

A G E N D A
CUMBERLAND TOWN COUNCIL MEETING
Town Council Chambers, 290 Tuttle Road
Monday, July 25, 2005
7:00 p.m.

I. APPROVAL OF MINUTES

June 27, 2005 and July 11, 2005

II. MANAGER'S REPORT

Capital Spending

III. PUBLIC DISCUSSION

IV. LEGISLATION AND POLICY

05 - 127. To hold public hearing to consider and act on issue of up to \$800,000 Principal Amount of Bonds for fire truck(s) and computer system.

05 - 128. To set municipal Tax Rate for 2005/06.

05 - 129. To hold public hearing to consider and act on request to discontinue a portion of Turkey Lane.

05 - 130. Town Council Committee assignments for 2005/06.

05 - 131. To hold public hearing to consider and act on amendments to Victualer's License Ordinance.

05 - 132. To set interest rate to be charged on delinquent sewer fees and real and personal property taxes.

05 - 133. To authorize application of real estate tax payments to oldest unpaid tax.

05 - 134. To set rate at which interest will be paid on overpayment of real estate taxes.

05 - 135. To set public hearing to consider and act on Mass Gathering Permit and Victualers licenses for the Cumberland Fair, September 25 - October 1, 2005, Cumberland Fairgrounds.

V. NEW BUSINESS

VII. ADJOURNMENT

MEMBERS OF THE TOWN COUNCIL

William Stiles, Chair	829-6679	wstiles1@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

REBROADCAST SCHEDULE ON REVERSE SIDE

MOTIONS

- 05 – 127. **I hereby Order** that General Obligation Bonds and Notes in anticipation of such Bonds of the Town in the principal amount of up to \$800,000 be issued to finance the costs of acquisition of a computer, (a or two) fire truck(s) and related equipment. *6-1 DD/HS*
- 05 – 128. **I move** to set the mil rate at \$18.80 for fiscal year 2006. *SM/MK unan*
- 05 – 129. **I move** to adopt the *Order of Discontinuance of a Road* to discontinue a portion of Turkey Lane, without damages to abutters, and with a public recreational easement reserved.
- I hereby Order** that the right-of-way known as Turkey Lane shall be reduced in width from sixty-six feet to a single rod, or sixteen and a half feet. *Table and with TM 4-0*
- 05 – 130. **I move** to approve the Town Council Assignments (as stated?) for FY 2005/06.
- 05 – 131. **I move** to amend Sections 1, 2, 4, 5 and 8 of the Town of Cumberland Victualer's Licenses and Vending Victualer's License Ordinance regarding Mobile Vending Units generally as follows:
define a mobile unit;
establish an operating distance from other licensed victualers,
define certain safety standards,
prohibit sales from municipal property designated as a park or open space, and
require license review by the Town Council.
- 05 – 132. **I move** to set the rate of 7.75% as the rate to be charged on delinquent sewer fees and real and personal property taxes. *no motion - Adopted by chair as discussed*
- 05 – 133. **I move** to authorize the application of real estate tax payments to the oldest unpaid tax. *HS/DD unan MK/SM unan*
- 05 – 134. **I move** to set the rate of 3.75% as the rate at which interest will be paid on overpayment of real estate taxes. *HS/MK unan*
- 05 – 135. **I move** to set an August 8, 2005 public hearing date to consider and act on the Mass Gathering Permit and Victualers Licenses for the Cumberland Fair, Cumberland Fairgrounds, September 25 – October 1, 2005. *DD/MK unan*

OK

MINUTES
CUMBERLAND TOWN COUNCIL
June 27, 2005
Town Council Chambers, 290 Tuttle Road

Present: Chairman Stiles, Councilors Porter, Moriarty, Kuntz, Storey, Damon & Turner.

Chairman Stiles called the meeting to order at 7:31 pm in the Council Chambers at Town Hall.

I. APPROVAL OF MINUTES
June 13, 2005.

Councilor Moriarty requested a change to the last paragraph on Page 3: "SM" should be changed to Councilor Moriarty.

Councilor Moriarty moved to approve the minutes of June 13, 2005 with the requested change.

Seconded by Councilor Kuntz.

VOTE: UNANIMOUS

II. MANAGER'S REPORT

Manager Shane stated he would give the Manager's Report during the New Business portion of the meeting..

III. PUBLIC DISCUSSION

Chairman Stiles opened the Public Discussion at 7:32 pm
There was no discussion.

IV. LEGISLATION & POLICY

05-096. To swear in elected Town Councilors Porter, Stiles & Turner.

Deputy Town Clerk Debbie Flanigan swore in Councilors Porter, Stiles & Turner.

05-097. To elect Council Chair and Vice Chair.

Councilor Moriarty moved to appoint William Stiles as Council Chair.

Motion seconded by Councilor Porter.

VOTE: UNANIMOUS

Councilor Porter moved to appoint Councilor Storey as Vice Chair.

Motion seconded by Councilor Moriarty.

VOTE: UNANIMOUS

05-098. To hold a public hearing to consider and at on a Bottle Club Liquor License and Special Amusement Permit for the Chebeague Island Hall Community Center for the period August 2005 through August 2006.

Manager Shane stated that all information and permits were in order and the Town staff recommended approval.

Councilor Porter moved to approve the Bottle Club Liquor License and Special Amusement Permit for the Chebeague Island Hall Community Center for the period August, 2005 through August, 2006.

Motion seconded by Councilor Storey.

VOTE: IN FAVOR: 6
OPPOSED: 1 (Kuntz)

05-099. To hold a public hearing to consider and act on a mobile beverage cart to serve malt beverages on the Val Halla Golf Course..

Ned Gribbin, Business Manager of Val Halla, stated that he contacted several golf courses in relation to having beverage carts on the golf course. Val Halla would like to provide the service, especially for large tournaments.

Councilor Porter moved to approve a mobile beverage cart to serve malt beverages on the Val Halla Golf Course.

Motion seconded by Councilor Moriarty.

Council discussion:

- Councilor Storey received several emails and calls; he feels the service should be for large tournaments and not for daily use.
- Councilor Damon received emails and calls also and is concerned with the message that will be sent to youths; has not seen the amount of estimated revenue from the beverage cart.; would support having beverage cart for only special occasions.
- Councilor Moriarty inquired if at the end of the season, could Mr. Gribbin provide information on tournament bookings, revenue from both alcoholic and non-alcoholic beverages.
- Councilor Porter stated that Maine is the 48th state to move in this direction; no serious concerns from other states; Val Halla needs to be competitive with other golf courses; people from out of town can get beer during a tour, but residents can't get beer during regular play.

VOTE: IN FAVOR: 5
OPPOSED: 2 (Damon & Kuntz)

Councilor Damon requested that Items 05-107 & 05-112 taken out of order.

05-112. To enact an Emergency Moratorium re: wharf construction on Chebeague Island.

Manager Shane stated that the locations of piers and docks have impacted the public. Coastal Waters Ordinance only requires 300' notification; that area may be only out of state property owners. The Coastal Waters Ordinance needs to be changed to be more than 300' notification.

Public discussion:

- Jim Millinger, Chairman of the Coastal Waters Committee, stated that the Ordinance should be more defined re: developed beach areas, etc.
- Kenneth Hamilton, Chebeague Island resident, stated that several years ago, the Town of Cumberland was denied right to put a wharf on Cousins Island because it would disrupt field grass and other growth on the beach; however, within in 6 months the Town of Cumberland approved a dock on the back shore of Chebeague Island through clam flats and no one knew it was happening; need to examine wording on Ordinance.

Council discussion:

- Councilor Storey stated that there are too many requirements to build a wharf; people would expect to see a wharf or dock on an island;
- Councilor Damon stated that the last 3 wharves built on Chebeague Island were not properly permitted through the Town of Cumberland:
 1. Built in registered subdivision; no one aware wharf being built until it was half built.
 2. Recently applied for permit to put addition on wharf; not properly permitted
 3. Built in developed beach area; not properly permitted

Mr. Shane stated that the Coastal Waters Committee is willing to conduct at least 2 public hearings on Chebeague Island as part of this process, and encourage owners of the existing piers and wharves to participate in the process.

Councilor Porter moved to enact an Emergency Moratorium on piers, docks and wharves on Chebeague Island per the Moratorium Ordinance.

Motion seconded by Councilor Damon.

Council discussion:

- Councilor Moriarty expressed support for the moratorium for two reasons:
 1. It is a 180 day maximum moratorium
 2. There are currently no applications for wharves pending
- Councilor Kuntz stated that he is against moratoriums per se; felt that if there are no applications pending that the language in the ordinance should be reviewed without a moratorium.
- Councilor Storey stated that the wharf applications are being properly reviewed.
- Councilor Turner inquired that after the first 60 days, unless the Town Council reenacts the Ordinance under the Emergency Enactment Procedure and repeals it prior to that date, does the Town Council have to review it after 60 days? Would normally be against moratoriums unless extreme situation.
- Chairman Stiles stated that there a lot of ambiguities in the Ordinance; supports enacting a moratorium since there are no applications pending.
- Councilor Porter stated that he doesn't like taking away property rights; people have right to build wharves.

VOTE: IN FAVOR: 5

OPPOSED: 2 (Storey & Kuntz)

05-107. To hold a public hearing to consider and act on a Use Policy for Town-Owned Property on Chebeague Island.

Manager Shane stated that Police Chief Charron and Officer Brewer from Chebeague Island have enacted a town use policy, similar to that for Chandler's Cove; recommended approval of the policy. There has been only one application for the Long Range Planning and Stewardship Committee for Town Owned Properties on Chebeague Island.

Councilor Moriarty inquired if the imposing policies at Chandler's Cove have shifted certain uses to private property?

Councilor Damon responded that Officer Brewer found a group of minors at Sunset Cove who were building fires and imbibing, which has precipitated the policy for all town owned properties on Chebeague Island.

Councilor Porter moved to adopt a Use Policy for Town-Owned Property on Chebeague Island.

Motion seconded by Councilor Moriarty.

VOTE: UNANIMOUS

05-100. To hold a public hearing to consider and act on 2005/06 annual Victualer's licenses.

Manager Shane stated that the applicants have been inspected and Town staff recommended approval. Councilor Moriarty moved to approve the approve applications for the 2005/06 annual Victualer's licenses.

Motion seconded by Councilor Kuntz.

VOTE: UNANIMOUS

05-101. To hold a public hearing to consider and act on Cumberland Soccer Club Labor Day Tournament Mass Gathering Permit, September 3 and 4, 2005 at Twin Brook Recreational Facility.

Manager Shane stated that the Town Staff recommends approval. The Twin Brook Advisory Committee recommends granting a waiver to allow for Sunday use; the Twin Brook Use stipulates that there be no uses before 1:00 pm on Sunday, with some limited exclusions.

Richard Hawkes, member of the Cumberland Soccer Club, stated that this will be the Labor Day Tournament's 6th year, and they have always been allowed to play on Sunday. The Twin Brook Committee has allowed the Soccer Club to play on Sunday for as long as tournament has been held. The Labor Day Tournament is the only form of fundraising for the Soccer Club.

Councilor Porter moved to approve the Cumberland Soccer Club Labor Day Tournament Mass Gathering Permit, September 3 and 4, 2005 at Twin Brook Recreational Facility.

Motion seconded by Councilor Damon.

VOTE: UNANIMOUS

005-102. To hold a public hearing to consider and act on a Public Swimming Pool License for the Chebeague Recreation Center for the period June 2005 through June 2006.

Manager Shane stated that Health Inspector Eileen Wyatt had done her inspection and recommended approving the license.

Councilor Storey moved to approve the Swimming Pool License for the Chebeague Recreation Center for the period June 2005 through June 2006.

Motion seconded by Councilor Damon.

VOTE: UNANIMOUS

05-103. To hold a public hearing to consider and act on an amendment to Section 603.1.1 of the Cumberland Zoning Ordinance re: addition of alternate member to the Board of Adjustments & Appeals.

Manager Shane stated that the language of the Zoning Ordinance would be changed to appoint an additional member to the Zoning Board to allow the alternate member to have full voting rights when any of the regular members are absent. He recommended approval of this item.

Councilor Turner moved to amend Section 603.1.1 of the Cumberland Zoning Ordinance re: addition of alternate member to the Board of Adjustments & Appeals.

Motion seconded by Councilor Kuntz.

VOTE: UNANIMOUS

05-104. To hold public hearing to consider and act on Twin Brook Use Fees.

Bill Landis, Recreation Director, stated that currently there is no fee structure for fees for Twin Brook. The revenue income goes back into the field capital improvement fund. Two fields in the back need drainage and there currently is no money in the budget to improve the drainage.

Councilor Moriarty moved to approve the proposed fee structure for Twin Brook/

Motion seconded by Councilor Kuntz.

VOTE: UNANIMOUS

05-105. To hold a public hearing to act on amendment to the Cumberland Subdivision Ordinance to add Section 7.6B, Appendix C-A.16, and Appendix D-B.20, re: 75 foot undisturbed buffer for Route one.

Manager Shane stated the Route One Guidelines require a 75' vegetative buffer along Route One. The buffer

is measured from the property line and not from the edge of the pavement on Route One. The approval of this item would give the Planning Board the flexibility to waive the buffer down or at least maintain a minimum of at least a 75' undisturbed area. The Planning Board has approved Items 05-105 and 05-106.

Council discussion:

- Councilor Porter stated that the 75' should be from the edge of the pavement, and not from the property line.
- Councilor Moriarty inquired if Councilor Porter's intent was to change the language to read "A 75' undisturbed buffer from the edge of the pavement is required?"
- Councilor Porter stated yes.
- Councilor Damon: cuts for roads and driveways: how would it work when there is a buffer?
- Councilor Storey: Route One Guidelines are sufficient.
- Councilor Porter: Developers need to know what the ordinances are.

Councilor Porter moved to amend the Cumberland Subdivision Ordinance to add a section and appendices to incorporate a 75' undisturbed buffer zone from the pavement along the Route One Corridor, and more specifically described in the Planning Board Notice of Decision dated June 22, 2005.

The motion failed due to lack of a second.

Councilor Moriarty moved to amend Section 7.6B, Appendix C-A.16, and Appendix D-B. 20 of the Cumberland Subdivision Ordinance allow a 75' undisturbed buffer from the property line as recommended by the Planning Board.

Motion seconded by Councilor Kuntz.

Council discussion:

Councilor Storey:

- Opportunity for buffer to be properly trimmed to make decent buffer.

Councilor Moriarty:

- Can replace scraggly, natural looking buffer with more planned artfully designed buffer?

Manager Shane:

- Waiver submission would be submitted with pre-application process.

Councilor Damon:

- Suggested language gives Planning Board enough flexibility to replace scraggly buffer.

Councilor Turner:

- With potential development across Route One, would like to see more distance from the road rather than less.

VOTE: IN FAVOR: 5

OPPOSED: 2 (Porter and Storey)

05-106. To hold a public hearing to consider and act on amendment to Cumberland Zoning Ordinance to add Section 206.7.4.13, re: 75 foot undisturbed buffer for Route One.

Councilor Moriarty moved to add Section 206.7.4.13 re: 75 foot undisturbed buffer along Route One as measured from the property line.

Motion seconded by Councilor Damon.

VOTE: IN FAVOR: 5

OPPOSED: 2 (Porter and Storey)

05-108. To authorize the Town Manager to enter into a five-year contract with Pine Tree Waste for curbside and bulky waste pickup.

Manager Shane stated that the bids for the solid waste contract for the next five years were as follows:

- Pine Tree Waste: just under \$1.8 million
- Waste Management: \$2.2 million

The bid from Pine Tree Waste includes the curbside collection, both for recyclables and solid waste, the collection at the Chebeague Island Transfer Station, and the bulky waste pick-up, which is \$4,000 per year. He recommended awarding the contract to Pine Tree Waste.

Councilor Damon inquired if it would cost only \$600.00 a year for Chebeague Island?
Manager Shane stated that the \$600.00 was for the equipment.

Councilor Porter moved to authorize the Town Manager to enter into a five-year contract with Pine Tree Waste for curbside and bulky waste pick-up.

Motion seconded by Councilor Kuntz.

VOTE: UNANIMOUS

05-109. To set public hearing date to consider and act on Mass Gathering Permit for the United Maine Craftsmen Inc. 36th Annual Craft Fair, Cumberland Fairgrounds, August 11-14, 2005.

Councilor Moriarty moved to set a public hearing date of July 11, 2005 to consider and act on Mass Gathering Permit for the United Maine Craftsmen Inc., 36th Annual Craft Fair, Cumberland Fairgrounds, August 11-14, 2005.

Motion seconded by Councilor Damon.

VOTE: UNANIMOUS

05-110. To set public hearing date to consider and act on Automobile Graveyard and/or Junkyard Permit for Thomas S. Greenlaw, d/b/a Greenlaw's Salvage, 1 Longwoods Road.

Councilor Storey moved to set a public hearing date of July 11, 2005 to consider and act on Automobile Graveyard and/or Junkyard Permit for Thomas S. Greenlaw, d/b/a Greenlaw's Salvage, 1 Longwoods Road.

Motion seconded by Councilor Turner.

VOTE: UNANIMOUS

05-111. To set public date to consider and act on Contract Zone requests by Dr. Louis Hanson, 371 Tuttle Road.

Councilor Moriarty moved to set a public hearing date of July 11, 2005 to consider and act on Contract Zone requests by Dr. Louis Hanson, 371 Tuttle Road.

Motion seconded by Councilor Kuntz.

VOTE: UNANIMOUS

V. NEW BUSINESS.

Councilor Turner: None

Councilor Damon:

- Chebeague Transportation Company concerned with replacement float at Stone Wharf.
Residents of Chebeague Island concerned with condition of current during storm. How long to get Float when ordered? Are there any floats for backup? Can current float be repaired as spare?

Councilor Storey:

- Rumors concerning the Town Council not authorizing a new fire truck for Chebeague Island.

Councilor Kuntz: None

Councilor Stiles:

- GPCOG meeting: accepted awards for Town of Cumberland for sharing a Code Enforcement Officer with the Town of Yarmouth, and for regionalization of Emergency Dispatch services with Town of Yarmouth.
- Council assignments.
- Notice of Decision on Growth Management Ordinance by Planning Board.
- Seminar on September 22, 2005 Sheraton Terra offered by Attorneys: new legislation that has taken effect during last year.
- LD 299: resolution proposing an amendment to Maine Constitution to permit the Legislature to allow the current use valuation for waterfront land used for or that supports commercial fishing;
- LD 135: allow up to 60% rebate for people over 62 or in their homes for 10 years.
- Letter from Greg Sweetser re: purchasing property on Chebeague Island.
- Thank you note from Public Works Foreman Steve Googins re: shoulder surgery.

Councilor Moriarty: None

Councilor Porter:

- Cumberland Historical Society annual meeting attended by Councilors Porter, Moriarty and Turner.
- Suburban Little League relocating lights.
- Ice cream trucks spending time in parking lot at Food Stop and Twin Brook Recreational Facility.
- Greg Sweetser and Debbie Freeman letter re: Chebeague Boatyard.

Town Manager:

- Chebeague Island meeting to discuss secession attended by approximately 100- 120 residents; very professional committee; presented facts and framework for municipal budget; residents from Long island present; residents willing to go forward with gathering more info and go forward with process.
- Need to appoint Council liaison to Coastal Waters Committee.

VI. ADJOURNMENT

Councilor Kuntz moved to adjourn the meeting at 9:37 pm.

Motion seconded by Councilor Moriarty.

VOTE: UNANIMOUS

Respectfully submitted,

Deborah Flanigan
Dep. Clerk

MINUTES
CUMBERLAND TOWN COUNCIL MEETING
Town Council Chambers, 290 Tuttle Road
Monday, July 11, 2005
7:00 p.m.

Present: Chairman Stiles, Councilors Turner, Damon, Storey, Kuntz, Moriarty and Porter.

APPROVAL OF MINUTES:

None

MANAGER'S REPORT:

Town Manager Shane requested direction regarding the style and color of trash bags to include in the town's new pay-per-bag program. We will offer two sizes of trash bags, at 75 cents and \$1.50 per bag. The bags will be readily identifiable as a Town of Cumberland bag, and will be a thicker bag with a drawstring at the top. Compost bins will also be available for sale in the next few months. Education programs and local channel programs are being developed as well. He requested direction regarding the offer and fee, if chosen, for recycling bins. Public Works Department crews have been on the island performing road repairs and repairs at Chandler's Cove. Tree work will follow in the fall. Many projects have been accomplished on the island. On the mainland, crews will begin work next week to replace and repair culverts on Middle Road.

PUBLIC DISCUSSION:

None

LEGISLATION AND POLICY:

05 – 113. To consider request to exclude temporary float from emergency wharf moratorium.

Mr. Charlie Poole presented the history for the council. His clients, Mrs. Katherine Pope, began her request in June 2004 for temporary floats at her residence on 19 Sturdivant Road. As temporary structures, the floats do not require Planning Board review; however, they do require a permit from the Town Code Enforcement Officer. The original request was denied by the then Code Enforcement Officer, Barbara McPheters, based on input from the Harbormaster, Ted Curtis, who inadvertently believed the floats would sit over an area containing eel grass. After discussion and site review, Harbor Master Curtis reversed his denial and the applicant hired Mr. Poole to proceed with the permitting. Mr. Poole approached the town in May, 2005, and was informed this month that a moratorium was enacted by the town council. Town Attorney Natalie Burns advised the council may exclude this float from the emergency moratorium.

The applicant will place seasonal swim/recreational floats, consisting of four 8' x 20' sections, connected and anchored just off the high tide line, explained Mr. Poole. The floats will remain in the water from May to early October, at which time they will "be stacked up for the winter. Probably, for three hours or so, you would have use of this float" to swim and kayak. "At dead low tide it will sit in the mud." The Coastal Waters Commission has reviewed the request and recommends approval "for this season, but subject to review and a possible requirement for modification for 2006." In its memo to the Manager, Coastal Waters Chairman Lewis Incze notes "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."

Mr. Poole further explained that this request is to exclude the float from the moratorium, and "not to approve the project, but allow them to proceed." Councilor Damon questioned whether this area contained clams. The Town Manager indicated he would address the question regarding clam flats with the Planner and Code Enforcement Officer.

Motion by Councilor Porter; seconded by Councilor Kuntz to authorize the Town Manager to issue a temporary/seasonal float to Katherine Pope, 19 Sturdivant Road.

VOTE: 6-1 (Councilor Damon opposed)

Manager Shane requested Item 05-125 be taken out of order.

05 – 125. To set public hearing date to consider and act on request to discontinue Turkey Lane.

Attorney Terry Snow spoke representing Mr. and Mrs. Anderson. Turkey Lane is approximately 1,500 feet to a stone monument and was originally a three rod road from Route Nine to that point. From that point to Range Road, it becomes a four rod road. The monument is a reference point. At some point in the mid-80's the town deposited several loads of gravel and the assumption by the neighbors at that time was that the road was being abandoned. Mr. and Mrs. Anderson inquired about constructing a garage, but it was determined "that because Turkey Lane was still officially a town road, they wouldn't be able to because it was too close." Therefore, the Anderson's and Watson's are requesting the road be discontinued at the point where the culvert and telephone pole are located. All abutters have signed a notice of consent of the request for discontinuance.

Councilor Porter questioned the applicant's position if the town were to retain a "non-mechanical" pedestrian easement over that property, expressing a desire to protect access to bicycles and pedestrians, so that "if somebody wanted to ride a bike down there and ... fish off that bridge," it would be accessible. Mrs. Watson expressed concern with the use of motorized vehicles, such as snowmobiles, four wheelers, etcetera, and noted a desire for some restrictions. Councilor Porter would like to hear from the snowmobile club prior to taking action. Mrs. Anderson stated the snowmobiles do access the road now and recommended the "snowmobiles go a different route" because they ride over her septic system. She is "concerned for the Watson's because their privacy is important to them" and requested the property not be published in such a fashion to create expanded use.

Councilor Damon believes there was a decision made to discontinue the road when the council discussed whether to rebuild the road after a washout in the early 80's. The Town Manager indicated our Public Works Director found no record of a discontinuance order. Councilor Moriarty expressed that he would not in any way vote to keep snowmobiles off this trail. "That's part of a link which extends forever in either direction. I'd like to see the footpath maintained and snowmobile access maintained as well." Councilor Storey questioned whether the town might consider discontinuance of only "three of the rods and leave one for an easement." Councilor Moriarty concurred that "it makes sense to define pedestrian or snowmobile easement in a much narrower fashion than a four rod right-of-way, but I'd like to keep that basic access going in this stretch." Councilor Kuntz felt it "unfair for them to not be able to build a garage but everybody and their brother can run a snowmobile across there." Attorney Snow stated that to retain one rod "might defeat the purpose, but ...if you make that an easement, their ownership still goes to the center line of the road." For purposes of the building permit the measurement would begin at that point.

Motion by Councilor Porter; seconded by Councilor Moriarty to set a public hearing date of July 25, 2005 to consider and act on a request to discontinue a portion of Turkey Lane.
VOTE: UNANIMOUS 7-0

05 – 114. To hold public hearing to consider and act on Contract Zone request by Dr. Louis Hanson, 371 Tuttle Road.

Chairman Stiles read aloud a letter from Dr. Hanson received this evening requesting this item be tabled. Councilor Porter reminded the council of Councilor Storey's earlier suggestion to rezone that area "school to school" to "allow more building. The \$1,400 rent does not provide a public benefit, but if we were to rezone that particular area and allow more building on his lot...that's an appropriate place for additional development to occur and hopefully also retain the historical structure of the building."

Motion by Councilor Moriarty; Seconded by Councilor Damon, to table the item.
VOTE: UNANIMOUS 7-0

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.

Code Enforcement Officer William Longley stated he has revisited the salvage yard site and recommends approval of the license at this time. "If we keep working on this until October 1st, we'll be closer to where we need to be." If approved this evening, the license will expire September 30, 2005.

Councilor Porter questioned the health and safety to abutting neighbors or area water supply. Mr. Longley found unregistered, uninspected motor vehicles, as well as a "pail of used motor oil" during his recent visit. However, he does not believe these represent health, safety or general welfare concerns.

Councilor Damon moved, seconded by Councilor Kuntz, to approve the Recycler/Auto Graveyard license of Thomas Greenlaw, d/b/a Greenlaw's Auto Salvage; said license to expire September 30, 2005.

VOTE: UNANIMOUS 7-0

05 – 116. To authorize the Town Manager to borrow \$2.8 Million in Tax Anticipation Notes.

The Manager recommended a bid award to the low bidder, Key Bank, who has committed to a 2.99% interest rate.

Councilor Porter moved; seconded by Councilor Turner, 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.

Councilor Moriarty moved to amend; seconded by Councilor Kuntz, to accept the low bid as submitted by Key Bank.

VOTE ON AMENDMENT: UNANIMOUS 7-0

VOTE ON MAIN MOTION: UNANIMOUS 7-0

05 – 117. To accept Sewer and Pedestrian Easement Deed from Peter D. Kennedy for property along Route One.

This easement relates to the Sea Fax property sewer connection. Manager Shane stated that item 118 represents the same deed, but is from Sea Fax to the Town in order to allow the "next future abutter to connect so there is no spite strip created between properties."

Councilor Porter questioned whether the acceptance of this deed places the town "in jeopardy" in any way. The Town Manager replied in the negative, indicating these items have received review by the Town Attorney.

Motion by Councilor Damon; seconded by Councilor Turner, to accept a Sewer and Pedestrian Easement from Peter D. Kennedy for property located along the westerly sideline of U.S. Route One.

VOTE: UNANIMOUS 7-0

05 – 118. To accept Sewer and Pedestrian Easement Deed from BBW Real Estate, LLC, for property along Route One.

Motion by Councilor Moriarty; seconded by Councilor Kuntz, to accept the Ingress and Egress and Sewer Easement from BBW Real Estate, LLC, for property located along the westerly sideline of U.S. Route One.

VOTE: UNANIMOUS 7-0

05 – 119. To accept a \$2,000 donation to the Cumberland Police Department.

Council acceptance of this donation is required. Chief Charron will utilize funds for school programs through the resource officer and programs supported by the Police Department and DARE programs. Councilor Porter read aloud the letter of thanks from Chief Charron stating the money will be allocated to the department's educational programs.

Councilor Moriarty moved; seconded by Councilor Damon, to accept the donation for the purpose of supporting the Cumberland Police Department's educational programs as administered by the school resource officer.

VOTE: UNANIMOUS 7-0

05 – 120. To discuss and determine next step re: Drowne Road/Doane Property.

Manager Shane referred to the recent Workshop held regarding this topic and requested a follow-up workshop in order to provide the Town Planner with "general direction." He also recommended a site walk prior to further planning. At this point, it would be "premature to go forward with a plan if that plan was flawed. Once those steps are completed ... we would begin to get input from the neighbors." Councilor Damon would like consideration given to what level of additional traffic may be generated through this plan "in relation to the school."

Councilor Moriarty questioned how best "to test the market for commercial needs. We can't assume that any particular business or enough businesses will be available to make it worthwhile. We somehow need to test the water on that before we get too far. This is something we've never done as a community before." Councilor Storey feels it's "very important that we develop a town center. It may be a very practical place to put a new post office. We bought that for future development and I think we should put it to the best and most practical use." Tuesday, August 9th at 6:00 p.m. was selected for a site walk followed by workshop.

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.

Councilor Porter announced that he is a member of the Cumberland/North Yarmouth Lions Club, one of the groups receiving a victualer's license for the sale of food at the fair.

Councilor Damon moved, seconded by Councilor Kuntz; to approve the Mass Gathering Permit and Victualers Licenses for the 36th Annual Cumberland Craft Show, Cumberland Fairgrounds, August 11-14, 2005.

VOTE: UNANIMOUS 7-0

05 – 122. To consider and act on recommendation to Planning Board re: Twin Brook/Greely Road athletic fields.

Manager Shane stated the Town Attorney has recommended tabling this item and “putting the Planning Board approval onto the SAD and having them carry the application forward.”

Councilors Damon and Porter did not support tabling the item. “The compromise reached is the best we have going at this point. The compromise we’ve come up with is a lot better than if the SAD just goes to the Planning Board with their original proposal. It’s not an inappropriate use under our ordinance; it’s just that it didn’t receive the public planning process that it should have received,” suggested Councilor Porter. Councilor Turner felt Councilor Porter’s “words relating to the process are entirely correct,” but “as representatives of the town, I’m loathe to go against the town attorney’s recommendation.” After discussion, Councilors Damon and Moriarty recommended, and Chairman Stiles called for, a recess in order to attempt to contact the town’s attorney. The recess occurred at 8:08 p.m. and ended at 8:33 p.m.

Upon reconvening, Councilor Moriarty summarized town attorney Ken Cole’s advice as follows: We’ve had a number of meetings and the town in good faith has tried to take the lead role to bring all the stakeholders together on this issue. It appeared last week that that had occurred with a seventeen point series of recommendations from the Town Manager. As a result of the failure to reach a comprehensive agreement an attorney has been retained. We have been advised this is an issue pending before the Planning Board and the SAD is the proper applicant. In the attorney’s judgment, the Town Council should not interfere in the Planning Board approval process by appearing to weigh in favor of one particular resolution or another on each of the individual points, and that it is the SAD that ought to be the party moving forward before the Planning Board to discuss both what has happened and what they would like to see happen further in terms of improvements that are not yet in existence. The Town Attorney advised us not to pursue the effort any further that we undertook some weeks ago; that effort having not been completely successful. It is his advice that we not discuss or negotiate the matter further. He is concerned the Planning Board process could be jeopardized or tainted by further Council involvement in an issue in which it is not in fact the applicant. The attorney’s advice remains as it was before we recessed.

Motion by Councilor Kuntz; seconded by Councilor Storey to table the item.
VOTE: PASSAGE 5-2 (Councilor Damon and Porter opposed)

05 – 123. To set public hearing date to consider and act on a Bond Anticipation Note for fire trucks and computer system.

Manager Shane explained the bonds will be utilized to purchase a new computer system for town hall, as well as a fire truck for the Central and Chebeague Island Stations. The total of the three items represents \$800,000

Regarding the Council’s consideration for capital expense funding of Chebeague Island project, Councilor Damon opined that “As long as Chebeague Island is a part of the town of Cumberland, it should be treated as part of the Town of Cumberland. We should continue on with business as usual.”

“There’s a huge difference in business between operating and capital expenditures” differentiated Councilor Porter. I can’t understand how we could possibly go forward with capital expenditures on the island. Not because I disagree with them per se, because I don’t. It is the actions of the island folks...that are bringing this to a head” through the petition process. “If the island did not want to secede from the Town of Cumberland, this would not be here and these expenditures would go forward. If we go forward with this, we will be doing a huge disservice to the taxpayers of the Town of Cumberland.” “If there are money issues that are outstanding,” replied Councilor Damon, “an arbitrator would come in and make that final determination. Until we’re actually gone, we are the responsibility of the Town of Cumberland.”

Councilor Moriarty believes the Town Manager needs guidance on issues such as operational expenditures. “And we need as a group to distinguish between operational and capital expenditures, fixtures, buildings” etcetera. In addition to this item, we ought to “finally open it up to the full range of anticipated expenditures for the island and to develop a policy. I would expand the agenda item to include operational and capital expenditures generally in addition to the two specific things that are on the printed agenda.”

Motion by Councilor Kuntz; seconded by Councilor Moriarty, to set a public hearing date of July 25, 2005 to consider and act on a Bond Anticipate Note for the purchase of fire trucks and a computer system.

VOTE: UNANIMOUS 7-0

05 – 124. To set public hearing date to consider and act on amendment to Victualer’s License Ordinance re: Mobile Vending Units.

The Town Manager explained this item was requested by Councilor Porter related to mobile vending units. The amendment seeks three things: approval by the Town Council, to establish a distance requirement between these units and other licensed victualers, and to establish certain safety criteria.

During public comment, Robert Vail suggested the Town has discussed the issue of mobile carts “a number of times” in the past and believes “it was the contention of the Planning Board that that activity as it is now is not allowed to operate in the community and it’s an enforcement issue now.” Councilor Porter suggested that we are “looking to tighten up” (the ordinance) so that mobile units would be clearly included in the licensing regulations. “I don’t want the ice cream truck parking across the street from Food Stop. I don’t want the ice cream trucks at Twin Brooks. Right now that money is either going to the Lions Club ...or it’s going to the Boosters Clubs. These trucks are private businesses and I’m not so sure that we as a community should be encouraging them to take that money out of the community. That was my intent here. It needs to be in the ordinance.” Kay Fowler sought and received clarification regarding farmers selling ice cream at the market. Manager Shane explained the ordinance currently has a specific exemption for this type of sale.

Motion by Councilor Moriarty; seconded by Councilor Kuntz to set a public hearing date of July 25, 2005.

VOTE: UNANIMOUS 7-0

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.

Councilor Damon moved to set a public hearing to act on a conservation easement to allow agricultural use on a portion of Twin Brook, but the motion died for lack of a second.

Councilor Moriarty suggested a hearing date to consider a broad range of options without being more specific. It needs some thought. He recommended an August hearing.

Councilor Moriarty moved to set as an agenda item the issue of possible options for a seven acre +/- lot located within the Twin Brook/Greely Road property for August 22, 2005; seconded by Councilor Storey. The Chairman made a distinction that the meeting will be a public hearing.

Councilor Damon requested the reference to the size of the parcel be eliminated from the motion in order to “give us more flexibility” when discussing the item. In response, Councilor Moriarty amended his motion as follows: to set as an agenda item the issue of possible options for that portion of the Twin Brook/Greely Road property located between Spring Brook Farm and the railroad line (without an acreage specification). Councilor Storey accepted the friendly amendment.

VOTE: UNANIMOUS 7-0

NEW BUSINESS

Councilor Turner – none

Councilor Damon – there have been over 220 cars crushed on Chebeague; a great deal of metal; very successful. Crushing is continuing. Wayne Dyer and Kim Boehm deserve a great deal credit suggested the Town Manager Shane. Councilor Damon recommended sending a note to the papers regarding their efforts.

Councilor Storey – none

Councilor Kuntz – none

Chairman Stiles – requested motion to appoint Town Manager as Alternate to Regional Waste Systems Board. Moved by Councilor Storey; seconded by Councilor Kuntz.
VOTE: UNANIMOUS 7-0

Requested a decision from the Council regarding trash bags – Moved by Councilor Kuntz; seconded by Councilor Turner to select the color green at the prescribed prices of 75 cents and \$1.50.

Town Council Committee assignments will be made at the next meeting.

Councilor Moriarty – none

Councilor Porter – status of recycling bins? Manager indicated the recycling bins are not included in the pay-as-you-throw program. They are recommended by our consultant as a catalyst to recycling. The cost of a bin is \$4.50. Council to determine at what cost to distribute them. Manager suggests a “nominal fee.” We don’t require they be used; can use any container. Councilor Porter feels the town should buy one for everyone in town as “an inducement to recycle.” Councilor Kuntz feels homeowners should purchase the container. We will begin with 1,000 bins. Councilor Moriarty recommended a “more modest initial order.”

Councilor Porter moved to provide one bin free as part of the Cumberland Recycling Program; seconded by Councilor Damon.

VOTE: FAILED 3-4 (Councilors Porter, Damon, and Turner in favor)

Councilor Kuntz moved to sell the bins at half cost to town residents only; seconded by Councilor Moriarty.

VOTE: PASSAGE 6-1 (Councilor Porter opposed)

Manager Shane – none.

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

Motion by Councilor Kuntz; Seconded by Councilor Moriarty, to move into Executive Session to discuss acquisition of real estate.

VOTE: UNANIMOUS 7-0

TIME: 9:21 p.m.

Motion by Councilor Moriarty; Seconded by Councilor Kuntz, to return from Executive Session.

VOTE: UNANIMOUS 7-0

TIME: 9:53 p.m.

Motion by Councilor Kuntz; Seconded by Councilor Porter, to Adjourn.

VOTE: UNANIMOUS 7-0

TIME: 9:54 p.m.

Respectfully submitted,

Nadeen Daniels
Town Clerk

UPDATE

William Shane

From: William Shane
Sent: Friday, July 22, 2005 8:10 AM
To: Steve Moriarty ; B Stiles (wstiles1@maine.rr.com); Bill Stiles (wcstiles@maine.rr.com); Donna Damon (publicservant1@aol.com); George Turner (gtturner1@maine.rr.com); Harland Storey (cstorey@zwi.net); Jeff Porter - Home; Jeffrey Porter; Mark Kuntz ; William Shane; Alyssa Daniels; Nadeen Daniels
Cc: Terry Snow (tsnowlaw@maine.rr.com); kcole@jbgh.com
Subject: Turkey Lane Discontinuance

Good Morning:

I have attached a copy of the 66' ROW (right of way) for Turkey lane for your review. I would recommend that we consider tabling this item Monday evening so we could meet with the Andersons and Watson's to better understand the request and are clear on all sides what may be the future implications of this action.

The discontinuance may solve one problem, but has the potential of creating additional future problems if we are not careful in crafting language that will protect all parties' rights.

Bill

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

7/22/2005

William Shane

From: Rob Crawford [rcrawford@bernsteinshur.com]

Sent: Friday, July 22, 2005 6:45 AM

To: William Shane

Subject: RE Monday Council Meeting Agenda Item: Request to Discontinue a Portion of Turkey Lane

Bill:

For years many of us have been using the unpaved end of Turkey Lane that connects with Range Road as a recreation travel corridor. Its a key link in the snowmobile trail system that we are extremely fortunate to have in our community.

While I am not a snowmobile owner, my family and friends frequently use the end of Turkey Lane (connecting Range Road to the paved area) for snowshoe walks and cross country skiing as part of the snowmobile trail system. Friends from away are usually incredulous that one can take a several hour cross country ski trip through the heart of our town on this trail system and end up crossing roads only four times over many miles. The area at the end of Turkey Land is a part of this loop and trail system. My kids also used to take the no longer used for traffic part of the road, as muddy as it sometimes gets, on their bikes to travel to school and to Food Stop in the summer for ice cream runs.

While I do not think it would be wise to consider re-developing the end of Turkey Lane for automobile traffic, I would hate to see the public loose this valuable link and the opportunities it provides. As our town grows, our traditional trail thoroughfares become even more valuable as recreation opportunities within the community. We have done a pretty good job at keeping trails so far but I think we all recognize that as our community fills in trail corridors are also in greater jeopardy everyday. Once gone, trail corridor resources are usually very difficult (if not technically impossible) or prohibitively expensive to get back.

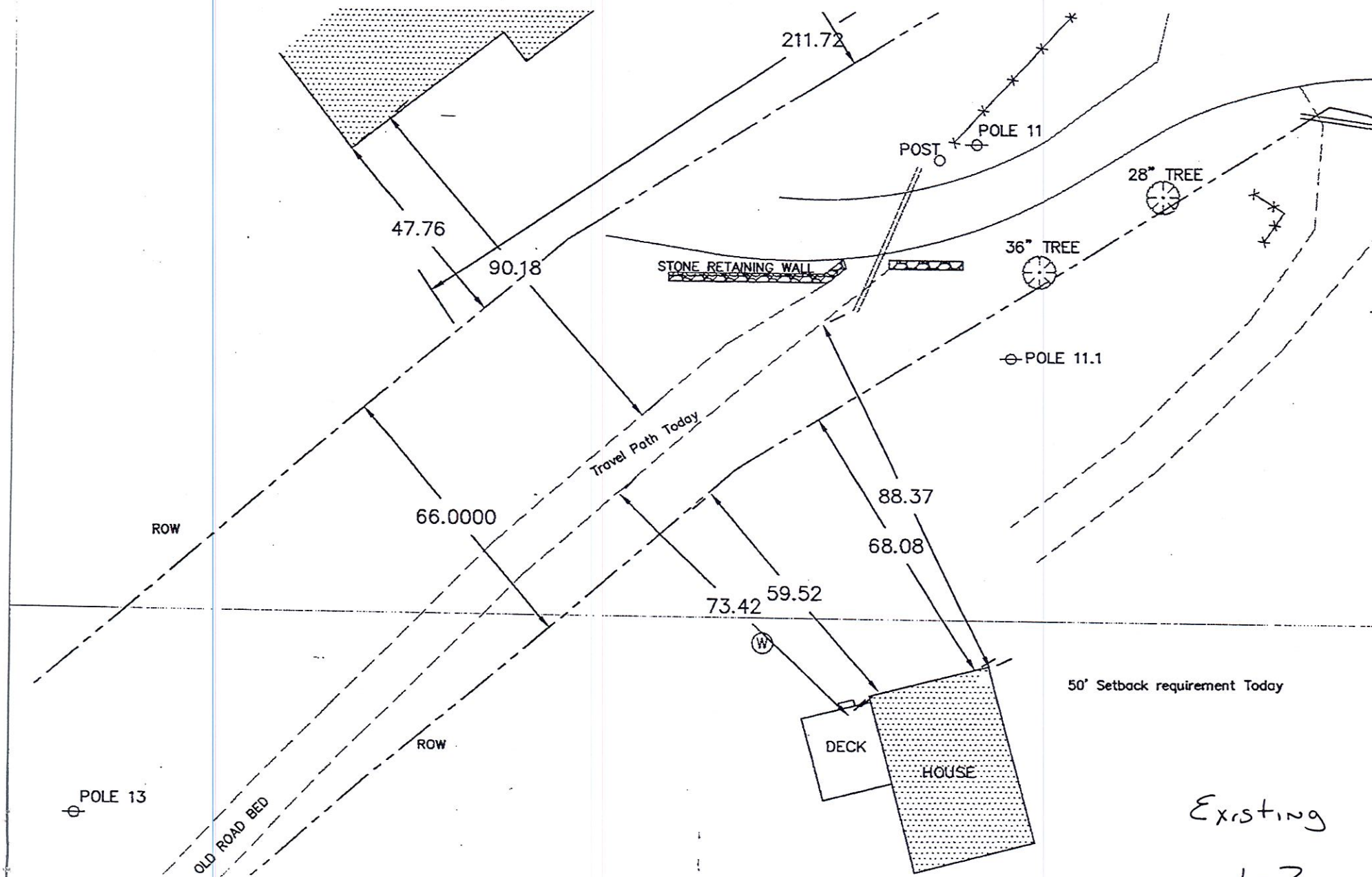
Thankfully our snowmobile clubs and landowners have a great tradition of keeping the fantastic set of trails we have in Cumberland open and linked for all of us. I would encourage the Council to make sure that the traditional public uses (snowmobiling, walking, cycling, skiing, etc.) through the Turkey Lane corridor continue to be open to the public as part of a great tradition and resource.

I would very much appreciate your conveying these points to the Council on the requested change in the status of the Town's rights in Turkey Lane.

Regards.

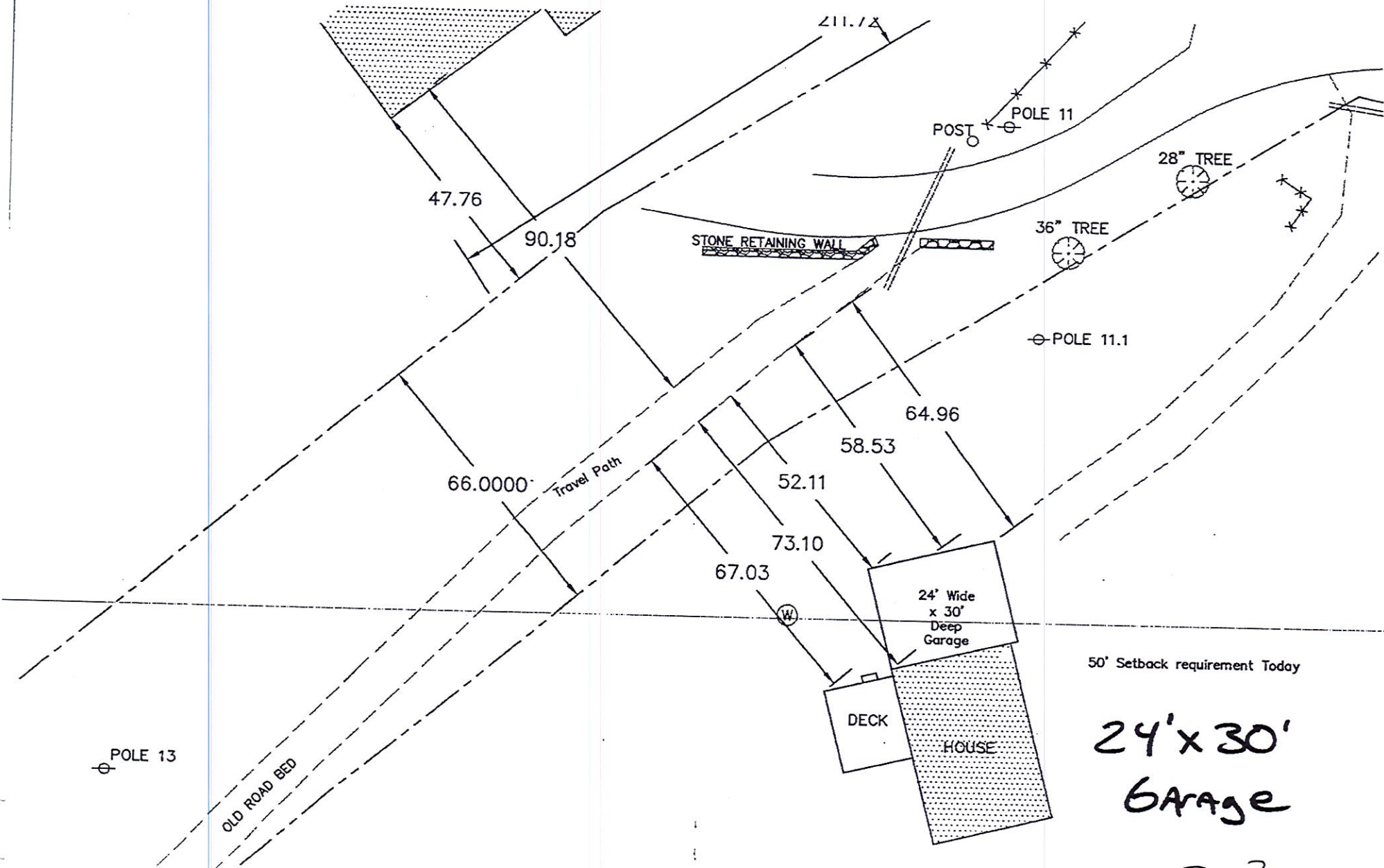
Rob Crawford
163 Range Road

7/22/2005

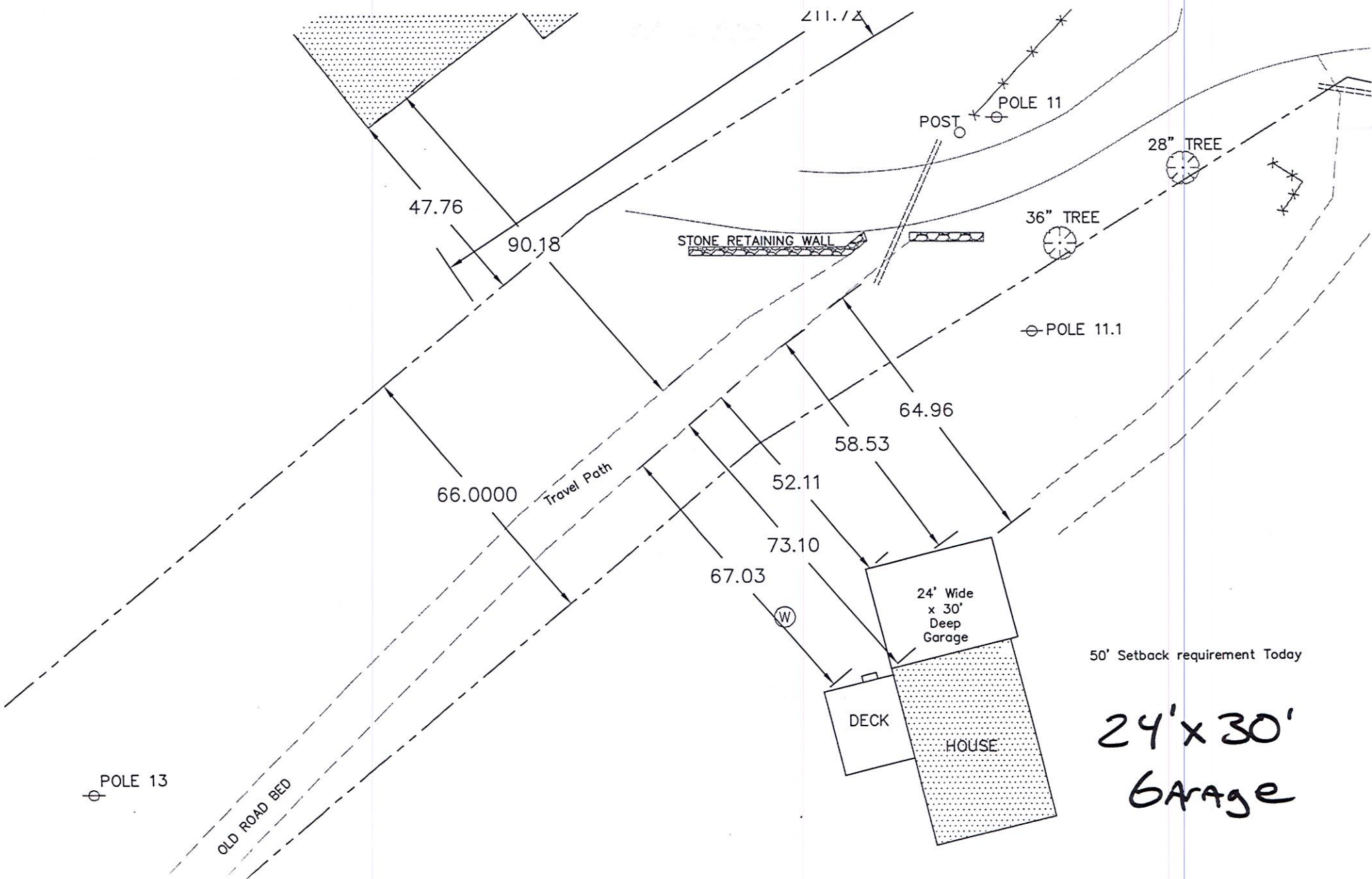


Existing

1-2

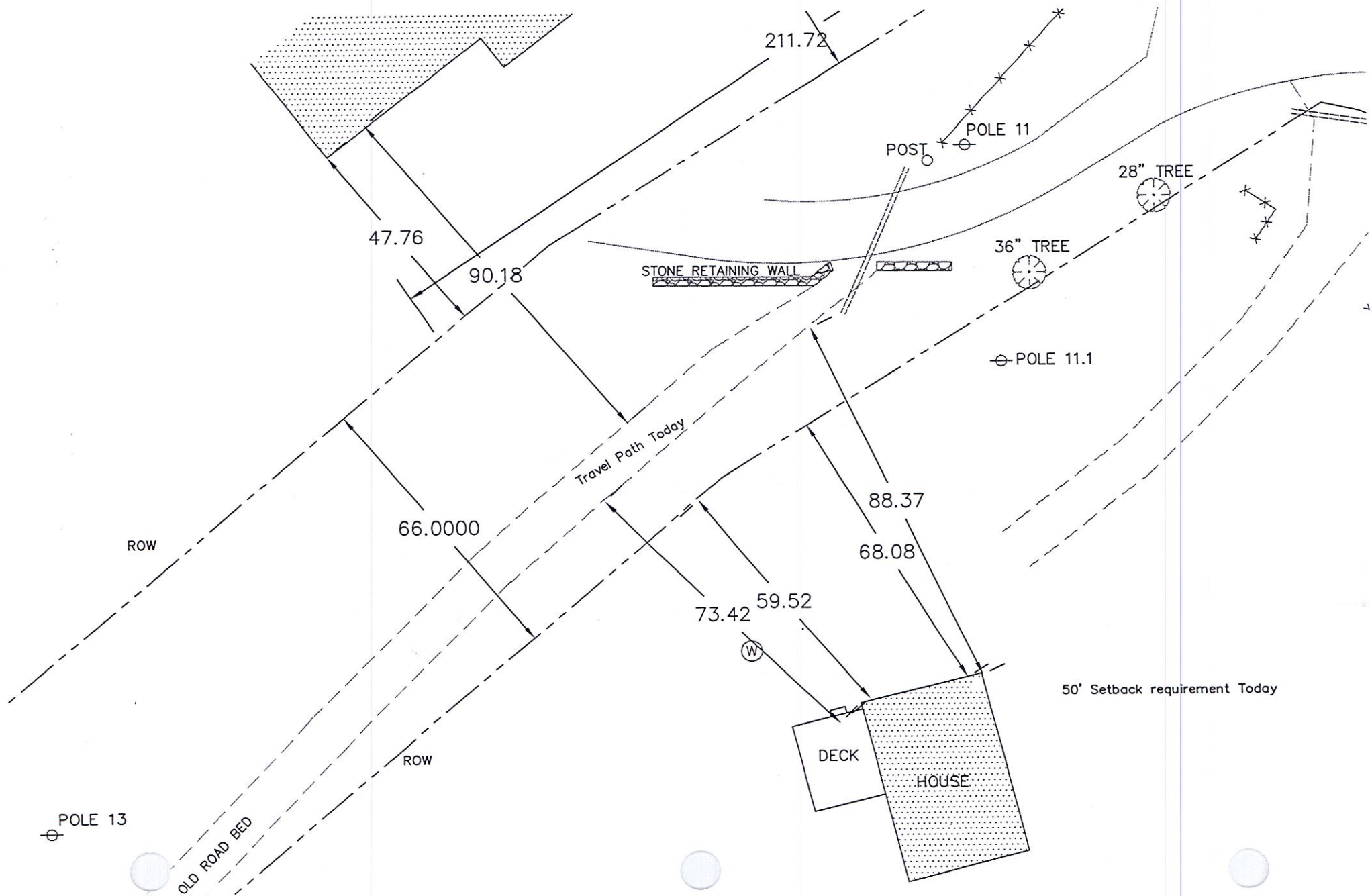


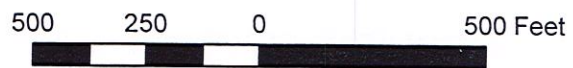
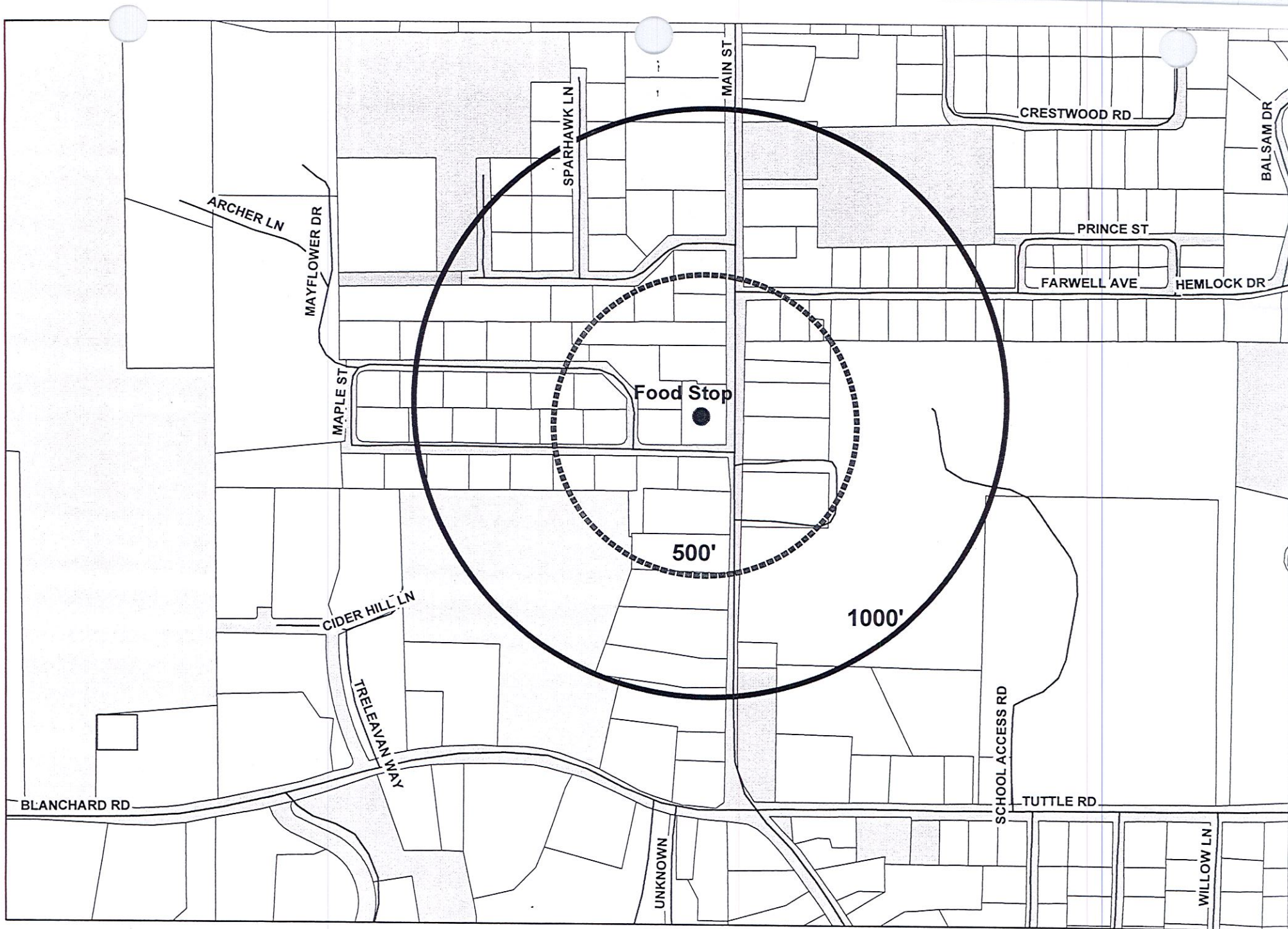
24'x30'
Garage



50' Setback requirement Today

24'x30'
Garage





Nadeen Daniels

From: William Shane
Sent: Monday, July 25, 2005 8:36 AM
To: Melody Main; Nadeen Daniels
Subject: FW: Tonight's meeting

FYI- for tonight's meeting

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

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

From: William Shane
Sent: Monday, July 25, 2005 8:35 AM
To: 'Stephen W. Moriarty'
Subject: RE: Tonight's meeting

Computer System:

The software we presently use (Northern Data) has become outdated, costly to update and does not interface well with our growing demands for information. The system we presently use is a dos based program and is limited in its ability and not a very user friendly program. 20 Towns are now involved in a joint purchase of a new computer system. Our system handles payroll, excise taxes, various licenses, property tax bills, lien notices, fund reports, voter lists, enterprise funds and everything else we do financially within Town Hall. Northern Data was the only game in town 20 years ago. The Software is about \$145,000. The training, record conversions and additional printers and hardware may be an additional \$55,000 for a total of \$200,000.

The location is in the existing computer room next to Melody's office.

Wharf Road- Not sure where this is going other than if the homeowner is unwilling to accept a \$\$ value, then we will turn the project over to MDOT for design and Admin. We have sufficient funds available to get through engineering and property acquisition, but not for construction. Remember we are on the hook for 20% of the entire project costs. I believe we have around \$80,000 remaining from the original bond. If we do get into litigation, it may be through Yarmouth since they may take the property by eminent domain if the homeowner is unreasonable.

Hope that helps,

Bill

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

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

From: Stephen W. Moriarty [mailto:smoriarty@nhdlaw.com]
Sent: Monday, July 25, 2005 7:16 AM
To: William Shane
Subject: Tonight's meeting

7/25/2005

April 20, 1947

Chebeague Forensic Winners Announced

Chebeague Island, April 19.—Fred-
erick KomLosy and Loretta Hamilton

were announced as first prize winners today by the judges in the second annual prize speaking contest held in Chebeague High School.

Miss Hamilton was entered in the Junior High contest and KomLosy competed in the high school class.

Other winners were Elizabeth Stillphen and Ida Hammer, second, and third place winners respectively in the high school group.

Marianne Webber was declared second prize winner in the junior high

and Warren Doughty won third place honors.

A special effort prize was won by Larry Bennett.

Judges for the contest were Philip Seabury, Prof. Morris Harmon and Constantine Ciampa, all of Chebeague.

Mrs. Elizabeth McCall of Bryn Mawr, Pa., and a summer resident of this island, donated the prize money for the contest.

National Collegiate A.A. includes 253 member schools.

Chebeague Fire Talk Set Today

6 Firemen Quit Over Truck Issue

Cumberland, July 24.—Town officials today are to visit members of the volunteer fire department at Chebeague Island in an attempt to iron out matters leading to the resignation of six members.

The resignations were said to be caused by the fact that a new truck bought for the island has been kept at Cumberland Center while the island gets along with an old 1929 truck.

Fire Chief Harold M. Bragg stated the situation is an unfortunate one but that with reduced water pressure it has been necessary to maintain the truck for use on the mainland.

He said a truck which had been sent for rebuilding, which was to have been delivered April 30, is four months behind schedule due to lack of steel.

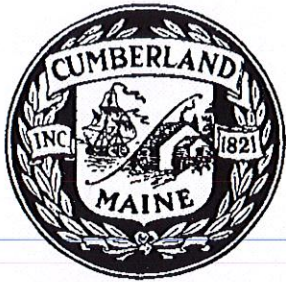
"I feel," he added, "that with a bit of patience, everything can be straightened out."

Case for New Engines on Chebeague

- The First Due, or Primary Attack engine out of Chebeague Station is a 1972 John Bean (Engine 4).
- The Second Due engine (responsible for Search & Rescue and backing up Engine 4) is a 1976 Ford Pierce
- Engine 4's pump has had reliability problems, and Engine 8 has prohibitive repair costs for its needed repairs.
- Chebeague Island provides **12.8%** of the Town of Cumberland's property tax revenue stream per Bill Healy.
- Of all the islands in Casco Bay with year round residents, Chebeague is geographically the largest, and has the second highest population.
- Chebeague Island has the two oldest first responding fire engines in Casco Bay among all islands with year-round residents

Island (with year round residents)	Year of Primary, Secondary Attack Engines	Population (Summer in Parenthesis)
Peaks	2004, 1979	927 (5000)
Great Diamond	1977, 1973	150 (500)
Long	1981, 1974*	250 (2000)
Cliff	2003, 1966	60 (300)
Chebeague	1972, 1976	350 (3000)

* Purchasing New Engine in 2005 with DHS Grant



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 20, 2005
Re: Chebeague Island Spending

On June 3, 2005, I asked the Council for input regarding capital projects and bonding for Chebeague Island projects. I believe since the dollar values are significant, we should discuss the issues publicly and either move forward with budget as originally adopted, delay, suspend or eliminated specific capital projects. My plan is to implement the budget as adopted if no changes are recommended from the Town Council.

June 3rd – Manager's Report

Several Town Councilors have expressed their concerns to me and the Chairman regarding the discussions around Chebeague Island Secession. I am feeling a bit in the middle and will ask you Monday evening as to the "Spending Policy" the Town Council wishes me to pursue.

For Example, here are some of the front burner issues for the Island:

- Purchase of a back-up float for the CTC/ Cousin Island Landing- \$21,000
- Engineering for the Wharf Road, Yarmouth bus turnaround for CTC and the construction to follow – Engineering \$35,000 Construction \$600,000
- Wave Break Improvements - \$18,000 horizontal Boards
- Paving- \$80,000- 50 k Pavement 30 K Barging
- Gravel Pit pre-engineering- \$5,000
- Cemetery Survey and Deed research and land transfer- LT \$5,000

- **Fire Truck purchase - \$300,000**
- **In house Revaluation- Island at 50%**

I believe the earliest a secession item would be ready to go the State Legislature (the last step in the entire process) would be January of 2007. From a day to day operations and maintenance standpoint, we will continue to function with no changes.

The Secession discussion to date has been civil and has focused on gathering information. I think it is extremely premature to begin discussing sales of Town owned properties or division of assets since we have not received any formal notification and this may not go any further than the informational stages.

The Town Council has worked very well as an elected body and I would hope we can continue these discussions with respect and civility toward each other even if opinions are at odds.

**TOWN OF CUMBERLAND ORDERS OF THE TOWN COUNCIL
AUTHORIZING ISSUE OF UP TO \$800,000 PRINCIPAL AMOUNT OF BONDS**

WHEREAS, the Town Council desires that General Obligation Bonds and Notes in anticipation of such Bonds of the Town in the principal amount of up to \$800,000 be issued to finance the costs of acquisition of a computer, two fire trucks and related equipment;

NOW, THEREFORE, be it voted and ordered by the Town Council of the Town:

1. Bonds Authorized and Purpose of Issue. Pursuant to Maine law, the charter of the Town and all other authority thereto enabling, the Town Treasurer is hereby authorized in the name and on behalf of the Town to borrow up to \$800,000 to provide funds to finance costs of acquisition of a computer, two fire trucks and related equipment. The Town Treasurer is hereby authorized to issue and sell general obligation bonds (the "Bonds") and notes in anticipation of the Bonds (the "Notes") in the total aggregate principal amount not to exceed \$800,000 and to determine the date, maturities, denominations, interest rate or rates, place of payment, paying agent and registrar, form and other details of the Bonds and the Notes, including the signing and delivery of said Bonds and the Notes on behalf of the Town. The Bonds and the Notes shall be executed in the name of the Town by its Treasurer, and countersigned by the Chairman of the Town Council, and be in such form and contain such terms and provisions, not inconsistent herewith, as the Treasurer may approve, his approval to be conclusively evidenced by his execution thereof. The Treasurer is hereby authorized to provide on behalf of the Town that any of the Bonds or Notes may be made redeemable or callable, with or without premium, prior to maturity.

Section 2. Tax Covenants. The Town covenants and certifies that no part of the proceeds of the issue and sale of such Bonds or Notes authorized to be issued pursuant to the foregoing Orders (including any notes and bonds in renewal thereof) shall be used, directly or indirectly, to acquire any securities and obligations, the acquisition of which would cause such Bonds or Notes of the Town to be "private activity bonds" or "arbitrage bonds" within the meaning of Sections 141 and 148, respectively, of the Internal Revenue Code of 1986, as amended (the "Code"). The Treasurer is hereby authorized and directed to execute any certificate or agreement to confirm the foregoing and to covenant, certify, and agree, on behalf of the Town, for the benefit of the holders of such Bonds or Notes, that the Town will file any required reports and take any other action that may be necessary to ensure that interest on the Bonds or Notes will remain exempt from federal income taxation under the Code, and that the Town will refrain from any action that would cause interest on the Bonds or Notes to be subject to federal income taxation under the Code.

Section 3. Reports and Further Information. The Treasurer is hereby authorized to covenant, certify and agree, on behalf of the Town, for the benefit of the holders of the Bonds or Notes, that the Town will file any required reports, make any annual financial disclosure and any material event disclosure, and take any other action that may be necessary to ensure that the disclosure requirements imposed by the Securities and Exchange Commission or any rule or order thereof, if applicable, are met.

Section 4. Further Actions. The Treasurer and other proper officials of the Town be, and hereby are authorized in its name and on its behalf to do or cause to be done all such other acts and things as may be necessary or desirable in order to effect the issuance, sale and delivery of the Bonds and Notes hereinabove authorized, including any certificates, bond purchase agreements, contracts, agreements, notices of sale and other documents as may be necessary or appropriate in connection with the sale of the Bonds or Notes. Any such action taken or document executed or consent given by such officer in his capacity as an officer of the Town shall be deemed to be an act by the Town.



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 19, 2005
Re: Municipal Tax Rate

Due to favorable results from the implementation of LD 1 and the MSAD passing on a large portion of the saving to the Tax Payers of the District, I am able to recommend a tax rate reduction of \$.40 per thousand for a new mil rate of \$18.80.

The Town Manager accepting the recommendation of the Town Assessor and setting the FY 2006 Tax Rate at \$18.80 per \$1,000 of property value (Mil Rate \$18.80).



MEMORANDUM

TOWN OF CUMBERLAND, MAINE
290 TUTTLE ROAD

CUMBERLAND, MAINE 04021
TEL: 207-829-2204 FAX: 829-2224

To: William R. Shane, Town Manager
From: William Healey, Assessor
Date: July 20, 2005
Re: Tax Rate and Impending Revaluation

Tax Rate FY 2006

- As a result of new construction, building permits, and the creation of new subdivisions off Foreside Road and Blackstrap Road, as well as a decrease in the School's appropriation from last year due to an increase in School funding from LD-1, the town's valuation has reached \$21,400,000. I am recommending a tax rate of \$18.80 per thousand for the 2005/2006 Tax Year. This rate represents a 40-cent or 2.1% decrease from last year.

Future Revaluation

- The Town's current assessment ratio is 76%, with a quality rating of 18%
- Real estate brokers and appraisers indicate annual appreciation is now at approximately 10%.
- Based upon the current trend, I expect the Town will be below a 70% assessment ratio by April 1, 2006
- In my professional opinion a Revaluation will be needed in order to redistribute the tax burden more equitably and bring Cumberland's assessments in line with State guidelines.
- I believe we can delay a full revaluation, at a cost of approximately \$300,000, for a few years by performing an in-house update at a cost of less than \$75,000. If the update were to be funded in the next fiscal budget, the new values would be in place for the September 2007 tax billing.
- Based on our recent discussions, I agree that it would be beneficial to hold a workshop with the Town Council in September or October to discuss a future revaluation in more detail.



R I N E S F O R E S T
A D V I S O R Y
C O M M I T T E E

T O W N O F C U M B E R L A N D , M A I N E
2 9 0 T U T T L E R O A D
C U M B E R L A N D , M A I N E 0 4 0 2 1
T E L : 8 2 9 - 2 2 0 5 F A X : 8 2 9 - 2 2 2 4

Rines Forest Advisory Committee
Monday, July 18, 2005
7:00 PM – Town Hall
Meeting Minutes

Present: Tom Hinman, Bob Heyner, Lisa Judd, Bob Waterhouse, Jeff Steinman, Jennifer West, John Stroud,
Sally Stockwell and Henry Milburn
Council Liaison: Jeff Porter
Absent: Bill Richards
Others Present: Bill Shane, Town Manager

Meeting called to Order at 7:00 PM

I. June 20, 2005 Meeting Minutes Review & Acceptance

Moved by Lisa Judd, seconded by Henry Milburn approved by unanimous consent

II. CMIT Third Party Easement Review – Bill Shane

Bill led the Committee through a review of the 8th Draft of the Third Party Easement with CMIT. Attached to these minutes is a copy of "Final Draft" which incorporates the meeting comments of July 18, 2005.

Henry moved to accept the **Final Draft** as presented with corrections, seconded by Sally approved by unanimous consent.

III. Other Business & Future Meetings

- a. Next Meeting Date – August 8th – Council Presentation and Discussion
- b. September 12, 2005- 7 PM- Council Public Hearing on Easement Acceptance
- c. September 19th Next Committee Meeting- Draft of Management Plan developed from Matrix and Jennifer's Introduction.
- d. Committee members were assigned Councilors to contact to review easement documents
- e. Bill Shane will contact Dale Rines regarding Committee presentation, snowmobile club permission and trail signage
- f. **Jeff Steinman moved that a "Rines Forest Entrance" sign be placed at the trail head on a 12" x 18" sign green background white letters- seconded by Bob Waterhouse-** approved by unanimous consent
- g. Committee voted by unanimous consent to allow Lisa Judd and her husband to cut and move off the trail trees that had fallen across the trail during summer/spring storms.

IV. Adjournment

Meeting adjourned at 8:00 PM.

Nadeen Daniels

From: William Shane
Sent: Monday, July 18, 2005 8:56 PM
To: Tom Hinman (thinman@maine.rr.com); B Stiles (wstiles1@maine.rr.com); Bill Richards (brichar2@maine.rr.com); Bill Stiles (wcstiles@maine.rr.com); Bob Heyner (eaglesky@maine.rr.com); Bob Waterhouse (rwaterh1@maine.rr.com); Dale Rines (prines@maine.rr.com); H Milburn (mwood.javanet@rcn.com); Jeff Porter - Home; Jeff Steinman (jsteinm@maine.rr.com); Jeffrey Porter; Jennifer West (jwest@normandeau.com); John Stroud (jstroud@maine.rr.com); Lisa Judd (lisajudd@maine.rr.com); S Stockwell (sallys@maine.rr.com); Sally Stockwell (sstockwell@maineaudubon.org); Steve Moriarty ; Nadeen Daniels; Alyssa Daniels; Donna Damon (publicservant1@aol.com); Jonathan M. Labaree; Rob Crawford (rcrawford@mainelaw.com); William Shane
Cc: George Turner (gtturner1@maine.rr.com); Harland Storey (cstorey@gwi.net); Mark Kuntz
Subject: Rines Forest- Third Party Easement - Final Draft

Good Evening:

Attached are the minutes for July 18th meeting along with the third party easement with CMIT in its final draft form. Several committee members will be contacting Town Councilors to review the document prior to the Town Council meeting on August 8, 2005. The tentative plan (pending the Council Chairman's review), would be to hold a discussion at the August 8th Council meeting reviewing the Easement and then hold a public hearing on the easement on September 12th.

Please review the Final Draft and let me know if there are any changes or corrections. After the August 8th meeting, I will recommend the Council have the draft posted on the Town website.

Contacts for Review

Sally Stockwell, Rob Crawford & Steve Moriarty to meet with **Councilor Damon**- Review of Language- Format- and Concerns

Bob Heyner to meet with **Councilor Kuntz**

Jeff Steinman to meet with **Chairman Stiles**

Bill Shane to meet with **Councilor Turner & Councilor Storey**

Thank all of you for your dedication, debate, discussion and commitment to this great project!

Bill

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

7/19/2005

**TOWN OF CUMBERLAND, MAINE GRANT OF PERMANENT CONSERVATION
EASEMENT ON THE RINES FOREST, TOWN OF CUMBERLAND, CUMBERLAND
COUNTY, MAINE TO THE CUMBERLAND MAINLAND AND ISLANDS TRUST, INC.**

THE INHABITANTS OF THE TOWN OF CUMBERLAND, a duly organized Maine municipal corporation, located and operating in Cumberland County, Maine, and having an office at 290 Tuttle Road, Cumberland, Maine 04021 (hereinafter "GRANTOR," which word is intended to include, unless the context clearly indicates otherwise, the above-named GRANTOR, its successors and assigns, and any successors in interest to the Protected Property) **HEREBY GRANTS** in perpetuity as a gift to **CUMBERLAND MAINLAND AND ISLANDS TRUST, INC.**, a charitable and non-profit corporation organized and existing under the laws of the State of Maine, with a mailing address of P.O. Box 25, Chebeague Island, Maine 04017 (hereinafter "HOLDER," which word shall, unless the context clearly indicates otherwise, include Holder's successors and/or assigns), with **WARRANTY COVENANTS**, in perpetuity and exclusively for low impact recreation and conservation purposes, the following described Conservation Easement and appurtenant rights in, on and over a parcel of land being described in Exhibit A and depicted in the plan entitled _____ (Exhibit B) and referred to herein as the "Protected Property".

I. PURPOSE OF THE EASEMENT.

The purpose of this Conservation Easement and grant is to preserve and protect in perpetuity the Protected Property. The Cumberland Town Council holds that the Rines Forest property is a unique tract of land that shall remain forever in its undeveloped forested state. To this end, it is the collective responsibility of the community to protect the Forest's natural beauty, wildlife and varied ecosystems. Citizens and friends are encouraged to passively recreate within the property's boundaries while conserving its natural environment consistent with the principles described in Exhibit D.

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

WHEREAS, the Protected Property provides an ideal site for low-impact outdoor recreation, including, but not limited to, nature study, cross country skiing, snowmobiling on designated trails, horseback riding, pet walking, snowshoeing, fishing, hunting, picnicking, hiking, plant study, and bird-watching by the general public;

WHEREAS, the Protected Property is home to numerous plant and animal species and habitats;

WHEREAS, the Town of Cumberland is experiencing steady, accelerated development that often closes or restricts access to open space traditionally used and enjoyed by the public;

WHEREAS, The Town of Cumberland has established the Rines Forest Committee to develop Rines Forest Stewardship Principles and a management plan and to oversee the management of the Protected Property;

WHEREAS, this conservation easement will ensure the permanent availability of the Protected Property for traditional recreational uses by the general public, permanently preserve its important recreational, scenic and natural resources and habitat for indigenous flora and fauna, and provide permanent pedestrian access to the Protected Parcel;

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

II. LAND USE RIGHTS AND RESTRICTIONS.

A.. The Protected Property shall be used only for conservation and low-impact outdoor recreation and educational activities that do not rely on substantial alteration to the natural resources. Low-impact outdoor recreation includes, but is not limited to, nature study, cross country skiing, snowmobiling on designated trails ,snowshoeing, fishing, hunting, picnicking, hiking, horseback riding, pet walking, plant study, and bird-watching by the general public.

B. The Protected Property will be managed consistent with the terms of this Easement under a Management Plan, to include a forest management plan, to be prepared by GRANTOR or its appointees and adopted by Grantor. The Management Plan as originally adopted and as may be subsequently amended from time to time will be submitted to HOLDER for review to ensure that the Management Plan is and remains consistent with the terms of this Easement. GRANTOR will maintain a copy of the Management Plan at the Town of Cumberland Town Office.

C. GRANTOR and HOLDER each reserve the rights and protections against liability for injury to any person to the fullest extent of the law under the Recreational and Harvesting Use Liability Limitations set forth in Title 14 M.R.S.A. § 159-A, et seq. as amended, and successor provisions thereto, pursuant to the Maine Tort Claims Act, Title 14 M.R.S.A. § 8101, et seq., as amended and successor provisions thereto, and pursuant to any and all other applicable provisions of state and federal law.

D. STRUCTURES: As of the date of this easement there are no structures on the Protected Property except for boundary markers, stone walls, and public road and utility improvements within the public road right of way at Range Road. No additional structures, temporary or permanent, are permitted on the Protected Property without the prior written consent of Holder, except however, the Grantor reserves for itself, its successors and assigns, the following rights:

1. Grantor reserves the right to locate minor structures within the Protected Property that enhance the opportunity for low-impact outdoor recreation. Such minor structures may include, but are not necessarily limited to the following:

- a. small unlighted informational and interpretive signs including commemorative plaques and monuments,
- b. informational kiosks,
- c. trail markers,
- d. trail improvements such as steps, trail bridges, culverts and water bars.
- e. barriers, low fences and rock walls to protect fragile areas, important natural resources, ongoing environmental or archeological research or to block or discourage access by motorized vehicles.
- f. structures such as fencing for protection of rare or endangered species or to assist with vegetation management or fire protection.
- g. temporary structures associated with wildlife, plants, archeological or other scientific study under professional supervision under professionally accepted standards.

2. Grantor reserves the right to install and maintain, only at or near the allowed parking areas and roadway access permitted in Paragraph E3. of this Section, necessary and appropriate parking and access structures and facilities for public use of the Protected Property **consistent with this easement.** Such accessory structures and facilities may include, but shall not be limited to, fencing, parking barriers, gates, unlighted signs, registration boxes, informational kiosks, pet sanitation devices and any structures necessary for erosion control or protection of fragile resources.

E. **SURFACE ALTERATIONS:**

1. Mining and quarrying activities are prohibited on the Protected Property.

2. No excavation, filling, dredging, or grading or other alteration may be made to the surface of the Protected Property except as necessary to install permitted structures, to support permitted vegetation management or forestry activities, to prevent erosion, to undertake and support ecological or archeological studies under professional supervision and in accordance with generally accepted professional standards, to install and maintain the Parking Area as authorized under part 3, below, or as necessary to establish and maintain rustic pedestrian trails. All such surface alterations shall be designed to prevent soil erosion, prevent unnecessary habitat alteration, and preserve the undeveloped scenic views of the Protected Property.

3. Grantor may construct, maintain and control a parking area to park vehicles of visitors to the Protected Property. The parking area shall be limited in capacity to serve no more than 10 passenger vehicles. The parking area may be gravel surfaced but shall not be paved with asphalt or other impervious materials and shall be constructed to not cause unreasonable drainage onto the Protected Property or nearby environmentally sensitive areas or water bodies. In siting the location of the parking area, Grantor shall minimize the removal of large trees. The location of the parking area shall be immediately adjacent to Range Road to minimize the need for service or access roads. The parking area shall be buffered from the Protected Property and Range Road with trees and shrubs.

4. A number of improved and unimproved trails currently exists within the Protected Property, as is depicted on a map attached hereto as Exhibit C. Consistent with the Management Plan to be adopted by Grantor pursuant to paragraph II(B) herein, and in consultation with Holder and the Rines Forest Committee, Grantor may improve existing trails and may develop additional trails to create an interconnected network of trails within the Property.

The network of trails shall be constructed and maintained in a manner consistent with the goals and purposes set forth in paragraph II(A) herein. The Management Plan may include or refer to trail development standards recommended by appropriate state or federal agencies or by private organizations dedicated to conservation or natural resource protection purposes.

F. TREE CUTTING

Except for trail maintenance and parking area construction, any cutting of trees should be done under the guidance of a forest management plan developed by a professional forester with input from a professional wildlife biologist and adopted by the Grantor. The forest management plan must include provisions for protecting soils, water quality and high value plant and animal habitat. Grantor shall provide Holder with a courtesy copy of any forest management plan for Holder's review and comment.

G. DUMPING OR STORAGE OF MATERIALS OR VEHICLES.

No dumping, storage or burial of refuse, soils, salt, sand or gravel or any waste materials is permitted on the Protected Property. No vehicles may be stored on the property except that temporary storage of vehicles as may be required for permitted conservation or forest management activities on the protected Property shall be permitted.

III. HOLDER'S AFFIRMATIVE RIGHTS.

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

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

C. HOLDER is authorized to install small, unlighted informational signs that identify Holder's contributions to and interests in the Protected Property, which mark the boundary of the Protected Property, which enhance public use of and appreciation of the Protected Property, and which promote appreciation of plant or animal life; such minor signage to be completed in a manner consistent with the goals of this Easement and the Management Plan.

D. In the event that **CUMBERLAND MAINLAND AND ISLANDS TRUST, INC.** should dissolve or is not able to fulfill its obligations under this Conservation Easement, it will assign the easement to another qualified entity (not the Town of Cumberland) chosen by the GRANTOR within three months of notice of an intent to assign. A qualified entity for such purposes shall be one that meets the definition of a "HOLDER," at Title 33 Maine Revised Statutes Annotated Section 476(2), as amended or re-codified, and that meets the requirements of Section 170(h)(3) of the Internal Revenue Code, or successor provisions thereof, and that as a condition of transfer, agrees to carry out the conservation purposes of this grant.

IV. GENERAL TERMS AND PROVISIONS.

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

B. Any notice to HOLDER required or contemplated hereunder must be delivered in hand or by other reasonable means providing a record of receipt, addressed to: President, Cumberland Mainland and Islands Trust, P. O. Box 25, Chebeague Island, Maine 04017; or to such other authorized person hereafter designated in writing by HOLDER. Any notice to GRANTOR required or contemplated hereunder must be delivered in hand, or by other reasonable means providing a record of receipt, addressed to: Cumberland Town Manager, Town of Cumberland, 290 Tuttle Road Cumberland, Maine, 04021.

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

D. At the **(DATE TO BE DETERMINED)** Town Council Meeting, the Town of Cumberland, Maine Town Council approved granting HOLDER this Conservation Easement on the Protected Property and agreed to be bound to the terms herein, and further, authorized the Town Manager, William Shane, to execute this instrument on behalf of the Town of Cumberland.

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

IN WITNESS WHEREOF, the Town of Cumberland has caused its corporate seal to be hereto affixed and these presents to be signed by William Shane, its Town Manager in its name and on its behalf this ____ day of _____, 2005.

THE TOWN OF CUMBERLAND

Witness

William R. Shane, Town Manager
Town of Cumberland

STATE OF MAINE
COUNTY OF CUMBERLAND, ss

_____, 2005

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

Before me,

Notary Public

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

HOLDER'S ACCEPTANCE

Being duly authorized, the **CUMBERLAND MAINLAND AND ISLANDS TRUST, INC., HOLDER**, does hereby accept this Conservation Easement, by and through Robert Crawford, its President, hereunto duly authorized, this _____ day of _____, 2005.

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

_____ Witness
Robert Crawford, President

**STATE OF MAINE
COUNTY OF CUMBERLAND, ss.**

_____, 2005

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

Before me,

Notary Public

(Please type or print name of notary)

My commission expires:

EXHIBIT A

The Protected Property EXHIBIT A

A certain lot or parcel of land with any improvements thereon, located on the northeasterly side of Range Road in the Town of Cumberland, County of Cumberland, State of Maine and more particularly described as follows:

Beginning at a set granite monument on the northeasterly side of Range Road at the westerly corner of land retained by Dale S. Rines, said point of beginning located N52°54'21"W 112.45' and N43°41'20"W 193.80' along Range Road and the remains of a stone wall from a found 5/8 inch drill hole in the corner of a stone wall, at the land now or formerly of Eric F. Saunders and Janet P. Judge as described in Deed Book 12252, Page 304 recorded in the Cumberland County Registry of Deeds;

Thence N 43°41'20" W, along remains of a stone wall and Range Road, a distance of 85.14' to a point;

Thence N 38°00'35" W, along remains of a stone wall and Range Road, a distance of 248.45' to a point;

Thence N 39°35'04" W, along remains of a stone wall and Range Road, a distance of 61.17' to a point;

Thence N 39°22'02" W, along remains of a stone wall and Range Road, a distance of 58.33' to a point;

Thence N 40°13'29" W, along remains of a stone wall and Range Road, a distance of 105.35' to the end of the stone wall;

Thence N 36°21'32" W, along remains of wire fence and Range Road, a distance of 560.59' to a point;

Thence N 40°32'25" W, along remains of stone wall and wire fence, a distance of 176.96' to a set granite monument at the land retained by Dale S. Rines;

Thence N 53°12'39" E, along land retained by Dale S. Rines, a distance of 1046.54' to a set granite monument;

Thence N 02°34'55" W, along land retained by Dale S. Rines, a distance of 777.89' to a set granite monument;

Thence N 37°00'00" W, along land retained by Dale S. Rines, a distance of 999.88' to a found drill hole in a 8" by 16" Stone 24" above grade at the corner of a stone wall at the land now or formerly of Andrew R. Berube as described in Book 18060, Page 237;

Thence N 37°10'30" W, along remains of stone wall, wire fence, land of Berube, land now or formerly of Deborah Shaw Rice and Jennifer West as described in Book 6434, Page 59, a distance of 1606.48' to set 3/8" drill hole in stone wall at land now or formerly Robert B. Waterhouse and Megan H. Waterhouse as described in Book 4717, Page 239;

Thence N 49°04'27" E, along remains stone wall and land of Waterhouse, a distance of 52.64' to a point;

Thence N 53°40'59" E, along remains stone wall and land of Waterhouse, a distance of 241.64' to a point;

Thence N 50°42'45" E, along remains stone wall and land of Waterhouse, a distance of 161.50' to a point;

Thence N 53°32'36" E, along remains stone wall and land of Waterhouse, a distance of 248.99' to a point;

Thence N 52°01'14" E, along remains of wire fence and land of Waterhouse, a distance of 861.50' to set 3/8" drill hole in a four foot diameter rock at the land now or formerly of David R. Higgins, Jr. and Marilyn Higgins as described in Book 7084, Page 91;

Thence S 37°58'09" E, along remains of wire fence and land now or formerly of Fred T. Kinney as described in Book 10621, Page 64, a distance of 297.44' to a stone wall;

Thence S 36°24'21" E, along remains of stone wall and land of Kinney, a distance of 239.07' to end of stone wall;

Thence S 39°10'14" E, along remains of wire fence, a distance of 277.56' to a point;

Thence S 35°01'15" E, along remains of a wire fence and land of Kinney, a distance of 255.93' to a found 5/8 inch iron rebar at the land now or formerly of Victor C. Otley, III and Elizabeth S. Otley as described in Book 13396, Page 79;

Thence S 36°39'23" E, along remains of wire fence and land of Otley, a distance of 415.66' to a point;

Thence S 37°20'34" E, along remains of wire fence and land of Otley, a distance of 517.89' to a point;

Thence S 39°22'58" E, along remains of wire fence and land of Otley, a distance of 311.67' to a point;

Thence S 37°19'06" E, along remains of wire fence, land of Otley and land now or formerly of David B. Moody and C. Elizabeth Moody as described in Book 1781, Page 323, a distance of 278.84' to a point;

Thence S 34°31'32" E, along remains of wire fence, remains of stone wall, land of Moody, and land now or formerly of David B. Moody, Jr. as described in Book 10517, Page 284, a distance of 266.99' to a found 5/8 inch iron rebar at land now or formerly of Roger Milliken, Jr. and Margot A. Wallach as described in Book 6833, Page 323;

Thence S 35°58'41" E, along remains of wire fence and land of Milliken, a distance of 873.68' to a found 1-3/4 inch iron pipe at land now or formerly of Medley A. Watson and Ruth H. Watson as described in Book 3850, Page 131;

Thence S 56°29'37" W, along remains of wire fence and land of Watson, a distance of 119.35' to a found 1" galvanized iron pipe;

Thence S 13°36'23" E, along remains of wire fence and land of Watson, a distance of 399.23' to a found 1" galvanized iron pipe;

Thence S 29°01'23" E, along remains of wire fence and land of Watson, a distance of 290.98' to a set 5/8" iron rebar;

Thence S 20°17'37" W, along remains of wire fence and land of Watson, a distance of 179.92' to a found 1" galvanized iron pipe;

Thence S 76°06'23" E, along remains of wire fence and land of Watson, a distance of 59.57' to the west side of Saw Mill Brook and land of Watson;

Thence southerly along the westerly side of Saw Mill Brook a distance of 530 feet, more or less, a tie line from the beginning of Saw Mill Brook to this point is S 08°52'22" W a distance of 515.52' to a point on the westerly side of Saw Mill Brook at the land of Watson;

Thence S 53°38'41" W, along remains of wire fence, land of Watson and along land now or formerly of said Saunders and Judge, a distance of 1354.23' to a set granite monument at the land retained by Rines;

Thence N 36°21'19" W, along land retained by Rines, a distance of 300.00' to a set granite monument;

Thence S 53°38'41" W, along land retained by Rines, a distance of 856.77' to the point of beginning.

Containing an area of 216.15 Acres, more or less.

Together with a right of way as mentioned in a deed to Clinton F. Rines from Congress Square Hotel Company dated May 14, 1926 and recorded in the Cumberland County Registry of Deeds in Book 1232, Page 464 and depicted on the plan recorded in Plan Book 70, Page 34.

Meaning and intending to describe a portion of the premises as described in a deed to Dale S. Rines from Bernard P. Rines dated September 27, 1976 and recorded in said Registry in Book 3914, Page 96.

EXHIBIT B

The survey plan entitled Professional Land Surveyor and to be filed of
record at even or near date hereof.

EXHIBIT C

Rines Trail Map

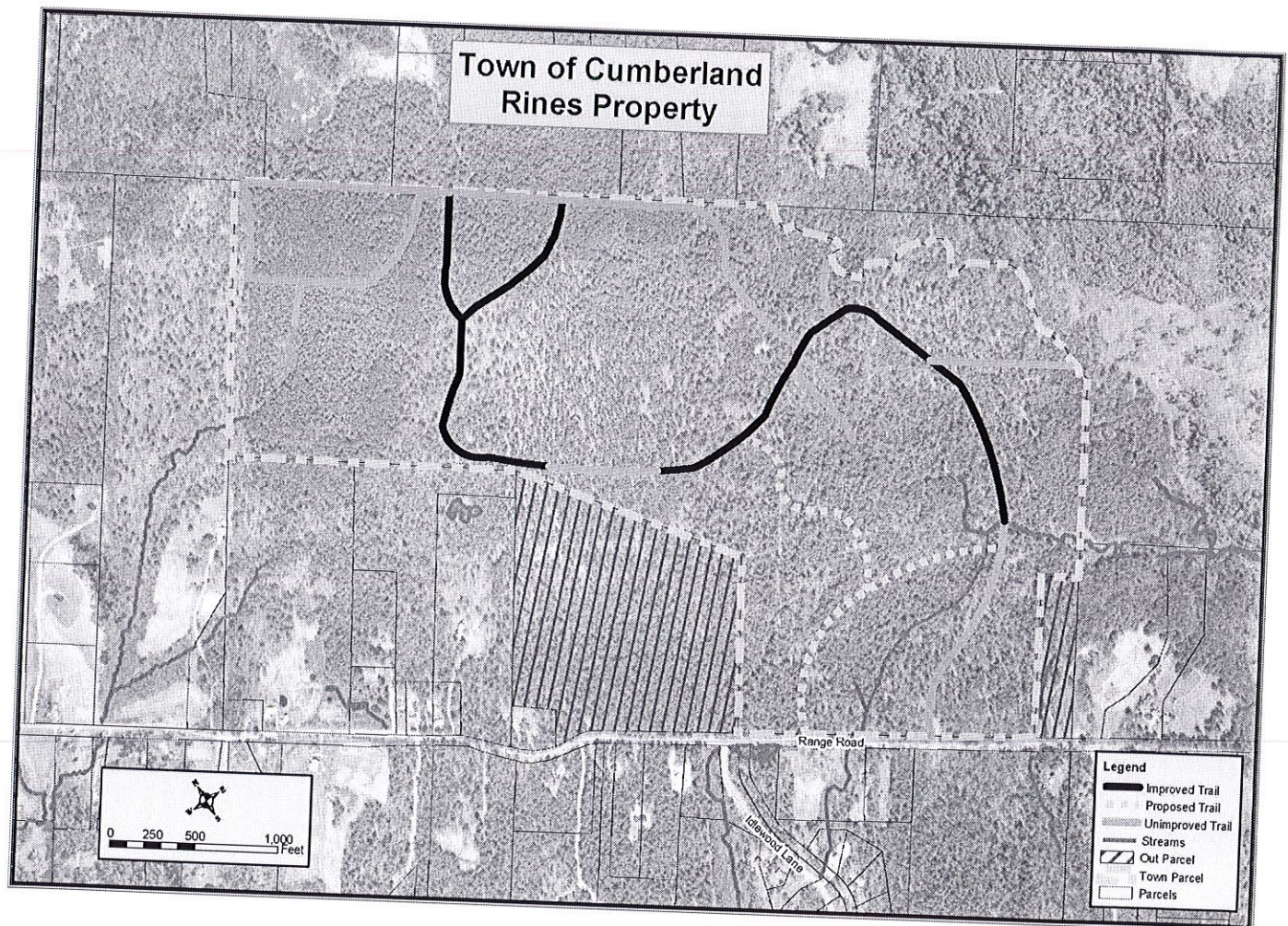


EXHIBIT D

Rines Forest Stewardship Principles

1. The Town Council endorses the maintenance of the Forest to assure its present undeveloped forested state and will, within limits established by any Town Council, provide the human and fiscal resources necessary to do so.
2. A Forest Management Plan will be adopted and updated.
3. Within the scope of the management plan, areas determined to be environmentally sensitive and vulnerable shall receive specific attention.
4. A citizen based Advisory Committee shall report to the Town Council and provide an Annual Report which outlines the progress made toward maintaining the Rines Forest Stewardship Principles.
5. A network of trails including a new access from Range Road shall be maintained and improved.
6. Future acquisition for connectivity is encouraged and future planning shall be coordinated with the Town Lands and Conservation Commission.
7. Citizens are encouraged to passively recreate within the boundaries of the forest.
8. Educational use of the property for individuals or organizations shall be encouraged.
9. A list of acceptable uses of the Forest will be created and incorporated into a "Use Policy".
10. An informational brochure outlining the property's environmental attributes, a map of trails and other related issues of interest will be published and maintained.

TOWN OF CUMBERLAND
2005/06 TOWN COUNCIL ASSIGNMENTS

Chebeague Island Library Board of Trustees	<u>Councilor Damon</u>
Cumberland/Yarmouth Joint Standing Committee	<u>Councilors Damon and Moriarty</u>
Great Portland Council of Government	<u>Councilor Turner</u>
Nominating Committee	<u>Councilor Porter</u> <u>Councilor Moriarty</u> <u>Councilor Kuntz</u>
Prince Memorial Library Advisory Board	<u>Councilor Moriarty</u>
Recreation/Community Education Advisory Board	<u>Councilor Turner</u>
Regional Waste Systems Board Alternate	<u>Susan McGinty</u> <u>Manager Shane</u>
Budget	<u>Councilor Stiles</u>
Val Halla Board of Trustees	<u>Councilor Stiles</u>
Liaison to Board of Appeals	<u>Councilor Storey</u>
Liaison to Conservation Commission	<u>Councilor Moriarty</u>
Liaison to Falmouth/Cumberland Chamber	<u>Manager Shane</u>
Liaison to Planning Board	<u>Councilor Porter</u>
Liaison to Solid Waste Advisory Committee	<u>Councilor Porter</u>
Liaison to Islands Committee	<u>Councilor Damon</u>
Liaison to Cable TV Regulatory Board	<u>Councilor Porter</u>
Joint Standing Committee	<u>Councilors Moriarty and Damon</u>
Housing Authority	<u>Councilor Stiles</u>
Stone Wharf Committee	<u>Councilors Moriarty, Damon and Turner</u>
Rines Forest Committee	<u>Councilors Moriarty and Porter</u>
Regionalization Committee	<u>Councilor Stiles</u>
Coastal Waters Commission	<u>Councilor Damon</u>
Islands Coalition	<u>Councilor Damon</u>

TOWN OF CUMBERLAND TOWN COUNCIL ASSIGNMENTS

2004/05

2005/06

Chebeague Island Library Board of Trustees
Cumberland/Yarmouth Joint Standing Cmtee

~~GPCOG~~
Nominating Committee

Prince Memorial Library Advisory Board
Recreation/Community Ed Advisory Board
Regional Waste Systems Board
Alternate

Budget
Val Halla Board of Trustees
Liaison to Board of Appeals
Liaison to Conservation Commission
Liaison to Falmouth/Cumberland Chamber
Liaison to Planning Board
Liaison to Solid Waste Advisory Cmtee
Liaison to Islands Committee
Liaison to Cable TV Regulatory Board
~~Cousins Island/Wharf Agreement Cmtee~~

Housing Authority
~~County Budget Committee~~
Stone Wharf Committee

Rines Forest Committee

Regionalization Committee

Councilor Damon
Councilor Damon
Councilor Moriarty
Councilor ~~Moriarty~~
Councilor Porter
Councilor Moriarty
Councilor Kuntz
Councilor Moriarty
Councilor Savasuk
Susan McGinty
Manager Shane
Councilor Stiles
Councilor Stiles
Councilor Storey
Councilor Moriarty
Manager Shane
Councilor Porter
Councilor Porter
Councilor Damon
Councilor Porter
Councilor Moriarty
Councilor Damon
Councilor Stiles
Councilor Kuntz
Councilor Moriarty
Councilor Damon
Councilor Savasuk
~~Councilor Stiles~~
Councilor Moriarty
Councilor Porter
Councilor Stiles
Councilor Moriarty

~~Turner~~ ~~REP~~

Turner

Manager Shane

new Jr Stads Cmtee

via caucus

~~Turner~~

Turner to take on
Savasuk Boards

Add Coastal Waters Cmsn-DD

TOWN OF CUMBERLAND TOWN COUNCIL ASSIGNMENTS

	2004/05
Archangel Committee	no appt necessary
Chebeague Island Library Board of Trustees	Councilor Damon
Cumberland/Yarmouth Joint Standing Committee	Councilor Damon
	Councilor Moriarty
CPCOG	Councilor Moriarty
Nominating Committee	Councilor Porter
	Councilor Moriarty
	Councilor Kuntz
Prince Memorial Library Advisory Board	Councilor Moriarty
Recreation/Comm. Ed. Advisory Board	Councilor Savasuk
Regional Waste Systems Board	Susan McGinty
	Manager Shane - alternate
Budget	Councilor Stiles
Val Halla Board of Trustees	Councilor Stiles
Liaison to Board of Appeals	Councilor Storey
Liaison to Conservation Committee	Councilor Moriarty
Liaison to Falmouth/Cumberland COC	Manager Shane
Liaison to Planning Board	Councilor Porter
Liaison to Solid Waste Advisory Committee	Councilor Porter
Liaison to CHAT (SAD 51)	no appt necessary
Liaison to Islands Committee	Councilor Damon
Liaison to Cable TV Regulatory Board	Councilor Porter
Cousins Island/Wharf Agreement Committee	Councilor Moriarty
	Councilor Damon
Housing Commission	Councilor Stiles
County Budget Committee	Councilor
Stone Wharf Committee	Councilor Moriarty
	Councilor Damon
	Councilor Savasuk
Rines Forest Committee	Councilor Stiles
	Councilor Moriarty
	Councilor Porter
Regionalization Committee	Councilor Stiles
	Councilor Moriarty

Motion by Councilor Moriarty to reappoint the slate as we have adjusted it tonight;
Seconded by Councilor Kuntz.

VOTE: UNANIMOUS 7-0



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 19, 2005
Re: Interest Rates for Delinquent Sewer Fees and Real and Personal Property Taxes

Annually the Maine Municipal Association (MMA) recommends an interest rate for delinquent sewer, real, and personal property taxes. MMA also recommends an interest rate to be paid on over-payment of taxes. The Town has historically used the rates recommended by the Maine Municipal Association.

This year's rate for Delinquent Taxes is:	7.75 %
This year's rate for interest on overpayment of taxes is:	3.75 %

Town Staff recommends the above rates be used for Fiscal Year 2006.



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 19, 2005
Re: Interest Rates for Overpayment of Sewer Fees and Real and Personal Property Taxes

Annually the Maine Municipal Association (MMA) recommends an interest rate for delinquent sewer, real, and personal property taxes. MMA also recommends an interest rate to be paid on over-payment of taxes. The Town has historically used the rates recommended by the Maine Municipal Association.

This year's rate for interest on overpayment of taxes is: **3.75 %**

Town Staff recommends the above rate be used for Fiscal Year 2006.



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 19, 2005
Re: Payments on Real Estate Taxes Applied to Oldest Unpaid Tax

Our past practice has been to apply all payments for taxes and personal property to the oldest unpaid taxes. In many cases this has resulted in the avoidances or delay of foreclosure.

Town Staff recommends the continuation of this policy.

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

From: Cindy Allen

To: mesit5@maine.rr.com

Sent: Thursday, July 21, 2005 1:23 PM

Subject: Chebeague firetruck purchase

Mr. Porter :

I am pleased to read that you oppose the purchase of a new fire truck for Chebeague due to their announced plans to possibly secede from Cumberland. I liken it to a spouse who knows that they're going to seek a divorce going out and charging up the credit cards so that the other spouse will have to pay them off after the divorce!

Since you've noted that West Cumberland is also in need of a new firetruck and isn't likely to receive one for several years, I propose that the town purchase one for West Cumberland now using the funds earmarked for the Chebeague purchase. In several years time, we should know what Chebeague has finally decided with regards to secession. If, at that time, they decide to stay, let the town purchase a firetruck for them then using funds that would've bought a new truck for West Cumberland. To the best of my knowledge, West Cumberland isn't holding any succession discussions!

I also note that we have \$80,000 set aside for paving on the island. Why can't we get Blanchard Road paved beyond Bruce Hill Road? Two summers ago, Blanchard was paved from Route 9 up to Bruce Hill Road. Blanchard beyond Bruce Hill is a huge mess. It's rutted, the pavement is crumbling and it's like driving on a washboard. It's particularly bad in the winter and spring when you add frost heaves into the mix. Can't the Council do something about this problem?

Sincerely,

Cynthia Allen
10 Stonewall Drive
Cumberland
829-8023

David Beseda
32 B Indian Ridge Road
Yarmouth, ME 04096

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

Dear Mr. Shane,

I wanted to write and express my thanks to the Town of Cumberland and to the Harbor Master Tom Burgess for rescuing my boat that was torn away from its mooring during a storm. I had the boat off of Littlejohn Island in Yarmouth, and the night of freakish storm with 40-50 mile an hour winds was too much for the mooring. I searched for days for the boat, called a few of the Harbor Masters and then gave up. About three weeks later I got a call from Tom Burgess that my boat had been found by a resident of Strudivant Island. I did not have another boat to go and retrieve my boat, but Mr. Burgess offered to tow the boat back to the Littlejohn dock. Mr. Burgess was so helpful and nice and I am grateful for his attitude and service. I am happily using my boat again that I thought was lost forever. Thank you to the town and to Harbor Master Burgess.

Sincerely,



Cc: Tom Burgess

received
7/18/05



United States Department of the Interior

FISH AND WILDLIFE SERVICE



Maine Coastal Islands National Wildlife Refuge

(formerly Petit Manan National Wildlife Refuge Complex)

P.O. Box 279, 14 Water Street
Milbridge, ME 04658-0279
Phone: 207-546-2124
Fax: 207-546-7805

JUL 15 2005

Dear Readers:

We are pleased to announce the release of the *Maine Coastal Islands National Wildlife Refuge Final Environmental Impact Statement* (EIS) and *Final Comprehensive Conservation Plan* (CCP). These two documents are the culmination of a planning process that involved several U.S. Fish and Wildlife Service (Service) programs, our conservation partners, private landowners, private industry representatives, and local community officials. The Final EIS describes four management alternatives and our analysis of the benefits and consequences of implementing them. The Final CCP describes in additional detail our preferred alternative, Alternative B, in the Final EIS. It depicts the program priorities and projects that we will implement over the next 15 years. The attached newsletter provides a summary of the two documents, and identifies how you can obtain them or contact us with questions. In some cases, we anticipated your interest in one, both, or portions, of these documents, and we included them with this mailing.

We are formally announcing the release of these documents in a ***Federal Register*** Notice of Availability. After 30 days from the publication date, a Record of Decision (ROD) will be signed by our Regional Director, thus completing the planning process. We will also announce the signing of the ROD in another ***Federal Register*** Notice of Availability.

Public, partner, State agency, elected and local official participation in the CCP planning process has been integral to the development of our plans. We appreciate the number of people who participated during the process, and those that commented on our draft document. We believe the final documents are much improved as a result of this involvement.

Should you have any questions, please feel free to contact me.

Sincerely,

Charles Blair
Refuge Manager





U.S. Fish & Wildlife Service

Maine Coastal Islands National Wildlife Refuge

Formerly the Petit Manan National Wildlife Refuge Complex

Planning Update – Spring 2005

Greetings!

We are pleased to announce the release of our Final Comprehensive Conservation Plan and Environmental Impact Statement for the Maine Coastal Islands National Wildlife Refuge. Over the past year, we have evaluated the public comments we received on our draft document, and have used them to refine the final CCP and EIS. They are now separate documents.

You may obtain a hard copy or CD-ROM from the refuge headquarters in Milbridge. The public libraries in Rockland, Milbridge, Falmouth, Augusta, and Bangor will also have copies. Because printing hard copies of the more than 700-page EIS and 400-page CCP uses so much paper and costs so much, we hope you will use the CD-ROM.

You may also view or download the documents online from our website <http://library.fws.gov/ccps.htm>. Please be patient with the online version; its numerous maps and photos can slow some computers.

Highlights of the Final EIS and CCP

The final EIS analyzes four management alternatives that represent different ways to further the mission of the National Wildlife Refuge System, achieve the purposes, vision, and goals of the refuge, contribute to the National Wilderness Preservation System, and contribute to Gulf of Maine, state and regional conservation plans. Of those four alternatives, the Service-preferred alternative fully

developed in the final CCP is alternative B.

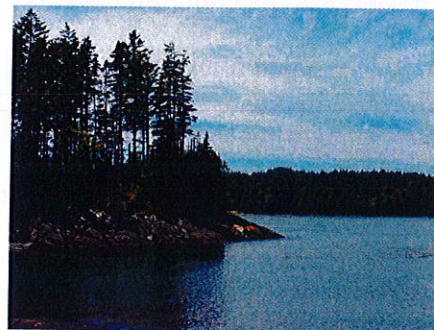
The final CCP is our 15-year management plan for each of the five national wildlife refuges that compose the Maine Coastal Islands Refuge: Petit Manan, Cross Island, Franklin Island, Seal Island, and Pond Island refuges.

Successfully implementing that plan will enable us to fulfill each refuge's crucial role in conserving and managing fish and wildlife resources in the Gulf of Maine and protecting nationally significant coastal islands. Refuge programs will also provide high-quality opportunities for wildlife-dependent recreation and environmental education for tens of thousands of refuge visitors.

The CCP expands the boundary of Petit Manan refuge by 2,459 acres beyond its present boundary. The expansion includes our acquisition from willing sellers of 2,306 acres on 87 nationally significant seabird, wading bird, or bald eagle coastal nesting islands and 153 acres of wetlands important for waterfowl and migrating shorebirds on two mainland tracts. We will also add six new seabird restoration projects to our present six, and intensify the focus of our biological program on birds of high conservation priority in the Gulf of Maine.

We will provide more opportunities for wildlife-dependent recreation, especially environmental education and interpretation, and build new trails on the Gouldsboro Bay, Sawyers Marsh and Corea Heath divisions. We will recommend that

13 refuge islands in 8 wilderness study areas be further evaluated for inclusion within the National Wilderness Preservation System. We will also open the Petit Manan Point Division for deer hunting (see "Important Change 2," below).



Cross Island, USFWS photo

Important Changes from the Draft to the Final Plan

Appendix I, "Summary of Public Comments and Service Responses," in our final EIS, provides details of all the substantive public comments we received on our draft and our responses to them. Your comments resulted in these four important changes in the final CCP.

- 1.** We changed the name of the entire refuge complex to "Maine Coastal Islands National Wildlife Refuge." We will use that name to refer to the five refuges collectively. The new name for the complex does not change the names or status of its five individual refuges.
- 2.** We clarified our deer hunting proposal on the Petit Manan Point Division to stipulate which areas and seasons will be open. We will

**PLANNING BOARD MEETING
TOWN OF CUMBERLAND
Cumberland Town Hall
290 Tuttle Road**

Cumberland, Maine 04021

Tuesday, July 26, 2005

6:30 P.M.

- A. Call to Order**
- B. Roll Call**
- C. Approval of Minutes of June 21, 2005**
- D. Consent Calendar / Deminimus Change Approvals:**
- E. Hearings and Presentations**
 - 1. Discussion: Revised Subdivision Plan - 52 Foreside Road, Tax Assessor Map U02, Lot 5, Arthur Colvin, P.E., PLS, Associated Design Partners, Inc., representative, R & N Enterprises, LLC, % Drummond & Drummond, LLP, One Monument Way, Portland, ME, applicant, Sally C. Fowler, Trustee, owner.**
 - 2. Public Hearing – Final Plan Review – Major 8-lot subdivision, Apple Grove Estates, 36 Orchard Road, Tax Assessor Map R08, Lot 63, Rural Residential 2 (RR2) district; Orchard Hill Estates, LLC, applicant; Thomas Terison, owner; Thomas Greer, P.E., Pinkham Greer Consulting Engineers, representative.**
 - 3. Public Hearing – Major Site Plan amendments to the Twin Brook Athletic Fields, Greely Road, Tax Assessor Map**
RE-SCHEDULED TO AUGUST 16TH MEETING.
R04, Lot 13, Rural Residential One (RR1) district, M.S.A.D. # 51, applicant; Town of Cumberland, owner.
- F. Administrative Matters**
 - Election of Vice-Chair
 - Update – Proposed Village Center - Site Walk-August 9, 2005 – 6:00 p.m.
 - Zoning Ordinances
- G. Adjournment**

Nadeen Daniels

From: Nadeen Daniels
Sent: Wednesday, July 13, 2005 3:53 PM
To: 'Dotti Grant'
Subject: Agenda NOTICE

Hi Dottie,

Here's the corrected version of the agenda notice. I'll get back to you re: the date to change the Site Walk ad to.
Thanks
Nadeen

7/21/2005

NOTICE
CUMBERLAND TOWN COUNCIL MEETING
TOWN HALL, 290 TUTTLE ROAD
MONDAY, JULY 25, 2005

The Cumberland Town Council will meet at 7:00 p.m, July 25, 2005 in Town Council Chambers, 290 Tuttle Road. The meeting agenda will include, but is not limited to the following items:

- Public Hearing re: Bond Anticipation Note for Fire trucks and computer system;
- Public hearing re: amendment to Victualer's License Ordinance;
- Public hearing re: request to discontinue a portion of Turkey Lane;
- Planning Board appointment;
- To set municipal tax rate for FY 2005/06;
- To set interest rate to be charged on delinquent sewer fees and real and personal property taxes;
- To authorize application of real estate tax payments to oldest unpaid tax;
- To set rate at which interest will be paid on overpayment of real estate taxes;
- Set public hearing re: Mass Gathering Permit and Victualer's License for the Cumberland Fair.

An opportunity for public comment will be given.

NOTICE
CUMBERLAND TOWN COUNCIL MEETING
TOWN HALL, 290 TUTTLE ROAD
MONDAY, JULY 25, 2005

The Cumberland Town Council will meet at 7:00 p.m, July 25, 2005 in Town Council Chambers, 290 Tuttle Road. The meeting agenda will include, but is not limited to the following items:

- Public Hearing re: Bond Anticipation Note for Fire trucks and computer system;
- Public hearing re: amendment to Victualer's License Ordinance;
- Public hearing re: request to discontinue a portion of Turkey Lane;
- Planning Board appointment;
- To set municipal tax rate for FY 2005/06;
- To set interest rate to be charged on delinquent sewer fees and real and personal property taxes;
- To authorize application of real estate tax payments to oldest unpaid tax;
- To set rate at which interest will be paid on overpayment of real estate taxes;
- Set public hearing re: Mass Gathering Permit and Victualer's License for the Cumberland Fair.

An opportunity for public comment will be given.

emailed to Forecaster 7-12

NOTICE
CUMBERLAND TOWN COUNCIL MEETING
TOWN HALL, 290 TUTTLE ROAD
MONDAY, JULY 25, 2005

The Cumberland Town Council will meet at 7:00 p.m, July 25, 2005 in Town Council Chambers, 290 Tuttle Road. The meeting agenda will include, but is not limited to the following items:

- Public Hearing re: Bond Anticipation Note for Fire trucks and computer system;
- Public hearing re: amendment to Victualer's License Ordinance;
- Public hearing re: request to discontinue Turkey Lane; *A portion*
- ~~Public hearing re: 15 year agricultural easement for approximate 7 acre lot located within Twin Brook/Greely Road property;~~
- Planning Board appointment;
- To set municipal tax rate for FY 2005/06;
- To set interest rate to be charged on delinquent sewer fees and real and personal property taxes;
- To authorize application of real estate tax payments to oldest unpaid tax;
- To set rate at which interest will be paid on overpayment of real estate taxes;
- Set public hearing re: Mass Gathering Permit for the Cumberland Fair, ~~August 11-15, 2005;~~ *Sept 11-15, 2005* →

An opportunity for public comment will be given.

 *** ACTIVITY REPORT ***

ST. TIME	CONNECTION TEL	CONNECTION ID	NO.	MODE	PGS.	RESULT
*07/21 21:28	97974460		3124	TRANSMIT ECM	2	OK 01'16
*07/22 01:18	912072828209		3125	TRANSMIT ECM	1	OK 00'23
*07/22 05:13			7286	AUTO RX G3	1	OK 00'57
*07/22 20:22	96552054		3126	TRANSMIT ECM	2	OK 00'18
*07/22 20:39			7287	AUTO RX ECM	1	OK 01'08
*07/22 22:04	96576912	GORRILL-PALMER C	3127	TRANSMIT ECM	2	OK 01'04
*07/22 22:09	98294419		3128	TRANSMIT ECM	1	OK 00'28
*07/22 22:55	912077530915		3129	TRANSMIT ECM	2	OK 00'34
*07/22 23:33	97610318		3130	TRANSMIT G3	1	OK 01'35
*07/22 23:35	97746849		3131	TRANSMIT ECM	1	OK 00'19
*07/22 23:36	97916920	PRESS HERALD NEW	3132	TRANSMIT ECM	1	OK 00'18
*07/22 23:38	98287482		3134	TRANSMIT	0	NG 00'00
					0	STOP
*07/22 23:39	98787482		3135	TRANSMIT ECM	1	OK 00'29
*07/22 23:40	97746849		3133	TRANSMIT ECM	1	OK 00'19
*07/22 23:42	97822165		3136	TRANSMIT ECM	1	OK 00'18
*07/22 23:45	97813283		3137	TRANSMIT ECM	1	OK 00'17
*07/22 23:46	97812060		3138	TRANSMIT ECM	1	OK 00'28
*07/22 23:48	98466828		3139	TRANSMIT ECM	1	OK 00'28
*07/22 23:49	97757935		3140	TRANSMIT ECM	1	OK 00'18
07/22 23:52	98286630		3141	TRANSMIT ECM	1	OK 00'29