

AGENDA
CUMBERLAND TOWN COUNCIL MEETING
Town Council Chambers – 290 Tuttle Road
Monday, January 26, 2004

7:00 p.m. – Call to Order

I. APPROVAL OF MINUTES

a) January 12, 2004

II. MANAGER'S REPORT

III. PUBLIC DISCUSSION

IV. LEGISLATION AND POLICY

- 04 – 005.** To hear presentation from Habitat For Humanity.
- 04 - 006.** To hold a public hearing to consider and act on a Victualer's License and Class I Restaurant License for Reynold Michaud, d/b/a Rey's Cumberland Café, 172 Gray Road, for the period 2/01/04 through 2/01/05.
- 04 – 007.** To hold a public hearing to consider and act on a revision to the Swimming Pool Ordinance.
- 04 – 008.** Nominating Committee appointments.
- 04 – 009.** To set a public hearing date to consider and act on application by Sheila Donofrio, d/b/a Basil Provisions, 20 Blanchard Road, for a Victualer's and Off-Premise Malt Liquor and Table Wine License.

V. NEW BUSINESS

VI. EXECUTIVE SESSION re: Personnel and Hardship Abatement(s)

MEMBERS OF THE TOWN COUNCIL			
Jeffrey Porter, Chairman	829-4129	Donna Damon	846-5140
Mark Kuntz	829-6482	Harland Storey	829-3939
Michael Savasuk	781-3061	William Stiles	829-6679
Stephen Moriarty	829-5095	web: www.cumberlandmaine.com	

MINUTES
Cumberland Town Council Meeting
Monday, January 12, 2004

7:00 p.m. – CALL TO ORDER

Present: Chairman Porter, Councilors Savasuk, Damon, Storey, Kuntz, Moriarty, and Stiles

I. APPROVAL OF MINUTES:

a) December 22, 2003

Motion by Councilor Stiles to approve minutes as presented:

Seconded by Councilor Kuntz.

VOTE: UNANIMOUS 7-0

II. MANAGER'S REPORT:

Mr. Shane addressed comments he received regarding possible confusion that may have ensued as a result of a presentation at the prior council meeting from the Solid Waste Advisory Board. The town is not attempting to eliminate recycling as some residents may believe; rather, the town hopes to reduce the amount of trash by increasing recycling rates. Mr. Shane also noted that tonight's meeting would be followed by a budget workshop.

III. PUBLIC DISCUSSION:

None

IV. LEGISLATION AND POLICY:

04-001. To hear a report from the Fire Explorer's Group.

The Town Manager introduced a group of students from Greely High School who, as part of a curriculum embedded service learning project, worked with the Cumberland Fire Department to make a positive and effective community connection. The group of five sophomores, Jess Hodson, Kevin Foster, Josh Turrino, Chris Dahl, and Barry Colbrith, began work on a GIS project three months ago. The sophomores met three times a week, spending many hours after school meeting with the Town Manager and Fire Chief.

The students began by discussing their decision to base their project on Willow Lane due to its easy accessibility from school. The students decided to take the GIS program to a "new level" for use in the fire department by improving search and rescue time and assisting in preplanning efforts by the responding crews.

The students began their research by sending letters and making phone calls to the residents of Willow Lane in order to seek more information regarding the number of residents at each house, the structure of the homes, etc. They contacted twelve homes on the street, one of which did not reply and two of which could not be contacted. All others were cooperative and helpful.

The students demonstrated through their presentation the use of the information within the GIS program. The user was able to click on a particular site marked on an aerial map of the Town of Cumberland to learn more detail. The homes were also color coded to show the number of current residents within the household. They hope to expand the program by researching one area of the town at a time and including even more information in their surveys.

The next step in their project was to employ the town's GPS in each driveway to mark exact locations and distances on each property as well as other features of the homes such as swimming pools and propane tanks. Eventually the group hopes to create a search feature in which users will be able to type in an exact street address and find the information related to that property on demand.

Councilor Damon spoke to the possibility for grant monies. Jess Hodson responded that the group would likely apply for the money to purchase laptops for each rescue vehicle. Chief Small commented on his positive impressions of the groups' efforts. Their health teacher, Denise Allen, was also present and described the students as "motivated and organized" and fortunate to have the opportunity "to work within a community that is so willing to assist the students".

In closing, the Manager exclaimed this group had "set the bar high" for future groups.

04-002. To receive the PACTS Road Inventory Report.

Manager Shane introduced the report and explained that the PACTS committee, as a part of our state aid road services, has designated Cumberland as one of sixteen communities within a metropolitan planning organization. The decision was a result of the 2000 census where Route 1, Tuttle Road and a portion of Route 9 were identified as determining roads.

The Manager further explained that there are two ways of funding for the town's roads, either on our own or through the PACTS model. If expanded into this model, there will be little funding for our roads. Chairman Porter added that by entering this pool, we face competition among cities such as Portland and Westbrook, which would most likely result in very little funding for the Town of Cumberland.

Manager Shane proposed that the councilors agree to retain the PACTS model, without extending the boundaries as suggested by the census.

Motion by Councilor Kuntz to receive the report and follow the Manager's recommendation not to include any roads outside the existing PACTS area:

Seconded by Councilor Storey

VOTE: UNANIMOUS 7-0

04-003. To set a public hearing to consider and act on a Swimming Pool Ordinance.

Manager Shane opened the discussion with the notice of requirement by state statute that all municipalities adopt a swimming pool ordinance. The town currently has an ordinance, to which changes are being proposed. Councilor Damon requested that SAD51 and Chebeague Island be notified of these changes.

Motion by Councilor Moriarty to set January 26th as the public hearing date:

Seconded by Councilor Stiles

VOTE: UNANIMOUS 7-0

04-004. To set a public hearing date to consider and act on the Victualer's License and Class I Restaurant License for the Cumberland Café, 172 Gray Road.

Motion by Councilor Damon: to set a public hearing date of January 26, 2004;

Seconded by Councilor Kuntz

VOTE: UNANIMOUS 7-0

V. NEW BUSINESS:

***Councilor Savasuk-** none

***Councilor Damon-** an error was made in reporting for the 2000 census which resulted in Chebeague Island being included with Cumberland Foreside for the first time in recorded history. Prior to this change, Chebeague Island qualified for USDA development. But, as a result of this combination, the island's per capita income has been raised to \$80,000. Over the past 7-8 years, between \$150,000-\$200,000 in grants have been awarded, going mainly to nonprofit organizations performing town functions. The town Manager stated that "in order to, once again, not be considered a part of Cumberland Foreside, the town must conduct its own census." Chairman Porter and Manager Shane will address this matter with Congressmen Allen to better understand why this decision occurred and how it might be more easily reversed.

***Councilor Storey-** Announced that he is resigning from the Council's Nominating Committee. The councilor does not feel it is necessary for both new and incumbent applicants to be interviewed. He further stated he supports a five-year residency requirement prior to appointment. Chairman Porter responded by clarifying that the decision to interview all applicants was not his own, and that he does not support a five-year residency requirement. However, he expressed sorrow over Councilor Storey's resignation from the Nominating Committee.

***Councilor Kuntz-** Stated that he has been pleased to see the “huge support and volunteerism within the community” and compared it with surrounding communities who “are begging for people to come in and help”. He believes the town should offer the same respect to each individual “as a means of thanking them for their desire and willingness to volunteer. Members of the community who express interest deserve an interview and at the very least to be met and thanked for their contribution.”

***Chairman Porter-** Provided the manager with a Portland Press Herald insert from the 1987 assessment and town revaluation, describing it as a very detailed document. He also presented a copy of an annual report from 1920 provided to him by Kathy Allen.

***Councilor Moriarty-** Inquired as to a plan for follow up on the Solid Waste Advisory Board report from the previous meeting. Chairman Porter responded that the Board is scheduled to appear once again in February. Councilor Moriarty commented that a meeting is being held regarding the funding shortfall for the Junior High School renovation. This matter continues to be a work in progress where more accurate cost estimates are to be projected. With respect to board/committee appointments, Councilor Moriarty stated that the longevity of residency is important at times when applicants are being recommended to the committee, “however, the interview is a distinct part of the process, separate from the recommendation, which is why it is important and valuable to conduct.”

***Councilor Stiles-** Suggested that if it is a consensus that a certain time (residency) is necessary we should make that known.

***Manager Shane-** Had the pleasure of attending the 4H Club Award Banquet, held at the West Cumberland Fire Station and was able to accept a certificate on behalf of the club. Manager Shane requested an endorsement from the council regarding 29 Crossing Brook, in which the town would not exercise the option of first right of refusal. The amount of \$28,528 will be deposited into the town’s affordable housing fund. There will be no silent second mortgage on the property, which means that the house becomes a part of the open market. This is the second property in the development to follow this pattern. Councilor Damon expressed concern that in time some of the Crossing Brook homeowners may not be able to keep pace with the taxes as these property values continue to increase. Chairman Porter noted the average value of property in Cumberland is \$300,000, making it the 4th highest in the state.

Councilor Moriarty moved that the town not exercise the right of first refusal on the property:

Seconded by Councilor Kuntz

VOTE: UNANIMOUS 7-0

Motion by Councilor Stiles to move into Executive Session:

Seconded by Councilor Savasuk

VOTE: UNANIMOUS 7-0

TIME: 7:57 p.m.

Motion by Councilor Stiles to return from Executive Session:

Seconded by Councilor Storey

VOTE: Unanimous 7-0

TIME: 8:48 PM

1-12-04

WORKSHOP – 2004 – 2005 BUDGET GOALS (Will NOT be televised)

Manager Shane reviewed his plans for the upcoming budget process with the Town Council, indicating that he anticipates submitting a comprehensive budget packet to each councilor soon.

Motion by Councilor Stiles to adjourn:

Seconded by Councilor Moriarty

VOTE: Unanimous 7-0

TIME: 9:11 PM

Respectfully Submitted,
Nadeen Daniels, CMC

ITEM
04 - 005

ITEM
04 - 006



TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

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

January 27, 2004

Mr. Reynold Michaud
d/b/a Rey's Cumberland Café
172 Gray Road
Cumberland, ME 04021

Dear Mr. Michaud:

Please find attached a copy of your victualer's license application, the original town Victualer's license which should be predominantly posted in the restaurant, and the original State liquor license application. I have also included an envelope for you to send your state license to the Department of Public Safety.

Normally, I would send the state license to the state for you, however, I do not have a check for \$910.00 to include with that application. So, you can either mail the application with the check or deliver it to the state along with the check.

I will submit a bill to you within the next few weeks for the cost of the public hearing advertising. I expect it will be in the area of \$100.00.

Congratulations on your new business. I wish you every success and I'm certain you'll see me among your customers.

Sincerely,

Nadeen Daniels
Town Clerk

/enclosures

TOWN OF CUMBERLAND, MAINE

APPLICATION for VICTUALER'S (Food Service Establishment) LICENSE

Business or Trade Name: Rey's Cumberland Café
Business Address: 172 GRAY ROAD
Name of Manager: Reynold Michaud Business Phone: 207-577-7208
Date of event or new license: JAN, 27, 2004
Signature of authorized person: [Signature] Date: 1/7/03

CHECK THE PROPER CATEGORY OF REQUESTED LICENSE:

- | | | |
|---|----------|------|
| (a) Restaurant or Victualer not serving malt beverages on the premises. | \$50.00 | ---- |
| (b) Restaurant or Victualer serving malt beverages on the premises. | \$50.00 | ✓ |
| (c) Class A Restaurant, as defined by the Revised Statutes of Maine, serving both malt liquor and spirituous and vinous liquor. | \$50.00 | ✓ |
| (d) A business establishment such as, but not limited to, retail grocery stores, food storage warehouses, bakeries, delicatessen stores, and dairy product stores where food is stored or is kept for sale and where the total area of the establishment is less than 10,000 square feet. | \$25.00 | ---- |
| (e) Same as (d) but total area of the establishment is more than 10,000 square feet. | \$25.00 | ---- |
| (f) Eating and Lodging places. Any place where eating and sleeping accommodations are furnished to the public such as hotels, motels, and bed and breakfasts. | \$100.00 | ---- |
| (g) Establishment operated by Non-Profit organization. | NO FEE | ---- |
| (h) Vending Machine. | \$10.00 | ---- |
| (i) Temporary Vending Unit operating at a fair. (per unit): | \$10.00 | ---- |
- Name & type of vending unit(s): _____

Enclose CHECK payable to: "Town of Cumberland"

SEND TO: TOWN CLERK, 290 Tuttle Road, Cumberland, ME 04021

Application received: 1-7-04 Date of issuance: _____

**Department of Public Safety
Liquor Licensing & Inspection
Division**



BUREAU USE ONLY

License No. Assigned:

Deposit Date:

Amount Deposited:

CK/MO/CASH:

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

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

PRESENT LICENSE EXPIRES

4-9-04

INDICATE TYPE OF PRIVILEGE: ☐ MALT ☐ SPIRITUOUS ☐ VINOUS

INDICATE TYPE OF LICENSE:

☒ RESTAURANT (Class I,II,III,IV)

☐ HOTEL-OPTINONAL FOOD (Class I-A)

☐ CLASS A LOUNGE (Class X)

☐ CLUB (Class V)

☐ TAVERN (Class IV)

☐ RESTAURANT/LOUNGE (Class XI)

☐ HOTEL (Class I,II,III,IV)

☐ CLUB-ON PREMISE CATERING (Class I)

☐ GOLF CLUB (Class I,II,III,IV)

☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>Reynold Michael</u> DOB: <u>4/5/50</u>			2. Business Name (D/B/A) <u>Rey's Cumberland Café</u>		
<u>Rey's Cumberland Café</u> DOB:					
Address <u>172 GRAY ROAD</u>			Location (Street Address) <u>172 GRAY ROAD</u>		
City/Town <u>CUMBERLAND</u> State <u>MAINE</u> Zip Code <u>04021</u>			City/Town <u>CUMBERLAND</u> State <u>MAINE</u> Zip Code <u>04021</u>		
Telephone Number			Mailing Address <u>Same</u>		
Fax Number			City/Town <u>CUMBERLAND</u> State <u>MAINE</u> Zip Code <u>04021</u>		
Federal I.D. #			Business Telephone Number		
			Fax Number		
			Seller Certificate #		

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

4. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ 340,000 LIQUOR \$ 6,000

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

If YES, complete Supplementary Questionnaire

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

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

8. If business is NEW or under new ownership, indicate starting date: 1-27-04

Requested inspection date: _____ Business hours: _____

9. Business records are located at: 172 Gray Road Cumberland Maine

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

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

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

Name in Full (Print Clearly)	DOB	Place of Birth
Reynold Michaud	4/5/50	Lewiston, me

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

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

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

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

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

16. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: Chris App
C&E 34 Blackstrap Rd. Cumberland Me.

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

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

19. What is the distance from the premises to the **NEAREST** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 2 miles Which of the above is nearest? Church

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

If YES, give details: _____

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

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

Dated at: Cumberland, Maine on 1-7, 2004
Town/City, State Date

Reynold E. Michaud
Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

REYNOLD E. MICHAUD
Print Name

Print Name

NOTICE - SPECIAL ATTENTION

MAINE DEPT OF PUBLIC SAFETY

STATE OF MAINE
Liquor Licensing & Inspection Division
164 State House Station
Augusta ME 04330-0164
Tel: (207) 624-8745 Fax: (207) 624-8767



SUPPLEMENTARY QUESTIONNAIRE FOR CORPORATE APPLICANTS, LIMITED LIABILITY COMPANIES, AND LIMITED PARTNERSHIPS

- Exact Corporate Name: Reg's Cumberland Café
Business D/B/A Name: same
- Date of Incorporation: JAN 2004
- State in which you are incorporated: MAINE
- If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine: _____
- List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percent of stock owned:

Name	<i>Print Clearly</i> Address Previous 5 years	Birth Date	% of Stock	Title
Reynold Michaud	309 Shaker Road New Gloucester	4/5/50	100%	Owner

- What is the amount of authorized stock? _____ Outstanding Stock? _____
- Is any principal officer of the corporation a law enforcement official? Yes ☐ No ☒
- Has applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of the United States? Yes ☐ No ☒
- If YES, please complete the following: Name: _____

Date of Conviction: _____ Offense: _____

Location: _____ Disposition: _____

Dated at: Cumberland On: JAN 7 2004
City/Town Date

Reynold E. Michaud
Signature of Duly Authorized Officer

Date

Print Name of Duly Authorized Officer

MAINE DEPT OF PUBLIC SAFETY

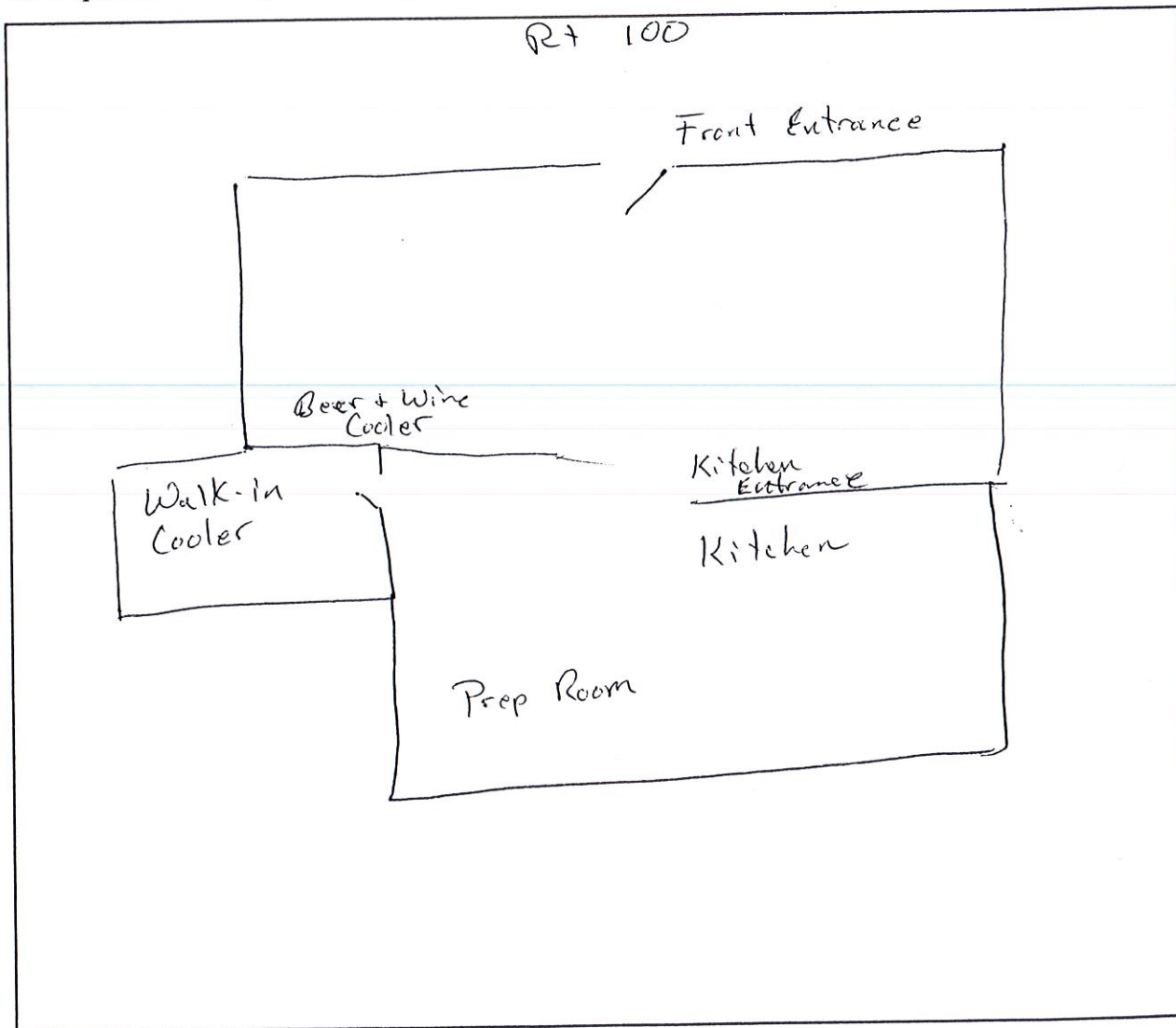
STATE OF MAINE
Liquor Licensing & Inspection Division
164 State House Station
Augusta ME 04330-0164
Tel: (207) 624-8745 Fax: (207) 624-8767



SUPPLEMENTAL APPLICATION FORM ON/OFF-PREMISE DIAGRAM

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

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



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

THIS APPROVAL EXPIRES IN 60 DAYS.

FEE SCHEDULE

Class I	Spirituos, Vinous and Malt	\$ 900.00
	CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
Class I-A	Spirituos, Vinous and Malt, Optional Food (Hotels Only)	\$1,100.00
	CLASS I-A: Hotels only that do not serve three meals a day.	
Class II	Spirituos Only	\$ 550.00
	CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
Class III	Vinous Only	\$ 220.00 ✓
	CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class IV	Malt Liquor Only	\$ 220.00 ✓
	CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
Class V	Spirituos, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)	\$ 495.00
	CLASS V: Clubs without catering privileges.	
Class X	Spirituos, Vinous and Malt – Class A Lounge	\$2,200.00
	CLASS X: Class A Lounge	
Class XI	Spirituos, Vinous and Malt – Restaurant Lounge	\$1,500.00
	CLASS XI: Restaurant/Lounge; and OTB.	
FILING FEE		\$ 10.00

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

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

STATE OF MAINE

Dated at: Cumberland, Maine Cumberland ss
City/Town (County)
 On: January 26, 2004
Date

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

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

[Signature]
[Signature]
[Signature]

[Signature]
[Signature]
[Signature]

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

- A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
- B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
- C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c.589, §1 (amd).]

2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

- A. Conviction of the applicant of any Class A, Class B or Class C crime: [1987, c.45, Pt.A§4 (new).]
- B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
- C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
- D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592, §3 (amd).]
- E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
- F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]

[1993, c.730, §27 (amd).]

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

- A. [1993, c.730, §27 (rp).]

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

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

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

STATE OF MAINE

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

On: _____
Date

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

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

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

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

[1993, c.730, §27 (amd).]

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

A. [1993, c.730, §27 (rp).]

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

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

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

CUMB-006643 1/16/04 5:29 PM Page 1

TOWN OF CUMBERLAND TOWN COUNCIL PUBLIC HEARING

The Cumberland Town Council will hold a Public Hearing on Monday, January 26, 2004 at 7:00 p.m. to consider and act on a new Victualer's and Class 1 Restaurant Liquor License application by Reynold Michaud, d/b/a Rey's Cumberland Café, 172 Gray Road, Cumberland. The Public Hearing will be held in the Town Council Chambers, 290 Tuttle Road. Interested parties are encouraged and invited to attend. The application may be reviewed at the Town Clerk's office during regular business hours.

Nadeen Daniels, Town Clerk

RCS

VICTUALER'S LICENSE

MUNICIPALITY OF CUMBERLAND OFFICE OF THE TOWN CLERK

No: 04-006

Date: 1/27/04

To all whom these presents may concern:

Know Ye, that Reynold Michaud, d/b/a Rey's Cumberland Cafe with its place of business 172 Gray Road in Cumberland, Maine, in consideration of Non-Profit Organization having complied with all the requirements of Law, has duly been licensed as a Victualer in the Municipality of Cumberland by the Town Council of Cumberland. The license is subject to the strict observance of all Laws and Regulations in such case made and provided, and is to continue in force until the 1st day of February 2005 unless sooner revoked.



Madeline Danieles Town Clerk



MEMORANDUM

CODE ENFORCEMENT OFFICE

Date: January 22, 2004
To: William R. Shane, Town Manager
Cc: Nadeen Daniels, Town Clerk
From: Barbara McPheters, Code Officer *Bm*
Subject: Cumberland Cafe Liquor and Victualer's License Applications (172 Gray Road – Map U19 Lot 9)

An joint inspection by the Code Office and Fire Department was conducted yesterday of all areas of the business. Several items were noted as deficiencies and will be reinspected by the Fire Department on or about June 1, 2004.

I would recommend approval of the licenses with the condition that we reserve the right to inspect at a later date and require necessary improvements if deficiencies are found at that time.

I hope this will assist the Town Council in the decision-making process. If you have any questions, or need additional information, please let me know.

Cumberland Fire Department

366 Tuttle Road, Cumberland Center, Maine 04021

Emergency 9-1-1

Business 829-5421

Fax 829-4256

Email dsmall@cumberlandmaine.com

Daniel R. Small
Chief

FIRE PREVENTION BUREAU

Memo

To: Nadeen Daniels, Town Clerk
From: Mark Stewart, Fire Prevention Officer *NDS*
CC: Barbara McPheters, CEO
Daniel Small, Fire Chief
Date: 1/22/04
Re: Victualer's License Inspections

At your request I conducted inspections at Rey's Cumberland Café and Basil Provisions for renewal of their Victualer's Licenses. I found no violations that would cause me to recommend against renewal for either.



172 Gray Road
Cumberland, Maine 04021
Tel: (207) 829-0980

Open 7 Days

CUMBERLAND CAFE

Appetizers

Buffalo Wings	\$4.60
Potato Skins with cheese, bacon and sour cream	\$4.35
Mozzarella Sticks (6) with marinara sauce	\$4.60
Breaded Mushrooms with ranch dressing	\$3.95
Jalapeno Poppers (6) with marinara sauce	\$3.95
Combo Basket (wings, sticks, mushrooms and poppers)	\$4.95
Cheese Nachos	\$3.95
Beef Nachos	\$4.95

Soups and Chowders

	<u>Bowl</u>	<u>Cup</u>
Chowder-of-the-day	\$3.80	\$3.10
Soup-of-the-day	\$3.10	\$2.10
Homemade Chili	\$3.40	\$2.10

(Made daily, ask your server for today's selections.)

Salads

House Salad	sm. \$2.10	lg. \$3.10
Tuna Salad Bowl (served with cottage cheese)		\$4.40
Chef		\$5.50
Taco Salad		\$5.95
Grilled Chicken Salad		\$5.95

*Dressings: Italian, Thousand Island, Poppy Seed, Ranch, Parmesan Peppercorn,
Lite Italian, French and Blue Cheese (add \$.30)*

Seafood

Fried Maine Shrimp	\$8.50
Fried Maine Clams	Market Price
Fried or Broiled Haddock	\$8.75
Stuffed Haddock	\$8.95
Honey Butter Haddock	\$8.75
Lite Broiled Haddock (served with salad and vegetable)	\$7.75
Fried or Broiled Sea Scallops	Market Price
Baked Stuffed Sea Scallops	Market Price
Clam Cake Plate	\$5.95

Served with choice of potato or rice pilaf and cole slaw or vegetable.

Beef

New York Sirloin (8 oz.)	\$9.25
Homemade Meat Loaf	\$6.95
Liver and Onions	\$6.95
Salisbury Steak	\$6.95
Hamburg Steak (8 oz.)	\$6.95

Served with choice of potato or rice pilaf and cole slaw or vegetable.

Poultry

Chicken Tender Basket	\$5.50
Fried Boneless Chicken Breast	\$6.95
Broccoli & Cheese Stuffed Chicken Breast	\$6.95
Charbroiled Chicken (served with salad and vegetable)	\$6.95
Fresh Roasted Turkey Dinner	\$8.25

Served with choice of potato or rice pilaf and cole slaw or vegetable.

Italian Dinners

Chicken Parmigiana	\$8.50
Haddock Parmigiana	\$9.25
Eggplant Parmigiana	\$7.90
Spaghetti	\$4.75
Spaghetti and Homemade Meatballs	\$6.25
Homemade Lasagna	\$7.25

Served with red sauce or marinara sauce, salad and garlic bread.

Specialty Clubs

Fresh Roasted Turkey Breast	\$5.30	Tuna	\$5.30
Cheeseburger	\$5.30	Roast Beef	\$5.30
Hamburger	\$5.30	Ham	\$5.30

Served with chips and a pickle.

Sandwiches

Grilled Chicken	\$4.95	BLT	\$3.50
Grilled Cheese	\$2.35	Roast Beef	\$4.10
Grilled Ham & Cheese	\$2.95	Tuna	\$3.95
Grilled Frank	\$1.95	Fresh Roasted Turkey	\$3.95
Rueben	\$4.35	Ham & Cheese	\$2.95
Tuna Melt	\$4.10	Haddock Roll	\$4.50
Patty Melt	\$4.10	Clam Roll	\$4.95
Western	\$4.10	Meatball Sub	\$4.75

Half Sandwich with Cup of Soup	\$4.60	Add \$.30 for lettuce and tomato.
(Tuna, Turkey or Ham & Cheese)		

Cup of Chowder Add	\$1.00
--------------------	--------

All sandwiches served with chips and a pickle.

Burgers

Hamburger	\$2.85	BBQ Burger	\$3.10
Cheeseburger	\$3.10	Mushroom & Swiss Burger	\$3.75
Bacon Cheeseburger	\$3.95	Cajun Burger	\$3.10
Double Cheeseburger	\$4.75	Veggie Burger	\$4.10

All burgers served with chips and a pickle.

Add \$.30 for lettuce and tomato.

Pizza

9" Cafe Pizza

Cheese	\$3.95	Each additional item is \$.45
Pepperoni	\$4.40	Choices: ham, sausage, green pepper, onion, broccoli, bacon, mushroom & black olive

Side Orders

French Fries	sm. \$1.10	Onion Rings	sm. \$2.75
	lg. \$1.60		lg. \$3.75
Mashed Potato	\$1.10	Vegetable	\$1.10
Baked Potato	\$1.10	Cole Slaw	\$1.10
Rice Pilaf	\$1.10	Cottage Cheese	\$1.10
Sauteed Onions	\$.35	Gravy (beef or turkey)	\$.45

Beverages

Soda	\$1.25	Juice	sm. \$1.00
Lemonade	\$1.25		lg. \$1.20
Coffee	\$1.25	<i>(Orange, Tomato, Grapefruit, Apple & Cranberry)</i>	
Flavored Coffee	\$1.35		
Tea	\$.95	Milk	sm. \$1.00
Flavored Tea	\$1.05		lg. \$1.20
Iced Tea	\$1.25	<i>(Low-Fat, Skim, Whole & Chocolate)</i>	

Beer

Coors Light	\$2.50	Rolling Rock	\$2.75
Budweiser	\$2.50	Bud Light	\$2.50
Michelob Light	\$2.75	Heineken	\$3.50
Miller Lite	\$2.50	Molson Ice	\$2.95
Molson Golden	\$2.95		
Shipyard	\$3.50	O'Douls <i>(non-alcoholic)</i>	\$2.50

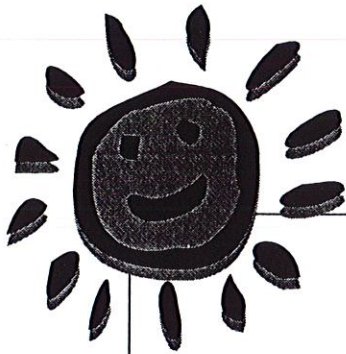
Wine

White Zinfandel	\$2.95	Cabernet Sauvignon	\$2.95
Chablis	\$2.95	Chardonnay	\$2.95
Merlot	\$2.95	Wine Cooler <i>(Wild Berry)</i>	\$2.95

Gift Certificates Available

CUMBERLAND CAFE

Children's Menu

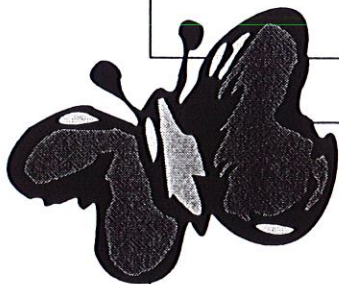
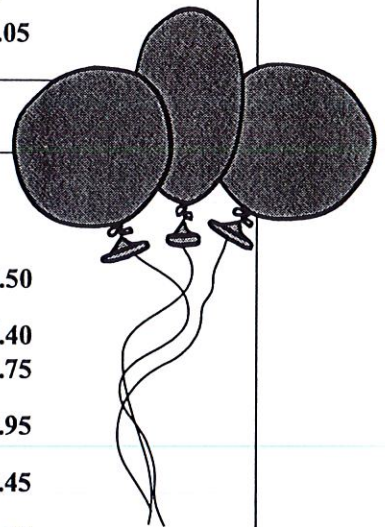


Breakfast

Four mini griddle cakes	\$2.15
One slice of french toast and one sausage link or one slice of bacon	\$2.25
One-half Belgian waffle with fruit topping	\$2.35
One egg and one slice of toast	\$1.40
Hole-in-one (one fried egg centered in grilled toast)	\$1.40
Cup of oatmeal and one slice of toast	\$2.05

Lunch and Dinner

Peanut butter and jelly sandwich	\$1.50
2 oz. hamburger with chips and pickle (with cheese)	\$1.40 \$1.75
Chicken fingers (2) with french fries	\$2.95
Spaghetti with red sauce	\$2.45
Meatball (each)	\$1.25
Grilled cheese sandwich with chips and pickle	\$1.80
Hot dog with french fries	\$2.50
Turkey dinner with french fries, vegetable and gravy	\$3.65



Drinks

White or chocolate milk	\$1.00
Lemonade	\$1.00
Soda <i>*free refills</i>	\$1.00
Juice	\$1.00

CUMBERLAND CAFE

Desserts

Pies

Apple	\$2.45
Blueberry	\$2.45
Raspberry	\$2.55
Strawberry Rhubarb	\$2.45
Pecan	\$2.45
Chocolate Cream	\$2.25
Coconut Cream	\$2.25
Chocolate Peanut Butter	\$3.10
Chocolate Cake	\$2.95

Other Sweets

Tapioca Pudding	\$1.90
Ice Cream	\$1.10
Apple Crisp	\$2.10
Bread Pudding	\$1.95

A la mode add .75

Ask your server for other selections!

CUMBERLAND CAFE

BREAKFAST MENU

Hilltopper Deluxe

Two eggs, any style and two strips of bacon, two pancakes or two french toast with syrup and whipped butter.
Your choice of 2 sausage patties or 3 sausage links and toast or biscuit.

\$5.95

Texas Style French Toast

Three slices of Texas toast sprinkled with confectioners sugar, served with syrup and whipped butter.

\$3.35

Your choice of three strips of bacon, 2 sausage patties or 3 sausage links.

\$4.35

Buttermilk Pancakes

Served with syrup and whipped butter.

Three buttermilk pancakes

\$3.10

choice of 3 strips of bacon, 2 sausage patties or 3 links

\$4.05

Three buttermilk pancakes with blueberries

\$3.85

choice of 3 strips of bacon, 2 sausage patties or 3 links

\$4.80

Belgian Waffle

Served with syrup and whipped butter.

\$3.85

Choice of Strawberry, Apple, Cherry or Blueberry topping and whipped cream.

\$4.35

Omelettes

A fluffy three egg omelette served with homefries and toast.

\$3.95

American or Swiss

Cheese

\$4.25

Ham and Cheese

\$4.45

Western

Ham, cheese, onions & peppers

\$4.60

Eastern

Ham, cheese & peppers

\$4.50

Build your own: Cheese, ham, sausage, bacon, onions, tomato, peppers, mushroom, broccoli **\$4.45 each**

On the Side

Homefries

\$1.10

(add onions)

\$.15

Breakfast Sausage

\$2.00

2 patties or 3 links

Bagel

\$1.10

w/ cream cheese

\$1.35

Bacon-3 slices

\$2.00

Corned Beef Hash

\$2.10

Baked Beans

\$1.75

Cinnamon Roll

\$1.35

Toast

\$.95

(White, wheat, rye, pumpernickel,
raisin, english muffin or Texas)

Ham slice

\$2.00

Muffins

\$1.10

Made fresh daily

2 Buttermilk Biscuits

\$1.10

Maple Syrup

\$1.00

(100% pure)

WEEKENDS ONLY

Eggs Benedict

\$5.35

Two poached eggs, canadian bacon, on an english muffin topped with hollandaise sauce and homefries.

Eggs Florentine

\$4.00

Two poached eggs on an english muffin topped with florentine sauce and homefries.

Sausage Gravy and Biscuit

\$2.75

add two eggs.

\$3.75

Red Flannel Hash

\$3.75

with two eggs and toast.

CUMBERLAND CAFE

BREAKFAST MENU

New Englander

Two eggs on top of spicy hash with
American cheese and toast.

\$4.35

Steak and Eggs

Two eggs and a six ounce sirloin steak with
homefries and toast.

\$7.65

Heart Healthy

Served with toast and fruit.

Three EggBeaters Omelette

\$4.35

Two EggBeaters Scrambled

\$3.20

EggBeater Texas-Style French Toast

\$4.20

Hutch's Ham and Egger

2 scrambled eggs and ham
served with toast.

\$3.25

Breakfast Sandwich

One egg with ham, bacon or sausage
on an english muffin or croissant.

\$2.00

Cereals

Served with toast.

Cold

Ask your server

\$2.00

Hot

Oatmeal and brown sugar

\$2.30

Eggs

Served with homefries and toast.

One fresh egg

\$2.20

choice of 3 strips of bacon, 2 sausage
patties or 3 sausage links

\$3.20

or with ham or hash

\$3.45

Two fresh eggs

\$2.85

choice of 3 strips of bacon, 2 sausage
patties or 3 sausage links

\$3.85

or with ham or hash

\$4.20

Two fresh eggs

with baked beans (pea or kidney),
toast or brown bread

\$3.20

Beverages

Coffee - fresh brewed bottomless

\$1.25

Tea

\$.95

Hot Chocolate

\$1.00

Juice

small **\$1.00**

large **\$1.20**

Flavored Coffee

\$1.35

Flavored Tea

\$1.05

Milk - white or chocolate

(low fat or skim)

small **\$1.00**

large **\$1.20**

(Apple, Orange, Tomato, Grapefruit, Cranberry)

CUMBERLAND CAFÉ



Appetizers

Buffalo Wings	\$4.60
Potato Skins	\$4.35
<i>With cheese, bacon and sour cream</i>	
Mozzarella Sticks	\$4.60
<i>With marinara sauce</i>	
Breaded Mushrooms	\$3.95
<i>With Ranch dressing</i>	
Jalapeno Poppers	\$3.95
Combo Basket	\$4.95
<i>Wings, Sticks, Mushrooms and Poppers</i>	
Cheese Nachos	\$3.95
Beef Nachos	\$4.95

CUMBERLAND CAFÉ



Beer Selections

Shipyard	\$3.50	Miller Lite	\$2.50
Heineken	\$3.50	Coors Light	\$2.50
Molson Golden	\$2.95	Budweiser	\$2.50
Molson Ice	\$2.95	Bud Light	\$2.50
Rolling Rock	\$2.75		
Michelob Light	\$2.75	O'Doul's (N/A)	\$2.50

Wine

\$2.95 Glass

Chardonnay ~ Chablis ~ White Zinfandel
Cabernet Sauvignon ~ Merlot

**TOWN OF CUMBERLAND, MAINE
REPORT OF THE HEALTH OFFICER**

RESTAURANT/TAKE OUT NAME:

Reg's Cumberland Cafe

Date Jan 26, 2004

State Lic. No In Process

- 1) **Food Supply & Source** Commercial
- 2) **Food Preparation & Protection** Clean & knowledgeable personnel
- 3) **Food Temperature** In acceptable range in all freezer & refrigerators
- 4) **Food Handlers** Clean, well trained.
- 5) **Equipment & Utensils** Clean and properly stored
- 6) **Dishwashing** Automatic dishwasher & 3 bay sink.
- 7) **Toxic Materials** properly stored
- 8) **Water Supply** Tested 5-21-03 He will have a new one done.
- 9) **Waste Water** Septic system - functioning
- 10) **Toilet & Hand Wash Facilities** Clean with soap provided
- 11) **Maintenance of Physical Facilities** Clean & well maintained
- 12) **Insect/Rodent Control** None observed.
- 13) **Rubbish** contained
- 14) **Plumbing - Cross Connections** None found

COMMENTS:

The former owner Mike will stay on for a month to help Mr. Michaud learn restaurant management & cooking. Ben, an experienced cook will continue here.

Eileen R. Wyatt
CUMBERLAND HEALTH OFFICER



TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

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

January 30, 2004

Mr. Reynold Michaud
d/b/a/ Rey's Café
172 Gray Road
Cumberland ME 04021

Dear Mr. Michaud,

Please find enclosed a copy of the invoice from the Falmouth Forecaster for the cost of the mandatory ad notifying the public of the public hearing regarding your license application.

Please remit a check in the amount of \$60.00 as payment to the Town of Cumberland for the cost of this advertisement. I have enclosed an envelope for your convenience.

Sincerely,

Debbie Flanigan
Deputy Town Clerk

Enclosures

TOWN OF CUMBERLAND

CUMBERLAND, MAINE 04021



TREAS.



NO.

164004

DATE: 01/07/2004
AMOUNT: 500.00

PREVIOUS BALANCE:
NEW BALANCE:

DESCRIPTION: VIC LIC, LIQUOR #500

R0315

CLERK LICENCES

500.00

4

RECEIVED
FROM:

REY'S CUMBERLAND CAFE

THANK YOU

WILLIAM RSHANETAX COLL BY DAF
PLEASE SAVE THIS RECEIPT FOR YOUR RECORDS.

s I)

- ☐ CLUB (Class V)
☐ TAVERN (Class IV)

- ☐ GOLF CLUB (Class I,II,III,IV)
☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) (Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>Reynold Michael</u> DOB: <u>4/5/50</u>			2. Business Name (D/B/A) <u>Rey's Cumberland Cafe</u>		
<u>Rey's Cumberland Cafe</u> DOB: _____			Location (Street Address) <u>172 GRAY ROAD</u>		
Address <u>172 GRAY ROAD</u>			City/Town <u>CUMBERLAND</u>		State <u>MAINE</u>
DOB: _____			Zip Code <u>04021</u>		
City/Town <u>CUMBERLAND</u>			Mailing Address <u>Same</u>		
State <u>ME</u>			City/Town _____		State _____
Zip Code <u>04021</u>			City/Town _____		State _____
Telephone Number _____			Business Telephone Number _____		Fax Number _____
Federal I.D. # _____			Seller Certificate # _____		

3. If premises is a hotel, indicate number of rooms available for transient guests: _____
4. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ 340,000 LIQUOR \$ 6,000
5. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐
- If YES, complete Supplementary Questionnaire
6. Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒
7. If manager is to be employed, give name: _____
8. If business is NEW or under new ownership, indicate starting date: _____
- Requested inspection date: _____ Business hours: _____
9. Business records are located at: 172 Gray Road Cumberland Maine
10. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐
11. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐

VICTUALER'S LICENSE

MUNICIPALITY OF CUMBERLAND OFFICE OF THE TOWN CLERK

No: 04-006

Date: 1/27/04

To all whom these presents may concern:

Know Ye, that Reynold Michaud, d/b/a Rey's Cumberland Cafe with its place of business 172 Gray Road in Cumberland, Maine, in consideration of Non-Profit Organization having complied with all the requirements of Law, has duly been licensed as a Victualer in the Municipality of Cumberland by the Town Council of Cumberland. The license is subject to the strict observance of all Laws and Regulations in such case made and provided, and is to continue in force until the 1st day of February 2005 unless sooner revoked.



Nadeen Davis
Town Clerk

140

REY'S CUMBERLAND CAFE INC.

172 GRAY ROAD 207-829-0980
CUMBERLAND, ME 04021

©CHECKS UNLIMITED™ • EXECUTIVE GRAY
TO REORDER: 1-800-204-2244 • www.ChecksUnlimited.com

PAY TO THE
ORDER OF _____

Town of Cumberland

\$ 60.00

Eighty Dollars + .00/100

2 DOLLARS

RAINBOW FEDERAL CREDIT UNION

381 MAIN STREET
LEWISTON, ME 04240

OWNER

FOR

Forecaster

Ronald E. Miller

M

1:2112878871: 70037424855211 0140

Pay to the Order of
Peoples Heritage Bank
For Credit to the Account of
Town of Cumberland
02-9149269

ITEM
04 - 007



MEMORANDUM

CODE ENFORCEMENT OFFICE

Date: January 23, 2004
To: William R. Shane, Town Manager
Cc: Nadeen Daniels, Town Clerk
From: Barbara McPheters, Code Officer *BGM*
Subject: Public Swimming Pool Ordinance Proposed Amendments

In December 2002, the Town Council requested a review of the local ordinance pursuant to Eileen Wyatt's request for updates in compliance with the state regulations. After considerable amount of time and assistance from and by many people, I am pleased to present these amendments to the Town Council for consideration.

Updating this ordinance has been a collaborative effort by the following representatives:

Beth Dyer, General Manager, Chebeague Recreation
Virginia Tatakis-Calder, Recreation Director, Chebeague Recreation
Ken Cole, Town Attorney, Jensen, Baird, Gardner and Henry
Natalie Burns, Town Attorney, Jensen, Baird, Gardner and Henry
Eileen Wyatt, Health Officer, Town of Cumberland
Patti Seiders, Aquatics Director, Town of Cumberland
Chris Bolduc, Rescue Chief, Town of Cumberland
Dan Small, Fire Chief, Town of Cumberland
Barb McPheters, Code Officer, Town of Cumberland

An outstanding issue relating to compressed chlorine gas usage has been raised this week and, due to the lateness of this notice, the Fire Chief and I were not comfortable making changes until the issue could be fully reviewed. We have agreed to bring this to resolution within the next few months and bring any recommendations to the council by July 1, 2004.

I sincerely believe we have proposed updates that are pertinent to the health, safety and welfare of the pool patrons and citizens of the Town of Cumberland. At this time, I would recommend approval of the amendments, recognizing that we may suggest additional changes in the near future.

Please accept my apologies for not being available to attend the meeting and present this recommendation personally. I hope the information provided will assist the Town Council in the decision-making process. If you have any questions, or need additional information, please let me know.

TOWN OF CUMBERLAND
PUBLIC SWIMMING POOL ORDINANCE

101 TITLE AND SCOPE:

101.1 Title - This Ordinance shall be known as the "Public Swimming Pool Ordinance", may be so cited and will be referred to as "this Ordinance".

101.2 Scope - The provision of this Ordinance shall apply to all public swimming pools as hereinafter defined including all facilities incidental thereto. The purpose of the Ordinance shall be to provide criteria for the design, construction, operation and maintenance of such pools so that health and safety hazards will be minimized.

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102 DEFINITIONS:

The following definitions shall apply in the interpretation and enforcement of the Ordinance. The word "shall" as used herein indicates a mandatory requirement.

FECAL ACCIDENT – shall mean any involuntary or deliberate excretion from the anus, whether solid or liquid, while in the pool, which is not contained within rubber protective pants.

▼ HEALTH AUTHORITY - shall mean the Health Officer of the Town of Cumberland or his duly authorized representative.

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▼ LICENSE - shall mean a "License to Operate a Public Swimming Pool in the Town of Cumberland" granted by the Town Council and issued by the Town Clerk.

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▼ LICENSEE - shall mean the person to whom a license has been granted.

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▼ OPERATOR - shall mean the person or persons charged by the pool director with the management and control of a public swimming pool in the pool director's absence.

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▼ PERSON - shall mean any person, firm, partnership, association, corporation, company, government agency, school authority, organization of any kind, or any other legal entity.

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▼ POOL DIRECTOR - shall mean the person or persons designated by the licensee to assume the responsibility for compliance with all parts of the Ordinance relating to pool operation, maintenance, and bather safety, and charged with all supervision of pool operations.

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PRIVATE RESIDENTIAL SWIMMING POOL - shall mean any swimming pool located on private property under the control of the home owner, the use of which is limited to swimming or bathing by the home owner and the residents of the home or their invited guests. The design, construction, operation and maintenance of such pools are not subject to the provisions of this Ordinance.

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PUBLIC SWIMMING POOL - shall mean any swimming pool, other than a private residential swimming pool.

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STANDARD FIRST AID KIT - shall consist of the following: 1" adhesive compress - 2 UNITS
2" bandage compress - 4 UNITS
3" bandage compress - 2 UNITS
4"X4" bandage compress - 4 UNITS
3"X3" plain gauze pads - 1 UNIT
gauze roller bandage - 2 UNITS
plain absorbent gauze - 1/2 square yard - 4 UNITS
plain absorbent gauze - 3"X72" - 3 UNITS
triangular bandages - 2 UNITS
scissors - 1 UNIT
adhesive tape
face shield or mask
gloves
sanitizing solution for hands

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SWIMMING POOL - shall mean any structure, basin, chamber or tank containing an artificial body of water for swimming, diving or recreational bathing and having a depth of two feet or more at any point.

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WADING POOL - shall mean a pool with a maximum water depth of twenty-four inches (24"). The water depth at the perimeter shall not exceed eighteen inches (18"). Water depths may be reduced from the above maximums and brought to zero at the most shallow point.

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103 LICENSING

103.1 It shall be unlawful for any person to operate, maintain or cause to operate or maintain, a public swimming pool in the Town of Cumberland who does not possess a valid license to do so. Licenses shall be issued on a calendar year basis.

103.2 Persons who comply with the requirements of this Ordinance, shall be entitled to receive and retain such a license. Following application to the Town Clerk on a form prepared by the Health Authority which when submitted to the Town Council shall bear the recommendations for approval or disapproval of the Health

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Authority and such other departments as may be required by the Town Council or other ordinances of the Town of Cumberland.

104 SUSPENSION AND REVOCATION OF LICENSE

- 104.1** Such license shall be temporarily suspended by the Health Authority in the event of a situation which is deemed by the Health Authority to constitute an immediate major health or safety hazard to the public which may include, but not be limited to, a serious failure of the licensee to comply with any of the terms of the Ordinance to the detriment of the health and welfare of the public.
- 104.2** Such license may be revoked by the Town Council upon recommendation by the Health Authority due to violations of this Ordinance or repeated temporary suspensions of license.
- 104.3** Before a license is temporarily suspended or revoked, the licensee shall have notice in writing from the Health Authority enumerating instances of failure to comply with the Ordinance.
- 104.4** Before temporary suspension or revocation of license, the licensee shall be given an opportunity for appeal to the Health Authority to show cause as to why the license should not be suspended or revoked.
- 104.5** Sections **104.3** and **104.4** of this Ordinance shall not apply in the event of the application of Section **104.1** of this Ordinance.

105 REINSTATEMENT OF SUSPENDED LICENSE

- 105.1** The licensee may at any time following license suspension, make application in writing for reinstatement of said license to the Health Authority representing that the condition for which the suspension was imposed has been corrected, and the Health Authority shall within three days after receipt of said application make a re inspection of the premises. If he finds that said licensee and the licensed facility is again complying with the terms of the Ordinance, the license shall be reinstated.
- 105.2** Should the Health Authority fail to find the condition corrected to his satisfaction, he may make a re inspection at such future time as he may deem reasonable, and in the event the licensee is unable to satisfactorily comply with the requirements of the Health Officer after such inspection or re inspections, the Health Authority shall refer said violation to the Town Council for hearing in the manner provided in Section **104.4** of this Ordinance, who shall thereafter, revoke, or reinstate said license.

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106 INSPECTION

- 106.1 The Health Authority is authorized to conduct such inspections as he deems necessary to insure compliance with all the provisions of the Ordinance and shall have the right of entry at any reasonable hour to a public swimming pool area for this purpose. It shall be the duty of the pool director and/or the operator of a public swimming pool to afford free access to every part of a public swimming pool and to render all aid and assistance necessary to enable the Health Authority to make a full, thorough, complete examination thereof.

107 SUBMISSION OF PLANS AND SPECIFICATIONS

- 107.1 No person shall begin construction of a public swimming pool or shall substantially alter or reconstruct any public swimming pool without first having submitted plans and specifications to the Health Authority and Code Enforcement Officer for review and approval.

- 107.2 A public swimming pool and all associated facilities shall be built in accordance with the plans and specifications as approved unless approval of changes has been given in writing by the Health Authority and Code Enforcement Officer.

- 107.3 Minimum standards for swimming pool design shall be those set forth by the Standard for Public Swimming Pools ANSI/NSPI-1 1991 as they may be amended from time to time.

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108 WATER SUPPLY

- 108.1 The water supply serving a swimming pool and all plumbing fixtures including drinking fountains, lavatories, and showers shall meet the requirements of the State and local laws and regulations regarding potable water.

- 108.2 All portions of the water distribution serving a public swimming pool and auxiliary shall be protected against back flow. Water introduced into the pool, either directly or to the recirculating system, shall be supplied through an air gap. When such connections are not possible, the supply shall be protected by a suitable back flow preventor in stalled on the discharge side of the last control valve to the fixture, device or appurtenance.

109 WASTE DISPOSAL SYSTEM

- 109.1 The waste disposal system shall be adequate to serve the facility, including bath house, locker rooms and related accommodations, and shall meet the requirements of all applicable State and local laws and regulations thereto.

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- 109.2** There shall be no direct physical connection between the waste disposal system and any drain from a public swimming pool or recirculating system. Any public swimming pool or gutter drain or overflow from the recirculating system when discharged to the waste disposal system, storm drain, or other approved natural drainage force shall connect through a suitable air gap, so as to preclude the possibility of sewage or waste entering into a swimming pool piping system.
- 109.3** A public swimming pool shall be equipped to be completely emptied of water and the discharged water shall be disposed of in an approved manner that will not create a nuisance to any adjoining property.

110 SWIMMING POOL CONSTRUCTION MATERIALS

- 110.1** Public swimming pools and all appurtenances thereto shall be constructed of materials which are inert, non toxic to man, impervious, permanent, and enduring; which will provide a tight tank with smooth and easily cleanable surface, or to which a smooth easily cleanable surface can be and shall be applied.
- 110.2** Sand or earth bottoms shall not be permitted in public swimming pool construction.
- 110.3** Public swimming pool finish, including bottoms and sides, shall be of white or light colored material, with a smooth finish surface without cracks or joints bonded to the supporting members excluding structural expansion joints.

111 DESIGN DETAIL AND STRUCTURAL STABILITY

- 111.1** All public swimming pools shall be designed and constructed to withstand all anticipated loading for both full and empty conditions. A hydrostatic relief valve shall be provided in areas having a high water table.
- 111.2** All corners formed by intersection of walls and floor of a public swimming pool shall be coved.
- 111.3** The shape of any public swimming pool shall be such that the circulation of pool water and control of swimmers' safety are not impaired.
- 111.4** The maximum depth at the shallow end of a public swimming pool shall not exceed three feet six inches.

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112 DEPTH MARKINGS AND LINES

- 112.1** Depth of water shall be plainly marked at or above the water line surface on the vertical wall of a public swimming pool and on the edge of the deck or walk next

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to a public swimming pool, at maximum and minimum points and at the points of break between the deep and shallow portions spaced at not more than 25 foot intervals measured peripherally. The depth in the diving area will be appropriately marked.

112.2 Depth markers shall be in numerals of four inches minimum height and of a color contrasting with the background. Where depth markers cannot be placed on the vertical walls above the water level, other means shall be used, said markings to be plainly visible to persons in a public swimming pool.

112.3 Lanes or other markings on the bottom of a public swimming pool shall be a minimum of ten inches in width and be of a contrasting color.

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113 SLOPE OF BOTTOM

113.1 The slope of the bottom of any portion of a public swimming pool having a water depth of less than five feet shall not be more than one foot in twelve feet and said slope shall be uniform. In portions with a greater depth than five feet, the slope shall not exceed one foot in three feet.

114 BATHER LOADING

114.1 For the purpose of computing bathing loading, those portions of a public swimming pool five feet or less in depth shall be designated as "non-swimmer" areas. Portions of a pool over five feet in depth shall be designated as the "swimmers" area.

114.2 In order to compute swimmer and bather capacity, public swimming pool areas shall be determined as follows:

114.2.1 Ten square feet of pool water surface area shall be provided for each non-swimmer.

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114.2.2 Twenty-four square feet shall be provided for each swimmer.

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114.2.3 Three hundred square feet of pool water surface area shall be reserved around each diving board or diving platform and this area shall not be included in computing the surface area of the swimming section.

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115 FILTER SYSTEM

115.1 All sand type filters, whether of the gravity or pressure type, shall comply in all respects with the standards of the National Sanitation Foundation covering such filters.

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- 115.2** All diatomaceous type filters, whether of the vacuum or pressure type, shall comply in all respects with the standards of the National Sanitation Foundation covering such filters.

116 LADDERS, RECESSED TREADS, AND STAIRS

- 116.1** Steps or ladders shall be provided at the deep end of a public swimming pool. If the vertical distance from the bottom of a pool to the deck or walk is over two feet, steps or ladders shall be provided at the shallow portion of a public swimming pool and, if a pool is over thirty feet wide, such steps or ladders shall be installed on each side.

- 116.2** Steps leading into a public swimming pool shall be of non-slip design, have a minimum tread of twelve inches and a maximum rise or height of ten inches. There shall be no abrupt drop off or submerged projections into the pool, unless guarded by handrails.

- 116.3** Swimming pool ladders shall be corrosion resistant and shall be equipped with non-slip treads. All ladders shall be so designed as to provide a handhold and shall be rigidly installed. There shall be a clearance of not more than five inches and not less than three inches between any ladder and the pool wall. If steps are inserted in the wall or if step holes are provided, they shall be of such design that they may be cleaned readily and shall be arranged to drain into the pool to prevent the accumulation of dirt thereon. Step holes shall have a minimum tread of five inches and a minimum width of 14 inches.

- 116.4** Where steps, step holes, or ladders are provided within a public swimming pool, there shall be a handrail at the top of both sides thereof, extending over the coping or edge of the deck.

- 116.5** Supports, platforms, and steps for diving boards shall be of substantial construction and sufficient structural strength to safely carry the maximum anticipated loads. Steps shall be of corrosion resistant material, easily cleanable, and of non-slip design. Handrails shall be provided at all steps and ladders leading to the diving boards more than one meter above the water. Platforms and diving boards which are over one meter high shall be protected with guard rails.

117 DECKS, WALKWAYS AND VISITOR SPECTATOR AREAS

- 117.1** A continuous deck at least five feet (and preferably eight or more feet) wide shall be sloped to drain away from a pool and shall have a non-slip surface. Deck drains shall not be connected to the recirculating system.

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117.2 There shall be absolute separation between the spaces used by visitors and spectators from the spaces used by bathers, including decks.

117.3 No food or drink shall be permitted in the immediate area of a public swimming pool or on the deck surrounding the pool.

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118 DIVING AREAS

118.1 The dimensions of a public swimming pool in the diving area shall conform to the following table:

Height of Board Meters	Minimum Water Depth at end of Board and 12 Feet Beyond	Minimum Pool Width at End of Board and 12 Feet Beyond
0.0 - 2.0	8.5 feet	20 feet
2.1 - 3.0	10 feet	30 feet
3.1 or more	11.25 feet	30 feet

118.2 At least 15 feet of free and unobstructed headroom shall be provided above diving boards.

118.3 A horizontal separation of eight feet shall be provided between diving boards and side walls of the pool.

119 DISINFECTANT AND CHEMICAL FEEDERS

119.1 All public swimming pools shall be equipped with a chlorinator, or other disinfectant feeder.

119.2 When compressed chlorine gas is used, the following additional features shall be provided:

119.2.1 The chlorine and chlorinating equipment shall be in a separate, well ventilated room. Such rooms shall not be below ground level and shall be provided with vents near the floor which terminate out-of-doors. The door of the room shall not open to a public swimming pool, and shall open to the outside.

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119.2.2 The chlorinating equipment shall be of rugged design, capable of withstanding wear without developing leaks.

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119.2.3 Chlorine gas cylinders shall be anchored to prevent their falling over. A valve system wrench shall be maintained on the chlorine cylinder so that

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the supply can be shut off quickly in the case of an emergency. A valve protection hood shall be kept in place except when the cylinder is connected.

119.2.4 The chlorine feeding device shall be designed so that during accidents or interruptions of the water supply, leaking chlorine gas will be conducted to the out-of-doors.

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119.2.5 The chlorinator shall be designed to prevent the back flow of water into the chlorine solution container.

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119.2.6 A gas mask designed for use in a chlorine atmosphere and of a type approve by the U.S. Bureau of Mines shall be provided in a closed accessible cabinet, located in close proximity to the room in which the chlorinator is maintained.

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119.2.7 Installation of chlorinating equipment, and operation thereof, shall be carried on by and under the supervision of personnel experienced with installation and operation of such equipment.

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120 LIGHTING, VENTILATION, AND ELECTRICAL REQUIREMENTS

120.1 Where underwater lighting is used, not less than 0.5 watts shall be employed per square foot of public swimming pool water surface area. Such lights shall be placed to provide illumination so that all portions of the pool, including the bottom, may be readily seen without glare.

120.2 Area lighting shall provide at least 0.6 watts per square foot of deck area. If such lighting is used for night swimming, area and public swimming pool lighting combined shall provide at least two watts per square foot of pool area with at least two foot candles of illumination.

120.3 All electrical wiring shall conform with the National Electrical Code of the National Underwriters Laboratory and all State and local laws and regulations.

120.4 Each underwater light shall be individually grounded by means of a screwed or bolted connection to the metal junction box from which the branch circuit to the individual light proceeds, such junctions boxes shall not be located in a public swimming pool deck.

120.5 No overhead electrical wiring shall pass within 20 feet of the swimming enclosure.

120.6 All electrical light fixtures in a public swimming pool and adjacent areas shall have a suitable cover to protect the bulbs from the splashing of the pool water.

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120.7 All indoor public swimming pools, bathhouses, dressing rooms, shower rooms, and toilet spaces shall be adequately ventilated either by natural or mechanical means.

120.8 No electrical appliance capable of being operated on 110V or 220V A.C. current shall be permitted within a room or access corridors leading to an enclosed public swimming pool, nor within fifteen yards of an outdoor public swimming pool, except for the following during times when a public swimming pool is not open for use: equipment or tools utilized in maintenance of the pool, pool equipment, or the pool area; equipment or tools utilized in structural, electrical, or plumbing repair or maintenance of the pool, pool equipment, pool area, or structure enclosing a public swimming pool, if any.

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120.9 Emergency lighting shall be provided in restrooms, dressing rooms and indoor pool areas during power outages.

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121 DRESSING ROOMS

121.1 Bathhouses to be used simultaneously by both sexes shall be divided into two parts separated by a tight partition, each designated for either men or women. The entrances and exits shall be screened to break the line of sight. This will not prohibit the facility from supplying a family changing room in addition to rooms for each sex.

121.2 Floors of bathhouses shall be of smooth finish material with non-slip surfaces impervious to moisture, and sloped to a drain. Junctions between walls and floor shall be coved.

121.3 Walls and partitions shall be of smooth, impervious material, free from cracks or open joints. Partitions between dressing rooms shall terminate at least ten inches above the floor or shall be placed on continuous raised masonry concrete bases at least four inches high. Lockers shall be set on solid masonry bases at least four inches high. Lockers shall be properly ventilated.

122 TOILETS AND SHOWERS

122.1 Toilet and shower facilities shall be provided on the basis of the following fixture table (fixture tables should be increased for public swimming pools at schools or other similar locations where bather loads may reach peaks due to schedules of use):

	Males	Females
Water Closets	1/75	1/50

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Urinals	1/75	--
Lavatories	1/100	1/100
Showers (minimum two)	1/50	1/50

Drinking Fountain - minimum of one to be located in public swimming pool area.

122.2 The layout of the bathhouse shall be such that the bathers on leaving the dressing room pass the toilets and showers en route to a public swimming pool.

122.3 Showers shall be supplied with water at a temperature of at least 90 degrees F and not more than 150 degrees F at a rate of at least three gallons per minute. Thermostatic, **tempering**, or mixing valves shall be installed to prevent scalding of the bathers,

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122.4 It shall be the responsibility of the licensee to post conspicuous signs on all toilet rooms associated with a public swimming pool (a) directing patrons of the pool to use the toilet facilities prior to entering the pool and (b) discouraging urination in the pool itself.

123 DISINFECTION AND QUALITY OF WATER

123.1 Public swimming pools during seasons of use shall be continuously disinfected by a chemical which imparts as easily measured, free available residual effect. When chlorine is used, a free chlorine residual of at least **1.0** ppm shall be maintained throughout the pool whenever it is open or in use. If other halogens are used, residuals of equivalent strength shall be maintained.

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123.2 The Health Authority may accept other disinfecting materials or methods when they have been adequately demonstrated to provide satisfactory residual effect which is easily measured and to otherwise be equally as effective under conditions of use as the chlorine concentration required herein, and not be dangerous to public health, or impart toxic properties into the water.

123.3 A public swimming pool shall be maintained in an alkaline condition as indicated by a ph of not less than 7.2 and not more than **7.8**. A ph testing kit accurate to the nearest 0.2 ph unit shall be provided at each public swimming pool.

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123.4 The total alkalinity of the water shall be at least **60** ppm or preferably 80 to **180** ppm expressed as CA CO3 (calcium carbonate). A total alkalinity test kit shall be provided at each public swimming pool.

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123.5 The water shall have sufficient clarity at all times so that a black disk, 6 inches in diameter, is readily visible when placed on a white field at the deepest point of the public swimming pool. Failure to meet this requirement shall constitute grounds for immediate closure of the pool.

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- 123.6 It shall be the responsibility of the Health Authority to review results of the pool water sample taken by the operator in a sterile container once every month and then have that sample tested by an approved laboratory for coliform organisms.

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All samples shall be collected, dechlorinated, and examined in accordance with the procedures outlined in the latest edition of Standard Methods for the Examination of Water and Waste Water.

- 123.7 All public swimming pool water samples shall meet State requirements regarding bacterial content.

- 123.8 Chemicals used in controlling the quality of water shall be demonstrated as imparting no toxic properties to the water. Such chemicals to be used for algae control shall be approved for use by the Health Authority prior to their usage.

124 CLEANING PUBLIC SWIMMING POOLS

- 124.1 Visible dirt on the bottom of a public swimming pool shall be removed every 24 hours or more frequently as required.

- 124.2 Visible scum or floating matter on a public swimming pool surface shall be removed within 24 hours by flushing or other effective means.

- 124.3 A built-in or portable type vacuum cleaning system shall be provided which is capable of removing sediment from all parts of the pool floor. When jet-type units are used, they shall be provided with approved type backflow protection for the water system.

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- 124.4 The recirculation and purification system shall be operated and maintained so as to keep the pool water clean and clear. Under no circumstances shall the pool be used if the main drain or six inch (6") line or indicator is not clearly visible from the deck. Any pool closed by the Health Authority shall not be reopened until the water is clean and clear, and upon specific written approval by the Health Authority.

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- 124.5 The water of every wading pool shall be kept sufficiently clear so that the bottom of the wading pool is visible at all times.

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125 HEALTH OF POOL EMPLOYEES AND PATRONS

- 125.1 No person having a communicable disease shall be employed or work at a public swimming pool.

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125.2 Any and all patrons or swimmers suspected of having an infectious or communicable disease shall be excluded from a public swimming pool. The operator of any public swimming pool shall have the authority to refuse admittance to the pool area to any person suspected of having a communicable or infectious disease. Spitting or spouting water, or blowing the nose in a public swimming pool shall be strictly prohibited. The licensee shall post suitable placards embodying such instructions.

125.3 If a fecal accident occurs, the pool shall be closed and shock chlorinated to 20 PPM. The water shall be continuously filtered to obtain approximately 3 turnovers. After at least 12 hours, the chlorine level may be reduced to the 1.0 to 3.0 PPM range and the pool reopened after a total of 24 hours.

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125.4 The operator may suspend repeat offenders under this section of the ordinance from use of the pool or permanently bar such repeat offenders.

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126 SAFETY

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126.1 A telephone designated for emergency use shall be provided in the immediate pool area.

126.2 Emergency numbers shall be posted in the immediate vicinity of the telephone listing the following:

126.2.1 the nearest available physician,

126.2.2 the nearest available ambulance or rescue unit,

126.2.3 the nearest available police,

126.2.4 the nearest available health authority.

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126.3 When a public swimming pool is not open for use, access to the pool area shall be prevented by effective means.

126.4 Not more than the designed bather load shall be permitted in a public swimming pool at any one time.

126.5 One unit of life saving equipment shall consist of the following:

126.5.1 A ring buoy not more than 50" in diameter to which shall be attached a 60' length of line.

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126.5.2 A life pole or shepherd crook, having blunted ends with a minimum length of 12'.

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126.5.3 A separate throwing line with a length of not less than 1.5 times the maximum width of the pool.

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126.5.4 A backboard with straps attached.

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126.5.5A rescue tube for each lifeguard on duty.

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Not less than one unit of equipment, as above, shall be provided at every public swimming pool. One unit shall be presumed to be adequate for 2,000 square feet of water surface area, and one additional unit shall be provided for each additional 2,000 square feet, or major fraction thereof, of water surface area.

126.6 Every public swimming pool shall be equipped with a standard first aid kit, as defined in Section 102.11 of this Ordinance, which shall be kept filled and ready for use.

126.7 Life saving equipment shall be mounted in conspicuous places distributed around the public swimming pool deck at life-guard stations, or elsewhere, readily accessible, its function plainly marked, and kept in repair and in ready condition. Bathers or others shall not be permitted to tamper with, or use such equipment for any purpose other than its designated use.

126.8 When a public wading pool is located adjacent to a public swimming pool, inadvertent entrance of a wader into a public swimming pool area shall be prevented by a safety fence or other adequate deterrent.

126.9 All infants and children that are not toilet trained shall wear rubber swim pants while in the pool.

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126.10 Barrier walls and fences may be stand-alone walls and fences or may be in combination with a structural pool, spa or hot tub walls, or a building/dwelling wall to form the barrier around the swimming pool, spa or hot tub. Barrier walls and fences must be at least four (4) feet high and comply with the Town of Cumberland Building Code and the State of Maine swimming pool regulations.

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126.11 Individual unaccompanied swimming is prohibited. A lifeguard must be on duty during any swimming by patrons or staff.

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126.12 The duty lifeguard is responsible for clearing the public swimming pool of bathers during thunder and/or lightning events.

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126.13 Rope and Float Line

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126.13.1 A rope and float line shall be provided between one (1) foot and two (2) feet on the shallow side of the break in grade between the shallow and deep portions of the swimming pool, with its position marked with

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visible floats at not greater than seven (7) foot intervals. This line may be removed for swim meets, lap swimming, aerobics, etc.

126.13.2 The line shall be of sufficient size and strength to offer a good handhold and support loads normally imposed by users.

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126.14 Entrapment prevention

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126.14.1 If the suction outlet system, such as a filtration system, booster system, automatic cleaning system, etc., has a single suction outlet, or multiple suction outlets which can be isolated by valves, each suction outlet shall protect against user entrapment by either an antivortex cover, a twelve (12) inch by twelve (12) inch or larger grate or other means approved by the State of Maine Department of Human Services.

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126.14.2 Emergency shutoff switches, accessible to the public, shall also be installed to shut off the pool or spa when a swimmer or bather becomes entrapped, if section 126.14.1 cannot be met.

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127 RECORD KEEPING

127.1 Proper operating records shall be kept daily and shall include the following:

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127.1.2 bather load;

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127.1.3 peak bather loads;

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127.1.4 volume of fresh water added;

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127.1.5 amounts of all chemicals added to pool water;

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127.1.6 disinfectant residual;

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127.1.7 ph reading;

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127.1.8 total alkalinity reading;

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127.1.9 maintenance and malfunctioning of equipment.

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127.2 Public swimming pool records shall be kept over a three year period for inspection by the Health Authority.

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128 SUPERVISION OF PUBLIC SWIMMING POOLS

128.1 Every pool shall be under the supervision of a person who is fully capable of, and shall assume responsibility for, compliance with all requirements relating to pool operation, maintenance and safety of bathers. This person should be a certified pool operator (CPO) or have equivalent training.

Deleted: It shall be the responsibility of the licensee to designate a capable pool director, the responsibilities of which are defined earlier in this Ordinance.

128.2 It shall be the responsibility of each swimming pool director to select a staff, including operators (previously defined).

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128.3 All staff members and operators shall show proof of competency by holding a current certification in Red Cross Lifeguard Training with First Aid and hold current certification in C.P.R. (cardiopulmonary resuscitation) for the professional rescuer or equivalent.

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Safety Instructor or equivalent

128.4 At least one qualified operator shall be on duty at all times when a public swimming pool is open for use by bathers. Such operator shall be in full charge of bathing and have the authority to enforce all rules of safety and sanitation.

128.5 The person in charge of the public swimming pool, director or operator, is deemed, by virtue of the act of taking charge, to have accepted the duty to render or seek emergency medical care for any person using or present at the public swimming pool, who is in need of such care.

This duty includes the duty either to render emergency medical care at a level consistent with the qualifications of said person in charge, or the duty to notify and to assist the Cumberland Rescue Department or such other persons or entities as may be appropriate and who are known by such person in charge to be qualified to render a level of care consistent with the needs of the person requiring such care.

128.6 When a public swimming pool will receive only limited use such as in the case of a motel swimming pool, the licensee may make written application to the Health Authority, to be exempted from Section **128.4** of this Ordinance.

128.7 In the event that the Health Authority exempts a licensee from Section **128.4** of this Ordinance, the licensee shall be required to post a conspicuous sign within the swimming pool enclosure stating that:

128.7.1, individual unaccompanied swimming is prohibited

Deleted: (a)

128.7.2, use of the swimming pool is at the swimmer's own risk and carries no liability on the part of the licensee.

Deleted: (b)

129 FEE FOR LICENSE

129.1 The fee for a license to operate and maintain a public swimming pool shall be \$100.00 per year. Public swimming pools owned by the Town of Cumberland or School Administrative District #51 shall be exempted from the provisions of this section.

130 SEPARABILITY CLAUSE

Deleted: ¶

- 130.1 Should any section, paragraph, sentence, clause, or phrase of the Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby.

131 EXISTING PUBLIC SWIMMING POOLS

- 131.1 No provision of the Ordinance shall be deemed to require a structural change in any public swimming pool that was installed prior to the effective date of this Ordinance, except when the pool or any part thereof is determined by the Health Authority to be dangerous, unsafe, unsanitary or a menace to the health and welfare of the public in which case the Town Council may require such structural change.

132 EFFECTIVE DATE

- 132.1 The effective date of this Ordinance shall be 30 days following its adoption by the Town Council or on January 1, 1977 whichever shall be later.

133 PENALTY

- 133.1 Any person operating a public swimming pool without a license or during the period when his license is under suspension or revocation shall be subject to a fine of not less than \$50 nor more than \$100, and each day's violation shall be considered to be a separate offense.

134 CONFLICT WITH STATUTES OR OTHER ORDINANCES

- 134.1 If any provision of this Ordinance shall conflict with or be inconsistent with any provision of any Statute, State of Maine Code or Regulation, or any other Ordinance of the Town, the provision imposing the stricter or strictest requirement shall control.

Effective: August 10, 1977

Amended: July 1, 1985

Amended: August 26, 1991

Amended: January 26, 2004

Deleted: a

Deleted: a

Deleted: f

ITEM
04 - 008

January 21, 2004

TO: TOWN COUNCIL MEMBERS
FROM: NOMINATING COMMITTEE
RE: APPOINTMENTS

.....

The Nominating Committee met with its last round of incumbents and new applicants on Thursday, January 15, 2004. As a result, we are forwarding the following appointment nominees. All appointment terms will run from December 30, 2003 through December 30, 2006.

BOARD OF ASSESSMENT REVIEW:

James Thomas
Mark Stevens

PERSONNEL APPEALS BOARD:

Randy Harriman
Virgil Beane

BOARD OF SEWER APPEALS:

Ralph Oulton
Paul Chesley

PRINCE MEMORIAL LIBRARY:

Connie Russell
Kathie Harper

COASTAL WATER COMMISSION:

Jim Millinger
John Williams
Jeff Kalinich, ~~ex-officio~~

RECREATION/COMMUNITY ED:

Richard Wolfe
Callie Chase

SHELLFISH CON~~VER~~SATION:

Jim Higgins
Tom Peterson
Milton Calder
Michael Brown, ~~ex-officio~~
Skip Howison, ~~ex-officio~~

*associate
adjunct*

HOUSING AUTHORITY:

Richard Foote
Michael Perfetti
Bill Hansen
Mildred McGoldrick - *non-vot*
Susan Larrabee, ~~ex-officio~~

SOLID WASTE ADVISORY:

Nate Hagelin
Charles Burnie
David Young

LANDS & CONSERVATION

Robert Heyner
Jennifer West
Sally Stockwell
Ellen Hoffman
William Barry
David Young

ITEM
04 - 009

TOWN OF CUMBERLAND, MAINE

APPLICATION for VICTUALER'S (Food Service Establishment) LICENSE

Business or Trade Name: BASIL PROVISIONS
Business Address: 20 Blanchard Rd, Cumberland
Name of Manager: Sheila Donahoe Business Phone: 829-3799
Date of event or new license: January 2004
Signature of authorized person: [Signature] Date: 1/13/04

CHECK THE PROPER CATEGORY OF REQUESTED LICENSE:

- | | | |
|---|----------|-------------------------------------|
| (a) Restaurant or Victualer not serving malt beverages on the premises. | \$50.00 | <input checked="" type="checkbox"/> |
| (b) Restaurant or Victualer serving malt beverages on the premises. | \$50.00 | <input type="checkbox"/> |
| (c) Class A Restaurant, as defined by the Revised Statutes of Maine, serving both malt liquor and spirituous and vinous liquor. | \$50.00 | <input type="checkbox"/> |
| (d) A business establishment such as, but not limited to, retail grocery stores, food storage warehouses, bakeries, delicatessen stores, and dairy product stores where food is stored or is kept for sale and where the total area of the establishment is less than 10,000 square feet. | \$25.00 | <input type="checkbox"/> |
| (e) Same as (d) but total area of the establishment is more than 10,000 square feet. | \$25.00 | <input type="checkbox"/> |
| (f) Eating and Lodging places. Any place where eating and sleeping accommodations are furnished to the public such as hotels, motels, and bed and breakfasts. | \$100.00 | <input type="checkbox"/> |
| (g) Establishment operated by Non-Profit organization. | NO FEE | <input type="checkbox"/> |
| (h) Vending Machine. | \$10.00 | <input type="checkbox"/> |
| (i) Temporary Vending Unit operating at a fair. (per unit): | \$10.00 | <input type="checkbox"/> |
| Name & type of vending unit(s): _____ | | |

Enclose CHECK payable to: "Town of Cumberland"

SEND TO: TOWN CLERK, 290 Tuttle Road, Cumberland, ME 04021

Application received: 1-20-04 Date of issuance: _____

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

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



Present license expires 3/3/04

Department of Public Safety
Bureau of Liquor Enforcement – Licensing Div.

	BUREAU USE ONLY
License no. assigned	1257
Class license assigned	
Deposit date	
Amount deposited	

INDICATE TYPE OF PRIVILEGE:

☒ MALT ☐ SPIRITUOUS ☒ VINOUS

PLEASE INDICATE TYPE OF LICENSE BY A CHECK MARK IN PROPER BOXES.

- ☒ RESTAURANT ^{To Go} ☐ HOTEL ☐ CLUB—ON-PREMISE CATERING ☐ GOLF CLUB
☐ RESTAURANT/LOUNGE ☐ HOTEL—OPTIONAL FOOD ☐ INDOOR TENNIS CLUB ☐ TAVERN
☐ CLASS A LOUNGE ☐ CLUB ☐ INDOOR ICE SKATING CLUB ☐ OTHER

PLEASE REFER TO PAGE 3 FOR FEE SCHEDULE.

ALL QUESTIONS MUST BE ANSWERED IN FULL AND \$10.00 FILING FEE MUST ACCOMPANY ALL APPLICATIONS.

1. APPLICANT(S) (Sole proprietor, corporation, limited liability company, etc.)	2. BUSINESS NAME (d/b/a)
<u>BASIL PROVISION, LLC</u>	
ADDRESS	LOCATION (STREET ADDRESS)
<u>20 Blanchard Rd</u>	City or Town State Zip Code
<u>Cumberland ME 04021</u>	Mailing Address
City or Town State Zip Code	City or Town State Zip Code
<u>207-829-3799</u>	
TELEPHONE NUMBER	Business Telephone Number
Federal I.D. Number	Seller's Certificate Number
<u>02-0657343</u>	

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

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

5. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐
If answer is "YES," complete Supplementary Questionnaire.

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

7. If manager is to be employed, give name: N/A

8. If business is NEW or under new ownership, indicate starting date: N/A
Requested inspection date: _____ Business hours: _____

9. Business records are located at 20 Blanchard Rd, Cumberland

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

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

12. List name, date of birth, place of birth for all applicants and

A. Sheila Donofrio
Name in full

B. _____
Name in full

C. _____
Name in full

D. _____
Residence address for all of above for previous 5 years.

13. Has/have applicant(s) or manager ever been convicted of any State of the United States? YES _____ NO X

Name _____

Offense _____

Disposition _____

14. Will any law enforcement official benefit financially either YES _____ NO X

If "YES," give name _____

15. Has/have applicant(s) formerly held a Maine liquor license?

16. Does/do applicant(s) own the premises? YES X NO _____

17. Describe in detail the premises to be licensed: Wine & Gifts.

18. Does/do applicant(s) have all the necessary permits required? YES X NO _____ Applied for _____

19. What is the distance from the premises to the NEAREST _____ measured from the main entrance of the premises to the _____ chapel or parish house by the ordinary course of travel? _____

20. Have you received any assistance financially or otherwise (yourself in the establishment of your business)? YES _____

If "YES," give details _____

21. Has any other person any interest directly or indirectly in _____

If "YES," give details _____

The Bureau is hereby authorized to obtain and examine all books which this liquor license is requested, and also such books, records, license is in effect.

NOTE: "I understand that false statements made on this false information on this form is a Class D offense under up to one year or by monetary fine of up to \$2,000 or both

Dated at Andover
Town or City, State

or, if any. Give maiden name, if married.

5/74

Birth

Rochester, NY

Place of birth

Birth

Place of birth

Birth

Place of birth

answer to city and state.)

on of the law, other than minor traffic violations,

of conviction _____

tion _____

or indirectly in your license, if issued?

_____ NO X

"NO," give name and address of owner: _____

_____, Deli, Prepared Foods?

State Department of Human Services?

school dormitory, church, chapel or parish house, _____
Which of the above is nearest? school

any mortgages) from any source other than

business? YES _____ NO X

ds and tax returns pertaining to the business for returns during the year in which any liquor

re punishable by law. Knowingly supplying criminal Code, punishable by confinement of

on _____, 20 _____
Date

[Signature]
Signature(s) of Applicant(s) or Corporate Officer

NOTICE — SPECIAL ATTENTION

APPLICANTS FOR NEW OR RENEWAL LIQUOR LICENSES MUST COMPLY WITH THE COUNTY COMMISSIONERS IN UNINCORPORATED PLACES FOR LIQUOR LICENSES PRIOR TO SUBMITTING THEM TO THE BUREAU OF PUBLIC SAFETY.

FEE SCHEDULE MUST ACCOMPANY APPLICATION AND BE MADE PAYABLE BY CHECK SUBJECT TO PENALTY PROVIDED BY SECTIONS 28A-101 TO 28A-105.

ACT THEIR MUNICIPAL OFFICIALS FOR APPROVAL OF THEIR APPLICATION. THIS APPROVAL EXPIRES IN 60 DAYS.

TO: TREASURER, STATE OF MAINE, DEPARTMENT OF REVENUE, 1000 MARKET STREET, PORTLAND, MAINE 04102.

FEE SCHEDULE

Class I	— Spirituous, Vinous and Malt*	.....	\$ 900.00
Class I-A	— Spirituous, Vinous and Malt, * Optional Food (Hotels Only)	.....	\$1,100.00
Class II	— Spirituous Only*	.....	\$ 550.00
Class III	— Vinous Only*	.....	\$ 220.00
Class IV	— Malt Liquor Only*	.....	\$ 220.00
Class V	— Spirituous, Vinous and Malt* (Clubs without Catering, Bed and Breakfasts)	.....	\$ 495.00
Class X	— Spirituous, Venous and Malt* Class A Lounge	.....	\$2,200.00
Class XI	— Spirituous, Vinous and Malt* Restaurant Lounge	.....	\$1,500.00
	Filing fee must accompany all applications	.....	\$ 10.00

Every applicant for an original or renewal liquor license shall also remit with the application a filing fee of \$10.00, except in unincorporated places the filing fee of \$10.00 shall be paid to the county treasurer of the county in which the place is located, and all such applicants for license in unincorporated places shall be accompanied by evidence of payment of filing fee to the county treasurer.

application a filing fee of \$10.00, except in unincorporated places the filing fee of \$10.00 shall be paid to the county treasurer of the county in which the place is located, and all such applicants for license in unincorporated places shall be accompanied by evidence of payment of filing fee to the county treasurer.

CLASS I LICENSE: The following premises shall be eligible for a Class I License: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Clubs; and Bed and Breakfasts.

License — Spirituous, Vinous and Malt* (Clubs without Catering, Bed and Breakfasts); Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; and OTB.

CLASS I-A LICENSE: The following premises shall be eligible for a Class I-A License: Hotels only that do not serve three meals a day.

License — Spirituous, Vinous and Malt* (Clubs without Catering, Bed and Breakfasts); Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; and OTB.

CLASS II LICENSE: The following premises shall be eligible for a Class II License: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; and Vessels.

License — Spirituous Only: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; and Vessels.

CLASS III LICENSE: The following premises shall be eligible for a Class III License: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.

License — Vinous Only: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.

CLASS IV LICENSE: The following premises shall be eligible for a Class IV License: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.

License — Malt Beverages Only: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.

CLASS V LICENSE: The following premises shall be eligible for a Class V License: Clubs without catering privileges.

License — Spirituous, Vinous and Malt* (Clubs without Catering, Bed and Breakfasts); Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.

CLASS X LICENSE: The following premises shall be eligible for a Class X License: Class A Lounge.

License — Spirituous, Vinous and Malt* (Clubs without Catering, Bed and Breakfasts); Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.

CLASS XI LICENSE: The following premises shall be eligible for a Class XI License: Restaurant/Lounge; and OTB.

License — Spirituous, Vinous and Malt* (Clubs without Catering, Bed and Breakfasts); Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.

DEPARTMENT OF PUBLIC SAFETY, BUREAU OF LIQUOR ENFORCEMENT, 1000 MARKET STREET, PORTLAND, MAINE 04102. TEL. (207) 624-8745.

— LICENSING DIVISION, 164 STATE STREET, PORTLAND, MAINE 04102.

**DEPARTMENT OF PUBLIC SAFETY
BUREAU OF LIQUOR & GAMING
LICENSING DIVISION**

164 STATE HOUSE STATION AUGUSTA, ME 04333-0164
LOCATED AT 397 WATER STREET GORHAM, ME 04345
TEL: (207) 624-8745 FAX: (207) 624-8767

**SUPPLEMENTARY QUESTIONNAIRE FOR CORPORATIONS,
LIABILITY COMPANIES, AND LIMITED PARTNERSHIPS**

- Exact Corporate Name: BASIL PRODUCTIONS, LLC
- Date of Incorporation: 12/10/03
- State in which you are incorporated: Maine
- If not a Maine Corporation, date corporation was authorized in State of Maine: _____
- List the names and addresses for previous 5 years, birth date owned:

NAME	ADDRESS PREVIOUS 5 YEARS
Sheila Denohio	1490 Broadway

- What is the amount of authorized stock? NA
- Is any principal officer of the corporation a law enforcement official? No
- Has applicant(s) or manager ever been convicted of any crime in the United States? YES _____ NO Yes
- If YES, Please complete the following: Name: _____
Date of Conviction _____
Location _____
Dated at _____
CITY OR TOWN _____

SIGNATURE OF DULY AUTHORIZED OFFICER

STATE APPLICATION

ME 04333-0164
MAINE 04345
0767

STATE APPLICANTS, LIMITED PARTNERSHIPS

PRODUCTIONS, LLC

Exact business within the _____

List names of officers, directors and list the % of stock owned:

	BIRTH DATE	% OF STOCK	TITLE
in (and)	10/5/74	100	Owner

Outstanding Stock? _____

Official? No

History of the law, other than minor traffic violations, of _____

Position _____

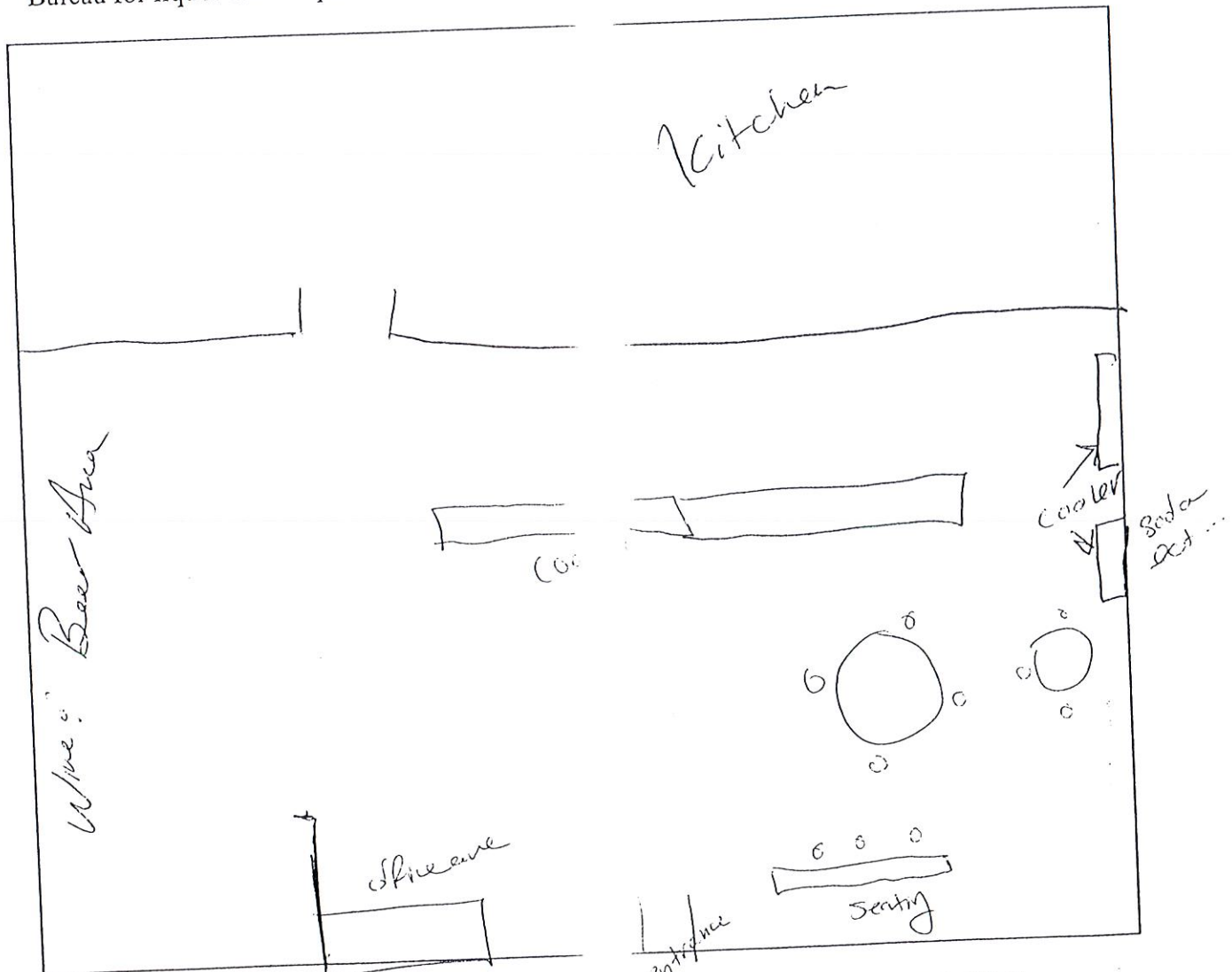
On _____ DATE



SUPPLEMENTAL APPLICATION FORM ON-PREMISES DIAGRAM

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

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



TOWN OF CUMBERLAND, MAINE
REPORT OF THE HEALTH OFFICER

RESTAURANT/TAKE OUT NAME:

BASIC PROVISIONS

Date 1-24-04

State Lic. No. 02547 exp. 2-27

- 1) Food Supply & Source Commercial
- 2) Food Preparation & Protection Very good handling procedures
- 3) Food Temperature All Refrigeration units are in range. Additional Thermometers Needed
- 4) Food Handlers Well Trained, clean, hair restraints
- 5) Equipment & Utensils Clean & properly stored
- 6) Dishwashing 3 bay sink, 160° water, Clorox Sanitizer
- 7) Toxic Materials properly stored
- 8) Water Supply Town water
- 9) Waste Water septic system, functioning
- 10) Toilet & Hand Wash Facilities well supplied, convenient location
- 11) Maintenance of Physical Facilities Very clean, in good repair.
- 12) Insect/Rodent Control no problems observed.
- 13) Rubbish Contained
- 14) Plumbing - Cross Connections none present.

COMMENTS:

This is a very professional kitchen & serving area.
Excellent food handling practices are observed.

Eileen P. Wyatt
CUMBERLAND HEALTH OFFICER

Staff Changes:

The Department's Shoreland Zoning Unit is pleased to announce that Tracey Thibault has recently been hired to fill the Shoreland Zoning position in our Bangor Regional Office vacated earlier this year by Val Whittier.

Tracey is a Certified Code Enforcement Officer and has worked for several Central Maine towns in that capacity. You may reach her at 941-4116.

Welcome Tracey!

Question & Answer:

Q. As the CEO, what do I do when the DEP approves a Permit By Rule (PBR) for someone to excavate or disturb soil to build a new camp set back 60 feet from a lake, but the Town has not issued a variance?

A. The simple answer is to disregard the DEP's decision when determining whether a project meets the Town's Shoreland Zoning (and other) standards. The PBR program falls under the Natural Resources Protection Act, NRPA, which is administered by the State and is a completely separate law from the Mandatory Shoreland Zoning Act. In the case of soil disturbance the NRPA simply prohibits a person from allowing the soil to wash into the lake. Department staff that review PBR's do not know all of the specifics of Maine's 450+ municipal ordinances, but try to catch projects that do not comply with local standards. Some get by us, however. In these instances it is heartening to know that the PBR standards specify that the permit is not valid unless the project conforms to the local Shoreland Zoning standards, i.e. receives municipal approval. If a project does not comply with local standards, simply do not approve it!



DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF LAND AND WATER QUALITY,
17 STATE HOUSE STATION
AUGUSTA, ME 04333



SHORELAND ZONING NEWS

Volume 16, Issue II

Fall 2003

Inside this issue:

NRPA Adjacency	1
Fences, Patios, & Decks	2
More Non-conforming and Temporary Structures	3
Staff Changes and Q & A,	4

Please Share

For over ten years, the Shoreland Zoning News has been helping town officials better understand the common issues surrounding shoreland zoning administration and enforcement. At least that is the feedback we've been getting. Unfortunately, we also hear that the News is not getting to everyone who would like to see it.

We keep our costs and mailing list manageable by sending four copies to one locally designated contact person to distribute to the selectmen, planning board, appeals board and code officer. If you are the contact person, please make sure the newsletters reach the other town officials.

NRPA Regulates Permanent Structures Adjacent to Water

As you probably know by now, the State's Natural Resources Protection Act (NRPA) was recently amended to regulate the clearing of vegetation within 75 feet of streams that are not shoreland zoned by a municipality. Essentially, the NRPA has adopted the same clearing standards for areas within 75 feet of small streams as the municipalities have adopted for larger Stream Protection Districts. If a landowner believes he or she must clear more than the standards allow, the landowner must apply to the Department for a permit by rule. In order to obtain such a permit the landowner must demonstrate that there is no other practical alternative location on the parcel.

What you may not know, however, is that the Department of Environmental Protection (Department), pursuant to the Natural Resources Protection Act, now requires applicants to demonstrate there is no practical alternative for all regulated activities, including the placement of permanent structures, within 75 feet of all ponds, coastal waters, rivers, streams and brooks. Even when the town grants a variance for a new permanent structure within 75 feet of a regulated water body, the owner must also apply for a NRPA permit to place the struc-

ture. In reviewing any application the Department must determine that there is no practical alternative site on the property on which to place the structure before it can issue a permit. Generally speaking, if the Town has properly reviewed the variance request and granted it, the DEP will accept that there is no other practical location for the structure.

The structure setback issue, and the need for a NRPA permit, is usually not problematic. Most shoreland zoned areas require at least a 75 foot setback from water bodies. However, as noted above, if a variance is issued for a permanent structure within 75 feet of the water, the landowner should be directed to the Department for a NRPA permit as well.

The new regulatory provisions under NRPA will also affect persons who propose building in a General Development District. Typically, that District requires only a 25-foot setback from the water. However, the Department will require a greater setback for the permanent structure if there is a reasonable alternative. For example, if a landowner in a General Development District applies to the municipality to build a garage 25 feet from the

Continued on Page 2...

...continued from Page 1,

water, the town ordinance could permit the garage at that distance. But since the garage will be less than 75 feet from the water body, the Department will only issue an NRPA permit if there is no other practical alternative site on the property. The result may be that the siting of the garage 25 feet from the water body is compliant with the Shoreland Zoning Ordinance, but not with the Natural Resources Protection Act requirements. There will need to be good communications between the municipality, the landowner and the Department in those situations.



Fences, Patios, and Decks ...

Often times we receive questions from the public and from municipal officials as to what types of structures must meet setbacks and what types of structures count towards the square footage calculations in expansions. This can be a confusing issue. Let's look again at the definition of a structure:

Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences. The term includes structures temporarily or permanently located, such as decks and satellite dishes.

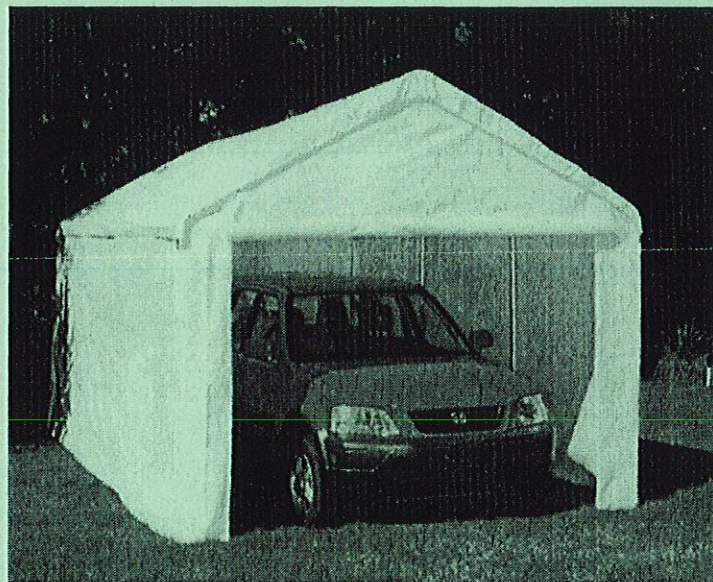
This definition expressly excludes fences. This means that a shoreland zoning permit is not required under the Guidelines.

As is clear from the definition, decks are considered structures and therefore must meet setback requirements. It is the Departments interpretation that decks

are part of the primary structure and would require a permit from either the CEO or the PB in the districts where the principal use is allowed. Patios can be a more confusing matter. Sometimes a patio is as simple as paving stones in a pattern next to the house. Since the pavers are for the support of persons and are constructed on the ground, they are a structure. This means that as an accessory structure they would require a permit from the PB or CEO in most Districts.

How about those portable garages (with the canvas or tarp domed roofs)? Are those structures? Absolutely. Regardless of the fact that this type of structure could be moved, because it is a structure it requires the same level of review as sheds, decks, patios, and other structures that contribute to the use of a lot. In addition, placing wheels on a structure does not make it something else. A shed is a shed whether on posts or wheels just as a boat is a boat whether on land or in the water.

The photo below is an example of a "portable" structure that must meet the setback requirements.



Typical "portable" structure

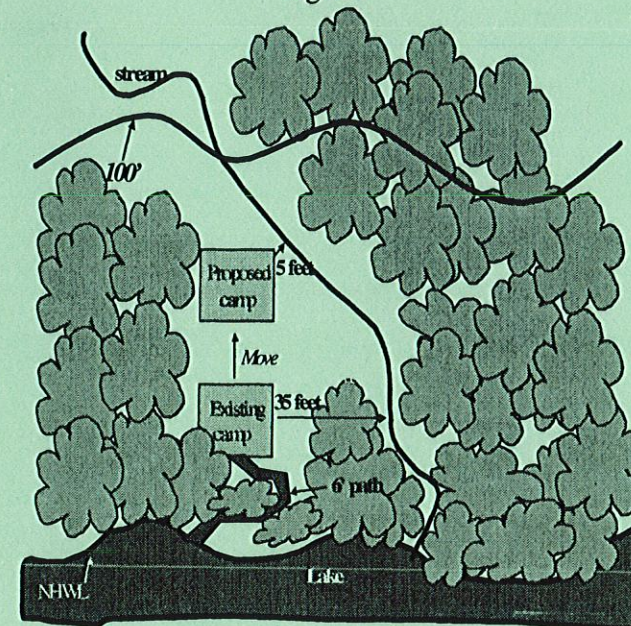
Got a shoreland zoning question or issue you'd like to share with others? The Question and Answer section of the *Shoreland Zoning News* is a good forum for spreading the word. Just drop a note or a telephone message to the shoreland zoning staff at the DEP, and we'll try to include it in an upcoming newsletter.

More Non-Conforming

When a property owner decides it is time to put a basement under the old camp, tear it down and re-build, or propose a significant remodel (greater than 50% of its market value), and if it is a non-conforming structure then it should be moved back to be compliant with the water setback requirement to the greatest practical extent. Typically most town ordinances place the burden of determining the "greatest practical extent" on the planning board. In determining the greatest practical extent a planning board should consider a number of factors such as the lot size, slope of the land, location of other structures, septic site locations, etc.

Occasionally we receive calls from town officials with the question of what to do when, by moving a structure back from one shoreland zoned resource to achieve greater setback compliance from that resource, the structure is moved more closely to and within the shoreland zoned buffer setback of another waterbody. In the drawing below (Figure 1) the camp is moving further back from the lake, but at the same time the proposed location is closer to a stream, hence more non-conforming. The correct legal answer is that it is illegal to make a structure more non-conforming to a waterbody even though it may be more conforming to another waterbody.

Figure 1



Temporary Structures in the Shoreland Zone

The Natural Resources Protection Act (NRPA), which is administered by the Maine Department of Environmental Protection, differentiates between temporary and permanent structures. Essentially, only structures constructed or erected with a fixed location or attached to a structure with a fixed location for a period exceeding 7 months each year are regulated under the NRPA. If a structure does not exceed this 7-month threshold then it is considered temporary and therefore is not regulated under the NRPA.

The Mandatory Shoreland Zoning Act, however, does not discern between temporary and permanent structures in that they are treated identically from a regulatory standpoint. The *Fences, Patios & Decks* article on Page 2 briefly discusses those portable canvas garages/ carports/ storage sheds from a different aspect. Some have suggested that where they are portable that they are therefore also temporary and should not be regulated under your local shoreland zoning ordinance. The Department disagrees with this claim. These structures must meet the setback as would any other newly constructed structure.

So where do you draw the line? It may be reasonable for a town to allow recreational camping tents to be erected for a few days during the summer (and not on a new gravel pad). How about that picnic table or park-style bench? Technically these structures are subject to the setback requirement even if temporary. The Department, however, would suggest that it is reasonable to allow these to be placed in the buffer nearby the allowed footpath to the water. And *please* don't ask me to remove my portable tree stands...



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

COMMISSIONERS' MEETING

MINUTES

Monday, December 15, 2003

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

Chairperson Clenott called the meeting to order at 7:06 PM, the Pledge of Allegiance was recited, and the following business was conducted.

Minutes of the Regular Meeting of October 27, 2004, approved as written.

Comments from the County Manager:

Peter Crichton, County Manager, reported on three issues. First, a suggestion has been made by the Manager to the Maine County Commissioners Association, which represents all 16 county governments, regarding the need for increased media relations and a public information program. Representatives from the counties will be discussing how to make a better connection with the citizens of Maine so they will be able to learn more about County Government. Secondly, the idea is being discussed of having a Maine County Government Summit in 2004 to bring state, county, and municipal officials from around the state together to discuss the role of County Government in delivering more efficient, effective services as well as helping to strengthen Maine's economy. Thirdly, the County Manager also explained the interoperability study that is being done. Jane Duncan, Deputy County Manager, Bill Holmes, Communications Director, and Lauren Carrier are working on this project with other individuals and groups.

Comments from the Commissioners:

Commissioner Plummer expressed his concern of having the State close the courthouse building due to snow storms so early in the season; this might set a wrong expectation of when it snows the courthouse would be closed. Instead of closing perhaps a delay in opening the County offices would have been more appropriate.

Commissioner Feeney reported there will be a meeting with Governor Baldacci on Wednesday, with Peter Crichton, County Manager, Jane Duncan, Deputy County Manager, and Commissioners Clenott and Feeney. They will be discussing various topics such as supporting the consolidation of the 911 System, the Cumberland County Civic Center, the Cumberland County Correctional Facility, the implementation of the County's Strategic Plan, and having the Governor be a keynote speaker at our upcoming Search Conference in March.

Chairperson Clenott reported she is looking forward to speaking with the Governor about counties being recognized as a level of government that can offer services to communities.

Comments from the Public:

John Arsenault, Chair of the Cumberland County Budget Committee, expressed his thanks to the County Manager and Commissioners for the budget process this year. He further stated he wanted to inform the public that the County Manager and the Commissioners worked diligently to try and find funding alternatives for the budget this year.

Action Items:

03-119 Approval, Cumberland County Jail/Maine DOT Settlement

Ken Cole of Jensen, Baird, Gardner & Henry reported that this settlement is the final resolution of a suit that arose regarding \$30,000 the Maine DOT paid for just compensation for property rights necessary for the construction of a connector road from the 1-295 Congress Street exit to Commercial Street in Portland. The property is owned and operated by Cumberland County and is known as the Cumberland County Jail. Negotiations to reach this conclusion involved the Commissioners, the County Manager and David Cole, Commissioner of the Maine DOT. Mr. Cole has informed the County and provided satisfactory assurances regarding the County's desire to move its primary access to the connector road that the Maine DOT would not be adverse to the new access being constructed at the County's expense. Since the engineering has been worked out and the settlement was made in June, this action item asks for dismissal of the suit that was originally brought nine months ago when the land was taken.

Commissioner Plummer thanked Mr. Cole for verifying the history and Joe Mazziotti for his assistance. He asked if Mr. Cole was confident that it would be possible for us to get a commitment for a primary access road to the highway. Mr. Cole indicated he was confident because the Commissioner of the Maine DOT indicated, as long as the traffic numbers were appropriate and the design can be worked out by Cianbro, there would be a commitment. Mr. Cole indicated he was also confident because Cianbro has made a commitment to the County that they could start in the spring.

Commissioner Feeney wanted to thank Representative Ron Usher for his

participation in this process.

Chairperson Clenott thanked Commissioner Plummer for serving on the State Claims Committee and utilizing his experience with property/land to help this with this process. She also is looking forward to possibly working with the State on sharing the cost of a new access road.

Commissioner Plummer made a Motion to dismiss the law suit entitled Inhabitants of the County of Cumberland v. State of Maine as described previously by Attorney Cole. Commissioner Feeney seconded the Motion. Voted, unanimously.

03-120 Approval, IRS Standard Mileage Increase for 2004

The Finance Director, Vic Labrecque, reported this item is brought forth every year for mileage reimbursement. The IRS standard mileage is 37.5 cents per mile and recommends the Commissioners set the mileage for the County reimbursement mileage for 2004 at 37.5 cents per mile which is up from the 36 cents per mile in 2003. Manager Crichton concurs with this recommendation.

Commissioner Feeney made a Motion that the Commissioners approve the utilization of the 2004 IRS mileage reimbursement at the rate of 37.5 cents per mile. Commissioner Plummer seconded the Motion. Voted, unanimously.

03-121 Approval, Classroom Ceiling Reinforcement – Cumberland County Jail

The Facilities Director, Bruce Tarbox, reported there are eleven classroom ceilings located adjacent to each pod at the jail. These ceilings consist of metal panels installed in a grid and are fastened so they cannot be moved. The issue now is that the total ceiling can be pushed up which provides an area for contraband. Bids were sent out for resolution to the problem. Two bidders responded: Design Acoustics, Inc. at \$8,690.00 and Hardypond Construction at \$6,950.00. Mr. Tarbox is recommending Design Acoustics at \$8,690.00. Hardypond Construction did not meet the specifications. Manager Crichton concurs with the recommendation.

Commissioner Plummer made a Motion to award the bid to Design Acoustics, Inc. for \$8690.00 to fix and place the suspended ceiling in all of the classrooms at the jail as per specifications. Commissioner Feeney seconded the Motion. Voted, unanimously.

03-122 Approval, Cumberland County Commission Renewals

Commissioner Feeney made a Motion to approve the nine names that have been submitted by Sheriff, Mark Dion to have their commissions renewed. In addition, the Sheriff requested approval of a commission for a new Patrol Deputy, Julie Bowman. Commissioner Plummer seconded the Motion. Voted, unanimously.

03-123 Approval, Motions for 2004 Cumberland County Budget

Manager Crichton gave the following overview with regard to the budget. This year there was a very collaborative effort between the Commissioners, the Budget Advisory Committee, and others to develop this budget and bring it to a point where people were comfortable with it. The proposed budget recommends a tax increase of 2.67%, or less than a \$4 increase in 2004 for the average taxpayer in Cumberland County. The County has a number of departments that are directly related to public safety and our ability to provide public safety to the citizens of Cumberland County is dependent upon our ability to meet the needs of these departments. The Cumberland County Jail is the largest division with the largest number of employees, and represents more than 50% of the County's annual operating budget. The Jail has been driving our budget for the last several years, and this year it represents more than 80% of the tax increase due to the number of inmates and services.

The Manager also explained funding in the County's CIP (which does not impact the assessment) in the amount of \$220,000 to help support homeland securities for communities throughout Cumberland County. George Flaherty, Director of the EMA, Jane Duncan, Deputy Manager, Fire Chiefs and others have worked very hard to try and have a coordinated hazardous materials response team to respond to disasters. The Manager thanked the Commissioners, the Budget Advisory Committee, the Cumberland County Department Heads and staff, for their support and hard work.

Chairperson Clenott asked the County Manager to give an explanation as to two areas (Executive Department and Corrections Division) in which the Manager has a different recommendation than the Budget.

Manager Crichton is suggesting that there be an increase of \$25,000 over his original recommendation for the County's Public Information Program which is funded out of the Executive Department budget. The County has learned that the Maine Municipal Association, which handles our health insurance, would be charging less for our health insurance than we had budgeted. Vic Labrecque, Finance Director, anticipated an increase of 15% in health insurance which had been the trend the last few years. The Manager's suggestion is to take some of the savings and devote it to improving our public information program. At the present time we have about \$5,000 to reach out to the communities in Cumberland County via taping of meetings, and other activities.

In addition, the Manager suggested that \$50,000 be used to reduce the tax rate down to 2.49%. So what you have is a \$25,000 increase in the public information program with a corresponding decrease of \$50,000 to help lower the tax rate. The total of \$75,000 in adjusted health savings is being taken out of the Corrections division budget which represents 60% of the County's health insurance costs.

	<u>Manager Recommendation</u>	<u>BAC Recommendation</u>
<u>Facilities</u>		
<i>Manager's recommendation</i>	\$2,421,161	
<i>BAC recommendation</i>		\$2,421,161
<i>Motion to set budget for the Facilities</i>		

Motion by Commissioner Feeney to approve the BAC and the Manager's recommendation of \$2,421,161 be set for the Facilities Department. Seconded by Commissioner Plummer, so voted unanimously.

<u>Deeds</u>		
<i>Manager's recommendation</i>	\$924,140	
<i>BAC recommendation</i>		\$924,140
<i>Motion to set budget for the Deeds</i>		

Motion by Commissioner Plummer to approve the Deeds' Budget for Fiscal Year 2004 be set at \$924,140 as for recommendation of the BAC and the Manager. Seconded by Commissioner Feeney, so voted unanimously.

<u>Probate</u>		
<i>Manager's recommendation</i>	\$483,977	
<i>BAC recommendation</i>		\$483,977
<i>Motion to set budget for the Probate</i>		

Motion by Commissioner Feeney to approve the BAC and the Manager's recommendation of \$483,977 be set for Probate. Seconded by Commissioner Plummer, so voted unanimously.

<u>Sheriff</u>		
<i>Manager's recommendation</i>	\$3,802,356	
<i>BAC recommendation</i>		\$3,802,356
<i>Motion to set budget for the Sheriff</i>		

Motion by Commissioner Plummer to approve the Sheriff's Budget for Fiscal Year 2004 be set at \$3,802,356 as for recommendation of the BAC and the Manager. Seconded by Commissioner Feeney, so voted unanimously.

	Manager Recommendation	BAC Recommendation
Correction Division		
Manager's recommendation	\$13,287,203	
BAC recommendation		\$13,212,203
Motion to set budget for the Correction Division		

Motion by Commissioner Feeney to approve the BAC recommendation of \$13,212,203 be set for the Correction Division. Seconded by Commissioner Plummer, so voted unanimously.

Communication		
Manager's recommendation	\$675,343	
BAC recommendation		\$675,343
Motion to set budget for the Communication		

Motion by Commissioner Plummer to approve the Communication’s Budget for Fiscal Year 2004 be set at \$675,343 as for recommendation of the BAC and the Manager. Seconded by Commissioner Feeney, so voted unanimously.

Finance		
Manager's recommendation	\$282,540	
BAC recommendation		\$282,540
Motion to set budget for the Finance		

Motion by Commissioner Feeney to approve the BAC and the Manager’s recommendation of \$282,540 be set for the Finance Budget. Seconded by Commissioner Plummer, so voted unanimously.

Treasurer		
Manager's recommendation	\$50,359	
BAC recommendation		\$50,359
Motion to set budget for the Treasurer		

Motion by Commissioner Plummer to approve the Treasurer’s Budget for Fiscal Year 2004 be set at \$50,359 as for recommendation by the BAC and the Manager. Seconded by Commissioner Feeney, so voted unanimously.

	<u>Manager Recommendation</u>	<u>BAC Recommendation</u>
Debt Service		
<i>Manager's recommendation</i>	\$2,105,000	
<i>BAC recommendation</i>		\$2,105,000
<i>Motion to set budget for the Debt Service</i>		

Motion by Commissioner Feeney to approve the BAC and the Manager's recommendation of \$2,105,000 be set for Debt Service. Seconded by Commissioner Plummer, so voted unanimously.

Debt Interest-Bonds		
<i>Manager's recommendation</i>	\$660,838	
<i>BAC recommendation</i>		\$660,838
<i>Motion to set budget for the Debt Interest-Bonds</i>		

Motion by Commissioner Plummer to approve the Debt Interest Bonds for Fiscal Year 2004 be set at \$660,838 as for recommendation of the BAC and the Manager. Seconded by Commissioner Feeney, so voted unanimously.

Debt Expense- Loans		
<i>Manager's recommendation</i>	\$79,600	
<i>BAC recommendation</i>		\$79,600
<i>Motion to set budget for the Debt Expense- Loans</i>		

Motion by Commissioner Feeney to approve the BAC and the Manager's recommendation of \$79,600 be set for Debt Expense-Loans. Seconded by Commissioner Plummer, so voted unanimously.

<u>Grants</u>		
<i>Manager's recommendation</i>	\$145,851	
<i>BAC recommendation</i>		\$155,851
<i>Motion to set budget for the Grants</i>		

Motion by Commissioner Plummer to approve the Grants for Fiscal Year 2004 be set at \$1,055,851. Seconded by Commissioner Feeney. A discussion followed with regards to why Commissioner Plummer indicated the increase in funding. Commissioner Plummer indicated that reflects an addition of \$900,000 for the

Portland Public Library. To further his point, Commissioner Plummer indicated if we are serious about being active participants of the Portland Public Library then we should pay our fair share of 30% of the book usage from outside the City of Portland. After discussion, Commissioner Plummer admitted he wanted to make a point. Chairperson Clenott called for a vote of Commissioner Plummer's Motion. So voted -- 3 No. Commissioner Plummer made a Motion to approve the Grants Budget for Fiscal Year 2004 at \$145,851 as recommended by the County Manager. Hearing no second, the Motion fails. Commissioner Feeney made a Motion to approve the BAC recommendation at \$155,851. Chairperson Clenott seconded the Motion. Commissioner Plummer indicated that the Portland Public Library does a wonderful job and is a regional library. The State should pay more and the County should not have to pick up the slack, and that he would fully support fair funding before the Legislature. So voted – 2 Yes, 1 No.

Human Services

<i>Manager's recommendation</i>	\$287,972	
<i>BAC recommendation</i>		\$297,502
<i>Motion to set budget for the Human Services</i>		

Motion by Commissioner Feeney to approve the BAC recommendation of \$297,502 for Human Services. Seconded by Chairperson Clenott. Commissioner Plummer recommended an amendment to the Motion to accept the Manager's recommendation for Human Services for Fiscal Year 2004 at \$287,972. The amendment fails for lack of a second vote. Chairperson Clenott asked Commissioner Plummer to give an explanation. Commissioner Plummer indicated that the Manager has worked very hard to develop the budget, he allowed the same percentage to Human Services as he did to other areas of the budget, and that he feels the Manager's recommendations are fair. Chairperson Clenott reported that meetings were held between the Human Services Committee and Budget Advisory Committee and the BAC made the decision to override the County Manager's recommendation. So voted - 2 Yes 1 No.

Pension Life

<i>Manager's recommendation</i>	\$1,500	
<i>BAC recommendation</i>		\$1,500
<i>Motion to set budget for the Pension Life</i>		

Motion by Commissioner Plummer to approve the Pension Life for Fiscal Year 2004 be set at \$1,500 as for recommendation of the BAC and the Manager. Seconded by Commissioner Feeney, so voted unanimously.

	Manager Recommendation	BAC Recommendation
Contingency Account		
<i>Manager's recommendation</i>	\$50,000	
<i>BAC recommendation</i>		\$50,000
<i>Motion to set budget for the Contingency Account</i>		

Motion by Commissioner Feeney to approve the BAC and the Manager's recommendation of \$50,000 be set for the Contingency Account. Seconded by Commissioner Plummer, so voted unanimously.

Salary/Benefits/Termination Pay

<i>Manager's recommendation</i>	\$27,799	
<i>BAC recommendation</i>		\$27,799
<i>Motion to set budget for the Salary/Benefits/Termination Pay</i>		

Motion by Commissioner Plummer to approve the Salary/Benefits/Termination Pay for Fiscal Year 2004 be set at \$27,799 as for recommendation of the BAC and the Manager. Seconded by Commissioner Feeney, so voted unanimously.

Unemployment Insurance

<i>Manager's recommendation</i>	\$6,383	
<i>BAC recommendation</i>		\$6,383
<i>Motion to set budget for the Unemployment Insurance</i>		

Motion by Commissioner Feeney to approve the BAC and the Manager's recommendation of \$6,383 be set for Unemployment Insurance. Seconded by Commissioner Plummer, so voted unanimously.

	<u>Manager Recommendation</u>	<u>BAC Recommendation</u>
<u>Federal Grant Contract</u>		
<i>Manager's recommendation</i>	\$65,000	
<i>BAC recommendation</i>		\$65,000
<i>Motion to set budget for the</i> <i>Federal Grant Contract</i>		

Motion by Commissioner Plummer to approve the Federal Grant Contract for Fiscal Year 2004 be set at \$65,000 as for recommendation of the BAC and the Manager. Seconded by Commissioner Feeney, so voted unanimously.

<u>Charter Commission</u>		
<i>Manager's recommendation</i>	\$30,000	
<i>BAC recommendation</i>		\$30,000
<i>Motion to set budget for the</i> <i>Charter Commission</i>		

Motion by Commissioner Feeney to approve the BAC and the Manager’s recommendation of \$30,000 be set for the Charter Commission. Seconded by Commissioner Plummer, so voted unanimously. The funds are to be used to offset the costs for the printing of over 100,000 ballots for the November, 2003 election.

<u>Civic Center Subsidy</u>		
<i>Manager's recommendation</i>	\$95,000	
<i>BAC recommendation</i>		\$95,000
<i>Motion to set budget for the</i> <i>Civic Center Subsidy</i>		

Motion by Commissioner Plummer to approve the Civic Center Subsidy for Fiscal Year 2004 be set at \$88,000. Seconded by Commissioner Feeney. Commissioner Plummer indicated that the County budgeted \$95,000, and when the Civic Center tallied their books it was close to \$88,000. Chairperson Clenott made a Motion that \$88,000 be appropriated for the Civic Center Subsidy. Seconded by Commissioner Feeney, so voted unanimously.

BUDGET SUMMARY		
Total Expenditure Budget		
Manager's recommendation	\$27,879,398	
BAC recommendation		\$27,848,928
Motion to set the Total Expenditure Budget		Revised \$27,841,928
Chairperson Clenott made a Motion that \$27,841,928 be approved for the 2004 Annual Operating Budget. So voted, unanimously.		
Revenues		
Manager's recommendation	\$8,086,501	
BAC recommendation		\$8,086,501
Motion to set budget for the Revenues		
Motion by Commissioner Plummer to set the Revenue estimate for Fiscal Year 2004 be set at \$8,086,501. This revenue is what we anticipate to be the sum total revenue from the Jail, Registry of Deeds and other sources of non-tax revenue. Seconded by Commissioner Feeney, so voted unanimously.		
Designated Surplus to Reduce Taxes		
Manager's recommendation	\$1,100,000	
BAC recommendation		\$1,100,000
Motion to Designate Dollars from Surplus to Reduce taxes		Revised \$1,125,250
Motion by Commissioner Feeney to approve the BAC and the Manager's recommendation to designate the money from surplus to reduce the tax levy and be set at \$1,100,000. Seconded by Commissioner Plummer, so voted, unanimously. Commissioner Plummer indicated he wanted to see the Budget come in under a 2.5% increase in taxes. The way the County could achieve this would be by adding \$25,250. Therefore, Commissioner Plummer made a Motion to amend and to increase the amount of Designated Surplus to \$1,125,250. So voted, unanimously.		
Tax Revenue Required		
Manager's recommendation	\$18,692,897	
BAC recommendation		\$18,662,427
Motion to set budget for the Tax Revenue Required		Revised \$18,630,177
Tax Increase Percentage	2.84%	2.67%
		Revised 2.49%

<u>CAPITAL IMPROVEMENT MOTIONS</u>	
<u>Undesignated Surplus-CIP</u>	
<i>Manager's recommendation</i>	\$841,100
<i>Motion to designate from surplus for Capital Improvement Plan</i>	
Motion by Commissioner Plummer to approve the Capital Improvement Program at \$821,000. Seconded by Chairperson Clenott. Chairperson Clenott inquired as to the \$20,000 difference. Commissioner Plummer indicated he believes the \$20,000 is budgeted for FY04 for a total of \$100,000 over the next five years to go towards the Portland Public Library expansion. Hearing no second, the vote fails. Commissioner Feeney made a Motion that the Manager's recommendation of \$841,000 be set for the Capital Improvement Program out of the Undesignated Surplus-CIP for Fiscal Year 2004. Seconded by Chairperson Clenott. Voted – 2 Yes, 1 No.	
<u>Strategic Capital Reserve Funds</u>	
<i>Manager's recommendation</i>	\$1,032,363
<i>Motion to designate from accrued Strategic Funds Account to CIP</i>	
Motion by Commissioner Feeney to approve the Manager's recommendation of \$1,032,363 be set for Strategic Capital Reserve Funds for Fiscal Year 2004. Seconded by Commissioner Plummer, so voted unanimously.	
Commissioner Plummer made a Motion to direct the County Manager with the assistance of the Finance Director to finalize the budget in accordance with the actions taken tonight, December 15, 2003, and have a final document prepared. Seconded by Commissioner Feeney who indicated the document should also reflect any changes made as of this date. So voted, unanimously.	

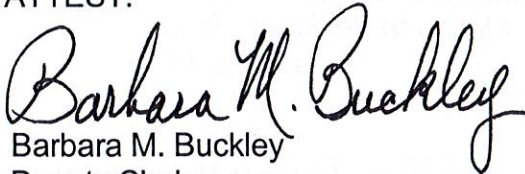
Other Business:

Commissioner Plummer thanked Chairperson Clenott for all her hard work as Chairperson for 2003. On behalf of the Department Heads and staff, the Manager thanked the Board for their leadership and the work that was accomplished in 2003 and

looks forward to 2004.

No further business conducted, Commissioner Feeney made a Motion to adjourn at 7:25 PM. Commissioner Plummer seconded the Motion. All voted unanimously.

ATTEST:


Barbara M. Buckley
Deputy Clerk

The next regular meeting: Monday, January 12, 2004 PM in Courtroom 1.