

# Town of Cape Elizabeth

## Fort Williams Advisory Commission

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### Meeting Minutes

June 20, 2013

#### **Present:**

Bill Brownell (Chair), Frank Butterworth, Gregg Frame, Erin Grady, Don Head, Bill Nickerson, Lise Pratt

#### **Also Present:**

Steve Bates (FWF), Mike Duddy (Town Tree Warden)

#### **Staff:**

Bob Malley

**Call to Order:** Bill Brownell called the meeting to order at 7:02PM.

**Approval of minutes:** The minutes of the May 16 meeting were approved without amendment.

#### **FWF Report:**

Steve Bates provided an outline of the Foundation budget for June fiscal years 2014-16. He said that the annual fund is expected to increase contributions from \$43,000 in 2013 to \$80,000 in 2016. Operating expenses, currently annualized at \$85,000, are budgeted to increase only at an assumed 3% annual inflation rate. Operating funds will be enhanced by an allocation of 6% of Arboretum fund-raising revenue.

The Arboretum budget assumes that funding for the Children's Garden will be raised by 12/31/14 in the amount of \$530,000, including \$130,000 for maintenance and contingencies. Funding for Cliff Walk Promenade through pledges of up to three years duration is expected to be complete by 12/31/15 with most cash in hand by 6/30/16 and perhaps \$349,000 in cash arriving in 2017. The design of Cliff Walk Promenade will be completed by Spring, 2014, through a significant gift for that purpose.

Cliffside is in need of remediation that will be completed this summer at a cost of \$40,000 that will be paid from existing funds.

#### **Discussion with Tree Warden:**

Mike Duddy explained the findings of a tree inventory in the Park that took place in fiscal 2012. It focused on identifying trees that required crown cleaning and/or could become dangerous because of other troubled limbs. A good deal of work was done to remedy these problems. A similar survey should occur at least every two years, and one is expected in Spring, 2014. The Park budget includes \$7500 annually for tree work.

Town policy calls for a tree to be planted for each one removed. Recent remedial work has removed very few trees so that the planting of the shag bark hickory grove near Chapel Road has put plantings ahead of removals.

### **Commercial vending rules and regulations:**

The Ordinance Committee of Town Council requested that the Commission review and approve rules and regulations for vending of expressive matter in the Park that were drafted by Town Attorney Tom Leahy. The need for these has arisen because an individual has recently been vending his creations in the Park near the Lighthouse. The US Second Circuit Court of Appeals has issued a ruling that vendors of expressive matter cannot be barred from public space but that local governments may regulate them as to their numbers, specific location, definition of acceptable expressive matter, etc. The Commission engaged in extensive discussion with most members expressing concern over the risk of inappropriate behavior by vendors. To that end, a motion was made by Bill Nickerson with a second by Gregg Frame that the rules and regulations be approved with minor revisions and with an amendment that adds specific penalties for vendors who violate the rules.

### **Park and Projects Update:**

Bob Malley reported on several recent and future activities in the Park:

Ship Cove parking improvements are substantially complete. There are areas disturbed in the work that will be loamed and seeded, and there is a punch list.

Three fencing projects that are in the 2014 budget are out to bid. One is extending the improved Shore Road perimeter fencing, another the rail fence at Battery Knoll, the third is along Cliff Walk near the Portland Head Light.

The Shore Road path connector from the old main gate to Surf Road will go to bid June 27.

Gorgeous Gelato has inquired about returning to the last vendor spot near Ship Cove. Nothing has been finalized as of this meeting date.

There will be a Coast Guard retirement ceremony by the Portland Head Light on July 12, and Bob is working with the Postal Service on logistics for their first issue stamp event on July 13.

The meeting was adjourned at 8:43PM. Our next meeting will be Thursday, July 18, at **7:00PM** at the Public Works Facility. (Note: The Chair later decided not to hold a July meeting, and we earlier voted not to meet in August. The next meeting will be Thursday, September 19.)

Respectfully submitted,

Don Head, Secretary