MINUTES

Cumberland Town Council Meeting
Town Council Chambers
MONDAY, May 22, 2017
Aging in Place Volunteer Appreciation and Recognition Event 5:30 – 6:45 P.M.

7:00 P.M. Call to Order
Present: Councilors Copp, Gruber, Stiles, Storey-King and Turner
Excused: Councilors Bingham and Edes

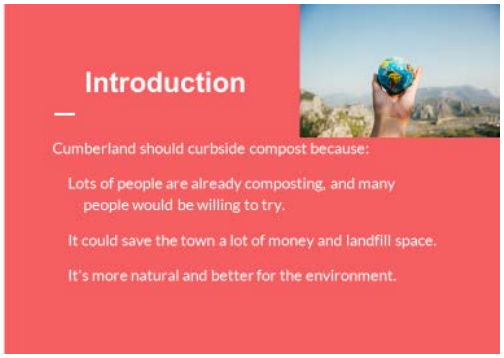
I. APPROVAL OF MINUTES

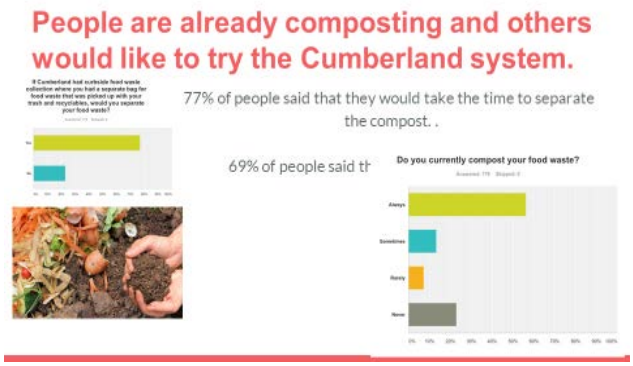
Motion by Councilor Copp, seconded by Councilor Gruber, to accept the May 8, 2017 meeting minutes as presented.
VOTE: 5-0 UNANIMOUS

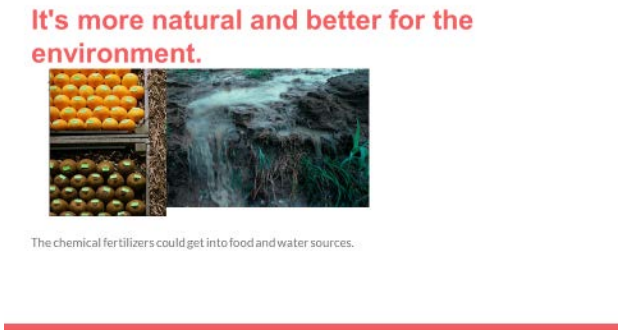
II. MANAGER'S REPORT

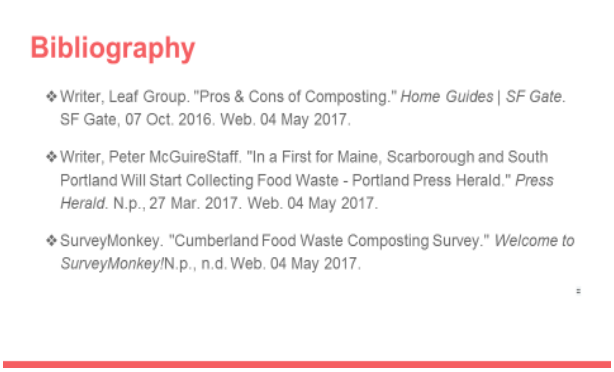
Two Greely Middle School students from Mrs. Levinsky's 7th grade class presented the following on their food composting survey:

Sara Carlson's presentation:

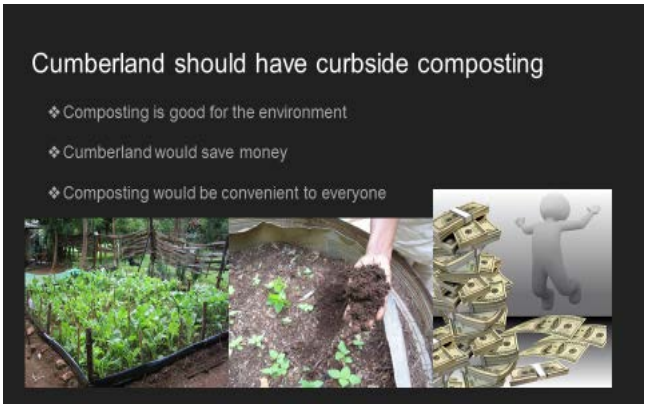


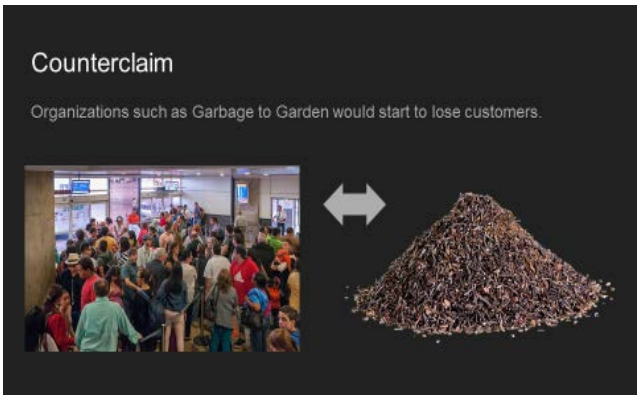


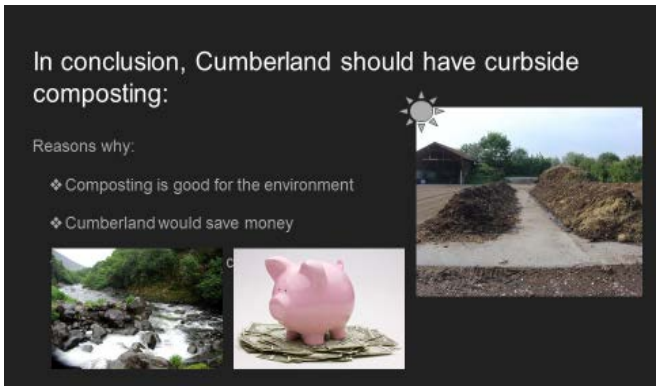


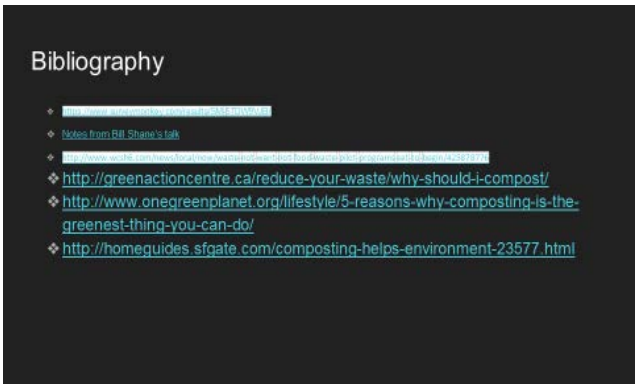


Alex Collins's presentation:







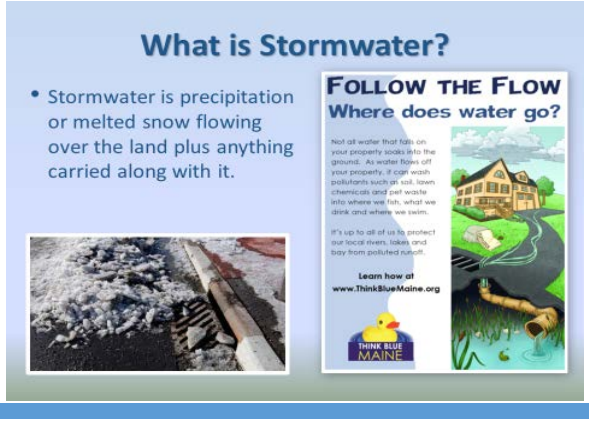


III. PUBLIC DISCUSSION

Brad Hilton of Blanchard Road said that he is impressed with the Town budget, but he is unhappy with the school budget. There are two problems with the school budget. One is the reduction in funding from the State, and the other is the fact that we are spending much more per student in our school compared to neighboring schools. If you do the math, we are spending $18,000 per student, per year. Our neighboring schools are paying $2,000 less per student. The State is now getting smarter in their school subsidy calculation and schools that are inefficient are being intentionally penalized. As our school becomes more inefficient, it will hurt us even more next year as the State subsidy keeps going down.

IV. LEGISLATION AND POLICY

17 – 079 To hear a report from the Public Services Department re: stormwater program.
Public Services Administrative Assistant, Laura Neleski, presented the following:



Polluted Stormwater

- Drainage systems also carry pollutants like sediment, oil, fertilizers, salt, pet and farm animal waste and trash.
- Rainwater that falls on paved streets, lawns, parking lots and sidewalks becomes polluted stormwater.

CWA requires regulation of stormwater discharges

Municipal Permit

- 5 year permit cycles
- 1st permit issued in 2003 – next permit due in 2018
- Additional regulations required with each new permit cycle
- DEP administers Maine's permit
- Each regulated community must develop and submit a Stormwater Plan consistent with the permit

Our Permit requires full compliance with 6 "Minimum Control Measures"

All regulated municipalities can expect to be audited each permit cycle for Clean Water Act Permit compliance

Common Deficiencies found through the DEP's Auditing are:

- ❑ **MCM3: Illicit Discharge Detection & Elimination**
  - ➢ Clear procedures and follow up
- ❑ **MCMs 4 & 5: Stormwater Management During & After Construction**
  - ➢ Site inspections during construction
  - ➢ Process for inspecting stormwater systems after construction
- ❑ **MCM6: Good Housekeeping & Pollution Prevention**
  - ➢ Stormwater Pollution Prevention Plans (SWPPPs)
  - ➢ Staff training & standard operating procedures / work practices
- ❑ **ALL:** Documentation of required activities

Stormwater Program Audits

- We were Audited in May 2016 by the MDEP
  - ➢ Results – Excellent
- A significant reason we were successful with our audit was Interdepartmental Coordination in paying attention to these details – We checked all the boxes!

✓ **MCM3: Illicit Discharge Detection & Elimination**
- ➢ Clear procedures and follow up

✓ **MCMs 4 & 5: Stormwater Management During & After Construction**
- ➢ Site inspections during construction
- ➢ Process for inspecting stormwater systems after construction

✓ **MCM6: Good Housekeeping & Pollution Prevention**
- ➢ Stormwater Pollution Prevention Plans (SWPPPs)
- ➢ Staff training & standard operating procedures / work practices

✓ **ALL:** Documentation of required activities

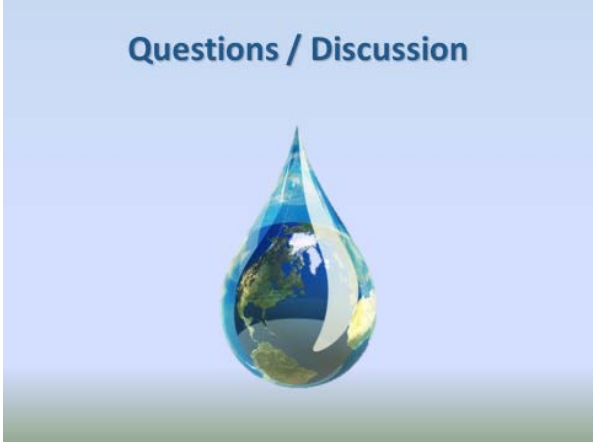
Obviously, Cumberland is doing a very good job complying with the 2013-2018 Stormwater Permit. However, there have certainly been some challenges along the way:

- The quantity of inspections
- Time required for tracking and documentation
- The technical knowledge needed to ensure compliance

And as we mentioned earlier, each Permit adds on the previous Permit so it's certain that we'll have additional requirements come 2018.

Cumberland County Soil & Water Conservation District

Here to explain this a bit more is Jodie Keene, the Outreach Coordinator for Cumberland County Soil & Water Conservation District.



17 – 080 To consider and act on amendments to Chapter 315 (Zoning) of the Cumberland Code, including, but not limited to Section 315-4 (Word usage and definitions) and Section 315-59.1 (Registered dispensaries), and a new Section 315-59.2 (Retail Marijuana) in order to prohibit retail marijuana establishments and retail marijuana social clubs within the Town of Cumberland.

Town Manager Shane said that the Planning Board vote was a split 3/3 vote. Some of their concern was that the State has not implemented rules and regulations in regard to the legalization of marijuana and some of the Planning Board members thought it may be wise to wait through the moratorium. Many people get confused about the fact that the Town is not trying to regulate the personal use of marijuana. We are only allowed to regulate the retail sale. Right now, the zones that allow the retail sale of anything are Main Street, the VCC Zone (Route 100 area) and the MUZ Zone (near J. Brothers Variety).

Chris Neagle of Orchard Road asked why are we opposing marijuana, other than the fact that it is marijuana, especially when we encourage the sale of alcohol. They are very different recreational drugs, with one being far more dangerous than the other. Alcohol is the most common drug. He knows someone in every single profession in our state who smokes marijuana and he has never seen anyone's career affected by it. He tries to base his decisions on facts and not opinions. Apparently, someone in our Town has an opinion that selling marijuana in Cumberland is a bad idea. He still has not heard any fact as to why it is a bad idea. First, nobody has ever died from smoking to much pot, but alcohol can kill. Pot is not addictive, but alcohol is. Pot wears off after a few hours with no effects the next day. People with hangovers from alcohol regularly affect commerce in our country. Marijuana has legitimate medical benefits. Alcohol is seldom prescribed for anything. There have been stores selling medical marijuana in Maine for a few years and

there have been no reports of incidents or any danger to the public. People are going to obtain and smoke marijuana in our community no matter what the Council does and banning the sale of marijuana is not going to change that. It will only send them to another Town that is a little more ahead of the curve than we are, taking their economic activity with them. So much for Cumberland being business friendly. We have a non-dangerous, legal drug that we do not want in our Town and nobody can give him a reason why not. If we allow alcohol to be sold in Town, we ought to at least try the retail sale of marijuana.

Chairman Turner said that everything that Mr. Neagle said makes a lot of sense, but he is going to take umbrage with a couple of Mr. Neagle's points. Recently, a resident who is a retired District Attorney gave the argument that marijuana is a gateway drug. It is very obvious that marijuana today is much more potent than it was in the 60's. He believes that people can do what they want to within the confine of their home. The retail sale of marijuana could be very lucrative in this Town, but it can also be very difficult to administer. There are a lot of reasons why people may think that the retail sale of marijuana in Cumberland is not appropriate, and have no prejudices against people using marijuana.

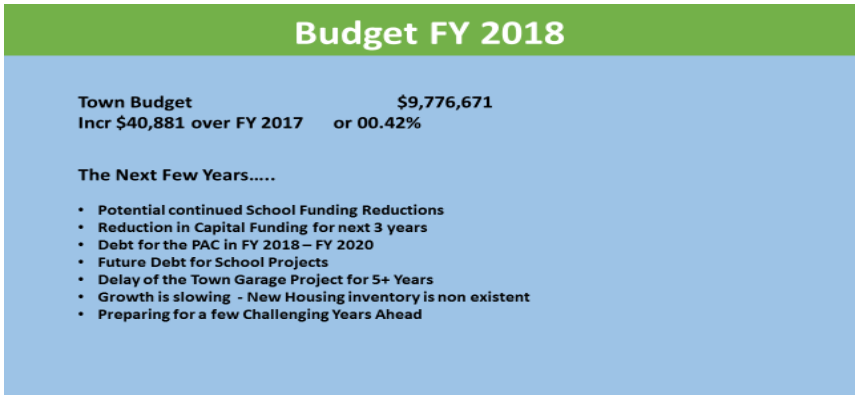
Councilor Stiles said that the retail marijuana stores can disturb their neighbors due to the smell that comes from them. He has seen this happen. He knows of motor vehicle accidents being caused by an impaired driver who smoked marijuana.

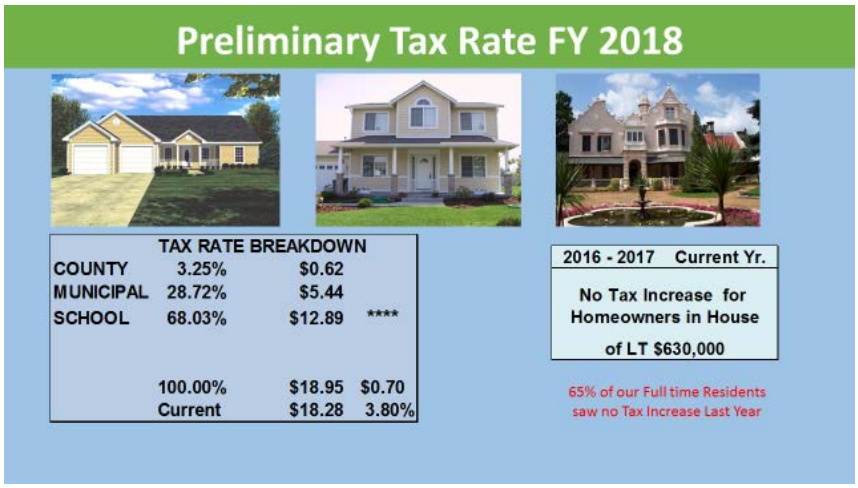
Councilor Copp said that he has no problem with someone going to a different Town to buy marijuana. He thinks that is a good thing. You can't buy a cup of Dunkin' Donuts coffee or a Big Mac in Cumberland. He does not think it's a big deal that you won't be able to buy marijuana in Cumberland.

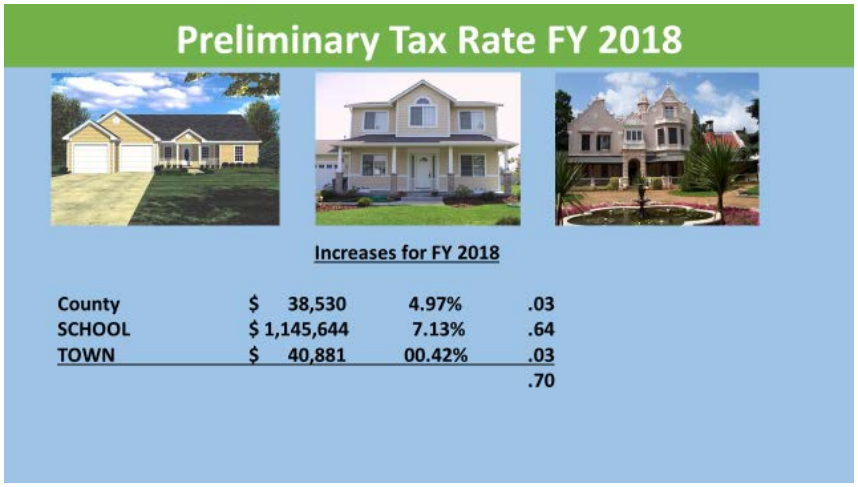
Motion by Councilor Gruber, seconded by Councilor Copp, to amend Chapter 315 (Zoning) of the Cumberland Code, including, but not limited to Section 315-4 (Word usage and definitions) and Section 315-59.1 (Registered dispensaries), and a new Section 315-59.2 (Retail Marijuana) in order to prohibit retail marijuana establishments and retail marijuana social clubs within the Town of Cumberland.
VOTE: 5-0 UNANIMOUS

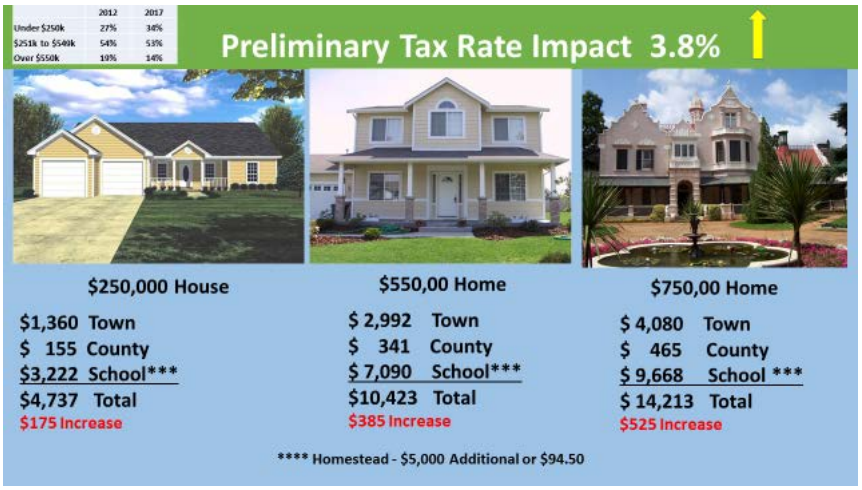
17 – 081 To consider and act on moving the June 12th and 26th Town Council Meetings to June 5th and 19th due to the election.
Motion by Councilor Stiles , seconded by Councilor Storey-King, to switch the June 12th and 26th Town Council Meetings to June 5th and 19th due to the election.
VOTE: 5-0 UNANIMOUS

17 – 082 To hold a Public Hearing to consider and act on adoption of the FY2018 Municipal Budget.
Town Manager Shane presented the following:









Motion by Councilor Stiles, seconded by Councilor Gruber, to set the Municipal FY2018 General Fund Expenditure budget at $10,590,575.00 (includes County Tax) and the General Fund Non-Property Tax Revenues Budget of $4,687,399.00 to offset the impact of property taxes, as recommended by the Finance Committee.
VOTE: 5-0 UNANIMOUS

V. NEW BUSINESS

Councilor Gruber – The Ocean Access Committee met last week and voted to place the gate at Broad Cove Reserve so that there could be no access to the parking lot at night.

The Finance Committee (minus Councilor Bingham) met with the auditors last week. He is very impressed by the report that they received from them.

Councilor Storey-King – There seems to have been a lot of trash all around Town during bulky waste pick up week. She would be curious to see what the final numbers are.

She has received a complaint regarding the quality of Channel 2. The audio is cutting out intermittently.

Chairman Turner – He asked the Town Manager if the walking loop at Broad Cove Reserve (that was supposed to be completed by the developer) has been completed.

Town Manager Shane said that his understanding is that the piece that goes across private property was to be dedicated to the Land Trust. He will see if he can find out what the status is.

Councilor Stiles – The Library Board met recently. Circulation is up by 2,500 books, visits are up 1,400 and passport revenue is up 40%. There are many wonderful free events at the Library that he urged the public to check out.

Construction of the new fire station is coming along nicely.

He attend the funeral of long time Cumberland resident, Sidney Stratton. He will be missed.

He reminded the public of his efforts to raise donations for the 4-H auction at the Cumberland Fair that will benefit the food pantry.

He asked the Manager if there has been any progress with Brad Hilton's challenge to obtain trail easements that will include an easement on Mr. Hilton's property in order to connect trails.

Town Manager Shane said that he will have the draft document ready for the Council and Mr. Hilton to review soon.

Councilor Copp – His condolences to the Stratton family and to Councilor Stiles, who was a dear friend of Mr. Stratton. Mr. Stratton will be missed by many.

He asked the Town Manager where people can legally park at Broad Cove Reserve.

Town Manager Shane said that all parking is in the parking lot only. After Memorial Day, the park will be staffed and tickets will be given to those parking on Beach Drive.

This Wednesday at 6:00 p.m. there will be a new resident orientation in the Council Chambers.

He thanked Brad Hilton for his input on the budget. He hopes that there are other residents who take as much interest in the budget as Brad does. His son is 27 years old, owns a home in

Cumberland, has a wife and 2 small children and he is not sure that he can afford to stay in Cumberland to raise his family if taxes keep going up.

Town Manager Shane – Last year, we started the tradition of holding one Council meeting a year at the West Cumberland Hall. This year, that meeting will be on July 10th with 2 important issues to West Cumberland residents being discussed. Back in the late 80's there was an incident where chemicals got into the acquirer and nobody ever was ever able to determine how this happened. Sevee and Maher Engineers will give a presentation on that situation, where we are now, and answer questions. The other issue discussed will be the number of trucks on Blackstrap Road and Route 100. People are concerned about the gravel extraction ordinance and how that works. This meeting will not be televised but public attendance is encouraged.

We received a thank you letter from the Historical Society thanking the Council and Town Staff for their assistance with the Historical Society's scavenger hunt. The event was a huge success.

The Memorial Day parade will be held in the High School gym if it is raining on Monday morning. Either way, that parade will begin at 10:00 a.m.

VI. ADJOURNMENT

Motion by Councilor Copp, seconded by Councilor Storey-King, to adjourn.
VOTE: 5-0 UNANIMOUS
TIME: 9:14 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary