AGENDA

Cumberland Town Council Meeting
Town Council Chambers
MONDAY, July 26, 2010
7:00 p.m. Call to Order

I. APPROVAL OF MINUTES
July 12, 2010

II. MANAGER'S REPORT
Project Update:
- Route 88
- Range Road
- West Cumberland Playground

III. PUBLIC DISCUSSION

IV. LEGISLATION AND POLICY

10 – 099 To hold a Public Hearing to consider and act on adding Section 402.6 (Deer Feeding and Baiting) to the Cumberland Zoning Ordinance, as recommended by the Planning Board. ***ITEM TABLED FROM 6/28/10***

10 – 100 To hear a report from the Town Center Advisory Committee and forward same to the Planning Board for recommendation.

10 – 101 To hold a Public Hearing to consider and act on increasing sewer user fees.

10 – 102 To set a Public Hearing date (August 9th) to consider and act on setting the FY'11 tax rate as recommended by the Tax Assessor.

10 – 103 To set a Public Hearing date (August 9th) to set rates at which interest will be paid for delinquent and over paid taxes, and to authorize applying tax payments to the oldest unpaid taxes.

10 – 104 To set a Public Hearing date (August 9th) to consider and act on a Mass Gathering Permit and Victualer's Licenses for the 139th Cumberland Fair to be held from September 26 – October 2, 2010 at the Cumberland Fairgrounds.

10 – 105 To set a Public Hearing date (August 9th) to consider and act on a Mass Gathering Permit and Victualer's Licenses for Nassau Broadcasting for Maine's Ultimate Fall Yard Sale to be held at the Cumberland Fairgrounds on Saturday, October 9, 2010 from 9:00 a.m. to 2:00 p.m.

10 – 106 To set a Public Hearing date (August 9th) to consider and act on setting October 18th – 22nd as Bulky Waste Pick-Up Week.

10 – 107 To set a Public Hearing date (August 9th) to appoint Tamara O'Donnell as Town Clerk.

10 – 108 To authorize the Town Manager to sign a Police Department Mutual Aid Agreement within District II.

V. NEW BUSINESS

VI. EXECUTIVE SESSION pursuant to 1 M.R.S.A., § 405 (6)(C) re: real property acquisition.

VII. ADJOURNMENT

MOTIONS

MOTIONS

10 – 099 **I move to add** Section 402.6 (Deer Feeding and Baiting) to the Cumberland Zoning Ordinance, as recommended by the Planning Board.

10 – 100 **I move to forward** the Town Center Advisory Committee Final Report to the Planning Board to hold a Public Hearing and submit a recommendation to the Town Council.

10 – 101 **I move to increase** sewer user fees 3% for the period of August 1, 2010 – July 31, 2011, as recommended by the Town Manager.

10 – 102 **I move to set** a Public Hearing date of August 9th to consider and act on setting the FY'11 tax rate as recommended by the Tax Assessor.

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10 – 106 **I move to set** a Public Hearing date of August 9th to consider and act on setting October 18th – 22nd as Bulky Waste Pick-Up Week.

10 – 107 **I move to set** a Public Hearing date of August 9th to appoint Tamara O'Donnell as Town Clerk.

10 – 108 **I move to authorize** the Town Manager to sign a Police Department Mutual Aid Agreement within District II, in accordance with the attached document.

MINUTES

July 12, 2010

MINUTES

Cumberland Town Council Meeting
Town Council Chambers
MONDAY, July 12, 2010

7:00 p.m. Call to Order
Present: Chairman Storey-King, Councilors Turner, Perfetti, Stiles and Moriarty.
Excused: Councilor Porter

I. APPROVAL OF MINUTES

June 28, 2010

Motion by Councilor Copp, seconded by Councilor Stiles, to approve the minutes as presented.
VOTE: UNANIMOUS PASSAGE 5-1 (Perfetti abstained)

II. MANAGER'S REPORT

Project Update:

- **Route 88**

Ledge was encountered on Town Landing Road. Storey Brothers is now performing pre-blast surveys, which should take a week to complete. In the meantime, they are working on Wildwood, installing 300 feet of drainage, which should be completed this week, then reclaimed and paved next week. Wildwood will be closed (except to emergency vehicles) this Wednesday (July 14th), due to drainage, cross culverts and catch-basins being installed. Residents will be notified and information is posted on the Town website. As ledge is encountered, the contractor will be moving to a different area where there is no ledge, in order to keep the project moving and to allow the blasting crew to blast the ledge. If it appears that they are moving around a lot, this is the reason.

- **Range Road**

A.H. Grover is proceeding at rapid speed with the waterline extension. It should be to Bruce Hill Road by the end of the week. The second half of paving for the project should begin by mid-August. The project is going very well.

III. PUBLIC DISCUSSION

None

IV. LEGISLATION AND POLICY

10 – 094 To hold a Public Hearing to consider and act on adding Section 402.6 (Deer Feeding and Baiting) to the Cumberland Zoning Ordinance, as recommended by the Planning Board.

Chairman Storey-King explained that Councilor Copp moved to table this item at the last meeting, as he felt that the entire council should be present before voting on this item, out of fairness to those who brought this item forward. Since Councilor Porter is absent this evening, this item should remain on the table until the entire Council is present to vote on it.
Councilor Turner said that he felt that the item should be voted upon this evening. Any member of the Council could be absent at any meeting.
Bob Vail said that he feels that this item should be moved forward. His wife suffers from Lyme Disease and it is a terrible disease. There needs to be community awareness to this issue. Deer are covered with ticks – to feed wild animals in bad practice. There are consequences and it needs to be discouraged. The entire Planning Board is in favor of this ordinance.

Chairman Storey-King said that this item will remained tabled and be placed on the July 26th agenda to be considered again.

10 – 095 To hold a Public Hearing to consider and act on amendments to Section 204.15.3 (Rural Industrial (RI) District) of the Cumberland Zoning Ordinance re: lot size requirements, as recommended by the Planning Board.

Town Manager Shane explained that this item allows for additional uses on lots in the Rural Industrial District, from approximately Greely Road to the Yarmouth town line. It would allow up to 2 permitted uses on these lots and reduces the lot size to 60,000 square feet. Graphix Signs started out as a home occupation, the owner has now moved to another home in Cumberland, and cannot rent his house to someone who may want to run another business because only one business per lot is currently allowed. Two principal uses per lot will help encourage new businesses to that area.
Councilor Perfetti asked if this was a "technicality" and if so, what would prevent it from happening in other zoning districts and someone else asking that their technicality be accommodated.
Town Manager Shane explained that there is a process that has to be followed (staff review & planning board process).
Councilor Moriarty pointed out that the date of the amended ordinance would have to be changed from June 29th to today's date, if passed.
Councilor Copp asked if this is adopted, would it allow Mr. Loring to retain the business and sell the home?
Ms. Nixon said the minimum lot size is 60,000 square feet, so unless he has 120,000 square feet that could be split into two lots, the answer is no.

Motion by Councilor Perfetti, seconded by Councilor Moriarty to amend Section 204.15.3 (Rural Industrial (RI) District) of the Cumberland Zoning Ordinance re: lot size requirements, as recommended by the Planning Board.

VOTE: UNANIMOUS PASSAGE 6-0

10 – 096 To hold a Public Hearing to consider and act on amendments to the Cumberland Site Plan Ordinance to implement a staff review process for smaller projects, as recommended by the Planning Board.

Ms. Nixon explained that this item changes the procedure currently in place. Currently, site plan review is required whenever five conditions of our current zoning ordinance apply and has to do with strictly non-residential (business review). Currently, an applicant meets with the Town Planner and CEO to discuss the project. The problem in Cumberland is that our ordinance is very black and white. If a project is non-residential, site plan review is required. The site plan review has a lot of requirements for the applicant to bring to the planning board. Site plans have to be prepared by a Professional Engineer and can cost up to $15,000. It's an expensive and time consuming process. It is not the intent to take any review authority from the planning board. This ordinance gives some flexibility to the staff to look at a project and determine if it meets the requirements for staff review. It will still allow for public notice and abutter notification. Staff will have the authority to recommend that a project go before the planning board, if they feel it is necessary.
Councilor Turner asked if an abutter had an issue with a project, would town staff have the discretion to authorize the project or forward it to the planning board if they felt it necessary.
Ms. Nixon said that staff would attempt to meet with the neighbor and attempt to work out their issues or concerns. The Planning Board Chair will also be part of the staff review process.
Bob Vail said that there a lot of comfort with the current town staff. Five years down the road, if staff should change, there may not be that comfort level. That is why having the Planning Board Chair be involved will add credence to this new process.
Councilor Stiles thanked Ms. Nixon moving this forward, this is a great idea.

Town Manager Shane thanked Ms. Nixon and the Planning Board for their hard work updating the ordinances and getting Cumberland up to speed for the next wave in development. It was a great team effort. We are heading in the right direction to work with current businesses and future businesses that may come to Cumberland.

Motion by Councilor Perfetti, seconded by Councilor Stiles to repeal Section 206 of the Cumberland Zoning Ordinance, and create a stand-alone Site Plan Ordinance, as recommended by the Planning Board.

VOTE: UNANIMOUS PASSAGE 6-0

Ms. Nixon presented the Council with Town Center Advisory Committee final report to review before their presentation at the next Town Council meeting.

10 – 097 To hold a Public Hearing to consider and act on Tax Anticipation Note borrowing.

Finance Director, Alex Kimball explained that the Tax Anticipation Note borrowing will be on an as needed basis, up to $3 million dollars. Typically, the need to "dip in" during the low periods, before the tax bills go out, happens mid-February and mid-August.
Bids were sent to five banks; with the top bidder was Bath Savings Bank with a rate of 1.57, which is a very good rate.
Councilor Perfetti asked Mr. Kimball what the interest cost is to borrow this money.
Mr. Kimball responded that it varies greatly. In past years it has cost as much as $120,000.00, but we'd earn a fair amount back on it, and there have been years where it cost as little at $15,000.00, but have earned almost nothing on it.

Motion by Councilor Moriarty, seconded by Councilor Stiles to authorize Tax Anticipation Note borrowing in the amount of up to three million dollars and to accept the bid of Bath Savings for an interest rate of 1.57%.

VOTE: UNANIMOUS PASSAGE 6-0

10 – 098 To set a Public Hearing date (July 26th) to consider and act on increasing sewer user fees.

Town Manager Shane explained that this is the time of year when sewer user fees are set in the Enterprise Fund. We have been doing much better in reducing the increase spikes that we have had for many years, since the amnesty program. We are anticipating an upgrade to the Falmouth Treatment Plant, which will be significant. We are 2-3 years away from the sewer fund being "in the black ink again". We will have to continue to monitor the number of users as well as our cost. His recommendation is a 3% increase this year and likely next. That equates to an average of $1.80 per month increase, which varies depending on the type of user one is. The base fee will go from $32/month to $33.80/month. Everyone pays the base fee and the remainder is based on consumption.

Motion by Councilor Copp, seconded by Councilor Turner to set a Public Hearing date of July 26th to consider and act on increasing sewer user fees.

VOTE: UNANIMOUS PASSAGE 6-0

V. NEW BUSINESS

Councilor Turner – None

Councilor Copp – Seymour's Bird House on Route 100 is a great looking new building. It looks similar to a residence, very nicely done and a good addition to West Cumberland.
Also, welcome to Record Lumber. New business is welcome and needed in West Cumberland.

On a sad note, a lifelong resident of Cumberland, Cindy Lawrence passed away – condolences to her family.

Councilor Perfetti – The Recreation Committee met a few weeks ago regarding the playground in West Cumberland. He would like to see the committee and town staff meet to discuss what type of project can be done to improve that facility.

Chairman Storey-King – Building, plumbing, and electrical permit numbers are all up and that is a very good thing for the town.
She surveyed each of the Councilors regarding term limits and each member was opposed to bringing up a term limit discussion. For the time being, no energy will be spent on this discussion, as there is a lot of business to conduct.
Condolences to the Schott family for the loss of Kermit Schott. To Mindy, Jacob and Zoe, you are in our thoughts during this difficult time.

Councilor Stiles – Veterans monument project still in need of donations. Thank you to his wife, Joyce for allowing him to attend the meeting this evening since it is her birthday. Happy Birthday Joyce and congratulations for catching the biggest fish during their last fishing excursion.
A.H. Grover is doing a phenomenal job keeping traffic flowing and keeping the residents moving in and out of their driveways. We are very fortunate to have them doing the work on Range Road.

Councilor Moriarty – None

Manager Shane - None

VI. EXECUTIVE SESSION pursuant to 1 M.R.S.A., § 405 (6)(C) re: real property acquisition.

Motion by Councilor Stiles, seconded by Councilor Copp, to recess to Executive Session pursuant to 1 M.R.S.A., § 405 (6)(C) re: real property acquisition.
VOTE: UNANIMOUS PASSAGE 6-0
TIME: 7:51 p.m.

Motion by Councilor Stiles, seconded by Councilor Perfetti, to return from Executive Session.
VOTE: UNANIMOUS PASSAGE 6-0
TIME: 8:25 p.m.

Moved by Councilor Perfetti, seconded by Councilor Stiles to authorize the Town Manager to enter into a Memorandum of Understanding with Bateman Partners, LLC regarding development of the Doane Property.
VOTE: UNANIMOUS PASSAGE 6-0

VII. ADJOURNMENT

Motion by Councilor Turner, seconded by Councilor Perfetti, to adjourn.
VOTE: UNANIMOUS PASSAGE 6-0
TIME: 8:26 p.m.

Respectfully submitted by,

Brenda Moore

Brenda Moore
Executive Assistant

MANAGER'S REPORT

ITEM
10-099

To hold a Public Hearing to consider and act on adding Section 402.6 (Deer Feeding and Baiting) to the Cumberland Zoning Ordinance, as recommended by the Planning Board.

ITEM TABLED FROM 6/28/10

William Shane

From: Lindsay, Scott [Scott.Lindsay@maine.gov]
Sent: Tuesday, July 13, 2010 1:35 PM
To: William Shane
Subject: RE: Deer Feeding Prohibition- Cumberland
Attachments: cumberland deer feeding ordinance draft with ifw comments.doc

Bill,

I have reviewed your draft ordinance on deer feeding in Cumberland. This looks very good to me. I thank you and the Town of Cumberland for putting the effort into addressing the problems associated with supplemental deer feeding in Maine. I have made some minor edits (attached) for your consideration:

- Under "Statement of Fact" I suggest some minor changes in text. The original language implied that supplemental deer feeding has led to an overpopulation of deer in the local area. I don't want to suggest that feeding deer will increase the deer population. You have correctly pointed out that feeding will concentrate deer in the area of the feeding site which can disrupt normal deer distribution and lead to safety and health hazards. This is a fine, but significant distinction. There is no evidence that feeding deer will lead to higher survivorship or reproductive rates. Food is not a limiting factor in Maine, especially in the south coastal region. There are rare occurrences when large scale government sponsored supplemental feeding programs have been used in an attempt to benefit deer, i.e., Minnesota and Quebec, but these have been in areas with very poor winter shelter during periods of successive severe winters. These conditions do not apply in Cumberland.

I would be happy to assist in any way with your educational outreach. I believe you have a copy of our video on supplemental feeding for your public access station. If not, let me know. If you don't already have them, we do have a list of frequently asked questions about this issue. It is located on our website at the following link:

The message is ready to be sent with the following file or link attachments:

Shortcut to: http://www.maine.gov/ifw/wildlife/species/deer/feeding_deer.htm

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Thanks.

Scott Lindsay
Regional Wildlife Biologist
Maine Dept. of Inland Fisheries & Wildlife
358 Shaker Rd.
Gray, ME 04938
phone: 207-657-2345 x 110
fax: 207-657-2980
email: scott.lindsay@maine.gov
website: www.maine.gov/ifw

From: William Shane [mailto:wshane@cumberlandmaine.com]
Sent: Thursday, July 08, 2010 7:15 PM
To: Lindsay, Scott
Cc: Stephen W. Moriarty
Subject: Deer Feeding Prohibition- Cumberland

Hi Scott,

Thank you for reviewing and commenting on the Ordinance (I will forward your comments to the Council for their Monday meeting). It is modeled after the Wells Ordinance. Steve Moriarty is the Town Councilor who has been working closely with the resident request for the new ordinance. Our Planning Board had unanimous and enthusiastic support for this ordinance. We will be coupling the ordinance with an intensive public education campaign as well.

Thanks again,

Bill

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

Office (207) 829-2205
Fax (207) 829-2224
Cell (207) 232-5258

Please be advised that pursuant to Title 1 M.R.S.A. Section 402(3), a public record includes any written, printed or graphic matter or any mechanical or electronic data in the possession or custody of an agency or public official that has been received or prepared for use in connection with the transaction of public or governmental business and contains information relating to the transaction of said business; therefore, the public is advised that any correspondence, whether by traditional method or e-mail with Town offices or Town officials, with certain limited exceptions, is public record and is available for review by any interested party.

FROM IF&W

402.6 Deer Feeding and Baiting

Statement of fact.

The large number of deer attracted by feeding and baiting in and around public and private property increases the local deer population and disrupts seasonal movements between normal summer and winter range~~the seasonal movements~~. Deer carry the deer tick known to cause Lyme disease, which is a serious debilitating illness that threatens the public health. When deer movements are altered by feeding and baiting and are artificially encouraged to ~~there are more deer and the deer move into areas~~ frequent areas in common with~~ed by~~ people, such as roads and yards, there can be~~is~~ a corresponding increase in the potential for deer ticks to come into contact with people. In addition, overpopulation and domestication of deer contribute to traffic safety problems and the destruction of important plants and vegetation on public and private property. When deer come to depend on humans for food, the natural order and balance in nature are upset and it is harmful to their long-term well-being.

Purpose.

The purpose of this article is to control the feeding and baiting of wild deer by the general public throughout the Town of Cumberland but, in particular, in areas where locally high deer densities are~~have become overpopulated,~~ creating a traffic hazard because of their proximity to public roads and a threat to the public health of residents and visitors who face an increased risk of contracting Lyme disease. In addition, the presence of deer in yards and similar areas threatens gardens and other vegetation that are important to the community.

Prohibited conduct; exceptions.

No person, except the Commissioner of the Maine Department of Inland Fisheries and Wildlife or his/her designee or the Director of the United States Fish and Wildlife Service or his/her designee, shall feed or bait deer in the Town of Cumberland .

Definitions.

The following definitions shall apply unless the context clearly indicates another meaning:

DEER: Any wild deer.

FEEDING AND BAITING

The placing, exposing, depositing, distributing or scattering, directly or indirectly, of shelled corn, shucked or unshucked corn, wheat or other grains, bread, salt or any other feed or nutritive substances, in any manner or form, so as to lure, attract, or entice deer to, on or over any areas where such feed items and/or materials have been placed, exposed, deposited, distributed or scattered, including public and private properties and along any road and/or rights-of-way in the Town of Cumberland .

Enforcement.

This article may be enforced by the Animal Control Officer, the Town's Health Officer or his/her designee, and police officers of the Town of Cumberland-.

Violations and penalties.

Whoever violates any provision of this article shall be subject to a **civil penalty of not less than $100 nor more than $500 for the first offense and not less than $200 for any subsequent offenses**. All civil penalties shall be recovered, on complaint, for use by the Town of Cumberland for its efforts to educate the public about this article and its purpose. If the Town is the prevailing party in any action brought to enforce this article, the Town must be awarded reasonable attorney's fees, expert witness fees and costs. Civil process may be waived, upon complaint, by payment to the Town of Cumberland of the minimum penalty set forth herein within seven days of the date of complaint.

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

To: Town Council

From: William R. Shane, Town Manager

Date: June 9, 2010

Re: Deer Feeding & Baiting

Councilor Moriarty has had the most contact with Linda Emery whose husband is suffering from Lyme disease. Mrs. Emery has done a great job in educating the Committee as well as the public with her facts and statistics related to Lyme disease. Steve may which to present and speak to the ordinance as he has had several conversations with Linda Emery.

Notice of Decision

Date: May 19, 2010

To: Bill Shane, Town Manager
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021

Re: **Public Hearing:** To recommend to the Town Council draft zoning amendments to Section 402 of the Cumberland Zoning Ordinance.
To add Section 402.A: Domesticated Chickens
To add Section 402.6: Deer Feeding and Baiting

This is to advise you that on May 18, 2009 the Planning Board voted to approve and recommend to the Town Council draft zoning amendments to add Section 402.A: Domesticated Chickens and Section 402.6: Deer Feeding and Baiting to the Cumberland Zoning Ordinance.
The Planning Board requested that the language female chicken be changed to hens and the word noise be struck from Section V. and that Section 402.3 be amended to read: Animals other than horses including chickens or household pets may be kept…

Findings of Fact: None

Waivers granted: None

Waivers Denied: None

Standard Conditions of Approval

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

Cumberland Planning Board

_____
William P. Ward, Board Chair

402.1 Household pets are allowed in all districts.

402.2 Horses may be kept provided that there shall be at least one (1) acre of containment area for the first horse to be kept on the premises, and 10,000 square feet of containment area for each horse thereafter.

402.3* Animals other than horses including chickens or household pets may be kept for personal use and enjoyment provided that the minimum lot size shall be two (2) acres in the all districts; [Amended, effective 11/23/09]

402.4* The free range of poultry beyond the borders of an owner's property is prohibited; [amended, effective 11/24/08]

402.5* No chicken house and no piggery shall be permitted nearer than 100 feet to any property line.

***Please Refer to Sec. 402A Domesticated Chickens Ordinance for additional information Chickens on lots less than 2 Acres**

402.6 Deer Feeding and Baiting(all new below)

Statement of fact.

The large number of deer attracted by feeding and baiting in and around public and private property increases the local deer population. Deer carry the deer tick known to cause Lyme disease, which is a serious debilitating illness that threatens the public health. When there are more deer and the deer move into areas frequented by people, such as roads and yards, there is a corresponding increase in the potential for deer ticks to come into contact with people. In addition, overpopulation and domestication of deer contribute to traffic safety problems and the destruction of important plants and vegetation on public and private property. When deer come to depend on humans for food, the natural order and balance in nature are upset and it is harmful to their long-term well-being.

Purpose.

The purpose of this article is to control the feeding and baiting of wild deer by the general public throughout the Town of Cumberland but, in particular, in areas where deer have become overpopulated, creating a traffic hazard because of their proximity to public roads and a threat to the public health of residents and visitors who face an increased risk of contracting Lyme disease. In addition, the presence of deer in yards and similar areas threatens gardens and other vegetation that are important to the community.

Prohibited conduct; exceptions.

No person, except the Commissioner of the Maine Department of Inland Fisheries and Wildlife or his/her designee or the Director of the United States Fish and Wildlife Service or his/her designee, shall feed or bait deer in the Town of Cumberland .

Definitions.

The following definitions shall apply unless the context clearly indicates another meaning:

DEER: Any wild deer.

FEEDING AND BAITING

The placing, exposing, depositing, distributing or scattering, directly or indirectly, of shelled corn, shucked or unshucked corn, wheat or other grains, bread, salt or any other feed or nutritive substances, in any manner or form, so as to lure, attract, or entice deer to, on or over any areas where such feed items and/or materials have been placed, exposed, deposited, distributed or scattered, including public and private properties and along any road and/or rights-of-way in the Town of Cumberland .

Enforcement.

This article may be enforced by the Animal Control Officer, the Town's Health Officer or his/her designee, and police officers of the Town of Cumberland.

Violations and penalties.

Whoever violates any provision of this article shall be subject to a **civil penalty of not less than $100 nor more than $500 for the first offense and not less than $200 for any subsequent offenses.** All civil penalties shall be recovered, on complaint, for use by the Town of Cumberland for its efforts to educate the public about this article and its purpose. If the Town is the prevailing party in any action brought to enforce this article, the Town must be awarded reasonable attorney's fees, expert witness fees and costs. Civil process may be waived, upon complaint, by payment to the Town of Cumberland of the minimum penalty set forth herein within seven days of the date of complaint.

SECTION 402A: Domesticated Chickens Ordinance(All New below)

Purpose

The purpose of this Ordinance is to provide standards for the keeping of domesticated chickens. The Ordinance is intended to enable residents to keep a small number of female chickens while limiting the potential adverse impacts on the surrounding neighborhood.

Definitions

Chicken Pen. An enclosure connected to a henhouse for the purpose of allowing chickens to leave the henhouse while remaining in an enclosed, predator-safe environment.

Enclosure. The combined area of a henhouse and chicken pen.

Henhouse. A structure for the sheltering of ~~female chickens~~ hens (no roosters). A legally existing non-conforming detached shed, garage, or barn that may be located within the required district setback can be used for this purpose if it meets all other standards contained in this Ordinance.

Section I. Keeping of Domesticated Chickens ~~Located in the Growth Area.~~

(a) **No more than 6 chickens shall be allowed per single-family detached dwelling property.** No chickens shall be permitted within multi-family complexes, including duplexes.
(b) **Only ~~female chickens~~ hens** are permitted with no restriction on chicken species.
(c) Chickens shall be kept only for personal use.
(d) Advertising the sale of eggs, chicken breeding, or fertilizer production is prohibited.
(e) Outside slaughtering of chickens is prohibited.

Section II. Enclosure

(a) Chickens must be kept in a secure henhouse or chicken pen area at all times. At no time shall chickens be kept in a residence including attached structures.
(b) Chickens shall be secured within the henhouse during non-daylight hours.

(c) Enclosures must be clean, dry and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of abutters due to noise, odor, or other adverse impact.
(d) An enclosure shall not be located in the front yard.

Section III. Henhouse

a) A henhouse shall be provided and designed to provide safe and healthy living conditions for the chickens while minimizing adverse impacts to abutters.
b) The structures shall be fully enclosed with latchable doors and windows. Windows and vents must be covered with predator and bird proof wire of less than one inch openings.
c) The henhouse shall be well maintained. The use of scrap, waste board, sheet metal, or similar materials for the construction of the structure is prohibited.
d) Henhouses shall only be located in rear yards. In the case of a corner lot, a side yard may be used in accordance with applicable zoning district setbacks but in no case shall the henhouse be closer than 10 feet to the side property line.
e) **No henhouse shall be located within 10 feet of a rear or side property line.**

Section IV. Chicken Pens

a) Chicken Pens. Chicken pens may be provided. Where provided, the chicken pen shall be attached to the henhouse and the walls shall be constructed of sturdy wire fencing, other than chicken wire, and buried at least twelve inches in the ground. The roof shall be covered with wire, aviary netting, chicken wire or solid roofing in a manner to prevent the escape of chickens.
b) Chicken pens shall only be located in rear yards. In the case of a corner lot, a side yard may be used in accordance with applicable zoning district setbacks but in no cases shall the henhouse be closer than 10 feet to the side property line.
c) **No chicken pen shall be located within 10 feet of a rear or side property line.**

Section V. Odor, ~~Noise~~ and Lighting

a) Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at the property boundaries.
b) Only motion-activated lighting may be used to light the exterior of the henhouse.

Section VI. Waste Storage and Removal

a) Provision must be made for the storage and removal of chicken manure. All stored manure shall be covered by a fully enclosed structure with a roof line or lid over the entire structure. All other manure not used for composting or fertilizing shall be removed from the property.

Section VII. Chickens on lots greater than 2 Acres (From Section 402)

a) Animals other than horses including chickens or household pets may be kept for personal use and enjoyment provided that the minimum lot size shall be two (2) acres in the all districts; [Amended, effective 11/23/09]

b) The free range of poultry beyond the borders of an owner's property is prohibited; [amended, effective 11/24/08]

c) No chicken house and no piggery shall be permitted nearer than 100 feet to any property line.

Section VIII. Licensing Requirements for Chickens on less than 2 Acres

a) **A person who keeps domesticated chickens shall obtain a license for a fee of ten ($10) dollars.** The license shall expire annually on the last day of April. The license shall be issued by the Town Clerk after favorable inspection by the Cumberland Animal Control Officer or designee. **The ten dollar ($10) fee is non-refundable** if the license is not approved. There will be a late fee assessed to licenses that have expired, in the amount of ten dollars ($10.) The fine will double after the license has been expired for more than thirty (30) days.

Section IX. Penalty

a) In addition to any other enforcement action which the town may take, violation of any **provision of this article shall be a civil violation and a fine not exceeding one-hundred dollars ($100.00) may be imposed. Each day that a violation continues will be treated as a separate offense.**

Section X. Removal of Chickens

a) Any violation of the provisions of this article or of the license shall be grounds for an order from the Codes Enforcement Officer to remove the chickens and the chicken-related structures. The Animal Control Officer may also order the removal of the chickens upon a determination that the chickens pose a health risk. If a chicken dies, it must be disposed of promptly in a sanitary manner.

Infectious Disease Epidemiology Report

Lyme Disease Surveillance Report – Maine, 2009

Introduction

Lyme disease is a tickborne disease with variable dermatologic, rheumatologic, neurologic, and cardiac manifestations. It is caused by a type of bacteria, *Borrelia burgdorferi*, that is carried by infected deer ticks. Transmission occurs when an individual has an infected deer tick (*Ixodes scapularis*) attached for 24 - 48 hours. Early clinical indication for the disease is an initial skin lesion commonly referred to as the "bull's-eye" rash or erythema migrans (EM), which occurs in 70-80% of cases 3-30 days after a tick bite. Untreated infections can lead to late manifestations in joints, heart, and nervous system. Late manifestations include: arthritis characterized by recurrent, brief attacks of joint swelling; lymphocytic meningitis; cranial neuritis (such as Bell's palsy); encephalitis; and second or third degree atrioventricular block.

Methods

Lyme disease is reportable in Maine. For surveillance purposes, reported cases are classified as confirmed, probable and suspect based on clinical symptoms and laboratory testing interpreted using established criteria. Confirmed cases must meet the following criteria:
1) A person with erythema migrans; or
2) A person with at least one late manifestation and laboratory confirmation of one of the following:

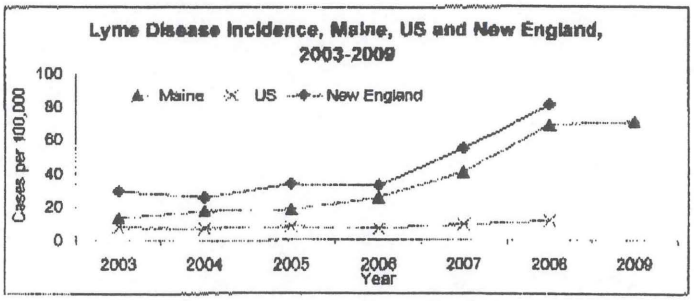
- Positive culture for *B. burgdorferi*;
- IgG positive Western blot (must have a positive 30 days after symptom onset to be included);
- Positive ELISA test and an IgM positive Western blot

Probable cases must meet:
1) One of the laboratory criteria mentioned above and be physician diagnosed

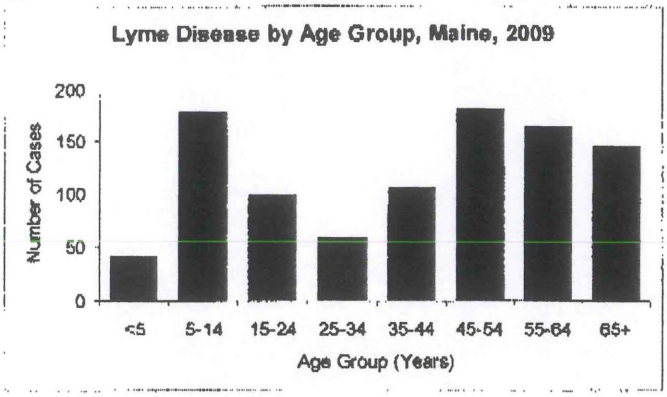
Maine CDC investigates all reports of positive laboratory tests or clinical diagnosis of EM by requesting standard information included in a case report form from physicians. Cases are classified based on the information received on the case report form. Data presented in this report reflect only those cases meeting the probable or confirmed case definition.

Results

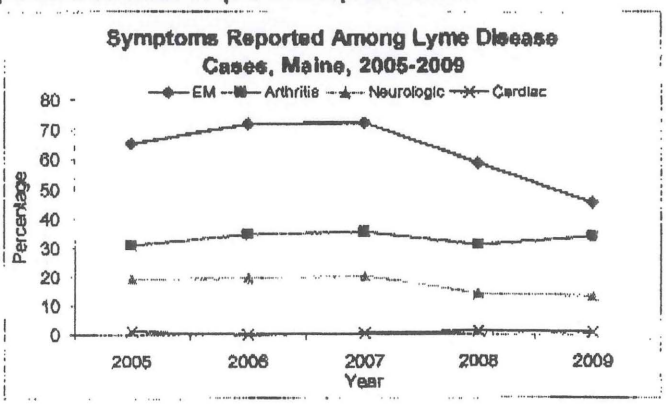
During 2009, a total of 970 probable and confirmed cases were reported to Maine CDC. This represents a state case rate of 73.7 cases per 100,000 persons.



Fifty-five percent of the cases were male. The median age was 45 years, with a range from 1 to 94 years.



Physician diagnosed erythema migrans was reported in 45.7% of cases. Arthritis characterized by brief attacks of joint swelling was reported in 34.2% of cases. Neurologic symptoms were reported in 13.5% of cases. Cardiologic symptoms were reported in 1% of cases. Multiple symptoms could be reported by each case. Five percent of cases required hospitalization.



The majority (50%) of cases reported a symptom onset date during the summer months of June, July, and

August. Onset date information was missing for 273 (28.1%) cases.

In 2009, Lyme disease was reported for residents in all counties of Maine. Over half of the cases in the state (55.7%) occurred among York and Cumberland residents.

Lyme Disease by County, Maine 2009

County	Cases	Rate	Percentage
Androscoggin	56	52.4	5.8
Aroostook	7	9.8	0.7
Cumberland	276	100.0	28.5
Franklin	15	50.2	1.5
Hancock	34	64.0	3.5
Kennebec	99	81.8	10.2
Knox	69	169.6	7.1
Lincoln	45	130.0	4.6
Oxford	15	26.4	1.5
Penobscot	8	5.4	0.8
Piscataquis	2	11.8	0.2
Sagadahoc	51	140.4	5.3
Somerset	6	11.7	0.6
Waldo	19	49.6	2.0
Washington	4	12.3	0.4
York	264	130.9	27.2
Total	970	73.7	100

Discussion

The incidence of Lyme disease in Maine continues to increase each year, though less in 2009 compared to other years. This increase can be explained by a growing awareness of the signs and symptoms of early Lyme disease among healthcare providers and the public; a true increase of new infections; and a surveillance case definition change starting January 1, 2008 to a more general definition which included a probable case definition. Most of the increases in reported incidence have occurred in the western, central and the midcoast regions of Maine.

Some inland areas of Maine have also experienced an upsurge in reported cases in the past few years, a phenomenon that is consistent with ecological studies tracking changes in deer tick populations. Maine Medical Center Research Institute (MMCRI) Vectorborne Laboratory operates a tick identification service where specimens found on people and pets can be submitted to MMCRI to identify the type of tick. In 2009 the data showed a slow but persistent expansion of disease risk continuing to occur, both eastward and northward throughout the entire state. The spread of cases to all counties demonstrated the need for all state residents to learn about preventing tick bites. Deer tick populations are concentrated on the Maine coast and in the river valleys, but there are scattered populations of deer ticks in other parts of the state. Potential deer tick habitat includes deciduous forest, overgrown fields, shrub layer, leaf litter, brushy and grassy places, and the edge areas between lawns and woods.

The month of May in Maine is Lyme Disease Awareness month. Lyme disease can be reduced by:

- Avoiding tick-infested areas
- Using insect repellents containing 20%-30% DEET on uncovered skin and clothing for older children and adults and use of 10% DEET for children greater than 2 months of age
- Applying permethrin (an insect repellent) to clothing
- Wearing long sleeve shirts and long pants
- Checking for ticks after being outside
- Remove ticks with tweezers immediately to avoid them attaching and becoming engorged
- Using "tick-safe" landscaping such as removing leaf litter, tall grass and brush, creating borders between woods and lawn and discouraging deer with physical barriers

Provider information about testing and additional information about Lyme disease is available at the Maine CDC website: http://www.maine.gov/dhhs/boh/ddc/epi/vector-borne/lyme/index.shtml and at the federal CDC website http://www.cdc.gov/ncidod/dvbid/lyme/index.htm.

Clinical guidelines are available at the Infectious Disease Society of America website: http://www.idsociety.org/content.aspx?id=4432#ld .

Ticks may be submitted for identification free of charge to the Maine Medical Research Institute. Information may be found at: http://www.mmcri.org/lyme/submit.html.

Lyme disease cases can be reported to Maine CDC by calling 1-800-821-5821 or faxing the Lyme disease report form available online to 1-800-293-7534. http://www.maine.gov/dhhs/boh/ddc/epi/vector-borne/lyme/index.shtml#resourcephysicians

Prepared by Amy Robbins, MPH
4/12/2010

June 30th, 2010

To the Cumberland Town Council
Hello Good People,

I have been watching, with interest, your discussions on the possibility of passing an ordinance to make deer feeding, illegal. I have never fed deer but my daughter, who is my next door neighbor, has occasionally put deer food in the woods during winters when the snow is deep and natural deer food is almost non-existent. She buys a high nutrition pellet made especially for deer. The deer disappear as soon as the snow cover melts enough for them to go back to their normal diet.

If any of you are hunters, you know that after a winter with deep snow, the next year's deer kill will be significantly down,(as it was this past year) mostly due to a smaller herd that has been reduced by starvation.

In all the publications that I have read, and information found on the internet, I have never heard of any correlation between Lyme disease and deer feeding. Ticks hang out on the end of a branch or long grass and wait for a dog or human or deer to brush past so they can attach themselves. Most ticks (including ticks carrying Lyme disease) are harmless if they are removed within 24 hours after attaching themselves to your body, therefore it is very important that you check yourself and your dog after every time that you venture beyond your lawn.

The woods in Cumberland contain many deer. The deer are here to stay. Unless the deer are removed completely, there will always be the possibility of a tick, causing infection.

A large percentage of residents (including me) have a bird feeder in their back yard. I guarantee you that bird feeders, during winter, are attracting more deer than the few people that are feeding deer. Should we make bird feeding illegal,too ? We should be much more concerned about the nocturnal deer that come into our yards during the growing season to eat our flowers and veggies. These are the deer that are leaving ticks nearby and not the deer that are being fed in the dead of winter. Most of the game officials and animal experts, agree that it is OK to occasionally feed deer when they cannot feed themselves and might be in danger of starvation.

I have seen the remains of deer that have starved to death and I have seen deer that are close to starvation. I hope that I never see these sad sights in the woods, here in Cumberland.

We do not need this ordinance. What we need is lots more information about deer and their habits and lots more information about ticks and how to avoid being infected by them.

Thank You for your time,

Everett White

EVERETT WHITE
26 MAY FLOWER DRIVE
CUMBERLAND

William Shane

From: Linda Emery [lemery5@maine.rr.com]
Sent: Monday, February 01, 2010 12:31 PM
To: William Shane; George Turner; Ron Copp; Jeffrey Porter; Steve Moriarty; Michael Perfetti; William Stiles; storey-king@cumberlandmaine.com
Subject: feeding of wildlife within town limits

Dear Mr. Shane and Members of the Town Council,

I wrote to you last year and also spoke at a council meeting regarding the feeding of deer and other wildlife within our town limits. My main concern was the increased risk of Lyme Disease, but also the destruction of landscaping because of this practice.

At that time, it was mentioned that the town of Wells was either working on or had instituted an ordinance forbidding the feeding of deer. With spring coming soon (that's the rumor), I am writing to ask if any information has been obtained from the town of Wells or if perhaps any action has been taken by our town council in that regard. I hope that this topic, though minor in comparison to other issues that the town is asked to handle, will still be seen as a safety issue and perhaps given some attention by the council this year.

Thank you very much for your interest in this growing problem.

Sincerely,
Linda Emery
Crystal Lane
Cumberland

ITEM
10-100

To hear a report from the Town Center Advisory Committee and forward same to the Planning Board for recommendation.

ITEM
10-101

To hold a Public Hearing to consider and act on increasing sewer user fees.

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

July 19, 2010

Re: Sewer User Fee Increase – August 2010

Dear Cumberland Sewer User:

A Public Hearing has been set for **7:00 PM, Monday, July 26, 2010** in the Town Council Chambers **at Town Hall** to discuss the proposed sewer user fee increases as proposed in the table below.

	August 2009	August 2010
Consumption Rate per HCF	**6.00**	**6.00**
Charge Per HCF (Avg User is 6 HCF per month)	**$4.70**	**$4.70**
Base or Ready to Serve Fee	**$32.00**	**$33.80**
Proposed August 1, 2010	**$60.20**	**$62.00**
Avg $ Increase / Month	**$2.00**	**$1.80**
% Increase	**3%**	**3%**

The proposed increases are based upon conservative projections of sewer growth over the next few years. If you can not attend the Town Council meeting, it will be televised on Cable Channel 2 and re-broadcast several times during the month. Please contact my office if I can be of any further assistance to you regarding this matter.

Sincerely,

William R. Shane

William R. Shane, P.E.
Town Manager
wshane@cumberlandmaine.com

ITEM
10-102

To set a Public Hearing date (August 9th) to consider and act on setting the FY'11 tax rate as recommended by the Tax Assessor.

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, Town Assessor WH

Date: July 21, 2010

Re: Rate for Tax Year 2010-2011

Bill,

While better than last year, the valuation increase from lot splits, new construction and additions is still lower than we typically average. With that being said, I would like to recommend a tax rate of $15.30 per thousand for the Town's Fiscal 2011 Tax Year. Please see me if you have any questions or concerns.

ITEM
10-103

To set a Public Hearing date (August 9th) to set rates at which interest will be paid for delinquent and over paid taxes, and to authorize applying tax payments to the oldest unpaid taxes.

MEMORANDUM

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

To: Town Council

From: William R. Shane, Town Manager

Date: July 22, 2010

Re: Interest Rates for Delinquent Sewer Fees and Real and Personal Property Taxes and Overpayments of 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%**

This year's rate for interest on overpayment of taxes is: **3.5%**

Motion:

I move to use the recommended interest rates supplied by the Maine Municipal Association for Overpayment and Delinquent Taxes. For fiscal year 2011, 7.00% shall be assessed for delinquent taxes and 3.5% shall be credited toward overpayment of taxes.

Be it further ordered all payments for taxes and personal property shall be applied to the oldest unpaid taxes.

ITEM
10-104

To set a Public Hearing date (August 9th) to consider and act on a Mass Gathering Permit and Victualer's Licenses for the 139th Cumberland Fair to be held from September 26 – October 2, 2010 at the Cumberland Fairgrounds.

TOWN OF CUMBERLAND

Publication dates:_____
Publication names:_____
Date filed: 7-19-2010
Fee rec'd: 7-19-2010
Date ordinance received: 7-19-2010
Issued:_____
Denied:_____

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

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

Name of applicant: **Cumberland Farmers Club**

Address of applicant: **197 Blanchard Road, Cumberland, ME 04021**

Name of event: **Cumberland Fair**

Facility where the event will be held: **Cumberland Fairgrounds**

Is the facility owned by the applicant: __XXX__yes _____no, (if no, attach a copy of the contract with the owner which allows the use of the property)

Name of promoter (if different from above): **Same as above**

Telephone number: **(207) 829-5531**

Will any food vendors be serving at the event? __XXX__yes _____no (if yes, how many and what types) __**At least 20 booths serving food including pizza, hamburgers, french fries, hot dogs, baked beans, fried dough, etc.**

Will any alcohol vendors be serving at the event? __XXX_yes_____no (if yes, list names and attach a copy of the vendors license to sell alcohol, describe alcohol that will be served) **Dogfish Café operating a snack bar and beer garden (licensed by State of Maine)**

Date of event: **September 26 – October 2, 2010** Time (start and finish times): **8:00 am – 11:00 pm**

Number of tickets available: **Unlimited**

Expected attendance: **50,000 (entire event)**
Description of event: **Agricultural fair that includes parimutual harness racing, carnival rides, motorsports events (truck & tractor pulls), musical acts, agricultural demonstrations, and Maine Agricultural Day (an educational day for school children from several counties)**

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

1. **2009 Cumberland Fair**

2. **2008 Cumberland Fair**

3. **2007 Cumberland Fair**

Description of facility:

A. Seating capacity: **5,000** permanent; **500** temporary

B. Other seating capacity: **150** festival; **N/A** standing room only

C. Number of toilets available: **40** permanent: **25** portable

D. Number of parking spaces available: **7,000** on-site; **N/A** off-site

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

F: Source of portable water: **Portland Water District**

G: Refuse containers available, number and size: **500 – 50 gallon steel drums with liners**
2 – 40 yard roll – off dumpsters

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

Troiano Waste Services

I. When will refuse be picked up? **Daily before 8:00 am**

Public Safety:

J. Describe first aid facilities: **8'x12' permanent facility staffed by Cumberland Rescue personnel**

K. Describe emergency facilities: **Rescue Booth – Cumberland Fire and Rescue and Police on grounds during the event**

L. Describe communication facilities: **55 - 4 watt portable radios with communication available between fair staff and emergency personnel, fair staff's cell phones and on grounds public address system**

M. Number of certified police officers: **Cumberland Police Chief to determine number of officers per shift**

N. Other security personnel (include company name and qualifications): **Cumberland Fair Security which includes retired Maine State Police officers**

O. Describe fire personnel: **Cumberland Fire Department**

Traffic Plan

P. Description of routes persons attending the event are likely to take, including number of traffic controllers and deployment descriptions: **Bruce Hill Road, Blanchard Road, Skillin Road, Range Road, Main Street, Route 100. Routes are clearly marked and pedestrian crosswalk is manned by Cumberland Police Department.**

Q. Describe methods used to publicize alternate routes of reaching the scene of the event: **Radio stations that are on site, local television stations, and newspaper advertisements**

R. Attach statement of availability of private towing firms to remove disabled vehicles.
Copp Motors, AAA of Northern New England

Crowd Management

S. Plan for discouraging those not holding tickets for the event from coming to the event site. **N/A**

T. Plan for preventing trespassing on private property in the area: **Cumberland Police Department foot patrols, Cumberland Fair staff**

U. Will all publicity stop as soon as it is apparent that the event is sold out? __**XXX**__yes_____no

V. Description of how the event will be publicized, including how a sell-out will be publicized
Television and radio advertisements, posters, and fair flyers. Television and radio will be used to announce a sell-out

Other

W. Name of liability insurance___**K & K Insurance**_____

Amount of coverage_***$5,000,000***_____amount of property insurance__***$5,000,000***_____

X. Prefererred types of permanent guarantee (i.e..escrow account, irrevocable letter of credit)

Bruce Hanigan
Authorized Signature

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

ACORD

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 7/20/2010

PRODUCER (207) 780-1677 FAX: (207) 780-6377
Cross Insurance-Portland
2331 Congress Street
PO Box 567
Portland ME 04112

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED
Cumberland Farmers' Club
Attn: Gerry Prevost
39 Samuel Road
Portland ME 04103

INSURERS AFFORDING COVERAGE	NAIC #
INSURER A: Hanover Insurance Group, Inc.	22292
INSURER B: Philadelphia Ins Co	
INSURER C: Maine Employers Mutual Ins Co	11149
INSURER D:	
INSURER E:	

COVERAGES

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

INSR LTR	ADD'L INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS	
A		GENERAL LIABILITY X COMMERCIAL GENERAL LIABILITY CLAIMS MADE X OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: X POLICY PRO-JECT LOC	RBP756685406	7/1/2010	7/1/2011	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ $ $ $ $ $
		AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ $ $ $
		GARAGE LIABILITY ANY AUTO				AUTO ONLY - EA ACCIDENT OTHER THAN AUTO ONLY: EA ACC AGG	$ $ $
B		EXCESS / UMBRELLA LIABILITY OCCUR CLAIMS MADE DEDUCTIBLE X RETENTION $ 0	PHUB314383	7/1/2010	7/1/2011	EACH OCCURRENCE AGGREGATE	$ 1,000,000 $ 1,000,000 $ $ $
C		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N (Mandatory in NH) If yes, describe under SPECIAL PROVISIONS below	1810008422	5/24/2010	5/24/2011	X WC STATU-TORY LIMITS OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	$ 500,000 $ 500,000 $ 500,000
		OTHER					

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS
Re: Fair Sep. 26 - Oct 2
Refer to policy for exclusionary endorsements and special provisions.

CERTIFICATE HOLDER
129-2214
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021

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

AUTHORIZED REPRESENTATIVE
Sara Pelczynski/AH1 Sara Pelczynski

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PAYMENT SUMMARY RECEIPT

TOWN OF CUMBERLAND
290 TUTTLE ROAD
CUMBERLAND ME 04021

DATE: 07/20/10 CUSTOMER#: 000000000
TIME: 11:23
CLERK: dflaniga

RECPT#: 52308 PREV BAL:
TP/YR: MS/2011 AMT PAID: 500.00
BILL: ADJSTMNT:
EFF DT: 07/19/10 BAL DUE:
MISCELLANEOUS PAYMENT

----------TOTALS----------

PRINCIPAL PAID:	500.00
INTEREST PAID:	.00
ADJUSTMENTS:	.00
DISC TAKEN:	.00
AMT TENDERED:	500.00
AMT APPLIED:	500.00
CHANGE:	.00

PAID BY: CUMB FARMERS CLUB
PAYMENT METH: CHECK
PAYMENT REF: 6574

ITEM
10-105

To set a Public Hearing date (August 9th) to consider and act on a Mass Gathering Permit and Victualer's Licenses for Nassau Broadcasting for Maine's Ultimate Fall Yard Sale to be held at the Cumberland Fairgrounds on Saturday, October 9, 2010 from 9:00 a.m. to 2:00 p.m.

TOWN OF CUMBERLAND

Publication dates: Aug 9, 2010
Publication names: _____
Date filed: _____
Fee rec'd: 7-19-2010
Date Ordinance received: 7-19-2010
Issued: _____
Denied: _____

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

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

Name of applicant: Nassau Broadcasting

Address of applicant: 477 Congress St. 3rd Fl. Annex Tel. # 797-0780

Name of event: Fall Ultimate Yard Sale

Facility where the event will be held: Cumberland Fair Grounds

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

Name of promoter (if different from above): _____

Telephone number: _____

Will any food vendors be serving at the event? _____ yes, ✓ no (if yes, how many, and what types) _____

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

Date of event: 10-9-10 Time (start and finish times): 9 AM-2 PM.

Number of tickets available: _____

Expected attendance: 7000 +

Description of event: Large Outdoor Yard Sale hosted and promoted by Nassau Broadcasting

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

1. Spring Yard Sale 6/12/10 - Cumberland Fairgrounds

2. Fall 09 Yard Sale 9/19/09 - Scarborough Downs

3.

Description of facility: (Cumberland Fairgrounds)

A. Seating capacity: _____ permanent; _____ temporary

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

C. Number of toilets available: _____ permanent; 30 portable

D. Number of parking spaces available: 5,000 on-site; _____ off-site

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

F. Source of potable water: _____

(G.) Refuse containers available, number and size: Provided by Fairgrounds

(H.) Name of refuse disposal company (attach a copy of the agreement to pick up refuse) Blow Brothers

I. When will refuse be picked up? _____

Public Safety:

J. Describe first aid facilities: Cumberland Fire & EmT

K. Describe emergency facilities: _____

L. Describe communication facilities: _____

_____

_____

M. Number of certified police officers: _____

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

_____

O. Describe fire personnel: _____

_____

Traffic Plan

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

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

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

Crowd Management

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

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

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

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

Other

W. Name of liability insurance Vigilant Insurance Company

Amount of coverage 1,000,000; amount of property insurance 1,000,000

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

Patrick Collins

Authorized signature

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

PAYMENT SUMMARY RECEIPT

TOWN OF CUMBERLAND .
290 TUTTLE ROAD
CUMBERLAND ME 04021

DATE: 07/19/10 CUSTOMER#: 000000000
TIME: 09:41
CLERK: abrushwe

RECPT#: 52284 PREV BAL:
TP/YR: M5/2011 AMT PAID: 500.00
BILL: ADJSTMNT:
EFF DT: 07/19/10 BAL DUE:
MISCELLANEOUS PAYMENT

----------TOTALS----------

PRINCIPAL PAID:	500.00
INTEREST PAID:	.00
ADJUSTMENTS:	.00
DISC TAKEN:	.00
AMT TENDERED:	500.00
AMT APPLIED:	500.00
CHANGE:	.00

PAID BY: NASSAU BROADCASTING
PAYMENT METH: CHECK
PAYMENT REF: 336865

ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 7/20/2010

PRODUCER Phone: 877-861-3220 Fax: 856-642-7708
Conner Strong Companies Inc
Marlton NJ 08053

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED
Nassau Broadcasting Partners, L.P.
619 Alexander Rd., Third Floor
Princeton NJ 08540

INSURERS AFFORDING COVERAGE	NAIC #
INSURER A: Vigilant Insurance Company	20397
INSURER B: Federal Insurance Company	20281
INSURER C: Great Northern Insurance Comp	20303
INSURER D:	
INSURER E:	

COVERAGES

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

INSR LTR	ADD'L INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A		GENERAL LIABILITY	35796784	5/28/2010	5/28/2011	EACH OCCURRENCE	$ 1,000,000
		COMMERCIAL GENERAL LIABILITY				DAMAGE TO RENTED PREMISES (Ea occurence)	$1,000,000
		CLAIMS MADE [X] OCCUR				MED EXP (Any one person)	$ 10,000
						PERSONAL & ADV INJURY	$ 1,000,000
						GENERAL AGGREGATE	$ 1,000,000
		GEN'L AGGREGATE LIMIT APPLIES PER:				PRODUCTS - COMP/OP AGG	$ 1,000,000
		POLICY [ ] PRO-JECT [ ] LOC					
B		AUTOMOBILE LIABILITY	73527087	5/28/2010	5/28/2011	COMBINED SINGLE LIMIT (Ea accident)	$ 1,000,000
		ANY AUTO				BODILY INJURY (Per person)	$
		ALL OWNED AUTOS					
		SCHEDULED AUTOS				BODILY INJURY (Per accident)	$
		[X] HIRED AUTOS					
		[X] NON-OWNED AUTOS				PROPERTY DAMAGE (Per accident)	$
		GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT	$
		ANY AUTO				OTHER THAN AUTO ONLY: EA ACC	$
						AGG	$
B		EXCESS/UMBRELLA LIABILITY	79797386	5/28/2010	5/28/2011	EACH OCCURRENCE	$ 15,000,000
		[X] OCCUR [ ] CLAIMS MADE				AGGREGATE	$ 15,000,000
							$
		DEDUCTIBLE					$
		RETENTION $					$
C		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	71649615	5/28/2010	5/28/2011	[X] WC STATU-TORY LIMITS [ ] OTH-ER	
		ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?				E.L. EACH ACCIDENT	$ 500,000
		If yes, describe under SPECIAL PROVISIONS below				E.L. DISEASE - EA EMPLOYEE	$ 500,000
						E.L. DISEASE - POLICY LIMIT	$ 500,000
		OTHER					

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS
Certificate Holder and Cumberland Farmers Club/Cumberland County Fair, 197 Blanchard Rd., Cumberland, ME 04021 are additional insured, where required by written contract.

CERTIFICATE HOLDER

Town of Cumberland
Maine 290 Tuttle Rd
Cumberland ME 04021

CANCELLATION 10 days notice for non-payment

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE W. Michael Tupman

© ACORD CORPORATION 1988

Brenda Stiffler

From: Nadeen Daniels
Sent: Tuesday, July 20, 2010 4:27 PM
To: Brenda Stiffler
Cc: Tammy O'donnell
Subject: FW: Blow Brothers and @work
Attachments: NassauBroadcasting10bProp.doc

Hi Brenda, please add this to their MGP application for the council meeting.

Thanks,

Nadeen Daniels
Town Clerk/HR Director
290 Tuttle Road
Cumberland, ME 04021
phone: 207-829-2205, ext. 302
fax: 207-829-2224

DISCLAIMER: Please be advised that pursuant to Title 1 MRSA, Section 402(3), a public record includes any written, printed or graphic matter or any mechanical or electronic data in the possession or custody of an agency or public official that has been received or prepared for use in connection with the transaction of public or governmental business and contains information relating to the transaction of said business; therefore, the public is advised that any correspondence whether by traditional method or e-mail with the town offices or town officials, with certain limited exceptions, is a public record and is available for review by any interested party.

From: Pat Collins [mailto:pcollins@nassaubroadcasting.com]
Sent: Tuesday, July 20, 2010 4:08 PM
To: Nadeen Daniels
Subject: Blow Brothers and @work

Nadeen:

Attached is the confirmation from Blow Brothers for sanitation services at the Yard Sale and below is the confirmation of six flaggers from @work for the event. We have increased the number of flaggers from four to six. I will send the Certificate of Insurance separately. I thought we already had received it from our insurance company but apparently it has not arrived as of yet.

Thanks,
Pat

From: Tawni Ileaboya [mailto:tawni@atworkpersonnel.com]
Sent: Tuesday, July 20, 2010 3:39 PM
To: Stan Manning
Subject: Quote Letter

@WORKSERVICES
190 RiversideStreet
Portland,ME04103
207-772-6060
888-301-6223
207-772-6336 Fax
tawni@atworkpersonnel.com

E-Mail: linda@atworkpersonnel.com

July 20, 2010

Stan Manning
Nassau Broadcasting Company
477 Congress Street
Portland, ME 04101

Dear Mr. Manning:

Here are the rates for the six flaggers you will be using from @Work Personnel Services on October 9, 2010 at the Cumberland County Fairgrounds.

Pay/Hour	Bill/Hour
$ 12.00	$19.20

This bill rate includes all applicable taxes and insurance. @WORK does all the advertising, recruiting and screening for you. Should you have any questions please don't hesitate to contact me at (207)772-6060.

Sincerely,

Tawni Ileaboya
@Work Personnel
Account Manager
tawni@atworkpersonnel.com

BLOW BROS
" We're # 1 in the # 2 Business"
P.O. Box 221
Old Orchard Beach, ME 04072

PROPOSAL

July 20, 2010

TO: Nassau Broadcasting
Attn: Stan Manning
Phone: 207-712-6965
Email: smanning@nassaubroadcasting.com

RE: **Portable Toilet Rentals for Yard Sale at Cumberland County Fairgrounds on 10/9/10**

We hereby submit specifications and estimates for:

10 Standard Portable Units ($ 55.00 per unit)	$	550.00
3 Barrier Free Portable Units ($ 85.00 per unit)	$	255.00
Waterless Hand Sanitizer	$	No Charge

**********DELIVERY TO BE 10/8/10, PICKUP TO BE 10/11/10

Price Includes: Delivery, Set Up, Pick-Up, Paper Goods, Chemicals, Deodorization and Disposal.

We propose hereby to furnish material and labor–complete in accordance with the above specifications for the sum of ($ 805.00):

TERMS AND CONDITIONS

1. The customer agrees to pay all invoices related to the service of the portable sanitation facilities, including extra and overtime charges for any service rendered over and above normal servicing schedule. Customer authorizes uses of credit card number on file for all charges incurred in accordance with terms and conditions cited above. Blow Bros. reserves the right to prosecute any customer who intentionally issues a credit card or negotiating a worthless instrument knowing that it will not be honored by the maker or drawee in accordance with State of Maine Law.
2. The customer agrees to pay for any and all damage to or loss of the portable sanitation facilities as an insurer of cause or fault, except for reasonable wear and tear, while the portable sanitation facilities are at the site address.
3. Blow Bros. reserves the right to NOT remove, pump dry and lock the unit until account is paid in full. If lock is destroyed or continued use of unit occurs the customer will be subject to additional charges.
4. The customer agrees not to sell, rent, lease, or otherwise give up possession of the portable sanitation facilities listed herein without prior consent from BLOW BROS.
5. The customer agrees to keep the portable sanitation units clear and accessible for service trucks at all times and to assume any and all tow charges resulting from substandard site conditions.
6. The customer acknowledges that Blow Bros. will not be liable for any damages to pavement, curbing, lawns or any other property resulting from trucks servicing units placed at customer request.
7. The customer agrees to pay **a late charge of 1.5% per month** on the unpaid balance for all invoices over 30 days. This is an **Annual Percentage Rate of 18%.** The customer also agrees to pay costs of collection including attorney fees.

Payment to be made as follows:

C.O.D.

All material is guaranteed to be as specified. All work to be completed in a professional manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Worker's Compensation Insurance.

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Must sign and fax back to (207)934-1723. A representative from Blow Bros. will contact you for completion of your detailed order.

Date of Acceptance: _____

Authorized Signature: _____

Note: We may withdraw this proposal if not accepted within 30 days.

Signature: M. Brown
Margi Brown, Office Manager

ITEM
10-106

To set a Public Hearing date (August 9th) to consider and act on setting October 18th – 22nd as Bulky Waste Pick-Up Week.

FALL BULKY WASTE PICK-UP WEEK

OCTOBER 18th THROUGH OCTOBER 22nd

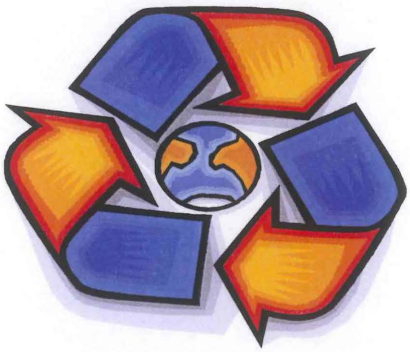
Items will be collected on your regular pick-up day.

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:

- 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



Items not accepted curbside may be taken to Riverside Recycling in Portland for a fee. They are located at 910 Riverside Street and their number is 797-6200. Brush, Leaves, Grass Clippings and Waste Oil may be taken to the Public Works Garage and disposed of at the following times:

Riverside Recycling – Monday – Saturday – 9:00 – 4:00
Drowne Road Garage - Tuesday – 11:00 – 3:00 & Saturdays – 9:00 – 12:30

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

ITEM
10-107

To set a Public Hearing date (August 9th) to appoint
Tamara O'Donnell as Town Clerk.

MEMORANDUM

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

To: Town Council

From: William R. Shane, Town Manager

Date: July 22, 2010

Re: Town Clerk Appointment – Tammy O'Donnell

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.

It is with great pleasure and confidence I am presenting for appointment Tammy O'Donnell as our new Town Clerk effective August 19, 2010. Tammy has served as Deputy Clerk for the past 3 years working closely with Nadeen Daniels our retiring Town Clerk.

Tammy will continue her responsibilities as Deputy Tax Collector and front office manager. I am confident that you will see the same commitment and high level of customer service you have experienced over the past 8 years.

Brief Bio

Tammy is a Maine native, who attended Bath schools. Tammy began work with the Town in 2000 as Deputy Tax Collector. She was promoted to Deputy Clerk in 2006. Tammy is a certified Maine Municipal Tax Collector and a Certified Maine Municipal Clerk. Currently, Tammy is the outgoing president of the Cumberland County Municipal Clerks Association. Tammy lives in Cumberland with her husband Doug and has three adult children all Greely High School graduates.

ITEM
10-108

To authorize the Town Manager to sign a Police Department Mutual Aid Agreement within District II.

AGREEMENT BETWEEN
MUNICIPALITIES IN CUMBERLAND COUNTY
TO PROVIDE MUTUAL AID

AGREEMENT made this _____ day of _____, 20____ by and between the undersigned municipalities.

W.I.T.N.E.S.S.E.T.H.

WHEREAS, 30-A M.R.S.A. §2674 authorizes the assignment of police officers from one municipality to another to assist with police activities; and

WHEREAS, the undersigned municipalities wish to provide mutual aid to one another, on a short-term, emergency basis; and

WHEREAS, said municipalities agree to assign their police officers upon reasonable notice of the request from the Chief of Police or other designee of the municipality requesting aid;

NOW, THEREFORE, the parties do hereby agree as follows:

1. DEFINITIONS

REQUESTING MUNICIPALITY: The municipality which is asking another municipality to provide police assistance.

RESPONDING MUNICIPALITY: The municipality which is asked to provide another municipality with police assistance.

2. PURPOSE

The purpose of this agreement is to set forth the framework through which the law enforcement agencies of Cumberland County will work together by providing each other with easy access to police resources or specialties that may be needed in a police emergency and to provide emergency service resources in quantities or specialties beyond the means of any single department.

3. ASSIGNMENTS

3.1 The RESPONDING MUNICIPALITY agrees to assign its officers to provide police services on a temporary, short-term basis within the REQUESTING MUNICIPALITY. The specific individual(s) to be assigned are to be determined by the RESPONDING MUNICIPALITY. Such temporary assignments shall not exceed twenty-four (24) hours except by the specific written agreement of the Chiefs of Police or other designee of each municipality.

3.2 Assignments shall be made only if the Chief of Police of the RESPONDING MUNICIPALITY determines in his or her sole

discretion that the RESPONDING MUNICIPALITY has adequate personnel available.

4. EMPLOYER-EMPLOYEE RELATIONSHIP RETAINED

4.1 The RESPONDING MUNICIPALITY shall be the sole and exclusive employer of persons assigned hereunder; persons assigned hereunder are not intended, nor shall they be deemed, to be employees of the REQUESTING MUNICIPALITY as a result of said assignment. In addition, nothing herein shall be construed to create a joint employer relationship between the REQUESTING MUNICIPALITY and the RESPONDING MUNICIPALITY. The RESPONDING MUNICIPALITY retains all of the legal responsibilities of the employer-employee relationship while its officer(s) are on assignment in the REQUESTING MUNICIPALITY.

4.2 Police officers assigned hereunder shall be paid by their employer their wages and fringe benefits and shall accrue benefits in the customary manner. No overtime work shall be permitted by officers while on assignment, unless approved by the RESPONDING MUNICIPALITY.

5. TRAINING

5.1 Each municipality shall be solely responsible for the training and equipment of its personnel.

5.2 The RESPONDING MUNICIPALITY shall not assign an employee to the REQUESTING MUNICIPALITY to perform a function that the employee is not trained or equipped to perform.

5.3 The REQUESTING MUNICIPALITY shall not ask or assign an employee of the RESPONDING MUNICIPALITY to perform a function that the employee is not trained or equipped to perform.

6. DEFENSE AND INDEMNIFICATION

6.1 To the fullest extent permitted by law, the REQUESTING MUNICIPALITY, at its own expense, shall defend or cause to be defended, the RESPONDING MUNICIPALITY, its officers and employees, from and against any and all claims, causes of action or suits, just or unjust, arising out of, or in any way connected with the act(s), omission(s) or negligence of any officer or employee of the RESPONDING MUNICIPALITY occurring while such officer or employee is working hereunder, including but not limited to a determination, under Paragraph 3.2 of this Agreement, <u>not</u> to assign officers or employees to the REQUESTING MUNICIPALITY.

6.2 In addition to, and without limiting the foregoing, the REQUESTING MUNICIPALITY shall indemnify and hold harmless the RESPONDING MUNICIPALITY, its officers and employees, from any and all liability, costs, damages, expenses or judgments resulting from or in any way connected with the act(s), omission(s) or negligence of any such officer or employee of the RESPONDING MUNICIPALITY occurring while such officer or employee is working hereunder, including, but not limited to a determination, under Paragraph 3.2 of this Agreement, not to assign officers or employees to the REQUESTING MUNICIPALITY, subject to the exclusions set forth in the attached and incorporated herein Exhibit A.

6.3 In the event that it is determined that the RESPONDING MUNICIPALITY, its officers or employees, require separate legal representation, the selection of such counsel shall be subject to the approval of the REQUESTING MUNICIPALITY. Reasonable requests for separate legal representation shall be subject to the approval of the REQUESTING MUNICIPALITY. Selection, approval and requests for legal representation shall be subject to the limitations and requirements, if any, of REQUESTING MUNICIPALITY'S liability coverage.

6.4 Any case or claim in which RESPONDING MUNICIPALITY, or its officers or employees, is a party shall not be settled without the approval of RESPONDING MUNICIPALITY, which approval as to the RESPONDING MUNICIPALITY and its officers and employees shall not be unreasonably withheld. In the event that the RESPONDING MUNICIPALITY does not approve a proposed settlement of RESPONDING MUNICIPALITY, or its officers or employees, which is otherwise acceptable to a claimant and to the REQUESTING MUNICIPALITY, the REQUESTING MUNICIPALITY shall be relieved of any further obligation which it may have to defend under Paragraph 6.1 and any obligation which it may have to indemnify or hold harmless under Paragraph 6.2, if said obligation is in excess of the proposed settlement offer. The settlement process will be subject to the limitation and requirements, if any, of the REQUESTING MUNICIPALITY'S liability coverage. An admission of liability on the part of the RESPONDING MUNICIPALITY, its officers or employees, shall be included in a settlement agreement only with the consent of the RESPONDING MUNICIPALITY.

6.5 The RESPONDING MUNICIPALITY shall be fully responsible for all workers' compensation coverage for its officers or employees hereunder and the RESPONDING MUNICIPALITY hereby waives any right of subrogation or lien pursuant to 39-A M.R.S.A. §107 against the REQUESTING MUNICIPALITY, its officers or employees, arising out of or resulting from said workers' compensation claims.

6.6 The REQUESTING MUNICIPALITY shall give the RESPONDING MUNICIPALITY immediate notice in writing of any notice of claim, legal action or suit filed related in any way to the incident which required mutual aid or which may affect the performance of this Agreement. The RESPONDING MUNICIPALITY shall give the REQUESTING MUNICIPALITY immediate notice in writing of any notice of claim, legal action or suit filed related in any way to the Agreement or which may affect the performance of duties under this Agreement.

6.7 Nothing herein waives or limits the sovereign or qualified immunity of the parties under Federal, State or constitutional law, including, but not limited to immunity pursuant to the Maine Tort Claims Act.

7. DESIGNATED REPRESENTATIVE

The municipal officers of each municipality shall designate the Chief of Police or other designee for implementation of this Agreement, except as otherwise provided by municipal charter or ordinance.

8. COMMAND

All persons assigned hereunder shall be subject to the direction and control of the command officers in the REQUESTING MUNICIPALITY for the duration of said assignment.

9. RECORDS & REPORTS

Records regarding performance of the obligations required by this agreement will be maintained by the respective parties. Each party will maintain the confidentiality of agency records as required by State and Federal law. Parties may seek access to the other party's records on an as needed basis and to the extent allowed by law.

10 MEDIA

The REQUESTING MUNICIPALITY is expressly authorized to release to the public / media the details of law enforcement actions within that community, as appropriate.

11. DURATION & TERMINATION

This agreement shall become effective upon proper execution and agreement of the parties. This agreement may be modified upon the mutual written consent of the parties. Said agreement shall remain in effect until termination by the municipality upon thirty days written notice to the other municipalities subject to this agreement. The decision of one municipality to terminate its participation in this agreement shall not affect the validity or operation the agreement as to the other

EXHIBIT A

Exclusions

The REQUESTING MUNICIPALITY'S obligation to indemnify and hold harmless pursuant to Paragraph 6.2 shall not apply:

(a) to any liability, cost, damage, expense or judgment to the extent that it is finally determined to be the intentional misconduct or gross negligence of the RESPONDING MUNICIPALITY, its officers or employees, other than those acts necessary to preserve life or property

(b) to any liability arising out of the willful violation of any statute or ordinance if committed at the direction of the RESPONDING MUNICIPALITY or any of its officers or employees; or

(c) to any liability arising from defamation if the defamatory statement was made by or at the direction of the RESPONDING MUNICIPALITY or any of its officers or employees with knowledge of its falsity or reckless disregard for the truth.

municipalities. Any existing defense and indemnification obligations shall survive any such termination of this agreement.

IN WITNESS WHEREOF, the undersigned municipalities have caused this Agreement to be signed by their authorized representatives, as of the day and year first above written.

Town of Gorham

By David O. Cole

Title Town Manager

Town of Falmouth

By _____

Title Town Manager

City of South Portland

By _____

Title Chief of Police

Town of Cumberland

By _____

Title _____

City of Westbrook

By _____

Title _____

Town of Windham

By _____

Title Town Manager

City of Portland

By _____

Title _____

Town of Freeport

By _____

Title Town Manager

Town of Bridgton

By _____

Title _____

Town of Brunswick

By _____

Title Police Chief

Town of Scarborough

By _____

Title Town Manager

Town of Yarmouth

By _____

Title Town Manager

Town of Cape Elizabeth

By Neil R. Williams

Title Chief of Police

NEW BUSINESS

Hermon
Town of Hermon
PO Box 6300
Hermon, ME 04402

July 12, 2010

RE: MMA Vice President

To Whom It May Concern,

I am writing to request your support for my candidacy for Vice President of the Maine Municipal Association (MMA). Throughout my career as a public servant I have come to understand the many challenges that municipalities face in our State. I began my career in the Town of Bradford where I served as Town Manager for three years and have served as Town Manger of Hermon for the past eight years. For five years I served on the MMA Executive Committee and also served on the MMA Strategic and Finance Committee, during that time helping me to develop a deeper appreciation and understanding of the many struggles Maine towns must confront. Most recently I have been serving as Co-Chair of the Policy Working Group to review MDOT Road Classifications. Although the process is not yet finished, I am working diligently in collaboration with the Committee to review the transportation needs of all Maine communities, small and large. Maine has 491 units of local government- each unique in their own way and having their own identity and challenges to overcome. My experience as Town Manger and service at MMA demonstrate my dedication to assist Maine's municipal governments in confronting those challenges and making sure all municipalities' voices are heard.

Serving in local government is an opportunity. It is an opportunity to provide a vision and make decisions that positively affect the daily lives of the people in our communities. But with such privileged opportunity comes great responsibility. As one of our Founding Fathers once stated, "A common passion or interest will, in almost every case, be felt by a majority of the whole: a communication and concert result from the form of government itself." In other words, as government officials we have great responsibility to respond when citizens in our communities express needs. As MMA Vice President I will do what I can to give local governments the resources they need to provide the communication and action needed make certain they can effectively respond to their communities.

My record as a public servant serves as a glimpse into the passion I have to be an effective leader, not just for my community, but for the State as a whole. As MMA Vice President, my goal is twofold. First, I will represent all of Maine- from Maine's smallest communities, to suburbs, to the largest of service centers. Second, as an advocate for all Maine municipalities I will foster a positive working relationship with the governor elect's administration that will give municipal governments the influence they deserve in the decision making process.

As a native of Aroostook County and later service as Town Manger of Bradford, I am all too familiar with the challenges Maine's small communities are up against. During these challenging economic times we find ourselves with a dilemma of being able providing adequate services for citizens while sustaining primary industries, and doing so while the State continues to cut funding- unfortunately, our small towns have fewer resources to contend with these cuts. As MMA Vice President I will provide the leadership necessary to foster a relationship between the State and our small towns to make certain the needs of the citizens and businesses in your community are being heard and addressed. Let's work together to bring our communities to where we want them to be.

The challenges are many as we move forward, but let's use this as an opportunity to usher in an era of healthier cooperation between our communities and the State. I am inviting your town to vote for me as the next MMA Vice President so we can make this a reality. I would sincerely appreciate your passing this letter and the enclosed ballot on to your elected officials for review and consideration. The yellow ballot that was recently mailed to your Town by MMA included a printing error and needed to be reprinted. The enclosed updated ballot has been enclosed for your convenience. If you would like to speak with me further about my candidacy or issues of concern that you would like to see addressed, please don't hesitate to contact me at (207) 848-1015 or (207) 478-5069. You can also express your opinions or concerns to me through email at cdeschene@hermon.net. Together, we can move MMA and Maine forward.

Sincerely,

Clinton Deschene

Clint Deschene

Enclosure

Maine Municipal Association
Election of MMA Vice President & Executive Committee Members

REVISED VOTING BALLOT

Deadline for Receipt of Voting Ballots – 12:00 noon on Friday, August 13, 2010

VICE-PRESIDENT - 1 YEAR TERM — **Vote for One**

Proposed by MMA Nominating Committee:

Sophia Wilson, Town Manager, Town of Brownville ☐

Nominated by Petition:

Clint Deschene, Town Manager, Town of Hermon ☐

DIRECTORS - 3 YEAR TERM — **Vote for Three**

Proposed by MMA Nominating Committee:

Michelle Beal, City Manager, City of Ellsworth ☐

Marston Lovell, Councilor, City of Saco ☐

Robert Yandow, Town Manager, Town of York ☐

PLEASE NOTE: The Voting Ballot may be cast by a majority of the municipal officers, or a municipal official designated by a majority of the municipal officers of each Municipal member.

Date: _____ **Municipality:** _____

Signed by a Municipal Official designated by a majority of Municipal Officers:

Name: _____ **Position:** _____

Signed by a Majority of Municipal Officers:

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

MMA Annual Election
c/o Theresa Chavarie
Maine Municipal Association
60 Community Drive
Augusta, Maine 04330 *FAX: (207) 624-0110*

VITAL RECORDS REPORT FOR JUNE 2010

BIRTHS:

Name of Child	Date of Birth	Parents
DiGristina, Levi Hunter	6/17/2010	Gabriel & Vianna DiGristina
Hildreth, Emma DeNormandie	6/3/2010	Michael & Tara Hildreth
Martin, Caelan Geoffrey	6/4/2010	Geoffrey & Debora Martin

MARRIAGES:

Groom Name	Bride Name	Date of Marriage	Place of Marriage
Ortman, Eric Alexei	Harris, Kellie Dee	12-Jun-10	Scarborugh
Carter, Leo Floyd	Gallagher, Maura Anne	6/27/2010	Falmouth Foreside
Gregoire, Sheldon Michael	Bolling, Laura Christine	6/25/2010	Cumberland

DEATHS:

Name of Decedent	Date of Death	Place of Death	Address	Age
Bannon, John Joseph	6/19/2010	Falmouth	Wildwood Blvd.	90
Sterner, Beulah M.	6/29/2010	Cumberland	51 Sullivan Drive	95

FOR 2011 01

	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
001 General Fund							
130 Administration	422,208	0	422,208	41,043.41	.00	381,164.59	9.7%
140 Assessor	80,653	0	80,653	11,174.61	.00	69,478.39	13.9%
150 Town Clerk-HR-Tax Collector	284,010	0	284,010	17,003.18	.00	267,006.82	6.0%
160 Technology	152,551	0	152,551	20,019.00	.00	132,532.00	13.1%
165 Elections	17,949	0	17,949	320.52	.00	17,628.48	1.8%
170 Planning Board	81,065	0	81,065	4,873.01	.00	76,191.99	6.0%
190 Legal	40,000	0	40,000	.00	.00	40,000.00	.0%
210 Police	962,059	0	962,059	65,000.18	.00	897,058.82	6.8%
220 Fire	708,078	0	708,078	43,069.13	.00	665,008.87	6.1%
240 Code Enforcement	82,723	0	82,723	432.01	.00	82,290.99	.5%
260 Canine Control	39,413	0	39,413	2,664.26	.00	36,748.74	6.8%
310 Public Works	869,550	0	869,550	40,328.12	.00	829,221.88	4.6%
320 Waste Disposal	756,452	0	756,452	.00	.00	756,452.00	.0%
410 Recreation	450,489	0	450,489	58,227.01	.00	392,261.99	12.9%
430 Parks	165,642	0	165,642	7,918.00	.00	157,724.00	4.8%
440 West Cumberland Rec	8,100	0	8,100	215.30	.00	7,884.70	2.7%
450 Library	353,580	0	353,580	20,599.78	.00	332,980.22	5.8%
580 General Assistance	19,347	0	19,347	1,193.00	.00	18,154.00	6.2%
590 Health Services	9,027	0	9,027	394.17	.00	8,632.83	4.4%
620 Cemetary Association	22,000	0	22,000	.00	.00	22,000.00	.0%
630 Conservation Commission	1,500	0	1,500	.00	.00	1,500.00	.0%
640 Rines Forest	1,500	0	1,500	.00	.00	1,500.00	.0%
650 Debt Service	998,578	0	998,578	.00	.00	998,578.00	.0%
750 Insurance	254,252	0	254,252	64,611.69	.00	189,640.31	25.4%
800 Fire Hydrants	59,000	0	59,000	.00	.00	59,000.00	.0%
810 Street Lighting	30,000	0	30,000	.00	.00	30,000.00	.0%
830 Contingent	10,000	0	10,000	.00	.00	10,000.00	.0%
840 Municipal Building	162,675	0	162,675	7,193.02	.00	155,481.98	4.4%
850 Abatements	10,000	0	10,000	.00	.00	10,000.00	.0%
860 MSAD #51	11,830,338	0	11,830,338	984,428.08	.00	10,845,909.92	8.3%
890 County Tax	600,901	0	600,901	.00	.00	600,901.00	.0%
910 Capital Imp. Plan	333,485	0	333,485	.00	.00	333,485.00	.0%
TOTAL General Fund	19,817,125	0	19,817,125	1,390,707.48	.00	18,426,417.52	7.0%
GRAND TOTAL	19,817,125	0	19,817,125	1,390,707.48	.00	18,426,417.52	7.0%

** END OF REPORT - Generated by Alex Kimball **

Cumberland Town Council Meeting
Monday, July 26, 2010
7:00 p.m. Call to Order

The Cumberland Town Council will hold its regular meeting @ 7:00 p.m. on Monday, July 26, 2010 in the Town Council Chambers. An opportunity for public comment will be provided. The following items will receive a public hearing:

- To hold a Public Hearing to consider and act on adding Section 402.6 (Deer Feeding and Baiting) to the Cumberland Zoning Ordinance, as recommended by the Planning Board. ***ITEM TABLED FROM 6/28/10***
- To hear a report from the Town Center Advisory Committee and forward same to the Planning Board for recommendation.
- To hold a Public Hearing to consider and act on increasing sewer user fees.
- To set a Public Hearing date (August 9th) to consider and act on setting the FY'11 tax rate as recommended by the Tax Assessor.
- To set a Public Hearing date (August 9th) to set rates at which interest will be paid for delinquent and over paid taxes, and to authorize applying tax payments to the oldest unpaid taxes.
- To set a Public Hearing date (August 9th) to consider and act on a Mass Gathering Permit and Victualer's Licenses for the 139th Cumberland Fair to be held from September 26 – October 2, 2010 at the Cumberland Fairgrounds.
- To set a Public Hearing date (August 9th) to consider and act on setting October 18th – 22nd as Bulky Waste Pick-Up Week.
- **EXECUTIVE SESSION** pursuant to 1 M.R.S.A., § 405 (6)(C) re: real property acquisition.

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

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