

**AGENDA**  
Cumberland Town Council Meeting  
Town Council Chambers  
**MONDAY, January 25, 2021**  
**7:00 P.M.** Call to Order

**I. CALL TO ORDER**

**II. APPROVAL OF MINUTES**

January 11, 2021

**III. MANAGER'S REPORT**

**IV. PUBLIC DISCUSSION**

*Public discussion is for comments on items that are not on the agenda. Comments are limited to 5 minutes per person. Rebuttal comments will be limited to 2 minutes. Public discussion topics will be brought up again under New Business for further Council discussion.*

**V. LEGISLATION AND POLICY**

**21 – 006.** To hear a report from the Finance Director re: 2nd Quarter Financials.

**21 – 007.** To hear a report and set a Public Hearing date of February 8th to consider and act on amendments to Chapter 84 (Fees and Fines), Section 32 (Yard Waste Facility) of the Cumberland Code, as recommended by the Ordinance Committee.

**21 – 008.** To consider and act on amendments to Town Council Rules and Regulations, as recommended by the Ordinance Committee.

**21 – 009.** To hold a Public Hearing to consider and act on amendments to Chapter 315 (Zoning), Section 2 (Purpose) and Section 4 (Word Usage and Definitions – Agriculture) of the Cumberland Code, as recommended by the Planning Board.

**21 – 010.** To hold a Public Hearing to consider and act on amendments to Chapter 229 (Site Plan Review) to add agriculture related language to the Cumberland Code, as recommended by the Planning Board. ***TABLED***

**21 – 011.** To hold a Public Hearing to consider and act on amendments to Chapter 229 (Site Plan Review), Section 5 (Minor Staff Review Procedure), Section 6 (Major Staff Review Procedure), Section 7 (Planning Board Review Procedure), to change the abutter notice radius from 200 to 500 feet, and Chapter 315 (Zoning), Section 53 (Home Occupations and Home-Based Occupations) and Section 77-C (Board of Adjustments & Appeals - Hearings), of the Cumberland Code, to change the abutter notice radius from 300 to 500 feet, as recommended by the Planning Board.

## **VI. NEW BUSINESS**

**VII. EXECUTIVE SESSION** pursuant to 1 M.R.S.A., § 405(6)(A) re: Town Manager evaluation and contract renewal.

## **VIII. ADJOURNMENT**

# MINUTES

Cumberland Town Council Meeting

Town Council Chambers

**MONDAY, January 11, 2021**

**6:00 P.M. Workshop** re: Amendments to Fees & Fines (Yard Waste Facility) and Council Rules and Regulations

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

Present: Councilors Copp, Foster, Gruber, Storey-King, Turner and Vail

Excused: Councilor Edes

## **I. APPROVAL OF MINUTES**

Motion by Councilor Copp, seconded by Councilor Vail, to accept the December 28, 2020 meeting minutes as presented.

VOTE: 6-0 UNANIMOUS

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

He has been working with Chairman Gruber on a Cumberland County CBDG grant for the Vet-to-Vet program. There are approximately 80 veterans connected to the program and he asked the Council to make a motion under New Business to endorse the program. This is a very important program that provides a safety net for our veterans.

Route 9 will be paved next summer and after the paving takes place, there will be a moratorium on the road from the Falmouth town line to approximately Turkey Lane, for 3 years. This means that if the road needs to be cut into for the purpose of connecting to utilities, now is the time to do it.

Councilor Foster asked the Manager for an update on the Police Departments policy on the issuance of harassment warnings and the inconsistency of our policy with surrounding communities.

Town Manager Shane said that we are a community that thrives on community policing and we want our police officers to feel comfortable in a mediation role and feel encouraged, not discouraged in that. When he explained this to Chief Rumsey, he was able to see this in a different light and is looking at Police Department policies and trying to decide where the department could help with mediation and being more proactive.

## **III. PUBLIC DISCUSSION**

Bill Stiles of Range Road thanked the Town Council, Town Manager Shane, Town employees and the public for the kindness bestowed on him and his family after his wife, Joyce passed away. It was very much appreciated.

Shawn McBairty of Cumberland read the following comments:

*Chairperson Gruber, thank you for the opportunity to speak.*

*As we look at what is happening in the country to the First Amendment rights of conservatives, being selectively eliminated by public and private social media companies, we've also seen the continuation of*

*progressive government officials waging war on Maine's culture, economy and constitutional system. That war is now intensifying.*

*It's also a war on hypocrisy. Seven months of "mostly peaceful protests" from BLM and Antifa, in which cities were held hostage, set on fire, businesses looted, people injured and many killed, including over a dozen police officers. Now the radical left is stating that what happened at the Capital recently was a full scale "incursion" and "riot." Interesting that one of the most secure buildings in the world, could so easily have been taken over by unarmed actors.*

*No one condemns this action of a few, but liberalism is a one-way street.*

*The hypocrisy of the occupation of government offices for days during Supreme Court hearings of Judge Kavanaugh in 2018, has been largely forgotten.*

*We have a microcosm of "wokeness" occurring here in Cumberland and North Yarmouth. Wokeness is using for example, gender and race relations, as a subversion for totalitarian actions against local, state and national governments and it's citizens.*

*Ann Maximowicz, apparent supporter of socialism, anarchism and Marxism, who did not stand for the Pledge of Allegiance to honor our American flag, or the troops fighting for our freedoms, the same person who is on the MSAD51 Equity and Inclusion Committee and the School Board, recently decided to turn her attacks and rage toward a member of the Cumberland Town Council.*

*You see, progressive leftists want to lash out at anyone they can and their hatred is real, but generally their facts are weak. **It's called selective outrage culture.** People like Ann Maximowicz, Tyler McGinley, Kate Perrin, Nick Schuller Whiston and Superintendent Jeff Porter, wage war with conservatism, because they are afraid that at some point, citizens simply won't put up with their hypocrisy.*

*They also don't want to allow the First Amendment rights of citizens, as currently stated in The Constitution and are willing to illegally withhold those rights, if it means trying to silence your dissenting opinion.*

*Same approach Superintendent Jeff Porter did on 6/2/2020 when he sent out his letter to the community, effectively stating that any student in Greely should be ashamed because of the color of their skin, or their hard-working parents. White privilege he said. 400 years of oppression he said.*

*As a reminder to all, he's done nothing to heal the town from his horrific letter in the six months since. He's also skipped out on two requests to meet to talk about these issues and devise a real plan to move forward.*

*Selective outrage culture, as what I've now also experienced from a member of the Cumberland Town Council as their comments were placed on a Facebook group called, "**Anti-Racist Organizing for Cumberland/North Yarmouth**," a private Facebook group (which means, they can selectively let in members and ban others from entry) run by Ann Maximowicz and Eliza Bachelder.*

*Ann still doesn't recognize that what she is doing by advancing her own personal agenda **is illegal**. It might take a big old court case to change the behavior of the MSAD51 School Board and their advancement of Critical Race Theory on your Greely students, with your tax dollars.*

*Tax dollars that have been put to “**great use**” by Superintendent Jeff Porter, who has billable hours to Drummond and Woodsum in the range of \$40,000 just to fight FOAA requests for transparency, school choice, following their own rules on public comment and requests for fiscal responsibility.*

*Fiscal responsibility, there is a side note...did you know my **taxes have gone up 76% in the last 20 years!?** Now, some of that is valuation changes, but a bunch of this is the compounded interest of 3-5% MSAD51 approved school budgets, year, over year, over year. **Never once has the town told the School Board no. It’s time to do so in June.***

*And Superintendent Jeff Porter now wants you to spend hundreds of thousands of dollars to purchase a parcel of land next to the Greely campus, so they can put a \$40 million dollar school on it! **\$40,000,000!?***

*Eliza Bachelder can’t comprehend why I’ve not been served a harassment order, except of course, the fact that I’ve not harassed anyone, and I’ve broken no laws, have no criminal record and have been an exemplary citizen for the last 20 years I’ve lived here.*

*The concept of due process and the law seems to be difficult for progressive leftists to understand.*

*What’s one of the opening questions to join this Facebook group? “**What example of white privilege do you see in Cumberland/North Yarmouth?**” Don’t think for a second that more members of this Town Council and members of the Cumberland Town Government aren’t going to have attempts at implicating them with claims of racism. They are stockpiling a list of “white privilege” issues to come after you with. Most likely all will be false, but hey, let’s not let the facts get in the way of cancel culture.*

*Chairman Gruber, could you please ask Councilor Foster, who is working on Social Justice discussions for the Town, to publicly define “institutional racism please?”*

*Chairman Gruber responded that this will be addressed under New Business.*

*So, we’ve spent hundreds of thousands of dollars now on this topic through Critical Race Theory at Greely and time drains on Cumberland Town Officials, that could have been spent on more locally relevant topics. **What a complete waste of time and money!***

*I want to leave you with two quotes:*

*From Candace Owens, one of my favorite voices out there, “Keep believing evil white conservatives want to bring harm to you while the **actual evil white racist progressives** continue to destroy your life.”*

*From Ronald Regan, “If fascism comes to America, it will come in the name of liberalism.”*

***It’s already here folks. It’s in our School Board, it’s in our town, it’s in this room.***

*If you don’t push back...you’ll just have to live with the consequences. I’m going to continue to push back...within my rights.*

*I’m hoping more Cumberland and North Yarmouth residents do the same.*

#### IV. LEGISLATION AND POLICY

**21 – 001 To hear a report from Tax Assessor, John Brushwein re: FY2023 Revaluation.**  
Tax Assessor, John Brushwein, presented the following:

## Town of Cumberland



**Assessment Ratio and  
Revaluation Presentation  
Town Council Meeting  
January 11, 2021**

Town of Cumberland Tax Assessor  
John E. Brushwein, CMA

## Maine Statutory Requirement and Assessment Standards

**STATUTORY REQUIREMENT**

- Annual Sales Ratio Studies

**ASSESSMENT STANDARDS**

- Minimum Assessment Ratio = 70%
- Maximum Assessment Ratio = 110%
- Maximum Level of Assessment Quality = 20 (Quality Rating)

## Ratio Study Purpose

- Measure and evaluate the level of assessment uniformity.
- Assist in judging if Statutory performance standards are met.
- The certified assessment ratio is used by the State to adjust all municipal valuations to 100% annually. The 100% valuation is then used in determining State Aid for Education, State Revenue Sharing, and County funding.

## Sales Ratio Definitions

- **Assessment Ratio** = Assessed Value / Sale Price
- **Average Ratio** = Average of all Assessment Ratios in the central 70% of a Sales Ratio Study
- **Deviation** = Difference of individual ratio from the average Assessment Ratio
- **Average Deviation** = Average of all deviations in the study
- **Quality Rating** = Average Deviation / Average Ratio

## Assessment Ratio & Deviation

- Property assessed at \$300,000 sells for \$400,000
- **Assessment Ratio** = \$300,000 / \$400,000 or 75%
- **Developed Parcel Average Ratio** (Total up ratios in sample and divide by the number in the sample 77%)
- **Deviation** = Average Ratio less individual ratio (77-75) or 2 %
- **Quality Rating** = average deviation / average ratio  
 $7.84 / 77 = 11$

## Ratio Terms

- **Certified Ratio** is the overall ratio between assessed value and market value for all property in the municipality as determined by Maine Revenue Services through the annual audit.
- **Declared Ratio** is the overall ratio of assessed value to market value as determined by the municipality within 10% of the Certified Ratio. State Statute requires that all exemptions and Current use values be factored by the declared ratio.

# Stratified 2021 Sales Ratio Analysis 7/18 -6/19

Combined Assessment Ratio – 86%

- West Cumberland - AVG Ratio – 88%  
Quality Rating – 8
- Cumberland Center - AVG Ratio – 85%  
Quality Rating – 10
- Cumberland Foreside - AVG Ratio – 88%  
Quality Rating – 6
- Condominiums - AVG Ratio – 84%  
Quality Rating – 11

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Quality Rating – 11

# Stratified 2022 Sales Ratio Analysis 7/2019 - 6/2020

Combined Assessment Ratio – 83%

- West Cumberland - AVG Ratio – 86%  
Quality Rating – 9
- Cumberland Center - AVG Ratio – 81%  
Quality Rating – 13
- Cumberland Foreside - AVG Ratio – 84%  
Quality Rating – 12
- Condominiums - AVG Ratio – 85%  
Quality Rating – 9

# Stratified 2022 Sales Ratio Analysis 7/2019 - 6/2020

Combined Assessment Ratio – 83%

- West Cumberland - AVG Ratio – 86%  
Quality Rating – 9
- Cumberland Center - AVG Ratio – 81%  
Quality Rating – 13
- Cumberland Foreside - AVG Ratio – 84%  
Quality Rating – 12
- Condominiums - AVG Ratio – 85%  
Quality Rating – 9

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- Combined Assessment Ratio – 83%
- West Cumberland - AVG Ratio – 86%  
Quality Rating – 9
  - Cumberland Center - AVG Ratio – 81%  
Quality Rating – 13
  - Cumberland Foreside - AVG Ratio – 84%  
Quality Rating – 12
  - Condominiums - AVG Ratio – 85%  
Quality Rating – 9

# Stratified 1/1/20 – 12/31/20 Sales Ratio Analysis

Combined Assessment Ratio – 75%

- West Cumberland - AVG Ratio – 78%  
Quality Rating – 11
- Cumberland Center - AVG Ratio – 75%  
Quality Rating – 12
- Cumberland Foreside - AVG Ratio – 76%  
Quality Rating – 13
- Condominiums - AVG Ratio – 74%  
Quality Rating – 11

# Stratified 1/1/20 – 12/31/20 Sales Ratio Analysis

Combined Assessment Ratio – 75%

- West Cumberland - AVG Ratio – 78%  
Quality Rating – 11
- Cumberland Center - AVG Ratio – 75%  
Quality Rating – 12
- Cumberland Foreside - AVG Ratio – 76%  
Quality Rating – 13
- Condominiums - AVG Ratio – 74%  
Quality Rating – 11

- # Stratified 1/1/20 – 12/31/20 Sales Ratio Analysis
- Combined Assessment Ratio – 75%
- West Cumberland - AVG Ratio – 78%  
Quality Rating – 11
  - Cumberland Center - AVG Ratio – 75%  
Quality Rating – 12
  - Cumberland Foreside - AVG Ratio – 76%  
Quality Rating – 13
  - Condominiums - AVG Ratio – 74%  
Quality Rating – 11

## 2020 Median Residential Sale Price

■ Statewide -	\$270,000
■ Cumberland Center -	\$425,500
■ Cumberland Foreside -	\$680,000
■ West Cumberland -	\$382,500

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- |                         |           |
|-------------------------|-----------|
| ■ Statewide -           | \$270,000 |
| ■ Cumberland Center -   | \$425,500 |
| ■ Cumberland Foreside - | \$680,000 |
| ■ West Cumberland -     | \$382,500 |

## Assessment Ratio Results

- The most recent Assessment Ratio of 75% in the developed parcel analysis and Quality Rating of 13 are within State Standards. If the current market trend continues the Town will fall below the 70% minimum ratio requirement. The rising quality rating indicates a reduction in assessment uniformity.

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## 2018 Property Inventory Update

- Over 2300 properties experienced some value change (both positive and negative adjustments) resulting in a total valuation change of approximately \$22,500,000
- The changes corrected property data that was previously erroneous, inconsistent, and in some cases omitted. No assessment valuation schedules were changed.
- Building costs have increased and land sale prices have also increased since the last revaluation.

- ## 2018 Property Inventory Update
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  - The changes corrected property data that was previously erroneous, inconsistent, and in some cases omitted. No assessment valuation schedules were changed.
  - Building costs have increased and land sale prices have also increased since the last revaluation.



## Revaluation Project

- The goal of revaluation is to bring all assessments to 100% of Fair Market Value.
- Revaluation does not raise new tax dollars.
- Typically, revaluations result in 1/3 of taxpayers seeing an increase in taxes, 1/3 staying essentially the same, and 1/3 seeing a decrease in taxes.
- If the average ratio is 73%, those that are at the average see little to no change, those below the average result in an increase and those above the average result in a decrease.

## Revaluation Cost Estimates

- Complete Revaluation – complete inspection of properties; create new land and building valuation schedules and depreciation schedules based on market analysis; conduct field review to assure consistency and accuracy of valuations, send notices, and conduct informal hearings with taxpayers including reinspection where necessary and finalization of valuations. Project time frame 6/2022 – 7/2023  
\$302,100.00

## Assessor Assisted Revaluation

- Assessor assisted Revaluation – assist assessor in development of appraisal schedules including sales analysis, construction cost development, and depreciation schedules.
- Assist with field review of 3684 parcels (3269 developed) to assure consistency and accuracy of valuation model.
- Assist with informal hearings with taxpayers and finalization of valuations - \$170,000.00

## Revaluation Proposal

- Budget 50% of estimated contractor assisted valuation equalization project FY 2022.  
(\$85,000.00)
- Budget remaining 50% FY 2023.  
(\$85,000.00)
- Begin revaluation project Spring of 2022 with completion prior to July 1, 2023.

**21 – 002 To consider and act on forwarding to the Planning Board for a Public Hearing and recommendation, a zone change request from Michael Record and Andrew Hagerty to change a portion of Map U20/Lot 66 from the VCC zone to the VOC 1 zone, as recommended by the Ordinance Committee.**

Town Manager Shane explained that the Ordinance Committee voted unanimously to approve this. Mr. Haggerty would like to build four additional rental units to the Emerald Commons subdivision. To do this, he will have to purchase abutting land from the Board Barn. It will remain a buffer to abutters and the Town will retain a drainage easement. The zone change request from VCC to VOC1 is to allow for multiplex development. This is a good plan that protects the Old Gray Road neighbors and adds more desperately needed rental units in Town.

Councilor Storey-King added that these will be one-bedroom, single level units.

Chairman Gruber asked for public comment.

Andrew Haggerty added that no commercial land is lost in this zone change.

Motion by Councilor Copp, seconded by Councilor Turner, to forward to the Planning Board for a Public Hearing and recommendation, a zone change request from Michael Record and Andrew Hagerty to change a



portion of Map U20/Lot 66 from the VCC zone (Village Center Commercial) to the VOC1 (Village Office Commercial 1) zone, as recommended by the Ordinance Committee.

VOTE: 6-0                      UNANIMOUS

**21 – 003    To hold a Public Hearing to consider and act on an amendment to the Credit Enhancement Agreement with Integrative Health Center of Maine to add 15 Sky View Holdings, LLC.**

Town Manager Shane explained that the Finance Committee has reviewed this and is recommending the amendment. The original Credit Enhancement Agreement was issued to Dr. McCloy of Integrative Health, and after he built his new building, he was able to get a tenant for the ground level. Part of their negotiation was to split the Credit Enhancement Agreement. Council approval is necessary for this.

Chairman Gruber opened the Public Hearing.

Public comment: none

Chairman Gruber closed the Public Hearing.

Motion by Councilor Turner, seconded by Councilor Vail, to amend the Credit Enhancement Agreement with Integrative Health Center of Maine to add 15 Sky View Holdings, LLC.

VOTE: 6-0                      UNANIMOUS

**21 – 004    To appoint a member to the Planning Board and Cumberland Housing Authority.**

Motion by Councilor Copp, seconded by Councilor Turner, to appoint Lorraine Rardin and Amanda Billing to the Planning Board and Cara Biddings to the Cumberland Housing Authority.

VOTE: 6-0                      UNANIMOUS

**21 – 005    To authorize the Code Enforcement Officer to execute a Consent Agreement with the owners of 273 Middle Road.**

Town Manager Shane explained that is a unique situation because it involves 2 Towns (Cumberland and Yarmouth). This is a parcel of land that is landlocked in Cumberland. With landlocked properties, there is no front, only sides. The setback violation of the shed is approximately 4 feet too close to the property line. The action is to allow for the encroachment to exist and to pay the \$500 fine for legal fees. The Code Enforcement Officer is respectfully requesting that the shed and the setback issue is the focus of the Council action. An abutter will testify on issues that the Yarmouth Planning Board approved, which we have no jurisdiction over.

David Goldman, attorney for the property owners, said that back in 2008 the Veilleux's were given permission to build a shed, working with the Code Enforcement Officer at the time, as well as Mr. Libby's predecessor, who knew what was happening and had no problem with it. The appeal deadline is 30 days, not 12 years. Mr. Libby is trying to raise an issue with something that occurred more than a decade ago that everyone knows about and nobody had a problem with. Nobody has ever appealed this, and now Mr. Libby filed an affidavit with the registry of deeds which has put a cloud on the title, claiming that there is a violation. The Veilleux's are supposed to close on this property on Friday. They cannot close until this issue is resolved. Mr. Goldman said that they are asking the Town Council to put this issue to rest again, more than a decade later. The only issue that is before this Town Council is whether the Town is going to seek to penalize the Veilleux's for this alleged violation.

Ed Libby, owner of the abutting property, said that when he bought the property, he had a survey done and he was not aware of the shed encroachment, but was aware that Mr. Veilleux built his lawn well into Mr. Libby's

property. He spoke to Mr. Veilleux and made him aware of this and told him to keep mowing his lawn and it was not a big deal. Mr. Libby said that he supports this mechanism, and it is the best mechanism to solve the shed problem, but from his perspective there are a couple of other issues going on. Mr. Veilleux got permission from the Town of Cumberland to put his pool and pool shed where they are, but everything else had to stay in its natural state. The sketch that he provided showed the pool shed next to the pool and if you were to draw a line, it was clearly on the inside of the boundary where it should be. In reality, when it got built, it didn't happen that way. There is a 20-foot buffer between their properties that extends from the Cumberland town line up to the front. It turns out that the pool is within that buffer area. He is requesting that the Consent Agreement be amended to say that the area below the pool, where it should not be mowed, remain in its natural state. This is all he is asking for.

Town Manager Shane said Mr. Libby's issues are homeowners' issues and with the Town of Yarmouth, not the Town of Cumberland.

Motion by Councilor Copp, seconded by Councilor Turner, to authorize the Code Enforcement Officer to execute a Consent Agreement with the owners of 273 Middle Road and collect \$500.00 for legal fees.

VOTE: 6-0                      UNANIMOUS

## V. NEW BUSINESS

**Councilor Storey-King** – she shared the following dates that the Bicentennial Committee will hold events: March 8<sup>th</sup> there will be a History of Cumberland book launch, March 21<sup>st</sup> (the Town's actual birthday) there will be a launch of a bicentennial online exhibit, April 1<sup>st</sup> there will be an outside scavenger hunt, September 18<sup>th</sup> there will a large event with lots of activities at Twin Brook, and on October 31<sup>st</sup> there will be a tour of cemeteries under the cover of night skies.

She took her mother to see the historical society building recently. It is coming along nicely.

This past weekend, former Greely teacher and basketball coach, Bob Leighton passed away. He and his wife Margaret were living in Florida. Bob was a legend and a very good man. He raised his family in Cumberland. If anyone wants to send a card to Margaret Leighton, they can reach out to her and she can give them Margaret's address.

**Councilor Vail** – he was listening to the radio recently and the commentator said that all politics are local. He was struck by those words and as he drove home, he thought about the events of last week, he thought that is true. All politics are local. To him that phrase is a battle cry for how we conduct ourselves and set the tone for how this country operates. He will conduct himself in a manner that brings honor to our community. He will conduct himself in a manner that is of a listening manner and a collaborative manner. When he doesn't win, he will compromise and support the actions of the majority. Sometimes that is difficult to do, but it is the right thing to do. That is what the community expects from us.

**Chairman Gruber** – he thanked Bill Stiles for his comments and realizes that his wife, Joyce is missed very much.

As a Council, we have to endorse the Vet-to-Vet program as Town Manager Shane described earlier. It will not cost anything, but they need our endorsement.

He asked Councilor Foster to address Mr. McBreairty question.

**Councilor Foster** – she shared what her personal understanding of what systemic racism is a few months ago when it came up early on in our conversations. She doesn't claim to be an expert on this topic, but this is her current understanding. Systemic racism is not a comment on the people in the systems. It is about the constructs of how we operate as a society. It's unfortunate when folks take this whole discussion and turn it into an assumption that we're saying people are bad or good. That is not what she is saying, and she also does not think that's what the definition of systemic racism is. It's not saying that people who are police officers, because they are in a system that may have constructs that foster unconsciously a bias or a discrimination, that they are bad. This is her perspective on this. When she talks about systemic racism, when she talks about constructs, she will use her own experience. Her parents worked hard to buy their first house. They saved their money and moved her and her sister to a town that was up and coming, much like Cumberland. They chose that town for the school system. The town was great, and the school system was great, and more professionals moved in. While she was thinking about going college, her parents told her that they didn't have a lot of money for her to go to college, so her options were scholastic scholarship, athletic scholarship, or paying her own way and taking on student loans. Taking on those loans was not going to work for her, so academic scholarship was her eye on the prize. That's how she was going to go to school and have the opportunity to go to schools that she wanted to go to. She worked very hard in school, got really good grades, and was in the top percentile of her class. She applied to schools and got into the one she wanted to go to. But what got her the full tuition scholarship that allowed her to go to the school that she did and allowed her to have the network that she had, that allowed her to pursue the career she wanted, was the network she had in the town that she grew up in, and it was knowing and having a neighbor that was the sister of the President of Admissions for a college that she happened to want to go to. That gave her the extra edge. She really feels like that is the perfect example of the system constructs. That networking is what gets you over the edge to go to college. Networking is what gives you that recommendation to your first employer. If those networks that we have in the communities that we live in are purposely keeping some people out in a way that those constructs were built centuries ago, that's what we're talking about. We're talking about just taking a step back and asking do we today, in what we understand, still feel that that's right? That's all that she is asking us to do as a community. That's what the Social Justice Committee, in her opinion, is really trying to do. Just take that deep breath, take that step back and say, wow, I didn't realize that those were the implications of our actions, of our policies. She didn't think that she was getting an unfair advantage through the network that she had. It just was what she knew. It was her community. She doesn't think that she's a bad person. It's an example of how the system works and how the system may disadvantage some people and advantage others. Those others that are advantaged happen to be white more often than not in our society.

**Councilor Turner** – he offered his condolences to Margaret Leighton. Bob Leighton was a very good man. He was one of the first owners of Val Halla and he did a lot for this community. He was wonderful defensive basketball coach.

He is reading a book entitled "The Color of Law". The author pounds and pounds one aspect of American society that has been true since the 1800's, and that is housing. There was a very conscious effort on the government's part to keep segregation in place. The way they achieved this was to control the ability of people of color to get loans. In many government housing communities they outlawed people of color to be allowed to get into those communities. The framework of systemic racism within our government goes to that core. The progress in his lifetime since the 60's has been phenomenal in attempting to level the playing field.

**Councilor Copp** – in 1977, he entered high school. Bob Leighton was his teacher in General Math. This was the best class he ever took. He learned practical math that he still uses today. Bob was a great teacher and a genuine great guy.

Condolences to Councilor Edes whose mother passed away last week.

**Town Manager Shane** – he asked for a motion to show the Council support for the Vet-to-Vet program.

Motion by Councilor Copp, seconded by Councilor Vail, to endorse the Vet-to-Vet Program.

**VI. ADJOURNMENT**

Motion by Councilor Storey-King, seconded by Councilor Vail, to adjourn.

VOTE: 6-0                      UNANIMOUS

TIME: 9:01 P.M.

Respectfully submitted by,

Brenda L. Moore  
Council Secretary

# ITEM

# 21-006

To hear a report from the Finance Director re: 2<sup>nd</sup> Quarter Financials



# **Town of Cumberland**

## **FY2021 Q2 Results**



# General Fund

## FY2021 Q2 Overview

	FY21 Budget	FY21 YTD Actual	FY21 %	FY20 %
<b>TOTAL REVENUES</b>	<b>\$ 5,681,666</b>	<b>\$ 3,518,641</b>	<b>61.9%</b>	<b>58.7%</b>
<b>Controllable Expenses</b>	<b>\$ 9,043,364</b>	<b>\$ 4,194,403</b>	<b>46.4%</b>	<b>52.4%</b>
<b>Fixed Expenses</b>	<b>\$ 22,658,516</b>	<b>\$ 11,760,409</b>	<b>51.9%</b>	<b>53.8%</b>
<b>TOTAL EXPENSES</b>	<b>\$31,701,880</b>	<b>\$15,954,812</b>	<b>50.3%</b>	<b>53.4%</b>

# General Fund

## FY2021 Q2 Selected Revenues

	FY21 Budget	FY21 YTD Actual	FY21 %	FY20 %
Excise Tax	\$ 1,735,000	\$ 1,270,188	73.2%	59.1%
State Revenue Sharing	\$ 500,000	\$ 486,008	97.2%	61.8%
Permits & Impact Fees	\$ 177,174	\$ 166,080	93.7%	65.3%
EMS Billing	\$ 160,000	\$ 55,885	34.9%	40.5%
Val Halla - Golf Revenues	\$ 573,645	\$ 410,549	71.6%	54.8%
Recreation - After School	\$ 270,000	\$ 143,456	53.1%	61.3%
Recreation - All Other	\$ 659,770	\$ 111,058	16.8%	51.4%

# General Fund

## FY2021 Q2 Selected Expenses

	<b>FY21 Budget</b>	<b>FY21 YTD Actual</b>	<b>FY21 %</b>	<b>FY20 %</b>
<b>Police</b>	<b>\$ 1,494,752</b>	<b>\$ 701,701</b>	<b>46.9%</b>	<b>50.8%</b>
<b>Fire</b>	<b>\$ 1,088,962</b>	<b>\$ 474,750</b>	<b>43.6%</b>	<b>47.8%</b>
<b>Public Services</b>	<b>\$ 2,197,932</b>	<b>\$ 974,397</b>	<b>44.3%</b>	<b>46.1%</b>
<b>Val Halla Golf Club</b>	<b>\$ 781,125</b>	<b>\$ 454,222</b>	<b>58.1%</b>	<b>61.1%</b>
<b>Recreation</b>	<b>\$ 914,018</b>	<b>\$ 391,710</b>	<b>42.9%</b>	<b>58.7%</b>

# Questions?



**Town of Cumberland**  
**FY2021 Year to Date Revenues**

Through December 31, 2020

Description	FY2020 YTD		FY 2021 YTD vs Budget		
	Actual	FY20%	Budget	Actual	FY21%
Excise Tax	\$ 1,153,049	59.1%	\$ 1,735,000	\$ 1,270,188	73.2%
Boat Excise Tax	\$ 2,681	19.1%	\$ 14,000	\$ 4,025	28.8%
Outer Island Taxes	\$ 23,514	56.0%	\$ 46,000	\$ 22,948	49.9%
PILOT	\$ 16,061	51.8%	\$ 33,000	\$ 18,903	57.3%
<b>Tax Revenues</b>	<b>\$ 1,195,305</b>	<b>58.7%</b>	<b>\$ 1,828,000</b>	<b>\$ 1,316,064</b>	<b>72.0%</b>
Hunting & Fishing Licenses	\$ 209	38.6%	\$ 541	\$ 168	31.0%
Marriage Licenses	\$ 1,645	67.5%	\$ 2,436	\$ 1,830	75.1%
Birth Certificates	\$ 759	55.8%	\$ 1,361	\$ 712	52.3%
Death Certificates	\$ 1,048	61.2%	\$ 1,713	\$ 919	53.7%
Clerk Licenses	\$ 1,595	34.6%	\$ 4,608	\$ 1,110	24.1%
Shellfish Licenses	\$ 121	0%	\$ -	\$ 418	0%
Conservation Fees	\$ 19	0%	\$ -	\$ 62	0%
Snowmobile Reg	\$ 90	0%	\$ -	\$ 137	0%
Auto Reg. Fees	\$ 14,326	66.9%	\$ 21,406	\$ 17,413	81.3%
Boat Reg. Fees	\$ 161	14.7%	\$ 1,098	\$ 169	15.4%
Building Permits	\$ 40,241	53.7%	\$ 75,000	\$ 70,876	94.5%
Electrical Permits	\$ 12,073	55.8%	\$ 21,634	\$ 17,969	83.1%
Plumbing Permits	\$ 7,673	40.8%	\$ 18,789	\$ 12,478	66.4%
Other Permits	\$ 348	19.9%	\$ 1,751	\$ 309	17.6%
ATV Reg. Fees	\$ 64	173.0%	\$ 37	\$ 57	154.1%
Miscellaneous	\$ -	0%	\$ -	\$ 100	100.0%
Application Fees	\$ 200	15.4%	\$ 1,300	\$ 450	34.6%
Dog Revenues	\$ 513	18.3%	\$ 2,800	\$ 419	15.0%
Commercial Haulers License	\$ -	0.0%	\$ 500	\$ 100	20.0%
<b>Licenses &amp; Permits</b>	<b>\$ 81,084</b>	<b>52.3%</b>	<b>\$ 154,974</b>	<b>\$ 125,696</b>	<b>81.1%</b>
Homestead Reimbursement	\$ 403,918	84.1%	\$ 703,373	\$ 525,408	74.7%
State Revenue Sharing	\$ 372,568	61.8%	\$ 500,000	\$ 486,008	97.2%
DOT Block Grant	\$ 71,480	105.1%	\$ 71,480	\$ 66,876	93.6%
North Yarmouth Recreation Shar	\$ (871)	25.0%	\$ 18,184	\$ 4,546	25.0%
North Yarmouth Library Share	\$ 42,340	25.0%	\$ 183,393	\$ 45,848	25.0%
<b>Intergovernmental Revenues</b>	<b>\$ 889,435</b>	<b>67.5%</b>	<b>\$ 1,476,430</b>	<b>\$ 1,128,687</b>	<b>76.4%</b>
Interest & Penalties	\$ 22,660	75.5%	\$ 30,000	\$ 8,160	27.2%
Growth Permits	\$ 1,600	80.0%	\$ 2,000	\$ 2,300	115.0%
Board of Appeals	\$ 200	0%	\$ -	\$ -	0%
Misc. Revenue	\$ 31,855	127.4%	\$ 25,000	\$ 31,206	124.8%
Staff Review Fee	\$ 1,650	11.7%	\$ 14,117	\$ 3,350	23.7%
Mooring Fees	\$ 1,568	104.5%	\$ 1,500	\$ 64	4.3%
Private Ways	\$ -	0.0%	\$ 400	\$ 200	50.0%
Impact Fees	\$ 54,205	90.3%	\$ 60,000	\$ 62,457	104.1%
<b>Other Revenues</b>	<b>\$ 113,733</b>	<b>85.4%</b>	<b>\$ 133,117</b>	<b>\$ 107,271</b>	<b>80.6%</b>
Police Issued Permits	\$ 5,169	258.5%	\$ 2,000	\$ 590	29.5%
Police Insurance Reports	\$ 260	52.0%	\$ 500	\$ 220	44.0%
Misc Police Rev	\$ 165	25.5%	\$ 648	\$ 51	7.9%
Parking Tickets	\$ 575	575.0%	\$ 100	\$ 175	175.0%
Outside Detail	\$ 19,468	86.6%	\$ 21,998	\$ 2,765	12.6%
Dog Licenses ACO	\$ 1,155	64.2%	\$ 1,800	\$ 927	51.5%
Court Reimbursement	\$ 3,392	154.2%	\$ 2,200	\$ 119	5.4%
Grants	\$ -	0%	\$ -	\$ 951	0%
<b>Police Department</b>	<b>\$ 30,184</b>	<b>101.5%</b>	<b>\$ 29,246</b>	<b>\$ 5,799</b>	<b>19.8%</b>
Misc. Revenue	\$ 15	15.0%	\$ -	\$ -	0%
Fire Outside Details	\$ 15,160	84.2%	\$ 18,000	\$ -	0.0%
Rescue Billing	\$ 64,837	40.5%	\$ 160,000	\$ 55,885	34.9%
Paramedic Intercepts	\$ -	0.0%	\$ -	\$ 300	0%
Donations	\$ 1,000	100.0%	\$ 1,000	\$ 3,989	398.9%
<b>Fire Department</b>	<b>\$ 81,012</b>	<b>45.1%</b>	<b>\$ 179,000</b>	<b>\$ 60,174</b>	<b>33.6%</b>

**Town of Cumberland**  
**FY2021 Year to Date Revenues**

Through December 31, 2020

Description	FY2020 YTD		FY 2021 YTD vs Budget		
	Actual	FY20%	Budget	Actual	FY21%
Misc Revenue	\$ 5,954	29.0%	\$ 20,500	\$ 3,534	17.2%
Park Field Usage Fees	\$ 3,807	38.1%	\$ 5,000	\$ -	0.0%
Outside Detail	\$ 852	0%	\$ -	\$ -	0%
Bags/Universal Waste	\$ 114,334	40.0%	\$ 295,015	\$ 79,048	26.8%
Brush Passes	\$ 1,666	20.1%	\$ 8,277	\$ 6,209	75.0%
Twin Brooks Donations	\$ 100	108.7%	\$ 92	\$ -	0.0%
<b>Public Services</b>	<b>\$ 126,713</b>	<b>39.0%</b>	<b>\$ 328,884</b>	<b>\$ 88,791</b>	<b>27.0%</b>
PILOT	\$ 4,000	80.0%	\$ 6,000	\$ -	0.0%
Soda Sales	\$ 1,594	63.8%	\$ 2,500	\$ 2,085	83.4%
Rental Income	\$ 6,750	48.2%	\$ 14,000	\$ 6,750	48.2%
Cell Tower Land Lease	\$ 10,800	50.0%	\$ 21,600	\$ 11,340	52.5%
<b>Val Halla Other</b>	<b>\$ 23,144</b>	<b>53.7%</b>	<b>\$ 44,100</b>	<b>\$ 20,175</b>	<b>45.7%</b>
Golf Memberships	\$ 92,269	40.1%	\$ 230,000	\$ 123,870	53.9%
Greens Fees	\$ 70,967	59.1%	\$ 120,000	\$ 122,977	102.5%
Golf Cart Rentals	\$ 43,912	49.9%	\$ 82,000	\$ 70,491	86.0%
Practice Range	\$ 768	7.7%	\$ 7,000	\$ 6,359	90.8%
Program Revenues	\$ 42,284	74.8%	\$ 64,715	\$ 50,812	78.5%
Advertising Sales	\$ -	0.0%	\$ 23,500	\$ -	0.0%
Outing/Tournament Golf	\$ 63,999	142.2%	\$ 46,430	\$ 36,038	77.6%
<b>Val Halla Golf</b>	<b>\$ 313,693</b>	<b>54.8%</b>	<b>\$ 573,645</b>	<b>\$ 410,549</b>	<b>71.6%</b>
After School Programs	\$ 165,279	61.3%	\$ 270,000	\$ 143,456	53.1%
Youth Enrichment Programs	\$ 102,913	69.3%	\$ 175,000	\$ 13,330	7.6%
Youth Sports Programs	\$ 48,944	52.6%	\$ 115,000	\$ 3,911	3.4%
Skiing Programs	\$ 56,404	125.3%	\$ 45,020	\$ 295	0.7%
Day Camps	\$ 30,108	16.7%	\$ 175,000	\$ 71,446	40.8%
Swimming Programs	\$ 16,536	30.6%	\$ 22,500	\$ 1,040	4.6%
Adult Enrichment	\$ 16,742	42.4%	\$ 30,000	\$ 500	1.7%
Adult Fitness	\$ 32,489	76.0%	\$ 60,000	\$ 12,249	20.4%
Special Events/Trips	\$ 2,005	89.4%	\$ -	\$ -	0%
Recreation Programs	\$ 4,933	70.8%	\$ -	\$ -	0%
Soccer revenue	\$ 20,190	99.7%	\$ 23,000	\$ 9,123	39.7%
Rec Ultimate Frisbee	\$ 870	5.6%	\$ 14,000	\$ -	0.0%
CPR/First Aid Revenue	\$ 770	0%	\$ 250	\$ (835)	-334.0%
<b>Recreation</b>	<b>\$ 498,183</b>	<b>54.3%</b>	<b>\$ 929,770</b>	<b>\$ 254,514</b>	<b>27.4%</b>
Library Fines	\$ 2,627	75.0%	\$ 3,500	\$ 539	15.4%
Misc. Library Revenue	\$ 709	70.9%	\$ 1,000	\$ 383	38.3%
<b>Library</b>	<b>\$ 3,335</b>	<b>74.1%</b>	<b>\$ 4,500</b>	<b>\$ 922</b>	<b>20.5%</b>
<b>TOTAL REVENUES</b>	<b>\$ 3,355,822</b>	<b>58.7%</b>	<b>\$ 5,681,666</b>	<b>\$ 3,518,641</b>	<b>61.9%</b>



**Town of Cumberland**  
**FY2021 Year to Date Expenses**

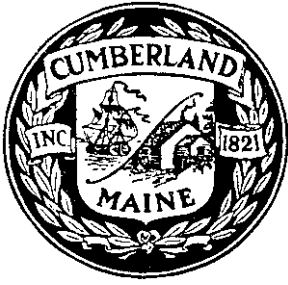
Through December 31, 2020

		FY2020 YTD		FY 2021 YTD vs Budget		
	Budget	Actual	FY20%	Budget	Actual	FY21%
130 Administration	\$ 621,818	\$ 319,521	51.4%	\$ 616,244	\$ 283,217	46.0%
140 Assessor	\$ 102,534	\$ 50,920	49.7%	\$ 112,471	\$ 55,072	49.0%
150 Town Clerk/Tax Collector	\$ 265,989	\$ 143,314	53.9%	\$ 275,187	\$ 104,385	37.9%
160 Technology	\$ 212,517	\$ 153,155	72.1%	\$ 212,517	\$ 193,063	90.8%
165 Elections	\$ 16,026	\$ 3,942	24.6%	\$ 14,241	\$ 4,464	31.3%
170 Planning	\$ 73,802	\$ 30,822	41.8%	\$ 73,137	\$ 28,320	38.7%
190 Legal	\$ 47,500	\$ 28,328	59.6%	\$ 47,500	\$ 32,244	67.9%
<b>General Administration</b>	<b>\$ 1,340,186</b>	<b>\$ 730,001</b>	<b>54.5%</b>	<b>\$ 1,351,297</b>	<b>\$ 700,764</b>	<b>51.9%</b>
210 Police	\$ 1,412,547	\$ 717,866	50.8%	\$ 1,494,752	\$ 701,701	46.9%
220 Fire	\$ 1,032,324	\$ 493,789	47.8%	\$ 1,088,962	\$ 474,750	43.6%
240 Code Enforcement	\$ 140,977	\$ 71,845	51.0%	\$ 143,113	\$ 74,275	51.9%
250 Harbor Master	\$ 12,000	\$ 12,012	100.1%	\$ 25,226	\$ 3,418	13.5%
260 Animal Control	\$ 32,875	\$ 14,803	45.0%	\$ 35,412	\$ 25,945	73.3%
<b>Public Safety</b>	<b>\$ 2,630,723</b>	<b>\$ 1,310,315</b>	<b>49.8%</b>	<b>\$ 2,787,465</b>	<b>\$ 1,280,089</b>	<b>45.9%</b>
310 Public Works	\$ 1,236,087	\$ 527,593	42.7%	\$ 1,269,713	\$ 514,500	40.5%
320 Waste Disposal	\$ 565,635	\$ 267,144	47.2%	\$ 592,696	\$ 268,640	45.3%
430 Parks	\$ 311,112	\$ 179,635	57.7%	\$ 318,355	\$ 189,970	59.7%
440 West Cumberland Hall	\$ 7,427	\$ 2,438	32.8%	\$ 8,204	\$ 1,101	13.4%
470 Historical Soc Bldg	\$ 7,164	\$ 4,299	60.0%	\$ 8,964	\$ 186	2.1%
<b>Public Services</b>	<b>\$ 2,127,425</b>	<b>\$ 981,109</b>	<b>46.1%</b>	<b>\$ 2,197,932</b>	<b>\$ 974,397</b>	<b>44.3%</b>
350 ValHalla - Clubhouse	\$ 27,100	\$ 14,937	55.1%	\$ 27,231	\$ 5,165	19.0%
360 ValHalla - Course	\$ 509,259	\$ 298,656	58.6%	\$ 515,427	\$ 317,199	61.5%
370 ValHalla - Pro Shop	\$ 225,574	\$ 151,584	67.2%	\$ 238,467	\$ 131,858	55.3%
<b>Val Halla</b>	<b>\$ 761,933</b>	<b>\$ 465,178</b>	<b>61.1%</b>	<b>\$ 781,125</b>	<b>\$ 454,222</b>	<b>58.1%</b>
410 Recreation	\$ 1,048,508	\$ 615,055	58.7%	\$ 914,018	\$ 391,710	42.9%
420 Aging in Place	\$ 86,793	\$ 60,643	69.9%	\$ 85,105	\$ 6,084	7.1%
<b>Recreation</b>	<b>\$ 1,135,301</b>	<b>\$ 675,698</b>	<b>59.5%</b>	<b>\$ 999,123</b>	<b>\$ 397,794</b>	<b>39.8%</b>
450 Library	\$ 497,303	\$ 258,411	52.0%	\$ 516,000	\$ 237,386	46.0%
580 General Assistance	\$ 35,000	\$ 27,265	77.9%	\$ 35,000	\$ 20,087	57.4%
590 Health Services	\$ 17,875	\$ 15,938	89.2%	\$ 3,875	\$ -	0.0%
620 Cemetery Association	\$ 26,700	\$ 26,700	100.0%	\$ 26,700	\$ 26,700	100.0%
630 Conservation Commission	\$ 13,000	\$ 1,335	10.3%	\$ 13,000	\$ 4,786	36.8%
800 Fire Hydrants	\$ 78,924	\$ 40,995	51.9%	\$ 81,686	\$ 41,640	51.0%
810 Street Lighting	\$ 45,000	\$ 17,614	39.1%	\$ 45,000	\$ 119	0.3%
830 Contingent	\$ 10,000	\$ 2,500	25.0%	\$ 100,000	\$ 17,589	17.6%
840 Municipal Building	\$ 104,523	\$ 39,862	38.1%	\$ 105,160	\$ 36,664	34.9%
850 Abatements	\$ 2,900	\$ 32,504	1120.8%	\$ 1	\$ 2,165	1469.0%
<b>Other Expenses</b>	<b>\$ 333,922</b>	<b>\$ 204,713</b>	<b>61.3%</b>	<b>\$ 410,422</b>	<b>\$ 149,750</b>	<b>36.5%</b>
<b>Controllable Expenses</b>	<b>\$ 8,826,793</b>	<b>\$ 4,625,425</b>	<b>52.4%</b>	<b>\$ 9,043,364</b>	<b>\$ 4,194,403</b>	<b>46.4%</b>
650 Debt Service	\$ 995,000	\$ 361,209	36.3%	\$ 1,157,320	\$ 300,580	26.0%
750 Insurance	\$ 263,400	\$ 235,381	89.4%	\$ 277,823	\$ 288,858	104.0%
860 MSAD #51	\$ 18,937,757	\$ 9,468,878	50.0%	\$ 20,104,804	\$ 10,052,402	50.0%
890 County Tax	\$ 878,954	\$ 910,761	103.6%	\$ 938,569	\$ 938,569	100.0%
910 Capital Imp. Plan	\$ 771,061	\$ 771,061	100.0%	\$ 180,000	\$ 180,000	100.0%
<b>Fixed Expenses</b>	<b>\$ 21,846,172</b>	<b>\$ 11,747,290</b>	<b>53.8%</b>	<b>\$ 22,658,516</b>	<b>\$ 11,760,409</b>	<b>51.9%</b>
<b>Total Expenses</b>	<b>\$ 30,672,965</b>	<b>\$ 16,372,716</b>	<b>53.4%</b>	<b>\$ 31,701,880</b>	<b>\$ 15,954,812</b>	<b>50.3%</b>

# ITEM

## 21-007

To hear a report and set a Public Hearing date of February 8th to consider and act on amendments to Chapter 84 (Fees and Fines), Section 32 (Yard Waste Facility) of the Cumberland Code



# M E M O R A N D U M

TOWN OF CUMBERLAND, MAINE  
290 TUTTLE ROAD  
CUMBERLAND, MAINE 04021  
TEL: 207-829-2205 FAX: 829-2224

**To:** Town Council  
**From:** William R. Shane, Town Manager  
**Date:** January 21, 2021  
**Re:** Fee & Fines – Big changes

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**The proposed Fees and Fines for our new yard waste facility will nearly double if this item is approved in February.**

The major reason for this change is we will be adding an attendant to the operation and opening extended hours on Tuesday and Saturdays for two extra months, as well as opening on Thursday and Fridays.

We will strongly try to encourage residents to purchase a season's pass, which now will be good for the calendar year. With a season's pass, residents will be able to obtain finished free compost, loaded at no cost. Compost will not be available to day pass holders.

This is an awesome facility and the operations have been covered by fees in the past. We believe we can cover our operating costs with this new fee structure.

Assistant Town Manager, Chris Bolduc, will be making the first presentation on Monday night, and I am recommending a second presentation in February with a possible vote. I have suspended the sale of all permits at the Clerk's Counter until February. Those who already have purchased a valid permit, well, it's good to be the early bird! Those permits will be honored for this season.

# Chapter 84

## Fees and Fines

### Article I Fee Schedule

#### § 84-32 Yard waste facility.

- A. Brush/trees/slash/leaves/grass clippings and other landscape trimmings. Brush/trees/slash is considered any hard or soft wood less than 12 inches in diameter. Lengths up to 12 feet will be accepted. Stumps and wood over 12 inches in diameter will not be accepted.
- B.** Cars, pickup trucks, single axle trailers ~~\$10~~ \$5 per load.
- ~~C.~~ Single axle trailers up to four feet by six feet: ~~\$10~~ \$5 per load.
- ~~D.~~ All trailers over four feet by six feet: ~~\$15~~ \$5 per load.
- ~~E.~~ **C.** Rack-body trucks, one ton dump trucks and Dump Trailers: ~~\$5~~ \$15 per load.
- ~~F.~~ One day pass for all vehicles excluding dump trucks: 10 per day.
- D.** ~~G.~~ Six-wheeled **seven-yard** dump trucks: \$25 . ~~\$25~~ \$75 per load
- E.** ~~H.~~ Larger loads (wheelers and tri-axle dump trucks) will not be accepted.
- F.** ~~I.~~ Motor oil and car batteries: must see attendant; no fee.
- G.** ~~J.~~ Residential annual pass ~~(May 1 to 4<sup>th</sup> Saturday in November) July 1 to June 30): \$25.~~ \$40
- H.** ~~K.~~ Commercial annual pass ~~(May 1 to 4<sup>th</sup> Saturday in November) July 1 to June 30)\*: \$250.~~ \$500  
\*Cumberland yard waste only.

**Adding hours on Tuesdays, and extras days Thursday & Fridays 10:30 AM to 2:30 PM**

**CURRENT HOURS**

<b>June - October</b>	<b>May &amp; November</b>
<b>Tuesdays 11 – 3</b>	<b>Tuesdays 11 – 3</b>
<b>Saturdays 9-12:30</b>	<b>Saturdays 9 - 3:00</b>

**PROPOSED HOURS**

<b>July through Sept.</b>	<b>May &amp; <u>June</u> <u>Oct</u> &amp; Nov</b>
<b>Tuesdays 10:30- 2:30</b>	<b>Tuesdays 10:30- 2:30</b>
<b>Thursdays 10:30 – 2:30</b>	<b>Thursdays 10:30 – 2:30</b>
<b>Fridays 10:30 – 2:30</b>	<b>Fridays 10:30 – 2:30</b>
<b>Saturdays 9-12:30</b>	<b>Saturdays 9 - 3:00</b>

# ITEM

# 21-008

To consider and act on amendments to Town Council Rules and Regulations, as recommended by the Ordinance Committee



*Highlighted text to be discussed. Recommended added language at the end.*

## **CUMBERLAND TOWN COUNCIL RULES AND REGULATIONS**

Pursuant to the Council/Manager Charter of the Town of Cumberland, Article II, Section 8, the Cumberland Town Council hereby adopts the following as its “Rules of Procedure” for meetings:

### **SECTION I - MEETINGS**

A. **REGULAR:** The regular meetings of the Cumberland Town Council shall be held in the Town Hall or such place as the council may designate at 7:00 p.m. current time, on the second and fourth Mondays of each month. ~~When said date falls on a holiday, the regular meeting shall be held on the following Tuesday, at the same time and place.~~ **Meeting dates may also be changed to accommodate the June and November elections.** The date and place of any regular meeting may be changed by an order or resolve passed at the previous meeting upon vote of four members of the Council provided that any such rescheduling shall be for a date before the next regular scheduled meeting.

B. **SPECIAL:** Special meetings may be called by the Chairman with the consent of three other members or at the request of four members of the council in writing to the chairman. Special meetings may be set at any regular scheduled council meeting by a majority of the council. The call for any special meeting shall set forth the matters to be acted upon at the said meeting, and nothing else shall be considered at that time. Notice of special meetings shall be delivered to each ~~councilman~~ **councilor** 48 hours prior to the meeting, as well as to the press.

C. **WORKSHOP:** Workshop meetings shall be held at specified times at the Town Hall. These shall be announced at the regular Town Council meeting prior to the workshop, or **48 hours prior to the meeting; as well as the press.** The purpose of this type of meeting is to discuss business that may appear on the agenda for a future meeting. No vote may be taken at such meetings.

D. **QUORUM:** A quorum shall consist of four members of the council. ~~A smaller number than a quorum may adjourn to an adjourned meeting but said meeting must have at least 48 hours notice if it is set for another day. All members not present shall be notified, as well as the press.~~

**E. COMMITTEE: The Town Council will have subcommittee work that will develop policy recommendations for the full Town Council to act upon. All committee meetings shall provide 48 hours notice. The Town Council shall also have members who are ad hoc members of Council appointed citizen committees. Those meetings shall require no less than 48 hours notice to the public.**

### **SECTION II – CONDUCT OF MEETINGS**

A. **GENERAL:** The chairman shall take the chair at the appointed time for the meeting: The following format shall be assumed:

- I. Call to Order
- II. Approval of the minutes of the previous meeting
- III. Manager's Report
- IV. Public Discussion
- V. Legislation and Policy
- VI. ~~Correspondence~~ Typically this falls under New Business
- VII. New Business
- VIII. Adjournment

Additional items may be put on the agenda at any meeting with the approval of the majority of the council.

B. ~~CHAIRMAN~~ **CHAIRPERSON:** The ~~chairman~~ **chairperson** shall:

- I. Together with the manager prepare the agenda.
- II. Declare all votes and have the secretary record said votes.
- III. Preserve decorum and decide all questions of order and procedure, subject to the appeal of the council.

C. PUBLIC: The public may address the council under "PUBLIC DISCUSSION" on any item that they wish **that is not on the agenda**. The public may further comment on agenda items. Procedure is to stand, gain recognition from the chair and state name and place of residence. **Comments are limited to 5 minutes per person. Rebuttal comments will be limited to 2 minutes. Public discussion topics will be brought up again under New Business for further council discussion.**

### SECTION III – MISCELLANEOUS

A. CHARTER OF THE TOWN OF CUMBERLAND supersedes "ROBERTS RULES OF ORDER, NEWLY REVISED" which will be the official parliamentary guide for procedure.

B. **ELECTRONIC COMMUNICATION:** All electronic communication to the Town Council shall be responded to within 72 hours by the Council Chairman. The full Town Council shall be copied on such correspondence. Whenever possible, individuals should be encouraged to present their testimony during a regularly scheduled Town Council meeting.

C. **ELECTRONIC DELIBERATIONS:** Councilors should not engage in online debate on any topic as this may constitute an illegal meeting.

D. **TRAINING:** Councilors should meet annually with the Town Attorney to discuss updated laws, meeting rules, and Council training opportunities in order to remain current with required State and Federal laws.

~~Adopted~~ Amended by the Town Council on ~~May 14, 1979~~ January 25, 2021

EFFECTIVE DATE: 05-14-79

# ITEM

# 21-009

To hold a Public Hearing to consider and act on amendments to Chapter 315 (Zoning), Section 2 (Purpose) and Section 4 (Word Usage and Definitions – Agriculture) of the Cumberland Code, as recommended by the Planning Board

## Notice of Decision

**Date:** January 20, 2021

**To:** William Shane, Town Manager

**From:** Carla Nixon, Town Planner

**Re:** Public Hearing for a recommendation to the Town Council on proposed amendments to Chapter 315 (Zoning), Section 2 (Purpose) and Section 4 (Word Usage and Definitions – Agriculture).

This is to advise you that on Tuesday, January 19, 2021 the Planning Board conducted a Public Hearing for a recommendation to the Town Council on proposed amendments to Chapter 315 (Zoning), Section 2 (Purpose) and Section 4 (Word Usage and Definitions – Agriculture). There were no public comments. The Board recommends adding language in 315-2.B to the definition of Agriculture, subsection 1, that states “not to include marijuana”. The Planning Board then voted unanimously to recommend approval of the proposed amendments, as revised, to the Town Council.

Cumberland Planning Board

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Paul Auclair, Chairman

**NOTE:** The Planning Board recommended one addition to the proposed amendments to chapter 315-4.1 that is highlighted below.

### Chapter 315 - 2: Purpose

- A.** The purpose of this chapter, made as part of a comprehensive plan for the development of the Town, is to promote public health, safety, and general welfare; to encourage the most appropriate use of land throughout the Town; to protect and preserve land most suitable for agricultural uses, to promote traffic safety; to provide safety from fire and other elements; to provide adequate light and air; to prevent overcrowding of real estate; to provide a wholesome home environment; to prevent housing development in unsanitary areas; to provide an adequate street system; to promote the coordinated development of unbuilt areas; to encourage the formation of community units; and to provide an allotment of land area in new developments sufficient for all public services.

### Chapter 315 – 4: Word Usage and definitions

#### AGRICULTURE

The use of a tract of land for commercial purposes for ~~the cultivation and the production of crops, truck gardening, nurseries or greenhouses, or any allied industry, but exclusive of animal husbandry and exclusive of private gardens less than 1/2 acre. This shall not include registered dispensaries of medical marijuana, retail marijuana establishments, retail marijuana social clubs, or any other addiction treatment facility as defined in this chapter and by applicable state statutes.~~ any of the following:

1. The cultivation of soil for production and harvesting of crops, including fruits, vegetables, sod, flowers, and ornamental plants, **not to include marijuana**;
2. The planting and production of timber;
3. Animal husbandry including dairying, breeding, raising, management, care, and training of livestock, including horses, llamas, goats, pigs, cattle, bees, poultry and other similar types of animals for individual and public use and consumption;
4. Aquaculture;
5. The operation, management, conservation, improvement and maintenance of a farm and the structures and buildings on the farm, including building and structure repair, replacement, expansion, and construction incident to the farming operation; and when performed on the farm, the marketing and selling of agricultural products; agri-tourism; the storage and use of materials for agricultural purposes; and packing, treating, processing, sorting, storage and other activities performed to add value to crops, livestock, and agricultural items produced on the farm.
6. Farm-based Retail;
7. Farm-based Specialty Events;
8. Slaughterhouse;
9. Farm Worker Housing;
10. Bed and Breakfast uses, as defined.

### **AQUACULTURE**

The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

### **SLAUGHTERING ESTABLISHMENT**

A building or other place where animals or poultry, raised elsewhere, are killed or dressed for the market.

### **SLAUGHTERHOUSE**

A facility for the slaughtering and processing of animals that are either raised or transported to the facility and the processing and storage of animal products and waste that results from a slaughtering process.

### **FARM WORKER HOUSING**

Single, Duplex or Multiplex dwelling units located on the farm and occupied by employees of the farm owner.

### **FARM-BASED RETAIL**

The selling of agricultural produce or products, the majority of which is grown or raised by the landowner ~~on property owned by the landowner within the Rural Residential 1 (RR1) and Rural Residential 2 (RR2) Districts.~~ This shall not include retail marijuana establishments.

# ITEM

# 21-010

To hold a Public Hearing to consider and act on amendments to Chapter 229 (Site Plan Review) to add agriculture related language to the Cumberland Code, as recommended by the Planning Board.

TABLED



## Notice of Decision

**Date:** January 20, 2021

**To:** William Shane, Town Manager

**From:** Carla Nixon, Town Planner

**Re:** Public Hearing for a recommendation to the Town Council on proposed amendments to Chapter 229 (Site Plan Review) to add agriculture related language.

This is to advise you that on Tuesday, January 19, 2021 the Planning Board conducted a Public Hearing for a recommendation to the Town Council on proposed amendments to Chapter 229 (Site Plan Review) to add agriculture related language. There were no public comments. The Board requested changes be considered to the classification table in 229-2.B and voted unanimously to table action on this item.

Cumberland Planning Board

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Paul Auclair, Chairman

# ITEM

# 21-011

To hold a Public Hearing to consider and act on amendments to Chapter 229 (Site Plan Review), Section 5 (Minor Staff Review Procedure), Section 6 (Major Staff Review Procedure), Section 7 (Planning Board Review Procedure), to change the abutter notice radius from 200 to 500 feet, and Chapter 315 (Zoning), Section 53 (Home Occupations and Home-Based Occupations) and Section 77-C (Board of Adjustments & Appeals - Hearings), of the Cumberland Code, to change the abutter notice radius from 300 to 500 feet, as recommended by the Planning Board.

## Notice of Decision

**Date:** January 20, 2021

**To:** William Shane, Town Manager

**From:** Carla Nixon, Town Planner

**Re:** Public Hearing for a recommendation to the Town Council on proposed amendments to Chapter 229 (Site Plan Review) Section 5 (Minor Staff Review Procedure), Section 6 (Major Staff Review Procedure), Section 7 (Planning Board Review Procedure), to change the abutter notice radius from 200 to 500 feet, and Chapter 315 (Zoning), Section 53 (Home Occupations and Home Based Occupations) and Section 77-C (Board of Adjustments & Appeals - Hearings) to change the abutter notice radius from 300 to 500 feet.

This is to advise you that on Tuesday, January 19, 2021 the Planning Board conducted a Public Hearing for a recommendation to the Town Council on proposed amendments to Chapter 229 (Site Plan Review) Section 5 (Minor Staff Review Procedure), Section 6 (Major Staff Review Procedure), Section 7 (Planning Board Review Procedure), to change the abutter notice radius from 200 to 500 feet, and Chapter 315 (Zoning), Section 53 (Home Occupations and Home Based Occupations) and Section 77-C (Board of Adjustments & Appeals - Hearings) to change the abutter notice radius from 300 to 500 feet. There were no public comments. The Board voted unanimously to recommend approval of the proposed amendments to the Town Council.

Cumberland Planning Board

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Paul Auclair, Chairman

### § 229-5 **Minor staff review procedure.**

- A. The applicant shall provide two copies of a complete application packet.
- B. The Town Planner shall determine if the application requires Board of Adjustment and Appeals review. If so, approval by the Board of Adjustment and Appeals shall be required prior to continuing the process described below.
- C. Within 10 days of the receipt of a completed application, the Town Planner will approve or deny the application in accordance with the provisions of this chapter.
- D. The Planning Department will mail notices of the action taken to all abutters within ~~200~~ 500 feet of the site within 10 days of the decision.
- E. Submission requirements are listed in Appendix A.

### § 229-6 **Major staff review procedure.**

- A. The applicant shall provide nine copies of a complete application packet.
- B. The Town Planner shall determine if the application requires Board of Adjustment and Appeals review. If so, approval by the Board of Adjustment and Appeals shall be

required prior to continuing the process as described below.

- C. A copy of the application shall be provided by the Planning Department to the following members of the Staff Review Committee: the Public Services Director, Police Chief, Fire/EMS Chief, Code Enforcement Officer, Economic Development Director, Town Manager and Chair of the Planning Board. Comments shall be made on the application, in writing, to the Town Planner within seven days of the date of the application.
- D. The Town shall mail a notice, within three days of the application submission, to all property owners within ~~200~~ 500 feet of the site under review.
- E. Within 10 days following the submission of the completed application, the Town Planner shall review all submitted comments from the Staff Review Committee and residents and, in writing, approve, approve conditionally, or deny the application in accordance with the provisions of this chapter. The written decision of the Town Planner shall be mailed to the applicant and property owners within ~~200~~ 500 feet of the site within 10 days of the decision. A copy of the decision shall also be provided to the Town Manager and other members of the Staff Review Committee. Notice of the staff approval will be given to the Planning Board at its next meeting.
- F. Submission requirements are listed in Appendix B. |

**§ 229-7 Planning Board review procedure.**

The Planning Board shall use the following procedures in reviewing applications for site plan review:

- A. Preapplication.
  - (1) Prior to submitting a formal application, the applicant or his/her representative may request a preapplication conference with the Planning Board. The purpose of the preapplication conference is to:
    - (a) Allow the Board to understand the nature of the proposed use and the issues involved in the proposal;
    - (b) Allow the Board to understand the location, size, natural resources and general characteristics of the proposed site;
    - (c) Allow the applicant to understand the development review process and required submissions;
    - (d) Discuss the need for any waivers from the submission requirements;
    - (e) Identify issues that need to be addressed in future submissions; and
    - (f) Make the applicant aware of any opportunities for coordinating the development with community policies, programs, or facilities.
  - (2) The preapplication conference shall be informal and informational in nature. There shall be no fee for a preapplication review, and such review shall not cause the plan or any related application to be a pending application or proceeding under 1 M.R.S.A. § 302. No decisions on the substance of the plan shall be made at the preapplication conference.
  - (3) Submission requirements are listed in Appendix C. |
- B. Application procedure. All applications must be received by the Town Planner at least 21 days prior to the date of the next Planning Board meeting. The Town Planner

will determine if the application is complete. If the application is not complete, the application will not be placed on the Planning Board agenda. For this reason, it is strongly encouraged that applicants meet with the Town Planner prior to the deadline date to review the application materials.

C. Public notice procedure.

- (1) The Town Planner shall review the material and determine whether or not the submission is complete. If the application is determined to be incomplete, the applicant shall be notified in writing of this finding, which shall specify the additional materials required to make the application complete and shall advise the applicant that the application will not be reviewed until the additional information is submitted. The applicant shall provide all information prior to the deadline date for a subsequent Planning Board meeting. Failure to submit the additional information within six months shall be deemed an abandonment of the application.
- (2) Once the application is deemed complete, a notice of the hearing shall be published in a newspaper of general circulation in the community at least once; the date of publication shall be at least seven days prior to the hearing.
- (3) The Town Planning Department shall mail a written notice of the date, time, and place of the public hearing at which the application will be considered to the applicant and to all property owners within ~~200~~ 500 feet of the parcel on which the proposed development is located.
- (4) Failure of any property owner to receive notice under this section for any reason shall not necessitate a new hearing and shall not invalidate any action by the Planning Board.

D. Site walk. The Board may schedule a site walk if deemed necessary. A written notice for such site inspection shall be published at least once in a newspaper of general circulation in the community, and the date of the publication shall be at least seven days prior to the site inspection. Notice shall also be sent by first-class mail to all property owners of record within ~~200~~ 500 feet of the parcel on which the proposed development is located.

E. Public hearing procedure.

- (1) The purpose of the public hearing is to allow the applicant and affected property owners to provide information as part of the record that the Board will use in considering its action on the application. Testimony presented at the hearing should be related to factual information about the application and related submissions and the project's compliance with the review standards and other regulations and requirements of this chapter or other municipal ordinances.
- (2) The Chair shall provide the applicant or his/her representative with an opportunity to make any statement or presentations at the beginning of the hearing. The Chair shall then allow the members of the Board to ask questions of the applicant and the applicant to answer those questions. Following Board questions, the Chair shall open the public hearing to the public for statements, information submissions, or questions about the project. At the close of the public comment period, the Chair shall afford the applicant an opportunity to answer any questions raised by the public, rebut any statements or information submitted, and cross-examine anyone offering testimony on the application. The

Chair may allow the applicant this opportunity after each member of the public testifies if that is deemed to be desirable. At the conclusion of the applicant's response, the hearing shall be closed.

F. Procedures for final action on an application.

- (1) At the meeting at which final action is requested by the applicant, the Planning Board shall approve, approve with conditions, deny, or table the application. The Board may impose such conditions as are deemed advisable to assure compliance with the standards of approval and performance standards of this chapter.
- (2) In issuing its decision, the Board shall make written findings of fact that establish whether the proposed development does or does not meet the standards of approval, design standards, performance standards, and other requirements of this chapter.
- (3) The Board shall notify the applicant of the action of the Board, including the findings of fact and any conditions of approval.

**§ 315-53 Home occupations and home-based occupations.**

A. Home occupations and home-based occupations are permitted in any single- or two-family structure or any structure that is accessory to a single- or two-family structure.

- (1) Notwithstanding any provision of this chapter to the contrary, the Code Enforcement Officer will approve and issue a change of use permit for home occupation and home-based occupation applications that meet the criteria listed below:
    - (a) The occupation is owned or operated by a member of the family residing within the dwelling unit;
    - (b) In the case of a home occupation, no more than two employees who are not members of the family are employed in the occupation;
    - (c) In the case of a home-based occupation, no more than two employees who are not members of the family are present at the dwelling at any one time;
    - (d) Objectionable or unreasonable noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare will not be detectable beyond the property limits;
    - (e) No traffic in substantially greater volumes than would be normally expected in the neighborhood will be generated;
    - (f) Off-street parking spaces are provided in an amount to be determined by the Code Enforcement Officer to avoid street congestion;
    - (g) Exterior displays, exterior storage of materials, and exterior indications of the home occupation or home-based occupation, including signs, are inconspicuous;
    - (h) The existence of the home occupation or home-based occupation does not pose any potential threat to public health, safety, or welfare; and
    - (i) There will be no violation of any private deed restrictions affecting the use of the lot.
  - (2) A home occupation that does not meet all of the above-listed standards shall require special exception approval from the Board of Adjustment and Appeals.
- B. The granting of a special exception approval or change of use for a home occupation or home-based occupation shall apply to the applicant only while the applicant resides at the property.

- C. Applications for home occupations and home-based occupations under Subsection A shall be approved in writing by the Code Enforcement Officer. The decision of the Code Enforcement Officer shall be mailed to property owners within ~~300~~ 500 feet from the property boundary line. Notice will be mailed to property owners within two business days of the permit being issued.
- D. Any appeal of the Code Enforcement Officer's decision as to whether a home occupation or home-based business meets the standards in Subsection A must comply with § 315-77C through F of this chapter. Notice of the hearing on the appeal shall be mailed to property owners within ~~300~~ 500 feet from the property line.

§ 315-77. Board of Adjustment and Appeals.

C. Hearings.

For all appeals from decisions of the Code Enforcement Officer, and for the consideration of all applications for variances, special exceptions, or other permits requiring approval of the Board, the Board shall hold a public hearing as prescribed herein. At least seven days before the hearing, the Clerk of the Board of Adjustment and Appeals shall notify by mail the owners of properties located within ~~300~~ 500 feet of the lot line of the property for which the appeal or application shall be made. In addition to the notice by mail, the Clerk to the Board of Adjustment and Appeals shall also cause to be published, at least seven days before the hearing, in a newspaper of general circulation in the Town, a notice summarizing the nature of the appeal and the time and place of the hearing.