

MINUTES

Cumberland Town Council Meeting

Town Council Chambers

Tuesday, September 26, 2023

7:00 P.M. Call to Order

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

Excused: Councilor Edes

I. APPROVAL OF MINUTES

Motion by Councilor Copp, seconded by Councilor Vail, to accept the September 11, 2023 meeting minutes as presented.

VOTE: 5-0-1 (Segrist abstained) MOTION PASSES

II. MANAGER'S REPORT

The Main Street project has been delayed because of the long lead time with the curbing. Unfortunately, that has pushed us into October.

Town Hall will be closed this Thursday to pave the parking lot.

He had the privilege of attending the Eagle Scout ceremony for Andrew Bilodeau last week. Andrew built 6 kiosks for all the trailheads in Cumberland and 1 in North Yarmouth. Andrew is amazing.

On October 26th at 6:00 p.m. there will be a meeting with the Cumberland Town Council, the North Yarmouth Selectboard, and the School Board at Wescustogo Hall in North Yarmouth. This is the annual meeting of the three entities.

III. PUBLIC DISCUSSION

Scott Jordan said that Superintendent Porter's newsletter was sent home with students last week along with a letter that was inappropriate for a 1st or 3rd grader to bring home to their parents (he provided a copy to the Town Council). He asked the Town Council if they thought this was appropriate.

Councilor Copp commented that his grandchildren brought the letter home, and his initial reaction is that it should have been emailed to parents, or at a minimum, placed in an envelope.

Mr. Jordan said that this goes right in line with what is happening at our school. Mr. Jordan referred to a book in the school library that has pornographic images in it.

Councilor Filson responded that she has seen the book, and spoke to staff at the school library about it. She learned that the high school library services students between the ages of 13 to 19. The librarian and the ed techs consider the student who may want to check this book out, and there are a series of checks and balances that take place before the student is allowed to check the book out of the library.

Mr. Jordan said that Superintendent Porter told him that the book has been check out 8 times. 7 times by teachers, and only 1 time by a student. If the book has so little demand, why does it still remain in the library? He was told to go through the process of a book challenge. If there is a book challenge, the Chair will choose the committee.

Lisa Keithley said that she is here this evening to share her story. She had a 3-year-old son who was taken from her by a family court judge with no parental rights hearing, no notice of a hearing, no substantial change in circumstance, no motion to modify, no subject matter jurisdiction, and never being adjudicated as an unfit parent. All these things are required by law by Title 19-A of Maine State Statute. She has addressed this to the court, and it has been ignored for 10 years. Her son has suffered multiple black eyes, infected wounds, broken bones, starvation, suffocation, flesh eating bacteria, a vicious dog attack, suffers from asthma, and has received no medical care for any of these things. The court has been notified with no intervention. Child Protective Services has been notified with no intervention. The Legislature has been notified with no intervention. Her last motion asking for remedy was filed in 2020 and the court has yet to respond. Yesterday, she filed a protection from abuse order on behalf of her son, giving evidence that he has been forced into child labor for 5 years. He is now 13 years old. He has been pulled out of school and is isolated from all loved ones. There have been 20 judges on her case, and no one will help. This originated from Judge Joseph Field who has a history of taking children who have all wound up at the Long Creek Juvenile Center, suffered abuse and neglect, and many of them are dead. Where can she turn for help? How bad does it have to be? She wants everyone to be aware of this situation.

Larry Aufiero of Cumberland Center said that he read the book that Mr. Jordan referred to. The narration in the book makes the person reading the book feel like abstinence is abnormal, and hyper sexualization is fun and exciting and hip. There is an organization called PET who ban books. This book, Gender Queer, was the number one banned book in 2021, 2022 and so far in 2023. And it's in our school library. Once a child sees the pictures in that book, they can never unsee it. We can't allow this to continue, it's a crime. We have to use our common sense. What if he told you that we had books in our library on how to become a good Nazi, or how to torture animals and not get caught, or the best way to commit suicide? These books are banned because it's common sense.

Mike Doyle of Portsmouth, New Hampshire said that his lawsuit against the Town of Cumberland, the School Board, and Police Sergeant Lachance, was bounced out of federal court on a technicality. He plans to rewrite the complaint and re-file an amendment.

Dave Noonan of Meadow Lane said that as a parent, if the book that has been discussed this evening was brought into his house, they would have a conversation about it. He has 2 daughters, and they are very open and have conversations in their house. He urged everyone to talk to their kids. Kids are going to see things on the internet so keep an open dialogue with them.

Larry Aufiero said that is great the Mr. Noonan has an open dialogue with his children, but not every parent does that. And when the kids are out on the street with their friends, that is a whole new ball game. The idea that if we are close to our children and we warn them about this material is great, but that won't solve the problem. This just doesn't make sense.

Scott Jordan referred to page 161 of the book which reads "toward the SF Amory, which at the time housed the filming of studiofink.com". Kids see that and might think it's funny and some might go to that website. This is not a laughing matter. These are our kids. The school should not be talking to our kids about this. It is not their place. The head of the Maine Department of Education stated that core academics will take a back seat to sexual orientation, gender identity, and race. How is somebody's sex going to get them a legal job? Where are people's morals? The superintendent won't help, so he is asking for the Town Council's help in removing this book from our school library.

IV. LEGISLATION AND POLICY

23 – 102 To hold a Public Hearing to consider and act on the recommendation of Gorrill Palmer Engineers to make the intersection of Tuttle and Middle Road a 4-way stop.

Chairman Segrist said that there have been some serious accidents at this intersection, we have held some workshops over the last several months to discuss the intersection, and we currently have a recommendation from the Maine Department of Transportation (MDOT) to put in a 4-way stop there. There has been a lot of discussion and we would like to find some middle ground before jumping to a 4-way stop. The number of crashes at that intersection is not the only concern, but also, the severity of the crashes. The thought process being that there might be something that we can do as a Town to potentially slow down traffic on Tuttle Road. A lot of these accidents are folks turning from Middle Road onto Tuttle Road and the high speed of the Tuttle Road traffic. One of the options may be to make a request to MDOT to potentially lower the speed limit on Tuttle Road within 1500 feet on each direction of that intersection from 35 down to 25 mph.

Councilor Vail said that with the reconstruction of the bridge on Tuttle Road, which will be a 2-year project, is it appropriate for us to reach out to MDOT and look at some alternatives before we make it a 4-way stop?

Councilor Storey-King said that if we went against the recommendation of the engineer, she would like to see a crosswalk with signs. There are a lot of people who walk across that intersection on both sides.

Chairman Segrist opened the public hearing.

Dave Noonan of Meadow Lane asked at the neighborhood if any studies were done looking at the possibility of a two-way stop with the lighted signs.

Traffic Engineer, Randy Dutton said that there is not a lot of information on that type of conversion as opposed to the 4-way stop.

Bob Knupp of Hawks Ridge said that his experience is that the major problem is with the topography of the hill past the church on Tuttle Road. Making a left turn from Middle Road on to Tuttle Road it is very difficult to see and the speed of the Tuttle Road traffic makes it dangerous. He encouraged the Town Council to take some sort of action. It is a bad intersection.

John Chandler of 93 Tuttle Road said he has seen the traffic on Tuttle Road increase over the past 36 years. The cars on Tuttle Road go very fast and he has seen some bad things happen. Reducing the speed on Tuttle Road will go a long way to help with the problem, along with more police enforcement.

Arnold Klugman of Cumberland Center said that the police department must enforce the speed. Engineers are great but the person we should ask to help is the Police Chief.

Dave Witherill of Cumberland said that he is all for the 4-way stop. The sightlines at the intersection are very bad. Not many people obey speed limit signs.

Mark Babcock of Friar Lane said that the majority of the residents on Friar Lane would prefer a roundabout. If there is an opportunity to put that into the bridge replacement package, that would be a good option.

Scott Jordan suggested asking if the bridge project could be done at nighttime as to not interfere with daytime traffic.

Denise Larson from Cumberland Center said that she supports the flashier two-way stop at Middle Road as well as lowering the speed limit to 25 mph. A compact roundabout would also be a good solution.

Jim Baillinson from Friar Lane said that he drives that intersection every day. He feels that more analysis is needed. The severity of the crashes at that intersection is very concerning. Lowering the speed limit makes sense also.

Chairman Segrist closed the Public Hearing.

Motion by Councilor Copp to table action on a 4-way stop sign and request that MDOT lower the speed limit on Tuttle Road to 25 mph, 1500 feet in each direction of the Middle Road intersection.

No second.

Motion fails.

Councilor Storey-King suggested acting upon this item with two separate motions in order to table the stop sign, and act on reducing the speed limit.

Motion by Councilor Storey-King, seconded by Councilor Filson, to table action on a 4-way stop sign at the intersection of Middle Road and Tuttle Road.

VOTE: 6-0 UNANIMOUS

Motion by Councilor Storey-King, seconded by Councilor Douglass, to request that Maine Department of Transportation lower the speed limit on Tuttle Road to 25 mph 1500 feet in each direction of the Middle Road intersection.

VOTE: 6-0 UNANIMOUS

23 – 103 To hold a Public Hearing to consider and act on the recommendation of Gorrill Palmer Engineers to make the intersection of Route 100 and Range Road at J Brothers a 4-way stop.

Councilor Filson explained that there was a neighborhood meeting held to discuss this intersection. The majority of accidents happen when vehicles are turning left into J Brothers store. Councilor Copp suggested looking at shaving the hill on Route 100 by 2 to 3 feet, which would drastically improve the sightlines. There is also some vegetation that if removed, would improve the sightlines.

Councilor Copp added that eventually, the waterline would be extended from Range Road to the bridge and perhaps we could team up with MDOT to shave the hill when the waterline project goes forward.

Chairman Segrist opened the Public Hearing.

Cathy Wright of Skillin Road said that shaving that hill is exactly the right way to go. After the last serious accident at that intersection, there were two signs put up that are very close together and ineffective that read “hill blocks view”. The signs should be put up closer to Lower Methodist Road.

Joyce Baughn of West Cumberland submitted the following comments via email:

I am unable to attend tonight’ public hearing on Item # 23-103. I wish to express my views on the proposed 4-way stop and I don’t know of a different way to share with you.

- 1. In my opinion installing a 4-way Stop at that location, before taking any other traffic calming steps, would be more dangerous than the current situation. It would result in more rear-ender accidents for those heading southbound suddenly coming to a stop from 50MPH.*

2. *Lowering or altering the angle of the rise at that intersection would provide better view for all vehicles approaching the intersection.*
3. *Removing trees along the southbound side of RT 100 between Lower Methodist Road and J.Brothers Variety would increase visibility and the awareness of drivers to an building on their right at the top of the hill.*
4. *Lowering the speed limit in the area would be helpful, but only to 40MPH. I heard many folks speak at the Community Meeting on this subject advocating for 35MPH. I personally tried, on 3 separate occasions, to drive 35 in both directions. From the top of Morrison's Hill to the Cumberland/Falmouth town line. I was unsuccessful at maintaining 35MPH southbound, down Morrison's Hill. I am able to maintain 40MPH and do not feel it is necessary (but nice) to increase to 50MPH at the bottom of the hill, as currently allowed. From J.Brothers, northbound, to the bottom of Morrison's Hill I was able to maintain 35MPH, but not while climbing the hill. I had to really 'boot' my old car to make it to the top of the hill at 30MPH from that slow of a start. I wouldn't dare approach the hill that slow if it had been snowing.*

Chairman Segrist closed the Public Hearing.

Motion by Councilor Storey-King, seconded by Councilor Copp, to table consideration of the 4-way stop sign at Range Road and Route 100.

VOTE: 6-0 UNANIMOUS

Motion by Councilor Storey-King, seconded by Councilor Copp, to request that MDOT lower the speed limit from the Falmouth Town line to the Gray Town line to 35 mph.

VOTE: 6-0 UNANIMOUS

23 – 104 To appoint Katharine Johnston as Finance Director.

Chairman Segrist introduced Katharine (Katie) Johnston.

Katie said that she is happy to be here, and she has some big shoes to fill. She has been working in municipal finance for almost 20 years and is looking forward to working in Cumberland.

Motion by Councilor Vail, seconded by Councilor Copp, to appoint Katharine Johnston as Finance Director.

VOTE: 6-0 UNANIMOUS

23 – 105 To appoint Jesse Lamarre-Vincent to the Lands & Conservation Commission.

Chairman Segrist explained that Mike Schwindt, Chairman of the Lands & Conservation Commission (LCC) wants to ensure that the chair of any subcommittee of the LCC (in this case the new orchard subcommittee) is a voting member of the LCC. Jesse will be the chair of the new orchard subcommittee, which is very exciting.

Councilor Storey-King asked Jesse what his strategy will be in keeping the deer from eating all the apples.

Jesse said that they are going to be putting 5-foot concrete reinforcement wire around the trees. This has worked on his property.

Motion by Councilor Filson, seconded by Councilor Douglass, to appoint Jesse Lamarre-Vincent to the Lands & Conservation Commission.

VOTE: 6-0 UNANIMOUS

23 – 106 To approve a 3-year contract with Cumberland County for General Assistance.

Chairman Segrist explained that Town staff currently processes general assistance applications. In any given week, we have 2 – 6 people who may come into Town Hall seeking general assistance, which the Town received 70% reimbursement from the State. We have been using Town staff in the processing of general assistance applications and that employee is needed to do other duties in the Finance Department. We are looking to contract the general assistance application process with Cumberland County.

Chairman Segrist asked for public comment.

Denise Larson asked if there is software to assist in the processing of general assistance applications.

Town Manager Shane responded there is not and it is a very time consuming process for Town staff.

Councilor Storey-King said that she has a problem with the cost of \$20,000. It appears that it costs us less to have Town staff do it.

Councilor Douglass said by contracting this out to the County, it remains more anonymous, and we are getting a level of expertise than our staff necessarily has.

Councilor Vail said that when the Finance Committee reviewed this, there was a net savings to the Town. We wouldn't have brought this forward if it were to cost the Town more money.

Scott Jordan asked if there is a way to have the application submit their documents in advance to cut down the amount of time the applicant has to meet with staff.

Town Manager Shane said that won't happen. These people are struggling, and the first meeting is an intake meeting to talk about what documents they need to bring in next time. There are a lot of one-on-one conversations that take place to talk about available services, etc.

Bruce Sherwin of Blanchard Road said that he would consider making the contract end on June 30th to line up with our fiscal year.

Motion by Councilor Douglass, seconded by Councilor Copp, to approve a 3-year contract with Cumberland County for General Assistance.

VOTE: 6-0 UNANIMOUS

23 – 107 To hold a Public Hearing to adopt the Maine Municipal Association Model General Assistance Ordinance and Appendices A-H for the period of October 1, 2023 through September 30, 2024.

Chairman Segrist explained that this is the standard general assistance ordinance that is drafted by Maine Municipal Association, and must be adopted every year.

Chairman Segrist opened the public hearing.
No public comment.

Motion by Councilor Vail, seconded by Councilor Filson, to adopt the Maine Municipal Association Model General Assistance Ordinance and Appendices A-H for the period of October 1, 2023 through September 30, 2024.

VOTE: 6-0 UNANIMOUS

23 – 108 To hold a Public Hearing to consider and act on a Credit Enhancement Agreement with Foley’s Gym, as recommended by the TIF Committee.

Chairman Segrist explained that this is a parcel of land on Route 1 that has been available for quite some time. The Town Manager has work tirelessly for many years to attract businesses to this area. He is happy to report that Foley’s Gym is planning to set up its second location on this parcel (they currently have a location in Scarborough). As we have done with many businesses wanting to come to Cumberland, we can offer a Credit Enhancement Agreement to a business, which is up to 50% of their property taxes, capped at \$500,000. Foley’s Gym is very excited to be coming to Cumberland.

Councilor Storey-King said that it was brought to her attention that this particular item did not appear in the public hearing ad in the Forecaster, and this is the second time this has happened with an important item. She feels that we should move any action on this item to our next meeting because of this.

Councilor Douglass asked Councilor Storey-King what her concerns are.

Councilor Storey-King said that she sees Credit Enhancement Agreements used as a way to attract businesses that might be an anchor and attract other businesses to the area. This is the last lot buildout, so we’re not looking for other businesses to move to that site. She’s not sure that we need to give them a Credit Enhancement Agreement.

Chairman Segrist said that this lot has been vacant for over 20 years, and it is the last lot available. There is a 55+ senior affordable unit going in next door as well as housing on the north side. It strikes him as the perfect type of business that we would want, where members of the community can come together and see each other. His concern would be to have a bigger business there just for the tax revenue and doesn’t create a sense of community.

Councilor Douglass said that if the lot has been vacant for 20 years, she’s not sure what other business we would be looking to attract. It is revenue that we’re not currently receiving, so she would be in favor of moving it forward this evening.

Councilor Storey-King asked if they would come here without a Credit Enhancement Agreement.

Town Manager Shane said that part of the financial plan that they presented to the Town was that they could move to Cumberland if we could offer the same Credit Enhancement Agreement that we have given the other 6 businesses on Route 1.

Councilor Copp said that he travels past their location in Scarborough quite often and it is a very busy gym. It is the perfect fit for the neighborhood. It’s time to get a business on that lot.

Councilor Filson said that the U.S .Surgeon General stated that one out of two people are experiencing measurable amounts of loneliness daily. One of his proposed solutions is for communities to create places for people to come together. She thinks this is a great thing.

Chairman Segrist opened the Public Hearing.

Arnold Klugman said that he understands that the lot has been vacant for 20 years and assumes that nobody has expressed an interest in that time.

Town Manager Shane said that is not accurate.

Mr. Klugman asked why the other interested party did not take it.

Town Manager Shane said that they could not strike a deal with the owner of the property, so they moved up the street.

Mr. Klugman said that this company is expecting a lot of people and wonders if it will fit with the economic reality of this community.

Bob Knupp of Hawkes Ridge said that every time one of these things comes up, he has the same question; how much more traffic will Route One have to bear for this particular business? There is only so much you can do with putting vehicles on Route One. We are talking about a lot of cars.

Bruce Sherwin of Blanchard Road asked who negotiates these deals.

Town Manager Shane said that all of the Route One Credit Enhancement Agreements are same, 50% of property taxes, up to \$500,000. This is a big project so they will reach the \$500,000 fairly quickly.

Councilor Vail said we all know that things change and the exercise of watching a community grow isn't easy. Things will never go back to the way things were when we were kids. The burden on this Council is to make prudent decisions that effectively better the lives of the community, help us to control our tax rate, and in general provide good health and well-being of the community. He supports this.

Motion by Councilor Copp, seconded by Councilor Douglass, to approve a Credit Enhancement Agreement with Foley's Gym, as recommended by the TIF Committee.

VOTE: 5-1 (Storey-King opposed) MOTION PASSES

23 – 109 To award a 5-year solid waste and recycling pick-up contract, as recommended by the Finance Committee.

Chairman Segrist explained that a request for proposals was sent out to the waste haulers in our region and we had two companies present proposals (Casella and Waste Management). Casella had the more fiscally attractive bid. At some point between 2024 and 2025, we will be moving away from the manual pick up of trash to an automated system. Because the automated system cannot check to see if residents are using Town trash bags, the bags will not be required in year 2 of the contract. Neither of the companies who bid were willing to continue with bulky item pick-up, so that will not continue after this fiscal year.

Scott Jordan said that the problem with the automated pick up is there is only the driver in the truck. What happens if something goes wrong and the trash is dumped out onto the ground? The driver won't get out pick it up and it will blow all over the place.

Motion by Councilor Vail, seconded by Councilor Storey-King, to award a 5-year solid waste and recycling pick-up contract to Casella, as recommended by the Finance Committee.

VOTE: 5-0-1 (Copp abstained) MOTION PASSES

23 – 110 To set a Public Hearing date of October 10th to consider and act on setting sewer user fees for FY2024.

Chairman Segrist said that the Falmouth wastewater facility, which we own 30% of, will undergo some very large capital improvements over the next 5 years, and we will be responsible for our 30% of those costs. We will be talking more about this on October 10th.

Bob Knupp requested a copy of the inter-municipal contract between Cumberland and Falmouth in regard to this item.

Motion by Councilor Copp, seconded by Councilor Vail, to set a Public Hearing date of October 10th to consider and act on setting sewer user fees for FY2024.

VOTE: 6-0 UNANIMOUS

V. NEW BUSINESS

Councilor Copp – he and his good friend Dean both donated to the 4-H fund that benefits the Food Pantry. The auction is tomorrow, and he and the Town Manager will be there to bid.

Our Town Manager had the esteemed honor of being the grand marshal of the Cumberland Fair this year.

Councilor Vail – he requested that the Ordinance Committee work on a new conflict of interest policy.

He met with a woman this morning who is running a new Mainer's Assistance Program and she asked what Cumberland is doing to help with housing initiatives in our community. He shared with her some of the things we are doing and the RFP that we're sending out. She applauded us on our efforts.

He feels that the Council should be proactive and look at our solar field to examine the capacity of adding to that, and consider what other possibilities there are to be a more responsible users of electricity.

It's the responsibility of all of us, whether it's education, public policy, or housing, and we all have to draw the line in our own lives and ask ourselves what do we stand for, what is acceptable, where is the fight and how am I going to engage myself in a responsible way as a citizen of this community and of the global community? The best way he can effectuate change, is to make sure that when he goes into a voting booth and casts the ballot, that he has examined the people that are running for election. The exercise in the ballot booth is the most important thing that we do as citizens.

Councilor Filson – no new business.

Councilor Douglass – a reminder to everyone that the Cumberland Fair is going on this week.

Councilor Storey-King – the Maine Supreme Court will be operating at the Greely Performing Arts Center this week, and our own Steve Moriarty will be the attorney representing cases. The school has extended an invitation to the Town Council if anyone wants to attend.

Condolences to the Wyatt family on the passing of Mrs. Wyatt.

She is absolutely not in favor of banning books. On the other hand, she is an educator, and she is in favor of having developmentally appropriate materials for students. She looked up the book discussed

this evening, and the author does say that it's for an 18 and older audience. We all have our personal opinions, and it's not for her make the decision, and she is glad she does not have to. This topic is very complicated.

Chairman Segrist – a reminder to residents that if you have any bulky items to dispose of, the week of October 9th is bulky item pick up week. Confidential shredding day is set for Saturday, October 7th at the Public Works facility on Drowne Road.

He and Councilor Storey-King met with Bruce Sherwin before the Council meeting this evening. Bruce attends Council meetings frequently and asks a lot of good questions. He appreciated the opportunity to meet with Mr. Sherwin to talk and get to know each other a little better. Thank you to Councilor Storey-King as well.

VI. ADJOURNMENT

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

VOTE: 6-0 UNANIMOUS

TIME: 9:49 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary