

CAPE ELIZABETH TOWN COUNCIL MINUTES

Regular Meeting # 13-2006

Monday, August 14, 2006

7:30 p.m.

		Present	Absent	
David J. Backer, Chairman	2 Rugosa Way	X	772-5845	ext 122 12/2006
Cynthia Dill	1227 Shore Road	X	767-7197	12/2008
Carolyn M. Fritz	1 Stirrup Road	X	767-3737	12/2006
Mary Ann Lynch	2 Olde Colony Lane	X	232-1048	12/2007
Paul J. McKenney	5 Katahdin Road	X	899-0045	12/2007
Michael D. Mowles, Jr.	423 Ocean House Road	X	741-2552	12/2006
Anne E. Swift-Kayatta	14 Stone Bridge Road	X	767-5754	12/2008
Michael K. McGovern, Town Manager		X		
Debra M. Lane, Town Clerk Pro-Tem		X		

Roll Call by the Town Clerk

Pledge of Allegiance to the Flag

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

Moved by A. Swift-Kayatta and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council approves the Minutes of Meeting #12-2006 held July 10, 2006 as written.

(7 yes) (0 no)

Presentations

Representative Jane Eberle presented a Legislative Sentiment to the Inn By The Sea. The Inn received one of Maine DEP's first "Green Lodging Awards" for their environmental practices and their philosophy that a good environment makes a good economy. General Manager Tom Petot and Rauni Kew, PR Director was present to accept the Sentiment.

Councilor McKenney, in his capacity as Vice President of the Council of Governments, presented two awards to the town. Wendy Derzawiec, Webmaster accepted the ReCOGNition Award for effective use of information technology. The website is a wonderful resource and the town thanks Wendy for her hard work. On behalf of the town, Debra Lane accepted recognition of Cape Elizabeth's participation on the Maine Regional Financial Services Group for Cost Effective Collaboration for financial accounting software and services.

Reports and Correspondence

Chairman Backer reported on the 9th Annual TD BankNorth Beach To Beacon 10K Road Race. Another successful event. Thanks to the citizens and volunteers for their efforts. Thanks to the Inn By The Sea for hosting the press conference prior to the event and the use of their facility for host families to meet the elite athletes. Congratulations to Anne Swift-Kayatta for being elected as Vice President of the Maine Municipal Association for 2007.

Councilor Dill reported that the Road Safety Working Group's first meeting was July 24. The committee's goals include develop a traffic calming policy, specify bike and pedestrian safety measures and improve pedestrian safety in the town center.

Citizens Discussion of Items Not on the Agenda

Susan Hirshon, Dermot Drive

Ms. Hirshon expressed her concern regarding the traffic and safety of her neighborhood as a result of the traffic that will be routed through the neighborhood from the Spurwink Woods Subdivision. She requested that the Town Council erect the 3-way stop sign at the Spurwink Avenue/Stephenson Street intersection now. The stop sign has been approved as part of the Spurwink Woods subdivision.

Consent Agenda

Intro – Manager McGovern

Moved by A. Swift-Kayatta and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council approves voting on ITEM ##130-135-2006 en bloc.
(7 yes) (0 no)

Moved by M. Mowles and Seconded by C. Dill

Ordered the Cape Elizabeth Town Council approves ITEM#130-2006 – ITEM #135-2006 as presented.
(7 yes) (0 no)

- 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.**

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

Intro – Councilor Lynch, Chairman Pay Display Working Group

Chairman Backer opened the public hearing at 8:19 p.m.

Lynn Smith - 10 Surf Road, Volunteer at Portland Head Light
Opposed. Charging fees “cheapens the experience.”

Nancy Sears – 17 Linwood Street

Opposed. Can folks afford a fee? What if they are unable to pay? How do they enjoy the park?

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Bob Tripler – 10 Trundy Road

Opposed. What about placing the question on the ballot for residents to vote? Will other communities begin to charge for their parks? What are the unintended consequences e.g. Additional personnel, more paperwork etc.

Betty Crane – 9 Starboard Drive

Opposed. Don't rush into a decision. Fees are the "easy way out." Suggested alternatives include Fort Williams Charitable Foundation, charge for weddings, school buses, and allow concessions.

Sandra Palmquist – 16 Glen Avenue 40-year resident

Mrs. Palmquist opposes the parking fee, however is in favor of charging buses. Concerned about taxes. What is the impression to our neighbors? A donation box should be considered.

Ruth Pitzele – 24 Old Fort Road Former Volunteer at Portland Head Light

Opposed. Are the expenses to implement the program more than the estimated revenue? If the town is at this point for the need to charge fees, perhaps the town should look at ways to cut expenses.

Brad Smith – 10 Surf Road Volunteer at Portland Head Light

Opposed. Can folks afford to pay? Everyone should have the ability to access the shoreline, experience the park and the museum.

Herb Dennison – 63 Spurwink Avenue

Mr. Dennison opposes fees and has since the town acquired the property.

Jack Fisher – 9 High Bluff Road

Opposed. How is the revenue estimated when a study has not been completed since the 1980's? This council should uphold the decision of previous councils and not charge.

Edward Materson – 2 Charles Road

Opposed. The park should be available for everyone.

Dana Trattner – 8 Hampton Road

Ms. Trattner opposes fees, however suggests increasing fees for commercial tours. Can't see dedicating money toward the Goddard Mansion.

Debbie Fisher – 9 High Bluff Road

Opposed. Previous councils have debated this issue and have had the "wisdom to resist the income generated." Residents and non-residents should have "free and equal access." Do we want to encourage a "passive, drive-by" park? If a fee is charged expectations will rise for restrooms, garbage cans, park rangers and expensive brochures.

Lorraine Jensen – 9 Cragmoor Volunteer at Portland Head Light

Mrs. Jensen asked for the following consideration if a fee is approved; pay by the hour or lower the \$5 fee. The council should offer trash barrels and restrooms if a fee is approved. Gift shop vouchers will take away from revenue to the gift shop and museum.

A donation box should be placed to see how much would be generated before a fee is instituted.

Fred Prince – 2 Rocky Hill Road

Opposed. Since the town acquired the property, the park was to “celebrate families.” The town would be “taking from the have-nots.”

Jeff Stevensen – 8 Hampton Road

Opposed. The park should be available to everyone.

Harvey Rosenfeld – 9 Glen Avenue

Mr. Rosenfeld opposes fees, however commercial users and weddings should be charged. Not worried about Cape Elizabeth residents (no fee will be charged), but non-residents wanting to use the park.

Henry Berry – 110 Two Lights Road Moved to Cape Elizabeth 4/7/1961

Mr. Berry was the deciding vote for the town to retain the park and not sell to high-rise building development. Opposed to fees.

Judith Simonds – 18 Brentwood Road

Opposed. It is wrong to charge those who grew up here and come back to their hometown and have to pay. The estimated average taxpayer pays \$50 per year in taxes – “this is peanuts.” Suggestion – survey to residents whether they would pay more in taxes for Fort Williams.

Stephen Simonds – 18 Brentwood Road

Opposed. Where are the supporters? Alternative funding sources haven’t been explored e.g. increase bus fees, grants. Concerned about the relationship with other towns. Cape Elizabeth should talk with other communities so that everyone follows a “common ground.” Don’t act unilaterally.

John Walker – 2 Birch Knolls

Opposed. What are the added costs e.g. rangers, police etc. What is the cost to maintain the facility for out of town residents? The town will need to pay the estimated \$120,000 operating costs whether non-residents visit or not. \$50 is the average amount that a taxpayer pays for Fort Williams. To determine the actual amount the mil rate determines the actual cost per taxpayers.

Bob BaRoss – 5 Maiden Cove Road 50-year resident Volunteer for Greater Portland Convention & Visitor’s Bureau

Mr. BaRoss expressed his pleasure in suggesting Portland Head Light to visitors. He further stated that Fort Williams is only one piece of an entire region of opportunity for visitors. He is opposed to fees.

Don Russell – South Portland Resident

Opposed. This issue should be on the ballot for residents to vote. Has the council considered the implications e.g. cost, fewer visitors, less revenue for Portland Head Light, emotional implications, not being neighborly? The town has not been creative in thinking of alternatives e.g. fund raising, marketing, commercial sponsors.

Mr. Russell pledged up to \$1000. "Others will follow." The town should be marketing the site. Marketing specialists would be glad to assist, at no fee. "Fort Williams is a holy place, a church. It has meaning and should be accessible."

Carl Dittrich – 500 Ocean House Road

Opposed to the proposal however buses, trolley and use of images of Portland Head Light should be charged. Concessions should be allowed. One or two months per year of the Bottle Shed should be dedicated to Fort Williams. South Portland residents will be "insulted" in having to pay a fee. Parking will expand down Shore Road.

Craig Gordon – Bath Resident, Former resident of 10 Hunts Point Road, Tourism Business

"Sad to see a fee having grown up in Cape Elizabeth." What about commercial donations? It is too late to begin charging tour groups in 2007 as their brochures have already gone to print.

Barb Whitten – Director of the Greater Portland Convention & Visitors Bureau
Charging fees will be a "public relations nightmare." How can Ms. Whitten assist? Eventually tour buses will not come. It is too late for 2007 tours, as their fees have already been established.

Priscilla Armstrong – 18 Avon Road

Opposed. "This proposal is wrong, a bad idea." There is less and less access to the ocean. People need to have access, free.

Jeff Armstrong – 18 Avon Road

Opposed. "Bad idea."

Alan Leathers – 7 Gladys Road

Opposed. There is "pride" in Fort Williams. Fees take away the pride.

After hearing no further comments, the public hearing was closed at 9:45 p.m.

Moved by M. Lynch and Seconded by A. Swift-Kayatta

Ordered the Cape Elizabeth Town Council adopts the following recommendations of the Pay Display Working Group as presented.

(3 yes) (4 no D. Backer, C. Fritz, P. McKenney, M. Mowles)

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.

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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.

Moved by A. Swift-Kayatta and Seconded by M. Lynch

Ordered the Cape Elizabeth Town Council places the recommendations of the Pay Display Working Group to the public for a vote at the November 7, 2006 election.

Moved by M. Mowles and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council tables the vote to send the Pay Display Working Group to the public for vote November 7, 2006.

(2 yes) (5 no D. Backer, C. Dill, M. Lynch, P. McKenney,
A. Swift-Kayatta)

Original Motion:

(5 yes) (2 no C. Fritz, M. Mowles)

Item # 137-2006 Proposed Amendments to Traffic Regulations

Moved by A. Swift-Kayatta and Seconded by M. Mowles

Ordered the Cape Elizabeth Town Council refers to the Ordinance Committee proposed changes to the Traffic Ordinance proposed changes that 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, proposed changes that would 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.

(6 yes) (0 no) Councilor Dill out of the room.

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

Intro – Manager McGovern

Moved by A. Swift-Kayatta and Seconded by M. Lynch

Ordered the Cape Elizabeth Town Council removes from the table ITEM #123-2006, from July 10, 2006.

(6 yes) (1 no M. Mowles)

Moved by C. Fritz and Seconded by A. Swift-Kayatta

Ordered the Cape Elizabeth Town Council authorizes the Town Manager to sign the agreement with the Portland Water District indicating the town's desire to continue the submeter program by authorizing the retrofit, with the cost to be paid for by those with submeters and for the Town Manager to negotiate the rate with the Portland Water District.

Herb Dennison - 63 Spurwink Avenue

Why should submeter owners pay again for a meter, retrofit and installation? The Portland Water District should pay this cost. Why aren't Cape Elizabeth's representatives to the Portland Water District present to answer questions?

(7 yes) (0 no)

Moved by A. Swift-Kayatta and Seconded by P. McKenney

Ordered the Cape Elizabeth Town Council suspends the Rules of the Cape Elizabeth Town Council to take up a new item after 11:00 p.m.

(6 yes) (1 no M. Mowles)

Item # 138-2006 ASCAP Request

Intro – Manager McGovern

Moved by P. McKenney and Seconded by C. Dill

Ordered the Cape Elizabeth Town Council authorizes the Town Manager to sign the 2006-performance license entitled License Agreement – Local Government Entities from the American Society of Composers, Authors and Publishers (ASCAP) and authorizes the expenditure of \$280.00 for said license.

(4 yes) (3 no C. Fritz, M. Lynch, M. Mowles)

Item # 139-2006 Application for Tax Abatement

Present - Matthew Sturgis, Town Assessor

Moved by C. Fritz and Seconded by P. McKenney

Ordered the Cape Elizabeth Town Council approves the abstention of Councilor Mowles from discussion and voting on this item due to a conflict of interest. Ms. Jenness is a client of Mr. Mowles.

(6 yes) (0 no)

Moved by P. McKenney and Seconded by A. Swift-Kayatta

Ordered the Cape Elizabeth Town Council denies the request of Anne L. Jenness for a tax abatement for the last three years for her property at 4 Ironclad Road as the municipal officers may not grant an abatement to correct an error in valuation per 36 MRSA Chapter 105, §841.

(6 yes) (0 no)

Item # 140-2006 Executive Session Request

Moved by P. McKenney and Seconded by A. Swift-Kayatta

Ordered the Cape Elizabeth Town Council in accordance with 1 MRSA Sec. § 405 Paragraph 6D, enters into executive session at 11:21 p.m. 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.

(7 yes) (0 no)

Moved by P. McKenney and Seconded by M. Lynch

Ordered the Cape Elizabeth Town Council exits executive session and reenters public session at 12:04 a.m.

(6 yes) (0 no)

Moved by P. McKenney and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council denies the application for an abatement due to poverty/infirmity in accordance with 36 MRSA Chapter 105 §841, Paragraph 2.E.

(5 yes) (1 no C. Dill)

Citizen's Discussion of Items Not on the Agenda

Adjournment

Moved by M. Lynch and Seconded by P. McKenney

Ordered the Cape Elizabeth Town Council adjourns at 12:05 a.m.

(6 yes) (0 no)

Respectfully Submitted,

Debra M. Lane, Town Clerk Pro-Tem