

AGENDA

Cumberland Town Council Meeting
Town Council Chambers

MONDAY, February 22, 2010

7:00 p.m. Call to Order

I. APPROVAL OF MINUTES

February 8, 2010

II. MANAGER'S REPORT

III. PUBLIC DISCUSSION

IV. LEGISLATION AND POLICY

- 10 – 016** To hear a report from Gorrill-Palmer Consulting Engineers re: Route 88 drainage/shoulder project. (Special Referendum Election on March 2, 2010)
- 10 – 017** To hear a report from the Lands & Conservation Commission re: Vernal Pools 2009-2010.
- 10 – 018** To appoint Alyssa Daniels as Economic Development Director.
- 10 – 019** To hold a Public Hearing to consider and act on the road acceptance of Chet's Way.
- 10 – 020** To set May 3 - 7, 2010 as Bulky Waste Pickup week.
- 10 – 021** To hold a Public Hearing to consider and act on amending Section 204.14.4.3 (Industrial District – Side Setback) of the Cumberland Zoning Ordinance as recommended by the Planning Board, and to discuss landscape buffer in zone. **~TABLED TO MARCH 22ND**
- 10 – 022** To set a date of March 8th to hear a report and request from the Greely Tennis Boosters to construct a new tennis court at Val Halla.
- 10 – 023** To set a Public Hearing date (March 22nd) to consider and act on rezoning the portion of Map R07/Lot 53 from Rural Residential 2 (RR2) to Industrial (I), as recommended by the Planning Board.

V. NEW BUSINESS

VI. ADJOURNMENT

VII. WORKSHOP re: FY'11 Municipal Budget (to be held only if meeting adjourns before 9:00 p.m.)

MOTIONS

MOTIONS

rebroadcast
email to schedule
(cbmurray@maine.rv.com)

- 7-0
- 10-016 No action necessary. Recess at 9:15 pm
- 10-017 No action necessary. (crier)
- 10-018 I move to appoint Alyssa Daniels as Economic Development Director. JP/GT under 7-0
- 10-019 I move to accept as a Town Road, Chet's Way off of Tuttle Road, generally described as 2900' in length by 50' in width and more specifically described in a deed from Southwoods, LLC a Maine limited liability company with a place of business in Cumberland Maine, dated February 3rd, 2010, being the parcel identified as "Jordan Farm Estates" shown and laid out on a plan of Jordan Farm Estates Subdivision prepared by Mitchell and Associates, and further to accept those related easements described in a deed from Southwoods LLC of Cumberland, Maine dated February 3rd 2010. JP/SM 6-1 (HS)
- 10-020 I move to set May 3 - 7, 2010 as Bulky Waste Pickup week. WS/MP 7-0
- 10-021 I move to table this item to March 22nd. SM/MPWS 7-0
- 10-022 I move to set a date of March 8th to hear a report and act on a request from the Greely Tennis Boosters to construct a new tennis court at Val Halla. SM/MP 7-0
- 10-023 I move to set a Public Hearing date of March 22nd to consider and act on rezoning the portion of Map R07/Lot 53 from Rural Residential 2 (RR2) to Industrial (I), as recommended by the Planning Board.

mms'
SSK/MP 7-0

MP/WS

5/8/06? Budget and Tax Rate?

MP KSK

FY '09-'10

8/10/09

Mil rate @ \$14.50

4/12/09

Budget @ \$7,997,838

FY '08-'09

8/11/08

Mil rate @ \$14.00

4/14/08

Budget @ \$7,998,577

FY '07-'08

7/23/07

Mil rate @ \$19.80

5/14/07

Budget @ \$7,998,632

FY '06-'07

7/24/06

Mil rate @ \$19.40

5/8/06

Budget adopted; total unaltered

FY '05-'06

7/25/05

Mil rate @ \$18.80

5/9/05

Budget @ \$7,980,134

MINUTES

02-08-10

MINUTES

Cumberland Town Council Meeting
Town Council Chambers

MONDAY, February 8, 2010

7:00 p.m. Call to Order

Present: Chairman Copp, Councilors Perfetti, Turner, Storey-King, Porter, Stiles and Moriarty.

I. APPROVAL OF MINUTES

January 25, 2010

Motion by Councilor Stiles, seconded by Councilor Storey-King, to accept the minutes as presented with one correction.

VOTE: UNANIMOUS PASSAGE 7-0

II. MANAGER'S REPORT

No items this evening.

III. PUBLIC DISCUSSION

Ms. Rita Yavinsky, Ole Musket Road, referred to her earlier request regarding the costs associated with the placement of signs by the town at various points throughout the community. She thanked the Town Manager for a "very complete" response, "and I thank you for that." However, she feels "The oversight on the program has resulted in signs that truly can not be read." She also disputed the cost analysis provided by the Manager. She reasoned that if traveling from Drowne Road to the Cumberland/Falmouth town line at the posted speed limit takes twelve minutes, the cost is closer to \$3,000 per year. Ms. Yavinsky recommended the number of signs be reduced or eliminated entirely in their stead utilize the website and place notices in the Forecaster. "I'm not advocating eliminating the messaging. I'm simply saying this particular use of the money is not well spent." Eliminating the signs will "offset the tax" imposed at the brush dump. Councilor Porter explained the implementation of brush dump fees began with a discussion to close the brush dump. This compromise was proposed as a means to keep the dump open by creating revenues to support it. He supports the sign program because he fully supports providing information whenever and wherever possible, adding the police and waste budget cost more over five years than the expenditure for this road. "You see the full effect up front. We have programs and services...on a twenty year time period which spend vastly greater amounts of money than fixing this road will." Councilor Moriarty stated that not every resident in town has a computer to rely on as the means for communication. "What we're doing is...trying to put out as much information as we can. I don't for the life of me understand how we can be criticized for doing that." Cumberland is not the only town that has user fees. The garbage bags are user fees. We charge for rescue calls and recreation services as well. "Calling it a tax "is a bit of a stretch." Councilor Turner commented that we don't know the exact expense yet. "We do know that it's very likely the cost of the bond will be a little over two percent." We have a lot of state roads and at some point there will be priorities to consider. "We're going to be responsible for keeping these roads from falling completely apart." Councilor Storey-King referred to the PACTS report found in their council packet this evening, noting that the estimated cost to preserve the collector roads in the Portland area is \$250 million dollars, versus the \$43 million dollar budgeted. "That's not just Cumberland; it's the Portland area." Ms. Yavinsky also questioned why there is no mention of the March 2nd Referendum among these signs. "This referendum should be front and center."

IV. LEGISLATION AND POLICY

10 – 013 To set a date of February 22nd to hear a report from the Lands & Conservation Commission re: Vernal Pools 2009-2010.

Town Manager Shane stated the Lands & Conservation Commission took part in Phase I of the 2009 vernal pools project. 250 Vernal pools have been identified in the town of Cumberland. We have visited 150 of these pools, and hope to visit the remainder in 2010. If we can eliminate the vernal pool designation of any of these individual pools, the Army Corps of Engineer will allow us to remove them from our maps and state maps. The second phase of visits will occur on April 10, 2010.

Motion by Councilor Porter, seconded by Councilor Storey-King, to set a date of February 22nd to hear a report from the Lands & Conservation Commission re: Vernal Pools 2009-2010.

VOTE: UNANIMOUS PASSAGE 7-0

10 – 014 To hear a report from the Town Manager re: recycling & solid waste issues.

Town Manager Shane explained that the Hannaford Brothers “Clink” bag, which sells for fifteen cents, is a similar color to Cumberland’s green trash bag and has been used by some residents in place of a Cumberland trash bag. Our bags currently sell for \$1.00 and \$1.50. “We are asking residents to make sure” to use the Cumberland trash bag. Pine Tree Waste has agreed to leave a sticker in the first instance at any residence that has used the incorrect bag. Continued use could result in a fine or temporary suspension in collection.

The town has not increased the \$1.00 and \$1.50 bag costs since their inception in 2005. The Manager presented a comparison of bag costs among area communities. The costs ranged from .75 cents for a 20 gallon bag to \$2.50 for a 33 gallon bag. Cumberland’s waste tonnage has reduced annually from 3,000 tons in 2004 to 2300 tons in 2006. We have continued to decline “until this year. It’s kind of flattened out a little bit and I think we could do a better job. It wouldn’t take that much more of an effort” to get to an extra ten percent in recycling.” The Manager indicated he will recommend a per bag fee increase as part of his budget recommendations.

Councilor Moriarty asked, “Is there any argument for changing our color?” and the Manager responded the town’s stock of bags is significant enough that we are still “about a year away” from depleting the stock. Councilor Perfetti asked if there is a way to track the number of violations. “It’s less than a dozen” at this time but we want to stop the use now and prevent any increase. Councilor Porter was hopeful this discussion will eliminate the problem.

10 – 015 To hold a Public Hearing to consider and act on a Mobile Service Cart License for Val Halla Golf Course for the period of May 2010 through May 2011.

Town Manager Shane explained the mobile cart license will be in the name of the town because the owner of the Sparrow’s Nest indicated at the last meeting that he did not have an interest in renewing the mobile cart license. The Manager is confident that due to the numerous golf events held at Val Halla this service is necessary. We may lease the cart to Mr. Sparrow to operate and manage, however.

Councilor Moriarty asked if the license is transferable. It is not; however, Mr. Sparrow can operate the cart under our license. “It’s the every day” service that is not profitable for Mr. Sparrow.

Motion by Councilor Moriarty, seconded by Councilor Stiles, to approve the Mobile Service Cart for Val Halla Golf Course for the period of May 2010 through May 2011.

VOTE: UNANIMOUS PASSAGE 7-0

V. NEW BUSINESS

Councilor Turner – none

Councilor Perfetti – encouraged residents to be polite to our town staff – “keep it civil” – the council approves the spending of the money and the Manager spends it within our direction.

Councilor Porter – the Public Services employees agreed to a contract extension for one year at a zero wage increase and an increase to their health insurance contribution; they’ve stepped up and done the right thing and I’m very thankful for what they did.

Councilor Storey-King – MSAD 51 budget information is becoming available to the public; state revenues will be reduced by \$1.1 million dollars; that is just part of our budget woes; she reiterated the call for respect and civility; she went to Val Halla last Friday night and for just over \$10 had an amazing meal - pleasantly surprised to see a number of people there – let’s keep that kind of community spirit going; she asked the Town Clerk to add the March 2nd election information to the Cumberland Crier.

Chairman Copp – huge thanks to Alyssa Daniels for organizing the first CMBA meeting; over 90 people attended the meeting and fantastic comments were made; the turn-out was phenomenal; I can only see great things that might come from this.

Councilor Stiles – sorry he could not attend the CMBA meeting; our wages were voted on by the citizens at referendum; he, Town Manager Shane and Councilor Turner had a productive meeting with North Yarmouth selectmen; sharing information this evening with council in advance of Monday’s preliminary budget meeting February 15th at 9:00 am at Town Hall; preliminary numbers are very interesting and the public will be pleased with the direction.

Councilor Moriarty – Ron covered the point he was going to make.

Town Manager – The Route 88 information will be posted on website by Friday; including election information; February 22nd is a council workshop for the budget which will be posted to the website on February 23rd; registration hours and specimen ballot will be advertised on February 18; Chair added that the budget workshops are open to the public.

The Manager responded to the request by Mr. Higgins regarding citizen involvement in the budget process. It is not an option under the Charter to add citizen members to the council’s budget committee.

VI. ADJOURNMENT

Motion by Councilor Porter, seconded by Councilor Storey-King, to adjourn.

VOTE: UNANIMOUS PASSAGE 7-0

TIME: 8:04 p.m.

VII. WORKSHOP re: Doane Property RFP Review

MANAGER'S REPORT

ITEM 10-016



To hear a report from Gorrill-Palmer Consulting Engineers
re: Route 88 drainage/shoulder project.
(Special Referendum Election on March 2, 2010)

Foreside Road



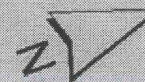
Presentation to
Town of Cumberland
February 22, 2010

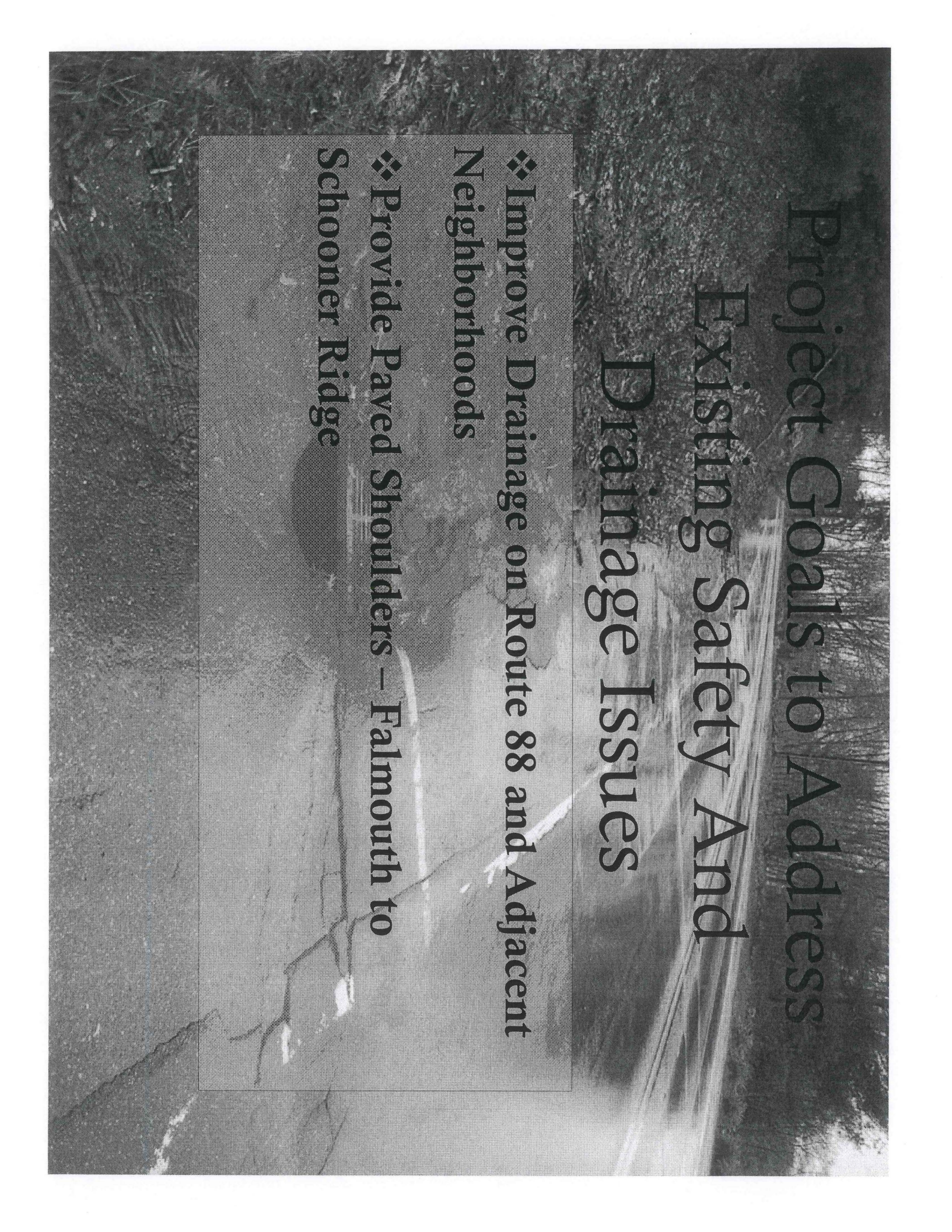
Legend

-  LIMITS OF SHOULDER WIDENING
-  LIMITS OF DRAINAGE IMPROVEMENTS

Falmouth Town Line

Ledge Road





Project Goals to Address Existing Safety And Drainage Issues

- ❖ Improve Drainage on Route 88 and Adjacent Neighborhoods
- ❖ Provide Paved Shoulders – Falmouth to Schooner Ridge

Route 88

❖ Falmouth Town Line to Schooner Ridge

- ❖ Drainage Improvements

- ❖ Paved Shoulders to improve sight distance and safety for pedestrians and cyclists

- ❖ Schooner Ridge, Town Landing Road & Wildwood

 - ❖ Drainage upgrades to facilitate Route 88 Drainage

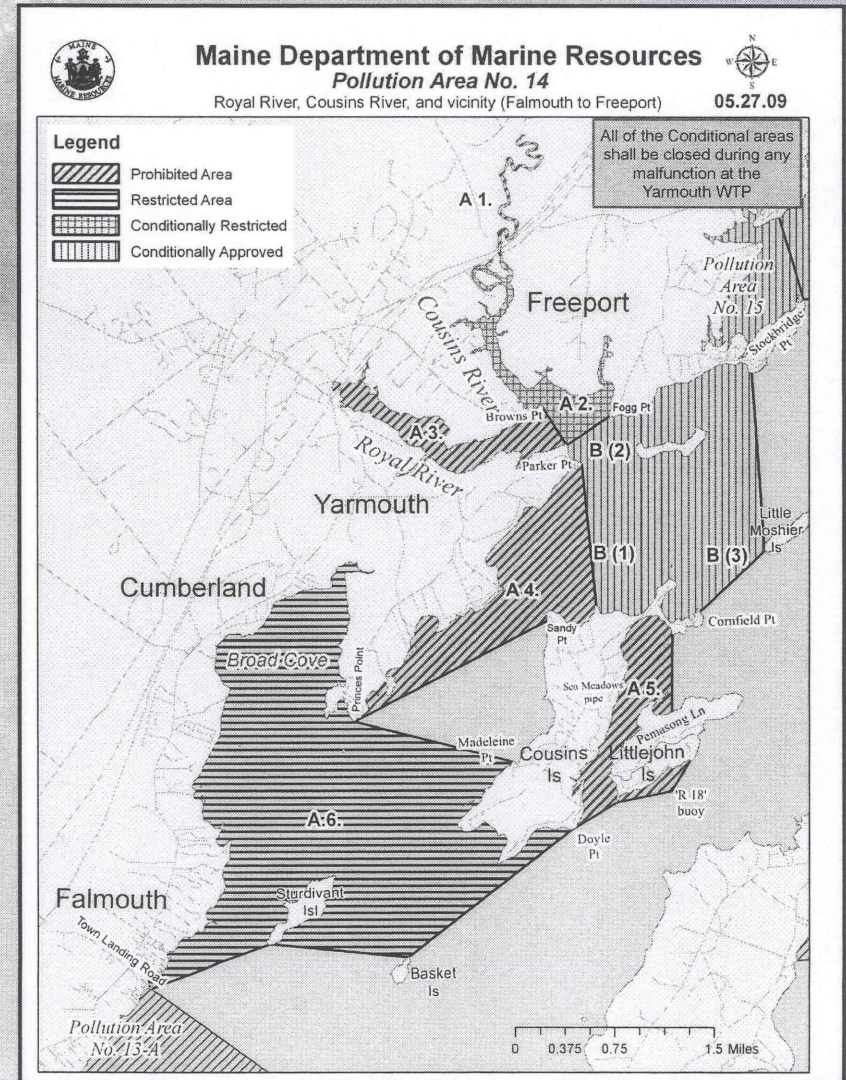
 - ❖ Reclaim existing pavement and re-pave roadway

❖ Schooner Ridge to Old Town Landing Road

- ❖ Drainage Improvements

Drainage

- Project will not require Stormwater Permit
- Status of clam flats a concern
- Water at flats does not meet water quality standards



Drainage

- Low Impact Development (LID) Techniques

- Mitigate impact of additional paved areas

- Reduce water *quality* impacts from existing paved areas

- Provide water *quantity* attenuation

- Investigate water quality swales, tree box filters, or other methods

- Project team includes UNH Stormwater Center to determine most appropriate method

- Incorporate LID measures into design plans

Drainage

❖ Existing Cross Culverts

❖ Remain as is	8
❖ Replace with same size	3
❖ Increase size	3
❖ Abandon	9

❖ Connection to Existing Infrastructure

- ❖ Route 88 to Falmouth
- ❖ Seacove Road
- ❖ Wildwood Boulevard
- ❖ Hallmark Road
- ❖ Town Landing Road

Route 88 to Falmouth

- ❖ Length of Route 88 directed to infrastructure: 1,225' (1/2 road width)
- ❖ Area of Route 88 directed to infrastructure: 39 Acres
- ❖ Net Effect of Change: 99% Tributary Today
- ❖ Adequate Capacity: Yes
- ❖ Improvements: 1,060' new 12" pipe

Seacove Road

❖ Length of Route 88 directed to infrastructure:

2,080' (1/2 road width)

170' (Full road width)

❖ Area of Route 88 directed to infrastructure: 40.3 Acres

❖ Net Effect of Change: 40% Tributary Today

❖ Adequate Capacity: Yes*

❖ Improvements: 3,175' new 15"-18" pipe

Wildwood Boulevard

❖ Length of Route 88 directed to infrastructure:

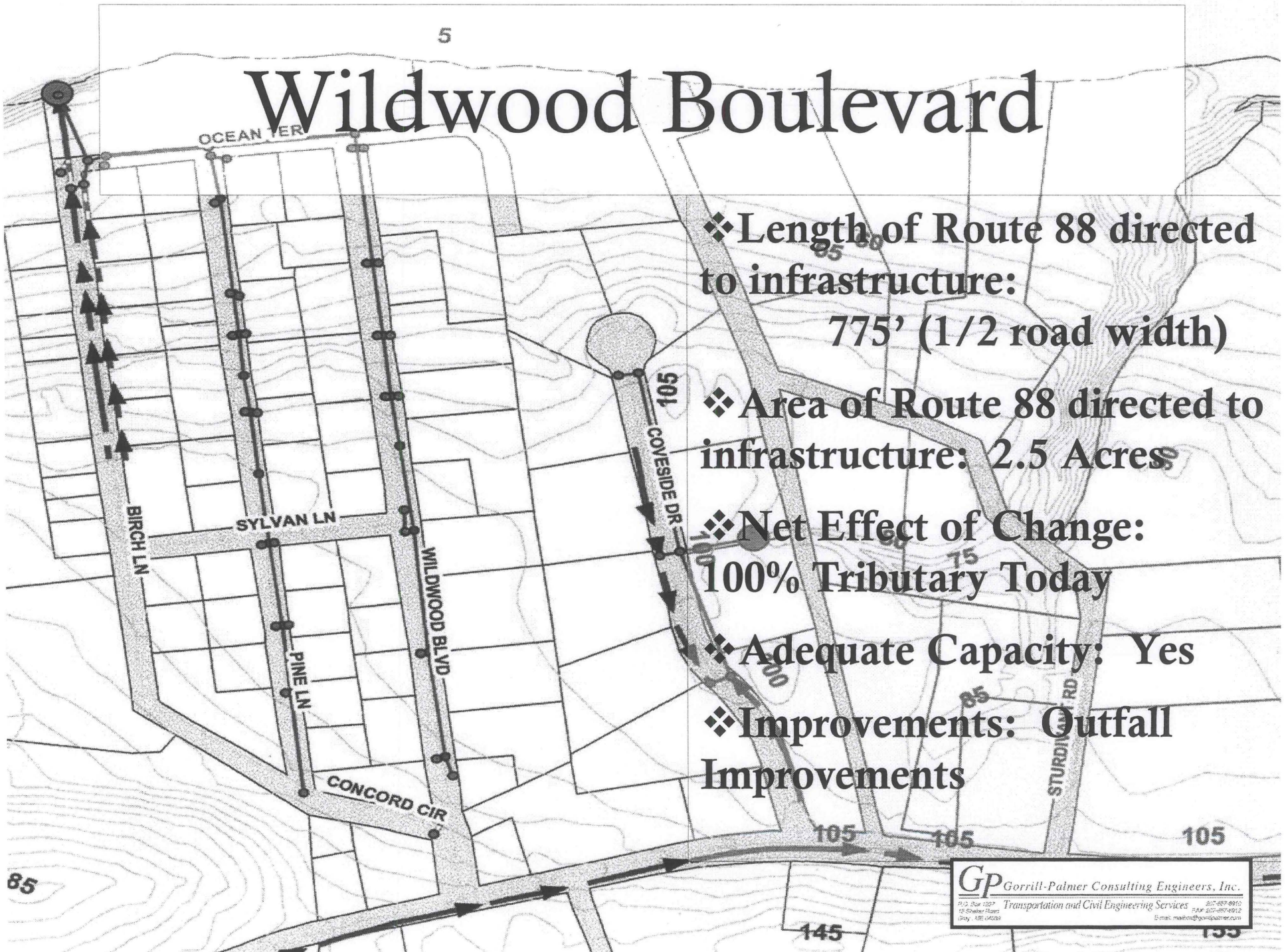
775' (1/2 road width)

❖ Area of Route 88 directed to infrastructure: 2.5 Acres

❖ Net Effect of Change:
100% Tributary Today

❖ Adequate Capacity: Yes

❖ Improvements: Outfall
Improvements



Hallmark Road

❖ Length of Route 88 directed to infrastructure:

1,175' (Full road width)

❖ Area of Route 88 directed to infrastructure: 9.8 Acres

❖ Net Effect of Change: 97% Tributary Today

❖ Adequate Capacity: Yes

❖ Improvements: Catch Basin Modifications

Town Landing Road

❖ Length of Route 88 directed to infrastructure:

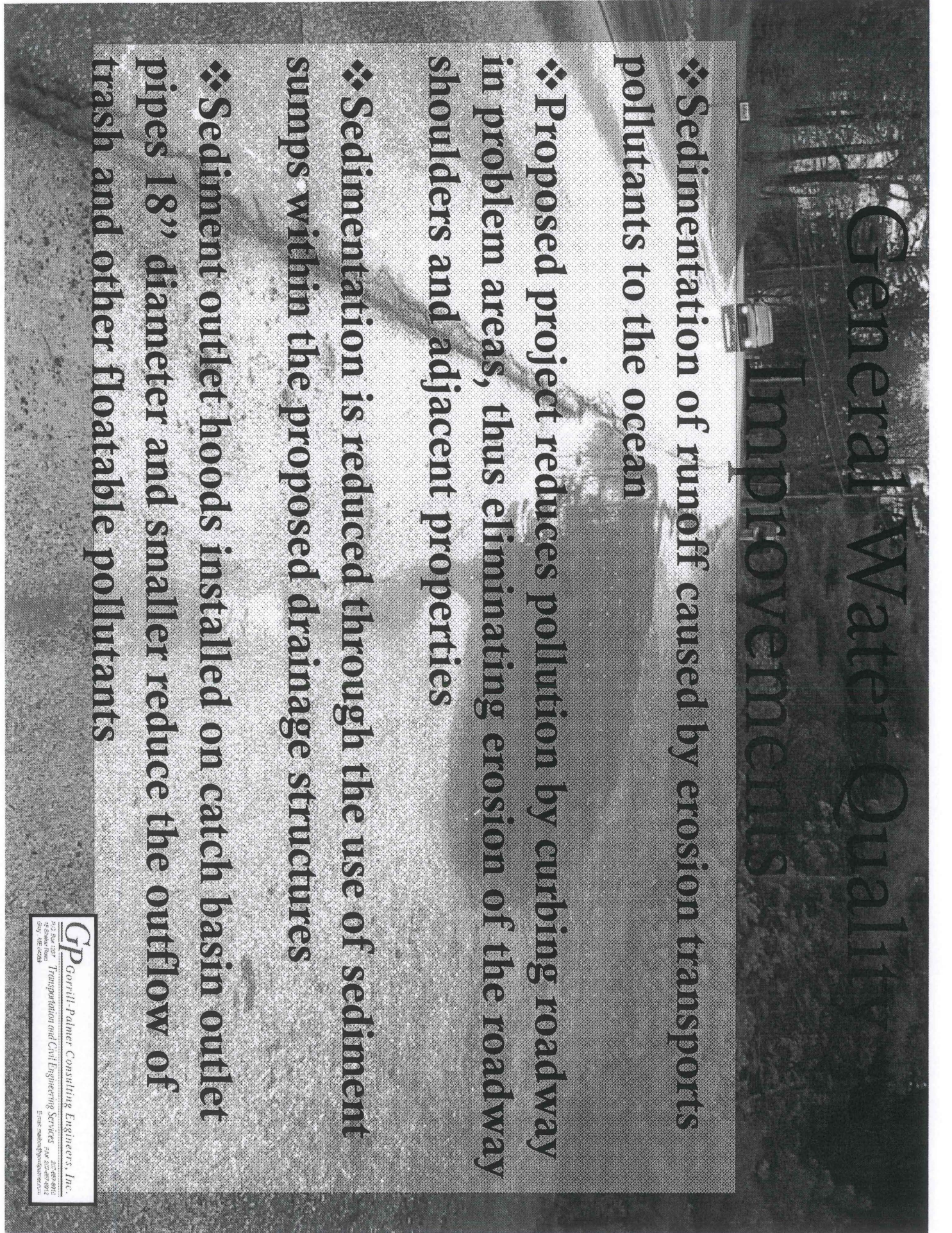
1,375' (Full road width)

❖ Area of Route 88 directed to infrastructure: 13.8 Acres

❖ Net Effect of Change: 93% Tributary Today

❖ Adequate Capacity: Yes

❖ Improvements: 2,895' new 12"-15" pipe



General Water Quality Improvements

- ❖ Sedimentation of runoff caused by erosion transports pollutants to the ocean
- ❖ Proposed project reduces pollution by curbing roadway in problem areas, thus eliminating erosion of the roadway shoulders and adjacent properties
- ❖ Sedimentation is reduced through the use of sediment sumps within the proposed drainage structures
- ❖ Sediment outlet hoods installed on catch basin outlet pipes 18" diameter and smaller reduce the outflow of trash and other floatable pollutants

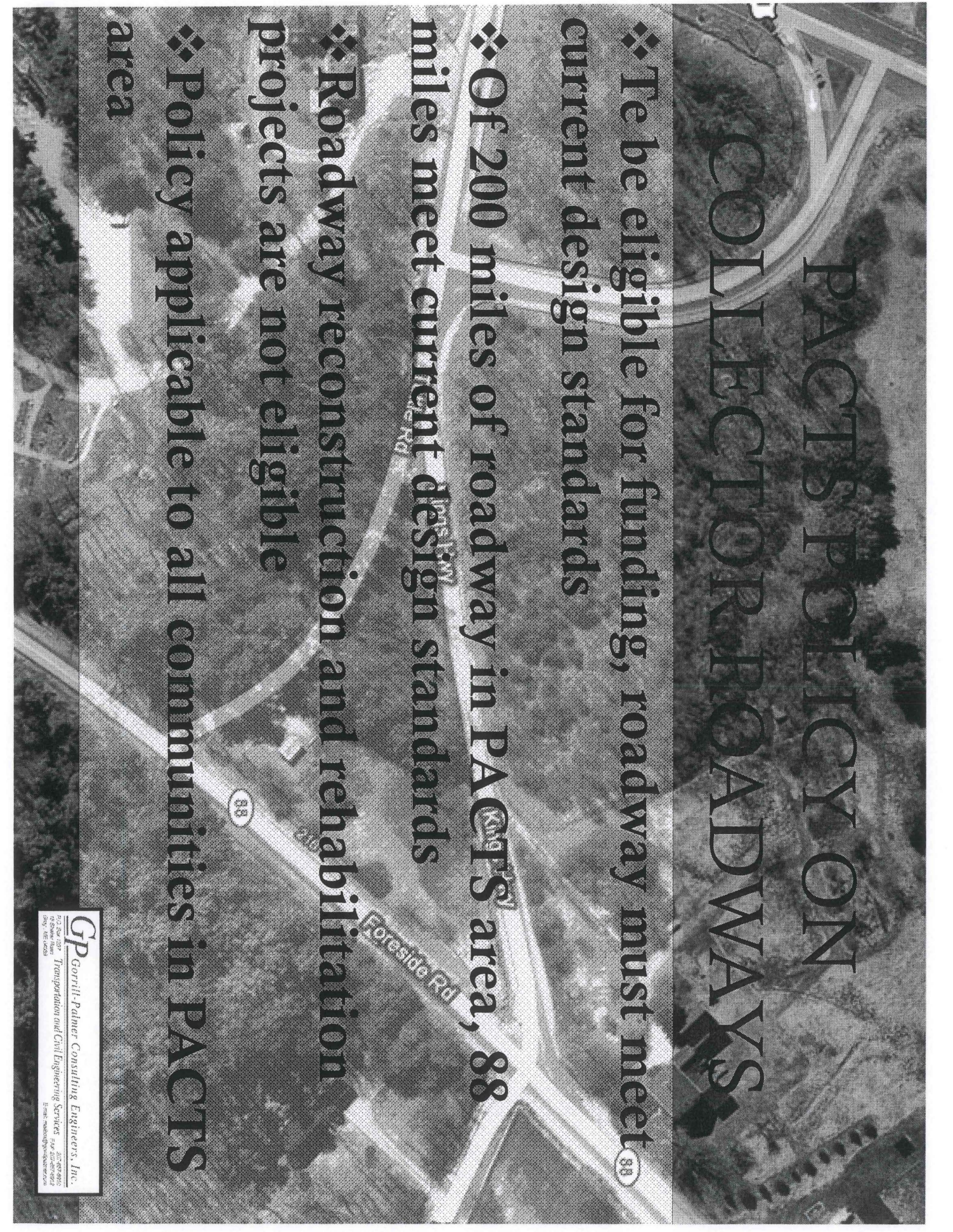


Specific Water Quality Improvements

- | | |
|-----------------------------------|------------|
| ❖ Increase in Impervious Surface: | 0.33 Acre |
| ❖ Reduction in Gravel Shoulders: | 0.46 Acre |
| ❖ Net Change: | -0.13 Acre |
| ❖ Water Quality Improvements | |
| ❖ 5 Filterrass | |
| ❖ Designed to treat 0.37 Acre | |

Opinion of Cost

- ❖ 2010 - \$4,500,000
- ❖ 2015 - \$6,600,000
- ❖ 2020 - \$7,800,000
- ❖ Interest rates for bonding are currently at historic lows

An aerial photograph of a road intersection. A road labeled 'Foreside Rd' runs diagonally from the bottom left towards the top right. It intersects with another road that runs horizontally across the middle of the image. A circular highway shield with the number '88' is visible on the horizontal road. The background shows a mix of trees and some buildings.

PACTS POLICY ON COLLECTOR ROADWAYS

- ❖ To be eligible for funding, roadway must meet current design standards
- ❖ Of 200 miles of roadway in PACTS area, 88 miles meet current design standards
- ❖ Roadway reconstruction and rehabilitation projects are not eligible
- ❖ Policy applicable to all communities in PACTS area

GP Gorrell-Palmer Consulting Engineers, Inc.

PO Box 1007
Transportation and Civil Engineering Services FAX 252-687-8810
Raleigh, NC 27613 E-mail: info@gorrellpalmer.com



Collector Roads in Cumberland

- ❖ Route 88 – does not meet standard
- ❖ Tuttle Road - 0.28 of 3.52 miles meets standard
- ❖ Kings Highway - does not meet standard
- ❖ Route 1 - meets standards
- ❖ Route 9 – meets standards

Thank you

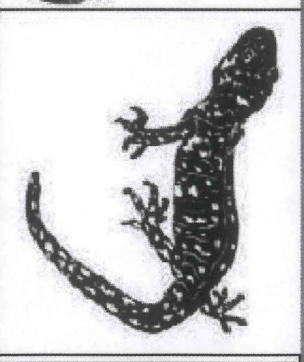
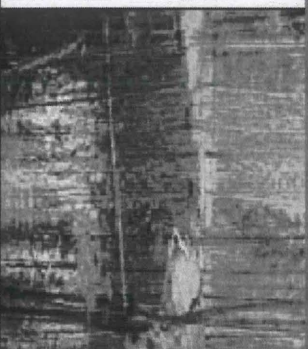
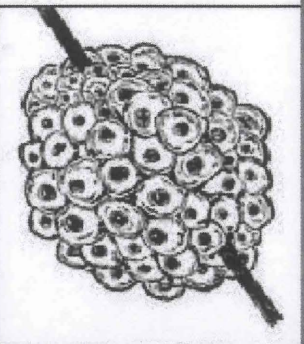
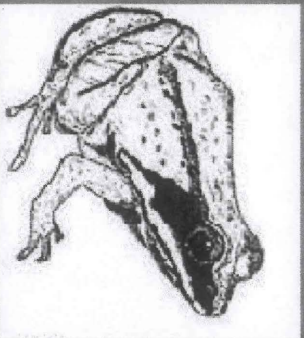


Questions?

ITEM 10-017

To hear a report from the Lands & Conservation Commission
re: Vernal Pools 2009-2010.

Cumberland Vernal Pools Project

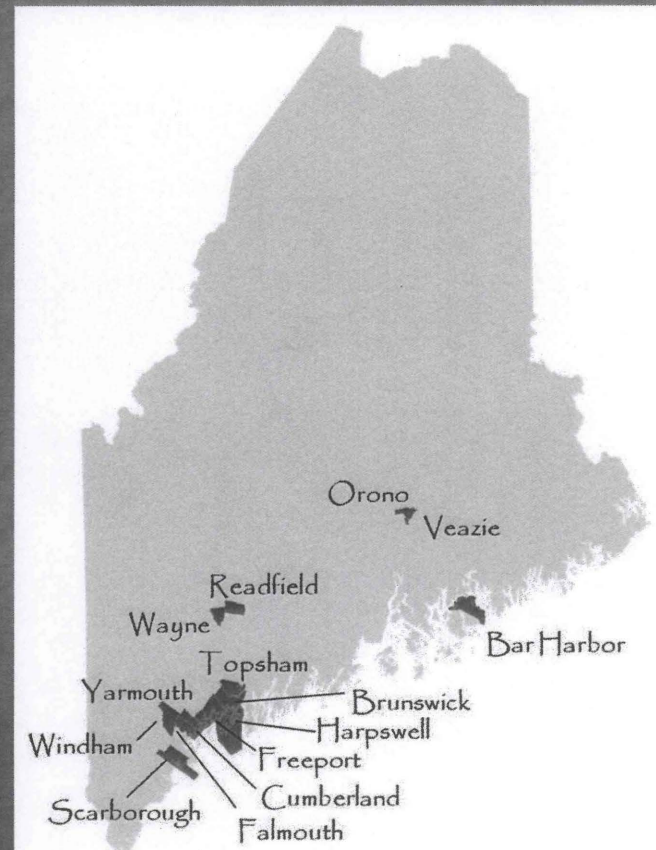


Presented by the Cumberland Lands and
Conservation Commission

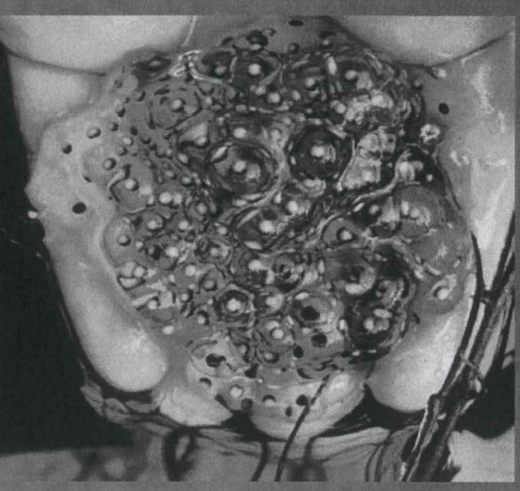
Monday, Feb 22, 2010

Why the Project started

- Maine Audubon was the recipient of a US Environmental Protection Agency (EPA) Wetland Program Development Grant to be used for vernal pool mapping in 13 Maine towns. Sally Stockwell was our contact.
- Aram Calhoun PHD, a professor at the Department of Wildlife Ecology, University of Maine lead on training of volunteers and criteria and regulatory status of vernal pools for each town.



Vernal Pool ID



- Maine Audubon Society, hired Stantec Consulting (Fred DiBello) to review aerial photos of Cumberland to identify potential vernal pools within the town's limits.
- Stantec used April 2006 digital aerial photos provided by Bradstreet Consulting (Searsmont)
- High-resolution scans of true color photos at a scale of 1"=600', 1 pixel~0.5 feet.
- Used 3-D computer monitors to view.
- Digitized into ArcMap® GIS

What is a Vernal Pool ?



■ Maine definition of vernal pools currently excludes pools that:

- Are man-made
- Have a permanent flowing inlet or outlet
- Have viable populations of predatory fish
- Is a permanent pond
- Only those pools that meet the definition of a **"Significant"** vernal pool are regulated by the State of Maine as significant wildlife habitat. In addition to the pool itself, the significant wildlife habitat will include the critical terrestrial habitat extending 250 feet around the pool.

What is a Vernal Pool cont.



- The Clean Water Act and the Programmatic General Permit for Maine (PGP), issued by the Army Corps of Engineers for projects involving “minimal” wetland impacts, are the primary federal regulations that address protection of vernal pools in Maine and surrounding lands up to 500 feet.

- Fish and Wildlife Service and or the (EPA), may extend upland protection to 750 feet.

- Man-made pools such as skidder ruts, old borrow pits, and even some ditches that do not meet the definition of a vernal pool under Maine regulations, may be regulated by the Army Corps.

- If pools dry up to early (July 15 south and 31st north) they may not be classified as significant.

What is so important about Vernal Pools ?

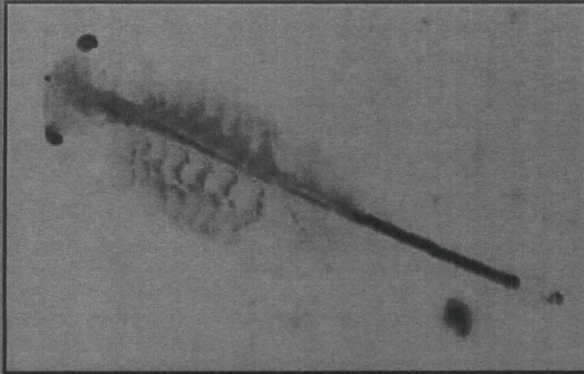


- Unique habitat
 - Shallow water filled depressions with no outlet or inlet so no predatory fish
 - May dry up each season
 - May freeze solid in winter
- Species adapted for these conditions:
 - Primary breeding habitat for wood frogs, spotted salamanders, blue-spotted salamanders, and fairy shrimp, and provide habitat for other wildlife including several endangered and threatened species

What makes a vernal pool significant in Maine regulations?



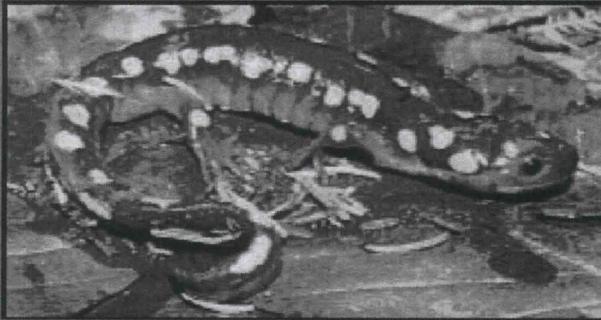
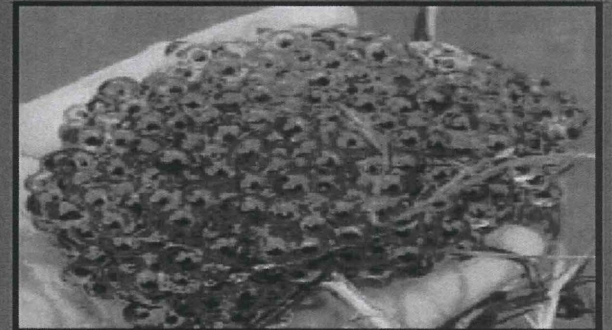
- **Rarity** – A pool in documented use in any given year by state-listed endangered or threatened species (Ribbon Snakes, Wood Turtles, Swamp Darner Dragonflies and Comet Darner Dragonflies) that commonly require a vernal pool to complete a critical portion of their life history is a significant vernal pool.
- **Abundance** – The following species abundance levels, documented in any given year, are indicators of a significant vernal pool:
 - Blue-spotted salamanders; presence of 10 or more egg masses
 - Fairy shrimp; presence in any life stage
 - Spotted salamanders; presence of 20 or more egg masses
 - Wood frogs; presence of 40 or more egg masses



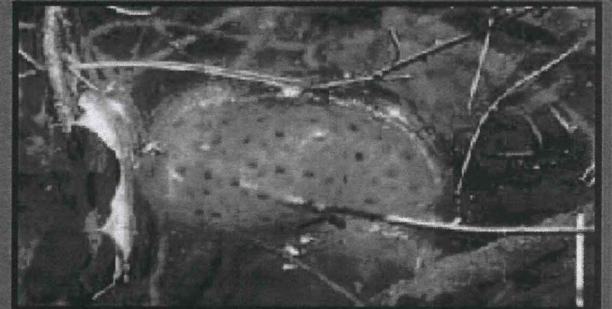
Fairy shrimp



Wood Frog



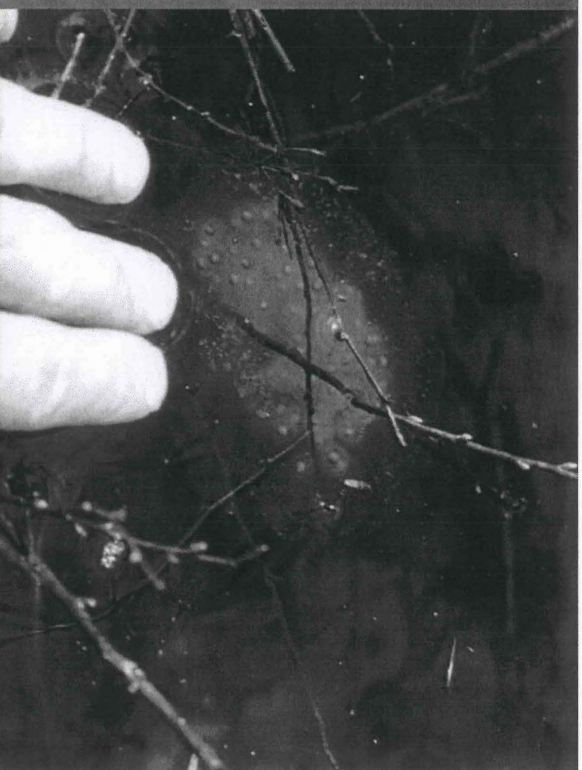
Spotted Salamander



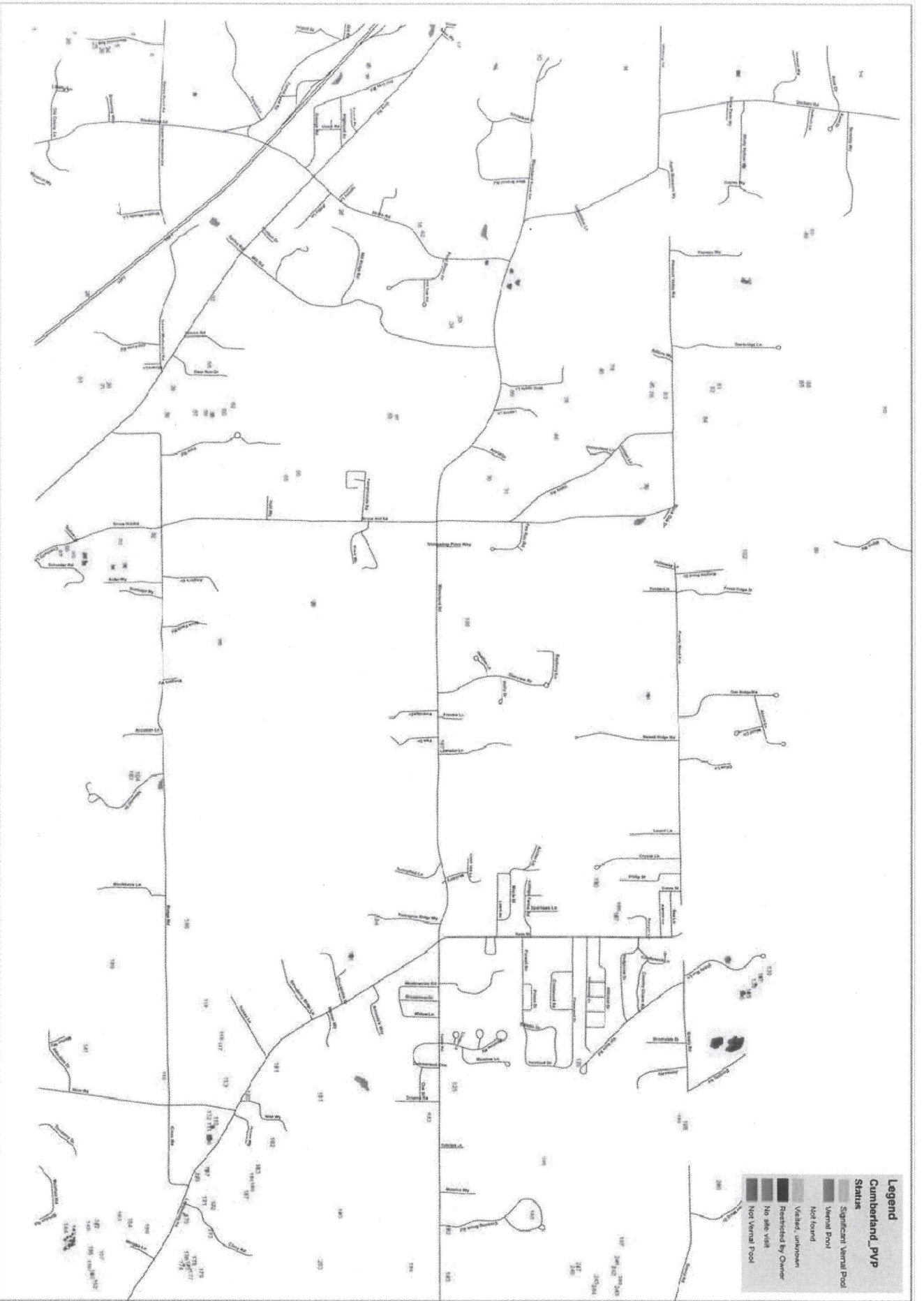
Blue-spotted Salamander



Cumberland Project



- 250 individual features that could be pools
- GIS mapped and divided into groupings
- Volunteers went to 2- 3 hour training sessions (indoor and outdoor)
- 23 Volunteers (including your very own; Mr. Bill Shane), got maps with their Potential Vernal Pools listed on them
- Landowners permission letter sent.
- Field Visits done 2 times (3rd week April-Wood frogs, 2nd week may-Salamanders) to coincide with egg mass development



Town of Cumberland
 Vernal Pools 2010
 Lands & Conservation Commission

Restricted by Owner



Municipal Vernal Pool Mapping Project Data Form Spring 2009

Please refer to reverse side for instruction

1.



Wood Frog Visit ☐

Date: _____

Salamander Visit ☐

Date: _____



2. Potential vernal pool number (PVP #): _____ 3. Tax map number: _____

4. Volunteer Name: _____ Phone Number: _____ Email: _____

Volunteer Name: _____ Phone Number: _____ Email: _____

5. Is PVP a vernal pool? YES ☐ NO ☐ UNKNOWN ☐ UNABLE TO LOCATE ☐

6. PVP is not a vernal pool, but is it a: FARM POND ☐ DITCH ☐ TIRE RUT ☐ GRAVEL PIT ☐

ACTIVE BEAVER POND ☐ WETLAND TOO SHALLOW TO BE A VERNAL POOL ☐ OTHER: _____

7. Pool(s) found that were not marked on map. YES ☐ NO ☐ (Use separate form for each additional pool found and mark on map.)

8. For each species, indicate the number of egg masses counted

Indicator Species		Number
EGG MASSES	Wood Frog	
	Spotted Salamander	
	Blue-spotted Salamander	

Indicator Species		Presence/Absence
LARVAE	Wood Frog	
	Salamander	

ADULTS	Wood Frog	
	Spotted Salamander	
	Blue-spotted Salamander	
	Fairy Shrimp	

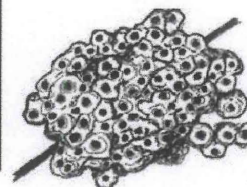
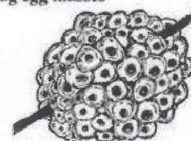
9. Are spermatophores present?



YES ☐ NO ☐

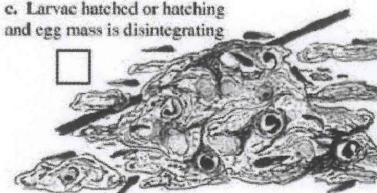
10. Condition of wood frog egg masses

a. Firm, tight mass where individual eggs are spherical and easily discernable ☐



b. Eggs are swollen with water and mass is beginning to break down ☐

c. Larvae hatched or hatching and egg mass is disintegrating ☐



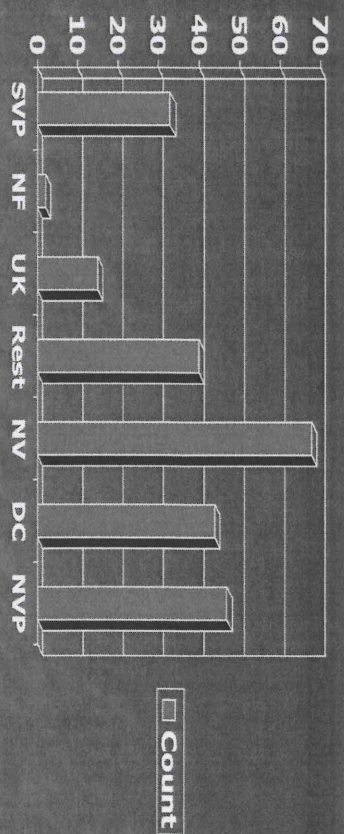
11. Photo Documentation

Data forms **MUST** be accompanied by photographs. Include at least one labeled photograph of each adult, egg mass or larvae for each species.

12. General comments and/or other wildlife observations (optional).

Data Sheets

Results



Potential Vernal Pools (PVP)	249
Significant Vernal Pools	33
Not found	2
Visited, unknown	15
Restricted by Owner	40
No site visit	68
<div> <div></div> <div>assigned, not visited</div> <div>38</div> </div> <div> <div></div> <div>not assigned due to map issues</div> <div>30</div> </div>	
Data collected (DC), not in Database (yet)	44
Not Vernal Pool	47

Next Steps

- Trainings for new volunteers (we need more)!
- 2 more site visits in April/May to each site from last year and some that were missed
- Summary of data and presentation
- Suggestions and ideas for future of pools and project (next year)



ITEM 10-018

To appoint Alyssa Daniels as Economic Development Director.



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: February 18, 2010
Re: Economic Development Director Appointment – Alyssa Daniels

The Town Charter clearly states the Town Council must approve the initial appointment of all Department Heads:

ARTICLE IV
Personnel Management

Section 4. Town Council: Appointments

A majority of the Town Council must approve the initial appointment of all department heads when recommended for employment by the Town Manager. Except as specified above, the Council shall not otherwise participate in appointments, and neither the Council nor any of its members shall direct or request the appointment of any person to office by the Manager.

I am presenting for appointment Alyssa Daniels as our new Economic Development Director. All salary and benefits will be paid for from TIF funds which are intended to be used for Economic Development and Infrastructure improvements within TIF districts. Alyssa will be working with all Town Departments as we develop comprehensive strategies to attract new businesses and expand existing businesses. The recent successful kick-off meeting of the Cumberland Business Association, the positive feedback from our business community in attendance and the business community's full support give me absolute confidence this is the right time for this initiative. As our economy recovers from this recession, we have positioned ourselves well with the infrastructure investments we have made to be ahead of the pack in attracting new businesses in the Route 1& 100 corridors. Now we have to go out and get them! We rest we rust, and nothing changes. Moving toward a 12% commercial tax base is an achievable goal if we are committed to the hard work required to reach the goal. Alyssa brings skills in communications, law and technology that help us in attracting the right type of business for Cumberland.

Our first steps toward change began this week with a meeting with the Planning Board Chairman, the Town Planner, Alyssa and I to begin to plan for improving our ordinances and fix what's broken. Carla's task is to have the new ordinances ready for mid July of this year. We are holding monthly Economic Development Team meetings with Planning, Codes, Assessing and Economic Development to put forward an organized effort committed toward expanding our commercial tax base, correcting antiquated and roadblock like policies and ordinances. Everyone in my organization will be tasked with being part of the change.

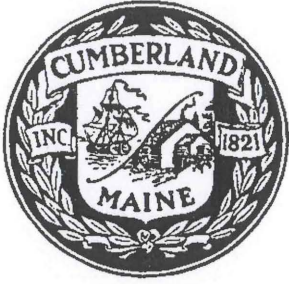
We cannot preserve what we treasure in our community without diversifying our tax base. This is a huge first step toward sustainability and growth that is consistent with our new Comprehensive Plan.

Brief Bio

Alyssa is a Maine native, who attended Portland schools and graduated Magna Cum Laude from the University of Southern Maine in 2006 with a Bachelor of Arts in Communication. During her sophomore year of college, Alyssa began interning for the Cumberland Town Manager and quickly became elevated to Communications Director, serving for over two years before leaving to attend Maine School of Law in the fall of 2006. During law school, Alyssa interned for the law firm of Jensen Baird Gardner & Henry, the Cumberland County Sheriff's Office, and the public accounting firm Baker Newman Noyes. In May 2009, Alyssa earned her Juris Doctorate and within just a few short months successfully passed both the Maine and Massachusetts bar exams.

ITEM 10-019

To hold a Public Hearing to consider and act on the road
acceptance of Chet's Way.



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

TO: William Shane, Town Manager
FROM: Christopher Bolduc, Director of Public Services
RE: Jordan Farm Subdivision / Chet's Way
Date: February 17, 2010

On October 14, 2009, representatives from SYT Design Engineering, acting on behalf of the Town of Cumberland, conducted a punch list inspection on Jordan Farm Subdivision; 14 punch list items were identified including 2 outstanding issues from a punch list inspection in 2005. On January 12th, 2010 a final inspection was conducted and it was determined that all punch list items have been corrected.

During staff review of the Mylar drawings for this project, we discovered that a 50' easement that was being granted to the Town of Cumberland for a possible future Right-of-Way was not properly referenced on the map. This has since been corrected and a new set of Mylar's will be going to the planning board on March 16th, 2010 as a de minimus change.

After reviewing all relevant paper work submitted, visiting the site and confirming that there are adequate funds in escrow to cover paving in the spring of 2010, I am recommending the Town move forward with the acceptance of the road infrastructure into public ownership.

ITEM 10-020

To set May 3 - 7, 2010 as Bulky Waste Pickup week.

SPRING BULKY WASTE PICK-UP WEEK

MAY 3rd THROUGH MAY 7TH

Items will be collected on your regular pick-up day.

Items accepted at curbside:



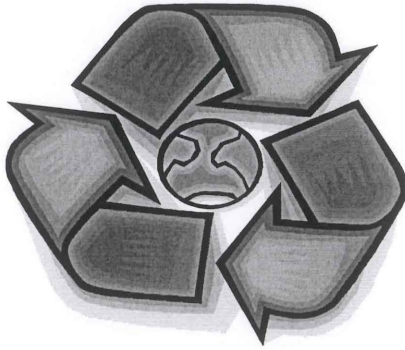
- Bathroom Fixtures
- Box Springs
- Cabinets
- Carpets
- Chairs
- Dressers
- Hot Water Tanks
- Large Metal Items
- Large Toys
- Mattresses
- Recliners
- Sofas
- Stoves
- Tables
- Washers & Dryers



Items NOT accepted at curbside:

The following items may be taken to Riverside Recycling, 797-6200, in Portland for disposal. There is a minimal fee for disposal. A link to their website has been provided for additional information, <http://www.recycling.portlandmaine.gov/prices.asp>

- **No wood products, including picnic tables or fencing**
- **No appliances containing Freon (e.g., refrigerators, freezers, dehumidifiers or air conditioners)**
- **No brush, construction/demolition/remodeling debris (C/D) including lumber, shingles, brick or cement**
- **No Hazardous Waste including oil, automotive or household batteries or mercury products.**
- **No propane tanks**
- **No cardboard**
- **No windows or glass items**
- **No yard or tree waste**
- **No liquid waste**
- **No plastic bags**
- **No clothing or textiles**
- **No tires (with rims)**
- **No computers or monitors**
- **No fluorescent light bulbs**
- **No TV's**



Brush, Leaves and Grass Clippings may be taken to the Public Works Garage for disposal.

Residents May Obtain a Season Pass for \$25.00 at Town Hall or Purchase a One Use Pass for \$5.00 at Town Hall or The Food Stop. Season Passes Run from July 1st Through June 30th. Commercial Operators May Obtain a Season Pass for \$250.00 at Town Hall or Purchase a One Use Pass for \$25.00 at Either Town Hall or at The Food Stop.

The Hours of Operation at the Brush Facility at the Drowne Road Garage are as follows:

Tuesdays – 11:00 a.m. – 3:00 p.m.

Saturdays – 9:00 a.m. – 3:30 p.m.

Corrugated Cardboard May be Placed in Containers Located at the Public Works Garage or at the West Cumberland Fire Station at Any Time.

Please remember that all waste must either be placed in Cumberland PAYT bags or be placed so that the trash handlers can clearly see what is being thrown away and be able to determine whether it is acceptable or not.

DO NOT PLACE ANY ITEMS IN BLACK, WHITE OR ANY OTHER COLORED PLASTIC BAGS! IF YOU DO SO, THEY WILL BE TAGGED AND LEFT BEHIND!

If you have any other questions, please contact the Cumberland Public Works Department for more information at 829-2220.

ITEM 10-021

To hold a Public Hearing to consider and act on amending Section 204.14.4.3 (Industrial District – Side Setback) of the Cumberland Zoning Ordinance as recommended by the Planning Board, and to discuss landscape buffer in zone.

TABLED TO MARCH 22ND

There are no materials for this item

ITEM 10-022

To set a date of March 8th to hear a report from the Greely Tennis Boosters and consider a request to construct a new tennis court at Val Halla.



M E M O R A N D U M

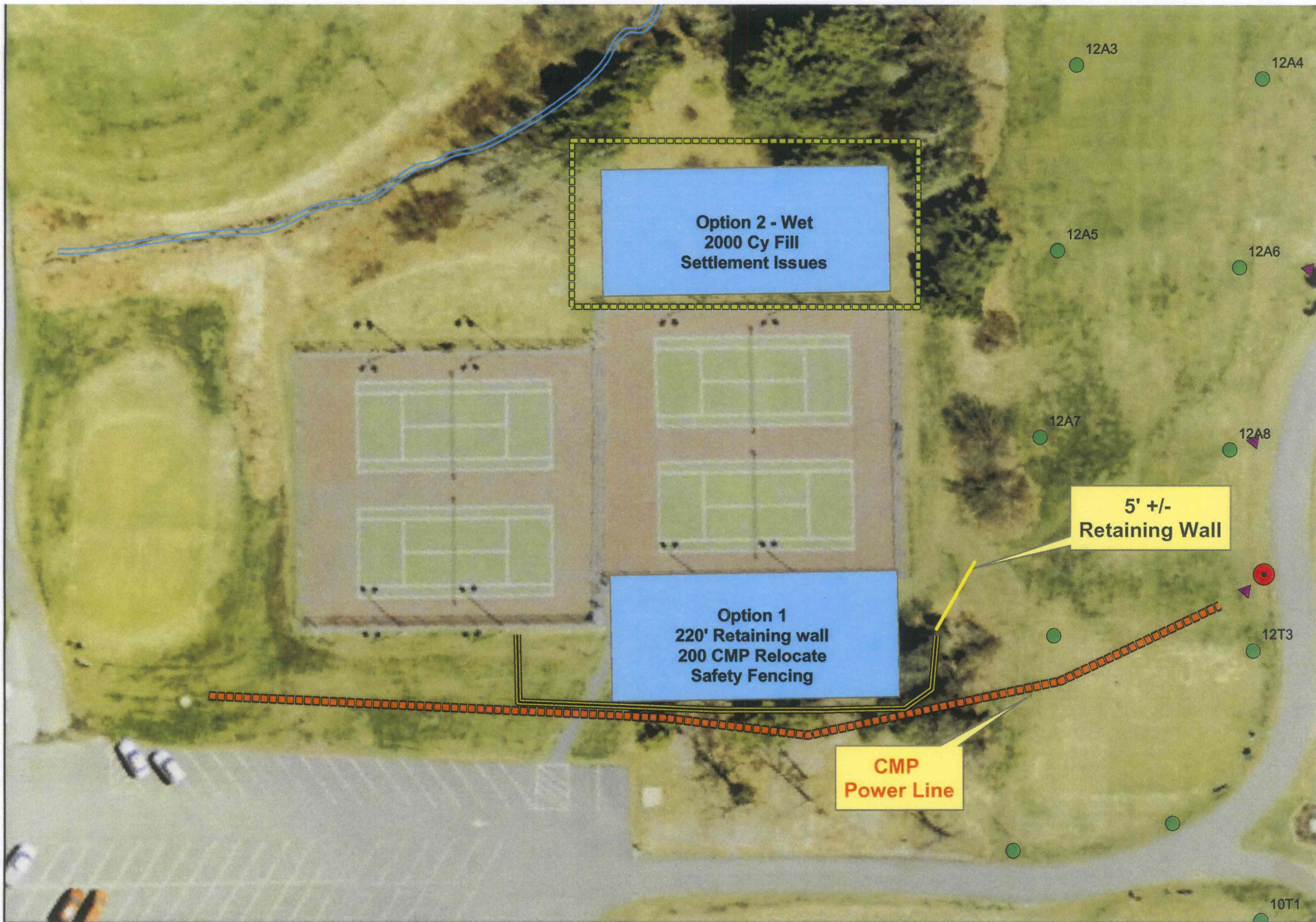
TOWN OF CUMBERLAND, MAINE
290 TUTTLE ROAD
CUMBERLAND, MAINE 04021
TEL: 207-829-2205 FAX: 829-2224

To: Town Council
From: William R. Shane, Town Manager
Date: February 18, 2010
Re: Additional Tennis Courts at Val Halla

Bert Kendall will be attending your March 8th meeting to ask your permission to fund raise for an additional tennis court at Val Halla. The court is intended for public use, but will also serve as the 5th Court during High School matches (since HS matches typically have the top 5 individual or double teams competing simultaneously).

There is no official Tennis Booster group, but Bert is representing supportive parents who would ask for the ability to take on this challenge. The plan may require Planning Board review and the group will be asking for the Town's support with materials (gravel) and possible some grading, but it may be too early in the process to discuss that level of detail.

The Val Halla Board met in January and voted 2-5 against the proposal. Bill Stiles the Town Council liaison can fill you in on the details surrounding the discussion. The Val Halla Board's concerns were around safety, parking and limiting future expansion abilities of the golf course.



40 20 0 40 Feet
1 inch = 50 feet



Tennis Court Proposal December 2009

ITEM

10-023

To set a Public Hearing date (March 22nd) to consider and act on rezoning the portion of Map R07/Lot 53 from Rural Residential 2 (RR2) to Industrial (I), as recommended by the Planning Board.



MEMORANDUM

PLANNING DEPARTMENT
TOWN OF CUMBERLAND, MAINE

Date: February 9, 2010
To: Planning Board
From: Carla Nixon, Planning Director
Subject: ITEM # 4: Rezoning Portion of RR2 to Industrial

As the attached email from David Chase indicates, he would like to have the portion of his parcel that is in the RR 2 District be rezoned to Industrial. In addition to making sense for the reason he outlines, it also helps solve the problem of his inability to comply with the side setback requirement that applies when an industrial use abuts a non-industrial district. There is an existing building on the parcel Mr. Chase now owns that is positioned right on the property line. Because his land straddles the two zoning districts, he must comply with the setback requirement.

One last note, you will see by the enclosed map, that there is a small lot on the corner of Blackstrap and Upper Methodist road that is a single family residence. I met with Mr. Sloat, the owner, and told him what this proposal would mean for him and asked if he would like his parcel included in the rezoning. He is agreeable to that, but this item has not been advertised to include his lot. I am sharing this now so that you understand the abutting property owner does not object to this zone change and may in fact request his parcel to also be rezoned at a later date.

Please let me know if you have any questions prior to the meeting.

Carla Nixon

From: David Chase [DaveChase@maine.rr.com]

Sent: Monday, December 28, 2009 3:59 PM

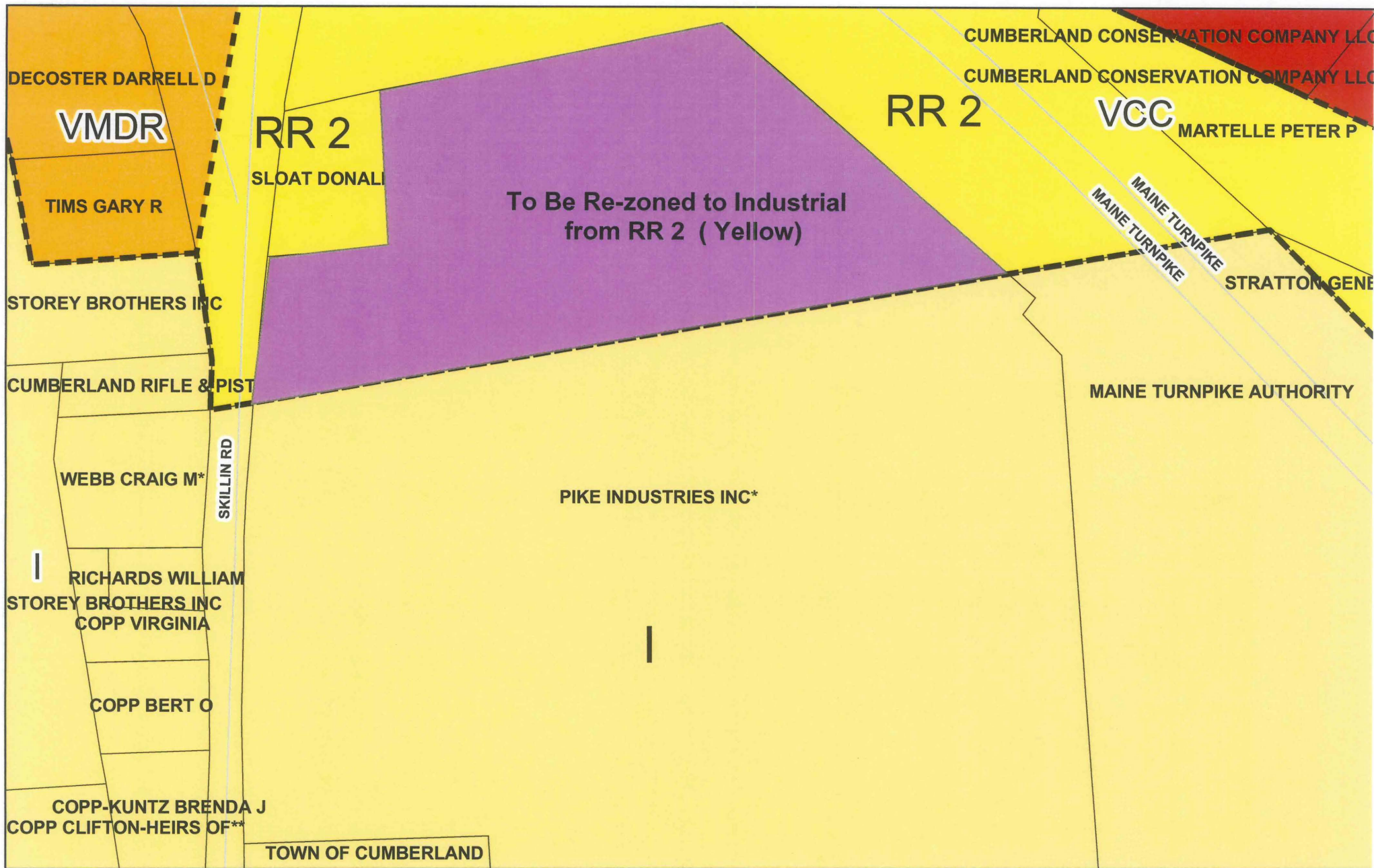
To: Carla Nixon

Cc: William Shane

Subject: Zonning

Carla, I would like to pursue changing the zone at my Blackstrap road property so that the entire property is in the Industrial Zone. As you know currently approximately 15-20% of the property is in the Rural Residential 2 zone and doesn't work very well for a common scheme of development. Let me know if you agree. Thanks Dave Chase

2/9/2010



Planning Board Reviewing Re-Zoning
from RR2 to Industrial
Portion of Tax Map R07 Lot 53

NEW BUSINESS



STATE OF MAINE
Department of Environmental Protection

JOHN ELIAS BALDACCI
GOVERNOR

David P. Littell
COMMISSIONER

February 8, 2010

Nadeen M. Daniels
Town Clerk
Town of Cumberland
290 Tuttle Road
Cumberland Center, Maine 04021-9321

RE: Approval of Zoning Ordinance Amendments

Dear Ms. Daniels,

The Department of Environmental Protection has reviewed the amendments to the Town of Cumberland Shoreland Zoning Ordinance, adopted on November 9, 2009. The amendments were received by the Department on January 14, 2010. The Department finds those amendments applicable to shoreland areas to be substantially consistent with the requirements of the Mandatory Shoreland Zoning Act, 38 M.S.R.A. §438-A, and therefore approves the amendments as adopted.

In addition, the amendments fully satisfy the conditions in Department Order #83-09. As such, this approval hereby repeals all conditions of Order #83-09.

Should you or the other municipal officials have any questions, please contact Mike Morse, our Shoreland Zoning staff in the Portland Office.

Sincerely,

Digitally signed by Andrew Fisk
on behalf of Commissioner Littell
per requirements of Maine law
2010.02.10 08:30:06 -05'00'

David P. Littell, Commissioner
DEPARTMENT OF ENVIRONMENTAL PROTECTION

cc: Mike Morse, MDEP Portland
Bill Longley, CEO

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST

BANGOR
106 HOGAN ROAD
BANGOR ME 04401
(207-941-4570 FAX 207-941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207) 764-3143

February 7, 2010

Dear Mr. Shane,

Please accept my thanks for the check I received this week from the Town of Cumberland and express my appreciation to the Council members. It didn't seem possible to me that the Town would be able to carry on with the "senior citizen circuit break" program, considering the other demands on the town budget and the continuing recession.

I feel very fortunate to be living in Cumberland and thank the Council for their financial support and goodwill.

Sincerely,

Helen Wyman

Please - if you decide to speak to the Council about my note, I would like to remain anonymous.

Open

Thank You

Bill,

Please convey my appreciation to the town
Council and employees for the flower display
at Virginia's Celebration of Life. The town of
Cumberland has been an important part of our life.

Sincerely,
Ruth

Dear Bill,

Please extend our "thank
-you" to the Lorton
Council and Val Kella
guards for the lovely
basket of flowers that
was sent to my father's
service.

Bill and I were deeply
touched by your thoughtful
gesture of sympathy.

Love and Bill Wark

Thank you sincerely
for sharing our sorrow.
Your kindness is
deeply appreciated and
will always be remembered.

Vital Records Report for January 2010					
<u>Births</u>					
	<u>Name of Child</u>	<u>Date of Birth</u>	<u>Parents</u>	<u>Address</u>	
	Austin, Keagan Murphy	1/26/2010	Brett & Erin Austin	24 Sawyer Lane	
	Ferland, Isabelle Ann	1/29/2010	Christopher & Julie Ferland	13 Muirfield Road	
	Kearins, Johanna Mae	1/7/2010	Timothy & Emily Kearins	243 Main Street	
	Lewis, Nathaniel Benjamin	1/17/2010	Christian & Jessica Lewis	19 Mill Ridge Road	
<u>Marriages</u>					
	<u>Name of Groom</u>		<u>Name of Bride</u>	<u>Date of Marriage</u>	<u>Place of Marriage</u>
	Albair, Shaun Michael		Klein, Abigail A. W.	1/22/2010	Cumberland Foreside
	Breslin, Paul Jr. Jr.		Knight, Nina Ellen	1/24/2010	Portland
<u>Deaths</u>					
	<u>Name of Decedent</u>	<u>Date of Death</u>	<u>Age</u>	<u>Address</u>	
	Andreasen, Robert Ejner	1/25/2010	71	7 Crystal Lane	
	Curry, Frances R.	1/1/2010	80	47 Hawthorne Court	
	Hutchins, Virginia L.	1/31/2010	80	7 Crestwood Road	
	Lapachelle, Jacqueline	1/16/2010	76	10 Forest Lane	
	Nielsen, Karen Marie	1/7/2010	67	253 Gray Road	
	Oulton, Evelyn Maxwell	1/23/2010	86	4 Winn Road	
	Thomas, Charles C. Jr.	1/8/2010	79	20 Falcon Drive	

WORKSHOP



Cumberland Town Council Meeting
Monday, February 22, 2010
7:00 p.m. Call to Order

The Cumberland Town Council will hold its regular meeting @ 7:00 p.m. on Monday, February 22, 2010 in the Town Council Chambers. An opportunity for public comment will be provided. The following items will receive a public hearing:

- To hear a report from Gorrill-Palmer Consulting Engineers re: Route 88 drainage/shoulder project that is going to special referendum vote on March 2, 2010.
- To hear a report from the Lands & Conservation Commission re: Vernal Pools 2009-2010.
- To consider and act on a request from the Greely Tennis Boosters re: construction of a new tennis court at Val Halla.
- To appoint Alyssa Daniels as Economic Development Director.
- To hold a Public Hearing to consider and act on the road acceptance of Chet's Way.
- To hold a Public Hearing to consider and act on amending Section 204.14.4.3 (Industrial District – Side Setback) of the Cumberland Zoning Ordinance as recommended by the Planning Board, and to discuss landscape buffer in zone.
- To set a Public Hearing date (March 8th) to consider and act on rezoning the portion of Map R07/Lot 53 from Rural Residential 2 (RR2) to Industrial (I), as recommended by the Planning Board.
- To set May 5 - 7, 2010 as Bulky Waste Pickup week.
- To set a Public Hearing date (March 8th) to consider and act on the renewal of an Auto Recycling Permit for Copp Motors for the period of April 2010 through April 2015.
- WORKSHOP (after adjournment) re: FY'11 Municipal Budget

Additional agenda items will receive consideration and action. Please refer to the town's website: www.cumberlandmaine.com for a complete agenda.

**Town of Cumberland
Finance Committee Meeting
Monday, February 15, 2010**

The Cumberland Finance Committee will meet on
Monday, February 15, 2010 at 9:00 a.m. in the Town Council
Chambers at Town Hall to begin its review of the FY'11
Municipal Budget.