

MINUTES

Cumberland Town Council Meeting

Town Council Chambers

MONDAY, March 22, 2021

5:30 P.M. Budget Workshop

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 Edes, to accept the March 8, 2021 meeting minutes as presented.

VOTE: 7-0 UNANIMOUS

Motion by Councilor Vail, seconded by Councilor Edes, to accept the March 15, 2021 special meeting minutes as presented.

VOTE: 7-0 UNANIMOUS

II. MANAGER'S REPORT

Town Manager Shane said that Janene and Sara Gorham are here this evening to give a report on an incident that took place recently.

Sara Gorham read the following:

My name is Sara Gorham, I grew up in Cumberland, graduated from Greely, as did my husband and siblings. We have many friends who still live here and after all these years I still consider Cumberland home. Life in Cumberland was—and still remains—an idyllic place to raise a family.

I am here on behalf of my parents, who remain residents, to discuss a deeply disturbing incident involving a member of the Cumberland Police Department.

On January 29th, my older brother John died at my parents' home, on hospice, after a traumatic and very tragic week-long struggle for his life. He was discharged home from Maine Medical Center on hospice the evening before his death, after suffering catastrophic brain damage and the decision to withdraw life support had been made. A nurse from Hospice of Southern Maine arrived on the morning of the 29th and my brother passed shortly after her arrival. My parents' priest, Reverend Mousin, arrived to perform last rites. Sadly, my father was not present for my brother's passing, as he had to leave that morning for a necessary cancer treatment.

After his death, it became clear that there were logistics (namely my brother passed before he was officially admitted as a patient of the hospice service) that prevented the hospice service from pronouncing his death, so the nurse followed protocol and called the FD to come pronounce my brother dead. She reported it as an anticipated death when she called.

A first responder arrived and told us it would be necessary for an officer to come given it was an "unattended death at home." Shortly thereafter the Detective arrived at my parents' home. He stormed in donning full protective gear, made no formal introductions and immediately positioned himself between my family and my deceased brother who remained in a hospital bed. He made no attempt to assess who was

present or what had transpired. He was gruff and unprofessional in his approach and at NO point did he offer any condolences for our recent loss. The hospice nurse made multiple attempts to detail the course of events and he was entirely dismissive of her and loudly spoke over her. He began his intake wherein he appeared annoyed, impatient and disrespectful. He consistently referred to my brother as “the body,” not once addressing him by name. He briefly described to us that due to circumstances “the body” was now in possession of the medical examiner and HE was here to conduct an investigation, as this was now considered a suspicious death, and the home and my brother’s body were now considered a crime scene. He told us he would leave with “the body” when the time came. At this point the situation in the home escalated very quickly. My mother became greatly distressed. She attempted to explain that we had already made plans with Cremation of Southern Maine for pick up later that afternoon and that we were anxiously awaiting the arrival of my father so he could pay his respects. My mother attempted to explain this to the detective, and he dismissed her and said the body would leave when he left.

Upon seeing our grieving mother become so distressed, my sister and I immediately became very defensive. Here we were, in our childhood home, grieving the very tragic loss of our brother not even an hour before, and we found ourselves in a very heated and tense encounter with a police officer, being made to feel as though we had just committed a crime.

The Detective approached me and my mother in an intimidating manner and stood within a foot of my body. He was very clearly agitated, red in the face and breathing heavily. Knowing I had done absolutely nothing wrong I directed him very firmly to back up. At this point the priest stepped forward, positioning himself between the Detective and my mother and made attempts to de-escalate the officer to no avail.

I fully understand that the Detective had a job to do. However, he lacked professionalism, skill, and any ounce of human decency. At no point did he communicate patience, compassion, or understanding, but rather—from the moment he first stepped foot in our home to the moment he left—remained brusque, accusatory, and dismissive of me and my family in our moment of deepest vulnerability.

This was an obvious hospice scenario: my brother’s body lay in a hospital bed. There were 4 grieving women, a hospice nurse wearing identification, and a priest in a formal collar. The hospice nurse and Reverend Mousin were in complete disbelief and both stated they have never seen anything of this nature occur during a clear hospice scenario.

My father returned home to a driveway full of multiple police cars and an ambulance. He was then forced to say goodbye and mourn his dead son, in the presence of law enforcement. The Detective remained a few feet away, talking loudly on the phone, continually disrupting what had been—prior to His arrival—a peaceful, quiet, and supportive, though deeply sorrowful family gathering.

In the aftermath of this event, we have heard from staff at MMC who have expressed shock, and sadness that any family would endure such suffering during a hospice death. The physician who cared for my brother in the CICU, having heard what had transpired, called my mother to express his sympathy and to gain insight as to what they can do to prevent this from happening to another family.

Hospice of Southern Maine conducted a formal review of their procedures and policies and made revisions to prevent this from ever happening again. And finally, Reverend Mousin composed a letter on our behalf which was submitted to Chief Rumsey with the formal complaint.

I have immense respect for members of law enforcement. Please know I am not here to condemn the entire department. In fact, I received a lovely email from Officer Mazuzan as well as an email from the Chief

wherein he expressed condolences for our loss. I am here today because my family and I remain deeply disturbed that a member of the PD would treat a grieving family with such disrespect and insensitivity. In my personal opinion, this incident exemplifies egregious police overreach. We are here today because we are concerned that something like this could happen to you or any other resident of Cumberland. No one should have to go through this. This is unacceptable. These actions do not reflect the Cumberland that I grew up in — the Cumberland that I think we all know and love.

Thank you for your time.

Janene Gorham read the following:

As a mother, you can imagine this was a very horrible situation. The night of my son's passing I was deeply grieved but also still very traumatized by what had happened in my home earlier. I was saddened so deeply by losing our son, and our privacy had been completely invaded during this very personal time. I felt guilty that we'd done something wrong. I kept thinking what did we do wrong? Did hospice send some medication home that we were not allowed to have here? I didn't know. When the fire department personnel arrived, they were accompanied by two younger gentlemen who stayed in our home. That was very uncomfortable for me, there was three firemen and a police officer in our home, and I'm still thinking, what did we do wrong? My son was still in a hospital bed and I just wanted to go in and cover his face because I wanted to spare him that humiliation. The police officer did not introduce himself to me. He walked past me into the living room where my son was, and his girlfriend Nairy was sitting on the end of his bed. He told her to get off the bed and asked who she was. It was then that I stepped forward and said "I'm his mother, Janine Gorham, who are you?" I hadn't heard what he had said when he came in.

My son was a veteran of the United States Navy and he served aboard the USS Nimitz aircraft carrier in the Persian Gulf. He will be laid to rest in the Springvale Veterans Cemetery. He was a strong, kind, and compassionate man. He nor anyone in this town deserves this treatment. We've lived in Cumberland for 38 years and never dreamed this could happen in our home. We are honest, good people and if we had committed a crime, we would expect this treatment from law enforcement. We have always considered members of the police and fire department to be trustworthy and respectful. Our purpose here tonight is to make the Council members and the residents of Cumberland aware of how much our family and friends have been affected by what occurred in our home after losing our son by the behavior of one officer. I still think of it with remorse and sadness.

Thank you.

Town Manager Shane said that it took a lot for Janene and Sara to come here and speak this evening. He apologized for what happened, but words are not enough for what they went through. We will do better. We have new policies in place and training that will take place in the very near future.

Councilor Vail said that he feels deeply for the Gorham's loss and if we were in a different time, he would hug them both. He thanked them for coming here this evening and their comments are very much heard.

Chairman Gruber thanked Janene and Sara for coming here this evening and offered his deepest sympathies.

Councilor Storey-King echoed her sorrow for their loss. Janene has done so much for the community. Their story is tragic, and she hopes that we can all grow from it.

Councilor Copp offered his condolences. No parent or sister should have to go through this. This never should have happened, and we will learn from it.

Councilor Turner offered his sympathies. He cannot imagine what they are feeling and what they have gone through. When an individual commits an act with total lack of compassion and sympathy, the responsibility lays on that person. The odds of that ever happening again are nil. He knows that Chief Rumsey runs a tight ship. We all sympathize with the Gorham family and understand the righteousness in coming forward to tell their story.

III. PUBLIC DISCUSSION

None

IV. LEGISLATION AND POLICY

21 – 028 State of Maine Proclamation from Representative, Steve Moriarty, for the Town of Cumberland Bicentennial.

Senator, Cathy Breen, read the following in recognition of the Town's bicentennial:

Be it known to all that We, the Members of the Senate and House of Representatives, join in recognizing the Town of Cumberland, which is celebrating its 200th anniversary. In the 1640's the first European settlers in present day Cumberland built rough homes in the Broad Cove section of Aucocisco Bay. The area was known as Wescustogo and was eventually incorporated as ancient North Yarmouth. Lumbering, agriculture, and shipbuilding were the foundations of the local economy. Clusters of population formed throughout North Yarmouth, and one of these was Cumberland Center. In 1820, a petition for the establishment of the Town of Cumberland was presented to the Legislature, and an act of incorporation was passed and signed into law by Maine's first governor, William King, on March 19, 1821. Over the following two centuries Cumberland has grown into one of Maine's finest residential communities while maintaining its rural character and heritage. We extend to the citizens of the Town of Cumberland our congratulations on the town's bicentennial; and be it ordered that this official expression of sentiment be sent forthwith on behalf of the 130th Legislature and the people of the State of Maine.

Dated this 26th day of February 2021 at the State Capital, Augusta, Maine

Representative, Steve Moriarty, read the following letter:

I am pleased to join you in celebrating the Bicentennial of the Town of Cumberland. This landmark celebration is a wonderful opportunity to explore the rich history of your town.

Originally home to the Eastern Abenaki settlement known as Wescustogo, present day Cumberland was settled by Europeans in the 1640's and became one of the largest towns in the Province of Maine. In 1820, the residents of Cumberland petitioned to separate from North Yarmouth and the Act of Incorporation was signed by William King, Maine's first Governor, on March 19, 1821.

Located on the shores of Casco Bay, or the Abenaki name of Aucocisco, sea captains, shipbuilders, and sawyers were the foundation of Cumberland's economy. In the nineteenth and early twentieth centuries, the town's agricultural economy grew as well, featuring large apple orchards, poultry and dairy farms, and greenhouses that shipped carnations across the country. This strong agricultural identity lives on even now through the Cumberland

Fair, which has been held annually since 1868. Education has also been a shared community value for the people of Cumberland, since the first town meeting in 1821 when town leaders appropriated \$550 for the coming school year to the founding of the Greely Institute, now Greely High School, in 1868.

Over the past 200 years, Cumberland has established itself as a small town with city perks including good jobs, great schools, scenic parks and trails, a friendly community, and four seasons of outdoor recreation. From Memorial Day parades and farmers markets to the Cumberland Fair, it is towns like Cumberland that truly make our state unique.

On behalf of the people of Maine, I wish the citizens of Cumberland the best during your Bicentennial year. I hope you take this special occasion to celebrate your community and take part in events throughout the year, from the birthday parade and scavenger hunt to historical lectures and the cemetery tour.

Sincerely,

*Janet T. Mills
Governor*

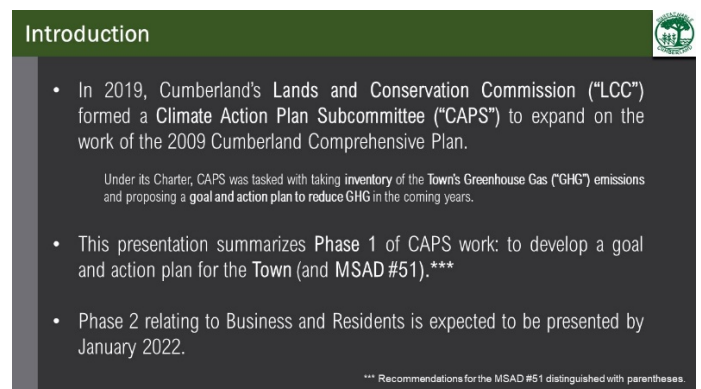
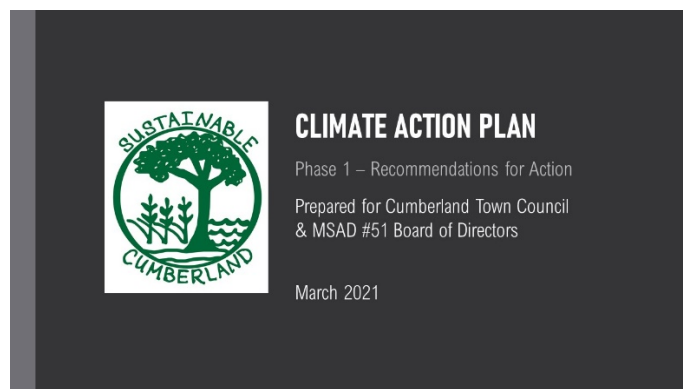
Bicentennial Committee Co-Chair's, Tig Filson and Emily Gray shared a video that was produced in honor of the Town's bicentennial. They shared the upcoming events:

- April 1st Scavenger hunt launch
- Historical lectures, tours, and programs throughout the spring of 2021
- September 18th Beach to Bacon race and fun run, games, and food trucks followed by fireworks
- October 31st cemetery tour

More information and the video can be found at: <https://www.cumberland200.me>

21 – 029 To hear a report from the Lands & Conservation Commission re: Climate Action Plan.

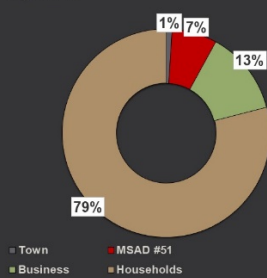
Denny Gallaudet, Mark Segrist, and Jessie Lamarre-Vincent, members of the Climate Action Subcommittee, presented the following:



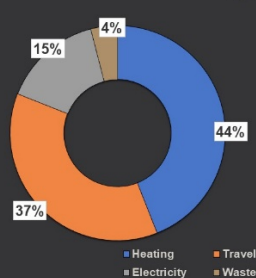
2015 Baseline: 66,160 Metric Tons equivalent ("MT CO₂e")



By Sector



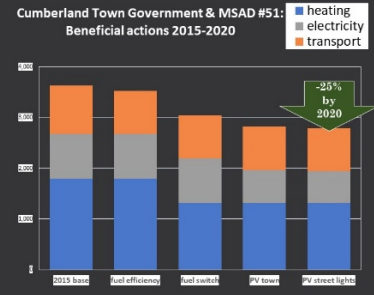
By Use



Mitigation Action (2015 – 2020)



- Since 2015, the Town and MSAD #51 have taken beneficial actions reducing GHG by 25%.
- CAPS has held regular monthly public meetings, met with stakeholder groups, done research & surveyed citizen viewpoints on sustainability.



CAPS Proposal: Phase 1 to 2030 (this Report), Town (& MSAD #51)

This report seeks approval from the Town Council of:

- Phase 1 goals to achieve a carbon neutral municipality (and school system); and to promote a unique town brand of "Sustainable Cumberland."
- Nine action steps to achieve these goals.



*** Recommendations for the MSAD #51 distinguished with parentheses.

Phase 1: Carbon Neutral by 2030 – Action Steps

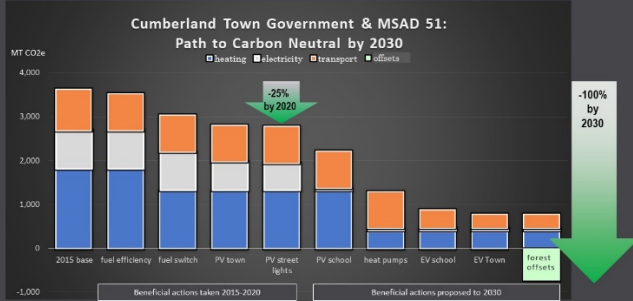


CAPS seeks approval for these Phase 1 Action Steps, which together achieve our Phase 1 goal:

- (Develop a MSAD #51 solar farm).
- Install industrial scale heat pumps to supplement natural gas heating and mitigate the GHG effects of natural gas heating.
- Phase in Electric Vehicles (EV) or plug-in hybrid automobiles, light duty vehicles, and school buses.
- Set aside a 225-acre forest carbon reserve from town-owned woodlands.
- Design and build new public buildings to a zero-carbon standard.
- Make available 5–10-acre parcels of town-owned land to market gardeners.
- Develop a tree planting program for public ways and easements.
- (Engage MSAD #51 staff to integrate sustainability principles and the CAP into K-12 curricula).
- Delegate to the Town staff the duty to annually analyze and report the GHG emissions generated within Cumberland.

*** Recommendations for the MSAD #51 distinguished with parentheses.

Phase 1: Carbon Neutral by 2030 – Action Steps



Conclusion



- The CAP outlines action opportunities to build a future Sustainable Cumberland:
 - ✓ That supports a carbon bank to subsidize investments in clean energy;
 - ✓ Where local farmers produce and sell local food and improve local food security;
 - ✓ Where people and ecosystems thrive together;
 - ✓ That builds a sustainable community and attracts likeminded new residents.
- Cumberland's proactive, multi-year, and multi-stakeholder investments in land and forest conservation position Cumberland as an innovative leader in climate change mitigation and provide a platform further action.

21 – 030 To reappoint William Longley as Code Enforcement Officer and Dan Small as alternate from April 1, 2021 to March 31, 2022.

Town Manager Shane explained that this is an annual reappointment.

Chairman Gruber asked for any comments from the public.

No public comment.

Motion by Councilor Copp, seconded by Councilor Vail, to reappoint William Longley as Code Enforcement Officer and Dan Small as alternate from April 1, 2021 to March 31, 2022.

VOTE: 7-0 UNANIMOUS

21 – 031 To set the week of May 17th – 21st for Spring Bulky Item Pick Up Week.

Chairman Gruber asked for any comments from the public.

No public comment.

Motion by Councilor Turner, seconded by Councilor Copp, to set the week of May 17th – 21st for Spring Bulky Item Pick Up Week.

VOTE: 7-0 UNANIMOUS

21 – 032 To set a Public Hearing date of April 12th to consider and act on a Mass Gathering permit from the Cumberland Farmers Club for harness racing events.

Chairman Gruber asked for any comments from the public.

No public comment.

Motion by Councilor Edes, seconded by Councilor Copp, to set a Public Hearing date of April 12th to consider and act on a Mass Gathering permit from the Cumberland Farmers Club for harness racing events.

VOTE: 7-0 UNANIMOUS

21 – 033 To set a Public Hearing date of April 12th to consider and act on authorizing the Town Manager to enter into a labor contract agreement with the Cumberland Police Benevolent Association for the period of July 1, 2021 – June 30, 2024.

Chairman Gruber asked for any comments from the public.

No public comment.

Motion by Councilor Edes, seconded by Councilor Copp, to set a Public Hearing date of April 12th to consider and act on authorizing the Town Manager to enter into a labor contract agreement with the Cumberland Police Benevolent Association for the period of July 1, 2021 – June 30, 2024.

VOTE: 7-0 UNANIMOUS

21 – 034 To set a Public Hearing date of April 12th to consider and act authorizing the Town Manager to enter into a labor contract agreement with the Public Services/Val Halla Employees Association for the period of July 1, 2021 – June 30, 2024.

Chairman Gruber asked for any comments from the public.

No public comment.

Motion by Councilor Edes, seconded by Councilor Copp, to set a Public Hearing date of April 12th to consider and act authorizing the Town Manager to enter into a labor contract agreement with the Public Services/Val Halla Employees Association for the period of July 1, 2021 – June 30, 2024.

VOTE: 7-0 UNANIMOUS

21 – 035 To set a Public Hearing date of April 12th to consider and act on a Credit Enhancement Agreement for Lakeside Concrete Cutting & Abatement Professionals, as recommended by the TIF Committee.

Chairman Gruber asked for any comments from the public.

No public comment.

Motion by Councilor Edes, seconded by Councilor Copp, to set a Public Hearing date of April 12th to consider and act on a Credit Enhancement Agreement for Lakeside Concrete Cutting & Abatement Professionals, as recommended by the TIF Committee.

VOTE: 7-0 UNANIMOUS

V. NEW BUSINESS

Councilor Edes – he expressed his appreciation to the Gorham family for coming here this evening and telling their story. He also wants to stress his confidence in our police department. We have a good group of men and women and we will move on and do the right thing.

Councilor Storey-King – she reminded everyone to educate themselves on what is and what is not considered bulky waste. Every year, there seems to be issues with people leaving items out that are not eligible for pick up.

Our community is 200 years old, but it is the people that serve on all our committees and give an amazing amount of their time that makes Cumberland who we are. She is deeply grateful.

Councilor Vail – he agreed with Councilor Storey-King’s comments on what an amazing community we live in.

The School Board’s cost of living increase was 5% last year and is 4.5% this year, for a total of 9.5%. Everyone should pay attention to this and go to the School Board meeting to ask questions and see if they can justify their spending habits.

Chairman Gruber – the Food Pantry served 65 families last week. A big thank you to the volunteers who help every week.

St. Jude Church made a very generous donation to the Food Pantry. Thank you!

He enjoyed the bicentennial parade last Saturday. It was terrific.

Councilor Foster – a reminder for everyone that the Communications Committee survey is still available. If you don’t have access to the internet or don’t feel comfortable accessing the survey via the internet, there are hard copies available at Town Hall where the completed surveys can also be returned. The survey will be available for another week or so. It only takes a couple of minutes to complete, and it will tell the Town how residents prefer to receive information from the Town.

Councilor Turner – he expressed his condolences to the Gorham family again and wants to emphasize the fact that we spend a lot of time patting ourselves on the back for what a wonderful Town we are and what a wonderful police department we have. This is all true, but he wants to say that in his mind, the actions of one individual, if they are even close to what the Gorham’s spoke of tonight, are reprehensible. It was an individual, who to say had a really bad day, is the understatement of the year, and it has no reflection on the department as a whole. The entire episode had nothing to do with training, it had to do with not using common sense.

Councilor Copp – he thanked Councilors Turner and Foster and Bill Stiles for their donation to the 4-H fund that benefits the Food Pantry. This is a very worthy cause that helps the 4-H kids as well as the Food Pantry.

VI. ADJOURNMENT

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

VOTE: 7-0 UNANIMOUS

TIME: 8:59 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary