

AGENDA

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, January 10, 2022

6:00 P.M. Workshop re: Senior Tax Program

7:00 P.M. Call to Order

I. CALL TO ORDER

II. APPROVAL OF MINUTES

December 27, 2021

III. MANAGER'S REPORT

IV. PUBLIC DISCUSSION

Public discussion is for comments on items that are not on the agenda. Comments are limited to 5 minutes per person. Rebuttal comments will be limited to 2 minutes. Public discussion topics may be brought up again under New Business for further Council discussion.

V. LEGISLATION AND POLICY

22 – 001. To consider and act on the adoption the 2022 Cumberland County Hazard Mitigation Plan.

22 – 002. To hold a Public Hearing to consider and act on extending the medical marijuana caregiver moratorium for up to an additional 180 days.

22 – 003. To hear an update on amendments to Chapter 86 (Medical Marijuana Registered Caregiver Licensing) of the Cumberland Code, as recommended by the Ordinance Committee.

22 – 004. To hear a report from the Senior Tax Rebate Committee.

22 – 005. To authorize the Town Manager to accept a payment for delinquent FY'19 taxes in the amount of \$800.00 on property identified as Map U19/Lot 18.

VI. NEW BUSINESS

VII. BUDGET REPORT

VIII. ADJOURNMENT

MINUTES

Cumberland Town Council Meeting
Town Council Chambers

MONDAY, December 27, 2021

5:30 P.M. Workshop with Westbrook Development Corporation

7:00 P.M. Call to Order

Present: Councilors Copp, Edes, Foster, Gruber, Segrist, Storey-King and Vail

I. APPROVAL OF MINUTES

Motion by Councilor Gruber, seconded by Councilor Copp, to accept the December 13, 2021 meeting minutes as presented.

VOTE: 6-0-1 (Edes abstained) MOTION PASSES

II. MANAGER'S REPORT

The railroad quiet zones are scheduled to begin on January 7th. There was a bit of a delay because of an issue on Route 9 that has been resolved.

III. PUBLIC DISCUSSION

No public discussion

IV. LEGISLATION AND POLICY

21 – 122 To hold a Public Hearing for the purpose of hearing public comment on the adoption of Chapter 86 (Medical Marijuana Registered Caregiver Licensing) of the Cumberland Code.

Chairman Vail explained that the Town Council enacted a moratorium in order to develop a Medical Marijuana Registered Caregiver Licensing Ordinance. We have a draft ordinance and the Chair of the Ordinance Committee, Councilor Storey-King, will give an overview. The Town Attorney is present this evening to answer any questions.

Councilor Storey-King said that in 1999, medical marijuana became legal in Maine. In 2016, adult use became legal. The State has been wrestling with legislation ever since, and municipalities have been trying to keep up with the changes that the State keeps making. The Ordinance Committee feels that someday, this is going to be legal and obtainable at variety stores, just like alcohol. In the meantime, it is important for us to protect our neighbors and neighborhoods from some of the side effects of growing and selling medical marijuana. In November of 2018, the Ordinance Committee recommended, and the Town Council approved, 3 overlay zones for the sale of medical marijuana (on Route One, Route 9 and Route 100). We currently have 32 licensed caregivers in our community. In 2021, we had a complaint from a neighbor of an outdoor grower, and we have had 3 facilities in West Cumberland that have been approved for the sale of medical marijuana. The Route 100 neighborhood has voiced concern about the number of facilities in that area. Approximately 6 months ago, the Town Council passed a moratorium and has been working on our ordinance ever since. We looked at other Town's ordinances, worked with legal counsel, and have drafted what we think is a very good ordinance.

Town Attorney, Ben McCall, explained that he has been working with Town staff and the Ordinance Committee in developing this ordinance. In the zoning portion of the Town code, it is clear that new registered caregivers are only allowed to set up shop in the overlay districts of Town. Later this evening, potential changes to that overlay district that would further restrict that availability. We are aware that there are registered caregivers in Cumberland that operate both inside and outside of that overlay district. Many of them

were likely operating before the overlay district came into place. This licensing ordinance does not prescribe exactly where or where not a registered caregiver may physically operate. That is left to the land use sections of the Town code. If a new registered caregiver wants to operate in Cumberland, they must do so within the overlay zone as it exists now, and perhaps as it is amended later. Those operating outside the overlay district now may continue in their same capacity, but setting that aside, if this Ordinance is enacted, every registered caregiver will need to be licensed by the Town every year in order to continue their operation. If they don't comply with the ordinance, then the Town would have the authority to force them to cease operations. Attorney McCall briefly reviewed the ordinance.

Councilor Edes said that the \$3,000 licensing fee is a lot of money when compared to the cost of a liquor license.

Councilor Segrist asked if anyone did the math in regard to the cost of staff time and the license fee.

Attorney McCall said that there was discussion with Town staff and the Ordinance Committee about the possible costs generally of administering the ordinance. It is higher than victualer's and other licenses, but there is also a certain amount of specificity that is involved that accounts for that. But no, there was not a calculation of staff time cost.

Councilor Edes asked if we can charge a fee the first year, and then a different renewal fee the following years.

Attorney McCall said yes, that could be done.

Chairman Vail said that the piece that stands out for him is the word medical. We're not talking about recreational marijuana, alcohol or buying a pack of cigarettes. We're talking about medical use, so he feels that level of scrutiny allows for a different bar being set. He is hopeful that there will be further legislation coming from the State because he has concerns about what kind of medicine we're distributing without a pharmacist being involved. He asked Attorney McCall if there is any legislation in the works that may affect our ordinance.

Attorney McCall said that during the last legislative session there was an in-depth discussion about how the State is going to coalesce both the medical program and the adult use program into one set of guidelines. There is a working group that has almost completed its work and potential legislation could affect how things are run. He does not anticipate that the Town's home rule authority to have a licensing requirement for medical marijuana is going to be affected by the legislature. There may be tweaks necessary in the future, as with any ordinance.

Chairman Vail opened the Public Hearing.

Andrew Pettengill of 93 Lower Methodist Road, with a business address of 22 Gray Road, said that he appreciates all the work that the Town has put into this ordinance. His business has gone through the process recently and has received a Certificate of Occupancy by the Town. He has gone through the process in the City of Portland for 2 years and went through 2 lawsuits. He feels that the Town should look at land use, that is important, and we might want to stop the entire ordinance and deal with land use first. Just like the City of Portland did. This would allow the time for the Town to do their research. He does not feel that the attorney has put in enough work to show the Town Council what is really going on. As a business owner, he did do the research and as this ordinance is written, his business will shut down. He is all for a fee, but it doesn't have to be \$3,000. This ordinance goes way beyond State regulation, and he feels that is a little bit too far. He agrees with the insurance and safety stipulations. He looks forward to continuing working with the Town.

Rick Doane of 4 Catulpa Lane said that he supports the ordinance. He does not think that the Council ought to have the discretionary authority to waive application fees. The ordinance speaks about the consent of a property owner when a tenant is applying for a license. To him, that should not be waivable.

Andrew Pettengill said that the Town Council should look into what Portland has done. Portland has done a good job. To try to create something new for the Town is a lot of taxpayer money that is not necessary. Does the Town's law firm even have marijuana expertise or clients? Who wrote this ordinance?

Councilor Storey-King responded that we began this process by looking at Portland's ordinance (as well as other Town's), borrowed some of their language and worked with our attorneys to craft our ordinance.

Kelly Copp of Windham, with a facility at 210 Gray Road, asked why the Town is preventing married couples from each obtaining a license.

Town Manager Shane said that this was discussed by the Ordinance Committee, and it was decided to allow one license per map and lot. The terminology related to a husband and wife as described by State law was also discussed, and it came back to one per map and lot.

Ms. Copp asked if anyone on the Town Council has been to her location, in her building, or asked to come see what they do.

Councilor Storey-King said no.

Ms. Copp said that the Town Council has put together all of these guidelines with the help of the Town Attorney, and the Town Council has the final say if she gets a license or not, but they have never been to her location.

Chairman Vail said that we have been working on this for 6-months. This is ample time for anyone concerned to approach this Council instead of showing up at the 11th hour with an accusatory tone. If Ms. Copp would like to invite the Council to come tour her facility, he would be happy to go.

Ms. Copp said that the Town Council sits here and judges, whether it be medical or pharmaceutical, please come to her facility and see what they do for people. This ordinance requires duplication of process for what the State requires.

Councilor Foster explained that on the agenda this evening are 2 liquor license renewals. A lot of the burden of the application review and compliance has been done by the Town staff. Staff writes a memo to the Town Council that says that they have reviewed everything, the business is in compliance, and staff is recommending approval. It's not a matter of do we like this business, it's more a question of if that business is following the rules that are laid out in our ordinances. If they are, it is approved. It's the trust we have that our Town employees are going through the process and making a recommendation to approve or not approve.

Chairman Vail closed the Public Hearing.

21 – 123 To set a Public Hearing date of January 24th to consider and act on the adoption of Chapter 86 (Medical Marijuana Registered Caregiver Licensing) to the Cumberland Code, as recommended by the Ordinance Committee.

No public comment.

Motion by Councilor Gruber, seconded by Councilor Copp, to set a Public Hearing date of January 24th to consider and act on the adoption of Chapter 86 (Medical Marijuana Registered Caregiver Licensing) to the Cumberland Code, as recommended by the Ordinance Committee.

VOTE: 7-0 UNANIMOUS

21 – 124 To forward to the Planning Board for a Public Hearing and recommendation, an amendment to the Town of Cumberland Official Zoning Map to eliminate the Medical Caregiver Overlay District from the Village Center Commercial Zone.

Town Manager Shane explained that the Town Council will meet in West Cumberland in February to discuss a potential redevelopment plan on Route 100. When we look at the three-marijuana business in West Cumberland within close proximity to each other, it seemed like that was enough for one area. This would grandfather the businesses that are currently in that zone.

No public comment.

Motion by Councilor Copp, seconded by Councilor Gruber, to forward to the Planning Board for a Public Hearing and recommendation, an amendment to the Town of Cumberland Official Zoning Map to eliminate the Medical Caregiver Overlay District from the Village Center Commercial Zone.

VOTE: 7-0 UNANIMOUS

21 – 125 To set a Public Hearing date of January 10th to extend the medical marijuana caregiver moratorium for up to an additional 180 days.

Chairman Vail said that the moratorium extension may not be necessary, but this will protect the Village Center Commercial Zone in the event that there is a storm, and the Planning Board or Council meetings are cancelled and some applications are submitted during that time.

No public comment.

Motion by Councilor Storey-King, seconded by Councilor Segrist, to set a Public Hearing date of January 10th to extend the medical marijuana caregiver moratorium for up to an additional 180 days.

VOTE: 7-0 UNANIMOUS

21 – 126 To hold a Public Hearing to consider and act on amendments to Chapter 48 (Coastal Waters) of the Cumberland Code, as recommended by the Coastal Waters Commission.

Mike Schwindt, Vice-Chairman of the Coastal Waters Commission explained that at their last meeting, the Commission increased the number of moorings in Broad Cove from 35 to 38 for 2022. We have 36 people on a waiting list, so this will help a bit. Docking space for dinghies is quite crowded and adding more moorings will only exacerbate that situation. The Commission also elected to raise the moorings fees from \$50 to \$250 for residents

and \$150 to \$300 for non-residents. We are also establishing a dinghy registration fee of \$50 and \$100 for residents and non-residents. This will be a breakeven revenue source to cover our Harbor Master's costs.

Councilor Edes asked Mr. Schwindt why the Commission feels that a 200% increase in mooring fees is justifiable.

Mr. Schwindt said that we are simply trying to cover the cost of our Harbor Master. Comparably, our mooring fees are less than those of our surrounding Towns.

Councilor Segrist asked Mr. Schwindt how many moorings are used by residents versus non-residents.

Mr. Schwindt said that a very small number are being used by non-residents. State law requires us to accommodate non-residents.

No public comment.

Motion by Councilor Storey-King, seconded by Councilor Gruber, to amend Chapter 48 (Coastal Waters) of the Cumberland Code, as recommended by the Coastal Waters Commission.

VOTE: 7-0 UNANIMOUS

21 – 127 To hold a Public Hearing to consider and act on amendments to Chapter 84 (Fees and Fines), Section 12 (Moorings) of the Cumberland Code, as recommended by the Coastal Waters Commission.

Chairman Vail explained that this item will amend the mooring fees as discussed in the previous item.

No public comment.

Motion by Councilor Gruber, seconded by Councilor Edes, to amend Chapter 84 (Fees and Fines), Section 12 (Moorings) of the Cumberland Code, as recommended by the Coastal Waters Commission.

VOTE: 7-0 UNANIMOUS

21 – 128 To hold a Public Hearing to consider and act on amendments to Chapter 250 (Subdivision of Land), Section 37 (General Street Standards), Subsection A-8, and Attachment 2, Table 3, to clarify the classification levels, as recommended by the Planning Board.

Town Manager Shane said that this is simply a housekeeping item. It clarifies limits on different classifications of roads.

Chairman Vail opened the Public Hearing.

No public comment.

Chairman Vail closed the Public Hearing.

Motion by Councilor Copp, seconded by Councilor Segrist, to amend Chapter 250 (Subdivision of Land), Section 37 (General Street Standards), Subsection A-8, and Attachment 2, Table 3, to clarify the classification levels, as recommended by the Planning Board.

VOTE: 7-0 UNANIMOUS

21 – 129 To hold a Public Hearing to consider and act on a Liquor License renewal for Flannel Shirt Food Company, LLC d/b/a Cumberland Food Company.

Chairman Vail opened the Public Hearing.

No public comment.

Chairman Vail closed the Public Hearing.

Motion by Councilor Segrist, seconded by Councilor Storey-King, to approve the Liquor License renewal for Flannel Shirt Food Company, LLC d/b/a Cumberland Food Company.

VOTE: 7-0 UNANIMOUS

21 – 130 To hold a Public Hearing to consider and act on a Liquor License renewal for Louie's Grille, LLC.

Chairman Vail opened the Public Hearing.

No public comment.

Chairman Vail closed the Public Hearing.

Motion by Councilor Gruber, seconded by Councilor Edes, to approve the Liquor License renewal for Louie's Grille, LLC.

VOTE: 7-0 UNANIMOUS

21 – 131 To appoint members to Boards and Committees.

Motion by Councilor Copp, seconded by Councilor Gruber, to reappoint:

BOARD OF ADJUSTMENTS & APPEALS: Christian Lewis, Michael Martin & Peter Lacy

BOARD OF ASSESSMENT REVIEW: Amanda Billing

BOARD OF SEWER APPEALS: Ralph Oulton & Rhonda Grigg

COASTAL WATERS COMMISSION: (1 vacancy) David Carlson, Hugh Judge & Richard Thompson

CUMBERLAND HOUSING AUTHORITY: Connie Bingham, Norman Maze, Jr. & Sally Pierce

LANDS & CONSERVATION COMMISSION: Ellen Hoffman & John Jensenius

Melissa Cott to the Forestry subcommittee

Shaun Breton, John Jensenius & Don Stowell to the Trails subcommittee

PLANNING BOARD: Paul Auclair & Jason Record

PARKS & RECREATION COMMISSION: Travis Seaver & Don Stowell

PERSONNEL APPEALS BOARD: Mary Porter & Doug Pride

PRINCE MEMORIAL LIBRARY ADVISORY BOARD: David Echeverria & Linda Putnam

SHELLFISH CONSERVATION COMMISSION: Peter DelBianco & Robert Maloney

To appoint: George Turner and Pete Wilson to the Lands & Conservation Commission, and George Turner to the Coastal Waters Commission.

No public comment.

VOTE: 7-0 UNANIMOUS

V. **NEW BUSINESS**

Councilor Segrist – in regard to our “Open for Business” initiative, the Town Manager alluded that we will be having a meeting in West Cumberland to talk about some exciting redevelopment ideas for that area.

In regard to the Senior Property Tax Assistance program, he met with Town staff recently and things are moving along nicely with development of that program. He is hopeful that he can present something to the Council within the next couple of weeks.

Councilor Storey-King – in response to a comment earlier about marijuana growing odors being compared to farm odor, we all need to understand that agriculture has federal regulations and even if communities wanted to regulate some farm-based businesses, there is very little that could be done.

She thanked the workshop guests that we had tonight. Tyler Norod of Westbrook Development Corporation talked to the Council about some opportunities that we can look into to bring assisted living/senior housing to our community.

She wished everyone a Happy New Year.

Councilor Gruber – no new business.

Chairman Vail – he thanked everybody for their thoughtful comments and a good discussion this evening. He looks forward to working with his fellow Councilors next year and thanked the Town Manager for all that he does.

Councilor Foster – she and the Communications Director met and reviewed the Council’s submissions on the survey questions. The Council will receive a copy of the survey to review by next week. She requested that an item be added to the next Council agenda to formally review the survey as a group, gather feedback from the Council, and then the goal is to be able to start getting the word out to residents what the intent of the survey is and that it will be released to the public by the end of January or early February.

There were definitely some high points to the past year. She is grateful to have spent a lot of time with her fellow Town Councilors and is looking forward to a happy new year and wished everyone the same.

Councilor Edes – he sent well wishes to Brenda who is home not feeling well.

Councilor Copp – he made his donation to the 4-H fund that benefits the food pantry and reminded everyone that this is a very worthy cause.

Thank you to Cumberland Public Works for working on Christmas day. If anyone saw him getting sand from the Town sand pile on Christmas day, it was not for his own use. He used it to get our rescue unit, that was stuck on a very icy driveway on Pleasant Valley Road. He did not charge the Town for pulling the rescue unit out on Christmas day. Merry Christmas!

VI. ADJOURNMENT

Motion by Councilor Copp, seconded by Councilor Segrist, to adjourn.

VOTE: 7-0 UNANIMOUS

TIME: 8:52 P.M.

Respectfully submitted by,

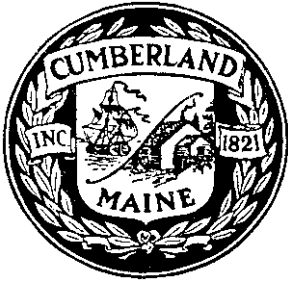
Brenda L. Moore

Council Secretary

(Minutes prepared from recording, not present at meeting)

ITEM 22-001

To consider and act on the adoption the 2022 Cumberland County
Hazard Mitigation Plan

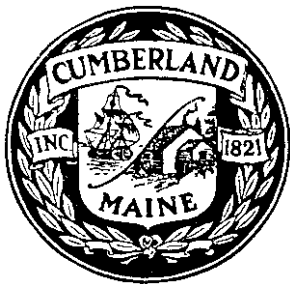


M E M O R A N D U M

TOWN OF CUMBERLAND, MAINE
290 TUTTLE ROAD
CUMBERLAND, MAINE 04021
TEL: 207-829-2205 FAX: 829-2224

To: Town Council
From: William R. Shane, Town Manager
Date: January 6, 2022
Re: County Hazard Mitigation Plan

I recommend the Town Council accept the recommendation of our Fire Chief, Dan Small, and approve the attached Cumberland County Hazard Mitigation Plan. The plan is required to be updated every five years and per Chief Small's memo there was also a 50-year review to identify impacts for natural disasters as well.



M E M O R A N D U M

F I R E D E P A R T M E N T T O W N O F C U M B E R L A N D , M A I N E

To: William R. Shane, Town Manager
From: Daniel Small, Fire Chief
Date: January 5, 2022
Subject: County Hazard Mitigation Plan

The Federal Emergency Management Agency requires Cumberland County to update the Hazard Mitigation Plan every five years. We've worked with the County over the past several months to make necessary amendments. The baseline for the plan identifies hazards and preparedness for all twenty-eight municipalities. Our town is fortunate that we do not have occupancies that can be impacted directly by tidal waters, major rivers, or large inland bodies of water. Within the past five years construction projects have been completed for roadway/drainage improvements that have helped minimize or eliminate storm water damage. Common/potential flood areas have been improved including Route 9, Mill Road and Tuttle Road.

A fifty-year review was performed to identify impacts from natural disasters including hurricanes (largest being Gloria in 1985 and Bob in 1991), micro-bursts, ice storms (largest in 1998) and significant snow events. We do not categorize snow events as critical unless there is significant accumulation and weight due to wet/heavy storms. The intent of the review was to evaluate our preparedness, most prevalent to public works, police, fire and MSAD 51. Central Maine Power communicated that they manage an infrastructure replacement program to improve overhead "street" powerlines to minimize loss of power. There are several utility and transportation corridors throughout the Town of Cumberland, and contact information was verified for accuracy. A marked municipal risk is our present public safety radio system(s) due to inadequate communications both within our community and to the Cumberland County Regional Communications Center.

The 2022 Cumberland County Hazard Mitigation Plan update has been completed and requires approval from each of municipality.

Cumberland County Emergency Management Agency

22 High Street, Unit 1, Windham, Maine 04062

207-892-6785 • cumberlandcounty.org/ema

Matthew Mahar, Director

Emily Kaster, Deputy Director



November 30, 2021

Memo To: Municipal Emergency Managers, Town Administrators in Cumberland County

Subject: County Hazard Mitigation Plan

Dear Colleagues,

Cumberland County Emergency Management Agency (CCEMA) has completed the task of updating the FEMA required Hazard Mitigation Plan. This 2022 Hazard Mitigation Plan will replace the previous version, published and approved in 2017. This update was a long-term project with extensive research, analysis and outreach to communities, partners, stakeholders and the public. Preparing the plan with a multi-jurisdictional approach alleviated the heavy workload on the municipalities. It also created a more complete picture of Cumberland County's ability to mitigate hazard risks and recover more quickly from a disaster.

The Federal Emergency Management Agency (FEMA) has approved this 2022 plan, pending adoption by all of the County municipalities. CCEMA is now asking each jurisdiction to bring the plan to their city/town council or select board for this approval.

Here is the link to review the 2022 plan and supporting documents:

<https://www.cumberlandcounty.org/231/Hazard-Mitigation>

We have also attached the template approval document which your municipal council/board must complete. If your governing body should decide not to approve the document, the municipality will then be responsible for writing its own mitigation plan and forwarding it to (MEMA) for approval. During that time period, your municipality would be ineligible for some pre-disaster mitigation grants.

After all the communities approve the plan, we must present it to the County Commissioners for their approval, and then send it to the Maine Emergency Management Agency (MEMA), which will forward it to FEMA. **Therefore, we must receive the approval document from you by February 25, 2022.**

If you would like a staff member of CCEMA to present this or answer questions to your governing body, please contact our office to schedule the date and time and we will be happy to be of assistance.

Respectfully,

Matthew Mahar
CCEMA Director

SECTION II - PREREQUISITES

ADOPTION BY THE JURISDICTION REQUESTING APPROVAL

Requirement §201.6(c)(5):	[The local hazard mitigation plan shall include] documentation that the plan has been formally adopted by the governing body of the jurisdiction requesting approval of the plan (e.g., City Council, County Commissioner, Tribal Council).
Requirement §201.6(c)(5):	For multi-jurisdictional plans, each jurisdiction requesting approval of the plan must document that it has been formally adopted.

RESOLUTION OF ADOPTION

Whereas, the cities and towns of Cumberland County, in the State of Maine, recognize that natural hazards create a risk of harm to persons and damage to property; and

Whereas, the cities and towns of Cumberland County recognize that implementing certain measures may reduce the risk of harm to persons and damage to property resulting from these natural hazards;

Therefore, the City Councils and Select Boards hereby adopt the 2022 Cumberland County Hazard Mitigation Plan.

AUTHORIZING SIGNATURES for the Town of Cumberland

Print name

Signature

Title

Date

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Town Office, 290 Tuttle Road, Cumberland, Maine 04021

Contact person: William R. Shane, Town Manager

ITEM

22-002

To hold a Public Hearing to consider and act on extending the medical marijuana caregiver moratorium for up to an additional 180 days

**TOWN OF CUMBERLAND
EXTENSION OF MORATORIUM ORDINANCE
REGARDING MEDICAL MARIJUANA CAREGIVER USES**

WHEREAS, a moratorium on the location, operation, permitting, approval or licensing of any and all medical marijuana uses within the Town was enacted by the Town Council on July 28, 2021, for a period of one hundred and eighty (180) days from the date of applicability, *i.e.*, until January 24, 2022; and

WHEREAS, the moratorium was necessary to provide the Town with time to study its own ordinances in order to determine the effect of potential medical marijuana uses within all areas of the Town, particularly those areas located outside of the previously-established Registered Caregiver Overlay District, as is more particularly defined in § 315-28.5 of the Town Code; and

WHEREAS, the identified issues giving rise to the need for the moratorium still exist, and substantial progress has been made in addressing these issues by virtue of the drafting and consideration of proposed amendments to the Town Code and the adoption of a medical marijuana registered caregiver licensing ordinance, but the Town has not yet completed all of this work; and

WHEREAS, additional time is needed to ensure that the Town resolves these issues before additional medical marijuana uses may be located, operated, permitted, approved, or licensed within the Town.

NOW, THEREFORE, pursuant to 30-A M.R.S. § 4356, and Article II, § 11 of the Cumberland Town Charter, the Town of Cumberland hereby ordains that all provisions of the Town of Cumberland Moratorium Ordinance Regarding Medical Marijuana Caregiver Uses are hereby extended for an additional period of one hundred and eighty (180) days, from January 25, 2022 to July 22, 2022.

Adopted January 10, 2022

**TOWN OF CUMBERLAND
MORATORIUM ORDINANCE REGARDING
MEDICAL MARIJUANA CAREGIVER USES**

WHEREAS, the Town Council of the Town of Cumberland (the “Town”) makes the following findings:

- (1) The Maine Medical Use of Marijuana Act (the “Act”), codified in the Maine Revised Statutes in Title 22, Chapter 558-C, authorizes registered caregivers to possess, cultivate, and transfer medical marijuana to qualifying patients, as those terms are defined by 22 M.R.S. § 2422; and
- (2) On July 9, 2018 the Maine Legislature enacted as emergency legislation PL 2017, c. 447 (LD 239), *An Act to Amend the Maine Medical Marijuana Law*, which expressly recognizes municipal home rule authority to regulate registered caregiver operations; and
- (3) The Town has previously enacted a Registered Caregiver Overlay District as part of its Zoning Ordinance; and
- (4) Because the Registered Caregiver Overlay District only applies to commercial zoning districts, it has not resolved legitimate and substantial questions about the impact of medical marijuana uses on the Town in other zoning districts, including questions as to compatibility with existing land uses and developments in the Town; the sufficiency of municipal infrastructure to accommodate such activity; and the possibility of unlawful sale of medical marijuana and medical marijuana products; and
- (5) As a result of the foregoing issues, the location and operation of medical marijuana uses within the Town have potentially serious implications for the health, safety and welfare of the Town and its residents; and
- (6) The Town currently faces the possibility of an overconcentration of medical marijuana uses, both in the Registered Caregiver Overlay District and in other districts; and
- (7) An overburdening of public facilities and resources, including public safety resources, is a reasonably foreseeable result of the unregulated location and operation of medical marijuana uses in the Town; and
- (8) In the judgment of the Town Council, the foregoing findings and conclusions constitute an emergency within the meaning of 30-A M.R.S. § 4356 requiring immediate legislative action.

NOW, THEREFORE, pursuant to 30-A M.R.S. § 4356, and Article II, § 11 of the Cumberland Town Charter, the Town of Cumberland hereby ordains:

Section 1. Moratorium. The Town does hereby declare a moratorium on the location, operation, permitting, approval, or licensing of any and all medical marijuana uses within the Town. No person or organization shall develop or operate a new medical marijuana use that was not in lawful existence on or after the effective date of this Ordinance. During the time this Ordinance is in effect, no officer, official, employee, office, administrative board or agency of the Town shall accept, process, approve, deny, or in any other way act upon any application for a license, building permit, any other type of land use approval or permit and/or any other permits or licenses related to a medical marijuana use.

Section 2. Definitions. For purposes of this ordinance, the term “medical marijuana uses” means a registered caregiver as defined in 22 M.R.S. § 2422(11), and includes a caregiver cultivation facility, a caregiver processing facility or any other associated use.

Section 3. Pending Proceedings. Notwithstanding 1 M.R.S. § 302 or any other law to the contrary, this Ordinance shall govern any proposed medical marijuana use for which an application for a building permit, certificate of occupancy, site plan or any other required approval has been submitted to the Town, whether or not a pending proceeding, prior to the enactment of this Ordinance, but it shall not apply to any medical marijuana use that has received site plan approval from the Town prior to July 12, 2021.

Section 4. Conflicts/Savings Clause. Any provisions of the Town’s ordinances that are inconsistent or conflicting with the provisions of this Ordinance are hereby repealed to the extent applicable for the duration of this moratorium. If any section or provision of this Ordinance is declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

Section 5. Violations. If any medical marijuana use is established in violation of this Ordinance, each day of any continuing violation shall constitute a separate violation of this Ordinance and the Town shall be entitled to all rights and remedies available to it pursuant to 30-A M.R.S. § 4452, including, but not limited to, fines and penalties, injunctive relief, and its reasonable attorney’s fees and costs in prosecuting any such violations.

Section 6. Effective Date. Pursuant to Article II, § 11(c) of the Cumberland Town Charter, this Ordinance shall become effective immediately upon its adoption and shall remain in full force and effect for a period of 180 days after July 12, 2021, unless extended pursuant to law or until a new and revised set of regulations is adopted by the Town, whichever shall first occur.

Section 7. Severability. Should any section or provision of this Moratorium Ordinance be declared by any court of competent jurisdiction to be invalid, such a decision shall not invalidate any other section or provision.

ITEM

22-003

To hear an update on amendments to Chapter 86 (Medical Marijuana
Registered Caregiver Licensing) of the Cumberland Code, as
recommended by the Ordinance Committee

DRAFT

Chapter 86

Medical Marijuana

Registered Caregiver Licensing

§ 86-1 Title.

This Chapter shall be known and may be cited as "Medical Marijuana Registered Caregiver Licensing."

§ 86-2 Purpose; authority; interpretation.

The purpose of this Chapter is to provide for and regulate the issuance of local licenses for Registered Caregivers in the Town of Cumberland. Such licensing shall provide for annual review of and reasonable control over Registered Caregivers' ~~practices-operations~~ and to ensure that life safety and nuisance concerns are properly addressed.

This Chapter is adopted pursuant to the Town of Cumberland's home rule authority, under Art. VIII, Part Second of the Maine Constitution, and 30-A M.R.S. § 3001. This Chapter is also adopted consistent with the Town's statutory authority pursuant to 22 M.R.S. § 2429-D, as may be amended or recodified.

This Chapter does not authorize the operation of adult-use "marijuana establishments" as that term is defined in 28-B M.R.S. § 102(29), as may be amended or recodified. In addition, this Chapter does not authorize the operation of medical marijuana "caregiver retail stores," medical marijuana "manufacturing facilities," medical "marijuana testing facilities," or medical marijuana "registered dispensaries," as those terms are defined in 22 M.R.S. §§ 2422(1-F), 2422(4-R), 2422(5-C), and 2422(6), respectively, as may be amended or recodified.

This Chapter does not, and shall not be interpreted to limit the rights and privileges afforded by the Maine Medical Use of Marijuana Act, 22 M.R.S. § 2421, et seq.

§ 86-3 Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

Cardholder: A "cardholder," as that term is defined in 22 M.R.S. § 2422(1), as may be amended or recodified.

Disqualifying Drug Offense: ~~A~~ - "disqualifying drug offense," as that term is defined in 22 M.R.S. § 2422(4), as may be amended or recodified.

Licensed Premises. The ~~physical structure~~ parcel of property, i.e., a Lot on the Tax Maps of the

Town of Cumberland, where a Registered Caregiver is licensed to operate, consistent with a Registered Caregiver License issued by the Town Council under this Chapter.

Medical Marijuana: Marijuana possessed or used by a Cardholder for medical use, in accordance with 22 M.R.S. § 2423-A, as may be amended or recodified. For the avoidance of doubt, “medical marijuana” does not refer to marijuana possessed or used by an individual of at least 21 years of age for recreational purposes, as more particularly defined and permitted by Title 28-B of the Maine Revised Statutes, as may be amended or recodified.

Qualifying Patient: A “qualifying patient,” as defined in 22 M.R.S. § 2422(9), as may be amended or recodified.

Registered Caregiver: A “registered caregiver,” as defined in 22 M.R.S. § 2422(11), as may be amended or recodified, that is required to register with the State of Maine Office of Marijuana Policy pursuant to 22 M.R.S. § 2425-A. For the avoidance of doubt, a “Registered Caregiver” does not include those categories of caregiver expressly exempted from state registration requirements, as more specifically listed in 22 M.R.S. § 2423-A(3)(C)(1) – (3), as may be amended or recodified.

Registered Caregiver Cultivation Area: An indoor area enclosed by four (4) walls and a permanent roof, including but not limited to a greenhouse, used by a Registered Caregiver for cultivation of medical marijuana that is enclosed and equipped with locks or other security devices that permits access only by a person authorized to have access to the area under Maine law. For the avoidance of doubt, the cultivation of marijuana outside of an enclosed, roofed space, is expressly prohibited.

§ 86-4 Applicability and effect.

A. No Registered Caregiver may operate within the Town of Cumberland in a physical location that is not within the Registered Caregiver Overlay District, as established and defined in § 315-28.5 of the Town of Cumberland Code of Ordinances, unless that Registered Caregiver was legally existing and operating in that physical location prior to November 26, 2018 and has not materially expanded their operation since that date.

B. Regardless of its physical location, beginning on the effective date of this Chapter, no Registered Caregiver may operate within the Town of Cumberland without first receiving a Registered Caregiver License from the Town Council in a manner consistent with the procedures and requirements of this Chapter.

§ 86-5 Effective date; initial licensing application deadline.

This Chapter shall be effective upon adoption by the Town Council. All Registered Caregivers operating within the Town of Cumberland on the Effective Date shall submit licensing applications to the Town Clerk within ninety (90) days of the Effective Date. Failure to do so shall subject a Registered Caregiver to enforcement action, and potential civil penalties, as detailed in § 86-12 of this Chapter.

§ 86-6 License required; application procedure.

A. The operation or performance of conduct consistent with a Registered Caregiver without first receiving a Registered Caregiver License from the Town Council shall be considered a violation of this Chapter, subjecting the violating party to civil fines and other penalties as further outlined herein.

B. The Town Council shall be empowered to issue licenses to individuals to operate as Registered Caregivers in the Town of Cumberland. Registered Caregiver Licenses issued under this Chapter shall be reviewed and approved, approved with conditions, or denied at a Town Council meeting to be held following public notice and public hearing.

C. Each applicant for a new or renewal Registered Caregiver License shall complete and file an application on a form prescribed by the Town Council; Applications for new Registered Caregiver Licenses shall be accompanied by a Two Thousand Dollar (\$2,000) non-refundable application fee. Applications for renewal of previously-granted Registered Caregiver Licenses shall be accompanied by a One Thousand Dollar (\$1,000) non-refundable application fee, together with a Three Thousand Dollar (\$3,000) non-refundable application fee, in addition to any additional annual license fees required by the Town of Cumberland Code of Ordinances. Such applications shall contain the following:

~~(1) — A copy of the applicant's State medical marijuana caregiver registration application, and all supporting documentation as filed with the State of Maine Office of Marijuana Policy, and any amendments thereto.~~

(12) Evidence of state registration and other approvals (if any) required to operate as a Registered Caregiver, including but not limited to the Registered Caregiver's caregiver registration card issued by the Maine Office of Marijuana Policy.

~~(23) If not included in the applicant's State medical marijuana caregiver registration application, a~~ description of the form of ownership of the business enterprise together with the attested copies of any articles of incorporation, bylaws, operating agreement, partnership agreement or articles of association that govern the entity that will own and/or operate the Registered Caregiver operation.

~~(34) If not included in the applicant's state license application, a~~ An affidavit that identifies all owners, officers, members, managers, or partners of the applicant, their ownership interests and their places of residence at the time of the application and for the immediately preceding three (3) years.

~~(5) — A release for each applicant and for each officer, owner, member, manager, or partner of the applicant seeking a license, allowing the Town of Cumberland to obtain criminal records and other background check information related to the individual.~~

(46) Evidence of all land use approvals or conditional land use approvals required to operate a Registered Caregiver pursuant to the Town of Cumberland Code of Ordinances, including but not limited to, a building permit, a site plan approval, and/or a certificate of

occupancy.

(57) If the proposed Licensed Premises is not owned by the applicant, then a signed letter of approval from the proposed Licensed Premises' owner shall be provided.

(68) A detailed depiction of the proposed Licensed Premises.

(7) All other information necessary for the Applicant to demonstrate compliance with all performance standards imposed by § 86-8 of this Chapter, including but not limited to documentation and other supporting information regarding: (i) access to the proposed Licensed Premises, (ii) safety and security of the proposed Licensed Premises, (iii) a ventilation plan for the proposed Licensed Premises, (iv) a waste disposal plan for the Licensed Premises, (v) certificates of insurance demonstrating coverage and terms consistent with the requirements of this Chapter, and (vi) an operations plan for the proposed Licensed Premises.

D. Registered Caregiver License applicants submitting applications and supporting information that is confidential under 22 M.R.S. § 2425-A(12), as may be amended or recodified, and the Maine Freedom of Access Act, 1 M.R.S. § 403(3)(F), as may be amended, shall mark such information as confidential. An individual who possesses a valid State medical marijuana registered caregiver registration card need not identify themselves in an application for a Registered Caregiver License under this Chapter. The Cardholder must, however, identify themselves and provide all relevant application materials to the Town Clerk for examination, but the identity of the Cardholder shall not be a public record and the Town shall not share the identity of the Cardholder, except as necessary by law in the performance of the Town's official functions. At the time that the application is submitted, the Cardholder may appoint a representative to appear before the Town Council on their behalf. Advertisements for the requisite public hearing shall contain the location of the proposed Licensed Premises and the identity of the owner of the real estate and the identity of the designated representative.

E. The Town Council may only issue one (1) Registered Caregiver License to a single business, individual, or owner. For purposes of this restriction, a "business" or "owner" shall include a separate business entity where the majority of ownership interests are held by the same individual(s) or entity/entities.

§ 86-7 Public hearing; granting license; term; renewal.

A. The Town Council shall hold a public hearing within sixty (60) days of receipt of a completed licensing application, as determined by the Town Clerk. At such a public hearing, the testimony of the applicant and that of any interested members of the public shall be taken.

B. Property owners whose property lines are within 500 feet of the proposed Licensed Premises shall be notified in writing by the Town of the public hearing for the initial licensing application and all subsequent licensing renewals sought.

C. Following a public hearing, the Town Council shall consider the application and determine whether the application is consistent with all provisions of this Chapter, as well as all other applicable portions of the Town of Cumberland Code of Ordinances. In line with this

determination, applications for licensure shall be granted, granted with conditions, or denied by the Town Council. Conditions may be imposed on any Registered Caregiver License issued pursuant to this Chapter as necessary to protect the health, safety, and welfare of the public and to achieve the goals and objectives of this Chapter.

D. A Registered Caregiver License shall be valid for a period of one (1) year from date of issuance and must be renewed annually.

E. Applications for renewal of existing Registered Caregiver Licenses shall include all materials required by § 86-6(C) of this Chapter, and shall be processed in the same manner as initial licenses and shall be subject to all provisions of this Chapter. Applications for the renewal of a Registered Caregiver License shall be submitted to the Town Clerk at least sixty (60) days prior to the expiration of the existing license and shall be considered by the Town Council in the manner prescribed for initial license applications in this Section. In considering applications for renewal of existing Registered Caregiver Licenses, the Town Council shall also consider any and all fire, EMS, and/or police reports, as well as all code enforcement complaints and notices of violation (if any), related to the Licensed Premises created during the previous licensing term.

§ 86-8 License performance standards.

No Registered Caregiver License may be granted or renewed by the Town Council and no Registered Caregiver may operate, even after issuance of a Registered Caregiver License, except in compliance with the performance standards contained in this Section. Such performance standards shall automatically be incorporated into all Registered Caregiver Licenses granted by the Town Council as conditions of approval:

A. Access. Convenient and safe access for the ingress and egress of pedestrian and vehicular traffic exists.

B. Traffic. The establishment of a Registered Caregiver operation will not create an unreasonable increase in the frequency or intensity of vehicle traffic in proximity to the Licensed Premises.

C. Location. No Registered Caregiver may operate in a location that is less than 500 feet from the property line of a pre-existing public or private school serving grades Pre-K through 12th grade, or a day care center licensed by the State of Maine.

D. Safety.

(1) Where an electrical system is installed within the Licensed Premises, it shall be installed and maintained in accordance with the provisions of the applicable state standards and regulations and the Town's electrical codes.

(2) The Licensed Premises shall be maintained and used in a manner as to prevent fire and in accordance with the applicable local fire prevention regulations.

(3) Internal and external foot traffic and security control shall meet requirements of the

applicable state and local law enforcement agencies.

(4) The Town of Cumberland Police and Fire Departments have determined that adequate public safety protection equipment is available to provide service to the Licensed Premises.

E. Noise. No amplification of sound shall occur on or from the Licensed Premises as measured by a sound-level meter and frequency-weighting network (manufactured according the standards prescribed by the American National Standards Institute), inherently and recurrently generated, shall not exceed a maximum of 60 decibels, as detected at any lot line of the Licensed Premises.

F. Number of plants; Location of Cultivation Area. A Licensee may not possess or cultivate - ~~No~~ more than thirty (30) mature marijuana plants, or 500 square feet of plant canopy, and sixty (60) immature plants; ~~may be cultivated~~ on a Licensed Premises. All marijuana must be cultivated in an indoor Registered Caregiver Cultivation Area, as that term is defined in this Chapter. No outdoor cultivation or storage of marijuana is allowed.

G. Marijuana cultivation by a Registered Caregiver is prohibited where any portion of the Licensed Premises lies within the Shoreland Zone.

H. Ventilation. All Registered Caregivers shall have an odor mitigation system installed within the Licensed Premises, the design of which has been approved by a Maine licensed engineer. The odor control system installed shall be sufficient to ensure that no odors will be perceptible from any adjoining property line of the Licensed Premises.

I. Waste disposal. Any marijuana waste generated on the Licensed Premises must be disposed of in a manner consistent with all rules established by the Maine Office of Marijuana Policy, as the same may be amended from time to time. The Licensed Premises shall not dispose of waste and/or residue from the growth, cultivation, processing, and storage of medical marijuana in an unsecured waste receptacle not in its possession and control.

J. Loitering. The Registered Caregiver shall make adequate provisions to prevent Cardholders or other persons from loitering on the Licensed Premises. It shall be the Licensee's obligation to ensure that anyone found to be loitering or using marijuana or marijuana products in the parking lot or other outdoor areas of the Licensed Premises is ordered to leave.

K. Security. The Licensed Premises must meet the following security requirements:

(1) The Licensed Premises shall have lockable doors and windows and shall be served by an alarm system that includes both an audible alarm and a police department notification component. Said alarm systems must also be professionally monitored, and maintained in good working condition.

(2) The Licensed Premises shall have video surveillance capable of covering the exterior and interior of the facility. The video surveillance system shall be operated with continuous recording twenty-four (24) hours per day, seven (7) days per week, and video shall be retained

for a minimum duration of thirty (30) days. Such records shall be made available to law enforcement agencies when investigating a criminal complaint.

L. Insurance; indemnification.

(1) Each Licensee shall procure and maintain occurrence-based commercial general liability insurance coverage in the minimum amount of \$1,000,000 per occurrence / \$2,000,000 aggregate for bodily injury, death, and property damage. Such coverage shall not include any bodily injury or property damage restrictions or exclusions associated with cultivation or sale of medical marijuana.

(2) Evidence of insurance required herein shall be a condition of the issuance of any Registered Caregiver License under this article, and shall be submitted to the Town as part of the applicant's license application. Certificates shall guarantee ten days' notice to the Town of termination of insurance or any material change from the insurance provider or agent. ~~The Town's acceptance or lack of such evidence shall not be construed as a waiver of the applicant's obligation to obtain and maintain such insurance as required by this Chapter.~~

(3) By accepting a Registered Caregiver License from the Town, the Licensee knowingly and voluntarily waives, releases, and discharges the Town from all claims, causes of action and demands, both known and unknown, which it has ever had, or may have against the Town, officers, agents, employees, representatives, insurers, successors, and assigns for any injuries, damages or liabilities, resulting from the arrest, prosecution or other consequence of the Registered Caregiver or its parties of control for a violation of local, state or federal laws, rules or regulations.

M. Frequency of patient visits; hours of operation. If ~~a Registered Caregiver's~~ the Licensed Premises are not located within the Registered Caregiver Overlay District, as shown on the Town of Cumberland's Official Zoning Map and further defined in § 315-28.5 of the Town of Cumberland Code of Ordinances, ~~said a~~ Registered Caregiver may not sell or dispense marijuana to more than five (5) Cardholders in a 24-hour period and may only do so between the hours of 9 AM to 5 PM Monday through Friday.

N. ~~One Limit on Registered Caregiver Licenses Per Licensed Premises Registered Caregiver Per Licensed Premises.~~

~~(1) No more than one (1) Registered Caregiver License may be granted for a Licensed Premises located outside of the Registered Caregiver Overlay District.~~

~~(2) No more than -t In spite of any language to the contrary and for the avoidance of doubt, only one wo (24) Registered Caregiver Licenses may be granted for each Licensed Premises located within the Registered Caregiver Overlay District.~~

~~As such, only one (1) Registered Caregiver may operate consistent with a Registered Caregiver Licensed granted under this Chapter, on a single parcel of property, as more particularly shown on the Tax Maps of the Town of Cumberland. For the avoidance of doubt, Registered Caregivers seeking to~~

operate on the same Licensed Premises must each receive and maintain a separate Registered Caregiver License consistent with this Chapter.

~~O. No Caregiver Retail Stores. The Town of Cumberland does not allow medical marijuana “caregiver retail stores,” as that term is defined in 22 M.R.S. § 2422(1-F), as may be amended. As such, Licensees shall not: (a) maintain or post regular business hours for the Licensed Premises; (b) allow access to the Licensed Premises by members of the general public; (c) permit more than one (1) Qualifying Patient to enter the Licensed Premises for the purposes of purchasing or otherwise receiving medical marijuana at a time; (d) permit Qualifying Patients to enter the Licensed Premises without first having an appointment to do so; (e) sell goods or services other than Medical Marijuana, including but not limited to t-shirts, hats, mugs, or other such merchandise, directly to any Qualifying Patient; or (f) operate the Licensed Premises with any other attribute that is generally associated with retail stores.~~

O. No Caregiver Retail Stores. The Town of Cumberland does not allow medical marijuana “caregiver retail stores,” as that term is defined in 22 M.R.S. § 2422(1-F), as may be amended. As such, Licensees shall not: (a) post regular business hours for the Licensed Premises on said Licensed Premises or in any advertising or marketing materials; (b) allow access to the Licensed Premises by members of the general public; (c) permit more than two (2) Qualifying Patients to enter the Licensed Premises for the purposes of purchasing or otherwise receiving medical marijuana at a time; (d) permit Qualifying Patients to enter the Licensed Premises without first having an appointment to do so; (e) sell goods or services other than Medical Marijuana, including but not limited to t-shirts, hats, mugs, or other such merchandise, directly to any Qualifying Patient; or (f) operate the Licensed Premises with any other attribute that is generally associated with retail stores.

P. Signs. All Licensees shall display a sign on the Licensed Premises to enable emergency responders to locate said Licensed Premises. Such signs may only contain the Licensee’s business name or trade name and the street address of the Licensed Premises, both of which shall be displayed in plain, non-stylized typeface. No additional content, including logos, are permitted. All such signs must receive a sign permit from the Code Enforcement Officer prior to installation or erection, and shall comply in all respects with § 315-63 of the Town of Cumberland Code of Ordinances.

§ 86-9 Inspections.

A Licensee and its agents and employees shall, at any reasonable time, permit inspection of the Licensed Premises by the Town if necessary to ensure compliance with the provisions of this Chapter or any other applicable portion of local ordinance or state law.

§ 86-10 Decision on licensing application; revocation of license.

A. Any applicant requesting a Registered Caregiver License from the Town Council shall be notified in writing of the Town Council’s decision no more than fourteen (14) calendar days from the date of the Town Council’s decision. In the event that a license application is denied, or is granted with conditions, the applicant shall be provided with the reasons for the denial or the

conditional grant in writing. The applicant may not reapply within thirty (30) days after an application for a license that has been denied.

B. The Town Council may, after notice and hearing, suspend or revoke a Registered Caregiver License issued under this Chapter if the Licensee, or any of the Licensee's officers, members, directors, or partners:

- (1) Fails to maintain compliance with all requirements of this Chapter, or with any applicable provision of state law or administrative regulation, including but not limited to 22 M.R.S. § 2421, *et seq.*, as may be amended or recodified;
- (2) Has not acquired and maintained all necessary State of Maine and local approvals prior to and during the term of the License;
- (3) Has been convicted of a disqualifying drug offense;
- (4) Has had a license issued under this Chapter, or any other applicable state or local approval revoked;
- (5) Has provided false or misleading information in connection with the license application; or
- (6) Has, after receiving written notice and demand, refused to allow the Licensed Premises to be inspected for compliance with this Chapter, or has otherwise interfered with a Town officer, official, or employee's performance of their official duties.

§ 86-11 Appeals.

Any appeal of a decision of the Town Council to grant, grant with conditions, deny, suspend, or revoke a Registered Caregiver License pursuant to this Chapter, shall be to Maine Superior Court within thirty (30) days of the date of the decision, in a manner consistent with Rule 80B of the Maine Rules of Civil Procedure.

§ 86-12 Violations and penalties.

The Town of Cumberland shall enforce this Chapter through its Code Enforcement Officer. In addition to revocation and/or suspension of a Registered Caregiver License as provided in this Chapter, any violations of this Chapter shall be subject to a minimum fine of \$100.00 per day and a maximum fine of \$2,500.00 per day, pursuant to 30-A M.R.S. § 4452. _Each day that a violation remains constitutes a separate violation. The Town Council, or its authorized agent, is authorized to initiate legal proceedings in Maine District Court to enjoin the unlawful operation of a Registered Caregiver, as provided in this Chapter. If the Town is the prevailing party in such proceedings, the Town shall be entitled to recover its costs of enforcement, including its attorney's fees.

§ 86-13 Waivers.

The Town Council may, in its discretion, waive any of the requirements under § 86-6 of this Chapter

if it finds the submittal of certain materials is unnecessary or irrelevant to the review of a particular Registered Caregiver License application.

§ 86-14 Transfer of license.

A Registered Caregiver License may not be assigned or transferred to another person or entity. Any change in ownership or change in officers of the licensee requires a new license. The new owners of any Registered Caregiver, as defined in this Chapter, shall apply to the Town Council for a new license prior to beginning operation. Registered Caregiver Licenses are limited to the premises for which they are issued and are not transferable to any other property. All Licensees who desire to relocate to a new location shall apply to the Town Council or its designee for a new license and if approved they shall relinquish their permit/license from the previous location.

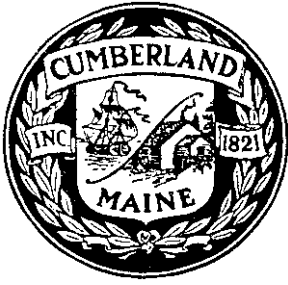
§ 86-15 Validity and severability.

Should any section or provision of this Chapter be declared by any court of competent jurisdiction to be invalid, such decision shall not invalidate any other section or provision of this Chapter.

Chapter Originally Adopted January ____, 2022

ITEM 22-004

To hear a report from the Senior Tax Rebate Committee



M E M O R A N D U M

TOWN OF CUMBERLAND, MAINE
290 TUTTLE ROAD
CUMBERLAND, MAINE 04021
TEL: 207-829-2205 FAX: 829-2224

To: Town Council
From: William R. Shane, Town Manager
Date: January 6, 2022
Re: Senior Tax Rebate Program - Deferral Pilot

Councilor Segrist will provide a brief update regarding the status of the deferral program as part of the agenda Monday evening. I think it would be appropriate for the Town Council to consider endorsing moving this forward toward an ordinance as part of our Taxation chapter.

I also believe the next step (once the ordinance language is developed) would be for the Senior Property Tax Committee (Councilors Storey-King, Foster, Copp) to review the proposed ordinance and forward to the full Council for review and discussion. I am hopeful all this can be accomplished before April so we will have time to educate staff about the program and set-up the correct forms and support material needed for this important program.

I believe an appropriate motion might be :

I move to authorize the development of the required ordinance language for the Senior Tax Assistance Deferral Pilot Program and submit the complete document to the Senior Property Tax Committee for review and Town Council action, prior to the end of April.

BUDGET REPORT

Revenues

01/06/2022
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TOWN OF CUMBERLAND HISTORICAL ACTUALS COMPARISON REPORT

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FOR PERIOD 06 OF 2022

ACCOUNTS FOR:	PRIOR YR3	PRIOR YR2	LAST YR	CURRENT YR	CY REV
001 General Fund	ACTUALS	ACTUALS	ACTUALS	ACTUALS	BUDGET
<hr/>					
0011 Other Tax Revenues					
<hr/>					
0011 0303 Motor Vehicle Excise Tax	-1,112,323.65	-1,153,049.39	-1,270,188.35	-1,176,553.01	-2,003,000.00
0011 0304 Boat Excise Tax	-2,625.60	-2,680.70	-4,025.40	-3,097.10	-17,000.00
0011 0328 Outer Islands Property Tax	-22,020.50	-23,513.74	-22,947.69	.00	-46,000.00
0011 0329 Payment in Lieu of Taxes	-15,959.00	-16,061.48	-18,903.00	-19,039.50	-33,000.00
TOTAL Other Tax Revenues	-1,152,928.75	-1,195,305.31	-1,316,064.44	-1,198,689.61	-2,099,000.00
0012 License & Permit Revenues					
<hr/>					
0012 0311 Hunting/Fishing Lic Agent Fees	-226.25	-208.75	-167.75	-721.18	-541.00
0012 0312 Marriage Lic & Vital Records	-1,637.00	-1,644.80	-1,829.80	-1,743.00	-2,400.00
0012 0313 Birth Certificates	-742.00	-758.80	-712.20	-902.00	-1,400.00
0012 0314 Death Certificates	-1,194.40	-1,047.80	-919.20	-496.00	-1,500.00
0012 0315 Clerk Licenses	-2,245.00	-1,595.00	-1,110.00	-2,345.00	-4,608.00
0012 0316 Shellfish Licenses	-35.70	-121.42	-417.81	-103.53	-600.00
0012 0317 Conservation Fees	-14.30	-18.58	-62.19	-36.47	-100.00
0012 0334 Snowmobile Reg. Agent Fees	-109.00	-90.00	-137.00	-84.00	.00
0012 0361 Motor Vehicle Reg. Agent Fees	-10,774.00	-14,326.00	-17,413.00	-16,626.00	-21,406.00
0012 0362 Boat Reg. Agent Fees	-138.00	-161.00	-169.00	-135.25	-500.00
0012 0366 Building Permits	-43,269.53	-40,241.11	-70,876.06	-67,691.33	-75,000.00
0012 0367 Electrical Permits	-10,860.05	-12,073.00	-17,969.33	-16,058.47	-21,634.00
0012 0368 Plumbing Permits	-8,060.00	-7,672.50	-12,477.50	-9,785.00	-18,789.00
0012 0369 Other Permits	-670.00	-348.00	-309.00	-471.00	-1,751.00
0012 0383 ATV Reg. Agent Fees	-64.00	-64.00	-57.00	-48.00	-60.00
0012 0390 Misc. Revenue	.00	.00	-100.00	-80.00	.00
0012 0398 Application Fee	-850.00	-200.00	-450.00	-950.00	-1,300.00
0012 0401 Dog Reg. Clerk Fees	-618.00	-513.00	-419.00	-525.00	-900.00
0012 0404 Commercial Haulers License	.00	.00	-100.00	.00	-500.00
TOTAL License & Permit Revenue	-81,507.23	-81,083.76	-125,695.84	-118,801.23	-152,989.00
0013 Intergovernmental Revenues					
<hr/>					
0013 0331 State Revenue Sharing	-231,569.24	-372,567.62	-486,008.36	-748,767.76	-825,000.00
0013 0335 Local Rd Asst Prog	-68,644.00	-71,480.00	-66,876.00	-72,636.00	-67,000.00
0013 0341 North Yarmouth Recreation Shar	-4,730.00	871.25	-4,546.00	-32,304.00	-129,216.00

01/06/2022
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TOWN OF CUMBERLAND
HISTORICAL ACTUALS COMPARISON REPORT
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FOR PERIOD 06 OF 2022

ACCOUNTS FOR:	PRIOR YR3	PRIOR YR2	LAST YR	CURRENT YR	CY REV
001 General Fund	ACTUALS	ACTUALS	ACTUALS	ACTUALS	BUDGET
<hr/>					
0013 0342 North Yarmouth Library Share	-40,018.00	-42,340.17	-45,848.25	-48,108.75	-192,435.00
0013 0348 ACO Sharing Payments	.00	-21,496.00	.00	.00	.00
0013 0390 Misc. Revenue	.00	.00	.00	-3,850.00	.00
TOTAL Intergovernmental Revenue	-344,961.24	-507,012.54	-603,278.61	-905,666.51	-1,213,651.00
 0015 Other Revenues					
<hr/>					
0015 0305 Interest & Penalties	-9,416.75	-22,659.88	-8,160.34	-3,639.15	-30,000.00
0015 0306 Over/Short	5,097.02	4.86	466.18	-3,325.32	-100.00
0015 0364 Growth Permits	-1,800.00	-1,600.00	-2,300.00	-1,000.00	-2,000.00
0015 0365 Board of Appeals	-100.00	-200.00	.00	.00	.00
0015 0390 Misc. Revenue	-31,077.95	-31,855.07	-31,205.66	-44,082.87	-25,000.00
0015 0399 Staff Review Fee	-7,750.00	-1,650.00	-3,350.00	-2,700.00	-9,700.00
0015 0403 Mooring Fees	-150.02	-1,568.00	-64.00	-684.00	-5,000.00
0015 0410 Private Ways	-600.00	.00	-200.00	.00	-400.00
0015 0508 Impact Fees	-46,988.90	-54,205.20	-62,456.80	-45,970.40	-60,000.00
TOTAL Other Revenues	-92,786.60	-113,733.29	-107,270.62	-101,401.74	-132,200.00
 0021 Police Related Revenues					
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0021 0337 State Grant revenue	.00	.00	-951.30	.00	.00
0021 0351 Police Issued Permits	-1,305.00	-5,169.00	-590.00	-302.00	-2,000.00
0021 0353 Police Insurance Reports	-288.00	-260.00	-220.00	-642.00	-500.00
0021 0390 Miscellaneous Police Revenue	-33.00	-165.00	-51.00	-65.00	-648.00
0021 0427 Parking Tickets	-25.00	-575.00	-175.00	-25.00	-100.00
0021 0431 Outside Detail	737.52	.00	.00	.00	.00
0021 0536 Dog Licenses ACO Revenue	-1,269.00	-1,155.00	-927.00	-1,059.00	-1,800.00
0021 0540 MSAD #51 SRO Reimbursement	-24,500.00	.00	.00	.00	.00
0021 0546 Court Reimbursements	46.00	-3,392.28	-119.02	-932.88	-2,200.00
TOTAL Police Related Revenues	-26,636.48	-10,716.28	-3,033.32	-3,025.88	-7,248.00
 0022 Fire Related Revenues					
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0022 0390 Misc. Revenue	.00	-15.00	.00	.00	.00
0022 0504 Rescue Billing	-85,970.00	-64,837.23	-55,885.21	-72,695.86	-160,000.00

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FOR PERIOD 06 OF 2022

ACCOUNTS FOR:	PRIOR YR3	PRIOR YR2	LAST YR	CURRENT YR	CY REV
001 General Fund	ACTUALS	ACTUALS	ACTUALS	ACTUALS	BUDGET
0022 0507 Paramedic Intercepts	.00	.00	-300.00	.00	.00
0022 0617 Donations Received	.00	-1,000.00	-4,295.00	.00	.00
0022 0617 COVID Donations Received	.00	.00	8.99	.00	.00
TOTAL Fire Related Revenues	-85,970.00	-65,852.23	-60,471.22	-72,695.86	-160,000.00
0031 Public Services Revenues					
0031 0390 Misc. Revenue	-3,123.00	-5,954.00	-3,534.00	-28.00	-20,500.00
0031 0391 Field Usage Fees	-5,113.20	-3,806.80	.00	-60.00	-5,000.00
0031 0431 Outside Details	-1,234.03	-852.16	.00	.00	.00
0031 0517 Bags/Universal Waste	-159,877.50	-114,334.00	-79,047.50	-41,980.00	-295,015.00
0031 0539 Brush Passes	-1,519.00	-1,666.00	-6,209.00	-2,713.00	-8,277.00
0031 0617 Twin Brooks Donations	.00	-100.00	.00	-2,846.60	.00
TOTAL Public Services Revenues	-170,866.73	-126,712.96	-88,790.50	-47,627.60	-328,792.00
0035 VH Other Revenues					
0035 0329 Payment in Lieu of Taxes	.00	-4,000.00	.00	.00	.00
0035 0378 Soda Sales	-2,039.60	-1,594.40	-2,085.40	-2,745.00	-2,500.00
0035 0560 Rental Income	-8,948.23	-6,750.00	-6,750.00	-7,500.00	-14,000.00
0035 0565 Cell Tower Land Lease	-10,800.00	-10,800.00	-11,340.00	-12,420.00	-24,840.00
TOTAL VH Other Revenues	-21,787.83	-23,144.40	-20,175.40	-22,665.00	-41,340.00
0037 VH Golf Revenues					
0037 0306 Over/Short	-7.24	506.39	-3.13	-.64	.00
0037 0357 Golf Memberships	-117,410.40	-92,268.60	-123,869.55	-175,161.10	-235,542.00
0037 0358 Greens Fees	-99,893.75	-70,967.44	-122,976.61	-146,279.50	-179,737.00
0037 0359 Golf Cart Rentals	-56,771.29	-43,912.45	-70,491.19	-87,765.00	-92,257.00
0037 0416 Practice Range	-4,911.75	-768.25	-6,358.97	-4,888.00	-8,860.00
0037 0417 VH Program Revenues	-46,365.70	-42,284.00	-50,811.63	-78,550.00	-70,500.00
0037 0419 Advertising Sales	-5,681.50	.00	.00	.00	-22,500.00
0037 0522 Outing Golf	-41,978.43	-63,999.00	-36,038.00	-64,708.00	-48,290.00
TOTAL VH Golf Revenues	-373,020.06	-313,693.35	-410,549.08	-557,352.24	-657,686.00
0041 Recreation Related Revenues					

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FOR PERIOD 06 OF 2022

ACCOUNTS FOR:			PRIOR YR3	PRIOR YR2	LAST YR	CURRENT YR	CY REV
001 General Fund			ACTUALS	ACTUALS	ACTUALS	ACTUALS	BUDGET
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0041	0440	41100 After School Programs	-135,893.09	-165,278.50	-157,139.50	-151,953.00	-272,000.00
0041	0441	41110 Youth Enrichment Programs	-88,327.60	-102,913.07	-14,154.50	-136,039.50	-175,000.00
0041	0442	41120 Youth Sports Programs	-50,801.25	-48,944.00	-5,947.50	-88,454.50	-115,000.00
0041	0443	41130 Skiing Programs	-51,897.00	-56,404.00	-11,187.50	-24,235.00	-45,020.00
0041	0444	41140 Day Camps	-29,100.65	-30,108.43	-71,445.50	-211,997.90	-165,000.00
0041	0445	41150 Swimming Programs	-16,092.29	-16,536.00	-1,040.00	-4,700.00	-21,250.00
0041	0446	41160 Adult Enrichment Revenue	-18,606.95	-16,742.49	-620.00	-6,013.20	-31,715.00
0041	0447	41170 Adult Fitness Revenue	-34,542.13	-32,488.70	-12,449.00	-31,905.00	-45,000.00
0041	0448	41190 Special Events/Trips Reven	-1,299.00	-2,005.00	.00	-3,136.00	-5,000.00
0041	0449	41190 Recreation Programs	-970.00	-4,933.28	.00	.00	-1,995.00
0041	0570	41190 Rec Soccer Revenue	-18,175.00	-20,190.00	-9,123.00	-29,737.00	-23,000.00
0041	0571	41190 Rec Ultimate Frisbee Reven	-394.00	-870.00	.00	-535.00	-14,000.00
0041	0606	41190 CPR/First Aid Revenues	-470.00	-770.00	-165.00	55.00	-250.00
TOTAL Recreation Related Reven			-446,568.96	-498,183.47	-283,271.50	-688,651.10	-914,230.00
0044 W Cumberland Hall Revenues							
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0044	0377	Hall Rental	.00	.00	.00	-405.00	.00
TOTAL W Cumberland Hall Revenu			.00	.00	.00	-405.00	.00
0045 Library Related Revenues							
<hr/>							
0045	0392	Library Fines	-1,384.30	-2,626.61	-539.44	-49.15	.00
0045	0394	Misc. Library Revenue	-555.80	-708.70	-382.80	-93.00	.00
TOTAL Library Related Revenues			-1,940.10	-3,335.31	-922.24	-142.15	.00
0211 Police- Salaries & Bens							
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0211	0431	Outside Details	-21,762.11	-19,467.78	-2,765.25	-25,265.64	-26,741.00
TOTAL Police- Salaries & Bens			-21,762.11	-19,467.78	-2,765.25	-25,265.64	-26,741.00
0221 Fire- Salaries & Benefits							
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0221	0431	Outside Details	-15,420.32	-15,159.62	.00	-27,646.50	-18,000.00

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ACCOUNTS FOR: 001 General Fund	PRIOR YR3 ACTUALS	PRIOR YR2 ACTUALS	LAST YR ACTUALS	CURRENT YR ACTUALS	CY REV BUDGET
TOTAL Fire- Salaries & Benefit	-15,420.32	-15,159.62	.00	-27,646.50	-18,000.00
0311 Public Works- Salaries & Bens					
0311 0431 Outside Details	.00	.00	.00	-1,054.43	.00
TOTAL Public Works- Salaries & Bens	.00	.00	.00	-1,054.43	.00
TOTAL General Fund	-2,836,156.41	-2,973,400.30	-3,022,288.02	-3,771,090.49	-5,751,877.00
TOTAL REVENUES	-2,836,156.41	-2,973,400.30	-3,022,288.02	-3,771,090.49	-5,751,877.00
GRAND TOTAL	-2,836,156.41	-2,973,400.30	-3,022,288.02	-3,771,090.49	-5,751,877.00

Expenses



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TOWN OF CUMBERLAND HISTORICAL ACTUALS COMPARISON REPORT

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FOR PERIOD 06 OF 2022

ACCOUNTS FOR:	PRIOR YR3	PRIOR YR2	LAST YR	CURRENT YR	CY REV
001 General Fund	ACTUALS	ACTUALS	ACTUALS	ACTUALS	BUDGET
130 Administration	320,311.26	319,520.58	285,029.43	321,063.64	664,743.00
140 Assessor	54,470.41	50,920.04	55,072.34	59,247.61	118,867.00
150 Town Clerk	120,596.99	143,313.60	104,385.08	142,054.20	291,177.00
160 Technology	111,923.56	153,155.25	193,062.53	173,506.88	280,613.00
165 Elections	5,701.69	3,941.67	4,463.78	3,461.50	35,127.00
170 Planning	32,280.30	30,822.10	28,344.39	32,782.53	74,035.00
190 Legal	22,143.57	28,327.87	32,243.90	16,002.77	47,500.00
210 Police	654,090.29	717,866.23	704,020.88	747,972.66	1,578,958.00
220 Fire	468,856.77	493,789.12	474,983.80	511,629.45	1,096,586.00
240 Code Enforcement	67,156.30	71,844.81	74,275.17	83,386.26	150,858.00
250 Harbor Master	3,147.39	12,012.04	9,869.76	7,259.15	22,480.00
260 Animal Control	18,477.35	36,299.02	25,944.99	34,244.32	36,179.00
310 Public Works	504,652.68	527,592.84	516,623.77	556,138.86	1,302,955.00
320 Waste Disposal	243,746.29	267,144.31	268,639.98	334,277.68	637,459.00
350 Valhalla-Club	14,880.88	14,936.96	5,165.36	7,823.16	26,241.00
360 Valhalla-Course	306,398.02	298,656.34	318,273.12	353,004.44	559,899.00
370 Valhalla-Pro Shop	195,489.13	151,584.44	133,735.08	139,971.31	240,351.00
410 Recreation	559,499.53	615,055.25	392,334.35	564,624.72	955,292.00
420 Aging in Place	13,853.54	60,642.60	61,111.87	123,716.75	101,716.00
430 Parks	192,343.92	179,634.59	188,439.91	172,166.90	327,477.00
440 West Cumberland Rec	1,496.15	2,438.45	1,101.20	1,374.96	8,744.00
450 Library	239,561.14	258,411.26	237,804.82	260,074.35	550,098.00
470 Historical Society Building	3,529.41	4,299.30	186.00	409.84	11,364.00
580 General Assistance	16,948.35	27,264.53	20,086.93	8,495.47	35,000.00
590 Health Services	11,937.65	15,937.65	.00	1,937.65	3,875.00
620 Cemetery Association	28,450.00	26,700.00	26,700.00	26,700.00	26,700.00
630 Conservation	5,542.45	1,335.21	4,786.47	17,856.39	21,000.00
650 Debt Service	528,987.24	361,209.26	300,580.47	174,808.25	1,262,301.00
750 Insurance	228,117.19	235,380.55	289,103.37	298,657.50	319,619.00
800 Fire Hydrants	32,599.70	40,994.80	41,640.08	42,336.98	83,500.00
810 Street Lighting	13,748.82	17,613.78	118.89	.00	45,000.00
830 Contingent	2,907.19	2,500.00	17,588.89	25,084.30	10,000.00
840 Municipal Building	45,588.48	39,862.43	36,695.40	63,180.50	109,837.00
850 Abatements	4,969.70	32,504.24	2,165.25	9,605.08	1.00
TOTAL General Fund	5,074,403.34	5,243,511.12	4,854,577.26	5,314,856.06	11,035,552.00
TOTAL EXPENSES	5,074,403.34	5,243,511.12	4,854,577.26	5,314,856.06	11,035,552.00
GRAND TOTAL	5,074,403.34	5,243,511.12	4,854,577.26	5,314,856.06	11,035,552.00