

**A G E N D A**  
**CUMBERLAND TOWN COUNCIL MEETING**  
**Town Hall, 290 Tuttle Road**  
**Monday, December 27, 2004**

**6:00 p.m. - WORKSHOP with Val Halla Board of Trustees re: Charter Revisions**

**7:00 p.m. – CALL TO ORDER**

**I.        APPROVAL OF MINUTES**

        a) December 13, 2004

**II.       MANAGER'S REPORT**

**III.      PUBLIC DISCUSSION**

**IV.       LEGISLATION AND POLICY**

- 04 – 166.    To hold a public hearing to consider and act on the Twin Brook Recreation Area Policies and Rules.
- 04 – 167.    To hold a public hearing to consider and act on the adoption of the 2003 IRC and IBC Codes.
- 04 – 168.    To hold a public hearing to consider and act on a request by the Cumberland Historical Society for funding to assist in building repairs.
- 04 – 169.    To hold a public hearing to consider and act on a request by the Chebeague Island Community Hall for funding to assist in building repairs.
- 04 – 170.    To hold a public hearing to consider and act on a conservation easement and right of first refusal and easement option agreement with CMIT related to the Chebeague Island Curit property.
- 04 – 171.    To hold a public hearing to consider and act on an amendment to Section 9 of the Solid Waste and Recycling Ordinance, by adding Subsection 6(c), Universal Wastes.
- 04 – 172.    To hold a public hearing to consider and act on the redistribution of sewer units.
- 04 – 173.    To set a public hearing date to consider and act on building permit and application fees.

**CONTINUED ON REVERSE**

**IV. CONSENT AGENDA**

- 04 – 174. To hold a public hearing to consider and act on the Golf Club/Restaurant Liquor License and Special Amusement Permit for Val Halla Golf Course, for the period January 2005 through January 2006.
- 04 – 175. To hold a public hearing to consider and act on the Class I Restaurant License for Reynold Michaud, d/b/a Rey's Cumberland Café, Inc, 172 Gray Road, for the period February 2005 through February 2006.
- 04 – 176. To hold a public hearing to adopt updated maximums to the MMA General Assistance Ordinance for 2005.
- 04 – 177. To hold a public hearing to consider and act on the Greely High School swimming pool license for 2005.

**V. NEW BUSINESS**

**VI. EXECUTIVE SESSION re: real property pursuant to MRSA, Title 1, Section 405(6)(c)**

**MEMBERS OF THE TOWN COUNCIL**

William Stiles, Chairman	829-6679	<a href="mailto:wstiles@maine.rr.com">wstiles@maine.rr.com</a>	Donna Damon	846-5140	<a href="mailto:publicservant1@aol.com">publicservant1@aol.com</a>
Mark Kuntz	829-8127	<a href="mailto:mkuntz1@maine.rr.com">mkuntz1@maine.rr.com</a>	Harland Storey	829-3939	<a href="mailto:cstorey@zwi.net">cstorey@zwi.net</a>
Michael Savasuk	781-3061	<a href="mailto:mxslaw@maine.rr.com">mxslaw@maine.rr.com</a>	Jeffrey Porter	829-4129	<a href="mailto:mesit5@maine.rr.com">mesit5@maine.rr.com</a>
Stephen Moriarty	829-5095	<a href="mailto:smoriarty@nhdllaw.com">smoriarty@nhdllaw.com</a>		web:	<a href="http://www.cumberlandmaine.com">www.cumberlandmaine.com</a>



**MINUTES**  
**CUMBERLAND TOWN COUNCIL MEETING**  
**Town Hall, 290 Tuttle Road**

**DRAFT**

**Monday, December 13, 2004**

**6:00 p.m. - WORKSHOP** with Val Halla Board of Trustees re: Alcohol Policy – **CANCELLED** by request of the Board of Trustees. Significant punitive measures are contained in the current law permitting the sale of liquor on golf courses. The language is due to be revisited at the legislative level and the board would prefer to reconsider the sale of alcohol on the course at a later date if modifications are made to the law.

**7:00 p.m. - CALL TO ORDER**

**Present:** (6) Chairman Stiles, Councilors Savasuk, Damon, Storey, Kuntz, and Moriarty.

**Excused:** (1) Councilor Porter

**I. APPROVAL OF MINUTES**

a) November 22, 2004

Motion by Councilor Moriarty to approve the November 22, 2004 minutes;

Seconded by Councilor Storey.

VOTE: 4-0-2 Passage (Councilors Kuntz and Savasuk abstained)

*Second  
motion  
passed*

**II. MANAGER'S REPORT**

a. Chebeague Island Library Trustees funding request

The Town Manager explained the CI Community Center has requested assistance in the amount of \$2,159, one-half of the repair quote, to pay for repair to the building's furnace. Councilor Damon has spoken with the Library Chair and Vice President, and a proposal is being presented to MBNA for a grant. She asked the town consider this request at the next council meeting, with the intent to match any grant monies received.

*CI  
Library on behalf of Hall  
to provide a match and the request  
was unsuccessful  
up to 2500*

b. Historical Society repairs funding request

Carolyn Small, President, Cumberland Historical Society requested \$2,500 on behalf of the Society. The building faces three issues; the underpinning of the floor has rotted and is in danger of collapsing; the building is without a security system; and the building sign has rotted. A fundraising attempt was made through an ad in the recent Recreation brochure, netting \$950 in donations. Mrs. Small stated the society would raise the remaining funds needed for the various repairs.

Motion by Councilor Moriarty to place both funding requests on the December 27, 2004 agenda;

Seconded by Councilor Kuntz.

VOTE: UNANIMOUS PASSAGE

**III. PUBLIC DISCUSSION**

None.

#### IV. LEGISLATION AND POLICY

- 04 – 151.** To hear a report from the CEO re: the 2003 BOCA Codes and to set a public hearing date to adopt same.

Code Enforcement Officer William Longley explained the legislature passed a law last session stating municipalities may continue to rely on their current building code; however, if a municipality seeks to adopt a differing code, they must adopt the International Building Code. This code is utilized consistently across the United States, and the state seeks to be consistent by limiting all future code changes to the International Code. The town of Cumberland currently relies on the 1993 BOCA Code. The town of Yarmouth adopted the International Code in October, and Mr. Longley, who serves both towns as Code Enforcement Officer, recommends the town of Cumberland adopt the International Building Codes. He indicated there are “no substantial changes” between the 93 BOCA Code and the International Code; however, “in the last ten years, there are (many) new construction materials. A lot of what’s in the new code is updates and new terminology and technology.” Mr. Longley notified approximately 55 local builders of this change and “only heard from a few who have encouraged the adoption of the code.” Finally, he noted several areas where the state has created standards which supersede the code. Those areas include fire safety, electrical, oil and solid fuels, propane and natural gas, elevators and energy efficiency.

Motion by Councilor Savasuk to set a public hearing date of December 27, 2004 to consider and act on adoption of the 2003 IBC & IRC Codes;  
Seconded by Councilor Kuntz.  
VOTE: UNANIMOUS PASSAGE

- 04 – 152.** To hear a report from the Appointments Committee regarding the 2005 board/committee appointments.

Councilor Moriarty moved to authorize staff to begin the process by sending out the appropriate letters to those members whose terms are expiring;  
Seconded by Councilor Kuntz.  
VOTE: UNANIMOUS PASSAGE

- 04 – 153.** To hold a public hearing to consider and act on the 2005 Automobile Graveyard and/or Junkyard Permit for Greenlaw’s Salvage, Longwoods Road. **TABLED**

Motion by Councilor Kuntz to table this item;  
Seconded by Councilor Storey.  
VOTE: UNANIMOUS PASSAGE

- 04 – 154.** To hold a public hearing to consider and act on the 2005 Automobile Graveyard and/or Junkyard Permit for Cumberland Salvage, 40 Blackstrap Road.

No public comments.  
Motion by Councilor Savasuk to approve the 2005 Automobile Graveyard/Junkyard license for Cumberland Salvage, 40 Blackstrap Road;  
Seconded by Councilor Moriarty.  
VOTE: UNANIMOUS PASSAGE



**04 – 155.** To hold a public hearing to consider and act on the 2005 Shellfish allocations.

No public comment. The Town Manager explained the Shellfish Commission recommends the Town council adopt the same allocations, policy and fees as were adopted last year.

Motion by Councilor Moriarty to adopt the recommendations of the Shellfish Conservation Commission with the explicit understanding they are identical to last years;  
Seconded by Councilor Kuntz.

VOTE: UNANIMOUS PASSAGE

**04 – 156.** To issue the Municipal Warrant for Prosecuting Unlicensed Dog Owners/Keepers.

No public comment.

Motion by Councilor Moriarty to issue the 2004 Municipal Warrant for Prosecuting Unlicensed Dog Owners-Keepers;  
Seconded by Councilor Kuntz.

VOTE: UNANIMOUS PASSAGE

**04 – 157.** To set a public hearing date to consider and act on amendments to the Twin Brook Recreation Area Policies and Rules.

No public comment. Chairman Stiles announced the Council and Twin Brook Committee met in Workshop session to review a set of policies and rules. A draft of those policies and rules has been placed on the town's web site.

Motion by Councilor Savasuk to set a public hearing date of December 27, 2004 to consider and act on the Twin Brook Recreation Area Policies and Rules;  
Seconded by Councilor Kuntz.

VOTE: UNANIMOUS PASSAGE

**04 – 158.** To set a public hearing date to institute a universal waste collection program and set fees for same.

The Town Manager explained a universal waste collection program deals expressly with items including computer parts, thermometers, and other similar items that can not be thrown into the regular waste stream.

Motion by Councilor Moriarty to set a public hearing date of December 27, 2004 to consider and act on a universal waste collection program and fees;  
Seconded by Councilor Savasuk.

VOTE: UNANIMOUS PASSAGE

**04 – 159.** To set a public hearing date to consider and act on the Golf Club/Restaurant Liquor License and Special Amusement Permit for Val Halla Golf Course, for the period January 2005 through January 2006.

**04 – 160.** To set a public hearing date to consider and act on a Class I Restaurant License for Reynold Michaud, d/b/a Rey's Cumberland Café Inc, 172 Gray Road, for the period February 2005 through February 2006.



- 04 – 161. To set a public hearing date to adopt updated maximums to the MMA General Assistance Ordinance for 2005.
- 04 – 162. To set a public hearing date to consider and act on the Greely High School swimming pool license for 2005.
- 04 – 164. To set a public hearing date to consider and act on redistribution of sewer units.
- 04 – 165. To set a public hearing date to consider and act upon an easement with CMIT for the Chebeague Island Currit Property.

Motion by Councilor Moriarty to set a public hearing date of December 27, 2004 to consider and act on items 04 -159, 04 – 160, 04 – 161, 04 – 162, 04 – 164, and 04 – 165;  
Seconded by Councilor Kuntz.

VOTE: UNANIMOUS PASSAGE

- 04 – 163. To set a public hearing date to consider and act on acceptance of Rock Ridge Run. **TABLED**

Motion by Councilor Moriarty to table this item;  
Seconded by Councilor Kuntz.

VOTE: UNANIMOUS PASSAGE

## V. NEW BUSINESS

**Councilor Savasuk** – none

**Councilor Damon** – announced the Governor's public hearing regarding tax relief proposal. She has prepared written comments; commented that "it's time to address the sales tax" and shorten the time frame for full implementation of the 55% education funding; referred a "ground contamination" concern to the Manager – possibly kerosene.

**Councilor Storey** – none

**Councilor Kuntz** – none

**Chairman Stiles** – town council held a goal setting workshop on 12/04 and discussed police dispatch services, a pay-as-you throw program, and the 2005/06 budget; he and Town Manager met with town of North Yarmouth to discuss cooperative ventures in the area of field maintenance.

**Councilor Moriarty** – a trail improvement crew worked on trails at the Rines Forest; Dale Rines cleared a trail and the crew "hailed slash off the trail. It is the makings of a really nice entry way leading you into the existing trail system."

**Town Manager** – held discussions with North Yarmouth re: use of our television broadcasting equipment. When we are not broadcasting live, North Yarmouth will have access to live broadcasting time on Channel 2. "As long as we're not bumping our own meetings, we will try to accommodate them." He, Councilors Moriarty and Porter met with the Winter Road Maintenance Committee last week – lively meeting and good discussion; inspected the Town Forest with the DPW staff and is concerned that between five and eight of the eleven bridges need repair; will attempt to make temporary repairs over the winter and prepare numbers during the budget process; met with the 4H Swiners Club – extremely dedicated and impressive group of youth; a meeting will be held at Val Halla on December 20 re: the governor's tax proposal, 11:30 – 2:00.

**VII. ADJOURN**

Motion by Councilor Moriarty to adjourn;  
Seconded by Councilor Kuntz.

VOTE: UNANIMOUS PASSAGE

TIME: 8:12 p.m.

Respectfully submitted,

Nadeen Daniels, CMC  
Town Clerk

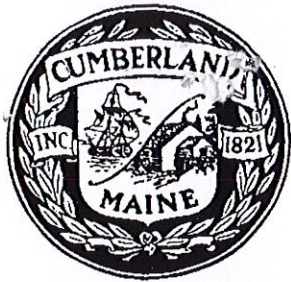
# MOTIONS

- 04 – 166. I move to adopt the Twin Brook Recreation Area Policies and Rules,  
**?AS AMENDED?**
- 04 – 167. I move to adopt the 2003 IRC and IBC Codes for use in the Town of Cumberland.
- 04 – 168. I move to authorize the Town Manager to appropriate \$2,500 toward repairs to the Cumberland Historical Society building located on Blanchard Road.
- 04 – 169. I move to authorize the Town Manager to appropriate up to \$2,500 toward furnace repairs at the Chebeague Island ~~Community Hall~~ <sup>Library</sup> and encourage the Library Trustees to continue pursuing outside financial funding sources.
- 04 – 170. I move to accept funds in the amount of \$100,000 from the CMIT and authorize the Town Manager to execute a Grant of Permanent Conservation Easement and ~~Right of First Refusal and Easement Option Agreement with the Cumberland Mainland and Islands Trust, Inc. related to property known as the Curit property.~~  
*no advance w draft on table trust*
- 04 – 171. I move to amend Section 9 of the Solid Waste and Recycling Ordinance by adding Subsection 6 (c) , Universal Wastes.
- 04 – 172. I move to revise the Sewer User Units established in 1999 by adopting the following allocations:  
1,500 user units in the Route 88 pumping system;  
50 user units in the Route 88 South Gravity system; and  
130 user units in the Route One pumping system, for a total of 1,680 user units
- 04 – 173. I move to set a public hearing date of January 10, 2005 to consider and act on building permit and application fees.

**CONSENT AGENDA:** I move to approve items 174 through 177 as read by the Chair and identified on this evening's Consent Agenda.

**EXECUTIVE SESSION:** I move to go into Executive Session, pursuant to MRSA, Title 1, Section 405(6)(c) regarding real property.





# MEMORANDUM

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

**To:** Town Council  
**From:** William R. Shane, Town Manager  
**Date:** 12/17/04  
**Re:** Manager's Report

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## **Stone Wharf Committee – At Public Safety Building**

On Tuesday evening Councilor Moriarty, Councilor Damon and I met with the Stone Wharf Committee to discuss wave attenuation inside the wave break area. After an initial slow start, we collectively came to a very inexpensive compromise that our structural engineer will be working on over the next few weeks. It is much cheaper than a camel, has no moving parts and may ultimately be the best solution. We hope to have an additional baffling system added to the diagonal pilings of the wave fence. We should schedule an Island meeting sometime in January to present the findings publicly as well as other items related to the Stone Wharf, Golf Carts, and Chandler's Cove.

## **Chandler's Cove**

The Police Chief has requested we gate and restrict night time activities on the Chandler's Cove property. He is recommending the facility be open dawn to dark, the property be gated and posted with signs with hours of use to allow undesirable activities to be lessened on the site. Fires, drinking and a lot of other stuff.

## **Regionalization Meeting- January 19<sup>th</sup> Regional Councils Dinner at Val Halla**

Councilor Stiles, Councilor Moriarty and I attended the monthly regionalization meeting this past Wednesday evening. The Towns present were continuing to work within in the group on joint projects and felt another Council Dinner in January would bring the group more into focus on what's been happening and get additional "buy-in" from some of the other area Councilors not as involved or up to speed with our efforts to date. More information on the Dinner will be coming out next week.

### **Winter Road Maintenance**

Councilor Porter and I attended the Winter Road Committee's second meeting. The committee is wrestling with the Private road and public easement issue. I expect they will have a recommendation for you late in February. Bob Vail was elected chairperson and Bill McFarlane Vice Chair.

### **Curit Property**

I hope to have this ready for action including right of first refusal this month and transfer the \$100,000 into this deficit funded account. Councilor Damon and Councilor Moriarty continue to work on this with CMIT. We all believe we have developed a good plan for this first step and have left the door open for the future with either affordable housing or additional conservation land.

### **Regional Dispatch**

My recommendation to you is to pursue a contract with Yarmouth and begin moving operations for dispatching to Yarmouth within 6 months. Falmouth has been invited to join, but there are still many political issues they need to address. I will begin pursuing a regional 24 hour Rescue Program stationed here in Cumberland with Falmouth & Yarmouth within the next few weeks. Freeing up the space in the dispatch center makes this a better fit for us.

Have a good Weekend!

Bill



# Town Council Meeting Items

Monday, December 27, 2004	Monday, January 10, 2005	Monday, January 24, 2005	Monday, February 14, 2005	Monday, February 28, 2005
		Chebeague Island		
PH- Twin Brooks	Set A Date for PH Islands Committee Report- Town Property Plan and Golf Carts	Set A Date for PH Islands Committee Report- Town Property Plan and Golf Carts	Town Manager Vacation	
PH- Boca Codes- Bill Longley	PH- Val Halla Charter	No Action Pay as You Throw Trash	Citizens- Eco Develop Committee West Cumberland Project	Winter Roads Committee Report- Hear Report & Set PH Date
PH- Historical Society Funding-\$2500	Appointments Committee Report	Changes to Subdivision and Site Plan Submission	No Action Pay as You Throw Trash	Presentation of Manager's Budget to the Town Council
PH- CI Library Up To Funding-\$2500	Dr Hanson Contract zone	New Wharf Spaces for Floats		
PH- Curit Property <i>100% easement</i>	Set Date- PAYT- GMS Presentation	Wave Break Updates	PH- Changes to Subdivision and Site Plan Submission <i>CN</i>	
PH Universal Waste	Road Acceptance- Thomas Drive	Closure of Chandler's Cove	Multi Use of Doane Property <i>CN</i>	
PH- Redistribution of Sewer Units	Kennedy Contract Zone Amendments			
Consent Agenda	Road Acceptance Rock Ridge			
PH- Val Halla Liquor	Kennedy Contract Zone Amendments			
PH- Cumberland Café	Set PH Date for Chandler Cove Hours			
PH- MMA General Assistance				
PH- Greely High Swimming Pool	<i>Greenlaw Salvage</i>			
Set a Date- Rock Ridge Acceptance	<i>1/10</i>			
PH- CI Inn	<i>→</i>			
To Set A Date Bill Longley - Fees	<i>1/10</i>			
Workshop <i>6 p.m.</i> Val Halla - Charter Revisions				



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 \*\*\* ACTIVITY REPORT \*\*\*  
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ST. TIME	CONNECTION TEL	CONNECTION ID	NO.	MODE	PGS.	RESULT
*12/22 04:13	97918000	TOWN OF CAPE ELI	2298	TRANSMIT ECM	1	OK 00'23
*12/22 20:33	97530915		2299	TRANSMIT ECM	1	OK 00'20
*12/22 21:09			6727	AUTO RX ECM	1	OK 00'30
*12/22 21:11			6728	AUTO RX ECM	7	OK 02'11
*12/22 21:46	97997141		2300	TRANSMIT ECM	15	OK 02'18
12/22 21:52	2078286327		6729	AUTO RX ECM	7	OK 01'31
12/22 22:09	97829766		2301	TRANSMIT ECM	6	OK 03'06
12/23 00:59	97757935		2302	TRANSMIT ECM	20	OK 03'36
12/23 02:07	92300112		2303	TRANSMIT ECM	10	OK 02'08
12/23 03:43	97750806		2304	TRANSMIT G3	1	OK 00'27
12/23 04:12	92300112		2305	TRANSMIT ECM	1	OK 00'17
12/23 04:48	96248637		2306	TRANSMIT ECM	6	OK 01'08
12/23 04:57	96248637		2307	TRANSMIT ECM	2	OK 00'34
12/23 08:18			6730	MEMORY RX G3	1	OK 01'16
12/23 19:06	2078295916		6731	MEMORY RX ECM	2	OK 00'39
12/23 22:07	97813283	PRESS HERALD NEW	2308	TRANSMIT ECM	2	OK 00'25
12/23 22:08	97812060		2309	TRANSMIT ECM	2	OK 00'41
12/23 22:09	98466828		2310	TRANSMIT ECM	1	OK 00'35
12/23 22:10	97916920		2311	TRANSMIT ECM	2	OK 00'24
12/23 22:11	97757935		2312	TRANSMIT ECM	2	OK 00'23

# **Workshop Item**

**Val Halla Charter Review**

**December 27, 2004**

**6:00 PM**

**Council Chambers**

**VAL HALLA GOLF & RECREATION CENTER  
BOARD OF TRUSTEES  
Amended Bylaws- December 2004**

*Preamble: The Val Halla Board of Trustees was created by order of the Town Council of the Town of Cumberland in January, 1993. Formation of the Board of Trustees was recommended by the Val Halla Advisory Committee. Underlying this recommendation was a stated intent to "... maintain Val Halla Golf & Recreation Center as a self-supporting facility, with a golf course that is affordable for Town residents and with facilities available year-round and at affordable rates to Town residents".*

*Since the original order of 1993, a number of things have evolved at Val Halla. This evolution has generally been positive: The Town has a first class municipal golf course, a large centrally located parcel providing passive recreational opportunities and wildlife habitat, tennis courts and a well used and well thought of banquet facility. Notwithstanding these successes, the economic and competitive environments in which Val Halla operates have changed significantly since 1993. Accordingly, the Board of Trustees recommend to the Town Council the following amended Bylaws:*

*WHEREAS, the Town of Cumberland continues in it's desire to maintain Val Halla Golf & Recreation Center as a self supporting facility, with a golf course that is affordable for Town residents and with broadly utilized meeting facilities available to the community at affordable rates; and,*

*WHEREAS the Town of Cumberland also desires to preserve the Val Halla property as open space reflecting the Town's goals in it's own right and that is suitable for passive recreation during the winter months;*

*NOW THEREFORE, the Town of Cumberland hereby ordains that the following amendment to the Val Halla Board of Trustees bylaws are enacted:*

**1. Appointment, Term, Vacancy, Qualifications**

The Val Halla Board of Trustees shall be comprised of seven members appointed by the Town Council. Additional Ex-officio, non-voting members shall be a Town Councilor and the Town Manager.

Appointments to the Board of Trustees shall be for terms of three years, staggered in such a way as to ensure that not more than 3 terms will be up in any given year. Ex-officio members shall be appointed annually. When there is a vacancy on the Board, the Town Council shall appoint a person to serve for the balance of the unexpired term. As the Board of Trustees currently has nine members, only two of the three terms expiring on December 31, 2004 shall be filled, and only three of the four expiring terms on December 31, 2005 will be filled. Thereafter, Trustee vacancies will be filled as terms expire. **(Note that the prohibition on more than two consecutive terms from the current bylaws is struck going forward. This restriction is inconsistent with other town boards and has the potential to force loss of desirable institutional knowledge.)**



A vacancy may occur by reason of resignation, death, removal from the Town, and, when certified to the Council by a majority of the members of the Board of Trustees, by failure to attend at least 75% of the Board of Trustees' meetings, regular or special, during any twelve (12) month period. A vacancy also may occur by the removal of a member; a member of the Board of Trustees may be removed for cause, after notice and hearing, by the Town Council.

Members of the Board of Trustees shall be residents of the Town and serve without compensation. Members of the Board of Trustees should be knowledgeable about recreation activities at the Val Halla Golf & Recreation Center, and at least four (4) of the Board of Trustees members shall be active members of the Val Halla Golf & Recreation Center.

## **2. Powers and Duties**

The Val Halla Golf & Recreation Center Board of Trustees shall be responsible for the year-round operation of Val Halla Golf & Recreation Center. *To that end, they will interact with facility users, the Val Halla Golf Association and other interested groups to determine course needs and opportunities. The Trustees will establish membership and other rates, promulgate policies on routine course use, conditions and procedure as they see fit. When requested, or where issues with substantial public impact may arise, the Trustees will make recommendations to the Town Council on concerns and desired outcomes.*

*Using the forum of their monthly or specially called meetings, the Trustees will interact with designated course staff on course operations and conditions. On other occasions, the Chairman of the Board of Trustees, will interact with the Town Manager or his/her designee on behalf of the Trustees where needed.*

3. *Experience has demonstrated that the Val Halla Golf & Recreation Center operates most effectively when the Trustees are actively engaged in course operation and fiduciary oversight at a policy making level, with actual oversight of facility staff and finances occurring through the Town Manager's office. It is foreseeable however that in matters of facility budget, operations and staffing the Trustees and Town Manager may occasionally disagree. Should such disagreements occur and remain unresolved, the Trustees will report to the Town Council as to the issue(s) of concern. The decision of the Trustees to make such a report shall not impede the Town Manager from implementing any decision deemed necessary.*

4. The Board of Trustees shall recommend the hiring of a Business Manager, a Golf Course Superintendent, and a Golf Professional, all to be appointed by the Town Manager. The Board of Trustees shall develop and approve job descriptions for these positions. Pro Shop, Lounge and Course help will be budgeted for and hired by the Business Manager. *The Trustees will also provide feedback to the Town Manager on job performance of the Business Manager, Golf Pro and Superintendent and may suggest changes in job descriptions for these positions as they see fit. The Town Manager will be responsible for actual supervision of these positions.*

5. The Board of Trustees shall be responsible for providing the Business Manager with appropriate direction in operating the Val Halla Golf & Recreation Center to ensure that said facility is self-supporting, has a golf course that is affordable to the Town residents and has year-round facilities that are affordable to Town residents. The Board of Trustees also shall be responsible for the reasonable and prudent management of the enterprise fund and of income derived from the operation of Val Halla Golf & Recreation Center. All expenditures will be made by the Town Manager. *Annually, the Town Manager shall propose a draft budget to the Trustees for their consideration. This budget will detail projected operating expense, capital improvement expense and contributions to a capital reserve fund when possible. The Trustees will review and suggest changes to the budget as they deem necessary.* The proposed budget shall be reviewed by the Town Council prior to the start of the fiscal year and prior to adoption by the Board of Trustees.

*Once a budget has been adopted, the Town Manager will be responsible for all expenditures there from, and for reporting to the Trustees not less than monthly on actual revenues, expenses and budgetary line items. Any single non-budgeted expense or pattern of expense totaling \$5000 or more shall be presented by the Town Manager to the Trustees for their approval.*

6. *The Trustees and Town Manager will strive to manage course operations such that some funds remain unexpended at the close of each fiscal year. After accrued revenues are received and accrued payables processed, the Town Manager will report to the Trustees as to the amount, if any, of any such unexpended funds. This amount shall be deemed surplus to course operations and shall be held in a Val Halla Building Reserve Fund and a Golf Course Reserve Fund.*



12-27-04  
m + g

## Twin Brook Policies & Rules

### **Councilor Steve Moriarty's Alternative Language for the Bon Fire & Dog Issues**

#### **Page 4**

**10(j)** Dogs must be on a leash or under the control of the person in charge of the dog at all times, provided that all dogs must be leashed while in the areas of the playing fields when games or practices are in progress.

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 may not be walked 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 a dog is responsible for cleaning up waste released by the dog, and will be strictly liable for any personal harm or damage caused by the dog.

#### **Page 4**

**10(i)** Except <sup>new</sup> as provided below, the use of open flames, candles, or other incendiary devices or special effects is prohibited at the Twin Brook Recreation Area.

**Bonfires** may be allowed only when sponsored by a booster club or similar entity associated with M.S.A.D. #51 or the Town of Cumberland, and may be scheduled only with the express permission of both the Cumberland Town Council and the Cumberland Fire Department, subject to the following conditions:

- new
1. The sponsor must arrange for fire protection through the Cumberland Fire Department;
  2. The sponsor must reimburse the Town of Cumberland in full for the cost of fire protection;
  3. The sponsor must clean up the area impacted by the bonfire;
  4. Public participation in the bonfire must conclude no later than 8:00 p.m.

### **Chairman Bill Stiles Alternative Language for the Open Flames**

#### **Page 4**

**10(i)** Except as provided below, the use of open flames, candles, or other incendiary devices or special effects is prohibited at the Twin Brook Recreation Area.

**Gas grills** will be allowed by permit only. Up to a total of 8 grills per day will be permitted. Permits will be issued at the Public Safety Building no sooner than 48 hours prior to the day of use.

## **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. The Cumberland Town Council shall appoint a Twin Brook Advisory Committee, which shall provide advice and recommendations to the Cumberland Recreation Department and to the Council upon all aspects of the use and management of the Twin Brook Recreation Area.

2. Priorities. Cumberland Recreation Department programs intended specifically for Cumberland and North Yarmouth residents shall have first priority with respect to use of Twin Brook playing fields and athletic facilities. MSAD 51 athletic practices and games shall have second priority. Notwithstanding the foregoing, priorities are subject to ongoing review, and priority of use with respect to certain fields on the Greely Road side shall be in accordance with the leases agreement between the Town of Cumberland and MSAD 51 dated July 12, 2002.

3. Field Use. There shall be no organized use of the playing fields on Sundays until 1 p.m. At the discretion of the Cumberland Recreation Director, any of the playing fields may be closed to activity at any time if conditions are unsuitable for use or to allow for reseeding and recovery.

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. No community group, athletic group or other organized group may schedule and hold events of any kind at the Twin Brook Recreation Area without first having obtained the approval of and a permit from the Cumberland Recreation Department. Approval and a permit may be obtained by submitting a Facility Request Form to the 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 must be provided, and all other stipulations must be 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 cancellation. 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 individuals, community groups, athletic groups, or other organized groups utilizing the Twin Brook facilities. Therefore, any such groups or individuals using the Twin Brook facilities for any organized purpose are required to provide evidence of insurance for liability (not less than \$1,000,000 per person/\$2,000,000 per occurrence) and property damage (not less than \$25,000) before receiving a facility 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. The Town of Cumberland may require any individual or group utilizing Twin Brook facilities for any purpose (including non-permitted walk-on use) to agree in writing, in a form acceptable to the Town, to save, indemnify and hold harmless the Town of Cumberland, its inhabitants, its employees, the Town Council, the Cumberland Recreation Department, and the Twin Brook Advisory Committee from and against any and all liabilities, actions, causes of action for death, personal injury, or property damage, including attorney's fees, and from any and all fines, suits, claims, demands and actions of any kind or nature of any and all persons resulting from or arising from the use of said facilities, equipment, or activity participation. It is expressly understood that participation in recreational and athletic activities may cause bodily injury, sickness, disease, death, or personal injury, or damage and destruction to tangible property, including the loss or use

thereof. Therefore, any individual or group utilizing Twin Brook facilities for any purpose shall save, indemnify and hold harmless the Town of Cumberland, its inhabitants, its employees, the Town Council, the Cumberland Recreation Department, and the Twin Brook Advisory Committee from and against any and all liabilities, actions, and causes of action arising out of or resulting from the performance of any facility use permit.

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 Town Council 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, needs, or situation. If the Cumberland Recreation Department is requested by a user to provide a special service or to alter, modify or rearrange a Twin Brook facility, above and beyond ordinary maintenance and upkeep, and if the Cumberland Recreation Department is in agreement, the user shall be charged accordingly in an amount to be determined by the Cumberland Recreation Department.

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.

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 any Twin Brook facility without the express consent of the Cumberland Recreation Department, which must be obtained in advance and in writing.



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 use, 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 (e.g. 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 open flames, candles, or other incendiary devices or special effects is prohibited at the Twin Brook Recreation Area.

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

k. Horses may be ridden along the perimeters of pasture areas but not on the playing fields or the trails. Owners are responsible for cleaning up after their horses.

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 while the facilities are open, and picnickers are responsible for cleaning up after themselves. Open fires as well as heat sources for barbecuing or grilling are not permitted.

o. The facilities shall be open during daylight hours only, and no nighttime use shall be permitted without the express written permission of the Cumberland Recreation Department.

p. All permit applications 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, except for mountain biking as permitted under subparagraph l. The only motorized vehicles permitted in or on Twin Brook facilities are maintenance vehicles. All other vehicles or recreational equipment such as four-wheel drives, snowmobiles, roller blades, scooters, skateboards, bicycles (except as provided in subsection (l) above) and motorcycles are prohibited.

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 shall warrant to the Cumberland Recreation Department that such royalties or charges have been paid or will be paid promptly in accordance with law. A facility user shall further agree to hold the Town of Cumberland, its inhabitants, the Cumberland Town Council, the Cumberland Recreation Department, and the Twin Brook Advisory Committee harmless and to indemnify for all costs or losses, including attorney's fees in defense of claims, just or unjust, relating to the payment of any royalty, charge or fee for use of material by a permitted user during the use of Twin Brook facilities.



## William Shane

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**From:** William Shane  
**Sent:** Monday, December 27, 2004 11:10 AM  
**To:** 'Dana Leighton'  
**Cc:** Steve Moriarty ; B Stiles (wstiles1@maine.rr.com); Bill Stiles (wcstiles@maine.rr.com); Donna Damon (publicservant1@aol.com); Harland Storey (cstorey@gwi.net); Jeff Porter - Home; Jeffrey Porter; Mark Kuntz ; Mike Savasuk ; William Shane; Alyssa Daniels; Nadeen Daniels  
**Subject:** RE: Twinbrook rules

Dana,

Thank you for your comments. I will forward them to the Town Council for Tonight's meeting.

Bill Shane

William R. Shane , Town Manager  
290 Tuttle Road  
Cumberland, Maine 04021  
207-829-2205

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

From: Dana Leighton [mailto:djl@ndsys.com]  
Sent: Monday, December 27, 2004 10:58 AM  
To: William Shane  
Cc: Bill Landis  
Subject: Twinbrook rules

In anticipation of tonight's discussion of Twinbrook policies, I would like to add a voice opposed to mandatory leashing of dogs, in case the subject comes up, in areas other than the formal playing fields. If a few irresponsible owners fail to clean up after their animals properly, the far greater majority of conscientious dog owners shouldn't have to suffer adversely. After all, because some people's children (and some adults) leave litter all aover the place ( and they do!) is anybody proposing restrictions on people access? Please keep the wonderful space that is available for the dogs and people to experience together as free as possible. I can't be at tonight's meeting but hope that you will consider my opinion that of many others that I have talked with beforehand. Thanks and Happy New Year!! Dana Leighton, Cumberland resident

12-13-04  
mtg

**TWIN BROOK RECREATION AREA POLICIES AND RULES**

(As modified following 12/8/04 Council workshop with Twin Brook Advisory Committee)

1. General. The Twin Brook Recreation Area is owned by the Town of Cumberland, and shall be administered by the Cumberland Recreation Department. The Cumberland Town Council shall appoint a Twin Brook Advisory Committee, which shall provide advice and recommendations to the Cumberland Recreation Department and to the Council upon all aspects of the use and management of the Twin Brook Recreation Area.

2. Priorities. Cumberland Recreation Department programs intended specifically for Cumberland and North Yarmouth residents shall have first priority with respect to use of Twin Brook playing fields and athletic facilities. MSAD 51 athletic practices and games shall have second priority. Notwithstanding the foregoing, priorities are subject to ongoing review, and priority of use with respect to certain fields on the Greely Road side shall be in accordance with the leases agreement between the Town of Cumberland and MSAD 51 dated July 12, 2002.

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Twin Brook facilities for any organized purpose are required to provide evidence of insurance for liability (not less than \$1,000,000 per person/\$2,000,000 per occurrence) and property damage (not less than \$25,000) before receiving a facility 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.

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would otherwise be applicable. A lack of respect and responsibility could result in the denial of future permits to the permit applicant or group.

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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 shall warrant to the Cumberland Recreation Department that such royalties or charges have been paid or will be paid promptly in accordance with law. A facility user shall further agree to hold the Town of Cumberland, its inhabitants, the Cumberland Town Council, the Cumberland Recreation Department, and the Twin Brook Advisory Committee harmless and to indemnify for all costs or losses, including attorney's fees in defense of claims, just or unjust, relating to the payment of any royalty, charge or fee for use of material by a permitted user during the use of Twin Brook facilities.

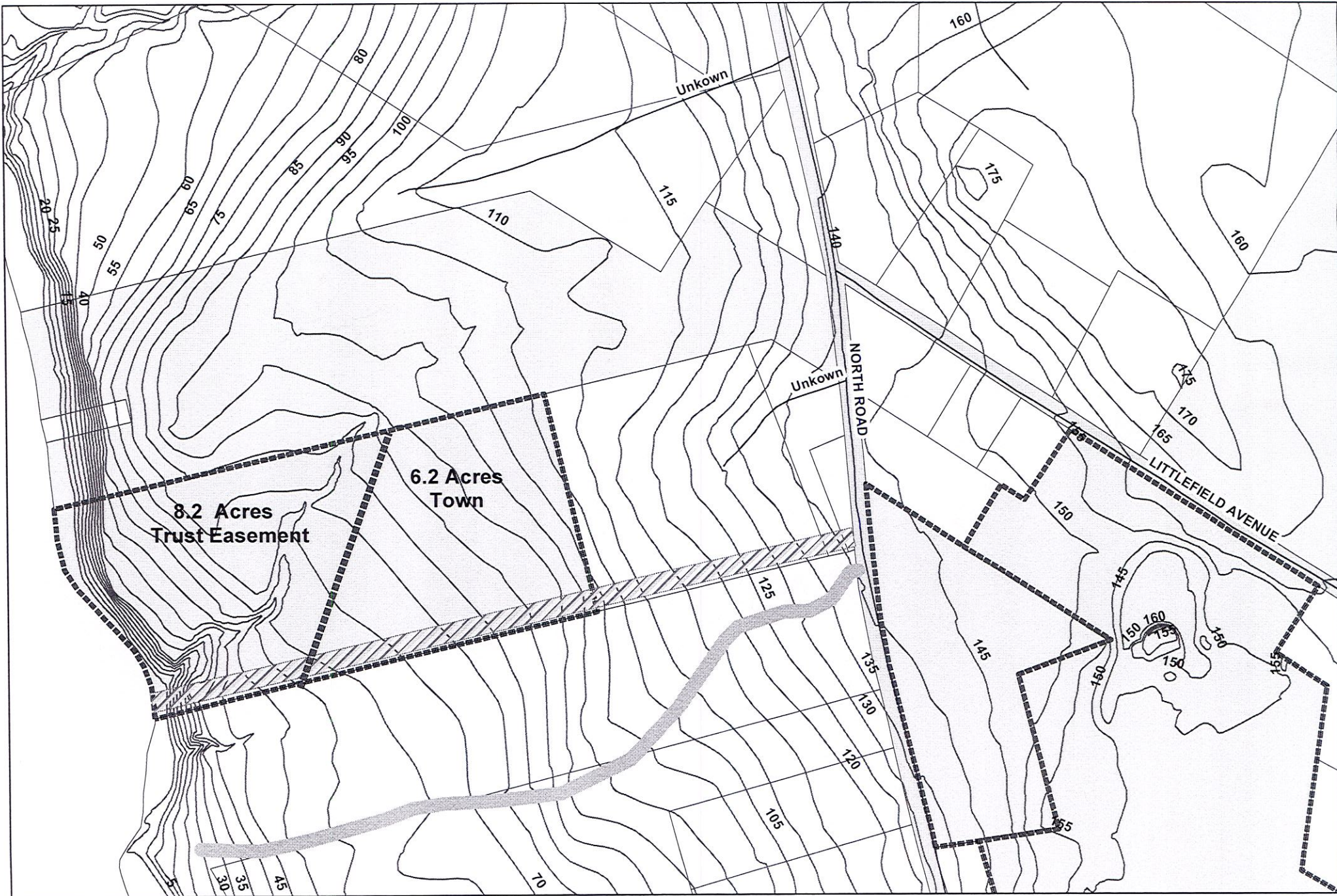


# **Council Item**

**04-170**

**Curit Property & CMIT \$100,000 Easement**

**December 27, 2004**



200 100 0 200 Feet



50' ROW

Curit Property  
Chebeague Island



**TOWN OF CUMBERLAND, MAINE GRANT OF PERMANENT CONSERVATION  
EASEMENT ON THE CURIT PROPERTY, CHEBEAGUE ISLAND, TOWN OF  
CUMBERLAND, CUMBERLAND COUNTY, MAINE TO THE CUMBERLAND  
MAINLAND AND ISLANDS TRUST, INC.**

**THE INHABITANTS OF THE TOWN OF CUMBERLAND**, a duly organized Maine municipal corporation, located and operating in Cumberland County, Maine, and having an office at 290 Tuttle Road, Cumberland, Maine 04021 (hereinafter "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** in perpetuity as a gift to **CUMBERLAND MAINLAND AND ISLANDS TRUST, INC.**, a charitable and 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 "HOLDER," which word shall, unless the context clearly indicates otherwise, include HOLDER's successors and/or assigns), with **WARRANTY COVENANTS**, in perpetuity and exclusively for conservation purposes, the following described Conservation Easement and appurtenant rights in, on and over a parcel of land being described as follows:

The northwest and shoreward portion of the parcel of land, comprised of eight and two tenths (8.2) acres or three hundred fifty-eight thousand, three hundred sixty-nine (358,369) square feet, more or less, of the parcel of land known as the Curit Property located on the island of Chebeague in the Town of Cumberland, Cumberland County, Maine; the Curit Property being the same parcel as conveyed to GRANTOR by deed recorded in Book 18262 and Page 84 in the Cumberland County Registry of Deeds, and further identified as Map \_\_\_, Lot \_\_\_ on the official tax maps of the Town of Cumberland; and also being further described as the part of the Curit Property comprised of eight and two tenths (8.2) acres or three hundred fifty-eight thousand, three hundred sixty-nine (358,369) square feet, more or less, as described in Exhibit A attached hereto, and as depicted in the survey plan entitled "PROPOSED DIVISION, North Road, Chebeague Island, Cumberland, Maine for the Town of Cumberland, dated November 1, 2004," the plan being prepared by Bruce R. Bowman, Inc., Professional Land Surveyor and attached hereto as Exhibit B;

both Exhibits A and B being made a part hereof by reference and to be filed at near time and date as this instrument, and the property as is subject to this Easement being hereafter referred to as the "Protected Property".



## **I. PURPOSE OF THE EASEMENT.**

The purpose of this Conservation Easement and grant is to preserve and protect in perpetuity the Protected Property as an undeveloped natural and scenic resource for traditional low-impact outdoor recreation, nature observation and study by the general public, to preserve the health of the forest, shoreland, riparian habitats, and coastal shoreline ecosystem attributes of the Protected Parcel and to protect in perpetuity the public's access and enjoyment of the Protected Property. The following recitals more particularly describe the conservation values of the Protected Property:

**WHEREAS**, the Protected Property is located on the northwestern shore of Great Chebeague Island and consists of a completely undeveloped and mostly forested tract of land with riparian and shoreland areas approximately eight and two tenths (8.2) acres or three hundred fifty-eight thousand, three hundred sixty-nine (358,369) square feet in size, more or less, with approximately five hundred and seventy-four (574) feet of shoreline bordering on Casco Bay, and is dominated by a mixed age and species forest including pine, birch, ash, and maple and contains riparian and wetland areas, and includes a spring-fed perennial stream that empties into Casco Bay;

**WHEREAS**, the Protected Property provides an ideal site for low-impact outdoor recreation, including, but not limited to, picnicking, hiking, nature study and bird-watching, by the general public, and has traditionally provided a highly scenic vista from the mainland and adjacent 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 use the thoroughfare between Chebeague Island and the mainland to travel from the greater Portland area through Casco Bay and points Downeast;

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

**WHEREAS**, 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 permanent preservation of its important scenic and natural resources and habitat for indigenous flora and fauna and permanent pedestrian access to the shoreland areas associated with the Protected Parcel;

**NOW THEREFORE**, the GRANTOR and HOLDER have established a Conservation Easement and appurtenant rights 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:



## **II. LAND USE RIGHTS AND RESTRICTIONS.**

A. The Protected Property shall be used only for conservation and low-impact outdoor recreation activities that do not rely on substantial alteration to the natural resources. Permanent structures, lighting installations, or other activities that may degrade natural resources, except as expressly allowed hereunder are prohibited. Commercial, industrial, residential, mining, and quarrying activities are also prohibited on the Protected Property. The harvesting of marine invertebrates from the intertidal area adjacent to the Protected Property is permitted so long as such harvesting activities are completed in accordance with state and local regulations.

B. The property will be managed in accordance with a Management Plan consistent with the terms of this Easement to be prepared by appointees of HOLDER and GRANTOR and submitted for their joint approval within six months of the date of execution of this easement. The Management Plan may be amended from time to time by the joint approval of appointees of HOLDER and GRANTOR, such amendments, however, to be consistent with the terms of this easement.

C. The Protected Property will remain open and primarily managed for, low-impact pedestrian outdoor recreational use by the general public and conservation purposes except as otherwise limited or allowed in this Conservation Easement. GRANTOR and HOLDER may establish rules and regulations for public use of the Protected Property and to control, limit or prohibit uses that may interfere with the low impact pedestrian and conservation uses such as night use, fires, camping, use by groups or commercial outfitters, or any other public or private uses that may detract from the low-impact recreational use by the general public and conservation uses intended to be preserved hereunder. GRANTOR and HOLDER may also jointly limit or prohibit activities on the Protected Property to further public safety purposes. GRANTOR and HOLDER each 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.

D. 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, with the exception of an existing footpath from the northwest corner of the property running due south to the spring brook. This path shall remain in existence and be available to the public and the adjacent landowner to hand carry water from the brook at the current site used for this purpose

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

F. 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 and support ecological or archeological studies under professional supervision and in accordance with generally accepted professional standards, or as necessary to establish and maintain rustic pedestrian trails. All such surface alterations shall be designed to prevent soil erosion, prevent unnecessary habitat alteration, and preserve the undeveloped scenic views of the Protected Property from offshore.

G. No standing timber or vegetation may be cut or removed except cutting necessary to install permitted structures, the establishment and maintenance of trails, for scientific purposes, for the control of diseased or hazard trees or other vegetation, for fire prevention or control, or for the establishment of the parking area permitted hereunder. All such vegetation alteration or cutting shall be in conformance with the Management Plan.

H. No dumping, storage or burial of waste materials is permitted on the Protected Property, except for the disposal of vegetation cuttings or trees as may be allowed under the Management Plan. The public shall be required to carry out any waste generated by their use.

I. GRANTOR shall at even or near date to this instrument grant by deed to HOLDER a permanent right-of-way for pedestrian and vehicular access to the Protected Property over Grantor's land.

J. HOLDER, following consultation with and approval of GRANTOR, may post the Protected Property to limit or prevent hunting or trapping.

### **III. HOLDER'S AFFIRMATIVE RIGHTS.**

A. HOLDER is granted the right to enter the Protected Property at any time for the purposes of monitoring the conditions and terms of this Conservation Easement, to undertake ecological or other studies of the Protected Property, and to exercise any other affirmative right hereunder.

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 by the public shall not give rise to any right in the HOLDER to require restoration.



C. HOLDER is granted the right to construct and maintain rustic trails, including foot bridges over streams and stairs to provide access to the beach and shore areas or to otherwise traverse the Protected Property. HOLDER is also authorized to install small, unlighted directional and informational signs to identify the boundary of the Protected Property, to mark trails, and to direct, control and enhance public use of the Protected Property. HOLDER shall also have the right to construct stone walls, low barriers or fencing to prevent unauthorized or inappropriate use of or activities on the Protected Property and to take appropriate steps to protect fragile areas from over use, and to undertake activities to further minor habitat improvements, such as but not limited to activities promoting botanical or animal species, the erection of minor structures to promote botanical, wildlife or marine life; to construct and maintain rustic improvements including rustic seats, benches, tables or similar minor structures for special events taking place on the Protected Property; such minor improvements to be completed in a manner consistent with the conservation goals of this Conservation Easement.

D. HOLDER is granted the right to exclude entry to all or portions of the Protected Property by all forms of vehicles or motor vehicles except those necessary to carry out permitted activities as described in this Easement or as may be required for public safety or emergency purposes.

E. HOLDER may develop and maintain on the Protected Property a small parking area for the parking of up to three cars with an associated turning area.

F. In the event that **CUMBERLAND MAINLAND AND ISLANDS TRUST, INC.** should dissolve or is not able to fulfill its obligations under this Conservation 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 such purposes shall be one that meets the definition of a "HOLDER," at Title 33 Maine Revised Statutes Annotated Section 476(2), as amended or re-codified, and that 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.

#### **IV. 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 Annotated, 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 \_\_\_\_\_, 2004 Town Council Meeting, the Town Council approved granting HOLDER this Conservation Easement on the Protected Property and agreed to be bound to the terms herein and further, authorized the Town Manager, William Shane, to execute this instrument on behalf of the Town of Cumberland.



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

**IN WITNESS WHEREOF**, the Town of Cumberland has caused its corporate seal to be hereto affixed and these presents to be signed by William Shane, its Town Manager in its name and on its behalf this \_\_\_\_ day of \_\_\_\_\_, 2004.

**THE TOWN OF CUMBERLAND**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
William R. Shane, Town Manager  
Town of Cumberland

**STATE OF MAINE**

**COUNTY OF CUMBERLAND, ss**

\_\_\_\_\_, 2004

Personally appeared the above named, William Shane as the duly authorized representative of the above-named GRANTOR, INHABITANTS OF THE TOWN OF CUMBERLAND, and acknowledged the foregoing instrument to be his free act and deed in his capacity as Town Manager for the INHABITANTS OF THE TOWN OF CUMBERLAND, and the free act and deed of the municipality.

Before me,

\_\_\_\_\_  
Notary Public

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

**HOLDER'S ACCEPTANCE**

Being duly authorized, the **CUMBERLAND MAINLAND AND ISLANDS TRUST, INC.**, HOLDER, does hereby accept this Conservation Easement, by and through Robert Crawford, its President, hereunto duly authorized, this \_\_\_\_ day of \_\_\_\_\_, 2004.

**CUMBERLAND MAINLAND AND  
ISLANDS TRUST, INC.**

\_\_\_\_\_  
Robert Crawford, President

\_\_\_\_\_  
Witness

**STATE OF MAINE**

**COUNTY OF CUMBERLAND, ss.**

\_\_\_\_\_, 2004

Personally appeared Robert Crawford, president and authorized representative of the **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 the **CUMBERLAND MAINLAND AND ISLANDS TRUST, INC.**, a Maine non-profit corporation.

Before me,

\_\_\_\_\_  
Notary Public

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

**EXHIBIT A**

**DIVISION OF LOT FOR TOWN OF CUMBERLAND**

A certain lot or parcel situated on Chebeague Island, Town of Cumberland, County of Cumberland, State of Maine, and bound and described as follows.

Beginning at a Capped Monument #1313 being N 49° 32' 38" W along the Northeasterly side of land now or formerly of Roger L. & Susanne S. Haskell as recorded in the Cumberland County Registry of Deeds Deedbook 15176 Page 58, a distance of 1,238.31' from a Capped Iron Pin #1313 on the Northwesterly side of North Road at the Easterly corner of said Haskell.

Thence, N 66° 14' 57" E through town land and 5 Capped Iron Pins #1313 on line and a distance of 611.68' to a Capped Monument #1313 at land now or formerly of Steven D. Silin as recorded in the Cumberland County Registry of Deeds Deedbook 17325 Page 189;

Thence, N 48° 14' 25" W by land of said Silin a distance of 723.32' to a Capped Iron Pin #1313 at the top of the bank;

Thence, continuing N 48° 14' 25" W to the bay shore;

Thence, along the bay shore to land of said Haskell being N 49° 32' 28" E from a Capped Iron Pin #1313 at the top of the bank;

Thence, S 49° 32' 28" E by said Haskell to said Capped Iron Pin #1313; said Capped Iron Pin #1313 being S 31° 15' 34" W a distance of 574.56' from last called for Capped Iron Pin #1313;

Thence, S 49° 32' 28" E by said Haskell a distance of 365.15' to the point of beginning.

Meaning and intending a 358,369± Square Foot or 8.2 Acre Parcel of Land, being a portion of land of said Town as recorded in the Cumberland County Registry of Deeds Deedbook 18262 Page 84.

Bearings based on a plan made for the Town of Cumberland by Bruce R. Bowman, Inc. and dated 11/01/04.



## **RIGHT OF FIRST REFUSAL AND EASEMENT OPTION AGREEMENT**

Agreement made this \_\_\_\_ day of \_\_\_\_\_ 2004 between **THE TOWN OF CUMBERLAND**, a Maine municipal corporation located and operating in the County of Cumberland and State of Maine as Seller, and **THE CUMBERLAND MAINLAND AND ISLANDS TRUST, INC.**, a charitable and non-profit corporation organized for conservation purposes and existing under the laws of the State of Maine, with a mailing address of P.O. Box 25, Chebeague Island, Maine 04017 as Buyer regarding a parcel of land located on the island of Chebeague in the Town of Cumberland, Cumberland County, Maine known as the Curit Property.

WHEREAS, Seller has recently conveyed to Buyer an easement over the Waterfront Portion of the Curit Property; and

WHEREAS, Buyer wishes the right and opportunity to purchase an easement over the remaining portions of the Curit Property; and

WHEREAS, Buyer and Seller wish to specify the terms of their agreement to permit a right of first refusal and option to Buyer for the purchase of a conservation easement in the remaining portions of the Curit Property;

NOW THEREFORE, in consideration of the foregoing premises, the parties agree as follows:

1. For purposes of this Agreement the "Curit Property" means and refers to all of the land and interests therein of the Town of Cumberland in a parcel of land located on the western shore Chebeague Island, Cumberland, Maine and being approximately 14.48, more or less, acres, and being benefited by and subject to rights of way from the North Road to the shore, and being the land and interests obtained by Seller by deed from Elizabeth Gosselin, et al, dated October 15, 2002 as recorded in Cumberland County Registry of Deeds in Book 18262, Page 84, and as also being further described and depicted as the 14.48 more or less, acre parcel depicted in the survey plan entitled "PROPOSED DIVISION, North Road, Chebeague Island, Cumberland, Maine for the Town of Cumberland, dated November 1, 2004," prepared by Bruce R. Bowman, Inc., Professional Land Surveyor ("the Plan"). The "Upper Portion" the Curit property is the more upland area of the parcel of approximately 6.28 acres as depicted in the Plan. The "Waterfront Portion" of the Curit property is the area comprising approximately 8.2 acres and located immediately proximate to Casco Bay as depicted in the Plan.

2. If Seller wishes to sell or transfer all or any part of the Curit Property, it shall first offer Buyer the option to purchase a conservation easement over the land area in the Upper portion of the Curit Property. The offer shall be in writing addressed to Buyer and shall offer the sale of an easement at the same price and upon the same terms offered to Seller by a bona fide prospective purchaser, but in no event shall Buyer be obligated to pay more than \$100,000, plus reasonable closing costs, for purchase of a conservation easement covering all of the Upper Portion. Buyer shall have the option to purchase the easement on such terms for a period of one (1) year following receipt of such written offer by Seller. Buyer may exercise this option by submitting written notice of exercise to Seller, specifying a date of no more than one (1) year from the date of receipt of notice from Seller upon which date Buyer will make payment against delivery of instruments of transfer duly assigning and transferring the easement to Buyer. If, within the said one (1) year option period, Buyer shall fail to exercise such option, then Seller shall be free, for a period of forty-five (45) days thereafter, to sell the portion of the Curit Property to, and only to, the aforesaid bona fide prospective purchaser upon the same terms as were first offered to Buyer. Upon the expiration of such forty-five day period, if Seller has not sold the Curit Property, all of the restrictions imposed by this Section shall again apply to the Curit Property and Seller. No transfer or other disposition of the Curit Property in violation of these provisions shall be valid, and any transfer so made in violation of these provisions shall be subject to the terms hereof, which shall be specifically enforceable against any such transferee.

3. This right of first refusal and option agreement shall not prohibit Seller from creating one residential house lot within the Upper Portion and either selling the same for fair value or conveying it for less than fair value to an entity committed to building affordable housing thereon. Any consideration received by Seller from such a sale or transfer shall reduce the maximum sum that Buyer is obligated to pay if exercising the option to purchase an easement in the Upper Portion as established in Section 1 hereof.

4. If Buyer exercises this right of first refusal and option agreement and purchases all or any portion of the Upper Portion, such purchase or purchases shall be on the condition that the portion of the Upper Portion purchased will be maintained in its undeveloped state and used for conservation or outdoor recreational purposes by the public generally, subject to such reasonable regulations as Buyer shall promulgate thereafter.

5. This right of first refusal and option agreement shall expire five (5) years from the date hereof unless extended by mutual agreement of the parties, shall be binding on the parties hereto, their successors and assigns, and shall be construed according to the laws of the State of Maine.



IN WITNESS WHEREOF, the parties hereto have set their hands and seals as of the day and year first above written.

**SELLER: TOWN OF CUMBERLAND**

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
William R. Shane  
Its: Town Manager

**BUYER: CUMBERLAND MAINLAND  
AND ISLANDS TRUST, INC.**

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Robert J. Crawford  
Its: President

STATE OF MAINE,  
County of Cumberland, ss.

\_\_\_\_\_, 2004

Personally appeared the above-named Town of Cumberland by and through William R. Shane, its Town Manager, and acknowledged the foregoing to be his free act and deed, and as duly authorized, to represent and bind the Town of Cumberland.

Before me,

\_\_\_\_\_  
Notary Public/Attorney-At-Law

STATE OF MAINE,  
County of Cumberland, ss.

\_\_\_\_\_, 2004

Personally appeared the above-named Cumberland Mainland and Islands Trust, Inc., by Robert J. Crawford, its President, and acknowledged the foregoing to be his free act and deed and as duly authorized, to represent and bind the Cumberland Mainland and Island Trust, Inc.

Before me,

\_\_\_\_\_  
Notary Public/Attorney-At-Law

**TOWN OF CUMBERLAND, MAINE GRANT OF PERMANENT CONSERVATION  
EASEMENT ON THE CURIT PROPERTY, CHEBEAGUE ISLAND, TOWN OF  
CUMBERLAND, CUMBERLAND COUNTY, MAINE TO THE CUMBERLAND  
MAINLAND AND ISLANDS TRUST, INC.**

**THE INHABITANTS OF THE TOWN OF CUMBERLAND**, a duly organized Maine municipal corporation, located and operating in Cumberland County, Maine, and having an office at 290 Tuttle Road, Cumberland, Maine 04021 (hereinafter "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** in perpetuity as a gift to **CUMBERLAND MAINLAND AND ISLANDS TRUST, INC.**, a charitable and 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 "HOLDER," which word shall, unless the context clearly indicates otherwise, include HOLDER's successors and/or assigns), with **WARRANTY COVENANTS**, in perpetuity and exclusively for conservation purposes, the following described **Conservation Easement** and appurtenant rights in, on and over a parcel of land being described as follows:

The northwest and shoreward portion of the parcel of land, comprised of eight and two tenths (8.2) acres or three hundred fifty-eight thousand, three hundred sixty-nine (358,369) square feet, more or less, of the parcel of land known as the Curit Property located on the island of Chebeague in the Town of Cumberland, Cumberland County, Maine; the Curit Property being the same parcel as conveyed to GRANTOR by deed recorded in Book 18262 and Page 84 in the Cumberland County Registry of Deeds, and further identified as Map I 06, Lot 14 on the official tax maps of the Town of Cumberland; and also being further described as the part of the Curit Property comprised of eight and two tenths (8.2) acres or three hundred fifty-eight thousand, three hundred sixty-nine (358,369) square feet, more or less, as described in Exhibit A attached hereto, and as depicted in the survey plan entitled "PROPOSED DIVISION, North Road, Chebeague Island, Cumberland, Maine for the Town of Cumberland, dated November 1, 2004," the plan being prepared by Bruce R. Bowman, Inc., Professional Land Surveyor and attached hereto as Exhibit B; both Exhibits A and B being made a part hereof by reference and to be filed at near time and date as this instrument, the property as is subject to this Easement being hereafter referred to as the "Protected Property";

and A permanent right of way to access the Protected Property by vehicle or by foot, the rights of way to run with and serve the Protected Property and to be accessible to Holder and the public, and being described as follows:

The same right of way acquired by Grantor by deed recorded at the Cumberland County Registry of Deeds at Book 18262, Page 84, and being further described as the fifty foot (50') right of way running over the lots identified as Map I 06, Lots



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12, 16 and 13 on the official tax maps of the Town of Cumberland and also being the same rights of way as further depicted and described and depicted as "Right of Ways" #3 and Right of Way #4 on the survey plan entitled "PROPOSED DIVISION, North Road, Chebeague Island, Cumberland, Maine for the Town of Cumberland, dated November 1, 2004," the plan being prepared by Bruce R. Bowman, Inc., Professional Land Surveyor and attached hereto as Exhibit B.

## **I. PURPOSE OF THE EASEMENT.**

The purpose of this Conservation Easement and grant is to preserve and protect in perpetuity the Protected Property as an undeveloped natural and scenic resource for traditional low-impact outdoor recreation, educational, nature observation and study by the general public, to preserve the health of the forest, shoreland, riparian habitats, and coastal shoreline ecosystem attributes of the Protected Parcel and to protect in perpetuity the public's access and enjoyment of the Protected Property. The following recitals more particularly describe the conservation values of the Protected Property:

**WHEREAS**, the Protected Property is located on the northwestern shore of Great Chebeague Island and consists of a completely undeveloped and mostly forested tract of land with riparian and shoreland areas approximately eight and two tenths (8.2) acres or three hundred fifty-eight thousand, three hundred sixty-nine (358,369) square feet in size, more or less, with approximately five hundred and seventy-four (574) feet of shoreline bordering on Casco Bay, and is dominated by a mixed age and species forest including pine, birch, ash, and maple and contains riparian and wetland areas, and includes a spring-fed perennial stream that empties into Casco Bay;

**WHEREAS**, the Protected Property provides an ideal site for low-impact outdoor recreation, including, but not limited to, picnicking, hiking, nature study and bird-watching, by the general public, and has traditionally provided a highly scenic vista from the mainland and adjacent 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 use the thoroughfare between Chebeague Island and the mainland to travel from the greater Portland area through Casco Bay and points Downeast;

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

**WHEREAS**, 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 permanent preservation of its important scenic and natural resources and habitat for indigenous flora and fauna and permanent pedestrian access to the shoreland areas associated with the Protected Parcel;



**NOW THEREFORE**, the GRANTOR and HOLDER have established a Conservation Easement and appurtenant rights 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:

## **II. LAND USE RIGHTS AND RESTRICTIONS.**

A. The Protected Property shall be used only for conservation, educational and low-impact outdoor recreation activities that do not rely on substantial alteration to the natural resources. Permanent structures, lighting installations, or other activities that may degrade natural resources, except as expressly allowed hereunder are prohibited. Commercial, industrial, residential, mining, and quarrying activities are also prohibited on the Protected Property. The harvesting of marine invertebrates from the intertidal area adjacent to the Protected Property is permitted so long as such harvesting activities are completed in accordance with state and local regulations.

B. The property will be managed in accordance with a Management Plan consistent with the terms of this Easement to be prepared by appointees of HOLDER and GRANTOR and submitted for their joint approval within six months of the date of execution of this easement. The Management Plan may be amended from time to time by the joint approval of HOLDER and GRANTOR, such amendments, however, are to be consistent with the terms of this easement. Grantor will maintain a copy of the Management Plan at the Town Office.

C. The Protected Property will remain open and primarily managed for, low-impact pedestrian outdoor recreational use by the general public and conservation purposes except as otherwise limited or allowed in this Conservation Easement. GRANTOR and HOLDER may establish rules and regulations for public use of the Protected Property and to control, limit or prohibit uses that may interfere with the low impact pedestrian and conservation uses such as night use, fires, camping, use by groups or commercial outfitters, or any other public or private uses that may detract from the low-impact recreational use by the general public and conservation uses intended to be preserved hereunder. GRANTOR and HOLDER may also jointly limit or prohibit activities on the Protected Property to further public safety purposes. GRANTOR and HOLDER each 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.

D. 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, with the exception of an existing footpath from the northwest corner of the property running due south to the spring brook. This path shall remain in existence and be available to the public and the adjacent landowner to hand carry water from the brook at the current site used for this purpose.

E. No additional structures may be placed or constructed on the Protected Property except those authorized by the Management Plan and designed to enhance or support opportunities



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for low-impact public recreational use, nature observation and study, or to preserve the conservation values of the Protected Property.

F. 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 and support ecological or archeological studies under professional supervision and in accordance with generally accepted professional standards, or as necessary to establish and maintain rustic pedestrian trails. All such surface alterations shall be designed to prevent soil erosion, prevent unnecessary habitat alteration, and preserve the undeveloped scenic views of the Protected Property from offshore.

G. No standing timber or vegetation may be cut or removed except cutting necessary to install permitted structures, the establishment and maintenance of trails, for scientific purposes, for the control of diseased or hazard trees or other vegetation, for fire prevention or control, or for the establishment of the parking area permitted hereunder. All such vegetation alteration or cutting shall be in conformance with the Management Plan.

H. No dumping, storage or burial of waste materials is permitted on the Protected Property, except for the disposal of vegetation cuttings or trees as may be allowed under the Management Plan. The public shall be required to carry out any waste generated by their use.

I. HOLDER, following consultation with and approval of GRANTOR, may post the Protected Property to limit or prevent hunting and/or trapping.

### **III. HOLDER'S AFFIRMATIVE RIGHTS.**

A. HOLDER is granted the right to enter the Protected Property at any time for the purposes of monitoring the conditions and terms of this Conservation Easement, to undertake ecological or other studies of the Protected Property, and to exercise any other affirmative right hereunder.

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 by the public shall not give rise to any right in the HOLDER to require restoration.

C. Subject to the terms of the Management Plan HOLDER:

1. is granted the right to construct and maintain rustic trails, including foot bridges over streams and stairs to provide access to the beach and shore areas or to otherwise traverse the Protected Property;
2. is authorized to install small, unlighted directional and informational signs to identify the boundary of the Protected Property, to mark trails, and to direct, control and enhance public use of the Protected Property;

3. shall also have the right to construct stone walls, low barriers or fencing to prevent unauthorized or inappropriate use of or activities on the Protected Property and to take appropriate steps to protect fragile areas from over use;
4. **MAY-to** undertake activities to further minor habitat improvements, such as but not limited to activities promoting botanical or animal species;
5. **MAY-to** erect minor structures to promote botanical, wildlife or marine life;
6. **MAY-to** construct and maintain rustic improvements including rustic seats, benches, tables or similar minor structures for special events taking place on the Protected Property, such minor improvements to be completed in a manner consistent with the conservation goals of this Conservation Easement.

D. HOLDER is granted the right to exclude entry to all or portions of the Protected Property by all forms of vehicles or motor vehicles except those necessary to carry out permitted activities as described in this Easement or as may be required for public safety or emergency purposes.

E. HOLDER may develop and maintain on the Protected Property a small parking area for the parking of up to three cars with an associated turning area.

F. In the event that **CUMBERLAND MAINLAND AND ISLANDS TRUST, INC.** should dissolve or is not able to fulfill its obligations under this Conservation 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 such purposes shall be one that meets the definition of a "HOLDER," at Title 33 Maine Revised Statutes Annotated Section 476(2), as amended or re-codified, and that 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.



#### IV. 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 Annotated, 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 December 27, 2004 Town Council Meeting, the Town Council approved granting HOLDER this Conservation Easement on the Protected Property and agreed to be bound to the terms herein, and further, authorized the Town Manager, William Shane, to execute this instrument on behalf of the Town of Cumberland.

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

**IN WITNESS WHEREOF**, the Town of Cumberland has caused its corporate seal to be hereto affixed and these presents to be signed by William Shane, its Town Manager in its name and on its behalf this \_\_\_\_ day of \_\_\_\_\_, 2004.

**THE TOWN OF CUMBERLAND**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
William Shane, Town Manager  
Town of Cumberland

Town of Cumberland, Maine Grant of Permanent Conservation Easement on Curit Property, Chebeague Island to  
Cumberland Mainland and Islands, Trust, Inc.  
November 15, 2004 Draft

STATE OF MAINE  
COUNTY OF CUMBERLAND, ss \_\_\_\_\_, 2004

Personally appeared the above named, William Shane as the duly authorized representative of the above-named GRANTOR, INHABITANTS OF THE TOWN OF CUMBERLAND, and acknowledged the foregoing instrument to be his free act and deed in his capacity as Town Manager for the INHABITANTS OF THE TOWN OF CUMBERLAND, and the free act and deed of the municipality.

Before me,

\_\_\_\_\_  
Notary Public

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

**HOLDER'S ACCEPTANCE**

Being duly authorized, the CUMBERLAND MAINLAND AND ISLANDS TRUST, INC., HOLDER, does hereby accept this Conservation Easement, by and through Robert Crawford, its President, hereunto duly authorized, this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

**CUMBERLAND MAINLAND AND  
ISLANDS TRUST, INC.**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Robert Crawford, President



Town of Cumberland, Maine Grant of Permanent Conservation Easement on Curit Property, Chebeague Island to  
Cumberland Mainland and Islands, Trust, Inc.  
November 15, 2004 Draft

STATE OF MAINE \_\_\_\_\_, 2004  
COUNTY OF CUMBERLAND, ss.

Personally appeared Robert Crawford, president and authorized representative of the  
**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  
the **CUMBERLAND MAINLAND AND ISLANDS TRUST, INC.**, a Maine non-profit  
corporation.

Before me,

Notary Public

\_\_\_\_\_  
(Please type or print name of notary)

My commission expires:

## **EXHIBIT A**

### **The Protected Property**

A certain lot or parcel situated on Chebeague Island, Town of Cumberland, County of Cumberland, State of Maine, and bound and described as follows.

Beginning at a Capped Monument #1313 being N 49° 32' 38" W along the Northeasterly side of land now or formerly of Roger L. & Susanne S. Haskell as described in the deed recorded in the Cumberland County Registry of Deeds in Book 15176, Page 58, a distance of 1,238.31' from a Capped Iron Pin #1313 on the Northwesterly side of North Road at the Easterly corner of said Haskell.

Thence, N 66° 14' 57" E through town land and 5 Capped Iron Pins #1313 on line and a distance of 611.68' to a Capped Monument #1313 at land now or formerly of Steven D. Silin as recorded in the Cumberland County Registry of Deeds in Book 17325, Page 189;

Thence, N 48° 14' 25" W by land of said Silin a distance of 723.32' to a Capped Iron Pin #1313 at the top of the bank;

Thence, continuing N 48° 14' 25" W to the bay shore;

Thence, along the bay shore to land of said Haskell being N 49° 32' 28" E from a Capped Iron Pin #1313 at the top of the bank;

Thence, S 49° 32' 28" E by said Haskell to said Capped Iron Pin #1313; said Capped Iron Pin #1313 being S 31° 15' 34" W a distance of 574.56' from last called for Capped Iron Pin #1313;

Thence, S 49° 32' 28" E by land of said Haskell a distance of 365.15' to the point of beginning.

Meaning and intending a 358,369± Square Foot or 8.2 Acre Parcel of Land, being a portion of land of said Town as recorded in the Cumberland County Registry of Deeds in Book 18262, Page 84.

Bearings based on a plan made for the Town of Cumberland by Bruce R. Bowman, Inc. and dated 11/01/04.



Town of Cumberland, Maine Grant of Permanent Conservation Easement on Curit Property, Chebeague Island to  
Cumberland Mainland and Islands, Trust, Inc.  
November 15, 2004 Draft

**EXHIBIT B**

The survey plan entitled "PROPOSED DIVISION, North Road, Chebeague Island, Cumberland, Maine for the Town of Cumberland, dated November 1, 2004," being prepared by Bruce R. Bowman, Inc., Professional Land Surveyor and to be filed of record at even or near date hereof.

**TOWN OF CUMBERLAND, MAINE GRANT OF PERMANENT CONSERVATION  
EASEMENT ON THE CURIT PROPERTY, CHEBEAGUE ISLAND, TOWN OF  
CUMBERLAND, CUMBERLAND COUNTY, MAINE TO THE CUMBERLAND  
MAINLAND AND ISLANDS TRUST, INC.**

**THE INHABITANTS OF THE TOWN OF CUMBERLAND**, a duly organized Maine municipal corporation, located and operating in Cumberland County, Maine, and having an office at 290 Tuttle Road, Cumberland, Maine 04021 (hereinafter "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** in perpetuity as a gift to **CUMBERLAND MAINLAND AND ISLANDS TRUST, INC.**, a charitable and 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 "HOLDER," which word shall, unless the context clearly indicates otherwise, include HOLDER's successors and/or assigns), with **WARRANTY COVENANTS**, in perpetuity and exclusively for conservation purposes, the following described Conservation Easement and appurtenant rights in, on and over a parcel of land being described as follows:

The northwest and shoreward portion of the parcel of land, comprised of eight and two tenths (8.2) acres or three hundred fifty-eight thousand, three hundred sixty-nine (358,369) square feet, more or less, of the parcel of land known as the Curit Property located on the island of Chebeague in the Town of Cumberland, Cumberland County, Maine; the Curit Property being the same parcel as conveyed to GRANTOR by deed recorded in Book 18262 and Page 84 in the Cumberland County Registry of Deeds, and further identified as Map \_\_\_, Lot \_\_ on the official tax maps of the Town of Cumberland; and also being further described as the part of the Curit Property comprised of eight and two tenths (8.2) acres or three hundred fifty-eight thousand, three hundred sixty-nine (358,369) square feet, more or less, as described in Exhibit A attached hereto, and as depicted in the survey plan entitled "PROPOSED DIVISION, North Road, Chebeague Island, Cumberland, Maine for the Town of Cumberland, dated November 1, 2004," the plan being prepared by Bruce R. Bowman, Inc., Professional Land Surveyor and attached hereto as Exhibit B;

both Exhibits A and B being made a part hereof by reference and to be filed at near time and date as this instrument, and the property as is subject to this Easement being hereafter referred to as the "Protected Property". → Bow Language

**I. PURPOSE OF THE EASEMENT.**

The purpose of this Conservation Easement and grant is to preserve and protect in perpetuity the Protected Property as an undeveloped natural and scenic resource for traditional low-impact outdoor recreation, nature observation and study by the general public, to preserve

↓  
Education



November 15, 2004 Draft

the health of the forest, shoreland, riparian habitats, and coastal shoreline ecosystem attributes of the Protected Parcel and to protect in perpetuity the public's access and enjoyment of the Protected Property. The following recitals more particularly describe the conservation values of the Protected Property:

**WHEREAS**, the Protected Property is located on the northwestern shore of Great Chebeague Island and consists of a completely undeveloped and mostly forested tract of land with riparian and shoreland areas approximately eight and two tenths (8.2) acres or three hundred fifty-eight thousand, three hundred sixty-nine (358,369) square feet in size, more or less, with approximately five hundred and seventy-four (574) feet of shoreline bordering on Casco Bay, and is dominated by a mixed age and species forest including pine, birch, ash, and maple and contains riparian and wetland areas, and includes a spring-fed perennial stream that empties into Casco Bay;

**WHEREAS**, the Protected Property provides an ideal site for low-impact outdoor recreation, including, but not limited to, picnicking, hiking, nature study and bird-watching, by the general public, and has traditionally provided a highly scenic vista from the mainland and adjacent 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 use the thoroughfare between Chebeague Island and the mainland to travel from the greater Portland area through Casco Bay and points Downeast;

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

**WHEREAS**, 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 permanent preservation of its important scenic and natural resources and habitat for indigenous flora and fauna and permanent pedestrian access to the shoreland areas associated with the Protected Parcel;

**NOW THEREFORE**, the GRANTOR and HOLDER have established a Conservation Easement and appurtenant rights 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:

## II. LAND USE RIGHTS AND RESTRICTIONS.

A. The Protected Property shall be used only for conservation and low-impact outdoor recreation activities that do not rely on substantial alteration to the natural resources. Permanent structures, lighting installations, or other activities that may degrade natural resources, except as expressly allowed hereunder are prohibited. Commercial, industrial, residential, mining, and quarrying activities are also prohibited on the Protected Property. The harvesting of marine



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invertebrates from the intertidal area adjacent to the Protected Property is permitted so long as such harvesting activities are completed in accordance with state and local regulations.

B. The property will be managed in accordance with a Management Plan consistent with the terms of this Easement to be prepared by appointees of HOLDER and GRANTOR and submitted for their joint approval within six months of the date of execution of this easement. The Management Plan may be amended from time to time by the joint approval of ~~appointees of~~ HOLDER and GRANTOR, such amendments, however, to be consistent with the terms of this easement. *On file at municipal offices.*

C. The Protected Property will remain open and primarily managed for, low-impact pedestrian outdoor recreational use by the general public and conservation purposes except as otherwise limited or allowed in this Conservation Easement. GRANTOR and HOLDER may establish rules and regulations for public use of the Protected Property and to control, limit or prohibit uses that may interfere with the low impact pedestrian and conservation uses such as night use, fires, camping, use by groups or commercial outfitters, or any other public or private uses that may detract from the low-impact recreational use by the general public and conservation uses intended to be preserved hereunder. GRANTOR and HOLDER may also jointly limit or prohibit activities on the Protected Property to further public safety purposes. GRANTOR and HOLDER each 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.

D. 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, with the exception of an existing footpath from the northwest corner of the property running due south to the spring brook. This path shall remain in existence and be available to the public and the adjacent landowner to hand carry water from the brook at the current site used for this purpose.

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

F. 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 and support ecological or archeological studies under professional supervision and in accordance with generally accepted professional standards, or as necessary to establish and maintain rustic pedestrian trails. All such surface alterations shall be designed to prevent soil erosion, prevent unnecessary habitat alteration, and preserve the undeveloped scenic views of the Protected Property from offshore.


G. No standing timber or vegetation may be cut or removed except cutting necessary to install permitted structures, the establishment and maintenance of trails, for scientific purposes, for the control of diseased or hazard trees or other vegetation, for fire prevention or control, or for



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the establishment of the parking area permitted hereunder. All such vegetation alteration or cutting shall be in conformance with the Management Plan.

H. No dumping, storage or burial of waste materials is permitted on the Protected Property, except for the disposal of vegetation cuttings or trees as may be allowed under the Management Plan. The public shall be required to carry out any waste generated by their use.

I. GRANTOR shall at even or near date to this instrument grant by deed to HOLDER a permanent right-of-way for pedestrian and vehicular access to the Protected Property over Grantor's land. 

J. HOLDER, following consultation with and approval of GRANTOR, may post the Protected Property to limit or prevent hunting or trapping.

AND/OR

### III. HOLDER'S AFFIRMATIVE RIGHTS.

A. HOLDER is granted the right to enter the Protected Property at any time for the purposes of monitoring the conditions and terms of this Conservation Easement, to undertake ecological or other studies of the Protected Property, and to exercise any other affirmative right hereunder.

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 by the public shall not give rise to any right in the HOLDER to require restoration.

C. HOLDER is granted the right to construct and maintain rustic trails, including foot bridges over streams and stairs to provide access to the beach and shore areas or to otherwise traverse the Protected Property. HOLDER is also authorized to install small, unlighted directional and informational signs to identify the boundary of the Protected Property, to mark trails, and to direct, control and enhance public use of the Protected Property. HOLDER shall also have the right to construct stone walls, low barriers or fencing to prevent unauthorized or inappropriate use of or activities on the Protected Property and to take appropriate steps to protect fragile areas from over use, and to undertake activities to further minor habitat improvements, such as but not limited to activities promoting botanical or animal species, the erection of minor structures to promote botanical, wildlife or marine life; to construct and maintain rustic improvements including rustic seats, benches, tables or similar minor structures for special events taking place on the Protected Property; such minor improvements to be completed in a manner consistent with the conservation goals of this Conservation Easement.

D. HOLDER is granted the right to exclude entry to all or portions of the Protected Property by all forms of vehicles or motor vehicles except those necessary to carry out permitted activities as described in this Easement or as may be required for public safety or emergency purposes.

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E. HOLDER may develop and maintain on the Protected Property a small parking area for the parking of up to three cars with an associated turning area.

F. In the event that **CUMBERLAND MAINLAND AND ISLANDS TRUST, INC.** should dissolve or is not able to fulfill its obligations under this Conservation 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 such purposes shall be one that meets the definition of a "HOLDER," at Title 33 Maine Revised Statutes Annotated Section 476(2), as amended or re-codified, and that 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.



#### IV. 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 Annotated, 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 \_\_\_\_\_, 2004 Town Council Meeting, the Town Council approved granting HOLDER this Conservation Easement on the Protected Property and agreed to be bound to the terms herein and further, authorized the Town Manager, William Shane, to execute this instrument on behalf of the Town of Cumberland.

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

**IN WITNESS WHEREOF**, the Town of Cumberland has caused its corporate seal to be hereto affixed and these presents to be signed by William Shane, its Town Manager in its name and on its behalf this \_\_\_\_ day of \_\_\_\_\_, 2004.

**THE TOWN OF CUMBERLAND**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
William Shane, Town Manager  
Town of Cumberland

**STATE OF MAINE**

**COUNTY OF CUMBERLAND, ss** \_\_\_\_\_, 2004

Personally appeared the above named, William Shane as the duly authorized representative of the above-named GRANTOR, INHABITANTS OF THE TOWN OF CUMBERLAND, and acknowledged the foregoing instrument to be his free act and deed in his capacity as Town Manager for the INHABITANTS OF THE TOWN OF CUMBERLAND, and the free act and deed of the municipality.

Before me,

\_\_\_\_\_  
Notary Public

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

**HOLDER'S ACCEPTANCE**

Being duly authorized, the **CUMBERLAND MAINLAND AND ISLANDS TRUST, INC.**, HOLDER, does hereby accept this Conservation Easement, by and through Robert Crawford, its President, hereunto duly authorized, this \_\_\_\_ day of \_\_\_\_\_, 2004.

**CUMBERLAND MAINLAND AND  
ISLANDS TRUST, INC.**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Robert Crawford, President



Town of Cumberland, Maine Grant of Permanent Conservation Easement on Curit Property, Chebeague Island to  
Cumberland Mainland and Islands, Trust, Inc.  
November 15, 2004 Draft

**STATE OF MAINE**

**COUNTY OF CUMBERLAND, ss.** \_\_\_\_\_, 2004

Personally appeared Robert Crawford, president and authorized representative of the **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 the **CUMBERLAND MAINLAND AND ISLANDS TRUST, INC.**, a Maine non-profit corporation.

Before me,

Notary Public

\_\_\_\_\_  
(Please type or print name of notary)

My commission expires:

# **Council Item**

**04-171  
Universal Waste Fees**

**December 27, 2004**



**Item 04-171 Universal Waste Fees**

In accordance with the **Town of Cumberland's Solid Waste and Recycling Ordinance, Section 9 subsection 6. Fees**

**FEES ESTABLISHED BY THE CUMBERLAND TOWN COUNCIL**  
**PURSUANT TO SECTION NINE**  
**OF THE SOLID WASTE AND RECYCLING ORDINANCE**

The following subsection is added:

**C. Universal Wastes**

Fees for the disposal of Universal Wastes shall be based upon the item as listed in the Price Schedule Below:

<b><u>COMPUTERS/ELECTRONICS:</u></b>		
\$12.00	Monitors (17" or Less)	\$10.00 each
\$14.00	Monitors (Over 17")	\$12.00 each
\$14.00	Televisions (Non Consoles)	\$12.00 each
\$27.00	Console Televisions	\$25.00 each
\$10.00	Desktop Copiers/Printers, Scanners, Fax Machines, etc.	\$8.00 each
\$27.00	Floor Copiers/Printers etc.	\$25.00 each
\$3.00	CPU's and Laptops	\$2.00 each
\$1.00	Other Computer Peripherals (Keyboards, Mice, Speakers, etc.)	\$1.00 each
\$10.00	UPS's (Battery Backup Systems)	\$8.00 each
<b><u>LAMPS:</u></b>		
\$1 Each	All Straight Fluorescent ( <i>Uncoated</i> )	\$.12 per foot
\$1.25 / ft	All Straight Coated Lamps	\$1.00 per foot
\$ 3 handling fee	Crushed Lamps	\$2.00 per pound
\$ 2each	U-Lamps, Circle's & Compacts	\$1.00 per lamp
\$3 each	HID Lamps	2.00 per lamp
<b><u>BATTERY RECYCLING: "If battery is not on list, please call."</u></b>		
Free	NiCd, NiMH, Alkaline (0% Mercury), Zinc Carbon, Carbon Air	\$.70 per pound
Free	Nickel Zinc, Lithium Ion	\$.80 per pound
Free	Button Cells	\$4.25 per pound
Free	Lithium	\$7.75 per pound
Free	Nickel Iron	\$.35 per pound
Free	Lead Acid (all types)	\$.25 per pound
Free	Alkaline with Mercury	\$8.00 per pound
Free	Zinc Air, Mercury, Carbon with Mercury	\$8.00 per pound
Free	Comingled Sorting Fee	\$.75 per pound
<b><u>BALLASTS: Pricing includes the weight of the container</u></b>		
\$ 2 each	PCB Ballasts	\$.58 per pound
\$ 2 each	DEHP Ballasts	\$.58 per pound
\$ 2 each	Magnetic and Electronic Ballasts	\$.58 per pound
\$ 2 each	Transformers	Quoted Upon Request
\$ 2 each	Large Capacitors	\$1.50 per pound
\$ 2 each	Small Capacitors	\$1.50 per pound
<b><u>MERCURY CONTAINING DEVICES: (Includes the weight of container)</u></b>		
\$10 per lb	Mercury Devices	\$8.00 per pound

Be it order that the Cumberland Town Council hereby authorizes the collection of fees and Universal Waste items pursuant to the listing of items in Section 9-6c. of the Solid Waste & Recycling Ordinance.

FEES ESTABLISHED BY THE CUMBERLAND TOWN COUNCIL  
PURSUANT TO SECTION NINE  
OF THE SOLID WASTE AND RECYCLING ORDINANCE

A. Construction and Demolition Debris and Wood Products.

Fees for the disposal of construction and demolition debris and wood products are based upon the type of vehicle transporting the waste materials. Those fees are as follows:

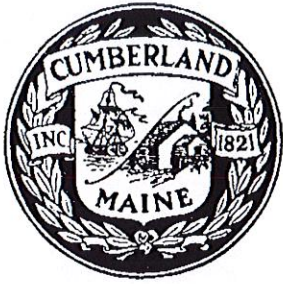
<u>Type of Vehicle Disposing of Wood Products</u>	<u>Fee</u>
Cars, single axle vans or single axle trailers .....	no charge
Single axle pick-up trucks .....	no charge
Tandem axle trailers .....	\$ 15.00 per load per vehicle
Single axle dump vehicles; rack bodied vehicles .....	\$ 50.00 per load
Dual axle vehicles .....	\$100.00 per load
Tri axle vehicles .....	\$200.00 per load
Roll-on/Roll-off containers; tractor trailers .....	\$ 10.00 per cubic yard of rated capacity

B. White Goods

1. Fees for the disposal of white goods containing freon (refrigerant) shall be \$20.00 per appliance or item (examples - refrigerators, freezers, air conditioners, etc.).
2. Fees for the disposal of white goods not included in B.1 shall be \$10.00 per appliance or item.

Adopted: June 26, 1989  
Amended: October 13, 1992





# 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:** November 17, 2004  
**Re:** Universal Waste Fees & Collection  
**cc:**

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Universal Waste is a category of item which will be banned from our State's Waste Stream January 1, 2005. Universal waste includes televisions, computers, batteries of all types, fluorescent bulbs & fixtures, mercury devices, copiers, printers and monitors.

I am recommending we collect these items at the Public Works Facility during the hours the yard waste facility is open – Tuesdays 12:00 – 4:00 PM and Saturday 9:00 – 1:00 PM. The items would be collected and hauled into Gorham once a month and properly disposed of at the Environ facility. The cost for disposal is attached and I would add a fee for our transportation to cover some of the program costs.

I would recommend at Public Hearing be set for the fees as part of our December meeting.

## Environ Pricing Disposal Costs

**\$ 2 Minimum Fee except batteries listed below**

Town of Cumberland Price Schedule		
	<b>COMPUTERS/ELECTRONICS:</b>	
\$12.00	Monitors (17" or Less)	\$10.00 each
\$14.00	Monitors (Over 17")	\$12.00 each
\$14.00	Televisions (Non Consoles)	\$12.00 each
\$27.00	Console Televisions	\$25.00 each
\$10.00	Desktop Copiers/Printers, Scanners, Fax Machines, etc.	\$8.00 each
\$27.00	Floor Copiers/Printers etc.	\$25.00 each
\$3.00	CPU's and Laptops	\$2.00 each
\$1.00	Other Computer Peripherals (Keyboards, Mice, Speakers, etc.)	\$1.00 each
\$10.00	UPS's (Battery Backup Systems)	\$8.00 each
	<b>LAMPS:</b>	
\$1 Each	All Straight Fluorescent ( <i>Uncoated</i> )	\$1.12 per foot
\$1.25 / ft	All Straight Coated Lamps	\$1.00 per foot
\$ 3 handling fee	Crushed Lamps	\$2.00 per pound
\$ 2 each	U-Lamps, Circle's & Compacts	\$1.00 per lamp
\$3 each	HID Lamps	2.00 per lamp
	<b>BATTERY RECYCLING: "If battery is not on list, please call."</b>	
Free	NiCd, NiMH, Alkaline (0% Mercury), Zinc Carbon, Carbon Air	\$0.70 per pound
	Nickel Zinc, Lithium Ion	\$0.80 per pound
	Button Cells	\$4.25 per pound
	Lithium	\$7.75 per pound
	Nickel Iron	\$0.35 per pound
	Lead Acid (all types)	\$0.25 per pound
	Alkaline with Mercury	\$8.00 per pound
	Zinc Air, Mercury, Carbon with Mercury	\$8.00 per pound
	Comingled Sorting Fee	\$0.75 per pound
	<b>BALLASTS: Pricing includes the weight of the container</b>	
\$ 2 each	PCB Ballasts	\$0.58 per pound
\$ 2 each	DEHP Ballasts	\$0.58 per pound
\$ 2 each	Magnetic and Electronic Ballasts	\$0.58 per pound
\$ 2 each	Transformers	Quoted Upon Request
\$ 2 each	Large Capacitors	\$1.50 per pound
\$ 2 each	Small Capacitors	\$1.50 per pound
	<b>MERCURY CONTAINING DEVICES: (Includes the weight of container)</b>	
\$10 per lb	Mercury Devices	\$8.00 per pound
	<b>Transportation / Pickups</b>	
	<i>Emergency pickups will be quoted per incident. Transportation / Pickup is based on material being on ground floor with either a loading dock, or alternate loading capability.</i>	
	Transportation - First 1/2 Hour of Load Time	\$75.00
	Additional Packaging	\$55.00 per hour/per person
	<i>All Paperwork &amp; Containers are included in the pricing above. Labels and Stretchwrap not included.</i>	



## Environ Pricing

### COMPUTERS/ELECTRONICS:

Monitors (17" or Less)	\$10.00 each
Monitors (Over 17")	\$12.00 each
Televisions (Non Consoles)	\$12.00 each
Console Televisions	\$25.00 each
Desktop Copiers/Printers, Scanners, Fax Machines, etc.	\$8.00 each
Floor Copiers/Printers etc.	\$25.00 each
CPU's and Laptops	\$2.00 each
Other Computer Peripherals (Keyboards, Mice, Speakers, etc.)	\$1.00 each
UPS's (Battery Backup Systems)	\$8.00 each

### LAMPS:

All Straight Fluorescent (Uncoated)	\$1.12 per foot
All Straight Coated Lamps	\$1.00 per foot
Crushed Lamps	\$2.00 per pound
U-Lamps, Circle's & Compacts	\$1.00 per lamp
HID Lamps	2.00 per lamp

### BATTERY RECYCLING: "If battery is not on list, please call."

NiCd, NiMH, Alkaline (0% Mercury), Zinc Carbon, Carbon Air	\$1.70 per pound
Nickel Zinc, Lithium Ion	\$1.80 per pound
Button Cells	\$4.25 per pound
Lithium	\$7.75 per pound
Nickel Iron	\$0.35 per pound
Lead Acid (all types)	\$0.25 per pound
Alkaline with Mercury	\$8.00 per pound
Zinc Air, Mercury, Carbon with Mercury	\$8.00 per pound
Comingled Sorting Fee	\$0.75 per pound

### BALLASTS: Pricing includes the weight of the container

PCB Ballasts	\$0.58 per pound
DEHP Ballasts	\$0.58 per pound
Magnetic and Electronic Ballasts	\$0.58 per pound
Transformers	Quoted Upon Request
Large Capacitors	\$1.50 per pound
Small Capacitors	\$1.50 per pound

### MERCURY CONTAINING DEVICES: (Includes the weight of container)

Mercury Devices	\$8.00 per pound
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### Transportation / Pickups

*Emergency pickups will be quoted per incident. Transportation / Pickup is based on material being on ground floor with either a loading dock, or alternate loading capability.*

Transportation - First 1/2 Hour of Load Time	\$75.00
Additional Packaging	\$55.00 per hour/per person

*All Paperwork & Containers are included in the pricing above. Labels and Stretchwrap not included.*

# **Council Item**

**04-172**

**Sewer User Units – Reallocation**

**December 27, 2004**



**December 2004 Sewer Upgrade Allocations  
(New Maximum Capacity 1680 Units)**

**300 Units- Upgrade Areas – Authorized 7/12/99 – Main Line 1**

150 Problem Areas	Balance	135	
30 Office Commercial	Balance	19	
50 School & Municipal	Balance	1	+10 December 2004
30 Senior Housing	Balance	20	
40 Units In-Fill		<u>40</u>	December 2004
	Balance	225	

**Staff Recommendation:**

Add 10 to School & Municipal and 40 to In Fill areas near the sewer system.

**NEW - 50 Units – RT 88 South Upgrade Areas – Main Line 2**

Rt 88 – In Use & Committed	13
Pine Ridge - In Use & Committed	12
Mary Lane	12
In Fill- Balance Remaining	<u>13</u>
	50 Total Units

**100 Units- Rt 1 Sewer System – Main Line 3 - Authorized 7/12/99**

113 Units of Flow have been allocated      Balance      - 13

**December 2004**

**Add 13 Units to committee Category**

**Balance of units Remaining in RT 1 South Corridor = 17**

**Staff Recommendation:**

Increase Total units to 130 with 20 units being reserved for Senior Housing

**Draft Recommendation by Staff Increases Capacity of Units to 1,680 from 1,450.**

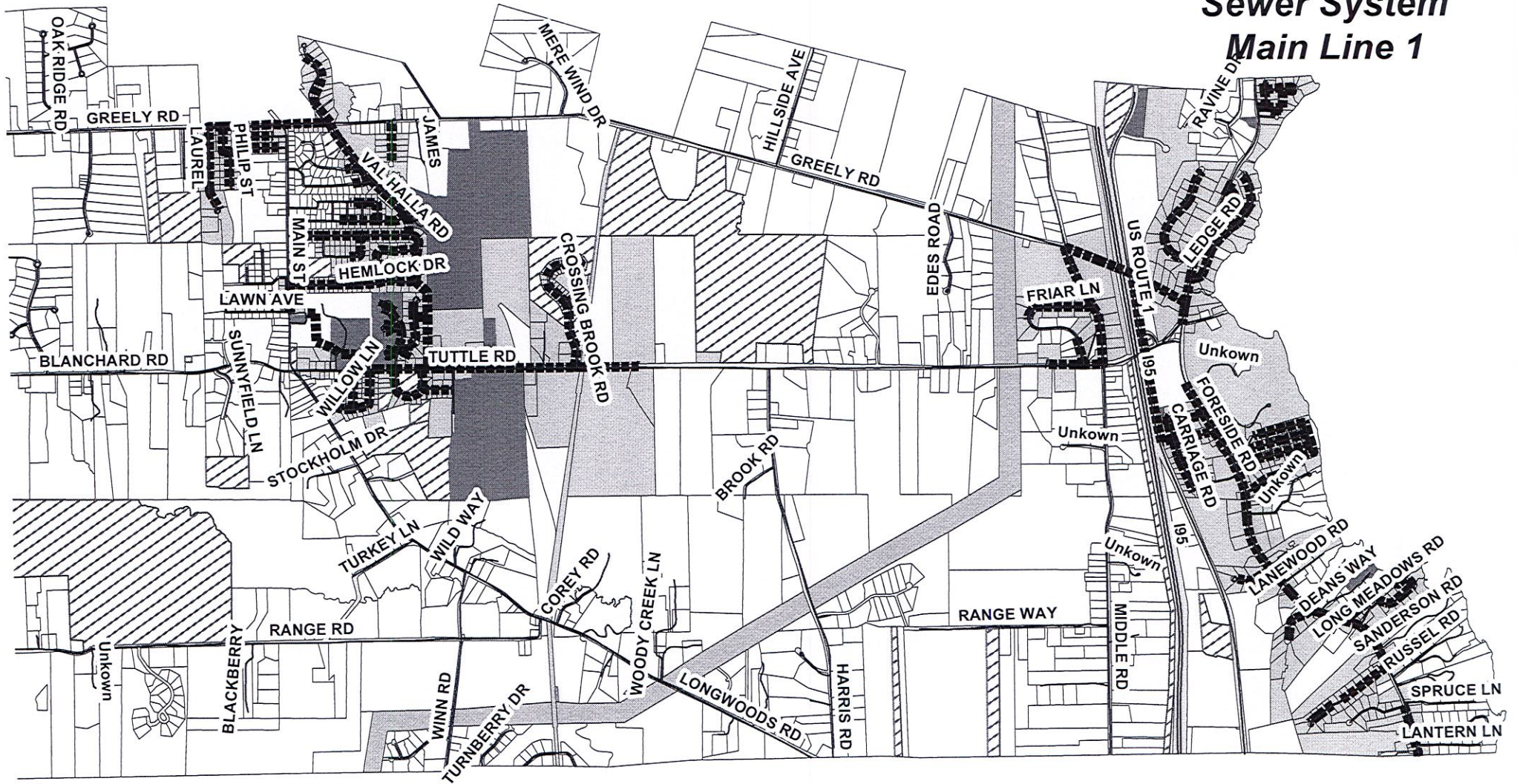
I have asked Ralph Oulten our Consultant from MACTEC Engineers to certify and upgrade to 1680 Units (1550 from July 1999 + 130 for US Route One)

You will have his memo for your Public Hearing on 12/27/04

**TOTAL SYSTEM UNITS REMAINING 255 SEWER USER UNITS**



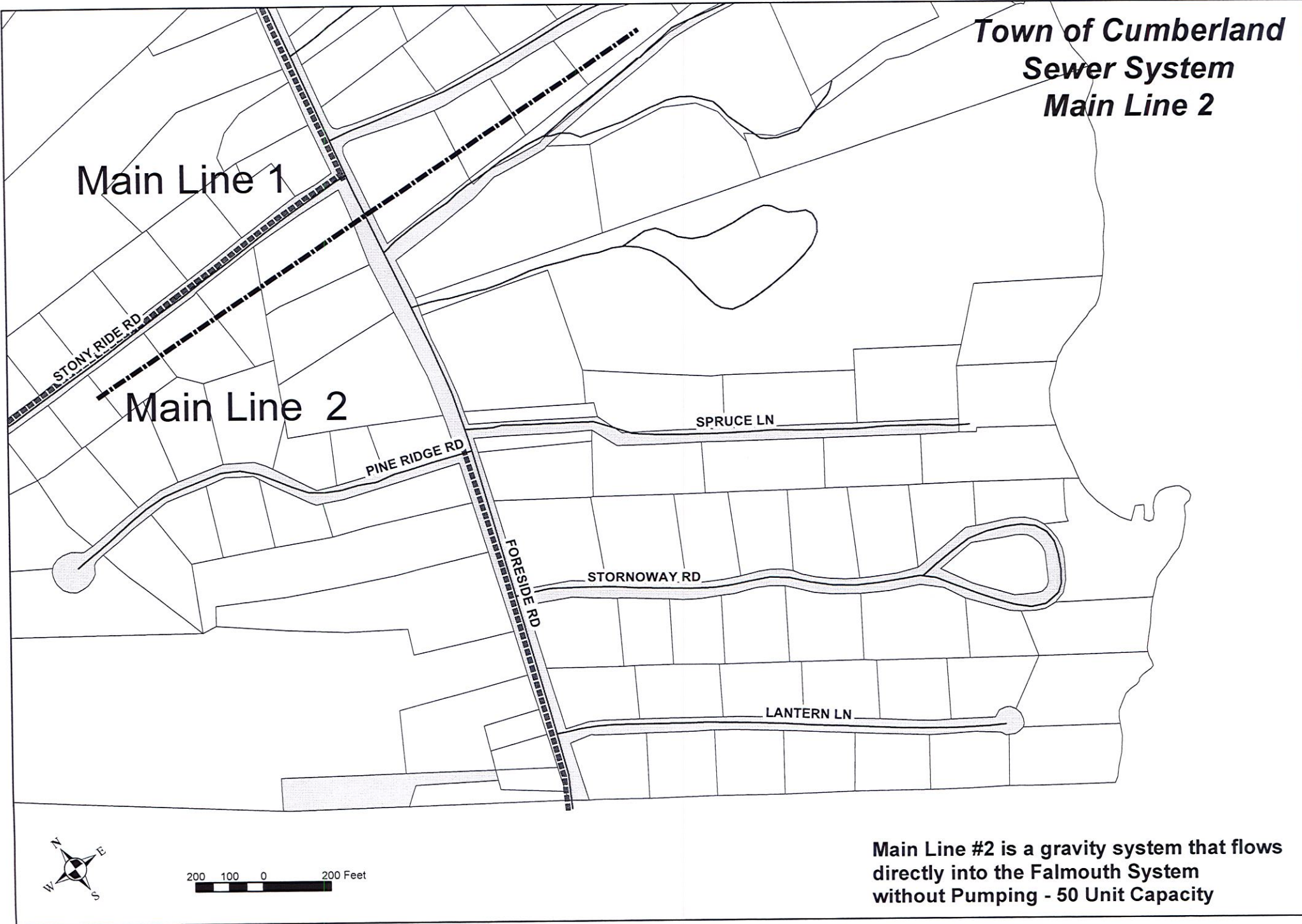
# Town of Cumberland Sewer System Main Line 1



**Main Line 1  
Through out Town  
1500 Unit Capacity**

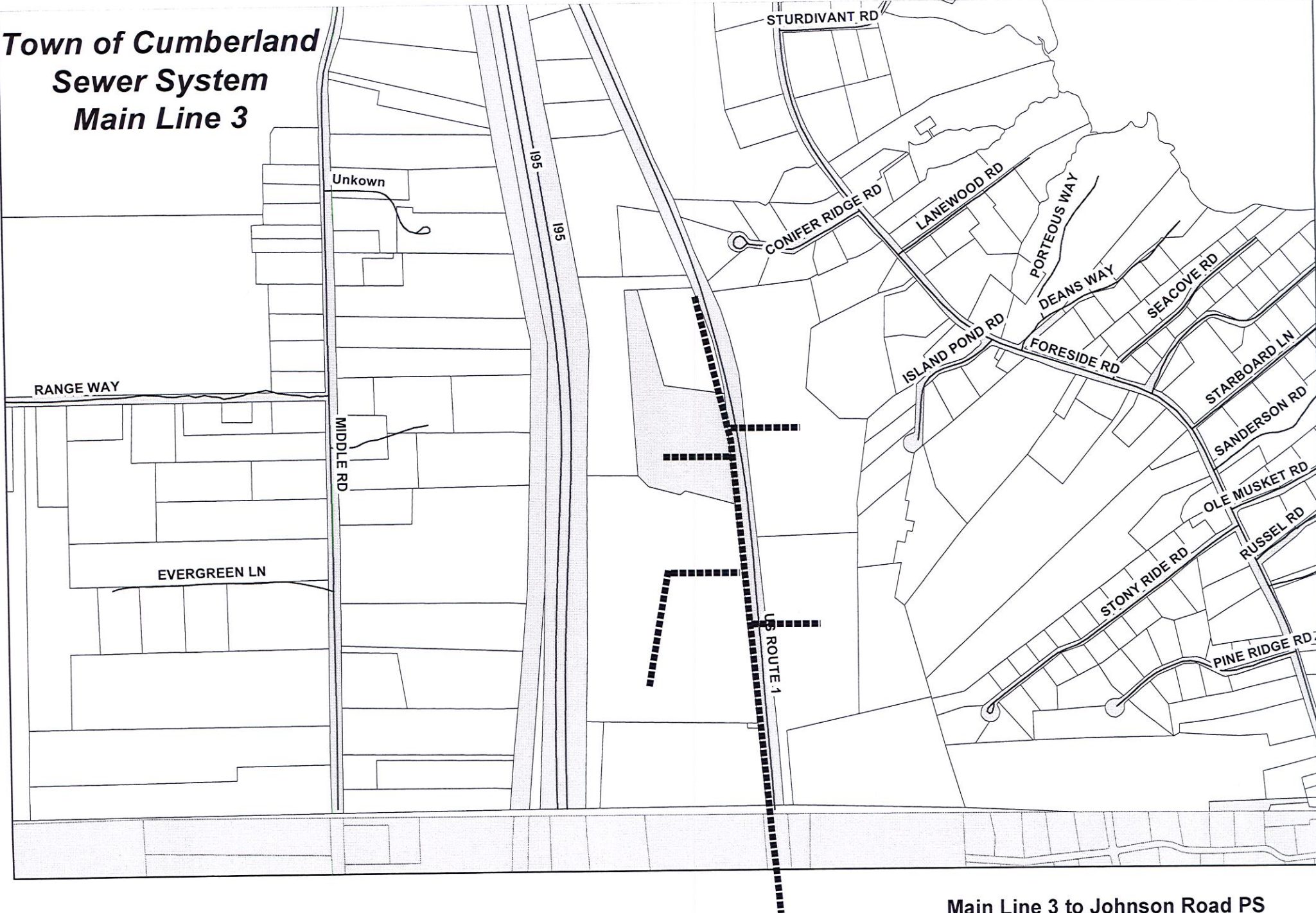


**Town of Cumberland  
Sewer System  
Main Line 2**



**Main Line #2 is a gravity system that flows  
directly into the Falmouth System  
without Pumping - 50 Unit Capacity**

**Town of Cumberland  
Sewer System  
Main Line 3**



**Main Line 3 to Johnson Road PS  
in Falmouth All Gravity in Cumberland  
130 Unit Capacity**







3613043017.01

December 23, 2004

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

Subject: **Cumberland Sewer System  
2004 Capacity**

Dear Mr. Shane:

Mactec Engineering and Consulting, Inc. (Mactec) is please to submit this letter report on our evaluation of the capacity of the Town of Cumberland (Town) sewerage system. The objective of the sewer system evaluation was to determine the capacity of the existing sewerage system in Cumberland. For the basis of this study the existing sewer system was divided into three separate areas. These are the sewerage system tributary to the Foreside Road (Route 88) pump station, the area along Route 88 downstream of the Foreside Road pump station, and the area along Route 1 tributary to the Johnson Road pump station in Falmouth. The capacity of these three areas will be presented as the number of user units that can be served by the sewers in those areas. For the Town a user unit is defined as 310 gallons per day of wastewater produced, which includes the wastewater produced by the user and an allocation for infiltration into the sewer system. The wastewater generated by a typical user is 250 gallons per day.

#### **Area 1 – Foreside Road Pump Station**

Most of the sewered wastewater generated in the Town is tributary to the Foreside Road pump station that is located on Route 88 within a mile of the Falmouth Town Line. The discharge from this pump station is through a force main which terminates between Stony Ridge Road and Pine Ridge Road. The pump station contains a magnetic flow meter for measuring the flowrate produced by this pump station. The output from this flow meter is used by the Portland Water District for sewer billing purposes.

In 1999 the Cumberland Town Council passed a resolution adopting a limitation of 1,400 user units for the Cumberland sewer system. This was based upon the capacity of the Foreside Road pump station after an upgrade to an output of 1,100 gallons per minute. These 1,400 user units have been allocated as shown below:

Area 1 User Units	
Allocated as of 12/13/04	1,202
Reserved for Problem Areas	135
Reserved for Office/Commercial	19
Reserved for Schools & Municipal	1
Reserved for Senior Housing	30

Reserved for Residential Housing	13
Town Council Approved Total	1,400

MACTEC recently performed an evaluation of the capacity of the Foreside Road pump station at a capacity of 1,100 gallons per minute. The results of this analysis indicates that the actual capacity of this pump station is 1,500 user units, based upon the original design flowrate per user unit of 310 gallons per day per user unit connected to the sewer system.

#### **Area 2 – Downstream of Foreside Road Pump Station**

This area of the Town is connected into the 18- inch diameter gravity interceptor along Route 88 that carries the Town's wastewater into Falmouth for treatment in the Falmouth wastewater treatment plant. The Route 88 interceptor also handles the wastewater pumped by the Foreside Road pump station. The number of users from this area of the Town are shown in the following table:

	Area 2 User Units
Route 88 Users Currently Connected	6
Route 88 Users Allocated	7
Pine Ridge Road Users Connected	5
Pine Ridge Road Users Allocated	7
Mary Lane Users Allocated	12
Additional Reserved	13
Total User Units Area 2	50

#### **Area 3 – Route 1 Tributary to Johnson Road**

The third area of the Town that is sewered is the area of Route 1 within a mile of the Falmouth Town Line. This area is served by a gravity sewer installed along Route 1 that is connected into the existing sewer system serving the Town of Falmouth. The Route 1 sewer is connected into the Lunt Road pump station located at the intersection of Route 1 and Lunt Road in Falmouth. The Town of Cumberland procured the right to use the sewers and Lunt Road pump station and received permission to discharge up to 40,000 gallons per day of wastewater at a rate of 100 gallons per minute to their sewer system served by the Johnson Road pump station.

The 40,000 gallon per day flow rate to the Town of Falmouth was approved by an order of the Falmouth Town Council adopted on February 28, 2000. The flowrate limitation to 40,000 gallons per day will allow the Town to connect up to 130 user units of wastewater flow into the existing Route 1 sewer. The user units for Area 3 are reserved as follows:

	Area 3 User Units
True Spring Farm Connected (High End Condos)	15
Hawks Ridge Connected (Age Restricted)	7
Lot South of Hawks Ridge (Age Restricted) Reserved	7
Foreside Village Reserved (Age Restricted)	40
Foreside Village	51
Town Senior Housing Project	10
Total User Units Area 3	130

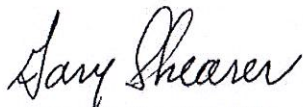


**Recommendations**

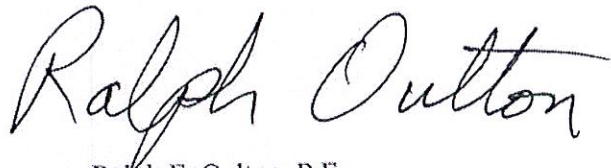
1. The total number of user units that can be allocated for Area 1 should be increased from the current Town Council approved number of 1,400 to 1,500. The sewer area tributary to this area includes the center of town and most of Cumberland Foreside. The portion of the Town, tributary to the 18" gravity interceptor south of Stony Ridge Road, is included within Area 2.
2. There are already 37 sewer user units allocated for Area 2 and the total number of user units anticipated within Area 2 is 50. The number of user units in this area is only limited by the small area tributary to the existing 18" gravity interceptor between Stony Ridge Road and the Falmouth Town Line. Therefore, it is recommended that the total of 50 sewer user units should be reserved for this area of the Town.
3. Area 3 has a capacity of only 130 sewer user units due to the limitations established by the Falmouth Town Council. The wastewater generated from this area of Cumberland flows by gravity to the existing Johnson Road pump station in Falmouth which has a limited flow handling capacity. Thus, the number of sewer user units in Area 3 should be limited to a maximum of 130.

Please feel free to contact either Gary Shearer at 828-3669 or Ralph Oulton at 828-3467, if you have any questions or need further information relative to this matter.

Sincerely,  
**MACTEC Engineering and Consulting, Inc.**

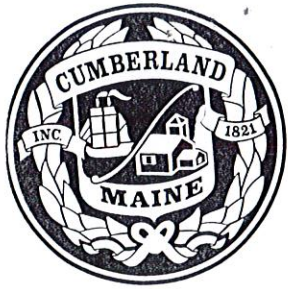


Gary D. Shearer, P.E.  
Senior Project Manager



Ralph E. Oulton, P.E.  
Principal Engineer

cc: W. Weber



# TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

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

December 29, 2004

Mr. Ned Gribbin  
Business Manager  
Val Halla Golf Course  
Val Halla Road  
Cumberland, ME 04021

Dear Ned:

The Cumberland Town Council approved your application for a Golf Club/Restaurant with Liquor License for the period February 2005 through February 2006 at its regular meeting held Monday, December 27, 2004. A public hearing was held, with no comments received, and the license was approved unanimously.

I have enclosed your original application, signed by the municipal officers. Please plan to submit your application and payment to the State Liquor Licensing & Inspection Division as soon as possible so they may process your license.

Thank you.

Sincerely,

Nadeen Daniels  
Town Clerk



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



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.  
To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

BUREAU USE ONLY	
License No. Assigned:	
Class:	
Deposit Date:	
Amt. Deposited:	

PRESENT LICENSE EXPIRES 1/31/05

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ SPIRITUOUS ☒ VINOUS

**INDICATE TYPE OF LICENSE:**

- ☐ RESTAURANT (Class I,II,III,IV)  
☐ HOTEL-OPTINONAL FOOD (Class I-A)  
☐ CLASS A LOUNGE (Class X)  
☐ CLUB (Class V)  
☐ TAVERN (Class IV)

- ☐ RESTAURANT/LOUNGE (Class XI)  
☐ HOTEL (Class I,II,III,IV)  
☐ CLUB-ON PREMISE CATERING (Class I)  
☒ GOLF CLUB (Class I,II,III,IV)  
☐ OTHER: \_\_\_\_\_

REFER TO PAGE 3 FOR FEE SCHEDULE

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

1. APPLICANT(S) --(Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>TOWN OF CUMBERLAND</u> DOB: _____			2. Business Name (D/B/A) <u>VAL HALLA GOLF COURSE</u>		
<del>XXXXXXXXXXXXXXXXXXXX</del> DOB: _____			<u>1 VAL HALLA ROAD</u>		
Address <u>290 TUTTLE ROAD</u>			Location (Street Address) <u>CUMBERLAND, ME</u> <u>04021</u>		
City/Town <u>CUMBERLAND</u> State <u>ME</u> Zip Code <u>04021</u>			City/Town <u>CUMBERLAND</u> State <u>ME</u> Zip Code <u>04021</u>		
Telephone Number <u>207-829-5559</u> Fax Number <u>829-5416</u>			Business Telephone Number <u>207-829-2225</u> Fax Number <u>207-829-5373</u>		
Federal I.D. # <u>016000128</u>			Seller Certificate # <u>↓</u>		

3. If premises is a hotel, indicate number of rooms available for transient guests: n/a
4. State amount of gross income from period of last license: ROOMS \$ \_\_\_\_\_ FOOD \$ 99,325 LIQUOR \$ 113,560
5. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐
- If YES, complete Supplementary Questionnaire
6. Do you permit dancing or entertainment on the licensed premises? YES ☒ NO ☐
7. If manager is to be employed, give name: EDWARD F. GRIBBIN
8. If business is NEW or under new ownership, indicate starting date: n/a NOV. - APRIL  
Business Hours  
 Requested inspection date: APRIL - NOV Business hours: 8:00AM - 4:00PM
9. Business records are located at: 290 TUTTLE ROAD CUMBERLAND, ME 04021
10. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐ N/A
11. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐ N/A



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

Name in Full (Print Clearly)	DOB	Place of Birth
EDWARD F. GRIBBIN	07/30/1948	PORTLAND, ME

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

EDWARD F. GRIBBIN WINDHAM, ME

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

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?

Yes ☐ No ☒ If Yes, give name: \_\_\_\_\_

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

16. Does/do applicant(s) own the premises? Yes ☒ No ☐ If No give name and address of owner: \_\_\_\_\_

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) CLUBHOUSE & ATTACHED DECKS

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?

YES ☒ NO ☐ Applied for: \_\_\_\_\_

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1 MILE Which of the above is nearest? SCHOOL

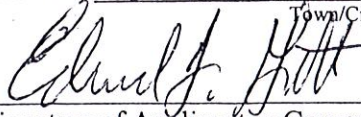
20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☐ NO ☒

If YES, give details: \_\_\_\_\_

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

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

Dated at: CUMBERLAND, MAINE on 11/16/04, 2004  
Town/City, State Date

  
Signature of Applicant or Corporate Officer(s)

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

EDWARD F. GRIBBIN

Print Name

Print Name



## STATE OF MAINE

Dated at: Cumberland, Maine Cumberland ss  
 On: December 27, 2004  
 City/Town (County)  
 Date

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

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

*[Signature]*  
*[Signature]*  
*[Signature]*

*[Signature]*  
*[Signature]*  
*[Signature]*

THIS APPROVAL EXPIRES IN 60 DAYS

## NOTICE – SPECIAL ATTENTION

## § 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.
    - A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
    - B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
    - C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c.589, §1 (amd).]
  2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
    - A. Conviction of the applicant of any Class A, Class B or Class C crime: [1987, c.45, Pt.A§4 (new).]
    - B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
    - C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
    - D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592, §3 (amd).]
    - E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
    - F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]
- [1993, c.730, §27 (amd).]
3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all license requirements and findings referred to in subsection 2.
    - A. [1993, c.730, §27 (rp).]
  4. **No license to person who moved to obtain a license. (REPEALED)**
  5. **(TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.
- An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.



**TOWN OF CUMBERLAND**  
**APPLICATION FOR A SPECIAL AMUSEMENT PERMIT**  
**FOR MUSIC, DANCING AND/OR ENTERTAINMENT**

Name of Applicant: TOWN OF CUMBERLAND Phone: 829-2205

Residence Applicant: 290 TUTTLE ROAD CUMBERLAND, ME 04021

Business Name: VAL HALLA GOLF COURSE Bus. Phone: 829-2225

Business Address: 1 VAL HALLA ROAD CUMBERLAND, ME 04021

Name of Manager: NED GRIGGIN Phone: 829-2225 W  
892-5561 W

Residence of Manager: 5 MEGANS WAY WINDHAM, ME 04062

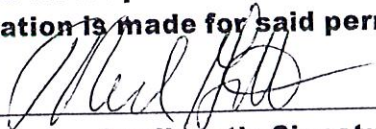
Type of Entertainment Applied for: MUSIC, DANCING AND/OR ENTERTAINMENT

Has applicant ever had a license to conduct the business therein described either denied or revoked? NO If so, the applicant shall describe specifically those circumstances?  
\_\_\_\_\_

Has applicant, Partners, Associates or Corporate Officers ever been convicted of a felony? NO If so, the applicant shall describe specifically those circumstances.  
\_\_\_\_\_  
\_\_\_\_\_

Additional information may be required by the Town Council prior to the issuance of said permit, including but not limited to a copy of the applicant's current liquor license.

The fee for a Special Amusement Permit shall be \$10.00, non-refundable and payable when application is made for said permit.

  
Applicant's Signature

11/16/04  
Date

Municipal Officers:

Approved: \_\_\_\_\_

Disapproved: \_\_\_\_\_

Comment: \_\_\_\_\_  
\_\_\_\_\_

Application Received: \_\_\_\_\_

Public Notice Posted: \_\_\_\_\_

Date Issued: \_\_\_\_\_

Date of Expiration: \_\_\_\_\_



# MAINE DEPT OF PUBLIC SAFETY

STATE OF MAINE  
Liquor Licensing & Inspection Division  
164 State House Station  
Augusta ME 04333-0164  
Tel: (207) 624-7220 Fax: (207) 287-3424



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

1. Exact Corporate Name: TOWN OF CUMBERLAND, INC.  
Business D/B/A Name: Val Halla Golf & Banquet Center
2. Date of Incorporation: 1821
3. State in which you are incorporated: MAINE
4. If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine: \_\_\_\_\_
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percent of stock owned:

Name	<i>Print Clearly</i> Address Previous 5 years	Birth Date	% of Stock	Title
EDWARD F. GRIBBIN	5 MEAGANS WAY WINDHAM, ME	7/30/1948	—	Bus. Mgr

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

Date of Conviction: \_\_\_\_\_ Offense: \_\_\_\_\_

Location: \_\_\_\_\_ Disposition: \_\_\_\_\_

Dated at: \_\_\_\_\_ On: \_\_\_\_\_

City/Town

Date

Signature of Duly Authorized Officer

Date

Print Name of Duly Authorized Officer

# MAINE DEPT OF PUBLIC SAFETY

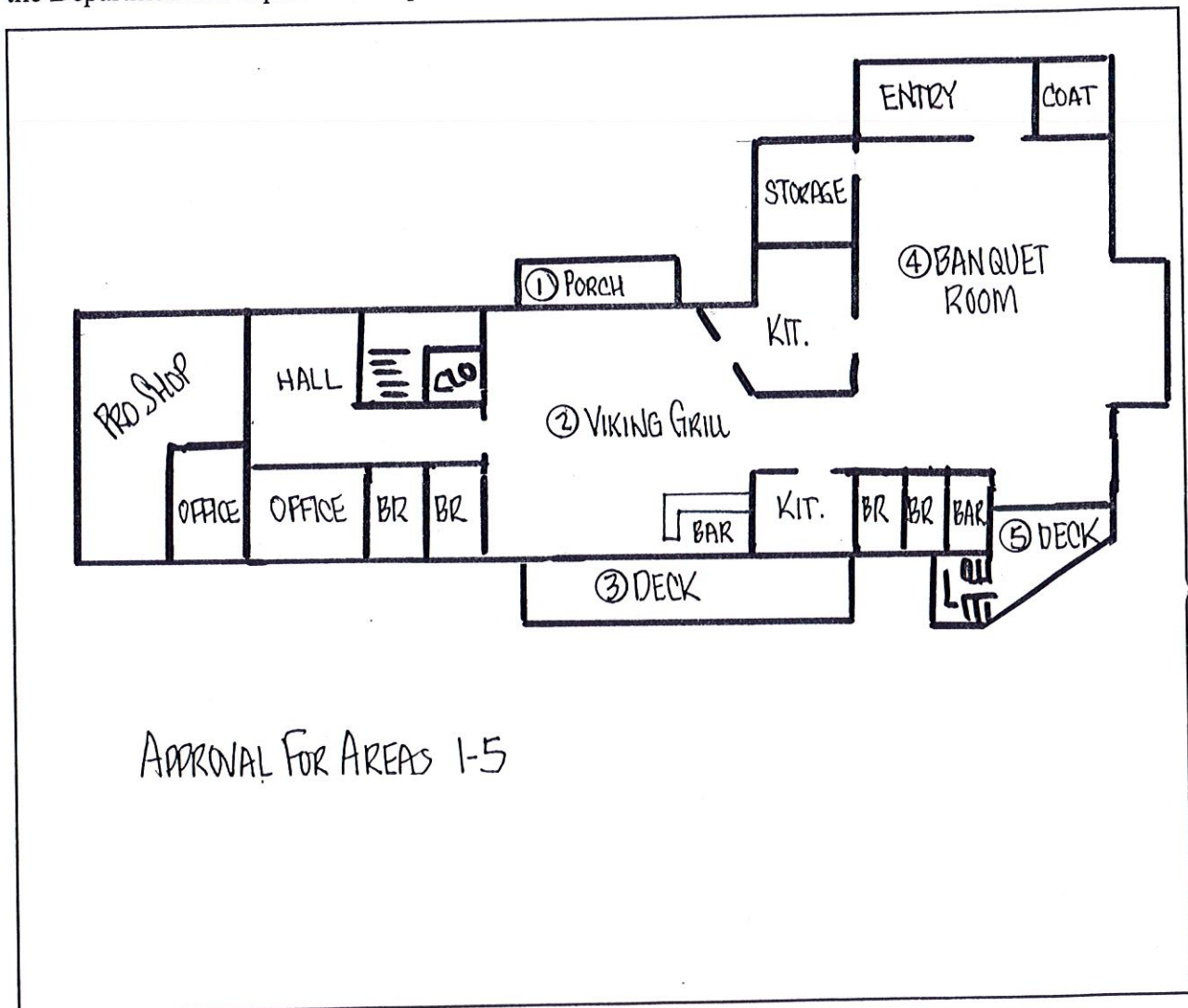
STATE OF MAINE  
*Liquor Licensing & Inspection Division*  
164 State House Station  
Augusta ME 04330-0164  
Tel: (207) 624-8745 Fax: (207) 624-8767



## SUPPLEMENTAL APPLICATION FORM ON/OFF-PREMISE DIAGRAM

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

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





# MAINE DEPT OF PUBLIC SAFETY

Liquor Licensing & Inspection  
164 State House Station  
Augusta ME 04330-0164  
Tel: (207) 624-7224  
Fax: (207) 287-3424



## SPECIAL NOTICE

Our records indicate that your present liquor license will expire on

1-31-05

## WARNING

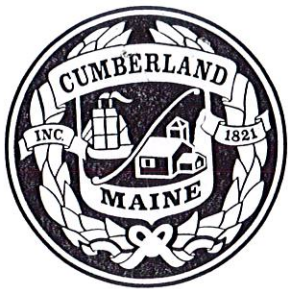
It is required by law that you submit your renewal application to local authorities for approval by Municipal Officers. If you are located in an unorganized territory you must submit your application to the County Commissioners.

The Municipal Officers or the County Commissioners may need 6 to 8 weeks lead time to properly advertise and/or hold public hearings. Accordingly, please submit your renewal application to them immediately in order to avoid the possibility of a period of operation without a liquor license.

**ALL MUNICIPAL AND/OR COUNTY COMMISSIONERS**  
**APPROVALS EXPIRE IN "60 DAYS"**

**RENEWAL APPLICATIONS SHOULD BE RECEIVED BY THIS OFFICE AT LEAST 7 DAYS PRIOR TO EXPIRATION OF LICENSE. IF THIS CANNOT BE ACCOMPLISHED, PLEASE NOTIFY US IMMEDIATELY.**

If you have any further questions, please feel free to contact us at (207) 624-7224



# TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

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

---

December 29, 2004

Mr. Reynold Michaud  
c/o Rey's Cumberland Café  
172 Gray Road  
Cumberland, ME 04021

Dear Mr. Michaud:

As you are aware, the Cumberland Town Council approved your application for a Class I Restaurant with Liquor License for the period February 2005 through February 2006 at its regular meeting held Monday, December 27, 2004. A public hearing was held, with no comments received, and the license was approved unanimously.

I have enclosed your original application, signed by the municipal officers, as well as your check #643 made payable to the state. Please plan to submit your application and payment to the State Liquor Licensing & Inspection Division as soon as possible so they may process your license.

Thank you.

Sincerely,

Nadeen Daniels  
Town Clerk



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



BUREAU USE ONLY	
License No. Assigned:	
Class:	
Deposit Date:	
Amt. Deposited:	

Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.  
To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

PRESENT LICENSE EXPIRES 2/04/05

INDICATE TYPE OF PRIVILEGE: ☐ MALT ☐ SPIRITUOUS ☐ VINOUS

**INDICATE TYPE OF LICENSE:**

- ☒ RESTAURANT (Class I,II,III,IV)  
☐ HOTEL-OPTINONAL FOOD (Class I-A)  
☐ CLASS A LOUNGE (Class X)  
☐ CLUB (Class V)  
☐ TAVERN (Class IV)

- ☐ RESTAURANT/LOUNGE (Class XI)  
☐ HOTEL (Class I,II,III,IV)  
☐ CLUB-ON PREMISE CATERING (Class I)  
☐ GOLF CLUB (Class I,II,III,IV)  
☐ OTHER: \_\_\_\_\_

REFER TO PAGE 3 FOR FEE SCHEDULE

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

1. APPLICANT(S) -(Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>Reynold Michael</u> DOB: <u>4/5/50</u>			2. Business Name (D/B/A) <u>REY'S CUMBERLAND CAFE</u>		
DOB: _____			Location (Street Address) <u>172 GRAY ROAD</u>		
DOB: _____			City/Town State Zip Code <u>CUMBERLAND</u> <u>MAINE</u> <u>04021</u>		
Address <u>172 GRAY ROAD</u>			Mailing Address <u>SAME</u>		
City/Town State Zip Code <u>CUMBERLAND</u> <u>ME</u> <u>04021</u>		City/Town State Zip Code			
Telephone Number Fax Number		Business Telephone Number <u>207-829-0980</u>		Fax Number	
Federal I.D. # <u>59-3775933</u>			Seller Certificate # <u>1074351</u>		

3. If premises is a hotel, indicate number of rooms available for transient guests: \_\_\_\_\_
4. State amount of gross income from period of last license: ROOMS \$ \_\_\_\_\_ FOOD \$ 250,300 LIQUOR \$ 3924.25
5. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐
- If YES, complete Supplementary Questionnaire
6. Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒
7. If manager is to be employed, give name: \_\_\_\_\_
8. If business is NEW or under new ownership, indicate starting date: \_\_\_\_\_
- Requested inspection date: \_\_\_\_\_ Business hours: \_\_\_\_\_
9. Business records are located at: 172 GRAY ROAD CUMBERLAND MAINE
10. Is/are applicants(s) citizens of the United States? YES ☐ NO ☒
11. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐



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

Name in Full (Print Clearly)	DOB	Place of Birth
REYNOLD MICHAUD	4/5/50	Lewiston, Me.

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

309 Shaker Road  
New Gloucester, Me. 04021

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

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?

Yes ☐ No ☒ If Yes, give name: \_\_\_\_\_

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

16. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: Chris Copp  
CFE 34 BLACKSTRAP ROAD CUMBERLAND ME.

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) \_\_\_\_\_  
85 SEATS - RESTAURANT

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

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

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

If YES, give details: \_\_\_\_\_

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

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

Dated at: CUMBERLAND, ME on 11-11-, 20 04  
Town/City, State Date

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

Please sign in blue ink

\_\_\_\_\_  
Signature of Applicant or Corporate Officer(s)

REYNOLD E. MICHAUD  
Print Name

\_\_\_\_\_  
Print Name



## STATE OF MAINE

Dated at: Cumberland, Maine Cumberland ss  
 City/Town (County)  
 On: December 27, 2004  
 Date

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

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

*[Signatures]*  
 THIS APPROVAL EXPIRES IN 60 DAYS

## NOTICE – SPECIAL ATTENTION

## § 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.
    - A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
    - B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
    - C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c.589, §1 (amd).]
  2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
    - A. Conviction of the applicant of any Class A, Class B or Class c crime: [1987, c.45, Pt.A§4 (new).]
    - B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
    - C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
    - D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592, §3 (amd).]
    - E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
    - F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]
- [1993, c.730, §27 (amd).]
3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all license requirements and findings referred to in subsection 2.
    - A. [1993, c.730, §27 (rp).]
  4. **No license to person who moved to obtain a license. (REPEALED)**
  5. **(TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.
- An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.



# MAINE DEPT OF PUBLIC SAFETY

STATE OF MAINE  
Liquor Licensing & Inspection Division  
164 State House Station  
Augusta ME 04333-0164  
Tel: (207) 624-7220 Fax: (207) 287-3424



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

1. Exact Corporate Name: REY'S CUMBERLAND CAFE INC.  
Business D/B/A Name: SAME
2. Date of Incorporation: JAN 2004
3. State in which you are incorporated: MAINE
4. If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine: \_\_\_\_\_
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percent of stock owned:

Name	<i>Print Clearly</i> Address Previous 5 years	Birth Date	% of Stock	Title
REYNOLD MICHAUD	309 SHAKER ROAD NEW GLUCESTER	4/5/50	100%	OWNER

6. What is the amount of authorized stock? 100 SHARES Outstanding Stock? \_\_\_\_\_
7. Is any principal officer of the corporation a law enforcement official? Yes ☐ No ☒
8. Has applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of the United States? Yes ☐ No ☒
9. If YES, please complete the following: Name: \_\_\_\_\_  
Date of Conviction: \_\_\_\_\_ Offense: \_\_\_\_\_  
Location: \_\_\_\_\_ Disposition: \_\_\_\_\_  
Dated at: \_\_\_\_\_ City/Town \_\_\_\_\_ On: \_\_\_\_\_ Date \_\_\_\_\_

Signature of Duly Authorized Officer

REYNOLD E. MICHAUD

Print Name of Duly Authorized Officer

Nov 11, 2004  
Date



# MAINE DEPT OF PUBLIC SAFETY

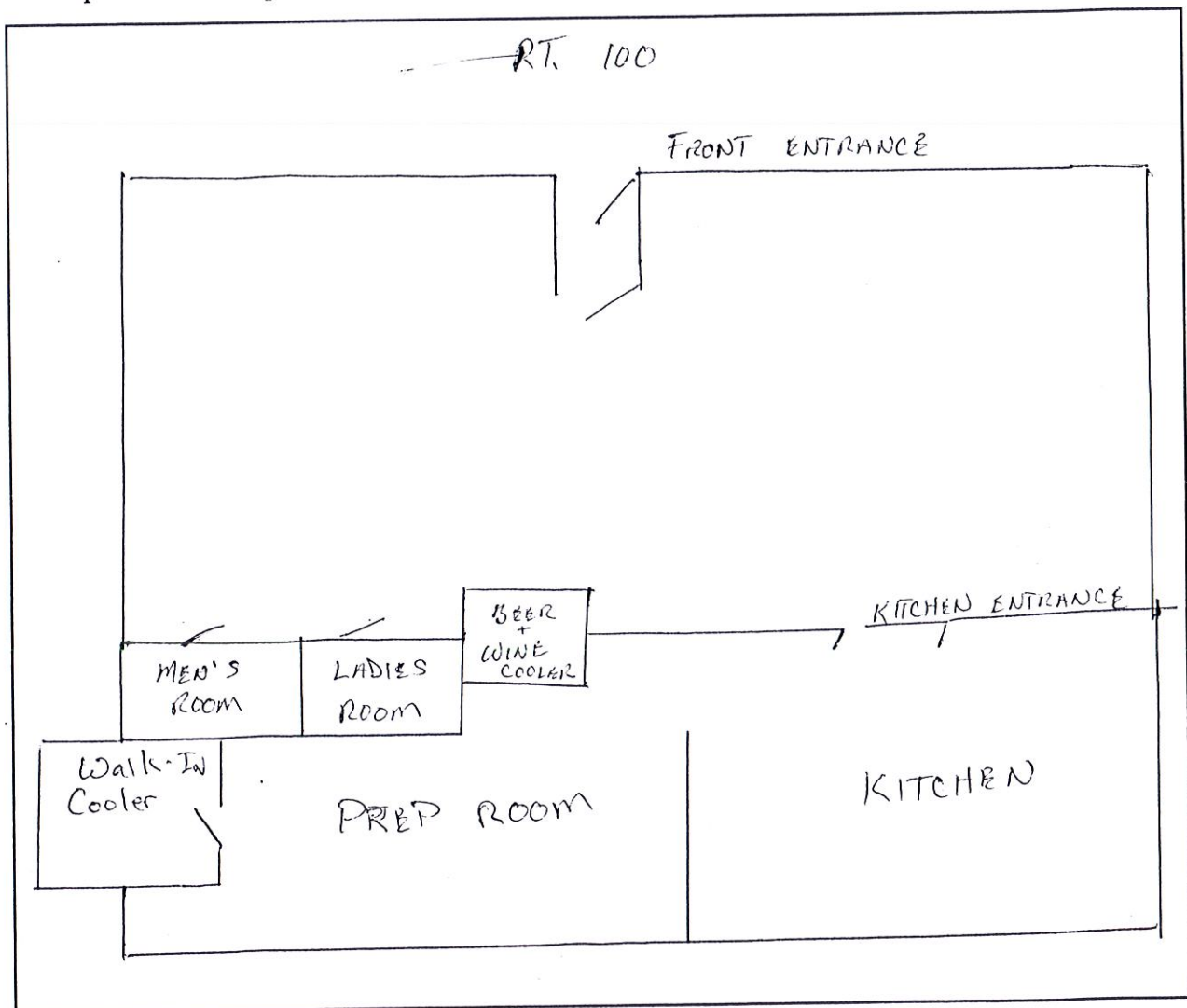
STATE OF MAINE  
*Liquor Licensing & Inspection Division*  
164 State House Station  
Augusta ME 04330-0164  
Tel: (207) 624-8745 Fax: (207) 624-8767



## SUPPLEMENTAL APPLICATION FORM ON/OFF-PREMISE DIAGRAM

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

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



**MAINE DEPT OF  
PUBLIC SAFETY**

Liquor Licensing & Inspection  
164 State House Station  
Augusta ME 04330-0164  
Tel: (207) 624-7224  
Fax: (207) 287-3424



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**SPECIAL NOTICE**

Our records indicate that your present liquor license will expire on

2/04/05

**WARNING**

It is required by law that you submit your renewal application to local authorities for approval by Municipal Officers. If you are located in an unorganized territory you must submit your application to the County Commissioners.

The Municipal Officers or the County Commissioners may need 6 to 8 weeks lead time to properly advertise and/or hold public hearings. Accordingly, please submit your renewal application to them immediately in order to avoid the possibility of a period of operation without a liquor license.

**ALL MUNICIPAL AND/OR COUNTY COMMISSIONERS  
APPROVALS EXPIRE IN "60 DAYS"**

**RENEWAL APPLICATIONS SHOULD BE RECEIVED BY THIS OFFICE AT LEAST 7  
DAYS PRIOR TO EXPIRATION OF LICENSE. IF THIS CANNOT BE ACCOMPLISHED,  
PLEASE NOTIFY US IMMEDIATELY.**

If you have any further questions, please feel free to contact us at (207) 624-7224





# TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

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

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December 29, 2004

Antoinette Mancusi  
Maine Municipal Association  
60 Community Drive  
Augusta, ME 04330-9486

Dear Ms. Mancusi:

This is to inform you that the Cumberland Town Council adopted the October 2004-2005 General Assistance Ordinance updates, as well as Appendixes A, B and C at its regular meeting held Monday, December 27, 2004.

I have attached the original signed form indicating adoption by the council members. A public hearing was held, with no comments received, and the ordinance and appendixes were adopted unanimously.

Thank you.

Sincerely,

Nadeen Daniels  
Town Clerk

CC: Cheryl Buxbaum, Welfare Director

# GENERAL ASSISTANCE ORDINANCE

## APPENDIXES A-C

### 2004-2005

The Municipality of Cumberland adopts the MMA Model Ordinance GA Appendixes (A-C) for the period of Oct. 1, 2004—Oct. 1, 2005. These appendixes are filed with the Department of Human Services (DHS) in compliance with Title 22 M.R.S.A. §4305(4).

Signed the 27<sup>th</sup> (day) of December (month) 2004 (year)  
by the municipal officers:

Jeffrey W. Porter

(Print Name)

Stephen W. Moriarty

(Print Name)

William C. Stiles

(Print Name)

Mark E. Korte

(Print Name)

Harland E. Storey

(Print Name)

Donna Miller Damon

(Print Name)

Michael Savasuts

Jeffrey W. Porter

(Signature)

Stephen W. Moriarty

(Signature)

William C. Stiles

(Signature)

Mark E. Korte

(Signature)

Harland E. Storey

(Signature)

Donna Miller Damon

(Signature)

Michael Savasuts



# GENERAL ASSISTANCE ORDINANCE

## APPENDIXES A-C

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Signed the \_\_\_\_\_ (day) of \_\_\_\_\_ (month) \_\_\_\_\_ (year)  
by the municipal officers:

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)

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(Signature)

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(Print Name)

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(Signature)

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(Print Name)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)


\_\_\_\_\_  
(Signature)



## Maine Municipal Association

60 COMMUNITY DRIVE  
AUGUSTA, MAINE 04330-9486  
(207) 623-8428  
www.memun.org

To: Municipal Officials/Welfare Directors/General Assistance Administrators

From: Antoinette Mancusi, Technical Advisor 

Re: 2004-2005 General Assistance Ordinance Appendixes A, B & C

Date: November 15, 2004

Enclosed please find the following items:

- MMA's new (October 1, 2004–October 1, 2005) **"General Assistance Ordinance Appendixes"** (A, B and C). Since it is already well past October 1, 2004, municipalities should adopt the new maximums (Appendixes) as soon as possible. Due to complications on the federal Housing and Urban Development (HUD) level, on which the maximums are based, these maximum numbers were delayed this year. I apologize for any inconvenience this might have caused.
- **"GA Maximums Summary Sheet"** which consolidates GA maximums into one document. Municipalities do have to insert individual locality maximums from Appendix A and C in the summary sheet where indicated in order to complete the information. The "summary" does not have to be adopted, as it is not an Appendix but a tool for municipal officials administering GA.
- **"GA maximums adoption form"** which was developed so that municipalities could easily send DHHS proof of GA maximums adoption. Once the selectpersons adopt the new maximums, the enclosed form should be signed and submitted to DHHS in the return addressed envelope provided with this packet (*see "Filing of GA Ordinance and/or Appendixes" below for further information*).
- **Federal Fair Market Rents (FMR) rates**

The following is a synopsis of the information contained in the Appendixes—addressing some of the more notable changes and generally describing the process of ordinance adoption and amendments (i.e., revising Appendixes).

### Appendixes A, B & C

The enclosed Appendixes A, B and C have been revised for your municipality's General Assistance Ordinance. If your municipality has adopted the MMA model GA ordinance (1998 is the last revision date) and/or last year's maximums, these new Appendixes, once adopted, should replace the existing Appendixes dated October 1, 2003–October 1, 2004. The various maximum levels of General Assistance that are controlled by these values are established as a matter of law or regulation based on certain federal values that are made effective on the first day of October each year.

Even if you have already adopted MMA's model General Assistance Ordinance, the municipal officers must approve/adopt the new Appendixes yearly—this holds true even though older versions of the



MMA model ordinance direct towns to insert the Appendixes at designated places. This replacement assumes prior adoption. Please feel free to call MMA Legal Services for information regarding "Ordinance Enactment."

### Appendix A

Appendix A is a listing of the overall maximum levels of assistance pertaining to all municipalities in Maine. These new overall maximum levels of assistance have been calculated on the basis of the 2004-2005 HUD Fair Market Rent (FMR) values that became effective on October 1, 2004. These maximum levels of assistance are established by Maine General Assistance law (22 MRSA (4305(3-B))) and cannot be altered by action of the municipal officers.

Unlike past years, some areas of the state saw a notable increase in the overall maximum levels, e.g., Penobscot SMSA, Cumberland SMSA and the Counties of Knox, Franklin, Hancock, Piscataquis and Waldo. However, other areas of the state saw decreases. Because decreases are not consistent with realities in the cost of living, e.g., fuel and housing, the Commissioner of the Department of Health and Human Services (DHHS) and this office have decided to leave last year's numbers in place in areas of the state where the maximums have decreased. The HUD numbers on which the GA maximums calculation is based were so unrealistic, this was the most prudent thing to do—especially given the high cost of heating fuel this year.

If you are in one of the municipalities where the numbers have remained the same and you would like more information on this outcome, please call me to discuss.

### Appendix B

Appendix B is a listing of the maximum levels of assistance for food. These maximum levels are the same as the USDA 2003-2004 Thrifty Food Plan, which are presumed to be reasonable by regulation of the Department of Health and Human Services (DHHS). If the municipal officers wish to amend these maximum levels of food assistance, a local survey must be developed and provided to DHHS to justify the proposed alterations.

### Appendix C

Appendix C is a listing of the maximum levels of assistance for housing (both heated and unheated). These maximum levels were developed by MMA using 2004-2005 HUD Fair Market Rent values that include utility costs. Because the FMR numbers include utility and heating costs, the applicable average utility and heating allowances, as developed by the Maine State Housing Authority (MSHA), are "backed out" or subtracted from the FMR in order to obtain a pure "housing" cost.

In view of the fact that the FMR's were very inconsistent this year—increasing in some areas while decreasing in others—a similar approach as with the Appendix A maximums was taken. In areas of the state where the numbers decreased, last year's numbers were kept. Generally however, even in areas of the state where increases occurred, they were only modest ones. The reason for this occurrence is that the FMR increases were insufficient to offset last year's high utility and heating averages.



As an aside, the Maine Legislature has put together a committee that is currently reviewing the feasibility of the GA maximums. Perhaps by this time next year, with the advice of this committee, we will have new methodology to help generate housing figures which are more consistent with actual costs.

**For the time being, what should your municipality do if the housing maximums contained in this packet are unreasonably low (or high) given the rental rates in your area?** First, the preferred option is to conduct a local rental survey. A local rental survey can be developed fairly easily, and municipalities should explore this option by contacting DHHS for guidance on conducting such a survey.

Another option is to forgo adopting housing maximums (the law does not actually require housing maximums—the other two maximums are required however). If you are a municipality that has to perform “emergency analysis” each and every time an applicant requests housing assistance and you are not planning to perform a market survey (although you probably should), then perhaps working without housing maximums is an option.

Emergency analysis should be an exception, not the rule. If it has become the “rule” in your municipality, then adopting artificially low housing maximums is doing you no service. Municipalities choosing this option must still adhere to the overall maximum and work an applicant’s budget accordingly. Such municipalities might choose to utilize the actual FMR provided by the federal government as a guide (*enclosed for your convenience*). For those municipalities venturing into the “unknown” territory of operating without housing maximums, please feel free to call me for further guidance.

### **The Adoption Process**

With regard to the adoption process, the **municipal officers (i.e., selectpersons/council) adopt the local General Assistance Ordinance and yearly Appendixes**, even in town meeting communities. The law, however, requires that the *municipal officers adopt the ordinance and/or Appendixes after notice and hearing*. Seven days posted notice is recommended, unless local law (or practice) provides otherwise.

At the hearing, the municipal officers should:

- 1) Allow all interested members of the public an opportunity to comment on the proposed ordinance;
- 2) End public discussion, close the hearing; and
- 3) Move and vote to adopt the ordinance either in its posted form or as amended in light of public discussion.

### **Filing of GA Ordinance and/or Appendixes**

Please remember that General Assistance law requires municipalities to send DHHS a copy of its ordinance once adopted. (*For a copy of the GA model ordinance, please call MMA's Publication Department or, visit our web site [www.memun.org](http://www.memun.org)*). In addition, any changes—amendments—such as new Appendixes must also be submitted to DHHS. This year DHHS has made it easier by enclosing a self-addressed envelope for your use. DHHS will accept the enclosed “adoption sheet” as proof that a municipality has adopted the current GA maximums.



Finally, all general assistance forms and notices that the municipality intends to use must also be submitted to DHHS. If it is your intention to use MMA forms, and you have not already done so, simply state that intention to the Department when you submit your ordinance for DHHS filing. Remember, if you intend to use locally developed forms or notices, those forms should be submitted with your adopted ordinance. DHHS's GA Unit address is:

The Department of Health and Human Services  
General Assistance Unit  
#11 State House Station  
Whitten Road  
Augusta, Maine 04333

In way of a reminder, municipalities that have not already seen or used MMA's "interactive" GA forms on MMA's web site are strongly encouraged to visit our site. GA forms and materials are all available online at [www.memun.org](http://www.memun.org). Recently, we posted a new GA publication entitled "*A General Assistance Guide for Immigrants/Refugees and Limited-English Proficiency (LEP) Persons.*" Municipalities are strongly encouraged to download this very important publication or, please call us for more information.

If you have any questions regarding this memo, Appendixes or the ordinance adoption process, please do not hesitate to contact me at 1-800-452-8786.

*(Once again, my special thanks to Cindy Boyd, DHHS, GA Program Manager and her staff for their efforts in mailing the maximums this year.)*

# APPENDIX A

## GA Maximums

### Persons in Household

COUNTY	1	2	3	4	5	6*
<b>Androscoggin SMSA:</b> Auburn, Greene, Lewiston, Lisbon, Mechanic Falls, Poland, Sabattus, Turner, Wales	395	490	619	774	873	948
<b>Androscoggin Non-SMSA</b>	400	488	637	796	892	967
<b>Aroostook</b>	388	457	584	743	856	931
<b>Cumberland SMSA:</b> Brunswick, Cape Elizabeth, Casco, Cumberland, Falmouth, Freeport, Gorham, Gray, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, Yarmouth	572	681	880	1116	1264	1339
<b>Cumberland Non-SMSA</b>	569	602	776	1048	1205	1280
<b>Franklin</b>	458	494	602	743	933	1008
<b>Hancock</b>	501	576	671	945	972	1047
<b>Kennebec</b>	404	505	606	806	861	936
<b>Knox</b>	453	598	683	925	1067	1142
<b>Lincoln</b>	547	587	708	889	1048	1123
<b>Oxford</b>	388	506	584	777	974	1049

\* Please Note: Add \$75 for each additional person.



## APPENDIX A

### Persons in Household

COUNTY	1	2	3	4	5	6*
<b>Penobscot SMSA:</b> Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Old Town, Orono, Orrington, Penobscot Indian Township, Veazie	479	520	644	822	954	1029
<b>Penobscot Non-SMSA</b>	483	484	584	743	892	967
<b>Piscataquis</b>	475	541	670	850	904	979
<b>Sagadahoc</b>	607	625	772	1027	1267	1342
<b>Somerset</b>	407	471	584	743	878	953
<b>Waldo SMSA:</b> Winterport	503	565	701	867	956	1031
<b>Waldo Non-SMSA</b>	531	575	695	834	897	972
<b>Washington</b>	458	494	590	743	856	931
<b>York SMSA:</b> Berwick, Biddeford, Eliot, Kittery, Saco, Sanford, South Berwick, York, Buxton, Hollis, Limington, Old Orchard Beach	626	698	879	1116	1319	1394
	598	668	859	1059	1177	1252
<i>Please Note: 24 CFR Part 888—HUD regulations (May 9, 2001) re: Fair Market Rents (FMR), allocate Cumberland SMSA FMR rates for Buxton, Hollis, Limington &amp; Old Orchard Beach.</i>						
<b>York Non-SMSA</b>	556	576	735	920	1030	1105

\* Please Note: Add \$75 for each additional person.

## APPENDIX B

### Food Maximums

Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan. Through October 2005, those amounts are:

Number in Household	Weekly Maximum	Monthly Maximum
1	34.65	149
2	63.72	274
3	91.40	393
4	116.05	499
5	137.67	592
6	165.35	711
7	182.79	786
8	208.84	898

Please Note: For each additional person add \$112 per month.



## Standard Metropolitan Statistical Areas

**Please Note:** Municipalities in SMSA's (*Standard Metropolitan Statistical Areas*), areas with populations greater than 50,000, should **consider** the following figures. Refer to Appendix A to determine if your municipality falls within a SMSA.

### SMSA

<u>Androscoggin County</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		63	271	72	309
1		79	341	91	391
2		93	401	110	471
3		118	505	138	594
4		127	548	150	645
<u>Cumberland County</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		116	497	124	535
1		136	583	147	632
2		175	751	191	820
3		221	950	241	1036
4		230	988	254	1093
<u>Penobscot County</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		74	320	86	369
1		84	361	99	426
2		105	451	126	541
3		135	582	162	696
4		146	630	178	768
<u>York County</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		126	542	135	582
1		146	629	159	682
2		180	775	197	849
3		243	1047	265	1140
4		285	1225	311	1338



## RELICENSING OF GREELY POOL

December, 2004

I examined the Greely Pool and the pool records on December 6, 2004

Downstairs: The thermometer on the wall may not be functional. The eye wash sink works. In the stairwell: at the bottom of an overhead step, some part of the facing has been lost due to corrosion. It has been checked by maintenance personnel and determined to be non-hazardous.

120.2 Pool lighting is good. Emergency lights are in the restrooms and the pool.

122. Girl's locker rooms are clean and in good repair. Hand soap is available.  
Boy's locker room is generally in good repair except for one cove tile which is broken in the shower. Hand soap is available.

123.6 The "red phone" is working for the dispatch center.  
The two outside exit doors work.  
Two back boards are available.  
The first step on all starting blocks need to be brush scrubbed in the grooves.  
There is some flaking paint on the uprights of the bleachers  
There are two safety rings with rope attached, a shepherd's crook, and red lifeguard flotation devices distributed around the pool.  
The ladders for entry to the pool are secure.

123.6 There have been no positive cultures during this year.

123.3 The pH is maintained between 7.2-7.8.

123.4 Total alkalinity has been maintained between 80-180ppm.

123.5 The clarity of the water is excellent.

123.6 I have reviewed the water sample results monthly and the pool usage, chemical log and incident reports. An occasional pool culture sample did not arrive in Augusta and the sample was not cultured.

126.8 Standard First Aid Kit

Recommended: new non-latex band aids. Rite Aid has them.

Needed: 1" adhesive compress (2 units)

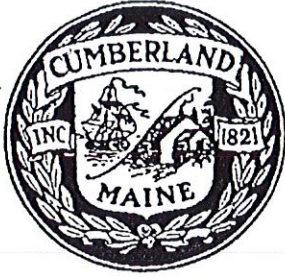
2" bandage compress (2 more needed)

128.2 Staff Certification: Current staff have annual re-certification in CPR.

Patti Seidars, the CPO, is meticulous in her management of the pool to keep the water as safe as is possible for use. She is an asset to the operation of the facility.

*Eileen R. Wyatt*  
Eileen Wyatt  
Health Officer,  
Town of Cumberland





M E M O R A N  
D U M  
  
C O D E  
E N F O R C E M E N T  
O F F I C E

---

To: Town of Cumberland Council  
From: William C. Longley Jr. CEO  
Subject: Inspections for license renewals  
Date: 12-09-04  
CC: William Shane, Town Manager  
Nadine Daniels, Town Clerk

On 12-02-04 inspections were completed on the following locations as per E-mail dated 11-24-04 from the Town Clerk:

1. Greely High Swimming Pool
2. Rey's Cumberland Café
3. Val Halla Golf & Banquet Center

These inspections were done by Mark Stewart of the Cumberland Fire Department and me. Some items were found at each location and corrective action will be taken, I see no reason to withhold the renewal of any of these licenses and recommend to the Council that all of these locations are substantially in compliance.

# Cumberland Fire Department

366 Tuttle Road, Cumberland Center, Maine 04021

Emergency 911

Business 829-5421

Fax 829-4256

Email [dsmall@cumberlandmaine.com](mailto:dsmall@cumberlandmaine.com)

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**Daniel R. Small**  
Chief

## MEMORANDUM

To: Nadeen Daniels  
From: Daniel Small  
RE: Fire Inspections  
Date: December 7, 2004

On Thursday, December 2, 2004, the Cumberland Fire Department inspected the following occupancies:

- Greely High School Pool, Main Street
- Val Halla Banquet Center, Val Halla Road
- Rey's Cumberland Café, 172 Gray Road

There were no significant fire code deficiencies found that should limit the applicants from obtaining their requested licenses.

The following two salvage yards do not require fire department approval:

- Cumberland Auto Salvage, 40 Blackstrap Road
- Greenlaw's Salvage, 1 Longwoods Road

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



TOWN OF CUMBERLAND

APPLICATION TO OPERATE A PUBLIC SWIMMING POOL

Date of Application: 11/17/04

Individual Preparing Application: Patti Seiders

Owner of Pool (Licensee): MSAD #51

Premises to be Licensed: Greeley High School Pool

Location (Street Address): 303 Main St, Cumberland

Dimensions of Pool: 75 ft x 35 ft. 3.5 ft at shallow 10 ft at deep

Pool Volume: 160,000

Maximum Depth: 10 ft

Brief Narrative Description of Nature of Use of Pool:

MSAD #51 Lessons, swim team diving  
Recreation lessons, lap swim, swim team, lifeguard training, pool parties.

Designated Pool Director: Patti Seiders

Section 8.1: Source of water supply for pool, drinking  
fountains, showers, etc.: Public

Section 8.2: Does pool meet the requirement of this section? yes

Section 9.1: Does waste disposal system meet the requirements of  
this section? yes

Section 9.2: Does pool meet the conditions of this section? yes

Section 10.1: Does pool meet the construction standards of this  
section? yes

Section 10.2: Pool bottom material: plaster

Section 10.3: Does pool conform to standards of this section? yes

Section 11.1: Does pool conform to standards of this section? yes

Section 11.2: Does pool conform to standards of this section? yes

Section 11.3: Does pool conform to standards of this section? yes

Section 11.4 Depth, shallow end: 3.5 feet

Section 12.1: Is depth marked at or above water line surface on vertical wall of pool? Yes ☐ No ☒; on edge of deck? Yes ☒ No ☐; at maximum and minimum points? Yes ☒ No ☐; at points of break between the depth and shallow portions not more than 25 feet apart? Yes ☒ No ☐; and at the diving area? Yes ☒ No ☐

Section 12.2: Size (height) of depth marking numerals: 4"

Contrasting color to background? Yes ☒ No ☐

Section 12.3: Width of lane markings: 7ft

Section 13.1: Does pool conform to standards of this section? yes

Section 14.2: Bather capacity as computed under the provisions of this section: 170

Sections 15.1 and 15.2:

Does pool conform to requirements of these sections? yes

Section 16.1: Does pool conform to requirements of this section? yes

Section 16.2: Does pool conform to requirements of this section? yes

Section 16.3: Does pool conform to requirements of this section? yes

Section 16.4: Does pool conform to requirements of this section? yes

Section 16.5: Does pool conform to requirements of this section? yes

Section 17.1: Does pool conform to requirements of this section? yes

Section 17.2: Does pool conform to requirements of this section? yes

Section 17.3: Will the pool operator be required to enforce the provisions of this section? yes



Section 18.1: Does the pool diving area conform to the requirements of this section? *yes*

Height of diving board(s) in meters: *1 meter*

Depth of water at end of diving board(s) and 12 feet beyond: *10ft*

Section 18.2: Free and unobstructed headroom above diving board(s): *15ft*

Section 18.3: Horizontal separation between diving board and sidewalls of the pool: *15ft*

Section 19.1: Type of disinfectant feeder: *PPG-Chlorination System with chlorine pucks*

Section 19.2: (Where applicable)  
Are the requirements of Section 19.2(a) fulfilled?

*N/A*

Does the chlorinating equipment conform to the requirements of Section 19.2(b)? *yes*

19.2(c) Is chlorine gas used? If yes, are gas cylinders securely mounted? Is a valve system wrench maintained on or near the chlorine cylinder? Is a valve protection hood provided? *N/A*

19.2(d) In the event of an accident or other drainage to the chlorinating equipment or chlorine supply, would leaking chlorine gas be vented to the out-of-doors?

*yes*

19.2(e) Does the equipment conform to the provisions of this section? *yes*

19.2(f) Is a gas mask meeting these standards available? If yes, where? *NO*

19.2(g) Person responsible for operation and installation of chlorinating equipment: *Pat Selders - owner*  
*Installation - Ron Fabio Quality Pools*

Section 20.1: Is underwater lighting used? If yes, intensity of underwater lighting: *NO*

Section 20.2: Does the lighting of the pool area conform to the requirements of this section: *yes*

Section 20.3: Does all electrical wiring conform with the National Electrical Code of the National Underwriters Laboratory and all state and local laws and regulations?

*yes*

Section 20.4: Are the provisions of this section met? *N/A*

Section 20.5: Are the requirements of this section met? *yes*

Section 20.6: Are all electrical light fixtures protected as required by this section?

*yes*

Section 20.7: Are the pool, dressing rooms, shower rooms, and toilet spaces adequately ventilated as required by this section? *Pool ventilated but locker rooms are not.*

Section 20.8: Has a directive been issued to the pool director or operators to assure compliance with this section?

Section 21.1: Do the bathhouses (locker rooms) conform to the requirements of this section?

*yes*

Section 21.2: Do the floors of the locker rooms conform to the requirements of this section?

*yes*

Section 21.3: Are the requirements of this section met as they apply to the premises to be licensed?

*yes*

Section 22.1: Do toilet, lavatory, shower facilities and drinking fountains conform to the schedule contained in this section?

*yes*

Section 22.2: Does the layout of the bathhouse conform to the requirements of this section?

*yes*

Section 22.3: Do the showers meet the requirements of this section?

*yes*

Section 22.4: What action has been taken or is contemplated to comply with the intent of this section?

*yes*

Section 23.1: Is the pool continuously disinfected by a chemical? If yes, what is that chemical?

*yes - chlorine*

Section 23.3: Has a ph testing kit accurate to the nearest 0.2 ph unit been provided for testing purposes?

*yes*

Section 23.4: Has a total alkalinity test kit been provided for testing purposes?

*yes*



Section 24.1: How often is visible dirt scheduled to be removed from the pool? *2 times per week or as needed on daily Basis*

Section 24.2 How often is floating matter regularly scheduled to be removed from the pool? *hourly*

Section 26.1: Is a telephone for emergency use provided as required by this section? *yes*

Section 26.2: Are emergency numbers listed as required? *yes*

Section 26.3: How is access to the pool area restricted during non-operating hour? *~~yes~~ Doors to locker rooms and Pool locked during non operating hours*

Section 26.5: What life saving equipment is provided at the pool? *Rescue tubes, Shephards crooks (2) life rings (2).*

Section 26.6: Is a first aid kit meeting the standards of this section readily available? *yes*

Section 26.7: Is life saving equipment mounted and distributed as required by this section? *yes*

Section 27.1: Has a procedure for record-keeping been established or at least the specific data elements specified by this section? *yes*

Section 27.2: Where are/will the public swimming pool records be kept? *At Recreation Department*

Other explanations or information which could be helpful to the Town Council in determining whether or not a license should be granted:

**Nadeen Daniels**

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**From:** Debbie Flanigan  
**Sent:** Wednesday, December 08, 2004 10:06 AM  
**To:** Nadeen Daniels  
**Subject:** RE: swimming pool license

the license for the chebeague pool states that they paid 00 dollars. i don't think they pay either  
deb

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

**From:** Nadeen Daniels  
**Sent:** Wednesday, December 08, 2004 9:59 AM  
**To:** Debbie Flanigan  
**Subject:** swimming pool license

Hi, Councilor Damon would like to know whether the Chebeague Island swimming pool has been paying for a swimming pool license. She said the SAD pool doesn't have to pay and wonders why the Chebeague pool would have to.  
Thanks

***Nadeen Daniels***  
Town Clerk  
Human Resources Director  
**Town of Cumberland**



12-27-04

**Town of Cumberland, Maine  
Building Code**

**"DRAFT"**

**ORDINANCE FOR ADOPTION OF  
THE INTERNATIONAL BUILDING CODE**

An ordinance of the Town of Cumberland adopting the 2003 edition of the International Building Code, regulating and governing the conditions of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures in the Town of Cumberland ; providing for the issuance of permits and collection of fees therefore; repealing the Town of Cumberland, Maine Building Code and all other ordinances and parts of the ordinances in conflict therewith.

The Cumberland Town Council of the Town of Cumberland does ordain as follows:

Section 1A. That a certain document, three (3) copies of which are on file in the office of the Town Clerk of the Town of Cumberland, being marked and designated as the International Building Code, 2003 edition,(see International Building Code Section 101.2.1, 2003 edition), as published by the International Code Council, be and is hereby adopted as the Building Code of the Town of Cumberland, in the State of Maine for regulation and governing the conditions of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the office of the Town of Cumberland are hereby adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2A. The following sections are hereby revised:

Section 101.1 Insert: Town of Cumberland



12-27-04

Section 1612.3 Insert: Town of Cumberland

Section 1612.3 Insert: FLOOD MAPS DATED "07-15-1992"

Section 3410.2 Insert: Maintenance and repairs: The owner shall be responsible for the maintenance and repair of structures. All equipment, systems devices and safe guards required by this code or by a previous statute or code or premises when erected or altered, shall be maintained in good working order. The requirements of this chapter shall not provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures.

Section 3A. That current code entitled Town of Cumberland, Maine Building Code and the 1993 BOCA as adopted 09-08-97 and all other ordinances in conflict herewith are hereby repealed.

Section 4A. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Cumberland Town Council, hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsection, sentences, clauses and phrases be declared unconstitutional.

Section 5A. That nothing in this ordinance or in the Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6A. The Town Clerk of Cumberland is hereby ordered and directed to cause this ordinance to be published, if required.

Section 7A. That this ordinance and the rules, regulations, orders and matters established and adopted hereby shall take effect and be in full force and effect after the date of its final passage and adoption.

ORDINANCE FOR ADOPTION OF  
THE INTERNATIONAL RESIDENTIAL CODE



12-27-04

An ordinance of the Town of Cumberland adopting the 2003 edition of the International Residential Code, regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress in the Town of Cumberland; providing for the issuance of permits and collection of fees therefore; repealing the Town of Cumberland, Maine Building Code adopted 09-08-97 and all other ordinances and parts of the ordinances in conflict therewith.

The Town Council of the Town of Cumberland does ordain as follows:

Section 1B. That a certain document, three (3) copies of which are on file in the office of the Town Clerk of the Town of Cumberland, being marked and designated as the International Residential Code, 2003 edition, including (see International Residential Code Section R102.51, 2003 edition), as published by the International Code Council, be and is hereby adopted as the Residential Code of the Town of Cumberland, in the State of Maine for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Residential Code on file in the office of the Town of Cumberland are hereby adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2B of this ordinance.

Section 2B. The following sections are hereby revised:

Section R101.1 Insert: Town of Cumberland  
Table R301.2(1) (page 24): insert the following:

- (a) Under "Ground Snow Load (pounds per square foot)" insert "60"
- (b) Under "Wind Pressure (mph)" insert "100."
- (c) Under "Seismic Condition by Zone" insert "C."
- (d) Under "Weathering" insert "severe."
- (e) Under "Frost Line Depth" insert "48 inches."
- (f) Under "Termite" insert "none to slight".
- (g) Under "Decay" insert "none to slight."



12-27-04

- (h) Under "Winter Design Temperature for Heating Facilities" insert "to -5degrees F."
- (i) Under "Ice Shield Underlayment Required" insert "Yes."
- (j) Under "Flood Hazards" Insert "11-25-96 " date of adoption of the Floodplain Management Ordinance of the Town of Cumberland
- (k) Under "Air Freezing Index" insert "1500."
- (l) Under "Mean Annual Temperature" insert "45° Fahrenheit."

Other State Laws in conflict with this Code are:

1. Fire safety codes and standards. See Title 25 sections 2452 and 2465
2. Electrical standards. See Title 32, section 1153A
3. Plumbing Code. See Title 32, section 3403-B
4. Oil and solid fuel burning equipment standards. See Title 32, section 2313
5. Propane and natural gas equipment standards. See Title 32, section 14805
6. Boiler and pressure vessel standards, See Title 32, section 15104-A
7. Elevator standards. See Title 32, section 15228
8. Energy efficiency standards. See Title 32 section 1415-D

Section 3B. That current code entitled Town of Cumberland, Maine Building Code and the 1993 BOCA as adopted 09-08-97 and all other parts of ordinances in conflict herewith are hereby repealed.

Section 4B. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Town Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsection, sentences, clauses and phrases be declared unconstitutional.

Section 5B. That nothing in this ordinance or in the Residential Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6B. The Town Clerk of Cumberland is hereby ordered and directed to cause this ordinance to be published, if required.



12-27-04

**Section 7B. That this ordinance and the rules, regulations, orders and matters established and adopted hereby shall take effect and be in full force and effect after the date of its final passage and adoption.**

Enacted:12-27-04

Certified by:\_\_\_\_\_

Name

Clerk

\_\_\_\_\_

Title

Ord - 97-03

**Town of Cumberland, Maine  
Building Code**

The Town of Cumberland hereby ordains that the following new Building Code be enacted and included within the Municipal Code:

**Section 1. Adoption of Building Code**

There is hereby adopted by the Town, for the purpose of establishing rules and regulations for the design, construction, alterations, installation, repair, addition, extension, and demolition of all buildings and structures and their service equipment, that certain building code designated as "the BOCA National Building Code, Twelfth Edition, 1993" as published by the Building Officials and Code Administrators International, Inc. save and except such portions as are hereinafter deleted, modified or amended. The said "BOCA National Building Code" is hereby adopted and incorporated as if set out at length herein, and the Town Clerk shall keep on file in the clerk's office three (3) copies of the said code, which copies shall be kept available for public use, inspection and examination.

**Section 2. Conflicting Provisions**

In the event that there shall be any Cumberland Ordinance provision or State Statute inconsistent with or more restrictive than any provision in the said "BOCA National Building Code", such local or state provisions shall prevail.

**Section 3. Penalty**

The penalty for violating the provisions of the said Code shall be a fine of not less than twenty-five dollars (\$25.00) or more than one hundred dollars (\$100.00) for each separate violation. Each day during which a violation of the said Code continues shall constitute a separate violation.

**Section 4. Local Provisions**

That the following sections are hereby revised as follows:

**Section 101.0 Scope**

**101.1 Title**

These regulations shall be known as the Building Code of the Town of Cumberland, Maine hereinafter referred to as "this Code."

**Section 112.0 Fees**

**112.3 New Construction and Alterations**

The fee for a building permit shall be as prescribed in Section 112.3.1.

**112.3.1 Fee Schedule**

A fee for a building permit shall be paid in accordance with Section 602 Permits and Fees of the Town Zoning Ordinance.



## Section 114.0 Professional Architectural and Engineering Services

### 114.1 General

The Code Official may require all or any part of the construction documents for new construction, alteration, repairs, expansion, addition, or modification for buildings or structures to be prepared by a registered design professional consistent with the professional registration laws of the state. The construction documents shall include the name and address of the registered design professional and shall be signed, sealed and dated by the registered design professional in accordance with the professional registration laws of the state in which the project is to be constructed.

## Section 116.0 Violations

### 116.3 Prosecution of Violation

If the notice of violation is not complied with promptly, the code official shall request the Town Council to institute or cause to be instituted in the name of the Town, any and all actions legal and equitable, that shall be appropriate or necessary for the enforcement of the provisions of this code.

### 116.4 Violation Penalties

Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a civil offense, punishable by a fine of not more than one hundred dollars (\$100.00) nor less than twenty-five dollars (\$25.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense.

## Section 117.0 Stop Work Order

### 117.2 Unlawful Continuance

Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than twenty-five dollars (\$25.00) or more than one hundred dollars (\$100.00).

## Section 121.0 Means of Appeal

### 121.1 Right of Appeal

Any person shall have the right to appeal a decision of the code official to the board of appeals.

### 121.2 Order of Appeals

Appeals shall lie from the decision of the code official to the Board of Appeals and from the Board of Appeals to the Superior Court as provided by Maine Revised Statutes.

## Section 121.3 Filing of Appeals

The appeal shall be filed with the Planning Department on forms approved by the Board and the aggrieved person shall specifically set forth on said form the grounds for said appeal.

### 121.3.1 Application for Appeal

An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent form of construction to be used.

### 121.3.2 Fee

The proper fee as set forth in Section 603.4 Appeal Procedure of the Zoning Ordinance shall be paid at the time of application submission. The application shall be considered incomplete if the fee is not paid.

### 121.3.3 Notice

The notice procedure shall be that as stated in Section 603.4 Hearings of the Zoning Ordinance.

### 121.4 Public Hearing

Before taking action on any appeal the Board shall hold a public hearing. A hearing may be continued to other times for good cause.

#### 121.4.1 Representation

At any hearing a party may be represented by agent or attorney. The code official or his/her duly authorized agent shall attend all hearings and may appropriate for an understanding of the appeal.

#### 121.4.2 Hearing Procedure

The Board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence but shall mandate that only relevant information be received.

#### 121.4.3 Information during Hearing

The Board of Appeals may require information such as, but not limited to, technical construction drawings, standard boundary surveys, copies of registered deeds and materials as may be required for an understanding of the appeal. The applicant is responsible for providing reasonable documentation or verification of facts asserted. The Board of Appeals is not liable for reliance on incorrect or inaccurate information submitted or presented on behalf of the applicant.



#### 121.4.4 Board Decision

The Board shall uphold, modify or reverse the decision of the code official by a concurring vote of three members that the appeal meets one or more of the following criteria;

##### 121.4.4.1 Unnecessary hardship

Where extraordinary and unnecessary hardships may result the Board may provide relief from the strict application of this code provided the public safety, health or welfare is maintained;

##### 121.4.4.2 Special Circumstances

Where there are special circumstances of an unusual nature, the Board may modify these standards so that substantial justice may be done and the public interest served;

##### 121.4.4.3 Interpretation

To interpret this code in cases of uncertainty when the Board determines that the code official is incorrect, unreasonable or beyond the scope of his/her authority in the application of this code.

#### 121.4.5 Administrative Action

The code official shall take immediate action in accordance with the decision of the board.

#### 121.4.6 Successive Appeals

After a decision has been made by the Board of Adjustment and Appeals, a new appeal of similar import concerning the same property shall not be entertained by the Board until one year shall have elapsed from the date of said decision, except that the Board may entertain a new appeal if the Chairman believes that, owing to a mistake of law or misunderstanding of fact, an injustice was done, or if he believes that a change has taken place in some essential aspect of the case sufficient to warrant a reconsideration of the appeal.

### Section 421.0 Swimming Pools

#### 421.4 Locations

Private swimming pools shall conform to the setbacks as defined under Section 204 District Regulation of the Zoning Ordinance.

### Section 2701.0 General

#### 2701.1 Scope

The provisions of that part of the Municipal Code known as the Electrical Ordinance shall control the design and construction of all new installations of

electrical conductors, equipment and systems in buildings or structures; and all alterations to existing wiring systems therein to insure safety. All such installations shall conform to the provisions of NFPA 70 listed in Chapter 35.

## Section 2901.0 General

### 2901.1 Scope

The design and installation of plumbing systems, including sanitary and storm drainage, sanitary facilities, water supplies and storm water and sewage disposal in buildings, shall comply with the requirements of the State of Maine Internal Plumbing Rules chapter 238, state of Maine Subsurface Wastewater Disposal Rules Chapter 241, and the Town of Cumberland Sewer Use Ordinance.

## 3001.0 Elevators and Conveying Systems

### Section 3001.0 General

#### 3001.1 Scope

State statutes, rules and regulations and permitting requirements shall control the design, construction, installation, maintenance and operation of all elevators, dumbwaiters, escalators, moving walks and special hoisting and conveying equipment hereafter operated, installed, relocated or altered in all buildings and structures. The design, construction, installation, maintenance and operation of all miscellaneous hoisting and elevating equipment and amusement devices shall be subject to the same applicable state requirements.

## 3101.0 Special Construction

### Section 3101.0 General

#### 3101.1 Scope

In addition to the general requirements of this code governing the design and construction of all structures, the provisions of this chapter shall control the special structures and construction features as herein provided.

## Section 3102.0 Signs

### 3102.1 General

The provisions of this section and Section 424 Signs of the Zoning Ordinance shall govern the construction, alteration, repair and maintenance of all signs together with the associated appurtenant and auxiliary devices in respect to structural and fire safety. Where any provisions of this section conflict with Section 424 of the Zoning Ordinance, Section 424 shall apply.



## Section 3107.0 Flood Resistant Construction

### 3107.1 General

All buildings and structures erected in areas prone to flooding shall be constructed and elevated as required by the provisions of the Floodplain Management Ordinance for the Town of Cumberland.

## Section 3401.0 Existing Structures

### 3408.2 Applicability

Structures existing prior to the adoption of this Building Code, in which there is work involving additions, alterations or changes of occupancy, for which a valid permit or use/occupancy certificate has been issued, shall be exempt from the requirements of this code and subject to the building code in effect at the time the permit was issued.

## Section 5 Inconsistent Ordinances Repealed

That Ordinance Number 75-11 of the Town of Cumberland entitled BOCA Basic Building code, 1975 Edition and Accumulative Supplements and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

## Section 6 Saving Clause

That nothing in this Ordinance or in the Building Code hereby adopted shall be construed to effect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 5 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

## Section 7 Date of Effect.

That the Town Clerk of Cumberland shall certify to the adoption of the Ordinance and cause the same to be published as required by law and this Ordinance shall take full force and effect upon final approval and adoption.

Enacted: September 8, 1997  
Date

Certified by: Klara M. Martin  
Name  
Town Clerk  
Title



**Councilor Savasuk's remarks:** Councilor Savasuk felt the "committee should be reflective and responsive. I don't think these modifications needed to be done here at the Council level. I think they should have been done at the committee level, and I think these recommendations had been brought up at the committee level, and I just don't think they undertook to proceed with these type of recommendations. And, that's a concern of mine, that these, especially with the dog and the bonfire was taken up at the committee level and they seemed to have closed their ears noses and eyes to it and forced the council to now to have to take this up at this level. And, I think it should have been done at the committee level if the committee was to be reflective and responsive of the community as a whole. And, I just wanted to express that for the record that that was my concern."

**Deputy Chief Copp's remarks:** "I am Deputy Chief Chris Copp and I just wanted to clear up a few things. I'm not sure if you're gonna act on some of these amendments tonight. But, some of the questions that Councilor Damon brought up I just want to address. The Fire Permit is a state regulated fire permit, and it is true that a cooking fire does not require a permit; however it still falls under the guidelines of if it's too dry, or too windy, then open fires are not excepted, whether it's a cooking fire or not. The state sets those levels for us during the summer. They have the class .. that tells us if we can have those fires or not. So, there's really no reason to change that where we're governed by the state on that and that's acceptable. We use common sense. If we show up and you've got a thirty foot cooking fire going, well, we don't call it a cooking fire. And that hasn't been an issue to date. The other thing I wanted to address was the gas grills. Again, I know picking a number out of the air just to get some ground work to start is a fine thing. I don't have an issue with numbers. I do, would like to see some language in the amendment that talks about location in regards to the playing fields. And I think just to pick a number out to put some language in order would be about a hundred and fifty feet, you know grills no closer than a hundred and fifty feet to the activity. That would get the grill away from the crowd that's watching the event as well as limit the occurrence of a player crashing into the grill or a ball knocking a propane cylinder over. Propane cylinders are only designed to work standing upright. If you knock one over the fire gets two hundred and seventy times bigger than it was a minute ago. I would like to see the amendment language to address location of the gas grills and I guess just to put my two cents in, I really appreciate Councilor Moriarty's amendments. I think they're right on track for what we need. I do think we do need to keep it open or subject to Council approval and Fire Department approval for future events. We have the bonfire now with the football boosters that we deal with but there may be something like Councilor Storey talked about that may come up; a celebration for the town that we may want not be locked into language that we can't address. And, I think to ask anybody coming, to come to the council and get approval, or its designee, as well as the fire department, is not an unreasonable request. And that's all I had." Councilor Moriarty asked if there had been any problems in the past with fire control with regard to the two bonfires we've had so far? "Not at all. They've gone quite smoothly. We assign two fire apparatus. One for suppression, and one for lighting because as you spoke there's no



lighting available own there, so we do have a lighting unit that we send down. I know there was some discussion about moving it over to the other Greely Road fields. The concern for the fire department over there is we don't have a nearby hydrant location there. We have to go to the other side of the railroad tracks if we need water if something does occur. But, it's gone very smoothly. We provide a couple of EMT's with that group that goes down and we have had no issues at all."