

Audio was not working for this meeting. These minutes capture mainly motions and only a portion of some of the discussions. There is no audio recording of this meeting.

MINUTES

Cumberland Town Council Meeting
Town Council Chambers

MONDAY, September 12, 2022

5:45 P.M. Finance Committee Meeting

6:00 P.M. Workshop with Phoenix Management re: Drowne Road Senior Housing

7:11 P.M. Call to Order

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

I. APPROVAL OF MINUTES

Motion by Councilor Vail seconded by Councilor Copp, to accept the August 22, 2022 meeting minutes as presented.

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

II. MANAGER'S REPORT

Town Manager Shane said that he will not be present for the September 26th Town Council meeting, as he will be on vacation. Assistant Town Manager, Chris Bolduc will attend in his place.

III. PUBLIC DISCUSSION

None

IV. LEGISLATION AND POLICY

22 – 113 To hear a report from the Lands & Conservation Commission re: Twin Brook Forestry Plan and to consider and act on their recommendation.

Chairman Foster said that at their last meeting, the Town Council held a workshop and discussed this item. She invited Gordon Lichter, Chairman of the Lands and Conservation Commission Forestry Subcommittee to give a summary on this item.

Mr. Lichter said that the current Twin Brook Forest Management plan was written before the adoption of the Guiding Principles and before the subcommittee's renewed emphasis on combating invasives to maintain the health of our town-owned forests. It is important to bring the plan up to date and consistent with the other existing plans so that we work from a single underpinning philosophy. Additionally, and as Paul Larrivee's (Cumberland's Town Forester) letter states, continuing the harvest in Twin Brook will open the canopy, which benefits the invasives and would allow them to spread further. The larger the infestation, the more effort and expense it will require to remediate in the future. The Forestry Subcommittee requests that any further harvest in Twin Brook be postponed until a new forest management plan and an invasive plant control plan are completed. As part of the forest management plan, Paul will inventory the forest, including where invasives appear, and make recommendations to maximize the health and value of the land. At that time, and based on the information in both plans, we would not recommend the idea of further harvesting in Twin Brook.

Chairman Foster asked for any public comment.

Jeff Storey entered the letter below for the record:

After attending the workshop on August 22nd, I have realized a lot of topics were not discussed. I have heard the concern of invasive species and I agree with them. Invasive species are here and are not going away. No one is interested in an invasive species in our town as it threatens agriculture, recreation, and property values. I am in agreement with the Forestry Committee that a reassessment of our Town's recreation and forestry practices, in conjunction with an invasive species management plan, is necessary and the town-owned lands and the private land-owners will benefit from such a plan. By continuing to work with the town, I hope to gather resources to battle invasives on the private lands as well as offer my resources to help if needed.

I propose a plan for winter of 2022/2023:

- 1. A meeting with Bill Shane, Paul Larrivee, and myself.*
- 2. The Council instructs the Forestry sub-committee and Paul Larrivee to design a new Twin Brook Management Plan that includes an Invasive Species Management plan and have it ready for November 2022 approval.*
- 3. Council renews their contract with Jeff Storey until 2028; that the contract be written in last years' contract language; that allows some work in area 1; that includes starting cutting in the South East corner of Area 4 and harvest from Farm's Edge Way.*

I would like to remind the Council of the advantages offered by my operations and forest management practices. In 2016, when I came to the Council, you had a plan to harvest Twin Brooks. I agreed to manage the harvest with my small, operational abilities. The Council has had no complaints of safety issues, property damage, or decreased recreational opportunity because of my forest management practices. With our small crew, machines, and ability to quickly adapt, we minimize damage to property and animal habitat. Our harvest practices not only make this forest healthier it makes it safer for people and their pets. Prior to harvest, Parks and Rec was responding to trees blocking trails constantly. This costs the Town of Cumberland money. Parks and Rec is mowing my skidder trails and people are using the skidder bridges to cross wet areas. We post where we are working. We work around the people.

We keep recreation working. My forest management practices save the Town of Cumberland money and allow for increased public recreational opportunity. I consider the town's forestry management goals, any restrictions in the stream buffers and wetland protection areas. Over the past six years of operating in Twin Brooks Forest, the Town and I have made changes to the original plan to accommodate the health of the forest and people's recreation. I have been completely flexible to make changes, continuing to adapt as necessary and continuing to practice responsible forest management. It is my understanding there are 15 (plus or minus) acres unaffected by invasives in area 4. With an approved management plan for invasive species, the abutting land beside the 15 acres can be treated during Spring/Summer 2023 and ready for cutting 2023/2024 and we move together on selected parcels to harvest and manage invasive species treatment.

I have invested in the public value of Twin Brooks Forest. I have invested in equipment and people over the past six years. It makes no sense to pause revenues to my operation while continuing to make payments on my Twin Brooks forest project investment. I would like to remind you my farm is designed around this community. I support them and they support me. The ability to harvest in Twin Brooks allows me to supply fifty plus families with firewood each winter.

I would like to be part of solving our invasive species problem here at Twin Brooks Forest. The Forestry Sub-Committee states that I am done harvesting in Lot 1, which does not have any invasive species. I have stated that I am not done. Skidder rub trees and some dangerous trees on the trail still stand. I need a few days to complete this maintenance of the trail. There are some areas of harvestable wood still on Lot 1. Basically, there is still one week or two of work in Lot 1. The schedule on the 2016 harvest plan has fallen behind due to weather – warm winters so the ground is not frozen solid enough for my equipment to use and not make a mess of the habitat. The three or four invasive species in Twin Brooks are a challenge to the forest management program I have practiced the past six years. I manage 200+ acres of land in this town and my continued land management would be beneficial to both the Town and my farm.

I do not agree with the Committee that pausing harvesting is a good idea. Harvesting Twin Brooks allows my operation to hire full-time, year-round employees. Pausing harvest results in no work for my full-time employees and no revenues for my farm while I am making payments on a value to our community – Twin Brook Forest. I appreciate your consideration upon keeping us working during our non-farm harvest times of the year. Twin Brooks is my only logging job, and it is too late in the season to prepare another job for this season. To continue with a 2022 winter harvest and per the Committee's request the Town and I have signed a "Contract for Sale of Standing Timber" and I have provided the Town with documentation of my Certified Professional Logger status.

Motion by Councilor Vail, seconded by Councilor Segrist, to accept the recommendation of the Lands & Conservation Commission to suspend harvesting in Twin Brook until a plan for invasive species can be implemented. Between now and July 15th, when the Commission shall return to the Town Council with said plan, Jeff Storey is permitted to harvest up to, but not exceeding, 25 cords of wood from Area 1 under the direction of Town Forester, Paul Larrivee.

VOTE: 7-0 UNANIMOUS

22 – 114 To hold a Public Hearing date to consider and act on amendments to Chapter 78 (Explosives) of the Cumberland Code, as recommended by the Ordinance Committee.

Councilor Storey-King said that the amendments are very minor.

She added that Councilor Vail recommended changing the title to Blasting/Explosives.

Chairman Foster opened the Public Hearing.

No public comment.

Chairman Foster closed the Public Hearing.

Motion by Councilor Vail, seconded by Councilor Copp, to amend Chapter 78 (Explosives) of the Cumberland Code, as recommended by the Ordinance Committee, with the amendment of changing the title of Chapter 78 to Blasting/Explosives.

VOTE: 7-0 UNANIMOUS

22 – 115 To consider and act on authorizing the Code Enforcement Officer to execute a Consent Agreement with the owners of 43 Wilson Road.

Chairman Foster asked for any public comment.

No public comment.

Motion by Councilor Storey-King, seconded by Councilor Filson, to authorize the Code Enforcement Officer to execute a Consent Agreement with the owners of 43 Wilson Road.

VOTE: 7-0 UNANIMOUS

22 – 116 To consider and act on authorizing the Code Enforcement Officer to execute a Consent Agreement with the owners of 52 Rose Drive.

Chairman Foster asked for any public comment.

No public comment.

Motion by Councilor Storey-King, seconded by Councilor Filson, to authorize the Code Enforcement Officer to execute a Consent Agreement with the owners of 52 Rose Drive.

VOTE: 7-0 UNANIMOUS

22 – 117 To set a Public Hearing date of September 26th to consider and act on an Automobile Graveyard Permit for Cumberland Salvage for the period of November 1, 2022 – October 31, 2023.

Chairman Foster asked for any public comment.

No public comment.

Motion by Councilor Edes, seconded by Councilor Storey-King, to set a Public Hearing date of September 26th to consider and act on an Automobile Graveyard Permit for Cumberland Salvage for the period of November 1, 2022 – October 31, 2023.

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

22 – 118 To consider and act on how to pay the FY2024 County Tax due to a change in the billing from calendar year to fiscal year.

Chairman Foster asked for any public comment.

No public comment.

Motion by Councilor Segrist, seconded by Councilor Vail to accept the payment plan of 5 years as offered by the Cumberland County Commissioners for the upcoming 1.5 year county budget, as recommended by the Finance Committee.

VOTE: 7-0 UNANIMOUS

22 – 119 To hear an update from the Housing Task Force Council Liaisons.

Councilor Segrist reported that the first meeting of the Housing Task Force was on July 26, 2022. It consists of 10 members and 2 Town Council liaisons (himself and Councilor Vail). They meet every two weeks (3 meetings to date) with the next meeting scheduled for tomorrow (9/13) evening at 6:30 pm at Town Hall.

The mission of the Housing Task Force is to ultimately provide recommendations on ways to facilitate the development of affordable housing in the community by, among other things:

1. Reviewing the results of the 2022 Community Survey to determine the level of concern that respondents expressed regarding the availability of affordable housing;
2. Reviewing the 2020 U.S. Census data regarding demographics in the town and data related to the existing number, and types of, housing units;

3. Reviewing the 2014 Comprehensive Plan to determine if the Housing chapter needs to be updated to reflect current conditions;
4. Reviewing the 2014 Comprehensive Plan to determine if the current designated “Rural” and “Growth” areas should be revisited to reflect new public utility locations, potential for public transit, and available land for development;
5. Making recommendations to the Cumberland Town Council on ways to facilitate the creation of affordable housing such as increasing density, reducing minimum lot sizes and expanding infrastructure (roads, water, sewer); and
6. Reviewing the potential for development of all types of housing to include single family, duplex, multiplex, accessory dwelling units, tiny homes, and manufactured homes, which includes single-wide mobile, double-wide mobile and modular homes.

The Task Force is expected to submit a final report to the Cumberland Town Council for consideration and action no later than December 15, 2022.

At the last meeting, the Chair of Committee worked with the other 10 committee members to break them into groups to focus on specific issues that need to be addressed:

- Approach to the Scope and Priorities of the project;
- Comprehensive Plan Changes
- Impacts of LD2003 and other Zoning and Planning Issues
- Infrastructure planning and funding
- Cumberland Housing Authority
- Federal and State Program Resources
- TIF Funds
- Land Ownership and Acquisition
- Creative Options; Tiny Houses; Co-Housing
- Assignments and Deadlines

He will provide further updates as the meetings progress.

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. There are only a couple of weeks left until the Cumberland Fair where the funds will be spent to provide meat for the Food Pantry.

Councilor Filson – fall soccer kicked off last Saturday. Kudos to the Recreation department employees who all do a great job on all the programs that they offer.

Councilor Vail – he spoke to Chris Neagle about the stop sign at the Blanchard/Skillin Road intersection. He told Chris that he would bring this up again at the Council level and is looking forward to discussing the issue again.

Chairman Foster – there was a letter in the Council packets regarding the price of golf memberships at Val Halla from Tom Foley. Mr. Foley brought up some interesting ideas in his letter for next year, and she would like to look at the over 70 membership and see how many members over 70 we have currently.

She would like to review the Council priorities in workshop soon.

Councilor Segrist – he is on the Maine Municipal Association’s Legislative Policy Committee and their first meeting is on September 22nd. He is excited to start working on this committee and will be reporting back to the Council with updates.

Councilor Storey-King – the Ordinance Committee continues their hard work and has sent two items to the Planning Board in regard to monumentation and drainage issues in subdivisions.

Congratulations to our Library Director, Thomas Bennett on achieving Level 1 Prehistoric Archaeology for the State of Maine.

A fun fact as we approach the Cumberland Fair week. She learned that Becky Maloney was the first woman inducted into the Cumberland Farmer’s Club.

Councilor Edes – he was pleased with the compromise on the item regarding tree harvesting in Twin Brook tonight. He feels that it was a good outcome for everyone.

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

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

VOTE: 7-0 UNANIMOUS

TIME: 9:16 P.M.

Reconvene to regular session at 9:36 P.M.

VII. ADJOURNMENT

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

VOTE: 7-0 UNANIMOUS

TIME: 9:36 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary