

MINUTES
Cumberland Town Council Meeting
Town Council Chambers
MONDAY, August 24, 2020
6:00 P.M. Finance Committee Meeting

7:00 P.M. Call to Order

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

I. APPROVAL OF MINUTES

Motion by Councilor Vail, seconded by Councilor Turner, to accept the August 10, 2020 meeting minutes as presented.

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

II. MANAGER'S REPORT

Councilor Turner donated \$100 to the Food Pantry in Councilor Copp's name. Councilor Copp did repairs to his vehicle and didn't charge him, so he wanted to donate the money to the Food Pantry.

The Historical Society was placed on its foundation today at the Library site. This has been a long process, but it will all be worth it when it is done.

Route 9 from Turkey Lane to the Falmouth town line got a shim coat of pavement today. DOT contributed 50% of the cost. In the spring, DOT will rehabilitate Route 9, which means adding additional gravel, widening the shoulders and repaving with 3 to 4 inches of paving. It will be a big improvement from the condition the road is in today.

At our last meeting, the Town Council requested that the "Standing in Solidarity against Racial and Social Injustice" statement that the Chamber of Commerce asked the Town to endorse be discussed at tonight's meeting. This is an opportunity for the Council to decide if they want to endorse it.

Councilor Storey-King referred to 3 letters that were received today that are in support of the Town Council endorsing the letter (see below):

Dear Councilors,

Thank you for taking up the very important topic of signing on to the Portland Regional Chamber of Commerce's "Standing in Solidarity against Racial and Social Injustice" pledge at tonight's meeting. I urge you all to vote in favor of signing on. It is not only the statement, not only the words that are important. Indeed, even more important than words is the commitment to action, and I believe that action can best be supported through working with others. I am impressed by the support and resources the Chamber is providing, and I would be proud for Cumberland to join the long and diverse list of employers who have already made this pledge.

Thank you for your consideration.

Anneke Hohl

Coveside Rd

Cumberland Foreside

Good afternoon, Councilors --

I had hoped to join you in person tonight, however, I had an unexpected work commitment come up and so I wanted to send you my public comment via email in case I am not able to make it over to Town Hall. I do hope that you will take my comments just as seriously had I been able to offer them up in person. I have also copied my husband on this email as he asked that I list him as a co-signer.

We wholeheartedly encourage the Council to support the Chamber's Standing in Solidarity Commitment Pledge to ensure the Town of Cumberland is an employer that is operating with values and standards which advance racial equity and social justice. It appears this is being made out to be a political issue when it should not be one. This commitment only asks that the Town, as an Employer, commit to training and educating its workforce on topics of racism, unconscious bias, diversity, equity, and inclusion. As the governing body of our town, I would hope that you all would also want to participate in some of these free trainings and available resources, but as a bare minimum, these are things that Town Employees should have access to as public servants. The commitment only asks that you pledge to demonstrate a commitment to racial equity in the areas in which the Town, again as an Employer, can influence, such as inclusive recruitment practices, addressing barriers to hiring, and workplace programs to promote cross-cultural understanding.

To us, this is an easy ask and one that you should willingly endorse and support. We hope that you will join the other cities and towns -- and many other local and national businesses - that have already signed on.

*Thank you for your consideration,
Jessica & Matthew Grondin
7 Candlewick Lane*

*Dear Cumberland Town Councilors,
I am writing in reference to the Manager's Report agenda item regarding the Portland Chamber of Commerce's solicitation for a pledge towards Standing in Solidarity Against Racial and Social Injustice. I am writing in full support and in advocacy for the Town of Cumberland's dedication to this pledge as it is written. I truly hope the elected officials of our town will join the many other partners who have already signed on to this promise without debate. Joining these efforts towards dismantling racism and establishing equity in hiring practices, business operations, and all other areas of commerce is an important step towards establishing our community as a safe and equitable setting to both live and work. I see no reason that joining the Chamber of Commerce's partners in Standing in Solidarity against Racism should need further discussion. Thank you for your consideration and your time.*

*Best Regards,
Rebecca Brown
Cumberland Resident*

Councilor Vail said that he has thought a lot about this and is prepared to put this to a motion to support the letter. For us to show support of hiring practices and how we conduct ourselves as a community is not a big step for us as a Council. There are a lot of people and organizations who have endorsed this letter who are part of our community. He referred to a book that someone gave him entitled "Killers of the Flower Moon". The book is about systemic racism against Indians in Oklahoma who were forced from their land. It brought attention to the fact that people will take advantage of other people. We as a

community have an onus to say that we are not going to do that. We as a Council can step up and say that the buck stops here, the responsibility stops here, and the right thing to do stops here.

Councilor Turner said that he mostly agrees with Councilor Vail. He feels that to support the Black Lives Matter movement and anything to do with anti-racism is a small thing for us individually. In the past 40 years he does not think that this Council has ever made a blanket statement of political significance. What bothers him about a Council blanket affirmation is the word systemic. The fact of the matter is that racism exists all over this country and has existed for a long time. We have made a lot of progress since the 1960's and beyond. Systemic is an opinion, and the fact of the matter is that racism is being broadly extant in this country is a no brainer. He feels that acting as a Council, we are taking a large step because we're advocating a political statement, and that hasn't been done in 40 years, but maybe it's time to.

Councilor Foster said that she can appreciate that the word systemic brings a lot of emotions, but she disagrees that it's political and that it's an opinion. The word systemic comes from system. Our financial systems and the fact that so much of how you move forward in this country is around financial score, and demographic score, and your ability to get insurance. Those systems developed in a way that unfortunately, make it less likely that people of color are able to have the same likelihood of having a high financial score, a higher demographic score, or a high insurance score. All of these things snowball, so when it comes to systemic, she doesn't view the meaning of the word as the people in the system are racist, it's that the system and how it's been built over the last hundreds of years, unfortunately puts people of color at a disadvantage. This pledge is much more about education, where we are today, and where we could be going in the future.

Councilor Storey-King said that when she first read the statement, she thought that it was only words with no action. Maybe endorsing the letter is an action, but it's only a small action and there is a lot of work to be done. She thinks it is a good first step and she doesn't agree that it's a political statement. It's a good place to start, then we have some work to do.

Councilor Edes said that he does not understand why the Chamber of Commerce is doing this. He has been in this Town all his life and he doesn't think there has ever been a claim of racism against the Town, or a claim that we haven't hired somebody because of their race. He is not opposed to endorsing it, but for him it's what this Town does every single day. He doesn't want to be broad brushed with other places that he thinks might not do the right thing or exhibit racism.

Councilor Copp said that he agrees with Councilor Edes. He has no problem endorsing the statement. He does not feel that we are a racist community.

Councilor Vail made a motion to support the Standing in Solidarity against Racial and Social Injustice, as amended below. Councilor Foster seconded:

The Town of Cumberland's pledge to combat racism and discrimination, to advocate for racial and social equity, diversity and inclusion in the workplace.

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 the Town of Cumberland, 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.

VOTE: 7-0 UNANIMOUS

Linda Vail of 16 Wild Way said these are enormously difficult times in our country. She shared some experiences and discussions that made her open her eyes and ears to the meaning of white privilege and white supremacy. She hopes that as a community, we can come together and talk about this. We have to be able to talk about difficult and uncomfortable topics. She has heard people say that all lives matter. That is very true, but if you're saying this to dismiss the Black Lives Matter statement, then that is wrong. There are flaws in the system that make it hard for minorities to break out and become part of communities like ours. She hopes that we can come together as a community and do that through education for the entire community.

III. PUBLIC DISCUSSION

None

IV. LEGISLATION AND POLICY

20 – 059 To hear a report from the Town Manager re: discontinuance of a portion of Turkey Lane from Range Road to the snowmobile bridge, and to set a Public Hearing date of September 14th to hear public testimony on the order of discontinuance.

Town Manager Shane explained that this item was tabled at the last meeting due to the discontinuance of the 60 foot right-of-way in exchange for a 20 foot public easement. Councilor Vail objected to giving up any public land and felt that it was not in the best interest of the Town. He said that he would be in favor of a 60 foot public easement, not a 20 foot public easement. We have to vote to take this item off the table in order to move forward.

Motion by Councilor Vail, seconded by Councilor Turner, to take this item from the table for further discussion.

VOTE: 7-0 UNANIMOUS

Town Manager Shane explained that at our last meeting, he presented the Council with the option of discontinuing Turkey Lane from Range Road to the snowmobile bridge with a 20 foot easement. The Gallaudet's have maintained this easement and there are no homes that access this side of Turkey Lane. If someone were to get a building permit today for this side of Turkey Lane, they could then ask the Town to build Turkey Lane to

Town road standards because it is currently a public road. This could cost the Town hundreds of thousands of dollars. A discontinuance gives public easement rights and the Town does not have to maintain the road. People will still be able walk over it, hunt, fish and snowmobile over it.

Councilor Edes said that he has no problem discontinuing the road, but does not want to give up a 60 foot right-of-way and reduce it to a 20 foot right-of-way.

Councilor Vail wants to be sure that we are not giving up our rights on other roads in Town that we own and that we are not setting a precedent by approving this.

Chairman Gruber opened the Public Hearing.

Lu Gallaudet of 67 Range Road, said that she owns most of the land and the only buildable lots on the section of Turkey Lane between Range Road and the bridge over Mill Brook. For the over 30 years that she and her husband have lived on Range Road, Turkey Lane has been an overgrown path used occasionally by hunters, and families wanting to fish and snowmobile. This public use is in keeping with their own values and seems to also agree with the desire of the Town to provide recreational access to its citizens, as well as some rural spaces in Cumberland. Some months ago, one of her children contacted the Town for information about setbacks and other regulations in the event they were to build on Turkey Lane. The Town Manager, as a good steward of the Town's treasury, began to look at discontinuing instead of improving and maintaining the road, which would be a huge savings for the Town. If the ownership of their land changed hands, it is conceivable that a developer would ask that this Town way be made safe and convenient for motor vehicles. She hopes that the Town Council will discontinue this part of Turkey Lane and implement a public easement with restrictions, similar to those of Rines Forest, allowing pedestrians, non-motorized vehicles and snowmobiles. Turkey Lane is now described at a 4 rod or 66 foot wide road. We are asking that the Town Council reduce the public easement width to 20 feet, which is still wide enough for repair or emergency vehicles. They would like to provide one of their children a house lot. A 30 foot setback from a 20 foot public easement would improve the spacing of a house design, especially because they would like to keep the abutting field open. She hopes that the Town Council will discontinue this part of Turkey Lane and restrict it to specific recreational use and set the public easement width at 20 feet.

William Stiles of Range Road said that he would like to see the Town spend a little money on this portion of Turkey Lane and widen the path with a bush hog. He agrees with Councilor Vail. We own the road and we should not give any of it up.

Beth Davies of 63 Range Road said that her land abuts Turkey Lane and she has the right to use Turkey Lane if she chooses to build a large garage on her property. As an avid snowmobiler, she uses Turkey Lane on a regular basis. She thinks it would be a disservice to the community to discontinue the road. She thinks that this needs more thought and that the Town Council should come walk the area.

Town Manager Shane reiterated that the term "discontinuance" means that the Town does not want to have to maintain the road for **vehicular traffic**. We are obligated by law to maintain roads so vehicles can travel over them. With a discontinuance, we are eliminating that obligation. That's it. We are still going have a public easement and the public will still be able to use it however the Town Council sees fit. We are not eliminating any recreational uses.

Chairman Gruber closed the Public Hearing.

Motion by Councilor Storey-King, seconded by Councilor Vail, to set a Public Hearing date of September 14th to hear public testimony on the order of discontinuance.

20 – 060 To hold a Public Hearing 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. TABLED BY APPLICANT

No action as this item was tabled by the applicant.

20 – 061 To hold a Public Hearing 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 explained that the Planning Board unanimously recommended approval of this amendment.

Chairman Gruber opened the Public Hearing.

No public comment.

Chairman Gruber closed the Public Hearing.

Motion by Councilor Copp, seconded by Councilor Vail, to amend 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: 6-1 (Edes opposed)

MOTION PASSES

20 – 062 To authorize the issuance of Senior Property Tax Assistance Program payments.

Town Manager Shane explained that 190 residents qualified for the program. The Senior Property Tax Assistance Program Committee will look at the data to determine how many people would be eliminated from the program if we reduce the maximum annual income or years of residency requirement.

Chairman Gruber asked for any public comment.

No public comment.

Motion by Councilor Storey-King, seconded by Councilor Copp, to authorize the issuance of Senior Property Tax Assistance Program payments not to exceed \$70,000.00.

VOTE: 7-0

UNANIMOUS

20 – 063 To consider and act on forwarding to the Planning Board to develop setback requirements for residential solar arrays, as recommended by the Ordinance Committee.

Town Manager Shane explained that we have no definition of what a solar panel is, so the Code Enforcement Officer has defaulted to calling it a structure. Structures have large setback requirements, especially from the rear property line. We talked about this at the Ordinance Committee meeting and Councilor Storey-King did some research and came up with a solution that she will explain.

Councilor Storey-King said that we have a new resident who wants to put solar panels up during the construction phase of his new house. We have no language in our building code for solar panels, so the Code Enforcement Officer has to treat them like a structure. She did some research and found a very thorough ordinance from the Town of Belfast. Our wind power ordinance is a stand-alone ordinance and we could do something similar with a

residential solar ordinance. She would like the Council to consider not sending this to the Planning Board, but instead have the Ordinance Committee look at it and bring it back to the Council.

Councilor Vail said that he would also like to look at this from a commercial point of view, not just residential.

This item will be sent back to the Ordinance Committee. No Council action taken.

20 – 064 To consider and act on forwarding to the Planning Board for a Public Hearing and recommendation, amendments to Chapter 315 (Zoning), Section 21 (Town Center District), B-12 (Day Care Centers and Nursery Schools), to increase the number of children allowed from 20 to 28, as recommended by the Ordinance Committee.

Town Manager Shane explained that this request came from the Congregational Church and since it is in a commercial zone, the Ordinance Committee felt that it makes sense. This is limited to the Town Center District, not other areas of Town. This is the only daycare center in the Town Center District.

Chairman Gruber asked for any public comment.

No public comment.

Motion by Councilor Storey-King, seconded by Councilor Edes, to forward to the Planning Board for a Public Hearing and recommendation, amendments to Chapter 315 (Zoning), Section 21 (Town Center District), B-12 (Day Care Centers and Nursery Schools), to increase the number of children allowed from 20 to 28, as recommended by the Ordinance Committee.

VOTE: 7-0 UNANIMOUS

V. NEW BUSINESS

Councilor Edes – Richard “Smitty” Smith passed away. He used to run the Yarmouth Exxon. He was a very nice man and a lot of people knew him. Condolences to the Smith family.

Councilor Storey-King – The Ordinance Committee met last week and they met with some of the farmer’s in Town. It was a very good meeting. It was good to listen to our farmer’s concerns regarding all the restrictions that they have to adhere to. We don’t want to add more restrictions to them.

Councilor Vail – He understands that one of the obstacles that farmers are facing these days is lack of places to process their animals. He hopes that the conversations will continue and that we will include the Cumberland Farmer’s Club in the discussions. He views them as a possible solution to some of our farmer’s problems.

Chairman Gruber – The Food Pantry was closed last week, but we still received a lot of donations.

The Ordinance Committee met last week. They are doing some great work.

The Planning Board met last week and they had a number of residents who testified. Everybody was very respectful in their testimony.

Councilor Foster – She met with Communications Director, Eliza Porter recently to discuss her communications strategy. She will work with Eliza to put together a communication plan and present it to the Council.

She gave her donation to Chairman Gruber to help with the school supplies that the Food Pantry is putting together. If anyone needs help with their child's school supplies, they can contact the Food Pantry.

Councilor Turner – In regard to the discussion about helping our farmers, he feels that we should eliminate all fees that farmers are required to pay the Town.

Councilor Copp – It was brought to his attention recently that there was some graffiti on the back of the West Cumberland Fire Station. He notified the Town Manager and the next day it was painted over. Thank you, Bill.

VI. ADJOURNMENT

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

VOTE: 7-0 UNANIMOUS

TIME: 8:48 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary