

AGENDA

Cumberland Town Council Meeting
Town Council Chambers

MONDAY, December 10, 2012

6:00 Workshop

7:00 p.m. Call to Order

6:00 P.M. WORKSHOP to discuss Aquifer Protection Ordinance amendments.

I. CALL TO ORDER

II. APPROVAL OF MINUTES

November 26, 2012

III. MANAGER'S REPORT

IV. PUBLIC DISCUSSION

V. LEGISLATION AND POLICY

12 – 192 To hold a Public Hearing to consider and act on amending the Cumberland Shellfish Conservation Ordinance, as recommended by the Shellfish Conservation Commission.

12 – 193 To consider and act on reappointing Town Clerk, Tamara O'Donnell as Registrar of Voters for the period of January 1, 2013 – December 31, 2014.

12 – 194 To consider and act on cancelling the December 24, 2012 Town Council Meeting and rescheduling it to December 17, 2012.

12 – 195 To set a Public Hearing date (December 17th) to consider and act on authorizing the Code Enforcement Officer to enter into a Consent Agreement with property owners located at 249 Gray Road.

VI. NEW BUSINESS

VII. EXECUTIVE SESSION pursuant to 1 M.R.S.A., § 405(6)(A)(1) re: discussion or consideration of appointments, and pursuant to 1 M.R.S.A., § 405(6)(C) re: real property acquisition.

VIII. ADJOURNMENT

MOTIONS

MOTIONS

- 12 – 192 I move to amend** section 105 (Definitions) of the Cumberland Shellfish Conservation Ordinance by adding a definition for Conservation Fee, as recommended by the Shellfish Conservation Commission.
- 12 – 193 I move to reappoint** Town Clerk, Tamara O'Donnell as Registrar of Voters for the period of January 1, 2013 – December 31, 2014.
- 12 – 194 I move to cancel** the December 24, 2012 Town Council Meeting and reschedule it to December 17, 2012.
- 12 – 195 I move to set** a Public Hearing date of December 17th to consider and act on authorizing the Code Enforcement Officer to enter into a Consent Agreement with property owners located at 249 Gray Road.

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

MINUTES

11/26/12

MINUTES

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, November 26, 2012

5:45 p.m. Workshop with John Sevee re: Aquifer 101

7:00 p.m. Call to Order

Present: Chairman Moriarty, Councilors Turner, Storey-King, Stiles, Gruber, Copp & Perfetti

I. APPROVAL OF MINUTES

Motion by Councilor Gruber, seconded by Councilor Copp, to approve the October 22, 2012 minutes as presented.

VOTE: 7-0

UNANIMOUS PASSAGE

II. MANAGER'S REPORT

Presentation of Business Friendly Community Award from Commissioner George Gervais, of the Maine Department of Economic and Community Development.

Commissioner Gervais presented Economic Development Director, Alyssa Tibbetts the Business Friendly Community Award (and two road signs), adding that Cumberland is really deserving of this award.

Dean Miller of Maine Standards commented that their company searched for some time for a location to relocate to. When they met with Town Manager Shane and Ms. Tibbetts, they knew that Cumberland was the perfect fit for them, and Maine Standards hopes to be good members of the community for a long time.

Nathan Bateman said that Bateman Partners has been actively developing in the State of Maine for the past 35 years. Of all the communities that they have developed in, Cumberland has been the most user friendly community. To be able to go from a vision, a little under two years ago, to actual implementation of their project is a true testament to Mr. Shane, Town Staff, the Town Council, and Planning Board.

Chairman Moriarty thanked Mr. Gervais, Mr. Miller and Mr. Bateman. This is a time of pride for the Town and the realization of something we have been working toward for some time now. The signs will be displayed very proudly.

Town Manager Shane said that while he has received a lot of the credit for this, Alyssa Tibbetts was the one who crafted the application and did most of the heavy lifting for this achievement.

III. PUBLIC DISCUSSION

Pete Wilson of 18 Oak Ridge Road requested that the Town adopt a policy allowing police videos of traffic stops be made public and immediately available to any citizen of the Town, upon their request. If the video involves a minor, make the video available to their parents or the minor. Mr. Wilson said that he feels the videos are Town property that citizens pay for, and it should not be difficult to obtain. Police

work should be transparent and if someone is embarrassed by the video, they likely ought to be. He hopes the Council takes this seriously as it makes a lot of sense to him.

Town Manager Shane responded that the Town has no policy because there are so many civil issues related to this. For example, if someone were to get stopped by the Police and arrested for OUI, and it was determined that their blood alcohol level was in fact under the legal limit, all of a sudden the public has access to the video, That would become very problematic for that individual who, in fact, did not commit an unlawful act. Some cases take months or years before they go to trial. The cases that result in no conviction do not require that the tapes are kept.

Bert Kendall, Commander of the American Legion Post 91 in Yarmouth was present to follow up on a letter that he sent to the Council approximately a month ago. The letter was asking for the support of the Council to celebrate the 60th anniversary of the end of the Korean War on Veterans Day 2013. He has appeared before the Council in Yarmouth and the Select Board in North Yarmouth, and both gave their support. There will be a planning committee formed consisting of a Korean War Veteran, members of the post, residents of the Town's, and a member from each Town's Council/Select Board. There will be a parade beginning at Moss Side Cemetery in Cumberland, into North Yarmouth, then into Yarmouth, with the residents of all three Towns lining the streets to celebrate in a way that these Veterans deserve. Mr. Kendall said that he is here this evening simply to ask the Council for their support and the committee will handle the planning.

Councilor Gruber thanked Mr. Kendall and the entire American Legion Post 91 for donating turkeys to the food bank this year.

Chairman Moriarty said that he fully supports the plan, but was not entirely sure what Mr. Kendall needed from the Council.

Mr. Kendall said that once he knows that he has the support from the three Towns, he will write each Town a letter advising them that a planning committee will be formed, and ask that a member of the Council/Select Board represent their Town (or suggest someone) on the committee.

Motion by Councilor Storey King, seconded by Councilor Gruber, to support the efforts of the American Legion Post 91 and participate in the parade planning of the 60th anniversary of the end of the Korean War on Veterans Day 2013.

Councilor Storey-King volunteered to represent Cumberland on the planning committee.

Paul Murphy, representing the Cumberland/North Yarmouth Lions Club said that he is in charge of coordinating the Tree Lighting Ceremony (on the corner of Tuttle Road and Main Street), which is scheduled for December 3rd. Last week, he was inspecting the tree lights with Peter Bingham and Fire Chief Dan Small, and they discovered that the lights did not work. The Public Services Department will send an electrician to determine what needs to be done in order to light the tree. According to Mr. Bingham, new lights will cost approximately \$1,200. The Lions Club cannot afford this cost and Mr. Murphy respectfully requested that the Town consider taking over the maintenance and replacement of the lights this year and in the future.

Town Manager Shane explained that it is not simply the cost of new lights, it is also taking the existing lights off the tree and putting the new lights up, with the use of a bucket truck (approximately \$850), and the power source.

Councilor Perfetti said that the Council will get the tree lit and asked the Manager what he needed from the Council to make it happen.

Town Manager Shane said that the Lions have accepted responsibility for the tree for decades and it has gotten to be a much larger expense than it was in the past. The Lions Club does so much for this community that goes unrecognized and this is a very small request compared to the value of the club to the community.

Councilor Copp said that he would like to give the Manager authorization to go forward with this request, but wants to go one step further and challenge the entire Council to see how much money they can collect by the next meeting to help pay for the cost of the new lights.

Councilor Gruber asked Mr. Murphy if the Town agrees to pay up to \$2,500 and the cost exceeds that amount, would the Lions Club step up and pay the difference?

Mr. Murphy said that the Lions Club would, but he did not have the exact amount that they would be willing to contribute. The directors of the club were meeting to discuss that this evening.

Chairman Moriarty asked there was a consensus of the Council that they authorize the Town Manager to spend up to \$2,500 to light the tree this year.

The Council agreed unanimously.

Carin and Gary Wilson, who currently own a home in North Yarmouth but also own a little over 5 acres in West Cumberland, read the following letter to the Council:

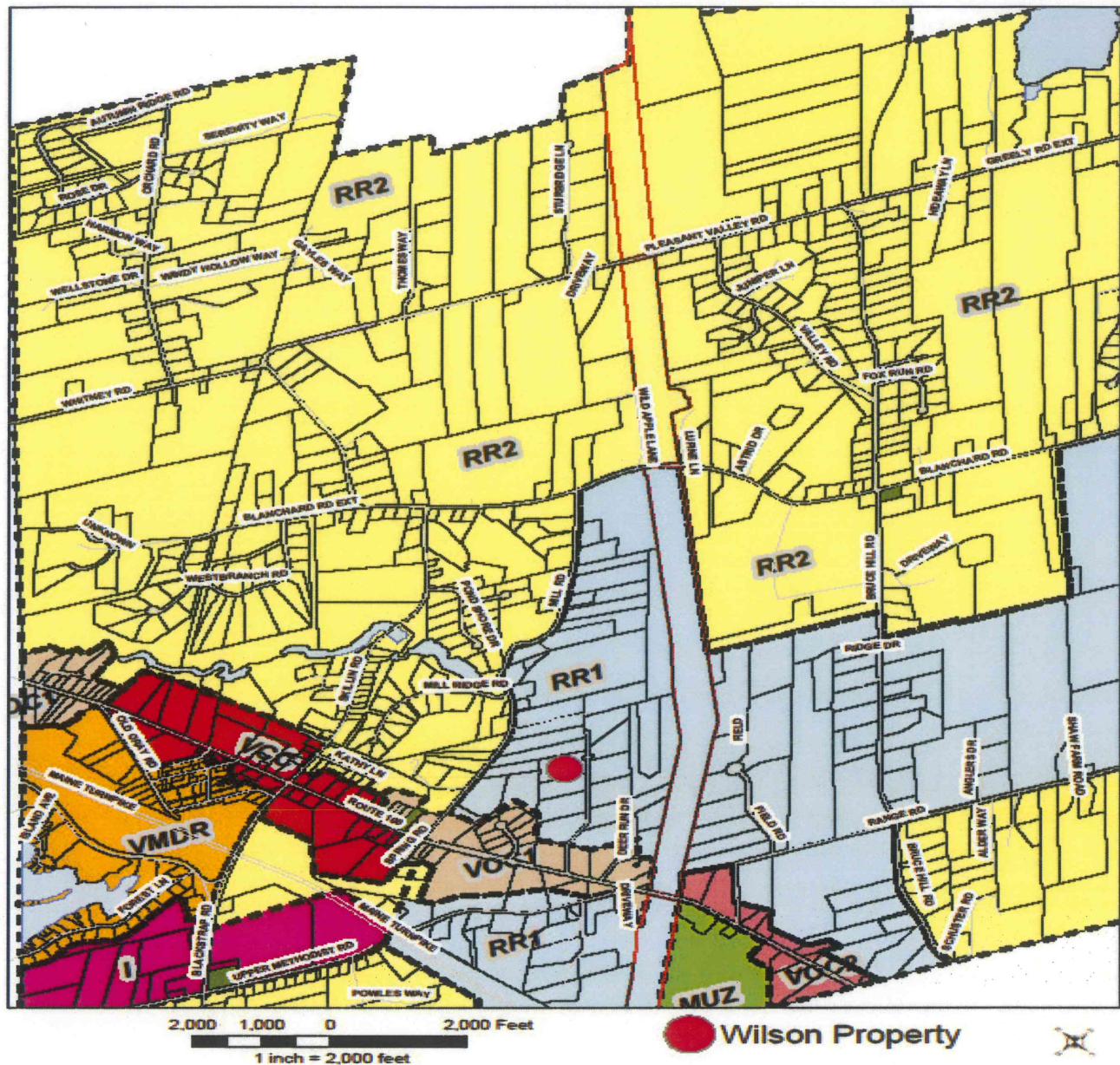
We are here to propose that this area gets changed from an RR1 zone, which is a minimum of 4 acre lots, to an RR2 zone to be consistent with the land around it.

Our property overlooks the Morrison Hill Development which is approved lots of less than a ½ an acre. All additional land surrounding us is an RR2 zone which is two acre lots.

We understand that there is a district goal to raise student population in our schools. Rezoning this area would work towards meeting this goal.

Our zone has gone through tremendous changes since it was zoned in the 1980's. We appreciate your consideration to rezone the RR1 zone from the power line to Mill Road or the land that is directly affected by the Morrison Hill Development.

Thank you for your time.



Chairman Moriarty thanked the Wilson's for bringing this forward and explained that the Ordinance Committee has a process for dealing with this type of request. This situation will be a challenge for the Ordinance Committee because of the size of the property and the other parcels and property owners involved.

Mrs. Wilson said that they realize this process will take a long time and they do not have any sort of a deadline.

Chairman Moriarty explained that the Ordinance Committee would consider the request and report back to the Town Council with a recommendation.

IV. LEGISLATION AND POLICY

12 – 182 To hold a Public Hearing to consider and act on the 2013 Shellfish License allocations, as recommended by the Shellfish Conservation Commission.

Mike Brown, Chairman of the Shellfish Conservation Commission, explained that the clam flats remain closed between May 31st and November 1st each year. The license allocations are identical to last year with the one exception of decreasing the number of non-residential recreational licenses from 40 to 25.

Chairman Moriarty opened the Public Hearing.

Public discussion: None

Chairman Moriarty closed the Public Hearing.

Motion by Councilor Storey-King, seconded by Councilor Stiles, to set the 2013 Shellfish License allocations recommended by the Shellfish Conservation Commission as follows (pending approval from the Department of Marine Resources):

RECREATIONAL:

Unlimited resident recreational licenses

25 non-resident recreational licenses

8 monthly resident licenses

2 monthly non-resident licenses

COMMERCIAL:

5 resident commercial licenses

1 non-resident commercial license

VOTE: 7-0 UNANIMOUS PASSAGE

12 – 183 To set a Public Hearing date (December 10th) to consider and act on amending the Cumberland Shellfish Conservation Ordinance, as recommended by the Shellfish Conservation Commission.

Motion by Councilor Stiles, seconded by Councilor Gruber, to set a Public Hearing date of December 10th to consider and act on amending the Cumberland Shellfish Conservation Ordinance, as recommended by the Shellfish Conservation Commission.

VOTE: 7-0 UNANIMOUS PASSAGE

12 – 184 To hold a Public Hearing to consider and act on amendments to the Official Overlay Zoning Map around the east side of Knight's Pond (Map R06/Lot 29, and a portion of Map R06/ Lot 33) from Resource Protection (RP) to Limited Residential (LR), as recommended by the Planning Board.

Chairman Moriarty explained that a neighborhood meeting for this area is tentatively planned for the evening of Thursday, December 6th. It would be premature to act on this item prior to the neighborhood meeting.

Motion by Councilor Stiles, seconded by Councilor Perfetti, to table this item until it is ready for further review.

VOTE: 7-0 UNANIMOUS PASSAGE

12 – 185 To hold a Public Hearing to consider and act on repealing and replacing Chapter 235 (Solid Waste) of the Cumberland Code.

Chairman Moriarty explained that the Ordinance Committee reviewed the Solid Waste Ordinance and did some clean-up of definition of Household trash and some other items.

Chairman Moriarty opened the Public Hearing.

Public discussion: None

Chairman Moriarty closed the Public Hearing.

Councilor Storey-King recommended removing the #1 in Article III, Section 236-6 (Acceptable Bulky Items) since there is no #2, and deleting #3 in Article IV, Section 235-10 (E)(3) “*Trucks must be cleaned before handling recyclable materials*”. This language is old and is no longer needed.

Town Manager Shane agreed.

Motion by Councilor Stiles, seconded by Councilor Copp, to repeal Chapter 235 (Solid Waste) of the Cumberland Code and replace it with the new Chapter 235 (Solid Waste), as recommended by the Ordinance Committee, with the noted corrections that Councilor Storey-King made this evening.

VOTE: 7-0 UNANIMOUS PASSAGE

12 – 186 To hold a Public Hearing to consider and act on draft zoning amendments to Chapter 315, Article I, Section 315.4 (Definitions) of the Cumberland Code, as recommended by the Planning Board.

Chairman Moriarty explained that this item adds a definition to the Zoning Ordinance for “Accessory Dwelling Unit” also known as an in-law or accessory apartment.

Chairman Moriarty opened the Public Hearing.

Public discussion: None

Chairman Moriarty closed the Public Hearing

Motion by Councilor Gruber, seconded by Councilor Stiles, to amend Chapter 315, Article I, Section 315.4 (Definitions) of the Cumberland Code, as recommended by the Planning Board.

VOTE: 7-0 UNANIMOUS PASSAGE

12 – 187 To hold a Public Hearing to consider and act on draft zoning amendments to Chapter 315, Article VI, Section 315-45A (Accessory Apartments) of the Cumberland Code, as recommended by the Planning Board.

Chairman Moriarty said that this amendment provides standards for the conversion of a structure into an Accessory Dwelling Unit.

Chairman Moriarty opened the Public Hearing.

Public discussion: None

Chairman Moriarty closed the Public Hearing

Motion by Councilor Copp, seconded by Councilor Gruber, to amend Chapter 315, Article VI, Section 315-45A (Accessory Apartments) of the Cumberland Code, as recommended by the Planning Board.

VOTE: 7-0 UNANIMOUS PASSAGE

12 – 188 To hold a Public Hearing to consider and act on draft zoning amendments to Chapter 315, Article II (Zoning Districts), Sections 315-6 through 11, §315-15 through 18, §315-20 and §315-21 of the Cumberland Code, as recommended by the Planning Board.

Chairman Moriarty explained that this allows for Accessory Dwelling Units in each of the defined residential districts of the Town.

Chairman Moriarty opened the Public Hearing.

Public discussion: None

Chairman Moriarty closed the Public Hearing

Motion by Councilor Copp, seconded by Councilor Storey-King, to amend Chapter 315, Article II (Zoning Districts), Sections 315-6 through 11, §315-15 through 18, §315-20 and §315-21 of the Cumberland Code, as recommended by the Planning Board.

VOTE: 7-0 UNANIMOUS PASSAGE

12 – 189 To hold a Public Hearing to consider and act on draft zoning amendments to Chapter 229, Site Plan Review, Section 229-2B (Classification Levels) of the Cumberland Code, as recommended by the Planning Board.

Chairman Moriarty explained that this item refers to adding a reference of Accessory Dwelling Unit to the Site Plan Review Ordinance.

Chairman Moriarty opened the Public Hearing.

Public discussion: None

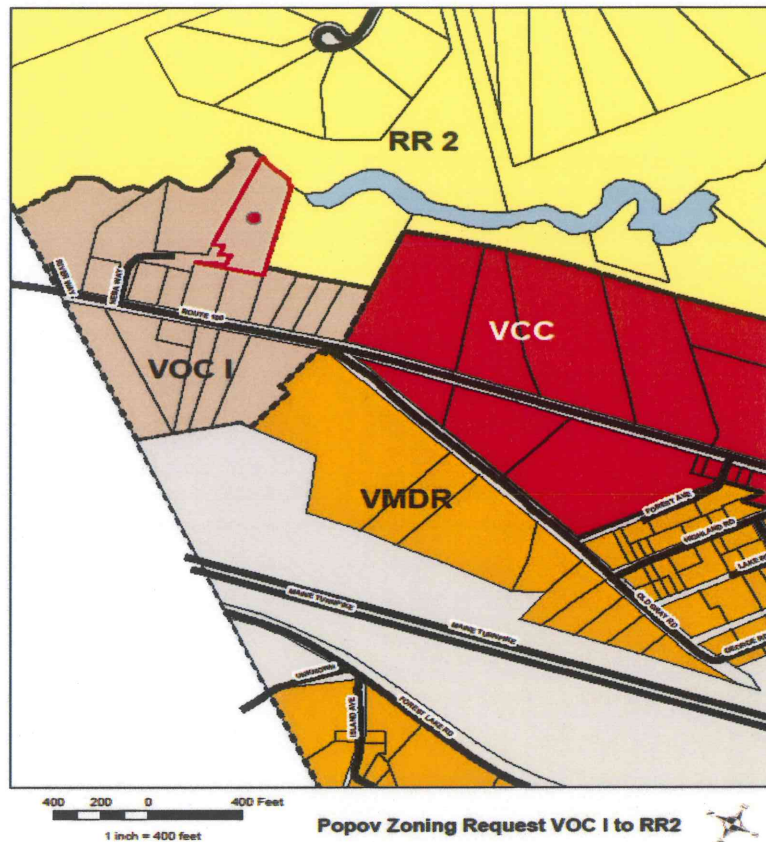
Chairman Moriarty closed the Public Hearing

Motion by Councilor Gruber, seconded by Councilor Turner, to amend Chapter 229, Site Plan Review, Section 229-2B (Classification Levels) of the Cumberland Code, as recommended by the Planning Board.

VOTE: 7-0 UNANIMOUS PASSAGE

12 – 190 To consider and act on forwarding to the Ordinance Committee, a zone change request from Matt Popov to change property identified as Tax Map U21/Lot17B from VOC1 to RR2.

Town Manager Shane explained that this property is in the VOC1 Zone and directly abuts the RR2 Zone. Mr. Popov would like to build a home on the property and the VOC1 Zone does not allow residential housing. When the Route 100 Corridor was rezoned, this property was included in that zone, even though it has no frontage on Route 100 (it is located on Neba Way. See map below).



Motion by Councilor Copp, seconded by Councilor Gruber, to forward to the Ordinance Committee, a zone change request from Matt Popov to change property identified as Tax Map U21/Lot17B from VOC1 to RR2.
VOTE: 7-0 UNANIMOUS PASSAGE

12 – 191 To forward to the Cumberland Housing Authority for a recommendation, consideration to authorize a Memo of Understanding (MOU) between Cumberland Housing Authority and Regional Transportation Program (RTP) for weekly bus service for senior citizens.

Chairman Moriarty explained that this item is for proposed, once per week, bus service for our senior residential areas. Because the Cumberland Housing Authority manages the Town owned senior housing units, they should review the proposal before it goes any further.

Councilor Gruber said that the need for assistance is growing in our senior population. Statistics show that over the next 20 years, our population of those over 65 will increase by 82%. Having transportation and assistance available to them is so important.

Councilor Storey-King said that RTP depends on volunteer drivers. Anyone who qualifies Maine Care Service is eligible for RTP transportation. There is a real need for this in our community, not only for the elderly, but also for others as well.

Motion by Councilor Storey-King, seconded by Councilor Stiles, to forward to the Cumberland Housing Authority for consideration and recommendation, a Memo of Understanding (MOU) between the Town of Cumberland and Regional Transportation Program (RTP) for weekly bus service for senior citizens.

VOTE: 7-0 UNANIMOUS PASSAGE

V. NEW BUSINESS

Councilor Turner – None

Councilor Copp – A special thank you to the Cumberland Public Works Department for getting out very early in the morning last week to sand the roads. There was a lot of black ice and he got calls to accidents in surrounding towns, but none in Cumberland.

Councilor Storey-King – None

Councilor Perfetti – None

Chairman Moriarty – The annual Greely Hockey Turkey Trot had over 440 finishers this year (a record from past years).

The Council met earlier in workshop to discuss aquifer protection with John Sevee of Sevee and Maher Engineers. There may be an agenda item at the next meeting regarding Mr. Sevee's proposed amendments to the current aquifer protection provisions of the Zoning Ordinance.

Town Manager Shane said that he would like the Council to consider a moratorium to allow for the time it will take to review Mr. Sevee's very comprehensive aquifer protection ordinance changes.

Councilor Copp said that he would not be in favor of a moratorium. We just received an award this evening for being business friendly, and in his opinion, a moratorium is not business friendly.

Councilor Perfetti said that he is in favor of a moratorium, perhaps with a shorter expiration, to give the Council time to review the ordinance amendments, and talk to residents and get their input on how to protect the resource, and protect residents and business owners' interest.

Councilor Stiles – The Council received a letter from a resident praising Police Chief Charron.

Senator Collins staff will be holding office hours at Town Hall on Tuesday, December 4th from 11:30 – 12:30. Any resident is welcome to stop by.

Councilor Stiles advised the Manager of a resident concern that the Portland Water District overflow pipe has been flowing since Range Road was completed (approximately 2 years). The resident feels that the continuous flow is making his property wet.

Councilor Gruber – He began substitute teaching recently. He applauds all teachers for their hard work. He has great respect for teachers.

The Community Food Bank has been open for 4 Friday's now, a bonus Saturday, and the day before Thanksgiving. 21 families were served Thanksgiving baskets and they intend to do the baskets for Christmas as well. The community and civic groups have been very generous with donations.

Town Manager Shane – None

VI. ADJOURNMENT

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

VOTE: 7-0

TIME: 9:19 p.m.

WORKSHOP re: timeline to advertise, interview, and fill vacant Town Council seat.

Respectfully submitted by,

Brenda L. Moore
Council Secretary

MANAGER'S REPORT

ITEM 12-192

To hold a Public Hearing to consider and act on amending the
Cumberland Shellfish Conservation Ordinance, as recommended by
the Shellfish Conservation Commission

SHELLFISH CONSERVATION ORDINANCE FOR THE TOWN OF CUMBERLAND, MAINE

SECTION 101. TITLE

This ordinance shall be known and cited as the Shellfish Conservation Ordinance of the Town of Cumberland, Maine.

SECTION 102. AUTHORITY

This Ordinance is enacted in accordance with 12 M.R.S.A. Section 6671, as amended from time to time.

SECTION 103. PURPOSE

The purpose of this Ordinance is to establish a shellfish conservation program for the Town of Cumberland, which will ensure the protection and optimum utilization of shellfish resources within its limits. These goals will be achieved by means, which may include:

- A. Licensing;
- B. Limiting the number of shellfish harvesters;
- C. Restricting the time and area where digging is permitted;
- D. Limiting the minimum size of clams taken;
- E. Limiting the amount of clams taken daily by a harvester.

SECTION 104. CONSERVATION AND MANAGEMENT OF SHELLFISH RESOURCES

It is hereby determined as follows:

1. The clam-flats of the Town are a very valuable shellfish resource, which is important to the local economy.
2. These flats are not an inexhaustible resource, and, therefore, they must be prudently managed in order to remain viable.
3. As part of the management process, it may be necessary to: restrict the taking of shellfish by limiting the number of shellfish licenses, restrict the size and quantity of shellfish, which may be harvested, and, take other measures as outlined in the Ordinance.

SECTION 105. DEFINITIONS

Conservation Fee: The "conservation fee" refers to the surcharge assessed to all shellfish licenses issued by this municipality. These funds are designated to support the education, outreach and conservation efforts undertaken by the Shellfish Conservation Commission.

Guest: One "Guest" shall be permitted to assist a licensed recreational shellfish harvester to harvest one (1) peck of clams per day. The license holder and guest combined may possess no more than one (1) peck of shellfish per day.

Junior License: A "Junior License" shall be issued to all minors from the age of 12 – 16 at a reduced cost.

Lot: The word "lot" as used in this Ordinance means the total number of soft shell clams in a bulk pile. Where soft-shell clams are in a box, barrel or other container, the contents of each box, barrel or other container constitutes a separate lot.

Municipality: "Municipality" refers to the Town of Cumberland, Maine.

Non-resident: The word "non-resident" means anyone not qualified as a resident under this Ordinance.

Personal Use: "Personal use" means for consumption or use by oneself, by members of the immediate family or by invited guests.

Possession: "Possession" means to have in one's custody or control, either personally or by another who is under one's control.

Resident: The term "resident" refers to a person who has been domiciled in this municipality for at least 180 days prior to the time his or her claim of such residence is made, or a person who has paid property taxes on property located in the Town of Cumberland in the calendar year preceding the year in which the license is being issued.

Senior License: Resident and non-resident licenses shall be issued to persons at least 70 years of age.

Shellfish: "Shellfish" means soft-shell clams (*Mya arenaria*). State Law shall apply to all other types of shellfish including Quahogs, Hen Clams, Razor Clams, and Oysters. (12 MRSA Section 6601- #6)

Taxpayer: "Taxpayer" means the owner of real estate located in the Town of Cumberland.

Town Closed Conservation Area: "Town Closed Conservation Area" means a clam flat or clam-flats closed pursuant to Section 117 of this Ordinance.

Town: "Town" means the Town of Cumberland, Maine.

Volunteer: "Volunteer," means a person who participates in any of the activities of the Shellfish Conservation Commission.

SECTION 106. LICENSING

A Municipal Shellfish License is required. It is unlawful for any person to dig or take shellfish from the shores and flats of this municipality without having a current, valid license issued by this municipality as provided by this Ordinance.

No person shall be issued a Municipal Shellfish License who, upon the time of request, has failed to appear in court for a shellfish violation, or has failed to pay any outstanding shellfish violation fines.

SECTION 107. HARVESTING

The harvesting of shellfish within the Town of Cumberland is permitted only during those hours starting 1/2 hour before sunrise and ending 1/2 hour after sunset. It is unlawful to harvest shellfish during the time starting 1/2 hour after sunset to 1/2 hour before sunrise.

In an effort to maintain shoreline stability, shellfish harvesting is prohibited within (2') two feet of eelgrass areas, (*Zostera marina*) and salt marsh cord grass (*spartina alterni flora*).

Harvesting of shellfish is only permitted with tools that have equally spaced tines such as a clam hoe. Using shovels and garden spades is not permitted since they result in many broken clams.

As appropriate, the Shellfish Commission may designate areas in Cumberland to be open to Commercial digging. Notice shall be published in a local paper and notice shall be provided to those who have submitted completed notification forms by January 5th each year.

Rules shall be promulgated annually by the Shellfish Commission. The rules shall include areas for harvesting as well as a recommendation for the number of licenses to be issued each year in each category of license.

SECTION 108. DESIGNATION, SCOPE AND QUALIFICATIONS

1. COMMERCIAL LICENSES:

a. Annual Resident Commercial Shellfish License:

This license is available to residents and/or taxpayers of the Town of Cumberland and entitles the holder to dig and take two (2) bushels of shellfish per day from the shores and flats of this municipality and reciprocating municipalities in the areas to be designated pursuant to Section 107 of this ordinance.

The licensee will maintain an accurate log of the days harvested commercially in his or her required Shellfish Harvesting Log, which is due by June 30th each year to the office of the Town Clerk.

b. Annual Non-Resident Commercial Shellfish License:

This license is available to non- residents of this municipality and entitles the holder to dig and take two (2) bushels of shellfish per day from the areas designated pursuant to Section 107. The licensee will maintain an accurate log of the days harvested

commercially in his or her required Shellfish Harvesting Log, which is due by June 30th of each year to the office of the Town Clerk.

c. **Qualifications Specific to Commercial Shellfish Licenses:**

i. The Shellfish Conservation Commission may specifically designate the period of validity as well as the areas open to commercial harvesting each year.

ii. Commercial Shellfish License holders are supplied with, and required to keep, a Shellfish Harvesting Log, which must be submitted to the Town Clerk by June 30th of each year. The Log will include the license holder's name and address and will show the date, location, and number of bushels harvested during each tide. Commercial License holders, who do not submit Harvesting Logs as required, will not be eligible for a Commercial License during the next period of issuance of Commercial Licenses.

iii. A shellfish license must be on your person when harvesting shellfish.

2. **RECREATIONAL SHELLFISH LICENSES.**

A person holding a recreational shellfish license may not engage in the wholesale or retail sale of any shellfish harvested under that license. Recreational shellfish licenses are not available and not valid for a person who holds a shellfish license issued by the Maine State Commissioner of Marine Resources. Resident Commercial or Recreational Licenses may be held by a resident of either the Town of Chebeague Island or the Town of Cumberland as per the July 1, 2007 State Legislature Act of Separation. Cumberland and Chebeague Island residents will be eligible for resident licenses in either or both communities.

Maine certified shellfish wardens of the Town of Cumberland shall be issued a recreational shellfish license.

a. **Guest:** One "Guest" shall be permitted to assist a licensed recreational shellfish harvester to harvest one (1) peck of clams per day. The license holder and guest combined may possess no more than one (1) peck of shellfish per day.

b. **Annual Resident Recreational Shellfish License:** This license is available to residents and/or taxpayers of the Town and entitles the holder to dig and take no more than one peck of shellfish per day for his or her personal use. A child 11 years or younger shall be allowed to assist a valid license holder. The license holder and child combined may possess no more than one peck of shellfish per day.

A Shellfish License must be on your person when harvesting shellfish.

c. **Annual Non-Resident Recreational Shellfish License:** This license is available to non-residents of the Town, and entitles the holder to dig and take no more than one peck of shellfish per day for his or her personal use. A child 11 years or

younger shall be allowed to assist a valid license holder. The license holder and child combined may possess no more than one peck of shellfish per day. A Shellfish License must be on your person when harvesting shellfish.

- d. **Monthly Recreational Shellfish License:** during all months of the calendar year, a specific number of licenses will be available for issuance during each of the months and will be valid only for the month in which it is issued. (For example - if ten licenses are available for the month of June, they will not be sold before June 1st, and regardless of the day of the month they are sold, they will expire at midnight on June 30th.) It entitles the holder to dig and take no more than one peck of shellfish per day for his or her personal use. A child 11 years or younger shall be allowed to assist a valid license holder. The license holder and child combined may possess no more than one peck of shellfish per day. A Shellfish License must be on your person when harvesting shellfish.
- e. **Annual Junior Resident Recreational Shellfish License:** This license is available to residents and non-residents of the Town who are at least 12 years of age but no not more than 16 years of age and entitles the holder to dig and take no more than one (1) peck of shellfish per day for his/her personal use.
- f. **Annual Senior Recreational Shellfish License:** Resident and non-resident recreational shellfish license shall be issued to persons at least 70 years of age.
- 3. **Volunteer Program:**
 - a. Should any resident or non-resident volunteer participate in ten (10) or more hours of Shellfish Conservation Commission activities in a calendar year, that person shall be assured a resident or non-resident recreational license, applied for in the following year (cost of license responsibility of applicant and based on availability of Licenses).
 - b. Volunteer hours are to be recorded by a designee of the Shellfish Conservation Commission present for that activity in which the volunteer has participated.

SECTION 109. FEES*

1.	Resident Commercial Shellfish License:	\$110.00
2.	Non-Resident Commercial Shellfish License:	\$210.00
3.	Resident Recreational Shellfish License:	\$35.00
4.	Non-Resident Recreational Shellfish License:	\$60.00
5.	Monthly Recreational Shellfish License Resident	\$25.00
	Non-Resident	\$40.00

- | | | |
|----|--|---------|
| 6. | Junior License | \$25.00 |
| 7. | Resident & Non-Resident Senior License | \$10.00 |

**each license includes a \$10.00 Conservation Fee*

SECTION 110. SIGNATURE ON LICENSE

The licensee must sign the shellfish license to make it valid.

SECTION 111. LICENSE APPLICATION

Applicants must submit a completed application, except as may otherwise be required by State or federal statute, to the Town Clerk for the licenses required by this Ordinance on forms provided by the municipality.

SECTION 112. CONTENTS OF THE APPLICATION

The application must be in the form of an affidavit and must contain the applicant's name, current physical address, birth date, height, weight, signature, and whatever other information the municipality may require.

SECTION 113. MISREPRESENTATION

Any person who gives false information on a shellfish license application, will cause said shellfish license to become invalid and void.

SECTION 114. LICENSE EXPIRATION DATE

Each shellfish license issued under the authority of this Ordinance expires at midnight on the 31st day of December next following date of issue, unless otherwise specified in this ordinance.

SECTION 115. RECIPROCAL HARVESTING PRIVILEGES

Licenses from any other municipality cooperating with this municipality on a joint shellfish management program may harvest shellfish according to the terms of their shellfish licenses.

SECTION 116. NUMBERS OF LICENSES AND NOTICE OF PERIOD OF ISSUANCE

Because the shellfish resources are limited and because a commercial or recreational digger can be expected to harvest a certain volume of clams per year, the number of diggers must be controlled. This number will vary from year to year depending upon estimates of the resource capabilities and management requirements consistent with good resource utilization. The following procedures will be followed to exercise control:

1. Prior to November 1st of each year, the Town Shellfish Conservation

Commission with the approval of the Commissioner of Marine Resources shall prepare its recommendation to the Town Council of the number of resident and non-resident commercial and recreational shellfish licenses to be made available.

2. The Shellfish Conservation Commission will notify the Town Council in Cumberland in writing prior to December 1st of the recommended number of resident and non-resident commercial and recreational shellfish licenses to be made available. The Town Council then shall adopt a shellfish license allocation. The Shellfish Conservation Commission, in preparing a recommended allocation of shellfish licenses, and the Town Council, in adopting an allocation of shellfish licenses, shall provide and reserve a minimum number of shellfish licenses for non-residents, which shall be a number not less than 10% of the number of shellfish licenses provided for residents. When the number of commercial resident shellfish licenses is less than ten (10) but more than five (5), at least one (1) non-resident commercial shellfish license shall be provided. When the number of resident commercial shellfish licenses is five (5) or fewer, non-resident commercial shellfish licenses shall not be required.
3. The period of issuance for shellfish licenses shall be from January 1st to December 31st each year. After March 31st any remaining shellfish licenses shall be issued to Residents and Non-Residents on a first come, first serve basis unless the alternative licensing procedure described in Section 116.7 is used.
4. At least ten (10) days prior to the issuance of shellfish licenses, the Town Clerk, upon direction of the Town Council, shall provide notice of the number of shellfish licenses, resident and non-resident, and the procedure for application for such shellfish licenses by publishing the same in a trade or industry publication or in a newspaper or combination of newspapers with general circulation which the Town Council considers effective in reaching persons affected, and by posting the same in the Town Office until the period of issuance concludes.
5. When the number of licenses are limited, the Town Clerk shall issue Commercial, Non-Resident Commercial, Resident Recreational and Non-Resident Recreational Shellfish licenses as allocated, according to the following procedure:
 - a. The Town Clerk and/or Deputy Clerk shall accept applications for Commercial, Commercial Non-Resident, Resident Recreational and Non-Resident Recreational Shellfish licenses from resident and non-resident applicants during regular town office hours through the month of December.
 - b. The Clerk shall prepare a list of the names of the qualifying applicants; the list need not be in any particular order. Next to each name on the list, the clerk shall enter a unique three-digit number, selected at random, and shall write each such number on an index card. All the index cards shall be of uniform size, color and texture.

c. The numbered index cards shall then be placed in a box or other container capable of being closed and sufficiently large so the index cards can be easily mixed by shaking the container.

d. The Clerk's assistant shall shake the container in order to mix the contents, and shall then place or hold the container at a location above the Clerk's eye level, so that the Clerk can reach into the container and withdraw cards without seeing the numbers on the cards.

e. The Clerk shall withdraw all of the cards one-by-one, reading each number drawn out loud. The Clerk's assistant shall make a list of each of the numbers so drawn in the order in which they are drawn. Then, using the list prepared under subparagraph (b) above, the Clerk shall place the corresponding applicant's name next to each number.

f. The Clerk shall then issue the available shellfish licenses to the qualifying applicants, first to residents and then to non-residents, in the order in which their names appear on the list prepared under subparagraph (e). That list shall establish the order of priority for the issuance of any Commercial, Non-Resident Commercial and Non-Resident Recreational Shellfish licenses until the next annual licensing procedure under this Ordinance.

g. The procedure set forth in this Section 116 shall be a public proceeding, open to the public, but no applicant or any member of the public has any right to participate in the procedure. Applicants are not required to be present at the time the issuance list is established. The procedure shall be conducted at the Cumberland Town Office on the date designated in the Town Clerk Notice as provided in Section 115.4, at a time set by the Town Clerk. The Clerk shall announce the exact time for the procedure by posting a notice in the Cumberland Town Office at least seven (7) days prior to the date of the procedure. Any failure to provide such notice shall not invalidate the results of the procedure.

6. A copy of the Cumberland Shellfish Ordinance shall be given with each shellfish license issue.

7. ALTERNATIVE LICENSING PROCEDURES

In the event that the Shellfish Conservation Commission shall establish that no limit on recreational licenses shall be imposed, the following procedure shall govern the issuance of licenses notwithstanding the provisions of Section 116 (1-4).

A. Beginning on the first business day of January, the Town Clerk shall issue resident recreational licenses to residents upon application, said licenses to be effective that day.

B. On the third business day of January, the Town Clerk shall issue non-resident recreational licenses as follows:

- a. As defined in Section 108.3a (Volunteer Program), the Town Clerk shall issue non-resident recreational licenses to all eligible volunteers.
- b. A lottery system as defined in Section 116.5. (b-g) shall be used to allocate the remaining non-residential recreational licenses. All non-resident recreational license applications in receipt by the Town Clerk on the day of the drawing shall be included in the lottery. All applicants will be assigned a number in the order they are drawn and placed on a waiting list.
- c. When 250 resident recreational licenses are sold, The Town Clerk shall issue one additional non-resident recreational license to the next waiting list applicant. Thereafter, one additional non-resident recreational license shall be issued to the next applicant on the waiting list upon sale of 10 additional resident recreational license.
- d. Any person notified by the Town Clerk that they have been selected from the waiting list for a non-resident recreational license shall pay the applicable license fee within fourteen (14) business days of the mailing of said notice of eligibility. In the event that the person fails to make an application, qualify, or pay the license fee within the prescribed time period, they shall be returned to the end of the waiting list.
- e. Any person making application for a non resident recreational license after the drawing date shall be placed at the end of the waiting list.

C. Resident Senior citizen licenses issued shall not be counted in the calculation of licenses sold under this section.

D. Recreational licenses issued to Maine Certified Shellfish Wardens of the Town of Cumberland shall not be counted in the calculation of licenses sold under this section.

SECTION 117. OPENING AND CLOSING OF FLATS

The Shellfish Conservation Commission, with the approval of the Commissioner of Marine Resources, may open and close areas for shellfish harvesting and designate areas and time periods for commercial or recreational harvesting thereon. Upon concurrence of the Department of Marine Resources area biologist that the status of the shellfish resources and other factors bearing on sound management indicate that an area should be opened or closed for either recreational or commercial harvesting, the Shellfish Conservation Commission may call a public hearing on ten

day's notice published in a newspaper having general circulation in the Town, stating the time, place, and subject matter of the hearing, and shall send a copy of the notice to the Department of Marine Resources. The decision of the Shellfish Conservation Commission made after the hearing shall be based on findings of fact.

SECTION 118. MINIMUM LEGAL SIZE OF SOFTSHELL CLAMS

Pursuant to 12 M.R.S.A. ss 6671 and 6681, as amended from time to time, it is unlawful to possess soft-shelled clamshell stock whose shells are less than 2 inches in the largest diameter. The Town Clerk's office shall issue annually a 2" ring with each license. For purposes of this Ordinance, the term "possess", means dig, take, harvest, ship, transport, hold, buy, and sell retail and wholesale soft-shelled clamshell stock.

SECTION 119. METHOD OF DETERMINING TOLERANCE

Pursuant to 12 M.R.S.A. ss 6671 and 6681, as amended from time to time, any person may possess soft-shelled clams that are less than 2 inches if they comprise less than 10% of any bulk pile. The tolerance shall be determined by numerical count of not less than one (1) peck or more than four (4) pecks taken at random from various parts of the bulk pile or by a count of the entire pile if it contains less than one peck.

SECTION 120. SHELLFISH CONSERVATION COMMISSION

The Shellfish Conservation Program for the Town of Cumberland will be administered by the Shellfish Conservation Commission consisting of seven (7) members. The Cumberland Town Council will appoint the Shell Conservation Commission members. In addition, the Shellfish Conservation Warden shall serve as an ex-officio member.

1. The Commission's responsibilities include:
 - A. Establishing, annually, in conjunction with the Department of Marine Resources, the number of shellfish digging licenses to be issued;
 - B. Surveying the clam flats to maintain current information on shellfish resources;
 - C. Submitting to the Town Council proposals for the expenditures of funds for the purpose of shellfish conservation;
 - D. Keeping this Ordinance under review and making recommendations for its amendments;
 - E. Securing and maintaining records of shellfish harvest from the Town's managed shellfish areas and closed areas that are conditionally opened by the Department of Marine Resources;
 - F. Recommending conservation closures and openings to the Town Council in conjunction with the Department of Marine Resources;
 - G. Submitting an annual report to the Municipality and the Department of Marine Resources covering the above topics and all other Commission activities.

SECTION 121. ENFORCEMENT, PENALTY, SEPARABILITY, DURATION & REPEAL

1. **Enforcement.** The Chief of Police, members of the Cumberland Police Department, special police officers as provided in 30-A M.R.S.A. Section 2672, and the Shellfish Conservation Warden, shall enforce this Ordinance.
2. **Penalty.** A person who violates this Ordinance shall be punished as provided in 12 M.R.S.A. Section 6671 as, amended from time to time.
3. **Separability.** If any provision of this Ordinance is declared to be invalid, that declaration does not affect the remainder of the Ordinance.
4. **Duration.** This Ordinance shall remain in effect until amended or repealed.
5. **Repeal.** Any Ordinance regulating the harvesting or conservation of shellfish in the Town is hereby repealed. This includes any provision of other Town Ordinances, which are inconsistent with this Ordinance.

SECTION 122. MISREPRESENTATION

It shall be unlawful and a violation of this Ordinance, for any person to falsify or give false information in connection with a shellfish license application. In addition to any criminal penalties which may result from a violation of this Ordinance, the shellfish license granted to any person who gives false information on a shellfish license application will automatically be void.

SECTION 123. SUSPENSION

1. **Violation of Shellfish Ordinance.** The Town Clerk shall suspend any and all shellfish licenses issued under this Ordinance, if the license holder is convicted in court of violating any section of this Ordinance.
2. **Suspension based on conviction in a Town Closed Conservation Area.** The Town Clerk shall suspend any and all shellfish licenses issued under this Ordinance if the license holder has been convicted in court of possessing shellfish from a Town Closed Conservation Area.
3. **Length of Suspension for Numbers 1 and 2 above.** The suspension of a license may not exceed the following:
 - a. 30 days from the date of first conviction.
 - b. 365 days (one year) from the date of the second conviction.
 - c. Lifetime revocation of Shellfish License for all third violations.
4. **Applicable Standards:** Any conviction more than three (3) years before last conviction shall not be counted in determining lengths of suspension.

SECTION 124. SUSPENSION BASED ON REFUSING INSPECTION

The Town Clerk shall suspend any and all shellfish licenses if the license holder refuses to allow inspection in the enforcement of the Ordinance. This suspension may not exceed 90 days.

SECTION 125. HEARING

Any licensee whose shellfish license has been suspended shall be entitled to a hearing before the Town Manager, upon the filing of a written request for hearing with the Town Manager within thirty (30) days following the effective date of suspension. The applicant shall be given at least seven (7), days prior written notice of the date, time and place of hearing before the Town Manager. Any person aggrieved by the Town Manager's decision may appeal to the Superior Court within thirty (30) days from receipt of the Town Manager's written decision pursuant to Rule 80B of the Maine Rules of Civil Procedure.

SECTION 126. APPOINTMENT OF SHELLFISH CONSERVATION WARDEN

The Cumberland Police Department shall be the legal enforcement agency for the enforcement of the Shellfish Ordinance. The Chief of Police shall designate an officer or officers certified by the Department of Marine Resources to enforce violations of the ordinance and conduct required water quality sampling.

SECTION 127. UNLAWFUL WASHING OR HOLDING OF SHELLFISH

A person may not:

- a) wash, hold or keep shellfish in any area closed by State regulation;
- b) possess, ship, transport or sell shellfish washed, held or kept in any area closed by regulation per 12 M.R.S.A. § 6621.

IN ACCORDANCE WITH STATE LAW THIS ORDINANCE EXPIRES WITHIN THREE YEARS OF THE REVISED DATE.

Effective Date: January 1, 2000

Enacted 10-15-81
Re-enacted 1984
Re-enacted 1987
Revised 1990
Re-enacted Dec. 1991
Revised Jan. 1994
Amended Jan. 1995
Revised Jan. 1997
Amended Jan. 1998
Amended Dec. 1998
Enacted Nov. 1999
Amended 12-11-2000
Amended: 01-01 2001
Revised 5-24-2004
Re-enacted 5-24-2004
Fees updated on 1-1-2006 & 07
Fees & Revisions Dec. 10, 2007
Fees updated on 12-13-10
Fees and amendments 11-28-11
Definitions amended 12-10-12

ITEM

12-193

To consider and act on reappointing Town Clerk, Tamara
O'Donnell as Registrar of Voters for the period of
January 1, 2013 – December 31, 2014



MEMORANDUM

Town of Cumberland, Maine
290 Tuttle Road
Cumberland Center, ME 04021
Telephone (207) 829-2205 • Fax (207) 829-2214

To: Town Council
From: William R. Shane, Town Manager
Date: December 6, 2012
Re: Appointment of Registrar of Voters

Every odd numbered year, the Town Council is required by State Law, to appoint a Registrar of Voters who is responsible for the maintenance and keeping of all the official records pertaining to voter registration. I recommend the reappointment of Town Clerk, Tamara O'Donnell as Registrar of Voters from January 1, 2013 – December 31, 2014.

ITEM 12-194

To consider and act on cancelling the December 24, 2012 Town
Council Meeting and rescheduling it to December 17, 2012

ITEM

12-195

To set a Public Hearing date (December 17th) to consider and act on authorizing the Code Enforcement Officer to enter into a Consent Agreement with property owners located at 249 Gray Road

CONSENT AGREEMENT

This Consent Agreement is entered into on the ____ day of November, 2012 by and between VEI, LLC, a Maine limited liability company that owns property located at 249 Gray Road, Cumberland, Maine, ("Villacci") and the TOWN of CUMBERLAND, a municipal corporation located in the County of Cumberland and the State of Maine (the "Town").

VEI, LLC and the Town stipulate to the following facts.

1. The Town is a municipal corporation organized under the laws of the State of Maine. William Longley is the duly authorized Code Enforcement Officer of the Town and authorized under state law to administer and enforce the Town's Zoning Ordinance.

2. VEI, LLC is a limited liability company organized under the laws of the State of Maine, with a principal place of business in Falmouth, Maine.

3. VEI, LLC is the owner of property located at 249 Gray Road in Cumberland, Maine (the "Property"). VEI, LLC purchased the Property on or about March 23, 2011 through a deed from MECAP, LLC to VEI, LLC and recorded in the Registry of Deeds at Book 28598, Page 280. The Property is approximately 29,399 square feet and includes a single-family residence and a detached garage. The garage was constructed on or about 1985 by a prior owner of the Property.

4. VEI, LLC is in the process of selling the Property.

5. Survey work conducted by Wayne Wood & Co. reveals an apparent encroachment by the garage of the setback requirement, as the garage is located within the 20-foot side setback from the boundary line. Attached as Exhibit A is a copy of the relevant portion of the survey showing the aforementioned encroachment.

6. The Zoning Ordinance requires a structure to be 20 feet from the sideline.

7. The Code Enforcement Office has investigated the case and has determined that the aforementioned setback violation does not result in any significant health, safety or welfare problems.

8. VEI, LLC agrees to pay the Town's attorney's fees and costs associated in the amount of \$500. Such payment shall be made payable to the Town of Cumberland.

9. The existing garage, as shown on Exhibit A shall be allowed to remain and be repaired in its current location. The existing garage structure shall not be expanded or

replaced, except in conformance with the requirements of the Town of Cumberland Zoning Ordinance.

10. The Town agrees to relinquish its rights to prosecute VEI, LLC, its successors in real property interest, assigns and heirs, for any alleged violation arising from the setback or other disputes arising from the construction or location of the garage.

11. This Consent Agreement shall be binding upon VEI, LLC, their successors in real property interest, assigns and heirs and it shall be duly recorded by VEI, LLC in the Cumberland County Registry of Deeds within 30 days with a copy of the recorded instrument to be provided to the CEO.

12. At a meeting of the Town Council on _____, the Town approved this resolution of the alleged zoning violation based upon the terms of the conditions set forth in this Agreement and authorizes the CEO to sign this Consent Agreement on behalf of the Town.

In Witness Whereof, the undersigned have executed this Agreement on the date appearing beside their names below.

Dated: November ____, 2012

Gene Villacci

TOWN OF CUMBERLAND

Dated: November ____, 2012

William Longley, its duly authorized
Code Enforcement Officer

STATE OF MAINE
County of Cumberland, ss

November ____, 2012

Then personally appeared before me GENE VILLACCI and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Notary Public

Print Name: _____
Commission Expires: _____

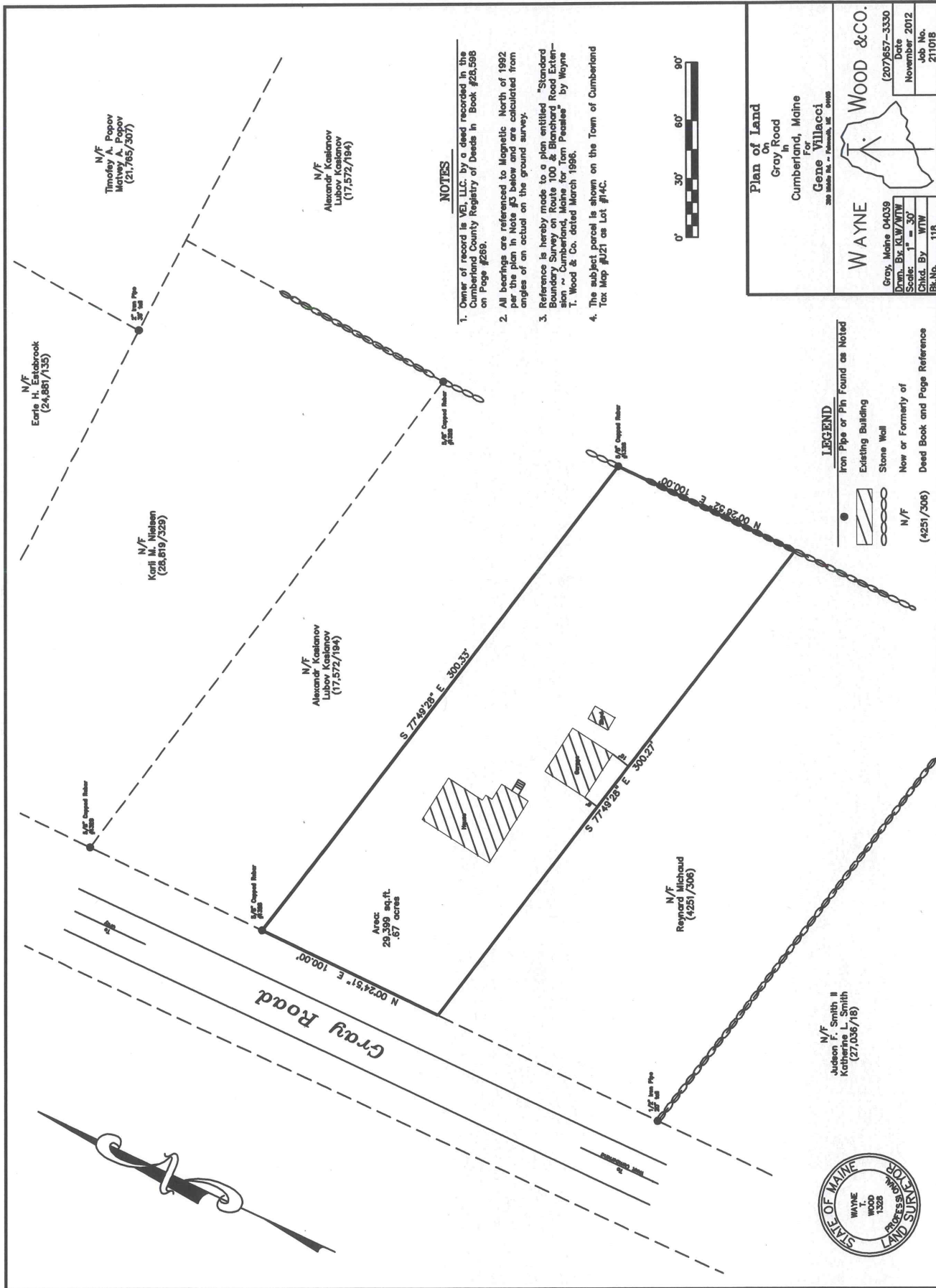
STATE OF MAINE
County of Cumberland, ss

November ____, 2012

Then personally appeared before me WILLIAM LONGLEY, duly authorized Code Enforcement Officer of the Town of Cumberland, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the Town of Cumberland.

Before me,

Notary Public
Print Name: _____
Commission Expires: _____



NOTES

1. Owner of record is V&E, LLC, by a deed recorded in the Cumberland County Registry of Deeds in Book #20,398 on Page #289.
2. All bearings are referenced to Magnetic North of 1992 per the plan in Note #3 below and are calculated from angles of an actual on the ground survey.
3. Reference is hereby made to a plan entitled "Standard Boundary Survey on Route 100 & Blanchard Road Extension, Cumberland County, Maine, for 'Farm Ponds' by Wayne T. Wood & Co. dated March 1988.
4. The subject parcel is shown on the Town of Cumberland Tax Map #J21 as Lot #14C.



Plan of Land
On
Gray Road
In
Cumberland, Maine
For
Gene Villacci
2000 Main St., Portland, ME 04103

WAYNE WOOD & CO.	
Gray, Maine 04039	Date (207)657-3330
Drawn By: KLM/MTW	Date November 2012
Scale: 1" = 30'	Job No. 211015
Chkd. By: MTW	
Blk. No. 118	

- LEGEND**
- Iron Pipe or Pin Found as Noted
 - Existing Building
 - Stone Wall
 - N/F Now or Formerly of
 - Deed Book and Page Reference (4251/206)

N/F
Judson F. Smith II
Katherine L. Smith
(27,036/18)



NEW BUSINESS

To remove from the table and place on the agenda for December 17th the following item:

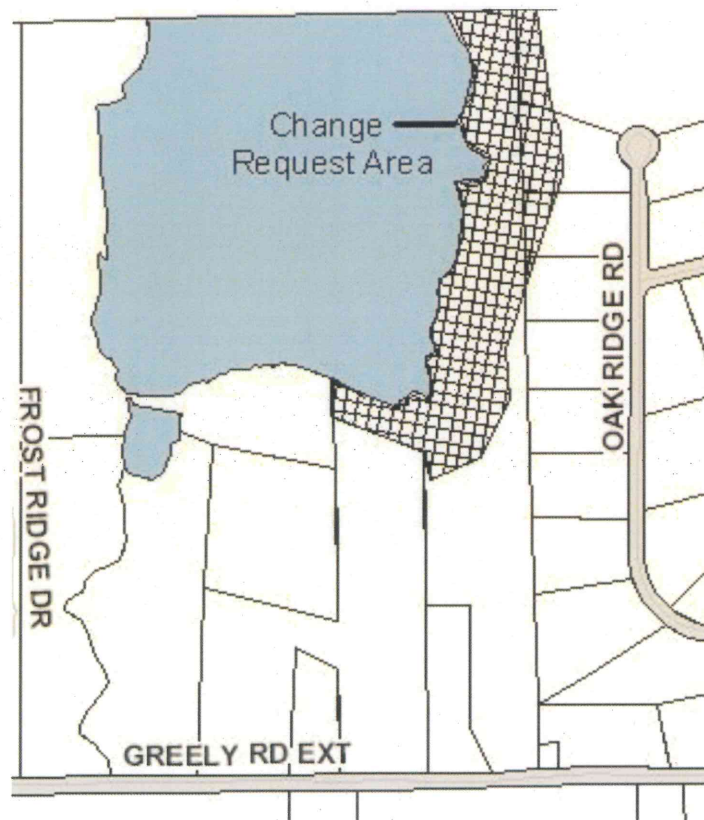
To set a public hearing date of January 14, 2013 to consider and act upon a zone change request from John Paynter for property located along the east side of Knight's Pond (Map R06/lot 33).

Chronology of events:

Town Council, September 2012

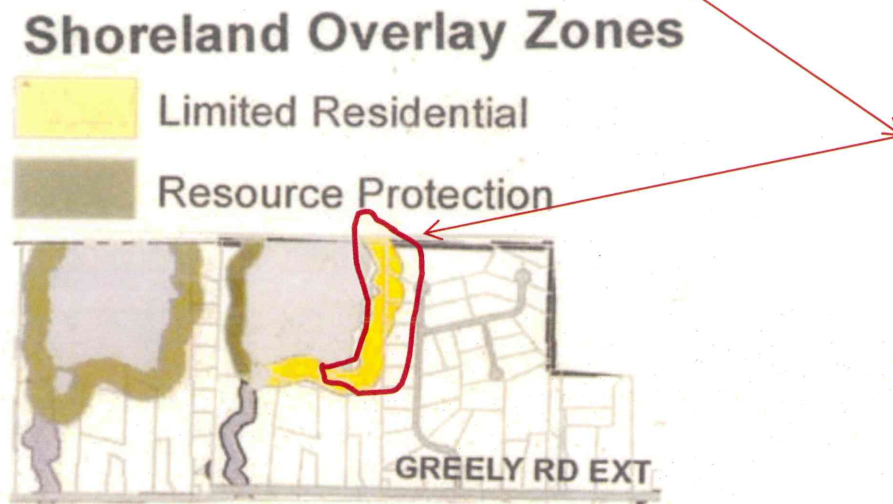
Motion by Councilor Stiles, seconded by Councilor Copp, to refer to the Planning Board for a Public Hearing and recommendation, a citizen request to change the zone around the east side of Knight's Pond from Resource Protection (RP) to Limited Residential (LR).

VOTE: 5-0



Planning Board, October 2012

3. Public Hearing: To recommend to the Town Council draft zoning amendments to the Official Overlay Zoning Map around the east side of Knight's Pond from Resource Protection (RP) to Limited Residential (LR) as shown on the map below; property owned by John Paynter, 445 Greely Road Extension, Tax Assessor Map R06, Lot 29.



Mr. Bingham moved to recommend to the Town Council draft amendments to the Official Overlay Zoning Map around the east side of Knight's Pond from Resource Protection (RP) to Limited Residential (LR) as shown on the map; property owned by John Paynter, 445 Greely Road Extension, Tax Assessor Map R06, Lot 29.

Ms. Caron seconded. VOTE: Unanimous

Town Council, November 2012

12 – 184 To hold a Public Hearing to consider and act on amendments to the Official Overlay Zoning Map around the east side of Knight's Pond (Map R06/Lot 29, and a portion of Map R06/ Lot 33) from Resource Protection (RP) to Limited Residential (LR), as recommended by the Planning Board.

Chairman Moriarty explained that a neighborhood meeting for this area is tentatively planned for the evening of Thursday, December 6th. It would be premature to act on this item prior to the neighborhood meeting.

Motion by Councilor Stiles, seconded by Councilor Perfetti, to table this item until it is ready for further review.

VOTE: 7-0

MEMORANDUM

TO: William Shane, Town Manager
FROM: Kenneth M. Cole, III
RE: Reapportionment Procedure for MSAD #51 Board of Directors
DATE: December 4, 2012

You asked us to research the procedure for reapportioning the membership of the MSAD #51 Board of Directors¹. Following is a brief memo outlining that process.

A. The Reapportionment Procedural Steps

The process for reapportionment of a Regional School Unit ("RSU") is set forth in 20-A M.R.S.A. § 1475. There are essentially 6 steps in the process, as set forth below.

1. The Commissioner's Initial Determination of Necessity in Response to Request/Petition

The first step is that the Commissioner of the Maine Department of Education determines the necessity for reapportionment. 20-A M.R.S.A. § 1475 (1). This step is initiated one of three ways: 1) the Commissioner receives a request from the RSU Board of Directors; 2) the Commissioner receives a petition signed by a number of RSU voters equal to at least 10% of the voters in the RSU who voted in the last gubernatorial election; or 3) on the Commissioner's own

¹ Despite the name "MSAD # 51," which suggest that the District is a "School Administrative District" ("SAD") governed by Title 20-A, chapter 103, the District is actually a "Regional School Unit" ("RSU") governed by Title 20-A, chapter 103-A. As a function of the School Reorganization Law enacted by the State Legislature in 2007, any SAD that did not vote to form an RSU by January 30, 2009 was recreated as an RSU effective July 1, 2009. (See P.L. 2007, ch. 240, pt. XXXX § 36, sub-§12, as amended in 2008.) Pre-existing SADs, such as MSAD 51, were permitted to retain their names for efficiency purposes and are referred to by the Department of Education as "Regional School Units Doing Business as School Administrative Districts." For the limited purposes of this memo, this distinction is of little consequence, as the statutory reapportionment provisions for RSUs and SADs are almost identical.

initiative. The Commissioner shall make his determination within 30 days of the request/petition.

If the Commissioner finds that the RSU representation is not apportioned in accordance with the principle of one person, one vote, the Commissioner, within 7 days of making that decision, must notify the Superintendent and order him to notify the municipal officers in each municipality in the RSU and the RSU Board of Directors to create a Reapportionment Committee. The Commissioner must also provide the Superintendent with the most recent census figures for each municipality and at least one recommended apportionment plan.

2. The Superintendent's Notice to the Municipal Officers and RSU Board to Create a Reapportionment Committee

The Superintendent's notification to the municipal officers and the RSU Board of Directors must include the Commissioner's notification, census data and recommended apportionment plan, as well as the time and place of the first meeting of the Reapportionment Committee, which must be held no later than 20 days after the Commissioner's notification.²

3. The Reapportionment Committee Adopts a Reapportionment Plan

The Reapportionment Committee consists of one municipal officer and one citizen from each member municipality, chosen by the respective municipal officers, and one director from each municipality, chosen by the RSU Board of Directors. So in the case of MSAD #51, the Reapportionment Committee will consist of 6 members.

The Reapportionment Committee's duties consist of the following: 1) elect a chair and secretary and may adopt procedural rules; 2) consider and by majority vote adopt a Reapportionment Plan including the method of representation, total number of directors and number of directors representing each municipality or

² The statute is actually not clear on whether the 20 day period is to run from the Commissioner's notification or the Superintendent's notification. See 20-A M.R.S.A. §1475 (3). To take a conservative approach, we are assuming it runs from the Commissioner's notification.

subdistrict; and 3) within 90 days of the first meeting, send a report of its Reapportionment Plan to the State Board of Education for approval by the Commissioner. It may also submit alternative plans for apportionment, within the 90 day limit. If the Reapportionment Committee fails to adopt a plan within the 90 day period, the Commissioner is required to prepare a reapportionment plan.

4. Commissioner Approval

Once the Commissioner receives the reapportionment plan, he has 30 days to approve or disapprove it. If the Commissioner does not approve the reapportionment plan within the statutory time periods, he is required to prepare a suitable plan; no statutory timeframe governs the submission of the Commissioner's own plan.

Upon approval of the reapportionment plan, the Commissioner must send a certified copy to the municipal officers and the RSU Board of Directors. The RSU Board of Directors or any interested party may request that the State Board reconsider decisions made by the Commissioner under the statute.

5. Reapportionment Committee Puts Plan into Effect

The reapportionment plan takes effect immediately upon approval by the Commissioner. The Reapportionment Committee must determine the terms of the directors to be elected at the next annual municipal election so that they comply with the applicable statutory requirements.³

6. Municipal Officers Appoint New Directors Who Serve Until Next Annual Election

If the approved reapportionment plan requires that additional⁴ directors be elected in a municipality, the municipal officers shall fill the vacancies by

³ 20-A M.R.S.A. § 1471(2) provides that in municipalities with annual elections, directors serve 3-year terms, and in municipalities with biennial elections, they serve 4-year terms.

⁴ If the approved reapportionment plan requires a reduction in the number of directors to be elected in a municipality, the reduction must be achieved if possible by the voluntary resignation of one or more of the directors. If that is not possible, and the plan is approved and filed less than 30 days prior to the annual municipal election, the number of open positions to be filled by the election process must be reduced to the number required by the approved plan. If the reduction cannot be achieved by either of these methods or

appointment. A new director serves until a successor is elected and qualified at the next annual election.

The current RSU Board of Directors continues to serve as the legal representative of the RSU until the reapportionment is completed.

B. Timing Considerations

Given the statutory timelines set forth above, it seems that the process (before appointment and election of the new director) could take as long as 177 days from the time of the initial request/petition to the Commissioner, and perhaps even longer if the Commissioner prepares his own plan. The 177 day estimate assumes the following: that the Commissioner takes 30 days to determine if reapportionment is necessary and 7 days after that to notify the Superintendent; that the initial meeting of the Reapportionment Committee is held 20 days after the Commissioner's notice is sent to the Superintendent; that the Reapportionment Committee takes 90 days from the initial meeting to send a reapportionment plan to the Commissioner; and that the Commissioner takes 30 days to approve the reapportionment plan.

Thus, if a request/petition was to the Commissioner by January 1, 2013 and the maximum statutory time periods were followed and the Commissioner didn't prepare his own plan, it seems that the municipal officers would be required to appoint a new director after approximately June 27, 2013-- beyond the June municipal elections. Therefore we suggest that the SAD and Town both emphasize in contacting the Commissioner that this is simply a matter of one additional director for Cumberland and suggest that the Commissioner make that his formal proposal. If the Commissioner does make that his proposal, it could be adopted quickly by the Reapportionment Committee as the formal Reapportionment Plan



Attorneys at Law

and the municipal officers could appoint a new director who would serve only until the June elections.

12/06/2012
14:19:02

TOWN OF CUMBERLAND
HISTORICAL ACTUALS COMPARISON REPORT

PAGE 1
glactrpt

FOR PERIOD 05 OF 2013

ACCOUNTS FOR:	PRIOR YR3	PRIOR YR2	LAST YR	CURRENT YR	CY REV
001 General Fund	ACTUALS	ACTUALS	ACTUALS	ACTUALS	BUDGET
130 Administration	219,267.61	214,105.48	231,229.93	241,900.00	464,582.00
140 Assessor	50,123.82	62,290.66	64,643.61	67,635.62	64,153.00
150 Town Clerk-HR-Tax Collector	122,844.29	102,132.41	65,196.66	70,646.19	222,370.00
160 Technology	81,206.99	90,648.64	88,154.77	97,813.00	164,536.00
165 Elections	3,518.70	5,449.98	2,157.65	2,936.77	17,936.00
170 Planning Board	31,288.67	27,478.08	24,315.94	24,594.14	57,826.00
190 Legal	27,018.67	11,550.86	11,740.76	5,298.59	40,000.00
210 Police	464,581.24	422,796.93	442,231.71	464,233.71	1,038,354.00
220 Fire	303,987.74	325,306.03	297,895.83	306,205.08	743,075.00
230 Rescue	144.88	66.95	.00	.00	.00
240 Code Enforcement	20,265.42	21,218.36	26,142.73	27,731.87	80,663.00
260 Canine Control	18,111.10	18,998.12	14,438.34	17,655.84	34,280.00
310 Public Works	352,903.12	310,228.85	366,094.12	362,770.93	915,184.00
320 Waste Disposal	304,195.30	264,450.09	250,268.84	248,615.11	648,270.00
410 Recreation	255,012.96	261,357.27	249,647.76	306,932.76	571,001.00
430 Parks	99,196.09	93,590.41	80,650.38	67,697.47	191,771.00
440 West Cumberland Rec	3,131.42	3,158.70	2,261.79	1,422.60	8,914.00
450 Library	159,214.59	144,515.11	138,521.40	149,754.46	372,366.00
580 General Assistance	17,915.78	13,617.28	11,208.08	11,922.90	30,000.00
590 Health Services	7,470.85	2,970.85	5,759.20	6,639.55	8,875.00
620 Cemetary Association	25,000.00	24,277.50	22,195.00	22,600.00	26,700.00
630 Conservation Commission	.00	1,840.00	.00	.00	6,000.00
650 Debt Service	379,378.67	578,748.45	715,848.67	572,892.69	913,551.00
750 Insurance	153,038.29	175,310.74	186,818.81	181,025.93	271,584.00
800 Fire Hydrants	17,340.15	22,728.27	18,615.31	23,706.10	57,000.00
810 Street Lighting	14,829.05	11,974.70	12,244.46	12,259.50	36,726.00
830 Contingent	26,400.00	2,425.00	2,589.62	4,133.62	46,000.00
840 Municipal Building	48,720.70	63,525.05	67,373.20	61,603.27	175,462.00
850 Abateements	.00	.00	4,531.23	19,399.95	20,000.00
860 MSAD #51	4,540,294.09	4,922,140.40	5,140,568.05	5,490,252.75	13,193,552.25
890 County Tax	615,032.00	600,901.00	601,242.00	623,416.00	623,416.00
910 Capital Imp. Plan	532,538.00	333,485.00	333,485.00	896,137.00	896,137.00
TOTAL General Fund	8,893,970.19	9,133,287.17	9,478,070.85	10,389,833.40	21,940,284.25
TOTAL EXPENSES	8,893,970.19	9,133,287.17	9,478,070.85	10,389,833.40	21,940,284.25
GRAND TOTAL	8,893,970.19	9,133,287.17	9,478,070.85	10,389,833.40	21,940,284.25

Cumberland County 4-H Swiners



PRESENTED TO

TOWN OF CUMBERLAND

IN APPRECIATION
FOR THEIR CONTRIBUTIONS TO 4-H AND THE
CUMBERLAND COUNTY 4-H SWINERS CLUB 2012

December 5, 2012

Brittany Maon

President

Welcome

Host
Brittany Moon

Flag Salute & 4-H Pledge

Dinner

Member 4-H Experiences

Special Guests

Mr. John Ames
Mr. and Mrs. John Ames, II
Mrs. Maryella Rawnsley
Mr. and Mrs. William Shane
Mr. and Mrs. Linc Merrill
Mr. and Mrs. Mark Cooper
Mr. and Mrs. Mike Timmons
Ms. Karen Stinson
Mr. Mitch Mason
Mrs. Sarah Sparks

Thank You's



Swiners 4-H Club Officers

President: Brittany Moon
Vice President: Evan Villacci
Secretary: Lucy Wetzel
Treasurer: Ryan McGinty
Librarian: Cole Stiles
Scrapbook: Lauren Pride
Flag Bearers: Braden Bickford & Jacob Maschino

Pin Awards – Mr. Stiles

2nd Year Pin:

Jacob Maschino
Evan Villacci
Mason Baker-Schlendering
Avery Baker-Schlendering
Lucy Wetzel
Cole Stiles
Virginia Googins
Chloe Keliehor

5th Year Pin:

Lauren Pride
Caleb McGrath-Holmquist
Corey Sullivan
Adam Dale

10th Year Pin:

Molly Merrifield

David E. Rawnsley Award – Mr. Stiles
Ames Herdsman Award – Mr. Stiles
Rosette Awards – Mr. Stiles
Leader's Choice Awards – Mr. Stiles/ Mr. Moon
Exhibitor of Character Award
Certificates of Recognition – Mr. Stiles

Cumberland County 4-H Swiners

Ryan McGinty	Lucy Wetzel
Tyler Goodwin	Brooke Bickford
Keith Sullivan	Brendan Scott
Adam Pride	Braden Bickford
Sawyer Fenderson	Julia Stanley
Lexi Merrifield	Rose Googins
Elizabeth Willette	Jaydn Kimball
Brittany Moon	Virginia Googins
Adam Dale	Ariella Searfoss
Corey Sullivan	Jacob Maschino
Lauren Pride	Madison Scott
Molly Merrifield	Nathan Michaud
Amelia Searfoss	Donovan Tarantino
Natalie Domin	Ethan Domin
Emma Belanger	Camryn Caruso
Luke Goodwin	Ellie Michaud
Evan Villacci	Alyvia Caruso
Caleb McGrath-Holmquist	Cole Stiles
Avery Baker Schlendering	Chloe Keliehor
Mason Baker-Schlendering	
Katherine McGrath-Holmquist	

New Members
 Ben Keniston
 Emma Stanley
 Jacob Sullivan

Leaders
 Bill Stiles
 Blaine Moon
 Wendy Gallagher
 Marion Sullivan

Chloe Goodwin
 Kennedy Kimball

Ted Moon
 Troy Pride
 Allison Moon
 Kathleen Pride

Cumberland County 4-H Swiners

Tenth Annual Swine Spectacular



Recognizing All Swiners for 2012

December 5, 2012
 6:30 p.m.
 Val Halla Golf Course
 Cumberland

Building Permit Report - Calendar Year

Building Permit Report	Oct-08	Oct-09	Oct-10	Oct-11	Oct-12
MTD - Construction Dollar Amount	\$725,400.00	\$421,200.00	\$163,000.00	\$1,903,200.00	\$6,135,968.00
MTD - Number of Permits	13	19	20	28	36
MTD - Permit Fees	\$1,958.50	\$2,447.70	\$1,728.00	\$6,110.60	\$17,319.25
YTD - Construction Dollar Amount	\$9,857,607.87	\$6,934,168.00	\$6,669,630.00	\$11,136,190.00	\$18,227,289.15
YTD - Number of Permits	175	138	164	180	195
YTD - Permit Fees	\$39,640.20	\$25,117.00	\$32,753.37	\$44,656.65	\$71,162.26

Master Summary Report

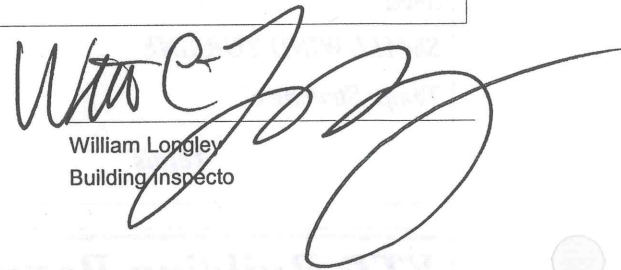
Monthly Building Permits			
		Start Date:	10/1/2012
		End Date:	10/31/201
Addition	6	\$243,200.00	\$1,925.00
Commercial	1	\$4,000,000.00	\$8,555.70
Deck	2	\$2,900.00	\$50.00
Demolition	1	\$1,000.00	\$25.00
Foundation	1	\$5,000.00	\$100.00
House	7	\$1,776,000.00	\$5,386.05
Porches	1	\$15,000.00	\$50.00
Renovation	10	\$82,108.00	\$902.50
Shed	5	\$9,760.00	\$150.00
SMALL WIND TURBINE	1	\$1,000.00	\$150.00
Temp. Structure	1	\$0.00	\$25.00
Totals	36	\$6,135,968.00	\$17,319.25

YTD Building Permits			
Access. Struct.	1	\$9,500.00	\$200.00
Addition	24	\$680,300.00	\$4,250.00
Commercial	9	\$7,913,873.00	\$30,402.36
Deck	17	\$71,850.00	\$497.50
Demolition	5	\$7,200.00	\$125.00
Foundation	4	\$196,000.00	\$417.28
Garage	4	\$155,400.00	\$746.20
House	32	\$8,182,000.00	\$23,803.10
Pool	4	\$110,400.00	\$475.00
Porches	8	\$41,100.00	\$375.00
Renovation	57	\$783,456.15	\$8,285.82
Shed	22	\$49,710.00	\$600.00
SHORELAND	4	\$11,000.00	\$600.00
SMALL WIND TURBINE	1	\$1,000.00	\$150.00

<i>Storage Barn</i>	2	\$14,500.00	\$210.00
<i>Temp. Structure</i>	1	\$0.00	\$25.00
	195	\$18,227,289.15	\$71,162.26

<i>Electrical Permits for dates between 10/01/12 and 10/31/12</i>		<i>YTD Electrical Permits</i>	
<i>Count</i>	<i>Fee</i>	<i>Count</i>	<i>Fee</i>
15	\$1,158.85	125	\$12,009.78

<i>Plumbing Permits for dates between 10/01/12 and 10/31/12</i>		<i>YTD Plumbing Permits</i>	
<i>Count</i>	<i>Fee</i>	<i>Count</i>	<i>Fee</i>
24	\$5,480.00	127	\$18,422.50


 William Longley
 Building Inspector

Building Permits

Start Date:

10/1/2012

End Date:

10/31/2012

Date	Permit	Map/Lot	Owner	Location	Imprvmnt	Est Cost	Fee
10/2/2012	12-160	U01A / 12	MAUREEN FITZG	21 STONY RID	Renovation	\$5,000.00	\$50.00
10/2/2012	12-161	R01 / 60B	CREWE DANIEL	17 JESSIE'S LA	Addition	\$45,000.00	\$120.00
10/2/2012	12-162	R05 / 37D	BROWN ANTHO	29 BRUCE HILL	Shed	\$4,500.00	\$25.00
10/4/2012	12-163	R02A / 7	OLIVER KATHLE	244 FORESIDE	Addition	\$5,000.00	\$50.00
10/4/2012	12-164	U11 / 40	BOOTH AMY R	259 MAIN STRE	Addition	\$3,200.00	\$50.00
10/15/2012	12-165	U14 / 15	COATES BETH	296 Greely Road	Renovation	\$2,000.00	\$50.00
10/15/2012	12-166	U06B / 6	THE WHITE FAMI	4 EBB TIDE DRI	Addition	\$150,000.00	\$1,500.00
10/15/2012	12-167	R08A / 4	ISSACSON MAR	67 WILD APPLE	Renovation	\$1,800.00	\$50.00
10/15/2012	12-168	R07 / 59R	GRAVIER HOME	12 WESTMORE	House	\$140,000.00	\$631.85
10/15/2012	12-169	R07 / 59B	GRAIVER HOME	11 WESTMORE	House	\$160,000.00	\$567.60
10/15/2012	12-170	R01 / 58A	MANGANELLO C	66 TUTTLE RO	House	\$450,000.00	\$1,057.60
10/15/2012	12-171	U10 / 7B 24	R. P. MORRISON	88 WYMAN WA	House	\$240,000.00	\$690.35
10/15/2012	12-172	R05 / 42	PITASSI FRANK J	30 ROSA WAY	Renovation	\$5,500.00	\$100.00
10/15/2012	12-173	R05 / 42	PITASSI FRANK J	30 ROSA WAY	Demolition	\$1,000.00	\$25.00
10/16/2012	12-174	R02 / 10A	MAINE STANDAR	221 US ROUTE	Commercial	\$4,000,000.00	\$8,555.70
10/16/2012	12-175	R05 / 45	ROBERTS DEAN	162 BLANCHAR	Shed	\$1,050.00	\$50.00
10/16/2012	12-176	R08 / 33	CASALE JOSEPH	163 PLEASANT	SMALL WIND	\$1,000.00	\$150.00
10/18/2012	12-177	U10 / 4	MORSE BOYD G	245 MAIN STRE	Deck	\$2,500.00	\$25.00
10/18/2012	12-178	U14 / 22	SPAULDING DOR	320 GREELY R	Shed	\$210.00	\$25.00
10/18/2012	12-179	R08 / 58	NEAGLE CHRIST	76 ORCHARD R	Shed	\$4,000.00	\$25.00
10/18/2012	12-180	R06 / 4	MOODY ADAM	297 GREELY R	Renovation	\$1,200.00	\$120.00
10/18/2012	12-181	U12 / 12	KENNEDY JOHN	21 BLANCHARD	Renovation	\$5,000.00	\$50.00
10/18/2012	12-182	R08 / 42 L	FLETCHER JOHN	61 AUTUMN RI	House	\$256,000.00	\$806.25
10/22/2012	12-183	U14 / 76	WELLERRITTER	13 WOODSIDE	Deck	\$400.00	\$25.00
10/22/2012	12-184	R02D / 28	ROCKWOOD CO		Temp. Structur	\$0.00	\$25.00
10/23/2012	12-185	R07E / 2	CHASE CUSTOM	8 WESTBRANC	House	\$255,000.00	\$858.00
10/23/2012	12-186	U20 / 45C	GAUVIN ROBIN A	35 Old Gray Roa	Addition	\$10,000.00	\$100.00
10/23/2012	12-187	R06 / 6D	O'DONNELL DOU	281 GREELY R	Renovation	\$2,500.00	\$50.00

<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>
10/23/2012	12-188	R06 / 17	LUKENS DANA	394 GREELY R	Porches	\$15,000.00	\$50.00
10/23/2012	12-189	R05 / 28F	STAIR MICHAEL	10 RANGERS	Renovation	\$10,000.00	\$100.00
10/23/2012	12-190	U12 / 24	DUGAS DEBORA	312 MAIN STRE	Renovation	\$45,000.00	\$232.50
10/23/2012	12-191	R08 / 50A	SUSAN MOORE	78 HARMON W	Renovation	\$4,108.00	\$100.00
10/24/2012	12-192	R07 / 45B	KUNTZ MARK E	23 GOOSE PON	Foundation	\$5,000.00	\$100.00
10/25/2012	12-193	U10 / 8	COPP CLAYTON	223 MAIN STRE	Shed	\$0.00	\$25.00
10/31/2012	12-194	U06A / 3	FLETCHER JUST	6 LEDGE ROAD	House	\$275,000.00	\$774.40
10/31/2012	12-195	R03 / 16C	STANHOPE THO	24 STANHOPE	Addition	\$30,000.00	\$105.00
						\$6,135,968.00	\$17,319.25

Electrical Permits

<i>Date Permit</i>	<i>Owner</i>	<i>Location</i>	<i>Est Cost</i>	<i>Fee</i>
10/1/2012 11-2-12	MCCELHINNY APRIL	421 GREELY ROAD	\$0.00	\$50.00
10/3/2012 11-3-12	CUMBERLAND RIFL	BLACKSTRAP ROA	\$0.00	\$50.00
10/3/2012 11-4-12	TOWN OF CUMBER	290 TUTTLE ROAD	\$0.00	\$0.00
10/4/2012 11-5-12	AXELSEN MARK	STIRLING WAY	\$0.00	\$129.20
10/5/2012 11-8-12	SEELY JAMES	15 JESSIE'S LANE	\$0.00	\$50.00
10/9/2012 11-6-12	TEAHAN WILLIAM	3 LANTERN LANE	\$0.00	\$50.00
10/9/2012 11-7-12	ISSACSON MARK	67 WILD APPLE LA	\$0.00	\$50.00
10/15/2012 11-9-12	PITASSI FRANK J	30 ROSA WAY	\$0.00	\$60.75
10/16/2012 12-0-12	SNOW LEWIS E	22 Windy Hollow Wa	\$0.00	\$50.00
10/17/2012 12-1-12	OLIVER KATHLEEN	244 FORESIDE RO	\$0.00	\$50.00
10/17/2012 12-2-12	KOKOSZKA WILLIA	15 STONEWALL D	\$0.00	\$50.00
10/17/2012 12-3-12	PORTLAND WATE	26 FERNE LANE	\$0.00	\$50.00
10/22/2012 12-4-12	SANDY RIVER LLC	28 ROSE DRIVE	\$0.00	\$43.90
10/23/2012 12-5-12	PAINE ANTHONY	60 MAEVES WAY	\$0.00	\$425.00
10/24/2012 12-6-12	LEE DONALD	30 HIDEWAY LANE	\$0.00	\$50.00
		15	\$0.00	\$1,158.85

PLUMBING PERMITS

Permit ID	Date Issued	Owner	Location	Description	Plumber	Permit Type	Est. Cost	Fee
4990	10/1/2012	NORTON ANN L	13 HILLCREST DRIVE	Septic System		External	\$0.00	\$265.00
4991	10/2/2012	DOUGHERTY JEFFREY	43 VALLEY ROAD		E C Russell	Internal	\$0.00	\$40.00
4992	10/4/2012	R. P. MORRISON BUILD	54 DROWNE ROAD		E C Russell	Internal	\$0.00	\$130.00
4993	10/4/2012	STRATTON GENE	20 TINKER LANE			Internal	\$0.00	\$110.00
4994	10/4/2012	WING CRYSTAL M*	147 MIDDLE ROAD		Stu Brown	External	\$0.00	\$185.00
4995	10/11/2012	DROWNE SCHOOL ASS	12 DROWNE ROAD		Granite Corp	Internal	\$0.00	\$1,910.00
4996	10/11/2012	ISSACSON MARK	67 WILD APPLE LANE		Hilise Plumbing	Internal	\$0.00	\$40.00
4997	10/11/2012	PITASSI FRANK J	30 ROSA WAY			Internal	\$0.00	\$50.00
4998	10/11/2012	MANGANELLO CARLA	66 TUTTLE ROAD		CCS, INC.	External	\$0.00	\$265.00
4999	10/6/2012	GRAVER HOMES, LLC	11 WESTMORE AVENU		Graver Homes	External	\$0.00	\$265.00
5000	10/6/2012	GRAVIER HOMES, LLC	12 WESTMORE AVE		Graver Homes	External	\$0.00	\$265.00
5001	10/24/2012	TOWN OF CUMBERLAN	290 TUTTLE ROAD			Internal	\$0.00	\$0.00
5002	10/25/2012	AXELSEN MARK	STIRLING WAY		Brent Folley	Internal	\$0.00	\$140.00
5003	10/25/2012	STAIR MICHAEL	10 RANGERS WAY		Dan Burke	Internal	\$0.00	\$40.00
5004	10/25/2012	PAINE ANTHONY	60 MAEVES WAY		John Bellino	Internal	\$0.00	\$270.00
5005	10/25/2012	D.A. BRACKETT & CO.	6 ACADIA LANE		Tim Davis Plumbin	Internal	\$0.00	\$160.00
5006	10/25/2012	FLETCHER JOHN	61 AUTUMN RIDGE ROA			External	\$0.00	\$265.00
5007	10/25/2012	CHASE CUSTOM HOME	8 WESTBRANCH ROAD			External	\$0.00	\$265.00
5008	10/25/2012	KUNTZ MARK E	23 GOOSE POND ROAD			External	\$0.00	\$265.00
5009	10/24/2012	SMITH RANDI M	241 GRAY ROAD	Septic System	Gorham Sand & Gr	External	\$0.00	\$265.00

Thursday, November 08, 2012

<i>Permit ID</i>	<i>Date Issued</i>	<i>Owner</i>	<i>Location</i>	<i>Description</i>	<i>Plummer</i>	<i>Permit Type</i>	<i>Est. Cost</i>	<i>Fee</i>
5010	10/31/2012	SLOAT BEVERLY L	18 HIGHLAND AVENUE	Septic System		External	\$0.00	\$185.00
S12-010	10/16/2012	MAINE STANDARDS CO.	221 US ROUTE ONE	Sewer		Sewer	\$0.00	\$0.00
S12-011	10/16/2012	R. P. MORRISON BUILD	88 WYMAN WAY	Sewer		Sewer	\$0.00	\$50.00
S12-012	10/31/2012	FLETCHER JUSTIN	6 LEDGE ROAD	Sewer	Ground Breaking	Sewer	\$0.00	\$50.00

Building Permit Report - Calendar Year

Building Permit Report	Nov-08	Nov-09	Nov-10	Nov-11	Nov-12
MTD - Construction Dollar Amount	\$ 620,286.67	\$ 1,001,418.00	\$ 636,100.00	\$645,300.00	\$ 1,494,609.52
MTD - Number of Permits	11	16	12	12	18
MTD - Permit Fees	\$ 2,250.57	\$ 4,495.80	\$ 2,730.95	\$3,627.80	\$ 5,423.40
YTD - Construction Dollar Amount	\$ 10,477,894.54	\$ 7,935,586.00	\$7,305,730.00	\$11,781,490.00	\$19,731,898.67
YTD - Number of Permits	186	154	176	192	213
YTD - Permit Fees	\$ 41,890.77	\$ 29,612.80	\$ 35,484.32	\$48,284.45	\$ 76,685.66

Master Summary Report

Monthly Building Permits			
		Start Date:	11/1/2012
		End Date:	11/30/201
Addition	2	\$17,893.52	\$400.00
Commercial	1	\$4,500.00	\$50.00
Garage	1	\$95,000.00	\$77.80
House	3	\$702,689.00	\$2,099.20
Miscellaneous	1	\$21,127.00	\$50.00
Renovation	3	\$83,400.00	\$631.00
Temp. Structure	1	\$0.00	\$100.00
TRI-PLEX	6	\$570,000.00	\$2,015.40
Totals	18	\$1,494,609.52	\$5,423.40

YTD Building Permits			
Access. Struct.	1	\$9,500.00	\$200.00
Addition	26	\$698,193.52	\$4,650.00
Commercial	10	\$7,918,373.00	\$30,452.36
Deck	17	\$71,850.00	\$497.50
Demolition	5	\$7,200.00	\$125.00
Foundation	4	\$196,000.00	\$417.28
Garage	5	\$250,400.00	\$824.00
House	35	\$8,884,689.00	\$25,902.30
Miscellaneous	1	\$21,127.00	\$50.00
Pool	4	\$110,400.00	\$475.00
Porches	8	\$41,100.00	\$375.00
Renovation	60	\$876,856.15	\$9,016.82
Shed	22	\$49,710.00	\$600.00
SHORELAND	4	\$11,000.00	\$600.00
SMALL WIND TURBINE	1	\$1,000.00	\$150.00
Storage Barn	2	\$14,500.00	\$210.00
Temp. Structure	2	\$0.00	\$125.00

TRI-PLEX	6	\$570,000.00	\$2,015.40
	213	\$19,731,898.67	\$76,685.66

Electrical Permits for dates between 11/01/12 and 11/30/12

Count	Fee
16	\$1,422.20

YTD Electrical Permits

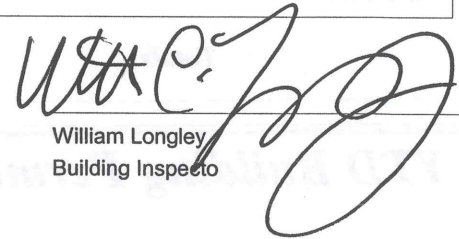
Count	Fee
141	\$13,431.98

Plumbing Permits for dates between 11/01/12 and 11/30/12

Count	Fee
14	\$2,395.00

YTD Plumbing Permits

Count	Fee
141	\$20,817.50


 William Longley
 Building Inspector

Building Permits

Start Date:

11/1/2012

End Date:

11/30/2012

Date	Permit	Map/Lot	Owner	Location	Imprvmnt	Est Cost	Fee
11/1/2012	12-196	R07 / 45B	KUNTZ MARK E	23 GOOSE PON	House	\$5,600.00	\$292.00
11/5/2012	12-197	U21 / 1 5A	HAGERTY ANDR	5A EMERALD D	TRI-PLEX	\$95,000.00	\$335.70
11/5/2012	12-198	U21 / 1 5B	HAGERTY ANDR	5B EMERALD D	TRI-PLEX	\$95,000.00	\$335.70
11/5/2012	12-199	U21 / 1 5C	HAGERTY ANDR	5C EMERALD D	TRI-PLEX	\$95,000.00	\$335.70
11/5/2012	12-200	U21 / 1 6A	HAGERTY ANDR	6A EMERALD D	TRI-PLEX	\$95,000.00	\$335.70
11/5/2012	12-201	U21 / 1 6B	HAGERTY ANDR	6B EMERALD D	TRI-PLEX	\$95,000.00	\$336.90
11/5/2012	12-202	U21 / 1 6C	HAGERTY ANDR	6C EMERALD D	TRI-PLEX	\$95,000.00	\$335.70
11/6/2012	12-203	R05 / 28H	MCALLISTER BRI	RANGERS WAY	House	\$477,089.00	\$1,026.60
11/8/2012	12-204	U08 / 2	CHESLEY PAUL	7 JUSAM WAY	Addition	\$2,893.52	\$50.00
11/8/2012	12-205	U13A / 60	FORTIN RHOND	15 MAPLE STR	Renovation	\$73,000.00	\$431.00
11/15/2012	12-206	U06A / 27	STOLOSKI NORI	5 LEDGE ROAD	Renovation	\$400.00	\$100.00
11/15/2012	12-207	R02B / 2	CREWE DANIEL	59 TUTTLE RO	Garage	\$95,000.00	\$77.80
11/20/2012	12-208	R08A / 36	DOUGHERTY JE	43 VALLEY ROA	Renovation	\$10,000.00	\$100.00
11/20/2012	12-209	R02 / 38C	BURR WENDY L	248 Middle Road	Miscellaneous	\$21,127.00	\$50.00
11/20/2012	12-210	R01 / 11 C	BBW REAL ESTA	62 U S ROUTE	Commercial	\$4,500.00	\$50.00
11/20/2012	12-211	R02 / 33E	AXELSEN MARK	33 STIRLING W	Addition	\$15,000.00	\$350.00
11/21/2012	12-212	U10 / 7B 7	D. A. BRACKETT	56 DROWNE R	House	\$220,000.00	\$780.60
11/29/2012	12-213	R02 / 10A	MAINE STANDAR	221 US ROUTE	Temp. Structur	\$0.00	\$100.00
						\$1,494,609.52	\$5,423.40

Electrical Permits

<i>Date Permit</i>	<i>Owner</i>	<i>Location</i>	<i>Est Cost</i>	<i>Fee</i>
11/1/2012 127-12	GRAVER HOMES,	11 WESTMORE AV	\$0.00	\$131.20
11/1/2012 128-12	GRAVIER HOMES,	12 WESTMORE AV	\$0.00	\$132.05
11/1/2012 129-12	KUNTZ MARK E	23 GOOSE POND R	\$0.00	\$114.00
11/5/2012 130-12	STAIR MICHAEL	10 RANGERS WAY	\$0.00	\$50.00
11/5/2012 131-12	KENNEDY JOHN R	21 BLANCHARD RO	\$0.00	\$50.00
11/5/2012 132-12	WING CRYSTAL M*	147 MIDDLE ROAD	\$0.00	\$120.00
11/6/2012 133-12	KENNEDY JOHN R	21 BLANCHARD RO	\$0.00	\$50.00
11/6/2012 134-12	QUINTANA HELEN	4 RUSSELL RD	\$0.00	\$50.00
11/1/4/2012 135-12	STRATTON GENE	20 TINKER LANE	\$0.00	\$115.00
11/1/4/2012 136-12	ULSTRUP JANE B	250 FORESIDE RO	\$0.00	\$50.00
11/1/4/2012 137-12	LUKENS DANA	394 GREELY ROAD	\$0.00	\$50.00
11/1/9/2012 138-12	R. P. MORRISON B	88 WYMAN WAY	\$0.00	\$152.35
11/1/9/2012 139-12	STANHOPE THOMA	24 STANHOPE LAN	\$0.00	\$66.00
11/21/2012 140-12	DOUGHERTY JEFF	43 VALLEY ROAD	\$0.00	\$66.60
11/26/2012 141-12	CHASE CUSTOM H	8 WESTBRANCH R	\$0.00	\$175.00
11/28/2012 142-12	C N BROWN COMP	296 MAIN STREET	\$0.00	\$50.00
		16	\$0.00	\$1,422.20

PLUMBING PERMITS

Permit ID	Date Issued	Owner	Location	Description	Plummer	Permit Type	Est. Cost	Fee
5011	11/1/2012	COST MANAGEMENT, I	66 AUTUMN RIDGE ROA	Water Treatment	Kevin Gowell	Internal	\$0.00	\$40.00
5012	11/1/2012	HAGERTY ANDREW	5A EMERALD DRIVE	Septic System		External	\$0.00	\$265.00
5013	11/1/2012	HAGERTY ANDREW	6A EMERALD DRIVE	Septic System		External	\$0.00	\$265.00
5014	11/6/2012	KUNTZ MARK E	23 GOOSE POND ROAD			Internal	\$0.00	\$60.00
5015	11/6/2012	GRAVIER HOMES, LLC	12 WESTMORE AVE			Internal	\$0.00	\$130.00
5016	11/6/2012	MCALLISTER BRIAN	RANGERS WAY	Septic System	Greg Holden	External	\$0.00	\$265.00
5017	11/8/2012	KENNEDY JOHN R	21 BLANCHARD ROAD		D. J. Small	Internal	\$0.00	\$40.00
5018	11/13/2012	CREWE DANIEL N	17 JESSIE'S LANE	Holding Tank		External	\$0.00	\$100.00
5019	11/20/2012	MAINE STANDARDS CO.	221 US ROUTE ONE		Titan Mechanical	Internal	\$0.00	\$840.00
5020	11/27/2012	HARRIS CHRISTOPHER	86 TUTTLE ROAD		Thois	Internal	\$0.00	\$110.00
5021	11/27/2012	DOUGHERTY JEFFREY	43 VALLEY ROAD		E C Russell	Internal	\$0.00	\$40.00
5022	11/29/2012	CARTER ROBERT S	34 HARMON WAY		Dunbar	Internal	\$0.00	\$40.00
5023	11/29/2012	SANDY RIVER LLC	28 ROSE DRIVE		Laberge	Internal	\$0.00	\$150.00
S12-014	11/29/2012	FGL SMALL ASSOCIATE	267 Tuttle Road		Les Wilson & Sons	SEWER	\$0.00	\$50.00

Building Permit Report - Calendar Year

Building Permit Report	Nov-08	Nov-09	Nov-10	Nov-11	Nov-12
MTD - Construction Dollar Amount	\$ 620,286.67	\$ 1,001,418.00	\$ 636,100.00	\$645,300.00	\$ 1,494,609.52
MTD - Number of Permits	11	16	12	12	18
MTD - Permit Fees	\$ 2,250.57	\$ 4,495.80	\$ 2,730.95	\$3,627.80	\$ 5,423.40
YTD - Construction Dollar Amount	\$ 10,477,894.54	\$ 7,935,586.00	\$7,305,730.00	\$11,781,490.00	\$19,731,898.67
YTD - Number of Permits	186	154	176	192	213
YTD - Permit Fees	\$ 41,890.77	\$ 29,612.80	\$ 35,484.32	\$48,284.45	\$ 76,685.66

Master Summary Report

Monthly Building Permits			
		Start Date:	11/1/2012
		End Date:	11/30/201
Addition	2	\$17,893.52	\$400.00
Commercial	1	\$4,500.00	\$50.00
Garage	1	\$95,000.00	\$77.80
House	3	\$702,689.00	\$2,099.20
Miscellaneous	1	\$21,127.00	\$50.00
Renovation	3	\$83,400.00	\$631.00
Temp. Structure	1	\$0.00	\$100.00
TRI-PLEX	6	\$570,000.00	\$2,015.40
Totals	18	\$1,494,609.52	\$5,423.40

YTD Building Permits			
Access. Struct.	1	\$9,500.00	\$200.00
Addition	26	\$698,193.52	\$4,650.00
Commercial	10	\$7,918,373.00	\$30,452.36
Deck	17	\$71,850.00	\$497.50
Demolition	5	\$7,200.00	\$125.00
Foundation	4	\$196,000.00	\$417.28
Garage	5	\$250,400.00	\$824.00
House	35	\$8,884,689.00	\$25,902.30
Miscellaneous	1	\$21,127.00	\$50.00
Pool	4	\$110,400.00	\$475.00
Porches	8	\$41,100.00	\$375.00
Renovation	60	\$876,856.15	\$9,016.82
Shed	22	\$49,710.00	\$600.00
SHORELAND	4	\$11,000.00	\$600.00
SMALL WIND TURBINE	1	\$1,000.00	\$150.00
Storage Barn	2	\$14,500.00	\$210.00
Temp. Structure	2	\$0.00	\$125.00

TRI-PLEX	6	\$570,000.00	\$2,015.40
	213	\$19,731,898.67	\$76,685.66

**Electrical Permits for dates between
11/01/12 and 11/30/12**

<i>Count</i>	<i>Fee</i>
16	\$1,422.20

YTD Electrical Permits

<i>Count</i>	<i>Fee</i>
141	\$13,431.98

**Plumbing Permits for dates
between 11/01/12 and 11/30/12**

<i>Count</i>	<i>Fee</i>
14	\$2,395.00

YTD Plumbing Permits

<i>Count</i>	<i>Fee</i>
141	\$20,817.50

William Longley
Building Inspector

Building Permits

Start Date:

11/1/2012

End Date:

11/30/2012

<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>
11/1/2012	12-196	R07 / 45B	KUNTZ MARK E	23 GOOSE PON	House	\$5,600.00	\$292.00
11/5/2012	12-197	U21 / 1 5A	HAGERTY ANDR	5A EMERALD D	TRI-PLEX	\$95,000.00	\$335.70
11/5/2012	12-198	U21 / 1 5B	HAGERTY ANDR	5B EMERALD D	TRI-PLEX	\$95,000.00	\$335.70
11/5/2012	12-199	U21 / 1 5C	HAGERTY ANDR	5C EMERALD D	TRI-PLEX	\$95,000.00	\$335.70
11/5/2012	12-200	U21 / 1 6A	HAGERTY ANDR	6A EMERALD D	TRI-PLEX	\$95,000.00	\$335.70
11/5/2012	12-201	U21 / 1 6B	HAGERTY ANDR	6B EMERALD D	TRI-PLEX	\$95,000.00	\$336.90
11/5/2012	12-202	U21 / 1 6C	HAGERTY ANDR	6C EMERALD D	TRI-PLEX	\$95,000.00	\$335.70
11/6/2012	12-203	R05 / 28H	MCALLISTER BRI	RANGERS WAY	House	\$477,089.00	\$1,026.60
11/8/2012	12-204	U08 / 2	CHESLEY PAUL	7 JUSAM WAY	Addition	\$2,893.52	\$50.00
11/8/2012	12-205	U13A / 60	FORTIN RHOND	15 MAPLE STR	Renovation	\$73,000.00	\$431.00
11/15/2012	12-206	U06A / 27	STOLOSKI NORI	5 LEDGE ROAD	Renovation	\$400.00	\$100.00
11/15/2012	12-207	R02B / 2	CREWE DANIEL	59 TUTTLE RO	Garage	\$95,000.00	\$77.80
11/20/2012	12-208	R08A / 36	DOUGHERTY JE	43 VALLEY ROA	Renovation	\$10,000.00	\$100.00
11/20/2012	12-209	R02 / 38C	BURR WENDY L	248 Middle Road	Miscellaneous	\$21,127.00	\$50.00
11/20/2012	12-210	R01 / 11 C	BBW REAL ESTA	62 U S ROUTE	Commercial	\$4,500.00	\$50.00
11/20/2012	12-211	R02 / 33E	AXELSEN MARK	33 STIRLING W	Addition	\$15,000.00	\$350.00
11/21/2012	12-212	U10 / 7B 7	D. A. BRACKETT	56 DROWNE R	House	\$220,000.00	\$780.60
11/29/2012	12-213	R02 / 10A	MAINE STANDAR	221 US ROUTE	Temp. Structur	\$0.00	\$100.00
						\$1,494,609.52	\$5,423.40

Electrical Permits

<i>Date Permit</i>	<i>Owner</i>	<i>Location</i>	<i>Est Cost</i>	<i>Fee</i>
11/1/2012 127-12	GRAIVER HOMES,	11 WESTMORE AV	\$0.00	\$131.20
11/1/2012 128-12	GRAVIER HOMES,	12 WESTMORE AV	\$0.00	\$132.05
11/1/2012 129-12	KUNTZ MARK E	23 GOOSE POND R	\$0.00	\$114.00
11/5/2012 130-12	STAIR MICHAEL	10 RANGERS WAY	\$0.00	\$50.00
11/5/2012 131-12	KENNEDY JOHN R	21 BLANCHARD RO	\$0.00	\$50.00
11/5/2012 132-12	WING CRYSTAL M*	147 MIDDLE ROAD	\$0.00	\$120.00
11/6/2012 133-12	KENNEDY JOHN R	21 BLANCHARD RO	\$0.00	\$50.00
11/6/2012 134-12	QUINTANA HELEN	4 RUSSELL RD	\$0.00	\$50.00
11/14/2012 135-12	STRATTON GENE	20 TINKER LANE	\$0.00	\$115.00
11/14/2012 136-12	ULSTRUP JANE B	250 FORESIDE RO	\$0.00	\$50.00
11/14/2012 137-12	LUKENS DANA	394 GREELY ROAD	\$0.00	\$50.00
11/19/2012 138-12	R. P. MORRISON B	88 WYMAN WAY	\$0.00	\$152.35
11/19/2012 139-12	STANHOPE THOMA	24 STANHOPE LAN	\$0.00	\$66.00
11/21/2012 140-12	DOUGHERTY JEFF	43 VALLEY ROAD	\$0.00	\$66.60
11/26/2012 141-12	CHASE CUSTOM H	8 WESTBRANCH R	\$0.00	\$175.00
11/28/2012 142-12	C N BROWN COMP	296 MAIN STREET	\$0.00	\$50.00
		16	\$0.00	\$1,422.20

PLUMBING PERMITS

<i>Permit ID</i>	<i>Date Issued</i>	<i>Owner</i>	<i>Location</i>	<i>Description</i>	<i>Plummer</i>	<i>Permit Type</i>	<i>Est. Cost</i>	<i>Fee</i>
5011	11/1/2012	COST MANAGEMENT, I	66 AUTUMN RIDGE ROA	Water Treatment	Kevin Gowell	Internal	\$0.00	\$40.00
5012	11/1/2012	HAGERTY ANDREW	5A EMERALD DRIVE	Septic System		External	\$0.00	\$265.00
5013	11/1/2012	HAGERTY ANDREW	6A EMERALD DRIVE	Septic System		External	\$0.00	\$265.00
5014	11/6/2012	KUNTZ MARK E	23 GOOSE POND ROAD			Internal	\$0.00	\$60.00
5015	11/6/2012	GRAVIER HOMES, LLC	12 WESTMORE AVE			Internal	\$0.00	\$130.00
5016	11/6/2012	MCALLISTER BRIAN	RANGERS WAY	Septic System	Greg Holden	External	\$0.00	\$265.00
5017	11/8/2012	KENNEDY JOHN R	21 BLANCHARD ROAD		D. J. Small	Internal	\$0.00	\$40.00
5018	11/13/2012	CREWE DANIEL N	17 JESSIES LANE	Holding Tank		External	\$0.00	\$100.00
5019	11/20/2012	MAINE STANDARDS CO.	221 US ROUTE ONE		Titan Mechanical	Internal	\$0.00	\$840.00
5020	11/27/2012	HARRIS CHRISTOPHER	86 TUTTLE ROAD		Thois	Internal	\$0.00	\$110.00
5021	11/27/2012	DOUGHERTY JEFFREY	43 VALLEY ROAD		E C Russell	Internal	\$0.00	\$40.00
5022	11/29/2012	CARTER ROBERT S	34 HARMON WAY		Dunbar	Internal	\$0.00	\$40.00
5023	11/29/2012	SANDY RIVER LLC	28 ROSE DRIVE		Laberge	Internal	\$0.00	\$150.00
S12-014	11/29/2012	FGL SMALL ASSOCIATE	267 Tuttle Road		Les Wilson & Sons	SEWER	\$0.00	\$50.00

<http://www.cumberlandmaine.com> ...
www.cumberlandmaine.com [...]

Home

Standard Reporting

Custom Reporting

Admin

Help

All Traffic

Nov 2, 2012

Advanced Segments Customize Email Export Add to Dashboard Shortcut BETA % of visits: 100.00%

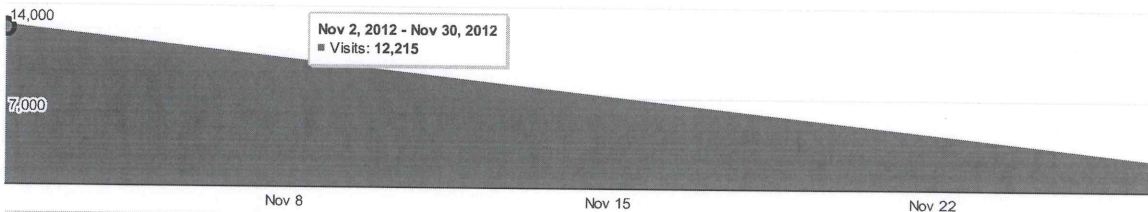
Explorer

Site Usage Ecommerce

Visits vs. Select a metric

Day Week

● Visits



Visits

12,637

% of Total: 100.00% (12,637)

Pages / Visit

2.36

Site Avg: 2.36 (0.00%)

Avg. Visit Duration

00:01:35

Site Avg: 00:01:35 (0.00%)

% New Visits

54.85%

Site Avg: 54.85% (0.00%)

Site

Primary Dimension: Source / Medium Source Medium Other

Plot Rows

Secondary dimension

Sort Type:

Default

advanced

<input type="checkbox"/>	Source / Medium	Visits	Pages / Visit	Avg. Visit Duration	% New Visits
<input checked="" type="checkbox"/>	1. (direct) / (none)	5,172	1.84	00:01:17	70.
<input checked="" type="checkbox"/>	2. google / organic	5,131	2.68	00:01:41	42.
<input checked="" type="checkbox"/>	3. bing / organic	775	3.10	00:02:57	41.
<input checked="" type="checkbox"/>	4. yahoo / organic	383	3.03	00:01:49	41.
<input checked="" type="checkbox"/>	5. valhallagolf.com / referral	322	1.96	00:00:51	50.
<input checked="" type="checkbox"/>	6. cumberlandmaine.com / referral	193	2.38	00:01:29	17.
<input checked="" type="checkbox"/>	7. google.com / referral	68	1.90	00:00:50	76.
<input checked="" type="checkbox"/>	8. ask / organic	38	4.03	00:02:25	71.
<input checked="" type="checkbox"/>	9. aol / organic	36	2.94	00:02:40	58.
<input checked="" type="checkbox"/>	10. maine.gov / referral	28	3.71	00:01:33	60.

Show rows: 10 Go to: 1

This report was generated on 12/3/12 at

WEB Page

<http://www.cumberlandmaine.com> ...
www.cumberlandmaine.com [...]

Home

Standard Reporting

Custom Reporting

Admin

Help

Direct Traffic

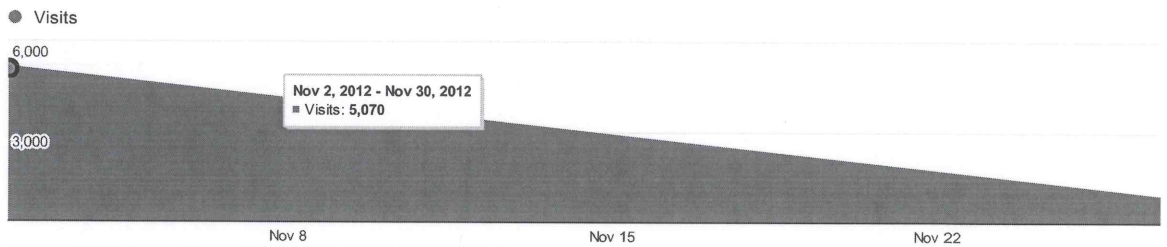
Nov 2, 2012

[Advanced Segments](#) [Customize](#) [Email](#) [Export](#) [Add to Dashboard](#) [Shortcut](#) BETA % of visits: 40.93%

Explorer

[Site Usage](#) [Ecommerce](#)Visits vs. [Select a metric](#)

Day Week



Visits

5,172

% of Total: 40.93% (12,637)

Pages / Visit

1.84

Site Avg: 2.36 (-22.11%)

Avg. Visit Duration

00:01:17

Site Avg: 00:01:35 (-18.64%)

% New Visits

70.73%

Site Avg: 54.85% (28.95%)

Site

Primary Dimension: [Landing Page](#) [Other](#)

Plot Rows

Secondary dimension

Sort Type:

Default

advanced

<input type="checkbox"/>	Landing Page	Visits	Pages / Visit	Avg. Visit Duration	% New Visits
<input checked="" type="checkbox"/>	1. /	1,771	3.01	00:03:10	33.
<input checked="" type="checkbox"/>	2. /government/departments/community-education-recreation/	51	1.88	00:01:02	54.
<input checked="" type="checkbox"/>	3. /government/departments/assessor/	46	2.37	00:02:33	80.
<input checked="" type="checkbox"/>	4. /government/departments/library/	46	1.76	00:01:50	82.
<input checked="" type="checkbox"/>	5. /valhalla.cfm	45	1.82	00:01:14	24.
<input checked="" type="checkbox"/>	6. /government/departments/fire-department/	43	1.21	00:00:06	41.
<input checked="" type="checkbox"/>	7. /government/departments/community-education-recreation/greely-pool/	32	1.03	00:00:04	78.
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<input checked="" type="checkbox"/>	9. /viking-grill	21	2.48	00:01:01	95.
<input checked="" type="checkbox"/>	10. /government/staff-directory/	20	1.15	00:00:18	15.

Show rows: 10 Go to: 1

This report was generated on 12/3/12 at

Web Page



The Town of Cumberland
Email Tracking Report
12/3/2012

Comparative Metrics

	Sent	Bounces	Opens	Clicks	Forwards
Overall	164677	6.0% (9861)	30.8% (47756)	2.8% (1319)	0.0% (13)
Last 3 months	10070	2.6% (258)	32.6% (3202)	0.2% (6)	0.0% (1)

Emails

Date Sent	Email Name	Sent	Bounces	Spam Reports	Opt-outs	Opens	Clicks	Forwards
11/29/2012	Copy of Copy of November 21, 2012	1008	2.4% (24)	0	0	31.4% (309)	0	0
11/21/2012	Copy of November 21, 2012	1007	2.5% (25)	0	0.1% (1)	33.1% (325)	0	0.3% (1)
11/15/2012	Copy of Copy of copy of November 8, 2012	1007	3.4% (34)	0	0.1% (1)	32.1% (312)	0	0
11/2/2012	copy of November 1, 2012	1007	2.7% (27)	0	0	32.3% (317)	0	0
10/25/2012	copy of October 25, 2012	1005	2.2% (22)	0	0	34.5% (339)	0	0
10/22/2012	Copy of Copy of Email Created 2012/10/16, 11:46 AM	1008	2.2% (22)	0	0.1% (1)	33.7% (332)	0	0
10/22/2012	Copy of Email Created 2012/10/16, 11:46 AM	1008	2.1% (21)	0	0	32.9% (325)	0	0
10/18/2012	Email Created 2012/10/16, 11:46 AM	1003	2.1% (21)	0	0.1% (1)	35.1% (345)	0.3% (1)	0
10/11/2012	copy of October 11, 2012	1002	2.3% (23)	0	0	30.8% (302)	1.0% (3)	0
10/4/2012	Copy of Copy of copy of October 4, 2012	1015	3.8% (39)	0	0	30.3% (296)	0.7% (2)	0

Key For Table

Sent	The total emails sent, including bounces.
Bounces	Emails sent, but not received by your contacts.
Bounced percent	Number of bounced emails divided by the number sent.
Spam Reports	Number of complaints received from an email.
Opt-outs	Contacts who unsubscribed from your list.
Opt-out percent	Number of opt-outs divided by the number sent.
Opens	Emails your contacts received and viewed.
Opened percent	Number of opened emails divided by the number of emails delivered (delivered = emails sent minus emails bounced).
Clicks	Contacts who clicked on a link within your email.
Click-through percent	Number of clicks divided by the number opened.
Forwards	Number of times the email was forwarded using the Forward Email to a Friend link.
Forward Email to a Friend percent	Number of forwarded emails divided by the number opened.
Overall	Totals since using Constant Contact.
Last 3 months	Totals for the last three months.

Monthly Web Statistics for Cumberland ME MapGeo Report

Time range: 11/1/2012 00:04:54 - 11/30/2012 23:52:48

Generated on Sat Dec 01, 2012 - 06:32:57

General Statistics

Summary

Summary

Hits	
Total Hits	27,637
Visitor Hits	27,439
Spider Hits	198
Average Hits per Day	921
Average Hits per Visitor	27.91
Cached Requests	506
Failed Requests	831
Page Views	
Total Page Views	3,347
Average Page Views per Day	111
Average Page Views per Visitor	3.40
Visitors	
Total Visitors	983
Average Visitors per Day	32
Total Unique IPs	832
Bandwidth	
Total Bandwidth	364.64 MB
Visitor Bandwidth	336.03 MB
Spider Bandwidth	28.62 MB
Average Bandwidth per Day	12.15 MB
Average Bandwidth per Hit	13.51 KB
Average Bandwidth per Visitor	350.04 KB

Advanced Stats for this Week / Month / Year

You had 53 plays, 0 likes, and 0 comments on your videos in this past month. You received 754 loads from United States.

This week at a glance

53
Plays

828
Loads

0
Likes

0
Comments

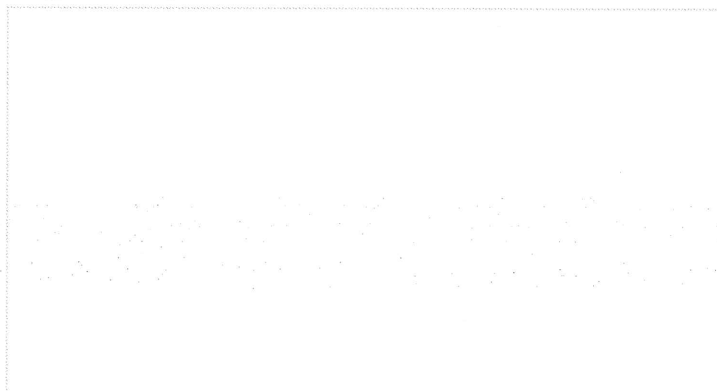
Weekly Overview

Date	Plays	Loads	Likes	Comments
Week of Dec 3, 2012	0	3	0	0
Week of Nov 26, 2012	10	307	0	0
Week of Nov 19, 2012	8	256	0	0
Week of Nov 12, 2012	7	120	0	0
Week of Nov 5, 2012	20	110	0	0
Week of Oct 29, 2012	8	32	0	0
Totals	53	828	0	0

+ View your full total stats

Geographical Locations

Drag, zoom and pan around.



+ View your full geo stats

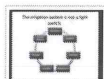
Top performers this week

Most Plays

+ More



Cumberland Maine Planning Board Meeting, January 17, 2012 **8**



Turfgrass Management 101 **7**



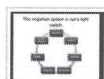
Candidates Night, October 24, 2012 **6**

Most Loads

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Cumberland Maine Town Council Meeting, September 12, 2011 **54**



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WORKSHOP

William Shane

From: John Sevee <jsevee@smemaine.com>
Sent: Monday, December 03, 2012 10:41 AM
To: Kenneth M. Cole, III
Cc: William Shane
Subject: RE: Modified Aquifer Protection Ordinance

That may be possible with the asphalt and waste oil but I wanted to also avoid substances that would add an organic loading (except for salt in snow from roadways) to the soil that would enhance microbial action and possibly mobilize naturally occurring elements in the soils such as arsenic or iron. This facilitated contamination by leaching of something that is not itself a contaminant is where I was coming from. I was also thinking about non-petroleum waste oils such as cooking oils or grease. Maybe there is a better way to address this issue.

From: Kenneth M. Cole, III [<mailto:KCole@JBGH.com>]
Sent: Monday, December 03, 2012 10:21 AM
To: John Sevee
Cc: William Shane
Subject: RE: Modified Aquifer Protection Ordinance

John: My only concern with that list is that some of the items may fall within subsection 1 as prohibited hazardous waste?
ken

Kenneth M. Cole III
Jensen Baird Gardner & Henry
Ten Free Street
P.O. Box 4510
Portland, ME 04112
(207) 775-7271
(207) 775-7935 (fax)
kcole@jbgh.com

From: John Sevee [<mailto:jsevee@smemaine.com>]
Sent: Monday, December 03, 2012 9:12 AM
To: William Shane; Kenneth M. Cole, III; Natalie L. Burns
Cc: smoriarty@nhdlaw.com
Subject: RE: Modified Aquifer Protection Ordinance

My comments under 5B.

From: William Shane [<mailto:wshane@cumberlandmaine.com>]
Sent: Friday, November 30, 2012 4:36 PM
To: kcole@jbgh.com; nburns@JBGH.com
Cc: smoriarty@nhdlaw.com; John Sevee
Subject: Modified Aquifer Protection Ordinance

Hi Ken & Natalie,

Is what I proposed in the attached ordinance language legal?

We are struggling with uses and language to protect the aquifer, but truly outside of education and inspection, it is a false sense of security if we approve a warehouse that houses paper products, then 3 years later is 75% filled with fertilizer or motor oil. If we focus on follow-up, compliance and education, we will do more to protect the aquifer than any planning board approval could ever do.

If it's not legal, however, then we fall back to a moratorium and ordinance overhaul. Please let me know your thoughts.

Thank you!

Bill

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

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

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ARTICLE V Aquifer Protection

§ 315-34. Purpose.

The purpose of this article is to protect the health, safety, and general welfare of the residents of Cumberland by protecting the quality of the Town's groundwater through the regulation of activities and land use practices.

§ 315-35. Applicability.

The requirements of this article shall apply to all areas designated as aquifer protection (AP) on the Official Aquifer Protection Map which shall be adopted as part of this chapter. Aquifer protection areas shall be determined on the basis of the most recent data available from the United States Geological Survey and Maine Geological Survey and other public sources.

§ 315-36. Regulations.

- A. Disposal of hazardous waste materials is prohibited.
- B. The following uses shall only be allowed upon a positive finding by the Planning Board that the proposed use, with any conditions imposed by the Board, will not adversely affect the quality of groundwater:
 - (1) Disposal of solid waste, other than brush or stumps.
 - (2) Storage of road salt or other deicing agents.
 - (3) Animal feedlots which hold more than three animals per acre or, in the case of poultry, which hold more than 150 animals per acre.
 - (4) Manure piles or storage pits in excess of 50 cubic yards or, in the case of poultry manure, in excess of 20 cubic yards; manure shall otherwise be disposed in accordance with the provisions of § 315-37A.
 - (5) Storage of petroleum or other refined petroleum products, with the exception of petroleum products used for household purposes.
 - (6) Disposal of other leachable materials, with the exception of single-family and two-family residential septic systems, including, but not limited to: (specific examples from John Sevee) compost in excess of 50 cubic yards, asphalt, liquid or semi-solid sludges, roadway snow, brush and stumps in excess of 50 cubic yards, waste oils.
 - (7) Extraction of earth materials.
 - (8) Any residential, commercial, industrial, institutional, or governmental development, including subdivision, which occupies a land or water area in excess of 20 acres.

§ 315-37. Annual Compliance.

- A. All uses within a designated aquifer protection zone that have been approved by the Board pursuant to the criteria above in § 315-36B and Chapter 229, Site Plan Review, are subject to annual inspection by the Code Enforcement Officer to ensure continued compliance with the Board's findings and approval.**

Editor's Note: I did not specifically outline the inspection process here. I don't think this is the appropriate place for that – more of a policy that could be drafted separately – and this section leaves the CEO with some latitude in how to enforce this requirement. Recommendation: establish baseline in first year with inspection of all existing businesses and multiplexes in AP zones then create annual survey and inspect as necessary (at least once every three years)

- B. The expansion of an existing use that has been approved by the Board pursuant to the criteria above in § 315-36B and Chapter 229, Site Plan Review, or the addition of new uses not previously approved by the Board shall be reviewed prior to the expansion or addition of a new use and require a positive finding pursuant to the criteria above in § 315-36B and approval in accordance with Chapter 229, Site Plan Review.**

- C. Existing non-residential uses in place prior to January 31, 2013, shall be subject to a baseline inspection to explain and educate the new Aquifer Protect language; inventory material safety data sheets (MSDS); and catalogue existing spill prevention and containment programs and policies when applicable.**

Chapter 229 SITE PLAN REVIEW

§ 229-10. Approval standards and criteria.

The following criteria shall be used by the Planning Board in reviewing applications for site plan review and shall serve as minimum requirements for approval of the application. The application shall be approved unless the Planning Board determines that the applicant has failed to meet one or more of these standards. In all instances, the burden of proof shall be on the applicant, who must produce evidence sufficient to warrant a finding that all applicable criteria have been met.

E. Water Protection

- (3) Aquifer protection. If the site is located within the Town Aquifer Protection Area, a positive finding by the Board that the proposed plan will not adversely affect the aquifer is required **in accordance with the standards set forth in § 315-36B.**



Cumberland Town Council Meeting
Monday, December 10, 2012
6:00 Workshop
7:00 p.m. Call to Order

The Cumberland Town Council will hold a Workshop at 6:00 p.m. to discuss Aquifer Protection Ordinance amendments, and its regular meeting at 7:00 p.m. on Monday, December 10, 2012, in the Town Council Chambers. An opportunity for public comment will be provided. The following items will receive a public hearing:

- To hold a Public Hearing to consider and act on amending the Cumberland Shellfish Conservation Ordinance, as recommended by the Shellfish Conservation Commission.
- To consider and act on reappointing Town Clerk, Tamara O'Donnell as Registrar of Voters for the period of January 2013 – January 2015.
- To consider and act on cancelling the December 24, 2012 Town Council Meeting and rescheduling it to December 17, 2012.
- To set a Public Hearing date (December 17th) to consider and act on authorizing the Code Enforcement Officer to enter into a Consent Agreement with property owners located at 249 Gray Roads
- **EXECUTIVE SESSION** pursuant to 1 M.R.S.A., § 405(6)(A)(1) re: discussion or consideration of appointments.

Other items may be considered. Please refer to the town's website: www.cumberlandmaine.com for a complete agenda.