

MINUTES

Cumberland Town Council Meeting

Town Council Chambers

Monday, July 24, 2023

4:30 P.M. Executive Session

5:00 P.M. Workshop with LDS Consulting Group, LLC

7:00 P.M. Regular Council Meeting Begins

I. **4:30 P.M. Call to Order**

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

Tardy: Councilor Copp arrived at 6:52 P.M.

II. **EXECUTIVE SESSION** pursuant to Title 36 M.R.S.A. Section 405 (6)(E) consultation with the Town Attorney.

Motion by Councilor Vail, seconded by Councilor Filson, to recess to Executive Session pursuant to Title 36 M.R.S.A. Section 405 (6)(E) consultation with the Town Attorney.

VOTE: 6-0 UNANIMOUS

TIME: 4:30 P.M.

The Executive Session concluded at 4:54 P.M.

III. **5:00 P.M. WORKSHOP**

IV. **7:00 P.M. REGULAR TOWN COUNCIL MEETING BEGINS**

V. **APPROVAL OF MINUTES**

Motion by Councilor Copp, seconded by Councilor Storey-King, to accept the July 10, 2023 meeting minutes as presented.

VOTE: 7-0 UNANIMOUS

VI. **MANAGER'S REPORT**

Town Manager Shane introduced Police Chief Rumsey who presented the Meritorious Service Award to Police Officer, Matthew Merriman. Chief Rumsey explained that the Meritorious Service Award is awarded to an individual department member for a highly unusual accomplishment under adverse conditions with some degree of hazard to the life of the member, unit, or other person. He read the following:

It is my honor and pleasure to recognize you with this Meritorious Service Award for actions taken on July 3, 2023, to rescue a woman considering suicide on Blackstrap Road.

On July 3rd, at approximately 4:45AM, you arrived on Blackstrap Road in response to the report of a person on the railing at the I-95 overpass. Upon your arrival, you exited your cruiser and began your approach of the individual, whom you could see was sitting on the overpass railing, with both feet over the rail.

Immediately, you began attempting to establish rapport and communication with the woman to deescalate the situation and convince her to move to safety. You understood that if she jumped or fell onto the Interstate below, a fatality would certainly result.

Due to the noise of traffic on the Interstate, you slowly moved closer in hopes of hearing the individual if she responded to your efforts to help her. As you did so, you observed the individual stand up on the ledge and remove her hands from the rail. You suspected that tragedy was just moments away.

As you continued to implore the subject, “please don’t do this,” you maneuvered to within arm’s reach. With no hesitation, you grabbed her around the waist, and pulled her back over the rail to safety. You both fell to the roadway on Blackstrap, and you kept the woman secured briefly so she did not attempt to return to the rail.

As you secured the woman to ensure her safety, you continued calmly communicating with her and working to get her off the wet roadway and into a cruiser for her warmth and comfort. The speed and ease with which you switched from crisis management mode to concerned caregiver was truly impressive and heartwarming to see. You maintained your concerned and calming contact with the individual until Cumberland Rescue arrived to transport her to the hospital for evaluation and further care.

It is my firm belief that, without your swift, decisive, and efficient action, the woman you encountered would have intentionally jumped, or accidentally fallen. I am so impressed with your attempts to connect with this individual who was in crisis and to implore her to not take her own life. As you did this, you also assessed the situation, determined what needed to be done, and did not hesitate. Your conduct brings honor to the Cumberland Police and puts on display our department values of Dedication, Respect, Integrity, Vigilance, Excellence, and Nobility. These actions make you eligible for our department’s Meritorious Service Award, which I am pleased to present to you tonight. I am proud of you, your team members are proud of you, and I know that the community is proud of you as well. We are lucky to have you watching over the Town of Cumberland. Congratulations, Matt!

Town Manager Shane reminded everyone that paving around Town is weather dependent and we are hopeful that our paving will be completed in the month of August. The Greely Road neighborhood is scheduled to be paved next.

Cumberland resident Melissa Gattine emailed the Manager a few weeks about brown tail moths and their attraction to light. He contacted the State Entomologist and learned that there are definitive studies that have determined between the months of June and August, the moths are attracted to light. If you can eliminate the light, that might reduce the potential of eliminating where the moths build their nests for the next year. He would like to bring this back to the Council in December or January and look at our streetlight patterns and where the biggest infestations have been. If there is the potential to eliminate the streetlights in those areas, it may help. He will invite the State Entomologist to come to a future meeting to discuss the possibilities.

Letters have been mailed to the seniors in our community who received a rebate last year as part of the Senior Property Tax Rebate Program to remind them that they have to apply again this year. Meetings will be held Monday – Wednesday of next week to help seniors apply.

This Wednesday evening and again on August 9th, we will host an event at Twin Brooks. This was an idea that some residents came up with for a drop-in event for families to attend. There will be music, games, a bounce house, and some food trucks. We hope it is a successful event that we can continue in the future.

VII. PUBLIC DISCUSSION

No public discussion

VIII. LEGISLATION AND POLICY

23 – 077 To appoint a member to the MSAD 51 Board of Directors.

Councilor Copp said that the Town Council Nominating Committee interviewed all 5 of the applicants last Wednesday evening. We were fortunate to have extremely qualified candidates who applied. Ultimately, Denny Gallaudet was chosen.

Motion by Councilor Copp, seconded by Councilor Storey-King, to appoint Denison Gallaudet to the MSAD 51 Board of Directors.

VOTE: 7-0 UNANIMOUS

23 – 078 To hear a report from the Tax Assessor and hold a Public Hearing to consider and act on setting the FY2024 tax rate.

Tax Assessor John Brushwein explained that the 2023-24 commitment is complete with tax bills scheduled to be mailed the 1st week in August. He recommended that the tax rate be set at \$22.15 per \$1,000.00 of assessed value which represents a 4.48% (95 cent) increase above the 2022-2023 rate of \$21.20.

The overall assessed valuation of the Town increased by approximately \$29,626,150 as a result of new construction, land divisions, and additional personal property. The total taxable valuation of the Town is currently \$1,504,245,130. The assessment ratio for FY24 is 77%. The adjusted homestead exemption at 77% is \$19,250.00. The veteran's exemption at 77% is \$4,620.00.

The table below represents the tax increase resulting from the 2022-23 rate change:

ASSESSED VALUE	TAX INC.	TAX INCREASE PER \$100,000
\$250,000	\$237.50	\$95.00
\$300,000	\$285.00	
\$400,000	\$380.00	
\$500,000	\$475.00	
\$1,000,000	\$950.00	

LD 1 (2005) requires municipalities to calculate a property tax levy limit annually. If the municipality exceeds the limit, a vote must be taken by the local governing body to exceed the limit. The limit is based on local property growth and statewide average personal income growth. The State Office of Policy and Management calculates personal income growth based on a 10-year average. This year's LDI calculation resulted in a Municipal Property Tax Levy limit of \$6,916,512.00. The FY 2024 Municipal Property Tax Levy is \$6,445,369.00 which is \$471,143.00 under the limit, therefore, no vote is needed to exceed the limit.

Chairman Segrist opened the Public Hearing.
No public comment.
Chairman Segrist closed the Public Hearing.

Motion by Councilor Copp, seconded by Councilor Vail, to set the municipal tax rate for FY2024 at \$22.15.
VOTE: 7-0 UNANIMOUS

23 – 079 To hold a Public Hearing to set rates at which interest will be paid for delinquent taxes and to authorize applying tax payments to the oldest unpaid taxes.

Chairman Segrist explained that this is done annually. If someone has trouble paying their property taxes, he encouraged them to reach out to the Town so we can work with them to hopefully get those taxes paid back. There are state laws that dictate the maximum amount of interest that can be charged on delinquent tax payments. The State recommends 8% this year. After some discussion, it was decided that we would set our interest rate at 4%.

Chairman Segrist opened the Public Hearing.
No public discussion.
Chairman Segrist closed the Public Hearing.

Motion by Councilor Vail, seconded by Councilor Filson, to set an interest rate of 4% for delinquent real and personal property taxes for FY2024.

Be it further ordered that all payments for delinquent real and personal property taxes be applied to the oldest, unpaid taxes.

VOTE: 7-0 UNANIMOUS

23 – 080 To hear a report from the Town Manager re: Verizon tower lease.

Town Manager Shane explained that Verizon reviews their lease agreements annually and attempts to renegotiate them. The current terms are:

- Expires 2039
- Monthly rent \$2,070 currently, through 2024 (\$24,840 annual)
- Escalator of 15% every five years

Verizon’s last offer was:

- Expires 2048 (five 5-year extensions)
- Monthly rent \$1,650 beginning 11/1/25 (\$19,800 annual)
- Escalator of 15% every five years

The Town’s counter was:

- Expires 2048 (five 5-year extensions)
- Monthly rent \$1,860 beginning 11/1/24 (\$22,320 annual)
- Escalator of 15% every five years

Town Manager Shane said there is no Council action on this this evening, we will stay the course for now.

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

23 – 081 To consider a request from the Town’s insurer to consent to a proposed settlement in Rees v. Town of Cumberland negotiated by the Town’s insurer.

Chairman Segrist explained that this is current litigation pending in federal court, in which the Town is involved on a human resources related issue. The parties are in a judicial settlement conference, which by law are confidential. There is a proposed settlement and the Town’s liability is \$2,500.00 because it is going through our insurance. We met in Executive Session earlier to discuss this issue.

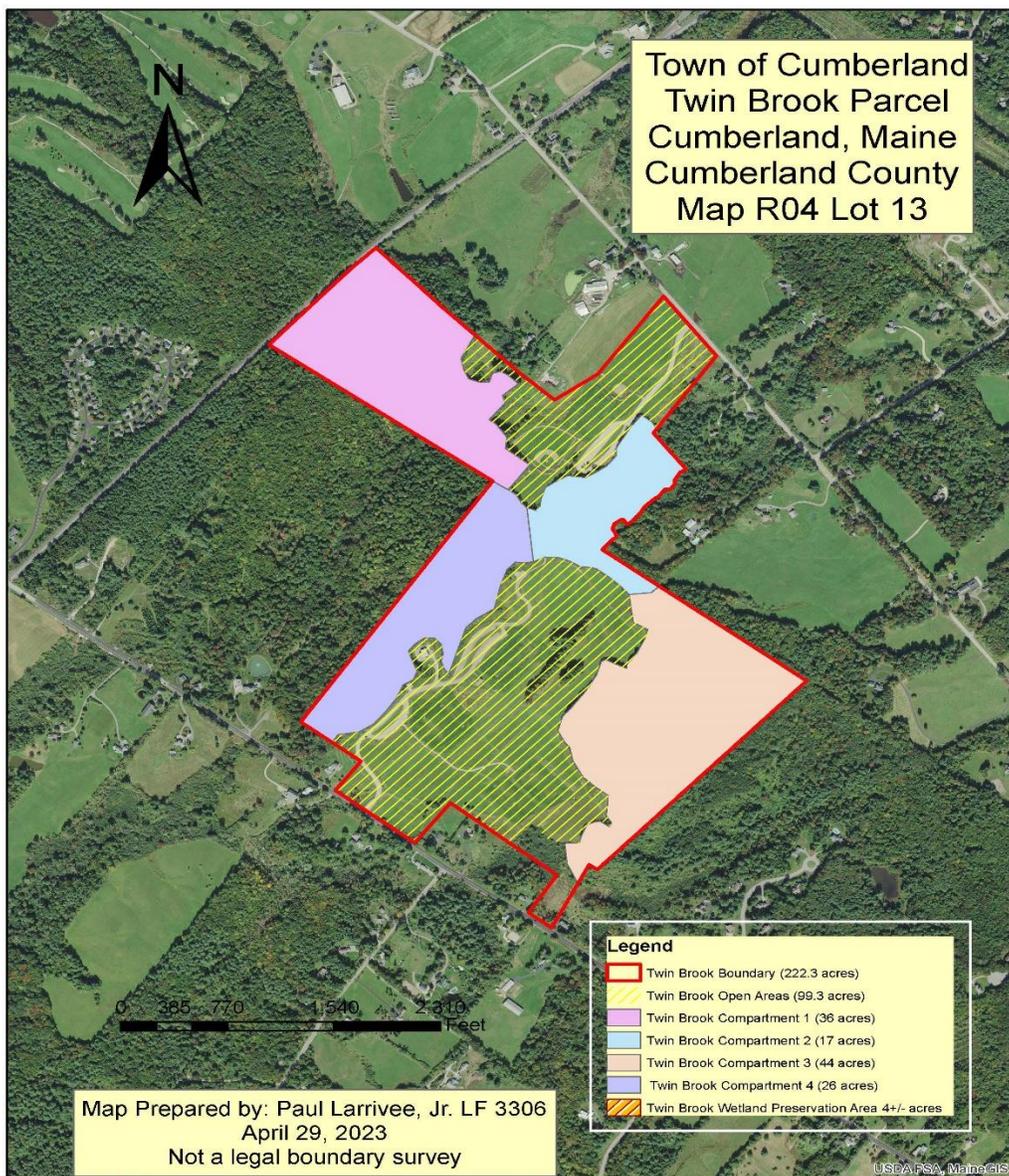
Chairman Segrist asked for any public comment.
No public comment.

Motion by Councilor Storey-King, seconded by Councilor Vail, that the Town consent to the proposed settlement negotiated by the Town’s insurer in Rees v. Town of Cumberland and that the Town authorize the Town Manager to execute any documents necessary to effectuate the proposed settlement.

VOTE: 7-0 UNANIMOUS

23 – 082 To hear a report from the Town Forrester re: Twin Brook Recreation Area Forest Management Plan and Invasive Plant Control Practice Plan.

Town Forrester, Paul Larrivee referred to the map below and explained that compartment 2 (blue area) is one of the most heavily infested areas (with invasive plants) and is one of the poorest sites for timber. There is Japanese Knotweed in this area, and it is spreading to the ballfield. His recommendation in the invasive plant control plan is that this area is at the bottom of the priority list because it is so bad and it would take a tremendous effort, both financially and physically. The pink area is the area that was most recently harvested and there are a few species of invasive plants in that area that would be easy to treat and stop the spread. In some areas, the invasive plants are coming across the trails. Left untreated, they will keep growing and affect recreational activities on the trails. Compartment 3 (the peach-colored section) has a large area in the understory that is completely full of Buckthorn. The approach to invasive plants is to start where it can easily be controlled first and work to the more heavily infested areas. In the areas that are heavily infested, the reality is that you are not going to be able to completely eradicate it, so you are going to have to try to preserve the current recreational uses in those areas. Compartment 4 (purple area) is one of those areas. The forest management plan is focused on managing the forest after you take some control of invasive plants. He wrote our forest management plan to hopefully help get some money from the state to do that.



23 – 083 To set a Public Hearing date of August 14th consider and act on the adoption of the Twin Brook Recreation Area Forest Management Plan and Invasive Plant Control Practice Plan, as recommended by the Town Forester.

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

Motion by Councilor Storey-King, seconded by Councilor Filson, to set a Public Hearing date of August 14th consider and act on the adoption of the Twin Brook Recreation Area Forest Management Plan and Invasive Plant Control Practice Plan, as recommended by the Town Forester.

VOTE: 7-0 UNANIMOUS

IX. NEW BUSINESS

Councilor Copp – he donated \$20 to the 4-H fund that benefits the food pantry.

Earlier this evening, there was another serious accident at the intersection of Route 100 and Skillin Road. This is the second accident there in less than a week. People go right through the stop sign. He urged everyone to be very cautious when driving through this intersection.

Councilor Vail – no new business.

Councilor Filson – no new business.

Councilor Douglass – no new business.

Councilor Edes – no new business.

Councilor Storey-King – she received a call from a concerned resident of West Cumberland who complained about their water pressure dropping suddenly or stopping completely.

Town Manager Shane explained that water area is serviced by a pump station that is pumped from Blanchard Road and will always be a problem until a water tank can be installed. He will talk to Portland Water District and make sure that they're checking the pump station to make sure there isn't a problem there.

Councilor Storey-King said that regarding the event this Wednesday evening at Twin Brook, she is a process person and she served on the former Twin Brook Advisory Committee and currently serves on the Recreation Advisory Committee. She was a bit surprised to learn about this event. We have a detailed process for events hosted at Twin Brooks and other Town-owned recreational facilities. From her viewpoint, process was not followed in this instance. She had questions when she learned that there were going to be 5 food trucks, as this indicated that a lot of people were expected to attend. Then she thought about the abutters. We didn't go through the process and notify them. For her, it is not about the food trucks, it is about the process. The Town Council never had a discussion, and the Recreation Advisory Committee never had a discussion about whether we allow food trucks on public lands. Similarly, who are the vendors and how were they chosen? She was on the record back in March as opposed to an event at Twin Brooks because it was being hosted by a for-profit person. She is not comfortable using public lands for for-profit events. She thinks that there are a lot of questions that could have been asked and answered if we had gone through the process. Do we need public safety coverage or event insurance? Not including

the Recreation Advisory Committee or going through the Town Council to get authorization, this event felt uncomfortable for her. She is sure that everyone's intentions are positive, but in the future, she would like us to have more conversations about what we support.

Another thing she would like to be more transparent about is our involvement with the school's planning for the additional school. Our constituents voted the new school down last November and they are planning to go ahead with another vote. She has heard a lot of comments both in support and opposed to the new school plan. As many opinions as there are, there are just as many emotions. One thing that she keeps hearing from a variety of demographic groups is that the School Board is just not listening. Sometimes just not listening includes not listening to the Town Council. She wants to be careful moving forward to not only represent the 30% of our households who have kids in school, but also the other 70% as well. We need to do a better than average job at listening and representing the concerns of all our citizens. We need to investigate their concerns and give them answers about the cost and impact to their households. She has had several people ask her what it would cost to leave or dissolve the SAD. She is not saying that she would advocate for that, she just wants to know the facts. The example that was given to her by one of her family members is that the school is going to cost one hundred million dollars and Cumberland has to pay seventy million of that. What if it only costs us fifty million to leave the district? We need to know how much it would cost. We need to plan for our future together. Cumberland and North Yarmouth are not getting smaller. We just need all the information in order to plan. She doesn't want to dismiss the concerns of the community with flippant phrases like "our town is changing". Change is human and inevitable. Ghandhi said "be the change you want to see in the world". She wants to be part of change that is intelligent, respectful, and thoughtful. It's time to put away emotions, rhetoric, and scare tactics, and move forward with purposeful planning and transparency. We need to make decisions with all the information we can gather, minus our egos and agendas. She will be the first one to sign up to help look for solutions in the future. She just wants to continue the conversation and keep it on the front burner for all of us.

Chairman Segrist – he met with the School Board Chair, and it is his understanding that this may be the first year where there are more children in portable classrooms than in the Mable I. Wilson school building. That was shocking to him. We will work with the School Board to find out what the actual number of students is.

We have a senior tax assistance rebate program, and we will begin taking applications next week for residents who are 70 years of age or older, make less than \$93,000 per year, and have lived in Cumberland for at least 10 years. The application process is very quick with assistance from Town staff.

X. ADJOURNMENT

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

VOTE: 7-0 UNANIMOUS

TIME: 9:00 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary