

A G E N D A
CUMBERLAND TOWN COUNCIL MEETING
Town Council Chambers, 290 Tuttle Road
Monday, July 11, 2005
7:00 p.m.

I. APPROVAL OF MINUTES

II. MANAGER'S REPORT

III. PUBLIC DISCUSSION

IV. LEGISLATION AND POLICY

- 05 - 113.** To consider request to exclude temporary float from emergency wharf moratorium.
- 05 - 114.** To hold public hearing to consider and act on Contract Zone request by Dr. Louis Hanson, 371 Tuttle Rd.
- 05 - 115.** To hold public hearing to consider and act on Automobile Graveyard and/or Junkyard Permit for Thomas S. Greenlaw, d/b/a Greenlaw's Salvage, 1 Longwoods Road.
- 05 - 116.** To authorize the Town Manager to borrow \$2.8 million in Tax Anticipation Notes.
- 05 - 117.** To accept Sewer and Pedestrian Easement Deed from Peter D. Kennedy for property along Route One.
- 05 - 118.** To accept Sewer and Pedestrian Easement Deed from BBW Real Estate, LLC, for property along Route One.
- 05 - 119.** To accept a \$2,000 donation to the Cumberland Police Department.
- 05 - 120.** To discuss and determine next step re: Drowne Road/Doane Property.
- 05 - 121.** To hold public hearing to consider and act on a Mass Gathering Permit for the United Maine Craftsmen, Inc. 36th Annual Craft Fair, Cumberland Fairgrounds, August 11-14, 2005.
- 05 - 122.** To consider and act on recommendations to Planning Board re: Twin Brook/Greely Rd athletic fields.
- 05 - 123.** To set public hearing date to consider and act on a Bond Anticipation Note for fire trucks and computer system.
- 05 - 124.** To set public hearing date to consider and act on amendment to Victualer's License Ordinance re: Mobile Vending Units
- 05 - 125.** To set public hearing date to consider and act on request to discontinue Turkey Lane.
- 05 - 126.** To set public hearing date to consider and act on a 15 year agricultural easement for a 7 +/- acre lot located within the Twin Brook/Greely Road property.

V. NEW BUSINESS

VI. EXECUTIVE SESSION - Title 1, M.R.S.A., 405(6)(c) re: acquisition of real estate.

VII. ADJOURNMENT

MEMBERS OF THE TOWN COUNCIL

William Stiles, Chair	829-6679	wcstiles@maine.rr.com	Donna Damon	846-5140	publicservant1@aol.com
Mark Kuntz	829-8127	mkuntz1@maine.rr.com	Harland Storey	829-3939	cstorey@zwi.net
George Turner	781-3063	gturner1@maine.rr.com	Jeffrey Porter	829-4129	mesit5@maine.rr.com
Stephen Moriarty	829-5095	smoriarty@nhdlaw.com		web:	www.cumberlandmaine.com

 *** ACTIVITY REPORT ***

ST. TIME	CONNECTION TEL	CONNECTION ID	NO.	MODE	PGS.	RESULT
*07/06 22:37	98299121		3049	TRANSMIT G3	1	OK 00'46
*07/06 22:41	918008137868		3050	TRANSMIT ECM	1	OK 00'33
*07/07 01:58	207 729 7790		7245	AUTO RX ECM	2	OK 00'44
*07/07 03:13	97916920	PRESS HERALD NEW	3051	TRANSMIT ECM	2	OK 00'20
*07/07 06:59			7246	AUTO RX ECM	1	OK 00'46
*07/07 20:41	98566200		3053	TRANSMIT ECM	1	OK 00'33
*07/07 20:48	2073474523		7247	AUTO RX ECM	2	OK 00'21
*07/07 21:10			7248	AUTO RX ECM	1	OK 00'24
*07/07 21:45			7249	AUTO RX ECM	3	OK 00'56
*07/07 22:15	93474523		3054	TRANSMIT ECM	1	OK 00'14
*07/07 22:17	97757935		3055	TRANSMIT ECM	4	OK 00'29
*07/07 23:08			7250	AUTO RX ECM	2	OK 00'45
*07/07 23:11	2078292231		7251	AUTO RX ECM	2	OK 01'04
*07/08 01:15			7252	MEMORY RX ECM	2	OK 00'27
*07/08 20:31	97813283		3056	TRANSMIT ECM	1	OK 00'21
*07/08 20:31	97812060		3057	TRANSMIT ECM	1	OK 00'32
*07/08 20:33	98466828		3058	TRANSMIT ECM	1	OK 00'33
*07/08 20:33	98787482		3059	TRANSMIT ECM	1	OK 00'33
*07/08 20:35	97757935		3060	TRANSMIT ECM	1	OK 00'19
07/08 20:35	97916920	PRESS HERALD NEW	3061	TRANSMIT ECM	1	OK 00'19

MOTIONS

- 05 – 113. **I move** to authorize the Town Manager to issue a temporary/seasonal float to Katherine Pope, 19 Sturdivant Road, Cumberland. *JP/MK 6-1 DD opposed*
- 05 – 114. **I move** to authorize the Town Manager to execute a Contract Zone with Dr. Louis Hanson, for property at 371 Tuttle Road, and to amend the Town of Cumberland Zoning map accordingly. *SM/DD Unan*
- 05 – 115. **I move** to approve the Recycler/Auto Graveyard license of Thomas Greenlaw, d/b/a Greenlaw's Auto Salvage; said license to expire September 30, 2005. *DD/*
- 05 – 116. **I move** to authorize the Town Manager to borrow funds through the issuance of Tax Anticipation Notes in an amount not to exceed \$2.8 million dollars. *and accept a bid \$ JP/67 amend SM/MK unan*
- 05 – 117. **I move** to accept a Sewer and Pedestrian Easement from Peter D. Kennedy for property located along the westerly sideline of U.S. Route One. *DD/67 unan*
- 05 – 118. **I move** to accept a Sewer and Pedestrian Easement from BBW Real Estate, LLC, for property located along the westerly sideline of U.S. Route One. *SM/*
- 05 – 119. **I move** to accept a donation of \$2,000 from Mr. and Mrs. Gorman to the Cumberland Police Department. *SM/DD unan*
- 05 – 120. **I move** to ?
- 05 – 121. **I move** to approve the Mass Gathering Permit and Victualers Licenses for the 36th Annual Cumberland Craft Show, Cumberland Fairgrounds, August 11-14, 2005. *DD/ MK unan*
- 05 – 122. **I move** to forward the Town Manager's (with or without any amendments you may make during your meeting) recommendations re: the Twin Brook/Greely Road athletic fields to the Planning Board for review at their July 26, 2005 meeting. *5-2 JP*
- 05 – 123. **I move** to set a public hearing date to consider and act on a Bond Anticipation Note for the purchase of fire trucks and computer system. *MK/SM unan*
- 05 – 124. **I move** to set a public hearing date to consider and act on an amendment to the Victualer's License Ordinance re: Mobile Vending Units. *SM/MK*
- 05 – 125. **I move** to set a public hearing date to consider and act on a request to discontinue Turkey Lane. *JP-SM unan*
- 05 – 126. **I move** to set a public hearing date to consider and act on a 15 year agricultural easement for a 7 +/- acre lot located within the Twin Brook/Greely Road property.

36 Union Wharf
Portland, Maine 04101
Tel - 207-772-3796
Toll free - 1-888-844-9666
Fax - 207 -347-7283

CUSTOM FLOAT SERVICES

Fax

To: Nadeen Daniels **From:** Charlie Poole
Fax: 829-2224 **Pages:**
Phone: **Date:** 7/8/05
Re: K. Pope request for council **CC:**

☐ Urgent ☒ For Review ☐ Please Comment Please Reply ☐ Please Recycle

● **Comments:** Hi Nadeen:

Attached are the following:

1. My letter of request for the 7/11/05 Council meeting for K. Pope's being excluded from the Moratorium
2. 2 letters of support that Bill Shane asked be written for this meeting

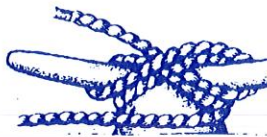
Please call me if you have any questions.

Sincerely,



Charles A. Poole

President



Custom Float Services

By Brown Ship Chandlery, Inc.

July 8, 2005

Ms. Carla Nixon
Mr. William Longley
Town of Cumberland
290 Tuttle Rd.
Cumberland, Maine 04021

Dear Carla and Bill:

At the request of Town Clerk, Nadeen Daniels, I am writing to request that Katherine Pope's application for a seasonal float be placed on the 7/11/05 Cumberland Town Council agenda. The reason for this request is to ask the council to exclude Ms. Pope's application from the just passed Emergency Moratorium. As the 7/6/05 email had indicated, this application had history from 2004, a previous application had been submitted and the current application was a work in progress.

If you need more information, please let me know.

Thank you.

Sincerely,

Charles A. Poole
President

cc: K. Pope

15 Sturdivant Road
Cumberland Falls
Maine 04110

Mrs. Carla Nixon, Town Planner
Town of Cumberland
290 Tuttle Road
Cumberland, Maine 04021

Dear Mrs. Nixon:

My neighbor, Katherine Pope has informed me of her desire to install four to six seasonal floating docks in front of her property. At this time I do not have any objection

Sincerely,
Maureen Gallagher Chadbourne

Carla Nixon
Town Planner
Cumberland Town Office
290 Tuttle Road
Cumberland, Maine 04021

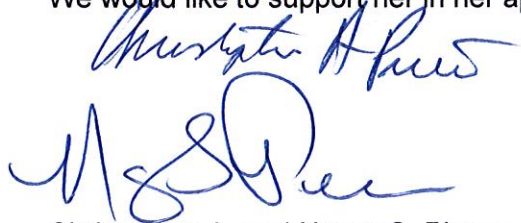
July 7, 2005

To whom it may concern:

I am writing to inform you that our adjacent neighbor, Katherine Pope, on Sturdivant Road, has informed us of her desire to build temporary seasonal floats to improve access to the water for light recreational use.

We own the abutting property to her north at 21 Sturdivant Road

We would like to support her in her application for a permit to build the floats.

The image shows two handwritten signatures in blue ink. The top signature is cursive and appears to read 'Christopher A. Pierce'. The bottom signature is also cursive and appears to read 'Nancy S. Pierce'.

Christopher A. and Nancy S. Pierce
67 Portland Street
Yarmouth, Maine
206 846 9825

Nadeen Daniels

From: William Shane
Sent: Friday, July 01, 2005 3:24 PM
To: Nadeen Daniels
Subject: FW: Seafax/BBW Real Estate, LLC

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

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

From: William Shane
Sent: Friday, July 01, 2005 3:24 PM
To: 'Eben Adams'
Cc: Natalie L. Burns; kcole@jbgh.com
Subject: RE: Seafax/BBW Real Estate, LLC

Eben:

I'll put the acceptance of the easements on the agenda for July 11th.

No one from Sea Fax is required to be present. They are fairly straightforward documents and we were expecting them.

Have a great 4th!

Bill

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

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

From: Eben Adams [mailto:eadams@PierceAtwood.com]
Sent: Friday, July 01, 2005 2:53 PM
To: William Shane
Cc: David Weatherbie (E-mail)
Subject: FW: Seafax/BBW Real Estate, LLC

Bill, thanks for the call. The easements are attached. I'm not aware of any particular time pressure, I was more following up just to close out the file (and because I am holding signed easements that haven't been recorded).

When these are considered by the Town Council, does someone from Seafax need to be present?

Thanks again.

Eben

7/5/2005

Eben Adams

Pierce Atwood LLP

One Monument Square

Portland, ME 04101-0111

207-791-1175 direct

207-791-1350 fax

<mailto:eadams@pierceatwood.com><http://www.pierceatwood.com>

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

From: Eben Adams**Sent:** Thursday, June 02, 2005 3:58 PM**To:** 'Natalie L. Burns'**Cc:** David Weatherbie (E-mail); eprojec1@maine.rr.com**Subject:** RE: Seafax/BBW Real Estate, LLC

Natalie, attached are copies of the signed sewer easements. Please let me know when these have been approved/accepted by the Town Council and I will have them recorded.

Thanks for your help.

Eben

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

From: Natalie L. Burns [<mailto:nburns@JBGH.com>]**Sent:** Thursday, June 02, 2005 10:01 AM**To:** Eben Adams; William Shane**Cc:** Carla Nixon; Adam Ogden; David Weatherbie (E-mail); eprojec1@maine.rr.com**Subject:** RE: Seafax/BBW Real Estate, LLC

Eben,

The changes look fine to me. When the executed easement to the Town is ready, it can be presented to the Town Council for acceptance.

Thanks,

Natalie

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

From: Eben Adams [<mailto:eadams@PierceAtwood.com>]**Sent:** Thursday, June 02, 2005 8:14 AM**To:** William Shane; Natalie L. Burns**Cc:** Carla Nixon; Adam Ogden; David Weatherbie (E-mail); eprojec1@maine.rr.com**Subject:** RE: Seafax/BBW Real Estate, LLC

Mr. Shane, thanks for the prompt response. Your change with regarding to restoration is fine, excepting the driveway -- if that must be torn up to repair/replace/enlarge the sewer line, we would expect the Town/Sewer District to restore our driveway. Attached please see

7/5/2005

a revised easement as well as a reline showing the changes I have made to address your comments below.

Also, I can confirm that the easement area described is the full width of the Seafax property (not just to the point where Seafax will tie in to the sewer line) such that the Town could extend the sewer line to the north without a further easement from Seafax.

Thanks again for the quick turn around. Please advise if this version is acceptable to the Town.

Eben

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

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

Sent: Thursday, June 02, 2005 7:18 AM

To: Eben Adams; Natalie L. Burns

Cc: Carla Nixon; Adam Ogden; David Weatherbie (E-mail); eprojec1@maine.rr.com

Subject: RE: Seafax/BBW Real Estate, LLC

Comments below in red.

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

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

From: Eben Adams [mailto:eadams@PierceAtwood.com]

Sent: Wednesday, June 01, 2005 6:54 PM

To: Natalie L. Burns

Cc: Carla Nixon; William Shane; Adam Ogden; David Weatherbie (E-mail); eprojec1@maine.rr.com

Subject: RE: Seafax/BBW Real Estate, LLC [html]

Natalie, thanks for the prompt response.

With regard to point number 1, you are correct that Seafax will install the sewer line (which is a condition of site plan approval). However, my understanding is that the Town will own, operate and maintain the 8" sewer line (with Seafax owning the 6" line that "T"s off the 8" line to connect to the building) after it is installed. Is that correct? I had prepared the easement thinking more of the future operation of the sewer line than to the installation, but your point is well taken. Would it work to add "Excepting the initial installation of the sewer line" at the beginning of that paragraph?

**Sewer will become Town property and shall be maintained by the
Portland Water District**

With regard to point #2, I will await additional feedback from the town. To the extent this could be provided promptly tomorrow (Thursday) morning, that would be appreciated.

**I would like to see plantings prohibited within the easement. If repairs
or line maintenance is needed any landscaping will be removed and not**

replaced by the Portland Water District. The disturbed ground will be re-graded, loamed and seeded.

Point #3 is fine, I have made the change.

Attached is a redline and a revised version of the easement. In addition to the revisions above, I have revised the description of the easement area to reflect that it now touches US Route 1 (rather than being 15 feet back as previously drafted).

Also attached is a corresponding easement from Peter Kennedy to the Town. This easement is over the approximately 40 feet wide strip of land immediately to the south of the parcel Seafax will acquire. It is anticipated that this strip will eventually be conveyed to the Town, but to ensure that the sewer line can be constructed immediately, Mr. Kennedy has agreed to give a corresponding easement.

Just to be sure, the easement must run parallel to Route One for the entire width of the Seafax lot so future sewer extensions to the North can be installed.

If you have any questions, please do not hesitate to contact me.

Regards,

Eben

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

From: Natalie L. Burns [mailto:nburns@JBGH.com]

Sent: Wednesday, June 01, 2005 3:45 PM

To: Eben Adams

Cc: Carla Nixon; wshane@cumberlandmaine.com;
aogden@cumberlandmaine.com

Subject: RE: Seafax/BBW Real Estate, LLC

Eben,

Thanks for providing these items for review. The language for the reciprocal access easements is fine as presented.

While the form of the sewer/pedestrian access easement is fine, there were just a few issues:

1. The easement states that the Town is responsible for the installation of the sewer and for the costs of installation. While the Town is getting the right to utilize the area for potential future expansions of the sewer system, it is my understanding that Seafax will also be installing a sewer line and/or connection to serve its own project and that this is Seafax's financial responsibility. This is not clear from the easement, which appears to state that the Town would be liable for the costs of this as well as future work and extensions.
2. There is nothing in the easement about prohibiting planting of trees

or larger bushes within the easement area. I am not sure whether the Town would also want a prohibition upon trees within a certain distance from the sewer easement. I have copied this to the Town Manager and the Public Works Director so that they can let us know if they have a concern about this issue and, if so, what distance they would like protected.

3. In the next to last paragraph, the last sentence states that the "Grantee shall restore the surface of the Easement Area to its condition prior to such disturbance in the exercise of the rights granted herein." I would like to add after "prior to such disturbance" the phrase "or as reasonably close to such condition as is practicable given seasonal and other limitations."

Please let me know if you have any questions. I will be out of the office this afternoon for a meeting, but I will be in all day tomorrow.

Thanks,

Natalie

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

From: Eben Adams [mailto:eadams@PierceAtwood.com]

Sent: Tuesday, May 31, 2005 5:41 PM

To: Natalie L. Burns

Cc: Carla Nixon

Subject: RE: Seafax/BBW Real Estate, LLC

Natalie, as you can see from the email exchange below, Pierce Atwood represents BBW Real Estate, LLC (related to Seafax, Inc.). As part of the conditions for site plan approval on Route 1 in Cumberland, BBW must provide for a sewer and pedestrian easement to the Town as well as reciprocal vehicular access easements to and from the immediately adjacent parcel to the north (so that parking lots can be connected). I have attached the form of both these easements for your review (per Carla Nixon's instruction below). We are trying to close the acquisition of this property on Thursday, so your prompt review is very much appreciated.

A couple of notes:

1. The reciprocal access easements will be inserted in the deed for this parcel as the Grantor will retain the parcel immediately to the north.
2. The description on the sewer pedestrian easement is being revised. The description in the attached draft reflects the easement being 15 feet westerly of and parallel to Route 1. Final site plan approval calls for the easement to be immediately adjacent to Route 1.
3. If the form of the sewer easement is acceptable, our Grantor, Peter Kennedy, will make a corresponding grant to the Town so that the sewer line may be installed over a strip of land that he owns immediately to the south of the parcel that we are acquiring.

I apologize for the tight timeframe. If there is anything I can do

expedite the process (such as providing a copy of the site plan)
please let me know.

Regards,

Eben

Eben Adams

Pierce Atwood LLP
One Monument Square
Portland, ME 04101-0111
207-791-1175 direct
207-791-1350 fax
<mailto:eadams@pierceatwood.com>
<http://www.pierceatwood.com>

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

From: Carla Nixon
[mailto:cnixon@cumberlandmaine.com]
Sent: Tuesday, May 31, 2005 10:03 AM
To: Eben Adams
Cc: Natalie L. Burns
Subject: RE: Seafax/BBW Real Estate, LLC

Eben,
You can send them to Natalie Burns. I have copied her
above so that you have her email address.
Carla

From: Eben Adams
[mailto:eadams@PierceAtwood.com]
Sent: Friday, May 27, 2005 4:52 PM
To: Carla Nixon
Subject: Seafax/BBW Real Estate, LLC [html]

Carla,

Pierce Atwood represents Seafax, and I am working on
the acquisition of the property on Route 1 in
Cumberland. I understand that, pursuant to the site plan
approval, Seafax must provide the Town Attorney with
(1) a parking area access easement connecting their
parking lot to whatever is developed on the northerly
parcel and (2) a sewer and pedestrian easement to the
Town. Once I have these drafted, should I send them to
you or the Town Attorney? (If to the Town Attorney,
please let me know who that is.)

7/5/2005

Thank you.

Eben

Eben Adams

Pierce Atwood LLP

One Monument Square

Portland, ME 04101-0111

207-791-1175 direct

207-791-1350 fax

<mailto:eadams@pierceatwood.com>

<http://www.pierceatwood.com>

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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: July 8, 2005
Re: Pope Seasonal Swimming Floats – Foreside
cc:

This was an item that began last year and was scheduled to be in for Staff permitting, but the emergency moratorium prohibit my staff from issuing permits for these season floats.

In our discussions with Natalie Burns (Town Attorney for planning issues) she recommends that the Council authorize the Town Manager to issue the permits for these seasonal floats.

This project was in the hopper last year, but we had not heard from the applicant until the day after the moratorium was issued. I believe you would have exempted this application from the moratorium had you known about the situation and circumstances.

William Shane

From: Carla Nixon
Sent: Tuesday, June 28, 2005 12:46 PM
To: 'Natalie L. Burns'
Cc: William Longley; William Shane
Subject: FW: Pope swimming float

Hi Natalie,

I am forwarding this email so that you can see that there has been a resident who has been trying since last June ('04) to receive Town approval to place several floats to be anchored off shore in front of her home on the Foreside. Since they are temporary, not permanent structures, they do not require Planning Board review, but they do require a permit from the Code Officer.

Barbara McPheters denied this request last year based on input from our (then) Harbormaster, Ted Curtis. After her denial, Mr. Curtis was asked by the applicant to look at the site. He did, and based on his observation, reversed his opinion. All of this is documented in the file. The applicant then hired Charlie Poole to do the permitting for this project. Back in May of this year Mr. Poole began inquiring of me and Bill Longley what would be needed to permit the floats. He has been in contact with us through out this period, excepting the recent week when the moratorium was being drafted. Mr. Poole was not notified of the proposed moratorium. He brought in the application when we opened this morning at 8:00 a.m... It was dated yesterday. Pam Bosarge told him it was too bad he didn't bring it in yesterday because the Council voted to approve a moratorium on piers last night. Obviously, Mr. Poole is chagrined by the fact that he did not get the application in earlier and he would have had he know anything about the proposed moratorium.

So, Bill Longley and I want to ask you to advise us on this situation. Given the amount of communication that has gone on, and the fact that the proposed moratorium was not known to Mr. Poole, that this is not a permanent structure, and that the application is actually dated yesterday, do you feel that Bill Longley could take this application and consider it for approval? It will still require Army Corp review and approval.

If you would like any additional information, please call me or Bill. Thanks.

Carla

From: William Longley
Sent: Tuesday, June 28, 2005 11:16 AM
To: Carla Nixon
Subject: FW: Pope swimming float

From: Charlie Poole [mailto:cpoole@customfloat.com]
Sent: Wednesday, May 25, 2005 5:43 PM
To: Charlie Poole; William Longley
Cc: popek@spectrummg.com
Subject: RE: Pope swimming float

Hi Bill:

I have not heard from you re: K.Pope project. Can you call me on Thursday, 772-3796 or my cell 939-1431.

Thanks.

7/8/2005

Charlie

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

From: Charlie Poole

Sent: Thursday, May 12, 2005 10:35 AM

To: 'William Longley'

Cc: 'popek@spectrummg.com'

Subject: Pope swimming float

Hi Bill:

I am emailing you re: Katherine Pope, 19 Sturdivant Rd., Cumberland.

She is going to make application to put out a seasonal swim/recreational float in front of her home. She would like to have 4 – 8' x 20' floats connected and anchored just off the high tide line. There will be no permanent structure involved with this. She had made application in May of 2004 which was denied mostly because of comments by then clam warden Ted Curtis. He revisited the site with K. Pope on June 7, 2004 and went over all of the concerns that caused the original app. to be denied. He agreed that the plan was reasonable and encouraged her to reapply. I have notes and comments from K. Pope to support this.

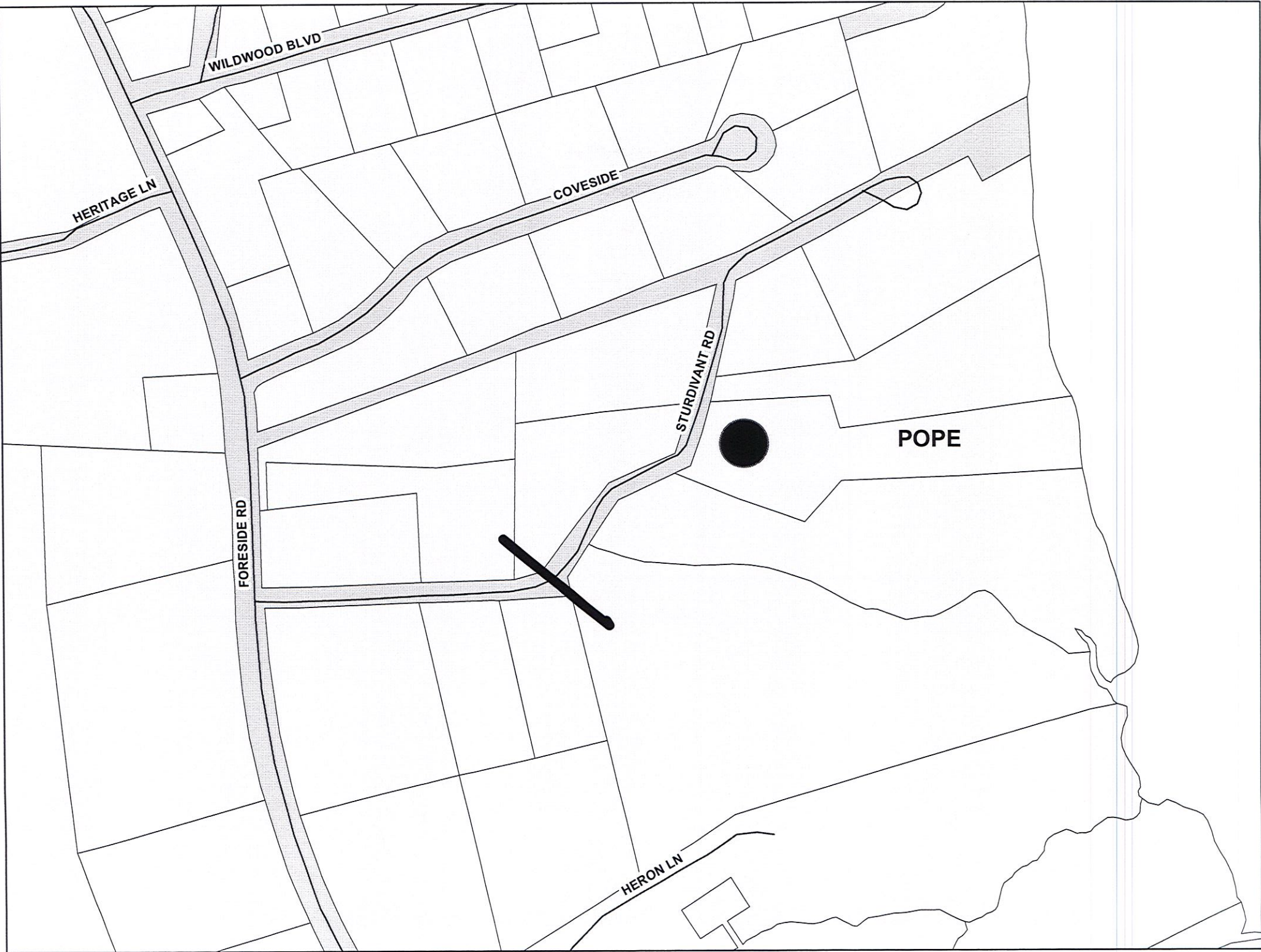
I spoke to Carla about the process for the reapplication and she said to fill out the Shoreland Zone Application and check with you if it would be Staff review only. Please let me know as I want to get this into your office ASAP.

Thanks and I look forward to hearing from you.

Regards,

Charlie Poole
CFS

7/8/2005



William Shane

From: Lewis Incze [lincze@usm.maine.edu]
Sent: Friday, July 08, 2005 9:53 AM
To: kenhermham@aol.com; publicserving1@aol.com; brewer@cheverus.org; Alyssa Daniels; Joe Charron; Thomas Burgess; William Shane; sandypoint@earthlink.net; smoriarty@nhdlaw.com
Subject: Re: FW: DocSTAR Email: POPE FLOATS - 2005

Bill et al.,

I support this decision to allow the floats under these circumstances, but with caveats that may include a subsequent review and modification. This, of course, illustrates in spades the need for a well-formulated and well-enforced procedure that includes an explanation of general concerns and principles and sufficient time for review. My thoughts:

1. Small-town government should be flexible enough to bend to extenuating circumstances such as these. A prior decision was made. Holding rigidly to our moratorium defeats this.
2. I should note, however, that such floating structures that begin at the high water mark in some locations almost certainly do more damage than a traditional fixed pier with ramp and float. This is because floats sit on the fringe marsh vegetation, killing it and leading to a locally eroded spot and a decrease in the already small amount of upper tidal habitat. I know this from personal experience. I do not know if the proposed float location is in a creek channel (where it does less damage) or sitting on marsh grass. The accompanying figure is not sufficiently detailed, and there is no text that explains Ted's reasons for concern and reversal of his opinion. We (at least I) are thus doing this blindly...not good. I live near the Popes and know there is a lot of fringing marsh in the area. A pier bridges this region and may provide better shoreline and habitat protection.
3. In my opinion, the float pontoons should not be painted with antifouling paint if they are sitting on the upper marsh--such paint is too toxic and is leaching directly into the substrate in a spatially limited habitat. Lower mudflats or open water are at least bigger habitats. The seasonal nature of the floats means they will dry out for half of each year, decreasing the need for antifouling protection.

Some of the above thoughts might be useful in formulating a policy as we move forward. In the meantime, I recommend the town grant this permit for this season but subject to review and a possible requirement for modification for 2006 pending new policies. This should not be construed as a possible threat to future rights for a float, as this will have been grandfathered * I think (remember, I'm not a lawyer). I think this is a reasonable compromise that allows the Popes to use the floats which seem to have been approved by prior procedures, while at the same time recognizing that the floats are not yet in and are thus subject to the development of a set of revised policies that the town has requested and set in motion through the formation of this commission's task on floats and piers.

I think the above makes sense, though I write this hastily. Let me know if you have any questions.

Lew

Lewis S. Incze
Bioscience Research Institute/
University of Southern Maine
350 Commercial St.
Portland, ME 04104

Voice: 207-228-1676
FAX: 207-228-1689
e-mail: lincze@usm.maine.edu

Nadeen Daniels

From: Charlie Poole [cpoole@customfloat.com]
Sent: Wednesday, July 06, 2005 3:40 PM
To: Carla Nixon; William Longley
Cc: William Shane; Nadeen Daniels
Subject: RE: Pope swimming float

Hi Carla and Bill:

Just a follow up on K. Pope. I spoke to Bill Shane and he said that the Pope project could be excluded from the moratorium if the council approves, because it has history, a previous application had been submitted and is a work in progress. He will bring it before the council on July 11th. If they approve, I would like to proceed with your staff review. Please let me know if you need any more information from Custom Float Services. Thanks for your help on this project.

Regards,

Charlie Poole
CFS

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

From: Carla Nixon [mailto:cnixon@cumberlandmaine.com]
Sent: Wednesday, June 29, 2005 8:15 AM
To: Charlie Poole
Cc: William Shane; Nadeen Daniels
Subject: RE: Pope swimming float

Charlie,
I would suggest you speak now with the Town Manager's office to see how to proceed. I would suspect that some simple language would need to be proposed along with a cover letter written to the Manager asking to be placed on a Council meeting agenda. This cover letter would outline the situation and explain why the proposed language amending the moratorium would be appropriate.

The number to the Manager's office is 829-2206.

Carla

From: Charlie Poole [mailto:cpoole@customfloat.com]
Sent: Tuesday, June 28, 2005 3:13 PM
To: Carla Nixon
Subject: RE: Pope swimming float
Importance: High

Thanks Carla. What would be the process to have a temporary(seasonal float) excluded from the moratorium?

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

From: Carla Nixon [mailto:cnixon@cumberlandmaine.com]
Sent: Tuesday, June 28, 2005 1:22 PM
To: Charlie Poole
Cc: William Shane; William Longley
Subject: FW: Pope swimming float

Charlie,
Here is the answer to the question. Let me know if you want to pursue the only option she suggests.
Carla

From: Natalie L. Burns [mailto:nburns@JBGH.com]
Sent: Tuesday, June 28, 2005 2:21 PM
To: Carla Nixon
Subject: RE: Pope swimming float

Carla,

I don't think that the Town can accept the application since it did not get in before the adoption of the Moratorium. While it is unfortunate that he did not know about the proposed Moratorium and the proposal doesn't seem, the language is clear about its applicability and to create an exception will open it up to other people who may have been working on applications as well. The only way to change this is for the Council to amend the effective date or to exclude temporary floats from the applicability (which might be the best way to deal with this if the Town wants to do so).

Thanks,

Natalie

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

From: Carla Nixon [mailto:cnixon@cumberlandmaine.com]
Sent: Tuesday, June 28, 2005 12:46 PM
To: Natalie L. Burns
Cc: William Longley; William Shane
Subject: FW: Pope swimming float

Hi Natalie,

I am forwarding this email so that you can see that there has been a resident who has been trying since last June ('04) to receive Town approval to place several floats to be anchored off shore in front of her home on the Foreside. Since they are temporary, not permanent structures, they do not require Planning Board review, but they do require a permit from the Code Officer.

Barbara McPheters denied this request last year based on input from our (then) Harbormaster, Ted Curtis. After her denial, Mr. Curtis was asked by the applicant to look at the site. He did, and based on his observation, reversed his opinion. All of this is documented in the file. The applicant then hired Charlie Poole to do the permitting for this project. Back in May of this year Mr. Poole began inquiring of me and Bill Longley what would be needed to permit the floats. He has been in contact with us through out this period, excepting the recent week when the moratorium was being drafted. Mr. Poole was not notified of the proposed moratorium. He brought in the application when we opened this morning at 8:00 a.m... It was dated yesterday. Pam Bosarge told him it was too bad he didn't bring it in yesterday because the Council voted to approve a moratorium on piers last night. Obviously, Mr. Poole is chagrined by the fact that he did not get the application in earlier and he would have had he know anything about the proposed moratorium.

So, Bill Longley and I want to ask you to advise us on this situation. Given the amount of communication that has gone on, and the fact that the proposed moratorium was not known to Mr. Poole, that this is not a permanent structure, and that the application is actually dated yesterday, do you feel that Bill Longley could take this application and consider it for approval? It will still require Army Corp review and approval.

If you would like any additional information, please call me or Bill. Thanks.

Carla

From: William Longley
Sent: Tuesday, June 28, 2005 11:16 AM
To: Carla Nixon
Subject: FW: Pope swimming float

From: Charlie Poole [mailto:cpoole@customfloat.com]
Sent: Wednesday, May 25, 2005 5:43 PM
To: Charlie Poole; William Longley
Cc: popek@spectrummg.com
Subject: RE: Pope swimming float

Hi Bill:

I have not heard from you re: K.Pope project. Can you call me on Thursday, 772-3796 or my cell 939-1431.

Thanks.

Charlie

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

From: Charlie Poole
Sent: Thursday, May 12, 2005 10:35 AM
To: 'William Longley'
Cc: 'popek@spectrummg.com'
Subject: Pope swimming float

Hi Bill:

I am emailing you re: Katherine Pope, 19 Sturdivant Rd., Cumberland.

She is going to make application to put out a seasonal swim/recreational float in front of her home. She would like to have 4 – 8' x 20' floats connected and anchored just off the high tide line. There will be no permanent structure involved with this. She had made application in May of 2004 which was denied mostly because of comments by then clam warden Ted Curtis. He revisited the site with K. Pope on June 7, 2004 and went over all of the concerns that caused the original app. to be denied. He agreed that the plan was reasonable and encouraged her to reapply. I have notes and comments from K. Pope to support this.

I spoke to Carla about the process for the reapplication and she said to fill out the Shoreland Zone Application and check with you if it would be Staff review only. Please let me know as I want to get this into your office ASAP.

Thanks and I look forward to hearing from you.

Regards,

7/6/2005

Charlie Poole
CFS

DISCLAIMER:

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

7/6/2005

LOUIS A. HANSON, D.O.

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

11 July 05

Mr. Stiles and members of the Council
and Planning Board;

Mr. Shane,
Mr. Nixon:

I request tabling of my item on the
agenda, and I thank you for all your
time and guidance.

Yours truly,
Louis A. Hanson



MEMORANDUM

PLANNING DEPARTMENT
TOWN OF CUMBERLAND, MAINE

Date: June 27, 2005
To: William Shane, Town Manager; Town Council
From: Carla Nixon, Planning Director
Subject: Hanson Contract Zone Request

As requested by Councilor Moriarty, I have prepared the following information on the proposed Dr. Hanson project.

Zoning District: MDR (Medium Density Residential)

Permitted Uses:

- Single family detached dwellings;
- Duplex dwellings and multiplex dwellings, so long as each such dwelling is connected to sewer facilities, and provided that multiplex dwellings are subject to the provisions of Sec. 406A (Multiplex Dwellings). Section 406A lists the general and specific requirements for multiplex construction or conversion. They include the number of units allowed, the minimum lot size and setbacks, buffers, minimum unit size, parking, and open space. All of those requirements would or could be altered by the contract zoning agreement. Further, if the agreement is granted by the Council, the Planning Board will be reviewing the plan under the Subdivision Ordinance since there will be more than 3 dwelling units created.

Minimum Lot Size Requirements:

2 acres (without sewer)

1 acre (with sewer)

Duplex or multiplex with sewer: .5 acres.

150' lot frontage

Front setback: 35 feet

Rear: 50 feet

Side: 20 feet – combined width at least 50'

Definition of "Multiplex": A building used or intended for residential use containing more than two attached dwelling units.

Dr. Hanson's Request would permit 4 attached dwelling units in the rear building and the existing apartment and office in the front building. Currently there is only 1 unit in the rear building, so there is a net increase of three units.

If this project were proposed for development under today's standards, the 1.29 acre lot size (with sewer) would permit 2 units. With the proposed agreement, Dr. Hanson would be permitted to have a total of 5 dwelling units and one office.

Notice of Decision

Date: June 24, 2005

To: Dr. Louis A. Hanson
371 Tuttle Road
Cumberland, ME 04021

Re: Recommendation to the Town Council on a proposed contract zoning for an increase in the number of rental units at 371 Tuttle Road, Tax Assessor Map U11, Lot 4, in the Medium Density Residential District.

This is to advise you that on June 21, 2005 the Planning Board voted to favorably recommend the Town Council proceed with the contract zoning agreement with Dr. Hanson to allow an increase in the number of rental units at 371 Tuttle Road. The Council is to define the standard of affordability. The Board would like the Town Attorney to clarify the term preference in # 4 and to clarify language regarding the review of the Contract Zone in # 10.

Standard Conditions of Approval

This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents, except de minimus changes as so determined by the Town Planner, which do not affect approval standards, is subject to review and approval of the Planning Board prior to implementation.

Cumberland Planning Board

Philip Hunt, Chair

Cc: William Shane, Town Manager

WHEREAS, the rezoning will be consistent with the goals of the Town's Comprehensive Plan, including but not limited to the Goals for Section 7 of the Plan, which seek to "encourage housing which provides for a mix of people from all income strata, long term residents, trade and professions" and "encourage development mechanisms to meet the requirements of the State Growth Management legislation"; and

WHEREAS, the Town, by and through its Town Council, has determined that said rezoning will be pursuant to and consistent with the Town's Comprehensive Plan and has authorized the execution of this Contract Zoning Agreement on _____, 2005;

NOW, THEREFORE, in consideration of the mutual promises made by each party to the other, the parties covenant and agree as follows:

1. The Town will amend the Zoning Map of the Town of Cumberland, as amended, a copy of which is on file at the Cumberland Town Hall and which is incorporated by reference in the Zoning Ordinance, Section 201, by adopting the map change amendment shown on Attachment 1. The cost of said revision and printing shall be borne by Dr. Hanson.
2. Dr. Hanson is authorized to maintain the existing front building on the Property with one professional office and one apartment. The existing professional office use may be converted to a different professional office use, or the entire front building may be converted to one single-family dwelling unit. Dr. Hanson is further authorized to establish on the property a 4-dwelling unit residential apartment building. The development shall be substantially in accordance with the plan attached hereto as Exhibit B.
3. Dr. Hanson shall maintain the four new apartments as affordable rental units. For purposes of this Agreement, the term "affordable rental units" is defined as no more than 30% of the income for a tenant (or tenants) whose income is at or below 80% of the median income for the Portland, Maine Metropolitan Statistical Area (MSA) which is adjusted on an annual basis. This number will be based on family size. A copy of the prospective tenant's (or tenants') previous year's federal tax return or current pay stubs shall be required as part of the application review process by the Landlord. The Town reserves the right to review this financial information in order to ensure compliance with the intent of this agreement.
4. Preference in rentals shall be given to employees of the Town of Cumberland or employees of the Maine School Administrative District #51 where such preference is not inconsistent with requirements of State and Federal law.

Cumberland and any applicable amendments thereto or replacement thereof. This Agreement shall be enforced pursuant to the land use enforcement provisions of state law (including 30-A M.R.S.A. § 4452) and Town Ordinance. Following any determination of a zoning violation by the Court or the Code Enforcement Officer, the Town Council shall have the authority, after written notice to Dr. Hanson and a reasonable opportunity to cure, to terminate the Agreement or rezone the Property Middle Density Residential or any successor zone. In such an event, the Property shall then be used only for such other uses as are otherwise allowed by law.

WITNESS:

TOWN OF CUMBERLAND

William Shane, Town Manager
(duly authorized by vote of the Cumberland
Town Council on _____, 2004

WITNESS:

Dr. Louis Hanson

STATE OF MAINE
CUMBERLAND, ss

_____, 2004

Personally appeared the above-named William Shane, in his capacity as Town Manager for the Town of Cumberland, and made oath that the foregoing instrument is his free act and deed in his said capacity and the free act and deed of the Town of Cumberland.

Notary Public/Attorney at Law

Print Name

STATE OF MAINE
CUMBERLAND, ss

_____, 2004

Personally appeared the above-named Dr. Louis Hanson and made oath that the foregoing instrument is his free act and deed.

Notary Public/Attorney at Law

Print Name



M E M O R A N D U M

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

Date: June 17, 2004
To: William Shane, Town Manager
Cumberland Town Council
From: Carla Nixon, Planning Director
Subject: Proposed Contract Zoning for Dr. Hanson's Property

I have reviewed the Town's Comprehensive Plan to assess the level of conformance for the proposed affordable rental housing project on Tuttle Road. Section 7 of the Plan relates to housing. The goals for this section are:

- 1. To encourage housing which provides for a mix of people from all income strata, long term residents, trades and professions.*
- 2. Encourage development mechanisms to meet the requirements of the State Growth Management legislation.*

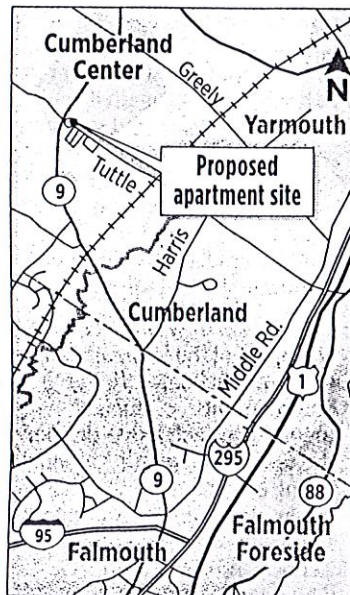
There are five recommended actions, all of which all relate in some way to this proposal; they are:

- 1. Have the town staff investigate options for providing housing for the elderly on Chebeague Island and the mainland to accommodate all income strata.*
- 2. Have the Planning Board review the requirements for accessory apartments in attached and detached structures.*
- 3. Continue to guide residential development toward land which has the capacity (i.e., appropriate soils, and water, or which has existing water and sewer line) to absorb that development, but away from areas which are inappropriate because of a resource, or scenic or open space value.*
- 4. Continue to maintain residential minimum lot sizes as necessary to protect the Town's groundwater resource according to the recommendations of the "Community Groundwater Study, Cumberland, Maine, 1988."*
- 5. Explore options to provide affordable housing.*

It is a requirement of the State statute relating to contract zoning (MRSA 30A-§4352-8) that all rezoning be consistent with the growth management program adopted by the municipality. This proposal seems to clearly fit with this requirement.

Please let me know if you require any additional information.

Cumberland in quandary over 'affordable' housing



STAFF GRAPHIC | MICHAEL FISHER

The town says the top rent should be \$910, but the builder wants \$1,531.

By **TESS NACELEWICZ**
Staff Writer

Town leaders in Cumberland liked the idea: They would grant a local man a special zoning change so he could convert an old barn in the town center into apartments, and he would keep the rent affordable, giving preference to town employees like teachers and police officers.

The proposal last year appealed to town councilors because it would create affordable housing in a community where the average home costs \$300,000.

But the idea has hit a snag because the town and the builder can't agree on what "affordable" means when it comes to rent. And as housing costs continue to skyrocket around Maine, many other communities are grappling with the same question, according to the Maine Municipal Association.

"The whole affordable housing thing is currently being debated all over the state, but much more intensely in the southern part of the state and coastal areas," said Michael Starn, MMA communications director. He said the question of what constitutes "affordable" is "a real conundrum ... it does not have a simple

Please see **HOUSING**, Back Page

HOUSING

Continued from Page A1

answer."

In the Cumberland case, Dr. Louis Hanson wants the town to approve a contract zone that would ease density regulations and allow him to convert a dilapidated but historic barn behind his medical practice on Tuttle Road into a four-unit apartment building. He wants to charge \$1,531 in rent per month for the two-bedroom apartments; the town says the rent shouldn't exceed \$910 to be considered affordable.

This week, the Planning Board voted unanimously to recommend that the council grant Hanson the contract zone, but left the decision on what the rent should be up to the council.

The council will take up the issue at its meeting Monday night, when it is expected to set a date for a public hearing to discuss and vote on it.

The dispute boils down to whether the rent should be based on the median income of metropolitan Portland or the median income of Cumberland, which is much higher.

Town Planner Carla Nixon said the town is basing its monthly rent calculation of \$910

on the regional median income for a family of three, which she said is \$45,500. The town calculated what 80 percent of that income would be: \$36,400. Then it multiplied that number by 30 percent — a national standard for the maximum amount of income a family should pay for housing — and divided by 12 to get the monthly payment.

Nixon said the town also looked at typical rents in the region. In 2004, for example, the average cost of a heated, two-bedroom apartment in Portland was \$1,017 per month, according to the Maine State Housing Authority.

However, Hanson contends that because the housing would be built by a Cumberland taxpayer to rent to Cumberland families and would generate additional taxes for Cumberland, the median income of that town should be the standard.

Hanson relied on the median income for Cumberland — \$76,571, according to the U.S. Census — and did the same calculations as the town to arrive at \$1,531 per month.

Nixon said that even if Hanson used the median income for Cumberland Center, which is slightly lower at \$72,632, the monthly rent would still be \$1,452.

Dan Simpson, public information manager for the Maine State Housing Authority, said that disputes like the one in Cumberland don't arise in affordable housing proposals that involve state or federal funding. That's because the government financing comes with set formulas that dictate what the rents should be.

In Biddeford about eight years ago, for example, the city approved a contract zone agreement to allow the Roman Catholic Diocese of Portland to turn an old school into senior housing, but the rents and income level of the residents were governed by the public financing involved, said Bob Dodge, the city's director of economic and community development.

The Cumberland housing plan is a private venture, so the town and developer are on their own in determining the rental costs.

Hanson said the fact that he isn't relying on public financing is key reason for his rent calculations. "It is a private investment or gamble or effort and it's me that's going to be responsible for it, and I'm not going to be a part of shoddy, quick, inexpensive construction," he said.

Hanson said he made the proposal to turn the old barn he's owned for more than two decades into housing for two

reasons: to preserve the historic structure and to provide the town with scarce rental space. "It seemed to me to be the right thing to do," he said.

Council Chairman William Stiles said the council faces a dilemma because it can only approve a contract zone if a clear public benefit results. But with the rent Hanson wants, Stiles said, "his price now is above affordable ... where's the public benefit?"

Town Manager William Shane said the council could decide that it's worthwhile to save the old barn, which Hanson said would otherwise have to be torn down for safety reasons.

The wooden structure, which he said dates to the early 1800s, has a wide wooden arch at one end that Hanson said used to span the town's original main street. He said he plans to save as much of the original building as possible during reconstruction.

Aaron Shapiro, Portland's housing director, said the city uses median income from the Portland metropolitan region to help it calculate which rents are affordable. He said most of the city's affordable housing involves state or federal money, and the city must follow set formulas.

In Cape Elizabeth, where new

cluster subdivisions are required to build at least 10 percent of the homes as affordable for moderate incomes, the formula is based on the median income of the Portland metropolitan area. "It's really not fair to use the town median income," said Bruce Smith, director of code enforcement for Cape Elizabeth. "That would kind of defeat the purpose."

Starn suggested that rather than using formulas, Cumberland may want to look at the income levels of the type of person they would like to see rent the housing and determine what they could afford. In the Cumberland/North Yarmouth schools, a teacher with a bachelor's degree and no experience would have a starting salary of \$33,000.

"I'm not sure there is a right way or a wrong way," Starn said. "I just think it stimulates a lot of debate, and that's probably healthy."

Staff Writer Tess Nacelewicz can be contacted at 791-6367 or at: tnacelewicz@pressherald.com

ONLINE POLL

WHAT IS YOUR definition of "affordable housing?" Tell us at MaineToday.com.

8Permit to Be Displayed On Premises

TOWN CUMBERLAND

COUNTY, CUMBERLAND, MAINE

Public Hearing held February 14, 2005

Permit Number 2005—02

PERMIT

To establish, operate or maintain an automobile graveyard and/or junkyard. Subject to existing rules, regulations and any amendments that may be made thereto, under the provisions of Title 30-A, Public Laws 1988, Section 3751 to 3760.

This permit is hereby granted upon condition that the automobile graveyard and/or junkyard does not violate any of the above Sections of Title 30-A.


Owner's Name: THOMAS S. GREENLAW
Business Name: GREENLAW'S SALVAGE
P. O. /Address: 1 LONGWOODS ROAD
City/ Town: CUMBERLAND, MAINE 04021

This permit expires on May 15, 2005, unless sooner revoked by the Municipal Officers.
Dated at City/Town Cumberland this 15th day of February 2005.

Municipal Officer: 

WILLIAM R. SHANE
TOWN MANAGER

Certified-True Copy


Nadeen Daniels
Town Clerk

- 1 copy to Applicant
- 1 copy to Municipality
- 1 copy to Dept of Transportation, Augusta
- 1 copy to Maine State Police, Augusta
- 1 copy to Motor Vehicle Division, Sec of State





MEMORANDUM

CODE ENFORCEMENT

OFFICE

To: Town of Cumberland Council
From: William C. Longley Jr. CEO
Subject: Greenlaw's Salvage
Date: 07-07-05
CC: William Shane, Town Manager
Nadeen Daniels, Town Clerk

WCL

On this date I conducted an inspection of the Greenlaw Property, I arrived around 10AM and found a new sign had been installed and I have no recollection issuing a sign permit. No one was at the property and I took several photos' to document the conditions. Since the last approval Mr. Greenlaw has obtained State of Maine approval as well. (see copy attached) During the last several months Mr. Greenlaw appears to have made an attempt to clean up his operation, however a bucket of used motor oil was found and that does not comply with best management practices or State of Maine regulations. If the permit is renewed a continued effort should be required to clean up this site and sell off some of the old scrap that has been here for years. The new State Standards require the operation to not only bring in new items but there must be an effort to sell and keep the operation clean and viable as a business. A few unregistered and un-inspected automobile's are still outside the fenced area and they should be removed or relocated behind the fence or future permits should be withheld.

*Department of
the Secretary of State*



Bureau of Motor Vehicles

Matthew Dunlap
Secretary of State

M.F. Chip Gavin
Deputy Secretary of State

David W. Guilmette
Director of Investigations

May 20, 2005

Mr. William C. Longley Jr.
Town of Cumberland
Code Enforcement Office
290 Tuttle Rd,
Cumberland ME 04021

Re: Thomas Greenlaw d/b/a Greenlaw's Auto Salvage

Dear Mr. Longley,

This is to advise you that the above Recycler/Auto Graveyard is now in compliance with the provisions of 29A MRSA Chapter 9, and a Recycler License will be issued by the Secretary of State, Bureau of Motor Vehicles.

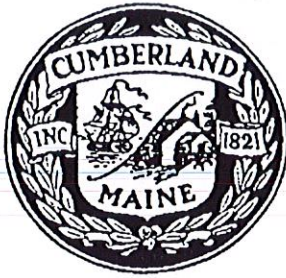
This notification is being made in accordance with 30A MRSA § 3754A (6) which requires that the applicant must demonstrate compliance with the provisions of 29A MRSA Ch.9 within 90 days of issuance of a limited term permit.

If you have any questions, you may reach me at 207-624-9000 ext. 52144 between 8:00 a.m. and 5:00 p.m.

Sincerely,

A handwritten signature in dark ink, appearing to read "Everett A. Kaherl".
Everett A. Kaherl
Investigator

29 State House Station; 101 Hospital Street; Augusta, ME 04333-0029
Office of Investigation
(207) 624-9000 ext 52144(TDD) (207) 624-9105
fax 207-624-9258



MEMORANDUM

File
copy

CODE ENFORCEMENT OFFICE

To: Town of Cumberland Council
From: William C. Longley Jr. CEO *WCL*
Subject: Inspection for "Automobile graveyard" and "Junkyard"
Date: 1-27-05
CC: William Shane, Town Manager
Nadine Daniels, Town Clerk

On or about 12-16-04 an inspection was completed at Greenlaw's Salvage at 1 Longwoods Road (see photos attached) and I met with Mr. Greenlaw who assisted me and answered questions about his operation. He was not sure if he wished to continue to dismantle automobiles or if he just would handle "Junk" only. I asked him to call me and let me know. I received a call from him on Tuesday 1-25-05 and he stated that he wished to continue with a Public Hearing and a permit for an "Automobile Graveyard" and a "Junkyard". I discussed his request with the Town clerk and was advised that a Public Hearing could be scheduled for 2-14-05. My report to the Council is to recommend that a six month permit to allow Mr. Greenlaw to move all auto's associated with his business and other junk back behind the fence to properly screen all from view of Longwood's Road or the general public. I believe this six month time period would also allow Mr. Greenlaw to come into compliance with State issues at his property.

An additional set of photos were taken on 1-25-05 to show that auto's are still parked or stored outside of the fenced area. I would recommend that Mr., Greenlaw attend the hearing to answer any question that the Council may have of him, and I will also plan to attend as well.

Nadeen Daniels

From: William Longley
Sent: Thursday, July 07, 2005 6:05 PM
To: Nadeen Daniels
Subject: RE: Agenda

I have provided 10 copies of my Memo and the State requirements are for permit to expire on the last day of Sept. and the new permit would need to be issued prior to Oct. 1st 2005
Bill Longley

From: Nadeen Daniels
Sent: Wednesday, July 06, 2005 9:34 AM
To: William Longley
Cc: William Shane
Subject: Agenda

Hi Bill,

The Greenlaw Junkyard Permit is on the Town Council agenda for Monday evening 7/11. May I please get a memo from you to Bill with your comments and recommendation regarding how to proceed with this permit. I will need the memo tomorrow for the packets.

Thanks very much,
Nadeen

7/8/2005











TAN BIDS - July 11, 2005

ON A LUMP SUM BASIS

BANK	INTEREST RATE	TOTAL COST
TD-Banknorth	3.15	83,300.00
Bangor Savings	3.22	90,887.10
Key Bank	2.99	79,068.89
Bath Savings	3.04	81,573.33

ON AN AS NEEDED BASIS

BANK	INTEREST RATE
TD-Banknorth	3.15
Bangor Savings	3.22
Key Bank	2.99
Bath Savings	3.04

William Shane

From: Chris Bolduc
Sent: Monday, July 11, 2005 2:35 PM
To: William Shane
Subject: Chebeague Island Incident

Bill,

The call on the island we spoke of involved a child that was digging a clam with his hands on Chandler's beach and cut his finger. The patient was bandaged and not transported. The call was called in via cell phone from Donna Damon's daughter; I believe her name is Rachel.

I spoke with Beth Dyer regarding the call and she knew of no problems or concerns with the call. She stated that they knew it was a simple call the just needed someone to dress the cut because they did not have an adequate first aid kit. That has since been rectified she stated.

The call came in at 1001 the ambulance was dispatched at 1002 and was on scene at 1008, so there was not a delay in time, those are actually pretty good times.

The dispatcher, Dawn Newell, who received the call knew of no problems in receiving or dispatching the call.

Marlene wasn't home so I can't get any information from her, I guess I need more details from Donna in order to look into this more.

I need to leave the office this afternoon, but will be available by cell phone for any follow up questions you may have.

Chris

Chief Christopher J. Bolduc
Cumberland Rescue Department
290 Tuttle Road
Cumberland, Maine 04021
(207) 829-2213
cbolduc@cumberlandmaine.com

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7/11/2005

Permit to Be Displayed On Premises

TOWN CUMBERLAND

COUNTY, CUMBERLAND, MAINE

Public Hearing held July 11, 2005

Permit Number 2005—03

PERMIT

To establish, operate or maintain an automobile graveyard and/or junkyard. Subject to existing rules, regulations and any amendments that may be made thereto, under the provisions of Title 30-A, Public Laws 1988, Section 3751 to 3760.

This permit is hereby granted upon condition that the automobile graveyard and/or junkyard does not violate any of the above Sections of Title 30-A.

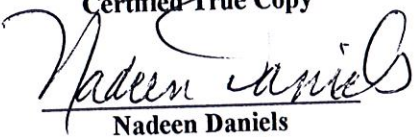
Owner's Name: THOMAS S. GREENLAW
Business Name: GREENLAW'S SALVAGE
P. O. /Address: 1 LONGWOODS ROAD
City/ Town: CUMBERLAND, MAINE 04021

This permit expires on September 30, 2005, unless sooner revoked by the Municipal Officers.
Dated at City/Town Cumberland this 11th day of July, 2005.

Municipal Officer: 

WILLIAM R. SHANE
TOWN MANAGER

Certified True Copy


Nadeen Daniels
Town Clerk

1 copy to Applicant
1 copy to Municipality
1 copy to Dept of Transportation, Augusta
1 copy to Maine State Police, Augusta
1 copy to Motor Vehicle Division, Sec of State



**TOWN OF CUMBERLAND
VOTE OF TOWN COUNCIL
AUTHORIZING TAX ANTICIPATION BORROWING**

Order #

Ordered, that, pursuant to Section 5771 of Title 30-A of the Maine Revised Statutes, as amended, the Town Treasurer is hereby authorized and empowered to borrow money from time to time during the fiscal year ending June 30, 2006 in the principal amount or amounts not exceeding \$2,800,000 at any one time outstanding, in anticipation of the collections or receipts from taxes, by the issuance of tax anticipation notes of the Town, each of which notes shall be designated "Town of Cumberland 2006 Tax Anticipation Notes." All of such tax anticipation notes, and any extensions, renewals or replacements thereof, shall be signed by the Town Treasurer and countersigned by the Chair of the Town Council, shall be payable on or before June 30, 2006, out of money raised by taxation during the fiscal year ending June 30, 2006, shall bear interest payable at maturity at a rate determined in the manner as approved by the Treasurer, and shall contain such other terms and provisions, not inconsistent herewith, and be in such form, as shall be approved by the officers signing the same, whose approval shall be conclusively evidenced by their execution thereof, and

Be It Further Ordered that the Treasurer is hereby authorized to negotiate the interest rate, maturity and other terms and conditions of the notes with whatever financial institutions the Treasurer deems appropriate and to award the notes to such financial institution or institutions, and

Be It Further Ordered that the notes authorized by the foregoing are hereby designated as qualified tax exempt obligations for purposes of Section 265(b) of the Internal Revenue Code of 1986, as amended, and

Be It Further Ordered that the Treasurer of the Town be authorized to covenant with the purchasers of the notes on behalf of the Town and for the benefit of the holders of the notes, that the Town will take whatever steps, and refrain from taking any action, as may be necessary or appropriate to ensure that interest on the notes will remain free from federal income taxes, including without limitation, the filing of information returns and reports with the Internal Revenue Service and the payment of any rebate due to the United States of America.

Bond Tax Impact

Bond	Annual	Tax Impact Per \$1,000
\$ 3,000,000	\$ 232,524	\$0.27
\$ 3,500,000	\$ 271,278	\$0.32
\$ 4,000,000	\$ 310,032	\$0.36
\$ 4,500,000	\$ 348,786	\$0.41
\$ 5,000,000	\$ 387,540	\$0.45
\$ 5,500,000	\$ 426,294	\$0.50
\$ 6,000,000	\$ 465,048	\$0.54

Bond Tax Impact

Bond	Annual	Tax Impact Per \$1,000
\$ 3,000,000	\$ 232,524	0.27
\$ 3,500,000	\$ 271,278	0.32
\$ 4,000,000	\$ 310,032	0.36
\$ 4,500,000	\$ 348,786	0.41
\$ 5,000,000	\$ 387,540	0.45
\$ 5,500,000	\$ 426,294	0.50
\$ 6,000,000	\$ 465,048	0.54

Amortization Schedule 1

Amount of Loan:	\$3,000,000.00
Initial Periods (#):	20
Annual Rate (%):	4.5000
Periodic Payment:	\$232,523.97
Origination Date:	09/08/2005
1st Payment Date:	01/01/2006
Payment Period:	Annually
Compounding Period:	Every 4 Weeks
Points (%):	0.00
Amortizing Method:	Normal
Rate Basis:	Ordinary
Loan Acceleration Method:	No Acceleration
Weekend Adjustment Method:	No Adjustment
Last Period Adjusting Method:	No Adjustment
Apply US Rule:	No
Last Day of Month Adjustment:	Ignore



$$\frac{232,523}{860,000} = \$ 0.27$$

<u>BOND</u>	<u>ANNUAL</u>	<u>Tax Impact</u> Per \$1,000
\$3,000,000	\$232,524	\$0.27

#/YR	Date	Payment	Principal	Interest	Balance
Init/1	09/08/2005	\$0.00	\$0.00	\$0.00	\$3,000,000.00
Annual Totals:		\$0.00	\$0.00	\$0.00	
Running Totals:		\$0.00	\$0.00	\$0.00	
1/01	01/01/2006	\$137,285.71	\$94,684.23	\$42,601.48	\$2,905,315.77
2/02	01/01/2007	\$232,523.97	\$99,034.64	\$133,489.33	\$2,806,281.13
3/03	01/01/2008	\$232,523.97	\$103,584.95	\$128,939.02	\$2,702,696.18
4/04	01/01/2009	\$232,523.97	\$108,344.32	\$124,179.65	\$2,594,351.86
5/05	01/01/2010	\$232,523.97	\$113,322.37	\$119,201.60	\$2,481,029.49
6/06	01/01/2011	\$232,523.97	\$118,529.15	\$113,994.82	\$2,362,500.34
7/07	01/01/2012	\$232,523.97	\$123,975.16	\$108,548.81	\$2,238,525.18
8/08	01/01/2013	\$232,523.97	\$129,671.39	\$102,852.58	\$2,108,853.79
9/09	01/01/2014	\$232,523.97	\$135,629.35	\$96,894.62	\$1,973,224.44
10/10	01/01/2015	\$232,523.97	\$141,861.05	\$90,662.92	\$1,831,363.39
11/11	01/01/2016	\$232,523.97	\$148,379.08	\$84,144.89	\$1,682,984.31
12/12	01/01/2017	\$232,523.97	\$155,196.59	\$77,327.38	\$1,527,787.72
13/13	01/01/2018	\$232,523.97	\$162,327.35	\$70,196.62	\$1,365,460.37
14/14	01/01/2019	\$232,523.97	\$169,785.73	\$62,738.24	\$1,195,674.64
15/15	01/01/2020	\$232,523.97	\$177,586.81	\$54,937.16	\$1,018,087.83
16/16	01/01/2021	\$232,523.97	\$185,746.31	\$46,777.66	\$832,341.52
17/17	01/01/2022	\$232,523.97	\$194,280.72	\$38,243.25	\$638,060.80
18/18	01/01/2023	\$232,523.97	\$203,207.26	\$29,316.71	\$434,853.54
19/19	01/01/2024	\$232,523.97	\$212,543.94	\$19,980.03	\$222,309.60
20/20	01/01/2025	\$232,523.97	\$222,309.60	\$10,214.37	\$0.00
Annual Totals:		\$4,555,241.14	\$3,000,000.00	\$1,555,241.14	
Running Totals:		\$4,555,241.14	\$3,000,000.00	\$1,555,241.14	

Amortization Schedule 1

Amount of Loan:	\$3,500,000.00
Initial Periods (#):	20
Annual Rate (%):	4.5000
Periodic Payment:	\$271,277.96
Origination Date:	09/08/2005
1st Payment Date:	01/01/2006
Payment Period:	Annually
Compounding Period:	Every 4 Weeks
Points (%):	0.00
Amortizing Method:	Normal
Rate Basis:	Ordinary
Loan Acceleration Method:	No Acceleration
Weekend Adjustment Method:	No Adjustment
Last Period Adjusting Method:	No Adjustment
Apply US Rule:	No
Last Day of Month Adjustment:	Ignore

#/YR	Date	Payment	Principal	Interest	Balance
Init/1	09/08/2005	\$0.00	\$0.00	\$0.00	\$3,500,000.00
Annual Totals:		\$0.00	\$0.00	\$0.00	
Running Totals:		\$0.00	\$0.00	\$0.00	
1/01	01/01/2006	\$160,166.65	\$110,464.93	\$49,701.72	\$3,389,535.07
2/02	01/01/2007	\$271,277.96	\$115,540.41	\$155,737.55	\$3,273,994.66
3/03	01/01/2008	\$271,277.96	\$120,849.10	\$150,428.86	\$3,153,145.56
4/04	01/01/2009	\$271,277.96	\$126,401.70	\$144,876.26	\$3,026,743.86
5/05	01/01/2010	\$271,277.96	\$132,209.43	\$139,068.53	\$2,894,534.43
6/06	01/01/2011	\$271,277.96	\$138,284.00	\$132,993.96	\$2,756,250.43
7/07	01/01/2012	\$271,277.96	\$144,637.68	\$126,640.28	\$2,611,612.75
8/08	01/01/2013	\$271,277.96	\$151,283.28	\$119,994.68	\$2,460,329.47
9/09	01/01/2014	\$271,277.96	\$158,234.23	\$113,043.73	\$2,302,095.24
10/10	01/01/2015	\$271,277.96	\$165,504.55	\$105,773.41	\$2,136,590.69
11/11	01/01/2016	\$271,277.96	\$173,108.92	\$98,169.04	\$1,963,481.77
12/12	01/01/2017	\$271,277.96	\$181,062.69	\$90,215.27	\$1,782,419.08
13/13	01/01/2018	\$271,277.96	\$189,381.90	\$81,896.06	\$1,593,037.18
14/14	01/01/2019	\$271,277.96	\$198,083.35	\$73,194.61	\$1,394,953.83
15/15	01/01/2020	\$271,277.96	\$207,184.60	\$64,093.36	\$1,187,769.23
16/16	01/01/2021	\$271,277.96	\$216,704.02	\$54,573.94	\$971,065.21
17/17	01/01/2022	\$271,277.96	\$226,660.83	\$44,617.13	\$744,404.38
18/18	01/01/2023	\$271,277.96	\$237,075.12	\$34,202.84	\$507,329.26
19/19	01/01/2024	\$271,277.96	\$247,967.91	\$23,310.05	\$259,361.35
20/20	01/01/2025	\$271,277.96	\$259,361.19	\$11,916.77	\$0.16
Annual Totals:		\$5,314,447.89	\$3,499,999.84	\$1,814,448.05	
Running Totals:		\$5,314,447.89	\$3,499,999.84	\$1,814,448.05	

Amortization Schedule 1

Amount of Loan:	\$4,000,000.00
Initial Periods (#):	20
Annual Rate (%):	4.5000
Periodic Payment:	\$310,031.96
Origination Date:	09/08/2005
1st Payment Date:	01/01/2006
Payment Period:	Annually
Compounding Period:	Every 4 Weeks
Points (%):	0.00
Amortizing Method:	Normal
Rate Basis:	Ordinary
Loan Acceleration Method:	No Acceleration
Weekend Adjustment Method:	No Adjustment
Last Period Adjusting Method:	No Adjustment
Apply US Rule:	No
Last Day of Month Adjustment:	Ignore

#/YR	Date	Payment	Principal	Interest	Balance
Init/1	09/08/2005	\$0.00	\$0.00	\$0.00	\$4,000,000.00
Annual Totals:		\$0.00	\$0.00	\$0.00	
Running Totals:		\$0.00	\$0.00	\$0.00	
1/01	01/01/2006	\$183,047.61	\$126,245.64	\$56,801.97	\$3,873,754.36
2/02	01/01/2007	\$310,031.96	\$132,046.19	\$177,985.77	\$3,741,708.17
3/03	01/01/2008	\$310,031.96	\$138,113.26	\$171,918.70	\$3,603,594.91
4/04	01/01/2009	\$310,031.96	\$144,459.09	\$165,572.87	\$3,459,135.82
5/05	01/01/2010	\$310,031.96	\$151,096.49	\$158,935.47	\$3,308,039.33
6/06	01/01/2011	\$310,031.96	\$158,038.86	\$151,993.10	\$3,150,000.47
7/07	01/01/2012	\$310,031.96	\$165,300.21	\$144,731.75	\$2,984,700.26
8/08	01/01/2013	\$310,031.96	\$172,895.19	\$137,136.77	\$2,811,805.07
9/09	01/01/2014	\$310,031.96	\$180,839.13	\$129,192.83	\$2,630,965.94
10/10	01/01/2015	\$310,031.96	\$189,148.07	\$120,883.89	\$2,441,817.87
11/11	01/01/2016	\$310,031.96	\$197,838.78	\$112,193.18	\$2,243,979.09
12/12	01/01/2017	\$310,031.96	\$206,928.79	\$103,103.17	\$2,037,050.30
13/13	01/01/2018	\$310,031.96	\$216,436.46	\$93,595.50	\$1,820,613.84
14/14	01/01/2019	\$310,031.96	\$226,380.98	\$83,650.98	\$1,594,232.86
15/15	01/01/2020	\$310,031.96	\$236,782.41	\$73,249.55	\$1,357,450.45
16/16	01/01/2021	\$310,031.96	\$247,661.75	\$62,370.21	\$1,109,788.70
17/17	01/01/2022	\$310,031.96	\$259,040.96	\$50,991.00	\$850,747.74
18/18	01/01/2023	\$310,031.96	\$270,943.01	\$39,088.95	\$579,804.73
19/19	01/01/2024	\$310,031.96	\$283,391.91	\$26,640.05	\$296,412.82
20/20	01/01/2025	\$310,031.96	\$296,412.80	\$13,619.16	\$0.02
Annual Totals:		\$6,073,654.85	\$3,999,999.98	\$2,073,654.87	
Running Totals:		\$6,073,654.85	\$3,999,999.98	\$2,073,654.87	

Amortization Schedule 1

Amount of Loan:	\$4,500,000.00
Initial Periods (#):	20
Annual Rate (%):	4.5000
Periodic Payment:	\$348,785.95
Origination Date:	09/08/2005
1st Payment Date:	01/01/2006
Payment Period:	Annually
Compounding Period:	Every 4 Weeks
Points (%):	0.00
Amortizing Method:	Normal
Rate Basis:	Ordinary
Loan Acceleration Method:	No Acceleration
Weekend Adjustment Method:	No Adjustment
Last Period Adjusting Method:	No Adjustment
Apply US Rule:	No
Last Day of Month Adjustment:	Ignore

#/YR	Date	Payment	Principal	Interest	Balance
Init/1	09/08/2005	\$0.00	\$0.00	\$0.00	\$4,500,000.00
Annual Totals:		\$0.00	\$0.00	\$0.00	
Running Totals:		\$0.00	\$0.00	\$0.00	
1/01	01/01/2006	\$205,928.54	\$142,026.33	\$63,902.21	\$4,357,973.67
2/02	01/01/2007	\$348,785.95	\$148,551.96	\$200,233.99	\$4,209,421.71
3/03	01/01/2008	\$348,785.95	\$155,377.41	\$193,408.54	\$4,054,044.30
4/04	01/01/2009	\$348,785.95	\$162,516.47	\$186,269.48	\$3,891,527.83
5/05	01/01/2010	\$348,785.95	\$169,983.55	\$178,802.40	\$3,721,544.28
6/06	01/01/2011	\$348,785.95	\$177,793.71	\$170,992.24	\$3,543,750.57
7/07	01/01/2012	\$348,785.95	\$185,962.73	\$162,823.22	\$3,357,787.84
8/08	01/01/2013	\$348,785.95	\$194,507.08	\$154,278.87	\$3,163,280.76
9/09	01/01/2014	\$348,785.95	\$203,444.01	\$145,341.94	\$2,959,836.75
10/10	01/01/2015	\$348,785.95	\$212,791.57	\$135,994.38	\$2,747,045.18
11/11	01/01/2016	\$348,785.95	\$222,568.62	\$126,217.33	\$2,524,476.56
12/12	01/01/2017	\$348,785.95	\$232,794.88	\$115,991.07	\$2,291,681.68
13/13	01/01/2018	\$348,785.95	\$243,491.01	\$105,294.94	\$2,048,190.67
14/14	01/01/2019	\$348,785.95	\$254,678.59	\$94,107.36	\$1,793,512.08
15/15	01/01/2020	\$348,785.95	\$266,380.20	\$82,405.75	\$1,527,131.88
16/16	01/01/2021	\$348,785.95	\$278,619.46	\$70,166.49	\$1,248,512.42
17/17	01/01/2022	\$348,785.95	\$291,421.07	\$57,364.88	\$957,091.35
18/18	01/01/2023	\$348,785.95	\$304,810.87	\$43,975.08	\$652,280.48
19/19	01/01/2024	\$348,785.95	\$318,815.89	\$29,970.06	\$333,464.59
20/20	01/01/2025	\$348,785.95	\$333,464.39	\$15,321.56	\$0.20
Annual Totals:		\$6,832,861.59	\$4,499,999.80	\$2,332,861.79	
Running Totals:		\$6,832,861.59	\$4,499,999.80	\$2,332,861.79	

Amortization Schedule 1

Amount of Loan:	\$5,000,000.00
Initial Periods (#):	20
Annual Rate (%):	4.5000
Periodic Payment:	\$387,539.95
Origination Date:	09/08/2005
1st Payment Date:	01/01/2006
Payment Period:	Annually
Compounding Period:	Every 4 Weeks
Points (%):	0.00
Amortizing Method:	Normal
Rate Basis:	Ordinary
Loan Acceleration Method:	No Acceleration
Weekend Adjustment Method:	No Adjustment
Last Period Adjusting Method:	No Adjustment
Apply US Rule:	No
Last Day of Month Adjustment:	Ignore

#/YR	Date	Payment	Principal	Interest	Balance
Init/1	09/08/2005	\$0.00	\$0.00	\$0.00	\$5,000,000.00
Annual Totals:		\$0.00	\$0.00	\$0.00	
Running Totals:		\$0.00	\$0.00	\$0.00	
1/01	01/01/2006	\$228,809.50	\$157,807.04	\$71,002.46	\$4,842,192.96
2/02	01/01/2007	\$387,539.95	\$165,057.74	\$222,482.21	\$4,677,135.22
3/03	01/01/2008	\$387,539.95	\$172,641.58	\$214,898.37	\$4,504,493.64
4/04	01/01/2009	\$387,539.95	\$180,573.87	\$206,966.08	\$4,323,919.77
5/05	01/01/2010	\$387,539.95	\$188,870.62	\$198,669.33	\$4,135,049.15
6/06	01/01/2011	\$387,539.95	\$197,548.58	\$189,991.37	\$3,937,500.57
7/07	01/01/2012	\$387,539.95	\$206,625.26	\$180,914.69	\$3,730,875.31
8/08	01/01/2013	\$387,539.95	\$216,118.98	\$171,420.97	\$3,514,756.33
9/09	01/01/2014	\$387,539.95	\$226,048.91	\$161,491.04	\$3,288,707.42
10/10	01/01/2015	\$387,539.95	\$236,435.09	\$151,104.86	\$3,052,272.33
11/11	01/01/2016	\$387,539.95	\$247,298.47	\$140,241.48	\$2,804,973.86
12/12	01/01/2017	\$387,539.95	\$258,660.99	\$128,878.96	\$2,546,312.87
13/13	01/01/2018	\$387,539.95	\$270,545.58	\$116,994.37	\$2,275,767.29
14/14	01/01/2019	\$387,539.95	\$282,976.22	\$104,563.73	\$1,992,791.07
15/15	01/01/2020	\$387,539.95	\$295,978.01	\$91,561.94	\$1,696,813.06
16/16	01/01/2021	\$387,539.95	\$309,577.19	\$77,962.76	\$1,387,235.87
17/17	01/01/2022	\$387,539.95	\$323,801.20	\$63,738.75	\$1,063,434.67
18/18	01/01/2023	\$387,539.95	\$338,678.76	\$48,861.19	\$724,755.91
19/19	01/01/2024	\$387,539.95	\$354,239.89	\$33,300.06	\$370,516.02
20/20	01/01/2025	\$387,539.95	\$370,516.01	\$17,023.94	\$0.01
Annual Totals:		\$7,592,068.55	\$4,999,999.99	\$2,592,068.56	
Running Totals:		\$7,592,068.55	\$4,999,999.99	\$2,592,068.56	

Amortization Schedule 1

Amount of Loan:	\$5,500,000.00
Initial Periods (#):	20
Annual Rate (%):	4.5000
Periodic Payment:	\$426,293.94
Origination Date:	09/08/2005
1st Payment Date:	01/01/2006
Payment Period:	Annually
Compounding Period:	Every 4 Weeks
Points (%):	0.00
Amortizing Method:	Normal
Rate Basis:	Ordinary
Loan Acceleration Method:	No Acceleration
Weekend Adjustment Method:	No Adjustment
Last Period Adjusting Method:	No Adjustment
Apply US Rule:	No
Last Day of Month Adjustment:	Ignore

#/YR	Date	Payment	Principal	Interest	Balance
Init/1	09/08/2005	\$0.00	\$0.00	\$0.00	\$5,500,000.00
Annual Totals:		\$0.00	\$0.00	\$0.00	
Running Totals:		\$0.00	\$0.00	\$0.00	
1/01	01/01/2006	\$251,690.44	\$173,587.74	\$78,102.70	\$5,326,412.26
2/02	01/01/2007	\$426,293.94	\$181,563.51	\$244,730.43	\$5,144,848.75
3/03	01/01/2008	\$426,293.94	\$189,905.73	\$236,388.21	\$4,954,943.02
4/04	01/01/2009	\$426,293.94	\$198,631.25	\$227,662.69	\$4,756,311.77
5/05	01/01/2010	\$426,293.94	\$207,757.67	\$218,536.27	\$4,548,554.10
6/06	01/01/2011	\$426,293.94	\$217,303.43	\$208,990.51	\$4,331,250.67
7/07	01/01/2012	\$426,293.94	\$227,287.78	\$199,006.16	\$4,103,962.89
8/08	01/01/2013	\$426,293.94	\$237,730.88	\$188,563.06	\$3,866,232.01
9/09	01/01/2014	\$426,293.94	\$248,653.80	\$177,640.14	\$3,617,578.21
10/10	01/01/2015	\$426,293.94	\$260,078.59	\$166,215.35	\$3,357,499.62
11/11	01/01/2016	\$426,293.94	\$272,028.31	\$154,265.63	\$3,085,471.31
12/12	01/01/2017	\$426,293.94	\$284,527.08	\$141,766.86	\$2,800,944.23
13/13	01/01/2018	\$426,293.94	\$297,600.13	\$128,693.81	\$2,503,344.10
14/14	01/01/2019	\$426,293.94	\$311,273.84	\$115,020.10	\$2,192,070.26
15/15	01/01/2020	\$426,293.94	\$325,575.81	\$100,718.13	\$1,866,494.45
16/16	01/01/2021	\$426,293.94	\$340,534.90	\$85,759.04	\$1,525,959.55
17/17	01/01/2022	\$426,293.94	\$356,181.32	\$70,112.62	\$1,169,778.23
18/18	01/01/2023	\$426,293.94	\$372,546.63	\$53,747.31	\$797,231.60
19/19	01/01/2024	\$426,293.94	\$389,663.87	\$36,630.07	\$407,567.73
20/20	01/01/2025	\$426,293.94	\$407,567.60	\$18,726.34	\$0.13
Annual Totals:		\$8,351,275.30	\$5,499,999.87	\$2,851,275.43	
Running Totals:		\$8,351,275.30	\$5,499,999.87	\$2,851,275.43	

Amortization Schedule 1

Amount of Loan:	\$6,000,000.00
Initial Periods (#):	20
Annual Rate (%):	4.5000
Periodic Payment:	\$465,047.94
Origination Date:	09/08/2005
1st Payment Date:	01/01/2006
Payment Period:	Annually
Compounding Period:	Every 4 Weeks
Points (%):	0.00
Amortizing Method:	Normal
Rate Basis:	Ordinary
Loan Acceleration Method:	No Acceleration
Weekend Adjustment Method:	No Adjustment
Last Period Adjusting Method:	No Adjustment
Apply US Rule:	No
Last Day of Month Adjustment:	Ignore

#/YR	Date	Payment	Principal	Interest	Balance
Init/1	09/08/2005	\$0.00	\$0.00	\$0.00	\$6,000,000.00
Annual Totals:		\$0.00	\$0.00	\$0.00	
Running Totals:		\$0.00	\$0.00	\$0.00	
1/01	01/01/2006	\$274,571.40	\$189,368.45	\$85,202.95	\$5,810,631.55
2/02	01/01/2007	\$465,047.94	\$198,069.29	\$266,978.65	\$5,612,562.26
3/03	01/01/2008	\$465,047.94	\$207,169.89	\$257,878.05	\$5,405,392.37
4/04	01/01/2009	\$465,047.94	\$216,688.64	\$248,359.30	\$5,188,703.73
5/05	01/01/2010	\$465,047.94	\$226,644.74	\$238,403.20	\$4,962,058.99
6/06	01/01/2011	\$465,047.94	\$237,058.29	\$227,989.65	\$4,725,000.70
7/07	01/01/2012	\$465,047.94	\$247,950.31	\$217,097.63	\$4,477,050.39
8/08	01/01/2013	\$465,047.94	\$259,342.78	\$205,705.16	\$4,217,707.61
9/09	01/01/2014	\$465,047.94	\$271,258.69	\$193,789.25	\$3,946,448.92
10/10	01/01/2015	\$465,047.94	\$283,722.10	\$181,325.84	\$3,662,726.82
11/11	01/01/2016	\$465,047.94	\$296,758.16	\$168,289.78	\$3,365,968.66
12/12	01/01/2017	\$465,047.94	\$310,393.19	\$154,654.75	\$3,055,575.47
13/13	01/01/2018	\$465,047.94	\$324,654.69	\$140,393.25	\$2,730,920.78
14/14	01/01/2019	\$465,047.94	\$339,571.47	\$125,476.47	\$2,391,349.31
15/15	01/01/2020	\$465,047.94	\$355,173.61	\$109,874.33	\$2,036,175.70
16/16	01/01/2021	\$465,047.94	\$371,492.63	\$93,555.31	\$1,664,683.07
17/17	01/01/2022	\$465,047.94	\$388,561.44	\$76,486.50	\$1,276,121.63
18/18	01/01/2023	\$465,047.94	\$406,414.51	\$58,633.43	\$869,707.12
19/19	01/01/2024	\$465,047.94	\$425,087.87	\$39,960.07	\$444,619.25
20/20	01/01/2025	\$465,047.94	\$444,619.21	\$20,428.73	\$0.04
Annual Totals:		\$9,110,482.26	\$5,999,999.96	\$3,110,482.30	
Running Totals:		\$9,110,482.26	\$5,999,999.96	\$3,110,482.30	

EASEMENT DEED

KNOW ALL BY THESE PRESENTS, That **PETER D. KENNEDY**, of Cumberland, Maine ("Grantor"), for consideration paid, releases to the **TOWN OF CUMBERLAND**, a municipal corporation and body politic incorporated under the laws of the State of Maine, with a mailing address of 290 Tuttle Road, Cumberland, Maine 04021 ("Grantee"), a perpetual, non-exclusive right and easement to install, maintain and repair sewer lines and associated manholes and manhole covers under, over, and through the "Easement Area" (defined below), together with a perpetual, non-exclusive easement for pedestrian ingress and egress within the Easement Area, including, without limitation, the right to construct, maintain, repair and replace a pedestrian sidewalk within the Easement Area. The Easement Area is defined as follows:

A certain strip of land 30 feet in width and curved in nature situated on the westerly sideline of U. S. Route 1 and concentric thereto in the Town of Cumberland, County of Cumberland and State of Maine, running from the southerly boundary of "Grantor's Property" (defined below) at the land now or formerly of the Town of Cumberland as described in the deed recorded in the Cumberland County Registry of Deeds in book 18114 page 328 through and across an irregularly shaped strip of Grantor's Property to the northerly bound of Grantor's Property and property conveyed from Grantor to BBW Real Estate, LLC, on or about the date hereof, ("BBW's Property") being more particularly bounded and described as follows, to wit:

Beginning at a certain survey marker situated S 23°-13'-36" W and 44.54 feet from a granite right of way monument set in the westerly sideline of U. S. Route 1 at station 241+00 as indicated on the right of way plan prepared by the MDOT and recorded in the Cumberland County Registry of Deeds in plan book 198 page 328 and proceeding by the following courses in a clockwise direction around the parcel hereby described;

Thence in a general southerly direction along the U. S. Route 1 right of way sideline and a curve to the right having a radius of 7092.03 feet for a distance along said curve of 39.03 feet to the land now or formerly of the Town of Cumberland aforesaid, the said curve subtended by a chord bearing S 23°-33'-51" W and whose length is 39.03 feet;

Thence N 47°-28'-28" W along the land of the Town of Cumberland for a distance of 31.70 feet to a point;

Thence along a curve to the left having a radius of 7062.03 feet concentric with said U. S. Route 1 right of way and 30 feet therefrom for a distance as measured along the arc of said curve of 36.95 feet to a point on the southerly bound of the BBW Property, the said curve subtended by a chord bearing S 23°-29'-19" W and whose length is 36.95 feet;

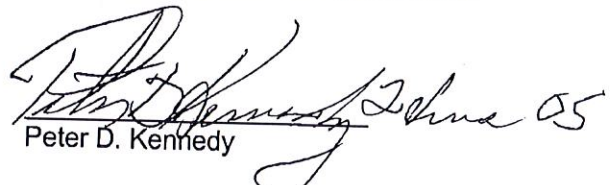
Thence S 51°-07'-38" E along said BBW Property for a distance of 31.13 feet to the point of beginning herein.

All bearings are relative to grid north of the Maine State Coordinate system, west zone.

The rights granted herein shall be performed at Grantee's sole cost and expense and in such a manner as to minimize any disturbance of the Grantor's use and enjoyment of the Easement Area. Grantor is prohibited from planting trees, bushes and shrubs in the easement area, provided, however, that Grantor shall be permitted to plant grass and other groundcover with the Easement Area. Should Grantee disturb the Easement Area in the exercise of its rights hereunder Grantee shall not be obligated to restore the surface of the Easement Area, instead, Grantee shall regrade, loam and seed the disturbed area.

The above-described Easement Area is a portion of the property ("Grantor's Property") described in a deed to Grantor recorded in the Cumberland County Registry of Deeds in Book 17330, Page 154.

IN WITNESS WHEREOF, Peter D. Kennedy has caused this instrument to be executed this 2nd day of June, 2005.

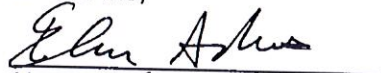

Peter D. Kennedy

State of Maine
County of Cumberland, ss

June 2, 2005

PERSONALLY APPEARED the above-named Peter D. Kennedy and acknowledged the foregoing instrument to be his free act and deed.

Before me,


Name: Edwin Adams
Notary Public / Attorney at Law
Notary Commission Expires:

EASEMENT DEED

KNOW ALL BY THESE PRESENTS, That **BBW REAL ESTATE, LLC**, a Maine limited liability company, whose mailing address is Two Monument Square, Portland, Maine 04101, ("Grantor"), for consideration paid, releases to the **TOWN OF CUMBERLAND**, a municipal corporation and body politic incorporated under the laws of the State of Maine, with a mailing address of 290 Tuttle Road, Cumberland, Maine 04021 ("Grantee"), a perpetual, non-exclusive right and easement to install, maintain and repair sewer lines and associated manholes and manhole covers under, over, and through the "Easement Area" (defined below), together with a perpetual, non-exclusive easement for pedestrian ingress and egress within the Easement Area, including, without limitation, the right to construct, maintain, repair and replace a pedestrian sidewalk within the Easement Area. The Easement Area is defined as follows:

A certain strip of land 30 feet in width, curved in nature, being both contiguous and concentric with the westerly sideline of U. S. Route 1 in the Town of Cumberland, County of Cumberland and State of Maine, running from the southerly boundary of the "Grantor's Property" (defined below) approximately opposite station 240+56 and left of the Maine Department of Transportation (MDOT) survey baseline, and shown on the right of way plan prepared by the MDOT and recorded in the Cumberland County Registry of Deeds in plan book 198 page 328, said easement running in a general northerly direction from this southerly bound to the northerly bound of Grantor's Property said easterly edge of said easement coinciding with the westerly sideline of said Route 1, and the westerly edge of said easement maintaining a distance of 30 feet therefrom, said easement being more particularly bounded and described as follows, to wit:

Beginning at a granite right of way monument set in the westerly sideline of U. S. Route 1 at station 241+00 as indicated on the aforesaid plan, and proceeding around the herein described easement in a clockwise fashion;

Thence in a general southerly direction along the U. S. Route 1 right of way sideline and a curve to the right having a radius of 7092.03 feet for a distance along said curve of 44.54 feet to the land now or formerly of Peter D. Kennedy as described in the deed recorded in the Cumberland County Registry of Deeds in Book 17330, Page 154 ("Remaining Land of Kennedy"), and a certain survey marker, the said curve subtended by a chord bearing S 23°-13'-36" W and whose length is 44.54 feet;

Thence N 51°-07'-38" W for a distance of 31.13 feet to a point measuring 30 feet radially from said Route 1 right of way;

Thence along a curve to the left having a radius of 7062.03 feet concentric with said U. S. Route 1 right of way and 30 feet therefrom for a distance as measured along the arc of said curve of 391.32 feet to the other Remaining Land of Kennedy, said arc subtended by a chord bearing N 21°-45'-05" E a distance of 391.27 feet;

Thence N 62°-15'-59" W along said Remaining Land of Kennedy for a distance of 30.26 feet to a certain survey marker and the westerly sideline of said U. S. Route 1;

Thence along a curve to the right having a radius of 7092.03 feet along the aforesaid U. S. Route 1 right of way for a distance as measured along the arc of said curve of 352.79 feet to the granite monument and point of beginning herein, the said curve subtended by a chord bearing S 21°-37'-18" W and whose length is 352.76 feet;

All bearings are relative to grid north of the Maine State Coordinate system, west zone.

Excepting the initial installation of the sewer line, the rights granted herein shall be performed at Grantee's sole cost and expense and in such a manner as to minimize any disturbance of the Grantor's use and enjoyment of the Easement Area. Grantor is prohibited from planting trees, bushes and shrubs in the easement area, provided, however, that Grantor shall be permitted to plant grass and other groundcover with the Easement Area. Should Grantee disturb the Easement Area in the exercise of its rights hereunder, except as provided in the following sentence, Grantee shall not be obligated to restore the surface of the Easement Area, instead, Grantee shall regrade, loam and seed the disturbed area. Should Grantee, in the exercise of its rights hereunder, disturb Grantor's paved driveway or related improvements, including, without limitation guard rails and curbing, Grantee shall restore such improvements to their condition prior to such disturbance, or as reasonably close to such condition as is practicable given seasonal and other limitations,.

The above-described Easement Area is a portion of the property ("Grantor's Property") described in a deed to Grantor from Peter D. Kennedy of near or even date herewith, being a portion of land now or formerly of Peter D. Kennedy as described in the deed recorded in the Cumberland County Registry of Deeds in Book 17330, Page 154.

IN WITNESS WHEREOF, BBW Real Estate, LLC has caused this instrument to be executed by David B. Weatherbie, its Member, this 2nd day of June, 2005.

BBW REAL ESTATE, LLC

David B. Weatherbie

By: David B. Weatherbie
Its: Member

STATE OF MAINE
COUNTY OF CUMBERLAND, ss.

On June 2, 2005, personally appeared the above-named David B. Weatherbie, Member of said BBW Real Estate, LLC in his said capacity, and acknowledged the foregoing to be his free act and deed and the free act and deed of said BBW Real Estate, LLC.

Before me,

Eben Adams

Notary Public/Attorney at Law

Printed Name: Eben Adams



CUMBERLAND POLICE DEPARTMENT

290 Tuttle Road
Cumberland, Maine 04021

"To Protect and Serve"

Emergency
829-3120

Business
829-6391

Fax
829-4214
829-2211

Joseph J. Charron
Chief

June 24, 2005

Mrs. Maureen Gorman
74 Foreside Road
Cumberland Foreside, ME. 04110

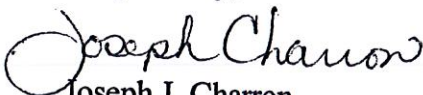
Dear Mr. And Mrs. Gorman,

I am in receipt of your donation in the amount of \$2000.00 to the Cumberland Police Department. As you know, one of our tasks as police officers is to do all we can to monitor the security of residents left dormant during the winter months. Property checks are part of our daily duties. Although very thoughtful, it would be inappropriate for me to accept your extremely generous donation to the Cumberland Police Department for watching your home.

However as we did last year I can forward this to the Town Council for their action to accept it as a donation to the departments educational programs administered by School Resource Officer John Dalbec.

On behalf of the entire department we sincerely appreciate you and your husbands generosity. I will contact you and keep you informed as to the council's decision and if accepted, what your donation will be used for.

Respectfully,


Joseph J. Charron
Chief of Police

JAMES W. GORMAN
MAUREEN M. GORMAN
74 FORESIDE RD. PH. 207-781-5757
CUMBERLAND FORESIDE, ME 04110

9205

Date June 16-05

52-60/112
177


Pay to the
Order of

Cumberland Police Dept

\$ 2000 ⁷⁸/₁₀₀

Two thousand and no/100

Dollars

 Security features
are included.
Details on back.

McDonald
Financial Group

KeyBank National Association
Portland, Maine 04101
1-888-539-7200

For gift for watching home

Maureen Gorman ^{MP}

⑆011200608⑆

700496623⑆ 9205

© Clarke American

GUARDIAN® SAFETY YELLOW DRIVE



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 *WRS*
Date: July 7, 2005
Re: Doane Property Concept Plan- Next Steps

After Carla's initial presentation on a concept for the Doane property we didn't have enough time to discuss "what's next". I would like to offer some suggestions for next steps:

1. Council Input - Concept? More housing? Less Housing? More Business? Etc.
2. Staff and Town Council Site walk with Rick Doane on the property. Rick has expressed concern with the development close to the Town Forest and the soils and drainage of the land. It may be best to get historical information from a person who knows the property very well.
3. Staff & Neighborhood meetings to discuss impact, development, size, scope and phasing.
4. Re-location of Public Works and School Buses

Due to scheduling, weather and mosquitoes and black flies the size of a Volkswagens, a September or October site walk may be best. We should try and schedule another meeting with Carla to offer her feedback and input.

TOWN OF CUMBERLAND MASS GATHERING LICENSE

License No.: 2005-04

*The Municipal Officers of the Town of Cumberland have voted to
grant this Mass Gathering License to:*

*Name of Applicant: Laurie Kelley
Business Name: United Maine Craftsmen*

Address of Gathering: Cumberland Fairgrounds

Nature of Mass Gathering: 36th Annual Cumberland Craft Fair

Date of Gathering: August 11 through 14, 2005

*July 11, 2005
Date*

*Nadeen M. Daniels
Town Clerk*



July 5, 2005

TO: Town Council Members
FROM: Nadeen Daniels, Town Clerk *md*
RE: United Maine Craftsmen Mass Gathering Permit
And Vendors Licenses

The "Major" Mass Gathering Permit for the 36th Annual Cumberland Craft Show is in place, along with the requisite Waste Removal Contract with Troiano Waste Services, the acknowledgement of Police and Rescue Services, and the Certificate of Liability Insurance.

Additionally, we have received seven applications from vendors to sell food at the fair. They include:

- Kernel Bob's Kettle Korn
- Mike's Italian Ice
- Cumberland/NY Lions Club
- Aucoin Concessions
- Three Leaf Foods
- Cole Farms
- Tuttle Road United Methodist Church

The vendors will receive inspections prior to opening the fair. The fair will run From August 11th through 14th, Thursday through Saturday, 10 a.m. to 5 p.m., and Sunday 10 am to 4 pm. 300 craft exhibitors will be in attendance. Staff recommends approval of the Mass Gathering Permit and Victualer's Licenses.



United Maine Craftsmen, Inc.

16 Old Winthrop Road Suite 2

Manchester, ME 04351

207-621-2818 Fax (207) 621-1945

info@unitedmainecraftsmen.com www.unitedmainecraftsmen.com

March 31, 2005

Ms. Nadeen Daniels
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021

RE: Mass Gathering Permit

Dear Ms. Daniels,

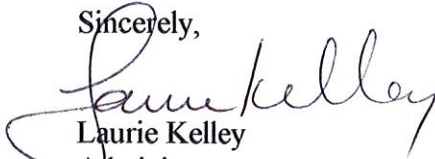
Enclosed please find our check in the amount of \$500, and the Mass Gathering Application. I have attached a copy of the waste removal proposal from Troiano Waste Services. Also, attached is a copy of the letter from the Cumberland Police Department agreeing to provide us with Police and Rescue services.

Once the concession applications are complete, I will be mailing you a list.

I have contacted our insurance company and asked that they send a certificate of insurance directly to you.

Please let me know if there is anything else you require.

Sincerely,


Laurie Kelley
Administrator

Nadeen Daniels

From: Christopher Cyr [ccyr7@maine.rr.com]

Sent: Wednesday, May 25, 2005 4:16 AM

To: Nadeen Daniels

Subject: Cumberland Fair

Good Morning Nadeen,

I just wanted to follow-up with you on our conversation about the mass gathering permit for the Cumberland Fair. I have been working with our Gate & Security Superintendent, Bruce Flanigan, to research the daily attendance figures for our fair over the last several years. It appears that a minor gathering permit may no longer be appropriate for the fair. I am going to hold off on submitting the application until our next Executive Board of Directors meeting so I can present my findings to them and get approval for the additional funds required for the permit upgrade. Thanks for your help, and I will keep you updated on this issue.

Take care,
Christopher

5/26/2005

TOWN OF CUMBERLAND

CUMBERLAND, MAINE 04021



TREAS.



NO.

172206

DATE: 04/06/2005 Check# 009097

PREVIOUS BALANCE:

AMOUNT: 500.00

NEW BALANCE:

R0315

CLERK LICENCES

500.00

DESCRIPTION: MASS GATH #500

THANK YOU

RECEIVED
FROM:

UNITED MAINE CRAFTSMEN

WILLIAM RSHANETAX COLL BY DAF

PLEASE SAVE THIS RECEIPT FOR YOUR RECORDS.



United Maine Craftsmen, Inc.

16 Old Winthrop Road
Manchester, Maine 04351
207-621-2818
Fax: 207-621-1945

info@unitedmainecraftsmen.com
www.unitedmainecraftsmen.com

FAX

Fixed copy 8/4/05

TO: Town of Cumberland

FROM: Laurie Kelley *[Signature]*

DATE: August 4, 2005

RE: List of Food Vendors for the Cumberland Craft Show August 11-14, 2005.

Jody Bobrow
Three Leaf Foods
7 Candlewick Lane
Cumberland, ME 04021
207-829-9110

Cole Farms
PO Box 679
Gray, ME 04039
207-657-4714

Steve Aucoin
Aucoin Concessions
233 Oak Hill Rd.
Litchfield, ME 04350
207-933-2163

Vincent Nielsen
Vinny's Concessions
PO Box 53
Gorham, ME 04038
207-642-2767

Randy & Lisa Vale
Gourmet Coffee Café
77 Pottersville Road
Little Compton, RI 02837
401-592-0061

Michael Lawlor
Mike's Italian Ice
PO Box 1035
Bethel, ME 04217
877-904-1722

Wayne Tuohey
'Cue Culture
105 Country Club Road
Hollis Center, ME 04042
207-229-1161

Cumberland - North Yarmouth
Lions Club
105 Tuttle Road
Cumberland, ME 04021
207-829-3466

Paul Plummer
Plummer Concessions
PO Box 803
Gorham, ME 04038
207-839-6035

Bob Gowell
Kernel Bob's Kettle Korn
PO Box 276
Gray, ME 04039
207-657-5030

Dan Rubinoff
Family Secrets
53 Codman Street
Portland, ME 04103
207-772-1471

received
8/8/05

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

Business or Trade Name: Pat's Fudge & Crafts
Business Address: PO Box 95 Waterville, ME 04903
Name of Manager: Pat Thompson Bus. Phone: 207-465-4950
Date of Event or New License: 8(11-14)05
Signature of Authorized Person: Patricia Thompson Date: 8-10-05

+++++
CHECK THE PROPERTY CATEGORY OF REQUESTED LICENSE:

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

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

Application Rec'd: 8/10/05 Date of Issuance 8/10/05 Cert No. _____

Cash

TOWN OF CUMBERLAND

Publication dates: _____
Publication names: _____
Date filed: _____
Fee rec'd: _____
Date Ordinance received: _____
Issued: _____
Denied: _____

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

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

Name of applicant: United Maine Craftsmen, Inc.
Address of applicant: 16 Old Winthrop Road, St #2
Manchester, Maine 04351 Tel. # 207-621-2818
Name of event: 36th Annual Cumberland Craft Show
Facility where the event will be held: Cumberland Fairgrounds
Is the facility owned by the applicant: _____ yes; X no, (if no, attach a copy of the
contract with the owner which allows use of the property)
Name of promoter (if different from above): _____
Telephone number: _____
Will any food vendors be serving at the event? X yes, _____ no (if yes, how many, and
what types) Concessions: Free standing, tents, truck units, and
the Lions Club building on site.

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

Date of event: August 11-12-13-14 2005 Time (start and finish times): Thur-Sat 10am - 5pm
Sunday 10am - 4pm
Number of tickets available: Unlimited - sold at the door
Expected attendance: 15,000 +/-
Description of event: 300 craft exhibitors selling their handmade products

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

1. Fall Festival of Crafts - Smiling Hill Farm, Westbrook, ME
150 exhibitors, 4,000 customers - September 11, 2004

2. 35th Annual Cumberland Craft Show - Cumberland Fairgrounds August
12-15, 2004 Attendance 12,000

3. 34th Annual Cumberland Craft Show - Cumberland Fairgrounds
August 7-10, 2003 Attendance 15,000

Description of facility:

A. Seating capacity: _____ permanent; _____ temporary

B. Other seating capacity: _____ festival; _____ standing room only

C. Number of toilets available: 12 Fairground permanent; 19 portable

D. Number of parking spaces available: _____ on-site; _____ off-site

E. Are all parking lots lighted (applicable only if event runs into evening hours)
_____ yes; _____ no, if no, which lots are not lighted _____

F. Source of potable water: Fairground, water for sale.

G. Refuse containers available, number and size: on site cans, 3 roll off
units from Troiano Waste Services

H. Name of refuse disposal company (attach a copy of the agreement to pick up refuse)
Troiano Waste Service

I. When will refuse be picked up? Sunday or Monday (8/14 or 8/15/2005)

Public Safety:

J. Describe first aid facilities: Cumberland Rescue

K. Describe emergency facilities: Cumberland Police Department

L. Describe communication facilities: All necessary personnel will carry radios. Also, cell phones will be available.

M. Number of certified police officers: _____

N. Other security personnel (include company name and qualifications): _____
Publicover Securties, Inc.

O. Describe fire personnel: Cumberland Fire Department

Traffic Plan

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

Q. The Tuttle Rd Methodist Church has agreed to help with traffic & Describe methods used to publicize alternate routes of reaching the scene of the event, parking.

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

Crowd Management

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

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

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

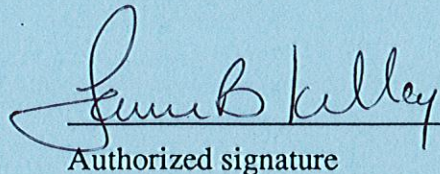
V. Description of how the event will be publicized, include how a sell-out will be publicized.

Other

W. Name of liability insurance Zurich

Amount of coverage \$2,000,000; amount of property insurance \$25,000

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

 James B. Kelley Administrator
Authorized signature United Maine
Craftsmen

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

Troiano Waste Services Inc.

P.O. Box 3541

Portland, Maine 04104-3541

Telephone: 767-2070

Fax: 767-6156



Rubbish
Containers
1 cu.yd.
to
40 cu.yd.

PROPOSAL FOR WASTE REMOVAL

Date

3/30/2005

Company Name:

United Maine Craftsmen

Service Address

Cumberland Fairgrounds

City, State, Zip:

Cumberland, ME

Contact Name:

Lori Kelly

cell:

Phone #:

621-1818FAX: 621-1945

Size of Container:

3-30 yd cans

Service Days:

as needed

Monthly Fee:

rent \$25.00 wk ea Haul \$90.00 ea Disposal 75.00 Ton

Billing Address:

14 Old Winthrop Road Suite 2Manchester, ME 04351

Comments:

for the week of August 8, 2005

Name on Credit Card:

M/C or Visa #:

Expiration Date:

*CUMBERLAND POLICE DEPARTMENT*

290 Tuttle Road
Cumberland, Maine 04021

"To Protect and Serve"

Emergency
829-3120

Business
829-6391

Fax
829-4214
829-2211

Joseph J. Charron
Chief

March 30, 2005

United Maine Craftsmen, Inc.
Laurie Kelley
16 Old Winthrop Road
Manchester, ME 04351

Dear Ms. Kelley:

Please be advised that the Cumberland Police Department and the Cumberland Rescue Department will provide services to the Cumberland Craft Show from August 11-14, 2005 for the time durations requested.

Should you have any further questions, please feel free to let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read "J. Duchesneau", with a long horizontal flourish extending to the right.

Jean Duchesneau
Administrative Assistant



UNITED MAINE CRAFTSMEN, INC.

16 OLD WINTHROP ROAD, #2
MANCHESTER, MAINE 04351
(207) 621-2818



54-49/114

9097 ^{MP}

PAY
TO THE
ORDER OF

Town of Cumberland

03/31/2005

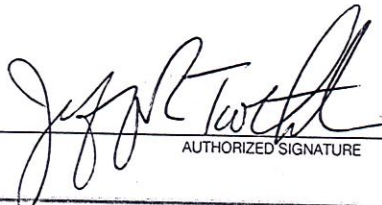
\$ **500.00

Five Hundred and 00/100***** DOLLARS

Town of Cumberland
290 Tuttle Rd
Cumberland ME 04021

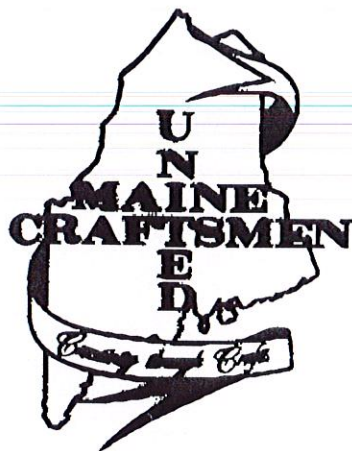
MEMO

MASS GATHERING PERMIT


AUTHORIZED SIGNATURE

Security features. Details on back.

⑈009097⑈ ⑆011400495⑆ 93550 54797⑈



United Maine Craftsmen, Inc.

16 Old Winthrop Road, Suite 2
Manchester ME 04351
(207) 621-2818 fax:(207) 621-1945
info@unitedmainecraftsmen.com
www.unitedmainecraftsmen.com

Facsimile Cover Sheet

To: Nadeen Daniels

Fax#: 829.2224

From: Laurie Kelley

Fax# 621-1945

Please find a certificate of
liability insurance attached.

Laurie

Thank you.

Client#: 42067

24UNITMAI

ACORD™ CERTIFICATE OF LIABILITY INSURANCEDATE (MM/DD/YYYY)
04/22/05

PRODUCER Cross-Aug Jones Hoxie Division 116 Community Drive Augusta, ME 04330 207 623-4791		THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.	
INSURED United Maine Craftsmen, Inc. Laurie Kelley 16 Old Winthrop Road Unit 2 Manchester, ME 04351		INSURERS AFFORDING COVERAGE	NAIC #
		INSURER A: Zurich Insurance	19356
		INSURER B: Maine Employers Mutual Insurance Co.	11149
		INSURER C:	
		INSURER D:	
		INSURER E:	

COVERAGES

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

INSR ADD'L LTR	INSR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A		GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	PPS34661208	03/07/05	03/07/06	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$1,000,000 MED EXP (Any one person) \$10,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000
		AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
		GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC AGG \$
		EXCESS/UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE DEDUCTIBLE \$ RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$
B		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below OTHER	1810018550	09/21/04	09/21/05	<input checked="" type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$100,000 E.L. DISEASE - EA EMPLOYEE \$100,000 E.L. DISEASE - POLICY LIMIT \$500,000

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

Verification of coverages

Show dates: August 11-14, 2005

36th Annual Cumberland Craft Show

CERTIFICATE HOLDER
 Town of Cumberland
 290 Tuttle Road
 Cumberland, ME 04021
CANCELLATION

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

AUTHORIZED REPRESENTATIVE



KLK

© ACORD CORPORATION 1988

OFFICE COPY

TAX.

☐☐

TREAS.

☒

NO.

172896

DATE:

05/12/2005

AMOUNT:

30.00

PREVIOUS BALANCE:

NEW BALANCE:

R0315

CLERK LICENCES

30.00

DESCRIPTION:

CRAFT FAIR #30

RECEIVED
FROM:

AUCCOIN CONCESSIONS

DAF

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

Business or Trade Name: Cue Culture
Business Address: 105 Country Club Rd Hallowell ME 04042
Name of Manager: Wayne Tuttle Bus. Phone: 207 229 1161
Date of Event or New License: Aug 11-14, 2005
Signature of Authorized Person: [Signature] Date: 8/11/05

+++++
CHECK THE PROPERTY CATEGORY OF REQUESTED LICENSE:

- (a) Restaurant or Victualer not serving malt beverages on the premises \$50.00 _____
- (b) Restaurant or Victualer serving malt beverages on the premises \$50.00 _____
- (c) Class A Restaurant, as defined by the Revised Statutes of Maine, serving both malt liquor and spirituous and vinous liquor \$50.00 _____
- (d) A business establishment such as, but not limited to, retail grocery stores, food storage warehouses, bakeries, delicatessen stores, and dairy product stores, where food is stored or is kept for sale and where the total area of the establishment is less than 10,000 square feet \$25.00 _____
- (e) Same as (d) but total area of the establishment is more than 10,000 square feet \$25.00 _____
- (f) Eating and Lodging places. Any place where eating and sleeping accommodations are furnished to the public such as hotels, motels and bed and breakfasts \$100.00 _____
- (g) Establishment operated by Non-Profit organization NO FEE _____
- (h) Vending Machine \$10.00 _____
- (i) Temporary Vending Unit operating at a fair. Per Unit: \$10.00 X
Name & type of vending unit(s): Cue Culture 10'x10' stand

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

Application Rec'd: 8-11-05 Date of Issuance _____ Cert No. _____
Cash

DAVID A. LOURIE
ATTORNEY AT LAW
189 Spurwink Avenue
Cape Elizabeth, ME 04107-9604
(207) 799-4922
Fax 799-7865
dalourie@maine.rr.com

Advance Copy Sent Via e-mail
July 10, 2005

Town Council
Town of Cumberland
12 Drowne Road
P. O. Box 128
Cumberland, Maine 04021-0128
c/o Bill Shane, Town Manager

Re: Town Manager's July 06, 2005 Recommendation - Greely Road- Twin Brooks Park

Dear Councilors:

I am the attorney for the Fowler Family with respect to the use of Greely Road- Twin Brooks Park. I am writing in response to the Town Manager's Recommendation which falls far short of respecting the historical rights of the property owners. The recommended solution is characterized as a compromise. However, it is the kind of compromise that was imposed upon Native American tribes under each "new" treaty after the Government violated or tolerated the violation of an earlier treaty.

The promise made in the proposed "compromise" (that "The Lease agreement will be followed and any future improvements by any party will require, when applicable, Planning Board approval") gives little comfort for the future, and offers no redress for past violations. What is actually promised, is only that the Town and MSAD 51 will apply proper procedures while disrespecting the Fowlers and other neighbors in the future.

The Fowlers sold their property to the Town for less than fair market value upon the understanding that there would be minimal development. In obtaining a Special Exception for the recreational facility, the Town represented (among other things) that

Town Council, Town of Cumberland
c/o Bill Shane, Town Manager

Re: Town Manager's July 06, 2005 Recommendation - Greely Road- Twin Brooks
Park

July 10, 2005

Page 2

there would be no buildings on the site. The Town is presently in violation of the representations relied upon by the Board of Appeals in connection with that approval, as well as of its representations to the Fowlers. A fair "compromise" would at a minimum result in the use of the land being returned to its "as promised" condition over a few years. Instead, the Town offers little immediate, and no long-term redress.

If any developer, who had similarly violated both the Town's zoning and site plan requirements were to make a comparable offer of "compromise" to the Town, they would be indignantly refused by the Town Council. They would be required to pay significant fines and to remove the illegal structures. In this case however, because political considerations have trumped the Town's usual moral outrage over violation of its ordinances (and violation of the promises made to the Fowlers.)

If these recommendations are accepted by the Council it will be because its members lack the moral fibre to honor the Town's promises in the face of the political power of the MSAD and the athletic boosters. The Town must reaffirm its moral and legal commitments, not renege on them.

Under State law, when a town accepts a gift of property it is bound by the terms of that gift, and its promises in that regard are enforceable. Likewise, when a town acts as a developer and makes representations to the zoning board which are relied upon in a special exception proceeding, the town must develop the property in substantial accord with those representations like any other developer.

The Fowlers understand that they will have difficulty in enforcing these rules against the Town and MSAD 51, and there is no reason why they should be required to seek the protection of the Courts where a proper compromise could allow the Town to retain its honor by fulfilling its promises over time.

There is little purpose to be served in the Fowlers agreeing to some or all of the elements outlined in the Manager's Recommendations at this time. Some of those elements offer the Fowlers some short-term relief, but the recommendations fall far short

Town Council, Town of Cumberland

c/o Bill Shane, Town Manager

Re: Town Manager's July 06, 2005 Recommendation - Greely Road- Twin Brooks
Park

July 10, 2005

Page 3

of what the Town needs to do to fulfill its promises, or even its legal responsibilities under its own land use ordinances. The Town needs to restore its credibility before making new promises of less than promised originally. The Council needs to instruct the Manager to come up with a plan which will fulfill the Town's moral and legal responsibilities over time. The Fowlers are committed to working with the Town toward that end. It would be adding insult to injury for the Town to ask more of the Fowlers than that.

Members of the Council need only imagine themselves in the position occupied by the Fowlers to know what needs to be done to redress the Fowlers' grievances. It only remains only for you to show the political courage and moral fibre to do it under difficult political circumstances. We look forward to working with the Town to honor its prior commitments in a real compromise.

Sincerely,

David A. Lourie

cc: Kay & Greg Fowler

JOANNE P. BOBROW

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

1778

DATE 5/25/05

52-60/112
57135

PAY
TO THE
ORDER OF

Tom of Cumberland

Tom

\$ 10.00

4x/100

DOLLARS



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

FOR

Joanne P. Bobrow

MP

⑈001778⑈ ⑆011200608⑆ 191354002351⑈

TOWN OF CUMBERLAND, MAINE

APPLICATION for VICTUALER'S (Food Service Establishment) LICENSE

Business or Trade Name: Three Leaf Foods
Business Address: 7 Candlewick Ln Cumberland Me 04021
Name of Manager: Jody Bobrow Business Phone: 829-9110
Date of event or new license: 8/11/05 - 8/14/05
Signature of authorized person: [Signature] Date: 5/25/05

CHECK THE PROPER CATEGORY OF REQUESTED LICENSE:

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

Name & type of vending unit(s): _____

Enclose CHECK payable to: "Town of Cumberland"

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

Application received: _____ Date of issuance: _____

MICHAEL LAWLOR
P.O. BOX 1035 PH. 207-824-2980
BETHEL, ME 04217

52-7455/2112
0181001355

1045

DATE 6/5/05

PAY TO
THE ORDER OF

Town of Cumberland

\$ 10.00

Ten and

no / 100 DOLLARS



Security Features
Included.
Details on Back.

CORPORATE REWARDS

Northeast

BANK

Auburn, Maine 04210

MEMO

Mixes 1 gallon ice
Cumberland Craft Fair

MP

⑆211274557⑆ 01 81 001355⑈ 1045

SPECIALTY MINT

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

Business or Trade Name: Mike's Lemon Ice
Business Address: Po Box 1035 Bethel, ME 04217
Name of Manager: Mike Lowen Business Phone: 877-904-1722
Date of event or new license: 8/11 - 8/14 Cumberland Craft Fair
Signature of authorized person: [Signature] Date: 6/6/05

CHECK THE PROPER CATEGORY OF REQUESTED LICENSE:

- | | | |
|---|----------|-------------------------------------|
| (a) Restaurant or Victualer not serving malt beverages on the premises. | \$50.00 | ---- |
| (b) Restaurant or Victualer serving malt beverages on the premises. | \$50.00 | ---- |
| (c) Class A Restaurant, as defined by the Revised Statutes of Maine, serving both malt liquor and spirituous and vinous liquor. | \$50.00 | ---- |
| (d) A business establishment such as, but not limited to, retail grocery stores, food storage warehouses, bakeries, delicatessen stores, and dairy product stores where food is stored or is kept for sale and where the total area of the establishment is less than 10,000 square feet. | \$25.00 | ---- |
| (e) Same as (d) but total area of the establishment is more than 10,000 square feet. | \$25.00 | ---- |
| (f) Eating and Lodging places. Any place where eating and sleeping accommodations are furnished to the public such as hotels, motels, and bed and breakfasts. | \$100.00 | ---- |
| (g) Establishment operated by Non-Profit organization. | NO FEE | ---- |
| (h) Vending Machine. | \$10.00 | ---- |
| (i) Temporary Vending Unit operating at a fair. (per unit): | \$10.00 | <input checked="" type="checkbox"/> |
| Name & type of vending unit(s): <u>10'x10' BOOTH AND 3'x4' COLD CART</u> | | |

Enclose CHECK payable to: "Town of Cumberland"

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

Application received: 6.9.05 Date of issuance: _____
CK 1045

KERNEL BOB'S KETTLE KORN, LLC

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

REMITTANCE ADVICE	

52-7445
2112

No 2896

PAY
AMOUNT

Ten and ^{no}/₁₀₀

DOLLARS

DATE	CHECK NO.	TO THE ORDER OF	GROSS AMT.	DISC.
6/8/05	2896	Town of Cumberland		
DESCRIPTION				

CHECK AMOUNT

\$ 10.00

SECURITY FEATURES
INCLUDED
DETAILS ON BACK

UMC



Robert F. Howell

AUTHORIZED SIGNATURE

⑈002896⑈ ⑆211274450⑆ 0291 40548⑈

TOWN OF CUMBERLAND, MAINE

APPLICATION for VICTUALER'S (Food Service Establishment) LICENSE

Business or Trade Name: Kernel Bob's Kettle Korn
Business Address: P.O. Box 276 GRAY, ME 04039
Name of Manager: Robert Gowell Business Phone: 207 657-5030
Date of event or new license: 11-14 AUG 2005
Signature of authorized person: Robert Gowell Date: 6/8/05

CHECK THE PROPER CATEGORY OF REQUESTED LICENSE:

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

Enclose CHECK payable to: "Town of Cumberland"

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

Application received: 6-15-05 Date of issuance: _____
CK # 2496

COLE FARMS

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

15091

52-7252/2112

PAY
TO THE
ORDER OF

Town of Cumberland

DATE

June 1, 2005

\$10.00

COLE FARMS 10 DOLS 00 CTS

DOLLARS



Security features
are included
Details on back



Gray, Maine 12

FOR

craft fair vendor's license

Louise E. Sawyer

MP

⑈015091⑈ ⑈211272520⑈ 97⑈000⑈305⑈

TOWN OF CUMBERLAND, MAINE

APPLICATION for VICTUALER'S (Food Service Establishment) LICENSE

Business or Trade Name: COLE FARMS

Business Address: P.O. Box 679 GRAY ME 04039

Name of Manager: BRAD POLLARD Business Phone: 657-4714

Date of event or new license: UNITED ME CRAFT FAIR 8/11, 12, 13, 14

Signature of authorized person: Bradley Pollard Date: 5/31/05

CHECK THE PROPER CATEGORY OF REQUESTED LICENSE:

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

Name & type of vending unit(s): COLE FARMS - portable vending UNIT

Enclose CHECK payable to: "Town of Cumberland"

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

Application received: 6.7.05 Date of issuance: _____

CK 15091


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

Business or Trade Name: Cumberland - North Yarmouth Lions Club - Fair Grounds Booth .

Business Address: c/o Ken Snitger, 105 Tuttle Road, Cumberland, ME 04021 .

Name of Manager: Doug Pride Bus. Phone: 829-5422

Date of Event or New License: August UMC Craft Show & September Farmer's Club Fair - 2005 .

Signature of Authorized Person:  Date: 5/14/05
Kenneth E. Snitger, Treasurer

+++++

CHECK THE PROPERTY CATEGORY OF REQUESTED LICENSE:

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

Enclose CHECK payable to: Town of Cumberland
SEND TO TOWN CLERK, Attn - Debbie Flanigan, 290 Tuttle Rd. Cumberland ME 04021

Application Rec'd: 5-18-05 Date of Issuance: _____ Cert No.: _____



POSTAL MONEY ORDER

15-800
000

92653554892 050510 043500 **30*00

SERIAL NUMBER		YEAR, MONTH, DAY		POST OFFICE		U.S. DOLLARS AND CENTS	
PAY TO		CHECKWRITER		PRINT AREA		0000300000	
ADDRESS		FROM		ADDRESS			
		Steven Aucoin		233 Oak Hill Rd			
				Litchfield, Mo 64350			
C.O.D. NO. OR USED FOR							

SEE REVERSE WARNING

NEGOTIABLE ONLY IN THE U.S. AND POSSESSIONS

0000008002

92653554892

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

Business or Trade Name: Aucor Concessions
Business Address: 233 Oak Hill Road, Litchfield, Me
Name of Manager: Steven Aucor Bus. Phone: 207-933-2163
Date of Event or New License: Aug 11-14-05
Signature of Authorized Person: Steven P. Aucor Date: May 5, 05

+++++
CHECK THE PROPERTY CATEGORY OF REQUESTED LICENSE:

- (a) Restaurant or Victualer not serving malt beverages on the premises \$50.00 _____
(b) Restaurant or Victualer serving malt beverages on the premises \$50.00 _____
(c) Class A Restaurant, as defined by the Revised Statutes of Maine, serving both malt liquor and spirituous and vinous liquor \$50.00 _____
(d) A business establishment such as, but not limited to, retail grocery stores, food storage warehouses, bakeries, delicatessen stores, and dairy product stores, where food is stored or is kept for sale and where the total area of the establishment is less than 10,000 square feet \$25.00 _____
(e) Same as (d) but total area of the establishment is more than 10,000 square feet \$25.00 _____
(f) Eating and Lodging places. Any place where eating and sleeping accommodations are furnished to the public such as hotels, motels and bed and breakfasts \$100.00 _____
(g) Establishment operated by Non-Profit organization NO FEE _____
(h) Vending Machine \$10.00 _____
(i) Temporary Vending Unit operating at a fair. Per Unit: \$10.00 20
Name & type of vending unit(s) 2 Lemonade / Fruit Smoothie

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

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

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

Business or Trade Name: Aucoin Concassions
Business Address: 233 Oak Hill Rd, Litchfield, Me 04350
Name of Manager: Steven Aucoin Bus. Phone: 207-933-2163
Date of Event or New License: Aug 11-14-05
Signature of Authorized Person: Steven P. Aucoin Date: May 5, 05

+++++
CHECK THE PROPERTY CATEGORY OF REQUESTED LICENSE:

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

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

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



POSTAL MONEY ORDER

15-800
000

92653554892 050510 043500 **30*00

SERIAL NUMBER		YEAR, MONTH, DAY		POST OFFICE		U.S. DOLLARS AND CENTS	
PAY TO		CHECKWRITER		IMPRINT AREA		92653554892	
ADDRESS		FROM		ADDRESS			
		Steven Aucon		233 Oak Hill Rd			
				Litchfield Mo 64350			
C.O.D. NO. OR USED FOR		SEE REVERSE WARNING		NEGOTIABLE ONLY IN THE U.S. AND POSSESSIONS			
00000080021		92653554892					

TOWN MANAGER'S RECOMMENDATION GREELY ROAD- TWIN BROOKS PARK

Friday, July 08, 2005 Revision

These recommendations are a result of meetings with Fowler Family, the Booster's subcommittee and the MSAD 51 Administration. I believe the recommendation respects the rights of the property owners while providing high school athletic fields which were displaced from the construction of the new Middle School. The Lease agreement will be followed and any future improvements by any party will require, when applicable, Planning Board approval.

These recommendations are a compromise and as such may not be what any of the stakeholders in the process had hoped to see as a final outcome. I believe, however, the recommendations are fair and bring us closer to something all sides can accept.

Item 1. DUG OUTS

- ~~• Consider Painting Option first, if unacceptable siding options to be implemented with input from the Fowler Family. The Fowler's will assist in the selection of the paint color if the paint option is an acceptable solution.~~
- **Cedar shakes, siding or a wood siding will be installed on the dugouts. The color and texture will be selected with assistance of the Fowlers.**

Item 2. SOUND AMPLIFICATION

- High School Tournament games only with elimination of Play by Play announcing. National anthem, Introduction of Players and batters ok.
- Speakers directed toward home plate and away from abutting property owners
- Volume adjusted to an appropriate level **and shall not exceed 60 decibels at the closest abutting property line.**
- **Sound system shall be portable and be removed after each event.**
- **Notice will be made to the direct abutters when games will be have amplified sound. Notice shall consist of a telephone call or e-mail if preferred.**

Item 3. PROPERTY BOUNDARY SIGNAGE

- Signs placed along abutting property lines to direct Park Users away from Private Property

Item 4. LIGHTING

- Future lighting of any portion of Twin Brook to be approved by the Town Council and brought to the Planning Board for Site Plan Approval/Amendment.

Item 5. CLOSING OF PARK

- Hours of Operation will be consistent with Tuttle Road side. Open one-half hour before sunrise and closed ½ hour after sunset.

Item 6. CLOSING OF GATES BETWEEN PARKS

- Gates between the parks will be open only for maintenance equipment. The MSAD athletic Trainer will be permitted to use the access road when simultaneous HS events are taking place. **The Athletic Trainer shall use a golf cart like vehicle when traveling between the parks.** Public Safety personnel shall be permitted to use the connecting access road for emergencies only.

Item 7. APPOINTMENT TO TWIN BROOK COMMITTEE

- A member of the Fowler/ Blanchard Family will be appointed to the Twin Brook Advisory Committee and be considered a full voting member.
- The Advisory Committee has oversight of the Tuttle Road fields and properties not included in the Lease with MSAD 51. The Greely Road fields, road and parking area are under the authority and oversight of MSAD 51 as defined in the 2002 Lease Agreement.

Item 8. DENNIS FOWLER BUFFER

- A tree buffer will be planted along the property of Dennis Fowler to screen his home from the Athletic fields. The spruce trees shall be sized in the 8'-12' range and the hardwoods 2"- 3" caliper size and planted with direction from Dennis Fowler. The trees will become the property of Dennis Fowler after planting.

Item 9. PARKING

- The Recreation Director and the MSAD 51 Athletic Director will work together to coordinate events so that competition times are staggered to allow for more efficient use of the onsite parking facilities. If events anticipate overflow parking issues, the parking areas will be better defined with signage and attendants.

Item 10. REMOVAL OF FENCING

- All existing fencing shall remain in place “as is” year round.
- The existing yellow protective coating shall be replaced with a white covering and shall remain on the fence year round.
- Football posts shall be installed no sooner than July 1 and taken down by November 15 each year.
- The Pitching/Batting Cages shall be left as is. All netting to be removed by August 1 each year and installed no sooner than March 15th.
- The “Red Mat” on the back of the Softball field backstop will be replaced with a green colored mesh or mat.

A green bunting shall be attached to the softball fencing and evaluated at the end of the season for its effectiveness.

A split rail fence may be located in the field area between the softball field and Greely Road to help mitigate the visual impact. The Town will work with the Fowler Family to locate a split rail fencing if requested.

Item 11. PLANNING BOARD APPROVAL

- All future site improvements must follow Town Ordinances. If structures, requiring Planning Board approval, are constructed without approval they must be removed prior to submission for Planning Board amendments without exception.

Item 12. PERMENANT STRUCTURES

- As required by the Municipal Ordinances of the Town of Cumberland, all future Permanent Structures shall be permitted through the appropriate Planning and Zoning processes.

Item 13. RULES FOR TWIN BROOKS

The Town Manager shall work with the School Superintendent to develop rules for the Greely Road side of Twin Brooks consistent with the remainder of the Park. Those rules are related to dogs on a leash; trash pick-up; fires; uses on Sunday, etc.

Item 14. SIGN AT PARK ENTRANCE

The Town shall install a sign at the entrance of the park of Greely Road, similar to the Tuttle road sign, designating "Twin Brook Park- Greely Road Fields"

- A "stop sign" shall be located at the exit of the park
- 4- 10 MPH signs shall be located in the parking lot and access drive areas.

Item 15. RETURN OF LAND TO FOWLERS

The Town Manager recommends the Town Council consider a 15-year land use easement restricting the use of the property to agricultural uses located between the railroad tracks and the stream adjacent to Springbrook Farm(Exhibit A)

Council Agenda Item- July 25, 2005

Item 16. SCORE BOARDS

Permanent scoreboards shall be installed on the baseball and softball fields. The Baseball scoreboard shall be installed within 75' of the left field foul pole (behind the fence). The scoreboard at the Softball field shall be installed within 75' of the right field foul pole (behind the fence) and buffered with spruce trees at both ends and rear.

Add dimensions of signs for Monday night's meeting

Item 17. BLEACHERS

Portable Bleachers shall be stored on site at the end of the playing season near the wooded area near the existing storage shed.

DIRECT ABUTTER'S NOTICE

BLANCHARD ALAN R

BLANCHARD KENNETH F

SEAMANS JONATHAN D

BLANCHARD MARGUERITE C
FOWLER KATHERINE B

SPRING BROOK FARM*

MERRILL RICHARD S

SORBELLO JOSEPH J

LEAVITT JOHN R

TODD WILLIAM

GREELY RD

July 7, 2005

TO: Town Council Members
FROM: Nadeen Daniels, Town Clerk
RE: Mobile Vending Units

Manager Shane asked that I prepare revised ordinance language to address the licensing of non-stationary vending units operating in Cumberland. While ice cream ~~trucks and vending units~~ ^{is} are referenced in our ordinance, the vending unit definitions speak to units operating during single or temporary events such as those held at the Fairgrounds. Units such as lunch wagons, coffee wagons, and ice cream trucks do not fall within these definitions.

Among the revisions, Manager Shane asked that I address three issues specifically: (1) define a mobile unit, (2) establish a distance buffer between a mobile unit and any permanent food establishment, and (3) require Town Council licensing review.

I have reviewed language from three Maine municipalities who license mobile vendors - Portland, South Portland and Westbrook - and have incorporated some of their language here. The revisions are noted through stricken and underlined language.

In the attached draft language I have added a new definition for 'Mobile Vending Unit', clarified the requirement for Town Council review, and added standards within Section 4 relating specifically to mobile units. This document is a draft proposal at this stage. Please contact me with changes you'd like to see before your public hearing. Thank you.

TOWN OF CUMBERLAND
VICTUALER'S LICENSES, AND VENDING VICTUALER'S LICENSE ORDINANCE

SECTION 1. DEFINITIONS:

MOBILE VENDING UNIT - Shall mean any vehicle, including a lunch wagon, which is used for the sale therefrom at retail of any prepared food, sandwiches, drinks, ice cream or similar dairy produce, and travels from place to place for the sale thereof, but not including vehicles used for the transportation of milk and dairy products or bread and bakery products for sale or delivery to homes and business establishments.

SECTION 2. LICENSE REQUIRED.

It shall also be unlawful for any person to own or operate a Temporary Vending Unit, Mobile Vending Unit, or Vending Machine in the Town of Cumberland who does not possess a Victualer's Vending License granted by the ~~Town Clerk~~ Town Council.
...Applications for such license shall be procured from the Town Clerk, completed and signed by the applicant and filed with the Town Clerk for submission to the Municipal Officers, ~~or Town Clerk as appropriate~~, and shall bear the recommendation of the Fire Chief, Building Inspector, if requested, and the Health Officer as to the approval or disapproval of the granting of the license.

SECTION 4. SAFETY AND SANITY REQUIREMENTS:

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

....

16. Permitted sales locations. Mobile Vending Units shall be limited to sales on or from public rights-of-way in town spaces where vending is allowed or in residential zones only, where such public rights-of-way have a posted speed limit of twenty-five (25) miles per hour or less.
17. Sales prohibited. No Mobile Vending Unit shall stop at any time for the purpose of making sales if such stop is located within five hundred (500) feet of a permanent food service establishment.

18. Length of stop. No Mobile Vending Unit shall stop on a public right-of-way in a residential zone for more than fifteen minutes. An ice cream truck shall operate its four-way flashers whenever stopped.
19. Hours of operation. Mobile Vending Units shall only operate from 11:00 a.m. to 8:00 p.m.
20. License, insurance required. Each Mobile Vending Unit shall be required to be separately licensed under this article and to provide the Town Clerk evidence of public liability insurance in an amount of not less than three hundred thousand dollars (\$300,000), with the town named as an additional insured on the policy.
21. Cost of licenses and expiration date. The cost of a license for a Mobile Vending Unit shall be set by Order of the Town Council. The expiration date for such licenses shall also be established by Order. Each Mobile Vending Unit shall be required to be separately licensed by the Town.
22. Passengers prohibited. No Mobile Vending Unit shall carry any passenger not employed by the license holder.

SECTION 5. INSPECTION:

At least once every twelve (12) months the Health Officer, Building Inspector, and Fire Chief, or other authorized representatives, shall inspect every Eating Establishment, Eating and Lodging Place, Temporary Vending Unit, Mobile Vending Unit, and vending Machine located within the Town of Cumberland.... The person operating the Eating Establishment, Eating and Lodging Place, Temporary Vending Unit, Mobile Vending Unit, and Vending Machine shall upon the request of the Health Officer or Fire Chief, or their authorized representatives, permit access to all parts of premises for such inspections and shall permit copying any and all records of food purchased.



M E M O R A N D U M

TOWN OF CUMBERLAND, MAINE

290 TUTTLE ROAD

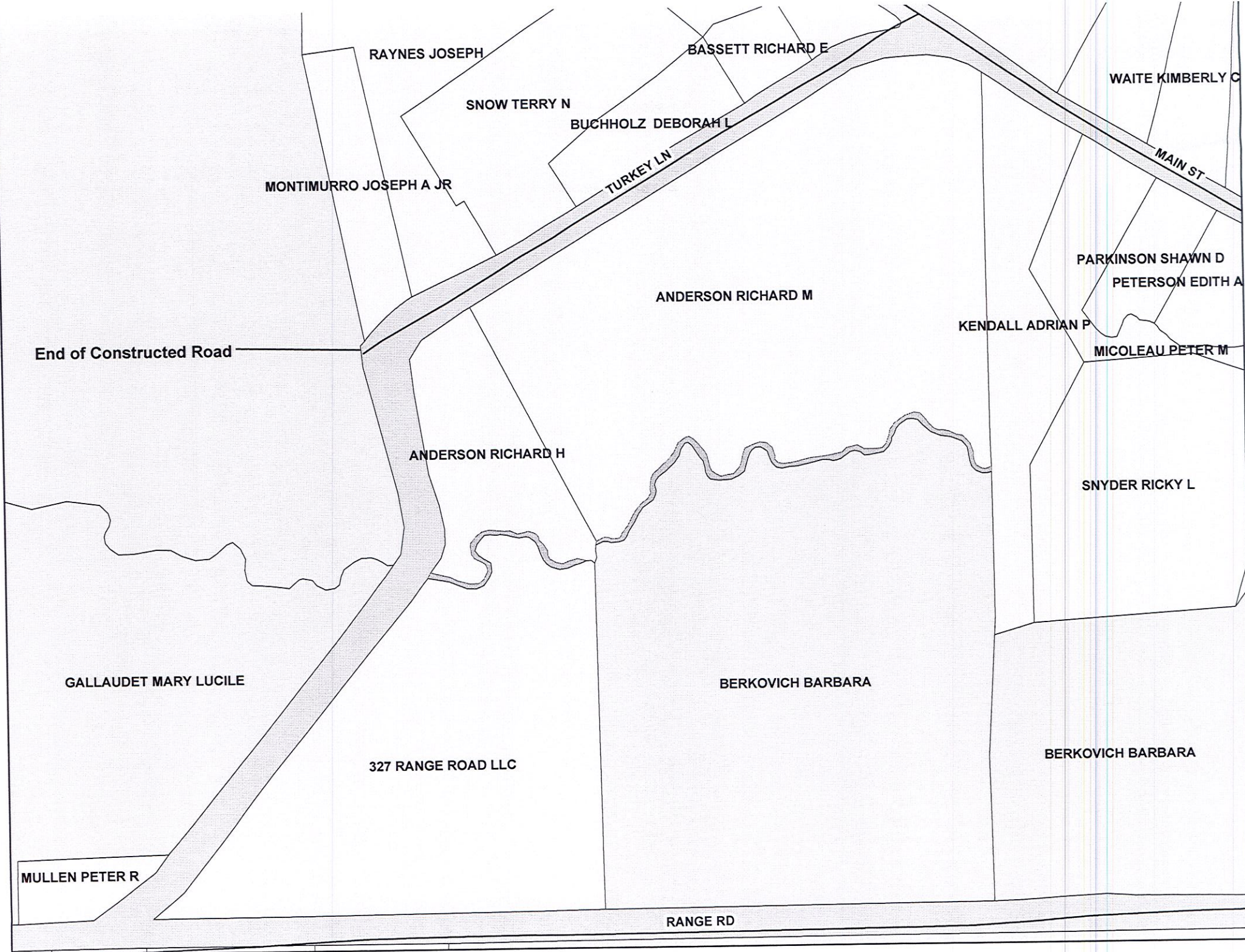
CUMBERLAND, MAINE 04021

TEL: 207-829-2205 FAX: 829-2224

To: Town Council
From: William R. Shane, Town Manager
Date: July 8, 2005
Re: Turkey Road Discontinuance
cc:

The residents of Turkey Lane have requested the unpaved portion of the roadway be discontinued and the land turned back to the abutting landowners. The culvert at the stream near Range Road washout in the storms of the mid 1980's and never was replaced. The road has existed on paper but is difficult to traverse other than by foot.

If the Council is inclined to discontinue the roadway, I would recommend a pedestrian easement be placed on the land to allow access to Range Road. The Town Attorney will review the attached documents if you choose to move this matter to a Public Hearing.



RAYNES JOSEPH

BASSETT RICHARD E

WAITE KIMBERLY C

SNOW TERRY N

BUCHHOLZ DEBORAH L

MONTIMURRO JOSEPH A JR

TURKEY LN

MAIN ST

PARKINSON SHAWN D

PETERSON EDITH A

ANDERSON RICHARD M

KENDALL ADRIAN P

MICOLEAU PETER M

End of Constructed Road

ANDERSON RICHARD H

SNYDER RICKY L

GALLAUDET MARY LUCILE

BERKOVICH BARBARA

327 RANGE ROAD LLC

BERKOVICH BARBARA

MULLEN PETER R

RANGE RD

Law Office of Terry N. Snow, P.A.

294 Main Street, P.O. Box 275
Cumberland, Maine 04021-0275

Terry N. Snow, Esq.
Alan E. Wolf, Esq.
J. Gregory Lestage, Esq.
S & W Associates

Telephone: (207) 829-6363
Facsimile: (207) 829-4481
E-Mail: tsnowlaw@maine.rr.com

VIA FAX TRANSMITTAL

DATE: July 8, 2005
TO: William Shane, Town Manager
OF: Town of Cumberland
FAX: 829-2224
FROM: Terry N. Snow, Esq.
RE: Discontinuance of a Section of Turkey Lane, Cumberland

Dear Bill:

One of the abutters has noted an error in the description which I had prepared and previously forwarded to you regarding the above matter. The point of beginning was incorrectly referred to as "a telephone pole lying across the road". Apparently, that is not the case as the telephone pole is a post set in the ground, but not at the point of beginning the Andersons and Watsons desire. I understand the starting point would be at the end of a culvert that was installed by the Town. The culvert is diagonally placed in the road and therefore it would be the southerly end of the culvert (the one closest to the brook). I intend to have the surveyor draw a straight line from the Anderson property through this point to the Watson property and be inserted in the final order. Also, Peter Mullen's parcel was not included in the original description, but will be included in the revised corrective description hereinafter provided.

I have revised the description as follows: "A certain lot or parcel of land located westerly of Route 9, also known as Main Street, in the Town of Cumberland, County of Cumberland and State of Maine, described as follows: BEGINNING at a reference point being a stone monument set in the ground at the termination of the three rod section of Turkey Lane which extends from the easterly sideline of Route 9 to said reference point, being the commencement of the four rod section of Turkey Lane which extends from said reference point in a westerly direction to the easterly sideline of Range Road; thence from said monument in a westerly direction approximately 140 feet, more or less, to a point being the southerly end of a culvert set in the ground as it currently exists, BEING THE POINT OF BEGINNING OF THE PARCEL HEREIN DISCONTINUED; the parcel being bounded on the East by a line determined to be the

shortest point from the Anderson land to the Watson land through said point of beginning; on the South by land now of Richard H. Anderson and Marsha S. Anderson (Tax Map R5, Lot 6) and Denison Gallaudet (Tax Map R5, Lot 9); on the West by the easterly sideline of said Range Road; on the North by land of Peter R. Mullen (Tax Map R5, Lot 14} Mary Lucille Gallaudet (Tax Map R5, Lot 15A) and Medley A. Watson and Ruth H. Watson (Tax Map R5, Lot 12). Being a portion of the four rod section of Turkey Lane."

Terry

NUMBER OF PAGES: 2 (including transmittal)

CC TO: Kenneth M. Cole, III, Esq.
FAX: 775-7935

IF YOU HAVE ANY PROBLEMS WITH THIS FAX TRANSMISSION, PLEASE CALL
THIS OFFICE. TELEPHONE: (207) 829-6363 FAX: (207) 829-4481

CONFIDENTIALITY NOTICE

This facsimile transmission is intended only for the use of the individual or entity to which it is addressed, and may contain confidential information belonging to the sender which is protected by the attorney-client privilege. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please immediately notify us by telephone to arrange for the return of the documents.

Law Office of Terry N. Snow, P.A.
294 Main Street, P.O. Box 275
Cumberland, Maine 04021-0275

Terry N. Snow, Esq.
Alan E. Wolf, Esq.
J. Gregory Lestage, Esq.
S & W Associates

Telephone: (207) 829-6363
Facsimile: (207) 829-4481
E-Mail: tsnowlaw@maine.rr.com

July 7, 2005

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

Re: Discontinuance of a Section of Turkey Lane

Dear Bill:

Enclosed find the following documents relating to the discontinuance of a section of Turkey Lane:

Notice of Proposed Discontinuance of Road, to each of abutting land owners;
Order of Discontinuance of Road; and
Notice of Vote on Order of Road Discontinuance, to each of abutting land owners.

By copy of this letter to the Town Attorney, Kenneth Cole, Esq. I am sending him copies of these documents for his review and comment as well. It is my understanding that this matter is currently scheduled as a discussion matter with the Town Council on Monday, July 11, 2005 at 7:00 p.m. It is my further understanding that this matter will be scheduled for public hearing on Monday, July 25, 2005 at 7:00 p.m.

Enclosed find a statement by each of the abutting land owners consenting to this discontinuance.

If you have any questions or comments, give me a call.

Very truly yours,


Terry N. Snow

TNS:ecm

Enclosures

cc: Kenneth Cole, Esq., w/encs
Richard & Marsha Anderson, w/encs.
Denison and Mary Lou Gallaudet, w/encs.
Medley and Ruth Watson, w/encs.
Peter R. Mullen, w/encs.

Notice of Proposed Discontinuance of a Road

To: Richard H. Anderson
Marsha S. Anderson
28 Turkey Lane
Cumberland, ME 04021

From: The Municipal Officers of the Town of Cumberland

Dear Property Owner:

Our records show that you own property abutting Turkey Lane. This is to notify you that on July 25, 2005 at 7:00 p.m. the Municipal Officers will hold a public hearing at the Municipal Building, 290 Tuttle Road, Cumberland, Maine 04021 to determine whether they will issue an order to discontinue a portion of Turkey Lane described as follows:

A certain lot or parcel of land located westerly of Route 9, also known as Main Street, in the Town of Cumberland, County of Cumberland and State of Maine, described as follows: BEGINNING at a reference point being a stone monument set in the ground at the termination of the three rod section of Turkey Lane which extends from the easterly sideline of Route 9 to said reference point, being the commencement of the four rod section of Turkey Lane which extends from said reference point in a westerly direction to the easterly sideline of Range Road; thence from said monument in a westerly direction approximately 140 feet, more or less, to a point marked by a telephone pole lying across said road, BEING THE POINT OF BEGINNING OF THE PARCEL HEREIN DISCONTINUED; thence in a westerly direction to the easterly sideline of Range Road, said parcel being bounded on the East by said telephone pole lying on the ground; on the South by land now of Richard H. Anderson and Marsha S. Anderson (Tax Map R5, Lot 6) and Denison Gallaudet (Tax Map R5, Lot 9); on the West by the easterly sideline of said Range Road; on the North by land of Mary Lucille Gallaudet (Tax Map R5, Lot 15A) and Medley A. Watson and Ruth H. Watson (Tax Map R5, Lot 12). Being a portion of the four rod section of Turkey Lane.

Damages, if any, to be paid to abutting property owners will also be determined at that time.

If an Order of Discontinuance is issued and subsequently approved by vote of the municipal officers in their capacity as Town Councilors, the Town will have no obligation to maintain, repair or plow the portion of the road described above but the public will still have the right to travel over it unless the public easement is extinguished as well. These matters will be discussed at the public hearing. As an abutter, you or your designated agent are invited to attend the public hearing and be heard on the issues of discontinuance and damages.

Dated: July 7, 2005

Municipal Officers

Notice of Proposed Discontinuance of a Road

To: Denison Gallaudet
Mary Lucille Gallaudet
67 Range Road
Cumberland, ME 04021

From: The Municipal Officers of the Town of Cumberland

Dear Property Owner:

Our records show that you own property abutting Turkey Lane. This is to notify you that on July 25, 2005 at 7:00 p.m. the Municipal Officers will hold a public hearing at the Municipal Building, 290 Tuttle Road, Cumberland, Maine 04021 to determine whether they will issue an order to discontinue a portion of Turkey Lane described as follows:

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Damages, if any, to be paid to abutting property owners will also be determined at that time.

If an Order of Discontinuance is issued and subsequently approved by vote of the municipal officers in their capacity as Town Councilors, the Town will have no obligation to maintain, repair or plow the portion of the road described above but the public will still have the right to travel over it unless the public easement is extinguished as well. These matters will be discussed at the public hearing. As an abutter, you or your designated agent are invited to attend the public hearing and be heard on the issues of discontinuance and damages.

Dated: July 7, 2005

Municipal Officers

Notice of Proposed Discontinuance of a Road

To: Peter R. Mullen
63 Range Road
Cumberland, ME 04021

From: The Municipal Officers of the Town of Cumberland

Dear Property Owner:

Our records show that you own property abutting Turkey Lane. This is to notify you that on July 25, 2005 at 7:00 p.m. the Municipal Officers will hold a public hearing at the Municipal Building, 290 Tuttle Road, Cumberland, Maine 04021 to determine whether they will issue an order to discontinue a portion of Turkey Lane described as follows:

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Damages, if any, to be paid to abutting property owners will also be determined at that time.

If an Order of Discontinuance is issued and subsequently approved by vote of the municipal officers in their capacity as Town Councilors, the Town will have no obligation to maintain, repair or plow the portion of the road described above but the public will still have the right to travel over it unless the public easement is extinguished as well. These matters will be discussed at the public hearing. As an abutter, you or your designated agent are invited to attend the public hearing and be heard on the issues of discontinuance and damages.

Dated: July 7, 2005

Municipal Officers

Notice of Proposed Discontinuance of a Road

To: Medley A. Watson
Ruth H. Watson
P O Box 32A
Cumberland, ME 04021

From: The Municipal Officers of the Town of Cumberland

Dear Property Owner:

Our records show that you own property abutting Turkey Lane. This is to notify you that on July 25, 2005 at 7:00 p.m. the Municipal Officers will hold a public hearing at the Municipal Building, 290 Tuttle Road, Cumberland, Maine 04021 to determine whether they will issue an order to discontinue a portion of Turkey Lane described as follows:

A certain lot or parcel of land located westerly of Route 9, also known as Main Street, in the Town of Cumberland, County of Cumberland and State of Maine, described as follows: BEGINNING at a reference point being a stone monument set in the ground at the termination of the three rod section of Turkey Lane which extends from the easterly sideline of Route 9 to said reference point, being the commencement of the four rod section of Turkey Lane which extends from said reference point in a westerly direction to the easterly sideline of Range Road; thence from said monument in a westerly direction approximately 140 feet, more or less, to a point marked by a telephone pole lying across said road, BEING THE POINT OF BEGINNING OF THE PARCEL HEREIN DISCONTINUED; thence in a westerly direction to the easterly sideline of Range Road, said parcel being bounded on the East by said telephone pole lying on the ground; on the South by land now of Richard H. Anderson and Marsha S. Anderson (Tax Map R5, Lot 6) and Denison Gallaudet (Tax Map R5, Lot 9); on the West by the easterly sideline of said Range Road; on the North by land of Mary Lucille Gallaudet (Tax Map R5, Lot 15A) and Medley A. Watson and Ruth H. Watson (Tax Map R5, Lot 12). Being a portion of the four rod section of Turkey Lane.

Damages, if any, to be paid to abutting property owners will also be determined at that time.

If an Order of Discontinuance is issued and subsequently approved by vote of the municipal officers in their capacity as Town Councilors, the Town will have no obligation to maintain, repair or plow the portion of the road described above but the public will still have the right to travel over it unless the public easement is extinguished as well. These matters will be discussed at the public hearing. As an abutter, you or your designated agent are invited to attend the public hearing and be heard on the issues of discontinuance and damages.

Dated: July 7, 2005

Municipal Officers

Order of Discontinuance of a Road

To: Residents of the Town of Cumberland and other interested persons

From: Municipal Officers of the Town of Cumberland

The Municipal Officers of the Town of Cumberland hereby order the discontinuance as a Town way of that portion of Turkey Lane described as follows:

A certain lot or parcel of land located westerly of Route 9, also known as Main Street, in the Town of Cumberland, County of Cumberland and State of Maine, described as follows: BEGINNING at a reference point being a stone monument set in the ground at the termination of the three rod section of Turkey Lane which extends from the easterly sideline of Route 9 to said reference point, being the commencement of the four rod section of Turkey Lane which extends from said reference point in a westerly direction to the easterly sideline of Range Road; thence from said monument in a westerly direction approximately 140 feet, more or less, to a point marked by a telephone pole lying across said road, BEING THE POINT OF BEGINNING OF THE PARCEL HEREIN DISCONTINUED; thence in a westerly direction to the easterly sideline of Range Road, said parcel being bounded on the East by said telephone pole lying on the ground; on the South by land now of Richard H. Anderson and Marsha S. Anderson (Tax Map R5, Lot 6) and Denison Gallaudet (Tax Map R5, Lot 9); on the West by the easterly sideline of said Range Road; on the North by land of Mary Lucille Gallaudet (Tax Map R5, Lot 15A) and Medley A. Watson and Ruth H. Watson (Tax Map R5, Lot 12). Being a portion of the four rod section of Turkey Lane.

Having given best practicable notice to all abutting property owners and the Town Planning Board, we further order that no damages be awarded to the abutting property owners.

Further, said Municipal Officers in their capacity as Town Councilors acting as the Legislative body of the Town of Cumberland, hereby approve said order of the municipal officers and further order that said portion of Turkey Lane be discontinued immediately, without damages to abutters and with no public easement reserved.

Dated: _____

Municipal Officers/Councilors

Notice of Vote on Order of Road Discontinuance

To: Richard H. Anderson
Marsha S. Anderson
28 Turkey Lane
Cumberland, ME 04021

From: Municipal Officers of the Town of Cumberland

Dear Property Owner:

Our records show that your property abuts Turkey Lane. This is to notify you that on July 25, 2005, after hearing, the Municipal Officers issued an Order of Discontinuance that discontinues a portion of that road described as:

A certain lot or parcel of land located westerly of Route 9, also known as Main Street, in the Town of Cumberland, County of Cumberland and State of Maine, described as follows: BEGINNING at a reference point being a stone monument set in the ground at the termination of the three rod section of Turkey Lane which extends from the easterly sideline of Route 9 to said reference point, being the commencement of the four rod section of Turkey Lane which extends from said reference point in a westerly direction to the easterly sideline of Range Road; thence from said monument in a westerly direction approximately 140 feet, more or less, to a point marked by a telephone pole lying across said road, BEING THE POINT OF BEGINNING OF THE PARCEL HEREIN DISCONTINUED; thence in a westerly direction to the easterly sideline of Range Road, said parcel being bounded on the East by said telephone pole lying on the ground; on the South by land now of Richard H. Anderson and Marsha S. Anderson (Tax Map R5, Lot 6) and Denison Gallaudet (Tax Map R5, Lot 9); on the West by the easterly sideline of said Range Road; on the North by land of Mary Lucille Gallaudet (Tax Map R5, Lot 15A) and Medley A. Watson and Ruth H. Watson (Tax Map R5, Lot 12). Being a portion of the four rod section of Turkey Lane.

The Order also states that no damages are to be paid to abutting property owners. A copy of that Order is attached to this Notice and is incorporated herein.

The Order was then accepted by the Town Council acting as the legislative body of the Town and took effect immediately. The municipality no longer has any obligation to maintain, repair or plow that portion of Turkey Lane and the public will not have the right to continue using that portion of the road as a public easement.

Dated: _____

Municipal Officers/Councilors

Notice of Vote on Order of Road Discontinuance

To: Denison Gallaudet
Mary Lucille Gallaudet
67 Range Road
Cumberland, ME 04021

From: Municipal Officers of the Town of Cumberland

Dear Property Owner:

Our records show that your property abuts Turkey Lane. This is to notify you that on July 25, 2005, after hearing, the Municipal Officers issued an Order of Discontinuance that discontinues a portion of that road described as:

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Dated: _____

Municipal Officers/Councilors

Notice of Vote on Order of Road Discontinuance

To: Peter R. Mullen
63 Range Road
Cumberland, ME 04021

From: Municipal Officers of the Town of Cumberland

Dear Property Owner:

Our records show that your property abuts Turkey Lane. This is to notify you that on July 25, 2005, after hearing, the Municipal Officers issued an Order of Discontinuance that discontinues a portion of that road described as:

A certain lot or parcel of land located westerly of Route 9, also known as Main Street, in the Town of Cumberland, County of Cumberland and State of Maine, described as follows: BEGINNING at a reference point being a stone monument set in the ground at the termination of the three rod section of Turkey Lane which extends from the easterly sideline of Route 9 to said reference point, being the commencement of the four rod section of Turkey Lane which extends from said reference point in a westerly direction to the easterly sideline of Range Road; thence from said monument in a westerly direction approximately 140 feet, more or less, to a point marked by a telephone pole lying across said road, BEING THE POINT OF BEGINNING OF THE PARCEL HEREIN DISCONTINUED; thence in a westerly direction to the easterly sideline of Range Road, said parcel being bounded on the East by said telephone pole lying on the ground; on the South by land now of Richard H. Anderson and Marsha S. Anderson (Tax Map R5, Lot 6) and Denison Gallaudet (Tax Map R5, Lot 9); on the West by the easterly sideline of said Range Road; on the North by land of Mary Lucille Gallaudet (Tax Map R5, Lot 15A) and Medley A. Watson and Ruth H. Watson (Tax Map R5, Lot 12). Being a portion of the four rod section of Turkey Lane.

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Dated: _____

Municipal Officers/Councilors

Notice of Vote on Order of Road Discontinuance

To: Medley A. Watson
Ruth H. Watson
P O Box 32A
Cumberland, ME 04021

From: Municipal Officers of the Town of Cumberland

Dear Property Owner:

Our records show that your property abuts Turkey Lane. This is to notify you that on July 25, 2005, after hearing, the Municipal Officers issued an Order of Discontinuance that discontinues a portion of that road described as:

A certain lot or parcel of land located westerly of Route 9, also known as Main Street, in the Town of Cumberland, County of Cumberland and State of Maine, described as follows: BEGINNING at a reference point being a stone monument set in the ground at the termination of the three rod section of Turkey Lane which extends from the easterly sideline of Route 9 to said reference point, being the commencement of the four rod section of Turkey Lane which extends from said reference point in a westerly direction to the easterly sideline of Range Road; thence from said monument in a westerly direction approximately 140 feet, more or less, to a point marked by a telephone pole lying across said road, BEING THE POINT OF BEGINNING OF THE PARCEL HEREIN DISCONTINUED; thence in a westerly direction to the easterly sideline of Range Road, said parcel being bounded on the East by said telephone pole lying on the ground; on the South by land now of Richard H. Anderson and Marsha S. Anderson (Tax Map R5, Lot 6) and Denison Gallaudet (Tax Map R5, Lot 9); on the West by the easterly sideline of said Range Road; on the North by land of Mary Lucille Gallaudet (Tax Map R5, Lot 15A) and Medley A. Watson and Ruth H. Watson (Tax Map R5, Lot 12). Being a portion of the four rod section of Turkey Lane.

The Order also states that no damages are to be paid to abutting property owners. A copy of that Order is attached to this Notice and is incorporated herein.

The Order was then accepted by the Town Council acting as the legislative body of the Town and took effect immediately. The municipality no longer has any obligation to maintain, repair or plow that portion of Turkey Lane and the public will not have the right to continue using that portion of the road as a public easement.

Dated: _____

Municipal Officers/Councilors

7-5-05

To whom It May Concern,

I would be in agreement
to have the road officially
closed.

Pat R. Mullin

R5
Lot 14

6-18-05

To Whom It May Concern,

We would be happy to
have Turkey Lane officially
closed.

Marsha Andersen
Ruth / Andersen

RS
Lot 6

June 18, 2005

To Whom it May Concern:

We would be happy to be party
to an agreement to close the west
end of Turkey Lane.

R5
Lot 15A
Lot 9

Debra Galland et
Alvay L. Galland et

6/18/05

Medley A. + Ruth H. Watson
29 Turkey Lane

We feel it would be advantageous
to all concerned to have the unused
portion of Turkey Lane removed from
the books and have it permanently
closed.

R5
Lot 12

Medley A. Watson
Ruth H. Watson

William Shane

From: William Shane
Sent: Friday, July 08, 2005 7:40 AM
To: Rob Crawford (rcrawford@mainelaw.com)
Subject: 15 yr Agricultural lease

Good Morning Rob:

At last night's Council Meeting a 15-year lease on 5-8 acres of land in the Twin Brook Recreation area on Greely Road was discussed. The lease would be for a specific Time period and a future Council could choose to extend the lease, but it must have a specific duration so the land can be unencumbered should a municipal purpose arise.

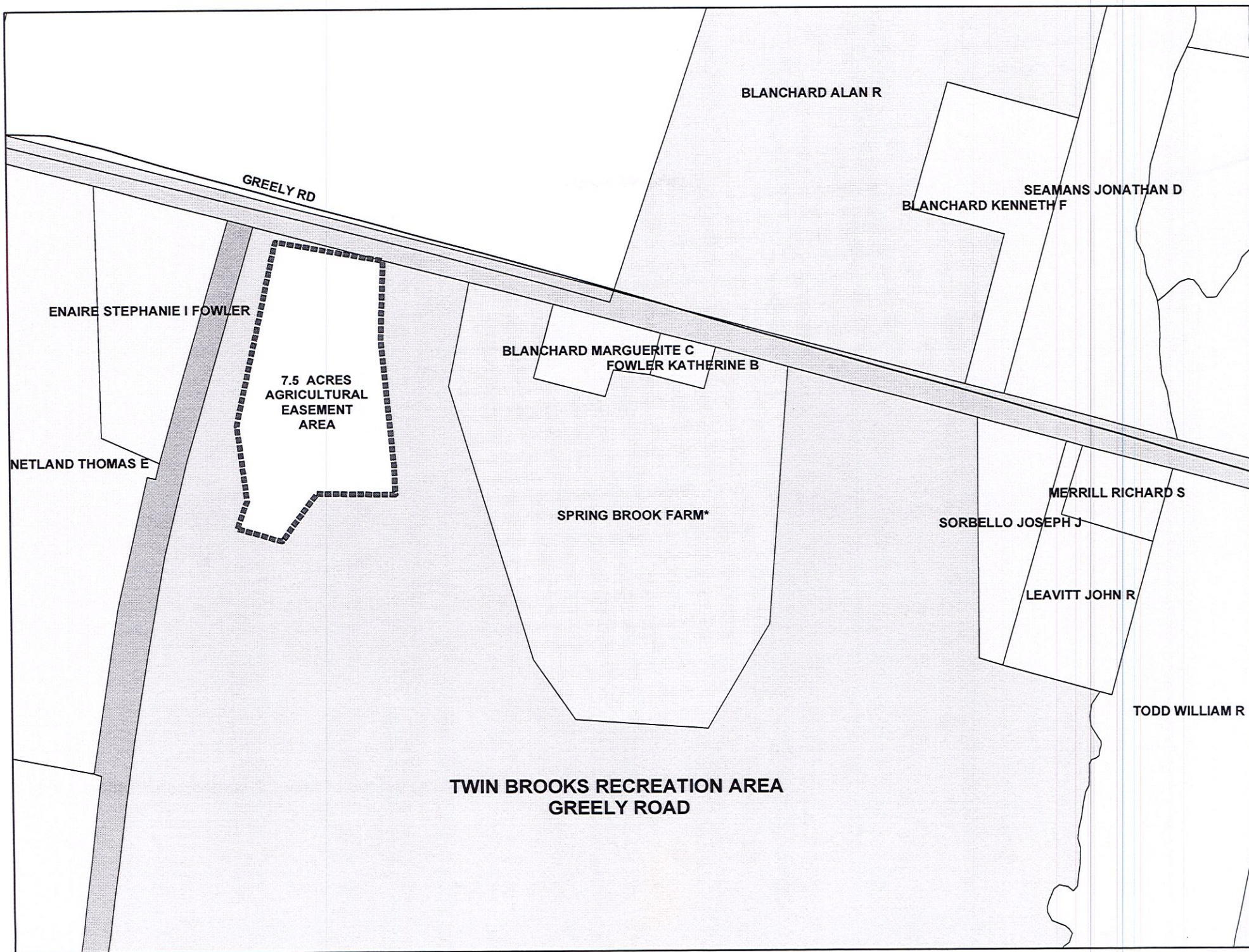
We were contemplating a combination of allowing the Fowler's to farm some of the land and incorporate perhaps plots of land for a community garden. Any other thoughts from CMIT would be welcomed.
Please let me know if you can meet to discuss this proposal between now and July 25th.

Thank you,

Bill

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

7/8/2005



GREELY RD

BLANCHARD ALAN R

SEAMANS JONATHAN D
BLANCHARD KENNETH F

ENAIRE STEPHANIE I FOWLER

7.5 ACRES
AGRICULTURAL
EASEMENT
AREA

BLANCHARD MARGUERITE C
FOWLER KATHERINE B

NETLAND THOMAS E

SPRING BROOK FARM*

MERRILL RICHARD S
SORBELLO JOSEPH J

LEAVITT JOHN R

TODD WILLIAM R

TWIN BROOKS RECREATION AREA
GREELY ROAD

Cumberland Soccer Club

P.O. Box 352

Cumberland, ME 04021-0352

received
7/5/05

June 30, 2005

Bill Shane, Town
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021

NEW
BUSINESS

Re: Cumberland Soccer Club

Dear Bill:

Enclosed is the financial information for the Cumberland Soccer Club that was requested at the June 27 town meeting.

Sincerely,



David D. Chase, Treasurer
Cumberland Soccer Club
Phone 771-8800

9:24 AM
06/30/05
Cash Basis

Cumberland Soccer Club
Profit & Loss
January through December 2004

	<u>TOTAL</u>
Ordinary Income/Expense	
Income	
Donation	1,261.40
Player Registrations Income	33,000.00
Late Registration Fees	50.00
Labor Day Tourn. Registrations	23,240.00
Soccer Camp Registrations	19,500.50
Miscellaneous Income	163.00
Total Income	77,214.90
Expense	
Director of Coaching	705.00
Camp Instructors	8,340.00
Camp Director Fees	4,075.00
Camp Balls & Equipment	1,600.00
Camp Shirts	616.00
Camp Food & Beverages	895.06
Camp Field Usage Fees	790.00
Camp Supplies	91.50
Camp Refunds	625.00
Other Camp Expenses	500.00
Referees - Labor Day Tournament	5,574.00
Police/Rescue	672.30
Portable Toilet Rentals	1,795.00
Labor Day Field Usage Fees	2,300.00
Town Permits	250.00
Miscellaneous Tourn. Expenses	1,261.40
Player Fees - SoccerMaine	2,930.00
Challenge/State Cup Fees	5,020.00
Referees - Fall Games	5,250.00
Uniforms	15,744.54
Balls and Equipment	1,344.95
Team Tournament Reimbursements	5,975.00
Team Celebrations/Trophies	1,582.50
Refunds - Fall Registrations	1,155.00
Field Coordinator	500.00
Contributions - Greely Boosters	2,300.00
Try-out Personnel	3,000.00
Supplies	853.69
Coaching Educ./Certifications	380.00
Referee Certifications	388.00
Scholarships Awarded	1,350.00
Meetings Expenses	734.95
Website Hosting Fees	420.00
Office Supplies & Expense	205.64
Bank Service Charges	221.65
Miscellaneous Expense	666.00
Total Expense	80,112.18
Net Ordinary Income	-2,897.28
Other Income/Expense	
Other Income	
Concessions Supplies	-8,925.31
Concessions Income	15,197.93
Total Other Income	6,272.62
Net Other Income	6,272.62
Net Income	<u>3,375.34</u>

9:24 AM
06/30/05
Cash Basis

Cumberland Soccer Club
Balance Sheet
As of December 31, 2004

	<u>Dec 31, 04</u>
ASSETS	
Current Assets	
Checking/Savings	
Cash - Checking (Peoples)	<u>20,727.85</u>
Total Checking/Savings	<u>20,727.85</u>
Other Current Assets	
Coastal Athletics credit memo	<u>38.55</u>
Total Other Current Assets	<u>38.55</u>
Total Current Assets	<u>20,766.40</u>
TOTAL ASSETS	<u>20,766.40</u>
LIABILITIES & EQUITY	
Equity	
Net Assets (Unrestricted)	<u>17,391.06</u>
Net Income	<u>3,375.34</u>
Total Equity	<u>20,766.40</u>
TOTAL LIABILITIES & EQUITY	<u>20,766.40</u>

Jensen Baird Gardner & Henry

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

LESLIE E. LOWRY III
PATRICIA MCDONOUGH DUNN
MICHAEL J. QUINLAN
R. LEE IVY
FRANK K. N. CHOWDRY
NATALIE L. BURNS
SALLY J. DAGGETT
BRENDAN P. RIELLY
SUZANNE R. SCOTT
MARCIA G. CORRADINI
J. COLBY WALLACE
JAMES D. LIDDELL

ATTORNEYS AT LAW
TEN FREE STREET
P.O. BOX 4510
PORTLAND, MAINE 04112-4510
(207) 775-7271
TELECOPIER (207) 775-7935
www.jbgh.com

MERTON G. HENRY
WALTER E. WEBBER
JAMES E. KAPLAN
OF COUNSEL
RAYMOND E. JENSEN
(1908-2002)
KENNETH BAIRD
(1914-1987)
M. DONALD GARDNER
(1918-2003)

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

July 1, 2005

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

Re: First Offer and Option to Purchase

Dear Bill:

Enclosed herewith is a draft of a proposed First Offer and Option to Purchase between the Town and Rebecca G. K. Leland-Swiggett. By copy of this letter, I am sending the same to Terry N. Snow for his review. (Terry, I reserve the right to make changes based on any comments from the Town since they have not seen it.)

If either of you have any questions or suggested changes, please let me know.

Very truly yours,


Kenneth M. Cole III

KMC/lts
Enclosure
cc: Terry N. Snow, Esquire

received
7/7/05

FIRST OFFER AND OPTION TO PURCHASE

In consideration of the sum of One Dollar (\$1.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, **REBECCA G. K. LELAND-SWIGGETT**, of Cambridge, County of Middlesex and Commonwealth of Massachusetts (hereinafter "Leland-Swiggett") does hereby grant and assign to **THE TOWN OF CUMBERLAND**, a municipal corporation organized and existing under the laws of the State of Maine and located in the County of Cumberland, State of Maine ("Town"), the exclusive, first priority right to offer to purchase certain real estate (the "Option"), being 100 acres, more or less, at the end of Greely Road Extension, including Knight Pond, so-called, all as shown on a Plan entitled, Leland/Knight Land Use Study by Orcutt Associates, pursuant to a boundary survey by John A. Belding dated February 6, 1996 revised through July 15, 1996, together with all improvements thereon, all rights, ways, and appurtenances thereunto belonging (hereinafter "the Property").

This Option is granted upon the following terms and conditions:

(1) Exercise of Option. If Leland-Swiggett wishes to sell or transfer all or any part of the Property, Leland-Swiggett shall first offer the Property in writing to the Town consistent with this Option.

(2) Term of Option. This Option may be exercised by the Town for ninety (90) days from the date hereof.

(3) Consideration. Leland-Swiggett acknowledges receipt of One Dollar (\$1.00) from the Town, which shall be applied against the Purchase Price if this Option is exercised.

(4) Purchase Price. If Leland-Swiggett decides to sell said Property in the next ninety (90) days and the Town exercises its Option to purchase the Property under this Option, the Town will pay Leland-Swiggett the fair market value of the Property as of the date of closing as negotiated by the parties following an appraisal report prepared for the Town by Amidon Associates. When the purchase price is agreed to, the parties shall sign a binding purchase and sale agreement.

(5) Closing. If this Option is exercised, closing shall occur at the Cumberland Town Offices or such other place as mutually agreed upon by the parties hereto within ninety (90) days after the last to occur of (i) the date of exercise, or (ii) the date upon which all conditions to closing listed in Paragraph (6) have been satisfied. At closing, the following shall occur:

- (a) Leland-Swiggett shall convey to the Town good and marketable title in fee simple to the Property by good and sufficient warranty deed.
- (b) The Town shall pay the agreed upon Purchase Price to Leland-Swiggett by cashier's or certified check or wire transfer of funds to an account designated by Leland-Swiggett, adjusted only as follows:
 - (i) there shall be prorated to the date of the closing real estate taxes and assessments for the current period (and if such taxes are not ascertainable, such pro-ration shall be based on taxes for the last ascertainable year);
 - (ii) there shall be credited against the Purchase Price any option moneys paid under this Option; and
 - (iii) if there are any defects in title which can be cured by the payments of money, the Town shall have the right to cure the same and any sums so expended shall be credited against the Purchase Price.

(6) Conditions of Closing. The following conditions shall be satisfied on or before the settlement or the Town at its option may terminate this Option:

- (a) Title: Leland-Swiggett shall have good and marketable title of the Property. If a title search reveals defects in title that cannot be cured by payment of money credited against the Purchase Price, Leland-Swiggett shall diligently cause such defects to be cured. In the event of the failure of any condition hereinabove contained, the Town may terminate this Option, in which event all obligations of the parties hereunder shall cease.
- (b) Financing: The Town's obligation to purchase following exercise of this Option shall be subject to the final action of its Town Council and any referendum thereafter pursuant to the Town's Charter.

(7) Miscellaneous.

- (a) All provisions of this Option shall inure to the benefit of and bind the parties hereto, their successors, personal representatives, heirs and assigns.
- (b) This Option shall not be assignable hereunder.
- (c) All notices to Leland-Swiggett hereunder shall be in writing sent to Leland-Swiggett at the address specified herein.

Rebecca G. K. Leland-Swiggett

Cambridge, MA

All notices to the Town shall be in writing and sent to the Town to the attention of:

Town Manager
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021

IN WITNESS WHEREOF, the parties have executed and delivered this Option to Purchase as of this ____ day of July, 2005.

Signed, Sealed
and Delivered
in the Presence of:

Optionor: REBECCA G. K.
LELAND-SWIGGETT

Rebecca G. K. Leland-Swiggett

Optionee: TOWN OF CUMBERLAND

By: _____
William R. Shane
Treasurer/Tax Collector