

MINUTES

Cumberland Town Council Meeting
Town Council Chambers

MONDAY, September 27, 2021

4:30 P.M. Ordinance Committee Meeting

6:00 P.M. FOAA Training with Town Attorney

7:00 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 Segrist, to accept the September 13, 2021 meeting minutes as presented.

VOTE: 7-0 UNANIMOUS

II. MANAGER'S REPORT

State Representative, Steve Moriarty reported on the redistricting of Legislative Districts in Maine. Every 10 years we have a census, and based on the census, Congressional and Legislative Districts across the country are re-drawn based on shifts or changes in population. Under the Maine Constitution, when this process happens, an Apportionment Commission is created consisting of 7 Republicans, 7 Democrats, and 1 neutral chairperson. Last Friday, the Commission voted unanimously to adopt the House map. He is happy to report that Cumberland will not be divided and will stay as one district and will include Chebeague Island and Long Island. The new number will be District 110. We were previously District 45. He learned late this afternoon that the Commission did vote on a map of the Senate, but he has not been able to get that result yet. The Commission has completed its work, but their decision is not binding. The Legislature is convening as a whole this Wednesday, and under the Constitution the reapportionment plan must be adopted by a 2/3 vote of both bodies.

Councilor Storey-King reported on the bicentennial celebration last Saturday at Twin Brook. The Bicentennial Committee started meeting 2 years ago, and the Town started saving money approximately 5-years ago for the celebration. It has been worth every penny. The Bicentennial Committee consisted of Carolyn Small, Linda Fulda, Christina Mitchell, Baily Douglass, Tig Filson, Emily Gray, Rhonda Grigg, Dale Hahn, Allyson Knowles, Megan Pelsinski and staff members Chris Bolduc, Eliza Porter and Thomas Bennett. The ideas that this committee came up with were phenomenal and events have been happening since March and will continue. The celebration last Saturday was spectacular, and it truly touched her heart. It was something our community really needed. There were scores of volunteers who helped make the event a success. She thanked Town staff, Abbey Lombard and Whitney Miller, Ted Bosarge of the Parks Department, Pete Bingham who stepped in for Assistant Town Manager Chris Bolduc, who was not able to attend. Our Town Councilors, Tax Assessor John Brushwein, Code Enforcement Officer Bill Longley, Basketball Coach Travis Seaver, and State Representative Steve Moriarty, who all volunteered to be in the dunk tank. A huge thank you to Tig Filson, Emily Gray, Baily Douglass and Megan Pelsinski. It was a wonderful day, and she cannot thank the people who made it happen enough. Thomas Bennett has prepared 3 presentation that he will present at a later date when we are safe to be together again. Her hope is that the energy from the celebration will continue onto the Historical Society and the long-term plan of connecting it to the library.

III. PUBLIC DISCUSSION

Bruce Sherwin of 292 Blanchard Road said that since Councilor Storey-King mentioned Travis Seaver, he would share that he was Travis's first basketball coach told a story about coaching him in when he was in Middle School.

Mr. Sherwin said he was looking for information from the August 23rd Town Council meeting on the reconsideration of the rail to trail item. He wanted to consult the August 23rd meeting minutes and they were not made available until after the next meeting. He had to watch the video in order to see what was said at that meeting. It was very hard to make out what was said on the video because some of the microphones were turned, and Councilors were not speaking directly into the microphones. He suggested releasing draft minutes prior to approval so the public can read them. There were some things left out of the August 23rd meeting minutes that he was interested in. Mr. Shane brought up the expensive ramp at the beach, and he was not aware that there was a ramp there, so he went and looked at it. He feels that attendance at the beach is not what we think it is. He would like to know the cost of the ramp and if the Council voted on installing a ramp at the beach. In one of the meetings that discussed the railroad crossing item, the bid was awarded to Storey Brothers. He is currently going through some Finance Committee meeting materials and the meeting that discussed the award of bids for the railroad crossing, he refers to A.H. Grover. The Town Manager Shane said it was Storey Brothers, not Grover. In the Finance Committee meeting, the low bid was Grover, so how did the job go to Storey Brothers.

Town Manager Shane said that A.H. Grover was not the low bidder, and he would be happy to get the bid submissions to Mr. Sherwin.

IV. LEGISLATION AND POLICY

21 – 097 Comprehensive Plan Review by Town Planner.

Town Planner, Carla Nixon presented the following:

Comprehensive Planning

**Town Council Presentation
September 27, 2021**

1

WHAT IS A COMPREHENSIVE PLAN?

An essential planning tool:

- A "blueprint" for future land use planning actions such as zone changes, contract zone agreements.
- Used for public facilities planning (buildings, infrastructure)
- Survey offers a way to solicit opinions from residents about current conditions and future planning.

2

WHY IS IT NEEDED?

- No longer required by Maine law (10 yrs)
(State Planning Office eliminated in 2012)
- Comprehensive planning is still encouraged by State.
- Currently administered by the Municipal Planning Assistance Program in the Department of Agriculture, Conservation and Forestry.
- Financial assistance may be available.

3

Plan Involves 3 Steps:

1. **Conduct Inventory & Analysis**
2. **Policy Development**
3. **Implementation Strategy**

4

2014 Plan Update

Why the need for update after only 5 years?

Increased use of contract zoning.

Implementation of 2009 plan mostly complete leading to new planning issues that needed to be addressed.

5

2014 Plan Update

4 Chapters only:

1. Demographics (new Census data)
2. Housing
3. Land Use
4. Public Facilities

6

Is a 2022 Update Needed?

- What do you want to find out?
- Is a comp plan process the best way to address current concerns, in particular, growth management, taxes, housing?
- Can do surveying w/out comp plan process.
- Can appoint committees for specific issues.

7

Chairman Vail said that there is a lot going on in this community and residents love our public facilities. Should we be looking for another piece of property in other areas, and is Val Halla being used to its full potential? He likes that idea of doing a survey and having that to fall back on.

Ms. Nixon said that the survey really helped the last Comprehensive Plan Committee in knowing what direction to take. She feels that a survey is always a good idea.

Councilor Storey-King said that she is a little biased toward the Comprehensive Plan process. It is a very healthy thing to do. She is shocked to learn that our poverty rate is 4.1%, but this is good information to have. The Comprehensive Plan process is long, but it is a very helpful tool to have.

Councilor Gruber said that we often refer to the Comprehensive Plan and use it as a guide.

Ms. Nixon said that since the State does not require a Comprehensive Plan anymore, that gives us a lot more freedom on how we structure it. It can be as intense or simplified as the Council would like it to be.

Town Manager Shane said that we should get the census data evaluated first in order to get the full picture of where we are today. Then we need to know what types of things the Council wants, and then engage the public to determine what types of things they want. Our Comprehensive Plan is the foundation for our zoning.

George Turner of Carriage Road said that the structure of a Comprehensive Plan is supposed to be the scaffolding for everything else we do. The last Comprehensive Plan was particularly well done, and it took a couple of years to put together. He feels that amending the current plan, instead of creating a new one, makes sense because not enough has changed.

Councilor Storey-King agreed with Mr. Turner. If we create a new Comprehensive Plan, we risk missing something and using the current one as a scaffold is a good idea

Councilor Foster said that she also agrees. The work that we've been doing around our priorities very clearly fits here. How do we better connect so it is a living document that ebbs and flows depending on priorities? Some of the things that we are working on maybe didn't have very specific actions, and we are now at a point where we have done so many other things and have moved on to other pieces. It is a planning document and good plans shouldn't change every year. They are tweaked once you have a solid scaffolding.

Chairman Vail said that there is no action on this this evening, but he asked Ms. Nixon to come back soon with a recommendation on whether we do an update to the existing plan or survey the community.

Town Manager Shane said that the first step is getting the census data. Once we have that data, we can bring it back to the Council and evaluate it. Then the next step would be the survey.

Steve Moriarty said that if the basics of the current plan are still sound, and if they correspond with the census data, that needs to be disseminated and fully understood. Then he thinks that the current plan is a good place to start.

Councilor Segrist asked when the census data will be run in terms of analytics and when we might see some of those results?

Ms. Nixon said that she found the projected 2020 census data. The demographic data is there, so it is a matter of how detailed you want it to be.

Councilor Segrist asked about available funding from the Department of Agriculture, and can it be used for surveys and things of that nature?

Ms. Nixon said that she believes that it can be used for those things. The State is trying to support communities and understand what their needs are. Money will have to be spent on surveys and so forth.

Councilor Segrist said that the structure of the Comp Plan as laid out in 2009 and then 2014 is good scaffolding, but by learning more about the 2020 data and sending out the survey, will help us identify what the public wants and where to prioritize, where we should be making any updates, and giving us time to look at the data and figuring out what is important to us a Council.

Councilor Foster said as we think about an update, it would give us an opportunity to weave in how we are considering and thinking about our surrounding communities and how we can collaborate with them.

Chairman Vail said that the landscape has changed and the question that we ask in a survey are very important. The answers may surprise us.

21 – 098 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, 2021, through September 30, 2022.

Town Manager Shane explained that these guidelines are adopted by many municipalities throughout the State. We are part of the Portland Metro Area group, and the numbers reflect what our housing and food costs are. We are reimbursed 70% of our general assistance costs from the State.

Chairman Vail opened the Public Hearing.

No public comment.

Chairman Vail closed the Public Hearing.

Councilor Copp said that we have rental units in Town that are not energy efficient, that we subsidize. It gets more expensive every year due to the price of heating fuel. Can we require landlords to make improvements to these rentals to make them more energy efficient? He feels that we have landlords who take advantage of this program.

Town Manager Shane said that unfortunately, no. Remember that the heating fuel is only a portion of the maximum that they are allowed each month. Sometimes, the only thing that gets covered by General Assistance is their rent. Food and heat come from another source. The Town has a benevolent heating fund, and we try to use every resource available to help our residents in need.

Councilor Segrist asked how many families are currently applying for General Assistance.

Town Manager Shane said that it is seasonal. There are more in the winter due to the onset of heating costs. During the course of the year there are between 12 and 18.

Motion by Councilor Edes, seconded by Councilor Gruber, to adopt the Maine Municipal Association Model General Assistance Ordinance and Appendices A-H for the period of October 1, 2021, through September 30, 2022.

VOTE: 7-0 UNANIMOUS

21 – 099 To hold a Public Hearing to consider and act on setting sewer user fees for FY2022.

Chairman Vail explained that the Town Manager is recommending a 0% increase this year.

Chairman Vail opened the Public Hearing.

No public comment.

Chairman Vail closed the Public Hearing.

Motion by Councilor Copp, seconded by Councilor Segrist, to accept the Town Manager's recommendation of a 0% increase in sewer user fees for FY2022.

VOTE: 7-0 UNANIMOUS

21 – 100 To hold a Public Hearing to consider and act on the 2022 Shellfish License allocations, as recommended by the Shellfish Conservation Commission.

Town Manager Shane said that he is hopeful that this is the last year that we waive the fee for shellfish licenses. The clam flats are improving. In the past, our shellfish population has been decimated by green crabs, so we have only charged a \$10.00 conservation fee for each license, which helps us pay for water testing.

Councilor Segrist said that he got an update from the Lands & Conservation Commission, and Ivy Frignoca from Friends of Casco Bay provided a sobering report that showed the warming of the bay, the increase in acidity, and the affect it has on the shells of the shellfish. She also talked about sewer and nitrogen runoff from lawn treatments. Ivy told a story about a woman that lived on the Foreside, and it was pointed out to her that there was a massive algae bloom right underneath where her lawn is located. Once she realized that her landscaping crew was putting nitrogen on her lawn, she asked them to stop. Within 2 weeks, the algae bloom went away, and the shellfish were able to grow. At some point, it would be helpful to have Ivy or someone else come in and educate us about this because it relates to this item.

Chairman Vail opened the Public Hearing.

No public comment.

Chairman Vail closed the Public Hearing.

Motion by Councilor Gruber, seconded by Councilor Storey-King, to approve the 2022 Shellfish License allocations, as recommended by the Shellfish Conservation Commission.

VOTE: 7-0 UNANIMOUS

21 – 101 To set a Public Hearing date of October 11th to consider and act on an Automobile Graveyard Permit for Cumberland Salvage for the period of November 1, 2021 – October 31, 2022.

Chairman Vail asked for public comment.

No public comment.

Motion by Councilor Edes, seconded by Councilor Gruber, to set a Public Hearing date of October 11th to consider and act on an Automobile Graveyard Permit for Cumberland Salvage for the period of November 1, 2021 – October 31, 2022.

VOTE: 7-0 UNANIMOUS

21 – 102 To adopt a Town Council remote and hybrid meeting policy as recommended by the Town Attorney.

Chairman Vail explained that the remote meeting policy is to make sure that members of the public have the ability to participate in public meetings.

Councilor Storey-King said that she would prefer not to go down the hybrid meeting road and allow Councilor's to attend a meeting remotely. If we do that, the public must also be invited to participate remotely.

Chairman Vail said that we would not use the remote model even though we have adopted the policy. The implication of putting it into effect makes it difficult to carry through.

Chairman Vail asked for public comment.
No public comment.

Motion by Councilor Copp, seconded by Councilor Gruber, to adopt a Town Council remote and hybrid meeting policy as recommended by the Town Attorney.

VOTE: 7-0 UNANIMOUS

V. NEW BUSINESS

Councilor Segrist – He and Councilor's Edes and Gruber have been working on a senior property tax assistance program. Over the past couple of weeks, they have been delving into the data to see what changes can be made to the current rebate program, or what a new program might look like, and whether that is something the Town is able to take on in terms of liability and staffing. He will make a follow up call later this week with the Town Manager to look into this a little deeper. There should be a report to the full Council soon to determine if the program will be workable or not.

In regard to the Open for Business initiative, he has to follow up with the Town Manager and others on the data that has been provided, which is the list of current businesses that we have in Town, whether that list needs updating, and which of the businesses on the list have their own physical registered address that is strictly for their business versus someone that works from their home.

In regard to the discussions on an assisted living facility, he reached out to Mr. Jorgensen, Director of Government Affairs and Communications at Maine State Housing Authority to come and present to the Council how their process works. He hopes to have a date soon.

Councilor Storey-King – There was a Library Board meeting last week. Circulation is down a bit, but that is likely due to the fact that kids are back in school and getting their books at the school library. There was a good discussion about the Minerva program, which is an inter-library borrowing program. There is specific software and additional staffing required to offer this program. The progress on the historical society building was also discussed. That project is coming along nicely, and people are encouraged to go check it out.

The Ordinance Committee met before the Council meeting this evening. They are still working on a marijuana licensing ordinance. They have come a long way and should have something to present to the Council after their next meeting.

Councilor Gruber – He thanked Councilors Edes and Segrist for their help with the Senior Tax Relief Program.

The number of families using the food pantry were down for a few weeks but were back up a bit last week.

Councilor Foster – There is an event tomorrow evening as part of the Mental Health Community Committee. It is hosted by two of our MSAD 51 social workers, but it is a program that was developed by Casco Bay CAN (Creating Awareness Now) on substance abuse. They will share some information about the adolescent brain and new trends around substance abuse. The program starts at 6:00 pm at the Greely High School library.

As part of the bicentennial celebration, the Cumberland Hope Garden was planted. This was also an event of the Mental Health Community Committee. The garden was planted near the red shelter building at Twin Brook, and is for anyone who is walking through there to feel the energy of hope and community. The purpose of the garden is to remind everyone that you are not alone and that your community is here for you. Thank you to Ted Bosarge of the Parks Department for his help in preparing the garden area so the bulbs could be planted.

She reminded the Town Manager that the rail crossing on Greely Road, heading from Yarmouth to Cumberland, is very dangerous to cyclists.

Town Manager Shane said that the “cyclists may use the entire lane” signs have been ordered.

She had coffee with Brian Sites, Chairman of the North Yarmouth Select Board, and they have recently gone through the Comprehensive Plan process. They are interested in being connected through collaboration with us in our Comprehensive Plan process.

Councilor Edes – He is hearing great things about the Cumberland Fair this year. He hopes that everyone can get out and enjoy it.

Councilor Copp – He and his wife attended the bicentennial event on Saturday. It was a wonderful community event.

Chairman Vail – The fireworks display at the bicentennial celebration was second to none. It was a great time.

He hopes that we can get to a place where we can collaborate with North Yarmouth. It’s time for us to reach out to Falmouth and Yarmouth and let them know that we are interested in having the conversation with them as well.

Town Manager Shane – We raised over \$8,000 this year for the 4-H auction at the Fair. The program helps the 4-H kids and the food pantry.

VI. ADJOURNMENT

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

VOTE: 7-0 UNANIMOUS

TIME: 8:50 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary