

# MINUTES

Cumberland Town Council Meeting

Town Council Chambers

**Tuesday, October 10, 2023**

**6:00 P.M. Executive Session**

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

## **6:00 P.M. Call to Order**

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

Excused: Councilor Copp

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

Motion by Councilor Storey-King, seconded by Councilor Edes, 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: 6:01 P.M.

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

Chairman Segrist said that we are meeting on a Tuesday as opposed to our standard charter directed Monday that we normally meet on, out of respect for Indigenous Peoples Day, which was yesterday. He took a moment to recognize that the land that we are gathered on and the lands our municipality serves, are the ancestral lands of the Wabanaki people. As we together look to build a community that recognizes the value of each member's varying background, culture, and perspective, we recognize the importance of honoring the indigenous people, their knowledge, and their collective support of one another.

### **I. APPROVAL OF MINUTES**

Motion by Councilor Vail, seconded by Councilor Filson, to accept the September 26, 2023 meeting minutes as presented.

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

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

Assistant Town Manager Bolduc reported that the Main Street sidewalk project should be 90% completed by November 15<sup>th</sup>. There have been some supply issues, so the last 10% of the project will have to be completed in the spring.

We are hoping to complete the road paving for the year, but this is weather dependent, and we are hopeful we can get the last few roads done before the paving plants close for the season. There is a section of Blanchard Road and Range Road that will be repaired and repaved next week.

The wharf at Broad Cove Reserve is officially closed for the season.

The universal waste event will be held this Saturday from 9 a.m. to 1 p.m. at the Public Works garage on Drowne Road.

Gorrill-Palmer Engineers will be at the October 23<sup>rd</sup> Town Council meeting to hold the third and final public hearing on the roundabout and then the plan can be sent to MDOT for review.

### III. PUBLIC DISCUSSION

Bruce Sherwin of Blanchard Road asked for an update on the Request for Proposals (RFP) for the proposed housing project on Drowne Road. He noted that the Town will not charge a developer for the land for 99 years and wondered if that is something that has to be voted on by the Town Council.

Chairman Segrist responded that the RFP has been sent out and any responses are due by November 2<sup>nd</sup>. A vote to add language to an RFP would likely not require a vote by the Town Council, but he will confirm with the Town Manager.

Mr. Sherwin asked if there will be a vote if the little league field has to be moved.

Chairman Segrist said that if the movement of the ball field is shouldered by the Town, much of those funds would come from TIF funds, so that would go before the TIF Committee and then to the Town Council to vote upon.

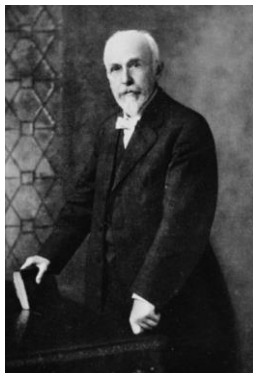
### IV. LEGISLATION AND POLICY

#### 23 – 111 To hear a presentation from Library Director, Thomas Bennett re: Shell Middens of Casco Bay.

Library Director, Thomas Bennett presented the following:



The Casco Bay Archaeological Project



“Along the eastern coast of the United States, the ocean has been encroaching upon the land, and shell mounds in Casco Bay, Maine, are in process of being washed away by the waves.”

Edward Sylvester Morse, 1879

#### Climate Change and the Shell Deposits of Casco Bay

- Educate: programs, displays, and outreach to communities
- Survey: resurvey, map, and photograph sites
- Excavate: test pit or more extensive digging on select sites
- Document: archival treatment (physical and digital) for 1978–80 Casco Bay Archaeological Project survey forms; create database of original and new survey data for comparison purposes
- Enlist citizens to monitor middens



### Shell Midden Indicator Species

- |                    |                        |                   |
|--------------------|------------------------|-------------------|
| • Alder            | • Dogwood              | • Popple (Aspen)  |
| • Apple/Hawthorne  | • Fern                 | • Raspberry       |
| • Barberry         | • Japanese Barberry    | • Red Oak         |
| • Bayberry         | • Jewelweed            | • Rosa rugosa     |
| • Beach Peas       | • Juniper              | • Spruce/fir      |
| • Birch            | • Leafreed             | • St. John's Wort |
| • Blackberry,      | • Milkweed             | • Sumac           |
| • Bush Honeysuckle | • Mullein              | • Thistle         |
| • Cow Parsnip      | • Oriental Bittersweet | • W. Mustard      |
| • Daisy            | • Poison Ivy           | • W. Rose         |
| • Daphne mezereum  |                        | • Ya'rrow         |

Photo of excavated 50x50 cm unit



Picture of crew digging

Mr. Bennett said that he wrote a grant last year to the Island Institute to look at climate change in the shell deposits, and how shell deposits can inform us about what's happening with the sea level.

### **23 – 112 To hold a Public Hearing to consider and act on amendments to Chapter 223 (Shellfish Conservation) of the Cumberland Code, as recommended by the Shellfish Conservation Commission.**

Mike Brown, Chairman of the Shellfish Conservation Commission, reviewed the amendments to Chapter 223 (Shellfish Conservation). He explained that the bulk of the changes accomplish the following goals:

- Removing language specific to junior licenses for individuals under 16, because the town was not selling any of these and because minors can accompany a licensed adult as a guest to participate in digging.
- Requires a license for individuals who are 16 or older.
- Removes the category of monthly recreational licenses. Because the town is not limiting the number of resident recreational licenses, this category is unnecessary.
- Cleans up language around the timing of the Commission's recommendations to Council.
- Simplifies the language around the Clerk's Office holding a lottery to award licenses.

Chairman Segrist opened the Public Hearing.

No public comment.

Charman Segrist closed the Public Hearing.

Councilor Segrist said that since items 23-112, 23-113 & 23-114 are all related to Shellfish and Mr. Brown can discuss them all at once, it might make sense to consolidate them into one vote.

Motion by Councilor Vail, seconded by Councilor Filson, to consolidate items 23-112, 23-113 & 23-114 into a single vote.

VOTE: 6-0 UNANIMOUS

Motion by Councilor Vail, seconded by Councilor Storey-King, to amend Chapter 223 (Shellfish Conservation) of the Cumberland Code, as recommended by the Shellfish Conservation Commission.

VOTE: 6-0 UNANIMOUS

**23 – 113 To hold a Public Hearing to consider and act on amendments to Chapter 84 (Fines and Fees), Section 19 (Shellfish License) of the Cumberland Code, as recommended by the Shellfish Conservation Commission.**

**§ 84-19. Shellfish license.**

~~Each license includes a conservation fee of \$10.~~

A. Resident commercial shellfish license: \$110.

B. Nonresident commercial shellfish license: ~~\$220~~ \$240.

~~C. Resident recreational shellfish license: \$20~~ \$10. ~~[Amended 12-15-2015]~~

~~D. Nonresident recreational shellfish license: \$40~~ \$10. ~~[Amended 12-15-2015]~~

~~E. Monthly recreational shellfish license: resident \$10; nonresident \$10. [Amended 12-15-2015]~~

~~F. Junior license: \$10. [Amended 12-15-2015]~~

G. Resident and nonresident senior license: \$0 (no fee). ~~[Amended 12-15-2015]~~

Chairman Segrist opened the Public Hearing.

No public comment.

Charman Segrist closed the Public Hearing.

Motion by Councilor Vail, seconded by Councilor Storey-King, to amend Chapter 84 (Fines and Fees), Section 19 (Shellfish License) of the Cumberland Code, as recommended by the Shellfish Conservation Commission.

VOTE: 6-0 UNANIMOUS

**23 – 114 To hold a Public Hearing to consider and act on the 2024 Shellfish License allocations, as recommended by the Shellfish Conservation Commission.**

Mr. Brown explained that the Shellfish Commission voted unanimously to recommend to the Town Council the following allocations of shellfish licenses for 2024:

Resident Recreational: Unlimited

Non-Resident Recreational: 25

Resident Commercial: 1

Non-Resident Commercial: 1

Chairman Segrist opened the Public Hearing.

No public comment.

Charman Segrist closed the Public Hearing.

Motion by Councilor Vail, seconded by Councilor Storey-King, to approve the 2024 Shellfish License allocations, as recommended by the Shellfish Conservation Commission.

VOTE: 6-0                      UNANIMOUS

**23 – 115 To hold a Public Hearing to consider and act on setting sewer user fees for FY2024.**

Chairman Segrist explained that we are a partial owner (30%) of the water treatment facility in Falmouth and needed improvements are being proposed, which ultimately will result in an increase in the sewer user fees for those residents who are sewer users. The sewer fund is an enterprise fund, which means it is fully funded by the sewer users. In the event that the enterprise fund does not have sufficient resources to cover its expenses, it would be backed by the general fund. We currently have a reserve in our sewer reserve fund that has several hundred thousand dollars in it for major issues that may come up. It has been discussed that some of those reserve funds could be used to mitigate or lessen the amount of the increase that would occur over the next 5 or 6 year period.

Chairman Segrist opened the Public Hearing.

Robert Knupp of Hawkes Ridge said that at the last meeting he requested a copy of the inter-municipal agreement so he could review it. He thinks that it is reasonable to adopt the increase this year, knowing that it will come back next year with another proposed increase. Surely by that time, he will have received the agreement that he said he would review and be able to give his opinion.

John Law of 7 Baxter Lane thanked Chairman Segrist for the good explanation. When he got the notice of the increase from the Town, he was very concerned.

Chairman Segrist closed the Public Hearing.

Motion by Councilor Storey-King, seconded by Councilor Filson, to accept the Town Manager's recommendation of a 10% increase in sewer user fees for FY2024.

VOTE: 6-0                      UNANIMOUS

**22 – 116 To set a Public Hearing date of October 23<sup>rd</sup> to consider and act on accepting Peaceful Way as a Town Road.**

Chairman Segrist asked for any public comment on this item.

No public comment.

Motion by Councilor Vail, seconded by Councilor Filson, to set a Public Hearing date of October 23<sup>rd</sup> to consider and act on accepting Peaceful Way as a Town Road.

VOTE: 6-0                      UNANIMOUS

**22 – 117 To set a Public Hearing date of October 23<sup>rd</sup> to consider and act on an Automobile Graveyard Permit for Cumberland Salvage for the period of November 1, 2023 – October 31, 2024.**

Chairman Segrist asked for any public comment on this item.

No public comment.



Motion by Councilor Filson, seconded by Councilor Vail, to set a Public Hearing date of October 23<sup>rd</sup> to consider and act on an Automobile Graveyard Permit for Cumberland Salvage for the period of November 1, 2023 – October 31, 2024.

VOTE: 6-0 UNANIMOUS

## V. NEW BUSINESS

**Councilor Vail** – the new booth at the fairgrounds was a huge success. The Lions Club received over \$100,000 in donations for labor and materials to construct the booth. The community responded very well at the fair this year. Sales exceeded last year's. It was a great turnout.

**Councilor Filson** – the Lands and Conservation Commission met last week. We are going to reschedule the forest walk with the Town Council to November 4<sup>th</sup> at 7:30 a.m.

She has been thinking about how we as a Town approach inclusion. Back in 2020, the Town Council passed a great statement around inclusion and discrimination. She thinks that we may have an opportunity to update that a bit and she has prepared the following statement that she would like her fellow Councilors consider and we can discuss it further at the next meeting:

*The Town of Cumberland is committed to fostering an inclusive and welcoming community for all. Discrimination, in any form, has no place within our borders, and we vehemently reject and condemn any acts of prejudice or discrimination.*

*We believe every individual, whether a resident or visitor, should be treated with dignity, respect, and fairness, regardless of sex, race, ethnicity, gender, sexual orientation, religion, age, disability, or any other characteristic. We are dedicated to upholding and protecting the rights and well-being of all, and we will not tolerate discrimination or harassment of any kind within the Town.*

*Our strength as a community lies not only in what unites us but also in our uniqueness; we celebrate each individual's contributions and perspectives. Ensuring Cumberland is a place where everyone can thrive and enjoy a high quality of life, free from discrimination, is a mission we will continually prioritize and work to see through.*

*While speaking up may feel intimidating, we encourage all residents to report any incidents of discrimination or harassment they may witness or experience. Our doors are open, and we are here to listen, support, and take action against discrimination in all its forms.*

*Please join us in promoting tolerance, understanding, and empathy. Together, we can build a brighter and more equitable future for Cumberland.*

**Councilor Douglass** – the Recreation/Community Education Advisory Board met last week. It is awesome to be a part of that group. Recreation brochures will be mailed out in late November and there are some great programs coming. They will be developing a playground subcommittee for Twin Brook, which is very exciting.

**Councilor Edes** – no new business.

**Councilor Storey-King** – Recreation Director, Pete Bingham, is working on ordinances for Sunday usage of our fields at Twin Brook. Occasionally, something gets postponed on a Saturday and has to get bumped to Sunday. We currently have a policy that Twin Brook is not used on Sunday mornings, so this

has to be vetted out with abutters. Pete is also going to be working on a Food Truck Ordinance for Twin Brooks.

A reminder that the library will hold its book sale this weekend, beginning on Thursday.

**Chairman Segrist** – this is bulky item pick up week. This will be the second to last bulky item pick up that the Town will be having. Items should be placed curbside on your regular trash pick-up day.

**VI. ADJOURNMENT**

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

VOTE: 6-0                      UNANIMOUS

TIME: 8:25 P.M.

Respectfully submitted by,

Brenda L. Moore  
Council Secretary