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TOWN COUNCIL MEMBERS

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David J. Backer , chairman	12/2006	2 Rugosa Way	772-5845 ext 122
Anne Swift-Kayatta	12/2008	14 Stone Bridge Road	767-5754
Carol Fritz	12/2006	1 Stirrup Road	767-3737
Mary Ann Lynch	12/2007	2 Olde Colony Lane	232-1048
Cynthia Dill	12/2008	1227 Shore Road	767-7197
Paul J. McKenney	12/2007	5 Katahdin Road	899-0045
Michael D. Mowles, Jr.	12/2006	423 Ocean House Road	741-2552

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Draft Agenda

CAPE ELIZABETH TOWN COUNCIL AGENDA

Regular Meeting # 13-2006

Monday, August 14, 2006

7:30 p.m.

Roll Call by the Town Clerk

Pledge of Allegiance to the Flag

Minutes of Meetings # 12-2006 held July 10, 2006

Reports and Correspondence

Town Manager's Report

Citizens Discussion of Items Not on the Agenda

Consent Agenda

These six items will be voted en bloc unless a Town Council member wishes to debate any item. Upon request of any Town Council member, any item may be removed from the consent agenda and will be separately voted upon.

Item # 130-2006 Approval of the Town Manager's appointment of April D. Cohen as Town Clerk effective August 21, 2006.

Item # 131-2006 Appointment of April D. Cohen as Registrar of Voters effective August 21, 2006.

Item # 132-2006 Approval of the Town Manager's appointment of April D. Cohen as General Assistance Administrator effective August 21, 2006.

Item # 133-2006 Approval of use of Gull Crest property by Cape Elizabeth Land Trust for CELT Challenge on September 24th.

Item# 134-2006 Approval to reschedule regular October Town Council meeting from Wednesday, October 11, 2006 to Thursday, October 12, 2006.

Item# 135-2006 Renewal of Agreement with City of South Portland for Animal Control Services.

End of Proposed Consent Agenda

Item # 136-2006 Public Hearing- Fort Williams Park Pay/Display Proposal

The Pay/Display Working Group convened at the request of the Cape Elizabeth Town Council. Three town councilors, three members of the Fort Williams Advisory Commission and two members of the public were members of the committee. The members were: Tina Harnden, Mary Ann Lynch, Michael Mowles, Ellen Nadeau, William Nickerson, Anne Swift-Kayatta Michelle Taylor and Charles Wilson.

Their recommendations are as follows:

1. Cape Elizabeth residents, who have funded the park since 1964 through their property taxes (now approximately \$50/household), should not be required to pay for parking. A valid transfer station sticker will serve as a Ft. Williams parking decal. Residents who do not use the transfer station may obtain a transfer station sticker to use for park parking. The town administration should recommend a dating system for the decals.

2. Non-residents should be charged \$5.00/day to park, and may purchase a season pass, through the same pay/display meter, for \$25.00/year. These charges compare very favorably to that charged by other towns: Scarborough charges \$10/day and \$60.00/season; Freeport charges \$2.00/per person and \$40.00/season vehicle pass. State parks charge \$4.50/per person per day and \$60.00/vehicle for the season. We recommend no charge for pedestrians and cyclists.

3. The busses and trolleys should be charged \$20/day, and \$100.00/season. We recommend that the Town notify local bus companies and other tour bus companies, to the extent they are known to the town, to provide notice this year of the fee schedule for 2007.

4. In light of the desire to competitively bid the kiosks, and given the desire for a

public hearing, and possible workshop by the Council, we recommend an implementation date of April 1, 2007. We further recommend that a parking fee be charged from April 1 to October 31.

5. All school busses should be free during the school year, in order to permit neighboring school children to continue to visit the Light House, Fort and Park for free. When not visiting during the school year school busses will be subject to the applicable bus charges.

6. Nonresident Gift Shop and Museum volunteers should be given parking passes (or decals) so that they may park for free. Tenants should be assigned spaces near the building being leased.

7. Parking revenues should be allocated to a Ft. Williams enterprise fund. Revenues are intended to fund the operation, maintenance and capital costs of the park.

8. Since the Council approves all special events at the Park, the Council should determine whether parking fees should be suspended for any particular event. The PSO includes a parking charge in their ticket price. For the Beach to Beacon Race we recommend that the meters not be used until the race participants and associated vehicles have left the park. For both the High School Graduation and the Engine 1 Art Show vehicles are directed to the grassy area near the old firehouse. The parade ground lot is utilized for handicapped and staff parking. Parking fees can remain in effect for the rest of the Park. Scheduled athletic events should be subject to a parking charge.

9. Enforcement will be extremely important. We recommend that an additional park ranger be hired for the season to enforce parking. The Parking Ticket ordinance should be amended to permit a park ranger to issue a parking ticket. Persistent scofflaws should face the same penalties that other Cape Elizabeth parking scofflaws face: towing or application of the "boot." Plaisted Park should be posted as parking for games only. The Ft. Williams Advisory Commission has been asked to make a recommendation on parking by the "Old Main Gate" on Shore Rd. The Police Chief does not believe that off-site parking will be an issue, but the CEPD will monitor the area to make sure it does not become a problem. If it becomes a problem, further Council action may be necessary such as posting for no on-street parking, or parking for residents with decals only.

10. Signage is important. People need to understand that the revenue is meant to support the park. Signs need to be erected to provide notice that a parking charge is in effect, and located such that they will not back up the main gate. We strongly believe that this will encourage support for the program. Signage also needs to say clearly that violators may be towed or booted.

11. We want to emphasize the importance of a well-crafted, advance public relations effort to thoroughly communicate the intent, fairness, and basic ins and outs of the Pay/Display system, so that the potential for adverse or surprised public reaction is minimized.

Item # 137-2006 Proposed Amendments to Traffic Regulations

It is proposed to refer to the Ordinance Committee and to schedule for public hearing on Monday, September 11, 2006 proposed changes to the Traffic Ordinance. The proposed changes would amend the penalty provisions, change the provisions relating to traffic flow on the high school access road as the one way lanes have been

eliminated and provide for the parking display system at Fort Williams Park. The proposed changes would also limit Plaisted Park parking to Plaisted Park activities and allow a fee to be collected for parking at Plaisted Park during a special event at Fort Williams Park if specifically authorized by the Town Council.

Item # 123-2006 Wastewater Submeters (Tabled July 10, 2006)

The Portland Water District wishes to retrofit submeters so that they are compatible with new water meters. Submeters measure the water usage that is going through the main meter, but not into the sewer system. Submeters are currently installed at the expense of the property owner. The Portland Water District has indicated that in order to recover the capital and operating costs of the retrofit, the needed monthly surcharge to submeter accounts will be \$2.00 per month. The District has indicated that if the Town does not authorize the retrofit, the submeters will not be read by the District and the customer will not receive a wastewater bill adjustment for the water flowing through the submeter. If the Town Council would like to continue the submeter program and not charge the \$2.00 assessment to those with submeters, the costs would be apportioned to all sewer customers in Cape Elizabeth. In other words, If the submeter program continues, the Town will be assessed by the Portland Water District \$24.00 per year for each submeter. In summary, the choices are:

1. No submeter program
2. Have the \$24.00 annual cost paid by those with submeters
3. Have the \$24.00 annual cost apportioned among all sewer customers

Item # 138-2006 ASCAP Request

ASCAP is renewing their request for an annual licensing fee. The fee is \$280.00.

Item # 139-2006 Application for Tax Abatement

Anne L. Jenness has requested a tax abatement for the last three years for her property at 4 Ironclad Road. The property was assessed at \$694,100 each of the last three years. For the new fiscal year of FY 2007, the assessor has reviewed the property value and has adjusted the value to \$453,000. The application for the abatement implies that the value should be \$168,000, but does not ask outright for a reduction to that level.

The applicable statute is:

36 MRS Chapter 105, §841. Abatement procedures

1. Error or mistake. The assessors, either upon written application filed within 185 days from commitment stating the grounds for an abatement or on their own initiative within one year from commitment, may make such reasonable abatement as they consider proper to correct any illegality, error or irregularity in assessment, provided that the taxpayer has complied with section 706.

The municipal officers, either upon written application filed after one year but within 3 years from commitment stating the grounds for an abatement or on their own initiative within that time period, may make such reasonable abatement as they consider proper to correct any illegality, error or irregularity in assessment, provided the taxpayer has complied with section 706. The municipal officers may not grant an abatement to correct an error in the valuation of property.

It is the recommendation of the town manager that the abatement request be denied as the municipal officers may not grant an abatement to correct an error in valuation.

Item # 140-2006 Executive Session Request

Recommended motion:

Ordered the Cape Elizabeth Town Council in accordance with 1 MRSA Sec. § 405 Paragraph 6D, enter into executive session to receive an update and to discuss negotiations involving the Cape Elizabeth Police Benevolent Association and to review an application in accordance with 36 MRSA Chapter 105 §841, Paragraph 2.E.

Citizen's Discussion of Items Not on the Agenda

Adjournment

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MEETINGS SCHEDULE

2006 Draft Schedule of Meetings

January	5	Thursday	Finance Committee Workshop with School Board	Dinner 6:30 p.m., Meeting 7:30 p.m.	Town Center Fire Station
	9	Monday	Regular Meeting	7:30 p.m.	Town Council Chamber
	12	Thursday	Council Workshop	7:30 p.m.	William H. Jordan Conference Room
	23	Monday	Save for Possible Workshop	7:30 p.m.	William H. Jordan Conference Room
	30	Monday	Board and Commission Orientation	6:00 p.m.	High School Cafeteria
February	9	Thursday	Council Workshop	7:30 p.m.	William H. Jordan Conference Room
	13	Monday	Regular Meeting		Town Council Chamber
March	13	Monday	Regular Meeting	7:30 p.m.	Town Council Chamber
	13	Monday	Council Workshop	6:30 p.m.	William H. Jordan Conference Room
					William H. Jordan

April	4	Tuesday	Finance Committee	7:30 p.m.	Conference Room
	6	Thursday	Finance Committee	7:30 p.m.	William H. Jordan Conference Room
	10	Monday	Regular Meeting	7:30 p.m.	Town Council Chamber
	13	Thursday	Finance Committee with School Board	7:30 p.m.	Town Council Chamber
	26	Wednesday	Public Hearing on Proposed Budget	7:30 p.m.	Town Council Chamber
May	15	Monday	Regular Meeting/Planned Budget Adoption	7:30 p.m.	Town Council Chamber
	16	Tuesday	Council Workshop	7:30 p.m.	William H. Jordan Conference Room
June	6	Tuesday	Workshop	6:30 p.m.	Town Council Chamber
	12	Monday	Regular Meeting	7:30 p.m.	Town Council Chamber
	22	Thursday	Council Workshop	7:30 p.m.	William H. Jordan Conference Room
July	10	Monday	Regular Meeting-Light Agenda	7:30 p.m.	Town Council Chamber
August	14	Monday	Regular Meeting	7:30 p.m.	Town Council Chamber
	14	Monday	Council Workshop	TBD	William H. Jordan Conference Room
September	11	Monday	Regular Meeting	7:30 p.m.	Town Council Chamber
	14	Thursday	Council Workshop	7:30 p.m.	William H. Jordan Conference Room
October	11	Wednesday	Regular Meeting	7:30 p.m.	Town Council Chamber
	12	Thursday	Council Workshop	7:30 p.m.	William H. Jordan Conference Room
					William H.

November	9	Thursday	Council Workshop	7:30 p.m.	Jordan Conference Room
	13	Monday	Caucus of 2007 Town Council	6:30 p.m.	William H. Jordan Conference Room
	13	Monday	Regular Meeting	7:30 p.m.	Town Council Chamber
	30	Thursday	Appointments Committee Interviews		
December	2	Saturday	Appointments Committee Interviews		
	11	Monday	Regular Meeting/First Meeting of Council Year	7:30 p.m.	Town Council Chamber

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