MINUTES

Cumberland Town Council Meeting Town Council Chambers

MONDAY, November 14, 2022

7:00 P.M. Call to Order

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

Mayor of Sanibel, Florida, Holly Smith (Greely graduate and former Cumberland resident) joined the meeting via Zoom and Councilor Storey-King read the following Town Council expression of sentiment of support for the City of Sanibel, in Lee County, Florida:

WHEREAS, on September 28, 2022 the City of Sanibel, Florida experienced near total devastation from Hurricane Ian, destroying the island community's access to the mainland and causing loss of life and billions of dollars' worth of damage to homes and property, and

WHEREAS, Mary Louise Smith was the first woman Selectperson and elected to Cumberland's first Town Council, and

WHEREAS, Holly Smith, her daughter, is currently Mayor of Sanibel and her roots and lessons on leadership come from her upbringing in Cumberland, and

WHEREAS, the sentiment of the Citizens of Cumberland are with all the citizens of Florida affected by this historical hurricane,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CUMBERLAND ASSEMBLED THIS 14th DAY OF NOVEMBER 2022, THAT:

On behalf of our community to yours, we wish to extend our sincerest sympathies, warmest thoughts, and heartfelt prayers for a full and expedient recovery, and that you find a stronger, more resilient community on the other side of this tragedy.

I. <u>APPROVAL OF MINUTES</u>

Motion by Councilor Copp, seconded by Councilor Segrist, to accept the October 24, 2022 meeting minutes as presented.

VOTE: 7-0 UNANIMOUS

II. MANAGER'S REPORT

Town Manager Shane announced that our Police Chief was recently appointed as President of the Maine Chiefs of Police Association.

Town Manager Shane introduced Fire Chief Small to say a few words before Deputy Chief Croce is sworn in. Chief Small said that Gerald Croce was recently promoted to the rank of Deputy Chief. His focus in this new role will be on training as well as all the other supervisory tasks that come along with the job. He joined the department in 1988 as one of our Junior Firefighters. He is a State of Maine Certified Firefighter, a licensed EMT, and has served the ranks of Lieutenant, Captain, and now Deputy Chief.

Deputy Town Clerk, Abbey Lombard, administered the oath of office to Deputy Fire Chief Croce.

Town Manager Shane introduced Senator Cathy Breen and State Representative Steve Moriarty, who presented the following Legislative review:





Economic Relief

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- We provided inflation relief checks. More than 800,000 Eligible working Maine families and older Mainers received \$850 in direct relief. The cost to the state was \$729 million.
- ▶ We provided property tax relief for working families and older Mainers. We permanently expanded the Property Tax Fairness Credit to give eligible working families and older Mainers much-needed relief on property tax or rent. The maximum benefit is \$1,000 each year for those under 65 and \$1,500 for those over 65.
- We provided tax credits for working families. We permanently increased the Earned Income Tax Credit to help 100,000 Maine families make ends meet amid rising costs of electricity, gas, child care and more.
- We passed cost of living adjustments for retired state workers. We made critical cost of living adjustments to state pensions for retired workers, including teachers, who were the target of unfair budget cuts in 2011.
- We reduced taxes for Maine retirees. We increased the annual income tax pension deduction to \$25,000- a \$15,000 increase.

Education

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- ▶ We created the Education Rainy Day Fund to ensure the state continues to meet its obligation to fund public K-12 education at 55 percent as mandated by the voters in 2004.
- We funded Career and Technical Education. The budget allocates \$1.6 million for CTE programs to ensure they have materials and equipment.
- We supported Jobs for Maine Graduates. We invested critical funding in the JMG program, which supports middle and high schools students.
- We extended free school meals, ensuring all Maine students in public schools can
 continue to access healthy school meals at no cost
- We provided two years of free community college for all students from the high school graduating classes of 2020 through 2023 who enroll in a community college full-time.
- ▶ We froze in-state tuition at the UMaine System.
- ▶ We expanded the Opportunity Maine Tax Credit, increasing the maximum annual individual benefit from \$2,000 to \$2,500, up to a \$25,000 lifetime benefit.

Property Tax Stabilization Program

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- Property Tax Stabilization for Senior Citizens allows certain seniorcitizen residents to freeze the property taxes on their homestead. An applicant:
 - Must be at least 65 years old,
 - Must be a permanent resident of the state, and
 - ▶ Must have owned a Maine homestead for at least ten years.
- As long as the individual files an application and qualifies each year, the tax billed to them for their homestead will continue to be fixed at the amount they were billed in the prior tax year.
- ▶ If taxes assessed on eligible property exceed the "stabilized" amount, the state must reimburse municipalities 100% of the difference by January 15.

Property Tax Stabilization Program, continued: Application Process

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- An individual must file a completed application, including any requested proof of qualification, with their local assessor by December 1.
- The assessor will determine if the applicant qualifies for the program and will notify the applicant whether they have been approved or denied
- ▶ Participantsmust file a new application with the municipality each year in order to maintain their stabilized tax amount.
- As long as a participant continues to qualify and apply every year, their tax bill will remain the same as it was in the year an application was first submitted.

PFAS Remediation and Environmental Protection

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- ▶ **We banned out-of-state waste.** We closed a loophole that still allowed trash from outside Maine to be shipped in and disposed of at the Juniper Ridge Landfill in Old Town.
- We established a trust to address PFAS contamination. We created a \$60 million fund to acknowledge the need to address PFAS in several new areas, including compensation to help relocate farm businesses when remediation is not possible, monitor health and support new research and removal.
- We improved PFAS testing and abatement. We took steps to help state and private labs build PFAS testing capacity to improve PFAS detection in Maine. We also provided critical funding to abate, clean up and mitigate threats or hazards posed by PFAS.
- We protected Maine residents amid rising sea levels We passed a new law to help Maine residents living along the coast protect their homes and afford flood insurance in the wake of rising sea levels.

Social Services/Health Care

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- ▶ We invested \$250,000 inMeals on Wheels
- We boosted in-home and community support services for older Mainers and other adults. We reduced the waitlist for older Mainers eligible and waiting to receive inhome services to assist with day-to-day tasks.
- We invested in long-term care. We funded nursing homes, residential care facilities and other providers. We also provided cost-of-living adjustments and increased rates to support wages of at least 125 percent of minimum wage for direct care workers.
- We funded Maine hospitals. Lawmakers invested \$25 million in Maine's hospitals to keep these facilities open so Mainers all across the state can access care when they need it most.
- We established the Hospital Loan Fund to help struggling hospitals repay loans.
- We created an EMS commission to examine the structure, support and delivery of emergency medical services and make recommendations on how the state can better support and partner with our first responders.

- ▶ We strengthened health care for new mothers. A new law will require insurers to
- We strengthened fertility care coverage. Another bill requires state-regulated health insurance plans to cover fertility care for Mainers struggling to start a family.
- ▶ **We improved health care coverage for Maine kids.** We expanded the Children's Health Insurance Program to ensure an additional 40.000 Maine kids canreceive care.
- We mandated testing for Cytomegalovirus (CMV) in infants. CMV is a littleknown, but preventable, virus. A new law ensures more Maine kids can be screened and treated.
- We rebuilt Maine's oral health care program. Lawmakers provided funding to rebuild this vital program in the CDC so children can access dental care during elementary school
- We pursued long-term strategies to lower health care costs by directing the state to study barriers to affordable health care and develop improvements

Prescription Drug Reform

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- ▶ **We improved contraceptive coverage.** A new law requires all state-regulated health care plans to cover all prescription contraceptive medications approved by the FDA
- We provided emergency access to lifesaving chronic medication Another new law will allow pharmacists to dispense an emergency supply of a chronic maintenance medication used to treat long-term conditions without a current, valid prescription from a health care provider. This will reduce hospital visits and save lives.
- ▶ We clamped down on double-billing practices. LD 1783 will ensure patients get the full value of their insurance premiums and protect patients from shady double dipping practices that often fly under the radar. The new law targets copary accumulator programs that allow Pharmacy Benefit Managers, otherwise known as middlemen, to essentially double-bill policyholders, increasing profits for PBMs and insurers at the expense of the patient.
- We studied long-term solutions to prescription drug reform. We passed a law this year to study how much consumers could save if we adopted international reference rates for the most expensive and most common drugs in Maine. It's a key step towards long-term relief.

Help for Children and Working Families

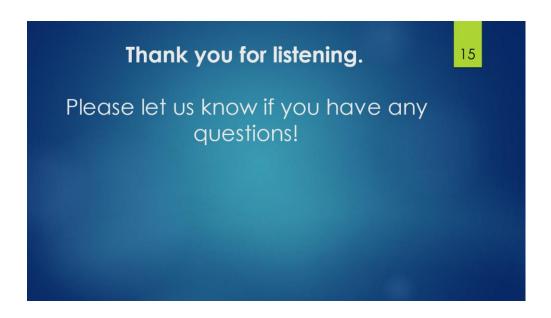
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- ▶ **We bolstered the child care workforce.** We passed a new law to help child care providers recruit and retain workers, keeping their doors open and preparing Maine children for kindergarten.
- We improved access to affordable housing with a historic law that helps towns and cities expand their housing options. We also extended the Historic Property Rehabilitation Tax Credit, which protects the character of our downtowns while expanding housing options.
- We funded lead poisoning prevention. One-time funding in the budget supports the overhaul of the case management system for the lead poisoning prevention program.
- ▶ **We took steps to better prevent child abuse.** We funded the homebuilders' program and home visiting evidenced-based programs proven to improve child outcomes and support parents.
- We took steps toward Paid Family Medical Leave. Lawmakers provided funding for an actuarial study to determine the feasibility of implementing a Paid Family and Medical Leave program in Maine.
- We strengthened the Child Welfare Ombudsman. We improved staffing, funding and employment benefits for the Child Welfare Services' Ombudsman program. This ensures that the Ombudsman can provide input and recommendations to both the Department and Legislature.
- We sought justice for Maine children. We required the Attorney General to formally request that the courts prioritize the scheduling of homicide cases in which the victim is under the age of 18. The new law aims to reduce the backlog of cases caused by the pandemic and better protect children from abuse in similar situations.









III. PUBLIC DISCUSSION

No public discussion.

IV. LEGISLATION AND POLICY

22 – 140 To hold a Public Hearing to consider and act on authorizing the Town Manager to execute closing documents for the purchase of the Val Halla Banquet Center from Maine State Golf Association, Inc. for a purchase price of \$325,000.00 to be paid from the Building Reserve Fund.

Town Manager Shane said the banquet center at Val Halla was built in 1998 and in October of 2011, we sold it to Maine State Golf Association (MSGA). Their plan was to house the Maine Golf Hall of Fame there as well as their administrative offices. That plan never came to fruition and then Covid struck, and everyone was working from home. Then they realized that they didn't really need office space and listed it for sale two years ago for \$700,000. They had two potential buyers that eventually fell through, so they approached the Town to see if we would be interested in purchasing it. After some negotiating, he brought it to the Town Council to see if they were interested in purchasing it for \$325,000. We are here tonight to finalize the purchase.

Councilor Segrist asked the Manager to remind him how much we sold it to the MSGA for in 2011.

Town Manager Shane said that the MSGA purchased it for \$515,000.

Chairman Foster open the Public Hearing.

No public comment.

Chairman Foster closed the Public Hearing.

Motion by Councilor Segrist, seconded by Councilor Vail, to authorize the Town Manager to execute closing documents for the purchase of the Val Halla Banquet Center from Maine State Golf Association, Inc. for a purchase price of \$325,000.00 to be paid from the Building Reserve Fund, per the following Council Order:

WHEREAS, the Town entered into a purchase and sale agreement with the Maine State Golf Association, Inc. dated September 23, 2022 (the "PSA") for the purchase of the Val Halla Golf Course located in Cumberland, Maine as more fully described in the PSA (the "Property"); and

WHEREAS, the PSA contemplates that the closing of the transaction between the parties will take place on or around November 15, 2022; and

WHEREAS, the Town has identified the source of funding for the purchase of the Property pursuant to the terms of the PSA and does not seek to borrow any funds for this purpose;

NOW, THEREFORE, be it voted, resolved, and ordered by the Town Council of the Town of Cumberland, Maine:

Section 1: Appropriation. The sum of \$325,000 is hereby appropriated from the CIP Building Reserve Fund to purchase the Property.

<u>Section 2: Closing Documents.</u> The Town Manager, Treasurer, Chair of the Town Council, Clerk and other appropriate officers of the Town are hereby authorized and empowered to do all such acts and things, and to execute, deliver, file, approve, and record all such documents, contracts, deeds, assignments, certificates, memoranda, abstracts, and other documents as may be necessary or advisable, with the advice of counsel for the Town, including but not limited to any certificates, agreements, and other documents as may be necessary or appropriate in connection with the purchase of the Property or to carry out the provisions of the resolutions heretofore adopted at this meeting in connection with the PSA and purchase of the Property.

<u>Section 3: Town Officials.</u> If any of the officers or officials of the Town who have signed or sealed any documents in connection with the purchase of the Property shall cease to be such officers or officials before any such documents so signed and sealed have been actually authenticated or delivered by the Town, such documents nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such documents had not ceased to be such officer or official; and also any such documents may be signed and sealed on behalf of the Town by those persons who, at the actual date of the execution of such documents, shall be the proper officers and officials of the Town, although at the nominal date of execution any such person shall not have been such officer or official.

<u>Section 4: Deputy Officials.</u> If the Town Manager, Treasurer, Chair of the Town Council or Clerk are for any reason unavailable to approve and execute the documents in connection with the purchase of the Property, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had herself performed such act.

ADOPTED this 14th day of November 2022 by the Cumberland Town Council.

VOTE: 7-0 UNANIMOUS

22 – 141 To consider and act on authorizing the Town Manager to execute a lease agreement for a new radio communication tower on town owned land for future Public Safety equipment.

Town Manager Shane said that the agreement is to build a radio tower on Range Way. Chief Rumsey has been working with a vendor and they are willing to build the tower and pay the Town a \$22,000 lease payment. This will still require approval by the Planning Board, and it will go through all the same processes that any other project would go through. Chief Rumsey had a radio communication study done and will talk more about that during his presentation (the next agenda item).

Chairman Foster added that our Lands & Conservation Commission did put their stamp of approval on this, as well as the previous agenda item, understanding the public safety concerns and need for a new communications tower.

Chairman Foster asked for any public comment.

Bill Stiles of Range Road asked why we couldn't place this tower on the same site that the current tower is in order to save Town owned property.

Town Manager Shane responded that the current site is the first location that the vendor looked at and that tower is full. Under our current ordinance, the fall distances of those towers would be restricted on that site so they likely couldn't fit a second tower there.

Motion by Councilor Storey-King, seconded by Councilor Vail, to authorize the Town Manager to execute a lease agreement for a new radio communication tower on town owned land for future Public Safety equipment.

VOTE: 7-0 UNANIMOUS

22 – 142 To hear a report from the Police Chief re: Police Department Capital Improvement Plan review.

Chairman Foster explained that the Capital Improvement Plan is sort of the basis of where we start building our budget every year. The Town Manager thought it would be good for the public to hear from the larger Town departments their long-term investment needs.

Police Chief Rumsey presented the following:

CUMBERLAND PUBLIC SAFETY CAPITAL IMPROVEMENT REQUEST







- Issued a report indicating:
 - Inability of public safety employees to talk with each other and dispatch from mobile and portable radios negatively impacts service delivery and first responder safety.
 - Components of the town's radio system are at "end of life"
 - The FAA tower is interfering with our radios and its use should be discontinued.

Police and Fire "As Is" Portable Coverage

TALKBACK: PORTABLE TO DISPATCH

White = Coverage inside residential buildings

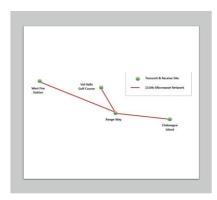
Green = In-street portable

Gray = No coverage



What's the fix?

- New radio equipment VHF and
- Discontinue use of FAA tower
- Backbone of microwave connected towers across Cumberland:
 - 200' tower in west Cumberland (to be built)
 - Use of existing Verizon tower at Val Halla
 - 200' tower in east Cumberland (to be built)
 - Use of existing public safety tower on Chebeague

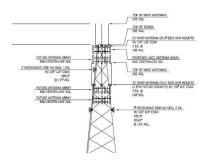


Visibility of Towers from Cumberland





Proposed layout of new tower



Find CDCG's Final Report and All Documentation:

- https://www.cumberlandmaine.com/cumbe-rland-police-department/pages/radio
- https://www.cumberlandmaine.com/Cumberland-fire-department/pages/radio



Current Station:

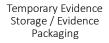
Built in 1998

Originally housed PD and Rescue Department

Original layout made sense based on the use of the facilit and police operations at the time

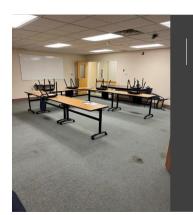
Structure and size of CPD has changed over the past24 years

Modern design and police operations have evolved requiring the consideration of a new purposebuilt facility



- Modern standard is for passthrough lockers
- This room also currently serves as weapons maintenance room
- Inadequate facility to process and package evidence





Meeting Room

- Dated in terms of carpet, lighting, furnishings
- Poorly situated for meetings with non department personnel:
 - Through locked doors
 - No access to restrooms for attendees



Traffic Flow:

- Intoxilyzer / Fingerprint area is on opposite side of building from garage bays
- Bringing an arrestee in requires walking from one side of the building to the other, past locker rooms, meeting room, Detective's office
- Officers who are working in the report room have to travel across the entire building to get to their cruiser and respond to an emergency call



Locker Room:

- Current
- Standard





Falmouth PD





The need:

- Operation of a police department out of a building and parking lot that serves numerous other functions presents challenges:
 - Cruisers headed to emergencies through crowded parking lot
 - Disruptive noise (sirens / garage doors)
 - Crossover of vehicle and pedestrian traffic (arrestees)

Moving the PD would allow space to be allocated for other needs

New PD would be a strong statement of Cumberland's commitment to public safety

Surrounding towns have new PDs—we compete with them for current and prospective employees

22 – 143 To hear a report from the Fire Chief re: Fire Department Capital Improvement Plan review.

Fire Chief Small presented the following:

West Cumberland Fire Station Exterior Improvements Route 100 Design









Appearance of Approximate Businesses











Route 100 Design Guidebook: Section 2.2.4 "Unbroken facades in excess of 80 feet are overwhelming whether they are visible from Route 100, other roadways.... Breaking up the plane of the wall can reduce this sense of overwhelming scale."







V. <u>NEW BUSINESS</u>

Councilor Copp – he gave his \$20 donation to the 4-H food pantry fund, as he does at every meeting.

He thanked Councilor Edes for the idea of setting up the Zoom meeting with Holly Smith, Mayor of Sanibel, Florida. He and Holly graduated from Greely in 1980. When she accepted the position of Mayor a year ago, he can't imagine that she ever dreamed that she would see the devastation that hurricane Ian

caused. He can't imagine the 7 members of our Town Council having to deal with what they are going through as a community.

Thanksgiving is next week. Don't forget to donate to the food pantry. There is a list of items needed on the Town website.

Councilor Filson – the Lands & Conservation Commission met on November 2nd. There is some phenomenal work going on to manage the invasives. The trails subcommittee in partnership with the Cumberland and Chebeague Land Trust and the Recreation Department are doing some great reimagining of the kiosks in terms of layout and signage. Denny Gallaudet and the Sustainability Committee reported on the green ammonia technology, which is impossible to explain, but has some very compelling solutions for decarbonization. Denny also estimated that 68% of Cumberland's CO2 emissions are balanced by annual sequestration from our forested and agricultural lands, which is great news and on par with the State goals for 2050, which we should surpass as a State even earlier than anticipated.

We are reassessing the composting pilot project, hopefully with less flies and diapers going forward.

The Coastal Waters Commission will meet this Wednesday.

Councilor Vail – Barbara Berkovich passed away recently. She was a Cumberland resident for over 50 years and raised 3 daughters here. Condolences to her family.

Councilor Segrist – the Housing Task force will meet on Wednesday evening of this week.

The Legislative Policy Committee met last week. This was the second meeting of the committee. They have whittled their list of items to discuss down to the top 10 via online polling. The number one item that 98% of the members want to discuss is LD290 (Senior Property Tax Stabilization). There were three issues dealing with general assistance and clarifying what it meant to be the Municipality of Responsibility in the general assistance statutes. One of the big issues that the folks at Maine Municipal Association are working on, in regard to general assistance, is to increase the reimbursement from 70% to 90% to the municipality. Number four on the list is broadband cable to streamline the process of broadband attachment to utility poles located in public ways. Number 5 is to require the State to potentially share a percentage of State adult use cannabis sales and excise tax revenues with the communities where the revenue was generated. There was a proposal on senior property tax exemption applications at the State level to have them in one place, where you could apply for all of your exemptions at one time. The last three items are related to Public Safety; to require the State to offer regional training and certification for law enforcement officers, another to require the State to implement and fund training programs for EMS services, and to require the pro-rated reimbursement of training costs whenever a full-time public safety employee is hired by another government entity within 5-years of receiving training or accreditation.

Councilor Edes – no new business.

Councilor Storey-King – last week, she had the privilege of attending the Friends of Prince Memorial Library meeting. They are an amazing group made up entirely of volunteers. They raise thousands of dollars a year to pay for most of the programs at our library. Their annual book sale this year was their best ever. If you're not on the weekly email list from the library, you should get on it. Even if you're not a reader, there are a lot of excellent programs at our library.

Holiday gift giving season is coming and there are a lot of opportunities to keep your dollars in Cumberland. You might consider donating money to the Friends of the library, the Historical Society, the Firefighters for Kids has their annual pancake breakfast the first weekend in December, the Food Pantry can always use your donation of cash or food, the Cumberland & Chebeague Land Trust, the Lions Club has their holiday citrus sale, and you could attend one of the many holiday craft fairs around Town.

The Rail to Trail public hearing for anyone in the Portland to Auburn region is going to be held on December 5th from 6 to 8 p.m. at Greely Performing Arts Center.

The Recreation Committee and Library Advisory Committee both meet this week. The Ordinance Committee will meet next week.

Winter sports started today. For our Greely winter athletes, good luck!

Happy Thanksgiving to everyone!

Chairman Foster – a big thank you to the Stiles and Hansen families. For 58 years, they have held a family golf tournament and dinner with a 50/50 raffle. Proceeds from the raffle were donated to the Val Halla junior golf program.

The Police and Fire Chiefs have kicked off the Capital Improvement Program presentations. At our next meeting we will hear from our Public Works, Val Halla, and Recreation Departments.

Town Manager Shane – he wants to thank all the people of Cumberland who voted in the last election. 83.4% was the voter turnout. He also wants to thank our outgoing Town Clerk, Tammy O'Donnell, who is retiring at the end of this year. Tammy is amazing and is going to be difficult to replace.

There was a meeting to interview engineering firms for the Route 100 roundabout project. Gorrill-Palmer was the firm chosen to work on the project.

There will be a meeting this Thursday evening on the MSAD solar farm. That solar farm will save us almost a half million dollars in electrical costs annually.

Thank you to Bert Kendall and the AMVETS. Every Veterans Day they raise money for the food pantry here and in Yarmouth. This year, they gave us a check for over \$600.

Patty Dunn from Rachel's collected money for the food pantry during dinner last Thursday and donated \$77 for the food pantry. Thank you, Patty!

VI. <u>EXECUTIVE SESSION</u> pursuant to Title 36 M.R.S.A. Section 841(2) to consider and act on an application for tax abatement based on hardship.

Motion by Councilor Segrist, seconded by Councilor Edes, to recess to Executive Session pursuant to Title 36 M.R.S.A. Section 841(2) to consider and act on an application for tax abatement based on hardship.

VOTE: 7-0 UNANIMOUS

TIME: 9:30 P.M.

Reconvene to regular session at 9:56 P.M.

Motion by Councilor Storey-King, seconded by Councilor Copp, to approve the property tax abatement request for case number 2022-001HA in the amount of \$3,599.23 for tax year 2023, per the finding of fact and conclusions as discussed in Executive Session.

VOTE: 7-0 UNANIMOUS

VII. <u>ADJOURNMENT</u>

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

VOTE: 7-0 UNANIMOUS

TIME: 9:57 P.M.

Respectfully submitted by,

Brenda L. Moore Council Secretary