

MINUTES

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, June 8, 2020

7:00 P.M. Call to Order

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

I. **APPROVAL OF MINUTES**

Motion by Councilor Gruber, seconded by Councilor Stiles, to accept the May 26, 2020 meeting minutes as presented.

VOTE: 7-0 UNANIMOUS

II. **MANAGER'S REPORT**

Town Manager Shane introduced Police Chief Rumsey to talk about the press release that he sent out last week.

Chief Rumsey read the statement that he released in response to the recent death of George Floyd: *The overwhelming majority of law enforcement officers are good, honest, and noble. We were sickened and heartbroken at the sight of a video out of Minneapolis which showed a police officer kneeling on the neck of a man who was restrained in handcuffs on the ground and who did not appear to be resisting. We were equally concerned that there appeared to be other officers nearby who were aware of what was happening and did not intervene. The man died in police custody, and we understand that aggressive criminal investigations are underway at the state and federal levels. We are heartened by the words of US Attorney General who publicly stated that the criminal justice system "is working and moving at exceptional speed. That process continues to move forward. Justice will be served." We grieve for the family and friends of George Floyd and hope that the swift action to hold the individuals involved in his death accountable both brings the family some relief and reinforces the fact that law enforcement officers, just like the public they serve and to which they belong, are subject to the rule of law.*

Chief Rumsey explained that several days after the death of Mr. Floyd in Minneapolis, he began to receive emails from the citizens in Town who were asking great questions, which began to follow a similar theme, so in order to be efficient in answering the questions, he prepared a press release for the benefit of everyone (see entire press release below):

06/01/2020 -- FOR IMMEDIATE RELEASE

CONTACT: CHIEF CHARLES RUMSEY AT 207-829-2210

In recent days, the Cumberland Police Department has received numerous requests for department information regarding training, policy and equipment. These requests are all similarly worded. In order to answer the reasonable questions which are being posed in an efficient manner, this release has been prepared for public distribution. The questions and our department response are below.

Does the Cumberland Police Department train its officers in de-escalation, bias-based policing, and use-of-force? What percentage of your officers have received this training?

The Police Department provides training to our officers annually. This training is a combination of training that is statutorily required, and elective training which we provide to enhance the capabilities of our officers to deliver police services. Every officer on the police department has received training in unconscious bias and bias-based policing. Most of our officers have received de-escalation training, and we continue to send officers as often as possible with a goal of reaching 100%. All officers are trained in use of force, to include safe techniques to overcome physical resistance and detain suspects.

Has this training resulted in lower levels of use-of-force by your officers?

Our officers use force (defined by our reporting requirements as any force greater than handcuffing a compliant individual) very rarely. Our average use of force numbers range from 0-4 in the course of a calendar year. At this level of infrequency, judging the effect of training is difficult. However, each use of force is reviewed at multiple levels of the department administration to ensure compliance with law and policy, and to determine whether there are any departmental deficiencies in training, equipment or policy that should be addressed.

Does your department have policies in place to prevent incidents like what occurred in Minneapolis?

Our department has policies in place which address the Situational Use of Force, Hate Crimes and Bias-Based Policing, and Standards of Conduct. Our officers are trained on these policies, have reviewed them, and have documented their review and understanding of the contents. Our policies are adequate to address – and prohibit - actions which would be substantially like that of the Minneapolis officers involved in the Floyd incident. Our Standards of Conduct policy clearly establishes the expectation that officers who witness other officers violating the law or a policy of the CPD must intervene. Whenever a serious case reaches the awareness of our police leaders, whether it has made national news or not, it triggers a consideration and review of department policies and practices to ensure our officers are adequately trained, educated and equipped to avoid a similar outcome. If we ever become aware that an officer of our department may have committed a crime, that officer will be immediately placed on administrative leave and a criminal investigation initiated by an outside agency.

Does your department outfit officers with body worn cameras, and are the officers required to turn those cameras on when interacting with the public?

The Town of Cumberland does not issue body-worn cameras to our officers. Each of our patrol vehicles is outfitted with in-cruiser cameras and the officers carry a microphone which records their voices and their immediate environment when the cameras are activated. We were early adopters of this technology and have used it for about 15 years. The deployment of body-worn cameras is an extremely complicated proposition, with implications for the privacy of citizens, the protection of their personal information, and an agency's ability to lawfully respond to requests for footage under the Maine Freedom Of Access Act. Further, body-worn cameras have not been the panacea that was hoped by early advocates for their adoption. Here's an article by the ACLU: <https://www.aclu.org/blog/privacy-technology/surveillance-technologies/should-we-reassess-police-body-cameras-based>. Their conclusions are cautionary. We continue to monitor national developments around the deployment and utilization of body-worn cameras as well as the related costs of procurement and ongoing costs of data management (which are huge) with an eye toward deploying this technology when it makes sense for the Town.

CPD is engaged in a continuous cycle of community engagement, training, policy development and supervision to ensure the highest level of constitutional, fair and safe policing. This process was ongoing prior to the events in Minneapolis, is ongoing now, and will continue endlessly so that we can meet our

department mission: **To serve as law enforcement professionals while enhancing quality of life and strengthening community relationships.**

Chairman Storey-King asked if anyone from the public has any comments in regard to this topic.

Reverend Allison Smith, of the Cumberland Congregational Church, said that the Church is grateful for their connections with the community, especially with the Town, and for Bill Shane's leadership in the Food Pantry, the Cumberland Area Rides program, the Aging-in-Place program, and for all of the ways which so many people work together to make Cumberland such a wonderful community. She also wants to share her gratitude and strong support for the MSAD 51 Equity Committee's work and helping our schools and our community live up to the ideal that every child, no matter their race or background, have the full opportunity to thrive and to grow to their full potential. Unfortunately, that is easier said than done, partly because for 400 years in the United States, people of color have been treated less than people with white skin. She thinks that part of what may be happening for us as a community is that that race is hard to talk about for some people, especially if we've lived in mostly homogeneous communities. It is such a gift that these things are converging at this time. It is inviting us to dig deeper into our history in Maine and our own family stories, and think about how our schools, our institutions, our churches, and our community groups have both played a part in working for love and freedom for people who have faced oppression, but also perhaps how all of those groups and places may have contributed either unconsciously or consciously to contributing to oppression. Some of us may not have had to think a lot about our own race, but if we have a friend or family member who is a person of color, and you've had some deeper conversations with them you know that for many people of color they have to think about what race means. The tragic killing of George Floyd may seem so far away from us. Here we are in Cumberland Maine, but not far from here is one tragic example of racism in Maine's history. That is the Pineland Farms Cemetery and the history of Malaga Island where 45 black and white mixed-raced families had lived for 50 years. In 1912 the State of Maine came in seized their land, evicted them off the island, burned their homes to the ground, dug up the bodies out of their cemetery, and took them to Pineland Farm Cemetery. Every survivor from that community that didn't flee was sent to the Home For the Feeble-Minded at Pineland, just eight miles away from here, where they were kept until they died. This this is a tragic and horrible part of our history in Maine that people didn't talk about until 20 years ago. The reason they didn't talk about it is because it's so horrible and so painful that it got buried. It's still that part of our history that is so hard to deal with. Last year we had several students in our school engage in hate speech which was the reason the equity committee was formed. She believes that the equity committee is going to help our schools, but she also believes that this process is giving all of us the opportunity to do some inner work, and maybe that work is spiritual work. That is such a vital and important part of change. So if we can look honestly at our schools, at our families, at our institutions, in our church, and in ourselves, then she truly believes it will help us continue this wonderful path that we're on of creating a community where our kids and our families and people of all ages can grow and thrive. She thanked the Council for the opportunity to speak for their work on this and for continuing conversations and bringing people together to continue this important work.

Emily Gray said that after seeing the responses from some of our community members to the initial equity committee statement, then to Jeff Porter's statement, which she thought he hit out of the ballpark, some of the statements received were hateful and disgusting and our School Board members and Jeff Porter were dragged through the mud in disgusting ways. There's clearly work to be done in our community and she is appreciative that the Town Council is willing to continue the discussion.

Anneke Hohl of Coveside Road spoke in support of the equity committee and the equity work that's happening in the school district. Her initial reaction to the equity committee's statement was, wow, that's

bold. She is someone who's been doing some of this work and so and can see how folks who have not yet engaged in this way would be very taken aback by it, and at the same time, she was extremely proud. It feels like this put us on the forefront of schools who are taking this head-on and doing this important work. She also appreciated Superintendent Porter's follow-up. She realized that white supremacy is one of the words that was really hard for people to hear because we associate it with individuals, with KKK and burning crosses but, it actually refers to a system, not to individuals. Ibram Kendi, who is very prominent in this field right now, uses a rain analogy. He says that we are all born into getting drenched with this rain that we cannot see, and don't know is hitting us, penetrating our skin, and is having everything to do with how we see the world and how we operate. That is white supremacy. Frankly it's a system that has put white people on top and she encouraged everyone, even if it's hard to hear it described in that way, to think about that possibility and open your heart in your mind to that. She thinks that we are fragile as white people. There's a great book, *White Fragility*, that talks about why it is hard for white people like her to talk about race. She never wants to be called a racist, but Kendi lets us know that each of us can be a racist in one moment and anti-racist in another moment. What we can't be is non-racist. We can't assume that it's okay to be colorblind, to not see race, because that actually is not the point either. We need to be able to see race. We need to have these conversations, and it starts with listening. We talk about not knowing what to say and she agrees that it's messy work, but we can all start by listening to people of color. It's really important and trying to learn from those who so desperately want to engage. As we can see from the people in this audience who want to engage and who want to do this work. She said she is not on the equity committee and is not here in any official capacity other than as a resident and as a parent of two children, who are currently in third grade and kindergarten.

Comments related to this that were received via email are attached as part of the meeting minutes.

Councilor Turner said that he has lived in many different states throughout his life and he was brought up to look level. Never look up to anyone or down at anyone regardless of their color, race, and so on. When he read the statement from the equity committee, he applauded everything in it except for the white supremacy part. The killing of George Floyd was horrendous, and the killing of unarmed people is horrendous, you cannot argue this. It bothers him that the white supremacy statement was in the letter under the auspices of the school. Most of us know that in the traditional use of the term, we have a limited number of people in this country who are white supremacists and we have 350 million people in the country, many of whom were brought up as he was, and have never thought of themselves as racists. He feels that we do have the danger of being hysterical about this and fuzzy thinking comes along when we're hysterical.

Chairman Storey-King said that the equity letter went through 3 or 4 revisions in order to be more mindful of the language. She could not imagine herself being as hateful as a Klansmen, ever, under any circumstance. Those were the images that came to mind when she read the first draft. But she worked through it and we all need to keep working through it and lending our voices to the topic.

Emily Gray said that she does not think that anyone is asking for people to bend over backwards or tip the scales in an unfair way against white people. She thinks that we all have to acknowledge that there is systemic racism and black people have been treated unfairly and we cannot be colorblind and acknowledge that at the same time. We need to look at it, acknowledge that there is a problem, and work on it.

A woman, who did not state her name, said that she has 3 children. 1 is white and 2 are black and they are treated differently. For us to think anything else is pure ignorance. She is so excited about the

equity committee and their work. At one point, she thought that she needed to live in a place that wasn't homogeneous. There is nothing in her that is happy that this is a modernist town, but for the most part, her children have all been supported. There is definitely a major difference in how she has to treat them, talk to them, and how they have to talk to the police. That is a fact in this country and we see it day in and day out. It is time that we change it.

Town Manager Shane continued his Manager's Report and gave an update on the Public Works facility. We have worked very closely with the Finance Committee through this process and have saved approximately 25% of the building footprint and the final number will come in at or under budget. He thanked Councilor Vail for making recommendations for the cost savings.

III. PUBLIC DISCUSSION

None

IV. LEGISLATION AND POLICY

20 – 028 To accept a \$6,000 award from Project Canopy for the inventory at Knight's Pond Preserve.

Mike Schwindt, Chairman of the Lands & Conservation Commission, said that Commission member, Denny Gallaudet applied for this grant. We have been awarded \$6,000 to help with inventory and management plans at Rines Forest and Knight's Pond. He requested that the Council authorize acceptance of these funds.

Chairman Storey-King asked for any public discussion.

No public discussion.

Motion by Councilor Gruber, seconded by Councilor Vail, to accept the \$6,000 award from Project Canopy for the inventory at Knight's Pond Preserve.

VOTE: 7-0 UNANIMOUS

20 – 029 To hear a report from the Town Clerk re: voting.

Town Clerk, Tammy O'Donnell said that the Secretary of State, as well as the Town of Cumberland, is recommending that everyone vote absentee for the July 14th election, mainly due to COVID-19. The election will be held at Greely High School, 6-foot social distancing will be maintained, poll workers will have barriers between them, voting machines and voting booths will be wiped down between each voter. As of today, we have had 900 absentee ballot requests. Absentee ballots can be requested up to Election Day. We have a drop box outside Town Hall where residents can drop their ballots off instead of mailing them. Absentee ballots can be obtained by calling Town Hall or making the request online at Maine.gov and the request will come directly to the Cumberland Town Clerk's office. Absentee voting is a very secure way to vote so this should not be a concern for anyone.

20 – 030 To hold a Public Hearing to consider and act on approval of annual Victualer's Licenses for non-profit organizations for the period of July 1, 2020 – June 30, 2021.

Chairman Storey-King opened the Public Hearing.

Public comment: none

Chairman Storey-King closed the Public Hearing.

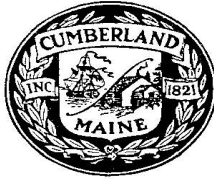
Motion by Councilor Copp, seconded by Councilor Turner, to approve the annual Victualer's Licenses for non-profit organizations for the period of July 1, 2020 – June 30, 2021.

VOTE: 7-0

UNANIMOUS

20 – 031 To hold a Public Hearing to consider and act on adoption of the FY2021 Municipal Budget.

Town Manager Shane said that in March, just before COVID-19 hit and the world changed, we were approaching a budget that was approximately \$900,000 more than the final budget that will be voted on this evening. All capital projects were suspended (road paving, equipment purchases, railroad quiet zone work). The Finance Committee has agreed to look at where we are next spring and possibly resurrect some paving with year-end transfers if things are looking more optimistic financially. See budget detail below:



M E M O R A N D U M

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

To: Shirley Storey-King, Chairperson - Town Council
William Stiles, Chairman - Finance Committee
From: William R. Shane, Town Manager
Date: April 22, 2020
Re: Revised FY 2022 Budget

As requested by the Town Council, I have compiled an updated budget to my March 14, 2020 submission, which was being sent forward for a Public Hearing in April.

FY 2020 Budget	FY 21- March 14 th	FY 21- April 22	Difference FY 21 March to April	Difference FY 22-FY 21
\$10, 815,763	\$11,523,028	\$10, 619,212	-\$912,816	-\$196,551

The notable adjustments to the Expense Budget are as follows:

- Increase in Health Insurance of 17%
- Increase Contingency from \$10,000 to \$100,000
- Wage Adjustments – 0%
- Hiring – Frozen for FY 2021
- Decrease Debt Service by \$35,000
- Reduce Capital Reserves by \$729, 466
- Reduce Recreation Expenses \$188,430

Ron Copp, Chairman of the Town Council • 290 Tuttle Road, Cumberland, Maine 04021
Telephone (207) 829-2205 Fax (207) 829-2224

Notable Adjustments to Revenues:

- Reduce Excise Tax \$265,000
- Reduce Revenue Sharing \$200,000
- Reduced Recreation revenues by \$100,000 over original projection
- Reduced all revenues by \$617,000 over original projection

Mil Rate Today	March Mil Rate	April Mil Rate
\$19.85	\$20.70	\$20.35

An anticipated 3 year recovery will result in much more difficult decision to be made for the FY 2022 budget, but how bad and how deep cuts will need to be are unknown at this time. This budget will allow the Town Council some options in the spring of 2021. For example, the remaining money set aside for capital could be used to bond and leverage \$1M in paving and equipment funding.

Capital Funding Restoration Plan

FY 21 - \$180,000 – used for environmental and potential \$1.2M Bond (10 -15 Year)

FY 22 - Add an additional \$200,000 for Capital and add another \$1.2M Bond (10 - 15 Year)

FY 23 - Add an Additional \$200,000 for Capital and add another \$1.2M Bond (10 - 15 Year)

FY 24 - Add an Additional \$200,000 to get Capital Budget to \$800,000 and pay for \$550,000 in Debt Service with TIF funds set aside for paving projects done the three previous years.

Upcoming Expenses

	FY 2022	FY 2023	FY 2024
County	\$100,000 + % ↑	\$100,000 + % ↑	\$100,000 + % ↑
Capital	\$200,000	\$200,000	\$200,000
Other Municipal	\$300,000	\$300,000	\$300,000
Mil Impact	\$00.42 .36	\$00.42-.36	\$00.42-.36
\$0 Growth	\$42 /100k of Value	\$42 /100k of Value	\$42 /100k of Value
	\$36 / 100k of Value	\$36 / 100k of Value	\$36 / 100k of Value

Chairman Storey-King opened the Public Hearing.

Public discussion: none

Chairman Storey-King closed the Public Hearing.

Motion by Councilor Vail, seconded by Councilor Gruber, to set the Municipal FY 2021 General Fund Expenditure budget at \$10,619,242 and the General Fund Non-Property Tax Revenues Budget of \$4,937,295 to offset the impact of property taxes, as recommended by the Finance Committee.

VOTE: 7-0 UNANIMOUS

20 – 032 To set a Public Hearing date of June 22nd to consider and act on accepting a portion of Red Mill Way as a public road as recommended by the Lands & Conservation Commission.

TABLED

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

VOTE: 7-0 UNANIMOUS

V. NEW BUSINESS

Councilor Vail – none

Councilor Gruber – we had over 70 families visit the food pantry last week. Thank you to all the faithful food pantry volunteers who help out every week. We continue to receive many donations from the supporters in our Town. We all blessed to live in the Town of Cumberland.

Thank you to the Cumberland Fire Department who helped a relative who had to have a ring cut off her finger.

Councilor Edes – well done to our Finance Committee on our budget. The Town's budget will take 33 cents off the current mil rate. He wished that the school had stepped up. He is very disappointed with the schools increase of 86 cents in this economy.

He takes exception to remarks about the "peaceful" protests in Portland. He has friends that were belted with bottles and spit on for 3 days straight. Thankfully, this was not the actions of the majority. The majority had a great message, but we're not going to get anywhere by throwing bottles and spitting at cops.

The Executive Director of Community Change, Inc. (company hired by the school to work with the equity committee) called the police pigs, she's advocating for rioting, looting and anarchy. He takes big time exception with those remarks.

He agrees that the letter from the equity committee had some merit and there was a message there, but the delivery by the Superintendent was horrible. Superintendent Porter admitted that he felt that the first draft of the letter was troubling, but he sent it out anyway and it caused major division in this Town.

Councilor Stiles – Nancy Budd passed away recently. Nancy was a tremendous lady and it is a loss to the community.

He is continuing to collect money for the 4-H auction. This year will be a troubling one for the auction since the fair may be cancelled. The auction will be different this year. He is not sure of the exact plan yet.

Chairman Storey-King – congratulations to the class of 2020. You have graduated with grace and strength. Good luck in the future.

She announced some local scholarships that were awarded. Her family started the Storey Family Scholarship that goes to a Cumberland senior. This year's winner is Marisa Hutchins who is going to Eastern Maine Community College to study Building Construction. The Kimball Award for outstanding school citizenship was awarded to Paige Evans who is going into nursing.

She attended a zoom meeting last week with the Bicentennial Committee. Thanks to Thomas Bennett and the Historical Society there will be a history in pictures book of Cumberland available soon.

Councilor Copp – Nancy Budd grew up in Cumberland, raised her family in Cumberland, had a business in Cumberland and passed away in Cumberland. He knew the Budd family his entire life and they were all good friends. The family has deep roots in this community and Nancy will be sadly missed. Condolences to the Budd family.

Councilor Turner – a shout out to Louie's Grill. His wife picked up takeout food that was very good. They are doing a great job.

He and his wife were at Broad Cove Reserve a couple of weeks ago. Everybody knows that each year around the end of May, the horseshoe crabs come onto the beach. There were a lot of them this year and people were allowing their kids to handle them in a cruel manner. Some people just do not have any common sense.

Town Manager Shane – in regard to Councilor Turner's comments, we now have staffing at Broad Cove Reserve 7 days a week. The situation with the horseshoe crabs is a good example of why staffing is important.

- VI. EXECUTIVE SESSION** pursuant to 1 M.R.S.A., § 405(6)(A) re: Town Manager evaluation.
Motion by Councilor Stiles, seconded by Councilor Gruber, to recess to Executive Session pursuant to 1 M.R.S.A., § 405(6)(A) re: Town Manager evaluation.

VOTE: 7-0 UNANIMOUS

TIME: 8:47 P.M.

Reconvene to regular session at 9:11 P.M.

VII. ADJOURNMENT

Motion by Councilor Gruber, seconded by Councilor Stiles, to adjourn.

VOTE: 7-0 UNANIMOUS

TIME: 9:11 P.M.

Respectfully submitted by,
Brenda L. Moore
Council Secretary