

MINUTES

Cumberland Town Council Meeting
Town Council Chambers
MONDAY, June 3, 2013

6:30 p.m. Call to Order

Present: Councilors Stiles, Turner, Copp, Storey-King, Gruber, Jennings and Perfetti.

I. RECESS TO EXECUTIVE SESSION pursuant to 1 M.R.S.A., § 405(6)(C) re: real property acquisition.

Motion by Councilor Perfetti, seconded by Councilor Turner, to recess to Executive Session pursuant to 1 M.R.S.A., Section 405(6)(C) re: real property acquisition.

VOTE: 7-0

TIME: 6:31 p.m.

Motion by Councilor Perfetti, seconded by Councilor Copp, to authorize the Town Manager to negotiate, develop and bring back to the Town Council for review and possible action, a PILOT (Payment in Lieu of Taxes) for the Maine State Golf Association.

VOTE: 6-0 (Councilor Storey-King left the room briefly during vote) MOTION PASSES

II. APPROVAL OF MINUTES

Motion by Councilor Gruber, seconded by Councilor Perfetti, to accept the May 13, 2013 minutes as presented.

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

III. MANAGER'S REPORT

The Manager held his report until the new business portion of the meeting.

IV. PUBLIC DISCUSSION

Brad Hilton of Blanchard Road and member of the Lands and Conservation Commission explained that the Commission is very busy and wanted to bring up a few things for the Town to consider.

The first item is the bamboo that grows along the side of the roads. It has become a safety issue for cyclists and walkers because it hangs into the roadway and they are forced to go into the road to avoid it. He has learned that the way to get rid of the bamboo is not pull it out, but to cut it 3 times a year and it will eventually disappear. Mr. Hilton requested that the Public Works road maintenance crews should be cutting the bamboo.

Town Manager Shane explained that this would be a very labor intensive project and the Town does not have the staff or resources to do that. It is not practical since the Town has over 500 acres of open space and facilities to maintain. He realized how frustrating invasive species are, but it is not a one and done treatment. It is a problem that is bigger than our small Public Works Department can handle.

Mr. Hilton reiterated that this is a safety issue that the Town has to address.

Councilor Perfetti suggested that Mr. Hilton come back to the Council at budget time to make the request.

The next topic that Mr. Hilton wants to discuss is in regard to illegal tree stands being left in the Town Forest. The tree stands are illegal because they are not marked with a name and address, and permission was not granted from the Town to put them up.

Town Manager Shane said that the Police Chief has spoken to the Public Services Director and asked that the tree stands be taken down.

Mr. Hilton's last point is to let the Council know that the Lands and Conservation Commission plans to deal with the problem of the invasive buckthorn. They will be asking for volunteers to help wipe out this invasive species and do some trail work in the Town Forest.

V. LEGISLATION AND POLICY

13 – 087 To hold a Public Hearing to consider and act on a Mass Gathering Permit for the United Maine Craftsmen's 44th Annual Cumberland Arts & Crafts Show to be held from August 8th through 11th, 2013 at the Cumberland Fairgrounds.

Town Manager Shane said that staff is recommending approval and all documentation is in place.

Chairman Stiles opened the Public Hearing.

Public discussion: None

Chairman Stiles closed the Public Hearing.

Motion by Councilor Copp, seconded by Councilor Storey-King, to approve the Mass Gathering Permit for the United Maine Craftsmen's 44th Annual Cumberland Arts & Crafts Show to be held from August 8th through 11th, 2013 at the Cumberland Fairgrounds.

VOTE: 7-0 UNANIMOUS

13 – 088 To hear a presentation from Peter Bingham of Cumberland Recreation re: Frisbee Golf at Twin Brook.

Recreation Superintendent, Peter Bingham gave the following presentation:



Benefits of Disc Golf

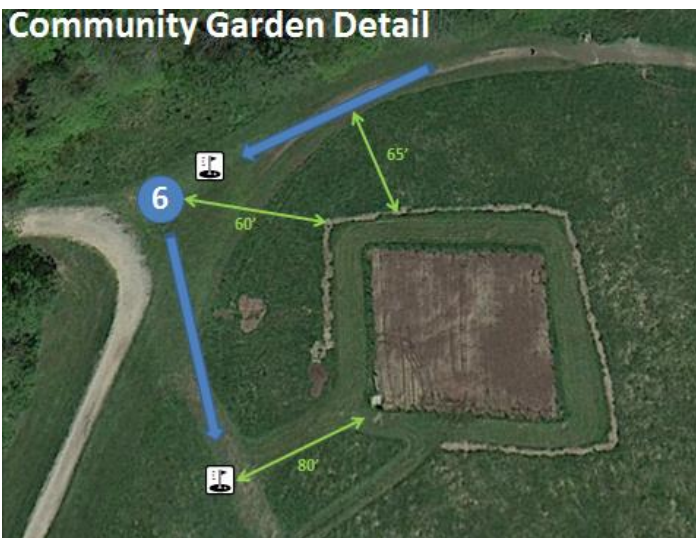
There are virtually few barriers to participating in the activity of Disc Golf while there are numerous benefits.

- Provides upper and lower body conditioning
- Aerobic exercise
- Concentration skills
- Promotes a combination of physical and mental abilities
- Can be played alone or in a group
- It is a great activity for the family
- Can play anytime the facility is open

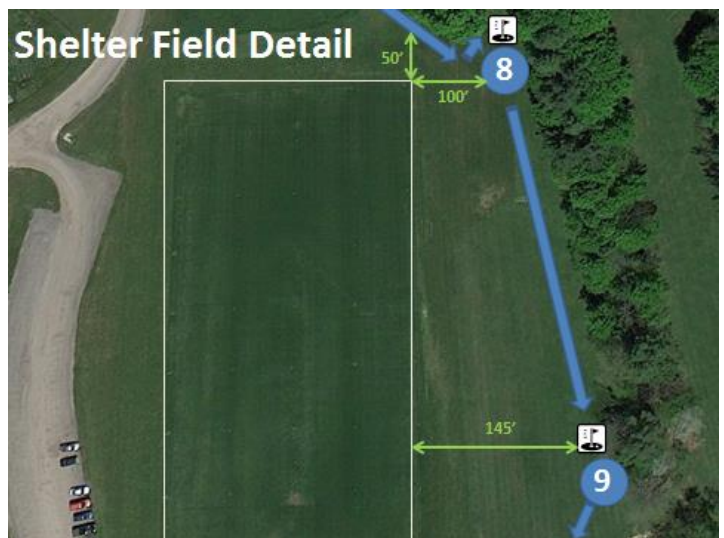
School Department currently implements Disc Golf into their PE curriculum and has expressed interest in using the course during the Disc Golf PE session



Community Garden Detail



Shelter Field Detail



Disc Golf Basics

- Disc golf is like traditional golf
- Players use Frisbees in place of golf balls
- Discs are throw into temporary basket targets
- Interest in the game has boomed in the last 15 years
- 560 permanent courses in 1995
- 3,276 courses in 2010
- Including 31 permanent courses here in Maine.

Tee- May be rotated to minimize excessive wear



An Easy Transition

- The course would provide a fun, inexpensive recreational opportunity
- Requires little-to-no upkeep apart from mowing
- Existing land uses would not be affected
- The course could be readily removed and reinstalled
- Passive recreation, like dog-walking, would not be affected
- The baskets and tee signs would not be placed in visible or open areas
- Baskets are removable at the end of the season
- No alterations to the area would occur

This proposed layout also avoids open spaces and areas where oversaturation is likely to be a problem, meaning the course will be dry most of the season. Each disc basket is strategically placed in areas where it will blend in with the natural surroundings.



Expenses/Revenue

Initial startup expenses include the following which is within the FY 2012-13 Budget

Initial Expenses	
9 Disc Baskets	\$1574.91
Outdoor Bulletin Board Display Case	\$250.00
Loaner Discs	\$200.00
Misc Expenses	\$200.00
Total Startup Costs	\$2224.91 (\$2500.00 in budget line)

Revenues/Fees

\$5 per person \$10 for groups of 2 or more for all day unlimited play

40 rounds per week (minus percentage who do not contribute to honor box)
\$150.00 per week x 20 weeks: \$3000.00 gross for summer/fall 2013

Anticipated payback is < 1 year

Disc Golf Links

- www.mainediscgolf.com
- www.pdga.com (Professional Disc Golf Association)
- <http://www.discgolfshack.com>
- http://en.wikipedia.org/wiki/Disc_golf

Mr. Bingham said that the startup costs are in the current budget and the program would break even within the first year. Fees would be collected on the honor system in a lock box on the shelter building.

Chairman Stiles asked Mr. Bingham why the course was not set up along the perimeter as opposed to back and forth across the fields.

Mr. Bingham said that it was the goal to keep it visible. Users of Twin Brook are encouraged to be out in the open. He would take the suggestion of moving it to the perimeter into consideration however.

Mr. Bingham introduced Bill Green, Chair of the Recreation/Community Education Committee to speak about this item.

Mr. Green explained that the Recreation Committee has not met to discuss this item yet, but he is in favor of this use at Twin Brook. He feels that any place for kids to go and play is a positive thing. As a community, we care a lot about how things look, and tend to drive kids into basements. He would rather have the kids in the park where they can be seen. This is family oriented, pro-kid activity that he is in support of.

Councilor Copp said this is very affordable recreation that will get the kids out of the house. He is in support of it. Twin Brook is for the entire Town to use and enjoy, not just for one group.

Chairman of the Twin Brook Committee, John Leavitt said that this idea was presented to the committee about a month ago. The committee felt that disc golf was a worthwhile endeavor, but voted not to endorse it at Twin Brook. The committee has a lot of concern about the multitude of uses at Twin Brook and trying to manage it so everyone can enjoy the park. The committee feels this use is not compatible and would perhaps be better suited for Val Halla or the Fair Grounds. Mr. Leavitt also has some concerns about the use of the honor system for payment and the program breaking even financially.

Councilor Perfetti said he feel that this use would be no more offensive than dogs running off leash. He respects the Twin Brook Committee's opinion, but he is in favor.

Councilor Gruber said he walked the course and feels that Twin Brook is the prime location for this activity. He will be voting in favor.

David Dow, Greely Cross Country Coach said that he agrees with the Twin Brook Advisory Committee that this is a great activity, but wrong for Twin Brook. 90% of the proposed disc golf course is on the cross country course. 50+ kids run these trails every day. Twin Brook is a place for runners, walkers, and dog walkers. It is not a place for Frisbee golf. He urged the Council to reconsider this proposal and look for another place for disc golf.

Mr. Bingham said there would be no disc golf during cross country meets.

Iwona Tarling, a member of the Twin Brook Committee said she is totally against this because much of the proposed course would run through walking paths that are being used by mothers with babies, and the elderly. She is concerned that someone is going to get hurt. This use will also bring many more people (non-residents) to Twin Brook. If the course were moved to the Greely Road side or along the perimeter, as Councilor Stiles suggested, it would be much safer.

Mr. Bingham made one last point on the choice of location design for the course. There is no shelter or restrooms on the Greely Road side of Twin Brook. If someone is dropping their kids off to play disc golf and a thunderstorm rolls in, they are never more than 300 yards away from shelter with the current course proposal.

Councilor Storey-King said that there are not many opportunities in our community for our "tweens" to play. This activity would give them something to do instead of sitting in the car while at their siblings sporting events. Although she shares reservations of the Twin Brook Committee, she feels it is worth a try. She requested frequent updates from Mr. Bingham over the next year.

Chairman Stiles reiterated that he likes the idea, but is concerned with the course location.

Motion by Councilor Perfetti, seconded by Councilor Copp, to authorize the Town Manager to have a Frisbee Golf Circuit installed at Twin Brook, as presented this evening.

VOTE: 6-1 (Stiles opposed) MOTION PASSES

Chairman Stiles took item 13-091 next because Mike Timmons of the Cumberland Farmers Club was present:

13 – 091 To set a Public Hearing date (June 17th) to consider and act on a Mass Gathering Permit for the 142nd Cumberland Fair to be held from September 22nd – 29th, 2013 at the Cumberland Fairgrounds.

Motion by Councilor Copp, seconded by Councilor Turner, to set a Public Hearing date of June 17th to consider and act on a Mass Gathering Permit for the 142nd Cumberland Fair to be held from September 22nd – 29th, 2013 at the Cumberland Fairgrounds.

VOTE: 7-0

UNANIMOUS PASSAGE

13 – 089 To hold a Public Hearing to consider and act on annual Victualer's Licenses for Non-Profit Organizations for the period of July 1st, 2013 – June 30th, 2014.

Town Manager Shane explained that the Town is only required to approve the non-profit Victualer's Licenses. The State takes care of the for-profit licenses. This is an annual approval.

Chairman Stiles opened the Public Hearing.

Public discussion: None

Chairman Stiles closed the Public Hearing.

Motion by Councilor Storey-King, seconded by Councilor Perfetti, to approve the annual Victualer's Licenses for Non-Profit Organizations for the period of July 1st, 2013 – June 30th, 2014.

VOTE: 7-0

UNANIMOUS

13 – 090 To authorize the Town Manager to award the bid for the Blanchard Road Reconstruction Project.

Town Manager Shane said that the Town is partnering with the Maine Department of Transportation, who will reimburse the Town \$500,000 of this million dollar project. The paving and reclamation project will begin near Bruce Hill Road and end at Skillin Road. The road will be widened to add 5 foot shoulders. We will have paved shoulders from Route One to Route 100 when this project is complete.

Councilor Turner asked the Manager if this project was put out to bid.

Town Manager Shane said that it was, and A.H. Grover was the low bidder.

Councilor Storey-King pointed out that historically, the Town puts maximum dollar amount on the bid specifications and the bids come in just slightly under that amount. Wouldn't it make sense to not put a maximum dollar amount on projects to see if they might come in much lower?

Town Manager Shane said that is a good point, but this 1.4 million dollar project came in just under one million dollars. It can go either way.

Councilor Storey-King said she will abstain from the vote because she is related to one of the bidders.

Motion by Councilor Turner, seconded by Councilor Jennings, to authorize the Town Manager to award the bid for the Blanchard Road Reconstruction Project to A.H. Grover in the amount of \$472,411.40, and further authorize the Town Manager to expend up to an additional \$500,000 which will be reimbursed to the Town by the Maine Department of Transportation.

VOTE: 6-0-1 (Storey-King abstained)

MOTION PASSES

13 – 092 To appoint a member to the Planning Board.

Motion by Councilor Turner, seconded by Councilor Perfetti, to appoint Teri Maloney-Kelly to the Planning Board.

VOTE: 7-0

UNANIMOUS PASSAGE

13 – 093 To set a Public Hearing date (June 17th) to award the Tax Anticipation Notes for FY2014.

Motion by Councilor Storey-King, seconded by Councilor Perfetti, to set a Public Hearing date of June 17th to award the Tax Anticipation Notes for FY2014.

VOTE: 7-0 UNANIMOUS PASSAGE

13 – 094 To set a date of June 17th to hear a report from the Finance Committee Chair and to authorize the Town Manager to transfer inter-departmental operating funds for FY'13.

Motion by Councilor Copp, seconded by Councilor Perfetti, to set a date of June 17th to hear a report from the Finance Committee Chair and to authorize the Town Manager to transfer inter-departmental operating funds for FY'13.

VOTE: 7-0 UNANIMOUS PASSAGE

13 – 095 To authorize the Town Manager to enter into a 60-month equipment lease agreement with Formax for the lease of a postage meter.

Motion by Councilor Perfetti, seconded by Councilor Jennings, to authorize the Town Manager to enter into a 60-month equipment lease agreement with Formax for the lease of a postage meter.

VOTE: 7-0 UNANIMOUS PASSAGE

VI. NEW BUSINESS

Councilor Turner – To Councilor Jennings, he will miss him and he hopes he realized that his input will be valued whether he is sitting on this Council or not. He filled a void and he hopes the next person will do as good a job as he did.

To Councilor Perfetti, when he first met him he thought they were on opposite ends of the spectrum, but they tended to agree on more things than they disagreed on over the past 6 years. He respects him tremendously and wishes him luck in his business.

Councilor Copp – This is the last meeting for Councilors Perfetti and Jennings. He has served 6 years with Councilor Perfetti and has enjoyed them all. Best of luck to him. He has done a fantastic job on the Council. Good luck to Councilor Jennings and thank you for your service.

Councilor Storey-King – Thank you to Councilor Jennings for his service, it has been a pleasure to get to know him. Good luck to him in his new position in South Portland.

To Councilor Perfetti, she has learned a lot from him and has learned to look at things from lots of different ways. She appreciates that. It has been a pleasure.

Councilor Gruber – He will miss the dialogue between Councilors Perfetti and Storey-King. He has worked with Councilor Perfetti for only two years and respects him for the person that he is. He is a genuine person.

To Councilor Jennings, he hates to see him go after only 6 months, but understands that he has other obligations. He hopes to see him around Town.

He has the honor to speak at the Memorial Day celebration at Moss Side Cemetery. Thank you to all the residents for allowing him that opportunity.

Chairman Stiles – To Councilor Perfetti, the last 6 years have been a pleasure, but it's time to pick up your campaign sign at the end of Range Road (laughs). He understands that the last year or two have been a struggle for him with work and family obligations.

Thank you to Councilor Jennings for stepping in and doing a great job. It has been a pleasure.

Councilor Jennings – This is a bittersweet night for him. He has grand plans to be on this Council for many years to come. Unfortunately, he has had back surgery recently which prevents him from pursuing the Town Council position. This has been a fantastic experience for him and he thanked the entire Council for the amazing opportunity to serve this great Town. Thank you to the Town Manager and Town Staff. He is proud to be a resident of Cumberland because of the hard working staff.

Councilor Perfetti – While not long, relative to others, I am hoping 6 years of service will buy me one last stand on my soap box:

Guy Clark sings, "He said I recall a time I'd set my soul on fire just for show
And all it ever taught me was the more I learned the less I seemed to know"

I joke with people how surprised I was when I showed up to my first council meeting dismayed the others were not waiting for me to arrive! Serving on Town Council I have learned much more from my fellow councilors, the manager, the staff and residents than I have taught anyone.

So I am sure residents will be disappointed to learn that I probably got more out Town Council than citizens got out of me serving on the town council.

Rodney Crowell sings, "I'd argue with a parking break to show it who's boss, that my self-importance is a God-forsaken bore, I aim for heaven but wind up on the floor"

I am a firm believer that the process we go through is as important as the result we produce. It matters that we debate and discuss issues like fireworks, chickens, parking signs and other seemingly innocuous things. These seem simple, mundane and sometimes absurd but they are practice for the bigger issues, like rezoning large areas of town, eliminating long-standing uses, deciding to control or not, where sex offenders live, and generally, voting on policies that will have intended, and often unintended consequences in people's lives.

I would like to thank my fellow councilors and the public who tolerated my arguing with a parking break. I hope that in hindsight you know that my aim was honest and true, even if I sometimes ended up on the floor.

Kris Kristofferson sings, "Thank you for a life that I'd call happy, over-lookin' all that we've been through."

I would like to thank the town manager who spent countless hours teaching me the "inside-baseball" of municipal finance and policy. He also humored me with lively discussions about any topic under the sun.

I would like to thank the Town staff, who care about our residents and work hard to provide services effectively and efficiently.

I would like to thank the members of the public who, throughout my tenure were brave enough to call or e-mail me or come here and ask us questions and cajole us in to action, or merely to point out our flaws. Thank you also to those in the public who came to compliment us (in some cases you are the same people!). I have often thought and believe that the public is the eighth councilor.

Above all and most especially, I am grateful for my family and want to thank them. They were not always pushing me out the door for evening or weekend meetings, but supported me knowing that serving on the Town Council was important to me. I could not have done it without you, so to Sara, Madeline, Hannah and Andrew, thank you, and I hope you are proud of me.
I will be taking a break from service to the community in an elected capacity.

Farewell and thank you for the opportunity to serve as your Town Councilor.

So to all of you, as Johnny Cash sings, "We'll meet again, don't know where, don't know when, but I know we'll meet again some sunny day."

I'll see you around.

Town Manager Shane – We received a very generous donation of \$10,000 to the food pantry today. This community is fabulous. So many people step up on a regular basis. It is amazing.

Kyle Bickford, Kyle Megathlin, and Nick Plummer raised \$278 for the Veterans Monument as their senior project. Thank you for stepping up and doing this for the monument.

The Bickford Family (Braden, Mitch, Jordan, and Brook) has a lemonade stand at the Memorial Day parade and donated 10% of their profits to the Food Pantry. We are very proud of the Bickford Family.

Thank you to Fire Chief Small and Peter Bingham for all their efforts in planning the parade and other Memorial Day events.

Good luck to Councilor Jennings with his job in South Portland. He will do great things in South Portland.

Councilor Perfetti is going to be missed tremendously. He never had reservations about bringing controversy to the Council and always put everything out in the open. He respects him for that and having made it a more transparent place. Best wishes.

Chairman Stiles presented Councilor Perfetti a Town chair and wished him well.

VII. ADJOURNMENT

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

VOTE: 7-0 UNANIMOUS

TIME: 8:41 P.M.

Respectfully submitted by,

Brenda L. Moore
Council Secretary