

MINUTES

Cumberland Town Council Meeting
Town Council Chambers

MONDAY, October 25, 2021

6:00 P.M. Senior Tax Committee Meeting

7:00 P.M. Call to Order

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

Excused: Councilor Edes

I. APPROVAL OF MINUTES

Motion by Councilor Gruber, seconded by Councilor Segrist, to accept the October 11, 2021 meeting minutes as presented.

VOTE: 6-0 UNANIMOUS

II. MANAGER'S REPORT

There have been a lot of questions regarding the new railroad barriers and when the trains will stop blowing their horns. Now that the barriers are all built, we had to have federal railroad come up and do their inspection. We have a few punch list items to complete and have to do traffic counts at each crossing. The quiet zone calculator has to be re-done after the new traffic numbers are presented. We hope to have this done in the next few weeks, and once it is completed and submitted to federal railroad, they will give the railroad a 21-day notice to comply with ceasing of the horns on our 3 public crossings.

In regard to brown tail moth spraying, we have had a tough year with brown tail moths, especially on the borders of Yarmouth and North Yarmouth. We will be doing a nest count in January with the assistance of the State Entomologists and the Maine Forestry Service. We haven't sprayed in two years and most of the infestation that has been mapped seems to be heading northwesterly, away from Cumberland.

III. PUBLIC DISCUSSION

No public discussion

IV. LEGISLATION AND POLICY

21 – 105 To hear a report from the Finance Director re: 4th Quarter FY21 and 1st Quarter FY22 Financials.

Finance Director, Helene DiBartolomeo, presented the following:

Town of
Cumberland
FY2021 Q4
Results
(July 1 –
June 30)



General Fund FY2021 Q4 Overview

	FY21 Budget	FY21 YTD Actual	FY21 %	FY20 %
TOTAL REVENUES	\$ 5,640,668	\$ 7,071,865	125%	104%
Controllable Expenses	\$ 9,003,366	\$ 8,600,819	96%	99%
Fixed Expenses	\$ 22,658,516	\$ 22,731,541	100%	100%
TOTAL EXPENSES	\$31,661,882	\$31,332,360	99%	100%

General Fund FY2021 Q4 Selected Revenues

	FY21 Budget	FY21 YTD Actual	FY21 %	FY20 %
Excise Tax	\$ 1,735,000	\$ 2,417,941	139%	105%
State Revenue Sharing	\$ 500,000	\$ 1,033,072	207%	124%
Permits & Impact Fees	\$ 177,174	\$ 296,675	167%	103%
Emergency Transport Billing	\$ 160,000	\$ 155,860	97%	112%

General Fund FY2021 Q4 Selected Expenses

	FY21 Budget	FY21 YTD Actual	FY21 %	FY20 %
Police	\$ 1,472,754	\$ 1,369,057	93%	101%
Fire	\$ 1,070,962	\$ 1,026,652	96%	99%
Public Services	\$ 2,197,932	\$ 2,065,536	94%	95%

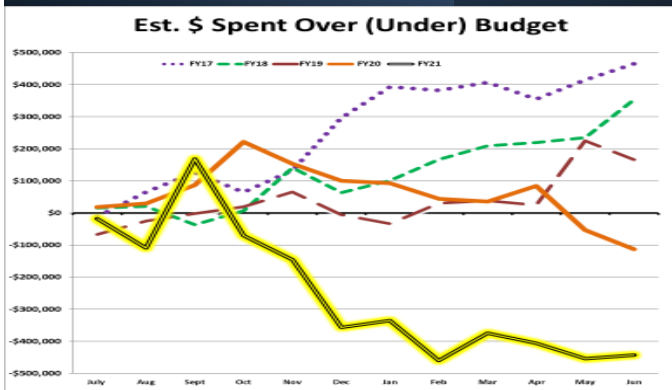
General Fund FY2021 Q4 Val Halla Results

	FY21 Budget	FY21 YTD Actual	FY21 %	FY20 %
Revenue - Val Halla	\$ 617,745	\$ 883,991	143%	100%
Expenses - Val Halla	\$ 781,125	\$ 812,363	104%	101%
Net Gain (Loss)	\$ (163,380)	\$ 71,628		

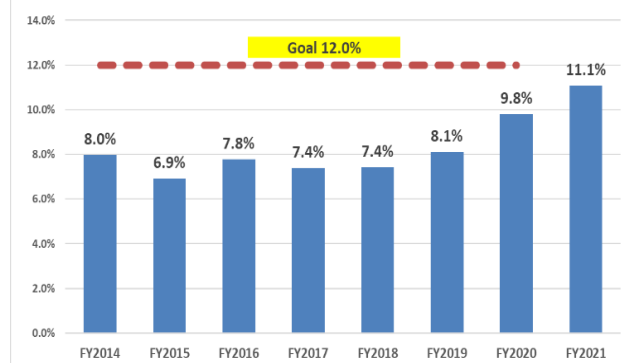
General Fund FY2021 Q4 Recreation Results

	FY21 Budget	FY21 YTD Actual	FY21 %	FY20 %
Revenue - After School	\$ 270,000	\$ 320,527	119%	75%
Revenue - All Other	\$ 659,770	\$ 196,032	30%	68%
Total Revenues	\$ 929,770	\$ 516,559	56%	73%
Expenses - Admin	\$ (466,775)	\$ (344,446)	74%	74%
Expenses - Program	\$ (447,243)	\$ (462,888)	103%	87%
Total Expenses	\$ (914,018)	\$ (807,335)	88%	82%
Net Gain (Loss)	\$ 15,752	\$ (290,776)		

General Fund FY2021 Spend Over (Under) Budget



General Fund: FY2014 – 2021 Fund Balance



Town of
Cumberland
FY2022 Q1
Results
(July –
September)



General Fund
FY2022 Q1 Overview

	FY22 Budget	FY22 YTD Actual	FY22 %	FY21 %
TOTAL REVENUES	\$ 6,418,982	\$ 2,488,337	39%	37%
Controllable Expenses	\$ 9,453,632	\$ 2,469,942	26%	28%
Fixed Expenses	\$ 23,837,511	\$ 6,671,420	28%	28%
TOTAL EXPENSES	\$33,291,143	\$ 9,141,362	27%	28%

General Fund
FY2022 Q1 Selected Revenues

	FY22 Budget	FY22 YTD Actual	FY22 %	FY21 %
Excise Tax	\$ 2,003,000	\$ 672,465	34%	43%
State Revenue Sharing	\$ 825,000	\$ 374,441	45%	45%
Permits & Impact Fees	\$ 177,174	\$ 78,099	44%	43%
Emergency Transport Billing	\$ 160,000	\$ 16,290	10%	10%

General Fund
FY2022 Q1 Selected Expenses

	FY22 Budget	FY22 YTD Actual	FY22 %	FY21 %
Police	\$ 1,578,958	\$ 358,004	23%	26%
Fire	\$ 1,096,586	\$ 231,120	21%	22%
Public Services	\$ 2,287,999	\$ 484,845	21%	22%

General Fund
FY2022 Q1 Val Halla Results

	FY22 Budget	FY22 YTD Actual	FY22 %	FY21 %
Revenue - Val Halla	\$ 699,026	\$ 366,861	52%	45%
Expenses - Val Halla	\$ (826,491)	\$ (331,582)	40%	42%
Net Gain (Loss)	\$ (127,465)	\$ 35,279		

General Fund
FY2022 Q1 Recreation Results

	FY22 Budget	FY22 YTD Actual	FY22 %	FY21 %
Revenue - After School	\$ 272,000	\$ 57,499	21%	29%
Revenue - All Other	\$ 642,230	\$ 431,490	67%	15%
Total Revenues	\$ 914,230	\$ 488,989	53%	19%
Expenses - Admin	\$ (392,222)	\$ (100,278)	26%	23%
Expenses - Program	\$ (563,070)	\$ (248,743)	44%	26%
Total Expenses	\$ (955,292)	\$ (349,021)	37%	24%
Net Gain (Loss)	\$ (41,062)	\$ 139,968		

Motion by Councilor Gruber, seconded by Councilor Segrist, to accept the 1st quarter and 4th quarter financial reports, as recommended by the Finance Committee.

VOTE: 6-0

UNANIMOUS

21 – 106 To hold a Public Hearing to consider and act on authorizing the Town Manager to solicit bids for a Tax Anticipation Note for \$2,000,000.00 as approved in the FY'22 budget, as recommended by the Finance Committee.

Chairman Vail explained that the purpose of the Tax Anticipation Note is to allow the Town to have enough money to pay the school. It is based on the revenues and tax collection of the community. Having a fund balance will allow for the Town to avoid getting a Tax Anticipation Note and saving interest of \$26,000. This is to authorize the Town Manager to solicit bids as a safety net in case we don't have the revenues needed.

Councilor Storey-King added that once the bids are solicited, the Town Council would still have to authorize the selection. We are just making sure that we are ready to borrow if we need to.

Chairman Vail opened the Public Hearing.

Public discussion: none

Motion by Councilor Storey-King, seconded by Councilor Gruber, to authorize the Town Manager to solicit bids for a Tax Anticipation Note for \$2,000,000.00, as approved in the FY'22 budget, as recommended by the Finance Committee.

VOTE: 6-0 UNANIMOUS

21 – 107 To hold a Public Hearing to consider and act on a zone change request for property located at 10 Old Gray Road, Tax Map U21/Lot 2, from Village Office Commercial 1 Zone (VOC1) to the Village Medium Density Residential Zone (VMDR), as recommended by the Planning Board.

Town Manager Shane recommended tabling this item because the property owner is not present this evening and there is no rush to act on this. He would like the homeowner to have the opportunity to explain his reasoning on the zone change request.

Motion by Councilor Gruber, seconded by Councilor Segrist, to table.

VOTE: 6-0 UNANIMOUS

21 – 108 To consider and act on authorizing the Town Manager to execute purchase agreements for Val Halla equipment for the next 5 years, as recommended by the Finance Committee.

Chairman Vail explained that the Finance Committee met with the Assistant Town Manager and reviewed the equipment that was due for replacement. Every year, the Town purchases new equipment to replace equipment that is needed due to age and condition.

Town Manager Shane added that as a Town, we have approximately \$8,300,000.00 worth of equipment Town-wide. Each year, we look at putting money into our equipment reserve account. Some years we buy a lot of equipment and some years we don't buy any.

Councilor Foster said that at the Finance Committee meeting, we learned that normally, the Assistant Town Manager would make this request in January or February. Due to the current supply chain issues and rising costs, he requested making the equipment order now because it will likely be delayed.

Chairman Vail asked for any public comment.

Bruce Sherwin asked if the Town Council is limiting the amount that the Town Manager can spend.

Town Manager Shane said that \$195,000 is requested and it has been approved in the budget.

Mr. Sherwin asked what the loss was for Val Halla in the FY22 budget.

Town Manager Shane responded that Val Halla was on the plus side for the second year in a row.

Mr. Sherwin asked where the \$195,000 shows up on the financial report.

Town Manager Shane said that it is in the equipment reserve account, which is money set aside every year so we have it when we are ready to purchase equipment.

Councilor Segrist said that Mr. Sherwin's questions are valid. In years past Val Halla or other departments had not been turning a significant profit. As a golfer, one of the things that he likes to see is that we are going to have a snowblower for the greens. A golf course can deteriorate over time and if the greens and fairways are not kept up well, people won't join the golf course. They will go elsewhere and that's lost revenue. We need to make sure that we are making the right investments to maintain the quality of the course.

Chairman Vail closed public comment.

Motion by Councilor Copp, seconded by Councilor Gruber, to authorize the Town Manager to execute purchase agreements for Val Halla equipment for the next 5 years, not to exceed \$194,983.55 as recommended by the Finance Committee.

VOTE: 6-0 UNANIMOUS

21 – 109 Discussion re: American Rescue Plan Funds and to set a Public Hearing date of November 8th for the purpose of gathering public input, as recommended by the Finance Committee.

Chairman Vail said that ARP funds can be drawn down for 4 different purposes:

- 1) To respond to the COVID-19 public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or to aid impacted industries such as tourism, travel, and hospitality; (and/or)
- 2) To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers; (and/or)
- 3) For the provision of government services to the extent of the reduction of revenue due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the pandemic; (and/or)
- 4) To make necessary investments in water, sewer, or broadband infrastructure.

Each of these 4 categories of authority have extensive limitations, conditions, and prohibitions.

Chairman Vail asked for any public comment.

No public comment.

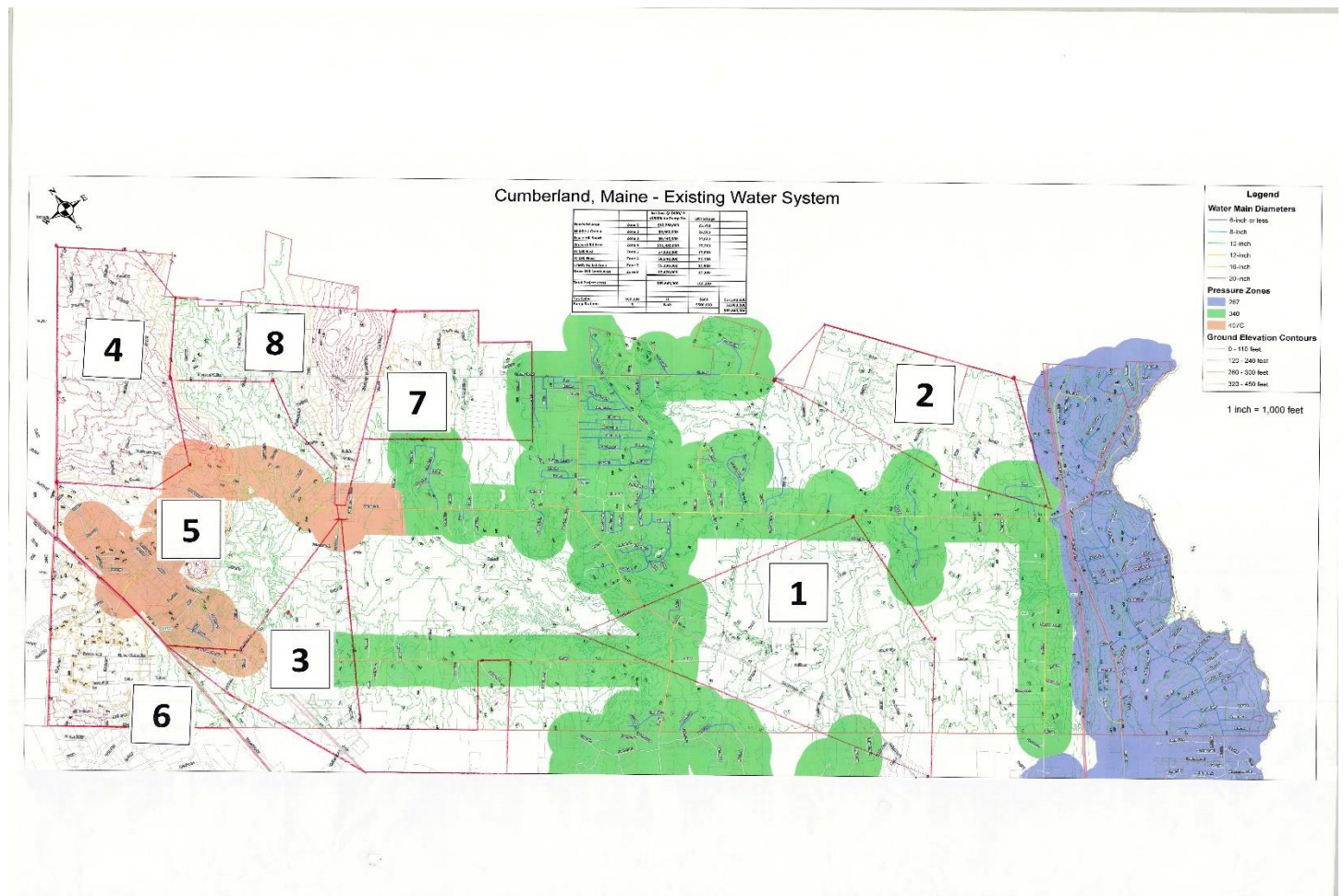
Motion by Councilor Segrist, seconded by Councilor Gruber, to set a Public Hearing date of November 8th for the purpose of gathering public input on the use of American Rescue Plan Funds, as recommended by the Finance Committee.

VOTE: 6-0 UNANIMOUS

21 – 110 To authorize the Town Manager to apply for County ARP funds to study the expansion of the Portland Water District water mains throughout Town, as recommended by the Finance Committee.

Chairman Vail explained that the Finance Committee met to discuss the water issues in the Bruce Hill area. As part of the discussion, the Finance Committee felt that it was time to explore what the water issues are throughout the entire community, and what it would take to put waterlines Town wide. We would like to use available ARP funds for a baseline study.

Town Manager Shane referred to the map below saying that this could be a long-range future project of a waterline expansion Town wide (the numbering is not any particular order). It would be approximately \$70 million to bring water to these 8 sections of Town. The first step in the Bruce Hill Road neighborhood would be to do some preliminary engineering and drill every 50 feet and take a boring to determine how deep the ledge is. A small pump station would be needed to get water up the hill on Pleasant Valley Road due to the elevation in that area.



Chairman Vail asked for any public comment.

Barry Sheff of 254 Bruce Hill Road said that this is not a new project. This particular area has been in the Comprehensive Plan since 2009 and it is the right thing to do. The neighborhood has a problem, and they are asking the for the Town's help to solve the problem.

Beth Germond 196 Bruce Hill Road said that she and her daughter moved here just under two years ago. At that time, they had their water tested and it was good enough. Since that time, the water volume has gone down terribly. Just this evening, there was no water for her daughter to take a shower. There is only two of them living in their house and she is shocked by this situation. She has experienced a house fire before and lack of water for fire suppression scares her.

John Emery 243 Bruce Hill Road said that when he bought his home, they did all the usual water tests and found that they had radon. They negotiated mitigating that problem with the seller, then last summer, they ran out of water and had to dig a new well. He feels that this the right way to spend community funds and the Town Council should strongly consider supporting it.

Jeff Cameron 250 Bruce Hill Road said that he understands that there is a certain level of risk when you buy a home on a well, but the water quality in the area is changing. A neighbor up the road just discovered that they have incredibly high levels of uranium. Even if they are testing their water monthly, he will not let his kids drink the water because it is changing. We live in a very nice community, but he can't cook with the water or let his children drink it.

Motion by Councilor Copp, seconded by Councilor Gruber, to authorize the Town Manager to apply for County ARP funds to study the expansion of the Portland Water District water mains throughout Town, as recommended by the Finance Committee.

VOTE: 6-0 UNANIMOUS

21 – 111 To authorize the Town Manager to apply for future ARP fund monies with the State and Federal Government for Economic Development projects, as recommended by the TIF Committee.

Town Manager Shane explained that this is very similar to the discussion we just had on water. The TIF Committee met and directed him to look into applying for AIP funds to maximize our TIF districts. We could potentially leverage millions of dollars that we might be missing if we do not try. Working with the TIF Committee, we will hopefully bring some plans forward in the very near future that will be exciting and relevant to our entire community.

Chairman Vail asked for any public comment.

No public comment.

Councilor Storey-King said that for us to expand our broadband, at what cost to the rest of Maine? For her, it feels like an ethical issue. There are places in our state that cannot even get dial-up service. She will not oppose this because she has to act on behalf of the citizens of Cumberland, but she wants to be thoughtful for the rest of the citizens of Maine who are also looking for financial support.

Town Manager Shane said he feels that the Department of Transportation is doing a good job in spreading out the pot of money and doing projects all over the State.

Councilor Segrist said that as a TIF Committee, assuming funds are even procured, let's make sure we are using them in the areas of Town that need them the most.

Motion by Councilor Storey-King, seconded by Councilor Gruber, to authorize the Town Manager to apply for future ARP fund monies with the State and Federal Government for Economic Development projects, as recommended by the TIF Committee.

21 – 112 To consider and act on authorizing the Town Manager to sign an amended agreement between the Town of Cumberland and Maine Public Employees Retirement Trust to allow non-participating employees who previously declined to participate in MainePERS with optional membership, as recommended by the Finance Committee.

Chairman Vail explained that the State has made a change and will now allow employees who have been employed for more than 5-years and who previously opted out of Maine Public Employees Retirement Trust, the opportunity to join, with post-tax contributions.

Chairman Vail asked for any public comment.

No public comment.

Motion by Councilor Copp, seconded by Councilor Segrist, to authorize the Town Manager to sign an amended agreement between the Town of Cumberland and Maine Public Employees Retirement Trust to allow non-participating employees with optional membership who previously declined to participate in MainePERS, as recommended by the Finance Committee.

VOTE: 6-0

UNANIMOUS

V. NEW BUSINESS

Councilor Segrist – He apologized to Mr. Bruce Sherwin of Blanchard Road for mistakenly calling him Mr. Sherman. No disrespect was meant by that mistake.

Prior to the Council meeting this evening, we had a Senior Property Tax Assistance meeting to talk about where we are in terms of coming up with creative solutions to help some of our more vulnerable economic citizens, seniors, stay in their homes. Hopefully, by early December we should be able to come before the Council with a formal plan.

On the topic of “Open for Business”, he had a great meeting with the Town Manager and Councilor Copp on the 13th, starting with a big picture and educational walk through of every plot of land that we have that is currently zoned for business. The Town Manager did a great job putting this information together in a format that was easy to understand, and he appreciated that. This ties into one of the agenda items that we talked about tonight, which is using some of the ARP funds to study government and economic development projects throughout Town.

Last Monday, we had another follow up meeting with Maine State Housing Authority to learn more about what the Town might be able to do and what types of arrangements are available regarding an affordable senior care facility.

Councilor Storey-King – She has been following the rails to trails media attention. The public received the information that the State may extend the lease to the railroad, but her understanding from the rails to trails people is that they will proceed with the planning. This issue is not dead. It is more hopeful than the media led us to believe.

A reminder to the golfing public that you have one week left to either join or rejoin Val Halla in order to save yourself \$100 for a membership fee. Memberships go up \$100 after October 31st.

She thanked Councilor Segrist for his amazing work on the senior tax ordinance.

A reminder to the public that Halloween is Sunday and hunting season (shotgun only) opens on Saturday. Wear your orange whether it's for Halloween or hunting.

She responded to a comment on Facebook about Cumberland allowing a brewery. This is not correct. The project that is proposed on Longwoods Road is a pub with farm to table food, not a brewery. She wants the public to know that nobody in Cumberland is proposing a brewery, at this time.

Councilor Gruber – The food pantry is doing well, and the numbers are coming up again.

The Coastal Waters Commission will meet later this week.

Chairman Vail – He is pleased to be working with his fellow Town Councilors. Tonight was a fine example of the Town Council putting the emphasis on the Town employees and Town Manager, where it should be.

The Town Council has been very busy and there is a lot on our plate. We are getting educated on the possibility of putting an assisted living facility in this community, we are trying to bring new business into Town, we're trying to facilitate conversations with North Yarmouth, Falmouth and Yarmouth on collaboration. He does not want the Town Council to get bogged down and lose sight of what we are trying to accomplish. Councilor Foster has put together the following list of Council priorities with a timeline:

November:

- Survey Update – Distribute by end of November and leave open until 2nd week in January
- Consolidated and updated Cumberland business list completed by end of November
- November 10th Joint Standing Committee
 - Schedule regular/consistent quarterly meetings
 - Review existing shared services
 - Ask for ideation on new opportunities for shared services – bring back in January

December:

- Senior Tax Programs: Preliminary analysis shared via email already with follow-up targeted for December – to be reviewed by Ordinance Committee

January:

- Joint Standing Committee: January Workshop to nail down the options and be able to finalize proposals as part of budget process
- Eldercare facility opinion formed by end of January
 - Pull together Tax Assistant Program Proposal & Eldercare Facility Learnings from all meetings to date
- Senior Tax Program Proposal to Ordinance Committee
- Water Full town analysis – pressure and viability of town-wide phased plan
 - Full review January 2022 (Bill has already completed initial analysis) – inform budget process
- Climate Action Plan Phase 1 Commitment Progress/Fulfillment – review January 2022 (prior to budget process) to inform prioritization

April:

- Climate Action Plan Phase 2 Complete – Present to Council in April (Ad hoc committee “expires” in March)
- Survey Analysis & Comprehensive Plan Section prioritization for refresh - Spring 2022
- Eldercare Facility: Consolidation of findings & proposed next steps
 - Subcommittee to review with Rep. Moriarty & Sen. Breen
- Water: Detailed analysis Bruce Hill – leverage ARP funds
- Broadband
 - Leverage ARP funds for analysis of dead spots
- LCC Farm land inventory – Review Spring 2022

Councilor Foster – She invited everyone to the next Smash the Stigma event, which will be on November 16th at 6:30 at the North Yarmouth Community Center. This is a family friendly event. Two new local businesses to North Yarmouth, The Zen Center Acupuncture and New Frontiers Chiropractic, are hosting the event.

On December 8th from 6:00 to 8:00 p.m. at the Greely Performing Arts Center, will be an event entitled “Mental Health Has No Face”. Mental health and the struggles of mental health have really become prominent during COVID and have likely touched most of us. Folks are asked to submit a poem about mental health and how mental health has touched them. The poems can be submitted to her personally and they will be anonymous. High schoolers and other community members will read the poems during the event. We are looking for people from all ages and genders to share their stories.

Councilor Copp – He and Councilor Gruber donated \$20 to the 4-H fund that benefits the food pantry.

On October 20th, the Town lost a valuable guy. Mark Kuntz, who was a previous Town Councilor, passed away. Mark was a good guy and condolences to his family.

The last day for absentee voting is Thursday, October 28th. His wife requested absentee ballots online and received them in 2 days. It is so simple to vote absentee now.

Town Manager Shane – He recently met with Stephanie McDonough, who runs Farm to Table Kids. She has a lot of energy and will get you very excited about farming. They looked at the 10-acre parcel next to Town Hall and she will put together a proposal to bring the program here. It would also be good for the food pantry and the Farmer’s Market. He did advise her that any program would have to be run on 3-year contracts because the Town Council has directed that land would be put back into development, because it is in a TIF District and has amenities that would support a senior living facility.

We will be able to use some of our ARP funds to put on some type of programming around mental health and wellness for our community and our employees.

Mark Kuntz was a good friend and a good person. He will be missed. He was active in the community, had a big heart, and was always willing to help.

VI. ADJOURNMENT

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

VOTE: 6-0 UNANIMOUS

TIME: 9:12 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary