

# MINUTES

Cumberland Town Council Meeting

Town Council Chambers

**MONDAY, November 9, 2020**

**6:15 Tour of New Ladder Truck**

**6:30 Council Photos**

## 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 Copp, seconded by Councilor Vail, to accept the October 26, 2020 meeting minutes as presented.

VOTE: 7-0 UNANIMOUS

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

Town Manager Shane shared the latest number of COVID-19 cases by Town from the CDC website:

Cape Elizabeth	107
Cumberland Total	54-67 (Cumberland Foreside 6-19) (Cumberland Center 48)
Falmouth	189
Freeport	36
Gorham	102
Gray	33
New Gloucester	14
Portland	416
Pownal	1-5
South Portland	247
Windham	84
Yarmouth	30

The Town owned land (gravel pit) in North Yarmouth has been listed to sell. We will be accepting bids that the Council will review in Executive Session and decide which offer is best for the Town.

## **III. PUBLIC DISCUSSION**

Eric Gagnon, Superintendent of the Yarmouth Water District, said that the Yarmouth Water District would like to express their interest in the gravel pit parcel on Sweetser Road in North Yarmouth that was recently listed for sale. This parcel is extremely important to the protection of the community's water resource and the District plans to make a strong offer to purchase it. The parcel is in North Yarmouth's groundwater protection overlay zone, which specifies and protects areas that contribute and recharge the groundwater aquifer. The reason this parcel is in that zone is that it is adjacent to the District's property where two production wells are located. It is 1,200 feet from the District's Reinsborough Well and 1,700' from the District's Estabrook well, which together supply 75% of the District's water capacity to over 3,000 residential, commercial, governmental, and industrial customers in Yarmouth and North Yarmouth. These wells also serve as an emergency water source for South Freeport and Cumberland. The District's system has two interconnections to Cumberland that can be utilized in emergencies with coordination with the Portland Water District. Acquiring critical properties follows the District's watershed protection plan described in the District's Master Plan. Acquiring properties within and adjacent to the 200-day zone of influence helps eliminate potential contamination to the groundwater supply from septic influence, nitrates, pharmaceuticals, salts, and petroleum products that result from commercial and residential use and development.

If the District were to acquire this parcel to help protect the water resource, we would continue to allow access to the parcel for community members to enjoy it. We currently allow residents to access our property for hunting, fishing, trail walking, mountain biking, cross-country skiing, and we also work with Cumberland County Soil and Water Conservation District in providing environmental educational activities. We hope the Town Council will consider the value of water resource protection as you decide on the sale of the property. The Yarmouth Water District strives to be good stewards of the water resource while also realizing the importance of community access to and enjoyment of the watershed protection land. We thank you for understanding the importance this parcel has for the future of the communities' water supply to ensure safe and plentiful drinking water for the foreseeable future.

Michael Booth of North Yarmouth said that a petition was given to the Town Council with 80 signatures from North Yarmouth residents who are interested in protecting the water resource. He hopes that the Town Council will consider the environmental impact of selling the parcel.

Sean McCloy of Cumberland expressed his gratitude to the Council for reacting so quickly to the emotional item discussed during public comment at the last meeting (referring to item # 20-100). When he spoke at the last meeting, he talked about the community that we all live in here in Cumberland. Last Sunday, he was riding his bicycle and got a flat tire. During his 3-mile walk home up Tuttle Road, no less than 6 people stopped to offer him help. He appreciated being part of a community where people care for each other.

#### **IV. LEGISLATION AND POLICY**

##### **20 – 098 To hold a Public Hearing to consider and act on accepting Fuller Road as a Town road.**

Town Manager Shane explained that staff is recommending tabling this item and forwarding it to the Finance Committee for a formal recommendation at the next meeting.

Chairman Gruber opened the Public Hearing.

Chris (no last name stated), of Fuller Road, is here to ask the Council for their help. The neighborhood has been in this process for almost 3-years and is requesting the help of the Town for some contingencies before the Town takes the road over from A.H. Grover: 1) ask that A.H. Grover prepare all the paperwork in order to facilitate a HOA, and be responsible for the initial fees in setting up the HOA, 2) file and pay for necessary deed amendments for each house, and 3) A.H. Grover will pay for any legal fees associated with the deed amendments that the homeowners might incur.

Carrie Turnbull, of Fuller Road, thanked the Town Manager for all his help with this matter. The neighborhood just wants to put this matter behind them and make sure that their road will be plowed this winter.

Motion by Councilor Vail, seconded by Councilor Turner, to table and forward to the Finance Committee.

VOTE: 7-0                      UNANIMOUS

**20 – 099 Update on projects from Assistant Town Manager, Chris Bolduc.**  
Assistant Town Manager Bolduc presented the following:

## Town of Cumberland Construction Projects 2020

- Public Works/SAD 51 Garage
- Sand Salt Building Construction
- Existing Sand Salt Building Repurpose and Relocation
- Council Chambers Renovation

Public Works / SAD 51  
Garage Expansion



View from the former brush Facility



View of the Rear of the building former leave bins



**Salt Shed Removed**  
Relocated to Valhalla Greeley Road for Storage







View of Public Works project



Salt Building Relocated to Valhalla Greely Road



Location of storage shed at Val Halla



Val Halla storage shed on Greely Road



Val Halla – Greely Road side



Val Halla storage shed – Greely Road



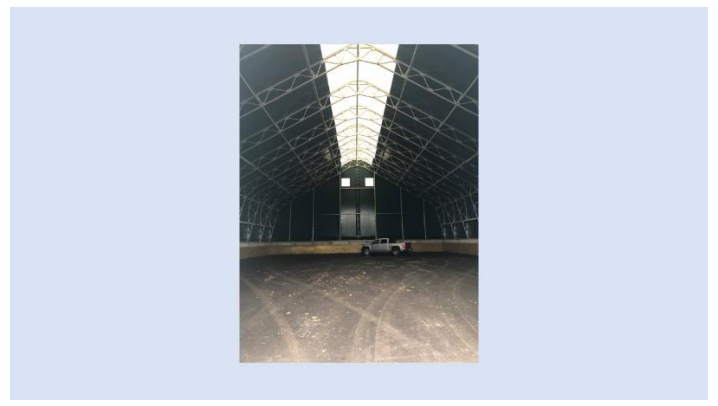
Berm to block storage shed from golf course

New Sand Salt Building Construction



Stiles Way





New sand/salt shed on Stiles Way at brush and compost facility



**20 – 100 To hear a report from Councilors Foster and Storey-King about how to facilitate community healing and support discussions related to social justice with respect and opportunity for all.**

Councilor Foster explained that she will be working with Councilors Edes and Storey-King on a two-phased approach in response to the comments heard at the last Town Council meeting. We need to come together as a community in order to move forward in trust, respect, and understanding. We are in the process of exploring outside parties who can help facilitate the discussion. The second phase would look at how we move forward in the pledge that the Town Council made in August, as a municipality and include the Town Council, the Police Department, the School Board and other community members. Phase one is the healing process and phase two is coming together to look at what moving forward in the pledge means.

Councilor Edes said that he is all in, but we did not cause this situation. The School Board came out with an awful, poorly written statement that a lot of people took offense to. The School Board caused this problem.

Councilor Storey-King said that when she asked Councilor Edes to be involved in this, he asked her “what’s in it for us?”. Her response was, absolutely nothing, but she thinks that there is a lot to be done for our community to heal and move forward.

Councilor Vail said that he does not see the Town Council being a referee. We signed on to a statement developed by the Chamber of Commerce and our actions should be aligned with that statement.

Shawn McBreairty read the following:

*It was unfortunate that you had to experience this sideshow affair at the Town Council Meeting on Monday, 10/26/2020. I’ve lived here for 22-years, I’ve raised my daughters here and have been a good citizen here. What you saw on Monday is a microcosm of our society. A person willing to literally risk it all for the truth and others attacking that person’s character, because they know they are violating Maine Law, MSAD 51 policy and inappropriately using our tax revenues. They hide behind equity training, while attacking Freedom of Speech. It was Cancel-Culture was on display and you will see more of this.*

*I’ve been working on trying to correct the multiple wrongs created by the Equity and Inclusion Committee, Superintendent Jeff Porter and the School Board’s combined wrongs for five months. Hundreds of hours of research, FOAA requests, meetings, calls, e-mails...and this story has not made the local news. So, I’ve used Twitter, Facebook, local Cumberland Facebook pages (of which I’ve been banned from, for posting these truths), my property and the national organization, No Left Turn in Education, of which I’ve been hand selected to start a Maine branch for, to publicize this.*

*What you have been made aware of, or been witness to is:*

- *Secret and illegal meetings by MSAD51 School Board officials.*
- *An Equity and Inclusion Committee, hand selected, made up almost entirely of democrats, with a specific, liberal, left-wing agenda.*
- *Jeff Porter splitting the community right down the middle on 6/2/2020 with the “white supremacy” letter. He’s done nothing to heal it since.*
- *Fiscal irresponsibility, lack of proper vetting of a socialist and anarchist company in Community Change Inc. Tens of thousands of tax dollars spent on training teachers and hiring socialist and anarchist companies, and now have partnered with a Marxist company.*
- *A School Board Chair who not only doesn’t follow the policies, she doesn’t know them and freely admitted as such. (*
- *A School Board who praised CCI (the socialist and anarchist company) for setting the foundation of training at MSAD 51.*
- *No public comment, nor School Board vote on the association with USM, including the Marxist Black Lives Matter organization and Ibram Kendi (the “butthead”).*
- *School Board abuse of forwarding their own personal agenda, in a public position.*
- *Withholding of Freedom of Access Act requests by MSAD51.*
- *Indoctrination, cognitive dissonance and righteous indignation.*
- *Acceptance of one School Board member’s free speech and then retaliation of my free speech.*
- *Jeff Porter illegally withheld my rights as an American to the First Amendment, including free speech, public protest and ability to redress grievances, having me removed from the 10/19/2020 School Board meeting, by the police.*
- *Slander by public officials towards me on 8/28/2020’s letter to Chief Rumsey, in the 10/19/2020 School Board meeting and in the 10/26/2020 Town Council meeting. As you may be aware, the First Amendment forbids government officials from retaliating against individuals.*

*The School Board opened the door in their FY20/21 goals to allow you, as the Town Council and the Town Manager to now have an opinion on this topic of “equity.” Equity currently defined as being only one very narrowly focused area, black race relations. Not equity and inclusion, as is allowed for us under our Constitution and laws of the government. But a perception of inequity, where quite possibly, very little exists.*

*You now have to decide if you wish to devote more taxpayer dollars to this effort.*

*The goal back in June was to bring together a group of individuals, in an open, public working session, moderated by an independent person, agreed upon and hired by the Town and MSAD 51. One that is properly vetted to not have an agenda in this conflict. This process was rejected by MSAD51 in June, under the guise of Covid-19. MSAD 51 and the Town have had very different philosophies on how Covid-19 was handled.*

*I propose that we look past previous slanderous allegations and my First Amendment rights violations at this time and focus on the situation. Below is who I propose you request to bring together in an all day, moderated working session. One in which the public can attend, but not comment, until the end. We have it at the \$9,000,000 MSAD51 Performing Arts Center, on the stage, broadcasted via live stream, then recorded, for all to see and hear.*

*I'd recommend you bring these attendees together without delay. I'm willing to use a vacation day from work, to review how we got here, in detail and come up with real solutions for Cumberland:*

*Town Council: Mike Edes, Shirley Story-King*

*Equity and Inclusion Committee: Nick Whiston, Kim MacDonald*

*School Board: Tyler McGinley, Kevin Desmond*

*Town Leadership: Bill Shane, Chief Charles Rumsey*

*School Leadership: Jeff Porter, Chris Hoffman*

*Community Members: Shawn McBreairty, Kerri O'Donnell-Roy*

*Press: Mike Doyle*

*Racism exists. But, so do many other biases in our towns, state and country. In my opinion to devote more of this town's resources and tax dollars to this effort, is a big mistake. We have more kids that can't buy lunch at school than we have alleged racism issues. We have more issues with seniors trying to pay their high taxes, than we have alleged racism issues. We have more issues with stocking the food pantry, than we have alleged racism issues. I'm sure you know more than I do on these real issues to spend a majority of your time on, this just isn't it.*

*Recently, Superintendent Jeff Porter sent him a letter that stated, “As Superintendent of Schools, it is my duty to enforce the policies and rules of the Board of Directors. In that capacity, I am notifying you that if you again disrupt a Board meeting or defy rules concerning access to school premises, you will be required to leave school premises immediately. Specifically, you must not speak at a meeting unless recognized by the Chair, and you must not engage in any other conduct that interferes with the Board's conduct of its meeting. While on school property, you must follow the rules set by the district as is expected of everyone else. If you fail to comply with these expectations, I will ask a law enforcement officer to escort you from the premises and the district may request that the District Attorney's office file criminal charges against you. Additionally, any further inappropriate conduct could result in my issuance of a trespass order removing you from all school-related activities and all MSAD #51 property”.*

*He will be asking for a substantial tax refund this year and will be providing a very detailed payroll analysis comparing MSAD 51 and the massive inequities compared to Town employees.*

*As a side note, I have resigned as President of the Moonlite Sno-Skimmers Snowmobile Club and also as a member of the Lands and Conservation Commission - Trails Committee, as I do not wish to bring negative attention to either of these fine efforts.*

*I look forward to resetting this situation and moving forward...together.*

“A white man who lives in Cumberland” said that he respects Shawn’s right to say what he wants to say, but it’s not okay to be subject to harassment.

Lorraine Reardon of Oxford Lane said that she and her husband moved here recently and they chose to live here. They don’t have a dog in this fight or kids in the school system. What we are missing in the discourse that is happening in the community is that people are talking past each other. It will be a tough road to have the conversations about civility. Diversity of thought is a form of diversity and she respects all the people who have come to the meetings and used their First Amendment Right. We have to have a conversation that is free of buzz words that can be triggers, and put those buzz words aside in order to have a real conversation about what it means to be a member of the Cumberland community. This is a good place to live. This was brought to the Council’s doorstep and now that it is here, it is the duty of the Council, as leaders of this community, to do something with that knowledge, and turn it into something that is good for the community.

Shawn McBreairty said that he has not broken any laws. This has gone on for 5-months, hundreds of hours of work on his part, and he considers himself an expert on MSAD 51 and their inappropriate use of tax dollars, and their inability to let community members talk at their meetings. Are people concerned about the 4x8 foot sign on his lawn? Probably. But it is getting noticed and it’s getting noticed nationally that Cumberland is in a bad place because of the situation with the School Board. For 22 years, he has been a solid citizen and has done nothing wrong except point out to the School Board that they don’t follow their own policy. They don’t want to hear from the community. They are supposed to allow citizens to comment so when they take a vote, that citizen has a voice. They do not allow this. This is what he has challenged them on at their last two meetings, and he will do it again at their next meeting. If Superintendent Porter chooses to have him arrested, then that’s what he does. All he asks is to be heard and Jeff Porter has chosen twice to put him and his family in harm’s way.

## **V. NEW BUSINESS**

**Councilor Edes** – none

**Councilor Storey-King** – she congratulated recently elected Legislator, Steve Moriarty, who is in the audience. Mr. Moriarty gave a brief update on when things might resume in Augusta. He plans to give the Council updates on a regular basis.

**Councilor Vail** – none

**Chairman Gruber** – none

**Councilor Foster** – she reminded everyone that flu shots are available at the Fire Station tomorrow.



**Councilor Turner** – in regard to the sale of property in North Yarmouth, if he had to guess, he thinks that most people's concerns (in both Town's) will be assuaged with the end result.

**Councilor Copp** – last Friday, he had a tow call which involved an elderly gentleman who told his wrecker driver that he wanted to be towed to Yarmouth. As it turns out, he was from Yarmouth Massachusetts and was in the early stages of Alzheimer's. He had taken his girlfriend's car and drove to Maine. He didn't know where he was. He contacted the Police Chief and Officer Matt Merriman came to his shop, figured out where the gentleman lived and contacted his son, who is a police officer in Yarmouth, Massachusetts. Matt went above and beyond and drove the man to Kittery to meet his son. This is an outstanding good deed done by the Cumberland Police Department.

**Town Manager Shane** – with the COVID cases ramping up in Maine, he is starting conversation with the Administration Management team on how to keep our employees safe. We have split up the Public Works crews into 3 groups with one at the Public Works garage, Twin Brook and Val Halla. We are talking about staggering schedules with Department Heads and their second in command and trying to figure out how to stagger the front counter staff or perhaps going back to appointments at Town Hall.

**VI. ADJOURNMENT**

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

VOTE: 7-0 UNANIMOUS

TIME: 9:13 P.M.

Respectfully submitted by,

Brenda L. Moore  
Council Secretary