

AGENDA
CUMBERLAND TOWN COUNCIL MEETING
Town Council Chambers – 290 Tuttle Road
Monday, June 14, 2004

6:00 p.m. – WORKSHOP with Twin Brook Advisory Committee

7:00 p.m. - CALL TO ORDER

I. APPROVAL OF MINUTES

a. May 24, 2004

II. MANAGER'S REPORT

III. PUBLIC DISCUSSION

IV. LEGISLATION AND POLICY

04 – 067. To swear in newly elected Councilors.

04 – 068. To elect Chair and Vice Chair.

04 – 069. To authorize the Town Manager to transfer funds from the undesignated fund balance to cover anticipated overdrawn operating accounts.

04 – 070. To consider and act on the annual renewal of solid waste commercial haulers licenses.

04 – 071. To hear a request regarding a mobile vending unit.

04 – 072. To set a date for a public hearing to consider and act on a Mass Gathering Permit for the United Maine Craftsmen, Inc. to hold the 35th Annual Cumberland Craft Show, August 9 through 15, 2004.

04 – 073. To hear a report from the Town Manager regarding the Main Street Intersection improvements.

04 – 074. To set a public hearing date to consider and act on amendments to the *Ordinance Relating to Roads and Town Owned Properties* regarding increases to parking fees at Stone Wharf.

04 – 075. To hear a report from the Town Manager and set a public hearing date regarding a citizen request for a reduction in the speed limit on Forest Lake Road.

IV. NEW BUSINESS

V. ADJOURN

MEMBERS OF THE TOWN COUNCIL

Jeffrey Porter, Chairman	829-4129	mesit5@aol.com	Donna Damon	846-5140	publicservant1@aol.com
Mark Kuntz	829-6482	chinook96@msn.com	Harland Storey	829-3939	cstorey@gwi.net
Michael Savasuk	781-3061	mxslaw@maine.rr.com	William Stiles	829-6679	wcstiles@maine.rr.com
Stephen Moriarty	829-5095	smoriarty@nhdlaw.com	web:		www.cumberlandmaine.com

 *** ACTIVITY REPORT ***

ST. TIME	CONNECTION TEL	CONNECTION ID	NO.	MODE	PGS.	RESULT
*06/10 03:20	97757935		1502	TRANSMIT ECM	4	OK 00'51
*06/10 03:30	918004388040		1503	TRANSMIT G3	1	OK 00'51
*06/10 03:37	8395036		1504	TRANSMIT	0	NG 00'00
						0 STOP
*06/10 03:38	912078395036		1505	TRANSMIT ECM	2	OK 00'38
*06/10 03:40	98650929		1506	TRANSMIT ECM	2	OK 00'22
*06/10 03:41	98462403		1507	TRANSMIT ECM	2	OK 00'42
*06/10 03:42	97813640		1508	TRANSMIT ECM	2	OK 00'22
*06/10 19:56			6241	AUTO RX ECM	2	OK 00'36
*06/10 20:50	98294419		1509	TRANSMIT ECM	3	OK 01'23
06/10 22:47	97728752		1510	TRANSMIT ECM	4	OK 01'11
06/11 01:20	98462403		1512	TRANSMIT ECM	1	OK 00'28
06/11 01:22	98462401		1511	TRANSMIT	0	NG 00'00
						0 STOP
06/11 02:52			6242	AUTO RX ECM	2	OK 00'29
06/11 03:57	918008137868		1513	TRANSMIT ECM	1	OK 00'25
06/11 04:03	918008137868		1514	TRANSMIT ECM	2	OK 00'44
06/11 04:37			6243	AUTO RX G3	1	OK 00'48
06/11 21:21	97813283		1515	TRANSMIT ECM	1	OK 00'19
06/11 21:22	97812060		1516	TRANSMIT ECM	1	OK 00'30
06/11 21:23	98466828		1517	TRANSMIT ECM	1	OK 00'39
06/11 21:24	97916920	PRESS HERALD NEW	1518	TRANSMIT ECM	1	OK 00'18

MINUTES
CUMBERLAND TOWN COUNCIL
Town Council Chambers – 290 Tuttle Road
Monday, May 24, 2004

DRAFT

6:00 p.m. – EXECUTIVE SESSION re: Personnel Matter

Motion by Councilor Stiles to return from Executive Session at 7:05 p.m.;
Seconded by Councilor Storey.

VOTE: UNANIMOUS 7-0

CALL TO ORDER – 7:05 p.m.

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

I. APPROVAL OF MINUTES:

Motion by Councilor Moriarty to approve the minutes as presented;
Seconded by Councilor Kuntz.

VOTE: UNANIMOUS 7-0

II. MANAGER'S REPORT:

The Manager issued an announcement regarding the upcoming Memorial Day Parade and thanked the committee chair, 'Hutch', Mr. Glenn Hutchins.

III. PUBLIC DISCUSSION:

Jim Phipps, Chebeague Island, thanked Chairman Porter for a "very well run meeting two weeks ago giving all that want to be heard an opportunity to express their opinions." Peter Bingham, Brook Road, felt "it needed to be said" that a "lot of people wish the process would have continued."

IV. LEGISLATION AND POLICY:

At this time, Chairman Porter addressed items 04-063, 04-065, and 04-066 out of order.

- 04 – 063.** To hold a public hearing to consider and act on a Restaurant/Lounge and Victualer's licenses for Bittersweet, Inc., d/b/a The Slow Belle Café, 2 Walker Drive, Chebeague Island, for the period July 1, 2004 through July 1, 2005.

Motion by Councilor Stiles to table;
Seconded by Councilor Kuntz.
VOTE: UNANIMOUS 7-0

- 04 – 065.** To approve a Public Swimming Pool license for the Chebeague Recreation Center for the period July 2004 through July 2005.

Motion by Councilor Kuntz to approve the swimming pool license;
Seconded by Councilor Stiles.
VOTE: UNANIMOUS 7-0

- 04 – 066.** To hold a public hearing to consider and act on an amendment to Section 121 of the Cumberland Shellfish Ordinance related to its duration.

Motion by Councilor Storey to remove the sunset provision in the Shellfish Ordinance;
Seconded by Councilor Damon.
VOTE: UNANIMOUS 7-0

- 04 – 060.** To hold a public hearing to consider and act on a request for a change to the speed limit along a portion of Greely Road.

Manager Shane explained several residents of Greely Road have requested a reduction in the speed limit along the portion of Greely Road from Hillside to Middle Road. He supports the request because the Twin Brook/Greely Road side opening “will create a lot more traffic...and 55 is not tolerable in any regard.” Further, Tuttle and Greely “are parallel roads...we may be encouraging folks to use it (Greely) due to the higher speed limit.” The recent paving “was a band aid” which will be repeated this year to both ends of Greely Road. He recommended a letter be sent to DOT with a request for a reduction in the speed limit. MDOTD will perform an assessment and act based on that assessment. “It’s gonna be a tough sell, but it doesn’t mean it’s not going to fly.”

During the public comment, Curtis Ingraham, 55 Greely Road, and Mrs. Virginia Truesdale, 118 Greely Road, spoke to request support from the council, referring to the heavy use by dump trucks and bikers, as well as the “agriculturally oriented” businesses along that road.

Councilor Storey indicated there have been “at least 2 to 3 new roads put in since the last” traffic study was performed, stating “why should we have that 1.5 mile that’s 45 when everything else in town is 35 miles per hour.”

Councilor Stiles is uncertain “the speed limit is the issue. If we lower it, all we do is create the opportunity for the police department to increase the fines. Enforcement is the issue.”

Motion by Councilor Kuntz to authorize the Town Manager to submit a Formal request to MDOT for a reduction in the speed limit;
Seconded by Councilor Stiles.
VOTE: UNANIMOUS 7-0

- 04 – 061.** To receive a report from the Twin Brook Advisory Committee regarding the use of and improvements to the Twin Brook Recreation Center.

Manager Shane introduced the co-chairs of the committee, Phil Gleason and John Eldredge. Mr. Gleason thanked Bill Landis and Jack Hardy for their assistance, and identified the committee members as Mark Robinson, Eliza Miller, Linda Brewster, Melissa Skahan, John Andrews, Bob Stuart, Ellen Bowden, Peter Bingham, Pam Green, Melanie Voisine, Glenn Hutchins, Bob Vail and Councilors Steve Moriarty and Jeff Porter. Mr. Gleason explained the report is presented in the following subcomponents – property area policy and rules; recreation; and a five-year reconstruction plan. The policy and rules were developed “after looking at similar field use policies from other towns.” Highlights of the report include oversight from a Twin Brook Board of Trustees as an advisory council to the Town Council; priority of users, and animal use provisions. The priority for use will follow SAD 51 athletic programs, and then programs put on by the recreation department. Its important there be “a little bit of down time on the weekends” in order to rest the fields as much as possible. It’s also “important to give the Recreation Director or nominee discretion to cancel events” if he feels it appropriate. He further emphasized that “we’re talking primarily about fields; walking paths...we’re not proposing to legislate the use or charge for the use.”

Mr. Eldredge suggested the advisory board should be “no more than 7 members and urged there be “a process for coordinating field use.” He also spoke to the committee’s belief the town should “begin to plan for a long-term capital schedule.” Finally, he suggested the town “seriously consider” an investment in artificial turf “to ensure a playable surface for many months of the year.”

Councilor Moriarty thanked the committee members for an “excellent framework” and suggested an Advisory Board is an appropriate structure for this committee. Manager Shane requested the Town Clerk be requested to advertise for candidates for this new committee.

Motion by Councilor Moriarty to create a Twin Brook Advisory Committee and immediately advertise for people interested in serving on the committee;
Seconded by Councilor Savasuk.
VOTE: UNANIMOUS 7-0

- 04 – 062.** To hold a public hearing to consider and act on amendments to the Minor Subdivision Ordinance related to residential and commercial sprinklers.

Manager Shane explained he, Councilor Moriarty and Chief Small met to review the Chief's recommended revisions as a result of the council's earlier discussions on this item. As a result of their review, they recommend a "stand alone ordinance" with reference to it in the Subdivision and Zoning Ordinances. A major change this evening is that the "minor Subdivision will be exempted from the Fire Ordinance." Also, a section will be created to reference commercial buildings; something that "has been silent in the past."

Motion by Councilor Storey to refer the amendment to the Planning Board;

Seconded by Councilor Damon.

VOTE: UNANIMOUS 7-0

- 04 – 064.** To hear a report from the Town Manager regarding a citizen request for improvements to Deer Point Road, Chebeague Island.

Manager Shane shared a PowerPoint presentation with the Council.

During the public comment portion, property owners expressed concerns regarding "rescue access." Mr. Jim Phipps, 47 Deer Point Road, referred to the road as "the loge run" in the winter. He agreed "not the entire 3000 feet needs work," but improvements are needed "the length of the road that serves year round homes. It is a health and safety issue. The concept of working with the CMIT and homeowners similar to Indian Island is the appropriate model here." Kathy Benson agreed "a few truckloads of gravel would go a long way" and shared as a former rescue employee, the road condition is "a safety issue for the health care workers also." Beverly Johnson, Soule Road, clarified the road "is being publicly used and goes to the town property at the end." Laurie Wood, Crystal Lane, and Joe Vincent, South Road, added their support for improvements to Deer Point Road.

Councilor Damon suggested "it is a similar traditional use to Indian Island...the town did what needed to be done so the public can use it." She referred to another similar situation at the Central Landing Road, suggesting specifics were determined to "make the road passable." She described Deer Point Road as "one of the first subdivisions in the whole town of Cumberland in the 1880's. Over time, the owners of the point have allowed public access." She advocated "speaking with homeowners for a formal easement. We should at least explore with the people in the neighborhood...and get some more info and come back and revisit it."

Chairman Porter and Councilor Moriarty clarified the prohibition against expenditures of public money on private roads, with Councilor Moriarty suggesting the "need for a public easement as a bare minimum" explaining "permissive use doesn't allow us to expend public money to maintain or improve the road." Councilor Stiles and Savasuk expressed the need for consistency between the mainland and island. Councilor Kuntz indicated the public easement from the homeowners "would be the deal breaker for me."

Manager Shane requested authorization to "explore this further working with the CMIT as the first step and look to see if there are any other funding sources" and requested "six months to meet with the homeowners to see how we can do this before we dismiss this outright. It would require all the homeowners working cooperatively.

Several councilors expressed the Manager is able to meet with the homeowners without an official scheduling by the council. Councilor Moriarty stated "it's incumbent upon property owners to meet with the Manager and Councilor Damon." Councilor Damon and Manager Shane will work together with the Deer Point Road residents.

Councilor Damon moved to authorize the Town Manager to work with the landowners to discuss a public easement;

Seconded by Councilor Stiles.

VOTE: 1-6 (Failed – Councilor Damon supporting)

V. NEW BUSINESS:

Councilor Savasuk – has discussed with the Town Manager his desire to "look back at our zoning in order "to develop commercial property."

Councilor Storey – His decision not to pursue the advisory referendum vote was due to email and comments received. "But, if somebody comes in with a concrete proposition, I will take steps to make the decision and let the public overturn it or not." He believes Chairman Porter handled the process "very well."

Councilor Kuntz – Received emails for and against the LNG project. "We do have an obligation to the town to make decisions."

Chairman Porter – Town will be sending a letter to all residents in support of the town farms and Farmers Market. Regarding the LNG discussion, he "would not have changed the process." He tried to "avoid the way it was handled in Harpswell." Announced the town has 150 compost bins for sale to the public at the low cost of only \$31.50.

Councilor Moriarty – In response to Councilor Savasuk's remarks, he suggested "the larger issue is whether to consider a new comprehensive planning process." In reference to the Hope Island issue, "we were pushing the issue too fast," but believes "we should have gone forward with at least one of the informational hearings."

Manager Shane – referred to a Portland Press Herald article regarding Falmouth and Cumberland working jointly on a housing initiative at the town line located along Route One. "We're hoping to make it a regional subdivision." The Wharf Road project is still

moving ahead. The Cable TV contract is “up for negotiation.” Cumberland is working with Yarmouth and Freeport regarding a joint general assistance program. The SAD 51 vote occurred last week. Regarding the Palesky Tax Cap issue, he suggested “we have some work ahead of us. It will be different way of delivering town government and school services.”

Councilor Damon – asked the Manager about plans for cable to the island as part of the cable tv renegotiations. The Manager indicated there are no plans for replacement of the copper fiber optic line to the island in the next ten years. However, a dialogue will occur regarding the possibility or probability of locating “hot spots” on the island for cable access. We should explore economic development opportunities to identify sites in town where it might be appropriate. Participated in the Maine Youth Leadership panel working with high school students from all over the state. They put on a “mock public hearing regarding a tax cap.” Announced the annual Memorial Day Services on the island will take place at 1:00 at the cemetery.

Councilor Stiles – Concurs with Councilor Moriarty’s comments regarding the LNG project. The RCC Report has been received by the Regionalization Committee with a conclusion that a regional “dispatch center would be much more expensive than what we’re doing right now.”

VI. ADJOURN

Motion by Councilor Kuntz to adjourn;

Seconded by Councilor Savasuk.

VOTE: UNANIMOUS 7-0

TIME: 9:35 p.m.

Respectfully submitted,

Nadeen Daniels, CMC
Town Clerk

Suggested Council Motions for June 14, 2004

04-067 Swearing in of the Town Councilors by Deputy Clerk Debbie Flannigan

04-068 **I nominate** Councilor _____ for Chairperson of the Town Council for the 2005 Fiscal Year

I nominate Councilor _____ for Vice- Chairperson of the Town Council for the 2005 Fiscal Year

04-069 **Be it ordered:** That the Town Manager is authorized to transfer excess revenues and unexpended operating funds from the 2004 fiscal year budget to cover unanticipated overages in the FY 2004 Operations Budget. Be it further ordered that the Town Manager is hereby authorized to transfer \$160,000 from Undesignated Fund Balance to be applied for property tax reduction purposes in FY 2005 and \$70,000 from Undesignated Fund Balance to be applied to the Chebeague Island Paving Fund.

Remember as part of FY 2004 and FY 2005 budget you authorized a 1.8% overlay in the tax rate. By law you can authorize up to 5 % or \$840,000 overlay. Each year the amount will be designated to pay-off existing deficit funded reserve accounts or added to the Undesignated Fund Balance.

04-070 **Be it ordered** that the following Solid Waste Commercial Haulers Licenses be approved for the 2004- 2005 budget year:

Pine Tree Waste Inc.

Reynolds & Sons Disposal, Inc.

Troiano Waste Services, Inc.

Waste Management of Maine Inc.

BBi Waste Industries DBA Black Bear Disposal & Bestway Disposal

- 04-071** Bob Simonds has requested consideration for a mobile vending cart at Twin Brooks and other Town and School properties. I suggested before he invest any money in such an operation, to gage the Council of the interest in developing or approving such a request.

Most of your school and recreation club non-profits sell concession during events to raise funds for their respective organizations. ***I would ask that this be forwarded to the Twin Brook Committee for review as well as ask boosters clubs for input*** and schedule a public hearing sometime in the future (August)

No Action Required

- 04-072** **I move that a Public Hearing** be set for June 28, 2004 to consider an act upon a request for a Mass Gathering Permit for the United Maine Craftsmen for August 9 -15, 2004 at the Cumberland Fairgrounds.

- 04-073** I will present an update of the intersection improvements to Main Street which will begin this summer as part of the new Middle School Project.

No Action Required

- 04-074** **I move that a Public Hearing** be set for June 16, 2004 to consider an act upon Ordinances relating to ***Roads and Town Owned Properties***, specifically changes to the parking and float tie-ups at the Stone Wharf and Chandlers Wharf on Chebeague Island.

- 04-075** **I move that a Public Hearing** be set for June 28, 2004 to consider an act upon a request for a speed limit reduction to Forest Lake Road from 35 mph to 25 mph.

To: Town Council
From: William R. Shane, Town Manager
Date: 6/11/04
Re: **Manager's Report**

Greely Rail Road Tracks Repaired!

Public Works and the Railroad worked this week on re-setting the rails on Greely Road. The Section will be paved in a few weeks after any settlement has occurred. Please extend praise to Adam and the crew for their persistence with this project that has been a long time coming.

Tuttle Road will be worked on as soon as Pike and Tom Moulton Paving can coordinate pavement grinding.

Lights Down at Town Hall

The Airport runway lights at Town Hall are in the process of being dismantled today. The bases will be pulled hopefully next week.

Val Halla Meeting - Shifting of funds for Banquet Facility

Bill Stiles and I attended the monthly Board Meeting. We will need to in the future hold another Council meeting with the Board and act upon an item of serious concern related to the facility. I will be recommending you consider funding of the debt for the Banquet center which primarily services the community not the golf course and is the real albatross around the neck of the Enterprise Fund. The Annual Debt payment on the banquet center is \$62,000.

Elections- turnout very Low- Fall will be another Story!

Election turnout was very low this spring. Our concern however is the fall election and the ability to serve the public efficiently. I believe we may need to consider an alternate location for the fall. Nadeen Daniels our Town Clerk and I are working on a proposal to bring to you in July for your consideration.

Have a great weekend!

Bill



MEMORANDUM

TOWN OF CUMBERLAND, MAINE
290 TUTTLE ROAD
CUMBERLAND, MAINE 04021
TEL: 207-829-2205 FAX: 829-2224

To: Town Council
From: William R. Shane, Town Manager *WRS*
Date: June 14, 2004
Re: Re-distribution of Funds within 2004 Budget

By Charter the Town Council is required to authorize the Town Manager to re-distribute appropriations to cover operating expenses for the fiscal year. This year, FY 2004, Department Accounts are anticipating being over by \$272,000 with the bulk of the overages being offset by a corresponding increase in revenues (Recreation, Rescue, Harbormaster, and ACO).

Overages in Operating Line Items

1300	Administration	\$6,000	
9800	Canine Control	\$1,500	
8500	Abatements	\$3,000	
7800	Public events	\$1,000	
5700	Harbor Master	\$9,500	
4100	Recreation	\$130,000	
3200	Waste Disposal	\$22,900	
	Wood Products CI		\$8,000
	Barging CI		\$4,000
	Hauling CI		\$2,500
	Wages ML		\$8,400
			<u>\$22,900</u>
3100	Public Works	\$26,500	
2300	Rescue	\$20,000	
2200	Fire Dept.	\$15,600	
	PT Wages		\$9,690
	Heating Fuel		\$3,300
	Equip Maint.		\$2,600
			<u>\$15,590</u>
YTD	Totals- 6/4/04	\$230,000	
END	Estimated to July 1	\$50,000	
	Total From Revenues & Other Accounts	\$280,000	
	Authorization not to Exceed	\$280,000	

Also as part of the re-authorization, authorization for this year to transfer from Fund Balance \$160,000 to offset next years taxes, plus \$70,000 to be applied to the Chebeague Island Paving Fund. This will result in no increase in taxes and represents monies not spent from the Overlay or other operating accounts.

Anticipated Order:

Be it ordered: That the Town Manager is authorized to transfer revenues from the 2004 fiscal year budget to cover unanticipated overages in the FY 2004 Operations Budget. Be it further ordered that the Town Manager is hereby authorized to transfer \$160,000 from Undesignated Fund Balance to be applied for property tax reduction purposes in FY 2005 and \$70,000 from Undesignated Fund Balance to be applied to the Chebeague Island Paving Fund.

Remember as part of FY 2004 and FY 2005 budget you authorized a 1.8% overlay in the tax rate. By law you can authorize up to 5 % or \$840,000 overlay. Each year the amount will be designated to pay-off existing deficit funded reserve accounts or added to the Undesignated Fund Balance.

JUNE04

**COMMERCIAL HAULER'S LICENSES
2004/2005**



The following have submitted completed applications
and the required fee for Commercial Hauler's Licenses
for the 04/05 license year:

Pine Tree Waste, Inc.
33 Rigby Road, So. Portland, ME 04106

Reynolds & Sons Disposal, Inc.
PO Box 1092, Portland, ME 04104

Troiano Waste Services, Inc.
PO Box 3541, Portland, ME 04104

Waste Management of Maine, Inc.
2000 Forest Ave., Portland, ME 04103

BBI Waste Industries — Kenny Hunter
D/B/A BBI Waste Industries, Black Bear Disposal,
PO BOX 510 & Bestway Disposal
Old Orchard Beach, ME 04064

From Bob Simonds

William R. Shane, P.E.
Town Manager
290 Tuttle Road
Cumberland, Maine 04021

(207) 829-2205 Phone
(207) 829-2224 FAX

wshane@cumberlandmaine.com

-----Original Message-----

From: Bob Simonds [mailto:bsimonds@Maine.rr.com]

Sent: Tuesday, June 08, 2004 4:59 PM

To: William Shane

Cc: Mike Biskup; Bill Landis

Subject: Re: Shorty's Wildly Expensive Hot Dogs & Flat Soda

Bill,

Thank you for taking the time to talk to me about concessions and food vending in the Town of Cumberland.

I would like to operate one hot dog stand (similar in size and style to the gray/white shed) at the Twin Brooks Recreation Facility which sells sodas, chips, and other customary items in the evenings, and weekends when there are enough parents, and athletes that would support my business.

I believe that this would be a fun way to meet a lot of my neighbors, and could prove to be viable venture.

It has also been suggested to me that there are other opportunities that may present itself if this operation is received well (during events that take place throughout the year).

In researching the ordinances, I can not find any language that addresses this issue.

I have identified several organizations which operate concessions in Town at the current time :

The Lions Club has stated that it operates a shed at Twin Brooks for all sporting events (year-round);

The Suburban Little League has operated their concession stand at the Drowne Road fields until several years ago, then attempted (with limited success) to encourage some High School students to operate the stands. Mike Biskup has indicated that the SLL intends to host a tournament this Spring and is in hopes of operating the concessions for this event.

The High School has a concession within the building, and I believe that there is a concession that is operated at the football field.

I would appreciate it if you would ask the Town Council for some direction on the following:

1. Should an ordinance be adopted by the Town to allow for concessions and/or food vending within the Town of Cumberland ?
2. Should those operations be allowed in Public or on Town owned land ?
3. Should non-profit operations be given first refusal to operate at any given event or location ?

4. What level of licensing should be required ?
5. How many inspections should be required (fire safety/plumbing/electrical/health) and how often should these inspections be made (initial/yearly/event) ?
6. Should the Town develop a fee schedule for these inspections, and should these fees be waived for non-profit operators ?

Thank you again for your assistance on this issue.

Bob Simonds,
269 Bruce Hill Road
Cumberland, ME 04021
(207) 318-6862 cell
(207) 829-2066 phone/fax

AN ORDINANCE RELATING TO ROADS AND TOWN OWNED PROPERTY

Section 1.

No person, except by direction of the Road Commissioner, when acting within the scope of his authority, shall dig up any part of a street, highway, or town way without first obtaining written permission from the Town Council. Whoever violates this ordinance shall be punished by a fine of not less than five dollars nor more than twenty dollars.

Section 2.

Whoever, being the owner or person having the care of any sheep, swine, horses, oxen, cows, or other grazing animals, shall permit or suffer them to go at large or to graze, on any street, lane, park, square, cemetery or other public place within the limits of the Town of Cumberland, or permit any such animal to go or stand upon and sidewalk therein, and whoever shall fasten any horse or other grazing animal to any tree growing in any street, public way or park within said limits, shall be punished by a fine of not less than five dollars nor more than twenty dollars.

Section 3.

Whoever except a person employed by the town for the purpose removes, mutilates, damages, or destroys any ornamental tree, shrub, flower, or other plant, planted or growing in any cemetery or other public property of the Town shall be punished by a fine of not less than five dollars nor more than twenty dollars.

Section 4.

Whenever the town becomes the owner by reason of three or more tax deeds or tax liens on which the period of redemption has expired, of any woodlot within the town, the Town Council shall have such woodlot appraised by a trained forester, and after appraisal shall determine whether or not it is for the best interests of the town to hold such woodlot as a part of the Town Forest. The determination of the Town Council to hold a woodlot as part of the Town Forest shall be recorded by the Town Clerk, and thereafter it shall never be sold except after a vote by the Town Council to do so.

Immediately after a woodlot is designated as a part of the Town Forest, the Town Council shall locate the bounds of the lot and have them plainly marked, and shall place suitable signs on the lots identifying them as property of the Town of Cumberland.

The Town Forest shall be managed by the Town Council. They shall seek the recommendations of the Forestry Department of the University of Maine, and advice of the Maine Extension Service Forester, or other trained person, when cutting, thinning or planting in the Town Forest, and in all other places of forest management.

Deleted: 8

Amended: April 12, 2004
June 16, 2004

Section 5.

Use of the Stone Wharf at Chebeague Island

The Town Council shall adopt a fee and use schedule which shall be updated from time to time and attached to this ordinance.

- A. No boat regardless of size shall be berthed, tied up, or otherwise secured to any Town Float at the Stone Wharf except for "Loading and Unloading" (Float Letter E) as shown on the Stone Wharf Float Plan, attached hereto as Attachment A without a designated permit per the fees section of this ordinance. **(SEE ATTACHMENT A)**

Deleted: the Float designated per the attached plan for

- B. For the purpose of this ordinance, "Chebeague Transportation Company (CTC) boats" shall mean any boat owned and operated by the Chebeague Transportation Company.

On Float Letter A, only water taxis and Chebeague Transportation Company boat may be berthed, provided that other boats may use said float for the immediate loading or unloading of passengers and/or cargo when the same may be accomplished without inference with use of said float by water taxis or Chebeague Transportation Company boats.

Deleted: the float located at the shoreward end of the Wharf (Float Letter A)

For the purposes of this ordinance, "water taxis" shall mean any boat (1) approved and licensed by the U.S. Coast Guard to carry passengers to and from Chebeague Island, (2) under the command of a person duly licensed to operate said boat, (3) offering, subject to weather conditions, an on-call water transportation service between Chebeague Island and the mainland or other islands in Casco Bay daily, (4) which is in full compliance with all applicable rules of any governmental agency, and (5) whose owner or operator, if requested by the Town Council, provides a bond in form and amount satisfactory to the Town Council guaranteeing safe and reliable performance of the service described in (3) above.

Deleted: a minimum of twenty passengers per trip

Deleted: between the hours of 7:00 A.M. and 5:00 P.M.

Boats berthed or tied to the "Loading & Unloading Float" (Float Letter E) shall not exceed a 15 minute period of time at the Float during any four hour continuous period of time.

Deleted: (Float Letter E)

- C. No person shall place or cause to be placed any boat on the deck or surface of any floats.

Deleted: II

It shall be unlawful for any person to place or cause to be placed any boat, lobster trap, or any other gear or object on the deck or surface of any floats for storage, drying, repair, or any other purpose.

Deleted: II

Deleted: which would be inconsistent with the public's right of free access, movement without danger to person, or public use of the float for common good.

Deleted: 8

D. No haul-offs or pulley lines shall be permitted at the Stone Wharf.

Deleted: facility

E.

Motor vehicles shall be parked for no more than twenty-four (24) hours on the Stone Wharf or on Wharf Road.

Deleted: The areas show on Plan of said Stone Wharf designated as "Loading and Unloading Area" shall be reserved for loading and unloading only, no cars may be left parked and unattended in this area.

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Deleted: in the area designated as 24 hour parking year-round as shown on the Plan.

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Deleted: October 19, 1995 and attached hereto, hereinafter referred to as The Stone Wharf Plan. ¶ (See Attachment B) ¶

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A pedestrian safety zone six feet wide is hereby established on the west face of the Wharf, as shown the Stone Wharf dated June 2004 attached hereto as Attachment B.

Three parking spaces on the west face of the Wharf, as indicated on the Stone Wharf dated June 2004 attached hereto as Attachment B, shall be reserved for the use of handicapped persons and two parking spaces for the captain and crew of the Chebeague Transportation Company shall be reserved as shown on The Stone Wharf plan.

Bicycles shall be parked only at a rack located at the northern end of the Wharf as shown on said The Stone Wharf plan.

Public parking shall be permitted only on areas as shown on said the Stone Wharf Plan and Wharf Road. Parking shall be permitted on the south shoulder of Wharf Road, and no parking shall be permitted on the north shoulder.

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Deleted: Hours of use for said parking shall be set by order of the Town Council. ¶

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The expression "for loading and unloading only" as used herein shall be interpreted pragmatically and shall mean "for an attended vehicle."

Police, fire, rescue and other emergency vehicles and equipment shall be exempt from this ordinance during times of emergency or official duties.

Deleted: No person shall leave any commercial fishing equipment standing for a period in excess of forty eight (48) hours, in the area shown as Loading and Unloading Area. Motor vehicles shall be parked for no more than twenty-four (24) hours on the Stone Wharf in the area designated as 24 hour parking year-round as shown on the Plan. ¶

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F. The Town shall make every effort to have the Floats B, D, E, F, G, H, I, and J in the water as soon as practicable in the spring and shall remove the Floats as late as practicable in the fall.

Boats will be placed in designated areas and shall annually receive a permit and location area. Boats shall be required to dock in their designated float areas. Individual spaces will not be assigned, but areas shall be designated for boats less than 12' in length, 12' up to 14' in length, and boats 14 to 17 feet in length.

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G. The areas shown on the Stone Wharf Plan designated as "Loading and Unloading Area" shall be reserved for loading and unloading only. No cars may be left parked and unattended in this area

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During the months of June and November, ~~the~~ Loading and Unloading Areas as shown on ~~the Stone Wharf Plan~~, shall be limited to temporary use to allow fishermen access to load and unload gear.

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No person shall leave any commercial fishing equipment standing for a period in excess of forty eight (48) hours, in the areas shown as Loading and Unloading Area.

- I. The ~~Police Chief~~ Cumberland Police Department is hereby authorized and directed to enforce the provisions of this ordinance.

Any person convicted of a violation of the provisions of this section shall be subject to a fine as determined by order of the Town Council.

Section 6.

Use of the Town Float at Chandler's Cove on Chebeague Island shall be regulated as follows: except for boats owned by public utilities or emergency craft which shall be exempt,

- A. No boat, regardless of size or description, shall be berthed, tied up, or otherwise secured to the north or west face of the Town float by any person for a period of time in excess of ~~fifteen (15)~~ minutes during any continuous four hour period, and that the east face shall be used as a punt float.
- B. Any boat berthed, tied up, or otherwise secured to the Town float during a permissible ~~fifteen (15)~~ minute docking period as provided for above, provide a competent operator is aboard, shall temporarily make room for any other boat to permit the loading or discharging of passengers and/or cargo and further provided there is otherwise insufficient docking space available.
- C. It shall be unlawful for any person to place or cause to be placed any boat, lobster trap, or any other gear or object on the deck of the Wharf or surface of all floats for storage, drying, repair, or any other purpose. ~~which would be inconsistent with the public's right of free access, movement without danger to person, or public use of the float for common good.~~
- D. Loading and Unloading on the Wharf shall not exceed a 15 minute period of time during any four hour continuous period of time.
- E. Motor vehicles shall be parked for no more than twenty-four (24) hours in either of the two town-owned parking lots, except for vehicles owned by public utilities.
- F. Any person convicted of a violation of the provisions of this section shall be subject to a fine as determined by order of the Town Council.
- G. The Wharf shall be reserved for loading and unloading only and no cars may be left parked and unattended.

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Amended: April 12, 2004
June 16, 2004

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F. Loading and Unloading on the Wharf shall not exceed a 15 minute period of time during any four hour continuous period of time.¶

PROPOSED SCHEDULE OF USE FEES FOR THE PUBLIC FLOATS AT STONE WHARF

Fee Schedule

Boat Tie-ups along Floats D, E, F, G, H & I- Easterly side

Non Resident	Less than 12' in length	12' to 17' in length
\$75 (-12')	\$50	
\$150 (12'- 17')		\$125

Deleted: Floats B1, B2, B3 will be designated as an Overflow Area for boats 14' and under and Half Day and Full Day Punt Tie-up when space is available.¶

Transient – Hourly Rates Floats F, G & H

Monday – Thursday hourly rates shall be set at **\$5 per hour per float** or section of float. Maximum Daily rate shall equal \$100 per day per float.

Weekend hourly rates shall be **\$7 per hour per float** or section of float with a weekend daily maximum of \$ 140.

Transient Punt Tie- up Space Floats as Available,

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Transient Punt Tie-up space, when available, shall be designated **by the Harbormaster**.
Rates for Punt Tie up shall be for half and full day only.

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Half day Rate \$ 10
Full day Rate \$ 20

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Amended: April 12, 2004
June 16, 2004

Proposed Schedule of Fines for Violations

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Parking

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Parking in a no parking area	\$15 \$20
Overtime parking (more than 24 hours)	\$10 \$20
Parking in a handicapped parking space	\$30 \$50
Parking in a loading zone	\$15 \$20

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Personal Property

Leaving personal property in excess of 1 hour	\$10	1 st offense
	\$25	2 nd offense within 1 year of 1 st offense
	\$50	3 rd offense within 1 year of 1 st offense

Floats

Improper use of floats	\$25	1 st offense
	\$50	2 nd Offense within 1 year of 1 st offense

Multiple tickets will be issued if the offense continues beyond the allowed time limit for tying up to a float.

Boats must have the appropriate Stone Wharf Sticker as issued annually by the Town. Boats without the proper sticker or tied-up in an unauthorized tie-up area, shall be subject to the fines listed under Improper use of Floats. Boats in violation of this ordinance shall be subject to impoundment by the Town after the second offense in a single calendar year.

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Amended: April 12, 2004
June 16, 2004

Twin Brook Advisory Committee

Additional Recommendations to the Cumberland Town Council

May 11, 2004

1. **Form a Twin Brook board of trustees.** Similar to the Val Halla board, this council-appointed board would advise the town council and the town's Community Education & Recreation Department on matters pertaining to the development, management, use and stewardship of Twin Brook Recreation Area. This board should consist of no more than seven members, with representation from the town council, SAD 51, and the community.
2. **Coordinate field use among SAD51, the town of Cumberland, and the town of North Yarmouth.** There are a number of playing fields currently in use, under construction, or planned for future construction. Examples include Greely High School, North Yarmouth Memorial School, Sharp's Field, Twin Brook (Tuttle Road side), Twin Brook (Greely Road side), West Cumberland, and Gillespie's Farm. It is essential that the use of these fields be coordinated in a way that they are neither overused nor underutilized, and that they be taken offline and/or upgraded periodically in a way that best serves the interests of all the recreational programs in our community requiring field use.

We further recommend that a common fee structure be established among all fields owned and controlled by the town of Cumberland and SAD51. This will ensure that all parties are treated fairly, regardless of which fields they reserve for use.

3. **Undertake a long-term capital program to fund the upgrading and maintenance of playing fields.** The towns of Cumberland and North Yarmouth should consider, plan and implement an appropriate capital campaign(s) that will provide necessary funds for the upgrading and maintenance of core playing fields. Evidence shows that the right investment up front will save time and money over the long-term.
4. **Seriously consider the funding and construction of a turf field.** In Maine's harsh climate, a turf field—although expensive to build—requires little maintenance and offers a reliable playing surface for a much greater portion of the year than traditional natural grass fields. We recommend that both the town of Cumberland and SAD51 collaborate in exploring approaches to funding the design and construction of a high quality artificial turf field.

Twin Brook Suggested Five year Re-construction Plan For Fields

Greely Road – Twin Brook

Summer 2004 - July

- Greely road front field; with the assistance from Cumberland Public Works and Cumberland Parks will shape field, add sand and drainage, loam and seed. (Field ready for Spring 2005)

Tuttle Road – Twin Brook

Summer 2005

- Hire contractor to re-construct “Entrance Field”, this would require removing top-soil, shape surface add drainage, sand, in field irrigation, loam and seed. (Field ready Fall 2006)

Summer 2006

- Hire contractor to re-construct “Back Field Left” this would require removing top-soil, shape surface add drainage, sand, in field irrigation, loam and seed. (Field ready Fall 2007)

Summer 2007

- Hire contractor to re-construct “Back Field Right” this would require removing top-soil, shape surface add drainage, sand, in field irrigation, loam and seed. (Field ready Fall 2008)

Summer 2008

- Start rotation of resting one field – Twin Brook Tuttle Road site.
- Replace game field at High School with Synthetic Turf field.

Time	Field Location	Amount \$	Funded by	Ready
Summer 2004	Greely Rd. Front MP	\$15K	Council	Spring 2005
Summer 2005	Tuttle Rd. “Entrance”	\$75K	Bond	Fall 2006
Summer 2006	Tuttle Rd “Far Left”	\$75K	Bond	Fall 2007
Summer 2007	Tuttle Rd “Far Right”	\$75K	Bond	Fall 2008
Summer 2008	Greely High Game	\$850K	Bond	Fall 2008

Facility Request Form – Twin Brook Recreation Area

Please complete form and return to:

Cumberland Recreation
290 Tuttle Road Cumberland
Cumberland, ME 04021

Note !

**Completed application is due
2 weeks prior to scheduled
activity.**

Park and/or Athletic Field Application

Name of Organization: _____

Name of Contact Person: _____

Address: _____ City _____

H-Phone: _____ W-Phone _____ Cancellation Phone _____

Planned Activity _____

Date of Activity _____ **Time Requested** _____ **Start** _____ **End** _____

Facility or Field(s) Requested: (please check all that apply)

1. Game Field _____ 2. Practice Field Left _____ 3. Practice Field Right _____ 4. Trails _____

5. Multi-purpose Field (Greely Road) _____

6. Park Area(s) specific _____

Number of Participants : Adults _____ Youth _____ Number of Spectators _____
(if applicable)

Special request(s)

Refreshments and/or sale of products – exclusive control (please check) Yes _____ No _____

Exclusive use of Twin Brook Facility – Tuttle Road Park _____ Greely Road Park _____ Both _____

Notes and/or Comments

Fee Structure:

Resident: Practice or Game Field Cost for Resident Groups / Teams (SAD51 Teams exempt)

(50 % of players on team must be from Cumberland/N. Yarmouth to equal resident rate)

<i>Fee per Participant</i>	<i>Hours of Use</i>
\$2.00	0 – 5 hours
\$5.00	6 – 15 hours
\$10.00	16 – 30 hours
\$ 15.00	30 – 45 hours
\$20.00	46 - + hours

Non-Resident: Group/Team practice/game. Fee: \$50.00 per hour

Major Event/Tourney

Usage fee to be set by Twin Brook Trustees – mass gathering permit also required.

Signature of Group/Team Representative - acknowledgement of having read Twin Brook Policies

_____ Print Name: _____

Date: _____

Please make check payable to: **Town of Cumberland**

Office check off

Date application received _____ Within 2 weeks of scheduled use ____ Yes ____ No

Fee received: _____ Copy of Insurance received ____ Yes ____ No

Permission: Granted _____ Denied _____

Signature of Recreation Administrator or designee: _____

Date of approval _____

Comments _____

TWIN BROOK RECREATION AREA POLICIES AND RULES

1. General. The Twin Brook Recreation Area is owned by the Town of Cumberland, and shall be administered by the Cumberland Recreation Department, which shall periodically consult with and report to the Twin Brook Board of Trustees and the Cumberland Town Council.

2. Priorities. MSAD 51 athletic programs shall have first priority with respect to use of Twin Brook playing fields and athletic facilities, and Cumberland Recreation Department programs intended specifically for Cumberland and North Yarmouth residents shall have second priority. Priorities are subject to ongoing review.

3. Field Use. There shall be no organized use of the playing fields on Sundays until 1 p.m. There shall be no organized use of the "back" playing fields after the third week in October (the exact date to be within the discretion of the Cumberland Recreation Director), to allow for reseeding.

4. Cancellation. The Cumberland Recreation Director or his nominee shall have the absolute right to cancel scheduled events due to inclement weather or if he determines, in his sole discretion, that a playing field or other facility is unplayable. In such event, the scheduled user shall be entitled to a refund of fees paid.

5. Applications. All application forms for the use of Twin Brook athletic facilities must typically be submitted to the Cumberland Recreation Department at least two (2) weeks prior to the requested date of use but not more than three (3) months before such date to help facilitate fair and equitable scheduling. All fees must be paid, proof of insurance provided, and all other stipulations met before the permit is issued. If

the permit must be withdrawn due to a scheduling conflict , all fees will be refunded. If the user chooses not to use the facility as requested and notifies the Cumberland Recreation Department at least two (2) weeks before the scheduled usage date, there will be a full refund. There will be no refund of fees if notification occurs less than two (2) weeks before the scheduled usage date unless there is an unusually compelling reason for such a default. A copy of each application will be kept on file at the Cumberland Recreational Department offices. The individual whose signature appears on any such application form will be considered the individual responsible for the supervision and use of the facility/facilities requested and he/she must provide adequate and appropriate supervision at all times. He/she will also be responsible for all rental fees, proof of liability insurance/bodily harm, facility/equipment damages, theft, or loss of any kind that occurs related to usage of the facility.

6. Insurance. The MSAD 51/Town of Cumberland property insurance and general liability insurance does not extend to community groups or individuals utilizing Twin Brook facilities. Therefore, any individuals or groups using Twin Brook facilities for any organized purpose are advised to obtain an insurance bond for liability (one million dollars (\$1,000,000)) and damage (twenty-five thousand dollars (\$25,000)) before signing for a facility permit. The Cumberland Recreation Department may insist upon such insurance as a requirement before issuing a usage permit. The Town of Cumberland shall be named as additional insured in all such policies and all insurance provided by the facility user shall be primary to any insurance which the Town of Cumberland may have. All insurance required hereunder shall be placed with insurers licensed to do business in the State of Maine and acceptable to the Cumberland Recreation Department.

7. Indemnity. Any individual or group utilizing Twin Brook facilities for any purpose (including non-permitted walk-on use) agrees to save, indemnify and hold harmless the Town of Cumberland and all its employees, the Town Council and all its members, the Twin Brooks Board of Trustees and all its members, and the Cumberland Recreation Department and all of its employees, from and against, any and all liabilities, actions, courses of action and damages arising out of any negligent or tortuous acts on the part of the facilities applicant, applicants' employees or agents, and from any and all fines, suits, claims, demands and actions of any kind or nature of any and all persons by virtue of or arising from the use of said facilities, equipment, or activity participation. It is also important to note that participation in recreational and athletic activities can cause bodily injury, sickness, disease, or death or injury to or destruction of tangible property, including the loss or use thereof. Therefore, all of the aforementioned groups and individuals shall also be held harmless from and against all claims, damages, losses, and expenses, just or unjust, included but not limited to costs of defense, including attorney's fees arising out of or resulting from the performance of any facility usage agreement.

8. Modifications. The Town of Cumberland reserves the right to waive, modify, or institute requirements in addition to those listed herein should it be deemed necessary and/or in the best interest of the Town of Cumberland.

9. Fees. The Cumberland Recreation Department shall approve a schedule of fees for the use of Twin Brook facilities, which schedule shall be subject to ongoing review.

10. Miscellaneous.

a. MSAD 51 and the Cumberland Recreation Department are only

expected to service their own sanctioned programs. All other users are allowed to utilize the Twin Brook facilities at their own risk on an "as is, where is" basis. There should not be any expectation from permit users that the facilities will be "set up" for their specific use or situation. If the Cumberland Recreation Department is able to provide a special service over and above its normal employment requirements, it will have to be at an extra expense and considered an "act of good will," not an expectation for any future use.

b. It is the responsibility of the persons or organizations using the Twin Brook facilities to leave them in the same condition in which they were received. If this is not done to the satisfaction of the Cumberland Recreation Department, a charge shall be levied for any required "clean-up", "pick-up", or "fix-up" costs (including labor) in excess of any fees that would otherwise be applicable. A lack of respect and responsibility could result in the denial of future permits to the permit applicant or group. Any proposed alteration to a Twin Brook facility must be approved in writing in advance.

c. It is the responsibility of the persons or organizations using Twin Brook facilities to inform all participants of program cancellations if such programs are cancelled.

d. No permitted or walk-in user shall change the appearance, rearrange, or attempt to improve the Twin Brook facilities to meet his/her needs without the express consent of the Cumberland Recreation Department.

e. The Cumberland Recreation Department reserves the right to require supervisory personnel to be present during the use of Twin Brook

facilities at the expense of the individual or group in question.

f. All individuals or groups using Twin Brook facilities are responsible for the preservation of order during all activities and are required to comply with all applicable statutes, Town of Cumberland ordinances (including the requirement of obtaining a mass gathering permit, if applicable), and regulations, in addition to any policies or conditions imposed by the Cumberland Recreation Department . If security is deemed to be necessary, arrangement and payment for police services shall be the responsibility of the individual or group in question. Proof of police protection or private security may be required to receive the initial permit.

g. The possession, consumption or sale of alcoholic beverages, tobacco products or illegal drugs at Twin Brook facilities is prohibited.

h. Gambling on Twin Brook facilities is prohibited unless allowed as an approved, legal, fund raiser (i.e. casino nights, fifty-fifty (50/50) raffles and bingo) for school or community booster groups. Such activities must be approved by the Cumberland Recreation Department.

i. The use of weapons, open flames (including candles), or other incendiary special effects is prohibited at Twin Brook facilities unless approved in advance by the Cumberland Fire Department. At all times, the user or owner of such devices will remain liable for any harm or damages inflicted on other human beings, private property, or Twin Brook facilities.

j. Dogs must be on a leash at all times, except in areas specifically designated as "leash free," and the person in charge of the dog is responsible for

cleaning up wastes released by the dog. During the non-winter months, dogs may be walked on all pasture areas and trails (except when the trails are in use for a running event) but not on the playing fields. During the winter months, dogs may be walked or sledged in any area except for groomed ski trails. The person in charge of the dog will be liable for any personal harm or damage caused by the animal while at Twin Brook.

k. During the non- winter months, horses may be ridden along the perimeters of pasture areas and trails when firm (except when the trails are in use for a running event), but not on the playing fields. During the winter months, horses may be ridden along the perimeters of pasture areas only; riding on groomed ski trails is not permitted. Owners are responsible for cleaning up after their horses. Manure must be kicked off trails into the woods. Owners are responsible for cleaning up after their horses around trailers parked in the parking lots (manure, hay, etc.).

l. Mountain biking is permitted only when trails are firm and there are no running or skiing events scheduled.

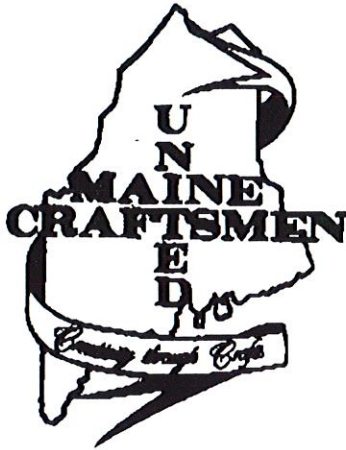
m. Activities such as kiting, model rocket and model airplane flying should take place in open pasture locations well away from any organized activities.

n. Picnicking is welcome during daylight hours. Picnickers are responsible for cleaning up after themselves. In order to use a heat source for barbecuing or grilling, a permit must be obtained from the Town of Cumberland. Open fires are prohibited.

o. Overnight camping is prohibited.

p. All permit applicants must restrict themselves to appropriate use of all Twin Brook facilities. Facility use shall be dictated by design. Twin Brook fields and trails are for foot traffic only. The only motorized vehicles in or on Twin Brook facilities should be maintenance vehicles. All other vehicles or recreational equipment such as four-wheel drives, snowmobiles, roller blades, scooters, skateboards, bicycles, motorcycles etc. are prohibited without permission of the Cumberland Recreation Department.

q. Permitted users acknowledge and agree that they will be solely responsible for all royalties or charges which are due or may become due on material used for or during an event. The facility user warrants to the Cumberland Recreation Department that such royalties or charges have been paid or will be paid promptly in accordance with law. The permitted facility user further agrees to hold the Town of Cumberland harmless and to indemnify both for all costs or losses, including attorney's fees in defense claims, just or unjust, relating to payment of any royalty, charge or fee for use of material by the permitted user during the use of Twin Brook facilities.

**received**
4-21-04**United Maine Craftsmen, Inc.**

16 Old Winthrop Road, Suite 2

Manchester ME 04351

(207) 621-2818 fax:(207) 621-1945

info@unitedmainecraftsmen.com

www.unitedmainecraftsmen.com

Facsimile Cover SheetTo: **Nadeen Daniels**Fax#: **829-2214**From: **Judith Groves**Fax# **207-621-1945**

I received a letter saying that you needed proof of services from Cumberland fire, rescue and police for coverage, refuse disposal and liability insurance at our show on August 12-15 at the Cumberland Fairgrounds.

Attached is the insurance form and the proposal from Triano Waste Services.

Chief Bolduc and Chief Charron will be forwarding a written agreement to you.

I have not been able to reach the fire chief yet, but will send that as soon as I receive it.

Troiano Waste Services Inc.

P.O. Box 3541

Portland, Maine 04104-3541

Telephone: 767-2070

Fax: 767-6156

Rubbish
Containers
1 cu.yd.
to
40 cu.yd.**PROPOSAL FOR WASTE REMOVAL**Date 4-15-04Company Name: United Maine Craftsman ACC# 114357Service Address: Cumberland Fair GroundsCity, State, Zip: CumberlandContact Name: Judy GrovePhone #: 621-2818 FAX: 621-1945Size of Container: 3 - 30 yardsService Days: on callMonthly Fee: \$25.00 wk rent, \$100.00 Haul, \$75.00 Ton

Billing Address: _____

City, State, Zip: _____

Comments: _____

Name on Credit Card: _____

M/C or Visa #: _____

Expiration Date: _____
_____*Michael
Troiano*

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

Client#: 42067

24UNITMAI

ACORD™ CERTIFICATE OF LIABILITY INSURANCEDATE (MM/DD/YYYY)
04/14/04

PRODUCER

Cross-Aug Jones Hoxie CL/Bnds
116 Community Drive
Augusta, ME 04330
207 623-4791

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

INSURERS AFFORDING COVERAGE

NAIC #

INSURER A: Maryland Casualty/Maine Bonding

19321

INSURER B: Maine Employers Mutual Insurance Co.

11149

INSURER C:

INSURER D:

INSURER E:

INSURED

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

COVERAGES

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

INSR ADD'L LTR INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	PPS34661208	03/07/04	03/07/05	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$10,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EA ACC \$ AGG \$
	EXCESS/UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE <input type="checkbox"/> RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below OTHER	1810018550	09/21/03	09/21/04	<input checked="" type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$100,000 E.L. DISEASE - EA EMPLOYEE \$100,000 E.L. DISEASE - POLICY LIMIT \$500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

Verification of coverages

35th Annual Cumberland Craft Show: August 9th - 15th, 2004.

CERTIFICATE HOLDER

Town of Cumberland
Blanchard Road
Cumberland Center, ME 04021

CANCELLATION

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

AUTHORIZED REPRESENTATIVE

Dusan Nguyen
KLK



Joseph J. Charron
Chief

CUMBERLAND POLICE DEPARTMENT

290 Tuttle Road
Cumberland, Maine 04021

"To Protect and Serve"

Emergency
829-3120

Business
829-6391

Fax
829-4214
829-2211

April 27, 2004

Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021

Dear Sir:

The United Maine Craftsman, Inc will be holding their annual craftsman fair at the Cumberland Fairgrounds on Blanchard Road August 12-15, 2004.

As in the past, they have requested police services during this time. We generally provide one officer to work from 10:00 am to 5:00 pm each of the days. We bill them accordingly afterwards.

Should you have any further question, please feel free to contact me at 829-6391.

Sincerely,


Joseph J. Charron
Chief of Police

Nadeen Daniels

From: D Small
Sent: Monday, May 10, 2004 2:53 PM
To: Nadeen Daniels
Subject: craft show

Nadeen,

There has been no contact from the United Maine Craftsmen, Inc. to determine fire needs for this year's show. However, having said that, typically our only impact is the required inspections which we will take care of. I send you this note in case you have been awaiting a response.

Regards,
Dan

Daniel R. Small, Chief
Cumberland Fire Department
366 Tuttle Road
Cumberland, ME 04021

Office # (207) 829-5421
Pager # (207) 821-5187
Fax # (207) 829-4256

www.cumberlandmaine.com
www.cfdsquad1.com

Nadeen Daniels

From: Chris Bolduc
Sent: Thursday, April 15, 2004 10:22 AM
To: Nadeen Daniels
Subject: Craft Fair

Nadeen,

Just wanted to let you know that I have spoken with Judy Groves (coordinator of the United Maine Craft Fair) and have come to agreement to provide EMS services to their show. I told her that I was leaving on vacation and would formalize our agreement in writing, with a copy to you, when I return.

Chris

Chief Christopher Bolduc
Cumberland Rescue Department
290 Tuttle Road
Cumberland, Maine 04021
207-829-2213

cbolduc@cumberlandmaine.com

4/15/2004



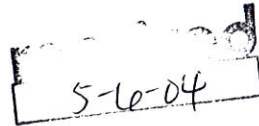
CUMBERLAND RESCUE DEPARTMENT

290 Tuttle Road

Cumberland Center, Maine 04021-9321

Telephone (207) 829-2213 • Fax (207) 829-4214

CHRISTOPHER J. BOLDUC
CHIEF



 **COPY**

May 6, 2004

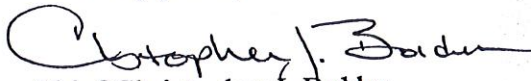
Judith Groves
c/o United Maine Craftsmen, Inc.
16 Old Winthrop Road Suite 2
Manchester, Maine 04351

Dear Mrs. Groves,

The Cumberland Rescue Department would be happy to once again provide services to the United Maine Craftsmen Show in August. Our current detail rate for 2004 is \$17.00 per hour plus applicable payroll taxes. In the past we have provided 2 medics per day from 10am – 5pm. If there is any change in the hours of the event please let me know.

If you have any questions, please feel free to contact me at 829-2213. If I do not hear from you, we will plan on being on the Fairgrounds starting August 12th.

Sincerely yours,


Chief Christopher J. Bolduc

cc. Nadeen Daniels

received
4-14-04

TOWN OF CUMBERLAND, MAINE

APPLICATION for VICTUALER'S (Food Service Establishment) LICENSE

Business or Trade Name: 'Cue Culture
Business Address: 105 Country Club Rd Hollis Center, ME 04042
Name of Manager: Wayne Tuohy Business Phone: 207-229-1161
Date of event or new license: Cumberland Golf Fair 8/12-15 and Cumberland Fair 9/26-10/1
Signature of authorized person: [Signature] Date: 4/12/04

CHECK THE PROPER CATEGORY OF REQUESTED LICENSE:

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

Name & type of vending unit(s): _____

Enclose CHECK payable to: "Town of Cumberland"

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

Application received: 4-12-04 Date of issuance: _____

TOWN OF CUMBERLAND, MAINE

APPLICATION for VICTUALER'S (Food Service Establishment) LICENSE

Business or Trade Name: Aucorin Concessions
Business Address: 233 Oak Hill Road, Litchfield, Me 04350
Name of Manager: Steven Aucorin Business Phone: 933-2163
Date of event or new license: Aug 12-13-14-15-2004
Signature of authorized person: Steven P. Aucorin Date: 933-2163

CHECK THE PROPER CATEGORY OF REQUESTED LICENSE:

- | | | |
|---|----------|------------|
| (a) Restaurant or Victualer not serving malt beverages on the premises. | \$50.00 | ---- |
| (b) Restaurant or Victualer serving malt beverages on the premises. | \$50.00 | ---- |
| (c) Class A Restaurant, as defined by the Revised Statutes of Maine, serving both malt liquor and spirituous and vinous liquor. | \$50.00 | ---- |
| (d) A business establishment such as, but not limited to, retail grocery stores, food storage warehouses, bakeries, delicatessen stores, and dairy product stores where food is stored or is kept for sale and where the total area of the establishment is less than 10,000 square feet. | \$25.00 | ---- |
| (e) Same as (d) but total area of the establishment is more than 10,000 square feet. | \$25.00 | ---- |
| (f) Eating and Lodging places. Any place where eating and sleeping accommodations are furnished to the public such as hotels, motels, and bed and breakfasts. | \$100.00 | ---- |
| (g) Establishment operated by Non-Profit organization. | NO FEE | ---- |
| (h) Vending Machine. | \$10.00 | ---- |
| (i) Temporary Vending Unit operating at a fair. (per unit): | \$10.00 | <u>20-</u> |
| Name & type of vending unit(s): <u>Lemonade / Fruit Smoothie</u> | | |

(2 Concessions)

Enclose CHECK payable to: "Town of Cumberland"

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

Application received: 4-28-04 Date of issuance: _____

TOWN OF CUMBERLAND, MAINE

APPLICATION for VICTUALER'S (Food Service Establishment) LICENSE

Business or Trade Name: Aucoin Concessions
Business Address: 233 Oak Hill Road, Litchfield, Me 04350
Name of Manager: Steven Aucoin Business Phone: 933-2163
Date of event or new license: August 12-13-14-15 - 2004
Signature of authorized person: Steven Aucoin Date: 4-22-04

CHECK THE PROPER CATEGORY OF REQUESTED LICENSE:

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

Enclose CHECK payable to: "Town of Cumberland"

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

Application received: 4-28-04 Date of issuance: _____

received
4-21-04

TOWN OF CUMBERLAND, MAINE

APPLICATION for VICTUALER'S (Food Service Establishment) LICENSE

Business or Trade Name: Vinnys Concessions
Business Address: PO Box 53 Gorham Me
Name of Manager: Vinny Business Phone: 642-2767
Date of event or new license: 8/12-15 2004 CRAFT FAIR
Signature of authorized person: [Signature] Date: 4/15/04

CHECK THE PROPER CATEGORY OF REQUESTED LICENSE:

- | | | |
|---|----------|---------------|
| (a) Restaurant or Victualer not serving malt beverages on the premises. | \$50.00 | ---- |
| (b) Restaurant or Victualer serving malt beverages on the premises. | \$50.00 | ---- |
| (c) Class A Restaurant, as defined by the Revised Statutes of Maine, serving both malt liquor and spirituous and vinous liquor. | \$50.00 | ---- |
| (d) A business establishment such as, but not limited to, retail grocery stores, food storage warehouses, bakeries, delicatessen stores, and dairy product stores where food is stored or is kept for sale and where the total area of the establishment is less than 10,000 square feet. | \$25.00 | ---- |
| (e) Same as (d) but total area of the establishment is more than 10,000 square feet. | \$25.00 | ---- |
| (f) Eating and Lodging places. Any place where eating and sleeping accommodations are furnished to the public such as hotels, motels, and bed and breakfasts. | \$100.00 | ---- |
| (g) Establishment operated by Non-Profit organization. | NO FEE | ---- |
| (h) Vending Machine. | \$10.00 | ---- |
| (i) Temporary Vending Unit operating at a fair. (per unit): | \$10.00 | <u>1</u> ---- |

Name & type of vending unit(s): Vinnys Italian Sausage

Enclose CHECK payable to: "Town of Cumberland"

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

Application received: 4-21-04 Date of issuance: _____

TOWN OF CUMBERLAND, MAINE

APPLICATION for VICTUALER'S (Food Service Establishment) LICENSE

Business or Trade Name: Cumberland-No. Yarmouth Lions Club
Business Address: 40 Ken Street, 105 Turtle Rd., Cumberland 04021
Name of Manager: Doug Pride Business Phone: 829-5422
Date of event or new license: AUGUST 2004 UMC FAIR - SEPT. 2004 FAIR
Signature of authorized person: Kent Shultz Date: 6-2-04

CHECK THE PROPER CATEGORY OF REQUESTED LICENSE:

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

Name & type of vending unit(s): _____

Enclose CHECK payable to: "Town of Cumberland"

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

Application received: 6-7-04 Date of issuance: _____

received
6-7-04

TOWN OF CUMBERLAND, MAINE

APPLICATION for VICTUALER'S (Food Service Establishment) LICENSE

Business or Trade Name: KERNEL Bob's KETTLE KORN
Business Address: P.O. Box 276
Name of Manager: Robert GOWELL Business Phone: 657-5030
Date of event or new license: 12-15 AUG 04
Signature of authorized person: Robert Gowell Date: 4/27/04

CHECK THE PROPER CATEGORY OF REQUESTED LICENSE:

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

Name & type of vending unit(s): KERNEL Bob's KETTLE KORN
POPCORN

Enclose CHECK payable to: "Town of Cumberland"

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

Application received: 5-3-04 Date of issuance: _____

TOWN OF CUMBERLAND, MAINE

APPLICATION for VICTUALER'S (Food Service Establishment) LICENSE

Business or Trade Name: Family Secrets
Business Address: 53 Codman St
Name of Manager: Dan Business Phone: 7721471
Date of event or new license: ① United Me Craftsmen
② Cumberland Fair
Signature of authorized person: D. Robison Date: 4/29/04

CHECK THE PROPER CATEGORY OF REQUESTED LICENSE:

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

Name & type of vending unit(s): _____

Enclose CHECK payable to: "Town of Cumberland"

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

Application received: # 5-3-04 Date of issuance: _____

received
5-17-04

TOWN OF CUMBERLAND, MAINE

APPLICATION for VICTUALER'S (Food Service Establishment) LICENSE

Business or Trade Name: Cole Farms

Business Address: P.O. Box 679, Gray, ME. 04039

Name of Manager: Brad Pollard Business Phone: 657-4714

Date of event or new license: United Maine Craft Fair 8/12, 13, 14, 15

Signature of authorized person: Bradley Pollard Date: 5/11/04

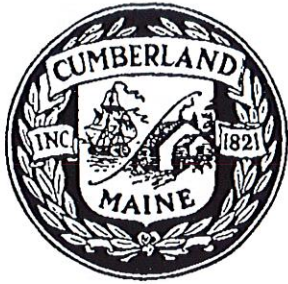
CHECK THE PROPER CATEGORY OF REQUESTED LICENSE:

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

Enclose CHECK payable to: "Town of Cumberland"

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

Application received: 5-12-04 Date of issuance: _____



M E M O R A N D U M

TOWN OF CUMBERLAND, MAINE
290 TUTTLE ROAD
CUMBERLAND, MAINE 04021
TEL: 207-829-2205 FAX: 829-2224

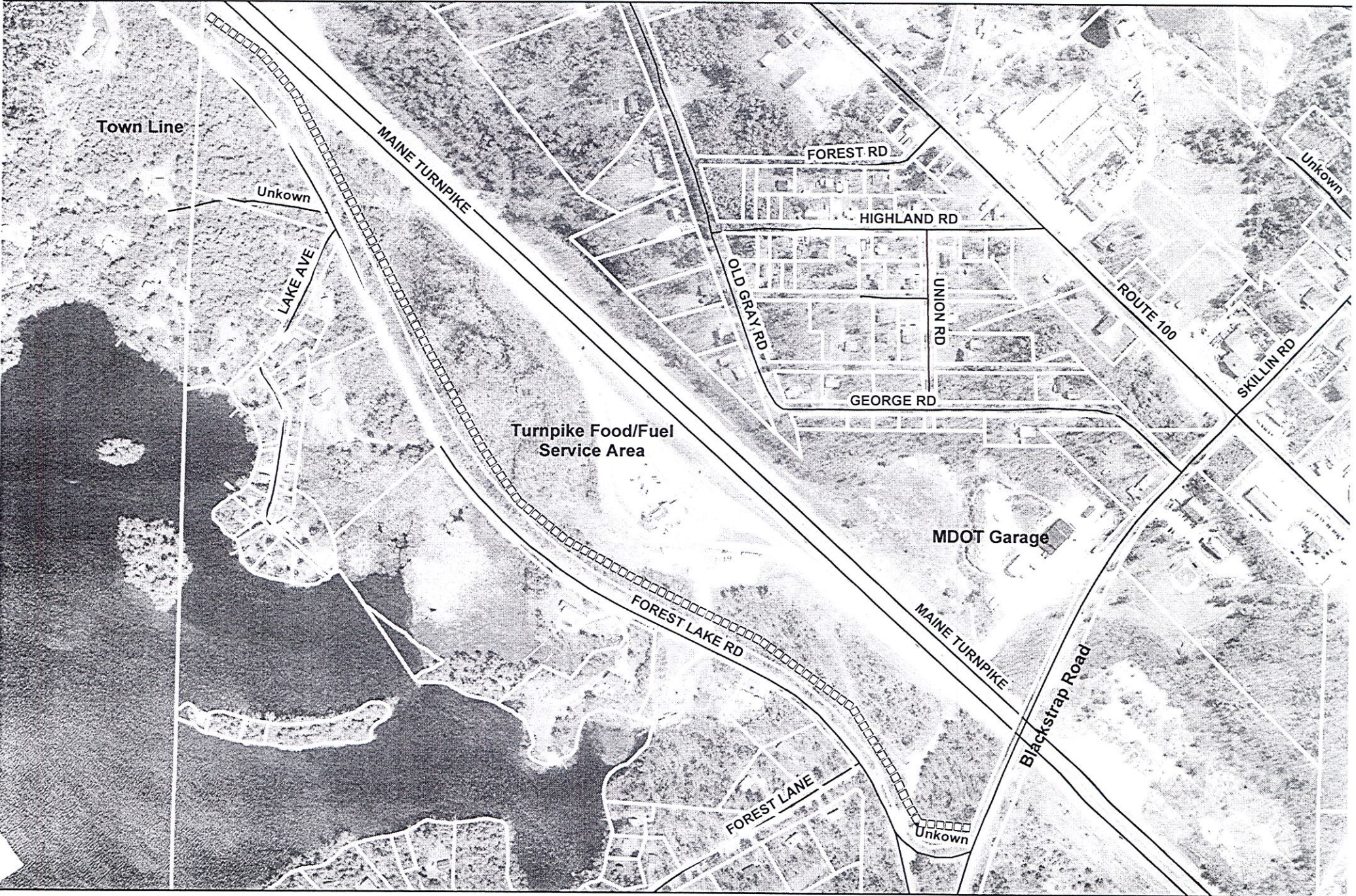
To: Town Council
From: William R. Shane, Town Manager
Date: June 11, 2004
Re: Forest Lake Road Speed

Acting upon a citizen's request for a speed limit reduction, I recommend we set a public hearing date of June 28th for the Public hearing for this speed limit reduction request.

As like all requests, we have no authority to lower any speed limit on any road in Town. All we have the authority to do is request a change and for MDOT Division 6 to do an analysis of the request to determine if it is warranted.

I have attached a map of the area for you review. I am not confident the request will be approved because of the sparsely populated area and the distance and spacing of the homes.

Forest Lake Road Area



Nadeen Daniels

From: William Shane
Sent: Friday, May 14, 2004 9:58 AM
To: Steve Moriarty (smoriarty@nhdlaw.com); B Stiles (wstiles1@maine.rr.com); Bill Stiles (wcstiles@maine.rr.com); Donna Damon (publicservant1@aol.com); Harland Storey (cstorey@awi.net); Jeffrey.Porter@mail.doc.gov; Mark Kuntz (chinook96@msn.com); Mesit5@aol.com; Mike Savasuk (mxslaw@maine.rr.com); William Shane; Nadeen Daniels
Subject: Weekly Report

Don't forget the School Budget Vote – Thursday May 20, 2004 at High School 7 PM- Get there early!

Bill

William R. Shane, P.E.
Town Manager
290 Tuttle Road
Cumberland, Maine 04021

(207) 829-2205 Phone
(207) 829-2224 FAX

wshane@cumberlandmaine.com

To: Town Council
From: William R. Shane, Town Manager
Date: 5/14/04
Re: Manager's Report

Island Committee & Curit Property Workshop Postponed to June 28, 2004

Due to the backlog of items from our last meeting and a potential for a long Public Discussion period at our May 24th meeting, the Council Chairman has asked me to re-schedule the workshop on the Curit Property with CMIT and the Island Committee. Rob Crawford will be at the meeting on June 28th and it will be scheduled as our first item.

From Rob Crawford

In anticipation of the meeting on the 24th and in furtherance of our joint interests in completing the easement purchase sooner than later, I wanted to get a few points down in writing especially because when I dropped the plan a few weeks ago I only left some verbal explanations. Here is an attempt to summarize the plan and the remaining things we have to finish up for a closing.

1. The aerial plan and overlay was produced by our friend Jim Thomas. As far as I can tell, the boundary of the parcel and features are pretty well accurately delineated.
 2. The concept line ("line of interest") of the area proposed to come under the conservation easement is based on GPS readings I took in the field of field points flagged by my trust colleagues who laid out what is essentially a line the parallels a line about 250 feet upslope of the stream that comes on the property from the parcel immediately to the north. I started my GPS readings of the concept line at a monument on the parcel's northern line identified on the survey as the "Stone Pile". The test pits are also depicted on the plan in the upland better drained part of the parcel. Not too far to the west the parcel changes from open hardwood forest to ferns and spruce, hemlock and fir trees.
 3. The stream on the parcel runs year round and is fed by the watershed area to the northeast of the Curit parcel, and in the central part of the parcel from what appears to be a flow from ground water from the area upslope. From the upland area to the north east of the parcel the stream runs into the ice pond on the northern neighbor's property (located in the depiction on the plan "stream crossing") then on to the Curit parcel about midway along the northern parcel line. The stream serves as the water source for the small camp located on the plan just to the right of the balloon on the plan depicting "Curit Property".
 4. As you can see, as one moves south across the parcel and follows the field flagging based on a course trying to run parallel to the stream, the line veers east. My crew and I were not able to easily locate the southern boundary of the parcel in the middle of the southern parcel line so the concept line runs onto the Haskell parcel. The concept line veers east here primarily because the area in the mid southern portion of the parcel is very wet. When we there in early March you could hear running water below ground in this area. I am pretty sure that the area would be determined to be a forested wetland area.
 5. The concept line is focused on watershed protection. The original concept between the Trust and the Town was that 50% of the parcel area would be subject to the easement. It appears that rather than a straight north south line that a line more diagonal in location makes better sense form a resource protection and conservation standpoint. I am unsure if the Town would find acceptable a division based on this focus or if the area has to be an exact division of the lot area of 50/50. It may be that the unencumbered land area is important in defining land area in the determination of what the ordinances allow to be developed on the upland portion. perhaps Carla can guide us in this regard. If not, might it make sense to enroll as much of the wet areas and stream protection buffer area as can not be developed into the easement area? In any event the easement boundary lines can be moved to fit within whatever parameters are agreed to.
 6. I think that whatever line we agree to it should be surveyed, monumented and the survey plan be placed of record so the easement area is clear.
 7. Please also let me know if we need to have further discussions on the easement terms we hammered out with the Council some time ago.
 8. We have the \$100,000 earmarked and ready and would like to complete the transaction as soon as we can.
- Please let me know your thoughts and questions.
- Regards.
- I would recommend that Donna, Steve and I meet prior to the meeting to flush out any major concerns with the language and bring them forward for our discussion at the workshop on June 28th.*

Department Head Meeting

April 21, 2004

East Conference Room

- I. Opening Announcements
 - a. New Staff Physician
 - b. Cory's New Son
 - c. Chris Bolduc, Bill Landis, Shelley Doyle on Vacation

- II. Budget Overview- Council Meetings April 26th & May 3rd

- III. Sprinkler Ordinance PH - May 10th then to Planning Board

- IV. Council Items - lower spd limit on Gerould Rd - PH - set date on 4/26

- V. May Meeting- Personnel Policy and Changes for July 1st

- VI. Other Discussion

- VII. Adjournment

↓
Benefits
laundry list
end of month - bullet
pts

(send a copy to all
electronically)

5/19 DH mtg date

offer
re. posting
sp. limits

Fee Schedule
end of May

TAN Borrowing
end of June

2nd mtg in July
to set commitment

5/24 mtg btrn. Jds Cntee
and TC re CC
affable hrs

5/18-6/5

5/10-6/25

set hrs for
York CEO here
in Canbld?

Sten will do Bldg inspec
Abol plain shore land line by Bill
FBI will do the 6/10 BBA mtg

TOWN OF CUMBERLAND, MAINE
APPLICATION for VICTUALER'S (Food Service Establishment) LICENSE

Business or Trade Name: _____

Business Address: _____

Name of Manager: _____ Business Phone: _____

Date of event or new license: _____

Signature of authorized person: _____ Date: _____

=====

CHECK THE PROPER CATEGORY OF REQUESTED LICENSE:

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

Name & type of vending unit(s): _____

Enclose CHECK payable to: "Town of Cumberland"

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

Application received: _____ Date of issuance: _____

TOWN OF CUMBERLAND

VICTUALER'S LICENSES, and VENDING VICTUALER'S LICENSE ORDINANCE

THE TOWN OF CUMBERLAND HEREBY ORDAINS THAT the Revised and Codified Ordinances of the Town of Cumberland, Maine be amended by adding a new Chapter XVI VICTUALER'S, AND VENDING VICTUALER'S LICENSES.

SECTION 1. DEFINITIONS:

The following definitions shall apply to the interpretation and enforcement of this Ordinance:

VICTUALER Shall mean any person who serves food or drink prepared for consumption by the public and operates any "Eating Establishment", "Eating and Lodging Places", Temporary Vending Units, and Vending Machines as herein defined within the Town of Cumberland, but specifically shall not include the operation of a farm stand selling home grown produce or sale of food or drink from a temporary sidewalk stand operated by minors immediately adjacent to their residence.

EATING ESTABLISHMENT Shall mean any place where food or drink is prepared and served, or served to the public consumption on or off the premises, which includes, but is not limited to restaurant, coffee shop, cafeteria, short order cafe, luncheonette, sandwich stand, soda fountain, caterers preparing food in Cumberland and all other eating or drinking establishments. However, this shall not include Temporary Vending Units or Vending Machines, nor premises operated by the town's School Department, hospital, or charitable and civic organizations.

EATING AND LODGING PLACES shall mean every building or structure or any part thereof kept, used as, maintained as, advertised as or held out to the public to be, a place where eating and sleeping accommodations or sleeping accommodations are furnished to the public, including but not limited to, business such as hotels, motels, guest homes, cottages, and bed and breakfasts.

TEMPORARY VENDING UNIT Shall mean any vending unit which is used for the sale therefrom at retail of any prepared food, sandwiches, drinks, ice cream or similar dairy products, including vending units which offer samples, and shall include a restaurant operating for a temporary period in connection with a fair, carnival, circus, public exhibition or other similar gathering. Temporary shall mean for use 8 days or fewer consecutive days.

EMPLOYEE Shall mean any person who handles food or drink during its preparation or serving, or who comes in contact with any eating or cooking

utensils, or who is employed in a room in which food or drink is prepared or served.

UTENSILS Shall include any kitchenware, tableware, glassware, cutlery, utensils, containers or other equipment with which food or drink comes in contact during storage, preparation, transporting or serving.

HEALTH OFFICER Shall mean the Health Officer of the Town of Cumberland or his/her authorized representatives.

PERSON Shall mean any individual, firm, corporation or association, or other legal entity.

POTENTIALLY HAZARDOUS FOODS - means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or their ingredients, in form capable of supporting rapid and progressive growth of infectious or toxigenic micro-organisms. The term does not include foods which have a pH level of 4.6 or below or a water activity value of .85 or less.

VENDING MACHINE - shall mean any self-service device offering potentially hazardous foods for public use which, upon insertion of a coin, coins or token or by other similar means, dispenses unit servings of food without the necessity of replenishing the device between vending operations.

VENDING UNIT - Shall mean any food service establishment that prepares or dispenses food for off premises consumption by the public that operates at a fixed location for a period of time in conjunction with a single event or celebration.

SECTION 2. LICENSE REQUIRED:

It shall be unlawful for any person who does not possess a Victualer's License granted by the Municipal Officers and issued by the Town Clerk to operate any Eating Establishment", "Eating and Lodging Places in the Town of Cumberland. It shall also be unlawful for any person to own or operate a Temporary Vending Unit, or Vending Machine in the Town of Cumberland who does not possess a Victualer's Vending License granted by the Town Clerk. Such license shall be posted in a conspicuous place. Only persons who comply with the requirements of this Ordinance shall be entitled to receive and retain such a license. Applications for such license shall be procured from the Town Clerk, completed and signed by the applicant and filed with the Town Clerk for submission to the Municipal Officers, or Town Clerk as appropriate, and shall bear the recommendation of the Fire Chief, Building Inspector if requested, and the Health Officer as to the approval or disapproval of the granting of the license. The Town Council may also request a recommendation from the Police Chief, if deemed necessary.

SECTION 3. LICENSE FEES:

The fees for such licenses and re-inspection fees shall be set by order of the Town Council to reflect a portion of the administrative cost of the processing of the license application.

No victualer's license shall be issued to any applicant until the required fee is paid in full and all such licenses shall expire on the last day of June.

SECTION 4. SAFETY & SANITARY REQUIREMENTS:

All Eating Establishments, and Eating and Lodging Places and, where applicable, all Temporary Mobile Vending Units, and Vending Machines, must comply with all the Town and State Ordinances, laws and regulations as to the Building, Exit and Plumbing Codes and Regulations, 101 Life Safety Code, and the State of Maine Rules relating to eating and Lodging Places and all licensees must fully comply with the following items as to safety and sanitation.

1. All rooms in which food and drink are prepared or in which utensils are washed shall be well lighted and ventilated.
2. All walls, floors and ceilings shall be kept clean and in good repair.
3. When flies are prevalent, all openings into the outer air shall be effectively screened and doors shall be self-closing, unless other effective means are provided to prevent the entrance of flies.
4. There shall be at least one toilet and sink with hand soap, and with a self closing door, on the premises of all restaurants which provide facilities to consume food or alcoholic beverages on the premises or when 8 or more persons are employed at anyone time there shall be provided at least one toilet and sink for each sex. All toilet rooms shall be kept in clean condition, in good repair, well lighted and ventilated.
5. All equipment and utensils, including display cases, windows, counters, shelves, tables, refrigerators, stoves, hoods and sinks shall be clean and free from dust, dirt, insects and other contaminating material.
6. All multi-use utensils used in the preparation or serving of food or drink shall be thoroughly cleaned and subjected to an approved bactericidal process after each usage and shall be stored in a clean, dry place protected from flies, dust and other contamination as far as practicable.
7. All garbage and trash shall be kept in suitable covered receptacles until properly disposed of.

8. All food and drink shall be clean, free from spoilage and so prepared as to be safe for human consumption and shall be stored as to be protected from dust, flies, vermin, rodents and other contamination, and at a temperature appropriate to good food handling practices.
9. Adequate and convenient hand washing facilities shall be provided, including hot and cold water, soap and clean towels where any food is prepared. No employee shall resume work after using the toilet room without first washing his/her hands.
10. All employees shall wear clean garments and shall keep their hands clean at all times while engaged in handling food, drink, utensils or equipment.
11. The premises shall be kept clean and free from litter and rubbish.
12. No person who is infected with any disease in a communicable form or is a carrier of such disease shall work in any licensed premises or be employed by any licensee, If the licensee or manager suspects that any employee is infected with any such disease or is a carrier thereof, he/she shall immediately notify the Health Officer.
13. When the Health Officer has cause to believe that the possibility of transmission of infection from any such employee exists, the Health Officer is authorized to require any or all of the following.
 - (a) The immediate exclusion of the employee from all restaurants.
 - (b) The immediate closing of the premises concerned until no further danger of disease outbreak exists.
 - (c) Adequate medical examinations of the employee and his/her associates with such laboratory examinations as may be required by the Health Officer after consultation.
14. The temperature of all vending machines offering hot potentially hazardous foods shall be kept at 140° F or above.
15. The temperature of all vending machines offering cold potentially hazardous foods shall be kept at 45° F or below.

SECTION 5 INSPECTION:

At least once every twelve (12) months the Health Officer, Building Inspector, and Fire Chief, or other authorized representatives, shall inspect every Eating Establishment, Eating and Lodging Place, Temporary

SECTION 8 PENALTY:

Any person who violates any provision of the Ordinance shall be subject to a fine established by order of the Town Council for each day of violation and each and every violation of the provisions of this Ordinance shall constitute a separate offense.

SECTION 9 PRIOR ORDINANCE, RULES & REGULATIONS, REPEALED

All prior Ordinances, rules and regulations pertaining to victualer's licenses are hereby repealed; however, all outstanding victualer's licenses shall remain valid until their expiration date, but subject to the suspension and revocation provisions of this Ordinance for failure to comply with the health and safety provision and also subject to the penalty provisions herein set forth.

EFFECTIVE DATE: MAY 15, 1997

A TRUE COPY:

ATTEST:

Klara M. Nanton

TOWN CLERK

TOWN OF CUMBERLAND

VICTUALER'S LICENSES ORDINANCE

THE TOWN OF CUMBERLAND HEREBY ORDAINS THAT the Revised and Codified Ordinances of the Town of Cumberland, Maine be amended by adding a new Chapter XVI VICTUALER'S LICENSES.

SECTION 1. DEFINITIONS:

The following definitions shall apply to the interpretation and the enforcement of this Ordinance:

VICTUALER Shall mean any person operating any "Restaurant", -- "Itinerant Restaurant", or "Mobile Vending Unit" as herein defined within the Town of Cumberland, but specifically shall not include the operation of a farm stand selling home grown produce or sale of food or drink from a temporary sidewalk stand operated by minors immediately adjacent to their residence.

RESTAURANT Shall mean any restaurant, coffee shop, cafeteria, short order cafe, luncheonette, sandwich stand, soda fountain and all other eating or drinking establishments, including kitchens or all other places, in which food or drink is prepared for sale on the premises or elsewhere, but not including premises operated by the Town's School Department, hospital or charitable and civic organizations, or by business concerns whose prime purpose is serving their employees.

MOBILE VENDING UNIT Shall mean any vehicle which is used for the sale therefrom at retail of any prepared food, sandwiches, drinks, ice cream or similar dairy produce, and travels from place to place for the sale thereof, but not including vehicles used for the transportation of milk and dairy produces or bread and bakery products for sale or delivery to homes and business establishments, but shall include a restaurant operating for a temporary period in connection a fair, carnival, circus, public exhibition or other similar gathering.

EMPLOYEE Shall mean any person who handles food or drink during its preparation or serving, or who comes in contact with any eating or cooking utensils, or who is employed in a room in which food or drink is prepared or served.

UTENSILS Shall include any kitchenware, tableware, glassware, cutlery, utensils, containers or other equipment with which food or drink comes in contact during storage, preparation or serving.

HEALTH OFFICER Shall mean the Health Officer of the Town of Cumberland or his/her authorized representatives.

PERSON Shall mean any individual, firm, corporation or association, or other legal entity, but not schools, charitable and civic organizations.

SECTION 2. LICENSE REQUIRED:

It shall be unlawful for any person to operate any Restaurant, Itinerant Restaurant or Mobile Vending Unit, in the Town of Cumberland who does not possess a license granted by the Municipal Officers and issued by the Town Clerk. Such license shall be posted in a conspicuous place. Only persons who comply with the requirements of this Ordinance shall be entitled to receive and retain such a license. Applications for such license shall be procured from the Town Clerk, completed and signed by the applicant and filed with the Town Clerk for submission to the Municipal Officers and shall bear the recommendation of the Fire Chief, Police Chief, Code Enforcement Officer and Health Officer as to the approval or disapproval of the granting of the license.

SECTION 3. LICENSE FEES:

The fees for such victualer's licenses shall be set by the Town Council to reflect a portion of the administrative cost of processing the license application.

No victualer's license shall be issued to any applicant until the required fee is paid in full and all such licenses shall expire on the last day of May.

SECTION 4. SAFETY & SANITARY REQUIREMENTS:

All restaurants and, where applicable, all mobile vending units, must comply with all the Town and State Ordinances, laws and regulations as to the Building, Exit and Plumbing Codes and Regulations and all licensees must fully comply with the following items as to safety and sanitation.

1. All rooms in which food and drink are prepared or in which utensils are washed shall be well lighted and ventilated.
2. All walls, floors, and ceilings shall be kept clean and in good repair.
3. When flies are prevalent, all openings into the outer air shall be effectively screened and doors shall be self-closing, unless other effective means are provided to prevent the entrance of flies.
4. There shall be at least one toilet and sink on the premises of all restaurants which provide facilities to consume food or alcoholic beverages on the premises or when 8 or more persons are employed at any one time there shall be provided at least one toilet and sink for each sex. All toilet rooms shall be kept in clean condition, in good repair, well lighted and ventilated.

5. All equipment and utensils, including display cases, windows, counters, shelves, tables, refrigerators, stoves, hoods and sinks shall be clean and free from dust, dirt, insects and other contaminating material.
6. All multi-use utensils used in the preparation or serving of food or drink shall be thoroughly cleaned and subjected to an approved bactericidal process after each usage and shall be stored in a clean, dry place protected from flies, dust and other contamination as far as practicable.
7. All garbage and trash shall be kept in suitable covered receptacles until properly disposed of.
8. All food and drink shall be clean, free from spoilage and so prepared as to be safe for human consumption and shall be stored as to be protected from dust, flies, vermin, rodents and other contamination.
9. Adequate and convenient hand washing facilities shall be provided, including hot and cold water, soap and clean towels where any food is prepared. No employee shall resume work after using the toilet room without first washing his hands.
10. All employees shall wear clean garments and shall keep their hands clean at all times while engaged in handling food, drink, utensils or equipment.
11. The premises shall be kept clean and free from litter and rubbish.
12. No person who is infected with any disease in a communicable form or is a carrier of such disease shall work in any licensed premises or be employed by any licensee. If the licensee or manager suspects that any employee is infected with any such disease or is a carrier thereof, he shall immediately notify the Health Officer.
13. When the Health Officer has cause to believe that the possibility of transmission of infection from any such employee exists, the Health Officer is authorized to require any or all of the following:
 - (a) The immediate exclusion of the employee from all restaurants
 - (b) The immediate closing of the premises concerned until no further danger of disease outbreak exists.
 - (c) Adequate medical examinations of the employee and his associates with such laboratory examinations as may be required by the Health Officer after consultation.

SECTION 5 INSPECTION:

At least once every six (6) months the Health Officer and Fire Chief, or other authorized representatives, shall inspect every restaurant located within the Town of Cumberland. In case they discover the violation of any item of safety or sanitation they shall notify the licensee of same and shall make a second inspection after the lapse of such time as they deem necessary for the defect to be remedied. Any violation of the same item of this Ordinance on such second inspection shall call for an immediate suspension of the license. The person operating the restaurant shall upon the request of the Health Officer or the Fire Chief, or their authorized representatives, permit access to all parts of premises for such inspections and shall permit copying any and all records of food purchased.

SECTION 6 SUSPENSION & REVOCATION:

Such license may be temporarily suspended by the Health Officer or the Fire Chief upon the failure of the licensee to comply with any of the terms of this Ordinance to the detriment of the safety, health and welfare of the public. Such license may be revoked by the Municipal Officers for serious or repeated violations of the terms of the Ordinance after an investigation and hearing, notice of such hearing being served upon such licensee or left at the licensee's premises at least three (3) days before the time set for said hearing.

SECTION 7 REINSTATEMENT OF LICENSE

The licensee may at any time after said suspension make application in writing for reinstatement of said license to the Health Officer or Fire Chief who has suspended said licensee representing that the condition for which the suspension was imposed has been corrected, and said officer shall within three (3) working days after the receipt of said application make a reinspection of said premises. If he finds that said licensee is again complying with the terms of this Ordinance, the license shall be reinstated.

Should said officer fail to find the condition corrected to his satisfaction, he may make reinspections at such future times as he may deem reasonable. In the event said licensee does not satisfactorily comply with the requirements of the officer after such suspension or if said officer does not reinspect as stated above, either party may apply to the Municipal Officers for a hearing in the manner provided above and the Municipal Officers shall conduct said hearing and thereafter revoke, indefinitely suspend or reinstate said license. An expedited hearing may be held at the written request of the licensee if the Council, in its sole discretion, so decides. Repeated incidents of such suspensions shall be considered a valid reason for revocation of said license.

SECTION 8 PENALTY:

Any person who violates any provisions of the Ordinance shall be subject to a fine of not more than \$50.00 and each and every

violation of the provisions of this Ordinance shall constitute a separate offense.

SECTION 9 PRIOR ORDINANCE, RULES & REGULATIONS, REPEALED

All prior Ordinances, rules and regulations pertaining to victualer's licenses are hereby repealed; however, all outstanding victualer's licenses shall remain valid until their expiration date, but subject to the suspension and revocation provisions of this Ordinance for failure to comply with the health and safety provision and also subject to the penalty provisions herein set forth.

JUL 26 1979
EFFECTIVE DATE: _____

Nadeen Daniels

From: William Shane
Sent: Wednesday, June 02, 2004 8:30 AM
To: Bill Landis; johne@artformsinc.com; pgleason@bssn.com
Cc: Debbie Flanigan; Nadeen Daniels
Subject: Twin Brook Workshop

Gentlemen:

The Town Council has scheduled a workshop for **6 PM on Monday, June 14, 2004 in the Town Council Chambers** to review your plan and recommendations.

Please come prepared to answer specific questions and discuss ideas related to uses and prohibited uses at the facility including the role of the future advisory committee.

No formal presentation will be required. I anticipate a round table discussion led by the Council Chairman to answer specific Council concerns. The meeting will be adjourned by 7:15 PM so we can begin the scheduled Council Meeting.

This meeting will not be televised and will be held in the back of the Council chambers similar to the set up of your committee meetings.

Please let me know if you need any additional information prior to the Meeting.

Thank you for all your efforts!

Bill

William R. Shane, P.E.
Town Manager
290 Tuttle Road
Cumberland, Maine 04021

(207) 829-2205 Phone
(207) 829-2224 FAX

wshane@cumberlandmaine.com

Nadeen Daniels

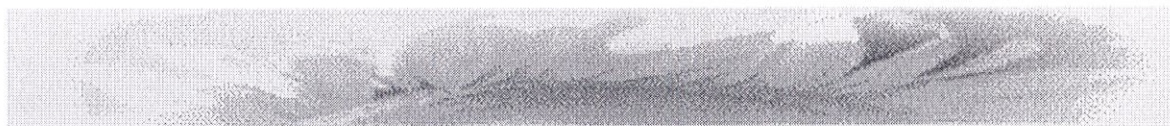
From: Debbie Flanigan
Sent: Tuesday, June 01, 2004 3:21 PM
To: Nadeen Daniels
Subject: RE: victualer's

i remember klara dealing with the ice cream truck with donna larson, the town planner then. i do not remember what the final outcome was. i remember the police dept getting calls from parents concerned about their kids and the ice cream truck drivers being strangers.

deb

-----Original Message-----

From: Nadeen Daniels
Sent: Tuesday, June 01, 2004 11:52 AM
To: Debbie Flanigan
Subject: victualer's



Deb,

I need a copy of the Victualer's Ordinance or minutes of when the council adopted the licensing requirements. We have a gentleman who's asking for a license for a hot dog cart and I need to put a memo together for next week's council packet explaining the town's requirements and/or ordinance. Any info you can pull together to show me the history on why and when the town issues victualer's, etcetera, would be helpful.

Also, I was asked by Bill why we don't license the 'ice cream truck.' Do you know what the situation is with that?

Thanks,
N

Nadeen Daniels

From: William Shane
Sent: Friday, May 28, 2004 11:32 AM
To: Carla Nixon
Subject: RE: Fire Protection Ordinance

Carla,

Can you handle this? It seems to be only minor editing. If not let me know.

Bill

William R. Shane, P.E.
Town Manager
290 Tuttle Road
Cumberland, Maine 04021

(207) 829-2205 Phone
(207) 829-2224 FAX

wshane@cumberlandmaine.com

-----Original Message-----

From: Carla Nixon
Sent: Friday, May 28, 2004 10:45 AM
To: Barb; William Shane
Cc: Barbara McPheters; Nancy Decker; Dan Small
Subject: RE: Fire Protection Ordinance

I have this advertised for the June Planning Board agenda. Will these issues be taken care of by then?
By whom?

BTW, Dan....Congratulations on baby Jackson...Cumberland's future Fire Chief circa 2025? (Not that Emily E. won't get there first!)

Carla

From: Barb
Sent: Thursday, May 27, 2004 6:34 PM
To: William Shane; Carla Nixon
Cc: Barbara McPheters; Nancy Decker; Dan Small
Subject: RE: Fire Protection Ordinance

Bill and Carla,

My comments:

1. What is a "residential occupancy"? This term is used in the major and minor subdivision definitions. Would this include "dwelling units", accessory apartments, etc?
2. The subdivision definition appears to be copied from the ordinance - the dates adopted and amended should be removed.
3. Please spell out "Code Enforcement Officer" and eliminate CEO in section 114 - Notices....

6/1/2004

4. Section 111 refers to section 11 that does not exist - please clarify.
5. Section 115.2 refers to section 14A that does not exist - please clarify.

General comment - I usually spell out numbers just to make sure there is no question on intent, such as twenty-five hundred (2500) dollars or one hundred (100) feet.

Thanks to the drafter for putting this in the proper format - it will make the codification process much smoother.

Barb

-----Original Message-----

From: William Shane [mailto:wshane@cumberlandmaine.com]

Sent: Thursday, May 27, 2004 4:09 PM

To: Carla Nixon

Cc: Barbara McPheters; Nancy Decker; Dan Small

Subject: Fire Protection Ordinance

Carla,

Here's the New Ordinance.

Site Plan & Subdivision both will need to be changed to reflect the new Stand Alone Ordinance.

Subdivision Ordinance Language

SECTION 10 FIRE PROTECTION WATER SUPPLY

The Subdivision design must comply with the Fire Protection Ordinance.

The Fire Chief shall issue the applicant a "Certificate of Compliance" once the applicant has met the design requirements of the Town's Fire Protection Ordinance.

Bill

William R. Shane, P.E.
Town Manager
290 Tuttle Road
Cumberland, Maine 04021

(207) 829-2205 Phone
(207) 829-2224 FAX

wshane@cumberlandmaine.com

Nadeen Daniels

From: William Shane
Sent: Friday, May 28, 2004 3:00 PM
To: Steve Moriarty (smoriarty@nhdlaw.com); B Stiles (wstiles1@maine.rr.com); Bill Stiles (wcstiles@maine.rr.com); Donna Damon (publicservant1@aol.com); Harland Storey (cstorey@zwi.net); Jeffrey.Porter@mail.doc.gov; Mark Kuntz (chinook96@msn.com); Mesit5@aol.com; Mike Savasuk (mxslaw@maine.rr.com); William Shane; Nadeen Daniels
Subject: Weekly Report

Enjoy the Sun!

Bill

William R. Shane, P.E.
Town Manager
290 Tuttle Road
Cumberland, Maine 04021

(207) 829-2205 Phone
(207) 829-2224 FAX

wshane@cumberlandmaine.com

To: Town Council
From: William R. Shane, Town Manager
Date: 5/28/04
Re: Manager's Report

Falmouth Meeting Route One

Carla Nixon and I met with Doug Harris and George Theborge of Falmouth; Terry DeWan and Steve Something Landscape Architects for Peter Kennedy; Peter Kennedy and Karen Walsh the Developers for the Route One project; to discuss "The Plan". Peter was polite but not very complimentary about the Falmouth Planning process and explained the difficulty and struggles he anticipates getting approval of the subdivision which would mirror Cumberland's. He is looking for a mixture of conventional, workforce housing and senior housing. We have expressed a willingness to Peter to lump our lot into the mix if we can be guaranteed 40 residential dwelling units for the Housing Authority versus our original big box plan. Peter was very optimistic that that could be worked into an affordable project similar to what we now have in the center. After a round and round discussion, I told Peter we would need a plan by fall or we would proceed with our original 1 building plan and move forward to develop 40 units of senior housing. He thought that was a reasonable deadline and would work toward at least having the Cumberland Plan ready next month. We are still in hopes to hold a joint Council Meeting with Falmouth to discuss the proposal. Carla has done an excellent job in keeping this project on task, unfortunately we have little control over the Developer or the Town of Falmouth's vision for the property, but I feel we are all moving forward toward consensus.

Stone Wharf Parking

Steve Moriarty and I met with Joe Charron, Ted Curtis and Rich Brewer to review the Stone Wharf Parking Ordinance and the sub-committees recommendation related to parking. We have developed a working draft which will be in our packets this weekend (5/28). We have scheduled a meeting for June 2 at 7 PM on the Island and a **Public Hearing for Wednesday, June 16, 2004 on the Island for a Public Hearing on the issue**. The changes are primarily fee related and some tightening up of the enforcement language and a doubling of the fines. We will have a final draft ready for you by the June 14th Council Meeting.

Freeport Welfare Director

Personally, the Freeport Manager and I lack any kind of chemistry and that pre-dates my hiring here in Cumberland. So this has been a lot of smiling and gritting my teeth, but we are very close to signing an agreement with Freeport. At last week's meeting, attended by Nadeen, their director said she did not want to do this and that it was Dale telling her she would do it that initiated the partnership. A real "User Friendly" environment from the outset, but after several conversations between Nadeen and the Welfare Director, we believe we have worked out the bugs and can come up with a partnership agreement with Freeport and Yarmouth for Freeport to administer our Welfare program.

Hi, me again. The ad does need to be revised a little bit. I've made the changes to the June 9 ad below:

.

-----Original Message-----

From: Nadeen Daniels

Sent: Thursday, May 27, 2004 10:46 AM

To: 'Dottie Grant'

Subject: ad



TOWN OF CUMBERLAND
SPECIAL TOWN COUNCIL MEETING
CHEBEAGUE ISLAND

The Cumberland Town Council will hold a Special Town Council meeting on Wednesday, June 16, 2004 at the Chebeague Island Community Hall, Chebeague Island, at 7:00 p.m. to consider amendments to the *Ordinance Relating to Roads and Town Owned Properties* regarding increases to parking fees at the Stone Wharf. Interested parties are invited and encouraged to attend. An opportunity for public comment will be provided.

Thanks for your help
Nadeen

Back-up Information

CMIT Island Committee

Town Council Workshop

June 28, 2004

6:00 pm

CHEBEAGUE ISLAND
AFFORDABLE HOUSING STUDY AND REPORT

Conducted by:
USM Muskie School of Public Research Graduate Students

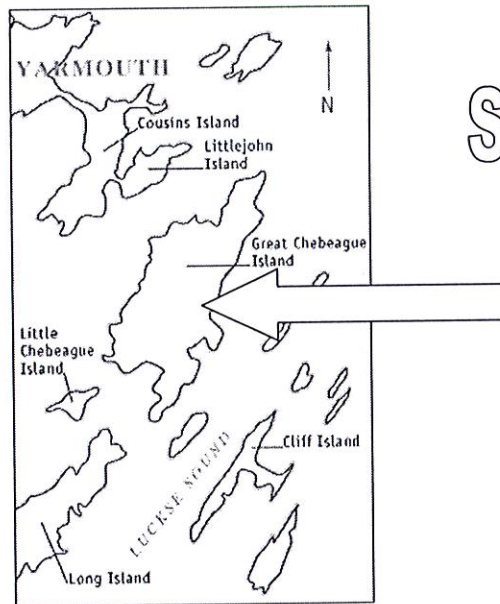
Andy Des Pres
Jeremy Doxee
Jeremy Gabrielson
Sandra Maxey
Rod Melanson
Susie Monty
Ruth Pease
Tom Poirier
Sally Rose
Rob Slaving
Ben Smith
Roxanne Young

Mark Lapping, Professor, Public Policy and Management

June 1, 2004

EXECUTIVE SUMMARY

For the people who live, work, and vacation on Chebeague, the island is a special place. Many people are concerned about the viability of maintaining the unique characteristics of island life, including a vibrant island community. In the case of Chebeague, maintaining a lively island community with a mix of people in varying age groups and income groups is important to island residents. Therefore, our definition of "affordable housing" should recognize the different housing needs of various groups that live on the island. Likewise, strategies for providing affordable housing on Chebeague Island should recognize the same diversity of needs.



Study Site

Based on our research, we found that Chebeague does indeed have an affordable housing problem, which is made up of at least three main components:

- Demographics of Chebeague's population
- Housing types available to Chebeague residents today
- "Carrying costs" for Chebeague residents

The **demographics** of Chebeague's population are strikingly different from mainland Cumberland and the rest of Cumberland County. The **most significant** are:

- **Chebeague's population is older than in the rest of Cumberland and the county.**
- **A majority of single-person households are residents over 65 years of age.**
- **Households headed by persons 35 or younger don't even register on the census data.**
- **Only 23 students attend the island school.** Please see **Appendix A** for enroll figures 1986-2003.

In addition, Chebeague's population is not as affluent as are mainland Cumberlanders. The median income (\$32,188) of island residents in 1999 was about half of the income of those living in mainland Cumberland (\$67,833).

Housing options are limited to single family dwellings of the same size, many of which were built before 1940. Present in Cumberland and other mainland towns, yet missing on the island, are housing options such as: duplexes, apartments, condominiums, and in-law or accessory apartments.

Residents of Cumberland, both those that live on Chebeague and the mainland need to find a way to accommodate the disproportionately high numbers of older people living alone on Chebeague. In order to preserve and continue the Island way of life, Cumberland will need to encourage and accommodate younger people with families on the island.

The homogenous housing options currently available on Chebeague do not seem to be a good fit for these goals. This is especially true when the rising costs of housing for both waterfront and interior options are on the rise. The high market value and tax burden on waterfront property is troubling if keeping access to the working waterfront is going to be sustainable.

Island home sales began increasing in 1997. The average yearly home sales for the five years before was 7.8 homes, the current five-year average for the number of homes sold in a year is 13.6 homes, although the actual numbers are small this indicates an almost 45% increase in sales. A preliminary analysis of the value of recent home sales revealed the following:

- Very few sales of waterview homes have been in the affordable range (\$100,000-200,000) in the last few years.
- About 57% to 81% of all houses sold for more than \$200,000 each year since 1997 have gone to "off Island owners" (summer residents).
- Islanders own 48% of the interior properties and only 31% of the water view properties.

High taxes relative to median income is a problem on Chebeague Island, and the tax burden is not uniformly distributed across the island. The median property tax bill on Chebeague was \$2,161 in 2000 (6.7% of the median island income) while the median tax bill in mainland Cumberland was only 3.9% of their median income.

Taxes are an issue not only for waterfront homeowners, but for the island overall. Additionally, transportation costs associated with island life need to be factored into the budget of those who live on the island. Though all island residents are affected by the costs of the ferry, a small group of people who live on the island, and work on the mainland are uniquely affected.

To address these problems, we offer a variety of strategies. Some are **community-based strategies** that require a coordinated effort by one or more groups (such as non-profit organizations, island residents, or the Town of Cumberland); others are **solutions for individuals** that can be implemented.

The **options** presented fall into **three general categories**:

- **Those that address the underlying problem of escalating property values.**
- **Those that address the need for new housing options.**
- **Those that address the burden of property taxes.**

A strategy that other island communities have employed to control property values and decrease residents' taxes is the **Community Land Trust (CLT)**. While there are many variations, CLTs are generally formed to create and maintain *permanently* affordable housing. The land trust model could potentially relieve the burden on existing homeowners, and also would work in concert with plans to create new housing. This option is extremely flexible and has been very successful for other communities with similar problems and should be seriously considered.

Options for new housing highlight alternatives to traditional fee-simple home-ownership. **Limited Equity Cooperatives** and **Mutual Housing Associations** offer benefits of ownership while distributing the burdens of ownership. **Resident-Controlled Housing** is an alternative to traditional rental housing in that tenants and community members share management responsibilities. **Lease/Purchase Housing** extends home-ownership to tenant/owners who might not otherwise be able or eligible to purchase a home.

Suggestions for possible **individual solutions** include:

- **Community Land Trusts**
- **Restrictive Covenants**
- **Accessory Apartments**
- **Tax Abatement Programs**
- **Reverse Mortgages**

Possible **community-based solutions** are:

- **Zoning Regulations**
- **Tax Increment Financing**

A description of each solution is offered and a matrix including pros and cons is included in the appendix. We believe it is not our role to recommend a best option; that choice must remain with the residents of Chebeague. Instead, we have attempted to provide a number of options from which the people of Chebeague can develop an appropriate strategy to address those problems and concerns most important to the community.

Our conclusion and major finding is that ***the best affordable housing solution for Chebeague Island will depend entirely upon which problem, or aspect of an identified problem, the community can agree to address.***

The task of building and maintaining strong community support is both the most difficult, and the most important, element in a successful housing project. In the course of our study, **questions** have emerged that, if answered, will further refine and clarify the affordable housing problem on Chebeague Island. They are:

- **Who are prospective island residents?**
- **How numerous are they?**
- **What are their housing needs?**
- **What are the characteristics of housing stock in the affordable price range?**
- **What is the cost of living on the island?**

We **recommend** that the following **studies be conducted** on Chebeague Island:

- **Housing Demand Market Study** - to determine what the demand is for new or different housing options.
- **Housing Livability Study** to gather data on the condition of housing currently existing on the island.
- **Buildable Land Inventory Study** to determine all available, buildable land – both publicly- and privately-owned.
- **Cost of Living Study** - to capture all carrying costs.

CHEBEAGUE ISLAND AFFORDABLE HOUSING STUDY

PART I: DEMOGRAPHICS, HOUSING, AND CARRYING COSTS

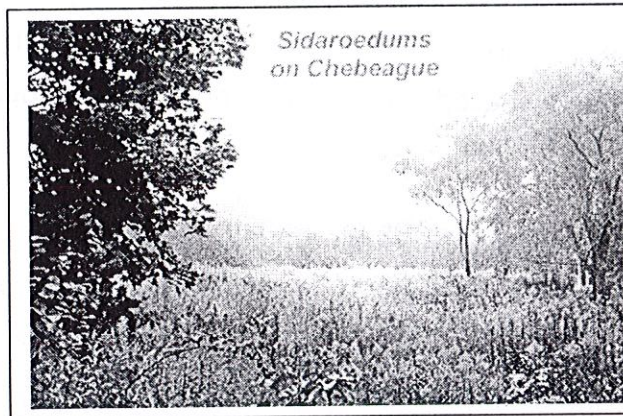
INTRODUCTION

We begin this affordable housing study for Chebeague Island with a pertinent story about 17th Century eastern seaboard piracy, which was once a major problem for merchant ships. The story speaks to the importance of looking behind, or beyond, what seem to be obvious conclusions.

One of the most infamous stretches of coast was what is now known as Virginia and North Carolina. Numerous barrier islands mark this coastline, as the Casco Bay islands do as well. On dark, moonless nights, pirates would ride on horseback along crests of the sand dunes, holding lanterns to the seaward side. Watchmen on the ships sailing up and down the coast would see the motion of the lantern rising and falling as the pirates rode along the dune crests. From offshore, this motion looked like the light from a ship far out on the horizon. Fearing that they might be veering out to sea, at the watchmen's call many captains tacked in toward the coast, only to wreck on the islands' sandy shoals where they were easy targets for the waiting pirates. Eventually, though, captains learned to look closely through the telescope to try and discern a horse's head behind the light. Looking behind the light was the focus of our research work.

While Chebeague Island, and the rest of the eastern seaboard, no longer needs to be concerned about pirates, one important lesson to draw from this story is that people often see what they are expecting to see. In turn, we find justification for our actions in the way we see the problem. If it looks like we might be heading out to sea, our "natural" response is to tack in. However, the natural response may not always be the best one. We offer this report to Chebeague Islanders as their lens through which to see the complexity of issues *behind the light* that relate to affordable housing on the island.

ISLAND LIFE



For the people who live, work, and vacation on Chebeague Island, the island is a special place. Many Chebeaguers are concerned about the viability of maintaining the unique characteristics of island life, including a vibrant island community.

Recently, issues have been raised relating to maintaining the island way of life on Chebeague. They have often pointed to the issue of affordable housing as one important factor. As the Town of Cumberland makes plans for what to do with the 12-acre parcel purchased from the Gosselin's two years ago, Carla Nixon, Cumberland's Town Planner, asked our USM Community Development graduate student class to take a look at the problem of affordable housing on Chebeague Island. What we hope to do is to look at the issue of affordable housing from a different perspective to help *you* decide whether the light on the horizon is a ship or a lantern.

AFFORDABLE HOUSING DEFINED

Affordable housing is a complicated issue, in part because the term can mean different things to different people. This is especially true for people in different stages of life and different income groups, as is the case on Chebeague, where maintaining a vibrant island community with a mix of people in varying age groups and income groups is important to island residents. Therefore, our definition of "affordable housing" should recognize the different housing needs of various groups that live on the island. Likewise, strategies for providing affordable housing on Chebeague Island should recognize the same diversity of needs.

METHODOLOGY & DATA COLLECTION

In order to begin researching the issue of affordable housing on Chebeague Island, graduate student researchers read the plan prepared by the Island Committee, followed by making a visit to Chebeague to meet with several members of the Island Committee, who graciously shared their time, thoughts, and ideas with us.

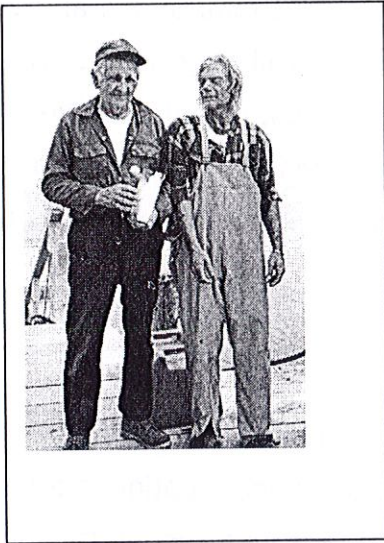
In an attempt to paint a picture of the affordable housing issue on Chebeague Island, we referred to a number of sources of information. A primary data source was the U.S. Census Bureau. Through the decennial census, the US Census Bureau maintains a wide range of data on people, incomes, housing, and employment and transportation patterns. This information is available to the public, free-of-charge, at the U.S. Census Bureau's website (www.census.gov). In addition to data from the U.S. Census, we also collected data on current tax information and recent home sales from the Cumberland Assessor's Office. We collected data on ferry ridership directly from Casco Bay Lines and the Chebeague Transportation Company (CTC), and information on school enrollment from the Chebeague Island School. Throughout this report, we have attempted to show where individual pieces of data were obtained. Calculations were made based on multiple pieces of information, and are explained in footnotes throughout the text.

Based on our research, we believe that Chebeague Island does indeed have an affordable housing problem, and that the problem is made up of at least three main components. Each of these components is discussed in greater detail in this report.

- Demographics of Chebeague's population
- Types of housing available to Chebeague Island residents today
- Carrying costs absorbed by Chebeague Islanders (taxes, transportation, other)

ISLAND DEMOGRAPHICS

● People



Three aspects related to Chebeague's population are particularly striking, per Census 2000 data:

1. Of the 340 residents living alone on the island at that time, most were of retirement age.
2. There were no reported households headed by a person 35-years-old or younger.
3. There were few reported young families with children on the Island.

One-person households (people living alone) account for a higher percentage of Chebeague's population than the rest of the town of Cumberland, or Cumberland County. More than half of these people were 75 years old, or older, in 2000. This stands in stark contrast to the rest of Cumberland County, where non-family households are typically younger people off on their own who haven't started a family yet. Combined with this disproportionately high number of older people living alone, there were fewer families on Chebeague Island. Among the families living on Chebeague, a majority of these (62% were 2-person families) do not have children under 18 living with them. This compares to the rest of Cumberland where 66% of families have 3 or more people.

On Chebeague, 40% of families were headed by someone between 55 and 64 years old. No reported households were headed by a person 35-years-old or younger. Contrast this with the fact that the "35 and under" household group accounts for 10% of households in the rest of Cumberland, and 18% of households through Cumberland County. This concerns us because households, especially

families, headed by people under the age of 35 are the group most likely to be bringing up the next generation of Chebeaguers.¹

As a counterpoint, the Chebeague Island school has maintained an average of 23 students since 1986, with a high of 33 students enrolling in 2003.² The data shows that even with rising real estate and property taxes, islanders have found a way to continue to raise their families on Chebeague. Based on the demographics information above, we are concerned that relatively flat school enrollments may not be sustainable.

● Income



Income is the key factor in determining whether or not a particular housing option is affordable. The key statistic that was used in talking about affordable housing is "median income." This is the income in the middle of the distribution range: in other words, exact half of the people make more than the median income and exactly half of the people make less than the median income. Median income has been used because it is usually considered a more reliable statistic than average income.

For clarification, average income is the sum of all incomes divided by the number of people. If a few people make a lot of money, the average income will appear to be higher than people might expect; however, a few high income earners will not significantly affect the median income, hence, the reason we used median income as a key statistic.

On Chebeague Island, the median income in 1999 was \$32,188, which is slightly lower than the median income on Long Island (\$35,833) and moderately lower than the median income for the Cumberland County as whole (\$44,048).

¹ U.S. Census 2000 data appears throughout this report

² Chebeague Island School

However, the median income on Chebeague Island is *significantly lower* than the median income in mainland Cumberland – \$67,833 in 1999.

In other words, a person earning the median income in mainland Cumberland in 1999 made more than twice as much as the person earning the median income on Chebeague Island. In fact, the person making the median income in mainland Cumberland made more money than all but a handful of people on Chebeague. What this means is that affordable housing in mainland Cumberland is not the same thing as affordable on Chebeague Island.

According to the US Department of Housing and Urban Development, housing is considered affordable when it consumes no more than 30% of a household's income. This means that housing is affordable for a person earning the median income *if* they spend no more than \$9,656.40 on housing.³ On a monthly basis, this means that housing is considered affordable for a person earning the median income on Chebeague if they spend no more that \$804.70 per month.⁴

It is generally accepted that housing costs for renters include rent and utilities while, for home owners, housing costs include payments on principal, interest, taxes, and insurance. The median tax bill on Chebeague in 2000 was \$2161, which is equal to \$180.08 per month. As of this writing, and in support of financial confidentiality for Chebeague Islanders, we do not have information on insurance rates paid by Chebeague home-owners. However, by subtracting \$180.08 (the median monthly property taxes) from \$804.70 (the affordable housing limit for a person making the median income), we find that a Chebeague homeowner earning the median income pays no more than \$624.62 per month in mortgage payments. Again, this is the figure for affordable housing for a person earning the median income.

³ This figure is equal to the median income on Chebeague (\$32,188) times 0.3.

⁴ To arrive at this figure, we divided annual limit for affordable housing for a person earning the median income (\$9,656.40) by 12.

Half of the people on Chebeague earn more than the median income, and can be expected to pay more for housing. By the same token, half of the people on Chebeague earn less than the median income and, therefore, should be expected to pay less.

What makes the \$624.62/month figure worrisome is that the payment translates into a home price of somewhere between \$100,000 and \$125,000 (monthly mortgage payments vary based on the size of the down-payment, the term of the loan, and interest rate). For more information on how we arrived at this estimate see **Appendix B**. The median value of a residential parcel on Chebeague Island is \$133,000. This means that the median home price is not affordable for a person earning the median income. For more information, see **Appendix C** with regard to property values for 442 properties.

(Resource: Cumberland Assessor's Database, 1998).

In addition to median income, "aggregate income" was used to help understand the differences between Chebeague residents and mainland Cumberland residents. The aggregate income for Chebeague residents is much lower, mostly due to the population disparity. An interesting difference is that 11% of Chebeague residents receive Social Security income, versus 4% of mainlanders. This statistic might lead to conclusions not only in the difference in the age of the population, but to the percentage of people on lower, fixed incomes.

HOUSING

The history of real property sales over the last several years was examined in an effort to understand how housing markets have impacted Chebeague Island. Even on a small island community such as Chebeague Island, the number of houses sold per year tells a story. From 1990 to 1996, the number of year-round and seasonal houses sold generally ranged from five to eight homes per year. Home sales increased in 1997 with 14 sales, and peaked at 19 sales in 2000. Sales for 2001-2003 have ranged from 11 to 13 sales per year. The increase in Chebeague Island home sales beginning in 1997/1998 coincides with the increased real estate activity that has been occurring in Southern and Coastal Maine.

There is no easy answer to how the sales prices of Chebeague Island homes has been affected by the increased number of home sales since 1997 because patterns are still difficult to discern from relatively small numbers of house sales, such as 11 or 12. Also, the variety and age of homes, ranging from cottages of the late 1800s to modern homes of the 1990s, as well as the location of waterview vs. interior property, cloud the ability to create a clear picture of the median house price on Chebeague Island. However, when house sales are broken down into categories, such as comparing interior to waterview locations, and comparing year-round with seasonal housing, some patterns of house sales can be seen.

● Research Methodology

In order to determine the range of market-value house prices for Chebeague Island homes, data was collected at the local level through the Tax Assessor's Office at The Town of Cumberland. Data was available electronically for 1997-2004. Further data collection was performed by searching through Transfer Tax Declaration forms to secure sales price data back to 1990. Care was taken to record data accurately and consistently.

As the data collection process produced a database of house sales from 1990 to 2004, trends and patterns were then analyzed. Initially, the data was broken down by year, the number of sales, and the median (or the middle) sales price. However, simply showing the median for a certain year did not reveal enough of a picture of house sales on the island, nor if the house were seasonal or year-round. The data was then broken down further to show sales per price category, within the four categories: under \$99,000, \$100,000 to \$199,000, \$200,000 to \$299,000, and \$300,000 and above.

Using the four sales price categories, a better picture of the number of houses sold per year and in which price bracket could be seen. A comparison of house sales with waterviews or located in the interior was done to seek understanding of how much houses cost depending on location. A comparison of house sales of year-round homes and seasonal homes was also done to further

clarify the cost of homes for residents. For this comparison, the assumption was made that a property with an on-island owner (as listed in the Tax Assessor's database) was a year-round home and a property with an off-island owner was a seasonal home. These comparisons helped to provide a more in-depth view of the market-value prices of homes sold from 1990-2004 on Chebeague Island and an understanding that the availability of affordable housing is limited. The findings from our research can be found within the body of this report.⁵

● HOUSING COMPARISONS

● Interior vs. Waterview Locations

Sales of year-round and seasonal homes located on the interior of Chebeague Island have increased to about four or six homes per year since 1998, from only one or two homes per year from 1990 to 1997. From 1990 to 2002, all the sales prices (with the exception of one 1994 sale) were under \$200,000, with about one-half of the sales under \$100,000. A notable shift in the price of interior homes can be seen in 2003 when three of five sales were greater than \$200,000. It is difficult to determine if this one year of sales indicates a rising trend in the sale prices of interior homes, but it does note a departure from previous years where 50% of the sales were under \$100,000 and fifty percent were under \$200,000.

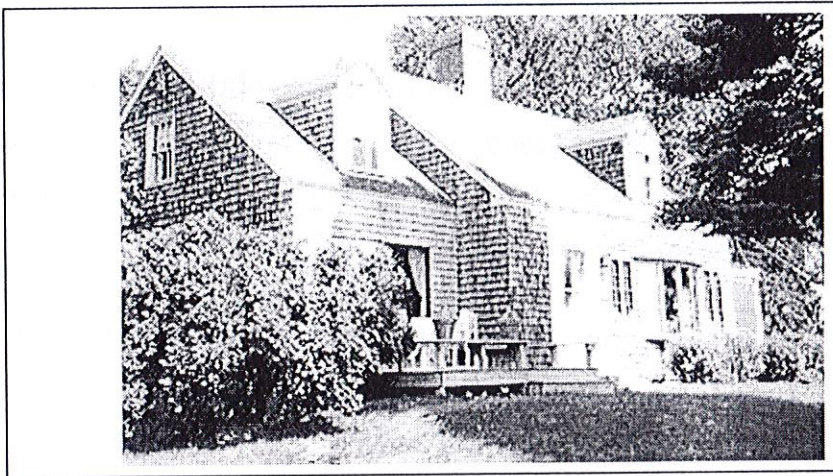
Sales of year-round and seasonal homes that have varying degrees of waterviews and water access peaked during 1997 to 2000 at about 12 or 13 homes sold per year. The sale prices varied and were split during this time frame between homes as low as \$20,000 and \$50,000, to sales in the \$100,000's and the \$200,000's.

A shift in the pattern of waterview home sales begins in 2001, and continues through 2003. First of all, the number of sales drops back down to 6 or 7 sales per year. Secondly, there is a change in the sale prices. There are significantly less sales for homes under \$100,000 during 2001-2003, with only one sale per year in

⁵ Town of Cumberland, Maine. Tax Assessor's Office. Electronic database of Chebeague Island properties. Records dated from 1997 to 2004. Obtained March, 2004.

these categories. Does this indicate a decline in the availability of homes under \$100,000 (probably seasonal) due to market value increases caused by the high sales of 1997-2000? Possibly, but sales over the next few years will tell the picture more thoroughly.

The other shift since 2001 can be seen in the high-end sale prices of homes with waterviews. With the exception of one sale, most of the high-end sales from 1997 to 2000 were in the range of \$200,000 to \$300,000. Since 2001, there have been 6 sales of homes that cost more than \$300,000. As there were fewer sales of the low-end homes, the median sales price of waterview homes increased dramatically during this period to \$200,000 in 2001, \$375,000 in 2002 and \$239,000 in 2003.



Although it appears that the high-end waterview sales prices have skyrocketed, the greater concern for year-round residences is how prices are affected in the \$100,000 to \$200,000 range. As with the interior

sales prices, it is difficult to discern from only one or two years of data if the increases at the high-end are driving up prices across the spectrum. Despite this difficulty, there were very few sales of waterview homes in the \$100,000 to \$200,000 range within the last few years (two in 2001, none in 2002, and one in 2003). Please see **Appendix C** for more detailed information on housing data.

As noted elsewhere in this report, the cost of affordable housing on Chebeague Island is estimated at somewhere between \$100,000 and \$125,000 (based on 30% of the median income). The decreased number of sales in homes within the last year or two for waterview locations under \$200,000 is a concern, as this has implications related to access to a healthy working waterfront.

● Year-Round vs. Seasonal Housing

The house sales price data was compiled utilizing the records of the Assessor, Town of Cumberland. The data evaluated did not make a distinction between year-round and seasonal houses. In order to achieve some clarity around sales of year-round homes as compared to seasonal homes, the current owner information was used. The assumption was made that an owner with an on-island address constitutes a year-round house, and an off-island address is a seasonal house.

Our research reveals that most of the high-end houses, in the \$200,000s and \$300,000s, have sold to off-island owners. Off-island owners have also made up the larger portion of property buyers since 1997, with the percentage of sales ranging from 57% to 81% of all houses sold on the island.

Although off-island buyers have had a larger share of the overall sales, it is hopeful to note that there have been steady home purchases by on-island residents throughout the time period evaluated, 1990-2003. For several of these years, three to five of the sales were purchased by on-island buyers.

Within the past six years, there have been sales to on-islanders for homes costing under \$100,000. Some of these sales ranged in prices from \$60,000 to \$80,000 for older pre-1920 homes, and some were listed as cottages. Further investigation would determine if these homes are in fact year-round houses and up to standard living conditions.

For most of the past thirteen years, there have only been one or two sales per year to on-island residents in the \$100,000 to \$200,000 price range (where the "affordable housing" price of between \$100,000 and \$125,000). This low number of sales supports the notion that there are few choices in the affordable housing range for year-round residents. Again, please see the **Appendix D** for housing sales data.

● Housing Options

Maintaining the island's rural feel is important to islanders. Research indicates there is essentially only one housing option available on Chebeague Island: single-family homes, many of which were built before 1940. This type of housing stock has helped perpetuate the Island's rural feel, but we believe that limited housing options have a direct effect on who can live on-island.

There is essentially no size difference between the typical rented home and the typical owner occupied home. On the mainland, there is a significant difference in the size of rental units and owner-occupied homes in mainland Cumberland (the typical rental unit has 4.8 rooms whereas the typical owner occupied home has 7.1 rooms). Though the typical home on Chebeague is smaller than the typical home in mainland Cumberland, the equality between rented and owner-occupied homes and the over-whelming prevalence of single-family homes limit the range of housing options available to people who wish to stay on or move to Chebeague.

In communities outside Chebeague Island, multi-family housing units (duplexes, apartments, condominiums, "in-law" apartments) often provide affordable housing options for those earning lower incomes, as well as those who choose to live alone. Since young people are generally more likely to earn lower incomes than people in their 40's and 50's, the lack of multi-family housing limits the affordable housing options for young people on the island. Lack of multi-family housing also makes housing less affordable for those who choose to live alone – they are essential paying for extra space.

In Cumberland County, 28.3% of housing units are in multi-family housing structures (duplexes, apartments, condominiums, et cetera). In the Town of Cumberland, 4.6% of housing is in multi-family housing structures. Even on Long Island, 1.4% of housing units are in multi-family structure.

These numbers reflect very different mixes of single-family versus multi-family homes through the county. As of this writing, research has not revealed that single-family versus multi-family housing would be optimal for Chebeague. Since the island population is small, a relatively small number of units may be sufficient to provide

housing options are young people transition from their parents' homes to owning their own homes. A market study would allow islander to better determine what demand might be for different housing option on Chebeague. However, we feel it is important to note that several housing options that contribute to affordable housing in nearby communities are not currently available on the island.

CARRYING COSTS

There are several major carrying costs associated with life on Chebeague Island, as opposed to living elsewhere in Southern Maine. Carrying costs associated with the cost of island living includes:

- Taxes
- Transportation
- Heating
- Food
- Various other factors

For some cost categories, living on Chebeague may be more expensive than living on the mainland; in other categories, island living may be cheaper.

In order to determine how carrying costs of life on Chebeague stack up to cost of living elsewhere, a comprehensive cost of living study would need to be conducted. Such a study is beyond the scope of this report. However, in this section, two factors are addressed that influence carrying costs of life on Chebeague: taxes and transportation. These costs are important because they affect the way people think about the cost of living on Chebeague as opposed to the mainland.

● Taxes

According to the U.S. Census 2000, the median tax bill on Chebeague Island that year was \$2,161, which was about \$500 dollars less than the median tax bill in mainland Cumberland at \$2,665. However, since the median income in mainland Cumberland is more than twice as much as the median income on Chebeague, the

“bite” of taxes on Chebeague was much higher. The median property tax bill on Chebeague in 2001 was 6.7% of the median income; in mainland Cumberland it was only 3.9% of the median income.⁶ One reason that this difference in the bite of taxes is worrying is the relatively high rate of retirees on Chebeague. 35% of Chebeague residents received some retirement income in 1999 – more than twice as many as in mainland Cumberland. Although it is not certain how much income Chebeague retirees received, since retirees often have fixed incomes, even a modest annual rise in property taxes can influence retirees’ budget decisions. In fact, the median tax bill on Chebeague rose over 23% between 2000 and 2003 from \$2,161 to \$2,665 ⁷. This means taxes increased at an annual rate of 7.8% between 2000 and 2003.

High taxes relative to the median income also affect the decisions of home buyers. In particular, high taxes make it more difficult for young home buyers to purchase on Chebeague. We estimate that a person making the median income on Chebeague and paying the median taxes could afford to buy a house costing no more than \$125,000. For that price, a young family could afford to buy a larger house off-island without incurring other carrying costs associated with island life (especially transportation).

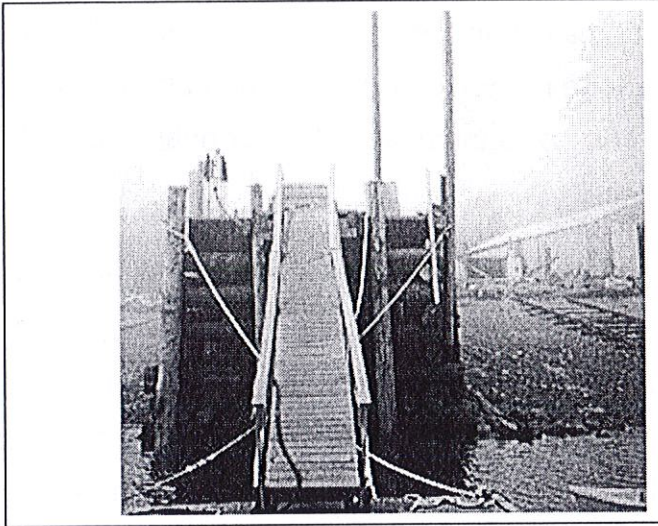
The tax burden is not uniformly distributed across the island. The Cumberland Town Assessor’s office has categorized Chebeague properties into four “neighborhoods” based on proximity and access to the ocean. It will come as no surprise that taxes on ocean front properties are the highest. The median tax bill for ocean front property is over \$5,000 dollars – more than twice the median for the whole island. The median tax bill on interior property, though, is \$998 – less than half the median for the whole island and only 3.1% of median income.⁸ In fact,

⁶ The “bite” of taxes is a measure of how much money households spend on taxes as a percentage of their income. Even for a person with a high tax bill, if they have a high income the “bite” of taxes will be relatively small. By the same token, even a small tax bill can have a big “bite” for a person with a modest income. The way to calculate the “bite” of taxes is to divide the amount paid in taxes by income. This results in a decimal. To arrive at a percent figure, multiply the decimal by 100. In the examples above, we divided the median tax bill by the median income. This assumes that a person earning the median income is paying the median tax bill – which may not be the case. However, as a starting figure, it gives a fair estimate of the typical “bite” of taxes.

⁷ Cumberland Assessor’s Office data appears throughout this report

⁸ This is a “tax bite” figure, calculated in the same manner as above. We divided the median tax bill for interior properties by the median income (island wide) and multiplied the resulting fraction by 100.

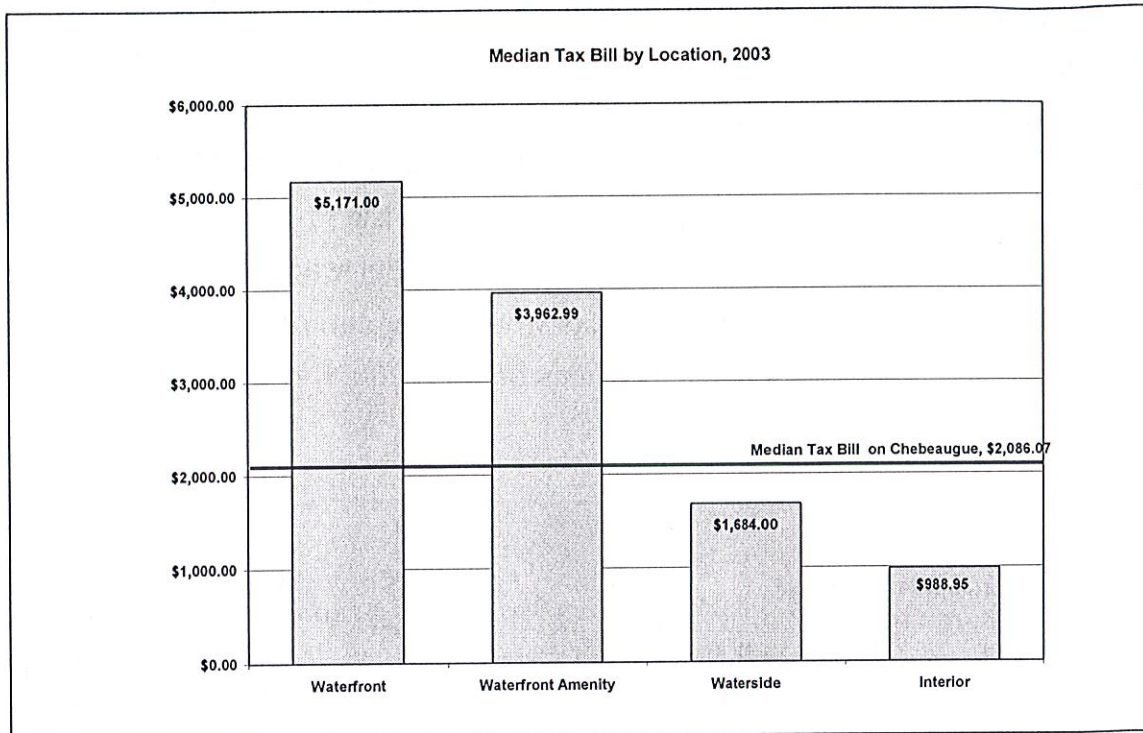
islanders own 48% of interior properties but only 31% of waterfront, water access and water amenity properties. This means that tax burden for interior island property owners is pretty much in line with the tax burden in mainland Cumberland. Where taxes are more likely to be a serious issue affecting housing choice is on the coast. This observation has important consequences for the viability of Chebeague's fishing industry.



Chebeague generates 13% of Cumberland's tax revenue. The Town does not maintain records as to how much revenue is spent per person on island versus off-island, but it may be interesting to determine how much Cumberland spends on Chebeague residents compared to mainland residents. While many of the tax dollars that Chebeague

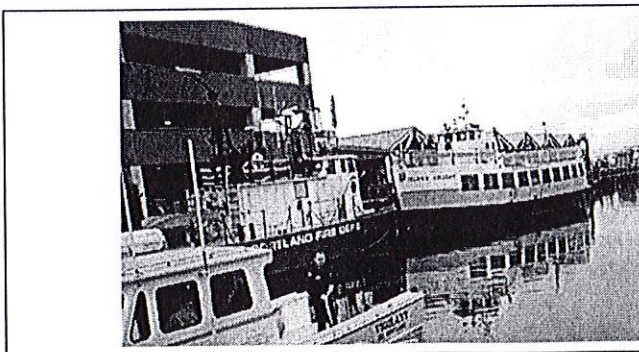
generates are in fact paid by short-term and summer residents, future research might be conducted to determine how money flows between the Island community, where the median income is \$32,000, and the mainland community, where the median income is \$67,833.

Anecdotal evidence seems to point to a higher cost of living on the island, but, to date, we are not aware of any formal cost of living studies undertaken for Chebeague compared with mainland Cumberland, or the State in general.



● Transportation

For Chebeague residents, transportation costs include the cost of taking the ferry as well as the more typical costs associated with owning and maintaining a car. Data from CTC and Casco Bay Lines show that, on average, the island is served by about 11,600 rides per month, and maintains a baseline of about 7,000 rides per month. (The baseline represents the number of ferry trips necessary to carry on basic island services: people commuting to work off-island, off-islanders commuting to on-island jobs, as well as shopping and recreational use.)



Ferry use is an important cost in thinking about affordability of island life because different groups are likely to experience this cost in different ways. For example, retirees and those who live and work on the island can vary

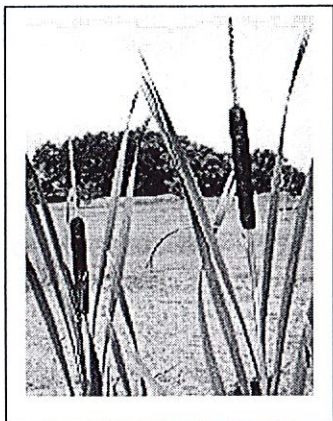
their ferry use to a certain extent if other carrying costs increase (such as property taxes). However, those who commute to work off island cannot vary their ferry use to the same degree; nor can off-islanders who commute to on-land jobs. What this means is that if other carrying costs rise, ferry costs are most likely to directly influence working age people who commute to off-island jobs. Among this group, younger wage earners (who tend to earn less than older wage earners) are most likely to feel the pinch of transportation costs when other carrying costs associated with island life rise. The table below provides data on 2003 ridership.

2003 Ridership Comparison		Casco Bay Lines	Chebeague Trans Co	2003 Totals
	JAN	261	7,535	7,796
	FEB	179	6,720	6,899
	MAR	286	8,061	8,347
	APR	327	8,538	8,865
Summer	MAY	505	10,291	10,796
Summer	JUN	833	13,368	14,201
Summer	JUL	1,934	19,001	20,935
Summer	AUG	2,136	17,882	20,018
Summer	SEP	921	11,702	12,623
Summer	OCT	722	10,254	10,976
	NOV	414	8,938	9,352
	DEC	319	8,542	8,861
TOTALS		8,837	130,832	139,669
Monthly Avg =				11,639

PART II: STRATEGIES AND OPTIONS

INTRODUCTION

Based on our research, the data indicates three main components to the problem of affordable housing on Chebeague Island:



- Maintaining affordability for the existing population, particularly for those householders over the age of 75.
- Increasing affordable housing options by diversifying the housing stock.
- Addressing the “carrying costs” borne by Chebeague household, particularly property tax paid by residents.

The following pages of Part II contain an overview of possible strategies to address these problems. There is no one solution that will solve every affordable housing issue on the island, thus we have tried to present a wide range of options. Some solutions apply to problems affecting only a small number of homeowners; others have broader impact. A number of options can be implemented by individuals. Our focus, however, will be on community solutions: more comprehensive strategies that require a coordinated effort by the island community. It is important to note that there are distinct advantages and disadvantages to each option which may be borne by individuals or the island community as a whole.

We do not believe it is our role to recommend a best option; that choice must remain with the residents of Chebeague. Instead, we have attempted to provide a number of options from which the residents of Chebeague can develop an appropriate strategy to address those problems and concerns most important to the community.

Underlying the problems of maintaining affordability, creating new housing options and relieving “carrying costs” is the problem of escalating property values. In the first part of this section on *Options and Strategies*, we will describe community-based strategies to address the problems of real estate appreciation and creating new and diverse housing options. Next, we will address options available to individuals, including those to relieve property tax burden. Finally, we

will describe two means by which the Town of Cumberland might support or facilitate affordable housing.

COMMUNITY-BASED SOLUTIONS

● Controlling Real Estate Appreciation to Maintain Affordability

One strategy is to control the appreciation of real estate the establishment of a *Community Land Trust* [CLT].

A Community Land Trust (CLT) is a democratically structured, community based nonprofit corporation, designed to strike a fair balance between individual and community interests and to meet the strategic requirements for a new approach to land and housing problems. The purpose of the CLT is to acquire land and remove it from the speculative, for-profit market. The land is made available to individual families, cooperatives, and/or other organizations through long-term leases, which may be transferred to the homeowner's heirs if they wish to continue to use the land and are income eligible. All lessees are members of the CLT, and they are represented on its Board.

CLTs combine the best features of private and community ownership. Residents have some essential benefits of home ownership: lifetime security, a limited fair equity for their investment, and a legacy for their descendants. At the same time the CLT makes access to housing available and prevents absentee ownership; it enables a community to exercise more effective and representative control over its long-term development; and it builds an economic base for the community through lease fees and appreciated value of CLT lands. Due to the pressure in this culture for maximum return on investments, CLTs must struggle with limiting equity formulas for homeowners; in other words, how to structure the sale of homes so that it is "fair" to the seller and affordable to the buyer. (http://www.lopezclt.org/affordable_housing/main.html).

While there are many variations on the CLT model, they are generally formed to create and maintain permanently affordable housing. Ownership of the land remains with the CLT. Homes and other buildings on the land are usually owned by individuals (Abramowitz, 1992) or by groups sharing ownership such cooperatives or condominiums, and may include rental units or other forms of housing. Some trusts own commercial as well as residential property. While the non-profit mission of the corporation usually requires that the majority of homes are maintained as

affordable housing, some trusts are governed by a mission to promote mixed-income housing.

This strategy eliminates the tendency to concentrate people of lower socioeconomic status in one area. However, a CLT must be careful to maintain an appropriate balance so that it does not risk the loss of its 501(c) (3) status (Davis, 2001).

In the standard model, ownership of land and improvements (buildings) is separated; this separation is an essential component that requires additional explanation. Land owned by the trust is issued to homeowners under a long-term, exclusive-use lease. These leases are usually for a period of 99 years and may be transferred to one's heirs. The lease effectively restricts any additional development of the land. Therefore, the land's assessed value is usually less than developable land.

While the buildings on CLT land are usually in private ownership, conditions are put in place to ensure that these homes remain affordable. First, homeowners must adhere to a resale formula that limits the amount of equity one gains from the sale of the house. Numerous versions of these resale formulas exist. However, in general, the seller is allowed to keep a fixed percentage of the difference between the purchase price of the house and its assessed value at the time of resale (Abramowitz, 1992). The resale formula suppresses the sale price of houses on CLT land. In a study by the largest CLT in the nation, the Burlington Community Land Trust, BCLT homes offered for resale were affordable by those earning 57% of the area median income (Davis, Demetrowitz, 2003).

A number of other conditions are sometimes placed on homes situated on CLT land. In most cases, resale is limited to buyers who meet certain income guidelines. Furthermore, trust governance laws may grant right of first refusal to the CLT when a home on leased land is offered for resale. Finally, deed restrictions

may be placed on buildings to ensure that additions and improvements do not place the home beyond the reach of median income buyers (Abramowitz, 1992).

The establishment of a community land trust on Chebeague Island could partially address all three of the problems identified by this study: maintaining existing affordable housing, creation of new housing options, and reducing "carrying costs".

The land trust model could potentially relieve the burden on existing homeowners. While such a strategy would require careful study and research, it may be possible for a CLT to work in conjunction with any islanders who are in danger of being forced off the island by high property tax bills. Each situation would have to be evaluated separately; however, the basic concept would entail an island homeowner granting ownership to the CLT. In return, islanders, who would now be members of the trust and subject to the leasing guidelines, would be able to continue to live on Chebeague, paying reduced taxes due to the separation of land and buildings.

The CLT model also would work in concert with plans to create new housing. For example, the town of Cumberland currently owns several parcels of land on Chebeague that might be appropriate for new home construction. It is possible that the town could form a CLT that, serving as the agent of the town, could manage this land and any homes built upon it. In Vermont, the city of Burlington has made the Burlington Community Land Trust (BCLT) its agent to manage numerous parcels and buildings. In fact, the BCLT is the single largest real estate holder in the city (Davis, 2001). Once established, a CLT could acquire additional island property through purchases or donations.

A CLT may provide an effective means to ensure that Chebeague can generate and permanently retain some affordable housing options. Yet, it is important to note that the CLT model has many disadvantages as well. First, the concepts of split ownership, deed restrictions, and limited equity gains may not be

well received those who hold traditional "New England Yankee" notions of fee-simple property ownership.

Second, the establishment and maintenance of a CLT requires significant commitment, time and energy, and considerable organization capacity. In order to operate a CLT under the traditional non-profit model, an organization would need to acquire 501(c) (3) status and abide by the "Safe Harbor" rules established by the IRS. These rules govern the activities in which non-profits may engage (Community Land Trust Legal Manual, 2002). Engagement in activities beyond those defined may jeopardize 501(c) (3) status. Thus it is essential that a CLT carefully define its mission. Among the purposes recognized by the IRS are:

- Relieving the Poor or Distressed
- Combating Community Deterioration
- Eliminating Prejudice and Discrimination
- Lessening the Burdens of Government
- Environmental Conservation

(Source: ICE Community Land Trust Manual)

Operation of a CLT also requires the creation of by-laws and a board of directors. Both Monhegan and the Cranberries have established community land trusts and their experiences might provide valuable guidance to Chebeague should it choose to pursue this possibility. The Institute for Community Economics in Springfield, Massachusetts is an acknowledged leader in the community land trust field. Their advice would be crucial in the formation of a CLT.

● **Subsidy/Recapture Provisions⁹**

⁹ Adapted From: Gentrification: Legal Tools Available to CDC's to Preserve the Long Term Affordability of Housing By: Texas C-BAR, www.texascbar.org March 11, 2003

A subsidy/recapture provision, when used as part of a strategy to preserve the affordability of housing, is generally set up as a forgivable loan from the nonprofit to the homebuyer for a set period of time—oftentimes referred to as a "soft second." The homebuyer does not have to repay the loan as long as the family stays in the home and does not sell or rent the home to another family. The nonprofit must give notice of the second lien in the earnest money contract. The amount of the second lien is typically capped so that combined value of the first lien from the mortgage company and the second lien do not exceed the appraised value of the property. If the family sells or rents the home during the set time period, the family has to repay the loan.

The nonprofit can then use this repayment for its affordable housing programs. Soft seconds are commonly used when a nonprofit is selling a home to a family for below appraised value to prevent the family from being able to turn around and sell the house the next day and immediately reap the benefits of the subsidies which the nonprofit has invested in the house.

● Increase Housing Diversity: Options For New Affordable Housing

The following are options to address the need for a more diversified housing stock while maintaining affordability. The Limited Equity Cooperatives (LEC) and Mutual Housing Association (MHA) options are ideally suited for low and moderate income families in search of affordable housing, offering a sense of community but with a less traditional form of ownership. They are widely known and used in Northern Europe. Several of these options effectively address financing and technical assistance problems are often barriers to homeownership. The Resident Controlled Housing Corporation option is an alternative to conventional rental housing.

● Limited Equity Cooperatives

In this type of cooperative, a resident does not own the actual property or house, but owns shares or a membership in a corporation (usually a non-profit organization) which owns the land and buildings. The resident has a right of exclusive occupancy in a

particular dwelling unit, secured by an occupancy agreement or a proprietary lease. (Kirkpatrick, 1992)

For Chebeaguers, a Limited Equity Cooperative (LEC) would primarily address the maintenance of existing affordable housing. LECs assure continued affordability by limiting the sale/transfer price of the membership interests through provisions in articles, bylaws, and any covenants, conditions, and restrictions that are filed with the property. Cooperative members typically are allowed to recover their original down payments, increased by a pre-agreed formula. This formula is often a flat percentage increase usually in the neighborhood of 6 percent increase, or an increase based on a cost of living or income index. Members may also receive compensation for the current value of capital improvements approved by the board but paid by the members. Similar equity restrictions are used in other legal structures, and are not unique to cooperatives.

While LECs can provide continued access to affordable housing, they can have some perceived drawbacks. Most notably, those living within a cooperative agreement would lack the financial independence of say, condominium homeowners, who can be financially independent of the other owners of their condominium. Members of a cooperative have to work jointly with the other members in the management of their finances. If a cooperative defaults on its loans, even those members who are current in their payments may lose their interests if the organization as a whole defaults on its debt. (Subordination and non-disturbance agreements could protect non-defaulting members, but are usually unacceptable to the few sources that will finance cooperatives.)

Instead, cooperatives establish vacancy, operating, and replacement reserves as the principle protection against foreclosure and loss of membership interests. This element of collective financial risk might seem too risky for some Chebeaguers. But for others, who do not have the personal financial reserves to pay for necessary repairs and short-term cash flow needs, the ability of cooperative members to pool their resources may actually be seen as an advantage.

● **Mutual Housing Association**

A Mutual Housing Association (MHA) is usually a private, nonprofit, 501(c)(3) partnership organization. The mission of a MHA is to provide safe, permanently affordable housing and security from displacement for low- and moderate-income residents. The MHA develops, owns and manages new and existing affordable housing in the community interest. Membership is composed of mutual housing residents and potential residents, representatives of municipal and state government, and leaders from businesses and the broader community. A board of directors, representative of the membership, governs the association. Each board member has one vote; mutual housing residents and potential residents constitute a majority of the membership of the board of directors.

The MHA owns all of the housing units. Although residents cannot buy or sell their units directly, they do have the pride of ownership that is usually associated with traditional home ownership. Residents have a significant voice in decision-making and have a lifetime right to live in the housing. Resident membership in the association, combined with the rights under the occupancy agreement, constitutes a personal property ownership interest in most states.

An MHA most often employs a professional property manager who works closely with the residents to ensure quality housing over the long term. Residents are actively involved in the day-to-day maintenance as well as setting the overall policies that govern housing operations and the association. Mutual housing may be developed from existing structures through rehab or may be new construction. It is developed for long-term, multi-generational use.

Resident Benefits

A "step up from rental housing," mutual housing offers many of the advantages of traditional home ownership, such as:

- Quality housing - well-constructed and well-maintained.

- Sensitive, responsive management - which works for the members.
- Security of tenure - with residents assured an affordable home for as long as they wish to stay, provided there's no serious breach of the occupancy agreement.
- Continued affordability - housing is not to be sold and market pressures do not affect it. Housing costs are directly related to the costs of operation.
- Resident control - each member having a voice in making policy decisions.

Community Benefits

- A stable tax structure in the community.
- Affordable housing for employees, ensuring a stable work force.
- The creation of a permanent, quality housing resource for generations to come.
- Participation in a nonprofit association that can be for financially self-sufficiency through the generation of housing development and property management fees.
- The ability to revitalize the neighborhood and tackle other problems such as education, drugs, and crime, after residents have secure, affordable housing. (<http://www.dcn.davis.ca.us/go/terbeaux/mutual.html>)

• Lease/Purchase Housing

Lease/purchase housing is a strategy for homeownership that broadens the field of potential homeowners to include both lower income households and individuals and families with poor credit or no savings. In lease/purchase housing, an organization develops and leases a home to a household that cannot obtain a mortgage...and then works with the household to overcome its barriers to a final purchase. ("Alternative Financing: Lease/Purchase Housing", 2003)

Lease/purchase housing programs address barriers to homeownership are both structural (affordability of available property), and individual (the eligibility of interested homebuyers to obtain financing). Organizations that offer lease/purchase programs act in three distinct capacities: as developer of affordable housing, as property managers during the lease period, and as trainers and counselors for

prospective homeowners, to provide financial management and home maintenance skills necessary for successful ownership.

The advantages to individuals are the promise of eventual ownership and affordability; to the community, the advantage is providing opportunity to a wider range of homeowners, thus maintaining community diversity.

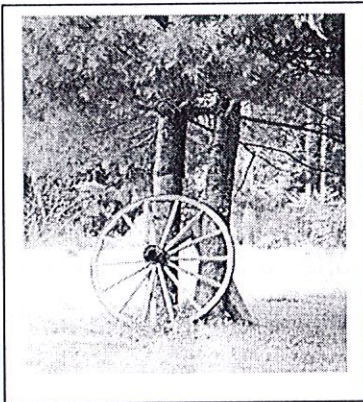
Disadvantages of this strategy are primarily born by the sponsoring organization. They include financial risk: acting as intermediaries between residents and funders, and significant organizational capacity required to fulfill the roles required to adequately administer the program. See **Appendix E** for a list of selected funders.

On Chebeague Island, a lease/purchase housing program may be an effective strategy to enable residents who currently rent to become homeowners, or to attract and establish young families on the island.

● Resident-Controlled Housing Corporations

A Resident-Controlled Housing Corporation (RCHC) is an option that combines rental housing with significant tenant control. A RCHC is a non-profit, single-asset entity governed by a board of directors that has a resident majority. Residents are tenants and have no equity interest in the corporation or real estate; they are not required to pay either for shares (as in a cooperative) or membership fees (mutual housing association). Unlike mutual housing associations, tenants have conventional leases that do not allow as-of-right transfer to family members.

SOLUTIONS FOR INDIVIDUALS



Individual solutions to address the identified housing problems on Chebeague include controlling the appreciation of real-estate, increasing housing stock, and using tax abatement remedies. These solutions vary in impact and commitment, and are discussed below.

● Controlling Real Estate Appreciation to Maintain Affordability

Measures that individuals might pursue to control the appreciation of their property involve giving up some individual equity in exchange for either a lower valuation or a reduction in taxable property. As mentioned above, one strategy might be to sell, donate or otherwise convey ownership of land to a CLT. Another would be to sell or lease conservation easements.

● Restrictive Covenants

Another strategy to control the appreciation of real estate is the use of restrictive deeds and covenants. This strategy can be employed by individuals or organizations. In brief, it involves the addition of restrictions to property deeds.

Since these constraints inhibit future use, they typically result in lower property valuations.

Restrictive covenants can be used to limit future improvements to a property or to impose resale provisions to preserve and maintain its affordability. Used in the context of Chebeague Island, a restrictive covenant could be a restriction recorded in the deed records that would require a family to resell a house to another low-income family, thus maintains the affordability of the housing for low income families or individuals. Or, it could take the form of a restriction on the allowable "footprint" or square-footage of homes and improvements. Governmental entities and non-profits involved in the development of rental housing can ensure the long term affordability of rental housing by entering into restrictive covenants as well. Restrictive covenants in this fashion would mandate rents at set rates that are affordable.

The benefit of restrictive covenants is that they are relatively easy to implement with the help of a real estate lawyer, and offer a finite measure of protection against market appreciation without requiring the sustained involvement of a custodial organization such as a land trust.

There are several drawbacks. Some identified problems are that banks may not like these, and in some cases they are difficult to enforce. When enacted by individuals, they do not provide permanent affordable housing since they are limited by rules against perpetuities and rules against rights of alienation. These laws limit the lifespan of private deed restrictions. In addition, property owners may give up some equity in return for the property tax relief they receive as a result of a deed restriction.

● **Increase Housing Stock**

A strategy that would both produce income for owners and increase the stock of available rental housing is to build accessory apartments. As outlined in the Chebeague Island Long Range Plan, one of the strategies that the committee

wished to develop was to increase the number of year round rental units. One method to attain this goal is the introduction of the accessory apartment. Many new planned communities, such as Celebration and Harmony, Florida, are turning to accessory apartments as low cost housing alternatives.

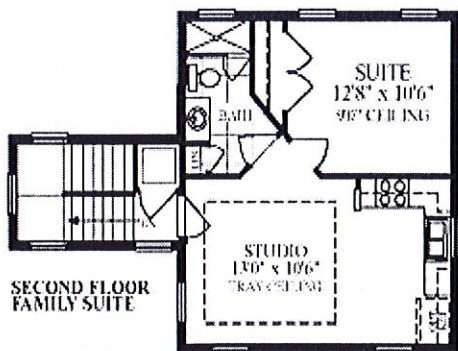
The demographic statistics generated related to Chebeague Island reveal two profound results:

- Residents of the island have a disproportionate amount of single households.
- The island maintains a relatively homogenous housing stock.

These results indicate that an accessory apartment is a viable opportunity that caters to single residents, students, and summer workers. The apartment also has the ability to diversify the housing stock with limited investment in infrastructure. An accessory apartment can be built above a garage or as a separate structure within the defined regulation of the Zoning Ordinance (Town, 103). Typically, the layout of the unit would include a bedroom, bath, living room, kitchen, and eating area (Figure 1). New construction or existing home remodeling can easily disguise the unit architecturally so not to visually alter the aesthetics of the home or the landscape.

The concept, however, does come with some difficulties. Primarily, what would be the initial motivation for island residents to embrace such an idea in the

community? Many solutions to this dilemma exist. First, is that the unit, in addition to providing housing for a targeted population, would generate income for the owner. Secondly, if deemed "affordable housing" by local, state and federal standards may have some financial vehicles available to offset the initial cost of building. Zoning could be



expanded to include an accessory apartment with any new building over a certain square footage or large-scale renovation.

The second issue would be the covenants and restrictions required to prevent market forces from driving up prices. The thought of an accessory apartment, for the purposes of this study, sounds completely rational. It also sounds completely rational to rent it out weekly at market prices in the summer. Controls would have to be placed to avoid such conflict.

● **Tax Abatement Programs**

The 2000 Census indicates that in 1999, more than 25% of householders surveyed on Chebeague were individuals 75 years of age or older. 50% of these householders reported income of less than \$15,000 per year. These residents, in particular, may be eligible for existing property tax abatement programs such as:

- **Homestead Exemption**
- **Maine Resident Property Tax Relief Program**
- **Farmland, Tree Growth and Open Space**

● **Homestead Exemption**

This is a tax relief program for Maine residents that reduces property taxes of a by decreasing the valuation of qualified properties by up to \$7000. The amount of the reduction is based upon the value of the property, which must be the primary residence. A more detailed description of this program can be found in **Appendix F**. The advantage of this remedy is that the application process is relatively simple. Qualified homeowners can take the individual initiative to pursue this form of tax relief. The cost, in time and effort, is minimal.

Unfortunately, because the law does not account for differences that might exist between assessed home value and ability to pay, some Chebeague residents

may not derive much benefit from this program: owners of homes with high assessed value may not qualify for relief of a substantial nature.

● **Maine Resident Property Tax Relief Program**

This program is sometimes referred to as the Circuit Breaker program. It provides property tax relief to income-eligible Maine residents and partial rent relief to eligible Maine renters, up to a maximum tax reduction of \$1000. Again, a more detailed description can be found in the **Appendix F**.

The actual amount of relief granted by the Circuit Breaker varies, determined by the percentage of income needed to pay property tax or to pay rent. Like the Homestead Exemption, this program is readily accessible to qualified residents. In addition, the Circuit Breaker program addresses the needs of tenants who pay more than 22% of their income in rent. (*Maine Revenue Service 4/12/04*). Because this program does consider an individual's ability to pay, those residents who do not qualify for the Homestead Program may qualify for the Circuit Breaker program.

● **Farmland and Open Space**

State law contains two classifications of land that may be taxed at a rate different than fair and just value. These classifications, farmland and open space and tree growth allow land to be taxed at current use rather than potential fair market value (Maine Revenue Service). Since it is unlikely that farmland classification has much applicability to Chebeague residents, it will not be discussed here. Information on farmland classification can be accessed through the Maine Revenue Service link found in the references.

In order to be designated as open space, the land in question must provide a public benefit. The list of public benefit factors is quite extensive and is not limited by the list provided in Maine law.

The following list includes benefit factors that might be applicable to Chebeague property owners:

- **The likelihood that development of the land would contribute to degradation of the scenic, natural, historic or archeological character of the area;**
- **The opportunity of the general public to appreciate significant scenic values of the land;**
- **The opportunity for regular and substantial use of the land by the general public for recreational or educational use;**
- **The importance of the land in preserving a local or regional landscape or resource that attracts tourism or commerce to the area;**
- **The existence of a conservation easement, other legally enforceable restriction, or ownership by a nonprofit entity committed to conservation of the property that will permanently preserve the land in its natural, scenic or open character;**
- **The consistency of the proposed open space use with public programs for scenic preservation, wildlife preservation, historic preservation, game management or recreation in the region.**
(Source: Maine Revenue Service website)

In exchange for providing a public benefit, the property owner who designates his/her land as open space receives a lower valuation on the property. The new valuation can be determined by one of two assessment methods. However, in general the amount of reduction depends on two factors.

The first factor is the permanence of the designation. Since the bundle of legal rights of land ownership can be divided, it is possible to permanently extinguish the development rights of a parcel while maintaining the ownership of that property. Land which has had its development rights extinguished is valued at a lower rate than open space which can have its designation changed at the wishes of the property owner.

Second, land which provides public access is usually valued at a lower rate than land with no access. It is important to note that access can be limited and controlled

for a number of reasons without affecting the valuation. Common restrictions include hunting access, overnight use, motorized vehicles, and seasonal use to protect certain species.

While open space classification can be a useful strategy to lower property values, it does have some drawbacks. Property owners may give up some equity by designating their land as open space. In addition, property owners whose land has not been permanently designated as open space are subject to a penalty if they remove their land from this designation. This penalty is designed to discourage land speculation. Finally, while an open space designation changes the assessed value of land, it will not lower property taxes on homes and other improvements.

● Reverse Mortgage

A reverse mortgage can provide a way for eligible homeowners to use the equity in their home to finance property taxes (or other expenses). A reverse mortgage is a loan against the equity of an owner's primary residence, something like a home equity loan that is available in monthly increments. Homeowners must be at least 62 years old and own their homes free and clear. The property must be a single-family or two- to four-unit dwelling and the maximum amount that can be borrowed is based on a HUD formula that factors in the age of the youngest borrower, the interest rate, and the maximum claim amount. A reverse mortgage need not be repaid as long as the home remains your principal residence; income is not considered when qualifying for the loan; and there is no requirement to re-qualify each year.

As long as the property is occupied as a principal residence, the owner can not be forced to sell or vacate the property. Upon the owner's death or sale of the home, the loan balance, consisting of payments plus accrued interest, becomes due and payable. If the loan balance exceeds the value of the property, the heirs will owe no more than the value of the property. Any proceeds from the sale of the property after the balance is paid belong to the seller or his/her heirs.

(<http://www.reversemortgageinfo.net/orange.htm#2>)

For more information about reverse mortgages, see the U.S. Department of Housing and Urban Development (HUD), Homes and Communities website located at: <http://www.hud.gov/buying/rvrsmort.cfm>.

TOWN OF CUMBERLAND

The Town of Cumberland can play a role in supporting and facilitating the development of affordable housing both through its zoning ordinances and by providing tax incentives through Tax Increment Financing.

● Zoning Regulations and Implications for Affordable Housing

An analysis of the current Town of Cumberland Zoning Ordinances, primarily Island Residential (IR) and Affordable Housing Development regulations, revealed some interesting features. The underlying zoning district for Chebeague Island is Island Residential (IR). As outlined in this section single family detached dwellings and duplex units as well as uses and buildings accessory to those are allowed in the zone. A single-family home site requires a 1.5-acre minimum lot size. For duplex units the minimum lot size is .94 acres of lot area per dwelling unit.

Also, outlined in the Affordable Housing Development ordinance, is the ability for clustered residential development. This would be permitted under the current Island Residential zoning because residential use is permitted in the zone for single and duplex properties. However, the ordinance does require that the development have access to public water and sewer due to the drastic reduction in lot size requirements to 10,000 square feet or .23 acres per single-family dwelling unit.

The limiting factor for a clustered "affordable housing development" on Chebeague, unfortunately, is the lack of municipal water and sewerage capabilities. Thus, a traditional type residential single-family home or duplex unit on standard (IR) lots will be required. This limits the amount of housing that can be provided.

In spite of this, a contract zone could be developed in order to accommodate more housing on the developable plot.

● **Tax Increment Financing**

Tax increment financing (TIF) is one tax incentive program for economic development and housing development that is available to all Maine local governments. TIF uses property tax dollars that are generated by new development and applies some or all of those dollars to the project. The Maine legislature adopted housing TIFs in June of 2003, and guidelines for how municipalities are applied and used now available online and through the Maine State Housing Authority. The statute is included in the **Appendix G**.

PART III: OUTSTANDING QUESTIONS

In the course of our study, questions have emerged that, if answered, will further refine and clarify the affordable housing problem on Chebeague Island to arrive at a truly sustainable answer to the island's affordable housing concerns. We present these "open questions" in this report as a means to direct further study and exploration by the Island Committee, the Cumberland Planning Board, or other groups interested in pursuing this issue.

Who are prospective island residents, how numerous are they, and what are their housing needs? We believe a market study is needed to determine what the demand is for new or different housing options. Is the fact that there are no householders under the age of 35 a function of housing affordability or other factors? A market study may help answer the question: *If you build it, who will come?*

What are the characteristics of housing stock in the affordable price range? Recent sales indicate that homes are still available in a price range that, theoretically, is affordable to the typical Chebeague resident. What is the condition of these homes (e.g., livability)? Are they in good condition and suitable for year-round occupancy? Further study can shed more light on the recent sales data.

What is the cost of living on the island? We have considered only two of the "carrying costs" of housing: taxes and transportation. Clearly, there are other factors that need to be considered, both when evaluating the need for more housing, and when calculating what "affordability" means on Chebeague Island. Islanders from the entire state have often stated that the cost of living is higher on an island than on the mainland. While this may be true, there are no studies to confirm this claim. The Island Institute has expressed an interest in conducting a cost of living study for island residents. However, until that data is gathered, the evidence is anecdotal.

PART IV: Conclusions

Our conclusion and major finding is that the best affordable housing solution for Chebeague Island will depend entirely upon which problem, or aspect of an identified problem, the community can agree to address.

Experienced housing professionals believe that the process is much like painting a house: everyone focuses on the final product, but it is the important preparation work that takes the most time and effort and ensures the best outcome. The task of building and maintaining strong community support is both the most difficult, and the most important, element in a successful housing project. Community support will depend on careful problem identification, and selection of a solution that best fits the specific needs of the island community.



PART V: Recommendations

We recommend that the following studies be conducted on Chebeague Island:

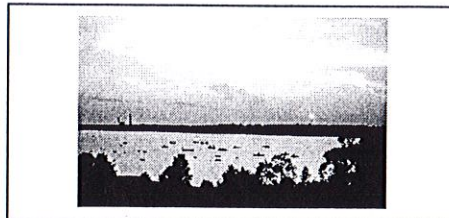
- **Housing demand market study** - to determine what the demand is for new or different housing options.
- **Housing livability study** - to gather data on the condition of housing currently existing on the island.
- **Buildable land inventory study** - to determine all available, buildable land – both publicly- and privately-owned.
- **Cost of living study** to capture all carrying costs.

We further recommend the following actions:

- **The residents of Cumberland, both those that live on Chebeague Island and the mainland must find a way to accommodate the disproportionately high numbers of older people living alone on Chebeague.**
- **Cumberland will need to encourage and accommodate younger people with families on the island in order to preserve and continue the island's way of life.**

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Sally Rose
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Ben Smith
Roxanne Young



APPENDIX C

CHEBEAGUE ISLAND HOUSING DATA

Neighborhood	Style Description	Assessed Parcel Value	Taxes
2	Antique	\$200	\$ 3.61
2	Antique	\$300	\$ 5.41
3	Antique	\$2,500	\$ 45.08
1	Bungalow	\$2,500	\$ 45.08
1	Bungalow	\$3,200	\$ 57.70
1	Bungalow	\$3,300	\$ 59.50
2	Bungalow	\$3,300	\$ 59.50
2	Bungalow	\$3,300	\$ 59.50
2	Bungalow	\$3,300	\$ 59.50
2	Bungalow	\$3,300	\$ 59.50
3	Bungalow	\$4,000	\$ 72.12
3	Bungalow	\$4,000	\$ 72.12
1	Cape Cod	\$4,500	\$ 81.14
1	Cape Cod	\$4,500	\$ 81.14
1	Cape Cod	\$4,700	\$ 84.74
1	Cape Cod	\$4,800	\$ 86.54
1	Cape Cod	\$4,800	\$ 86.54
1	Cape Cod	\$4,800	\$ 86.54
2	Cape Cod	\$4,900	\$ 88.35
2	Cape Cod	\$5,000	\$ 90.15
2	Cape Cod	\$5,100	\$ 91.95
2	Cape Cod	\$5,300	\$ 95.56
2	Cape Cod	\$5,400	\$ 97.36
2	Cape Cod	\$5,500	\$ 99.17
2	Cape Cod	\$5,800	\$ 104.57
2	Cape Cod	\$6,400	\$ 115.39
2	Cape Cod	\$6,600	\$ 119.00
2	Cape Cod	\$7,300	\$ 131.62
2	Cape Cod	\$10,000	\$ 180.30
2	Cape Cod	\$11,800	\$ 212.75
2	Cape Cod	\$16,200	\$ 292.09
2	Cape Cod	\$17,800	\$ 320.93
2	Cape Cod	\$18,600	\$ 335.36
2	Cape Cod	\$19,100	\$ 344.37
3	Cape Cod	\$21,200	\$ 382.24
3	Cape Cod	\$21,600	\$ 389.45
3	Cape Cod	\$24,300	\$ 438.13
3	Cape Cod	\$24,300	\$ 438.13
3	Cape Cod	\$24,300	\$ 438.13
3	Cape Cod	\$25,300	\$ 456.16
3	Cape Cod	\$25,300	\$ 456.16
3	Cape Cod	\$25,800	\$ 465.17
3	Cape Cod	\$26,200	\$ 472.39
3	Cape Cod	\$26,300	\$ 474.19
3	Cape Cod	\$27,000	\$ 486.81
3	Cape Cod	\$27,300	\$ 492.22
3	Cape Cod	\$27,300	\$ 492.22
3	Cape Cod	\$27,700	\$ 499.43
3	Cape Cod	\$27,900	\$ 503.04
3	Cape Cod	\$28,200	\$ 508.45
Neighborhood	Style Description	Assessed Parcel Value	Taxes

1	Colonial	\$28,600	\$ 515.66
1	Colonial	\$28,800	\$ 519.26
1	Colonial	\$28,900	\$ 521.07
1	Colonial	\$29,100	\$ 524.67
1	Colonial	\$29,500	\$ 531.89
1	Colonial	\$29,600	\$ 533.69
1	Colonial	\$30,600	\$ 551.72
2	Colonial	\$30,900	\$ 557.13
2	Colonial	\$32,600	\$ 587.78
3	Colonial	\$33,300	\$ 600.40
3	Colonial	\$34,600	\$ 623.84
3	Colonial	\$34,800	\$ 627.44
3	Colonial	\$36,400	\$ 656.29
3	Colonial	\$37,300	\$ 672.52
3	Colonial	\$37,900	\$ 683.34
1	Conventional	\$39,700	\$ 715.79
1	Conventional	\$41,600	\$ 750.05
1	Conventional	\$42,100	\$ 759.06
1	Conventional	\$42,100	\$ 759.06
1	Conventional	\$42,300	\$ 762.67
1	Conventional	\$42,500	\$ 766.28
1	Conventional	\$43,200	\$ 778.90
1	Conventional	\$43,900	\$ 791.52
1	Conventional	\$43,900	\$ 791.52
1	Conventional	\$43,900	\$ 791.52
1	Conventional	\$44,200	\$ 796.93
1	Conventional	\$44,200	\$ 796.93
1	Conventional	\$44,800	\$ 807.74
1	Conventional	\$44,800	\$ 807.74
1	Conventional	\$44,800	\$ 807.74
1	Conventional	\$45,300	\$ 816.76
1	Conventional	\$47,500	\$ 856.43
1	Conventional	\$48,900	\$ 881.67
1	Conventional	\$49,200	\$ 887.08
1	Conventional	\$49,500	\$ 892.49
1	Conventional	\$52,000	\$ 937.56
1	Conventional	\$52,100	\$ 939.36
1	Conventional	\$54,100	\$ 975.42
1	Conventional	\$55,600	\$ 1,002.47
1	Conventional	\$56,400	\$ 1,016.89
1	Conventional	\$57,100	\$ 1,029.51
1	Conventional	\$60,000	\$ 1,081.80
2	Conventional	\$61,000	\$ 1,099.83
2	Conventional	\$62,000	\$ 1,117.86
2	Conventional	\$64,300	\$ 1,159.33
2	Conventional	\$64,500	\$ 1,162.94
2	Conventional	\$65,000	\$ 1,171.95
2	Conventional	\$65,700	\$ 1,184.57
3	Conventional	\$68,200	\$ 1,229.65
3	Conventional	\$68,500	\$ 1,235.06
3	Conventional	\$69,300	\$ 1,249.48
3	Conventional	\$69,400	\$ 1,251.28
3	Conventional	\$69,700	\$ 1,256.69
Neighborhood	Style Description	Assessed Parcel Value	Taxes
3	Conventional	\$69,900	\$ 1,260.30

3	Conventional	\$70,500	\$ 1,271.12
3	Conventional	\$71,000	\$ 1,280.13
3	Conventional	\$71,100	\$ 1,281.93
3	Conventional	\$75,700	\$ 1,364.87
3	Conventional	\$76,500	\$ 1,379.30
3	Conventional	\$76,600	\$ 1,381.10
3	Conventional	\$77,100	\$ 1,390.11
3	Conventional	\$78,900	\$ 1,422.57
3	Conventional	\$79,100	\$ 1,426.17
3	Conventional	\$79,300	\$ 1,429.78
3	Conventional	\$79,800	\$ 1,438.79
3	Conventional	\$80,000	\$ 1,442.40
3	Conventional	\$80,100	\$ 1,444.20
3	Conventional	\$80,500	\$ 1,451.42
3	Conventional	\$81,500	\$ 1,469.45
3	Conventional	\$83,000	\$ 1,496.49
3	Conventional	\$83,400	\$ 1,503.70
3	Conventional	\$83,600	\$ 1,507.31
3	Conventional	\$83,600	\$ 1,507.31
3	Conventional	\$84,100	\$ 1,516.32
3	Conventional	\$85,000	\$ 1,532.55
4	Conventional	\$85,400	\$ 1,539.76
4	Conventional	\$85,500	\$ 1,541.57
4	Conventional	\$85,700	\$ 1,545.17
4	Conventional	\$86,000	\$ 1,550.58
4	Conventional	\$86,600	\$ 1,561.40
4	Conventional	\$86,600	\$ 1,561.40
4	Conventional	\$86,600	\$ 1,561.40
4	Conventional	\$87,000	\$ 1,568.61
4	Conventional	\$87,500	\$ 1,577.63
4	Conventional	\$87,900	\$ 1,584.84
4	Conventional	\$88,100	\$ 1,588.44
4	Conventional	\$88,500	\$ 1,595.66
4	Conventional	\$88,700	\$ 1,599.26
4	Conventional	\$89,300	\$ 1,610.08
4	Conventional	\$90,500	\$ 1,631.72
4	Conventional	\$90,600	\$ 1,633.52
4	Conventional	\$91,600	\$ 1,651.55
4	Conventional	\$92,100	\$ 1,660.56
4	Conventional	\$92,400	\$ 1,665.97
4	Conventional	\$92,900	\$ 1,674.99
4	Conventional	\$93,400	\$ 1,684.00
4	Conventional	\$95,100	\$ 1,714.65
4	Conventional	\$95,400	\$ 1,720.06
4	Conventional	\$95,500	\$ 1,721.87
4	Conventional	\$95,600	\$ 1,723.67
4	Conventional	\$95,700	\$ 1,725.47
4	Conventional	\$96,300	\$ 1,736.29
4	Conventional	\$96,800	\$ 1,745.30
4	Conventional	\$96,900	\$ 1,747.11
4	Conventional	\$97,100	\$ 1,750.71
4	Conventional	\$97,600	\$ 1,759.73
Neighborhood	Style Description	Assessed Parcel Value	Taxes
4	Conventional	\$97,900	\$ 1,765.14
4	Conventional	\$98,000	\$ 1,766.94

4	Conventional	\$98,300	\$ 1,772.35
4	Conventional	\$98,500	\$ 1,775.96
4	Conventional	\$99,300	\$ 1,790.38
4	Conventional	\$99,500	\$ 1,793.99
4	Conventional	\$99,800	\$ 1,799.39
4	Conventional	\$101,000	\$ 1,821.03
4	Conventional	\$101,300	\$ 1,826.44
4	Conventional	\$102,000	\$ 1,839.06
4	Conventional	\$102,900	\$ 1,855.29
4	Conventional	\$103,300	\$ 1,862.50
4	Conventional	\$103,400	\$ 1,864.30
4	Conventional	\$103,700	\$ 1,869.71
1	Cottage	\$104,000	\$ 1,875.12
1	Cottage	\$106,000	\$ 1,911.18
1	Cottage	\$106,100	\$ 1,912.98
1	Cottage	\$106,400	\$ 1,918.39
1	Cottage	\$106,700	\$ 1,923.80
1	Cottage	\$107,200	\$ 1,932.82
1	Cottage	\$107,400	\$ 1,936.42
1	Cottage	\$108,200	\$ 1,950.85
1	Cottage	\$108,300	\$ 1,952.65
1	Cottage	\$108,600	\$ 1,958.06
1	Cottage	\$108,800	\$ 1,961.66
1	Cottage	\$109,000	\$ 1,965.27
1	Cottage	\$109,300	\$ 1,970.68
1	Cottage	\$110,100	\$ 1,985.10
1	Cottage	\$110,200	\$ 1,986.91
1	Cottage	\$111,000	\$ 2,001.33
1	Cottage	\$111,100	\$ 2,003.13
1	Cottage	\$111,700	\$ 2,013.95
1	Cottage	\$111,700	\$ 2,013.95
1	Cottage	\$113,800	\$ 2,051.81
1	Cottage	\$113,900	\$ 2,053.62
1	Cottage	\$113,900	\$ 2,053.62
1	Cottage	\$115,200	\$ 2,077.06
1	Cottage	\$115,300	\$ 2,078.86
1	Cottage	\$115,600	\$ 2,084.27
1	Cottage	\$115,900	\$ 2,089.68
1	Cottage	\$116,500	\$ 2,100.50
1	Cottage	\$116,600	\$ 2,102.30
1	Cottage	\$116,900	\$ 2,107.71
1	Cottage	\$117,400	\$ 2,116.72
1	Cottage	\$118,000	\$ 2,127.54
1	Cottage	\$118,500	\$ 2,136.56
1	Cottage	\$118,700	\$ 2,140.16
1	Cottage	\$119,100	\$ 2,147.37
1	Cottage	\$120,500	\$ 2,172.62
1	Cottage	\$122,900	\$ 2,215.89
1	Cottage	\$123,300	\$ 2,223.10
1	Cottage	\$123,400	\$ 2,224.90
1	Cottage	\$125,500	\$ 2,262.77
Neighborhood	Style Description	Assessed Parcel Value	Taxes
1	Cottage	\$126,100	\$ 2,273.58
1	Cottage	\$126,400	\$ 2,278.99
1	Cottage	\$127,900	\$ 2,306.04

1	Cottage	\$128,200	\$ 2,311.45
1	Cottage	\$128,300	\$ 2,313.25
1	Cottage	\$130,400	\$ 2,351.11
1	Cottage	\$131,100	\$ 2,363.73
1	Cottage	\$132,200	\$ 2,383.57
1	Cottage	\$132,800	\$ 2,394.38
1	Cottage	\$133,000	\$ 2,397.99
1	Cottage	\$133,000	\$ 2,397.99
1	Cottage	\$133,000	\$ 2,397.99
1	Cottage	\$133,100	\$ 2,399.79
1	Cottage	\$134,700	\$ 2,428.64
1	Cottage	\$135,100	\$ 2,435.85
1	Cottage	\$135,600	\$ 2,444.87
1	Cottage	\$136,900	\$ 2,468.31
1	Cottage	\$137,900	\$ 2,486.34
1	Cottage	\$137,900	\$ 2,486.34
1	Cottage	\$138,500	\$ 2,497.16
1	Cottage	\$138,500	\$ 2,497.16
1	Cottage	\$139,300	\$ 2,511.58
1	Cottage	\$139,600	\$ 2,516.99
1	Cottage	\$140,100	\$ 2,526.00
1	Cottage	\$142,200	\$ 2,563.87
1	Cottage	\$142,400	\$ 2,567.47
1	Cottage	\$142,600	\$ 2,571.08
1	Cottage	\$142,700	\$ 2,572.88
1	Cottage	\$142,700	\$ 2,572.88
1	Cottage	\$143,300	\$ 2,583.70
1	Cottage	\$143,400	\$ 2,585.50
1	Cottage	\$145,200	\$ 2,617.96
1	Cottage	\$145,600	\$ 2,625.17
1	Cottage	\$145,700	\$ 2,626.97
1	Cottage	\$147,800	\$ 2,664.83
1	Cottage	\$148,200	\$ 2,672.05
1	Cottage	\$148,400	\$ 2,675.65
1	Cottage	\$150,300	\$ 2,709.91
1	Cottage	\$151,100	\$ 2,724.33
1	Cottage	\$154,600	\$ 2,787.44
1	Cottage	\$155,400	\$ 2,801.86
1	Cottage	\$155,700	\$ 2,807.27
1	Cottage	\$156,000	\$ 2,812.68
1	Cottage	\$158,000	\$ 2,848.74
2	Cottage	\$158,200	\$ 2,852.35
2	Cottage	\$158,800	\$ 2,863.16
2	Cottage	\$160,400	\$ 2,892.01
2	Cottage	\$160,700	\$ 2,897.42
2	Cottage	\$160,800	\$ 2,899.22
2	Cottage	\$161,700	\$ 2,915.45
2	Cottage	\$162,000	\$ 2,920.86
2	Cottage	\$164,100	\$ 2,958.72
2	Cottage	\$166,200	\$ 2,996.59
Neighborhood	Style Description	Assessed Parcel Value	Taxes
2	Cottage	\$166,200	\$ 2,996.59
2	Cottage	\$166,700	\$ 3,005.60
2	Cottage	\$166,900	\$ 3,009.21
2	Cottage	\$170,300	\$ 3,070.51

2	Cottage	\$174,800	\$ 3,151.64
2	Cottage	\$176,700	\$ 3,185.90
3	Cottage	\$177,500	\$ 3,200.33
3	Cottage	\$177,600	\$ 3,202.13
3	Cottage	\$177,700	\$ 3,203.93
3	Cottage	\$182,700	\$ 3,294.08
3	Cottage	\$183,000	\$ 3,299.49
3	Cottage	\$183,800	\$ 3,313.91
3	Cottage	\$183,900	\$ 3,315.72
3	Cottage	\$184,300	\$ 3,322.93
3	Cottage	\$184,300	\$ 3,322.93
3	Cottage	\$185,200	\$ 3,339.16
3	Cottage	\$189,700	\$ 3,420.29
3	Cottage	\$190,200	\$ 3,429.31
3	Cottage	\$191,300	\$ 3,449.14
3	Cottage	\$191,900	\$ 3,459.96
3	Cottage	\$194,800	\$ 3,512.24
3	Cottage	\$195,100	\$ 3,517.65
3	Cottage	\$196,900	\$ 3,550.11
3	Cottage	\$197,600	\$ 3,562.73
3	Cottage	\$198,400	\$ 3,577.15
3	Cottage	\$198,600	\$ 3,580.76
3	Cottage	\$199,500	\$ 3,596.99
3	Cottage	\$200,000	\$ 3,606.00
3	Cottage	\$201,400	\$ 3,631.24
3	Cottage	\$202,200	\$ 3,645.67
3	Cottage	\$204,000	\$ 3,678.12
3	Cottage	\$205,500	\$ 3,705.17
3	Cottage	\$205,600	\$ 3,706.97
3	Cottage	\$212,300	\$ 3,827.77
3	Cottage	\$214,100	\$ 3,860.22
3	Cottage	\$215,100	\$ 3,878.25
3	Cottage	\$215,900	\$ 3,892.68
3	Cottage	\$217,000	\$ 3,912.51
3	Cottage	\$218,300	\$ 3,935.95
3	Cottage	\$219,800	\$ 3,962.99
3	Cottage	\$220,200	\$ 3,970.21
3	Cottage	\$222,800	\$ 4,017.08
3	Cottage	\$223,000	\$ 4,020.69
3	Cottage	\$226,800	\$ 4,089.20
3	Cottage	\$229,000	\$ 4,128.87
3	Cottage	\$234,900	\$ 4,235.25
3	Cottage	\$236,000	\$ 4,255.08
3	Cottage	\$237,000	\$ 4,273.11
3	Cottage	\$239,300	\$ 4,314.58
3	Cottage	\$241,700	\$ 4,357.85
3	Cottage	\$241,800	\$ 4,359.65
3	Cottage	\$241,900	\$ 4,361.46
3	Cottage	\$242,100	\$ 4,365.06
Neighborhood	Style Description	Assessed Parcel Value	Taxes
3	Cottage	\$244,300	\$ 4,404.73
3	Cottage	\$246,200	\$ 4,438.99
3	Cottage	\$246,200	\$ 4,438.99
3	Cottage	\$246,300	\$ 4,440.79
3	Cottage	\$246,400	\$ 4,442.59

3	Cottage	\$246,500	\$ 4,444.40
3	Cottage	\$247,200	\$ 4,457.02
3	Cottage	\$247,700	\$ 4,466.03
3	Cottage	\$248,300	\$ 4,476.85
3	Cottage	\$249,600	\$ 4,500.29
3	Cottage	\$249,800	\$ 4,503.89
3	Cottage	\$249,800	\$ 4,503.89
3	Cottage	\$253,800	\$ 4,576.01
3	Cottage	\$254,800	\$ 4,594.04
3	Cottage	\$255,300	\$ 4,603.06
3	Cottage	\$256,700	\$ 4,628.30
3	Cottage	\$256,900	\$ 4,631.91
3	Cottage	\$258,300	\$ 4,657.15
3	Cottage	\$260,300	\$ 4,693.21
3	Cottage	\$262,400	\$ 4,731.07
3	Cottage	\$262,900	\$ 4,740.09
3	Cottage	\$263,700	\$ 4,754.51
3	Cottage	\$271,000	\$ 4,886.13
3	Cottage	\$272,800	\$ 4,918.58
3	Cottage	\$273,200	\$ 4,925.80
3	Cottage	\$273,700	\$ 4,934.81
3	Cottage	\$275,500	\$ 4,967.27
3	Cottage	\$276,600	\$ 4,987.10
3	Cottage	\$277,200	\$ 4,997.92
3	Cottage	\$281,000	\$ 5,066.43
3	Cottage	\$286,400	\$ 5,163.79
3	Cottage	\$287,200	\$ 5,178.22
3	Cottage	\$288,700	\$ 5,205.26
3	Cottage	\$289,200	\$ 5,214.28
3	Cottage	\$289,600	\$ 5,221.49
3	Cottage	\$289,600	\$ 5,221.49
3	Cottage	\$290,300	\$ 5,234.11
3	Cottage	\$292,100	\$ 5,266.56
3	Cottage	\$292,400	\$ 5,271.97
4	Cottage	\$293,600	\$ 5,293.61
4	Cottage	\$295,100	\$ 5,320.65
4	Cottage	\$295,900	\$ 5,335.08
4	Cottage	\$296,000	\$ 5,336.88
4	Cottage	\$298,500	\$ 5,381.96
4	Cottage	\$300,000	\$ 5,409.00
4	Cottage	\$300,100	\$ 5,410.80
4	Cottage	\$302,000	\$ 5,445.06
4	Cottage	\$303,300	\$ 5,468.50
4	Cottage	\$307,200	\$ 5,538.82
4	Cottage	\$308,100	\$ 5,555.04
4	Cottage	\$310,000	\$ 5,589.30
4	Cottage	\$314,800	\$ 5,675.84
4	Cottage	\$320,200	\$ 5,773.21
Neighborhood	Style Description	Assessed Parcel Value	Taxes
4	Cottage	\$321,500	\$ 5,796.65
4	Cottage	\$323,000	\$ 5,823.69
4	Cottage	\$326,300	\$ 5,883.19
4	Cottage	\$326,500	\$ 5,886.80
4	Cottage	\$332,400	\$ 5,993.17
4	Cottage	\$334,400	\$ 6,029.23

4	Cottage	\$334,500	\$ 6,031.04
4	Cottage	\$338,800	\$ 6,108.56
4	Cottage	\$340,000	\$ 6,130.20
4	Cottage	\$342,700	\$ 6,178.88
4	Cottage	\$343,500	\$ 6,193.31
4	Cottage	\$344,200	\$ 6,205.93
4	Cottage	\$345,500	\$ 6,229.37
4	Cottage	\$345,700	\$ 6,232.97
4	Cottage	\$352,600	\$ 6,357.38
4	Cottage	\$355,100	\$ 6,402.45
4	Cottage	\$357,000	\$ 6,436.71
4	Cottage	\$358,100	\$ 6,456.54
4	Cottage	\$358,400	\$ 6,461.95
4	Cottage	\$363,500	\$ 6,553.91
4	Cottage	\$367,500	\$ 6,626.03
4	Cottage	\$369,500	\$ 6,662.09
4	Cottage	\$369,700	\$ 6,665.69
4	Cottage	\$373,700	\$ 6,737.81
4	Cottage	\$373,700	\$ 6,737.81
4	Cottage	\$375,200	\$ 6,764.86
4	Cottage	\$376,400	\$ 6,786.49
4	Cottage	\$388,500	\$ 7,004.66
4	Cottage	\$389,500	\$ 7,022.69
4	Cottage	\$390,100	\$ 7,033.50
4	Cottage	\$391,000	\$ 7,049.73
4	Cottage	\$392,900	\$ 7,083.99
4	Cottage	\$393,000	\$ 7,085.79
4	Cottage	\$393,000	\$ 7,085.79
4	Cottage	\$394,100	\$ 7,105.62
4	Cottage	\$397,600	\$ 7,168.73
4	Cottage	\$402,600	\$ 7,258.88
4	Cottage	\$403,100	\$ 7,267.89
1	Modern/Contemp	\$408,700	\$ 7,368.86
1	Modern/Contemp	\$410,300	\$ 7,397.71
1	Modern/Contemp	\$411,400	\$ 7,417.54
1	Modern/Contemp	\$415,600	\$ 7,493.27
1	Modern/Contemp	\$421,600	\$ 7,601.45
1	Modern/Contemp	\$424,200	\$ 7,648.33
1	Modern/Contemp	\$427,200	\$ 7,702.42
1	Modern/Contemp	\$427,400	\$ 7,706.02
3	Modern/Contemp	\$429,200	\$ 7,738.48
3	Modern/Contemp	\$441,800	\$ 7,965.65
3	Modern/Contemp	\$453,300	\$ 8,173.00
3	Modern/Contemp	\$453,400	\$ 8,174.80
3	Modern/Contemp	\$457,300	\$ 8,245.12
4	Modern/Contemp	\$463,600	\$ 8,358.71
4	Modern/Contemp	\$466,600	\$ 8,412.80
Neighborhood	Style Description	Assessed Parcel Value	Taxes
4	Modern/Contemp	\$476,000	\$ 8,582.28
4	Modern/Contemp	\$479,700	\$ 8,648.99
4	Modern/Contemp	\$486,600	\$ 8,773.40
4	Modern/Contemp	\$488,800	\$ 8,813.06
4	Modern/Contemp	\$489,600	\$ 8,827.49
4	Modern/Contemp	\$495,000	\$ 8,924.85
1	Ranch	\$505,800	\$ 9,119.57

1	Ranch	\$510,400	\$ 9,202.51
1	Ranch	\$510,800	\$ 9,209.72
1	Ranch	\$518,500	\$ 9,348.56
2	Ranch	\$522,700	\$ 9,424.28
2	Ranch	\$533,600	\$ 9,620.81
2	Ranch	\$561,700	\$ 10,127.45
2	Ranch	\$579,600	\$ 10,450.19
2	Ranch	\$596,100	\$ 10,747.68
2	Ranch	\$686,300	\$ 12,373.99
2	Ranch	\$747,000	\$ 13,468.41
3	Ranch	\$791,200	\$ 14,265.34
3	Split-Level	\$807,100	\$ 14,552.01
3	Split-Level	\$897,500	\$ 16,181.93
Total Assessed Parcel Value		78,537,700.00	
Total Taxes			1,416,034.73
Average (Mean)		177,687.10	3,203.70
Middle Measure (Median)		133,000.00	2,397.99

Style Description	House Totals	Percent of Total
Antique	3	1
Bungalow	9	2
Cape Cod	39	9
Colonial	15	3
Conventional	105	24
Cottage	236	53
Modern/Contemp	21	5
Ranch	12	3
Split-Level	2	>1
Total	442	100

Cumberland Fire Department

366 Tuttle Road, Cumberland Center, Maine 04021

Emergency 911

Business 829-5421

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Email dsmall@cumberlandmaine.com

Daniel R. Small
Chief

REPORT FOR MAY 2004

The Cumberland Fire Department responded to 52 incidents during the month of May, 2004. Mutual Aid was given nine times, and received nine times.

The Fire Department responded to a large number of weather-related incidents again in the month of May. Almost all of these incidents took place on May 15th during a severe lightning storm. The Fire Department responded to several reports of lightning strikes at residences on the west end of town, and checked several residences surrounding those that reported the strikes to ensure that they had not been damaged or had undetected fire problems. One of these lightning strikes did cause a structure fire on Bruce Hill Extension. Crews from Cumberland, Gray, and Falmouth Fire Departments worked to remove metal roofing to gain access to the fire burning below it in a barn with an attached residence. The damage to the barn is estimated at \$10,000 to replace the metal roofing, and there was no damage to the primary residence.

The Fire Department provided coverage at the Bonny Eagle Car Show once again this year and also participated in the Memorial Day Parade. Twelve of our members, our color guard, and three pieces of apparatus participated in the parade.

On May 7th Engine 5 responded to the Town of Windham to assist them with a structure fire at Pinelyne Furniture on Route 302. On May 12th Squad 1 and Ladder 7 responded to Underwood Road in Falmouth for a residential structure fire, while Engine 1 provided coverage at their Central Station.

On May 17th Chebeague Island personnel participated in a vehicle fires and extrication training class. The Special Operations Division training in May covered ropes, including knots and the equipment utilized in both high and low angle rescue.

On May 30th Deputy Chief Chris Copp began training at the National Fire Academy in Emmitsburg, Maryland. The class, which ended on June 4th, provided valuable information on the topic of Command and Control of Fire Department Operations at Target Hazards. His class participated in exercises that trained them to efficiently handle fire and rescue incidents that involve high life hazard, multiple exposure, and occupancy risk considerations. These classes at the National Fire Academy are offered to firefighters through the Volunteer Incentive Program at no cost to their community, and cover a wide variety of topics from Leadership and Administration to Presenting Effective Public Education Programs.

CUMBERLAND FIRE DEPARTMENT

2004 RUN STATISTICS AS OF MAY 31, 2004

LEGEND- LYT = Last Year Total
YTD = Year to Date

LYTD = Last Year to Date
TFCM = Total for Current Month

NUMBER OF RUNS ASSIGNED PER COMPANY

	LYT	LYTD	YTD	TFCM
Engine 1 =	129	041	061	012
Engine 2 =	105	044	052	013
Engine 3 =	122	042	063	011
Engine 4 =	018	003	011	002
Engine 5 =	108	050	061	017
Engine 6 =	002	002	004	001
Engine 8 =	005	002	006	001
Engine 9 =	002	002	004	001
Engine 17 =	018	002	002	002
Forestry 2 =	004	001	007	003
Ladder 7 =	138	055	074	019
Marine 1 =	000	000	000	000
Squad 1 =	221	091	101	021
Tank 1 =	002	002	004	001
FF/EMT =	093	047	040	011
FD/PD =	---	026	039	014

TYPE OF INCIDENTS REPORTED

	LYT	LYTD	YTD	TFCM
Structure Fire/Smoke in bldg. =	020	006	022	010
Chimney Fire =	007	006	005	001
Motor Vehicle Crash =	063	027	013	002
Vehicle Fire =	015	005	001	000
Mutual Aid =	069	032	035	007
RIT =	017	013	025	002
Fire Alarm Activation =	058	016	019	002
Flammable Liquid Spills =	004	002	002	000
Grass/Brush/Woods Fire =	021	008	023	006
Water Rescue =	000	000	001	001
EMS =	094	041	033	009
Carbon Monoxide =	005	003	006	000
Water Problem =	007	005	009	002
Outside Electrical Problem =	038	011	006	001
Public Assistance =	019	008	008	001
LP Gas Problem =	002	002	002	000
Interior Electrical Problem =	004	001	005	000
Station Staffing =	003	001	000	000
Outside Event Coverage =	031	011	013	008
Other =	006	004	001	000
TOTALS =	483	202	229	052

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
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FRANK K. N. CHOWDRY
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(1914-1987)

M. DONALD GARDNER
(1918-2003)

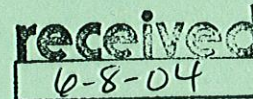
YORK COUNTY
OFFICE

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

TELECOPIER (207) 985-4932

June 7, 2004

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



Re: *Contract Zoning*

Dear Bill:

This letter is intended to serve as an overview of the contract zoning process. Specifically, it is my understanding that the Council has raised some concerns as to whether contract zoning amounts to illegal spot zoning. The answer basically is that it is spot zoning but legal. The reason that it is legal is that (i) there is a statute authorizing it at 30-A M.R.S.A. § 4352, and (ii) that in order to have contract zoning the Town's comprehensive plan has to have indicated a willingness to use it as a planning tool and indicated further acceptance of the various criteria set forth in the enabling statute. This combination of comprehensive planning approval and enabling statute standards makes this type of spot zoning legal rather than illegal since spot zoning is technically rezoning an area without any attention to the context of the rezoning whereas contract zoning is rezoning with detailed attention to that context.

Specifically, the statute at Section 4352(8) requires that in order to use contract zoning there must be a finding that the rezoning is consistent with the growth management program adopted by the Town, i.e., its comprehensive plan. It must also be consistent with all existing and permitted uses within the original zone. The municipality may also add conditions and restrictions that relate to the physical development or operation of the property. Adding this overlay of additional concerns, the process allows the Town to tailor what, in essence, is a specific zone for a specific use that is still consistent with the Town's overall comprehensive plan and with the actual uses in the specific neighborhood.

It should further be noted that contract zoning is not easily accomplished. The statute requires hearings both before the municipal officers and the planning board prior to the adoption of any such proposal and more importantly since it is a contract zone, it is based on negotiated terms between the Town and the proposed developer. Cumberland has used this very successfully. Examples such as the Small's Brook affordable housing project, and most recently, the Route 1 elderly project coupled with the proposed Kennedy development. Contract zoning therefore provides the Town with maximum flexibility to deal with proposed uses that would not

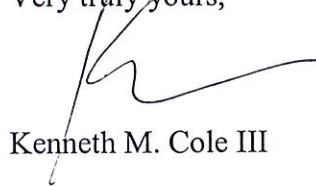
June 7, 2004
Page 2

otherwise be permitted within a particular zone without opening the zone or the Town as a whole to the use. At the same time, it allows the Town to impose additional conditions in the contract that would never be permissible as a part of site plan review if the overall use were, in fact, permissible. Based on both this flexibility and its historic uses in Cumberland, I would continue to recommend that the Council retain this authority within the overall zoning ordinance.

Finally, it is important to remember that the exercise of contract zoning is purely discretionary and therefore, in retaining this flexibility, the Council has in no way required itself to proceed on any proposed contract zone if it determines that from a policy perspective it is inappropriate to do so.

I hope this overview is helpful to you and the Council. Thank you very much for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to be 'KMC', written over the typed name.

Kenneth M. Cole III

KMC/ab

PROCK MARINE COMPANY



received
6-4-04

MAYNARD A. PROCK, President
KEVIN PROCK, Treasurer
RANDY PROCK, Secretary

119 TILLSON AVENUE, ROCKLAND, MAINE 04841
TEL: 207-594-9565
FAX: 207-594-9566

June 1, 2004

Town of Cumberland
Attn: William Shane
290 Tuttle Road
Cumberland Center, ME 04841

Reference: Chebeague Island Wave Break

Dear Bill:

This letter is in response to your letter dated April 29, 2004 regarding the marine construction work that was done on Chebeague Island during the winter of 2003-2004.

Responding to your first concern regarding a north-northwest wind, I agree with you the wave break will not provide any protection for a north-northwest wind it was designed for the north-northeast wind coming down the long fetch from Bustins and Williams Islands. This fetch is 8-10 miles while the north-northwest fetch is roughly one mile. On December 2, 2002 Kleinschmidt submitted a wind wave analysis that indicated the most exposed direction was northeast to east.

At my initial meeting with the Town of Cumberland I was given a report from the Stone Wharf Committee dated 11-27-01 and attached to that report was a sketch showing a floating breakwater in the same general area as the new wave break. The location of the wave break is not new, the committee has discussed this idea in the past.

As for comments by the Prock Marine work force, I have discussed this issue with the individuals involved and feel the statements were made in jest.

I disagree with your statement that there has been no appreciable difference in the wave action outside the wave fence with a northeast wind blowing and inside the fence. In mid April I was on the island to do an inspection prior to the Prock crew arriving to finish up the contract. The day I was on the island the wind was blowing northeast 15-20 m.p.h. and there was a two to three foot chop coming directly into the wave break, and on the inside of the wave break the chop was gone. Please reference the enclosed pictures. The wave break is functioning as it was

designed. The wave break that was designed and built for the Town of Cumberland was not a new design, similar designs are in place in other areas and are working very well.

What was proposed and what was installed meet or exceed the expectations of Prock Marine. We were very confident throughout the design phase that a wave break would be beneficial in reducing wave action coming from the northeast. We even went to the extent of retaining the services of two engineering firms to do a wind wave study and review the wave break design. The only change that was made was to lengthen the piles in order to achieve a better hold in the overburden.

I attended many meetings with the Stone Wharf Committee and received all their comments and recommendations with an open mind. I designed four different concepts of the floats/wave break based on comments and suggestions from the committee until we arrived at the current layout. I held a pre-construction meeting with your Public Works director, CTC captains and members of the Stone Wharf Committee to review each phase of the project with special attention being given to the new floats and wave break and everyone was in agreement with what was going to be built.

A wave break is designed and installed to reduce the potential damage resulting from waves moving in a certain direction. A wave break will not create a tranquil pool behind the structure but will eliminate the waves and the results will be a small rolling swell that will cause little or no damage to floats, skiffs or boats anchored in behind the structures. Your wave break is performing exactly as it was designed and exactly like the other systems that we have installed along the Maine coast.

Sincerely,
Prock Marine Company

A handwritten signature in black ink, appearing to read "Stephen Durrell", written in a cursive style.

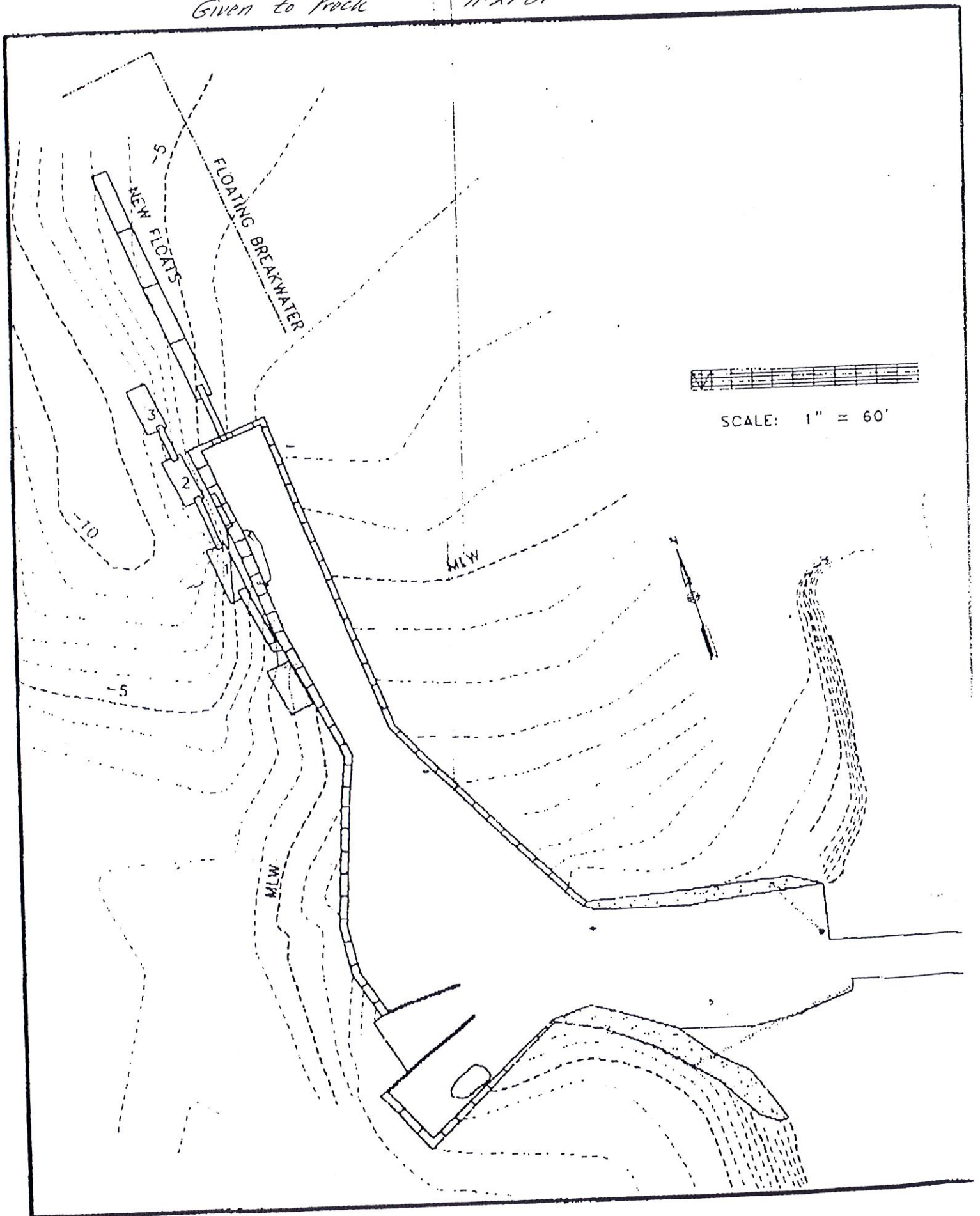
Stephen Durrell
Project Manager

Enclosures

Cc: Adam Ogden

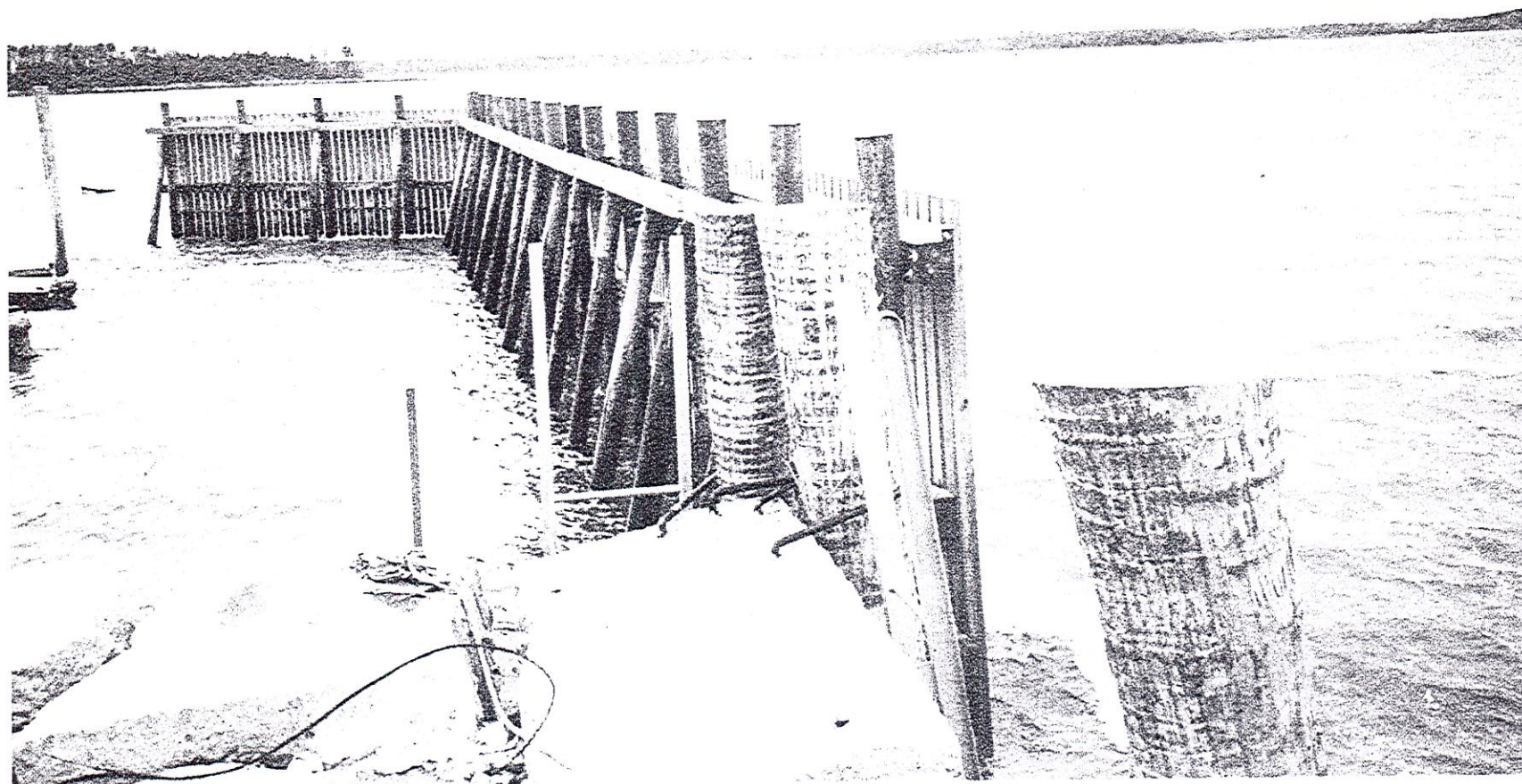
Given to Rock

11-27-01



Mid April 2004

Chop on the outside or chop on the inside



Notice the white foam - Results of wave breaking