

MINUTES

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, January 24, 2022

6:00 P.M. WORKSHOP re: Community Survey

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 Foster, to accept the January 10, 2022 meeting minutes as presented.

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

II. MANAGER'S REPORT

Covid cases throughout Town Departments seem to have subsided. During the last snowstorm, 1/3 of our snowplow operators were out sick. Thank you to Geoff Michalak and our School Department for stepping up and assisting us with plowing and keeping our roads safe.

Thank you to Nick Knight who emailed me some information on lowering our use of road salt. We have been in contact with our salt companies and will be considering the use of an alternative product next winter.

I am considering moving the February 28th Town Council meeting scheduled to be held in West Cumberland to a non-Council meeting night in March, in order to give us a little more time to get out of this latest Covid wave. I will broadcast the presentation about a commercial redevelopment plan along Route 100 from Old Gray Road to Mill Road and share a draft vision which has been seen by our TIF Committee. Then we can do a mini overview in March at the Community Hall to get some local input about the idea.

The budget is coming together well. I expect to have our first meeting on February 28th with a preview on Feb 14th when the FY'23 budget books are distributed to the Town Council.

We get our Assistant Town Manager back the end of this month. He has been on loan to the Town of North Yarmouth since August. Their new manager, Diane Barnes, will begin January 31st.

We will need to hold an Executive Session at the end of this meeting to discuss a real estate matter.

III. PUBLIC DISCUSSION

No public discussion

IV. LEGISLATION AND POLICY

22 – 006 To hold a Public Hearing to consider and act on the adoption of Chapter 86 (Medical Marijuana Registered Caregiver Licensing) to the Cumberland Code, as recommended by the Ordinance Committee.

Councilor Storey-King explained that this is our 3rd Public Hearing on this item. At the last meeting, the licensing fee was discussed, and it was decided to lower the fee to \$2,000 with a \$1,000 renewal fee. The Town Attorney is here this evening to answer any questions. She thanked the Licensed Caregivers who attended our meetings for their assistance with this ordinance.

Chairman Vail said that there will be a 90-day period for those caregivers operating in our Town to come in and fill out an application. Then Town staff will review it and make a recommendation to the Town Council for licensing approval.

Chairman Vail opened the Public Hearing.

No public comment.

Chairman Vail closed the Public Hearing.

Councilor Edes said that he would like to see the fee reduced for a short period of time in order to incentivize people to come forward and get their business licensed. He recommended 30 days.

Town Attorney, Ben McCall, said that there is nothing that prohibits the Town from reducing the fee for 30 days, but we want to be clear in the language about exactly what is allowed and why.

Motion by Councilor Storey-King, seconded by Councilor Foster, to adopt Chapter 86 (Medical Marijuana Registered Caregiver Licensing) to the Cumberland Code, as recommended by the Ordinance Committee.

VOTE: 7-0 UNANIMOUS

Motion by Councilor Edes, seconded by Councilor Gruber, to incentivize that the fee for the first 30 days will be reduced to \$1,000.00.

VOTE: 7-0 UNANIMOUS

22 – 007 To hold a Public Hearing to consider and act on amendments to the Official Cumberland Overlay Zoning Map to eliminate the Medical Caregiver Overlay Zone from the Village Center Commercial District, as recommended by the Planning Board.

Town Manager Shane said that the Planning Board voted unanimously to eliminate the Medical Caregiver Overlay Zone from the Village Center Commercial District. The overlay district will remain in the Highway Commercial and the Office Commercial South Zones. The 3 business that are currently licensed in the Village Center Commercial Zone will be grandfathered and allowed to continue to operate.

Councilor Copp asked what if one of the grandfathered businesses wants to sell their business in 5 years? Can a Medical Caregiver sell their business to another Medical Caregiver, and would the new owner be able to operate the business?

The Town Attorney said that if a current licensee (in the Village Center Commercial Zone) sells their business to another person, that person would have to apply for a new license. It is a separate question of what is allowed in regard to land use and he has to review the ordinance in order to determine what the correct answer is. One section

of the licensing ordinance talks about properties and whether they are located inside or outside of the overlay district. As it was drafted, the intent was to only allow licensed premises to exist inside the overlay district, unless they existed before the overlay district was established in 2018. He has to look at our land use ordinance and determine whether a non-conforming use can be transferred from owner to owner.

Town Manager Shane said that Ben will get the answer to the question and we may have to amend the ordinance slightly, depending on what he finds.

Chairman Vail opened the Public Hearing.

Adam Copp of 210 Gray Road said that he does not agree with creating the overlay zone, then taking it away after he built a building for a specific use. His business is in his wife's name. What if something happens to her? He doesn't have a business license in his name.

Town Manager Shane said that if Mr. Copp stopped operating as a caregiver and sold his property, he would have up to 2 years to have another caregiver take over the business. They would get a license from the Town, and they could operate in that same location as long as it's in with in the 2-year period. This is what the Town Attorney is going to research and make sure it gets added to the ordinance.

Chairman Vail closed the Public Hearing.

Motion by Councilor Copp seconded by Councilor Gruber, to amend the Official Cumberland Overlay Zoning Map to eliminate the Medical Caregiver Overlay Zone from the Village Center Commercial District, as recommended by the Planning Board.

VOTE: 7-0 UNANIMOUS

22 – 008 To repeal and rescind the Town of Cumberland Extension of Moratorium Ordinance Regarding Medical Marijuana Caregiver Uses that was adopted by the Town Council on January 10, 2022.

No public discussion.

Motion by Councilor Copp, seconded by Councilor Edes, to repeal and rescind the Town of Cumberland Extension of Moratorium Ordinance Regarding Medical Marijuana Caregiver Uses that was adopted by the Town Council on January 10, 2022.

VOTE: 7-0 UNANIMOUS

22 – 009 To forward to the Planning Board for a Public Hearing and recommendation, a Contract Zone Agreement for The Grange at Longwoods.

Town Manager Shane said that we are excited to move this project on to the next step in the process, which is to forward it to the Planning Board for a recommendation.

Chairman Vail asked for any public comment.

Chris Cabot, Executive Director of the Chebeague and Cumberland Trust, thanked the Town for the time that was put into this project and allowing them the time necessary to go through their process with the conservation easements. They are excited about this project and are working with Maine Farmland Trust on some fundraising.

Motion by Councilor Segrist, seconded by Councilor Storey-King, to forward to the Planning Board for a Public Hearing and recommendation, a Contract Zone Agreement with Synergosity, LLC for The Grange at Longwoods.
VOTE: 7-0 UNANIMOUS

22 – 010 Discussion (and possible action) re: Community Survey.

Chairman Vail explained that the Council held a workshop earlier this evening to discuss a Town wide survey. We are looking for a broad stroke response from the community. The survey replicates what we did in the last Comprehensive Plan survey, and it is intended to give the Town Council some direction.

Motion by Councilor Copp, seconded by Councilor Segrist, to accept the Community Survey as presented, and to authorize the collection of data as recommended by the Communications Committee.

VOTE: 6-1 (Storey-King opposed) MOTION PASSES

V. NEW BUSINESS

Councilor Segrist – at the last Council meeting, we very briefly talked about the development of a Senior Property Tax Deferral Pilot Program. It has been forwarded to the Town Attorney for review and the development of some ordinance language that we can hopefully review soon. Thank you to the Town Attorney and Town Staff for all their work on this.

Councilor Storey-King – since our last meeting, she has attended 2 meetings in regard to the library. One was with a small group of people who are tasked to present to the Council what has been going on at the library. They will present at one of the February Council meetings.

She voted against the community survey. One of her reasons for doing so is because she feels that the survey is an opportunity for the entire Town to give feedback on plans for the library and its future expansion. The Library Advisory Committee will be coming to the Council in February to tell us all about the changes at the library.

Councilor Gruber – the Planning Board has a new Chairman. Jason Record will replace Paul Auclair as Chairman. Paul did a great job as Chairman, thank you Paul!

Thank you to the Food Pantry volunteers. They are all remarkable.

Chairman Vail – he and the Town Manager met with the President of the Farmer's Club last week. We have been invited to meet with the entire Farmer's Club Board to discuss ways to provide food security for the community. He hopes to be able to report back some positive news.

We received a nice letter from a user of Twin Brooks. It's pleasing to hear from people who have appreciation for what that facility has to offer. If you look at all the facilities that we have in our Town, they are used a lot and they are investments that have paid dividends.

Councilor Foster – back in November, when we came together with municipal leaders from North Yarmouth and MSAD 51, one of the takeaways was to host some coffee chats to engage the community in how they can become community leaders. We've all collectively seen a lot of uncontested races, and that puts those leaders in a position where they may be ready to pass the baton, but not knowing who to pass the baton to. We are going to be doing a series at the library with different themes every week to talk about who can run for elected office, how to run, and serving on committees. More information will be advertised very soon in the Crier.

Councilor Edes – no new business.

Councilor Copp – he was absent at the last Council meeting. One of his employees tested positive for COVID and he felt that it wasn't safe to attend the meeting. He hopes that everybody takes COVID seriously. He lost a close friend to it last week. He is 62 years old and healthy. He was just reaching the point in his life where he should be able to enjoy himself and was robbed of that privilege. It's very sad.

VI. EXECUTIVE SESSION pursuant to 1 M.R.S.A., § 405(6)(C) re: real property.

Motion by Councilor Segrist, seconded by Councilor Gruber, to recess to Executive Session pursuant to 1 M.R.S.A. § 405(6)(C) re: real property.

VOTE: 7-0 UNANIMOUS

TIME: 8:22 P.M.

Reconvene to regular session at 8:44 P.M.

VII. ADJOURNMENT

Motion by Councilor Gruber, seconded by Councilor Segrist, to adjourn.

VOTE: 7-0 UNANIMOUS

TIME: 8:44 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary