

AGENDA

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, May 23, 2022

6:00 P.M. Workshop re: Appointment of Housing Task Force

7:00 P.M. Call to Order

I. CALL TO ORDER

II. APPROVAL OF MINUTES

May 3, 2022 Special Meeting

May 9, 2022

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 may be brought up again under New Business for further Council discussion.

V. LEGISLATION AND POLICY

22 – 062. To hold a Public Hearing to consider and act on a Medical Marijuana Registered Caregiver License application for Evergreen Cannabis Co., LLC (owner Andrew Pettingill) located at 222 Gray Road.

22 – 063. To hold a Public Hearing to consider and act on a Medical Marijuana Registered Caregiver License application for Evergreen Cannabis Co., LLC (owner Kristin Pettingill) located at 222 Gray Road.

22 – 064. To hold a Public Hearing to consider and act on extending the Mass Gathering Permit for The Garden Brothers Family Circus to add an additional show date of July 4, 2022.

22 – 065. To consider and act on authorizing the Town Manager to amend the Maine Public

Employees Retirement System service retirement plan for eligible Cumberland Fire/EMS employees from Special Plan 2C to Special Plan 3C, effective July 1, 2022.

22 – 066. To appoint members to the Aging in Place Committee.

22 – 067. To authorize the Town Manager to accept a payment for delinquent FY'18 and a portion of FY'19 taxes in the amount of \$8,000.00 on property identified as Map R07/Lot 69.

VI. NEW BUSINESS

June 6th Executive Session pursuant to 1 M.R.S.A., § 405(6)(A) re: Town Managers evaluation.

VII.BUDGET REPORT

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

IX. ADJOURNMENT

MINUTES

Special Cumberland Town Council Meeting

West Conference Room

TUESDAY, May 3, 2022

5:40 p.m. Call to Order

5:40 P.M. Call to Order

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

I. LEGISLATION AND POLICY

22 - 055 To countersign the Warrant and Notice of Election calling the June 14, 2022 M.S.A.D. 51 Budget Validation Referendum.

Motion by Councilor Foster, seconded by Councilor Segrist, to countersign the Warrant and Notice of Election calling the June 14, 2022 M.S.A.D. 51 Budget Validation Referendum.

VOTE: 5-0 UNANIMOUS

II. ADJOURNMENT

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

VOTE: 5-0 UNANIMOUS

TIME: 5:54 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary

MINUTES

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, May 9, 2022

6:00 P.M. Executive Session with Town Attorney

6:00 P.M. Call to Order

Present: Councilors Edes, Foster, Segrist, and Vail

Excused: Councilor Storey-King

Motion by Councilor Foster, seconded by Councilor Segrist, to recess to Executive Session pursuant to 1 M.R.S.A., § 405(6)(E) Consultation with the Town Attorney.

VOTE: 4-0 UNANIMOUS

TIME: 6:01 P.M.

I. REGULAR SESSION CALLED TO ORDER AT 7:03 P.M.

Councilor Copp arrived for regular session.

Chairman Vail read the following statement in regard to Councilor Gruber's resignation:

The Cumberland Town Council would like to share that Councilor Thomas Gruber has decided to step away from the Town Council for personal reasons. This will be effective immediately.

Councilor Gruber was first elected in 2011. His contributions to the Town of Cumberland have been immeasurable since then. Along with the Town Council, Tom has served on the Planning Board, Lands and Conservation Commission, Shellfish Conservation Commission, Coastal Waters Commission and is currently, Chair of the Finance Committee.

Along with all his committee work, Tom has been an incredible advocate for residents in Cumberland. He helped begin our Aging in Place program, to assist older residents living in Town, and continued to serve on that committee as well as our Senior Property Tax Rebate program. Tom's impact and passion can probably be felt strongest within the Community Food Pantry, that he also spearheaded. From picking up milk, to making deliveries and loading vehicles, Tom is a staple at the Pantry and has helped hundreds of local families every single month since it's opening.

Toms' presence, sense of humor, experience, and incredible kindness will be missed dearly. We wish him all the best. Thank you, Tom, for your service.

II. APPROVAL OF MINUTES

Motion by Councilor Copp, seconded by Councilor Foster, to accept the April 25, 2022 meeting minutes as presented.

VOTE: 5-0 UNANIMOUS

III. MANAGER'S REPORT

We are close to finalizing a new union contract with our full-time Fire/EMS staff. When it is complete, we will have the Finance Committee review it and forward it on to the full Town Council for approval.

We are currently working with the Maine Department of Transportation on the roundabout project in West Cumberland. We should have a preliminary design report from MDOT within the next month or so. He and the Finance Director attended a MDOT training session last week to become certified local project administrators.

This Friday, we will have our second meeting with Ecomaine to continue discussions about a regional trash and recycling program.

Paving in the Wildwood area will be happening within the next month or two. We will also be holding neighborhood meetings onsite regarding drainage and catch basins on Old Musket and Long Meadow Roads.

We have successfully combined 2 sidewalk projects through PACTS. One is a \$200,000 project and the other is a \$400,000 project for reconstruction of the sidewalks along the Main Street school zone, all the way to the North Yarmouth town line, and the addition of safety ramps. We will also do sidewalk improvements down Blanchard Road to the Apple Barrel and in the Middle School area.

IV. PUBLIC DISCUSSION

Teri Maloney-Kelly of Maloney's Ridge Way said that May is National Mental Health Awareness Month. In 1949, the United States declared May as Mental Health Awareness Month to raise awareness of those living with mental or behavioral health challenges. Mental illness is a disease that can present itself in many forms including anxiety, obsessive compulsive disorder, PTSD, dementia, eating disorders, depression, bipolar disorder, etc. The list is long. 1 in 20 adults in the U.S. suffer from mental illness, but many are not diagnosed or under medical treatment. In an effort to bring awareness to the prevalence of mental illness, our community started a "Smash the Stigma" campaign in 2021, in which Councilor Foster was very involved (she thanked Councilor Foster for this). Every week, the Town Crier has resources, under the community news section, for people to access mental health topics. This is a very tough and sensitive subject to discuss publicly. One of the efforts to get the conversation started was the "Smash the Stigma" lawn sign campaign. Over the winter, she noticed that the signs disappeared around Town, and she invited those who still have their signs to put them back up in recognition of Mental Health Awareness Month. It could help to spark a conversation with someone who may be in need. You never know who that may be. To this end, she wants to applaud our Town in joining Falmouth and Yarmouth in sharing a mental health responder to work with our Police Departments. This person will respond to those calls involving mental health related issues. This is a great first step to help our public safety personnel with mental health issues.

She thanked Sergeant Thomas Burgess for his 33 years of service with the Cumberland Police Department and congratulated him on his retirement. Sergeant Burgess, or Tommy, as she has always known him, grew up in her neighborhood. She remembers his parents and family very dearly. Although at times they may have had disagreements about the police departments approach, she has always respected and appreciated Tom's dedication to our community. As a new member of our Public Works team, we can look forward to him greeting us with a big smile when we go the brush dump or perhaps when he is helping the residents at senior housing. Tommy is an oldie, but a goodie, so congratulations from the bottom of her heart. Thank you for your service to our community.

V. LEGISLATION AND POLICY

22 – 056 To hear a report from the Town Attorney re: a Consent Order with Randall Copp for property located at Map R007/Lot 57C, Pointer Way, and to set a Public Hearing date of June 6, 2022 for action.

Councilor Copp asked for permission to recuse himself from voting on this item.

Chairman Vail asked for a vote to allow Councilor Copp to recuse himself.

VOTE: 4-0 UNANIMOUS

Town Attorney, Alyssa Tibbetts provided a brief history on this matter. The proposed Consent Order stems from a Notice of Violation on the property from back in 2018. The Notice of Violation was appealed to the Town's Board of Appeals. The board upheld the Notice of Violation, and it was then appealed to Superior Court, under a Rule 80-B Motion. The Superior Court also upheld the Town's decision regarding the Notice of Violation, as well as the Board of Appeals decision. They were all based on earth extraction and earth moving activities on the property that were in violation of the Town's ordinances. Through the process of the Superior Court action, the Town filed a counterclaim in defending the complaint and sought damages, namely remediation of the property to resolve the earth moving and extraction activity, attorney's fees, and a civil penalty to the extent that the Court would award it. The Superior Court judgement didn't occur until 2019, and the last step in the process was for the Court to hold a hearing on the Town's request to collect damages and remedies. The hearing did not happen because of Covid and is still on the Court's docket. Since that time, the parties have been in discussions to arrive at a negotiated agreement for the proposed Consent Order as it relates to those remedies. The terms of the proposed Consent Order have been negotiated with the property owner and are (in summary): a remediation and revegetation plan that has to be fully engineered and approved and inspected by a third party inspector (Cumberland County Soil and Water Conservation District), the work must be completed by October 15, 2023, the Court will retain jurisdiction over the matter until July 1, 2024 to ensure that any further enforcement that needed to occur could occur, the Town's Code Enforcement Officer will retain the right to inspect the property for all other state and local ordinance and code compliance, the property will require a certificate of occupancy from the Town, and the property owner will bear all the costs of all inspections by the third party inspector, and \$20,000 in attorney's fees will be awarded to the Town. A \$19,000 penalty has been agreed to, but if all the work is satisfactorily completed, the penalty will be permanently suspended. The property owner will be required to provide a performance and payment bond for 100% of the work required to complete the remediation and revegetation plan upon approval from the Cumberland County Soil and Water Conservation District. The Consent Order also limits the future activity of removing materials from the property to 8:00 a.m. to 5:00 p.m., Monday through Friday, to the extent that it is needed as part of the remediation and revegetation plan. There is no action on this item this evening, only to set the Public Hearing for June 6th.

Chairman Vail asked for any public comment.

No public comment.

Motion by Councilor Edes, seconded by Councilor Segrist, to set a Public Hearing date of June 6th to consider and act on a Consent Order with Randall Copp for property located at Map R007/Lot 57C, Pointer Way.

VOTE: 4-0-1 (Copp abstained) MOTION PASSES

22 – 057 To hold a Public Hearing to consider and act on a Contract Zone Agreement for The Grange at Longwoods, as recommended by the Planning Board.

Alex Timpson said that the Conservation Easement has been finalized and closing documents filed. The scope of this project is 65 acres, 55 of it will be preserved. Conceptually, the plan has not changed from when he first presented it to the Town Council back in July. It will have a farm-to-table grange hall pub, with 3-miles of walking trails with sculptures throughout, and a working farm. He feels that this project will be a benefit to the Town.

Councilor Foster said that the Planning Board made recommendations to the Town Council on a couple of topics that she would like some clarification on. Regarding the second residential dwelling and limiting the number of rooming units in it, she asked what the intent of the second dwelling is for, and is it based on the size of the farming operation.

Attorney Brenda Buchanan said that everything is speculative at this point because they have not yet identified the farmer who would operate the farm. The intent is to create room for there to be farm worker housing with 6 bedrooms with a common room and kitchen. It could be that the farm help would be in the existing farmhouse and the second dwelling would be a home for the farmer and his or her family. We just don't know yet.

Councilor Segrist asked, based on the size of the land, how many workers would traditionally be working a field or fields of that size.

Attorney Buchanan said that they do not know yet, and it could change with the season, depending on what they are growing and how mechanized the farming operation may be.

Councilor Copp asked if growing marijuana would be allowed on this parcel.

Attorney Buchanan said that nobody is asking for anything more than what would be allowed in the current zoning. No more, no less.

Mr. Timpson added that they would adhere to the current and future Rural Residential I Zoning rules regarding to marijuana.

Councilor Segrist asked Mr. Timpson what activity was going on recently. He noticed some equipment on the property.

Mr. Timpson said that he misinterpreted a conversation he had with the Code Enforcement Officer regarding roughing in the road. He had some logging done on the property, which resulted in some ruts in the area where the parking lot will be. His contractor had some time to begin working on roughing in the road, so he told him to start working on it. He received a phone call from the Town Manager telling him to stop work immediately. This was his mistake due to some miscommunication and he takes full ownership for the mistake.

Councilor Edes said that he is in favor of this project but feels that Mr. Timpson betrayed the trust of the Town Council by building that road. It was more than just filling in potholes, it was basically rebuilding the road. That was not a good way to start working with the Town.

Chairman Vail opened the Public Hearing.

Teri Maloney-Kelly of Maloney's Ridge Way said that the issue of growing marijuana on this property being allowed or not allowed was not clear. There are specific areas in this Town where growing marijuana commercially is allowed. Is this property in one of those zones?

Town Manager Shane said that it is not, and growing marijuana would not be allowed.

Rod Vogel, Chairman of the Chebeague and Cumberland Land Trust (CCLT) thanked the Town Council for their support of this project. This project is a priority for CCLT, and they have been working tirelessly on getting the conservation easement completed. They are very excited and are working on raising the money to make it happen.

Chairman Vail closed the Public Hearing.

Chairman Vail asked Mr. Timpson what the plan is for the building that will be constructed after the first year to replace the food truck.

Mr. Timpson said that the building will be a 42' x 72' barn, less than 35 feet high, with an open floor plan, including an open kitchen, that opens to an outside terrace.

Councilor Foster said that there was a request for outside music to be allowed from 10:00 a.m. until 10:00 p.m. and inside music from 10:00 a.m. to 11:00 p.m. If the Town Council approves this, this would be an amendment to the Planning Board recommendation.

Mr. Timpson said that the 11:00 p.m. curfew would be the only change.

Councilor Segrist said to clarify, these are not separate amendments. They are moving forward with the Planning Board recommendation.

Chairman Vail said that he is looking forward to seeing a working farm and a place to go to get a beer and some food. He feels that this is a worthy project.

Motion by Councilor Copp, seconded by Councilor Segrist, to approve the Contract Zone Agreement for The Grange at Longwoods, as recommended by the Planning Board, with the following amendments: the second housing unit will be limited to 7,000 sf with no more than 6 bedrooms units, and to allow indoor music up to 11:00 p.m.

VOTE: 5-0 UNANIMOUS

22 – 058 To hear a report from the Lands & Conservation Commission re: Phase II of Climate Action Plan and accept the plan.

Chairman of the Climate Action Team, Denny Gallaudet, and members of the Climate Action Team presented the following:



CLIMATE ACTION PLAN

Phase 2 – Recommendations for Action

Prepared for Cumberland Town Council
& MSAD51 Board of Directors
By the Sustainability Subcommittee (or CAPSC)
of the LCC

May 9 2022

Introduction



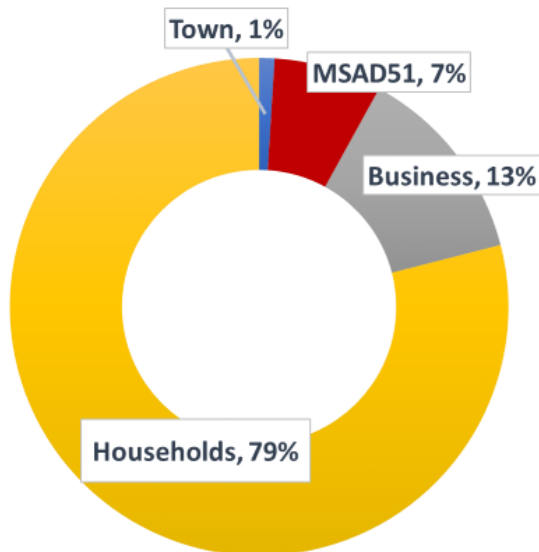
- In 2019, Cumberland's **Land and Conservation Commission ("LCC")** formed a **Climate Action Plan Subcommittee ("CAPS")** to expand on the work of the 2009 Cumberland Comprehensive Plan.
- Under its Charter, CAPS was tasked with taking **inventory** of the **Town's Greenhouse Gas ("GHG") emissions** and proposing a **goal and action plan** to **reduce GHG** in the coming years.
- This presentation summarizes **Phase 2** of CAPS work: to develop a goal and action plan for the Business and Household Sectors

Town of Cumberland CAPSC CAP II Report to Town Council, May 2022, p. 2

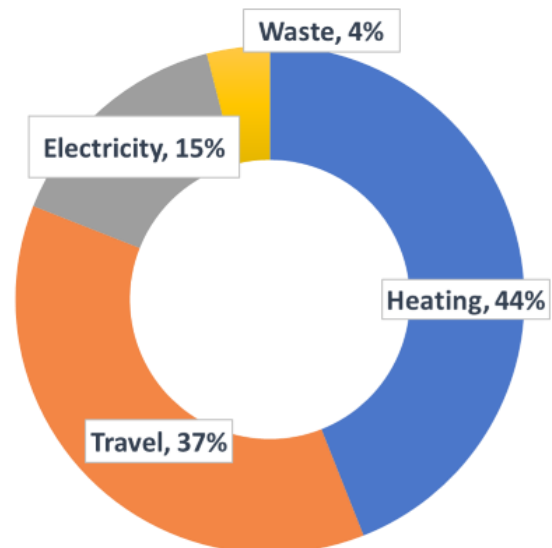
Household 2015 Baseline 52,353 MT GHG



By Sector



By Use



Town of Cumberland CAPSC CAP II Report to Town Council, May 2022, p. 3

Actions Households can take to become Climate Positive *



Phase II Recommended Actions		MT CO2e Avoided
1	Reduce GHG emissions from home energy use – promote heat pump use	24,000
2	Reduce GHG from transport	18,000
3	Adopt ecologically productive, low carbon/ low water landscaping practices	10,000
4	Support 30X30 goal of conserving 30% Cumberland's lands by 2030	4,000
5	Purchase low-cost carbon offsets from Town owned forest lands	3,000
6	Install low-cost solar panels	1,600
7	Decrease food waste through composting	1,000
8	Adopt the 2021 IECC "stretch" energy efficiency goal for new construction	800
9	Buy more locally grown food.	Not yet calculated
10	Ensure the integrity of water quality in Broad Cove.	Not yet calculated

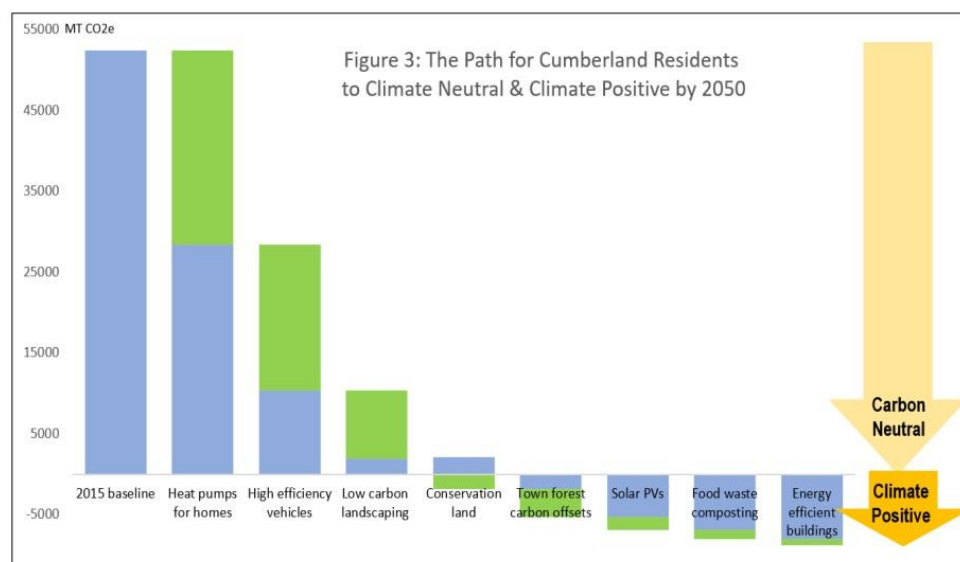
Combined, these actions will reduce household GHG emissions by 60,535 MT GHG 415% below their 2015 baseline (52,353MT GHG)

Actions for TC: approval of concept, modest fiscal note, future staff help

* Climate Positive –when actions cause more GHG emissions to be avoided from your activities than those activities produced

Town of Cumberland CAPSC CAP II Report to Town Council, May 2022, p. 4

Path to Carbon Neutrality for Household Sector



Town of Cumberland CAPSC CAP II Report to Town Council, May 2022, p. 5

Action Item 1 –Retrofit 80% of homes with heat pumps



- Home heating is the single largest contributor to GHG emissions by households
 - In Maine ~2/3 of households still heat with carbon intensive fuel oil
- Heat pumps are a cost effective and climate friendly alternative
 - Lower cost heating vs. oil
 - As the grid becomes greener, so does your home heating/cooling
 - Over 70,000 installed in Maine homes, 20,000 in 2021 alone
- Additional benefits include
 - Low cost air-conditioning
 - Improved air quality
 - Safety

Town of Cumberland CAPSC CAP II Report to Town Council, May 2022, p. 6

Action Item 2 –80% of households adopt EV/PHEV* vehicles

2021

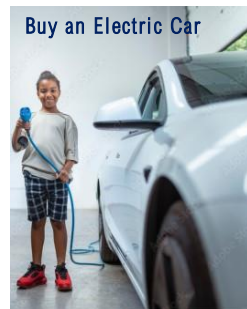
- 7,454 vehicles
- 56% light duty passenger trucks incl. SUVs
- 2.6 per household
- 99% gas/diesel 1% electric
- 8 yr average age

2030

- State of Maine assumes a 5x increase in New Light-duty Electric Vehicles (EV) sales to 219,000
- Cumberland Town is committed to zero GHG, including for most vehicles
- Total Cost of Ownership of an EV/PHEV projected to be at or better than parity with a similar gasoline vehicle

2050

- Cumberland households buy a new car every 8 years
- CAPSC estimates that they will make 3.5 new purchases by 2050
- If 80% of these are EV or PHEV, the town can reduce its transportation GHG emissions to 5,650 MT GHG.



* EV – Electric Vehicle; PHEV – Plug-in Hybrid Electric Vehicle

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Action Item 3 -Adopt Sustainable Landscaping



Sustainable, low-carbon landscaping is a “low-tech” climate action item with high potential for helping Cumberland reach carbon neutrality. Low-carbon landscaping steps include:

- Plant more native trees, shrubs, and flowering plants and shrink the area of your property that's turf grass.
- Mow your lawn less frequently. Set your mower above 3" high. Practice “No Mow May.” Let your lawn bloom!
- Replace gas-powered mowers and leaf-blowers with electric models. (Better yet, leave leaves as mulch)
- Reduce or eliminate the use of lawn fertilizers, herbicides, and pesticides that run off into Casco Bay.
- Water less; use a rain barrel for lawn and garden work.

Benefits of low-carbon landscaping include:

- More CO₂ absorbed and carbon stored by trees
- Better filtering and absorption of rainwater, reducing run-off



- Cleaner, healthier air; less noise pollution
- A healthier Casco Bay
- More resilient habitats that support wildlife
- Fruits and berries for people, birds, and wildlife
- More Biodiversity, More Biomass, More Beauty
- Reduce Cumberland's CO₂ emissions by 8,500 MT

Town of Cumberland CAPSC CAP II Report to Town Council, May 2022, p. 8

Conclusion



- The CAP outlines action opportunities to build a future Sustainable Cumberland and become net positive - avoid more GHG than we emit:
 - ✓ a town that supports investments in clean energy and transportation;
 - ✓ where local farmers produce and sell local food and improve local food security;
 - ✓ where forests and ecosystems thrive and encourage healthy recreation.
- Cumberland's investments in land and forest conservation position Cumberland as an innovative leader in responding to climate change

Town of Cumberland CAPSC CAP II Report to Town Council, May 2022, p. 9

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

Motion by Councilor Segrist, seconded by Councilor Edes, to accept Phase II of Climate Action Plan, as recommended by the Lands & Conservation Commission, and require the Commission to return to the Town Council for additional funding as needed.

VOTE: 5-0 UNANIMOUS

22 – 059 To appoint Democratic, Republican and Unenrolled Election Clerks.

Motion by Councilor Edes, seconded by Councilor Segrist, to appoint Democratic, Republican and Unenrolled Election Clerks per the list provided by the Town Clerk.

VOTE: 5-0 UNANIMOUS

22 – 060 To consider and act on the formation of a Housing Task Force to be appointed by the Town Council to develop strategies and recommendations around the current housing crisis facing refugees, asylum seekers, and affordable housing issues in the Town.

Chairman Vail said that this would be an ad hoc committee made up of interested citizens and members of the Town Council to look at what we can do regarding the housing crisis and perhaps collaborate with surrounding communities. There would be a defined working period for the committee to come back and make some recommendations to the Town Council. We may find that the housing challenges are too great for us to achieve, but he feels that there is an opportunity for us to try and do something.

Since Councilor Storey-King is absent this evening, she sent the following email to Chairman Vail, which he read: *I'd like to weigh in on one more matter but recognize that I'm not there to help with the decision-making. I will go with the will of the Council since this is a difficult topic.*

I would support the creation of a committee of interested parties to see if our community can assist with housing immigrant refugees. I recognize that we have to be responsible for our seniors and mindful of the decisions we make that impact them directly, but I also have a belief that in our great country of immigrants, we have a moral and humanitarian obligation to help if we can. I am not necessarily in favor of assistance that would impact our budget, but if town leadership could facilitate a committee seeking solutions to this moral and ethical challenge, I would be entirely supportive. Like you Bob, I believe there may be ways we can help that we just have not thought of yet. For example, there has been much discussion about the land south of the Route One developments. Maybe there is some joint venture that would allow for temporary housing of immigrant families.

Similarly, I will encourage caution because it seems like there is a great deal of development happening in some larger communities like Westbrook and Brunswick that might be better suited for the needs of immigrants. I have thought about this, perhaps a great deal more than others because I will soon have an immigrant nephew, from Senegal, and I recognize how difficult assimilating into our communities can be. Gaining citizenship, documentation and permission to work is much more difficult than it needs to be. I believe there are any people who would like to see more immigrant assistance, but I also believe, to a certain extent, that if these people are sincere, they will step up.

In conclusion, I grew up learning the phrase, "the great melting pot." We were taught it in school, but it a phrase we as a country seems to have lost sight of in our consciousness. There are many points of view on this subject and much debate to be had. For me, it's an ethical dilemma, and I used to teach that an ethical dilemma is not the difference between right and wrong, but the difference between right and more right.

Councilor Segrist said that this is a very worthy cause and one that he would be pleased to be a part of if he were asked. He does not view this as just an asylee or refugee issue, he views it as an affordable housing issue for our Town, which may also include the assistance for some of these folks.

Councilor Edes said that we all understand what the issue is, but we also have to understand that the City of Portland caused the majority of this problem. They kept encouraging the influx of refugees to come to Portland. That was prior to all the apartments in Portland being developed into condominiums and duplexes becoming single family homes. Portland has gone through a transformation, and they caused this problem. Now they want us to bail them out after they have said, no more. We have tried to bring affordable housing to this community. It's affordable with the first sale, but then people start flipping the houses and they aren't affordable anymore. He feels that our role is to get the word out that assistance is needed and how individuals can help. He does not think that Cumberland is structured to provide the type of support that Chairman Vail is seeking. We don't have the land and we are too far away from social services.

Councilor Copp said that on Route 100 there is 24 x 30 ranch for sale that is over 60 years old and on a one-acre lot. The asking price is \$499,000. Where does affordable start in the Town of Cumberland? You can't even find an affordable rent in the Town of Cumberland. He thinks that perhaps this should be tabled because he does not think that it will pass if voted on tonight.

Councilor Foster said that she would like some clarity on what Chairman Vail is looking for this task force to do. She envisions that it is a bigger housing conversation. We've talked in pieces about affordable housing for our seniors, housing for folks (regardless of their age) who want to stay in their home but with property taxes going up, they may not be able to. This seems to be a bigger housing conversation, so perhaps we do table it and put a little more clarity around what we are asking this committee to do.

Chairman Vail said that there is a group of volunteers that are willing and ready to tackle this charge, and we should give them the opportunity. The challenge is not easy, and part of the challenge is to re-examine the whole concept of housing. It may be high-rise housing. The point of where he is trying to take this is that we have a group of people who are willing to take this task on and come back with some recommendations. He understands the recommendation to table this, but he feels strongly about it that he wants to see where we can go with it. Without trying, we won't get anywhere.

Chairman Vail asked for any public comment.

Rick Doane of 4 Catalpa Lane said that fundamentally, he feels that this process is not taking into account some important factors that it should. We have a Comprehensive Plan, and we just took a town-wide survey. He strongly encouraged the Council to not act on this issue until we start to develop (through the Comprehensive Planning process) what the issues and values really are that the people of the community want and need. The asylum crisis is a terrible thing and there is absolutely no chance that anything that the Town Council does right now will impact 1,700 families that Portland has brought here and can no longer help. We would be years down the road before the first family could move into new housing that we build. We have time to find out what the values of the community are and have a thoughtful process. Portland failed and there are currently no solutions at the state level, but there are bills in the legislature that are talking about these same issues. He hopes that the state will be able to provide some guidance to us. There are long-term issues in this community that involve senior citizens, and they should be front and center. The asylum seekers should have our compassion and as private citizens, we should do what we can. But at the end of the day, he thinks that we should solve the issues that we already have. We should look at our taxes, we should look at our growth, we should do a lot of things that are front

and center to this community that are not yet solved. He encouraged the Town Council to take a step back and define this more completely.

Teri Maloney-Kelly of Maloney's Ridge Way said that she appreciates that we are having a public conversation about this issue. She was quite disappointed a few years when there was not a public discussion amongst our leadership and citizens regarding the needs of those who are coming from away. As a community we need to discuss this. Our community is very generous and perhaps the citizens would be willing to support the communities that are able assist with housing.

Chairman Vail said that he recognizes the challenge ahead and is willing to take a step back and give us some more time to come up with a specific committee charge.

Motion by Councilor Copp, seconded by Councilor Edes, to table.

VOTE: 5-0 UNANIMOUS

22 – 061 To consider and act on moving the June 13th Town Council meeting to June 6th and the June 27th Town Council meeting to June 20th to swear in newly elected Town Councilors.

Motion by Councilor Edes, seconded by Councilor Foster, to switch the June 13th Town Council meeting to June 6th and the June 27th Town Council meeting to June 20th to swear in newly elected Town Councilors.

VOTE: 5-0 UNANIMOUS

VI. NEW BUSINESS

Councilor Segrist – thank you to Councilman Tom Gruber for all his years of service. It came as a surprise to him that he was stepping down for personal reasons. He wants to thank him not only for his service to the Town over the last 11 years, but also for encouraging him to get involved. When he wanted to get involved in Town government and volunteer, Tom was one of the first people that encouraged him to volunteer to be on the Lands & Conservation Commission. He was on the Climate Action Team and was part of putting together the first phase of the Climate Action Plan. Tom was one of the first people that really encouraged him to run for Town Council. Thank you, Tom. You will be missed on the Town Council.

Councilor Foster – she still has the pleasure of sometimes seeing Councilor Gruber at the pool on Friday mornings. She also had the pleasure of sitting right next to him during her first year on the Town Council. There were many times when he would give her a little help while she still learning. She will miss seeing him at Council meetings and as Chairman of our Finance Committee. He brought a lot of experience, grace, and leadership to this Council over the years. Thank you, Tom.

As Teri Maloney-Kelly mentioned earlier, May is Mental Health Awareness Month. A little over a year ago, we formed an ad hoc committee around mental health across our three communities, including the school district. One of the events that we held was planting a tulip garden in all three of our communities, which is currently blooming. We will continue to have the conversation about smashing the stigma and will be installing permanent signage at all the tulip gardens to remind folks what they stand for, and to remind us that hope is always there, you are not alone, and we are a community together.

Councilor Edes – Councilor Gruber will truly be sorely missed. Tom is a good and decent man and has always set the bar in civility. As a Council, we may have disagreed at times, and Tom was always a gentleman about it. He was the first to greet everybody when they came through the door to a meeting, and the first to say goodbye. Tom will truly be missed.

In regard to the retirement of Tom Burgess, as Teri said, many of us have known Tom since we were kids. Tom is the epitome of community policing. Tom is his friend, and he wishes him well.

Councilor Copp – Tom “Uber” Gruber, that is how he will always remember him. If anybody ever needed a ride, Tom was there to give them one. He is the most kind-hearted man that he ever met. He will surely be missed on the Town Council.

He and Tom Burgess were best friends growing up in West Cumberland. Tom was always there if someone needed help. He knew this community and everyone in it. A few years, there was an elderly gentleman who needed some help and Tom stepped right in to get him the help he needed. There was a picture of Tom in uniform doing the gentleman’s dishes. Tom is still in touch with the man to this day and talks to him every week. This is the type of guy that Tom is.

As he does every meeting, he donated \$20 to the 4-H fund that benefits the Food Pantry and the 4-H kids. This is a very worthy cause.

Chairman Vail – Tom Gruber fits into that special group of people, and there are a lot of them in this community, who wear a lot of hats. With every hat that Tom put on, he performed exemplary service. He joins the ranks of the dedicated in this community in so many ways. Thank you, Tom, for your years of service.

He suggested to the Council members a change in the Town Charter. He would like to change the date that new Town Councilors begin their term from the Monday immediately following the election, to the first meeting in July. The time between the election and getting started allows the opportunity for someone who is stepping down to have their last meeting and take care of any unfinished business they may have. It will also allow the new person coming on board the time to get oriented. He requested that the Council members think about this, and we can discuss further.

Councilor Edes said that since any Charter change will have to go to the voters, he suggested reviewing the entire Charter to see if any other minor things could be amended, if need be.

Chairman Vail said that meet the candidate’s night for the Town Council will be held on May 11th and the School Board on May 18th at 7:00 p.m. at Town Hall. They will be televised.

Regarding the filling Councilor Gruber’s Town Council seat, Chairman Vail said that we have 60 days to fill the vacant seat. We will seek applications from interested members of the community. They can send their letters of interest to Brenda Moore, Council Secretary, at Town Hall. Brenda will collect the applications and the Nominating Committee will review them. Since Councilor Gruber was on the Nominating Committee, he suggested that Councilor Storey-King be appointed to the Nominating Committee in his place. The full Town Council will interview the applicants that the Nominating Committee recommends. After some discussion, this plan was agreed to.

VII. ADJOURNMENT

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

VOTE: 5-0 UNANIMOUS

TIME: 9:30 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary

ITEM

22-062

To hold a Public Hearing to consider and act on a Medical Marijuana
Registered Caregiver License application for Evergreen Cannabis Co., LLC
(owner Andrew Pettingill) located at 222 Gray Road



TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland, Maine 04021

Telephone (207) 829-5559 • Fax (207) 829-2214

TO: The Cumberland Town Council

FROM: Tamara O'Donnell, Town Clerk

SUBJECT: Medical Marijuana Registered Caregiver License Application

DATE: May 3, 2022

As required by Town of Cumberland Code, Chapter 86, §86-7, I am submitting to you for Public Hearing and consideration, a Medical Marijuana Registered Caregiver License Application from Mr. Andrew Pettingill who will be doing business as Evergreen Cannabis Co. LLC. located at 222 Gray Road, Cumberland, Maine. Abutters have been notified of the Public Hearing and I have included a copy of the list of the abutters.

Mr. Pettingill submitted his application and has paid the application fee of \$2,000.00. CEO, Mr. Bill Longley, and Deputy Clerk Abbey Lombard met with Mr. Pettingill and reviewed his documentation. Mr. Pettingill has provided all required documentation, and it is on file in my office and available for review. Police Chief Rumsey and Fire Chief Small as well as CEO Bill Longley have signed the application as approved and have no concerns with this application. Thank you for your consideration.



TOWN OF CUMBERLAND CLERK'S OFFICE

290 Tuttle Road
Cumberland, Maine 04021
Phone: (207) 829-5559 • Fax: (207) 829-2214

MEDICAL MARIJUANA REGISTERED CAREGIVER LICENSE APPLICATION

FEE FOR APPLICATION AND LICENSE REVIEW		<input checked="" type="checkbox"/> Application fee - \$2,000 Note: All fees are separate and cumulative and are to be paid at time of application. Licenses are for one year.				Amount Paid: \$ <u>2000.00</u> Date: <u>4/21/22</u>	
TYPE OF APPLICATION		<input checked="" type="checkbox"/> Medical Marijuana Application					
NEW OR RENEWAL		<input checked="" type="checkbox"/> NEW <input type="checkbox"/> RENEWAL					
PROPERTY DESCRIPTION	Parcel ID	Map	U20	Lot	66	Zoning District	VCC
	Physical Address	222 Gray Rd. Cumberland					
PROPERTY OWNER'S INFORMATION	Name	Michael Record			Mailing Address	2 Riverside Dr. Falmouth, ME 04105	
	Phone	207-890-6588					
	Fax						
	Email	myrecord2004fordtmbur.com					
APPLICANT'S INFORMATION IF DIFFERENT FROM OWNER	Name	Andrew Pettingill			Name of Business	Evergreen Cannabis Co LLC	
	Phone	207-332-6504			Mailing Addresses - Residential And Businesses	PO Box 1772 93 Lower Methodist Portland ME 04104 Cumberland	
	Fax						
	Email	andrew@evergreencannabis.co.com					
BUSINESS INFORMATION	Owner's Name(s)	Kristin + Andrew Pettingill			Mailing Address	PO Box 1772 Portland ME 04104	
	Phone	207-332-6504					
	Fax						
	Email	admin@evergreen-cannabis.co.com					

Documentation to be provided with application and fees. All documentation and fees must be provided at time of application submission or the application will not be accepted by the Town Clerk.

- ☒ Electronic copy of application and all materials.
- ☒ A copy of the applicant's State medical marijuana caregiver registration application, and all supporting documentation as filed with the State of Maine Office of Marijuana Policy, and any amendments thereto.
- ☒ Evidence of state registration and other approvals (if any) required to operate as a Registered Caregiver, including but not limited to the Registered Caregiver's caregiver registration card.
- ☒ If not included in the applicant's State medical marijuana caregiver registration application, a description of the form of ownership of the business enterprise together with the attested copies of any articles of incorporation, bylaws, operating agreement, partnership agreement or articles of association that govern the entity that will own and/or operate the Registered Caregiver operation.
- ☒ If not included in the applicant's state license application, an affidavit that identifies all owners, officers, members, managers, or partners of the applicant, their ownership interests and their places of residence at the time of the application and for the immediately preceding three (3) years.
- ☒ A release for each applicant and for each officer, owner, member, manager, or partner of the applicant seeking a license, allowing the Town of Cumberland to obtain criminal records and other background check information related to the individual.
- ☒ Evidence of all land use approvals or conditional land use approvals required to operate a Registered Caregiver pursuant to the Town of Cumberland Code of Ordinances, including but not limited to, a building permit, and/or a certificate of occupancy.
- ☒ If the proposed Licensed Premises is not owned by the applicant, then a signed letter of approval from the proposed Licensed Premises' owner shall be provided.
- ☒ A detailed depiction of the proposed Licensed Premises.

For additional information, please review the Town of Cumberland Medical Marijuana Registered Caregiver Licensing Ordinance. The ordinance is available here www.cumberlandmaine.com or a copy may be requested at the Town Clerk's office.

The undersigned hereby makes application to the Town of Cumberland for approval of the proposed use and declares the foregoing to be true and accurate to the best of his/her knowledge.


APPLICANT OR AGENT'S SIGNATURE

Andrew Pettingill
PLEASE TYPE OR PRINT NAME

4/21/2022
DATE

For office use only:

Code Enforcement Officer Recommendation: Comments: <i>None</i>	Approve or Deny <i>W. C. Smyly Jr</i>	Date <i>5-3-22</i>
Police Department Recommendation: Comments: <i>None</i>	Approve or Deny <i>[Signature]</i>	Date <i>5-3-22</i>
Fire Department Recommendation: Comments: <i>None</i>	Approve or Deny <i>Daniel Small</i>	Date <i>5/3/22</i>
Other Staff Recommendation: Comments:	Approve or Deny <i>Sammara P. Donnell</i>	Date <i>5-3-22</i>
Town Council Decision:	APPROVED/DENIED	Date

ITEM 22-063

To hold a Public Hearing to consider and act on a Medical Marijuana
Registered Caregiver License application for Evergreen Cannabis Co.,
LLC (owner Kristin Pettingill) located at 222 Gray Road



TOWN OF CUMBERLAND, MAINE

290 Tuttle Road

Cumberland, Maine 04021

Telephone (207) 829-5559 • Fax (207) 829-2214

TO: The Cumberland Town Council
FROM: Tamara O'Donnell, Town Clerk
SUBJECT: Medical Marijuana Registered Caregiver License Application
DATE: May 3, 2022

As required by Town of Cumberland Code, Chapter 86, §86-7, I am submitting to you for Public Hearing and consideration, a Medical Marijuana Registered Caregiver License Application from Ms. Kristin Pettingill who will be doing business as Evergreen Cannabis Co. LLC. located at 222 Gray Road, Cumberland, Maine. Abutters have been notified of the Public Hearing and I have included a copy of the list of the abutters.

Ms. Pettingill submitted her application and has paid the application fee of \$2,000.00. CEO, Mr. Bill Longley, and Deputy Clerk Abbey Lombard met with Ms. Pettingill and reviewed her documentation. Ms. Pettingill has provided all required documentation, and it is on file in my office and available for review. Police Chief Rumsey and Fire Chief Small as well as CEO Bill Longley have signed the application as approved and have no concerns with this application. Thank you for your consideration.



TOWN OF CUMBERLAND CLERK'S OFFICE

290 Tuttle Road
Cumberland, Maine 04021
Phone: (207) 829-5559 • Fax: (207) 829-2214

MEDICAL MARIJUANA REGISTERED CAREGIVER LICENSE APPLICATION

FEE FOR APPLICATION AND LICENSE REVIEW		<input checked="" type="checkbox"/> Application fee - \$2,000 Note: All fees are separate and cumulative and are to be paid at time of application. Licenses are for one year.				Amount Paid: \$ <u>2000.00</u> Date: <u>4/21/22</u>	
TYPE OF APPLICATION		<input checked="" type="checkbox"/> Medical Marijuana Application					
NEW OR RENEWAL		<input checked="" type="checkbox"/> NEW <input type="checkbox"/> RENEWAL					
PROPERTY DESCRIPTION	Parcel ID	Map	U20	Lot	106	Zoning District	VCC
	Physical Address	222 Gray Rd. Cumberland					
PROPERTY OWNER'S INFORMATION	Name	Michael Record		Mailing Address	2 Riverside Dr. Falmouth, ME 04105		
	Phone	207-890-6588					
	Fax						
	Email	myrecord2@oxfordtimber.com					
APPLICANT'S INFORMATION IF DIFFERENT FROM OWNER	Name	Kristin Pettingill		Name of Business	Evergreen Cannabis Co LLC		
	Phone	207-751-5483		Mailing Addresses - Residential And Businesses	PO Box 1772 93 lower Methodist Portland ME 04104 Cumberland		
	Fax						
	Email	kristin@evergreen-cannabis.co.com					
BUSINESS INFORMATION	Owner's Name(s)	Kristin + Andrew Pettingill		Mailing Address	PO Box 1772 Portland ME 04104		
	Phone	207-332-6504					
	Fax						
	Email	admin@evergreen-cannabis.co.com					

Documentation to be provided with application and fees. All documentation and fees must be provided at time of application submission or the application will not be accepted by the Town Clerk.

- ☒ Electronic copy of application and all materials.
- ☒ A copy of the applicant's State medical marijuana caregiver registration application, and all supporting documentation as filed with the State of Maine Office of Marijuana Policy, and any amendments thereto.
- ☒ Evidence of state registration and other approvals (if any) required to operate as a Registered Caregiver, including but not limited to the Registered Caregiver's caregiver registration card.
- ☒ If not included in the applicant's State medical marijuana caregiver registration application, a description of the form of ownership of the business enterprise together with the attested copies of any articles of incorporation, bylaws, operating agreement, partnership agreement or articles of association that govern the entity that will own and/or operate the Registered Caregiver operation.
- ☒ If not included in the applicant's state license application, an affidavit that identifies all owners, officers, members, managers, or partners of the applicant, their ownership interests and their places of residence at the time of the application and for the immediately preceding three (3) years.
- ☒ A release for each applicant and for each officer, owner, member, manager, or partner of the applicant seeking a license, allowing the Town of Cumberland to obtain criminal records and other background check information related to the individual.
- ☒ Evidence of all land use approvals or conditional land use approvals required to operate a Registered Caregiver pursuant to the Town of Cumberland Code of Ordinances, including but not limited to, a building permit, and/or a certificate of occupancy.
- ☒ If the proposed Licensed Premises is not owned by the applicant, then a signed letter of approval from the proposed Licensed Premises' owner shall be provided.
- ☒ A detailed depiction of the proposed Licensed Premises.

For additional information, please review the Town of Cumberland Medical Marijuana Registered Caregiver Licensing Ordinance. The ordinance is available here www.cumberlandmaine.com or a copy may be requested at the Town Clerk's office.

The undersigned hereby makes application to the Town of Cumberland for approval of the proposed use and declares the foregoing to be true and accurate to the best of his/her knowledge.

K. Pettingill
APPLICANT OR AGENT'S SIGNATURE

4/21/22
DATE

Kristin Pettingill
PLEASE TYPE OR PRINT NAME

For office use only:

Code Enforcement Officer Recommendation:	Approve or Deny	Date
Comments: <i>None</i>	<i>W. C. Grogan</i>	<i>5-3-22</i>
Police Department Recommendation:	Approve or Deny	Date
Comments: <i>None</i>	<i>[Signature]</i>	<i>5-3-22</i>
Fire Department Recommendation:	Approve or Deny	Date
Comments: <i>None</i>	<i>Daniel Small</i>	<i>5/3/22</i>
Other Staff Recommendation:	Approve or Deny	Date
Comments:	<i>Sammara P. Donnell</i>	<i>5-3-22</i>
Town Council Decision:	APPROVED/DENIED	Date

SKILLIN AGRICULTURAL ASSOCIATES LLC
89 FORESIDE ROAD
FALMOUTH, ME 4105

ANDREW STEPHEN R
25 MIDDLE STREET
PORTLAND, ME 4101

GRAFFAM, CATHERINE
601 BLACKSTRAP RD
FALMOUTH, ME 4105

HERMAN, ANDREW
4 LAKE RD
CUMBERLAND, ME 4021

DUFF DIANA M
42 OLD GRAY ROAD
CUMBERLAND, ME 4021

TOMCZYK, KERRY M
12 LAKE RD
CUMBERLAND, ME 4021

HUTCHINS TODD
9 LAKE ROAD
CUMBERLAND, ME 4021

CASE, TOMMY
10 UNION RD
CUMBERLAND, ME 4021

MCCANN STEPHANIE A
14 HIGHLAND AVENUE
CUMBERLAND, ME 4021

SLOAT, CAROLYN L
18 HIGHLAND AVE
CUMBERLAND CTR, ME 4021

PHILBRICK, GLENN
20 HIGHLAND AVE
CUMBERLAND, ME 4021

OWENS, MATTHEW B
26 HIGHLAND AVE
CUMBERLAND, ME 4021

CROCE GERALD L
PO BOX 37
CUMBERLAND, ME 4021

CROCE GERALD L
PO BOX 37
CUMBERLAND, ME 4021

CROCE GERALD L
PO BOX 37
CUMBERLAND, ME 4021

GREENLAW THOMAS S
30 HIGHLAND AVENUE
CUMBERLAND, ME 4021

GREENLAW THOMAS S
30 HIGHLAND AVENUE
CUMBERLAND, ME 4021

SMITH LOWELL M JR
C/O NANCY SMITH
CUMBERLAND, ME 4021

GAUVIN ROBIN A
35 OLD GRAY ROAD
CUMBERLAND, ME 4021

PYNCHON, RYAN
33 OLD GRAY RD
CUMBERLAND, ME 4021

CHARLTON ELEANOR
31 OLD GRAY ROAD
CUMBERLAND, ME 4021

GREENLAW THOMAS S
30 HIGHLAND AVENUE
CUMBERLAND, ME 4021

CAPUTO CHRISTOPHER V
26 HIGHLAND AVENUE
CUMBERLAND, ME 4021

SLOAT BEVERLY L, HEIRS
290 TUTTLE RD
CUMBERLAND, ME 4021

TOWN OF CUMBERLAND
290 TUTTLE RD.
CUMBERLAND, ME 04021-9321

OBRIEN ANSON
21 HIGHLAND AVENUE
CUMBERLAND, ME 4021

SMALL NANCY*
17 HIGHLAND AVENUE
CUMBERLAND CTR, ME 4021

BUNTING, ASHLEY K
13 HIGHLAND AVE
CUMBERLAND, ME 4021

LEONARD, BRYAN H
26 DEARBORN ST
WESTBROOK, ME 4092

WILLIS JOHN N
202 GRAY ROAD
CUMBERLAND, ME 4021

TIMS GARY R
6 FOREST LAKE ROAD
CUMBERLAND, ME 4021

COPP, ADAM
94 LAKESIDE DR
WINDHAM, ME 4062

BEAN SCOTT A
6 FOREST AVENUE
CUMBERLAND, ME 4021

SUTHERLAND HELENA R
10 FOREST AVENUE
CUMBERLAND, ME 4021

STEELE NORMAN L
16 FOREST AVENUE
CUMBERLAND, ME 4021

524 GRAY ROAD, LLC
217 GRAY RD
CUMBERLAND, ME 4021

524 GRAY ROAD, LLC
217 GRAY RD
CUMBERLAND, ME 4021

HALL PHILIP M
PO BOX 1183
SCARBOROUGH, ME 4074

PLUMMER MARK C
217 GRAY ROAD
CUMBERLAND CTR, ME 4021

EMERALD COMMONS, LLC
108 MIDDLE RD
FALMOUTH, ME 4105

BANFIELD, JAMES
242 GRAY RD
CUMBERLAND CTR, ME 4021

FERRAR JAMES F II
29 OLD GRAY ROAD
CUMBERLAND, ME 4021

NIELSEN KARL C
246 GRAY ROAD
CUMBERLAND, ME 4021

BREWSTER, SETH
27 OLD GRAY RD
CUMBERLAND, ME 4021

SNOW, AMANDA J
21 OLD GRAY RD
CUMBERLAND, ME 4021

BREWSTER, SETH T & RYAN J TRUSTEES
27 OLD GRAY RD
CUMBERLAND CTR, ME 4021

229 SEWELL STREET, LLC
217 GRAY ROAD
CUMBERLAND, ME 4021

JAMES-WILLIAMS, CYNTHIA K
250 CHASE COURT NORTH
ST MARYS, GA 31558

ITEM

22-064

To hold a Public Hearing to consider and act on extending the Mass Gathering Permit for The Garden Brothers Family Circus to add an additional show date of July 4, 2022

(ORIGINAL MEMO FROM APRIL 11, 2022 COUNCIL PACKET)

MEMORANDUM

To: William Shane, Town Manager

From: Tamara O'Donnell, Town Clerk

Re: Garden Brothers Circus

A meeting was held at 10:00 a.m., on Monday, March 28, 2022, with Deputy Town Clerk Abbey Lombard, Police Chief Rumsey, Police Sgt. Lachance, Fire Chief Dan Small, and Fire Admin. Deb Rand, as well as Mr. Lyle Merrifield on phone.

I reviewed in detail the requirements of the Mass Gathering Ordinance. The following represents our mutual understanding:

- Exact attendance levels are unknown, however, it was determined that 1,000-1,500 per show is likely. Therefore, the organizers will pay the Minor Mass Gathering fee of \$250.00.
- The Garden Brothers Family Circus will be held on June 30, July 1, 2, & 3, 2022. The hours will be from June 30 and July 1, from 3:30 p.m. – 9:00 p.m., July 2, 12:30 p.m. – 9:00 p.m., and July 3, 12:00 p.m. -9:00 p.m. (Requesting an extension of extra day, July 4, 2022, two shows, at 1:00 p.m. and 4:00 p.m.)
- Circus under the Big Top will be a 90 minute performance.
- Parking will be on the fairgrounds.
- There will be circus owned concessions with cotton candy, popcorn, and soda.
- Trash will be taken care of on site.
- Insurance certificate is attached.
- There will be 2 EMT's, from the Fire Department on site at both locations. (No staff available for requested extension date.)
- There will be 2 police officers on duty at the event, with one (.5) being there at peak times only. (No staff available for requested extension date.)
- Communication between parties will be by two way radio and cell phone.
- Contact person for this event is Ms. Annalisa Presley. Contact number is 941-343-2378 ext.204.

Approximate fees for this event are as follow:

\$ 250.00 Mass Gathering Permit

\$4,030.56 Police Department

\$1,647.00 Fire Department

I believe we have covered all areas related to the Mass Gathering Permit application. I anticipate that this event will be very successful and well managed. I hope the weather cooperates and they have a wonderful turnout. Thank you.

Tammy O'donnell

From: Dan Small
Sent: Thursday, May 5, 2022 12:46 PM
To: Tammy O'donnell
Subject: Re: request for additional circus shows

Tammy,

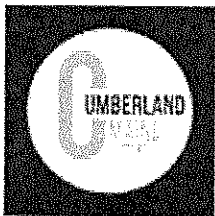
I am of the same opinion as Chief Rumsey. The fire department cannot provide sufficient protection for both the community and this event so I am not in support of this request.

Please contact me should you have any questions.

Dan

Get [Outlook for iOS](#)

From: Tammy O'donnell <todonnell@cumberlandmaine.com>
Sent: Thursday, May 5, 2022 12:23:34 PM
To: Dan Small <dsmall@cumberlandmaine.com>
Subject: FW: request for additional circus shows



Tammy O'Donnell
Town Clerk, Town of Cumberland
[207-829-5559](tel:207-829-5559)
www.cumberlandmaine.com
290 Tuttle Road, Cumberland, Maine 04021



From: Charles Rumsey <crumsey@cumberlandmaine.com>
Sent: Thursday, May 5, 2022 11:42 AM
To: Tammy O'donnell <todonnell@cumberlandmaine.com>
Subject: request for additional circus shows

Tammy,

As discussed by phone today, I am opposed to extending the existing mass gathering permit for the circus to include July 4th. That national holiday generally causes us a substantial call volume with fireworks and other loud noise complaints, and because of the holiday I believe that the staffing demands on our small department would be unreasonable.

I hope this information is helpful – please let me know if you need anything further.

Respectfully,

Chip



Charles Rumsey
Chief of Police, Cumberland Police Department
207-829-6391
www.cumberlandpd.com
290 Tuttle Road, Cumberland, Maine 04021



ITEM

22-065

To consider and act on authorizing the Town Manager to amend the Maine Public Employees Retirement System service retirement plan for eligible Cumberland Fire/EMS employees from Special Plan 2C to Special Plan 3C, effective July 1, 2022

**TOWN COUNCIL ORDER TO CHANGE
MAINEPERS PLAN FOR FULL TIME
FIRE/EMS UNION EMPLOYEES**

To see if the Town of Cumberland will vote to change its plan for its firefighters and emergency medical services employees effective July 1, 2022 for future service only.

The Town agrees to:

- a) Provide Special Plan 3C to its firefighters and emergency medical services employees who work at least 32.5 hours per week and who are not seasonal or temporary employees as defined by the appendix to MainePERS Rule Chapter 802, for service rendered after June 30, 2022. Service rendered prior to July 1, 2022 remains under Special Plan 2C.
- b) Continue to provide Special Plan 3C to its police officers who work at least 32.5 hours per week and who are not seasonal or temporary employees as defined by the appendix to MainePERS Rule Chapter 802.
- c) Continue to provide Special Plan 2C to all other employees who work at least 32.5 hours per week and who are not seasonal or temporary employees as defined by the appendix to MainePERS Rule Chapter 802.
- d) All other employees, including elected/appointed officials, are excluded from membership.
- e) To authorize Town Manager, William Shane, to sign the Amended Agreement between the Town and the Maine Public Employees Retirement System.

Motion/Article approved as written.

ITEM

22-067

To authorize the Town Manager to accept a payment for delinquent FY'18
and a portion of FY'19 taxes in the amount of \$8,000.00 on property
identified as Map R07/Lot 69



TOWN OF CUMBERLAND, MAINE

290 Tuttle Road
Cumberland, Maine 04021

Telephone (207) 829-5559 • Fax (207) 829-2214

TO: William Shane, Town Manager
FROM: Tammy O'Donnell, Town Clerk
DATE: May 16, 2022
SUBJECT: Delinquent Tax Payment

I have received a request for acceptance of payment in the amount of \$8,000.00 in delinquent property taxes for property located at Map R07/Lot 69. The property owner is aware that this property is in tax foreclosure. This payment will cover all the fiscal year 2018, and a portion of the fiscal year 2019. I have spoken with the property owner and have been informed that they intend to pay the remainder of the back taxes to be completely current within the next several months.

Revenues

05/19/2022
11:26:53

TOWN OF CUMBERLAND HISTORICAL ACTUALS COMPARISON REPORT

PAGE 1
glactrpt

FOR PERIOD 11 OF 2022

ACCOUNTS FOR: 001 General Fund	PRIOR YR3 ACTUALS	PRIOR YR2 ACTUALS	LAST YR ACTUALS	CURRENT YR ACTUALS	CY REV BUDGET
<hr/>					
0011 Other Tax Revenues					
<hr/>					
0011 0303 Motor Vehicle Excise Tax	-1,983,817.78	-1,776,474.20	-2,165,671.80	-1,991,345.41	-2,003,000.00
0011 0304 Boat Excise Tax	-12,865.10	-11,623.10	-16,873.39	-11,494.10	-17,000.00
0011 0325 Supplemental Taxes	.00	-38,940.00	.00	-1,212.60	.00
0011 0328 Outer Islands Property Tax	-22,020.50	-47,027.48	-22,947.69	-22,947.68	-46,000.00
0011 0329 Payment in Lieu of Taxes	-31,918.00	-32,122.96	-37,806.00	-38,079.00	-33,000.00
TOTAL Other Tax Revenues	-2,050,621.38	-1,906,187.74	-2,243,298.88	-2,065,078.79	-2,099,000.00
0012 License & Permit Revenues					
<hr/>					
0012 0311 Hunting/Fishing Lic Agent Fees	-457.25	-298.75	-365.00	-889.18	-541.00
0012 0312 Marriage Lic & Vital Records	-2,212.80	-2,051.60	-2,416.00	-2,453.20	-2,400.00
0012 0313 Birth Certificates	-1,288.60	-1,262.80	-1,318.40	-1,785.40	-1,400.00
0012 0314 Death Certificates	-1,994.00	-1,344.20	-1,403.60	-917.20	-1,500.00
0012 0315 Clerk Licenses	-4,345.00	-1,790.00	-1,955.00	-4,260.00	-4,608.00
0012 0316 Shellfish Licenses	-609.39	-568.94	-945.03	-944.87	-600.00
0012 0317 Conservation Fees	-160.61	-111.06	-244.97	-235.13	-100.00
0012 0334 Snowmobile Reg. Agent Fees	-223.00	-225.00	-268.00	-257.00	.00
0012 0361 Motor Vehicle Reg. Agent Fees	-19,913.00	-21,343.00	-31,792.00	-28,983.00	-21,406.00
0012 0362 Boat Reg. Agent Fees	-551.00	-306.00	-589.00	-452.25	-500.00
0012 0366 Building Permits	-68,688.05	-62,747.35	-121,383.38	-146,708.65	-75,000.00
0012 0367 Electrical Permits	-19,986.15	-18,238.75	-31,083.51	-32,325.22	-21,634.00
0012 0368 Plumbing Permits	-14,316.00	-13,440.00	-23,748.75	-23,276.25	-18,789.00
0012 0369 Other Permits	-976.00	-476.00	-595.00	-1,628.00	-1,751.00
0012 0383 ATV Reg. Agent Fees	-101.00	-76.00	-108.00	-68.00	-60.00
0012 0390 Misc. Revenue	-1,350.00	-1,750.00	-2,150.00	-1,580.00	.00
0012 0398 Application Fee	-3,950.00	-1,450.00	-1,950.00	-1,500.00	-1,300.00
0012 0401 Dog Reg. Clerk Fees	-929.00	-825.00	-691.00	-796.00	-900.00
0012 0404 Commercial Haulers License	-400.00	-100.00	-100.00	-100.00	-500.00
TOTAL License & Permit Revenue	-142,450.85	-128,404.45	-223,106.64	-249,159.35	-152,989.00
0013 Intergovernmental Revenues					
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0013 0331 State Revenue Sharing	-411,268.43	-673,790.45	-887,509.58	-1,160,490.35	-825,000.00
0013 0335 Local Rd Asst Prog	-68,644.00	-71,480.00	-66,876.00	-72,636.00	-67,000.00

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FOR PERIOD 11 OF 2022

ACCOUNTS FOR:	PRIOR YR3	PRIOR YR2	LAST YR	CURRENT YR	CY REV
001 General Fund	ACTUALS	ACTUALS	ACTUALS	ACTUALS	BUDGET
0013 0338 Federal Grants	.00	.00	-13,262.44	.00	.00
0013 0341 North Yarmouth Recreation Shar	-14,190.00	1,742.50	-4,546.00	-96,912.00	-129,216.00
0013 0342 North Yarmouth Library Share	-120,054.00	-127,020.67	-45,848.25	-144,326.25	-192,435.00
0013 0390 Misc. Revenue	.00	.00	.00	-13,619.95	.00
TOTAL Intergovernmental Revenue	-614,156.43	-870,548.62	-1,018,042.27	-1,487,984.55	-1,213,651.00
0015 Other Revenues					
0015 0305 Interest & Penalties	-30,879.09	-28,011.37	-21,965.42	-9,487.12	-30,000.00
0015 0306 Over/Short	3,775.34	2,014.25	300.14	-3,339.76	-100.00
0015 0364 Growth Permits	-2,300.00	-2,000.00	-3,200.00	-2,300.00	-2,000.00
0015 0365 Board of Appeals	-100.00	-200.00	-100.00	.00	.00
0015 0390 Misc. Revenue	-40,663.59	-32,105.83	-33,537.26	-53,896.30	-25,000.00
0015 0399 Staff Review Fee	-10,750.00	-9,325.00	-10,800.00	-5,300.00	-9,700.00
0015 0402 Cable TV Revenue	-128,633.84	.00	.00	.00	.00
0015 0403 Mooring Fees	-3,755.92	-7,624.00	-5,788.00	-16,496.00	-5,000.00
0015 0410 Private Ways	-1,000.00	.00	-400.00	-200.00	-400.00
0015 0508 Impact Fees	-69,941.90	-62,249.60	-91,565.60	-98,586.60	-60,000.00
TOTAL Other Revenues	-284,249.00	-139,501.55	-167,056.14	-189,605.78	-132,200.00
0021 Police Related Revenues					
0021 0337 State Grant revenue	-1,195.00	-1,846.00	-951.30	.00	.00
0021 0351 Police Issued Permits	-2,095.00	-9,724.00	-970.00	-557.00	-2,000.00
0021 0353 Police Insurance Reports	-416.00	-420.00	-380.00	-872.00	-500.00
0021 0390 Miscellaneous Police Revenue	-805.25	-192.00	-51.00	-305.00	-648.00
0021 0427 Parking Tickets	-375.00	-600.00	-200.00	-25.00	-100.00
0021 0431 Outside Detail	737.52	.00	.00	.00	.00
0021 0536 Dog Licenses ACO Revenue	-2,920.00	-3,041.00	-1,417.00	-2,425.00	-1,800.00
0021 0540 MSAD #51 SRO Reimbursement	-49,000.00	.00	.00	.00	.00
0021 0546 Court Reimbursements	-1,059.32	-4,846.72	-3,122.38	-1,306.64	-2,200.00
TOTAL Police Related Revenues	-57,128.05	-20,669.72	-7,091.68	-5,490.64	-7,248.00
0022 Fire Related Revenues					
0022 0390 Misc. Revenue	.00	-15.00	-15.00	.00	.00

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FOR PERIOD 11 OF 2022

ACCOUNTS FOR:	PRIOR YR3	PRIOR YR2	LAST YR	CURRENT YR	CY REV
001 General Fund	ACTUALS	ACTUALS	ACTUALS	ACTUALS	BUDGET
0022 0431 Outside Details	.00	-103.76	.00	.00	.00
0022 0504 Rescue Billing	-165,031.35	-141,301.37	-121,717.84	-135,496.41	-160,000.00
0022 0507 Paramedic Intercepts	.00	.00	-300.00	.00	.00
0022 0617 Donations Received	.00	-1,340.00	592.53	.00	.00
0022 0617 COVID Donations Received	.00	.00	8.99	.00	.00
TOTAL Fire Related Revenues	-165,031.35	-142,760.13	-121,431.32	-135,496.41	-160,000.00
0031 Public Services Revenues					
0031 0390 Misc. Revenue	-3,471.00	-26,492.07	-25,654.57	-28.00	-20,500.00
0031 0391 Field Usage Fees	-5,383.20	-4,031.80	.00	-4,446.60	-5,000.00
0031 0431 Outside Details	-1,234.03	-852.16	.00	.00	.00
0031 0517 Bags/Universal Waste	-283,012.50	-230,261.50	-263,715.00	-236,475.00	-295,015.00
0031 0539 Brush Passes	-9,611.00	-4,458.00	-24,767.00	-18,519.00	-8,277.00
0031 0617 Twin Brooks Donations	.00	-100.00	-1,885.00	-562.00	.00
TOTAL Public Services Revenues	-302,711.73	-266,195.53	-316,021.57	-260,030.60	-328,792.00
0035 VH Other Revenues					
0035 0329 Payment in Lieu of Taxes	.00	-9,000.00	.00	.00	.00
0035 0378 Soda Sales	-2,206.60	-1,703.40	-2,728.89	-3,158.00	-2,500.00
0035 0560 Rental Income	-10,276.25	-6,750.00	-6,750.00	-7,500.00	-14,000.00
0035 0565 Cell Tower Land Lease	-19,800.00	-19,800.00	-21,690.00	-22,770.00	-24,840.00
TOTAL VH Other Revenues	-32,282.85	-37,253.40	-31,168.89	-33,428.00	-41,340.00
0037 VH Golf Revenues					
0037 0306 Over/Short	242.99	507.22	-2.84	78.37	.00
0037 0357 Golf Memberships	-211,707.15	-199,014.68	-322,539.80	-387,964.60	-235,542.00
0037 0358 Greens Fees	-113,205.83	-111,344.04	-192,076.25	-197,381.80	-179,737.00
0037 0359 Golf Cart Rentals	-65,153.19	-64,467.65	-108,714.44	-114,251.10	-92,257.00
0037 0416 Practice Range	-4,911.75	-1,248.25	-7,221.97	-5,634.00	-8,860.00
0037 0417 VH Program Revenues	-57,392.70	-45,943.00	-79,028.63	-86,923.00	-70,500.00
0037 0419 Advertising Sales	-16,631.50	-4,000.00	-17,000.00	-8,400.00	-22,500.00
0037 0522 Outing Golf	-42,978.43	-66,487.00	-36,038.00	-65,208.00	-48,290.00

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FOR PERIOD 11 OF 2022

ACCOUNTS FOR:	PRIOR YR3	PRIOR YR2	LAST YR	CURRENT YR	CY REV
001 General Fund	ACTUALS	ACTUALS	ACTUALS	ACTUALS	BUDGET
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TOTAL VH Golf Revenues	-511,737.56	-491,997.40	-762,621.93	-865,684.13	-657,686.00
0041 Recreation Related Revenues					
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0041 0440 41100 After School Programs	-306,877.09	-256,051.50	-309,363.50	-322,577.00	-272,000.00
0041 0441 41110 Youth Enrichment Programs	-166,495.20	-124,347.32	-22,287.50	-94,885.50	-175,000.00
0041 0441 41180 Youth Summer Enrichment Re	.00	.00	.00	-71,495.00	.00
0041 0442 41120 Youth Sports Programs	-109,762.75	-69,723.00	-15,513.50	-112,444.75	-115,000.00
0041 0443 41130 Skiing Programs	-53,362.00	-57,274.00	-14,282.50	-39,685.00	-45,020.00
0041 0444 41140 Day Camps	-162,722.75	-30,108.43	-72,644.50	-211,997.90	-165,000.00
0041 0445 41150 Swimming Programs	-25,585.29	-20,141.00	-1,155.00	7,273.80	-21,250.00
0041 0446 41160 Adult Enrichment Revenue	-38,020.43	-19,789.40	-14,350.00	-18,310.40	-31,715.00
0041 0447 41170 Adult Fitness Revenue	-61,860.83	-44,129.20	-33,106.00	-71,871.80	-45,000.00
0041 0448 41190 Special Events/Trips Reven	-4,189.00	-4,415.00	.00	-5,396.00	-5,000.00
0041 0449 41190 Recreation Programs	-2,151.00	-6,104.28	.00	.00	-1,995.00
0041 0570 41190 Rec Soccer Revenue	-21,355.00	-22,330.00	-9,123.00	-29,827.00	-23,000.00
0041 0571 41190 Rec Ultimate Frisbee Reven	-14,519.00	-12,035.00	-6,545.00	-15,295.00	-14,000.00
0041 0606 41190 CPR/First Aid Revenues	400.00	-630.00	-240.00	-1,365.00	-250.00
TOTAL Recreation Related Reven	-966,500.34	-667,078.13	-498,610.50	-987,876.55	-914,230.00
0044 W Cumberland Hall Revenues					
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0044 0377 Hall Rental	.00	.00	.00	-1,130.00	.00
TOTAL W Cumberland Hall Revenu	.00	.00	.00	-1,130.00	.00
0045 Library Related Revenues					
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0045 0392 Library Fines	-3,026.73	-3,177.22	-744.69	-49.15	.00
0045 0394 Misc. Library Revenue	-1,151.90	-995.20	-654.00	-434.03	.00
TOTAL Library Related Revenues	-4,178.63	-4,172.42	-1,398.69	-483.18	.00
TOTAL General Fund	-5,131,048.17	-4,674,769.09	-5,389,848.51	-6,281,447.98	-5,707,136.00
TOTAL REVENUES	-5,131,048.17	-4,674,769.09	-5,389,848.51	-6,281,447.98	-5,707,136.00
GRAND TOTAL	-5,131,048.17	-4,674,769.09	-5,389,848.51	-6,281,447.98	-5,707,136.00

Expenses

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ACCOUNTS FOR:	PRIOR YR3	PRIOR YR2	LAST YR	CURRENT YR	CY REV
001 General Fund	ACTUALS	ACTUALS	ACTUALS	ACTUALS	BUDGET
130 Administration	566,537.53	594,289.58	517,669.58	559,892.46	664,743.00
140 Assessor	101,288.27	97,514.56	99,086.57	100,556.38	118,867.00
150 Town Clerk	219,226.70	246,416.16	213,195.05	266,027.93	291,177.00
160 Technology	184,525.12	230,052.71	298,266.65	257,431.00	280,613.00
165 Elections	8,400.30	9,148.99	11,852.93	32,457.57	35,127.00
170 Planning	58,418.54	56,026.21	54,219.89	61,346.16	74,035.00
190 Legal	56,463.85	43,209.17	54,680.73	50,469.11	47,500.00
210 Police	1,214,673.24	1,233,397.14	1,253,398.64	1,306,744.41	1,552,217.00
220 Fire	855,154.79	869,624.69	890,564.77	869,000.49	1,078,586.00
240 Code Enforcement	130,729.35	126,516.58	136,234.60	139,665.88	150,858.00
250 Harbor Master	4,682.18	14,676.21	14,911.93	14,506.55	22,480.00
260 Animal Control	28,239.64	32,758.51	20,011.15	38,779.66	36,179.00
310 Public Works	1,054,396.32	1,065,606.17	1,020,752.55	1,148,331.51	1,302,955.00
320 Waste Disposal	435,562.21	478,964.64	494,535.31	566,405.67	637,459.00
350 Valhalla-Club	34,317.10	20,590.50	23,355.85	21,919.75	26,241.00
360 Valhalla-Course	435,215.33	460,987.77	502,611.88	502,412.38	559,899.00
370 Valhalla-Pro Shop	244,893.41	175,813.02	189,008.98	201,478.23	240,351.00
410 Recreation	983,754.70	941,889.46	668,840.19	945,188.24	955,292.00
420 Aging in Place	22,635.96	67,773.74	66,486.60	80,147.07	101,716.00
430 Parks	282,610.03	267,450.41	307,392.26	290,356.97	327,477.00
440 West Cumberland Rec	5,608.25	5,768.87	4,751.29	6,717.10	8,744.00
450 Library	450,268.49	466,699.03	456,235.66	492,249.33	550,098.00
470 Historical Society Building	7,146.28	4,335.30	204.00	2,556.25	11,364.00
580 General Assistance	30,990.78	30,067.94	20,330.78	14,240.64	35,000.00
590 Health Services	13,577.20	17,577.20	894.30	3,428.15	3,875.00
620 Cemetery Association	28,450.00	26,700.00	27,575.00	26,700.00	26,700.00
630 Conservation	6,212.20	2,383.61	9,917.43	20,349.10	21,000.00
650 Debt Service	969,023.35	1,053,399.23	1,156,096.72	1,238,180.21	1,262,301.00
750 Insurance	280,834.13	269,670.68	331,399.60	343,248.61	319,619.00
800 Fire Hydrants	73,523.06	68,456.54	76,957.62	71,243.81	83,500.00
810 Street Lighting	30,794.42	35,241.92	45,000.00	45,000.00	45,000.00
830 Contingent	5,907.19	3,809.31	59,298.49	27,231.75	10,000.00
840 Municipal Building	90,460.25	84,609.55	91,569.52	130,416.15	109,837.00
850 Abatements	23,670.91	35,285.20	10,555.87	14,378.85	1.00
TOTAL General Fund	8,938,191.08	9,136,710.60	9,127,862.39	9,889,057.37	10,990,811.00
TOTAL EXPENSES	8,938,191.08	9,136,710.60	9,127,862.39	9,889,057.37	10,990,811.00
GRAND TOTAL	8,938,191.08	9,136,710.60	9,127,862.39	9,889,057.37	10,990,811.00