

# MINUTES

Cumberland Town Council Meeting  
Town Council Chambers

**MONDAY, September 26, 2022**

**5:15 P.M. Nominating Committee Interviews**

## **7:00 P.M. Call to Order**

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

Excused: Councilor Edes

For the Jewish families and individuals in our community, Chairman Foster wished them a Happy New Year, as Rosh Hashanah started this evening.

## **I. APPROVAL OF MINUTES**

Motion by Councilor Copp, seconded by Councilor Vail, to accept the September 12, 2022 meeting minutes as presented.

VOTE: 6-0                      UNANIMOUS

Motion by Councilor Copp, seconded by Councilor Vail, to accept the September 20, 2022 Special Meeting minutes as presented.

VOTE: 5-0-1 (Segrist abstained)              MOTION PASSES

## **II. MANAGER'S REPORT**

Assistant Town Manager Bolduc introduced Rod Vogel, President of the Chebeague and Cumberland Land Trust. Mr. Vogel said that the Land Trust is sad to see its Executive Director, Chris Cabot, leaving to return to Maine Farmland Trust. They embarked on a search for a new Executive Director and received a lot of great applicants. They were pleasantly surprised to receive an application from Penny Asherman. After the interview process, they were confident that Penny needed to be in this position. They are very excited to have her as their new Executive Director.

Penny Asherman said that she is very excited about this new role. She was president of the board for many years but did it as a volunteer in her free time while she was raising her family. Now, she will be in the roll full time. She values the partnership that they have with the Town of Cumberland. We have done some amazing things together. Please feel free to reach out to her anytime.

Assistant Town Manager Bolduc introduced Assistant Town Clerk, Angela Appleton to announce the award that our Town Clerk, Tammy O'Donnell received recently.

Angela said that she is here today to give recognition to Maine's Town Clerk of Year, Tammy O'Donnell. Tammy is also the recipient of the Ethelyn Stuart Marthia award which is bestowed upon only for the finest. There are 485 clerks in this state, so these awards are no feat to take lightly. These are some of the honoring statements from the recommendations about Tammy:

Maine State Representative Steve Moriarty said "I was always impressed with Tammy's knowledge, professionalism, and expertise in serving the Council and the residents. Her perfection and attention to detail was remarkable and we all recognized her special abilities."

Chief of Police Charles Rumsey wrote “I have admired Tammy’s ability to maintain a calm and calming demeanor as she leads her team of professionals and volunteers while simultaneously managing unexpected obstacles.”

Falmouth Town Clerk Ellen Planer said “In 2020 our office was hit hard by Covid. Super clerk Tammy came to our rescue. Tammy generously offered to serve our residents at the Cumberland Town Hall. The process went smoothly, and we will be forever grateful for her help.” Ellen then went on to say she cannot think of another Clerk who deserves this award more than Tammy.

Peter Bingham, Director of the Cumberland’s Recreation Department stated, “Tammy is the best I have witnessed over my 20+ year municipal career”.

Anne Brushwein, a retired employee wrote “working with Tammy and seeing her devotion to her job and the respect that she has for the Town Clerks responsibilities made me wish that I had gone right into Municipal Government when I graduated from college”.

I personally believe our Town Manager, Bill Shane, said it perfectly when he mentioned “Tammy’s understanding that we all need to be able to give back and mentor when it’s our time is something I wish every municipal organization could better demonstrate.”

Angela concluded in saying that she has witnessed firsthand Tammy’s guidance, leadership, and grace. It has been an honor watching her represent Cumberland. Thank you, Tammy!

Chairman Foster said that on behalf of the Town Council, we are all so proud of Tammy. The Town Clerk’s office received rave reviews from the citizens of Cumberland in the townwide survey. We are so grateful for Tammy and proud of the well-deserved recognition she has received from her peers and her staff.

Tammy thanked everyone and said that when you receive these awards, it’s not just one person receiving it. It is for the entire staff. She couldn’t do any of this without her staff and all the Town department heads. We all work together. The Maine Town and City Clerk’s Association is an unbelievable organization. This award belongs to them as well.

Assistant Town Manager reminded everyone of the following waste events coming up:

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

Residents can go to the Town website for more information and what is and is not acceptable to dispose of.

Councilor Segrist said that he is honored to be serving on the Maine Municipal Association (MMA) Legislative Policy Committee. There are 35 Senate districts in the State and there are 2 representatives from each of those districts that are elected to serve on the Legislative Policy Committee. The first meeting was last week at MMA’s headquarters in Augusta. He was blown away by the number of topics that folks wanted to focus on. The item at the top of the list was LD290, which is the Senior Tax Stabilization Program that was passed by Representative Trey Stewart from Presque Isle. Most communities feel that this should either be repealed completely, replaced with something else, or tweaked to have income requirements. The biggest concern seems to be the affordability of the program and wondering how the State can fund this and reimburse the municipalities for any forgiven property

tax relief. The legislation of LD290 says that the State *may* reimburse the municipality up to 100%. The concern is that the Maine State Constitution says that the State is only required to reimburse 50%. The other concern is that after the first or second year of the program, there may not be sufficient funds to reimburse municipalities. The second most talked about topic was LD2003 and should this be based on the size of the Town and are there amendments that could be made to it? He will be watching this one closely. Other topics discussed were general assistance, PFAS testing, repealing LD1, funding for fiber and broadband connectivity, cannabis revenue sharing, workers compensation for public safety employees suffering from PTSD, pilots for non-profits, local option sales taxes, tree growth, school choice reimbursement, shoreland zoning mandate reimbursement, jail funding, solar arrays taking land where a potential business could go, and solid waste removal. All of these ideas were thrown against the wall and in the next few weeks, they will be fine tuned down to figure out what the top 10 are. He is very pleased to be part of this group.

### **III. PUBLIC DISCUSSION**

No public discussion.

### **IV. LEGISLATION AND POLICY**

#### **22 – 121 To hold a Public Hearing to consider and act on an Automobile Graveyard Permit for Cumberland Salvage for the period of November 1, 2022 – October 31, 2023.**

Chairman Foster said that the Code Enforcement Officer has inspected the facility, and the required abutter notices have been sent. This is a renewal of an existing permit.

Chairman Foster opened the Public Hearing.

No public comment.

Chairman Foster closed the Public Hearing.

Motion by Councilor Vail, seconded by Councilor Storey-King, to renew the Automobile Graveyard Permit for Cumberland Salvage for the period of November 1, 2022 – October 31, 2023.

VOTE: 5-0-1 (Copp abstained) MOTION PASSES

#### **22 – 122 To hold a Public Hearing to consider and act on a Mass Gathering Permit for Fiesta Shows Maine Celebration of Lights to be held from November 25<sup>th</sup> – December 30<sup>th</sup> at the Cumberland Fairgrounds.**

Chairman Foster said that this event was held last year. The first evening there was some traffic problems that were addressed and fixed very quickly.

Councilor Storey-King said that she was not in favor of this event last year but has since come around. She spoke to several people who attended it, and they really enjoyed it. She was concerned about the neighbors of the fairgrounds, but she never heard of any complaints.

Chairman Foster opened the Public Hearing.

No public comment.

Chairman Foster closed the Public Hearing.

Motion by Councilor Segrist, seconded by Councilor Copp, to approve the Mass Gathering Permit for Fiesta Shows Maine Celebration of Lights to be held from November 25<sup>th</sup> – December 30<sup>th</sup> at the Cumberland Fairgrounds.

VOTE: 6-0

UNANIMOUS

**22 – 123 To hold a Public Hearing to consider and act on amendments to Chapter 315 (Zoning), Section 14 (Village Center Commercial District), E.1 (Front Setback) of the Cumberland Code, to change the front setback requirement for structures in the Village Center Commercial (VCC) Zoning District from the current 45 feet to the proposed 25 feet, as recommended by the Planning Board.**

Councilor Vail explained that the Ordinance Committee looked at this and there was not a strong reason to not move it forward. The idea is to generate some business in the VCC zone. The setback is not a problem, and it is in line with our efforts to expand our tax base.

Councilor Storey-King added that we have design standards in place for what buildings must look like. We don't want a nice building set back across the pavement of a parking lot, we want the building up front and parking in the back, giving it more of a village feel.

Councilor Segrist said that he was at the Ordinance Committee meeting when this was discussed. They talked about what larger systemic changes we need in terms of our ordinance reform to incentivize the right types of businesses that feel right along the Route 100 corridor.

Chairman Foster opened the Public Hearing.

No public comment.

Chairman Foster closed the Public Hearing.

Motion by Councilor Storey-King, seconded by Councilor Vail, to amend Chapter 315 (Zoning), Section 14 (Village Center Commercial District), E.1 (Front Setback) of the Cumberland Code, to change the front setback requirement for structures in the Village Center Commercial (VCC) Zoning District from the current 45 feet to the proposed 25 feet, as recommended by the Planning Board.

VOTE: 5-0-1 (Copp abstained) MOTION PASSES

**22 – 124 To hold a Public Hearing to consider and act on authorizing the borrowing of up to \$250,000 for kitchen renovations within the senior housing units owned by the Town.**

Assistant Town Manager Bolduc explained that this is the next step in updating our senior housing units. We have replaced the roofs, windows, and now kitchens are being updated.

Councilor Storey-King asked if the principal and interest would be paid out of the senior housing enterprise fund.

Assistant Town Manager Bolduc said it would.

Chairman Foster opened the Public Hearing.

No public comment.

Chairman Foster closed the Public Hearing.

Motion by Councilor Vail, seconded by Councilor Segrist, to authorize the borrowing of up to \$250,000 for kitchen renovations within the senior housing units owned by the Town per the following Town Council Order:

**WHEREAS**, the Town desires to borrow from Gorham Savings Bank pursuant to a loan agreement an aggregate principal amount not to exceed \$250,000 (the “Loan”) and to appropriate the proceeds thereof to finance the Project described in this Order;

**NOW, THEREFORE**, be it voted, resolved, and ordered by the Town Council of the Town of Cumberland, Maine:

**Section 1: Appropriation.** The sum of \$250,000 is hereby appropriated, from the proceeds of the Loan herein authorized, to finance costs of renovations to the kitchens within the 30 senior housing units owned by the Town of Cumberland to include replacement of countertops, cabinets, sinks and flooring, and lighting upgrades (the “Project”).

**Section 2: Authorization of Loan.** For the purposes of financing the aforesaid appropriation, pursuant to the Town Charter and all other authority thereto enabling, there is hereby authorized and approved a loan agreement between the Town and Gorham Savings Bank in an aggregate principal amount not to exceed \$250,000. The proceeds of the Loan shall be used to finance the costs of the Project.

**Section 3: Interest Rates and Details.** The Treasurer is authorized to determine the date(s), form(s), interest rate(s) (which interest rate may be a fixed rate or a variable rate or some combination of the two), term and all other details of the Loan. The loan agreement shall be dated as of such date, bear interest at the rate or rates and be in such form and contain such terms and provisions as the Treasurer may hereafter determine or authorize.

**Section 4: Town Officials.** If any of the officers or officials of the Town who have signed or sealed the loan agreement or any other documents related to the Loan shall cease to be such officers or officials before the Loan documents so signed and sealed shall have been actually authenticated or delivered by the Town, such Loan documents nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such Loan documents had not ceased to be such officer or official; and also any such Loan documents may be signed and sealed on behalf of the Town by those persons who, at the actual date of the execution of such Loan documents, shall be the proper officers and officials of the Town, although at the date of such Loan documents any such person shall not have been such officer or official.

**Section 5: Deputy Officials.** If the Treasurer, Chair of the Town Council or Clerk are for any reason unavailable to approve and execute the loan agreement or any of the related Loan documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had herself performed such act.

**Section 6: Other Actions.** The Treasurer, Chair of the Town Council, Clerk and other appropriate officers of the Town are hereby authorized and empowered to do all such acts and things, and to execute, deliver, file, approve, and record all such financing documents, contracts, deeds, assignments, certificates, memoranda, abstracts, and other documents as may be necessary or advisable, with the advice of counsel for the Town, including but not limited to any certificates and other documents as may be necessary or appropriate in connection with the closing of the Loan and the execution and delivery of any related financing documents, and to carry out the provisions of the resolutions heretofore adopted at this meeting in connection with the Project.

VOTE: 6-0                      UNANIMOUS

**22 – 125    To hold a Public Hearing to adopt the Maine Municipal Association Model General Assistance Ordinance and Appendices A-G for the period of October 1, 2022 through September 30, 2023.**

Chairman Foster explained that this is a standard renewal of the General Assistance guidelines from Maine Municipal Association, which we have historically adopted.

Assistant Town Manager Bolduc added that we get reimbursed 70% for General Assistance from the State.

Chairman Foster opened the Public Hearing.

No public comment.

Chairman Foster closed the Public Hearing.

Motion by Councilor Segrist, seconded by Councilor Filson, to adopt the Maine Municipal Association Model General Assistance Ordinance and Appendices A-G for the period of October 1, 2022 through September 30, 2023.

VOTE: 6-0                      UNANIMOUS

**22 – 126 To hold a Public Hearing to consider and act on setting sewer user fees for FY2023.**

Chairman Foster explained that there is no increase in sewer user fees this year. However, there is a forecast for increases over the next two years as the Town of Falmouth will be doing some work to the pump station that we share and we will be responsible for a portion of the cost.

Councilor Segrist added that this is paid for through an enterprise fund, made up entirely from the users of the sewer system, not by the taxpayers of the Town.

Chairman Foster opened the Public Hearing.

No public comment.

Chairman Foster closed the Public Hearing.

Motion by Councilor Copp, seconded by Councilor Segrist, to accept the Town Manager's recommendation of a 0% increase in sewer user fees for FY2023.

VOTE: 6-0                      UNANIMOUS

**22 – 127 To appoint a member to the Lands & Conservation Commission and Trails Subcommittee.**

Councilor Copp said that the Nominating Committee met earlier this evening and held interviews for a vacant seat on the Lands & Conservation Commission. There were 5 very good candidates, and ultimately Josh Steirman was selected to fill the seat.

Councilor Segrist added that the other candidates seemed very eager to get involved. He will send each of them an email and introduce them to John Jensenius of the Trails subcommittee or Denny Gallaudet of the Sustainability subcommittee to see if they can get involved with those committees.

Chairman Foster asked for any public comment.

No public comment.

Motion by Councilor Copp, seconded by Councilor Vail, to appoint Joshua Steirman to the Lands & Conservation Commission and David Grimm, Walker Newell and Adam Orellana to the Trails Subcommittee.

VOTE: 6-0                      UNANIMOUS



**22 – 128 To authorize the acceptance of a grant for \$1,850.00 from the Maine Department of Agriculture, Conservation, and Forestry for invasive plant management.**

Chairman Foster extended a big thank you to our Town Forrester, Paul Larrivee, who assisted with this grant application, along with our Lands & Conservation Commission. These grants do come with required matching funds, which is funded in our budget.

Chairman Foster asked for any public comment.  
No public comment.

Motion by Councilor Segrist, seconded by Councilor Filson, to authorize the acceptance of a grant for \$1,850.00 from the Maine Department of Agriculture, Conservation, and Forestry for invasive plant management.  
VOTE: 6-0 UNANIMOUS

**V. NEW BUSINESS**

**Councilor Copp** – on September 15<sup>th</sup>, he and Councilor Storey-King had the pleasure of going to Waterville, along with some Town staff, to the banquet ceremony where Tammy O'Donnell was awarded 2 deserving awards. They couldn't have picked a better person to receive these awards. Tammy is the most kind-hearted person that he has ever met.

This Wednesday is the 4-H auction at the fair. Since the Town Manager is away, his brother-in-law will step in to bid on animals for the food pantry.

Condolences to the Larrabee family on the passing of Harold. Harold was a great guy.

**Councilor Filson** – she and Councilor Storey-King have the pleasure of being part of the pre-referendum communication committee for the new primary school. There was a meeting last week and a lot of interesting things were discussed, particularly around how we communicate all the pre-referendum information to our voters, what it's going to look like in terms of the financial impact on taxpayers, and sustainability and environmental impacts. Denny Gallaudet from the Lands & Conservation Commission Sustainability Subcommittee gave the committee some great insight into the environmental impacts, which was very helpful. The first public informational meeting is tomorrow evening at 6:00 at the Greely Center for the Arts. The second one will be on October 12<sup>th</sup> at 6:00 p.m. at the North Yarmouth Community Center. Both sessions will be live streamed.

She will attend SOS Saco Bay's First Annual Coastal Conference tomorrow, along with Mike Schwindt and Code Officer, Bill Longley.

To echo Chairman Foster, Shanah Tovah to all the folks who are celebrating Rosh Hashanah tonight and tomorrow. We are having a lot of conversations around equity and inclusion and being from a community that has many faiths and world views, she encouraged folks to be mindful and if you have the power to avoid holding meetings that overlap with big religious holidays, consider moving the meeting date by a day or two. It may mean a lot to someone.

**Councilor Vail** – no new business.

**Chairman Foster** – on October 26<sup>th</sup> at 6:00 p.m. there will be a workshop with the Town Council, the Planning Board, and our Town Attorney regarding LD2003. On Wednesday of this week, the Town of Yarmouth's Development Committee is holding a similar workshop on LD2003. They have a different Town Attorney, so this may be an opportunity to hear about this from a different perspective.

People will start seeing Cumberland Town Councilors and members of the School Board at the Farmer's Market once again through the end of October. We learned last year that summer is very busy for everyone, so we didn't schedule anyone to attend this summer, but want to close out with attending in the fall before we all go into hibernation. Feel free to stop by and ask questions or give your feedback.

There was a neighborhood meeting a couple of weeks ago regarding a 55+ senior housing development project on Route 1. About a dozen people attended and the project was well received. The project will be before the Planning Board in November.

We have sent out 2 Requests for Qualifications. One is for the roundabout in West Cumberland and the other is for the solar project on the school campuses.

We will hold our regular Council meeting on Indigenous Peoples Day, October 10<sup>th</sup>. As of right now, there is no Town business on the agenda, so the plan is to open the meeting for public discussion and adjourn to workshop to review the priorities that the Council set last year.

**Councilor Segrist** – there is an Affordable Housing Task Force meeting tomorrow evening at 6:30 here in the Town Council Chambers. If folks are interested, they are welcome to attend. He will provide updates at the next Town Council meeting.

**Councilor Storey-King** – the Ordinance Committee have sent a lot of things to the Planning Board recently. Their October meeting will be very busy.

As Councilor Filson mentioned, she attended the school Communication Committee meeting. She stressed that our involvement as a Town is to share information. We may have particular biases on whether or not we support the project, but as a representative of our community, it is her job to share factual information. She will try to get and share as much factual information as possible.

She attended a Library Advisory Committee meeting recently. They are very busy and have done phenomenal work in listing some goals and action steps for the coming years.

She attended the opening ceremonies of the Cumberland Fair yesterday. It is such a nice setting to run into people that you know. It was a wonderful day.

## **VI. ADJOURNMENT**

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

VOTE: 6-0 UNANIMOUS

TIME: 8:08 P.M.

Respectfully submitted by,

Brenda L. Moore  
Council Secretary