

**TOWN OF CUMBERLAND
MEETING OF THE TOWN COUNCIL
MONDAY - NOVEMBER 10, 1997**

6:00 PM - WORKSHOP - Re: Chebeague Recreation Center.

- I. Call to order at the Cumberland Municipal Center at 7:00 pm.
- II. To swear in newly-elected Councilor.
- III. Approval of Minutes
 - a. October 27, 1997
- IV. Manager's Report
- V. Public Discussion
- VI. Legislation and Policy
 - 97-132 To discuss payment of foreclosed taxes.
 - 97-133 To authorize Town Manager to transfer \$100,000 from Town Building Fund to New Town Office Building Fund.
 - 97-134 To authorize Town Manager to transfer \$300,000 from undesignated surplus to New Town Office Building Fund.
 - 97-135 To set date for Public Hearing to consider and act on amendments to the Shellfish Conservation Ordinance. 11/24
 - 97-136 To set date for Public Hearing to consider and act on closing Johnson Cove and Indian Point to 1998 shellfish harvesting, for conservation purposes. 11/24
 - 97-137 To approve appointment of Public Works Administrator. 6-1
- VII. Correspondence
- VIII. New Business ✓
- IX. Executive Session - Hardship Abatement; Union Negotiations
- X. Adjourn

MEMBERS OF THE TOWN COUNCIL

John Lambert, Jr. (Chair)	781-5282		
Peter Bingham	829-5713	Harland Storey	829-3939
Philip Gleason	781-3787	James Phipps	846-6274
Mark Kuntz	829-6482	Stephen Moriarty	829-5095

COUNCIL MEMORANDUM

NOVEMBER 10, 1997 MEETING

PLEASE NOTE THAT THE WORKSHOP IS SCHEDULED FOR 6:00 PM.

Item 97-132 - The Town Attorney will be present to discuss, probably specifically the Kevin Sharpe property on Chebeague Island, which has been foreclosed on by the Town and a Mortgage Holder has presented payment of the taxes and fees last April. The original motion by the Council was to put this off until the review of the "Murray Policy" was complete, which would be sometime in February and the Town Attorney will explain his position that this should not be allowed to become foreclosed on again, which will take place in January.

Items 97-133 & 134 - These items have been discussed with the Council before as part of the funding for the Town Office Building. This will reduce substantially the bond that will be needed to fund construction of the building and there will be a similar motion in calendar year 1998 transferring another amount from undesignated surplus which I hope will reduce the bond below 1 million dollars.

Items 97-135 & 136 - These items are self-explanatory.

Item 97-137 - The Town Charter provides that the Council approve the Manager's appointment of Department Heads. I am recommending the appointment of Adam Ogden with starting salary of \$43,000, which will go to \$44,000 after six months. The interview committee consisted of Carla

Nixon, Phil Wentworth, Donna Larson and Bill Shane, who is a resident of Cumberland and Public Works Director for Yarmouth. They narrowed the finalists to two candidates with Mr. Ogden rating the highest. I interviewed the two candidates and concur with the interview committee's recommendation that Mr. Ogden be appointed the Public Works Administrator for the Town of Cumberland. He has been the deputy Public Works Director for the Town of Brunswick since 1994, prior to that he served in active duty with the Army National Guard in the engineering corps. While not a civil engineer, he is qualified to sit for the professional engineer's rating and will do so while employed by the Town of Cumberland. He is a licensed site evaluator and a waste water treatment plant operator. He comes highly recommended by Bob Howe, Terrien Architects, where he worked for a number of years and Bill Shane knows him quite well and is confident that he will do an excellent job as Administrator of the Cumberland Public Works Department.

Regarding the Executive Session - the Hardship Abatement apparently will not be considered. It may be tabled pending information to be gathered between now and Monday night. Union Negotiations is to received direction from the Council regarding pay increases for 1998. You give some thought to the pay increases for non-union employees as well, as we have done in the past.

PLEASE DON'T HESITATE TO CALL IF YOU HAVE ANY QUESTIONS
REGARDING THIS MATERIAL.

**TOWN OF CUMBERLAND
MINUTES OF THE MEETING OF THE TOWN COUNCIL
OCTOBER 27, 1997**

Present: John Lambert, Mark Kuntz, Harland Storey, Peter Bingham,
Philip Gleason, James Phipps

Absent: none - one vacancy

I. The meeting was called to order by the Chairman at 7:00 pm
at the Cumberland Municipal Center.

II. Approval of Minutes
a. October 14, 1997
b. October 16, 1997

Councilor Storey moved to approve the minutes of October
14, 1997 as written.

Councilor Phipps seconded. Vote: 5 in favor
1 abstention (Bingham)

Councilor Storey moved to approve the minutes of October
16, 1997 as written.

Councilor Phipps seconded. Vote: Unanimous (6)

III. Manager's Report

Bill Getz reported on the gazebo project and stated that it
should be finished by May 15, 1998.
The Council thanked Mr. Getz for his work on this project.

IV. Public Discussion
none

V. Legislation and Policy

It was agreed to take the first item out of order.

97-129 To hold public hearing to adopt appendices to the
General Assistance Ordinance.

The Chairman opened the public hearing.

The Manager explained that the proposed changes are
recommended by the Maine Municipal Association,
which will update Cumberland's Ordinance and comply
with State Law.

There was no public comment. The hearing was closed.

Councilor Phipps moved to adopt the new guidelines for the General Assistance Ordinance as proposed.

Councilor Gleason seconded. Vote: Unanimous (6)

- 97-128 To hold public hearing to consider and act on amendment to Section 424 of the Zoning Ordinance - regarding signs.

The Chairman opened the public hearing.

Town Planner, Donna Larson, explained that this amendment would allow farmer's to advertise seasonal crops for sale.

There was no public comment. The hearing was closed.

Councilor Gleason moved to adopt the amendment to Section 424 of the Zoning Ordinance - regarding signs, as proposed.

Councilor Phipps seconded. Vote: Unanimous (6)

- 97-130 To consider and act on willingness to accept open-space parcel as part of Idlewood Subdivision, Range Road.

Town Planner, Donna Larson, explained that the Planning Board's recommendation is that the Council state its willingness to accept this parcel.

The Chairman opened the public hearing.

Sally Stockwell, Range Road, wildlife biologist, stated her belief that further DEP review would be helpful.

Steve Moriarty and George Hyde of the Cumberland Mainland/Islands Land Trust, were present and stated interest in some of the parcel on behalf of the Land Trust.

David Andersen, Bruce Hill Rd. Ext., questions whether the town "should be in the land business as it reduces the tax base".

The public hearing was closed.

Councilor Phipps moved that the Council express its willingness to accept the easement as proposed, upon review by the Town Attorney and the Town Manager.

Councilor Bingham seconded. Vote: Unanimous (6)

- 97-131 To consider request to delay tax payment due dates under certain circumstances.

The Council was given a letter from Town Attorney, Ken Cole, stating that the Council could not make changes in collection policy for 1997, as the bills have already been sent out.

Barbara Paul, Yarmouth, stated that she appreciated the Council's consideration of this request and understood that they were unable to take action at this time.

Councilor Storey moved that there be no change in the Town's current tax collection policy.

Councilor Kuntz seconded. Vote: Unanimous (6)

VI. Correspondence

Sally Bancroft - re: Habitat for Humanity

VII. New Business

Councilor Kuntz stated he had received a call stating that the handle on the public water faucet has been bent and is difficult to use.

Councilor Phipps stated that Yarmouth is planning to spray for brown tail moths and asked if Cumberland would reconsider.

He also noted that the bank to be used to fund the construction of the Chebeague Recreation Center (CRC) wants the Town to subordinate its lease agreement and also to ~~give up language returning the property to the Town if it~~ is no longer used by the CRC - therefore, options need to be explored regarding financing.

Councilor Bingham asked about holding a workshop on Council Goals. - It was agreed to hold it on Nov. 24th.

Councilor Storey noted that there are two subdivisions before the planning board which will create 38 more homes in Cumberland.

It was noted that the Growth Committee will be making some recommendations soon.

The Manager noted that the poll being taken regarding a possible change in office hours at the time of the move to the new building, shows residents strongly in favor of a change.

The Manager also informed the Council that he has been contacted by Paula Copp who would like to give approximately 10 acres of land to the Town - located off Greely Rd. Ext. and that Roger Bolduc has 10 acres off Lawn Avenue which he would like to sell to the Town.

The Council requested that the Conservation Commission take a look at each of these parcels and report to the Council.

VIII. Adjourn

The meeting was adjourned at 8:35 pm.


Charlene A. Doyle
Council Secretary

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 E. WEBBER
KENNETH M. COLE III
NICHOLAS S. NADZO
FRANK H. FRYE
DAVID I. JONES
MICHAEL A. NELSON
RALPH W. AUSTIN
RONALD A. EPSTEIN
WILLIAM H. DALE
JOSEPH EL. GROFF III
PETER W. GREENLEAF
F. BRUCE SLEEPER
DEBORAH M. MANN

LESLIE E. LOWRY III
KEITH R. JACQUES
PATRICIA McDONOUGH DUNN
MICHAEL J. QUINLAN
JAMES N. KATSIAPICAS
MILDA A. CASTNER
ANNE H. JORDAN
JEFFREY P. BUHRMAN
BARRY P. FERNALD
SALLY J. DAGGETT
SUSAN C. STEINER
BRENDAN P. RIELLY

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

KENNETH BAIRD
(1978-1987)

YORK COUNTY
OFFICE

419 ALFRED STREET
BRIDGEMORE, MAINE 04001
(207) 242-5107
TELECOPIER (207) 242-4301

November 6, 1997

VIA TELEFAX

Robert B. Benson, Town Manager
Town of Cumberland
P.O. Box 128
Cumberland, ME 04021

Dear Bob:

Pursuant to your request, I have reviewed the various legal options that the Town has in regard to the proposed financing of the Chebeague Recreation Center. Specifically, the Town has been approached by the Recreation Center to help facilitate private financing through Peoples Heritage Savings Bank. At this point, the Bank's attorneys are asking the Town to collaterally assign the underlying lease between the Town and the Recreation Center and agree to provide notice in advance of taking any action on default, allowing the Bank to cure any such default so that the collateral assignment will always remain effective. The assignment will be subject to the obligation to provide public recreation but would be at the \$1.00 a year lease should the Town cooperate in this regard. Obviously they will also need the SAD to provide some documentation as to its consent in this same regard. If the Council wished to cooperate, this would appear to be an appropriate action by the Town given the public purpose of the Chebeague Recreation Center. The Town Council should vote to approve these documents or authorize you to sign them following a public hearing on this subject. The reason for the public hearing is that technically a municipal asset is being potentially disposed of by virtue of the collateral assignment and therefore public input is required.

Alternatively, it may be easier and cheaper for all of the parties to actually have the Town facilitate the borrowing. Such a borrowing would, again, be within the authority of the Town Council under the Town Charter since the Chebeague Recreation Center is dedicated to a public purpose and since the facility itself is restricted to such a use. Specifically, what this would involve would be an obligation or note from the Chebeague Recreation Center to the Town at an interest rate which would probably reflect the Town's bond rate or slightly higher to pay administrative costs. This note could be secured by the improvements on the leasehold to be constructed by the Chebeague Recreation Center and representation of the Town Council on the Chebeague Recreation Center Board in order to provide an oversight function. Since the Town is considering providing an operating subsidy for this entity because it will provide public

JENSEN BAIRD GARDNER & HENRY

November 6, 1997

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recreation on Chebeague Island, this financial method would actually help to decrease the need for any such subsidy since the borrowing rate would be so much less than from a private institution. Again, should the Council determine to proceed in this fashion, a public hearing would be required since a theoretical expenditure of municipal funds would be occurring in the amount of the loan. This particular form of support would probably also potentially trigger the Charter provision in regard to overrule of Council actions since the amount involved would be a potential expenditure in excess of the Charter limit.

It is my understanding that the Council will be discussing this matter further at its workshop on Monday evening, November 10th, and I will be prepared to attend and answer further questions in this regard at that time.

Thank you for your attention to this matter.

Very truly yours,



Kenneth M. Cole III

KMC/ab



Portland Water District

225 Douglass St. • P.O. Box 3553 • Portland, ME 04104-3553

(207) 774-5961

FAX (207) 761-8307

November 5, 1997

Mr. Robert Benson, Town Manager
Town of Cumberland
P. O. Box 128
Cumberland, Maine 04062

Dear Bob:

As you are no doubt aware, the last 24 months have been busy months resulting in substantial changes at the Portland Water District. Many of these changes have been driven by our commitment to flat assessments and stable user rates along with a heightened awareness that to continue to be successful the District must be as competitive as possible in providing its water and wastewater services. The competition for public dollars is intense and we are sensitive to the balancing act that city and town managers such as you face every day. Schools, fire, police, roads, water and sewer systems all compete for a fair share of the fiscal pie. This letter will review for you some of the proactive steps PWD has undertaken and has planned to assure that our services are competitive and continue to be a good value for the Town of Cumberland.

Over the past 24 months the district has intensely scrutinized itself. We defined our vision and mission statements. We completed an organizational development program that substantially redefined the way we are structured and how we do business. Staffing levels were assessed and realigned. Several middle management positions were eliminated. Vacated or open positions are assessed for need and alternatives. A compensation system based on performance has been developed and implemented for non-union employees. We hope to extend this system to the union workforce via the contract negotiation process. We have made commitments to staff and customers to operate more efficiently and cost effectively.

In January of this year our Board of Trustees defined key objectives and priorities in the development of a long-range business plan. This plan puts cost effectiveness as a top priority. With Board direction, in April we engaged the expertise of EMA, a firm specializing in utility competitiveness audits. EMA reviewed the operating practices of the district on a broad basis, comparing us to the best utilities in the world. Their report identified many opportunities for improving the overall cost competitiveness of our services. Staff reviewed the report and recommendations to reduce our annual operating and maintenance costs were developed. These recommendations and action steps are designed to improve our competitiveness and reassure member communities that the district's water and wastewater services are being provided as economically as possible while ensuring the environment is appropriately protected. The bottom line is an internal commitment to reduce our overall O&M cost by 2 million dollars by the year 2000. With the recent appointment of Ronald Miller to the General Manager position the district is now ready to move forward as a unified organization under his leadership.

Specific to wastewater services, we are presently in the process of conducting a detailed in-depth evaluation of our largest wastewater facility serving the City of Portland. We selected a method commonly referred to as a Comprehensive Plant Evaluation (CPE). The project was started this June and is expected to be completed by November of this year.

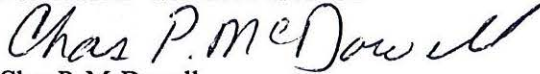
One of the components of the CPE is the benchmarking phase. Through this aspect we will have a clear understanding of how our operating costs and practices compare to other well run wastewater facilities (public and private). Other aspects of the CPE are evaluations of all unit processes, infrastructure, odor management, energy management, staffing and administration. The final product of the CPE will be a detailed Management Action Plan (MAP) providing a long-range plan for improved cost effectiveness and necessary capital investments for the facility. The concepts learned from this evaluation will be applied to all our wastewater facilities thus benefiting all communities served by the district.

Our water services department is also looking at new and innovative ways to improve effectiveness. Teams of employees are benchmarking other water utilities and gathering data to assist in day to day operation of our water facilities. Work processes are being reevaluated and restructured as appropriate.

Portland Water District takes its responsibilities seriously. We are proactively seeking ways to improve our services and stabilize both water and wastewater rates. We are committed to being ranked among the best in our field. Evidence of our seriousness to this commitment is the reduction of our over-all operation and maintenance budget for fiscal year 1998 by 1 million dollars. Half of which are personnel related costs. Your continued support Bob, and the support of your Council is very important to PWD's successful delivery of competitive water and wastewater services. District staff has invested significant time and effort over the past year informing and educating our Board relative to the needs and concerns facing our industry. I extend to you, your staff and council an opportunity to tour any of the district's water and wastewater facilities and learn about the problems and challenges we must face together and cooperatively.

I hope this letter has given you a better sense of what the PWD is doing, where we are going and how we plan to get there. Please call me if you have any questions or concerns. I look forward to having you, your staff and council tour district facilities and spend some time discussing these initiatives and the services we provide.

Sincerely,
PORTLAND WATER DISTRICT



Chas P. McDowell
Director of Wastewater Services

Cc: Ron Miller

Suggested Reading & Other Selectmen/Councilor Workshops in 1997:

Publications: Handbook for Municipal Officers (\$15.00)
Town Meeting & Elections Manual (\$15.00)
Assessors Manual (for Selectmen who serve as Assessors) (\$15.00)
Municipal Roads Manual (\$10.00)
General Assistance Manual (\$12.00)
General Assistance Ordinance (Guidelines) (\$5.00)
Ethics (Legal Packet) (No Charge)
Right to Know (Legal Packet) (No Charge)
Conflict of Interest (Legal Packet) (No Charge)
Robert's Rules of Order (\$15.00)

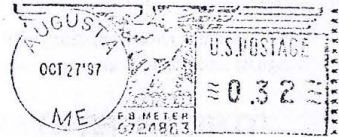
Workshops: Alternative Dispute Resolution (June)
Basic Municipal Budgeting (November)
Computer Selection & Purchasing for Small Towns (June)
Conducting An Administrative Hearing (May)
General Assistance—Basic Issues (September)
Parliamentary Procedures (June)
Personnel Management (December)
Poverty Tax Abatements (May)
Town Meeting & Elections (January/February)

To order one of the publications listed above, or for more information about workshops, call Cathy Callahan or Joan Kiszely at MMA at 1-800-452-8786 (Augusta area 623-8428).



Maine Municipal Association
60 COMMUNITY DRIVE
AUGUSTA, ME 04330

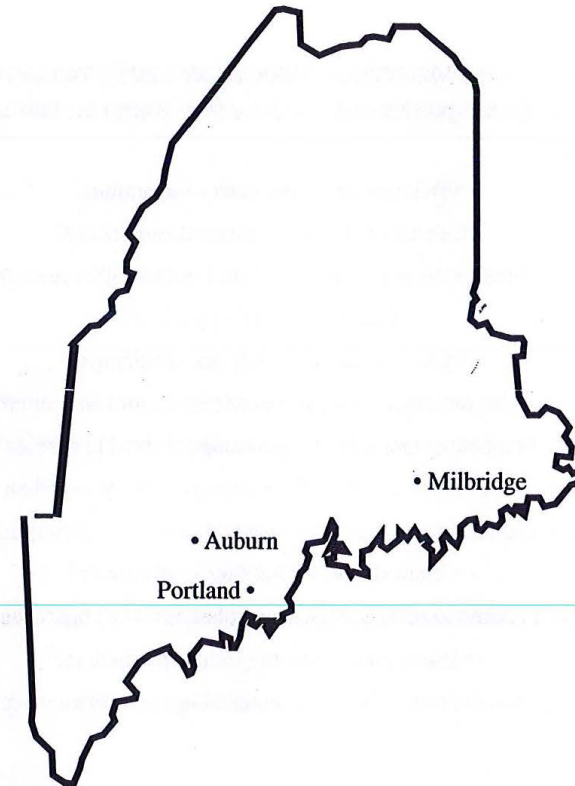
FIRST CLASS



ROBERT B BENSON
TOWN MANAGER
TOWN OF CUMBERLAND
PO BOX 128
CUMBERLAND CENTER ME 04021-011

SELECTMEN AND COUNCILORS:

SO YOU GOT ELECTED... NOW WHAT?



Attend an EOW (Elected Officials Workshop)

Sponsored by the Maine Municipal Association

SELECTMEN AND COUNCILORS:

SO YOU GOT ELECTED... NOW WHAT?

Let some of the Maine Municipal Association's staff, veteran officials and town managers guide you through some of the tough and not so tough questions you face...

- What meetings are open to the public?
- Can a Selectman be removed from office?
- Can I take a job with the town? Can I hold another town office?
 - Can we ignore that pothole?
- Can the Selectmen adopt an ordinance?
- What authority do we have over the school committee?
- Is the town required to use a competitive bid process?
- Do we need to take minutes of the meetings? Do we need an agenda?
- Is a town responsible if someone slips and falls on tax acquired property?
 - What should we look for in insurance?
- How to relate to managers/department heads/other boards/the press.
 - How to make meetings more productive.
- What to think about when publishing your town report.

*Let the Maine Municipal Association help you
get up to speed on
the most challenging job you'll ever have.*

• The workshops are tailored to meet your needs

The EOW has been divided into two "TRACKS". If you are from a non-manager municipality you will probably want to attend TRACK I; if you are from a manager-municipality you will want to attend TRACK II.

• Reduced registration fee for elected officials (\$20.00)

Newly elected officials will receive a coupon which they may use to cover the cost of the EOW. The coupon is only good for the year in which it was issued.* The \$20 registration fee includes dinner, coffee breaks, and written materials including a free copy of the Handbook for Municipal Officers (retail price: \$15.)

• The workshops are held at a nearby location

— FALL/WINTER 1997 DATES —

TRACK I — 1:00 P.M. - 8:00 P.M.

TRACK II — 2:00 P.M. - 7:30 P.M.

11/13 Milbridge — Town Meeting Hall

12/9 Portland — Keeley's Catering

11/19 Auburn — Auburn Inn

* Please Note: Combined workshop I&II for all elected officials

To pre-register for a workshop call Cathy Callahan or Joan Kiszely at 1-800-452-8786 (623-8428 in the Augusta area) or by mailing in the registration form below.

TO REGISTER BY PHONE CALL 1-800-452-8786 OR 623-8428

Please register the following person(s) from _____ for the Elected Officials Workshop.

NAME: _____ TITLE: _____ FEE: _____

NAME: _____ TITLE: _____ FEE: _____

TOWN/CITY: _____ PHONE: _____

CIRCLE THE WORKSHOP(S) YOU WISH TO ATTEND — You may attend both.

Track I: Milbridge Auburn

Track II: Portland

Return and Make Check payable to: Maine Municipal Association, 60 Community Drive, Augusta, ME 04330

TO ENSURE YOUR COMPLETE PARTICIPATION IN THIS WORKSHOP WE WOULD APPRECIATE YOUR INFORMING US OF ANY SPECIAL REQUIREMENTS YOU MAY HAVE DUE TO A DISABILITY.

**Town of Cumberland
Forest Board**

Walt Dunlap

829-4200

John Eldredge

829-4540

Anne Maher

829-4683

Sally Stockwell

829-3201

Elizabeth Surgi

829-5983

Jennifer West

829-3994

Bob Wood

829-3261

10/29/97

Summary

Discussion from last two meetings, re: conservation easement

1. We wish to proceed and to quantify the protected area in some graphic form for presentation
2. We seek a 2-party easement with the CM&IT (and their successors)
3. The purpose of the easement to preserve:
 - a. low impact recreational use
 - b. open space/forest land close to Town center and schools
 - c. educational demonstration of forestry practices
 - d. wildlife habitat & water quality
 - e. teaching environment afforded by trail system
 - f. undeveloped condition
4. Term is to be "in perpetuity".
5. Uses of property: limited low-impact recreational and conservation purposes; no commercail, industrial, quarrying or mining; no structures or facilities, except walking paths with informational or directional signs and natural material bridges; no filling, paving, dumping, excavation or other alteration except by forces of nature; only such uses permitted consistent with this easement and a Stewardship Plan to be developed under the auspices of the Town.
6. Cutting timber and vegetation: none, except:
 - a. restoration or clearing of forest cover or vegetation damaged by fire or disease.
 - b. restoration or clearing of forest cover or vegetation in emergency, such as fire.
 - c. in furtherance of a forest management plan expressly written for the property by a licensed professional forester.

TOWN OF CUMBERLAND
DEPARTMENT OF BUILDING INSPECTION
P.O. BOX 128, 12 DROWNE ROAD
CUMBERLAND CENTER, MAINE 04021

September 1997 Building Permits

DATE	PERMIT #	Map/Lot	LOCATION	OWNER	IMPROVEMENT	EST. COST	FEE
9 -3	142-97	R08/55B	19 Whitney Rd	Dan Voisine	Barn	\$8,500	\$19.00
9 -3	143-97	R06/36	50 Frost Ridge Dr	Michael & Barbara Frost	House	\$180,000	\$192.00
9 -3	144-97	U05/7	23 Sturdivant Rd	Gail Adshed	Addition	\$14,000	\$26.00
9 -3	145-97	R05/40D	85 Bruce Hill Rd	Mary Walker	Addition	\$25,000	\$37.00
9 -4	146-97	R04/32A	168 Greely Rd	Kay Fowler	Garage	\$10,000	\$22.00
9 -3	147-97	I09/2	Hope Island	Scorpio Island Corp.	Demolish barn	\$2,500	\$1.00
9 -4	148-97	I09/2	Hope Island	Scorpio Island Corp.	Renovate barn	\$35,000	\$47.00
9 -8	149-97SL	I01/47	Chandlers Cove	Al Marsh	Addition	\$15,000	\$27.00
9 -8	150-97	U09/5C	21 Wild Way	Chase Custom Homes	House	\$120,000	\$132.00
9 -15	151-97	R08A/19	582 Pleasant Valley Rd	Mike Adams	Garage	\$7,000	\$16.00
9 -16	152-97	R01/2B	2 Birch Ln	John & Christine Ferland	Garage	\$63,000	\$75.00
9 -16	153-97	U19A/4	14 Mill Ridge Rd	Robert Welch	Shed	\$400	\$4.00
9 -17	154-97	R04/15D	141 Tuttle Rd	Doug & Kelley Mason	House	\$160,000	\$344.00
9 -18	155-97	I01/69	Bennett Cove Rd	Hanscom Family Trust	Deck	\$4,150	\$10.00
9 -22	156-97	R03/50B	276 Tuttle Rd	Robert & Sarah Verrier	Addition	\$50,000	\$62.00
9 -22	157-97	U12/6A	42 Blanchard Rd	William Dawson	Chimney	\$5,800	\$14.00
9 -22	158-97	U13A/34	5 Sparhawk Ln	Richard Campbell	Replace door	\$2,500	\$7.00
9 -23	159-97	R06/4A	291 Greely Rd	Geral Manchester	Deck	\$300	\$4.00
9 -23	160-97	R04B/53	59 Crossing Brook Rd	Dave Kneeland	Garage	\$13,690	\$26.00
9 -23	161-97	U14/130	31 Hedgerow Dr	Robert Westoven	Renovation	\$3,500	\$10.00
9 -23	162-97	R03/23A	Range Way	Atlantic Cellular Telephone	Renovation	\$18,000	\$30.00
9 -24	162-97	U11/20	9 MeadowView Rd	Donald Johnson	Deck	\$3,000	\$8.00
9 -25	163-97	U14/105	3 Longview Rd	George Clark	Addition	\$30,000	\$42.00
9 -29	164-97	U11/73	10 Willow Ln	Milt & Leslie Calder	Renovation	\$15,000	\$27.00
9 -29	165-97	U12/6A	42 Blanchard Rd	William Dawson	Addition	\$10,000	\$22.00
9 -29	166-97	R06C/6	8 Heather Ln	Normand Berube Bldrs	House	\$140,000	\$152.00
9 -30	167-97	R07/2	83R Gray Rd	Francis & Carol Gagnon	Foundation	\$4,051	\$10.00

BUILDING PERMITS SUMMARY:

	<u>Sept. 1997</u>			<u>YEAR TO DATE</u>		
	Number	Cost	Fees	Number	Cost	Fees
New Houses	4	\$600,000.00	\$820.00	35	\$5,480,100	\$6,661.00
Renovations	3	\$53,500.00	\$84.00	24	\$482,900	\$684.00
Alterations	2	\$8,300.00	\$21.00	2	\$8,300	\$21.00
Additions	6	\$144,000.00	\$216.00	26	\$829,182	\$1,066.00
Porches	0	\$0.00	\$0.00	5	\$27,500	\$173.00
Garages	4	\$93,690.00	\$139.00	18	\$338,685	\$549.00
Foundation	1	\$4,051.00	\$10.00	3	\$36,051	\$50.00
Access. Struct.	5	\$16,350.00	\$45.00	29	\$97,575	\$173.00
Temp. Struct.	0	\$0.00	\$0.00	0	\$0	\$0.00
Antenna	0	\$0.00	\$0.00	0	\$0	\$0.00
Pools	0	\$0.00	\$0.00	6	\$82,100	\$201.00
Retaining Wall	0	\$0.00	\$0.00	0	\$0	\$0.00
Demolitions	1	\$2,500.00	\$1.00	7	\$2,506	\$7.00
Commercial	1	\$18,000.00	\$30.00	5	\$200,500	\$254.00
TOTALS:	27	\$940,391	\$1,366.00	163	\$7,585,393	\$9,833.00
OTHER:	0	\$0	\$0.00	0	\$0	\$0.00

	Sept	Year to Date
ELECTRICAL PERMITS:	Number: 15	125
	Fees: \$212.00	\$1,604.00
PLUMBING PERMITS:	Number: 11	124
	Fees: \$807.00	\$6380.00


Robert B. Littlefield
Building Inspector

TOWN OF CUMBERLAND
DEPARTMENT OF BUILDING INSPECTION
P.O. BOX 128, 12 DROWNE ROAD
CUMBERLAND CENTER, MAINE 04021

October 1997 Building Permits

DATE	PERMIT #	Map/Lot	LOCATION	OWNER	IMPROVEMENT	EST. COST	FEE
10- 1	168-97	R06A/17	13 Acorn Ln	Steve Briggs	Shed	\$500	\$4.00
10- 1	169-97SZ	U01/52	17 Stornoway Rd	H. & D. Quintana	House	\$1,000,000	\$1,012.00
10- 6	170-97	I02/35A	South Rd	Claire Ross	Shed	\$8,000	\$18.00
10- 6	171-97	R03/33	61 Harris Rd	Goepfert & Stommel	Demolish shed	NA	\$1.00
10- 6	172-97	U09/5E	51 Wild Way	W.G. MacFarlane	House	\$135,000	\$294.00
10- 7	173-97	U19A/6	18 Mill Ridge Rd	David Crawford	Garage	\$15,000	\$27.00
10- 7	174-97	U13/99	17 Farwell Ave	Snow & Cronin	Addition	\$13,000	\$25.00
10- 7	175-97	I05/12	Cottage Rd	David Hinchman	Garage	\$25,000	\$37.00
10- 14	176-97	R04B/36	70 Crossing Brook Rd	Edward Antz	Deck	\$500.00	\$4.00
10- 14	177-97	R08A/35	47 Valley Rd	Michael Normandeau	House	\$105,754.00	\$118.00
10- 16	178-97	U13/105	5 Farwell Ave	Timothy Gooch	Renovate	\$2,000.00	\$6.00
10- 16	179-97	R08/66D	315 Blanchard Rd	D & D Twomey	Demolish garage	NA	\$1.00
10- 16	180-97	R02A/31B	254 Foreside Rd	Peter Youngren	Shed	\$3,500.00	\$9.00
10- 16	181-97	U22/1	41 Forest Ln	Sharon Stevenson	House & garage	\$90,000.00	\$102.00
10- 20	182-97	R07/2	83 Gray Rd	Carol Ann Gagnon	Garage	\$8,000.00	\$18.00
10- 20	183-97	R03/51A	12 Drowne Rd	Town of Cumberland	Addition	\$1,500,000	NA
10- 24	184-97	U01/3	8 Foreside Rd	Florence Weintz	Addition	\$45,000	\$57.00
10- 27	185-97	I03/54	Fenderson Rd	Joan Robinson	Addition	\$4,000	\$10.00
10- 28	186-97	U11/70	16 Willow St	Jeffrey Andrews	Shed	\$1,000	\$4.00
10- 29	187-97	R02C/1U2	Brentwood #2	E & S Bachofner	Dormer	\$30,000	\$42.00
						\$2,986,254	\$1,789.00

BUILDING PERMITS SUMMARY:

	<u>October, 1997</u>			<u>YEAR TO DATE</u>		
	Number	Cost	Fees	Number	Cost	Fees
New Houses	4	\$1,330,754.00	\$1526.00	39	\$6,810,854	\$8,187.00
Renovations	1	\$2,000.00	\$6.00	25	\$484,900	\$690.00
Alterations	0	\$0.00	\$0.00	2	\$8,300	\$21.00
Additions	4	\$1,562,000.00	\$92.00	30	\$2,391,182	\$1,158.00
Porches	0	\$0.00	\$0.00	5	\$27,500	\$173.00
Garages	3	\$48,000.00	\$82.00	21	\$386,685	\$631.00
Foundation	0	\$0.00	\$0.00	3	\$36,051	\$50.00
Access. Struct.	5	\$13,500.00	\$39.00	34	\$111,075	\$212.00
Temp. Struct.	0	\$0.00	\$0.00	0	\$0	\$0.00
Antenna	0	\$0.00	\$0.00	0	\$0	\$0.00
Pools	0	\$0.00	\$0.00	6	\$82,100	\$201.00
Retaining Wall	0	\$0.00	\$0.00	0	\$0	\$0.00
Demolitions	2 NA		\$2.00	9	\$2,506	\$9.00
Commercial	0	\$0.00	\$0.00	5	\$200,500	\$254.00
TOTALS:	19	\$2,956,254	\$1,747.00	182	\$10,541,647	\$11,586.00
OTHER :	1	\$30,000	\$1,789.00	1	\$30,000.00	\$1,789.00

	October	Year to Date
ELECTRICAL PERMITS: Number:	22	147
Fees:	168	\$1,772.00
PLUMBING PERMITS: Number:	21	134
Fees:	1100	\$6673.00


Robert B. Littlefield
Building Inspector

SOLID WASTE TO R.W.S.

YEAR	1995	1996	1997	1992	1993	1994
MONTH						
January	184.90	179.89	204.61	157.40	148.01	162.95
February	144.88	154.08	152.55	128.78	119.67	133.78
March	177.17	148.88	164.92	150.12	166.45	177.88
April	291.90*	347.03*	233.12*	260.45*	305.24*	322.18*
May	219.80	200.44	175.02	185.51	170.80	190.18
June	215.15	190.25	201.01	207.76	194.82	212.22
July	208.09	232.78	223.52	181.40	160.51	173.25
August	249.42	224.45	175.55	180.63	192.70	241.07
September	196.76	193.89	247.89	195.58	191.69	206.89
October	300.20*	343.81*	260.72*	256.73*	265.17*	303.33*
November	203.80	172.94		168.32	181.55	214.61
December	168.69	194.62		186.44	182.40	197.50
Total	2,560.76	2,583.06		2,259.12	2,279.01	2,535.84

NOTE: All Measurements in tons

* Bulky Waste Pick-up week included

11-5-97

Note to all Employees: Below is a copy of a new Town policy. I wanted to be sure each of you received it. If you have any questions, see your department head or call me at 829-5559. Thank you. Carla.

**TOWN OF CUMBERLAND POLICY
FOR**

**PRE-EMPLOYMENT PHYSICALS, WORK PLACE INJURY TREATMENT
& DRUG AND ALCOHOL TESTING**

Effective November 6, 1997 the Town of Cumberland's Health Care Provider is:

Occupational Health and Rehabilitation, Inc. 1600 Congress St. Portland, Maine 04102

Telephone: (207) 774-7751 Fax: (207) 828-5140

PRE-EMPLOYMENT PHYSICAL EXAMINATIONS

Under the Americans with Disabilities Act, all offers of employment must be made conditioned upon a pre-employment physical that tests the applicant's ability to perform the "essential functions" of the position. The essential functions are a listing of the physical and mental capabilities required to perform a particular job. For example, an essential function of a clerical position might be, "*Possesses the manual dexterity to operate a computer keyboard and type at least 40 words per minute*". Once an applicant has been chosen, a conditional offer of employment is made. The Department Head should then fax to the Town's Health Care Provider a copy of the job description for the position along with a listing of the essential functions. The physical will then put the applicant through a series of tests that are specifically designed to assess the applicant's ability to perform the essential functions of the job. The cost for this physical is paid for by the Town.

WORK PLACE INJURIES

When an employee is injured on the job, the State Workers Compensation law allows employers to send the injured employee to the health care provider of the employer's choice within the first 10 days following the injury. Of course, if the injury is serious, the employee should go to the nearest hospital emergency room for treatment; the Town's Health Care Provider can do an assessment and post-injury treatment plan at a later date. If the injury does not require immediate, emergency treatment, then the employee should notify his/her supervisor immediately. Together they should complete the First Report of Occupational Injury or Illness form and call the Town's Health Care Provider for an appointment. In most cases, an appointment will be given for that day. Employees who decide to seek treatment by their personal physician should understand that they are doing so at their own expense. The law does have a provision for an employee to petition to change physicians if they are not satisfied with the Town's Health Care Provider. Refer inquiries on this to the Town Manager's Office.

DRUG AND ALCOHOL TESTING

The Town's Health Care Provider shall conduct all drug and alcohol testing required under the Department of Transportation mandatory testing for holders of a Commercial Drivers License.

**TOWN OF CUMBERLAND
MINUTES OF THE MEETING OF THE TOWN COUNCIL
NOVEMBER 10, 1997**

Present: John Lambert, Stephen Moriarty, Harland Storey, Peter Bingham, Philip Gleason, James Phipps

Late: Mark Kuntz

Absent: none

I. The meeting was called to order by the Chairman at 7:00 pm at the Cumberland Municipal Center.

II. To swear in newly-elected Councilor.

Town Clerk Klara Norton swore-in newly elected Councilor, Stephen Moriarty.

III. Approval of Minutes
a. October 27, 1997

Councilor Bingham moved to approve the minutes of October 27, 1997 as written.

Councilor Phipps seconded. Vote: 5 in favor
1 abstention (Moriarty)

IV. Manager's Report

The Manager reviewed the construction projects. He also noted that the annual volunteer appreciation night will be held on November 19th at 6:00 pm at Val Halla.

V. Public Discussion
none

VI. Legislation and Policy

97-132 To discuss payment of foreclosed taxes.

Town Attorney Ken Cole explained that the Council should take action on the payment request regarding the Sharpe property before the next foreclosure action takes place, which would be in January 1998.

Sam Sherry, attorney for the mortgage holder - Caleska Partners, who submitted payment of all taxes and charges due, was present and stated that his client would like to see this issue resolved.

Councilor Gleason moved to direct the Tax Collector not to send a notice of foreclosure for 1995 taxes on the Sharpe property, designated as Map 15, Lot 3 on the Assessor's Maps.

Councilor Phipps seconded.

** Councilor Kuntz arrived - 7:15 pm.

The Council stated its desire that no action be taken on this until review of the Town's foreclosed tax policy has been completed.

Vote: Unanimous (7)

- 97-133 To authorize Town Manager to transfer \$100,000 from Town Building Fund to New Town Office Building Fund.

Councilor Bingham moved to authorize the Town Manager to transfer \$100,000 from the Town Building Fund to the New Town Office Building Fund.

Councilor Gleason seconded. Vote: Unanimous (7)

- 97-134 To authorize Town Manager to transfer \$300,000 from undesignated surplus to New Town Office Building Fund.

Councilor Gleason moved to authorize the Town Manager to transfer \$300,000 from undesignated surplus to the New Town Office Building Fund.

Councilor Phipps seconded. Vote: Unanimous (7)

- 97-135 To set date for Public Hearing to consider and act on amendments to the Shellfish Conservation Ordinance.

Councilor Bingham moved to hold a public hearing on November 24, 1997 to consider and act on amendments to the Shellfish Conservation Ordinance.

Councilor Storey seconded. Vote: Unanimous (7)

- 97-136 To set date for Public Hearing to consider and act on closing Johnson Cove and Indian Point to 1998 shellfish harvesting for conservation purposes.

Councilor Storey moved to hold a public hearing on November 24, 1997 to consider and act on closing Johnson Cove and Indian Point to 1998 shellfish harvesting for conservation purposes.

Councilor Bingham seconded. Vote: Unanimous (7)

- 97-137 To approve appointment of Public Works Administrator.

The Manager recommended the appointment of Adam Ogden to serve as the Public Works Administrator for the Town of Cumberland.

Bill Shane, Public Works Administrator for the Town of Yarmouth - a Cumberland resident and member of the interview committee for this position, described the process used and stated the interview committee recommended two finalists to the Manager for his decision.

Councilor Bingham moved to ratify the appointment of Adam Ogden to serve as Public Works Administrator for the Town of Cumberland.

Councilor Gleason seconded. Vote: 6 in favor
1 opposed (Storey)

VII. Correspondence

Joan Robinson - re: Rescue Billing
William Dill - re: solid waste

VIII. New Business

Councilor Moriarty noted that the Councilor Plaque is not current.

Councilor Phipps moved to set a public hearing on November 24, 1997 to consider and act on authorization by the Municipal Officers permitting the Town Manager to enter into a Collateral Assignment of the Chebeague Recreation Center, Inc. Lease with Peoples Heritage Savings Bank and an accompanying Recognition Agreement to facilitate a loan by said Bank of up to \$250,000 to said Recreation Center.

Councilor Moriarty seconded. Vote: Unanimous (7)

The Council requested a report from the Rescue Chief regarding rescue billing to be presented at the November 24th meeting, with a public hearing to be scheduled for December 8th.

The Manager asked the Council's opinion regarding recreational vehicles (snowmobiles, ATV's, mountain bikes, etc.) on the Twin Brook property. The Council asked the Lands Committee to comment.

The Manager stated that the Town traditionally closes on the day after Thanksgiving with employees using their personal day. He also asked that the Council give thought to the possibility of closing the day after Christmas, since the holiday falls on a Thursday.

IX. Executive Session - Union Negotiations

Councilor Bingham moved to go into executive session to discuss union negotiations at 7:50 pm.

Councilor Gleason seconded. Vote: Unanimous (7)

Councilor Bingham moved to end the executive session at 7:55 pm.

Councilor Gleason seconded. Vote: Unanimous (7)

X. Adjourn

The meeting was adjourned at 7:55 pm.


Charlene A. Doyle
Council Secretary

Absent:

Late: M. Kuntz

Town Council
11/10/97 ①

I. Called to order 6:50pm

II Swear-in
K Norton-

III Approval of Minutes

● B to approve
2nd Phipps 5 yes 1 abst. (Monarty)

IV Mng. Rpt.

- Making progress here and gaining back
some time on new bldg. (lost due to weather)

- Base coat of pavement on parking lot

soon

- Volunteer apprec. night - Nov 19th 6pm Val Halla

V. Pub B3C

None

VI Legal Policy

97-132 Foreclosed Taxes - K. Cole - explained action
needed before next foreclosure Jan 98

Gleason direct Tax Collector not to send 30 day
2nd Phipps Foreclosure notice for 95 Taxes (Sharpe
prop)

* Councilor Kuntz arrived 7:15pm
Vote Unan (7)

97-133 Bing Auth - - -
2nd of Unan (7)

97-134 To Auth
g to Auth - - -
and Phipps Unan (7)

97-135 PH Shellfish Ord Amendments
B - to hold 2^{4th}
2nd S Unan (7)

97-136 - PH Shellfish closing
S to hold 11/24
2nd B Unan (7)

97-137 PW Admin

RB recommend Adam Ogden as PWA for T/Cmb
Bill Shane, Yam PWA - Cmb Resident, served on
Interviews committee - described process used -
Group recommended top 2 to Manager for his
decision

B. to ratify appt. of Adam Ogden
as PWA

2nd Q Leys opposed - (Storey)

Bill Shane concern that PWA get back to Public Works
responsibility instead of Big Town projects. Asked for
Council to support new PWA.

~~Bill Shane - Personnel Appeals Bd~~

VII Corresp

Workshop - Dec. w/ Forest Bd.

Joan Robinson - re: Rescue Billing

Bill Dill - re: BW pick-up

TC (3)
11/10/97

New Bus

Moriarty

- BW p/up
- Councilor Plaque not up to date

Phlips motion - (see sheet)

2nd Moriarty Unan (7)

Recommendations from CB (Report) - Schedule
PH to discuss (Dec 10th) (to Council 24th)

RB - Recreational vehicles on Twin Brook? - What does
~~Advisory~~ Committee want? - snow machines - 3/4 wheelers
- Mountain Bikes

Att Ord.

Sign at Twin Brook

RB - Day after Thanksgiving closed (use personal day)
- " " Christmas?

Adjourn 7:55 pm

New Business →

To set a public hearing on ^{Nov 24th}
an authorization by the municipal officer's
permitting the town manager to
enter into a Collateral Assignment
of the Chelsea Recreation Center, Inc.
^{lease} ~~Dease~~ with Peoples Heritage
Savings Bank and an accompanying
Recognition Agreement to facilitate
a loan by said Bank of ^{up to} \$250,000
to said Recreation Center

Need salary & comparison

see monthly report

**TOWN OF CUMBERLAND
SPECIAL MUNICIPAL ELECTION
Official Return of Votes**

County of Cumberland, ss.

State of Maine

**At a legal meeting of the inhabitants of the Town of
Cumberland, held on Tuesday, November 4, 1997, there
were 2598 votes cast as follows:**

**Mainland: 2434
Chebeague Island: 164**

(out of 5146 registered voters)

MAINLAND ISLAND TOTAL

COUNCILOR AT LARGE (to fill unexpired term to 6/98)

Stephen Moriarty	2103	150	2253
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**A TRUE COPY,
ATTEST:**



Klara M. Norton, Town Clerk

Municipality: C U M B E R L A N D

Voting District: WARD 1 and WARD 2

Municipal Totals

Question 1: CARRY-OVER MEASURE

Do you want the Compact for Maine's Forests to become law to promote sustainable forest management practices throughout the State?

Yes 1625

No 962

Question 2: BOND ISSUE

Do you favor a \$7,000,000 bond issue, which will match \$15,000,000 in federal funds, to construct water pollution control facilities, to clean up tire stockpiles and to make drinking water improvements?

Yes 1985

No 984

Question 3: BOND ISSUE

Do you favor a \$10,000,000 bond issue to provide funding for Adaptive Equipment Loan Program fund, which provides loans to individuals with disabilities to purchase adaptive equipment and to small businesses to improve accessibility, and for improving accessibility and addressing related safety issues at the University of Maine System and at the State House?

Yes 1516

No 1017

Question 4: BOND ISSUE

Do you favor a \$56,850,000 bond issue for improvements to municipal and state roads, state and local bridges, airports, state ferry vessels and terminals and rail and marine facilities that makes the State eligible for approximately \$129,740,000 in matching federal funds?

Yes 2186

No 385

Question 5: CONSTITUTIONAL AMENDMENT

Do you favor amending the Constitution of Maine to remove the language providing that all persons under guardianship for reasons of mental illness are disqualified from voting?

Yes 1095

No 1428

Question 6: REFERENDUM QUESTION

Do you favor adding one travel lane in each direction to the southern end of the Maine Turnpike, paid for by turnpike tolls, to reduce accidents and congestion?

Yes 1778

No 810