

AGENDA

Cumberland Town Council Meeting
Town Council Chambers

MONDAY, OCTOBER 11, 2010

6:00 p.m. Executive Session

7:00 p.m. Call to Order

I. 6:00 p.m. EXECUTIVE SESSION I: pursuant to 1 M.R.S.A., § 405 (6)(C) re: real property acquisition.

II. APPROVAL OF MINUTES

September 13, 2010

September 22, 2010

III. MANAGER'S REPORT

Project Update:

- Route 88

IV. PUBLIC DISCUSSION

V. LEGISLATION AND POLICY

10 – 138 To hear a report from the Town Clerk re: absentee voting.

10 – 139 To hear a report from the Town Manager re: intersection improvements at Hallmark Road, Carriage Road, and Heritage Lane.

10 – 140 To consider and act on authorizing the Town Manager to execute a change order to remove 500' of concrete slab on Route 88 near Tuttle Road.

10 – 141 To set a Public Hearing date (October 25th) to consider and act on authorizing the Town Manager to execute agreements with North Yarmouth for Animal Control Officer, Sidewalk Snow Plowing & Channel 2.

10 – 142 To set a Public Hearing date (October 25th) to consider and act on an Automobile Recycling Permit for Copp Motors for the period of October 1, 2010 – October 31, 2015.

10 – 143 To hold a Public Hearing to consider and act on amendments to the Cumberland Mass Gathering Ordinance re: insurance. ***TABLED ON 9/22/10***

10 – 144 To hear a report from the Finance Committee Chair re: FY'11 1st quarter financials.

VI. NEW BUSINESS

VII. EXECUTIVE SESSION II: pursuant to Title 36 M.R.S.A., § 841, re: Property Tax Abatement Request for property identified as Map U19/Lot 6A.

VIII. ADJOURNMENT

WORKSHOP re: Review of agreements with North Yarmouth (Animal Control Officer, Sidewalk Snow Plowing & Channel 2).

MOTIONS

9-13-10 Minutes - Porter/Perfetti 6-0-1 (Moriarty Abst)
9-22-10 Minutes - Copp/Turner 6-0-1 (Perfetti Abst)
MOTIONS

I move to recess to Executive Session pursuant to 1 M.R.S.A., § 405 (6)(C) re: real property acquisition.

6:03 pm Copp/Perfetti 6-0
6:05 Councilor Moriarty arrived out at ex. session Perfetti/Copp 7-0
7:00 pm
10 - 138 **No action necessary**

10 - 139 **No action necessary or**

I move to set a Public Hearing date of November 8th to consider and act on a 3-way stop at the intersection of Hallmark Road and Carriage Road. Stiles/Turner 6-1 (Porter opposed)

10 - 140 **I move to authorize** the Town Manager to execute a change order to remove 500' of concrete slab on Route 88 near Tuttle Road. Copp/Moriarty 7-0 Unan

10 - 141 **I move to set** a Public Hearing date of October 25th to consider and act on authorizing the Town Manager to execute agreements with North Yarmouth for Animal Control Officer, Sidewalk Snow Plowing & Channel 2. Stiles/Perfetti 7-0 Unan

10 - 142 **I move to set** a Public Hearing date of October 25th to consider and act on an Automobile Recycling Permit for Copp Motors for the period of October 1, 2010 - October 31, 2015.

Moriarty/Perfetti 6-0-1 (Copp abstained)
10 - 143 **I move to remove this item from the table.** Copp/Stiles 7-0

I move to delete Section II, F (Performance Guaranty) of the Cumberland Mass Gathering Ordinance and replace it with new F (Insurance). Stiles/Turner 7-0

10 - 144 **No action necessary**

I move to recess to Executive Session pursuant to Title 36 M.R.S.A., § 841, re: Property Tax Abatement Request for property identified as Map U19/Lot 6A. Perfetti/Copp 6-0-1 (Stiles opposed)

I move return from Executive Session. 8:26 p.m.

Perfetti/Stiles 7-0
I move to (approve/deny) the Property Tax Abatement Request for property identified as Map U19/Lot 19A.

Perfetti/Copp 7-0

Adjourn - Copp/Turner 7-0.

Time: 8:41 p.m.

MINUTES

9/13/10

MINUTES

Cumberland Town Council Meeting
Town Council Chambers

MONDAY, September 13, 2010

7:00 p.m. Call to Order

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

Excused: Councilor Moriarty

I. APPROVAL OF MINUTES

August 23, 2010

Motion by Councilor Stiles, seconded by Councilor Copp, to accept the minutes as presented.

VOTE: 6-0 UNANIMOUS

II. MANAGER'S REPORT

Project Update:

- Route 88 - 400' slab removal and future change order.

We are beginning to get into a portion of the project that can be a "little tricky". Cross culverts have to be finished by October 1st per the DEP permit. It may appear that the contractor is jumping around a bit, but this is in order to meet the requirements of the DEP permit. Some exploratory excavation near Tuttle Road has revealed 400 feet of concrete slabs that must be removed. There is minimal gravel under the slabs. A change order will have to be issued to remove the slabs, excavate the material out, and add gravel. The cost will be \$50,000 - \$60,000. It will be brought to the Council in October to consider and act on. To date, the project cost has been on budget.

There is a small section of Range Road where the water tests continue to come back too high with bacteria. A lot of different things could cause this to happen. The solution is to flush the line with high pressure water and then fill it with chlorine in an attempt to kill the bacteria. The contractor and Portland Water District are working on a plan to bring it into conformance.

The waterline extension project on Route 100 is scheduled to begin in the next couple of weeks.

Public Works will be in the Orchard Road area doing some ditching, catch basin, and cross culvert installation. This work will be going on through the month of October.

Cumberland Fire Department is an American Heart Association affiliated training center. Classes in community and healthcare provider CPR are available on the first Tuesday of every month. AHA instructor in first-aid, advanced cardiac life support, pediatric advanced life support, and Red Cross babysitter classes are also offered. More information can be found on the town website under the Fire Department link. The fire department continues to offer infant & child car seat installation.

When the Mass Gathering Ordinance was amended from 1000 to 500 people in attendance at any one event, there were events that "got caught in the net". Two of those events are the Girls Lacrosse Tournament and the Southwestern Cross Country meet, scheduled at Twin Brook on September 25th. Since a Public Hearing is required and the next regular Town Council meeting is on September 27th, there are two options for the Council to consider in order to deal with this issue. Hold a Special Town

Council meeting on September 22nd to vote on this one item, or move the entire September 27th meeting to September 22nd?

Motion by Councilor Stiles, seconded by Councilor Copp to hold a Special Town Council meeting on Wednesday, September 22nd and cancel the September 27th Town Council Meeting.

VOTE: 5-0-1 (Chairman Storey-King abstained) UNANIMOUS PASSAGE

III. PUBLIC DISCUSSION

Robert Storey, of the Cumberland Cemetery Association, explained to the Council that several months ago, he received a note from Robert Field explaining that he was looking for a community service project as part of his obligation to become an Eagle Scout. He asked about the possibility of a project in the Cumberland cemeteries. Mr. Storey met with Robert and his parents at the Foreside Cemetery to discuss what might be done. Robert submitted a plan to his Scoutmaster and the Pine Tree Boy Scout Council for approval. The work took place over three days in August. All the proposed work was completed in a professional manner and looks great. The local troop requires that a minimum of 100 hours be spent on community service projects. Robert, his parents, and approximately 20 other scouts spent over 200 hours on this project. Mr. Storey thanked Robert, the other scouts, and Mr. & Mrs. Field for this great gift to the community. Mr. Storey invited Robert Field to come forward to show the Council a slide show of the improvements to the cemetery. Robert thanked Storey Brothers for the donation of crushed stone, thanked his parent, the other scouts, and his friends from North Yarmouth Academy for their help on the project.

Rita Yavinsky of Ole Musket Road commented on Robert Field's project, "That was very nice." She then asked the Town Manager why the concrete slab issue on Route 88 near Tuttle Road was not "understood better by Gorrill-Palmer Engineers during the extensive time that they had to understand the engineering required to make the road go correctly".

Town Manager Shane explained that there were no utility cuts across that particular section. When test paving was being done, it was discovered that there was minimal gravel, if any, through most of those slabs. Discoveries such as this are why the contingency was put in place.

Mrs. Yavinsky asked why the pavement on the inland side, 300' from the Falmouth line, had to be repaved? Why not use the paving that was already there?

Town Manager Shane responded that they tried to save the pavement, but the State said that the gravel that was underneath that section of road was insufficient and did not meet specification. If we had left it as it was, we would not be eligible for any future repaving of that section of road.

Mrs. Yavinsky asked why we have the curbs?

Town Manager Shane responded that the curbs assist with the collection of drainage to avoid ditch and yard washout.

Mrs. Yavinsky also questioned the extent of pavement for an area near the Falmouth line on the shore side. Mr. Shane assured her that pavement was not covered up by dirt and grass.

IV. LEGISLATION AND POLICY

- 10 – 122** To hold a Public Hearing to consider and act on a permit request by the Greely Football Boosters Club to hold a bonfire at the Twin Brook Recreation Area on Thursday, October 28, 2010.

Town Manager Shane explained that this is an annual request. All permits are in place and staff is recommending approval.

Motion by Councilor Stiles, seconded by Councilor Perfetti, to approve the permit request by the Greely Football Boosters Club to hold a bonfire at the Twin Brook Recreation Area on Thursday, October 28, 2010.

VOTE: 6-0 UNANIMOUS PASSAGE

- 10 – 123** To set a Public Hearing date (September 22nd) to consider and act on amending Section 104 (Definitions) of the Cumberland Zoning Ordinance to add a definition for Railroad Facility.

Motion by Councilor Porter, seconded by Councilor Perfetti, to set a Public Hearing date of September 22nd to consider and act on amending Section 104 (Definitions) of the Cumberland Zoning Ordinance to add a definition for Railroad Facility.

VOTE: 6-0 UNANIMOUS PASSAGE

- 10 – 124** To set a Public Hearing date (September 22nd) to consider and act on a junkyard/recycler permit renewal for Cumberland Salvage for the period of October 1, 2010– September 30, 2011.

Motion by Councilor Perfetti, seconded by Councilor Stiles, to set a Public Hearing date of September 22nd to consider and act on a junkyard/recycler permit renewal for Cumberland Salvage for the period of October 1, 2010 – September 30, 2011.

VOTE: 5-0-1 (Copp abstained) UNAMIOUS PASSAGE

- 10 – 125** To set a Public Hearing date (September 22nd) to consider and act on amendments to the Cumberland Mass Gathering Ordinance.

Motion by Councilor Turner, seconded by Councilor Stiles, to set a Public Hearing date of September 22nd to consider and act on amendments to the Cumberland Mass Gathering Ordinance.

VOTE: 6-0 UNANIMOUS PASSAGE

- 10 – 126** To set a Public Hearing date (September 22nd) to consider and act on forwarding Section 104.138 (setback definition) of the Cumberland Zoning Ordinance to the Planning Board for a Public Hearing and recommendation.

Motion by Councilor Copp, seconded by Councilor Perfetti, to set a Public Hearing date of September 22nd to consider and act on forwarding Section 104.138 (setback definition) of the Cumberland Zoning Ordinance to the Planning Board for a Public Hearing and recommendation.

VOTE: 6-0 UNANIMOUS PASSAGE

10 – 127 To hear a report from the Ordinance Committee re: PACE program and ordinance and to set a Public Hearing date of September 22nd to consider and act on the adoption of PACE Ordinance and authorization agreement.

Alex Kimball explained the Property Assessed Clean Energy (PACE) program, administered by Efficiency Maine Trust. Each municipality participating in the program must pass an ordinance. Property owners can access financing for energy saving improvements to their properties. A lien would be placed on the property in case of default on the loan.

Councilor Porter attended an event recently explaining the program in detail. He feels that this is a great program. The only purpose of the PACE Ordinance is to allow our citizens to apply and get access to this money. There is no liability to the town.

Councilor Stiles asked why the town has to be involved at all if Efficiency Maine Trust administers the program and places a lien on a property in case of default.

Councilor Porter responded that it is the law. If we want our residents to participate and have access to this money, then we have to pass this ordinance in a form that we (the Council) feel comfortable with as well as meets the requirements of Efficiency Maine. The town's only involvement is passing the ordinance to allow our citizens access to the program, and agreeing to do an educational campaign on the program.

Motion by Councilor Turner, seconded by Councilor Perfetti, to set a Public Hearing date of September 22nd to consider and act on the adoption of PACE Ordinance and authorization agreement.

VOTE: 6-0 UNANIMOUS PASSAGE

10 – 128 To hear a report from the Cumberland/North Yarmouth Joint Liaison Committee re: meeting with North Yarmouth and pending agreements (ACO, sidewalk snow plowing and Channel 2).

Town Manager Shane explained that he, Councilors Turner and Stiles, and representatives from North Yarmouth met to review the agreements. Discussions will continue regarding Recreation and Library services, and there are other models to be considered at future meetings.

Councilor Perfetti suggested reviewing the agreements in a workshop. He is concerned that the agreements, as they are written, can be terminated. This is a concern due to potential budgeting issues.

A workshop was set for October 11th to review and discuss the agreements.

10 – 129 To set a Public Hearing date (September 22nd) to consider and act on the annual “blanket” Mass Gathering Permit for all fall events at Twin Brook.

Motion by Councilor Copp, seconded by Councilor Turner, to set a Public Hearing date of September 22nd to consider and act on the annual “blanket” Mass Gathering Permit for all fall events at Twin Brook.

VOTE: 6-0 UNANIMOUS PASSAGE

10 – 130 To set a Public Hearing date (September 22nd) to consider and act on authorizing the Town Manager to accept delinquent taxes for property identified as Tax Map U22/Lot 65A in the amount of \$827.42.

Town Manager Shane explained that the property equals .07 acres. It is a sliver of land with the majority located in Windham. The owner claimed not to have received the tax bills and has agreed to pay the back taxes. It is practice for the Town Council to allow the Manager to accept the taxes.

Motion by Councilor Copp, seconded by Councilor Stiles, to set a Public Hearing date of September 22nd to consider and act on authorizing the Town Manager to accept delinquent taxes for property identified as Tax Map U22/Lot 65A in the amount of \$827.42.

VOTE: 6-0 UNANIMOUS PASSAGE

V. NEW BUSINESS

Councilor Turner – Attended Betty Surgi’s funeral last week. Betty’s sons did a wonderful job remembering her and organizing her funeral. Betty was the daughter of Mr. Rand who set up the Town Forest and Betty was very proud of that. She will be missed by many.

Councilor Copp – Reminder to residents that bow hunting season (for deer) has begun. He noticed that the Veterans Monument donation thermometer doesn’t seem to be moving up anymore. A resident suggested placing a donation bucket at the fair.

Councilor Porter – Betty Surgi was a longtime member of the Cumberland Historical Society, the Town Forest Committee, the Cumberland Mainland Island Trust, as well as other committees. As older residents pass away, we are forgetting a large portion of our history and the people who made this community what it is today...it truly is a loss.

Councilor Perfetti – None

Chairman Storey-King – Reminder that there are a lot of fall sporting events to attend now. She referred to a thank you note from Nadeen Daniels, thanking the Council for the lovely chair that she was presented on her last day.

Councilor Stiles – Asked the Town Manager when Range Road would be paved for the 2nd time. Town Manager Shane said that it was due to be paved this month.

Town Manager Shane - None

VI. ADJOURNMENT

Motion by Councilor Stiles, seconded by Councilor Perfetti, to adjourn.

VOTE: 6-0 UNANIMOUS

TIME: 8:12 p.m.

WORKSHOP: re: Budget FY'12 policy discussion

- Enterprise and Reserve Funds
- Deficit Funds
- Overlay

Respectfully submitted by:

Brenda Moore
Executive Assistant/Council Secretary

MINUTES

9/22/10

MINUTES

Cumberland Town Council Meeting
Special Town Council Chambers

WEDNESDAY, September 22, 2010

7:00 p.m. Call to Order

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

Excused: Councilor Perfetti

I. MANAGER'S REPORT

Project Update:

- Route 88

Town Manager Shane reminded residents that the week of October 18th – 22nd is bulky waste pick up week. See information on town website for acceptable items to put curbside for pick up. Items not accepted include lumber, TV's, computers, and printers. Goodwill Industries will accept computers and computer accessories. They receive funding for recycling used computers.

Construction on Route 88 is going very well. Paving and striping will take place next week. They will continue working on cross-culverts through early October.

II. PUBLIC DISCUSSION

None

III. LEGISLATION AND POLICY

- 10 – 131** To hold a Public Hearing to consider and act on amending Section 104 (Definitions) of the Cumberland Zoning Ordinance to add a definition for Railroad Facility.

Councilor Moriarty suggested two motions for this item. One to amend the definition of the section of the Zoning Ordinance by adding the definition of Railroad Facility, and one to amend the Rural Industrial Section (204.15) to substitute Railroad Facility for the current term of Road and Rail Facility.

Motion by Councilor Moriarty, seconded by Councilor Turner, to amend the Cumberland Zoning Ordinance by adding Section 104.132A to include the definition of Railroad Facility.

VOTE: 6-1 UNANIMOUS PASSAGE

Motion by Councilor Moriarty, seconded by Councilor Stiles, to amend Section 204.15.1.9 of the Cumberland Zoning Ordinance to delete the term "Road and Rail Facilities" and to insert the term "Railroad Facility".

VOTE: 6-1 UNANIMOUS PASSAGE

- 10 – 132** To hold a Public Hearing to consider and act on a junkyard/recycler permit renewal for Cumberland Salvage for the period of October 1, 2010– September 30, 2011.

Town Manager Shane explained that this is an annual permit. There are no issues and no complaints have been filed with the Code Enforcement Officer. Staff is recommending approval.

Motion by Councilor Porter, seconded by Councilor Moriarty, to approve the junkyard/recycler permit renewal for Cumberland Salvage for the period of October 1, 2010– September 30, 2011.

VOTE: 6-0-1 (Councilor Copp abstained) UNANIMOUS PASSAGE

10 – 133 To hold a Public Hearing to consider and act on amendments to the Cumberland Mass Gathering Ordinance.

Councilor Stiles suggested tabling this item until more information regarding the insurance requirement in the Mass Gathering Ordinance can be obtained and discussed.

Motion by Councilor Stiles, seconded by Councilor Turner, to table pending additional information regarding insurance requirements

VOTE: 6-0 UNANIMOUS PASSAGE

10 – 134 To hold a Public Hearing to consider and act on forwarding Section 104.138 (setback definition) of the Cumberland Zoning Ordinance to the Planning Board for a Public Hearing and recommendation.

Town Manager Shane explained that this item was brought forward by a resident. The ordinance committee met with the resident and recommended forwarding it to the Planning Board for consideration and Public Hearing.

Councilor Turner said that Mr. Lay, the resident who brought this recommendation forward, is very knowledgeable in architecture. The intent is for the definition to be as specific as possible and not subject to too much interpretation, but it being too ponderous is another worry. The definition brought forward this evening is, hopefully, a balance of what Mr. Lay suggested, and what the Ordinance Committee feels comfortable with.

Councilor Moriarty explained that the issue that Mr. Lay raises is whether there can be a circumstance in which a homeowner can encroach into the setback area on the ground by extending a structure, as opposed to an encroachment that is in the air, such as an eave of a roof. The language that the Ordinance Committee suggests, allows for an above ground intrusion (attached to a building).

Councilor Porter questioned the process of the Council sending items to the Planning Board. He thinks that this system does not work well because often, the Council is not giving the Planning Board any guidance, but rather simply sending an item to them only to get it back again with a recommendation. In the future, he would like to have the process defined. The Council is not weighing in at this point in the process. The weighing in happens after an item comes back from the Planning Board with a recommendation.

Town Manager Shane responded that in this particular case, the process has worked. Mr. Lay brought the issue forward, met with staff and the Ordinance Committee, and the information is on the Town website (as an item on this agenda) so the public can see it. Mr. Lay is planning on

making a detailed presentation to the Planning Board. With the new process of the Ordinance Committee reviewing items and making a recommendation to the Council before sending it to the Planning Board, it gives the Council the opportunity to have a public discussion before sending it to the Planning Board.

Councilor Turner said that Councilor Porter's point is well taken. If the Council has serious reservations about an item that is being forwarded to the Planning Board, the Planning Board should be aware of those issues before they go through their process, only to send it back to the Council, and have the Council appear to cavalierly overturn their recommendation.

Motion by Councilor Moriarty, seconded by Councilor Turner, to forward Section 104.138 (setback definition) of the Cumberland Zoning Ordinance to the Planning Board for a Public Hearing and recommendation.

VOTE: 6-0 UNANIMOUS PASSAGE

10 – 135 To hold a Public Hearing to consider and act on the annual “blanket” Mass Gathering Permit for all fall events at Twin Brook.

Town Manager Shane explained that Peter Bingham & Brian Bickford have been working with Greely Athletic Director, Mike Griffin on this permit. Mr. Griffin has been cooperative and has met with staff. This is a great event for the community and staff is recommending approval.

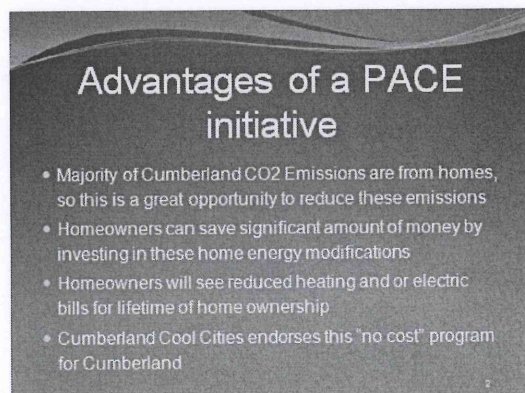
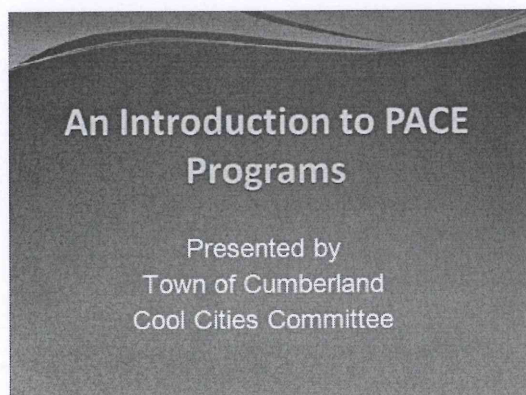
There was some concern voiced by Chairman Storey-King about the overuse of this wonderful facility and a reminder to the public that groups from neighboring communities need to get permission to use it. She asked Mr. Griffin for his assistance in getting the word out to local athletic groups.

Motion by Councilor Porter, seconded by Councilor Stiles, to approve a “blanket” Mass Gathering Permit for two fall events at Twin Brook.

VOTE: 6-0 UNANIMOUS PASSAGE

10 – 136 To hold a Public Hearing to consider and act on the adoption of PACE Ordinance and authorization agreement.

Alex Kimball and Paul Weiss of the Cool Cities Committee presented the program below:



What is a PACE Program?

- Pace stands for Property Assessed Clean Energy
- A PACE program enables property owners to finance the cost home improvements that save energy
- The collateral for the loan is the property for which the improvements are made.
- The loan is completely separate from other mortgages, and is secondary to them.

How did this happen?

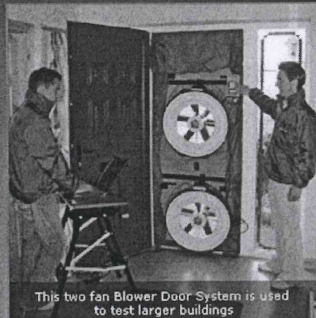
- Maine designed their PACE program to make the loans subordinate to primary mortgages, thus avoiding the problems that other programs have faced nationally.
- Because of this difference, Maine received \$20 million from the ARRA to set up the revolving loan fund for the program
- Maine also created the Efficiency Maine Trust to run the program on a statewide level, freeing municipalities from the administrative burden.

Who can apply?

- Any property owner living in a town that has passed a PACE ordinance can apply
- Other restrictions include:
 - A debt-income ratio of less than 50%
 - Up to date on property taxes and sewer charges
 - No reverse mortgage
 - No existing liens, foreclosures or similar delinquencies

What kind of improvements are allowed?

Air Sealing



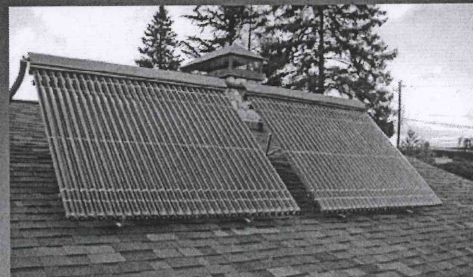
Improved Insulation



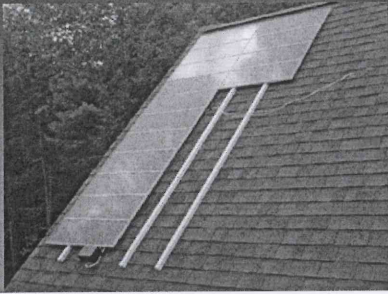
Thermal Air Heating systems



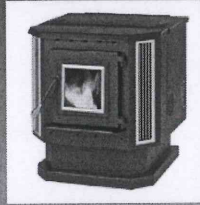
Efficient Hot Water Heaters



Photovoltaic Systems



Geothermal, Pellet or Biomass Heating, Wind Energy systems



Thermostats & Controllers



What is the duration of a PACE Loan?

- The duration of a loan can vary, but it must be shorter than the expected useful life of the improvements
- In general, the term of the loans will be between 15 and 20 years

Can Businesses Apply for a PACE Loan?

- At this time, there will not be funding provided by Efficiency Maine for a business PACE program.

What is the likely interest rate?

- For 2010, rates are anticipated to be between 5 and 7 percent

What happens to a loan upon sale of a property?

- The loan "runs with the property, not the person"
- For example, if a person were to do a 10 year, \$10,000 loan, and then sell the property after 5 years, the new owner would be responsible for the remaining 5 five years.

Other Incentives

- \$3000.00 in Maine State Incentives and \$1500.00 in Federal incentives:
<http://www.efficiencymaine.com/at-home/iesp/program>
- Otherwise there is a 30% Federal Tax Breaks for all qualifying Green Energy Projects up to December 31, 2010

Councilor Copp asked Mr. Kimball if the interest from the loans goes back into the program. Mr. Kimball said that it did, and the intent is to keep the \$20 million revolving as people pay back the loans.

Councilor Stiles asked if we pass this ordinance this evening, can we “un-pass it”?

Councilor Porter stated that we can. There is a separability clause in the contract. We are only providing the umbrella to allow Efficiency Maine to do its job. We are in no way liable. We are simply giving Cumberland residents the right to go forward and apply to access money from Efficiency Maine.

Motion by Councilor Porter, seconded by Councilor Copp, to adopt the PACE Ordinance and authorize the Town Manager to sign the administrative agreement contract.

VOTE: 6-0 UNANIMOUS PASSAGE

10 – 137 To hold a Public Hearing to consider and act on authorizing the Town Manager to accept delinquent taxes for property identified as Tax Map U22/Lot 65A in the amount of \$827.42.

Town Manager Shane explained that this property is located along Forest Lake. It is a triangular parcel with no access to the lake. It equals .07 total acres bordering Windham. A brother and sister own the property and each thought the other had paid the taxes. Consequently, the taxes were not paid and it went to foreclosure. Once a property goes to foreclosure, the taxes cannot be accepted without Council authorization.

Motion by Councilor Copp, seconded by Councilor Moriarty, to authorize the Town Manager to accept delinquent taxes for property identified as Tax Map U22/Lot 65A in the amount of \$827.42.

VOTE: 6-0 UNANIMOUS PASSAGE

IV. NEW BUSINESS

Councilor Turner – A resident contacted him with concerns regarding the speed of vehicles at Hallmark Road, Carriage Road, and Heritage Lane. Is it possible to make that area a 3-way stop to slow down traffic?

Town Manager Shane said that it is the Council’s prerogative to do so. The Manager will get a traffic study from Police Chief Charron of the area and report back to the Council at the next meeting.

Councilor Copp – The West Cumberland United Methodist Church has volunteered to put a donation bucket at their booth at the Cumberland Fair for donations to the Veterans Monument Fund. This is a great idea and a worthy cause.

Bob Logan passed away last week at the age of 79. Bob has lived in Cumberland his entire life. He was an All-Star baseball player when he was younger and a phenomenal outfielder. He could have gone on to play Major League Baseball, but decided to raise a family instead. He was a lifelong member of Val Halla. Councilor Copp expressed his condolences to the Logan family.

Councilor Porter – EcoMaine is hosting an open house this Saturday. He plans to attend. They are giving away free recycling bins and breakfast.

Chairman Storey-King – Reminded the public that the meeting this evening is in place of the September 27th Town Council meeting. She suggested that tonight's meeting be televised on the evening of September 27th.

She attended an event on Cumberland Foreside last week and received raved complements from the residents about the Route 88 project.

She complimented and thanked the Public Services department for the drainage/ditching project on Middle Road. It looks great.

Councilor Stiles – Urged residents to attend the Cumberland Fair, participate, and enjoy what the fair has to offer. His 4-H members will hold their pig races at 6:30 every evening. You will see 5 – 8 year old children working with an animal for the first time, learning the responsibility of caring for and training an animal.

Thank you to the Public Works and Police Departments for the tremendous work that they have been doing.

Councilor Moriarty – None

Town Manager Shane – Bulky Waste Pick-Up week is taking place October 18th – 22nd.
Weather permitting, Range Road will be paved next week.

Absentee voting will begin on October 4th. Call the Town Clerk's office with questions.

At the end of the year, there will be many Town board & committee vacancies due to term expirations. Those interested can contact Brenda Moore at Town Hall or visit the Town website for an application. There will be a regular Town Council meeting on October 11th (Columbus Day).

V. ADJOURNMENT

Motion by Councilor Moriarty, seconded by Councilor Copp, to adjourn.

VOTE: 6-0 UNANIMOUS

TIME: 8:21 p.m.

Respectfully submitted by:

Brenda L. Moore
Executive Secretary/Council Secretary

MANAGER'S REPORT

ITEM 10-138

To hear a report from the Town Clerk re: absentee voting.

TOWN OF CUMBERLAND
NOVEMBER 2, 2010
ELECTION NOTICE

Absentee Ballots for the November 2, 2010 Municipal Election will be available at the Town Clerk's Office at Cumberland Town Hall, on September 29, 2010. Absentee voting will be available at the front office until October 12, 2010. Starting October 12th, 2010, absentee voting will take place in the Town Council Chambers at Town Hall. Registered voters may vote in person or contact the Town Clerk's Office at 829-5559 to receive a ballot by mail. Telephone requests must be made by the **voter only.**

Beginning Tuesday, October 19, 2010, a new registration must occur in person. The voter is required to show satisfactory proof of identity **and** residency to the Registrar. The regular office hours of the Voter Registrar/Town Clerk's Office, 290 Tuttle Road, are:

Monday-Wednesday	8:00 a.m.-5:00 p.m.
Thursday	8:00 a.m.-6:00 p.m.

The Registrar will have extended hours for registration and absentee voting on the following dates:

Saturday, October 16, 2010	-	9:00 a.m.-12:00 p.m. (Town Hall)
Saturday, October 23, 2010	-	9:00 a.m.-12:00 p.m. (Town Hall)
Thursday, October 28, 2010	-	6:00 p.m.- 7:00 p.m. (Town Hall)
Saturday, October 30, 2010	-	9:00 a.m.-12:00 p.m. (Town Hall)
Sunday, October 31, 2010	-	9:00a.m.-12:00p.m. -

(West Cumberland Hall, West Cumberland)

For registration questions, please call the Town Clerk's Office at 829-5559, or e-mail the Town Clerk at Todonnell@cumberlandmaine.com
Sample ballots are available upon request.

- The Clerk will process absentee ballots on Monday, November 1, 2010 beginning at 10:00 a.m. and continuing every half hour until all ballots have been processed.

ITEM 10-139

To hear a report from the Town Manager re: intersection improvements at Hallmark Road, Carriage Road, and Heritage Lane.



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: October 6, 2010
Re: Hallmark & Carriage Intersection

I have inspected the intersection at Hallmark & Carriage to determine if a 3-way stop sign is needed.

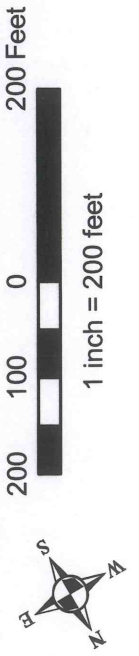
The relatively low volume of traffic using the intersection, good site distances in all directions and uniform traffic volumes on each leg of the intersection will not cause a safety hazard with the introduction of a 3-way stop sign. While the signs are not needed for traffic safety, they may aid in assisting with traffic calming in the immediate area.

I have asked the Police Chief and his staff to forward comments to me and I will present those to you at your meeting along with an overview of the intersection.



Carriage - Hallmark Intersection Fall 2010



Stop Sign
New Stop Sign





Carriage - Hallmark Intersection

Fall 2010

-  Stop Sign
-  New Stop Sign



TRAFFIC ORDINANCE OF

THE TOWN OF CUMBERLAND, MAINE

**AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF
THE TOWN OF CUMBERLAND, MAINE**

THE TOWN OF CUMBERLAND HEREBY ORDAINS the following; under sections 1917 and 2151 of Title 30, Maine Revised Statutes Annotated 1964 as amended.

Article I – Words and Phrases Defined:

1-1: Definition of words and phrases:

- A. The following words and phrases when used in this ordinance shall for the purpose of this ordinance have the meanings respectively ascribed to them in this Article, except when the context otherwise requires.
- B. Whenever any words and phrases used herein are not defined herein but are defined in the State laws regulating the operation of vehicles, any such definition therein shall be deemed to apply to such words and phrases used herein, except when the context otherwise requires.

1-2: Commercial Vehicle: Every vehicle designed, maintained or used primarily for transportation of property.

1-3: Controlled Access Highway: Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

1-4: Curb Loading Zone: A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers, materials or freight.

1-5: Driver: Every person who drives or is in actual physical control of a vehicle.

1-6: Fire Department Official: Any municipal firefighter or fire warden including those appointed under special laws.

1-7: Laned Roadway: A roadway which is divided into two or more clearly marked lanes for vehicular traffic.

1-8: Official Time Standard: Whenever certain hours are named herein they shall mean standard time or daylight-saving time as may be in current use in this municipality.

- 1-9: Park: Means the standing of a vehicle, whether occupied or not, otherwise then temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
- 1-10: Pedestrian: Any person afoot.
- 1-11: Person: Any natural person, firm, co-partnership, association, corporation or other legal entity.
- 1-12: Police Officer: Any officer of the Police Department, any constable, or any person authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
- 1-13: Private Road or Driveway: Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.
- 1-14: Right of Way: The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.
- 1-15: Roadway: That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm of the shoulder. In the event a highway includes two or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately, but not to all such roadways collectively.
- 1-16: Safety Zone: The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.
- 1-17: Sidewalk: That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.
- 1-18: Traffic Division: The Traffic Division of the Police Department of this municipality, or in the event a Traffic Division is not established, then said term whenever used herein shall be deemed to refer to the Police Department of this Town.

Article II – Traffic Administration:

- 2-1: Police Administration: There is hereby established in the Police Department of this municipality a Traffic Division to be under the control of an officer of police appointed by and directly responsible to the Chief of Police.

2-2: Duty of Traffic Division: The Traffic Division, with such assistance as may be rendered by other personnel within the Police Department, shall:

- A. Enforce the traffic provisions of this ordinance and the State vehicle laws.
- B. Make arrests for traffic violations.
- C. Investigate accidents.
- D. Cooperate with other municipal officials in the administration of traffic laws and in developing methods to improve traffic conditions.
- E. Carry out those duties imposed upon it by this ordinance.

2-3: Records of traffic violations:

- A. The Police Department or the Traffic Division thereof shall keep a record of all violations of the traffic ordinances of this municipality or of the State vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such records shall be so maintained as to show all types of violations and the total of each. Said record shall accumulate during at least a five-year period and, from that time on, the record shall be maintained complete for at least the most recent five-year period.
- B. All forms for records of violations and notices of violations shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of all such forms.
- C. All such records and reports shall be public records.

2-4: Traffic Division to investigate accidents: It shall be the duty of the Traffic Division, assisted by other police officers in the department, to investigate traffic accidents, to arrest and to assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents.

2-5: Traffic Accident Studies: Whenever the accidents at any particular location become numerous, the Traffic Division shall conduct studies of such accidents and with the assistance of traffic engineers employed by the Maine Department of Transportation, formulate remedial measures.

2-6: Traffic Accident Reports: The Traffic Division shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location.

2-7: Drivers' Files to be Maintained:

- A. Said Division shall study the cases of all drivers charged with frequent or serious violations of the traffic laws or involved in frequent traffic accidents or any serious accident, and report such information to the Division of Motor Vehicles or other appropriate State agencies.
- B. Such records shall accumulate during at least a five-year period and, from that time on, such records shall be maintained complete for at least the most recent five-year period.

2-8: Traffic Division to Submit Annual Traffic Safety Report: The Traffic Division shall annually prepare a traffic report which shall be filed with the Town Manager. Such report shall contain information on traffic matters in this municipality as follows:

- A. The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data.
- B. The number of traffic accidents investigated and other pertinent data on the safety activities of the police.
- C. The plans and recommendations of the division for future traffic safety activities, including remedial measures arising from traffic accident studies.

2-9: It shall be the general duty of the Chief of Police to determine the installation and proper timing and maintenance of traffic control devices, to conduct analyses of traffic accidents and to devise remedial measures, to conduct investigations of traffic conditions, to plan the operation of traffic on streets and highways of this municipality, and to cooperate with other municipal officials in the development of ways and means to improve traffic conditions, and to carry out the additional powers and duties imposed by ordinances of this municipality. The installation of traffic control devices on state-aid and state highways is subject to Maine Department of Transportation approval.

2-10: Emergency and Experimental Regulations:

- A. The Town Council, by and with the approval of the Maine Department of Transportation is hereby empowered to make regulations necessary to make effective the provisions of the traffic ordinances of this Town and to make temporary or experimental regulations to cover emergencies or special conditions. Such temporary or experimental regulations shall be enforced by the Police Department. No such temporary or experimental regulation shall remain in effect for more than 90 days.

- B. The Chief of Police may test traffic control devices under actual conditions of traffic.

Article III – Enforcement and Obedience to Traffic Regulations:

3-1: Authority of Police and Fire Department Officials:

- A. It shall be the duty of any police officer to enforce all traffic laws of this municipality and all State vehicle laws.
- B. Police officers are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws, provided that, in the event of a fire or other emergency or to expedite traffic, or to safeguard pedestrians, police officers may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.
- C. Officers of the Fire Department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

3-2: Required Obedience to Traffic Ordinance: It is unlawful and a misdemeanor for any person to do any act forbidden or fail to perform any act required in this ordinance.

3-3: Obedience to Police and Fire Officials: No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer or fire department official in directing traffic.

3-4: Public Employees to Obey Traffic Regulations: The provisions of this ordinance shall apply to the drivers of all vehicles owned or operated by the United States, this State, or any county, town, district, or any other political subdivision of the State, subject to such specific exceptions as are set forth in this ordinance or in the State vehicle code.

3-5: Authorized Emergency Vehicles:

- A. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to, but not upon return from, a fire alarm, may park or stand, irrespective of the provisions of this ordinance.
- B. The foregoing provision shall not relieve the driver of an authorized emergency vehicle from the duty to park or stand with due regard for the safety of all persons, nor shall such provision protect the driver from the consequences of his reckless disregard for the safety of others.

3-6: Certain Non-Motorized Traffic to Obey Traffic Regulations:

- A. Every person propelling any push cart upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this ordinance and by the rules of the road portion of the State vehicle code, except those provisions which by their nature have no application.
 - B. Every person riding an animal or driving an animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this ordinance, except those provisions of this ordinance which by their very nature can have no application.
- 3-7: Use of Coaster, Roller Skates, Motorized Toys and Similar Devices Restricted: No person upon roller skates, or riding in or by means of any coaster, skateboard, toy vehicle, motorized toy vehicle, or similar device, shall go upon any roadway except while crossing a street on a crosswalk and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians.
- 3-8: Written Report of Accident: The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or total damage to all property to an apparent extent of \$200 or more shall within 10 days after such accident forward to the Police Department a written report of such accident or a copy of any report filed with the Chief of the State Police. The provisions of this section shall not be applicable when the accident has been investigated at the scene by a municipal police officer while such driver was present thereat.
- 3-9: When Driver is Unable to Report: Whenever the driver is physically incapable of making a written report of an accident as required in Section 3-8 and such driver is not the owner of the vehicle, then the owner of the vehicle in such accident shall within 10 days after the accident make such report not made by the driver.

Article IV – Traffic Control Devices:

- 4-1: Authority to Install Traffic Control Devices: The Chief of Police, at the direction of, or with the approval of, the Town Council and with the assistance of the Highway Department, shall place and maintain official traffic control devices when and as required under the traffic ordinances of this municipality to make effective the provisions of said ordinances and shall recommend to the Town Council such additional official traffic control devices as he may deem necessary to regulate, warn, or guide traffic under the traffic ordinances of this municipality or the State Vehicle Code. The installation of traffic control devices on state aid and state highways shall be subject to and the responsibility of the Maine Department of Transportation.

- 4-2: Specifications for Traffic Control Devices: All traffic control signs, signals and devices shall conform to specifications approved by the Maine Department of Transportation. All signs and signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the municipality. All traffic control devices so erected and not inconsistent with the provisions of State law or this ordinance shall be official traffic control devices.
- 4-3: Obedience to Official Traffic Control Devices: The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the provisions of this ordinance, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle.
- 4-4: When Official Traffic Control Devices Required for Enforcement Purposes:
- A. No provision of this ordinance for which official traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person.
 - B. Whenever a particular section does not state that official traffic control devices are required, such section shall be effective even though no devices are erected or in place.
- 4-5: Official Traffic Control Devices – Presumption of Legality:
- A. Whenever official traffic control devices are placed in position approximately conforming to the requirements of this ordinance, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.
- 4-6: Chief of Police to Recommend Crosswalks and Establish Safety Zone: The Chief of Police is hereby charged with the responsibility of submitting recommendations to the Town Council which will enable the Council to designate, and the Highway Department to maintain:
- A. Appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections where there is particular danger to pedestrians crossing the roadway, and at such other places as may be deemed necessary.
 - B. To establish safety zones of such kind and character and at such places as may be deemed necessary for the protection of pedestrians.

- C. On state aid and state highways the recommendations of the Chief of Police and authority of the Town Council are subject to approval by the Maine Department of Transportation.

4-7: Traffic Lanes: The Chief of Police is hereby authorized, with the approval of the Road Commissioner and cooperation of the Highway Department, to designate traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary. On state aid and state highways, the authority of the Chief of Police is subject to Maine Department of Transportation approval.

Article V – Speed Regulations:

- 5-1: State Speed Laws Applicable: The State traffic laws regulating the speed of vehicles shall be applicable upon all streets within this municipality.
- 5-2: Regulation of Speed by Traffic Signals: The Chief of Police is authorized, subject to approval by the Town Council, the Maine Department of Transportation, and State Police, to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections and shall erect appropriate signs giving notice thereof.

Article VI – Turning Movements:

- 6-1: Authority to Place Devices Altering Normal Course for Turn: The Chief of Police is authorized, subject to the approval of the Town Council, to place or have placed official traffic control devices within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law. On state aid and state highways, the authority of the Police Chief is also subject to approval for the Maine Department of Transportation.
- 6-2: Authority to Place Restricted Turn Signs: The Chief of Police is to recommend to the Town Council those intersections at which drivers of vehicles shall not make a right, left or u-turn, and shall, upon affirmative vote of the Council, with the cooperation of the Highway Department, place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs, or the signs may be removed when such turns are permitted. On state aid and state highways, the recommendations of the Police Chief and the authority of the Town Council are subject to approval of the Maine Department of Transportation.

Article VII – Stop and Yield Intersections:

- 7-1: Through Streets Designated: Those streets and parts of streets described in Section I attached hereto and made a part hereof, are hereby declared to be through streets for the purpose of this section.
- 7-2: Signs Required at Through Streets: Whenever this ordinance designates and describes a through street, it shall be the duty of the Chief of Police with the cooperation of the Highway Department, to place and maintain a stop sign, or on the basis of an engineering and traffic investigation at any intersection a yield sign, on each and every street intersecting such through street unless traffic at any such intersection is controlled at all times by traffic control signals; provided, however, that at the intersection of two such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of said streets as may be recommended to and voted by the Town Council, by the Chief of Police upon the basis of an engineering and traffic study.
- 7-3: Other Intersections Where Stop or Yield Required: The Chief of Police is to designate intersections where a particular hazard exists upon other than through streets and to determine and recommend to the Town Council:
- A. Whether vehicles shall stop at one or more entrances to any such intersection, in which event, upon vote of the Town Council, he shall cause to be erected a stop sign at every such place where a stop is required.
 - B. Whether vehicles shall yield the right-of-way to vehicles on a different street at such intersection, in which event upon vote of the Town Council he shall cause to be erected a yield sign at every place where obedience is required.
- 7-4: State Approval: On state aid and state highways, the designation of through streets and the installation of stop and yield signs are subject to Maine Department of Transportation approval.

Article VIII – Miscellaneous Driving Rules:

- 8-1: Stop When Traffic Obstructed: No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or sidewalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal to proceed.
- 8-2: Driving Through Funeral or Other Procession: No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. This

provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers.

- 8-3: Drivers in a Procession: Each driver in a funeral or other procession shall drive as near to the right hand edge of the roadway as practicable and shall follow the vehicle ahead as closely as is practicable and safe.
- 8-4: Boarding or Alighting From Vehicles: No person shall board or alight from any vehicle while such vehicle is in motion.
- 8-5: Unlawful Riding: No person shall ride in any vehicle upon any portion thereof not designated or intended for the use of passengers. This provision shall not apply to any employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise.
- 8-6: Leaving Unattended Vehicle: No operator or person in charge of a commercial motor vehicle sales or repair operation shall park or cause to be parked any motor vehicle on a new or used car lot or at a repair garage without locking the ignition, removing the ignition key from the vehicle and effectively setting the brake.
- 8-7: Action by Police Officer: Whenever a police officer shall find a motor vehicle parked unattended with the ignition key in the vehicle in violation of Section 8-6, the police officer is authorized to remove the key from the vehicle and deliver the key to the police station.

Article IX – Pedestrians Rights and Duties:

- 9-1: Crossing at Right Angles: Except where otherwise indicated by a crosswalk or other official traffic control device, a pedestrian shall cross a roadway at right angles to the curb or by the shortest route to the opposite curb.
- 9-2: Obedience of Pedestrians to Railroad Signals: No pedestrian shall pass through, around, over or under any flashing signal, crossing gate, or barrier at a railroad grade crossing while such flashing signal is operating or while such gate or barrier is closed or is being opened or closed.
- 9-3: Drivers to Exercise Due Care: Notwithstanding other provisions of this ordinance, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person upon a roadway.

Article X – Regulations for Bicycles:

- 10-1: Effect of Regulations:

- A. It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this article.
- B. The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this ordinance.
- C. These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.

10-2: Traffic Ordinances Apply to Persons Riding Bicycles: Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this ordinance, except as to special regulations in this article and except as to those provisions of this ordinance which by their nature can have no application.

10-3: Obedience to Traffic Control Devices:

- A. Any person operating a bicycle shall obey the instructions of official traffic control devices applicable to vehicles, unless otherwise directed by a police officer.
- B. Whenever authorized signs are erected indicating that no right or left or u-turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event, such person shall then obey the regulations applicable to pedestrians.

10-4: Parking: No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such manner as to afford the least obstruction to pedestrian traffic.

10-5: Riding on Sidewalks: The Chief of Police is authorized to erect signs on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person and when such signs are in place no person shall disobey the same.

10-6: Penalties: Every person convicted of a violation of any provision of this article shall be punished by a fine of not more than \$100 or by impounding of such person's bicycle for a period not to exceed 15 days or any combination thereof.

Article XI – Angle Parking:

11-1: Angle parking shall not be indicated or permitted at any places within the streets, roads, or highways of the Town of Cumberland: Angle parking shall be permitted on the Stone Pier.

11-2: Permits for Loading or Unloading at an Angle to the Curb:

- A. The Chief of Police is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant lessee of real property or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized herein.
- B. It shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.

Article XII – Stopping, Standing or Parking Prohibited in Specified Places:

12-1: Parking Not to Obstruct Traffic: No person shall park any vehicle upon a street in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for free movement of vehicular traffic.

12-2: Parking for Certain Purposes Prohibited: No person shall park a vehicle upon any roadway for the principal purposes of:

- A. Displaying such vehicle for sale.
- B. Washing, greasing or repairing such vehicle except repairs necessitated by an emergency.

12-3: Parking Adjacent to Schools:

- A. The Chief of Police is hereby authorized, upon vote of the Town Council, to cause the installation of signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would interfere with traffic or create a hazardous situation.
- B. When official signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized herein, no person shall park a vehicle in any such designated place.

12-4: Parking Prohibited on Narrow Streets:

- A. The Chief of Police is hereby authorized, upon vote of the Town Council, to cause the installation of signs indicating no parking upon any street

when the width of the roadway does not exceed 20 feet, or upon one side of a street as indicated by such signs when the width of the roadway does not exceed thirty feet.

- B. When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign.

12-5: No Stopping, Standing or Parking Near Hazardous or Congested Places:

- A. The Chief of Police is to determine and recommend to the Town Council for its designation places not exceeding 100 feet in length in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic. The Chief of Police shall cause the installation of proper signs in such locations.
- B. When official signs are erected at hazardous or congested places as authorized herein no person shall stop, stand or park a vehicle in any such designated place.

12-6: Motor Vehicles in Designated Places: No person shall operate or park any motor vehicle of any type or description on municipal property (excluding public roads) other than designated parking areas in municipal parking lots or driveways. No person shall operate a motor vehicle outside of said designated areas. The use of authorized golf carts and snowmobiles at the municipal recreation center shall be exempt from this provision.

Article XIII – Stopping for Loading or Unloading Zones:

13-1: Chief of Police to Designate Curb Loading Zones: The Chief of Police is to determine and recommend to the Town Council the location of curb loading zones and shall cause to be placed and maintained appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable.

13-2: Permits for Curb Loading Zones: The Town Council shall not hereafter designate or cause to be signed any curb loading zone upon special request of any person unless such person makes application for a permit for such zone and for installation of two signs to be purchased and installed at his expense to indicate the ends of each such zone. Upon the granting of a permit and issuing authorization for such signed by the Town Council, the Town Clerk shall collect from the applicant and deposit in the municipal treasury a service fee of \$25 per year or fraction thereof. The Town Council may by general regulations impose conditions upon the use of such signs and for their replacement in the event of their loss or damage and their removal in the event of misuse or upon expiration of a permit. Every permit shall expire at the end of the calendar year.

13-3: Standing in Curb Loading Zone: No person shall stop or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of freight; materials or passengers in any place marked as a curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed thirty minutes.

13-4: Town Council to designate Public Carrier Stops and Stands: The Chief of Police is to recommend to the Town Council the designation and establishment of bus stops, taxi stands and stands for other passenger common-carrier motor vehicles on such public streets in such places and in such number as shall be determined to be of the greatest benefit and convenience to the public, and every such bus stop, taxicab stand shall be designated by appropriate signs.

13-5: Stopping, Standing and Parking of Buses and Taxicab Regulated:

- A. The operator of a bus shall not stand or park such vehicle upon any street.
- B. The operator of a bus, other than a school bus, shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers other than at a bus stop or passenger loading zone so designated as provided herein, except in the case of any emergency.
- C. The operator of a bus shall enter a bus stop or passenger loading zone on a public street in such manner that the bus when stopped to load or unload passengers or baggage shall be in a position so as not to unduly impede the movement of other vehicular traffic.
- D. The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated as provided herein. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

13-6: Restricted Use of Taxicab Stands: No person shall stop or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

Article XIV: Stopping or Parking Restricted or Prohibited on Certain Streets

14-1: Application of Article: The provisions of this article prohibiting the parking of a vehicle shall apply at all times or at those times herein specified or as indicated on

official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic control devices.

- 14-2: Regulations Not Exclusive: The provisions of this article imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping or parking of vehicles in specified places or at specified times.
- 14-3: Parking Prohibited at All Times on Certain Streets: When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets described in Schedule "A" attached hereto and made a part of this ordinance.
- 14-4: Parking Prohibited During Certain Hours on Certain Streets: When signs are erected giving notice thereof, no person shall park a vehicle between the hours specified in Schedule "B" of any day except Sundays and public holidays within or upon any of the streets described in said Schedule "B" attached to and made a part of this ordinance.
- 14-5: Parking Signs Required: When signs are erected giving notice thereof, no person shall park a vehicle for longer than two hours at any time between the hours of 7:00 a.m. and 7:00 p.m. of any day except Sundays and public holidays within the district or upon any of the streets described in Schedule "C" attached to and made a part of this ordinance.
- 14-6: Parking Signs Required: Whenever by this or any other ordinances of this municipality any parking time limit is imposed or parking is prohibited on designated streets it shall be the duty of the Chief of Police with the cooperation of the Highway Department to erect appropriate signs giving notice thereof and no such regulation shall be effective unless said signs are erected and in place at the time of any alleged offense.
- 14-7: Parking When Interfering With or Hindering the Removal of Snow: No vehicle shall be parked at any time on a public way to interfere with snowplowing or snow removal. No vehicle shall be parked on any street in the Town of Cumberland, or on the **Stone Pier**, between the hours of 12:00 a.m. and 7:00 a.m. from November 15th through April 1st. This regulation shall not apply to physicians or to emergency and professional calls.

Article XV: Regulating the Kinds and Classes of Traffic on Certain Highways

- 15-1: Load Restrictions Upon Vehicles Using Certain Highways: When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amounts specified in Schedule "D" at any time upon any of the streets or parts of streets described in said Schedule "D", attached to and made a part of this ordinance.

15-2: Commercial Vehicles Prohibited From Using Certain Streets: When signs are erected giving notice thereof, no person shall operate any commercial vehicle exceeding 18,000 pounds gross weight at any time upon any of the streets or parts of streets described in Schedule "E", attached to and made a part of this ordinance, except that such vehicles may be operated thereon for the purpose of delivering or picking up materials or merchandise and then only by entering such street at the intersection nearest the destination of the vehicle and proceeding thereon no farther than the nearest intersection thereafter.

15-3: Size Restrictions Upon Vehicles Using Certain Highways:

- A. It is hereby determined upon the basis of an engineering and traffic investigation that the size permitted by State law is greater than physical conditions will allow upon the streets or parts of streets described in Schedule "F", attached to and made a part of this ordinance.
- B. When signs are so erected giving notice thereof, no person shall disobey the restrictions stated on such signs.

15-4: State Approval: On state aid and state highways, the installation of signs is subject to Maine Department of Transportation approval.

Article XVI – Penalties and Procedure on Arrest:

16-1: Penalties: Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this ordinance shall be punished by a fine of not more than \$100.

16-2: Forms and Records of Traffic Citations and Arrests Under Municipal Ordinance:

- A. The Town of Cumberland shall provide traffic citation forms for notifying alleged violators to appear and answer to charges of violating municipal traffic laws and ordinances in the District Court. Said forms shall consist of serially numbered sets of citations in quadruplicate in the form prescribed and approved by the Chief of Police.
- B. The Chief of Police shall issue such citation forms to all duly sworn regular and reserve police officers of the Town of Cumberland and shall maintain a record of all citation forms so issued and shall require a written receipt for every such booklet of citation forms.

16-3: Procedure of Police Officers: A police officer who halts a person for violation of any municipal traffic laws other than for the purpose of giving him a warning or warning notice and does not take such person into custody under arrest, shall take the name, address, and driver's license number of said person, the registration

number of the motor vehicle involved, and such other pertinent information as may be necessary, and shall issue to him in writing a traffic citation containing a notice to answer to the charge against him in the District Court at a time at least five days after such alleged violation to be specified in said citation. The officer, upon receiving the written promise of the alleged violator to answer as specified in the citation, shall release such person from custody.

- 16-4: When a Copy of the Citation Shall be Deemed a Lawful Complaint: In the event the form of citation provided under Section 16-2 includes information and is sworn to as required under the general laws of this State in respect to a complaint charging commission of the offense alleged in said citation to have been committed, then such citation when filed with a court having jurisdiction shall be deemed to be a lawful complaint for the purpose of prosecution.
- 16-5: Failure to Obey Citation: It shall be unlawful for any person to violate his written promise to appear given to an officer upon the issuance of a traffic citation regardless of the disposition of the charge for which such citation was originally issued.
- 16-6: Citation on Illegally Parked Vehicle: Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by an ordinance of this municipality or by State law, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation, on a form provided by the municipality for the driver to answer to the charge against him within five days during the hours and at a place specified in the citation.
- 16-7: Failure to Comply With Traffic Citation Attached to Parked Vehicle: If a violator of the restrictions on stopping or parking under the traffic laws or ordinance does not appear in response to a traffic citation affixed to such motor vehicle within a period of five days, the Chief of Police shall send to the owner of the motor vehicle to which the traffic citation was affixed a letter informing him of the violation and warning him that in the event such letter is disregarded for a period of five days a warrant of arrest will be issued.
- 16-8: Presumption in Reference to Illegal Parking:
- A. In any prosecution charging a violation of any law or regulation governing the parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

B. The foregoing stated presumption shall apply only when the procedure as prescribed in Sections 16-6 and 16-7 has been followed.

16-9: When Warrant May be Issued: In the event any person fails to comply with a traffic citation given to such person or attached to a vehicle or fails to make an appearance pursuant to a summons directing an appearance in the District Court, the Clerk of the District Court shall secure and issue a warrant for his arrest.

Article XVII – Effect of and Short Title of Ordinance:

17-1: Application: The provisions of this ordinance relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except where a different place is specifically referred to in a given section.

17-2: Uniformity of Interpretation: This ordinance shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those local authorities which enact it.

17-3: Effect of Headings: Article and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section hereof.

17-4: Short Title: This ordinance may be known and cited as the Cumberland Traffic Ordinance.

17-5: Ordinance Not Retroactive: This ordinance shall not have a retroactive effect and shall not apply to any traffic accident, to any cause of action arising out of a traffic accident or judging arising therefore, or to any violation of the motor vehicle ordinance of this Town, occurring prior to the effective date of this ordinance.

17-6: Effect of Partial Invalidity: If any part or parts of this ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

17-7: Publication of Ordinance: The Town Clerk shall certify to the passage of this ordinance and cause notice of such passage to be published, together with notice of the availability of this ordinance at the Cumberland Town Hall.

17-8: Repeal: The existing ordinances covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Amended: May 20, 1985

Effective: June 19, 1985

TRAFFIC ORDINANCE
Schedule A

It shall be unlawful except in an emergency for any person to park a motor vehicle of any kind at any time on any portion of the paved surface, or within 10 feet of the paved surface, of Tuttle Road beginning at CMP pole 32 and ending at CMP pole 21, a total distance of 1629 feet on both north and south sides of the roadway.

Stop Sign

Bea Lane
Bea Lane
Birch Lane
Blackstrap Road
Blanchard Road
Blanchard Road
Blue Heron Lane
Broad Cove Way
Broadmoor Drive
Broadmoor Drive
Brookside Drive
Bruce Hill Road
Bruce Hill Road
Bruce Hill Road
Candlewick lane
Carol Street
Carol Street
Carriage Road
Concord Circle
Corey Road
Cottage Farms Road
Country Charm Lane
Crestwood Drive
Crestwood Drive
Cross Road
Crystal Lane
Dean's Way
Doughty Road
Drowne Road
Ebbtide Drive
Farwell Avenue
Fern Lane
Forest Ave
Forest Lake Road
Forest Lane
Frye Drive
George Road
Greely Road
Greely Road
Greely Road Ext.
Gross Street
Hallmark Road
Hallmark Road
Harris Road
Hedgerow Drive
Hedgerow Drive
Heritage Road
Heritage Road
Highland Ave
Highland Ave

Intersection

Route 9
Grove Street
Wildwood Blvd.
Route 100 (east)
Route 9
Skillins Road (east)
Route 88
Route 88
Tuttle Road
Willow Lane
Greely Road
Blanchard Road (south)
Blanchard Road (north)
Pleasant Valley Road (North)
Country Charm Lane
Hillcrest Drive
Woodside Drive
Route 88
Wildwood Blvd.
Route 9
Route 9
Val Halla Road
Pinewood Drive (west)
Pinewood Drive (east)
Route 9
Greely Road Ext.
Route 88
Greely Road
Tuttle Road
Island View Avenue
Route 9
Route 88
Route 100 (east)
Blackstrap Road (north)
Forest Lake Road (south)
Blanchard Road
Blackstrap Road (south)
Route 9
Middle Road
Route 9
Greely Road Ext.
Carriage Road
Route 88
Tuttle Road
Route 9
Val Halla Road
Carriage Road
Route 88
Route 100 (east)
Old Gray Road (west)

Hillcrest Drive	Route 9	
Hillcrest Drive	Woodside Drive	
Hillside Avenue	Greely Road	
Hilltop Road		06-026?
Island Avenue	Fern Lane	
Karole Lane	Route 9	
Kerri Farm Drive		06-026?
King's Highway	Route 88	
King's Highway	Tuttle Road	
Lake Road	Union Road	
Lantern Lane	Route 88	
Lawn Avenue	Route 9	
Ledge Road	Route 88	
Linda Street	Hillcrest Drive	
Linda Street	Woodside Drive	
Longmeadow Road	Route 88	
Longview Street	Hillcrest Drive	
Longview Street	Woodside Drive	
Lower Methodist Road	Route 100 (east)	
Maple Street	Lawn Avenue	
Meadowview Road	Tuttle Road	
Middle Road (north)		
Midle Road (south)		
Mill Ridge Road	Mill Road	
Mill Road	Blanchard Road (north)	
Oak Ridge Road	Greely Road Ext.	
Old Gray Road	Route 100 (west)	
Osgood Road	Route 9	
Phillips Street	Greely Road Ext.	
Pine Lane	Sylvan Lane (east)	
Pine Lane	Sylvan Lane (west)	
Pine Lane	Concord Circle	
Pine Lane	Wildwood Blvd.	
Pine Lane	Ocean Terrace	
Pine Ridge Road	Route 88	
Pinewood Drive	Route 9	
Pleasant Valley Road	Valley Road (north)	
Powell Avenue	Route 88	
Powell Avenue	Route 1	
Prince Street	Farwell Ave (west)	
Prince Street	Farwell Ave (east)	
Range Road	Route 100	
Range Road	Winn Road (south)	
Road 3 and 3a	Forest Lake Road (east)	
Route 1 Off Ramp	Tuttle Road	
Route 1 On Ramp		
Sea Cove Road	Route 88	
Skillins Road	Route 100 (west)	
Sparhawk Lane	Cottage Farms Road	
Spruce Lane	Route 88	
Starboard Lane	Route 88	
Stonewall Drive		06-026?

Stony Ridge Road
Stornoway Drive
Sturdivant Lane
Surry Lane
Sylvan Lane
Sylvan Lane
Sylvan Lane
Sylvan Lane
Teal Drive
Teal Drive
Town Landing Road
Turkey Lane
Tuttle Road
Tuttle Road
Union Road
Union Road
Upper Methodist Road
Val Halla Road
Valley Road
West Branch Road
Whitney Road
Wildwood Blvd.
Willow Lane
Winn Road

Route 88
Route 88
Route 88
Carriage Road
Wildwood Blvd.
Pine Lane (north)
Birch Lane
Pine Lane (south)
Route 88
Ledge Road
Route 88
Route 9
Route 9
Route 88
George Road
Highland Ave
Blackstrap Road (north)
Greely Road
Bruce Hill Road (south)

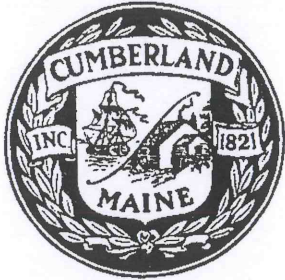
Orchard Road (south)
Route 88
Tuttle Road
Route 9

06-026?

ITEM

10-140

To consider and act on authorizing the Town Manager to execute a change order to remove 500' of concrete slab on Route 88 near Tuttle Road.



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: October 6, 2010
Re: Route 88 – Hill by Tuttle & King's Highway - Change Order

I am recommending a change order for \$82,600 to remove the present concrete slabs for 500' under Route 88 just south of the Rt 88 / Tuttle Road intersection to a point 500' north along Rt 88. The concrete will be removed, disposed, and new gravel and pavement will be placed in this area.

Test pits have been dug in the area and there is little evidence of sufficient gravel base causing excessive frost action in this area. The new drainage will lessen the frost action, but the unevenness of the slabs and the inability for the slabs to settle back into place once the frost melts will make this area of the road difficult to pave and result in excessive cracking of any new pavement surface in the near future.

To date we have removed, relocated and redesigned drainage to accommodate the utility conflicts encountered. The net cost of the changes has been a **savings of nearly \$ 113,400** to the contracted price. If approved, this change order will result in a net positive savings in the project to date of \$ 30,800.

I am recommending approval of this change order. I expect, with your approval this evening, the work will start almost immediately.

Total Construction	\$3,800,000	
Inspection / Admin	\$ 100,000	
Contingency	<u>\$ 200,000</u>	– Through 33% of project – none used
Totals	\$4,100,000	

ITEM

10-141

To set a Public Hearing date (October 25th) to consider and act on authorizing the Town Manager to execute agreements with North Yarmouth for Animal Control Officer, Sidewalk Snow Plowing & Channel 2.

**Agreement Between
The Town of Cumberland
And
The Town of North Yarmouth**

The Town of North Yarmouth has raised funds via its Town Meeting held on _____ and have granted the Selectmen the authority to enter into this agreement and the monies have been allocated though June 30, _____.

WHEREAS, the Town of North Yarmouth ("North Yarmouth") has a need for the services of an Animal Control Officer; and

WHEREAS, the Town of Cumberland ("Cumberland") is willing to provide the services of its Animal Control Officer to North Yarmouth on a cost sharing basis;

NOW, THEREFORE, Cumberland and North Yarmouth agree as follows:

1. Appointment of North Yarmouth Animal Control Officer. North Yarmouth, shall appoint Charles Burnie, the Cumberland Animal Control Officer, with the consent of Cumberland, as the North Yarmouth Animal Control Officer for a term of 1 year.

Should Charles Burnie be unable to perform the duties of Animal Control Officer, Cumberland shall so inform North Yarmouth. Cumberland, working with North Yarmouth, shall recommend a replacement, that if found to be satisfactory, shall then be appointed as the North Yarmouth Animal Control Officer.

2. Scope of Employment. Charles Burnie, or a replacement, shall perform all duties and responsibilities imposed by State law and Municipal Ordinance as the North Yarmouth Animal Control Officer and will provide information to municipal officials and citizens, state agencies, vendors and other persons with interest in activities pertaining to the animal control function of North Yarmouth.

3. Employer. Charles Burnie, or a replacement, shall remain an employee of the Town of Cumberland during the term of this agreement for all purposes including, without limitation, pay, benefits workers' compensation and liability coverage.

4. North Yarmouth Obligations. North Yarmouth shall be responsible for providing officer space, furniture, equipment and support, legal counsel and assessment defense costs and reviews as needed, and appeals processes. North Yarmouth shall provide such additional support and other necessary resources and functions as North Yarmouth

shall deem necessary and prudent for the proper administration of the animal control function in its community.

5. Cost. North Yarmouth agrees to **pay reimburse** Cumberland a fee of \$75.00 per call made by ACO Burnie, or his replacement.

6. Indemnification Each municipality shall defend, indemnify and hold each and every municipality hereto harmless from any claim, cause of action, liability or expense including reasonable attorney's fees arising out of or resulting from any error, act or omission of the municipality's officers, agents or employees. This section shall not be interpreted to waive the monetary limits or substantive areas of immunity under the Maine Tort Claims Act (14 M.R.S.A. § 8108 et seq.) or any other immunities or defenses under the Act or other applicable law.

7. Term. This Agreement shall remain in effect until June 30, 2010 unless sooner terminated in accordance with Section 8 of the Agreement.

8. Termination of Agreement. Either party may terminate this agreement upon sixty days (60) advance notice in writing **or should North Yarmouth fail to pay its bill within 45 days.**

9. Default. In the event a party defaults under this agreement, the other party shall have those remedies available to it at law and equity; provided it shall first given the defaulting party written notice and a reasonable time to cure.

10. Entire Agreement. This agreement constitutes the entire agreement between the parties. If any clause, section or provision is held to be invalid or unenforceable, that shall not affect the entire agreement and the parties agree to meet and negotiate a new clause, section, provision or agreement.

Town of Cumberland

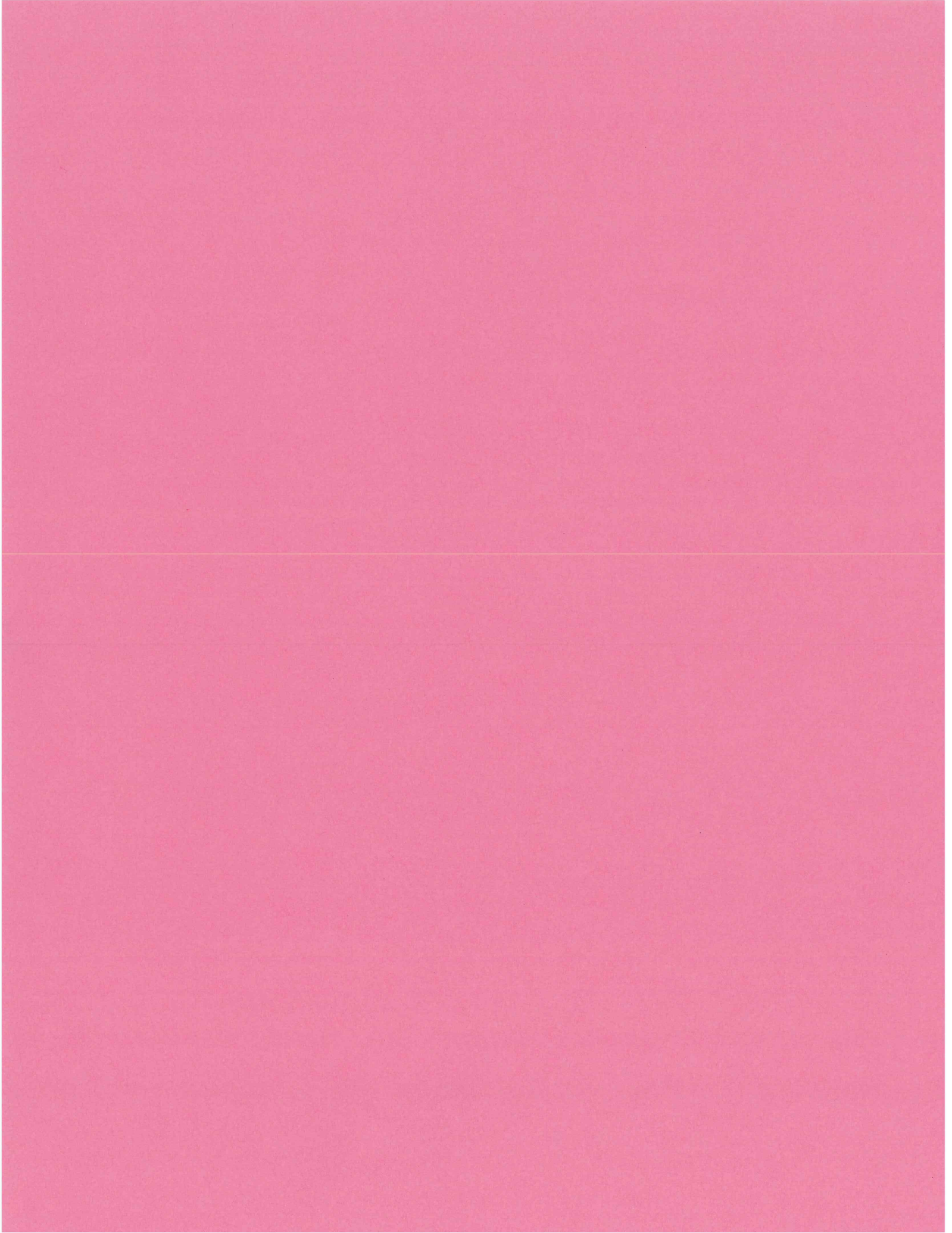
Dated: _____

By: _____
It's Town Manager

Town of North Yarmouth

Dated: _____

By: _____
It's Administrative Assistant



**Agreement Between
The Town of Cumberland
And
The Town of North Yarmouth**

The Town of North Yarmouth has raised funds via its Town Meeting held on _____ and have granted the Selectmen the authority to enter into this agreement and the monies have been allocated though June 30, _____.

WHEREAS, the Town of North Yarmouth (“North Yarmouth”) has a need for the plowing and sanding of their sidewalks; and

WHEREAS, the Town of Cumberland (“Cumberland”) is willing to provide such services of its Public Works Department employees and equipment on a cost sharing basis;

NOW, THEREFORE, Cumberland and North Yarmouth agree as follows:

1. Scope of Work. Cumberland shall plow and sand to safe walking condition, the North Yarmouth sidewalks that exist at the time this Agreement is signed.

2. Employer. Cumberland Public Works Department Employees shall remain employees of the Town of Cumberland during the term of this agreement for all purposes including, without limitation, pay, benefits, workers’ compensation and liability coverage.

3. North Yarmouth Obligations. North Yarmouth shall be responsible for providing information to the Cumberland Public Works Department as to the conditions of the sidewalks and when to begin plowing and sanding operations.

4. Cost. North Yarmouth agrees to pay reimburse Cumberland a fee of \$100.00 per hour for each hour Cumberland’s equipment and manpower is provided.

5. Indemnification. Each municipality shall defend, indemnify and hold each and every municipality hereto harmless from any claim, cause of action, liability or expense including reasonable attorney's fees arising out of or resulting from any error, act or omission of the municipality's officers, agents or employees. This section shall not be interpreted to waive the monetary limits or substantive areas of immunity under the Maine Tort Claims Act (14 M.R.S.A. § 8108 et seq.) or any other immunities or defenses under the Act or other applicable law.

6. Term. This Agreement shall remain in effect until June 30, 2011 unless sooner terminated in accordance with Section 8 of the Agreement.

7. Termination of Agreement. Either party may terminate this agreement upon sixty days (60) advance notice in writing or should North Yarmouth fail to pay its bill within 45 days.

8. Default. In the event a party defaults under this agreement, the other party shall have those remedies available to it at law and equity; provided it shall first given the defaulting party written notice and a reasonable time to cure.

9. Entire Agreement. This agreement constitutes the entire agreement between the parties. If any clause, section or provision is held to be invalid or unenforceable, that shall not affect the entire agreement and the parties agree to meet and negotiate a new clause, section, provision or agreement.

Town of Cumberland

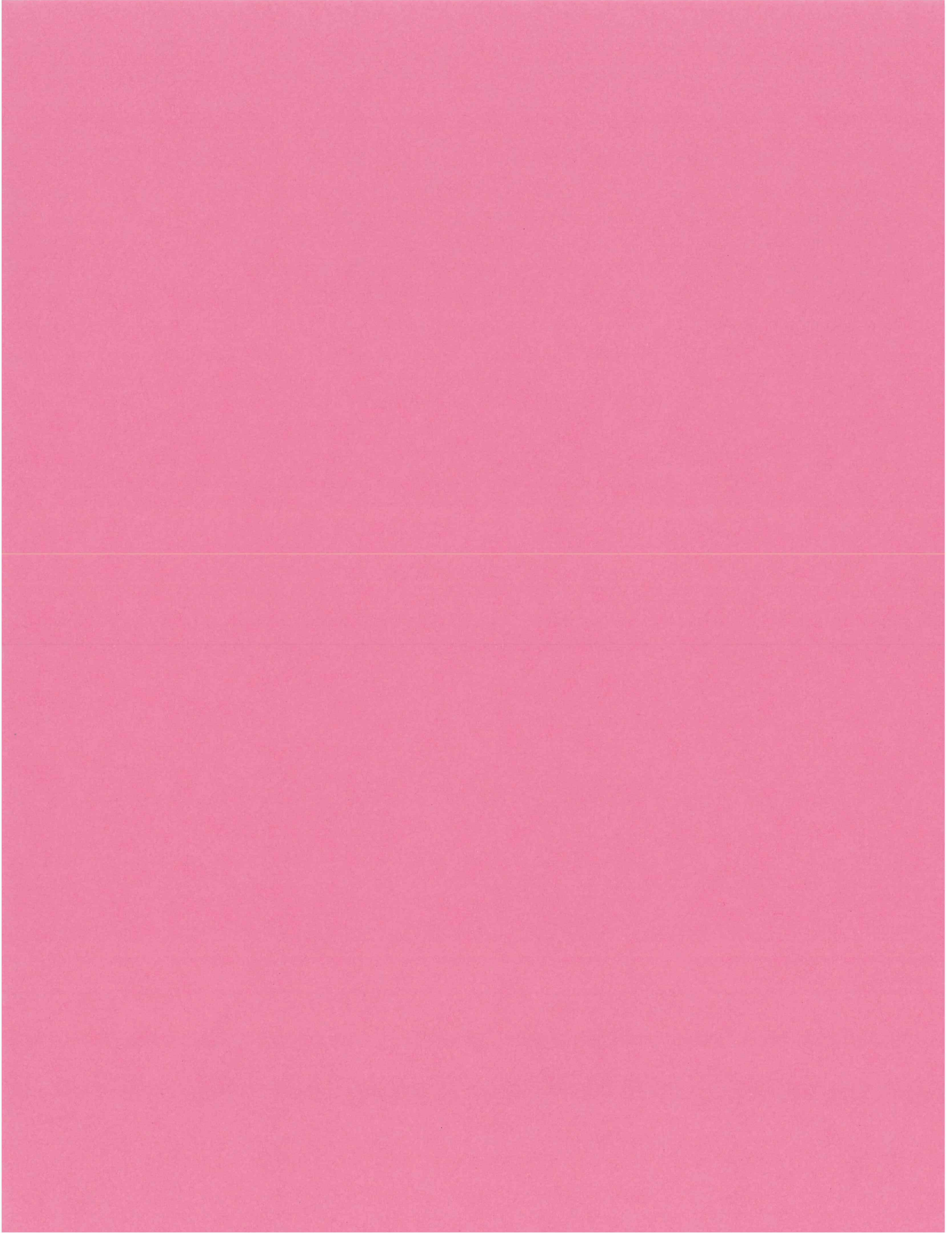
Dated: _____

By: _____
It's Town Manager

Town of North Yarmouth

Dated: _____

By: _____
It's Administrative Assistant



**Agreement Between
The Town of Cumberland
And
The Town of North Yarmouth**

The Town of North Yarmouth has raised funds via its Town Meeting held on _____ and have granted the Selectmen the authority to enter into this agreement and the monies have been allocated though June 30, _____. .

WHEREAS, the Town of North Yarmouth ("North Yarmouth") has a need for public access television rebroadcasting services ; and

WHEREAS, the Town of Cumberland ("Cumberland") is willing to provide such services of its Public Access Department employees and equipment on a cost sharing basis;

NOW, THEREFORE, Cumberland and North Yarmouth agree as follows:

1. Scope of Work. Cumberland shall broadcast North Yarmouth's pre-recorded meetings when copies of such meetings are delivered to their offices. Each recorded meeting shall be rebroadcast at the least 3 more times.

Cumberland shall be responsible for the scheduling of all broadcasts for their access channel.

2. Employer. Cumberland Public Access Department Employees shall remain employees of the Town of Cumberland during the term of this agreement for all purposes including, without limitation, pay, benefits, workers' compensation and liability coverage.

3. North Yarmouth Obligations. North Yarmouth shall be responsible for providing copies of their public meetings within 48 hours in an electronic format as dictated by Cumberland.

4. Cumberland Obligations. Cumberland agrees to rebroadcast each meeting at least once within 1 week of the date of the original recorded meeting and the other two times as their schedule allows.

~~Cumberland further agrees that prior to another contract being negotiated, they shall provide to North Yarmouth Board of Selectmen a detail breakdown of total hours of operation of their public access channel and the percentage of time that North Yarmouth specific items are shown on their channel. Cumberland agrees to forward~~

all requests for broadcast on the Channel 2 bulletin board to the Administrative Assistant in North Yarmouth for approval prior to slide development or airing of the slide.

5. Cost. North Yarmouth agrees to **pay reimburse** Cumberland a fee of \$2,000 per year, payable quarterly. Fee shall be paid on or before September 1st, December 1st, March 1st and June 1st.

6. Indemnification. Each municipality shall defend, indemnify and hold each and every municipality hereto harmless from any claim, cause of action, liability or expense including reasonable attorney's fees arising out of or resulting from any error, act or omission of the municipality's officers, agents or employees. This section shall not be interpreted to waive the monetary limits or substantive areas of immunity under the Maine Tort Claims Act (14 M.R.S.A. § 8108 et seq.) or any other immunities or defenses under the Act or other applicable law.

7. Term. This Agreement shall remain in effect until June 30, 2011 unless sooner terminated in accordance with Section 8 of the Agreement.

8. Termination of Agreement. Either party may terminate this agreement upon sixty days (60) advance notice in writing **or should North Yarmouth fail to pay its quarterly fee within 45 days.**

9. Default. In the event a party defaults under this agreement, the other party shall have those remedies available to it at law and equity; provided it shall first given the defaulting party written notice and a reasonable time to cure.

10. Entire Agreement. This agreement constitutes the entire agreement between the parties. If any clause, section or provision is held to be invalid or unenforceable, that shall not affect the entire agreement and the parties agree to meet and negotiate a new clause, section, provision or agreement.

Town of Cumberland

Dated: _____

By: _____
It's Town Manager

Town of North Yarmouth

Dated: _____

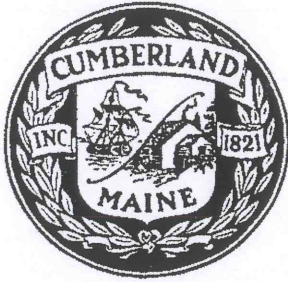
By: _____

ITEM

10-142

To set a Public Hearing date (October 25th) to consider and act on an Automobile Recycling Permit for Copp Motors for the period of October 1, 2010 – October 31, 2015.

*Application not received yet.
Will have in time for 10/25 Public Hearing.*



MEMORANDUM CODE ENFORCEMENT OFFICE

To: Town of Cumberland Council
From: William C. Longley Jr. CEO
Subject: Copp Motors Inc. application for an Automobile Recycling Business at 187 Gary Road Tax Map U-20 Lot 77
Date: 09-30-2010
CC: William Shane, Town Manager
Tammy O'Donnell, Town Clerk

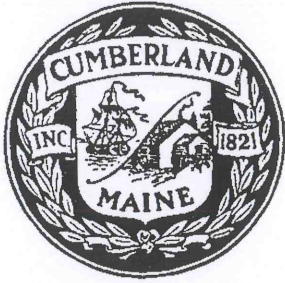
On this date I met with Ron Copp Sr. I inspected the facility known as Copp Motors. There are no known violations of the Standards for Recycling facilities. There have been no complaints in the past five years since the Recycling permit was issued in October of 2005.

Based upon my observations, I would recommend approval of the recycling permit, reserving the right to inspect as needed. This renewal is for a five year period running from October 2010 to October 2015.

ITEM 10-143

To hold a Public Hearing to consider and act on amendments to the
Cumberland Mass Gathering Ordinance re: insurance.

TABLED ON 9/22/10



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: October 6, 2010
Re: Mass Gathering Ordinance

Councilor Stiles, our Finance Director and I met with Clark Insurance to discuss changes to the Mass Gathering Ordinance Insurance levels.

The items discussed were:

- Appropriate Coverage levels
- Additional Insured- when to and when not to be listed
- Town Property versus other properties
- Proper Certificates of Insurance

The recommended language changes to the Mass Gathering are highlighted in the attached ordinance and sample certificate.

TOWN OF CUMBERLAND
MASS GATHERING ORDINANCE

THE TOWN OF CUMBERLAND HEREBY ORDAINS the following to be the Mass Gathering Ordinance –

I. STATEMENT OF PURPOSE

The Town of Cumberland is concerned about the adverse effect to the general health and safety of the community that may result from large crowds which attend outdoor events, including exhibitions, festivals, music concerts and fairs. Large gatherings may lead to sanitation problems, resulting from inadequate waste disposal, insufficient drinking water and ill-equipped first aid facilities; such gatherings may also threaten the safety of the community through the obstruction of roads, violations of liquor and drug laws, and destruction of property. Further, large gatherings that occur within a short period of time create traffic congestion, crowd control, health, sanitation and safety problems which are greater than those which accompany gatherings which occur over a longer duration. Therefore, the following ordinance is hereby ordained for the purposes of protecting the general welfare, preventing disease, promoting health and providing for public safety.

II. DEFINITIONS

A. Large Outdoor Event - means any gathering held outdoors with the intent to attract five hundred (500) one thousand (1,000) or more persons for a festival, exhibition, amusement show, fair, theatrical performance, musical performance or other similar activity. Large Outdoor Events are regulated depending on their anticipated attendance, and so there are two categories of Large Outdoor Events:

1. Major Large Outdoor Event - means a Large Outdoor Event which is held with the intent to attract a continued attendance of five thousand (5,000) or more persons for any length of time.
2. Minor Large Outdoor Event - means a Large Outdoor Event which is held with the intent to attract a continued attendance of fewer than five thousand (5,000) persons for any length of time.

B. Town - means the Town of Cumberland.

C. Town Council - means the Town Council of the Town of Cumberland.

D. Person - means any natural person, sole proprietor-ship, partnership, corporation or other entity.

E. Operator - means the person responsible for the Large Outdoor Event.

F. **Performance Guaranty** means an irrevocable letter of credit from a banking institution authorized to do business in Maine, cash escrow, or other financial guarantee acceptable to the Town Council and in a form approved by the Town Attorney, provided by an applicant for a Large Outdoor Event license to guarantee the payment of: the costs of the prompt cleaning of the grounds after the close of the Large Outdoor Event; and the Town police, fire, ems and public works costs for traffic control, public safety, first aid, fire prevention and law enforcement activities performed by the Town as a result of the Large Outdoor Event (the "Public Costs"). These public costs shall be those costs incurred by the Town in connection with the proposed Large Outdoor Event which would not be incurred by the Town if the Large Outdoor Event were not held. Promptly following the Large Outdoor Event, the Town shall release the Performance Guaranty if the Operator pays all such Public Costs within ten (10) working days after the Large Outdoor Event.

NEW F.

F. Insurance - Any such groups or individuals applying for any Mass Gathering permit for any organized purpose are required to provide evidence of insurance on an occurrence format for Bodily Injury and Property Damage liability of not less than \$1,000,000 per occurrence. For Mass Gatherings on Town owned property the Town of Cumberland shall be named as additional insured in all such policies. The Town Council shall review, approve and may modify any or all of the insurance requirements.

G. **Assembly Area** - means that portion of the premises on which the Large Outdoor Event is held within which persons in attendance are expected to sit or stand.

III. REQUIREMENT OF A LICENSE FOR LARGE OUTDOOR EVENTS

- A. No person may sponsor, promote, operate or hold any Large Outdoor Event unless a license therefore is first obtained from the Town Council of Cumberland.
- B. The licensing procedure will be administered in the following manner:
 - 1. The person(s) seeking a license must file an application form with the Town Clerk of the Town of Cumberland no less than 60 days before the proposed commencement of the Large Outdoor Event.
 - 2. The fee for the license shall be established by order of the Town Council and must accompany the application. Money received under this ordinance will help defray costs of its administration. The Town Council may at its

discretion reduce or waive the fee for charitable and nonprofit organizations.

3. The application, filed with the Town Clerk, must include a contract with the property owner allowing use of the facility or property, unless the property or facility is owned by the applicant.
4. Within 5 days of the receipt of an application, the Town Clerk shall notify the Town Manager, Police and Fire-EMS Chiefs of the application.
5. Before a license may be issued hereunder, the Town Council shall hold a public hearing, in order to review the application and determine the conditions required to safeguard the public health, safety and welfare.

The license applicants have the right to attend and to represent their interests at such hearing. When considering the issuance of a license for a Large Outdoor Event, the Town Council may seek advice from the Police Chief, Fire-EMS Chief, Code Enforcement Officer, Health Officer and such other Town officials as it deems necessary. After assessing the possible effects that the proposed event may have on the public's health, safety and welfare, the Town Council may deny the license or grant the license, or grant the license and impose such reasonable conditions on the issuance of a license as would safeguard the public interest; including, requiring the applicant to:

- a. post a performance guaranty in a form acceptable to the Town Attorney in an amount estimated by the Town Council to be equal to the Public Costs described in paragraph II F of this Ordinance.
- b. agree to hiring of certified police officers, and fire-ems personnel at the expense of the licensee. The Police Chief, and Fire – EMS Chief will be notified no less than 45 days before the proposed event that the personnel will be needed;
- c. demonstrate, by means of a written, descriptive plan addressing the standards of this Ordinance, that adequate facilities will be provided at the site of the Large Outdoor Event, in order to protect the health of the people who attend, including:
 - i. adequate waste disposal facilities;
 - ii. adequate fire-ems and police personnel;
 - iii. adequate water supplies;
 - iv. adequate first aid, ems ~~reseue~~ and fire facilities, and police equipment; and
 - v. adequate communication facilities;

- d. give notice to the appropriate Town, County and State officials, as named by the Town Council;
- e. demonstrate, by means of a written descriptive plan, that adequate parking spaces will be available;
- f. provide, for major Large Outdoor Events, a detailed plan showing how crowd security and police protection of private property will be accomplished;
- g. provide, for Major Large Outdoor Events, a detailed plan for controlling traffic, which shall contain:
 - i. a description of routes which persons attending are likely to take;
 - ii. methods to be used to publicize alternative routes;
 - iii. the number of persons who will be present to direct traffic at the site both before and after the event and their locations, and;
 - iv. a description of what means will be available to remove disabled vehicles from locations under the control of the Operator where such vehicles would prevent the free flow of traffic.
- h. provide a contract with a waste disposal company to remove waste from the site.

IV. LICENSE STANDARDS

In reviewing Large Outdoor Event license applications submitted pursuant to Section III A, the Town Council shall determine whether to issue a license based upon whether the application meets all of the following standards:

- A. Access - That convenient and safe access for the ingress and egress of pedestrian and vehicular traffic exists, and that all public roadways in the proximity of the Large Outdoor Event shall be adequately staffed with uniformed police officers to insure safety to all the public.
- B. Grounds -
 - 1. That each Large Outdoor Event Assembly Area shall be well drained and so arranged to provide sufficient space for persons assembled, vehicles, sanitary facilities, and appurtenant equipment.

2. That trees, underbrush, large rocks and other natural features shall be left intact and undisturbed whenever possible, and the natural vegetative cover shall be retained, protected, and maintained so as to facilitate drainage, prevent erosion, and preserve the scenic attributes.

3. That the grounds shall be maintained free from accumulation of refuse, and from health and safety hazards constituting a nuisance as defined.

4. That illumination shall be provided at night beginning one half hour before sunset to protect the safety of the persons at the Large Outdoor Event. The Assembly Area shall be adequately lighted, but lighting shall not unreasonably reflect beyond the Assembly Area boundaries unless adjacent properties are uninhabited.

5. That parking shall be provided for persons arriving by vehicular means; that service road and parking spaces shall be located so as to permit convenient and safe movement of vehicular and pedestrian traffic and free passage of emergency vehicles; that the width of the service road should not be less than the following: 1 traffic lane -- 12'; 2 traffic lanes -- 24'; parallel parking lanes -- 7', that adequate parking space shall be provided which means that there shall be at least one parking space to every three persons and the density shall not exceed one hundred passenger cars or 30 buses per usable acre.

6. That at least ten (10) square feet per person shall be provided on the site for a Large Outdoor Event with assigned seating; that at least fifteen (15) square feet shall be provided for a Large Outdoor Event with festival seating; and that no overnight assemblage shall be permitted.

C. Water Supply -

1. That an adequate, safe supply of potable water, meeting the requirements of the State Department of Human Services, Division of Health Engineering, shall be provided and that common cups shall not be used.

2. That transported water shall be obtained from an approved source, stored and dispensed in an approved manner. Approval as used in this paragraph means in compliance with standards adopted by the State Department of Human Services, Division of Health Engineering.

D. Sanitation -

1. That where water is distributed under pressure and flush toilets are used, the water system shall deliver water at a normal operating pressure (20 lbs per square inch minimum to all fixtures at the rate of at least 30 gallons per person per day).

2. That when water is not available under pressure, and non water carriage toilets are used, at least 3 gallons of water per person per day shall be provided for drinking and lavatory purposes.

3. That where water under pressure is not available, equivalent facilities shall be provided and installed in accordance with the requirements of the Department of Human Services, Bureau of Health, Mass Gathering Rules and Informational Guidelines.

4. That sanitary facilities shall be separate for males and females, and shall be provided at the rate of one for each 200 persons. Any other proposal for providing sanitary facilities must be in accordance with the requirements of the Department of Human Services, Bureau of Health, Mass Gathering Rules and Informational Guidelines.

5. That the required sanitary facilities shall be conveniently accessible and well defined.

6. That each toilet shall have a continuous supply of toilet paper.

7. That service buildings or rooms housing required plumbing fixtures shall be constructed of easily cleanable, nonabsorbent materials; the buildings, service rooms, and required plumbing fixtures located therein shall be maintained in good repair and in a clean and sanitary condition.

8. That separate service buildings or rooms containing sanitary facilities, clearly marked, shall be provided for each sex, and each toilet room shall be screened so that the interior is not visible from the outside.

9. That wastewater shall be discharged in a manner consistent with the requirements of the State Department of Human Services, Division of Health Engineering.

10. That disposal and/or treatment of any excretion or liquid waste shall be in a manner consistent with the requirements of the State Department of Human Services, Division of Health Engineering.

E. Refuse Disposal

1. That refuse shall be collected, stored, and transported in such a manner as to protect from odor, infestation of insects and/or rodents any and other nuisance condition, or conditions which are inconsistent with the health, safety, and welfare of the patrons of the Large Outdoor Event or of the public.

2. That refuse containers shall be readily accessible and that one (1) fifty gallon refuse container or its equivalent shall be provided for each one hundred

persons anticipated or that one (1) sixteen (16) cubic yard trash container shall be provided for every five thousand (5,000) persons anticipated. All trash barrels shall be lined with plastic bags.

3. That the area where motor vehicles are parked shall have one (1) fifty, (50) gallon refuse container or its equivalent for every two hundred, (200) such motor vehicles.

4. That all refuse shall be collected from the Assembly Area at least twice each twelve (12) hour period of the Large Outdoor Event, with a minimum of two (2) such collections per Large Outdoor Event exceeding six (6) hours, or more if it is necessary, and disposed of at a waste disposal site approved by the Town.

5. That the grounds and immediate surrounding property shall be cleared of refuse within twenty-four (24) hours following the Large Outdoor Event.

F. Vermin Control - That insects, rodents and other vermin shall be controlled by proper sanitation practices, extermination or other safe, and effective control methods, where necessary animal parasites and other disease-transmitting nuisances shall be controlled.

G. Safety

1. That where an electrical system is installed, it shall be installed and maintained in accordance with the provisions of the applicable State standards and regulations and the Town's Electrical Codes.

2. That the grounds, building, and related facilities shall be maintained and used in a manner as to prevent fire and in accordance with the applicable local fire prevention regulations.

3. That internal and external traffic and security control shall meet requirements of the applicable State and local law enforcement agencies.

4. That the Town of Cumberland Fire Department has been informed of the Large Outdoor Event and that adequate fire protection equipment is available.

5. That for Large Outdoor Events, at least one law enforcement officer per 1,000 persons expected to attend the Large Outdoor Event shall be on site to assist in crowd and traffic control, and for Major Large Outdoor Events, there shall be a minimum ratio of 5 officers for every 2,000 additional persons beyond 5,000 persons in attendance.

H. Medical

1. That emergency medical services shall be provided. All personnel must be Cumberland Fire-EMS personnel and/or approved by the Chief of the Cumberland Fire -EMS Department and they shall be licensed by the State of Maine, as either Physician Assistant, R.N., or Emergency Medical Technician.

2. That a First Aid building or tent with adequate medical supplies shall be available.

3. That an adequate number of vehicles duly licensed by the State of Maine as ambulances shall be available on the site during the complete time of the Large Outdoor Event.

4. That telephone and radio communications shall be provided and kept available for emergency purposes.

5. That the Chief of the Cumberland Fire – EMS Department shall determine the number of E.M.T. personnel and ambulances needed.

I. Noise

1. No Large Outdoor Event shall continue beyond 11:00 p.m.

VI. WAIVERS

The Town Council may, in its discretion, waive any of the requirements ~~under Section III~~ of this ordinance, if it finds the requirement of information or materials with the application is unnecessary or irrelevant to the review of a particular mass gathering permit application.


V. ENFORCEMENT, PENALTY, ASSIGNABILITY

The Town Of Cumberland shall enforce this Ordinance through its Code Enforcement Officer. Anyone violating any provision of this Ordinance shall be subject to a fine in an amount to be set per order of Town Council for each violation. Each day such violation continues shall constitute a separate offense. Licenses issued hereunder shall not be transferable or assignable.

AMENDED: 12/28/81
04/22/96
09/2009
10/2010

ITEM 10-144

To hear a report from the Finance Committee Chair re:
FY'11 1st quarter financials.



Fiscal Year 2010-11

1st Quarter

Budget Report

TOWN OF CUMBERLAND YEAR-TO-DATE BUDGET REPORT

Through September 30, 2010

Department	Budget	2010-11		2009-10 Used
		YTD Expenses	Used	
General Administration	\$ 1,078,436	\$ 322,043	29.9%	31.8%
Public Safety	\$ 1,792,273	\$ 487,583	27.2%	28.5%
Public Works	\$ 1,626,002	\$ 349,986	21.5%	23.4%
Parks & Recreation	\$ 624,231	\$ 271,791	43.5%	43.8%
Library	\$ 353,580	\$ 91,309	25.8%	29.0%
Other Expenses	\$ 303,049	\$ 68,434	22.6%	26.9%
Controllable Expense Total	\$ 5,777,571	\$ 1,591,147	27.5%	29.3%

Other Expenses	Budget	YTD Expenses		Used
MSAD #51	\$ 11,830,338	\$ 2,953,284	25.0%	24.9%
Debt Service	\$ 998,578	\$ 183,274	18.4%	25.6%
County Tax	\$ 600,901	\$ 600,901	100.0%	100.0%
Cemetery Association	\$ 22,000	\$ 24,112	109.6%	100.0%
Capital Imp. Plan	\$ 333,485	\$ 333,485	100.0%	100.0%
Insurance	\$ 254,252	\$ 121,520	47.8%	59.8%
Other Expense Total	\$ 14,039,554	\$ 4,216,576	30.0%	32.3%
All Expenses Total	\$ 19,817,125	\$ 5,807,722	29.3%	31.4%

Revenues Through 9/30/10

Description	Budget	2010-2011 Actual	Percent Collected	2009-10 %
Misc Revenues	\$2,418,786	\$ 611,760	25.3%	23.6%
Dept Revenues	\$1,076,747	\$ 102,300	9.5%	8.8%
Total Revenues	\$3,495,533	\$ 714,061	20.4%	19.4%

Selected Revenue Lines	Budget	Actual	10-11	09-10
Excise Tax	\$1,330,446	\$ 399,530	30%	30%
Building Permits	\$ 35,000	\$ 11,281	32%	30%
State Revenue Sharing	\$ 500,000	\$ 134,746	27%	23%
Fall Recreation	\$ 41,000	\$ 30,228	74%	74%
Bags/Universal Waste	\$ 325,000	\$ 17,449	5%	2%

Property Tax Collections through 9/30

	2008-09	2009-10	2010-11
Tax Commitment	\$ 15,901,519	\$ 16,612,279	\$ 17,647,491
Taxes Collected	\$ 7,592,312	\$ 7,795,015	\$ 8,378,960
Percent Collected	47.75%	46.92%	47.48%
% Difference		-0.82%	0.56%
\$\$ Difference		\$ (136,655)	\$ 98,190

Unpaid Taxes at key intervals

	End of Year	As of Sept 30	One year later	After Foreclosure
06-07 Taxes unpaid	\$ 236,711	\$ 148,868	\$ 58,103	\$ 9,011
07-08 Taxes unpaid	\$ 294,768	\$ 152,742	\$ 94,893	\$ 24,049
08-09 Taxes unpaid	\$ 313,269	\$ 276,962	\$116,164	N/A
09-10 Taxes unpaid	\$ 271,596	\$ 214,700	N/A	N/A

NEW BUSINESS

Building Permit Report - Calendar Year - September

	A	B	C	D
1	Building Permit Report	Sep-08	Sep-09	Sep-10
2				
3	MTD - Construction Dollar Amount	\$1,665,543.49	\$1,986,056.00	\$605,360.00
4	MTD - Number of Permits	18	21	14
5	MTD - Permit Fees	\$6,265.29	\$4,580.95	\$2,515.35
6				
7	YTD - Construction Dollar Amount	\$9,132,207.87	\$6,512,968.00	\$6,506,630.00
8	YTD - Number of Permits	162	119	144
9	YTD - Permit Fees	\$37,681.70	\$22,669.30	\$31,025.37

Master Summary Report

Monthly Building Permits			
		Start Date:	9/1/2010
		End Date:	9/30/2010
<i>Addition</i>	1	\$30,000.00	\$204.00
<i>Deck</i>	1	\$2,500.00	\$50.00
<i>Garage</i>	1	\$20,000.00	\$57.60
<i>House</i>	2	\$443,760.00	\$1,526.75
<i>Pool</i>	1	\$15,000.00	\$100.00
<i>Porches</i>	1	\$300.00	\$25.00
<i>Renovation</i>	5	\$87,000.00	\$502.00
<i>Shed</i>	2	\$6,800.00	\$50.00
Totals	14	\$605,360.00	\$2,515.35

YTD Building Permits			
<i>Access. Struct.</i>	5	\$5,800.00	\$200.00
<i>Addition</i>	15	\$872,000.00	\$4,888.24
<i>BARN</i>	1	\$117,910.00	\$184.70
<i>Commercial</i>	5	\$1,093,343.00	\$4,003.90
<i>CONDO</i>	3	\$420,000.00	\$2,418.60
<i>Deck</i>	22	\$79,347.00	\$782.10
<i>Demolition</i>	4	\$2,600.00	\$75.00
<i>Foundation</i>	4	\$65,620.00	\$501.60
<i>Garage</i>	8	\$337,000.00	\$1,607.30
<i>House</i>	9	\$2,358,505.00	\$6,822.63
<i>Mobile Home</i>	1	\$24,900.00	\$238.00
<i>Pier</i>	1	\$140,000.00	\$180.00
<i>Pool</i>	4	\$146,000.00	\$600.00
<i>Porches</i>	6	\$39,500.00	\$333.40
<i>Renovation</i>	40	\$691,605.00	\$6,781.90
<i>Shed</i>	8	\$73,800.00	\$208.00
<i>SHORELAND</i>	7	\$8,700.00	\$1,050.00

<i>Small Wind Turbine</i>	1	\$30,000.00	\$150.00
	144	\$6,506,630.00	\$31,025.37

*Electrical Permits for dates between
09/01/10 and 09/30/10*

<i>Count</i>	<i>Fee</i>
6	\$552.00

YTD Electrical Permits

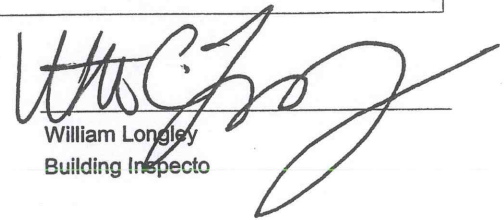
<i>Count</i>	<i>Fee</i>
92	\$6,962.25

*Plumbing Permits for dates
between 09/01/10 and 09/30/10*

<i>Count</i>	<i>Fee</i>
7	\$510.00

YTD Plumbing Permits

<i>Count</i>	<i>Fee</i>
84	\$7,882.50


William Longley
Building Inspector

Building Permits

Start Date:

9/1/2010...

End Date:

9/30/2010

Date	Permit	Map/Lot	Owner	Location	Imprvmnt	Est Cost	Fee
9/13/2010	10-132	R04 / 21F	MERCIER PETER	33 HILLSIDE AV	Addition	\$30,000.00	\$204.00
9/13/2010	10-133	U14A / 2	GRASS VICTORI	358 MAIN STRE	Renovation	\$50,000.00	\$182.00
9/13/2010	10-134	R07 / 93D	CHU TUAN Q	354 BLANCHAR	Deck	\$2,500.00	\$50.00
9/13/2010	10-135	R07D / 13	KOKOSZKA WILL	15 STONEWAL	Renovation	\$7,000.00	\$70.00
9/14/2010	10-136	U10 / 9E	DOREE KEVIN	10 STOCKHOL	Pool	\$15,000.00	\$100.00
9/14/2010	10-137	U12 / 10	BROWN MARK	31 Blanchard Ro	Renovation	\$15,000.00	\$150.00
9/16/2010	10-138	R05A / 8	MITCHELL ELLIO	6 FRYE DRIVE	Porches	\$300.00	\$25.00
9/21/2010	10-139	U14A / 8	RUSHTON SHAR	378 MAIN STRE	Renovation	\$0.00	\$50.00
9/21/2010	10-140	U12A / 7	MACLEOD CATH	46 SUNNYFIEL	Shed	\$5,000.00	\$25.00
9/21/2010	10-141	R08 / 42D	PLEAU MICHAEL	60 AUTUMN RI	House	\$168,760.00	\$714.15
9/28/2010	10-142	U03 / 9 A	THE SOUTHLAN	SEA COVE RO	House	\$275,000.00	\$812.60
9/28/2010	10-143	U13 / 61	PUTNAM KENDA	341 MAIN STRE	Renovation	\$15,000.00	\$50.00
9/28/2010	10-144	U13 / 77	LITTLEFIELD CH	10 PRINCE STR	Garage	\$20,000.00	\$57.60
9/30/2010	10-145	U06 / 28	COLLINS RODD	27 BIRCH LANE	Shed	\$1,800.00	\$25.00
						\$605,360.00	\$2,515.35

PLUMBING PERMITS

Permit ID	Date Issued	Owner	Location	Description	Plummer	Permit Type	Est. Cost	Fee
4767	9/7/2010	FORTIN RHONDA L	15 MAPLE STREET	Septic System		External	\$0.00	\$180.00
4768	9/21/2010	THE SOUTHLAND IRRE	SEA COVE ROAD	Underslab	Freeport Plumbing	Internal	\$0.00	\$36.00
4769	9/21/2010	NASH BETHANY M	14 WILSON ROAD		Dunbar Water	Internal	\$0.00	\$72.00
4770	9/20/2010	PLEAU MICHAEL	60 AUTUMN RIDGE ROA	Septic System		External	\$0.00	\$150.00
4771	9/30/2010	BENGER WILLIAM A	36 Sturbridge Lane	Water Treatment	Air & Water Quality	Internal	\$0.00	\$36.00
4772	9/30/2010	MERCIER PETER J	33 HILLSIDE AVENUE		Sikora Plumbing	Internal	\$0.00	\$36.00
4773	9/30/2010	WSAH PROPERTY LLC	172 GRAY ROAD	Back Flow Preventer		Internal	\$0.00	\$0.00

10/07/2010
11:46:07

TOWN OF CUMBERLAND
HISTORICAL ACTUALS COMPARISON REPORT

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FOR PERIOD 03 OF 2011

ACCOUNTS FOR:		PRIOR YR3 ACTUALS	PRIOR YR2 ACTUALS	LAST YR ACTUALS	CURRENT YR ACTUALS	CY REV BUDGET
001 General Fund						
130 Administration		122,265.46	127,779.94	157,541.47	122,455.25	422,208.00
140 Assessor		29,558.10	31,431.34	32,483.80	39,588.38	80,653.00
150 Town Clerk-HR-Tax Collector		68,054.39	72,053.55	78,931.80	62,772.15	284,010.00
160 Technology		55,605.10	60,013.94	47,481.71	71,884.45	152,551.00
165 Elections		700.26	1,774.35	1,255.87	1,426.03	17,949.00
170 Planning Board		20,023.55	16,381.19	18,219.17	17,336.74	81,065.00
190 Legal		12,250.05	2,559.83	12,511.05	6,580.22	40,000.00
210 Police		207,450.84	244,308.12	292,502.12	273,941.54	962,059.00
220 Fire		66,284.52	93,214.74	198,003.90	189,968.47	708,078.00
230 Rescue		116,406.06	136,574.08		66.95	
240 Code Enforcement		12,399.48	11,634.75	11,112.33	10,898.91	82,723.00
250 Harbor Master		8,289.31				
260 Canine Control		8,579.62	6,553.81	10,868.06	12,773.82	39,413.00
310 Public Works		215,064.37	171,992.99	224,177.12	206,329.32	869,550.00
320 Waste Disposal		163,933.23	166,240.80	154,891.68	143,657.02	756,452.00
410 Recreation		181,078.19	199,164.58	207,227.23	209,076.03	450,489.00
430 Parks		69,109.63	75,047.56	69,781.52	60,707.63	165,642.00
440 West Cumberland Rec		2,115.66	1,025.01	1,562.45	2,007.24	8,100.00
450 Library		86,010.72	87,231.61	106,786.66	91,309.43	353,580.00
580 General Assistance		1,629.32	5,260.92	11,199.84	7,154.81	19,347.00
590 Health Services		3,121.85		6,682.51	2,182.51	9,027.00
620 Cemetery Association		22,300.00	25,000.00	25,000.00	24,112.50	22,000.00
630 Conservation Commission		1,000.00	1,500.00		340.00	1,500.00
640 Rines Forest						1,500.00
650 Debt Service		205,327.95	195,910.50	189,768.88	183,273.71	998,578.00
750 Insurance		99,391.07	139,897.99	139,525.13	121,519.85	254,252.00
800 Fire Hydrants		12,697.30	12,696.03	12,992.46	13,606.58	59,000.00
810 Street Lighting		10,491.42	5,107.67	8,832.32	5,849.71	30,000.00
830 Contingent			1,668.50	15,000.00	1,200.00	10,000.00
840 Municipal Building		22,381.12	21,972.23	39,110.48	38,100.32	162,675.00
850 Abateements						10,000.00
860 MSAD #51						11,830,338.00
890 County Tax		2,719,198.80	2,583,195.33	2,724,176.45	2,953,284.24	600,901.00
910 Capital Imp. Plan		685,529.00	588,870.00	615,032.00	600,901.00	333,485.00
TOTAL General Fund		206,000.00	420,000.00	532,538.00	333,485.00	19,817,125.00
TOTAL EXPENSES		5,426,246.37	5,506,061.36	5,944,196.01	5,807,789.81	19,817,125.00
GRAND TOTAL		5,426,246.37	5,506,061.36	5,944,196.01	5,807,789.81	19,817,125.00

WORKSHOP

**Agreement Between
The Town of Cumberland
And
The Town of North Yarmouth**

The Town of North Yarmouth has raised funds via its Town Meeting held on _____ and have granted the Selectmen the authority to enter into this agreement and the monies have been allocated though June 30, _____.

WHEREAS, the Town of North Yarmouth ("North Yarmouth") has a need for the services of an Animal Control Officer; and

WHEREAS, the Town of Cumberland ("Cumberland") is willing to provide the services of its Animal Control Officer to North Yarmouth on a cost sharing basis;

NOW, THEREFORE, Cumberland and North Yarmouth agree as follows:

1. Appointment of North Yarmouth Animal Control Officer. North Yarmouth, shall appoint Charles Burnie, the Cumberland Animal Control Officer, with the consent of Cumberland, as the North Yarmouth Animal Control Officer for a term of 1 year.
Should Charles Burnie be unable to perform the duties of Animal Control Officer, Cumberland shall so inform North Yarmouth. Cumberland, working with North Yarmouth, shall recommend a replacement, that if found to be satisfactory, shall then be appointed as the North Yarmouth Animal Control Officer.

2. Scope of Employment. Charles Burnie, or a replacement, shall perform all duties and responsibilities imposed by State law and Municipal Ordinance as the North Yarmouth Animal Control Officer and will provide information to municipal officials and citizens, state agencies, vendors and other persons with interest in activities pertaining to the animal control function of North Yarmouth.

3. Employer. Charles Burnie, or a replacement, shall remain an employee of the Town of Cumberland during the term of this agreement for all purposes including, without limitation, pay, benefits workers' compensation and liability coverage.

4. North Yarmouth Obligations. North Yarmouth shall be responsible for providing officer space, furniture, equipment and support, legal counsel and assessment defense costs and reviews as needed, and appeals processes. North Yarmouth shall provide such additional support and other necessary resources and functions as North Yarmouth

shall deem necessary and prudent for the proper administration of the animal control function in its community.

5. Cost. North Yarmouth agrees to **pay reimburse** Cumberland a fee of \$75.00 per call made by ACO Burnie, or his replacement.

6. Indemnification Each municipality shall defend, indemnify and hold each and every municipality hereto harmless from any claim, cause of action, liability or expense including reasonable attorney's fees arising out of or resulting from any error, act or omission of the municipality's officers, agents or employees. This section shall not be interpreted to waive the monetary limits or substantive areas of immunity under the Maine Tort Claims Act (14 M.R.S.A. § 8108 et seq.) or any other immunities or defenses under the Act or other applicable law.

7. Term. This Agreement shall remain in effect until June 30, 2010 unless sooner terminated in accordance with Section 8 of the Agreement.

8. Termination of Agreement. Either party may terminate this agreement upon sixty days (60) advance notice in writing **or should North Yarmouth fail to pay its bill within 45 days.**

9. Default. In the event a party defaults under this agreement, the other party shall have those remedies available to it at law and equity; provided it shall first given the defaulting party written notice and a reasonable time to cure.

10. Entire Agreement. This agreement constitutes the entire agreement between the parties. If any clause, section or provision is held to be invalid or unenforceable, that shall not affect the entire agreement and the parties agree to meet and negotiate a new clause, section, provision or agreement.

Town of Cumberland

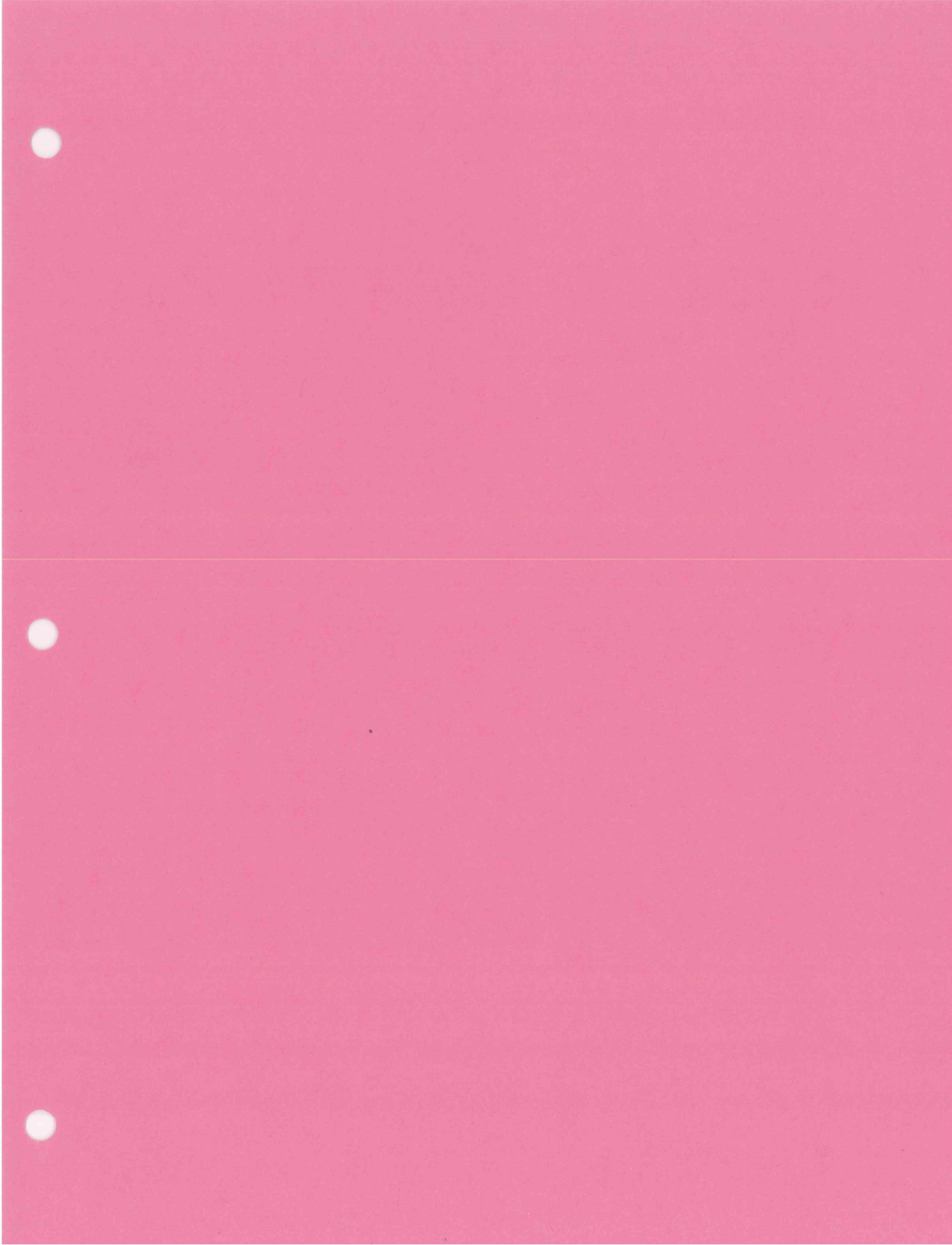
Dated: _____

By: _____
It's Town Manager

Town of North Yarmouth

Dated: _____

By: _____
It's Administrative Assistant



**Agreement Between
The Town of Cumberland
And
The Town of North Yarmouth**

The Town of North Yarmouth has raised funds via its Town Meeting held on _____ and have granted the Selectmen the authority to enter into this agreement and the monies have been allocated though June 30, _____.

WHEREAS, the Town of North Yarmouth ("North Yarmouth") has a need for the plowing and sanding of their sidewalks; and

WHEREAS, the Town of Cumberland ("Cumberland") is willing to provide such services of its Public Works Department employees and equipment on a cost sharing basis;

NOW, THEREFORE, Cumberland and North Yarmouth agree as follows:

1. Scope of Work. Cumberland shall plow and sand to safe walking condition, the North Yarmouth sidewalks that exist at the time this Agreement is signed.

2. Employer. Cumberland Public Works Department Employees shall remain employees of the Town of Cumberland during the term of this agreement for all purposes including, without limitation, pay, benefits, workers' compensation and liability coverage.

3. North Yarmouth Obligations. North Yarmouth shall be responsible for providing information to the Cumberland Public Works Department as to the conditions of the sidewalks and when to begin plowing and sanding operations.

4. Cost. North Yarmouth agrees to pay ~~reimburse~~ Cumberland a fee of \$100.00 per hour for each hour Cumberland's equipment and manpower is provided.

5. Indemnification. Each municipality shall defend, indemnify and hold each and every municipality hereto harmless from any claim, cause of action, liability or expense including reasonable attorney's fees arising out of or resulting from any error, act or omission of the municipality's officers, agents or employees. This section shall not be interpreted to waive the monetary limits or substantive areas of immunity under the Maine Tort Claims Act (14 M.R.S.A. § 8108 et seq.) or any other immunities or defenses under the Act or other applicable law.

6. Term. This Agreement shall remain in effect until June 30, 2011 unless sooner terminated in accordance with Section 8 of the Agreement.

7. Termination of Agreement. Either party may terminate this agreement upon sixty days (60) advance notice in writing or should North Yarmouth fail to pay its bill within 45 days.

8. Default. In the event a party defaults under this agreement, the other party shall have those remedies available to it at law and equity; provided it shall first given the defaulting party written notice and a reasonable time to cure.

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Town of Cumberland

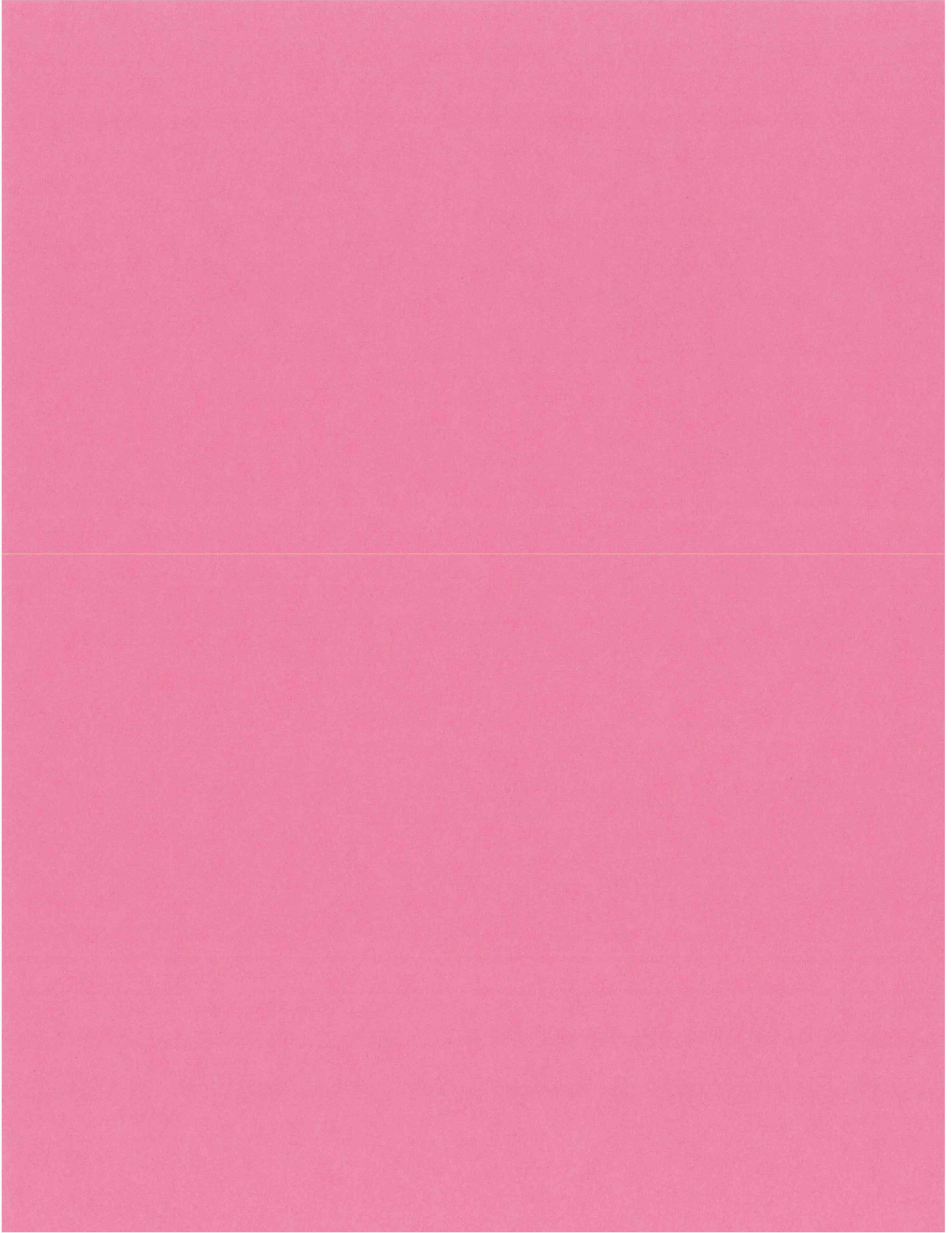
Dated: _____

By: _____
It's Town Manager

Town of North Yarmouth

Dated: _____

By: _____
It's Administrative Assistant



**Agreement Between
The Town of Cumberland
And
The Town of North Yarmouth**

The Town of North Yarmouth has raised funds via its Town Meeting held on _____ and have granted the Selectmen the authority to enter into this agreement and the monies have been allocated though June 30, _____.

WHEREAS, the Town of North Yarmouth ("North Yarmouth") has a need for public access television rebroadcasting services ; and

WHEREAS, the Town of Cumberland ("Cumberland") is willing to provide such services of its Public Access Department employees and equipment on a cost sharing basis;

NOW, THEREFORE, Cumberland and North Yarmouth agree as follows:

1. Scope of Work. Cumberland shall broadcast North Yarmouth's pre-recorded meetings when copies of such meetings are delivered to their offices. Each recorded meeting shall be rebroadcast at the least 3 more times.

Cumberland shall be responsible for the scheduling of all broadcasts for their access channel.

2. Employer. Cumberland Public Access Department Employees shall remain employees of the Town of Cumberland during the term of this agreement for all purposes including, without limitation, pay, benefits, workers' compensation and liability coverage.

3. North Yarmouth Obligations. North Yarmouth shall be responsible for providing copies of their public meetings within 48 hours in an electronic format as dictated by Cumberland.

4. Cumberland Obligations. Cumberland agrees to rebroadcast each meeting at least once within 1 week of the date of the original recorded meeting and the other two times as their schedule allows.

~~Cumberland further agrees that prior to another contract being negotiated, they shall provide to North Yarmouth Board of Selectmen a detail breakdown of total hours of operation of their public access channel and the percentage of time that North Yarmouth specific items are shown on their channel. Cumberland agrees to forward~~

all requests for broadcast on the Channel 2 bulletin board to the Administrative Assistant in North Yarmouth for approval prior to slide development or airing of the slide.

5. Cost. North Yarmouth agrees to pay reimburse Cumberland a fee of \$2,000 per year, payable quarterly. Fee shall be paid on or before September 1st, December 1st, March 1st and June 1st.

6. Indemnification. Each municipality shall defend, indemnify and hold each and every municipality hereto harmless from any claim, cause of action, liability or expense including reasonable attorney's fees arising out of or resulting from any error, act or omission of the municipality's officers, agents or employees. This section shall not be interpreted to waive the monetary limits or substantive areas of immunity under the Maine Tort Claims Act (14 M.R.S.A. § 8108 et seq.) or any other immunities or defenses under the Act or other applicable law.

7. Term. This Agreement shall remain in effect until June 30, 2011 unless sooner terminated in accordance with Section 8 of the Agreement.

8. Termination of Agreement. Either party may terminate this agreement upon sixty days (60) advance notice in writing or should North Yarmouth fail to pay its quarterly fee within 45 days.

9. Default. In the event a party defaults under this agreement, the other party shall have those remedies available to it at law and equity; provided it shall first given the defaulting party written notice and a reasonable time to cure.

10. Entire Agreement. This agreement constitutes the entire agreement between the parties. If any clause, section or provision is held to be invalid or unenforceable, that shall not affect the entire agreement and the parties agree to meet and negotiate a new clause, section, provision or agreement.

Town of Cumberland

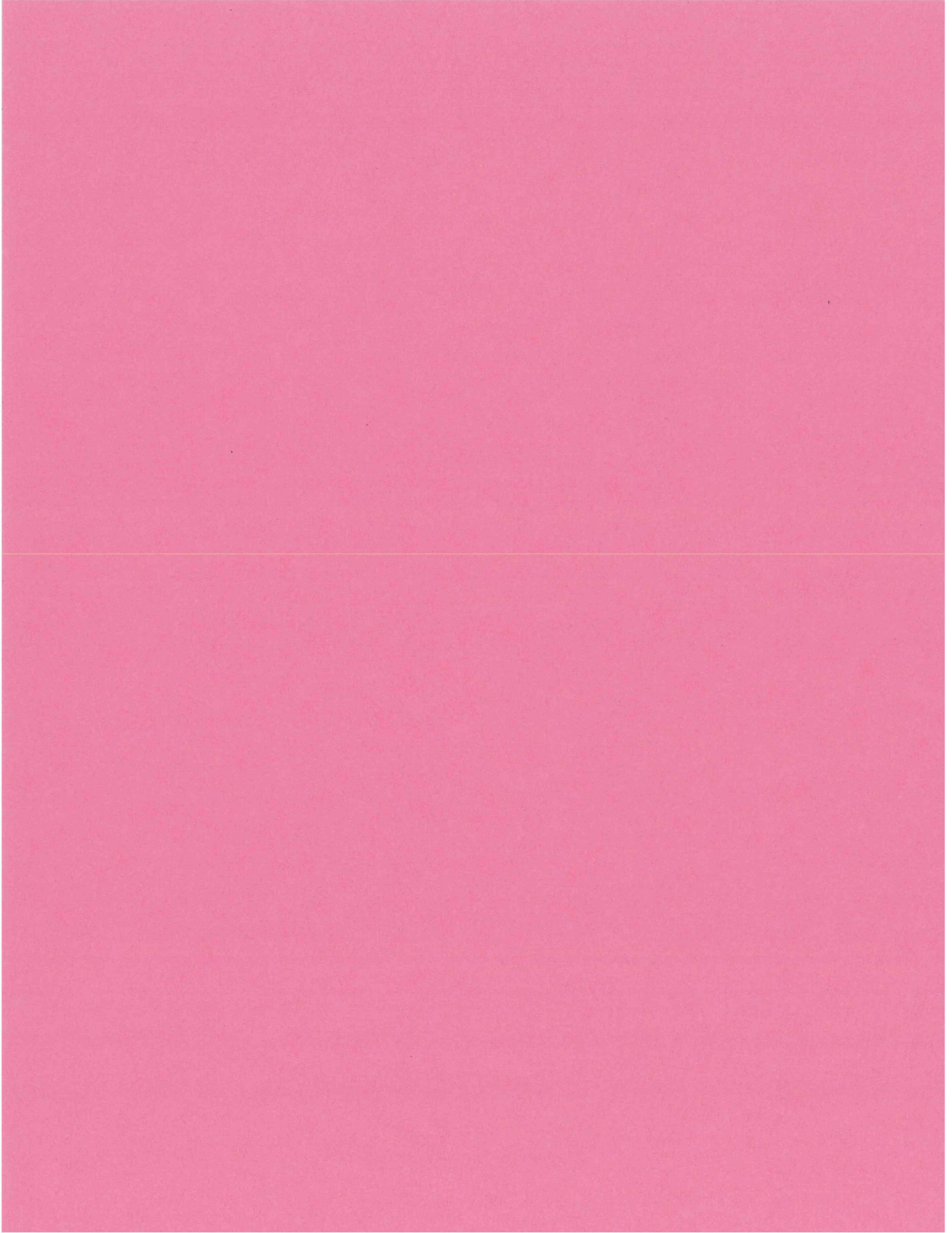
Dated: _____

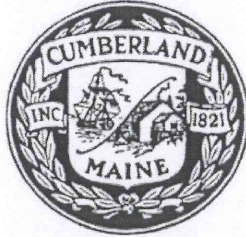
By: _____
It's Town Manager

Town of North Yarmouth

Dated: _____

By: _____





Cumberland Town Council Meeting
Monday, October 11, 2010
6:00 p.m. Executive Session
7:00 p.m. Call to Order

The Cumberland Town Council will hold an Executive Session at 6:00 p.m. re: pursuant to 1 M.R.S.A., § 405 (6)(C) re: real property acquisition, and its regular meeting at 7:00 p.m. on Monday, October 11, 2010 in the Town Council Chambers. An opportunity for public comment will be provided. The following items will receive a public hearing:

- To hear a report from the Town Clerk re: absentee voting.
- To hear a report from the Finance Committee Chair re: FY'11 1st quarter financials.
- To hold a Public Hearing to consider and act on amendments to the Cumberland Mass Gathering Ordinance re: insurance. **TABLED ON 9/22/10**
- To hear a report from the Town Manager re: intersection improvements at Hallmark Road, Carriage Road, and Heritage Lane.
- To consider and act on authorizing the Town Manager to execute a change order to remove 400' of concrete slab on Route 88 near Tuttle Road.
- To set a Public Hearing date (October 25th) to consider and act on authorizing the Town Manager to execute agreements with North Yarmouth for Animal Control Officer, Sidewalk Snow Plowing & Channel 2.

EXECUTIVE SESSION: pursuant to Title 36 M.R.S.A., § 841, re: Property Tax Abatement Request for property identified as Map U19/Lot 6A

WORKSHOP after adjournment re: Review of agreements with North Yarmouth (Animal Control Officer, Sidewalk Snow Plowing & Channel 2).

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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