applied for Housing Assistance funds. Orman Whitcomb, OCD Technical Assistance Director will be contacting you over the next few weeks to review your project.

Thank you for your interest in bettering the housing of your community and your interest in CDBG grant programs.

Sincerely,

Aaron Shapiro
Program Manager

AS/trk



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STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0016

1/27
ma
11
1/27

ANGUS S. KING, JR.
GOVERNOR

January 18, 2000

JOHN G. MELROSE
COMMISSIONER

Nathaniel J. Tupper, Town Manager
Town of Yarmouth
79 Main Street
Yarmouth, ME 04096

Dear Mr. Tupper:

I am writing in response to your inquiry regarding the Maine Department of Transportation's (MDOT's) commitment to the purchase of buses. I hope the following information provides the Yarmouth Town Council with the assurance they need to move forward on this issue.

The MDOT has committed \$300,000 to assist the Town of Cumberland with the purchase of up to three buses to provide shuttle access from the new remote lot on Route 1 to the Wharf. The funds for this purchase were part of the Bond Issue approved by the voters last November. This purchase is included in the MDOT's Biennial Transportation Improvement Program (BTIP) for FY 2000-01, and has been assigned a Project Identification Number (PIN 7975.00).

Language is also included in the Municipal/State Agreement between the State of Maine and the Town of Cumberland regarding Chebeague Island Transportation System, dated October 26, 1999, committing the Department to provide 80%, and Cumberland 20%, of the costs for acquiring up to three buses to serve from a satellite lot to Cousins Island. I have attached a copy of this agreement.

Please call me at 287-3318 if you have further questions.

Sincerely,


Ronald L. Roy, Director
Office of Passenger Transportation

RLR/TP/tlc

cc: Bob Benson, Town of Cumberland



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Cumberland/Stratton Property

Habitat Paragraph

Habitat for Humanity/Greater Portland, Inc. is the local affiliate of the national volunteer home-building organization founded by Millard Fuller and popularized by Jimmy and Rosalyn Carter. The local affiliate has, since its founding in 1985, built 26 affordable homes for hard-working people whose income levels would likely never permit home ownership. The homes have been built all over Cumberland County, including the communities of Falmouth, Windham and Portland. Construction of Habitat homes is performed by a volunteer labor force, and always includes the Habitat homeowner, who must put in 500 hours of "sweat equity" as part of the qualification for a home. Habitat calls its successful program a "hand up, not a handout." The affordability of Habitat's homes is historically directly dependent on donated land (often in the past, tax-acquired properties from towns such as Windham) since any money paid by Habitat to purchase land or provide infrastructure is added to the price of the home, and homes would quickly become unaffordable if any substantial land or infrastructure costs were added.

Due to the considerable volunteer efforts and fundraising involved in building each Habitat home, this affiliate typically builds no more than 2 homes a year.

Once a Habitat home is completed, it is sold to the Habitat homeowner for cost (typically between \$50,000 and \$65,000), and Habitat takes back a no-interest mortgage which provides for the payment of the purchase price over 20 or 25 years. Mortgage payments that flow into Habitat are plowed back into new homes. Habitat prudently seeks to preserve the long-term "affordable" nature of its homes by retaining a right of first refusal on the home and a "silent" second mortgage which, combined, provide Habitat with the opportunity to repurchase its homes in the event an owner wishes to sell and provide a strong disincentive to a Habitat homeowner to sell the property to reap a windfall profit. Historically, when Habitat homeowners have desired to sell a home, Habitat has reacquired the property and transferred it to the next Habitat homeowner who has qualified for a home (of course, after the requisite sweat equity hours have been contributed).

Gene and Reba Stratton of Cumberland contacted Habitat regarding the donation of a single buildable lot on their property off Upper Methodist Road. During discussions regarding the donation of the single lot an agreement was reached where the Stratton's generously agreed to sell to Habitat a large tract of land (approximately 70 acres) at a below market price. Delucca-Hoffman, a local engineering firm donated time to review the parcel for its development potential as a single family subdivision. The most significant and striking feature of the land is a large ravine that effectively separates the land into a north and south parcel. The cost of bridging the ravine is seen as being prohibitive. Further, the Cumberland Land Trust has expressed an interest in the ravine area remaining in its current natural state and potentially becoming part of the Land Trust's holdings.

Based on the preliminary review by Delucca-Hoffman, it appears that no more than five or so lots could be developed on the north parcel and no more than ten or so lots could be developed on the south parcel. Both parcels would require easements over adjacent property and extensive road

infrastructure. The land itself is believed to be well-suited for single family development using private wells and septic systems.

There is a strong history of support of Habitat and its mission among many of Cumberland's residents. Habitat is hopeful that an expanded relationship can be forged with the Town and its interested residents, a relationship whose purpose is to explore the potential of building affordable houses on the Stratton parcel to provide the dignity and benefits of homeownership to new Habitat families. To that end, Habitat would like to open a dialogue with the Town on the development potential for one or both of the portions of the Stratton parcel. Habitat wants to be a welcome addition to any community a Habitat home is built in, and Habitat is hopeful that Cumberland will work with Habitat to find a creative way to use the Stratton parcel for the mutual benefit of both the Town and Habitat.

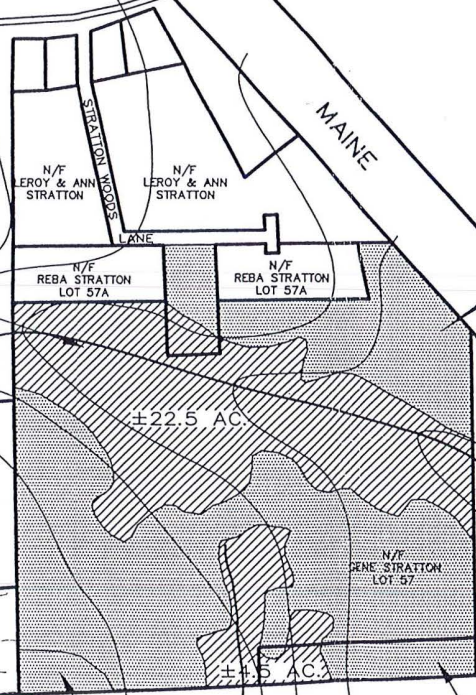
Delucca-Hoffman is in the process of developing preliminary plans based on the recently revised cluster zoning ordinance. Habitat representatives and members of the Cumberland community who support the development of affordable housing would be available to meet with Town representatives in the near future.



FALMOUTH ROAD

UPPER METHODIST ROAD

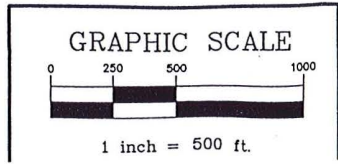
ROUTE 9



CONCEPT 1:
TOTAL PARCEL AREA ± 70 ACRES
PRELIMINARY DEVELOPABLE AREA ± 35 ACRES
PERCENTAGE OF DEVELOPABLE AREA ± 50%
PERCENTAGE OF OPEN AREA ± 50%

PRELIMINARY
ASSESSMENT OF
DEVELOPABLE
AREA
±42 ACRES

PRELIMINARY
PROJECT
PARCEL
±70 ACRES



PROJECT PARCEL WITH DEVELOPABLE AREAS

DH DeLuca-Hoffman Associates, Inc.
Consulting Engineers
778 Main Street
South Portland, Maine 04106
207-775-1121

STRATTON WOODS FEASIBILITY STUDY

**HABITAT FOR HUMANITY
OF GREATER PORTLAND**

CONCEPT **1**

M E M O

DATE: February 23, 2000
TO: Bob Benson
FROM: Klara Norton

RE: February 28, 2000 AGENDA ITEM -
Business Hours for Voter Registration Prior to an Election

AGENDA ITEM: To set the hours required for the Voter Registrar to be open prior to an election, Title 21-A, Section 122.8

I am requesting that the Council change the stated hours required for the Voter Registrar to be open prior to an election. Title 21-A, Section 122.8 allows the Municipal Officers to establish the hours according to the needs of the municipality.

Title 21-A requires the Registrar to be open two evening hours, between 5:00 p.m. and 9:00 p.m., to provide extra time for voters to register to vote in the 5 business days before an election. In Cumberland, one can register to vote anytime during normal business hours at Town Hall, and the Chebeague Library on the island. These hours have always been adequate because, in Maine, one can also register to vote on the day of the election, at Motor Vehicle, at the Mall, at the High School, etc. As Thursday's Town Hall hours are from 8:00 a.m. to 6:00 p.m., I thought to extend those hours to meet the needs of those who can't make it to Town Hall during normal business hours. From past experience, when I was previously open in the evenings or Saturdays, no one showed up. However, I feel it would be helpful to be open as it will also extend the Absentee Voting hours.

I am requesting for the year 2000, a Presidential election year, the Council set the hours for the Registrar to be open prior to an election as follows:

In the year 2000, the Town Clerk/Voter Registrar's office shall to be open on the Thursday evening before each election day, from 6:00 p.m. to 8:00 p.m for the purpose of registering voters.

I also wanted to let you know everything is all set for the March 7th Presidential Preference Primary Election. Election Warden for the Mainland is Lavinia Hughes, and Martha Hamilton for Chebeague Island. Polls open at 7:00 a.m. and close at 8:00 p.m.

TOWN OF CUMBERLAND
NOTICE - SPECIAL HOURS
VOTER REGISTRATION & ABSENTEE VOTING

The Town Clerk/Voter Registrar's office at Town Hall will be open on Thursday, March 2nd from 6:00 p.m. to 8:00 p.m. for the purpose of registering new voters, correcting names and addresses of voters already registered and ABSENTEE VOTING for the March 7, 2000 Presidential Preference Primary.

MEMORANDUM

TO: CUMBERLAND TOWN COUNCIL
FROM: THE NOMINATING COMMITTEE
DATE: FEBRUARY 15, 2000
RE: NOMINATING COMMITTEE'S RECOMMENDATIONS

The Nominating Committee has met and recommends that the following incumbent Board and Committee members be appointed to additional three year terms, effective January 1, 2000:

1. **Planning Board:**
Phil Hunt and Jeff Daigle
2. **Board of Adjustment and Appeals:**
George Turner and Ron Copp
3. **Board of Assessment Review:**
Ken Charest
4. **Val Halla:**
William Hanson and Lloyd Doughty
5. **Conservation Commission:**
Ellen Hoffman
6. **Town Forest Board:**
Sally Stockwell and Jennifer West

7. Shellfish Conservation Commission:

Tom Calder

8. Coastal Waters Commission:

Ken Hamilton and Hartley Brewer

9. Cumberland Housing Authority:

Joyce Frost and Sandy Doughty

10. Personnel Appeals Board:

Chuck Piacentini and Matthew Ward.

In addition, the Planning Board recommends that the following individuals be appointed to the Boards or Committees specified for the term indicated:

1. Val Halla:

Frederick Bonville, for a three year term beginning 1/1/00.

2. Board of Adjustment and Appeals:

Michael Martin for the balance of the term of James Fortin, ending on 12/31/00.

3. Cumberland Conservation Commission:

Paul Gianas and Roger Monthey, for three year terms commencing on 1/1/00.

We should send a letter of thanks to Steve Gilchrist in appreciation for his years of service on the Val Halla Board of Trustees.

MEMORANDUM

2/28
TC
Steve
Forest
should be as
Town

TO: CUMBERLAND TOWN COUNCIL
FROM: STEPHEN W. MORIARTY
DATE: FEBRUARY 11, 2000

On 1/10/00 you will recall that we had a work shop session with the Cumberland Conservation Commission, the Town Forest Board, and the Lands Committee to discuss possible consolidation of some or all of the committees into a single board with responsibility for oversight of town-owned properties. When we adjourned, it was agreed that we would contact the MMA to see whether they could provide us with a sample ordinance from some other community which would be of help to us.

The material that we received from the MMA was not helpful and will not give us any assistance in structuring a new committee. We need to decide, therefore, where we want to go with this issue. The two primary options discussed at our work shop were the consolidation of all three committees into a single board, or the consolidation of the Conservation Commission and the Lands Committee into a single board, leaving the Town Forest Board to continue on in its current management and advisory role ^{- All Areas} exclusively with respect to the Town Forest. I would be willing to draft a proposed ordinance for one or both committees for discussion purposes. In any event, I feel that

J.E. - Consolidate Committee - pool talent -
input to plans prior to adoption of subdivision plan -

this is an issue that we should continue to follow, particularly given the possibility of our acquiring additional interests in land in the future.

REAL ESTATE SPECIALIST
FACILITIES SERVICE OFFICE

Council
2-24-00



February 12, 2000

Robert Benson
Town Manager
290 Tuttle Road
Cumberland, Me. 04021


RE: New Post Office - Cumberland, Me.

Dear Mr. Benson:

Enclosed is a copy of an advertisement which I plan to run in the local papers in the near future, hopefully next week. Our investigation reveals there is interest in providing us with the required space other than the expansion alternative.

I will be in contact with your office with the results of this advertisement shortly after the due date for submittals. Should you have any questions, please give me a call.

Sincerely,


Terry Brooks



February 7, 2000

Residents of Chebeague Island, Me.

RE: Postal Facility - Chebeague Island, Me.

To Whom It May Concern:

Thank you for the opportunity of meeting with you this past Feb. 3 to discuss the above noted matter. As we noted since it is impractical to consider expansion at the current location, we plan to solicit for proposals for either existing space which can be renovated or new construction leased.

Prior to this solicitation process we would like the Town's input as to the preferred location for this alternate facility. This is not meant to be site specific, but rather a general area that is preferred. To that end I would invite any and all comments to be submitted to my office no later than March 17, 2000.

In compliance with existing postal regulations, your office or any member of the community may object to this decision with the next 30 days. Your letter should be directed to Vice President, Facilities, and addressed to my attention at the address shown in this letter. A response will be provided within 15 days.

Sincerely,


Terry Brooks

cc: Postmaster - NOTE - please post in your lobby until March 17, date stamp and return to me.

District Manager's Office
Mgr. Post Office Operations
Mgr. Admin. Services
Cooperate Relations



February 5, 2000

Robert Benson
Town Manager
290 Tuttle Road
Cumberland, Me. 04021

RE: Postal Facility - Chebeague Island, Me.

Dear Mr. Benson:

As per the Town Council's suggestion I met with interested residents of Chebeague Island and outlined our process for an alternate facility. I have enclosed a copy of a follow up letter which we felt to be appropriate in this instance.

Once we have received the community's input as to a "preferred area" we will begin our solicitation process and will present the results of this solicitation to the community. They will be given ample time to comment on the alternatives available and hopefully we can arrive at a solution agreeable to all.

Should you have any questions, please give me a call. Thank you for your involvement in this process.

Sincerely,

A handwritten signature in blue ink that reads "Terry Brooks". The signature is fluid and cursive, with the first name "Terry" and last name "Brooks" clearly distinguishable.

Terry Brooks

Rec'd
1-25-00
PWH postmark
22 Jan

1/18/2000

Directors Cumberland Farmers Club
Administrative Office
Cumberland Fair

Cumberland Town Manager
Cumberland Police Chief
Cumberland Fire Chief
Cumberland Rescue Chief

Dear Town Officials:

Please excuse the informal invitation I am the Secretary and do not have the pleasure of knowing you or being able to personalize this invitation.

At the last Directors meeting the Board wanted to extend an invitation to each of you to attend our next Monthly Directors meeting that will be February 9, 2000 Wednesday evening at 7 p.m. in the administrative office located on the Fair grounds.

We will place this item first on the agenda and plan on one hour. We know you have enough night meeting so we will try to be brief.

We will list a few items/issues we would like to discuss and would welcome any issues or concerns you may have. The main objective is to set down to the table as gentlemen and leave with mutual and total respect regardless of the issues.

Does the Cumberland Police plan on continuing security for our Fair.

Do we need to draft a proposal that states the conditions and responsibilities each expects from the other.

Does fire/rescue plan on continuing services to the Fair .

Do we need to draft policy, or put these agreements in writing because of the number of people involved and seriousness of the matters we become involved.

The location of rescue facilities was addressed last year.

The location and involvement of Jr. Firefighter was an issue. We want their involvement but they must also know the Directors have a say re; booth location,, 4 wheelers, and safety issues.

The issue re: Dogs lets discuss this than leave it, go by what is decided.

Issuing parking tickets, and towing auto was a concern people could not find their auto's or have anyone tell them where they were towed.

We welcome any issue, question, or concern and will pledge to work with our Town and the Officials to develop a system that will work for the good of everyone.

We look forward to a productive, positive ,meaningful meeting February 9, 2000 at 7 p.m.

Sincerel y, Michael Timmons

Secretary Cumberland Farmers Club Please R.S.V.P. to Francis Small, President
Cumberland Farmers Club

U.S. Postal Service

is seeking to lease approximately 4000 sf of space in Cumberland Ctr., Maine 04021. Some 26,238 of parking and maneuvering area is also desired. The preferred area is along Main St. in the immediate vicinity of the junction of Main St. and Farwell Ave. Either new or existing space to be modified will be considered. Interested parties should write Terry Brooks, Real Estate Specialist, P O Box 800, Winthrop, Me.04364-0800. All requests for an informational package must be accompanied by a postal money order or cashier's check in the amount of \$25.00 made payable to the Disbursing Officer, USPS. All proposals must be submitted by April, 5, 2000.

5 Farwell Ave.
Cumberland, ME 04021

February 19, 2000

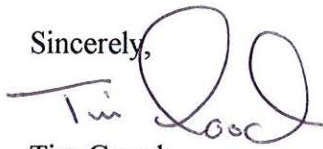
Mr. Terry Brooks
United States Postal Service
P.O. Box 800
Winthrop, ME 04364-0800

Dear Mr. Brooks:

I have decided to extend the February 14th deadline for the Post Office to make an offer on my properties till April 14th. I have expressed some frustration, because it has been about a year since you expressed interest in moving or expanding. The price for my properties will be based on the appraisal you had done.

If the Post Office decides to move it will have great impact on the Town of Cumberland. The Post Office creates more traffic than any residential development that has been built. The traffic in and out of the post office is 24 hours a day, 7 days a week. I understand your concerns about my lots being too small but it might be worth looking at again.

Sincerely,

A handwritten signature in dark ink, appearing to read "Tim Gooch", with a stylized flourish at the end.

Tim Gooch

CC: Cumberland Town Manager



Council
N.B.
2-28-00

FALMOUTH/CUMBERLAND
CHAMBER OF COMMERCE

60 Pearl Street, Portland, ME 04101-4163
Phone: (207) 772-2811 Fax: (207) 772-1179
E-mail: chamber@portlandregion.com

You are cordially invited to
Falmouth/ Cumberland Business After 5

Join us and learn more about the Chamber, meet local business people, enjoy tasty treats and wonderful refreshments. Fabulous door prizes.

Don't miss this!!!

Date: Tuesday, February 29, 2000

Time: 5:00 p.m. to 7:00 p.m.

Location: Fleet Bank

Falmouth Shopping Center

U.S. Rt. 1

Falmouth, ME

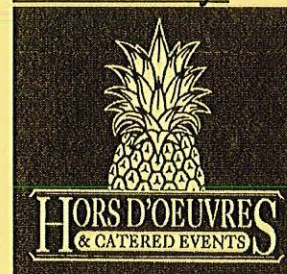
Tel: 874-5137

Admission: FREE!

Sponsored by:



Catered by:



Business After 5 Registration Form --- Admission is Free

Name:

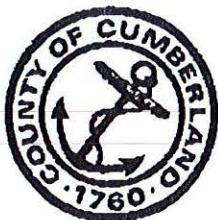
Phone:

Company:

Fax:

Please Fax Registration Form to 772-1179, or Call 772-1196, ext.228 to Register

In partnership with Portland • Scarborough • South Portland/Cape Elizabeth • Westbrook



Council
2/24
py

News from the County of Cumberland

Elected and Appointed Municipal Officials

Cumberland County Commissioner's Office
142 Federal Street
Portland, Maine 04101
207-870-8380
Fax 207-871-8292

February 24, 2000

Governor Angus King has announced the appointment of Richard J. Feeney to fill the seat on the County of Cumberland's Board of Commissioners vacated by the untimely death of Peter J Feeney, the son of Richard and his wife Nancy King Feeney of South Portland.

Richard Feeney will be sworn in Monday February 28th at 5:00 p.m. in the atrium of the Courthouse at 142 Federal Street, Portland.

Richard's appointment is to serve out the remainder of the District 2 term until January 1, 2001. District 2 serves the communities of Baldwin, Cape Elizabeth, Gorham, Scarborough, South Portland, Standish, Westbrook.

Local elected and appointed officials are invited to attend the Swearing in Ceremony and the reception to follow. If attending, please RSVP at 871-8380.

###

JENSEN BAIRD GARDNER & HENRY

ATTORNEYS AT LAW

TEN FREE STREET
P.O. BOX 4510
PORTLAND, MAINE 04112
(207) 775-7271

TELECOPIER (207) 775-7935

WALTER F. WEBBER
KENNETH M. COLE III
NICHOLAS S. NADZO
FRANK H. FRYE
DAVID J. JONES
MICHAEL A. NELSON
RICHARD H. SPENCER, JR.
RONALD A. EPSTEIN
WILLIAM H. DALE
JOSEPH H. GROFF IIIF. BRUCE SLEEPER
DEBORAH M. MANN
LESLIE E. LOWRY III
PATRICIA McDONOUGH DUNN
MICHAEL J. QUINLAN
R. LEE IVY
NATALIE L. BURNS
SALLY J. DAGGETT
BRENDAN P. RIELLY
SUZANNE R. SCOTTRAYMOND E. JENSEN
M. DONALD GARDNER
MERTON C. HENRY
JOHN D. BRADFORD
JAMES E. KAPLAN
OF COUNSELKENNETH BAIRD
(1914-1987)YORK COUNTY
OFFICE11 MAIN STREET, SUITE 4
KENNEBUNK, MAINE 04043
(207) 985-4676
TELECOPIER (207) 985-4932

March 8, 2000

Robert B. Benson, Town Manager
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021

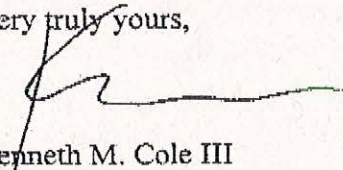
Dear Bob:

Enclosed herewith is a Proposed Legal Counsel and Indemnification Policy for the Town pursuant to your request. Please note that the policy does not indemnify or pay legal fees for individuals who it is determined have not acted in good faith and with the reasonable belief that their actions were in the best interest of the Town. As I indicated to you, punitive damage awards probably fall into this category. However, we have found a 7th Circuit case from Illinois, Coleman v. Smith, 814 Fed. 2d 1142 (7th Cir. 1987) which held that "A local public entity is empowered and directed to pay any tort judgment or settlement for which an employee acted within the scope of his employment." The Court went on to hold that whether or not the employee's actions were in the scope of his employment should be measured by some objective criteria. It concluded that "actions having an intimate bearing on the duties normally assigned to the office of employment, even though usurped or misused, must be considered as falling within the meaning of the term 'scope of employment'."

In any respect, without an indemnification policy such coverage would not necessarily be available. We therefore recommend that the Town consider the enclosed especially in light of the recent Federal Court decision against Cumberland County.

If you have any question with regard to the enclosed or wish myself or Pat Dunn to come out and discuss it further with the Council, please let me know.

Very truly yours,


Kenneth M. Cole IIIKMC/ab
Enclosure

TOWN OF CUMBERLAND

LEGAL COUNSEL AND INDEMNIFICATION

The Town Council shall in all cases provide competent legal counsel to defend the Town, any of its boards and commissions, and Town councilor, officer, employee or the member of any Town board or commission who is a party or is threatened to be made a party to any threatened, pending or contemplated action, suit or proceeding, whether civil, criminal, administrative or investigative, by reason of the fact that said person is or was a Town councilor, officer, employee or board member of the Town, and shall pay or indemnify such councilor, officer, employee or board member as against all expenses, fees, judgments, fines and amounts paid in settlement actually and reasonably incurred by him in connection with such action, suit or proceeding, subject to the following:

- (a) **Exceptions.** Nothing herein shall be construed to require the Town to provide or pay for legal counsel or such indemnification for any Town councilor, officer, employee or board member in the following situations:
- (1) In civil matters, where the councilor, officer, employee or board member is the plaintiff or moving party; or where it shall be finally adjudicated in any action, suit or proceeding that said councilor, officer, employee or board member shall not have acted in good faith and in the reasonable belief that his action was in the best interest of the Town; or
 - (2) In criminal matters, where the councilor, officer, employee or board member is the complaining party, or had reasonable cause to believe that such conduct was unlawful.

Termination of any action, suit or proceeding by judgment, order or conviction adverse to such person, or by settlement, or by plea of nolo contendere or its equivalent, shall not of itself create a presumption that such person did not in act in good faith and in the reasonable belief that his action was in the best interests of the Town nor, with respect to any criminal action or proceeding, that such person had reasonable cause to believe that his conduct was unlawful.

- (b) **Other legal counsel.** Nothing herein shall be construed to prohibit any such councilor, officer, employee or board member from seeking additional legal counsel at his own expense. However, nothing herein shall be construed as to require the Town to pay any fees or other expenses incurred as a result of employment of such additional legal counsel.

- (c) ***Other rights.*** The rights provided for in this policy shall not be deemed exclusive of any other rights to which those indemnified may be entitled under any other statute, ordinance, agreement or policy of the Town.
- (d) ***Town counsel responsibilities.*** In circumstances involving litigation or other legal proceedings between two (2) legal bodies or individuals qualifying for the privileges granted herein, the Town counsel may, but shall not be required to, represent or otherwise participate on behalf of either party.

Council
2-21-00
HJ

Petrina Goepfert
10843 St. Mary's Ln.
Houston, TX 77079

Tel: (713) 973-1940

February 2, 2000

Mr. Robert Benson
Town Manager
Town of Cumberland
P. O. Box 128
Cumberland, Maine 04021

Dear Mr. Benson,

SUBJECT: HARRIS ROAD SPEED LIMIT

During our phone conversation, on January 24th I called to discuss the possibility of lowering the speed limit on Harris Road to 25 mph. This letter will confirm my interest in the subject and cite the reasons for my request.

My primary concern is the safety of the residents on the road whether driving, walking, cycling or on horseback. At current speeds traffic on the road places all of these activities in danger. The speeders include residents, service vehicles, and construction vehicles. In addition, the very large trucks hauling construction materials would take less of a toll on the pavement if they would proceed at a lower speed

Secondarily, I would like to preserve the rural dignity of the area. Harris Road is a lovely, scenic country road – I would like to see that ambiance preserved. Traffic moving at its current speeds is certainly detrimental to that ambiance.

Thank you for taking the time to consider my concerns. I look forward to hearing from you on this subject and on the Open Space Plan as well.

Sincerely yours,


Petrina Goepfert

(Enclosures – 2)

TOWN OF CUMBERLAND

Town Office Building
P.O. Box 128
12 Drowne Road
Cumberland, Maine 04021
(207) 829-5559

DATE: December 5, 1997
TO: Residents of Harris, Brook and Whitetail Roads:
FROM: Donna Larson, Cumberland Town Planner

As you probably know, the Town is currently reviewing a 15 lot subdivision off Harris Road. To develop a better understanding of the possible impact of the subdivision, the Town is interested in understanding the perceptions of the property owners on Harris Road of the road itself and its uses.

We would be grateful if you would describe below the problems, if any you believe exist with Harris Road and the improvements if any you think might be helpful. I have enclosed a self-addressed envelope and ask that the comments be limited to one per household.

Thank you for your cooperation and please call if there are any questions.

PROBLEMS:

EXCESSIVE TRAFFIC
EXCESSIVE TRAFFIC SPEED BY SERVICE VEHICLES,
SCHOOL BUSES AND RESIDENTS.
WET LANDS IMPAIRMENT.

IMPROVEMENTS:

PLEASE REDUCE THE SPEED LIMIT TO 25 MPH
OR EVEN 20 MPH AND ENFORCE IT.

HOW CAN ANYONE CONTEMPLATE PUTTING A
FIFTEEN HOUSE SUBDIVISION NEAR A LARGE WETLAND
AREA? ALL THESE HOMES NEED SEPTIC AND
THAT REQUIRES EXTENSIVE FILTER BEDS AND
SUBSEQUENT DRAINAGE.

LAWS- WHY WERE THEY MADE? TO PROTECT
THE WETLAND ENVIRONMENT OR TO BE MANIPULATED
TO SUIT THE DESIRES OF THE AVARICIOUS DEVELOPER.

SUGGEST WE PROTECT THE WETLANDS AND
PRESERVE THE QUALITY OF LIFE ON THE HARRIS RD.
RATHER THAN OVERDEVELOPING AND REGRETING THE
CONSEQUENCES.

PETRICIA GRIFFIN GOEPFERT. 61 HARRIS ROAD

TOWN OF CUMBERLAND
Planning Department

January 28, 1998

TO: Robert B. Benson, Town Manager

FROM: Donna Larson, Town Planner

RE: Survey of Harris Road residents

On December 5, 1997 a survey was sent out to all of the owners of property on Harris Road, Brook Road, and Whitetail Rd. -- a total of 38. As of today, 15 surveys have been returned, or 39%. A copy of the survey is attached for your review.

The comments from respondents expressed six areas of concern and some suggestions to correct those concerns. They are:

of responses

- | | |
|----|--|
| 12 | Speeding on Harris Road, recommended reducing the speed limit, more enforcement of the speed limit, posting the speed limit, and installing a Caution: children playing signs. |
| 6 | Harris Road should not be a through road |
| 4 | Harris Road should connect to Route 9 |
| 3 | Harris Road should connect to Middle Road via Range Way |
| 4 | Poor sight distance at the intersection of Harris Road and Tuttle Road creates a dangerous situation, recommended a brighter light at the intersection, put a sign on Tuttle Road alerting vehicles on Tuttle Road of a hidden road |
| 3 | Trespassers on the private way connecting Harris Road to Route 9 create a problem by increasing traffic and they tend to speed., recommended enforcement of private way by the town, and that contractors getting building permits on the Harris Road should be made aware that the connector from Route 9 is private and they can't use it. |

General comments included: Harris Road has too much traffic, development on Harris Road should be stopped or slowed, public sewer and water should be extended down Harris Road, the junkyard at the intersection of Harris Road and Route 9 is an eyesore.

TC 2/28

MAINE SCHOOL ADMINISTRATIVE DISTRICT #51
CUMBERLAND / NORTH YARMOUTH
Cumberland Center, ME 04021
Board of Directors
Agenda

Monday
February 28, 2000

7:00 PM

Mabel I. Wilson School

MSAD #51 Mission

The mission of MSAD #51 is to guide all students as they acquire enthusiasm for learning, assume responsibility for their education, achieve academic excellence, and discover and attain their personal bests.

To accomplish this mission, the MSAD #51 community will collaborate to:

- Use effective instructional practices and provide professional development to assure that all students meet or exceed the district's benchmarks and outcomes;
- Ensure a safe and respectful environment where all feel a sense of belonging; and
- Promote parental participation as fundamental to each student's success.

Board Goals for 1999-2000

1. Support the district's work in curriculum, assessment, instruction, and professional development by increasing Board and community understanding of the State of Maine Learning Results and by reviewing the district's progress toward achieving our mission.
2. Implement the facilities planning steps adopted by the Board.
3. Promote sound resource management, improve the Board's involvement in the budget planning process, and better communicate with the public about the district's financial needs.

MSAD #51 Board of Directors

Jeanne Chadbourne	829-5166
Maryellen Fitzpatrick	829-4657
Reid Hayward	829-5942
Karen Herold	829-6146
Thomas Hyndman	781-4644
Mary Schendel	781-3787
Kim True	829-3209
Bob Vail	829-5393

1. Call to Order - by MSAD #51 Board of Directors Chairperson, Mary Schendel

2. Approval of Minutes

3. Superintendent / Administrator Reports

- a) Committee Updates
 - Finance - Update, Budget Schedule
 - Facilities:
 - Alternative Plan Committee
 - Site Selection Committee
- c) Technology Committee - J. Bickard
- d) Crisis Management - Update

4. Items for Action

- a) Vote to approve Senior Privilege
- b) Approve mentors for 99/00
- c) Vote to approve Policy JICIA - Weapons, Violence, Theft and School Safety

5. Communications

6. Adjourn Meeting_____ PM

Upcoming Meetings /Events

- 2/21/00 through 2/25/00 - Mid-winter Vacation
- 2/28/00 - Finance Committee, MIW Conference Room, 5:00 PM
- 3/1/00 - Design Team, GHS Library, 3:15 PM
- 3/1/00 - Site Selection Committee, GHS Library, 7:00 PM
- 3/1/00 - Early Release, 7-12 @ 1:12 PM, K-6 @ 12:15 PM
- 3/2/00 - MIW Kindergarten Screenings Process and Program Overview, 6:30 - 8 PM
- 3/2/00 - GHS Spring Play, 7:30 PM
- 3/3/00 - GHS Mid Qtr. Reports
- 3/3/00 - GHS Spring Play, 7:30 PM
- 3/4/00 - GHS Dinner Theater, 6:30 PM
- 3/7/00 - Alternative Plan Committee, GHS Library, 6:30 PM
- 3/9/00 - MIW Grades 1-3 Program Overview, 6:30 - 8:00 PM
- 3/10/00 - Maine Drama Festival
- 3/11/00 - Maine Drama Festival High School Solo & Ensemble Festival
- 3/13/00 - 3/13 through 3/17/00 Kindergarten screening for 2000-01
- 3/14/00 - PTO Business Meeting, 7:00 PM
- 3/15/00 - Early Release, 7-12 @ 1:12 PM, K-6 @ 12:15 PM
- 3/17/00 - 2nd trimester ends NYMS/DRS/CIS
- 3/20/00 - Board Meeting - Budget Overview to Board & Report to Board from Finance Committee, MIW, 7:00 PM
- 3/22/00 - Full day of school
- 3/22/00 - French & Spanish Honor Society Induction Ceremony, GHS Library, 7:00 PM
- 3/23/00 - Report Cards go home - NYMS/DRS/CIS
- 3/24/00 - Teacher In-Service Day, No School
- 3/27/00 - Budget Discussion, MIW @ 6-7:30 PM, NYMS/CIS @ 8-9:30 PM
- 3/27/00 - First Practice - High School Spring Athletics
- 3/27/00 - 3/27 through 3/31/00 Celebration of Reading Week
- 3/29/00 - Early Release, 7-12 @ 1:12 PM, K-6 @ 12:15 PM
- 3/31/00 - Third Quarter Ends
- 3/31/00 - High School Pops Concert
- 4/3/00 - Board of Directors Public Budget Hearing , MIW, 7:00 PM
- 4/24/00 - Board of Directors Adopts 2000-01 Budget, MIW, 7:00 PM
- 4/18/200 - Public Vote on Proposed 2000-01 Budget, GHS Auditorium, 7:00 PM

Next Board Meeting:

- March 6, 2000

**MAINE SCHOOL ADMINISTRATIVE DISTRICT #51
CUMBERLAND / NORTH YARMOUTH
Cumberland Center, ME 04021
Board of Directors
Minutes**

**Monday
February 7, 2000**

7:00 PM

Mabel I. Wilson School

1. **Call to Order** - by MSAD #51 Board of Directors Chairperson, Mary Schendel

Time Task Force Workshop

1. **Call to Order** - by MSAD #51 Board of Directors Chairperson, Mary Schendel at 7:07 P.M.

Attendance:

Board of Directors: Jeanne Chadbourne, Maryellen Fitzpatrick, Reid Hayward, Karen Herold, Tom Hyndman
Mary Schendel, Kim True, Bob Vail

Administrators: Brenda Breton, Wayne Fordham, Suzanne Godin, Robert Hasson, Scott Poulin,
Susie Robbins, Judy True, Klaus-Peter Voss, Shannon Welsh

2. **Approval of Minutes** - of the Board of Directors meeting held on January 24, 2000.

Motion by Reid Hayward 2nd by Karen Herold

Voted: To approve the minutes of the Board of Directors meeting held on January 24, 2000. (Voted: 8-0)

3. **Adjourn Meeting 9:23 PM**

Upcoming Meetings /Events

- 2/4/00 - High School District II Choral Festival
- 2/5/00 - High School District II Choral Festival
- 2/7/00 - Finance Committee, MIW Conference Room, 5:00 PM
- 2/7/00 through 2/11/00 MSAD #51 registration for Kindergarten for 2000-01
Daily 8:00 Am - 4:00 PM, MIW
- 2/8/00 - PTO Business Meeting, 7:00 PM
- 2/9/00 - Policy Committee Meeting, Central Office, 8:15 AM
- 2/9/00 - Early Release, 7-12 @ 1:12 PM, K-6 @ 12:15 PM
- 2/9/00 - Fingerprinting, Cumberland Town Office Council Chambers, 11:30 AM - 3:30 PM
- 2/10/00 - Site Selection Committee, GHS Library, 7:00 PM
- 2/14/00 - Valentine's Day
- 2/16/00 - Policy Committee Meeting, Central Office, 8:15 AM
- 2/16/00 - Early Release, 7-12 @ 1:12 PM, K-6 @ 12:15 PM
- 2/17/00 - Performance Indicators, MIW Conf. Room, 5:00 PM
- 2/18/00 - Sixth Grade Event
- 2/21/00 through 2/25/00 - Mid-winter Vacation
- 2/28/00 - Finance Committee, MIW Conference Room, 5:00 PM
- 3/1/00 - Design Team, GHS Library, 3:15 PM
- 3/1/00 - Early Release, 7-12 @ 1:12 PM, K-6 @ 12:15 PM
- 3/2/00 - MIW Kindergarten Screenings Process and Program Overview, 6:30 - 8 PM
- 3/2/00 - GHS Spring Play, 7:30 PM
- 3/3/00 - GHS Mid Qtr. Reports
- 3/3/00 - GHS Spring Play, 7:30 PM
- 3/4/00 - GHS Dinner Theater, 6:30 PM
- 3/9/00 - MIW Grades 1-3 Program Overview, 6:30 - 8:00 PM
- 3/10/00 - Maine Drama Festival

- 3/11/00 - Maine Drama Festival High School Solo & Ensemble Festival
- 3/13/00 - 3/13 through 3/17/00 Kindergarten screening for 2000-01
- 3/14/00 - PTO Business Meeting, 7:00 PM
- 3/15/00 - Early Release, 7-12 @ 1:12 PM, K-6 @ 12:15 PM
- 3/17/00 - 2nd trimester ends NYMS/DRS/CIS
- 3/22/00 - Full day of school
- 3/22/00 - French & Spanish Honor Society Induction Ceremony, GHS Library, 7:00 PM
- 3/23/00 - Report Cards go home - NYMS/DRS/CIS
- 3/24/00 - Teacher In-Service Day, No School
- 3/27/00 - First Practice - High School Spring Athletics
- 3/27/00 - 3/27 through 3/31/00 Celebration of Reading Week
- 3/29/00 - Early Release, 7-12 @ 1:12 PM, K-6 @ 12:15 PM
- 3/31/00 - Third Quarter Ends
- 3/31/00 - High School Pops Concert

Next Board Meeting:

- February 28, 2000



Department of Environmental Protection

Bureau of Land and Water Quality, 17 State House Station, Augusta, ME 04333

Volume 13 Number 1

Winter/Spring 2000



SHORELAND ZONING NEWS

Shoreland Zoning Unit, Augusta (207) 287-2111, Bangor (207) 941-4570

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GUIDELINE AMENDMENTS ADOPTED

On February 13, 2000, the Board of Environmental Protection adopted several amendments to the *State of Maine Guidelines for Municipal Shoreland Zoning Ordinances*, in response to legislative changes to the Mandatory Shoreland Zoning and the Forest Practices Acts.

The changes include:

1. Optional provisions allowing limited timber harvesting within 75 feet of a great pond zoned as a Resource Protection District.
2. An increase to the tree diameter (dbh) standard used to calculate residual basal area for timber harvesting in shoreland areas.
3. An increase in the maximum penalty for violations in a Resource Protection District.
4. Replacement of the term "shoreline" with "normal high-water line or upland edge of a wetland" in the optional non-conforming structure expansion provisions.

The above changes need to be incorporated into your locally adopted shoreland zoning ordinance to be effective. A complete copy of the changes in ~~strike~~ and underline format can be found on page 4 of this newsletter.

COMMUNITY AUDITS

The DEP staff recently completed a series of community audits with five towns, in what will be an on-going effort in cooperation with town officials, to evaluate the administration of their shoreland zoning ordinances.

The goals of the meetings are two-fold. One, to suggest ways that town officials can improve day-to-day administration of the ordinance. Second, to gather information on recent shoreland activity to enable the DEP staff to report to the Legislature and federal oversight agencies on the effectiveness of the shoreland zoning program.

The focus of the meetings, which include members of the Planning Board, Board of Appeals, Selectmen, and Code Officer, is to discuss the permitting process, site inspections, variance applications, and enforcement procedures. The second part of the effort involves inspecting a number of recent projects to see if they have been constructed as permitted, and meet all of the ordinance standards for shoreline setback, buffer strips, and erosion control measures.

The DEP staff will be continuing the audit program with five more communities in the coming year.

PASS IT ON

Please share your copy of the *Shoreland Zoning News* with other town officials. We keep our costs and mailing list manageable by sending four copies to one locally designated contact person to distribute to the **selectmen**, planning board, appeals board, and code officer. If you are the contact person, please make sure the newsletters reach the other town officials.

SHORELAND ZONING GUIDELINES (TEXT AMENDMENTS)

Amendment to Timber Harvesting Standards

Change Table 1, 4. Timber Harvesting under
RP to read: CEO 4 (strike footnote)

Change Section 15.O.(1)(a) to read:

(a) Within the strip of land extending 75 feet inland from the normal high-water line, ~~there shall be no timber harvesting, except to remove safety hazards~~ may be conducted when the following conditions are met:

- (1) The ground is frozen;
 - (2) There is no resultant soil disturbance;
 - (3) The removal of trees is accomplished using a cable or boom and there is no entry of tracked or wheeled vehicles into the 75-foot strip of land;
 - (4) There is no cutting of trees less than 6 inches in diameter; no more than 30% of the trees 6 inches or more in diameter, measured 4 1/2 feet above ground level, are cut in any 10-year period; and a well-distributed stand of trees and other vegetation remains; and
 - (5) A licensed professional forester has marked the trees to be harvested prior to a permit being issued by the municipality.
-

Change Section 15.O.(1)(b) to read:

- (b) Beyond the 75 foot "~~no harvest~~" strip referred to in paragraph a. above, timber harvesting is permitted in accordance with paragraph 2 below except that in no case shall the average residual basal area of trees ~~4 1/2 inches~~ in diameter at 4 1/2 feet above the ground be reduced to less than 30 square feet per acre.

Amendment to
"Note" in Section 16.I, Enforcement

Note: Current penalties include fines of not less than \$100 nor more than \$2500 per violation for each day that the violation continues. However, in a resource protection district the maximum penalty is increased to \$5000.

Amendment to Appendix A, Change the last paragraph of Section 12.C.(1-A)(b) to read:

If a well-distributed stand of trees and other vegetation meeting the requirements of this subparagraph is not present, the 500 square foot special allowance may be permitted only in conjunction with a written plan, including a scaled site drawing by the property owner, and approved by the planning board or its designee, to reestablish a buffer of trees, shrubs, and other ground cover within 50 feet of the shoreline normal high-water line or upland edge of a wetland.

TOWN OF CUMBERLAND
TOWN COUNCIL CORRESPONDENCE
FEBRUARY 2000

Correspondence:

1. Minutes of the Chebeague Long-Range Planning Committee 1/8/00: Transportation on Chebeague
2. Minutes of the Chebeague Long-Range Planning Committee 1/22/00
3. MSAD #51 Board of Directors Minutes 1/24/00
4. Solid Waste to R.W.S. YTD 1/00
5. MSAD #51 Board of Directors Agenda 2/7/00
6. Val Halla Golf & Recreation & Banquet Center brochure
7. Planning Board Meeting Agenda 2/12/00
8. TOC: James Fortin letter of resignation
9. County of Cumberland Commissioners' Meeting 1/10/00
10. Jensen Baird Gardner & Henry: Dismissal
11. MSAD #51 and Towns of North Yarmouth & Cumberland Joint Meeting.
12. Policy Soundings discussion: March 22, 00
13. MSAD #51 Board of Directors Agenda 1/24/00
14. MSAD #51 Board of Directors Minutes 1/10/00
15. State of Maine, Dept. of Economic and Community Development: CDBG Grant
16. State of Maine, Dept. of Transportation: buses.

The County of Cumberland is committed to providing quality services to all citizens equitably, in a responsive and caring manner.

COMMISSIONERS' MEETING

MINUTES

January 24, 2000

The Board of Cumberland County Commissioners, Esther B. Clenott and Gary E. Plummer, convened a meeting in Courtroom 1 on the above date.

Chairperson Plummer called the meeting to order at 7:02 PM and the following business was conducted. Chairperson Plummer noted that Peter Crichton, County Manager, was absent due to illness.

Minutes of the regular meeting of January 10, 2000 approved as written.

Robert Devlin, Deputy County Manager, reported that there were no comments from the County Manager.

Commissioner Clenott reported that the WIA Subcommittee is meeting on a regular basis, and work is progressing to resolve the remaining problems.

Chairperson Plummer noted that the Commissioners have received a decision from the County's legal counsel regarding the road jurisdiction issue raised at the December 27th meeting. He instructed Mr. Devlin to forward the information to Mr. Peterson.

George Flaherty, EMA Director, presented a brief After Action Report on the New Year's Eve Y2K events, as required by FEMA. He noted that although the evening was considered a non-event, it was only because of the extensive preparations taken over the past two years. He reported that EMA was also the coordinator of communications for all area hospitals throughout the evening, as well as a contact for municipalities and state agencies. He thanked the 30 volunteers who assisted during the evening, which included PROP, ham radio operators, DOC security, and others. He also presented a list of FEMA disaster assistance funds received by municipalities in Cumberland County since 1987, which totaled \$15,089,467. The Commissioners thanked Mr. Flaherty and his staff for their excellent work.

2000-09 Tax Appeal Request, Sassi, Property in Harrison

On the motion of Commissioner Clenott and the second of Chairperson Plummer, tax appeal request from Anthony J. Sassi, property in Harrison, was placed on file for a hearing at a later

date. Chairperson Plummer noted that Mr. Sassi had requested the abatement on his taxes for 1999 and beyond. He requested that the Deputy Clerk notify Mr. Sassi that the Commissioners do not have the jurisdiction to set a tax rate on future years.

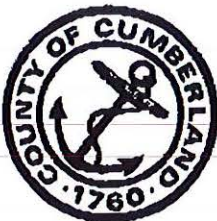
No further business conducted, motion to adjourn at 7:12 PM.

ATTEST:



Timothy J. Jarvis
Deputy Clerk

Next regular meeting, Monday, February 14, 2000 at 7:00 PM.



Council
2/24
py

News from the County of Cumberland

Elected and Appointed Municipal Officials

Cumberland County Commissioner's Office
142 Federal Street
Portland, Maine 04101
207-870-8380
Fax 207-871-8292

February 24, 2000

Governor Angus King has announced the appointment of Richard J. Feeney to fill the seat on the County of Cumberland's Board of Commissioners vacated by the untimely death of Peter J Feeney, the son of Richard and his wife Nancy King Feeney of South Portland.

Richard Feeney will be sworn in Monday February 28th at 5:00 p.m. in the atrium of the Courthouse at 142 Federal Street, Portland.

Richard's appointment is to serve out the remainder of the District 2 term until January 1, 2001. District 2 serves the communities of Baldwin, Cape Elizabeth, Gorham, Scarborough, South Portland, Standish, Westbrook.

Local elected and appointed officials are invited to attend the Swearing in Ceremony and the reception to follow. If attending, please RSVP at 871-8380.

###

Cumberland Fire Department

*You and a guest are cordially invited to attend the Cumberland Fire Departments
Annual Banquet*

Date: Saturday March 11, 2000

*Place: Val Halla Golf and Recreation Center
Val Halla Road
Cumberland, Maine*

*Time: 6:30pm to 7:00pm Social Time
7:00pm Dinner*

*Awards presentations will follow dinner and
dancing will complete the evening.*

The cost is Fifteen dollars (\$15.00) per person.

*Please RSVP to: Deputy Chief Francis Small
or
Deputy Chief Med Bowen*

by Monday March 6, 2000



*Project completed
June 27th - Gross cost
med. to be an ~~est~~ ASAP*

*Need to
review with
Bill Alton
rmb*

DEPARTMENT OF
DEFENSE, VETERANS, AND EMERGENCY MANAGEMENT
Military Bureau

COMPANY C, 133d ENGR BN (CBT)(HV), MAINE ARMY NATIONAL GUARD
55 Alfred Plourde Parkway, Lewiston, Maine 04240-1010

MEARNG-Co C, 133

14 JAN 00

MEMORANDUM FOR RECORD

SUBJECT: MEMORANDUM OF AGREEMENT

RE: TOWN OF CUMBERLAND SPORTS COMPLEX (RECON # 907-1166)

*Hauling will continue
to stockpile sand
to mix with loam
around packed roads*

DRAFT

MEMORANDUM OF AGREEMENT

BETWEEN

COMPANY C, 133d ENGR BN

AND

THE TOWN OF CUMBERLAND

1. The following describes the terms under which Company C, 133d Engr Bn agrees to perform work on the project requested by the Town of Cumberland, Maine at the Sports Complex located on a parcel of land, in the Town of Cumberland, situated between the Greely Road and the Tuttle Road on the westerly side of Interstate Route #95.

2. The Town of Cumberland shall be responsible for all permits, local, state, and federal, to include Army Corps of Engineers, Department of Environmental Protection, Environmental Protection Agency, and any other regulatory agencies that may have jurisdiction over the above-mentioned project.

The Town of Cumberland shall provide all plans, to include erosion control, designs, and specifications involved in the above-mentioned project.

4. The Town of Cumberland shall be responsible for providing survey baselines, vertical and horizontal controls, and bench marks as needed for construction purposes.

The Town of Cumberland shall be responsible for all erosion control measures deemed necessary for this project. The erosion control plan shall be reviewed by a Registered Professional Engineer, said engineer's stamp affixed to the plan, and all erosion control measures placed prior to the commencement of construction. Any additional materials that may become necessary during the construction process will be provided by the Town of Cumberland and installed by the Town of Cumberland, in a timely manner, so as to not affect the progress of the project.

6. The Town of Cumberland shall supply all materials necessary for the construction of this project. Necessary material including, but not limited to, erosion control measures, sand, gravel, construction grade stakes, hay bales, stone, stabilization fabric, stone, and other associated building materials.

*Town will buy salt from the
Town has gravel - remember from Marble Point*

Phs Lot
Clear of
to any calc
most on access
removed house
need to sub

sole
shoulder

7. The Town of Cumberland will be responsible for identifying an authorized disposal site for any material to be deemed unsuitable for construction purposes, with no implied responsibility on the part of Company C or the MEARNG.

OK

8. The Town of Cumberland will be responsible for all traffic signage necessary to ensure that the work area is clearly marked, to include signs such as: —

- a) Work Area Ahead
- b) Trucks Entering
- c) Road Construction Ahead

9. The Town of Cumberland shall be responsible for the application of Calcium Chloride, or a suitable substitute, to be used for dust control purposes on portions of the haul roads from the borrow sites to the project site as deemed necessary.

Strip loan
from road
+ Phs Lot
4400 yds from PKs
2500 yds to sell
at \$4200

10. The Town of Cumberland will be responsible for the stripping, stock-piling, and removal from site of the topsoil in the area of the access road, parking lot, and first two athletic fields.

Grove
chive
stoves
cracking

11. The Town of Cumberland will be responsible for the installation of all culverts associated with the construction of the access road.

Trunk Road

12. Company C will be responsible for project planning and development of a bill of materials to identify, prior to commencement of construction, materials necessary for the project.

13. Company C will provide equipment, which is organic to the unit, in sufficient quantity to produce a reasonable amount of progress, weather dependent.

We will
will not
entire
the Gavel
will not in
ground
PKs lot

14. Company C will provide management personnel, skilled labor, and equipment operators necessary to proceed with the project.

15. Company C agrees to the following scope of work:

- a) Completion of a single athletic field located on the Tuttle Road side of the project to include:

- 1) Stripping of topsoil
- 2) Shaping of sub-grade to specifications
- 3) Installation of sub-surface drains to plans and specifications
- 4) Placement of topsoil

Gavel will
do all road
+ PKs area
to finish
All field
to sub grade

- b) Construction of access road to include

- 1) Shaping of sub-grade to plans and specifications
- 2) Haul, place, and compact sub-base (3"-minus gravel) from the Town of Cumberland gravel pit
- 3) Haul, place, and compact base (1 1/2" crushed gravel) from the Town of Cumberland gravel pit
- 4) Construct appropriate ditches to plans and specifications
- 5) Place and spread topsoil on shoulders of road and in all disturbed areas

- c) Construction of parking lot to include:

- 1) Shaping of sub-grade to plans and specifications
- 2) Haul, place and, compact sub-base (3"-minus gravel) from the Town of Cumberland gravel pit
- 3) Haul, place, and compact base (1 1/2" crushed gravel) from the Town of Cumberland gravel pit
- 4) Place and spread topsoil in disturbed areas associated with the construction of the parking lot

Will return
loam from
west corner
+ stockpile

Locust
socio
Dough boys
(separate unit)
will do

d) Preparation of four athletic fields on the Greely Road side of the complex to include:

- 1) Strip and stock-pile topsoil
- 2) Shape sub-grade to plans and specifications

16. All project reporting, support requests, and design changes will be per the 240th Engr Gp Construction S.O.P.
17. The timeframe within which Company C will work on the above-mentioned tasks will be from 09 Jun 00 to 23 Jun 00. This time period encompasses the Annual Training period for Company C. Any work subsequent to this period of time will be mutually agreed upon by the Town of Cumberland and the MEARNG, as an Addendum to this agreement.
18. Company C will not be held responsible for failure to complete the project due to the effects of weather, equipment failure, or directed training deemed necessary by the Military Bureau.

Company C, 133d Engr Bn

Date

TOWN OF CUMBERLAND, MAINE

Date

*Brown
at Port Grounds
u pole Army*

Pill back side