

MINUTES

Cumberland Town Council Meeting
Town Council Chambers

MONDAY, November 8, 2021

5:30 P.M. Ordinance Committee Meeting w/ 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 Copp, to accept the October 25, 2021 meeting minutes as presented.

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

II. MANAGER'S REPORT

Town Clerk, Tammy O'Donnell, administered the oath of office to new Police Officers Nick D'Ascanio and Christopher Schofield.

Town Manager Shane said that he has been in touch with the Maine Department of Transportation to talk about the accident on Main Street last week where a student in a crosswalk was struck by a vehicle. Fortunately, the accident did not result in a hospitalization. A lot of people are very concerned about traffic safety along the school corridors on Main Street and Tuttle Road. PACTS and MDOT are currently doing a safety study in those areas of Town, and hopefully the results of the study will be ready this fall. In the meantime, he has asked MDOT if they would be willing to participate in a neighborhood meeting for residents to voice their concerns. We hope to hold the meeting after the Thanksgiving holiday. More to come on a date.

III. PUBLIC DISCUSSION

No public discussion.

IV. LEGISLATION AND POLICY

21 – 113 To appoint Whitney Miller as Communications/Aging in Place Director.

Town Manager Shane said that it is his privilege and pleasure to recommend Whitney Miller as our Communications/Aging in Place Director. Whitney has worked in the Town Clerk's office and has been the backup for communications for the past few years. He feels that she will do an outstanding job in this position.

Chairman Vail asked for any public comment.

No public comments.

Motion by Councilor Gruber, seconded by Councilor Storey-King, to appoint Whitney Miller as Communications/Aging in Place Director.

VOTE: 7-0 UNANIMOUS

21 – 114 To hold a Public Hearing to consider and act on a zone change request for property located at 10 Old Gray Road, Tax Map U21/Lot 2, from Village Office Commercial 1 Zone (VOC1) to the Village Medium Density Residential Zone (VMDR), as recommended by the Planning Board.

Chairman Vail explained that the owner of the property wants to split his lot and create another buildable lot. There is not a viable driveway entrance for this lot for commercial use. The Council sent this to the Planning Board for a recommendation. The Planning Board held a Public Hearing and recommended approval.

James Banfield, owner of 10 Old Gray Road, said that he is here this evening to answer any questions that the Council has for him.

Chairman Vail asked Mr. Banfield if he tried to sell his property for commercial use.

Mr. Banfield said he has not because he knows that there is no viable entrance that can be accessed from Route 100, therefore the lot is not viable for commercial use. It could be accessed by Old Gray Road, but that is a residential neighborhood, and he cannot see any sort of commercial use from that access point.

Councilor Copp said that he hates to see commercial land get re-zoned. This is a very unique piece of property because it's at the bottom of a hill where the site lines are terrible. You would get run over trying to pull out onto Route 100.

Chairman Vail said that when this item first came before the Council, he didn't have a problem with it, and we voted unanimously to send it on to the Planning Board. Now that he has had a chance to reflect on it, he is hesitant to vote for it. He feels that voting in favor of this, gives the owner a financial gain at the expense of the loss of a commercial lot. Is there a reason, other than personal financial gain to the owner, for him to grant this request?

Mr. Banfield said that if he could use it for commercial use, he would. No commercial use can go in this location. He would like to build a slightly larger house. His current house only has one bathroom and there is no way to add on to it because of the way it is situated on the lot.

Councilor Edes asked the Town Manager to remind him of the circumstances where the property next door to this was re-zoned.

Town Manager Shane said that the Board Barn property was in the VCC zone, and it had to be changed to the VOC-1 zone to allow Mr. Haggerty to put in more apartments. Multiplexes are considered a commercial use in our zoning ordinance, so that's why we had to go the other way in that case.

Councilor Edes said that in theory, if Mr. Haggerty wanted to buy some of this property, the way it is currently zoned to expand his apartment complex, he could.

Town Manager Shane said that is correct, but there are wetlands there.

Councilor Copp said that to him, this doesn't pass the straight face test. He could build another home on the lot without splitting it, but he would never be able to sell them separately. He personally owns a lot of commercial property, and he would love to be able to carve a lot off and sell a house, but he can't.

Councilor Storey-King said in regard to Chairman Vail's comment about the owner making money on the property if it is re-zoned, we allowed Mr. Haggerty, who doesn't live at his property, to change his zone in order to build more apartments. That was for his financial benefit as well.

Chairman Vail said that was the point he was trying to make. We are not setting precedent.

Councilor Edes said that we allowed Mr. Haggerty to re-zone because he is offering much needed affordable, single bedroom rental units for seniors over 55.

Councilor Segrist said that he came in tonight set to vote against this. When he ran for Town Council, one of the key issues he ran on was continuing to grow business in this Town. As you go through our lot maps, you realize that we don't have a lot of commercial office space zones left. His concern is that if we continue to change those zones for more residential uses, we run out of those spots that are on Route 100. He understands the logic and the issues that Mr. Banfield is running into, and the need for more housing in our Town. This is a difficult vote, but he is reluctant to change a commercial space to a residential space.

Chairman Vail opened the Public Hearing.

No public discussion.

Chairman Vail closed the Public Hearing.

Motion by Councilor Edes, seconded by Councilor Gruber, to approve the zone change request for property located at 10 Old Gray Road, Tax Map U21/Lot 2, from Village Office Commercial 1 Zone (VOC1) to the Village Medium Density Residential Zone (VMDR), as recommended by the Planning Board.

VOTE: 4-3 (Copp, Edes & Segrist opposed) MOTION PASSES

21 – 115 To hold a Public Hearing for the purpose of gathering public input on the allocation of American Rescue Plan funds.

Town Manager Shane explained that the four categories are public health emergency or its negative economic impacts, premium pay for police, fire and EMS workers, loss of revenues, and necessary infrastructure investments for sewer, water, broadband or stormwater. We have heard from a couple of neighborhoods related to watermain extensions. We had no loss of revenues, so we don't qualify for that. Premium pay has come up from some of our employee groups. His recommendation would be that if all employees aren't entitled to receive it, he doesn't feel that would be fair. There is no hurry to decide on any of this and he recommended making it part of the budget discussion.

Councilor Edes said that there are funds going to police officers and other first responders anywhere from \$2,000 to \$5,000 across the state. He personally feels that based on the water situation on Bruce Hill, it would be irresponsible to designate these funds to anything other than helping these residents get public water (and to our first responders who continued working).

Councilor Copp asked how the premium pay for employees would work? Are first responders the only employees eligible?

Town Manager Shane said that the average police officer would get approximately \$5,000 to \$6000, and our legal counsel has been clear that this is intended for public safety personnel. Just for the Police Department, it would be around \$50,000. He has not done the calculation for the Fire/EMS Department, but it would be likely half that amount. He asked the Council to think about what the Recreation Department did during the pandemic. They continued recreation services every single day while kids weren't in school. What would those parents have done without that program? So many Towns shut down for months. We didn't. All of our employees put in the time during the pandemic to stay open.

Councilor Foster said that timing-wise, it would behoove us to wait a couple of months to see where things start shaking out more globally. It's good timing for the budget.

V. NEW BUSINESS

Councilor Segrist – A few weeks ago, School Board Chair, Tyler McGinley, was here and talked about the need for Ed Tech positions that need to be filled at the school. He wanted to reiterate this again for the public. MDAD 51 is looking severely for Ed Tech professionals (educational technicians 2 & 3). There are K-12 positions available. If you are interested, please reach out to somebody at M.S.A.D. 51 for more information.

A couple of weeks ago, we had a meeting on our Senior Property Tax Assistance Program, and he is very hopeful that we should be able to get something to the Council in December to review.

On the Open for Business initiative that he and Councilor Copp are working on together, they have met with the Town Manager and have gone over the map of properties that are available in Town for businesses. They are now focusing on certain areas of Town, if funds become available, that we might be able to leverage and create bigger infrastructure project investments, while at the same time promoting a location that businesses might want to come to.

On the senior affordable care facility topic, we met with Eric Jorgensen from Maine State Housing Authority about a month ago. He sent an email today to get contact information to the Office of Aging and Disability Services. We are trying to figure out the care side of a senior facility and where funding might come from for care. He will report back when he has more information.

Councilor Storey-King – She reached out to Westbrook Housing Authority and discovered that they have an amazing operation there. We have heard over and over again that if we are going to move forward on a senior housing facility, we are going to need a partner. We might consider talking to Westbrook about how they get funding.

There was a Recreation Advisory Board meeting last week. Val Halla made a profit this year. This is partly due to COVID and people working from home and being flexible with tee times. The new software also helped. Overall, Recreation has done very well this year. There have been many requests for something for little kids to do at Twin Brook (such as a playground) while their older siblings are playing sports.

The Ordinance Committee met prior to the Council meeting this evening to review the medical marijuana caregiver license ordinance. We will have a workshop to review the ordinance before it goes to a public hearing.

Councilor Gruber – The work at the railroad crossings is almost complete and they should be designated as quiet zones in December.

The Lands & Conservation Commission will hold a joint workshop with the Town Council next Monday.

The Food Pantry is doing very well. Thank you to the volunteers who make it happen and thank you to Councilor Edes for donating moose meat to the pantry.

Veterans Day is this Thursday. Thank you to all the Veterans.

Chairman Vail – tomorrow evening, the Town Council will meet with the North Yarmouth Select Board and MSAD 51 Board. This is an opportunity for us to look at the faces around the room and try to get to know them. One of the things that he and Councilor Foster have been trying to do by meeting with their leadership is simply to try to spend time with them and get to know them a bit better. It's important for us to start to build a relationship with the School Board and North Yarmouth. During the 15 years that he spent on the School Board, there was very minimal interaction with the two Towns. He is hoping that tomorrow night, we can extend the hand of friendship and engage in some good conversation.

Next week, the Town Council will meet with the Lands & Conservation Commission to discuss topics that are important for the community.

Councilor Foster – She had the honor of representing the Town Council with the MSAD 51 5th graders last Friday. They were wonderful and they had great questions.

On Tuesday, November 16th from 6:30 to 7:30 p.m., two North Yarmouth businesses (New Frontiers Chiropractic and Zen Center Acupuncture) will sponsor and host a family friendly trivia night at the North Yarmouth Community Center. The event ties into the mental wellness and mental health topic of Smash the Stigma, and how they can support mental health, while being together and having fun.

We have been talking about doing a Comprehensive Plan survey. Leveraging the survey that was done 14 years ago, is really taking advantage of the unique opportunity to compare. We want to take the opportunity to put it back out to the community in pretty much its original state and do a side-by-side comparison. The first step is for the Town Council to look at the questions and rank them by order of importance and determine if they still apply. Once we have a sense of the areas that need to be updated and we can give guidance on those areas, then the appropriate committees can be formed, and work can begin on updating our Comprehensive Plan.

Chairman Vail said that we have an advantage today, as opposed to 14 years ago, with methods of reaching out to people and getting a lot more input. We're not taking the place of a Comprehensive Plan committee. The survey is a way of benchmarking how in depth we want to go. We are using this as a steppingstone.

Councilor Storey-King said that she has concerns around accessibility to do a survey. We are going to have to do a good job of reaching people who are not online.

Councilor Edes – In honor of Veterans Day, he thanked Councilors Vail and Gruber for their service to our country. He has a son serving overseas. Service is something to be proud of.

Councilor Copp – He and Councilor Gruber donated to the Food Pantry 4-H fund. This is a worthy cause that helps the 4-H kids and benefits the food pantry.

He asked the Town Manager if the bridge on Tuttle Road over 295 is replaced, will they make it wider with a walking path?

Town Manager Shane said that he asked the engineer that questions and was told that it would be wider than it is now. It will likely be a paved shoulder. That project will not go out to bid for 2-years, so we have time to give our input.

- VI. EXECUTIVE SESSION** pursuant to 1 M.R.S.A., § 405(6)(C) re: real property.
Motion by Councilor Edes, seconded by Councilor Copp, pursuant to 1 M.R.S.A., § 405(6)(C) re: real property.
VOTE: 7-0 UNANIMOUS
TIME: 8:37 P.M.

Reconvene to regular session at 8:46 P.M.

- VII. ADJOURNMENT**
Motion by Councilor Copp, seconded by Councilor Edes, to adjourn.
VOTE: 7-0 UNANIMOUS
TIME: 8:46 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary