

AGENDA

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, June 6, 2022

7:00 P.M. Call to Order

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

Excused: Councilor Segrist

I. CALL TO ORDER

II. APPROVAL OF MINUTES

Motion by Councilor Copp, seconded by Councilor Storey-King, to accept the May 23, 2022 meeting minutes as presented.

VOTE: 5-0 UNANIMOUS

III. MANAGER'S REPORT

Town Manager Shane introduced Police Chief Rumsey to give an update to the Town Council and the community on the multitude of projects and safety initiatives ongoing within the Police Department.

Chief Rumsey said that following the events in Uvalde, Texas, most people in the community likely have some concerns about school safety. When the report is completed on the incident there, he will be one of the first people to read it so he can learn what happened, and what can be learned to better prepare ourselves for a potential catastrophe here. He wants to let everyone know what we are doing to make sure that our school campuses can be just as safe as they can be. We do a very good job here in Cumberland of equipping our police officers with modern tools, so they have what they need to respond. He also wants everyone to know that he has the utmost confidence in our School Resource Officer, Amie Owen, and the work that she does on campus. She is quick to respond, she is nuanced in her approach in dealing with students to try to make sure that the school campus is safe, that concerns are investigated, and that the welfare and safety of all the students are considered. MSAD 51 has an active school safety committee and he pleased that Officer Owen and himself, along with Chief Small are very involved in that committee. The school does a process called Behavioral Threat Assessments, which is a violence prevention strategy that involves identifying student threats to commit a violent act, determining the seriousness of that threat, and developing intervention plans to protect potential victims and address the underlying problem or conflict that stimulated the threatening behavior. This is accomplished by a multi-disciplinary team of professionals, including school officials, and our School Resource Officer. He is excited that this fall, the school is going to be instituting an anonymous threat reporting system. Any threat to commit violence will be reported to all school administrators and members of the Police Department. His department is committed to immediately and thoroughly investigating any threat that occurs on the campus or is made outside the campus. This fall, right before school starts, we will be helping the MSAD in training every faculty and staff member in ALICE (Alert-Lockdown-Inform-Counter-Evacuate). This is an active assailant response system that gives folks on campus some options on how to respond if there is an active assailant in the school. He wants the community to know that his department will take the proper action if it were ever required. He wrote a letter and he is very pleased that it was signed by every single member of the Cumberland Police Department, which he read:

Dear Members of the MSAD #51 Community:

We, the undersigned members of the Cumberland Police Department, grieve with you over the recent tragedy in Uvalde, Texas. We appreciate the anxiety and concern that you may be feeling as you send your children, our most precious community members, to school. Perhaps you wonder if your police department is trained, equipped, prepared, and resolved to defeat an active assailant on our campus.

Most of us are parents. Many of us are siblings. All of us were once children and students. We know in our hearts that if we had experienced the terror of an armed intruder intent on harming us, our teachers, and our classmates, we would have hoped for one thing: a brave, unflinching, uniformed police officer to rush in and save us.

We are united and unwavering in our commitment to take any measure necessary, including the sacrifice of our lives, to protect your children and your children's teachers. We are trained to respond immediately and to move decisively toward any threat. We are prepared to neutralize any such threat using physical force, including lethal force. We are equipped with modern tools to make entry into any school, even if it has been barricaded to deny us entry. We have trained, and will continue to train, with our public safety partners at the Cumberland Fire Department to assist with the delivery of lifesaving treatments to injured students, faculty, and staff during an incident.

News of mass casualty incidents around the nation rightfully spark fear and uncertainty in parents, faculty, staff, and even students. Please know that for us, these concerns are ever-present. We are proud of the collaborative and proactive relationship we maintain with MSAD 51 administration regarding school safety and pre-incident planning. We consider how and where we will enter buildings in an emergency and ensure our equipment is accessible and in working order.

In the coming months, we will seek to learn any lessons available from Texas. We will continue training, planning, and preparing. We will enhance, at any opportunity, our skills and equipment. The solemn vow we make to you today will never change: we pledge that without hesitation, we will act.

Very Respectfully,

*Amie Owen
School Resource Officer*

*Antonio Ridge
Sergeant*

*Scott Hendee
Sergeant*

*Jacob Lachance
Sergeant*

*Benjamin Burnes
Detective*

*Matthew Merriman
Patrol Officer*

*Joseph Burke
Patrol Officer*

*Ryan Pynchon
Patrol Officer*

*Nicholas D'Ascanio
Patrol Officer*

*Christopher Schofield
Patrol Officer*

*Charles Rumsey
Chief of Police*

Town Manager Shane gave an update on the Rail & Trail project. The next meeting will be to ride the route to look at the challenging areas.

- Not all sections will make sense
- Any trail only option will only be temporary and may revert back to a rail in the future
- Consultant is working on economic impacts and design of cross sections

- Abutter issues are still a concern, especially since the local public meetings don't happen until the end of the process
- Lots of trail advocates – not many rail proponents

The Tuttle Road bridge project is very much in the preliminary stages, but the Bucknam and Johnson Road projects have gone out to bid. A lot of coordination between the Towns from a public safety standpoint will be ongoing. He has asked the Maine Department of Transportation to make sure the bridge has adequate shoulders and a sidewalk on the southern end of the bridge.

The Cumberland Farmer's Club had their 150th Celebration at the Fairgrounds this past weekend. He was honored to congratulate the Farmer's Club on behalf of the Town Council. It was a great event and Representative Steve Moriarty provided a Legislative sentiment from our state leadership.

We were supposed to have a presentation from the Historical Society this evening regarding their scavenger hunt, but it will need to be rescheduled for some time later this summer. Judy Gagnon couldn't be here tonight, and it is important to have Judy and Deb Dugas available to present. They have done so much with this program.

Councilor Foster read the joint comment that is being submitted to the Public Utilities Commission from Cumberland, Falmouth, and Yarmouth in regard to the Summit Natural Gas rate increase: *The Towns of Cumberland, Falmouth, and Yarmouth (collectively the "Towns") submit the following Joint Comment in response to Summit Natural Gas of Maine, Inc.'s ("Summit") Petition for an Alternative Rate Plan (the "ARP") and the Commission's April 20, 2022 Procedural Order Directing Filing of Comments.*

Residential gas customers within Cumberland, Falmouth, and Yarmouth collectively account for over half of Summit's total customer base. As such, any increase in Summit's rate will disproportionately affect the Towns' citizens and is thus of great concern to the Towns.

Specifically, Summit's ARP proposes a sixteen percent increase in residential rates in Year 1 and then requests an allowance for additional annual increases of up to fifteen percent in Years 2-7. If approved and fully utilized, a typical residential gas customer in Cumberland, Falmouth, or Yarmouth could see their monthly gas bill triple over the next seven years.

A substantial increase in the cost of a basic utility – that provides for heating, cooking, and the production of hot water – will have an undoubtedly negative effect on all residents, especially those who are living on fixed incomes, and particularly when coupled with the current upward trajectory of the cost of other basic goods and services.

The Towns do not dispute that Summit is entitled to a reasonable return on its investment in the infrastructure that provides this service, consistent with appropriate accounting principles used by the Commission across all rate cases. The Towns are also interested in seeing Summit remain a viable service provider within these communities. However, ratepayers should not be held captive to rate increases that are largely necessitated by Summit's miscalculation of the cost and rate of return on its substantial infrastructure buildout over the past decade. Many of these ratepayers have already spent thousands of dollars to convert their homes from oil to natural gas, and now will have no other option than to shoulder the brunt of this proposed rate increase to offset this miscalculation. The impact of the ARP on customers within the Towns and in other territories served by Summit necessitates both careful review and substantial scrutiny of the ARP by the Commission.

Respectfully submitted,

*Alyssa C. Tibbetts, Esq.
Benjamin T. McCall, Esq.*

*Attorneys for the Towns of Cumberland, Falmouth and Yarmouth
Jensen Baird
Ten Free Street
P.O. Box 4510
Portland, ME 04112*

Chairman Vail shared that Councilor Segrist is absent this evening. He and his wife welcomed their new daughter, Ingrid Winter. Best wishes to the Segrist family.

IV. PUBLIC DISCUSSION

Teri Maloney-Kelly of Maloney's Ridge Way congratulated Deb Dugas and Judy Gagnon on their successful scavenger hunt for the Historical Society. This year, they included some living treasures within our Town, which included her father, Bob Maloney, Glen Hutchins and Carolyn Small. Since she was the photographer at her location, she had the pleasure of watching the teams come to her dad's house. This was a wonderful event to see the community participate in.

Thank you to all the folks in Town who help put on the Memorial Day parade. It was fabulous to have it back and Chairman Vail's speech was heartfelt and very touching.

V. LEGISLATION AND POLICY

22 – 068 To hold a Public Hearing to consider and act on a Consent Order with Randall and Elvin Copp for property located at Map R007/Lot 57C, Pointer Way.

Councilor Copp recused himself from this item and stepped off the dais.

Chairman Vail explained that this was discussed at the last meeting and there were two amendments made to the Consent Order that was presented that evening. An agreement has been reached between Mr. Copp and the Town to mitigate the damage that was done on the property and bring it into conformance with our zoning.

Town Manager Shane said that the amendments to the order from the last meeting were on items 6 and 15. Specifically, it now reads "the work shall commence no later than May 1, 2023" and "the terms of the Consent Order do not constitute a certificate of occupancy for the single-family home currently existing on the property".

Chairman Vail opened the Public Hearing.

Public comment: Teri Maloney-Kelly, Maloney's Ridge Way, said that she is a property owner adjacent to the property owned by Randy Copp. She read the following:

Do you remember what you were doing on October 11, 2010? Perhaps not because that was 11 years, 7 months and 26 days ago. It was the first time I came before the elected leadership of my town asking for help and protection in our neighborhood for what was then and throughout the 8 years of operation, an illegal gravel extraction business. My request also included reviewing the ordinance that allows water extraction

and storage. These industrial operations were allowed in residential zones affecting 80% of our citizens. Not only were our natural resources under attack but our daily lives were being bombarded with the effects that this type of operation brings with it.

This was the beginning of many years of noise, lost sleep, environmental violations, daily destruction of our public roadways from the illegal loaded dump trucks, thousands of hours of wasted time, resources and taxpayer monies spent by our Town officials and employees monitoring and negotiating with Mr. Copp and fielding complaints from citizens whose quality of life was being invaded 7 days a week at any given time of the day.

The Town Council at that time decided to make amendments to the ordinance to remove water extraction and storage. However, they declined to take action on the residential gravel extraction ordinance. We formed a citizens group, gathered signatures and put a referendum question on the June 14, 2011 ballot to remove gravel extraction from residential zones. The citizens of this Town made their voices heard and 63% approved the gravel ordinance change. Although we thought that would put an end to the industrial operation next door, it did not.

The next 5-7 years were a daily test of acceptance because of the violation of the quality of life in our neighborhood. One would think you would become accustomed to the house shaking, the dust flying in the air, the loud sounds from the equipment, the dump trucks beeping and banging their tailgates, equipment being left in the "reverse" gear putting out the backup beeps for up to an hour or more at a time, having to keep the windows closed during the summer to soften the noise, finding alternative sleeping arrangements when family members were on night shift and having to sleep during the day, having to move outdoor outings inside because of the noise, lastly and the hardest for me to deal with was when my husband would have to wear earplugs while trying to rest during the summer of 2016 while battling cancer. There was no getting away from it. In addition, the illegal operation gave a black eye to the earth extraction business as well as the large, long standing Copp Family even though many were opposed to what was going on.

The upsides were few but worth mentioning. I became active in the business of the Town. Through that journey I have met many wonderful neighbors, old and new. I watched our town become something I never would have imagined in less than 10 years. We are now the wealthiest per capital town in Maine and growing every day. Our school system is one of the best and folks are flocking to partake of the benefits. Anyone wanting to sell their home is living the dream. Our ordinances have been actively reviewed and revamped. New citizens have been elected to Town Council to help Cumberland navigate its new status. Our new times have put a higher degree of importance on the residential quality of life for our citizens.

What remained the same throughout the past 11+ years is that our Town Manager Bill Shane, Code Enforcement Officer Bill Longley and all the staff at Town hall have respected us, advocated, fought, listened, and put in long hours defending our neighborhood and our right to a quality of life. A thank you is hardly adequate for the support and trust given and taken during the years.

It has been 4,265 days since I came asking for help. Today I ask that you approve the proposed Consent Agreement with Mr. Copp. It is time that Mr. Copp is made to comply with all of the rules and regulations that any other residential citizen has to comply with. There is nothing special about him. By consenting to this Agreement it demonstrates support for all of the dedication put forth by our Town staff over this long period of time. Lastly, it will signal a new era for our neighborhood, one that will bring us in line with my fellow citizens throughout Cumberland.

Chairman Vail closed the Public Hearing.

Chairman Vail said that it is unfortunate that so much time has elapsed. It is unfortunate that people live in a community and don't respect the desires of the majority.

Motion by Councilor Storey-King, seconded by Councilor Foster, to approve and authorize for submission to the Maine Superior Court a proposed Consent Judgment in litigation pertaining to the property of Randall E. Copp and Elvin Copp, located on Pointer Way (Map R07, Lot 57C).

VOTE: 4-0-1 (Copp abstained) MOTION PASSES

22 – 069 To hold a Public Hearing to consider and act on approval of annual Victualer's Licenses for non-profit organizations for the period of July 1, 2022 – June 30, 2023.

Chairman Vail explained that this is an annual approval for non-profit organizations.

Councilor Storey-King said that we do not have applications for any of the sports organizations. She emailed the Athletic Director and requested that he contact the booster organizations and ask them to get their applications into the Town Clerk. She proposed that we accept the Victualer's Licenses for the organizations that have submitted their application.

Town Manager Shane that he is happy bring the booster club's licenses back at a future date.

Chairman Vail said that the licenses to be approved this evening are for the Lion's Club, West Cumberland United Methodist Church, Cumberland County 4-H Leaders Association, Cumberland/North Yarmouth Little League, North Yarmouth Congregational Church Men's Club, and Tuttle Road Community Church.

Chairman Vail opened the Public Hearing.

Public comment: none

Chairman Vail closed the Public Hearing.

Motion by Councilor Storey-King, seconded by Councilor Foster, to approve the annual Victualer's Licenses for the following non-profit organizations for the period of July 1, 2022 – June 30, 2023: the Cumberland/North Yarmouth Lion's Club, West Cumberland United Methodist Church, Cumberland County 4-H Leaders Association, Cumberland/North Yarmouth Little League, North Yarmouth Congregational Church Men's Club, and Tuttle Road Community Church.

VOTE: 5-0 UNANIMOUS

22 – 070 To consider and act on the formation of a Housing Task Force to be appointed by the Town Council to provide recommendations on ways to facilitate the development of affordable housing in the community.

Chairman Vail said that the Town Council has held two workshops on this item, received input from the Greater Portland Council of Government, we have had conversations with the leaders of our church's, and community members. We want to form a task force made up of community members to look at the issues of what the needs of the Town are, specifically around affordable, senior, multi-generational, asylum seekers, etc. The committee will be charged with reporting back to the Town Council within 6-months to make a recommendation. He would like to see an application process with 7-10 people appointed.

Chairman Vail asked for any public comment.

Teri Maloney-Kelly of Maloney's Ridge Way said that she is happy to hear that we are moving forward on this, and she hopes that the task force will be a diverse group of younger and older residents.

Reverend Allison Smith, of the Congregational Church, thanked the Town Council for their thoughtful discussion on this item at their last meeting. This is so vital, and it is a need across the entire state. We have the capacity to be creative and try to find solutions here that will benefit the well-being of all people. She urged the Council to be mindful of the violence happening to the people of Ukraine and think about how communities can rally and use resources well, and welcome others and provide for those within the community. She is excited about the possibilities.

Councilor Storey-King said that she has thought a lot about this and asked how many of us have spare bedrooms in their homes. As a society, we don't have a housing shortage, we have enough bedrooms for people. We don't have the culture to provide for all the people in need. Just something to think about.

Councilor Edes said that he was not supportive of this at first, but just needed more information. His first concern is for our seniors and for them to be able to stay in Cumberland.

Councilor Foster said that she continues to be wowed by the talent and the experience within our Town citizenry. She is excited to see who raises their hand to be part of this, and the creative solutions and ideas that come out of it.

Councilor Copp said that he agrees with Councilor Foster, and he knows that a lot of good will come out of this task force.

Motion by Councilor Storey-King, seconded by Councilor Edes, to approve the formation of a Housing Task Force to be appointed by the Town Council to provide recommendations on ways to facilitate the development of affordable housing in the community.
VOTE: 5-0 UNANIMOUS

22 – 071 To authorize the Town Manager to accept payment for delinquent FY'19 and a portion of FY'20 taxes in the amount of \$12,893.25 on property identified as Map R03/Lot 39B.

Town Manager Shane explained that the property owner will be working to pay all the taxes due and the lien on the property will not be released until all the taxes and fees are paid in full.

Chairman Vail asked for public comment.
No public comment.

Motion by Councilor Edes, seconded by Councilor Copp, to authorize the Town Manager to accept payment for delinquent FY'19 and a portion of FY'20 taxes in the amount of \$12,893.25 on property identified as Map R03/Lot 39B.

Further, I authorize the Town Manager to execute a release deed upon receipt of all taxes and fees due on the property.
VOTE: 5-0 UNANIMOUS

VI. NEW BUSINESS

Councilor Storey-King – Congratulations to the Segrist family on the new addition to their family.

She was unable to attend the rail use corridor meeting on Zoom, so she requested that a copy be sent to her. She has still not received it and asked the Manager if he could assist with getting this.

She asked the Manager to look at the Middle and Tuttle Road intersection. The intersection is broad, and people take the turn onto Middle very fast. It is very dangerous. Her elderly aunt walks the road and is concerned for her safety.

She attended the celebration for the Farmer's Club 150th birthday this past weekend. It was a fun event and the Farmer's Club is more than just the Cumberland Fair. They hold many great community events at the fairgrounds. They do a great job.

Congratulations to the Greely seniors who graduated yesterday. A special shout out to Mathew Gilbert who is one of the top 10 seniors to watch. He will be attending Cornell on a full scholarship and his goal is to become a priest. She has known Matthew since he was a little boy, and she is so excited for him.

We had a farewell celebration for Tom Gruber, who decided to step down from the Town Council. She reminded people who may be interested in filling the vacancy to apply by this Friday.

Councilor Foster – She almost witnessed a cyclist being struck by a vehicle at the Greely Road rail crossing. The signs that read "bicycles can use the entire lane" is at the top of the hill. As cars come up the hill, they cannot see that a cyclist is in the lane ahead. The sign may have to be moved to alert drivers sooner.

She has started going through the survey data and hopes that it will be completed and can be reviewed with the entire Council in a workshop soon. Some highlights include:

- The top words to describe what Cumberland means to you included: community, home, safe, and family.
- The demographic mix of respondents are very similar to our last survey, but a higher number of females responded this time.

Councilor Edes – Condolences to the people of Uvalde, Texas. Our hearts are with them.

Our deepest sympathies to the Flanigan family on Bruce Flanigan's passing. Bruce retired from the State Police almost 20 years ago. He was very active in the Farmer's Club.

Congratulations to the Segrist family on the arrival of their new daughter, Ingrid.

Councilor Copp – Congratulations to the Segrist family.

He attended the Memorial Day parade. It was a very well attended and Chairman Vail's speech was phenomenal.

Condolences to the Flanigan family. Bruce was a very good guy.

He made his donation to the 4-H food pantry fund and urged everyone to give to this worthy cause. Councilor Edes informed him that he will be donating his Town Council pay to the fund going forward. Thank you, Mike.

Chairman Vail – in regard to the recent school shooting in Texas, he thought about his own experience growing up in this community and what it meant to own a gun to go hunting, and the exercise of that privilege. That privilege was extended by his father and began and ended there. He had the opportunity to take a hunter safety course at Greely High School when he was a kid, which was required by his father. In the service, he carried a sidearm that he had to qualify with every year that he was on active duty. He has listened to the conversations on gun reform to prevent any more of these travesties, and as a group of community leaders, he thinks that we should set an example of what it means to have the responsibility of owning a firearm. As he said to a friend recently, nothing is more important than mentoring young people.

VII. EXECUTIVE SESSION pursuant to 1 M.R.S.A., § 405(6)(A) re: Town Managers evaluation.
Motion by Councilor Copp, seconded by Councilor Storey-King, to recess to Executive Session pursuant to 1 M.R.S.A., § 405(6)(A) re: Town Managers evaluation.

VOTE: 5-0 UNANIMOUS

TIME: 8:24 P.M.

Reconvene to regular session at 9:14 P.M.

VIII. ADJOURNMENT

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

VOTE: 5-0 UNANIMOUS

TIME: 9:14 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary