

MINUTES

Cumberland Town Council Meeting
Town Council Chambers

MONDAY, August 9, 2021

6:00 P.M. Workshop re: Town Council Goal Setting

7:30 P.M. Call to Order

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

I. APPROVAL OF MINUTES

Motion by Councilor Gruber, seconded by Councilor Edes, to accept the July 26, 2021 meeting minutes as presented.

VOTE: 7-0 UNANIMOUS

II. MANAGER'S REPORT

Assistant Town Manager Chris Bolduc reported that a lot of construction started around Town today, making it difficult to get around.

The Public Works garage project is behind schedule but should be completed by the third week of August. The delay was caused by backordered building materials and waiting on contractors.

The Historical Society building is on track to be completed the first week of October. Contractor Dave Swan is doing a great job.

The Bicentennial celebration will be held on September 18th. This will be a great event.

III. PUBLIC DISCUSSION

Joanne Fryer of 111 Bruce Hill Road (Mowfield Farm) said that she has a license, issued by the Town, to hold up to 8 events pre year at her farm. She has weddings on the calendar now for next year. The current zoning for the fairgrounds was developed in the 70's and they can basically do whatever they want. Her fear is that on 30 days' notice, a loud event could be scheduled which would be catastrophic for a wedding across the street from the fairgrounds. She was told by the Farmer's Club that they can hold whatever events they choose. They have had a change in leadership, and this scares her. She doesn't know where to turn. She needs to know what the rules are.

Eben Sweetser of Blanchard Road said that he is concerned about the speed on Blanchard Road. His major concerns are pedestrian safety and vehicles backing out of the Apple Barrel. He would like to see traffic calming measures taken in that area.

IV. LEGISLATION AND POLICY

21 – 084 To authorize the issuance of Senior Property Tax Assistance Program payments.

Assistant Town Manager Bolduc explained that Town staff held drop-in hours last week for seniors to come to Town Hall and fill out their applications. 156 applicants have applied to date for a total of \$63,197 in refunds, which will be mailed out next week. We are requesting authorization up to \$75,000 because there are some people who have not come in to fill out their application yet.

Chairman Vail asked for any public comment.

No public comment.

Councilor Gruber thanked Bill Kinney, Brian Cashin and Whitney Miller for all their assistance in getting people through the application process.

Motion by Councilor Gruber, seconded by Councilor Segrist, to authorize the issuance of Senior Property Tax Assistance Program payments not to exceed \$75,000.00.

VOTE: 7-0 UNANIMOUS

21 – 085 To consider and act on the adoption of a resolution endorsing a Rail Corridor Advisory Council process to consider alternative future uses of the corridor, as proposed by the Maine Trails Coalition.

Chairman Vail explained that Dick Woodbury was at our last meeting and described this project. They are looking for our support in a rail revitalization corridor from Portland to Brunswick and Auburn. The affected area in Cumberland is the railroad tracks between Middle Road and I-295. If this is never going to be utilized as a trainline, then this is probably a good use of it.

Councilor Foster clarified that the resolution is not to make a change of use on the rail line, but rather to support the formation of an advisory council to consider the future use of the Casco Bay SLA Corridor as a multi-use trail. She wants to be clear that the resolution is not stating that we support the actual action, but the research of it.

Councilor Storey-King said that the Governor has approved some funding for alternative transportation, and this committee is trying to get some of those funds. They want to get support from all the communities that will be impacted by this concept before they go after the funding.

Chairman Vail asked for any public comment.

Wayne Curtis of 183 Middle Road said that he lives between Middle Road and the railroad tracks. There are approximately 60 houses and 7 or 8 businesses on the south side of Middle Road that could be impacted by this. He researched rails to trails in different parts of the State and found that they allow ATV's, snowmobiles, horseback riding and biking. There are ATV's and snowmobiles on the pole line behind his house, and they will surely jump onto those tracks. We have 3 miles of train track in Cumberland. According to an article in the Portland Press Herald yesterday, they are talking about a cost of 1 to 1.5 million dollars per mile, with 20% coming from the Towns. That equals \$750,000. That is a lot of money for non-taxpayers because most of the people who will be using the trails are not Cumberland residents. You will not be able to gain access to the trail in Cumberland unless you go across someone's property. \$750,000 is a lot of money. 3 years ago, Middle Road residents asked for $\frac{3}{4}$ of a mile of water line to be extended. That was going to cost \$250,000 and that never happened.

Caleb King of 33 Deep Creek Drive is a direct abutter to the railroad tracks that run behind Middle Road. The article in the Portland Press Herald yesterday said that 700,000 to 800,000 people use the trail system in Southern Maine. That kind of foot traffic behind any private residence is absurd. He believes that if you don't want something done on a piece of land you should buy it, and he would, but the State is not selling off railroads. This doesn't seem like a good fit for a rural residential area and there are only 60 landowners who live on this stretch in Cumberland that would have to bear the burden for the rest. As far as he knows, there is no access to the proposed trail except over private property. Most users would have to access from Portland Street in Yarmouth or Johnson Road in Falmouth. How does that benefit our Town? He doubts that the Town would approve a vehicular corridor that would only serve the purpose of driving through Cumberland. We already have 295. We have a lot of problems with people not respecting public land. To think that people would respect a trail right-of-way and not trespass on private property, litter, or let dogs run free on the trails, is naive.

Like hunters or sportsmen, it only takes a few bad eggs to ruin it for the rest. Another concern is a conflict between hunters and trail users. Hunters who would be using their own land would then have a steady flow of traffic, which creates a safety issue because not everyone complies with wearing orange. It would also create easier access and closer proximity to pedestrians with the potential discharge of a firearm. Many of these landowners have had the land in their families for generations. To take this land and essentially ruin it for hunting, considering what little land there is left in the Town, is unjust. It is his opinion that the Town allocates enough money to greenspace for residents to enjoy, and there is plenty of accessible open space with adequate parking and marked trails on all sides of Town. This proposed expansion of these trails will take years and cost a million dollars per mile to complete. He hopes that no additional taxes or fees from the Town would be allocated for this project. All in all, it seems like a poor deal for the Town and its residents.

Councilor Edes said that at this point, he could not be more against this project. While he understands what our vote does, if we vote in favor of it, it sends a message to Augusta that we're all in favor of it. There are way too many unanswered questions, and he could not agree more with the issue of it being an invasion of the abutter's property. We haven't even talked about the infrastructure needed to make this happen. What if somebody needs medical care, how are we going to get to them? Where are our residents going to park? There are too many unanswered questions, and he cannot support it at this time.

Chairman Vail said that he gave this some thought and feels like he has more questions about this than answers. At the very least, we should table it and he suspects that if it were put to a vote, it would fail. He likes the idea of rails to trails. The concept is a valuable reuse of property, but he hates the idea of losing a railroad track. Rail is the most inexpensive method to move goods. We should be using more of it, not less. This particular rail line will likely never be used again. People use Twin Brook and Knight's Pond who don't live in our community, and we all likely use something that is in another community. But the issues raised tonight outweigh moving forward with this.

Councilor Segrist said that he will respectfully take a different position. The comments tonight from abutters are legitimate and very real. He does not live on Middle Road but respects the comments from the residents there and thinks that they come with a lot of truth, but feel that they are a little premature. We are not voting on whether we're moving forward on this. The Press Herald article mentioned cost and that is being thrown out as a fact to what this will cost us. He does not think that we even know that information yet and when he hears Councilor's say that they have a lot of questions, his first thought is how do you get answers to those questions? You form an advisory council to look into those questions and then we vote on it based on that information. He is not willing to vote against the concept of getting more information. He read through the proposed statement that we would give in support of this, and nothing in it obliges us to move forward with the project or to come up with \$700,000 of taxpayer funds. It doesn't oblige us to do anything, apart from saying look into the issue. He does not see the harm in that. If it's shot down, it's shot down, but then we will have all the information as to why it's shot down versus not even learning more about the project.

Councilor Storey-King said that she thinks that is what the advisory committee is looking to do. She suspects that they are getting ready to submit a packet of information to try to obtain funding and they may not need our support.

Councilor Foster said that she also has some questions regarding the timing of the advisory committee and logistical questions that she would like to be able to ask Dick Woodbury before voting on this. Personally, while she is in Councilor Segrist's camp, she would rather table this and give Dick Woodbury the opportunity to answer the logistical questions.

Councilor Copp said that he doesn't see any benefit to Cumberland residents with this. If he lived on Middle Road, he would not want all the cyclists and walkers going through his backyard. He views this as an advantage to the residents of Falmouth, Yarmouth, and Portland, not Cumberland.

Councilor Storey-King said that she believes that there is a paper street at Storey Brothers that may be an access point. If we support this, she believes that it would be up to us to provide and pay for public access to the trail.

Councilor Edes said that we already have a lot of trails in our Town that offer parking and privacy. None of our trails are in somebody's backyard. He understands what we are voting on tonight, there are a lot of unanswered questions, but by doing this we are saying that we support the project. We're kidding ourselves if we think that this is simply a concept. They know what they want to do, and they have looked into the cost. He does not think that we should table this. Let's get this out there and vote on it.

Councilor Foster said that she feels that it is a bit extreme to say that there is no benefit for Cumberland residents simply because they would have to drive down Portland Street to gain access to the trail. She understands the point that is being made, but let's not discount the fact that we can drive to Royal River Park and access that park, which she does regularly. To say that there would be no benefit to our community when we were just talking at our workshop earlier about sustainability and being able to get from point A to point B in a non-automated combustion engine vehicle. To say that that's not at all aligned with what we were talking about earlier this evening, seems a bit counter. As Councilor Segrist said, the truth has been spoken of the impact that this could and would have on the residents that abut this property. The big question is what happens to that railroad track if nothing goes in there? If that track ever does go active isn't that actually a worse outcome for the folks that abut this property?

Councilor Storey-King responded that all those property owners know they have property that abuts a railroad, not thousands of people on bicycles.

Councilor Segrist said that the same way we sat here an hour ago to support committees coming together to explore an idea to see if it's feasible, is the exact thing that we are being asked to do now. He feels very comfortable voting for something to explore an idea for more information. If the information comes back and it's \$700,000 and thousands of people are going to be using it, that makes the answer much clearer for a lot of people. But tonight, the answer is that we don't know, so he would be voting in support of creating an advisory committee.

Chairman Vail said that both sides have great arguments, and he is firmly in the camp of where is the benefit to the residents of Cumberland? He is firmly in the camp of the abutters who might be exposed to the unknown. The other side, that Councilors Foster and Segrist have pointed out, it will be able to be accessed from other areas and are we bring hypocritical and saying that we support sustainability on one hand but not the other?

Councilor Copp asked if we vote not to support this, is it really going to make any difference? They are still going to go forward with the project.

Councilor Storey-King said that she asked about hunting, and she got a response that only the State of Maine can restrict hunting. However, the State of Maine does restrict hunting within 500 feet of a recreational area. Would this be considered a recreational area? That would take hunting completely out of that area.

Councilor Segrist said that there are lot of fantastic questions, many of which we may actually learn if there is an advisory council to look at the issue. We are not going to answer any of these questions tonight.

Councilor Foster said that to Councilor Copp's point, it's not going to stop them from submitting their packet of information, so we can take the vote and maybe they will know that Cumberland was not unanimous on this project, and we have a lot of questions and issues that we want to make sure are addressed by the advisory committee.

Councilor Storey-King said that the resolution won't indicate if we're divided on it.

Councilor Foster said that they can read the minutes or watch a recording of the meeting. That is her point. We could also amend the resolution to say that we support the creation of this rail quarter advisory council to consider any future use of abandoned rails. We can change the language to whatever we would like to be in order to be very clear about what we want.

Councilor Storey-King said that she thinks that if we move forward with this as a resolution, it shows that we are supporting it. There are a lot of people that believe that if you support the idea of something, then it is a done deal.

Councilor Edes said that we as a Council have done everything to stop impact on our residents, such as the railroad quiet zones or relocating the public works garage. Here, we are voting for something, and tomorrow's headline is going to be that the Cumberland Town Council supports this, and it will impact the entire Middle Road neighborhood. We can't pick and choose which neighborhoods we don't want impacted.

Motion by Councilor Gruber to table to August 23rd. No second.
MOTION FAILS

Motion by Councilor Copp, seconded by Councilor Storey-King, to not adopt the resolution in the materials for this meeting.

Chairman Vail asked for discussion on the motion.

Councilor Segrist asked whether not moving to accept the materials would also include moving to not accept any revised drafts of those materials.

Councilor Copp said that it would not. To Councilor Edes point, the Forecaster headline will look better if it clearly states that the Cumberland Town Council does not support this endeavor.

Councilor Segrist said that he would hope that the Forecaster, with any journalistic integrity, would write that the Town Council supports the consideration of forming an exploratory committee to look into the issue more.

VOTE: 5-2 (Foster & Segrist opposed) MOTION PASSES

V. NEW BUSINESS

Councilor Segrist – if you are eligible and haven't made it into Town Hall to apply for the Senior Property Tax Assistance Program, please be sure to do that.

He received a flyer from the Chebeague and Cumberland Land Trust that said that they are fundraising to add a new public access trail to the Spear's Hill/Broad Cove Reserve property. If you are interested in learning more about that project or potentially supporting it, you can go to ccltmaine.org/donate.

Councilor Storey-King – the premier of a movie about Cumberland will have it's first showing on Friday at 8:00 p.m. at the Bru-Thru in West Cumberland. She is so excited that this Town event is happening first in West Cumberland for the residents there. There will be a second showing on Sunday at 2:00 p.m. at the performing arts center.

To expand on Assistant Town Manager Bolduc's comments on the Historical Society building, they are working on the plumbing and electrical now.

The Town Council met last week with the neighbors of a potential project on Longwoods Road called The Grange at Longwoods. This might be a project with the Chebeague and Cumberland Land Trust and they may be looking for donations for this project as well.

Councilor Gruber – a big thank you to the Food Pantry volunteers. We served 50+ families last week.

He signed up for swimming through the Recreation Department and he is really enjoying using the pool.

Chairman Vail – we received a letter from a resident about noise, and it seems that we have talked about noise a lot lately. Perhaps the Ordinance Committee should take a look at our noise ordinance.

Councilor Storey-King said that we do not have any noise ordinances in our Town. We have ordinances about disturbing the peace. Those generally don't go into effect until after 9:00 p.m. Some contract zone agreements speak about regulating noise. Other Towns have nuisance ordinances and noise is sometimes part of a nuisance ordinance. The Ordinance Committee can look at this.

Chairman Vail said that there may be a request from North Yarmouth for some shared administrative services.

There is a parcel of land in North Yarmouth that is being considered for the new school. The Town Manager will be presenting an alternative plan for the new school to the Superintendent and School Board leadership.

Councilor Foster – the next sign-up opportunity for her fellow Town Councilors to be at the Farmer's Market is on August 21st. She and School Board member Peter Bingham have signed up so far. She invited anyone to stop by give them feedback or ask any questions that they might have.

Councilor Edes – no new business.

Councilor Copp – the Cumberland Fair is coming right up, and he has made a donation at every Council meeting all year long to support the 4-H auction at the fair. The rest of the Town Council has also been very generous to this worthy cause.

VI. ADJOURNMENT

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

VOTE: 7-0 UNANIMOUS

TIME: 8:44 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary