

MINUTES

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, January 25, 2021

7:00 P.M. Call to Order

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

I. APPROVAL OF MINUTES

Motion by Councilor Storey-King, seconded by Councilor Copp, to accept the January 11, 2021 meeting minutes as presented.

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

II. MANAGER'S REPORT

Assistant Town Manager, Chris Bolduc, thanked residents for paying attention to the new trash pick-up routes. It is going well with very few issues.

Work at the new Public Works facility will begin next week.

The final touches on the Council Chambers renovation will be done by the end of this week.

Last Wednesday night, there was damage at Twin Brook when a vehicle drove onto the fields. The damage cannot be assessed and repaired until spring. The gates will now remain locked over night until we get some significant snow.

People are allowing their kids to slide on the snow dump site at Twin Brook. This is where Public Works dumps snow from the school and Town parking lots. This snow pile may contain glass, cans, wood, asphalt reclaim, steel and other items that can be very dangerous. Signs have been posted and the Police Department is patrolling the area to keep people off it.

III. PUBLIC DISCUSSION

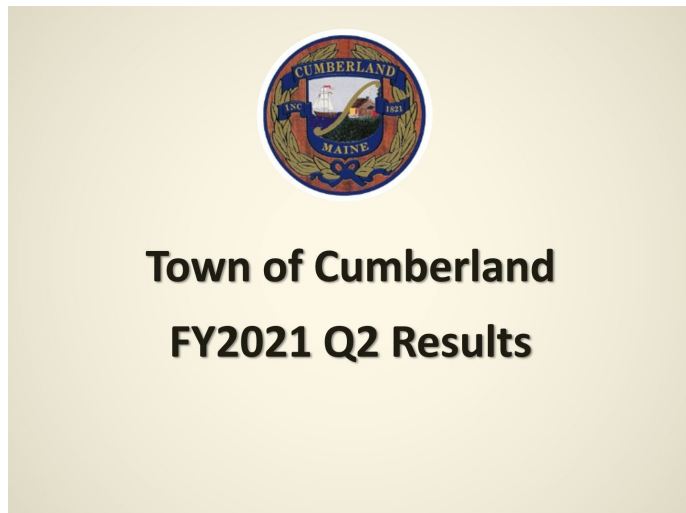
Michael Doyle of Portsmouth, New Hampshire said that he tries to do good research for his website. He writes really harsh articles about people who do bad stuff while they are working, usually for the government. He has written over 800 articles and has not been sued once because what he writes is harsh, but true. What is going on at the school department, this is a department that never stops giving him articles to write about. He does his research, and this is apparently something that Jeff Porter is not familiar with. Jeff Porter hired a woman for \$12,350 and it was a complete train wreck. He cannot believe that he paid that kind of money for what she did. To end white supremacy, you have to end capitalism. This whole place is based on capitalism. How do you think you get the money to pay the teachers? This woman was nuts, and this is the person they hired. Then they went from the frying pan into the fire with the guy from USM. His reputation is even worse. You have a school department run by Jeff Porter that is spinning out of control. There are women over there who have no clue about anything. Literally, no clue about anything. Some woman stands up here and wants you guys to stop people from using the First Amendment. He realizes this is probably coming down the road with certain people in government, but currently, we still have the right to speak. He went on the internet and got a 21-page report from Harvard Business Review entitled "Why Diversity Programs Fail". Diversity is the old word for equity. Everything is equity now. He could quote chapter and verse from this report. Over 15 years ago, Merrill Lynch paid

out 500 million dollars in settlements for class action suits on diversity training that failed. They found out that it lasted for a couple of days and the people that went through it resented it. It made them more biased in their day-to-day business. The actual percentage of black woman executives in these companies went down 9% after the diversity training because people resented it so much. Asian men went down between 4 & 6%. It's a disaster just waiting to happen and the more you emphasize it and the more you beat people up with it, and this whole equity committee training thing is just ridiculous. This is like the bus from Portland going through Cumberland. It just doesn't make sense and it is a waste of money and time. He raised a stink in Falmouth about them paying \$15 for a ream of 20-pound paper from Staples when they could buy the same ream for \$7.00. 20-pound paper is high quality paper, and the Town was using it to make copies that went into files that people never looked at again. This is not a big deal if you're buying a case of paper for \$15 a ream, but they were buying truckloads of it. He threw a fit about it and they hired a consultant who called WB Mason and Staples and got Staples to do a competitive bid against WB Mason. Staples came in \$32,800 cheaper than WB Mason. They made another call to WB Mason and asked them to meet the Staples price. They agreed and they saved \$32,800 a year on paperclips and photocopy paper. Had he not made a stink about it, they would still be overpaying for it. Over 10 years, he saved the Town \$328,000 and they had to hire a consultant to do it. They paid the consultant half of what they saved the first year. He made \$16,400 making 3 phone calls. 30 years ago, he wanted to put a deck and got a quote for \$6,000, another one that was \$3,000, then he called a finish carpenter who was between jobs and he did it for his hourly rate if Mr. Doyle bought the materials. It cost him less than \$1,000. Jeff Porter would take the first \$6,000 offer. The school is paying \$100 more per hour for legal fees with Drummond Woodsum than the Town is. That \$100 per hour is your tax dollars.

IV. LEGISLATION AND POLICY

21 – 006 To hear a report from the Finance Director re: 2nd Quarter Financials.

Finance Director, Helene DiBartolomeo, presented the following:



| General Fund FY2021 Q2 Overview | | | | |
|------------------------------------|---------------------|---------------------|--------------|--------------|
| | FY21 Budget | FY21 YTD Actual | FY21 % | FY20 % |
| TOTAL REVENUES | \$ 5,681,666 | \$ 3,518,641 | 61.9% | 58.7% |
| | | | | |
| Controllable Expenses | \$ 9,043,364 | \$ 4,194,403 | 46.4% | 52.4% |
| Fixed Expenses | \$ 22,658,516 | \$ 11,760,409 | 51.9% | 53.8% |
| TOTAL EXPENSES | \$31,701,880 | \$15,954,812 | 50.3% | 53.4% |

General Fund FY2021 Q2 Selected Revenues

| | FY21 Budget | FY21 YTD Actual | FY21 % | FY20 % |
|---------------------------|----------------|--------------------|--------|--------|
| Excise Tax | \$ 1,735,000 | \$ 1,270,188 | 73.2% | 59.1% |
| State Revenue Sharing | \$ 500,000 | \$ 486,008 | 97.2% | 61.8% |
| Permits & Impact Fees | \$ 177,174 | \$ 166,080 | 93.7% | 65.3% |
| EMS Billing | \$ 160,000 | \$ 55,885 | 34.9% | 40.5% |
| Val Halla - Golf Revenues | \$ 573,645 | \$ 410,549 | 71.6% | 54.8% |
| Recreation - After School | \$ 270,000 | \$ 143,456 | 53.1% | 61.3% |
| Recreation - All Other | \$ 659,770 | \$ 111,058 | 16.8% | 51.4% |

General Fund FY2021 Q2 Selected Expenses

| | FY21 Budget | FY21 YTD Actual | FY21 % | FY20 % |
|---------------------|----------------|--------------------|--------|--------|
| Police | \$ 1,494,752 | \$ 701,701 | 46.9% | 50.8% |
| Fire | \$ 1,088,962 | \$ 474,750 | 43.6% | 47.8% |
| Public Services | \$ 2,197,932 | \$ 974,397 | 44.3% | 46.1% |
| Val Halla Golf Club | \$ 781,125 | \$ 454,222 | 58.1% | 61.1% |
| Recreation | \$ 914,018 | \$ 391,710 | 42.9% | 58.7% |

21 – 007 To hear a report and set a Public Hearing date of February 8th to consider and act on amendments to Chapter 84 (Fees and Fines), Section 32 (Yard Waste Facility) of the Cumberland Code, as recommended by the Ordinance Committee.

Assistant Town Manager Bolduc presented the following:

Proposed Fees and Fines Amendments New Yard Waste Facility



Fee's to Use the New Yard Waste and Brush Facility are Proposed to Double

Reasons:

- Proposing to increase the hours of operation during the week from the current 2 days, to 4 days.
- Increase the extended hours on Saturdays from the Current 2 months, to 4 months.
- This increase in hours is proposed as a service to our residents so there is more than 1 day during the week to use the facility and less demand on Saturdays.
- The fee increase is solely to cover the cost of staffing the facility for extended hours.

Current Hours of Operation

| June - October | May & November |
|-------------------|--------------------|
| Tuesdays 11 – 3 | Tuesdays 11 – 3 |
| Saturdays 9-12:30 | Saturdays 9 - 3:00 |

Proposed Hours of Operation

| July through Sept. | May & June Oct & Nov |
|------------------------|-------------------------|
| Tuesdays 10:30 - 2:30 | Tuesdays 10:30 - 2:30 |
| Thursdays 10:30 - 2:30 | Thursdays 10:30 - 2:30 |
| Fridays 10:30 - 2:30 | Fridays 10:30 - 2:30 |
| Saturdays 9:12:30 | Saturdays 9 - 3:00 |

Benefit to Residents?

- Extended Hours During the Week
- Extended Saturday Hours for 4 months
- Passes will now be available for a full season, rather than a fiscal year
(May 1 to 4th Saturday in November) July 1 to June 30)
- With a Season Pass to the Brush Facility, residents will be able to obtain finished compost, loaded into a vehicle or trailer, at no charge. This service will no longer be offered to day pass holders.

- A. Brush/trees/slash/leaves/grass clippings and other landscape trimmings. Brush/trees/slash is considered any hard or soft wood less than 12 inches in diameter. Lengths up to 12 feet will be accepted. Stumps and wood over 12 inches in diameter will not be accepted.
- B. Cars, pickup trucks, single axle trailers \$10. \$5 per load.
- C. Single-axle trailers up to four feet by six feet: \$10. \$5 per load.
- D. All trailers over four feet by six feet: \$15. \$5 per load.
- E. C. Rack-body trucks, one ton dump trucks and Dump Trailers: \$5 \$15 per load.
- F. One-day pass for all vehicles excluding dump trucks: 10 per day.
- D. G. Six-wheeled sevenyard dump trucks: \$25. \$75 per load
- E. H. Larger loads (wheelers and tri-axle dump trucks) will not be accepted.
- F. I. Motor oil and car batteries: must see attendant; no fee.
- G. J. Residential annual pass (May 1 to 4th Saturday in November) July 1 to June 30): \$25 \$40
- H. K. Commercial annual pass (May 1 to 4th Saturday in November) July 1 to June 30): \$250 \$500 *Cumberland yard waste only.

Motion by Councilor Turner, seconded by Councilor Storey-King, to set a Public Hearing date of February 8th to consider and act on amendments Chapter 84 (Fees and Fines), Section 32 (Yard Waste Facility) of the Cumberland Code, as recommended by the Ordinance Committee.

VOTE: 7-0 UNANIMOUS

21 – 008 To consider and act on amendments to Town Council Rules and Regulations, as recommended by the Ordinance Committee.

Councilor Storey-King explained that the last time the Town Council Rules and Regulations were updated was in 1979. She reviewed the amendments that were made to reflect how the Council conducts its business today.

Councilor Edes commented on the public discussion time limit being 5 minutes per person. In the past, we have limited it to 3 minutes in order to give everyone an opportunity to speak. He suggested language that would give the Council Chair the option to limit the public discussion time depending on the number of people in the audience.

Councilor Turner said that he would like to see it expanded in the other direction also. If there are only a few people in the audience, the Chairman would have the discretion to let people speak longer. He wants people to have the opportunity to have their say. That is what democracy is all about.

Councilor Storey-King suggested changing the language to say “comments may be limited at the Chairperson’s discretion”.

Councilor Foster agreed but suggested adding language to make it clear that the statement would be read at the opening of the public discussion period and not limiting each speaker separately.

Councilor Vail said that he feels that we have to state in the Council Rules that public discussion will be limited to 5 minutes but add that at the Chairperson’s discretion we may reduce or increase the time limit based on the size of the crowd. If people are preparing remarks at home, they should know that they will have 5 minutes in most cases.

Chairman Gruber asked for any public comment.
No public comment.

Motion by Councilor Vail, seconded by Councilor Turner, to amend the Cumberland Town Council Rules and Regulations, as recommended by the Ordinance Committee, with the following changes: “the Chairperson will have the discretion on the 5-minute rule as per-dictates of the crowd or topic and that under Public Discussion statement, the word will is changed to may (*Public discussion is for comments on items that are not on the agenda.*

*Comments are limited to 5 minutes per person. Rebuttal comments will be limited to 2 minutes. Public discussion topics will **may** be brought up again under New Business for further Council discussion)*

VOTE: 7-0

UNANIMOUS

21 – 009 To hold a Public Hearing to consider and act on amendments to Chapter 315 (Zoning), Section 2 (Purpose) and Section 4 (Word Usage and Definitions – Agriculture) of the Cumberland Code, as recommended by the Planning Board.

Councilor Storey-King explained that the purpose of this is to make farming in Cumberland a little bit easier for people and to clean up some language. This will not include farming of marijuana without the proper state licensing. The Cumberland & Chebeague Land Trust recommended that the word sod be removed from the agricultural uses section.

Councilors Turner and Vail said that they were also in favor of removing sod from the list of harvesting of crops.

Councilor Vail said that the statement “not to include marijuana” did not sit well with him. He has a strong aversion to grow houses because we are attempting to be a greener community, use energy efficiently, and encouraging people to buy fuel efficient or electric cars. A grow facility uses an obscene amount of power and it is not something that he wants to encourage in this community.

Chairman Gruber opened the Public Hearing.

Public discussion: none

Chairman Gruber closed the Public Hearing.

Motion by Councilor Vail, seconded by Councilor Storey-King, to amend Chapter 315 (Zoning), Section 2 (Purpose) and Section 4 (Word Usage and Definitions – Agriculture) of the Cumberland Code, as recommended by the Planning Board, with the following change: removal of the word “sod” in section 315-1 (allowable uses).

VOTE: 7-0

UNANIMOUS

21 – 010 To hold a Public Hearing to consider and act on amendments to Chapter 229 (Site Plan Review) to add agriculture related language to the Cumberland Code, as recommended by the Planning Board. TABLED

Chairman Gruber explained that this was tabled by the Planning Board.

Chairman Gruber asked for any public comment.

No public comment.

Motion by Councilor Turner, seconded by Councilor Vail, to table.

VOTE: 7-0

UNANIMOUS

21 – 011 To hold a Public Hearing to consider and act on amendments to Chapter 229 (Site Plan Review), Section 5 (Minor Staff Review Procedure), Section 6 (Major Staff Review Procedure), Section 7 (Planning Board Review Procedure), to change the abutter notice radius from 200 to 500 feet, and Chapter 315 (Zoning), Section 53 (Home Occupations and Home-Based Occupations) and Section 77-C (Board of Adjustments & Appeals - Hearings), of the Cumberland Code, to change the abutter notice radius from 300 to 500 feet, as recommended by the Planning Board.

Councilor Storey-King explained that this is simply to be consistent with all abutter notifications and to change the notice requirement radius to 500 feet in all cases.

Chairman Gruber asked for any public comment.
No public comment.

Motion by Councilor Storey-King, seconded by Councilor Copp, to amend Chapter 229 (Site Plan Review), Section 5 (Minor Staff Review Procedure), Section 6 (Major Staff Review Procedure), Section 7 (Planning Board Review Procedure), to change the abutter notice radius from 200 to 500 feet, and Chapter 315 (Zoning), Section 53 (Home Occupations and Home-Based Occupations) and Section 77-C (Board of Adjustments & Appeals - Hearings), of the Cumberland Code, to change the abutter notice radius from 300 to 500 feet, as recommended by the Planning Board.

VOTE: 7-0 UNANIMOUS

V. NEW BUSINESS

Councilor Edes – A couple of weeks ago, we lost one of our past patrol sergeants, Ron Legere. Ron passed away recently and he sent condolences to his family. He was a good man.

Condolences to the Leighton family on the passing of Bob Leighton. Bob was truly an icon in this Town.

Condolences to the Moynihan family on the recent passing of Scott Moynihan. Scott was one of the owners of the Tee Box at Val Halla.

He missed the last Council meeting, but was able to watch it online. He told Councilor Foster that she did a great job with her comments under New Business and she does not have to explain herself to anybody. Nobody should ever question her loyalty or dedication to the Town. As Town Councilors, we do the best that we can. He listened to the Presidents inauguration speech and he made a couple of very good points. He said, “disagreement must not lead to disunion”. That is so true. He also said, “the right to dissent peacefully within the guardrails of our republic, is perhaps our nations greatest strength”. He agrees with this statement and feels that this Council is in a good place and is plotting a good course.

Councilor Storey-King – She asked Assistant Town Manager Bolduc to give the public an update on what is going on in the Town Forest.

Assistant Town Manager Bolduc said that the Lands & Conservation Commission have marked off several areas at the rear of the forest where they are grinding invasive species, such as buckthorn, etc. There is no spraying planned until summer.

Councilor Storey-King said that when the Town does use the spraying method to combat the invasive species, we use herbicides, not pesticides. If we allowed the invasive species to grow out of control, we would have no forest left.

Reminder that on March 8th we will have our official book launch for the Images of America, Cumberland edition. You will be able to purchase your book at the Prince Memorial Library, Town Hall or Cumberland Food Co.

Councilor Vail – no new business.

Chairman Gruber – Thank you to the Food Pantry volunteers for all the work that they do. Linda Shane puts in at least 40 hours per week. Thank you, Linda!

He and the School Board Chair had the opportunity to speak regarding suicide prevention efforts in our community.

He received a letter from Fred Kinney thanking the Council for all the work that they have done. Thank you, Fred, for your kind words.

Councilor Foster – This past weekend, everyone in Town should have received a stay connected postcard from the Communications Subcommittee. The postcard has resulted in 90 new subscribers to the Cumberland Crier as of today. If someone does not have access to internet, they can call the Town office and request a hard copy of the Cumberland Crier be mailed to them.

The Social Justice Committee hopes to meet with Maine Intercultural Consultants the first week of February. The meeting time will be posted on the Town website once it is confirmed. The goal is to present their proposal to the Town Council at one of our February meetings.

Councilor Turner – He wants to make our elderly residents aware that Intermed is accepting appointments for COVID vaccinations. His wife called today for their elderly neighbor and got her an appointment for tomorrow. He has a friend who is a nurse who gave him the following phone number: 661-3300. You enter your name, age, and other statistics and you will hear back within 2 weeks with information on when you will get your shot.

Councilor Copp – He saw some pictures of the ice skating on Knight's Pond. It looks like fantastic skating conditions. What a beautiful asset Knight's Pond is for our community.

He saw 2 owls sitting in a tree on Blanchard Road this morning. What a beautiful picture this would have been.

VI. EXECUTIVE SESSION pursuant to 1 M.R.S.A., § 405(6)(A) re: Town Manager evaluation and contract renewal.

Motion by Councilor Storey-King, seconded by Councilor Turner, to recess to Executive Session pursuant to 1 M.R.S.A., § 405(6)(A) re: Town Manager evaluation and 3-year contract renewal.

VOTE: 7-0 UNANIMOUS

TIME: 8:17 P.M.

Reconvene to regular session at 8:41 P.M.

Motion by Councilor Copp, seconded by Councilor Edes, to enter into an Employment Agreement between the Town of Cumberland and William R. Shane for the period of April 1, 2021 to July 1, 2024.

VOTE: 7-0 UNANIMOUS

VII. ADJOURNMENT

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

VOTE: 7-0 UNANIMOUS

TIME: 8:41 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary