

**TOWN OF CUMBERLAND  
MEETING OF THE TOWN COUNCIL  
MONDAY, APRIL 9, 2001**

- I. Call to order at the Cumberland Town Council Chambers at 7:00 p.m.
- II. Approval of Minutes  
March 12, 2001  
*March 26, 2001*
- III. Manager's Report
- IV. Public Discussion
- V. Legislation and Policy
  - 01-12 To hear concerns of residents of Cumberland Commons and Oak Street regarding traffic issues and to consider taking action.
  - 01-13 To consider acceptance of Stonewall Drive as a public way.
  - 01-14 To authorize Ground Water Study on Chebeague Island
  - 01-15 To consider and act on a Special Amusement Permit application for Val Halla Golf & Recreation Center.
  - 01-16 To set date for Public Hearing to consider and act on application for a Mass Gathering Permit by the United Maine Craftsmen to hold the annual craft fair at the Cumberland Fairgrounds, August 9<sup>th</sup> through August 12<sup>th</sup>, 2001.
  - 01-17 To set date for Public Hearing on 2001-2002 Municipal Budget.
- VI. Correspondence
- VII. New Business
- VIII. EXECUTIVE SESSION:
  - 1) Land Acquisition
  - 2) Union Negotiations
- VII. Adjourn

*MEMBERS OF THE TOWN COUNCIL*

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

Town of Cumberland web site: [www.cumberlandmaine.com](http://www.cumberlandmaine.com)

**TOWN OF CUMBERLAND  
MEETING OF THE TOWN COUNCIL  
MARCH 12, 2001 7:00pm**

Councilors Present: Stephen Moriarty, Peter Bingham, James Phipps, Jeffrey Porter, Harland Storey  
Councilors Excused: Mark Kuntz, John Lambert  
Staff & Guests Present: Kenneth Cole, Attorney; Lisa Brown, Town of Cumberland Administration (recording clerk); Joe Appel, The Forecaster.

I. The meeting was called to order by Chairman Moriarty at the Chebeague Island Community Hall at 7:05 p.m.

**II. Approval of Minutes**

a. February 12, 2001

Moved by Harland Storey

Seconded by Peter Bingham

VOTE: UNANIMOUS (5)

**III. Manager's Report**

- 1) Per Terry Brooks, Facilities Management of the Post Office, via phone message notified Town Manager that he had received a letter from Washington D.C. putting Cumberland Center and Chebeague Post Office changes/expansions on hold for approximately 4-5 weeks after decisions are made and pending a reassessment.
- 2) Cumberland has made an offer to a candidate for the Town Planner position.

**IV. Public Discussion**

None

**V. Legislation Policy:**

- 01-07 To hold a Public Hearing to review impact on Chebeague Island of Growth Management Ordinance adopted 6/20/00, and to consider scheduling a Public Hearing and amend ordinance.

Town Council Members, Attorney Kenneth Cole, representatives from the Chebeague Long Range Planning Committee, and Chebeague residents discussed proposals, suggestions and views on the Growth Management issue on Chebeague Island hence, the allotted 3 building cap per year allowance and it's impact on Chebeague Island residents. It was agreed the cap caused a 'rush' to apply for Growth Management Permits causing a waiting list until the year 2008. Island landowners concern was that ownership of land did not entitle them to build when they desired. Discussions included residency requirement issues, Island services, schools, ground water, and future building permits.

- 01-08 To set date for Public Hearing to consider and act on amendments to Growth Management Ordinance adopted 6/28/00, including changes to address the impact of the ordinance as it affects building on Chebeague Island. This Public Hearing will take place at 7:00 pm on March 26, 2001 in the Council Chambers at the Cumberland Town Offices, 290 Tuttle Road, Cumberland Center.

Motion set by Councilor James Phipps  
Seconded by Councilor Porter

VOTE: UNANIMOUS (5)

## **VI. Correspondence**

- ◆ Public Notice – Nomination Papers for the Municipal Election June 12, 2001
- ◆ Planning Board Meeting Minutes of January 16, 2001
- ◆ Planning Board Agenda for March 20, 2001 – Public Hearing Notices
- ◆ Board of Adjustment & Appeals Public Hearing Notice
  - a) Jaime & Craig StoreySmith – 85 Middle Rd on Map R1 Lot 38D in Rural Residential 2 District
  - b) Frank & Serina DeWolfe – 144 Orchard Hill Rd on Map R8 Lot 45A in Rural Residential 2 District
- ◆ Council Chair Steve Moriarty's memorandum dtd March 8, 2001 – Chebeague issues
- ◆ Email Dialogue between Councilor Phipps, Sam Ballard, Donna Damon & Sam Sloan
- ◆ Email from Councilor Phipps to Council Chair Moriarty Regarding growth cap on Chebeague
- ◆ Building permit history of Chebeague from 1976 – 2000
- ◆ Jean Dyer Chebeague Building Cap Proposal
- ◆ Growth Permits spreadsheet dtd 3/7/01
- ◆ Growth Permits Waiting List spreadsheet dtd 3/7/01
- ◆ Growth Permits Voided spreadsheet dtd 3/7/01
- ◆ Growth Management Ordinance
- ◆ David & Susan Lloyd-Rees – Chebeague building permit limitation ltr dtd January 5, 2001
- ◆ Peter I. Biber – Chebeague Building Cap ltr dtd March 12, 2001
- ◆ Heavy Load Road Posting from Director of Public Works
- ◆ SME Chebeague Island Groundwater Study dtd March 1, 2001
- ◆ Maine Forest Service – Brown Tail Moth Survey ltr dtd February 20, 2001
- ◆ Coast of Maine Golf School – Elaine Godsoe – Snowmobile Issue ltr dtd February 22, 2001
- ◆ Town of Cumberland ltr dtd February 28, 2001 to all registered snowmobile owners regarding landowner property and trails
- ◆ Solid Waste to R.W.S. Report
- ◆ MSAD #51 Minutes of February 26, 2001
- ◆ MSAD #51 Agenda for March 5, 2001
- ◆ Portland Water District ltr dtd February 6, 2001
- ◆ Portland Water District Trustee Report Y2K
- ◆ Maine Turnpike News – Widening and Modernization Product newspaper/handout

## **VII. New Business**

None

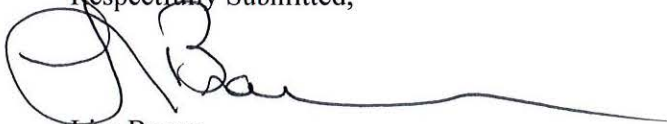
## **VIII. Adjourn**

No further business was conducted: Chairman Moriarty motioned to adjourn at 10:15 p.m.

Second by: Jeff Porter

vote: UNANIMOUS (6)

Respectfully Submitted,



Lisa Brown  
Administrative Assistant



TOWN COUNCIL

March 26, 2001

**TOWN OF CUMBERLAND  
MEETING OF THE TOWN COUNCIL  
MARCH 26, 2001**

Councilors Present: Council Vice Chair Mark Kuntz, Peter Bingham, John Lambert, James Phipps, Jeffrey Porter, Harland Storey.

Staff Present: Robert Benson, Town Manager; Andy Fillmore, Planner; Bill Healey, Assessor; Lisa Brown, Recording Clerk, Adam Ogden, Public Works Director; Barbara McPheters, Codes/Enforcement Officer.

Others Present: Attorney Ken Cole; Joe Appel, Forecaster.

Councilor Excused: Stephen Moriarty

- I. The meeting was called to order by Vice Chairman Mark Kuntz in the Council Chambers at Cumberland Town Hall at 7:10 p.m.

**II. Manager's Report**

Mr. Benson introduced Robert Storey, Chairman of the Cemetery Trustees/Association and Greely High School Seniors Jen Curato and Nick Raffel to present their Humanities Class project. They discussed a cemetery gazebo proposal to be constructed at the Moss Side Cemetery by Greely High School students with a completion date of May 14, 2001. The plans included an 8' x 8' arbor, a bench seat for 2 people to enjoy a quiet, peaceful, setting, and a small set of rising stairs to the rear of the structure. Approximate location would be near the back and slightly to the right of center in the older portion of the cemetery. Councilor Kuntz directed the representatives to schedule a meeting with the Board of Appeals.

Councilor Bingham motioned to approve continuance of the Moss Side Cemetery/Greely High School Humanities Class project.

Seconded by Councilor Lambert

VOTE: Unanimous (6)

**III. Public Discussion**

None

**IV. Legislation & Policy**

01-09 To hold a Public Hearing to consider and act on amendments to the Growth Management Ordinance.

Councilor Lambert moved to add to section 5 a new Subsection E:

*"Lots in subdivisions located on Chebeague Island approved by the Cumberland Planning Board prior to the adoption of this Ordinance."*

Seconded by Councilor Bingham

VOTE: IN FAVOR (5)

Porter OPPOSED (1)



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Councilor Lambert moved to add to section 6 subsection C, a new paragraph #5, and to renumber the current paragraph #5 to read paragraph #6,

*"That the unused subdivision growth permits for the year 2000-2001 be available to those on the waiting list maintained by the Code Enforcement Officer by the formula of one third of the unused permits available April 1, 2001, one half of the remaining unused growth permits be available May 1, 2001 and the balance of any unused growth permits be available June 1, 2001."*

Seconded by Councilor Kuntz

VOTE: IN FAVOR (5)  
Storey OPPOSED (1)

*Discussion on motion:* Councilor Storey requested discussion on the motion, he agrees with Councilor Porter and believes that there shouldn't be any differential in the Island and the Mainland, and is not in favor of breaking them up by month rather on a first come first serve, mainland OR Island. Councilor Storey said that they should all be available now if they are available. Councilor Porter made the point that the ten (10) that are out there now, should be incorporated into the system as opposed to making them all available at the same time. Councilor Kuntz stated that these are subdivision lots that need to be still appropriated to those applicants wanting the subdivision lots prior to July 1, 2001. Councilor Bingham mentioned that the mainland applicants have as much right to them as the Island residents. Councilor Storey agrees, as long as it's equal. Councilor Storey, noting Councilor Moriarty in his previous notes, said that he wants the Ordinance effective May 1<sup>st</sup>, not July so those intending to build can move promptly.

Moved again by Councilor Kuntz  
Seconded by Councilor Bingham

VOTE: UNANIMOUS (6)

Councilor Bingham moved to request the Town Attorney to draw up a provision with regard to affordable housing as far as the building cap is concerned. Councilor Lambert requested Council Chair Steve Moriarty set up a work session. Councilor Bingham agreed.

Seconded by Councilor Lambert

VOTE: UNANIMOUS (6)

Councilor Lambert suggested that once those are issued after June 1, 2001, the Council could meet again consider additional requests and also readjust the timing of this cycle. Further consideration at this time without regard to the Ground Water Study makes no sense. Councilor Storey noted additionally that Ground Water quality issues may affect further decisions. Councilor Kuntz agreed that a more in depth study needs to be conducted on salt water and filtration and other health issues of the water quality on Chebeague. Councilor Phipps thanked the Council for the continuous work put forth to

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bring this issue to an agreement. Councilor John Lambert thanked Attorney Ken Cole for his work so far as well as the members of the public who have participated in these past meetings to find solutions and suggestions. He stated that the decisions made tonight will enable the Island remain as Chebeague residents want in 10, 15 or 20 years from now. He welcomes any and all suggestions, recommendations and feedback from all residents.

01-10 To grant request of Jeffrey Daigle for sewer easement – Tuttle Road Map R2B Lot 1 to manhole #106 (opposite 60 Tuttle Rd).

Motion by Councilor Peter Bingham  
Seconded by Councilor John Lambert

VOTE: UNANIMOUS (6)

Town Manager recommended, since no concerns were received from abutters, that the Council authorize this subject to an easement approved by the Town Attorney. The lot, presently owned by Norman Steel, is located between the power line and the church on the north side of Tuttle Road.

01-11 To grant an approval to Cumberland Café for a Liquor License Renewal

Motion by Councilor Jeff Porter  
Seconded by Councilor Peter Bingham

VOTE: UNANIMOUS (6)

01-12 To grant approval for Bulky Waste pickup dates. Mainland week of May 7<sup>th</sup> and Oct 1<sup>st</sup>. Chebeague Island Aug 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 2001

Motion by Councilor John Lambert  
Seconded by Councilor Harland Storey

VOTE: UNANIMOUS (6)

01-13 To appoint Mary Porter to serve on the Prince Memorial Library Trustees for a term of 3 years; and Eleanor Hunter to serve on the Recycling Committee for a term of 3 years.

Motion by Councilor Harland Storey  
Seconded by Councilor Peter Bingham

VOTE: UNANIMOUS (6)

01-14 To hear Town Assessor's Report.

Town Assessor, Bill Healey, demonstrated to the Council that certain areas of the town have an assessment ratio lower than the rest of the town, warranting an adjustment to those properties to bring them in line with other properties in Cumberland. Primary responsibility of the Assessor is to make sure that the tax burden is distributed equally



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amongst all property owners of the town. Mr. Healey reviewed 546 sales from January 1, 1998 to December 31, 2000, and stated that the market has increased dramatically and that sale price to assessment ratio showed a considerable gap, which warrants reassessment on the under valued properties. Mr. Healey didn't recommend a town wide re-evaluation. He explained the last town wide reevaluation took place in 1997; also stated the state recommends a town wide reevaluation be conducted every 10 years, with state mandated sales ratios conducted yearly.

**V. Correspondence**

- ◆ Attorney Kenneth Cole – Chebeague Island Growth Ordinance Amendments
- ◆ Email from Bob Francis RE: Building Cap on Chebeague
- ◆ Jeffrey Daigle Ltr dtd February 15, 2001 RE: Sewer Easement
- ◆ Attorney Ken Cole – Ltr Dtd March 21, 2001 RE: Sewer Easement
- ◆ Cumberland Café Liquor License Renewal
- ◆ Town of Cumberland Assessor Report
- ◆ Bill Lyford Ltr dtd March 11, 2001 RE: Compliment of Public Works
- ◆ PROP (People's Regional Opportunity Program) Ltr dtd March 14, 2001 RE: Board Position Vacancy
- ◆ Barbara McPheters, Code Officer Memo dtd March 21, 2001 RE: Sign Requirements
- ◆ State of Maine, Bureau of Labor Standards Director Ltr dtd March 9, 2001 RE Annual Occupational Safety & Health Inspection of the Fire Department
- ◆ US Postal Service, Terry Brooks Ltr dtd March 13, 2001 RE: Postponement of Post Office Project
- ◆ Chebeague Transportation Co., Allen Malony Ltr dtd March 12, 2001 RE: Barging
- ◆ MSAD #51 Minutes of March 12, 2001
- ◆ MSAD #51 Agenda for March 19, 2001
- ◆ Carol James ltr dtd March 12, 2001 RE: Drown Road School Site Issues
- ◆ State of Maine Dept of Public Safety Ltr dtd March 7, 2001 RE: Enhanced 911 Activation
- ◆ Cumberland County Commissioners Meeting Minutes of February 26, 2001
- ◆ Falmouth/Cumberland Chamber of Commerce "Business after 5" Invite
- ◆ Shoreland Zoning Workshop notice
- ◆ Portland Press Herald news article "State Formula forces Portland to hike taxes" dtd March 17, 2001.
- ◆ Growth Management Ordinance
- ◆ Robert Storey Ltr no date – Greely High School Humanities project
- ◆ Greely High School project timeline schedule and proposal for cemetery structure.
- ◆ Town Planning Board Minutes of February 20, 2001
- ◆ Town of Yarmouth Ltr dtd March 19, 2001 – Lease agreement proposal
- ◆ M.S.A.D. #51 Agenda of March 26, 2001 – Adoption of Budget
- ◆ M.S.A.D. #51 Public Hearing Minutes of 2001-02 Budget of March 19, 2001

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In regards to "Barbara McPheters, Code Officer Memo dtd March 21, 2001 RE: Sign Requirements", Town Manager requests council to consider an amendment, it will be referred to the Planning Board for recommendation.

Letter from Post Office reiterates that they are not ready to move ahead with the project due to funding.

Letter to Councilor John Lambert from Nat Tupper re: Negotiations ongoing with the town of Yarmouth.

**VI. New Business**

Councilor Bingham suggested a local television broadcast of 'Candidates Night' to provide the community insight of the candidates interested in serving on the Town Council before the June election.

Councilor Storey announced his dissatisfaction of the fire department using the large fire trucks to shovel out the town fire hydrants. He suggested that smaller pickup trucks be used for such tasks. Vice Chair Kuntz agreed and asked the Town Manager to discuss this issue with the Fire Chief.

**VII. EXECUTIVE SESSION**

Councilor Bingham moved to go into Executive Session at 10:25 pm for the purpose of discussing Land Acquisition and Union Negotiations

Seconded by Councilor John Lambert

VOTE: UNANIMOUS (6)

Councilor Bingham moved to com out of Executive Session at 11:14 pm

Seconded by Councilor John Lambert

VOTE: UNANIMOUS (6)

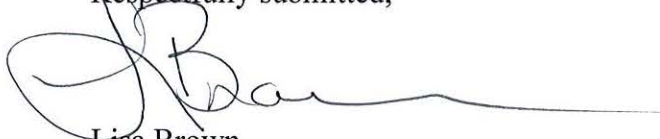
**VIII. Adjourn**

Motion by Councilor Bingham to adjourn at 11:15 p.m.

Seconded by Councilor John Lambert

VOTE: UNANIMOUS (6)

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Lisa Brown', with a long horizontal flourish extending to the right.

Lisa Brown  
Administrative Assistant





*very much*

To my colleagues on the Council :

My deepest thanks for the beautiful  
bouquet sent in memory of my mother.  
It was much appreciated by all the family.

Peter and  
Jeff  
↓  
minutes  
Change  
Andy  
Filmore



#### IV. Public Discussion

NONE

## V. Legislation & Policy

01-12 To hear concerns of residents of Cumberland Commons and Oak Street regarding traffic issues and to consider taking action.

Motion by \_\_\_\_\_

Seconded by \_\_\_\_\_

VOTE: UNANIMOUS (#\_\_\_\_)

Recap discussion of past 2 meetings.

Karen Furigan speaking for Beth (sister)  
post a sign - "not for school use"  
problem - morning bus time + afternoon  
kids don't use sidewalks.  
"speed" is the issue

18 homes 35 kids under Age 8

Adam - signage IAW

sign ordinance → 1991 - A amended '97

Chief Chon - pee

Legal posting 25mph

signs on Tuttle Rd are Maine DOT

Steve → questioned that the kids are problem is issue.

Jeff → speed is a factor - recommends sign

Mark → school zone? 15mph → 200 feet from Browne Rd  
Adam → school

Peter → Val Halla

Adam → school zone signs

Local Traffic Signs not encouraged

will the sign be both ways?

John - Dead End or hammerhead - No Way - from Fire Chief  
one way signs - Engineering Traffic Study  
→ Regulatory

Jeff - take in consideration of new school sites  
cones or temp speed bumps??

Adam - State DOT recommends  
liability  
Temp Speed bumps → liability - hazard  
in Rd



01-13 To consider acceptance of Stonewall Drive as a public way.

Motion by Jeff  
Seconded by Peter

VOTE: UNANIMOUS (# 6)

Road inspected - in service for 2 years  
we have title & Right interest  
Accepted 1/2 mile Road

01-14 To authorize Ground Water Study on Chebeague Island

Motion by Peter  
Seconded by John

VOTE: UNANIMOUS (# 6)

see Sevee / Mahan letters

Bob - recommended Sevee / Mahan - extensive  
knowledge research - no bids  
Funded - Reserve Funds \$20,000

**01-15 To consider and act on a Special Amusement Permit application for Val  
Halla Golf & Recreation Center.**

Motion by Harland  
Seconded by John

VOTE: UNANIMOUS (# 6)

Lined area for minutes or notes.



**01-16 To set date for Public Hearing to consider and act on application for a Mass Gathering Permit by the United Maine Craftsmen to hold the annual craft fair at the Cumberland Fairgrounds, August 9<sup>th</sup> through August 12<sup>th</sup>, 2001.**

Motion by Jeff  
Seconded by John

VOTE: UNANIMOUS (# 6)

Set date Apr 23rd

Televised

01-17 To set date for Public Hearing on 2001-2002 Municipal Budget.

7pm

Motion by Peter  
Seconded by Jeff

VOTE: UNANIMOUS (# 6)

Bob - <sup>Recommends</sup> May 2nd

Peter - doesn't want tax increase.  
Municipal side

Bob - workshops

April 23 - preliminary

May 2nd - Public Hearing

## VI. Correspondence

- ◆ Bob Benson Memo dtd 4/5/01
- ◆ Town Assessor Proposal Letter
- ◆ Steve Moriarty Memo dtd 4/5/01 – Cumberland Commons/Oak Street Traffic
- ◆ Joseph Charron, Chief of Police ltr dtd 3/12/01 – Oak Street Traffic Report
- ◆ Town Council Letter of Condolences to Carolyn Murray dtd 4/5/01
- ◆ Sevee & Maher Engineers ltr dtd 3/01/01 – Chebeague Island Groundwater Study
- ◆ Sevee & Maher Engineers ltr dtd 3/12/01 – Chebeague Island Groundwater Study Cost Proposal
- ◆ Adam Ogden, Public Works Director Memo dtd 4/02/01 – Road Upgrade at Culvert Crossings – Lower Route 9
- ◆ State of Maine DOT ltr dtd 2/12/01 to Bob Fisk
- ◆ Attorney Ken Cole ltr dtd 2/12/01 to Adam Ogden – Blanchard Road Extension
- ◆ Attorney Ken Cole ltr dtd 2/12/01 to Adam Ogden – Blanchard Road Extension
- ◆ H. Peter Del Bianco Jr ltr dtd 3/27/01 – Compliments to Public Works Director and Public Works Department
- ◆ Board of Adjustment & Appeals Public Hearing Notice or 4/12/01
- ◆ Attorney Ken Cole ltr dtd 4/03/01 – Chebeague Growth Cap Amendments
- ◆ Town Council Letter of Thanks to Robert Vail (podium construction/donation)
- ◆ State of Maine Office of the Governor ltr dtd 3/29/01 – Flooding in Maine
- ◆ M.S.A.D. #51 Agenda for 3/26/01 (Addendum)
- ◆ M.S.A.D. #51 Minutes for 3/26/01 (Addendum)
- ◆ M.S.A.D. #51 Agenda for 4/2/01
- ◆ Board of Cumberland County Commissioners Meeting Minutes 3/12/01
- ◆ Portland Water District Board of Trustees Agenda of 3/26/01
- ◆ Cumberland County Child Abuse & Neglect Council ltr dtd 3/1/01 Proclamation Request for Child Abuse Prevention Month for April.
- ◆ Town of Cumberland Financial Reports
- ◆ Solid Waste to R.W.S. Report
- ◆ Maine Local Roads Center dtd Apr 99 - Stopsigns

Tape 2 Side 2  
John →  
Go to  
Bottom of  
List or  
Loose  
Permit

John - Focus  
on Affordable  
Housing  
"Stop Gap"

\* Bob Notes

Hoisting

purplus



## VII. New Business

Harland ~~7th~~ a 21st <sup>Monday</sup> (1st & 3rd) No

14th Adopt Budget & Assessor →

Jeff - TV Bulletin Board -  
2001 Fire Dept Report - Dan Small

John

Peter - Dan Blanchard passed away  
founding of Downe Rd School

Steve Murray

Candidates Nights

School C TC - Wed Night & Thurs  
Night

found Moderator

Food Pantry - Church

Provide list of Resources - Charity for  
to Alana Needy

Note

John - Distribute Financial Statements  
proposed resources





# MEMO

**Date:** 4/5/01  
**To:** Town Council Members  
**Cc:**  
**From:** Bob Benson, Town Manager

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- 01-12 Please review the Chairman's remarks
- 01-13 The acceptance of Stonewall Drive is recommended by the Public Works Director, the Town Attorney and myself. Adam will be at the Council meeting should there be any questions.
- 01-14 We recommend approval of the Ground Water Study on Chebeague Island; suggest Sevee & Mahar due to a lengthy background of similar studies on Chebeague - to be funded in 2002 budget
- 01-15 Self Explanatory
- 01-16 Self Explanatory
- 01-17 Self Explanatory

Included in this packet is a proposal letter regarding the Assessors Report from the last Council meeting. If you have any suggestions or changes in that letter, please let me know.

Any questions please don't hesitate to call.

Thanks,

Bob



# Proposal Letter

Re : ASSESSING

Dear Cumberland Resident

During the annual State Mandated Sales Ratio Study, inequities were found in assessment to sale ratios in certain areas of Town. Residential oceanfront property on the Mainland and Chebeague Island, most Foreside property and homes in a couple of newer subdivisions showed sales prices considerably higher than their assessments creating an inequity in the distribution of the Tax Burden. As Assessor I am charged by State Statute to make sure that no property owner pays more or less than their fair share of Property Taxes. Therefore, adjustments need to be made to the aforementioned properties to bring them in line with the rest of the Town.

This letter is to inform you that your property falls within the group of properties requiring adjustments. The Town Council will be holding a Public Hearing on May 14, 2001 to explain the process and answer any questions you may have. Residents who prefer can meet with me at any time to discuss their assessments.

Sincerely,  
William H. Healey, CMA  
Assessor  
Town of Cumberland

**MEMORANDUM**

TO: Cumberland Town Council  
FROM: Steve Moriarty  
DATE: April 5, 2001  
RE: Cumberland Commons/Oak Street Traffic

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In the past several weeks, I have met twice at the Town Hall with residents of Cumberland Commons/Oak Street together with Carla Nixon, Joe Charron, and Adam Ogden. We have discussed the problems with a few parents who drive in excess of the speed limit through the neighborhood when dropping children off at the Drowne Road School. The problem is largely confined to an approximate 20 minute time period before the beginning of school each day, and although there is a second surge of traffic at the end of the school day, the perceived problems with speeding do not appear to be as serious at that time.

I have drafted an announcement for inclusion in the NYMS/Drowne Road School Newsletter requesting parents to avoid using these neighborhood streets when dropping children off. Similar announcements have been sent home in the past.

Enclosed in the packet are the results of traffic observations made recently by Chief Charron.

At our last meeting, we discussed the possibility of posting signs at the entrances to Cumberland Commons and Oak Street with language indicating "Local Traffic Only",

"No Through Traffic", or words to similar effect. Adam has expressed some concerns regarding the advisability of such postings, but the residents have expressed their belief that something more needs to be done to discourage people from driving through the neighborhood.

While analogies are not always perfect, it strikes me that the situation is somewhat similar to that of the expansion of Val Halla and the signs which were posted at the intersection of Val Halla Road with Hedgerow and Country Charm, which prevent traffic from turning either right or left onto those subdivision streets.

I have promised the neighbors that the Council would take this matter up, and it will appear as the first item on our agenda for April 9, 2001.



To: Oak Street Committee

March 12, 2001

From: Joseph Charron  
Chief Of Police

Subj: Survey Results

Dear Committee,

Please find attached the results of a traffic survey conducted on February 14,15,16 and March 1,2, 2001. The survey was conducted as a result of complaints received from residents in regards to Oak Street being used as a cut through to drop off children for the Drowne Rd. School. In summary the following observations were made during the five-day period.

- The average speed on Oak Street during the monitoring period is 18.6 mph.
- Sixty-five vehicles total, for an average of 13 per day during period.
- Fourteen vehicles turned onto Oak from Drowne. The rest came from the Common, or were residents of Oak Street.
- Two stop sign violations, these were residents of Oak Street.
- Highest speed recorded was 33 mph. Summons issued for the violation.
- Average speed of Oak Street residents is 18.5 mph.
- Approximately one vehicle every 2 min. 45 seconds during monitoring periods.

If you or the council feel it necessary I will continue to conduct the monitoring when time and staffing allows.

Respectfully,

Joseph J. Charron  
Chief of Police

## OAK STREET DETAIL

February 14, 2001      Start Time 0745      End Time 0835

Conditions:    Sunny, 20 degrees

0745-0805 No Vehicles

13 mph	2	Two vehicles turned right onto Drowne
14 mph	1	
15 mph	1	Two vehicles were residents (18 & 20 mph)
16 mph	3	
17 mph	1	Three vehicles turned right from Drowne
18 mph	2	
20 mph	2	Two school buses, one from Drowne, one picking up
21 mph	2	on Oak St.
22 mph	3	
24 mph	1	Twenty vehicles total. Average speed 19 mph.
25 mph	1	
28 mph	1	

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February 15, 2001      Start Time 0800      End Time 0835

Conditions:    Sunny 25 degrees

0800-0810 no vehicles

14 mph	1	One vehicle form Drowne Rd.
15 mph	2	
16 mph	1	One school bus picking up students
17 mph	3	
18 mph	1	One stop sign violation (resident)
20 mph	2	
21 mph	2	Total vehicles 13, Average speed 18 mph
22 mph	1	

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February 16, 2001      Start Time 0810      End Time 0835

Conditions:    Pt. Sunny, 18 degrees

15 mph	1	Three vehicles from Drowne Rd.
16 mph	1	
18 mph	3	Total Vehicles 9, Average speed 18 mph
19 mph	3	
20 mph	1	

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March 1, 2001      Start Time 0800      End Time 0835

Conditions:    Cloudy, 11 degrees

13 mph	1	Five vehicles from Drowne Rd.
15 mph	3	
16 mph	1	One vehicle from Oak St. residence 21 mph.
18 mph	1	
19 mph	3	Seven vehicles from Common.
21 mph	3	
33 mph	1	One fail to stop at stop sign, Oak St. resident.

One summons issued for 33/20.

Twelve vehicles total w/o the 33 mph, avg speed 17.6 mph.

Thirteen vehicles total with 33 mph, avg. speed 18.8 mph.

---

March 2, 2001      Start Time 0800      End Time 0832

Conditions:    Sunny, 8 degrees

15 mph	1	Eight vehicles from the common
17 mph	2	
18 mph	1	Two vehicles from Drowne Rd.
19 mph	2	
20 mph	1	Ten vehicles total, Avg. speed 19 mph.
21 mph	1	
22 mph	2	





# TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

Telephone (207) 829-5559 • Fax (207) 829-2214

---

April 5, 2001

Mrs. Carolyn Murray  
35 Foreside Road  
Cumberland Foreside, ME 04110

Dear Carolyn:

On behalf of the Town Council and all of the residents of Cumberland, please accept my deep condolences on the recent passing of your husband, Steve. I had the privilege and pleasure of serving with Steve for several years, and I always appreciated his insight and keen understanding of local issues. Steve was one of Cumberland's longest serving Town Councilors and the Town benefited enormously from his years of leadership and dedication to the greater public good.

Steve was a friend and colleague to us all, and he will be greatly missed. We offer our sympathy and best wishes to you and your family.

Sincerely,

Stephen W. Moriarty  
Chairman, Cumberland Town Council

SWM/dgp

# SME

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*Sevee & Maher Engineers, Inc.*  
*Waste Management and Hydrogeologic Consultants*

March 1, 2001

00056  
010301rb

Mr. Robert Benson, Town Manager  
Town of Cumberland  
290 Tuttle Rd  
Cumberland, Maine 04021

Subject: Chebeague Island Groundwater Study

Dear Bob:

At your request, we have reviewed the two available groundwater reports for Chebeague Island and prepared recommendations for future study. The reports included the Caswell, Eichler and Hill (CEH) report dated 1988, and the Sevee & Maher Engineers, Inc. (SME) report dated 1992.

The CEH report was primarily conducted for the mainland portion of the Town of Cumberland. A small portion of this report was devoted to Chebeague Island. In general, the CEH report was a paper study in that it reviewed available published literature and developed general information regarding the groundwater supply on Chebeague Island. The SME report was devoted entirely to the groundwater issues on Chebeague Island and was a much more detailed evaluation. The SME report reviewed available published information and also collected Island-specific data. SME mapped the surficial and bedrock geology of the island and prepared water table maps for the Island. SME collected water quality samples from 29 wells and obtained water table elevations from 63 wells on the Island. In addition, a questionnaire was mailed to all residents and a database was established for over 200 residential wells. The findings of the CEH and SME studies are summarized below.

All water users on Chebeague Island are dependent on individual wells for their water supply. The groundwater on the Island originates as precipitation that falls on the Island as either rain, snow, or fog. Because there are no reasonable alternative water supplies (i.e., Portland Water District), protection of the groundwater resources on Chebeague is essential to the future of the Island. The bedrock is the primary aquifer for the Island. In 1992, approximately 86 percent of the Island households relied on bedrock wells, and the remainder relied on dug wells or shallow well points for their water supplies. Water



quality sampling by SME indicated that approximately 25 percent of the wells sampled tested positive for coliform bacteria. This may suggest septic tank-related contamination and that existing housing density may be too close in some areas, or that septic systems may be malfunctioning. Saltwater intrusion appears to be a potential problem in certain areas of the Island. At least two areas of Chebeague have documented saltwater intrusion problems, based on water quality testing.

The groundwater supply on Chebeague exists as a fresh water lens floating over salt water. This lens of fresh water is supplied by precipitation as stated above. There are no underground rivers that supply water from distant sources such as Cousins Island or other mainland locations. Recharge to this fresh water lens is estimated to be approximately 300 million gallons of precipitation per year. Presently the Island consumes approximately 30 million gallons per year. Of this 30 million gallons, approximately 90 percent is returned to the ground through septic systems. Based upon these approximate numbers, the existing population of Island residents utilize less than 5 percent of the total available fresh water. Therefore, it is the opinion of both the CEH and SME studies that water quantity is generally not a problem on Chebeague. The more important consideration would be to protect the quality of the groundwater available.

Several threats to the quality of the groundwater on Chebeague exist. These include:

- Septic systems
- Saltwater intrusion
- Fertilizers and herbicides
- Junk cars
- Petroleum use and storage
- Household waste and spills
- Road salt

The Old Chebeague Island Landfill was previously considered a threat. However, the landfill was closed several years ago and testing conducted subsequent to its closure suggests that groundwater quality downgradient of the landfill has not been significantly impacted. Based on the two previously prepared reports, the two biggest threats to groundwater quality on Chebeague Island are septic systems and saltwater intrusion.

Future studies of the Chebeague Island groundwater resource could include the following:

1. Convert the existing database which was developed by SME into one which is compatible with the Town of Cumberland GIS system. This



would facilitate the preparation of descriptive mappings of the Chebeague groundwater resource.

2. Update the existing database with recent information. A new questionnaire could be sent to all Island property owners to obtain more recent information. The old questionnaire was sent approximately ten years ago and new houses have been constructed and new wells have been drilled.
3. Collect site-specific data with respect to water quality with the intent of identifying areas where saltwater intrusion and septic tank problems may exist. Enter this new information into the database.
4. Identify areas where herbicide and pesticide use may be occurring. Enter this new information into the database. Enter this new information into the database.
5. Identify areas where large-scale irrigation is occurring.
6. Replace home heating tankage which poses a threat to the groundwater on Chebeague Island. In 1999 the MDEP visited the Island and determined that some home heating tanks were a significant threat to groundwater on the Island and that the Island would likely qualify for a subsidized tank replacement program. The Town submitted a request to the MDEP for funding in the year 2000. This request should be investigated to determine its status and follow-up should be made.
7. Provide a septic system educational program to Island residents which emphasizes the importance of maintenance and proper operation. This public education program could consist of public meetings and/or the preparation of brochures for public dissemination.
8. Establish a system to continually update the existing database regarding new wells, new homes, and water quality testing results.

Based on our review of previously prepared reports, it is our conclusion that the quantity of water on Chebeague Island is generally not a problem. Protection of the water quality should be the primary concern for the Town. Additionally, a site-specific analysis should be conducted for all major developments.

Should you have any questions regarding this information, please do not hesitate to contact me.

Sincerely,

SEVEE & MAHER ENGINEERS, INC.

A handwritten signature in black ink, appearing to read 'P. M. Maher', with a long horizontal flourish extending to the right.

Peter M. Maher, P.E.  
Vice President

# SME

*Sevee & Maher Engineers, Inc.*  
Waste Management and Hydrogeologic Consultants

March 12, 2001

00056  
010312rb

Mr. Robert Benson, Town Manager  
Town of Cumberland  
290 Tuttle Rd  
Cumberland, Maine 04021

Subject: Chebeague Island Groundwater Study

Dear Bob:

As requested, we have prepared an estimated cost to conduct the tasks outlined in our March 1, 2001 letter regarding the subject project. The costs provided below are approximate for each of the tasks outlined in our March 1 letter, and the ultimate cost will likely vary depending on the amount of community and Town involvement. The costs provided below follow the tasks presented in the March 1 letter.

1. Convert Database - \$2,000
2. Send New Questionnaire/ Update Existing Database - \$3,500
3. 4. 5. Site-Specific Data - \$8,000 (assumes analyses of 100 new water samples)
6. Petroleum Tankage Replacement Evaluation - \$1,000
7. Septic System Educational Program - \$1,000

TOTAL       \$15,500

We have not estimated the cost to prepare a final report or final mappings. Once the above information has been collected, analyzed, entered into the database, and manipulated, report and/or map preparation can be discussed.

Should you have any questions regarding this transmittal, please do not hesitate to contact me.

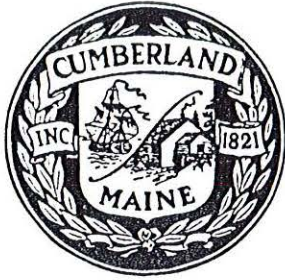
Sincerely,

SEVEE & MAHER ENGINEERS, INC.



Peter M. Maher, P.E.  
Vice President





*Council  
no  
4-8-01*

# TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

Telephone (207) 829-5559 • Fax (207) 829-2214

---

02 April 2001

## MEMORANDUM

To: Robert B. Benson, Town Manager

From: Adam J. Ogden, Director of Public Works

Subject: Road Upgrade at Culvert Crossings - Lower Route 9

During the winter the MDOT (Bob Fisk) asked if we would participate in recommending a project for the Surface Water Quality Protection Program (SWQPP). We agreed by providing written support to the proposed project nomination.

The SWQPP has decided to fund the project. The project development and construction is scheduled for this construction season.

The project is to upgrade two areas on the Lower Route 9, hardening them. Currently these areas are prone to washouts during flooding periods. The project costs are entirely paid for by the MDOT.



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

ANGUS S. KING, JR.  
GOVERNOR

JOHN G. MELROSE  
COMMISSIONER

Bob Fisk  
MDOT Division 6  
Scarborough

February 12, 2001

Dear Bob,

Thank you for your nomination to the Maine Department of Transportation Surface Water Quality Protection Program (SWQPP). The SWQPP committee is pleased to announce that your nomination has been selected for funding. We reviewed a number of very strong candidates for program funding, and found the Route 9 project in Cumberland at Mill Brook and the East Branch of the Piscataqua River to be an excellent match to the program criteria and goals.

This winter and spring, the project will go through the project development process. It can be constructed in 2001 as long as all federally required sign-offs are obtained, and other requirements are fulfilled.

I am looking forward to working with you on this project, and feel that many benefits will come from it. I will be in touch with you soon. Please feel free to contact me by cemail or by phone at 287-3363 should you have any questions or comments.

Sincerely,  
Hillier & Associates, Inc.

Susan Breau, SWQPP Coordinator  
MDOT ENV Water Resources Contractor

Cc Roger Gobeil, MDOT Division 6  
Robert Benson, Town Manager, Town of Cumberland  
File



PRINTED ON RECYCLED PAPER

**received**  
2-15-01

# Jensen Baird Gardner & Henry

WALTER E. 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  
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F. BRUCE SLEEPER

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SUZANNE R. SCOTT

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

TELECOPIER (207) 775-7935

[www.jbgh.com](http://www.jbgh.com)

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

February 12, 2001

Adam Ogden, Town Engineer  
Town of Cumberland  
290 Tuttle Road  
Cumberland, ME 04021

Dear Adam:

Enclosed herewith please find a letter from Robert Piampiano by which he confirms that he has no objections to the acceptance by the Town of that portion of Blanchard Road Extension described in the proposed deed from Chase Custom Homes. With the arrival of this document I believe we have finally got all of the pieces in one location and you should feel free to put this on the Council agenda for acceptance.

If you have any questions, please let me know.

Very truly yours,

  
Kenneth M. Cole III



KMC/ab  
Enclosure

cc: Robert B. Benson, Town Manager



# Jensen Baird Gardner & Henry

WALTER E. WEBBER  
KENNETH M. COLE III  
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February 12, 2001



Adam Ogden, Town Engineer  
Town of Cumberland  
290 Tuttle Road  
Cumberland, ME 04021

Dear Adam:

Enclosed herewith are the newest materials in regard to the Blanchard Road Extension forwarded to me by the attorney for Chase Custom Homes. As you can see, they have executed everything and all we need to sign is the enclosed original transfer tax declaration. Further, you will note Bob Piampiano is sending us a letter pursuant to his rights also requesting that we accept the road. Given the above and the title materials provided, it would seem appropriate at this time to place this matter on the Council's agenda for acceptance. Once that vote has been taken, I will see to it that the actual deeds are recorded.

Thank you for your attention to this matter.

Very truly yours,



Kenneth M. Cole III

KMC/ab  
Enclosures

cc: Robert B. Benson, Town Manager

**H. PETER DEL BIANCO, JR.**

**21 Maple Street  
Cumberland, Maine 04021**

COU-1  
R-1  
4-5-01

March 27, 2001

Robert Benson, Town Manager  
Cumberland Town Hall  
290 Tuttle Road  
Cumberland, ME 04021

Re: Adam Ogden

Dear Mr. Benson:

I recently had the opportunity to call upon Mr. Ogden and the Cumberland Public Works Department. Following last week's rain and snow storm, we had some water problems in our back yard and backing up into our basement. I contacted the Public Works Department about cleaning out a culvert down at Lawn Avenue. The response by the Public Works Department and by Mr. Ogden in particular was wonderful and although even they were somewhat helpless in the face of nature, their quick response and words of encouragement were welcome nonetheless. Mr. Ogden has promised to come back in the spring and examine the drainage issues in the area and I look forward to seeing him again. I wanted to make sure you were aware of the quality and professionalism of Mr. Ogden and the other employees at the Public Works Department.

Very truly yours,



H. Peter Del Bianco, Jr.

HPDBjr/prm

**received**  
3-28-01

**BOARD OF ADJUSTMENT AND APPEALS**

Municipal Center Council Chambers

**290 Tuttle Road**

**Cumberland Maine 04021**

(207) 829-2207

Public Hearing

Thursday, April 12, 2001

7:30 PM

Town of Cumberland, Public Works Director, Adam Ogden, requests a special exception for a gravel pit at Goose Pond Road on Map R7 Lot 48 in the Industrial District.

David and Dianne Gleeson request a variance of 20 feet from the 50 foot setback requirement for a porch at 5 Pine Lane on Map U6 Lot 78B in the Low Density Residential District/Setback Overlay District 1.

Town of Cumberland, Greely High School Humanities Class students, Nick Raffel and Jenn Curato, request a special exception for a gazebo at Moss Side Cemetery, 335 Main Street on Map U13 Lot 63 in the Medium Residential District.

Brian Gilbert, agent for Alan Smith, requests a special exception to operate an apparel decoration and promotional advertising product light manufacturing business at 125 Longwoods Road on Map U7 Lot 3 in the Highway Commercial District.

ANYONE WISHING TO BE HEARD ON ANY MATTER CONCERNING THE  
ABOVE REQUEST SHOULD BE PRESENT

George Turner, Chair



Council  
4-5-01  
NCS

# Jensen Baird Gardner & Henry

WALTER E. WEBBER  
KENNETH M. COLE III  
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TELECOPIER (207) 985-4932

April 3, 2001

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

Re: ***Chebeague Growth Cap Amendments***

Dear Bob:

You have asked me to confirm in writing my advice in regard to the administration of the new Chebeague Growth Cap Amendments. Specifically, the initial concern raised by Barbara McPheter regarded individuals who had a Growth Permit for a specific year in the future and who might not want to be included in the new permits that will be available over the next three months. My advice to Barbara and to you was that they simply should be allowed to remain in line where they are if that is their determination given that the waiting list was for a specific year basis. If they do not wish to move up, it would seem appropriate to allow them to remain.

The other issue that you addressed was the application fee for the Growth Permits that have been issued for the newly exempted subdivision lots on Chebeague Island. My advice on that was that since the Council had exempted them from the permit, the fee paid should be applied to the actual building permit fee and/or refunded in the event that the individuals do not seek a building permit. Finally, Barbara recently raised the issue of whether Growth Permits issued prior to the subdivision exemption for now exempt subdivision lots should count against the total number of allowable permits issued annually. My advice is that since they were not exempt when the permits were issued, they should count.

I hope this addresses the questions raised. I would suggest confirming the placement on the Growth Permit waiting list by a letter to the various applicants. Thank you for your attention to this matter.

Very truly yours,



Kenneth M. Cole III

KMC/ab

cc: Barbara McPheter  
Andrew Fillmore

**received**  
4-5-01



# TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

Telephone (207) 829-5559 • Fax (207) 829-2214

---

April 4, 2001

Mr. Robert Vail  
177 Main Street  
Cumberland, ME 04021

Dear Bob:

On behalf of the entire Town Council, I would like to thank you for your generous donation of a podium for the Council Chambers. You have contributed so much over the years to this community, from many years of service on the Planning Board to your current duties as a member of the School Board. The podium is a critical component of our transition to televised public meetings. Please know that the Town Council and the citizens are grateful for your efforts.

Sincerely,

Stephen W. Moriarty  
Chairman, Cumberland Town Council

SWM/dgp

**COPY**

Faxed From Steve  
4-4-01





STATE OF MAINE  
OFFICE OF THE GOVERNOR  
1 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0001

ANGUS S. KING, JR.  
GOVERNOR

March 29, 2001

Citizens and  
Community Leaders of Maine,

Flooding is Maine's most frequent and costly natural hazard. It affects some region of the state virtually every year, often with disastrous results.


The intent of this letter is to warn you of this year's above normal likelihood for serious flooding, particularly in the Androscoggin, Kennebec, Penobscot, and Piscataquis river basins.

Yesterday, the Maine River Flow Advisory Commission met to evaluate our current ice and snow conditions as they relate to this spring's flooding potential. The Commission, composed of river basin managers, state agencies, federal agencies and expertise from the University of Maine, concluded that the possibility for flooding in many parts of Maine is "much above normal". No one can accurately predict the occurrence of a flood; however, the conclusions of the Commission were expressed unanimously by members having over 400 cumulative years of weather and flood related experience.

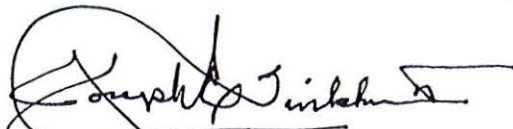
Preparedness is the key to minimizing the impact of flooding. The current heightened flood potential should prompt individuals, businesses and communities to review their vulnerability and ensure they have workable plans to deal with a serious flood. It is critically important for everyone to stay aware of National Weather Service forecasts as the spring progresses. This is not a time to take anything for granted.

It is recommended that you secure additional details and current information from the following internet address: [www.state.me.us/rfac](http://www.state.me.us/rfac), or call your local county Emergency Management Agency, or the Maine Emergency Management Agency at 800-452-8735.

Sincerely,



Angus S. King, Jr.  
Governor



Maj Gen Joseph E. Tinkham, Commissioner  
Dept. of Defense, Veterans and Emergency Management

RECYCLED PAPER



# SOLID WASTE TO R.W.S.

<u>YEAR</u> <u>MONTH</u>	<u>2001</u>	<u>1996</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>
January	211.07	179.89	204.61	192.30	191.10	184.53
February	163.98	154.08	152.55	163.73	167.36	171.20
March	175.61	148.88	164.92	187.13	188.09	193.05
April		347.03*	233.12*	179.17	190.87	181.92
May		200.44	175.02	217.70*	277.75*	304.98*
June		190.25	201.01	229.98	222.10	229.93
July		232.78	223.52	224.88	212.91	223.73
August		224.45	175.55	194.03	251.36	267.61
September		193.89	247.89	245.27	229.28	225.17
October		343.81*	260.72*	273.00*	270.87*	267.31*
November		172.94	185.99	197.09	209.37	236.55
December		194.62	214.89	208.16	230.40	195.88
Total		2,583.06	2,439.79	2,512.44	2,641.46	2,681.86

NOTE: All Measurements in tons

\* Bulky Waste Pick-up week included

MAINE SCHOOL ADMINISTRATIVE DISTRICT #51  
CUMBERLAND / NORTH YARMOUTH  
P. O. Box 6A  
Cumberland Center, ME 04021  
Web site: [www.msad51.org](http://www.msad51.org) – Phone: 829-4800

Board of Directors  
Minutes

Board of Directors Adopts Budget

Addendum

Monday

March 26, 2001

7:00 PM

Mabel I. Wilson School

---

1. **Call to Order** - by MSAD #51 Board of Directors Chairperson, Mary Schendel at 7:13 p.m.

**Attendance:**

Board of Directors: John Aromando, Maryellen Fitzpatrick, Polly Haight Frawley, Audrey Lones, Mary Schendel, Kim True, Bob Vail

**Administrators:** Brenda Breton, Wayne Fordham, Don Foster, Suzanne Godin, Jack Hardy, Robert Hasson, Pat Palmer, Scott Poulin, Susie Robbins, Scott Smith, Judy True, Walter Wallace

2. **Approval of the Minutes** – of the Board of Directors meetings held on March 19, 2001.

Motioned 2<sup>nd</sup> Ed.

Voted: To approve the minutes of the Board of Directors meetings held on March 19, 2001.

(Voted: 6-0-1, 1 absent)

3. **Presentations and Reports**

4. **Committee Reports**

- a) Finance Committee
- b) Policy Committee
- c) Negotiation Committee
- d) Design Team
- e) Performance Task Force
- f) Steering Committee
  - Update on middle school and Greely Junior High School renovations

## **5. Items for Action**

### **a) Vote to adopt 2001-2002 budget**

Motioned 2<sup>nd</sup> ed.

Voted: To adopt 2001/2002 budget at 10.34%. Motion withdrawn.

Motioned 2<sup>nd</sup> ed.

Voted: To adopt 2001/2002 budget at 10.5% - \$18,797,326. (Voted: 7-0)

### **b) Executive Session – Discuss legal matter**

Motioned 2<sup>nd</sup> ed.

Voted: To enter into Executive Session at 8:45 PM. (Voted: 7-0)

Motioned 2<sup>nd</sup> ed.

Voted: To come out of Executive Session at 10:00 PM. (Voted: 7-0)

## **6. Communications**

## **7. Adjourn Meeting 10:01 PM**

### **Upcoming Meetings/Events**

3/22/01 – Parent information night on student involved conferences, NYMS, 6:45 – 7:45 PM  
3/22/01 – Japan Culture Day @ GJHS  
3/22/01 – GHS Pops Concert, GHS Gym, 6:30 – 9:00 PM  
3/23/01 – Teacher Inservice Day – No School  
3/26/01 – Board of Directors Adopts Budget, MIW, 7:00 PM  
3/26/01 through 3/30/01 – MIW Celebration of Reading  
3/26/01 – Finance Committee Meeting, Central Office Conference Room, 5:30 PM  
3/26/01 – High School Spring Season, First Baseball Practice  
3/27/01 – Communications Committee, MIW Conference, 7:00 PM  
3/28/01 – Straw Vote & Community Forum, GJHS, 7:00 PM  
3/28/01 - Early Release, Grades 7-12 @ 1:15 PM, Grades K-6 @ 12:15 PM  
3/28/01 – Policy Comm. Meeting, Central Office Conf. Room, 4:30 PM  
3/29/01 – Pioneer Night, NYMS, 6:30 PM  
3/30/01 – End of 3<sup>rd</sup> Quarter  
4/2/01 – Jr. High Spring Season – First Practice, Tentative  
4/3/01 – GJHS Parent Information Night for 6<sup>th</sup> Grade Parents, 7:00 PM  
4/4/01 – Early Release, Grades K-6 @ 12:15 PM, Grades 7-8 @ 11:15 AM, Grades 9-12 @ 1:15 PM  
4/4/01 – PAC Meeting, GHS, 4:00 PM  
4/4/01 – Performance Indicators, MIW Conf. Room, 5:00 PM  
4/6/01 – Early Release, Grades K-6 @ 12:15 PM, Grades 7-8 @ 11:15 AM  
4/8/01 – Passover  
4/8/01 – Palm Sunday  
4/10/01 – PTO Meeting, 6:30 PM  
4/10/01 – PTO Information Forum, 7:00 PM  
4/10/01 – Communications Committee, MIW Conf. Room, 5:30 PM  
  
3/26/01 BOD Minutes



4/11/01 – Steering Committee Meeting, GHS Library, 7:00 PM  
4/11/01 – Early Release, Grades K-6 @ 12:15 PM, Grades 7-8 @ 11:15 AM, Grades 9-12 @ 1:15 PM  
4/12/01 – 8<sup>th</sup> Grade Transition, GHS, 6:30 – 8:00 PM  
4/13/01 – Good Friday  
4/13/01 - Early Release, Grades K-6 @ 12:15 PM, Grades 7-8 @ 11:15 AM  
4/14/01 – Springtime Egg Hunt  
4/16/01 through 4/20/01 – Spring Vacation, No School  
4/23/01 – Grade 3 Terra Nova Testing, all week  
4/23/01 – Steering Committee report to School Board, MIW, 7:00PM  
4/24/01 – Communications Committee, MIW Library, 5:30 PM  
4/24/01 – Steering Committee, GHS Library, 7:00 PM  
4/25/01 – Secretaries Day  
4/25/01 – Early Release, Grades 7-12 @ 1:15 PM, Grades K-6 @ 12:15 PM  
4/26/01 – Community Forum, GJHS Auditorium, 7:00 PM  
4/28/01 – Parents Exchange, Children's Fair

**Next Board Meeting:**

Monday, April 2, Cumberland Town Hall, Council Chambers

**MAINE SCHOOL ADMINISTRATIVE DISTRICT #51  
CUMBERLAND / NORTH YARMOUTH**

**P. O. Box 6A**

**Cumberland Center, ME 04021**

**Web site: [www.msad51.org](http://www.msad51.org) - Phone: 829-4800**

**Board of Directors**

**Agenda**

**Monday**

**April 2, 2001**

**7:00 PM**

**Cumberland Town Hall Council Chambers**

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

**2. Approval of Minutes**

**3. Presentations**

**4. Committee Reports**

a) Finance Committee

b) Policy Committee

First reading of I policies and carryover K and J policies

IA Instructional Goals

IGA School Calendar

IE Organization of Instruction

IEA Instructional Strategies

IGA Curriculum Development and Adoption

IGAD Arts and Technology Education

IGD Sunday Events (already approved)

IGDH Academic Competitions

IHCD Advanced College Placement

IHCDA Post Secondary Enrollment

IHD Student Schedules and Course Loads

IICA Offsite Learning

IICAA Non-School Sponsored Trips

IJJ Instruction and Library Media Selections (Deletes old KLB and KLB-E)

IJJ-E Request for Review of Instructional and Library Media

IJOC School Volunteers

IK Academic Achievement

IKE Promotion, Retention

IKEA Placement of Students

IKB Homework

IKFBA Graduation Exercises – Prayers

ILA Tests/Assessments

Carryover J/K Policies:

- KHB Advertising in the Schools (deletes old KJ)
- KH Public Solicitation in the Schools
- JJE Student Fundraising (deleted old IGDF)

- c) Negotiation Committee
- d) Design Team
- e) Performance Task Force
- f) Steering Committee
  - Update on middle school and Greely Junior High School renovations

**5. Items for Action**

- a) Vote for resolution declaring official intent pursuant to treasury regulation §1.150

**6. Communications**

**7. Adjourn Meeting \_\_\_\_\_PM**



### 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 2000-2001

1. Support the District's work in curriculum, assessment, instruction and professional development through:
  - Promoting educational programming based on student learning needs;
  - Measuring the District's progress towards achieving our mission, including the certification that all students meet the State's Learning Results by 2003; and
  - Effectively communicating the results of our District's work.
2. Execute the Resolution on Facilities Planning by ensuring the timely completion of the Charges made to the Building Committees, and support measures to relieve constraints due to conditions created by our current facilities.
3. Promote sound resource management through:
  - Supporting measures to use time more effectively, such as one or more measures identified in the Time Task Force Report
  - Developing long-term strategies to ensure that future leadership and personnel needs are met;
  - Involving the Board in the budget planning process; and
  - Effectively communicating to the public the District's resource needs.

### MSAD #51 Board of Directors

John Aromando	829-6861	jaromando@pierceatwood.com
Maryellen Fitzpatrick	829-4657	efitzpa486@aol.com
Polly Haight Frawley	657-2373	PHFraw@aol.com
Audrey Lones	829-4171	audrey@alum.mit.edu
Henry Kennedy	829-6979	hrk@kieve.org
Mary Schendel	781-3787	mlschendel@unum.com
Kim True	829-3209	ktrue1@maine.rr.com
Bob Vail	829-5393	



### **Upcoming Meetings/Events**

3/29/01 – Pioneer Night, NYMS, 6:30 PM  
3/30/01 – End of 3<sup>rd</sup> Quarter  
4/2/01 – Jr. High Spring Season – First Practice, Tentative  
4/3/01 – GJHS Parent Information Night for 6<sup>th</sup> Grade Parents, 7:00 PM  
4/4/01 – Policy Committee Meeting (Tentative), Central Office Conf. Room, 4:30 PM  
4/4/01 – Early Release, Grades K-6 @ 12:15 PM, Grades 7-8 @ 11:15 AM, Grades 9-12 @ 1:15 PM  
4/4/01 – PAC Meeting, GHS, 4:00 PM  
4/4/01 – Performance Indicators, MIW Conf. Room, 5:00 PM  
4/6/01 – Early Release, Grades K-6 @ 12:15 PM, Grades 7-8 @ 11:15 AM  
4/8/01 – Passover  
4/8/01 – Palm Sunday  
4/10/01 – PTO Meeting, 6:30 PM  
4/10/01 – PTO Information Forum, 7:00 PM  
4/10/01 – Communications Committee, MIW Conf. Room, 5:30 PM  
4/11/01 – Policy Committee Meeting (Tentative), Central Office Conf. Room, 4:30 PM  
4/11/01 – Steering Committee Meeting, GHS Library, 7:00 PM  
4/11/01 – Early Release, Grades K-6 @ 12:15 PM, Grades 7-8 @ 11:15 AM, Grades 9-12 @ 1:15 PM  
4/12/01 – Naturalization Ceremony at GJHS, 9:00 AM  
4/12/01 – Foreign Language Career Exploration day at GHS, 9:30 AM  
4/12/01 – 8<sup>th</sup> Grade Transition, GHS, 6:30 – 8:00 PM  
4/13/01 – Good Friday  
4/13/01 - Early Release, Grades K-6 @ 12:15 PM, Grades 7-8 @ 11:15 AM  
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4/28/01 – Parents Exchange, Children's Fair

### **Next Board Meeting:**

- Monday, April 23, Mabel I. Wilson School – Multipurpose Room



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

## COMMISSIONERS' MEETING

### MINUTES

March 12, 2001

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

Chairperson Clenott called the meeting to order at 7:00 PM and the following business was conducted.

Minutes of the regular and special meetings of February 26, 2001 were approved as written.

Peter Crichton, County Manager, reported that the Strategic Planning subcommittee chairs and support staff had met earlier in the day. Most of the five subcommittees have moved into the strategy stages, and the next full committee meeting is scheduled for March 20<sup>th</sup> from 8:00-11:30 AM at the Courthouse. He also noted that Judy Klein-Golden, Human Resources Director, and members of the Cumberland County Wellness Committee had met recently with Maine Municipal Association's Health Trust representatives regarding wellness issues. MMA would like to use Cumberland County as a pilot project to target wellness issues such as recurring injuries, which would enable the County to hopefully reduce insurance costs.

Robert Devlin, Deputy County Manager, gave a brief update on current legislative hearings taking place in Augusta.

Commissioner Feeney commended Mr. Devlin and Chairperson Clenott on the fine representation they have given Cumberland County at the legislative hearings this session. He stated that he and Bob Devlin had attended many workshops at the NACo conference last week, and had met with Congressman Tom Allen and with Congressman John Baldacci's staff concerning WIA issues. He noted his surprise at the many different ways other counties deal with overcrowding and mental health issues in their jails.

### 01-14 Juvenile Lease Agreement, Maine Youth Center, CCSO

Commissioner Plummer noted that a workshop had been held earlier on this issue. At the workshop, the Sheriff had mentioned that DOC officials were willing to meet with the Commissioners to discuss this issue. Since the current lease does not expire until July, he suggested that a workshop be held with DOC to review the lease before it was approved. The Board agreed that this item would be postponed.



#### **01-18 Approval, County's Share of Bridgton Bridge Project**

Mr. Crichton reported that the County had received its first invoice, in the amount of \$15,625 for the first installment of the County's share of the Meadowbrook Bridge project in Bridgton, and stated his recommendation to approve payment.

Pam Heatherly of the Maine Department of Transportation reviewed the emergency project, and noted that the County would receive the second installment in six months, and the final installment six months later. Discussion ensued regarding possible future bridge repair or replacement expenses the County would be obligated to pay.

Motion by Commissioner Plummer to approve payment. Second by Commissioner Feeney, so voted.

#### **01-19 Approval, Domestic Violence Grant Application**

Mr. Crichton concurred with the recommendation to approve the grant application.

Faye Luppi, Grant Coordinator, reviewed the application, which represented the County's coordinated response to domestic violence issues, and the addition of \$10,000 to fund a half time legal advocate for the elderly. The other \$10,000 would be funded by Legal Services for the Elderly. She noted that this would strengthen the grant for future applications.

Carter Friend, director of Legal Services for the Elderly, reviewed the programs and services provided in coordination with Southern Maine Area Agency on Aging.

Motion by Commissioner Feeney to approve the grant application. Second by Commissioner Plummer, so voted.

#### **01-20 Bid Report, Transport Bus, CCSO**

Mr. Crichton concurred with the recommendation to award the bid to the lone bidder, noting that \$70,000 had been included in the CIP for this purchase.

Captain Wayne Pike reviewed the bid report, noting that the new 32-seat bus would replace the used 23-seat bus that the County purchased in 1992. He reported that four vendors were contacted, but only one had submitted a quote: Portland North Truck Center for \$63,835.36. He stated that another \$3,500 would be needed to equip the vehicle with lighting and radios, so the total to be approved for the purchase was \$67,355.36.

Motion by Commissioner Plummer to award the bid to Portland North Truck Center in the amount of \$63,835.36 with up to an additional \$3,500 to be used for lighting and radios, for a total of \$67,355.36. Second by Commissioner Feeney, so voted.

Received

**01-21 Bid Report, 8 Patrol Cruisers, CCSO**

Chief Deputy Richard Gagliano reported that the County had piggybacked onto the State bid with Augusta Ford for patrol cruisers. By deleting certain features not needed by the Sheriff's department, they had saved the County an additional \$11,440 off the State bid's purchase price of the vehicles, from \$22,066 to \$20,636 per cruiser. Commissioner Plummer clarified that the two vehicles to be used by contract deputies would be paid for through the contract agreements. Vic Labrecque, Director of Budget and Planning, noted that it has been consistently cost effective for the County to join with the State bids for the purchase of vehicles. Mr. Crichton concurred with the recommendation to purchase eight new patrol cruisers.

Motion by Commissioner Feeney to award the bid to Augusta Ford in the amount of \$20,636 per vehicle. Second by Commissioner Plummer, so voted.

**01-22 Request for deputy sheriff commissions**

The following request for deputy sheriff commissions was received from Sheriff Dion: Cory Plummer, Windham PD.

Approved on the motion of Commissioner Plummer and the second of Commissioner Feeney.

**01-23 Approval, Ergonomic Corrections to Registry of Deeds and District Attorney's Office**

Mr. Crichton reported that this was part of the ergonomics project approved by the Commissioners at a previous meeting, but that he planned to bring each segment to them for approval and review as the project progressed.

Motion by Commissioner Plummer to approve \$31,171 for ergonomic corrections in the Registry of Deeds and District Attorney's Office. Second by Commissioner Feeney, so voted.

**01-24 Approval, Salary Adjustment for County Manager**

Motion by Commissioner Plummer to set the County Manager's salary for FY2001 at \$70,534.27. Second by Commissioner Feeney, so voted. Chairperson Clenott stated that Mr. Crichton was doing a good job, and thanked him.

No further business conducted, motion to adjourn at 8:02 PM.

ATTEST:



Timothy J. Jarvis  
Deputy Clerk

Next regular meeting, Monday, March 26, 2001 at 7:00 PM.



**AGENDA**  
**ANNUAL MEETING OF THE BOARD OF TRUSTEES**  
**PORTLAND WATER DISTRICT**  
**225 Douglass Street, Portland, Maine**  
**6:00 p.m., Monday, March 26, 2001**

1. Convene meeting with a moment of silence. President Lunt
2. Election of Officers for 2001-2002. President Lunt
  - President
  - Vice President
  - Treasurer
  - Clerk

**- President for 2001-2002 Assumes Chair -**

3. Acceptance of Minutes of Regular Meeting of February 26, 2001 and Workshop Meeting of March 12, 2001. President
4. Invitation for Public Comment President
5. Reports  

General Manager's Report  
Administration & Finance Committee Report  
Operations Committee Report

General Manager  
Trustee Haskell  
Trustee McElhinney
6. New Business
  - A. Resolution 01-002, ratifying the Labor Agreement between Teamsters Local 340 and the District for a three year period expiring December 8, 2003. General Manager
7. Executive Session A motion may be made to go into executive session at any time during the meeting to discuss, pursuant to 1 M.R.S.A. § 405, personnel, real estate, labor negotiations, or legal matters.  

A. Annual performance review of the General Manager

President
8. Other Business An item may be added to this agenda provided seven trustees vote to waive the rule regarding agendas.
9. Second Invitation for Public Comment President
10. Adjournment

  
Lorraine L. Neal  
Clerk





**Youth  
Alternatives, Inc.**

*Creating Opportunities  
for Maine's Kids  
and Families*

[youthalternatives.org](http://youthalternatives.org)

March 1, 2001

Robert Benson  
Town Manager  
290 Tuttle Rd.  
Cumberland, ME 04021

Dear Mr. Benson,

We are writing to invite you to join in celebrating our 25<sup>th</sup> year of advocating for the prevention of child abuse and neglect. As you may know, the Council was the first of what is now a network of Councils throughout the state of Maine. We have enjoyed a rich history of networking with schools, providers, and others in communities to raise awareness of the potential to prevent child abuse. To this end, we have provided thousands of hours of free training to schools, child care providers, agencies, recreation departments and summer camps throughout the county. We have also worked with law enforcement agencies and schools to address the difficult issues raised by the community notification of sex offenders who move in to towns and the impact it has on families and their children.

Because this year is a landmark anniversary, we are inviting your town to join us in April as we launch a series of events that will culminate in a celebration on Friday, November 16<sup>th</sup>. Because April is National Child Abuse Prevention Month we will **begin our** celebration by asking all towns, cities, and municipalities in Cumberland County to do two things:

- Proclaim April Child Abuse Prevention Month. Governor King will also issue a statewide proclamation. **A sample copy is attached.** We will publicize the list of towns that have done a proclamation at events throughout the month, in a special **newspaper** advertisement on Sunday, April 29th, and at our November 16<sup>th</sup> gala event at the Marriott.
- Take a step towards prevention in your town during this next year. Complete a project you have considered that will benefit children, like completing a new playground or park, planning a teen center, or a chem.-free night. You might urge all mandated reporters working in your town to be trained in identifying, reporting and preventing child abuse (offered by the Council free of charge). Perhaps as a town or city, you will encourage your employees to volunteer an hour a month in their child's school, or to coach a team. The Council will publicize whatever step you publicly take to support child abuse prevention during 2001!

A Council volunteer who lives in your town will be calling you in the next week to discuss these ideas further. If you would like them to present this idea to your next town council meeting let us know. We hope that your city or town will want to participate in some meaningful way as we all work to protect and enhance the lives of our children.

Sincerely,

*Kristine Biegel*

Kristine Biegel  
Committee Chair

*Lucky Hollander*  
Lucky Hollander  
VP of Advocacy & Prevention Services



# Child Abuse Prevention Month Proclamation

*Whereas, child abuse is a community problem and finding solutions depends on involvement among people throughout the community;*

*Whereas, statistics of children who are abused and neglected increase each year;*

*Whereas, the effects of child abuse are felt by whole communities, and need to be addressed by the entire community;*

*Whereas, effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, religious organizations, law enforcement agencies, and the business community;*

*Whereas, youth-serving prevention programs offer positive alternatives for young people and encourage youth to develop strong ties to their community;*

*Whereas, all citizens should become more aware of child abuse and its prevention within the community, and become involved in supporting parents to raise their children in a safe, nurturing environment;*

*Now, Therefore,*

*I \_\_\_\_\_,  
\_\_\_\_\_ do hereby proclaim April as  
Child Abuse Prevention Month in \_\_\_\_\_  
and call upon all citizens, community agencies, religious organizations,  
medical facilities, and businesses to increase their participation in our efforts  
to prevent child abuse, thereby strengthening the community in which we live.*

*Signed* \_\_\_\_\_





## APRIL IS CHILD ABUSE PREVENTION MONTH!

**MORE THAN 3 MILLION CHILDREN ARE REPORTED ABUSED OR NEGLECTED EACH YEAR AND 3 CHILDREN DIE EACH DAY AS A RESULT OF MALTREATMENT. EVERYONE IN THE COMMUNITY HAS A ROLE TO PLAY IN PREVENTION.**

### As a Law Enforcement Official You Can...

- \* Sponsor forums to educate the community on the long-term effects of abuse: delinquency, crime, gangs, and teenage pregnancy.
- \* Become educated about the needs of overburdened parents and abused children. Contact NCPA for educational materials (800) CHILDREN.
- \* Recognize child abuse in domestic violence cases.

Call (800) CHILDREN to request a free Child Abuse Prevention Packet  
National Committee to Prevent Child Abuse



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### As a Religious Organization You Can...

- \* Encourage members to support local prevention efforts: call (800) CHILDREN to find out how.
- \* Sponsor social activities for families with young children to bolster support networks.
- \* Designate a "week of the family."
- \* Adopt a child abuse prevention agency.

Call (800) CHILDREN to request a free Child Abuse Prevention Packet  
National Committee to Prevent Child Abuse



## APRIL IS CHILD ABUSE PREVENTION MONTH!

**MORE THAN 3 MILLION CHILDREN ARE REPORTED ABUSED OR NEGLECTED EACH YEAR AND 3 CHILDREN DIE EACH DAY AS A RESULT OF MALTREATMENT. EVERYONE IN THE COMMUNITY HAS A ROLE TO PLAY IN PREVENTION.**

### As an Individual You Can...

- \* Give parents you know a break. Offer to care for the children for a little while so the parents can rest.
- \* Volunteer at a local child abuse program.
- \* When you see mistreatment in public, start a conversation with the adult to divert the parent's attention from the child.
- \* Report suspected abuse or neglect to your local reporting agency.

Call (800) CHILDREN to request a free Child Abuse Prevention Packet  
National Committee to Prevent Child Abuse



## APRIL IS CHILD ABUSE PREVENTION MONTH

**MORE THAN 3 MILLION CHILDREN ARE REPORTED ABUSED OR NEGLECTED EACH YEAR AND 3 CHILDREN DIE EACH DAY AS A RESULT OF MALTREATMENT. EVERYONE IN THE COMMUNITY HAS A ROLE TO PLAY IN PREVENTION.**

### As an Educator You Can...

- \* Offer parent education programs about child development, stress, family living, and effective discipline.
- \* Teach conflict management skills to students.
- \* Develop policy to prohibit corporal punishment in your school.
- \* Start an after school program to give stressed parents a break and children a safe and supervised place to play after school.

Call (800) CHILDREN to request a free Child Abuse Prevention Packet  
National Committee to Prevent Child Abuse



## Community Service

—continued from page 2

and grass clippings delivered to RWS from the cities and towns its serves as part of the member town's municipal yard waste collection programs. The compost is a soil amendment.

The pumpkins were the tangible end product of municipal compost programs. They symbolize the role of composting in an efficient integrated solid waste management program.

They also provided a helpful learning tool for Maine schools. Lesson materials supplied by RWS along with the pumpkins were used to meet part of the Maine Learning Results criteria, particularly those related to sections on Ecology and Implications of Science and Technology. Many of the schools and teachers who requested and received pumpkins took advantage and used the RWS program as an entry point into teaching students about the importance of reducing the waste sent to landfills by reusing organic waste from the kitchen and yard.

To learn more about starting a compost pile with easy, step-by-step instruction, visit the RWS web site at [www.regionalwaste.org](http://www.regionalwaste.org) and click on the composting page. ■

## Household Hazardous Waste Tip

### HHW ALTERNATIVES

*The following is this issue's household hazardous waste tip to help reduce the use of harmful chemicals in the home:*

#### Natural, non-toxic furniture polish

Furniture polishes can contain hazardous materials, and aerosol cans are such a waste since so little cleaner comes in them. Using a plastic spray bottle to create your own polish is a great way to reduce can waste and also prevent the harmful polishes from being swallowed by children, one of their most dangerous attributes.

Here is a formula for a natural polish that can be used for weekly dusting or wood cleaning:

- 2 tsp. light-colored olive oil
- 20 drops of lemon oil
- 1/4 cup distilled white vinegar
- fill rest of bottle with water



**Regional Waste Systems, Inc.**

64 Blueberry Road  
Portland, ME 04102

# RWSNews

WINTER/SPRING 2001

64 Blueberry Road ■ Portland, ME 04102 ■ Tel. 207.773.6465 ■ [www.regionalwaste.org](http://www.regionalwaste.org)

#### Corporate Members:

Bridgton  
Cape Elizabeth  
Casco  
Cumberland  
Falmouth  
Freeport  
Gorham  
Gray  
Harrison  
Hollis  
Limington  
Lyman  
North Yarmouth  
Ogunquit  
Portland  
Pownal  
Scarborough  
South Portland  
Waterboro  
Windham  
Yarmouth

#### Associate Members:

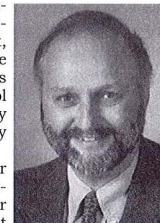
Baldwin  
Hiram  
Naples  
Parsonsfield  
Porter  
Standish

## Chairman's Corner

By Dale Olmstead, Chair of RWS

**I**t's been an active fall and winter at RWS, especially when it comes to environmental achievements and energy concerns. At the RWS plant, the staff met new federal and state clean air act guidelines and deadlines with new mercury emission control equipment now in place, technology that allows us to reduce mercury emissions by 85 percent.

RWS and several member towns have also been active in voicing their concern over the former S.D. Warren landfill property that would be included in the proposed



DALE OLMSTEAD

1,000-ton-a-day solid waste transfer facility for Westbrook, a town no longer part of the RWS network. Officials from RWS, South Portland, Gorham and Scarborough testified at a public hearing held February 9 as to the environmental and traffic concerns

the large project would pose to surrounding communities.

This fall, RWS was involved in several public service activities as well, from giving out free digital thermometers at a Portland Water District event to giving away thousands of free pumpkins to local schools for recycling and composting education.

In addition, and perhaps the most noteworthy accomplishment of the fall, was the organization's

—continued on page 8

## New Mercury Reduction Equipment Online at RWS

**S**outhern Maine and beyond now has less mercury in the air due to new technology installed recently at RWS. A powdered activated carbon dosing system installed and tested over the fall is now up and running at the plant.

The system, purchased from Norit Americas, injects carbon into the flue gases to absorb the mercury, reducing the emissions by 85 percent to less than 30 pounds per year. The new equipment was installed

and has been operational since October, well before the December deadline.

Maine state law, which is more stringent than federal law, requires that a mass-burn incinerator like RWS must reduce its mercury emissions by 85 percent or allow only 28 micrograms per cubic meter to enter the atmosphere. The federal law is less stringent than the state law, allowing up to 80 micrograms per cubic meter of mercury.

—continued on page 2

## Inside...

#### PAGE 3

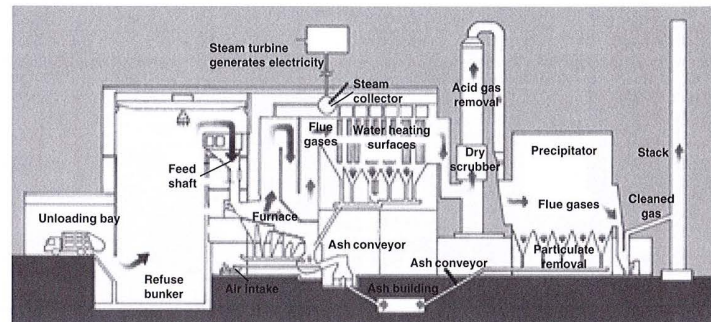
- Duke Energy Contract

#### PAGE 4

- Effect of State and Federal Policy on Solid Waste Facilities

#### PAGE 5

- Towns Make Case Against Proposed Transfer Station





## Mercury Reduction

—continued from page 1

"We fully comply," said Kevin Trytek, RWS' chief engineer. "It's an excellent system, very efficient and far more so than the other, more expensive systems we looked at." The carbon is injected into the flue gas at the rate of approximately 18 pounds an hour.

Mercury is emitted from incinerators like RWS when products containing mercury are thrown away in the trash and enter the waste stream. It is not a by-product of the burning process, but rather the result of these products not being properly disposed of. Products containing mercury include thermometers, fluorescent lightbulbs, old batteries and some watch batteries.

RWS has publicly called for bans or manufacturer-based collection programs on such products in Maine and this fall held a thermometer exchange program to help reduce the use of traditional mercury thermometers.

"The new carbon equipment RWS has installed as well as the many household hazardous waste collection programs have reduced the amount of mercury being emitted from those products by hundreds of pounds over

**Products containing mercury include thermometers, fluorescent lightbulbs, old batteries and some watch batteries.**

the past two years," said Mark Arienti, environmental manager at RWS. "So incinerators are no longer a major source of mercury."

"It's a shame that these products are still out there and for sale," said Arienti. "We do collect some of them at household hazardous waste collections, but not enough. We feel the laws should focus on the cause,

not the end result, as that would be far less costly to the taxpayer. But in the meantime, we are fully complying with the new regulations and plan to continue to reduce emissions further."

The company that is supplying the carbon and the equipment to RWS is a world leader in carbon technology. NORIT, incorporated in 1918 and based in Amsterdam, is a company with approximately 1,700 employees and with branches and activities throughout the world.

The company's Activated Carbon Group is one of the largest producers and suppliers of activated carbon in the world. NORIT activated carbon and related services and installations find application in virtually every industry. The most important markets are in the European Union, the United States, Canada and Latin America. NORIT produces more than 150 different activated carbon products. ■

## RWS Plays Active Part in Community Education

Regional Waste Systems gave away digital thermometers and pumpkins as part of a pair of attention-grabbing community service projects during the fall.

In November, about 300 area residents participated in the Mercury Hazardous Waste Collection Day, where RWS handed out free digital thermometers in exchange for mercury thermometers.

Sponsored by the Portland Water District, the program was aimed at helping reduce the amount of mercury-containing waste that enters the RWS system.

"It was great that so many people came out," said RWS Environmental Manager Mark Arienti. "We plan to do more of this kind of mercury exchange to continue to get these items out of the waste stream."

With discussions now underway in the Maine Legislature to create a law regarding the exchange of mercury thermometers, RWS proved itself ahead of the curve.



Products made with mercury, including thermometers, button batteries, fluorescent lights and thermostats, continue to be an issue in terms of hazardous waste.

"We've always felt that there should be a ban on these products or a manufacturer take-back program to prevent improper disposal," Arienti said. "Until then, we will continue to discourage their use but also encourage that these items are recycled or properly disposed of, as was done at the collection day."

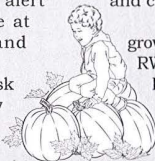
Regional Waste Systems plans to hold another collection day in the future, and will alert the public via its web site at [www.regionalwaste.org](http://www.regionalwaste.org) and through the news media.

"In the meantime, we ask people to please not throw these products in the regular trash as they are harmful to the environment," Arienti added.

Earlier in the fall, RWS focused the public's attention on composting education and recycling with its annual 'Great Pumpkin Giveaway' program.

RWS provided just over 4,000 pumpkins to 31 elementary schools in its member towns and cities as part of a program that continues to grow in popularity. "We give the pumpkins to the schools as part of our emphasis on composting and recycling education," said Eric Root, RWS' director of materials recovery. "We support education that shows citizens, businesses and organizations why it's important to make less trash and recycle and compost more at home."

The pumpkins were grown in a 5-acre field at the RWS ashfill/balefill by L.R. Higgins Co., RWS's contract residuals operator. The field receives compost from leaves —continued on back page



## Testimony

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of the taxpayer and have left many communities in a nearly impossible situation.

The end result of these unanticipated events is that the country has moved back towards a landfill mentality. Trash by the thousands of tons flows into Central and Western

projects during restructuring by CMP. The impact to RWS is a shortfall of about \$5,000,000 a year. While RWS argued that its position was right, and CMP's was not, that matter is settled, and we need to move on. The fact remains, however, that CMP's 'stranded' costs for the buy-outs are now part of the electricity bills all users of electricity in Maine will pay to subsidize solid waste costs beyond their borders through artificially high electrical payments.

**Cannibalization of waste by competing interests in the solid waste regions creates the upward pressure on the cost of disposal and management of solid waste . . . The hierarchy of solid waste management needs to be re-evaluated.**

States with their mega-landfills and with their cheap disposal prices. In the meantime waste-to-energy and recycling has stagnated, despite being the recommended disposal paths (ahead of landfills) on the federal and state hierarchy.

Just as municipalities which rely on waste-to-energy facilities have been attempting to adjust to the change of law which eliminated municipal flow control authority, the Legislature deregulated Maine's electric industry, effective March 1, 2000. Although only time will tell whether or not it was a good idea for the ratepayers, from RWS' point of view, it was the other shoe that fell.

With deregulation, CMP was encouraged to buy out some of the electrical supply contracts signed in the 1980s as a result of federal and state policies. Some of the contracts with waste-to-energy plants were bought out with large amounts of money that enabled them to reduce debt and restructure their contracts with cities and towns.

Because CMP claimed that the 'avoided cost' for electricity was now market price and had nothing to do with past computations of 'avoided cost,' RWS filed suit against, and ultimately settled with, CMP. That settlement resulted in a payment by CMP to RWS of \$3,800,000 and will allow RWS to sell its power on the open market beginning on January 1, 2001, to Duke Energy of Houston, Texas.

The revenue from that new contract, however, is a long way from the money that was paid to other waste-to-energy

How does deregulation affect the costs of waste disposal for our owners? Well, \$5,000,000 divided over 190,000 tons equals \$26.32 per ton. But, it is not that simple or easy, since half of RWS' waste is subject to market forces. So, depending on how the market moves, all the costs could be borne by the owner municipalities who will have impacts on other needed areas of the municipal budgets.

Having done our part to respond to federal and state policies and directions, the towns and cities which own and operate RWS now carry the extra burden of paying more than their share because state and federal policy makers made no provision in new policies for the effects of their old policies. These changes in revenue flows have also caused competition between regions and municipalities for waste.

Waste is now desirable because it comes with corresponding revenues. It appears that this situation is the most undesirable of all. While pitting cities and towns against one another is not what any legislator had in mind, it is the direct consequence of the way the policies of the 1980s were changed during the '90s.

The question for the Task Force is, what do we do about it? Obviously, solid waste hauling and disposal are issues that each of you needs to understand so that you can decide what needs to be done to insure positive competition.

Cannibalization of waste by competing interests in the solid

waste regions creates the upward pressure on the cost of disposal and management of solid waste. This situation will go unchanged in the absence of coherent state policy. The hierarchy of solid waste management needs to be re-evaluated. Those who chose to "do the right thing" based upon former federal and state policies should not be made to suffer now because solid waste policy is struggling to find its way in a changed legislative and economic world.

There are still fees in place, established by the Legislature, that at one time were used for planning and funding improved solid waste management in Maine. However, the funds generated by those fees now go to the DEP, only a fraction of which is used for solid waste planning and implementation costs. More focus on this area would result in solutions for the solid waste problems across the state.

The State of Maine has at times shown itself to be a national leader in solid waste issues. We have the most successful Bottle Bill in the country. This is so because of the cooperative effort of cities and towns. In order to continue that trend, Maine needs to reduce, if not eliminate, competition between towns for municipal services such as solid waste management, including recycling and disposal.

We request this Task Force to recommend an equalization subsidy to correct the inequitable results of a decade of policy changes statewide for solid waste management. This is necessary to both correct the negative budget effects of past policies and to restore the belief of cities and towns across the state that if they implement a plan in reliance on a state policy which is later reversed, they will not be stuck paying for the consequences.

Thank you for your consideration of this request, and I would be happy to respond to any questions you may have. ■





## Testimony

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Act authorizing flow control for the municipalities that had built waste-to-energy projects in good faith reliance on flow control was passed unanimously by the U.S. House of Representatives. But, in the end, one Senator utilized a parliamentary maneuver to block the bill from being brought forward in the U.S. Senate, and it died.

The inaction of Congress on this item has had a profound effect on solid waste management services in the 90s. While this paper will discuss that problem later, it is important to note that the federal decision to leave municipalities nationwide with billions of dollars of debt, and with nothing but the property tax to pay it off with, still stings today. It is imprinted in the thoughts of every owner of RWS when asked to step up to pay for the program.

All of the waste-to-energy plants in Maine felt the effects of the loss of Flow Control. However, the effect was different for each one with some even experiencing a positive effect. For example, as previously discussed, the economics of certain waste-to-energy plants relied on flow control to ensure waste fuel. However, the economics of other plants were based on the purchase of wood chips as supplemental fuel.

When flow control allowed haulers to deliver waste to the lowest priced

alternative, those plants chose to charge unrealistically low rates for disposal of waste which had been going to the municipal facilities and, thus, avoid having to pay for wood chips. Those plants received a windfall.

So, how does the current situation fit in with the ever-changing number of haulers? It is clear that three haulers basically control the hauling of commercial waste in our municipalities. Schedule D shows the names and numbers of haulers and how the list has changed since 1990. It also shows the percent of commercial waste each hauler controls.

**... it is important to note that the federal decision to leave municipalities nationwide with billions of dollars of debt, and with nothing but the property tax to pay it off with, still stings today. It is imprinted in the thoughts of every owner of RWS when asked to step up to pay for the program.**

Is this situation bad or good for the consumer, who is dependent on the haulers?

Is this situation bad or good for Maine's municipalities, which are required by state law to provide waste management services?

Is this situation bad or good for the remaining small haulers, who can be deprived of disposal alternatives which are owned and controlled by the same entities which own and control the larger haulers which are in

competition with the small haulers? That is for you to decide.

In fiscal year '95 and '96, RWS went from a member rate of \$55 to \$95 per ton, while the commercial rate for haulers dropped from \$68 per ton to \$40 per ton, which resulted in a system-wide transfer of revenues to haulers of \$28 per ton, or a total of approximately \$2.5 million a year.

Was all this money returned to the consumer through rebates or reduced fees from haulers? Is this the haulers fault? It is exactly what Congress understood would happen when Flow Control was suddenly withdrawn, after municipalities throughout the country adopted very expensive policies in reliance on flow control. The problem for RWS was, and continues to be, that this substantial reduction in fees paid by the haulers required a subsidy from the property tax. More significantly, this change in fees paid by haulers requires such a subsidy from the property tax without a commensurate reduction in hauling fees for the consumer.

Any of the large haulers could take waste anywhere, for whatever reason, and create further financial exposure for RWS. Should a private company be blamed for wanting to make more money? That's why they are in business. However, state policy should not ignore the changes in federal and State laws which provided the haulers with a windfall at the expense

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## About RWS

Regional Waste Systems, Inc. is a non-profit solid waste management corporation that serves 27 cities and towns in Southern Maine. It is governed by a 28-member board and is owned and controlled by its member municipalities. The waste transported to the facility located on Outer Congress Street in Portland is incinerated to create electricity, which is then sold to Duke Energy. RWS also has an extensive recycling program with more than 80 recycling containers called "silver bullets" set up in more than 60 locations. For more information, visit their website at [www.regionalwaste.org](http://www.regionalwaste.org)

## Chairman's Corner

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new energy contract agreed to by the board and signed with Duke Energy, a leading supplier of energy throughout the U.S. This is a major accomplishment for us—both as an energy producer and municipal organization—as we are now assured of a solid buyer for the next three years. Our former contract with CMP ended at the end of the year after a legal settlement was reached in February.

We also continue to increase our recycling numbers and have been successful in informing the communities we serve as to our new sorting and recycling programs, sending out

news releases about our new signs on silver bullets and another reminding residents to recycle boxes and paper over the holidays. These efforts resulted in television and print coverage throughout the region, which has led to increased drop offs at the silver bullets.

And this spring, we plan to hold six mercury thermometer exchange events at regional RWS member town locations throughout Southern Maine. We'll keep you posted on those times and places, so look for more info on that in near future. Have a great spring! ■

## Energy Produced at RWS to be Sold to Duke Energy RWS Board Votes to Accept New Energy Contract

The board of Regional Waste Systems (RWS) voted 20-0 October 25 to accept a new, two-year contract to sell electricity produced by its Portland waste-to-energy plant to Duke Energy Trading and Marketing, L.L.C.

Under the two-year power sales agreement, Duke Energy Trading and Marketing will buy 11 megawatts of electricity, 24 hours a day, 365 days a year from RWS. Electricity prices will range between 2.15 cents per kilowatt hour during off peak hours and 9.25 cents per kilowatt hour in the on peak hours. The contract began on January 1, 2001. The contract means RWS will have a buyer for the energy produced by the incineration process at its plant.

"We're very comfortable with this agreement," said RWS General Manager Charles Foshay. "After all, we're now in what is a very new energy market in New England with deregulation and termination of our CMP contract, so we're pleased we've entered into an agreement with a large, experienced national company like Duke Energy, known as a leader in the industry."

The Duke Energy contract ensures RWS a buyer for its energy throughout the transition to a competitive market. The contract with Duke Energy is unique in that it's performance-based rather than liquidated damages based, meaning RWS will be paid for the power they make, and avoid the risks of liquidated damages for the power they don't make. This is an important part of the contract for RWS, Foshay said, since RWS is a quasi-municipal organization.

"It's a very good contract and Duke Energy is a great company to work with," said Dale Olmstead, current chair of the 28-member board. "This agreement is a good one under current market circumstances. As a municipal organization that depends on tipping fees and revenues we get for the power we produce in the incineration process, it makes it especially challenging to budget, plan and evaluate our future when energy rates are predicted to be lower over time. But that's what deregulation is supposed to do. However, it's doubtful the reduction in price in electricity will offset the financial impact

those reductions will have on RWS. And that's one of the issues that the administration and the finance committee continue to work on here at RWS."

Duke Energy, a diversified multinational energy company, creates value for customers and shareholders through an integrated network of energy assets and expertise. Duke Energy manages a dynamic portfolio of natural gas and electric supply,

and delivery and trading businesses—generating revenues of nearly \$22 billion in 1999. Duke Energy, headquartered in Charlotte, N.C., is a Fortune 100 company traded on the New York Stock Exchange under the symbol DUK.

More information about the company is available on the Internet at: [www.duke-energy.com](http://www.duke-energy.com) ■

## MORE ABOUT DUKE ENERGY

In a history spanning more than 10 decades, Duke Energy has revolutionized the energy industry, growing from the owner of a small hydro station in South Carolina at the turn of the century into a diversified multinational energy company. Duke Energy is now the 10th-largest energy company in the world and the number three gas trader and power trader in the United States. Headquartered in Charlotte, N.C., Duke Energy is a Fortune 100 company with 22,000 employees worldwide and major offices in Houston and Denver as well.

The conglomerate, which is traded on the New York Stock Exchange under the symbol DUK, creates value for customers and shareholders through an integrated network of energy assets and expertise. With \$29 billion in assets, Duke Energy manages a dynamic portfolio of natural gas and electric supply, delivery and trading businesses. The corporation generated revenues of nearly \$22 billion in 1999, making it one of the three most profitable U.S. energy merchants.

Duke Energy operates three nuclear generating stations and eight coal-fired stations as well as 38 hydroelectric and combustion turbine stations. Together, these generating units produced 89 billion kilowatt hours (kwh) of electricity in 1996, of which the company's share totaled 76 billion kwh.

The corporation operates and maintains 12,700 circuit miles of 500kV, 230kV, 100kV and 44kV of electric transmission lines within the Duke Power service territory. This encompasses more than 30,000 towers, 73,000 wooden poles, 1,994 substations and 100,684 acres of rights-of-way. Also, Duke provides electricity to two million customers in a 20,000 square mile service area in North Carolina and South Carolina.

Duke also is the largest producer of Natural Gas Liquids in the U.S. It owns three major natural gas pipelines: Texas Eastern serves Pennsylvania, New York, New Jersey and the major metropolitan areas of Philadelphia, Newark and New York City. Algonquin, headquartered in Boston, has provided deliveries to Massachusetts, Connecticut and Rhode Island since 1953. East Tennessee added 1,100 miles of pipeline network for Duke Energy in the Southeastern U.S., serving markets in eastern and central Tennessee, southwestern Virginia, northern Georgia and northern Alabama.

Duke Energy's roots are traced to the Catawba Hydro Station at India Hook Shoals on the Catawba River near Rock Hill, SC. The station, which cost more than \$1 million, supplied electricity to textile mills in the vicinity. It began operation in 1904 with 3,300 kilowatts. James Buchanan Duke had acquired the land and water rights five years earlier.



## Solid Waste Perspective: How State and Federal Policies Have Impacted RWS

**B**elow is the full text of the testimony given by RWS General Manager Chuck Foshay in Augusta before the Task Force to Study Market Power Issues Related to the Solid Waste Hauling and Disposal Industry. Mr. Foshay presented the testimony on Nov. 17, 2000.

Senator Nutting, Representative Duplessie and members of the Task Force. My name is Charles Foshay, General Manager for Regional Waste Systems.

The purpose of this testimony is to inform the Task Force about how state policies and the consolidation of the solid waste hauling industry have impacted the solid waste management programs of municipalities served by Regional Waste Systems, Inc. (RWS) during the past 20 years. We believe that our experience is similar to that of other municipalities throughout the state.

RWS, which has been in existence since 1974, is a quasi-municipal, non-profit, non-stock corporation, formed by interlocal agreement among 21 cities and towns to meet their statutory obligation under Maine law to provide a solid waste disposal facility for all residential and commercial waste.

Eight additional municipalities have contracts with RWS, and, thus, 29 municipalities and over one-third of the state's population participate in the RWS solid waste system.

The following 21 municipalities are the owner-members of RWS: Bridgton, Cape Elizabeth, Casco, Cumberland, Falmouth, Freeport, Gorham, Gray, Harrison, Hollis, Limington, Lyman, North Yarmouth, Ogunquit, Portland, Pownal, Scarborough, South Portland, Waterboro, Windham and Yarmouth.

The following eight municipalities are associate contract-members: Baldwin, Durham, Hiram, Naples, Parsonsfield, Phippsburg, Porter and Standish.

RWS does not make, has never made and is not intended to make a profit. RWS is financed and subsidized by its owner citizens, for the most part through their property taxes. The owners govern the system through a

28-member Board of Directors representing the cities and towns based upon population.

On behalf of its Member Municipalities, RWS currently owns:

- a waste-to-energy plant located at 64 Blueberry Road in Portland;
- an ashfill located off Green Road in South Portland and Scarborough;
- a 262 acre parcel of land in Gorham which is under option to American National Power; and
- a 25,000 ton recycling processing center located at 64 Blueberry Road that also has the ability to process solid waste.

RWS utilizes these facilities to manage approximately 190,000 tons of solid waste per year.

In order to understand the current state of affairs in the management of Maine's solid waste, it is important to review past state policies and the impact they have had upon municipalities.

One of the most prominent initiatives was the State of Maine Bond Issue for planning waste-to-energy facilities in the 1980's. For example, RWS, in 1980, was baling waste and putting it into its landfill, which was running out of space. The landfill's capacity could not be expanded due to complications resulting from an aquifer.

The State Bond Issue provided municipal entities, such as those in the Biddeford, Waterville, Brunswick, Auburn, Bangor, and Portland regions, with funds to evaluate the most environmentally sound long-term

solution to disposal of waste. Most, if not all, of these municipal groups used those state funds for planning waste-to-energy facilities to replace total reliance on landfills for disposal of waste.

Coincidentally, at the same time as the State Bond Issue supported waste-to-energy planning, the state and federal governments were looking toward a lesser dependency on foreign oil. Federal policy, through the Public Utility Regulatory Policy Act, required that electric utilities such as Central Maine Power Company (CMP) purchase power from waste-to-energy plants and other alternative sources of energy. The Maine Public Utilities Commission (PUC), directed CMP to competitively bid contracts in 50 megawatt decrements starting with the most expensive power then scheduled to be purchased, power from Seabrook units I and II. Thus many, if not all, of the waste-to-energy projects in the state bid competitively against the so-called "avoided costs" of CMP to supply electrical power in the future.

The contract between RWS and CMP was typical of the agreements resulting from the process mandated by the PUC; agreements which enabled CMP to purchase power at substantially less cost than those nuclear units. By offering what was then cheaper power to Maine's ratepayers, secure from foreign supply disruptions, the RWS towns received a contract that appeared to guarantee our revenues for the 20-year repayment period for the bonds issued to cover the cost of the facility.

Numerous options were available that RWS municipalities could have pursued. For example, they

—Testimony continued on page 7

**... in 1994, a New York flow control ordinance was overturned by the US Supreme Court, which determined it was in violation of the Commerce Clause and therefore unconstitutional. That ruling changed the face of waste-to-energy completely, since haulers became free to seek the lowest cost of disposal at whatever facility regardless of where located.**

## Testimony

—continued from page 4

could have built a 1,000-ton-per-day plant and imported waste from non-member Maine municipalities and from out-of-State. Instead, the towns elected to restrict the size of the plant to 550 tons per day, enough to serve only the participating owner cities and towns.

Regional solutions to regional solid waste problems was, and continues to be, the direction from the state; the municipalities which formed RWS fully complied with this policy. Decisions regarding the size of the facility, the technology to be used, the type of air pollution control systems and other options were the direct result of public deliberations at the municipal and regional level.

Furthermore, RWS and the DEP, along with two intervenors, examined the RWS project during 12 days of public hearings that ultimately provided RWS and the State of Maine with the most comprehensive review of any waste-to-energy project in the state. After more than 10 years of successful operation, these decisions have withstood the test of time and have fully served the waste management needs of the RWS municipalities.

According to the state in 1998, municipal solid waste (MSW) was disposed of by the following means:

- 41% was recycled
- 40% went to the four waste-to-energy plants located in the State
- 12% was landfilled
- 6% was exported to other states or Canada, and
- 1% was handled by other means.

This indicates that waste-to-energy, as the method of waste disposal which services almost half of all waste, must be fully understood by the state's policy makers. These plants need to be on-line and available to manage waste every day. The state's planners recognize the role of these plants in statewide disposal capacity, and, therefore, the state, as well as its cities and towns, need to keep these plants economically and environmentally healthy.

In response to the state's policy to move towards waste-to-energy, there was a huge investment (over \$300 million in bonds) in the four plants located in Biddeford, Portland, Auburn and Orrington. In RWS' case, as of June 30, 2000, the towns have \$82,465,000 of debt outstanding of which \$53,450,000 is attributed to the waste-to-energy plant. The balance was used to fund:

- closure of the old bafeluf;
- replacement and updating of continuous emissions monitoring systems equipment that report environmental data directly to DEP; and
- a demolition recycling and landfill project, which was subsequently canceled by the towns.

This debt was scheduled much like a home mortgage with most of the principal paid in the last few years. RWS has 14 years remaining to make the debt payments on outstanding bonds.

As you may know, some waste-to-energy plants had contracts with municipalities that were 'put-or-pay,' which means that a city, town or other entity is obligated to a certain amount of waste that must be brought to a facility. There are usually financial penalties associated with either delivering too much or too little waste. At RWS, however, the cities and towns have agreed to deliver all the waste generated within the community (regardless of how much or how little), less any amount they can recycle. Penalties can be assessed only if for some reason the owner community elects not to deliver waste which the community controls. Those penalties have never been applied.

To ensure adequate revenue to pay the debt service on the bonds for waste-to-energy plants across the country, banks and bondholders which provided the funds required state legislatures to authorize adoption of flow control ordinances, which directed the disposal of waste at the designated waste-to-energy plants.

For example, the Maine legislature amended Title 38 in 1985 to authorize adoption of flow control ordinances by Maine municipalities. However, in 1994, a New York

**Tip fee history of RWS provides clear evidence of the shift in costs for solid waste management, when flow control was lost. During the two budget years after the Supreme Court ruling, the cities and towns experienced an 85 percent increase in their costs.**

flow control ordinance was overturned by the US Supreme Court, which determined it was in violation of the Commerce Clause and therefore unconstitutional. That ruling changed the face of waste-to-energy completely, since haulers became free to seek the lowest cost of disposal at whatever facility regardless of where located.

For example, in the case of RWS, 50 percent of all the waste (with its corresponding revenue) is generated by commercial customers, and, rather than providing the economic support upon which the municipalities, the banks and the Legislature relied when establishing state policy favoring development of waste-to-energy facilities, those commercial customers are free to dispose of this waste at the cheapest location.

Residential waste from the member towns (the remaining 50 percent), although subject to the same ruling and similarly free to seek other disposal locations, continues to be delivered to RWS, since the RWS cities and towns make direct payments for disposal of residential waste thereby removing any incentive for waste to seek such other disposal locations.

Tip fee history of RWS provides clear evidence of the shift in costs for solid waste management, when flow control was lost. During the two budget years after the Supreme Court ruling, the cities and towns experienced an 85 percent increase in their costs. In contrast, during the four years following the loss of flow control, RWS system expenses increased by an average of only two percent per year.

The U.S. Congress could have had an impact on flow control. A proposed

—Testimony continued on page 8



## Towns, RWS Make Case Against Proposed 1,000-Ton-a-Day Transfer Station in Westbrook

**Town Officials Tell BEP that Mammoth Project Poses Environmental Threat, Traffic Headaches**

**T**own officials from Scarborough, South Portland and Gorham and officials with Regional Waste Systems, Inc. (RWS) testified before the Board of Environmental Protection in early February regarding the proposed 1,000-ton-a-day transfer station for Westbrook. Opponents pointed to traffic concerns as a major issue and urged a full study, funding and improvements made to roadways before the project is allowed to move forward.

Towns opposing the facility, which would become the largest solid waste facility in Maine, also voiced environmental concerns, pointing to studies showing polluted groundwater caused by a former landfill on land that is part of the transfer station deal. They wanted a full environmental impact study before the project is allowed to move forward.

The BEP informally decided in February to approve the Pine Tree application with conditions. The final decision is expected in April.

The February 9 hearing focused on traffic and economic impacts as well as the scope of the project proposed by Pine Tree Waste, a subsidiary of Casella Waste Systems, which owns the MERC incinerator in Biddeford. The BEP is charged with reviewing the application and deciding whether to approve or deny it.

"This project should not be given the green light without serious environmental and regulatory review. A cursory look is simply not enough for a project of this magnitude, not when the environmental and traffic impacts can be so great," said RWS chairman Dale Olmstead.

South Portland City Manager Jeffrey Jordan told the board that traffic impacts are not fully addressed in Pine Tree's application.

"The applicant's traffic study may have underestimated the trips utilizing Spring Street/Cummings Road for access to Interstate 295 serving coastal Cumberland County," Jordan said. "The growth of traffic associated with large retail, industrial and office development in South Portland,

***"This project should not be given the green light without serious environmental and regulatory review.***

***A cursory look is simply not enough for a project of this magnitude, not when the environmental and traffic impacts can be so great," said RWS chairman Dale Olmstead.***

Scarborough and Westbrook are all critically interrelated since the only direct and practical connection from Interstate 295 to the Greater Maine Mall Area is through the City of South Portland—either from Exit 3, the Westbrook Street Ramp, or from the Exit 7 Turnpike Spur."

Jordan added, "In an era of constrained financial resources, it is important that we appropriately plan and invest for future traffic safety and mobility issues to better serve the public who live, work or visit the greater Maine Mall area if a facility of this unprecedented magnitude is in fact built at this site."

Gorham Town Manager David Cole said additional traffic coming into the already congested area where Routes 114 and Route 22 converge in Gorham would be detrimental to the area.

Gorham "has extensive traffic problems, and the proposed transfer station will cause additional burdens to the town's already congested traffic system," he stated.

Cole also addressed the financial impact a large solid waste transfer station would have on RWS member communities like Gorham, saying it will cause tipping fees to go up. RWS operates a waste-to-energy facility that is owned by the 21 towns it serves. RWS now handles much of Greater Portland's trash.

Initially, residential trash would be trucked to the proposed Westbrook

transfer station from towns in York County and perhaps Oxford County. That trash would then be loaded onto larger vehicles and taken during off hours to the MERC plant in downtown Biddeford for incineration. *(The Westbrook plant would shift daytime congestion from Biddeford to the Route 22/Spring Street/Route 114 area near the Maine Mall.)*

Some also are concerned that the lower disposal fees that Pine Tree Waste could cause haulers to leave RWS, resulting in higher fees for those who remain. Since RWS is a non-profit solid waste corporation, that could hurt its ability to serve its towns in an economical way.

In the mid-80s state and federal policies encouraged municipal organizations like RWS to build "waste-to-energy" facilities to burn trash from each member community and convert it to energy both to avoid using landfills and to create another source of energy.

In 1988, the European-designed "mass burn" incinerator went on-line at the new RWS facility located off Outer Congress Street. A comprehensive recycling program also was initiated to reduce the amount of trash coming into the facility. That recycling program, which recently added new state-of-the-art sorting equipment, is now the largest in the state. RWS processes approximately 190,000 tons of solid waste annually.

The proposal from Pine Tree Waste would create the largest solid waste facility in Maine on a parcel of land currently owned by the Chapman family. But part of the deal includes an adjoining piece of Chapman land that is home to a former paper mill landfill, which has prompted opponents to demand a full environmental impact study. Also, another portion of the Chapman property, which is located in the town of Scarborough, would be given to the City of Westbrook as part of the deal, raising long-term liability and pollution concerns.

"I am concerned with some major issues that could have a disastrous effect on the town if they are not

*—continued on page 6*



## Transfer Station

—continued from page 5

adequately addressed through the permit approval process,” said Scarborough Town Manager Ronald Owens. “My concerns include the impact of increased traffic on already congested roadways, groundwater pollution that exists as a result of the state’s failure to require remediation, and final closure and monitoring of the (former paper mill) landfill.”

The issues raised during the February 9 hearing testimony include:

- The risk posed to groundwater in the area is great. Prior extensive geological and hydrogeological studies regarding landfill leachate already conducted by RWS as an abutter show polluted plumes of groundwater coming from the site of the former S.D. Warren landfill.

- The parceling of the Chapman property proposed by Pine Tree Waste would create long-term problems in identifying sources of pollution and performing remediation. Traditional and necessary environmental studies must be conducted, and a proper mitigation plan developed. Once the property is divided among three separate owners, opponents are concerned the opportunity for corrective action will be lost in a quagmire of determining financial responsibility.

The state presently does not have adequate guidelines or laws written to oversee and regulate a 1,000-ton-per-day facility, which would be three times larger than the next largest transfer station in the state, a Pine Tree facility located in Waterville.

RWS’ extensive \$6 million clean up of its former landfill in the late 1990s was required by law. Other landfills throughout the state have also had to comply with landfill regulations. Opponents believe the owners of the former paper mill landfill must be held to the same standard and be required to clean up that site before it is included as part of the transfer station package.

The traffic issues will be significant. Pine Tree Waste has conceded there will be an increased number of truck trips in the area each day, given the size of the facility, but has failed to consider the impact the additional

***“My concerns include the impact of increased traffic on already congested roadways, groundwater pollution that exists as a result of the state’s failure to require remediation, and final closure and monitoring of the (former paper mill) landfill,” said Scarborough Town Manager Ronald Owens.***

traffic will have in Gorham and the Maine Mall area.

The 1,000-ton-a-day facility far exceeds the needs of the City of Westbrook, which generates less than 35 tons of trash per day. To be viable for the long term, waste from other cities will have to be handled by the transfer station. That could result in a loss of revenues to RWS, a non-profit currently serving the solid waste needs of its 21 owner communities and six associate member towns.

A recent report by geologist Tom Fargo, who filed testimony, outlines a sampling of 133 wells in the area. The study revealed the former landfill portion of the Chapman property leaks underneath abutting RWS land in Scarborough. Officials say that fact is reason enough to make every effort to ensure remediation occurs. Another study by geologist Barry Timson on behalf of the Town of Scarborough raises similar concerns.

State Rep. Harold Clough, who represents citizens in Scarborough and Gorham, said the property and the project need careful review.

“What we do know is that the Chapman (landfill) site is probably polluted and that as a former S.D. Warren landfill, it has arsenic and other by-products of the paper-making industry. It has the makings to be a serious environmental threat. What we don’t know is how fast those harmful elements are traveling, the extent of the pollution, how we can stop it, and so much more,” Clough said. “If this proposal for a 1,000-ton-a-day plant goes through, we may never know. Sadly, we would go from conducting massive water quality mapping and testing and mitigation on a similar property nearby, to saying there will be no studies, no mitigation, and no closure of the Chapman landfill site. My constituents deserve better than that.”

Another issue is that there are not adequate DEP regulations written for

a 1,000-ton-a-day transfer station. “While we certainly understand the Maine DEP staff will do its best to review the project, the fact is there’s nothing of this magnitude in the state, so a much more thorough review and study is required,” said Charles Foshay, general manager at RWS. “There is no doubt in my mind that this proposal for a 1,000-ton-a-day transfer station will pose environmental issues and impact that goes beyond the intent of the transfer station rules on the books.”

Foshay continued, “Meanwhile, it’s in direct contradiction to RWS’s commitment to manage the solid waste of its 27 member communities, a mandate set forth by the state’s Solid Waste Plan. We have to provide for solid waste services for our citizens and our towns. And we’ve been doing that just fine for many years. This project should be held to the same standard that we as a non-profit municipal organization or any solid waste facility are held to.”

Olmstead said one reason opponents voiced concerns at the hearing was to try to make sure local residents had a total understanding of the impact of the transfer facility on the local area, the region and the state.

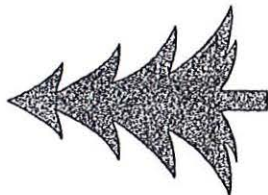
“We wanted to convey just how important it is to not allow this project to move forward until a full environmental review is conducted and traffic improvements are actually made to the roads,” he said. “If Pine Tree is allowed to build this giant facility near that polluted land, what does that say to the residents in the area? What does that say to other landfill owners who have gone through expensive clean ups to obey state law? Why then did the taxpayers help pay for the \$6 million closure of the old balefill from the days before we had a waste-to-energy facility? It doesn’t make sense on so many levels—environmental, health, regulatory, traffic and economic.” ■



April, 1999

MAINE

Maine Department of Transportation  
Community Services Division  
16 State House Station  
Augusta, Maine 04333-0016  
287-2152



LOCAL ROADS

CENTER

## Put A STOP Sign There And Slow Down Traffic: WRONG!

Many local and county officials are often pressured by constituents to put in STOP signs at intersections where the citizens of the neighborhood want to interrupt traffic, either by making the vehicles stop or by making it an inconvenience so that the traffic will use more expedient routes. This is a bad practice and will usually create more problems than they solve.

Studies from around the country show that there is a high incidence of intentional violations where the STOP signs are installed as a speed deterrent. These studies showed that the speed was reduced in the immediate vicinity of the sign but the speeds were actually higher between intersections than they would have been if the signs had not been there.

When installed correctly, a STOP sign will tell the driver and pedestrian who has the right of way. The Federal Highway Administration's Manual on Uniform Traffic Control Devices contains criteria which must be met in order to justify the installation of STOP signs as well as traffic control signals. Among other things, these criteria consider traffic speed, sight distance, traffic volume and the frequency of gaps that occur in the traffic that would allow for safe vehicle entry or pedestrian crossing.

\* Most drivers are reasonable, but when faced with unreasonable restrictions, may violate them and develop contempt for other traffic controls. Not only is this dangerous for the driver but for the responsible agency as well. Unwarranted or substandard traffic control devices contributing to an accident can sometimes be grounds to award a judgment against an agency involved in a lawsuit.







## "CHILDREN AT PLAY" SIGNS DO NOT GIVE A CLEAR MESSAGE

Road signs give messages to drivers. If the messages are unclear, unnecessary, or confusing they can cause danger to motorists and others. Maine municipalities and the Maine Department of Transportation use the Manual on Uniform Traffic Control Devices (MUTCD) as the standard for placing traffic signs and markings to give clear messages to motorists.

According to the report "Maintenance Management of Street and Highways Signs" by the Transportation Research Board, improvements in traffic signing have the highest benefit-cost ratio of any highway safety improvement. About 29% of tort liability lawsuits against highway departments are related to traffic signing. For these reasons alone, it is worthwhile to install road signs according to the MUTCD.

Citizens often demand that the town erect "Children at Play" signs on their street to reduce the risk of automobile-pedestrian accidents. Selectmen ask: What does the MUTCD say about "Children at Play" signs? If we erect a sign on one street, won't we get requests from other neighborhoods in town to do the same? What's the town's liability?

The short answer is **DO NOT ERECT** "Children at Play" signs. The long answer is a bit more complicated.

First, the "Children at Play" sign is unclear and unnecessary. It suggests to the driver that, if no such sign is present on another street, children are not playing there, and it is OK to speed or to be less careful. Another driver might interpret the sign to mean that children are playing in the road. Always? At what time of day?

Second, it gives parents and children a false sense of security. Relying on the sign, parents might monitor their children less closely and children might interpret the sign to mean it is acceptable to play in the street.

Third, one "Children at Play" sign leads to a proliferation of signs throughout the town. Since nearly every block has children living on it, there would have to be signs on each one. The effect of too many signs is that they become ineffective. The proliferation of signs breeds disrespect, not only for the specific signs, but for all signs.

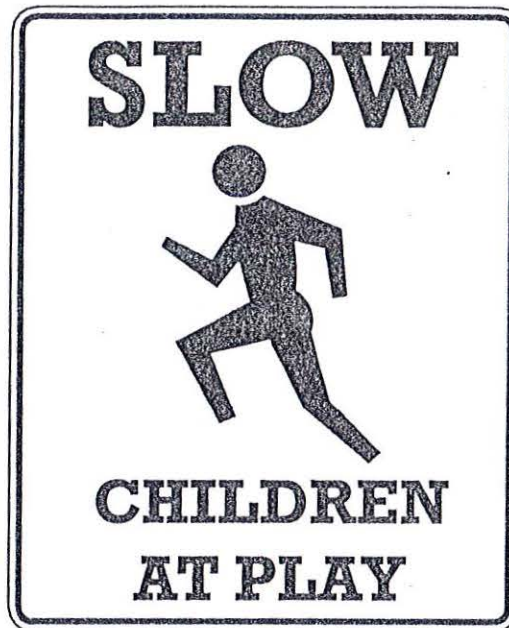
Fourth, to erect "Children at Play" signs in response to one request usually generates similar requests, thereby basing sign placement on politics rather than on sound traffic engineering judgment.

Fifth, based on numerous studies, there is no evidence that "Children at Play" signs prevent injury or decrease the speed of vehicles.

Sixth, because they are confusing and do not meet specific criteria for good signing, placing "Children at Play" signs opens the municipality to liability.

Seventh, since all signs need to be maintained to be effective, the proliferation of unnecessary signs places an undue burden on maintenance crews. Purchasing, erecting and keeping these signs in good order is expensive.

*For these reasons, the MUTCD discourages the use of "Children at Play" signs. However, municipalities can and should post signs for school zones, pedestrian crossing and playgrounds. The MUTCD makes specific reference to these situations. Signing such areas gives clear messages to drivers about the kind of zone they are entering. "Children at Play" signs, on the other hand, do not meet a specific criteria.*





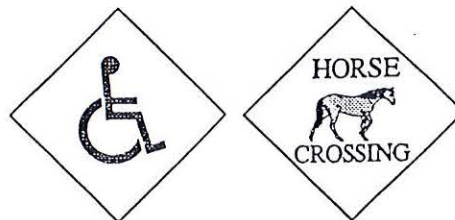


## NOT ALL SIGNS IMPROVE DRIVER'S AWARENESS -

*follow-up to MDOT policy on certain signs.*

Since the printing of the last newsletter, there have been inquiries into MDOT's policy on signs that are no longer maintained by MDOT. The following is more clarification on the matter.

Certain signs like **HANDICAPPED PERSON**, **DEAF PERSON**, **CHILD AT PLAY**, **HORSE CROSSING**, and other similar signs erected on roadsides have been proven to usually serve no purpose and should be used very sparingly or not at all. Some of the reasons for this decision can be given in relation to "Children at Play" signs. They include the following:



- \* based on numerous studies, there is no evidence that "Children at Play" signs prevent injury or decrease the speed of vehicles;
- \* they give parents a false sense of security;
- \* since so many signs are erected it breeds disrespect, not only for the specific sign, but for all signs;
- \* sign placement is decided by politics rather than sound traffic engineering judgment;
- \* purchasing, erecting, and keeping these signs in good order is expensive;
- \* because these signs are confusing, and do not meet specific criteria for good signing, placing "Children at Play" signs opens the municipality to liability.




For these reasons, the Manual on Uniform Traffic Control Devices (MUTCD) discourages the use of these signs. However, the municipality can and should post signs for school zones, pedestrian crossings, and playgrounds. The MUTCD makes specific references to these situations. Signing such areas gives a clear message to drivers about the kind of zone they are about to enter.

"Children at Play" signs, on the other hand, do not meet a specific criteria. There is no State mandate to erect these signs. They are usually erected from a request from a citizen, business, or group of individuals believing that this "driver's notification" will provide safety to their interest.

The real message here is **do not erect these signs** because they usually serve no purpose.



 **TO: FIRE CHIEF, RESCUE CHIEF, POLICE CHIEF AND BUILDING INSPECTOR**

**FROM: KLARA NORTON :** PLEASE REVIEW APPLICATION. IF YOU HAVE QUESTIONS OR  
SEE PROBLEMS, PLEASE LET ME KNOW BEFORE PUBLIC HEARING!!

## **MASS GATHERING CHECK LIST**

**NAME EVENT:** UNITED MAINE CRAFTSMEN, INC.

**DATE of EVENT:** AUGUST 9, 10, 11 & 12, 2001

X (1) **Gave correct APPLICATION and ORDINANCE**

X (2) **Is application complete (60 days before event)**

X (3) **Collect FEE:** \$500 **Waive FEE:**       

(4) **DOCUMENTS needed:**

X (1) **Liability Insurance Info**

       (2) **Type of Performance Guaranty**

X (3) **Contract with fairgrounds**

(4) **Written PLAN for adequate:**

X a. **Waste Disposal contract/facilities**

X b. **First aid/rescue/fire/police personnel**

X c. **First aid/rescue/fire/police equipment**

X d. **First aid/rescue/fire/police facilities**

X e. **Communication facilities**

X f. **Parking facilities**

X g. **(M) crowd security of private property**

X h. **(M) traffic control**

yes i. **Food Vendors? Send license apps.** ✓

No j. **Alcohol served? Liquor license ?**       

N/A k. **Liquor Liability Insurance?**

X (5) **Copy of application to FC, PC, RC, TMgr** 03-21-01

04-09-01 - (6) **Schedule PUBLIC HEARING**

04-23-01 - (7) **Public Hearing DATE**

       (8) **Sent permit Certificate**



# TOWN OF CUMBERLAND

Publication dates: \_\_\_\_\_  
Publication names: \_\_\_\_\_  
Date filed: 03-19-01  
Fee rec'd: \$500  
Date Ordinance received: \_\_\_\_\_  
Issued: \_\_\_\_\_  
Denied: \_\_\_\_\_

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

This application must be filed with the Town Clerk not less than 60 days before the date of the event.  
Application must be accompanied by a non-refundable fee of \$500.

Name of applicant: United Maine Craftsmen, Inc.

Address of applicant: 16 Old Winthrop Rd. #2 Manchester Tel. # 621-2818

Name of event: 32nd Annual Cumberland Craft Show 04351

Facility where the event will be held: Cumberland Fairgrounds

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

Name of promoter (if different from above): \_\_\_\_\_

Telephone number: 621-2818

Will any food vendors be serving at the event? x yes, \_\_\_\_\_ no (if yes, how many, and what types) 20 vendors, selling lunch foods and drinks

Will any alcohol vendors be serving at the event? \_\_\_\_\_ yes, x no (if yes, list name and attach a copy of the vendors license to sell alcohol, describe alcohol will be served) \_\_\_\_\_

Date of event: August 9-12, 2001 Time (start and finish times): 10am-5pm

Number of tickets available: none

Expected attendance: 20,000 over 4 days

Description of event: 300 craft booths and 20 food vendors

RECEIVED JAN 3 2001



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

1. 2000 - 31st Cumberland Craft Show 16,349

2. 1999 - 30th Cumberland Craft Show 15,677

3. 1998 - 29th Cumberland Craft Show 18,044

**Description of facility:**

- A. Seating capacity: \_\_\_\_\_ permanent; \_\_\_\_\_ temporary
- B. Other seating capacity: \_\_\_\_\_ festival; \_\_\_\_\_ standing room only
- C. Number of toilets available: \_\_\_\_\_ permanent; 20 portable
- D. Number of parking spaces available: \_\_\_\_\_ on-site; \_\_\_\_\_ off-site
- E. Are all parking lots lighted (applicable only if event runs into evening hours)  
\_\_\_\_\_ yes; \_\_\_\_\_ no, if no, which lots are not lighted \_\_\_\_\_
- F. Source of potable water: \_\_\_\_\_
- G. Refuse containers available, number and size: 3-30 yard roll offs  
to be removed at the end of show by Troiano Waste Services
- H. Name of refuse disposal company (attach a copy of the agreement to pick up refuse)  
Troiano Waste Services, Inc.
- I. When will refuse be picked up? Last pick up Monday August 13, 2001

**Public Safety:**

- J. Describe first aid facilities: First Aid Building on Grounds  
managed by Cumberland Rescue
- K. Describe emergency facilities: \_\_\_\_\_



L. Describe communication facilities: 12 walkie talkies, cell phones,  
PA system

M. Number of certified police officers: As required by Cumberland PD

N. Other security personnel (include company name and qualifications): Publicover Security Service 2 officers, 24hours

O. Describe fire personnel: Cumberland Fire Dept.

#### Traffic Plan

P. Description of routes persons attending the event are likely to take, include number of traffic controllers and deployment descriptions. Rt1, I95, Rt9, Rt100  
to Blanchard Road and Tuttle Road.

Q. Describe methods used to publicize alternate routes of reaching the scene of the event.

R. Attach statement of availability of private towing firms to remove disabled vehicles.

#### Crowd Management

S. Plan for discouraging those not holding tickets for the event from not coming to the event site. No advance tickets sold

T. Plan for preventing trespassing on private property in the area.  
Parking attendants and security available

U. Will all publicity stop as soon as it is apparent that the event is sold out? yes;  
no

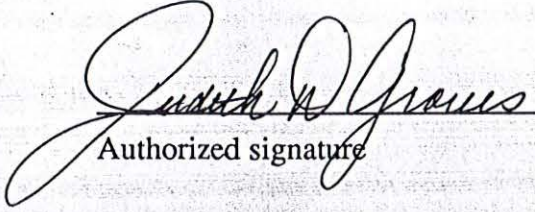
V. Description of how the event will be publicized, include how a sell-out will be publicized. Tv Radio, newspapers, posters and flyers

#### Other

W. Name of liability insurance Fairfield Insurance Agency/Maryland Group

Amount of coverage \$1,000,000; amount of property insurance \$1,000,000

X. Preferred type of performance guarantee (i.e.. escrow account, irrevocable letter of credit)

  
Authorized signature

On February 27, 2001 (date) I received a copy of the Cumberland Mass  
Gathering Ordinance.  (authorized signature)



# Troiano Waste Services Inc.

P.O. Box 3541

Portland, Maine 04104-3541

Telephone: 767-2070

Fax: 767-6156



Rubbish  
Containers  
1 cu.yd.  
to  
40 cu.yd.

## PROPOSAL FOR WASTE REMOVAL

Date 1/22/01

Company Name: United Maine Craftsmen, Inc.

Address: 16 Old Winthrop Road Suite 2

City, State, Zip: Manchester, ME 04351

Contact Name: Judith D. Groves

Phone #: 621-2818 FAX: 621-1945

Size of Container: 3-30yd Roll Off Cans

Service Days: \_\_\_\_\_

Monthly Fee: \_\_\_\_\_

Service Address: Cumberland Fairgrounds

Comments: \$20.00 per week Rental

\$90.00 per Haul

\$75.00 per ton Disposal

Deliver August 6, 2001

Remove on August 13, 2001

0

A large, stylized handwritten signature in black ink, slanted upwards from left to right. It appears to be a cursive signature, possibly reading 'Michael' or similar.

This price will remain the same unless tipping fees at Landfill change.

# Cumberland Farmers Club

Francis Small, President  
6 Crossing Brook Road  
Cumberland, ME 04021

Business Telephone: 207-829-5531

Fax: 207-829-3205

## Rental Agreement

Rental of Grounds for one week beginning on

Monday August 6, 2001 until Monday, August 13, 2001 \$7000.00

Additional Costs- 4H Building \$400.00

Additional Camping- \$10.00 per night  
Dumping Fee \$5.00 each time

I agree to furnish proof of liability insurance of \$1,000,000 and the Farmers Club must be named as co-insured.

Terms: One-half of rental due at the time of signing of this Agreement; the balance due the day before the scheduled event.

UNITED MAINE CRAFTSMEN, INC.

Name of Organization

16 Old Winthrop Rd. #2, Manchester ME 04351

Mailing Address

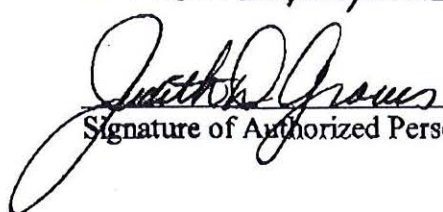
23-7072870  
Social Security Number/ID#

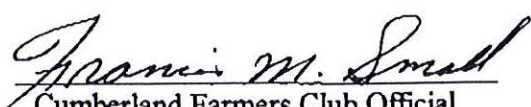
207-624-2818  
Telephone Number

Date(s) renting the grounds: August 6, 2001 until August 13, 2001

Date Signed: 2/27/01

Date Signed: 1-30-01

  
Signature of Authorized Person

  
Cumberland Farmers Club Official



Client#: 42067

16UNITMAT

**ACORD CERTIFICATE OF LIABILITY INSURANCE**DATE (MM/DD/YY)  
03/21/01**PRODUCER**

FAIRFIELDS INSURANCE AGENCY  
4 Wabon Street  
P.O. Box 2266  
Augusta, ME 04338

**INSURED**

United Maine Craftsmen, Inc.  
Judy Groves  
16 Old Winthrop Road Unit 2  
Manchester, ME 04351

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

**INSURERS AFFORDING COVERAGE**

INSURER A: Maryland Casualty/Maine Bonding  
INSURER B:  
INSURER C:  
INSURER D:  
INSURER E:

**COVERAGES**

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

INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY	PPS34661208	03/07/01	03/07/02	EACH OCCURRENCE \$1,000,000
X	COMMERCIAL GENERAL LIABILITY				FIRE DAMAGE (Any one fire) \$100,000
	CLAIMS MADE X OCCUR				MED EXP (Any one person) \$10,000
					PERSONAL & ADV INJURY \$1,000,000
					GENERAL AGGREGATE \$2,000,000
					PRODUCTS-COMP/OP AGG \$2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:				
	POLICY PRO-JECT LOC				
	AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT (Per accident) \$
	ANY AUTO				
	ALL OWNED AUTOS				BODILY INJURY (Per person) \$
	SCHEDULED AUTOS				
	THIRD AUTOS				BODILY INJURY (Per accident) \$
	NON-OWNED AUTOS				PROPERTY DAMAGE (Per accident) \$
	GARAGE LIABILITY				AUTO ONLY - (Per accident) \$
	ANY AUTO				OTHER THAN EA ACC \$
					AUTO ONLY: AGG \$
	EXCESS LIABILITY				EACH OCCURRENCE \$
	OCCUR CLAIMS MADE				AGGREGATE \$
					\$
	DEDUCTIBLE				\$
	RETENTION \$				\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WORK STATUS: BOTH \$
					E.L. EACH ACCIDENT \$
					E.L. DISEASE-EMPLOYEE \$
					E.L. DISEASE-POLICY LIMIT \$
	OTHER				

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS  
Insured's Activities\*

**CERTIFICATE HOLDER**

ADDITIONAL INSURED; INSURER LETTER

**CANCELLATION**

IF SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Town of Cumberland  
Cumberland Center, ME 04021

Bob  
+  
Klara

FOR: TOWN MANAGER'S OFFICE:  
FROM: Klara Norton, Town Clerk  
DATE: March 21, 2001

=====

**APRIL 9, 2001 COUNCIL AGENDA ITEM**

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- 01- To set date for Public Hearing to consider and act on application for a Mass Gathering Permit by the United Maine Craftsmen to hold the annual craft fair at the Cumberland Fairgrounds August 9th through August 12th, 2001.

SET THE PUBLIC HEARING DATE for: April 23, 2001



LISA

FOR: TOWN MANAGER'S OFFICE:  
FROM: Klara Norton, Town Clerk  
DATE: March 19, 2001

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MARCH 26, 2001 COUNCIL AGENDA ITEM

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- 01- To set date for Public Hearing to consider and act on application for a Mass Gathering Permit by the United Maine Craftsmen to hold the annual craft fair at the Cumberland Fairgrounds August 9th through August 12th, 2001.

SET THE PUBLIC HEARING DATE for : April 9, 2001

**FOR: TOWN MANAGER'S OFFICE:**  
**FROM: Klara Norton, Town Clerk**  
**DATE: April 3, 2001**

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**APRIL 9, 2001 COUNCIL AGENDA ITEM**

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- 00- To consider and act on a Special Amusement Permit application for  
Val Halla Golf & Recreation Center.



**Town of Cumberland  
Planning Board Meeting  
Council Chambers of the Town Offices  
Tuesday, February 20, 2001  
290 Tuttle Road, Cumberland Center  
7:00 PM**

**A. Call to order**

The meeting was called to order at 7:00 p.m.

**B. Roll Call**

Present: Phil Hunt, Tom Powers, Stephen Sloan, Terry Turner, Beth Howe,  
Joseph Taylor

Absent: Martha Porch

Staff: Carla Nixon, Assistant Town Manager, Pam Bosarge, Clerk

Mr. Hunt explained the televising of the meeting, and stated any public comments would need to be made at the microphone.

**C. Minutes of Prior Meeting**

Ms. Howe moved to approve the minutes of January 16, 2001 with amendments.

Mr. Powers seconded.

VOTE: Unanimous

Mr. Hunt requested the minutes of the Planning Board Workshop (January 30, 2001) be forwarded to the Town Council.

**D. Consent Calendar – There were no consent calendar items.**

**E. Administrative Matters**

1. The Board was informed that a legal decision had been rendered in the status of the private road and driveway for the Storey Dog Day Care. It was determined that the private way and driveway were in conformance with zoning at the time of installation.

2. Review of Smart Growth Areas – The State Planning Office has developed maps showing the Town designated smart growth areas. The Planning Board is asked to review them for accuracy and conformance with the Comprehensive Plan.

Mr. Hunt stated this matter was discussed at the Planning Board workshop on January 30, 2001. Mr. Hunt stated the Board concluded that the proposed development areas shown on the State's map were, most likely, not an accurate predictor of where anticipated

future growth would occur. The consensus was that no response should be made until the future course of growth management legislation was ascertained.

1. Food Carts – The Town Council has forwarded a request to allow food carts on Chebeague Island. This is both a licensing and a land use issue.

Mr. Hunt presented background information as follows: The Town Council received a letter from Mr. Jonathan KomLosy requesting approval to operate a food cart on Chebeague Island. Mr. KomLosy would like to operate a moveable cart throughout the summer both on private property as well as public property (Stone Wharf, West End) and during 4<sup>th</sup> of July celebrations.

Currently the Town of Cumberland does not allow food carts.

In order to operate a food cart, there would be several steps necessary involving both the Planning Board and the Town Council. These have been confirmed with the town attorney, Ken Cole.

On Private Property:

1. Add as an allowable use in the zone in which it would be operated.
2. Develop a "Peddlers on Private Property" ordinance as part of the zoning ordinance, which regulates permits, location, parking, utilities, cart design, etc.
3. Revise the Cumberland Victualers Licensing Ordinance as necessary.
4. Applicant to obtain State permits.

On Public Property (roads, wharves etc.):

1. Town to determine appropriate public locations/add as an allowable use in zoning.
2. Adopt a "Public Peddler's Ordinance" per above
3. Revise the Cumberland Victulers Licensing Ordinance as necessary.
4. Applicant to obtain State permits.

## **PLANNING BOARD REQUEST**

Prior to proceeding, the Planning Board is asked to provide direction. The Planning Board may wish to consider the following questions:

1. Does the Planning Board wish to allow push carts on Chebeague Island?
2. If yes, does the Planning Board wish to allow push carts on public property, private property or both?
3. Does the Planning Board wish to allow push carts on the mainland? Are there locations, which would be appropriate? Are they on private or public property?

Ms. Howe stated the Chebeague Long Range Committee has considered the use of food carts on the Island. She asked that the request be referred to the Long-Range Committee on Chebeague for further consideration. She has received copies of Portland and Freeport's Ordinances regulating food carts.



Mr. Hunt stated the Island portion would be referred to the Chebeague Long Range Committee for an opinion.

Mr. Hunt asked if the Committee was looking favorably on the use of food carts.

Ms. Howe stated yes, there are some logical locations such as the Casco Bay Line Warf. She stated Portland does not allocate specific locations for the carts, but Freeport does.

Mr. Powers recommended tabling the request for the Island until the Chebeague Long Range Committee has a recommendation. There have been no requests for food carts on the mainland.

Mr. Taylor asked if these would require other licensing.

Ms. Howe stated they would require State Department of Health and a Victulers license. And the operator would be required to carry liability insurance.

Mr. Sloan asked if there was a definition for a food cart; and were there any booster clubs interested in food carts at Twin Brooks.

Ms. Howe stated Freeport has dimensions and specifics in their Ordinance.

Mr. Hunt stated Twin Brooks may be an area of interest, trash and waste disposal would be areas of concern. The level of use for various events such as cross country skiing, running, t-ball, soccer, would all have the same sort of refreshment. The Planning Board would require a Site Plan Review with minimal review. If the Island feels this would be a valuable service, he would be in favor.

Mr. Turner asked if there was any history of requests for food carts.

Ms. Nixon, Assistant Town Manager stated Councilor Storey had voiced an interest in having a cart at Twin Brook.

Mr. Jeff Porter, Town Councilor stated Mr. Vail had approached the Council about the Lion's Club having a booth at Twin Brook and Val Halla and the Council referred the request to the Planning Board. Currently ice cream trucks, which drive through neighborhoods, are not regulated.

**The public portion of the meeting was opened.**

Ms. Banu KomLosy, of 74 South Road read a letter from her son Jonathan KomLosy, who is interested in operating a food cart on the island. Mr. KomLosy's letter stated appreciation for the Planning Board to entertain his request. He stated there are very few restaurant establishments on Chebeague, there is nothing available at Chandler's Warf, a food cart would provide a valuable service. A food cart would provide waste receptacles, have hot water and sinks and meet all of the Town requirements. A food cart would be

suitable in size for a 15-year-old to push or pull. Food carts would provide waste receptacles.

Mr. Powers moved to table the request for food carts pending further recommendation (within 60 days) from the Chebeague Long Range committee.

Ms. Howe seconded.

VOTE: Unanimous

Mr. Sloan and Mr. Turner agreed if a booster organization was interested in having a food cart, they would hate to see a sports season lost.

## **F. Hearings and Presentations**

**1. Public Hearing** – Subdivision Revision – School House 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.

Mr. Hunt presented background information as follows: The Planning Board is asked to review a minor, one-lot subdivision.

**September 18, 1990:** The Planning Board approved the four lot School House Road Subdivision located on Chebeague Island. As part of the Plan approval, note #17 states: *No further subdivision of lots 1-3 shall be accomplished without approval by the Town of Cumberland Planning Board.*

**February 12, 2000:** The applicant returns to the Planning Board to create a two acre Lot 1A from the then existing 16.98 acres Lot 1. The Planning Board approves this revision to the subdivision plan. The revised plan is signed by the Planning Board for recording in the Cumberland County Registry of Deeds.

**Section 4.3 D 2 of the Subdivision Ordinance:** *Approval of any subdivision plan not filed within 90 days after Final Plan approval shall become null and void.* Mr. Kidd did not file the signed plan within the 90-day period following February 12, 2000.

**January 16, 2001:** Mr. Kidd met with the Planning Board to ask if there were any additions or corrections requested for his plan. He has resubmitted his application for revision.

Plan:	Subdivision a 2 acre lot (Lot 1 A) from Lot 1, which is 16.98 acres.
Zone:	Island Residential
Water:	Well
Sewer:	Septic
Wetlands:	Identified on plan/building lot outlined

No additional review of this project was undertaken. Attached are the following:

1. Minutes of February 12, 2000 where this plan revision was approved.



2. Report submitted to Planning Board in February 2000 (dated September 18, 1990).
3. Minutes of the September 18, 1990 Planning Board meeting.

## RECOMMENDATION

It is recommended that the plan be re-approved with the same conditions imposed in February 2000. Specifically:

1. All fees must be paid before the mylars are signed.
2. That one original and one copy of the mylar be submitted for signing by the Board, the original to be recorded at the Cumberland County Registry of Deeds, the copy to be retained by the Town, and that 10 paper copies be submitted to the Town with the book and page number written on it.
3. That the conditions of approval of the 9/18/90 still stand.
4. That a note be added to plan stating the existence of public use trails across the parcel, with open and adverse use. (This has been completed)

Mr. Hunt asked for comments from the public. There were no public comments. The public portion of the meeting was closed.

Ms. Howe moved to re-approve the School House Subdivision revision to create (1) two-acre parcel from Lot # 1 (16.98 acres), with the standard and additional conditions of approval.

1. All fees must be paid before mylars are signed.
2. That one original and one copy of the mylar be submitted for signing by the Board, the original to be recorded at the Cumberland County Registry of Deeds, the copy to be retained by the Town, and that 10 paper copies be submitted to the Town with the book and page number written on it.
3. That the conditions of the approval of 9/18/90 still stand.
4. That a note be added to the plan stating the existence of public use trails across the parcel, with open and adverse use.

Mr. Powers seconded.

VOTE: Unanimous

**2. Public Hearing** – Preliminary Review – minor 1-lot subdivision at Treleaven Way (off Blanchard Road) Tax Assessor Map U12, Lots 11 & 11A, Scott R. Verrill, owner.

Mr. Hunt stated Treleaven way has been before the Board before. It is described as a (1) one-lot subdivision. Which is not technically accurate. There is one parcel of land that will be divided into a third lot. A subdivision is created when a single parcel of land is divided in such a way as to create 3 or more lots. A single parcel of land was initially divided into 2 lots, with a further division of a large lot into three lots. There are also two lots on Blanchard Road in front of this subdivision which were acquired by separate deed

and not subject to subdivision review. One of the issues to be considered is whether there is sufficient land to allow subdivision according to net residential acreage as defined in the Cumberland Zoning Ordinance. This is a matter, which has been before the Board several times; one that Mr. Hunt has a conflict and he turned the balance of the agenda item over to Mr. Powers Vice-Chair.

Mr. Powers stated there have been a number of memoranda that have been provided to the Board. Some of which are just being distributed. Most recent from the Cumberland Fire Chief, Daniel Small, and an additional letter from Natalie Burns, and a letter from the Dept. of Army Engineers dated June 21, 2000 addressed to Donna Larson, Town Planner addressing wetlands. A map of the wetland impact of the Treleaven subdivision, which was a part of the Army Corp of Engineers review. In addition there is a memorandum provided by Patricia Harrington, Consultant to the Town. A copy of a letter addressed to Susan Chase from Thomas Greer, Consulting Engineers, and a memorandum from the Board Appeals from Adam Ogden dated September 2000 regarding the roadwork in Treleaven and a submitted plan. Fundamentally as outlined in the memorandum provided by Patricia Harrington, this subdivision has been before the Planning Board several times with a significant history. Mr. Powers reviewed the historical information as follows:

**January 27, 2000**, The Town of Cumberland approved a Private Way Plan. After that time, the investment group filed an application for a five-lot subdivision.

**February 12, 2000**, the Planning Board reviewed the sketch plan. The consensus of the Board was to quality the project as a major subdivision and to prefer a traditional plan. There was no quorum.

**May 16, 2000**, the Planning Board reviewed the plan for completeness. The Board unanimously approved a motion, which found the application complete with the following items to be submitted: a new wetlands delineation to be completed, a community impact statement per Section 7.4 of the Subdivision Ordinance, and soil testing for herbicides and pesticides.

**May 31, 2000**, the Planning Board conducted a site walk on the property.

**June 20, 2000**, the Planning Board conducted preliminary review. The Board voted unanimously to table the review pending an independent mapping of the wetlands. The Board agreed with the proposed sidewalks and lot layout.

**July 18, 2000**, the review was tabled at the request of the applicant.

**August 22, 2000**, the Planning Board voted to accept the wetland mapping of Jennifer West of 17,032 sq. ft., dated 5/1/00 on the 6/29/00 plan of Pinkham Greer and to add the approximately 6,000 sq. ft. of filled wetland area for the total wetland determination, and that Jennifer West revisit the site to verify the location of flags and to re-delineate the wetland boundaries using a ground survey. Or the applicant can, at his own expense,



survey and flag all wetland filled. This calculation would be used to determine the net residential density.

**September 14, 2000**, the Board of Appeals approves the lot size reduction for the backlots.

After that time, a series of lot divisions have or will occur which have or will be considered to be in accordance with applicable State subdivision laws. Wasabi Investment Group conveyed all property to an individual "Verrill". Verrill conveyed a portion to the spouse, "Chase". Verrill conveyed a four-acre lot to an unrelated person "Lalumiere". Lalumiere donated a two-acre portion to a spouse. Lalumiere will convey the second two-acre parcel to another person.

In order to by-pass subdivision approval, the "Chase" lot must be retained for a period of 5 years prior to sale. In order to sell it prior to that time, subdivision approval is required; therefore the current application is before the Planning Board.

**January 1, 2001**, Susan Chase submits application for a one-lot subdivision.

**January 16, 2001**, Planning Board tables subdivision review pending legal opinion regarding review.

Mr. Powers stated the historical information is a concise but accurate representation of the history of this particular subdivision. Most recently the Board requested a legal opinion on the status of the subdivision. There is a two-page letter from Natalie Burns, Town Attorney, and a second letter dated February 16, 2001. Ms. Burns, Town Attorney was present at the Planning Board meeting.

Ms. Burns, Town Attorney stated the issue before the Board this evening is whether the wetland area in the original parcel of land that was filled has to be deducted from the net residential acreage calculations. As the Board knows for subdivision and zoning purposes the Board has to determine how much land is available for development. The land that is available for development is divided by the minimum lot size for the district. In this case the minimum lot size is two acres. The question of whether the filled land is counted is very important. Without the filled land there is not enough land to create a third lot at this time. The Board needs to focus on what the quality of the filled land is at this time. The definition section of the zoning ordinance, specifically Section .85 states the land types that must be deducted out besides roads and parking areas are land areas, which are physically not available for development purposes. In particular this would fall within the .85.3 section – Other areas, which are difficult to develop in their natural state because of topography, drainage or subsoil conditions. Specific conditions include but are not limited to: (i) Slopes in excess of 20% sustained for 30,000 square feet or more, (ii) wetlands as defined in the Federal Manual for identifying and Delineating Jurisdictional Wetlands dated 1/10/89.... The issue before the Board is what is the quality of the lands that were filled. Are they available for development purposes? In order to determine that the Board has to look at the type of soils as they now exist, type of

vegetation and topography of the area. In Ms. Burns letter she stated if the Board does not feel it has enough information they could require a wetlands expert be hired to provide a report to the Board.

Mr. Turner asked if the delineated wetlands were 6,000-sq. ft. then the developable land would be 5.97 acres, just under the required amount.

Ms. Burns agreed that Mr. Palmer of Gorrill-Palmer engineers came up with the 5.97 acres.

Mr. Powers stated when the subdivision was first submitted to the Board there was a perceived deficit of acreage. The developer stated they were going to acquire 1,000 feet from an abutter. The additional land was not acquired, the developer was aware at the beginning of the subdivision review that there was a perception of not enough land.

Mr. Turner asked if the synopsis from Ms. Burns included the recommendations of her letter dated February 16.

Ms. Burns stated yes.

Mr. Powers stated several Board members had been present at the site walk and were familiar with the site.

Mr. Taylor stated he is an abutter on the backside on Lawn Ave.

Mr. Powers asked Mr. Taylor if he could be objective to the project.

Mr. Taylor stated he could be objective. The Board agreed Mr. Taylor would not need to excuse himself.

Ms. Howe stated that in the history presented by Ms. Harrington, it was noted that on August 22, the Board voted to accept the wetland mapping of Jennifer West of 17,032-sq. ft. and to add the approximately 6,000-sq. ft. of filled wetland area. The Board decided to include the filled area as part of the total wetland area. She felt that the Board should stay with the decision of August 22, 2000.

Mr. Powers stated that Mr. Palmer, the Town Engineer was at the meeting and available for questions.

Mr. Sloan asked about the information from the DEP, which was not included in Ms. Burn's letter dated February 15, 2001.

Mr. Palmer stated the information was received directly from the DEP.



Mr. Turner stated the Board had previously determined the filled wetland area counted. He asked if the Board had to make a positive finding on the amount of net residential acreage.

Mr. Powers asked if the applicant could obtain a lot size variance.

Mr. Turner stated the amount of land is under 3/100<sup>th</sup> of an acre in an area designed to encourage growth. Is there a way to state that there is enough acreage?

Ms. Howe asked if the Board of Adjustment and Appeals could grant a lot size variance.

Ms. Burns stated no, the Board of Appeals would have to grant a variance, there is no provision for a waiver of the required lot size.

Mr. Turner asked if the Board could determine there was enough acreage.

Ms. Burns, Town Attorney stated yes, since DEP has granted permits for filling wetlands.

Mr. Taylor asked about the engineering issues of the fire hydrants, would there be one line with one meter for five houses. He stated homeowners have the right to expect everything to work, with amenities and services and a water system that would be adequate.

Mr. Powers stated Chief Small is present to answer any questions.

Chief Dan Small stated the history of the project was to initially have one hydrant at Wasabi and Treleaven. When the roadway was put in the original water main was not installed. There will not be an 8" line installed, so the next acceptable thing would be to have a hydrant on that side of Blanchard Road.

Mr. Taylor asked if there would be a 1" line or 8" line, or a private domestic 1" line.

Ms. Chase stated an individual 1" line.

Mr. Turner stated he would like to consider the net residential density issue and the fire protection issue separately.

Ms. Howe stated she was sympathetic to the developer, but felt the Board decision made in August should stand.

Mr. Sloan asked about the flow number and the location of a hydrant.

Chief Small stated the applicant doesn't want to install any hydrants. Ideally a hydrant at the entrance of the subdivision and one midway would be optimum. A minimum requirement would be a hydrant at the Blanchard Road and Treleaven Way intersection.

This would allow Blanchard Road to remain open during a fire. Chief Small also stated there was plenty of volume.

Ms. Chase, applicant reviewed the previous scenarios of the wetland delineations. Stating that in working with Dawn Hallowell from D.E.P. 7,200 sq. ft. of wetlands were delineated, not all were filled some were disturbed. She also stated she had talked with Chief Small regarding the need for a hydrant. She understood the issue was not the distance but the fact that the hoses would need to cross Blanchard Road. There are ramps that would allow a 5" fire hose to be encased to allow cars and the largest fire apparatus to cross.

Chief Small stated ramps are not an option, the bare minimum required would be a fire hydrant at the intersection of Blanchard Road and Treleaven Way.

Mr. Powers asked Ms. Chase if she would be willing to outfit the fire department with these ramps.

Ms. Chase stated she would be willing to work with Chief Small for fundraising.

Mr. Powers asked if the 50' buffer would extend along the Hilton property, and the eastern side of the property.

Ms. Chase stated yes, the buffer is not shown on the plan.

Ms. Chase stated the road was built to the private way standards of Section 206 of the Ordinance.

Mr. Turner asked about the turnaround.

Mr. Verrill stated in August and September the private way plan was amended to make the turnaround larger. The Code Enforcement Officer approved the amended private way plan.

Mr. Sloan agreed the decision of August 22, 2000 should be used to determine net residential acreage.

Mr. Powers asked if the easement shown on the plan would extend to the Hilton property?

Ms. Chase stated yes.

Mr. Powers asked if any sidewalks were proposed.

Ms. Chase stated no. They have received input from property owners and they do not want sidewalks.



Mr. Verrill stated there have been three soils evaluations; and the worse case scenario shows an error of .03 acres. The delineation was inaccurate due to snow. At the site walk there was an intermittent stream determined to be a wetland. The Army Corp of Engineers did find more wetlands 12-sq. ft. Which were filled to replace a faulty septic system, there were not any distinguishing types of wetlands. This is an area in which the Comprehensive Plan encourages development.

Mr. Al Palmer of Gorrill Palmer Engineers gave a brief history of the project. Gorrill-Palmer has spot checked the net residential density calculations as previously submitted for the original subdivision (plan dated 6/29/00) and while they are accurate for the information shown on the plans, his office is concerned with respect to several of the underlying assumptions. The wetland area used in the calculations is based upon the current wetlands shown on the plans, which results in allowable 3.05 dwelling units. Based upon information contained within the Normandeau Associates reports and the ACOE letter it is apparent that some wetland alteration has occurred on site. The following presents the area of the wetland complex southwest of the existing house.

Plan	Area of Wetland
Squaw Bay, 2-1-00	21,424 s.f.
Pinkham & Greer, 5-1-00	10,736 s.f.
Pinkham & Greer, 6-29-00	17,023 s.f.

The Notice of Decision dated August 22, 2000 indicates that the Planning Board had accepted the wetlands noted on the 6/20/00 plan and that the applicant was to recalculate the net residential density. The applicant has not submitted revised calculations to his knowledge. The applicant has submitted to the Town a copy of a permit from the MDEP granting after the fact approval for 5,000 s.f. of impact for the garage and driveway, and an additional 2,400 s.f. of impact for the construction of a foundation drain. The Applicant did not submit to the Town a copy of the plan that accompanied the permit application to the MDEP. Mr. Gorrill's office contacted the MDEP to obtain a copy of the permit application plan, which is attached to his memorandum. While the wetlands shown on the permit application plan do not match the wetlands shown on the 6/29/00 plans, it appears that the total area of wetland on site prior to any disturbance was approximately 23,200 s.f.

Recalculation of the net residential density based upon this revised wetland area would result in a net acreage of 260,180 s.f. or 5.97 acres. Based upon the 2 acres per lot required in this zone, the applicant would have only had sufficient area to support 2 lots if this project had proceeded in the normal fashion under Subdivision review. The Applicant has created 2 lots (Lalumiere – 15902/1 and Lalumiere – 15980/10) and therefore we would question whether a 3<sup>rd</sup> lot should be permitted if the underlying net residential density calculations would not appear to support such a conclusion.

Mr. Turner asked if the Board could determine whether to count the 6,000-sq. ft. of filled wetlands.

Mr. Palmer stated he had never seen a subdivision use filled wetlands to determine the net residential acreage.

**Mr. Powers opened the public portion of the meeting.**

Mr. Pat Gallagher, of 31 Blanchard Road asked about the code for the location of new hydrants.

Chief Small stated according to the Fire Code flow guidelines.

**The public portion of the meeting was closed.**

Mr. Turner stated they had discussed the wetlands many times, the third delineation gives a base line of 5.97 acres. Mr. Palmer stated there could be a 5% margin of error that would meet the required 6 acres. Wetland delineation is an imperfect science, the Board has walked the site, it is an appropriate location for development, and he felt a 1% margin of error was acceptable.

Ms. Nixon, Assistant Town Manager stated she was looking at this application as a new subdivision. And did the Board have the jurisdiction to consider the legally filled wetlands. There was a conference call with Ms. Burns the results of which are stated in the February 16, 2001 letter. The Board has the option to not figure the filled wetlands. The wetlands were not filled with blatant negligence but to renovate an existing house.

Mr. Sloan agreed with Mr. Turner a + - 1% margin of error was acceptable.

Mr. Powers stated in August the Board agreed with the wetland mapping of Ms. West plus 6,000-sq. ft. of filled wetland, and there was not adequate acreage. The Board would be departing from its prior determination. At that point in time the Applicant withdrew the subdivision application and went to the Board of Adjustment and Appeals.

Mr. Turner asked if it were possible in the findings of fact to determine there was enough acreage.

Ms. Burns stated yes, without details.

Mr. Taylor stated that there was nominally enough acreage for 3 two-acre lots, in an area determined to be an appropriate location for development.

Mr. Turner moved to grant preliminary minor subdivision approval for a 1-lot subdivision at Treleaven Way (off Blanchard Road) Tax Assessor Map U12, Lots 11 & 11A. The Board determined there was adequate net residential acreage, and the outstanding items stated in Mr. Palmer's review of February 12, 2001 are to be addressed at the final review. The recommendations by Fire Chief Small regarding fire protection are to be done.



Mr. Sloan seconded.

VOTE: 3 in favor (Sloan, Turner, Taylor)

**3. Public Hearing** – Sketch Plan and Application Completeness – Major 18 lot subdivision – Heritage Farms, Blanchard Road Ext. 68.5 acres, Tax Assessor Map R07, Lots 93A, 93B, 93C and a portion of Lot 93. RR2 zoning, Chase Custom Homes, applicant, Northeast Civil Solutions, Inc. representative.

Mr. Powers presented background information as follows: Based upon the previous plans submitted in the fall (clustered) and the current plan (dispersed), the Planning Board is asked to:

- 1) Consider this a sketch plan review for the proposed subdivision. Planning Board is asked to determine if this plan meets the requirements of Section 406.8 Standards for Requiring Dispersed Residential Development.
- 2) If the above standards are met, the Planning Board is asked to determine if the application is complete.

## BACKGROUND

**September 6, 2000:** The Planning Board conducted a site walk with Chase Custom Homes & Finance, Inc. on the property of the proposed development. At that time, Chase was tentatively proposing the development of 24 luxury condominium units *clustered* off three separate roadways.

**October 10, 2000:** The applicant met with the Planning Board for a pre-application meeting to discuss density calculations and road access. Under the then proposed plan, it was determined that 16 units would be allowed. The Board also expressed interest in a through street, rather than the proposed three dead-end clusters. No formal action was taken.

**February 2001:** The applicant has returned with an 18 lot *dispersed* subdivision and requested review in accordance with the Town of Cumberland Zoning Ordinance. Section 4.4 of the ordinance requires a Sketch Plan showing two of the three types of subdivisions—*clustered, dispersed or traditional*. The Planning Board is to then provide direction of which type of development is most appropriate for the site based on natural features of the land, adjacent properties etc. Section 406.8 requires the Planning Board to determine if standards for requiring Dispersed Residential Development have been met.

## PROPOSED PROJECT:

Zoning:	RR 2
Lots:	18 Lots ranging in size from 1.39 to 5.2 acres
Setbacks:	Building envelopes provided on plans, which meet standards of: Front: 50 feet      Rear: 75 feet      Side: 30 feet with combined width of at least 75'
Frontage:	100 feet of frontage required. Lots meet this standard.

Buffering:	A "common open space" strip separates the development from the adjacent properties.
Open Space:	Common open space is proposed surrounding the entire development. 20.7 acres of open space are provided. Future ownership of the open space has not been articulated.
Sidewalks:	None proposed
Roadway:	One new roadway connecting Blanchard Road and Stonegate Drive will serve the development. The road, Heritage Lane, will have a 50' right of way with two 10' travel lanes with 4' shoulders. No information has been provided as to whether this will be a private or public road.
Lighting Plan:	Unknown
Electrical Utilities:	Unknown
Sewage:	Individual septic systems proposed. Soil testing conducted by Al Frick.
Water:	Individual wells proposed. Wells Unlimited letter dated February 6, 2001 stated that they have not had problems with water in the area.
Fire Protection:	Homes to have sprinklers.

#### **DEPARTMENT HEAD REVIEWS:**

Barbara McPheters: comments not available at this time.

Adam Ogden: comments not available at this time.

Consulting Engineer, Al Palmer: comments not available at this time.

Chief Bolduc: The name "Heritage" cannot be used in the title or road name because it is already assigned within the Town. The developer must propose a new name.

Chief Small: comments attached, sprinklers okay.

Chief Charron: anticipates increased traffic and requests radar. Developer/builder should be aware of increase in construction site burglaries and thefts and use some type of alarm system to protect materials.

#### **PLAN REVIEW**

The plans have been forwarded to department heads and a consulting engineer for review. Many comments have not yet been received. The Planning Board may wish to consider the following at this preliminary time:

1. Dispersed Development—does this plan meet the standards?
2. Sidewalks—none are proposed.
3. Open Space—ownership and management must be articulated (no-cut zones).
4. Traffic Report—one is referenced in the cover letter but not provided.



5. Street Lighting—location and lighting detail should be required.
6. Electric Utilities—location and requirement that they be underground.
7. Landscaping—none proposed.
8. Street or other Signage—will be there be any proposed?
9. Name change required per Chris Bolduc.

Other comments to await engineering and department head reviews.

Mr. Hunt explained the Planning Board would review submitted material and determine if the application was complete. A date for a public hearing will be set. The practice of the Board has been to allow the public opportunity to make comments.

Ms. Nixon referred to the application checklist stating outstanding items include: (20.) Street names – need to change, (23) Sidewalks – outstanding (28) Street lighting – outstanding, (29) Street signs – outstanding, (37) Location and Size of Proposed Utilities and Easements – outstanding (39) Proposed Restrictive Covenants – outstanding, (41) Traffic Study – outstanding

Mr. Jim Fisher, of Northeast Civil Solutions reviewed the project as follows: At the original site walk the developer was proposing a clustered development with an existing spur off from Stonewall Drive. The current proposal is for a dispersed subdivision, with 30% kept in open space the Ordinance requires 25%. There will be 18 lots instead of 16. There are two existing lots of record, which would be added to the new 16 lots. They are proposing a public roadway to be completed in sections. It would take six years to develop the subdivision with the current Growth Management Ordinance. The lots on the riverside have been kept smaller and there will be no cut zones on the lots. The loop road minimizes wetland impact; a DEP project site location will be filed. A traffic report was not included in the submission as it was not ready. All houses will have sprinkler systems for fire protection. There is no lighting proposed within the subdivision. The proposed roadway will be 20' with no sidewalks or free walks. Stonewall Drive does not have any sidewalks and the developer would like to maintain the same character of this subdivision. There will be an access way to walking trails. Mr. Fisher stated he would like direction from the town regarding access to the open space. Would the Town want rights deeded to Town or specific rights to the residents of the subdivision? The proposed landscaping will be to keep it as natural as possible. Al Frick has done a high intensity study and test sites, all septic systems will be located as far from wells as possible. If it is required well drilling envelopes can be shown on the plans. The developer is requesting one waiver to allow a 1 to 50 scale. The Ordinance requires a 1-40 scale. There will be 60' wide easements for stormwater management. These will be created in perpetuity before the lots are sold.

Mr. Turner asked about the stormwater calculations and increases.

Mr. Al Palmer, Gorrill Palmer Associates stated the report is not proposing detention due to the proximity of the river, he concurs with the recommendations. Culvert and ditch design will need to be reviewed.

Mr. Powers asked about restrictive covenants to prevent the potential for clear cutting.

Mr. Fisher stated there would be restrictive covenants.

Mr. Powers also asked if the residents of Stonegate Estates and Heritage Farm would have access to both open spaces.

Mr. Fisher stated he would need to seek legal advice.

Mr. Taylor asked about the water supply, and stated wells in ledge are less susceptible to contamination.

Mr. Fisher stated the well driller would be the same as was used for the wells in Stonegate Estates.

Mr. Taylor stated wells in ledge are less susceptible to contamination.

Mr. Turner asked if there were any streetlights in Stonegate.

Mr. Chase, owner stated no.

Mr. Sloan asked about sidewalks.

Mr. Fisher stated they are proposing a 20' travel way, with no sidewalks.

**The public portion of the meeting was opened.**

Mr. Tom Terison, of Orchard Road stated he had owned Terison's apple orchard since 1950. He had three concerns.

1. Fire and rescue traffic.
2. That the traffic increases on Blanchard Road, Blanchard Road Extension and Orchard Road will be properly addressed.
3. There may be groundwater issues and potential problems with wells and septic systems.

Mr. Hunt stated these issues would be addressed in the technical review.

Melanie Bovine of the Cumberland Riding Club asked about existing trails for riding, and would people other than residents in the subdivision be allowed to use the open space. She also voiced concerns regarding the close proximity to the riding club, which has horse shows with loud speakers.

Mr. Hunt stated the criteria for a dispersed subdivision have been satisfied and it would be appropriate for the Board to find the application complete.



The Board stated sidewalks; street lighting, open space and trails would be covered in the technical review. The Board would consider incremental development of the roads understanding the hardship on developers for development with the Growth Management Ordinance.

Mr. Powers moved to find the application for a major 18 lot dispersed subdivision – Heritage Farms, Blanchard Road Ext. 68.5 acres, Tax Assessor Map Ro7 Lots 93A, 93B, 93C and a portion of Lot 93 to be complete.

Mr. Turner seconded.

VOTE: Unanimous

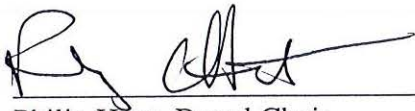
Mr. Hunt asked about the status of a new town planner.

Ms. Nixon stated the Town had re-advertised in January and received eight new applications. They have interviewed one candidate.

Mr. Hunt stated the Board would like to see Design Standards for Route One on the March agenda.

Adjourn 10:15 p.m.

A TRUE COPY ATTEST:

  
Philip Hunt, Board Chair

  
Pam Bosarge, Clerk to Board

MAINE SCHOOL ADMINISTRATIVE DISTRICT #51  
CUMBERLAND / NORTH YARMOUTH  
P. O. Box 6A  
Cumberland Center, ME 04021  
Web site: [www.msad51.org](http://www.msad51.org) – Phone: 829-4800

Board of Directors

Minutes

Public Hearing on 2001-2002 Budget

Monday

March 19, 2001

7:00 PM

Mabel I. Wilson School

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1. Call to Order - by MSAD #51 Board of Directors Chairperson, Mary Schendel at \_\_\_\_ p.m.

**Attendance:**

Board of Directors: John Aromando, Maryellen Fitzpatrick, Polly Haight Frawley, Henry Kennedy, Audrey Lones, Mary Schendel, Kim True, Bob Vail

**Administrators:** Deb Bomaster, Brenda Breton, Wayne Fordham, Don Foster, Suzanne Godin, Jack Hardy, Robert Hasson, Pat Palmer, Scott Poulin, Susie Robbins, Scott Smith, Judy True, Walter Wallace

2. Approval of the Minutes – of the Board of Directors meetings held on March 12, 2001.

Motioned 2<sup>nd</sup> ed.

Voted: To approve the minutes of the Board of Directors meetings held on March 12, 2001. (Voted: 6-0-1 abstain, K. True)

3. Public Hearing on 2001-2002 Budget at 7:00 PM

4. Presentations and Reports

a) Cottage Meetings – Update

5. Committee Reports

a) Finance Committee

b) Policy Committee

c) Negotiation Committee

d) Design Team

e) Performance Task Force

f) Steering Committee

- Update on middle school and Greely Junior High School renovations



## 6. Items for Action

- a) Vote to appoint coaches

Motioned 2<sup>nd</sup> ed. (Voted: 7-0)

Voted: To appoint the following coaches.

### **Greely High School:**

Softball

Rob Hale

### **Greely Junior High School :**

Baseball, Gr. 7

John Dalbec

Assistant Baseball, Gr. 7

Brian Haight

Gr. 7 Boys, Lacrosse

Ted Stern

Boys Track & Field

Rick Hogan

- b) Vote to accept Board of Director resignation

Motioned 2<sup>nd</sup> ed.

Voted: To accept the resignation of Jeanne Chadbourne as MSAD #51 Board of Director. (Voted: 7-0)

## 7. Communications

## 8. Adjourn Meeting 10:27 PM

### **Upcoming Meetings/Events**

3/14/01 – Early Release, Grades 7-12 @ 1:15 PM, Grades K-6 @ 12:15 PM

3/14/01 – Performance Indicators, MIW Conference Room, 5:00 PM

3/14/01 – Steering Committee, GHS Library, 7:00 PM

3/15/01 – Middle School Building Committee, 7:00 PM, GJHS Library

3/15/01 – Policy Comm. Meeting, Central Office Conf. Room, 4:30 PM

3/17/01 – St. Patrick's Day

3/17/01 – Sadie Hawkins Dance, GHS Gym, 8:00 PM

3/17/01 through 3/24/01 – Japanese exchange students visit

3/19/01 – Finance Committee Meeting, Central Office Conf. Room, 5:30 PM

3/19/01 – Public Hearing on 2001-2002 Budget, MIW, 7:00 PM

3/19/01 – GJHS Renovation Committee, GHS Library, 7:00 PM

3/20/01 – Blood Drive, GHS Gym, 7:45 AM

3/21/01 – ASVAB Test

3/21/01 – Language Honor Society Induction Ceremony, GHS, 7:00 PM

3/21/01 – CBEA & School Boards meeting @ the Marriott, South Portland, 6:00 PM

3/22/01 – Parent information night on student involved conferences, NYMS, 6:45 – 7:45 PM

3/22/01 – Japan Culture Day @ GJHS

3/22/01 – GHS Pops Concert, GHS Gym, 6:30 – 9:00 PM

3/23/01 – Teacher Inservice Day – No School

3/26/01 – Board of Directors Adopts Budget, MIW, 7:00 PM

3/26/01 through 3/30/01 – MIW Celebration of Reading

3/26/01 – Finance Committee Meeting, Central Office Conference Room, 5:30 PM

3/19/01 BOD Minutes

3/26/01 – High School Spring Season, First Baseball Practice  
 3/27/01 – Communications Committee, MIW Conference, 7:00 PM  
 3/28/01 – Straw Vote & Community Forum, GJHS, 7:00 PM  
 3/28/01 - Early Release, Grades 7-12 @ 1:15 PM, Grades K-6 @ 12:15 PM  
 3/28/01 – Policy Comm. Meeting, Central Office Conf. Room, 4:30 PM  
 3/29/01 – Pioneer Night, NYMS, 6:30 PM  
 3/30/01 – End of 3<sup>rd</sup> Quarter  
 4/2/01 – Jr. High Spring Season – First Practice, Tentative  
 4/3/01 – GJHS Parent Information Night for 6<sup>th</sup> Grade Parents, 7:00 PM  
 4/4/01 – Early Release, Grades K-6 @ 12:15 PM, Grades 7-8 @ 11:15 AM, Grades 9-12 @ 1:15 PM  
 4/4/01 – PAC Meeting, GHS, 4:00 PM  
 4/4/01 – Performance Indicators, MIW Conf. Room, 5:00 PM  
 4/6/01 – Early Release, Grades K-6 @ 12:15 PM, Grades 7-8 @ 11:15 AM  
 4/8/01 – Passover  
 4/8/01 – Palm Sunday  
 4/10/01 – PTO Meeting, 6:30 PM  
 4/10/01 – PTO Information Forum, 7:00 PM  
 4/10/01 – Communications Committee, MIW Conf. Room, 5:30 PM  
 4/11/01 – Steering Committee, GHS Library, 7:00 PM  
 4/11/01 – Early Release, Grades K-6 @ 12:15 PM, Grades 7-8 @ 11:15 AM, Grades 9-12 @ 1:15 PM  
 4/12/01 – 8<sup>th</sup> Grade Transition, GHS, 6:30 – 8:00 PM  
 4/13/01 – Good Friday  
 4/13/01 - Early Release, Grades K-6 @ 12:15 PM, Grades 7-8 @ 11:15 AM  
 4/14/01 – Springtime Egg Hunt  
 4/16/01 through 4/20/01 – Spring Vacation, No School  
 4/23/01 – Grade 3 Terra Nova Testing, all week  
 4/24/01 – Communications Committee, MIW Library, 5:30 PM  
 4/24/01 – Steering Committee, GHS Library, 7:00 PM  
 4/25/01 – Secretaries Day  
 4/25/01 – Early Release, Grades 7-12 @ 1:15 PM, Grades K-6 @ 12:15 PM  
 4/26/01 – Community Forum, GJHS Auditorium, 7:00 PM  
 4/28/01 – Parents Exchange, Children's Fair

**Next Board Meeting:**

Monday, March 26, 2001, Mabel I. Wilson School

Board of Directors Adopts 2001