

# MINUTES

Cumberland Town Council Meeting

Town Council Chambers

**MONDAY, January 11, 2021**

**6:00 P.M. Workshop** re: Amendments to Fees & Fines (Yard Waste Facility) and Council Rules and Regulations

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

Present: Councilors Copp, Foster, Gruber, Storey-King, Turner and Vail

Excused: Councilor Edes

## **I. APPROVAL OF MINUTES**

Motion by Councilor Copp, seconded by Councilor Vail, to accept the December 28, 2020 meeting minutes as presented.

VOTE: 6-0 UNANIMOUS

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

He has been working with Chairman Gruber on a Cumberland County CBDG grant for the Vet-to-Vet program. There are approximately 80 veterans connected to the program and he asked the Council to make a motion under New Business to endorse the program. This is a very important program that provides a safety net for our veterans.

Route 9 will be paved next summer and after the paving takes place, there will be a moratorium on the road from the Falmouth town line to approximately Turkey Lane, for 3 years. This means that if the road needs to be cut into for the purpose of connecting to utilities, now is the time to do it.

Councilor Foster asked the Manager for an update on the Police Departments policy on the issuance of harassment warnings and the inconsistency of our policy with surrounding communities.

Town Manager Shane said that we are a community that thrives on community policing and we want our police officers to feel comfortable in a mediation role and feel encouraged, not discouraged in that. When he explained this to Chief Rumsey, he was able to see this in a different light and is looking at Police Department policies and trying to decide where the department could help with mediation and being more proactive.

## **III. PUBLIC DISCUSSION**

Bill Stiles of Range Road thanked the Town Council, Town Manager Shane, Town employees and the public for the kindness bestowed on him and his family after his wife, Joyce passed away. It was very much appreciated.

Shawn McBairty of Cumberland read the following comments:

*Chairperson Gruber, thank you for the opportunity to speak.*

*As we look at what is happening in the country to the First Amendment rights of conservatives, being selectively eliminated by public and private social media companies, we've also seen the continuation of*

*progressive government officials waging war on Maine's culture, economy and constitutional system. That war is now intensifying.*

*It's also a war on hypocrisy. Seven months of "mostly peaceful protests" from BLM and Antifa, in which cities were held hostage, set on fire, businesses looted, people injured and many killed, including over a dozen police officers. Now the radical left is stating that what happened at the Capital recently was a full scale "incursion" and "riot." Interesting that one of the most secure buildings in the world, could so easily have been taken over by unarmed actors.*

*No one condemns this action of a few, but liberalism is a one-way street.*

*The hypocrisy of the occupation of government offices for days during Supreme Court hearings of Judge Kavanaugh in 2018, has been largely forgotten.*

*We have a microcosm of "wokeness" occurring here in Cumberland and North Yarmouth. Wokeness is using for example, gender and race relations, as a subversion for totalitarian actions against local, state and national governments and it's citizens.*

*Ann Maximowicz, apparent supporter of socialism, anarchism and Marxism, who did not stand for the Pledge of Allegiance to honor our American flag, or the troops fighting for our freedoms, the same person who is on the MSAD51 Equity and Inclusion Committee and the School Board, recently decided to turn her attacks and rage toward a member of the Cumberland Town Council.*

*You see, progressive leftists want to lash out at anyone they can and their hatred is real, but generally their facts are weak. **It's called selective outrage culture.** People like Ann Maximowicz, Tyler McGinley, Kate Perrin, Nick Schuller Whiston and Superintendent Jeff Porter, wage war with conservatism, because they are afraid that at some point, citizens simply won't put up with their hypocrisy.*

*They also don't want to allow the First Amendment rights of citizens, as currently stated in The Constitution and are willing to illegally withhold those rights, if it means trying to silence your dissenting opinion.*

*Same approach Superintendent Jeff Porter did on 6/2/2020 when he sent out his letter to the community, effectively stating that any student in Greely should be ashamed because of the color of their skin, or their hard-working parents. White privilege he said. 400 years of oppression he said.*

*As a reminder to all, he's done nothing to heal the town from his horrific letter in the six months since. He's also skipped out on two requests to meet to talk about these issues and devise a real plan to move forward.*

*Selective outrage culture, as what I've now also experienced from a member of the Cumberland Town Council as their comments were placed on a Facebook group called, "**Anti-Racist Organizing for Cumberland/North Yarmouth**," a private Facebook group (which means, they can selectively let in members and ban others from entry) run by Ann Maximowicz and Eliza Bachelder.*

*Ann still doesn't recognize that what she is doing by advancing her own personal agenda **is illegal**. It might take a big old court case to change the behavior of the MSAD51 School Board and their advancement of Critical Race Theory on your Greely students, with your tax dollars.*

*Tax dollars that have been put to “**great use**” by Superintendent Jeff Porter, who has billable hours to Drummond and Woodsum in the range of \$40,000 just to fight FOAA requests for transparency, school choice, following their own rules on public comment and requests for fiscal responsibility.*

*Fiscal responsibility, there is a side note...did you know my **taxes have gone up 76% in the last 20 years!?** Now, some of that is valuation changes, but a bunch of this is the compounded interest of 3-5% MSAD51 approved school budgets, year, over year, over year. **Never once has the town told the School Board no. It’s time to do so in June.***

*And Superintendent Jeff Porter now wants you to spend hundreds of thousands of dollars to purchase a parcel of land next to the Greely campus, so they can put a \$40 million dollar school on it! **\$40,000,000!?***

*Eliza Bachelder can’t comprehend why I’ve not been served a harassment order, except of course, the fact that I’ve not harassed anyone, and I’ve broken no laws, have no criminal record and have been an exemplary citizen for the last 20 years I’ve lived here.*

*The concept of due process and the law seems to be difficult for progressive leftists to understand.*

*What’s one of the opening questions to join this Facebook group? “**What example of white privilege do you see in Cumberland/North Yarmouth?**” Don’t think for a second that more members of this Town Council and members of the Cumberland Town Government aren’t going to have attempts at implicating them with claims of racism. They are stockpiling a list of “white privilege” issues to come after you with. Most likely all will be false, but hey, let’s not let the facts get in the way of cancel culture.*

*Chairman Gruber, could you please ask Councilor Foster, who is working on Social Justice discussions for the Town, to publicly define “institutional racism please?”*

*Chairman Gruber responded that this will be addressed under New Business.*

*So, we’ve spent hundreds of thousands of dollars now on this topic through Critical Race Theory at Greely and time drains on Cumberland Town Officials, that could have been spent on more locally relevant topics. **What a complete waste of time and money!***

*I want to leave you with two quotes:*

*From Candace Owens, one of my favorite voices out there, “Keep believing evil white conservatives want to bring harm to you while the **actual evil white racist progressives** continue to destroy your life.”*

*From Ronald Regan, “If fascism comes to America, it will come in the name of liberalism.”*

***It’s already here folks. It’s in our School Board, it’s in our town, it’s in this room.***

*If you don’t push back...you’ll just have to live with the consequences. I’m going to continue to push back...within my rights.*

*I’m hoping more Cumberland and North Yarmouth residents do the same.*

#### IV. LEGISLATION AND POLICY

**21 – 001 To hear a report from Tax Assessor, John Brushwein re: FY2023 Revaluation.**  
Tax Assessor, John Brushwein, presented the following:

## Town of Cumberland



**Assessment Ratio and  
Revaluation Presentation  
Town Council Meeting  
January 11, 2021**

Town of Cumberland Tax Assessor  
John E. Brushwein, CMA

## Maine Statutory Requirement and Assessment Standards

**STATUTORY REQUIREMENT**

- Annual Sales Ratio Studies

**ASSESSMENT STANDARDS**

- Minimum Assessment Ratio = 70%
- Maximum Assessment Ratio = 110%
- Maximum Level of Assessment Quality = 20 (Quality Rating)

## Ratio Study Purpose

- Measure and evaluate the level of assessment uniformity.
- Assist in judging if Statutory performance standards are met.
- The certified assessment ratio is used by the State to adjust all municipal valuations to 100% annually. The 100% valuation is then used in determining State Aid for Education, State Revenue Sharing, and County funding.

## Sales Ratio Definitions

- **Assessment Ratio** = Assessed Value / Sale Price
- **Average Ratio** = Average of all Assessment Ratios in the central 70% of a Sales Ratio Study
- **Deviation** = Difference of individual ratio from the average Assessment Ratio
- **Average Deviation** = Average of all deviations in the study
- **Quality Rating** = Average Deviation / Average Ratio

## Assessment Ratio & Deviation

- Property assessed at \$300,000 sells for \$400,000
- **Assessment Ratio** = \$300,000 / \$400,000 or 75%
- **Developed Parcel Average Ratio** (Total up ratios in sample and divide by the number in the sample 77%)
- **Deviation** = Average Ratio less individual ratio (77-75) or 2 %
- **Quality Rating** = average deviation / average ratio  
 $7.84 / 77 = 11$

## Ratio Terms

- **Certified Ratio** is the overall ratio between assessed value and market value for all property in the municipality as determined by Maine Revenue Services through the annual audit.
- **Declared Ratio** is the overall ratio of assessed value to market value as determined by the municipality within 10% of the Certified Ratio. State Statute requires that all exemptions and Current use values be factored by the declared ratio.

## Stratified 2021 Sales Ratio Analysis 7/18 -6/19

Combined Assessment Ratio – 86%

- West Cumberland - AVG Ratio – 88%  
Quality Rating – 8
- Cumberland Center - AVG Ratio – 85%  
Quality Rating – 10
- Cumberland Foreside - AVG Ratio – 88%  
Quality Rating – 6
- Condominiums - AVG Ratio – 84%  
Quality Rating – 11

## Stratified 2022 Sales Ratio Analysis 7/2019 - 6/2020

Combined Assessment Ratio – 83%

- West Cumberland - AVG Ratio – 86%  
Quality Rating – 9
- Cumberland Center - AVG Ratio – 81%  
Quality Rating – 13
- Cumberland Foreside - AVG Ratio – 84%  
Quality Rating – 12
- Condominiums - AVG Ratio – 85%  
Quality Rating – 9

## Stratified 1/1/20 – 12/31/20 Sales Ratio Analysis

Combined Assessment Ratio – 75%

- West Cumberland - AVG Ratio – 78%  
Quality Rating – 11
- Cumberland Center - AVG Ratio – 75%  
Quality Rating – 12
- Cumberland Foreside - AVG Ratio – 76%  
Quality Rating – 13
- Condominiums - AVG Ratio – 74%  
Quality Rating – 11

## 2020 Median Residential Sale Price

- Statewide - \$270,000
- Cumberland Center - \$425,500
- Cumberland Foreside - \$680,000
- West Cumberland - \$382,500

## Assessment Ratio Results

- The most recent Assessment Ratio of 75% in the developed parcel analysis and Quality Rating of 13 are within State Standards. If the current market trend continues the Town will fall below the 70% minimum ratio requirement. The rising quality rating indicates a reduction in assessment uniformity.

## 2018 Property Inventory Update

- Over 2300 properties experienced some value change (both positive and negative adjustments) resulting in a total valuation change of approximately \$22,500,000
- The changes corrected property data that was previously erroneous, inconsistent, and in some cases omitted. No assessment valuation schedules were changed.
- Building costs have increased and land sale prices have also increased since the last revaluation.



## Revaluation Project

- The goal of revaluation is to bring all assessments to 100% of Fair Market Value.
- Revaluation does not raise new tax dollars.
- Typically, revaluations result in 1/3 of taxpayers seeing an increase in taxes, 1/3 staying essentially the same, and 1/3 seeing a decrease in taxes.
- If the average ratio is 73%, those that are at the average see little to no change, those below the average result in an increase and those above the average result in a decrease.

## Revaluation Cost Estimates

- Complete Revaluation – complete inspection of properties; create new land and building valuation schedules and depreciation schedules based on market analysis; conduct field review to assure consistency and accuracy of valuations, send notices, and conduct informal hearings with taxpayers including reinspection where necessary and finalization of valuations. Project time frame 6/2022 – 7/2023  
\$302,100.00

## Assessor Assisted Revaluation

- Assessor assisted Revaluation – assist assessor in development of appraisal schedules including sales analysis, construction cost development, and depreciation schedules.
- Assist with field review of 3684 parcels (3269 developed) to assure consistency and accuracy of valuation model.
- Assist with informal hearings with taxpayers and finalization of valuations - \$170,000.00

## Revaluation Proposal

- Budget 50% of estimated contractor assisted valuation equalization project FY 2022. (\$85,000.00)
- Budget remaining 50% FY 2023. (\$85,000.00)
- Begin revaluation project Spring of 2022 with completion prior to July 1, 2023.

**21 – 002 To consider and act on forwarding to the Planning Board for a Public Hearing and recommendation, a zone change request from Michael Record and Andrew Hagerty to change a portion of Map U20/Lot 66 from the VCC zone to the VOC 1 zone, as recommended by the Ordinance Committee.**

Town Manager Shane explained that the Ordinance Committee voted unanimously to approve this. Mr. Haggerty would like to build four additional rental units to the Emerald Commons subdivision. To do this, he will have to purchase abutting land from the Board Barn. It will remain a buffer to abutters and the Town will retain a drainage easement. The zone change request from VCC to VOC1 is to allow for multiplex development. This is a good plan that protects the Old Gray Road neighbors and adds more desperately needed rental units in Town.

Councilor Storey-King added that these will be one-bedroom, single level units.

Chairman Gruber asked for public comment.

Andrew Haggerty added that no commercial land is lost in this zone change.

Motion by Councilor Copp, seconded by Councilor Turner, to forward to the Planning Board for a Public Hearing and recommendation, a zone change request from Michael Record and Andrew Hagerty to change a

portion of Map U20/Lot 66 from the VCC zone (Village Center Commercial) to the VOC1 (Village Office Commercial 1) zone, as recommended by the Ordinance Committee.

VOTE: 6-0                      UNANIMOUS

**21 – 003    To hold a Public Hearing to consider and act on an amendment to the Credit Enhancement Agreement with Integrative Health Center of Maine to add 15 Sky View Holdings, LLC.**

Town Manager Shane explained that the Finance Committee has reviewed this and is recommending the amendment. The original Credit Enhancement Agreement was issued to Dr. McCloy of Integrative Health, and after he built his new building, he was able to get a tenant for the ground level. Part of their negotiation was to split the Credit Enhancement Agreement. Council approval is necessary for this.

Chairman Gruber opened the Public Hearing.

Public comment: none

Chairman Gruber closed the Public Hearing.

Motion by Councilor Turner, seconded by Councilor Vail, to amend the Credit Enhancement Agreement with Integrative Health Center of Maine to add 15 Sky View Holdings, LLC.

VOTE: 6-0                      UNANIMOUS

**21 – 004    To appoint a member to the Planning Board and Cumberland Housing Authority.**

Motion by Councilor Copp, seconded by Councilor Turner, to appoint Lorraine Rardin and Amanda Billing to the Planning Board and Cara Biddings to the Cumberland Housing Authority.

VOTE: 6-0                      UNANIMOUS

**21 – 005    To authorize the Code Enforcement Officer to execute a Consent Agreement with the owners of 273 Middle Road.**

Town Manager Shane explained that is a unique situation because it involves 2 Towns (Cumberland and Yarmouth). This is a parcel of land that is landlocked in Cumberland. With landlocked properties, there is no front, only sides. The setback violation of the shed is approximately 4 feet too close to the property line. The action is to allow for the encroachment to exist and to pay the \$500 fine for legal fees. The Code Enforcement Officer is respectfully requesting that the shed and the setback issue is the focus of the Council action. An abutter will testify on issues that the Yarmouth Planning Board approved, which we have no jurisdiction over.

David Goldman, attorney for the property owners, said that back in 2008 the Veilleux's were given permission to build a shed, working with the Code Enforcement Officer at the time, as well as Mr. Libby's predecessor, who knew what was happening and had no problem with it. The appeal deadline is 30 days, not 12 years. Mr. Libby is trying to raise an issue with something that occurred more than a decade ago that everyone knows about and nobody had a problem with. Nobody has ever appealed this, and now Mr. Libby filed an affidavit with the registry of deeds which has put a cloud on the title, claiming that there is a violation. The Veilleux's are supposed to close on this property on Friday. They cannot close until this issue is resolved. Mr. Goldman said that they are asking the Town Council to put this issue to rest again, more than a decade later. The only issue that is before this Town Council is whether the Town is going to seek to penalize the Veilleux's for this alleged violation.

Ed Libby, owner of the abutting property, said that when he bought the property, he had a survey done and he was not aware of the shed encroachment, but was aware that Mr. Veilleux built his lawn well into Mr. Libby's

property. He spoke to Mr. Veilleux and made him aware of this and told him to keep mowing his lawn and it was not a big deal. Mr. Libby said that he supports this mechanism, and it is the best mechanism to solve the shed problem, but from his perspective there are a couple of other issues going on. Mr. Veilleux got permission from the Town of Cumberland to put his pool and pool shed where they are, but everything else had to stay in its natural state. The sketch that he provided showed the pool shed next to the pool and if you were to draw a line, it was clearly on the inside of the boundary where it should be. In reality, when it got built, it didn't happen that way. There is a 20-foot buffer between their properties that extends from the Cumberland town line up to the front. It turns out that the pool is within that buffer area. He is requesting that the Consent Agreement be amended to say that the area below the pool, where it should not be mowed, remain in its natural state. This is all he is asking for.

Town Manager Shane said Mr. Libby's issues are homeowners' issues and with the Town of Yarmouth, not the Town of Cumberland.

Motion by Councilor Copp, seconded by Councilor Turner, to authorize the Code Enforcement Officer to execute a Consent Agreement with the owners of 273 Middle Road and collect \$500.00 for legal fees.

VOTE: 6-0                      UNANIMOUS

## V. NEW BUSINESS

**Councilor Storey-King** – she shared the following dates that the Bicentennial Committee will hold events: March 8<sup>th</sup> there will be a History of Cumberland book launch, March 21<sup>st</sup> (the Town's actual birthday) there will be a launch of a bicentennial online exhibit, April 1<sup>st</sup> there will be an outside scavenger hunt, September 18<sup>th</sup> there will a large event with lots of activities at Twin Brook, and on October 31<sup>st</sup> there will be a tour of cemeteries under the cover of night skies.

She took her mother to see the historical society building recently. It is coming along nicely.

This past weekend, former Greely teacher and basketball coach, Bob Leighton passed away. He and his wife Margaret were living in Florida. Bob was a legend and a very good man. He raised his family in Cumberland. If anyone wants to send a card to Margaret Leighton, they can reach out to her and she can give them Margaret's address.

**Councilor Vail** – he was listening to the radio recently and the commentator said that all politics are local. He was struck by those words and as he drove home, he thought about the events of last week, he thought that is true. All politics are local. To him that phrase is a battle cry for how we conduct ourselves and set the tone for how this country operates. He will conduct himself in a manner that brings honor to our community. He will conduct himself in a manner that is of a listening manner and a collaborative manner. When he doesn't win, he will compromise and support the actions of the majority. Sometimes that is difficult to do, but it is the right thing to do. That is what the community expects from us.

**Chairman Gruber** – he thanked Bill Stiles for his comments and realizes that his wife, Joyce is missed very much.

As a Council, we have to endorse the Vet-to-Vet program as Town Manager Shane described earlier. It will not cost anything, but they need our endorsement.

He asked Councilor Foster to address Mr. McBreairty question.



**Councilor Foster** – she shared what her personal understanding of what systemic racism is a few months ago when it came up early on in our conversations. She doesn't claim to be an expert on this topic, but this is her current understanding. Systemic racism is not a comment on the people in the systems. It is about the constructs of how we operate as a society. It's unfortunate when folks take this whole discussion and turn it into an assumption that we're saying people are bad or good. That is not what she is saying, and she also does not think that's what the definition of systemic racism is. It's not saying that people who are police officers, because they are in a system that may have constructs that foster unconsciously a bias or a discrimination, that they are bad. This is her perspective on this. When she talks about systemic racism, when she talks about constructs, she will use her own experience. Her parents worked hard to buy their first house. They saved their money and moved her and her sister to a town that was up and coming, much like Cumberland. They chose that town for the school system. The town was great, and the school system was great, and more professionals moved in. While she was thinking about going college, her parents told her that they didn't have a lot of money for her to go to college, so her options were scholastic scholarship, athletic scholarship, or paying her own way and taking on student loans. Taking on those loans was not going to work for her, so academic scholarship was her eye on the prize. That's how she was going to go to school and have the opportunity to go to schools that she wanted to go to. She worked very hard in school, got really good grades, and was in the top percentile of her class. She applied to schools and got into the one she wanted to go to. But what got her the full tuition scholarship that allowed her to go to the school that she did and allowed her to have the network that she had, that allowed her to pursue the career she wanted, was the network she had in the town that she grew up in, and it was knowing and having a neighbor that was the sister of the President of Admissions for a college that she happened to want to go to. That gave her the extra edge. She really feels like that is the perfect example of the system constructs. That networking is what gets you over the edge to go to college. Networking is what gives you that recommendation to your first employer. If those networks that we have in the communities that we live in are purposely keeping some people out in a way that those constructs were built centuries ago, that's what we're talking about. We're talking about just taking a step back and asking do we today, in what we understand, still feel that that's right? That's all that she is asking us to do as a community. That's what the Social Justice Committee, in her opinion, is really trying to do. Just take that deep breath, take that step back and say, wow, I didn't realize that those were the implications of our actions, of our policies. She didn't think that she was getting an unfair advantage through the network that she had. It just was what she knew. It was her community. She doesn't think that she's a bad person. It's an example of how the system works and how the system may disadvantage some people and advantage others. Those others that are advantaged happen to be white more often than not in our society.

**Councilor Turner** – he offered his condolences to Margaret Leighton. Bob Leighton was a very good man. He was one of the first owners of Val Halla and he did a lot for this community. He was wonderful defensive basketball coach.

He is reading a book entitled "The Color of Law". The author pounds and pounds one aspect of American society that has been true since the 1800's, and that is housing. There was a very conscious effort on the government's part to keep segregation in place. The way they achieved this was to control the ability of people of color to get loans. In many government housing communities they outlawed people of color to be allowed to get into those communities. The framework of systemic racism within our government goes to that core. The progress in his lifetime since the 60's has been phenomenal in attempting to level the playing field.

**Councilor Copp** – in 1977, he entered high school. Bob Leighton was his teacher in General Math. This was the best class he ever took. He learned practical math that he still uses today. Bob was a great teacher and a genuine great guy.

Condolences to Councilor Edes whose mother passed away last week.

**Town Manager Shane** – he asked for a motion to show the Council support for the Vet-to-Vet program.

Motion by Councilor Copp, seconded by Councilor Vail, to endorse the Vet-to-Vet Program.

**VI. ADJOURNMENT**

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

VOTE: 6-0                      UNANIMOUS

TIME: 9:01 P.M.

Respectfully submitted by,

Brenda L. Moore  
Council Secretary