

To: Members of the Town Council

From: Maureen McCarthy, Chair  
Fort Williams Advisory Commission

Date: December 20, 2010

Re: Proposed Changes to FWP Group Use Policy and Fee Schedule

At our meeting on December 16, 2010, the Fort Williams Advisory Commission (FWAC) approved proposed changes to the current FWP Group Use Policy and Fee Schedule. In addition to some language revisions, the FWAC is proposing an increase in the group use fee. It is proposed to increase the "People Intensive" Group Use Fee from \$1.00/person to \$3.00/person. We are also recommending that the existing "Area Fee" now be applied to Group Use Fees. Finally, we have added new language that would permit the Town Manager to negotiate a fee for special events that fall outside of the current fee schedule parameters.

We are proposing that the Group Use Policy be segregated from the reservation regulations and the fee schedule, which would be consistent with our local ordinances. Community Services will incorporate reservation regulations into a new document and the fee schedule will be a stand-alone document, or incorporated into the Town's master fee schedule.

We look forward to reviewing this proposal with you at your next meeting on January 10, 2011.

**Town of Cape Elizabeth**  
**Statement of Group and Commercial Uses Policy**  
**Fort Williams Park, Cape Elizabeth, Maine**

Fort Williams Park (the Park) is a municipally owned park created from the military post that once flourished there. It is a unique community resource that has irreplaceable scenic, natural and historic qualities. The Town of Cape Elizabeth has dedicated it to predominantly park, passive recreational and cultural uses, which uses preserve or enhance or are otherwise fully compatible with its unique qualities. It exists for the residents of the town and others who may wish to join in the enjoyment of this community resource. park.

As a municipal park, the area is subject to the public drinking laws of the State of Maine and the Town of Cape Elizabeth. **There shall be no alcoholic beverages consumed within the grounds at Fort Williams Park.**

**Rationale**

As the Fort has wide-open spaces and is a desirable location for activities, the town is often approached by groups for permission to use Fort Williams Park for special activities. This statement outlines the procedures for handling these requests as well as guidelines that will be followed for groups who neglect to make a formal request.

**Criteria for Approval**

**Groups of fewer than 50 people**

Groups of fewer than 50 people may use open areas in the Park without prior approval. If a group wishes to assure they will have a reserved area, or facility, they should must follow the procedures for reserving one of the designated picnic areas.

**Groups of 50 to 150 people**

Groups of 50 to 150 people shall must apply to the Director of Public Works or his/her designee for permission to use areas of the Park. The Director shall approve or deny the requested use in accordance with the following criteria:

- Whether a large group has already been approved for the same day
- Whether the proposed use is not in keeping with the desired recreational and cultural uses of the Park
- Whether the proposed use is compatible with the enjoyment of the Park by others
- Whether the proposed use would expose the Town to safety related liabilities.
- Whether the proposed use is commercial in nature
- Whether the group has a past history of not using the Park in an appropriate manner
- Whether the group plans to advertise their activity in advance to the general public.

Any such group use shall be in accordance with any additional restrictions that the Director of Public Works or his/her designee may deem appropriate.

## **Groups of 150 or more people**

Groups of 150 or more people shall must apply to the Town Manager, or his/her designee for permission to use areas of the Park. The Town Manager may deny such requests if the proposed activity would have an anticipated daily audience exceeding 6,000 persons or, in the judgment of the Town Manager, or his/her designee, would inappropriately dominate one, or more areas of the Park.

**Any such request shall be made in writing and should be submitted at least four months 60 days before the proposed use.** The Town Manager, or his/her designee shall notify the ~~chairman~~ chairperson of the Fort Williams Advisory Commission (~~the Commission~~) of the request. The ~~chairman~~ chairperson shall then schedule consideration of the request for a future Commission meeting.

The Commission shall determine if the requested event is in compliance with the Fort Williams Policy adopted by the Cape Elizabeth Town Council on October 25, 1976 and reaffirmed on August 28, 1978. If the request is not within the confines of the policy, it shall may be denied.

The recommendations of the Commission shall be forwarded to the Cape Elizabeth Town Council, which may make independent findings in approving or denying any request.

The applicant shall not advertise the proposed event externally until after the Cape Elizabeth Town Council's approval of the event.

## **Guidelines to be used by the Commission when developing a recommendation**

The Commission shall consider the following scheduling priorities:

1. Town of Cape Elizabeth and Cape Elizabeth School Department events
2. Events and activities of Cape Elizabeth-based organizations
3. Traditional events that have been held at Fort Williams Park
4. Other special activities and events

The Commission shall review the following information:

- The experience of the requesting group handling large crowds
- The financial capability of the group to undertake the planned event
- The number of vehicles anticipated, and the availability of parking and traffic impacts as a result of the activity
- The insurance coverage that the group has for the event
- The exact location within the Park for the event
- The availability of public safety personnel for event security
- The planned use of sanitary facilities
- The planned use of outside vendors
- Advertising planned for the event
- Adequacy of electrical service
- Planned refuse disposal and recycling activities
- Extent of wear to the Park in the context of all planned events at the Park for the year
- Potential impacts of noise and traffic to adjacent properties

The Commission may recommend that any event be denied if one of the following findings may be made:

- The proposed use is not compatible with the most current 1976 Fort Williams Park Statement of Policy for Fort Williams ~~Fort Williams Park Statement of Group and Commercial Uses Policy and/or Master Plan.~~ The group does not have adequate financial capability
- The group does not have adequate financial capability as determined by the Town Manager.
- The group has a record of not conforming with Park policies in the past
- The group does not have insurance coverage as required by the Town of Cape Elizabeth
- There is insufficient parking within the Park
- The group has no accurate method to estimate the anticipated crowd
- The event's scheduling conflicts with a previously approved activity
- Other uses in the same general time period as this one will result in significant wear and tear to Park grounds
- The Town has inadequate public safety and/or public works services to handle the event
- The group will not agree to provide required sanitary facilities and/or the utilities in the Park are insufficient for the use proposed.
- There are inadequate plans for refuse disposal or recycling activities
- The use will unreasonably interfere with the enjoyment of the area by other Park users and neighbors
- The proposed use is inappropriate in the context of other planned events or overall uses of the Park.

### **Reservation Process**

**Users of picnic areas:** The picnic shelter, bandstand or stone gazebo can be reserved by contacting Cape Elizabeth's Community Services Department. Fees are assessed in accordance with the ~~schedule of Reservation Fees and Regulations.~~ most current fee schedule as approved by the Town Council.

**School outings:** The Director of Public Works or his/her designee may approve the use of the Park for school outings, typically held in the spring of each year. All school groups exceeding one full-sized bus load shall give prior notice to Public Works of their planned use of the Park at least one week prior to the planned use. The Director may deny such requested uses if other activities have been planned for the Park on the requested date or if five bus loads of school children have already notified the Director of their planned use for the same day. Priority will be given to Cape Elizabeth schools. There are no fees for school outings unless they reserve the picnic shelter.

**Bus/museum tours:** Tours of The Museum at Portland Head Light shall be arranged with ~~museum personnel.~~ the PHL Gift Shop and Museum Coordinator.

**Wedding Ceremonies:** Individuals desiring to schedule wedding and partnership ceremonies, which include an assembly of more than 20 persons shall contact the Public Works offices for permits, information and regulations. Fees are assessed in accordance with the most current fee schedule as approved by the Town Council. ~~schedule of Reservation Fees and Regulations.~~

## **Fees and expenses**

If a request for group use is approved by the Town Council at the time of approval a fee may be levied for non-town sponsored events. The Commission shall recommend determine whether the event should be considered to be vehicle intensive or people intensive and a fee will be assessed in accordance with the most current fee schedule as approved by the Town Council. ~~The fee for vehicle intensive use is \$8.00 per vehicle. The fee for people intensive use is \$1.00 per person. In special circumstances the fee may also be a percentage of gross ticket sales, not to exceed 5 percent of gross receipts. The cost of collection of fees shall be borne by the group. In the event that the proposed use does not fall into the applicable fee structure, the Town Manager, at direction of Town Council, may negotiate a fee on behalf of the town for any special event in the park.~~

Except for funds received to reimburse Town expenses, all revenue generated from this policy shall accrue to the Fort Williams Park capital fund at the direction of the Cape Elizabeth Town Council.

## **Commercial uses**

**Area fees:** An area fee will be charged whenever an activity requires the exclusive or near-exclusive use of one of the major areas in the Park- Battery Knoll, the Meadow, the Green, the Parade Ground, etc. This ~~does not~~ fee also apply applies to events where a vehicle intensive or people intensive fee is assessed. The fee assessed will be in accordance with the most current fee schedule as approved by the Town Council.

**Location fees:** A location fee will be charged whenever the Park is used as a site for commercial photography or filming, as determined by the Town Manager, or his/her designee. If filming activities require the exclusive or near- exclusive use of any space, inhibits others' use of the Park or if town services are required, permission must be requested from the Town Manager before any such use, and the Town Manager or his/her designee shall negotiate a contract for this use. The terms of the agreement should include: the time, duration and location of the use, the impact that the use will have on the Park and others' access, and the fees to be charged. The fee assessed will be in accordance with the most current fee schedule as approved by the Town Council.

Any other commercial use of the Park, including but not limited to advertising, selling of goods and services, and product demonstrations, is prohibited unless specifically approved by the Town Manager or his/her designee.

Area fees and location fees will be assessed in accordance with the most current fee schedule as approved by the Town Council.

## **Amendment**

The Cape Elizabeth Town Council may amend this policy at any time, upon a recommendation from ~~after consultation with~~ the Fort Williams Advisory Commission.

**FORT WILLIAMS PARK  
RESERVATION FEES AND REGULATIONS**

**PICNIC SHELTER RENTAL**

The Fort Williams Park Picnic Shelter may be reserved upon payment of fees pursuant to the following schedule:

Residents - Full Day	\$75.00 Fee + \$50.00 Security Deposit
Residents - Half Day	\$50.00 Fee + \$50.00 Security Deposit
Non Residents, Groups and Businesses - Full Day	\$300.00 Fee + \$50.00 Security Deposit
Non Residents, Groups and Businesses - Half Day	\$200.00 Fee + \$50.00 Security Deposit
Non-profit Organizations (501 (C)3) - Full Day	\$200.00 Fee + \$50.00 Security Deposit
Non-profit Organizations (501 (C)3) - Half Day	\$150.00 Fee + \$50.00 Security Deposit

**Half Day Rentals** — Use from open and depart by 2:00 P.M. or use after 4:00 P.M. to Close (sunset)

**BANDSTAND & GAZEBO RENTALS**  
(Time of use same as above for 112 day rentals)

**BANDSTAND\***

Residents Half Day	\$35.00 Fee + \$50.00 Security Deposit
Non-Residents Half Day	\$100.00 Fee + \$50.00 Security Deposit
Business Groups Half Day	\$100.00 Fee + \$50.00 Security Deposit

**GAZEBO\***

Residents Half Day	\$35.00 Fee + \$50.00 Security Deposit
Non-Residents Half Day	\$50.00 Fee + \$50.00 Security Deposit
Business Groups Half Day	\$50.00 Fee + \$50.00 Security Deposit

**Full-Day Rentals** — Double Fee, plus a \$50.00 Security Deposit

**AREA FEE**

Applies to any activity that uses one of the major areas of the Park — Battery Knoll, the Meadow, the Parade Ground, etc.:

Whole day	\$ 500.00 Fee & \$50.00 Security Deposit
Half day	\$ 300.00 Fee & \$50.00 Security Deposit

**LOCATION FEE**

Applies to the use of the Park as a site for commercial photography or filming:

Maine-based production company	\$1,000.00
Any other company Out-of-State production company	\$2,500.00

For a filming activity that has a significant impact on the public's enjoyment of the Park, a special fee may be required and be negotiated with the Town Manager or his/her designee.

### WEDDING AND PARTNERSHIP CEREMONY FEE

Ceremony Fee \_\_\_\_\_ \$75.00

If the Picnic Shelter, the Bandstand or the Gazebo is reserved in conjunction with a ceremony, there will be no ceremony fee.

### Reservation Fees Are Not Refundable

#### The Security Deposit

The Security Deposit is refundable after the premises are inspected for damages and cleanliness. Picnic tables moved out of the Picnic Shelter for functions must be moved back in before leaving. No staples may be placed in the tables. Ft. Williams Park has a "carry-in, carry-out" policy. All trash shall be removed by the renter. Any violation of the regulations may result in forfeiture of the security deposit.

#### Provisions & Regulations

All reservations shall be made at least ten (10) days in advance. ~~Unless the reservation form and a check are returned within (7) days, your reservation shall be canceled.~~

Reservations are limited to two per family or group per year. Groups shall not exceed 150 persons unless this limit is waived by the Director of Public Works. Municipally related events are exempt from the fee structure.

All parking must be in designated areas. The road leading to the Shelter is for drop-off purposes only. ~~There is no parking at the top of the hill or on the grass, adjacent to the Picnic Shelter, unless previously approved by the Director of Public Works, or his/her designee.~~

Tents are not allowed except when used in conjunction with a Picnic Shelter event. ~~For special events, tents may be used only if permission is requested and granted at the time of the reservation request.~~

Cape Elizabeth residents may reserve a picnic area starting December 1 prior to the year involved. ~~All other reservations will be taken starting January 1 of the year in which they will be used.~~

As a municipal park, the area is subject to the public drinking laws of the State of Maine and the Town of Cape Elizabeth. ~~There shall be no alcoholic beverages consumed within the grounds at Fort Williams Park.~~

#### Wedding Ceremony Provisions:

~~— Ceremonies are not permitted on the Portland Head Light parcel.~~

~~— Wedding locations are public spaces and there may be members of the public, including children, at or near any location in the park.~~

~~— Tents and/or canopies are not allowed unless used in conjunction with the Picnic~~

~~— Shelter.~~

~~-- All items must be walked onto public areas.~~

~~-- Chairs may be used for elderly or handicapped guests, if needed.~~

~~-- Decorations shall be removed immediately after a ceremony.~~



**Fort Williams Park  
Reservation Fee Schedule - 2011**

<b>Picnic Shelter Rental Fee Schedule</b>	<b>Current Fee</b>	<b>Proposed Effective 01/10/11</b>
<b>Cape Elizabeth Residents</b>		
Full Day (Non Business)	\$150.00	
Half Day (Non Business) (AM or PM)	\$75.00	
Half Day (Non Business) - PM After Labor Day	\$50.00	
<b>Security Deposit For All Bookings</b>	<b>\$50.00</b>	
<b>Non Residents</b>		
Full Day (Non Business)	\$300.00	
Half Day (Non Business) (AM or PM)	\$150.00	
Half Day (Non Business) - PM After Labor Day	\$125.00	
<b>Security Deposit For All Bookings</b>	<b>\$50.00</b>	
<b>Businesses &amp; Groups (For Profit)</b>		
Full Day	\$400.00	
Half Day (AM or PM)	\$200.00	
Half Day - PM After Labor Day	\$175.00	
<b>Security Deposit For All Bookings</b>	<b>\$50.00</b>	
<b>Non-Profit Organizations (501 C 3)</b>		
Full Day	\$300.00	
Half Day (AM or PM)	\$150.00	
Half Day - PM After Labor Day	\$125.00	
<b>Security Deposit For All Bookings</b>	<b>\$50.00</b>	
<b>Half Day Rentals - AM reservations start at sunrise with departure no later than 1:30 PM. PM reservations start at 3:00 PM with departure no later than sunset*</b>		
<b>*PM Reservations after Labor Day will be at a reduced rate due to the earlier sunset.</b>		
<b>Bandstand &amp; Stone Gazebo Rentals (Time of use same as above for 1/2 day rentals)</b>		
<b>Cape Elizabeth Residents</b>		
Per hour with a two hour minimum	\$15.00	
<b>Non-Residents, Businesses &amp; Groups</b>		
Per hour with a two hour minimum	\$20.00	
<b>Security Deposit For All Bookings</b>	<b>\$50.00</b>	

**Area Fee (Applies to Group Use Fee)**

**Applies to any activity group use that uses one of the major areas of the Park - Battery Knoll,**

**the Meadow, the Green, Parade Grounds, etc.**

Full Day	\$500.00
Half Day	\$300.00

<b>Security Deposit For All Bookings</b>	<b>\$50.00</b>
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**Group Use Fees**

Events that are people intensive	\$1.00/per.	\$3.00/per.
Events that are vehicle intensive	\$8.00/veh.	\$8.00/veh.

**Location Fee**

**Applies to the use of the Park as a site for commercial photography and/or filming**

Maine-based Company	\$1,000.00
Any other Company	\$2,500.00

For any filming activity that has a significant impact on the public's enjoyment of the Park, a special fee must be negotiated with the Town Manager or his/her designee.

<b>Wedding &amp; Partnership Ceremonies</b>	<b>\$100.00</b>
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If the Picnic Shelter is reserved in conjunction with a ceremony, there will be no ceremony fee.