

MINUTES

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, July 9, 2018

6:00 P.M. Call to Order

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

- I. EXECUTIVE SESSION** pursuant to 1 M.R.S.A., § 405(6)(E) consultation with Town Attorney.
Motion by Councilor Turner, seconded by Councilor Bingham, to recess to Executive Session
pursuant to 1 M.R.S.A., § 405(6)(E) consultation with Town Attorney.
VOTE: 7-0 UNANIMOUS
TIME: 6:00 P.M.

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

- II. APPROVAL OF MINUTES**
Motion by Councilor Edes, seconded by Councilor Gruber, to accept the June 25, 2018 meeting minutes as
presented.
VOTE: 6-0-1 (Storey-King abstained) MOTION PASSES

- III. MANAGER'S REPORT**
Town Manager Shane announced that Brian Bickford of Val Halla Golf Course was recognized as PGA
Golf Professional of the Year for 2018.
The award read: *The PGA Golf Professional award is one of the highest honors the association can bestow
on a working club professional whose total contributions to the game best exemplify the complete PGA
Professional. This award embraces a wide range of services executed by the club professional.*
Brian and his team have done a wonderful job for the Town and the golf course.

- IV. PUBLIC DISCUSSION**
Ted Chadbourne said that the Town should not repair or replace “the pier to nowhere”. At low tide there
are mudflats and the previous owners did not use the pier, they rented space in Falmouth. If the Spears Hill
homeowners are not agreeing to pay for half, why should the Town pay for it if it is not useful?

- V. LEGISLATION AND POLICY**

18 – 091 To hear a report from Ecomaine re: recycling.

Kevin Roche, Executive Director of Ecomaine, presented the following overview of Ecomaine and the
recycling markets:

Current Issues & Opportunities

- > Recycling Markets: From Boom to Bust
- > Curbside Collection: Advantages to Regionalize & Automate



Kevin Roche
ecomaine

ecomaine.org

ecomaine 1



ecomaine.org

ecomaine 2

Landfilled Newspapers from
long ago...

1974



1992



ecomaine.org

ecomaine 3



ecomaine.org

ecomaine 4

Mining the Landfill



ecomaine.org

ecomaine 5



ecomaine.org

ecomaine 6



44 years old

Landfill Storage is Forever



Landfill Storage - GROWING



ecomaine

Our Mission

ecomaine provides comprehensive long-term solid waste solutions in a safe, environmentally responsible, economically sound manner, and is a leader in raising public awareness of sustainable waste management strategies.



The ecomaine Facilities & Programs

Facilities:

- Single-Sort Recycling
- Food Waste Recovery
- Waste-To-Energy
- Landfill

Programs:

- Tours & School Presentations
- Earned Media
- School Grants
- Social Media
- Fairs and Events
- TV, Radio, and Print



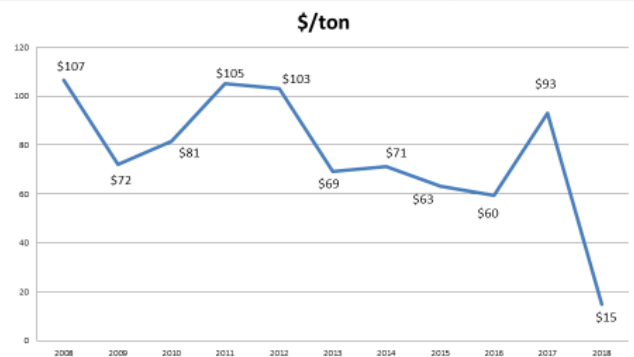
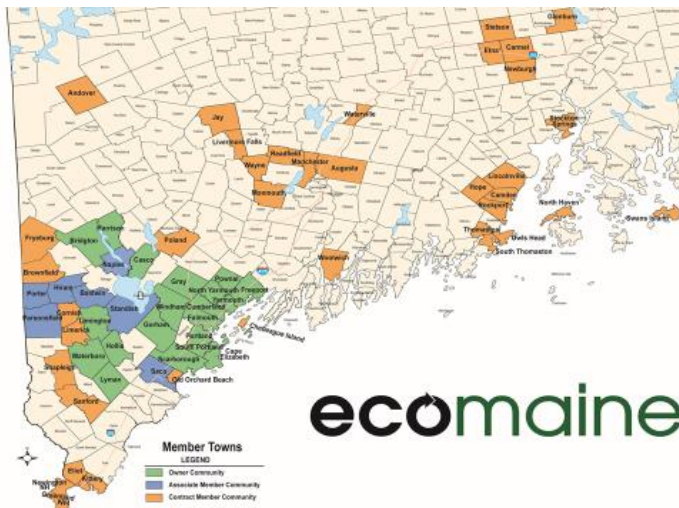
ecomaine.org

ecomaine 9

ecomaine.org

ecomaine 10

Markets Crash for Recyclables



ecomaine.org

ecomaine 12

Why?

- **Supply & Demand:** China's ban on imports has left the market out of balance



- **Newspapers:** They've disappeared leaving behind a much different grade of paper



- **Contamination:** (trash mixed in recyclables) = No Tolerance



ecomaine.org

14

The Transition from Maine Markets to China



ecomaine.org

ecomaine

15

National Sword – Ban on Scrap Imports

"It may (the ban) result in chaos in society ... some voices that have been critical of the Chinese policies are downplaying their own culpability or responsibility to adjust accordingly."

Li Ganjie
China's Minister of Environmental Protection
March 17, 2018



Photo credit: DC Environmental

ecomaine.org

ecomaine

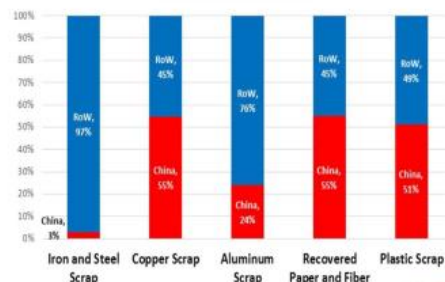
16

Why China is so Important to the Global Recycling Industry?



Mainland China's Share of Global Imports for Selected Recycled Commodities, 2016(p)

Source: UN Comtrade Database



US Exports of Recovered Paper



Country	2016	2017	% Change
China	13,210,375	10,887,269	-18%
India	1,561,837	1,930,720	+24%
Vietnam	120,673	397,162	+229%
Canada	674,788	743,210	+9%
Indonesia	381,358	440,585	+16%

Waste Dive, 2/18/18. C. Boteler

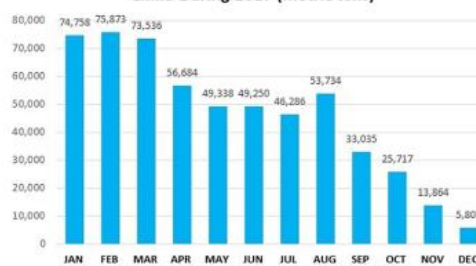
ecomaine.org

ecomaine

18

Recycled Plastic Exports to China

Monthly U.S. Plastic Scrap Exports to Mainland China During 2017 (metric tons)



ecomaine.org

ecomaine

19



- (54) Mixed Paper (MP)
Consists of all paper and paperboard of various qualities not limited to the type of fiber content, sorted and processed at a recycling facility.
Prohibitive Materials may not exceed 2%
Outthrows may not exceed 3%
- (56) Sorted Residential Papers & News (SRPN)
Consists of sorted newspapers, junk mail, magazines, printing and writing papers and other acceptable papers generated from residential programs (such as residential household and apartment collections and drop-off centers) sorted and processed at a recycling facility. Material should be free of containerboard and brown grades (OCC, Kraft bags, boxboard and Kraft carrier board).
Prohibitive Materials may not exceed 2%
Outthrows may not exceed 3%
- (58) Sorted Clean News (SCN)
Consists of sorted newspapers from source separated collection programs, converters, drop-off centers and paper drives containing the normal percentages of roto gravure, colored and coated sections. May contain inserts that would normally be included in the newspaper in the proper proportions. Grade must be free of excessive ink, brown grades and non-paper material. (Some mills may require pack to be free of flexographic inks.)
Prohibitive Materials may not exceed 1/2 of 1%
Outthrows plus prohibitives may not exceed 1%
Other papers may not exceed 10%

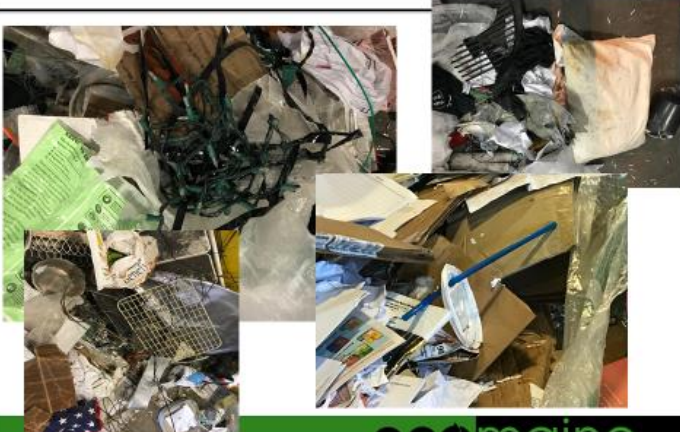
ISRI specifications vs China

Material	ISRI Prohibitives and Outthrows	China
Sorted Residential Papers (56)	2% Prohibitives & 3% Outthrows	0.5%
Mixed Paper (54)	2% Prohibitives & 3% Outthrows	0.5%

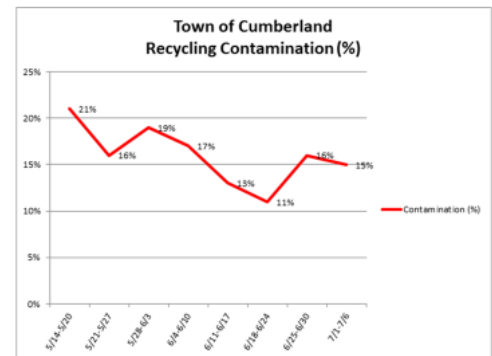
Prohibitives = Unusable
Outthrows = Unsuitable



Contamination



Recycling Contamination Data



Sorting Facilities – Cost to Remove Contaminants

- Facility Design Expectations
- Labor Shortage
- Cost of Labor
- Pressure to keep up
- Markets Dictate Quality



We All Play a Role in this Challenge

- Reducing Contamination at the Source & Public Education
- Recycling Facility – Removing Contaminants
- Technology Improvements
- Newspapers Will Continue to Disappear
- Have We Reached PEAK Cardboard?
- How will packaging continue to change?
- Waste Hierarchy Alternatives
- Leadership - Champions





Safety - Current Trends & Issues...

- Waste & Recycling collection workers have the 5th highest fatality rate... higher than police/firefighters
- 138 fatalities in 2017
- Labor shortage contributes to higher risks
- "Slow Down To Get Around" - campaign



ecomaine.org

ecomaine

Automation...



- Automation will improve safety & reduces costs
- Address Labor Shortage
- Carts and trucks may have more capacity going forward
- Paper is down 10%
- Transition to more flexible packaging will impact both recycling and solid waste

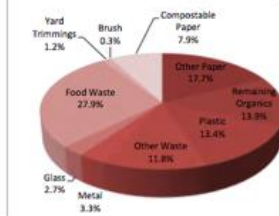


ecomaine.org

ecomaine

Food Waste

Maine Residential Waste Composition based on 2011 University of Maine Study



Food Waste comprises 20-30% of the average Maine trash can.

§2132. State goals

1. State recycling goal. It is the goal of the State to recycle or compost, by January 1, 2025, 50% of the municipal solid waste tonnage generated each year within the State.

<http://legis.maine.gov/bills/38/articles/2132.html>

ecomaine.org

ecomaine

28

Food scraps feed Maine

How Your Food Scraps Feed Maine



ecomaine.org

ecomaine

29

Food Waste Pilot Programs



ecomaine.org

ecomaine

30

One, Two, or Three Bins?



ecomaine.org

ecomaine

31



Consolidated Collection

- We estimate that ecomaine communities might save 10 to 20 percent in total collection costs associated with regionalization of the collection system
- And reduce collection GHG emissions by 10 percent

Collection	Option 1	Option 2	Option 3	Option 4
High	\$1,582,394	\$1,718,371	\$2,384,565	\$1,519,172
Low	\$791,197	\$859,186	\$1,192,283	\$759,586
Administrative	\$250,000	\$250,000	\$250,000	\$250,000
Net Savings				
High	\$1,332,394	\$1,468,371	\$2,134,565	\$1,269,172
Low	\$541,197	\$609,186	\$942,283	\$509,586
Carbon Savings (MTCE)	158	163	268	144

ecomaine.org

ecomaine

ecomaine.org

ecomaine

Data Used to Estimate Number of Trucks

Municipality	Centerline Miles	Stops	Density, HH's/Mile	Stops/Week Single Cart	Trucks Required	Stops/Week Two Carts	Trucks Required
Cumberland	80	3,000	37	3000	1.0	2429	1.2
Falmouth	102	3,700	36	3000	1.3	2429	1.4
Freeport	98	3,580	37	3000	1.2	2429	1.4
Gorham	156	5,447	39	3000	1.8	2429	2.1
Gray	104	3,044	29	2250	1.3	1929	1.5
Hollis	75	1,592	21	2250	0.7	1929	0.8
Limington	72	1,354	19	1750	0.8	1556	0.8
North Yarmouth	41	1,400	38	3000	0.5	2429	0.5
Portland	241	17,000	71	4000	4.8	2984	5.4
Pownal	44	650	15	1750	0.4	1556	0.4
Saco	127	7,485	59	3500	2.6	2722	2.6
Scarborough	169	6,300	37	3000	3.1	2429	2.9
South Portland	117	8,933	76	4000	2.8	2984	3.2
Windham	150	5,300	35	3000	1.5	2429	2.1
Yarmouth	68	3,544	52	3500	1.1	2722	1.3



ecomaine.org

ecomaine

ecomaine.org

ecomaine

Next Steps...

- Immediate Need: We need to clean up the recycling stream and keep the trash out!
- Planning Ahead: Do Our Member Communities Want To Automate and Regionalize Collection?

Thank You! Questions?



ecomaine.org

ecomaine

18 – 092 To hear an overview of the amended Subdivision Ordinance from the Planning Board Chairman and Conservation Subdivision Committee Chairman.

Planning Board Chairman, Steve Moriarty explained that in May of 2014, the Land Use Advisory Committee was formed and given several charges by the Town Council, such as looking at the boundaries of the Rural Residential Zones, the Office Commercial Zones, and study of the three growth areas. Another committee charge was to consider if a Conservation Subdivision Ordinance should be adopted. The committee gave its final report to the Town Council in June of 2015. One of the recommendations at that time was that a separate, independent Conservation Subdivision Subcommittee be appointed to study that issue and bring a fresh perspective to that topic. In November of 2015, a Council charge was adopted for the Conservation Subdivision Committee.

Mike Schwindt, Chairman of the Conservation Subdivision Committee, said that the areas of Town that the committee chose to identify for using the Conservation Subdivision are the RR1 and RR2 zones. One of the underlying principals the committee had was to insure that if someone had 10 building lots allowed on their land under current zoning, they should have the same number of lots using Conservation Subdivision, although they may be configured differently. Protecting the rural character of the Town was also considered, setting aside a minimum of 50% for open space. The committee worked for almost a year, and in October of 2017, they made a presentation to the Town Council. They met with the Planning Board in workshop numerous times to present the new ordinance and they now have a finished product and are looking for feedback from the Town Council and the public.

Mr. Moriarty said that the Planning Board met in workshop sessions with members of the Conservation Subdivision Committee and some of the Town Council to review the new ordinance. On June 19th the Planning Board voted to approve the new Subdivision Ordinance. Some of the key recommendations are:

- In the RR1 and RR2 zones only, conservation subdivision would replace the existing clustered subdivision option. However, it is not a requirement, it is one of two options (conservation or traditional subdivision).
- Some of the basic criteria of the conservation subdivision are:
 - 50% open space requirement
 - 25,000 sf minimum lot size requirement
 - 10 foot easement for access to open space
 - 75 foot buffer around the perimeter of the subdivision
- A clustered subdivision would require:
 - 25% open space requirement
 - A variety of minimum lot sizes based on the availability of public water and sewer

Chairman Copp asked for public comment.

Chris Neagle of Orchard Road said that he was a member of the Planning Board for 12 years, and he also served on the Land Use Advisory Committee. He does not like the finished product for the following reasons: He was taught by the Town Planner that with a Conservation Subdivision, the first step is to subtract “the bad land” (wetlands, flood plains, 20% slope, etc.), then take what is left and use a percentage (typically 20 – 30 %) and make sure reserved for open space, and allow development on the remainder of the “good land”. The Land Use Advisory Committee voted to get rid of cluster subdivisions because they don’t do a good job of protecting land. Contrary to what he thinks he heard this evening, the proposed Conservation Subdivision Ordinance still has a section for cluster subdivisions. Mr. Neagle said that this ordinance is not a Conservation Subdivision Ordinance. It does not require people to put some of the good land into open space. He would call it a High Density Cluster Ordinance. This ordinance proposes to allow our rural areas to be developed at a density that is unprecedented in our Town. This is in no other conservation ordinance that he has ever seen. With this proposed ordinance, if someone has 20 acres of land and 10 of it is “good land” and 10 of it is “bad land”, they

could put all the “bad land” into open space because it is defined by percentage of the whole parcel. The goal should be to keep the “good land” and use a certain percentage of that “good land” for open space and develop the rest.

Councilor Turner said that in regard to Mr. Neagle’s reference to “good land” and “bad land” and the “bad land” being the land that cannot be built on, that can be some of the most beautiful land on a piece of property and could allow for walking trails through it, etc.

Mr. Neagle said that the “bad land” (undevelopable land) is already prohibited by the State and nothing that the Town does will change that. We are talking about the rural zones in this ordinance and we may see one of the beautiful fields that we all love to see with a bunch of houses stacked up on half-acre lots. There is nothing like this allowed in the rural zones, yet.

Bethany Hayes of Bruce Hill Road said that she moved to Cumberland because when her real estate agent took her to look at her house, all she could hear was birds and all she could see was woods. The last time she came to a meeting, she got talked into approving a variance for an abutter who she thought was building his house on the back side of his 6-acre lot and she wouldn’t see it. He then split the bottom 2-acres off his parcel and built a house on it, virtually in her back yard. She now realizes that with this proposed ordinance, the same thing can happen on the other side of her property. She is here to represent the people who like space and moved here to be in a rural area with neighbors, but neighbors you can’t see. She is going to be really angry if the view is taken from the other side of her house with cluster houses on small lots.

Melissa Richter of Solar Way said that she is concerned about this ordinance and wondered if anybody has taken the ordinance and looked at the large parcels of land in Town to see how many people would be affected by it. Her concern is that a lot of these parcels are long and narrow and the 75-foot buffer zone would significantly impact the option of clustering at all. A buffer zone that large, with smaller lots, will significantly impact those who want to put solar panels on their home and actually get solar power.

John Paynter of Greely Road Extension said that he lived in a Town many years ago who adopted a similar conservation ordinance. They allowed lots to be half the size of the original zoning with the other half going into open space. He is concerned about the 25,000 sf lot size because of space needed for a septic systems and wells.

Curtis Ingram of Greely Road said that he heard a lot of data this evening and suggested a written summary of the items added to the ordinance, the items that were deleted, the changes, and a matrix of what the changes really mean and what the changes to our current process really are.

Ted Chadbourne said that Mr. Neagle’s comments were very thoughtful and helpful.

Town Manager Shane said that this ordinance needs to be looked at a little bit closer to avoid unintended consequences. He thanked Mr. Neagle for his thoughtful comments. We will continue the process and work with staff and the Town Attorney to review this ordinance thoroughly and continue to take public comment at the next meeting.

Chairman Copp reminded everyone that there is no action on this item this evening, only to hear an overview on the ordinance amendments. The Council has no intention to rush it. He thanked everybody for their valuable comments.

18 – 093 To hold a Public Hearing to consider and act on amending the current Credit Enhancement Agreement with Grun Development and to assess Grun Development a fee of \$2,000 for the re-drafting and advertisement of the revised Credit Enhancement Agreement.

Motion by Councilor Bingham, seconded by Councilor Turner, to table to July 23rd.

VOTE: 7-0 UNANIMOUS

18 – 094 To set a Public Hearing date of July 23rd to set the FY2019 tax rate.

Motion by Councilor Stiles, seconded by Councilor Bingham, to set a Public Hearing date of July 23rd to set the FY2019 tax rate.

VOTE: 7-0 UNANIMOUS

18 – 095 To set a Public Hearing date of July 23rd to set rates at which interest will be paid for delinquent taxes and to authorizing applying tax payments to the oldest unpaid taxes.

Motion by Councilor Stiles, seconded by Councilor Gruber, to set a Public Hearing date of July 23rd to set rates at which interest will be paid for delinquent taxes and to authorizing applying tax payments to the oldest unpaid taxes.

VOTE: 7-0 UNANIMOUS

VI. NEW BUSINESS

Councilor Bingham – none

Councilor Gruber – Hannaford donates a lot of product to our Food Pantry. Since they feel that we are a very credible Food Pantry, they will donate every dollar for the reusable shopping bags sold at the Yarmouth store during the month August to our Food Pantry.

Councilor Edes – none

Councilor Storey-King – The Ordinance Committee met recently to review animals, mobile food trucks, language for corner lots and where the frontage is located on corner lots, and allowing self-storage units in the VCC zone.

In regard to the CMP Bright Line project, there is a very important deadline coming up this Thursday for people to have a say in the project. The Town Manager will talk more about this.

Chairman Copp – Condolences to the family of Frances Budd who passed away at the age of 98.

Councilor Stiles – He thanked Councilor Copp for his donation to the 4-H auction. The auction takes place every year at the Cumberland Fair and it benefits the Food Pantry with meat products. He urged everyone to donate.

He spent a wonderful July 4th holiday at camp with 3 of his grandchildren.

He asked the Town Manager if there have been any sightings or concerns with rabid animals in Town such as the problems that they are having in Brunswick.

Town Manager Shane said that there have been a few incidents in and around the Town Forest and Twin Brook. A porcupine that was acting strangely and was taken care of by the Animal Control Officer recently. If anyone sees an animal who seems to not be acting quite right, contact the Police Department. No reports of rabies have been identified.

Councilor Turner – He encouraged everybody in Town who has not been to the beach at Broad Cove Reserve to do so. It is a wonderful facility.

Town Manager Shane – The August 13th Town Council meeting will be held at the West Cumberland Hall. It will not be televised because we do not have the equipment to record meetings outside of Town Hall.

In regard to CMP's Bright Line project, the Town would like to ask for intervener status in order to obtain information. If a private citizen asks for the information, most of it will be redacted. If the Town requests intervener status, none of the information will be redacted and we can make it available to the public.

Motion by Councilor Bingham, seconded by Councilor Stiles to seek intervener status.

VOTE: 7-0 UNANIMOUS

VII. ADJOURNMENT

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

VOTE: 7-0 UNANIMOUS

TIME: 9:31 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary