

MINUTES

Cumberland Town Council Meeting
Town Council Chambers

Monday, February 12, 2024

6:00 P.M. Workshop re: Development of Town Council Handbook

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 Copp, seconded by Councilor Vail, to accept the January 22, 2024 meeting minutes as presented.

VOTE: 7-0 UNANIMOUS

II. MANAGER'S REPORT

Councilor Storey-King said that she spoke to the Town Manager regarding his presentation at the January 22nd Town Council meeting and asked for some clarification on the following:

- On the slide that lists what we spend our TIF funds on, it appears that there were some items omitted such as our Fire Department expansion. Town Manager Shane said that the Fire Department project was paid for out of TIF funds, but the new ladder truck was not.
- Some prorated salaries of Town staff are also paid out of TIF funds. Town Manager Shane said that is correct.
- For full transparency, she thinks there ought to be an addition to the presentation materials that states that every year the Town Council decides the amount of money that is transferred to the general fund from TIF funds.
- There has been some pushback in the connection of Little League fields and the affordable housing project. There has been a verbal commitment from the Town Council to help the Little League whether this project goes through or not. It is not just baseball that needs fields. We need more soccer fields and people are already talking about the proposed turf field as part of the new school.
- As we start our budget process, she wants us to start thinking about the TIF funds. Not what we can do with them, but rather what we need to do with them. We need to set priorities and strategic goals.

Town Manager Shane said that we will not be ready to begin budget review on February 26th, as originally planned. We got some not-so-great news from the State last week regarding a \$200,000 reduction in our revenue sharing next year. We will also see a reduction in our trash bag revenue because we will be halfway through the year when we switch over to the automated trash pick-up. We will be ready to begin the budget review by March 11th.

III. PUBLIC DISCUSSION

Brenda Sherwin of West Cumberland said that she has been talking to her neighbors about the affordable housing project and wants to make sure when she talks about the project, that she gets the facts straight. One person said that if we don't use the \$3,000,000.00 to move the ball fields, the money goes away. That is not true, and she wants the public to know that. Somebody asked her about "the pile of TIF funds" and a proposed cellphone tower. Town Manager Shane clarified that it is a radio tower for our public safety radios. We will try to get a cell company to pay for the tower and we would get an annual

lease. Mrs. Sherwin said that she heard that the speed limit on Tuttle Road is going to be reduced to 25 mph from the center of Town to the blinking light. Town Manager Shane responded that the speed limit is currently 25 mph from the center to just before Drowne Road. Mrs. Sherwin said that she heard that the proposed affordable housing project will have 3 levels and no elevator. Town Manager Shane said that is not correct. A lot of people think that Cumberland residents will be first on the list to get into the new development. Town Manager Shane that is not allowed, but we can market it first to Cumberland residents. Mrs. Sherwin said that she hears a lot of comments about how fast the Town is pushing this project through and feels that we should figure out the school problem first. She thinks that this project would be a better fit on Route One where there is transportation and more services. She asked if the proposed development in the gravel pit in West Cumberland will come before the Town Council for a vote. Town Manager Shane said that it will not. Only the Planning Board, which allows for public input at their public hearings. Mrs. Sherwin said that she is not in favor of the affordable housing project. The Town Council said that they heard the residents. People want to stay in their homes and this project will raise their taxes. She is concerned about all the elderly residents who have lived here their whole lives and won't be able to afford to stay in their homes. She thanked Councilors Storey-King and Copp. They have lived here their entire lives and have dedicated their time to the Town Council. She feels that they are being pushed out and that bothers her. We have too many newbies here. We put our trust in the Town Council and people are feeling disappointed.

Bruce Sherwin of Blanchard Road said that there is a lot of confusion out there that he wants to get straight. The school age children comparing the Route One apartments to the proposed Drowne Road project is like comparing apples and oranges. The Route One development is not kid friendly. There are too many cars and no place for kids to play. We're trying to attract families to affordable housing so there should be playgrounds and it should be located near residential houses where kids will be playing. There is no comparison between the two. We need to be realistic about the number of kids that are going to school tied to the Drowne Road project. The developer estimates 36 kids, not 23 as the Town is saying. He thinks it could be more than 36. You need to plan for the worst, and hope for the best. 36 new kids will cost the taxpayers \$68,528, including Town costs, per year x 20 years (length of the TIF) = \$12,000,000.00. We can't count on the Ocean View money every year. That might be needed for other projects. This project is not going to generate any money for the general fund or the school. We are going to spend \$3,000,000.00 to move 2 ball fields, which is really to build 4 fields in a different location. This is taxpayer money that normally the developer would pay for. We could use this money for other needed projects. He is disturbed that the expense of moving the ball fields is not mentioned in the referendum question.

Dottie Spaulding of Greely Road said that she is going to vote no on the affordable housing project. Not because it's in her backyard. It's not. And not because she's against affordable housing. She is not. She doesn't like the design of it, among other reasons. She agrees with Mr. & Mrs. Sherwin that in the very beginning, the Town Council knew what they were going to vote for. You have heard several residents come to meetings and pour their hearts out and she sees the eye rolling from some of the Councilors. She hears the condescending comments. The divisiveness and the nastiness is not necessary. Everyone has a right to their opinion. It feels like the Council has pushed this project through and doesn't want to listen to anybody. The Town Council works for the residents, and they should listen to the residents. She feels that only a couple of the Councilors are listening. She commends Councilors Storey-King, Edes and Copp for listening to the community. This community was never as divisive as it is now. It has always been a nice place to live. She wants to stay here, and she wants to die here. She hopes that she can do that. If the Town is revaluated and her taxes go way up, she won't be able to stay here. We need kindness

and we need compassion. We need the Town Council to listen. Kindness starts with each of us, and we need to pass it on.

IV. LEGISLATION AND POLICY

24 – 007 To hold a Public Hearing to consider and act on forwarding to the Planning Board for a Public Hearing and recommendation, amendments to Chapter 315 (Zoning), to add Private Outdoor Recreational Improvements, as recommended by the Ordinance Committee.

Councilor Storey-King explained that we had some issues recently in a neighborhood where the neighbors brought their concerns to the Code Enforcement Officer. In his interpretation of our ordinance, it only addresses public outdoor recreational facilities. This amendment is an attempt to also make sure that private outdoor recreational facilities or improvements also meet our standards for lot setbacks, light pollution, noise, etc.

Chairman Segrist opened the Public Hearing.

Dave Noonan of Meadow Lane asked when this would go to the Planning Board. Town Manager Shane said that it will likely go as soon as March.

Chairman Segrist closed the Public Hearing.

Motion by Councilor Edes, seconded by Councilor Storey-King, to forward to the Planning Board for a Public Hearing and recommendation, amendments to Chapter 315 (Zoning), to add Private Outdoor Recreational Improvements, as recommended by the Ordinance Committee.

VOTE: 7-0 UNANIMOUS

24 – 008 To hold a Public Hearing to consider and act on forwarding to the Planning Board for a Public Hearing and recommendation, amendments to Chapter 315 (Zoning), Section 21 (Town Center District) F(6) (Hours of Operation), as recommended by the Ordinance Committee.

Councilor Edes explained that about a month ago, he stopped at Rise Pizza on Main Street and was talking to the owner, Toby, and learned that because of our ordinance, he had to close at 9:00 p.m. every night. If there is a high school football game that gets over around that time, there are likely a lot of people who might like to stop in for a bite to eat or to bring a pizza home. The business is very quiet, they don't have live music, and it would not be a disruption to the neighborhood. It will allow us to support the businesses on Main Street and allow them to be open until 11:00 p.m. on Thursday, Friday, and Saturday.

Councilor Copp said that yesterday was the Super Bowl. Why not consider Thursday through Sunday until 11:00 p.m.? It makes sense to him that Sunday is the end of the weekend.

Chairman Segrist opened the Public Hearing.

The owner of Rise Pizza said that he is receptive to anything. Being able to be open a couple more hours on the weekends will make a big difference for his business.

Christopher Yale of Greely Road said that if they are allowed to be open later, the patrons will decide if it's successful.

Chairman Segrist closed the Public Hearing.

Motion by Councilor Storey-King, seconded by Councilor Copp, to forward to the Planning Board for a Public Hearing and recommendation, amendments to Chapter 315 (Zoning), Section 21 (Town Center District) F(6) (Hours of Operation), as recommended by the Ordinance Committee, with the amendment of Thursday through Sunday to 11:00 P.M.

VOTE: 7-0 UNANIMOUS

24 – 009 To set a Public Hearing date of February 26th to consider and act on adoption of a townwide Noise Ordinance, as recommended by the Ordinance Committee.

Councilor Storey-King explained that we have been under a lot of pressure for a number of years to adopt a noise ordinance. The challenges are always enforceability, and it will be difficult to enforce. We are looking at Kennebunk's noise ordinance as a sample to consider. We are only setting the Public Hearing this evening, so she hopes that everyone gets an opportunity to look it over and be ready to discuss it on February 26th.

Chairman Segrist asked for any public comment.

Dave Noonan of Meadow Lane asked when this ordinance would be made available to look at.

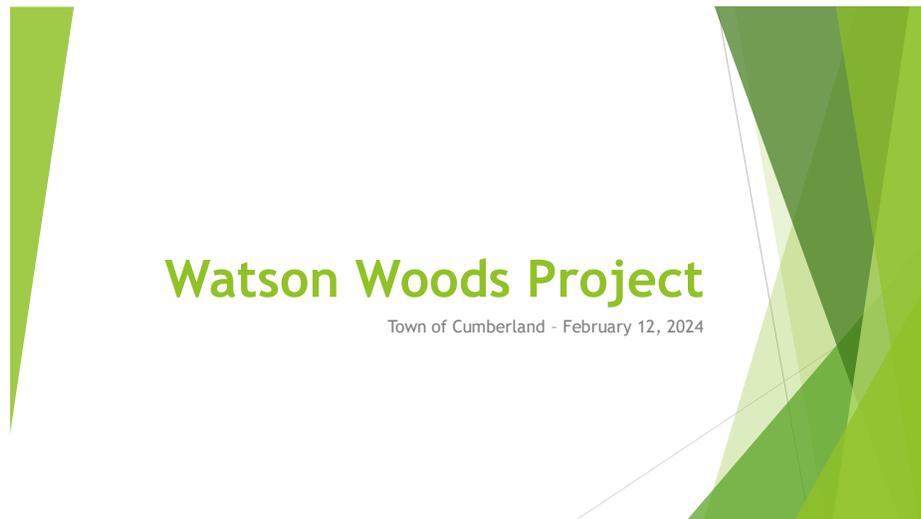
Town Manager Shane said that Kennebunk's ordinance is on the Town website now and the proposed Cumberland ordinance will be posted on our website the Thursday before the February 26th meeting.

Motion by Councilor Copp, seconded by Councilor Filson, to set a Public Hearing date of February 26th to consider and act on adoption of a townwide Noise Ordinance, as recommended by the Ordinance Committee.

VOTE: 7-0 UNANIMOUS

24 – 010 To authorize the Town Council Chairman to sign a letter on behalf of the Town in support of the Chebeague and Cumberland Land Trust purchasing property at the end of Turkey Lane.

Penny Asherman, Executive Director of the Chebeague and Cumberland Trust presented the following:





Regional Connectivity

► 2800-acre
Recreation and
Conservation Corridor
From Windham
through Falmouth
and Cumberland to
North Yarmouth

Watson Woods Parcel

Watson Property
Cumberland, Maine

Aerial Photo



Watson Woods Parcel

Watson Property
Cumberland, Maine

Aerial Photo



Watson Woods Parcel



Property Attributes

- 79 Acres
- Riparian and Upland Forest
- 6,085 Feet Frontage on Mill Brook
- Diverse Wildlife
- Cascading Waterfalls
- Rolling Terrain

Mill Brook



Public Benefits



- ▶ Recreation
- ▶ Habitat Protection
- ▶ Water Quality Protection
- ▶ Stormwater Management
- ▶ Carbon Storage
- ▶ Events

Project Overview

- ▶ **Option Agreement**
 - ▶ CCLT will purchase the property in fee from landowner
 - ▶ Timeline 12-15 months
- ▶ **During option period:**
 - Raise acquisition funds
 - Complete due diligence
 - Stewardship and management plans in coordination with the Town of Cumberland
 - Access Plans with Town of Cumberland



Request This Evening: Town Letters of Support for Grants

- ▶ U.S. Forest Service Community Forest Program
- ▶ Land for Maine's Future
- ▶ Casco Bay Estuary Partnership

Motion by Councilor Storey-King, seconded by Councilor Copp, to authorize the Town Council Chairman to sign a letter on behalf of the Town in support of the Chebeague and Cumberland Land Trust purchasing property at the end of Turkey Lane.

VOTE: 6-0 (Councilor Filson stepped out of meeting and was not present during the vote) MOTION PASSES

V. NEW BUSINESS

Councilor Copp – he wants to remind everyone that on March 5th the residents are going to have an opportunity to vote on the affordable housing project. The Town Council is not pushing this project through. The voters will decide. He wants to be clear about this.

He donated \$20 to the 4-H fund that benefits the food pantry, as he does at every meeting.

Councilor Vail – to follow up on Councilor Copp’s comments, the affordable housing project proposal has not been a rushed process, as some have alluded to. It has been years in the making and has had some growing pains. Ultimately, the public will decide.

Councilor Filson – she has been exploring different ways in which the Town can engage and coordinate DEI (diversity, equity and inclusion) activities with the school district and other municipalities. There is a lot of great programming and education out there, so it makes sense to try to tag team with other groups or the library to try to move that needle. We will talk more about it in workshop on February 26th.

Councilor Douglass – a shout out to the Recreation Department for an awesome Family Fun Day at Val Halla on February 3rd. It was an amazing event and a continuation of the events we saw over the summer. It shows how much these types of events are needed for a lot of families in our community.

An update on the Town Manager hiring process. She and Councilors Filson and Storey-King have been spearheading the process. The application deadline was last week, and we got a good candidate pool. We are meeting this week to review the resumes and will start to extend invitations for the first round of interviews.

The playground subcommittee met last Tuesday. They spent some time outlining a potential process timeline and budget in different phases of the project. It was great to meet some members of our community and she is looking forward to seeing what we can accomplish together.

A hot topic lately has been our Comprehensive Plan as we have moved through the affordable housing project process. She would like it to be on our radar to discuss in April. She realizes that we are not going to start the process now, but she would like to talk about where we are in terms of the goals that were set in 2014 and how we’re doing now. We should also set some groundwork for when the new Town Manager starts.

Councilor Edes – asked the Town Manager what the cost will be to run the waterline in West Cumberland across the turnpike on Blackstrap Road.

Town Manager Shane responded that it would cost \$250,000.00.

We have given the public an opportunity to voice their concerns and ask questions about the affordable housing project. He wants to ask the Town Council to do the exact same thing with the waterline in West Cumberland before we spend the money. If we expand that waterline, the development in Chase's pit is a go. If we don't, it is not. He sees two issues here: 1) should we be spending a quarter of a million dollars in taxpayer funds so a developer can put in condos? And 2), what are the people in that neighborhood thinking? We are not giving them a chance to speak for or against this project. He would like it to be put on a Council agenda in the near future, before we spend the money. We owe it to the people of West Cumberland to hear their opinion.

Town Manager Shane said that the spending was already authorized as part of last year's budget.

Councilor Edes said that he realizes that, but we haven't spent the money yet.

Councilor Douglass said that she talked to the Town Manager recently about this and the other potential projects in West Cumberland (the roundabout, the bank, and the gas station/store). She feels like it might be more productive to hold a community meeting to talk about all the projects.

Councilor Storey-King – we had our first meeting of the Library Expansion Committee last week. The discussion was around the many questions that people have about the plan and things that have already been done.

She drove by the Family Fun Day at Val Halla. It was amazing.

We have a workshop on February 26th to discuss school cost sharing.

We have a Recreation Advisory Committee meeting on Thursday evening. She is looking forward to hearing about the playground proposal.

She attended the public presentation that the Police Captain candidates presented last week. There were 4 candidates, and it was very interesting.

Tomorrow evening at 6:00 p.m., there is a tri-board meeting with the Cumberland Town Council, North Yarmouth Selectboard, and MSAD 51 School Board.

Councilor Storey-King asked about a letter from the LCC regarding the Affordable Development proposal which was brought to her attention by a member of the LCC. Chairman Segrist and Councilor Filson both missed the LCC meeting due to illness and asked for time to review the letter, which they just received today, with LCC Chair Mike Schwindt.

Chairman Segrist – our last community meeting regarding the affordable housing project will be on February 29th at 6:00 p.m. at Val Halla.

VI. ADJOURNMENT

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

VOTE: 7-0 UNANIMOUS

TIME: 9:04 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary