

MINUTES
Cumberland Town Council Meeting
Town Council Chambers
MONDAY, December 12, 2011

6:00 P.M. WORKSHOP re: draft amendments to the Site Plan Ordinance

7:00 P.M. Call to Order

Present: Chairman Perfetti, Councilors Moriarty, Turner, Storey-King, Gruber, Copp & Stiles.

I. APPROVAL OF MINUTES

November 28, 2011

Motion by Councilor Gruber, seconded by Councilor Copp, to accept the minutes as presented.

VOTE: 7-0 UNANIMOUS PASSAGE

II. MANAGER'S REPORT

Boy Scout, Sam Parkinson, and Scout Master, Joe Kurlanski, of Troop 58 donated \$500 that the troop raised from a bottle drive to the Veterans Monument project.

Town Manager Shane asked the public to consider remembering the Veterans Monument fund or the Town's benevolent fund for their year-end tax deductible donations.

Library Director, Thomas Bennett has continued researching and verifying the Veterans names and military information of the names collected. There will be a focus group on December 13th at 9:00 a.m. at the Library to review the list and fill in any missing information or names.

Fire Chief, Dan Small told the Council that he and three other Fire Department members has just returned from training in Texas that was paid for through several grants that the Fire Department received. Chief Small said the training was a simulated train derailment accident and was a very good experience.

Town Manager Shane said that the City of Portland Fire Department awards banquet was held in October and a few Cumberland Fire Department members received awards:

The Esprit De Corps award went to Fire Fighter Wendell Howard

The Deputy Chief William H. Steele Unit Citation award went to Fire Fighter Mark Stewart

The Captain John F. Rafferty Officer of the Year award went to Lieutenant Daniel Small.

III. PUBLIC DISCUSSION

None

IV. LEGISLATION AND POLICY

11 – 186 To hear a report from Cumberland Police Officer, Ryan Martin re: "bath salts".

Officer Martin presented the following to the Council:

Officer Ryan Martin
Cumberland Police Department



Bath Salts: A major problem in Maine

Bath Salts

What are they?
What are they called on the street?
Where does it come from?
How do they take it?
What effects do they have on people?
How long will the intoxication last?
What is being seen on the streets for behaviors?

Products marketed as....

Bath Salts	Toy Cleaner
Plant Food	Decorative
Research Chemicals	Jewelry Cleaner
"not for human consumption"	Glass Cleaner.

St. Louis area head-shop is selling the drug under the name Cosmic Blast jewelry cleaner.

Bonsai Grow
Blow
Recharge
Lust
white widow
copycat cocaine
White Horse
Lovey Dovey
MCAT
Fake cocaine
Jewelry cleaner
Cosmic Blast
White Rush



Man arrested after being found standing over goat, wearing women's underwear

CHARLESTON, W.Va.

Man commits suicide after using "bath salt"
Bremen, Ind.

Man allegedly high on bath salts runs around naked, breaks into home.
Florida

Bangor police chief says bath salts creating crisis
BDN



Street names

Ivory Wave
Vanilla Sky
Energy 1
Explosion
Meow Meow
Plant food
Bubbles
Purple Rain
Cloud 9



Red Dove
Blue Silk
Zoom
Bloom
Ocean Snow
Lunar Wave
Scarface
Hurricane Charlie
White Lightning
Eight Ballz



What's it called on streets in Maine?

Monkey Dust
Anything "Monkey"



In the Bangor area strains of monkey dust frequently found are:

1. "Brown"
2. "Fluff" - white and disappears when smoked
3. "Instant Retardation" - yellow, the effect is how it got its name.

Sources

These substances are currently illegal

They can no longer be purchased in the head shops or convenience in Maine due to the recent legislation

The internet remains the main source



Mephedrone (4-MMC) 100g \$430 500g \$1400 1000g \$2400	Bulytone (bk-MBDB) 50g \$430 100g \$800 500g \$2325 1000g \$3985	JWH-018 25g \$350 50g \$625 100g \$1100 500g \$2870
Methylone (bk-MDMA) 50g \$340 100g \$590 500g \$1600 1000g \$3130	MDPV 25g \$355 50g \$640 100g \$1270 500g \$4535	TFMPP 100g \$250 500g \$750 1000g \$1200
MDAI 100g \$800 500g \$2500	JWH-250 10g \$350 25g \$800	BULK

Internet Prices

Produced mostly in labs in SE Asia (China)



From there it goes through Europe to USA. Sometimes via Canada

Chemical compounds

MDPV aka
Mephedrone aka
Methylone aka
Methedrone aka
Naphyrone aka
4-Fluoromethcathinone aka
Butylone aka



What is MDPV?

The term 'bath salts' refer to commercially available products that have as part of their composition a stimulant called

3, 4-Methylenedioxypyrovalerone, or MDPV.

MDPV reportedly has four times the potency of Ritalin and Concerta (ADHD drugs, stimulants. Basically a legal form of methamphetamine.

The effects of MDPV are usually compared to amphetamines or other stimulants.

Interview in Bangor:

The high gives a person energy. The energy is not like a Ritalin high but similar. Snorting or "bumping" Ritalin gives a high where a person can get on task and complete it – like clean the house. The bath salts high on the other hand gives a very "scatter brained" high.

The Most common users of the monkey dust are those that typically abused Ritalin or Adderall. Typical users are usually drug addicts or abusers.

Ritalin & Adderall

These are some of the most commonly abused drugs today by young adults.

This is due to the high rate of prescription to young adults with learning disorders such as ADHD.

These drugs are frequently taken orally or snorted after being crushed.

When abused the effect is described as a "very productive" stimulant effect. The chemicals in these drugs are essentially speed or (meth)amphetamine.

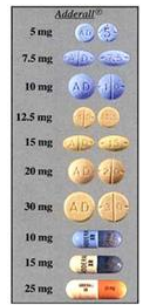
Ritalin & Adderall

If the most common users of "Bath Salts" are users of Ritalin or Adderall then it CAN be a problem in OUR community.

"Bath Salts" are an attractive substitute due to the similar effects that Ritalin & Adderall produce and due to the availability online at cheap costs



Bath Salts



As of June 8, 2011,

30 states have legislatively banned synthetic cannabinoids (aka fake pot, Spice, K-2 and JWH-018. Sometimes also marketed as incense) – Should be illegal in Maine by July 1st, 2012 - LD 914. LD 914 would make synthetic cannabinoids a schedule Z drug and a class E crime to possess. Currently, a Federal ban went into effect March 1st, 2011. Ban is good for 1 year.

As of Sep 30th, 2011 – 31 States have a law against synthetic cathinones aka "bath salts" and the previously discussed stimulant and hallucinogenic drugs.

July 6th, 2011 Maine enacted emergency law to ban "bath salts" and 21 other hallucinogenic or stimulant drugs.



Calls to poison centers about exposures to bath salts:

Year	Number of Calls
2010	303
2011	2,237 as of May 12
	4,137 as of July 31

Updated August 2, 2011



Ingestion

Swallowed

Snorting (most common)

Injection



Smoking – with a crack pipe

Smoking – soaked cigarette

Smoking – Off foil



Onset and Duration

Effects begin 5 – 15 minutes after use

"Euphoric" effect can last 20 minutes to over 3 hours

Impairment remains long after the euphoria is gone..

12-72 HRS or MORE!!!



Duration

Those flashbacks can happen for the next 72 hours.

Baths salts usage is cutting across all ages, demographics and backgrounds according to Dr. Busko. "We're seeing as young as early teens and up to early 60's."

<http://www.wabi.tv/news/22546/bath-salts-being-used-by-people-from-teens-to-retirement-age>

Effects

Very similar signs and symptoms as CNS stimulants such as cocaine, MDMA and amphetamines.

Many stimulant users prefer these substances because they are cheaper and the effects last much longer.



Effects

Altered mental status
Increased heart rate
Agitation
Diminished requirement for sleep
Lack of appetite
Increased alertness and awareness
Anxiety
Fits and delusions
Nosebleeds



More serious effects

- Muscle spasms
- Increased BP
- Hallucinations
- Aggression
- Severe paranoia
- Panic attacks
- Sharp increase in body temps
- Kidney failure or risk of
- Strong drive to use the substance despite the harmful effects and frequent repeat dosing
- renal failure
- Muscle damage
- Loss of bowel control
- Potential for self harm
- Confusion

Hallucinations

To the drug user the hallucinations ARE REAL!!!

Their paranoia can be directed at you, intentionally or mistakenly

Their agitation will build if you contradict them



These people are paranoid and may be hallucinating, often about people trying to harm them or chase them

They may exhibit classic "fight or flight" posturing. Stay alert

They will converse and understand and reason with you – have patience.



Avoid confrontation

Talk in a calm voice & identify yourself

Avoid arguing/debating about the delusions

If they are sure of something – agree

Your actions may increase stresses.

Emotions may cycle. If they're agitated then wait a few seconds and ask a different line of questions.

They're typically alert, responsive & listening
 Offer to get them to a "safe" place
 If the hospital sounds like a safe place to
 them - bring them
 Find a responsible babysitter if possible

Recognizing Behaviors

- Believe they are being chased
- Bizarre, violent, aggressive behavior
- Violence toward objects, Attack/break glass (windows and mirrors)
- Overheating/excessive sweating or very dry leading to public disrobing - partial or full (cooling attempt)
- Extreme paranoia
- Incoherent shouting (animal noises or loud pressured speech)
- Unbelievable strength
- Undistracted by any type of pain - Including broken bones and damaged limbs.
- Irrational physical behavior
- Fight or flight behavior (Subject perceives attempts to restrain as threat to his existence. It is a primal sympathetic nervous system response)
- Hyperactivity
- "Bug Eyes" (They look "nuts")

Drug Detection

As of September 2011 the Maine Health Environmental testing last has had approximately 12 samples during a urinalysis for a drug evaluation where MDPV has been confirmed. One of these was a DRE performed by Ofc. Ryan Martin for an OUI crash that took place in Portland.

HETL will attempt to confirm the presence of a "Bath Salt" compound in urine or drug sample if suspected. If they can't confirm the agency may consider forwarding to Redwood for additional screening.

We now have field test kits for testing suspected Bath Salts



Original July 2011 Bath Salt Law in Maine

made synthetic cathinones illegal **22 MRSA §2390**

1. First violation was a civil violation with a fine of not more than \$350
2. Second violation (after having been previously adjudicated of violating this section) commits a civil violation with a \$500 fine
3. Third offense - Class E crime

The DEA has now, as of the end of September, used its emergency measure ban measure that is good for a year.



NEW Bath Salt Bill Effective Sept. 28th, 2011

- AUGUSTA, Maine —legislation aimed at strengthening Maine's laws on synthetic cathinones took effect Sept. 28th. Some in the legislature would like to make it a Felony to Possess (1st offense) but the predicted costs for incarceration of offenders is causing a problem for state budgeting.
- There are no presumptive levels to turn an offense from a Possession into a Furnishing or Trafficking like there is for other drugs. The states what statistics on arrest/convictions prior to instituting levels.

How we as Police Respond

- Get EMS on the way prior to contact if possible
- Avoid confrontation if at all possible – VERBAL JUDO
- Attempt to contain/isolate the subject without confrontation
- Attempt verbal de-escalation

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Bath Salt Signs and Symptoms

- Tachycardia, hypertension, hyperthermia, palpitations, chest pains
- Dyspnea, tachypnea
- Profuse sweating
- Psychosis, hallucinations, erratic behavior including paranoia, depression, agitation and possibly suicidal or homicidal

Reality

- Bizarre/violent behaviors most often will require confrontation and restraint
- Without restraint this medical emergency can not be treated
- Get the fight over quickly (i.e.TASER, swarm)
- Pain compliance techniques will not work

Goal

- Ultimately goal is to chemically restrain and have comfortable peaceful transport
- Give time in a safe place for drug effects to wear off

Thank you



rmartin@cumberlandmaine.com
893-2810

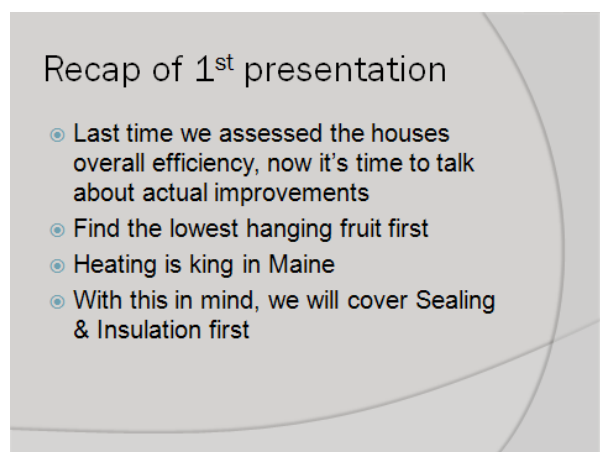
Much of the information for this presentation was gathered from Bangor PD, LT Thomas Reagan

Councilor Gruber thanked Officer Martin for being ahead of this situation and not coming before the Council to report that Cumberland has a crisis with this.

Chairman Perfetti asked the Manager to run Officer Martin's presentation on Channel 2 for the public to view.

11 – 187 To hear a report from the Cumberland Energy Advisory Committee re: Home Energy Efficiency.

Cumberland Energy Advisory Committee member, Bill Kenny presented the following to the Council:



"R" Value

- "R" Value is a measure of thermal resistance
- It gets very complex, but essentially a bigger number is better
- A single pane window is .9 R, double insulating 1.5-3 R, and so on
- R value exists for individual parts of the home, and the home as a whole

Sealing! Sealing! Sealing!

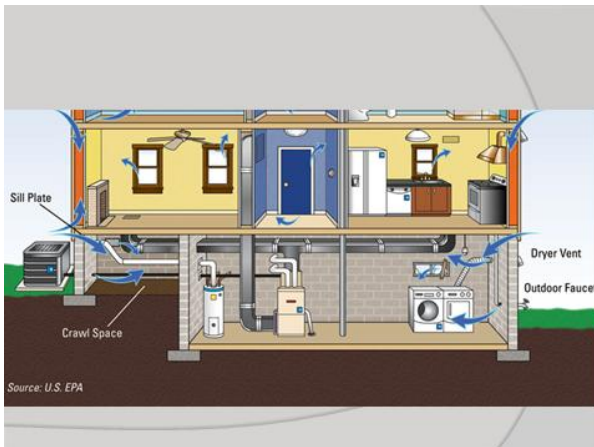
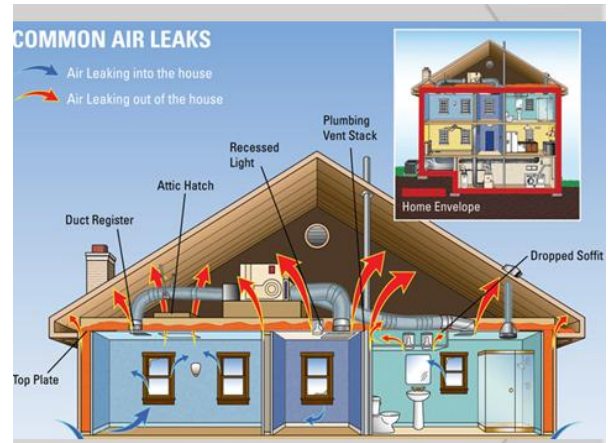
- Proper sealing is far more important than insulation!

Percentage heat loss from...

- **Infiltration / Air Leakage: 35%**
- Windows and Doors: 18%-20%
- Floors & Below Grade Space: 15%-18%
- Walls: 12%-14%
- Ceilings: 10%

Examples of Air leaks

- Attic vents left open or not insulated
- Drier & other vents left open
- Laundry chases
- Bathroom vents
- Fireplace flues
- Unsealed or detached siding
- Recessed lighting



Windows & Doors

- You don't have to buy all new windows
- Look at what you have for obvious defects
- A simple homemade window insert will double the R value
- Expanding foam also works well

A window insert in place



Minimum Airflow

- ⦿ Don't go too far!
- ⦿ Minimum airflow is still needed to avoid mold & rot, and avoid indoor air contamination



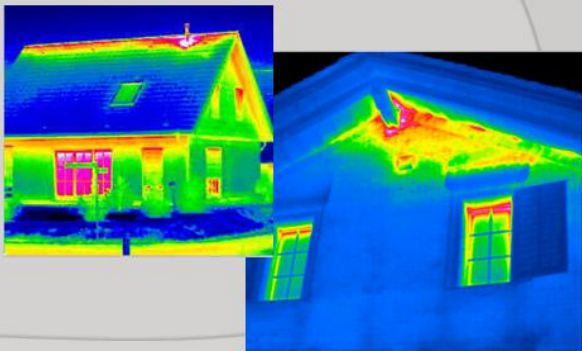
Insulation

- ⦿ Not as big as sealing, but still very important
- ⦿ This is where an energy audit will show poorly insulated areas
- ⦿ Still a lot of bang for buck here
- ⦿ R value and cost varies by type
- ⦿ Usage will vary depending on conditions

Insulation Types – Many Options

- ⦿ Fiberglass
 - ⦿ Rockwool
 - ⦿ Styrofoam (Hard & Soft)
 - ⦿ Liquid sprayed Styrofoam
- **Each type has it's own best use**

Infrared cameras are useful

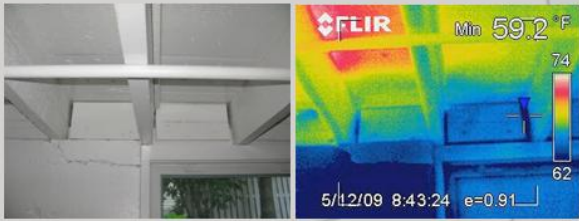


Relative insulation by area

- ⦿ Attic- R 38 to 49
- ⦿ Walls- R 13 to 18
- ⦿ Floor- R 25 to 30
- ⦿ Crawl space wall- R 19 to 25
- ⦿ Basement wall interior- R 19 to 25

Sill Joists

- Area between basement and house is often very poorly insulated



Additional Areas to consider

- Basements are generally poorly insulated
- Cinderblock & Cement basements are essentially uninsulated (R1)
- Generally no insulation between basement and 1st floor
- 1/4 to 1/3 improvement possible with basement insulation

How much will all this save me?

- How much will it cost?
- What percentage will it save?
- What is a possible break-even? (use the Spend O' Matic)
- Also consider the comfort value
- PACE program, federal rebates can help

How does MY house match up?

House Size (Sq. Ft)	2800		
Cost per KWH	0.15		
Cost per Gal	3.5		
Electricity			
	My use	Average KWh	% of Average
Yearly	7750	7386.36	105%
Electric % of cost	19%	20%	
Fuel			
	My use	Average Gals	% of Average
Yearly	1425	1272.73	112%
Fuel Oil % of cost	81%	80%	
Average yearly cost		\$	5,562.50
My yearly cost		\$	6,150.00
Yearly savings at average usage		\$	587.50
Savings at 90% of average usage		\$	1,143.75
Savings at 75% of average usage		\$	1,978.13

What's next?

- Heating systems
- Alternate sources
- Other tips & tricks

Questions?

- This presentation and the home efficiency calculator are available on the Energy Advisory Committee page of the town website
- Any other questions, feel free to contact Bill Kenny or Alex Kimball at 829-2205.
- E-mail:
akimball@cumberlandmaine.com
or
bkenny@maine.rr.com

11 – 188 To hear a report from the Lands & Conservation Commission re: selective harvesting in the Town Forest and to authorize the Town Manager to enter into an agreement with IFM for tree harvesting in the Town Forest.

Chairman of the Lands and Conservation Commission, Sam York explained that the Commission took this project on to restore the Town Forest to a viable, sustainable, walking trail system accessible to all residents. One of the original goals for the Town Forest was for educational purposes. Educational signs and markers were installed, but have fallen into disrepair over the years. Mr. York explained that he is here this evening to enlist the support of the Town Council and review the plans to date. Mr. York introduced Jay Braunscheidel of Integrated Forest Management who presented the following forest management plan for the Town Forest:

Town Forest 2011 Harvest Plan



Jay Braunscheidel 207-632-5854

Management Plan Highlights

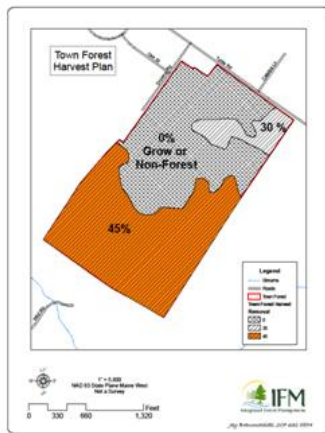
- Prepared Fall 2011
- Funded through Project Canopy
- Goals similar to Rines Forest:
 - Habitat maintenance/creation
 - Protect biological features (i.e. wetlands)
 - Implement exemplary forest management
 - Invasive species control

Management Plan Highlights, cont.

- Maintain/enhance other uses (i.e. recreation)

Harvest Plan

- Winter only harvest 2012 or 2013
- Small, conventional operator
- Dovetail with adjacent activity, if possible
- Modest revenue



This is a map of the property which shows the recommended % of treatment (orange) and the gray area is either non-forested or contains forest types which there is no treatment recommendation.

Buckthorn....



Buckthorn (top) and Glossy Buckthorn (photos by Mary W. Walker and Chris Mattrick, courtesy of the New England Wild Flower Society)

A photo of the invasive species, Buckthorn.



This is a photo of the southern edge of the property, which is entirely inundated with Buckthorn.



This is a photo of the entrance to the forest from Town Hall. Also with a large amount of invasive Buckthorn.



This is a walking trail that goes through the property showing Asiatic Bittersweet, Buckthorn, and Honeysuckle (all prevalent throughout the Forest).



This photo is adjacent to the Public Works garage where the trail exits the property. To the left is a band of Japanese Knotweed which empties to a wet land area where native cattails are being displaced.

Councilor Gruber thanked Mr. York and Mr. Braunscheidel. He reiterated that the harvesting is necessary, but will also bring in some revenue to pay for the eradication of the buckthorn.

Mr. Braunscheidel said that is correct, and he commends the Town for reinvesting the proceeds to improve the property.

Motion by Councilor Gruber, seconded by Councilor Stiles, to accept the recommendation of the Lands & Conservation Commission and to authorize the Town Manager to enter into an agreement with IFM for tree harvesting in the Town Forest.

VOTE: 7-0 UNANIMOUS PASSAGE

11 – 189 To authorize the Town Manger to enter into a lease and lease/purchase agreement for Val Halla equipment.

Finance Director, Alex Kimball explained that this will replace an expiring lease/purchase agreement that will replace old equipment with new equipment. The equipment that is being replaced is maintenance equipment that is very old and in no longer repairable.

Councilor Stiles said that the Finance Committee met with Mr. Kimball and the Manager to review the agreement and is recommending approval of this item. This will actually save some money in next year's budget.

Councilor Storey-King asked how many of the club cars are being replaced.

Mr. Kimball said there are 5. Some of them are beyond any type of repair and a couple of them will get moved to Twin Brook for use there.

Councilor Storey-King asked why we need 5.

Mr. Kimball responded that the entire maintenance staff uses them at various times throughout the day, all over the course. There are 3 full-time and 11 part-time golf course maintenance employees in the summer.

Councilor Stiles said that these are maintenance vehicles that carry supplies and tools.

Councilor Copp said that these are electric carts replacing gas powered carts. That will be a savings in itself.

Motion by Councilor Gruber, seconded by Councilor Stiles, to authorize the Town Manger to enter into a lease and lease/purchase agreement for Val Halla equipment.

VOTE: 6-1 (Storey-King opposed) MOTION PASSES

11 – 190 To hold a Public Hearing to consider and act on the Greely High School Swimming Pool License renewal for the 2012 calendar year.

Town Manager Shane said that staff is recommending approval of the license.

Public discussion: None

Motion by Councilor Moriarty, seconded by Councilor Turner, to approve the Greely High School Swimming Pool License renewal for the 2012 calendar year.

VOTE: 7-0 UNANIMOUS PASSAGE

11 – 191 To reappoint members to various Boards/Committees.

Motion by Councilor Turner, seconded by Councilor Copp, to reappoint the following to a Board or Committee:

Board of Adjustments & Appeals:

Ronald Copp, Sr.

David Joyce

Cumberland Housing Authority:

James Clifford

Joyce Frost

Lands & Conservation Commission:

Penny Asherman

R. Samuel York

Planning Board:

John Ferland

Personnel Appeals Board:

Katherine Brooks
James Clifford

Prince Memorial Library Advisory Board:

Thomas Foley

Recreation & Community Education Advisory Board:

Pam Russell

Rines Property Citizens Advisory Committee:

Robert Heyner
Robert Waterhouse

Twin Brook Facility Advisory Committee:

John Eldredge

Val Halla Golf & Recreation Center Board of Trustees:

Tim Moody
Steve Sloan
John Zappia

Veterans Monument Committee:

William Brown
Glen Hutchins
Harland Storey
Robert Storey, Sr.

VOTE: 7-0

UNANIMOUS PASSAGE

11 – 192 To hold a Public Hearing to consider and act on draft zoning amendments to add Farm Based Retail to Section 104 (Definitions) and as a permitted use in Sections 204.1.1 Rural Residential One (RR1) and Section 204.1.2.1 Rural Residential District Two (RR2), as recommended by the Planning Board.

Councilor Moriarty explained that at the last Planning Board meeting the board endorsed the definition of Farm Based Retail and proposed that it be a permitted use in the two major rural zones (RR1 & RR2). This is in furtherance of an explicit goal in the current Comprehensive Plan to promote, encourage, and sustain local agriculture.

Public discussion: None

Motion by Councilor Moriarty, seconded by Councilor Turner, to amend the Cumberland Zoning Ordinance to add Farm Based Retail to Section 104 (Definitions) and as a permitted use in Sections 204.1.1 Rural Residential One (RR1) and Section 204.1.2.1 Rural Residential Two (RR2), as recommended by the Planning Board.

VOTE: 7-0

UNANIMOUS PASSAGE

11 – 193 To hold a Public Hearing to consider and act on a Fireworks Ordinance.

Town Manager Shane explained that in the last Legislative session, consumer fireworks were legalized in the state. Municipalities now have the ability to adopt a local ordinance to restrict or ban the use of fireworks.

There are many options to discuss and decide upon this evening. Councilor Moriarty has prepared an option for the Council to consider.

Councilor Moriarty explained that the Ordinance Committee has discussed fireworks numerous times over the past few months. As long as he can remember, fireworks have always been illegal in Maine. He asked the Town Attorney and the Staff Attorney at MMA how long fireworks have been illegal in the state. They both answered at least since 1954, maybe longer. The point being that fireworks have been illegal in the State of Maine for many decades and on January 1, 2012, the sale and use of consumer fireworks will become legal (consumer fireworks being the smaller, less dangerous fireworks). However, the law inserted an opt out clause which is the option of all municipalities in the state. Councilor Moriarty said that he has not heard from anyone who has said that we need more noise in our neighborhoods. He has not heard anybody tell him that they want to live where firecrackers can go off any time of day or night, all year long. There are certain times of the year where people do light fireworks. His primary, personal concern is noise. We have a number of densely settled neighborhoods and when someone gets carried away with this type of activity, the police department gets calls and identifying the individuals becomes problematic.

Public discussion: Doug Pride, a licensed fireworks technician, said that his opinion is that the Council should do nothing and allow the state law to take effect. He understands the concern, but fireworks have become much safer than they used to be. The use of fireworks has gone up tremendously over the years, yet the accident rate has gone down tremendously at the same time. Cherry Bombs and M-80's are no longer legal anywhere in the entire country. Consumer fireworks consist of fireworks with a maximum of 50 mg of powder. Since fireworks have become safer, they are legal in over 40 states. Mr. Pride said that he feels that the Council should do nothing, let the state law take effect and he believes that there will not be noise problems. People will have celebrations primarily on July 4th and New Year's Eve, not every day.

Fire Chief, Dan Small said that his concern with doing nothing and letting the state law take effect is the fact that there will likely be an increase in the storage of fireworks in people's homes. This is a concern for the youth and public safety responders of our community. His other concern is obviously the serious injury that one can sustain from fireworks. He has witnessed this firsthand while working for the State Fire Marshalls Office. Then there is the fire danger issue. Since there will be no permit required for fireworks, people will be allowed to ignite fireworks even when the fire danger is high.

Sam York spoke of two family members who were seriously injured as a result of fireworks. Although he dislikes imposing additional laws, he is against the legal use of fireworks.

Police Chief, Joe Charron said that his position is responding to calls. Over the past 4 years, the police department has responded to 25 complaints (2 summons, 1 warning, and the remainder the officer was not able to identify the person responsible for shooting off fireworks). Chief Charron feels that the majority of people who use fireworks are under the age of 21. If the Town Council allows the use of fireworks, this will continue to be the case. As the age gets younger, the maliciousness seems to become greater. If they are allowed in Cumberland, the police department will get complaints and will have to investigate them. If they are not allowed, the police department will still get complaints, have to investigate, and issue summonses.

John Leavitt of Greely Road said he has been a wild land Firefighter and State Law Enforcement Officer for 21 years, and during that time, he has seen the effects of wild fires and injuries caused by fireworks. He said he feels that one of the reasons the Legislature passed this law is to create some type of financial stimulus. Mr. Leavitt strongly urged the Council to join the local communities who are banning these devices by the day and please consider banning them in Cumberland.

Doug Pride said that he feels the injuries spoken about this evening have been overrated. If you look at the statistics, fireworks are at the bottom of the list of injuries. Bicycles, swimming, hunting, or fishing is more

dangerous. He has done many professional fireworks shows across the country and has never personally seen an injury caused by fireworks. He realizes that they happen, but feels that they are mostly antidotal. Mr. Pride said that he has seen an occasional fire, but those have been almost entirely caused by commercial fireworks, not consumer fireworks. Mr. Pride said that first and foremost, this is a freedom issue.

Chairman Perfetti explained the Council's options: an outright ban of the sale and use of fireworks, complete freedom to sell and use, or something in between.

Motion by Councilor Moriarty, seconded by Councilor Copp to enact the following Cumberland Fireworks Ordinance:

- 1) Use and sale of consumer fireworks prohibited.
 - a. A person may not use or sell consumer fireworks, as defined in 8 M.R.S.A. § 221-A, in the Town or in or from any watercraft within waters of the Town.
 - b. Pursuant to 8 M.R.S.A. § 221- B, nothing in this section shall be construed to limit or regulate fireworks displays, as defined in 8 M.R.S.A. § 221- A, or the issuance of permits for fireworks displays by the Maine Commissioner of Public Safety or a designee.
- 2) Penalties.
 - a. It is a civil violation for any person to use or sell consumer fireworks within the Town of Cumberland in violation of this ordinance, and any person found to have violated the ordinance shall be punished by a fine of two hundred dollars (\$200.00).

Councilor Turner said he would be in favor of a ban of the sale and allowing the use on certain days of the year (July 4th and New Year's Eve). He said that this is a compromise on his part because he feels that fireworks should be allowed. He is not in favor of making laws that cannot be enforced.

Councilor Stiles said that he agrees that this is a freedom issue. He has not had a single resident contact him regarding this issue. He would prefer to let the state law take effect, monitor it, and if it becomes a problem then the Council can come up with a means to control it. He would like to ban the sale, but not the use in Cumberland.

Councilor Gruber said he sees no value in setting off fireworks. He does not understand why we would want to be in a position to add to the stories of serious injuries such as those that we have heard this evening. We have neighboring communities who have banned fireworks. If allowed in Cumberland, it will encourage those in communities where they are banned to come to Cumberland to shoot them off.

VOTE: 3-4 (Turner, Storey-King, Perfetti and Stiles opposed) MOTION FAILS

Motion by Councilor Stiles, seconded by Councilor Turner, to create an ordinance to ban sale of fireworks in the Town of Cumberland.

VOTE: 7-0 UNANIMOUS PASSAGE

Motion by Councilor Moriarty, seconded by Councilor Turner to enact the following Cumberland Fireworks Ordinance:

- 1) Use and sale of consumer fireworks prohibited except as specified below.
 - a. A person may not use or sell consumer fireworks, as defined in 8 M.R.S.A. § 221-A, in the Town or in or from any watercraft within waters of the Town, except that the use of consumer

fireworks shall be permitted pursuant to the state statute effective on January 1, 2012 on the following days and during the following times:

July 3rd beginning at 9:00 a.m. and ending at 10:00 p.m.

July 4th beginning at 9:00 a.m. and ending at 12:30 a.m. on July 5th

July 5th beginning at 9:00 a.m. and ending at 10:00 p.m.; and furthermore

December 31st beginning at 9:00 a.m. and ending on January 1st at 12:30 a.m.

January 1st beginning at 9:00 a.m. and ending at 10:00 p.m.

- b. Pursuant to 8 M.R.S.A. § 221- B, nothing in this section shall be construed to limit or regulate fireworks displays, as defined in 8 M.R.S.A. § 221- A, or the issuance of permits for fireworks displays by the Maine Commissioner of Public Safety or a designee.

2) Penalties.

- a. It is a civil violation for any person to use or sell consumer fireworks within the Town of Cumberland in violation of this ordinance, and any person found to have violated the ordinance shall be punished by a fine of two hundred dollars (\$200.00).

VOTE: 4-3 (Copp, Stiles and Gruber opposed) MOTION PASSES

11 – 194 To authorize the Town Manager to accept an anonymous donation of \$20,000 to be used for food and fuel assistance.

Town Manager Shane said that over the past several years an anonymous resident has donated upward of \$60,000 to the Town's benevolent fund. This family is beyond generous and has helped many Cumberland residents with their generosity.

Motion by Councilor Copp, seconded by Councilor Storey-King, to authorize the Town Manager to accept an anonymous donation of \$20,000 to be used for food and fuel assistance, and to authorize a gift letter for \$20,000.

VOTE: 7-0 UNANIMOUS PASSAGE

11 – 195 To hear a report from the Finance Committee re: FY'13 Budget Meetings.

Finance Committee Chair, Councilor Stiles explained that the FY'12 budget process will be starting soon. After the Council meeting on January 9th, there will be a Council workshop to discuss and plan the upcoming budget.

The tentative budget scheduling is:

- Department budgets due to Manager by January 19th
- Manager's meetings and department budget review January 23rd – February 3rd
- Preliminary budget documents to Finance Committee February 10th
- First Finance Committee budget overview February 20th with North Yarmouth Budget Advisory Committee and Selectmen invited
- Budget books to Town Council on March 9th with Manager overview at Town Council meeting March 12th
- All day Council budget meeting on Saturday, March 17th from 8:00 a.m. – 4:00 p.m. (+/-)
- Public Hearing on budget March 26th
- Second Public Hearing on budget, if necessary, on April 9th
- Mil rate set for FY'13 on August 13th

V. NEW BUSINESS

Councilor Turner – None

Councilor Copp – Bill Sanborn passed away. Mr. Sanborn has been a Cumberland resident for as long as he can remember and had been an icon in the Route 100 area for many years. Thoughts and prayers are with his family.

He asked the Council if there is a minimum age to serve on a board or committee. He thought that since there is no applicant pool, maybe reaching out to high school students may be worthwhile.

Councilor Moriarty said that there were two students on the Comprehensive Plan Committee when it started, although he is not certain if they continued to the completion of that committees work.

Councilor Copp asked if a thank you note could be sent to the Boy Scouts for their generous donation to the Veterans Monument fund.

Councilor Storey-King – She had the pleasure of attended a ceremony for World War II Veterans in Yarmouth last week. 12 Veterans were honored during the ceremony and it was wonderful to hear their stories. She found it astounding to learn that we are losing our WWII Vets at a rate of 1,000 per day.

Reminder to residents that it is the end of the year and time to register your dogs. Residents have until the end of January and then a late fee will be added to the fee.

She wished everyone a very happy holiday and Merry Christmas.

Councilor Moriarty – None

Chairman Perfetti – Reminder that there will be no Town Council meeting on December 26th.

Councilor Stiles – None

Councilor Gruber – He attended the Fire Department's Breakfast with Santa recently. The event was well run and the food was very, very good.

He continues his work with the M.S.A.D. 51 Strategic Thinking and Planning Task Force. The meetings are well structured and are going very well.

Town Manager Shane – None

VI. EXECUTIVE SESSION: pursuant to Title 36 M.R.S.A., § 841, re: Hardship Abatement Request for property identified as Map U20/Lot 55.

Motion by Councilor Stiles, seconded by Councilor Gruber, to recess to Executive Session pursuant to Title 36 M.R.S.A., § 841, re: Hardship Abatement Request for property identified as Map U20/Lot 55.

VOTE: 7-0 UNANIMOUS PASSAGE

TIME: 10:10 p.m.

Motion by Councilor Stiles, seconded by Councilor Copp, to come out of Executive Session.

VOTE: 7-0 UNANIMOUS PASSAGE

TIME: 10:14 p.m.

Motion by Councilor Moriarty, seconded by Councilor Copp, to deny the Hardship Abatement Request for property identified as Map U20/Lot 55.

VOTE: 7-0

UNANIMOUS PASSAGE

VII. ADJOURNMENT

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

VOTE: 7-0

UNANIMOUS PASSAGE

TIME: 10:15 p.m.

Respectfully submitted by,

Brenda L. Moore
Council Secretary