

MINUTES

Cumberland Town Council Meeting
Town Council Chambers

Wednesday, January 28, 2026

5:00 P.M. Workshop re: Capital Improvement Plan (CIP)

7:00 P.M. Call to Order

Present: Councilors Douglass, Edes, Filson, Magoun, Michalak, Thorsson, and Vail

I. APPROVAL OF MINUTES

Motion by Councilor Douglass, seconded by Councilor Michalak, to accept the January 12, 2026 meeting minutes as presented.

VOTE: 6-0-1 (Edes abstained) MOTION PASSES

II. MANAGER'S REPORT

Councilor Edes announced the sad news of the passing of former Town Councilor, Tom Gruber. After he learned of Tom's passing, he reached out to former Town Manager, Bill Shane, and asked him to write a dedication to Tom that he would like to read now:

Thomas Gruber was a Town Councilor in Cumberland for over a decade. My tribute to Tom tonight will be mostly in 2 specific areas. The senior program "Aging in Place" now called Active Living and his tireless work at the Community Food Pantry. Tom represented all the people of Cumberland and felt it important that many voices be heard, regardless of which side of any legislation one might lean towards. He believed in the end, things were better when many people came together and shared ideas. Tom believed Cumberland was a unique community with many talented people. He believed bringing those people together would build a stronger and even greater community. Tom supported education, he loved the schools, he supported the Town staff and all its departments and employees. Tom loved God, Country, his wife, Margie, and family, and all the people of Cumberland. His passion for seniors led him to develop the "Aging in Place" program that has been recognized as one of the most successful programs in southern Maine. He was committed to working toward allowing people to age with dignity in their homes. He helped develop and lead a senior rides program that seemed impossible initially, but it came together very quickly with the help of the Cumberland Congregational Church. The senior rides program was where Tom earned one of his many nick names "Uber Gruber" as he too was a driver for the program. Tom had a huge heart, an enthusiastic sense of humor, and an awesome smile. He would often make the day of so many seniors just by his presence and his positive attitude. Tom led three Conferences on Aging in Cumberland. He served on numerous state panels and county outreach programs and spoke with other towns urging communities to develop local programs so that their citizens could stay in their homes and be around family and friends. This was particularly important to Tom who believed the community should be a community not just through one's college years but for their entire lives. Tom also believed that socialization was as important as providing the support services necessary to keep somebody in their home. He believed if we could figure out a way to keep our seniors active even if it were something as simple as a luncheon or a bingo game, this was going to make a dramatic difference in keeping people healthy longer. Equally as important to Tom was "food insecurity" not just for seniors but for everyone. Tom was tireless in his commitment to helping conquer food insecurity. There are a lot of things behind the scenes that Tom did that many of us will never know. His many trips to Hannaford for the food pantry to pick up food donations and his countless trips to local shelters to help with unmet needs. Tom believed the Aging in Place and Food Pantry programs were essential to keeping seniors in their homes.

He encouraged all seniors to take advantage of the food pantry and enjoy the positive atmosphere created at the Community Food Pantry. Tom felt it was important to have fun, show respect to all, and be caring and compassionate. Tom was someone that developed many contacts outside of Cumberland to help the Cumberland Food Pantry. He knew distributors, he knew people in the food business and many donations were often influenced by the positive relationship Tom had developed with outside organizations. Tom also served on local committees that would also help the Food Pantry. Tom chaired the County's CDBG program and helped the Pantry write and successfully earn its first grant for a 12'x12' walk in freezer. The \$20,000 grant enhanced the Food Pantry's offerings for a variety of proteins and frozen meats that would never have been possible without the freezer capacity. Tom recognized that getting financial support was crucial in developing a successful and long-term Food Pantry. Tom genuinely believed that after getting the pantry going for about 6 or 8 months that he and the town manager would be able to walk away and hand the keys over to the very capable volunteers. Fast forward 12 years and Tom finally retired from the food pantry! Not because of a lack of trust or leadership, but the pantry was such a positive influence on his life and the relationships he had made over the years were so special he couldn't walk away. Over 10,000 individuals have gone through the doors and have been serviced by the food pantry. He was immensely proud of the work that the town had and continued even after his retirement. It takes many hands to make this work, and the Food Pantry is amazing. The Pantry has had over 700 volunteers since its inception. Tom was immensely proud of the people of Cumberland, N Yarmouth, Falmouth, and Pownal all who volunteered for many, many hours and loved the work for the right reasons. When a customer crossed over the threshold of the Pantry for the first time and said, "I need help," they were treated with love and respect. Tom always wanted to make it fun for people and always joked with the customers. Tom was just a very silly person and the customers loved it! The positive and loving environment made Cumberland the most successful pantry in the state. Tom would secure food from multiple sources in southern Maine and often worked seven days a week just trying to make sure that people were being fed and taken care of. It was heavy on his heart to see people making choices between electricity, rent and food. Food off often lost. Tom was happy that our program was there and has continued to be there for over 14 years now.

As we all know, behind every successful married person is usually an even greater force at home. That was Margie Gruber who had Tom's heart and was his compass throughout his life.

Margie would make sure Tom was fair, not too sarcastic and cared equally for people regardless of whether their opinions aligned with his. Tom would do anything for Margie. She was his light that shone brightly through all the time. Margie and Tom were an amazing team and two people that made such a profound difference in our community. Margie collected and organized all the volunteer hours, customer stats, and 12 years of Pantry records that were insightful to view.

As a Town Councilor, Tom also served on the Finance Committee. He and Bill Stiles led the town to a very sound financial position. The Town's finances improved to a point where national bonding agencies increased the Town's bond rating reducing interest rates for the town on future borrowing. Tom and Bill were an effective team and knew how to balance stewardship of the town's many assets, separating out things that could wait versus things that were necessary today, and were fierce advocates of keeping and protecting a strong fund balance. Tom also served on numerous committees. He served on the Planning Board, Shellfish, Coastal Waters, Senior Circuit Breaker, and then attended every other committee he wasn't on because he wanted to be involved. Tom's vision for Cumberland was often centered around keeping people here that want to stay here and, in their homes, making sure people were happy and fed. Tom was a dedicated public servant that understood the consequences of legislation, understood the consequences of Town Council actions and truly valued the opinions of many citizens in our community. He cared about people more than anything. His legacy was built upon compassion and public service to all members of our community. He cared most for our seniors and all residents who struggled with food

insecurity.

Tom will be missed but never forgotten.

Town Manager Sturgis thanked the Public Works crew who have done a great job for the Town, especially during the last storm when they were out plowing for an extended period of time.

Earlier this evening we held a workshop on the capital improvement plan. He thanked the Town staff members who attended to bring the Council up to speed on some immediate, as well as long-term plans as we approach budget season. Budget workshops will begin on March 9th at 5:00 p.m.

The Town Council has received some emails asking what the Town's position is related to immigration and customs enforcement, and their activity in the State of Maine, specifically in our area. Chief Rumsey has been ahead of the curve on this in terms of trying to define what role the Cumberland Police Department would have, what our response would be, and what protocols he and his officers are going to follow in the event that they are needed. Chief Rumsey is here this evening to review their policy.

Chief Rumsey said that our police department is not trained to enforce immigration law nor will we ever be. Our training and concern is to ensure public safety and enforcing, when necessary, the laws of the State of Maine and the ordinances of the Town of Cumberland. We have provided guidance to our officers with regard to immigration enforcement, including the following:

- Absent extenuating circumstances and without supervisor approval, officers will not inquire about or investigate the immigration status of a victim or complainant.
- Officers will not detain or arrest an individual for an administrative immigration warrant.
- Consistent with current law, officers will furnish information to any federal law enforcement officer when requested.
- Officers will provide assistance to federal law enforcement officers, including immigration enforcement officers, when requested.
- If officers believe that an individual is a threat to public safety, they will take all available actions, to include coordination with immigration authorities, to protect our community and the individuals in it.
- Officers will ensure that their body worn cameras and cruiser cameras are activated and record all interactions with any nexus to immigration enforcement.
- Officers will immediately notify this department's supervisory staff of any call with a nexus to immigration enforcement.
- Officers will thoroughly document any call they respond to with a nexus to immigration enforcement.

We have reminded our officers of the importance of permitting and protecting First Amendment speech, as well as the importance of responding appropriately to observed illegality.

Every police department in Maine, including ours, has a policy requirement called the "duty to intervene." This standard states that any officer who witnesses another officer using what the officer reasonably believes to be an unreasonable and/or unnecessary use of force, that is a substantial deviation from known standards of law enforcement training, has a duty to intervene to protect the safety and the rights of the subject involved. This standard also requires documentation of the facts surrounding the situation, and the notification of a supervisor.

We are aware that later this year, L.D. 1971, An Act to Protect Workers in This State by Clarifying the Relationship of State and Local Law Enforcement Agencies with Federal Immigration Authorities, will take effect. The law will require minor changes to the way we do business, including:

- Inquiring about any person's immigration status, or
- Providing personal information about an individual to immigration authorities.

Chief Rumsey said that he would like to provide some information to anyone present this evening, or anyone watching from home regarding concerns about excessive force by a federal law enforcement officer. Those concerns, if reported, will be investigated by the FBI as a potential civil rights violation. Anyone wishing to make such a report should call 1-800-CALL-FBI. Calls made about incidents in our area will be routed to FBI Supervisory Senior Resident Agent, Christopher Peavey, who is stationed in Portland.

III. PUBLIC DISCUSSION

No public discussion.

IV. LEGISLATION AND POLICY

Opportunity for Public Comment. Per Article 2, Section 7 of the Town Charter, there will be an opportunity for public comment on each item on the agenda. Comments are limited to 5 minutes per person.

26 – 006 To consider and act on accepting Vining Way as a Town Road.

Chairwoman Filson explained that the Town Council first considered this approximately 2 months ago, and some deficiencies in the road were brought up at that time. Those have since been re-examined and corrected and this is back before the Town Council this evening.

Chairwoman Filson asked for any public comment on this item.

Cam Wise of 41 Vining Way, and president of the homeowner's association, thanked Town Manager Sturgis and Assistant Town Manager Bolduc for helping them through the process of accepting their road as a Town road. He feels good about the reports that Sevee and Mahar Engineers and Dirigo Engineers provided. They did a great job to assuage any concerns that the Town Council had with the compaction, the overpass, and other concerns that were noted. Since the road has been built to Town standards and has been proven as such by the engineering firms, if the Council chooses not to accept the road, he feels that would set an interesting and potentially poor precedence for future developments that go through the legwork and expense to build a road to that standard. The homeowners are all expecting and excited for the Town to take the road over. He urged the Council to please accept the road as a Town Road.

Chairwoman Filson closed public comment.

Councilor Michalak said that he realizes that this process has been difficult for the neighborhood, and things have progressed slower than they would have liked for multiple reasons. Some people have wondered why he asked so many questions during this process, and he would like to explain that. People do make mistakes, that is why we have liability insurance. He has lived in this Town for most of his life, and when he looks at the history of some of the developments that were engineered, inspected, and accepted through the entire development process, some years later there were deficiencies discovered in almost all of them. This is what drove his questioning. The cost to fix those deficiencies falls on every taxpayer in this Town. As a Town Councilor he wants to look out for every taxpayer. He feels that we should accept the road, hold some money in escrow, and move forward.

Councilor Douglass said that she is in support of this. We have gone through the checks and balances, and there is money in escrow. She feels that we need to have more of an established structure as it relates to road acceptance, as Councilor Michalak mentioned at the last meeting.

Councilor Edes said that he is in favor of accepting the road this evening.

Chairwoman Filson said that she is in favor of this. She is looking forward to the workshop on February 9th to discuss road standards. It is important that developers, as well as the residents that are potentially moving into a new neighborhood understand that we are managing the expectations very clearly so that there aren't any surprises.

Councilor Vail said that we need to accept this road, but it should be the last one. There is no promise that we will accept subdivisions, and he is also looking forward to discussing this in workshop at the next meeting.

Councilor Magoun said that Councilor Michalak's comments and knowledge during this process have been very helpful and he appreciates that.

Councilor Thorsson thanked Mr. Wise for speaking and also sending an email, which allows her to read through it and digest the information. She appreciates receiving emails from citizens.

Motion by Councilor Michalak, seconded by Councilor Douglass, to accept Vining Way, generally described as 2881 feet in length and 50 feet in width, and described in a deed from Beta Zeta Properties, LLC., dated November 24, 2025, and depicted on "Exhibit A" of the "Subdivision Plan – Christmas Creek, 239 Tuttle Road, Cumberland, Maine" prepared by Dirigo Architectural Engineering.

VOTE: 7-0 UNANIMOUS

26 – 007 To hold a public hearing to consider and act on amendments to Chapter 17 (Animal Control), Section 3 (Dogs at Large), of the Cumberland Code of Ordinances, as recommended by the Ordinance Committee.

Councilor Thorsson explained that this was a request from the Val Halla grounds crew, and dog waste has been an issue at Val Halla for many years, as well as dogs off leash. Most of the issues occur within a quarter mile of the parking lot. Currently dogs are allowed on leash only on pathways from March 1st to December 1st. This ordinance amendment would change that to no dogs allowed on the Val Halla Golf Course and its pathways from March 1st to December 1st. Additionally, dogs will be allowed from December 2nd to February 28th with the following conditions: dogs must be on a leash in the parking lot and on the front 9 and its pathways, and dogs can be off leash on the back 9.

Chairwoman Filson opened the public hearing.

Doug Brown of Carol Street said that he is against this. Part Twin Brook has been closed to dogs in the winter, and people have always had Val Halla in the winter as an option to walk their dogs. By closing off the front half of Val Halla, all you're doing is moving everything to the back half. He understands that there is a problem, but it is a Town owned golf course, and it sounds like Town employees don't want to do their job.

Chairwoman Filson closed the public hearing.

Assistant Town Manager, Chris Bolduc explained that there is nothing in the Val Halla Groundskeeper job description that specifically states picking up dog waste. Part of the job is emptying the trash cans but not moving around the golf course looking for dog waste. We realize that there are good dog owners and bad dog owners, and we feel that this is a good compromise.

Councilor Edes said that he took a tour of Val Halla last summer and took the opportunity to have a long talk with Toby Young, Golf Course Superintendent, about this problem. People have used Val Halla as a dog toilet for a long time. There are even professional dog walkers that use it on a regular basis, walking 7 – 12 dogs at a time, and they come back with only 1 bag of waste. Do the math on that. Staff members work on heavy equipment down there, which is dangerous in itself. On many occasions, off leash dogs come running into the maintenance shop making it even more dangerous. Because of the lack of responsibility of several dog owners, it makes their job harder. They are working at the golf course even in the winter. He is in favor of this.

Councilor Douglass said that selling golf memberships is a revenue stream for the Town. Part of our responsibility is to ensure that we can maintain that revenue stream. There are other places for people to walk their dogs, and we have to do our best to insulate ourselves from liability.

Councilor Michalak said that he supports this but struggles with putting something in place that will be difficult to enforce. What do we do if nothing changes in a year? He hopes that dog owners will be responsible and not leave their dog waste on the golf course.

Councilor Magoun said that Greely Woods is not mentioned in the Animal Control ordinance, and it was suggested that we include that with the same language as Rines Forest and Knight's Pond, with dogs under owner/keeper control. As the owner of 2 dogs, you are able to pay more attention to them when they are on a leash and you know when they go to the bathroom. It's hard to know what they are doing if they are running ahead of you. It is also a safety issue. Off leash dogs can cause problems. He feels that this is a good compromise.

Chairwoman Filson said that an abutter of Twin Brook has had 2 chickens killed by dogs that were off leash. There are also issues with dogs that jump up on people. She feels that this amendment is reasonable.

Councilor Thorsson said that she agrees with the safety points, and she was not aware that dogs were entering the maintenance garage and interfering with the workers. That is completely unacceptable.

Motion by Councilor Douglass, seconded by Councilor Michalak, to amend Chapter 17 (Animal Control), Section 3 (Dogs at Large), of the Cumberland Code of Ordinances, as recommended by the Ordinance Committee.

VOTE: 7-0 UNANIMOUS

26 – 008 To hold a public hearing date to consider and act on amendments to the Personnel Ordinance, as recommended by the Ordinance Committee.

Councilor Thorsson explained that these are mostly housekeeping and compliance amendments.

Chairwoman Filson opened the public hearing.

No public comment.

Chairwoman Filson closed the public hearing.

Motion by Councilor Thorsson, seconded by Councilor Douglass, to amend the Personnel Ordinance, as recommended by the Ordinance Committee.

VOTE: 7-0 UNANIMOUS

26 – 009 To set a public hearing date of February 9th to consider and act on amendments to Chapter 315 (Zoning), Section 39 (Domesticated chickens), of the Cumberland Code of Ordinances, as recommended by the Planning Board.

Town Manager Sturgis explained that this is due to recent legislation that was passed regarding a person's right to have domesticated chickens on their property. We want to make sure that our ordinances are in line with current State law. The Town cannot set a minimum lot size, but we can set the number of chickens that are allowed. Currently, a license must be obtained from the Town to have chickens. This would eliminate that licensing requirement.

Chairwoman asked for any public comment on this item.

No public comment.

Councilor Thorsson asked how we came up limiting the number of chickens to 6 per 2 acre lots.

Chairwoman Filson said that she has many comments about this. She is a chicken owner who lives on a 1.4-acre lot in the center of Town. LD1655 is the new law that came out in May of 2025, and it prohibits Towns from banning chickens on private residential land and removes the State from regulating the number of chickens. The State did not put any cap on the number of chickens per lot. Much of this came from the Maine Right to Food amendment of 2021, which guarantees every Mainer the right to raise their own food. The spirit of this law is to allow residents the opportunity to get their own food. The zoning that has been put forth in the ordinance is more restrictive than Portland. There is no science behind 2-acres being the magic number for 6 chickens. The ordinance talks about having coupe placement only at the rear of a lot, and she does not think that is feasible for a lot of people. A lot of other Towns offer flexibility on this based on the shape of the property. So should we. Additionally, our zoning allows for unlimited ducks and goats, so why limit the number of chickens? This is inconsistent and does not make sense. She buys her chickens at the Cumberland Fair, buys their food locally, and supplies at least 5 of her neighbors with eggs, which goes back to food insecurity and being able to provide your neighbors with food. There is a couple in Calais, Maine who are suing their municipality for their restrictions on chickens. Why open us up for a lawsuit? It comes down to being a responsible chicken owner. Her neighbors are thrilled when her chickens go into their yards to eat ticks. We should not be micromanaging these birds that provide food, they do a great job eating ticks, they are a joy to have, and if managed responsibly they are wonderful for our community and we should not be restrictive.

Councilor Thorsson said that the ordinance mentions that chickens are for "personal use". Does that mean that you are not allowed to sell eggs?

Town Manager Sturgis said that nobody is making their income by selling eggs. It is more of an ancillary thing.

Councilor Thorsson said that some of the wording could be cleaned up to be clearer. Perhaps we should talk about what it means to have personal vs. agricultural use in regard to chickens. She would like to delete the wording that says that chickens shall be kept for personal use only.

Councilor Vail said that he feels that this item should be tabled because it appears that there are many issues to be discussed. Perhaps hold a workshop and get input from residents.

Councilor Michalak said that only so much can be regulated on paper. If we try to regulate too much, it becomes micromanagement, and he does not like that. If somebody with a 1.4-acre lot has 15 chickens and they want to increase that to 25 chickens, they should be able to do that as long as it's not causing an issue to the neighbors. However, maybe we add language that deals with enforcement of warranted complaints.

Town Manager Sturgis said that staff can work on this and come back with a recommendation at a later date, if the Council chooses to table this.

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

VOTE: 7-0 UNANIMOUS

26 – 010 To authorize the Town Manager to accept payment for FY2024 delinquent taxes in the amount of \$4,770.82 on property identified as Tax Map R07, Lot 21.

Town Manager Sturgis said that this is a positive step to bring this property to current status. He is recommending acceptance of the payment.

Chairwoman Filson asked for any public comment on this item.

No public comment.

Motion by Councilor Michalak, seconded by Councilor Douglass, to authorize the Town Manager to accept payment for FY2024 delinquent taxes in the amount of \$4,770.82 on property identified as Tax Map R07, Lot 21.

VOTE: 7-0 UNANIMOUS

26 – 011 To appoint members to Boards and Committees.

Councilor Edes said that as usual, we have a lot of people around Town who are willing to volunteer their time to serve on a board or committee. The Nominating Committee met and are ready to recommend appointments.

Councilor Thorsson said that she was previously on the Orchard Subcommittee of the Lands and Conservation Commission and she would like to remain on that committee as a member. It was explained to her that as an Orchard Subcommittee member, she is not a member of the Lands and Conservation Commission or a voting member of the Commission. Therefore, being on the Town Council while simultaneously being on the Orchard Subcommittee is permissible. She would like to stay on the Orchard Subcommittee.

Chairwoman Filson asked for any public comment on this item.

No public comment.

Motion by Councilor Edes, seconded by Councilor Douglass, to reappoint:

To the Board of Adjustments and Appeals

Andrew Black, Ron Copp, Sr., and Matthew Manahan

To the Board of Assessment Review

Alan Johnson

To the Coastal Waters Commission

Ivy Frignoca and David Witherill

To the Cumberland Housing Authority

Stacie Daigle, Bill Hansen, and Bill Stiles

To the Lands & Conservation Commission

David Cowan, Dennison Gallaudet, Jessie Lamarre-Vincent

To the Forestry Subcommittee

Sally Stockwell and Todd Ontl

To the Trails Subcommittee

David Grimm and Paige Diamant

To the Sustainability Subcommittee

David Witherill

To the Orchard Subcommittee

Adam Blackwell, and Denise Thorsson

To the Invasives Subcommittee

Dave Cowan

To the Planning Board

David Noonan, Josh Saunders, and Ann Sawchuck

To the Recreation/Community Education Advisory Board

Chris Fitzpatrick

To the Personnel Appeals Board

Leonard Sunerraj

Michael Brandon from alternate board member to regular board member

To the Prince Memorial Library Advisory Board

Henry Fouts and Jill O'Connor

To the Shellfish Conservation Commission

Michael Brown and Teri Maloney-Kelly

To newly appoint:

Celina Cunningham to the Lands & Conservation Commission

Kathleen Rudolph to the Lands & Conservation Commission

Sarah Sokoloff to the Recreation/Community Education Advisory Board

Bill Young as an alternate on the Personnel Appeals Board.

Stacie Daigle to the LCC Sustainability Subcommittee

VOTE: 7-0 UNANIMOUS

26 – 012 To consider and act on a Town Council Resolution re: Recommendations for Maine LD 1829 Implementation and Legislative Refinement.

Councilor Vail explained that a couple of weeks ago, he was at a meeting and was speaking to a Town Councilor from the Town of Scarborough, who told him that Scarborough was sending a resolution to the State regarding the impact of LD1829 to his community. He asked him to share it with us, and he did. It has been reworked and it is what we have presented this evening. If approved, it will go to our legislative representatives and the Governors’ office. He feels that the proposed resolution is an excellent tool and it serves notice that a number of communities are concerned about the action of the State and hopefully they will modify or repeal LD1829. He read the resolution:

***WHEREAS**, the Town of Cumberland recognizes that Maine faces a significant housing shortage that affects residents, workers, families, and the overall economic vitality of our communities; and,*

***WHEREAS**, the Maine Legislature enacted LD 1829 in June of 2025 with the stated intent of building housing for Maine Families and attracting workers to Maine businesses by expanding allowable housing density statewide; and,*

***WHEREAS**, the Town of Cumberland has already demonstrated being part of the solution to Maine’s housing shortage with progressive zoning practices and acknowledges efforts to remove barriers that increase housing supply and affordability in other Towns and Cities within Maine with restrictive zoning practices; and,*

***WHEREAS**, while the Town of Cumberland acknowledges the state’s goals of increasing housing supply, the implementation requirements of LD 1829 present critical challenges that threaten our ability to manage growth responsibly and maintain the quality of life our residents expect; and,*

***WHEREAS**, the mandated density increase under LD 1829 exceeds the capacity of existing municipal infrastructure to support new growth, including water systems, sewer systems, stormwater management, transportation networks, and schools, requiring capital investments that exceed local budget capacity and will require state financial support; and,*

***WHEREAS**, LD 1829 encourages growth outside of growth areas if served by water and sewer, but planning best practices have established new growth should be encouraged for growth areas, and areas of natural and rural value should be preserved; and,*

***WHEREAS**, the prohibition on growth caps in designated growth areas eliminates a critical tool that municipalities have used to align development with infrastructure capacity and comprehensive planning; and,*

***WHEREAS**, experience with previous housing density legislation (LD 2003) demonstrates that increased density alone does not guarantee affordable housing outcomes, with multiple communities reporting that new development has produced expensive market-rate housing rather than workforce or affordable units; and,*

***WHEREAS**, LD 1829 requires repeated ordinance revisions and mandatory planning board training, imposing significant administrative and financial burdens on municipalities, particularly smaller and rural communities that rely on volunteer planning boards and lack dedicated professional planning staff; and,*

***WHEREAS**, restrictions on impact fees under LD 1498 prevent municipalities from funding the broader infrastructure upgrades necessary to support growth mandated by LD 1829, making it even more challenging for local taxpayers to support needed infrastructure; and,*

***WHEREAS**, the Town of Cumberland is currently updating its comprehensive plan through extensive community engagement to reflect local priorities, environmental constraints, and a vision for the community’s future, and LD 1829’s one-size-fits all approach undermines this locally-driven planning process and the principles of home rule.*

***NOW, THEREFORE, BE IT RESOLVED**, that the Town Council of the Town of Cumberland hereby:*

***Expresses significant concern** regarding the challenges LD 1829 presents to responsible growth management, infrastructure planning, and comprehensive planning.*

***Calls upon** the Maine Legislature to repeal LD 1829 or delay its implementation until corrective legislation is in place that;*

- Creates a dedicated, multi-year state infrastructure funding program to support municipalities experiencing mandated growth;*
- Allows municipalities that meet growth requirements under the Growth Management Act to continue employing reasonable growth management tools;*
- Clarifies the interaction between LD 1829’s growth cap prohibition and the Rate of Growth law to prevent unintended sprawl in rural areas;*
- Removes the lot size and density mandates for areas outside designated growth areas that are serviced by sewer and water;*

- *Strengthens affordability requirements that result in increasing deed restricted affordable and workforce housing;*
- *Revises impact fee restrictions to allow municipalities to fund necessary infrastructure improvements;*
- *Provides adequate funding for technical assistance and capacity building for municipalities and regional planning organizations;*
- *Provides Maine State Housing Authority with proper authority and funding to support affordable and workforce housing projects without local financial support; and,*
- *Ensures protection of our rural farmlands and conserves our environment.*

Requests that the Legislature work in partnership with municipalities, regional planning organizations, and municipal associations to refine the law, enhance state-municipal communications, and ensure that housing policy achieves affordability goals while respecting local planning authority and infrastructure constraints;

Directs the Town Manager to forward copies of this resolution to:

- *Speaker of the Maine House of Representatives Ryan Fecteau*
- *Cumberland’s State Senator: Theresa Pierce*
- *Cumberland’s State Representative: Christina Mitchell*
- *Governor Janet Mills*
- *Maine Municipal Association*
- *Greater Portland Council of Governments*
- *Maine State Housing Authority Board of Commissioners*

Implores other municipalities to express similar sentiments to protect home rule authority.

ADOPTED this 26th day of January 2026, on behalf of the Cumberland Town Council and the Town Manager of Cumberland, Maine.

Chairwoman Filson asked for any public comment on this item.

Stacie Daigle of Bruce Hill Road said that this is excellent, and it is what she was hoping for. It is the best thing for our Town. Thank you.

Denny Gallaudet of Range Road said that he also wants to thank the Council. He was here in early December and made personal remarks about how ill-advised he thought this legislation was and believed it should be repealed.

Chairwoman Filson closed public discussion.

Chairwoman Filson suggested removing the word “cities” as we are a town and not a city. Zoning is very different in a town compared to a city.

Motion by Councilor Vail, seconded by Councilor Douglass, to approve the Town Council Resolution re: Recommendations for Maine LD 1829 Implementation and Legislative Refinement including the amendment by Chairwoman Filson

VOTE: 7-0 UNANIMOUS

V. NEW BUSINESS

Councilor Edes – we lost a couple of great community members recently. Dave de Bree passed away. If you ever went to a restaurant in the Greater Portland area and there was a jazz band playing, that was Dave's band. Dave and his brother Steve grew up on Route 9 and were both a big part of this community. Our condolences to the de Bree family.

Francis Small also passed away. He had a long career with the Cumberland Fire Department and was President of the Farmer's Club for many years. Condolences to the Small family.

Councilor Magoun – the Parks and Recreation Committee will meet next Tuesday at 5:30 p.m. at Town Hall and the Lands and Conservation Commission will meet on February 4th at 7:00 p.m. at Town Hall.

Councilor Douglass – she wished Chairwoman Filson a happy 40th birthday tomorrow.

Councilor Vail – he attended a county budget meeting last evening and heard a presentation by the Sheriff's Department. The Sheriff shared that they are not getting paid by the federal government and because of this, there is a million-dollar shortfall right now. It was asked that the Cumberland County Town Manager's direct a letter to Senator's King and Collins requesting that the federal government release those funds.

Councilor Thorsson – she read the following statement:

The Town decided recently not to include resources in the Cumberland Crier or other official channels that are relevant to its residents, students, employees, and people in neighboring towns who are living with the impact of increased federal presence within our state – which is fine, but for those who want to get involved but don't know how, there many organizations to consider that are listed on the Maine Immigrants' Rights Coalition (MIRC) website, which you can find at maineimmigrantrights.org. Whether it's donations, volunteerism, or education opportunities, you'll find them there. Please also see the ACLUMaine.org/know-your-rights page for detailed information on how to peacefully protest, legally document and record events in public spaces without illegally interfering, and what to do if someone you know has been detained and removed from Maine and taken to detention in another state.

I have more to say and I'll preface it with some context about myself.

I served in Air Force intelligence in a shop focused on target development and comprehensive research and reporting. Like many other veterans, I'm well versed in the laws and protections of constitutional rights, privacy, and civil liberties of US Persons. I swore an oath to protect and defend the Constitution of the United States against all enemies, foreign and domestic. And like every single current and former member of the US military, I am acutely aware of Article 92 of the UCMJ, which defines the legal mandate of members of the armed forces to *obey lawful orders*. The flipside of that *is the responsibility and legal requirement to not comply with any unlawful orders* that violate the U.S. Constitution, federal law, or international law. Anyone who knows anything about World War II should understand why this is so critical.

Upon entering office, all federal officers and officials are also required to take an Oath of Office, as defined in Title 5 of the US Code. They swear to faithfully discharge their duties in support and defense of the Constitution of the United States, and they must do so freely, without any mental reservation or purpose of evading those obligations, which includes upholding the constitutional rights of individuals.

The federal government’s recent surge in immigration enforcement agent recruitment, including an abridged version of training, coupled with a shift in their usual job description toward a pseudo-law enforcement function, brings this Oath to the forefront. Every individual operating in a military or enforcement capacity of any kind, in any environment, in every moment, must have an acute awareness and comprehensive understanding of what qualifies as a lawful order allowable under the Constitution, and which activities illegally infringe upon individuals’ inalienable rights.

Constitutionally protected activities include the right to peacefully protest, document and observe activities in public spaces in a manner that does not *forcibly* impede operations as defined under law; the right to not be subject to illegal searches and seizures, including entering private dwellings and the private areas of businesses without a signed judicial warrant – which is *the only* mechanism to bypass the fourth amendment and cannot be overwritten by internal memos, other directives within organizations, or administrative warrants issued by non-judicial federal employees. The Constitution also mandates that no person – citizen or not – shall be deprived of life, liberty, or property without due process, with habeas corpus being a primary mechanism to enforce this right, allowing individuals to challenge unlawful imprisonment or prolonged detainment before a judge. Perhaps the most critical is the constitutional right to bear arms, which shall not be infringed, as it is the one tool the American people have to ensure all other rights are protected when threatened. Disarming citizens is a key requirement for tyranny to take hold. The most notorious dictators all rose to power with strict gun control and confiscations policies, with Hitler specifically restricting Jews from owning guns while relaxing restrictions for Nationalists.

If those in the highest positions of power assert that Americans cannot attend a protest or walk down the street or document federal activities with a legal firearm holstered or controlled safely on their person, they are spreading disinformation, setting a dangerous precedent, creating an unacceptable liability and danger to human life, and should be removed from their position.

If individuals conducting federal operations do not grasp that every American citizen possesses a constitutional right to possess a firearm in accordance with federal, state, and local laws, or they are deploying to unfamiliar locations without an understanding of state or local gun laws, they should not be in that position. For example, here in Maine, anyone who is legally allowed to possess a firearm is allowed to open or to conceal carry without a permit.

If individuals involved in federal operations do not have the emotional discipline, training, or required psychological profile to remain reasonably calm and objective in high-stress situations, they should be removed from that position. If they do not understand proportionality and the use-of-force continuum and how to prioritize de-escalation and use the “objectively reasonable” minimum amount of force required to fulfill their duties, they should not be in that position. If they cannot tell the difference between a bystander or legal observer who is not forcibly impeding operations and credible threat actor who has the intent and ability to inflict imminent bodily harm, injury, or death, they should not be in that position. There is no excuse for violating constitutional law. Ignorance of the law is not an excuse. The Nuremberg defense of I was just “following orders” is not an excuse and hasn’t been since the 1940s. Every single person – especially those in positions of power – is responsible for understanding the law and knowing that they will be held accountable for both their actions and *inaction*.

Failure-to-intervene laws hold individuals personally accountable when they fail to prevent constitutional violations or significant risks to public safety by their colleagues. DHS’ most recent Use of Force Policy, issued in 2023, accessible from [DHS.gov](https://www.dhs.gov), states that the Department is “guided by constitutional law,” and that policies and procedures “unambiguously underscore” that “the use of excessive force is unlawful

and will not be tolerated. Those who engage in such misconduct, and those who fail to report such misconduct, will be subject to all applicable administrative and criminal penalties.” Furthermore, after any use of force, officers must obtain “medical assistance for ... visible injuries, [complaints] of being injured, or requests [for] medical attention” as soon as possible. Additionally, “deadly force shall not be used solely to prevent the escape of a fleeing subject.”

The rule of law and our constitutional rights are meaningless if those in power delegitimize them, and if we, the People, do not defend those rights and hold those who trample them accountable. Believe what you see with your own eyes. Federal employees are not immune to state-level criminal charges and there is no statute of limitations on murder and other grave offenses, premeditated or not. If accountability doesn't happen now, it will eventually.

People are paying close attention to their local leadership, state representatives, and those in Washington who have been entrusted by their constituents to wield their power – granted by the People – for the common good to move society forward, in global, peaceful partnership. I urge our representatives in Maine who have chosen to stay silent or respond to current events with only words of concern or campaign talking points to wake up, take tangible action, and consider how your decisions impact all Americans.

Thank you to those who have given a part of themselves and their time to their community to legally document, peacefully protest, volunteer, help those who are vulnerable and at risk of being collateral damage, assist in returning abandoned, broken vehicles back to the families of people detained, being present at school bus stops and help escort students safely back to their homes, donating time and supplies to schools who are taking the brunt of the impact on local families and students, and those who are focused on love, kindness, and being a good neighbor in the face of chaos, fear, and violence. Please continue to exercise your rights peacefully. Please also be sure to take care of yourselves and your mental health and ask for help when you need it.

Finally, thank you all for allowing me to exercise *my* rights in this moment, and I challenge those who disagree with my words to do so without threats, violence, or other unhinged behavior.

Thank you.

Councilor Michalak – he had the pleasure of working with Francis Small. Francis was Deputy Chief when he worked at the Fire Department. Francis was a great leader and the salt of the earth type of guy. He will be missed.

He donated \$20 to the Food Pantry, as he does at every meeting.

Hats off to the Public Works crew for their work on the last snowstorm.

He attended the Planning Board meeting last week and there was another subdivision being proposed off Bruce Hill Road. The developer made the comment that the road is being built to Town standards, with the intention of it being accepted. We need to get out in front of this because now that Vining Way is behind us, we need to look at our process, which is kind of backwards. If a project goes to the Planning Board and comments are made that the road will be built to Town standards, that leads people to believe that it's guaranteed acceptance. This was not fair to the people that are going to be buying houses in a new

subdivision. The day could come when we don't have the resources to add another road to our plow routes. We need to get in front of this.

Chairwoman Filson said that we are holding a workshop on road acceptance before our next Council meeting.

Earlier this evening we had a workshop on the capital improvement plan. He felt that Town staff did a great job in presenting their department's capital improvement plans. It's too late for this budget season, but in the future, he would like a very clear financial picture for the citizens that is easy to understand. Such as what equipment needs to be replaced, what it is used for, and what it will cost.

Chairwoman Filson – there will be a Tri-Com (Cumberland, North Yarmouth, and the School Board) meeting on February 12th in North Yarmouth.

She thanked Councilor Thorsson for her comments. Reverend Allison Smith of the Cumberland Congregational Church was arrested, along with 9 other faith leaders, at Senator Susan Collins office while peacefully protesting. It's wonderful that we have the ability to be able to protest peacefully and exercise freedom of speech in our country.

Thank you to Public Works for the stand-up job they are doing so far this winter.

VI. ADJOURNMENT

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

VOTE: 7-0 UNANIMOUS

TIME: 9:36 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary