

# MINUTES

Cumberland Town Council Meeting

Town Council Chambers

**Monday, July 10, 2023**

**6:00 P.M. Workshop re: FY24 Challenges**

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

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

### **I. APPROVAL OF MINUTES**

Motion by Councilor Edes, seconded by Councilor Copp, to accept the June 19, 2023 meeting minutes as presented.

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

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

Town Manager Shane said that last Wednesday evening, a meeting was held on Hedgerow Drive with the neighborhood to discuss the plan to install two additional speed tables and paint stripes on Hedgerow, Country Charm and Val Halla Road. There was a great turnout, and it was a very constructive and positive meeting.

Vice-Chairman Segrist presented former Town Council Chairman, Allison Foster with a street sign that read "Fosters Way" and thanked her for her service to the Town.

### **III. PUBLIC DISCUSSION**

Chris Neagle of 76 Orchard Road said that he wants the public to know that this past spring, the Town hired a traffic engineer to evaluate an odd stop sign at the intersection of Blanchard Road and Skillin Road, as was also done in 2017. For the second time in 6 years, the engineer reported that the intersection is very safe, but the odd stop sign creates confusion that can cause accidents. He also reported that the intersection would be even safer if the stop sign was removed. A month ago, 3 Town Councilors (King, Edes and Vail) apparently believed that they know more about traffic intersections than the Town engineers. They voted to keep the stop sign where it is. That is also what happened in 2017. However, this time the Council received written advice from the Town Attorney that if they intentionally disregard the advice of the engineer, the Town would be negligent. Because the Town is negligent, it would no longer be protected by the Maine Tort Claims Act. The Maine Tort Claims Act prevents people from getting more than \$4,000 from municipalities for general liability issues. There is an exception to that when there is negligence involved in traffic safety issues. This means that if those accidents happen, the Town will be held negligent and will not have any protection under the Maine Tort Claims Act. There are many valid points of view around various Town issues, but he does not know of any valid point of view that would say it's a good idea to remove the protection that Maine provides to municipalities because we can, or because we don't believe our traffic engineer. If and when an accident happens, we will all be on the hook. He hopes that the people who pay taxes in our Town might consider contacting one of the three Councilors because any one of them could change this. He wants to make sure that our residents know what our elected leaders are doing.

Teri Maloney-Kelly said that she attended the workshop earlier this evening to listen to what the goals for the Town Council are for the upcoming year. Unfortunately, her suspicion came true when they spent 45 minutes talking about the school and what they can and can't do. Although she can appreciate why the

Council feels the need to get involved, our Town staff are paid to operate the Town government, not the school. The Town Council was elected to spend their time on the issues that affect the taxpayers. She is concerned with the amount of time that is going to be spent on an issue that the Council has no ability to influence. This greatly concerns her. There are issues going on in the community with regard to the MSAD that is going to come a head, and not dealing with it as a community will never change things. She feels that things will just continue to digress. As a taxpayer, she asked the Council to be cognizant of how much time they spend on an issue that has another authority dealing with that issue, and we pay them 70% of our tax bill. They need to be doing their job, not the Town Council doing it for them.

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

##### **23 – 071 To swear in newly elected Town Councilor.**

Town Clerk, Jennifer Doten administered the oath of office to newly elected Town Councilor, Baily Douglass.

##### **23 – 072 To elect a Town Council Chair and Vice-Chair.**

Councilor Copp nominated Councilor Segrist as Town Council Chairman.

Motion by Councilor Copp, seconded by Councilor Vail, to appoint Councilor Segrist, as Town Council Chairman.

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

Councilor Edes nominated Councilor Filson as Town Council Vice-Chairman.

Motion by Councilor Edes, seconded by Councilor Vail, to appoint Councilor Filson, as Town Council Vice-Chairman.

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

##### **23 – 073 Town Council Committee Assignments.**

Councilor Filson said that she would like to amend the list to show her remaining as Council Liaison to the Lands & Conservation Commission and stepping down from the Planning Board. Councilor Vail commented that he would like to see Councilor Douglass be added to the Finance Committee as it would be good experience for her as a new Town Councilor. Councilor Douglass agreed.

Motion by Councilor Copp, seconded by Councilor Filson, to approve the Town Council Committee Assignments as presented in the meeting materials with amendments as discussed.

VOTE: 7-0 UNANIMOUS

##### **23 – 074 To hold a Public Hearing to consider and act on amendments to Chapter 315 (Zoning), Section 4 (Word Usage and Definitions), and Section 6 (Rural Residential Districts), to define and add Agritourism as an allowed use as recommended by the Planning Board.**

Councilor Storey-King explained that Agritourism is very similar to our allowable use for farm-based events. It is another way for the agricultural industry to increase their revenue. It will allow farms to have visitors come and pitch a tent, as long as they meet certain criteria for health and sanitation.

Chairman Segrist opened the Public Hearing.

No public discussion.

Chairman Segrist closed the Public Hearing.

Motion by Councilor Storey-King, seconded by Councilor Copp, to amend Chapter 315 (Zoning), Section 4 (Word Usage and Definitions), and Section 6 (Rural Residential Districts), to define and add Agritourism as an allowed use as recommended by the Planning Board.

VOTE: 7-0                      UNANIMOUS

**23 – 075    To hold a Public Hearing to consider and act on the adoption of the new Commercial Property Assessed Clean Energy (C-PACE) Ordinance.**

Town Attorney, Ben McCall explained that at the last legislative session, the Maine Legislature adopted this program with the goal of incentivizing commercial property owners to make clean energy investments in their properties. The way they hope to achieve this is by making it more attractive for secondary sources of capital to invest in these types of businesses. It will allow a commercial property owner to install clean energy investments and get a subordinate loan to cover the cost. The C-PACE lender's loan would have priority over every other loan except for Town property taxes, water, and sewer. In the event of a tax foreclosure situation, per the ordinance the Town would not be responsible for making the C-PACE loan payments. The subsequent owner would be responsible for those payments. If this ordinance is adopted this evening, the Town of Cumberland would be the first adopter in the State.

Chairman Segrist opened the Public Hearing.

Denny Gallaudet of 67 Range Road and Chairman of the Sustainability Committee said that he has a little history with this legislation. It was put forward by the Environmental Lobby a couple of sessions ago, and the concept is to help small businesses in our community do some energy efficiency upgrades. They will be able to get quick and cheap financing for those upgrades.

Chairman Segrist closed the Public Hearing.

Motion by Councilor Copp, seconded by Councilor Filson, to adopt the new Commercial Property Assessed Clean Energy (C-PACE) Ordinance.

VOTE: 7-0                      UNANIMOUS

**23 – 076    To hold a Public Hearing to consider and act on a Mass Gathering Permit for the Cumberland County Fair to be held from September 24<sup>th</sup> – 30<sup>th</sup> at the Cumberland Fairgrounds.**

President of the Cumberland Farmer's Club, Lyle Merrifield, said that this year will be the 151<sup>st</sup> fair. There have been some small tweaks to the fairgrounds and some of the programs this year. They are looking forward to another successful fair.

Chairman Segrist opened the Public Hearing.

No public comment.

Chairman Segrist closed the Public Hearing.

Motion by Councilor Edes, seconded by Councilor Copp, to approve the Mass Gathering Permit for the Cumberland County Fair to be held from September 24<sup>th</sup> – 30<sup>th</sup> at the Cumberland Fairgrounds.

VOTE: 7-0                      UNANIMOUS

## V. NEW BUSINESS

**Councilor Copp** – he donated \$20, as he does at every Town Council meeting, to the 4-H auction that benefits the Food Pantry. He urged anyone who never attended the auction to do so this year. It is a great event and fun to watch.

**Councilor Filson** – the Lands & Conservation Commission met last Tuesday. The Twin Brook Management Plan and the Invasive Plant Control Practice Plan will be coming to the Town Council soon.

The Forestry Committee would like the Town Council to consider doing a walk through of the Rines Forest to see the invasive plants in full bloom in September.

Congratulations to Denny Gallaudet for receipt of a \$50,000 grant for heat pumps for our Library, 10 kilowatt panels and weatherization for the West Cumberland Fire Station, and 3 charging stations. Denny has an incredible track record with getting these types of grants. Thank you, Denny!

There has also been some really great work from Meddy Smith. She received a grant from Casco Bay Estuary to help with sustainable gardening practices and public outreach. Meddy and Riva Krut met with some Homeowner's Associations in Town to teach them some best practices. There is some really great work being done by our Lands & Conservation Commission Subcommittees. They are amazing.

She thanked her fellow Town Councilors for giving her the opportunity to be Vice-Chair. She's very excited.

**Councilor Vail** – he has been thinking about what it means when someone buys into a neighborhood or a subdivision. There is usually a set of covenants and an expectation of what that neighborhood is going to look like. The same holds true with a condominium project. If these types of properties are purchased by investors, then they are not all owned by people who share the same commitment to the community. He thinks that a deeper look at future condominium project covenants would be time well spent.

**Chairman Segrist** – there is a vacancy on the School Board, and we have had a couple of folks put their names in for consideration so far. Applications are still being accepted until June 14<sup>th</sup>. The Town Council will hold interviews on July 19<sup>th</sup>.

**Councilor Douglass** – thank you to all those who voted in the last election and to those who voted for her. She is looking forward to getting down to business and learning much more about our fellow citizens.

**Councilor Edes** – congratulations to Chairman Segrist and Vice-Chairman Filson and welcome to Councilor Douglass.

**Councilor Storey-King** – she wants to take a moment to recognize the loss of Greely icon, Glen Hutchins. Glen passed away in New Jersey, 2 days after he left his home in Cumberland to go live with his son.

She extended a welcome to families who are visiting their Maine home for the summer.

There were some comments made on social media about our Cemetery Association. Her uncle Robert was deeply upset by the negative comments. He has dedicated hundreds of hours in maintaining and making our cemeteries safe and nice, as well as mapping out the locations of the graves. She cautioned people to be more thoughtful. If you have a concern about a Town property, contact someone at Town Hall. We

have one cemetery maintenance person who maintains many cemeteries in the county, not to mention the rainy conditions lately.

Thank you to Town Manager Shane and Town staff for working with the Hedgerow Drive neighborhood.

She would like the Town Council to respond to Teri Maloney-Kelly's questions that she asked at the last Council meeting.

She attended the last Planning Board meeting to get more information on the plan for 72 homes being called condos, so they don't have to follow the same process as other developers. This is her personal take on this project. She has concerns about the size and density of the project, and what a homeowner's association might be allowed to do.

**VI. EXECUTIVE SESSION** pursuant to 1 M.R.S.A., § 405(6)(C) re: real property.

Motion by Councilor Filson, seconded by Councilor Vail, to recess to Executive Session pursuant to 1 M.R.S.A., § 405(6)(C) re: real property.

VOTE: 7-0 UNANIMOUS

TIME: 8:13 P.M.

Reconvene to regular session at 8:38 P.M.

**VII. ADJOURNMENT**

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

VOTE: 7-0 UNANIMOUS

TIME: 8:38 P.M.

Respectfully submitted by,

Brenda L. Moore  
Council Secretary