

AGENDA
CUMBERLAND TOWN COUNCIL MEETING
Town Council Chambers, 290 Tuttle Road
Monday, October 9, 2006

7:00 p.m. – CALL TO ORDER

I. APPROVAL OF MINUTES

September 25, 2006

II. MANAGER'S REPORT

Revaluation Timeline

III. PUBLIC DISCUSSION

IV. LEGISLATION AND POLICY

06 – 169. To hold a public hearing to consider and act on proposed Twin Brook Recreation Area improvements estimated at 1.1 million dollars to construct a shelter with restroom facilities, maintenance building, road realignment and field improvements.

06 – 170. To hold a public hearing to consider and act on a waiver of the Recreational Facilities and Open Space Impact Fee for Goose Pond Development, LLC for the Foxes Gore Subdivision located off of Goose Pond Road.

06 – 171. To hold a public hearing to consider adopting a Cumberland Noise Ordinance.

06 – 172. To hold a public hearing to consider and act on the Cumberland NIMS Implementation Plan and the Cumberland Emergency Management Ordinance.

06 – 173. To hold a public hearing to consider and act on an Agreement with the Town of Falmouth for shared Animal Control Officer and Harbormaster services.

V. NEW BUSINESS

VI. EXECUTIVE SESSION – pursuant to 1 M.R.S.A., Section § 405 (6) (c) re: real estate tax abatement requests.

VII. ADJOURNMENT

REBROADCAST SCHEDULE ON REVERSE

Town of Cumberland Public Hearing Notice October 9, 2006

The Cumberland Town Council will hold public hearings on Monday, October 9, 2006 at 7:00 p.m. at the Cumberland Town Hall in the Council Chambers to consider and act on the following items: Cumberland NIMS Implementation Plan and the Cumberland Emergency Management Ordinance; proposed Twin Brook Recreation Area improvements; Agreement with the Town of Falmouth to share an Animal Control Officer and contracting Harbormaster services; Recreational Facilities and Open Space Impact Fees waiver for Goose Pond Development; Town of Cumberland Noise Ordinance. An opportunity for public comment will be provided. Additional items may also be considered. A complete agenda can be found on the town's website: www.cumberlandmaine.com.

October 9, 2006
Town Council Meeting
CHANNEL 2
REBROADCAST SCHEDULE

- ♦ Tuesday, October 10 : 1:00 pm
- ♦ Wednesday, October 11 : 10:00 am
- ♦ Thursday, October 12 : 4:00 pm
- ♦ Friday, October 13 : 7:00 pm
- ♦ Saturday, October 14: 10:00 am
- ♦ Sunday, October : 4:00 pm

For further programming information and rebroadcast schedules contact *Mike Crosby*
at 829-2205 or mcrosby@cumberlandmaine.com

ALSO VISIT: www.cumberlandmaine.com for a complete
Channel 2 broadcast schedule

COUNCIL MEMBERS

Stephen Moriarty, Chair	829-5095	smoriarty@nhdlaw.com	Donna Damon	846-5140	publicservant@aol.com
Shirley Storey-King	829-5006	Shirley_Storey-King@msad51.org	Ronald Copp, Jr.	829-4191	coppredcamp@aol.com
George Turner	781-3063	gturner1@maine.rr.com	Jeffrey Porter	829-4129	mesit5@maine.rr.com
William Stiles	829-6679	wstiles@maine.rr.com			

MINUTES
CUMBERLAND TOWN COUNCIL MEETING
Town Council Chambers, 290 Tuttle Road
Monday, September 25, 2006
7:00 p.m. – CALL TO ORDER

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

Excused: Councilor Turner

I. APPROVAL OF MINUTES

Motion by Councilor Porter to approve September 11, 2006 minutes as presented; seconded by Councilor Copp.
VOTE: UNANIMOUS 5-0 (Stiles not present until 7:35 pm)

II. MANAGER'S REPORT

The Manager announced the following items: Darrell Whetherbee, the husband of a former Cumberland Police Officer, Sheila Whetherbee was killed in Iraq the previous week. He expressed his sympathies to Sheila and family. A donation was made in Darrell's memory to the National Law Enforcement Memorial on behalf of the Town Council. A Data Verification Report was being mailed out by the Assessor's office by the end of the week. Residents are asked to look over the report and report any changes to the Assessor's office. Any revaluations will not be reflected until the September 2007 tax bill. This revaluation is the result of the Chebeague Island Secession and to bring the values current. A public hearing will be held when the updated information is available. The Cumberland Police Department borrowed the speed board, which displays a vehicles current speed, from the Town of Yarmouth and would be located in various places throughout Cumberland for the week. Lastly, Goose Pond Development has received Planning Board approval and has requested a waiver of the Recreational Facilities and Open Space Impact Fees. This item would need to be approved by the Council. The Manager asked that the Council place this item on the October 9, 2006 agenda for public hearing.

Motion by Councilor Copp to set a public hearing date of October 9, 2006 to consider and act on a waiver for Goose Pond Development re: Recreational Facilities and Open Space Impact Fees. Seconded by Councilor Damon.
VOTE: UNANIMOUS PASSAGE 5-0 (Stiles not present until 7:35pm)

Councilor Porter asked the Manager to bring back the amount of impact fees collected to date and what that money has been used for in town.

III. PUBLIC DISCUSSION

Town of Long Island Board of Selectmen Chairman, Steve Train and Rescue Chief, Dick Clark presented the Town Council with a plaque in recognition of the donation of Cumberland Rescue 3 to the Town of Long Island. Chairman Train read a letter that was sent to the Council dated August 31, 2006, which expressed the town's appreciation and gratitude for this generous gift. Chief Clark also expressed his gratitude and hoped that the towns could continue to work together. Chairman Moriarty thanked Mr. Train and Chief Clark for coming and looked forward to a continued relationship as well.

Bill and Emily Hawkinson of 7 Winn were present to ask for assistance in a matter relating to the institution of a Noise Ordinance. Mr. Hawkinson explained that a neighbor across the street from their residence has produced excessive noise over the past year resulting from parties and loud music. They have repeatedly called the Cumberland Police Department to ask that the noise be quieted down but the problem continues to exist. Mr. Hawkinson described the times of day in which the noise occurs. He also listed the neighbors in the surrounding area who are also affected by the noise. He stated that although the Police Department has responded to their calls the department is unable to proceed any further than to ask the people to quiet down because there is no Town ordinance in place relating to noise. Mr. Hawkinson asked that the Council consider enacting a Noise Ordinance to address this issue.

Mrs. Hawkinson spoke to the Council about their frustrations on the matter and explained that they chose to move to Cumberland because of the peaceful atmosphere. She said she would appreciate any help the Council could offer relating to this issue.

Mr. Hawkinson asked Manager Shane to elaborate on how many police calls had made to the residence of question. Manager Shane said there had been 15 calls in less than a year. Manager Shane said that the Town has not had a need for a noise ordinance because neighbors have respected neighbors in the past. The Council received examples of the Freeport ordinance and the Bar Harbor ordinance that evening. Councilor Damon felt the Town should do something but said that certain exceptions should be made regarding organizations that historically have held events that end at a reasonable time. Chairman Moriarty suggested that Code Enforcement Officer, Bill Longley research what the Town already has in place regarding noise. Councilor Porter asked what powers the Council had to imposing an emergency moratorium. Manager Shane said that a public hearing could be set for the October 9, 2006 meeting and the Ordinance Sub-committee consisting of Steve Moriarty and George Turner should meet to investigate a new ordinance. He suggested starting the regular council meeting a little late to bring the full council up to speed before acting on the matter.

Councilor Porter wanted to make sure that there is something that the police have to use if retaliatory measures are taken and he also wanted to be sure not to exclude traditional uses.

The possible type of punishment for a violation was discussed as well as whether the Police Department currently had sound measuring equipment.

IV. LEGISLATION AND POLICY

06 – 156. To hold public hearing to consider a five year extension of the Cable TV Franchise Agreement with Time Warner Cable.

The agreement was not ready for Council action; therefore the Manager requested that the item be tabled indefinitely until a final agreement was ready to be submitted.

Motion by Councilor Porter to table item 06-156 indefinitely. Seconded by Councilor Storey-King.

VOTE: UNANIMOUS PASSAGE 5-0 (Stiles not present until 7:35 pm)

06 – 164. To hold a public hearing to consider and act on a Consent Decree for property located at 44 Range Way, Map R01, Lot 50D.

Councilor Stiles arrived at 7:35 pm.

Manager Shane reviewed the issue of a mis-located building on the property, which was discussed at the meeting of September 11, 2006 and recommended approval.

Councilor Copp asked if the new owners had any recourse to recoup the fees to have the violation resolved.

Councilor Porter wanted to reiterate that the fees were not a fine. They were only assessed to cover the cost of correcting the violation.

Chairman Moriarty asked if the new owners were on board with the agreement. Rosalyn Metzger said yes.

Councilor Stiles said that the fee to cover the cost is warranted because of the amount of work involved to rectify the issue.

Motion by Councilor Porter to authorize the Code Enforcement Officer to enter into a Consent Decree for property located at 44 Range Way, Map R01, Lot 50D. Seconded by Councilor Stiles.

VOTE: UNANIMOUS PASSAGE 6-0

06 – 165. To set a public hearing date of October 9, 2006 to consider and act on the Cumberland NIMS Implementation Plan and the Cumberland Emergency Management Ordinance.

Manager Shane explained that town staff has been trained in the National Incident Management System (NIMS) and the town needs to adopt the implementation plan and Emergency Management Ordinance in order to remain eligible for State and Federal grants. Rescue Chief Chris Bolduc and Fire Chief Dan Small would be present at the public hearing to answer questions and provide more information to the Council. Councilor Storey-King noted that a correction needed to be made on the 2nd page of the ordinance document to replace “Mayor” with “Town Manager”. Councilor Damon requested information as to where people should go in the event of an incident or emergency. The Manager said that the Chiefs would be able to let the Council know what was in place and that the town was exploring options with the schools regarding shelter. Councilor Porter encouraged people to read the document because it explains what each community is supposed to do because “ultimately we will be responsible to the Town”.

Motion by Councilor Stiles to set a public hearing date of October 9, 2006 to consider and act on the Cumberland NIMS Implementation Plan and the Cumberland Emergency Management Ordinance. Seconded by Councilor Porter.

VOTE: UNANIMOUS PASSAGE 6-0

06 – 166. To set a public hearing date of October 9, 2006 to consider and act on proposed Twin Brook Recreation Area improvements estimated at 1.1 million dollars to construct a shelter, restroom facilities, road realignment, maintenance building and field improvements.

Manager Shane showed the Council a concept of what type of shelter is proposed and the placement of the buildings, realignment of the second parking area and field placement. He reiterated that the funds for the project would come from Tax Increment Financing (TIF) money. Chairman Moriarty asked if the shelter’s bathroom facilities would be seasonal. Manager Shane said they would be open year round. Councilor Damon suggested that they be locked at night to prevent vandalism. She also wanted to clarify that the building would not cost \$1.1 million but that this was the estimated cost for the whole project.

Motion by Councilor Porter to set a public hearing date of October 9, 2006 to consider and act on proposed Twin Brook Recreation Area improvements estimated at 1.1 million dollars to construct a shelter, restroom facilities, road realignment, maintenance building and field improvements. Seconded by Councilor Stiles.

VOTE: UNANIMOUS PASSAGE 6-0

06 – 167. To set a public hearing date of October 23, 2006 to consider and act on amendments to the Cottage Farm Development Contract Zone Agreement with Jim Guidi.

Manager Shane said that during the design of the project it was discovered that an additional setback would be required on the side of the lot for the pavement of the driveway so that a turn-around could be incorporated so as to allow cars to turn around and not back into Main Street. The Planning Board is required to hold a public hearing that is properly noticed and that meeting will be held on October 17, 2006. The Council would need to send this request to the Planning Board for its recommendation and then the item would come back to the Council for its approval.

Motion by Councilor Porter to set a public hearing date of October 23, 2006 to consider and act on amendments to the Cottage Farm Development Contract Zone Agreement with Jim Guidi and refer same to the Planning Board for its review and recommendation. Seconded by Councilor Copp.

VOTE: UNANIMOUS PASSAGE 6-0

06 – 168. To set a public hearing date of October 9, 2006 to consider and act on an Agreement with the Town of Falmouth to share an Animal Control Officer and contracting Harbormaster services.

Manager Shane said that Cumberland Animal Control Officer Chuck Burnie has been helping the Town of Falmouth with its animal control duties recently and that this would be continuing; therefore an agreement was being prepared to

share this service, as well as the Harbormaster services. The agreement was being reviewed by the Town Attorney and would be ready for the public hearing on October 9, 2006.

Motion by Councilor Porter to set a public hearing date of October 9, 2006 to consider and act on an Agreement with the Town of Falmouth to share an Animal Control Officer and contracting Harbormaster services. Seconded by Councilor Stiles.

VOTE: UNANIMOUS PASSAGE 6-0

V. NEW BUSINESS

Councilor Copp – The construction of Rte. 100/ Blackstrap Road intersection was 90% complete and looks great.

Councilor Damon – Had the pleasure of dining at the new Cumberland House of Pizza, which seemed very busy and she had been to Food Stop recently, which also seemed busy as well. She spoke about a washing machine at the Cumberland Fair Museum that had unique attachments that would grind meat and churn butter. She has had questions from people in town about whether the town monitors wet areas for mosquitoes and West Nile Virus. Manager Shane said he had spoken with the Animal Control Officer about this and when dead birds are reported the Police Department's procedure is to notify the State, which has an intensive program. Councilor Damon had also had calls about a bike race that occurred the same time as the opening day of the fair. Manager Shane explained that this race, which is to hold time trials, has occurred that same day for the last several years and the police have not had any incidents in the past.

Councilor Damon read a prepared statement to the Council and audience. A copy of this statement was submitted for the record.

Councilor Storey-King – Reminded everyone that the Casco Bay Marathon was taking place that weekend and would take up part of Route 88. She reported a second sighting of Councilor Turner at a football game.

Councilor Stiles – has seen improvement in the bicyclists that frequently ride on Range Road and reminded everyone that the Cumberland Fair was going on and being involved with the swine club he encouraged people to watch the pig races.

Councilor Porter – He followed up on the bike race and asked that the Council receive advance notice of this event. He did feel that the race was well run.

Manager Shane asked if the Council wished to set a date for the October 9, 2006 agenda for the Noise Ordinance.

Councilor Porter moved to set a public hearing date of October 9, 2006 to discuss the Noise Ordinance. Councilor Damon seconded the motion.

Council Discussion – Manager Shane did not think that Councilor Turner would not be back yet. Chairman Moriarty thought, "We can at least have a discussion as to where we are at that point. Whether there'll be a final proposed ordinance is different question."

The consensus of the Council was to place the item on the agenda. No vote was taken.

VI. EXECUTIVE SESSION – pursuant to 1 M.R.S.A., Section § 405 (6) (c) re: real estate tax abatement request.

Motion by Councilor Stiles; seconded by Councilor Damon, to recess to Executive Session pursuant to 1 M.R.S.A., Section 405 (6) © re: real estate tax abatement request.

VOTE: UNANIMOUS PASSAGE 6-0

TIME: 9:52 PM

VII. ADJOURNMENT

Motion by Councilor Stiles; seconded by Councilor Damon, to return from Executive Session.

VOTE: UNANIMCOUS PASSAGE 6-0

TIME: 10:06 PM

No action taken.

Motion by Councilor Stiles; seconded by Councilor Damon, to adjourn.

VOTE: UNANIMCOUS PASSAGE 6-0

TIME: 10:06 PM

VIII. WORKSHOP – Greely High School Facilities Task Force

Motion by Councilor Stiles; seconded by Councilor Porter, to adjourn to workshop with the Greely High School Facilities Task Force prior to Executive Session.

VOTE: UNANIMOUS PASSAGE 6-0

TIME: 8:15 PM

Respectfully Submitted,

Nancy L. Stroud
Executive Assistant



M E M O R A N D U M

TOWN OF CUMBERLAND, MAINE
290 TUTTLE ROAD
CUMBERLAND, MAINE 04021
TEL: 207-829-2204 FAX: 829-2224

To: William R. Shane, Town Manager
From: William Healey, Town Assessor
Date: October 4, 2006
Re: Revaluation Timeline

1. **August thru December** – Permit Pick-up Work
2. **End of September** - Send out data verification mailers to Mainland property owners
3. **October & November** – Analyze the results of the mailers, perform property inspections and make any necessary changes to assessment data
4. **December & January** – Compile and analyze sales data to create market based land and building tables
5. **February & March** – Apply and test new cost tables to all properties
6. **April** – Review new assessments and test to current sales data
7. **May** – Send out new assessment notifications to property owners and start holding informal hearings
8. **June** – Complete informal hearings and prepare final values for Commitment

06-169

Public Hearing

Proposed Twin Brook Recreation Area improvements



TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland Center, Maine 04021-9321

Telephone (207) 829-5559 • Fax (207) 829-2214

Meeting Notice

To: Twin Brook Recreation Area Residents
From: William R. Shane, Town Manager
Date: September 18, 2006
Re: Twin Brook Recreation Area Improvements

The Town Council will hold a Public Hearing on **Monday, October 9, 2006 at 7:00 p.m. in the Town Council Chambers** to consider and act on proposed Twin Brook Recreation Area improvements estimated at 1.1 million dollars to construct a shelter, restroom facilities, road realignment, maintenance building and field improvements.

This is a public meeting and your questions and concerns are welcome. I would be happy to pass on any concerns you may have directly to the Town Council if you can not attend. Public comment will be accepted in writing or verbally at the meeting during Council discussion of this item.

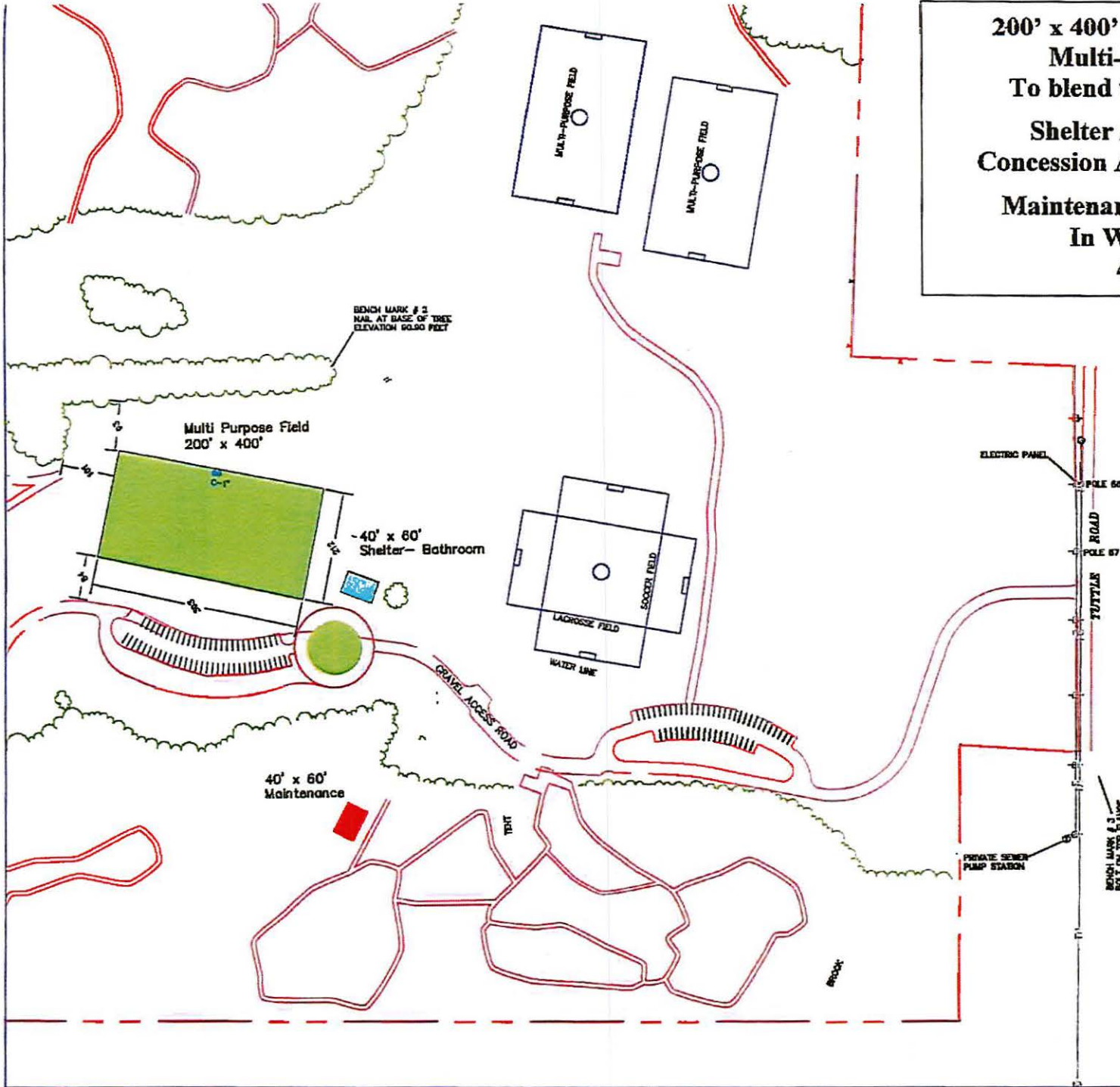
Written comments may be submitted to the attention of the Town Manager at the address above, via fax at 829-2224 or via e-mail at nstroud@cumberlandmaine.com.

I hope you will be able to attend and participate in this meeting.

**200' x 400' Improved (Green)
Multi-Purpose Field
To blend with Hilltop Area**

**Shelter / Bathroom and
Concession Area (Blue) 40' x 60'**

**Maintenance Building (Red)
In Wooded Area
40' x 60'**



LEGEND

EXISTING	DESCRIPTION	PROPOSED
□	MONUMENT	
○	IRON PIPE/ROD	
●	3/4" IRON REBAR	
●	DRILLHOLE	
—	CURVE/LINE NO.	
—	BUILDING	
—	SIGN	
—	STREAM	
—	EDGE PAVEMENT	
—	GRAVEL ROAD	
—	TREELINE	
—	CONTOURS	
—	WATER	
—	FORCE MAIN	
—	OVERHEAD ELEC. & TEL.	
—	UNDERGROUND ELEC. & TEL.	
—	GATE VALVE	
—	LIGHT POLE	
—	UTILITY POLE	
—	HYDRANT	
—	CATCH BASIN	
—	MANHOLE	
—	POTABLE WELL	
—	CULVERT	
—	SPOT GRADE	
—	CHAIN LINK FENCE	
—	FENCE	
—	DECIDUOUS TREE	
—	CONIFEROUS TREE	
—	BENCHMARK	

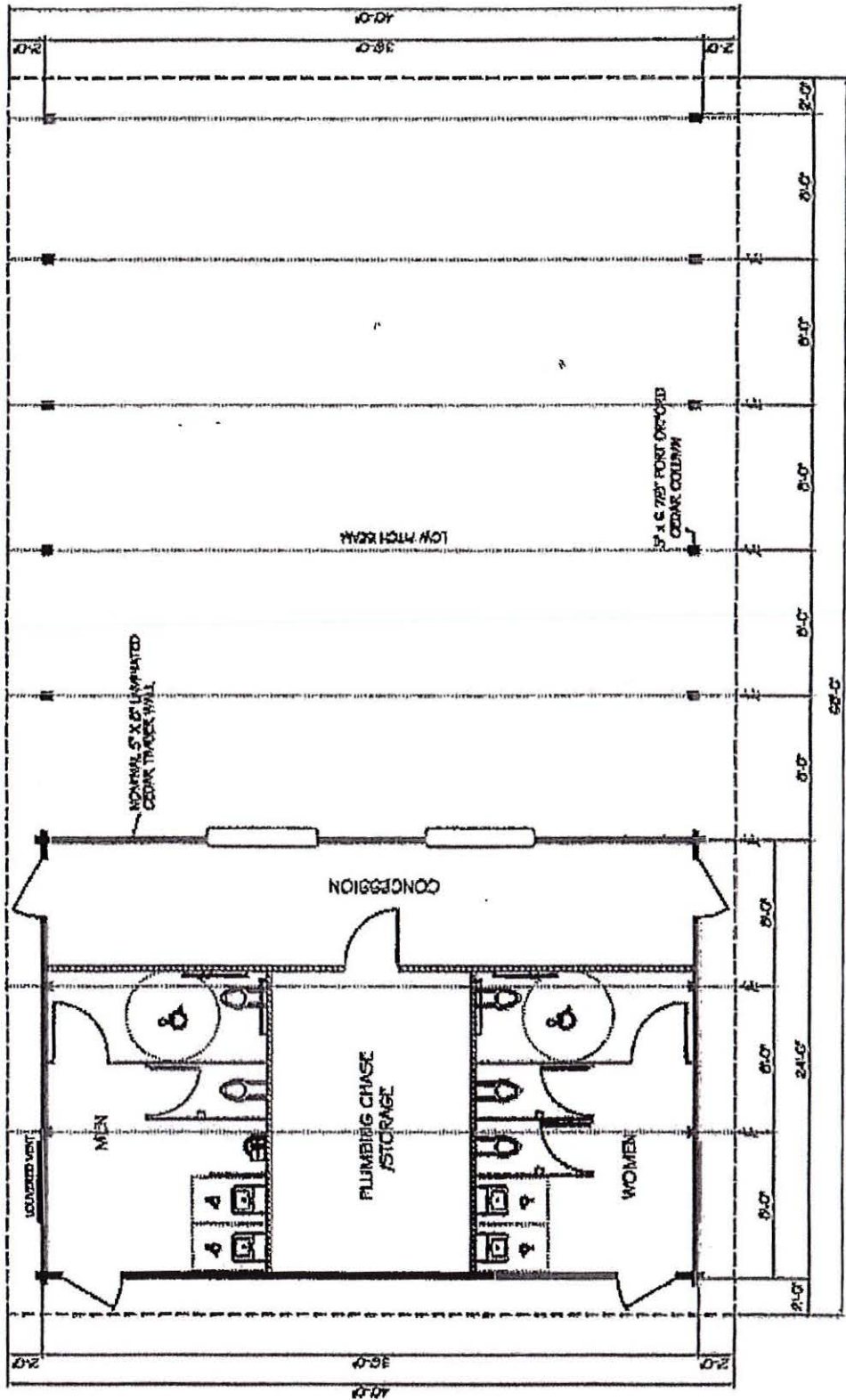
<http://www.cedarforestproducts.com/parkaire.html>



40' wide x 60' deep
Conceptual Building Design

Similar to what the Committee has
discussed in its meetings to date

Open end facing Tuttle Road



FLOOR PLAN 304E 14'-11"

PACB

Twin Brooks Advisory Committee

Presentation to the
Town Council
October 9, 2006

Committee Members

John Andrews, Chairperson

John Eldredge

John Stroud

Councilor Jeff Porter

Glen Hutchins

Alan Kissack

Anne Witte

Peter Gordon

Stephanie Fowler- Enaire

Councilor Steve Moriarty

Town Staff: Bill Landis, Parks & Recreation Director

Why this project for Twin Brook?

- **Safety:** The shelter provides a safe place during severe or inclement weather.
- **Safety:** Not having to cross a road, shifting the parking lot and road will resolve this issue.
- **Provides a primary drop-off and pickup location; an improved traffic pattern will make it easier for parents to drop off children and know where they will be after practice.**

Why this project for Twin Brook?

- Field is being used as an “over flow practice field”, plan calls for improving this area for Soccer and Lacrosse. Currently used for spring lacrosse, T-Ball and K-Soccer.
- Parking will now start in this area and expand front and back, thus providing a balance to parking issues.
- Restroom facilities will be a welcome addition to the park for many of the patrons. Current use is portable toilets.

Why this project for Twin Brook?

- Storage space and concession area will allow for the removal of “storage buildings” and the Lions Club concession trailer.
- Equipment Storage building will protect the mowing and park equipment, much of which sits out during the summer months.
- Utilities will also provide level of service for park activities
- Enhance the visual appearance of the park.

Recommendations

- Add Shelter – 40' x 60'
- Add Bathroom and small storage area as part of shelter
- Add Maintenance Building – 40' x 60'
- Improve Existing Playing Field Area
- Re-align roads and parking areas to prevent kids from crossing road to access fields

Cost

■ Bathroom/Shelter	\$ 288,000
■ Road & Parking Lot	\$ 190,000
■ Maintenance Building	\$ 180,000
■ Playing Field	\$ 150,000
■ Engineering & Permits	\$ 80,800
■ Contingency	\$ <u>121,200</u>
Total	\$ 1,016,250

Next Steps

1. Council Approval for Engineering and Design \$80,800
2. DEP Application & Approval
3. Return to the Town with 90% Design Drawings and Preliminary Cost Estimate and send to PB (March-April '07)
4. Planning Board Review (April - May '07)
5. Upon Planning Board Approval- Bid Process (June 2007)
6. Bid Acceptance by Town Council Summer 2007 (June 2007)
7. Start Construction - Summer 2007 (July 2007)

FINANACING

- Bonded for 15 years through monies from the Route One TIF funds
- No General Fund monies or Taxpayer funding

06-170

Public Hearing

Recreational Facilities
and
Open Space Impact Fees Waiver
For
Goose Pond Development, LLC

Recreation Facilities and Open Space

Impact Fees Collected

FY02	\$65,881.12
FY03	\$80,253.60
FY04	\$132,237.69
FY05	\$107,125.84
FY06	<u>\$90,595.04</u>
Total collected past five years	<u>\$476,093.29</u>

RECREATIONAL FACILITIES AND
OPEN SPACE IMPACT FEE ORDINANCE
OF THE TOWN OF CUMBERLAND, MAINE

ARTICLE I. GENERAL PROVISIONS

1.1. Authority

This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII. Part 2, Section 1 of the Maine Constitution and Title 30-A, MRSA, Section 3001 and Section 4354.

1.2. Short

This Ordinance shall be known and may be cited as the "Recreational Facilities and Open Space Impact Fee Ordinance of the Town of Cumberland, Maine", and will be referred to herein as "this Ordinance."

1.3. Purpose

The general purposes of this Ordinance are to maintain the Town's financial capacity to provide adequate public facilities to meet the additional needs for recreation and open space created by future residents. Further, this Ordinance establishes a fair and equitable process by which to ensure that new residential development in the Town of Cumberland will be accomplished in a safe and healthful manner, and that such development will bear a proportional or reasonably related share of the cost of new, expanded or modified recreational infrastructure necessary to service such development through the payment of impact fees that shall be dedicated to paying for the needed improvements.

1.4. Applicability

1. This Ordinance shall apply to the issuance of any building permit for a new residential structure within the Town of Cumberland but shall exclude senior housing projects as defined in this ordinance.
2. This Ordinance shall not apply to additions to residential structures existing at the time of the adoption of this ordinance.
3. This ordinance shall not apply to developers who have been issued or applied for a Town of Cumberland growth permit by the Code Enforcement Officer prior to date of the adoption of this ordinance, provided however, that the said Growth Permit is converted into a building permit as prescribed in the Growth Management Ordinance.
4. This ordinance shall apply to any addition to a residential structure built following the adoption of this ordinance where such addition is made within five (5) years of the issuance of the original building permit. The fee for any such addition shall be assessed as for new construction as set forth in Section I.I 1 below, except that the initial five hundred (500) square foot discount shall not apply. This Ordinance shall not apply to additions to residential structures made after the expiration of five (5) years from the issuance of the original building permit.
5. No building permit shall be granted for any residential construction activity described herein that requires payment of an impact fee under this Ordinance until the impact fees hereby required have been paid.

1.5. Definitions

Impact fees are charges or assessments imposed by the Town of Cumberland against new residential construction to help with the acquisition and development of additional recreation lands and facilities and for the acquisition and preservation of open space for the future use and enjoyment of the town's residents.

Developer is a person who has received an approval for residential construction under either the subdivision or site plan ordinance, or a person who has otherwise applied for a residential building permit for any activity described herein.

Gross floor area shall include the entire floor area of each floor measured from the outside of exterior walls, and shall include all interior partitions and spaces whether finished or not, but shall exclude basements, garages intended for the storage of automobiles, unheated porches and any portion of a room or attic with sloping ceilings measuring less than five (5) feet from floor to ceiling.

Residential Structure shall refer to any living unit including those in single-family homes, multi-family homes, attached and/or detached residential structures, condominiums, apartments, manufactured housing and mobile homes.

Senior Housing Project shall refer to a residential development constructed solely for elderly residents who meet strictly enforced age guidelines, and within which the residential units are by deed or covenant restricted to occupation by residents who meet such age guidelines.

1.6. Payment of Fees

The Code Enforcement Officer shall collect the impact fee prior to the issuance of any building permit for residential construction that is subject to the fee. The amount of the fee shall be based upon the procedure set out in subsection 1.11 below.

1.7. Impact Fee Accounts

All impact fees collected under the provisions of this ordinance shall be segregated from the Town's general revenue and be accounted for in separate impact fee accounts designated for the particular improvements in question. The impact fee accounts are as follows:

1. Open space land acquisition account (36% of each fee collected).
2. Recreational facility improvement and capacity expansion account (64% of each fee collected).

1.8. Use of Impact Fees

Impact fees collected under the provisions of this ordinance shall only be used to pay for site acquisition and capital improvements for the creation or expansion of recreational facilities and for the acquisition and related improvement of open space. No portion of the fee shall be used for routine maintenance or operation activities.

The following costs are examples of, but are not intended to limit, capital improvements:

1. Acquisition of land or easements including conservation easements and development rights.
2. Engineering, surveying and environmental assessment services directly related to the acquisition, design, construction and continued upgrading of the improvement.
3. The actual construction of the improvement including, without limitation, demolition costs, clearing and grading of land, and necessary capital equipment dedicated to the site.
4. Mitigation costs.
5. Legal and administrative costs associated with construction of the improvement, including any borrowing necessary to finance the project.

6. Debt service costs including interest if the Town borrows for the construction of the improvement.
7. Relocation costs.
8. Similar costs that are directly related to the improvement project.

1.9. Refund, of Fees

1. If a building permit or other relevant permit is surrendered or expires without commencement of construction, the developer shall be entitled to a refund, without interest, of the impact fee paid as a condition of its issuance. A request for a refund shall be made in writing to the Town Planner, and shall occur within ninety (90) days of the expiration of the permit.
2. If the funds collected annually are not expended or obligated by contract for their intended purpose by the end of the calendar quarter immediately following ten (10) years from the date the fee was paid, the prorated share of the funds shall be returned to the current owner of the property for which the fee was paid, provided that a request is made in writing to the Town Planner within one hundred eighty (180) days of the expiration of the ten (10) year period.

1.10. Waiver of Impact Fee

The Town Council may, by formal vote following a public hearing, waive the payment of a required impact fee, in whole or in part, if it finds that:

1. The developer or property owner who would otherwise be responsible for the payment of the impact fee voluntarily agrees to construct an improvement for which the impact fee would be collected, or an equivalent improvement approved by the Town Council.
2. The developer of a subdivision offers to dedicate and/or improve public lands or recreational amenities and the Town Council finds these public lands or recreational amenities to be of town wide benefit.

1.11. Calculation of Fees

The recreational facilities and open space impact fee shall be a per square foot fee established by the Town Council, and shall be based upon the Town's impact fee calculation methodology. This methodology has been adopted by the Town Council and is on file and available for review in the Town Planner's office. The amount of the fee paid by a developer shall be determined by multiplying the gross floor area as defined in this ordinance less five hundred (500) square feet by the per square foot fee established herein. The total amount of the impact fee due for each project shall be determined by the developer, subject to the approval of the Code Enforcement Officer (CEO), using the impact fee calculation worksheet provided by the CEO and shall be based upon the following:

1. The developer shall determine, subject to the CEO's approval, the gross floor area of the residential structure subject to the impact fee based upon plans and other documents submitted by the developer.
2. The developer shall determine, subject to the CEO's approval, the amount of the recreational facilities portion of the fee by subtracting five hundred (500) square feet from the gross floor area determined in Section 1.11.1 of this ordinance and multiplying the difference by \$0.87 per square foot unless the Town Council has waived that portion of the fee in accordance with Section 1.10 of this ordinance.
3. The developer shall determine, subject to the CEO's approval, the amount of the open space portion of the fee by subtracting five hundred (500) square feet from the gross floor area determined in Section 1.11.1 of this ordinance and multiplying the difference by \$0.49 per square foot unless the Town Council has waived that portion of the fee in accordance with Section 1.10 of this ordinance.

4. The developer shall determine, subject to the CEO's approval, the total impact fee due by combining the recreational facilities portion and the open space portion as calculated above. Unless the Town Council waives the fee required in either section 1.11.2 or section 1.11.3 above, the sum of the per square foot impact fees described in those sections shall be \$1.36 per square foot of gross floor area less five hundred (500) square feet.
5. The five hundred (500) square foot reduction in gross floor area discussed in this section of the ordinance shall not apply to residential additions made within five (5) years of the issuance of the original building permit for the home.

ARTICLE II. ADMINISTRATIVE PROVISIONS

2.1 Validity and Severability

If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

2.2 Conflict with Other Ordinances

Should any section, phrase, sentence or portion of this Ordinance be found to be in conflict with other local, state or federal Ordinances or regulations, the more stringent section or provision shall prevail. Existing provisions for building permit fees are to be held separate from the impact fees described herein and are not affected by this Ordinance.

2.3 Review and Revision

The Town Council shall periodically review each impact fee established under this chapter. If the Council finds that the anticipated cost of the improvement has changed or that the identification of development subject to the fee is no longer appropriate, the Council may adopt changes to the impact fee. Any changes adopted as a result of such review shall apply to all future development but shall not apply retroactively to projects that have already paid an impact fee. A public hearing shall be held prior to the adoption of any amendment. Notice of such public hearing shall be in accordance with state and local requirements.

2.4 Right to Appeal

A developer may appeal the determination of the Code Enforcement Officer as to either the applicability of the impact fee to a particular project, the gross floor area subject to the fee, or the amount of the fee to be paid. Appeals shall be made in writing to the CEO within ten (10) days of the CEO's initial determination of the amount of the impact fee due for a particular residential structure. The Board of Adjustment and Appeals shall consider such appeal at their next regularly scheduled meeting and shall issue a determination either upholding the CEO's decision or modifying the CEO's decision within seven (7) days of the date of (he hearing at which the appeal was heard.

2.5 Effective Date

This Ordinance shall take effect upon its adoption by a majority of the eligible voters present at the June 28, 2001 Town Council Meeting. The effective date of this Ordinance is June 28, 2001.

[Adopted June 28, 2001, effective June 28, 2001]

IMPACT FEE INSTRUCTION SHEET

for the

RECREATIONAL FACILITIES AND OPEN SPACE IMPACT FEE ORDINANCE OF THE TOWN OF CUMBERLAND, MAINE

1. Using dimensioned building plans provided by the applicant, calculate the Gross Floor Area in accordance with the following definition as found in the "Recreational Facilities and Open Space Impact Fee Ordinance of the Town of Cumberland, Maine":

Gross floor area shall include the entire floor area of each floor measured from the outside of exterior walls, and shall include all interior partitions and spaces whether finished or not, but shall exclude basements, garages, unheated porches and any portion of a room or attic with sloping ceilings measuring less than five (5) feet from floor to ceiling.

2. To aid the gross floor area calculation, you may choose to sketch out and dimension the floor plan for each floor of the proposed structure, excluding the basement level, on the reverse side of this sheet.
3. To the gross floor area as calculated in accordance with the definition above and expressed in square feet, apply the following formula:

$$\begin{aligned} & [\text{Gross Floor Area} - 500 \text{ square feet}] \times [\$0.87 \text{ per square foot}] \quad (\text{recreation fee amount}) \\ & [\text{Gross Floor Area} - 500 \text{ square feet}] \times [\$0.49 \text{ per square foot}] \quad (\text{open space fee amount}) \\ & = \text{Total Impact Fee}^* \end{aligned}$$

* Please show this calculation on the "Impact Fee Information and Calculation Sheet"

4. This fee amount is due to the Code Enforcement Officer prior to the granting of any building permit for a residential use in the Town of Cumberland.

Town of Cumberland

Sample Impact Fee Amounts

<i>Gross Floor Area (GFA)</i>	<i>Fee Amount (GFA - 500 sf X \$1.36 per sq. ft.)</i>
1,000 sf	\$680
1,548sf (average home in Small's Brook)	\$1,425
1,827sf (average 3 bedroom home in Cumberland)	\$1,804
2,000 sf	\$2,040
2,535 sf (average 4 bedroom home in Cumberland)	\$2,768
3,000sf	\$3,400
4,000 sf	\$4,760
5,000 sf	\$6,120

Goose Pond Development, LLC

**501 County Road
Westbrook, ME. 04092**

September 20, 2006

William Shane
Town Manager
Cumberland, Maine

Mr. Shane

At this time we would request that the Town Council consider waiving the applicable Recreational Facilities and Open Space Impact Fee for the 17 residential lots in the recently approved Foxes Gore Subdivision. We request this waiver under Section 1.10 of the ordinance on the basis that certain improvements proposed to be completed by the developer meets the criterion that "The developer of a subdivision offers to dedicate and/or improve public lands or recreational amenities to be of town wide benefit."

The proposed subdivision is partially located on land formerly used and abandoned as a gravel pit. Above and beyond the restoration of this area that is designated by the Town as a "negative visual feature" it became apparent that while simply regrading and re-vegetating the area would likely meet the considerations for subdivision approvals, it would be a far better use of the existing features to create an active recreational amenity to serve the town's ever growing need for sports related facilities. In keeping with community use we also proposed that the land be deeded to the town. These proposals are incorporated in our plans as approved by the Planning Board at its meeting September 19, 2006.

As with any such improvements there is cost and effort associated with this proposal. In recognition of the benefits afforded to the town both in preserving open space and providing active recreational facilities, we respectfully request the waiver of recreational facility and open space impact fee.

I appreciate your consideration of this request at the earliest possible date and make myself available to address or present any information requested or pertinent to consideration of this matter.

Mark P. Girard

Benefits to Town of Cumberland

- Reclamation and improvement to an area designated as Negative Visual Feature by the Town (April 2000).
- Additional multi sport playing surface with associated off street parking
- No adverse abutter impact by virtue of locating the plying field in an area that is physically isolated from the road way and provisions for distinct vehicle entrance and parking area.
- Project and facility were supported by the neighborhood and universally seen as a marked improvement over the current situation which is an abandoned gravel pit with sparse vegetation.
- Developer has met the requirements of the Maine Site Location of Development Act and the Town of Cumberland Planning Board. No Variances were sought or granted in the approval of this project.
- Consistent with and supportive of the trend of residential development in the West Cumberland area.
- The estimated value of the requested waiver of Recreation and Open Space Impact fees range from \$30,668 assuming all 3 bedroom homes to \$47,056 assuming 4 bedroom homes of typical size as currently exist in Cumberland.
- In place facility to be useable in 2007, versus the receipt of impact fees over 5-6 years as the structures are permitted and built..
- Cost of the improvements to be provided by the Developer, excluding land value, is \$60,000 to \$70,000 dollars.
- Overall Project to result in 17 homes with a taxable value of \$4,675,000 versus current valuation of \$85,700.
- Completed project to yield \$90,695 annual tax revenue versus \$1,662 currently.

Response to E-mail from Joe Foran to Mark Girard(**Mark's response in red**)

From: jforan1@maine.rr.com [mailto:jforan1@maine.rr.com]

Sent: Tuesday, September 26, 2006 12:08 PM

To: mgirard@mpgdev.com

Cc: chris@advantech.com; BraleyBG@cdm.com; blandis@cumberlandmaine.com; memem7@earthlink.net; bsandreu@maine.rr.com; cfemery@maine.rr.com; cpynchon@maine.rr.com; dbkmperry@maine.rr.com; echriste@maine.rr.com; enm@maine.rr.com; jforan1@maine.rr.com; jmaguire@maine.rr.com; kmorris1@maine.rr.com; laramoem@maine.rr.com; MREGAN@maine.rr.com; nancy1@maine.rr.com; rgraham1@maine.rr.com; mcnamara@maine.rr.com; elimarlowe@worldnet.att.net; jjudge@verrilldana.com; wshane@cumberlandmaine.com

Subject: Athletic Fields at the Foxes Gore Development

Thanks for your response. And indeed I am looking for the discussion as to the value of this type of facility to the town. There is an opportunity and I hope I that I can work with the town to maximize the benefits. The area will be an open space, it will be reclaimed and it will be offered to the town, hopefully in a way that benefits the town as a whole and the growth and improvement of the emerging West Cumberland neighborhood. If it is a community benefit then that benefit will be enhanced by the funding created by waiver of the impact fees and our contribution over and above. If it is not a benefit then I am sure the town can use the fees somewhere else and I can focus on meeting the needs of the residents of my development.

You will see my answers inserted below.

Mark:

I reviewed your letter. What an interesting possibility! I commend you for thinking outside the "developer box" and looking for a way to create a community benefit.

I had a couple of questions, if you don't mind. (Since the letter was sent to the AYSO Board, I figured others might be interested in the answers to these questions as well.)

1) How large is the gravel pit you propose to transfer? **The area to be transferred to the town in 9.32 acres and would be improved with a 200 X 400 ft paying field. This would provide both a full size field for any of the field sports or multiple short fields. This layout was suggested by Bill Landis. The parking lot is constructed to accomadate 20 spaces with overflow parking of twice that available and facilitated by the site grading. The access is directly off Goose pond Road about 600 ft from the intersection with Blackstrap Road. The entrance is configured as a turn around for drop off and pick up without travel thru the parking area.** I guess my real question would be how much field space and how much parking space could be created on the parcel? (Parking is of course a critical factor in making any such facility a truly useable Town asset.)

2) While the neighbors indicate they will welcome rehabilitation of the pit, how will they feel about the traffic associated with the likely heavy use of athletic fields at the site? **The separate access and the physical location of the field area below the prevailing grade in essence make this facility disappear from the abutters. While traffic is always a concern and I will not pretend to speak for the neighborhood, this has been reviewed at public hearings and the only traffic concern was a perceived lack of enforcement in the area.**

3) Your intent is to develop the gravel pit athletic fields and then transfer them to the Town, correct? Is there a design specification being developed for the actual athletic field development? The bullet points attached to the letter reference an aggregate expenditure of \$60,000 - 70,000 for the gravel pit. I have to assume that part of that money would be for simple regrading and stabilization of site slopes, etc., in addition to field development. I'm wondering how adequate the residual amount will be in light of the direct and indirect expenditures incurred by the Town when developing the fields at TBRC, and the School Board's subsequent expenditures for field development at both GMS and the Fowler property. **The expenditures referenced relate to the improvement of the ball field and parking. The expense of restoration is a baseline cost not reflected in those numbers. The field has been designed by us (and reviewed by the town's engineer) to afford drainage via slope to the perimeter where infiltration is managed with field drain inlets and drywell structures in the underlying sandy soils. The parking has a paved access road and turn around and gravel parking areas. Access steps and walkways are also provided. The facility is not improved with rest facilities or lights or permanent structures for vending or storage as I don't believe the scale of the playable fields' warrants such. However the site abutting the parking is more than adequate in size and grade to accommodate temporary or seasonal facilities as may be deemed appropriate.**

Also, has any thought been given to endowing a fund for the future basic maintainance of the facility? **Any arrangements to that effect are outside even my outside the box capacity.**

These are important issues, because if the parcel is large enough, a well-designed, well-constructed facility could be a real bonus for the Town, certainly meriting the requested accommmodation. However, anything less would only add to the growing inventory of functionally marginal lands the Town has acquired and must maintain - a little-appreciated but increasing drain on Town resources. **My hope is for a thoughtful discussion of this proposal and I hope that folks with feelings either way will contribute to the public hearing discussion on Oct 9 at the Town Council meeting.**

I look forward to hearing from you.

Joe

William Shane

From: Mark Girard [mgirard@mpgdev.com]
Sent: Tuesday, September 26, 2006 9:18 PM
To: victor.otley@intellicare.com; dmitiguy@rmdavis.com; gregd@rufusdeering.com; jandrews@filler.com
Cc: William Shane
Subject: Proposed Recreational Facility
Attachments: rec fee ltr.doc

Victor Otley, President
Cumberland Soccer Club

My firm has designed and permitted a new residential subdivision in West Cumberland known as Foxes Gore and accessed from Goose Pond Road. The property is generally a forested area with approximately one third of the land area being an abandoned gravel pit. In the course of design I decided that this gravel pit area provided a great opportunity to go beyond restoration of the blighted landscape at the entrance to the residential area and create an active recreation facility. The combination of sandy well drained soils and isolated topography provided a great location for a sports field. However, I am not presuming to know the needs and desires of the residents of Cumberland, and so I am looking for input on this proposal. While the Planning board has approved the plan, it is now up to the Town Council to determine whether or not this is a project of sufficient community benefit to warrant financial support. This determination of support is central to the request I am making of the council. The inclusion of the ball field however, is not critical to the subdivision or the restoration of the damaged landscape.

In keeping with the ordinances of Cumberland, the construction and subsequent donation of this facility to the Town may be deemed by the Council to warrant the waiver of town recreation and open space impact fees in consideration of the construction and donation of the facility to the town. These Fees are assessed to all new residential construction activities and are dedicated for the purpose of providing this and other kinds of recreational facilities to the Cumberland residents. I am providing you with the letter requesting this waiver as presented to the Town manager for the purpose of placing this item on the Council Agenda October 9.

I am sending you this information as your organization, the Cumberland Soccer Club along with AYSO, is a likely stakeholder in this process. If you or your organization has any interest in further information regarding this facility I would be glad to make myself available and or provide additional information. Plans for the proposed improvements are on file at the Town Planning office. I also invite you to participate in the public hearing at the town council on Monday October 9th. Please feel free to distribute this information to your board or members as you see fit.

Mark P. Girard

MPG Development Group, LLC.

501 County Road
Westbrook, ME. 04092
Office (207) 347-8111
Cell (207) 671-5843

06-171

Public Hearing

To Consider adoption of a Noise Ordinance

Prev: [Chapter 19 §457](#)Next: [Chapter 21 §502](#)Download Chapter 21
[PDF](#), [Word \(RTF\)](#)Download Section 501
[PDF](#), [Word \(RTF\)](#)[Statute Search](#)[List of Titles](#)[Maine Law](#)[Disclaimer](#)[Revisor's Office](#)[Maine Legislature](#)**Title 17-A: MAINE CRIMINAL CODE****Part 2: SUBSTANTIVE OFFENSES****Chapter 21: OFFENSES AGAINST PUBLIC ORDER****§501. Disorderly conduct**

A person is guilty of disorderly conduct if: [1975, c. 499, § 1 (new) .]

1. In a public place, he intentionally or recklessly causes annoyance to others by intentionally:

A. Making loud and unreasonable noises; [1981, c. 37, § 1 (amd) .]

B. Activating a device, or exposing a substance, which releases noxious and offensive odors; or [1975, c. 499, § 1 (new) .]

C. Engaging in fighting, without being licensed or privileged to do so; [1989, c. 266 (amd) .]
[1989, c. 266 (amd) .]

2. In a public or private place, he knowingly accosts, insults, taunts or challenges any person with offensive, derisive or annoying words, or by gestures or other physical conduct, which would in fact have a direct tendency to cause a violent response by an ordinary person in the situation of the person so accosted, insulted, taunted or challenged; or [1975, c. 740, § 64 (amd) .]

3. In a private place, the person makes loud and unreasonable noise that can be heard by another person, who may be a law enforcement officer, as unreasonable noise in a public place or in another private place, after having been ordered by a law enforcement officer to cease the noise. [1995, c. 258, §1 (amd) .]

4. [1977, c. 510, § 55 (rp) .]

5. As used in this section:

A. "Public place" means a place to which the public at large or a substantial group has access, including but not limited to

(1) public ways as defined in section 505;

(2) schools, government-owned custodial facilities, and

(3) the lobbies, hallways, lavatories, toilets and basement portions of apartment houses, hotels, public buildings and transportation terminals; [1975, c. 499, § 1 (new) .]

B. "Private place" means any place that is not a public place. [1975, c. 499, § 1 (new).]
[1975, c. 499, § 1 (new).]

6. Disorderly conduct is a Class E crime. [1975, c. 499, § 1 (new).]

Section History:

PL 1975, Ch. 499, §1 (NEW).
PL 1975, Ch. 740, §64,65 (AMD).
PL 1977, Ch. 510, §55 (AMD).
PL 1981, Ch. 37, §1,2 (AMD).
PL 1989, Ch. 266, § (AMD).
PL 1995, Ch. 258, §1 (AMD).

The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public. If you need legal advice, please consult a qualified attorney.

Office of the Revisor of Statutes
7 State House Station
State House Room 108
Augusta, Maine 04333-0007

This page created on: 2005-09-30



Quiet Solution

Maximum Exposure per day (OSHA)	Sound level	Decibel Level	Examples
	No Sound	0	Threshold of hearing...essentially no sound
		10	Breathing
		15	A soft whisper in someone's ear.
	Very Quiet	20	Whisper, rustling leaves
		25	Recording Studio
		30	Quiet rural area, Very quiet library.
		40	Very Quiet Residence
		45	Typical neighborhood.
	Quiet	50	Quiet suburb, conversation at home, Private office
		60	Normal conversation (3-5 feet), sewing machine, typewriter.
	Annoying	70	Freeway Traffic at 50 feet, vacuum cleaner
		75	Typical car interior on highway
	Loud	80	Garbage disposal, dishwasher, average factory, Telephone dial tone, Noisy office
16 hours		85	City Traffic (inside car).
8 Hours		90	Power drill, shop tools, Busy urban street, diesel truck, food blender
6 Hours		92	Clarinet, Oboe at 10 feet
4 Hours		95	Subway train at 200 feet
3 Hours		97	French Horn at 10 feet
2 Hours	Very Loud	100	Jet takeoff 1000 feet, Outboard motor, farm tractor, garbage truck, Very heavy Traffic
1.5 Hours		102	Motorcycle
1 Hour		105	Power mower
		108	Home Theater (loud peaks)
0.5 Hours		110	Chainsaw, pneumatic drill, typical rock concert, Steel Mill, riveting, auto horn at 3 feet
0.25 Hours		115	Jackhammer
0 Hours	Pain threshold	120	Loud thunderclap, typical live rock music
Hearing damage occurring		125	Pneumatic riveter at 4 feet
Ear drum distortion		130	Jet takeoff (300 feet), Noise level during a stock car race.
Permanent hearing damage		132	Very loud rock concert, 50 feet in front of speakers
		140	Gun muzzle blast
		140	Prop aircraft on takeoff, gun muzzle blast, aircraft carrier deck, jet engine at 100 feet
Eardrum rupture		150	Jet takeoff 75 feet
		155	Shot from a handgun (.38 or .44) at 1 foot
		160	Jet aircraft on Takeoff at 30 feet
Immediate death of tissue		180	Jet engine at 1 foot
		194	Loudest sound in air, air particle distortion (sonic boom)

HOW IS NOISE MEASURED?

Basically, there are two different instruments to measure noise exposures: the sound level meter and the dosimeter. A sound level meter is a device that measures the intensity of sound at a given moment. Since sound level meters provide a measure of sound intensity at only one point in time, it is generally necessary to take a number of measurements at different times during the day to estimate noise exposure over a workday. If noise levels fluctuate, the amount of time noise remains at each of the various measured levels must be determined.

To estimate employee noise exposures with a sound level meter it is also generally necessary to take several measurements at different locations within the workplace. After appropriate sound level meter readings are obtained, people sometimes draw "maps" of the sound levels within different areas of the workplace. By using a sound level "map" and information on employee locations throughout the day, estimates of individual exposure levels can be developed. This measurement method is generally referred to as "area" noise monitoring.

A dosimeter is like a sound level meter except that it stores sound level measurements and integrates these measurements over time, providing an average noise exposure reading for a given period of time, such as an 8-hour workday. With a dosimeter, a microphone is attached to the employee's clothing and the exposure measurement is simply read at the end of the desired time period. A reader may be used to read-out the dosimeter's measurements. Since the dosimeter is worn by the employee, it measures noise levels in those locations in which the employee travels. A sound level meter can also be positioned within the immediate vicinity of the exposed worker to obtain an individual exposure estimate. Such procedures are generally referred to as "personal" noise monitoring.

Area monitoring can be used to estimate noise exposure when the noise levels are relatively constant and employees are not mobile. In workplaces where employees move about in different areas or where the noise intensity tends to fluctuate over time, noise exposure is generally more accurately estimated by the personal monitoring approach.

In situations where personal monitoring is appropriate, proper positioning of the microphone is necessary to obtain accurate measurements. With a dosimeter, the microphone is generally located on the shoulder and remains in that position for the entire workday. With a sound level meter, the microphone is stationed near the employee's head, and the instrument is usually held by an individual who follows the employee as he or she moves about.

Manufacturer's instructions, contained in dosimeter and sound level meter operating manuals, should be followed for calibration and maintenance. To ensure accurate results, it is considered good professional practice to calibrate instruments before and after each use.

TOWN OF KENNEBUNK
PROPOSED NOISE CONTROL ORDINANCE

I. PURPOSE

It is found and declared by the Town of Kennebunk that:

(A) The making and creation of excessive, unnecessary or unusually loud noises within the limits of the Town is a condition which has existed sporadically for some time, and the extent and volume of such noises has been recently increasing; and

(B) The making, creation or maintenance of such excessive, unnecessary, unnatural or unusually loud noises which are prolonged, unusual and unnatural in their time, place and use, affect and are a detriment to public health, safety, welfare and quality of life of the residents of the Town; and

(C) The necessity and the public interest for the provisions and prohibitions hereinafter contained and enacted is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, safety, welfare and quality of life of the Town and its inhabitants.

II. UNLAWFUL NOISE PROHIBITED

It is unlawful for any person to make, emit, continue, or cause to be made, emitted or continued, any noise beyond the boundaries of that person's property in excess of the noise levels established in this Ordinance. Where multiple residencies exists within the confines of a structure, the limits of one's occupancy rights shall be considered the boundary.

III. NOISE LEVEL STANDARDS

Sound or noise from any source within the Town shall not exceed the following limits, to be measured at the lot line of the receiving property.

<u>Zone Classification</u>	<u>Daytime Hours</u>	<u>Nighttime Hours</u>
Residential	55 dBA	45 dBA
Commercial	60 dBA	50 dBA
Industrial	70 dBA	60 dBA

IV. EXCLUSIONS

The noise levels set forth in Section III do not apply to noise emitted by or related to the following:

- A. Natural phenomena.
- B. Church bells rung as part of any official church ceremony or service, and tower clock bells ringing the hour during daytime hours, provided that at no time shall such duration exceed thirty (30) minutes.
- C. Any siren, whistle, or bell lawfully used by emergency vehicles or any other alarm systems used in any emergency situation, provided, however, that burglar alarms not terminating within thirty (30) minutes after being activated shall be unlawful.
- D. Warning devices required by OSHA or other State or Federal safety regulations.
- E. Noise from **domestic** power equipment such as, but not limited to, power saws, sanders, grinders, lawn and garden tools, lawn mowers, snow blowers, tractors or similar devices operated during daytime hours.
- F. Noise generated by any construction or demolition equipment which is operated during daytime hours, provided that the operation of construction equipment during nighttime hours shall not exceed the maximum noise levels in appropriate zone as specified in Section III. Emergency construction or repair work by public utilities shall also be exempted.
- G. Noise created by refuse and solid waste collection, provided that the activity is conducted during hours provided for in the Town's Solid Waste Ordinance.
- H. Noise from motor vehicles which are registered and inspected in accordance with the laws and regulations of the State of Maine.
- I. Noise created by plows, trucks and other equipment used in the removal of snow.
- J. Noise from any aircraft operated in conformity with, or pursuant to, Federal law, Federal air regulations, and air traffic control instruction, including any aircraft operating under technical difficulties, in any kind of distress, or under emergency orders of air traffic control.
- K. Noise from trains operating in conformity with or pursuant to all applicable State and Federal laws and regulations.

- L. Special events approved by the Board of Selectmen including but not limited to parades, special sporting events, public concerts, and fireworks displays.
- M. Emergency or extraordinary situations. The Chief of Police may wave these standards in his sole judgment if in the best interest of the town.

V. ZONING DISTRICT CLASSIFICATIONS

All zoning districts within the Town shall be classified as Residential, Commercial or Industrial. The current zoning districts are classified as set forth below. Any new districts created after the date of this Ordinance shall, at the time of the creation of such zoning district, be classified into one of these three categories.

<u>Zoning District</u>	<u>Use Classification</u>
Resource Protection	Residential
Branch Brook Aquifer	Residential
Rural Conservation	Residential
Rural Residential	Residential
Coastal Residential	Residential
Suburban Residential	Residential
Village Residential	Residential
Downtown Business	Commercial
Upper Square	Commercial
York Street Mixed Use	Commercial
Lower Village Business	Commercial
West Kennebunk Village	Commercial
Suburban Commercial	Commercial
Business Park	Commercial
Industrial	Industrial

VI. DEFINITIONS

The following definitions apply in the interpretation and enforcement of this Ordinance.

- A. Decibel: The practical unit of measurement for sound pressure level, abbreviated dB. The abbreviated dB(A) shall refer to readings taken on the A-weighted scale.
- B. Daytime Hours: The hours between 7:00 a.m. and 10:00 p.m., Monday through Saturday, and the hours 9:00 a.m. through 10:00 p.m. on Sunday.
- C. Noise Level: The sound pressure level as measured with a sound level meter using the A-weighting network. The level so read is designated dB(A).

- D. Emergency: Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.
- E. Emergency Vehicle: Any motor vehicle authorized by a town, county, state or federal authority to have sound warning devices such as sirens and bells which can lawfully be used when responding to an emergency.
- F. Emergency Work: Work made necessary to restore property to a safe condition following an emergency, or work required to protect persons or property from exposure to imminent danger.
- G. Motor Vehicle: Any vehicle which is propelled or drawn on land by a motor, such as, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, go-carts, snowmobiles, amphibious craft on land, dune buggies, or racing vehicles, but not including motorcycles, trailbikes or mini-bikes.
- H. Sound Pressure Level: The level of a sound measured in dB units with a sound level meter which has a uniform ("flat") response over the band of frequencies measured.
- I. Nighttime Hours: All hours other than daytime hours as defined herein.
- J. Person: Any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency, or political or administrative subdivision of the State or other legal entity of any kind.
- K. Premises: Any building, structure, land or portion thereof, including all appurtenances, and shall include yards, lots, courts, inner yards, and real properties without buildings or improvements, owned or controlled by a person.
- L. Sound Level Meter: An instrument for the measurement of sound levels conforming to A.N.S.I. Type I and II Standards.

VII. MEASUREMENT PROCEDURES

For the purpose of determining noise levels as set forth in this Ordinance, the following guidelines shall be applicable:

- (A) All personnel conducting sound measurements shall be trained in the current techniques and principles of sound measuring equipment and instrumentation.
- (B) Instruments used to determine sound level measurements must conform to the Standards of A.N.S.I. Type I or Type II meters.

(C) The general steps listed below must be followed when preparing to take sound level measurements:

- (1) The instrument manufacturer's specific instructions for the preparation and use of the instrument must be followed.
- (2) The sound level meter must be calibrated before and after each set of measurements. The calibrator itself shall be recalibrated at least once every year.
- (3) The sound level meter must be placed as specified by the manufacturer's instructions and at least four (4) feet above the ground. It shall be placed so as not to be interfered with by individuals conducting the measurements.

VIII. MANNER OF ENFORCEMENT

This ordinance shall be administered and enforced by the Kennebunk Police Department and/or the Code Enforcement Officer. Residential and commercial violations shall be typically the responsibility of the police department, and industrial violations, that of the code enforcement.

IX. VIOLATIONS, PENALTIES AND OTHER REMEDIES

Each day where the noise level standards set forth in Section III are exceeded for fifteen (15) continuous minutes, or for a total of thirty (30) minutes during such day, shall constitute a separate violation of this Ordinance. For each such violation, the Town shall be entitled to a penalty of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000). Additionally, each violation of this Ordinance shall be deemed to be, and is hereby declared to be, a public nuisance for which the Town is entitled to injunctive relief issued by a court of competent jurisdiction. In any enforcement action, whether for penalties, injunctive relief, or both, the Town shall be entitled to an award of its costs of court, attorneys fees, sound consultant or expert fees, and any other costs incurred in enforcement of this Ordinance.

X. VARIANCE PROCEDURE

Any person may apply to the Kennebunk Zoning Board of Appeals for a variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in undue hardship. The decision to grant a variance request must be made by affirmative vote of four members of the Board. A variance may include such conditions and safeguards as are appropriate under this Ordinance. Any variance granted shall be the minimum necessary to relieve the hardship. The words "undue hardship" as used in this subsection mean:

- A. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- B. The granting of a variance will not alter the essential character of the locality;
- C. The hardship is not the result of action taken by the applicant or a prior owner;
- D. The granting of the variance will not substantially reduce or impair the use of the abutting property; and
- E. The granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

XI. VALIDITY AND SEVERABILITY

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

XII. EFFECTIVE DATE; APPLICABILITY

The effective date of this Ordinance shall be immediately upon passage by Town meeting. Notwithstanding any other ordinance provision to the contrary, this Ordinance shall apply to all existing uses and properties on the date of passage.

06-172

Public Hearing

Cumberland NIMS Implementation Plan
and the
Cumberland Emergency Management Ordinance



PROCLAMATION

PROCLAMATION IMPLEMENTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS).

October 9, 2006

WHEREAS, In Homeland Security Directive (HSPD)-5, the President directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for federal, state, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to, and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, the collective input and guidance from all federal, state, local and tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS; and

WHEREAS, it is necessary that all federal, state, local, and tribal emergency management agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

WHEREAS, to facilitate the most efficient and effective incident management it is critical that federal, state, local, and tribal organizations utilize standardized terminology, standardized organizational structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters; and

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the state's ability to utilize federal funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management processes; and

WHEREAS, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the state, including all public safety and emergency response organizations training programs; and

WHEREAS, the National Commission of Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System.

NOW THEREFORE, be it resolved that the Council of the Town of Cumberland in the State of Maine, hereby adopt and institutionalize the National Incident Management System (NIMS) as the Town's official All Hazard Management System.

I further proclaim this to take effect immediately.

_____ Chairman

_____ Councilor

_____ Councilor

_____ Councilor

_____ Councilor

_____ Councilor

_____ Councilor

Town of Cumberland Emergency Management Ordinance

Purpose

It is the intent and purpose of this Ordinance to establish an Emergency Management Agency in compliance and in conformity with the provisions of Title 37-B, MRSA, Section 781 et seq., to ensure the complete and efficient utilization of the Town's facilities and resources to combat disaster as defined herein.

Definitions

The following definitions shall apply in the interpretation of this ordinance:

Emergency Management Agency. "Emergency Management Agency" means the agency created under this ordinance for the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, in order to minimize and repair injury and damage resulting from disasters or catastrophes caused by enemy or terrorist attacks, sabotage, riots or other hostile action, or by fire, flood, earthquake or other natural or man-made causes. These functions include, without limitation, firefighting, police, emergency medical services, emergency welfare, rescue, engineering, public warning and communications services; evacuation of persons from stricken areas; allocation of critical materials in short supply; emergency transportation; other activities related to civilian protection and other activities necessary to the preparation for the carrying out of these functions.

Emergency Management Agency Forces. "Emergency Management Agency Forces" shall mean the employees, equipment and facilities of all city departments, boards, institutions and commissions; and in addition, it shall include all volunteer persons, equipment and facilities contributed by or obtained from volunteer persons or agencies.

Director. "Director" means the director of the Town of Cumberland's Emergency Management Agency, appointed as prescribed in this ordinance.

Disaster. "Disaster" means the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause including, but not limited to, fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, critical material shortage, infestation, explosion or riot.

Organization

The Town Manager shall be responsible for the agency's organization, administration and operation. The Town Manager may employ such permanent or temporary employees as he deems necessary and prescribe their duties.

The Town Council shall review the existing operational organization to ascertain the agency's ability to cope with its responsibilities and shall approve the Town's Emergency Operations Plan.

Appointment of Director; Duties and Responsibilities

The Town Manager shall appoint an Emergency Management Director, who shall coordinate the activities of all Town departments, organizations and agencies for civil emergency preparedness within the town and maintain a liaison with other emergency management agencies, public safety agencies, and have such additional duties as prescribed by the Town Manager.

Rules and Regulations

The Emergency Management Director shall prepare, under the direction of the Town Manager, such policies as may be deemed necessary for the administration and operational requirements of the agency, which policies must be approved by the Town Council prior to becoming effective.

Emergency Proclamation

The Town Manager shall have the power and authority, upon consultation with the Council Chairman, to issue a proclamation that an emergency exists whenever a disaster or civil emergency exists or appears imminent. The proclamation may declare that an emergency exists in any or all sections of the town. If the Town Manager is temporarily absent from the town or otherwise unavailable, the person designated by the Town Manager may issue the proclamation that an emergency exists. If neither the Town Manager nor the person designated to act in the Town Manager's absence is available, then the following persons shall have the power and authority to issue a proclamation that an emergency exists, in the following order of succession: the Emergency Management Director, the Fire Chief, the EMS Chief, the Police Chief, and the Public Works Director. A copy of such proclamation shall be filed within twenty-four (24) hours in the office of the city clerk.

Notwithstanding the above, when consultation with the Council Chairman would result in a substantial delay in an effective response in alleviating or preventing an emergency or disaster, the Town Manager, or his successor as outlined above, is authorized to take whatever actions are necessary to prevent the loss of life and property in the town.

The Town Manager and the Emergency Management Director shall be responsible for submitting a full report to the Town Council of all actions taken as a result of the declared emergency as soon as the Town Council can be convened.

Termination of Emergency

When the Town Manager or his successor as outlined above is satisfied that a disaster or civil emergency no longer exists, he shall terminate the emergency proclamation by another proclamation affecting the sections of the town covered by the original

proclamation, or any part thereof. Said termination of emergency shall be filed in the office of the town clerk.

No state of emergency may continue for longer than five (5) days unless renewed by the Town Council.

Town Manager's Duties and Emergency Powers

During any period when an emergency proclamation is in effect, the Town Manager may promulgate such regulations as he deems necessary to protect life and property and to preserve critical resources within the purposes of this ordinance. Such regulations may include, but are not limited to, the following:

1. Regulations prohibiting or restricting the movement of vehicles in areas within or without the town;
2. Regulations facilitating or restricting the movement of persons within the town;
3. Regulations pertaining to the movement of persons from hazardous areas within the town;
4. Such other regulations necessary to preserve public peace, health and safety.

Nothing in this section shall be construed to limit the authority or responsibility of any department to proceed under powers and authority granted to them by state statute, town ordinance or the charter of the Town of Cumberland.

The Town Manager or his designee may order the evacuation of persons from hazardous areas within the town.

The Town Manager or his designee shall be authorized to request aid or assistance from the state or any political subdivision of the state and may render assistance to other political subdivision under the provisions of Title 37-B, M.R.S.A.

The Town Manager may obtain vital supplies, equipment and other items found lacking and needed for the protection of health, life and property during an emergency without following normal purchasing or formal bid procedures.

The provisions of this section will terminate at the end of the declared emergency.

Emergency Operations Plan

The Emergency Management Director shall prepare an all hazard Emergency Operations Plan (EOP) for the town, which shall be submitted to the Town Council for approval. The EOP shall incorporate the principals of the National Incident Management System (NIMS) and the Incident Command System (ICS).

It shall be the responsibility of all municipal departments and agencies to perform the functions assigned and to maintain their portions of the plan in a current state of readiness. The town plan shall be reviewed periodically by the Town Manager in

conjunction with all the town department heads and the Emergency Management Director.

Immunity from Liability

All Emergency Management Agency Forces, while engaged in Emergency Management Agency activities, shall be immune from liability, as set forth in Title 37-B, Section 822 M.R.S.A.

Compensation for Injuries

All Emergency Management Agency Forces shall be deemed to be employees of the state when engaged in training or on duty and shall have all of the rights of state employees under the Workmen's Compensation Act, as set forth in Title 37-B, Section 823 M.R.S.A.

Violation of Regulations

It shall be unlawful for any person to violate any provisions of this ordinance or of the regulations or plans issued pursuant to the authority contained herein, or to obstruct, hinder or delay any Emergency Management Agency Forces as herein defined in the enforcement of the provisions of this ordinance or any regulation or plan issued hereunder.

Penalty

Any person, firm or corporation violating any provision of this ordinance or any rule or regulation promulgated hereunder, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) and the costs of prosecution.

Severability

Should any provisions of this ordinance be declared invalid for any reason, such declaration shall not affect the validity of other provisions or of this ordinance as a whole, it being the legislative intent that the provisions of this ordinance shall be severable and remain valid notwithstanding such declaration.

Conflicting Ordinances, Orders, Rules and Regulations Suspended.

At all times when an emergency proclamation is in effect, the orders, rules and regulations made and promulgated pursuant to this ordinance shall supersede all existing ordinances, orders, rules and regulations, insofar as the latter may be inconsistent herewith.

NATIONAL INCIDENT MANAGEMENT SYSTEM

NATIONAL STANDARD CURRICULUM TRAINING DEVELOPMENT GUIDANCE

Overview

In Homeland Security Presidential Directive (HSPD-5), Management of Domestic Incidents, the President directed the Secretary of Homeland Security to develop and administer a National Incident Management System (NIMS). On March 1, 2004, the Department of Homeland Security (DHS) issued the NIMS to provide a comprehensive national approach to incident management, applicable to all jurisdictional levels across functional disciplines. The NIMS provides a consistent nationwide approach for federal, state, tribal and local governments to work effectively and efficiently together to prepare for, prevent, respond to and recover from domestic incidents, regardless of cause, size or complexity.

The NIMS establishes standard incident management processes, protocols and procedures so that all responders can work together more effectively. NIMS components include:

- Command and Management
- Preparedness
- Resource Management
- Communications and Information Management
- Supporting Technologies
- Ongoing Management and Maintenance

The NIMS Integration Center was established to oversee all aspects of NIMS. This includes the development of NIMS-related standards and guidelines and support for incident management and responder organizations as they implement the system. The Center will validate **compliance** with the NIMS and National Response Plan responsibilities, standards and requirements.

The NIMS Integration Center through this document is coordinating the development of a National Standard Curriculum for NIMS. This curriculum will be built around available federal training opportunities and course offerings that support NIMS implementation. The curriculum also will serve to clarify training that is necessary for NIMS-compliance and streamline the training approval process for courses recognized by the curriculum.

Initially, the curriculum will be made up of NIMS awareness training and training to support the Incident Command System (ICS). Eventually it will expand to include all NIMS training requirements including training established to meet national credentialing standards.

Over the past year, with the support of the NIMS Integration Center (NIC), states, territories, tribes, and local jurisdictions have made significant progress in implementing the NIMS. Hurricane Katrina was a stark reminder of how critical it is for our nation to approach incident management in a coordinated, consistent, and efficient manner. We must be able to come together, at all levels of government, to prevent, prepare for, respond to, and recover from any emergency or disaster. Our operations must be seamless and based on common incident management doctrine, because the challenges we face as a nation are far greater than the capabilities of any one jurisdiction. The NIMS is our nation's incident management system, and recent events have taught us that full implementation of NIMS among all jurisdictions and all levels of government must be achieved as quickly as possible.

The implementation of the NIMS within every state, territory, tribal and local jurisdiction creates a baseline capability that, once established nationwide, will be the foundation for our prevention, preparedness, response, and recovery strategies.

When NIMS is fully implemented, states and local jurisdictions will be able to:

- Ensure common and proven incident management doctrine, practices and principles are used to plan for, protect against, respond to and recover from emergency incidents and preplanned events;
- Maintain a response operation capable of expanding to meet an escalating situation and the ability to integrate resources and equipment from intrastate and interstate mutual aid agreements, state-provided assistance and federal government response;
- Order and track response assets using common resource typing and definitions, and draw on mutual aid agreements for additional assistance;
- Establish staging and allocation plans for the re-distribution of equipment, supplies and aid coming into the area from other localities, states or the federal government through mutual aid agreements;
- Conduct situational assessments and establish the appropriate ICS organizational structure to effectively manage the incident; and
- Establish communication processes, procedures and protocols that will ensure effective interoperable communications among emergency responders, 9-1-1 centers and multi-agency coordination systems such as Emergency Operations Centers (EOC).

In federal Fiscal Year 2006, states, territories, tribes and local communities will be required to complete several activities to comply with the NIMS. A complete listing of these activities (or elements) is included for you in this document. These implementation requirements are in addition to the FY 2005 NIMS requirements as established in the Sept. 8, 2004, letter to the governors. A copy of that letter is available on the NIMS Web page at: www.fema.gov/nims.

FY 2006 State/Territorial Actions for Compliance

State Adoption and Infrastructure

Element 1: Adopt NIMS at the state level for all government departments and agencies; as well as promote and encourage NIMS adoption by associations, utilities, non-governmental organizations (NGOs), and private sector response organizations. Monitor adoption of NIMS by all local jurisdictions.

Element 2: Establish a planning process to ensure the communication and implementation of NIMS requirements across the state, including local governments and tribes. This process must provide a means for measuring progress and facilitate reporting.

Element 3: Designate a single point of contact within the state government to serve as the principle coordinator for NIMS implementation statewide. Consider formal establishment of cross-jurisdictional and cross-discipline advisory group to assist and ensure full implementation of NIMS.

Element 4: Ensure that federal preparedness funding to state agencies and local jurisdictions is linked to satisfactory progress in meeting the requirements related to FY06 NIMS implementation requirements.

Element 5: To the extent permissible by state and territorial law and regulations, audit agencies and review organizations should routinely include NIMS implementation requirements in all audits associated with federal preparedness grant funds. This process will validate the self-certification process for NIMS compliance.

Command and Management

Element 6: Incident Command System (ICS): Manage all emergency incidents and preplanned (recurring/special) events in accordance with ICS organizational structures, doctrine, and procedures, as defined in NIMS. ICS implementation must include the consistent application of Incident Action Planning and Common Communications Plans.

Element 7: Multi-agency Coordination System: Coordinate and support emergency incident and event management through the development and use of integrated multi-agency coordination systems, i.e. develop and maintain connectivity capability between local Incident Command Posts (ICPs), local 911 Centers, local Emergency Operations Centers (EOCs) the state EOC and regional and/federal EOCs and NRP organizational elements.

Element 8: Public Information System (PIS): Institutionalize, within the framework of ICS, the Public Information System, comprising of the Joint Information System (JIS) and a Joint Information Center (JIC). The PIS will ensure an organized, integrated, and coordinated mechanism to perform critical emergency information, crisis communications and public affairs functions which is timely, accurate, and consistent. This includes training for designate participants from the Governor's office and key state agencies.

Preparedness: Planning

Element 9: Establish the state's NIMS baseline against the FY 2005 and FY 2006 implementation requirements.

Element 10: Coordinate and leverage all federal preparedness funding to implement the NIMS.

Element 11: Revise and update plans and SOPs to incorporate NIMS and National Response Plan (NRP) components, principles and policies, to include planning, training, response, exercises, equipment, evaluation, and corrective actions.

Element 12: Promote intrastate and interagency mutual aid agreements, to include agreements with the private sector and non-governmental organizations.

Preparedness: Training

Element 13: Leverage training facilities to coordinate and deliver NIMS training requirements in conformance with the NIMS National Standard Curriculum.

Element 14: Complete IS-700 NIMS: An Introduction.

Element 15: Complete IS-800 NRP: An Introduction.

Element 16: Complete ICS-100 & ICS-200 Training.

Preparedness: Exercises

Element 17: Incorporate NIMS/ICS into all state and regional training and exercises.

Element 18: Participate in a NIMS all-hazard exercise program that involves responders from multiple disciplines and multiple jurisdictions.

Element 19: Incorporate corrective actions into preparedness and response plans and procedures.

Resource Management

Element 20: Inventory state response assets to conform to homeland security resource typing standards.

Element 21: Develop state plans for the receipt and distribution of resources as outlined in the Catastrophic Incident Annex and Catastrophic Incident Supplement.

Element 22: To the extent possible by state and local law, ensure that relevant national standards and guidance to achieve equipment, communications, and data interoperability are incorporated into State and local acquisition programs.

Communications and Information Management

Element 23: Apply standardized and consistent terminology, including the establishment of plain English communications standards across the public safety sector. '10' codes may continue to be used during non-emergency, internal department communications.

FY 2006 Tribal/Local Jurisdiction Actions for Compliance

Community Adoption

Element 1: Adopt NIMS at the community level for all government departments and agencies; as well as promote and encourage NIMS adoption by associations, utilities, non-governmental organizations (NGOs), and private sector incident management and response organizations.

Command and Management

Element 2: Incident Command System (ICS): Manage all emergency incidents and preplanned (recurring/special) events in accordance with ICS organizational structures, doctrine, and procedures, as defined in NIMS. ICS implementation must include the consistent application of Incident Action Planning and Common Communications Plans.

Element 3: Multi-agency Coordination System: Coordinate and support emergency incident and event management through the development and use of integrated multi-agency coordination systems, i.e. develop and maintain connectivity capability between local Incident Command Posts (ICPs), local 911 Centers, local Emergency Operations Centers (EOCs) state EOC.

Element 4: Public Information System (PIS): Implement processes, and/or plans to communicate timely, accurate information through a Joint Information System and Joint Information Center.

Preparedness: Planning

Element 5: Establish the community's baseline against the FY 2005 and FY 2006 implementation requirements.

Element 6: Develop and implement a system to coordinate all federal preparedness funding to implement the NIMS across the community.

Element 7: Revise and update plans and SOPs to incorporate NIMS components, principles and policies, to include planning, training, response, exercises, equipment, evaluation, and corrective actions.

Element 8: Participate in and promote intrastate and interagency mutual aid agreements, to include agreements with the private sector and non-governmental organizations.

Preparedness: Training

Element 9: Complete IS-700 NIMS: An Introduction.

Element 10: Complete IS-800 NRP: An Introduction.

Element 11: Complete ICS-100 & ICS-200 Training.
Preparedness: Exercises

Element 12: Incorporate NIMS/ICS into all tribal, local and regional training and exercises.

Element 13: Participate in an all-hazard exercise program based on NIMS that involves responders from multiple disciplines and multiple jurisdictions.

Element 14: Incorporate corrective actions into preparedness and response plans and procedures.

Resource Management

Element 15: Inventory community response assets to conform to homeland security resource typing standards.

Element 16: To the extent permissible by law, ensure that relevant national standards and guidance to achieve equipment, communication, and data interoperability are incorporated into tribal and local acquisition programs.

Communications and Information Management

Element 17: Apply standardized and consistent terminology, including the establishment of plain English communications standards across the public safety sector. '10' codes may continue to be used during non-emergency, internal department communications.

Introduction to National Standard Training Development Guidance

The NIMS Integration Center recognizes that many operational aspects of NIMS, including ICS training, are available through state, local, and tribal agencies and private training vendors. It is not necessary that the training requirements be met through a federal source. This document will provide stakeholders with an evaluation checklist for training content, which may be used to ensure that the ICS training offered by other agencies or vendors meets the standard "as taught by DHS."

Emergency management/response personnel who have already been trained in ICS do not need retraining if their previous training is consistent with DHS standards (to include ICS courses managed, administered, or delivered by the Emergency Management Institute, the National Fire Academy, FIREScope, the National Wildfire Coordinating Group, the U.S. Department of Agriculture, the Environment Protection Agency, and the U.S. Coast Guard.)

Training is one of the important elements that state, territorial, tribal, and local entities must complete during the FY 2006 (October 1, 2005 – September 30, 2006) to become fully compliant with the NIMS. Jurisdictions will be required to meet the FY 2006 NIMS implementation requirements as a condition of receiving federal preparedness funding assistance in FY 2007.

It is important to recognize that NIMS implementation will not end in FY 2006. The NIMS is a dynamic system, and the doctrine as well as the implementation requirements will continue to evolve as our prevention, preparedness, response, and recovery capabilities improve and our homeland security landscape changes. Further, new personnel will continue to need NIMS training, and NIMS processes will still have to be exercised in future years.

The successful implementation of the NIMS depends on the participation and integration of all state, territorial and community-based organizations, including public, non-governmental, and private organizations that may have a role in preventing, preparing for, responding to, or recovering from an incident. States, territories, tribes

and local jurisdictions should therefore consider and include appropriate organizations in their NIMS implementation efforts, including private sector emergency medical and hospital providers, transportation systems, utilities, and special facilities such as industrial plants, nuclear power plants, factories, military facilities, stadiums and arenas. Moreover, full NIMS implementation is a dynamic and multi-year phase-in process with important linkages to the National Response Plan (NRP), the Homeland Security Presidential Directive - 8 (i.e. the "National Preparedness Goal") and the National Infrastructure Protection Plan (NIPP). Future refinement to the NIMS will evolve as policy and technical issues are further developed and clarified at the national level. This may well result in additional requirements being issued by the NIC as to what will constitute continuous full NIMS compliance in FY2007 and beyond.

Concepts and Principles of NIMS Relating to ICS

Overview: The following concepts and principles of NIMS relating to ICS need to be addressed in ICS training offered by other federal agencies, state, local and tribal agencies, as well as by private vendors. If these concepts and principles are addressed in non-DHS ICS training the training will meet the standards established by the NIMS Integration Center. The intent of the remainder of the document is to provide stakeholders with a training evaluation checklist for NIMS training content.

The overwhelming majority of emergency incidents are generally handled on a daily basis by a single jurisdiction at the local level. However there are important instances in which successful domestic incident management operations depend on the involvement of multiple jurisdictions, functional agencies, and emergency responder disciplines. These instances require effective and efficient coordination across the broad spectrum of organizations and activities.

The ICS is one of three standardized organizational structures established by the NIMS. The ICS defines the operating characteristics, interactive management components, and structure of incident management and emergency response organizations engaged throughout the life cycle of an incident. The other two standardized organizational structures outlined in the NIMS include the Multi-agency Coordination System and the Public Information System.

The NIMS is based on an appropriate balance of flexibility and standardization in order to provide a framework for interoperability and compatibility during incident operations.

The NIMS provides a consistent, flexible, and adjustable national framework within which government and private entities at all levels can work together to manage domestic incidents, regardless of their cause, size, location, or complexity. This flexibility applies across all phases of incident management: prevention, preparedness, response, recovery, and mitigation.

The NIMS also provides a set of standardized organizational structures – such as the ICS, multi-agency coordination systems, and public information systems – as well as requirements for processes, procedures, and systems to improve interoperability among jurisdictions and disciplines in various areas.

ICS in DHS – An Overview

The ICS is a management system designed to enable effective and efficient domestic incident management by integrating a combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure. Important features of ICS include:

- Wide applicability across all emergency management disciplines
- Used to organize both near-term and long-term field operations
- Used for a broad spectrum of emergencies, from small to complex
- Used by all levels of government
- Used by private sector and nongovernmental organizations

The *Final Report of the National Commission on Terrorist Attacks upon the United States* (The 9/11 Commission Report) supports the following key command and management components relating to the ICS:

- Emergency response agencies nationwide should adopt the ICS.
- When multiple agencies or multiple jurisdictions are involved in incident command, a unified command should be adopted.
- The Commission strongly supports the decision that federal homeland security funding will be contingent upon adoption and regular use of ICS and unified command procedures.

ICS in DHS – Concepts and Principles

The core concepts and principles of the ICS as taught by DHS and as defined in the NIMS Document and consistent with the National Wildfire Coordinating Group (NWCG) incorporate the following components:

_____ The overwhelming majority of incidents nationwide are typically handled by a single jurisdiction. Most responses need go no further. In other instances the response may rapidly expand requiring additional resources and operational support. Whether for incidents which additional resources are required or are provided from different organizations within a single jurisdiction or outside the jurisdiction, or for complex incidents with state-level or national-level implications, the ICS provides a core mechanism for coordinated and collaborative incident management.

_____ The NIMS requires that field command and management functions be performed in accordance with a standard set of ICS organizations, doctrine, and procedures. However, the incident commanders generally retain the flexibility to modify procedures or organizational structure as necessary to accomplish the mission.

_____ ICS is modular and scalable and is readily adaptable to any emergency or incident to which domestic incident management agencies would be expected to respond.

_____ ICS has interactive management components that set the stage for effective and efficient incident management and emergency response.

_____ ICS establishes common terminology, standards, and procedures that enable diverse organizations to work together effectively.

_____ ICS incorporates measurable objectives to ensure fulfillment of incident management goals.

_____ The implementation of ICS should have the least possible disruption on existing systems and processes.

_____ The ICS should be user friendly and be applicable across a wide spectrum of emergency response and incident management disciplines.

ICS in DHS – Management Characteristics

ICS is based on proven management characteristics. Each contributes to the strength and efficiency of the overall system. The following ICS management characteristics are taught by DHS in ICS training programs: (More detailed information is provided in the NIMS Document and in DHS ICS Training Materials)

_____ Common Terminology: The ICS establishes common terminology that allows entities to work together across a wide variety of incident management functions and hazard scenarios. ICS common terminology covers the organizational functions, resources descriptions, and incident facilities.

_____ Modular Organization: The ICS organizational structure develops in a top-down fashion that is based on the size and complexity of the incident, as well as the specifics of the hazard environment created by the incident. When needed separate functional elements can be established, each of which may be further subdivided to enhance management and coordination. Responsibility for the establishment and expansion of the ICS rests with the Incident Commander (IC), who bases these on requirements of the situation. As incident complexity increases, the organization expands from top down as functional responsibilities are delegated.

_____ Management by Objectives: The ICS is managed by objectives that are communicated throughout the entire ICS organization. The establishment of specific, measurable objectives for various incident management functional activities and directing efforts to attain them is essential to a successful operation.

_____ Reliance on an Incident Action Plan: Incident action plans (IAPs) are established for each incident operational period to provide overall incident objectives for both operational and support activities.

_____ Manageable Span of Control: Within ICS, the span of control of any individual should range from three to seven subordinates. The type of incident, nature of the task, hazards and safety factors, and distances between personnel and resources all influence span-of-control.

_____ Pre-designated Incident Locations & Facilities: Various types of operational locations and support facilities are established in the vicinity of the incident to accomplish a variety of purposes. Typical pre-designated facilities include command post, bases, camps, staging areas, mass casualty triage areas, and others as required.

_____ Comprehensive Resource Management: Resource management includes processes for categorizing, ordering, dispatching, tracking, and recovering resources. Resources are defined as personnel, teams, equipment, supplies, and facilities available or potentially available for assignment or allocation in support of the operation.

_____ Integrated Communications: Incident communications are facilitated through the development and use of a common communications plan and interoperable communications processes and architectures.

_____ Establishment and Transfer of Command: The command function must be clearly established from the beginning of incident operations. The agency with primary jurisdictional responsibility designates the individual at the scene responsible for establishing command. Procedures must be in place to allow for a smooth transfer of command when applicable.

_____ Chain of Command and Unity of Command: Chain of command refers to the orderly line of authority over the incident operations. Unity of command means that every individual has a designated supervisor. These principles clarify reporting relationships and eliminate confusion.

_____ Unified Command: In incidents involving multiple jurisdictions, a single jurisdiction with multi-agency involvement, or multiple jurisdictions with multi-agency involvement, unified command can be implemented. Unified command allows agencies to work together effectively without affecting individual agency authority, responsibility, or accountability.

- _____ Accountability: The ICS accountability principles include check-in, incident action plan, unity of command, span of control, and resource tracking.
- _____ Deployment: Personnel and equipment should respond only when requested or when dispatched by an appropriate authority.
- _____ Information and Intelligence Management: The incident management organization must establish a process for gathering, sharing, and managing incident-related information and intelligence.

ICS in DHS – Organization and Operations (Command Staff)

The ICS organization has five major functions – command, operations, planning, logistics, and finance and administration. A potential sixth functional area to cover the information and intelligence function can be established for gathering and sharing incident related information and intelligence. The following ICS organization and operations characteristics relevant to the command staff are taught by DHS in ICS training programs. (More detailed information is provided in the NIMS Document and in DHS and NWCG ICS Training Materials)

- _____ Command comprises the Incident Commander (IC) and Command Staff. Command staff positions are established to assign responsibility for key activities not specifically identified in the General Staff functional elements. These positions may include the Public Information Officer (PIO), Safety Officer (SO), and the Liaison Officer (LNO), in addition to various others, as required and assigned by the IC.
- _____ The command staff is responsible for overall management of the incident. This includes Command Staff assignments required to support the command function. The command function may be conducted in two general ways: Single Command IC and Unified Command. (Unified Command will be addressed in the next section)
- _____ When an incident occurs within a single jurisdiction and there is no jurisdictional or functional agency overlap, a single IC should be designated with overall management responsibility by the appropriate jurisdictional authority. (In some cases in which incident management crosses jurisdictional and/or functional agency boundaries, a single IC may be designated if all parties agree to such an option). Jurisdictions should consider pre-designating ICs in their preparedness plans.
- _____ The designated IC will develop the incident objectives on which subsequent incident action planning will be based. The IC will approve the Incident Action Plan (IAP) and all requests pertaining to the ordering of incident resources.
- _____ In an incident command organization, the Command Staff consists of the IC and three special staff positions the PIO, the SO, and the LNO. Additional positions to include Assistants and Additional Command Staff may be required depending on the nature and scope of the incident. All special staff positions report directly to Incident Command.
- _____ Public Information Officer: The PIO is responsible for interfacing with the public and media and/or other agencies with incident-related information requirements. Only one incident PIO should be designated. Assistants may be assigned from other agencies or departments involved. The IC must approve the release of all incident-related information.
- _____ Safety Officer: The SO monitors incident operations and advises the IC on all matters relating to operational safety, including the health and safety of emergency response personnel. The ultimate responsibility for the safe conduct of incident management operations rests with the IC or Unified Command (UC) and supervisors at all levels of incident management. The SO is, in turn, responsible to the IC for the set of systems and procedures necessary to ensure all on-going safety efforts. The SO has emergency authority to stop and/or prevent unsafe acts during incident operations.

_____ Liaison Officer: The LNO is the point of contact for representatives of other government agencies, nongovernmental organizations, and/or private entities. Representatives from assisting or cooperating agencies and organizations should coordinate all efforts through the LNO. Assistants and personnel from other agencies or organizations involved in incident management may be assigned to the LNO to facilitate coordination.

_____ Assistants: In the context of large or complex incidents, Command Staff members may need one of more assistants to help manage workloads. Each Command Staff member is responsible for organizing assistants for maximum efficiency.

_____ Additional Command Staff: Additional Command Staff may also be necessary depending on the nature and location(s) of the incident.

ICS in DHS – Organization and Operations (Unified Command)

Due to the unique characteristics of Unified Command (UC) these elements will be listed under a separate heading in this document. The following ICS organization and operations characteristics relevant to UC are taught by DHS in ICS training programs. (More detailed information is provided in the NIMS Document and in DHS and NWCG ICS Training Materials)

_____ UC is an important element in multi-jurisdictional or multi-agency domestic incident management. It provides guidelines to enable agencies with different legal, geographic, and functional responsibilities to coordinate, plan, and interact effectively. As the team, UC overcomes much of the inefficiency and duplication of effort that can occur when agencies from different functional and geographic jurisdictions, or agencies at different levels of government, operate without a common system or organizational framework.

_____ All agencies with jurisdictional authority can participate in the UC structure. Agencies with functional responsibility for any or all aspects of an incident can participate in the UC structure. Agencies that provide specific resource support can participate in the UC structure. Representatives from these agencies can then contribute to the process of determining overall incident strategies; selecting objectives; ensuring that point planning for tactical activities is accomplished in accordance with approved incident objectives; ensuring the integration of tactical operations; and approving, committing, and making optimum use of all assigned resources. The exact composition of the UC structure will depend on the location(s) of the incident and type of incident or which functional agencies are involved in the response.

_____ The designated agency officials participating in the UC represent different legal authorities and functional areas of responsibility and use a collaborative process to establish incident objectives and designate priorities that accommodate those objectives. Jurisdictional responsibilities of multiple incident management officials are consolidated into a single planning process.

_____ Under UC, incidents are managed under a single, collaborative approach. Under UC, the Incident Action Plan (IAP) is developed by the Planning Section Chief and is approved by the UC. A single individual, the Operations Section Chief, directs the tactical implementation of the IAP. The Operations Section Chief will normally come from the agency with the greatest jurisdictional involvement. UC participants will agree on the designation of the Operations Section Chief. UC works best when participating members of the UC collocate at the Incident Command Post.

_____ The primary differences between the single command structure and the UC structure are that in a single command structure the IC is solely responsible for establishing incident management objectives and strategies. In a UC structure, the individuals designated by their jurisdictional authorities must jointly determine objectives, plans, and priorities and work together to execute them.

ICS in DHS – Organization and Operations (General Staff)

The ICS organization has five major functions – command, operations, planning, logistics, and finance/administration. A potential sixth functional area to cover the information and intelligence function can be established for gathering and sharing incident related information and intelligence. The following ICS organization and operations characteristics relevant to the ICS General Staff are taught by DHS in ICS training programs. (More detailed information is provided in the NIMS Document and in DHS and NWCG ICS Training Materials)

- _____ The General Staff includes incident management personnel who represent the major functional elements of the ICS including the Operations Section Chief, Planning Section Chief, Logistics Section Chief, and Finance/Administration Section Chief. Command Staff and General Staff must continually interact and share vital information and estimates of the current and future situation and develop recommended courses of action for consideration by the IC.

- _____ The Operations Section is responsible for all activities focused on reduction of the immediate hazard, saving lives and property, establishing situational control and restoration of normal operations. The Operations Section can consist of branch(es), divisions/groups, and resources. The exact structure of the Operations Section will vary according to numerous considerations and operational factors. In some cases, the organizational structure will be determined by jurisdictional boundaries. In other cases, a strictly functional approach will be used. The ICS offers flexibility in determining the right structural approach for the specific incident at hand.

- _____ The Operations Section Chief is responsible to the IC or the UC for the direct management of all incident related operational activities. The Operations Section Chief will establish tactical objectives for each operational period. The Operations Section Chief may have one or more deputies assigned, with the assignment of deputies from other agencies encouraged in the case of multi-jurisdictional incidents.

- _____ Branches may be used in the Operations Section to serve several purposes, and may be functional or geographic in nature. In general, branches are established when a number of divisions or groups exceeds the recommended span of control of one supervisor to three to seven subordinates.

- _____ Divisions and Group are established when the numbers of resources exceeds the manageable span of control of the IC and the Operations Section Chief. Divisions are established to divide an incident into physical or geographical areas of operation. Groups are established to divide the incident into functional areas of operation. For certain types of incidents, for example, the IC may assign intelligence-related activities to a functional group in the Operations Section. There also may be additional levels of supervision below the Division or Group level.

- _____ Resources refer to the combination of personnel and equipment required to enable incident management operations. Resources may be organized and managed in three different ways, depending on the requirements of the incident. These three ways include the following: single resources, task forces, and strike teams

— The Planning Section collects, evaluates, and disseminates incident situation information and intelligence to the IC or UC and incident management personnel. The Planning Section also performs the following functions:

- Prepares status reports
- Displays situation information
- Maintains status of resources assigned to the incident
- Develops and documents the IAP based on guidance for the IC or UC

— The planning section comprises four primary units (Resources Unit, Situation Unit, Demobilization Unit, and Documentation Unit) as well as a number of technical specialists to assist in evaluating the situation, developing planning options, and forecasting requirements for additional resources.

— The planning section is also responsible for developing and documenting the Incident Action Plan (IAP). A more detailed discuss of the IAP will be addressed in the next section.

— The Logistics Section is responsible for all support requirements needed to facilitate effective and efficient incident management. These supports requirements include the ordering of resources from off-incident locations. The logistics section can implement the following units for support purposes: supply, food, ground support, communications, facilities, and medical. The logistics section can also be divided into two branches (Service and Support) with the three units under each branch.

— The logistics section also provides facilities, transportation, supplies, equipment maintenance and fuel, food services, communications and information technology support, and emergency medical responder medical services for incident personnel.

— The Finance/Administration Section is established when the agency(s) involved in incident management activities require(s) finance and other administrative support. Not all incidents will require a separate Finance/Administration Section. In cases that require only one specific function (e.g., cost analysis); this service may be provided by a technical specialist in the Planning Section. The basic organizational structure for the Finance/Administration Section can include the following units: Compensation/Claims, Procurement, Cost, and Time.

— The Information and Intelligence Function provides analysis and sharing of information and intelligence during an incident. Intelligence can include national security or classified information but also can include operational information such as risk assessments, medical intelligence, weather information, structural designs of buildings, toxic contaminant levels, etc. that may come from a variety of sources. Traditionally, information and intelligence functions are located in the Planning Section. However, in exceptional situations, the IC may need to assign this role to other parts of the ICS organization. The intelligence and information function may be assigned in one of the following ways:

- Within the Command Staff
- As a Unit within the Planning Section
- As a Branch Within the Operations Section
- As a Separate General Staff Section

ICS in DHS – Organization and Operations (Incident Action Plan)

Due to the important characteristics of the IAP, these elements will be listed under a separate heading in this document. The following ICS organization and operations characteristics relevant to the IAP are taught by DHS in ICS training programs. (More detailed information is provided in the NIMS Document and in DHS and NWCG ICS Training Materials)

_____ The IAP includes the overall incident objectives and strategies established by the IC or UC. The Planning Section is responsible for developing and documenting the IAP. In the case of UC, the IAP must adequately address the mission and policy needs of each jurisdictional agency, as well as interaction between jurisdictions, functional agencies, and private organizations. The IAP also addresses tactical objectives and support activities for one operational period, generally 12-24 hours. The IAP also contains provisions for continuous incorporation of “lessons learned” as incident management activities progress.

The IAP will typically contain a number of components. See example below:

<u>IAP Component</u>	<u>Normally Prepared By</u>
Incident Objectives	Incident Commander
Organization List or Chart	Resources Unit
Assignment List	Resources Unit
Communications Plan	Communication Unit
Responder Medical Plan	Medical Unit
Incident Map	Situation Unit
Health and Safety Plan	Safety Officer
Other Potential Components	
Air Operations Summary	Air Operations
Traffic Plan	Ground Support Unit
Decontamination Plan	Technical Specialist
Waste Management/Disposal Plan	Technical Specialist
Demobilization Plan	Demobilization Unit
Operational Medical Plan	Technical Specialist
Evacuation Plan	Technical Specialist
Site Security Plan	Law Enforcement Specialist
Investigative Plan	Law Enforcement Specialist
Evidence Plan	Law Enforcement Specialist
Other	As Required

ICS in DHS – Organization and Operations (Area Command)

The following ICS organization and operations characteristics relevant to Area Command are taught by DHS in ICS training programs. (More detailed information is provided in the NIMS Document and in DHS and NWCG ICS Training Materials)

_____ Area Command is activated only if necessary, depending on the complexity of the incident and the incident management span-of-control considerations. An area command is established either to oversee the management of multiple incidents that are being handled by a separate ICS organization or to oversee the management of a very large incident that involves multiple ICS organizations.

_____ Incidents that are not site specific or are geographically dispersed, or evolve over a long period of time such as a biological event may require the use of area command. Acts of biological, chemical, radiological, and/or nuclear terrorism represent particular challenges for the traditional ICS structure and will require extraordinary coordination between federal, state, local, tribal, private-sector and nongovernmental organizations. Area command is also used when there are a large number of incidents in the same area and of the same type. These represent incidents they may compete for the same resources. When incidents do not have similar resource demands, they are usually handled separately and are coordinated through the Emergency Operations Center (EOC).

_____ If the incidents under the authority of area command are multi-jurisdictional, then a Unified Area Command should be established. Area command should not be confused with the functions performed by an EOC. An Area Command oversees management of incident(s), while the EOC coordinates supports functions and provided resources support.

_____ It is important to note that Area Command does not have operational responsibilities. For incidents under its authority, the Area Command:

- Sets overall agency incident-related priorities;
- Allocates critical resources according to established priorities;
- Ensures that incidents are managed properly;
- Ensures effective communications;
- Ensures that incident management objectives are met and do not conflict with each other or with agency policies;
- Identifies critical resource needs and reports them to EOC(s);
- Ensures that short-term emergency recovery is coordinated to assist in the transition to full recovery operations; and
- Provides for personnel accountability and a safe operating environment.

ICS in DHS – Titles Assigned to Each Element of the ICS Organization

The following table depicts the distinctive title assigned to each element of the ICS organization at each corresponding level, as well as the leadership title corresponding to each individual element. These characteristics are taught by DHS in ICS training programs. (More detailed information is provided in the NIMS Document and in DHS and NWCG ICS Training Materials)

<u>Organizational Element</u>	<u>Leadership Position</u>
Incident Command	Incident Commander (IC)
Command Staff	Officer
Section	Section Chief
Branch	Branch Director
Divisions and Groups*	Supervisors
Unit**	Unit Leader

* The hierarchical term supervisor is only used in the Operations Section.

** Unit Leader designations apply to the subunits of the Operations, Planning, Logistics, and Finance/Administration Sections.

ICS in DHS – Recommendation for a Model Curriculum: ICS-100, ICS-200, ICS-300, ICS-400, ICS-402

DHS and the NIMS Integration Center support the National Wildfire Coordinating Group (NWCG) Incident Command System (ICS) curriculum revision project which reflects an All-Hazards approach to ICS. The curriculum is currently being revised to encompass the following ICS courses:

- ICS-100, Introduction to ICS
- ICS-200, Basic ICS
- ICS-300, Intermediate ICS
- ICS-400, Advanced ICS
- ICS-402, ICS Summary for Executives

DHS and FEMA course revisions are coordinated with and support the NWCG curriculum revision project.

The recommended target audience for each of the courses includes the following personnel:

ICS-100: Introduction to ICS

Entry level first responders (including firefighters, police officers, emergency medical services providers, public works on-scene personnel, public health on-scene personnel, and other emergency responders) and other emergency personnel that require an introduction to the basic components of the ICS.

ICS-200: Basic ICS

First line supervisors, single resource leaders, lead dispatchers, field supervisors, company officers, and entry level positions (trainees) on Incident Management Teams and other emergency personnel that require a higher level of ICS training.

ICS-300: Intermediate ICS

Middle management, strike team leaders, task force leaders, unit leaders, division/group supervisors, branch directors, and Multi-Agency Coordination System/Emergency Operations Center staff.

ICS-400: Advanced ICS

Command and general staff, agency administrators, department heads, emergency managers, areas commander, and Multi-Agency Coordination System/Emergency Operations Center managers.

ICS-402: ICS Summary for Executives

Elected officials, senior executive, senior managers, and agency administrators with a policy responsibility that do not have a specific ICS or Multi-Agency Coordination System function/role or responsibility.

ICS-100 Introduction to ICS – Objectives and Topical Areas

DHS and the NIMS Integration Center support the following overall course objective for ICS-100: **Orient the student to the Incident Command System (ICS)**. Training developed and conducted by federal, state, local, and tribal agencies as well as private training vendors at the ICS-100 level should include at a minimum the following topical areas along with the specific objectives noted:

_____ Purpose of ICS

- Identify requirements to use ICS
- Identify three purposes of ICS
- Identify common incident tasks

_____ Basic Features of ICS

- Describe the basic features of ICS

_____ Incident Commander and Command Staff Functions

- Describe the role and function of the Incident Commander.
- Describe the role and function of the Command Staff.

_____ General Staff Functions

- Describe the role and function of the Operations Section.
- Describe the role and function of the Planning Section.
- Describe the role and function of the Logistics Section.
- Describe the role and function of the Finance/Administration Section.

_____ Facilities

- Describe the six basic ICS facilities.
- Identify facilities that may be located together.
- Identify facility map symbols.

_____ Common Responsibilities

- Describe common mobilization responsibilities.
- Describe common responsibilities at an incident.
- List individual accountability responsibilities.
- Describe common demobilization responsibilities.

ICS-200 Basic ICS – Objectives and Topical Areas

DHS and the NIMS Integration Center support the following overall course objective for ICS-200:

- Describe an Incident Command System (ICS) organization appropriate to the complexity of an incident or event.
- Use the ICS to manage an incident or event.

Training developed and conducted by federal, state, local and tribal agencies as well as private training vendors at the ICS-200 level should include at a minimum the following topical areas along with the specific objectives noted:

_____ Leadership and Management

- Describe chain of command and formal communication relationships.
- Identify common leadership responsibilities.
- Describe span of control and modular development.
- Describe the use of position titles.

_____ Delegation of Authority and Management by Objectives

- Describe scope of authority.
- Describe delegation of authority process.
- Describe and explain management by objectives.

_____ Functional Areas and Positions

- Identify the ICS tools to manage an incident.
- Demonstrate the function of organizational positions within ICS.
- Demonstrate the use of an ICS 201 form.

_____ Briefings

- Give an Operational Briefing.
- Describe components of field, staff and section briefings/meetings.

_____ Organizational Flexibility

- Explain how the modular organization expands and contracts.
- Given a scenario, complete a complexity analysis.
- Define the five types of incidents.
- Describe the importance of preparedness plans and agreements.

_____ Transfer of Command

- List the essential elements of information involved in transfer of command.
- Describe the process of a transfer of command.

ICS-300 Intermediate ICS – Objectives and Topical Areas

DHS and the NIMS Integration Center support the following overall course objective for ICS-300:

- Describe how the NIMS Command and Management component supports the management of expanding incidents.
- Describe the incident/event management process for expanding incidents and supervisors as prescribed by the Incident Command System.
- Implement the incident management process on a simulated Type 3 incident.
- Develop an Incident Action Plan for a simulated incident.

Training developed and conducted by federal, state, local, and tribal agencies as well as private training vendors at the ICS-300 level should include at a minimum the following topical areas along with the specific objectives noted:

_____ ICS Fundamentals Review

- Describe how ICS fits into the Command and Management Component of NIMS.
- Match responsibility statements to each ICS organizational element.
- Describe how incidents can best be managed by appropriate and early designation of primary staff members and delegating authority to the lowest practical level.
- List the minimum staffing requirements within each organizational element for at least two incidents of different sizes.
- List the ICS positions which may include deputies and describe deputy roles and responsibilities. Describe differences between deputies and assistants.
- Describe ICS reporting and working relationships for Technical Specialists and Agency Representatives.
- Describe reporting relationships and information flow within the organization.

_____ Unified Command

- Define and identify the primary features of Unified Command.
- Describe how Unified Command functions on a multi-jurisdiction or multi-agency incident.
- List the advantages of Unified Command.
- Given a simulated situation, demonstrate roles and reporting relationships under a Unified Command which involves agencies from within the same jurisdiction and under multi-jurisdiction conditions.

_____ Incident/Event Assessment and Agency Guidance in establishing Incident Objectives

- Describe methods and tools used to assess incident/event complexity.
- Describe types of agency(s) policies and guidelines that influence management of incident or event activities.
- Describe the five steps in transferring and assuming incident command.
- Describe the process for developing incident objectives, strategies, and tactics.
- As part of an exercise, develop Incident Objectives for a simulated incident.

Incident Resources Management

- Identify and describe four basic principles of resource management.
- Identify the basic steps involved in managing incident resources
- Recognize agency specific aviation policies and procedures as they relate to safety.
- Describe the importance of establishing proper span of control for aviation resources and facilities.
- Describe how the ICS 215, Operational Planning Worksheet is used to manage incident/event resources.
- Describe how the ICS 215A, Incident Safety Analysis is used with the ICS 215 to mitigate hazards to tactical operations.
- Identify the organizational elements at the incident that can order resources.
- Describe the differences between single and multipoint resource ordering and the reasons for each.
- Identify 5 key considerations associated with resource management and the reasons for each.

Planning Process

- Identify the importance of planning for incidents/events.
- Explain the differences between planning for incidents or events.
- Discuss major planning steps including logistical concerns, cost benefit analysis, understanding the situation, developing and implementing the plan, and evaluating the plan.
- Explain the criteria for determining when the Incident Action Plan (IAP) should be prepared in writing.
- Describe the role and use of ICS forms and supporting materials included in an IAP for effective incident/events management.
- Describe the strategy meeting, tactics meeting, planning meeting, operational briefing, and team meetings.
- Given a scenario, describe appropriate strategies and tactics to meet Incident Objectives.

- Conduct a tactics meeting and complete an ICS 215, Operational Planning Worksheet, and ICS 215A Incident Safety Analysis using the strategies and tactics from the scenario.
- Participate in a planning meeting using the planning process and develop a written IAP for an incident/event using the appropriate ICS forms and supporting materials.
- Using the IAP, conduct an operational period briefing.

Demobilization, Transfer of Command, and Close Out

- Describe the importance of demobilization planning.
- Identify the impact of agency specific policies, procedures, and agreements upon demobilization planning.
- Identify the ICS titles of personnel who have responsibilities in developing and implementing the demobilization plan and list their duties.
- List the major sections in a demobilization plan.
- Identify the need for transfer of command or close out.
- Identify the processes involved in a close out meeting.

ICS-400 Advanced ICS – Objectives and Topical Areas

DHS and the NIMS Integration Center support the following overall course objectives for ICS-400. Training developed and conducted by federal, state, local and tribal agencies as well as private training vendors at the ICS-400 level should include at a minimum the following topical areas along with the specific objectives noted:

ICS Fundamentals Review for Command and General Staff

- Describe how Unified Command functions on a multi-jurisdiction or multi-agency incident.
- Define the advantages of Unified Command and list the kinds of situations which may call for a Unified Command organization.
- List the major steps involved in the planning process.
- Describe issues that influence incident complexity and the tools available to analyze complexity.
- Describe types of agency(s) policies, guidelines, and agreements that influence management of incident or event activities.
- Describe the primary guidelines and responsibilities of the Command and General Staff positions.
- Describe the purposes and responsibilities of Agency Representatives or technical specialists, reporting relationships, and how they can be effectively used within the incident organization.
- Describe the process for transfer of command.

Major and/or Complex Incident/Event Management

- List the principal factors found in or related to major and/or complex incidents/events.
- List the four expansion options for incident/event organization and describe the conditions under which they would be applied.
- Demonstrate, through an exercise, how to apply the various options related to major and/or complex incident/event management.

Area Command

- Define Area Command.
- List the principal advantages of using Area Command.
- Describe how, when, and where Area Command would be established.
- Describe the Area Command organization.
- Identify six primary functional responsibilities of Area Command.
- Given a scenario, develop an Area Command organization.

Multi-Agency Coordination

- Describe the kinds of incident/event management problems that can occur due to a lack of Multi-Agency Coordination.
- Define essential terms related to Multi-Agency Coordination.
- Identify the major guidelines for establishing and using Multi-Agency Coordination Groups and Systems.
- Provide examples of the different levels at which Multi-Agency Coordination is commonly accomplished.
- Identify the primary components of a Multi-Agency Coordination System.
- Describe examples of entities that may provide Multi-Agency Coordination.
- List the responsibilities of Multi-Agency Coordination entities.
- Identify principal positions within a Multi-Agency Coordination System.
- Identify differences between Area Command, Unified Command, Multi-Agency Coordination entities.

ICS-402 ICS Summary for Executives – Objectives and Topical Areas

DHS and the NIMS Integration Center support the following overall course objectives for ICS-402. Training developed and conducted by federal, state, local and tribal agencies as well as private training vendors at the ICS-402 level should include at a minimum the following specific objectives:

- Define the role of an Executive relative to the ICS.
- Describe the various ways ICS can be applied.
- Describe the basic organization of ICS and know the functional responsibilities of the Command and General Staffs.
- Describe basic ICS terminology.
- Identify the differences between incident/event ICS organizations and the activities accomplished by Area Commands, Emergency Operations Centers (EOCs), and Multi-Agency Coordination Systems (MACS).
- Describe the major responsibilities of an Executive as related to an incident/event. (Include the agency administrator briefing and delegation of authority)
- Explain the administrative, logistical, financial, and reporting implications of large incident/event operations.

Multi-Agency Coordination System in DHS – Concepts and Principles

Overview: The following concepts and principles of NIMS relating to the multi-agency coordination system need to be addressed in NIMS training offered by other federal agencies, state, local and tribal agencies, as well as by private vendors. If these concepts and principles are addressed in non-DHS training the training will meet the standards established by the NIMS Integration Center. A checklist evaluating NIMS training content relevant to the multi-agency coordination system follows.

The core concepts and principles of the Multi-Agency Coordination System as taught by DHS (and as defined in the NIMS Document) incorporate the following components:

- _____ A multi-agency coordination system is a combination of facilities, equipment, personnel, procedures, and communications integrated into a common system with responsibility for coordinating and supporting domestic incident management activities.
- _____ The primary functions of multi-agency coordination systems are to support incident management policies and priorities, facilitate logistics support and resource tracking, inform resource allocation decisions using incident management priorities, coordinate incident management related information, and coordinate interagency and intergovernmental issues regarding incident management policies, priorities, and strategies.
- _____ A typical multi-agency coordination system may contain one or several Emergency Operations Centers (EOCs). A typical multi-agency coordination system may contact numerous Department Operations Center (DOCs). Depending upon the type and location of the emergency/disaster various command elements (i.e. area commands, unified command or the incident commander) will have to coordinate activities within an established multi-agency coordination system.
- _____ Training dealing with the NIMS multi-agency coordination system shall describe to participants the components of a multi-agency coordination system and establish relationships between all elements of the system. It shall also increase the participant's knowledge of NIMS relevant to the multi-agency

coordination system. It shall increase the participant's knowledge of the integrated nature of emergency management throughout the nation and advocate the adoption of the guidelines established in the NIMS document. The training shall contain specific disaster/emergency related examples that relate to multi-agency coordination systems at the local, state and federal levels of government.

_____ At the conclusion of the training, users should be able to:

- Define multi-agency coordination at the local, state and federal levels of government;
- Identify each agency involved in incident management activities to ensure appropriate situational awareness and resources status information is shared through multi-agency coordination;
- Identify typical priorities established between elements of the multi-agency coordination system.
- Define key terms related to multi-agency coordination systems;
- Describe the process of acquiring and allocating resources required by incident management personnel in relationship to the entire multi-agency coordination system;
- Identify typical future resource requirements for the entire multi-agency coordination system; and
- Identify potential coordination and policy issues arising from an incident relative to the entire multi-agency coordination system.

Public Information System in DHS – Concepts and Principles

Overview: The following concepts and principles of NIMS relating to the public information system need to be addressed in NIMS training offered by other federal agencies, state, local and tribal agencies, as well as by private vendors. If these concepts and principles are addressed in non-DHS training the training will meet the standards established by the NIMS Integration Center. A checklist evaluating NIMS training content relevant to the public information system follows.

The core concepts and principles of the Public Information System as taught by DHS (and as defined in the NIMS Document) incorporate the following components:

Systems and protocols for communicating timely and accurate information to the public are critical during crisis or emergency situations. NIMS' provides some basic guidance that describes the principles, system components, and procedures needed to support effective emergency public information. NIMS public information principles include the following factors:

_____ The Public Information Officer (PIO) supports Incident Command.

_____ The PIO supports incident command on all public information matters relating to the management of the incident.

_____ The PIO coordinates public information at or near the incident site and serves as a link to the Joint Information System (JIS).

_____ In a large-scale operation, the on-scene PIO serves as a field PIO with links to the Joint Information Center (JIC), which is typically collocated with the federal, state, local or tribal Emergency Operations Center (EOC) tasked with primary incident coordination responsibilities.

_____ Public information functions must be coordinated and integrated across jurisdictions and across functional agencies; among federal, state, local and tribal partners; and with private-sector and nongovernmental organizations.

_____ Organizations participating in incident management retain their independence during an incident. Incident commanders and multi-agency coordination entities are responsible for establishing and overseeing JICs including processes for coordinating and clearing public communications. In the case of unified command, the departments, agencies, organizations, or jurisdictions that contribute to joint

public information management do not lose their individual or identities or responsibilities for their own programs or policies. Rather, each entity contributes to the overall unified message.

Training dealing with the NIMS Public Information System shall describe to participants the components of a public information system and establish relationships between all elements of the system and with the multi-agency coordination system under NIMS. It shall also increase the participant's knowledge of NIMS relevant to the public information system. It shall increase the participant's knowledge of the integrated nature of emergency management throughout the nation and advocate the adoption of the guidelines established in the NIMS document. The training shall contain specific disaster/emergency related examples that relate to public information systems at the local, state and federal levels of government. The course shall describe and increase the participant's knowledge of the Joint Information System (JIS) and the Joint Information Center (JIC).

At the conclusion of the training, users should be able to:

- Define public information systems at the local, state, and federal levels of government to include the Joint Information System (JIS) and Joint Information Center (JIC);
- Identify each agency involved in public information activities to ensure appropriate situational awareness and resources status information is shared through joint information system;
- Identify typical priorities established between elements of the public information system
- Define key terms related to public information system to include the relationship with multi-agency coordination systems and the field;
- Describe the process of gathering, verifying, coordination, and disseminating public information by incident management personnel in relationship to the entire multi-agency coordination system and the public information system;
- Identify typical resource requirements for the public information system; and
- Identify potential coordination and policy issues arising from an incident relative to the public information system.

Preparedness in DHS – Concepts and Principles

Overview: The following preparedness-related NIMS concepts and principles need to be addressed in NIMS training offered by other federal agencies, state, local and tribal agencies, as well as by private vendors. If these concepts and principles are addressed in non-DHS training the training will meet the standards established by the NIMS Integration Center. A checklist evaluating NIMS training content relevant to preparedness follows.

The core concepts and principles of preparedness as taught by DHS (and as defined in the NIMS Document) incorporate the following components:

Levels of Capability: Preparedness involves actions to establish and sustain prescribed levels of capability necessary to execute a full range of incident management operations.

A Unified Approach: Preparedness requires a unified approach.

NIMS Publications: NIMS provides or establishes processes for providing guidelines; protocols; standards for planning, training, qualifications, and certification; and publication management.

Mitigation: Mitigation activities are important elements of preparedness and provide a critical foundation across the incident management spectrum from prevention through response and recovery.

Achieving Preparedness: Individual federal, state, local and tribal organizations are responsible for implementing the preparedness cycle in advance of an incident and appropriately including private sector and non-governmental organizations in such implementation. NIMS provide the tools to ensure and enhance preparedness through the following areas:

- Preparedness Organizations
- Preparedness Programs
- Preparedness Planning
- Emergency Operations Plans
- Emergency Procedures
- Preparedness Plans
- Corrective Action and Mitigation Plans
- Training and Exercises
- Personnel Qualification and Certification
- Equipment Certification
- Mutual Aid Agreements
- Publication Management

Resource Management in DHS – Concepts and Principles

Overview: The following concepts and principles of NIMS relating to resource management need to be addressed in NIMS training offered by other federal agencies, state, local and tribal agencies, as well as by private vendors. If these concepts and principles are addressed in non-DHS training the training will meet the standards established by the NIMS Integration Center. A checklist evaluating NIMS training content relevant to resource management follows.

The core concepts and principles of resource management as taught by DHS (and as defined in the NIMS Document) incorporate the following components:

Resource management involves coordination and overseeing the application of tools, processes, and systems that provide incident managers with timely and appropriate resources during an incident. Resources include personnel, teams, facilities, equipment, and supplies. Resource management involves the four primary tasks noted below.

- _____ The establishment of systems for describing, inventorying, requesting, and tracking resources.
- _____ The activation of these systems prior to and during an incident.
- _____ The dispatching of resources prior to and during an incident.
- _____ The deactivating or recalling of resources during or after an incident.

The underlying concepts that shall be included in NIMS resources management training include the following:

- _____ Resource management provides a uniform method of identifying, acquiring, allocating, and tracking resources.
- _____ Resource management uses effective mutual-aid and donor assistance and is enable by the standardized classification of kinds and types of resources required to support the incident management organization.
- _____ Resource management uses a credentialing system tied to uniform training and certification standards to ensure the requested personnel resources are successfully integrated into on-going incident operations.
- _____ Resource management coordination is the responsibility of the EOCs and/or multi-agency coordination entities, as well as specific elements of the ICS structure (e.g., the Resources Unit).
- _____ Resource management should encompass resources contributed by the private-sector and non-governmental organizations.
- _____ Training dealing with NIMS resource management shall describe to participants the

components of resource management and establish relationships between all elements of resource management with the multi-agency coordination system under NIMS. These elements shall include:

- Advance Planning
- Resource Identification and Ordering
- Categorizing Resources
- Use of Agreements
- Effective Management of Resources
- Management Information Systems
- Ordering, Mobilization, Dispatching, and Demobilization Protocols
- Identifying and Typing Resources
- Certifying and Credentialing Personnel
- Inventorying Resources
- Identifying Resource Requirements
- Ordering and Acquiring Resources
- Mobilizing Resources
- Tracking and Reporting Resources
- Recovering Resources
- Reimbursement

Communications and Information Management in DHS – Concepts and Principles

Overview: The following concepts and principles of NIMS relating to communications and information management need to be addressed in NIMS training offered by other federal agencies, state, local and tribal agencies, as well as by private vendors. If these concepts and principles are addressed in non-DHS training the training will meet the standards established by the NIMS Integration Center. A checklist evaluating NIMS training content relevant to communications and information management follows.

The core concepts and principles of communication and information management as taught by DHS (and as defined in the NIMS Document) incorporate the following components:

Effective communications, information management, and information and intelligence sharing are critical aspects of domestic incident management. Establishing and maintaining a common operating picture and ensuring accessibility and interoperability are principle goals of communications and information management. A common operating picture and systems interoperability provide the framework necessary to

- _____ Formulate and disseminate indications and warning.
- _____ Formulate, execute, and communicate operational decisions at an incident site, as well as between incident management entities across jurisdictions and functional agencies.
- _____ Prepare for potential requirements and requests supporting incident management activities.
- _____ Develop and maintain overall awareness and understanding of an incident within and across jurisdictions

NIMS communications and information management principles include the following factors:

- _____ A common operating picture accessible across jurisdictions and functional agencies allows incident managers at all levels to make effective, consistent, and timely decisions.
- _____ Integrated systems for communication, information management, and intelligence and information sharing allow data to be continuously updated during an incident, providing a common framework that covers the incident's life cycle across jurisdictions and disciplines.

- _____ A common operating picture helps ensure consistency at all levels of incident management across jurisdictions, as well as between various governmental jurisdictions and private sector and nongovernmental entities that are engaged.
- _____ Common communications and data standards and related testing and compliance mechanisms are fundamental to an effective NIMS.
- _____ Training dealing with the NIMS communications and information management system shall establish relationships between all elements of the system and with the multi-agency coordination system and incident management under NIMS. It shall also increase the participant's knowledge of NIMS relevant to communications and information management. It shall increase the participant's knowledge of incident management communications and for the need to implement an effective information management system. The training shall contain specific disaster/emergency related examples that relate to communications and information management systems at the local, state and federal levels of government. The training shall describe and increase the participant's knowledge of pre-incident information needs, information management needs to include incident notification and situation and status reporting, networking information, and technology use to include geospatial information and wireless communication.
- _____ At the conclusion of the training, users should be able to:
 - Define communications and information management at the local, state and federal levels of government to include the common operating picture, common communications and data standards;
 - Identify each agency involved in communications and information management activities before, during, and after a domestic disaster incident;
 - Identify typical interoperability standards established by the NIMS Integration Center relative to communications and information management to include incident notification and situation reports, status reports, analytical data, geospatial information, wireless communications, and identification and authentication issues;
 - Define key terms related to communications and information management to include the relationship with multi-agency coordination systems, public information systems and the field;
 - Identify incident management communications issues relative to the incident command system for individual jurisdictions and for multi-jurisdictions; and
 - Identify potential coordination and policy issues arising from an incident relative to communications and information management.

Supporting Technologies in DHS – Concepts and Principles

Overview: The following concepts and principles of NIMS relating to supporting technologies need to be addressed in NIMS training offered by other federal agencies, state, local and tribal agencies, as well as by private vendors. If these concepts and principles are addressed in non-DHS training the training will meet the standards established by the NIMS Integration Center. A checklist evaluating NIMS training content relevant to supporting technologies follows.

The core concepts and principles of supporting technologies as taught by DHS (and as defined in the NIMS Document) incorporate the following components:

- _____ Technology and Technological systems provide supporting capabilities essential to implementing and continuously refining the NIMS. These include voice and data communications systems, information systems, and display systems. These also include specialized technologies that facilitate incident operations and incident management activities in situations that call for unique technology-based capabilities.

Training dealing with the NIMS supporting technologies shall incorporate five key principles.

- _____ Interoperability and Compatibility
- _____ Technology Support
- _____ Technology Standards
- _____ Broad-based Requirements
- _____ Strategic Planning for Research and Development

Supporting technologies enhance incident management capabilities or lower costs through three principal activities: operational scientific support; technology standards support; and research and development support. Training shall therefore include the following concepts for supporting technologies:

- _____ Operational Scientific Support
- _____ Technical Standards Support to include:
 - Performance Measurements as a Basis for Standards
 - Consensus-Based Performance Standards
 - Test and Evaluation by Objective Experts
 - Technical Guidelines for Training Emergency Responders on Equipment Use
- _____ Research and Development to Solve Operational Problems

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**SUMMARY OF NIMS IMPLEMENTATION SCHEDULE,
REQUIREMENTS, AND CERTIFICATION PROCESS**

Fiscal Year	Implementation Requirements	Certification Process
FY 2005	<p>States and territories must meet minimum FY 05 NIMS implementation requirements;</p> <p>Tribal and local governments encouraged to start implementing the NIMS</p>	<p>At the end of FY 2005, States and Territories submit a self-certification form attesting that the state, taken as a whole*, has met the minimum FY 2005 requirements.</p> <p>State certification is required to receive FY 2006 preparedness funds.</p>
FY 2006	<p>States, territories, tribes and local governments <u>must</u> meet the FY 06 NIMS implementation requirements</p> <p><i>Refer to the attached FY 2006 NIMS Implementation Matrices for State and Local Governments</i></p>	<p>At the end of FY 2006, States and Territories submit a self-certification form attesting that the State (including its tribal and local jurisdictions) has met the minimum FY 2006 requirements.</p> <p>State certification is required to receive FY 2007 preparedness funds.</p>
FY 2007 and outyears	<p>Full NIMS compliance is required for all federal preparedness funds.</p> <p>States, territories, tribes and local governments continue to implement the NIMS and meet any additional requirements as identified by the NIMS Integration Center to ensure the continued success of the NIMS.</p>	<p>State certification of ongoing NIMS compliance requirements.</p> <p>NIMS compliance continues to be required to receive federal preparedness funds.</p>

* "Taken as a whole" recognizes that not every community or individual responder will have completed all of the requirements. The "taken as a whole" standard means that most have and that good faith efforts are underway to achieve full compliance.

NIMS Terms and Definitions: *Institutionalizing the use of ICS*

To "institutionalize the use of ICS" means that government officials, incident managers and emergency response organizations at all jurisdictional levels adopt the Incident Command System and launch activities [in FY 2005] that will result in the use of the Incident Command System for all incident response operations. Actions to institutionalize the use of ICS take place at two levels – policy and organizational/operational.

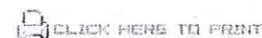
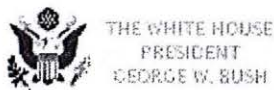
At the policy level, institutionalizing the ICS means government officials, i.e., governors, mayors, county and city managers, tribal leaders and others:

1. Adopt through the ICS through executive order, proclamation or legislation as the jurisdiction's official incident response system; and
2. Direct that incident managers and response organizations in their jurisdictions train, exercise and use the ICS in their response operations.

At the organizational/operational level, evidence that incident managers and emergency response organizations are institutionalizing the ICS would include the following:

1. ICS is being integrated into functional and system-wide emergency operations policies, plans and procedures;
2. ICS training is planned or under way for responders, supervisors and command level officers;
3. Responders at all levels are participating in and/or coordinating ICS-oriented exercises that involve responders from multi-disciplines and jurisdictions.

While it is not expected that all these activities would be completed in FY 2005, it is expected that where possible they will be and that, at a minimum, planning for such activities would be initiated and actions taken to put them into practice.



For Immediate Release
Office of the Press Secretary
February 28, 2003

Homeland Security Presidential Directive/HSPD-5

Subject: Management of Domestic Incidents

Purpose

(1) To enhance the ability of the United States to manage domestic incidents by establishing a single, comprehensive national incident management system.

Definitions

(2) In this directive:

(a) the term "Secretary" means the Secretary of Homeland Security.

(b) the term "Federal departments and agencies" means those executive departments enumerated in 5 U.S.C. 101, together with the Department of Homeland Security; independent establishments as defined by 5 U.S.C. 104 (1); government corporations as defined by 5 U.S.C. 103(1); and the United States Postal Service.

(c) the terms "State," "local," and the "United States" when it is used in a geographical sense, have the same meanings as used in the Homeland Security Act of 2002, Public Law 107-296.

Policy

(3) To prevent, prepare for, respond to, and recover from terrorist attacks, major disasters, and other emergencies, the United States Government shall establish a single, comprehensive approach to domestic incident management. The objective of the United States Government is to ensure that all levels of government across the Nation have the capability to work efficiently and effectively together, using a national approach to domestic incident management. In these efforts, with regard to domestic incidents, the United States Government treats crisis management and consequence management as a single, integrated function, rather than as two separate functions.

(4) The Secretary of Homeland Security is the principal Federal official for domestic incident management. Pursuant to the Homeland Security Act of 2002, the Secretary is responsible for coordinating Federal operations within the United States to prepare for, respond to, and recover from terrorist attacks, major disasters, and other emergencies. The Secretary shall coordinate the Federal Government's resources utilized in response to or recovery from terrorist attacks, major disasters,

or other emergencies if and when any one of the following four conditions applies: (1) a Federal department or agency acting under its own authority has requested the assistance of the Secretary; (2) the resources of State and local authorities are overwhelmed and Federal assistance has been requested by the appropriate State and local authorities; (3) more than one Federal department or agency has become substantially involved in responding to the incident; or (4) the Secretary has been directed to assume responsibility for managing the domestic incident by the President.

(5) Nothing in this directive alters, or impedes the ability to carry out, the authorities of Federal departments and agencies to perform their responsibilities under law. All Federal departments and agencies shall cooperate with the Secretary in the Secretary's domestic incident management role.

(6) The Federal Government recognizes the roles and responsibilities of State and local authorities in domestic incident management. Initial responsibility for managing domestic incidents generally falls on State and local authorities. The Federal Government will assist State and local authorities when their resources are overwhelmed, or when Federal interests are involved. The Secretary will coordinate with State and local governments to ensure adequate planning, equipment, training, and exercise activities. The Secretary will also provide assistance to State and local governments to develop all-hazards plans and capabilities, including those of greatest importance to the security of the United States, and will ensure that State, local, and Federal plans are compatible.

(7) The Federal Government recognizes the role that the private and nongovernmental sectors play in preventing, preparing for, responding to, and recovering from terrorist attacks, major disasters, and other emergencies. The Secretary will coordinate with the private and nongovernmental sectors to ensure adequate planning, equipment, training, and exercise activities and to promote partnerships to address incident management capabilities.

(8) The Attorney General has lead responsibility for criminal investigations of terrorist acts or terrorist threats by individuals or groups inside the United States, or directed at United States citizens or institutions abroad, where such acts are within the Federal criminal jurisdiction of the United States, as well as for related intelligence collection activities within the United States, subject to the National Security Act of 1947 and other applicable law, Executive Order 12333, and Attorney General-approved procedures pursuant to that Executive Order. Generally acting through the Federal Bureau of Investigation, the Attorney General, in cooperation with other Federal departments and agencies engaged in activities to protect our national security, shall also coordinate the activities of the other members of the law enforcement community to detect, prevent, preempt, and disrupt terrorist attacks against the United States. Following a terrorist threat or an actual incident that falls within the criminal jurisdiction of the United States, the full capabilities of the United States shall be dedicated, consistent with United States law and with activities of other Federal departments and agencies to protect our national security, to assisting the Attorney General to identify the perpetrators and bring them to justice. The Attorney General and the Secretary shall establish appropriate relationships and mechanisms for cooperation and coordination between their two departments.

(9) Nothing in this directive impairs or otherwise affects the authority of the Secretary of Defense over the Department of Defense, including the chain of command for military forces from the President as Commander in Chief, to the Secretary of Defense, to the commander of military forces, or military command and control procedures. The Secretary of Defense shall provide military support to civil authorities for domestic incidents as directed by the President or when consistent with military readiness and appropriate under the circumstances and the law. The Secretary of Defense shall retain command of military forces providing civil support. The Secretary of Defense and the Secretary shall establish appropriate relationships and mechanisms for cooperation and coordination between their two departments.

(10) The Secretary of State has the responsibility, consistent with other United States Government activities to protect our national security, to coordinate international activities related to the prevention, preparation, response, and recovery from a domestic incident, and for the protection of United States citizens and United States interests overseas. The Secretary of State and the Secretary shall establish appropriate relationships and mechanisms for cooperation and coordination between their two departments.

(11) The Assistant to the President for Homeland Security and the Assistant to the President for National Security Affairs shall be responsible for interagency policy coordination on domestic and international incident management, respectively, as directed by the President. The Assistant to the President for Homeland Security and the Assistant to the President for National Security Affairs shall work together to ensure that the United States domestic and international incident management efforts are seamlessly united.

(12) The Secretary shall ensure that, as appropriate, information related to domestic incidents is gathered and provided to the public, the private sector, State and local authorities, Federal departments and agencies, and, generally through the Assistant to the President for Homeland Security, to the President. The Secretary shall provide standardized, quantitative reports to the Assistant to the President for Homeland Security on the readiness and preparedness of the Nation -- at all levels of government -- to prevent, prepare for, respond to, and recover from domestic incidents.

(13) Nothing in this directive shall be construed to grant to any Assistant to the President any authority to issue orders to Federal departments and agencies, their officers, or their employees.

Tasking

(14) The heads of all Federal departments and agencies are directed to provide their full and prompt cooperation, resources, and support, as appropriate and consistent with their own responsibilities for protecting our national security, to the Secretary, the Attorney General, the Secretary of Defense, and the Secretary of State in the exercise of the individual leadership responsibilities and missions assigned in paragraphs (4), (8), (9), and (10), respectively, above.

(15) The Secretary shall develop, submit for review to the Homeland Security Council, and administer a National Incident Management System (NIMS). This system will provide a consistent nationwide approach for Federal, State, and local governments to work effectively and efficiently together to prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity. To provide for interoperability and compatibility among Federal, State, and local capabilities, the NIMS will include a core set of concepts, principles, terminology, and technologies covering the incident command system; multi-agency coordination systems; unified command; training; identification and management of resources (including systems for classifying types of resources); qualifications and certification; and the collection, tracking, and reporting of incident information and incident resources.

(16) The Secretary shall develop, submit for review to the Homeland Security Council, and administer a National Response Plan (NRP). The Secretary shall consult with appropriate Assistants to the President (including the Assistant to the President for Economic Policy) and the Director of the Office of Science and Technology Policy, and other such Federal officials as may be appropriate, in developing and implementing the NRP. This plan shall integrate Federal Government domestic prevention, preparedness, response, and recovery plans into one all-discipline, all-hazards plan. The NRP shall be unclassified. If certain operational aspects require classification, they shall be included in classified annexes to the NRP.

(a) The NRP, using the NIMS, shall, with regard to response to domestic incidents, provide the structure and mechanisms for national level policy and operational direction for Federal support to State and local incident managers and for exercising direct Federal authorities and responsibilities, as appropriate.

(b) The NRP will include protocols for operating under different threats or threat levels; incorporation of existing Federal emergency and incident management plans (with appropriate modifications and revisions) as either integrated components of the NRP or as supporting operational plans; and additional operational plans or annexes, as appropriate, including public affairs and intergovernmental communications.

(c) The NRP will include a consistent approach to reporting incidents, providing assessments, and making recommendations to the President, the Secretary, and the Homeland Security Council.

(d) The NRP will include rigorous requirements for continuous improvements from testing, exercising, experience with incidents, and new information and technologies.

(17) The Secretary shall:

(a) By April 1, 2003, (1) develop and publish an initial version of the NRP, in consultation with other Federal departments and agencies; and (2) provide the Assistant to the President for Homeland Security with a plan for full development and implementation of the NRP.

(b) By June 1, 2003, (1) in consultation with Federal departments and agencies and with State and local governments, develop a national system of standards, guidelines, and protocols to implement the NIMS; and (2) establish a mechanism for ensuring ongoing management and maintenance of the NIMS, including regular consultation with other Federal departments and agencies and with State and local governments.

(c) By September 1, 2003, in consultation with Federal departments and agencies and the Assistant to the President for Homeland Security, review existing authorities and regulations and prepare recommendations for the President on revisions necessary to implement fully the NRP.

(18) The heads of Federal departments and agencies shall adopt the NIMS within their departments and agencies

and shall provide support and assistance to the Secretary in the development and maintenance of the NIMS. All Federal departments and agencies will use the NIMS in their domestic incident management and emergency prevention, preparedness, response, recovery, and mitigation activities, as well as those actions taken in support of State or local entities. The heads of Federal departments and agencies shall participate in the NRP, shall assist and support the Secretary in the development and maintenance of the NRP, and shall participate in and use domestic incident reporting systems and protocols established by the Secretary.

(19) The head of each Federal department and agency shall:

(a) By June 1, 2003, make initial revisions to existing plans in accordance with the initial version of the NRP.

(b) By August 1, 2003, submit a plan to adopt and implement the NIMS to the Secretary and the Assistant to the President for Homeland Security. The Assistant to the President for Homeland Security shall advise the President on whether such plans effectively implement the NIMS.

(20) Beginning in Fiscal Year 2005, Federal departments and agencies shall make adoption of the NIMS a requirement, to the extent permitted by law, for providing Federal preparedness assistance through grants, contracts, or other activities. The Secretary shall develop standards and guidelines for determining whether a State or local entity has adopted the NIMS.

Technical and Conforming Amendments to National Security Presidential Directive-1 (NSPD-1)

(21) NSPD-1 ("Organization of the National Security Council System") is amended by replacing the fifth sentence of the third paragraph on the first page with the following: "The Attorney General, the Secretary of Homeland Security, and the Director of the Office of Management and Budget shall be invited to attend meetings pertaining to their responsibilities."

Technical and Conforming Amendments to National Security Presidential Directive-8 (NSPD-8)

(22) NSPD-8 ("National Director and Deputy National Security Advisor for Combating Terrorism") is amended by striking "and the Office of Homeland Security," on page 4, and inserting "the Department of Homeland Security, and the Homeland Security Council" in lieu thereof.

Technical and Conforming Amendments to Homeland Security Presidential Directive-2 (HSPD-2)

(23) HSPD-2 ("Combating Terrorism Through Immigration Policies") is amended as follows:

(a) striking "the Commissioner of the Immigration and Naturalization Service (INS)" in the second sentence of the second paragraph in section 1, and inserting "the Secretary of Homeland Security" in lieu thereof ;

(b) striking "the INS," in the third paragraph in section 1, and inserting "the Department of Homeland Security" in lieu thereof;

(c) inserting ", the Secretary of Homeland Security," after "The Attorney General" in the fourth paragraph in section 1;

(d) inserting ", the Secretary of Homeland Security," after "the Attorney General" in the fifth paragraph in section 1;

(e) striking "the INS and the Customs Service" in the first sentence of the first paragraph of section 2, and inserting "the Department of Homeland Security" in lieu thereof;

(f) striking "Customs and INS" in the first sentence of the second paragraph of section 2, and inserting "the Department of Homeland Security" in lieu thereof;

(g) striking "the two agencies" in the second sentence of the second paragraph of section 2, and inserting "the

Department of Homeland Security" in lieu thereof;

(h) striking "the Secretary of the Treasury" wherever it appears in section 2, and inserting "the Secretary of Homeland Security" in lieu thereof;

(i) inserting ", the Secretary of Homeland Security," after "The Secretary of State" wherever the latter appears in section 3;

(j) inserting ", the Department of Homeland Security," after "the Department of State," in the second sentence in the third paragraph in section 3;

(k) inserting "the Secretary of Homeland Security," after "the Secretary of State," in the first sentence of the fifth paragraph of section 3;

(l) striking "INS" in the first sentence of the sixth paragraph of section 3, and inserting "Department of Homeland Security" in lieu thereof;

(m) striking "the Treasury" wherever it appears in section 4 and inserting "Homeland Security" in lieu thereof;

(n) inserting ", the Secretary of Homeland Security," after "the Attorney General" in the first sentence in section 5; and

(o) inserting ", Homeland Security" after "State" in the first sentence of section 6.

Technical and Conforming Amendments to Homeland Security Presidential Directive-3 (HSPD-3)

(24) The Homeland Security Act of 2002 assigned the responsibility for administering the Homeland Security Advisory System to the Secretary of Homeland Security. Accordingly, HSPD-3 of March 11, 2002 ("Homeland Security Advisory System") is amended as follows:

(a) replacing the third sentence of the second paragraph entitled "Homeland Security Advisory System" with "Except in exigent circumstances, the Secretary of Homeland Security shall seek the views of the Attorney General, and any other federal agency heads the Secretary deems appropriate, including other members of the Homeland Security Council, on the Threat Condition to be assigned."

(b) inserting "At the request of the Secretary of Homeland Security, the Department of Justice shall permit and facilitate the use of delivery systems administered or managed by the Department of Justice for the purposes of delivering threat information pursuant to the Homeland Security Advisory System." as a new paragraph after the fifth paragraph of the section entitled "Homeland Security Advisory System."

(c) inserting ", the Secretary of Homeland Security" after "The Director of Central Intelligence" in the first sentence of the seventh paragraph of the section entitled "Homeland Security Advisory System".

(d) striking "Attorney General" wherever it appears (except in the sentences referred to in subsections (a) and (c) above), and inserting "the Secretary of Homeland Security" in lieu thereof; and

(e) striking the section entitled "Comment and Review Periods."

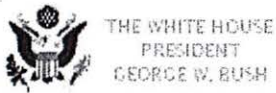
GEORGE W. BUSH


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For Immediate Release
Office of the Press Secretary
December 17, 2003

December 17, 2003 Homeland Security Presidential Directive/Hspd-8

Subject: National Preparedness

Purpose

(1) This directive establishes policies to strengthen the preparedness of the United States to prevent and respond to threatened or actual domestic terrorist attacks, major disasters, and other emergencies by requiring a national domestic all-hazards preparedness goal, establishing mechanisms for improved delivery of Federal preparedness assistance to State and local governments, and outlining actions to strengthen preparedness capabilities of Federal, State, and local entities.

Definitions

(2) For the purposes of this directive:

- (a) The term "all-hazards preparedness" refers to preparedness for domestic terrorist attacks, major disasters, and other emergencies.
- (b) The term "Federal departments and agencies" means those executive departments enumerated in 5 U.S.C. 101, and the Department of Homeland Security; independent establishments as defined by 5 U.S.C. 104(1); Government corporations as defined by 5 U.S.C. 103(1); and the United States Postal Service.
- (c) The term "Federal preparedness assistance" means Federal department and agency grants, cooperative agreements, loans, loan guarantees, training, and/or technical assistance provided to State and local governments and the private sector to prevent, prepare for, respond to, and recover from terrorist attacks, major disasters, and other emergencies. Unless noted otherwise, the term "assistance" will refer to Federal assistance programs.

(d) The term "first responder" refers to those individuals who in the early stages of an incident are responsible for the protection and preservation of life, property, evidence, and the environment, including emergency response providers as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101), as well as emergency management, public health, clinical care, public works, and other skilled support personnel (such as equipment operators) that provide immediate support services during prevention, response, and recovery operations.

(e) The terms "major disaster" and "emergency" have the meanings given in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(f) The term "major events" refers to domestic terrorist attacks, major disasters, and other emergencies.

(g) The term "national homeland security preparedness-related exercises" refers to homeland security-related exercises that train and test national decision makers and utilize resources of multiple Federal departments and agencies. Such exercises may involve State and local first responders when appropriate. Such exercises do not include those exercises conducted solely within a single Federal department or agency.

(h) The term "preparedness" refers to the existence of plans, procedures, policies, training, and equipment necessary at the Federal, State, and local level to maximize the ability to prevent, respond to, and recover from major events. The term "readiness" is used interchangeably with preparedness.

(i) The term "prevention" refers to activities undertaken by the first responder community during the early stages of an incident to reduce the likelihood or consequences of threatened or actual terrorist attacks. More general and broader efforts to deter, disrupt, or thwart terrorism are not addressed in this directive.

(j) The term "Secretary" means the Secretary of Homeland Security.

(k) The terms "State," and "local government," when used in a geographical sense, have the same meanings given to those terms in section 2 of the Homeland Security Act of 2002 (6 U.S.C.

101).

Relationship to HSPD-5

(3) This directive is a companion to HSPD-5, which identifies steps for improved coordination in response to incidents. This directive describes the way Federal departments and agencies will prepare for such a response, including prevention activities during the early stages of a terrorism incident.

Development of a National Preparedness Goal

(4) The Secretary is the principal Federal official for coordinating the implementation of all-hazards preparedness in the United States. In cooperation with other Federal departments and agencies, the Secretary coordinates the preparedness of Federal response assets, and the support for, and assessment of, the preparedness of State and local first responders.

(5) To help ensure the preparedness of the Nation to prevent, respond to, and recover from threatened and actual domestic terrorist attacks, major disasters, and other emergencies, the Secretary, in coordination with the heads of other appropriate Federal departments and agencies and in consultation with State and local governments, shall develop a national domestic all-hazards preparedness goal. Federal departments and agencies will work to achieve this goal by:

(a) providing for effective, efficient, and timely delivery of

Federal preparedness assistance to State and local governments;

and

(b) supporting efforts to ensure first responders are prepared to

respond to major events, especially prevention of and response

to threatened terrorist attacks.

(6) The national preparedness goal will establish measurable readiness priorities and targets that appropriately balance the potential threat and magnitude of terrorist attacks, major disasters, and other emergencies with the

resources required to prevent, respond to, and recover from them. It will also include readiness metrics and elements that support the national preparedness goal including standards for preparedness assessments and strategies, and a system for assessing the Nation's overall preparedness to respond to major events, especially those involving acts of terrorism.

(7) The Secretary will submit the national preparedness goal to me through the Homeland Security Council (HSC) for review and approval prior to, or concurrently with, the Department of Homeland Security's Fiscal Year 2006 budget submission to the Office of Management and Budget.

Federal Preparedness Assistance

(8) The Secretary, in coordination with the Attorney General, the Secretary of Health and Human Services (HHS), and the heads of other Federal departments and agencies that provide assistance for first responder preparedness, will establish a single point of access to Federal preparedness assistance program information within 60 days of the issuance of this directive. The Secretary will submit to me through the HSC recommendations of specific Federal department and agency programs to be part of the coordinated approach. All Federal departments and agencies will cooperate with this effort. Agencies will continue to issue financial assistance awards consistent with applicable laws and regulations and will ensure that program announcements, solicitations, application instructions, and other guidance documents are consistent with other Federal preparedness programs to the extent possible. Full implementation of a closely coordinated interagency grant process will be completed by September 30, 2005.

(9) To the extent permitted by law, the primary mechanism for delivery of Federal preparedness assistance will be awards to the States. Awards will be delivered in a form that allows the recipients to apply the assistance to the highest priority preparedness requirements at the appropriate level of government. To the extent permitted by law, Federal preparedness assistance will be predicated on adoption of Statewide comprehensive all-hazards preparedness strategies. The strategies should be consistent with the national preparedness goal, should assess the most effective ways to enhance preparedness, should address areas facing higher risk, especially to terrorism, and should also address local government concerns and Citizen Corps efforts. The Secretary, in coordination with the heads of other appropriate Federal departments and agencies, will review and approve strategies submitted by the States. To the extent permitted by law, adoption of approved Statewide strategies will be a requirement for receiving Federal preparedness assistance at all levels of government by September 30, 2005.

(10) In making allocations of Federal preparedness assistance to the States, the Secretary, the Attorney General, the Secretary of HHS, the Secretary of Transportation, the Secretary of Energy, the Secretary of Veterans Affairs, the Administrator of the Environmental Protection Agency, and the heads of other Federal departments and agencies that provide assistance for first responder preparedness will base those allocations on assessments of population concentrations, critical infrastructures, and other significant risk factors, particularly terrorism threats, to the extent permitted by law.

(11) Federal preparedness assistance will support State and local entities' efforts including planning, training, exercises, interoperability, and equipment acquisition for major events as well as capacity building for prevention activities such as information gathering, detection, deterrence, and collaboration related to terrorist attacks. Such assistance is not primarily intended to support existing capacity to address normal local first responder operations, but to build capacity to address major events, especially terrorism.

(12) The Attorney General, the Secretary of HHS, the Secretary of Transportation, the Secretary of Energy, the Secretary of Veterans Affairs, the Administrator of the Environmental Protection Agency, and the heads of other Federal departments and agencies that provide assistance for first responder preparedness shall coordinate with the Secretary to ensure that such assistance supports and is consistent with the national preparedness goal.

(13) Federal departments and agencies will develop appropriate mechanisms to ensure rapid obligation and disbursement of funds from their programs to the States, from States to the local community level, and from local entities to the end users to derive maximum benefit from the assistance provided. Federal departments and agencies will report annually to the Secretary on the obligation, expenditure status, and the use of funds associated with Federal preparedness assistance programs.

Equipment

(14) The Secretary, in coordination with State and local officials, first responder organizations, the private sector and other Federal civilian departments and agencies, shall establish and implement streamlined procedures for the ongoing development and adoption of appropriate first responder equipment standards that support nationwide interoperability and other capabilities consistent with the national preparedness goal, including the safety and health of first responders.

(15) To the extent permitted by law, equipment purchased through Federal preparedness assistance for first responders shall conform to equipment standards in place at time of purchase. Other Federal departments and agencies that support the purchase of first responder equipment will coordinate their programs with the Department of Homeland Security and conform to the same standards.

(16) The Secretary, in coordination with other appropriate Federal departments and agencies and in consultation with State and local governments, will develop plans to identify and address national first responder equipment research and development needs based upon assessments of current and future threats. Other Federal departments and agencies that support preparedness research and development activities shall coordinate their efforts with the Department of Homeland Security and ensure they support the national preparedness goal.

Training and Exercises

(17) The Secretary, in coordination with the Secretary of HHS, the Attorney General, and other appropriate Federal departments and agencies and in consultation with State and local governments, shall establish and maintain a comprehensive training program to meet the national preparedness goal. The program will identify standards and maximize the effectiveness of existing Federal programs and financial assistance and include training for the Nation's first responders, officials, and others with major event preparedness, prevention, response, and recovery roles. Federal departments and agencies shall include private organizations in the accreditation and delivery of preparedness training as appropriate and to the extent permitted by law.

(18) The Secretary, in coordination with other appropriate Federal departments and agencies, shall establish a national program and a multi-year planning system to conduct homeland security preparedness-related exercises that reinforces identified training standards, provides for evaluation of readiness, and supports the national preparedness goal. The establishment and maintenance of the program will be conducted in maximum collaboration with State and local governments and appropriate private sector entities. All Federal departments and agencies that conduct national homeland security preparedness-related exercises shall participate in a collaborative, interagency process to designate such exercises on a consensus basis and create a master exercise calendar. The Secretary will ensure that exercises included in the calendar support the national preparedness goal. At the time of designation, Federal departments and agencies will identify their level of participation in national homeland security preparedness-related exercises. The Secretary will develop a multi-year national homeland security preparedness-related exercise plan and submit the plan to me through the HSC for review and approval.

(19) The Secretary shall develop and maintain a system to collect, analyze, and disseminate lessons learned, best practices, and information from exercises, training events, research, and other sources, including actual incidents, and establish procedures to improve national preparedness to prevent, respond to, and recover from major events. The Secretary, in coordination with other Federal departments and agencies and State and local governments, will identify relevant classes of homeland-security related information and appropriate means of transmission for the information to be included in the system. Federal departments and agencies are directed, and State and local governments are requested, to provide this information to the Secretary to the extent permitted by law.

Federal Department and Agency Preparedness

(20) The head of each Federal department or agency shall undertake actions to support the national preparedness goal, including adoption of quantifiable performance measurements in the areas of training, planning, equipment, and exercises for Federal incident management and asset preparedness, to the extent permitted by law. Specialized Federal assets such as teams, stockpiles, and caches shall be maintained at levels consistent with the national preparedness goal and be available for response activities as set forth in the National

Response Plan, other appropriate operational documents, and applicable authorities or guidance. Relevant Federal regulatory requirements should be consistent with the national preparedness goal. Nothing in this directive shall limit the authority of the Secretary of Defense with regard to the command and control, training, planning, equipment, exercises, or employment of Department of Defense forces, or the allocation of Department of Defense resources.

(21) The Secretary, in coordination with other appropriate Federal civilian departments and agencies, shall develop and maintain a Federal response capability inventory that includes the performance parameters of the capability, the timeframe within which the capability can be brought to bear on an incident, and the readiness of such capability to respond to domestic incidents. The Department of Defense will provide to the Secretary information describing the organizations and functions within the Department of Defense that may be utilized to provide support to civil authorities during a domestic crisis.

Citizen Participation

(22) The Secretary shall work with other appropriate Federal departments and agencies as well as State and local governments and the private sector to encourage active citizen participation and involvement in preparedness efforts. The Secretary shall periodically review and identify the best community practices for integrating private citizen capabilities into local preparedness efforts.

Public Communication

(23) The Secretary, in consultation with other Federal departments and agencies, State and local governments, and non-governmental organizations, shall develop a comprehensive plan to provide accurate and timely preparedness information to public citizens, first responders, units of government, the private sector, and other interested parties and mechanisms for coordination at all levels of government.

Assessment and Evaluation

(24) The Secretary shall provide to me through the Assistant to the President for Homeland Security an annual status report of the Nation's level of preparedness, including State capabilities, the readiness of Federal civil response assets, the utilization of mutual aid, and an assessment of how the Federal first responder preparedness assistance programs support the national preparedness goal. The first report will be provided within 1 year of establishment of the national preparedness goal.

(25) Nothing in this directive alters, or impedes the ability to carry out, the authorities of the Federal departments and agencies to perform their responsibilities under law and consistent with applicable legal authorities and presidential guidance.

(26) Actions pertaining to the funding and administration of financial assistance and all other activities, efforts, and policies in this directive shall be executed in accordance with law. To the extent permitted by law, these policies will be established and carried out in consultation with State and local governments.


(27) This directive is intended only to improve the internal management of the executive branch of the Federal Government, and it is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, against the United States, its departments, agencies, or other entities, its officers or employees, or any other person.

GEORGE W. BUSH

###

Return to this article at:

<http://www.whitehouse.gov/news/releases/2003/12/20031217-6.html>

 [CLICK HERE TO PRINT](#)

06-173

Public Hearing

**Agreement with the Town of Falmouth to share an
Animal Control Officer and
Harbormaster services**

Draft Agreement

Final Version being reviewed by Town Attorney.



**EMPLOYEE WAGES AND BENEFITS REIMBURSEMENT
AGREEMENT FOR SHARED ANIMAL CONTROL
OFFICER AND HARBORMASTER SERVICES**

(Whereas, the Town of Falmouth and the Town of Cumberland desire to share the services of one Municipal Animal Control Officer (ACO), and One Harbormaster and

Whereas, Falmouth finds it to be advantageous to contract with the Town of Cumberland for Cumberland to employ the ACO and pay all necessary wages and benefits for his/her services, and

Whereas, Cumberland finds it to be advantageous to employ the ACO and contract with the Town of Falmouth for a fair share of his/her professional services, time, expertise, and certification,

Now, therefore, be it agreed as follows:

A. CUMBERLAND AGREES:

1. The Town of Cumberland shall employ an ACO on a nearly full time basis (32 hours) and provide wages and benefits as provided generally for full time municipal salaried staff and in particular as provided in Attachment A hereto, which is hereby incorporated as part of this Agreement.
2. The Town of Cumberland agrees to adjust the salary, wages and benefit packages for the ACO from time-to-time in the same manner and degree as would otherwise be generally applicable to full-time employees of the Town of Cumberland of similar professional status and training, longevity, and job performance; and to make such other compensation adjustments as may be mutually agreeable between the Town Managers of Cumberland and Falmouth.
3. Cumberland further agrees that the ACO shall devote approximately 37.50% of his/her work time, efforts, and attentions to the duties and responsibilities of the Animal Control and regulatory administration-related functions of the ACO office on behalf of the Town of Falmouth, including time spent at meetings, required appearances in court, providing information and advice to citizens and municipal officials, State agencies, vendors, and other persons with interests and activities pertaining to the Animal Control functions of the Town of Falmouth.



B. FALMOUTH AGREES:

1. The Town of Falmouth agrees to reimburse the Town of Cumberland on a monthly basis for its fair share of the employee benefits and indirect costs paid by the Town of Cumberland on behalf of the ACO as provided in Attachment A, hereto.
2. Falmouth agrees that Attachment A may be amended from time-to-time as provided in Section A (3) of this agreement and that Falmouth shall adjust its monthly reimbursement payments to the Town of Cumberland accordingly.
3. Falmouth further agrees that the ACO shall devote approximately 62.50% of his/her work time, efforts, and attentions to the duties and responsibilities of the Animal Control and regulatory administration related functions of the ACO office on behalf of the Town of Cumberland, including time spent at meetings, required appearances in court, providing information and advice to citizens and municipal officials, State agencies, vendors, and other persons with interests and activities pertaining to the Animal Control functions of the Town of Cumberland.
4. To provide either through local staffing or other outside agency back-up for the ACO for times of unavailability.
5. Dead Animal shall be counted toward the ACO response time. Large animals, such as deer, shall handled by Falmouth. Road kill type animals may be included in this agreement, but shall be included as hours worked. Falmouth may choose not to have this service included in the agreement or can delete this call-out at any time in the future.

C. BOTH TOWNS AGREE AS FOLLOWS:

1. In the event that the ACO shall be terminated from employment for any reason other than cause, (including but not limited to budget reductions or lack of work), Cumberland shall provide to the terminated ACO a minimum of six weeks full pay times which shall be apportioned between the two towns based on the fair share percentages as provided in Attachment A hereto.
 2. Both towns agree that the ACO shall be an employee of the Town of Cumberland for all payroll purposes, but shall be separately acting as the agent of each municipality in the discharge of his/her duties and responsibilities as municipal agent and Animal Control Officer in each Town. Each municipality shall independently qualify and appoint the ACO for the purposes of statutory and local ordinance authorization, which appointment shall be made subject to the terms of this Agreement. An appeal taken under the ordinance of either town on an action or decision of the ACO acting as an agent or as ACO in that community shall not be a cause of action or basis of appeal in the other community.
 3. Each community shall be individually responsible for providing office space, furniture, equipment and support, legal counsel and defense costs, mapping and publication of codes, ordinances, decisions, notices of hearings and appeal procedures. Each town shall individually provide such additional support for mapping, computer systems, printing, mailing, and other necessary resources and functions as the town shall deem necessary and prudent for the proper administration of the Animal Control in its community.
 4. Hours of work will average 12 hours per week over 52 weeks with 3 weeks of vacation time included in the 52 week schedule. The Police Chiefs in each community will track and log the hours of work.
3. Liability Insurance
- Both towns agree they will cause their insurers to communicate and determine that insurances are adequate, coordinated and leave no gaps in coverage.

4. Termination of Agreement

Either town may terminate this Agreement by giving advance written notice to the other town in accordance with the following schedule:

- a. If the position of ACO is vacant at the time the notice is given, written notice of termination shall be given not less than 2 weeks in advance of the effective date of the termination.
- b. If the position of ACO is not vacant at the time the notice of termination is given, written notice shall be a minimum of 8 weeks in advance of the effective date of the termination.

In the event of a termination under this section, neither Town shall have any ongoing obligation to the other after the effective date of the termination. Each Town shall remain responsible for its share of costs accrued prior to the effective date of termination.

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

Dated this _____ day of _____, 2006.

By _____
Nathan Poore, Town Manager
Town of Falmouth

By _____
William R. Shane, Town Manager
Town of Cumberland

Falmouth - Cumberland ACO and Harbormaster Agreement

Attachment A - Animal Control Officer and Harbormaster FY 2007

Position Title	Annual Salary or Wage	Cumberland Fair Share-%	Cumberland Fair Share-\$	Falmouth Fair Share-%	Falmouth Fair Share-\$
Animal Control	\$24,960	62.50%	\$15,600	37.50%	\$9,360
Retirement (7%)	\$1,747	62.50%	\$1,092	37.50%	\$655
Health Insurance-Incentive	\$1,500	62.50%	\$938	37.50%	\$563
Unemployment Ins- 0.50%	\$125	62.50%	\$78	37.50%	\$47
FICA- 7.65%	\$1,909	62.50%	\$1,193	37.50%	\$716
Worker's Comp- .0123	\$307	62.50%	\$192	37.50%	\$115
Fuel	\$1,800	62.50%	\$1,125	37.50%	\$675
Training	\$200	62.50%	\$125	37.50%	\$75
Phone/ Pager	\$650	62.50%	\$406	37.50%	\$244
Vehicle Maintenance & Cost	\$5,500	62.50%	\$3,438	37.50%	\$2,063
On Call Stipend	\$2,340	62.50%	\$1,463	37.50%	\$878
Shelter- Estimated	\$2,000	100.00%	\$2,000	By Falmouth	By Falmouth
Office Supplies	\$100	62.50%	\$63	37.50%	\$38
Uniform & Equipment	\$400	62.50%	\$250	37.50%	\$150
Administrative Support					\$3,000
Harbormaster Services as needed from Town of Falmouth					-\$2,000
Grand total	\$43,538		\$27,962		\$16,577

**Bill Town of Falmouth
Monthly \$16,577
\$1,381**

	Weeks	Hours	Total Hours	Rate	Total Cost
ACO Salary	52	32	1664	\$15.00	\$24,960
Cumberland	52	20	1040	\$15.00	\$15,600
Falmouth	52	12	624	\$15.00	\$9,360



Memorandum

Date: October 1, 2006
To: Clerks of **ecomaine** Member Municipalities
Cc: All **ecomaine** board members
From: Shelley Dunn, Communications Specialist
Subject: **Interlocal Agreement Addendum for Lyman and Ogunquit**

Attached are copies of the signed Interlocal Agreement addendum for Lyman and Ogunquit, which have now been approved by the Department of Environmental Protection and filed with the Secretary of State. In accordance with State statute, these copies are being sent to each **ecomaine** owner-municipality for attachment to the previously provided copy of **ecomaine**'s Interlocal Agreement.

Please do not hesitate to call **ecomaine** if you have any questions.

Thank you.

**JENSEN BAIRD
GARDNER HENRY**

Attorneys at Law

TEN FREE STREET
P.O. BOX 4510
PORTLAND, MAINE 04112-4510
www.jbgh.com

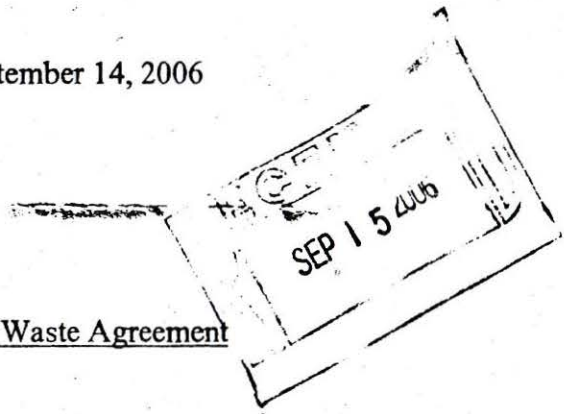
COPY

Michael J. Quinlan
e-mail: mquinlan@jbgh.com

(207) 775-7271 (Phone)
(207) 775-7935 (Fax)

September 14, 2006

Secretary of State of Maine
Bureau of Corporations, Elections & Commissions
State House Station #101
Augusta, ME 04333



Re: Addenda to ECO Maine Interlocal Solid Waste Agreement

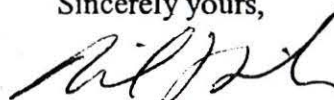
Dear Sir or Madam:

Enclosed for filing with your office are two (2) Addenda to ECO Maine Interlocal Solid Waste Agreement, to admit the Town of Lyman and the Town of Ogunquit as Participating Municipalities in ECO Maine. The original ECO Maine Interlocal Solid Waste Agreement was filed with your office on March 24, 2006, pursuant to Title 30-A, Section 2204 of the Maine Revised Statutes.

Please return a filed copy of these documents to the undersigned.

Thank you for your assistance. Please contact the undersigned if there are any questions regarding this filing request.

Sincerely yours,


Michael J. Quinlan

Encs.

cc: Kevin Roche, General Manager ✓
Nicholas S. Nadzo, Esq.

~ Over 50 Years of Service ~

Addendum to ECO Maine Interlocal Solid Waste Agreement

WHEREAS, ECO Maine, a Maine non-profit corporation ("ECO Maine"), was duly created and is existing pursuant to the provisions of Title 30-A, Chapter 115 of the Maine Revised Statutes, as amended. Title 38, Section 1304-B of the Maine Revised Statutes, as amended, and Title 13-B of the Maine Revised Statutes, for the purpose of operating a solid waste disposal and management program for the municipalities participating therein pursuant to an Interlocal Solid Waste Agreement dated December 1, 2005, as amended (the "Agreement") and Articles of Incorporation and Bylaws of ECO Maine, as amended from time to time (the "Articles"); and

WHEREAS, the Participating Municipalities of ECO Maine consist of the Cities of Portland and South Portland and the Towns of Bridgton, Cape Elizabeth, Casco, Cumberland, Falmouth, Freeport, Gorham, Gray, Harrison, Hollis, Limington, North Yarmouth, Pownal, Scarborough, Yarmouth, Waterboro and Windham; and

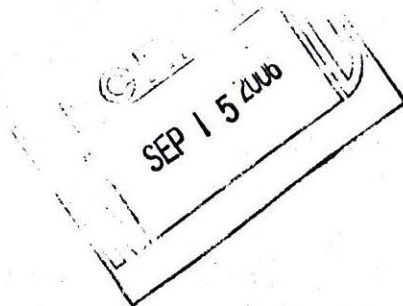
WHEREAS, under the Agreement, the ECO Maine Board of Directors may vote to accept additional municipalities to join ECO Maine as Participating Municipalities under said Agreement; and

WHEREAS, the Town of Ogunquit (hereinafter the "Town") has voted to join ECO Maine as a Participating Municipality and to execute this Addendum to the Agreement; and

WHEREAS, the ECO Maine Board of Directors has duly voted pursuant to the Agreement to accept the Town as a Participating Municipality under the Agreement.

NOW, THEREFORE, the undersigned ECO Maine hereby amends the Agreement to accept and admit the Town as a Participating Municipality of ECO Maine, and the Town hereby approves the Agreement and agrees to be bound by all of the terms and conditions of the Agreement and to perform and pay its respective obligations as a Participating Municipality of ECO Maine under the Agreement. This Addendum may be executed in separate counterparts.

DATED this 13th day of April, 2006.



ECO MAINE
By: [Signature]
Its President
TOWNSHIP OGUNQUIT
By: [Signature]
Its Town Manager

ECO MAINE

INTERLOCAL SOLID WASTE AGREEMENT

Addendum – Town of Ogunquit

Approval by State Officer:
(Title 30-A, Section 2205,
Maine Revised Statutes)

Department of Environmental Protection

By: _____

March N. Gurnett

SEP 15 2006

Addendum to ECO Maine Interlocal Solid Waste Agreement

WHEREAS, ECO Maine, a Maine non-profit corporation ("ECO Maine"), was duly created and is existing pursuant to the provisions of Title 30-A, Chapter 115 of the Maine Revised Statutes, as amended, Title 38, Section 1304-B of the Maine Revised Statutes, as amended, and Title 13-B of the Maine Revised Statutes, for the purpose of operating a solid waste disposal and management program for the municipalities participating therein pursuant to an Interlocal Solid Waste Agreement dated December 1, 2005, as amended (the "Agreement") and Articles of Incorporation and Bylaws of ECO Maine, as amended from time to time (the "Articles"); and

WHEREAS, the Participating Municipalities of ECO Maine consist of the Cities of Portland and South Portland and the Towns of Bridgton, Cape Elizabeth, Casco, Cumberland, Falmouth, Freeport, Gorham, Gray, Harrison, Hollis, Limington, North Yarmouth, Ogunquit, Pownal, Scarborough, Yarmouth, Waterboro and Windham; and

WHEREAS, under the Agreement, the ECO Maine Board of Directors may vote to accept additional municipalities to join ECO Maine, as Participating Municipalities under said Agreement; and

WHEREAS, the Town of Lyman (hereinafter the "Town") has voted to join ECO Maine as a Participating Municipality and to execute this Addendum to the Agreement; and

WHEREAS, the ECO Maine Board of Directors has duly voted pursuant to the Agreement to accept the Town as a Participating Municipality under the Agreement.

NOW, THEREFORE, the undersigned ECO Maine hereby amends the Agreement to accept and admit the Town as a Participating Municipality of ECO Maine, and the Town hereby approves the Agreement and agrees to be bound by all of the terms and conditions of the Agreement and to perform and pay its respective obligations as a Participating Municipality of ECO Maine under the Agreement. This Addendum may be executed in separate counterparts.

DATED this 30th day of June, 2006.

ECO MAINE

By: 
Its President

TOWN OF LYMAN

By: 
Its



ECO MAINE

INTERLOCAL SOLID WASTE AGREEMENT

Addendum – Town of Lyman

Approval by State Officer:
(Title 30-A, Section 2205,
Maine Revised Statutes)

Department of Environmental Protection

By: _____

Abraham M. Gault

or Date: 07/03/2005 - Sunday

<u>all Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>	<u>Priority</u>	<u>Duplicate</u>
5-4464	0234	Phone - DISTURBANCE - General	CI	1	1

Call Taker: 024 - Wiggin, Timothy
 Primary Id: 114 - Murphy, Martin
 Location/Address: [CMB] 8 WINN RD
 Party Entered By: 07/03/2005 0239 024 - Wiggin, Timothy
 Modified By: 07/03/2005 0333 024 - Wiggin, Timothy
 Calling Party: ██████████ MERION WAY - CUMBERLAND, ME 04021 207-██████████
 Party Entered By: 07/03/2005 0244 024 - Wiggin, Timothy
 Modified By: 07/03/2005 0332 024 - Wiggin, Timothy
 Calling Party: ██████████ WINN RD - CUMBERLAND, ME 04021 207-██████████
 ID: 114 - Murphy, Martin
 Disp-02:35:47 Enrt-02:35:48 Arvd-02:38:54 Clrd-03:09:01
 ID: 226 - Martin, Ryan
 Disp-02:35:51 Enrt-02:35:52 Arvd-02:38:57 Clrd-03:09:03
 Narrative: **07/03/2005 0308 Wiggin, Timothy**

██████████ reports fireworks in the area, "getting ridiculous", believe it's coming from the white house at the top of Hazeltine Drive entrance. She advises there is a party going on there. Officer Murphy and Martin responding.
 02:36 ██████████ Winn Road, reports fireworks and loud party at 8 Winn Road. Officers Murphy and Martin advised.
 02:37 Officer Martin reports he has a Falmouth unit responding as well
 02:38 Officer Murphy and Martin on scene. Residence is 8 Winn Road.
 02:41 Officer Martin reports all set, they are still lighting off fireworks.
 02:46 Status check. All set.
 02:51 Status check. All set.
 02:56 Status check. All set.
 03:01 Officer Martin advises Derek R. Perry 19810620 (MA) is the one setting off fireworks. Now talking to home owner.
 03:06 Officers are now getting ready to clear.
 03:09 Officer Martin clear.
 03:09 Officer Murphy clear.

Narrative: **07/03/2005 0343 Wiggin, Timothy**
 ██████████ is correct spelling and not ██████████. Officer Martin advises he gave the home owner at 8 Winn Road a second warning for disorderly conduct. Warned Perry ref civil violation on fireworks.

or Date: 09/25/2005 - Sunday

<u>all Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>	<u>Priority</u>	<u>Duplicate</u>
5-8382	0223	Radio - DISTURBANCE - General	Peace Restored	1	
Call Taker:		024 - Wiggin, Timothy			
Primary Id:		226 - Martin, Ryan			
Location/Address:		[CMB] 8 WINN RD			
Party Entered By:		09/25/2005 0232 024 - Wiggin, Timothy			
Modified By:		09/25/2005 0239 024 - Wiggin, Timothy			
Calling Party:		[REDACTED] WINN RD - CUMBERLAND, ME 04021 207-[REDACTED]			
Party Entered By:		09/25/2005 0313 024 - Wiggin, Timothy			
Involved Party:		BASILE, PAUL @ 8 WINN RD - CUMBERLAND, ME 04021			
		SSN: DOB: 05/30/1981 Race: W Sex: M			
Party Entered By:		09/25/2005 0335 024 - Wiggin, Timothy			
Calling Party:		SZFRAN, ADAM @ ***UNKNOWN*** - CUMBERLAND, ME 04021			
		SSN: DOB: 02/05/1981			
ID:		226 - Martin, Ryan			
		Disp-02:23:20 Enrt-02:24:21 Arvd-02:30:23 Clrd-02:40:40			
Narrative:		09/25/2005 0251 Wiggin, Timothy Caller reports loud party at the white house across the street, 8 Winn Road. States we have been there before. Loud music, singing, screaming and yelling. Officer Martin dispatched. Falmouth dispatched as well. Officer Peacock and Officer Flanders made aware of call.			
Narrative:		09/25/2005 0253 Wiggin, Timothy 02:30 Officer Martin on scene.			
Narrative:		09/25/2005 0254 Wiggin, Timothy 02:40 Officer Martin clear scene. Warnings issued and music turned down.			

For Date: 10/15/2005 - Saturday

<u>Call Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>	<u>Priority</u>	<u>Duplicate</u>
5-9633	2155	Phone - Noise Complaint	Investigated - No Report	3	
Call Taker:		534 - Hall, Timothy			
Call Closed By:		533 - Rhoades, Lisa			
Location/Address:		[CMB] 8 WINN RD			
Party Entered By:		10/15/2005 2155 534 - Hall, Timothy			
Calling Party:		***UNKNOWN*** [REDACTED] WINN RD - CUMBERLAND, ME 04021 207-712-3695			
ID:		114 - Murphy, Martin			
		Disp-21:57:18 Enrt-21:57:21 Arvd-22:02:13 Clrd-22:05:55			
Cleared By:		533 - Rhoades, Lisa			
Narrative:		10/15/2005 2155 Hall, Timothy			
		CALLER WOULD LIKE AN OFFICER TO STOP BY 8 WINN ROAD AND ASK THEM TO QUIET THEIR PARTY DOWN.			
Narrative:		10/15/2005 2205 Rhoades, Lisa			
		SPOKE WITH THE SUBJECTS AT THE PARTY THEY WILL QUIET DOWN			

or Date: 04/22/2006 - Saturday

<u>all Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>	<u>Priority</u>	<u>Duplicate</u>
6-6559	2257	Phone - DISTURBANCE - General	Services Rendered / Poli	1	
Call Taker:		921 - Ward, Andrew			
Location/Address:		[CMB] 8 WINN RD			
Party Entered By:		04/22/2006 2259 921 - Ward, Andrew			
Calling Party:		[REDACTED] WINN RD - CUMBERLAND, ME 04021 207 [REDACTED]			
		Race: W Sex: F			
ID:		110 - Dalbec, John			
		Disp-22:59:39 Enrt-22:59:51 Arvd-23:09:21 Clrd-23:19:15			
ID:		108 - Burgess, Thomas			
		Disp-22:59:46 Enrt-22:59:49 Arvd-23:05:26 Clrd-23:19:12			
Narrative:		04/22/2006 2259 Ward, Andrew			
		CALLER REPORTING NEIGHBORS AT 8 WINN RD WITH LOUD MUSIC AND VOICES			
Narrative:		04/22/2006 2319 Ward, Andrew			
		UNITS CLEAR THEY HAVE TURNED THE MUSIC OFF PARTY IS IN THE BARN THEY WILL TRY TO KEEP THE NOISE DOWN			

or Date: 05/29/2006 - Monday

<u>all Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>	<u>Priority</u>	<u>Duplicate</u>
6-9093	2213	Phone - DISTURBANCE - General	Peace Restored	1	
Call Taker:		921 - Ward, Andrew			
Location/Address:		[CMB] 8 WINN RD			
Party Entered By:		05/29/2006 2215 921 - Ward, Andrew			
Modified By:		09/25/2006 1207 026 - Morton, Kevin			
Calling Party:		[REDACTED] WINN RD - CUMBERLAND, ME 04021 207-[REDACTED]			
		SSN: [REDACTED] DOB: [REDACTED] Race: W Sex: M			
ID:		141 - Rogers, Bradley			
		Disp-22:15:35 Enrt-22:15:42 Arvd-22:21:04 Clrd-22:26:18			
ehicle Entered By:		05/29/2006 2225 921 - Ward, Andrew			
Modified By:		05/29/2006 2226 921 - Ward, Andrew			
Vehicle:		BLK 2003 CHEV UT TAHOE Reg: VT ME 29249 VIN: 1GNEK13T23R307995			
Operator:		SZAFRAN, ADAM J @ 8 WINN RD - CUMBERLAND, ME 04021			
		SSN: 017622081 DOB: 02/05/1981 Race: W Sex: M OLN: ME 7371263			
Owner:		SZAFRAN, ADAM J @ 8 WINN RD - CUMBERLAND, ME 04021			
Narrative:		05/29/2006 2215 Ward, Andrew			
		CALLER REPORTING A LOUD PARTY SUBJECTS HOLLERING AND CARRYING ON WITH LOUD MUSIC			
Narrative:		05/29/2006 2222 Ward, Andrew			
		C4 OFF AT THE RESIDENCE			
Narrative:		05/29/2006 2226 Ward, Andrew			
		C4 CLEAR SPOKE TO THE HOMEOWNER THEY WILL KEEP IT DOWN			

or Date: 05/31/2006 - Wednesday

<u>Call Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>	<u>Priority</u>	<u>Duplicate</u>
6-9254	2017	Phone - DISTURBANCE - General	Services Rendered / Poli	1	
Call Taker:		917 - Frye, Deborah			
Call Closed By:		026 - Morton, Kevin			
Location/Address:		[CMB] 8 WINN RD			
Party Entered By:		05/31/2006 2018 917 - Frye, Deborah			
Modified By:		09/25/2006 1208 026 - Morton, Kevin			
Calling Party:		[REDACTED] WINN RD - CUMBERLAND, ME 04021 207-[REDACTED]			
		Race: W Sex: F			
ID:		215 - Ridge, Antonio			
		Disp-20:18:53	Arvd-20:26:57	Clrd-20:33:03	
Cleared By:		026 - Morton, Kevin			
Narrative:		05/31/2006 2018 Frye, Deborah			
		CALLER REQUESTING OFFICER SPEAK W/ RESIDENT @ 8 WINN RD			
		REGARDING LOUD MUSIC. C9 ADVISED			
Narrative:		05/31/2006 2031 Frye, Deborah			
		C9 ADVISES STATIONARY IN AREA.			
Narrative:		05/31/2006 2033 Morton, Kevin			
		ADVISED TO KEEP IT DOWN			

or Date: 06/07/2006 - Wednesday

<u>all Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>	<u>Priority</u>	<u>Duplicate</u>
6-9881	2053	Phone - DISTURBANCE - General	Investigated - No Report	1	
Call Taker:	917	Frye, Deborah			
Location/Address:	[CMB]	8 WINN RD			
Party Entered By:	06/07/2006 2055	917 - Frye, Deborah			
Calling Party:		WINN RD - CUMBERLAND, ME 04021 207-			
SSN:		DOB: 11/10/1962 Race: W Sex: M			
ID:	141	Rogers, Bradley			
	Disp-20:55:44	Enrt-20:58:38 Arvd-20:59:46	Clrd-21:07:52		
Enroute By:	921	Ward, Andrew			
Arrived By:	921	Ward, Andrew			
Narrative:	06/07/2006 2055 Frye, Deborah	CALLER REQUESTS OFFICER RESPOND TO 7 WINN RD AND HAVE MUSIC IN BARN TURNED DOWN. C4 MADE AWARE.			
Narrative:	06/07/2006 2104 Frye, Deborah	C4 IS SITTING @ MAINT SHACK- CAN HEAR MUSIC W/ WINDOWS DOWN (NOT UNREASONABLY LOUD DUE TO HOUR). WITH WINDOWS UP- CAN'T HEAR ANYTHING. WILL BE BACK TO CHECK AREA AROUND 2200.			

or Date: 06/14/2006 - Wednesday

<u>Call Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>	<u>Priority</u>	<u>Duplicate</u>
6-10318	2034	Phone - DISTURBANCE - General	Warning Issued	1	
Call Taker:		917 - Frye, Deborah			
Location/Address:		[CMB] 8 WINN RD			
Party Entered By:		06/14/2006 2035 917 - Frye, Deborah			
Calling Party:		[REDACTED] WINN RD - CUMBERLAND, ME 04021 207-[REDACTED]			
		SSN: [REDACTED] DOB: 11/10/1962 Race: W Sex: M			
Party Entered By:		06/14/2006 2118 215 - Ridge, Antonio			
Involved Party:		SZAFRAN, ADAM J @ 8 WINN RD - CUMBERLAND, ME 04021 207-233-5996			
		SSN: 017622081 DOB: 02/05/1981 Race: W Sex: M			
ID:		215 - Ridge, Antonio			
		Disp-20:35:44 Enrt-20:35:48 Arvd-20:39:44 Clrd-20:55:53			
Narrative:		06/14/2006 2035 Frye, Deborah CALLER REQUESTS OFFICER SPEAK W/ RESIDENTS @ 8 WINN RD IN REGARDS TO LOUD MUSIC. C9 MADE AWARE.			
Narrative:		06/14/2006 2055 Frye, Deborah C9 HAS WARNED RESIDENT @ 8 WINN RD FOR DISORDERLY CONDUCT.			
Narrative:		06/14/2006 2115 Ridge, Antonio			
Modified By:		06/14/2006 2117 Ridge, Antonio I met with resident directly across from 8 Winn Rd - elderly female at [REDACTED]. She is deaf, and says the music rarely bothers her. I went to [REDACTED] and met with the complainants. They are more than annoyed with the ongoing noise issue. From their house tonight, I agreed and felt the music was unnecessarily loud. I have warned Adam Szafran for disorderly conduct..He could not understand what the problem was, regardless of how it was explained to him.			

For Date: 06/30/2006 - Friday

<u>Call Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>	<u>Priority</u>	<u>Duplicate</u>
6-11362	2120	Phone - DISTURBANCE - General	Services Rendered / Poli	1	
Call Taker:		921 - Ward, Andrew			
Location/Address:		[CMB] 8 WINN RD			
Party Entered By:		06/30/2006 2120 921 - Ward, Andrew			
Calling Party:		[REDACTED] WINN RD - CUMBERLAND, ME 04021 207-9[REDACTED]			
ID:		SSN: [REDACTED] DOB: 11/10/1962 Race: W Sex: M 691 - Volk, Peter			
Narrative:		Disp-21:20:53 Enrt-21:21:21 Arvd-21:28:36 Clrd-21:39:57 06/30/2006 2120 Ward, Andrew REQUEST FOR THE NEIGHBORS BE QUIETED DOWN LOUD MUSIC PLAYING			
Narrative:		06/30/2006 2133 Ward, Andrew 10-4/10-6			
Narrative:		06/30/2006 2140 Ward, Andrew C10 CLEAR THEY ARE GOING TO SHUT IT DOWN BY 10PM MUSIC WHEN C10 ARRIVED WAS NOT UNREASONABLE.			
Narrative:		06/30/2006 2152 Ward, Andrew [REDACTED] CALLED IN COMPLAINING ABOUT THE NOISE NEXT DOOR C10 TO RETURN A CALL BACK TO HER.			

or Date: 06/30/2006 - Friday

<u>Call Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>	<u>Priority</u>	<u>Duplicate</u>
6-11371	2208	Phone - DISTURBANCE - General	Services Rendered / Poli	1	
Call Taker:	921	Ward, Andrew			
Location/Address:	[CMB] 8 WINN RD				
Party Entered By:	06/30/2006 2208 921	Ward, Andrew			
Calling Party:	[REDACTED]	WINN RD - CUMBERLAND, ME 04021 207-[REDACTED]			
SSN:	[REDACTED]	DOB: 11/10/1962 Race: W Sex: M			
ID:	691	Volk, Peter			
	Disp-22:08:47		Arvd-22:31:38	Clrd-22:31:40	
ID:	114	Murphy, Martin			
			Arvd-22:31:10	Clrd-22:31:15	
Dispatched By:	114	Murphy, Martin			
Arrived By:	114	Murphy, Martin			
Cleared By:	114	Murphy, Martin			
Narrative:	06/30/2006 2208	Ward, Andrew			
	REPORTING THE NEIGHBORS STILL HAVE NOT QUIETED DOWN C10 ENRT				
Narrative:	06/30/2006 2232	Ward, Andrew			
	C10 CLEAR WAS QUIET UPON HIS ARRIVAL				

or Date: 07/01/2006 - Saturday

<u>all Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>	<u>Priority</u>	<u>Duplicate</u>
6-11456	2301	Phone - DISTURBANCE - General	Peace Restored	1	
Call Taker:		026 - Morton, Kevin			
Primary Id:		215 - Ridge, Antonio			
Call Closed By:		024 - Wiggin, Timothy			
Call Modified By:		024 - Wiggin, Timothy			
Location/Address:		[CMB] 8 WINN RD			
Party Entered By:		07/01/2006 2303 026 - Morton, Kevin			
Modified By:		09/25/2006 1207 026 - Morton, Kevin			
Calling Party:		***UNKNOWN*** - CUMBERLAND, ME 04021 207-			
ID:		215 - Ridge, Antonio			
		Disp-23:03:40 Enrt-23:03:43 Arvd-23:06:39 Clrd-23:23:46			
Arrived By:		024 - Wiggin, Timothy			
Cleared By:		024 - Wiggin, Timothy			
ID:		691 - Volk, Peter			
		Disp-23:03:58 Enrt-23:04:01 Arvd-23:13:59 Clrd-23:24:28			
Cleared By:		024 - Wiggin, Timothy			
Narrative:		07/01/2006 2303 Morton, Kevin			
		10-16 LOUD MUSIC YELLING CAR HORNS TIRES TBR			
Narrative:		07/01/2006 2324 Wiggin, Timothy			
		Officer Ridge clear. Music quieted down.			

or Date: 07/26/2006 - Wednesday

<u>Call Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>	<u>Priority</u>	<u>Duplicate</u>
6-13173	2027	Phone - NOISE COMPLAINT	Services Rendered / Poli	3	
Call Taker:		533 - Rhoades, Lisa			
Call Closed By:		917 - Frye, Deborah			
Location/Address:		[CMB] 8 WINN RD			
Party Entered By:		07/26/2006 2028 533 - Rhoades, Lisa			
Calling Party:		[REDACTED], WINN RD - CUMBERLAND, ME 04021 207-[REDACTED]			
		SSN: [REDACTED] DOB: 11/10/1962 Race: W Sex: M			
ID:		226 - Martin, Ryan			
		Disp-20:32:22	Arvd-20:43:30	Clrd-20:54:48	
Arrived By:		917 - Frye, Deborah			
Cleared By:		917 - Frye, Deborah			
Location Change:		[CMB] 7 WINN RD [Created: 07/26/2006 2048]			
ID:		141 - Rogers, Bradley			
		Disp-20:47:21	Arvd-20:47:25	Clrd-20:52:46	
Dispatched By:		917 - Frye, Deborah			
Arrived By:		917 - Frye, Deborah			
Cleared By:		917 - Frye, Deborah			
Narrative:		07/26/2006 2029 Rhoades, Lisa REQUESTING AN OFFICER RESPOND TO AND HAVE THE SUBJECTS AT 8 WINN ROAD TURN THE MUSIC DOWN			
Narrative:		07/26/2006 2052 Frye, Deborah UPON ARRIVAL- NO ABUNDANCE OF NOISE PER C4 (3 GUITARS AND DOOR WAS OPEN FOR VENTILATION). ASSURED THAT ACTIVITY WOULD CEASE BY 2130 HOURS.			
Narrative:		07/26/2006 2054 Frye, Deborah C8 CLEAR; HAS SPOKEN TO COMPLAIANT WHO WAS ADVISED OF LEGAL RAMIFICATIONS. ADVISED RIGHT OF NOISE VIOLATORS. CLEAR W/ NO ACTION.			

or Date: 08/23/2006 - Wednesday

<u>all Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>	<u>Priority</u>	<u>Duplicate</u>
6-14942	1915	Phone - NOISE COMPLAINT	No Action Taken	3	
Call Taker:		533 - Rhoades, Lisa			
Location/Address:		[CMB] 8 WINN RD			
Party Entered By:		08/23/2006 1916 533 - Rhoades, Lisa			
Calling Party:		[REDACTED] WINN RD - CUMBERLAND, ME 04021 207-[REDACTED]			
ID:		108 - Burgess, Thomas			
		Disp-19:18:20	Arvd-19:22:06	Clrd-19:24:45	
Narrative:		08/23/2006 1916 Rhoades, Lisa			
		LOUD BASS NOISE FROM THE PEOPLE ACROSS THE STREET			
Narrative:		08/23/2006 1924 Rhoades, Lisa			
		THEIR IS A BAND PRACTICING THEY HAD THE DOOR OPEN FOR A			
		MINUTE TO COOL THE PLACE DOWN THEY NOW HAVE THE DOOR CLOSED			
		AND WILL BE FINISHED BY 2100HRS			

or Date: 09/23/2006 - Saturday

<u>all Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>	<u>Priority</u>	<u>Duplicate</u>
6-16749	1700	Phone - NOISE COMPLAINT	Investigated - No Report	3	
Call Taker:		533 - Rhoades, Lisa			
Location/Address:		[CMB] 8 WINN RD			
Party Entered By:		09/23/2006 1701 533 - Rhoades, Lisa			
Calling Party:		[REDACTED] WINN RD - CUMBERLAND, ME 04021 207-[REDACTED]			
SSN:		[REDACTED] DOB: 11/10/1962 Race: W Sex: M			
ID:		466 - Mazzone, Angelo			
		Disp-17:02:01	Arvd-17:13:16	Clrd-17:18:04	
Narrative:		09/23/2006 1701 Rhoades, Lisa			
		REQUESTING A OFFICER RESPOND TO 8 WINN ROAD AND HAVE THEM TURN THE AMPLIFIER DOWN THEY HAVE BEEN AT IT SINCE 1130 THIS MORNING			
Narrative:		09/23/2006 1717 Rhoades, Lisa			
		HAVE AGREED ON CLOSING THE DOOR THEY WILL BE DONE AT ABOUT 1930HRS			
Narrative:		09/23/2006 1732 Ward, Andrew			
		C11 BACK OFF SPEAKING TO THE COMPLAINTANT.			
Narrative:		09/23/2006 1744 Ward, Andrew			
		C11 CLEAR NOISE IS NOT UNREASONABLE.			

or Date: 09/23/2006 - Saturday

<u>Call Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>	<u>Priority</u>	<u>Duplicate</u>
6-16752	1810	Phone - NOISE COMPLAINT	Unfounded / Police	3	
Call Taker:		533 - Rhoades, Lisa			
Call Closed By:		921 - Ward, Andrew			
Location/Address:		[CMB] 8 WINN RD			
Party Entered By:		09/23/2006 1811 533 - Rhoades, Lisa			
Calling Party:		████████████████████ WINN RD - CUMBERLAND, ME 04021 207-██████████			
		SSN: ██████████ DOB: 11/10/1962 Race: W Sex: M			
ID:		691 - Volk, Peter			
		Disp-18:11:48		Clrd-18:16:08	
ID:		466 - Mazzone, Angelo			
		Disp-18:36:35	Arvd-18:36:38	Clrd-19:05:41	
Cleared By:		921 - Ward, Andrew			
Narrative:		09/23/2006 1811 Rhoades, Lisa			
		ANOTHER COMPLAINT FROM ██████ WINN ROAD ABOUT THE NOISE AT 8 WINN RD			
Narrative:		09/23/2006 1816 Rhoades, Lisa			
		CUMBERLAND 10 DID A DRIVE BY IS QUIET FOR NOW			
Narrative:		09/23/2006 1829 Rhoades, Lisa			
		██████████ CALLED AGAIN ADVISED WE NEED TO DO SOMETHING ABOUT THE NOISE OR HE WILL DO SOMETHING ON HIS OWN			
Narrative:		09/23/2006 1849 Rhoades, Lisa			
		BACK OFF AT NUMBER 7 WINN ROAD			
Narrative:		09/23/2006 1905 Ward, Andrew			
		C11 CLEAR			

Twin Brooks Advisory Committee

Presentation to the
Town Council
October 9, 2006

Committee Members

John Andrews, Chairperson

John Eldredge

Glen Hutchins

Peter Gordon

John Stroud

Alan Kissack

Stephanie Fowler- Enaire

Councilor Jeff Porter

Anne Witte

Councilor Steve Moriarty

Town Staff: Bill Landis, Parks & Recreation Director

Why this project for Twin Brook?

- Safety: The shelter provides a safe place during severe or inclement weather.
- Safety: Not having to cross a road, shifting the parking lot and road will resolve this issue.
- Provides a primary drop-off and pickup location; an improved traffic pattern will make it easier for parents to drop off children and know where they will be after practice.

Why this project for Twin Brook?

- Field is being used as an “over flow practice field”, plan calls for improving this area for Soccer and Lacrosse. Currently used for spring lacrosse, T-Ball and K-Soccer.
- Parking will now start in this area and expand front and back, thus providing a balance to parking issues.
- Restroom facilities will be a welcome addition to the park for many of the patrons. Current use is portable toilets.

Why this project for Twin Brook?

- Storage space and concession area will allow for the removal of “storage buildings” and the Lions Club concession trailer.
- Equipment Storage building will protect the mowing and park equipment, much of which sits out during the summer months.
- Utilities will also provide level of service for park activities
- Enhance the visual appearance of the park.

Recommendations

- Add Shelter – 40' x 60'
- Add Bathroom and small storage area as part of shelter
- Add Maintenance Building – 40' x 60'
- Improve Existing Playing Field Area
- Re-align roads and parking areas to prevent kids from crossing road to access fields

Cost

■ Bathroom / Shelter	\$ 288,000
■ Road & Parking Lot	\$ 190,000
■ Maintenance Building	\$ 180,000
■ Playing Field	\$ 150,000
■ Engineering & Permits	\$ 80,800
■ Contingency	<u>\$ 121,200</u>
Total	\$ 1,016,250

Next Steps

1. **Council Approval for Engineering and Design \$80,800**
2. **DEP Application & Approval**
3. **Return to the Town with 90% Design Drawings and Preliminary Cost Estimate and send to PB (March-April '07)**
4. **Planning Board Review (April – May '07)**
5. **Upon Planning Board Approval- Bid Process (June 2007)**
6. **Bid Acceptance by Town Council Summer 2007 (June 2007)**
7. **Start Construction - Summer 2007 (July 2007)**

FINANCING

- Bonded for 15 years through monies from the Route One TIF funds
- No General Fund monies or Taxpayer funding