

MINUTES

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, October 26, 2020

7:00 P.M. Call to Order

7:00 P.M. Call to Order

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

I. APPROVAL OF MINUTES

Motion by Councilor Vail, seconded by Councilor Storey-King, to accept the October 12, 2020 meeting minutes as presented.

VOTE: 7-0 UNANIMOUS

II. MANAGER'S REPORT

Assistant Town Manager, Chris Bolduc explained that the Police Chief is here this evening to review the process of harassment complaints and First Amendment Rights due to the recent issues that School Board members were experiencing.

Chief Rumsey explained that Maine Statute, Title 5, Section 4653, talks about the commencement of proceedings for harassment. The statute talks about how a victim of harassment can seek relief by filing a sworn complaint alleging harassment with the appropriate court. In order to do this, the person has to either have a copy of a notice to stop harassing the plaintiff issued to the defendant by law enforcement, or a good cause as to why the notice was not sought. The crime of harassment is described as a person being guilty of harassment if they engage in a course of conduct with the intent to harass, torment or threaten another person after having been notified in writing to not engage in such conduct by a law enforcement officer, or by the court by means of a protective order. The question that has come up recently is why the police haven't done anything to address the alleged harassment of School Board members, and specifically why haven't the police issued anyone a harassment warning. Frequently, when someone complains to the police about harassment, the police do not have the ability to talk to the other person, leaving them with only one side of the story. Often, if a harassment warning is issued it does not go into a statewide computer system that would allow other police departments to know this information. And lastly, there has been no judicial review of the facts and circumstance alleged in the case. His preference would be that when a person feels they are being harassed, they seek the harassment order from the court, which results in a hearing before a judge who is able to weed out if harassment existed, or if it was First Amendment expression, which is protected by law. He has prepared a document that someone can take with them to court that states that they are a victim of harassment, they went to the Cumberland Police and asked them to issue a harassment warning on their behalf, and they would not do that because it is not their practice. The letter states "if after consideration of the merits of your affidavit, the court issues you a protection from harassment order, the Cumberland Police Department stands ready to meet its responsibilities clearly delineated in Title 4, Section 4660(A)." When someone asks why the police have not done anything or issued a warning, it is simply not our practice not to do that. It is much better for a judge to listen to both sides of the story and issue a protection from harassment order. At that point, the Police Department stands ready to serve it and enforce it, fairly and swiftly.

III. PUBLIC DISCUSSION

Ann Maksymowicz of Tuttle Road said that she is here this evening to ask the Town Council to take a stand against the harassment, intimidation and abuse that she and other community members have been the victim of, perpetrated by a fellow Cumberland resident. Since the beginning of June, this resident has engaged in a continuous, coordinated attack, with the assistance of an out of state resident, targeting mostly women who support social justice and who live, work and serve our community. This attack campaign has included slandering their names, sending inappropriate e-mails, sending texts well after business hours (including the middle of the night), disclosing personal records obtained through FOIA requests, including tax documents, and following board members to their cars after meetings. On October 5th, she did not stand for the Pledge of Allegiance as the resident's accomplice used his public comment time to lead the board and audience in a performance of the Pledge of Allegiance. Given the fact that not everyone in our country is treated equally and justly due to systemic racism and other forms of oppression, she does not participate in the Pledge. While the meeting was still in progress, the resident posted a photo of her seated, with her cell phone number, asking for people to call her. As an elected official, she has always recognized that something like this could happen to an extent, but she did not expect to have this be a continuous, coordinated attack. One which police and Town leadership have been aware of and allowed to continue with no intervention. She should not have to be standing here tonight. She should not have had to have her home address shared in a public forum with specific indicators as to which driveway is hers after spamming social media calling on people to confront her. This was meant to incite violence and further aggression against her at her home. Her home, where her 4 and 6 year old children love to cover the entire driveway with chalk drawings and play. Her home, where that same evening, her black lives matter sign was vandalized. She knows it was in retaliation to her expressing her first amendment right. This is not the community that she wants to raise her family in. This is not acceptable. This is not behavior we should tolerate. On October 19th, this resident and his accomplice disrupted the School Board meeting. The resident took over the meeting, including coming up on stage to the board members after he had already been instructed to stop talking and leave the meeting. It took 3 requests and a call to the Police Chief before he was removed for being disorderly. This is not the community she wants to raise her family in. This is not acceptable. This is not behavior we should tolerate. As soon as the resident was removed, he installed a sign, which he had brought with him to the meeting, of her seated during the pledge with a light shining on it at all hours. She left a note at his door the next day asking for the sign to be removed. The following day, she politely asked his wife to remove the sign, hoping she would be sympathetic to her personal request. After she left, the resident called the police and they issued her a criminal trespass warning. This was the first action that the department made after knowing about this resident's coordinated, escalating harassment. She feels that this resident is using the police to further harass her. Since the 21st, every time she leaves her house, she is anxious that the police will stop her for the smallest infraction. She does not feel safe. This resident has now installed a billboard-sized sign of her seated with a light shining on that at all hours. Cumberland Police and Town leadership have known about this coordinated, escalating attack on community members working towards social justice. The majority of people targeted have been women and we cannot lose sight of that power dynamic. She is asking the Town Council to denounce this behavior and is asking for the Town Council to hold the Police Department accountable and ensure they are policing without bias and discrimination. This is not the community that she wants to raise her family in. This is not acceptable. This is not behavior we should tolerate.

Mike Doyle, owns falmouthtoday.me, lives in Portsmouth, New Hampshire, and used to live in Falmouth for about 40 years, and has a lot of interest in the area here. (At Mr. Doyle's request, his comments are verbatim) he said: this might not be the community she wants to live in, but this is the community I want to live in. This is the state I want to live in. This is the country I want to live in. I want to live in a country where freedom of speech is respected at all levels, even if you're an elected official. A sign under *Read v. Gilbert* Arizona was decided on by the United States Supreme Court. You cannot control the content of a sign on your own property. You have no legal authority to do anything with that sign that's up there, whether it's lighted all day and night, or not. It makes no difference.

Whatever he wants to put on that sign and put on his property is totally legal and the United States Supreme Court has made that decision. It's not questionable. If you want to go back and look at freedom of speech, go back to *Whitney v. California*. 1927 I think it was. That decision that stated (and I've got the Brandeis quote right here) "freedom to think as you will and to speak as you think". Justice Brandeis was one of the writers of the decision. Are we going to live in a free society or not? If you don't like what someone's saying about you, stop behaving in a way that will draw attention to you. I mean, they don't even pay attention to their own rules on the School Board over there. You guys ought to go over there and sit and watch one of the meetings. They don't read their own rules, they don't know their own rules, they swear they're going to adhere to the Constitution of the State of Maine and the United States Constitution. If you did, you would read the First Amendment and note that if you're a government official, people can contact you by phone, by email, by any way they want to address grievances with you. If you don't want people to contact you, and come after you, and ask questions, and confront you, don't be an elected official. What we've got over there is a group of people who got bored sitting around the house and decided to play Board of Directors for the school department. They have no interest in reading their own rules, they have no interest in abiding by their own rules, and this is what you see meeting after meeting. I'm just disgusted watching it, and a few folks went over there and took an interest in the Board of Directors running your 44 million dollars for the school system here, eighteen thousand two hundred fifty dollars per student, you'd be disgusted. This person wants to run a communist country where the people in charge tell everybody else what to do and how to do it. I'm not one of those people. I've aged out of that group where I care what people think about me. I'll fight to the death to this this person so she can do whatever she wants, but if you're going to act like an a-hole, I'm going to call you an a-hole. And she acts like an a-hole. I was dedicating the Pledge of Allegiance to all the men and women serving in the United States Military, all over the world, protecting our freedom of speech, protecting our rights, and she wouldn't even say the Pledge of Allegiance in respect to those people. Now if you want to behave like that, that's fine. That's you're right, but don't expect me not to comment on it. And I'll comment on it over and over and over again if I want to. This is not harassment, it's your behavior that draws this kind of attention to you, and I'm not going to let up on it. Do whatever you want. I'm just going to keep doing what I do. My time is almost up, but I want to say one thing; I thought the meeting tonight would start with the Pledge of Allegiance. I wanted to see if she would sit here while you folks do the Pledge of Allegiance. I'm disappointed that you didn't start the meeting with that. I was in the military for six years and I spent a lot of time training soldiers that went to Vietnam. I would expect people in this town would respect people serving overseas and say the Pledge of Allegiance along with any policy. You don't have to adopt all the things you don't like about the country, that's not the question. Just respecting the people that are serving military service currently, and when she did that, you can't stop someone speaking here about anything they want to say unless they incite immediate violence. I could say anything I want here if I choose to keep it at this level. I would expect you folks to support the guy with the sign on this, on the corner lot, that's his right. It's been decided by the Supreme Court and you folks don't have the authority over the United States Supreme Court. The Chief of Police doesn't and nobody in the state does. Thank you.

Councilor Vail said that he is a Vietnam Veteran. He did serve our country and there is no test for patriotism. If he were to make up a criteria for patriotism, he would probably fail it himself. To ask someone to follow somebody else's idea of what patriotism might be and then heap criticism upon them for lack of conformance, is not why he served. Let us not define patriotism by our own personal benchmark.

Sean McCloy of Cumberland said that he and his wife watched the last few School Board meetings and were dismayed by some of what they saw. He built his home and moved his business to Cumberland because of the strong sense of community that we all share here. People are engaged with each other and people care about what happens in our Town. His concern is for the members of the School Board, because recently they have not been able to do the work that they were elected to do because of

unprecedented disruptions during their meetings. In addition, they've been targeted and attacked on social media and in the community. Since this summer's dialogue over equity, he has witnessed disturbing events in this community, which further inflame a difficult situation. He deeply appreciates the dedication and hard work done by the School Board. This is an unusually trying year for many reasons and he is humbled by the job the board performs week after week. All of Cumberland should be proud and thankful for their strong shoulders. We may not all agree on every decision that they make, but disagreement doesn't make it okay to attack them. We all enjoy the freedom of speech as Americans to express our opinions and to engage in civil dialogue with each other, but there are reasonable limitations to the freedom of rules, with rules clearly outlined by First Amendment scholars. Harassment and threats against our neighbors should not be tolerated. He challenged the Town Council with three simple action items: 1) to watch the October School Board meetings, especially the disruptions by members of the public, 2) to personally reach out to the School Board members and have a conversation with them regarding their recent experiences, and 3) to work with the Town Manager and perhaps directly with the Police Department regarding ensuring the safety of the Board members. He hopes that the Town Council can offer its full support to the School Board members as citizens and neighbors. He also encouraged the Town Council to support the Police Department in reviewing its policies to protect and serve all members of our community in an equitable way.

Liza Batchelder expressed her support to the School Board, particularly those members who are currently being targeted with a campaign of harassment and intimidation. As a woman and mom of three girls, it is not lost on her that most of the people being targeted are women. She does not think that any of us want to live in a community where men feel entitled to bully and intimidate female community members and elected officials. She does not want her daughters growing up thinking that this kind of behavior is normal or acceptable. She calls on the Town Council and Police Department to stand in support of the School Board members and do everything in their power to put a stop to this harassment and ensure the safety of all community members. We all deserve to feel safe in this community. It should not matter whose politics you agree or disagree with. Harassment and intimidation are never okay.

Katie (no last name stated) thanked the Town Council for serving our Town. She is very grateful and supportive of the members of the M.S.A.D. 51 School Board, the Superintendent, and the Equity Committee. It's time for the Council to publicly state their support for fellow elected members of the community who are also volunteers working to make the community run smoothly like the Town Council, performing a civic duty giving up personal family time for our collective community. As of late, members of the School Board have been systematically and purposefully intimidated, harassed and threatened. Both the Council and Police Officers should condemn such behavior targeting public officials. She supports our School Board, our Equity Team, anti-racism and the work we all need to be doing to support equity and justice in this community. Whether or not you support everything our Equity Team has said and done, you must stand up and support your fellow elected leaders. Bullying is not tolerated in our schools and we teach our children not to do it. We shouldn't systematically support bullying of adults either.

Mike Williams, School Board Member, said that he appreciates the Town Council listening to the concerns this evening. He stands in complete solidarity with his colleagues on the School Board who are dealing with this disgusting behavior. It's been disappointing, it's an embarrassment to our community, and it is just not okay. We as a community should stand up and say that it is not okay to bully members of our community. People in public service don't serve so they can get personally attacked. Some of it is part of the job, but it can be done respectfully. He hopes that the Town Council will join him and others in saying that this is not okay.

Resident of Cumberland (name not stated) thanked the Council for their service and making decisions that make this Town a wonderful place to live. As citizens of this country, we all have a right to the First Amendment, which he is a big proponent of, and protecting it. There are, of course, limitations to that right such as, defamation, obscenity and clear and present danger, etc. He also believes that there is a social contract of human decency and respect that should be followed. This would obviously include freedom from harassment, intimidation, and personal threats. If you are against the School Board's equity statement, you should be able to say so, but in a way that is respectful and peaceful. He does not think the political views and affiliation of any of the board members or police department should be relevant in this situation. He thinks that we should put that all aside. He sincerely asked for the Council's impartiality and to do the right thing here.

Stacy (?) of North Yarmouth said that she stands here in solidarity with the members of the School Board, and asked that the Town Council, as Town leaders, stand with their fellow elected officials against harassment and intimidation. She believes that a strong democracy requires robust and open debate. She does not shy away from disagreements and instead, welcomes them as a pathway to more nuanced and effective policies. More open and vocal discussion and even disagreements over policies is a fundamental principal of our democratic form of government. It is incumbent upon all citizens to ensure that our discourse does not devolve into harassment of individuals who hold different viewpoints. She asked that the Town Council promote the twin goals of allowing for open and difficult discourse, while maintaining the safety of all individuals involved, elected or not. To do nothing in the face of this concern is to enable this harassment to continue and potentially escalate. Our children are watching and they are asking questions. Please do right by them and by all members of our community.

Tammy Turner of Mill Road encouraged the Town Council to get involved and look at the Facebook forums and see what has been happening. If this were happening to her, she hopes that someone would speak up. If it were her friend, her sister, or her daughter, she would hope that someone would speak up. It is unacceptable what is being said on social media.

Liv Roy, a Senior at Greely High School, is a student who works with the civil rights team and is disgusted by the actions taken by some community members. She stands in solidarity with the Board member. Especially for exercising her First Amendment right. She calls on the Town Council to denounce the actions taken by that community member.

Shawn McBreairty, of Cumberland, urged the Council to put this topic on their agenda at the next Town Council meeting. He represents the silent majority of our districts citizens who share the same perspective that M.S.A.D. 51 is working to indoctrinate students with your tax dollars. He represents those that are too afraid to speak up. That is what the left wing pushes back on. There will be dissenting opinions. He has lived here for over 20 years and has had a positive impact on this community. Many here tonight know him from his diligence, integrity, and honor. How many racial incidents of white supremacy and anti-blackness do you think M.S.A.D. 51 had last year? As a reminder, there are 2,200 students that attend our campus for 9 months. The answer is 4. Racism is indeed real. But it shouldn't be taught at Greely that a kid, parent, or any other member of the community needs to feel bad for being born. White guilt is a myth created by the left and supported by the Greely administration. Does that sound like the need for Superintendent, Jeff Porter to catapult off the tragedies of George Floyd and Brianna Taylor that M.S.A.D. 51 still stands with? But let's not let facts from a grand jury investigation get in the way of the narrative of race relations that somehow are intertwined here in our Town. There is a continued false narrative from the Equity and Inclusion Committee nearly entirely made up of democrats and the School Board, which is 80% democrat. Are you seeing a theme here? Political parties shouldn't matter, but all is being proven to matter, local, state and national. His goal has been to root out the hypocrisy of M.S.A.D. 51. The more he digs into it, the more he finds. He didn't want to bring any negative attention to this Town, and he told Jeff Porter that multiple times. Nor did he want to bring

undue attention to himself, his wife, or his daughters who, although he's biased, are two of the nicest, well-rounded young women Greely has ever had the pleasure of walking those halls. On June 2nd, Jeff Porter split this community right down the middle with his white supremacy letter. Then, a few days later he doubled down on it. Since then, he has done nothing to heal this community. On June 6th, he provided Jeff Porter with the obscenity laden tweets of Shea Steward-Belay, the Executive Director of Community Change Inc. (CCI) (the company hired by M.S.A.D. 51 for their anti-racism equity work). Shea spewed hate speech-filled tirades on Twitter, inciting violence and more. He requested a personal sit-down meeting with Jeff Porter and it was attended June 18th with Town Councilor, Shirley Storey-King (thank you). CCI was hired from an illegal meeting involving Ann Maksymowicz, Kate Perrin and Tyler McGinley. Illegal because anytime there are 3 board members together discussing business, a public meeting notice must be published. That never happened and everything post-meeting can be deemed illegal. We gave Jeff Porter facts about CCI, the socialist and anarchist company, wishing to end capitalism, one in which they were building resistance wealth. Resistance wealth contributed to by all of you taxpayers. Jeff Porter then, only after he flooded social media on July 3rd with these facts, allegedly fired CCI. Allegedly because there is nothing in print about it. Jeff Porter stated on July 6th, "unfortunately, there is a narrative in the community that has drawn negative attention, and together this information has been circulated on social media. This narrative has become a distraction and an obstacle that would be challenging to overcome without considerable defensive posturing and energy." Even after all that, Jeff Porter is still willing to support CCI. School Board Chair, Tyler McGinley, on September 3rd went on to praise CCI's efforts of building the foundation for equity training in the District. More like a foundation of socialism, anarchism and white guilt. With no public comment or School Board vote, Tyler McGinley has decided to partner with USM, the president of which wanted all students and faculty to sign the Marxist, black lives matter pledge. USM also partnered with Ibram Kendi, who recently Tweeted that the next Supreme Court Justice, Amy Coney-Barrett, is a white colonist and that her two black children, which she adopted from Haiti, are being civilized as props in their lifelong pictures of denial (referring to her alleged racism and white guilt). Senator Kennedy, a Washington, D.C. legislator from Louisiana, recently called Ibram Kendi "some butthead professor from Boston University". What has happened is that the Equity Inclusion Committee now wants to include the Town and the Town Council in their equity piece. These folks essentially are social justice warriors, and they look for racism in every pocket of our community. Once justice is served, they cannot understand if justice is served because it doesn't fit their narrative. Some of these people say "white silence is violence". He asked the Council to bring together the community, for the Town Council and School Board to work this out. Until we do that, it is always going to be this way.

Mike Doyle: Please look at the first page I gave you. The bottom paragraph. This is very important that you know this. I'm going to quote from this, it was written to the Falmouth Town Council when they were trying to come up with something to stop me from criticizing them; "name-calling, personal attacks, abusive bullying and threatening language (is what they want to ban in Falmouth), will not be tolerated at any time during Council meetings or through Council correspondence. This is from the decision, "unpleasant comments are an unavoidable part, perhaps an essential part, of the hurly-burly of living in a free and open democracy". Justice Brandeis wrote that "the freedom to think as you will and to speak as you think are means indispensable to the discovery and spread of political truth. This freedom inevitably results in speech that some find undesirable" Too bad if you find it undesirable. "However because we are a country that values free speech so highly, and because the courts are understandably cautious about granting government the power to regulate that speech, a content-based restriction must meet stringent requirements to be found constitutional. Because the rules change, do not meet these requirements they should not be implemented". The Civil Liberties Union threatened to take the Town Council in Falmouth to court because in the last part of it says "consequently we strongly urge the Falmouth Town Council to reject the proposed amendments" and basically, they said that we'll take you to court. "In addition, we condemn" (that's the plate word of saying see you in court) "we condemn the Council's motion to do this". Folks, this is undeniably protected speech. Everything these people

said means nothing. I'm offended by everything they say. I can't make it against the law for them to say it. You can't make it against the law for me to say it, or for Shawn to have a sign in his yard. What you heard tonight is totally wrong.

Kate Perrin said that she has served this community for 6 years. She has enjoyed difficult times on the School Board as well as good times. It has not always been easy, but she loves this community and what it stands for. She loves living here. Some of the things that were said tonight by an individual who lives in Cumberland were categorically untrue and it is difficult for her to continue to serve as a public official and be brutally slandered. There are a lot of things that the First Amendment protects against. Slander is not one of them. Nobody is teaching critical race theory to Cumberland and North Yarmouth children. Nobody is teaching Marxist theories. Nobody is doing anything close to what the individual here tonight is doing. What is happening at their board meetings is they are being intimidated. They are having their family members contacted to gain access to them. They are being called in the middle of the night. They are feeling unsafe to walk down the street where their children go to school. This is what is actually happening, and it is incredibly difficult. On Monday night, she felt incredibly unsafe at the board meeting. She has never experienced something like that. Since they have resumed in-person meetings, there have been 2 gentlemen that have attended every meeting and disrupted it. They have left the meeting, and when the police are gone, they would come back into the meeting and sit in the front row, staring at them, and then would follow them to their vehicles. It is her personal opinion that this man is dangerous. Dangerous for our campus and dangerous for our community. Our campus needs to be protected by the Town and its Police Department and so do our board members. She appreciates all the Town's efforts and the Police Chief being here this evening, but they are not safe.

Peter Bingham of 19 Brook Road said that he has served this community for 36 years and he has never seen anything like this. He served in Vietnam and if Ann chooses to do what she wants to do, Mr. Doyle or anybody else chooses to do what they want to do, that is why we have a Constitution. We have had some debates but have always remained civil. The actions over the last few weeks are not who we are in this Town.

Patty McBreairty said that listening to these people say that her husband is going to hurt them is ridiculous. He has never laid a hand on anybody in his life. He has not been following them or harassing them, he has been stating the fact that they have not been following their own meeting guidelines. He is bringing to light what is wrong. They are not in danger. He would never hurt anybody. Ann came to her house twice. She did not appreciate that. She is not welcome on her property.

Margo Harrington, Cumberland resident and School Board member, said that it is very hard to hear some of the things that are being said about School Board members, that she does not believe to be true. The School Board has been working very hard and what is happening is a distraction at a time when they have a lot of work to get done. She hopes that this can be resolved soon because the students deserve all that we are there to give them.

Corey (last name not stated) of Cumberland said that it is not okay for this to continue. She wonders where the line is. We have heard from Board members that they are afraid. Afraid for their children to play in their own driveway. Community members should be able to disagree. That is how society works. Society also depends on civility and not terrorizing people. She hopes that if Shawn's daughters are being obsessively targeted and harassed, that other people would stand up and support them.

Anneke Hohl of Cumberland said that she supports the School Board and what is happening in our community is absolutely not okay. We can and must do better. She wants to acknowledge and offer her gratitude in person for the pledge that the Town Council endorsed earlier in the summer. It is a commitment to stand in solidarity against racial and social injustice. Even independent with what is

happening with the School Board, she would like to hear an update of what the Town is doing toward the pledge for social and racial justice.

IV. LEGISLATION AND POLICY

20 – 087 To hold a Public Hearing to consider and act on amendments to Chapter 48 (Coastal Waters), Section 7 (Personal Watercraft Storage), of the Cumberland Code, as recommended by the Coastal Waters Commission.

Mike Schwindt, Vice-Chair of the Coastal Waters Commission explained that these amendments add language to say that kayak storage spaces are non-transferable and may not be rented or otherwise assigned. The purpose of this change is to treat the storage spaces the same as the moorings. The harbormasters need to know whose crafts are stored in the spaces, and we don't want to see a lottery situation. These spaces are for Town residents only. The second amendment states that a violation in any portion of this section will result in immediate revocation of storage privileges and adds: *inability to rent a rack space in the following year and the owner will be subject to a fine.*

Chairman Gruber opened the Public Hearing.

Public discussion: none

Chairman Gruber closed the Public Hearing.

Motion by Councilor Edes, seconded by Councilor Turner, to amend Chapter 48 (Coastal Waters), Section 7 (Personal Watercraft Storage), of the Cumberland Code, as recommended by the Coastal Waters Commission.

VOTE: 7-0 UNANIMOUS

20 – 088 To hold a Public Hearing to consider and act on accepting Fuller Road as a Town road. **TABLED**

Councilor Vail explained that the necessary paperwork was not turned in yet. This item will be tabled to the next meeting. When the Finance Committee met to discuss this, he asked for some specific language that shows that there was a willingness by the Town to take this on as a public road. He looked through the documents that the Town Planner provided, and he saw no mention that there was ever any discussion that Fuller Road would be accepted as a public road.

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

VOTE: 7-0 UNANIMOUS

20 – 089 To hear a report from the Finance Director re: 1st Quarter Financials.

Finance Director, Helene DiBartolomeo presented the following:



Town of Cumberland FY2021 Q1 Results

General Fund FY2021 Q1 Overview

	FY21 Budget	FY21 YTD Actual	FY21 %	FY20 %
TOTAL REVENUES	\$ 5,680,666	\$ 2,082,740	36.7%	30.0%
Controllable Expenses	\$ 9,043,364	\$ 2,416,570	26.7%	25.9%
Fixed Expenses	\$ 22,658,516	\$ 6,471,538	28.6%	30.1%
TOTAL EXPENSES	\$31,701,880	\$ 8,888,108	28.0%	25.8%

General Fund FY2021 Q1 Selected Revenues

	FY21 Budget	FY21 YTD Actual	FY21 %	FY20 %
Excise Tax	\$ 1,735,000	\$ 737,785	42.5%	33.3%
State Revenue Sharing	\$ 500,000	\$ 226,093	45.2%	29.9%
Permits & Impact Fees	\$ 177,174	\$ 76,884	43.4%	23.7%
EMS Billing	\$ 160,000	\$ 15,424	9.6%	9.6%
Val Halla - Golf Revenues	\$ 572,921	\$ 264,766	46.2%	37.7%
Recreation - After School	\$ 270,000	\$ 78,301	29.0%	20.2%
Recreation - All Other	\$ 659,770	\$ 176,951	26.8%	26.4%

General Fund FY2021 Q1 Selected Expenses

	FY21 Budget	FY21 YTD Actual	FY21 %	FY20 %
Police	\$ 1,494,752	\$ 382,058	25.6%	22.9%
Fire	\$ 1,088,962	\$ 234,311	21.5%	22.3%
Public Services	\$ 2,197,932	\$ 490,667	22.3%	19.4%
Val Halla Golf Club	\$ 781,125	\$ 329,001	42.1%	40.9%
Recreation	\$ 914,018	\$ 211,867	23.2%	32.2%

20 – 090 To hold a Public Hearing to consider and act on an Automobile Graveyard/Junkyard and Automobile Recycling Permit for Cumberland Salvage for the period of October 31, 2020 – October 31, 2025.

Assistant Town Manager Bolduc explained that the application is complete, the Code Enforcement Officer has inspected the facility, and staff is recommending approval.

Chairman Gruber opened the Public Hearing.

Public discussion: none

Chairman Gruber closed the Public Hearing.

Motion by Councilor Storey-King, seconded by Councilor Vail, to approve the Automobile Graveyard/Junkyard and Automobile Recycling Permit for Cumberland Salvage for the period of October 31, 2020 – October 31, 2025.

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

20 – 091 To hold a Public Hearing to consider and act on an Automobile Recycling Permit for Copp Motors for the period of October 31, 2020 – October 31, 2025.

Assistant Town Manager Bolduc explained that the application is complete, the Code Enforcement Officer has inspected the facility, and staff is recommending approval. There was a miscommunication with the date of the Public Hearing on the abutter letters, but that was rectified by Mr. Copp.

Gordon Sprague lives in the condominiums behind Copp Motors. He was under the impression that there was to be a berm between the condos and Copp Motors property. There is no berm there yet. He approached Copp Motors and asked them if they would be willing to park some of their large vehicles in a different location, because it makes for a bit of an unsightly view from his condo. Mr. Copp could not have been more kind and gracious in responding to this request. He immediately moved those vehicles and he and the other condo owners are extremely pleased to have Mr. Copp as a neighbor.

Assistant Town Manager Bolduc explained that the Planning Board and Town Planner will be making sure that the berm is installed. The berm is the responsibility of the developer of the condos.

Tom (last name not audible), a current Saco resident who is moving into one of the condos in November, said that Mr. Copp has a very attractive and well-maintained establishment. His only objection is the lot on the north side of his building. As Mr. Sprague described, that portion of the lot was cleaned up by Mr. Copp. Normally, that side of the lot is in disarray. The Code Enforcement Officer visited the area and wrote in his memo to the Council, “the area appears to be adequately fenced and screened from public streets and the operation continues to be neat and organized”. In reality, there are no fences, no berms, no plantings of any kind, and the property and vehicles are clearly visible from all sides. West Cumberland is a very nice little community, and it is experiencing a growth spurt with the influx of new businesses and new residential development. Over time, communities grow and evolve and what may have been an appropriate use of a property 10 or 20 years ago, may not be appropriate today. For all those reasons, he urged the Council to reject Mr. Copp’s application, or at a minimum, require Mr. Copp to relocate the use on the north side and move it to the south side.

Ron Copp explained that this application is for a recycling license and nothing to do with a junkyard. He does not own a junkyard. He owns a recycling facility and he sells used cars. He is not required by any state law to have a fence. His business has been there for 50 years and he meets all of the criteria for this permit. He has been a good neighbor. When he tows in a totaled vehicle, he has to apply for ownership so he can dispose of the vehicle. This can take 6 to 8 weeks.

Motion by Councilor Vail, seconded by Councilor Turner, to approve the Automobile Recycling Permit for Copp Motors for the period of October 31, 2020 – October 31, 2025.

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

20 – 092 To forward to the Planning Board for a Public Hearing and recommendation, amendments to Chapter 315 (Zoning), Section 2 (Purpose) and Section 4 (Word Usage and Definitions – Agriculture), as recommended by the Ordinance Committee.

Councilor Storey-King explained that the Ordinance Committee has been working on this for a couple of months and the purpose is to make things easier for our farmers in Town to help encourage the farming industry. This item and the next item will clarify definitions in regard to agriculture and the addition of site plan approval for farm based uses.

Chairman Gruber asked for any public comment.

No public comment.

Motion by Councilor Storey-King, seconded by Councilor Copp, to forward to the Planning Board for a Public Hearing and recommendation, amendments Chapter 315 (Zoning), Section 2 (Purpose) and Section 4 (Word Usage and Definitions – Agriculture), as recommended by the Ordinance Committee.

VOTE: 7-0 UNANIMOUS

20 – 093 To forward to the Planning Board for a Public Hearing and recommendation, amendments to Chapter 229 (Site Plan Review) to add agriculture related language, as recommended by the Ordinance Committee.

Chairman asked for any public comment.

No public comment.

Motion by Councilor Storey-King, seconded by Councilor Turner, to forward to the Planning Board for a Public Hearing and recommendation, amendments to Chapter 229 (Site Plan Review) to add agriculture related language, as recommended by the Ordinance Committee.

VOTE: 7-0 UNANIMOUS

20 – 094 To forward to the Planning Board for a Public Hearing and recommendation, amendments to Chapter 229 (Site Plan Review) Section 5 (Minor Staff Review Procedure), Section 6 (Major Staff Review Procedure), Section 7 (Planning Board Review Procedure), to change the abutter notice radius from 200 to 500 feet, and Chapter 315 (Zoning), Section 53 (Home Occupations and Home Based Occupations) and Section 77-C (Board of Adjustments & Appeals - Hearings) to change the abutter notice radius from 300 to 500 feet, as recommended by the Ordinance Committee.

Councilor Storey-King said that is simply an effort to be consistent with all abutter notices throughout our ordinances.

Chairman asked for any public comment.

No public comment.

Motion by Councilor Storey-King, seconded by Councilor Copp, to forward to the Planning Board for a Public Hearing and recommendation, amendments to Chapter 229 (Site Plan Review) Section 5 (Minor Staff Review Procedure), Section 6 (Major Staff Review Procedure), Section 7 (Planning Board Review Procedure), to change the abutter notice radius from 200 to 500 feet, and Chapter 315 (Zoning), Section 53 (Home Occupations and Home Based Occupations) and Section 77-C (Board of Adjustments & Appeals - Hearings) to change the abutter notice radius from 300 to 500 feet, as recommended by the Ordinance Committee.

VOTE: 7-0 UNANIMOUS

20 – 095 To consider and act on amendments to the Route 1 and Route 100 Design Standards, as recommended by the Planning Board.

TABLED BY PLANNING BOARD – NO COUNCIL ACTION

20 – 096 To authorize the sale of the 2000 model year ladder truck to the Town of Windham for \$42,000, as recommended by the Finance Committee.

Councilor Vail explained that the Finance Committee met and voted unanimously to accept this offer. The fact that it is going to a neighboring community is reason to accept the offer.

Chairman asked for any public comment.

No public comment.

Motion by Councilor Vail, seconded by Councilor Copp, to authorize the sale of the 2000 model year ladder truck to the Town of Windham for \$42,000, as recommended by the Finance Committee.

VOTE: 7-0 UNANIMOUS

20 – 097 To consider and act on a contract extension with A.H. Grover for winter plowing services, as recommended by the Finance Committee.

Assistant Town Manager Bolduc explained that A.H. Grover has requested this contract extension for winter plowing and have offered to reduce their hourly rate by \$20 per hour and hold that price for the duration of the 3-year contract. The Town Council must authorize any contract over 1-year.

Motion by Councilor Copp, seconded by Councilor Foster, to extend the contract with A.H. Grover for winter plowing services, as recommended by the Finance Committee.

VOTE: 7-0 UNANIMOUS

V. NEW BUSINESS

Councilor Edes – he hates to see what is happening to the School Board members and he feels that there is blame and ownership on both sides. The School Board is to blame for some of this. It was brought to his attention last spring that the School Board chair at that time made the comment that she felt threatened and was blaming him. The only interaction he ever had with her was a comment on social media that the increase in taxes was due to the school budget, not the Town's. He didn't like that Ann didn't stand for the Pledge of Allegiance, but Councilor Vail was right when he said that patriotism is defined by the individual. He has a son in the military, so he does take it personally when she doesn't stand to support our military. But he does support her right to do it. He also feels that to ask this Council to get into the middle of a situation that involves freedom of speech is absolutely wrong. There is work to be done on both sides.

Councilor Storey-King – she established a relationship with Kate Perrin when they were both Chairs of the Town Council and School Board. She thought we were moving forward in a productive way. She mediated a meeting between Shawn and the Superintendent and told both of them that they are both good people. If they could sit in a room and have a conversation to better understand each other, that would move us forward. Unfortunately, our culture isn't that way right now. The First Amendment is freedom of speech, but it doesn't protect someone from what someone else says about them, it protects them from the government. She is bothered by this situation so she called Ann and they had a conversation. Her heart felt so hurt for Ann. She was very brave tonight, but she has been legitimately afraid of the situation. She does not like it when someone feels unsafe. She will do whatever she can to move the discussion forward. We are a strong community that thrives on relationships. She told Shawn that she agrees with his right to say things but does not agree with his method. She would have put Shawn on the Equity Committee.

Reminder that the Bicentennial Committee is selling gear to raise money.

She attended the Cumberland & Chebeague Island Land Trust annual meeting. Congratulations to Rob Crawford who received their annual award for his work with the trust. Jeff Storey was featured for Springbrook Farm being a farm in perpetuity. Skyline Farm was recognized for their farm to table kids program.

She wished Town Manager Shane a speedy recovery.

Councilor Vail – he listened to all the testimony this evening and he came away with one thing, and that is the people showed up here with an expectation that the Town Council will be a referee in this situation. He is not sure that is what we are or should be, but there is an opportunity for us to engage people and to take the pulse of the community. We can't condone any more wrongs and we can't condone any more behavior that alienates people. We have to show this community that we can take the challenge and form a committee. Councilor Foster has some ideas about this, but the parties involved need to be brought to the table and honest discussions need to take place.

Chairman Gruber – the Food Pantry has been serving 42 families each week.

Back in 1983, he was with a dying man and that man told him that he was worried about his family. He replied, "Jake, don't worry. I will make sure they are taken care of." He followed through on this promise, bringing in his 2 daughters who lived in Cumberland for many years (and 1 still does). The woman that Jake was married to died today (his mother-in-law) and she will be remembered by his family and extended family.

Councilor Foster – as Anneke asked, what are we going to do? The action that she is proposing that the Town Council take is the same action that we said we were going to take back in July, which is relative to that pledge of standing in solidarity against racial and social injustice. At that time, we thought the best solution was to form a subcommittee. She requested to the Town Manager that we form that subcommittee, with representation from the Town Council, Police Department, the School Board and vested community members that want to participate. The subcommittee would report back to the Town Council with what it looks like in our Town to stand in solidarity against racial and social injustice and what the details and a timeline look like.

Condolences to Councilor Gruber and his family.

Councilor Turner – this entire situation is upsetting and the First Amendment is the reason we can't do anything about it. There was one young lady who testified this evening who looked at the Council and said "you need to draw a line". He thought about that and there is a line as far as the First Amendment is concerned, which can't be crossed. The question is, where does that line lie? In his mind, where the line is drawn ties into the pandemic. With 80,000 people dying every day in this country, people who use the First Amendment to say that they don't have to wear a mask. Is it their First Amendment right to go home and kill their grandparents? That is what they are potentially doing and wearing a mask is a simple courtesy. He agrees with Councilor Foster and setting up a subcommittee, but he is a little concerned about the slippery slopes that it might create. But, if it brings this community together, he will get on board.

Councilor Copp – he thanked the Council for their support tonight (approving his recycling license). He does not want anybody to think that there is any type of favoritism because of the unanimous vote on that item. There is not. He tries very hard to be a good neighbor and the developer of the condo project needs to have his feet held to the fire to complete the project the way it was approved. He has not done that. The residents of the condos thought it was up to him to build the berm and it's not. He will be adamant that the developer builds the berm and puts the plantings in.

Condolences to Councilor Gruber on the passing of his mother-in-law today.

Assistant Town Manager Bolduc – starting tomorrow the brush dump will be open Monday through Saturday from 9:00 a.m. to 3:00 p.m. to help with public demand. These extended hours will go through November 21st.

VI. ADJOURNMENT

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

VOTE: 7-0 UNANIMOUS

TIME: 9:35 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary