

# MINUTES

Cumberland Town Council Meeting

Town Council Chambers

**MONDAY, August 10, 2020**

**6:00 P.M. Finance Committee Meeting**

## **7:00 P.M. Call to Order**

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

Excused: Councilor Edes

## **I. APPROVAL OF MINUTES**

Motion by Councilor Copp, seconded by Councilor Vail, to accept the July 27, 2020 meeting minutes as presented.

VOTE: 6-0                      UNANIMOUS

## **II. MANAGER'S REPORT**

Town Manager Shane gave an overview of the Public Works garage project, explaining that the project will now be broken into 2 phases. He showed a drawing of the project without the administrative building, which was part of the original plan. The original Council order anticipated using some reserve funds to complete this project. The budget today does not allow us to complete the project without the use of reserve funds. Given the uncertainty of the current financial times due to the pandemic, he feels that it will be wise to phase the Town garage project into two phases. Phase 1 will include the bays for the Town equipment and the school busses. Phase 2 will be the administrative building, currently estimated at around \$900,000 to build. Phasing in the administrative building would allow the time to maneuver through the current economic uncertainty and build reserves up to complete the project. We could sub-contract the administrative building ourselves in the future, if we choose to.

Motion by Councilor Storey-King, seconded by Councilor Copp, to add an additional item to the August 10<sup>th</sup> agenda as recommended by the Finance Committee (this additional item will be placed at the end of the Council agenda #20-058).

## **III. PUBLIC DISCUSSION**

None

## **IV. LEGISLATION AND POLICY**

### **20 – 051 To hold a Public Hearing to consider and act on amendments to Chapter 84 (Fees and Fines) of the Cumberland code, as recommended by the Ordinance Committee.**

Town Manager Shane explained that these fee amendments were reviewed in detail at the last meeting. The fees related to building and code enforcement have not been updated for 15 years. The fee increases will bring us into alignment with our neighboring Towns. Going forward we will review them every 5 years.

Chairman Gruber opened the Public Hearing.

Public discussion: none

Chairman Gruber closed the Public Hearing.

Councilor Storey-King said that she feels this is a great idea, but the timing is wrong.

Councilor Foster agreed with Councilor Storey-King that the timing may be off, but we haven't increased these fees in 15 years.

Councilor Vail said that he is in favor of this. It has been a long time coming, the costs are not onerous, and they are in line with our neighboring towns. Someone applying for a building permit is not going to be swayed by a small increase in fees.

Councilor Copp agreed. It's been 15 years and the increase is only a few dollars.

Councilor Turner said that he is in favor of this. He has more heartburn with impact fees and not these basic fees.

Motion by Councilor Copp, seconded by Councilor Vail, to amend Chapter 84 (Fees and Fines) of the Cumberland code, as recommended by the Ordinance Committee.

VOTE: 5-1 (Storey-King opposed) MOTION PASSES

**20 – 052 To hold a Public Hearing to consider and act on amendments to Chapter 9 (Alarms) of the Cumberland code, as recommended by the Ordinance Committee.**

Town Manager Shane explained that the Police Chief was at the last meeting and reviewed the amendments to the Alarm Ordinance. With the numerous types of online alarm systems available today, those who were coming forward to register their alarm systems were being treated unfairly by having to pay a fee. One of the amendments in the previous item to amend the Fees & Fines Ordinance included the elimination of alarm fees. The penalty fees for multiple false alarms were not removed.

Chairman Gruber opened the Public Hearing,

Public discussion: none

Chairman Gruber closed the Public Hearing.

Motion by Councilor Vail, seconded by Councilor Turner, to amend Chapter 9 (Alarms) of the Cumberland code, as recommended by the Ordinance Committee.

VOTE: 6-0 UNANIMOUS

**20 – 053 To consider and act on adopting standards to develop and maintain trails on Town owned properties and Town owned easements, as recommended by the Lands & Conservation Commission.**

John Jensenius, Chairman of the Trails subcommittee of the Lands & Conservation Commission presented the following overview of the recommended trail standards for the Town trails:

Proposed  
**Town of Cumberland**  
**Trail Construction and Maintenance Standards**

- Applies to Town-owned properties and easements, except any previous agreements for the management of trails on Town-owned properties shall be honored.
- All trail maintenance and construction must be done in conjunction with the Recreational Trails subcommittee and/or Lands and Conservation Commission.
- Construction and maintenance on Town-owned properties which are covered by an easement must also be coordinated with the holder of the easement.

## Trails Uses

Rural trail use increased dramatically this past spring with the COVID-19 pandemic. The increased trail use and wet weather put a strain on trail surfaces and has increased the need for trail maintenance.

- Hiking/Walking
- Dog walking
- Biking
- Running
- Snowshoeing
- Cross country skiing
- Horseback riding
- Snowmobiling

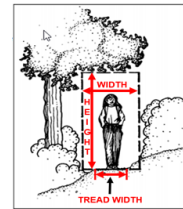
## Types of Town Trails

- **Urban Trails** – Sidewalks and paved pathways. Maintained by Public Works.
- **Semi-rural trails** – High-use trails that have been hardened with gravel. Maintained mainly by the Public Works Department with assistance from volunteers when needed. (Town Forest, Twin Brook)
- **Rural trails** – Maintained mainly by volunteers with assistance from Public Works when needed. (Rines Forest, Greely Woods)
- **Snowmobile trails** – Generally, rural trails that are specifically designated for snowmobiles. Maintained mainly by volunteers with assistance from Public Works when needed.
- **Handicap-accessible trails** – Maintained by Public Works with assistance from volunteers when needed.

## Recommended tread width, trail width, trail height, and surface type for Town of Cumberland trails.

Standard	Urban	Semi-rural	Rural	Snowmobile	Accessible
Tread width	4-6 ft	8-10 ft	1.5-3 ft	6-10 ft	4 ft
Trail width	8-10 ft	12-14 ft	3-5 ft	6-10 ft	6 ft
Trail Height	8 ft*	8 ft*	8 ft*	8 ft*	8 ft*
Tread Surface	Concrete/ Asphalt	Sand/gravel aggregate or Natural	Natural, Sand/gravel aggregate where necessary	Natural, Sand/gravel aggregate where necessary	Concrete/ Asphalt

\* Note that trail height recommendations do not apply when heavy snow loads weigh down branches.



## Hardening the Trail

Goal: In soft areas, prevent an ever-expanding spiderweb of paths around and ever expanding mucky areas.



## Trail Structures

**Bridges** – Primarily constructed for stream crossing

Width – At least as wide as the recommended tread width but no less than 4 feet.

Height – Bridges more than 4 feet above the ground or water surface must have a railing of at least 42 inches in height.

Bridges of any size that do not have a railing must have a curb along both sides of the tread.

**Walkways** – Primarily constructed in very soft or wetland areas

Width – At least as wide as the recommended tread width but no less than 2 feet.

Height – Walkways are typically about a foot above the ground or water surface and may or may not have curbs.

Note: Walkways are allowed on snowmobile trails as long as they are a minimum of 8 ft wide.





**The End**

Chairman Gruber asked for any public comment on this item.

Penny Asherman, President of the Chebeague & Cumberland Land Trust said that the Trust has been working with John on the proposed trail standards. The Land Trust has reviewed and approved them and they look forward to working with the Lands & Conservation Commission on keeping up the trails.



Motion by Councilor Copp, seconded by Councilor Foster, to adopt standards to develop and maintain trails on Town owned properties and Town owned easements, as recommended by the Lands & Conservation Commission.  
VOTE: 6-0                      UNANIMOUS

**20 – 054    To hear a report from the Town Manager re: discontinuance of a portion of Turkey Lane from Range Road to the snowmobile bridge.**

Town Manager Shane explained that Turkey Lane is a road owned by the Town that begins on Range Road and ends at Route 9. The road has not been maintained by the Town for over 40 years and there are presently no homes on the Range Road end of it. The Gallaudet's own the land on both sides of Turkey Lane. If we discontinue the road, it would become a 20' wide public easement that the Town would retain. Many years ago, homes were built on an undeveloped portion of Harris Road and those residents sued the Town to get us to build the road to Town standard. The Town lost that lawsuit and had to spend hundreds of thousands of dollars to build Harris Road. The Gallaudet's own the land on both sides of Turkey Lane and are willing to work with the Town and will not require us to upgrade the road. We will preserve a public easement over it, which will allow the public to walk from Range Road to Route 9.

Chairman Gruber asked for any public comment on this item.  
No public comment.

Councilor Vail said that he is not in favor of this because it will set a precedent. He is very hesitant to give up rights to a public way and an easement is not the same as maintaining ownership. It is a beautiful spot and the public access is too much to give up.

Councilor Copp asked where the discontinuance would begin.

Town Manager Shane said that it would start at the Range Road end of Turkey Lane and end at the snowmobile bridge. If the land ever got developed, the owner would have to come before the Town Council and ask for a license to build a house there, because the Town would own the easement.

Councilor Copp said that he is also a little leery of giving up the rights to Turkey Lane.

Motion by Councilor Vail, seconded by Councilor Turner, to table.  
VOTE: 6-0                      UNANIMOUS

**20 – 055    To accept a bequest of \$50,000 for a scholarship fund to be set up for a Greely senior.**

Town Manager Shane explained that the family has requested that a scholarship be set up for a Cumberland Greely Senior. The scholarship fund will be set up with the principal amount (\$50,000) and the interest that is earned will be dedicated to the scholarship. Typically, these types of accounts will yield approximately 2% annually. It will be called the David Scully Memorial Scholarship Fund. He recommended that Councilor Storey-King be appointed to the scholarship committee so she can report back to the Town Council and to be sure that the Cumberland only student requirement is maintained.

Chairman Gruber asked for any public comment.  
No public comment.

Motion by Councilor Turner, seconded by Councilor Foster, to accept a bequest of \$50,000 for a scholarship fund to be set up for a Greely senior and to appoint Shirley Storey-King to the Greely Scholarship Committee.

VOTE: 6-0                      UNANIMOUS

**20 – 056    To set a Public Hearing date of August 24<sup>th</sup> to consider and act on a zone change request for a 3.35 acre parcel located in the Village Center Commercial (VCC) zone to the Village Medium Density Residential (VMDR) zone, as recommended by the Planning Board.**

Town Manager Shane said that the Planning Board will consider this item at their August 18<sup>th</sup> meeting and will forward their recommendation to the Town Council for their August 24<sup>th</sup> meeting.

Chairman Gruber asked for any public comment.

No public comment.

Motion by Councilor Vail, seconded by Councilor Copp, to set a Public Hearing date of August 24<sup>th</sup> to consider and act on a zone change request for a 3.35 acre parcel located in the Village Center Commercial (VCC) zone to the Village Medium Density Residential (VMDR) zone, as recommended by the Planning Board.

VOTE: 6-0                      UNANIMOUS

**20 – 057    To set a Public Hearing date of August 24<sup>th</sup> to consider and act on amendments to Chapter 229 (Site Plan Review), Section 10 (Approval Standards and Criteria), Sub-section H (Exterior Lighting) of the Cumberland Code, as recommended by the Planning Board.**

Town Manager Shane said that this item is also going to the Planning Board on August 18<sup>th</sup> and they will forward their recommendation to the Town Council for their August 24<sup>th</sup> meeting.

Chairman Gruber asked for any public comment.

No public comment.

Motion by Councilor Storey-King, seconded by Councilor Foster, to set a Public Hearing date of August 24<sup>th</sup> to consider and act on amendments to Chapter 229 (Site Plan Review), Section 10 (Approval Standards and Criteria), sub-section H (Exterior Lighting) of the Cumberland Code, as recommended by the Planning Board.

VOTE:

**20 – 058    To authorize the Town Manager to work with the Finance Committee, to execute contracts with Ledgewood, Inc. for a guaranteed maximum price not to exceed \$3.7 million and to split into two phases the Town garage project.**

Motion by Councilor Vail, seconded by Councilor Storey-King, to authorize the Town Manager to work with the Finance Committee, to execute contracts with Ledgewood, Inc. for a guaranteed maximum price not to exceed \$3.7 million and to split into two phases the Town garage project. Phase 1 will be the garage bays and will move forward under this project, as recommended by the Finance Committee.

VOTE: 6-0                      UNANIMOUS

**V.        NEW BUSINESS**

**Councilor Storey-King – none**

**Councilor Vail** – he saw a notice in the Crier that the school is soliciting offers of land for a new school. He feels that there should be a conversation with the School Board and the Town Council about a new school being located in the Town of Cumberland. He requested that the Chairman and the Town Manager discuss this.

The Town Manager forwarded a letter from the Portland Regional Chamber of Commerce to the Council (see below) entitled “Standing in Solidarity Against Racial and Social Injustice”. There was some discussion amongst the Town Council via email regarding this and he feels that it is appropriate that we ask the Director of the Chamber of Commerce come to the next Town Council meeting to explain what the insight was in developing this letter, and wanting the Cumberland Town Council to support it. The CEO of L.L. Bean signed it and he would invite him to the meeting to explain why he feels that businesses are in favor of supporting the letter. The Town Council may or may not decide to support the letter, but he feels that it is important to hear what these individuals have to say. He requested that the Chairman and the Town Manager put this on the agenda for the next meeting.

### ***Standing in Solidarity Against Racial and Social Injustice***

*We have been living through a transformational time. The deaths of George Floyd, Ahmaud Arbery, and Breonna Taylor were a catalyst for peaceful demonstrations which we support and important conversations on racial and social injustice around the world. Maine companies, organizations, and communities are part of a global movement to address systemic racism and improve the quality of life, access to opportunities, and economic inclusion for Black, Indigenous and People of Color.*

*We, as leaders of Maine organizations, understand that when it comes to racial and social justice, silence is not an option. We recognize that we have a responsibility to advocate for positive change and demonstrate our commitment to racial equity in our areas of influence, such as inclusive recruitment practices, addressing barriers to hiring and retaining foreign-trained professionals, and workplace programs to promote cross-cultural understanding. We condemn racism in any form, have zero tolerance for discrimination and pledge to participate in authentic dialogues about race, diversity, equity and inclusion.*

*As employers in a state where the majority of the population identifies as white, we will advocate for positive change and focus on the critical work of anti-racism.*

*We commit to continuously evaluate our own practices to ensure they live up to these values and standards and to educating our employees on racism and engaging in programs that advance racial equity. With openness, humility and respect, we can learn from each other and from the communities where we live and work.*

*We encourage our colleagues, our community partners, and each of our neighbors to join us as we promote racial and social justice throughout Maine.*

*Our employees, customers, and communities deserve nothing less.*

*Anthem Blue Cross Blue Shield of Maine  
Denise McDonough, President*

*Bank of America  
Bill Williamson, Maine Market President*

*Pierce Atwood LLP  
David Barry, Managing Partner*

*Portland Regional Chamber  
Quincy Hentzel, President and CEO*

*Bernstein Shur*  
*Joan M. Fortin, Chief Executive Officer*

*Covetrus*  
*Ben Wolin, President and CEO*

*Edward Jones Investments*  
*Jeremy Urquhart, Financial Advisor*

*Evergreen Credit Union*  
*Jason Lindstrom, President and CEO*

*Harvard Pilgrim Health Care*  
*Bill Whitmore, Maine Market Vice President*

*Hannaford Supermarkets*  
*Michael Vail, President*

*IDEXX*  
*Jay Mazelsky, President and CEO*

*L.L. Bean*  
*Stephen Smith, President and CEO*

*MaineHealth*  
*Bill Caron, Chief Executive Officer*

*Maine State Chamber*  
*Dana Connors, President and CEO*

*Portland Sea Dogs*  
*Geoff Iacuesa, President and GM*

*SMRT Architects and Engineers*  
*Ellen Belknap, President*

*TD Bank*  
*Larry Wold, Marketing President, Maine*

*University of Southern Maine*  
*Dr. Glenn Cummings, President*

*UNUM Group*  
*Michael Q. Simonds, Chief Operating Officer*

*Verrill Dana LLP*  
*K.C. Jones, Managing Partner*

*The VIA Agency*  
*Leeann Leahy, CEO*

*WEX*  
*Melissa Smith, Chair and CEO*

*Woodard & Curran*  
*Doug McKeown, CEO and Chairman*

*The MEMIC Group*  
*Michael P. Borque, President and CEO*

**Chairman Gruber** – the Food Pantry served over 60 families again last Friday. Thank you to Hannaford in Yarmouth and Good Shepard Food Bank for their support. Thank you to our faithful volunteers who help in the Food Pantry every week.

The Ordinance Committee is continuing their good work. Thank you to Shirley, George and Mike. Town Planner, Carla Nixon and Code Enforcement Officer, Bill Longley both gave good presentations at the last Ordinance Committee meeting.

Thank you to the Fire Department for helping with the use of medical equipment. His 93 year old mother-in-law moved in to his house recently and they were a great help.

**Councilor Foster** – none

**Councilor Turner** – none

**Councilor Copp** – the Planning Board will meet on August 18<sup>th</sup> to discuss rezoning of the Board Barn property. It is important that the abutters know what is being considered. Right now, that property is zoned commercial and a commercial business could operate on the Old Gray Road. The property owner wants to change the zoning to residential. If you're an abutter or a resident of West Cumberland and you have concerns, it is very important that you come to the Planning Board meeting to voice your concerns.

He reminded everyone that the 4-H auction will continue in some form this year. This is a worthy cause and donations to the 4-H/Food Pantry fund will allow meat to be purchased for the Food Pantry.



**VI. ADJOURNMENT**

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

VOTE: 6-0                      UNANIMOUS

TIME: 8:05 P.M.

Respectfully submitted by,

Brenda L. Moore  
Council Secretary