

AGENDA
CUMBERLAND TOWN COUNCIL
SPECIAL MEETING
Town Council Chambers – 290 Tuttle Road
Tuesday, May 4, 2004

7:00 PM – CALL TO ORDER

I. APPROVAL OF MINUTES

II. MANAGER'S REPORT

III. PUBLIC DISCUSSION

IV. LEGISLATION AND POLICY

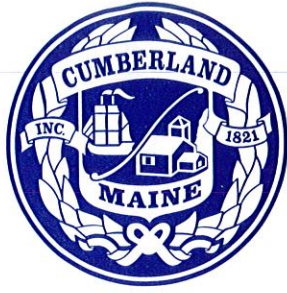
04 – 051. To hold a public hearing to consider and act on the FY 2004/05 Municipal Budget.

IV. NEW BUSINESS

V. MANAGER'S REPORT

VI. EXECUTIVE SESSION: Executive Session pursuant to Title 1, Section 405(6)(C) & (E) of the Maine Revised Statutes to consult with the Town Attorney about the Town Council's rights and duties regarding the use of real property for economic development purposes.

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	



TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

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

April 29, 2004

Mr. Steve Durrell
Prock Marine Company
119 Tillson Avenue
Rockland, Maine 04841

Re: Chebeague Island Wave Break

Dear Steve:

Several concerns regarding the effectiveness of our new Wave Break on Chebeague Island have been raised. As a result of this feedback, I personally visited the site yesterday. With a moderate NNW wind, I witnessed first hand boats bouncing up and down behind the wave break and did not see a significant difference between boats outside the wave break and boats inside the wave break.

As I have already shared with you verbally, several comments were made by the work force constructing the wave break; namely that the design would not work and that Prock would be back next winter to rebuilding the structure. These comments were shared by your foreman and other members of the crew with the general public. These alarming comments came from not only the non-supporters of the project, but also people who supported the project.

I'd like to request clarification, explanation, and a remediation plan. My understanding of the chronological events is as follows:

1. Prock Marine was contacted by the Town of Cumberland to assist with repairs to the Stone Wharf.
2. Prock Marine developed repair plans and a design for a float system and wave break.
3. A Wind & Wave Study was paid for by the Town of Cumberland which supported the location of the wave break system.
4. Prock's designs were then sent to a Structural Engineering firm selected by Prock and accepted by the Town to review the design and certify the design was structurally sound and in accordance with the Wind & Wave Study.
5. Baker Design Consultants prepared CAD Drawings for the Army Corp of Engineers and DEP applications of the Prock Marine designs.

6. The application was submitted and approved by both agencies and Prock Marine began work sometime in November of 2004.

I have been Cumberland Town Manager since late March of 2003 and the project was through preliminary design and acceptance by the Town at that point.

My perceptions of the project and of the expectations of the community were that the Wave Break would protect the Stone Wharf from the strong northeasterly winter storms and that residents could expect more protection for their boats as a result of the construction of the wave break. I do not believe anyone ever assumed the Wave break was going to create a tranquil pool behind the structure, but did expect to see a significant reduction in the wave force on the boats. To date, that has not been the case for most boaters. Boaters are now being asked by the Town to pay for this facility even though there has been no appreciable difference in the wave action on their boats as compared to previous years.

My frustrations from the Wave Break are a result of over 2 dozen calls (mostly from supporters of the initial project) who would like to see something done to improve the facility so it actually knocks down some waves. Additions such as camels and other homemade energy dissipation devices have been discussed, but honestly that's not what we paid \$250,000 for and I would like to see a permanent solution to the existing condition.

With this letter I respectfully request Prock Marine outline what was proposed to be provided and whether this proposal has met company expectations. I also request Prock develop a timeline with steps to be taken to improve the present situation.

The pier and float system is well constructed and a beautiful addition to the Stone Wharf. However, the Wave Break is the weak link at this point and may very well never meet the expectations of our community. There presently exists a canyon like gap between our expectations and our outcomes.

We have shared a very positive professional relationship with Prock Marine for many years and wish very much to continue that relationship. I hope we can resolve our present disappointment with the Wave Break project.

Your immediate attention to this matter is very much appreciated.

Sincerely,



William R. Shane
Town Manager

cc: Town Council
Adam Ogden, Director of Public Works

Fire Protection Ordinance

101. TITLE

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

102. LEGAL AUTHORITY

This Ordinance is adopted pursuant to Home Rule Powers as provided in Article VIII-A of the Maine Constitution and Title 30-A, M.R.S.A. Section 3001.

103. PURPOSE

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

- 103.1 To provide for the protection and enhancement of life safety against fire and its byproducts to persons occupying new buildings in the Town of Cumberland by improving the chances of emergency escape.
- 103.2 To ensure for the reasonable protection and safety of firefighters against building collapse and other effects of fires.
- 103.3 To better facilitate the needs of a volunteer fire department response.
- 103.4 To ensure that sound engineering practices are utilized when installing fire protection systems.
- 103.5 The requirements of this ordinance shall not apply to minor subdivisions, which shall not be required to provide fire ponds, sprinkler systems or other fire protection systems as set forth in this Ordinance due to the determination by the Town Council that the existing resources and equipment of the Fire Department are adequate to provide fire protection services to these smaller developments without the provision of additional fire protection measures.

104. DEFINITIONS

Approved: Acceptable to the authority having jurisdiction (AHJ).

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

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

Dry Hydrant: A drafting source for fire department apparatus connected to either an underground storage tank or a body of water. Each hydrant shall be equipped with a male 4.5 inch National Standard Thread (NST) Fire Department connection with a reducing male 2.5 inch NST connection with cap and chain. This connection shall be located within 6 feet from pavement for support of fire apparatus. The center of the cap shall be 30 inches from final grade. There must be 6 feet of level ground around the hydrant. Protective posts shall be approved by the Fire Department. All vertical pipe components and the hydrant shall not be plastic. The design of the hydrant, associated components and piping shall be approved by a licensed engineer. The Public Works Director and the Fire Chief, or their designees, shall approve access roads, protection from vehicular traffic, signage, gates, painting of the hydrant, and any other associated items. Access roads must be maintained year round and will be the responsibility of the developer.

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

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

Major Subdivision: A Town of Cumberland Planning Board approved subdivision with 5 or more residential occupancies.

Minor Subdivision: A Town of Cumberland Planning Board approved subdivision with 4 or less residential occupancies.

Monitored Fire Alarm System: An approved automatic fire alarm system, with battery backup, shall be capable of detecting the presence of elevated

heat temperatures, smoke conditions or sprinkler system water flow within a building and have the capability of calling an approved fire alarm monitoring company. The system shall meet all of the requirements as outlined in the National Fire Alarm Code.

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

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

Subdivision: A subdivision shall be defined by 30-A M.R.S.A. § 4401, and as amended from time to time. For the purposes of this Ordinance, subdivisions shall mean only those approved by the Planning Board after March 6, 1959. In addition, any lots shown on a subdivision plan, but not subject to Planning Board review shall not be considered a lot in a subdivision. Adopted June 28, 2000 [Amended 3/26/01] [Amended 12/17/01, effective 1/1/02]

Underground Storage Tanks: A tank or network of tanks located in the ground serving the sole purpose of supplying at a minimum 30,000 gallons of water for fire protection purposes. All applications shall contain a fire protection water supply plan with profiles designed and stamped by a State of Maine registered professional engineer. A State of Maine registered professional engineer shall also approve the installation of all components of the tank(s) and hydrant system. This plan shall show the fire pond or existing water body, spring, well point, or pumping facility; overflow system; security fence; access road; dry hydrant(s); associated piping and materials; easements; and other elements of the proposed water supply system, or other means of providing fire protection as approved by the Fire Chief. In addition, the engineer shall provide a written narrative describing the materials and methods used in the water supply system and supportive documentation for the proper sizing of the system shall accompany the plan.

105. **APPLICABILITY**

This Ordinance shall apply to all new commercial properties in excess of 4000 square feet and all new residential dwelling units in major subdivisions (including manufactured housing) within the Town of Cumberland. No new dwelling unit or commercial property that fails to

meet the requirements of the Ordinance shall be constructed or placed within the Town of Cumberland. The Planning Board, after review by the fire department, may impose additional requirements for projects with multi-family dwelling units or single-family dwellings separated by less than 100 feet.

106. EXEMPTIONS

This Ordinance shall not apply to the following:

- 106.1.1 The repair, replacement, reconstruction or alteration of any existing building or structure provided the number of units is not increased, regardless of the need for a variance.
- 106.1.2 All new residential units that are not located within a major subdivision (5 or more dwelling units).

107. ADMINISTRATION

107.1 All new commercial properties in excess of 4000 square feet and all new residential dwelling units in major subdivisions shall be provided with at least one of the requirements outlined in the following sections. This distance shall be measured by the path of a fire apparatus from the water source to the dwelling unit or commercial property including the driveway.

107.1a: An extension of the public water system with hydrants supplied at a distance not greater than 1000 feet from each other and from the added building(s).

107.1b: Each unit may be equipped with an approved automatic sprinkler system. An approved fire alarm system shall be installed and subsequently monitored by a fire alarm company continuously for the duration of occupancy.

107.1c: A dry hydrant connected to one of the following may be allowed. Subdivisions protected by this section shall be designed with two entrances (maintained year round) to facilitate fire department tanker shuttle operations.

107.1.c1: Fire Pond (Pre-existing as of October 6, 2003)

107.1.c2: Underground storage tank(s)

108. **CONFLICT WITH OTHER LAWS, CODES OR ORDINANCES**

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

109. **SEPARABILITY**

Should any section or provision of this Ordinance be found by the courts to be invalid, illegal, or unenforceable, such decision shall not affect any other section or provision of this Ordinance either singly or collectively.

110. **EFFECTIVE DATE**

The effective date of this Ordinance shall be Month/Day/Year.

111. **REVIEW PROCEDURE**

This Ordinance shall be reviewed by the Town Council in Month/Year to assess the efficacy of the Ordinance and shall be reviewed by the Planning Board periodically (but not less frequently than once every three years). Based on its review the Planning Board may recommend amending this Ordinance as provided in Section 11.

112. **AMENDMENTS**

112.1. An amendment to this Ordinance may be initiated by one of the following:

112.1.1 The Planning Board.

112.1.2 The Town Council.

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

113. **VIOLATIONS**

113.1. A violation of this Ordinance shall be deemed to exist when any person, partnership, or corporate entity engages in any construction activity directly related to the erection or placement of a commercial property in excess of 4000 square feet or a residential dwelling unit in a major subdivision, without first having an

approved fire protection plan obtained from the Fire Chief or his/her designee.

- 113.2. If a new commercial property in excess of 4000 square feet or a new residential dwelling unit in a major subdivision has been constructed, without an approved fire protection plan, it shall be deemed a violation for any person, firm, or corporate entity to sell, lease, rent or occupy such new commercial property in excess of 4000 square feet or new residential dwelling unit in a major subdivision until such approval has been duly issued.

114. NOTICES OF VIOLATIONS; LEGAL ACTION

When a violation of any provision of this Ordinance shall be found, the CEO shall send a written notice of the violation to the responsible party or parties and shall notify the Town Council of the violation. If the notice does not result in the correction of the violation, the Town Council may institute any and all actions and proceedings, either legal or equitable, including seeking injunctive relief, the imposition of fines, removal of the structure, or other action that may be appropriate or necessary to enforce the provisions of this Ordinance. The remedies set forth herein are intended to be cumulative and not exclusive of each other. The Town Council is authorized to enter into administrative consent orders to eliminate violations with or without court action. Such agreement shall not allow an illegal structure or use to continue.

115. PENALTIES

- 115.1. Any person owning or controlling the use of any new commercial property in excess of 4000 square feet or any new residential dwelling unit in a major subdivision being constructed or occupied in violation of this chapter shall be liable to be fined not less than \$100 or more than \$2,500 for each day such a violation (i.e. construction activity, unlawful occupancy) continues after notification by the CEO.
- 115.2. If a new commercial property in excess of 4000 square feet or a new residential dwelling unit in a major subdivision has been built in violation of this chapter and is then occupied the owner may be fined as provided in Section 14 A. of this Ordinance.

116. APPEALS

- 116.1. The Board of Adjustment and Appeals in accordance with Section 603 of the Cumberland Zoning Ordinance, may, upon written application of an aggrieved party and after public notice, hear

appeals from determinations of the Code Enforcement Officer in the administration of this Ordinance. Following such hearing, the Board of Adjustment and Appeals may reverse the decision of the Code Enforcement Officer only upon a finding that the decision is clearly contrary to the specific provisions of this Ordinance.



Department of Marine Resources
Southern Maine Regional Office
72 Indian Carry Road, West Bath, ME 04530
Tel./Fax: (207) 443-6559 E-mail: don.card@maine.gov



April 14, 2004

Nadeen Daniels
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021-9321

Re: 2003 Annual Shellfish Management Review

Dear Nadeen,

This is to acknowledge the receipt of the 2003 Annual Shellfish Management Review for Cumberland and to confirm the municipality's compliance with the reporting requirements of DMR Chapter 7 Regulations. The Review has been evaluated and its information entered into the Maine Municipal Shellfish Management Database.

Enclosed are the following documents:

- A corrected copy of 2003 Annual Shellfish Management Review for Cumberland.
- A Clam Management Performance Report for Cumberland.
- The Clam Management Performance Scores for the Southern Maine Region.

Please feel free to copy these documents for distribution to interested parties, or for your records, and forward the originals to the Chairman of the Shellfish Committee.

Sincerely,

A handwritten signature in blue ink that reads "Don Card".

Donald J. Card
Regional Biologist

2003 ANNUAL REVIEW
Clam Management Performance Scores
 Southern Maine Region

Municipality	Reporting	Management	Overall
Biddeford	37	18	55
Brunswick	38	48	86
Cumberland	34	39	73
Eliot	30	25	55
Falmouth	31	18	49
Freeport	34	39	73
Harpswell	36	58	94
Kennebunk	35	34	69
Kennebunkport	38	4	42
Kittery	35	22	57
Ogunquit	38	36	74
Phippsburg	38	43	81
Scarborough	38	51	89
Wells	38	23	62
West Bath	38	33	71
Yarmouths	38	46	84
York	37	24	61

Overall Performance Ranking	
<i>Commercial</i>	<i>Recreational</i>
1. Harpswell 2. Scarborough 3. Brunswick 4. Yarmouths 5. Phippsburg 6. Cumberland, Freeport 7. West Bath	1. Ogunquit 2. Kennebunk 3. Wells 4. York 5. Kittery 6. Biddeford, Eliot 7. Falmouth 8. Kennebunkport

2003 ANNUAL REVIEW
Clam Management Program Performance Report

Municipality: *Cumberland*

Date: *04/01/04*

The Annual Shellfish Management Review, properly completed, serves to fulfill the requirements of municipalities having shellfish management programs as specified in M.R.S.A. §6671.4-B. and DMR Regulations 7.20 and 7.30.E.

The Annual Review has been examined by DMR staff for compliance and content. The following section rates the reporting performance of the municipality for each section of the review.

Reporting Performance		
Item	Score	Comment
1. A. Date	<i>S</i>	
B. Goals and Actions	<i>S</i>	
2. A. Shellfish Committee and Staff	<i>I</i>	<i>See instructions.</i>
B. Meeting Information	<i>S</i>	
C. Conservation Credit	<i>S</i>	
3. A. Warden Activity	<i>S</i>	
B. Production Data	<i>S</i>	
C. Certification	<i>I</i>	<i>Missing date.</i>
4. A. License Allocation and Sales	<i>S</i>	
B. Budget	<i>I</i>	<i>See instructions</i>
5. Management Activities	<i>S</i>	
6. A. Proposed Controls	<i>S</i>	
B. Proposed Licenses	<i>S</i>	
C. License Determination	<i>S</i>	
7. Proposed Activities	<i>S</i>	
8. Proposed Activities by Flat	<i>S</i>	
9. Survey Summary	<i>I</i>	
10. Reseeding Summary	<i>S</i>	
11. Conservation Closure Summary	<i>S</i>	

Each item above was scored as: **S** (satisfactory) indicating that the item was properly filled in, **U** (unsatisfactory) indicating the item was not filled in, or **I** (incomplete) indicating the item was lacking some information or was incorrectly filled in. Please contact your Regional Biologist for more information.

The following section rates the management performance based upon the level of activity for each of the program elements listed below.

Management Performance		
Item	Score	Comment
1. Committee Meetings	4	
2. Conservation Requirement	10	
3. Enforcement	3	
4. Municipal Allocation	3	
5. Conservation Closures	10	
6. Clam Flat Surveys	9	
7. Reseeding Events	0	
8. Brushing Events	0	
9. Predator Protection	0	
10. Other	0	

Scoring: 1.) one point for each meeting, 2.) one point for each hour, 3.) zero thru ten based upon the averaged percentile ranking of warden activities, 4.) one point for each tenth of the budget, 5.) zero thru ten based upon a conservation factor ranking, 6.) one point for each 10% of total flats surveyed and one point for each 30% of total flats reconned, 7-10.) one point for each event.

The final section rates the program performance by combining the sum of the management scores with the sum of the reporting scores expressed as a numerical value (S=2, I=1, U=0).

Program Performance	
Item	Score
Reporting Performance	34
Management Performance	39
TOTAL	73

ANNUAL SHELLFISH MANAGEMENT REVIEW

for the period

January 1st to December 31st, 2003

Municipality: CUMBERLAND Date: 2-23-04

The Shellfish Conservation Committee submits the following information in partial fulfillment of its responsibilities under Chapter 7 of the Department of Marine Resources Regulations and the Shellfish Conservation Ordinance of this municipality.

Statement of Management Goals and Implementation Actions

The goals of shellfish management for this municipality have been: (check only one of each pair)

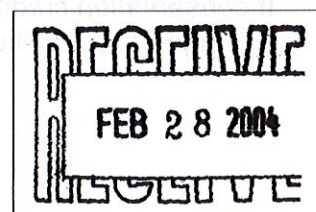
- 1) ☒ provide a harvesting opportunity for the maximum number of participants
☐ maximize individual harvest by minimizing the number of participants
- 2) ☐ increase the clam resource through various enhancement activities
☒ maintain a sustainable yield through the vigorous use of production controls
- 3) ☒ provide for recreational harvesting in preference to commercial harvesting
☐ provide for commercial harvesting in preference to recreational harvesting
- 4) ☒ maximize the economic value of the resource by adjusting production
☐ maintain a constant production to provide a steady but variable income

The following management controls were utilized: (check all that apply)

- ☒ limit the number of commercial harvesters
- ☒ limit the number of recreational harvesters
- ☒ restrict times of harvest
- ☒ restrict the areas of harvest
- ☒ limit the amount of commercial harvest
- ☒ limit the amount of recreational harvest
- ☐ other _____

The following management activities were undertaken: (check all that apply)

- ☐ predator protection through fencing, netting, trapping and etc.
- ☐ reseedling from high density areas or seeding with hatchery stock
- ☒ flat surveys to determine size distribution and density
- ☒ harvester surveys to obtain catch and effort data
- ☐ enhance natural seeding through brushing, roughing and etc.
- ☐ establishing conservation areas for flat rotation
- ☒ other ENFORCEMENT



Shellfish Committee/Staff
Municipality: CUMBERLAND

Title	Name	Mailing Address	ME 04021 Telephone
Chair	<u>TOM PETERSON</u>	<u>115 TUTTLE RD, CUMBERLAND</u>	<u>829-5406</u>
Vice Chair	<u>HANK ADAMS</u>	<u>17 DEANS WAY, CUMBERLAND</u>	<u>781-2167</u>
Secretary			
Member(s)	<u>DICK PETERSON</u>	<u>146 MIDDLE RD, CUMBERLAND</u>	<u>829-5448</u>
	<u>AMOS DOUGATY</u>	<u>CHEBEAGUE ISLAND, CUMBERLAND</u>	<u>846-3128</u>
	<u>MILT CALDER</u>	<u>10 WILLOW LANE, CUMBERLAND</u>	<u>829-6185</u>
Selectmen/ Council Rep.			
Wardens	<u>JOE CAARRON</u>	<u>JEFF SOPER, TOM BURGESS</u>	<u>829-6391</u>
	<u>TED CURTIS</u>	<u>MILT CALDER 290 Tuttle Rd Cumberland ME 04021</u>	
WQSpec(s)	<u>DICK PETERSON</u>	<u>146 MIDDLE ROAD, CUMBERLAND</u>	<u>829-5448</u>
	<u>TED CURTIS</u>	<u>624 PRINCES POINT RD, YARMOUTH,</u>	<u>846-4613</u>
		<u>ME 04096</u>	

Committee Meetings

The Shellfish Committee holds regularly scheduled meetings: ☒ yes ☐ no

The following number of meetings was held during the past year: 4

Minutes of meetings are recorded, filed and are available upon request: ☒ yes ☐ no

Conservation Credit

The opportunity to obtain conservation credit is provided: ☒ yes ☐ no

The total number of conservation hours need to obtain credit is 10

Conservation credit is required to obtain a: ☒ renewal license

☒ new license

Conservation hours are given for:

- ☐ meeting attendance
- ☐ committee service
- ☒ educational activities

- ☒ coastal cleanup
- ☒ surveys
- ☐ reseeding

- ☐ brushing
- ☐ predator control
- ☐ _____

If conservation credit is not provided, the total number of volunteer man-hours documented for management activities during the past year is N/A
corrected 3/3

Summary of Warden Activities

Municipality: CUMBERLAND

Hours Patrolled: 474
 Diggers Checked: 620
 Warnings Given: 9
 Summon Issued: 0
 Court Appearances: 0
 Convictions: 0

Enforcement of the shellfish management ordinance has been:

☒ satisfactory
☐ unsatisfactory

Enforcement could be improved by:

☒ more hours patrolled
☐ more wardens
☐ better equipment

☐ better training
☐ greater state support
☐ other _____

The warden is provided with a written job description: ☒ yes ☐ no

Production Data Collected by the Warden

Month	Avg. Daily Catch/Digger		Avg. # of Diggers/Day		Total # of Days Dug		Total Lbs or Bushels	<input type="checkbox"/>
								<input checked="" type="checkbox"/>
January	<u>.2</u>	X	<u>.1</u>	X	<u>10</u>	=	<u>.2</u>	
February	<u>.2</u>		<u>.1</u>		<u>12</u>		<u>.24</u>	
March	<u>.25</u>		<u>.2</u>		<u>14</u>		<u>.7</u>	
April	<u>.30</u>		<u>.2</u>		<u>20</u>		<u>1.2</u>	
May	<u>.5</u>		<u>.3</u>		<u>22</u>		<u>33.0</u>	
June	<u>1.0</u>		<u>.3</u>		<u>25</u>		<u>75.0</u>	
July	<u>1.0</u>		<u>.3</u>		<u>31</u>		<u>93.0</u>	
August	<u>1.0</u>		<u>.3</u>		<u>31</u>		<u>93.0</u>	
September	<u>.5</u>		<u>.2</u>		<u>25</u>		<u>25.0</u>	
October	<u>.25</u>		<u>.2</u>		<u>20</u>		<u>1.0</u>	
November	<u>.2</u>		<u>.1</u>		<u>15</u>		<u>.3</u>	
December	<u>.2</u>		<u>.1</u>		<u>12</u>		<u>.24</u>	
					TOTAL		<u>322.6</u>	

Warden(s)	Training Date	Nomination Date
<u>JOE CHARRON</u>	<u>4/03</u>	<u>4/7/03</u>
<u>TOM BURGESS</u>	<u>4/03</u>	<u>"</u>
<u>TED CURTIS</u>	<u>4/03</u>	<u>"</u>
<u>JEFF SOPER</u>	<u>5/01</u>	<u>"</u>
<u>MILTON CALOER</u>	<u>4/0</u>	<u>"</u>

Shellfish Conservation Budget

 Municipality: CUMBERLAND

License Receipts	Allocation	Sold	Received
Commercial			
Resident	10	10	\$ 500.
Nonresident	1	1	\$ 100.
Senior Resident			\$ —
Senior Nonresident			\$ —
Junior/Student Resident			\$ —
Junior/Student Nonresident			\$ —
Other			\$ —
Recreational			
Resident	280	136	\$ 2040.
Nonresident	28	96	\$ 2880.
Daily/Weekly/Monthly Res.	360	30	\$ 300.
Daily/Weekly/Monthly Nonres.	180	60	\$ 1200.
Senior Resident 262, NO PAY		68	\$ —
Senior Nonresident 262, NO PAY		8	\$ —
Junior/Student Resident DAILY	240	20	\$ 100.
Junior/Student Nonresident			\$ —
Other			\$ —
SUBTOTAL (1)			\$ 7,120
Receipts Independent of License Fees			
Shellfish Conservation Account Carried Forward			\$ 0
Funds Raised for Warden			\$ 7,500
Funds Raised for Management Activities			\$ 2,000
Fines			\$ 0
Other			\$ 0
SUBTOTAL (2)			\$ 9,500
TOTAL Receipts (1+2)			\$ 16,620
Disbursements			
Warden Salary			\$ 7,500
Mileage			\$ 1,800
Clothing			\$ 200
Equipment			\$ 200
Training			\$ 200
SUBTOTAL (3)			\$ 9,900
Advertising			\$ 150
Supplies			\$ 200
Surveys			\$ 0
Seeding			\$ 0
Miscellaneous			\$ 100
SUBTOTAL (4)			\$ 450
TOTAL Disbursements (3+4)			\$ 10,350

Management Activities by Flat Municipality: CUMBERLAND

Municipality: CUMBERLAND

The following is a list of clam harvest areas in which management activities were conducted during the past year and the dates when they occurred. ☐ No activities were conducted.

[illegible]

Proposed Management ControlsMunicipality: CUMBERLAND

The following management controls will be utilized for the coming year: (check all that apply)

- ☒ limit the number of commercial harvesters
- ☒ limit the number of recreational harvesters
- ☒ restrict times of harvest
- ☒ restrict the areas of harvest
- ☒ limit the amount of commercial harvest
- ☒ limit the amount of recreational harvest
- ☒ other ENFORCEMENT

Proposed Shellfish Licenses

<u>License</u>	<u>Number</u>	<u>Cost @</u>
Commercial		
Resident	<u>10</u>	<u>\$ 50.00</u>
Nonresident	<u>1</u>	<u>\$ 100.00</u>
Senior Resident	<u>—</u>	<u>\$ —</u>
Senior Nonresident	<u>—</u>	<u>\$ —</u>
Junior/Student Resident	<u>—</u>	<u>\$ —</u>
Junior/Student Nonresident	<u>—</u>	<u>\$ —</u>
Other	<u>—</u>	<u>\$ —</u>
Recreational		
* Resident	<u>280</u>	<u>\$ 25.00</u>
* Nonresident	<u>28</u>	<u>\$ 50.00</u>
Daily/Weekly Monthly Res.	<u>60</u>	<u>\$ 5.00</u>
Daily/Weekly Monthly Nonres.	<u>360</u>	<u>\$ 10.00</u>
Senior Resident	<u>—</u>	<u>\$ —</u>
Senior Nonresident	<u>—</u>	<u>\$ —</u>
Junior/Student Resident	<u>—</u>	<u>\$ —</u>
Junior/Student Nonresident	<u>—</u>	<u>\$ —</u>
Other MONTHLY NONRES	<u>180</u>	<u>\$ 20.00</u>

* INCREASES- 2004

License number determination is based upon: ☒ calculation using survey data
☒ survey data as a guide
☒ harvester input
☐ need/demand

The above numbers are:

- ☐ tentative, the actual numbers to be determined later
- ☒ firm, have been or will be submitted to DMR

Proposed Management Activities

Municipality: CUMBERLAND

The following management activities will be undertaken during the coming year: (check all that apply)

- ☒ predator protection through fencing, netting, trapping and etc.
- ☐ reseeding from high density areas or with hatchery stock
- ☒ flat surveys to determine size distribution and density
- ☐ harvester surveys to obtain catch and effort data
- ☐ enhance natural seeding through brushing, roughing and etc.
- ☐ establishing conservation areas for flat rotation
- ☐ other _____

In order to implement these management activities the committee will utilize: (check all that apply)

- ☒ harvesters vested with conservation credit
- ☒ harvester volunteers
- ☐ paid harvesters
- ☒ municipal employees
- ☐ paid consultants
- ☐ other _____

To provide a forum for harvester input in management planning, the shellfish committee plans to meet:

- ☐ annually
- ☐ biannually
- ☒ quarterly
- ☐ bimonthly
- ☐ monthly

Meeting notification for other than regularly scheduled meetings is by:

- ☒ mailing
- ☒ phone call
- ☐ posting
- ☐ newspaper
- ☐ word of mouth

In order to keep the DMR informed and to solicit advice on management activities, the shellfish committee will:

- ☒ request the area biologist to participate in all meetings
- ☐ request the area biologist to participate in only specific meetings
- ☐ invite the area biologist to attend all meetings
- ☐ invite the area biologist to attend only specific meetings

Proposed Activities by Flat Municipality: CUMBERLAND

Municipality: CUMBERLAND

The following is a list of clam harvest areas in which management activities are planned for the coming year and the probable dates the activities would occur.

- ☐ No activities are planned. ☐ No specific activities are planned as yet.

[illegible]

Municipality: Cumberland

☐ No surveys were conducted.

[illegible]

The flats surveyed represent approximately 90 % of the total productive flats.

Summary of Transplant ActivitiesMunicipality: CUMBERLAND

The following seeding / reseeding activities were conducted during the past year.

☒ No seeding / reseeding activities were conducted.

	Event 1	Event 2	Event 3	Event 4
Date				
Supervisor				
Crew #				
Amount				
Mean Size				
Size Range				
Source				
Source Flat				
Receiv. Flat				
Netted (y/n)				
Closed until				
	Event 5	Event 6	Event 7	Event 8
Date				
Supervisor				
Crew #				
Amount				
Mean Size				
Size Range				
Source				
Source Flat				
Receiv. Flat				
Netted (y/n)				
Closed until				

Summary of Conservation ClosuresMunicipality: CUMBERLAND

The following is a list of conservation closures implemented or in effect during the past year.

☒ No conservation areas were closed. (This table is for areas normally open.)

Conservation Area	Acreage	Closing Date	Opening Date	Total Days	Reason

Summary of Conservation Openings

The following is a list of conservation openings implemented or in effect during the past year.

☐ No conservation areas were opened. (This table is for areas normally closed.)

Conservation Area	Acreage	Opening Date	Closing Date	Total Days	Reason
All Flats	60	1/1	12/31	90	Cropping

Rev.08/15/03

Jensen Baird
Gardner & Henry

KENNETH M. COLE III
NICHOLAS S. NADZO
FRANK H. FRYE
DAVID J. JONES
MICHAEL A. NELSON
RICHARD H. SPENCER, JR.
ALAN R. ATKINS
RONALD A. EPSTEIN
WILLIAM H. DALE
JOSEPH H. GROFF III
F. BRUCE SLEEPER

DEBORAH M. MANN
LESLIE E. LOWRY III
PATRICIA MCDONOUGH DUNN
MICHAEL J. QUINLAN
R. LEE IVY
FRANK K. N. CHOWDRY
NATALIE L. BURNS
SALLY J. DAGGETT
BRENDAN P. RIELLY
SUZANNE R. SCOTT
MARCIA G. CORRADINI

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(1908-2002)

KENNETH BAIRD
(1914-1987)

M. DONALD GARDNER
(1918-2003)

YORK COUNTY
OFFICE

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KENNEBUNK, MAINE 04043

(207) 985-4676
TELECOPIER (207) 985-4932

March 10, 2004

William R. Shane, Town Manager
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021

Dear Bill:

Enclosed herewith please find a copy of the recently filed brief on behalf of Chase and Verrill in regard to Bruce Hill Road Extension. I have not sent you copies of all of the exhibits that were attached. However, I have reviewed them and note that they have transcribed tapes of Council minutes to clearly show that the Town only accepted the paved portion.

Please also find a Motion for Leave to Join an Additional Party Plaintiff filed on behalf of Sidney Stratton, the other abutter to the road. Depending on the court's actions on the motion to dismiss and Mr. Stratton's motion to join the action, this matter may become much more active.

If you have any questions, please let me know.

Very truly yours,



Kenneth M. Cole III

KMC/ab
Enclosures

**SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-03-533**

**MOTION FOR LEAVE TO JOIN PARTY PLAINTIFF
AND TO AMEND COMPLAINT, WITH INCORPORATED
MEMORANDUM OF LAW**

1. Plaintiffs' Verified Complaint was filed with the Court on or about October 1, 2003.
2. The Verified Complaint sets forth three claims by the Orsers against the Defendants Susan Chase and Scott Verrill. Count I sets forth a claim for

¹ Undersigned counsel represents Mr. Stratton, in addition to the original Plaintiffs James and Elizabeth Orser.

injunctive relief; Count II sets forth a claim for trespass; and Count III sets forth a claim for statutory injuries to lands, including treble damages. These claims all arise from actions taken by the Defendants to construct a *second* access driveway and/or roadway over properties owed in fee by the Orsers and Mr. Stratton, which respective properties, in pertinent part, extend to the centerline of the roadbed of the former so-called Abbott Road.

3. The Defendants own the land on the westerly side of the roadbed to the south, and the Orsers own the land on the westerly side of the roadbed to the north immediately adjacent to the Defendants land. The Verified Complaint names only the Orsers as plaintiffs.

4. In addition to the Orsers, Sidney L. Stratton may be directly affected by resolution of the pending dispute. Mr. Stratton is the owner of land on the easterly side of the roadbed in controversy. In sum, Mr. Stratton's property lies opposite both the Defendants' southerly parcel and the Orsers' northerly parcel. As stated, Mr. Stratton's property extends to the centerline of the road and Defendants' construction of their second driveway and/or road extends over Mr. Stratton's land on the easterly side of the former Abbot Road roadbed, in addition to the Orsers' land. As a result, Mr. Stratton possesses claims against Defendants directly arising out of the same series of events as the Orsers' claims.

5. More specifically, like the Orsers, Mr. Stratton possesses his own independent claims against the Defendants for injunctive relief, trespass, and statutory injuries to lands, including treble damages.

6. Disposition of the action in Mr. Stratton's absence may (a) impair or impede his ability to protect his property interests or (b) leave the Defendants subject to a substantial risk of incurring inconsistent obligations by reason of Mr. Stratton's interests.

7. For all of the foregoing reasons, including reasons of judicial economy, the Orsers and Mr. Stratton respectfully submit that it would be just and proper for the Court, pursuant to M.R.Civ. P. 15(a), 19(a)(2), (20) and 24, to grant leave for Mr. Stratton to join this action as an individual Plaintiff in accordance with the form of *First Amended Complaint* submitted herewith.

8. In addition, the Orsers request leave of Court to amend Count III of their complaint to clarify, to the extent necessary, their claim for statutory injuries to lands pursuant to 14 M.R.S.A. § 7552. In sum, although the Orsers' complaint clearly asserts a claim for treble damages under the applicable statute, the complaint, due to the crush of time caused by the necessity of obtaining a temporary restraining order against Defendants, alleges that Defendants engaged in their conduct "willfully" or "knowingly." Because the current version of 14 M.R.S.A. § 7552 employs an "intentional" or "knowing" standard, rather than a "willful" standard, the Orsers seek leave to amend their claim to allege that the Defendants *intentionally* and knowingly cut down and caused to be removed trees, shrubs and walls without the permission of the Orsers.

10. The Orsers also request leave to amend their complaint throughout to correctly identify the relevant portions of the land in question. As discussed in

Plaintiffs' Objection to Defendants' Motion to Dismiss, filed herewith, the results of extensive investigation since the filing of the Verified Complaint have clarified the confusing history of the nomenclature concerning the historic Abbott Road and have evidenced that the roadway may be viewed in three distinct segments, only one of which (the never improved middle section) is the subject of the current controversy. This is not a substantive change in the allegations, but will improve the clarity of the issues by ensuring consistency in terminology.

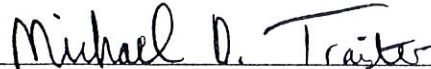
11. Rule 15(a) of the Maine Rules of Civil Procedure provides that leave to amend a pleading "shall be freely given when justice so requires." *See Kelly v. Michaud's Agency, Inc.*, 651 A.2d 345, 347 (Me. 1994) (holding that denial of leave to amend when discovery had barely begun was an abuse of discretion). "This mandate means that if the moving party is not acting in bad faith or for delay, the motion will be granted in the absence of undue prejudice." *Id.* (citing *John W. Goodwin, Inc. v. Fox*, 642 A.2d 1339, 1340 (Me. 1994)).

12. In making this Motion, Plaintiffs are not acting in bad faith or for the purpose of delay. Defendants will also not be unduly prejudiced by the requested amendments to the complaint. This case is still in the early stages of litigation. Defendants have not even yet answered the initial complaint, no Scheduling Order has been issued by the Court, and no discovery has yet occurred. Moreover, all of the facts that form the basis of Mr. Stratton's claims are the same as those identified in the Orsers' original complaint.

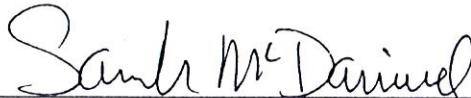
WHEREFORE, Plaintiffs Elizabeth and James Orser and Sidney L.

Stratton respectfully request that the Court grant leave for Mr. Stratton to join this action as a plaintiff and to amend the pending complaint in accordance with the form of *First Amended Complaint* provided herewith.

Dated: March 9, 2004



Michael D. Traister, Esq.
Maine Bar Number 8138



Sarah A. McDaniel, Esq.
Maine Bar Number 9506
Attorneys for Elizabeth and James Orser,
and Sidney L. Stratton

MURRAY, PLUMB & MURRAY
75 Pearl Street, P.O. Box 9785
Portland, ME 04104-5085
(207) 773-5651

NOTICE

ANY MATTERS TO BE SUBMITTED IN OPPOSITION TO THIS MOTION PURSUANT TO RULE 7(c) OF THE MAINE RULES OF CIVIL PROCEDURE MUST BE FILED NOT LATER THAN TWENTY-ONE (21) DAYS AFTER THE FILING OF THIS MOTION UNLESS ANOTHER TIME IS PROVIDED BY SUCH RULES OR SET BY THE COURT. FAILURE TO FILE TIMELY OPPOSITION WILL BE DEEMED A WAIVER OF ALL OBJECTIONS TO THIS MOTION, WHICH MAY BE GRANTED WITHOUT FURTHER NOTICE OR HEARING.

S:\O\Orse01\W-Amend.doc

STATE OF MAINE
CUMBERLAND, SS.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-03-533

ELIZABETH AND JAMES ORSER,)
)
 Plaintiffs,)
)
 v.)
)
SUSAN CHASE and SCOTT VERRILL,)
)
 Defendants.)
)

**PLAINTIFFS' OBJECTION TO DEFENDANTS' MOTION TO DISMISS,
WITH INCORPORATED MEMORANDUM OF LAW**

Pursuant to M.R.Civ. P. 7 and 12, Plaintiffs Elizabeth and James Orser (the "Orsers") hereby object to *Defendants' Motion to Dismiss* (the "Motion") for the reason that the land in controversy in this case is not a public way owned in fee by the Town of Cumberland, as alleged by Defendants, and Plaintiffs have been diligent in prosecuting this action. For these reasons and those that follow, Defendants' Motion must be denied.

OVERVIEW

This case concerns Defendants' wrongful actions in constructing a driveway and/or roadway over property owned in fee by Plaintiffs,¹ which

¹ Defendants' construction activities also occurred on property owned in fee by Sidney L. Stratton. Mr. Stratton owns the land on the opposite side of the old Abbott Road from the Orsers and by operation of law, owns the remaining half of the old Abbott Road in fee. In a separate filing contemporaneous with the filing of this Objection, Mr. Stratton seeks

property formerly comprised, in part, the old, so-called "Abbott Road."² The purpose of Defendants' driveway construction was to provide a *second* access to Defendants' home, which has had direct access to Schuster Road in Falmouth since it was first built in 1998.

In the early morning hours of October 1, 2003, Defendants commenced construction despite having received written notice from the Orsers that the Orsers owned to the centerline of the relevant section of the old Abbott Road and did not grant the Defendants permission to construct a driveway on their land. The Defendants commenced their construction without tendering any response to the Orsers' letter, which Defendants received nearly one month prior to their commencement of construction. As a consequence of Defendants' wrongful actions in tearing the Orsers' and Sidney Stratton's land asunder without any legal right to do so, the Orsers were forced to initiate this lawsuit on October 1, 2003 and seek a temporary restraining order enjoining Defendants from constructing a driveway and/or road across their property.

ARGUMENT

I. BURDEN OF PROOF AND STANDARD OF REVIEW.

Defendants bear the burden of proving that the land in controversy is a public way owned in fee by the Town of Cumberland and that the Orsers therefore

to join this action as an additional Plaintiff and joins in the Orsers' position that the land in controversy in this case is not a public way owned by the Town of Cumberland.
² The historic Abbott Road ran from the Range Road in Cumberland, south across the Falmouth/Cumberland town line, ultimately terminating at the Gray Road in Falmouth.

do not own to the center line of the old Abbott Road. *See Lamb v. Euclid Ambler Associates*, 563 A.2d 365, 368 (Me. 1989).

In determining whether Defendants have met their burden, the Court must examine the Complaint in the light most favorable to the Orsers and resolve all factual disputes in favor of the Orsers. *Hall v. Board of Env'tl. Prot.*, 498 A.2d 260, 266-67 (Me. 1985) (motion to dismiss); *In re Wage Payment Litig.*, 2000 ME 162, ¶3, 759 A.2d 217, 220 (motion to dismiss). *See also, Mahar v. Stonewood Transp.*, 2003 ME 63, ¶ 8, 823 A.2d 540, 542 (on review of motion for summary judgment the facts should be viewed in a light most favorable to the non-moving party).³

For the reasons that follow, Defendants have failed to meet their burden, as it is plainly clear that the land in dispute in this case is not a town way.

Accordingly, Defendants' Motion must be denied.

II. DEFENDANTS APPEARED IN THIS ACTION SINCE ITS COMMENCEMENT AND OTHERWISE WERE TIMELY SERVED BY PLAINTIFFS.

This action was commenced by the Orsers on October 1, 2003. On October 2, the very next day, the Court held a conference on the Motion for Temporary Restraining Order ("TRO") at which Defendants appeared through their counsel, Jeff Peters. Attorney Peters was thereafter immediately provided with copies of the complaint and other pleadings filed by Plaintiffs and, on October 6, 2003,

³ To the extent that Defendants rely upon information that is beyond the complaint and pleadings, their motion to dismiss is tantamount to a motion for summary judgment. M.R.Civ.P. 12(b) and 56.

Defendants filed written opposition to the Motion for TRO with the Court. The Motion for TRO was ultimately resolved by means of a Stipulation and Consent Order filed jointly by Plaintiffs and Defendants and entered by the Court on October 22, 2003.

Following Defendants' appearance in this action on October 2, the parties, as requested by the Court, engaged in active settlement discussions in an effort to settle this dispute. These efforts included (1) a settlement conference at Cumberland Town Hall attended by Plaintiffs, Defendants, Town officials, and other interested persons, (2) a meeting between Plaintiffs' and Defendants' counsel, and (3) other settlement discussions and communications directly between the parties.

In light of the on-going settlement discussions, Defendants' formal appearance and filings in the case in connection with the TRO proceedings, and the parties' on-going efforts to further research the ownership status of the old Abbott Road, Plaintiffs did not demand that Defendants formally answer their complaint.

On January 22, undersigned counsel received a telephone call from the Court's clerk, Dianne Cavanaugh, by which Ms. Cavanaugh inquired into the status the case and requested that a return of service be promptly filed with the Court. In response, on January 22, undersigned counsel filed a letter with the Court explaining the reasons why Plaintiffs had not demanded that Defendants formally accept service and answer the complaint. On January 22, undersigned

counsel also forwarded an Acceptance of Service form to Attorney Peters and requested that he immediately accept service and file a response to the complaint on behalf of Defendants. Defendants' executed Acceptance of Service form was then filed with the Court on January 30.

Plaintiffs have been diligent in prosecuting this action. At no time prior the filing of their Motion to Dismiss did Defendants ever indicate to Plaintiffs that the timing of formal service was an issue. Defendants have not been prejudiced by the manner in which Plaintiffs made formal service of process upon Defendants. Defendants appeared in the case at its inception and were immediately provided with the complaint and all other pleadings. Accordingly, Defendants have only been benefited by the additional time they were provided with by Plaintiffs to formally accept service and respond to the complaint. Defendants attempt to gain strategic advantage from the courtesy extended to them by Plaintiffs should not be rewarded. Plaintiffs' service of process upon Defendants was timely under the circumstances of this case and the purposes of Rule 3 have been fully served.

III. PLAINTIFFS POSSESS STANDING TO ASSERT THEIR CLAIMS.

A. THE ORSERS OWN THE OLD ABBOTT ROAD TO ITS CENTERLINE AND IT IS NOT A TOWN ROAD.

(i) "BRUCE HILL ROAD EXTENSION" IS NOT COMPRISED OF THE ENTIRE LENGTH OF THE HISTORIC ABBOTT ROAD.

Since the commencement of this case, Plaintiffs have conducted an extensive inquiry into the status of the roadway in controversy, including a thorough title search and review of documentation at the offices of the Town of

Cumberland and the Cumberland County Road Commissioners. As a result of this investigation, the confusing nomenclature relating to the roadway in controversy has been clarified.

In 1807, the "Abbott Road" was laid out from the Range Road in Cumberland to the Falmouth/Cumberland town line upon the condition that Falmouth open a road from the Gray Road to the Falmouth/Cumberland town line to meet the road in Cumberland. The entire length of the roadway from Range Road to Gray Road is therefore hereafter referenced as "the historic Abbott Road." The portion of the historic Abbott Road that lies in Cumberland was abandoned by the Town prior to 1995. *See infra* at Section III.A(iv).

The historic Abbott Road may today be practically considered in 3 distinct segments. *See Compilation of Cumberland and Falmouth Tax Maps*, attached as Exhibit A.

The first segment is the southerly most portion of the historic Abbott Road that lies in Falmouth, running from the Falmouth/Cumberland town line to the Gray Road. That segment today generally tracks the paved town way in Falmouth known as "Schuster Road."

The second segment is the northerly most portion of the historic Abbott Road in Cumberland, running from the Range Road to the boundary line between the Andersens' and the Orsers' property. In 1995, this portion of the historic Abbott Road was paved and otherwise brought up to town standard, and the Town of Cumberland then designated this section as "the Bruce Hill Road Extension."

The third and final segment of the historic Abbott Road is the middle section running from the terminus of the Bruce Hill Road Extension in Cumberland south to the Falmouth/Cumberland town line where it then meets the Schuster Road in Falmouth. This portion of the historic Abbott Road has never been paved or improved to town standards and will hereafter be referred to as “the old Abbott Road.” It is the old Abbott Road which the Orsers own to the center line and which is the land in controversy in this case.⁴

(ii) **THE TOWN OF CUMBERLAND DID NOT ACCEPT THE OLD ABBOTT ROAD IN 1995.**

Defendants’ principal argument in opposition to Plaintiff’s Motion for a TRO was that they own a private right of way which entitles them to construct a driveway over the Orsers’ property, which property extends to the centerline of the old Abbott Road. Since the TRO proceedings, Plaintiffs have voluntarily shared with Defendants their title search which indisputably establishes that Defendants own no private rights over the old Abbott Road.⁵ As a result, Defendants have changed their position to assert that the old Abbott Road was accepted by the Town of Cumberland as a town road in 1995, *even though it has never been paved*

⁴ Previous filings by Plaintiffs referred to this middle segment as “the former Bruce Hill Road Extension” or “the former Bruce Hill Road” or “the discontinued Bruce Hill Road.” This reflects the historical confusion, initiated in 1962 when the County Commissioners attempted to lay out the road as “Bruce Hill Road formerly known as Abbott Road.” Subsequent references to the road in town documentation, deeds and surveys have been inconsistent in using “Bruce Hill Road” or “Abbott Road” in their identification of the old Abbott Road.

⁵ Even if Defendants did own a right of way over the old Abbott Road, such right of way would in no manner burden the portion of the old Abbott Road owned by Sidney Stratton. Accordingly, Defendants are liable to Mr. Stratton for trespass and damage to his land caused by Defendants’ driveway construction.

or otherwise brought up to Town standards. Defendants' assertion is contrary to the Town of Cumberland's position on the ownership of the old Abbott Road for decades, contrary to common sense, and otherwise plainly incorrect.

As set forth above, Defendants bear the burden of proving that the Orsers do not own to the center line of the old Abbott Road. *See Lamb v. Euclid Ambler Associates*, 563 A.2d 365, 368 (Me. 1989). Defendants cannot meet their burden.

On October 23, 1995, the Cumberland Town Council accepted only that portion of the historic Abbott Road as had recently been brought up to town standards, i.e. Bruce Hill Road Extension. It is undisputed that old Abbott Road that is the subject of the present dispute was never brought up to town standards. Both the area neighbors who had originally sought improvement of the road and the Town itself insisted upon only improving the farthest north portion of the road and upon the Town accepting only that portion that was so-improved. *See Affidavit of Peter McKenney* with exhibits, attached hereto as Exhibit B.

The minutes of the Town Council meeting, attached as Exhibit C to Defendants' Motion, state only that the "Bruce Hill Road Extension" was accepted as a town way. However, the *transcript* of that meeting clarifies that the "Bruce Hill Road Extension" referenced in the minutes was limited to only those portions of the road that met town standards and were paved. *See Partial Transcript of Cumberland Town Councilors Meeting of 10/23/95*, attached hereto as Exhibit C. In accordance with standard municipal procedure, the Town Councilors' discussion clearly identifies that "the Council agreed that once the road was built

and paved, that we would accept it as a town way.” The Councilors continued to discuss the road and clarified that it is the road that runs past the Range Road towards the Gray Road but “[i]t doesn’t go all the way to the Gray Road.”

The Town Councilors’ understanding in October 1995 that “Bruce Hill Road Extension” was limited to only the improved section of the road was demonstrated at their meeting earlier in the summer to approve the construction work. *See Minutes of Cumberland Town Council meeting, June 12, 1995*, attached hereto as Exhibit D. The Minutes of the June meeting clarify the Town Councilors’ understanding that the Bruce Hill Road Extension ended at the start of the Orsers’ property:

“The Manager explained a staff recommendation that the Town do the work to bring the Bruce Hill Road Extension up to Town standards – with residents of that road paying the Town for the cost of the work. The cost has been determined to be \$12,814 to the existing home owners, as well as an additional \$7,450 from the ***owner of the property at the end of the road***. This amount will allow the road to be upgraded to Town standards, including paving.” Minutes of Cumberland Town Council meeting of 6/12/95 at 3-4 (emphasis added).

Additionally, the Town of Cumberland has repeatedly stated that the relevant portion of the road now in dispute has not been accepted as a town road, most recently in its submission to this Court in this very case. *See Letter of Kenneth Cole to Hon. Robert Crowley dated October 6, 2003*, attached hereto as Exhibit E. In that letter, the Town, through its Town Counsel, confirmed that “the

section [of the road] in controversy is well beyond the terminus of what the Town accepted in 1995.”⁶

(iii) **BEFORE AND AFTER 1995, THE TOWN OF CUMBERLAND HAS DENIED THAT THE RELEVANT PORTION OF THE ROAD IS A TOWN WAY.**

The Town’s recent position is consistent with its position over the last several decades that the old Abbott Road is not a Town way. *See Letter from Town Manager to Robert Donovan, Town Counsel dated October 7, 1977*, attached hereto as Exhibit F (identifying the Town’s stance “that it [Abbott Road] is not an accepted Town road and ... the Town has no responsibility for building the road.”); *Letter from Town Manager to Farmers Home Administration dated June 16, 1982*, attached hereto as Exhibit G (stating that “Abbott Road is not a Town way”); *Letter from Town Counsel to Town Code Enforcement Officer dated August 28, 2003*, attached hereto as Exhibit H (determining that “the Abbott Road was not a range road and, as such, the Town had no direct ownership interest in it”); *Entrance Permit conditionally issued to Susan Chase and Scott Verrill on August 29, 2003*, attached hereto as Exhibit I (noting as condition 3, “No Town endorsement of private rights which may or may not exist over discontinued portion of ‘Abbott Rd.’ (aka Bruce Hill Rd. Ext.) i.e. unimproved portion not accepted by Town”).

⁶ The simple fact that the 1998 deed for the Defendants’ property purported to convey them a private right of way over the old Abbott Road also evidences that the road was not accepted by Cumberland as a public way in 1995.

(iv) THE ORSERS OWN TO THE CENTERLINE OF THE OLD ABBOTT ROAD AND HAVE STANDING TO BRING THIS SUIT.

As stated, the Town of Cumberland's position is that the portion of the roadway currently in controversy is not a Town road. In Defendants' prior submissions to this Court, Defendants have also supported the position that no town way exists. *See Defendants Opposition to Plaintiffs' Motion for Temporary Restraining Order* (hereafter, "Opposition to TRO"). The supporting exhibits presented by Defendants in that filing indicate that no maintenance has been conducted by the Town on the relevant portion of the road to keep it passable by motor vehicles since 1954 when the culvert was washed out. *See Opposition to TRO, Affidavit of Susan Chase* at Exhibit A.

Under the doctrine of common law abandonment, two decades of non-use of the road by the public would result in abandonment of the road by 1974.⁷ *Shadan v. Town of Skowhegan, et al.*, 1997 ME 187, ¶3, 700 A.2d 245, 247 (holding that it is "unnecessary to decide whether the Town ever accepted the portion of the Richardson Road that abuts the Shadan's property" because the

⁷ Even if the actions in 1962 of the County Commissioners to lay out the road on paper constituted sufficient action to interrupt the 20-year nonuser period, the lack of public use and Town maintenance in the next subsequent 20-year period is sufficient to have abandoned the road by 1982 by common law abandonment. In addition, the conditions for presumptive statutory abandonment pursuant to 23 M.R.S.A. § 3028(1) would have been met by 1984 – thirty consecutive years after the last maintenance expenditure by the Town (or by 1992 if the 1962 actions are considered to interrupt the time). *Lamb v. Town of New Sharon*, 606 A.2d 1042, 1045 (Me. 1992) (presumption of statutory abandonment may only be overcome by evidence proving an intent on the part of the municipality and the public to use the road as a public way). The existence of the statutory abandonment presumption for lack of Town maintenance does not impair the availability of common law abandonment through nonuse of public ways. *Town of South Berwick v. White*, 412 A.2d 1225, 1227 (Me. 1980).

evidence established common law abandonment of that road by 1970.) Upon abandonment, the fee interest in the road to its centerline reverts to the abutters. *Id.* at FN3, citing *Martin v. Burnham*, 631 A.2d 1239 (Me. 1993). Thus, the Orsers own to the centerline of the old Abbott Road.

Because the Orsers are owners of the fee interest in land on which Defendants have initiated construction of a road or driveway without their permission, the Orsers have standing to bring this litigation.

B. THE ORSERS HAVE STANDING EVEN IF THE OLD ABBOTT ROAD IS A TOWN ROAD.

Even if, contrary to all of the evidence presented above and contrary to the standard of review applicable to Defendants' Motion, the Court were to find that Defendants are correct that the old Abbott Road was accepted as a town way in 1995, the Orsers still have standing to bring this suit.

It is undisputed that Defendants never received permission from the Town of Cumberland to engage in construction activities within a town way. The Law Court has clearly ruled that an abutter to a town way has standing to challenge construction within a town way by a person not acting under the express authority of the municipality. *Lamb v. Euclid Ambler Associates*, 563 A.2d 365 (Me. 1989); see also, *Burr v. Stevens*, 90 Me. 500, 38 A. 547 (Me. 1897). This is a long-standing tenet whose underlying reasoning is well articulated in *Hunt v. Rich*, 38 Me. 195 (1854).

“But it does not follow that such private individual could in his own discretion reconstruct the highway, take down the fences which are

within its limits, cut down trees and take away earth on parts which travelers have not before used for passing and repassing. The statute has entrusted this duty to an officer to be legally chosen at a meeting of the town, properly called and held, and to be under oath in the discharge of this duty. To his judgment and discretion is committed an important trust. He is to see that a proper road is to be made for the public, and that the rights of the individual proprietors of the land are not unnecessarily invaded." *Id.*

In *Lamb*, the Law Court analyzed facts very similar to those in the present case and clarified that private individuals have no authority to make repairs to public roads, stating: "In order that unnecessary clashes between the interests of private residents and public convenience do not occur, decisions as to the condition of a public highway are best left to the public body charged with its upkeep." *Lamb* at 368. The Law Court therefore allowed the *Lamb* plaintiffs to challenge the defendant private individuals' improvements to the town road. *See also Burr v. Stevens*, 90 Me. 500, 38 A. 547, 548 (1897) ("the defendant had no right to build a driveway upon this land of the plaintiff, although within the limits of the highway, for his private use and convenience. ... the duty and exclusive authority of doing such work as may be necessary is given by our statutes to the road commissioners or highway surveyors.")

For these reasons, even if the old Abbott Road were found to be a town way, Defendants have exceeded their rights by unilaterally and without municipal authorization initiating construction of their driveway, and the Orsers have standing to challenge their actions.

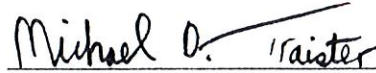
Finally, the Law Court in *Lamb* did not preclude the plaintiff abutters from recovering monetary damages for the defendant's actions. Although the Law Court did deny the plaintiffs damages for *restoration* of the trees that were removed from what it had determined to be a town way, *see Lamb* at 369, the Law Court specifically left open the possibility that the plaintiff could recover monetary damages for loss of the value of the trees as the plaintiff's personal property and the reduction in value of the plaintiff's real estate before and after the cutting. *Id.* at 369. ("Plaintiffs presented no evidence based on the difference in value of their real estate before and after the cutting, or the value of the trees taken as personal property.") Since, in the present case, the width of any public way extending over the old Abbott Road is currently undetermined, the Orsers possess standing to seek recovery of damages for the loss and restoration of trees that have been torn down by Defendants.⁸

CONCLUSION

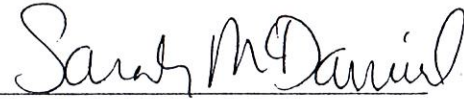
For all of the foregoing reasons, Defendants' Motion to Dismiss should be denied by the Court in its entirety.

⁸ Given, in part, that the old Abbott Road has never been paved or otherwise improved, it is entirely unclear how wide the public way would be over the old Abbott Road if the Town of Cumberland accepted the old Abbott Road in 1995, as alleged by Defendants.

Dated: March 9, 2004



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Maine Bar No. 8138



Sarah A. McDaniel, Esq.
Maine Bar No. 9506
Attorneys for Plaintiffs

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YORK COUNTY
OFFICE

11 MAIN STREET, SUITE 4
KENNEBUNK, MAINE 04043

(207) 985-4676
TELECOPIER (207) 985-4932

April 22, 2004



William Shane, Town Manager
Town of Cumberland
290 Tuttle Road
Cumberland, Maine 04021

Dear Bill:

Enclosed herewith please find the final revised Complaint by the Orsers v. Chase and Verrill which does now name Cumberland as a party in interest. We have already filed our Appearance and I don't believe there's anything additional that we need to do at this time. Since we are named as a party, I thought you might want to make the Complaint available to the Council in case they get any feedback. As I have indicated to you, there will be a hearing next Wednesday, April 28th before Judge Crowley on the Motion to Dismiss filed by Chase and Verrill. My quick take on that is that it's unlikely to be dismissed and that the matter will continue until there is a hearing on the issue of the status of the road.

If you have any questions, please let me know.

Very truly yours,

Kenneth M. Cole III

KMC:rmc
Enclosure

STATE OF MAINE
CUMBERLAND, SS.

STATE OF MAINE
CUMBERLAND, SS.
CLERK'S OFFICE
SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-03-533

2004 APR 16 A 9:46


ELIZABETH AND JAMES ORSER,)
)
 Plaintiffs,)
)
 v.)
)
 SUSAN CHASE and SCOTT VERRILL,)
)
 Defendants.)
)

**ORDER GRANTING MOTION FOR LEAVE
TO JOIN PARTY PLAINTIFF AND TO AMEND COMPLAINT**

Pursuant to Rules 15(a), 19(a)(2), 20(a) and 24 of the Maine Rules of Civil Procedure, and for good cause shown, the *Motion For Leave To Join Party Plaintiff And To Amend Complaint* (the "Motion"), filed by Plaintiffs James and Elizabeth Orser and third-party Sidney L. Stratton, is **GRANTED**.

It is **ORDERED** that Sidney L. Stratton is joined as a plaintiff in this action and that leave is granted to amend the complaint against Defendants in the form of *First Amended Complaint* submitted with the Motion.

Date: April 16, 2004


The Honorable Robert Crowley
Justice, Superior Court



Attorneys At Law

April 20, 2004

Ms. Sally Bourget, Clerk
Cumberland County Superior Court
142 Federal Street
P.O. Box 287
Portland, ME 04112

COPY FOR YOUR
INFORMATION

Peter S. Plumb
John C. Lightbody
Thomas C. Newman
John C. Bannon
Susan D. Thomas
Drew A. Anderson
Richard L. O'Meara
Christopher B. Branson
Michael D. Traister
Amy M. Sneirson
Barbara L. Goodwin
Timothy H. Boulette
John B. Shumadine
Crystal L. Bulges
Sarah A. McDaniel

Of Counsel:
Barbara T. Schneider

E. Stephen Murray
(1941-2001)

Re: Elizabeth and James Orser and Sidney L. Stratton v. Susan Chase and Scott Verrill et als., Docket No. CV-03-533

Dear Ms. Bourget:

Enclosed for filing in the above-referenced case, please find Plaintiffs' *First Amended Complaint*.

Thank you for your attention in this matter.

Sincerely,

Michael D. Traister
Email: mtraister@mpmlaw.com

MDT/ms

Enclosure

cc: James and Elizabeth Orser
Mr. Sidney Stratton
Jeffrey W. Peters, Esq.
Kenneth M. Cole, III, Esq.
Robert A. Bennett, Esq.
John C. Bannon, Esq.
Sarah A. McDaniel, Esq.

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STATE OF MAINE
CUMBERLAND, SS.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-03-533

ELIZABETH AND JAMES ORSER and)

SIDNEY L. STRATTON,)

Plaintiffs,)

v.)

SUSAN CHASE and SCOTT VERRILL,)

Defendants,)

and)

TOWN OF CUMBERLAND,)

Party-In-Interest.)

**FIRST AMENDED COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF and FOR DAMAGES
(TITLE FOR REAL ESTATE IS INVOLVED)**

Plaintiffs complain against the Defendants as follows:

PARTIES AND VENUE

1. Plaintiffs Elizabeth and James Orser are residents of the Town of Cumberland, County of Cumberland, and the State of Maine ("Plaintiffs Orser").
2. Plaintiff Sidney L. Stratton is also a resident of the Town of Cumberland, County of Cumberland, and the State of Maine.
3. Upon information and belief, Defendant Susan Chase is a resident of the Town of Cumberland, County of Cumberland, and the State of Maine.

4. Upon information and belief, Defendant Scott Verrill is a resident of the Town of Cumberland, County of Cumberland, and the State of Maine.

5. Party-in-Interest the Town of Cumberland is a municipal corporation located in the County of Cumberland, State of Maine.

6. Venue is proper in this Court pursuant to 14 M.R.S.A. §§ 501 & 505.

FACTS COMMON TO ALL COUNTS

7. Plaintiffs Orser own property abutting the old Abbott Road beyond the end of the Bruce Hill Road Extension. Plaintiffs Orser's property is on the west side of the old Abbott Road.

8. Plaintiff Sidney Stratton owns property abutting the old Abbott Road and the Bruce Hill Road Extension. The portion of Plaintiff Stratton's property which lies beyond the end of the Bruce Hill Road Extension is on the east side of the old Abbott Road, immediately across from the land owned by Plaintiffs Orser and Defendants.

9. Defendants Susan Chase and Scott Verrill also own property abutting on the old Abbott Road. Defendants' property is on the west side of the old Abbott Road, across from the land owned by Plaintiff Stratton and next to the land owned by Plaintiffs Orser.

10. The Town of Cumberland has discontinued or abandoned all public rights in the old Abbott Road.

11. As a result of this discontinuance or abandonment of the public rights in the road, Plaintiffs now own in fee simple absolute to the midline of the section of the old

Abbott Road abutting their property. As of September 30, 2003, this property was heavily forested, with a number of old growth and well-established trees located thereon.

12. On or about September 4, 2003, the Town of Cumberland issued a conditional permit to Defendants authorizing construction of a driveway entrance for their property off of the old Abbott Road at the end of the Bruce Hill Road Extension. That permit explicitly stated: "No town endorsement of private rights which may or may not exist over discontinued portions of "Abbott Rd." (aka Bruce Hill Rd. Ext.), ie unimproved portion not accepted by town." A true copy of that permit is attached as Exhibit A.

13. Upon receipt of the permit, Plaintiffs Orser sent written notice via certified mail to Defendants that Plaintiffs Orser owned a portion of the old Abbott Road and that no permission would be granted to clear their property for a driveway access. A true copy of Plaintiffs Orsers' letter is attached as Exhibit B. Less than a week later, Plaintiffs Orser, though their counsel, again contacted Defendants to confirm that Plaintiffs Orser own to the center line of the old Abbott Road and that, even if they did not so own, Defendants had no right to commence improvement of the former road. A true copy of the Letter from Plaintiffs' Counsel is attached as Exhibit C. In a telephone conversation with Defendant Susan Chase in September 2003, Plaintiff Stratton told Defendants that they did not have permission to construct their driveway on his property.

14. Defendants hired John Daigle and David Chase to commence the cutting of trees located in the old Abbott Road on Plaintiffs' property, grading of the old roadbed, and installation of a culvert across the Hobbs Brook.

15. On or about the morning of October 1, 2003, John Daigle, acting on instructions from Defendants, appeared at Plaintiffs' property and began to cut trees located on Plaintiffs' property.

16. Plaintiffs Orser approached Mr. Daigle and requested that he cease his trespass and destruction of Plaintiffs' property. Mr. Daigle refused.

17. Shortly thereafter, Defendant Scott Verrill also arrived at Plaintiffs' property.

18. Mr. Verrill was also asked to cease his trespass and the destruction of Plaintiffs' property. Mr. Verrill refused.

19. No advance warning was given of Defendants' actions in trespassing upon Plaintiffs' property and destroying the trees located thereon. At no point in time have Plaintiffs ever given permission for Defendants to enter upon Plaintiffs' land or to cut down the trees located thereon. Plaintiffs would not have given permission if it had been sought. Plaintiffs Orser posted their property with "No Trespassing" signs well before September 30, 2003.

20. Mr. Daigle and others working at the direction of Defendants continued construction of the driveway on Plaintiffs' property throughout the entire day of October 1, 2003 and for most of the day of October 2, 2003.

21. Defendants' actions are continuing in nature and if not immediately halted, will cause irreparable damage to the Plaintiffs' property.

22. Defendants' actions have been taken without any legal right, are intentional, knowing, willful and malicious and done with explicit and deliberate intent to harm Plaintiffs.

COUNT I
(Injunctive Relief—Plaintiffs Orser)

23. Plaintiffs repeat and reallege paragraphs 1 through 22 as if fully set forth herein.

24. Defendants have no legal right to enter upon the Plaintiffs Orser's property and intentionally, knowingly and maliciously destroy and injure the same.

25. Defendants' actions irreparably harm the Plaintiffs Orser because the Defendants' destruction of Plaintiffs Orser's property irretrievably alters the scenic and aesthetic characteristics of the property.

26. No harm will result to the Defendants on the issuance of an Injunction inasmuch as the Defendants have no legal right to alter and destroy the Plaintiffs Orser's property.

27. No public interest is adversely affected by the granting of the requested Injunction.

WHEREFORE, Plaintiffs Orser ask the Court to enter a Preliminary and Permanent Injunction:

- a) Ordering Defendants to cease any activity which injures or affects the Plaintiffs Orser's property including without limitation stripping of topsoil,

removal of trees or adding any materials whatsoever to the right-of-way area or beyond it.

b) Order that the Plaintiffs Orser be excused from the posting of security provided by Rule 65(C) in the Maine Rules of Civil Procedure for good cause shown.

c) Order that Defendants restore the area disturbed by the Defendants to the condition as it was previously, including reinstallation of loam and sod and replanting of trees and shrubs damaged and/or removed, and award Plaintiffs Orser's their attorneys' fees and costs and any other relief that is just and proper in the premises.

COUNT II

(Trespass—Plaintiffs Orser)

28. Plaintiffs repeat and reallege paragraphs 1 through 27 as if fully set forth herein.

29. The Defendants have intentionally, knowingly and maliciously trespassed on Plaintiffs Orser's land and caused substantial damage thereto.

30. Plaintiffs Orser have been seriously damaged by Defendants' actions.

WHEREFORE, Plaintiffs Orser request this Court to grant relief as follows:

a) Find that the Defendants have committed a trespass upon the Plaintiffs Orser's property, and order that Defendants cease and desist from any further use of Plaintiffs Orser's property for any purpose whatsoever.

b) Order Defendants to pay damages to the Plaintiffs Orser.

c) Award Plaintiffs Orser their costs including reasonable attorneys' fees and costs and any other relief that is proper and just in the premises.

COUNT III
(Statutory Injuries to Lands—Plaintiffs Orser)

31. Plaintiffs repeat and reallege paragraphs 1 through 30 as if fully set forth herein.

32. While damaging and destroying Plaintiffs Orser's property, Defendants cut down, or caused to be removed, trees, shrubs and walls without the permission of the Plaintiffs Orser.

33. Defendants entered on to the Plaintiffs Orser's premises and did such action intentionally, knowingly and/or maliciously.

34. By virtue of Defendants' action, Plaintiffs Orser have been damaged.

WHEREFORE, Plaintiffs Orser request this Court, pursuant to 4 M.R.S.A. § 105 and 14 M.R.S.A. § 7552 to grant the following relief:

- a) Determine that the Defendants have intentionally and knowingly injured the property of the Plaintiffs Orser.
- b) Order Defendants to pay treble damages together with the costs of any professional services necessary for the determination of damages, together with Plaintiffs Orser's attorneys' fees and court costs, and
- c) Grant such other and further relief as may be just and proper in the premises.

COUNT IV
(Injunctive Relief—Plaintiff Stratton)

35. Plaintiffs repeat and reallege paragraphs 1 through 34 as if fully set forth herein.

36. Defendants have no legal right to enter upon the Plaintiff Stratton's property and intentionally, knowingly and maliciously destroy and injure the same.

37. Defendants' actions irreparably harm Plaintiff Stratton because the Defendants' destruction of Plaintiff Stratton's property irretrievably alters the scenic and aesthetic characteristics of the property.

38. No harm will result to the Defendants on the issuance of an Injunction inasmuch as the Defendants have no legal right to alter and destroy Plaintiff Stratton's property.

39. No public interest is adversely affected by the granting of the requested Injunction.

WHEREFORE, Plaintiff Stratton asks the Court to enter a Preliminary and Permanent Injunction:

a) Ordering Defendants to cease any activity which injures or affects the Plaintiff Stratton's property including without limitation stripping of topsoil, removal of trees or adding any materials whatsoever to the right-of-way area or beyond it.

b) Order that the Plaintiff Stratton be excused from the posting of security provided by Rule 65(C) in the Maine Rules of Civil Procedure for good cause shown.

c) Order that Defendants restore the area disturbed by the Defendants to the condition as it was previously, including reinstallation of loam and sod and replanting of trees and shrubs damaged and/or removed, and award Plaintiff Stratton his attorneys' fees and costs and any other relief that is just and proper in the premises.

COUNT V
(Trespass—Plaintiff Stratton)

40. Plaintiffs repeat and reallege paragraphs 1 through 39 as if fully set forth herein.

41. The Defendants have intentionally, knowingly and maliciously trespassed on Plaintiff Stratton's land and caused substantial damage thereto.

42. Plaintiff Stratton has been seriously damaged by Defendants' actions.

WHEREFORE, Plaintiffs Stratton requests this Court to grant relief as follows:

a) Find that the Defendants have committed a trespass upon the Plaintiff Stratton's property, and order that Defendants cease and desist from any further use of Plaintiff Stratton's property for any purpose whatsoever.

b) Order Defendants to pay damages to the Plaintiff Stratton.

c) Award Plaintiff Stratton his costs including reasonable attorneys' fees and costs and any other relief that is proper and just in the premises.

COUNT VI
(Statutory Injuries to Lands—Plaintiff Stratton)

43. Plaintiffs repeat and reallege paragraphs 1 through 42 as if fully set forth herein.

44. While damaging and destroying Plaintiff Stratton's property, Defendants cut down, or caused to be removed, trees, shrubs and walls without the permission of the Plaintiff Stratton.

45. Defendants entered on to the Plaintiff Stratton's premises and did such action intentionally, knowingly and/or maliciously.

46. By virtue of Defendants' action, Plaintiff Stratton has been damaged.

WHEREFORE, Plaintiffs Stratton requests this Court, pursuant to 4 M.R.S.A. § 105 and 14 M.R.S.A. § 7552 to grant the following relief:

- a) Determine that the Defendants have intentionally, knowingly and maliciously injured the property of the Plaintiff Stratton.
- b) Order Defendants to pay treble damages together with the costs of any professional services necessary for the determination of damages, together with Plaintiff Stratton's attorneys' fees and court costs, and
- c) Grant such other and further relief as may be just and proper in the premises.

Date: April 20, 2004



Michael D. Traister, Esq.
Maine Bar No. 8138



Sarah A. McDaniel, Esq.
Maine Bar No. 9506
Attorneys for Plaintiffs

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75 Pearl Street, P.O. Box 9785
Portland, ME 04104-5085
(207) 773-5651

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VERRELL BRUCE HILL RD EXT
TOWN OF CUMBERLAND
CUMBERLAND PUBLIC WORKS DEPARTMENT
PERMIT FOR ENTRANCE

ALL-STATE
H

10 AUG 15

PERMIT NO.: 2003-08-29-01
APPLICATION NO.: ABOVE
NAME: SCOTT VERRELL
PHONE NUMBER: 829-650-2151
ADDRESS: 66 Range Rd
Cumberland
04021

TOWN: 2003-08-29-01-01
COUNTY:
SA: SH:
STATE ROUTE NO.:
CULVERT #1 SIZE: 750 @ CROWLEY
CULVERT #2 SIZE:
CULVERT GAUGE:
DATE OF PERMIT:

You are hereby granted permission to perform the necessary grading, and to construct in accordance with sketch or attached plan, entrance(s) to a Siz Le Family Room at a point end Bruce Hill Rd Ext to the Rules and Regulations made by the Public Works Department, and subject to the following conditions:
SINGLE ENTRANCE: n/a @ crossing of stream culvert(s) needed. Grade of existing shoulder should be maintained so as to create a concave with a minimum of three inches below the edge of the traveled way. Distance of concave from the edge of the traveled way should be the same as the existing shoulder, or a minimum distance of four feet.
NOTES: see App. & conditions / 4' cut & let
meeting notes w/ AD / WBS / B more 10/24

THIS PERMIT IS GRANTED ON CONDITION THAT THE OWNER:

1. Shall provide, erect, and maintain all necessary barricades, lights, warning signs, and other devices to safeguard traffic properly while work is in progress.
2. Shall at no time cause the highway to be closed to traffic.
3. Shall, where the driveway is located in a curb, curb and gutter, and/or sidewalk section, completely remove the existing curb, curb and gutter, and/or sidewalk and replace with standard concrete or granite driveway terminal section, and replace such curb, curb and gutter, and/or sidewalk as may be required.
4. Shall obtain, and have delivered to site, any culverts and/or other drainage structures which may be necessary for drainage. Culverts shall be of size, gage, and length as called for in this permit. Said culverts and/or other incidentals to be installed by the Permittee, unless otherwise designated.
5. Shall, in all cases, notify the Public Works Department at least 24 hours before starting work on the driveway.
6. Shall construct proposed entrance within 12 months from date of permit issue.
7. Shall meet all applicable D.E.P., L.U.R.C., and municipal regulations and ordinances.

IT IS A FURTHER CONDITION OF THIS PERMIT, to which owner agrees, by accepting the same, that the owner shall well and truly pay all damages, fines, and penalties for which he shall become liable, and shall save harmless and indemnify said Town against all suits, claims, damages, and proceedings of every kind arising out of the construction and maintenance of said driveway approach, including snow removal.

It is a further condition that the owner will agree to keep the right of way inviolate for public highway purposes, and no signs (other than traffic signs and signals), posters, billboards, roadside stands, culvert end walls, or other private installations shall be permitted within the Right of Way Limits.

the road frontage is 394 ft.

SIGNED
TITLE DIRECTOR OF PUBLIC WORKS

A. Dapen

ORIGINAL

ORIGINAL

TOWN OF CUMBERLAND
PUBLIC WORKS DEPARTMENT
APPLICATION FOR ENTRANCE

Application No. 2003-08-29-01 Permit No. 2003-08-29-01-01

Return to:

PUBLIC WORKS DEPARTMENT
293 TUTTLE ROAD
CUMBERLAND, ME 04021

D: SCOTT VERRILL or

Owner Information:

Name Susan Chase
Street & No. 24 Schuster Rd
City Cumberland
State & Zip ME 04021
Telephone (207) 653-4323

In accordance with Title 23, Revised Statutes Annotated, Application is hereby made to construct an entrance to my property on the (North) (South) (East) (West) side of Public Way, State or State (Circle Appropriate Direction)

Aid Highway Fte. No. Bruce Hill Road (if a numbered highway; if not, the local road name)
Cumberland at a point about _____ ft. (North) (South) (East) (West) from Range Road
(Circle Appropriate Direction) (Town Line, Road, or other)
_____ for the following purpose:

RESIDENTIAL ☒ COMMERCIAL ☐ DEVELOPMENT ☐ or OTHER ☐

Description Driveway 12' wide with appropriate ditching to access home with frontage on Bruce Hill Rd. w/ PAVED APPROACH PER specs
The following is information in regard to the location and requested entrance(s): culvert to be engineered

1. Frontage of lot along highway 569 ft. 2. Depth of Lot 600+ ft. 3. Number of Entrances requested 1
4. Proposed width of Entrance(s) 12'
5. Setback from center of Highway: (A) to Buildings 150+ ft. (B) to Other Structures 150+ ft.
6. The surface on the proposed driveway is to be gravel
7. Construction desired to commence on Sept 9, 2003 and to be completed on Oct 1, 2003
8. Is this entrance part of a project/development requiring a D.E.P. or L.U.R.C. Site Location Permit? Yes ☒ No ☐

THE OWNER HEREBY AGREES:

- (1) To provide, erect and maintain all necessary barricades, lights, warning signs and other devices to safeguard traffic properly while to work is in progress.
- (2) That the highway will at no time be closed to traffic.
- (3) Where the drive is located in curb, curb and gutter, and/or sidewalk section, the owner will completely remove the existing curb, curb and gutter, and/or sidewalk and replace it with a standard concrete or granite driveway terminal section.
- (4) Shall obtain and have delivered to the site any culverts and/or drainage structures which may be necessary for drainage, the size, type and length as called for in this permit. Said culverts and/or other incidentals to be installed by the Owner unless otherwise designated.
- (5) In all cases to Notify the Public Works Department at least 24 hours before starting work on the driveway.
- (6) To construct and maintain said driveway approach in accordance with Public Works Department "Rules and Regulations".
- (7) FURTHER CONDITION OF THE PERMIT: shall be that the owner shall well and truly pay all damages, fines, and penalties for which he shall become liable, and shall indemnify and save harmless said Town against all suits, claims, damages and proceedings of every kind arising out of the construction and maintenance of said driveway approach, including snow removal.

8/20/03
DATE

Susan Chase
SIGNATURE OF OWNER

① All BMP's in place PRIOR TO START

Culvert to be engineered by pinkham & green

② - NO TOWNS AND ORDINANCES OF PRIVATE RIGHTS WHICH MAY OR MAY NOT EXIST - over discontinued portion

ie unimproved portion not required by town
of "Assessment" taken

THIS IS NOT A BOUNDARY SURVEY

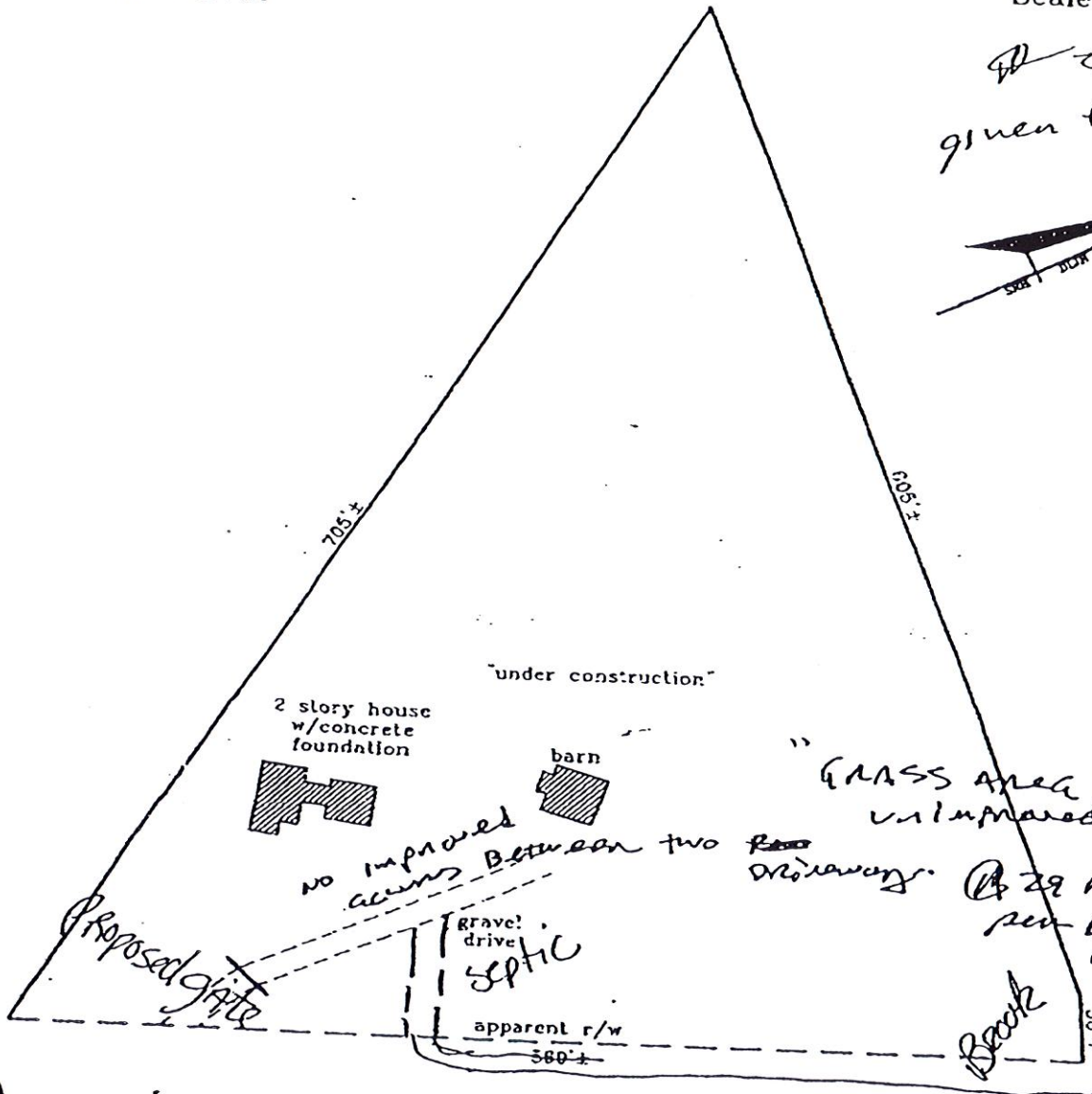
SECTION OF: DEED BOOK 13669 PAGE 200 COUNTY Cumberland
 PLAN BOOK ----- PAGE ----- LOT -----

4 Bruce Hill Road, Cumberland, Maine

per: Scott R. Verrill

Job Number: 237-20
 Inspection Date: 03-23-99
 Scale: 1" = 100'

*27 Aug 03
 given to S.V.*



B r u c e H i l l R o a d

WE HEREBY CERTIFY TO: Northeast Land Title, Option One
 and its title insurer.
 documents found did not conflict with the deed description.
 dwelling setbacks do not violate town zoning requirements.
 delineated on the Federal Emergency Management Agency Community
 map #230162-00158:
 structure does not fall within the special flood hazard zone.
 structure does not fall within the special flood hazard zone.
 study has not been performed.

APPARENT EASEMENTS AND RIGHTS OF WAY ARE SHOWN. OTHER ENCUMBRANCES, RECORDED OR NOT, MAY EXIST. THIS SKETCH WILL NOT REVEAL ADJUTING DEED CONFLICTS, IF ANY.

Livingston - Hughes
 Professional Land Surveyors & Foresters
 88 Guinea Road
 Kennebunkport - Maine 04046
 207-967-9761 phone 207-967-4831 fax

THIS SKETCH IS FOR MORTGAGE PURPOSES ONLY

The issuance of this permit does not imply approval by any other agency including the following: State of Maine Department of Environmental Protection, United States Environmental Protection Agency, and United States Corps of Engineers. The obtaining of all permits including plumbing and electrical owner or authorized agent.

CERTIFICATE ISSUED
DATE September 1, 1999

BUILDING PERMIT - CERTIFICATE OF OCCUPANCY

APPLICANT State Varrill DATE 2/23 98
ADDRESS 24 Schuster Rd, Falmouth ME 04101 PERMIT NO. 17-98
PERMIT TO construct house (TYPE OF IMPROVEMENT) NO. 2 STORY Residential (PROPOSED USE) NUMBER OF DWELLING UNITS ONE (CONTR'S LICENSE)
AT (LOCATION) Bruce Hill Rd Ext. (NO.) (STREET) ZONING DISTRICT R-1 (LR)
BETWEEN _____ (CROSS STREET) AND _____ (CROSS STREET)
SUBDIVISION _____ LOT 10A BLOCK U15 LOT SIZE 4 ACRES
BUILDING IS TO BE 28 FT. WIDE BY 36 FT. LONG BY _____ FT. IN HEIGHT AND SHALL CONFORM IN CONSTRUCTION TO TYPE _____ USE GROUP _____ BASEMENT WALLS OR FOUNDATION _____ (TYPE)
REMARKS: _____

AREA OR VOLUME 2016 sq ft
(CUBIC/SQUARE FEET)

OWNER State
ADDRESS State



TO BE POSTED ON PREMISES
SEE REVERSE FOR CONDITIONS OF CERTIFICATE

Jensen Baird
Gardner & Henry

ATTORNEYS AT LAW

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

TELECOPIER (207) 775-7935

www.jbgh.com

MERTON C. HENRY
WALTER E. WEBBER
JAMES E. KAPLAN
OF COUNSEL

RAYMOND E. JENSEN
(1908-2007)

KENNETH DAIRD
(1914-1987)

M. DONALD GARDNER
(1918-2003)

YORK COUNTY
OFFICE

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

THOMAS M. COLE III
JULIAS S. HADZO
MARK H. FRYE
DAVID J. JONES
MICHAEL A. NELSON
RICHARD H. SPENCER, JR.
ALAN P. ATKINS
RONALD A. EPSTEIN
WILLIAM H. DALE
JOSEPH H. OROFF III
F. BRUCE SLEEPER

DEBORAH M. MAHN
LESLIE E. LOWRY III
PATRICIA MCDONOUGH DUNN
MICHAEL J. QUINLAN
R. LEE IVY
FRANK X. N. CHOWDRY
NATALIE L. BURNS
SALLY J. DAGGETT
BRENDAN P. RIELLY
SUZANNE R. SCOTT
ANGELA G. CROCKER

August 28, 2003

Barbara McPheters, CEO
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021

Re: *Bruce Hill Road Extension*


Dear Barbara:

This letter is intended to follow up the conference call that you and I and Adam had on Wednesday, August 27th. Part of that call clarified that the driveway location off Bruce Hill Road Extension connecting to the Verrill/Chase lot would actually overlay what was the old Abbott Road, so-called. As we discussed, the issue raised by that fact was whether or not the Town had any retained interest in the Abbott Road. From our discussion and from a review of the original range layout for the Town of North Yarmouth (from which Cumberland was derived) we were able to determine that the Abbott Road was not a range road and as such the Town had no direct ownership interest in it. Therefore, assuming that it is abandoned, the abutters would own to the center line subject to a potential recreational easement that the Town might have retained.

A review of the Council's minutes that have been forwarded to me indicate that a portion of Bruce Hill Road Extension was accepted as a Town way to a point short of where this improvement would occur. This makes the issue of these new improvements a private one between the abutters. Had the road been a range way then technically the Council would have had to grant the permit since the rangeways in the Town of Cumberland were actually conveyed by the proprietors to the Inhabitants and the Town technically owns the fee under them.

Additionally, we discussed the whole issue of the private road ordinance which, on close review, does not require Planning Board review unless a subdivision is involved. As such, the permit required is for a curb cut from Adam Ogden as the Public Works Director. As we discussed, based on the traffic safety issues that could be raised by connecting Bruce Hill Road Extension with Schuster Road in Falmouth, it is my opinion that Adam has every right to require that no such connection be made as a part of his granting the driveway permit and further that he has a right to review the engineering for the actual driveway, including the stream crossing involved.

~ Over 50 Years of Service ~

Given to
S.V. 2,9 Aug 03


JENSEN BAIRD GARDNER HENRY & ASSOCIATES
Jensen Baird
Gardner & Henry

August 28, 2003
Page 2

In summary, as I stated in my letter of August 25, 2003, I believe any permit issued in regard to this site should be conditioned to prohibit any connection of the two driveways which would therefore prevent the creation of a through road.

If there is anything else you need in this regard, please let me know.

Very truly yours,

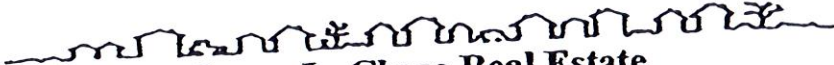


Kenneth M. Cole III

KMC/ab

cc: William B. Shane, Town Manager
Adam Ogden, Director of Public Works

A


Susan L. Chase Real Estate
P.O. Box 71
Cumberland, ME 04021
207-653-4323
schase@maine.rr.com

August 20, 2003

Mr. William Shane – Town Manager
Town of Cumberland
290 Tuttle Road
Cumberland, Maine 04021

RE: Driveway Entrance Permit

Dear Bill,

Thank you for meeting with me to discuss my entrance permit to build my driveway off Bruce Hill Road to service my home

As you know my home is on the unimproved section of Bruce Hill Road in Cumberland south of Range Road but my driveway is off Schuster Road in Falmouth. I do not have any frontage on Schuster Road; however, when my house was built I could not afford to improve the 800+/- feet of Bruce Hill Road necessary to access my home from Cumberland. Falmouth granted me permission to access my property from Schuster Road.

Personal circumstances force me to sell my home. I tried to sell my home last year with no luck. My home value is approximately \$475,000.00 and last year I could not sell it for \$395,000.00. The reason I have not been able to sell an almost half a million dollar home for far less than its value is because of the extreme economic diversity on Schuster Road in Falmouth. Coupled with the fact that most buyers want to be in a "neighborhood", the several people who looked at my home would not make the investment. Although I have considered many of the people on Bruce Hill Road as my neighbors and friends it is difficult for someone coming from another area to feel part of the Bruce Hill neighborhood because there is not a driveway access from my home.


Certainly if I felt I had a choice I would not invest the \$20,000 plus dollars it is going to take to create a driveway from Bruce Hill Road to my property.

To reiterate my position on my driveway status I would make the following points:

1. It is no ones intention or desire to have Bruce Hill Road connect to Schuster Road to create a throughway from Falmouth to Cumberland. As value is my concern, a dead end street is my desire for this property.
2. I should enjoy the same rights as all of the homes with frontage on Bruce Hill Road built to this point in time, as the road status has not changed to this date. For instance, when the Anderson home was built Anderson extended or improved Bruce Hill Road in the same manner as I expect to. "
3. Steven and Susan Sabol who contributed \$7.600 to the improvements in Bruce Hill Road in order to use it for access to this property sold my lot to me.
4. I expect to be treated in the same manner as any other person in the Town of Cumberland submitting an application for a driveway off a town road.
5. In order to discourage traffic from trying to connect to Schuster Road, my driveway off Bruce Hill should have the appearance of just a driveway. This driveway should be built to the town specifications for a driveway servicing one home and not to the specifications of a town road as the appearance of a town road would make passage more appealing for those who don't need to be there.
6. Time is of the essence, as I was hoping to have already started this driveway to be able to market my home by late August. I will have a tremendous financial loss supporting this home while not living there.

I have submitted my application and I look forward to working with you on this matter.

Sincerely,


Susan L. Chase

September 4, 2003

Susan Chase / Scott Verrill
P.O. Box 71
Cumberland, Maine 04021

Re: Driveway Entrance Permit

Dear Susan and Scott,

Please be advised that we have retained legal counsel in conjunction with your application and permit from Cumberland for a driveway off the end of Bruce Hill Road Ext. As the town attorney states in his letter to the town manager, this is a civil matter between landowners. The ownership reverted to the abutting landowners, the original owners of the land, as this was not a range road (where the land would have been owned by the town).

When the town abandoned / discontinued Abbott Road the abutters took control of the land. Although you control the part on the south side of the brook, you do not control the north side, according to the lawyer for the town. The issue of any construction becomes a private matter between abutters. We control 364 feet along the abandoned Abbott Road, and that area has been posted since September 2nd, for No Hunting or Trespassing without owner permission. You mention other property owners along Bruce Hill Road Ext., however this impacts our frontage, not theirs. As an aside, perhaps you should know that all of the home owners along Bruce Hill Road Ext., as well as several on Range Road, support our position.

We do not intend to grant approval for this driveway for the following reasons:

1. When you built your home, the area was in worse condition than it is today. Perhaps you over built for the area and are now facing the consequences. As a real estate agent/ builder, you should have been aware of the impact.

2. You chose to build on an isolated lot. I remember hearing you state at a planning board meeting that you develop lots that no one else would buy, thus getting them at reduced costs. That results in consequences that you now find distasteful.
3. There was no neighborhood when you built your home. Neighborhoods are not located in areas that require 4 acre lots and this area has required 4 acre lots for many years.

To address the several points in your letter to Bill Shane, Town Manager:

1. You indicate a dead end street. No one in the area wants a street to go through. You will not be there to prevent a connection later on. A gate is an invitation to open it and drive through.
2. The road had been discontinued before you built your home, as indicated on the survey that we paid for, for Susan Sabol, dated 9/26/97. It was at that time that the 4 acre lot, which she planned to build on for herself and her daughter, was separated from the parcel that we purchased. Subsequently, she decided to remain at her home in Portland.
3. When Steven and Susan Sabol put monies into the road fund, they intended to keep the parcel intact (all 22 acres) and their contribution provided them with access at the corner that abuts the Andersen' property. They never planned to develop the road beyond that and they were only going to build one home for themselves.

We value the snowmobile / walking path and the country feel of the area. Your shortsightedness will forever change the area.

As Ken Cole, Town Attorney, states, "the issue of these new improvements is a private one between abutters." We would only challenge his use of the word "improvements."

Unless you want to add a lawsuit to your stated financial situation in your letter to the town manager, we would advise you not to start this project. I would also remind you that as a real estate agent you must disclose any legal action involving the property.

Sincerely,

Liz and Jim Orser
12 Gray Road, Cumberland, Me. 04021

cc: Bill Shane, Town Manager
Adam Ogden, Public Works Director
Bill Stiles, Town Council
Mark Kuntz, Town Council – West Cumberland
Syd Stratton, Abutting property owner



Attorneys At Law

September 9, 2003



Ms. Susan L. Chase
Mr. Scott Verrill
24 Schuster Road
Cumberland, Maine 04021

Peter S. Plumb
John C. Lightbody
Thomas C. Newman
John C. Bannon
Susan D. Thomas
Drew A. Anderson
Richard L. O'Meara
Christopher B. Branson
Michael D. Traister
Amy M. Sneider
Barbara L. Goodwin
Timothy H. Boulette
John B. Shumadine
Crystal L. Bulges

RE: Elizabeth and James Orser / Driveway Entrance Permit for Lot
10A on Map U15

Dear Ms. Chase and Mr. Verrill:

This office represents Elizabeth and James Orser. I understand that, among other properties, you own Lot 10A as shown on Cumberland Tax Map U15. The Orsers own, among other parcels, Lot 10 as shown on Cumberland Tax Map U15. Lot 10 abuts Lot 10A on the north.

Counsel:
J. T. Schneider

E. Stephen Murray
(1941-2001)

75 Pearl Street
Post Office Box 9785
Portland, Maine
04104-5085

Telephone:
207.773.5651

Facsimile:
207.773.8023

E-Mail:
info@mpmlaw.com

WWW:
mpmlaw.com

The Orsers have brought to our attention the fact that, on or about August 20, 2003, you applied for and obtained from the Cumberland Public Works Department an Entrance Permit that would allow you to connect a driveway between Bruce Hill Road Extension and Lot 10A. However, we note that Condition 3 to the Entrance Permit states as follows: "No Town endorsement of private rights which may or may not exist over discontinued portion of Abbott Road (a/k/a Bruce Hill Road Extension), i.e., unimproved portion not accepted by Town."

I am writing to alert you to the fact that you have no legal right to construct a driveway over the abandoned or discontinued parts of Bruce Hill Road Extension in order to access Lot 10A. Because we have not yet completed our research into the status of Abbott Road and/or Bruce Hill Road Extension, we cannot yet reach a firm conclusion about whether the public currently has any rights in the portion of Bruce Hill Road Extension that was

discontinued or abandoned.¹ However, the answer to that question is somewhat moot, because regardless of how the question is answered, you do not have the legal right to take the actions you have proposed.

I. What if there are no public rights remaining in the portion of Bruce Hill Road Extension that was abandoned or discontinued?

If there no longer is a public easement or other public right in the abandoned or discontinued portion of Bruce Hill Road Extension, then ownership of that portion of the Road has reverted to the persons who own land abutting the Road. That portion of the Road is owned by the abutters free and clear of any public rights or interests.

It is my understanding that, in order to access Lot 10A from Bruce Hill Road Extension, it would be necessary for you to pass over a section of the Road that is privately owned on the easterly side by Sid Stratton, and on the westerly side by the Orsers. In order to improve or even pass over that part of the road, you would need express permission from both Mr. Stratton and the Orsers. At present, I cannot purport to speak on behalf of Mr. Stratton, but on behalf of the Orsers, I am authorized to advise you as follows: the Orsers deny you now, and will deny you in the future, any right to cross the portion of Bruce Hill Road Extension that is owned by them in fee.

¹ What is certain, however, is that it is impossible for you to reach Lot 10A via Bruce Hill Road extension without traveling over the portions of the road that were discontinued or abandoned. The accepted portion of Bruce Hill Road Extension ends well to the north of Lot 10A.

II. What if there are public rights remaining in the portion of Bruce Hill Road Extension that was abandoned or discontinued?

Even if it is assumed that there remain some type of public rights in the abandoned or discontinued portion of Bruce Hill Road Extension, such rights would not allow you to develop the road as you have proposed. At most, such public rights might give you the right to walk, ride a horse, operate an ATV or snowmobile, or attempt to drive a car across the *existing* terrain. You would have no right to improve the surface of Bruce Hill Extension in any way, or to disturb the soil of the road as it passes by my clients' property.

Although a "public easement" carries with it fewer public rights and responsibilities than does a "public way," it is nonetheless "an easement *held by a municipality* for purposes of *public access* to land or water not otherwise connected to a public way." 23 M.R.S.A. § 3021(3). (emphasis added). In other words, a public easement is still a form of municipal property. It has long been settled that private individuals have no unilateral right to improve or alter the surface of public ways and easements – all decisions concerning the wisdom and necessity for improving municipal property are left solely to the municipality itself. See, e.g., *Lamb v. Euclid Ambler Associates*, 563 A.2d 365 (Me. 1989); *Hunt v. Rich*, 38 Me. 195 (1854).

The Entrance Permit you obtained from the Public Works Department on August 20, 2003 did not constitute an authorization by the Town to improve any public easement over Bruce Hill Road Extension. Remember, that the Entrance Permit declined to state any conclusions about whether you actually have the right to take any of the actions described in the Entrance Permit.

III. What would happen if you constructed an access driveway down Bruce Hill Road Extension despite the warnings set forth in this letter?

I hope that, knowing what you now know about your lack of rights to alter Bruce Hill Road Extension, you will refrain from taking any further action to exercise your Entrance Permit. You are experienced developers, and I presume you are familiar with the liabilities that arise from using or destroying property that you do not own. However, your letter to Town Manager Shane dated August 20, 2003 protests that it would somehow be unfair for the laws to be enforced against you. Hence, just to eliminate any chance for confusion, I want to make clear that, if you attempt to alter the discontinued or abandoned portion of Bruce Hill Road Extension for the purpose of connecting Lot 10A to Bruce Hill Road Extension, this office will immediately file suit against you for, among other things:

- Common law trespass;
- Injury to Land in violation of 14 M.R.S.A. § 7552, which carries with it double or treble damages plus attorneys fees;
- Common law conversion of the Orsers' property;
- Common law negligence;
- Overburdening of an easement; and
- Common law nuisance.

I sincerely hope that it will be unnecessary to resort to such remedies. Although I can understand your frustration that your house on Lot 10A is accessible only via Schuster Road, that was a decision you made when you decided to purchase and develop Lot 10A. Perhaps it was an honest mistake, but your honesty does not give you any right to *compel* your neighbors to relieve you from the consequences of your error.

Please contact me as soon as possible to confirm that you do not intend to exercise your Entrance Permit by any of the means, discussed above, that would violate my clients' rights and/or the Laws of Maine.

Thank you for your attention to this letter.

Sincerely,



John C. Bannon
Me. Bar No. 2312

JCB/ddm

cc: Richard and Elizabeth Orser
Peter McKenney
Sarah A. McDaniel

CUMBERLAND FIRE & RESCUE CALLS FOR THE WEEK OF

22-Apr-04 To 28-Apr-04

The Cumberland Rescue Responded to 15 Calls

7 No Transport
3 Maine Medical Center
5 Mercy Hospital
5 Of These Calls Were to Assist Other Towns

The Cumberland Fire Department Responded to 14 Calls

<u>Date</u>	<u>Time</u>	<u>Address</u>	<u>Type of Incident</u>
4/22/04	11:26	STONEWALL DR	UNPERMITTED BURN
4/22/04	1720	14R TUTTLE RD	CHIMNEY FIRE
4/22/04	1950	52 HAWTHORNE CT	STOVE PROBLEM
4/22/04	2338	196 BRUCE HILL RD	UNPERMITTED BURN
4/24/04	1254	42 GRAY RD	WIRES ARCHING
4/24/04	1646	10 THOMAS DR	FIRE ALARM
4/24/04	1647	328 BLUEBERRY LN FALMOUTH	RIT TEAM
4/26/04	1156	10 THOMAS DR	FIRE ALARM
4/26/04	1309	17 WILSON RD	FIRE ALARM
4/27/04	1246	247 SOUTH RD	ASSIST RESCUE
4/27/04	1854	MIDDLE @ TUTTLE	TRAFFIC ACCIDENT
4/28/04	904	255 MAIN ST	UNPERMITTED BURN
4/28/04	1547	50 HILLSIDE DR	ASSIST RESCUE
4/28/04	1725	29 BLACKSTRAP RD	ELECTRICAL PROBLEM

DURING THE TIME PERIOD OF 04-22-04 THRU
04-28-04 CUMBERLAND POLICE MADE
105 TRAFFIC STOPS ISSUING
7 VEHICLE DEFECTS
80 WARNINGS
18 SUMMONS ISSUED

RADIO'S

NOTICE CUMBERLAND TOWN COUNCIL

PRESS CONFERENCE

The Cumberland Town Council will hold a Press Conference regarding the town Council's decision last evening to hold an Advisory Referendum on June 8, 2004, to coincide with the State Primary election, in order to determine whether the voters of the Town of Cumberland favor the Town Council negotiating a Contract Zone Agreement with ~~ConocoPhillips Company~~ and TransCanada Pipelines Limited regarding siting a liquid natural gas facility on Hope Island. The Press Conference will be held Wednesday, May 5, 2004 at 9:00 a.m. in the Cumberland Town Council Chambers, 290 Tuttle Road.

returned 10:15 PM
ESN
to done
- on on
next - order 04-052
M: MS
S: MK
ORDER 04 - 052

ORDERED, the Cumberland Town Council hereby authorizes an advisory referendum be held on June 8, 2004 in order to coincide with the State Primary Election. Said advisory referendum will be held to determine whether the voters of the Town of Cumberland favor the Cumberland Town Council negotiating a Contract Zone Agreement with ~~ConocoPhillips Company~~ and TransCanada Pipelines Limited regarding siting a liquid natural gas facility on Hope Island.

The Town Council
has taken no position on this issue.
project

NOTICE

CUMBERLAND TOWN COUNCIL

PRESS CONFERENCE

The Cumberland Town Council will hold a press conference regarding the Town Council's decision last evening to hold an ADVISORY Referendum on June 8, 2004, to coincide with the State Primary Election, in order to determine whether the voters of the Town of Cumberland favor the Town Council negotiating a Contract Zone Agreement with TransCanada Pipelines Limited regarding siting a liquid natural gas facility on Hope Island. The press conference will be held *Wednesday, MAY 5, 2004 at 9:00 a.m.* in the Cumberland Town Council Chambers, 290 Tuttle Road.

ORDER #04-052

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NOTICE

CUMBERLAND TOWN C OUNCIL

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 *** ACTIVITY REPORT ***

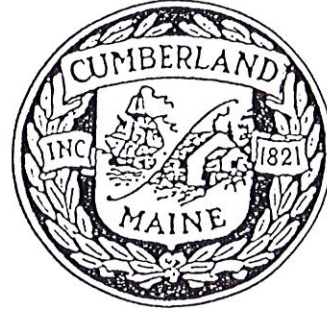
ST. TIME	CONNECTION TEL	CONNECTION ID	NO.	MODE	PGS.	RESULT
*05/04 23:00	207 775 7935		6149	AUTO RX ECM	5	OK 01'09
*05/04 23:07			6150	AUTO RX ECM	1	OK 00'45
*05/04 23:32	2077219177		6151	AUTO RX ECM	2	OK 02'50
*05/04 23:43	912073952406		1335	TRANSMIT ECM	2	OK 01'00
*05/05 00:19	914018229266		1336	TRANSMIT ECM	3	OK 00'51
*05/05 01:57	97918000		1337	TRANSMIT ECM	1	OK 00'27
*05/05 02:36	94543032		1338	TRANSMIT ECM	2	OK 00'22
*05/05 02:37	915064334619		1339	TRANSMIT ECM	2	OK 00'25
*05/05 04:11	97771473		1340	TRANSMIT ECM	1	OK 00'25
*05/05 05:16	917168711726	PRODUCTION DEPT	1341	TRANSMIT ECM	1	OK 00'42
*05/05 06:14	912072876545		1342	TRANSMIT ECM	1	OK 00'22
*05/05 06:16	912072875428		1343	TRANSMIT ECM	1	OK 00'14
05/05 10:57	97916920	PRESS HERALD NEW	1344	TRANSMIT ECM	1	OK 00'17
05/05 10:58	97812060		1345	TRANSMIT ECM	1	OK 00'26
05/05 10:59	97813283		1346	TRANSMIT ECM	1	OK 00'17
05/05 11:01	98783505		1347	TRANSMIT ECM	1	OK 00'14
05/05 11:02	97837371	WMTW BROADCAST G	1348	TRANSMIT ECM	1	OK 00'18
05/05 11:03	98286630		1349	TRANSMIT ECM	1	OK 00'26
05/05 11:05	97746849		1350	TRANSMIT ECM	1	OK 00'17
05/05 11:06	97610318		1351	TRANSMIT G3	1	OK 00'34

 *** ACTIVITY REPORT ***

ST. TIME	CONNECTION TEL	CONNECTION ID	NO.	MODE	PGS.	RESULT
*05/05 04:11	97771473		1340	TRANSMIT ECM	1	OK 00'25
*05/05 05:16	917168711726	PRODUCTION DEPT	1341	TRANSMIT ECM	1	OK 00'42
*05/05 06:14	912072876545		1342	TRANSMIT ECM	1	OK 00'22
*05/05 06:16	912072875428		1343	TRANSMIT ECM	1	OK 00'14
*05/05 10:57	97916920	PRESS HERALD NEW	1344	TRANSMIT ECM	1	OK 00'17
*05/05 10:58	97812060		1345	TRANSMIT ECM	1	OK 00'26
*05/05 10:59	97813283		1346	TRANSMIT ECM	1	OK 00'17
*05/05 11:01	98783505		1347	TRANSMIT ECM	1	OK 00'14
*05/05 11:02	97837371	WMTW BROADCAST G	1348	TRANSMIT ECM	1	OK 00'18
*05/05 11:03	98286630		1349	TRANSMIT ECM	1	OK 00'26
*05/05 11:05	97746849		1350	TRANSMIT ECM	1	OK 00'17
*05/05 11:06	97610318		1351	TRANSMIT G3	1	OK 00'34
05/05 21:00	97822165		1352	TRANSMIT ECM	1	OK 00'17
05/05 22:22	97732525		1353	TRANSMIT ECM	4	OK 01'15
05/05 22:25	97865432		1354	TRANSMIT ECM	1	OK 00'20
05/05 22:45	98464351		1355	TRANSMIT	0	NG 00'00
					0	STOP
05/05 22:46	98464358		1356	TRANSMIT ECM	1	OK 00'33
05/05 23:10	97660979		1357	TRANSMIT G3	1	OK 00'45
05/05 23:38	96263052		1358	TRANSMIT ECM	3	OK 01'19
05/06 00:39	97916920	PRESS HERALD NEW	1359	TRANSMIT ECM	6	OK 01'42

Town of Cumberland

Administration
290 Tuttle Rd
Cumberland, ME 04021
Phone: 207-829-2205
Fax: 207-829-2224
Web: www.cumberlandmaine.com



Fax Transmittal Form

To

Tess

Fax number:

791-6920

- ☐ Urgent
- ☐ For Review
- ☐ Please Comment
- ☐ Please Reply

From

Hadeen Daniels

Phone: 207-829-2205

Fax: 207-829-2224

Web: www.cumberlandmaine.com

Date sent:

5-5-04

Time sent:

12:45pm

Number of pages including cover page:

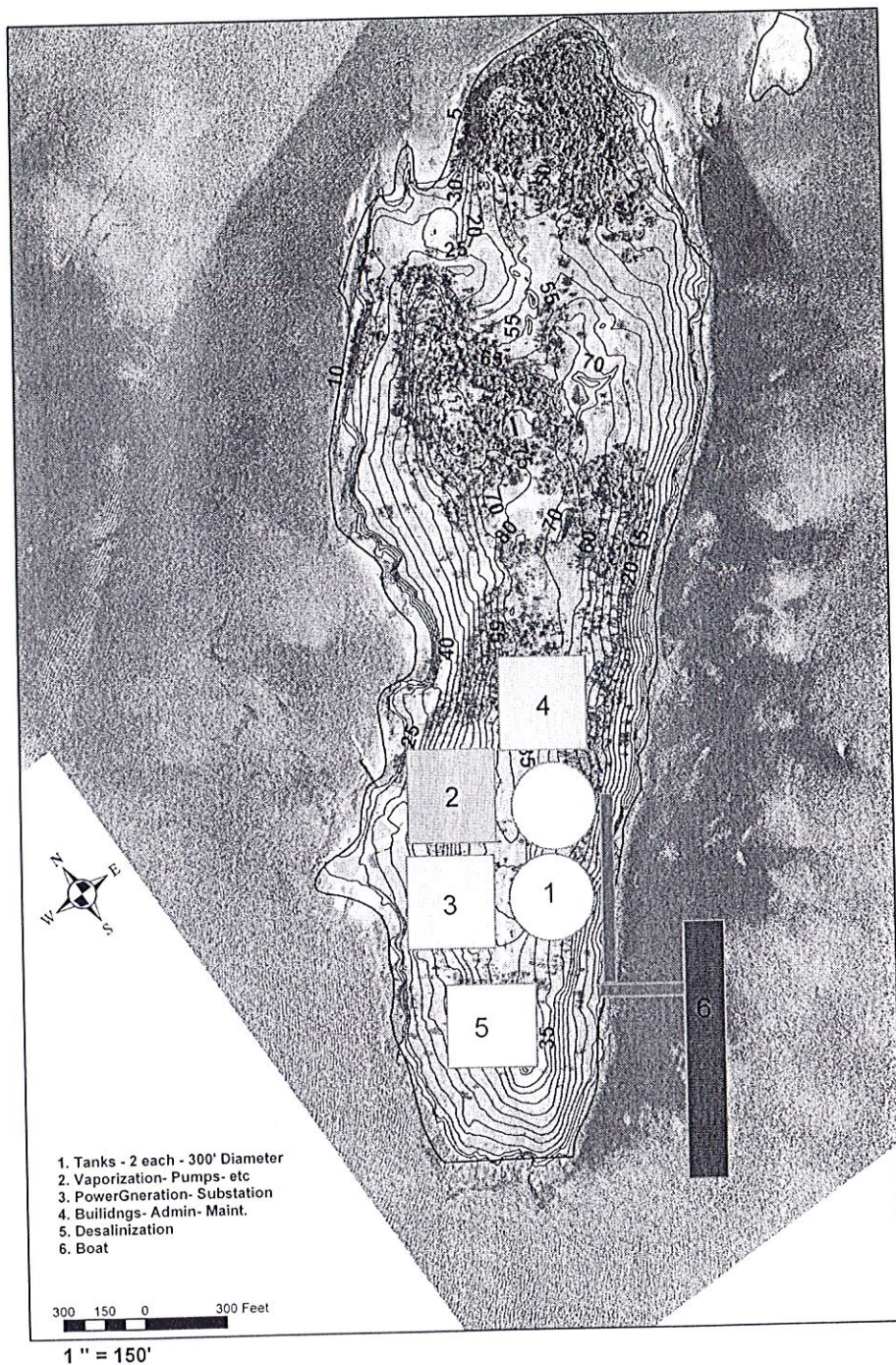
11/5

Message:

Hi Tess -

*Here is another
copy of the material
from last evening.*

Hadeen





 *** ACTIVITY REPORT ***

ST. TIME	CONNECTION TEL	CONNECTION ID	NO.	MODE	PGS.	RESULT
*05/04 23:00	207 775 7935		6149	AUTO RX ECM	5	OK 01'09
*05/04 23:07			6150	AUTO RX ECM	1	OK 00'45
*05/04 23:32	2077219177		6151	AUTO RX ECM	2	OK 02'50
*05/04 23:43	912073952406		1335	TRANSMIT ECM	2	OK 01'00
*05/05 00:19	914018229266		1336	TRANSMIT ECM	3	OK 00'51
*05/05 01:57	97918000		1337	TRANSMIT ECM	1	OK 00'27
*05/05 02:36	94543032		1338	TRANSMIT ECM	2	OK 00'22
*05/05 02:37	915064334619		1339	TRANSMIT ECM	2	OK 00'25
*05/05 04:11	97771473		1340	TRANSMIT ECM	1	OK 00'25
*05/05 05:16	917168711726	PRODUCTION DEPT	1341	TRANSMIT ECM	1	OK 00'42
*05/05 06:14	912072876545		1342	TRANSMIT ECM	1	OK 00'22
*05/05 06:16	912072875428		1343	TRANSMIT ECM	1	OK 00'14
05/05 10:57	97916920	PRESS HERALD NEW	1344	TRANSMIT ECM	1	OK 00'17
05/05 10:58	97812060		1345	TRANSMIT ECM	1	OK 00'26
05/05 10:59	97813283		1346	TRANSMIT ECM	1	OK 00'17
05/05 11:01	98783505		1347	TRANSMIT ECM	1	OK 00'14
05/05 11:02	97837371	WMTW BROADCAST G	1348	TRANSMIT ECM	1	OK 00'18
05/05 11:03	98286630		1349	TRANSMIT ECM	1	OK 00'26
05/05 11:05	97746849		1350	TRANSMIT ECM	1	OK 00'17
05/05 11:06	97610318		1351	TRANSMIT G3	1	OK 00'34

**CUMBERLAND TOWN COUNCIL
PUBLIC HEARING NOTICE**

**SPECIAL MEETING
TUESDAY, MAY 4, 2004**

The Cumberland Town Council will hold a special meeting, 7:00 p.m., Tuesday, May 4, 2004, at the Cumberland Town Hall, 290 Tuttle Road, to consider and adopt the FY 2004/05 Municipal Budget. Interested parties are invited and encouraged to attend. An opportunity for comment will be provided during the public hearing.

TOWN OF CUMBERLAND

04- 1000 ORDER: To go into executive session pursuant to Tile 1, Section 405(6)(C) & (E) of the Maine Revised Statues to consult with the Town Attorney about the Town Council's rights and duties regarding the use of real property for economic development purposes.

After coming out of Executive Session this will be the Council Order:

04-1001 ORDER: To hold an advisory referendum on June 8, 2004, coinciding with the State Primary election, to determine whether the voters of the Town of Cumberland favor the Cumberland Town Council negotiating a Contract Zone Agreement with ConocoPhillips Company and TransCanada Pipelines Limited regarding siting a liquid natural gas facility on Hope Island.

CLAIMS SUMMARY

The following are the results of your claims inquiry search based on:

Policy Number: ODP 4141529 11

Date Range: 07/01/1992 to 07/01/2004

Quote New Business / Search
Quote/Change Request Inquiry
Billing Inquiry
Claims Inquiry
Sweep Inquiry
Payments / Deposits
Report Inquiry
Commercial / Personal
Producersresource.com
Exit POS

W09

Name Insured		Account #	Policy #	Effective Date	Premi
TOWN OF CUMBERLAND		0022149917	ODP 4141529 11	07/01/2003	5,904
Claim #	Date of Loss	Description	Paid Loss	Current Reserve	Claim Status
There are no claims for this policy number					

New Inquiry

Send list of
BTM
sprayers
to Mike
Sarasak

3400
60
32400

Town of Cumberland

Municipal Budget July 1, 2004 to June 30, 2005

Town Council

Jeffrey Porter, Chairman
William Stiles, Vice Chairman
Donna Damon
Mark Kuntz
Stephen Moriarty
Michael Savasuk
Harland Storey



Budget 2004-2005 The Process

- ◆ Presentation by the Town Manager
- ◆ Collaborative Process - A Council & Manager's Budget
- ◆ Meetings with All Department Heads
- ◆ Meetings with Non-Profits and Selected Town Boards with Budgets
- ◆ Total of 9 Advertised Meetings Held
- ◆ Review & Approval of Year One of a Capital Improvements Plan

Budget 2004-2005 Objectives

- Review each line item of the Budget
- Meet with Department Heads to Discuss essential versus desirable programs
- Minimize Budget Increase without depleting Town Services
- Show "True Costs" of all Operations
- Regionalize Tasks wherever possible

Expenses	
\$7,328,241	Budget Expenses FY 2005
\$6,365,527	Budget Expenses FY 2004
\$962,714	Increase in Expenses over FY 2004
	Re- Adjustment of Line Items
	Corresponding Increase in Revenues
	15 % increase in Expenses
Reveunes	
\$3,575,641	Revenues FY 2005
\$2,864,878	Revenues FY 2004
\$710,763	Increase in Revenues over FY 2004
	25% Increase In Revenues
Net Effect on the Town Budget	
\$251,951	Expenses over Revenues for FY 2005
\$0.30	\$ Increase in Tax Rate for Municipal Services
1.65%	% Increase in Mil Rate Over FY 2004

Budget 2004-2005 Why The Changes ?

- Eliminate " In & Out" Accounts
- Better Track Expenses
- Better Track Revenues
- Determine if Individual Programs were Cost Effective

Budget 2004 -2005 Highlights

Major Increases in Expenses Due to New Accounting Structure

\$800,000	Benefits & Insurance
\$456,000	Debt Service Budget
\$357,000	Capital Improvements
\$182,000	Solid Waste
\$154,000	Rescue Dept.
\$ 65,000	Town Building Maintenance
\$ 60,000	Twin Brook Budget
\$ 20,000	Planning Dept.

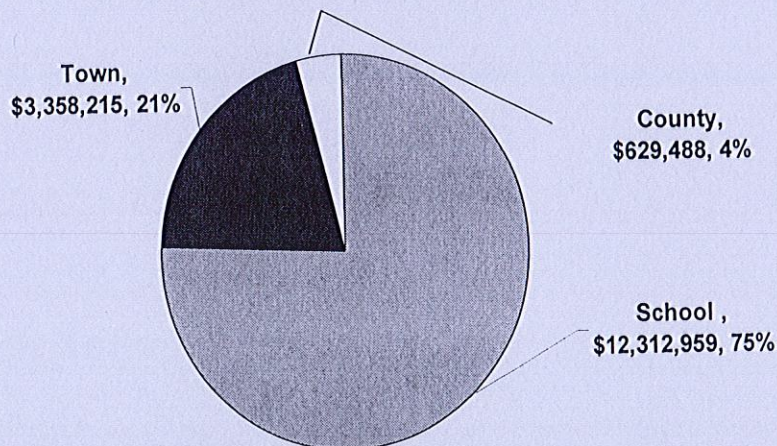
Budget 2004 -2005 Highlights

Major Increases in Revenues Due to New Accounting Structure

\$152,000	Rescue Revenues- Regional Program
\$ 162,000	Recreation Revenues
\$ 15,000	Mooring & Tie-up Fees
\$ 15,000	Regional Assessing with Yarmouth
\$ 27,500	North Yarmouth increase to Rec, ACO, Library and Police Dare Program

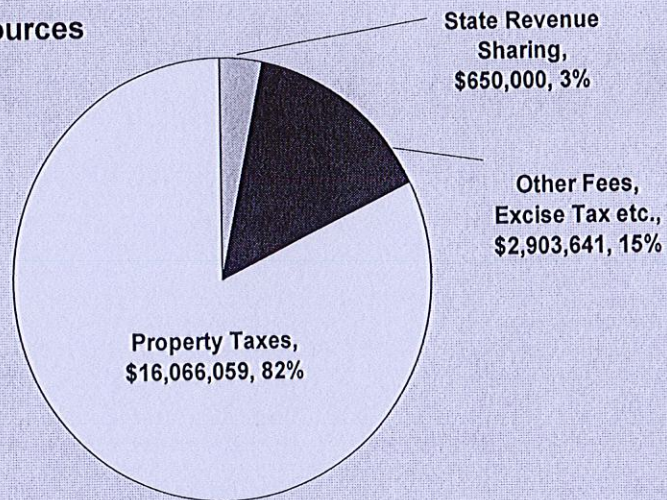
2004-2005 Budget- Tax Dollar Breakdown

Total Budget = \$16,300,663



Budget 2004 -2005 Highlights

Revenues Sources



New Positions

- 2 Full Time Paramedics- Regional Program
- Asst. Recreation Director- April 2005 with offsetting Revenues
- Full Time Fire Administrator
- Job Share - Manager's Admin. Asst.- 2 PT

Budget Overview

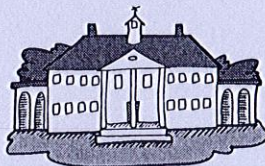
- ◆ Increase in Budget \$ 251,951
- ◆ 1st Payment on Rines Forest \$144,000
- ◆ RWS Increase to \$165/ Ton from \$128
Added \$114,000 to Budget

\$251,951	Town Budget Increase
-\$144,000	Rines Property
-\$114,000	RWS Trash
-\$ 6,049	Less than Last Year

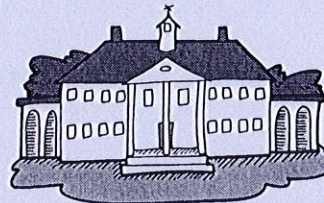
Estimated Tax Increase to Homeowner of a \$.37 Mil Rate Increase Town & County



**\$200,000
Home
\$70 per year**



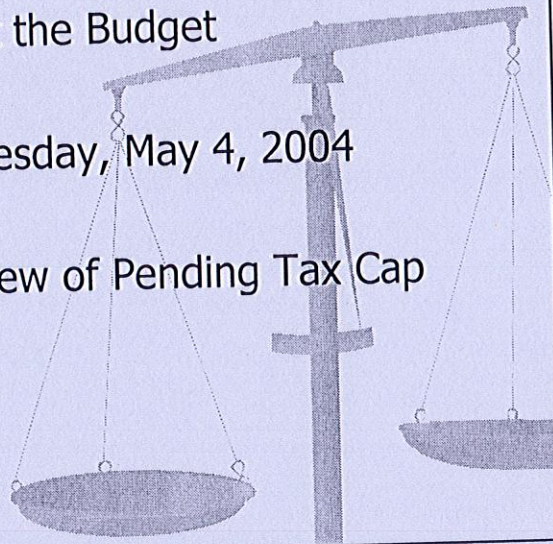
**\$300,000
Home
\$105 per year**



**\$400,000
Home
\$140 per year**

Budget 2004 - 2005

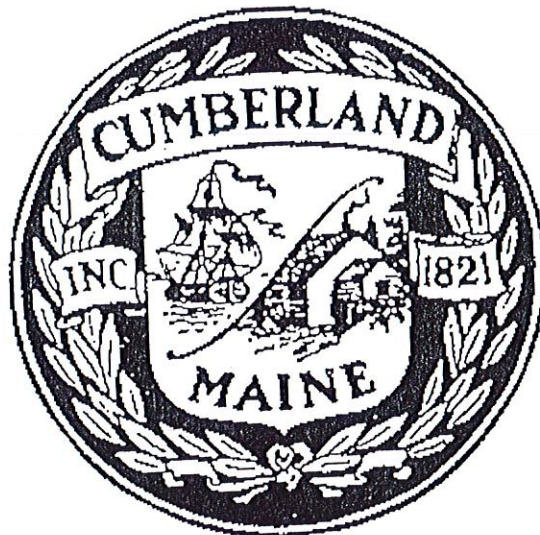
- Questions about the Budget
- Budget Vote Tuesday, May 4, 2004
- Manager Overview of Pending Tax Cap



Town of Cumberland

2004 - 2005

Municipal Budget



Public Hearing
Monday, April 26, 2004

7:00 PM, Town Council Chambers
290 Tuttle Road
Cumberland, Maine

BUDGET SUMMARY
JULY 1, 2004 - JUNE 30, 2005

Expenses

\$7,328,241 Budget Expenses FY 2005
\$6,365,527 Budget Expenses FY 2004
\$962,714 Increase in Expenses over FY 2004
(Re- Adjustment of Line Items , Eliminate "In & Out" Accounts)
Corresponding Increase in Revenues
15 % increase in Expenses

Reveunes

\$3,575,641 Revenues FY 2005
\$2,864,878 Revenues FY 2004
\$710,763 Increase in Revenues over FY 2004
25% Increase In Revenues

Net Effect on the Town Budget

\$251,951 Expenses over Revenues for FY 2005
\$0.30 \$ Increase in Tax Rate for Municipal Services
1.65% % Increase in Mil Rate Over FY 2004

Budget FY 2005

4/22/2004 11:51 AM

Fund	Description	\$2,003 Budget	2003 Actual	2004 Budget	2005 Budget	Increases
R0302	EXCISE TAX MAILINGS	\$0	\$0	\$0	\$0	\$0
R0303	EXCISE TAX	\$1,375,000	\$1,400,652	\$1,425,000	\$1,425,000	\$0
R0304	BOAT EXCISE TAX	\$20,000	\$22,913	\$20,000	\$20,000	\$0
R0305	INTEREST & PENALTIES	\$50,000	\$38,137	\$50,000	\$40,000	(\$10,000)
R0306	OVER /SHORT	\$0	\$30	\$0		\$0
R0311	HUNTING & FISHING LIC	\$3,000	\$2,070	\$3,000	\$3,000	\$0
R0312	MARRIAGE LICENSES	\$1,000	\$1,348	\$1,000	\$1,000	\$0
R0313	BIRTH CERTIFICATES	\$1,000	\$1,301	\$1,000	\$1,000	\$0
R0314	DEATH CERTIFICATES	\$500	\$685	\$500	\$500	\$0
R0315	CLERK LICENSES	\$2,500	\$2,846	\$2,500	\$2,500	\$0
R0316	SHELLFISH LICENSES	\$4,000	\$7,175	\$5,000	\$7,000	\$2,000
R0325	2005 SUPPLEMENTAL TAX			\$0		\$0
R0326	2005 TAX COMMITMENT					\$0
R0327	HOMESTEAD STATE REIMB REVENUE					\$0
R0331	STATE REVENUE SHARING	\$700,000	\$606,847	\$650,000	\$650,000	\$0
R0332	PARK FEE SHARING	\$9,000	\$11,760	\$10,000	\$10,000	\$0
R0334	SNOWMOBILE REGISTRATION	\$1,500	\$1,572	\$1,500	\$1,500	\$0
R0335	DOT BLOCK GRANT	\$80,000	\$82,192	\$82,000	\$82,000	\$0
R0336	STATE AID TO LIBRARIES	\$500	\$200	\$500	\$500	\$0
R0337	OTHER STATE AID	\$13,000	\$8,917	\$13,000	\$10,000	(\$3,000)
R0341	NO. YARMOUTH RECREATION SHARE	\$55,387	\$55,387	\$60,117	\$74,891	\$14,774
R0342	NO. YARMOUTH LIBRARY SHARE	\$78,301	\$78,301	\$86,461	\$96,434	\$9,973
R0347	NO. YARMOUTH DARE SHARE	\$1,650	\$1,650	\$1,700	\$1,750	\$50
	NO. YARMOUTH ACO CHARGES			\$0	\$2,500	\$2,500
R0350	SOLID WASTE PERMITS	\$750	\$165	\$200	\$200	\$0
R0351	POLICE ISSUED PERMITS	\$3,500	\$3,948	\$3,500	\$3,500	\$0
R0353	POLICE INS. REPORTS	\$400	\$445	\$500	\$500	\$0
R0354	COURT FEES	\$2,000	\$531	\$2,000	\$2,000	\$0
R0355	RECYCLING INCOMES	\$1,000	\$1,752	\$1,000	\$1,500	\$500
R0361	AUTO REGISTRATION FEES	\$23,000	\$26,082	\$24,000	\$24,000	\$0
R0362	BOAT REGISTRATION FEES	\$500	\$1,414	\$500	\$500	\$0
R0364	GROWTH PERMITS	\$2,000	\$4,100	\$2,500	\$2,500	\$0
R0365	BOARD OF APPEALS	\$2,000	\$2,400	\$2,000	\$2,000	\$0
R0366	BUILDING PERMITS	\$25,000	\$35,628	\$25,000	\$34,000	\$9,000
R0367	ELECTRICAL PERMITS	\$3,000	\$3,740	\$3,000	\$3,000	\$0
R0368	PLUMBING PERMITS	\$12,000	\$12,625	\$12,000	\$12,000	\$0
R0369	OTHER PERMITS	\$1,000	\$1,175	\$1,000	\$1,000	\$0
R0370	RECREATION PROGRAMS- New	\$110,000	\$94,500	\$110,000	\$10,000	(\$100,000)
R0371	FALL RECREATION REVENUE				\$23,000	\$23,000

R0372	WINTER RECREATION REVENUE				\$60,000	\$60,000
R0373	SPRING RECREATION REVENUE				\$26,000	\$26,000
R0374	SUMMER RECREATION REVENUE				\$135,000	\$135,000
R0375	MSAD#51 RECREATION REVENUE				\$32,560	\$32,560
R0379	INTEREST ON INVESTMENTS	\$50,000	\$23,434	\$25,000	\$14,000	(\$11,000)
R0380	INTEREST ON SAVINGS	\$10,000	\$2,682	\$3,000	\$1,500	(\$1,500)
R0381	BUILDING RENTALS	\$2,500	\$3,871	\$2,500	\$3,000	\$500
R0382	SALE OF ASSETS	\$1,000	\$0	\$1,000	\$1,000	\$0
R0390	MISC REVENUE	\$10,000	\$16,448	\$7,500	\$7,500	\$0
R0391	ID TAGS				\$2,000	\$2,000
R0392	LIBRARY FINES	\$4,000	\$3,869	\$4,000	\$4,000	\$0
R0393	LIBRARY INTEREST INCOME	\$3,000	\$6,898	\$4,000	\$5,000	\$1,000
R0394	MISC. LIBRARY REVENUE	\$2,000	\$1,231	\$2,000	\$2,000	\$0
R0397	WINDHAM/FIRE & RESCUE	\$3,000	\$3,900	\$3,900	\$3,900	\$0
R0398	APPLICATION FEE	\$500	\$750	\$500	\$500	\$0
R0399	STAFF REVIEW FEES	\$3,000	\$4,250	\$3,000	\$5,000	\$2,000
R0401	DOG REVENUE	\$5,000	\$7,058	\$6,000	\$6,000	\$0
R0402	CABLE TV REVENUE	\$50,000	\$54,428	\$55,000	\$55,000	\$0
R0403	MOORING FEES	\$1,500	\$5,475	\$1,500	\$16,500	\$15,000
R0404	COMMERCIAL HAULERS LIC.	\$500	\$0	\$500	\$500	\$0
R0405	TRANSFER FROM TRUST FUNDS	\$4,500	\$3,869	\$4,000	\$4,000	\$0
R0410	PRIVATE WAYS	\$1,000	\$1,800	\$1,000	\$1,000	\$0
R0418	CHEB. ISLAND SOLID WASTE	\$10,000	\$6,180	\$10,000	\$15,000	\$5,000
R0501	VAL HALLA CONTRIBUTION	\$14,000	\$13,000	\$14,000	\$0	(\$14,000)
R0502	PILOT REVENUE- Last Year	\$16,000	\$17,000	\$16,000	\$16,000	\$0
R0503	MISC. RECREATION PROGRAMS	\$0	\$0	\$0	\$0	\$0
R0504	RESCUE BILLING	\$90,000	\$99,759	\$100,000	\$140,000	\$40,000
R0506	REGIONAL CONTRIBUTIONS-Rescue				\$112,260	\$112,260
R0507	PARAMEDIC INTERCEPTS				\$2,150	\$2,150
R0508	RINES AND DOANE DEBT REIMB	(Growth Permit Fees & Prop Acq)			\$171,132	\$171,132
NEW	REGIONAL ASSESSING				\$15,000	\$15,000
NEW	ALARM REVENUES PER POLICE DEPT				\$4,000	\$4,000
NEW	SKI CLUB SNOW MAKING				\$2,864	\$2,864
	Applied From Fund Balance- OL				\$162,000	\$162,000
	Total Revenues	\$2,863,988	\$2,788,390	\$2,864,878	\$3,575,641	\$710,763

Administration & Council 1300 Summary

1300	Administration & Council	Actual 2002	Actual 2003	Budget 2004	Proposed 2005	+ / -	%
		\$129,253	\$129,870	\$166,491	\$171,285	\$4,794	3%
401	Manager/Clerk	\$27,208	\$22,279	\$0	\$32,000	\$32,000	0%
417	Wages- Part time	\$17,355	\$10,629	\$15,000	\$0	(\$15,000)	-100%
425	School Exchange	\$8,400	\$8,400	\$8,400	\$8,400	\$0	0%
426	Elected Officials	\$4,000	\$4,331	\$5,000	\$5,000	\$0	0%
441	Travel Expenses	\$8,377	\$9,405	\$7,000	\$8,000	\$1,000	14%
450	Telephone			\$2,000	\$13,000	\$11,000	550%
452	Postage	\$841	\$1,498	\$1,000	\$1,000	\$0	0%
460	Printing	\$218	\$301	\$300	\$300	\$0	0%
461	Publications	\$1,870	\$2,706	\$2,000	\$2,400	\$400	20%
471	Water	\$1,679	\$1,435	\$1,200	\$600	(\$600)	-50%
501	Membership Dues	\$14,225	\$13,994	\$14,500	\$14,500	\$0	0%
502	Municipal Fees	\$2,588	\$2,289	\$2,000	\$2,400	\$400	20%
503	Training	\$9,973	\$10,107	\$10,000	\$10,000	\$0	0%
510	Auditors	\$1,771	\$1,740	\$2,000	\$2,000	\$0	0%
520	Advertising	\$1,976	\$1,464	\$2,000	\$2,000	\$0	0%
521	Reg of Deeds	\$3,676	\$5,065	\$3,500	\$3,500	\$0	0%
540	Office Supplies	\$1,000	\$1,127	\$1,000	\$1,000	\$0	0%
569	Photocopy Supplies	\$2,078	\$2,272	\$2,000	\$2,000	\$0	0%
596	Photocopier Maintenance	\$0	\$0	\$0	\$3,000	\$3,000	New
597	Wellness	\$0	\$0	\$0	\$0	\$0	New
598	Council Project	\$0	\$0	\$0	\$5,000	\$5,000	New
599	Wharf Rd- 5K Yarmouth	\$2,765	\$3,960	\$2,500	\$2,000	(\$500)	-20%
641	Misc. Expenses	\$0	\$0	\$0	\$0	\$0	New
642	Meetings	\$1,988	\$2,249	\$2,000	\$2,000	\$0	0%
700	Capital Improvements						
1300	Administration & Council	\$241,241	\$235,121	\$249,891	\$291,385	\$41,494	17%

	Cuts
425 School Exchange- Moved to CIP Equip	\$15,000
471 Checking Submetering of Water & Sewer	\$300
501 Cut ICMA Dues out of Budget + Travel from CNTGY.	\$600
520 Cut Advertising Budget	\$1,000
598 Council Projects Cut	\$1,000
641 Misc. Expenses	\$2,000
642 Cut Meeting Expenses	\$1,000
700 Cut Cap Improvements	\$500

\$21,400

Total Cuts

1400
Assessor

Acct	Description	2002	2003	2004	Request	\$ Incr	% Incr
						-\$16,085	-24%
0402	Full Time Wages	\$58,181	\$62,958	\$68,085	\$52,000	\$0	0%
0441	Travel	\$638	\$823	\$1,000	\$1,000	\$0	0%
0450	Telephone	\$398	\$515	\$600	\$600	\$1,000	100%
0452	Postage	\$1,000	\$1,000	\$1,000	\$2,000	\$800	53%
0460	Printing	\$869	\$566	\$1,500	\$2,300	\$0	0%
0461	Publications	\$267	\$283	\$400	\$400	\$200	67%
0501	Membership Dues	\$330	\$250	\$300	\$500	\$1,500	300%
0503	Training	\$542	\$453	\$500	\$2,000	-\$3,800	-35%
0514	Computer Programming	\$2,800	\$3,700	\$10,900	\$7,100	\$250	500%
0520	Advertising	\$46	\$0	\$50	\$300	\$200	20%
0521	Req. of Deeds	\$1,015	\$1,226	\$1,000	\$1,200	\$0	0%
0523	Assessing Maps	\$2,175	\$2,250	\$3,000	\$3,000	\$0	0%
0540	Office Supplies	\$750	\$244	\$850	\$850	-\$500	-100%
0700	Capital Outlay	\$0	\$500	\$500	\$0		
Totals		\$69,011	\$74,768	\$89,685	\$73,250	-\$16,435	-18%

Cut Office Supplies to Last years request
Cut Capital Outlay

Savings	\$450
Savings	\$500
	<u>\$950</u>

Treasurer/ Tax Collector Budget

Acct	Description	2002	2003	2004	Request	\$ Incr	% Incr
0403	<u>Treasurer/Collector</u>	\$146,246	\$155,310	\$173,486	\$199,600	\$26,114	15%
0417	<u>Part-Time Wages</u>	\$10,465	\$15,077	\$20,436	\$0	-\$20,436	-100%
0441	<u>Travel</u>	\$1,437	\$1,545	\$1,300	\$2,000	\$700	54%
0460	<u>Printing</u>	\$4,000	\$4,286	\$4,000	\$4,200	\$200	5%
0461	<u>Publications</u>	\$93	\$12	\$100	\$100	\$0	0%
0501	<u>Membership Dues</u>	\$225	\$200	\$200	\$315	\$115	58%
0503	<u>Training</u>	\$2,196	\$2,538	\$2,000	\$4,000	\$2,000	100%
0540	<u>Office Supplies</u>			\$0	\$700	\$700	100%
0590	<u>Computer Supplies</u>	\$6,527	\$0	\$1,000	\$900	-\$100	-10%
0700	<u>Capital Improvements</u>	\$1,995	\$0	\$1,500	\$0	-\$1,500	-100%
0701	<u>Excise Tax Mailing</u>	\$0	\$811	\$600	\$0	-\$600	-100%
Totals		\$173,184	\$179,779	\$204,622	\$211,815	\$7,193	4%

503	Training	\$2,000	Finance Director's Conference Eliminated
460	Second Tax Notice	\$2,500	Eliminated
0701	Excise Tax Mailing	\$4,600	Eliminated
		\$9,100	

Engineering 1800 Summary

		Actual 2002	Actual 2003	Budget 2004	Proposed 2005	+ / -	%
1800	Engineering						
					\$2,000	(\$13,000)	-40%
512	Engineer/ Admin.	\$30,000	\$32,340	\$15,000			

Cut by FC

\$3,000.00

1900 Legal Services

1900	Description	Actual 2002	Budget 2003	Budget 2004	Proposed 2005	+ / -	%
						(\$720)	-4%
		\$22,668	\$18,720	\$18,720	\$18,000	\$0	0%
511	General Admin.	\$16,450	\$13,000	\$13,000	\$13,000	\$0	0%
513	Planning	\$0	\$1,000	\$1,000	\$1,000	\$0	0%
514	Solid Waste	\$4,850	\$3,000	\$3,000	\$3,000	\$0	0%
515	Code Enforcement	\$1,850	\$500	\$500	\$500	\$0	0%
516	Assessor	\$1,200	\$2,000	\$2,000	\$2,000	\$0	0%
517	Police	\$0	\$500	\$500	\$500	\$0	0%
518	Plumbing Inspector	\$22,850	\$20,000	\$20,000	\$5,000	(\$15,000)	-75%
519	Chebeague Island	\$750	\$4,000	\$4,000	\$2,000	(\$2,000)	-50%
521	Fire & Rescue						
		\$70,618	\$62,720	\$62,720	\$45,000	(\$17,720)	-28%
1900	Legal Services						

Cut by FC

\$10,000

2100 POLICE

Acct	Description	2002	2003	2004	Request	\$ Incr	% Incr
		\$78,826	\$82,193	\$84,875	\$80,683	(\$4,192)	-4.94%
0404	Chief/Sec						
		\$333,893	\$333,309	\$348,509	\$362,842	\$14,333	4.11%
0416	Wages Full-Time	\$6,653	\$3,811	\$15,000	\$15,450	\$450	3.00%
0417	Reserve	\$6,732	\$10,571	\$12,000	\$40,000	\$28,000	233.33%
0418	Overtime	\$2,695	\$1,089	\$3,700	\$3,700	\$0	0.00%
0421	Court Time	\$10,063	\$10,431	\$7,000	\$7,000	\$0	0.00%
0450	Telephone	\$3,357	\$4,598	\$3,200	\$3,200	\$0	0.00%
0451	Radio	\$0	\$0	\$200	\$0	(\$200)	-100.00%
0470	Electricity	\$11,675	\$8,666	\$12,000	\$11,000	(\$1,000)	-8.33%
0481	Equipment Maint.	\$205	\$355	\$500	\$500	\$0	0.00%
0501	Membership Dues	\$4,352	\$4,174	\$5,500	\$5,500	\$0	0.00%
0503	Training	\$799	\$906	\$500	\$500	\$0	0.00%
0520	Advertising	\$68,768	\$75,516	\$74,529	\$114,256	\$39,727	53.30%
0534	Dispatch Full-Time	\$27,654	\$29,592	\$28,658	\$29,518	\$860	3.00%
0535	Dispatch Part-Time	\$3,241	\$1,992	\$4,000	\$3,000	(\$1,000)	-25.00%
0538	Dispatch Phone	\$5,162	\$3,846	\$5,200	\$5,200	\$0	0.00%
0540	Office Supplies	\$7,359	\$7,818	\$8,000	\$10,300	\$2,300	28.75%
0562	Uniform/Clothing Allowance	\$8,215	\$11,085	\$8,000	\$11,000	\$3,000	37.50%
0565	Gasoline	\$315	\$56	\$1,000	\$500	(\$500)	-50.00%
0566	Building Security	\$985	\$2,843	\$4,500	\$3,000	(\$1,500)	-33.33%
0567	Safety Equipment	\$1,746	\$845	\$1,400	\$1,400	\$0	0.00%
0568	Ammunition	\$1,001	\$883	\$500	\$1,000	\$500	100.00%
0573	Criminal Investigation	\$10,859	\$8,193	\$8,000	\$10,362	\$2,362	29.53%
0590	Maintenance Agreements	\$1,066	\$1,586	\$1,800	\$1,800	\$0	0.00%
0593	Tires	\$0	\$0	\$0	\$6,000	\$6,000	100.00%
0600	Comm. Policing Init.	\$519	\$1,757	\$2,000	\$3,000	\$1,000	50.00%
0641	Misc. Expenses	\$34,051	\$30,659	\$23,000	\$2,700	(\$20,300)	-88.26%
0700	Capital Outlay						
		\$630,191	\$636,774	\$663,571	\$733,411	\$69,840	10.52%
Totals							

Cut Cap Outlay \$9,524
 Cut Community Policing \$6,000
 \$15,524

2200
Fire Department

Acct	Account Description	2002	2003	2004	Requested	\$ Increase	% Increase
0406	Chief	\$ 17,513	\$ 23,165	\$ 27,000	\$ 30,000	\$ 3,000	11.11%
0415	Per Diem (Inspection Wages)	\$ 13,396	\$ 20,244	\$ 23,750	\$ 25,068	\$ 1,318	5.55%
0416	Full Time Wages	\$ -	\$ -	\$ -	\$ 31,220	\$ 31,220	100.00%
0417	Part Time Wages	\$ 33,938	\$ 32,676	\$ 42,000	\$ 41,200	\$ (800)	-1.90%
0422	Deputies Stipend	\$ 4,500	\$ 4,500	\$ 4,500	\$ -	\$ (4,500)	-100.00%
0423	Officer Stipend	\$ 5,150	\$ 5,150	\$ 5,150	\$ 13,575	\$ 8,425	163.59%
0424	Training Stipend	\$ -	\$ -	\$ -	\$ 6,444	\$ 6,444	100.00%
0441	Travel	\$ 431	\$ 816	\$ 1,000	\$ 1,000	\$ -	0.00%
0450	Telephone	\$ 4,661	\$ 4,497	\$ 4,750	\$ 4,750	\$ -	0.00%
0451	Radio	\$ 10,612	\$ 10,721	\$ 10,475	\$ 4,800	\$ (5,675)	-54.18%
0461	Publications	\$ 159	\$ 277	\$ 300	\$ -	\$ (300)	-100.00%
0470	Electricity	\$ 6,985	\$ 7,145	\$ 6,000	\$ 7,250	\$ 1,250	20.83%
0471	Water	\$ 168	\$ 161	\$ 300	\$ 300	\$ -	0.00%
0472	Heating Fuel	\$ 7,699	\$ 13,650	\$ 10,000	\$ 13,500	\$ 3,500	35.00%
0480	Building Maintenance	\$ 7,718	\$ 8,773	\$ 7,000	\$ 7,000	\$ -	0.00%
0481	Equipment Maintenance	\$ 18,525	\$ 15,023	\$ 13,500	\$ 15,500	\$ 2,000	14.81%
0482	Firefighting Equipment	\$ 13,379	\$ 8,151	\$ 9,000	\$ 9,000	\$ -	0.00%
0483	Foam	\$ 800	\$ 1,031	\$ 1,050	\$ 1,050	\$ -	0.00%
0484	Apparel / Gear	\$ 17,999	\$ 17,595	\$ 18,325	\$ 3,500	\$ (14,825)	-80.90%
0486	Breathing Apparatus	\$ 4,000	\$ 4,214	\$ 4,000	\$ 4,000	\$ -	0.00%
0501	Membership Dues	\$ 933	\$ 1,195	\$ 1,250	\$ 1,250	\$ -	0.00%
0503	Training	\$ 8,122	\$ 4,638	\$ 7,400	\$ 7,400	\$ -	0.00%
0535	Fire Prevention	\$ 744	\$ 1,187	\$ 1,250	\$ 1,250	\$ -	0.00%
0540	Office Supplies	\$ 3,632	\$ 3,479	\$ 3,500	\$ 3,500	\$ -	0.00%
0561	Janitorial Supplies	\$ 816	\$ 934	\$ 1,250	\$ 1,250	\$ -	0.00%
0562	Uniforms and Clothing Allowance	\$ 1,885	\$ 1,061	\$ 2,000	\$ 2,000	\$ -	0.00%
0564	Diesel	\$ 2,100	\$ 2,330	\$ 2,000	\$ 2,400	\$ 400	20.00%
0565	Gasoline	\$ 1,352	\$ 1,002	\$ 1,300	\$ 1,375	\$ 75	5.77%
0641	Misc. Expense	\$ 1,917	\$ 1,616	\$ 2,000	\$ 2,300	\$ 300	15.00%
0700	Capital Expense	\$ 27,983	\$ 26,725	\$ 13,850	\$ 9,000	\$ (4,850)	-35.02%
0703	OSHA	\$ 5,232	\$ 4,288	\$ 8,000	\$ 4,000	\$ (4,000)	-50.00%
0704	Internet Access	\$ 1,758	\$ 539	\$ 600	\$ 600	\$ -	0.00%
0705	Retention / Recruitment	\$ 500	\$ 500	\$ 500	\$ 500	\$ -	0.00%
Total		\$ 224,607	\$ 227,283	\$ 233,000	\$ 255,982	\$ 22,982	9.86%

Cuts To Budget

0406 Chiefs Salary \$4,181 Only 11% increase in Wage
 0415 Per Diem Cuts \$4,975 11.96 vs \$16
 0451 Radios \$2,000 Reduction
 0481 Equipment \$2,500 Reduction
 0700 Capital Expenses \$33,000 Chief's Vehicle, Decals, Radio & Set-up

\$46,656

2300 Rescue Services

Acct	Description	\$2,002	\$2,003	\$2,004	Request	\$ Incr	% Incr
0413	Paramedic Wages	\$51,050	\$58,659	\$57,200	\$151,744	\$94,544	165.29%
0414	Per-diem/ Chebeague	\$8,944	\$6,147	\$6,240	\$6,240	\$0	0.00%
0416	Full-Time Wages	\$42,385	\$43,655	\$48,656	\$133,610	\$84,954	174.60%
0417	Wages Part-time Empl	\$35,990	\$51,078	\$57,856	\$43,024	-\$14,832	-25.64%
0420	Deputy/Captain	\$4,500	\$4,900	\$5,500	\$5,500	\$0	0.00%
0450	Telephone	\$3,371	\$3,686	\$3,000	\$3,250	\$250	8.33%
0451	Radio	\$2,998	\$2,991	\$3,000	\$3,000	\$0	0.00%
0481	Equipment Maintenan	\$6,249	\$6,131	\$6,000	\$6,000	\$0	0.00%
0488	Misc. Equipment	\$8,965	\$7,160	\$9,000	\$9,000	\$0	0.00%
0490	Rental of Equipment	\$612	\$690	\$600	\$600	\$0	0.00%
0503	Training	\$4,749	\$2,419	\$4,000	\$8,500	\$4,500	112.50%
0519	EMS Co-Ordinator	\$1,113	\$1,131	\$1,200	\$1,300	\$100	8.33%
0540	Office Supplies	\$0	\$0	\$0	\$2,000	\$2,000	New
0562	Uniforms & Clothing	\$1,756	\$1,024	\$2,000	\$3,000	\$1,000	50.00%
0563	Medical Supplies	\$4,019	\$3,187	\$4,000	\$4,000	\$0	0.00%
0564	Diesel	\$1,296	\$1,477	\$1,800	\$1,800	\$0	0.00%
0565	Gasoline	\$909	\$1,258	\$1,000	\$1,500	\$500	50.00%
0641	Misc. Expenses	\$2,965	\$3,260	\$3,000	\$3,000	\$0	0.00%
0700	Capital Outlay	\$5,101	\$0	\$7,000	\$7,000	\$0	0.00%
	Totals	\$186,972	\$198,853	\$221,052	\$394,068	\$173,016	78.27%

700 Cut 1 Strecther out of CAP OL
700 Cut 1 Strecther out of CAP OL

\$3,600
\$7,200

\$10,800

2400 Code Enforcement

Acct	Description	2002	2003	2004	Request	\$ Incr	% Incr
						\$1,273	3%
0413	Full Time Wages	\$37,360	\$40,109	\$42,468	\$43,741	\$7,440	33%
0417	Part Time Wages	\$19,851	\$21,371	\$22,660	\$30,100	\$600	24%
0441	Travel	\$3,409	\$2,886	\$2,500	\$3,100	\$180	25%
0450	Telephone	\$649	\$851	\$720	\$900	\$50	20%
0460	Printing	\$123	\$91	\$250	\$300	\$400	200%
0461	Publications	\$8	\$92	\$200	\$600	\$50	11%
0501	Membership Dues	\$430	\$400	\$450	\$500	\$0	0%
0503	Training	\$443	\$235	\$800	\$800	-\$100	-100%
0512	Engineering Services	\$0	\$100	\$100	\$0	-\$500	-25%
0520	Advertising	\$1,852	\$1,505	\$2,000	\$1,500	-\$49	-8%
0540	Office Supplies	\$675	\$648	\$649	\$600	-\$49	-100%
0569	Photocopy Supplies	\$0	\$0	\$49	\$0	-\$49	-17%
0700	Capital Outlay	\$1,384	\$3,000	\$3,000	\$2,500	-\$500	
	Totals	\$66,184	\$71,288	\$75,846	\$84,641	\$8,795	12%

FC Committee Deleted

512 Engineering Services -\$500
 520 Advertising reduced -\$500
 417 PT Cut Vacation & Fire -\$7,000
 540 Office Supplies -\$300
 700 Cap Outlay cut -\$500
 -\$8,800

2600
Civil Emergency Preparedness

2600	Civil Emergency Prep.	Actual 2002	Actual 2003	Budget 2004	Proposed 2005	+ / -	%
		\$822	\$789	\$808	\$0	(\$808)	-102%
2600	Civil Emergency Prep						

Travailing and Travel Supplies related to Emergency Preparedness- Chris Bolduc
is our EMA Director

3100
Highways
Public Works

Account	Description	Actual		Budgeted	2005	\$ Increase	% Increase
		2001-02	2002-03	2003-04	2004-2005		
0405	Director/Foreman	\$90,373	\$95,949	\$100,489	\$103,510	\$3,021	3.01%
0416	Full Time Wages	\$277,527	\$286,764	\$293,218	\$336,334	\$43,116	14.70%
0417	Part Time Wages	\$16,963	\$21,722	\$19,643	\$16,104	-\$3,539	-18.02%
0418	Overtime	\$31,297	\$48,184	\$40,000	\$40,000	\$0	0.00%
0450	Telephone	\$6,602	\$6,507	\$5,000	\$6,500	\$1,500	30.00%
0451	Radio	\$1,215	\$1,684	\$1,500	\$1,500	\$0	0.00%
0470	Electricity	\$8,946	\$9,239	\$8,000	\$9,500	\$1,500	18.75%
0471	Water	\$726	\$1,039	\$750	\$800	\$50	6.67%
0472	Heating Fuel	\$8,161	\$12,099	\$10,000	\$11,000	\$1,000	10.00%
0480	Building Maintenance	\$17,795	\$3,385	\$6,000	\$5,000	-\$1,000	-16.67%
0481	Equipment Maintenance	\$5,233	\$5,466	\$6,000	\$6,000	\$0	0.00%
0488	Misc. Equipment	\$2,961	\$1,471	\$1,500	\$0	-\$1,500	-100.00%
0490	Rental of Equipment	\$5,788	\$7,839	\$6,000	\$12,000	\$6,000	100.00%
0503	Training	\$1,483	\$1,343	\$1,250	\$1,500	\$250	20.00%
0561	Janitorial Supplies	\$904	\$796	\$700	\$850	\$150	21.43%
0562	Uniforms and Clothing Al	\$8,352	\$8,288	\$9,000	\$10,000	\$1,000	11.11%
0564	Diesel	\$4,811	\$28,508	\$15,000	\$15,000	\$0	0.00%
0565	Gasoline	\$3,414	\$7,769	\$6,500	\$6,500	\$0	0.00%
0566	Lubricating Supplies	\$6,195	\$3,194	\$3,750	\$4,000	\$250	6.67%
0567	Safety Equipment	\$5,601	\$2,202	\$4,000	\$3,000	-\$1,000	-25.00%
0570	Hardware	\$1,769	\$1,778	\$2,000	\$2,250	\$250	12.50%
0571	Marine Supplies	\$3,796	\$1,454	\$4,000	\$2,000	-\$2,000	-50.00%
0572	Vehicle Parts	\$43,307	\$37,555	\$45,000	\$40,000	-\$5,000	-11.11%
0594	Tools	\$3,575	\$1,670	\$1,500	\$1,750	\$250	16.67%
0595	Welding	\$3,088	\$1,341	\$1,000	\$2,000	\$1,000	100.00%
0610	Iron & Steel	\$2,817	\$2,427	\$4,500	\$4,500	\$0	0.00%
0612	Road Salt	\$33,167	\$37,202	\$33,000	\$33,000	\$0	0.00%
0613	Cold Patch	\$3,933	\$6,880	\$3,000	\$5,000	\$2,000	66.67%
0615	Culverts & Drainage		\$8,714	\$11,000	\$10,000	-\$1,000	-9.09%
0617	Road Materials	\$8,345	\$9,712	\$10,000	\$10,000	\$0	0.00%
0632	Street Signs	\$5,032	\$4,042	\$5,000	\$5,000	\$0	0.00%
0641	Misc. Expense	\$6,124	\$4,893	\$4,000	\$3,000	-\$1,000	-25.00%
0700	Capital Outlay	\$5,849	\$3,188	\$5,000	\$6,500	\$1,500	30.00%
0701	Striping/Crosswalks	\$7,872	\$8,004	\$8,000	\$8,000	\$0	0.00%
0705	Survey Work	\$1,089	\$1,368	\$1,000	\$2,000	\$1,000	100.00%
Total		\$634,110	\$683,676	\$676,300	\$724,098	\$47,798	7.07%

0418	OT	\$10,000
0612	Salt	\$10,000
0451	Radio	\$500
0480	Building Maint.	\$2,000
0490	Equipment Rental	\$3,508
0567	Safety Equipment	\$1,000
0571	Marine Supplies	\$2,000
0572	Vehicle Parts	\$5,000
0615	Culverts	\$1,000
0641	Misc.	\$2,000
0417	Part Time- Admin.	\$13,520

Total

\$50,528

3200
Solid Waste
Public Works

Account	Description	Actual		Budgeted		\$ Increase	% Increase
		2001-02	2002-03	2003-04	2004-2005		
						\$200	3.92%
0416	Part Time Wages ML	\$3,866	\$4,713	\$5,100	\$5,300	\$1,828	14.94%
0417	Part Time Wages CI	\$12,086	\$12,086	\$12,240	\$14,068	\$588	New
0418	Overtime	\$0	\$0	\$0	\$588	\$100	20.00%
0450	Telephone	\$559	\$543	\$500	\$600	\$0	0.00%
0460	Printing	\$260	\$100	\$200	\$200	\$0	0.00%
0470	Electricity	\$269	\$307	\$400	\$400	\$0	0.00%
0480	Building Maintenance	\$61	\$48	\$250	\$250	\$0	0.00%
0490	Rental of Equipment	\$0	\$307	\$0	\$1,200	\$1,200	New
0520	Advertising	\$630	\$447	\$400	\$400	\$0	0.00%
0564	Diesel-C.I.	\$0	\$0	\$500	\$500	\$0	0.00%
0631	Landscaping-C.I.	\$0	\$0	\$250	\$250	\$0	0.00%
0633	Solid Waste Pick up	\$224,024	\$237,470	\$245,199	\$255,044	\$9,845	4.01%
0634	Chebeague Landfill Monitor	\$10,900	\$11,394	\$7,000	\$11,000	\$4,000	57.14%
0635	Landfill Monitor ML	\$17,189	\$5,099	\$8,000	\$5,500	-\$2,500	-31.25%
0636	Regional Waste	\$281,542	\$309,470	\$363,600	\$500,000	\$136,400	37.51%
0641	Misc. Expense	\$1,152	\$451	\$1,000	\$1,500	\$500	50.00%
0642	Recycling Charges C.I.	\$6,163	\$7,582	\$5,500	\$2,000	-\$3,500	-63.64%
0643	Wood Products-C.I.	\$2,395	\$0	\$3,000	\$10,000	\$7,000	233.33%
0701	Barging-C.I.	\$23,515	\$29,200	\$22,000	\$29,000	\$7,000	31.82%
0702	Hauling-C.I.	\$32,092	\$34,681	\$25,000	\$35,000	\$10,000	40.00%
0703	Wood Products M.L.	\$11,383	\$2,387	\$5,000	\$10,000	\$5,000	100.00%
0706	Hazardous Waste Col	\$4,441	\$1,584	\$3,000	\$4,500	\$1,500	50.00%
0000	*CI Hazardous Waste	\$0	\$0	\$0	\$11,000	\$11,000	New
0000	Yarmouth Landfill Use	\$0	\$0	\$0	\$0	\$0	New
0000	Use Stickers @ \$65 each	\$0	\$0	\$0	\$0	\$0	New
Total		\$632,527	\$657,869	\$708,139	\$898,300	\$190,161	26.85%

Budget Based on an RWS Tipp Fee of \$166 per Ton x 3000 Tons

Added Tip Fees at 3,000 Tons and \$166 per Ton

Added \$5,000 for Wood Grinding on Mainland

Added \$5,300 for PT Help on Mainland

Eliminated Yarmouth Option

Budget Based upon not closing Transfer Station at Public Works

4100
Parks & Recreation

4100	Recreation	Actual 2002	Actual 2003	Budget 2004	Proposed 2005	\$ Increase	% Increase
407	Recreation Director	\$40,001	\$42,907	\$53,536	\$65,000	\$11,464	21.41%
408	Administrative Assistant	\$12,486	\$12,875	\$26,271	\$27,059	\$788	3.00%
409	Adult Ed. Coordinator	\$4,000	\$4,000	\$4,500	\$5,000	\$500	11.11%
417	Part-Time Wages	\$103,086	\$118,690	\$105,000	\$116,690	\$11,690	11.13%
441	Travel Expenses	\$941	\$1,254	\$1,300	\$1,300	\$0	0.00%
450	Telephone	\$1,196	\$1,234	\$1,500	\$1,200	(\$300)	0.00%
470	Electricity	\$413	\$459	\$1,000	\$1,000	\$0	0.00%
483	Recreation Equipment	\$6,980	\$3,859	\$6,500	\$5,100	(\$1,400)	-21.54%
501	Membership Dues	\$182	\$48	\$200	\$200	\$0	0.00%
503	Training	\$1,495	\$1,332	\$1,500	\$1,500	\$0	0.00%
516	Contracted Services	\$24,707	\$25,766	\$23,000	\$23,840	\$840	3.65%
520	Advertising	\$5,834	\$5,463	\$6,500	\$10,900	\$4,400	67.69%
537	Arts/Special Events	\$1,119	\$493	\$1,000	\$1,000	\$0	0.00%
540	Office Supplies	\$1,602	\$1,599	\$1,800	\$1,800	\$0	0.00%
562	Uniforms/T-Shirts	\$4,571	\$3,789	\$4,000	\$4,000	\$0	0.00%
641	Facilities	\$62	\$1,257	\$0	\$0	\$0	0.00%
642	Camp Field Trips	\$0	\$0	\$0	\$10,105	\$10,105	New
643	Camp Supplies/ Expenses	\$0	\$0	\$0	\$8,900	\$8,900	New
644	Sport League Fees	\$0	\$0	\$0	\$4,500	\$4,500	New
645	Sport Program Expenses	\$0	\$0	\$0	\$2,900	\$2,900	New
646	Sport Camp Expenses	\$0	\$0	\$0	\$4,850	\$4,850	New
647	Enrichment Program	\$0	\$0	\$0	\$11,950	\$11,950	New
648	Computer Software Expenses	\$0	\$0	\$0	\$1,100	\$1,100	New
649	Swimming Program Expenses	\$0	\$0	\$0	\$1,500	\$1,500	New
650	Transportation Fees	\$0	\$0	\$0	\$5,600	\$5,600	New
651	Ski Program Expenses	\$0	\$0	\$0	\$35,100	\$35,100	New
653	Credit Card Charges	\$0	\$0	\$0	\$2,600	\$2,600	New
691	Contingency	(\$19)	\$0	\$0	\$5,000	\$5,000	New
700	Capital Improvement	\$166	\$0	\$0	\$0	\$0	New
811	Tennis Courts	\$20,080	\$20,061	\$19,600	\$15,000	(\$4,600)	-23.47%
	Recreation	\$228,902	\$245,086	\$257,207	\$374,694	\$117,487	45.68%

Total Revenues	\$351,451	Summer Programs	\$135,000
No Yarmouth	\$74,981	Fall Programs	23000
MSAD Contribution	\$32,560	Winter Programs	\$60,000
		Spring Programs	\$26,000

Cut Rec Asst. Director to \$10,000 to Start in April 2005
Cut \$10,000 From Tennis Court Repayment Schedule

4100
Parks & Recreation

4100	Parks	Actual 2002	Actual 2003	Budget 2004	Proposed 2005	+ / -	%
417	<u>Part-Time Wages</u>	\$0	\$0	\$0	\$8,000	\$8,000	NEW
801	<u>Parks Superintendent</u>	\$31,220	\$32,156	\$32,802	\$27,873	-\$4,929	-15%
804	<u>Athletic Fields</u>	\$0	\$0	\$0	\$6,400	\$6,400	NEW
805	<u>Uniform & Cell Phone Expenses</u>	\$1,213	\$1,153	\$1,200	\$1,200	\$0	0%
806	<u>Fuel Cost - Gasoline & Diesel</u>	\$919	\$995	\$800	\$1,850	\$1,050	131%
807	<u>Mileage Reimbursement</u>	\$1,991	\$1,493	\$1,000	\$800	-\$200	-20%
808	<u>Equipment Maintenance</u>	\$3,689	\$6,629	\$4,000	\$5,000	\$1,000	25%
809	<u>Equipment & Tools</u>	\$5,155	\$8,906	\$5,000	\$3,000	-\$2,000	-40%
810	<u>Park Infrastructure Expenses</u>	\$584	\$0	\$639	\$6,500	\$5,861	917%
4100	Total	\$ 44,771	\$ 51,332	\$ 45,441	\$ 60,623	\$ 15,182	33%

Added Dale Lawless form Public Works for 1 PT Position- Saved \$8,000
 Cut Parks Supt Position to 0 hours Town in Dec- Jan-Feb.
 Add Ski Club Revenue for Snow Making \$2,864

4500
Prince Memorial Library

Acct	Description	2002	2003	2004	Request	\$ +/-	% +/-
		119,812	122,757	128,265	138,820	10,555	8%
0415	librarians						
0417	part-time employees	27,400	32,087	32,729	42,871	10,142	31%
0425	custodian	8,112	8,356	8,524	-	(8,524)	-100%
0441	travel expenses	600	500	500	700	200	40%
0450	telephone	1,500	1,300	1,300	1,550	250	19%
0452	postage	800	800	900	1,400	500	56%
0470	electricity	7,200	7,200	7,800	7,800	-	0%
0471	water	250	200	200	200	-	0%
0472	heating fuel	4,000	4,000	4,000	4,500	500	13%
0480	building maintenance	5,500	4,600	5,500	4,000	(1,500)	-27%
0481	equipment maintenance	1,500	1,100	1,500	2,000	500	33%
0491	photocopier	1,500	1,500	1,700	2,300	600	35%
0501	membership dues	525	670	670	670	-	0%
0503	training	1,000	1,100	1,000	1,300	300	30%
0520	advertising	500	300	300	350	50	17%
0524	books/mag/av	29,000	29,002	30,000	30,000	-	0%
0535	library supplies	2,500	1,680	2,500	-	(2,500)	-100%
0536	equipment	2,000	1,100	2,000	2,000	-	0%
0540	office supplies	2,000	1,000	1,500	3,800	2,300	153%
0561	janitorial supplies	1,000	800	800	800	-	0%
0590	computer maintenance	5,000	5,000	5,000	3,000	(2,000)	-40%
0641	misc. expenses	1,000	800	800	800	-	0%
0642	bindery	600	400	400	400	-	0%
0700	capital outlay	20,000	15,000	15,000	5,000	(10,000)	-67%
Totals		243,299	241,252	252,888	254,261	1,373	0.54%

Cut \$12,00 from Capital Budget for AC

**4600
Non Profit
Chebeague - Library**

Acct	Description	2002	2003	2004	Request	\$ Incr	% Incr
4600	Chebeague Library	\$37,000	\$37,240	\$37,240	\$43,200	\$5,960	16%

Recommend allowing 10% of Impact fee money to be dedicated to 2 reserve funds- CI Library and CI Recreation- once the fund reaches \$25,000 we will stop contributions.

Contribution to fund will begin again once Council Approved Infrastructure projects are completed.

Infrastructure Projects might include: Well, septic system, heating plant, electrical upgrade, maintenance paving, window replacement, painting of the building, re-pointing of brick.

Do Not include Expansions or normal capital items such as books, athletic equipment and items that would be expected to be covered under operating budgets.

Propose to increase the contribution 2 % per year for 5 years then re-visit after 2010 Budget

FY 2005	\$43,200
FY 2006	\$44,064
FY 2007	\$44,945
FY 2008	\$45,844
FY 2009	\$46,761
FY 2010	To Be Determined

**4601
Non Profit
Chebeague - Recreation**

Acct	Description	2002	2003	2004	Request	\$ Incr	% Incr
4601	Chebeague Recreation	\$32,000	\$32,340	\$32,340	\$37,500	\$5,160	16%

Recommend allowing 10% of Impact fee money to be dedicated to 2 reserve funds- CI Library and CI Recreation- once the fund reaches \$25,000 we will stop contributions.

Contribution to fund will begin again once Council Approved Infrastructure projects are completed.

Infrastructure Projects might include: Well, septic system, heating plant, electrical upgrade, maintenance paving, window replacement, painting of the building, re-pointing of brick.

Do Not include Expansions or normal capital items such as books, athletic equipment and items that would be expected to be covered under operating budgets.

Propose to increase the contribution 2 % per year for 5 years then re-visit during 2010 Budget

FY 2005	\$37,500
FY 2006	\$38,250
FY 2007	\$39,015
FY 2008	\$39,795
FY 2009	\$40,591
FY 2010	To Be Determined

4700

Unemployment Compensation Fund

		Actual 2002	Actual 2003	Budget 2004	Proposed 2005	+ / -	%
4700	Unemployment Comp						
					\$0	(\$2,000)	-102%
4700	Unemployment Comp	\$2,000	\$1,960	\$2,000			

Self Insured Unemployment Compensation fund

In Tax Budget

4800
West Cumberland
Community Hall

4800		Actual 2002	Actual 2003	Budget 2004	Proposed 2005	+ / -	%
425	Custodian	\$2,600	\$2,600	\$3,500	\$3,000	(\$500)	-14%
450	Telephone	\$562	\$499	\$500	\$400	(\$100)	-20%
470	Electricity	\$714	\$676	\$1,000	\$900	(\$100)	-10%
472	Heating Fuel	\$692	\$1,994	\$1,600	\$1,800	\$200	13%
480	Building Maintenance	\$673	\$829	\$892	\$3,000	\$2,108	236%
641	Misc. Expenses	\$23	\$260	\$200	\$200	\$0	0%
700	Capital Improvements	\$1,050	\$2,200	\$2,000	\$0	(\$2,000)	-100%
	Totals	\$6,314	\$9,058	\$9,692	\$9,300	(\$392)	-4.04%

Capital Improvements eliminated and added to Building Maintenance for floors and minor internal improvements

5200
Elections &
Board of Registration

Acct	Description	2002	2003	2004	Request	\$ Incr	% Incr
0417	<u>Wages Part-Time Empl.</u>	\$2,934	\$2,683	\$4,650	\$4,650	\$0	0%
0441	<u>Travel Expenses</u>	\$0	\$76	\$250	\$200	-\$50	-20%
0452	<u>Postage</u>	\$250	\$250	\$350	\$1,185	\$835	239%
0460	<u>Printing</u>	\$1,422	\$122	\$1,000	\$1,500	\$500	50%
0503	<u>Training</u>	\$277	\$825	\$800	\$180	-\$620	-78%
0520	<u>Advertising</u>	\$574	\$84	\$500	\$625	\$125	25%
0525	<u>Programming/Election</u>	\$1,554	\$1,376	\$2,300	\$3,600	\$1,300	57%
0540	<u>Office Supplies</u>	\$569	\$339	\$900	\$500	-\$400	-44%
0700	<u>Capital Improvements</u>	\$0	\$0	\$0	\$0	\$0	0%
Totals		\$7,580.00	\$5,755	\$10,750	\$12,440	\$1,690	16%

5400 Planning

Acct	Description	2002	2003	2004	Request	\$ Incr	% Incr
0417	PT wages	\$13,660	\$15,425	\$15,045	\$15,500	\$455	3%
0423	Full Time Wages	\$28,407	\$17,340	\$18,363	\$39,881	\$21,518	117%
0441	Travel	\$543	\$507	\$1,500	\$1,800	\$300	20%
0442	Cheb. Isl. Travel	\$42	\$30	\$600	\$600	\$0	0%
0450	Telephone	\$1,400	\$664	\$600	\$700	\$100	17%
0460	Printing	\$508	\$1,039	\$1,000	\$1,000	\$0	0%
0501	Membership Dues	\$314	\$230	\$350	\$350	\$0	0%
0503	Training	\$859	\$171	\$1,500	\$1,500	\$0	0%
0513	Planning Services	\$1,692	\$938	\$1,200	\$1,200	\$0	0%
0518	Publications	\$286	\$53	\$300	\$300	\$0	0%
0520	Advertising	\$2,248	\$3,515	\$2,500	\$2,500	\$0	0%
0540	Office Supplies	\$1,136	\$1,074	\$1,000	\$1,000	\$0	0%
0641	Misc. Expenses	\$365	\$733	\$1,000	\$1,000	\$0	0%
0700	Capital Outlay	\$3,173	\$3,140	\$3,000	\$0	-\$3,000	0%
Totals		\$54,633	\$44,858	\$47,958	\$67,331	\$19,373	40%

FC Cut	460 Printing	-\$500
	0700 Capital	-\$6,000
	441 Travel	-\$300
	Full Time Wages	-\$3,000

**Communications
Committee
5500
Summary**

5500	Communications Committee	Actual 2002	Actual 2003	Budget 2004	Proposed 2005	+ / -	%
						\$ 2,280	41%
417	<u>Part-Time Employees</u>	\$ -	\$ 4,915	\$ 5,500	\$ 7,780	\$ (250)	0%
441	<u>Training/Travel</u>	\$ -	\$ 50	\$ 500	\$ 250	\$ -	0%
460	<u>Printing Town Report</u>	\$ 2,900	\$ 4,346	\$ 3,000	\$ 3,000	\$ -	
463	<u>Website</u>	\$ 13,673	\$ 7,063	\$ 8,000	\$ 8,000	\$ -	
464	<u>Computer Systems</u>	\$ -	\$ 31,711	\$ 30,000	\$ 30,350	\$ 350	
481	<u>Equipment Maint.</u>	\$ -	\$ -	\$ 2,000	\$ 2,000	\$ -	0%
540	<u>Office Supplies</u>	\$ -	\$ 698	\$ 1,000	\$ 500	\$ (500)	-50%
700	<u>Capital Improvements</u>	\$ -	\$ -	\$ 2,000	\$ 2,000	\$ -	0%
	Totals	\$ 16,573	\$ 48,783	\$ 52,000	\$ 53,880	\$ 1,880	4%

FC Cut \$10,000 from #464

5600
Conservation Commission

5600	Conservation Commission	Actual 2002	Actual 2003	Budget 2004	Proposed 2005	+ / -	%
5600	Conservation Commission	\$1,080	\$1,550	\$1,000	\$1,000	\$0	0%

	Spent	Balance	% to Date
Conservation Commission	\$175	\$825	17.50%

Upcoming Mapping Project to expend balance of funds

5700
**Harbor Master/
Shellfish Warden**

Acct	Description	2002	2003	2004	Request	\$ Incr	% Incr
0416	<u>Wages</u>	\$16,075	\$16,559	\$25,337	\$26,097	\$760	3%
0450	<u>Telephone</u>	\$1,166	\$1,207	\$1,600	\$1,350	-\$250	-19%
0451	<u>Radio</u>		\$0	\$200	\$200	\$0	0%
0481	<u>Equip Maint</u>	\$0	\$1,092	\$400	\$500	\$100	20%
0501	<u>Membership Dues</u>	\$585	\$585	\$600	\$600	\$0	0%
0503	<u>Training</u>	\$27	\$140	\$300	\$300	\$0	0%
0540	<u>Office Supplies</u>	\$266	\$448	\$574	\$400	-\$174	-44%
0562	<u>Uniforms/ Equip</u>	\$1,009	\$202	\$400	\$400	\$0	0%
0641	<u>Misc. Expenses</u>	\$770	\$921	\$510	\$300	-\$210	-70%
0700	<u>Boat/ Motor/ Trailer</u>	\$3,507	\$2,890	\$2,900	\$8,000	\$5,100	64%
0701	<u>Marine/ Shellfish</u>	\$2,131	\$1,685	\$2,000	\$2,200	\$200	9%
Totals		\$25,536	\$25,729	\$34,821	\$40,347	\$5,526	16%

Cut \$10,500 From 0700 Capital Boat/Motor/Trailer

5800
General Assistance

5800	General Assistance	Actual 2002	Actual 2003	Budget 2004	Proposed 2005	+ / -	%
5800	General Assistance	\$14,842	\$18,327	\$16,971	\$11,000	(\$5,971)	-35%

Debbie Flannigan Wages for Welfare Directors Position	\$7,000
Misc Expenses	<u>\$4,000</u>

\$11,000

Total

In the past, the Health insurance for this person was paid for from this account.

Expenses To Date

Employee Wage	\$7,000
Health	\$5,782
FICA	<u>\$536</u>
	\$13,318

Total Assistance	\$953.08
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5900

Health Services

5900	Health Services	Actual 2002	Actual 2003	Budget 2004	Proposed 2005	+ / -	%
417	Wages- Part Time	\$4,000	\$5,000	\$5,000	\$5,250	\$250	5%
431	FICA	\$306	\$382	\$383	\$420	\$37	10%
441	Travel Expenses	\$0	\$0	\$58	\$60	\$2	3%
515	Community Health Service	\$52	\$30	\$1,500	\$0	(\$1,500)	-100%
New	PROP	\$0	\$0	\$0	\$2,000	\$0	New
	Totals	\$4,358	\$5,412	\$6,941	\$7,730	\$789	11%

	Spent	Balance	% to Date
5900 Totals	2691.25	\$4,250	38.77%

Eileen Wyatt Helath Officer
 Contribution to Community Health Services \$1,500

Pay 50 % to Prop and Wait for bill for CHS if no bill send balnce to PROP

**6200
Non Profit
Cemetery Association**

Acct	Description	2002	2003	2004	Request	\$ Incr	% Incr
6200	Cemetery Association	\$5,973	\$5,880	\$5,880	\$13,500	\$7,620	130%

\$1,500 is dedicated for Flag Holders for Veterans- Year 3 in Program

Goals is to Reach \$25,000 Annual Contribution next 5 years

Tree Work at Congregational Cemetery Requested to be completed by Town

\$10,000 +/-

Cemetery Assoc.

**7500
Benefits/Insurance
Budget**

Acct	Description	2002	2003	2004	Request	\$ Incr	% Incr
0517	Liability Insurance	\$53,677	\$73,083	\$85,948	\$85,948	\$0	0%
0518	Workers Comp. Ins.	\$51,639	\$49,073	\$58,470	\$67,240	\$8,770	15%
0519	Health Insurance			\$516,264	\$432,397	-\$83,867	-16%
0520	FICA			\$195,233	\$223,094	\$27,861	14%
0521	ICMA			\$96,183	\$95,445	-\$738	-1%
0522	Life Ins. & Long Term Dis.				\$16,800	\$16,800	0%
0523	Long Term Care Ins.				\$11,000	\$11,000	0%
0524	Unemployment			\$2,000	\$2,000	\$0	0%
0525	MSRS Retire Life Ins			\$600	\$650	\$50	8%
	Fire Admin- Need To Find				\$9,000	\$9,000	New
Total		\$105,316	\$122,156	\$954,698	\$943,574	-\$11,124	-1%

Eliminated Benefits For Manager's Secretary \$13,000
 Reduced Liability Insurance \$8,000
 Eliminated cushion for policy changes \$17,200
 Added PW Employee back in \$0 PT Secretary Same Benefits
 \$38,200
 Added \$9,000 for Fire Admin Position to Bottom Line

7800
Public Events

7800	Public Events	Actual 2002	Actual 2003	Budget 2004	Proposed 2005	+ / -	%
		\$141	\$490	\$490	\$0	(\$490)	-100%
	Public Events						

To be funded through Recreation or Special Council projects

8000 Hydrants

8000	Hydrants	Actual 2002	Actual 2003	Budget 2004	Proposed 2005	+ / -	%
	Fire Hydrants	\$46,432	\$46,447	\$47,000	\$48,000	\$1,000	2%

	Months		
Hydrants	12	\$3,798.33	\$45,579.96
C1358A1	12	\$27.82	\$333.84
C13631	12	\$7.00	\$84.00
C1012971	12	\$27.82	\$333.84
Estimated Total			\$46,331.64

	Spent	Balance	% Total	% of Year
To Date	27072.63	\$19,927	57.60%	68%

February 2004 Bills not all recorded

8100 Street Lighting

8100	Street Lighting	Actual 2002	Actual 2003	Budget 2004	Proposed 2005	+ / -	%
	Street Lighting	\$38,960	\$38,425	\$38,000	\$40,000	\$2,000	5%

Street light -50 watt	2	\$7.97	\$15.94	\$191.28
Street light - 70 watt	109	\$8.54	\$930.86	\$11,170.32
Street light - 70 watt cut off	2	\$9.19	\$18.38	\$220.56
Street light - 70 watt	52	\$8.54	\$444.08	\$5,328.96
Street light - 70 watt cut off	2	\$9.19	\$18.38	\$220.56
Street light - 70 watt	52	\$8.54	\$444.08	\$5,328.96
Street light -100 watt	32	\$9.33	\$298.56	\$3,582.72
Street light -100 watt cut off	2	\$9.67	\$19.34	\$232.08
Post Tops - 100 Watt	26	\$9.67	\$251.42	\$3,017.04
Street light -150 watt cut off	1	\$11.30	\$11.30	\$135.60
Street light - 150 watt	11	\$10.45	\$114.95	\$1,379.40
Street light -150 Flood watt	1	\$14.68	\$14.68	\$176.16
Street light -250 watt cut off	1	\$15.18	\$15.18	\$182.16
Street light -250 watt	3	\$13.98	\$41.94	\$503.28
Street light -250 Flood watt	1	\$14.36	\$14.36	\$172.32
Street light -400 Flood watt	4	\$17.57	\$70.28	\$843.36
Street light -100 watt	2	\$9.33	\$18.66	\$223.92
Street light -100 watt cut off	1	\$9.67	\$9.67	\$116.04
Special facilities- Brackets, etc	1	\$184.97	\$184.97	\$2,219.64
Total Street Lights	305			
Flashing School Sign	1	\$65.62	\$65.62	\$787.44
Unmetered lights(14 accounts)	1	\$501.63	\$501.63	\$6,019.56
New School Lights	2	\$65.62	\$131.24	\$1,574.88
Total Street Lights				\$43,434.96

Unmetered added \$20/ month for Christmas Tree - only 2 months of charges

	Spent	Balance	% Total	% Budget Year
Paid To Date	18520.56	19479.44	48.74%	68%

8300
Contingency

8300	Contingency	Actual 2002	Actual 2003	Budget 2004	Proposed 2005	+ / -	%
	Contingency	\$34,883	\$35,000	\$35,000	\$25,000	(\$10,000)	-29%

			% Spent
Year to Date	\$34,828	\$172	139.31%

Additional Audit Work	\$10,386
Tag ID System for Fire Dept	\$6,094
GIS Work	\$1,500
Flu Shots	\$700
Outside Consultant- Staff Retreat	\$6,000
Computer Training for Staff- V TEC	\$1,500
Wellness Events	\$1,500
New Computer- Dispatch Center	\$2,800
OHR- New Employee Physicals	\$600
Advertising- Portland Press	\$485
Payroll Benefits Adjustments	\$3,263

\$34,828

Restricted Out of State Travel- Manager & Finance Director Case by Case with other Staff

8400
Municipal Building
Maintenance

Acct	Description	Estimated 2003	Estimated 2004	Budget 2005	\$ Increase	% Incr.
417	<u>Maintenance Wages</u>	\$9,390	\$6,354	\$13,800	\$7,446	117.18%
562	<u>Clothing</u>	\$0	\$0	\$300	\$300	New
450	<u>Telephone</u>	\$942	\$0	\$500	\$500	New
TBA	<u>Elevator</u>	\$1,065	\$306	\$1,100	\$794	259.97%
TBA	<u>Generator</u>	\$225	\$225	\$450	\$225	100.00%
TBA	<u>Sprinkler System</u>	\$210	\$280	\$280	\$0	0.00%
TBA	<u>Security/Alarm/Surveillance</u>	\$589	\$0	\$500	\$500	New
TBA	<u>Rugs</u>	\$1,604	\$712	\$1,500	\$788	110.73%
TBA	<u>HVAC</u>	\$4,950	\$837	\$4,400	\$3,563	425.74%
TBA	<u>Lighting/Electrical</u>	\$889	\$580	\$1,000	\$420	72.55%
TBA	<u>Grounds</u>	\$5,270	\$1,412	\$2,500	\$1,088	77.05%
TBA	<u>Irrigation</u>	\$638	\$545	\$800	\$256	46.92%
TBA	<u>Heating Fuel</u>	\$4,796	\$7,683	\$6,000	(\$1,683)	-21.91%
TBA	<u>Electricity</u>	\$28,072	\$27,678	\$27,000	(\$678)	-2.45%
TBA	<u>Janitorial Supplies</u>	\$2,884	\$1,209	\$2,600	\$1,391	115.11%
TBA	<u>Office Furniture</u>	\$0	\$0	\$0	\$0	New
TBA	<u>Painting</u>	\$0	\$0	\$1,000	\$1,000	New
480	<u>Exterior Maintenance</u>	\$0	\$0	\$500	\$500	New
481	<u>Equipment Maintenance</u>	\$1,102	\$0	\$500	\$500	New
641	<u>Misc. Expense</u>	\$1,275	\$483	\$500	\$17	3.49%
		\$63,902.68	\$48,302.31	\$65,230.00	\$16,927.69	35.05%

Cut

TBA	Office Furniture	\$1,000
TBA	Painting	\$1,000
480	Exterior Maintenance	\$500
481	Equipment Maintenance	\$500
641	Misc. Expense	\$500
	Total	\$3,500

8500
Abatements

8500	Abatements	Actual 2002	Actual 2003	Budget 2004	Proposed 2005	+ / -	%
	Abatements	\$10,149	\$31,144	\$10,000	\$10,000	\$0	0%

	Spent	Balance	% Total
To Date	8326.54	\$1,673	83.27%

8900
County Tax

8900	County Tax	Actual 2002	Actual 2003	Budget 2004	Proposed 2005	+ / -	%
	County Tax	\$465,645	\$552,220	\$591,046	\$629,488	\$38,442	6.50%

	2003	2004	% Change
Cumberland Certified Value	\$764,550,000	\$894,000,000	16.93%

Capital Improvements Plan 9100

2005 - 2009

Project	2004	2005	2005	2005		2006	2007	2008	2009
	Funded	Proposed	Cut	Budget					
Town Buildings Reserves	\$ 20,000	\$ 50,000	\$ 50,000	\$ -		\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000
Equipment Reserves	\$ 185,000	\$ 209,000	\$ 39,000	\$ 170,000		\$ 233,000	\$ 257,000	\$ 281,000	\$ 305,000
Environmental Reserves	\$ -	\$ 97,000	\$ 76,000	\$ 21,000		\$ 97,000	\$ 122,000	\$ 122,000	\$ 197,000
Major Infrastructure	\$ -	TBD	\$ -	\$ 10,000		TBD	TBD	TBD	TBD
Road Paving	\$ 160,000	\$ 193,200	\$ 43,200	\$ 150,000		\$ 226,400	\$ 259,600	\$ 292,800	\$ 326,000
Recommended level of Funding	\$ 365,000	\$ 549,200	\$ 208,200	\$ 351,000		\$ 606,400	\$ 688,600	\$ 745,800	\$ 878,000

Town Building

Equipment Reserves

Environmental Reserves

Major Infrastructure

Road Paving

Prep-work for Town Garage Roof Repairs

cut \$10,000

Rescue Unit- 2 Police Cruisers

Chebeague Island Water Study Part II \$ 6,000 - EPA Stormwater II - \$15,000

X Culvert Repair - Pipe Lining

Greely Rd- Mill Road, Crestwood

9800
Animal Control

Acct	Description	2002	2003	2004	Request	\$ Incr	% Incr
0417	<u>Part-Time Wages</u>	\$6,966	\$8,619	\$11,232	\$11,569	\$337	3.00%
0450	<u>Telephone & Pager</u>				\$400	\$400	New
0481	<u>Equip Maint</u>	\$39	\$123	\$500	\$500	\$0	0.00%
0503	<u>Training</u>	\$421	\$103	\$100	\$100	\$0	0.00%
0531	<u>Shelter</u>	\$702	\$349	\$757	\$757	\$0	0.00%
0540	<u>Office Supplies</u>	\$68	\$304	\$200	\$200	\$0	0.00%
0562	<u>Uniform/Clothing</u>	\$522	\$227	\$300	\$300	\$0	0.00%
0565	<u>Gasoline</u>	\$0	\$0	\$550	\$550	\$0	0.00%
0561	<u>Misc Expenses</u>	\$529	\$707	\$500	\$500	\$0	0.00%
New	<u>North Yarmouth</u>			\$0	\$2,500	\$2,500	New
Totals		\$9,247	\$10,432	\$14,139	\$17,376	\$3,237	22.89%

#	Date Received	Time Received	Type	Subdivision Name	Last	First	Map	Lot	Street	Issued	Time	Accept by Date	Bldg Appl Due	Building Permit	Date Issued
1			Habitat												
2			Habitat												
1			Island												
2			Island												
3			Island												
4			Island												
1	01/26/04	8:20 AM	Non-subdiv		Maloney	Joseph	R07	72E	Maloney's Rid	01/29/04	11:51 AM	02/29/04	04/29/04	04-051	03/29/04
2	02/09/04	11:18 AM	Non-subdiv		Raynes	Joseph	R05	13	Turkey Lane	02/17/04	4:43 PM	03/17/04			
3	03/03/04	1:45 PM	Non-subdiv		Liberty	Daniel	U16	7D	31 Gray Road	03/18/04	4:20 PM	04/18/04	06/18/04		
4	04/20/04	12:00 PM	Non-subdiv		Erickson & Ralph, Inc.		R05	42D	Bruce Hill Road	04/24/04	10:35 AM	05/24/04			
5			Non-subdiv												
6			Non-subdiv												
7			Non-subdiv												
8			Non-subdiv												
9			Non-subdiv												
10			Non-subdiv												
11			Non-subdiv												
12			Non-subdiv												
13			Non-subdiv												
14			Non-subdiv												
15			Non-subdiv												
16			Non-subdiv												
17			Non-subdiv												
18			Non-subdiv												
19			Non-subdiv												
20			Non-subdiv												
21			Non-subdiv												
22			Non-subdiv												
1	01/07/04	11:02 AM	Subdivision	Ridge Road	Morin	Roland	R07	5G	Bruce Hill Road	02/17/04	1:15 PM	03/17/04	05/17/04	04-027	03/03/04
2			Subdivision												
3			Subdivision												
4			Subdivision												
5			Subdivision												
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17			Subdivision												
18			Subdivision												
19			Subdivision												
20			Subdivision												
21			Subdivision												
22			Subdivision												

#	Date Received	Time Received	Type	Subdivision Name	Last	First	Map	Lot	Street	Issued	Time	Accept by Date	Bldg Appl Due	Building Permit	Date Issued	
1			Habitat													
2			Habitat													
1	01/03/03	11:30 AM	Island		Todd	Andrew	I01	13	Cottage Road	01/27/03	11:53 AM	02/27/03	04/27/03	03-030	04/01/03	
2	02/14/03	8:56 AM	Island		Legg	Ben & Kyle	I07	27	Juniper Lodge	02/24/03	10:31 AM	03/24/03	05/24/03	03-021	02/24/03	
3	05/14/03	4:10 PM	Island		Hunter	John Samuel	I04	118	Hamilton Hots	05/27/03	11:35 AM	06/27/03	08/27/03	03-126	07/02/03	
4	05/19/03	12:11 PM	Island		Horner	David	I03	10C	North Road	05/27/03	11:39 AM	06/27/03	08/27/03	03-180	08/12/03	
5	05/20/03	12:09 PM	Island		Marshall	Barbara	I03	105	South Road	10/06/03	2:55 PM	11/06/03	01/06/04	03-251	10/08/03	
6	06/18/03	10:11 AM	Island		Weagle	Eric	I03	51	South Road	12/18/03	2:43 PM	01/18/04				
1	01/10/03	8:00 AM	Non-subdiv		Jensen	Richard & Carol	U16	6	Range Road	01/23/03	3:36 PM	02/23/03	04/23/03	03-010	01/27/03	
2	01/10/03	8:00 AM	Non-subdiv		Jensen	Richard & Carol	U16	6	Range Road	01/23/03	3:37 PM	02/23/03	04/23/03	03-009	01/24/03	
3	01/16/03	2:45 PM	Non-subdiv		McBrierty	Christian & Allison	U18	3	Lower Method	01/23/03	5:43 PM	02/23/03	04/23/03	03-026	03/17/03	
4	02/05/03	11:49 AM	Non-subdiv		Doane	Richard L.	R04	4A	Tuttle Road	03/17/03	11:23 AM	04/17/03	06/17/03	03-043	04/08/03	
5	02/11/03	12:20 PM	Non-subdiv		Lee	Adam & Diana	R03	46A	Harris Road	02/26/03	2:25 PM	03/26/03	05/26/03	99-157	03/26/03	
6	02/26/03	11:32 AM	Non-subdiv		Cacoulidis	John	I09	2	Hope Island	03/24/03	4:30 PM	04/24/03	06/24/03	97-148	03/26/03	
7	02/26/03	11:32 AM	Non-subdiv		Cacoulidis	John	I09	2	Hope Island	03/24/03	4:30 PM	04/24/03	06/24/03	97-148	03/26/03	
8	03/11/03	3:07 PM	Non-subdiv		Dalton	William	R07C	16A	Wilson Road	04/22/03	1:10 PM	05/22/03	07/22/03	03-051	04/22/03	
9	03/26/03	9:31 AM	Non-subdiv		Rawnsley	Mark	R03	21A	Harris Road	04/04/03	11:27 AM	05/04/03	07/04/03	03-070	05/14/03	
10	03/28/03	11:14 AM	Non-subdiv		Hilton	Brad & Bette	U12	7A	Blanchard Rd	04/18/03	12:30 PM	05/18/03	07/18/03	03-228	09/25/03	
11	04/28/03	11:57 AM	Non-subdiv		Littlefield	Kristin & Stephen	R04	19A	Tuttle Road	05/12/03	3:37 PM	06/12/03	08/12/03	03-173	07/29/03	
12	04/30/03	4:10 PM	Non-subdiv		Axelson	Stephanie	R06	17A	Greely Rd Ext	05/12/03	3:42 AM	06/12/03	08/12/03	03-094	05/21/03	
13	05/09/03	11:20 AM	Non-subdiv		Dunnett	Robin	U12	11	Treleaven Wa	05/12/03	3:48 AM	06/12/03	08/12/03	03-145	07/15/03	
14	05/29/03	2:50 PM	Non-subdiv		Simonds	Robert	R08A	57	Bruce Hill Rd	06/30/03	11:00 AM	07/30/03	09/30/03	03-124	07/01/03	
15	06/10/03	12:51 PM	Non-subdiv		Bullens-Crewe	Reid E.	R01	60B	Jessie's Lane	06/30/03	11:53 AM	07/30/03	09/30/03	03-139	07/09/03	
16	06/24/03	10:09 AM	Non-subdiv		Gooch	Susan	U20	70C	River Way	07/22/03	10:38 AM	08/22/03	10/22/03	03-157	07/22/03	
17	06/24/03	10:09 AM	Non-subdiv		Gooch	Susan	U20	70C	River Way	07/22/03	10:39 AM	08/22/03	10/22/03	03-157	07/22/03	
18	07/01/03	4:44 PM	Non-subdiv		Thurston	Scott & Susan	R08	85	Astrid Drive	07/10/03	12:10 PM	08/10/03	10/10/03	03-187	08/18/03	
19	07/09/03	5:00 PM	Non-subdiv		LPH Builders Inc		R08	85B	Valley Road	07/10/03	8:30 AM	08/10/03	10/10/03	03-226	09/25/03	
20	07/25/03	10:12 AM	Non-subdiv		Poor	Robert	R08	12	Pleasant Valle	07/28/03	11:33 AM	08/28/03	10/28/03	03-227	09/25/03	
21	08/05/03	11:05 AM	Non-subdiv		Harmon	Robert	R08	50A	Harmon Way	08/13/03	2:28 PM	09/13/03	11/13/03	03-231	09/26/03	
22	08/05/03	11:05 AM	Non-subdiv		Harmon	Robert	R08	50A	Harmon Way	08/13/03	2:29 PM	09/13/03	11/13/03	03-231	09/26/03	
23	07/30/03	11:17 AM	Non-subdiv		Copp	Howell	R07	64F	Browning Wa	08/14/03	9:16 AM	09/14/03	11/14/03	03-207	09/02/03	
24	08/11/03	10:01 AM	Non-subdiv		Enaire	Stephanie	R04	33	Greely Road	08/21/03	3:25 PM	09/21/03	11/21/03	03-198	08/25/03	
25	08/19/03	10:19 AM	Non-subdiv		Copp	Elvin	R07C	1A	Mill Road	08/21/03	4:10 PM	09/21/03	11/21/03	03-309	12/19/03	
26	09/24/03	11:20 AM	Non-subdiv		Field	Dexter	R03	21	Harris Road	10/06/03	8:23 AM	11/06/03	01/06/04			
27	10/08/03	10:00 AM	Non-subdiv		Capozza	James & Leigh	R07	2C	Deer Run Driv	10/20/03	10:45 AM	11/20/03	01/20/04	03-268	10/30/03	
28	12/11/03	10:19 AM	Non-subdiv		Copp	Elvin	R07C	1A	Mill Road	12/18/03	4:32 PM	01/18/04	03/18/04	03-309	12/19/03	
29	12/22/03	8:15 AM	Non-subdiv		Merrill	Samuel H.	U06	3A	Foreside Road	01/08/04	9:55 AM	02/08/04	04/08/04	04-006	01/08/04	
30			Non-subdiv													
31			Non-subdiv													
32			Non-subdiv													
33			Non-subdiv													
34			Non-subdiv													
35			Non-subdiv													
1	02/20/03	11:40 AM	Subdivision	Fairmeadow	Stiles	Deborah	U14	136	Hedgerow Dri	03/10/03	8:48 AM	04/10/03	06/10/03	03-097	05/23/03	
2	04/23/03	12:01 PM	Subdivision	Falmouth Cou	Poulin	Christopher & Lo	R03A	23	Birkdale Road	05/12/03	3:22 PM	06/12/03	08/12/03	03-079	05/16/03	
3	12/10/03	3:40 PM	Subdivision	Westbranch	Chase Custom Homes			R07E	10	Westbranch F	12/18/03	4:27 PM	01/18/04	03/18/04	01-001	01/06/04
4	12/18/03	12:35 PM	Subdivision	Westbranch	Chase Custom Homes			R07E	4	Westbranch F	12/18/03	5:20 PM	01/18/04	03/18/04	04-022	02/25/04
5	12/18/03	12:36 PM	Subdivision	Westbranch	Murphy	Paul	R07E	3	Westbranch F	12/18/03	5:26 PM	01/18/04	03/18/04	04-008	01/09/04	
6			Subdivision													
7			Subdivision													
8			Subdivision													
9			Subdivision													