

MINUTES

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, August 22, 2022

6:00 P.M. Workshop with the Lands & Conservation Commission re: Forest Management Plan

7:00 P.M. Call to Order

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

Excused: Councilor Filson

I. APPROVAL OF MINUTES

Motion by Councilor Copp, seconded by Councilor Vail, to accept the August 8, 2022 meeting minutes as presented.

VOTE: 6-0 UNANIMOUS

II. MANAGER'S REPORT

Police Chief Rumsey introduced new Police Officer, Eric Bell. Eric joined our department on Monday, August 15th and is currently in a short Field Training Program to familiarize him with our town and department operations. Officer Bell is a veteran of the United States Army, having served as a Combat Medical Specialist for 6 years before embarking on his law enforcement professional journey. Officer Bell is an experienced officer with over 19 years of full-time experience, having served most recently with the Auburn Police Department for nearly 18 years. During his time at Auburn, Eric served as a Patrol Officer, School Resource Officer, Field Training Officer, Corporal, and as a Detective. During his 6 years as a Detective, Eric received specialized training from the United States Secret Service on the forensic examination of computers and cell phones in furtherance of investigations into child abuse and human trafficking. He brings with him a wealth of knowledge and experience and is as excited to be a member of our department as we are to have him here. Deputy Town Clerk, Abbey Lombard administered the oath of office to Officer Bell.

Councilor Storey-King reported the following on the Rail to Trail meetings:

Rail Trail July 28 meeting report out

Cost estimates Portland to Lewiston/Auburn:

Freight (low service)	\$13,000,000
Freight (high service)	\$31,000,000
Passenger (2018 estimate)	\$274,000,000
Trail until rail-gravel	\$47,500,000
Trail until rail-paved	\$55,000,000
Rail with trail-gravel	\$90,000,000
Rail with trail-paved	\$94,000,000

FMI: <https://www.maine.gov/mdot/ofps/ruac/parac/index.shtml>

Key take-aways:

- Frustrating: again, the number of participants and public feedback that think is a good idea without looking at the big picture; still the “done deal” feel.
- Misrepresentation on community support by Dick Woodbury.
- Compelling testimony from Bangor City Councilor on the need for Southern Maine to support Northern Maine in rail development: “Don’t cut us off.”
- My best recommendation for the Rail Use Advisory Council would be to give no advice to the DOT.

Bruce Sherwin of Blanchard Road asked if municipalities would have to contribute to the cost.

Chairman Foster said that the slide above is the full cost of implementation to construct. Where that cost sits has not yet been established.

Mr. Sherwin said that there hasn’t been any information regarding the economic benefit of this project.

Town Manager Shane said that information is coming out next month.

Mr. Sherwin said that whenever pathways are built, it is usually for an economic reason. He sees no economic reason for a trail or bike trail to be put through Cumberland. There is no access and no commercial businesses to go to.

III. PUBLIC DISCUSSION

No public discussion

IV. LEGISLATION AND POLICY

22 – 103 To hold a Public Hearing to consider proposed amendments to Article II (Town Council), Section 5 (Induction of Council into office) of the Town Charter.

PROPOSED AMENDMENT

Article II, Section 5

The Council shall meet at the municipal building on the ~~first~~ second Monday of July following the regular town election in June, and at said meeting Councilors elect shall be sworn to the faithful discharge of their duties by a Notary Public or by the Town Clerk.

Chairman Foster said that the Ordinance Committee has reviewed this at the recommendation of Councilor Vail. According to the current Town Charter, an election takes place on a Tuesday and Councilors are sworn in the following Monday.

Councilor Vail added that when he was elected to his first term, he assumed that he would not start until July 1st. That was not the case. It was the very next Monday. He feels that this timing is a little awkward and his proposal is a little more of a smooth transition because there is still a second meeting in June, prior to the first meeting in July. There are a lot of issues that are moving parts throughout the year that Councilors may be involved with, so those people who are stepping down would have the opportunity finalize their service, and it would give those who are still on the Council to recognize their service.

Councilor Storey-King said that if someone is thinking about running for office, she would love to see them attending Town Council meetings.

Chairman Foster opened the Public Hearing.

Bruce Sherwin of Blanchard Road suggested changing the wording to say the first Council meeting in July and not pinning it to a day or specific week. A meeting could take place before that if something comes up that needs to be acted on and it would give the flexibility to change the day if need be.

Bill Stiles of Range Road said that if something is not broken, why fix it? When the election is over and you are out of office, you cease to represent the Town Council at that point. Secondly, if someone is interested in running for Town Council, they should come to meetings, as Councilor Storey-King said. Trying to align with another community or the School Board is ridiculous. If anything, the School Board should align with us. He is strictly against this.

Councilor Vail responded that we are not doing this because of North Yarmouth or the School Board meeting schedule. We are doing it, in his opinion, simply to make a smoother transition.

Councilor Segrist said hypothetically, if there were three seats up for re-election and all three currently sitting Councilors lose those seats in the election, and they show up at the next meeting and vote on an item to pass something, the legal question would be, did they have the authority to vote on that particular issue? Are they still technically an acting Councilor?

Town Manager Shane said that until there is somebody that replaces you, you are still a Town Councilor.

Councilor Segrist said that we would need to define what replacement means.

Councilor Storey-King said that if a Town Councilor is not seeking re-election and nobody runs against them, then a handful of people wrote them in on the ballot, they would still continue as a Town Councilor until they resign. At that time the Town Council would appointment someone to fill their seat. This is the way she understands it to be.

George Turner of Carriage Road said that he spent 22 years on the Appeals Board and 16 years on the Town Council. He feels that when the people vote, and they vote you out as a Town Councilor, you should be out as of when the votes are tabulated. From the standpoint of the people who elected the person who won, they would probably like to see them have authority from the time that the election actually took place and not have the person who they voted out sticking around for 3 weeks with any authority.

Bruce Sherwin of Blanchard Road asked if the Charter defined what a term of a Town Councilor is.

Town Manager Shane said that the current Charter says: *The Council shall meet at the municipal building on the Monday following the regular town election, and at said meeting Councilors elect shall be sworn to the faithful discharge of their duties by a Notary Public or by the Town Clerk.* This basically does define the term and says that you are a Councilor until the next person is sworn in. This has always been the Monday following the election and the first item on that agenda is to swear in newly elected Town Councilors.

Dave Noonan of Meadow Lane asked if that person that just got elected got sworn in on that following Monday, do they have the ability right then to cast their vote?

Town Manger Shane responded that they do.

Councilor Vail said that this is not the hill to die on, but he still thinks that the term should be from July 1st to July 1st, but either way it is not a big deal. He will vote in favor of it.

Motion by Councilor Vail, seconded by Councilor Storey-King, to approve the proposed amendments to Article II (Town Council), Section 5 (Induction of Council into office) of the Town Charter.

VOTE: 1-5 (Copp, Foster, Segrist, Edes, and Storey-King opposed) MOTION FAILS

22 – 104 To consider and act on placing the proposed amendments to Article II (Town Council), Section 5 (Induction of Council into office) of the Town Charter on the ballot for the November 8, 2022 election.

Motion by Councilor Storey-King, seconded by Councilor Edes, to table.

VOTE: 6-0 UNANIMOUS

22 – 105 To authorize the issuance of Senior Property Tax Assistance Program payments.

Chairman Foster said that we had 180 residents qualify for the Senior Property Assistance Program. They will be receiving a refund check to apply to their FY23 property taxes. The refunds totaled \$95,395.

Chairman Foster asked for any public comment.

No public comment.

Motion by Councilor Storey-King, seconded by Councilor Copp, to authorize the issuance of Senior Property Tax Assistance Program payments.

VOTE: 6-0 UNANIMOUS

22 – 106 To hold a Public Hearing to consider and act on a Mass Gathering permit for Binnie Media's Fall Ultimate Yard Sale to be held on September 10th from 9:00 a.m. to 3:00 p.m. at the Cumberland Fairgrounds.

Chairman Foster opened the Public Hearing.

No public discussion.

Chairman Foster closed the Public Hearing.

Motion by Councilor Edes, seconded by Councilor Copp, to approve the Mass Gathering permit for Binnie Media's Fall Ultimate Yard Sale to be held on September 10th from 9:00 a.m. to 3:00 p.m. at the Cumberland Fairgrounds.

VOTE: 6-0 UNANIMOUS

22 – 107 To hold a Public Hearing to consider and act on a Mass Gathering permit for the Maine Principals Association South Regional Cross Country Championships to be held at Twin Brook Recreational Facility on October 22nd from 8:30 a.m. to 3:30 p.m.

Chairman Foster opened the Public Hearing.

No public discussion.

Chairman Foster closed the Public Hearing.

Councilor Storey-King asked the Town Manager is there is any sort of user fee paid by the Maine Principals Association for the use of Twin Brook. She has concerns about Twin Brook being used for free.

Town Manager Shane said that we did not get a payment for use of the facility, but he will speak to the Recreation Director and look at getting back to a use fee for next year.

Motion by Councilor Segrist, seconded by Councilor Edes, to approve the Mass Gathering permit for the Maine Principals Association South Regional Cross Country Championships to be held at Twin Brook Recreational Facility on October 22nd from 8:30 a.m. to 3:30 p.m.

VOTE: 5-1 (Storey-King opposed) MOTION PASSES

22 – 108 To hold a Public Hearing to consider and act on a Mass Gathering permit for the Maine Principals Association State Cross Country Championships to be held at Twin Brook Recreational Facility on October 29th from 8:30 a.m. to 3:30 p.m.

Chairman Foster opened the Public Hearing.

No public discussion.

Chairman Foster closed the Public Hearing.

Councilor Storey-King said that she has the same concerns as with the previous item.

Motion by Councilor Segrist, seconded by Councilor Vail, to approve the Mass Gathering permit for the Maine Principals Association State Cross Country Championships to be held at Twin Brook Recreational Facility on October 29th from 8:30 a.m. to 3:30 p.m.

VOTE: 6-0 UNANIMOUS

22 – 109 To hold a Public Hearing to consider and act on amendments to Chapter 315 (Zoning), Article VI (General Regulations), Section 63 (Signs) of the Cumberland Code, to ensure consistency with State guidelines for temporary, off-premise, non-commercial signs, as recommended by the Planning Board.

Councilor Storey-King said that this is the politically correct definition of campaign signs or any other types of signs advertising an event.

Chairman Foster added that it is clarifying that it is six weeks in the first six months of the year and six weeks in the second six months of the year, and not a cumulative 12 weeks.

Chairman Foster opened the Public Hearing.

No public discussion.

Chairman Foster closed the Public Hearing.

Motion by Councilor Copp, seconded by Councilor Storey-King, to amend Chapter 315 (Zoning), Article VI (General Regulations), Section 63 (Signs) of the Cumberland Code, to ensure consistency with State guidelines for temporary, off-premise, non-commercial signs, as recommended by the Planning Board.

VOTE: 6-0 UNANIMOUS

22 – 110 To consider and act on setting the following household waste disposal events:

- **Confidential Shredding, Saturday, October 1st from 9:00 a.m. to 1:00 p.m.**
- **Universal Waste Collection, Saturday, October 8th from 9:00 a.m. to 1:00 p.m.**
- **Bulky Item Pick-up Week, October 10th through 14th**

Chairman Foster asked for any public comment.

No public comment.

Councilor Copp said that he has been asked by a couple of people if business are allowed to use the shredding service.

Town Manager Shane said that the intent is for households to use the service, not businesses due to the volume of materials that business could have.

Motion by Councilor Storey-King, seconded by Councilor Edes, to approve the following household waste disposal events: Confidential Shredding, Saturday, October 1st from 9:00 a.m. to 1:00 p.m., Universal Waste Collection, Saturday, October 8th from 9:00 a.m. to 1:00 p.m., and Bulky Item Pick-up Week, October 10th through 14th.

VOTE: 6-0 UNANIMOUS

22 – 111 To set a Public Hearing date of September 12th to consider and act on amendments to Chapter 78 (Explosives) of the Cumberland Code, as recommended by the Ordinance Committee.

Councilor Storey-King explained that most of the work that the Ordinance Committee did on this was updating definitions and putting the burden of notification on to the blasting company. Also, extending the radius of the notification requirement.

Councilor Vail added that the blasting companies were under no obligation to share the pre-blast surveys with anybody. In the past, they only had to say that they did the survey. Now they have to share the pre and post-blast surveys with the Code Enforcement Officer.

Chairman Foster asked for any public comment.

No public comment.

Motion by Councilor Copp, seconded by Councilor Vail, to set a Public Hearing date of September 12th to consider and act on amendments to Chapter 78 (Explosives) of the Cumberland Code, as recommended by the Ordinance Committee.

VOTE: 6-0 UNANIMOUS

22 – 112 To authorize the Town Manager to accept payment for delinquent FY'19 taxes in the amount of \$600.00 on property identified as Map U19/Lot 18.

Chairman Foster asked for any public comment.

No public comment.

Motion by Councilor Copp, seconded by Councilor Vail, to authorize the Town Manager to accept payment for delinquent FY'19 taxes in the amount of \$600.00 on property identified as Map U19/Lot 18.

VOTE: 6-0 UNANIMOUS

V. **NEW BUSINESS**

Councilor Copp – he (and his friend Dean) donated \$20 (as they both do at every Council meeting) to the 4-H Food Pantry Fund. This is a very worthy cause and he encouraged others to donate.

Councilor Vail – he liked the Cumberland items that the Bicentennial Committee sold and suggested having some stock of Cumberland swag to sell at Town Hall and/or the Library.

Councilor Storey-King said that the Cumberland Historical Society offers these types of items.

Councilor Segrist – he and Councilor Vail have been sitting in meetings with the Cumberland Affordable Housing Task Force Committee, and it is a great group of very dedicated folks who are very knowledgeable in their own areas. Thank you to the volunteers and public servants here in Cumberland who come to meetings week after week and do the good work they do.

Councilor Edes – he spoke to the President of the Auburn Police Union, who said that our new Police Officer, Eric Bell, is a great, level-headed guy and a great hire for Cumberland. It was a huge loss for Auburn.

Councilor Storey-King – the Ordinance Committee has been meeting regularly and have a lot of items to cover on their agenda. One of the important items that they are working on is setbacks in the Village Center Commercial Zone on Route 100. After much discussion, we have sent a request to the Planning Board to review a change in the setback requirements from 45 feet to 25 feet in order to allow a development to put parking in the back or side of their building. The Town Manager has some depictions of what this would look like, and she suggested that the Town Councilors who are not on the Ordinance Committee take a look and be thinking about this change.

The Lands & Conservation Commission has requested through the Ordinance Committee, a definition of prime farmland. The committee started looking at the definitions that are out there and discovered that the federal government is notoriously vague on their definition, so we are working with the Town Attorney on this.

Another item that will be coming forward is the addition of telecommunication towers. Our police chief received a \$20,000 grant to look at telecommunication for our public safety departments. The Ordinance Committee is just beginning discussions on this.

Other items that the Ordinance Committee will be discussing are erosion and sedimentation control, impact fees, site plan and subdivision regarding foundation elevation and foot drains, and the Murray Policy regarding taxes.

Chairman Foster – some meetings coming up in September are:

- September 12th at 6:00 p.m. Town Council Workshop with Aaron Bateman of Phoenix Management re: Senior Housing on Drowne Road.
- September 13th at 6:00 p.m. meeting with Cumberland Town Council, North Yarmouth Selectboard and MSAD 51 School Board.
- September 15th at 7:00 p.m. Meet the Candidates. This may be cancelled due to some of the candidates having prior commitments that evening.
- October 26th at 6:00 p.m. Town Council Workshop with Planning Board and Town Attorney re: LD2003.

The Communications Committee met last week, and one of items that they talked about was the fact that the farmer's market really seems to thin out in the summer so we would like to bring back the elected leaders attending the farmer's market to speak to people. The farmer's market runs until the end of October and there is a lot happening in our community and she hopes that her fellow Town Councilors will consider signing up.

VI. ADJOURNMENT

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

VOTE: 6-0 UNANIMOUS

TIME: 8:31 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary