

AGENDA

Cumberland Town Council Meeting
Town Council Chambers

MONDAY, NOVEMBER 8, 2010

6:00 Workshop

7:00 p.m. Call to Order

6:00 WORKSHOP with David Bateman of Bateman Partners, LLC re: Doane Property Development Proposal

I. APPROVAL OF MINUTES

October 25, 2010

II. MANAGER'S REPORT

- Project Update:
Route 88
- Maine Green Energy
- Veterans Monument

III. PUBLIC DISCUSSION

IV. LEGISLATION AND POLICY

- 10 – 152** To hold a Public Hearing to consider and act on the installation of stop signs at Carriage Road and Hallmark Road.
- 10 – 153** To hear a presentation from David Bateman of Bateman Partners, LLC re: proposal of development of the Doane Property.
- 10 – 154** To hold a Public Hearing to consider and act on a Moratorium Ordinance regarding extraction of earth materials and water extraction, pumping and/or bulk storage.
- 10 – 155** To hold a Public Hearing to consider and act on amendments to the Cumberland Traffic Ordinance to include No Parking Areas on Farwell Avenue near the Credit Union site.
- 10 – 156** To hold a Public Hearing to consider and adopt the MMA Model General Assistance Ordinance and Appendixes A-C for the period of October 1, 2010 - October 1, 2011.
- 10 – 157** To set a Public Hearing date (November 22nd) to consider and act on amendments to the Twin Brook Use Policy re: insurance, fees, horses, and lightning plan.
- 10 – 158** To set a Public Hearing date (November 22nd) to consider and act on authorizing the Town Manager to accept delinquent taxes for property identified as Tax Map U02/ Lot 31 in the amount of \$20,446.18.

V. NEW BUSINESS

VI. ADJOURNMENT

MOTIONS

MOTIONS

- 10 – 152 I move to amend** Appendix VII of the Cumberland Traffic Ordinance pursuant to Section 7-2 (Signs Required at Through Streets) to add stop signs at the intersection Carriage Road and Hallmark Road.
- 10 – 153 No action necessary**
- 10 – 154 I move to enact a** moratorium ordinance regarding extraction of earth materials and water extraction, pumping and/or bulk storage, effective immediately, for at least the next 180 days.
- 10 – 155 I move to amend** the Cumberland Traffic Ordinance, Article XIV (Stopping or Parking Restricted or Prohibited on Certain Streets) subsection 14-3 (Parking Prohibited at All Times on Certain Streets) Schedule A, to include "No Parking" along Farwell Avenue 50' from the intersection of Main Street and directly in front of the Post Office driveway entrance onto Farwell Avenue and more specifically described on a plan for the site improvements for the Atlantic Regional Federal Credit Union, dated April 2010 as designed by SYTD Engineers.
- 10 – 156 I move to adopt** the MMA Model General Assistance Ordinance and Appendixes A-C for the period of October 1, 2010 - October 1, 2011.
- 10 – 157 I move to set** a Public Hearing date of November 22nd to consider and act on amendments to the Twin Brook Use Policy re: insurance, fees, horses, and lightning plan.
- 10 – 158 I move to set** a Public Hearing date of November 22nd to consider and act on authorizing the Town Manager to accept delinquent taxes for property identified as Tax Map U02/Lot 31 in the amount of \$20,446.18.

MINUTES

10-25-10

MINUTES

Cumberland Town Council Meeting
Town Council Chambers

MONDAY, OCTOBER 25, 2010

7:00 p.m. Call to Order

Present: Chairman Storey-King, Councilors Turner, Copp, Porter, Stiles, and Moriarty
Councilor Perfetti arrived at 7:06 p.m.

I. APPROVAL OF MINUTES

October 11, 2010

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

VOTE: 6-0 UNANIMOUS PASSAGE

II. MANAGER'S REPORT

Town Manager Shane introduced Bert Kendall, Adjutant of American Legion Post 91.

Mr. Kendall explained that Post 91 is attempting to revive the Blue Star Program, which was popular during World War I and World II. The goal of the program is to identify and recognize service families in Cumberland, North Yarmouth, and Yarmouth. There will be a reception to recognize the service families and present them with a banner on December 7th at 7:30 p.m. For more information, residents can contact Bert Kendall at 829-8184 or bmtkendall@aol.com.

Our dear friend and longtime Cumberland plumbing inspector, Dick Peterson, passed away at the age of 97. Dick started working for the Town as plumbing inspector when he was 52 years old. He was a great man, a good friend to many, and will be sadly missed.

Route 88 – 500' of slab near Tuttle Road was removed today, finish grading is scheduled for Wednesday or Thursday, paving is scheduled for Friday.

Range Road – final water main testing to be completed with results expected by end of this week. Final clean up and seeding scheduled for spring. Final paving May or June 2011.

Route 100 – Waterline is complete. 1000' of grinding prep for final pavement from Skillins toward Gray to be done next week.

Public Hearing on November 8th re: 3-way stop at Hallmark and Carriage Roads

Letters have been sent to the neighborhood to survey them regarding their opinion on the need of these signs. Responses will be forwarded to the Council. The Manager hopes that some of the residents will be present on November 8th to give the Council their input.

Portland Area Comprehensive Transportation Systems (PACTS) has announced that they have allocated \$250,000 toward a sidewalk connector that begins near the commons and will eventually get to Twin Brook. This phase will get the sidewalk to the vicinity of Town Hall. They also approved a \$156,000 allotment toward paving a portion of Tuttle Road.

It was discovered this week that the Town trash bags have always been mismarked as 20 gallon bags. They are actually 14 gallon bags. Town Manager Shane recommended that the Council make a motion during their meeting this evening to reduce the price of the 14 gallon bags by .25 cents each. By doing this both the large and smaller bags will equal .08 cents per gallon.

III. PUBLIC DISCUSSION

Mary Pat Warming, a resident of Berlin, Germany speaking on behalf of her son, Aric Mannion, who resides in Los Angeles, California. Ms. Warming explained that 4 years ago, she deeded to her son a “residential” buildable lot located at 148 Gray Road. The lot was for sale and recently went under contract for construction of a single family home. Permission was granted by MDOT to allow for a residential driveway on Gray Road. At that time, the Cumberland Code Officer reviewed a copy of the waiver for the driveway and contacted the real estate agent to advise her that the property is located in the VCC (Village Center Commercial) Zone (residential home not a permitted use). Ms. Warming said that the property cannot be sold commercially since the DOT will not allow a driveway for commercial use since it has been rezoned.

Councilor Moriarty explained to Ms. Warming that since the lot is located in the VCC Zone, single family dwellings are no longer a permitted use. If it is the desire of Ms. Warming’s son to sell the lot for that purpose, the Town Council would have to vote to send the issue to the Planning Board for their recommendation as to whether the zoning should be changed to allow for this type of use. It is unlikely that the Council or the Planning Board would approve a change of that type since it was debated at length when the zone change occurred 2 years ago.

Councilor Perfetti said that he is sympathetic, but wants to be sure that Ms. Warming understands what the Council would have to go through to change the zoning and the length of time it would require. At the very least, it would not come back from the Planning Board to the Council for them consider until December. It sounds like that timeframe does not match Ms. Warming’s limited time before returning to Germany.

Chairman Storey-King said that the Council sympathizes with the situation, but explained that State Law ties their hands. There is no flexibility to speed up the process.

Councilor Porter said that he feels that the Council does not have enough information to have an intelligent discussion regarding sending this to the Planning Board. This needs to be delayed until the Council has the appropriate information to take appropriate action.

Councilor Copp said that the Council will work to help her with her dilemma, but it is not something that can be taken care of this evening.

Chairman Storey-King suggested that Ms. Warming meet with Town Manager Shane for his assistance in working through her situation.

Town Manager Shane said that the Town staff will contact the DOT to discuss the issue of driveway permissions and explain that the zones have changed. If DOT has to reduce the speed limit, they should do so to allow for commercial development.

IV. LEGISLATION AND POLICY

10 – 145 Presentation of Executive Fire Officer Award to Nathan School

Town Manager Shane invited Fire Chief, Dan Small to come to the podium. Chief Small explained the Executive Fire Officer program. It is a 4 year program that requires students to travel to Maryland and attend 2 week long classes, return to their municipalities, and have 6 months in which to write and submit an applied research paper. Year one of the program is

Executive Development, year two is Executive Analysis of Community Risk Reduction, year three is Executive Analysis of Fire Service Operations in Emergency Management, and year four is Executive Leadership. There are only 20 Executive Fire Officer's in the State of Maine. Chief Small expressed his and the entire departments pride in Deputy Chief Schools accomplishment.

Representative to the Legislature, Meredith Strang Burgess thanked Deputy Chief Schools for everything he has given over the years and is grateful that Cumberland is the beneficiary of his great effort. She presented him with a State of Maine Flag and a certificate that read, "this flag was flown at the Maine State Capital on Thursday, October 21st in recognition of Deputy Chief Nathan Schools of the Cumberland Fire Department".

Chief Small introduced Council Chairman, Shirley Storey-King to come forward to present Deputy Chief Schools his certificate from the National Fire Academy.

10 – 146 To hold Public Hearing to consider and act on an Automobile Recycling Permit for Copp Motors for the period of October 1, 2010 – October 31, 2015.

Town Manager Shane explained that this is a five year permit and staff is recommending approval.

Motion by Councilor Porter, seconded by Councilor Turner, to approve the Automobile Recycling Permit for Copp Motors for the period of October 1, 2010 – October 31, 2015.

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

10 – 147 To authorize the Town Manager to execute a Purchase and Sale Agreement with the Portland Water District for 2-acres of property located on Greely Road.

Town Manager Shane explained that the property is located on Greely Road, and is currently being used, with permission from Portland Water District, as the 12th hole of Val Halla Golf Course. The two-acres appraised at \$16,200.

Motion by Councilor Stiles, seconded by Councilor Moriarty, to authorize the Town Manager to execute a Purchase and Sale Agreement with the Portland Water District for 2-acres of property located on Greely Road.

VOTE: 7-0 UNANIMOUS PASSAGE

10 – 148 To set a Public Hearing date (November 8th) to consider and adopt the MMA Model General Assistance Ordinance and Appendixes A-C for the period of October 1, 2010 - October 1, 2011.

Town Manager Shane explained that this is an annual item that comes before the Council. The General Assistance Ordinance is set by Maine Municipal Association and the majority of towns use this model.

Motion by Councilor Perfetti, seconded by Councilor Copp, to set a Public Hearing date of November 8th to consider and adopt the MMA Model General Assistance Ordinance and Appendixes A-C for the period of October 1, 2010 - October 1, 2011.

VOTE: 7-0 UNANIMOUS PASSAGE

10 – 149 To set a Public Hearing date (November 8th) to consider and act on a Moratorium Ordinance regarding extraction of earth materials and water extraction, pumping and/or bulk storage.

Town Manager Shane explained that this item came before the Council at the last meeting per the request of a resident to consider changes to the existing Zoning Ordinance in the RR1, RR2 and LDR zones, for gravel extraction and pumping of water and bulk storage. It is recommended that a 180 day moratorium be in place. The Manager explained that any moratorium is an ordinance and any ordinance is a change to the land use code, therefore this item will have to go back and forth between the Planning Board and the Council for public hearings.

Councilor Copp recused himself from this item because it involves members of his family. He moved from the dais and sat in the audience.

Attorney Matt Manahan spoke on behalf of Randy and Elvin Copp. Mr. Manahan said that the Cops would like it known that they were ready to submit an application under the Town's current mineral extraction ordinance when this issue came up. At that time, they decided not to submit their application until all the issues could be addressed. They are committed to working with the Town and the neighbors to address the concerns. In their opinion, this is a good site for a gravel pit, it will meet all the DEP requirements, there will be sufficient buffers for noise and dust, and they are committed to addressing the operating hours of the facility so it will not be an unreasonable interference. In their view, the current ordinance is sufficient and the Cops can work within the current ordinance to address the concerns, but they are willing to work with a potential amendment process. They are concerned, however, with getting held hostage by the process. In their view, a moratorium isn't necessary because they are willing to work within the process and the Town has an existing ordinance which has been in place for a number of years. The Town has had gravel pits, including a Town owned gravel pit, and the Town's ordinances have worked fine over the years. Suddenly, there is an emergency for an existing gravel pit that his clients want to re-start. A moratorium seems excessive, particularly since they are willing to work within the current ordinance while making sure that this will not be a problem for anybody.

Bob Maloney questioned how the Cops are going to address the neighbors' issues since they the property has been totally stripped of trees. He can hear the noise and he can now see and hear the traffic noise from the turnpike. If there is a gravel pit allowed, the neighbors will hear trucks, loaders, and tailgates. There is very little buffer left on the site.

Randy Copp requested a Council Workshop prior to the November 8th Public Hearing.

Town Manager Shane explained that there is no time available for a Workshop on November 8th (there is already a workshop scheduled).

Motion by Councilor Perfetti, seconded by Councilor Stiles, to set a Public Hearing date of November 8th to consider and act on a Moratorium Ordinance regarding extraction of earth materials and water extraction, pumping and/or bulk storage.

VOTE: 6-0-1 (Copp abstained) **PASSAGE**

10 – 150 To hold a Public Hearing to consider and act on authorizing the Town Manager to execute agreements with North Yarmouth for Animal Control Officer, Sidewalk Snow Plowing & Channel 2. *TABLED*

Motion by Councilor Stiles, seconded by Councilor Perfetti, to table this item.

VOTE: 7-0

UNANIMOUS PASSAGE

10 – 151 To set a Public Hearing date (November 8th) to consider and act on amendments to the Cumberland Traffic Ordinance to include No Parking Areas on Farwell Avenue near the Credit Union site.

Town Manager Shane explained that during the site plan review of the Credit Union on Main Street, the Planning Board and traffic engineer recommended that certain sections of Farwell Avenue be posted no parking. The Planning Board does not have the authority to post no parking areas only the Town Council has that authority. Staff is recommending approval.

Motion by Councilor Perfetti, seconded by Councilor Turner, to set a Public Hearing date of November 8th to consider and act on amendments to the Cumberland Traffic Ordinance to include No Parking Areas on Farwell Avenue near the Credit Union site.

VOTE: 7-0

UNANIMOUS PASSAGE

Motion by Councilor Stiles, seconded by Councilor Copp, to reduce the price of the small trash bags by 25 cents, effective immediately.

VOTE: 7-0

UNANIMOUS PASSAGE

V. NEW BUSINESS

Councilor Turner – He watched the process of the work on Route 88 today. It is incredible what Storey Brothers has done and how quickly the process is going. Everyone on the Foreside should appreciate it.

Councilor Copp – None

Councilor Porter – Greely has two teams in the playoffs. The Girls Soccer team has a home game tomorrow at 6:00. The Greely Girls Field Hockey team is battling for the Western Maine Finals. Good luck to his daughter Aliza and her teammates.

Councilor Perfetti – None

Chairman Storey-King – CMBA meeting this Wednesday at 6:30 p.m. at Town Hall.

Greely Football bon fire this Thursday at 6:30 p.m. The public is invited to attend.

Friday at 7:00 p.m. Greely vs. Falmouth football (home game).

November 4th at 7:00 p.m. a neighborhood meeting at Town Hall re: development of Doane Property. Reminder that there is a donation challenge for the Veterans Monument project. An anonymous family will match donations from now until the end of the year, up to \$5,000.

Condolences to Tom and Jane Peterson and their boys. Your loss is our loss and our thoughts are with you.

Councilor Stiles – Will be absent on November 8th.

In regard to the moratorium, he would prefer to work on assuring that the controls are in place and if needed additional controls can be added.

Councilor Moriarty – Congratulations to the Greely Boys Cross Country team for their victory on Saturday. He ran in Twin Brook late Saturday afternoon and was impressed at how immaculate it was. There was no sign that a major event had occurred there earlier that day. The Veterans Monument Committee will be selling pins on Election Day to raise money for Phase II (name stones) of the monument.

Town Manager Shane – This Saturday, the polls will be open at from 9:00 a.m. to noon at Town Hall for absentee voting, and on Sunday at the West Cumberland Community Hall 9:00 a.m. to 1:00 p.m. On Election Day, please bring a can of food for the food pantry. Polls are open on Election Day from 7:00 a.m. to 8:00 p.m.

VI. ADJOURNMENT

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

VOTE: 7-0 UNANIMOUS PASSAGE

TIME: 8:37 p.m.

Respectfully submitted by:

Brenda L. Moore
Council Secretary

MANAGER'S REPORT

ITEM 10-152

To hold a Public Hearing to consider and act on the installation
of stop signs at Carriage Road and Hallmark Road.



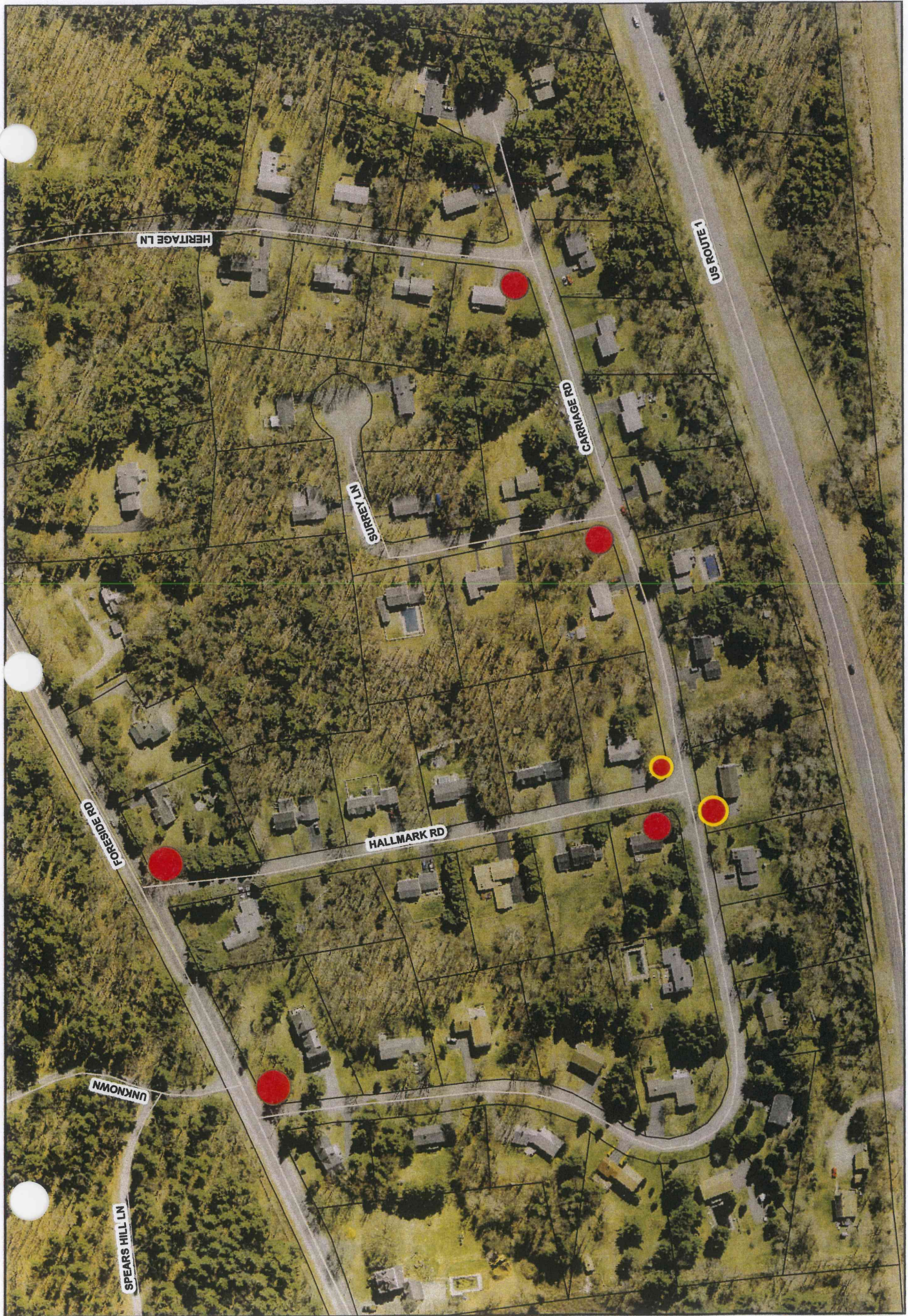
TOWN OF CUMBERLAND, MAINE
290 TUTTLE ROAD
CUMBERLAND, MAINE 04021
TEL: 207-829-2205 FAX: 829-2224

To: Town Council
From: William R. Shane, Town Manager
Date: October 6, 2010
Re: Hallmark & Carriage Intersection

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

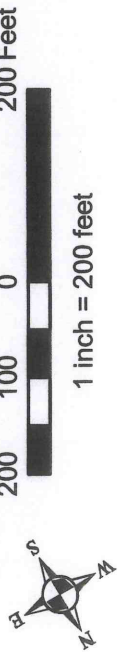
The relatively low volume of traffic using the intersection, good site distances in all directions and uniform traffic volumes on each leg of the intersection will not cause a safety hazard with the introduction of a 3-way stop sign. While the signs are not needed for traffic safety, they may aid in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

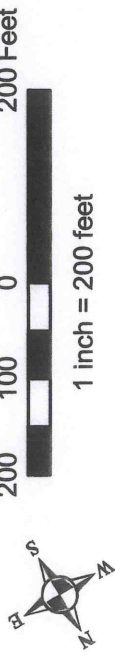
- Stop Sign
- New Stop Sign





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 removal 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 judgment 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
Hillcrest Drive
Hillside Avenue
Hilltop Road
Island Avenue
Karole Lane
Kerri Farm Drive
King's Highway
King's Highway
Lake Road
Lantern Lane
Lawn Avenue
Ledge Road
Linda Street
Linda Street
Longmeadow Road
Longview Street
Longview Street
Lower Methodist Road
Maple Street
Meadowview Road
Middle Road (north)
Middle Road (south)
Mill Ridge Road
Mill Road
Oak Ridge Road
Old Gray Road
Osgood Road
Phillips Street
Pine Lane
Pine Lane
Pine Lane
Pine Lane
Pine Lane
Pine Ridge Road
Pinewood Drive
Pleasant Valley Road
Powell Avenue
Powell Avenue
Prince Street
Prince Street
Range Road
Range Road
Road 3 and 3a
Route 1 Off Ramp
Route 1 On Ramp
Sea Cove Road
Skillins Road
Sparhawk Lane
Spruce Lane
Starboard Lane
Stonewall Drive

Route 9
Woodside Drive
Greely Road

06-026?

Fern Lane
Route 9

06-026?

Route 88
Tuttle Road
Union Road
Route 88
Route 9
Route 88
Hillcrest Drive
Woodside Drive
Route 88
Hillcrest Drive
Woodside Drive
Route 100 (east)
Lawn Avenue
Tuttle Road

Mill Road
Blanchard Road (north)
Greely Road Ext.
Route 100 (west)
Route 9
Greely Road Ext.
Sylvan Lane (east)
Sylvan Lane (west)
Concord Circle
Wildwood Blvd.
Ocean Terrace
Route 88
Route 9
Valley Road (north)
Route 88
Route 1
Farwell Ave (west)
Farwell Ave (east)
Route 100
Winn Road (south)
Forest Lake Road (east)
Tuttle Road

Route 88
Route 100 (west)
Cottage Farms Road
Route 88
Route 88

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?

Stop Sign Survey – Carriage Road 2010

Name:

Kathleen McNelly

Address:

15 Carriage Rd. Cumb. Fore.

Phone or e-mail:

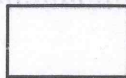
7817819

mcnalk@maine.rv.com

1. Do you support the installation of 3-way Stop Sign at the intersection of Carriage & Hallmark Road as shown below



YES



NO



Undecided

Area for comments:

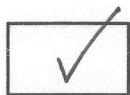
When I am on Carriage Rd I often to
not hear approaching vehicles because
the noise from Rt 1 and 295 is very
loud AND constant. Children distracted
by play are very vulnerable!!



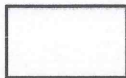
Stop Sign Survey – Carriage Road 2010

Name: Neil and Stacey Collins
Address: 176 Foreside Rd.
Phone or e-mail: 780-9710

1. Do you support the installation of 3-way Stop Sign at the intersection of Carriage & Hallmark Road as shown below



YES



NO



Undecided

Area for comments:

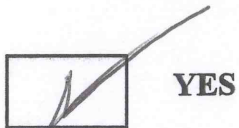
There are families with kids near that intersection.
It makes sense to have stop signs there. Other
than the expense (which can't be all that much)
I can't think of a reason NOT to have stop signs
there.



Stop Sign Survey – Carriage Road 2010

Name: Rachel Rodrigues & Bill Todd
Address: 9 Hallmark Rd., Cumberland Foreside
Phone or e-mail: 781-7830 rachelvg1993@maine-rr.com

1. Do you support the installation of 3-way Stop Sign at the intersection of Carriage & Hallmark Road as shown below



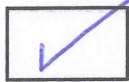
Area for comments:



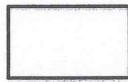
Stop Sign Survey – Carriage Road 2010

Name: John and Mary Flaherty
Address: 17 Carriage Road
Phone or e-mail: Stultz@yahoo.com

1. Do you support the installation of 3-way Stop Sign at the intersection of Carriage & Hallmark Road as shown below



YES



NO



Undecided

Area for comments:

A great idea!! Recently with new home purchases new young children have joined our neighborhood - Alternative would be speed bump - Also people do speed on these roads!



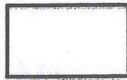
Stop Sign Survey – Carriage Road 2010

Name: Karen Marden
Address: 11 Hallmark Rd.
Phone or e-mail: karenmarden@yahoo.com

1. Do you support the installation of 3-way Stop Sign at the intersection of Carriage & Hallmark Road as shown below



YES



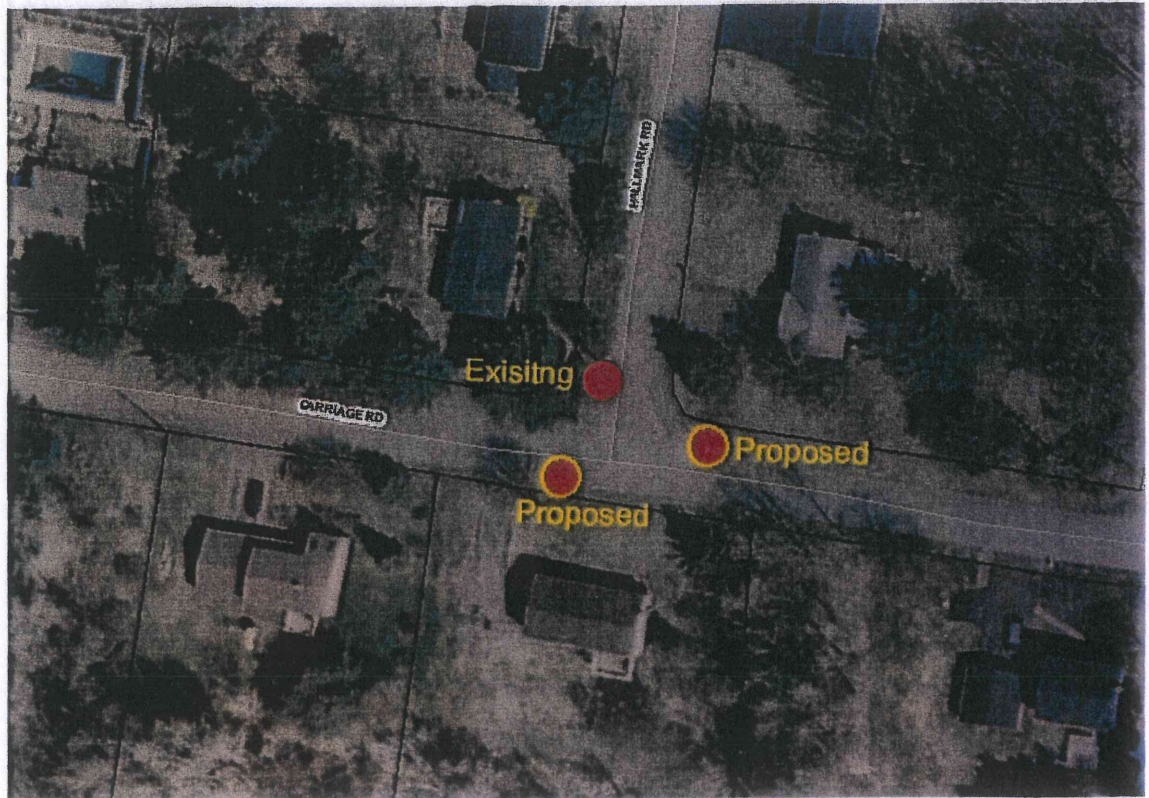
NO



Undecided

Area for comments:

YES. Residents other than myself have
complained for years that this has been a problem
and discussed with the Town of Cumberland (Deviney /
Flaherty families) and that no solution has been found



In the years that we have lived here, we have seen drivers use the Carriage Road strip like a higher speed straightaway with no regard for the safety of children. In addition, the noise from Rt. 1 and 95 is much louder than in the years when our development was planned. Children near the road are not as capable of discerning vehicle noise as they perhaps could have been when the roads were created.

We have had several incidents where drivers have been traveling at such high speeds that it was gut-wrenching. I am sure that not a single one of us who has children and moved into a neighborhood like ours did so because we wanted reckless drivers to inhabit our neighborhoods. We moved here so that we could feel safer than we might have on the more dangerous roads, and though we have to exercise caution, we still need to protect them from outright DANGER.

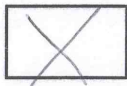
Stop Sign Survey – Carriage Road 2010

Name: Ruth Murphy

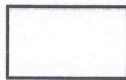
Address: 7 CARRIAGE ROAD

Phone or e-mail: 207-781-9054

1. Do you support the installation of 3-way Stop Sign at the intersection of Carriage & Hallmark Road as shown below



YES



NO



Undecided

Area for comments:



Stop Sign Survey – Carriage Road 2010

Name:

JOHN AND DEEDA BURGESS

Address:

6 CARRIAGE ROAD

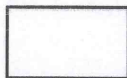
Phone or e-mail:

781-9067 (Home Phone)

1. Do you support the installation of 3-way Stop Sign at the intersection of Carriage & Hallmark Road as shown below



YES



NO



Undecided

Area for comments:



Stop Sign Survey – Carriage Road 2010

Name:

Diane Foo

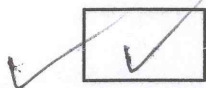
Address:

8 carriage Rd.

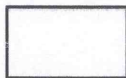
Phone or e-mail:

207 781-7062

1. Do you support the installation of 3-way Stop Sign at the intersection of Carriage & Hallmark Road as shown below



YES



NO



Undecided

Area for comments:

Also my neighbor @ 9 Carriage Rd.
Bence Ray supports the 3 way stop sign -
she could not find her survey so wanted
me to convey her support



Stop Sign Survey – Carriage Road 2010

Name:

Barbara McHugh & Don Masey

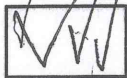
Address:

1 Huckleberry Lane

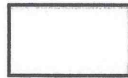
Phone or e-mail:

781-5174

1. Do you support the installation of 3-way Stop Sign at the intersection of Carriage & Hallmark Road as shown below



YES



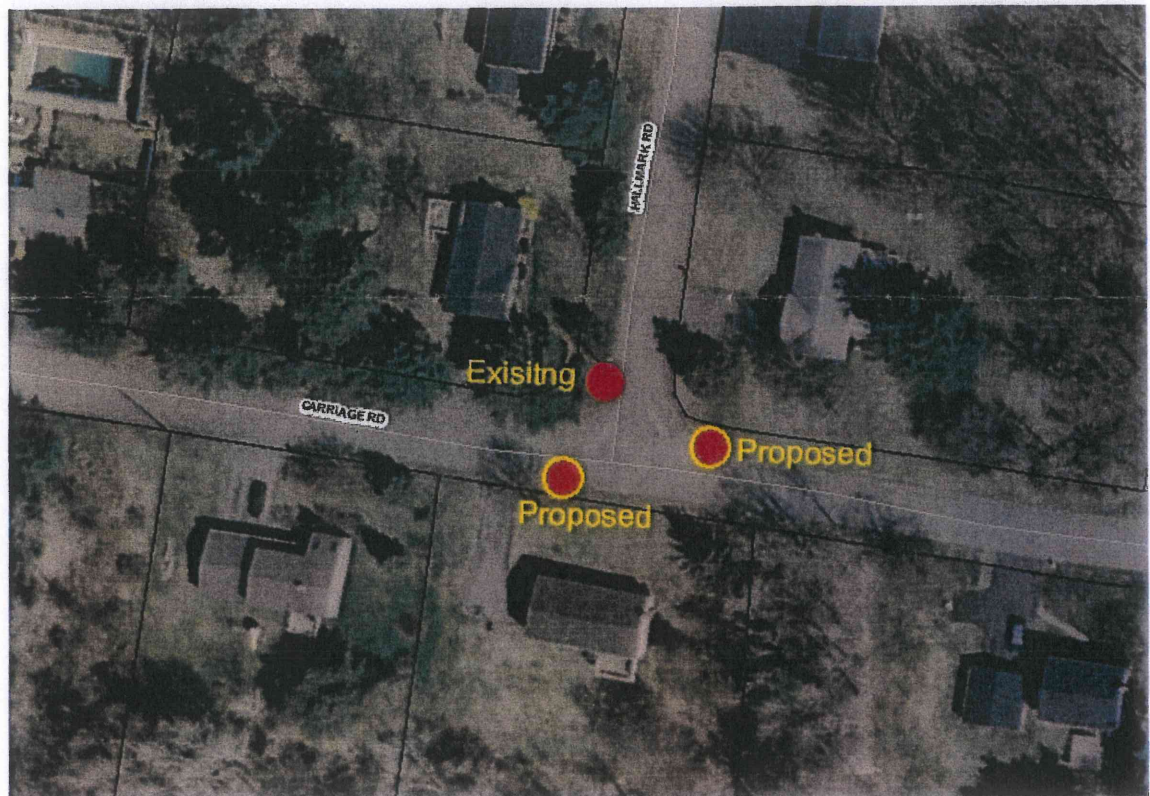
NO



Undecided

Area for comments:

We live in a wonderful neighborhood w/ kids & dogs &
Always supportive of each other. We want them to be safe.



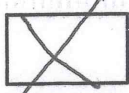
Stop Sign Survey – Carriage Road 2010

Name: Bruce + Rebecca Mann

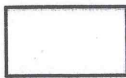
Address: 12 Hallmark Rd.

Phone or e-mail: 781-7357 BEMANNJR@Maine, RR.CO.

1. Do you support the installation of 3-way Stop Sign at the intersection of Carriage & Hallmark Road as shown below



YES



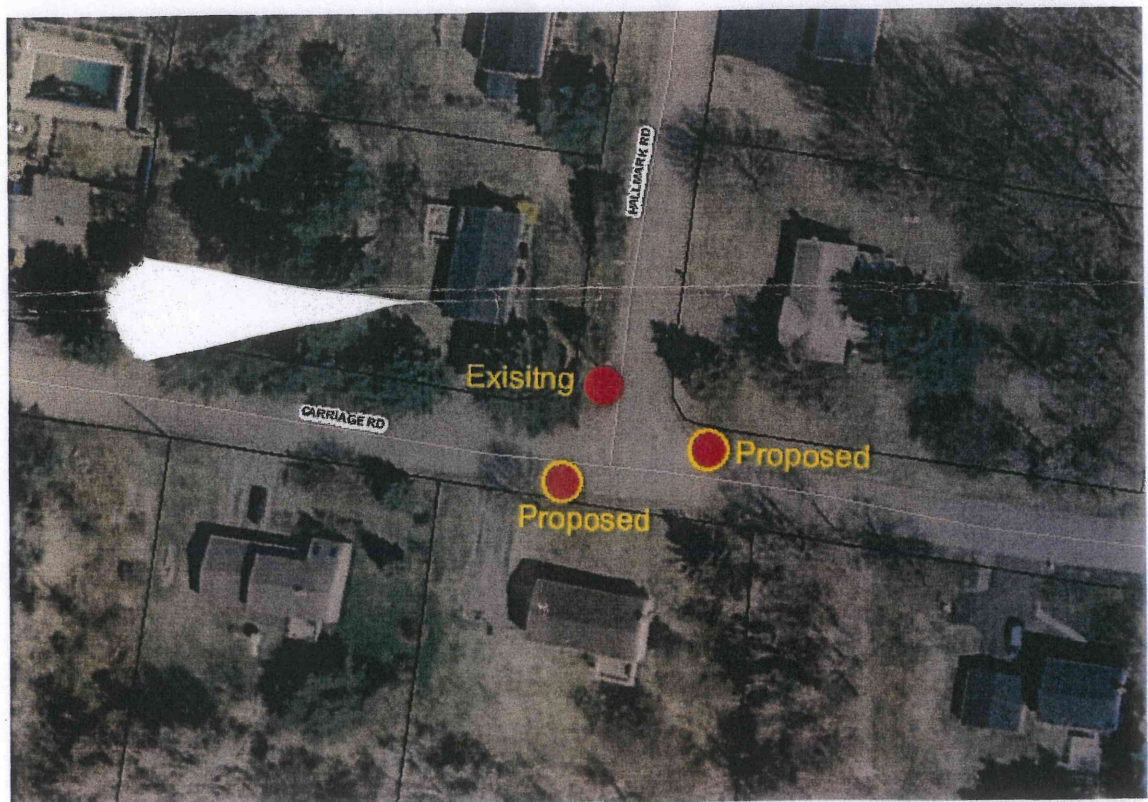
NO



Undecided

Area for comments:

I live on the corner of Carriage + Hallmark
and see cars drive too FAST thru this
intersection on a regular basis. The stop
sign would make things SAFER.



Brenda Moore

From: William Shane
Sent: Wednesday, October 27, 2010 5:32 PM
To: Brenda Moore
Subject: FW: STOP SIGN Carriage Rd. @ Hallmark Rd.

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

Tel: 207-829-2205
Fax: 207-829-2224
Cell: 207-232-5258

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

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

From: Warren Graumann [mailto:warrengraumann@yahoo.com]
Sent: Monday, October 25, 2010 12:27 PM
To: William Shane
Subject: STOP SIGN Carriage Rd. @ Hallmark Rd.

Bill:

We are in favor. From time to time, Carriage Rd. is a drag strip.

I would like to further request:

"15 MPH - Children Playing" signs at all three entrances to the development off Rt.88.

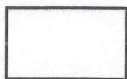
Thanks for asking.

Warren & Rollanda Graumann
3 Surrey Lane

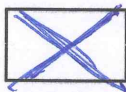
Stop Sign Survey – Carriage Road 2010

Name: William K Lloyd
Address: 10 Carriage Road
Phone or e-mail: 781 8278 kllloyd@maine.rr.com

1. Do you support the installation of 3-way Stop Sign at the intersection of Carriage & Hallmark Road as shown below



YES



NO



Undecided

Area for comments:

I do not support this 3-way stop. It is, in my view unnecessary in such a low traffic area. I have owned property/lived on Carriage Road since '84. The low traffic volume is part of the charm of the neighborhood.

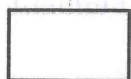


Please, no unnecessary stop signs in our neighborhood

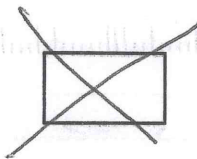
Stop Sign Survey – Carriage Road 2010

Name: Kate / Don Fusco
Address: 8 Surrey Lane
Phone or e-mail: 781-8078 or fun47@maine-rr.com

1. Do you support the installation of 3-way Stop Sign at the intersection of Carriage & Hallmark Road as shown below



YES



NO



Undecided

Area for comments:

The two proposed signs are in places where the road is straight with lots of pre-view space to see any activity going on. The neighborhood is a finished neighborhood since the early 1970's - some 40 years, and has never needed a stop

sign there in
all that time.

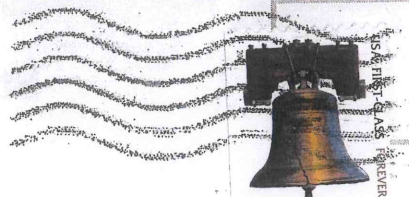
There isn't any
more traffic
than there
has been in
the last 40
years - same
of houses,
same capacity
for people,
cars, kids, pets.
Nothing has
changed to



warrant the expenditure of valuable town funds on two signs plus the man hours to install them. This is not a high traffic area. For that matter if a sign is "needed" there, why not add one in

Town of Cumberland
290 Tuttle Road
Cumberland, Maine 04021

SUB. MAIL PERMIT NO. 0401
25 OCT 2010 PM 1 T



Town of Cumberland
290 Tuttle Road
Cumberland, Maine 04021
RE: Carriage Road Stop Signs

0402184116 R004



each direction at the bottom of Heritage as well - Same
Scenario. The installation of two yellow, portable "Watch for
Children - Slow" pylons would be cheaper and just as effective
if placed in center of road in each direction. Stop signs
can't take the place of parental supervision of kids
running into road, biking out of driveways without looking,
etcetera. This would be irresponsible fiscal spending on the
part of Cumberland to put signs up in a stagnant
neighborhood.

Stop Sign Survey – Carriage Road 2010

Name: Jo Harmon & Greg Guerrette
Address: 174 Foreside Rd (corner Hallmark)
Phone or e-mail: Harmonybelle@MAINE.RR.com

1. Do you support the installation of 3-way Stop Sign at the intersection of Carriage & Hallmark Road as shown below

☐

YES

☒

NO

☐

Undecided

Area for comments:

This seems unnecessary. The only traffic through there is LOCAL, Rarely a delivery truck, etc. (It would seem a waste of taxpayers' dollars, unless a state law or something similar.)



Stop Sign Survey – Carriage Road 2010

Name: Robert Collin

Address: _____

Phone or e-mail: _____

1. Do you support the installation of 3-way Stop Sign at the intersection of Carriage & Hallmark Road as shown below

☐

YES

☒

NO

☐

Undecided

Area for comments:



Stop Sign Survey – Carriage Road 2010

Name: GARY CHENEY
Address: 10 Surrey Lane
Phone or e-mail: 781-4270

1. Do you support the installation of 3-way Stop Sign at the intersection of Carriage & Hallmark Road as shown below

☐

YES

☒

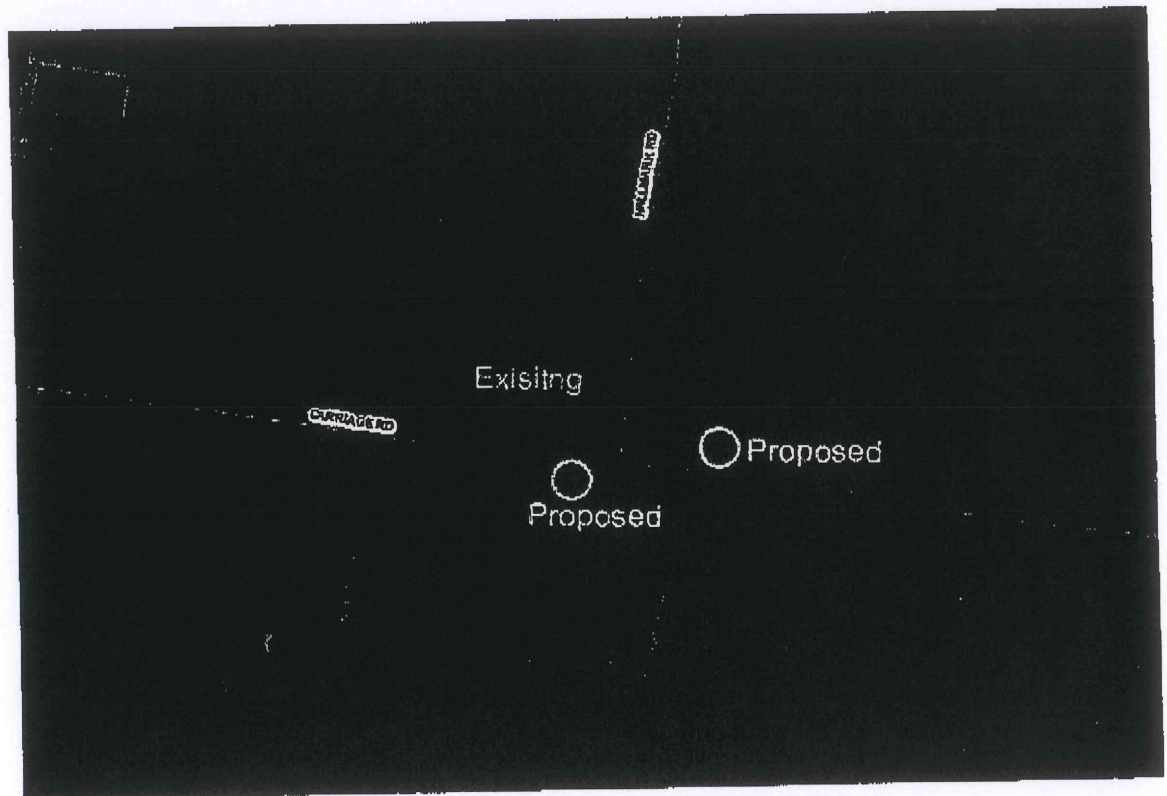
NO



Undecided

Area for comments:

Stop Sign on Hallmark is
Enough, waste of money.



Stop Sign Survey – Carriage Road 2010

Name: Miller
Address: 38 Carriage Rd
Phone or e-mail: 781-3412

1. Do you support the installation of 3-way Stop Sign at the intersection of Carriage & Hallmark Road as shown below

☐

YES

☒

NO

☐

Undecided

Area for comments:

The stop sign on Hallmark is all that is
needed!! There is no need to add the
proposed 2 signs.



Stop Sign Survey – Carriage Road 2010

Name: JUDY + BRUCE DOMINICK
Address: 19 CARRIAGE RD.
Phone or e-mail: dominick5@aol.com 781-2946

1. Do you support the installation of 3-way Stop Sign at the intersection of Carriage & Hallmark Road as shown below

☐

YES

☒

NO

☐

Undecided

Area for comments: We have been residents of Carriage Road for 22 years, and we have never heard tires squealing to avoid hitting a child or another vehicle at the intersection of Carriage Road and Hallmark. Carriage Road is used solely by residents and their guests. It is not a through way used by the general public. Therefore, we do not think it is necessary to install two additional stop signs. To make drivers better aware of children playing in the area, we would support the addition of installing signs alerting drivers to watch for "CHILDREN AT PLAY"



Stop Sign Survey – Carriage Road 2010

Name: P.A. STADDEN

Address: 4 SURREY LN

Phone or e-mail: hardybrook@earthlink.net

1. Do you support the installation of 3-way Stop Sign at the intersection of Carriage & Hallmark Road as shown below

☐

YES

☒

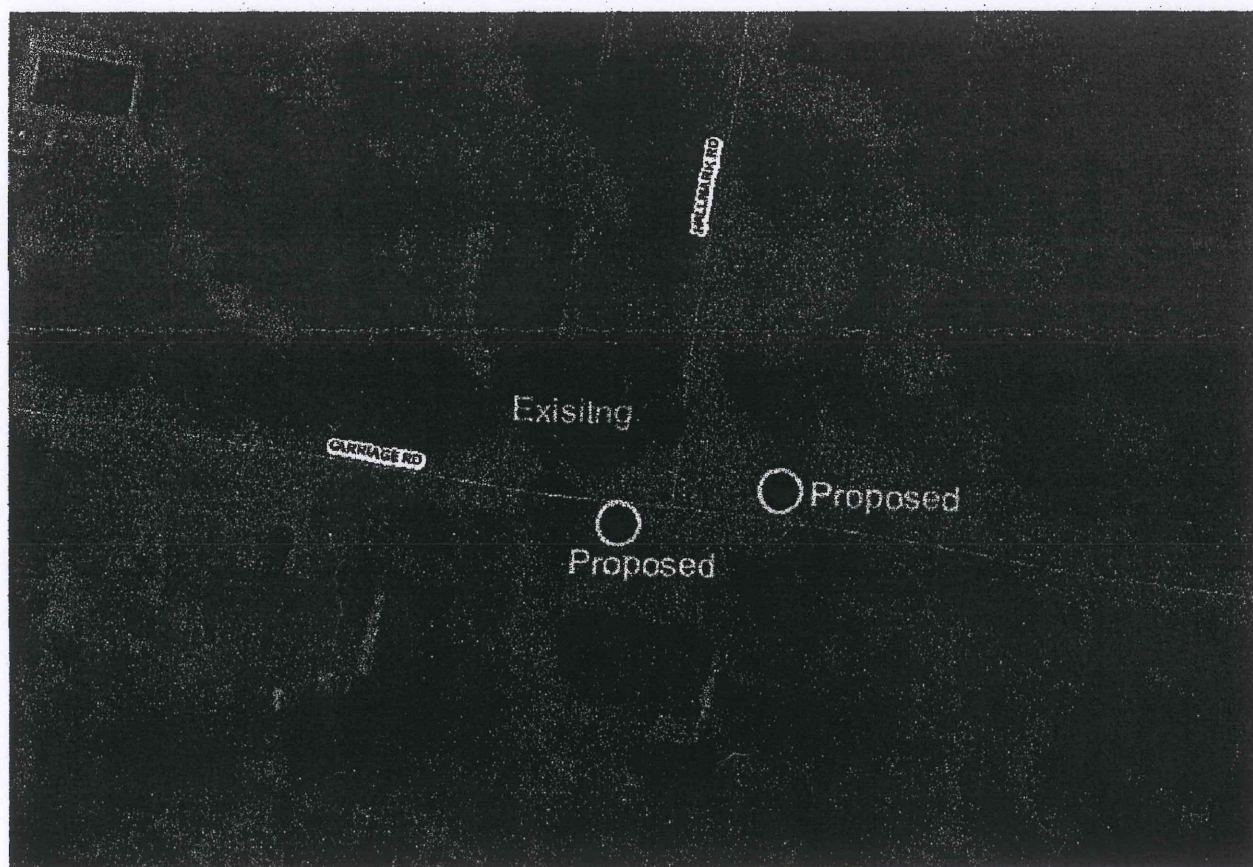
NO

☐

Undecided

Area for comments:

SEE ENCLOSED



TO: WILLIAM R. SHANE

FROM: PAUL A. STADDEN

DATE: OCTOBER 23, 2010

SUBJECT: PROPOSED INSTALLATION OF 3-WAY STOP SIGNS @ T-JUNCTION
OF CARRIAGE AND HALLMARK ROAD

RE: ATTACHED COUNCIL MEETING – STOP SIGN INSTALLATION MEMO

In my opinion the Town Council has their priorities slightly skewed. The installation of 3-way stop signs at the designated T-junction serves no purpose other than temporary employment to install. It certainly won't stop cars from sliding through that area in the wintertime.

The area in question is wide-open as verified by the enclosed aerial photo. No structures block the vision of any driver approaching the area. The logic of this installation is that of the installation of opposing direction stop signs on a one-way street with no intersections. Has a feasibility study been conducted warranting this 3-way stop sign installation? (Governments are always longing to do a study for something.)

Why does the proposal not also include the area of Surrey Lane and Carriage Rd., where a blind T-junction exists?

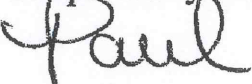
Has there ever been either a motor vehicle crash or near crash, resulting in death or bodily injury?

Has there ever been any motor vehicle vs. pedestrian crash, resulting in death or bodily injury?

The real safety issue to be addressed is "ice and water control" in the surrounding flood plain. In wintertime, there continually exists a 2" – 4" ice flow covering 1/2 - 2/3 of Hallmark Road and some resident's driveways. A not so severe condition exists in the like area of Surrey Ln. and Carriage Rd. and the residence on the corner of Surrey Ln. and Carriage Rd...

I would like to have a warm feeling that our Town Council has a "bigger kettle of fish to fry".

Respectfully submitted



P.A. Stadden

hardybrook@earthlink.net

ITEM 10-153

To hear a presentation from David Bateman of Bateman Partners,
LLC re: proposal of development of the Doane Property.

ITEM 10-154

To hold a Public Hearing to consider and act on a Moratorium Ordinance regarding extraction of earth materials and water extraction, pumping and/or bulk storage.

MORATORIUM ORDINANCE REGARDING
EXTRACTION OF EARTH MATERIALS AND WATER EXTRACTION,
PUMPING AND/OR BULK STORAGE

The TOWN OF CUMBERLAND enacts a Moratorium Ordinance as follows:

WHEREAS, the Town of Cumberland is under threat of increased development pressure from the extraction of earth materials in the Town and the extraction, pumping and/or bulk storage of water for wholesale commercial purposes, which uses as currently allowed are inconsistent with other allowed and existing uses in the areas where such uses are allowed and further due to the potentially serious environmental and other impacts from such uses, including potential impacts upon groundwater and surface water quality and levels and upon abutting uses; and

WHEREAS, this development pressure was unanticipated and has not been adequately provided for in the Town's current zoning or other land use ordinances; and

WHEREAS, there is a strong likelihood that the Town will continue to be subjected to this development pressure due to the lack of adequate regulations or restrictions on the location and effects of these uses, especially in close proximity to incompatible land uses that could be adversely impacted by the noise, vibration, emissions, hours of operations, odors and other impacts resulting from these high intensity and high impact uses, as well as the environmental consequences of such uses and further due to the high demand for the minerals and water extracted and the manufactured materials and services resulting from these uses; and

WHEREAS, amendments to the zoning and other land use ordinances require public hearings by the Planning Board and a vote by the Town Council; and

WHEREAS, the Town will need at least 180 days to identify and to analyze the associated issues and then to develop and enact any necessary amendment(s) to the zoning and other land use ordinances and regulations to address these development pressures; and

WHEREAS, in the judgment of the Town, these facts create an emergency within the meaning of 30-A M.R.S.A. § 4356(1)(B) and require the following Moratorium Ordinance as immediately necessary for the preservation of the public health; safety and welfare;

NOW, THEREFORE, the Town of Cumberland hereby ordains that a moratorium is hereby imposed, effective immediately and applicable, to the maximum extent permitted by law and subject to the severability clause below, to all proceedings, applications and petitions for extraction of earth materials or water extraction, pumping and/or storage that have not received a substantive review within the meaning of 1 M.R.S.A. § 302 as of the date of passage of this Ordinance and to any new such use, application for such use **or expansion in area, intensity or function of any such existing use** until the effective date of the necessary amendments to the zoning and other land use ordinances or 180 days after the date of passage of this Ordinance, whichever occurs first.

BE IT FURTHER ORDAINED, that for purposes of this Moratorium Ordinance, the term “extraction of earth materials” shall be as defined in Section 104.49 of the Zoning Ordinance of the Town of Cumberland.

BE IT FURTHER ORDAINED, that for purposes of this Moratorium Ordinance, the term “water extraction, pumping and/or storage” shall mean the withdrawal of water by any means from any spring or groundwater source, the pumping of water from either type of source or the bulk storage of water from either type of source, when the extraction, pumping and/or storage occurs in whole or in part for wholesale commercial purposes.

BE IT FURTHER ORDAINED, that the Planning Board, Board of Adjustment and Appeals, Code Enforcement Officer, all Town departments and all Town employees shall neither accept nor approve applications, plans, permits, licenses, and/or fees for any new, **expanded or amended** uses governed by this Moratorium Ordinance for such use or operations for said period of time.

BE IT FURTHER ORDAINED, that those provisions of the Town’s zoning and other land use ordinances and any other regulations that are inconsistent or in conflict with the provisions of this Moratorium Ordinance are hereby repealed, to the extent that they are applicable, for the duration of the Moratorium Ordinance hereby ordained, but not otherwise; and

BE IT FURTHER ORDAINED, that to the extent any provision of this Moratorium Ordinance is deemed invalid by a court of competent jurisdiction, the balance of the Moratorium Ordinance shall remain valid.

William Shane

Subject: FW: Copp property

From: William Shane [mailto:wshane@cumberlandmaine.com]
Sent: Monday, November 08, 2010 12:40 PM
To: Stephen W. Moriarty
Cc: Town Council
Subject: RE: Copp property

Hi Steve,

Condensed Synopsis:

- October 2007 Lot allowed to be sold by Tinker Stratton- 40 Acre Subdivision change by Council
- December 2008 complaint regarding excessive trucking out of Upper Methodist Road upon inspection saw a massive fill into site across a 25' + gully, lots of erosion and sedimentation issues, no DEP Permits, no Town Permits
- May 2009 DEP Violation for activity – ordered to stabilize site
- July 2009 After the fact plan for private way requested by Town Staff
- July 2009- Not much progress from DEP Violation of May 2009
- July 21, 2009 Stop Work Order Issues by TOC – until plan for Private Way submitted
- July 23rd- 2009 Private Way Plan submitted & approved by TOC
- July 28, 2009 Building permit issued for a 22'x44' single family home with 12'x8' deck
- 1/5/2010 R. Copp requests extension on Building permit due to road construction of private way
- April 2010 inspection of roadway found the 60 acre lot had nearly been clear cut and the
- April 29, 2010 No Town Permit for Harvesting as required by Ordinance- requested State Permit
- May 17, 2010 incomplete State Permit- still waiting for "after the fact" Permit
- Portable Classroom installed on foundation Photo Sept 9, 2010
- Sept 9, 2010 verbal Stop Work Order issued for gravel extraction without a permit and non-compliance with Town and national building codes
- Sept. 22, 2010 – DEP violation #2
- October/ November 2010 Request by citizen for changes to Ordinance – Extraction of Gravel & Groundwater
- October 16, 2010 – Council Site walk of property
- Council acts on moratorium Nov 8, 2010

From: Stephen W. Moriarty [mailto:smoriarty@nhdlaw.com]
Sent: Monday, November 08, 2010 7:54 AM
To: William Shane
Subject: Copp property

Bill, it would be helpful for my background to have a chronology of any actions on Randy's part regarding his property off Upper Methodist Road which required intervention on the part of either the state or the town. I'm aware of the stream crossing issue, and it has been mentioned that the town shut down the gravel extraction activity. This would help put the proposed moratorium into context. Your thoughts?

CURRENT OWNER	TOPO.	UTILITIES	STRT./ROAD	LOCATION	CURRENT ASSESSMENT	
COPP ELVIN H					Code	Appraised Value
15 MILL ROAD					1300	175,600
CUMBERLAND, ME 04021						Assessed Value
Additional Owners:						175,600
SUPPLEMENTAL DATA					3206	
Other ID: 0R07 0057C0000					CUMBERLAND CTR, M.	
EXEMPT					VISION	
RESEX						
M TREES						
hearing						
GIS ID: 0R07 0057C0000	ASSOC PID#					

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	q/u	v/i	SALE PRICE	V.C.
COPP ELVIN H		25516/ 74	10/03/2007	U	V	75,000	1N
Total:							

EXEMPTIONS		Amount	Code	Description	Number	Amount	Comm. Int.
Year	Type	Description					
Total:							

OTHER ASSESSMENTS		Amount	Code	Description	Number	Amount	Comm. Int.
Total:							

ASSESSING NEIGHBORHOOD		STREET INDEX NAME	TRACING	BATCH
NBHD/ SUB				
70/A				

NOTES

LOT CREATED FROM SPLIT OF R07/57

10/03/2007 - BK 25516 PG 74

LOT created - reduced

subdivision laws excluding

BUILDING PERMIT RECORD										VISIT/ CHANGE HISTORY					
Permit ID	Issue Date	Type	Description	Amount	Insp. Date	% Comp.	Date Comp.	Comments	Date	Type	IS	ID	Cd.	Purpose/Result	
				410	Acce	100%	10/10								

LAND LINE VALUATION SECTION										ST.	
B #	Use Code	Use Description	Zone	D Frontage	Depth	Units	Unit Price	L Factor	Acre Disc	C Factor	Idx
1	1300	RES ACLNDV	RR2			87,120 SF	1.40	1.00	5	0.50	70
1	1300	RES ACLNDV	RR2			48.54 AC	6,000.00	1.00	0	0.50	70
Total Card Land Units:										50.54 AC	
Parcel Total Land Area:										50.54 AC	
Total Land Value:										175,600	



2008/12/16



2008/12/16



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI

GOVERNOR

DAVID P. LITTELL

COMMISSIONER

Certified Mail #: 7008 1830 0000 2208 4256

May 4, 2009

Elvin & Randall Copp
15 Mill Road
Cumberland, ME 04021

Re: Notice of Violation, Elvin & Randall Copp, Notice of Violation # CTS 15660

Dear Mr. Copp:

Enclosed is a Notice of Violation ("NOV") alleging your failure to comply with Maine's *Natural Resources Protection Act*, 38 M.R.S.A. § 480-C. The NOV relates to violations documented during a site inspection by Department staff on April 15, 2009 at the crossing of Gulley Brook on your property off Stratton Woods Lane. These violations are more fully described in the attached NOV.

A NOV is an administrative notice that is required by Maine law to be sent to parties the Department believes is responsible for violations of the Department's laws, rules, and/or orders. The nature and circumstances surrounding the violations discovered has led DEP to conclude that final resolution of this matter should include monetary penalties as part of a civil penalty action. The necessary next steps to finally resolving this matter will be discussed once you contact me within the timeframe provided for in the NOV. Thank you for your attention to this matter.

Sincerely,

John MacLaine
Enforcement Case Manager

cc: file, Cumberland



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Bureau of Land & Water Quality
312 Canco Road
Portland, Maine 04103
Telephone: (207) 822-6300

Notice of Violation

PART I: GENERAL INFORMATION

ALLEGED VIOLATOR'S NAME:

Elvin Copp & Randall Copp

DOCKET NUMBER:

CTS 15660

ALLEGED VIOLATOR'S MAILING ADDRESS:

15 Mill Road, Cumberland, ME 04021

DATE ISSUED:

May 4, 2009

PHYSICAL LOCATION OF VIOLATIONS:

Cumberland, ME

CERTIFIED MAIL NUMBER:

7008 1830 0000 2208 4256

POINT OF CONTACT (IF DIFFERENT FROM ALLEGED VIOLATOR):

TELEPHONE NUMBER:

(207) 415-8920

PART II: INFORMATION CONCERNING THE ALLEGED VIOLATION

YOU OR YOUR COMPANY IS BELIEVED TO BE RESPONSIBLE FOR THE FOLLOWING VIOLATION(S) OF MAINE'S ENVIRONMENTAL LAWS, RULES, OR DEPARTMENT ORDERS.

SUMMARY OF FACTS ALLEGED AS BASIS FOR VIOLATION(S):

On August 22, 2007, the Department approved Permit By Rule # 44024 to Randall for a stream crossing over Gully Brook in Cumberland for a driveway off Stratton Woods Lane. On April 15, 2009 Department staff inspected the property owned by Elvin Copp (Tax Map R07, Lot 57C). The stream crossing has been found to be longer than 75 feet in length and the riprapped side slopes are steeper than 1.5:1. Due to the depth of the gulley that was crossed, fill for the sideslopes extended approximately 50 feet along the stream bank and trees were removed to access the stream bed to work.

LIST SPECIFIC VIOLATIONS BY APPLYING FACTS TO SPECIFIC STATUTE(S), RULE(S), OR ORDER(S) VIOLATED:

By filing a permit by rule notification form and then not following permit by rule standards, Elvin Copp & Randall Copp violated Chapter 305 of Department Rules and the *Natural Resources Protection Act*, 38 M.R.S.A. § 480-C.

REQUESTED CORRECTIVE ACTION(S):

1) Submit a restoration plan to the Department by May 26, 2009 to restore the non-stabilized fill slopes and the cleared stream buffer. The restoration plan is subject to review and approval by Department staff and must include a specific time schedule for the completion of all phases of the restoration and should include seeding of areas that have been disturbed, the number and species of trees and shrubs to be planted, and a planting plan for those trees and shrubs. Immediately stabilize the area with native grass seed mix and mulch.

2) No later than June 1, 2009, submit an acceptable after-the-fact *Natural Resources Protection Act* permit application for the stream crossing permit to the Department.

-If the after-the-fact application is approved by the Department, immediately comply with all terms and conditions of the after-the-fact permit; or

-If the after-the-fact permit is wholly or in part denied, returned, withdrawn, or not submitted, within 30 days of denial, return, withdrawal, or the submission deadline, submit a restoration plan to the Department to make

DISTRIBUTION:

Case File

☒

Enforcement Director

AG's Office

EPA

Other: CEO

☒

the crossing meet Permit By Rule standards. Implement the approved plan in accordance with the schedule contained therein.

TIMELY COOPERATION ON THE CORRECTIVE ACTIONS REQUESTED IN THIS NOV, AND CONTACTING THE CASE MANAGER BY PHONE OR IN WRITING WITHIN **TEN (10)** DAYS OF RECEIVING THIS NOV, ARE TWO FACTORS THAT WILL AFFECT THE AMOUNT OF MONETARY PENALTIES DEP EXPECTS TO PURSUE IN THIS MATTER.

PART III: DEPARTMENT ENFORCEMENT CONTACT

ENFORCEMENT CASE MANAGER:

TELEPHONE NUMBER:

John Maclaine

(207) 822-6351

State of Maine, Department of Environmental Protection

By: 





LEGAL NOTICE

Sect 421/410 Town of Cambridge Date 7-21-09


WHEREAS, violations of { Article _____, Section ~~602~~ of the Zoning Ordinance }
Article _____, Section _____ of the Building Code } have been found on
Article _____, Section _____ of the _____ Code }

these premises, IT IS HEREBY ORDERED in accordance with the above Code that all persons cease, desist from, and

STOP WORK

at once pertaining to construction, alterations or repairs on these premises
known as Painters way (Proposed)

All persons acting contrary to this order or removing or mutilating this notice are liable to arrest unless such action is authorized by the Department.


BUILDING OFFICIAL
Town of Cambridge

Released 7/23/09 @ 9 AM All Permittees
Issued on 7/21/09 and Private way Approved
clw

Date 7/23/09
Fee Paid \$200 -

TOWN OF CUMBERLAND
Private Way Application

Applicant Information

Name: Elvin Copp

Address: 15 Mill Rd Cumberland

Phone Number: Home 415-8920 Work

Contractor Information

Contractor Name: Randy Copp

Address: 144 Gray Rd Cumberland

Phone Number: 831-0380

Private Way Information

Name: Pointer way Location:

Map V-18 Lot 55

The private way meets the standards for 10 number of houses.

Any Major Streams or Drainage Causes? X Yes No

If yes, please explain Install 60 inch Culvert @ Bottom of very Steep Grade

Approved Design
7-23-09

TOWN OF CUMBERLAND

BUILDING PERMIT

PERMIT NO. 09-082
ISSUE DATE 7/28/2009
FEE AMOUNT \$440.80
TYPE House

MAP/LOT R07 / 57 C

CONTRACTOR

NAME COPP ELVIN

NAME Randy Copp

LOCATION POINTER WAY

PHONE 831-0380

BEDROOMS 0

ESTIMATED COST \$70,000.00

SCHEDULE OF REQUIRED INSPECTIONS

INSPECTION	DATE	INSPECTOR
FOUNDATION		
PLUMBING ROUGH-IN		
PLUMBING FINAL		
ELECTRICAL SERVICE		
ELECTRICAL ROUGH-IN		
ELECTRICAL FINAL		
FRAMING		
SEPTIC BASE		
SEPTIC FINAL		
FINAL OCC.		

INSPECTION NOTES

CONDITIONS

28 x 44 Single-Family Home w/ 12' x 8' deck - 1232 sq. ft.

*Based on plans as submitted

* PLEASE NOTE *

NO OCCUPANCY WITHOUT A COMPLETED INSPECTION SCHEDULE AND AN OCCUPANCY PERMIT

The issuance of this permit does not imply approval by any other agency including: State of Maine Dept. of Environmental Protection, United States Army Corps of Engineers. The obtaining of all permits (including plumbing and electrical) is the responsibility of the owner or authorized agent.

MINIMUM OF THREE CALLED
INSPECTIONS REQUIRED FOR
ALL CONSTRUCTION WORK:

1. FOUNDATIONS OR FOOTING
2. PRIOR TO COVERING
STRUCTURAL MEMBERS
(READY FOR LATH OR FINISH
COVERING).
3. FINAL INSPECTION
BEFORE OCCUPANCY.

APPROVED PLANS MUST BE
RETAINED ON JOB AND THIS CARD
KEPT POSTED UNTIL FINAL
INSPECTION HAS BEEN MADE.
WHERE A CERTIFICATE OF
OCCUPANCY IS REQUIRED, SUCH
BUILDING SHALL NOT BE OCCUPIED
UNTIL FINAL INSPECTION HAS BEEN
MADE.

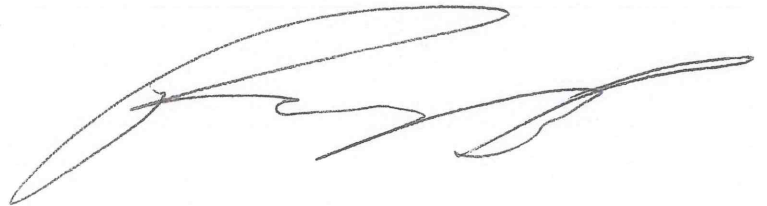
WHERE APPLICABLE, SEPARATE
PERMITS ARE REQUIRED FOR
ELECTRICAL, PLUMBING AND
MECHANICAL INSTALLATIONS.

Building permit # 09082

R07/57C

I Randy Copp would like to Request A
Extension to the Buidy permit on pointer way
due to the extensive construction of the private
way.

1/5/10



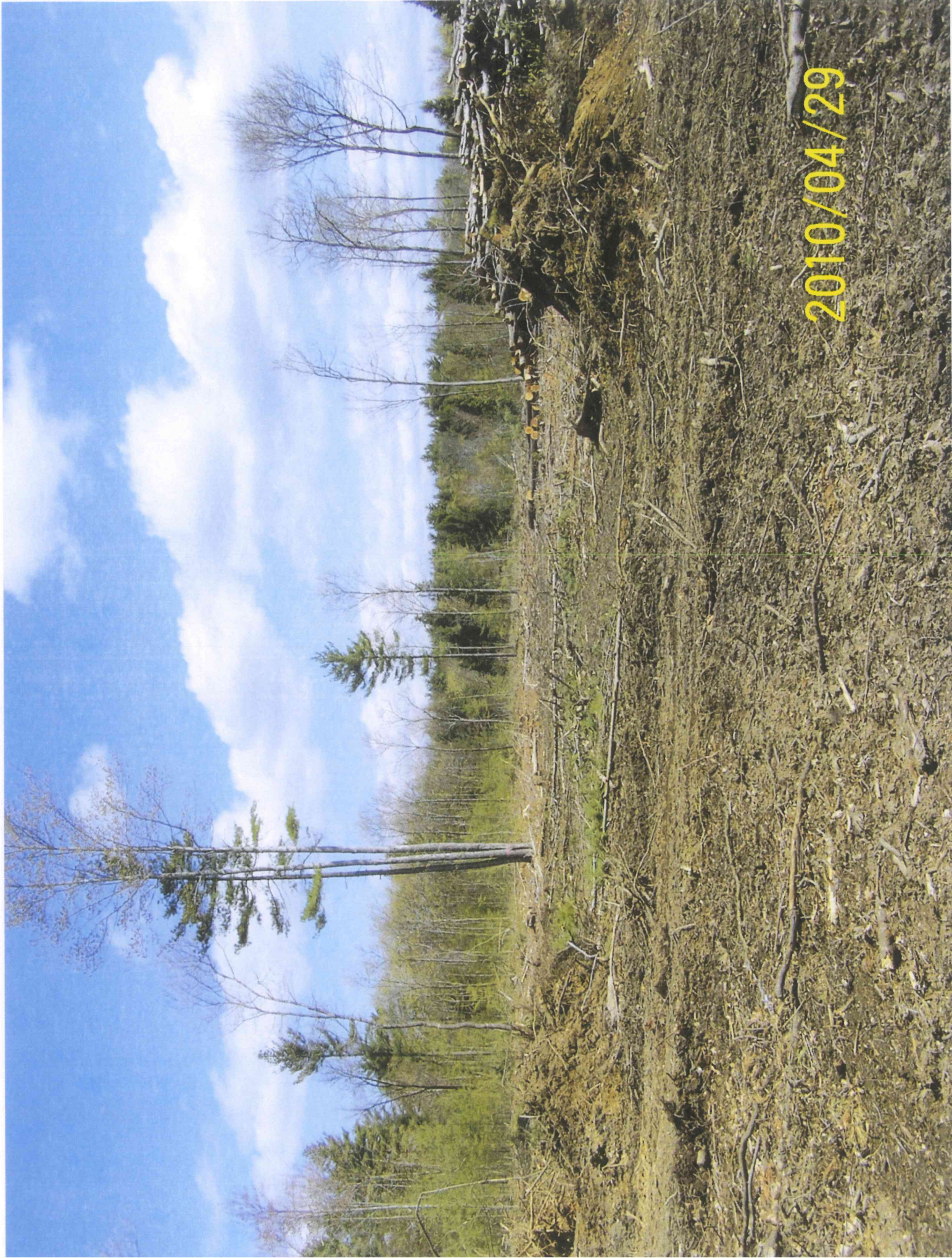
OK 1-07-10



NOTE: Verbal STOP work order
ON 9-09-10 to BOTH Elvin/Randy Copp.



2010/04/29



2010/04/29

Affordable
Well
Drilling
EXCAVATION & FORESTRY
SABATTUS, ME.
375-7204

USDOT 738813

2010/04/29







2010/04/29

**TOWN OF CUMBERLAND
TIMBER HARVESTING PERMIT**

Map # of parcel R07, Lot # 576 Zone RRZ Date: 5/4/10

Harvester:

Name Affordable Well Drilling

Address Sabbathus maine

Phone () 522-2045

Owner:

Name Elvin Corp

Address 15 Mill Rd

Phone () 415-8920

Describe the harvesting to be done:

Clearing Haulout off Painter Way
Harvesting approx 30 Acres

I understand that all timber harvesting operations shall be managed in accordance with the following standards:

- 1 All timber harvesting operations shall be conducted in accordance with the provisions of Sec. 409 regarding control of erosion and sedimentation;
- 2 No substantial accumulation of slash shall be left within fifty (50) feet of the normal high water mark of any pond, river, or salt water body as defined. At distances greater than fifty (50) feet from the normal high water mark of such waters, and extending to the limits of the area covered by this Ordinance, all slash shall be disposed of in such a manner that it lies on the ground and no part thereof extends more than four feet above the ground.

- 3 Skid trails, log yards, and other sites where the operation of logging machinery results in the exposure of substantial areas of mineral soil shall be located such that an unscarified filter strip is retained between the exposed mineral soil and the normal high water mark of any pond, river, or salt water body as defined. The width of this strip shall vary according to the average slope of the land as follows:

<u>Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark (percent)</u> <u>Ground</u>	<u>Width of Strip Between Exposed Mineral Soil and Normal High Water Mark (Feet along Surface of</u>
0	25
10	45
20	65
30	85
40	105
50	125
60	145
70	165

- 4 Harvesting activities within 250 feet of the shoreline shall not create single openings greater than seven thousand five hundred (7,500) square feet in the forest canopy, and shall remove not more than forty (40) percent of the volume of trees in any ten (10) year period. For the purpose of these standards, a stand means a contiguous group of trees, sufficiently uniform in species, arrangement of age classes, and conditions, to be identifiable as a homogeneous and distinguishable unit.

In addition I am knowledgeable and agree to follow the provisions of the Environmental Quality Handbook Erosion and Sedimentation Control, published by the Maine Soil and Water Conservation Commission.

Signed: _____

Issued By: _____

CEO

WORK done PRIOR
TO REQUEST
5-13-2010 see
PHOTOS

This permit expires one year after the date it was issued.

ISSUED SUBJECT TO REQUIRED AFTER THE
FACT NOTIFICATION TO MAINE FOREST SERVICE
AND FILING A FOREST OPERATION NOTIFICATION FORM

William Longley

From: randy copp [randycopp@hotmail.com]
Sent: Thursday, May 20, 2010 6:28 PM
To: John MacLaine; bill shane; Bill Longley
Subject: Harvest Permit

5/17/10
5/2/10
5/10/10

The Maine Forestry Harvest Permit issued to Elvin Copp for Pointer Way in Cumberland is 411091. This was filled out on 4/2/10.

Thanks,
Randy Copp
831-0380

Incomplete
Affordable
well
Drilling

The New Busy is not the too busy. Combine all your e-mail accounts with Hotmail. Get busy.

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

Answer:
Matt Bennett
324-6633





State of Maine
Department of Conservation
State House Station #22
Augusta, Maine 04333
207-287-2791
06/10/2010

RANGER:
MATT BENNETT
324-6633 (O)
659-3552
CLAUDETTE

Town of CUMBERLAND CENTER
CODE ENFORCEMENT OFFICER
PO BOX 128
CUMBERLAND CENTER, ME 04021

Re: Notification of Intent to Harvest
To whom it may concern,

We received a Forest Operations Notification for an operation within your jurisdiction. A summary of the information follows. If you have any questions please call Maine Forest Service @ 1-800-367-0223

Notification Number: 411091

Date of data-entry: 06/10/2010

Land-Owner Information

Designated Agent Information

Elvin Copp

Affordable Well Drilling
28 Bowdoinham Rd

Sabattus, ME 04280
USA

Land Owner Phone:

DA Phone: 375-7204

Harvester Information

Licensed Forester Information

Affordable Well Drilling
28 Bowdoinham Rd

Sabattus, ME
04280
USA

Harvester Phone: 375-7204

Licensed Forester Phone:

General Notification Information:

Harvest Town/County: Cumberland / CUMBERLAND

Town Tax Map Location: Map:

Plan:

Lot:

Nearest Road: methodist rd

Harvest Begin: 05/02/2010

Harvest End: 05/10/2010

Acres owned in Maine: 70

Land Acquired Before 2 Jan 2005: no

Parcel Size: 50

Year Land Acquired:

Harvest Acres: 30

Season of operation: yr

Clear Cut over 20A.: no

Within 250 ft of water: no

Clear Cut over 75A.: no

Converting the Land: no

Convert Acres: 0

Convert To:

Have Permits needed:

Land in Tree growth: no

Harvest Follows MGT Pln: ?



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCIO
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

Certified Mail #: 7009 2250 0003 8720 1554

September 22, 2010

Elvin & Randall Copp
15 Mill Road
Cumberland, ME 04021

Re: Notice of Violation, Elvin & Randall Copp, Notice of Violation # CTS 15660

Dear Mr. Copp:

Enclosed is a Notice of Violation ("NOV") alleging your failure to comply with Maine's *Natural Resources Protection Act*, 38 M.R.S.A. § 480-C, *Erosion and Sedimentation Control Law*, 38 M.R.S. § 420-C, *the Protection and Improvement of Waters Act*, 38 M.R.S. § 413, and *Stormwater Management Law*, 38 M.R.S. § 420-D. The NOV relates to violations documented during a site inspection by Department staff on September 20, 2010 at the crossing of Gulley Brook on your property off Stratton Woods Lane in Cumberland. These violations are more fully described in the attached NOV.

A NOV is an administrative notice that is required by Maine law to be sent to parties the Department believes is responsible for violations of the Department's laws, rules, and/or orders. The nature and circumstances surrounding the violations discovered has led DEP to conclude that final resolution of this matter should include monetary penalties as part of a civil penalty action. The necessary next steps to finally resolving this matter will be discussed once you contact me within the timeframe provided for in the NOV. Thank you for your attention to this matter.

Sincerely,

John Maclaine
Enforcement Case Manager

cc: file, **Cumberland**

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

BANGOR
106 HOGAN ROAD
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

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

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207) 760-3143



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Bureau of Land & Water
312 Canco Road
Portland, Maine 04103
Telephone: (207) 822-6300

Notice of Violation

PART I: GENERAL INFORMATION

ALLEGED VIOLATOR'S NAME:

Randall Copp and Elvin Copp

ALLEGED VIOLATOR'S MAILING ADDRESS:

144 Gray Road, Cumberland, ME 04105

PHYSICAL LOCATION OF VIOLATIONS:

Stratton Woods Lane, Cumberland

POINT OF CONTACT (IF DIFFERENT FROM ALLEGED VIOLATOR):

DOCKET NUMBER:

CTS 15660

DATE ISSUED:

September 22, 2010

CERTIFIED MAIL NUMBER:

7009 2250 0003 8720 1554

TELEPHONE NUMBER:

(207) 831-0380

PART II: INFORMATION CONCERNING THE ALLEGED VIOLATION

YOU OR YOUR COMPANY IS BELIEVED TO BE RESPONSIBLE FOR THE FOLLOWING VIOLATION(S) OF MAINE'S ENVIRONMENTAL LAWS, RULES, OR DEPARTMENT ORDERS.

SUMMARY OF FACTS ALLEGED AS BASIS FOR VIOLATION(S):

On May 4, 2009 a Notice of Violation was issued to Elvin and Randall Copp regarding a crossing of Gulley Brook on the property off of Stratton Woods Lane in Cumberland (Tax Map R07, Lot 57C). A Permit By Rule was issued by the Department on 8/22/2007 for the stream crossing, however standards had not been followed in the crossing's construction; at the request of the Department, subsequent modifications were made to the crossing to allow it to meet PBR standards.

The access road to the parcel is a Right of Way (ROW) across an abutting property owned by Gene Stratton. The road leading to the subject parcel has yet to be properly stabilized resulting in a discharge of sediment to the stream at the crossing that was documented by Department staff on 9/20/2010. There is an additional area of disturbed soil by the stump dump in the ROW that has resulted in an additional discharge of soil to Gulley Brook upstream of the crossing location. The disturbed areas in the ROW did not any erosion control in place at the time of inspection.

On 7/10/2009, the Department issued an after the fact Stormwater Permit By Rule for the access road to the parcel. The activities on the parcels have been found to be related to a gravel mining operation with impervious areas in excess of 1 acre. This project does not qualify for the single family home exemption under Maine's Stormwater Management Law as previously asserted, therefore an individual Stormwater permit is required for the activities on the parcel owned by Elvin Copp (Tax Map R07, Lot 57C).

LIST SPECIFIC VIOLATIONS BY APPLYING FACTS TO SPECIFIC STATUTE(S), RULE(S), OR ORDER(S) VIOLATED:

By conducting or causing to be conducted an activity that involves filling, displacing or exposing soil or other earthen materials without taking measures to prevent unreasonable erosion of soil or sediment beyond the project site or into a protected natural resource, Randall Copp & Elvin Copp violated *the Erosion and Sedimentation Control Law*, 38 M.R.S. § 420-C.

By placing fill in a river, stream or brook without first obtaining a permit from the Department, Randall Copp & Elvin

DISTRIBUTION:

Case File

Enforcement Director

AG's Office

EPA

Other:

CEO *X*

Copp violated the *Natural Resources Protection Act*, 38 M.R.S. § 480-C.

By discharging a pollutant, namely soil, to waters of the state without first obtaining a permit from the Department, Randall Copp & Elvin Copp violated the *Protection and Improvement of Waters Act*, 38 M.R.S. § 413.

By constructing or causing to be constructed a project that includes one acre or more of disturbed area and over one acre of impervious area without first obtaining a permit from the Department, Randall Copp & Elvin Copp violated the *Stormwater Management Law*, 38 M.R.S. § 420-D.

REQUESTED CORRECTIVE ACTION(S):

Immediately stabilize all soils adjacent to the stream and install additional erosion control measures in the immediate crossing area. Erosion controls should also be installed in the Right of Way where soil from the stump dump is eroding upstream of the crossing.

No later than October 1, 2010, submit a restoration plan to remove sediment from the impacted portion of the stream. The restoration plan should include the timeframe for the removal of sediment in the stream.

No later than October 1, 2010, submit a written request for a pre-application meeting pursuant to the Stormwater Management Law. An acceptable permit application should be received by the Department no later than 30 days after the pre-application meeting is held.

-If the after-the-fact application is approved by the Department, immediately comply with all terms and conditions of the after-the-fact permit; or

-If the after-the-fact permit is wholly or in part denied, returned, withdrawn, or not submitted, within 30 days of denial, return, withdrawal, or the submission deadline, submit a restoration plan to the Department to make the total impervious area for the project less than 1 acre. Implement the approved plan in accordance with the schedule contained therein.

TIMELY COOPERATION ON THE CORRECTIVE ACTIONS REQUESTED IN THIS NOV, AND CONTACTING THE CASE MANAGER BY PHONE OR IN WRITING WITHIN TEN (10) DAYS OF RECEIVING THIS NOV, ARE TWO FACTORS THAT WILL AFFECT THE AMOUNT OF MONETARY PENALTIES DEP EXPECTS TO PURSUE IN THIS MATTER.

PART III: DEPARTMENT ENFORCEMENT CONTACT

ENFORCEMENT CASE MANAGER:

John MacLaine

TELEPHONE NUMBER:

(207) 822-6351

State of Maine, Department of Environmental Protection

By: 

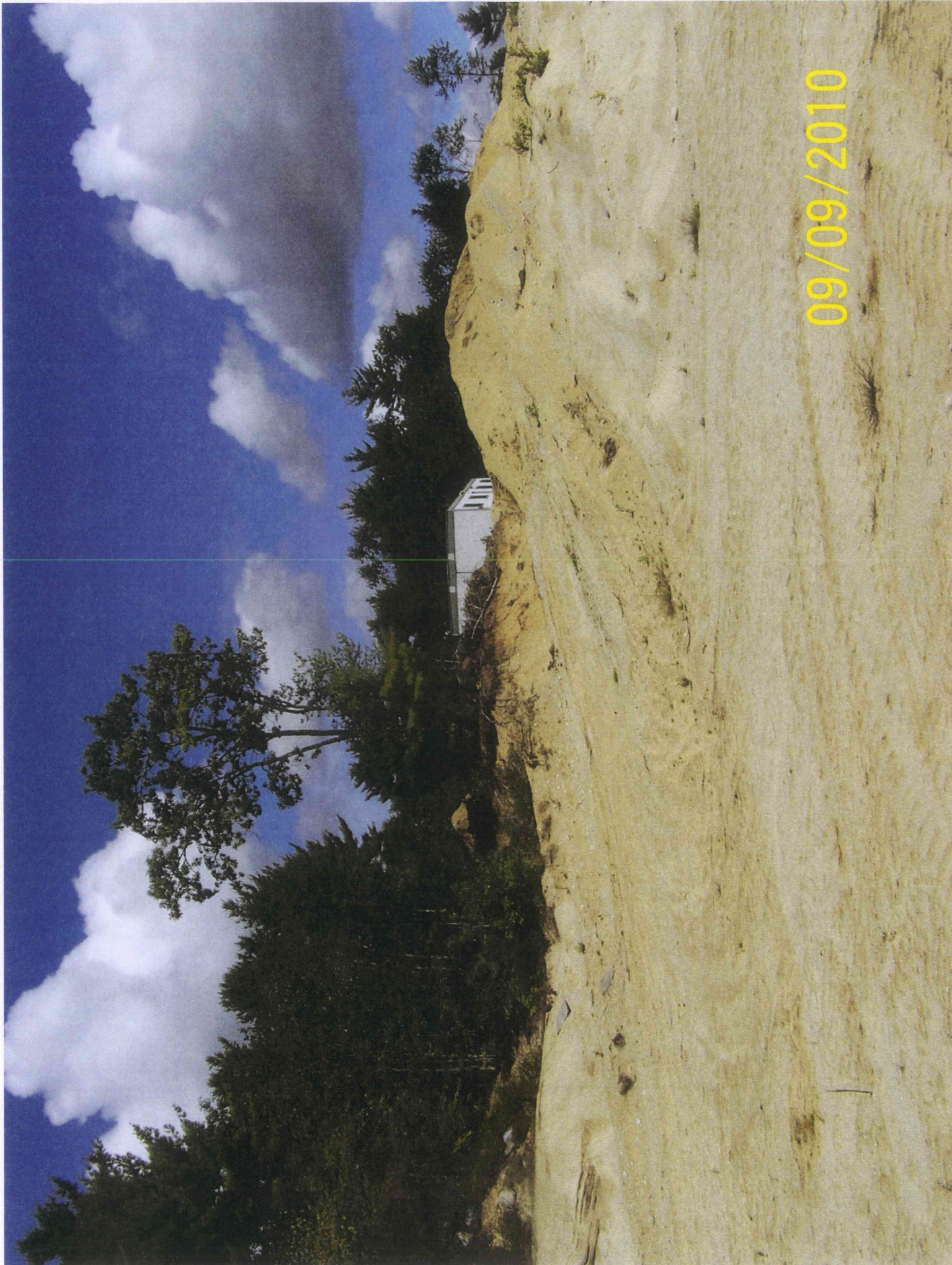


09/09/2010



09/09/2010





09/09/2010

William Longley

From: William Longley
Sent: Tuesday, October 26, 2010 10:38 AM
To: William Shane; 'John & Teri Kelly'
Cc: William Longley
Subject: RE: Copp's

Bill and Terry,

Date of verbal stop work order was 09-09-2010...

Bill L.
CEO
Town of Cumberland

From: William Shane
Sent: Thursday, October 21, 2010 6:41 PM
To: John & Teri Kelly
Cc: William Longley
Subject: RE: Copp's

Hi Terri,

I'll ask Bill Longley- I believe he issued a Stop Work Order the same day.

Bill

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

Tel: 207-829-2205
Fax: 207-829-2224
Cell: 207-232-5258

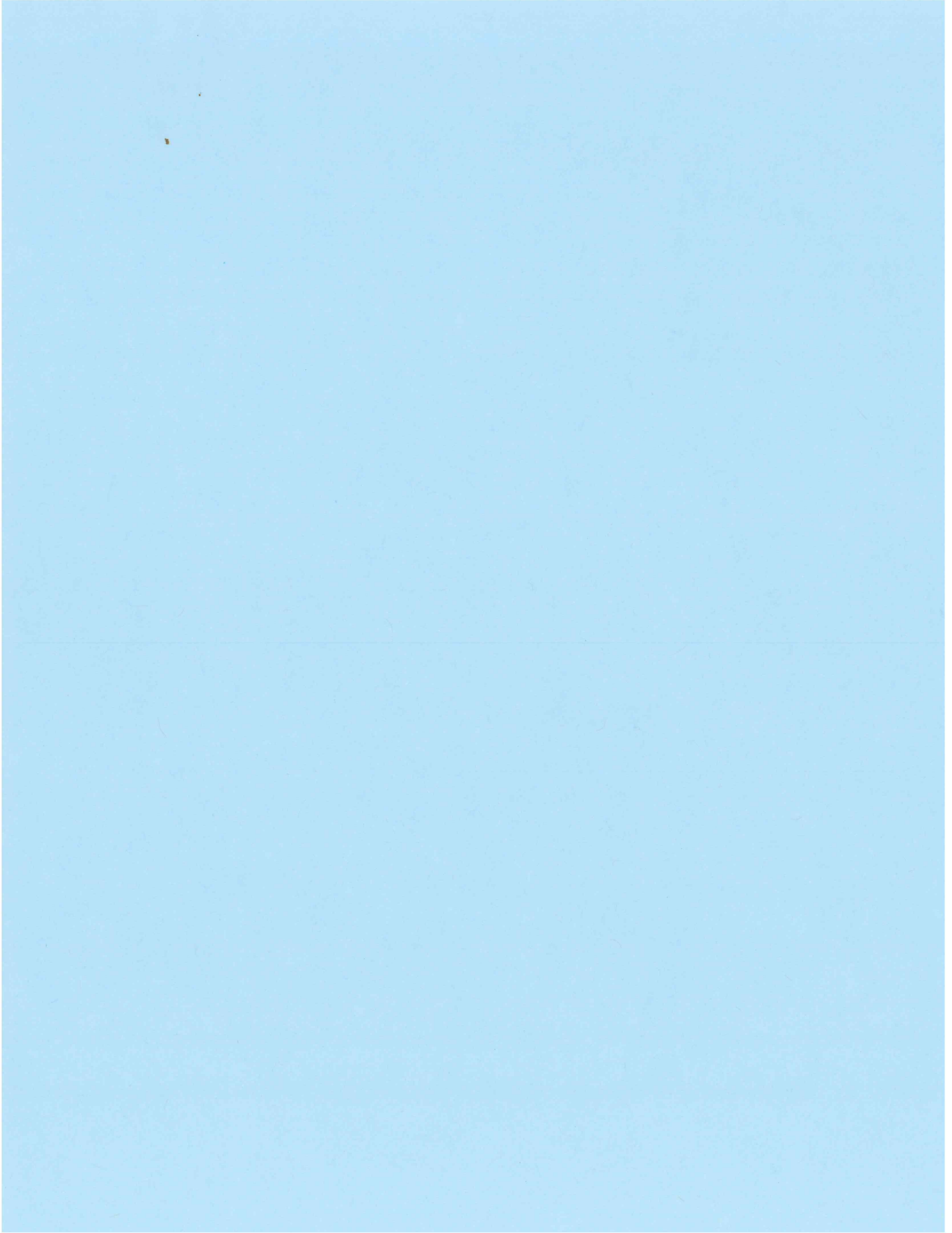
Please be advised that pursuant to Title 1 M.R.S.A. Section 402(3), a public record includes any written, printed or graphic matter or any mechanical or electronic data in the possession or custody of an agency or public official that has been received or prepared for use in connection with the transaction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

From: John & Teri Kelly [<mailto:johnnteri@maine.rr.com>]
Sent: Thursday, October 21, 2010 2:23 PM
To: William Shane
Subject: Copp's

Hi Bill:

Quick question, what day was it that the Town shut down the removal of the gravel? It was the day after I had left you a VM and the same day when I stopped in to talk w/you. Just trying to put together a timeline.

Thanks.
Teri



November 8, 2010

Good Evening:

I am Teri Maloney-Kelly from Maloney's Ridge Way in West Cumberland and for those watching at home, the citizen who initially came before the Town Council on October 11th to request the review of the 2 ordinances up for discussion this evening.

Before I begin I would like to take a moment to thank this Council for your quick and focused response and in particular for taking the time on a recent Saturday to do a site walk of the potential new gravel pit which brought this ordinance concern to the forefront. The potential for gravel or water extraction applies to 80% of the households in town, including every neighborhood that each Councilor lives. So this issue is not just about it being in "my back yard" but the neighborhoods of most of the taxpayers in Cumberland. I know this Council prides itself on doing the right thing and doing their best to get it right for the citizens of this Town. So, I am sure it comes as no surprise that I am here to urge the Council to vote for a moratorium on these 2 ordinances. I would like to highlight my original reasons for requesting the review of these ordinances and ask that these concerns be taken into consideration should the moratorium move forward:

1. My 1st concern is the industrial nature of a gravel extraction operation. The recent site walk visually showed that there is no residential neighborhood feeling left when a gravel operation exists. The devastation of natural resources including the removal of all tree growth and ground cover as well as the displacement of all the wildlife that depended on these natural resources for their habitat is destroyed for many future generations. In the case of the current potential gravel pit we are talking about at least 50 years of tree growth being removed and habitat that will never return in

our lifetime. The Town's active gravel pit is located in an industrial zone, which in my opinion, is the only appropriate location for this type of operation. Unfortunately in West Cumberland in the past 3-4 years dormant gravel pits have been purchased and two gravel related industrial operations have restarted. So to allow any new gravel pit operations, especially in West Cumberland where its residents already have to deal with active pit activity is unfair to the West Cumberland residential taxpayers.

2. My 2nd concern is about the noise pollution cause by this type of operation. Unfortunately the Council did not have the opportunity to visit an active pit operation to get the real feel of the noise produced by this activity. I would invite any Council Member to hang out in our front yard, even though we live almost ½ mile from the current pit operations, or the front yard of those taxpayers who currently abut or live around the 3 active gravel pit-type operations in West Cumberland and you will understand this noise concern very quickly. The beeping of trucks backing up, the banging of the large tailgates, the dumping of materials into the trucks and the noise generated by the equipment extracting and processing the earth materials is loud. How much more industrial noise should the taxpayers of West Cumberland have to put up with? We are also subject to the noise of the Maine Turnpike traffic and Mile 56 and Mile 57 Turnpike rest areas. To consciously add more of this noise disruption in West Cumberland, or any other neighborhood in Cumberland would have devastating effects.
3. My 3rd concern is the damage to the roadways in which heavy trucks travel. Most of our town roads were not originally built for industrial activity on a daily basis. Many of these roads are already in desperate need for repairs, including Blackstrap Road and Route 100. In addition, recently rebuilt roads such as Blanchard and Skilling's will incur breakdown quicker from the increase of heavy truck traveling on them daily.
4. My 4th concern is the increased public safety hazard to pedestrians, bike riders and vehicle traffic. Given the existing road conditions and the nature of the size and weight of the trucks involved, the increase in road use will make many of our existing pedestrian routes go from bad to extremely

hazardous. None of the existing West Cumberland gravel pit operations are located on roads that have sidewalks or walkways for the safety of pedestrian or bike traffic. In fact many of these roads are already broken down so walking on the side of the road is already hazardous. So when you take the fact that citizens are already traveling on roads that are marginally safe and you add the increase of industrial truck traffic, walking or biking could become an "extreme sport" in West Cumberland. I know this might sound a little dramatic but all you need to do is take the 1 mile walk from the Falmouth/Cumberland town line on Blackstrap Rd up to the corner of Route 100 and you will know that dodging pot holes, having standing water cover ½ of the road after heavy rain, having to walk almost in the middle of the road due to the breakdown of the tar 3-4' from the side or not having any place to get off the roadway for oncoming traffic is real, scary and a public safety hazard.

5. My last concern has to do with the commitment that citizens make to be residents in this Town and the outward appearance that the Town does not have this same level of commitment by allowing industrial operations in your residential neighborhood. All residential taxpayers are assessed \$15.30 per \$1000 of value, whether you live in the Center and have easy access to all of the Town's amenities or in West Cumberland where many of the amenities don't exist or we have to travel to the Center to access them. Any resident should have a reasonable expectation that the financial commitment made to build a new home, purchase an existing home, or reside on your family's homestead that has been a part of this Town for multiple-generations will be protected. For example, the potential new gravel pit in West Cumberland will directly affect the personal investments made by the residential taxpayers on Blackstrap Rd, Maloney's Ridge Way, Mystical Way, Old Colony Lane, Liberty Lane, Upper Methodist Rd, Goose Pond Rd, Westmore Ave, Browning Way, Lake Rd, Forest Lake Rd, Forest Lane and Gray Rd/Route 100. Excluding all business operations, this impacts over 120 individual taxpayers at over \$42,000,000 of assessed residential property values. Our properties are at risk of being devalued from these operations, it makes the area less desirable for new citizens to

move into, makes it harder for homes to be rented and reduces the opportunity for the sale of property in these neighborhoods. The collective devaluation on citizens and reduced revenue for the Town for the gain of one property owner should be given strong consideration.

I hope the Council received feedback from citizens on this issue to encourage you to approve this moratorium. I know I speak for the members of my family, many of my immediate neighbors and many other residents of this town who did not feel comfortable expressing their concerns due to family or business relationships. These two ordinances have been on the books for many, many years and by voting for the moratorium it will allow the Town to make it right for today's citizens and taxpayers of Cumberland.

.

Nov 8 2010

Dear Members of the Town Council of Cumberland,

I am writing to you because I can not be present at the Council meeting tonight. I am writing in support of the moratorium on selling water rights.

Cumberland is very lucky to have a large aquifer, but water will soon be the item worth fighting for, just as oil is today.

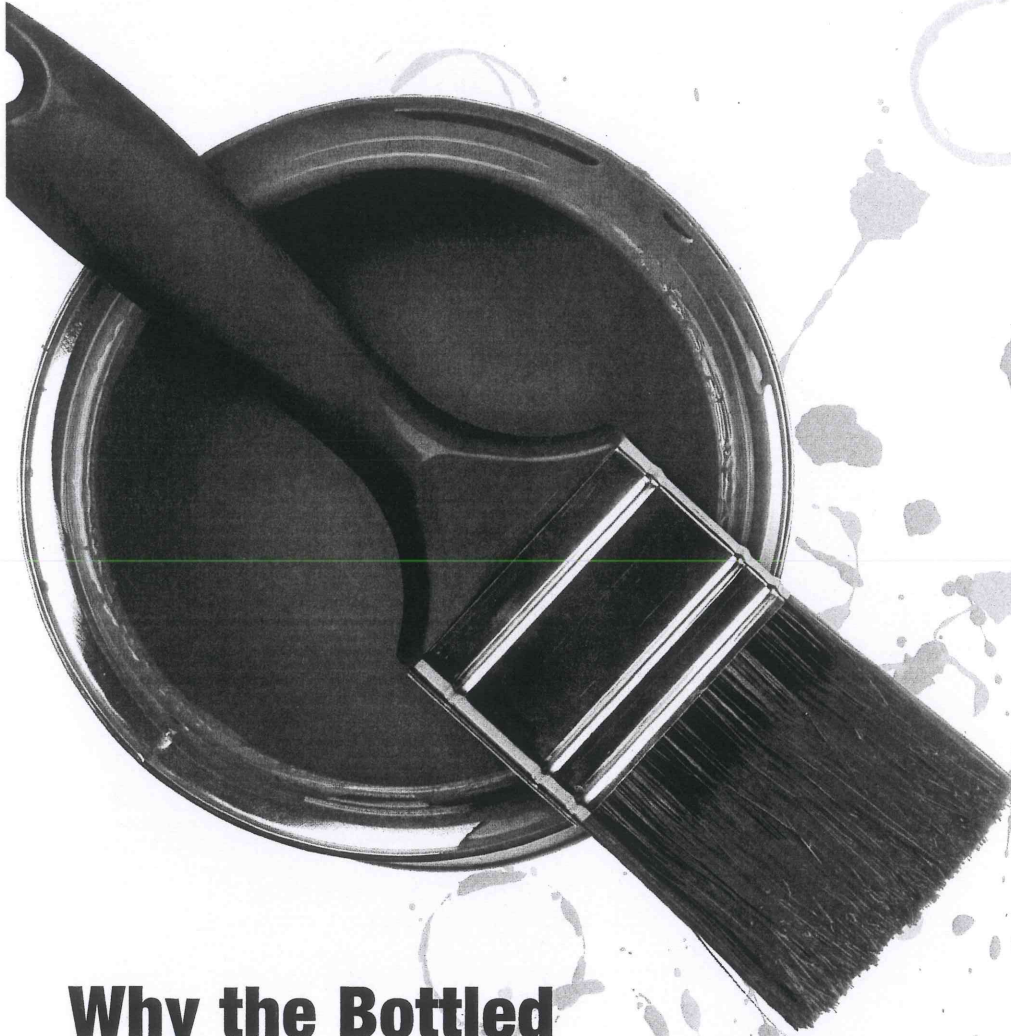
Nestle owns at present $\frac{1}{3}$ of the world's ground water, including the waters of Poland Springs. I feel sure that they would love to have rights to Cumberland's aquifer.

I think that that is a dangerous
idea. Please, consider continuing the
moratorium. I think the citizens
of Cumberland deserve to be able to
drink their own water without an
intermediary sticking it into bottles.

Thank you and please
read the enclosed pamphlets

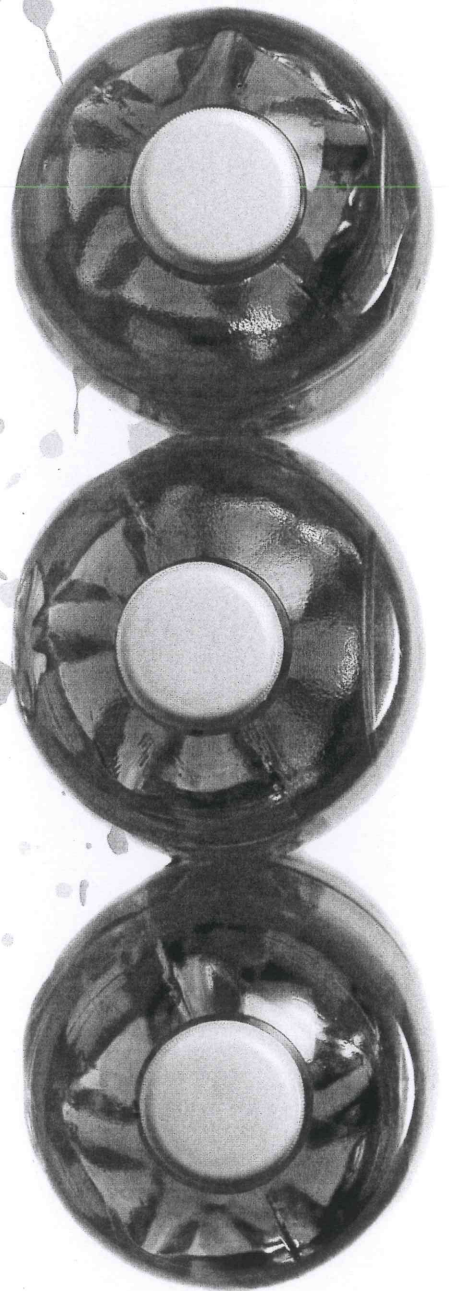
Brita Bonedhi
34 Longwoods Rd
Cumberland ME

BLUEWASHING



**Why the Bottled
Water Industry's
EcoFriendly Claims
Don't Hold Water**

food&waterwatch



BLUEWASHING

Why the Bottled Water Industry's EcoFriendly Claims Don't Hold Water

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Executive Summary

Corporations have a financial incentive to hide their environmental impacts from an American public that wants to buy environmentally friendly products. As consumers have been looking for ways to “go green,” corporations have been accused of “greenwashing” — selling products as environmentally responsible when they actually damage the environment. Today, with heightened media attention on the world water crisis, blue is the new green — and corporations appear to be using similar “bluwashing” tactics to obscure their effect on the world’s water.

The bottled water industry is a prime example of a corporate sector that is using these misleading marketing tactics to sell its products. In 2008, bottled water sales declined for the first time in years, partially due to the economy, but also largely due to growing awareness about the social and environmental impacts of the product. The industry’s largest players, including Nestlé Waters North America, The Coca-Cola Company and PepsiCo appear to be responding by trying to sell bottled water as an environmentally friendly product — despite its damage to water systems and the environment in general.

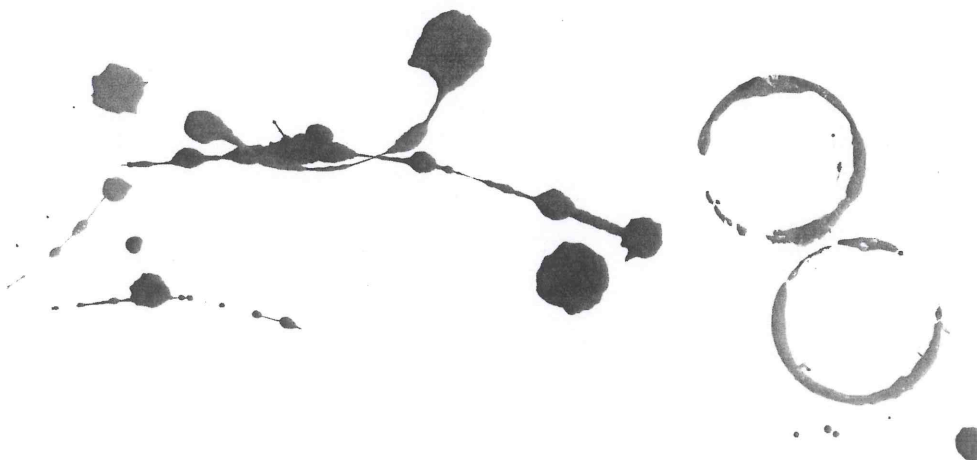
For example, the major bottling companies are using World Water Day to advertise their contributions to water charities in developing countries and to highlight the steps they are taking to make their manufacturing more water-efficient. Yet bottled water is inherently not a water-friendly product. Bottling companies take water out of local water systems and ship it elsewhere — which is one reason that many residents worried about their local water have opposed water bottlers in their communities. Manufacturing the product also requires additional water. And no matter how much water bottlers talk about the steps they are taking to reduce their water footprint, as long as water generates profit, bottlers will never have incentive to reduce overall water consumption.

The industry is trying hard to recover from the bad reputation it obtained from using large quantities of oil, creating pollution through plastic production and transportation, and generating mountains of landfill waste. Today, bottlers are advertising thinner plastic or plastic partially made from plants and trumpeting their commitment to recycling projects. Nestlé even commissioned what it claims is the first comprehensive peer-reviewed study of the environmental impacts of packaged beverages, showing that bottled water has the lowest water and carbon footprint, and that Nestlé’s new bottles have the smallest footprints compared to other water bottlers. Yet even Nestlé’s own study found that tap water has an even lower carbon footprint. And tap water does not use plastic at all.

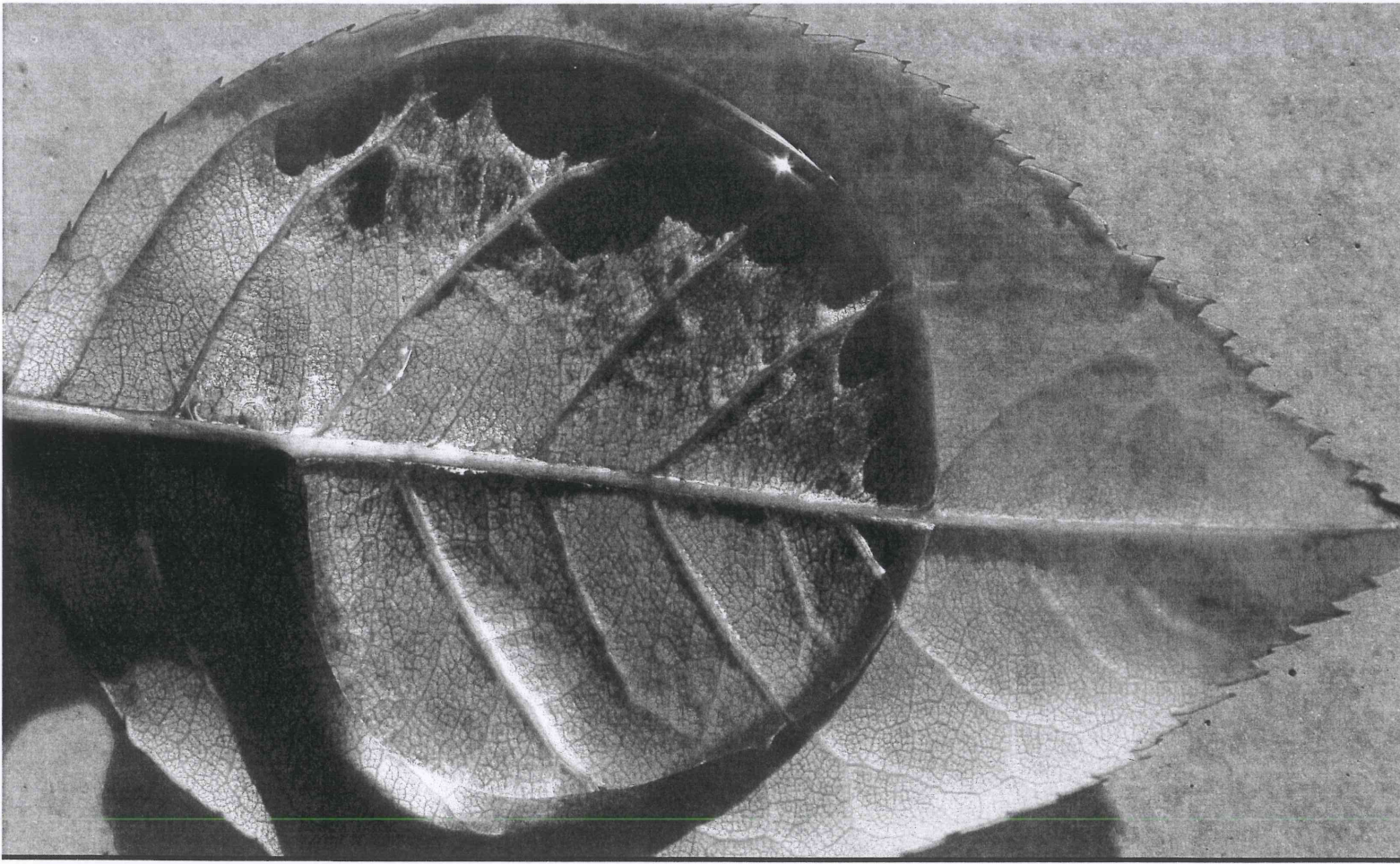
All of these attempts to sell packaged water encourage consumers to ignore the most environmentally responsible choice: the tap. Many Americans do not realize that as bottled water sales have steadily increased, the federal funding their communities need to keep tap water safe has systematically declined. The federal government can reverse this trend by providing steady funding for water infrastructure through a Clean Water Trust Fund and ensuring tap water remains a sustainable, safe and affordable source of water.

Key Facts

- For every liter of water that goes into a bottle, two liters of water are used to make the plastic bottles and bottle the water.
- Spring water used for bottled water comes from environmentally sensitive areas.
- Groundwater pumping can cause water levels to decline both underground and in surrounding lakes, rivers and streams.
- As long as water bottlers profit from water, they have no financial incentive to reduce their total water consumption.
- Tap water has the lowest water footprint and the lowest carbon footprint of any beverage.
- In 2007, bottled water production in the United States used the energy equivalent of 32 to 54 million barrels of oil — enough to fuel about 1.5 million cars for a year.
- The manufacture of polyethylene terephthalate (PET) bottles, water extraction, bottling and distribution amounts to up to 2,000 times the energy cost of producing tap water.
- In 2006, only one out of every four water bottles were recycled; at this rate, millions of tons of empty plastic bottles end up in landfills.
- The distribution of bottled water uses energy and therefore contributes to climate change.



The bottled water industry is a prime example of a corporate sector that is using misleading tactics to continue selling its products. Today, the industry's attempts to sell itself as environmentally friendly obscure the real effects of the product and distract consumers from the most responsible source of water there is: the tap.



Introduction: Blue Is the New Green

American consumers see green everywhere these days: green cars, green light bulbs, green homes, green technology — even a green television network. As the global media has brought growing awareness about the risks of climate change and other environmental issues, most Americans have been bombarded with numerous opportunities for saving energy and the environment by buying green products.

While some products may genuinely be environmentally friendly, some companies appear to be attempting to profit from consumer concerns without actually benefitting the environment. In fact, since a bad image can damage sales, the world's major multinational corporations have a financial incentive to distract consumers from the true impacts of their buying decisions. With all the hype about "going green" many companies have been accused of "greenwashing" — selling their products as environmentally friendly even though they may actually be environmentally damaging.

Today, as the global media has turned its attention to the issue of water scarcity, blue is the new green — and

human rights activists fighting for universal access to safe water see similar "bluewashing." Almost every major multinational corporation has something to say about what it is doing to protect the world's water, despite the role that those same companies may play in damaging the essential resource.

The bottled water industry is a prime example of a corporate sector that is using misleading tactics to continue selling its products. Today, the industry's attempts to sell itself as environmentally friendly obscure the real effects of the product and distract consumers from the most responsible source of water there is: the tap.

Bottled Water Sales Are Declining

The bottled water industry has spent millions of dollars trying to convince the American public that water in a plastic bottle is the ideal source of drinking water. Nestlé Waters North America's Ice Mountain natural spring water brands itself "Pure as the driven snow!" while its Poland Spring water brand says it "Just may be the best tasting water on earth!" and the label on PepsiCo's Aquafina brand describes the contents as "Pure Water. Perfect Taste."

Historically, such efforts appear to have paid off. The industry's revenues in the United States grew from \$4 billion in 1997 to more than \$11 billion in 2007, and the per-capita consumption increased from 13.5 gallons in 1997 to 29 gallons in 2007, before a slight decline to 28.5 gallons in 2008.¹ This drop was significant, as per-capita consumption of bottled water has increased every year since 1976 until 2008.² It is now the second-largest beverage market in the country after carbonated soft drinks.³

Today, this trend appears to be changing. The Beverage Marketing Corporation's data recorded a "significant change" from previous years in 2008, as bottled water sales went down.⁴ This drop continued in 2009 for Nestlé

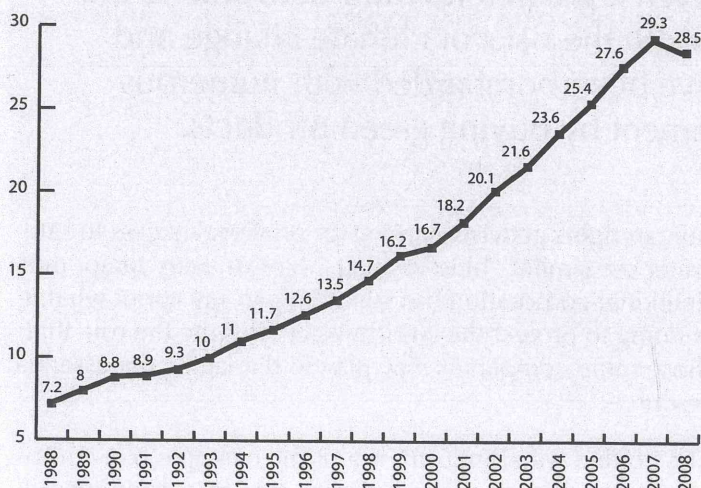
Waters North America, the country's biggest water bottler, as recorded sales from bottled water dropped 1.4 percent.⁵

The change was likely due in part to the downturn in the economy, as consumers scaled back on overall buying.⁶ For cash-strapped consumers, it makes more sense to drink tap water, which costs between \$0.002 and \$0.003 per gallon, rather than the typical bottled water brands, which cost hundreds to thousands of times that amount.⁷

But that is not the whole story. The Washington Post, National Public Radio and the Beverage Marketing Corporation itself reported that the drop in sales is probably also due to a growing awareness of the social and environmental impacts of the product⁸ — aspects of bottled water that the companies are not likely to advertise.

The bottled water industry has a great deal of money at stake in convincing the American public to keep buying its product despite the social and environmental impacts. This is probably why the industry's largest players are trying hard to present themselves as responsible with water resources, despite the real implications of their product.

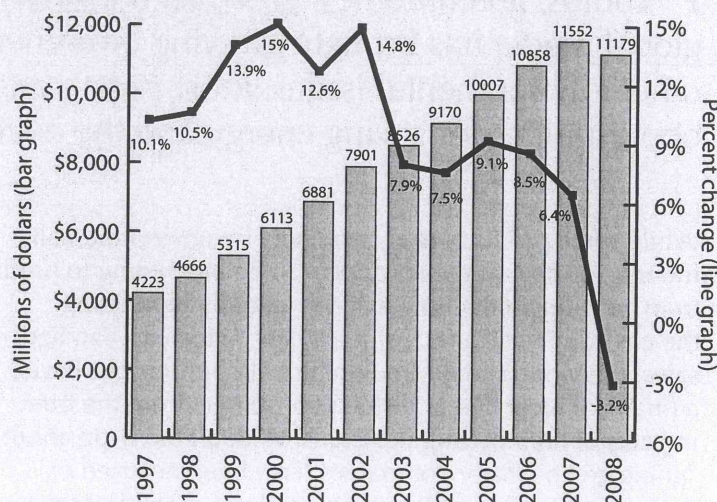
U.S. Gallons of Bottled Water Consumed Per Capita, 1988-2008



1988-2007 data from: Beverage World. "State of the Industry '08 Bottled Water Report." April 2008 at S13.

2008 data from: Beverage Marketing Corporation. [Press Release] "Bottled Water Perseveres in a Difficult Year, New Data from Beverage Marketing Corporation Show." April 20, 2009.

U.S. Bottled Water Sales and Industry Growth



1997-2006 data from: Beverage World. "State of the Industry '08 Bottled Water Report." April 2008 at S13.

2007-2008 data from: Beverage Marketing Corporation. [Press Release] "Bottled Water Perseveres in a Difficult Year, New Data from Beverage Marketing Corporation Show." April 20, 2009.

Bluwashing the Bottled Water Industry

The United Nations established March 22 as World Water Day to bring international attention to global water problems, but the event has become hijacked by bottled water companies.

The International Bottled Water Association in its press release titled "World Water Day: Where Bottled Water Fits In" said that "Bottled water is a healthy beverage that is produced by an industry with an outstanding tradition of environmental stewardship, protection and sustainability."⁹ The American Beverage Association, with members such as The Coca-Cola Company, PepsiCo and Nestlé Waters North America, said it "commends World Water Day and efforts to improve water resources and sanitation throughout the world."¹⁰ Nestlé Waters North America issued its own statement "Supporting World Water Day and Beyond."¹¹

These companies cite their donations to water charities or efforts to reduce the amount of water that they use in their production as evidence of the leadership role that they are playing in addressing the world water crisis. Yet these activities serve as a distraction from the water problems associated with the product — a prime example of corporate bluwashing.

The statements that bottled water companies make about supporting water stewardship blatantly ignore the fact that bottled water is inherently water-intensive. The 8.7 billion gallons of water that were sold in 2008¹² were taken from the environment, packaged in plastic and transported, often for very long distances.

This concern relates especially to spring water, which often comes from groundwater connected to environmentally sensitive sources of water.¹³ Groundwater pumping is a concern in general because groundwater is connected to the rest of the surface water system.¹⁴ When water is pulled out of the ground faster than it is naturally replaced, the entire surrounding watershed loses water.¹⁵ When the water levels decline underground it can also affect the flow levels of local rivers, streams, lakes and wetlands.¹⁶

Many concerned citizens around the United States, including community groups in New Hampshire and California, have opposed water bottlers coming to their communities to prevent damage to their watersheds.¹⁷ Residents of Mecosta County, Michigan, actually took Nestlé to court with evidence that water levels in the streams surrounding its plant had dropped since it began to operate.¹⁸



In addition to the water that ends up in the bottle, water is used during the manufacturing of the product. The Pacific Institute estimated that in 2006, for each liter of water that went into a PET bottle, two liters of water were used to make the plastic bottles and bottle the water.¹⁹ Given that the industry sold 8.7 billion gallons worth of bottled water in the United States in 2008, water bottlers used an estimated 26 billion gallons of water in the production and bottling of the product.²⁰

The bottled water industry claims to be addressing this problem through its water footprinting efforts — identifying how much water it uses and implementing measures to reduce that amount. In December 2009, representatives of PepsiCo, The Coca-Cola Company and Nestlé Waters North America participated in a Corporate Water Footprinting Conference to "showcase the companies leading the way in freshwater management and reduction."²¹

Yet these efforts ignore the fact that as long as these companies are profiting from water itself, they will never have incentive to reduce overall water use. For example, Nestlé

Waters North America reports that it uses 1.37 gallons of water for every gallon of bottled water it produces, and used a total of approximately 4 billion gallons in 2007.²² In 2007, it reduced the amount of water it used in its manufacturing process by 1.3 percent — but it also increased the volume of bottled water that it produced by 10 percent.²³ Between 2006 and 2007, Nestlé Waters North America's water-use intensity decreased from 1.38 to 1.37 liters per liter — but it still used 363 million more gallons of water in 2007 than it used in 2006.²⁴ So even though the manufacturing was more water-efficient, the overall quantity of water the company used actually increased.

The Coca-Cola Company's plans to reduce its water footprint are also unlikely to make a significant impact. Water is the main ingredient in all of Coca-Cola's beverages, yet in 2007, Coca-Cola declared that it was going to go "water neutral."²⁵ According to the definition of water neutrality developed by The Coca-Cola Company, World Wildlife Fund, Twente University, World Business Council for Sustainable Development, Water Neutral/Emvelo Group and UNESCO-IHE, the company would measure its

water footprint, take steps to reduce it and make up for the water it uses in one location by making water improvements elsewhere.²⁶

Water neutrality is a fundamentally problematic concept because the value of water is not the same in all contexts.²⁷ Drawing water from a water-scarce region has a greater impact than the same amount of water being extracted from a water-rich region.²⁸ Also, water — whether it is groundwater or surface water — is a local resource that is part of a watershed. Reducing the quantity of water taken from another watershed will do nothing to compensate for the loss to the original watershed.

In their technical definition, Coca-Cola and its partners defined water neutrality not as reducing the footprint to zero, but rather as doing everything "reasonably possible" to reduce its water footprint and making a "reasonable investment" in making up for the residual footprint.²⁹ However, as long as the term "reasonable" is open to the corporation's interpretation, its claims of going water neutral are unlikely to significantly modify its overall water use.



Greenwashing the Bottled Water Industry

Water use is not the only environmental problem that the bottled water industry has incentive to cover up. In addition to being water-intensive, the bottled water industry is energy-intensive and produces a lot of waste. A peer-reviewed Pacific Institute study estimates that bottled water production in the United States used the energy equivalent of 32 to 54 million barrels of oil in 2007 — enough to fuel about 1.5 million cars for a year.³⁰ This report estimated that the manufacture of polyethylene terephthalate (PET) bottles, water extraction, bottling and distribution amounted to up to 2,000 times the energy cost of producing tap water.³¹

The bottled water industry demands petroleum and energy to produce the tens of billions of plastic bottles used in the United States each year. In 2006, only one out of every four water bottles were recycled.³² At this rate, millions of tons of empty plastic bottles end up in landfills. In a recent report, the U.S. Government Accountability Office quoted waste industry experts who claimed that for the purpose of landfill management, these bottles will "never decompose."³³ Finally, a significant amount of energy is used in the transport of bottled water products.³⁴ This can cause more pollution and contribute to global warming.

The industry is well aware that these environmental impacts are a consumer concern and is trying hard to green its image. In February 2010, the same month it reported that the bottled water sector was the company's only sector to show a decline in 2009 sales, Nestlé Waters North America advertised the results of a peer-reviewed study it had commissioned on the water and environmental footprints of packaged beverages.³⁵ Its press release advertises that bottled water has the lightest environmental footprint among packaged beverages, and that Nestlé's EcoShape bottle has the lightest of all bottled waters.³⁶ These are not surprising conclusions considering that Nestlé funded the study. Yet the conclusions touted in Nestlé's press release distract the public from the study's own finding: Tap water has the smallest water and carbon footprint of all.³⁷

Nestlé's study is not the only misleading industry response to criticism of the plastic waste it generates. The industry is also trying to green its image by championing recycling efforts and advertising new, more environmentally friendly bottles. The International Bottled Water Association participates in America Recycles Day.³⁸ Nestlé Waters North America is participating on the American Beverage Association's Recycling Task Force.³⁹ The American Beverage Association partnered with the U.S. Environmental Protection Agency to create the National Recycling Partnership, which is "dedicated to revitalizing recycling in America."⁴⁰

In addition, the International Bottled Water Association sent a press release to the media stating that the weight of bottled water containers has decreased 32.6 percent, saving 1.3 billion pounds of plastic resin.⁴¹ This is likely a result of a trend in many bottled water companies, including Nestlé, PepsiCo and Coca-Cola, "lightweighting" their bottles.⁴² Coca-Cola has gone a step further and is publicizing its new "PlantBottle," which partially replaces a petroleum-based ingredient with a plant-based one in the plastic manufacturing process.⁴³

Coca-Cola Company's new PlantBottle is not as environmentally friendly as it sounds. Although the bottles are partially made from materials that came from plants, they are still made of PET (polyethylene terephthalate) plastic generated through a chemical manufacturing process, just like traditional bottles. The difference between the PlantBottle and a normal bottle is that one of the chemical components initially used to create the chemical comes from processing sugar cane rather than petroleum.⁴⁴

Coca-Cola says its goal in using plant-based plastic is to reduce its dependence on non-renewable resources such as oil.⁴⁵ But plastics that use plant-based materials in the

Donations to Water Charities

Major water bottlers are eager to boost their water friendly image by advertising the amount of money they give to water charities. There is great need to address the world's water problems. Today, 2.6 billion people live in households without proper means of sanitation and 1.1 billion people do not have access to improved drinking water.⁶² According to the World Health Organization and UNICEF, it would take an investment of \$11.3 billion per year to achieve the most basic of the United Nations' Millennium Development Goals for worldwide safe water and sanitation.⁶³

In 2009, Nestlé Waters North America advertised the 1.5 million Swiss francs (about \$1.4 million) it donated to Red Cross Water and Sanitation programs, and its support for Project WET (Water Education for Teachers), a water education publisher.⁶⁴ The Coca-Cola Foundation advertises its \$20 million multi-year partnership with the World Wildlife Fund to improve the watersheds of several key rivers throughout the world.⁶⁵ In 2008, PepsiCo said it had committed more than \$15 million to water projects in developing countries since 2005.⁶⁶ It also partnered with Starbucks to sell a brand of water called Ethos Water.⁶⁷ Starbucks contributes 5 cents from every bottle sold to its Ethos Water Fund, which gives grants to water programs in developing countries.⁶⁸

These donations sound a bit less impressive when put in the context of how much money these companies make from their sales. In 2007, for example, Nestlé Waters North America took in \$3.8 billion in revenues⁶⁹ and spent \$2.6 million giving to charities⁷⁰ — only 0.07 percent of the money they took in from selling the product. If Pepsi gave \$15 million over 3 years, that amounts to only about \$5 million per year, for all its brands of water, carbonated soft drinks, juices, coffees, teas and energy drinks — only about 0.01 percent of the 43 billion dollars⁷¹ the company grossed overall in 2008. Pepsi's Aquafina brand alone took in \$1.3 billion in revenues in 2008.⁷² And if Starbucks donates 5 cents per bottle for every bottle of Ethos Water it sells for \$1.80 a bottle, it would make \$360 million in revenues by the time it reaches its goal of raising \$10 million for water projects.⁷³

The amount of money that these companies donate to water charities pales in comparison to the amount of money that they use for the rest of their operations. More importantly, these donations do not address the specific impacts that the bottled water industry has on local water resources.

CEO Water Mandate

The same companies that have declared their commitment to World Water Day have also signed on to the CEO Water Mandate — a program led by the United Nations that has been criticized as a lot of talk and little action. Coca-Cola, Nestlé and Pepsi have all signed on to the voluntary partnership between companies and the United Nations as part of the United Nations Global Compact, which encourages the world's major multinational corporations to adhere to principles of social responsibility when it comes to human rights and the environment.⁷⁴ The CEO Water Mandate specifically urges companies to publicize their records when it comes to water and work to reduce their impact on the world's water resources.

But like the Global Compact itself, the CEO Water Mandate has been criticized for falling short of its goals. Critics of the program see the CEO Water Mandate as “a prime example of an international institution helping corporations greenwash socially and environmentally damaging practices.”⁷⁵ Since the agreements that companies make are not binding, companies can join without necessarily changing their behavior.⁷⁶ In 2010, the CEO Water Mandate received a greenwashing award from the organizers of The Public Eye Awards, an annual event in Davos, Switzerland, organized to coincide with the World Economic Forum to shame corporate players for environmentally damaging practices.⁷⁷

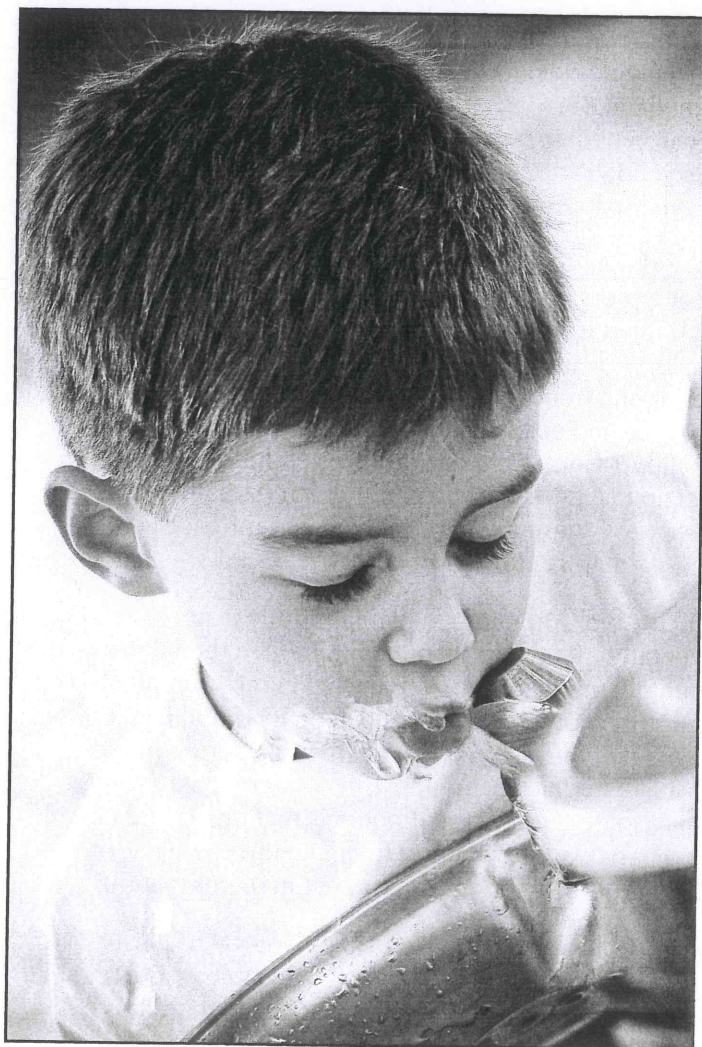
manufacturing process come with new challenges. They have a shorter shelf life and do not hold carbonation as well as traditional petroleum-based products.⁴⁶ This may explain why Coca-Cola's new PlantBottles are only 30 percent plant-based.⁴⁷ Furthermore, Coca-Cola is “currently sourcing raw materials for its PlantBottle from suppliers in Brazil,” where the sugar cane industry has been criticized for contributing to deforestation of the rain forest.⁴⁸ Sugar is a water-intensive crop, and its production can contribute to water pollution.⁴⁹

No matter how light the bottle or what the plastic is made out of, it is still a plastic bottle that needs to be disposed of. In its press release, Coca-Cola advertises that PlantBottles are 100 percent recyclable — implying that there is an additional benefit from plant-based bottles.⁵⁰ However, Nestlé also says that its bottles which are not made out of plants are 100 percent recyclable.⁵¹ In fact, all PET bottles are recyclable. The problem is, three out of every four bottles still end up in the trash.⁵²

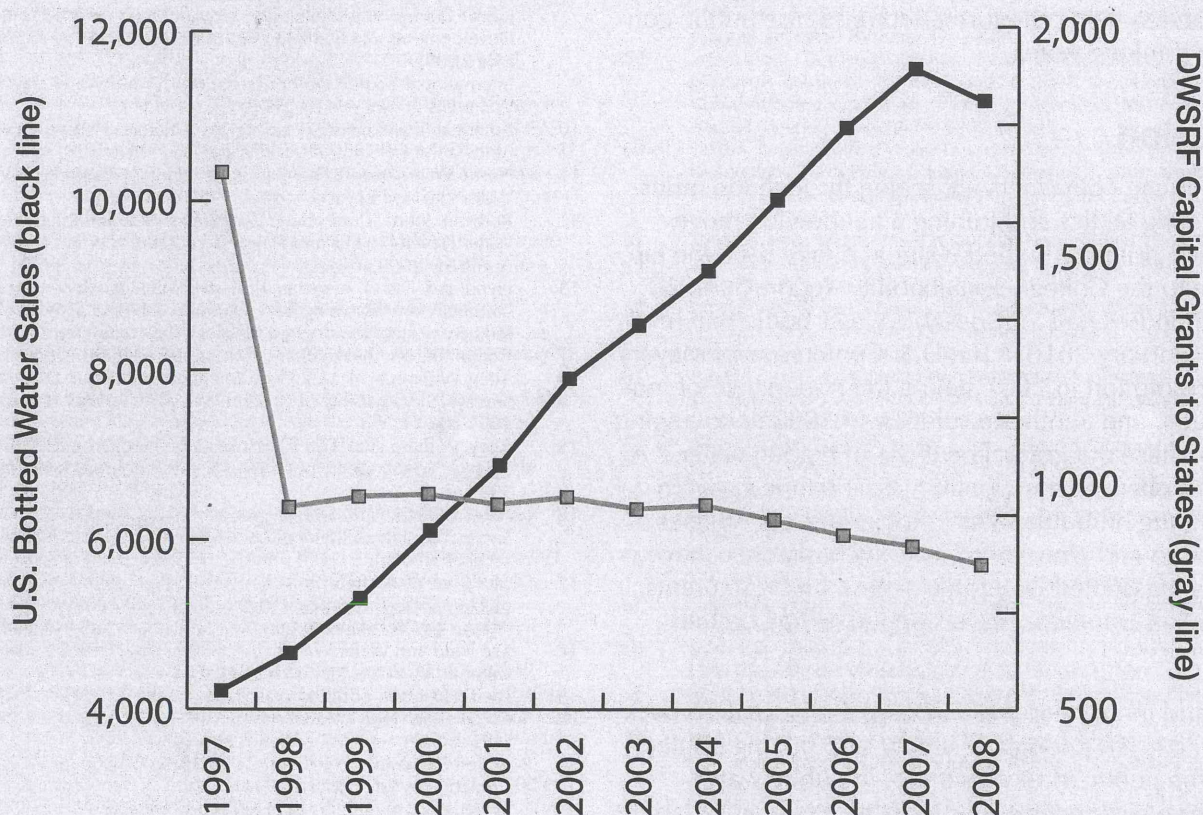
Selling Water to Kids

Today, the bottled water industry is jumping on another hot media topic to paint a more positive image of itself: the childhood obesity epidemic. With soda getting a bad rap for its contributions to childhood obesity, the bottled water industry is advertising itself as a healthy alternative. A Research and Markets report published in 2009 cites “ethical and health credentials” as “future opportunities in bottled water.”⁷⁸ Nestlé Waters North America funds studies to identify the health effects of water, and it is even specifically packaging its water in a special 11-ounce “Aquapod” that is designed to appeal to children.⁷⁹

If anything, teaching kids to drink bottled water is actually teaching them to make a less environmentally responsible choice. Tap water is also water — and has the same health benefits associated with water. In fact, the New York Times reported that a new study showed that adding school water fountains can lower a child's risk for becoming overweight.⁸⁰



U.S. Bottled Water Sales Versus Federal Drinking Water State Revolving Funds Available for States, 1997-2008 (in Millions of Dollars)



DWSRF Funding data from: U.S. Environmental Protection Agency, Office of Water. "Drinking Water State Revolving Fund Allotments." 1997-2008.

Adjusted for inflation using: Sahr, Robert C. "Inflation conversion factors for years 1774 to estimated 2019." Oregon State University, Political Science Department. January 16, 2009.

Attack on the Tap

The International Bottled Water Association is quick to point out that the bottled water industry uses less water than many other industries, such as agriculture.⁵³ Nestlé points out that soda and beer both take more water to produce than bottled water does.⁵⁴ These arguments are true, but do not make bottled water a water-friendly product. Water is a necessary resource in the production of every food or beverage. But unlike other such products, it can just as well come out of the tap.

When the majority of American consumers have access to safe tap water, bottled water is not an essential product. All the efforts of the bottled water industry to sell itself as environmentally friendly ignore the fact that as long as water is sold in plastic bottles and shipped around the world, the industry will continue to use water, consume energy and generate waste. The best way to avoid these

impacts is to drink tap water, which has a lower water footprint than bottled water, a lower carbon footprint than bottled water, and does not use plastic packaging at all.

Yet the bottled water industry's attempts to sell packaged water appear to have had side effects not just on the environment at large, but also on the country's public drinking water supplies. As the bottled water industry sells its water as the ideal, clean source of drinking water, many consumers are influenced to think that bottled water is safer or cleaner than the tap — even though studies have shown that bottled water has contamination problems, and the government standards for tap water in the United States are actually more stringent than those for bottled water.⁵⁵

Messaging from the industry has likely contributed to a decline in consumer confidence in the tap, which means less support for public drinking water. In fact, in the last

10 years, while bottled water sales steadily increased, citing many years with double-digit growth in sales,⁵⁶ the federal funding for water infrastructure declined to a historic low in 2008, when adjusted for inflation.⁵⁷ Poorly funded water systems can further compromise public confidence in drinking water.

Conclusion

Many American consumers are seeing through the industry's marketing tactics and joining a nationwide movement to stop drinking bottled water and take back the tap. According to the College Sustainability Report Card, 23 college campuses had a disposable water bottle ban in effect as of February 2010.⁵⁸ The U.S. Conference of Mayors passed a resolution in 2007 stating the importance of municipal water, and another resolution in 2008 encouraging mayors to phase out government use of bottled water.⁵⁹ A growing number of municipalities have banned government spending on bottled water, including Los Angeles, San Francisco and New York City.⁶⁰ Event planners have begun hosting bottled water free events, and restaurants, starting in San Francisco, have stopped selling bottled water.⁶¹

As more and more people are turning their attention back to the tap, it is not enough to simply stop buying bottled water — the public must also invest in public water infrastructure so that tap water remains a safe, affordable source of environmentally sustainable drinking water. A federal Clean Water Trust Fund would accomplish this goal by providing a dedicated and steady source of funding for public water infrastructure that would allow municipalities and states to make the necessary repairs and upgrades to their water systems to ensure clean affordable water for all.

Endnotes

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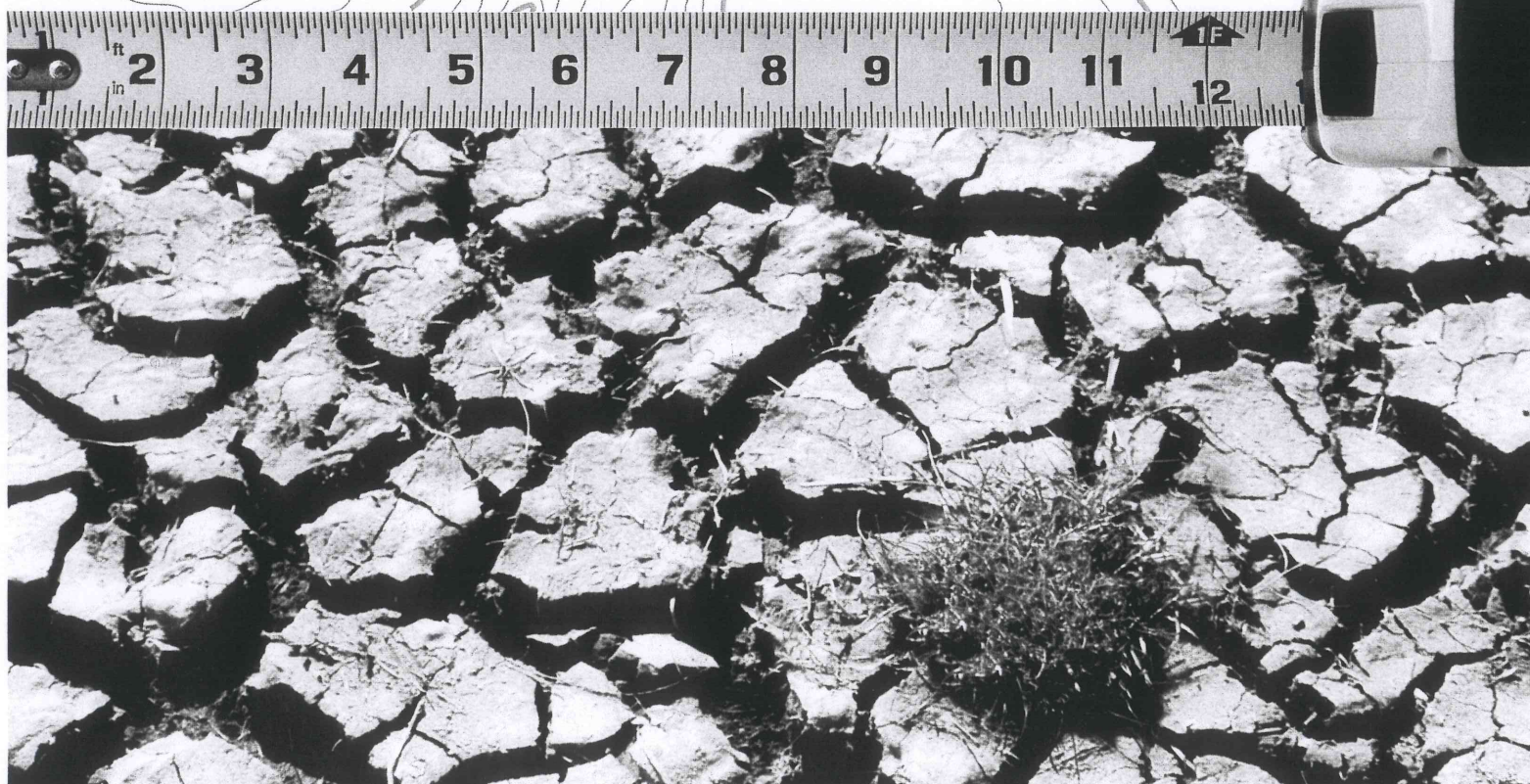
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Unmeasured Danger

America's Hidden Groundwater Crisis

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Executive Summary

Farmers in the western United States are drilling ever deeper to water their crops. Mainers are concerned with lowered water levels in their wells when water bottlers come to town. Arizonans see the Santa Cruz River withering away. In communities around the country, these citizens are all seeing the effects of a decline in one of our most crucial but least understood natural resources: groundwater.

The water that settles between rocks and dirt under the earth's surface after it rains accounts for about 40 percent of our drinking and agricultural water supply. Through the watershed, it links to surface waters, which share sources of water from both above and below the ground. When it disappears, pumping through wells becomes harder and more expensive; rivers, lakes, streams and wetlands dry up; and even the land itself can cave in.

Today, our groundwater resources are disappearing in many parts of the country. In some regions, underground water levels are falling because we are pumping water through wells faster than it is naturally replaced by rainfall. This may permanently damage our aquifers' capacity to hold water, and can have broad consequences for our entire freshwater supply.

How much danger are we in? We don't know. According to the United States Geological Survey, no one has ever comprehensively studied groundwater level declines across the country. Many states collect data on a local level, but vary in how much data they collect and the resources they contribute to such projects. Even when states do collect data, local data can only provide limited information about whole aquifers, which often cross state lines.

Without scientific data on groundwater availability, state water managers cannot make sound decisions about water allocation. That is why scientists, government agencies and non-governmental organizations are asking the federal government to collect groundwater quantity and quality data on a national scale.

Because groundwater pools beneath our feet, we do not always register its absence until the effects become drastic. We cannot wait for the visible effects of groundwater depletion to kick in before taking action. The federal government must take action now by supporting nationwide groundwater data collection projects — so that we can accurately evaluate the status of our groundwater and take steps to protect it before it is too late.

Recommendations

Congress must find out what resources our nation's scientists need to comprehensively evaluate our groundwater resources, and then appropriate funds accordingly.



We'll never know the worth of water 'til the well goes dry.

—Scottish proverb

Introduction

You would probably notice if a river running through your neighborhood turned into a mud flat. And you likely wouldn't be alone. Couples strolling along the riverside would go home. Swimmers would pack up their towels. Boaters would pull up their rudders; fishermen would close their tackle boxes. Birds and frogs would migrate to wetter pastures. The fish would go with them, if they weren't already dead.

If the water pooling quietly in cracks beneath your feet withered away, however, you likely wouldn't even think about it. Not until the river ran dry, too. By then, your well would be empty, your backyard might be caving in, and you would be left wondering what had happened and how you could have failed to notice any warning signs. Yet again, you would not find yourself alone. You might, unfortunately, have plenty of company across the United States — a nation only now noticing the crucial role that groundwater plays in our lives and realizing the critical condition of our supplies.

Groundwater: A Crucial Natural Resource

Rivers, streams, lakes, the ocean — all of these bodies bring forth images that most people associate with water: flowing over or pooling on top of the earth's surface. A less obvious — but no less crucial — portion of our nation's water supply lies beneath our feet, where we cannot see it. This groundwater is simply rain or melted snow that trickled between the tiny cracks in the ground and settled between the rocks and dirt under the surface. Where there are large enough spaces between rocks or

dirt in the earth, enough water gathers that a well drilled into the ground will hit usable water. This is the groundwater that citizens and businesses can tap into for drinking, farming and industrial use.

Today, groundwater plays a major role in our daily water supply. We pump about 28 trillion gallons of water from the ground each year¹ for a variety of uses all around the country.

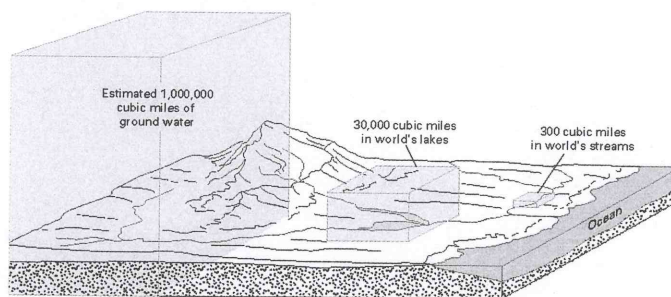
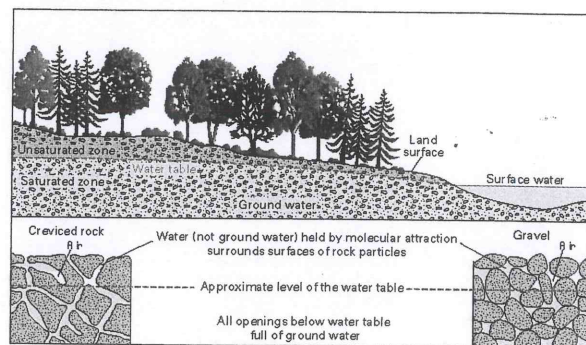
Fifteen percent of U.S. residents get water from their own sources — many of which are household wells that draw it straight from the ground.² The entire state of New Hampshire lies over aquifers left over from glaciers, which households can tap into directly.³ Many public water systems, too, rely on groundwater. In New Mexico, the Albuquerque Bernalillo Water Utility Authority historically depended entirely on water from the Santa Fe Group Aquifer, and only recently began developing surface water sources.⁴ Agriculture also draws on the ground, as farmers in Western states, for example, pump from the Ogallala Aquifer to water their crops. Industrial users, too, often drill their own wells for their factories.⁵

Given that groundwater makes up almost 40 percent of our public water supplies nationally, and just a little bit more than 40 percent of the water we use for irrigation,⁶ one might think that we would take pains to monitor the health of the resource. In fact, we have very little scientific data on the status of our national groundwater supplies. According to the United States Geological Survey, “the extent of ground-water level declines across the United States has not been monitored or computed on a regular basis.”⁷

Our Groundwater Supplies Are in Danger

Although we do not have a national dataset to prove that our groundwater resources are declining, evidence from all around the country shows that in many regions the resource is in trouble. While we cannot see water hidden under layers of soil, we can register its absence.

When groundwater sources first start declining, water levels drop. Whether private well owners, public water systems, farmers or industry, users facing dropping water levels must dig ever deeper to find water — spending more money and using more energy — or else find a new source.



The U.S. Geological Survey provides informational diagrams showing how ground water occurs in rocks (above) and a comparison of the amount of fresh water in storage (below). Source: *Ground Water*, USGS General Interest publication, available at <http://pubs.usgs.gov/gip/gw/>

Today, nearly every state in the country has seen a drop in groundwater levels, and some regions are worse off than others. Businesses and residents living in arid regions in the West have seen the most significant declines. For example, the High Plains Aquifer, also known as the Ogallala Aquifer, crosses South Dakota, Iowa, Nebraska, Kansas, Colorado, Oklahoma, Texas and New Mexico, and supplies water for much of the farming in the region.⁸ In the last 50 years, water levels in the aquifer have dropped significantly, enough to affect the long-term capacity of the system.⁹ In fact, in the past half century the aquifer has lost 65 trillion gallons of water in storage¹⁰ — enough to supply all the homes and businesses in Washington D.C. with drinking water for more than 1,000 years.*

Farmers are not the only folks seeing their water levels drop. Mining, too, has brought water tables in Nevada to new lows.¹¹ Public water systems have also registered declines. The city of Memphis, Tennessee, draws water from the Memphis Aquifer — in which water levels have dropped steadily since 1940.¹² Private well owners, too, have seen declines. In Texas, for example, homeowners noticed their

* Water storage declined 65 trillion gallons. Homes and businesses in D.C. use 135 million gallons of drinking water a day (D.C. Water and Sewer Authority. “2007 Annual Report.” 2007 at 3. $65,000,000,000 / 135,000,000 = 481,481$ days of water = 1,319 years of water

water levels drop when a water bottling company moved in and began pumping large quantities of water out of the ground.¹³ Citizens in Maine and Michigan have also faced concerns that water levels drop when water bottlers come to town.¹⁴

In some places, falling water levels affect not just the quantity, but also the quality of the available groundwater. If groundwater levels drop below sea level, salt water moves in. This has already happened in Louisiana, where water levels declined so much that saltwater has begun to creep in to the aquifer that feeds Baton Rouge.¹⁵ Residents in coastal New Jersey, too, who have depended upon groundwater since the 1800s, have abandoned entire well fields due to saltwater intrusion.¹⁶

While water levels in wells drop, so does the water level in surrounding streams, rivers and lakes. Whether water pools in lakes or in aquifers, it is all part of the same system — it flows from rivers into the ground, and seeps through soil back into rivers.¹⁷ So taking too much water from the ground can impact local surface waters as well. In recent years, the Santa Cruz River in Arizona was sucked dry to quench the thirst of citizens in Tucson.¹⁸ The Ipswich River in Massachusetts has dried up under the demands of new suburban developments.¹⁹ Numerous lakes and wetlands in Florida — perhaps the most naturally water-rich state in the country — have dwindled to puddles due to groundwater pumping.²⁰ For example, a study by the northern Tampa Bay region's water management district in 1996 found that only 10 out of 153 lakes in the northern Tampa Bay region remained healthy, and groundwater pumping explained the low water levels in most of the region's 350 wetlands.²¹



At the most extreme, groundwater pumping can actually cause land to crack, depending on the geology of the region. In fact, the ground itself can cave in without the support of the water underneath.²² This land subsidence can damage buildings and highways, and make land flood more easily.²³ First seen in Silicon Valley, California, land subsidence has been observed in regions across the West, including in the San Joaquin Valley, Las Vegas Valley and south-central Arizona.²⁴ Sometimes land subsidence is a gradual sinking, as in the land around Houston, Texas, which has fallen 10 feet over time.²⁵ Sometimes, it can appear more drastically. In Retsof, New York, and west-central Florida, for example, subsidence caused sudden sinkholes to appear in the ground.²⁶

Where Did All the Water Go?

These plummeting water levels, salty freshwater wells and crashing sinkholes are not natural events. In a healthy water system, groundwater levels refill naturally when rain and snow trickle through the ground. As long as more water enters the system than leaves it, groundwater remains a sustainable source of water.

It was not until relatively recently that we developed the technology to pump water out of the ground faster than natural sources could usher it in. When we first started tapping into groundwater resources, we used windmills and other pumps that could only withdraw so much water at a time. In the 1930s, for example, drilling wells could reach 70 to 80 feet below the ground. However, in the 1940s and 1950s, high-lift turbine pumps, industrial engines, irrigation systems and cheaper electricity brought about wells that could reach 3,000 feet under the ground and pump 1,200 to 1,300 gallons per minute. In the Ogallala Aquifer, for one, water withdrawals jumped from 651 billion to 7.5 trillion gallons per year, more than 1,000 percent.²⁷ In some areas of the aquifer, farmers pulled out four to six feet of water a year, while only half an inch was replaced.²⁸ This means that in some regions the aquifer lost water nearly 100 times faster than rainfall could naturally replace it.

And overpumping is not the only modern change that has impacted the health of our groundwater system. As we have built up urban and suburban areas, we have paved over lands with strip malls and parking lots — surfaces that prevent water from naturally filtering through the soil. So, not only are we taking water out faster than it would naturally come in, we are slowing the natural recharge process.

Changes in human interaction with nature have impacted not just the quantity available, but also the quality of groundwater in many states. Groundwater can be a very clean, safe source of water. Water filters through dirt and

rocks before settling in aquifers, which means that many solids in the water get filtered out naturally. Yet today, groundwater is not only threatened by overpumping and depletion, but also by contamination with toxic chemicals. Septic systems and sewer lines can leak viral and bacterial pathogens into groundwater.²⁹ Pesticides from farms, lawns, gardens and golf courses can seep into the ground.³⁰ Industrial chemicals from construction and mining can also make their way into wells.³¹ In fact, since all water is connected in the watershed, keeping water safe from pollution means protecting both surface and groundwater.³²

The changes in technology and terrain that have overdrawn and polluted our groundwater have outpaced changes in our regulatory systems that are needed to protect the resource. Today we understand that in order to ensure groundwater sustainability, laws would need to make sure that water recharge and withdrawal was equal. Yet when we first began to develop regulations for groundwater use, we were not so educated.

Like most of the nation, the officials who ruled groundwater historically had little understanding of the natural resource. It was not something they could see, much less understand. As a prime example, the Supreme Court of Connecticut in 1850 declared that water, "whether moving or motionless in the earth, is not, in the eye of the law, distinct from the earth. The laws of its existence and progress, although there, are not uniform, and cannot be known or regulated.

It rises to great heights and moves collaterally, by influences beyond our apprehension. These influences are so secret, changeable and uncontrollable, we cannot subject them to the regulations of law, nor build upon them a system of rules, as has been done with streams upon the surface."³³

Due to such misunderstandings, groundwater and surface water laws developed separately in many states, without regard to how the sources are connected.³⁴ States even made legal distinctions between different types of water which were not based in any hydrologic principles, making different decisions depending on whether the water was rain, surface water in streams and lakes, groundwater in underground streams or still groundwater.³⁵

Over the years, different state courts developed different rules for making decisions, some of which provide more protection than others. Maine and Texas still follow the English rule of capture, which states that whoever owns the land also owns the water under it. A landowner can pump as much as they can pump, without regard to how it might affect surrounding users. The Texas Supreme Court upheld this as recently as 1999. Most courts follow legal doctrines that are not quite so lax, although all leave much room for interpretation.

Today, each state's legal system is also accompanied by a set of regulations, usually enforced through the state department of the environment or another water



management agency. States have different permitting systems, reporting requirements, decision-making processes and hierarchies of groundwater users. Some states have few regulations or minimal reporting when it comes to groundwater. Many states, as they learn more about hydrology, are moving towards managing groundwater and surface water together, under a system called conjunctive use.

Although some states have begun to legislate more protection for groundwater, the resource is still poorly protected legally in much of the country. Without oversight, it is no wonder that the resource is declining.

How Much Danger Are We In?

As state water managers face dwindling groundwater resources and chemical threats, they need access to groundwater data. Without sound scientific data, we cannot really know exactly how bad off we are, much less the most reasonable steps we could take to improve the situation. Yet that is exactly where we stand in many regions.

Today, many state, local and federal government agencies work with groundwater, but because there is no coordinated national program, there are many gaps in the data that state water managers need to make informed management decisions.

Since groundwater is managed at a state level, not a federal one, most information that does exist on groundwater use is collected at the state or local level. States vary in how much data they collect, and the amount of resources that they contribute to such projects.³⁶ For example, while some states collect data, participate in regional data collection or work with the United States Geological Survey to collect data, one survey indicates that eight states have no groundwater level monitoring network at all,³⁷ 11 states have no groundwater quality sampling program and five states have programs that are inactive.³⁸

What's more, different states use different standards and methods to collect data.³⁹ And, to complicate matters, aquifers lie below the ground and cross state lines, which means that local data collection gives an incomplete view of the total health of a groundwater system.⁴⁰

Several federal agencies also collect groundwater data, but not comprehensively on a national scale. The United States Geological Survey (USGS), charged with providing the American public with data on our national water resources, collects regional groundwater data through its Groundwater Resources Program. At current funding levels, these studies would take 20 to 30 years to complete.⁴¹

Without sound scientific data on groundwater, we cannot really know how bad off we are, much less the most reasonable steps we could take to improve the situation. Yet because there is no coordinated national program, there are many gaps in the data that state water managers need to make informed management decisions.

In addition, the USGS National Water-Quality Assessment Program gathers data on how human actions affect water quality, including water from domestic wells and other groundwater sources, and the Environmental Protection Agency (EPA) is working to create national source water protection programs for both surface water and groundwater. Officials from both USGS and EPA, along with many other government, industry and NGO partners, are participating in a Subcommittee on Groundwater of the Advisory Committee on Water Information to advise Congress on national water policy.

One of the main recommendations of the Subcommittee on Groundwater is that the federal government implement a National Groundwater Monitoring Network. This project, if funded, would contribute to USGS' proposed National Water Census, a project through which the agency hopes to track the status of all water supplies in the United States, to help manage both groundwater and surface water simultaneously.

The Subcommittee on Groundwater still does not know how long such a study would actually take, or how much it would cost. With groundwater reserves dwindling all around the country, it is high time to find out.

Calls for Data Collection

Given the importance of the resource and our lack of information, it is no wonder that scientists and groundwater professionals around the nation are calling for increased monitoring and assessing of groundwater. The Subcommittee on Groundwater is not the only group to recommend that the federal government play a leadership role in national groundwater data collection.

The Ground Water Protection Council, in its "Call to the Nation," states, "as a nation, efforts to monitor and characterize groundwater resources with regard to quantity and quality have been sporadic and, while successful in some local jurisdictions and watersheds, largely inadequate."⁴² It encourages state, local and national agencies to fill this gap in our knowledge.

The USGS Coalition, a coalition of 70 scientific organizations, has also urged the government to set aside funding for research.⁴³ The National Groundwater Association surveyed its 15,000 members and concluded that groundwater monitoring data, as well as quality, is one of the most useful functions the federal government could provide.⁴⁴ The John Heinz III Center for Science and Economics identified groundwater as one of the top 10 most important areas of data needed to help policymakers make sound water management decisions.⁴⁵

This statement only added to the previous recommendations of government agencies, such as the National Research Council, which stated in 2000 that "an unmet need is a national effort to track water levels over time in order to monitor water-level declines,"⁴⁶ and the Government Accounting Office, which asked, in 2004, for better coordination of groundwater data collection.⁴⁷

The United States Geological Survey itself has numerous times cited the need for additional studies. USGS has collected water level data for more than 100 years, but its efforts to create a comprehensive dataset have been limited by variations in local resources. Nevertheless, periodic calls have been made within the agency for such studies. In fact, more than 70 years ago, the author of one of the first national studies on groundwater levels described a need for exactly such a program. According to O.E. Meinzer in his 1935 report, this "nation-wide program should furnish a reliable basis for periodic inventories of the ground-water resources, in order that adequate provision may be made for our future water supplies."⁴⁸



Conclusion

In 2007, the Chief of the Office of Groundwater at the United States Geological Survey noted that it is difficult to get funding for groundwater data collection because funding from Congress is largely driven by citizen demands.⁴⁹ Most citizens today may not think to push for groundwater data collection because they may not be aware of the danger. Because it lies hidden beneath their feet, groundwater problems do not become apparent to average residents until something drastic happens.

We cannot wait for a catastrophe to take action for groundwater protection. Congress must start now by finding out what resources our nation's scientists need to comprehensively evaluate the United States' groundwater resources, and then appropriate funds accordingly. Once we have this data, we can begin to enact science-based policies on a state and national level that will preserve and protect the resource for future generations.

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Priceless

The Market Myth of Water Pricing Reform



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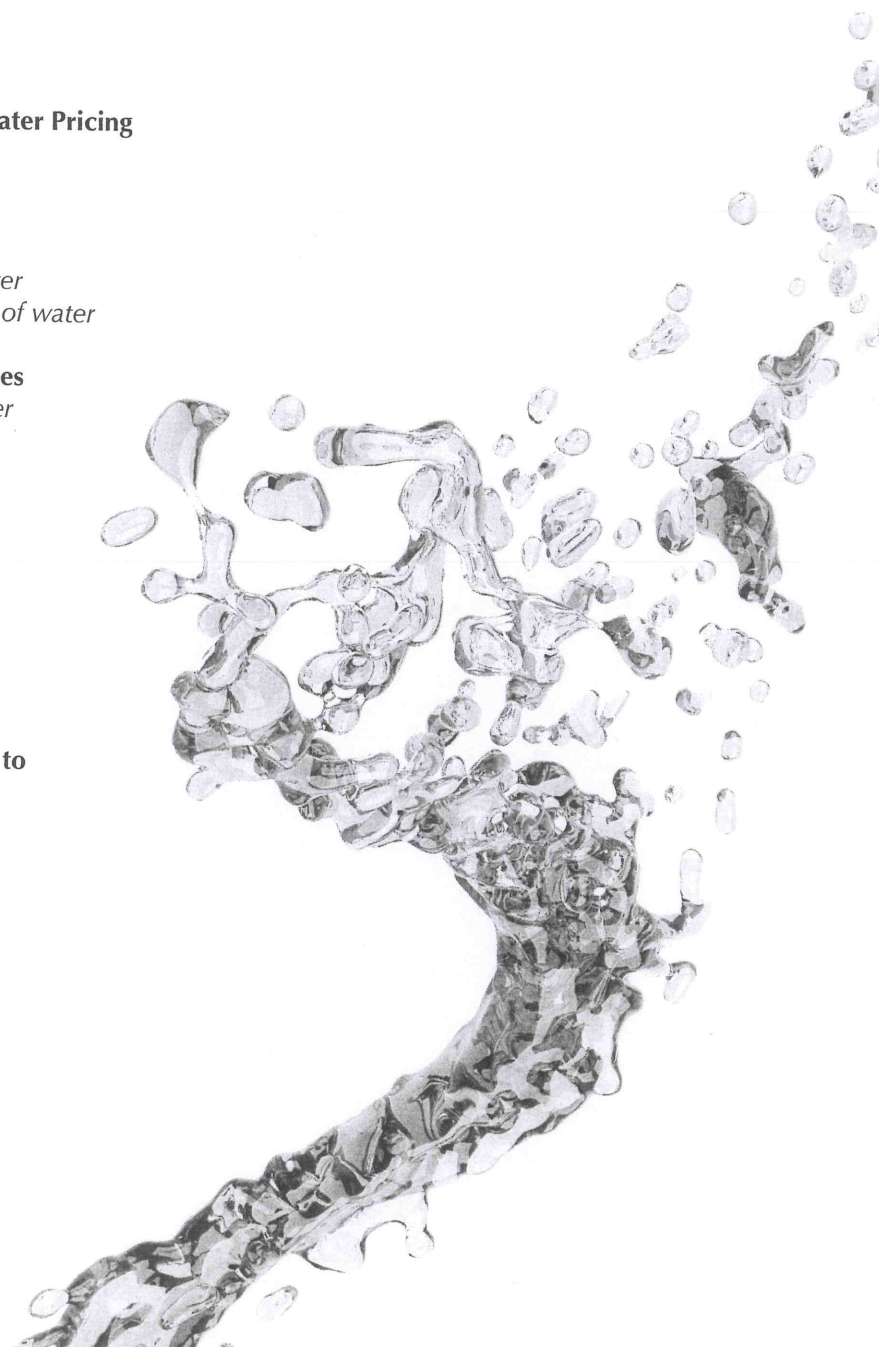


Priceless

The Market Myth of Water Pricing Reform

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"The importance of water to our survival renders it, literally, priceless."

—Holly Stallworth, Economist

Office of Wastewater Management

U.S. Environmental Protection Agency

Executive Summary

America's rising water demand risks exhausting available supplies. Developing effective strategies is necessary to address scarcity, improve water efficiency and encourage conservation while strengthening U.S. water infrastructure.

To tackle the tension between dwindling supplies and growing demand, many economists, market-oriented environmentalists and think tanks have advocated for market-based pricing of household water rates — essentially charging consumers more for water to encourage conservation. Most U.S. residential water rates are low, so raising these rates has a certain logical appeal. But this simple-sounding proposition is not so simple.

Water pricing reform alone is no panacea for America's water-management challenges. Society's interest in ensuring environmentally sustainable water use and universal access to affordable water service is poorly served by a market model. Water is essential to life; commodifying access to water treads on the basic human right to water.

Market-oriented pricing reform contains two fundamental flaws: It focuses almost entirely on residential water use and it assumes households can or will reduce water use when faced with higher prices. Residential water use is a small fraction of water withdrawals in America — only about 8 percent of water goes towards household water use. Any strategy that ignores more than 90 percent of the problem cannot reduce total water use significantly.

Even draconian water price increases will have little impact on household water consumption, since much of residential water goes towards essential uses like drinking, cooking and sanitation. Because of this, consumer demand for water does not really change, regardless of price. Economists call this price inelasticity. Consumers will not drink twice as much water if the price of water falls by half, nor will they reduce the amount of water they drink by half if the price of water doubles. A Food & Water Watch review of the economic literature found only a modest consumer response to rising water prices. Households generally reduce water use slightly in the face of even steep price increases.

Addressing low residential water prices should be part of a more integrated water strategy, not the only strategy. While some increases in water price might help curtail excess demand for non-essential water use, sharp increases in household water rates alone will do little to curb total water demand. Public education campaigns to promote conservation and incentives for households to adopt more water-efficient appliances can do more to reduce water use than price increases alone.

The highest water savings can be achieved through restoring America's aging and leaking infrastructure, which wastes considerably more water than residential users. Charging higher prices for industrial water users can also generate more water savings than hiking prices for residential users. Unlike households that predominantly have essential water uses, business users have greater incentives to reduce wasteful water use in the face of rising prices — and do, according to many studies. Nonetheless, today in many places, businesses pay less for a gallon of water than nearby residents.

No single strategy is sufficient to address water demand-management needs. Any water policy must be tailored to local conditions and address both residential and industrial use. There is a range of policy alternatives. Focusing solely on water pricing as the mechanism for managing demand is unfair to ratepayers and doomed to be ineffective. We must recognize the collective impacts of water use, from agricultural needs to industrial needs to home needs, and demand collective responsibility.



Introduction

In 2009, the Organisation of Economic Co-operation and Development (OECD), an international economic association of wealthy nations, released a report that promoted the use of market-based water pricing reforms to combat water scarcity, address environmental concerns and efficiently allocate water resources.¹ This was another attempt to shoehorn water into a market model that cannot accommodate its unique, life-sustaining qualities and to bring water under what one World Bank water expert calls “the hegemony of the market model.”²

Pricing reforms that explicitly target household water use appeal to many market-oriented policymakers, but the promise of water pricing is a mirage. Residential water pricing reforms alone cannot significantly increase water conservation, protect freshwater resources or alleviate water scarcity.

America’s rising water demand from residents, businesses and farms is starting to outpace available supplies. The demand for water already exceeds the available supply in many water basins, especially in more arid regions and places with recurring droughts, including throughout the Colorado River and Rio Grande watersheds.³ Even cities in less arid regions like Atlanta have faced alarming shortages in recent years. Climate change will make water challenges even more daunting over the coming years.

Traditionally, U.S. water utilities have constructed new water projects like reservoirs to cover shortfalls. This

strategy is no longer feasible even in regions endowed with more plentiful water resources. Water managers must delicately balance dwindling freshwater supplies with the residential, industrial, commercial and agricultural demands to prevent water resources from being over-exploited.⁴ Instead of increasing the supply of water, a strategy to manage demand can encourage conservation and improve the allocation of water resources.⁵

There is a wide mix of policy alternatives to motivate U.S. consumers to improve their water-use efficiency and conserve freshwater resources. Demand-management strategies include rules to decrease water use (restrictions on certain water uses like watering lawns or washing cars during droughts), positive incentives (programs to encourage users to adopt more efficient equipment, appliances or water fixtures), and negative incentives to make consuming additional water costly to the user (most commonly by reforming water pricing structures).

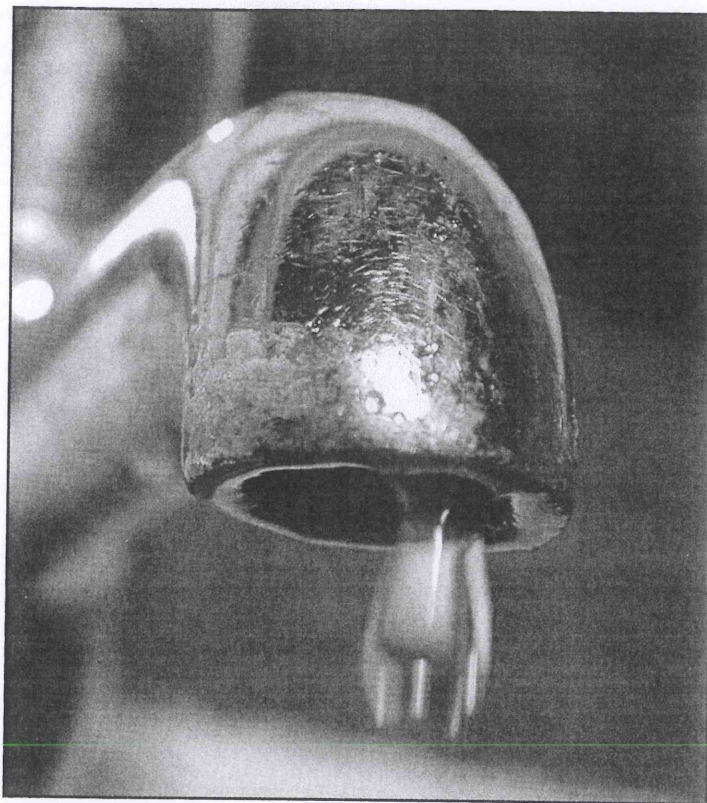
Despite the menu of available policy choices, market fundamentalists have seized upon water pricing reform as the only solution to water scarcity. Proponents contend that idealized market forces will bring water supply and demand into balance, efficiently allocate water resources and eliminate water scarcity.⁶ The market fundamentalists assert, "Water price is the main instrument to control demand."⁷ Although utilities have more policy tools available to reduce demand, economists view pricing as "the central mechanism that determines the availability and allocation of water."⁸

The rigid confidence in water pricing reform is partially based on the low prevailing price of water service in the United States. Historically, the price of water service has been below its value to households, industries and agriculture.⁹ U.S. consumers pay one dollar for water service out of every \$200 in household income (0.5 percent), the lowest level in the industrialized world.¹⁰ When consumers receive more value from a good than they pay for it, the economic theory suggests they will over-consume the good.¹¹ Persistently low-priced water service provides little incentive for users to conserve.

In the context of growing scarcity and low prices, water pricing reform has a certain logical appeal. Theoretically, pricing reform is a neat and easy solution to the problem. The proponents argue that raising prices — especially charging more for using more water — should reduce water use. But this simple-sounding proposition is not so simple.

Water pricing reform alone is no panacea for America's water management challenges. Society's interest in ensuring environmentally sustainable water use and universal access to affordable water service is poorly served by a market model. Market-oriented pricing reform contains two fundamental flaws: It focuses almost entirely on residential water use, and it assumes households can or will reduce water use when faced with higher prices.

Households account for less than a tenth of total water consumption, so even radical and dangerous reductions in residential water use would never generate significant water savings. If residential consumers cut water use in half, total water use would fall by less than 5 percent. And because most household water consumption is for essential uses like drinking, cooking and sanitation, consumers cannot reduce consumption by very much, even under steeply rising water prices.



These limitations may explain why there is little evidence that water pricing mechanisms designed to increase conservation actually work. The *American Water Works Association Journal* noted, "Few water providers, however, have a solid empirical basis for determining the effectiveness of pricing as a conservation tool."¹² One economist noted that price-based conservation policies lack "adequate (or, perhaps, convincing) information about their relative performance."¹³

Pricing reform is an impractical approach to addressing water scarcity. Nonetheless, in the United States, all water users — not just households, but agriculture, industry and other businesses — should bear fair and equitable costs for receiving water services. Water pricing should not contribute to the commodification of water. Rates can incorporate the cost of the services provided by the utility, but should not reflect a monetary value placed on the water itself.

Water pricing cannot and should not be the only source of funding for water delivery and infrastructure. Because water bills based on volume regressively impact lower-income households, pricing water service to allow full cost recovery would force low-income households to bear a disproportionate fiscal burden. Much of the value of water is public — water for fire hydrants and hospitals and

schools. Public financing can account for this public use and ensure that lower-income households have affordable access to water service. Indeed, society could finance water services without user fees or market-based pricing mechanisms, just as it does for emergency services like fire and police protection.¹⁴

More integrated water management policies would cover not only residential use, but also the other 90 percent of water consumption. Reducing municipal water use and increasing efficiency should include upgrading America's decaying and leaky infrastructure, encouraging the adoption of more efficient water appliances and equipment, curbing wasteful water use during the dry season and droughts, and more aggressively educating the public about water conservation. No single one of these policies will be a silver bullet, but together they can be a more effective approach than relying on water pricing alone.

This paper focuses on the theoretical and practical problems of market-based water pricing reforms in the United States. Similar efforts are afoot in the developing world with even more alarming consequences, since higher water prices can significantly erode the incomes and endanger the lives of billions of people living on less than \$2 a day. This paper will analyze the model that proponents use to justify water pricing reform as the sole tool for water demand management, and discuss the many and significant limitations of the market model to the unique properties of water, the goals of water utilities in setting prices and the most common water rate structures. The paper explains how and why household water use does not decline in the face of rising prices, discusses the limited application of residential water pricing reforms to water scarcity, and delineates a more integrated approach to water demand management.

Water pricing should not contribute to the commodification of water. Rates can incorporate the cost of the services provided by the utility, but should not reflect a monetary value placed on the water itself.

The Theory Behind Market-Based Water Pricing

The market fundamentalists believe that water is just an economic good like any other and that the invisible hand of the market can best arrive at a fair price for water. The international community legitimized the market model for water at the 1992 Dublin Water and Sustainable Development Conference, which concluded that "water has an economic value ... and should be recognized as an economic good," and that economic tools can be used to promote efficient water use and conservation.¹⁵

When market theorists apply supply and demand constraints to water, they mean that the market can allocate scarce freshwater resources efficiently between competing users — households, businesses and farms. When water is priced at its economic value, the marketplace can allocate water to its best uses.¹⁶ The idea of water as an economic good means that water has a value to users who are willing to pay for it. Water pricing proponents contend that since water is an economic good with tangible value, it is appropriate that users pay for it.¹⁷

In its most generous light, the market proponents suggest that water's inherent value to life, food and economic growth could be distributed more efficiently and water conservation could be promoted if market-determined prices could help balance water demands and water supplies. But market fundamentalists like the World Bank advocate the application of pricing reforms to bring water under the control of "market-like and market-friendly instruments for managing all elements of the economy."¹⁸ These efforts are paired with aggressive promotion of other market mechanisms to take over common, public water resources, like the privatization of public water utilities and the creation of water markets to trade water rights on speculative water exchanges.

Free-market theory suggests that the marketplace balances the supply of a good with consumer demands, and prices respond to these market forces to help allocate the goods between different consumers. Higher demand will reduce supplies and push prices up, while abundant supplies combined with indifferent demand will yield falling prices. This model works pretty well with discretionary consumer purchases. When too many buyers want too few new electronic gizmos, the price rises, but when there is a large unsold inventory of unwanted retail goods, prices fall.

Why Water Is Not Like Widgets

These market forces may work for widgets, but water is not a widget. The special properties of water make it uniquely unsuited to allocation purely through market mechanisms. Water is essential to life; commodifying access to water treads on the basic human right to water. People need drinking water and water to grow food, making it different than other goods that consumers could choose to forego. Especially during periods of water scarcity, water completely ceases to be an economic good and exhibits its most essential quality as a basic human need.¹⁹ As a U.S. Environmental Protection Agency (EPA) economist noted, "The importance of water to our survival renders it, literally, priceless."²⁰

Moreover, consumers cannot substitute their demand for water with another like product. If the price of water is too dear, people could not choose to drink another liquid like ammonia or gasoline. With food, consumers can use their purchasing power to choose between ground beef and filet mignon. But with water, consumers cannot select between different kinds of water to come out of their faucets.

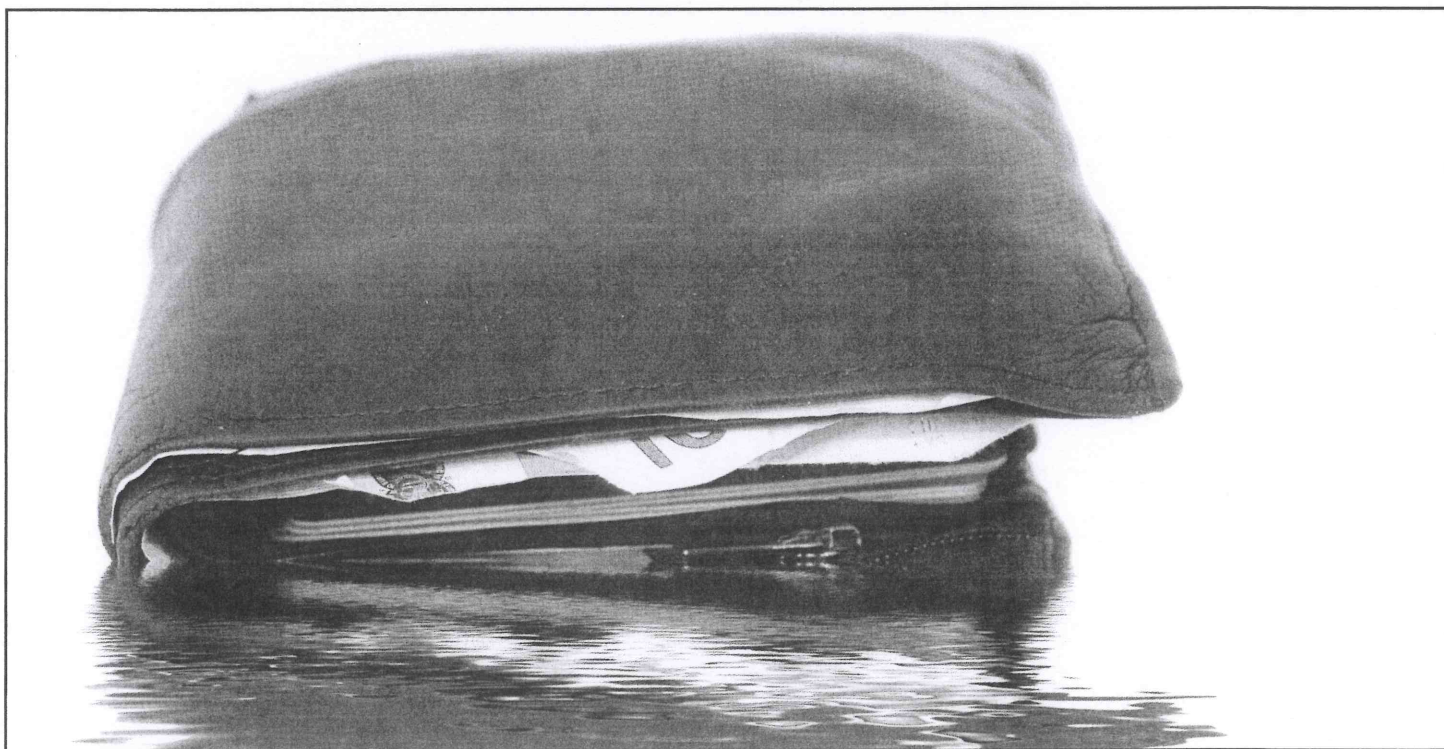
Perhaps more importantly to economists, water is delivered in a non-competitive market with one seller and many captive buyers. The market theory assumes many sellers and many buyers arrive at mutually acceptable

prices through competition. Water services are natural monopolies, because it is cheaper for a single utility or company to operate a water infrastructure system than to have several duplicative water networks.²¹

This natural monopoly prevents informed consumers from voting with their pocketbooks based on price or service quality.²² When a single seller sets prices based on consumers' willingness to pay, the prices rise to the level a profiteering monopolist would charge.²³ Indeed, when private water companies wrest control of these natural monopolies, water prices tend to increase. Food & Water Watch examined public and private water systems in 33 U.S. states and found that private water bills were on average 30 percent higher than water bills from public utilities. In some states, private water companies charged 80 percent more than public providers in the same state.²⁴ There is no competitive marketplace for tap water, and water's unique properties make real market competition impossible.

Water Costs, Values and Prices

Although water pricing reform proponents favor the market mechanisms of supply and demand to determine water prices, there is no marketplace for municipal water. Water supply and demand forces do not come into balance on



a clearinghouse like a stock exchange. Nor do aggregate consumer demands for trendy tap water drive prices.

The limitations of the market model for water require the adoption of alternative measurements of supply and demand. The price of water supply is determined by the full range of costs to deliver water to consumers, and demand is based on the value different users place on water. The market model requires that both the costs and benefits of water be assessed. The loose intersection of total water cost and the value consumers place on water creates a proxy for market pricing.

The value and benefit of water

Individuals, businesses and farms all derive value from water and pay for access to water services. The most obvious value is the essential drinking, cooking and sanitation water each person needs. Businesses gain value from water in its role in producing a good or a service. The value of water to industry, agriculture and other businesses is greater than the price they pay for it.²⁵ Different users put different values on their access to water and are, in effect, competitors for the resource. Consumers and communities bear a cost to receive water service, but that water provides the users with real value.

Economists estimate the value individuals put on household water use as what they are willing to pay.²⁶ But for an essential good like water, willingness to pay roughly equals a consumer's ability to pay.²⁷ Willingness to pay is an easier concept to model and measure with widgets, but water is delivered on what a senior water advisor for the World Bank calls "highly imperfect" markets, so it is difficult to estimate the willingness to pay of different users.²⁸

Society places a higher value on families' access to water than their ability or willingness to pay for it. Most people view water more as a public good that should be allocated fairly so all citizens have equal access, since this resource is required for life itself. Water should properly be considered part of the public commons, where water use, waste and pollution affects all citizens, communities and the environment. Access to water can be compared to other community values such as reducing poverty, disease, unemployment and food insecurity.²⁹

In contrast, market-based pricing proponents worry that concerns over affordable access to water will prevent water from becoming sufficiently expensive. In 2009, the Organisation for Economic Co-operation and

If the price of water is too dear, people could not choose to drink another liquid like ammonia or gasoline. With food, consumers can choose between ground beef and filet mignon, but consumers cannot choose different kinds of water to come out of their faucets.

Development cautioned against underestimating individual consumers' willingness to pay when setting water rates, noting, "The risk is that decisions about tariff [water rate] levels and structures will be based on exaggerated assessments of affordability constraints that underestimate willingness to pay."³⁰

Accounting for the true cost of water

The total price of water service should reflect the true costs of bringing water from its source to the faucet, but residential water prices alone need not bear the entire burden of covering these costs. Nor should the price of water be envisioned only in terms of what ratepayers pay. Other public revenue streams can and should contribute to the financial sustainability of water utilities. These funding sources should cover the total costs of delivering water to consumers and the full spectrum of environmental costs of withdrawing and discharging, as well as some of the cost of financing water infrastructure. The most obvious costs include those of source water and its treatment, the operating and maintenance costs of the system, and the capital costs of past and future infrastructure investments.

These capital costs for water infrastructure, in particular, are rising. In 2007, the EPA surveyed the national infrastructure needs and found that drinking water systems required \$334.8 billion investment to upgrade and rebuild aging systems.³¹ In 2008, the EPA found that clean water sewer systems needed another \$298.1 billion, 17 percent more than the 2004 estimate of the investment need.³² Paying for this \$632.9 billion in infrastructure needs over

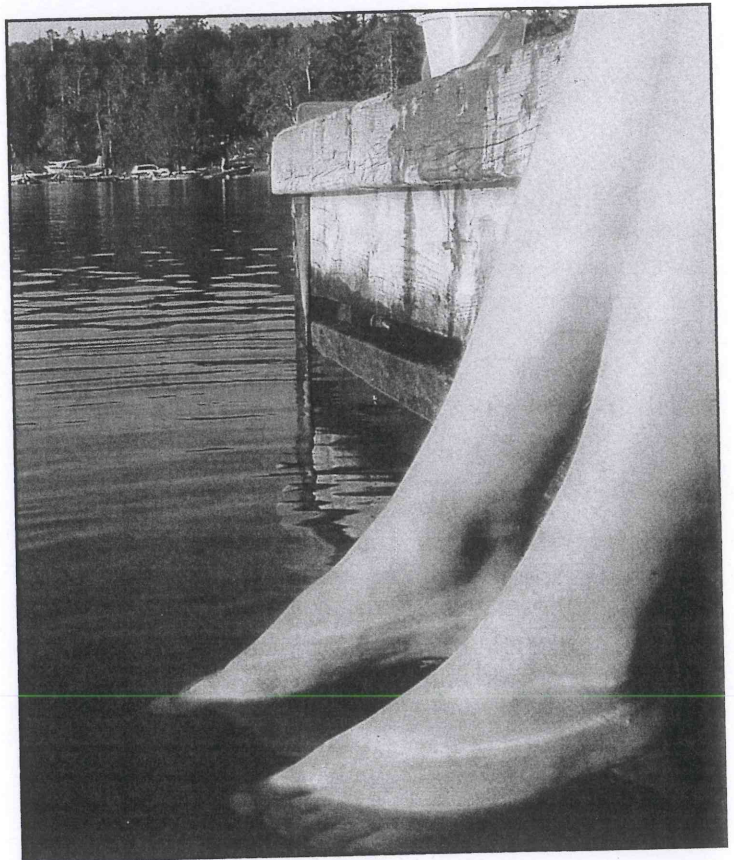
the next 20 years could imperil access to water for many Americans.

The significant need for water and sewer upgrades have been falling on smaller localities that in turn pass the costs on to residential consumers. Over the past three decades, the burden of paying for necessary water infrastructure has shifted from the federal government to localities. The federal government passes the responsibility to the states, the states pass it to the localities, and the localities pass it to ratepayers.³³ As a result, residential users now provide 63 percent of water company revenues.³⁴

Public water systems provide invaluable services to the entire community, including maintaining public health and slaking the economic needs of industry, business and agriculture. Putting the entirety of the financial infrastructure costs on local municipal systems — and in turn, household residential water users — overly burdens the small municipalities least capable of making investments that benefit the local, regional and even national economy. In theory, a full-cost pricing structure seeks to recover the complete cost of providing drinking water and wastewater services, including overhead and capital expenditures. In practice, full-cost pricing puts the onus of funding on the locality rather than state or federal resources. Recovering the needed investment by relying on increasing costs to ratepayers is less fair than spreading the communal cost of water across the full spectrum of potential revenue streams.

Compounding the problem, the locality providing the service is frequently quite small. More than four-fifths (82 percent) of all water systems serve fewer than 3,300 people.³⁵ Those systems only provide service to 9 percent of the population, yet need 19 percent of the infrastructure funding for drinking water alone.³⁶ While a large city such as New York City or Chicago might have access to the municipal bond market to raise capital, defray these costs and spread them out over time, a small system is unlikely to have the same access to these markets to be able to easily raise capital. Additionally, smaller systems are less able to rely on the ratepayer base to cover the costs of service because there are fewer, typically lower-income residential users. The impact on small municipal water systems of full-cost pricing would be disproportionately large, in many cases putting the largest burden on rural ratepayers who can least afford it.

The true cost of water service is also much higher when the environmental costs are fully taken into account.



Other upstream and downstream water users bear the costs from the withdrawal of water from aquifers and surface water as well as the discharge of polluted effluents into the watershed.³⁷ Environmental controls only constrain or mitigate the damage of polluted discharges that effectively limit the available freshwater supply to other current and future users.³⁸ Moreover, drinking and wastewater withdrawals and discharges directly impact the ecosystems that are now competing for required freshwater.

The costs of unsustainable water use cannot be easily assessed in monetary terms.³⁹ Although the water users that imposed these environmental costs should bear the burden of the resource use (or exploitation) and pollution, it is difficult to identify, measure, monetize and attribute all of the environmental harms in the water system. The polluter-pay principle is attractive to economists and many environmentalists, but in practice, as the EPA admits, "It is rare to see an 'externality' fully priced and charged."⁴⁰

Theoretically, the sum of all of these costs⁴¹ would form the basis for true cost pricing. Economists contend that adopting marginal cost pricing — where users pay the full cost of replacing each gallon they use — would ensure that water goes to the most valuable uses.⁴² Nonetheless, even the idealized full-cost pricing is unlikely to reflect

the true cost of delivering water and treating degraded water discharges.⁴³ The social costs of maintaining ecosystem sustainability, repairing environmental degradation and addressing water resource depletion require a strong public safety net to ensure these vital public interest goals are adequately funded.

Water prices that more fully reflect all the costs of providing water should, in theory, provide better incentives for consumers to use water wisely. When water is priced below its value to the user, the argument claims, it deters conservation. Better, higher price signals could motivate users to conserve more water.⁴⁴ In theory, consumers would use less water when water prices are higher, which is how it works with widgets.⁴⁵ Higher water prices for larger volumes of water could encourage water conservation and the adoption of water saving technologies.⁴⁶

The straightforwardness of the theory has significant appeal as a policy approach, because efficient pricing, if possible, would seem to encourage water conservation, the adoption of more efficient water fixtures and appliances, and ensure that water resources were directed to the most valuable consumption. Pricing will never be able to balance all the social values of water (including ensuring

affordable access and sustainable water use) with the true cost of providing and protecting water. Strong public involvement in water management is essential to protect the human right to water and the ecological value of the freshwater commons.

Water Utilities' Goals in Setting Prices

Water utilities must balance several, often conflicting goals in setting water rates and prices. These include demand-management goals as well as practical constraints for the utility. The utility needs to receive enough revenue to cover the costs of the system without inequitably burdening less affluent consumers. The pricing structure should encourage efficient water allocation but not be too complex for users to understand. The prices should not be so steep as to prevent households from accessing water, but nonetheless provide disincentives to prevent wasteful use.

Revenues from water bills need to supplement appropriate public investment to provide sufficient financing. The cost of delivering water, maintaining the system and investing in future or replacement water infrastructure must be recovered to continue to deliver water to users. A steady revenue stream from water users (including industry, commercial businesses, farms and households) is necessary for the utility to maintain consistent service and delivery of safe, clean water. Underfinanced utilities cannot deliver reliable or safe drinking water to users.⁴⁷

Water systems also must ensure that water service is priced fairly to ensure that all residents have access to water.⁴⁸ Water prices need to be equitably applied across all users, in part to make the system acceptable politically.⁴⁹ The pricing burden should not be borne disproportionately by the middle- and lower-income residents.⁵⁰

While water prices should not pose an undue burden on lower-income households, price can still function as a part of a demand-management strategy. For example, it would be appropriate to charge high water fees on high-volume water users, since this water is above essential consumption and these households are assumed to be wealthy enough to bear higher costs.⁵¹

None of the water pricing regimes can balance all of these competing goals perfectly. Utilities have to strike balances and design rate structures that are appropriate to their local conditions and finances, and many utilities diverge from the idealized market-based pricing regimes

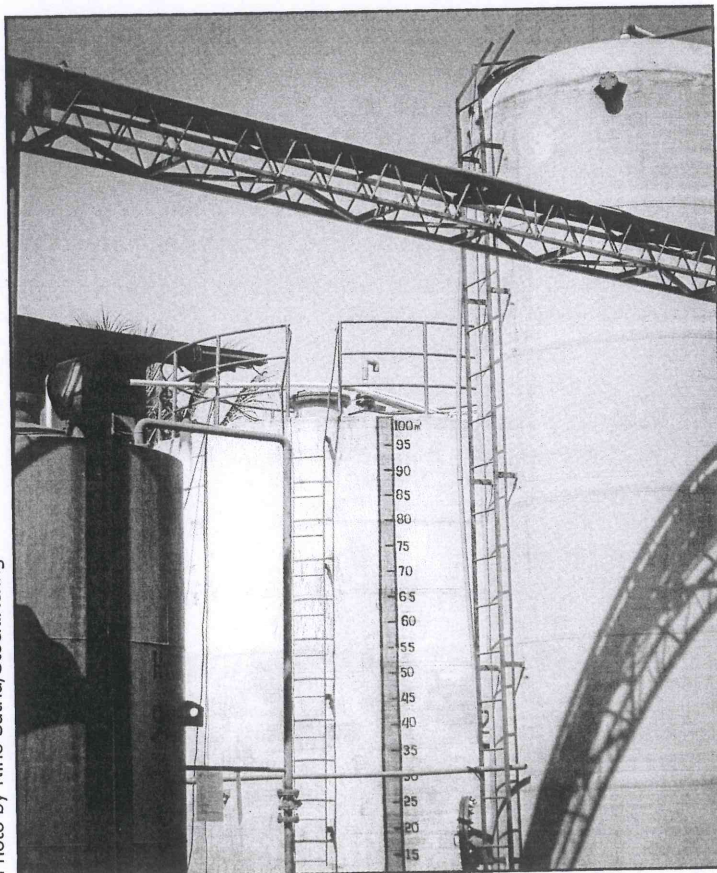


Photo by Nino Satria/Stock.Xchng

Comparison of Selected Water Rate Structures

	Water Rate Schedule	Price for 12,000 gallons	Price for 21,000 gallons	Price for 30,000 gallons
Increasing Block Rate	<ul style="list-style-type: none"> \$2 per 1,000 gallons for the first 12,000 gallons \$3 for every 1,000 gallons between 12,000 and 21,000 gallons \$7 for every 1,000 gallons over 21,000 gallons 	\$24 per month	\$51 per month (\$24 for the first 12,000 gallons and \$27 for next 9,000 gallons)	\$114 per month (\$24 for the first 12,000 gallons, \$27 for next 9,000 gallons, and \$63 for the next 9,000 gallons)
Variable Unit Pricing	<ul style="list-style-type: none"> Flat rate of \$2 per 1,000 gallons if total household use is under 12,000 gallons Flat rate of \$3 per every 1,000 gallons if total household use is between 12,000 and 21,000 gallons Flat rate of \$7 per thousand gallons if total household use is over 21,000 gallons 	\$24 per month	\$63 per month	\$210 per month

to provide for social or environmental goods. Almost any water billing system will disadvantage some households. There are market advocates who suggest that some of these disadvantages could be fixed by tinkering with the billing schedules to address these inequities, or by offering subsidies to disadvantaged households. In reality, public investments, safety nets and common-sense regulations are necessary to achieve the multiple social goals for water that the marketplace cannot deliver.

Some common water pricing plans include:

Fixed fee: Fixed water rates charge each customer the same amount every billing period regardless of how much water they use. Fixed water rates provide no incentive to conserve, because each additional gallon is free.⁵² Fixed rates are not uncommon in more rural unmetered utility districts.⁵³ Many smaller cities in California's Central Valley have unmetered water utilities.⁵⁴

Two-part billing: A two-part water fee structure charges a flat service charge as well as a per-gallon rate for the water each household uses.⁵⁵ Most utilities include a fixed or service fee for each household that represents the base payment on the water bill that often includes metering,

billing, customer service, some capital investments, connection fees or cost-of-service fees.⁵⁶ Often the fixed fee includes a basic volume of water. The per-gallon prices could be set by any of the volume-based pricing schedules (below). Two-part water schedules promote some conservation and provide basic water service at low cost to consumers.⁵⁷

Uniform or flat volumetric rate: Uniform volumetric pricing systems charge the same price for every gallon. Household costs increase as water consumption rises, which encourages consumers to conserve water.⁵⁸ This deters wasteful, non-essential water use, but not as much as rate schedules that charge higher rates for larger levels of consumption.⁵⁹

Increasing block rates: Increasing block rates charge progressively higher per-gallon prices at higher levels — or blocks — of water consumption. Water is priced based on a series of volume levels that each have a different, higher price.⁶⁰ Consumers might pay \$2 per 1,000 gallons up to 12,000 gallons per month; pay \$3 per 1,000 gallons between 12,000 gallons and 21,000 gallons of consumption; and \$7 for every 1,000 gallons above 21,000 gallons (see chart). Increasing block rates can encourage conservation

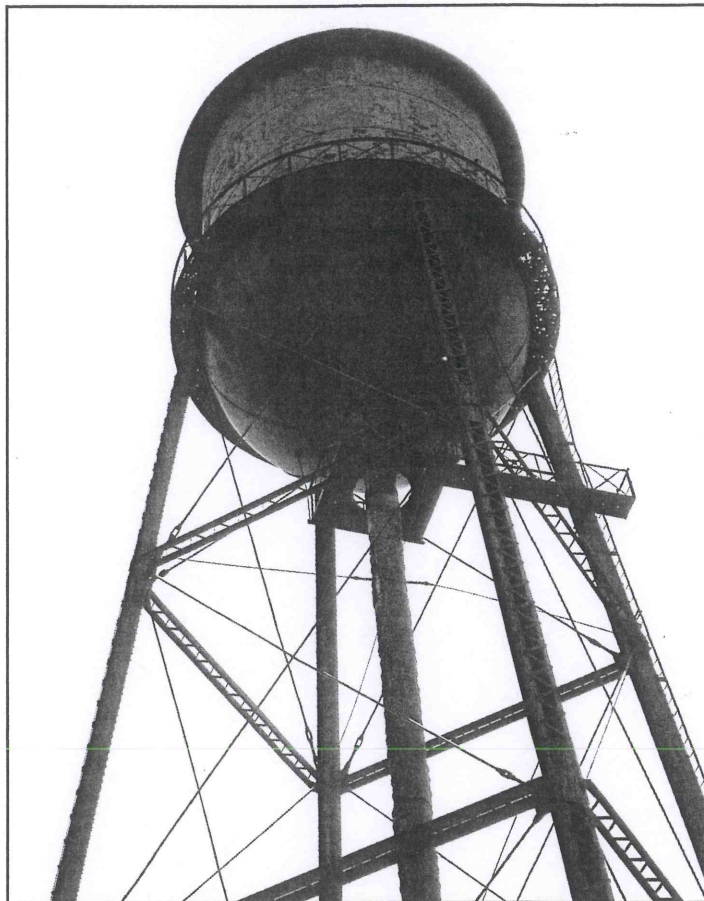
and provide a basic level of affordable water since the most important water uses (like drinking and cooking) are priced the lowest and additional uses (like washing the car) are the most expensive.⁶¹ Increasing block rates have become more common. In 1982, only 4 percent of U.S. water systems used increasing block rates, but by 2004, more than a third (36 percent) of water systems used increasing block rates.⁶²

Although increasing block rates are favored by many economists, the complexity of increasing block rates make the prices very difficult for consumers to discern.⁶³ When consumers turn on the tap, they do not know which volume block they are using or how close they are to the threshold of the next block. That lack of knowledge makes the bill less predictable for households that are depending on a low water cost and also prevents the pricing from encouraging conservation. A user cannot react to economic incentives that are effectively hidden. Increasing block rates necessitate both a needlessly complex bill, which can be difficult for consumers to understand and for utilities to implement and administer. Setting the price and volume parameters for the basic block is vital to ensuring the system's fairness, but this can be difficult to establish.⁶⁴

Increasing volume rates or variable unit pricing:

Increasing rate schedules charge a single per-gallon price during each billing period, but the price is based on the total monthly household consumption. Unlike increasing block rates that charge different prices at different levels of consumption, increasing rate schedules charge higher water consuming households a higher rate for each gallon of consumption.⁶⁵ So a household using under 12,000 gallons might pay \$2 per thousand gallons; a household using 21,000 gallons might pay \$3 for every thousand gallons and a household using 30,000 gallons might pay \$7 for every thousand gallons (see chart). The rising rates encourage conservation, the simple bills are easy to understand, and lower-volume users can access water at reasonable rates.⁶⁶

Declining block rates: Declining block rates charge consumers lower prices at higher levels of consumption — sort of like giving consumers bulk discounts for using more water. In 2007, several American water systems still used household declining block rates, although the OECD reports no other industrialized countries with residential declining block rates.⁶⁷ Declining block rate structures provide disincentives to curb wasteful water use.



Increased Prices Do Not Significantly Reduce Household Water Use

Water pricing reform models work better in ivory towers than kitchen sinks. Consumers have not significantly reduced water use in response to higher water prices. Most household water use is for essential purposes like drinking, cooking, bathing and sanitation, so consumers cannot reduce water use when prices rise. The market-based pricing proponents assume that consumers will reduce their demand for water when its price increases. This process of adjusting demand and supply with prices is the cornerstone of market allocation of goods and services. This assumes that consumers could or would reduce their demand when prices rise or increase their demand when prices fall, a theory that works better for discretionary consumer goods like widgets than water.

Consumer demand for some essentials, like food and water, does not really change, regardless of price. Economists call this price inelasticity. Consumers will not drink twice as much water if the price of water falls by half, nor will they reduce the amount of water they drink by half if the price of water doubles.

Almost every study has found only a modest consumer response to rising water prices. Households generally reduce water use slightly in the face of even steep price increases. In the California droughts of the late 1980s and early 1990s, several communities hiked their water prices from 300 percent to 500 percent within only a few years and saw their water use decline between 20 and 33 percent.⁶⁸ The Alameda County Water District applied steeply increasing block rates that doubled, tripled and quadrupled prices for higher water blocks to curb water use during the drought. A 1999 study found that even more than quadrupling water prices had a relatively small effect on consumer demand, and residential water use declined by 16 percent.⁶⁹ These reductions are not insignificant, but they were achieved in conjunction with other demand-management strategies including public education campaigns and incentives for installing water-efficient appliances.

Other recent studies confirm the weak correlation between higher water prices and usage. A 2004 Delaware study found that water consumption (more than a tiny allowance of 110 gallons per day for essential water) would be reduced by 15 percent if water rates tripled.⁷⁰ A 2008 study of nearly 400 Texas communities that considered weather, income and other factors found that consumer

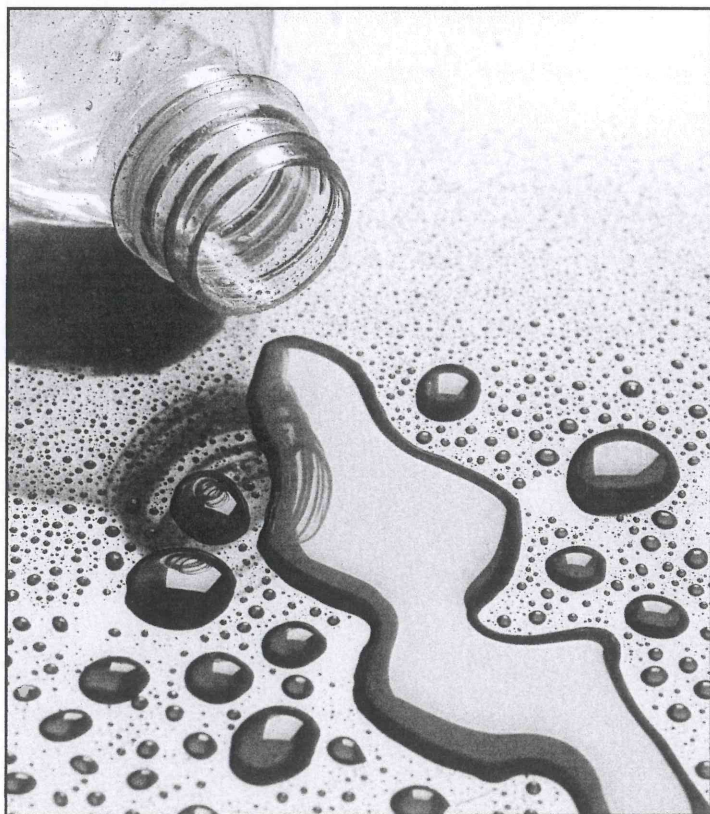
demand for water was non-responsive to price increases and doubling water prices would only reduce water consumption by 13 percent.⁷¹ Higher water prices have a greater impact on curtailing non-essential water use — like washing the car, watering the lawn or filling the swimming pool.⁷²

The response to sharp increases in price can suppress water use by lower-income households without any appreciable reduction in water use by the upper-income households that are presumed to use more non-essential water like filling swimming pools. A study of the 1980s California drought found that doubling the price of water lowered total household use by a third, but it reduced water use by half for households earning under \$20,000 while curtailing water use only by 11 percent for households earning more than \$100,000.⁷³ These price increases that aim to conserve water may have the effect of making water too expensive for some households. The OECD has reported that water is becoming unaffordable for lower-income households even in industrialized countries.⁷⁴

Residential Water Price Reforms Will Not Significantly Reduce Water Scarcity

Even if all the aspects of water pricing reform worked as advertised, it would barely reduce water scarcity. The water pricing reform model has targeted residential water users, who are a tiny share of total consumption. It would not matter if water behaved like widgets and consumers responded to higher water prices by curtailing use, because even steep reductions in total household water use would be barely a drop in the bucket.

Almost all of the studies promoting pricing-based water demand management focus exclusively on household consumption, but not on the large water users like industry, commercial businesses and agriculture. One study noted that the academic “study area of greatest concentration pertains to household demand for water in urbanized areas.”⁷⁵ Some models explicitly “avoid introducing complications of non-urban uses of water, which have no material impact on pricing principles.”⁷⁶ A Food & Water Watch review of academic and industry literature found that three quarters (76 percent) of the studies looked *only* at residential response to price, and an additional 12



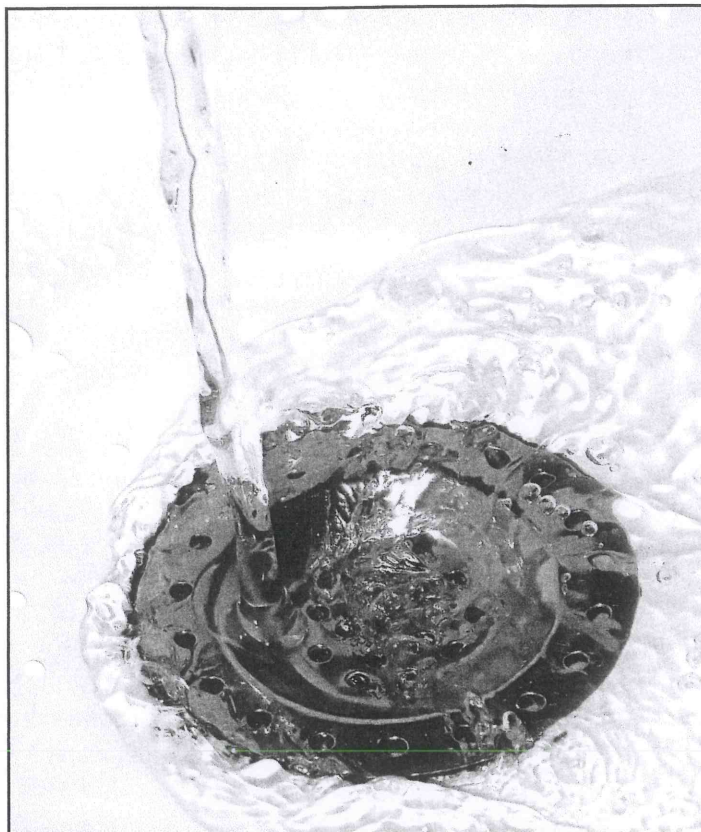
percent focused on residential water use but included other, non-residential water users.⁷⁷

Household water use is a small share of total water use, so any pricing reforms aimed at residential water users will not generate significant water savings, even if they reduced household water use to zero. Small efficiency gains in agricultural water use would dwarf potential savings from household water uses, and efficiency gains from industrial or commercial users may generate significant water savings without burdening lower-income households.

In the United States, household water use constitutes a tiny fraction of total water withdrawals, so any water savings would have little impact on scarcity. Domestic water use was 8 percent of freshwater withdrawals, compared to 40 percent for irrigation, livestock and aquaculture and 52 percent for industrial, commercial, mining and electric utilities in 2005, the latest data available.⁷⁸ This means that even a 5 percent increase in agricultural water efficiency could make enough water available to supply a quarter of America's residential consumers with water.

Most commercial water users and many industrial firms get their water from the same municipal utility networks as household users, but these corporate users are rarely included in the academic literature on water pricing reforms. Although businesses are expected to reduce costs and inefficiency, corporations routinely waste more water and discharge more pollution than is profitable.⁷⁹ But when prices increase, these firms have a significantly easier time increasing water efficiency than households do. The EPA estimates that industrial water users are about twice as responsive to price increases as households, reflecting a greater ability to squeeze wasteful water use out of industrial operations than out of kitchen faucets.⁸⁰ The American Water Works Association has reported that "conservation rates and other conservation programs have a greater effect on non-residential customers than residential customers."⁸¹

Applying water price reforms to industrial water use can generate significant water savings. A 2005 study of residential and non-residential (both industrial and commercial) water users in Spain found that non-residential users were 45 percent more responsive to rising water prices than households.⁸² A 1999 American Water Works Association study found that raising industrial water prices by 9.4 percent reduced industrial water use by 34 percent, but that price increases did not reduce household water



use.⁸³ These non-residential consumers cut daily water use by 4.5 million gallons — more than three times the daily 1.4 million gallons reduced by residential consumers.⁸⁴

Most water systems have different prices for different types of users, and households can even pay more per gallon than the largest industrial water users. Industrial, bulk water users are typically charged a higher base rate but a lower per-gallon price than household users are charged.⁸⁵ Some industrial consumers still pay declining block water rates with lower prices for higher volumes of water use, which provides no incentive to install more water-efficient equipment.⁸⁶

In some places, beverage companies that compete for water resources with local communities are paying a tiny amount for access to giant volumes of municipal water. Coca-Cola's Dasani bottled water plant in Marietta, Georgia, pays a lower average price per gallon than neighboring residents (assuming the beverage plant is billed at the cheapest rate for the largest industrial intake meters). Marietta Power & Water charges the largest industrial users \$1,080 for the first 300,000 gallons of water and then \$3.57 for each additional 1,000 gallons.⁸⁷ The Dasani plant draws about 9.6 million gallons of water a month from the municipal water supply, costing about

It would be a mistake for local water utility managers to rely on the faulty promises of market-based pricing to address demand-management needs.

\$34,300 per month for an average price 0.357¢ per-gallon.⁸⁸ The monthly bill for a single person who used 5,000 gallons a month would amount to \$25.71, or an average price of 0.514¢ per gallon — 44 percent more than Coca-Cola pays per-gallon.

The commercial sector, especially the tourism industry, consumes significant volumes of water. America's 16,000 golf courses use about 5 billion gallons of water daily — more than the state of Texas pumps through all its water pipes every day.⁸⁹ Hotels also consume a large volume of water and a disproportionate share of all commercial water use. In Seattle, Washington, hotels represent about 1 percent of commercial water meters but use about 5 percent of the commercial water.⁹⁰ Nationwide, each hotel room can use up to 400 gallons of water a night, more than double the average individual water use of 180 gallons per day.⁹¹ The least efficient hotel in Las Vegas uses nearly 1,000 gallons per room each day.⁹² The high-volume industrial and commercial water users need water pricing reform more than households, both to increase fairness to smaller residential water users and to more effectively promote conservation in sectors that can wring water waste out of their operations.

Most analyses of water pricing structures also ignore agricultural water use and focus almost entirely on household water consumption. Most of the studies of agricultural water price reform models have focused on farmers in the developing world. In the United States, farmers generally pay for the cost of delivering the water to their crops and the cost of maintaining the irrigation network, but not the capital costs for the irrigation infrastructure.⁹³

Theoretically, higher water prices should encourage farmers to adopt more efficient irrigation technology to reduce water use. But in the United States, farmers have not been considerably more responsive to increased water prices than have household consumers.⁹⁴ American farmers are

unlikely to install better irrigation equipment because of higher price signals alone; farmers only adopt more efficient irrigation technology when it is appropriate for their farmland, their crop and their soil conditions.⁹⁵ A single, market-based policy tool like pricing is not an effective way to generate aggregate agricultural water savings.⁹⁶

Conclusion: An Integrated Approach to Water Demand Management

While residential market-based water price reforms alone cannot significantly reduce water use or scarcity, improved water prices can be part of an integrated demand-management strategy. Better pricing schedules that reflect the true cost of water and encourage conservation by high-volume users should be a policy option in the toolbox to manage water demand, but not the only one. Fundamentally, demand-management strategies must apply to all water users, and a full range of appropriate policies should be tailored to the users.

In some cases, like with industrial and commercial water use or high-volume non-essential residential water use, certain pricing tools may be an effective option. Even when pricing policies will be used as a strategy to achieve appropriate social ends, such as water conservation, rigid adherence to market-based pricing should not be undertaken in a vacuum. Any pricing strategy, even as part of a broader range of demand-management policies, should be tailored to local conditions to best address the needs of the circumstances.⁹⁷ In many cases, water-use restrictions, incentives to install more water-efficient equipment or public education efforts may be much more effective.

Reducing total water waste and loss in municipal water systems is a key first step in combating water scarcity and reducing total water demand. The majority of America's water infrastructure was built just after World War II and is rapidly approaching the end of its productive life.⁹⁸ It costs more to deliver water through inefficient, leaky networks, and these older systems require more maintenance.⁹⁹ There are between 250,000 and 300,000 water main breaks a year in the United States, and leaks and main breaks spill an estimated 1.2 trillion gallons a year — amounting to as much as a fifth of municipal water use.¹⁰⁰ One reason America's water infrastructure is in such disrepair is a lack of federal funding. A federal Clean Water Trust Fund, similar to the program that provides funding for highways, would provide a guaranteed source

of funding for replacing and repairing these public infrastructure systems.

Historically, water utilities have not used price to reduce household water demand. Pricing strategies are negative incentives to deter wasting water, but governments and utilities can also utilize positive incentives to encourage conservation or quotas to restrict water use. Many utilities and local governments favor policies that do not rely on price as the primary tool to manage demand because of the potential negative impact raising prices can have on lower-income households.¹⁰¹

Theoretically, either a quota or a positive or negative incentive can be used to achieve the same water-saving outcome. For example, to encourage households to reduce their outdoor water use, governments could subsidize the purchase of rain barrels to collect water for lawn watering (a positive incentive), implement water pricing schedules with higher prices for higher levels of water use to encourage less water-intensive landscaping (a negative incentive), or establish a water quota by implementing a rotation lawn watering system that allows households to water their lawns only on certain days or certain hours.¹⁰²

Positive incentives to adopt more efficient water fixtures, appliances and equipment can generate significant water

savings. Many cities and water utility districts have mandated the use of low-flow water fixtures in new construction or provided rebates or other subsidies for homeowners to refit their homes with water-conserving upgrades.¹⁰³ Installing low-flow water fixtures (shower heads, toilets and washing machines) can reduce daily household water use by about a third, from 74 gallons to 52 gallons.¹⁰⁴ In California during the late 1980s drought, local programs to distribute low-flow fixtures, toilet tank displacement devices and dye tablets for toilet leak detection reduced water use by about 9 percent.¹⁰⁵

The most basic positive incentives involve public education campaigns. The Institute for Water Education has reported that these efforts “have yielded considerable reductions in water use and pollution.”¹⁰⁶ Public education and awareness efforts have included mailings to customers, community education workshops, public service announcements and leak detection programs for homeowners.¹⁰⁷ In California, these public education campaigns reduced residential consumption by about 8 percent.¹⁰⁸

Water-use restrictions can effectively curb wasteful water use, especially non-essential water uses like watering lawns, washing cars and filling swimming pools. During the California drought, restrictions on washing sidewalks and driveways and prohibiting lawn- and landscape-watering during the hottest part of the day reduced total municipal water consumption by more than a quarter (about 29 percent).¹⁰⁹

None of these policies can or should exist in a vacuum. Conservation technologies, effective public awareness campaigns, water restrictions and more effective pricing can work in combination better than they can work alone. Together, better water pricing and water-use restrictions can conserve more water than higher prices alone.¹¹⁰

It would be a mistake for local water utility managers to rely on the faulty promises of market-based pricing to address demand-management needs. Instead, U.S. localities should utilize the full range of policy alternatives available and tailored for local conditions. Any water rate system should seek to be equitable to all users, so that the burden of reducing demand does not fall disproportionately on any group of residents. Broad-based funding — encompassing fair pricing, grants, bonds and other public revenue streams — should be used in conjunction with strategies that encourage efficiency and conservation. No single strategy is sufficient, but used together, all can play an important role in a well-run water management system.

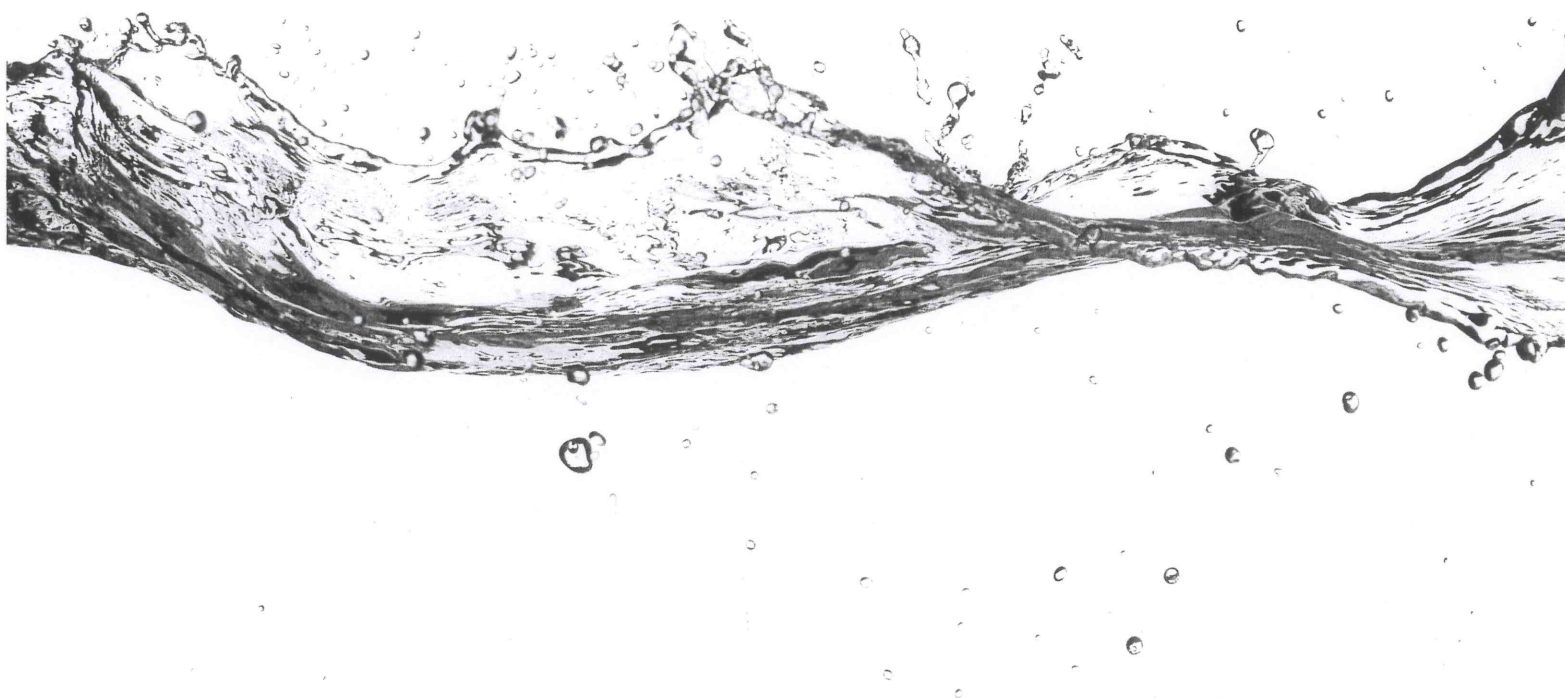


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Food & Water Watch*Main Office*

1616 P St. NW, Suite 300
Washington, DC 20036
tel: (202) 683-2500
fax: (202) 683-2501
info@fwwatch.org
www.foodandwaterwatch.org

California Office

25 Stillman Street, Suite 200
San Francisco, CA 94107
tel: (415) 293-9900
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ITEM 10-155

To hold a Public Hearing to consider and act on amendments to the Cumberland Traffic Ordinance to include No Parking Areas on Farwell Avenue near the Credit Union site.



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 21, 2010
Re: Traffic Ordinance Changes

With the pending opening of the Credit Union, I request the Town Council formally act on the Planning Board approved site plan, which included "No Parking Areas" along Farwell Avenue (Post Office side back toward Main Street) in locations as specified on the attached plan.

The Police Chief and Public Services Director are supportive of the changes.

Motion:

I move to amend the Traffic Ordinance **Article XIV: Stopping or Parking Restricted or Prohibited on Certain Streets**, subsection **14-3 Parking Prohibited at All Times on Certain Streets - Schedule A**

To include "No Parking" along Farwell Avenue 50' from the intersection of Main Street and directly in front of the Post Office driveway entrance onto Farwell Avenue and more specifically described on a plan for the site improvements for the Atlantic Regional Federal Credit Union, dated April 2010 as designed by SYTD Engineers.

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.

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.

ITEM 10-156

To hold a Public Hearing to consider and adopt the MMA
Model General Assistance Ordinance and Appendixes A-C for
the period of October 1, 2010 - October 1, 2011.

GENERAL ASSISTANCE ORDINANCE

APPENDICES A-C

2010-2011

The Municipality of Cumberland adopts the MMA Model Ordinance GA Appendices (A-C) for the period of Oct. 1, 2010—Oct. 1, 2011. These appendices are filed with the Department of Health and Human Services (DHHS) in compliance with Title 22 M.R.S.A. §4305(4).

Signed the 8th (day) of November (month) 2010 (year)
by the municipal officers:

Steve Moriarty

(Print Name)

Steve Moriarty

(Signature)

Shirley Storey-King

(Print Name)

Shirley Storey-King

(Signature)

Michael Perfetti

(Print Name)

Michael Perfetti

(Signature)

Jeffrey Porter

(Print Name)

Jeffrey W. Porter

(Signature)

Ronald Copp, Jr.

(Print Name)

Ronald Copp, Jr.

(Signature)

George Turner

(Print Name)

George L. Turner

(Signature)

MAINE MUNICIPAL ASSOCIATION

Legal Services
60 Community Drive
Augusta, Maine 04330-9486
(207) 623-8428
Fax (207) 623-1287

WILLIAM W. LIVENGOOD
REBECCA WARREN SEEL
RICHARD P. FLEWELLING
MICHAEL L. STULTZ
KRISTIN M. COLLINS
SUSANNE F. PILGRIM

JOSEPH J. WATHEN
(1957-1997)

To: Municipal Officials/Welfare Directors/General Assistance Administrators

From: Kristin Collins, Staff Attorney

Re: 2010-2011 General Assistance Ordinance Appendices A, B and C

Date: September 27, 2010

Enclosed please find the following items:

- MMA's new (October 1, 2010–October 1, 2011) **“General Assistance Ordinance Appendices”** (A, B and C).
- **“GA Maximums Summary Sheet”** which consolidates GA maximums into one document. Municipalities do have to insert individual locality maximums from Appendix A and C in the summary sheet where indicated in order to complete the information. The “summary” does not have to be adopted, as it is not an Appendix but a tool for municipal officials administering GA.
- **“GA maximums adoption form”** which was developed so that municipalities may easily send DHHS proof of GA maximums adoption. Once the selectmen or council adopts the new maximums, the enclosed form should be signed and submitted to DHHS in the self-addressed envelope provided with this packet (*see “Filing of GA Ordinance and/or Appendices” below for further information*).

Appendices A, B & C

The enclosed Appendices A, B and C have been revised for your municipality's General Assistance Ordinance. These new Appendices, once adopted, should replace the existing Appendices dated October 1, 2009–October 1, 2010. Even if you have already adopted MMA's model General Assistance Ordinance, the municipal officers must approve/adopt the new Appendices A-C yearly. The various maximum levels of General Assistance set forth in Appendices A-C are established as a matter of state law based on certain federal values that are made effective on the first day of October each year.

Appendix A

Appendix A is a listing of the overall maximum levels of assistance pertaining to all municipalities in Maine. These new overall maximum levels of assistance have been calculated on the basis of the 2010-2011 HUD Fair Market Rent (FMR) values that will become effective on October 1, 2010. These maximum levels of assistance are established by Maine General Assistance law (22 MRSA (4305(3-B))) and cannot be altered by action of the municipal officers.

You may notice that these levels, as well as the levels in Appendix C, are the same as or only slightly higher than they were for 2009-2010. This is because the annual increase in the federal poverty levels is a factor in the statutory formula used for calculating the overall maximums. This year was slightly unusual in that the federal government did not increase the federal poverty levels from last year.

Because HUD has reorganized certain localities, municipalities should first check to see in which locality they have been placed.

The following abbreviations may assist in your review of the maximums:

Abbreviations:

Department of Housing and Urban Development (HUD)

Fair Market Rent (FMR)

HUD Metro FMR (HMFA)

Metropolitan Statistical Area (MSA)

Appendix B

Appendix B is a listing of the maximum levels of assistance for food. These maximum levels are the same as the USDA 2010-2011 Thrifty Food Plan, which are presumed to be reasonable by regulation of the Department of Health and Human Services (DHHS). If the municipal officers wish to amend these maximum levels of food assistance, a local survey must be developed and provided to DHHS to justify the proposed alterations.

Appendix C

Appendix C is a listing of the maximum levels of assistance for housing (both heated and unheated). These maximum levels were developed by MMA using 2010-2011 HUD Fair Market Rent values that include utility costs. Because the FMR numbers include utility and heating costs, the applicable average utility and heating allowances, as developed by the Maine State Housing Authority (MSHA), are subtracted from the FMR to obtain a pure “housing” cost.

What should your municipality do if the housing maximums contained in this packet are unreasonably low (or high) given the rental rates in your area? The preferred option is to conduct a local rental survey. Municipalities exploring this option should contact DHHS for guidance on conducting such a survey.

Another option is to forego adopting housing maximums (the law does not actually require housing maximums—the other two maximums, i.e., Appendix A and B, are required). If you are a municipality that has to perform “emergency analysis” each and every time an applicant requests housing assistance and you are not planning to perform a market survey (although you probably should), then perhaps working without housing maximums is an option.

Emergency analysis should be an exception, not the rule. If it has become the rule in your municipality, then the adoption of artificially low housing maximums is of no service to you (or your clients) and you might be better off with no housing maximums. Municipalities choosing to forego housing maximums must still adhere to the overall maximum and work an applicant's budget accordingly. Such municipalities might choose to utilize the actual FMR provided by the federal government as a guide.

The Adoption Process

The **municipal officers (i.e., selectmen/council)** adopt the local General Assistance Ordinance and yearly Appendices, even in town meeting communities. The law requires that the municipal officers adopt the ordinance and/or Appendices **after notice and hearing**. Seven days posted notice is recommended, unless local law (or practice) provides otherwise.

At the hearing, the municipal officers should:

- 1) Allow all interested members of the public an opportunity to comment on the proposed ordinance;
- 2) End public discussion, close the hearing; and
- 3) Move and vote to adopt the ordinance either in its posted form or as amended in light of public discussion.

Filing of GA Ordinance and/or Appendices

Please remember that General Assistance law requires each municipality to send DHHS a copy of its ordinance once adopted. *(For a copy of the GA model ordinance, please call MMA's Publication Department, or visit our web site www.memun.org).* In addition, any changes or amendments, such as new Appendices, must also be submitted to DHHS. DHHS has made it easier by enclosing a self-addressed envelope for your use. DHHS will accept the enclosed "adoption sheet" as proof that a municipality has adopted the current GA maximums.

Finally, all general assistance forms and notices that the municipality intends to use must also be submitted to DHHS. If it is your intention to use MMA forms, and you have not already done so, simply state that intention to the Department when you submit your ordinance for DHHS filing. Remember, if you intend to use locally developed forms or notices, those forms should be submitted with your adopted ordinance. DHHS's GA Unit address is:

The Department of Health and Human Services
General Assistance Unit
#11 State House Station (Whitten Road)
Augusta, Maine 04333

By way of a reminder, municipalities that have not already seen or used MMA's "interactive" GA forms on MMA's web site are strongly encouraged to visit our site. GA forms (including MMA's model GA ordinance) and other materials are all available online at www.memun.org.

GA Overall Maximums

Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5*
Bangor HMFA: Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Old Town, Orono, Orrington, Penobscot Indian Island Reservation, Veazie	603	703	897	1140	1287
Penobscot County HMFA: Alton, Argyle UT, Bradford, Bradley, Burlington, Carmel, Carroll plantation, Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dixmont, Drew plantation, East Central Penobscot UT, East Millinocket, Edinburg, Enfield, Etna, Exeter, Garland, Greenbush, Howland, Hudson, Kingman UT, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell town, Mattawamkeag, Maxfield, Medway, Millinocket, Mount Chase, Newburgh Newport, North Penobscot UT, Passadumkeag, Patten, Plymouth, Prentiss UT, Seboeis plantation, Springfield, Stacyville, Stetson, Twombly UT, Webster plantation, Whitney UT, Winn, Woodville	615	617	741	927	1136
Lewiston/Auburn MSA: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	496	622	760	963	1066
Portland HMFA: Cape Elizabeth, Casco, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, Yarmouth; Buxton, Hollis, Limington, Old Orchard Beach	802	952	1233	1553	1664
York/Kittery/S.Berwick HMFA: Berwick, Eliot, Kittery, South Berwick, York	1000	1007	1206	1758	1915
Cumberland County HMFA: Baldwin, Bridgton, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago	665	784	1011	1207	1547
Brunswick	667	798	1030	1305	1565

Appendix A

Effective: 10/01/10-10/01/11

COUNTY	1	2	3	4	5*
Sagadahoc HMFA: Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Perkins UT, Phippsburg, Richmond, Topsham, West Bath, Woolwich	793	794	953	1201	1650
York County HMFA: Acton, Alfred, Arundel, Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limerick, Lyman, Newfield, North Berwick, Ogunquit, Parsonsfield, Shapleigh, Waterboro, Wells Biddeford, Saco, Sanford	725	754	958	1146	1252
	732	816	1029	1305	1543

*Note: Add \$75 for each additional person.

Non-Metropolitan Areas

Persons in Household

COUNTY	1	2	3	4	5*
Aroostook County	469	578	692	903	1000
Franklin County	581	627	763	912	1184
Hancock County	635	732	901	1199	1234
Kennebec County	503	603	750	1024	1093
Knox County	575	760	868	1175	1355
Lincoln County	694	746	900	1087	1226
Oxford County	485	645	743	989	1240
Piscataquis County	603	688	850	1079	1155
Somerset County	483	600	711	1003	1064
Waldo County	677	726	876	1074	1142
Washington County	581	628	749	928	1012

* Please Note: Add \$75 for each additional person.

Food Maximums

Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan. Through October 1, 2011, those amounts are:

Number in Household	Weekly Maximum	Monthly Maximum
1	46.51	200
2	85.35	367
3	122.33	526
4	155.35	668
5	184.42	793
6	221.40	952
7	244.65	1,052
8	279.53	1,202

Note: For each additional person add \$150 per month.

GA Housing Maximums (Heated & Unheated Rents)

NOTE: NOT ALL MUNICIPALITIES SHOULD ADOPT THESE SUGGESTED HOUSING MAXIMUMS! Municipalities should ONLY **consider** adopting the following numbers, if these figures are consistent with local rent values. If not, a market survey should be conducted and the figures should be altered accordingly. The results of any such survey must be presented to DHHS prior to adoption. **Or**, no housing maximums should be adopted and eligibility should be analyzed in terms of the Overall Maximum—Appendix A. (See *Instruction Memo* for further guidance.)

Non-Metropolitan FMR Areas

<u>Aroostook County</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		66	285	84	362
1		80	343	103	445
2		90	385	122	526
3		120	517	161	693
4		120	517	173	745
<u>Franklin County</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		95	408	108	465
1		97	418	115	493
2		114	491	139	596
3		134	578	165	708
4		172	741	216	930
<u>Hancock County</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		105	451	119	512
1		117	503	135	582
2		130	557	155	668
3		191	820	223	959
4		191	820	223	959
<u>Kennebec County</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		79	339	92	394
1		93	399	110	471
2		113	484	136	584
3		159	685	189	811
4		159	685	197	848

Appendix C

Effective: 10/01/10-10/01/11

Non-Metropolitan FMR Areas

<u>Knox County</u>			<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	Weekly	Monthly
0	94	405	107	460		
1	126	541	143	614		
2	137	590	161	691		
3	191	821	220	948		
4	209	899	252	1083		
<u>Lincoln County</u>			<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	Weekly	Monthly
0	119	513	132	568		
1	123	528	140	601		
2	144	619	167	720		
3	172	741	202	868		
4	172	741	202	869		
<u>Oxford County</u>			<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	Weekly	Monthly
0	75	321	88	378		
1	101	434	118	509		
2	110	472	134	577		
3	151	648	181	778		
4	184	792	227	978		
<u>Piscataquis County</u>			<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	Weekly	Monthly
0	96	413	111	479		
1	103	441	125	539		
2	123	527	154	663		
3	157	675	196	844		
4	157	675	205	881		
<u>Somerset County</u>			<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	Weekly	Monthly
0	74	319	87	376		
1	91	393	109	468		
2	103	443	127	548		
3	154	661	184	791		
4	154	661	191	821		

Appendix C

Effective: 10/01/10-10/01/11

Non-Metropolitan FMR Areas

<u>Waldo County</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		116	497	128	552
1		119	510	136	583
2		139	597	162	698
3		170	729	199	856
4		170	729	207	892
<u>Washington County</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		93	402	108	463
1		95	410	113	488
2		108	465	134	575
3		134	575	166	713
4		134	575	176	756

Metropolitan FMR Areas

<u>Bangor HMFA</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		96	413	111	476
1		106	455	127	548
2		132	569	162	698
3		170	730	207	891
4		176	756	230	988
<u>Penobscot County HMFA</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		99	424	114	491
1		99	424	114	491
2		100	429	131	565
3		125	538	164	707
4		145	622	201	865
<u>Lewiston/Auburn MSA</u>		<u>Unheated</u>		<u>Heated</u>	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		78	334	90	388
1		97	417	113	488
2		115	493	138	593
3		147	631	176	755
4		149	641	191	823

Appendix C

Effective: 10/01/10-10/01/11

Metropolitan FMR Areas

<u>Portland HMFA</u>			<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	Weekly	Monthly
0	142	611	154	666		
1	166	715	183	788		
2	214	922	238	1023		
3	271	1165	300	1292		
4	274	1180	318	1367		
<u>York/Kittery/S. Berwick HMFA</u>			<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	Weekly	Monthly
0	170	729	182	784		
1	170	729	182	784		
2	191	823	215	924		
3	289	1241	318	1368		
4	300	1289	343	1473		
<u>Cumberland County HMFA</u>			<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	Weekly	Monthly
0	111	479	124	534		
1	131	563	148	636		
2	167	720	191	821		
3	198	850	227	977		
4	250	1073	293	1260		
<u>Sagadahoc County HMFA</u>			<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	Weekly	Monthly
0	140	603	153	658		
1	140	603	153	658		
2	155	667	179	768		
3	186	798	215	925		
4	271	1167	314	1351		
<u>York County HMFA</u>			<u>Unheated</u>		<u>Heated</u>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	Weekly	Monthly
0	126	541	139	596		
1	126	541	141	608		
2	156	672	180	773		
3	185	795	214	922		
4	188	807	231	992		

GA MAXIMUMS SUMMARY SHEET
(Oct. 1, 2010-Oct. 1, 2011)

APPENDIX A
OVERALL MAXIMUMS

<u>County</u>	<u>Persons in Household</u>					
	1	2	3	4	5	6
NOTE: For each additional person add \$75 per month.						
(The applicable figures from Appendix A, <i>once adopted</i> , should be inserted here.)						

APPENDIX B
FOOD MAXIMUMS

<u>Number in Household</u>	<u>Weekly Maximum</u>	<u>Monthly Maximum</u>
1	46.51	200
2	85.35	367
3	122.33	526
4	155.35	668
5	184.42	793
6	221.40	952
7	244.65	1,052
8	279.53	1,202
NOTE: For each additional person add \$150 per month.		

APPENDIX C
HOUSING MAXIMUMS

Number of Bedrooms	<u>Unheated</u>		<u>Heated</u>	
	Weekly	Monthly	Weekly	Monthly
0				
1				
2				
3				
4				
(The applicable figures from Appendix C, <i>once adopted</i> , should be inserted here.)				

FOR MUNICIPAL USE ONLY

UTILITIES (Appendix D)

ELECTRIC

NOTE: For an electrically heated dwelling also see “Heating Fuel” maximums below. But remember, an applicant is *not automatically* entitled to the “maximums” established—applicants must demonstrate need.

1) Electricity Maximums for Households Without Electric Hot Water: The maximum amounts allowed for utilities, for lights, cooking and other electric uses *excluding* electric hot water and heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$14.00	\$60.00
2	\$15.70	\$67.50
3	\$17.45	\$75.00
4	\$19.20	\$82.50
5	\$21.00	\$90.00
6	\$22.70	\$97.50

NOTE: For each additional person add \$7.50 per month.

2) Electricity Maximums for Households With Electrically Heated Hot Water: The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses *excluding* heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$16.30	\$70.00
2	\$18.60	\$80.00
3	\$21.00	\$90.00
4	\$23.30	\$100.00
5	\$25.60	\$110.00
6	\$27.90	\$120.00

NOTE: For each additional person add \$10.00 per month.

NOTE: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below.

HEATING FUEL (Appendix E)

<u>Month</u>	<u>Gallons</u>	<u>Month</u>	<u>Gallons</u>
September	50	January	225
October	100	February	225
November	200	March	125
December	200	April	125

FOR MUNICIPAL USE ONLY

NOTE: When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon. When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than 7 tons of coal per year, 8 cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.

PERSONAL CARE & HOUSEHOLD SUPPLIES
(Appendix F)

<u>Number in Household</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1-2	\$10.50	\$45.00
3-4	\$11.60	\$50.00
5-6	\$12.80	\$55.00
7-8	\$14.00	\$60.00

NOTE: For each additional person add \$1.25 per week or \$5.00 per month.

SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

<u>Number of Children</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1	\$12.80	\$55.00
2	\$17.40	\$75.00
3	\$23.30	\$100.00
4	\$27.90	\$120.00

FOR MUNICIPAL USE ONLY

ITEM

10-157

To set a Public Hearing date (November 22nd) to consider and act on amendments to the Twin Brook Use Policy re: insurance, fees, horses, and lightning plan.

No materials for this item.

Workshop with Twin Brook Advisory Committee prior to November 22nd Town Council meeting.

ITEM 10-158

To set a Public Hearing date (November 22nd) to consider and act on authorizing the Town Manager to accept delinquent taxes for property identified as Tax Map U02/Lot 31 in the amount of \$20,446.18.

Brenda Moore

From: Tammy O'donnell
Sent: Thursday, November 04, 2010 8:37 AM
To: William Shane
Cc: Brenda Moore

Good Morning,

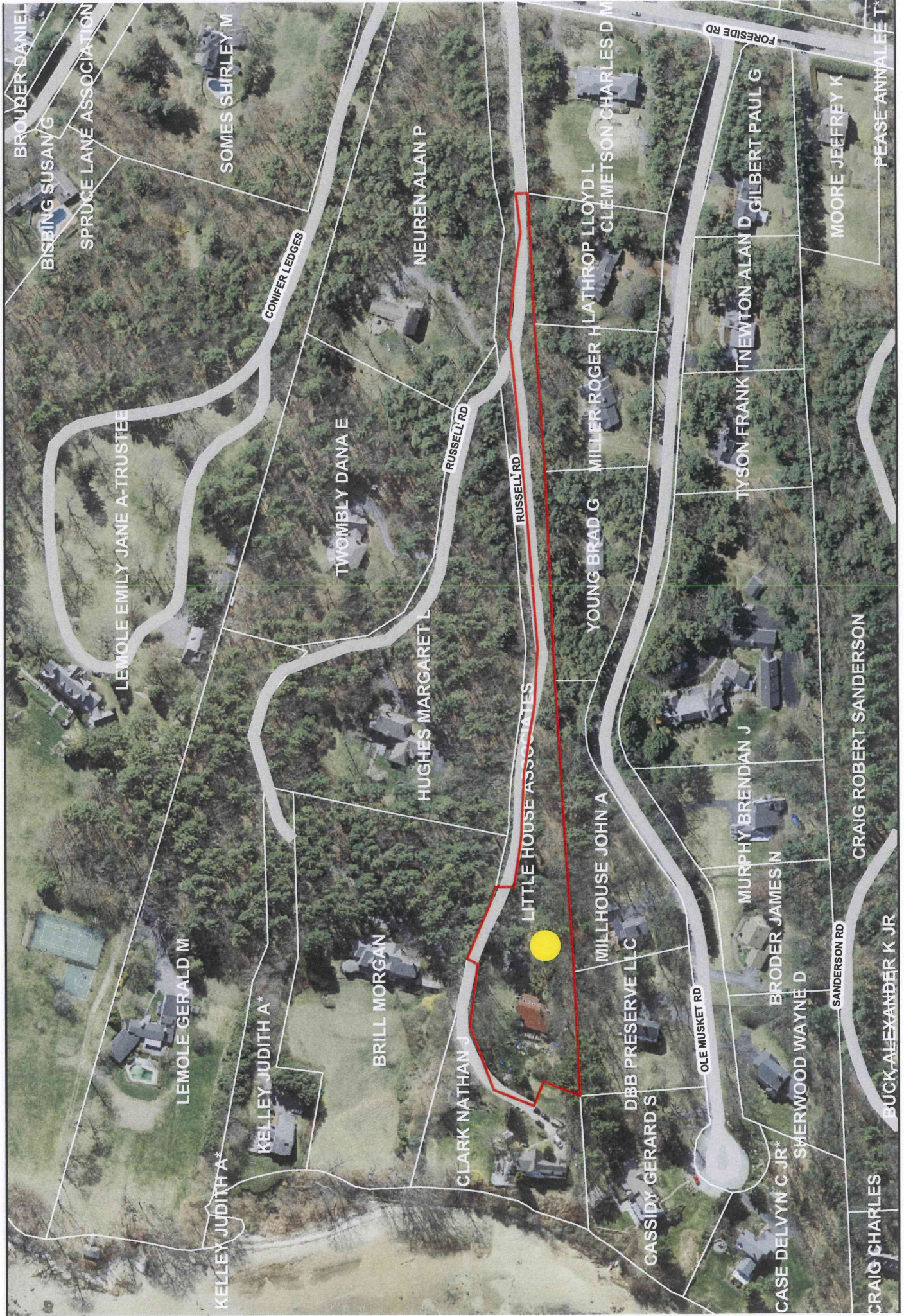
I have received a request for the Town to accept payment of back real estate taxes for property located at Map U02/Lot 31, property address 3 Russell Road, Cumberland Foreside, in the amount of \$20,446.18. This payment covers the remaining balance of 2008, all of 2009 and 2010, and the first half of 2011. As you know, this is a homeowner that we have been dealing with for several years and have finally been able to contact her son. The family was completely unaware of the situation. I have received the payment and am holding it until the Council makes a decision. If you have any further questions, please let me know. Thank you.

Tammy

State Use: 1010
Print Date: 11/04/2010 12:15

CURRENT OWNER			TOPO.		UTILITIES		STRT./ROAD		LOCATION		CURRENT ASSESSMENT							
LITTLE HOUSE ASSOCIATES C/O RUSSELL CICELY 3 RUSSELL RD CUMBERLAND FSDE, ME 04110 Additional Owners:											Description	Code	Appraised Value	Assessed Value				
											RESIDENTL	1010	140,900	140,900				
											RES LAND	1010	369,500	369,500				
											RESIDENTL	1010	8,300	8,300				
SUPPLEMENTAL DATA																		
Other ID: 0U02 0031 0000												Total 518,700 518,700						
EXEMPT RESEXM TREES hearing																		
GIS ID: 0U02 0031 0000						ASSOC PID#												
RECORD OF OWNERSHIP			BK-VOL/PAGE		SALE DATE		q/u v/i		SALE PRICE		V.C.		PREVIOUS ASSESSMENTS (HISTORY)					
LITTLE HOUSE ASSOCIATES LITTLE HOUSE ASSOCIATES RUSSELL JOSEPH B II			13701/64**		03/30/1998		U I		20,460		IJ		Yr.	Code	Assessed Value	Yr.	Code	Assessed Value
			13701/264*		03/30/1998		U I		184,140		IJ		2011	1010	140,900	2010	1010	140,900
			9790/ 032				U		0				2011	1010	369,500	2010	1010	369,500
Total:													2011	1010	8,300	2010	1010	8,300
Total:													518,700	Total:	518,700	Total:	518,700	
EXEMPTIONS			Amount		Code		Description		Number		Amount		Comm. Int.		This signature acknowledges a visit by a Data Collector or Assessor			
Year	Type	Description																
Total:															APPRAISED VALUE SUMMARY			
															Appraised Bldg. Value (Card)			
															Appraised XF (B) Value (Bldg)			
															Appraised OB (L) Value (Bldg)			
															Appraised Land Value (Bldg)			
															Special Land Value			
															Total Appraised Parcel Value			
															Valuation Method:			
															Adjustment:			
															Net Total Appraised Parcel Value			
															518,700			
BUILDING PERMIT RECORD										VISIT/ CHANGE HISTORY								
Permit ID	Issue Date	Type	Description	Amount	Insp. Date	% Comp.	Date Comp.	Comments	Date	Type	IS	ID	Cd.	Change Measur+Listed	Purpose/Result			
									7/31/1997			JP	43		Reinspection			
									10/25/1996			JD	00					
Net Total Appraised Parcel Value										518,700								
LAND LINE VALUATION SECTION																		
B #	Use Code	Use Description	Zone	D	Frontage	Depth	Units	Unit Price	I. Factor	Acre Disc	S.A. Factor	C. Idx	ST. Idx	Notes- Adj	Special Pricing	Adj. Unit Price	Land Value	
1	1010	Single Fam MDL-01	LDR	1			87,120 SF	1,40	1.00	5	1.0000	1.00	400	3.00		4.20	365,900	
1	1010	Single Fam MDL-01	LDR	1			1.00 AC	6,000.00	1.00	5	1.0000	0.20	400	3.00	TOPO/SHAPE	3,600.00	3,600	
Total Card Land Units: 3.00 AC Parcel Total Land Area:3 AC Total Land Value: 369,500																		

[illegible]



3 Russell Road

NEW BUSINESS

Building Permit Report - Calendar Year

Building Permit Report	Oct-08	Oct-09	Oct-10
MTD - Construction Dollar Amount	\$725,400.00	\$421,200.00	\$163,000.00
MTD - Number of Permits	13	19	20
MTD - Permit Fees	\$1,958.50	\$2,447.70	\$1,728.00
YTD - Construction Dollar Amount	\$9,857,607.87	\$6,934,168.00	\$6,669,630.00
YTD - Number of Permits	175	138	164
YTD - Permit Fees	\$39,640.20	\$25,117.00	\$32,753.37

Master Summary Report

Monthly Building Permits

Start Date: 10/1/2010

End Date: 10/31/201

Addition	2	\$49,300.00	\$184.00
Commercial	1	\$4,000.00	\$200.00
Demolition	2	\$4,600.00	\$50.00
Pool	1	\$30,000.00	\$100.00
Porches	2	\$7,000.00	\$85.00
Renovation	6	\$53,150.00	\$559.00
Shed	4	\$7,950.00	\$100.00
SHORELAND	2	\$7,000.00	\$450.00
Totals	20	\$163,000.00	\$1,728.00

YTD Building Permits

Access. Struct.	5	\$5,800.00	\$200.00
Addition	17	\$921,300.00	\$5,072.24
BARN	1	\$117,910.00	\$184.70
Commercial	6	\$1,097,343.00	\$4,203.90
CONDO	3	\$420,000.00	\$2,418.60
Deck	22	\$79,347.00	\$782.10
Demolition	6	\$7,200.00	\$125.00
Foundation	4	\$65,620.00	\$501.60
Garage	8	\$337,000.00	\$1,607.30
House	9	\$2,358,505.00	\$6,822.63
Mobile Home	1	\$24,900.00	\$238.00
Pier	1	\$140,000.00	\$180.00
Pool	5	\$176,000.00	\$700.00
Porches	8	\$46,500.00	\$418.40
Renovation	46	\$744,755.00	\$7,340.90
Shed	12	\$81,750.00	\$308.00
SHORELAND	9	\$15,700.00	\$1,500.00

<i>Small Wind Turbine</i>	1	\$30,000.00	\$150.00
	164	\$6,669,630.00	\$32,753.37

*Electrical Permits for dates between
10/01/10 and 10/31/10*

<i>Count</i>	<i>Fee</i>
18	\$1,204.20

YTD Electrical Permits

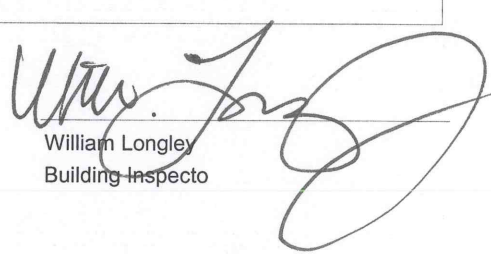
<i>Count</i>	<i>Fee</i>
110	\$8,166.45

*Plumbing Permits for dates
between 10/01/10 and 10/31/10*

<i>Count</i>	<i>Fee</i>
8	\$411.00

YTD Plumbing Permits

<i>Count</i>	<i>Fee</i>
92	\$8,293.50


 William Longley
 Building Inspector

Building Permits

Start Date: 10/1/2010

End Date: 10/31/2010

<i>Date</i>	<i>Permit</i>	<i>Map/Lot</i>	<i>Owner</i>	<i>Location</i>	<i>Imprvmnt</i>	<i>Est Cost</i>	<i>Fee</i>
10/5/2010	10-146	U19B / 5	BRANDA MARK	11 HILL TOP R	Renovation	\$20,000.00	\$200.00
10/6/2010	10-147	R04B / 31	BONNEVIE JAME	60 CROSSING	Renovation	\$1,250.00	\$50.00
10/7/2010	10-148	U20 / 26	MORSE LAWREN	8 LAKE ROAD	Addition	\$33,300.00	\$64.00
10/7/2010	10-149SZ	U01 / 20	MIRZA ZAREEN T	11 Spruce Lane	SHORELAND	\$7,000.00	\$150.00
10/19/2010	10-150	RO2D / 3 4	CUMBERLAND FI	9 GOOSE LEDG	Addition	\$16,000.00	\$120.00
10/19/2010	10-151	R02 / 42	MAIN LINE FENC	268 MIDDLE RO	Commercial	\$4,000.00	\$200.00
10/19/2010	10-152	U16 / 7	GUYOT CLAUDE	284 RANGE RO	Shed	\$450.00	\$25.00
10/19/2010	10-153	U20 / 3	SMALL DAVID J	198 GRAY ROA	Demolition	\$4,000.00	\$25.00
10/19/2010	10-154	U20 / 42A	CROCE GERALD	HIGHLAND AVE	Demolition	\$600.00	\$25.00
10/19/2010	10-155 SZ	R02 / 18	VORLICEK ANTH	307 Foreside Ro	Shed	\$5,000.00	\$25.00
10/19/2010	10-156 SZ	R02 / 18	VORLICEK ANTH	307 Foreside Ro	SHORELAND		\$150.00
10/19/2010	10-157	R06 / 49	SEEKINS NORM	161 BLANCHAR	Porches	\$1,000.00	\$25.00
10/19/2010	10-158	R07D / 10	ZAMBERNARDI R	45 STONEWAL	Pool	\$30,000.00	\$100.00
10/19/2010	10-159	R08 / 62A	GORDON THOM	58 ORCHARD R	Renovation	\$5,900.00	\$59.00
10/20/2010	10-160 SZ	I08 / 9	PAUL DAVID D	STURDIVANT I	SHORELAND	\$0.00	\$150.00
10/21/2010	10-161	U20 / 42A	CROCE GERALD	HIGHLAND AVE	Shed	\$1,500.00	\$25.00
10/26/2010	10-162	R02C / 2	STANLEY DWIG	100 RAVINE DR	Porches	\$6,000.00	\$60.00
10/26/2010	10-163	U20 / 82	THAN TUN AYE	18 SKILLINGS R	Renovation	\$2,000.00	\$50.00
10/26/2010	10-164	U10 / 17	PRINCE MEMORI	266 MAIN STRE	Renovation	\$4,000.00	\$0.00
10/26/2010	10-165	U17 / 8	BRYNE CHRISTO	29 LOWER MET	Renovation	\$20,000.00	\$200.00
10/28/2010	10-166	R08A / 55	WRIGHT MARK	270 Bruce Hill R	Shed	\$1,000.00	\$25.00
						\$163,000.00	\$1,728.00

PLUMBING PERMITS

Permit ID	Date Issued	Owner	Location	Description	Plummer	Permit Type	Est. Cost	Fee
4774	10/7/2010	CHASE CUSTOM HOME	WESTBRANCH	Water Treatment	Air & Water Quality	Internal	\$0.00	\$36.00
4775	10/7/2010	FERLAND ISABEL CHRI	2 Birch Lane	Solar Panel	ReVision Energy	Internal	\$0.00	\$36.00
4776	10/7/2010	LIBBY JOSEPH S	17 Hedgerow Drive		Eric MacVane	Internal	\$0.00	\$45.00
4777	10/20/2010	PAUL DAVID D	STURDIVANT ISLAND	Septic System		External	\$0.00	\$150.00
4778	10/9/2010	BRANDA MARK	11 HILL TOP ROAD	Internal	Bradbury	Internal	\$0.00	\$36.00
4779	10/19/2010	GRASS VICTORIA	358 MAIN STREET	Renovation	E. C. Russell	Internal	\$0.00	\$36.00
4780	10/19/2010	BROWN MARK W	31 Blanchard Road	Ron Brown		Internal	\$0.00	\$36.00
4781	10/19/2010	PUTNAM KENDALL C	341 MAIN STREET		Plumb-It	Internal		\$36.00

Electrical Permits

<i>Date Permit</i>	<i>Owner</i>	<i>Location</i>	<i>Est Cost</i>	<i>Fee</i>
10/4/2010 096-10	ENGHOLM RUDY	106 RAVINE DRIVE	\$0.00	\$50.00
10/5/2010 095-10	CHASE CUSTOM H	20 WESTBRANCH	\$0.00	\$140.90
10/5/2010 097-10	HOERING JOHN F	277 MAIN STREET	\$0.00	\$125.00
10/6/2010 098-10	BONNEVIE JAMES	60 CROSSING BRO	\$0.00	\$50.00
10/6/2010 100-10	PUTNAM KENDALL	341 MAIN STREET	\$0.00	\$50.00
10/6/2010 99-10	MERCIER PETER J	33 HILLSIDE AVEN	\$0.00	\$65.00
10/7/2010 101-10	LIBBY JOSEPH S	17 Hedgerow Drive	\$0.00	\$100.00
10/7/2010 102-10	HILTON BRADFORD	51 BLANCHARD RD	\$0.00	\$50.00
10/13/2010 103-10	BRANDA MARK	11 HILL TOP ROAD	\$0.00	\$71.40
10/14/2010 104-10	DOREE KEVIN	10 STOCKHOLM DR	\$0.00	\$71.40
10/20/2010 105-10	PARRY LYNELL	75 MILL ROAD	\$0.00	\$80.50
10/20/2010 106-10	BROWN MARK W	31 Blanchard Road	\$0.00	\$50.00
10/25/2010 107-10	LSH HOLDINGS	34 YORK LEDGE D	\$0.00	\$50.00
10/27/2010 108-10	SHOREY SUSAN M	125 BLANCHARD R	\$0.00	\$50.00
10/27/2010 109-10	RANDALL ELEANO	84 ROUTE 1	\$0.00	\$50.00
10/27/2010 110-10	MCDONOUGH MIC	30 FARWELL AVEN	\$0.00	\$50.00
10/27/2010 111-10	L S H HOLDINGS, I	27 YORK LEDGE D	\$0.00	\$50.00
10/27/2010 112-10	LSH HOLDINGS INC	30 YORK LEDGE D	\$0.00	\$50.00
18			\$0.00	\$1,204.20



MaineDOT

**NOTICE OF
PRELIMINARY PUBLIC MEETING
IN YARMOUTH
THURSDAY, NOVEMBER 18th, 2010,
6:00 – 8:00 PM LOCATED AT
YARMOUTH TOWN HALL
COMMUNITY ROOM
200 MAIN STREET
YARMOUTH, MAINE 04096**

Representatives of the Maine Department of Transportation will be available on Thursday evening, November 18, 2010 from 6:00 – 8:00 p.m. to explain proposed highway improvements on:

Pin# 011086.00: Interstate 295, Exit 15: Northbound and Southbound ramp improvements.

Pin# 017490.00: Parking lot development in conjunction with the I-295 interchange project at Exit 15 in Yarmouth.

Accommodations will be made for persons with disabilities. Auxiliary aids will be provided upon advance request.

Any inquiries regarding this project may be directed to the attention of Ernie Martin, Project Manager, Maine Department of Transportation, Highway Program, 16 State House Station, Augusta, Maine 04333-0016. Telephone (207) 624-3381.

Project Identification Number 017490.00
Federal Aid Project Number CM-1749(000)X
Project Identification Number 011086.00
Federal Aid Project Number IM-295-1108(600)E
TDD Telephone (888) -516-9364

FOR 2011 04

ACCOUNTS FOR: 001 General Fund	ORIGINAL APPROP	TRANFRS/ ADJSTMNTS	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
130 Administration	422,208	0	422,208	152,943.05	.00	269,264.95	36.2%
140 Assessor	80,653	0	80,653	51,150.31	.00	29,502.69	63.4%
150 Town Clerk-HR-Tax Collector	284,010	0	284,010	81,769.37	.00	202,240.63	28.8%
160 Technology	152,551	0	152,551	81,839.38	.00	70,711.62	53.6%
165 Elections	17,949	0	17,949	4,329.23	.00	13,619.77	24.1%
170 Planning Board	81,065	0	81,065	22,545.53	.00	58,519.47	27.8%
190 Legal	40,000	0	40,000	9,397.74	.00	30,602.26	23.5%
210 Police	962,059	0	962,059	350,968.77	.00	611,090.23	36.5%
220 Fire	708,078	0	708,078	261,856.91	.00	446,221.09	37.0%
230 Rescue	0	0	0	66.95	.00	-66.95	100.0%
240 Code Enforcement	82,723	0	82,723	16,194.54	.00	66,528.46	19.6%
260 Canine Control	39,413	0	39,413	16,782.84	.00	22,630.16	42.6%
310 Public Works	869,550	0	869,550	258,898.46	8,024.83	602,626.71	30.7%
320 Waste Disposal	756,452	0	756,452	182,689.57	.00	573,762.43	24.2%
410 Recreation	450,489	0	450,489	236,628.20	.00	213,860.80	52.5%
430 Parks	165,642	0	165,642	71,622.60	.00	94,019.40	43.2%
440 West Cumberland Rec	8,100	0	8,100	2,437.25	.00	5,662.75	30.1%
450 Library	353,580	0	353,580	117,246.15	3,639.98	232,693.87	34.2%
580 General Assistance	19,347	0	19,347	11,219.88	150.00	7,977.12	58.8%
590 Health Services	9,027	0	9,027	2,576.68	.00	6,450.32	28.5%
620 Cemetary Association	22,000	0	22,000	24,112.50	.00	-2,112.50	109.6%
630 Conservation Commission	1,500	0	1,500	1,840.00	.00	-340.00	122.7%
640 Rines Forest	1,500	0	1,500	.00	.00	1,500.00	0%
650 Debt Service	998,578	0	998,578	578,748.45	.00	419,829.55	58.0%
750 Insurance	254,252	0	254,252	167,937.82	.00	86,314.18	66.1%
800 Fire Hydrants	59,000	0	59,000	18,177.73	.00	40,822.27	30.8%
810 Street Lighting	30,000	0	30,000	8,675.82	.00	21,324.18	28.9%
830 Contingent	10,000	0	10,000	1,200.00	.00	8,800.00	12.0%
840 Municipal Building	162,675	0	162,675	46,590.19	.00	116,084.81	28.6%
850 Abatements	10,000	0	10,000	.00	.00	10,000.00	0%
860 MSAD #51	11,830,338	0	11,830,338	3,937,712.32	.00	7,892,625.68	33.3%
890 County Tax	600,901	0	600,901	600,901.00	.00	.00	100.0%
910 Capital Imp. Plan	333,485	0	333,485	333,485.00	.00	.00	100.0%
TOTAL General Fund	19,817,125	0	19,817,125	7,652,544.24	11,814.81	12,152,765.95	38.7%

WORKSHOP



Cumberland Town Council Meeting
Monday, November 8, 2010
6:00 p.m. Workshop
7:00 p.m. Call to Order

The Cumberland Town Council will hold a workshop at 6:00 p.m. with Bateman Partners, LLC re: Doane Property Development Proposal, and its regular meeting at 7:00 p.m. on Monday, November 8, 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 presentation from David Bateman of Bateman Partners, LLC re: proposal of development of the Doane Property.
- To hold a Public Hearing to consider and act on a Moratorium Ordinance regarding extraction of earth materials and water extraction, pumping and/or bulk storage.
- To hold a Public Hearing to consider and act on the installation of stop signs at Carriage Road and Hallmark Road.
- To hold a Public Hearing to consider and act on amendments to the Cumberland Traffic Ordinance to include No Parking Areas on Farwell Avenue near the Credit Union site.
- To hold a Public Hearing to consider and adopt the MMA Model General Assistance Ordinance and Appendixes A-C for the period of October 1, 2010 - October 1, 2011.
- To set a Public Hearing date (November 22nd) to consider and act on amendments to the Twin Brook Use Policy re: insurance and fees.

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