

MINUTES

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, April 24, 2017

6:00 P.M. Call to Order

Present: Councilors Bingham, Copp, Edes, Stiles, Storey-King and Turner

Executive Session pursuant to 1 M.R.S.A., § 405(6)(A) re: Town Manager evaluation.

Motion by Councilor Stiles, seconded by Councilor Copp, to recess to Executive Session pursuant to 1

M.R.S.A., § 405(6)(A) re: Town Manager evaluation.

VOTE: 6-0 UNANIMOUS

Councilor Gruber arrived at 6:20 P.M.

Reconvene to regular session at 7:00 P.M.

I. APPROVAL OF MINUTES

Motion by Councilor Bingham, seconded by Councilor Gruber, to accept the April 10, 2017 meeting minutes as presented.

VOTE: 7-0 UNANIMOUS

II. MANAGER'S REPORT

Town Manager Shane said that the Order of the Red Men have occupied the basement area of the West Cumberland Hall for many, many years. Their organization has reduced in size over the years and they now have voted to turn the property back to the Town. He will send them a letter to thank them for all that they have done for the community over the years.

Town Manager Shane next explained that he went to the Planning Board last week with a request to relocate the sand and salt shed at the Public Works facility because it has to be moved off of the old demolition landfill. The DEP allowed us to come up with a closure plan on the old landfill and gave us until 2017 to cap the landfill and move the sand and salt shed to a different location. The problem we have is that we do not have ordinances for temporary structures and temporary roads for more than 6 months. Staff advised him that it would be best to table it at the Planning Board and permit the entire project, get the environmental permits, build the road to standard, etc. We can move the salt building, temporarily, up to the parking lot area.

III. PUBLIC DISCUSSION

None

IV. LEGISLATION AND POLICY

17 – 057 To hold a public discussion to get public input on the development of ordinance language to prohibit the retail sale of marijuana.

Town Manager Shane explained that the referendum that was passed allows municipalities to regulate location and operation of retail marijuana establishments and social clubs. Establishments are considered

stored, cultivation facilities, product manufacturing and testing facilities. Wholesale is not defined in the law and we are waiting for the state to define it. While we wait, we would add wholesale and retail in our definitions and prohibition, as well as farm based retail. We are not regulating personal use, which was passed last November.

Chairman Turner opened the public discussion.

Brett Webber of 147 Foreside Road said that he is surprised that there have been no relative discussions about the alcoholic beverage industry and the retail sale of marijuana. He feels that retail marijuana is a revenue enhancer and the world is changing. With regard to alcohol, look at the craft beer business in the State of Maine, which is world class. In 1933, there were only 2 breweries in the State of Maine. Between 1990 and 1994, there were 11 breweries in the State of Maine. Today, there are over 90 (a 700% increase). They are generating tax revenue and have become a tourist destination. In 2016, the State of Colorado has generated 1.1 billion dollars in revenue enhancements, including 180 million dollars in tax revenue. Based on these numbers, the revenue for the State of Maine would be approximately 47 million dollars. The key is enforcement and he feels that retail marijuana sales will be revenue enhancing.

Bob Knupp of 4 Eagles Way said that as a retired lawyer and former Assistant District Attorney in Harrisburg, Pennsylvania, he learned an awful lot about drugs and drug addiction. Marijuana is a drug that is listed as a prohibited substance under Title 18 of federal law statute. It puzzles him as to why Maine decided to put this on the ballot. He does not believe that we can override federal law. He urged the Council to be aware of the fact that we are dealing with a topic that, in his opinion, no legislative or electoral process can annul (federal law). He has listened to the debate about the comparison between marijuana and alcohol. In most states, we have what he refers to as a Dram Shop Act. A Dram Shop Act is a right for someone to sue a bar that serves a visibility intoxicated person who then causes a fatal accident. With respect to someone who is dispensing marijuana, there is no liability. Someone will surely get killed by someone operating under the influence of marijuana. Furthermore, marijuana is a carcinogenic substance much more harmful than tobacco. He believes that marijuana leads to substance abuse of other harmful drugs. He congratulated the Council for taking the position of prohibiting the retail sale of marijuana.

Councilor Bingham said that he received a letter from a constituent that said that they were not interested in seeing the retail sale of marijuana in town.

17 – 058 To send to the Planning Board for a Public Hearing and recommendation, ordinance language for the retail sale of marijuana.

Motion by Councilor Bingham, seconded by Councilor Edes, to send to the Planning Board for a Public Hearing and recommendation, ordinance language for the retail sale of marijuana.


VOTE: 7-0 UNANIMOUS

17 – 059 To set a Public Hearing date of May 8th to consider and act on extending the moratorium ordinance regarding retail marijuana establishments and social clubs, which will expire on May 14, 2017.

Motion by Councilor Stiles, seconded by Councilor Copp, to set a Public Hearing date of May 8th to consider and act on extending the moratorium ordinance regarding retail marijuana establishments and social clubs, which will expire on May 14, 2017.

VOTE: 7-0 UNANIMOUS

17 – 060 To hear a report from the Finance Director re: 3rd Quarter Financials.
 Finance Director, Heather Perreault, presented the following:



Town of Cumberland

Fiscal Year 2017

Q3 Revenues & Expenses

General Fund

Q3 Revenues & Expenditures

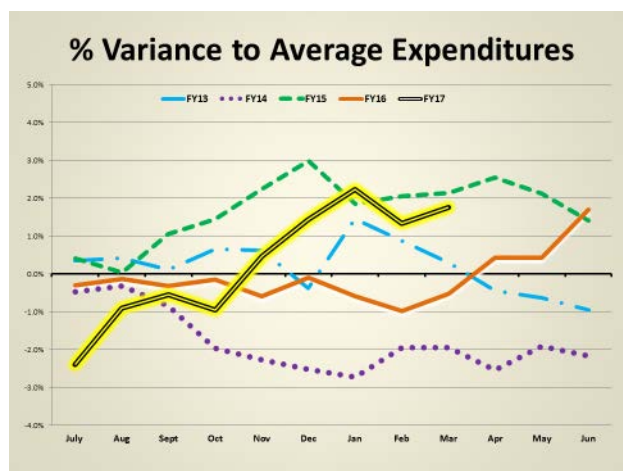
	FY17 Budget	FY17 Actual	FY17%	FY16 %
TOTAL REVENUES	\$ 4,513,720	\$ 3,984,254	88.3%	82.3%
Controllable Expenses	\$ 7,462,114	\$ 6,036,528	80.9%	78.1%
Fixed Expenses	\$ 19,109,524	\$ 14,927,600	78.1%	78.6%
TOTAL EXPENSES	\$26,571,638	\$20,964,128	78.9%	78.4%

Q3 Selected Revenues


	FY17 Budget	FY17 Actual	FY17%	FY16 %
Excise Tax	\$ 1,480,000	\$ 1,385,002	93.6%	90.7%
State Revenue Sharing	\$ 385,710	\$ 296,759	76.9%	79.9%
Permits & Impact Fees	\$ 158,000	\$ 316,158	200.1%	112.5%
EMS Billing	\$ 186,200	\$ 176,558	94.8%	89.1%
Recreation - After School	\$ 195,152	\$ 197,102	101.0%	90.2%
Recreation - All Other	\$ 530,991	\$ 346,764	65.3%	52.5%
Val Halla - Golf Revenues	\$ 603,447	\$ 313,365	51.9%	59.9%
Val Halla - Rents etc	\$ 46,423	\$ 33,954	73.1%	30.9%

Q3 Selected Expenditures

	FY17 Budget	FY17 Actual	FY17%	FY16 %
Police	\$ 1,251,821	\$ 1,020,441	81.5%	83.0%
Fire	\$ 892,066	\$ 727,684	81.6%	74.9%
Public Services	\$ 1,839,963	\$ 1,448,650	78.7%	74.5%
Val Halla Golf Club	\$ 695,465	\$ 530,237	76.2%	74.0%
Recreation	\$ 839,396	\$ 679,713	81.0%	78.8%
Abatements	\$ 20,000	\$ 42,276	211.4%	402.4%



Questions?



17 – 061 To hold a Public Hearing to consider and act on a Contract Zone Agreement amendment request from Bateman Partners, LLC for Village Green, as recommended by the Planning Board. (To move the landfill off Village Green Homeowners Association property)

Town Manager Shane explained that this is simply moving the property line so that the old demolition landfill is off the Village Green Homeowners Association property. The Planning Board had a unanimous recommendation in favor of this.

Chairman Turner opened the Public Hearing.

Sam York, Chairman of the Lands & Conservation Commission asked if the landfill material will be removed from the site.

Town Manager Shane responded that the landfill will be capped in a couple of months.

Chairman Turner closed the Public Hearing.

Motion by Councilor Gruber, seconded by Councilor Storey-King, to approve the Contract Zone Agreement amendment request from Bateman Partners, LLC for Village Green, as recommended by the Planning Board.

VOTE: 7-0 UNANIMOUS

17 – 062 To consider and act on amendments to Chapter 282 (Vehicles and Traffic), Section 12 (Stopping, Standing or Parking Prohibited in Specific Places) of the Cumberland Code, as recommended by the Ordinance Committee.

Town Manager Shane explained that when we opened Broad Cove Reserve, we did not have the parking lot built. It is now built and no parking along Beach Drive will be implemented. There will be a drop off area with 2 handicapped spaces at the bottom of the hill, but all parking will be in the parking lot from now on.

Motion by Councilor Storey-King, seconded by Councilor Bingham, to amend Chapter 282 (Vehicles and Traffic), Section 12 (Stopping, Standing or Parking Prohibited in Specific Places) of the Cumberland Code, as recommended by the Ordinance Committee.

VOTE: 7-0 UNANIMOUS

17 – 063 To appoint a member to the Planning Board and the Conservation Subdivision Committee.

Motion by Councilor Copp, seconded by Councilor Stiles, to appoint Paul Auclair to the Planning Board and Margaret Coon to the Conservation Subdivision Committee.

VOTE: 7-0

17 – 064 To set a Public Hearing date of May 8th to consider and act on a Mass Gathering Permit for the Cumberland/North Yarmouth Youth Lacrosse, Cumberland Round Robin, to be held on May 13th from 8:00 a.m. to 6:00 p.m. at Twin Brook.

Motion by Councilor Bingham, seconded by Councilor Gruber, to set a Public Hearing date of May 8th to consider and act on a Mass Gathering Permit for the Cumberland/North Yarmouth Youth Lacrosse, Cumberland Round Robin, to be held on May 13th from 8:00 a.m. to 6:00 p.m. at Twin Brook.

VOTE: 7-0 UNANIMOUS

17 – 065 To set a Public Hearing date of May 8th to consider and act on a Mass Gathering Permit for the Cumberland/North Yarmouth Youth Lacrosse, Cumberland Jamboree, to be held on May 13th from 8:00 a.m. to 6:00 p.m. at Twin Brook.

Motion by Councilor Copp, seconded by Councilor Stiles, to set a Public Hearing date of May 8th to consider and act on a Mass Gathering Permit for the Cumberland/North Yarmouth Youth Lacrosse, Cumberland Jamboree, to be held on May 13th from 8:00 a.m. to 6:00 p.m. at Twin Brook.

VOTE: 7-0 UNANIMOUS

17 – 066 To set a Public Hearing date of May 8th to consider and act on a Mass Gathering Permit for Girls On the Run Maine 5K Run to be held on June 4, 2017 at the Cumberland Fairgrounds.

Motion by Councilor Stiles, seconded by Councilor Copp, to set a Public Hearing date of May 8th to consider and act on a Mass Gathering Permit for Girls On the Run Maine 5K Run to be held on June 4, 2017 at the Cumberland Fairgrounds.

VOTE: 7-0 UNANIMOUS

17 – 067 To set a Public Hearing date of May 8th to consider and act on a Mass Gathering Permit for the Penobscot Valley Kennel Club Chickadee Classic Dog Show to be held from June 22nd – 25th, 2017 at the Cumberland Fair Grounds.

Motion by Councilor Stiles, seconded by Councilor Copp, to set a Public Hearing date of May 8th to consider and act on a Mass Gathering Permit for the Penobscot Valley Kennel Club Chickadee Classic Dog Show to be held from June 22nd – 25th, 2017 at the Cumberland Fair Grounds.

VOTE: 7-0 UNANIMOUS

17 – 068 To set a Public Hearing date of May 8th to consider and act on a Mass Gathering Permit for 148th Cumberland County Fair to be held from September 24th – October 1st, 2017 at the Cumberland Fairgrounds.

Motion by Councilor Stiles, seconded by Councilor Bingham, to set a Public Hearing date of May 8th to consider and act on a Mass Gathering Permit for 148th Cumberland County Fair to be held from September 24th – October 1st, 2017 at the Cumberland Fairgrounds.

VOTE: 7-0 UNANIMOUS

17 – 069 To set a Public Hearing date of May 8th to consider and act on draft zoning map amendments to rezone the property at Tax Assessor Map U21, Lot 18 from a split lot between Rural Residential Two (RR2) and Village Office Commercial One (VOC1) to the entire lot being located in the VOC1 zone, as recommended by the Planning Board.

Motion by Councilor Bingham, seconded by Councilor Stiles, to set a Public Hearing date of May 8th to consider and act on draft zoning map amendments to rezone the property at Tax Assessor Map U21, Lot 18 from a split lot between Rural Residential Two (RR2) and Village Office Commercial One (VOC1) to the entire lot being located in the VOC1 zone, as recommended by the Planning Board.

VOTE: 7-0 UNANIMOUS

**17 – 070 To hold a Public Hearing to consider and act on adoption of the FY2018 Municipal Budget.
(Table to May 22nd per Finance Committee recommendation)**

Motion by Councilor Stiles, seconded by Councilor Bingham, to table to May 22nd per the Finance Committee's recommendation.

VOTE: 7-0 UNANIMOUS

V. NEW BUSINESS

Councilor Bingham – None

Councilor Gruber – There was a very informative meeting with Tuttle Road residents and Portland Water District regarding the temporary waterline on Tuttle Road.

The Forest Lake Association is doing their watershed survey this Saturday.

He had the opportunity to testify in Augusta recently on LD492 (to not abandon the Meals on Wheels program). This would have a major impact on us because we have many residents who cannot cook for themselves and rely the Meals on Wheels program.

The Aging in Place Committee continues to meet and do great work.

As always, thank you to those who volunteer at the Food Pantry.

Councilor Storey-King – The Public Safety banquet is on May 6th. This is the first one that she will miss. Her son will receiving his Doctorate in Physical Therapy that day.

Ryan Twitchell pitched a no-hitter for Greely tonight. They beat Gray/New Gloucester.

For the public, please be patient while traveling around town. There are a lot of projects going on right now and new projects will be beginning soon.

Councilor Edes – There was a news story recently that reported the Cumberland was chosen as the safest community in Maine. Kudos to our police department members (past and present).

Chairman Turner – None

Councilor Stiles – His nephew's daughter, Sarah Hansen was player of the year this year in golf.

He has a granddaughter who got Grand Champion at the Fryeburg fair for the heifer that she raised.

He thanked those who donated to the 4-H auction which benefits the food pantry. He urged residents to donate to this great cause.

Councilor Copp – None

Town Manager Shane – On May 2nd the Town Council will have to meet briefly to countersign the school warrant.

VI. ADJOURNMENT

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

VOTE: 7-0 UNANIMOUS

TIME: 8:31 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary