

# MINUTES

Cumberland Town Council Meeting

Town Council Chambers

**Monday, March 27, 2023**

**5:00 P.M. Budget Workshop**

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

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

### I. APPROVAL OF MINUTES

Motion by Councilor Copp, seconded by Councilor Vail, to accept the March 13, 2023 meeting minutes as presented.

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

### II. MANAGER'S REPORT

State Representative, Steve Moriarty, and State Senator, Teresa Pierce, presented a legislative sentiment in memory of Harland Storey, who was a great historical figure in our town. The sentiment read:

*State of Maine. In memoriam. Whereas the 131<sup>st</sup> Legislature has learned with deep regret, the death of Harland E. Storey of Cumberland. Mr. Storey was a veteran of the United States Army. He worked as a truck driver throughout his career. A dedicated public servant, he served as a member of the last Chairman of the Cumberland Board of Selectmen. He was instrumental in the drive to establish a Town Council/Town Manager form of government to better meet the needs of the growing community. This change was approved by the voters in 1972. He was then elected to the first Town Council and held elective office for a combined total of over 30 years. He was the last surviving member of the Board of Selectmen and that first Town Council. Mr. Storey will be long remembered and sadly missed by his wife of 64 years, Carol, his family, friends, and all those whose lives he touched. Therefore, be it resolved that we, the members of the Senate and House of Representatives, pause in a moment of understanding and prayer, to inscribe this token of sympathy and condolence to all who share this great loss, and respectfully request that when the Legislature adjourns this date, we do so in honor and lasting tribute to Harland E. Storey, Sr. (dated March 9, 2023).*

Representative Moriarty presented the sentiment to Harland's wife, Carol Storey.

Councilor Segrist gave an update on the Legislative Policy Committee (LPC), explaining that the committee meets once a month at Maine Municipal Association in Augusta. The purpose is to monitor all the bills that come through the House and Senate to try to figure out if they have any impact to municipalities. Last week they focused on energy, utilities, and technology related legislation, human resources legislation, insurance labor related legislation, and one of the biggest buckets is tax related legislation. The big question for the legislature is how is LD290 going to continue, how might it be modified, and are there other pieces of legislation that may be taking its place? There is also cannabis related legislation, education related legislation, and big movements in the election area, in terms of validating voters and things of that nature. He would be happy to share the specific list of items that the committee is working on, if anyone is interested. There are two meetings left and about 700 bills to look at. He will keep everyone posted.

### III. PUBLIC DISCUSSION

Joyce Baughan of Blackstrap Road said that she is here to express her opinion on the Forecaster article of March 22<sup>nd</sup> about the plans for new residential housing in Cumberland. She is extremely disappointed in the direction being taken by those who are guiding this town. Councilor Segrist was quoted in the article as saying "we realize that many residents in Cumberland are really struggling with the affordability of

housing”. What you seem to have missed is that many of us are not struggling with the affordability of new housing, we are struggling with the ability to afford the housing we currently have. Our taxes are too high. Adding more residents only adds to the cost of running this town. Not focusing on bringing commercial businesses into this town to help balance the tax load has been an ongoing failure of this town. We do not need 250 more housing units in this town within the ridiculous timeframe of 3 to 5 years, as proposed by the Housing Task Force. Knowing that our schools are already overcrowded, how can you be so irresponsible as to propose over 250 new units that will bring at least 50 new students? These students would be beyond what was already projected by MDAS 51 for their upcoming enrollment. Perhaps it’s time for us to put the brakes on new housing until we can stabilize our school’s environment and needs. Then perhaps we put a plan in place that will not outgrow our schools.

Teri Maloney-Kelly of Maloney’s Ridge Way said she is also here to share her thoughts about the article in the Forecaster. Affordability of Cumberland, and housing is a crisis in our town. Cumberland’s impact has been acutely driven by the attraction and growth of our school system, the volume and beauty of our parks and open spaces, and our high-end housing development over the past 10 to 15 years. The economic gap has widened disproportionately as a result. We have 400 to 500 students in our school who are currently not housed adequately, and we have no solution yet for a new school, which will cost 100 million dollars or more. It costs \$21,000 a year to put one child through the school system. It takes 2 to 3 households without children in the system to support one of these children. The housing units that have been added in the past decade have focused on single family units, and it is estimated that 80-90% of the existing homes that have turned over in the past 10 years now have children in them. We are way out of balance. Even our long-term seniors have been adversely affected by our growth. It was documented almost 10 years ago by a survey that affordable housing was needed for seniors. What did our community do? We put in a high-end senior housing unit which was way out of reach for most of our seniors who needed housing at that time. Many of them have now passed or had to move on because of their inability to stay here. Her family has now faced the heartbreaking reality that we are at the end of an era. We will no longer be able to continue our multi-generational legacy in this town because of the affordability of Cumberland. She personally finds herself questioning the longevity of her ability to stay here. Never in her life did she expect that she would be facing this reality. We are long overdue for senior affordable housing projects and she believes that the project for 55 units will begin to address this. However, it is yet to be determined if it’s going to be affordable. It’s unfortunate that that project is being placed so far away from our town center, where the activities and the support system are. The multi-unit housing being proposed on Drowne Road is excessive. Why do we have to be so grandiose? You are trying to bring in folks who can’t afford to come here, but she feels you are trading the middle class folks who are trying to stay here. We have had a crisis for asylum seekers trying to come here for over 5 years and we’ve had a need for temporary housing for a long time. The fact that the proposed temporary housing is contingent upon a large project is something that she does not support, but she is the first person to step up and give a hand to somebody in need. The last proposal for a development in West Cumberland is for 60 housing units and 35 rentals. 15 years ago, our town leadership went through quite a process to reopen the industrial properties in the end of town, at the expense of many citizens. Now you want to help one of these property owners to change his industrial operation to residential housing that will have a significant financial tax burden on our community. She thought it was our towns pledge to continue to try to build business tax base. If it is, why would you take a business piece of property and flip it to residential? She is asking that the Town Council really consider all of these things. She realizes that it is a tough place to be, but she feels almost invisible to her town. She does not see these proposals leveling anything and it is only going to exacerbate the need for the middle- and lower-class residents to move out because we won’t have the means to take on the additional burden that continues to face us.

Councilor Foster asked the Town Manager to give a brief overview of the three projects that were mentioned in the Forecaster article. What are active projects verses what is hypothetical?

Town Manager Shane said that the first project on Route 1 is 55 units of 55 and older senior housing that would be at 60% of the average median income for the Portland metro area. Folks would be able to rent if they are 55 or older and meet a certain income criterion. That project was approved by the Planning Board and the developer is waiting for funding from Maine State Housing Association. The project that we are talking about tonight is in TIF District 8, which would incorporate an amendment to the Ocean View TIF and adding land behind Town Hall and 10 acres off Stiles Way. The third project that is not before us tonight and has not gone to the Planning Board yet, is a potential project in West Cumberland in the old Blue Rock gravel pit. We have looked at trying to protect the aquifer in that area by extending the water lines in West Cumberland, which would allow development in the gravel pit of potentially 40 to 50 homes. The developer has agreed to keep 60% of those affordable, as defined by Maine State Housing Authority. Affordable today is a \$400,000 house. That is the reality. The action this evening is to amend the TIF district. There is no housing proposal to consider yet.

Tim Michalak of 31 Shady Run Lane, a 44 year resident, said that it appears from the article that a single survey was misinterpreted, and it also seems that the Council may be disregarding the Comprehensive Plan, which spoke about Cumberland Center being a small town center, encouraging small businesses and keeping a small, friendly town. It intended for people to be able to stay in their own homes and not for hundreds of new residents. The indirect cost of this project will probably be far greater than the direct costs the town will have to pay. He urged the Council members to visit other low-income projects in other towns and look at the increase in crime, welfare needs, and English as a second language in schools. We don't have those sorts of services located in this town. Moreover, when you compare our town and our revenue base with a city such as Portland, 50% of Portland's revenue comes from sources other than resident property taxes. He has always been told in the past that the increase in taxes isn't the fault of the Town Council, it's due to the school budget. Last month, he attended a school board meeting and asked why we can't have all our schools on one campus, like we were promised 10 years ago, he was told that the Town Council told them that they could not add school space to the existing campus. However, we can add multiple high-rise buildings with hundreds of new low-income residents just across the street. He is not seeing the cooperation in terms of helping the school district locate additional space on the single campus. We have done 4 of these affordable housing projects and we should not be forced to do another, especially at this scale. Lastly, before you vote on anything, you should request that the direct cost and the indirect costs of these projects will be examined before the taxpayers are saddled with the cost.

Chairman Foster clarified that it wasn't the cost of having all the schools on one campus, but rather the multi-lanes that would be required on Main Street and Tuttle Road in order to absorb the traffic.

Councilor Vail said that the Town Council has not risked one nickel of town money yet. What we are voting on tonight is not dollar associated.

Councilor Segrist said that this is what democracy is all about. In terms of school funding, that is dictated by state law. It's his understanding that MSAD 51 is actively trying to apply for that funding and that there is current legislation in Augusta talking about changing the education formula. One of the issues is that we are a wealthy town, so when you look at the valuation of a town, that's baked into the formula on whether you get funding or not. He has heard all the concerns and they are valid, and he wants to let people know that multiple things can be true at once. We can have an issue of needing a broader tax base and needing more businesses to come into our town. We are actively working on that. We can also have the issue of needing affordable housing. That can be two-pronged. One is do we have the availability of affordable rentals for people within a certain income bracket? Right now, we don't have enough of them. Right now

in the State of Maine, there is a shortage of about 22,000 units of affordable housing. If you do the math to figure out what we would need to contribute in terms of housing units to help fix this problem, the number would be about 150. We are also focused on how we make it more affordable for everyone. We are a very desirable place to live and we can't stop new people from moving here. How can we welcome new residents, while at the same time take care of the residents we have, while also maintaining a rural charm and feel. Unfortunately, the way you do that and make it affordable is usually in a larger development, multi-unit complex. It's a balancing act, but he wants people to know that we have to focus on multiple issues at once.

Mr. Michalak asked that the Council review the Comprehensive Plan, quantify the direct and the indirect cost of hundreds of new low-income residents, and at this time, do not exacerbate the school district's problems. If there is ever a time to vote no, it certainly is this time.

Nichole Nevulis of 354 Blanchard Road Extension is also here because she read the article in the Forecaster. She is 100% an advocate of affordable housing. There was a story on NPR a few years ago called "Everything is Connected". An example that they provided was how the US Airforce flight patterns changed going over woodlands where there were peepers and frogs. The peepers and frogs will make noise together in an attempt to keep predators from knowing where they are. When the planes started coming over, it changed the dynamic and when one or two peepers would start, birds of prey were able to pick them off. When we think about the volume of housing coming in, there are implications to that and the volume of it is what concerns her, not the need of it because it's affordable housing. It also concerns her that people like Teri won't be able to afford to stay here. She sees the town changing and everybody should be thinking about how we want it to change.

Arnold Klugman of 7 Bradbury Way said that he is in favor of senior housing. We need it and he has seen the positive effect of having it on Drowne Road. He thinks that putting it on Route 1 is ridiculous. All the services, needs, and support are in the center of town. Senior housing should be in the center of town to give the people that have the least ability to travel to gain the most from what the town has to offer. We are doing things because we want to. We have the right intentions, but he does not think we've done enough overt analysis to see the long-term and short-term impacts on the tax base to the schools, and the potential impact on traffic. There is a tremendous impact of 150 units. We are being short-sighted because we want to help. He doesn't see any other community stepping up. He asked the Council to vote against a change to this area.

Councilor Segrist said that we need a new school. We need more space for the growing community. He is hopeful that people will look at that and come up with a solution, but we also need more affordable rental units for the people in this town. That could be seniors, young families, or a variety of both. The goal is to make our community more welcoming and more affordable for people from all walks of life. He does not want to live in a community where we are pricing everybody out of their own home, but also precluding hardworking families from moving in here.

Councilor Edes said that he respects what Councilor Segrist says, but he disagrees with him. This is not a unanimous vote and there are differing opinions. He is not in favor of this.

#### **IV. LEGISLATION AND POLICY**

**23 – 025 To hold a Public Hearing to consider and act on the proposed First Amendment to the Town of Cumberland Tuttle Road Development Project (#8) Municipal Development Tax Increment Financing District and Development Program, as originally designated by the Town on December 11, 2017 and as approved by the Maine Department of Economic and Community Development**

**on May 22, 2018, pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.**

Councilor Segrist explained that any future project has to potentially be funded or incentivized. Currently, in state law, Tax Increment Financing (TIF) funding has traditionally been used for economic development purposes. There are laws that allow you to use TIF funds for affordable housing. One of the things that the Housing Task Force have been exploring for the last 7-months is what tools are in our legislative toolbox? What do we have to bring forward to incentivize the building of affordable housing, and how do we make something affordable? One of the tools that the Housing Task Force recommended was amending our TIF district to allow for the use of TIF funds to be put toward affordable housing. This item is to consider amending the original TIF district and permitting the use of some of those funds to be used for affordable housing, should a potential project come forward.

Councilor Vail said that the option before us this evening is to create an opportunity for developers to come forward and present options on the property on Drowne Road and move the baseball field to Stiles Way. We don't have any workforce housing in this community. If a young teacher comes into this community, we don't have any place for them to live. It has been his goal to bring affordable housing to the community and we are going to be looking at that. It is not something to be afraid of. We have every obligation as members of this state, of this country, to show leadership. He is here to move an agenda forward to provide for other people who are not quite so fortunate. Sometimes, that requires us to do a little bit more and show some true grit. He challenged this Council to show that true grit and put up a little backbone and move this first step forward. We are going to have some challenges come down the road and we are going to have the opportunity see some ideas and real plans. Tonight, is simply a step in that direction and there is not a single reason to take that first step.

Chairman Foster said that there is nothing stopping property owners from developing their property into single family housing with prices that we cannot control. The direction of the Council has been to be more thoughtful and be able to plan where these developments will be. The housing turnover is happening no matter what we do. She is very much supportive of continuing to take the steps and see what can be supported on the property.

Chairman Foster opened the Public Hearing.

Reverend Allison Smith spoke in favor this. Now is the time to do this.

Tim Michalak spoke against this.

Jamie Broder of Old Musket Road and Chairman of the Housing Task Force spoke in favor.

Rick Doane of Catalpa Lane and a member of the Housing Task Force wondered where 2, 55 unit buildings came from if there wasn't some discussion on how it would be developed.

Town Manager Shane responded that we laid out what the potential on the Drowne Road parcel was (where the ball field is currently located), just to see what would be possible.

Sally Bancroft of 12 October Farm Lane said that she supports amending the TIF district because it gives the flexibility to create affordable housing, while preserving the green space in Town.

Bill Young of 16 Hedgerow Lane spoke about concerns with the cost and the impact to the taxpayers.

Steve Brown of 4 Peaks Lane spoke about the impact to nature and wildlife.

Steve Moriarty of 12 Oak Street said that he would be one of the closest abutters to this proposal and he has no concerns about what is being proposed in general. He urged the Council to use their vision and it will get us to where we need to be.

Chairman Foster closed the Public Hearing.

Motion by Councilor Vail, seconded by Councilor Segrist, to adopt the First Amendment to the Town of Cumberland Tuttle Road Development Project (#8) Municipal Development Tax Increment Financing District and Development Program, as originally designated by the Town on December 11, 2017, and adopt by reference the Town Council Orders included as Exhibit I to the materials presented as of the date of this public hearing, which are hereby adopted as if read in full.

VOTE: 6-1 (Edes opposed)                      MOTION PASSES

Chairman Foster thanked everyone for coming to the meeting and participating.

**23 – 026 To hold a Public Hearing to consider and act on a Mass Gathering Permit for the Garden Brothers Circus to be held August 24<sup>th</sup> through 27<sup>th</sup> at the Cumberland Fairgrounds.**

Chairman Foster said that this event was held last year at the fairgrounds and there were no issues reported.

Chairman Foster opened the Public Hearing.

No public comment.

Chairman Foster closed the Public Hearing.

Motion by Councilor Storey-King, seconded by Councilor Copp, to approve the Mass Gathering Permit for the Garden Brothers Circus to be held August 24<sup>th</sup> through 27<sup>th</sup> at the Cumberland Fairgrounds.

VOTE: 7-0                      UNANIMOUS

**23 – 027 To hold a Public Hearing to consider and act on a liquor license renewal for Louie’s Grille LLC.**

Chairman Foster opened the Public Hearing.

No public comment.

Chairman Foster closed the Public Hearing.

Motion by Councilor Vail, seconded by Councilor Storey-King, to approve the liquor license renewal for Louie’s Grille LLC for the period of April 8, 2023 to April 8, 2024.

VOTE: 7-0                      UNANIMOUS

**23 – 028 To authorize the Lands & Conservation Commission to spend a \$4,950 grant from Casco Bay Estuary Partnership for landowner education on low-impact landscaping for the health of Casco Bay.**

Councilor Filson is one of the Town Council liaisons on the Lands & Conservation Commission and she explained that the grant will be used to communicate with residents about the actions that they can take to enhance the health of the coastline, including reducing the levels of polluted runoff from landscaping. A big thank you to Ivy Frignoc, who wrote a very passionate letter to go along with the grant. She and Denny Gallaudet were instrumental in us receiving the grant.

Chairman Foster asked for any public comment.

No public comment.

Motion by Councilor Filson, seconded by Councilor Segrist, to authorize the Lands & Conservation Commission to spend a \$4,950 grant from Casco Bay Estuary Partnership for landowner education on low-impact landscaping for the health of Casco Bay.

VOTE: 7-0 UNANIMOUS

## V. NEW BUSINESS

**Councilor Copp** – he (and his good friend, Dean) donated \$20 to the 4-H fund that benefits the Food Pantry, as he does at every meeting. He urged others to donate to this worthy cause.

He thanked everyone for coming to the meeting and expressing their opinion. He feels like we are heading in the right direction.

**Councilor Filson** – she appreciated all the people who came out tonight to express their opinions. She feels that she will be walking away with a lot of information to think about and process. What she loves about all of the people sitting next to her and all the people in the audience is that we continue to have those dialogues, and everyone comes back to continue the discussion when we do have a plan to look at.

Some ordinance changes to the Coastal Waters Ordinance are forthcoming. Stay tuned for that.

She and the Town Manager are headed to a Diversity, Equity and Inclusion workshop next week. She will bring back an update.

**Councilor Vail** – he spent 15 years on the Planning Board and 15 years on the School Board. He thinks that this is the one time that he feels good about being in control of his future and what he wants the face of this town to look like. There is very little control on the Planning Board. Tonight, we took the first step in us being in control. That is an important distinction to make about where we're going. We are going to put out a request for proposals, but we are in the driver's seat this time and we can control every aspect of it.

**Councilor Segrist** – he appreciated everyone coming in tonight to share their opinions. He thanked the Housing Task Force and encouraged everyone to continue to attend our meetings and raise your concerns and opinions.

**Councilor Edes** – he thanked everyone for the good discussion tonight. Passionate discussions happen on this Council and his respect for his fellow Councilors is immense. Good people disagree from time to time and that is good politics.

**Councilor Storey-King** – the Library Advisory Board met recently. We continued discussions around the space needs for library programming. We also discussed that the Advisory Board would like to see in the new Assistant Library Director.

A while back, we talked about what farms would be allowed to do in order to generate income. During our discussion to develop a farm based events ordinance, a gentleman named Josh Houghton was present and he was a neighbor of one of the farms. She read a paragraph of a letter that she received from him:

*The legislation for that got a bit contentious. During one of the town meetings I recall a larger than life character stepping up and scolding the Councilors, which got them into line pretty quick. This person was, of course, your father. Being the child of a town political figure myself, there are many aspects of growing up that I can relate to with such a father. I had never met the man before or since, but certainly had a way about him. Straight to the point, keep your nose out of my barn citation was absolutely perfect.*

He also enclosed a sign that read “keep your nose out of my barn. Cumberland Maine, the way life should be”. Thank you, Josh for this kind gesture.

**Chairman Foster** – prior to the meeting this evening, we had a budget workshop from 5:00 to 7:00 p.m. and we will have one again prior to the next 2 Council meetings. Then we will have a final, full review of the budget on Saturday, April 29<sup>th</sup> starting at 8:00 a.m. until completion.

A reminder that nomination papers are now available and must be submitted by April 13<sup>th</sup>.

**VI. ADJOURNMENT**

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

VOTE: 7-0 UNANIMOUS

TIME: 9:37 P.M.

Respectfully submitted by,

Brenda L. Moore  
Council Secretary