

AGENDA
CUMBERLAND TOWN COUNCIL MEETING
290 Tuttle Road, Town Hall

Monday, June 28, 2004

6:00 p.m. – WORKSHOP with Cumberland Mainland Island Trust.
7:00 p.m. - CALL TO ORDER

I. APPROVAL OF MINUTES

- a. June 14, 2004
- b. June 16, 2004

II. MANAGER'S REPORT

III. PUBLIC DISCUSSION

IV. LEGISLATION AND POLICY

- 04 – 076.** To hold a public hearing to consider and act on a Mass Gathering Permit and Victualer's licenses for the United Maine Craftsmen, Inc. to hold the 35th Annual Cumberland Craft Show, August 9 through 15, 2004.
- 04 – 077.** To hold a public hearing regarding a citizen request for a reduction in the speed limit on Forest Lake Road.
- 04 – 078.** To consider and act on the annual Victualers license renewals.
- 04 – 079.** To hear from the Town Manager regarding winter maintenance on private roads.
- 04 – 080.** To set a date for Nominating Committee interviews regarding Twin Brook Advisory Committee.
- 04 – 081.** Town Council Committee Appointments.
- 04 – 082.** To receive a contract zone request from Dr. Hanson, 371 Tuttle Road.
- 04 – 083.** To set a public hearing date to consider and act on an amendment to Sections 204.6, Local Business District (LB), and 204.7, Highway Commercial District (HC), of the Cumberland Zoning Ordinance, to except home occupations from site plan review.
- 04 – 084.** To receive a request from the Town Clerk to establish an alternate location for the mainland polling place.

V. NEW BUSINESS

VI. ADJOURN

MEMBERS OF THE TOWN COUNCIL

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

Minutes

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

CALL TO ORDER – 7:10 pm

Attendance: Councilors Stiles, Moriarty, Kuntz, Storey, Damon & Savasuk.
Absent: Councilor Porter

I. APPROVAL OF MINUTES:

Motion by Councilor Moriarty to approve the minutes as presented.

Seconded by Councilor Damon

VOTE: UNANIMOUS (6)

II. MANAGER'S REPORT:

Manager Shane reminded the Councilors of the Council meeting on Chebeague Island on June 18, 2004 at 7:00 pm. He suggested that the Councilors arrive on the Island a little early to visit the Curit property in preparation of the meeting with the CMIT and the Islands Committee on June 28, 2004 at 6:00 pm.

Greely Road railroad tracks have been reclaimed and will be paved within the next couple of weeks.

The front row of lights at Town Hall is coming down.

Traffic counts have been taken at the intersection of Route 100 and Skillin Road. MDOT working on the preliminary design and it should be completed next month. Construction of a traffic signal could begin in the spring.

Councilor Moriarty finished second in his age bracket in the Memorial Day Race.

III. PUBLIC DISCUSSION:

None

IV. LEGISLATION & POLICY

Item 04-075 was taken out of order.

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.

Manager Shane stated that Councilor Kuntz was contacted by several residents in this area inquiring if the speed limit could be lowered on Forest Lake Road. It is a very busy road with a tendency for high speeds of travel. The Town does not have any authority to set any speed limit on any town road. That authority rests with the Maine Department of Transportation.

If the Council is inclined to move forward with this request, a public hearing date of June 28, 2004 was suggested so an additional notice could be sent to let more residents speak in favor or against the requested speed limit reduction.

Robert Heyner, 66 Forest Lake Road, President of the Forest Lake Association, stated that Forest Lake Road is very narrow, has no shoulders. A lot of people walk along the road with their dogs, and people hike along the road. If two cars are side by side, there is almost no place to be on the edge. Thirty five miles per hour is too dangerous for that road. It should be 25mph. Forest Lake Road is used by a lot of drivers to avoid the intersection of Route 100 and Skillin Road.

Councilor Moriarty moved that a Public Hearing be set for June 28, 2004 to receive the citizen request for a speed limit reduction on Forest Lake Road.

Seconded by Councilor Kuntz.

Councilor Stiles moved to swear in the newly elected Town Councilors before a vote was taken.

04-067. To swear in newly elected Councilors

Deputy Town Clerk swore in newly elected Town Councilors Donna Miller Damon & Stephen Moriarty.

Vote on Item 04-075: UNANIMOUS 6-0

04-068. To elect Chair and Vice Chair.

Councilor Moriarty moved to elect Councilor William Stiles as Chairman.

Seconded by Councilor Damon.

VOTE: UNANIMOUS 6-0

Councilor Kuntz moved to elect Councilor Storey as Vice-Chairman.

Seconded by Councilor Damon.

VOTE: PASSAGE 5-1 (Abstain: Storey)

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

Manager Shane stated that a memo was put together for the Councilors primarily for redistribution of funds. Unlike last year, when there was an unexpected shortfall in state revenue sharing, nearly \$100K, this year was a lot better. Revenue came in over budget and some of the expenses went over budget, primarily in recreation and rescue, but they had off-setting revenues to cover those overages. As dictated by the Town Charter, the Town Council is the only one that can authorize over expenditure of department budgets.

Councilor Storey moved that it be ordered that the Town Manager is authorized to transfer excess revenues and unexpended operating funds from 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.

Seconded by Councilor Moriarty.

VOTE: UNANIMOUS 6-0

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

Manager Shane stated that the Town requires solid waste haulers to annually file a permit and license fees with the Town. The Town currently authorizes 5 commercial haulers.

Councilor Moriarty moved to approve Solid Waste Commercial Haulers Licenses for the following applicants:

Pine Tree Waste Inc
Reynolds & Sons Disposal Inc
Troiano Waste Services, Inc
Waste Management of Maine, Inc
BBI Waste Industries, d/b/a Black Bear Disposal & Bestway Disposal

Seconded by Councilor Damon.

VOTE: UNANIMOUS 6-0

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

Manager Shane reported that Robert Simonds has requested consideration for a mobile vending cart, primarily at Twin Brook and other town properties, including school properties. Twin Brook has been used primarily for booster club fundraising. An ordinance is currently in place, but this request may require changes to an existing ordinance.

Mr. Simonds, 269 Bruce Hill Road, stated that his original desire was to have a truck mounted vending operation that would slide into the back of the pickup truck. He has since talked to the people at Suburban Little League and the Lions Club. The Lions Club has expressed its observation that they have been manning their booths at events at Twin Brook. Mr. Simonds' purpose in coming before the council was to get an idea of what the town would like to see. He would like to have a for profit operation at Twin Brook in the event that the non-profit groups discontinued their operations.

Councilor Damon inquired if Mr. Simonds was going to be at Twin Brooks only. Mr. Simonds stated that he had started out with just Twin Brook, but subsequent discussions with other residents who had made observations that maybe someone would want to pursue vending carts

at the Farmer's Market in the morning and other venues that take place throughout the year. He would have a shed type operation.

Councilor Damon inquired if more than one group could operate a concession at a time. Mr. Shane replied that it is coordinated through the recreation director right now and more than one organization can operate at one time on town-owned facilities.

Mr. Storey stated that in the past it has been discussed that a bathroom facility would eventually be constructed at Twin Brook, with a concession in the front. It would be run by the boosters club. His feeling is that non-profit organizations should run the concession stands.

Councilor Moriarty stated that this sort of service belongs in the hands of the boosters and the non-profits. If they choose not to do that and the demand is there, then it is appropriate to consider something from the private sector. If the Palesky thing happens, the pressure will be even more heavily upon the boosters and the non-profits to come up with alternative sources of revenue.

No action was taken.

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.

Councilor Moriarty moved to set a public hearing date of June 28, 2004 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.

Seconded by Councilor Kuntz.

VOTE: UNANIMOUS 6-0

04-073. To hear a report from the Town Manager regarding the Main Street intersection improvements.

Manager Shane presented a PowerPoint review of the proposed improvements associated with the new Middle School project. The school board was required to do off-site improvements to Main Street and Tuttle Road as part of the middle school project approval at the planning board level and the MDOT level. Those improvements are primarily focused at the intersection of Blanchard and Tuttle Road. The pole that holds all the traffic signals would be in the way. A pole in front of the Congregational Church would also be in the way. When the pole by the church is moved back 6 or 8 feet, you have to get alignment of all the telephone lines and power lines so that proper stress and tension are on the lines so that it doesn't pull down lines in other areas. To do that the two or three trees that are in front of the church would have to be removed. One of those trees is a memorial tree for the 2 boys in town who were killed at a railroad track in the Town of Falmouth several years ago. Mr. Shane met with the Assistant State Traffic Engineer, who approved the plan on site. The state is allowing the town to fix the radius a little

bit so the pole doesn't have to be moved. The traffic signals will be pushed back further into the intersection so drivers will be able to see them better. Mr. Shane is working with Ralph Oulton to put in a sidewalk on the church side.

Another traffic study will be done in the fall to determine the impact on traffic on Tuttle Road at the entrance to the new middle school.

Councilor Moriarty inquired if the Main Street improvements will be completed by the start of the new school year. Mr. Shane answered that he is hopeful that they would. It would entail three to five weeks of construction.

No action taken.

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.

Mr. Shane recommended a hearing date of Wednesday, June 16, 2004.

Mr. Moriarty explained that the heart of the matter would lie in the sketches of the floats, the locations, and the parking areas, etc.

Councilor Moriarty moved to set a public hearing date of June 16, 2004 to act on amendments to *Ordinance Relating to Roads and Town Owned Properties*.

Seconded by Councilor Storey.

VOTE: UNANIMOUS 6-0

IV. NEW BUSINESS

Councilor Savasuk:	None
Councilor Damon:	Repair of hole in road by golf course by Public Works Dept Rescue unit able to negotiate Deer Point Road; Rescue commended for treatment of patient
Councilor Storey:	Time of boat for Council Meeting on Chebeague Island
Councilor Kuntz:	Thank Councilor Porter for his last two years of service as Chairman of the Council
Councilor Moriarty:	Letter from CTC on barging of junk cars Meeting of joint standing committee Election numbers were off from Community Leader Thanks to "Hutch" for Memorial Day Parade
Councilor Stiles:	Thanks to Twin Brook Committee Storey on Councilor Storey' daughter in Community Leader Prock Marine letter Contract Zoning letter
Manager Shane:	Contract zoning: existing commercial land in town; entice development and growth in those areas

Prock Marine wave break
Palesky impact
Brown tail moth

V. ADJOURN

Councilor Kuntz moved to adjourn the meeting at 8:40 pm

Seconded by Councilor Savasuk.

VOTE: UNANIMOUS 6-0

Respectfully Submitted,

Deborah Flanigan
Dep Town Clerk

Minutes
CUMBERLAND TOWN COUNCIL
Chebeague Island Hall & Community Center
June 16, 2004

Call to Order at 7:10 pm

Excused
Attendance: Chairman Bill Stiles, Vice Chair Storey, Councilors Moriarty & Damon
Absent: Councilors Porter, Kuntz & Savasuk
Staff: Harbormaster Ted Curtis, Police Officer Richard Brewer

I. LEGISLATION & POLICY

04-76. To consider and act on amendments to the *Ordinance Relating to Roads and Town Owned Properties* regarding increases to parking fees at the Stone Wharf.

Chairman Stiles opened the meeting by introducing council members present, and then asked Councilor Moriarty to give an overview of Item 04-076.

Councilor Moriarty stated that the Stone Wharf Committee has been meeting since the fall of 2001, dividing into small subcommittees. one of which was the parking committee. Issues discussed by the committees were the repair of the wharf and other structural improvements including a wave break. Parking was a major issue, but the repair of the wharf took priority.

He referred to the *Ordinance Relating to Roads & Town Owned Properties*, which is an existing ordinance. Revisions to Section 5 and Section 6 will be discussed tonight. He referred to the sketches on the back of the ordinance; sketch A shows the placement of the floats; sketch B showed the layout of the wharf itself and the end of Wharf Road which abuts the wharf. If the amended ordinance is adopted tonight, it will take affect immediately, under the Town Charter. It will be enforced by the Police Dept and Harbormaster. In the event there are major or minor proposed changes that can be handled tonight, those can be worked in and possibly agree on those changes. If there is something truly major and substantive that requires more work or evaluation on the part of the time, it is likely this would have to be put and the ordinance will need to be retooled. Our focus is to get this up and running tonight so we can hopefully address some of the parking related issues at the wharf.

The Stone Pier Committee met two weeks ago with an earlier draft of this ordinance; some polishing and wordsmithing have since been done. The Stone Pier Committee is pretty much in agreement with all of the recommended changes including parking.

Chairman Stiles reviewed the major parking changes in reference to fines: parking in a no parking area has gone from \$15 to \$20, overtime parking for more than 24 hours is up to \$20, parking in a handicapped parking space is \$50, parking in a loading has gone from \$15 to \$20.

Public Discussion involved several issues:

- Parking spaces
- "NO PARKING" signs on Wharf Road to restrict parking on one shoulder and limit parking to 24 hours on the other shoulder.
- Haul-offs- limited to an area as designated on the Stone Wharf Plan
- Loading and unloading areas
- Parking limits on Stone Wharf Road
- Pedestrian safety zone
- Handicapped parking spaces
- Bicycle & motorized scooter parking- to be designated in spaces by Harbormaster and Police Officer
- Emergency vehicles- limited to times of emergency
- Float installation & removal – To maximize time in the water

II. OLD BUSINESS

None

III. ADJOURN

Chairman Stiles moved to adjourn the meeting at 9:07 pm.

Seconded by Councilor Damon

VOTE: UNANIMOUS 4-0

Respectfully Submitted,

SM will provide his info

Deborah Flanigan
Dep Town Clerk

MOTIONS

- 04 – 076.** I move to approve the Mass Gathering Permit and Victualer's licenses for the United Maine Craftsmen's 35th Annual Cumberland Craft Show, August 9 – 15, 2004.
- 04 – 077.** I move to authorize the Town Manager to submit a request to the Maine Department of transportation for a reduction in the speed limit on Forest Lake Road.
- 04 – 078.** I move to approve the annual Victualer's licenses as submitted by the Town Clerk pending final inspections and approvals.
- 04 – 079.** No action
- 04 – 080.** No action
- 04 – 081.** Approval of the 04/05 Town Council Committee appointments.
- 04 – 082.** I move to forward the request by Dr. Hanson, 371 Tuttle Road, for a contract zone, to the Planning Board.
- 04 – 083.** I move to set a public hearing date of July 12, 2004 to consider and act on an amendment to Sections 204.6 and 204.7 of the Cumberland Zoning Ordinance.
- 04 – 084.** I move to set a public hearing date of July 12, 2004 to consider and act on a request by the Town Clerk to establish an alternate mainland polling precinct.

Thurs 8th 5:30

 *** ACTIVITY REPORT ***

ST. TIME	CONNECTION TEL	CONNECTION ID	NO.	MODE	PGS.	RESULT
*06/24 03:21	97294529		1581	TRANSMIT ECM	1	OK 00'33
06/24 04:08	98928900		1582	TRANSMIT ECM	2	OK 00'47
06/24 19:28	2078855135		6283	AUTO RX ECM	2	OK 00'40
06/24 20:40	97751880		1583	TRANSMIT ECM	3	OK 01'03
06/24 22:23	207 247 5604		6284	AUTO RX ECM	3	OK 01'16
06/25 00:10			6285	AUTO RX ECM	1	OK 00'28
06/25 00:11	98294573		1584	TRANSMIT	0	NG 00'00
					0	#018
06/25 00:35	98783958		1585	TRANSMIT ECM	1	OK 00'20
06/25 02:29	98294481		1586	TRANSMIT ECM	1	OK 00'29
06/25 02:47			6286	AUTO RX ECM	2	OK 00'35
06/25 02:52			6287	AUTO RX ECM	2	OK 01'06
06/25 03:03	98294481		1587	TRANSMIT ECM	1	OK 00'28
06/25 03:38	2029624601		6288	AUTO RX ECM	2	OK 00'28
06/25 04:05	98783958		1588	TRANSMIT ECM	2	OK 00'34
06/25 06:50	2077614798		6289	AUTO RX ECM	1	OK 00'27
06/25 23:22	2078296630		6290	AUTO RX ECM	1	OK 00'51
06/25 23:35	97813283		1589	TRANSMIT ECM	1	OK 00'19
06/25 23:36	97812060		1590	TRANSMIT ECM	1	OK 00'30
06/25 23:37	98466828		1591	TRANSMIT ECM	1	OK 00'39
06/25 23:38	97916920	PRESS HERALD NEW	1592	TRANSMIT ECM	1	OK 00'18

CUMBERLAND TOWN COUNCIL
PUBLIC HEARING NOTICE
MONDAY, June 28, 2004

The Cumberland Town Council will meet in the Town Council Chambers, 290 Tuttle Road, on Monday, June 28, 2004. A Workshop session will be held at 6:00 p.m. to discuss the future use of the Curit property, Chebeague Island. A regular council meeting will follow at 7:00 p.m., during which the town council will consider and act on agenda items which include, but may not be limited to, the following:

- A request for a change to the speed limit along Forest Lake Road;
- A Mass Gathering Permit for the 35th Annual Cumberland Craft Show, August 9 through 15, 2004;
- 2004 Renewals of Victualer's licenses;

A complete agenda may be obtained at the Office of the Town Manager. Interested parties are invited and encouraged to attend. An opportunity for comment will be provided.

TOWN COUNCIL MEETING – June 28, 2004

Background for Action Items

- 04 – 076. To hold a public hearing to consider and act on a Mass Gathering Permit and Victualer's licenses for the United Maine Craftsmen, Inc. to hold the 35th Annual Cumberland Craft Show, August 9 through 15, 2004.

Staff Recommends Approval

- 04 – 077. To hold a public hearing regarding a citizen request for a reduction in the speed limit on Forest Lake Road.

Staff Recommends asking MDOT to review speed limit in the area.

- 04 – 078. To consider and act on the annual Victualers license renewals.

Staff Recommends Approval

- 04 – 079. To hear from the Town Manager regarding winter maintenance on private roads.

Manager recommends mailing a letter to effected resident's informing them of a Meeting in July & August to listen to concerns regarding elimination of Snow Plowing on Private Roads.

- 04 – 080. To set a date for Nominating Committee interviews regarding Twin Brook Advisory Committee.

Need to set a night for the Nominating Committee- Now Jeff, Steve and Mark to meet to review applications for Twin Brook (5 received to date)

- 04 – 081. Town Council Committee Appointments.

Plans are to re-appoint Councilors to the same Committee assignments that were in place at the end of this fiscal year.

- 04 – 082. To receive a contract zone request from Dr. Hanson, Tuttle Road.

Recommend forward to Planning Board for Input- discussion may center on the mechanism for affordability

- 04 – 083.** To set a public hearing date to consider and act on an amendment to Sections 204.6, Local Business District (LB), and 204.7, Highway Commercial District (HC), of the Cumberland Zoning Ordinance, to except home occupations from site plan review.

Staff Recommends July 12th- This is a good thing.... Home occupations should not have to go through this type of review in any zone.

- 04 – 084.** Request from the Town Clerk to consider designating an alternate mainland polling place for the Special Election September 21, 2004 and the November 2, 2004 election.

Nadeen will share her concerns with the size of the Council Chambers for Voting. I recommend we use Val Hall for November and follow her recommendation to send out post card reminder notices.

V. NEW BUSINESS

- City of Brewer Letter on Palesky & Question 1
- TAX CAP Monthly Update- Why the 66% Vote doesn't work - Town Budgets by Dept.

Curit Property Conservation Easement: Summary of Significant Terms

1. The Trust is seeking the Council's preliminary approval of the terms of this easement so we can initiate form fundraising efforts to support the Town's acquisition of the parcel. The Trust will seek funds of \$100,000 to support the effort. The trust will also seek to raise additional funds to assist in developing trails on the property and to support stewardship activities.
2. The easement will cover approximately half of the parcel; the focus areas are the shoreland and riparian areas. Neither of these areas is particularly suitable for development. The preservation of shoreland access, passive recreation activities and natural features are the goal. The concept is that protected areas will augment the potential uses of the upland portion of the parcel as well as the opportunities for residents to access the shore area, enjoy open space and passive recreation opportunities.
3. The easement area will be managed according to a management plan developed by the Trust in collaboration with the Town.
4. Both the Trust and the Town can limit activities and uses on the property that create safety concerns that might degrade the resources or the experience of the users. The property will remain open for hunting but the easement does allow the Town and the Trust to collaboratively restrict hunting or trapping if they jointly think such restrictions are appropriate.
5. To ensure future access to the lower portion of the parcel, the Town will provide by deed a right of way to that portion of the parcel.

Comment: Time table for
Management Plan

Comment: Check for
Consistency in document

**Conservation Easement on GOSSELIN PROPERTY
Town of Cumberland, Cumberland County, Maine,
to Cumberland Mainland and Islands Trust, Inc.**

INHABITANTS OF THE TOWN OF CUMBERLAND, a municipal corporation located in Cumberland County, Maine, being a governmental body having an office at Cumberland, Maine 04021 (hereinafter referred to as the "Grantor," which word is intended to include, unless the context clearly indicates otherwise, the above-named Grantor, its successors and assigns, and any successors in interest to the Protected Property),

GRANTS as a gift to **CUMBERLAND MAINLAND AND ISLANDS TRUST, INC.**, a non-profit corporation organized and existing under the laws of the State of Maine, with a mailing address of P.O. Box 25, Chebeague Island, Maine 04017 (hereinafter referred to as the "HOLDER," which word shall, unless the context clearly indicates otherwise, include the Holder's successors and/or assigns),

with QUITCLAIM COVENANT, in perpetuity, the following described Conservation Easement on the Gosselin Property on the island of Chebeague in the Town of Cumberland, Cumberland County, Maine, hereinafter referred to as the PROTECTED PROPERTY, and described on Exhibit A attached hereto, and on a sketch plan attached hereto at Exhibit B, both made a part hereof by reference, exclusively for conservation purposes as follows:

- Purpose -

It is the purpose of this Conservation Easement to preserve and protect in perpetuity the availability of the Protected Property as an undeveloped natural and scenic resource for traditional low-impact outdoor recreation, nature observation and study by the general public, and to preserve the health of the wooded and coastal shoreline ecosystem.

The following recitals more particularly describe the conservation values of the Protected Property:

WHEREAS, the Protected Property consists of a completely undeveloped tract of land, approximately six (6) acres in size with approximately five hundred and seventy-four (574) feet of shoreline, dominated by a mixed species forest including pine, birch, ash, and maple, largely consisting of wetlands, and including a spring-fed stream emptying into Casco Bay and is located on the northwestern shore of Great Chebeague Island, and

WHEREAS, the Protected Property provides an ideal use for low-impact outdoor recreation, such as picnicking, hiking, and bird-watching, by the general public, and traditionally provides a highly scenic vista from the mainland accessible islands of Cousins Island and Littlejohn Island, the Chebeague Island ferry that traverses the waters from Cousins Island to Chebeague Island, and the high volume of recreational boaters that utilize the thoroughfare between Chebeague Island and the mainland to travel from the greater Portland area to the islands of eastern Casco Bay and points downeast; and

Comment: Access to Shore
not mentioned?

WHEREAS, the Protected Property is home to numerous bird species, and small and large mammals, and includes intertidal mudflats noted for their clam and mussel populations; and

Comment: Is this consistent with State law - "to the high tide" vs. low tide lines?

WHEREAS, the Chebeague Island is experiencing steady, accelerated development of both year-round and seasonal homes, often closing off traditional shore access to the public; and

WHEREAS, this conservation easement will assure the permanent availability of the Protected Property for traditional recreational uses by the general public, and the preservation of its important scenic natural resources and habitat value for indigenous flora and fauna;

Comment: Access to Shore?

NOW THEREFORE, the Grantor and Holder have established a Conservation Easement on, over, and across the Protected Property consisting of the following terms, covenants, restrictions, and affirmative rights granted to Holder, which shall run with and bind the Protected Property in perpetuity:

I. LAND USE RIGHTS AND RESTRICTIONS:

A. The Protected Property shall be used only for conservation and low-impact outdoor recreation, which is defined as outdoor recreational activities that do not rely on substantial alteration to the natural resources, permanent enclosures, lighting installations, or other activities that may degrade natural resources. Commercial, industrial, residential, mining, and quarrying activities are prohibited on the Protected Property, except for harvesting of marine invertebrates from the intertidal area.

Comment: Clarify this is a permitted use.

B. The Protected Property will remain open and available for daytime, low-impact pedestrian outdoor recreational use by the general public except as set out in this Conservation Easement. Grantor may establish rules and regulations for public use of the Protected Property and to control, limit or prohibit other uses such as night use, fires, camping, use by groups or commercial outfitters, or any other public or private use that may detract from low-impact recreational use by the general public intended to be preserved hereunder or for public safety purposes or as necessary to protect the conservation values of the Protected Property. Grantor and Holder reserve the rights and protections against liability for injury to any person to the fullest extent of the law under Title 14 M.R.S.A. §159-A, et seq. as amended and successor provisions thereof (The Maine Recreational Use Statute), pursuant to the Maine Tort Claims Act, and pursuant to any other applicable provisions of State and federal law.

C. As of the date of this grant, there are no structures, no surface alterations and no material human alteration to the standing timber on the Protected Property

D. No additional structures may be placed or constructed on the Protected Property except those designed to enhance the opportunity for low-impact public use, nature observation and study, and to preserve the conservation values of the Protected Property.

E. No excavation, filling, dredging, grading or other alteration may be made to the surface of the Protected Property, except as necessary to install permitted structures and undertake permitted vegetation management, to prevent erosion, to undertake ecological studies under professional supervision and archaeological studies under the supervision of a Maine licensed archaeologist and in accordance with generally accepted professional standards, and as necessary to establish and maintain rustic pedestrian trails, not to exceed four feet in width; provided that all such surface alterations shall be designed to prevent soil erosion, prevent habitat damage, and preserve the undeveloped scenic views of the Protected Property from offshore.

Comment: May need to discuss a "Primary Access to the Shore" and better define a Trail system.

F. No standing timber or live vegetation may be cut or removed except cutting necessary to

install permitted structures, permitted establishment and maintenance of trails, and for the establishment of a permitted parking area and except to remove dead or damaged vegetation, to remove or relocate blowdowns, leaners, and snags, and to remove live vegetation to the extent necessary to combat fire or eradicate infestation of opportunistic plants, pests or plant disease

- G. No dumping, storage or burial of waste materials of any nature is permitted on the Protected Property, except that vegetative waste resulting from permitted maintenance of the Protected Property may be temporarily stored and disposed of by burning or removal. The public shall be required to carry out any waste generated by their uses.
- H. Grantor shall provide a right-of-way access to the protected property sufficiently wide for vehicle traffic.

II. HOLDER'S AFFIRMATIVE RIGHTS:

A. Holder is granted the right to enter the Protected Property at any time the Protected Property is normally open to the public, or at other times with prior notification to Grantor, for the purposes of monitoring the conditions and terms of this Conservation Easement, and to undertake ecological study of the Protected Property.

Comment: This clause does not seem necessary. "A"

B. Holder is granted the right to enforce this Conservation Easement at law or in equity, including the right to require restoration in the event of a breach, provided, however, that naturally occurring changes or changes due to trespass or vandalism shall not give rise to any right in the Holder to require restoration.

C. Holder is granted the right to build a rustic trail including bridges over streams and steps giving access to the beach, and to install small unlighted directional and informational signs to direct, control and enhance public use of the Protected Property; stone walls, low barriers or fencing to prevent unauthorized use of the Protected Property and to protect fragile areas from over use; minor habitat improvements; rustic seats, benches, tables; small temporary structures for special events; and rustic trail improvements.

Comment: Need some clarification.

Comment: "Gathering of rocks" to improve one section, may cause unintended consequences elsewhere on the parcel.

D. Holder is granted the right to post the property to prevent hunting or trapping, and to exclude entry by all forms of motor vehicles except those necessary to carry out permitted activities as described in section I E, and I F.

E. Holder is granted the right to clear vegetation in order to permit parking of up to three cars.

Comment: On Town Parcel constructed by the Town.

F. In the event that Cumberland Mainland and Islands Trust, Inc. should dissolve or is not able to fulfill its obligations under the easement, it will assign the easement to another qualified entity chosen by the Grantor within three months of notice of an intent to assign. A qualified entity is one that meets the definition of a "Holder," at Title 33 Maine Revised Statutes Annotated Section 476(2), as amended or recodified, and meets the requirements of Section 170(h)(3) of the Internal Revenue Code, (or successor provisions thereof) and that as a condition of transfer, agrees to carry out the conservation purposes of this grant.

III. GENERAL TERMS AND PROVISIONS:

A. Any ambiguity in the interpretation of these easements and restrictions shall be resolved in favor of preserving the Protected Property in its natural and scenic condition. This grant shall be interpreted to permit compliance with applicable state, local, or federal law or regulation, and may be amended if and to the extent necessary to permit compliance therewith.

B. Any notice to Holder required or contemplated hereunder must be delivered in hand or by other reasonable means providing a record of receipt, addressed to: President, Cumberland Mainland and Islands Trust, P. O. Box 25, Chebeague Island, Maine 04017; or to such other authorized person hereafter designated in writing by Holder. Any notice to Grantor required or contemplated hereunder must be delivered in hand, or by other reasonable means providing a record of receipt, addressed to: Cumberland Town Manager, Town of Cumberland, Cumberland, Maine, 04021.

C. This Conservation Easement is created pursuant to The Uniform Conservation Easement Act at Title 33, Maine Revised Statutes, Sections 476 through 479-B, inclusive, as amended, and shall be construed in accordance with the laws of the State of Maine.

D. At the XXXX Town Council Meeting, the Town Council approved granting Holder a Conservation Easement on the Protected Property in order ensure it is permanently protected as a publicly accessible conservation property.

TO HAVE AND TO HOLD the said Conservation Easement unto the said Holder and its successors and assigns forever.

IN WITNESS WHEREOF, the Town of Cumberland have caused its corporate seal to be hereto affixed and these presents to be signed in its name and behalf by _____, and _____, XXXXXXXX, hereunto duly authorized this _____ day of _____, Two Thousand.

, by

STATE OF MAINE
COUNTY OF CUMBERLAND, ss.

, 2002

Personally appeared the above named _____, in his/her said capacity as XXXXXXXXX
and the authorized representatives of the above-named Grantor, INHABITANTS OF THE TOWN OF
CUMBERLAND, and acknowledged the foregoing instrument to be her free act and deed in her said
capacity, and the free act and deed of said municipality.

Before me, _____
Notary Public

(Please type or print name of notary)
My commission expires:

HOLDER ACCEPTANCE

The above and foregoing Conservation Easement was authorized to be accepted by
CUMBERLAND MAINLAND AND ISLANDS TRUST, INC. Holder as aforesaid, and the said
Holder does hereby accept the foregoing Conservation Easement, by and through Robert Crawford,
its President, hereunto duly authorized, this _____ day of _____, 2002.

Cumberland Mainland and Islands Trust, Inc.

by: Robert Crawford
its President

STATE OF MAINE
COUNTY OF CUMBERLAND, ss.

, 2002

Personally appeared Robert Crawford, the President and authorized representative of the above-named
Holder, CUMBERLAND MAINLAND AND ISLANDS TRUST, INC., and acknowledged the foregoing
instrument to be his free act and deed in his said capacity, and the free act and deed of said non-profit
corporation.

Before me, _____
Notary Public

(Please type or print name of notary)
My commission Expires:

Exhibit A

A Legal Description of the Protected Property

The Protected Property is XXXXXXXXX

A certain lot or parcel of land situated on the island of Chebeague in the Town of Cumberland, County of Cumberland and State of Maine, bounded and described as follows:

Containing 6 acres, more or less, and being registered as

Exhibit B
A Sketch Plan of the Protected Property

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

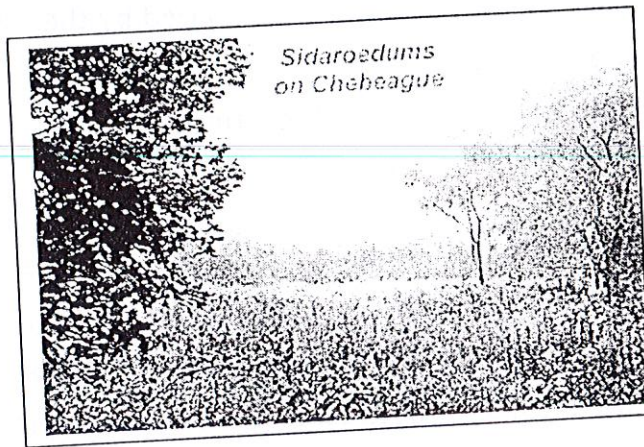
INTRODUCTION

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.

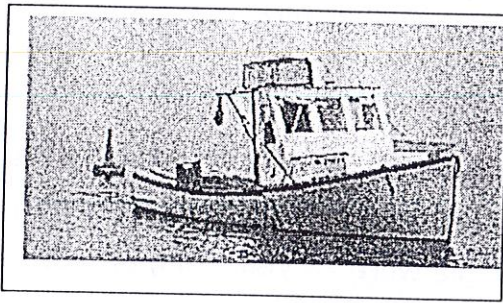
One-person households (people living alone) account for a higher percentage of Chebeague's population than the rest of the town of Cumberland, or Cumberland County. More than half of these people were 75 years old, or older, in 2000. This stands in stark contrast to the rest of Cumberland County, where 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 than \$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.

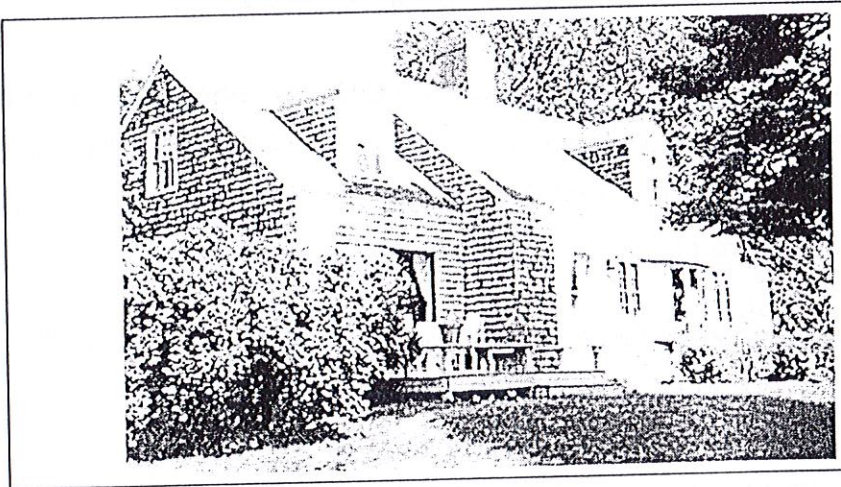
Sales of year-round and seasonal homes that have varying degrees of waterviews and water access peaked during 1997 to 2000 at about 12 or 13 homes sold per year. The sale prices varied and were split during this time frame between homes as low as \$20,000 and \$50,000, to sales in the \$100,000's and 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 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 of 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 \$2,665⁷. 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).

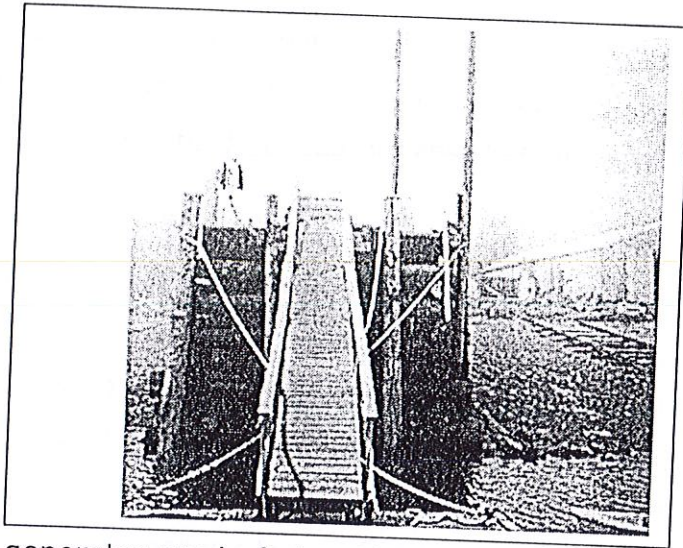
The tax burden is not uniformly distributed across the island. The Cumberland Town Assessor's office has categorized Chebeague properties into four "neighborhoods" based on proximity and access to the ocean. It will come as no surprise that taxes on ocean front properties are the highest. The median 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.

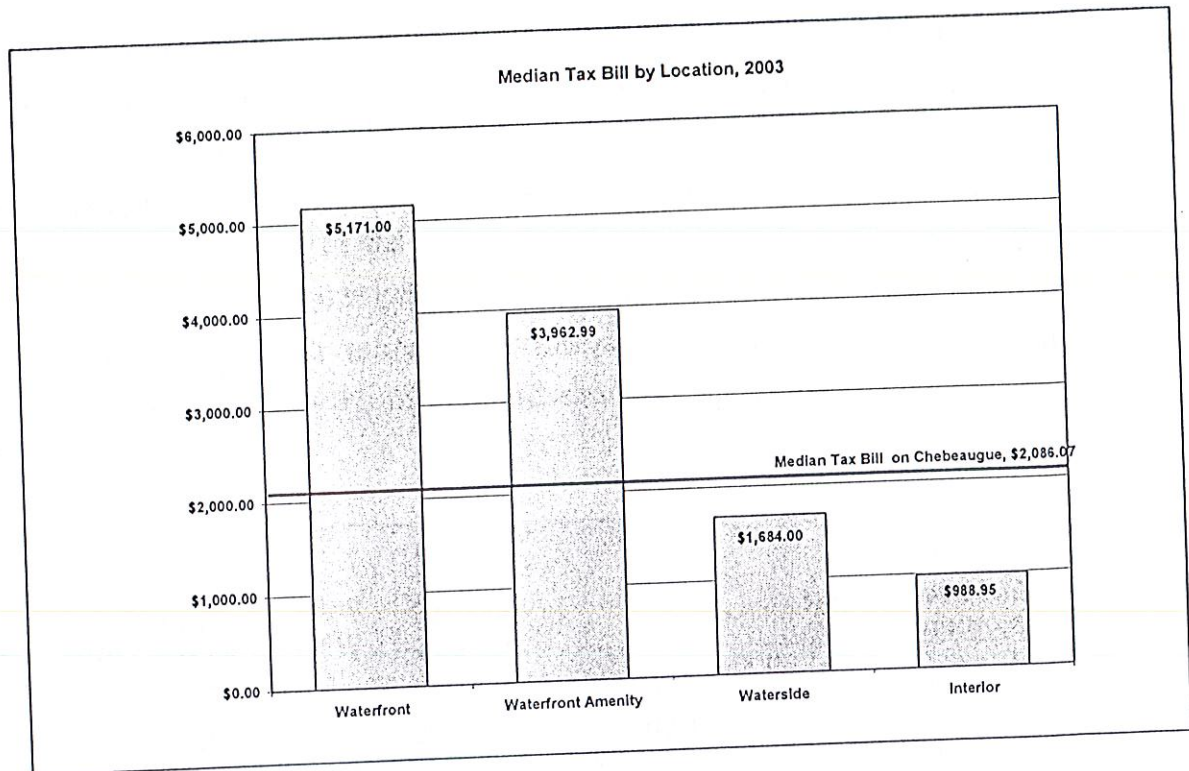
islanders own 48% of interior properties but only 31% of waterfront, water access and water amenity properties. This means that tax burden for interior island property owners is pretty much in line with the tax burden in mainland Cumberland. Where taxes are more likely to be a serious issue affecting 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

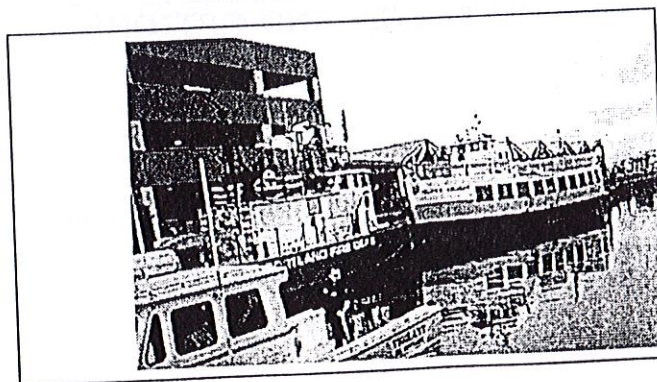
generates are in fact paid by short-term and summer residents, future research might be conducted to determine how money flows between the Island community, where the median income is \$32,000, and the mainland community, where the median income is \$67,833.

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

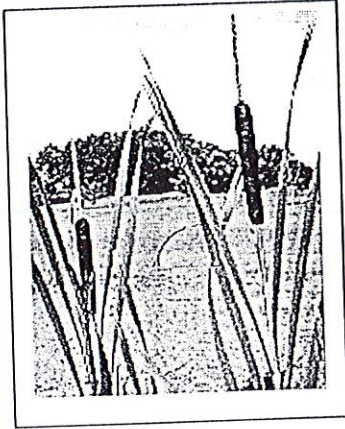
their ferry use to a certain extent if other carrying costs increase (such as property taxes). However, those who commute to work off island cannot vary their ferry use to the same degree; nor can off-islanders who commute to on-land jobs. What this means is that if other carrying costs rise, ferry costs are most likely to directly influence working age people who commute to off-island jobs. Among this group, younger wage earn (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.texasobar.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.

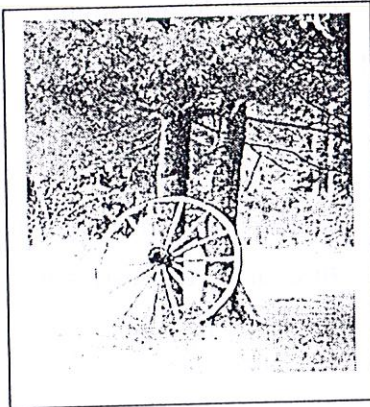
Disadvantages of this strategy are primarily born by the sponsoring organization. They include financial risk: acting as intermediaries between residents and funders, and significant organizational capacity required to fulfill the roles required to adequately administer the program. See **Appendix E**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

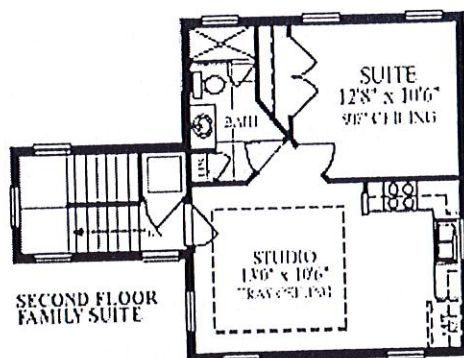
The demographic statistics generated related to Chebeague Island reveal two profound results:

- 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?*

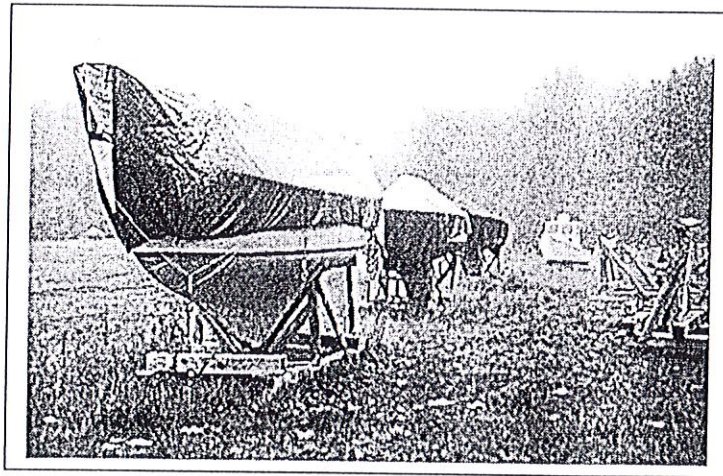
What are the characteristics of housing stock in the affordable price range? Recent sales indicate that homes are still available in a price range that, theoretically, is affordable to the typical Chebeague resident. What is the condition of these homes (e.g., livability)? Are they in good condition 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:

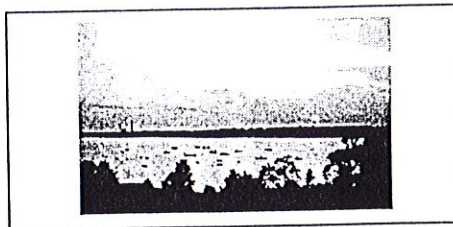
- **Housing demand market study** - to determine what the demand is for new or different housing options.
- **Housing livability study** - to gather data on the condition of housing currently existing on the island.
- **Buildable land inventory study** - to determine all available, buildable land – both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

Report Submitted by USM Muskie School of Public Service Graduate Students

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Jeremy Doxee
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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
3	Bungalow	\$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
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
2	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	\$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
1	Colonial	\$30,900	\$ 557.13
2	Colonial	\$32,600	\$ 587.78
2	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
3	Colonial	\$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
1	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
2	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
3	Conventional		
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
4	Conventional	\$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
1	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
3	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
4	Cottage	\$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
1	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
3	Modern/Contemp	\$463,600	\$ 8,358.71
4	Modern/Contemp	\$466,600	\$ 8,412.80
4	Modern/Contemp		
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
4	Modern/Contemp	\$505,800	\$ 9,119.57
1	Ranch		

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



160 80 0 160 Feet



Test Pit Locations +/-



50' ROW

**Curit Property
Chebeague Island**

Nadeen Daniels

From: William Shane
Sent: Wednesday, June 02, 2004 8:40 AM
To: Carla Nixon; Rob Crawford (rcrawford@mainelaw.com)
Subject: Island's Committee and CMIT Meeting

Carla and Rob:

The Town Council has scheduled a workshop for **6 PM on Monday, June 28, 2004 in the Town Council Chambers** to review your plan and preliminary recommendations for the Curit Property. Please come prepared to answer questions and discuss ideas related to future uses of the property.

No formal presentation will be required. I anticipate a round table discussion with a brief introduction by Carla of the housing piece and then Q&A led by the Council Chairman to answer specific Council questions. 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 with tables set-up in a horseshoe like pattern.

Please let me know if you need any additional information prior to the Meeting or any Audio visual equipment. I will bring the map generated by Jim Thomas as well as a map I created to demonstrate access to the property. I will try to contact the abutters as they have expressed an interest in the development of the property.

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

TOWN OF CUMBERLAND

Publication dates: 6-24-04
Publication names: Forrester
Date filed: 4-7-04
Fee rec'd: \$ 500
Date Ordinance received: 4-08-04
Issued: _____
Denied: _____

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

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

Name of applicant: United Maine Craftsmen, Inc

Address of applicant: 16 Old Winthrop Rd, Manchester ME 04351 Tel. # 621-2818

Name of event: 35th Annual Cumberland Craft Show

Facility where the event will be held: Cumberland fairgrounds

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

Name of promoter (if different from above): _____

Telephone number: _____

Will any food vendors be serving at the event? x yes, _____ no (if yes, how many, and what types) Concession: some with truck units, free standing, tents and the Lions Club building on site.

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

Date of event: August 12-13-14-15, 2004 Date (start and finish times): 10-5pm daily -4pm Sunday

Number of tickets available: unlimited, sold at door Usually 15,000

Expected attendance: 15,000

Description of event: 300 craft exhibitors selling their handmade products

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

1. Fall Craft Festival - Smiling Hill Farm -Westbrook
150 exhibitors, 4,000 customers
September 13, 2003
2. 34th Annual Cumberland Craft Show -same event in 2003 and 2002
3. _____

Description of facility:

- A. Seating capacity: _____ permanent; _____ temporary
- B. Other seating capacity: _____ festival; _____ standing room only
- C. Number of toilets available: _____ permanent; 20 portable
- D. Number of parking spaces available: _____ on-site; _____ off-site
- E. Are all parking lots lighted (applicable only if event runs into evening hours)
_____ yes; _____ no, if no, which lots are not lighted _____
- F. Source of potable water: fairgrounds, for sale and coolers
- G. Refuse containers available, number and size: on site cans, 3 roll offs
from Triano Waste Services
- H. Name of refuse disposal company (attach a copy of the agreement to pick up refuse)
Triano Waste Services
- I. When will refuse be picked up? Sunday or Monday

Public Safety:

- J. Describe first aid facilities: Cumberland Rescue
- K. Describe emergency facilities: Cumberland Police Dept

L. Describe communication facilities: Portables and cell phones

M. Number of certified police officers: _____

N. Other security personnel (include company name and qualifications): _____
Publicover Securities

O. Describe fire personnel: Cumberland Fire Department

Traffic Plan

P. Description of routes persons attending the event are likely to take, include number of traffic controllers and deployment descriptions.

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

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

Crowd Management

S. Plan for discouraging those not holding tickets for the event from not coming to the event site.

T. Plan for preventing trespassing on private property in the area.

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

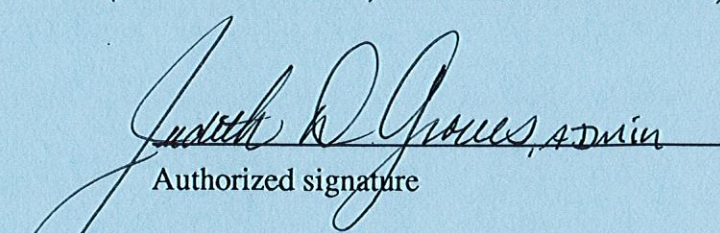
V. Description of how the event will be publicized, include how a sell-out will be publicized.

Other

W. Name of liability insurance ZURICH

Amount of coverage \$2,000,000; amount of property insurance \$500,000

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


Authorized signature

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

TOWN OF CUMBERLAND

CUMBERLAND, MAINE 04021



TREAS.



NO.

165810

DATE: 04/09/2004
AMOUNT: 500.00

PREVIOUS BALANCE:
NEW BALANCE:

R0315 CLERK LICENCES 500.00

DESCRIPTION: MASS GATH #500

THANK YOU

RECEIVED FROM: UNITED MAINE CRAFTSMAN

WILLIAM RSHANETAX COLL BY DAF

PLEASE SAVE THIS RECEIPT FOR YOUR RECORDS.

April 8, 2004

Judith Groves
United Maine Craftsmen, Inc.
16 Old Winthrop Rd. Suite 2
Manchester, ME 04351

Dear Ms. Groves:

I am in receipt of your application for a Mass Gathering Permit to conduct the 35th Annual Cumberland Craft Show August 12 – 15, 2004 at the Cumberland Fairgrounds.

Upon review of your application, several areas require further documentation. In particular: (1) a written emergency services agreement between you and the Town of Cumberland for fire, rescue and police services; (2) a liability insurance certificate in the amount of \$1 million dollars naming the Town of Cumberland as an additional insured; and (3) a written agreement for refuse disposal.

Please contact the town's Police, Fire and Rescue Chiefs at 829-2213 to schedule a meeting to review the necessary public safety requirements regarding traffic plans, crowd management and security. I will need written verification from each chief with respect to coverage and personnel requirements.

Also, I note that your application indicates many food vendors are anticipated. Cumberland requires each food vendor to file a victualer's application at a fee of \$10 per vendor. I am attaching a blank license for your reproduction. Please alert your food vendors to this licensing requirement and forward to me a complete list of vendors to include names, phone numbers and addresses as soon as possible.

Finally, I am forwarding a second copy of the Mass Gathering Ordinance for your clarification. Your application requires publication in advance of the Town Council's review. I will schedule its advertisement on July 12th, and submit to the Town Council for consideration at its July 12th meeting, if I have received all of the necessary documentation prior to July 12th. Please do not hesitate to contact me if I can be of further assistance.

Sincerely,



Nadeen Daniels
Town Clerk

CC: Chiefs Charron, Bolduc and Small
CEO Barbara McPheters

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 4-15-04

Company Name: United Maine Craftsman ACC# 114357

Service Address: Cumberland Fair Grounds

City, State, Zip: Cumberland

Contact Name: Judy Grove

Phone #: 621-2818 FAX: 621-1945

Size of Container: 3 - 30 yards

Service Days: on call

Monthly 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 Hoxle 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.

INSURED

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

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:

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"/> PROJECT <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 EA ACC \$ AUTO ONLY: AGG \$
	EXCESS/UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE DEDUCTIBLE \$ 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

Ausar 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

5/11/2004



CUMBERLAND RESCUE DEPARTMENT

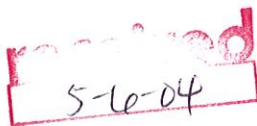
290 Tuttle Road

Cumberland Center, Maine 04021-9321

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

CHRISTOPHER J. BOLDUC

CHIEF



May 6, 2004

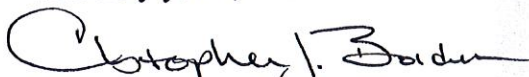
Judith Groves
c/o United Maine Craftsmen, Inc.
16 Old Winthrop Road Suite 2
Manchester, Maine 04351

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

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.

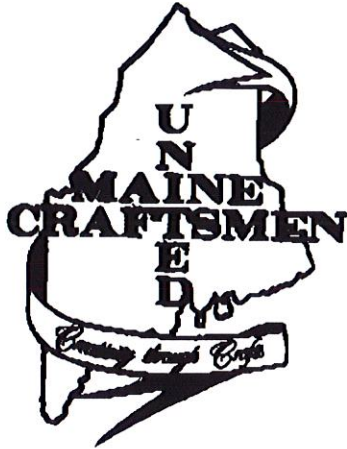
Chris

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

cbolduc@cumberlandmaine.com

4/15/2004

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 Sheet

To: **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.

MEMORANDUM

DATE: JUNE 24, 2004
TO: TOWN COUNCIL MEMBERS
FROM: NADEEN DANIELS, TOWN CLERK
RE: CRAFT FAIR VICTUALERS' LICENSES

.....

Please find attached 13 applications from vendors seeking temporary victualers' licenses in order to sell food at the 35th Annual Cumberland Craft Show, to be held at the Cumberland Fairgrounds, August 9 – 15, 2004.

This list has been provided to the Town's code officials, as well, who will inspect the vendors during opening day.

We recommend approval of the licenses, pending compliant inspections.

Thank you.

TOWN OF CUMBERLAND, MAINE

APPLICATION for VICTUALER'S (Food Service Establishment) LICENSE

Business or Trade Name: Three Leaf Foods
Business Address: 7 Candlewick Ln Cumberland ME 04021
Name of Manager: Jody or Phil Business Phone: 829-9110
Date of event or new license: August 12-15, 2004
Signature of authorized person: [Signature] Date: 4/30/04

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>10</u> |

Name & type of vending unit(s):

Sauteed Veggies + veggie/chicken wraps

Enclose CHECK payable to: "Town of Cumberland"

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

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



Security enhanced document. See back for details.

JOANNE P. BOBROW

DBA THREE LEAF FOODS
7 CANDLEWICK LN
CUMBERLAND, ME 04021-9534
PH. 207-829-9110

1568

DATE 5/4/04

52-60/112
57135

PAY
TO THE
ORDER OF

Town of Cumberland

Ten

xx/100 \$ 10.00

DOLLARS

Security features
are included.
Details on back.



KeyBank National Association
Portland, Maine 04103
1-888-KEY4BIZ® Key.com®

FOR

Joanne Bobrow

MP

⑈001568⑈ ⑆011200608⑆ 191354002351⑈

received

2004

TOWN OF CUMBERLAND, MAINE

APPLICATION for VICTUALER'S (Food Service Establishment) LICENSE

Business or Trade Name: Aucor Concessions
Business Address: 233 Oak Hill Road, Litchfield, Me 04350
Name of Manager: Steven Aucor Business Phone: 933-2163
Date of event or new license: Aug 12-13-14-15-2004
Signature of authorized person: Steven P. Aucor 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 20-
Name & type of vending unit(s): Lemonade / Fruit Smoothie

(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: _____

 UNITED STATES POSTAL SERVICE®		POSTAL MONEY ORDER		15-800 000
SERIAL NUMBER	YEAR, MONTH, DAY	POST OFFICE	U.S. DOLLARS AND CENTS	
06100928548	2004-04-27	041111	0000300000	
AMOUNT: THIRTY DOLLARS & 00¢*****				
PAY TO	NEGOTIABLE ONLY IN THE U.S. AND POSSESSIONS SEE REVERSE WARNING			
ADDRESS	FROM	CLERK		
290 Tuttle Rd Cumberland, Me	Steven Newcom	003		
C.O.D. NO. OR USED FOR	ADDRESS			
00000080020		06100928548		

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: _____



POSTAL MONEY ORDER

15-800
000

SERIAL NUMBER
06100928548

YEAR, MONTH, DAY
2004-04-27

POST OFFICE
041111

U.S. DOLLARS AND CENTS

0000300000

AMOUNT: THIRTY DOLLARS & 00c*****

PAY TO	<i>Miss Karen of Cumberland</i>	NEGOTIABLE ONLY IN THE U.S. AND POSSESSIONS SEE REVERSE WARNING	
ADDRESS	<i>290 Tuttle Rd Cumberland, Me</i>	FROM	<i>Steven Nelson</i>
C.O.D. NO. OR USED FOR		CLERK	<i>003</i>

00000080020

06100928548

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: _____

Received

VINCENT C. NIELSEN

P.O. BOX 53
GORHAM, ME 04038

54-49/114
9359430366

659

DATE

4/15/04

PAY TO THE
ORDER OF

Town of Cumberland

\$ 10.00

Ten

DOLLARS



Security Features
Included
Details on Back



Fleet

02312

www.fleet.com
Main Street Office
Westbrook, Maine 04092

MEMO

Victrolers Lic

V Nielsen

MP

⑆011400495⑆ 93594 30366⑈ 0659

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: _____

KERNEL BOB'S KETTLE KORN, LLC

P.O. BOX 276
 GRAY, MAINE 04039
 EMAIL bob@kernelbob.com
 BERNICE NELSON ROBERT F. GOWELL

REMITTANCE ADVICE	

52-7445
 2112

No 2816

PAY AMOUNT		TO THE ORDER OF		GROSS AMT.		DISC.		CHECK AMOUNT	
Ten and ¹⁶ / ₁₀₀		Town of Cumberland		:		:		\$ 10.00	
DATE	CHECK NO.	DESCRIPTION		:		:		SECURITY FEATURES INCLUDED DETAILS ON BACK	
4/27/04	2816			:		:			

UMC 12-15 AUG 04



Robert Gowell
 AUTHORIZED SIGNATURE

⑈002816⑈ ⑆211274450⑆ 0291 40548⑈

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: 5/14/04

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: _____

COLE FARMS

PH.657-4714
PO BOX 679
GRAY, ME 04039

13125

52-7252/2112

PAY
TO THE
ORDER OF

Town of Cumberland

DATE

May 11, 2004

\$10.00

COLE FARMS **10 DOLLARS** CTS

DOLLARS

Security features
are included.
Details on back.

**Androscoggin
Bank**

Gray, Maine 12

FOR

Victualer's license application *Jessie E Sawyer*

⑈013125⑈ ⑆211272520⑆ 97⑈000⑈305⑈

© 2004 American Bank

GUARDIAN @ SAFETY

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: [Signature] 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

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 Gt Fair and ^{8/12-15} Cumberland Fair 9/26-10/2
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: _____

WAYNE J. TUOHEY
105 COUNTRY CLUB RD. 207-929-8859
HOLLIS CENTER, ME 04042-9782

~ Number 8, Pebble Beach® ~

1404

Date Apr 12 2004

52-60/112
125

Pay Turn of Cumberland \$ 50.00
to the order of

fifty and 00 Dollars



KeyBank National Association
South Portland, Maine 04106
1-800-KEY2YOU Key.com®

For

⑆011200608⑆ 191370000694⑈ 1404

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are included.
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MP

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. Robanoff 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>*</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: _____



53 CODMAN STREET
PORTLAND, MAINE 04103
207-772-1471
LIC. 0626050ME

DATE	INVOICE	AMOUNT

5450

52-7445
2112
CHECK
AMOUNT

PAY

Twenty dollars + 00/100		DOLLARS
DATE	TO THE ORDER OF	DESCRIPTION
4/29/04	Town of Cumberland	UMC + Amb Fair
		CHECK NO.

\$ 20.00

DAN RUBINOFF

D Rubinoff

PEOPLES HERITAGE BANK
PORTLAND, MAINE 04101

⑈005450⑈ ⑆211274450⑆ 0219 12440⑈

h/100/r



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

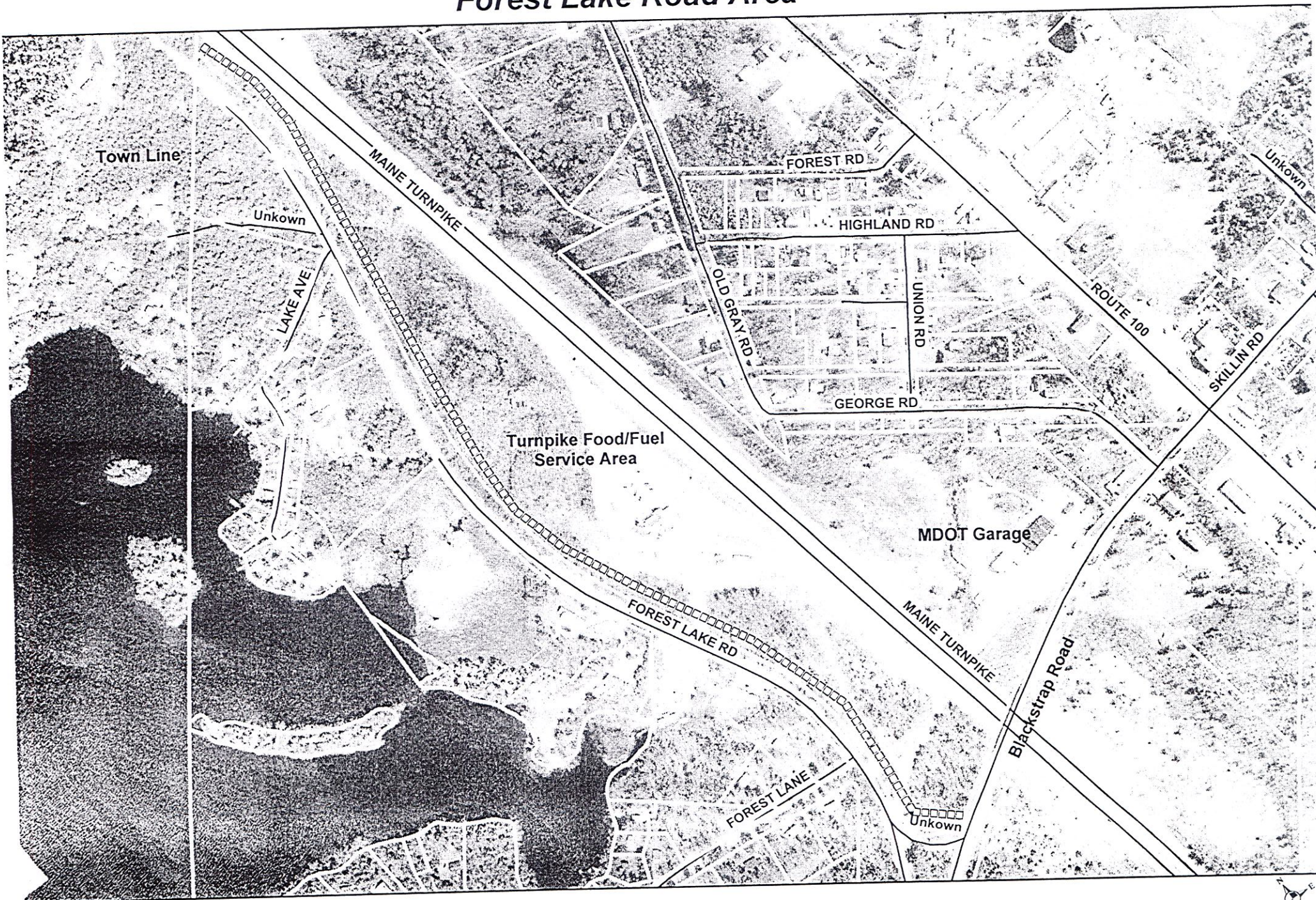
To: Town Council
From: William R. Shane, Town Manager
Date: June 11, 2004
Re: Forest Lake Road Speed

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



MEMORANDUM

TO: TOWN COUNCIL MEMBERS
FROM: NADEEN DANIELS, TOWN CLERK
RE: ANNUAL VICTUALER'S LICENSES

I have provided you with the Master List of the 2004 Victualer's Licenses. The list is unchanged from last year, with one exception, the Grill On Main Café has closed permanently. The Chebeague Island Inn has had several inspections and will open in the near future. I ask that you approve their annual license, pending final inspection and approval by the Fire Chief and Code Enforcement Officer.

Fire inspections are complete and the department recommends approval of the food service licenses. Dan performed both Fire and Code Inspections, given Barbara McPheters absence. Eileen Wyatt has also completed all of her inspections and we await only two water reports at this time – Big Apple and Chebeague Island Bakery.

Based on the recommendations of the Health Officer and Fire Chief, I request your ***approval of the 2004 Victualer's Licenses as submitted.***

Thank you.

Cumberland Fire Department

366 Tuttle Road, Cumberland Center, Maine 04021

Emergency 911

Business 829-5421

Fax 829-4256

Email dsmall@cumberlandmaine.com

Daniel R. Small
Chief

To: Nadeen Daniels

From: Daniel R. Small, Fire Chief

CC: Captain Mark Stewart

Date: June 24, 2004

RE: Victualer's Licenses

This memo is to serve as notification that all Victualer's Inspections on the list supplied by the Town Office have been completed by Captain Mark Stewart, Fire Prevention Officer. All of the businesses are in compliance with fire code as adopted by the Town of Cumberland at the time of inspection.

2004 ANNUAL VICTUALER'S LICENSE LIST

- ✓ Dennis Allen 829-6665
✓ ALLEN FARM COUNTRY STORE
201 Gray Road
Cumberland ME 04021
- ✓ C.N.Brown Company d/b/a 743-9212
✓ THE BIG APPLE STORE 829-5246
174 Main Street
Mailing Address: PO Box 200
So. Paris Me 04281
- ✓ HSM HOST/BURGER KING 657-3929
Manger: Denise Martin 829-3831
Mile 56, Maine Turnpike South
P. O. Box 337, Gray Me 04039
- ✓ Martha Dumont 846-5155
✓ CHEBEAGUE ISLAND INN
61 South Road
Chebeague Island ME 04017
- ✓ Gail-Worthen Todd 846-6340
✓ CHEBEAGUE ISLAND BAKERY
54 Meeting House Lane
Chebeague Island ME 04017
- ✓ Vickie & Neil Taliento 846-9488
✓ CHEBEAGUE ORCHARD INN
66 North Road
Chebeague Island ME 04017
- Reynold Michaud 829-0980
REY'S CUMBERLAND CAFÉ
172 Gray Road
Cumberland ME 04021
- ✓ Edmund & Julie Doughty 846-9997
✓ DOUGHTY'S ISLAND MARKET
237 South Road
Chebeague Island ME 04017
- ✓ Mark Fortin d/b/a The Davnic Corp 829-3250
✓ FOODSTOP
318 Main Street
Cumberland Me 04021
- ✓ Jerry Howland 829-5591
✓ J BROTHERS VARIETY STORE
42 Gray Road
Cumberland Me 04021

✓ Kay & Greg Fowler 829-3982, 829-5977
SPRING BROOK FARM & DAIRY STORE
168 Greely Road
Cumberland ME 04021

✓ James & Banu Komlosy 846-6568
SUNSET HOUSE B & B
74 South Road
Chebeague Island ME 04021

✓ Taylor Schoppe 829-2226
VAL HALLA GOLF & RECREATION CENTER
One Val Halla Road
Cumberland ME 04021

~~Milton Truman 590-8283
THE GRILL ON MAIN CAFÉ
137 Longwoods Road
Cumberland ME 04021~~

Sheila Donofrio 829-3799
BASIL PROVISIONS
20 Blanchard Road
Cumberland Me 04021

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

Business or Trade Name: Allen's Country Store

Business Address: 201 Gray Rd

Name of Manager: Dennis R. Allen Owner Bus. Phone: 829-6665

Date of Event or New License: _____

Signature of Authorized Person: Dennis R Allen Date: 5/27/04

+++++
CHECK THE PROPERTY 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 X
- (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 Rec'd: 5-27-04 Date of Issuance _____ Cert No. _____
Cash

P.O. Box 400
108 Tandberg Trail
Windham, Maine 04062

Est. 1973



State Certified

(207) 892-4485
Fax: (207) 892-2559
mcfwtrlab@aol.com

McFARLAND LABORATORIES

ENVIRONMENTAL LABORATORY
WATER SPECIALISTS
www.waterlab.net

Lab No. 87710
Bottle No. 710

Customer:

ALLEN, DENNIS

12 ~~32~~ R ALLEN'S COURT WAY
CUMBERLAND, ME 04021

Location:

201 GRAY RD.
CUMBERLAND, ME

Tel. (207) 829-6665

Reason: STATE COMPLIANCE

Subject: SAFETY CHECK

Sampled by: CLIENT

Source: KITCHEN

Sample Point: OTHER

Date & Time Collected: 05/19/04 14:25

Date & Time Received: 05/19/04 14:50

Date Reported: 05/24/04

Tested By: JPB

* PARAMETER	* RESULTS	* DATE & TIME ANALYZED	* METHOD #
TOTAL COLIFORM			
BACTERIA:	NEGATIVE	05/19/04 1630	9223BP/A
E-COLI:	NEGATIVE		
NITRATE:	<0.500	05/19/04	4500D
NITRITE:	<0.02	05/19/04	4500B

SATISFACTORY

* RESULTS EXPRESSED IN mg/L UNLESS OTHERWISE DESIGNATED.

< = Less Than > = Greater Than ND = None Detected

MAI assumes no responsibility or liability for those matters not under its' direct control including but not limited to sample collection date and sampling procedures.

Reviewed By : 

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Est. 1973

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ENVIRONMENTAL LABORATORY
WATER SPECIALISTS

INTERPRETATION OF RESULTS

1. Total coliform - A satisfactory water test has a 0 (Zero) total coliform bacteria. Water containing total coliform bacteria 1 colony per 100 milliliters or greater, TNTC (too numerous to count) or CG (confluent growth) should not be used for drinking or cooking. Coliform bacteria are organisms that live in the intestines of humans and also can be found from decaying organic matter (hay, leaves, pine needles, wood, etc.), soils and surface water. While total coliform bacteria may not cause illness themselves, their presence suggests the possibility of contamination from other disease causing bacteria. It is not unusual to find total coliform bacteria in a new well before disinfection.

2. Color, Odor, Turbidity - Not considered health hazards.

FHA - HUD limits usually are: 15	color units
3	odor
5	NTUs of turbidity *

* Turbidity - A measurement of suspended particles in the water. Public water has a limit of 1.0 NTU of turbidity. The recommended limit in private wells is less than 5.0 NTU of turbidity.

3. pH - pH values range from 0 (very acid) to 14 (very basic); 7.0 indicates water that is neutral. Most ground waters have pH values ranging from about 5.5 to slightly over 8.0. A water sample having a pH less than 7.0 tends to be corrosive. It will dissolve some metals (lead, copper, cadmium and zinc) from pipes, well casing, pump, furnace and faucets. The recommended range is 6.0 - 8.5. Water with a pH under 6.0 should be neutralized. * FHA - HUD limits usually are : 6.5 - 8.5

4. Total Dissolved Solids - (TDS) This is the sum of all materials dissolved in the water and has many mineral sources. Some examples of total dissolved solids are: hardness, chloride, silica, sodium and sulfate. The suggested limit for public water supplies is 500 mg/L.

5. Hardness - (as calcium carbonate) Hardness in water is derived largely from calcium and magnesium dissolved from the soil and rock formations. There is no standard for hardness. Hard water is not harmful to health. Calcium and magnesium are essential body elements. In fact, studies suggest that hard water is better for cardiovascular health than soft water, though the reasons for this are not yet known. Hard waters are satisfactory for human consumption, but because of their adverse action with soap, and their tendency to produce scale in hot water pipes, heaters, etc., it may be desirable to install a domestic water softener.

0	-	75	of calcium carbonate	soft	water
75	-	150	" "	moderate	"
150	-	300	" "	hard	"
300	-	up	" "	very hard	"

6. Chloride - Chloride in normal ground water falls in the 10 to 100 mg/L range. While not harmful in reasonable concentration, high amounts can cause a salty taste and corrode pipes, pumps and plumbing fixtures. A secondary drinking water standard of 250 mg/L has been set. If high chlorides are detected, the water source should be checked for sodium. High chloride levels are associated with salt water intrusion, septic tanks, road salt piles and road salting.

7. Nitrogen Compounds - Nitrate and Nitrite - The primary drinking water standard for nitrate is 10 mg/L and 1.0 mg/L for nitrite. Nitrate or nitrite in high amounts can cause methemoglobinemia in infants, a disease that interferes with the blood's ability to carry oxygen throughout the body. Infants should not drink water which is over the standard and it should not be used for mixing formulas. Nitrate and Nitrite occur naturally in small amounts in drinking water. They can be introduced into drinking water supplies through a number of sources including septic systems, manure spreading and storage and heavy fertilizer usage. Locate and remove the source of contamination, if possible. Water treatment equipment is available to remove nitrate from water. Contact a water treatment specialist who has expertise in nitrate removal. See the yellow pages for one in your area.

8. Copper - Copper is an essential element for plants, animals and humans. When present in drinking water in levels over 1.0 mg/L, it may cause a bitter taste, or green-blue stains on sinks. Since copper is found only in trace amounts in Maine's ground waters, excess levels are usually caused by the corrosion of copper pipes from soft, acidic waters. Equipment for pH control will reduce the acidity of water so that less copper is dissolved.

9. Iron & Manganese - Most water contains some iron and manganese which naturally leaches from rocks and soils. Both iron and manganese are highly objectionable for drinking water supplies. Excess amounts (>0.30 mg/L) in drinking water can cause discolored water, rusty-brown stains or black specks on fixtures and laundry. There are a number of iron and manganese removal units commercially available from water treatment specialists.

10. Chlorine - Chlorine is an effective disinfectant for destroying disease causing organisms in public water. After disinfection of a private well, all the chlorine must be run out before coliform bacteria can be tested. If you smell chlorine in your water, it is too soon for sampling.

Recommended Chlorine Dosage (chlorine bleach)

Diameter of well	Type of well	Dosage for each 10 ft. of water depth
6"	Drilled	4 oz. per 10 feet
36"	Dug	1 gallon per 10 feet

The chlorine needs to sit in the well and the plumbing for 8 hours of contact time.

11. Sodium - Most water contains some sodium which naturally leaches from rocks and soils. For individuals on a low sodium diet due to high blood pressure, or other health problems, the sodium limit is 20.0 mg/L. For most healthy people, a sodium level of 100 mg/L will not substantially increase risk.

12. Fluoride - Fluoride occurs naturally in water. Excess fluoride is most likely to occur naturally from dissolving of rock containing fluoride. Fluoride in water which is over the primary drinking water standard of 4.0 mg/L can cause brown spots or mottling on the teeth. In the proper amounts, fluoride in drinking water reduces dental cavities, especially in children.

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

RESTAURANT/TAKE OUT NAME:

Allen's Farm

Date 6-1-04

*Awaiting each field evaluation
State Lic. No. by planning inspector*

- 1) **Food Supply & Source** Commercial
- 2) **Food Preparation & Protection** Knowledgeable staff in handling food.
- 3) **Food Temperature** Bill refrigerators and freezers within range.
- 4) **Food Handlers** well trained
- 5) **Equipment & Utensils** Clean
- 6) **Dishwashing** 3 bay sink - water 110° F - should be 120° F
- 7) **Toxic Materials** labelled & well stored
- 8) **Water Supply** Well - Satisfactory testing
- 9) **Waste Water** 22
- 10) **Toilet & Hand Wash Facilities** Clean & well supplied
- 11) **Maintenance of Physical Facilities** Needs to repair flooring in kitchen & prep area.
- 12) **Insect/Rodent Control** no problem noted
- 13) **Rubbish** Contained
- 14) **Plumbing - Cross Connections** no cross connections

COMMENTS:

Except for the State license finalization I see no reason
not to release for the Town of Cumberland.

Eileen Wyatt
CUMBERLAND HEALTH OFFICER

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

Business or Trade Name: The Big Apple Food Store #1082

Business Address: 174 Main St. / P.O. Box 200, S. Paris ME 04281

Name of Manager: Deb MacDonald Bus. Phone: 743-9212

Date of Event or New License: June 30th

Signature of Authorized Person: Carlton n. Brown Date: 5/27/04

+++++
CHECK THE PROPERTY 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 Rec'd: 5-1-04 Date of Issuance _____ Cert No. _____

THIS CHECK IS VOID IF MICRO PRINT SIGNATURE LINE IS UNREADABLE UNDER MAGNIFICATION

C.N. BROWN COMPANY
MAINE-NEW HAMPSHIRE-VERMONT
P.O. BOX 200
SOUTH PARIS, MAINE 04281
(207) 743-9212

FLEET BANK
OF NEW YORK

50-262
213

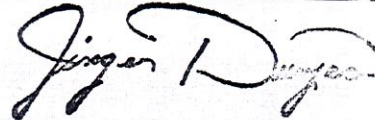
No. 310696

FIFTY DOLLARS AND NO CENTS

DATE	CHECK NO.	CHECK AMOUNT
05/27/04	310696	\$50.00

PAY
TO
THE
ORDER
OF

TOWN OF CUMBERLAND
290 TUTTLE ROAD
CUMBERLAND CENTER, ME 04021-9



AUTHORIZED SIGNATURE

MP

⑈310696⑈ ⑆021302622⑆ 9366798273⑈

C.N. BROWN COMPANY SOUTH PARIS, MAINE 04281

VENDOR NO.
CUM682

VENDOR NAME

TOWN OF CUMBERLAND

TRANSACTION DATE	REFERENCE	GROSS AMOUNT	DEDUCTION	NET AMOUNT
05/26/04	VICTUALERS LICENSE B/A 1082	50.00		50.00
CHECK DATE	CHECK NO.	TOTAL GROSS	TOTAL DEDUCTION	CHECK AMOUNT
05/27/04	310696	50.00		50.00

A & L LABORATORY INC.

CHEMICAL ANALYSIS & CONSULTING

P.O. Box 1507
3100 Hotel Road
Auburn, Maine 04211-1507

Telephone
(207) 784-5354
Fax
(207) 782-5561

CERTIFICATE OF ANALYSIS

DATE SAMPLED: June 04, 2003 TIME SAMPLED: 02:00 pm **SAMPLE NO: 109967**
DATE RECEIVED: June 05, 2003 TIME RECEIVED: 08:00am DATE REPORTED: June 6, 2003
CLIENT INFORMATION: Water Treat Equip Inc
 915 US Rte 1
 Yarmouth, Me 04096
PROPERTY TESTED: C N Brown/Big Apple – SAMPLE POINT – OTHER
 174 Main St
 Cumberland, Me


THIS WATER IS RATED AS: **SATISFACTORY**

PARAMETERS	METHOD NO.	LIMITS	RESULTS
Total Coliform	9222*/9223*	ABSENT [0/100ml]	ABSENT
E.coli	9222*/9223*	ABSENT [0/100ml]	ABSENT
Nitrite-N	4500-NO2B*	1.0 mg/L	<0.050 mg/L
Nitrate-N	4500-NO3D*	10.0 mg/L	<1.0 mg/L
pH	4500-H+B*	6.5-8.5	6.9

For an explanation of your water test result please see number(s) 1. on the attached **EXPLANATION SHEET**. The rating for this water test is based on the results of the above parameters.

mg/L=milligrams per liter ml=milliliters <=less than >=greater than

NOTE: (*) =NELAC approved parameter


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Fax
(207) 782-5561

EXPLANATION SHEET

1. This water sample is **SATISFACTORY FOR DRINKING** based on the results of the parameters tested. All the parameters are within the limits recommended by the State of Maine Environmental Health and Testing Laboratory for drinking water.
2. This water is considered **UNSATISFACTORY FOR DRINKING** due to the presence of **Coliform and/or E.coli Bacteria**. Do not drink the water until you have followed the enclosed chlorination procedures and have retested your well.
3. This water is considered **UNSATISFACTORY FOR DRINKING** due to the elevated levels of **nitrate and/or nitrite**. Do not drink this water until you have contacted a water treatment specialist.
4. This water is considered to be **UNSATISFACTORY FOR DRINKING** due to the elevated level of **lead**. We advise you not to drink this water until you have contacted a water treatment specialist.
5. **IRON** – This metal exceeds the limit recommended by the State of Maine Environmental Health and Testing Laboratory for drinking water. Iron is harmless to your health but can contribute to the odor and taste of your water. **Excess iron can cause yellow to orange staining on your bathroom fixtures.**
6. **MANGANESE** – This metal exceeds the limit recommended by the State of Maine Environmental Health and Testing Laboratory for drinking water. Manganese is harmless to your health but causes odor and taste problems in your water. **Excessive manganese can cause gray to black staining on your bathroom fixtures and clothes.**
7. **COPPER** – This metal exceeds the limits recommended by the State of Maine Environmental Health and Testing Laboratory. Copper can cause a bluish-green stain in sinks and tubs.
8. **CHLORIDE and/or SODIUM** – This mineral exceeds the limit recommended by the State of Maine Environmental Health and Testing Laboratory for drinking water. Excess chloride in the water may be due to road salt, seawater, malfunctioning water softening unit, or a "perched" water table.
9. This water sample is less than the EPA recommended MCL of **0.050 mg/L** for **arsenic** but exceeds the State of Maine Environmental Health and Testing Laboratory's recommended MEG (maximum exposure guideline) of **0.010 mg/L**.
10. This water sample is **UNSATISFACTORY FOR DRINKING** due to the elevated level of **arsenic**. Do not drink this water until you have contacted a water treatment specialist.

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

RESTAURANT/TAKE OUT NAME:

The Big Apple Store

Date 6-1-04

State Lic. No. Current Dept. of Agriculture

- 1) Food Supply & Source Commercial
- 2) Food Preparation & Protection only coffee & hot dogs prepared here. Commercially
- 3) Food Temperature Walk-in & freezer are in correct temp. range. wrapped sandwiches in refrigerator.
- 4) Food Handlers Adequately trained.
- 5) Equipment & Utensils Clean, properly stored
- 6) Dishwashing sink to wash coffee cups is well maintained.
- 7) Toxic Materials properly labeled and stored.
- 8) Water Supply At home SATISFACTORY 6-9-04
- 9) Waste Water septic system functional.
- 10) Toilet & Hand Wash Facilities Clean & well supplied.
- 11) Maintenance of Physical Facilities In good repair, clean.
- 12) Insect/Rodent Control no problem.
- 13) Rubbish contained.
- 14) Plumbing - Cross Connections no cross connections

COMMENTS:

This operation is orderly and clean.
I asked about the water test on 6-1-04. It had not been
submitted until 6-9-04. The report date was 6-15-04.

Eileen Wyatt
CUMBERLAND HEALTH OFFICER

FROM

BIG APPLE
174 MAIN ST.
CUMBERLAND, ME 04021

TO TOWN of CUMBERLAND

FAX 829-2214

ATTENTION EILEEN WYATT
HEALTH OFFICER

Has
been
faxed

A & L LABORATORY INC.

CHEMICAL ANALYSIS & CONSULTING

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CLIENT INFORMATION: Water Treat Equip Inc
 915 US Rte 1
 Yarmouth, Me 04096
PROPERTY TESTED: C N Brown/Big Apple – SAMPLE POINT – OTHER
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 Cumberland, Me


THIS WATER IS RATED AS: **SATISFACTORY**

PARAMETERS	METHOD NO.	LIMITS	RESULTS
Total Coliform	9222*/9223*	ABSENT [0/100ml]	ABSENT
E.coli	9222*/9223*	ABSENT [0/100ml]	ABSENT
Nitrite-N	4500-NO2B*	1.0 mg/L	<0.050 mg/L
Nitrate-N	4500-NO3D*	10.0 mg/L	<1.0 mg/L
pH	4500-H+B*	6.5-8.5	6.9

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mg/L=milligrams per liter ml=milliliters <=less than >=greater than

NOTE: (*) =NELAC approved parameter


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6. **MANGANESE** – This metal exceeds the limit recommended by the State of Maine Environmental Health and Testing Laboratory for drinking water. Manganese is harmless to your health but causes odor and taste to problems in your water. **Excessive manganese can cause gray to black staining on your bathroom fixtures and clothes.**
7. **COPPER** – This metal exceeds the limits recommended by the State of Maine Environmental Health and Testing Laboratory. Copper can cause a bluish-green stain in sinks and tubs.
8. **CHLORIDE and/or SODIUM** – This mineral exceeds the limit recommended by the State of Maine Environmental Health and Testing Laboratory for drinking water. Excess chloride in the water may be due to road salt, seawater, malfunctioning water softening unit, or a "perched" water table.
9. This water sample is less than the EPA recommended MCL of **0.050 mg/L** for **arsenic** but exceeds the State of Maine Environmental Health and Testing Laboratory's recommended MEG (maximum exposure guideline) of **0.010 mg/L**.
10. This water sample is **UNSATISFACTORY FOR DRINKING** due to the elevated level of **arsenic**. Do not drink this water until you have contacted a water treatment specialist.

Business or Trade Name: HMSHost (Burger King)
Business Address: 295 Mile 56 S, Cumberland, TN
Name of Manager: Denise Martin Bus. Phone: 829 3831
Date of Event or New License: 7/1/04
Signature of Authorized Person: [Signature] Date: 5/11/04

(a) Restaurant or Victualer not serving malt beverages on the premises	\$50.00	<u>✓</u>
(b) Restaurant or Victualer serving malt beverages on the premises	\$50.00	<u> </u>
(c) Class A Restaurant, as defined by the Revised Statutes of Maine, serving both malt liquor and spirituous and vinous liquor	\$50.00	<u> </u>
(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	<u> </u>
(e) Same as (d) but total area of the establishment is more than 10,000 square feet	\$25.00	<u> </u>
(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	<u> </u>
(g) Establishment operated by Non-Profit organization	NO FEE	<u> </u>
(h) Vending Machine	\$10.00	<u> </u>
(i) Temporary Vending Unit operating at a fair. Per Unit:	\$10.00	<u> </u>
Name & type of vending unit(s): _____		

Application Rec'd: 6.7.04 Date of Issuance _____ Cert No. _____
Cash

P.O. Box 400
108 Tandberg Trail
Windham, Maine 04062

Est. 1973



State Certified

(207) 892-4485
Fax: (207) 892-2559
mcfwrlab@aol.com

McFARLAND LABORATORIES

ENVIRONMENTAL LABORATORY
WATER SPECIALISTS
www.waterlab.net

Lab No. 87302
Bottle No. 5211
Location: MILE 56
CUMBERLAND, ME

Customer:

MAINE TURNPIKE AUTHORITY
PEGGY
430 RIVERSIDE ST.
PORTLAND, ME 04103

Tel. (207) 871-7741

Well Description: Depth = 60 ft.

Collection:

Date + Time: 04/01/04 10:35

Reason: PERSONAL

Type = DRILLED

Sample Point = OTHER

Arrival:

04/01/04 14:15

Examination:

04/01/04 15:30

Collected by: CLIENT

Source: OTHER

Bottles By: MAI

Exam By: JPB

Parameter		Results		Limits
Total Coliform Bacteria:	0	COL/100MLS	0	COL/100MLS
E. coli Bacteria:		COL/100MLS	0	COL/100MLS
Color:	<10	UNITS	0-15 **	UNITS
Odor:	2	UNITS	ND-3 **	UNITS
Turbidity:	4.6	NTU	1-5 **	NTU
pH:	6.3	UNITS	6.0-8.5 **	UNITS
Total Dissolved Solids:	1755	MG/L	0-500 **	MG/L
Hardness:	260	MG/L	0-300 **	MG/L
Chloride:	1020	MG/L	250	MG/L
Nitrate Nitrogen:	2.75	MG/L	10.0	MG/L
Nitrite Nitrogen:	<0.02	MG/L	1.00	MG/L
Copper:	0.18	MG/L	1.00	MG/L
Iron:	0.22	MG/L	0.30	MG/L
Manganese:	1.12	MG/L	0.05	MG/L
Chlorine:	0	MG/L	0	MG/L
Sodium:		MG/L	250	MG/L
Fluoride:		MG/L	4.0	MG/L

STANDARD CHECK

RESULTS : Satisfactory with Notations

Excess Iron and Manganese

RESULTS : Satisfactory with Notations

Excess Chloride

*FHA/HUD CLIENTS MUST INQUIRE WITH THE FHA/HUD FIELD OFFICE AS TO THEIR
ACCEPTABLE STANDARDS FOR INDIVIDUAL WATER SUPPLIES.
< = "less than" > = "greater than" ND = "None Detected" ** = "Recommended Range"

Reviewed by: 

MAI ASSUMES NO RESPONSIBILITY OR LIABILITY FOR THOSE MATTERS NOT
UNDER ITS' DIRECT CONTROL INCLUDING BUT NOT LIMITED TO SAMPLE
COLLECTION DATE AND SAMPLING PROCEDURES.

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

RESTAURANT/TAKE OUT NAME:

Burger King Mile 56

Date 6-4-04

State Lic. No. 09902 ^{Exp 12-25-04}

- 1) Food Supply & Source Commercial
- 2) Food Preparation & Protection Excellent practices observed here.
- 3) Food Temperature Walk-ins and freezers are within range.
- 4) Food Handlers well trained
- 5) Equipment & Utensils properly cleaned and stored.
- 6) Dishwashing 3 bay with sanitizer.
- 7) Toxic Materials properly labelled and stored.
- 8) Water Supply 4-6-04 Bacteria not a problem but excess chloride, Iron & Manganese
- 9) Waste Water septic system functional
- 10) Toilet & Hand Wash Facilities all are clean except for the basement men's room
- 11) Maintenance of Physical Facilities clean and in good repair -
- 12) Insect/Rodent Control no problem -
- 13) Rubbish contained
- 14) Plumbing - Cross Connections no cross connections observed

COMMENTS:

I have concern about the increase in chlorides in their water supply. It has been going up steadily. Whether this is due to road melting chemicals or not I do not have the answer. Last year I enquired from the Drinking Water Program and they were not alarmed yet but it has doubled since that time in the chlorides.

Eileen Wright
CUMBERLAND HEALTH OFFICER

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

Business or Trade Name: Chebeague Island Inn

Business Address: 61 South Road, Chebeague Island

Name of Manager: Martha E. Dumont Bus. Phone: 846-5155

Date of Event or New License: July 1, 2004

Signature of Authorized Person: Martha E. Dumont Date: 6/4/2004

+++++
CHECK THE PROPERTY 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 Rec'd: 6-4-04 Date of Issuance _____ Cert No. _____

Madeline M. Davis
Valid Victualer's in effect currently

04E-WTR-04732



**MAINE HEALTH AND ENVIRONMENTAL
TESTING LABORATORY**
221 State Street, Station #12
Department of Human Services
Augusta, Maine 04333
Tel. No. 207-287-1716
Fax. No. 207-287-6832



Office Use Only:
WTR

O & M
TO BE BILLED

INORGANICS SECTION REPORT

To:

CHEBEAGUE ISLAND INN
MARTHA DUMONT
19 STORNOWAY RD
CUMBERLAND FORESIDE, ME 04110

Test Request Codes:

Bacteria
TG1

Please Retain This Report for your Invoice Records.

SAMPLE DEMOGRAPHICS AND LOCATION DATA:

HETL Sample Number 04E-WTR-04732

Collection Date
04/26/04

Received Date
04/27/2004

Analysis Completion Date
04/28/2004

Print Date
05/04/2004

Sample Location
CUMBERLAND

Sample Collected By
ALLAN FISHER

Water Used By
PUBLIC WATER

ANALYTICAL RESULTS:

Analysis Description	Analytical Results	Units	Note	EPA Method #	Maine Recommended MCL for Comparison Only
TOTAL COLIFORMS 1ST	0	PER/100ML		SM922B/SM9223	.0
EC 1ST BOTL	0			EC-MUG/COLILER	.0

Notation Descriptions:

"<" = Less than; "MG/L"=Milligrams per liter; "PPM"=Parts per Million;

"UG/L"=Micrograms per Liter "NTU"= Nephelometric Turbidity Units

The MCL, Maximum Contaminant Level is listed for comparing your results with recommended levels.

In the "Note" column, an *** is placed to indicate any results that exceed this MCL.

If there are no ***'s in the "Note" column, your water is considered satisfactory for those tests.

In summary, based upon the tests performed for this report your water:

is considered Satisfactory

CERTIFICATION FOR SAMPLE: 04E-WTR-04732

Total Pages In Report: 1

The HETL hereby certifies that all test results for this sample were analyzed by the approved method listed, including preservation, prep, and holding times, unless otherwise indicated.

John A. Krueger, Director

Richard French, Quality Assurance Officer

Tom Crosby, Section Supervisor

If we can be of further assistance to you, Please Call us at 287-1716, and ask for the Inorganics Section.

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

RESTAURANT/TAKE OUT NAME:

Chebeague Inn

Date 6-2-04

State Lic. No. Being issued at this time

- 1) Food Supply & Source
- 2) Food Preparation & Protection
- 3) Food Temperature
- 4) Food Handlers
- 5) Equipment & Utensils
- 6) Dishwashing
- 7) Toxic Materials
- 8) Water Supply
- 9) Waste Water
- 10) Toilet & Hand Wash Facilities
- 11) Maintenance of Physical Facilities
- 12) Insect/Rodent Control
- 13) Rubbish
- 14) Plumbing - Cross Connections

COMMENTS:

I inspected the upper rooms and bathrooms on this date. The boiler still was in the paint, repair mode. No food was present. The chef will call me when they plan to have the refrigeration up and product in. As of 6-15 I have not heard from him.

Eileen Wyatt
CUMBERLAND HEALTH OFFICER

5-17-04
RECEIVED

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

Business or Trade Name: Chebeague Island Bakery

Business Address: 53 Meeting House Lane

Name of Manager: GAIL Warthen Todd Bus. Phone: 846-6340

Date of Event or New License: 2004 - 2005

Signature of Authorized Person: [Signature] Date: 5/10/04

CHECK THE PROPERTY 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 \$5.00
- (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 Rec'd: 5-13-04 Date of Issuance _____ Cert No. _____

↓

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

RESTAURANT/TAKE OUT NAME:

Chedoke Island Bakery

Date 6-2-04

Aquatic
State Lic. No 1-2069 Exp 12-31-04

- 1) Food Supply & Source Commercial
- 2) Food Preparation & Protection All areas are clean & sanitized before prep starts
- 3) Food Temperature All freezers & refrigerators within range.
- 4) Food Handlers Knowledgeable in proper Food handling practices
- 5) Equipment & Utensils Clean & properly stored
- 6) Dishwashing Dishwasher & sink. 180°F water
- 7) Toxic Materials Properly labeled & stored
- 8) Water Supply Well - 4-7-04 Satisfactory
- 9) Waste Water has new lead free
- 10) Toilet & Hand Wash Facilities well supplied with soap.
- 11) Maintenance of Physical Facilities well maintained and clean.
- 12) Insect/Rodent Control Controlled with screens.
- 13) Rubbish contained
- 14) Plumbing - Cross Connections none

COMMENTS:

The operator knows good food handling practices.
She observes good practices in her catering business also.

Eileen Wyatt
CUMBERLAND HEALTH OFFICER

A & L LABORATORY INC.

CHEMICAL ANALYSIS & CONSULTING

P.O. Box 1507
3100 Hotel Road
Auburn, Maine 04211-1507

Telephone
(207) 784-5354
Fax
(207) 782-5561

CERTIFICATE OF ANALYSIS

DATE SAMPLED: Apr 06, 2004 TIME SAMPLED 09:30 am **SAMPLE NO: 117139**
DATE RECEIVED: Apr 07, 2004 TIME RECEIVED 08:00 am DATE REPORTED: April 8, 2004

CLIENT INFORMATION: Water Treat Equip Inc
 915 US Rte 1
 Yarmouth, Me 04096

PROPERTY TESTED: Gail W Todd - SAMPLE POINT - KITCHEN
 Chebeague Island Bakery
 53 Meeting House Lane
 Chebeague Island, Me

THIS WATER IS RATED AS:

SATISFACTORY

PARAMETERS	METHOD NO.	LIMITS	RESULTS
Total Coliform	9223 (1)	ABSENT [0/100ml]	ABSENT
E.coli	9223 (1)	ABSENT [0/100ml]	ABSENT
Nitrite-N	4500-NO2D (1)	1.0 mg/L	<0.10 mg/L
Nitrate-N	4500-NO3B (1)	10.0 mg/L	<1.0 mg/L
pH	4500-H+B (1)	6.5-8.5	7.3 pH units

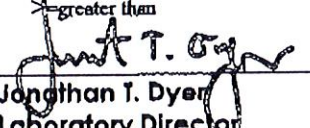
For an explanation of your water test result please see number(s) 1 on the attached **EXPLANATION SHEET**. All other numbers listed on the **EXPLANATION SHEET** do not apply to this water sample. The rating for this water test is based on the results of the above parameters.

mg/L=milligrams per liter ml=milliliters

NOTE: (1) = NELAC approved parameter

<=less than

>=greater than


Jonathan T. Dyer
Laboratory Director

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

Business or Trade Name: Chebeague Orchard B+B

Business Address: 66 NORTH RD

Name of Manager: Vickie & Neil Talento Phone: 846-3897

Date of Event or New License:

Signature of Authorized Person: Vickie Talento Date: _____

+++++
CHECK THE PROPERTY 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 Rec'd: 5-27-04 Date of Issuance _____ Cert No. _____

A & L LABORATORY INC.

CHEMICAL ANALYSIS & CONSULTING

P.O. Box 1507
3100 Hotel Road
Auburn, Maine 04211-1507

Telephone
(207) 784-5354
Fax
(207) 782-5561

CERTIFICATE OF ANALYSIS

DATE SAMPLED: May 07, 2004 TIME SAMPLED: Not Given **SAMPLE NO: 117990**

DATE RECEIVED: May 08, 2004 TIME RECEIVED: 09:00am DATE REPORTED: May 12, 2004

CLIENT INFORMATION: Water Treat Equip Inc
 915 US Rte 1
 Yarmouth, Me 04096

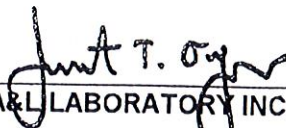
PROPERTY TESTED: Chebeague Orchard B&B- SAMPLE PT-NOT GIVEN
 66 North Rd
 Chebeague Island, Me

THIS WATER IS RATED AS **SATISFACTORY**

PARAMETERS	METHOD NO.	LIMITS	RESULTS
Total Coliform	9222*/9223*	ABSENT [0/100ml]	ABSENT
E.coli	9222*/9223*	ABSENT [0/100ml]	ABSENT

For an explanation of your water test result please see number(s) 1.
on the attached **EXPLANATION SHEET**. All other numbers listed on the **EXPLANATION SHEET** do not apply to this water sample. The rating for this water test is based on the results of the above parameters.

mg/L=milligrams per liter ml=milliliters <=less than >=greater than
NOTE:*NELAP Certified Parameter


A&L LABORATORY INC.

A & L LABORATORY INC.

CHEMICAL ANALYSIS & CONSULTING

P.O. Box 1507
3100 Hotel Road
Auburn, Maine 04211-1507

Telephone
(207) 784-5354
Fax
(207) 782-5561

EXPLANATION SHEET

1. This water sample is **SATISFACTORY FOR DRINKING** based on the results of the parameters tested. All the parameters are within the limits recommended by the State of Maine Environmental Health and Testing Laboratory for drinking water.
2. This water is considered **UNSATISFACTORY FOR DRINKING** due to the presence of **Coliform and/or E.coli Bacteria**. Do not drink the water until you have followed the enclosed chlorination procedures and have retested your well.
3. This water is considered **UNSATISFACTORY FOR DRINKING** due to the elevated levels of **nitrate and/or nitrite**. Do not drink this water until you have contacted a water treatment specialist.
4. This water is considered to be **UNSATISFACTORY FOR DRINKING** due to the elevated level of **lead**. We advise you not to drink this water until you have contacted a water treatment specialist.
5. **IRON** – This metal exceeds the limit recommended by the State of Maine Environmental Health and Testing Laboratory for drinking water. Iron is harmless to your health but can contribute to the odor and taste of your water. **Excess iron can cause yellow to orange staining on your bathroom fixtures.**
6. **MANGANESE** – This metal exceeds the limit recommended by the State of Maine Environmental Health and Testing Laboratory for drinking water. Manganese is harmless to your health but causes odor and taste problems in your water. **Excessive manganese can cause gray to black staining on your bathroom fixtures and clothes.**
7. **COPPER** – This metal exceeds the limits recommended by the State of Maine Environmental Health and Testing Laboratory. Copper can cause a bluish-green stain in sinks and tubs.
8. **CHLORIDE and/or SODIUM**– This mineral exceeds the limit recommended by the State of Maine Environmental Health and Testing Laboratory for drinking water. Excess chloride in the water may be due to road salt, seawater, malfunctioning water softening unit, or a "perched" water table.
9. Please see the reverse side of this sheet for an explanation about the arsenic level.
10. This water sample is **UNSATISFACTORY FOR DRINKING** due to the elevated level of **arsenic**. Do not drink this water until you have contacted a water treatment specialist.

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

RESTAURANT/TAKE OUT NAME:

Chebeague Orchard Inn B&B

Date 6-2-84

State Lic. No. State license is in process but not rec'd yet

- 1) **Food Supply & Source** Commercial
- 2) **Food Preparation & Protection** a clean kitchen recently remodeled.
- 3) **Food Temperature** Refrigerator has thermometer on face.
- 4) **Food Handlers** adequately trained.
- 5) **Equipment & Utensils** Clean and properly stored.
- 6) **Dishwashing** 2 dish washers - today the hot water wasn't because they were working on the furnace.
- 7) **Toxic Materials** properly stored
- 8) **Water Supply** Well - No T. coli or E. coli
- 9) **Waste Water** Leach field appears to be functioning well.
- 10) **Toilet & Hand Wash Facilities** Clean and supplied
- 11) **Maintenance of Physical Facilities** In good repair
- 12) **Insect/Rodent Control** no problems -
- 13) **Rubbish** contained
- 14) **Plumbing - Cross Connections** none observed

COMMENTS:

The 2nd floor back bathroom on the left again had a lamp balancing on a glass holder above the sink. It was there last year - a hazard if it fell in the sink or if someone with a wet hand turned it off! I asked Mrs. Talento to remove it and not put it back. She said they had trouble getting an electrician in.

Eileen Wyatt
CUMBERLAND HEALTH OFFICER

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

Business or Trade Name: Doughty's Island Market
Business Address: 237 South Road Cheb. Is. Me. 04017
Name of Manager: Ed + Julie Doughty Bus. Phone: 207-846-9997
Date of Event or New License: _____

Signature of Authorized Person: Julie Doughty Date: 6/6/2004

+++++
CHECK THE PROPERTY 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 X
- (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 Rec'd: 6-9-04 Date of Issuance _____ Cert No. _____

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

RESTAURANT/TAKE OUT NAME:

Dougherty's Island Market

Date 6-2-04

Dept of Agriculture
State Lic. No 1-339 Exp 12-31-04

- 1) Food Supply & Source Commercial
- 2) Food Preparation & Protection Prepared in a clean kitchen in the store
- 3) Food Temperature all refrigerators & freezers are within ranges
- 4) Food Handlers well trained in sanitation principles.
- 5) Equipment & Utensils clean & properly stored
- 6) Dishwashing sink with hot water & bleach as sanitizer
- 7) Toxic Materials properly labeled and stored
- 8) Water Supply well - No E coli or T. coli present
- 9) Waste Water leach field appears functional
- 10) Toilet & Hand Wash Facilities clean with soap provided -
- 11) Maintenance of Physical Facilities clean & in good repair
- 12) Insect/Rodent Control no problems -
- 13) Rubbish contained.
- 14) Plumbing - Cross Connections no cross

COMMENTS:

This is a clean, well managed operation.

Eileen Wyatt
CUMBERLAND HEALTH OFFICER

Visit our Web Site at: www.state.me.us/dhs/etl

04E-WTR-06203



**MAINE HEALTH AND ENVIRONMENTAL
TESTING LABORATORY**
221 State Street, Station #12
Department of Human Services
Augusta, Maine 04333
Tel. No. 207-287-1716
Fax. No. 207-287-6832



Office Use Only:
WTR

PAID

INORGANICS SECTION REPORT

To:

ISLAND MARKET
237 SOUTH RD
CHEBEAGUE ISLAND, ME 04017

Test Request Codes:

Bacteria, Nitrite, Nitrate
TSA

*Please Retain This Report for your Invoice Records.***SAMPLE DEMOGRAPHICS AND LOCATION DATA:**

HETL Sample Number 04E-WTR-06203

Collection Date
05/18/04

Received Date
05/19/2004

Analysis Completion Date
05/20/2004

Print Date
06/02/2004

Sample Location
CHEBEAGUE ISLAND

Sample Collected By

Water Used By
EATING PLACE

ANALYTICAL RESULTS:

Analysts Description	Analytical Results	Units	Note	EPA Method #	Maine Recommended MCL for Comparison Only
TOTAL COLIFORM	0	PER/100ML		SM9222B/SM9223	.0
NITRITE NITROGEN	< .0100	MG/L		353.2	1.0
NITRATE NITROGEN	< .2000	MG/L		353.2	10.0
E COLI	0			EC-MUG/COLLER	.0

Notation Descriptions:

"<" = Less than; "MG/L" = Milligrams per liter; "PPM" = Parts per Million;

"UG/L" = Micrograms per Liter "NTU" = Nephelometric Turbidity Units

The MCL, Maximum Contaminant Level is listed for comparing your results with recommended levels.

In the "Note" column, an *** is placed to indicate any results that exceed this MCL.

If there are no ***'s in the "Note" column, your water is considered satisfactory for those tests.

In summary, based upon the tests performed for this report your water:

Is considered Satisfactory

CERTIFICATION FOR SAMPLE: 04E-WTR-06203**Total Pages In Report: 1**

The HETL hereby certifies that all test results for this sample were analyzed by the approved method listed, including preservation, prep, and holding times, unless otherwise indicated.

John A. Krueger, Director

Richard French, Quality Assurance Officer

Tom Crosby, Section Supervisor

If we can be of further assistance to you, Please Call us at 287-1716, and ask for the Inorganics Section.

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

Business or Trade Name: FOODSTOP
Business Address: 318 Main St.
Name of Manager: MARK FORTIN Bus. Phone: 829-3250
Date of Event or New License: July 2004 - 2005
Signature of Authorized Person: [Signature] Date: 5-18-04

+++++
CHECK THE PROPERTY 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 X
- (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 Rec'd: 5-19-04 Date of Issuance _____ Cert No. _____

FOODSTOP
DAYNIC CORPORATION
PH. (207) 829-3250
318 MAIN STREET
CUMBERLAND CENTER, ME 04021

MAINE BANK & TRUST CO.
52-150/112

09611

5/18/2004

Pay to the
Order of

Town of Cumberland

\$ **25.00

Twenty-Five and 00/100

Dollars



Security
Features
Check
One Bank

Town of Cumberland
Tuttle Road
Cumberland, ME 04021

Food licence fee

memo

MP

⑈009611⑈ ⑆011201500⑆ 0055773 0⑈

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

Business or Trade Name: J Brothers Variety

Business Address: 42 Gray rd

Name of Manager: Melinda Stowe Bus. Phone: 8295591

Date of Event or New License: _____

Signature of Authorized Person N Pierce Date: 6/15/04

+++++
CHECK THE PROPERTY 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 _____
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- (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 Rec'd: 6/15/04 Date of Issuance _____ Cert No. _____

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER AND ORIGINAL DOCUMENT SECURITY SCREEN ON BACK WITH PADLOCK SECURITY ICON.

J BROTHERS VARIETY STORE

42 GRAY ROAD
CUMBERLAND, ME 04021

Peoples

ONE PORTLAND SQUARE
PORTLAND, ME 04101

7408

52-7445/2112

DATE

AMOUNT

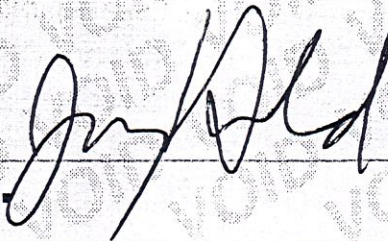
Jun 1, 2004

*****\$25.00

PAY
TO THE
ORDER
OF:

Twenty-Five and 00/100 Dollars

TOWN OF CUMBERLAND
TOWN CLERK
290 TUTTLE RD
CUMBERLAND, ME 04021



Security features
included.
Check on back.
MP

⑈007408⑈ ⑆211274450⑆ 029010163⑈

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

Business or Trade Name: Spring Brook Farm
Business Address: 148 Greeley Rd, Cumberland, ME 04021
Name of Manager: Kay Fowler Bus. Phone: 829-5977
Date of Event or New License: _____

Signature of Authorized Person: _____ Date: _____

+++++
CHECK THE PROPERTY 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 _____
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Name & type of vending unit(s): _____

Enclose CHECK payable to: Town of Cumberland
SEND TO: TOWN CLERK, 290 Tuttle Road, Cumberland ME 04021

Application Rec'd: 5-17-04 Date of Issuance _____ Cert No. _____

© 1984 - 2000 INTUIT INC. # 414 1-800-433-3310



SPRING BROOK FARM
GREGORY W. & KATHERINE B. FOWLER
168 GREELY ROAD
CUMBERLAND CENTER, ME 04021
(207) 829-3982

FLEET BANK OF MAINE
YARMOUTH, ME 04096
52-36/112

19492

5-11-04

PAY TO THE
ORDER OF

Youn & Comberland
Twenty-five and 00/100

\$25.-

DOLLARS



Security
Features
on back

Katherine B. Fowler MP

MEMO

⑈019492⑈ ⑆011200365⑆ 00005 10327⑈

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

Business or Trade Name: Sunset House Bed & Breakfast Inn
Business Address: 74 South Road, Chebeague Island, ME
Name of Manager: Dan H. Komlosy Bus. Phone: 207-846-6568

Date of Event or New License: _____

Signature of Authorized Person: Dan H. Komlosy Date: 6-16-04

+++++
CHECK THE PROPERTY 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 _____
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- (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 Rec'd: 6-21-04 Date of Issuance _____ Cert No. _____

SUNSET HOUSE B&B INN

PH. 207-846-6568

74 SOUTH ROAD

CHEBEAGUE ISLAND, ME 04017

Eggemoggin Reach

852

52-8746/2112

Date 6-16-04

Pay to the
Order of

TOWN OF CUMBERLAND

\$ 100.00

ONE HUNDRED AND 00/100

Dollars



Security features
are included.
Details on back.



**FIVE COUNTY
CREDIT UNION**
Together We Make Great Things
Androscoggin, Cumberland, Kennebec, Lincoln, Sagadahoc
765 Washington Street, Bath, ME 04530

For

Victualer's license 2004

Ray K. Kempter

MP

⑆ 211287463⑆ 70002057237⑆ 0852

© Clarke American

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

RESTAURANT/TAKE OUT NAME:

Food Stop

Date 5-27-04

State Lic. No. exp. 12-31-04
Agriculture 1-3846

- 1) **Food Supply & Source** Commercial
- 2) **Food Preparation & Protection** Clean environment, properly handled
- 3) **Food Temperature** All refrigerators & freezers within range
- 4) **Food Handlers** well trained and observing good practices
- 5) **Equipment & Utensils** Clean & stored in a clean manner
- 6) **Dishwashing** 3 bay sink with air dry, CL sanitizer
- 7) **Toxic Materials** properly labeled and stored.
- 8) **Water Supply** Portland Water District
- 9) **Waste Water** no problem
- 10) **Toilet & Hand Wash Facilities** Clean & well supplied
- 11) **Maintenance of Physical Facilities** very clean and in good repair.
- 12) **Insect/Rodent Control** adequate
- 13) **Rubbish** contained
- 14) **Plumbing - Cross Connections** none

COMMENTS:

This is a very well managed and clean operation -
On A+ if there ever is one.

Eileen Wyatt
CUMBERLAND HEALTH OFFICER

04E-ORG-00612



**MAINE HEALTH AND ENVIRONMENTAL
TESTING LABORATORY**
221 State Street, Station #12
Department of Human Services
Augusta, Maine 04333
Tel. No. 207-287-1716
Fax. No. 207-287-6832

**HETL**Office Use Only:
ORG

PAID

ORGANICS SECTION REPORT

To:
J BROTHERS VARIETY STORE
42 GRAY RD
CUMBERLAND, ME 04021

Test Request Codes:

TSM

*Please Retain This Report for your Invoice Records.***SAMPLE DEMOGRAPHICS AND LOCATION DATA:**

HETL Sample Number 04E-ORG-00612

Collection Date 05/25/04 Sample Town CUMBERLAND

Source of Sample DRILLED WELL Sample Point FAUCET

Establishment Name
J BROTHERS VARIETY STORE

Print Date
06/01/2004

ANALYTICAL RESULTS:

Analysis Description	Analytical Results	Units
GRO WATER METHOD-4.2.17	<10	
MTBE (NOT CONFIRMED)	<1.0	
BENZENE (NOT CONFIRMED)	<1.0	
DATE ANALYZED	5/27/04	

MCL=Maximum Contaminant Level

< = indicates nothing was detected down to the reporting limit.

J= the number indicated is an estimate

K= A trace amount detected below the reporting limit

Note: Results below the MCL, including "<" & "K" & "J", are considered satisfactory for that parameter.

Analyst: VAW QC: Jce

CERTIFICATION FOR SAMPLE: 04E-ORG-00612**Total Pages In Report: 1**

The HETL hereby certifies that all test results for this sample were analyzed by the approved method listed, including preservation, prep, and holding times, unless otherwise indicated.

John A. Krueger, Director

Richard French, Quality Assurance Officer

Jim Curlett, Section Supervisor

If we can be of further assistance to you, Please Call us at 287-1712, and ask for the Organics Section.

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

RESTAURANT/TAKE OUT NAME:

J. Bros.

Date 6-1-04

State Lic. No Current Dept. of Agriculture

- 1) Food Supply & Source Commercial
- 2) Food Preparation & Protection Prepared in clean environment
- 3) Food Temperature all refrigerators & freezers are within range
- 4) Food Handlers Clean, knowledgeable about sanitation
- 5) Equipment & Utensils Clean & properly stored
- 6) Dishwashing 3 Bay sink, water 126° F. Clean sanitizing
- 7) Toxic Materials properly labeled & stored
- 8) Water Supply Well Satisfactory test no benzene or MTBE 160 coliform
- 9) Waste Water Septic system functioning
- 10) Toilet & Hand Wash Facilities Clean & well supplied
- 11) Maintenance of Physical Facilities Clean & in good repair
- 12) Insect/Rodent Control no problems here
- 13) Rubbish properly contained
- 14) Plumbing - Cross Connections no cross connections

COMMENTS:

There is a clean operation with employees who are well trained in handling food products

The water was submitted to the ME Health & Environmental Testing Lab on 5-26-04. The analysis was completed on 5-28-04. The Print date was 6-16-04
This is a ridiculous delay on reporting!

Eileen L. Wapett
CUMBERLAND HEALTH OFFICER

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

RESTAURANT/TAKE OUT NAME:

Springbrook Farms

Date 6-12-04

State Lic. No. Current Agr. Lic.

- 1) Food Supply & Source Farm
- 2) Food Preparation & Protection No preparation
- 3) Food Temperature Refrigerator and
- 4) Food Handlers
- 5) Equipment & Utensils N/A
- 6) Dishwashing N/A
- 7) Toxic Materials N/A
- 8) Water Supply NO water test required. No preparation of butter.
- 9) Waste Water N/A
- 10) Toilet & Hand Wash Facilities N/A
- 11) Maintenance of Physical Facilities in good repair
- 12) Insect/Rodent Control no evidence
- 13) Rubbish contained
- 14) Plumbing - Cross Connections N/A

COMMENTS:

Since butter is no longer prepared here the Dept. of Agriculture no longer requires them to have a yearly water report.

Eileen Wypatt
CUMBERLAND HEALTH OFFICER

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

RESTAURANT/TAKE OUT NAME:

Sun set House

Date 6-2-04

State Lic. No. 09616

- 1) **Food Supply & Source** Commercial
- 2) **Food Preparation & Protection** Clean areas in the kitchen.
- 3) **Food Temperature** Refrigerators & freezers are within range.
- 4) **Food Handlers** well trained
- 5) **Equipment & Utensils** Clean and properly stored
- 6) **Dishwashing** Water 140°. Dishwasher function well.
- 7) **Toxic Materials** properly stored
- 8) **Water Supply** A & H has SATISFACTORY
- 9) **Waste Water** Septic system functional
- 10) **Toilet & Hand Wash Facilities** Clean & well supplied.
- 11) **Maintenance of Physical Facilities** Clean & in good repair
- 12) **Insect/Rodent Control** no problems
- 13) **Rubbish** Contained
- 14) **Plumbing - Cross Connections** none observed

COMMENTS:

This is a very clean operation.

Eden Wyatt
CUMBERLAND HEALTH OFFICER

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

Business or Trade Name: Val Halla Golf Club

Business Address: 1 Val Halla Rd.

Name of Manager: Taylor A. Schoppe Bus. Phone: 1-207-829-2220 ex 107

Date of Event or New License: _____

Signature of Authorized Person:  Date: 6/10/09

+++++
CHECK THE PROPERTY 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 Rec'd: 6.11.09 Date of Issuance _____ Cert No. _____

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

RESTAURANT/TAKE OUT NAME:

Val Hall's

Date 5-27-04

ST. of ME H. Svc
State Lic. No. 01721 exp 4-16-05

- 1) **Food Supply & Source** Commercial
- 2) **Food Preparation & Protection** some boxes in storage area need to be elevated
- 3) **Food Temperature** All refrigerators and freezers are in range. Some need thermometers
- 4) **Food Handlers** Knowledgeable and observing good practices in them.
- 5) **Equipment & Utensils** Clean & properly stored
- 6) **Dishwashing** Now using automatic dishwasher in the banquet facility.
- 7) **Toxic Materials** properly labelled & stored
- 8) **Water Supply** TOWN
- 9) **Waste Water** alright - no problems
- 10) **Toilet & Hand Wash Facilities** Clean & well supplied
- 11) **Maintenance of Physical Facilities** In good repair & clean
- 12) **Insect/Rodent Control** no problems observed
- 13) **Rubbish** CONTAINED
- 14) **Plumbing - Cross Connections** - None

COMMENTS:

Hand wash dispenser broken,
Grill fins need cleaning

Eden Wyatt
CUMBERLAND HEALTH OFFICER

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

RESTAURANT/TAKE OUT NAME:

Base Provisions

Date 5-27-04

State Lic. No. Dept of Agr 004690 exp 2-26-05

- 1) **Food Supply & Source** Commercial
- 2) **Food Preparation & Protection** Preparation is clean and sanitary
- 3) **Food Temperature** all refrigerators & freezers are within range
- 4) **Food Handlers** Very attentive to good practices
- 5) **Equipment & Utensils** Properly cleaned and stored
- 6) **Dishwashing** 3 bay sink with drain rack, has clorox sanitizers
- 7) **Toxic Materials** properly labelled and stored
- 8) **Water Supply** Town water
- 9) **Waste Water** leach & septic system functional
- 10) **Toilet & Hand Wash Facilities** clean & supplied
- 11) **Maintenance of Physical Facilities** In good repair and clean
- 12) **Insect/Rodent Control** adequate
- 13) **Rubbish** contained
- 14) **Plumbing - Cross Connections** none

COMMENTS:

This is a very clean operation

Eileen Upatt
CUMBERLAND HEALTH OFFICER

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

RESTAURANT/TAKE OUT NAME:

The Grill on Main

Date *6-2-04*

State Lic. No. _____

- 1) Food Supply & Source
- 2) Food Preparation & Protection
- 3) Food Temperature
- 4) Food Handlers
- 5) Equipment & Utensils
- 6) Dishwashing
- 7) Toxic Materials
- 8) Water Supply
- 9) Waste Water
- 10) Toilet & Hand Wash Facilities
- 11) Maintenance of Physical Facilities
- 12) Insect/Rodent Control
- 13) Rubbish
- 14) Plumbing – Cross Connections

COMMENTS:

Mr. Trueman will not be reopening this location

Eileen L. Wyatt
CUMBERLAND HEALTH OFFICER

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

RESTAURANT/TAKE OUT NAME:

Box Hill Confections

Date 6-2-04

State Lic. No. _____

- 1) Food Supply & Source
- 2) Food Preparation & Protection
- 3) Food Temperature
- 4) Food Handlers
- 5) Equipment & Utensils
- 6) Dishwashing
- 7) Toxic Materials
- 8) Water Supply
- 9) Waste Water
- 10) Toilet & Hand Wash Facilities
- 11) Maintenance of Physical Facilities
- 12) Insect/Rodent Control
- 13) Rubbish
- 14) Plumbing - Cross Connections

COMMENTS:

I spoke to Janet Quinlan
She has a Dept of Agriculture licence for food processing.
I do not believe she needs a Vendors' licence from
the Town-

Eileen R Wyatt
CUMBERLAND HEALTH OFFICER

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

RESTAURANT/TAKE OUT NAME:

Cumberland Cafe

Date 6-4-04

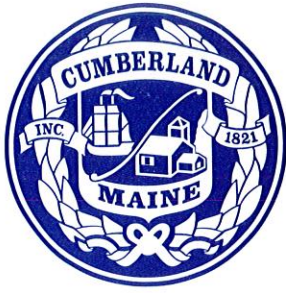
exp. 1-27-05
State Lic. No. 00591

- 1) **Food Supply & Source** Commercial
- 2) **Food Preparation & Protection** a clean kitchen and prep area -
- 3) **Food Temperature** all units are within ranges.
- 4) **Food Handlers** very well informed
- 5) **Equipment & Utensils** clean & properly stored
- 6) **Dishwashing** dishwasher 150°F water with booster -
- 7) **Toxic Materials** properly labelled and stored -
- 8) **Water Supply** well - tested regularly (quantity) for the Drinking Water Program.
- 9) **Waste Water** leach field appears to be functioning
- 10) **Toilet & Hand Wash Facilities** clean & well supplied -
- 11) **Maintenance of Physical Facilities** clean & in good repair
- 12) **Insect/Rodent Control** no problems
- 13) **Rubbish** contained
- 14) **Plumbing - Cross Connections** no cross connections

COMMENTS:

This is a clean, well managed operation -

Eileen Wyatt
CUMBERLAND HEALTH OFFICER



TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

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

May 7, 2004

Dear Victualer:

Please find enclosed an application for your annual Victualer's license. Please complete the form and return it to me in the enclosed envelope, **no later than June 16, 2004.**

Your license will cover the period July 1, 2004 through July 1, 2005. Please be aware that your establishment must receive and pass an inspection by the Code Enforcement Officer, Health Officer and Fire Chief before a license may be issued. Each officer will be in touch with you to arrange for an inspection. All inspections, water tests (for wells only), and any required corrective actions must be completed prior to June 16, 2004. If you require a well water test, you may wish to locate a local water testing facility, as they perform this testing more quickly than the State.

If your license request is for participation during events at the Cumberland Fairgrounds, your inspections will occur on opening day of the/each fairground event. However, you will still need to submit your annual application to me before June 16, 2004.

Your license application will be submitted to the Town Council at their meeting of June 21, 2004, and as stated, all inspections must be complete in order for their consideration. Thank you for your cooperation in this matter. I wish you a successful new season.

Sincerely,

Nadeen Daniels
Town Clerk

Cc: Deb Flanigan, Deputy Clerk
Barbara McPheters, Code Enforcement Officer
Fire Chief Dan Small
Eileen Wyatt, Health Officer

MAINE DRINKING WATER PROGRAM

TOTAL COLIFORM BACTERIA RESULTS

Please read the sampling instructions on the back of this form. Sample Collector must fill out shaded sections.
For small water systems taking less than 10 samples per month.

Public Water System Information

System's name:	REY'S CUMBERLAND CAFE
System's phone #:	207-829-0980
PWSID #:	ME 0020948
Address:	172 GRAY ROAD CUMBERLAND, ME. 04021
Sample Category(1):	
Sampler's name:	REY MICHAEL

DATE RECEIVED AT LAB: 6-7-04

Laboratory Information

Lab name:	A & L Laboratory
Lab certification:	ME 021
Lab mgr's. name:	Jon Dyer
Lab phone #:	784-5354

Sample #	Sample Collection Point	Date & time sample was taken	Ch (Only if req.)	Laboratory sample ID#	Date & time sample was processed	Total Coliform count	Noncoliform Count or SPC	Fecal Coliform E. Coli(2)	EPA Stand. Method	17: (Only if req.)
#1	Kitchen	6/7/04 10 AM		118781	6-7-04 2:30 PM	Absent		Absent	7222 9223	
#2										
#3										
#4										

I (we) understand this report will be submitted to the Maine Drinking Water Program.

Sampler's Signature:

Michael Rey

Laboratory Signature:

Jon Dyer

(1) Routine Compliance, Resilient, Operation & Maintenance, Raw Water, or Special Purpose.

04/03/99

(1/5/01) MCD015 DEC

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 sledded 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.

July 1, 2004

RE: Discontinuance of Winter Maintenance by the Town

Dear Homeowner:

The Cumberland Town Council will be holding public hearings beginning on July 12th and August 9, 2004 to discuss the discontinuance of winter maintenance on private roads throughout the Town. Your road has been one which has been maintained by the Town in the winter months. Under State Law, the Town is not permitted to expend public funds or services on private roads unless there is an emergency.

The Town will continue to send snow plow and sand trucks ahead of all rescue or fire trucks in all emergency situations, but will not continue to plow private roads effective October 1, 2004.

Presently, there are 151 private roads in Town which receive no winter maintenance. It is unclear to me how 17 additional private roads were eligible to receive winter maintenance services.

I would encourage you to speak with your elected officials about this change in policy and attend the meeting on July 12th and August 9th to have your concerns heard.

Sincerely,

William R. Shane
Town Manager

Impacted Roads:

Blanchard Road Ext (Moore's); Corey Road; Coveside Drive; Ferne Lane; Island Pond Road; Lanewood Road; Laurel lane; Linden Court; Nubbin Way (Porteous Rd); Ocean Terrace; Sanderson Road; Spruce Lane; Stockholm Drive; Sullivan Drive; Windy Hollow Way; Winterberry Court; and Woody Creek Lane.

Council Order 1976

TOWN OF CUMBERLAND

ADOPTION OF ORDER

Order #76-5

1

At the regular meeting of the Cumberland Town Council held on January 12, 1976 at the Cumberland Town Hall, 4 Blanchard Road, Cumberland Center, Maine the following order was passed:

BE IT ORDERED that the Highway Department of the Town of Cumberland is hereby authorized and directed to control snow and ice and maintain a passable surface for the purposes of police and fire protection on the following list of private roads within the Town of Cumberland:

Road 3B
Island Avenue
Lake Avenue
Canal Avenue
Hill Street
Road 2
Methodist Road
Broad Cove Way
Sturdivant Road
Dean's Way
Starboard Lane
Sanderson Point
Russell Road
Maine Central Avenue
Upper Portion of Corey Road
Lake Road
Forest Avenue

So voted: Unanimous

A TRUE COPY:

ATTEST:

Christine A. St. Peter
Christine A. St. Peter
Town Clerk

Harland E. Storey
Harland E. Storey
Council Chairman

Winter Maintenance Agreement

WINTER MAINTENANCE

Example

PERMISSION TO ENTER UPON ROAD
AND RELEASE

In consideration of the Town of Cumberland's provision, in its exclusive judgment and without obligation to so provide or to continue to so provide, of winter maintenance, which term includes but is not limited to snow plowing, salting and sanding services, for the road upon which I/we (or our association) owns, manages or controls, which road is _____,

(name of road)
a road in the Town of Cumberland, Maine, I/we, the undersigned as individual owners or members of an association _____

(individual or road association name)
do hereby represent that we own, manage or control a portion or all of said road and that a public easement exists in said road, and do hereby grant permission to the Town of Cumberland, its officers, agents and employees to enter upon said road with men and machines for the purpose of winter maintenance of said road. I/we recognize that the Town of Cumberland's municipal officers reserve the right to terminate or modify winter maintenance or services for said road at any time, and that this document is not a contract between the Town of Cumberland and the undersigned, but is an inducement to the Town of Cumberland to provide winter maintenance services for said road. I/we further recognize that the Town of Cumberland may require public liability insurance prior to the provision of winter maintenance services for said road.

I/we have read this document carefully, and sign it voluntarily with full knowledge of its significance.

IN WITNESS WHEREOF, I/we have executed this "Permission to Enter Upon Road and Release" at _____

(place of execution of this document)
this _____ day of _____, 19____.

By: _____
(signature)

Witness: _____ (please print name)

By: _____
(signature)

(please print name)

EXAMPLE

Road Association or
INDIVIDUAL

PERMISSION TO ENTER UPON
ROAD AND RELEASE

In consideration of the Town of Cumberland's provision, in its exclusive judgment and without obligation to so provide or to continue to so provide, of winter maintenance, which term includes but is not limited to snow plowing, salting and sanding services, for the road upon which our association owns, manages or controls, which road is _____

(Road Address)

a road in the Town of Cumberland, Maine, we, the undersigned members of the _____

(Name of Road Association)

do hereby represent that we own, manage or control a portion or all of said road and that a public easement exists in said road, and do hereby grant permission to the Town of Cumberland, its officers, agents and employees to enter upon said road with men and machines for the purposes of winter maintenance of said road. We recognize that the Town of Cumberland's municipal officers reserve the right to terminate or modify winter maintenance or services for said road at any time, and that this document is not a contract between the Town of Cumberland and the undersigned, but is an inducement to the Town of Cumberland to provide winter maintenance services for said road. I/We further recognize that the Town of Cumberland may require public liability insurance prior to the provision of winter maintenance services for said road.

I have read this document carefully, and sign it voluntarily with full knowledge of its significance.

IN WITNESS WHEREOF, we have executed this "Permission to Enter Upon Road and Release" at _____

(Place of Execution of this Document)

this ____ day of _____, 19 ____.

By: _____
(Signature)

(Please Print Name)

By: _____
(Signature)

(Please Print Name)

Legal Information

Jensen Baird
Gardner & Henry

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(1914-1987)

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

November 7, 2000

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

Re: Private Roads

Dear Bob:

Carla Nixon and Adam Ogden recently got in touch with me in regard to an MMA training session that was held in the last few weeks in which the question of municipal liability for plowing private roads was raised. As you may remember, in the mid-1980's there was a Maine Supreme Court decision saying that maintenance of private roads was an inappropriate expenditure of public funds. However, there has been, since time immemorial, a statute at Title 23, Section 3105, which authorized winter plowing of private roads based on an annual vote at town meeting. It has always been our opinion that the statute was based on public safety concerns and therefore a completely valid expenditure. Further, the Council's annual vote to approve the budget, including the funds for this purpose, is deemed to be a sufficient indication of compliance with this statute.

It is my understanding that MMA has indicated that any work on private roads may expose the members of the plowing crew to some type of personal liability. This would be possible if 1) the Town had decided not to do the work, and/or 2) the Town had not taken the further step which we suggested more than 12 years ago of obtaining a limited public easement over the road. You may remember, in 1988 we did prepare such a form, a copy of which I enclose, which indicated that it should be signed by someone with apparent authority over the various private ways that the Town plowed. It is still the opinion of this firm that winter maintenance of private roads is permissible based on the underlying statute's safety concerns. As such, coverage under both the Maine Tort Claims Act and the Town's supplemental insurance should be available. It is my understanding that you are in the process of confirming the insurance coverage which I believe is a wise idea. Given all of the above, it would be our opinion that there is no risk for your equipment operators any greater than working on a public road.

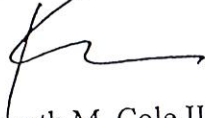
*Adam
re MMA mtg
Superior only
+ Dan Don
enclosed*

Jensen Baird
Gardner & Henry

November 7, 2000
Page 2

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to be "KMC", written over a horizontal line.

Kenneth M. Cole III

KMC/ab

MAINE MUNICIPAL ASSOCIATION

Legal Services
60 Community Drive
Augusta, Maine 04330-9486

Telephone (207) 623-8428

WILLIAM W. LIVENGOD
REBECCA WARREN SEEL
RICHARD P. FLEWELLING
ELLERBE P. COLE
JOSEPH J. WATHEN †

February 11, 1998

Adam J. Ogden, Director of Public Works
Town of Cumberland
P.O. Box 128
Cumberland, ME 04021

Re: Winter Maintenance of Private Roads

Dear Adam:

Your letter of February 3rd poses a variety of questions about winter maintenance of private roads at public expense. It also poses a dilemma for me because the Town of Cumberland has previously been advised on this issue, including the use of a document entitled "Permission to Enter Upon Road and Release," by Kenneth M. Cole, III, Esq. Accordingly, I cannot comment specifically on your questions without a request from the Manager, the Council or Mr. Cole.

MMA's general position on winter maintenance of private roads at public expense is well-known and is discussed in detail in the enclosed excerpt from MMA's Municipal Roads Manual. In essence, we agree with Mr. Cole's letter of August 25, 1988 to Robert B. Bensen (a copy of which you enclosed). The only thing I would add is that subsequently the Maine Supreme Judicial Court in effect affirmed Mr. Cole's conclusion that maintenance of private roads at public expense would violate the "public purpose" doctrine of the Maine Constitution (Opinion of the Justices, 560 A.2d 552 (Me. 1989)).

I am sorry I cannot answer your inquiry directly, but by copy of this letter I invite such a request from those above-mentioned.

Please let us know if we can be of any other assistance.

Yours truly,

Richard P. Flewelling
Richard P. Flewelling, Esq.

encl.

cc: Town Manager
Town Council
Kenneth M. Cole, III, Esq.

*2R organized group that maintains road
set letter authorizing town presence
and acknowledge public easement*

Council 12/7
AUG 30 1988

JENSEN BAIRD GARDNER & HENRY

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MICHAEL J. QUINLAN
ELIZABETH T. HIGH
JAMES N. KATSIACAS
PETER B. LAFOND
DAVID E. BAUER
GWENDOLYN H. LYFORD

August 25, 1988

Mr. Robert B. Benson
Town Manager
Cumberland Town Office
P.O. Box 128
Cumberland, Maine 04015

Dear Bob:

A question that frequently is asked by municipal officials is whether it is legal for a town to use public funds to plow and sand private roads. Because at least two towns have asked this question, we thought it would be helpful to send our advice on this matter to each of our municipal clients before winter.

Simply stated, our advice is this: a town may legally spend public funds to plow and sand town ways and roads in which there is a public easement. The reason for this advice is as follows.

Under State statute, there are three types of roads -- town ways, public easements (formerly known as "private ways") and private roads. Please note that "private ways" are different from "private roads." A municipality has the legal obligation under 23 M.R.S.A. § 3651 to maintain a town way so as to be safe and convenient for travelers with motor vehicles, and must clear snow from a town way unless that way has been formally closed to winter maintenance. With respect to public easements ("private ways"), under 23 M.R.S.A. § 3105, a municipality's legislative body may authorize the municipal officers to use municipal highway equipment to plow and sand whenever the municipal officers deem such action "advisable in the best interests of the town or village corporation for fire and police protection." Thus, a town must spend public funds to plow and sand town ways that are not closed to winter maintenance, and may spend funds to plow and sand roads in which there is a public easement when the town's legislative body authorizes the municipal officers to do so, and the municipal officers find that plowing and sanding is advisable in the town's best interest for fire and police protection.

However, municipalities cannot spend public funds to plow and sand or otherwise maintain private roads. The Superior

*can Garbage Agreement
superior?
Is sewer line on private Rd or
easement.
Posted Rd. is a problem in any event
x. 20.3v + sewer*

JENSEN BAIRD GARDNER & HENRY

Court (Oxford County) addressed this issue in Haynes v. Inhabitants of the Town of Waterford in 1982, holding that the Town of Waterford's authorization of expenditures of public funds for plowing private roads and driveways would violate the public purpose doctrine. The public purpose doctrine arises out of Article IV, Part 3, Section 1 of the Maine Constitution and sets forth that taxes shall not be raised for purposes other than public purposes. Because the Superior Court found that the plowing of private driveways would primarily benefit private citizens rather than the public, the expenditure of municipal funds for plowing private roads and driveways would violate the public purpose doctrine. There also is a 1980 Attorney General's opinion which reaches this same conclusion.

Further, there is another reason why municipalities should not spend public funds for plowing, sanding and maintaining private roads -- municipal and individual liability. Municipal maintenance on town ways (and presumably on public easements, although this has not been decided) could result in municipal liability for negligence and defects, but since this maintenance would be a governmental duty and within the course and scope of governmental employment, municipalities and individual officials generally would be protected by the limits on liability in the Maine Tort Claims Act and Highway Defect Act. When a town maintains a private road, which it has no legal obligation or authority to maintain, the municipality, and particularly its municipal officials, arguably would not be acting within the course and scope of employment and would not be entitled to the protections of these acts. Therefore, the municipality could be subject to unlimited liability for negligence and defects resulting from plowing, sanding and maintenance on private roads, and municipal officials could individually face the same unlimited liability for such actions.

Since it is clear that towns must spend public funds to plow and sand town ways (unless they are closed to winter maintenance), may spend public funds to plow and sand public easements ("private ways") and cannot spend public funds to plow and sand private roads, the real issue is whether a road is a public easement ("private way") or a private road. Public easements may arise in several ways; a town may acquire a public easement in a way: (1) by discontinuance of a town way after 1975 under 23 M.R.S.A. § 3026, (2) through presumed abandonment of a road under 23 M.R.S.A. § 3028, (3) by eminent domain (laying out and taking the public easement), (4) by dedication and acceptance of the public easement, (5) by purchase and adverse use). Where there is a question as to whether particular ways are public easements or private roads, a town should examine each way on a case-by-case basis to determine whether a public easement was acquired through any of the above methods. Towns should be careful in making this determination since if the way eventually is determined to be a private road, the expenditure of town funds to plow and sand it could be found illegal and both the town and its individual elected and

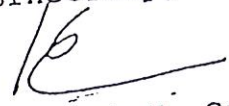
JENSEN BAIRD GARDNER & HENRY

appointed officials could face unlimited liability for their actions on that private road. With these risks in mind, towns should seek to be reasonably sure that a public easement exists before plowing and sanding it, perhaps by obtaining certifications from owners of property abutting such roads or from road associations that a public easement has been granted to the Town or has arisen from long public use.

Finally, while municipalities cannot spend public funds to plow, sand or maintain private roads, they may make municipal equipment available for a fee for the plowing, sanding or maintenance of private roads when that equipment is not otherwise needed by the municipality. This is described in a 1961 Attorney General's Opinion. However, such actions arguably would not be within the scope of the Tort Claims Act and Highway Defect Act since the municipality would be acting as though it were a private contractor, and both the municipality and its individual appointed and elected officials could be subject to unlimited liability when undertaking private road maintenance for a fee. Obviously, each town must make a policy decision in light of the above regarding the wisdom of making municipal equipment available for a fee.

Please let us know if we can assist you with any particular issues of road plowing and sanding.

Sincerely,


Kenneth M. Cole, III

KMC:jem



Does Your Town Plow Private Roads?

If you're plowing them, STOP!

If you're not, DON'T START!



This article is an adaptation from a story by Ted Cohen in the Portland Press Herald on Dec. 13, 1993.

OGUNQUIT - When Lynn Raymond-Empey took over as town manager, she quickly took control of a politically sensitive issue: publicly funded illegal plowing of private roads.

She told selectmen, the plowing should stop. If it didn't, and a town plow were to injure someone on a private road, this tiny town of 976 people could be rendered bankrupt by a lawsuit.

Under Maine law, a town's liability is limited to \$300,000 if an accident occurs while the town is plowing a public road. But if town crews are illegally plowing a private road and are sued, the sky would be the limit as far as lawsuits are concerned, Raymond-Empey said.

"When you're plowing a private road and you don't have a deeded right of access, you are putting the town in a position where, if there were an accident, liability wouldn't be limited to \$300,000," she said.

In changing the policy last week, Ogunquit selectmen joined other Maine towns reluctantly complying with a Maine Supreme Court ruling.

In a state where tradition dies hard, it's not been easy for small towns to stop their plows at the entrances to tiny dirt roads that were never envisioned as public thoroughfares.

"Our legal staff keeps advising towns it is not a proper use of public funds to plow private roads because they don't serve a public purpose," said Michael Starn, spokesman for the Maine Municipal Association.

"We keep putting out information telling them if they're plowing private roads, do not, and if they're not, don't start."

The state's highest court in 1989 ruled that the "implied consent of ac-

cess" doesn't adequately immunize municipalities from liability in the event that a plow causes damage or injury while clearing private property.

Despite the court ruling, town officials have tended to wait until push came to shove before enforcing the private-plowing prohibition, said Greg Drew, selectmen's chairman in Buxton.

When town officials change the tradition that's allowed the inappropriate spending of tax money to plow private roads, they know they will anger a lot of people who've relied on the service.

In Buxton, town officials knew about the court ruling for several years before finally admitting they had to put their foot down. Their highway crews plowed 25 private roads last winter.

But this winter they'll plow only 15 - those to which the town has been given public easements.

"We tried to avoid it," Drew said of the decision to stop the plowing. "But finally our attorney said, 'enough's enough. You guys have to realize your liability.'"

Raymond-Empey, who began here as town manager last month, knew one of her first responsibilities was planning for winter. She advised selectmen on her second day on the job they should forbid the plowing of private roads.

They've since done so. But Raymond-Empey realizes that some of the 75 people living on the nine private roads are affected by the new policy will be angry, or even frightened.

"I don't want people to be fearful," she said, explaining that police cruisers, firetrucks and ambulances will still be dispatched to emergencies on private roads. She's exploring how to get legal public access to private roads, to allow plowing to continue if homeowners there grant the town public easements.

She considered giving the public two weeks or advance notice of the new

policy, but then realized there was really only one thing to do: announce the policy was effective immediately. It was the only way to make sure it would be enforced without pause.

In her previous position as the top administrator in Naples, Raymond-Empey took a similar stance. She also advised selectmen to enforce the policy against private-road plowing, despite some public pressure to do otherwise.

The communities most affected by plowing restrictions are small towns with lots of narrow dirt roads created in the early 1900s when people built summer cottages, according to the Portland Public Works Director George Flaherty.

Over the years, many of the cottages - some located along "dirt roads no more than 12 feet wide and running between two trees" - have been winterized. Their owners want town crews to keep them clear of snow, Flaherty said.

In Portland, Flaherty's crews plow no private roads.

The policy is similar in Brunswick, but Public Works Director John Foster said there'll be public pressure this winter, as every year, for him to plow private roads.

"Last year someone on a private road called us during a storm and asked us to plow," Foster said. "We declined."

He added that "everyone reminds us they pay taxes and we understand, but we can only plow town-owned roads."

"FIGHT WINTER and WIN"
- A Survival Guide for Public Officials -

Send for your free copy of this 10 page manual from the American Public Works Association (APWA). It discusses why snowfighting is important; the role of equipment, personnel, sand, plowing, salt alternatives and environmental impact.

PUBLIC MAINTENANCE OF PRIVATE ROADS

GENERAL RULE: Public maintenance of private roads violates "public purpose" clause of the Maine Constitution. In addition, town's risk of liability is increased, and liability insurance coverage may not cover activities on private roads.

OPTIONS:

(a) Let landowners own road provide their own plowing and maintenance;

(b) Convey the road to town as a public easement, which means it will no longer be private

- * requires agreement of all abutting landowners
- * requires acceptance by municipality
- * municipality may require that road be built to certain condition before acceptance
- * level of maintenance not guaranteed to be same as for other public roads;

(c) Enter contract with municipality for plowing/maintenance services

* must cover all costs including gas, oil, wear and tear on vehicle, operator's pay, proportional share of work comp and other insurance costs

* practical issues--does private road get service first or last? What about damaged mailboxes, fences, etc.--who is responsible?

* what to do about abutters who don't pay their share--unless there is a lot owners association or road owners association, those people may get a free ride.

3/29/95

Joe Wrothen

MMA.

Road Maintenance and Repair

This Chapter discusses the municipality's road maintenance and repair obligations. Several topics are covered, including summer and winter maintenance, State-aid roads, brush cutting, and bidding and contracting practices. Related topics are discussed in other Chapters: road control and protection is the subject of Chapter 6, and liability for improper maintenance/repair is covered in Chapter 7.

Legal Obligation to Maintain and Repair Roads

A municipality's obligation to maintain and repair a road varies depending on the type of road: town way, public easement, or privately-owned road. These are addressed separately below.

Town ways. 23 MRSA § 3651 requires that town ways be kept open and in repair so as to be safe and convenient for travelers with motor vehicles. Additionally, if a town way is "blocked or encumbered" with snow, 23 MRSA § 3201 requires that it be opened and made passable within a reasonable time. See also *Ouelette v. Miller*, 183 A. 341, 134 Me. 162 (1936), and *Rogers v. Newport*, 62 Me. 101 (1873). The process for closing roads to winter maintenance is discussed later in this Chapter.

Public easements. The voters of a town may authorize the selectmen to use town equipment to maintain and repair public easements [23 MRSA § 3105]. The voters can determine the level of maintenance the town will provide, as there is no requirement that public easements be kept "safe and passable" on a year-round basis. The voters can designate that some public easements (or portions thereof) be maintained at public expense, while others are not. In short, municipalities have broad discretion in deciding how to care for public easements.

Municipal officials are often asked whether private citizens can repair and maintain public ways at their own expense, and what rights and liabilities this involves. There is no statute on point. The case law is sparse, but overall it implies that private individuals have no right to repair or reconstruct either town ways or public easements. See, for example, *Lamb v. Euclid Ambler Associates*, 563 A.2d 365 (Me. 1989); and *Hunt v. Rich*, 38 Me. 195 (1854); and see *Harris v. Larrabee*, 109 Me. 373 (1912).

The municipality assumes no liability in the event that private repairs are improperly done and cause injury. The person who made the repairs (or contracted for them) may be personally liable, however. We recommend that municipal officials discourage this practice by pointing out the potential liability and the fact that a person does not obtain any particular right or privilege by maintaining a public easement at his or her private expense. As a practical matter, most people are unwilling to spend their own money maintaining a road that everyone can use without charge or restriction.

Privately-owned roads. The Maine Supreme Court has stated that public funds or equipment may not be used to maintain or plow privately-owned roads, see *Opinion of the Justices*, 560 A. 2d 552 (Me. 1989). This is true even if the public is not prevented by signs or gates from using the road. The Court's reasoning was that the "implied consent of access" is transitory at best, and one or more of the road's owners could at any time restrict access. For example, the town might make substantial repairs to a private camp road open to

the public, only to find that the very next day the road was closed to public access.

This Opinion has raised a lot of questions, particularly in municipalities that traditionally have maintained privately-owned roads. Some of the commonly-asked questions are addressed below:

People on private roads pay taxes, too; doesn't that entitle them to have their roads plowed? No. A municipality is not legally required to provide identical services to all roads, just as some parts of town may have public sewer and water, while others do not. Property without those services, however, should not be assessed as though it had them. In other words, the lack of public maintenance of the road may figure in to the "just value" of the property for tax purposes. (In some cases, the increased privacy or exclusivity resulting from lack of public maintenance may actually enhance the value of the property.)

What can landowners on private roads do to get road maintenance? The landowners have two general options. First, they can arrange for private plowing and maintenance. They can do this by informal agreement, or by creating a formal road association for that purpose.

Second, the landowners can request that the road be accepted by the voters (or council in a city) as a public easement, which could then be maintained at public expense. This option will depend on three events: first, all of the abutters on the private road must agree to grant the public easement; second, the legislative body must vote to accept the way as a public easement; third, the legislative body must vote to authorize maintenance of some the public easement, since it is not required by law.

A third option, though unlikely, is to ask the legislative body to accept the road as a town way. If so accepted, the municipality assumes the legal obligation to maintain the road in a safe and passable condition.

What about access for emergency vehicles, buses, and other municipal vehicles? The *Opinion of the Justices* did not address this point. Legal staff at the MMA is of the opinion that it is permissible to send the plow down a privately-owned road ahead of a fire truck, police car or ambulance, since opening the road is necessary to provide the emergency service. As a practical matter, however, even the plow may be unable to get down a road that has not been previously maintained or plowed. We recommend, therefore, that persons living on private roads keep them open, as there is no guarantee that town vehicles can get through in an emergency. A municipality is not liable for the failure to provide emergency services, see 14 MRSA § 8104-B.

The municipality should not plow privately-owned roads to allow access for school buses, garbage trucks, or other non-emergency municipal vehicles. People living on a private road must keep it open for those vehicles, or else bring their children, trash and so on out to the public road for pick-up, see *Collins v. Westmanland School Committee*, Superior Court, Docket No. CV-90-268 (Aroostook County 1991). Emergency services (fire, ambulance, and police) are different because they involve immediate threats to human life and limb, and the problem (a burning barn, for example) cannot be brought out to the public road for service.

Is it legal to maintain privately-owned roads if the road owners pay the municipality for road maintenance services? Although we recommend against it, this arrangement may be allowed as long as all costs are covered. For example, costs include not only the cost of the sand and the driver's hourly wage, but also the proportional share of worker's compensation, liability insurance for the truck, general liability insurance, gas and oil used, and the proportional share of all other expenses related to the service. Any such agreement should be prepared as a written contract, and it should state who is responsible for personal injury and property damage which may result from road maintenance services. We recommend that an attorney draft the contract. Any such contract should also make it clear that privately-owned roads will be plowed or repaired only after public roads are finished. Otherwise, the municipality may find itself

in the awkward position of having a contractual duty to plow private roads before the public ways are cleared.

What legal problems may the municipality encounter if it continues to maintain privately-owned roads without a contract? The municipality exposes itself to broader liability when it maintains privately-owned roads. There are no cases on point, but it is arguable that the Maine Tort Claims Act will not protect either the municipality or the municipal employee while performing what is essentially a private service. For example, if the plow driver negligently injures a pedestrian on a private road, the liability cap in 14 MRSA § 8105 may not apply. Likewise, the municipality's insurance may not cover occurrences on privately-owned property, on the basis that it is not a public activity. Check your insurance policies if you plan to maintain privately-owned roads.

Another potential problem is violation of federal anti-trust laws. Since the municipality usually gets its bituminous mix, gravel, salt, sand, gasoline and other supplies at a good price (bulk amounts and no taxes), it can perform road plowing and maintenance for less than a private contractor charges. A private contractor, who maintains private roads for a living, could argue that municipal maintenance of private roads is an anti-competitive practice. The municipality has an inherently unfair advantage because of its position as a governmental entity. The U.S. Supreme Court held in *Community Communications, Inc. v. City of Boulder*, 102 S. Ct. 835 (1982) that a municipality is not exempt from anti-trust liability unless it can show that there is a precise and affirmatively expressed state grant of power to engage in anti-competitive actions. We are aware of no road-related anti-trust cases involving a Maine community, but the potential exists.

Closing Roads

Sometimes the best way to maintain or repair a road is to close it or limit its use. Three laws address this subject.

Closing roads to winter maintenance [23 MRSA § 2953]: The legislative body of the municipality may designate that certain roads (or portions) be closed to winter maintenance. Under this law, maintenance of a road can be discontinued for a specific number of months from November to April, inclusive. The winter closing process has five steps, discussed below. The law specifies that some of these steps be done between May 1 and October 1. To be safe, we recommend that the entire process be done in that time period.

First, the municipal officers themselves, or upon petition of at least 7 voters, draw up a list of roads proposed to be closed. The issue is whether it is "unnecessary" to maintain a road in view of its population, use and travel in winter.

Second, the municipal officers schedule a public hearing to discuss the list of proposed winter closings. They must place written notice of this hearing in some conspicuous public place at least 7 days before the hearing.

Third, after the public hearing the municipal officers file with the clerk an order specifying the road (or portion thereof) to be closed to winter maintenance. This order must also specify the months of non-maintenance and the number of years the closing order will be in effect. A winter closing can run from one to ten years; *if the order fails to specify, it is for one year only.*

Fourth, the legislative body must vote to approve each order, or vote to provide that each order made by the municipal officers is a final determination. In a town meeting town, this step will require a town meeting vote.

Sample orders and articles pertaining to this process are included in Appendix E.

A winter closing order can be altered, but only *after* one year from the date it was approved by the legislative body. Alteration of an order can be proposed by the municipal officers or upon petition of 7 voters. The steps in the alteration process track those of the initial approval process.

A winter closing order or alteration order may be appealed to the county commissioners within 30 days of its final determination by the legislative body. The

ANSWERS OF THE JUSTICES

To the Honorable House of Representatives of the State of Maine:

In compliance with the provisions of section 3 of article VI of the Constitution of Maine, we, the undersigned Justices of the Supreme Judicial Court, have the honor to submit the following responses to the questions propounded on May 16, 1989.

QUESTION NO. 1: Do the provisions of this bill allowing the use of municipal tax revenues for the purposes set out therein violate the "public purpose" limitation of the Constitution of Maine, Article IV, Part Third, Section 1?

[1] We answer Question No. 1 in the affirmative. The legislative power under Article IV, Part Third, Section 1, of the Maine Constitution includes the power to tax, but only to the extent that the tax revenues are spent for public purposes. *See Common Cause v. State*, 455 A.2d 1, 8 (Me.1983). The maintenance at taxpayer expense of privately owned roads as defined in L.D. 383 would be an unconstitutional appropriation of public funds for the benefit of the private property owners.

The public's access to "privately owned roads" as defined by L.D. 383 is both uncertain and potentially transitory. By the definition in the proposed section 3106(2), "the public has no legal right of travel" over any privately owned road on which the bill would authorize the expenditure of public funds. Any possible consent by the private owners to the public's use of the road at most would arise only by inference from the absence, at the time of expenditure, of any barrier or sign "hav[ing] the effect of discouraging public travel." But even that questionable implicit consent could disappear at the whim of owners who subsequently put up a "no trespassing" sign or similar barrier. Any indirect public benefits derived from the proposed public expenditures upon private roads from which the public is or may be barred are outweighed by the public detriment. *See Common Cause v. State*, 455 A.2d at 25. We have no occasion to comment on the validity of a general statute addressing the

maintenance of access to private property for the use of emergency vehicles.

QUESTION NO. 2: Do the provisions of this bill, allowing a municipality by vote of its legislative body to assess the users of a right-of-way for the maintenance of that way, violate any provision of the United States Constitution or the Constitution of Maine?

[2] We construe the term "users of a right-of-way" in Question No. 2 to be the equivalent of "those persons who possess a right-of-way to use the privately owned road" who under L.D. 383 could be assessed to pay municipal costs of maintaining that road. We answer Question No. 2 in the affirmative for essentially the same reasons as Question No. 1. For the special assessment that would be authorized by L.D. 383 to be valid, it must involve both a public purpose and a special benefit to the persons to be assessed over and above that accruing to the public. *See City of Auburn v. Paul*, 84 Me. 212, 215, 24 A. 817, 818 (1892); *Montgomery County v. Schultz*, 302 Md. 481, 489, 489 A.2d 16, 20 (1985). As we state in our answer to Question No. 1, maintenance of privately owned roads as contemplated in L.D. 383 does not meet the public purpose test.

Because of the absence of a public purpose, an involuntary assessment under L.D. 383 to pay for maintenance costs on a privately owned road would be invalid. L.D. 383 would authorize a municipality to require the owners of a privately owned road, over which the public has neither taken nor been given any public rights, to pay the municipal costs of maintaining their private road. The owners would be required to bear those costs even though some or all of them did not wish the road maintained by the municipality at all, or did not wish it maintained in the way elected by the municipality. The assessment system that would be authorized by L.D. 383 is not the voluntary contractual arrangement upheld by the New Hampshire Supreme Court in *Clapp v. Town of Jaffrey*, 97 N.H. 456, 91 A.2d 464 (1952), by which the private owners of the road contracted for municipal services. Imposing the pro-

posed assessment on those owners whose private road the municipality maintained against their will would violate the Due Process Clauses of both Constitutions. Me. Const. art. 1, § 6-A; U.S. Const. amend. XIV.

QUESTION NO. 3: Do the restrictions in the definition of a "privately owned road" contained in the bill violate any provision of the United States Constitution or the Constitution of Maine?

[3] We construe Question No. 3 to address the constitutionality under the Equal Protection Clauses of the Maine and the United States Constitutions of the definitional limitation of "privately owned roads" to those that "serve as the primary means of access and egress to 2 or more private year-round residences." We conclude that if L.D. 383 were otherwise constitutional, that limitation would not contravene the constitutional requirements of equal protection of the laws. Under either the Fourteenth Amendment or section 6-A of the Maine Declaration of Rights, exercises of the police power that do not infringe on fundamental rights or implicate a suspect classification are subject to only a rational basis scrutiny. *See Town of Kittler v. Campbell*, 455 A.2d 30, 34 (Me.1983). If the municipal expenditures under L.D. 383 passed constitutional muster as being for a public purpose, it would not violate the Equal Protection Clause of either Constitution to limit those expenditures to private roads that at the minimum serve more than one year-round home.

VINCENT L. McKUSICK
Chief Justice

DAVID G. ROBERTS
DANIEL E. WATHEN
CAROLINE D. GLASSMAN
ROBERT W. CLIFFORD
D. BROCK HORNBY
SAMUEL W. COLLINS, Jr.
Associate Justices



PUBLIC NOTICE

July 9, 2003

Mr. Terry Bragg
44 Old Mill Road
Falmouth, ME 04105

Dear Terry:

Please be advised that the Town Council will hold a WORKSHOP to review Section 8, Street Design and Construction Standards, of the Cumberland Subdivision Ordinance, regarding road acceptance policies.

The workshop will begin promptly at 6:00 p.m. on Monday, July 14, 2003, and will be held in the Town Council Chambers, 290 Tuttle Road.

Interested parties are invited and encouraged to attend and will be provided an opportunity for comment.

Sincerely,

Jeffrey Porter
Council Chairman

Terry Bragg, Inc.
44 Old mill Rd.
Falmouth, ME 04105

Peter Kennedy
18 Canoll st.
Falmouth, ME 04105

~~Sebag~~
Stephen Goodrich
875 Princess Pt. Rd.
YARMOUTH, ME 04096

Normand Berube Builders, Inc.
10410 Portland Rd. Suite 2
Saco, ME 04072

Julie Jordan
2 Balsam DR.
Cumberland, ME 04021

Chase Custom Homes, Inc.
1 Percy Hawkes Rd.
Windham, ME 04062

LSH Holdings, Inc.
P.O. Box 470
Cumberland, ME 04021

Jerome + Carol Watts
619 Pleasant Valley Rd
Cumberland, ME 04021

Grindi Real Estate
P.O. Box 10715
Portland, ME 04104

~~Spt~~ Spaldero Co LLC
P.O. Box 402
Cumberland ME 04021

~~Custom Design & Building
P.O. Box 232
Cumb. ME 04021~~

~~LSH Holding Inc
P.O. Box 470
Cumb. ME 04021~~

Joanne Jordan
P.O. Box 19
Cumb. ME 04021

**TOWN OF CUMBERLAND
TOWN COUNCIL MEETING AGENDA
Cumberland Town Council Chambers
MONDAY, July 28, 2003**

7:00 p.m. - TOWN COUNCIL MEETING

I. APPROVAL OF MINUTES

a) July 14, 2003

II. MANAGER'S REPORT

III. PUBLIC DISCUSSION

IV. LEGISLATION AND POLICY

03 - 073. To hold a public hearing to consider and act on the application for the 34th Annual Cumberland Craft Show, Cumberland Fairgrounds, August 7-10, 2003, 10:00 a.m. to 5:00 p.m.

03 - 074. To approve victualers licenses for the Cumberland Craft Show, August 7-10, 2003.

03 - 075. Nominating Committee appointments.

03 - 076. Town Council assignments.

03 - 077. To set the date for a public hearing to consider and act on a Mass Gathering Permit application for the Cumberland Soccer Club Labor Day Tournament, August 30 & 31, 2003, at Twin Brook, 7:00 a.m. to 7:00 p.m.

03 - 078. To set the date for a public hearing to consider and act on a Mass Gathering Permit application by WildFire Motor Sports, to hold the World Series Monster Trucks event at the Cumberland Fairgrounds on August 22 & 23, 2003, from 7:30 to 10:00 p.m.

V. CORRESPONDENCE

VI. NEW BUSINESS

WORKSHOP - re: Growth Permits (will be held at the conclusion of the regular meeting)

VII. EXECUTIVE SESSION re: property acquisition, hardship abatement and personnel matter.

MEMBERS OF THE TOWN COUNCIL

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

TOWN OF CUMBERLAND TOWN COUNCIL ASSIGNMENTS

At its June 28, 2004 Town Council meeting, the Cumberland Town Council approved the following 2004/5 Town Council appointments:

	2003/04	2004/05
Archangel Committee	Robert Humphreys	<u>no appt necessary</u>
Chebeague Island Library Bd Trustees	Councilor Damon	_____
Cumberland/Yarmouth Jt Stdg Cmtee	Councilor Damon	_____
	Councilor Moriarty	_____
CPCOG	Councilor Moriarty	_____
Nominating Committee	Councilor Porter	_____
	Councilor Storey	<u>resigned MBR</u>
	Councilor Kuntz	_____
Prince Memorial Library Advisory Bd	Councilor Moriarty	_____
Recreation/Comm. Ed. Advisory Bd.	Councilor Savasuk	_____
Regional Waste Systems Board	Susan McGinty	_____
Budget .	Councilor Stiles	_____
Val Halla Board of Trustees	Councilor Kuntz	<u>Councilor Stiles</u>
Liaison to Board of Appeals	Councilor Storey	_____
Liaison to Conservation Committee	Councilor Moriarty	_____
Liaison to Falmouth/Cumberland COC	Manager Shane	_____
Liaison to Planning Board	Councilor Porter	_____
Liaison to Recycling Committee	Councilor Porter	_____
Liaison to CHAT (SAD 51)	none	<u>no appt necessary</u>
Liaison to Islands Committee	Councilor Damon	_____
Liaison to Cable TV Regulatory Bd	Councilor Porter	_____
Cousins Island/Wharf Agreement Cmtee	Councilor Moriarty	_____
	Councilor Damon	_____
Housing Commission	Councilor Stiles	_____
County Budget Committee	Councilor Kuntz	<u>New Colchester</u>
Stone Wharf Committee	Councilor Moriarty	_____
	Councilor Damon	_____
	Councilor Savasuk	_____

TOWN OF CUMBERLAND TOWN COUNCIL ASSIGNMENTS

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Liaison to Falmouth/Cumberland COC	Manager Shane
Liaison to Planning Board	Councilor Porter
Liaison to Recycling Committee	Councilor Porter
Liaison to CHAT (SAD 51)	
Liaison to Islands Committee	Councilor Damon
Liaison to Cable TV Regulatory Bd	Councilor Porter
Cousins Island/Wharf Agreement Cmtee	Councilor Moriarty
	Councilor Damon
Housing Commission	Councilor Stiles
County Budget Committee	Councilor Kuntz
Stone Wharf Committee	Councilor Moriarty
	Councilor Damon
	Councilor Savasuk

LOUIS A. HANSON, D.O.

371 Tuttle Road
Cumberland, Maine 04021
(207) 829-3618

June 8, 2004

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

Dear Mr. Shane and Members of the Council:

This letter is to introduce a request for consideration of contract zoning to be applied to my property at 371 Tuttle Road. I would like to renovate the carriage house and increase the number of rental units for several reasons to follow.

This project would provide several benefits to the Town, including an increase in badly needed, yet desirable affordable housing and an expanded tax base.

I feel this project would also improve the appearance of the Center while retaining architectural integrity of this landmark: restoring or renovating it will increase its strength and lifetime well farther into the future than the current structure could survive, and will better utilize space that is currently wasted.

As you see from the drawings, the project envisions four identical apartments of about 1000 sq. feet each, with two bedrooms, one and one-half baths, full kitchen, living and dining rooms, basement area, and compliance with codes regarding stairways, egress, and safety. Full unfinished basements with laundry will be provided for each unit.

The building renovation is to take place on the current footprint, with a bit of extension in the back for decking off each dining room. The front will include a repetition of the current covered porch to balance its appearance, and window treatment from the front will approximate the current appearance as closely as possible. Covered parking will be provided in the rear on the currently existing concrete deck and visual screening will be placed along the back of the property. Sewer access is already available to the building as a result of deliberations here on January 20, 1993. Increasing the number of sewer units is anticipated, and I understand capacity is available.

Bob Vail has agreed to do this project, and I'm certain each of you know of his devotion to quality and commitment to standards, and to our Town. We can all be confident that the work will be done and the project completed to highest expectations.

(continued)

Letter to William Shane and Cumberland Town Council

Page Two

June 8, 2004

I have a financial projection from a local CPA firm that suggests the viability of the project as proposed, pegging rents to the Town's established rates for MSHA affordable housing so successfully envisioned and implemented in Cumberland Commons. I anticipate similar subtle impact on the neighborhood and considerable enhancement to our Town, and I welcome your questions and suggestions to improve this proposal.

Very sincerely yours,

A handwritten signature in dark ink, appearing to read "Louis A. Hanson", followed by a small circular mark.

Louis A. Hanson, D.O.

LAH:dew



MEMORANDUM

PLANNING DEPARTMENT
TOWN OF CUMBERLAND, MAINE

Date: June 23, 2004
To: Cumberland Town Council
From: Carla Nixon, Planning Director
Subject: Proposed Ordinance Change for Home Occupations in the LB and HC Districts

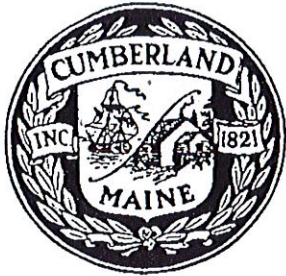
In our ongoing effort to simplify the land use permitting processes, the Planning Board has made a recommendation to amend the Zoning Ordinance. Currently, in the Local Business (LB) and Highway Commercial (HC) districts, home occupations require Board of Appeals Special Exception review in addition to the more costly and time-consuming Site Plan review by the Planning Board. The Planning Board believes that the types of issues that would be addressed by the Planning Board in its review (e.g., lighting, signage, and parking) could just as easily be addressed as part of the Board of Appeals review. Please note that this two-step process is only required in these two business zones, not in the residential zones. We are not sure why this was done, but speculation is that this was an attempt to require the same level of review for home occupations in the business zones, as that for traditional businesses. However, there have been several recent situations (Shiva Yoga, Cumberland Glass) in which this requirement has appeared to be excessive.

There are two goals listed in the *Economy* section of the current Comprehensive Plan which support this amendment. The first is: *To encourage home occupations*; the second is: *to diversify the tax base by encouraging economic development within existing commercial districts*.

I have made modifications to the language in the relevant sections of the Zoning Ordinance. These have been reviewed and approved by the Town Attorney, Natalie Burns, and the Code Enforcement Officer, Barbara McPheters.

I have attached the minutes from the May Planning Board meeting at which this change was suggested and discussed. At the June meeting, the Board voted unanimously to recommend this amendment to the Town Council.

I regret that I will be on vacation at the time that this item is brought before the Council; however I am confident that the Town Manager will be able to address any questions you may have.



M E M O R A N D U M

P L A N N I N G D E P A R T M E N T
T O W N O F C U M B E R L A N D , M A I N E

Date: June 10, 2004
To: Cumberland Planning Board
From: Carla Nixon, Planning Director
Subject: Ordinance Change for Home Occupations in the LB and HC Districts

At the end of last month's meeting I brought up the issue of whether we want to continue to require home occupations in the LB and HC zones to go through site plan review. The logic was that the issues we deal with such as lighting, signage, parking, etc., could be addressed during the Board of Appeals review for special exception approval. You all seemed agreeable and so here is the proposed language. It has been reviewed and approved by Natalie Burns, Town Attorney.

If you have any questions prior to the meeting, do not hesitate to call.

Carla

Carla Nixon

From: Natalie L. Burns [nburns@JBGH.com]
Sent: Thursday, May 20, 2004 2:48 PM
To: Carla Nixon
Subject: RE: Ord Change

Carla,

Yes, the proposed language does everything that you describe in your e-mail, so it's good to go.

Thanks,

Natalie

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

From: Carla Nixon [mailto:cnixon@cumberlandmaine.com]
Sent: Thursday, May 20, 2004 2:06 PM
To: Natalie L. Burns
Cc: Nancy Decker; Pam Bosarge (Pam Bosarge); Barbara McPheters
Subject: Ord Change

Hi Natalie,
 Could you give this attachment a quick look to make sure it is ok? We are planning to change the language in the LB and HC district regulations to exempt home occupations from site plan review. We are intending that the Board of Appeals can cover the minor issues that are associated, such as lighting, signage and parking.
 Carla

DISCLAIMER:

This e-mail and any file or attachment transmitted with it, is only intended for the use of the person and/or entity to whom it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the recipient of this message is not the intended recipient or otherwise responsible for delivering the message to the intended recipient, be notified that any disclosure, distribution or copying of this information is strictly prohibited. If you received this communication in error, destroy all copies of this message, attachments and/or files in your possession, custody or control and any other copies you may have created, and notify the sender at (207) 775-7271 or at the sender's e-mail address listed above.

DEFINITION (note: the definition is not changing):

- .60 Home Occupations: Accessory use conducted within a dwelling or accessory structure by the residents thereof, which is clearly secondary to the dwelling used for living purposes and does not change the character
-

204.6 Local Business District (LB)

The purpose of the Local Business District is to allow a limited range of local business and professional services for residential and rural areas within the Town. Site Plan Review is required for all uses and special exceptions, with the exception of single-family dwellings, home occupations, bed & breakfast inns with three or fewer guest bedrooms, and day care homes. [Amended, effective 12/13/89, Amended, effective:]

204.6.1 The following uses are permitted within the LB District:

- .1 Retail stores provided that no individual store shall exceed 5,000 square feet floor area, and provided that there shall be no more than three stores in any structure or group of attached stores
- .2 Personal Services
- .3 Business and professional offices
- .4 Private clubs
- .5 Lodging houses
- .6 Restaurant
- .7 Private schools
- .8 Municipal Uses and Buildings
- .9 Sewer pumping stations, subject to the provisions of Sec. 420.4;
- .10 Buildings accessory to single family dwellings [Amended, effective 8/10/98]
- .11 Timber harvesting [Amended, effective 10/26/98]
- .12 Landscaping services [Adopted, effective 11/22/99]
- .13 Telecommunications Facilities, subject to Site Plan Review and the provisions of Sec. 433. [Adopted, effective 12/13/99]
- .14 Uses and buildings accessory to those above.

204.6.2 The following uses are allowed as special exceptions in the LB District requiring the approval of the Board of Adjustment and Appeals:

- .1 Home Occupations
- .2 Single-family dwelling
- .3 Duplex Dwellings [Amended, effective 11/25/02]
- .4 Accessory structures of public utilities

- .5 Above ground utility transmission lines not located within public ways
- .6 The sale of gasoline and diesel fuel as an incident to the business of a retail store
- .7 Residential Care Facilities (see Sec. 432) [Amended, effective 9/14/88]
- .8 Day care centers and nursery schools, subject to the provisions of Sec. 408A and Site Plan Review; [Amended, effective 12/13/89]
- .9 Boarding kennels [Amended, effective 1/25/99]
- .10 Uses and buildings accessory to those above.

204.6.3 The following lot standards apply within the LB District:

- .1 40,000 square feet minimum lot size
- .2 In the case of duplex dwellings, there shall be no less than 40,000 square feet of lot area per dwelling unit; [Amended, effective 11/25/02]
- .3 In the case of multi-use business structures, there shall be no less than 15,000 square feet of lot area for each store located therein;
- .4 There shall be no less than 150 feet of lot frontage on a public right-of-way, and in the case of multi-use business structures there shall be no less than 75 feet of lot frontage on a public right-of-way for each store therein.

204.6.4 The following minimum setbacks are required for all structures in the LB District, except that residential driveways may be permitted to a minimum setback of fifteen (15) feet from side and rear lot lines:

- .1 Front: 50 feet;
- .2 Rear: 65 feet;
- .3 Side: 30 feet - combined width at least 65 feet

204.7 Highway Commercial District (HC)

The purpose of the HC District is to allow a wide range of business and professional uses that provide town-wide service, as well as roadside service for through traffic on major arterials. The HC district along Route 100 is also intended to allow boarding kennels. Site plan review and approval by the Planning Board is required, with the exception of single-family dwellings, home occupations, bed & breakfast inns with three or fewer guest bedrooms, and day care homes. [Amended, effective 12/13/89, Amended, effective 1/25/99, Amended, effective _____]

- 204.7.1 The following uses are permitted in the HC District:
- .1 Uses listed as permitted uses in the LB district under 204.6.1; [Amended, effective 5/15/89]
 - .2 Retail business and service establishments including garden centers, landscaping services, outdoor vehicle sales, gasoline stations, and drive-in sales and service; [Amended, effective 10/28/87]
 - .3 Hotels, motels;
 - .4 Municipal uses and buildings;
 - .5 Agriculture;
 - .6 Animal Husbandry;
 - .7 Private heliport, personal use, subject to Site Plan Review and to the provisions of Section 419;
 - .8 Sewer pumping stations, subject to the provisions of Sec. 420.4; [Amended, effective 12/13/89]
 - .9 Additions to and accessory structures to single-family dwellings existing as of the effective date of this amendment. [Amended, effective 8/10/98]
 - .10 Timber harvesting [Amended, effective 10/26/98]
 - .11 Telecommunications Facilities, subject to Site Plan Review and the provisions of Sec. 433, [Adopted, effective 12/13/99]
 - .12 Uses and buildings accessory to those above.

- 204.7.2 The following uses are allowed as special exceptions in the HC district, requiring the approval of the Board of Adjustment and Appeals:

- .1 Accessory structures of public utilities;
- .2 Warehousing and wholesale distribution related thereto, but exclusive of junk yards and salvaging operations;
- .3 Transportation termini;
- .4 Above ground utility transmission lines not located within public ways;
- .5 Light manufacturing, as defined;
- .6 Home occupations; [Amended, effective 12/13/89]
- .7 Day care centers and nursery schools, subject to the provisions of Sec. 408A and Site Plan Review; [Amended, effective 12/13/89]
- .8 Boarding kennels [Amended, effective 1/25/99]
- .9 Uses and buildings accessory to those above.

- 204.7.3 The following lot standards apply in the HC District:

- .1 40,000 square feet minimum lot size;
- .2 There shall be no less than 150 feet of lot frontage on a public right-of-way. [Amended, effective 8/10/98]

- 204.7.4 The following setbacks are required for all structures in the HC District:

- .1 Front: 50 feet;
- .2 Rear: 65 feet;
- .3 Side: 30 feet - combined width at least 65 feet.

Mr. Hunt stated that the screening of the driveway is necessary. Perhaps a deal with a neighbor to handle overflow parking may be helpful to the applicant.

Mr. Powers moved to find the application complete.

Ms. Howe seconded.

Vote: UNANIMOUS

11. Public Hearing – ~~Reconvened (adjourned to Town Council) on proposed amendment to the Subdivision Ordinance Sections 1, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100~~ on proposed amendment to the Subdivision Ordinance Sections 1, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

F. Administrative:

Ms. Nixon reviewed the district regulations for Local Business or Highway Commercial zones. It states the use of the zone and what is required for such uses.

It states under Local Business:

The purpose of the Local Business District is to allow a limited range of local business and professional services for residential and rural areas within the Town. Site Plan Review is required for all uses and special exceptions, with the exception of single-family dwellings, bed & breakfast inns with three or fewer guest bedrooms, and day care homes. [Amended, effective 12/13/89]

Ms. Nixon stated that the type of issues that are addressed during Site Plan Review could be addressed by the Board of Appeals. For example, parking, signing, lighting, etc. If we are trying to keep the home occupation permitting a simple process, for a small limited use such as the yoga studio, then we should consider changing the ordinance to not require site plan review for home occupations in the HC and LB districts.

Ms. Nixon stated a business like use in a business type zone should be treated like another business would be. There is a distinction between a home occupation and other businesses.

Mr. Hunt stated that we do not do a site plan review in a residential district and he is happy with the Board of Appeals granting these home occupations.

Ms. Nixon reviewed the home occupation ordinance:

Sec. 414

Home Occupations

414.1 Any home occupation such as arts and crafts work, dressmaking, tutoring, music teaching, and the use of a portion of a residential building as a bed & breakfast inn, day care home, or as the office of a physician, dentist, lawyer, engineer, architect, hairdresser, barber, real estate broker, insurance agent, accountant or similar uses may be approved as a special exception by the Board of Adjustment and Appeals if: [Amended, effective 12/13/89]

- .1 The occupation of an office will be managed by a member of the family residing within the dwelling unit. Up to two employees who are not members of the family may be employed in a home occupation, and;
- .2 The occupation or office will be located wholly within the principal or accessory structures, and;
- .3 Exterior displays, exterior storage of materials, and exterior indication of the home occupation will not be permitted except for signs as may be specifically provided

for by the Board of Adjustment and Appeals and as may otherwise conform to the conditions of this Ordinance; and

.4 Noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare will not be detectable beyond property limits, and;

.5 Off-street parking spaces will be provided in an amount to be determined by the Board as necessary to avoid street congestion.

414.2 The granting of a special exception approval for a home occupation shall apply to the applicant only while the applicant resides at the property.

The Board agreed that Ms. Nixon will develop ordinance language to simplify the review process.

ADJOURNED AT 9:50PM

A TRUE COPY ATTEST:

Mr. Philip Hunt, Board Chair

Nancy Decker, Board Clerk

Nadeen Daniels

From: Bob Hasson [Bob_Hasson@msad51.org]
Sent: Thursday, July 01, 2004 8:55 AM
To: Nadeen Daniels
Cc: Bill Shane; Scott_Poulin@msad51.org
Subject: Re: Voting



image002.gif (13 KB)

"Nadeen Daniels" <ndaniels@cumberlandmaine.com> writes:

[Image]

>
>
>
>
>
>Hi Bob,
>
>
>
> I understand that Bill has spoken with you regarding voting. My
>hope is to move our polling location to the new Middle School. Space
>and parking issues would be satisfied and overall it would be a much
>more suitable and pleasant experience for our residents.

>
>
>
> I understand your reasons for not wanting to close school in
>November or June; however, I was wondering if a compromise would work;
>i.e. a delayed start on those two days.

>
>
>
> The voting process could be a great educational opportunity for
>the youth and I'm happy to consider utilizing them in some fashion or
>allowing the various classes to monitor the process as part of an
>educational experience.

>
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>
> Thanks for your consideration.

>
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>
>
>
>Nadeen

>
>
>
Nadeen-

As I have discussed the request with Bill both November and June are challenging months for us because of Holidays, end of school events etc...We already have early releases on Wednesdays so late starts are not practical. I would think Val Halla would be ideal for voting. I'm sorry I can't be more helpful on this issue.

Bob

June 24, 2004

9-21

TO: TOWN COUNCIL MEMBERS
FROM: NADEEN DANIELS, CMC, TOWN CLERK
RE: POLLING PLACE

As I begin to think about preparing for the upcoming November election, I feel it necessary to ask you to consider relocating the mainland polling place.

I have received several complaints in the last two years related to the tight constraints of the space, in addition to lighting and parking.

The Secretary of State's office will conduct a visit to all Maine communities this summer to perform a personal inspection of each community's polling space to determine if they comply with the ADA regulations. This visit is a result of the federal legislation, titled HAVA (Help America Vote) that was instituted after the last presidential voting fiasco.

In advance of this visit, I feel it's important to consider our needs and space limitations. One concern may be the door which is now used as the polling entrance. It may be determined that it is not sufficient for wheelchair access. The double doors which are used as exits are sufficient; however, I need to supply space for petitioners, and that space must be in a location where voters are approached only after they have voted. Therefore, I'm not able to swap the entrance and exit.

The HAVA regulations and State Election laws also mandate one ballot booth for every 150 voters during general elections. This places our requirement at 37. Cumberland provides 28-30 booths currently; therefore, I will need to provide another 7 booths for the November election. Our space just can not accommodate another 7 booths.

It is for the above reasons that I feel it is necessary to relocate our mainland polling place. I am in the process of researching alternative sites and would like to request the council place an item on its next agenda for authorization to establish an alternate polling place.

The motion should be: ***I move to set a public hearing date of July 12, 2004 to consider and establish an alternative location for the Cumberland Mainland Polling Precinct.***

4 concerns

lighting

handicap access

of booths

general layout does not provide the space
poll watchers and provide ref by law

also would like to offer a second machine to facilitate

an efficient & steady flow

Nadeen Daniels

From: Kathleen Babeu [KBabeu@town.falmouth.me.us]
Sent: Thursday, June 24, 2004 11:34 AM
To: Nadeen Daniels
Subject: Polling Place

Hello Nadeen,

I moved the town of Falmouth to our new high school in 2003. The voters in Falmouth vote at the Falmouth High School. It has worked out great. I have held two elections there so far, and love it. The school is not shut down for either municipal or Nov. election. We are fortunate, since parking has not been an issue.

We work with the students and they are a nice addition to the process. The students are greeters at the entrance door for the voters. Some classes in the middle school generally stop in to observe election day as well.

Hope this helps.

*Kathleen Babeu, CMC
Falmouth Town Clerk*

3. **Polling times in election notice.** The municipal clerk shall state the times of opening and closing the polls in the notice of the election.

§ 627. Arrangement of voting place

The arrangement of a voting place is governed by the following provisions.

1. **General layout.** The voting place must be arranged so that the ballot box is within view of persons present. Each voting booth must be arranged so that those outside the guardrail enclosure can see who enters and leaves it.

2. **Guardrail.** A guardrail must be constructed so that only those inside its enclosure can approach within 6 feet of the ballot box and the voting booths.

3. **Flag displayed.** An American flag must be displayed in each voting place at any election.

4. **Minimum size of polling place; complaint to Secretary of State.** Municipalities must provide a polling place large enough to allow at least one worker from each political party to remain outside the guardrail enclosure as a pollwatcher. Additional party workers are allowed if there is sufficient space at the polling place. If the space at the polling place is so limited that the presence of the additional party workers would interfere with the election process, the warden shall prohibit their presence. If the chair of any party's state committee submits a written complaint to the Secretary of State at least 60 days before an election, the Secretary of State shall authorize an inspection of the polling place considered to be too small to allow party workers access. If the Secretary of State finds a polling place to be too small to allow party workers access, the Secretary of State shall instruct the municipal officers to change the location of the polling place to one of a suitable size. The municipal officers must advertise the change of the polling place at least 3 times in the daily or weekly newspaper, or both, that covers the area.

§ 628. Care and custody of ballot box

The care and custody of an official ballot box are governed by the following provisions.

1. **Custody during election.** The ballot box is in the custody of the warden of each voting place during an election. He is responsible for requiring that it is attended constantly. He shall return it to the clerk at the close of the election.

2. **Custody at other times.** At other times, the ballot box is in the custody of the clerk. He shall keep it in good repair and shall provide safe storage for it at the expense of the municipality, subject to the supervision of the Secretary of State.

3. **Defective, lost or destroyed.** If a ballot box becomes defective, lost or destroyed, the clerk must notify the Secretary of State in writing and the Secretary of State shall approve a replacement at the expense of the municipality.

§ 629. Voting booths

Voting booths are governed by the following provisions.

1. **Provided by municipality.** The municipal officers of each municipality shall provide a sufficient number of voting booths for each election. Those municipalities using voting machines must comply with section 811, subsection 4.

A. In a general election, the municipal officers in each municipality of 4,000 or more population must provide at least one voting booth for each 150, or fraction exceeding 1/2 of that number, of the voters qualified to vote at each voting place. In a municipality of less than 4,000 population, the municipal officers must provide at least one voting booth for each 200, or fraction exceeding 1/2 of that number, of the voters qualified to vote in each voting place.

B. In other than a general election, the municipal officers may provide fewer voting booths than required by paragraph A when circumstances indicate that fewer booths will be adequate to provide for an orderly flow of voters on election day.

C. In any election, the municipal officers may provide more than the number of voting booths required by paragraph A.

D. A reasonable time before a general election, the Secretary of State shall notify the clerk of each municipality of the requirements of this subsection. The clerk shall calculate the number of voting booths required at each voting place based on the number of voters registered at that time. Within 10 days after receiving the notice, the clerk shall certify in writing to the Secretary of State the number of voters registered at each voting place and the number of voting booths the municipality will provide at each voting place for the election.

E. The Secretary of State may arrange for inspections to ensure that municipalities comply with this subsection.

2. **Voting machines.** In municipalities which have voting machines, the municipal officers must also provide sufficient voting booths and paper ballots to ensure adequate voting facilities.

3. **Described.** Each booth must have within it a pencil or marker without an eraser and a shelf on which a voter may mark a ballot conveniently. An instruction poster provided under section 605 must be securely placed above the shelf to assist the voter. Each booth must have back and side panels large enough to screen the voter from the observation of others.

4. **Booth for the visually impaired.** The clerk shall equip at least one of the voting booths at the voting place with an enlarged instruction poster, a magnifying device and an adjustable lamp for improved lighting. The clerk may also equip the voting booth with an enlarged sample ballot at the clerk's own discretion.

§ 630. Accessible voting places for the physically handicapped

1. **Definitions.** As used in this section, unless the context indicates otherwise, the following terms have the following meanings:

A. "Accessible voting place" means a voting place in a building in which the part of the building set aside for voting meets the requirements for accessible routes of the 1981 standards of construction described in Title 25, chapter 331.

B. **Repealed.** Laws 1999, c. 252, § 1.

2. **Voting places.** By April 1, 2000, all publicly owned buildings that are used as voting places must be accessible as defined in subsection 1. By July 1, 2001, each municipality shall ensure that all privately owned facilities used by the municipality as voting places are accessible as defined in subsection 1.

§ 631. Voting districts

A municipality may be divided into voting districts as follows.

1. **Procedure.** The municipal officers may divide a town or ward into convenient voting districts after public notice and hearing held at least 90 days before any election. After the hearing, the municipal officers must prepare a certificate defining the limits of each district. They must file the certificate with the clerk who shall record it. The clerk shall immediately file an attested copy of the certificate with the Secretary of State. The clerk shall post an attested copy of the certificate in a conspicuous, public place in the town or ward, and shall publish it in at least one newspaper having general circulation in the municipality at least 30 days before election day. Voting districts, once established, may be consolidated into a lesser number of districts by following the same procedure. Voting districts may be established or consolidated under this section for all or only certain classes of elections. If the municipal officers determine that there is no building within a voting district that is suitable for a voting place, as described in section 627, the municipal officers may, subject to

↑
arrangement
of polling
places 99

the approval of the Secretary of State, establish a voting place outside the voting district in a suitable building that is as close as possible to the voting district and as convenient as possible to the voters of the voting district.

2. **Division terminates office.** The division of a town or ward terminates the office of election officials previously elected or appointed from it.

3. **Appointment of wardens and ward clerks.** At least 10 days before the election, the municipal officers shall appoint a warden, a ward clerk in a city and at least 2 election clerks for each voting place created by the division. Election clerks must be nominated as provided in section 503.

4. **Officials sworn.** Before assuming the duties of office, the officials appointed under this section must be sworn by the clerk who shall record the fact of their having been sworn.

5. **Term and duties.** The appointed election officials shall perform the same duties at elections as those regularly chosen and shall hold office for the same term.

6. **Voting districts.** Voting districts are defined as wards that may be further divided into precincts.

§ 632. Separate voting places; reimbursement of election expense

1. **Voting places in unorganized townships.** The procedure for establishing a voting place in unorganized townships is as follows.

A. The commissioners of each county may provide or contract with a municipality to provide a voting place in any unorganized township in their county, for all state and national elections, including primary elections, where all residents of unorganized places entitled to vote in municipalities near the township, under section 156, may cast their ballots under conditions provided in this section.

Nadeen Daniels

From: Robert & Jeanette Jacques [bingham@logologic.com]
Sent: Thursday, June 24, 2004 9:01 PM
To: Nadeen Daniels
Subject: Voting Place

Hello Nadine,

The Town of Bingham uses a Grade School Gym for voting. There is ample parking. The School remains open and the children eat their lunch in the Gym but it never interferes with the polls. They also may have Music on the stage at the time we are there but it is entertainment for the Poll workers. It also is handycap assessable and in June we even had Ice-cream that the students had made. We never have any problems.
Jeanette

6/25/2004

Nadeen Daniels

From: MTCCA@yahoogroups.com
Sent: Friday, June 25, 2004 11:18 AM
To: MTCCA@yahoogroups.com
Subject: [MTCCA] Digest Number 692

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There are 14 messages in this issue.

Topics in this digest:

1. Re: polling places
From: Barbara Wardwell <barbara@ci.augusta.me.us>
2. 17 Year Olds voting in the Primary
From: "Linda Cohen" <LCC@portlandmaine.gov>
3. Re: 17 Year Olds voting in the Primary
From: "Roberta L. Fogg, City Clerk" <cityclerk@cityofbelfast.org>
4. Re: polling places
From: "Roberta L. Fogg, City Clerk" <cityclerk@cityofbelfast.org>
5. Re: polling places
From: "Linda Cohen" <LCC@portlandmaine.gov>
6. RE: polling places
From: DEIRDRE BERGLUND <clerk@gardinermaine.com>
7. RE: 17 Year Olds voting in the Primary
From: "Deborah Cabana" <capeclrk@maine.rr.com>
8. Re: polling places
From: "Brenda Caldwell" <bcaldwell@gorham.me.us>
9. Fwd: Local Govt Portal Correction
From: "Linda Cohen" <LCC@portlandmaine.gov>
10. News from Maine
From: "Brenda Caldwell" <bcaldwell@gorham.me.us>
11. RE: News from Maine
From: "Patty Brochu" <pbrochu@old-town.org>
12. RE: polling places
From: "Deborah Cabana" <capeclrk@maine.rr.com>
13. RE: polling places
From: "Bev Curry" <bcurry@freeportmaine.com>
14. RE: polling places
From: Deanna Hallett <deannamhcclerk@hallowellmaine.org>

Message: 1
Date: Thu, 24 Jun 2004 11:30:18 -0400
From: Barbara Wardwell <barbara@ci.augusta.me.us>
Subject: Re: polling places

In Augusta, we use a Technical College. A field trip is usually planned by the school for election day. .

Nadeen Daniels wrote:

> Hi, I'd like to hear from any clerks who use school buildings as a
> polling place. What type of school and whether or not you work around
> the kids or school is shut down for the day! Thanks, Nadeen
>

>
 >
 > Disclaimer Statement: All emails submitted contain the thoughts and
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 > material contained in emails is still current and applicable by
 > consulting with the applicable state agency,
 > the Maine Municipal Association Legal Department, or their own
 > municipal attorney.
 >
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[This message contained attachments]

Message: 2
 Date: Thu, 24 Jun 2004 11:28:09 -0400
 From: "Linda Cohen" <LCC@portlandmaine.gov>
 Subject: 17 Year Olds voting in the Primary

Hi, Everyone,

I met with Representative Cummings this morning to discuss the new law that will allow 17 year olds the right to vote in the June Primary if they will be 18 by the November Election (2006).

My hope was to get this changed before it happens in 2006 by only allowing them to participate in the caucus, not the Primary.

Unfortunately, Rep. Cummings does not want to do that. He does want to get the law tweaked to allow them to participate in the caucus, but in addition to the Primary.

He is asking us to try it out in June 2006, and see how many 17 year olds bother to register and vote, to see how big a burden it is on us, timewise and monetarily, and then go from there. He said there are five or six other states that allow this process, so it can work. He would be happy to work with the Clerk's Association on this issue.

I am hoping Julie Flynn will get info from the other states on how it works there, and we will go from there. I tried because I think a lot of Clerks will have problems with this new law, but I think we do have to let things play out and see how it goes. Otherwise, we look like we're thwarting Democracy.

LC

Message: 3

Date: Thu, 24 Jun 2004 11:38:46 -0400

From: "Roberta L. Fogg, City Clerk" <cityclerk@cityofbelfast.org>

Subject: Re: 17 Year Olds voting in the Primary

Linda -

Thank you for trying - and I will look for information on how they suggest we handle this new law.

Roberta L. Fogg, City Clerk
131 Church Street
Belfast, Maine 04915
207-338-3063 x14

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

From: "Linda Cohen" <LCC@portlandmaine.gov>

To: <MTCCA@yahoogroups.com>

Cc: <BLM@portlandmaine.gov>; <CMH@portlandmaine.gov>; <DMG@portlandmaine.gov>;

<ESD@portlandmaine.gov>; <JAJ@portlandmaine.gov>; <JLG@portlandmaine.gov>;

<KWD@portlandmaine.gov>; <LHOLBROOK@portlandmaine.gov>; <MStromsky@portlandmaine.gov>;

<NML@portlandmaine.gov>; <WNASR@portlandmaine.gov>

Sent: Thursday, June 24, 2004 11:28 AM

Subject: [MTCCA] 17 Year Olds voting in the Primary

> Hi, Everyone,

>

> I met with Representative Cummings this morning to discuss the new law that will allow 17 year olds the right to vote in the June Primary if they will be 18 by the November Election (2006).

>

> My hope was to get this changed before it happens in 2006 by only

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>

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>

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> olds

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>

> I am hoping Julie Flynn will get info from the other states on how it works there, and we will go from there. I tried because I think a lot of Clerks will have problems with this new law, but I think we do have to let things play out and see how it goes. Otherwise, we look like we're thwarting Democracy.

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> LC

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> the Maine Municipal Association Legal Department, or their own
> municipal
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Message: 4

Date: Thu, 24 Jun 2004 11:47:37 -0400

From: "Roberta L. Fogg, City Clerk" <cityclerk@cityofbelfast.org>

Subject: Re: polling places

Nadeen -

Belfast uses a K-5 school for one of our polling place. (not November 2004 - because
the school is under renovations)

We have five voting wards - and three voting places.

The voting place at East Belfast School is for only one ward of approximately 1500
voters.

But it works great - we use half of the gym space.

The school does not shut down. The kids use the gym for lunch, and music (on the stage)
and sometimes for gym class. My election worker like to jump rope with the kids when the
polls are really slow - usually in June. But we work with the school and the voters.
Everyone really seem to like voting here.

We use to vote at the high school in a class room - it was cramped and to confusing.
But I think with the set up at the East Belfast School we get the best of all possible
situations.

I hope this information helps.

Roberta L. Fogg, City Clerk
131 Church Street
Belfast, Maine 04915
207-338-3063 x14

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

From: Nadeen Daniels

To: MTCCA@yahoogroups.com

Sent: Thursday, June 24, 2004 11:21 AM

Subject: [MTCCA] polling places

Hi, I'd like to hear from any clerks who use school buildings as a polling place. What

type of school and whether or not you work around the kids or school is shut down for the day! Thanks, Nadeen

Disclaimer Statement: All emails submitted contain the thoughts and opinions of the authors and do not imply an official endorsement of the contents by the Maine Town & City Clerks Association. The state statutes and state agency rules, regulations and procedures are constantly changing, and the reader should assure themselves that the material contained in emails is still current and applicable by consulting with the applicable state agency, the Maine Municipal Association Legal Department, or their own municipal attorney.

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[This message contained attachments]

Message: 5
Date: Thu, 24 Jun 2004 11:42:20 -0400
From: "Linda Cohen" <LCC@portlandmaine.gov>
Subject: Re: polling places

Hi,

Portland uses 4 schools, and as hard as I have tried, I can't get them to shut school down for the day, even for this November. South Portland Schools shut down for me during the 2000 Presidential only.

LC

>>> ndaniels@cumberlandmaine.com 06/24/2004 11:21:24 AM >>>

Hi, I'd like to hear from any clerks who use school buildings as a polling place. What type of school and whether or not you work around the kids or school is shut down for the day! Thanks, Nadeen

Message: 6

Date: Thu, 24 Jun 2004 12:06:04 -0400

From: DEIRDRE BERGLUND <clerk@gardinermaine.com>

Subject: RE: polling places

Gardiner has four Voting Districts, we use an elementary school in three of the districts. School does stay open. The conflict we run in to is the June Elections because it always involves the last day of school or the before school gets out for Summer. The schools always want to have the Gym open in case their field days get rained out or they have an assembly.

Because the turnout is usually lower, we are fortunate that two of the schools have their own cafeteria which we can use. The problem we run into is when they serve Breakfast because we open the polls at 8:00 a.m. They usually plan to serve brown bag lunches. We have not received any complaints from the voters or the workers.

Deirdre Berglund
Gardiner City Clerk

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

From: Nadeen Daniels [SMTP:ndaniels@cumberlandmaine.com]

Sent: Thursday, June 24, 2004 11:21 AM

To: MTCCA@yahoogroups.com

Subject: [MTCCA] polling places

Hi, I'd like to hear from any clerks who use school buildings as a polling place. What type of school and whether or not you work around the kids or school is shut down for the day! Thanks, Nadeen

<< File: ATT00006.html >> << File: image001.jpg >> << File: image002.gif >>

Message: 7

Date: Thu, 24 Jun 2004 11:54:54 -0400

From: "Deborah Cabana" <capeclrk@maine.rr.com>

Subject: RE: 17 Year Olds voting in the Primary

With regard to the 17 year olds participating in the Primary (if they will be old enough to vote in November) . . . Section 155 of 21A currently provides that the registrar shall maintain a separate list of these persons. I believe that HAVA requires that only 17 year olds who will be 18 on or before election day can pre-register (please review the new voter registration card). I was anticipating that I would, as registrar, certify the list that I am already required to maintain for the 17 year olds. Just trying to think of the easiest way to administer this.

Deborah Cabana

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

From: Linda Cohen [mailto:LCC@portlandmaine.gov]

Sent: Thursday, June 24, 2004 11:28 AM

To: MTCCA@yahoogroups.com

Cc: BLM@portlandmaine.gov; CMH@portlandmaine.gov; DMG@portlandmaine.gov;

ESD@portlandmaine.gov; JAJ@portlandmaine.gov; JLG@portlandmaine.gov;

KWD@portlandmaine.gov; LHOLBROOK@portlandmaine.gov; MStromsky@portlandmaine.gov;

NML@portlandmaine.gov; WNASR@portlandmaine.gov

Subject: [MTCCA] 17 Year Olds voting in the Primary

Hi, Everyone,

I met with Representative Cummings this morning to discuss the new law that will allow 17 year olds the right to vote in the June Primary if they will be 18 by the November Election (2006).

My hope was to get this changed before it happens in 2006 by only allowing them to participate in the caucus, not the Primary.

Unfortunately, Rep. Cummings does not want to do that. He does want to get the law tweaked to allow them to participate in the caucus, but in addition to the Primary.

He is asking us to try it out in June 2006, and see how many 17 year olds bother to register and vote, to see how big a burden it is on us, timewise and monetarily, and then go from there. He said there are five or six other states that allow this process, so it can work. He would be happy to work with the Clerk's Association on this issue.

I am hoping Julie Flynn will get info from the other states on how it works there, and we will go from there. I tried because I think a lot of Clerks will have problems with this new law, but I think we do have to let things play out and see how it goes. Otherwise, we look like we're thwarting Democracy.

LC

Disclaimer Statement: All emails submitted contain the thoughts and opinions of the authors and do not imply an official endorsement of the contents by the Maine Town & City Clerks Association. The state statutes and state agency rules, regulations and procedures are constantly changing, and the reader should assure themselves that the material contained in emails is still current and applicable by consulting with the applicable state agency, the Maine Municipal Association Legal Department, or their own municipal attorney. Yahoo! Groups Links

Message: 8

Date: Thu, 24 Jun 2004 13:23:17 -0400

From: "Brenda Caldwell" <bcaldwell@gorham.me.us>

Subject: Re: polling places

Nadeen, Gorham uses two schools and has used schools, from the Kindergarten Center to the High School over the years. The only problems we have encountered are problems created by resentful teachers/custodians, etc. They can make things uncomfortable for the election workers. We have found no problems with parking, students, facilities, etc. In fact, we are using the middle school now and the teacher of social studies asked for permission and then brought her classes into the polling place, small groups at a time, at the June election. The kids loved it, the election workers loved it, success for everyone.

I have also used the high school as a polling place and that works very well, in fact, one election the kids signed up and worked for us instructing people how to vote the new type of ballot, sharpening pencils, general go-fers. They got credit through the school for it. Worked very well.

I would rather use the schools than a privately-owed place. I think you get a lot more cooperation. Brenda

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

From: Nadeen Daniels

To: MTCCA@yahoogroups.com

Sent: Thursday, June 24, 2004 11:21 AM

Subject: [MTCCA] polling places

Hi, I'd like to hear from any clerks who use school buildings as a polling place. What type of school and whether or not you work around the kids or school is shut down for the day! Thanks, Nadeen

Disclaimer Statement: All emails submitted contain the thoughts and opinions of the authors and do not imply an official endorsement of the contents by the Maine Town & City Clerks Association. The state statutes and state agency rules, regulations and procedures are constantly changing, and the reader should assure themselves that the material contained in emails is still current and applicable by consulting with the applicable state agency,

the Maine Municipal Association Legal Department, or their own municipal attorney.

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b.. To unsubscribe from this group, send an email to:
MTCCA-unsubscribe@yahoogroups.com

c.. Your use of Yahoo! Groups is subject to the Yahoo! Terms of Service.

[This message contained attachments]

Message: 9

Date: Thu, 24 Jun 2004 13:28:39 -0400

From: "Linda Cohen" <LCC@portlandmaine.gov>

Subject: Fwd: Local Govt Portal Correction

Correction from InforME

>>> Tiffany Glidden <tiffany@informe.org> 06/24/2004 1:06:10 PM >>>

Dear Linda,

A correction has been made to the Ready Set Gov! brochure that you so kindly distributed last week. The introductory page references a partnership with the Maine Municipal Association, when in fact we have yet to establish a

partnership. We apologize if this has caused any misunderstanding.

We continue to be committed to providing municipal eGovernment through Maine.gov. The local portal will launch July 1st and we look forward to its success with participation from municipalities.

Thank you
Tiffany

--

Tiffany L. Glidden
eGovernment Specialist
InforME - Information Resource of Maine
207.621.2600 ext. 31
877.212.6500
tiffany@informe.org
www.maine.gov

Message: 10
Date: Thu, 24 Jun 2004 14:00:44 -0400
From: "Brenda Caldwell" <bcaldwell@gorham.me.us>
Subject: News from Maine

O.K. Clerks, do we have any news for the New England Newsletter? I told them if they would send me a reminder just before the newsletter went out I would get them some news from Maine. Well, I got my reminder today so help me look good (shut up, Kathy!) and get me some news. Thanks. Brenda

[This message contained attachments]

Message: 11
Date: Thu, 24 Jun 2004 14:12:02 -0400
From: "Patty Brochu" <pbrochu@old-town.org>
Subject: RE: News from Maine

You could put a reminder that applications/registration forms for the New England Municipal Clerk's Institute in Newport Rhode Island the week of August 1 to 6 are due by July 2nd.

Thanx!
Patty

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

From: Brenda Caldwell [mailto:bcaldwell@gorham.me.us]
Sent: Thursday, June 24, 2004 2:01 PM
To: MTCCA
Subject: [MTCCA] News from Maine

O.K. Clerks, do we have any news for the New England Newsletter? I told them if they would send me a reminder just before the newsletter went out I would get them some news from Maine. Well, I got my reminder today so help me look good (shut up, Kathy!) and get me some news. Thanks. Brenda

Dear Mr. Shane &
The Council members;

Thank-you very
much for the flowers.

It is a sign of
showing what good
neighbors we have
in the Town of Cumberland

Darlee, Keith,
Stephanie & Tom

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
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WALTER E. WEBBER
JAMES E. KAPLAN
OF COUNSEL

RAYMOND E. JENSEN
(1908-2002)

KENNETH BAIRD
(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 17, 2004

received
10-21-04

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

Dear Bill:

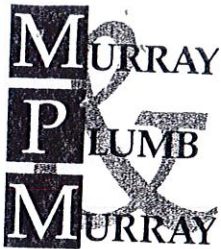
Enclosed herewith please find a copy of the letter that was sent from the Orsers' attorneys to Jim Bowie as mediator outlining their take on the case. I thought you and the Council might find it interesting as an overview of the entire litigation.

If you have any questions, please let me know.

Very truly yours,


Kenneth M. Cole III

KMC/ab
Enclosures



Attorneys At Law

June 16, 2004

James M. Bowie, Esq.
Thompson & Bowie, LLP
Three Canal Plaza
Portland ME 04112

RE: Orser, et al v. Chase, et al
Mediation: Monday, June 21, 2004 at 2:00 p.m.

Dear Jim:

As per the Mediation Agreement, I am sending this letter as a statement of the Orsers' and Stratton's position heading into mediation. I have enclosed the following court filings for your review:

1. First Amended Complaint for Declaratory and Injunctive Relief and for Damages
2. Answer, Affirmative Defenses and Counterclaim of Defendants Susan Chase and Scott Verrill
3. Letter from Town Counsel to Judge Crowley re: Town's Position on Status of the Road
4. Compilation of Falmouth and Cumberland Tax Maps Identifying the Parcels and Sections of the Road

Mr. Stratton owns all of the land on the east side of a discontinued road in Cumberland historically known as "the old Abbott Road." The Orsers and Chase-Verrill own separate, adjoining parcels on the west side of the roadway that were sold to them in 1998 by a common-grantor, Susan Sabol. Pursuant to 33 M.R.S.A. §§ 460-465, title for all parcels goes to the centerline of the discontinued road.

The Orsers' parcel is to the north and ends where the old Abbott Road has been improved and accepted by the Town of Cumberland as "the Bruce Hill Road Extension." The Orsers' parcel is undeveloped land. The Chase-Verrill parcel is to the south and borders the Cumberland-Falmouth town line. The Chase-Verrill parcel has a home on it which was constructed in 1998 and has always had adequate access from Schuster Road in Falmouth.

The dispute between the parties began in the summer of 2003 when Susan Chase and Scott Verrill sought an entrance permit to access Bruce Hill Road Extension from a *second driveway* that they proposed to construct across the portions of the discontinued, old Abbott Road which abut the Orsers' and Stratton parcels and which land is owned in fee by the Orsers and Sid Stratton.

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

Of Counsel:
Barbara T. Schneider

E. Stephen Murray
(1941-2001)

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

Telephone:
207.773.5651

Facsimile:
207.773.8023

E-Mail:
info@mpmlaw.com

WWW:
mpmlaw.com

As soon as the Orsers became aware of Chase and Verrill's intentions to build the driveway, they sought legal counsel and sent Chase and Verrill a letter indicating that they owned the property and that they did not grant any permission for Chase and Verrill to locate their driveway over the Orsers' land. Rather than respond to that letter in a diplomatic fashion to discuss their own understanding of the title, Chase and Verrill ignored the Orsers and began to construct the second access driveway with bulldozers and other heavy machinery. They cut down trees, pulled out the shrubby vegetation, bulldozed the road and began construction for a culvert in the small stream/wetland that is located at the boundary between the Orsers and the Chase-Verrill parcels. Due to a delay in getting before a judge for a hearing on the Orsers' motion for temporary restraining order, Chase and Verrill were at work on the road for over a day and a half before they stopped as a consequence of the filing of legal action.¹ The Orsers' and Stratton land is substantially damaged as a result of Chase and Verrill's wrongful actions.

Not only were Chase and Verrill's self-help actions totally uncalled for, but, more importantly, they have no legal justification whatsoever for their actions. Their theories to justify constructing the second driveway change almost as quickly as the weather, and none of them has any merit.

First, Chase and Verrill claimed they owned a private right-of-way over the Orsers' property. In fact, Chase and Verrill own no enforceable right-of-way over the Orsers' property and this has been proven to Chase and Verrill since the filing of this litigation. Regardless, even if Chase and Verrill did own a right of way over the Orsers' land, such would not provide Chase and Verrill with any rights over the Stratton's parcel, which Chase and Verrill have already damaged.

As soon as Chase and Verrill understood that they have no private right-of-way, they switched their theory to argue that the old Abbott Road is a Town Road, accepted in 1995. However, the Town of Cumberland has consistently argued that it is *not* a Town Road, and the historical documentation supports the Town's contentions. Moreover, Chase and Verrill's contention is totally at odds with Chase and Verrill's own deed which expressly refers to the "discontinued Bruce Hill Road" and is utterly illogical when one considers the fact that the strip of land at issue in this case which is claimed to have been accepted as a Town way in 1995 has never been paved or otherwise improved to Town standards. In addition, it is important to note that even if the roadway

¹ Ultimately, the parties' stipulated to an Order prohibiting further construction without sufficient notice to revive and resolve the motion for TRO filed by the Orsers.

is a Town way, Chase and Verrill still are without right to construct their driveway because the Town Council has never granted them a permit to engage in construction activities on Town-owned land.

Although Chase and Verrill argue in the case commenced by the Orsers and Sid Stratton that the roadway is a Town way, Chase and Verrill filed a separate action seeking to reform the Orsers' deed to impose a private right of way on the Orsers' land, and if not, to recover damages from Susan Sabol based on a theory that she promised to convey them a right of way over the Orsers' land. Chase and Verrill, however, purposefully failed to both name the Orsers as parties to the suit and to consolidate that suit with the Orsers' prior action concerning the status of the roadway. The reason for that is clear, Chase and Verrill sought to shield the Court from learning of the utter inconsistency in their theories.

Because they were not joined in the separate action commenced by Chase and Verrill, the Orsers' were forced to obtain a court order joining them to the separate action and consolidating that action with the Orsers' prior suit in order to ensure that their property interests were protected against inconsistent judgments.

Nonetheless, Chase and Verrill just weeks later dismissed their suit against Susan Sabol and the Orsers with prejudice. It is now apparent that the entire purpose of that suit was to coerce Susan Sabol into conveying Chase and Verrill any remaining interest that she might have retained in the discontinued roadway. The dismissal with prejudice of Chase and Verrill's claim to a private right of way over the Orsers' land bars Chase and Verrill from further pursuing such a theory.

Chase and Verrill's latest theory now appears to be that Susan Sabol reserved her interest in the old Abbott Road when she sold all her land and moved out of the area in 1998, and that Chase and Verrill now own to the centerline of the old roadway where it abuts the Orsers' lot by virtue of a deed just conveyed to them by Sabol. That theory is totally without merit.

First, any title reservation by Susan Sabol is immaterial as far as Mr. Stratton's land on the east half of old Abbott Road is concerned. As a result, Chase and Verrill's latest claim, even if valid, still would not entitle Chase and Verrill to construct their desired driveway. Second, it is beyond all reason to suggest that Susan Sabol intended to reserve title to half of an abandoned roadway when she sold out all of her interest in the land abutting the roadway. Third, the law is clear. Abutters own to the center line of a discontinued way

June 16, 2004

Page 4

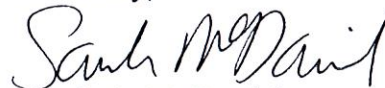
and are presumed to convey their entire interest when they sell their land. There are simply no facts upon which a court could find, in the face of the presumption favoring Plaintiffs and the burden of proof placed upon Chase and Verrill, that Susan Sabol specifically reserved her interest in the old Abbott Road when she sold out.²

In sum, there is no private right-of-way over the old Abbott Road, the old Abbott Road is not a Town Road, Susan Sabol did not reserve any interest in the road when she sold the Orsers their land, and Chase and Verrill have adequate access to their property through Falmouth, which they have been using for over five years.

Estimates to restore the damage done to the Orsers' and Stratton land exceed \$20,000.00, plus treble damages, costs and legal fees pursuant to Maine's Tree-Cutting Statute.

More significant than the financial burden, this dispute has caused Liz and Jim Orser, Sid and Bette Stratton, and the entire neighborhood (which opposes Chase and Verrill) a great amount of emotional stress and aggravation. Susan Chase and Scott Verrill may have engaged in similar "cut first-talk later" actions with prior development projects, but they have stepped on the feet of the wrong group of landowners here. The Orsers and Strattons are hopeful that this mediation will allow Chase and Verrill to see the strengths of Plaintiffs' legal position and realize that the only acceptable settlement proposal will involve their relinquishment of any claim to construct a driveway over the old Abbott Road.

Sincerely,



Sarah A. McDaniel

smcdaniel@mpmlaw.com

Enclosures

cc: James & Elizabeth Orser, w/o encls.
Sidney Stratton, w/o encls.
Michael D. Traister, Esq., w/o encls.
Kenneth M. Cole, Esq., w/o encls.
Jeffrey W. Peters, Esq., w/o encls.

S:\O\Orse01\L-Bowie MedBrief2.doc

² In addition, Chase and Verrill cannot even prove the boundaries of the one-half roadway interest they claim to now own.

Save Casco Bay Inc.

6 Huddum Circle, Chebeague Island, Maine 04017
www.savecasco.org

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Tom Allen
Chris Duval
Diane Lukac

June 15, 2004

Harpswell Board of Selectmen
263 Mountain Road
P.O. Box 39
Harpswell, ME 04079

Dear Selectman of Harpswell,

We urge you to consider the effects of an LNG terminal on your nearby neighbors. The bay belongs to all of us who live or make our livings on the water.

We understand you will be considering a petition requesting another vote on the question of town land to be leased to an LNG developer. Please note that such a lease has an impact beyond the land on which the facility is built.

Please note that all of us on the board of Save Casco Bay, Inc., including representatives from Harpswell, Freeport, Yarmouth, Cumberland, Falmouth, Chebeague Island, Cliff Island, and Long Island, urge you to reject a revote in consideration of your neighbors. Only a regional approach based on environmental and economic impact studies undertaken in advance should be considered.

Your Neighbors,



Beverly Johnson

President, Save Casco Bay, Inc.

Jim Phipps

Secretary

Tom Cushman

Treasurer

cc: Town of Long Island
Town of Yarmouth
Town of Falmouth
✓ Town of Cumberland
Town of Freeport
City of Portland



Michael Celli
Office of the Mayor

To: Municipal Officials
From: Michael Celli, Mayor
Date: June 16, 2004
Re: Fighting Palesky and Achieving Real Mil Rate Reductions



Consider this a "call to arms."

As you are aware, frustration and anger over high personal property tax rates is rampant across our State. Years of promises, primarily at the State level, to restrain spending, reduce taxes and achieve lasting tax reform have done little to address the problem. Adding to the fire is the fact that the legislature and Governor failed this past session to address the need for tax relief and reform. This has left municipalities such as our own in a tenuous position, at serious risk from the passage of the Palesky Tax Cap initiative in November.

It is now time for municipalities to step into the forefront and address the taxation issue. The success of any opposition effort to the Palesky proposal is directly tied to our ability to communicate to the residents of our communities that tax reductions can be achieved in more responsible ways. We believe that with the passage of referendum Question #1 earlier this month, we now have the capability to show our commitment to tax relief, and thereby demonstrate that there is no need for draconian measures such as the Palesky initiative.

What we propose is simple. When the people of Maine approved Question #1, they demanded that the State fully fund their share of education costs. In most cases, the measure's approval means new revenues coming to Maine municipalities from the State, offsetting the increased burden our residents have borne for decades. We propose the local elected bodies from across Maine individually assemble before the end of August to resolve to dedicate a minimum of 90% (with a goal of 100%) of these new revenues directly to mil rate reduction. **It is our hope that most communities will strive for 100%.** By doing so, we can do the following:

- Put ourselves on record as committing these newly-realized resources directly to tax relief, thereby showing the voters that we are dedicated to reducing the property tax burden;
- Demonstrate that municipalities will not simply spend the funding made available as a result of the referendum on other things, as Question #1 opponents charged during the lead-up to the June 8 primary;

Michael Celli
Office of the Mayor

- Show Maine residents that real tax relief can (and will) occur, and as such, that the Palesky tax cap initiative is unnecessary; and
- Encourage the legislature and Governor to fully implement Question #1 immediately (since not doing so would mean that they – not the municipalities – are standing in the way of reducing local tax rates).

Attached for your reference and use is a copy of a resolve approved by the Brewer City Council on this matter last evening (June 15). Feel free to use it as a template for legislative action in your community. **For this effort to be effective, it is critical that action be taken on this or a similar resolve before the end of August**, so that we can let citizens know of our intentions and collectively have time to communicate the position we have taken before the November elections.

I would also encourage that you contact me as soon as possible to let me know if you plan on joining us in this effort. It will be critical for us to keep track of all of the communities that have formally made commitments to using Question #1 funds for tax relief. In addition, if we can keep track of which communities support the effort, we will be able to periodically assemble municipal officials for public events and press conferences, to demonstrate that the effort is moving forward.

I cannot overemphasize the importance of the municipalities in Maine coming together on this issue in order to bring about real tax reduction. It is what the people in our communities want, and by doing so, we can demonstrate to the public that there is no need for the Palesky tax cap initiative.

Thank you for your time and attention to this important matter. Please contact me as soon as you can at 989-4720 or 989-7500 if you have any questions or wish to share your intentions. **The stakes are high-but together we can win this one!**

Sincerely,



Michael Celli
Mayor

**CITY OF BREWER, MAINE
IN CITY COUNCIL ASSEMBLED**

2004-B034

June 15, 2004

TITLE: RESOLVE, TO DECLARE THE INTENT OF THE BREWER CITY
 COUNCIL TO DEDICATE FUNDS MADE AVAILABLE
 TO THE CITY AS A RESULT OF THE PASSAGE OF
 REFERENDUM QUESTION #1 TO MIL RATE REDUCTION,
 AND RELATED PURPOSES.

filed June 9, 2004
by Manley DeBeck and
Gail Kelly

WHEREAS, on June 8, the people of Maine decisively approved a referendum question (hereafter called "Question #1") requiring the State of Maine to pay a full 55% of local education costs, including for special education; and

WHEREAS, this has been long sought by Maine municipalities due to the legislature's continual inability to meet this goal, which was established in law by the Maine legislature in 1984; and

WHEREAS, the impact of the legislature's failure in fully-funding their portion of local education costs has been a primary reason for the State's high personal property tax rate, which has greatly overburdened both residents and businesses and made Maine less competitive in attracting new economic development; and

WHEREAS, the City of Brewer, along with other municipalities in Maine, have long desired to reduce property taxes but have been unable to do so without sufficient State funding for education; and

WHEREAS, the passage of Question #1 will have the effect of providing significant new funding to the City of Brewer and other Maine municipalities for local education expenses;

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council publicly and forcefully declares its intent to dedicate *a minimum of* ninety percent (90%), and if possible a full one-hundred percent (100%), of the new funding made available to the City as a result of the passage of referendum Question #1 directly to the reduction of the mil rate for its citizens and businesses; and

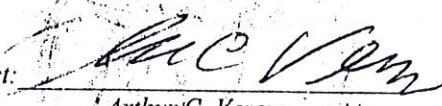
BE IT FURTHER RESOLVED, that the Council further declares that it will dedicate itself and the City Administration to work with other Maine municipalities and the Maine Municipal Association to obtain similar commitments from other communities in the State so as to achieve real and significant property tax relief across Maine and demonstrate to our citizens and businesses that municipalities are committed to lowering the property tax burden on our citizens and making our State more competitive in the business world by lowering the tax burden; and

BE IT FURTHER RESOLVED, that the Brewer City Council hereby implores the Governor and the 122nd Maine Legislature to fully implement the will of the people as expressed through the passage of Question #1.

June 16, 2004

This is a true and attested copy of a resolve adopted by unanimous vote of the City Council of Brewer at a regular meeting held on Tuesday, June 15, 2004 at 6:30 p.m. at which time all members of the council were present and voting.

a true copy, attest:


Arthur C. Verow
City Clerk
Brewer, Maine

PRESS RELEASE

June 15, 2004

For More Information, Contact:
Andrew Sachs, City of Brewer, 207-989-7500



BREWER PROMOTES STATE-WIDE TAX RELIEF INITIATIVE

Drive to Dedicate Funds from Q. 1 Passage for Mil Rate Reduction

With last week's passage of referendum Question 1, municipalities are finally going to receive the full 55% of funding from the State of Maine for education costs. If the City of Brewer has its way, municipalities across Maine will commit themselves to dedicating nearly all of those new revenues to tax relief.

Through a City Council action to be voted on this evening, the City of Brewer will be committing itself to dedicating a minimum of 90%, with a goal of 100%, of all new revenues resulting from the passage of Question 1 directly to tax relief. In a bold step, however, the City is also committing to work with other municipalities statewide and the Maine Municipal Association to encourage other communities to do the same, in order to bring about a real reduction in this State's tax burden. "Opponents to Question 1 kept saying that municipalities would simply spend any new money they received," said Brewer Mayor Michael Celli. "We're here today to prove otherwise. The people stated loudly and clearly that they wanted the State to live up to its commitments to fund education so that we could lower taxes."

Over the next several months, City officials have announced that they will work to pull together cities and towns from across the State in an effort to encourage them to make the same type of commitment that Brewer has to dedicate resources from the passage of Question 1 to tax reform. The City's goal is to get as many communities as possible to make such commitments — even if special meetings need to be called to do so — by early this Fall. The City will also spearhead an effort to encourage the legislature to listen to the will of the people and implement Question 1 as soon as possible.

The City decided to step forward to lead this effort, largely due to a void in leadership elsewhere when it comes to tax reform. City Councilor Gail Kelly put it this way: "The legislature and the Governor chose not to address tax reform when they had the chance, even with the Palesky [tax cap initiative] holding a gun to their heads. There's also some doubt about the effectiveness of a traditional coalition opposed to Palesky. It is now up to the municipalities to act on their own"

City of Brewer, Maine....Where Business Works

80 North Main Street, Brewer, ME 04412

received
10-21-04

**IT IS IMPORTANT THAT YOU
SHARE THESE DOCUMENTS WITH
YOUR ELECTED OFFICIALS**

THANKS!

**IT IS IMPORTANT THAT YOU
SHARE THESE DOCUMENTS WITH
YOUR ELECTED OFFICIALS**

THANKS!

**IT IS IMPORTANT THAT YOU
SHARE THESE DOCUMENTS WITH
YOUR ELECTED OFFICIALS**

THANKS!

CUMBERLAND FIRE & RESCUE CALLS FOR THE WEEK OF

3-Jun-04 To 9-Jun-04

The Cumberland Rescue Responded to Calls

<u>6</u>	No Transport
<u>5</u>	Maine Medical Center
<u>3</u>	Mercy Hospital
<u>6</u>	Of These Calls Were to Assist Other Towns

The Cumberland Fire Department Responded to 10 Calls

<u>Date</u>	<u>Time</u>	<u>Address</u>	<u>Type of Incident</u>
6/3/04	7:58	70 FORESIDE RD	FIRE ALARM
6/3/04		1950 ALLENS FARM	SMOKE INVESTIGATION
6/4/04		2104 RT 1	TRAFFIC ACCIDENT
6/5/04		1557 22 BLUEBERRY LN FALMOUTH	RIT TEAM
6/6/04		1646 LAKESIDE DR	UNPERMITTED BURN
6/7/04		1143 118 GREELY RD	ASSIST RESCUE
6/7/04		1434 6 OLE MUSKET RD	ASSIST RESCUE
6/7/04		1741 GRAY RD @ WHITNEY IN GRAY	MUTUAL AID
6/7/04		2037 168 LONGWOODS RD	DISHWASHER FIRE
6/9/04		1601 GREELY RD	ASSIST PUBLIC WORKS

DURING THE TIME PERIOD OF 06-03-04 THRU
06-09-04 CUMBERLAND POLICE MADE
97 TRAFFIC STOPS ISSUING
4 VEHICLE DEFECTS
58 WARNINGS
35 SUMMONS ISSUED