

MINUTES

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, June 4, 2018

6:00 P.M. Executive Session

7:00 P.M. Call to Order

6:00 P.M. Call to Order

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

Executive Session pursuant to 1 M.R.S.A., § 405(6)(C) re: real property

Motion by Councilor Stiles, seconded by Councilor Bingham, to recess to Executive Session pursuant to 1 M.R.S.A., § 405(6)(C) re: real property.

VOTE: 7-0 UNANIMOUS

TIME: 6:04 P.M.

Reconvene to regular session at 7:02 P.M.

I. APPROVAL OF MINUTES

Motion by Councilor Bingham, seconded by Councilor Gruber, to accept the May 14, 2018 meeting minutes as presented.

VOTE: 7-0 UNANIMOUS

II. MANAGER'S REPORT

- **Swearing in of Police Officer, Ryan Pynchon**

Deputy Town Clerk, Eliza Porter administered the oath to Police Officer, Ryan Pynchon.

- **Town Clerk presentation on Rank Choice Voting**

Town Clerk, Tammy O'Donnell and Deputy Town Clerk, Eliza Porter played a video on rank choice voting that the Secretary of State developed. The video can be viewed at www.cumberlandmaine.com

III. PUBLIC DISCUSSION

Cathy Wright of Skillin Road thanked Town Manager Shane for having the courage to speak at the School Board meeting regarding the school budget. She encouraged everybody to vote on the school budget. If you don't feel that the school budget is very frugal, you should vote no.

Rick Doane of Catalpa Lane asked if there has been any response in regard to the resolution that the Town Council passed which asked the School Board to engage in some budget review and dialogue.

Chairman Edes responded that there has been some reaching out by the Town to get things back on track in regard to communication. The Town Council has done what they consider to be the right thing and they are moving forward. The Town Council appreciates the school, the School Board, and they appreciate that they have to have a good relationship with the School Board moving forward. The Council stands by the resolution.

Mr. Doane said that if you look at some of the comments by some of the School Board members, in public and on social media, leading up to the school budget hearing, there were personal attacks and criticism toward the Council and the Town. He is fearful that this School Board will take a vote in favor of their

budget next Tuesday as “winning”. He encouraged the Council to stay with the efforts to have a dialogue with the School Board.

IV. LEGISLATION AND POLICY

18 – 074 To hear a report from the Police Chief re: vaping.

Police Chief Rumsey presented the following:



Vaping Basics

vaping atomizer JUULING
e-cigs **Terms** vape pen
box juice mod electronic nicotine
e-liquid e-hookahs delivery system

Some E-Cigarettes Look Like Regular Cigarettes

But they have different components that include:

- A rechargeable lithium battery, that can be charged with a USB connector.
- A cartridge containing nicotine, flavoring and chemicals like glycerin or polyethylene glycol. (Since they are not regulated, they may not list all their ingredients).
- An atomizer, which consists of a heating coil.
- An LED light to simulate a burning cigarette.
- A sensor that registers when you take a drag and activates the atomizer and LED light.

Sometimes referred to as first generation products, as the first e-cigarettes on the market look a lot like this.

Vape Pens



These e-nicotine devices look more high-tech. They operate in much the same way as first generation e-cigs, but have a refillable chamber for e-liquid and are a bit larger in size.



Sometimes referred to as second generation products, because they were the second wave of e-devices. These can be purchased online and in specialty smoke-shops which also carry a wide variety of e-liquids in assorted flavors.

Personal Vaporizers



This is a high voltage personal vaporizer. It has a large atomizer, and can produce larger amounts of vapor than vape pens picture on the previous slide.

You can also purchase room vaporizers.

These are third generation products which are also available online and in specialty shops.



Other Vaping Devices



PAX by PLOOM



Loose-Leaf Vaporizer

The Vapor

E-cigarettes produce large clouds of vapor, which have the subtle smell of whatever flavor e-liquid is in it.

Since e-cigarettes are not regulated, it's difficult to know exactly what's in the vapor every time. However we know it's **more than just water vapor**.

Some vapor has been proven to have harmful chemicals such as: **toluene, acetaldehyde, benzene, cadmium, formaldehyde, isoprene, nickel, lead, and nicotine.**



Youth Health Concerns

- Brain risks
- Addiction
- Behavior Risks
- Harm to Lungs



Regulations on E-Cigarettes

- Until recently, e-cigarettes have not been regulated at the federal level and there have not been requirements for ingredient testing or disclosure.
- Some e-cigarette labels do not disclose that they contain nicotine.



MSAD 51 District Policies

- Smoking of any products (including e-cigarettes) is prohibited on school grounds, in school vehicles, and when school is not in session at all times by all persons.
- Students are prohibited from possessing, selling, distributing, or dispensing tobacco products on school property or in school vehicles at all times (this includes any school events).
- Employees are prohibited from selling, distributing, or dispensing tobacco products.
- Employees may not use tobacco products or electronic smoking devices at any time while supervising students, whether on or off school property.

Maine Laws

- Under Maine law, e-cigarettes are considered tobacco products and cannot be sold to anyone under 18 (This will be changing to age 21 in July 2018).
- In 2015, Maine passed a law prohibiting the use of e-cigarettes in the same public places where smoking is prohibited.

References

Get the Facts on E-cigarettes | Know the Risks: E-cigarettes & Young People | U.S. Surgeon General's Report. (n.d.). Retrieved December 20, 2017, from <https://ecigarettes.surgeongeneral.gov/getthefacts.html>

Smoking & Tobacco Use. (2017, November 06). Retrieved December 20, 2017, from https://www.cdc.gov/tobacco/basic_information/e-cigarettes/index.htm



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18 – 075 To hold a Public Hearing to consider and act on amendments to Chapter 17 (Animal Control) of the Cumberland Code, as recommended by the Ordinance Committee.

Councilor Storey-King explained that the Ordinance Committee has re-visited the Animal Control Ordinance and the Animal Control Officer has made some suggestions in order to comply with State Law. These amendments also effect Chapter 200 (Roads and Public Property), which is the next agenda item.

Chief Rumsey added that when the Police Department is enforcing issues in regard to dogs, it makes it much easier when State Law applies. These amendments will help with enforcement.

Chairman Edes opened the Public Hearing.

Public discussion: Paul Bernard said that his property abuts the Rines Forest. His dog has been attacked by another dog, who was allowed to run unleashed, in his own yard. Some people don't know how to train their dogs to be obedient. He has had several other issues with loose dogs and people walking through his yard at night with flashlights looking for their dogs who they let run loose in the Rines Forest. Something has to be done about it.

Bill Kinney said that he volunteers at the Food Pantry on Friday's. He has witnessed loose dogs come running from the Town Forest toward people leaving the Food Pantry, who may not be very steady on their feet. The owners say "it's ok, he's friendly". It doesn't matter if a friendly dog jumps on them. This is an issue.

Chairman Edes closed the Public Hearing.

Animal Control Officer, Bobby Silcott encouraged people to call and report any incident, no matter how big or small it might be. He has not had to issue a summons to anybody yet. He finds people to be very compliant when warned and the majority of the time, they want to do the right thing in regard to their dogs and following the rules.

Councilor Gruber said that these amendments are very good and he appreciates all the effort that went into them, but he is having difficulty with the fact that the Town Forest will be leash only. He will vote against this.

Motion by Councilor Storey-King, seconded by Councilor Copp, to amend Chapter 17 (Animal Control) of the Cumberland Code, as recommended by the Ordinance Committee.

VOTE: 6-1 (Gruber opposed) MOTION PASSES

18 – 076 To hold a Public Hearing to consider and act on amendments to Chapter 200 (Roads and Public Property), Article I (Roads and Town Owned Property), Section 2 (Animals at large) of the Cumberland Code, as recommended by the Ordinance Committee.

Councilor Storey-King explained that this is simply language amendments to match State Law.

Chairman Edes opened the Public Hearing.

Public discussion: none

Chairman Edes closed the Public Hearing.

Motion by Councilor Gruber, seconded by Councilor Stiles, to amend Chapter 200 (Roads and Public Property), Article I (Roads and Town Owned Property), Section 2 (Animals at large) of the Cumberland Code, as recommended by the Ordinance Committee.

VOTE: 7-0 UNANIMOUS

18 – 077 To hold a Public Hearing to consider and act on the removal of the stop sign at the intersection of Farwell Avenue and Prince Street, as recommended by the Police Chief, and pursuant to Section 282-6 (Stop and yield intersections) of the Cumberland Code.

Chief Rumsey said that he was approached by a resident of this neighborhood who had concerns about this particular stop sign. The placement of the stop sign on Farwell Avenue is unusual. The area is flat and level, and lines of sight on Farwell are unobstructed. Chief Rumsey is recommending removal of the stop sign.

Chairman Edes opened the Public Hearing.

Public discussion: Adam Dews of Farwell Avenue said that he would like to see the stop sign stay. It helps slow the traffic going up Farwell. The notice that was sent to the neighborhood was misleading. It said that it was the

removal of the stop sign at Prince Street and Farwell. That is not correct. It should be the stop sign at Hemlock and Farwell. He would like this item tabled and a new notice sent to the neighborhood.

Chief Rumsey agreed. This was his mistake and he would like another opportunity to address concerns of the neighborhood. He apologized for the mistake.

Chairman Edes closed the Public Hearing.

Motion by Councilor Gruber, seconded by Councilor Bingham, to table to June 25th.

18 – 078 To consider and act on accepting the gift of a 4-acre parcel to be included as part of the Rines Forest conservation easement and to issue a gift letter.

Town Manager Shane explained that Paul Bernard developed a subdivision and after Planning Board approval, the neighbors sued for the overburden of the easement with the new subdivision that Windsor Lane received from Oxford Lane. Over time, Mr. Bernard worked with the neighbors and they have come to the resolution of forfeiting one of the undeveloped lots to the Town for open space that would be part of the Rines Forest Conservation Easement.

Town Manager Shane asked Mr. Bernard to clarify if the easement is only for the Windsor Lane residents to go across to Oxford Lane.

Mr. Bernard said that the legal description says that the 15 foot easement will go through lot 5 connecting to the new Rines Forest Trail, which will give access to Rines Forest to the Windsor and Oxford Lane neighborhoods.

Councilor Copp said that he does not see a benefit to the Town if they accept this lot. It does not benefit all the residents, it only helps 8 households.

Councilor Turner said that he feels that in regard to any lot that the Town or Land Trust owns that abuts Rines Forest, if it isn't a detriment, it is an asset.

Councilor Storey-King said that she recalls that the Council agreed to forward any land purchases or gifts to the Lands and Conservation Commission for their recommendation.

Councilor Gruber said that the Lands and Conservation Commission will meet this week and they can look at it then.

Motion by Councilor Gruber, seconded by Councilor Storey-King, to table to June 25, 2018.

VOTE: 7-0 UNANIMOUS

V. NEW BUSINESS

Councilor Bingham – None

Councilor Gruber – The Finance Committee met recently to approve the Power Purchase Agreement with Revision Energy for the solar project. They also met with the Historical Society to discuss their long range plans.

The Food Pantry continues to do well and he thanked all the volunteers who make it happen.

Baseball and softball playoffs will start next week.

Brown Tail Moths are a real problem and effects the health of many residents. He thinks we should look at our program again before winter. He requested that it be put on a future Council agenda.

He attended the funeral of Dick Brobst. Dick was a good friend and previous Fire Chief in North Yarmouth.

Condolences to the family of Margie Ventresca, who passed away recently.

The Memorial Day parade and speech by Councilor Bingham was great again this year, as always.

Councilor Storey-King – Scholarships are not given out at Greely graduation anymore. Instead, they put an insert in the graduation program listing how many scholarships are awarded. Over \$55,000 in scholarships are given out in our community, including \$13,500 from the Lions Club. The winner of the John M. and Lillian R. Kimball award went to Michaela Ellison this year and the winner of the Storey Family Scholarship went to Brook Bickford, Councilor Stiles granddaughter.

Councilor Copp – This is Chairman Edes last meeting as chairman. He thanked him and said that he did a great job.

He saw pictures of the Land Trust's annual horseshoe crab event. It looks like a great event that he is looking forward to taking his grandchildren to next year.

Chairman Edes – He urged everyone to vote on June 12th.

He thanked the Council for the past year. He enjoyed his year as Chairman and appreciated the support of the Council.

Councilor Stiles – He thanked Councilor Copp for his donation to the 4-H auction to benefit the food pantry and urged the community to donate to this great program.

He attended his granddaughters' graduation at Greely. It was a tremendous event that went very smoothly. He thanked those who chose his granddaughter for scholarships.

The election is coming up on June 12th. He urged everyone in Town to get out and vote.

Councilor Turner – The annual horseshoe crab event that the Land Trust hosts was very well done and very well attended. Everybody should try to attend.

Town Manager Shane – As discussed at a previous meeting, there has been a large food truck on Main Street, and the owner asked if it would be possible to either develop an ordinance to allow food trucks in Town or allow him to park it on public property during large events. The Manager said that he would bring the request to the Council.

Councilor Bingham said that he feels we would have to do an ordinance amendment. Having an agreement with one individual could be a slippery slope. The Ordinance Committee should look at this.

Town Manager Shane said that if we handle it with an ordinance change, specific zones would have to be identified where it would be allowed. If we only allow it on Town property, with a licensing

requirement, it would be more like a mass gathering permit process where the applicant would have to come before the Council for permission on a case by case basis.

Councilor Copp added that he would like the stipulation that only Cumberland residents be allowed to apply for a food truck license.

VI. ADJOURNMENT

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

VOTE: 7-0 UNANIMOUS

TIME: 9:05 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary

*minutes prepared from meeting video. Not present at meeting.