

**Town of Cape Elizabeth  
Fort Williams Park Committee**

Meeting Minutes  
December 21, 2017

**Present:** Chair Mark Russell (MR), Don Clark (DC), Joe Kozlowski (JK) and Jim Walsh (JW) and Jim Kerney (Jim K)

**Absent:** Suzanne McGinn (SM), Chris Straw (CS) was elected to the Town Council on Nov. 7th

**Staff:** Robert Malley, Director of Public Works (RM)

**Public:** Lynn Shaffer (FWPF)

**Call to Order:** Mark Russell (MR) called the meeting to order @ 7:01 PM.

**Approval of Meeting Minutes**

The November 16, 2017 meeting minutes were approved as written. (4 Yes, 0 No) (1 Abstention -DC)

**Public Comment Opportunity for Discussion of Items Not On the Agenda**

There was no comment from the lone member of the public present.

**FWPF Update – Lynn Shaffer**

Lynn submitted a brief report on the recent activities of the FWPF. Their board has been focused on the Annual Appeal and planning for the Garden Tour, which is planned for July 14, 2018. They are in planning, reporting and fundraising mode until the Spring.

**Committee Member Updates & Correspondence Received**

An email was received from Ilya Fleishman of 42 Kettle Cove Road on December 11<sup>th</sup> that was previously forwarded to the Committee. Lynn Shaffer added that Ilya Fleishman's opinions expressed in his letter were those of a citizen and not as a representative of the FWPF.

A letter from Matt Sturgis and Town Council Chair Jessica Sullivan was forwarded to the Committee on December 19<sup>th</sup>. RM reviewed the letter with the Committee which in part stated that all Boards and Committee's must submit goals to the Town Council by March 31, 2018. It also included reminders about right to know requirements and public participation at meetings.

**Review Charge for Commercial Passenger Vehicle Sub-Committee**

JW put together a draft charge for the Committee's consideration that was sent out in the meeting packet. Jim K. suggested that the deadline proposed for the submission of a draft report (March 15, 2018) might be ambitious and that the last "bullet" be moved to the top of the task list. There was a consensus to extend the deadline to the April meeting of the Committee. RM to reach out to Jeanne Gross to get her availability for a meeting in January prior to the next Committee meeting on January 18<sup>th</sup>. **After a brief discussion, the draft charge was approved as amended, 5 Yes, 0 No**

**Review Draft of FY 2019 Budget**

RM presented the revised budget to the Committee. There was an extended discussion about the proposed Cliff Walk railing projects. There was general concern that the railing historically used as being expensive to purchase and install, but RM offered that is more resistant to the elements than traditional fencing. He also added that Cliff Walk Safety was identified as priority in the most current Master Plan and that several projects have been undertaken as a result. The segment proposed for the Northerly end of the walk will hopefully

discourage individuals from accessing a prominent ledge outcrop and traversing down over the rocks to the tidal area. He offered that this may be the last segment needing a railing treatment . There was a concern about the railing being a detraction from the vista, but all agreed that addressing safety should be the overriding factor.

There was also a discussion about the segment proposed for the Southerly segment of the Cliff Walk near Capt. Stout Circle that would replace the current wire fabric fencing. Jim K. suggested allowing those wishing to fish to access the rocks in some fashion. RM suggested that a small opening in the railing at a safe location could be created to allow safe egress onto the rocks. Currently, those wanting to fish from the rocks are scaling the fence in a particular location.

JW stated that improvement projects undertaken in the Park should be specifically identified with signage. This would let visitors know how revenue is being utilized for improvements in the Park. DC suggested a portable sign that could be used for multiple projects. RM will follow up on getting one made up.

Jim K. would like to get estimates on removing the earthen berme on the easterly side of the “Green” and adjacent to the Cliff Walk. RM stated that it may create an exposure and need a fence if it is removed. RM will obtain an estimate from a local contractor. Depending on the cost, it could be funded from the “TBD” account in FY 2019, which was recommended to be increased from \$15,000 to \$20,000 in the proposed budget.

MR inquired about any larger projects that should be considered. RM said that some consideration could be given to sidewalks and looking at creating more separation in certain locations from the roadway. He suggested that it should be looked at comprehensively in the Park and not just in one particular area. There are other projects noted in the Master Plan that could also be considered, such as a Visitors Center. There is also a need to look at Battery Keyes. There are masonry repairs needed, hand railings and issues with erosion. The roof may also need replacement.

DC inquired about the status of the bleachers. RM suggested that the bleachers (including the LL field) should be part of a larger conversation about the use of that entire area. He reported that the bleachers were repaired last year and they are safe for HS Graduation and other events for the time being.

There was a brief discussion about revenues related to buses and trolleys. RM noted that he was informed by Jeanne Gross that a major cruise line would not be sending ships to Portland this coming season. That may have an impact on revenues in FY 2019.

In the course of the budget review, the operation of drones in the Park was discussed. Jim K. expressed a concern about their use. RM stated in the absence of any formal policy, he advises users that they need to conform to FAA regulations and keep them up and away from high pedestrian traffic areas, such as the PHL. He expressed concern that novice operators could pose a danger to visitors if they are not proficient in flying them. He suggested that the Town should consider a drone policy on all public property, including Fort Williams Park.

**Following some additional discussion, it was moved and seconded to approve the proposed budget as amended to increase the “TBD” account from \$15,000 to \$20,000, 5 Yes, 0 No**

#### **Update on Proposed Park Manager Position, Unleashed Dog Area Rec. by TC and Rec. Changes to Food Concession Program Considered by TC.**

The Town Manager is transferring the responsibility of the Park’s overall management to the Community Services Director’s responsibilities. Community Services has existing office space and administrative support in place that will be needed for the additional responsibilities. The position has been temporarily filled by Kathleen Raftice, who was appointed the acting Director upon the passing of Russell Packet. The position was posted internally on December 21<sup>st</sup>. Funds from the FWP Capital Fund and/or PHL Fund may be utilized to fund the position.

RM and MR attended the December 11<sup>th</sup> meeting of the Town Council which included a public hearing on the proposed ordinance language related to the FWP Unleashed Area and a map of the proposed extension of the Unleashed Dog Area. The TC suggested modifying the text to add the word “Unleashed” before the word “Dogs” in the last sentence of Sec. 7-1-7 of the Dog Ordinance (Chapter 7). They deferred any decision on the proposed changes to the January 8<sup>th</sup> Town Council meeting. This was followed by a general discussion about enforcement of leash laws in the Park and discussions the TC had related to dogs in general on athletic fields at the meeting.

RM reported that the Town Council also approved the changes recommended by the Committee to the Food Concession RFP related to maximum cart sizes and minimum permit fees. The RFP has been sent to the current permit holders and Cousins Maine Lobster. It has also been advertised in the legal section of the PPH.

### **Park & Project Update – Bob Malley**

- The eroded area on the north side of Ship Cove was stabilized by a local contractor on December 9<sup>th</sup>. The cost of the work was \$4,500, which was taken out of the TBD account.

- Bids were opened on the Picnic Shelter Pedestrian Improvement Project on December 7<sup>th</sup>. The low bid was submitted by Labrecque Construction, Inc. in the amount \$29,750 for the base bid and \$6,800 for Alternate #1, which was to extend concrete curbing down to the southeast corner of the parking lot (where it currently terminates). RM recommended to the Town Manager that the Town accept Alternate #1 even though it will put the total project cost over budget by approximately \$3,000 over what was programmed (\$44,000). The existing bituminous curbing is in poor condition.

- Continuing to work with consultants on the Battery Blair retaining wall and the reconstruction of the basketball court.

- Doreen Johnson Theriault was appointed to the Committee by the Town Council in December.

### **Other Business Not on the Agenda**

#### **Citizen Opportunity for Discussion of Items on the Agenda**

#### **The meeting was adjourned at 8:40 PM**

The next meeting of the Committee is January 18, 2018.

Respectfully Submitted,  
Robert C. Malley