



## **Cape Elizabeth Town Council Minutes**

**Monday, April 11, 2016**

**7:00 p.m.**

**Cape Elizabeth Town Hall**

Martha "Molly" MacAuslan, Chair  
James M. "Jamie" Garvin  
Patricia K. Grennon  
Caitlin R. Jordan  
Sara W. Lennon  
Katharine N. Ray  
Jessica L. Sullivan

**Town Council Chair Molly MacAuslan convened the meeting at 7:00 p.m.**

### **Roll Call by the Town Clerk**

All members of the town council were presented.

Debra M. Lane, Town Clerk  
Michael K. McGovern, Town Manager

### **The Pledge of Allegiance to the Flag**

### **Town Council Reports and Correspondence**

Chair MacAuslan reviewed a memo from the school department indicating the field of candidates for superintendent has been narrowed to 2 finalists. The Spurwink School Reuse Committee will hold their first meeting on May 4.

Councilor Jordan, Ordinance Committee Chair announced the next meeting of the Ordinance Committee will be held May 5 at 1:30 p.m. The committee will review the redraft of the Boards and Commissions ordinance.

Councilor Grennon reviewed the first meeting of the Alternative Energy Committee 2016. Their second meeting will be held April 19.

### **Finance Committee Report**

The Finance Committee is scheduled to meet on April 26 to review the school budget. April 27 is tentatively reserved if needed. The public hearing on the budget will be held at the council meeting on May 9. The date on the council vote on the school budget to be announced.

### **Citizen Opportunity for Discussion of Items Not on the Agenda**

Mark Mayone, Spurwink Rod & Gun Club requested an amendment to Shooting Range Ordinance 24-7-4 reducing the required \$3M per occurrence of liability insurance to \$1M per occurrence; the maximum coverage offered by the NRA. Based on the safety improvements the club believes the "reduction is warranted."

Tammy Walter, 1095 Sawyer Road, President of the Spurwink Rod & Gun Club states LD 1500 has been signed into law and to assure everyone the club's commitment to safety is "as solid as ever." Thank you to town officials and staff for your hard work, commitment and fairness to the club.

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**Town Manager's Monthly Report**

The request by the Spurwink Rod & Gun Club to amend 24-7-4 relating to insurance will be placed on the May 9 council agenda for possible referral to the ordinance committee.

Questions have been asked about the possible impact of LD 1500 to the town's shooting range ordinance. Last week the ordinance committee was looking at the composition of the shooting range as they review boards and commissions and asked that this issue be reviewed by the town's attorney.

Approximately a year ago the council asked MDOT for a review of reducing the speed limit in the town center. Although the town has not yet received a decision in writing, MDOT has indicated no change in the speed limit however if future improvements (village-style) and conditions naturally slow down traffic they may reconsider.

The Town recognizes and thanks Tom Perkins of Public Works for recently assisting a woman in rescuing her dog from the pond at Fort Williams Park; the dog broke through the ice. Thank you Tom.

Former town engineer and resident Frederick Morin passed away suddenly on March 26 at the age of 67. Fred worked on many projects and was active in the community.

Lifelong resident Emma Kennedy passed away April 6 at the age of 96. Many residents remember Mrs. Kennedy from working in the school's food service. She was also active in the fire department's women's auxiliary notably serving at the firemen's suppers.

The Town sends thoughts and prayers to both families.

**Review of Draft Minutes of March 14, 2016**

Moved by Patricia K. Grennon and Seconded by Sara W. Lennon

ORDERED, the Cape Elizabeth Town Council approves the minutes of the meeting held on March 14, 2016 as presented.

(7 yes) (0 no)

**Item # 51 -2016 Fort Williams Park Miscellaneous Fees**

Intro – Mark Russell, Chairman Fort Williams Advisory Commission

Moved by James M. Garvin and Seconded by Jessica L. Sullivan

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the Fort Williams Advisory Commission to amend miscellaneous park fees to be effective December 1, 2016 as presented.

Moved by Caitlin R. Jordan and Seconded by Sara W. Lennon

ORDERED, the Cape Elizabeth Town Council amends the motion to decrease two of the recommended fees as follows:

(4 yes) (3 no Councilors Garvin, Grennon and Ray)

Tour/Cruise Ship Buses

\$40.00/visit

~~50.00 \$55.00/visit~~

Fee if pre-approved billing and promotion of PHL

\$35.00/visit

~~45.00 \$50.00/visit~~

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Original Motion as Amended (6 yes) (1 no Councilor Ray)

**Fort Williams Park  
Reservation Fee Schedule**

**Picnic Shelter Fee Schedule**

**Current Fee  
Eff. 12/1/2012**

**Prop. Fee  
Rec. by FWAC  
Eff. 12/1/2016**

**Cape Elizabeth Residents**

Full Day (Non Business)	\$150.00	\$160.00
Half Day (Non Business) (AM or PM)	\$75.00	\$80.00
Half Day (Non Business) - PM After Labor Day	\$50.00	\$55.00

**Non Residents**

Full Day (Non Business)	\$300.00	\$310.00
Half Day (Non Business) (AM or PM)	\$150.00	\$155.00
Half Day (Non Business) - PM After Labor Day	\$125.00	\$130.00

**Businesses & Groups (For Profit)**

Full Day	\$400.00	\$450.00
Half Day (AM or PM)	\$200.00	\$225.00
Half Day - PM After Labor Day	\$175.00	\$200.00

**Non-Profit Organizations (501 C 3)**

Full Day	\$300.00	\$310.00
Half Day (AM or PM)	\$150.00	\$155.00
Half Day - PM After Labor Day	\$125.00	\$130.00

**Ship Cove Platform Fee Schedule**

**Cape Elizabeth Residents**

<u>Full Day (Non Business)</u>	\$75.00	\$85.00
<u>Half Day (Non Business) (AM or PM)</u>	\$50.00	\$55.00
<u>Half Day (Non Business) - PM After Labor Day</u>	\$40.00	\$45.00

**Non Residents**

<u>Full Day (Non Business)</u>	\$150.00	\$160.00
<u>Half Day (Non Business) (AM or PM)</u>	\$100.00	\$105.00
<u>Half Day (Non Business) - PM After Labor Day</u>	\$60.00	\$65.00

**Businesses & Groups (For Profit)**

<u>Full Day</u>	\$200.00	\$210.00
<u>Half Day (AM or PM)</u>	\$100.00	\$105.00
<u>Half Day - PM After Labor Day</u>	\$75.00	\$80.00

**Non-Profit Organizations (501 C 3)**

<u>Full Day</u>	\$150.00	\$160.00
<u>Half Day (AM or PM)</u>	\$100.00	\$105.00
<u>Half Day - PM After Labor Day</u>	\$60.00	\$65.00

**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\***

**\*PM Reservations after Labor Day will be at a reduced rate due to the earlier sunset.**

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**Bandstand & Stone Gazebo  
(Time of use same as above for 1/2 day rentals)**

**Cape Elizabeth Residents**

Per hour with a two hour minimum \$15.00 \$15.00

**Non-Residents, Businesses, Non-Profits & Groups**

Per hour with a two hour minimum \$20.00 \$20.00

**Area Fee (Applies to Car/Vehicle Group Use Fee)**

**Applies to any group use that uses one of the major areas of the Park, including, but not limited to: Battery Knoll, the**

**Meadow, the Green, Parade Grounds,**

**Firehouse**

**Hill and Cliffside**

Full Day \$600.00 \$700.00

Half Day \$400.00 \$500.00

**Security Deposit For All Area Fee Rentals** \$250.00 \$250.00

**Surcharge for Group Uses approved to serve**

**alcoholic beverages** \$500.00 \$500.00

**Security Deposit For All Facility Rentals** \$50.00 \$50.00

**Group Use Fees**

Events that are people intensive - Per FWAC \$5.00/per. \$5.00/per.

Events that are vehicle intensive - Per FWAC \$10.00/veh. \$10.00/veh.

**Location Fee**

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

Maine-based Company

Single Event, Maine-based Company - Still Photography \$250.00 \$250.00

Per Day, Maine-based Company - Still Photography \$750.00 \$750.00

Per Day, Maine-based Company - Motion Photography \$1,000.00 \$1,000.00

Any other Company

Single Event, Out-of-State Company - Single Event \$500.00 \$500.00

Per Day, Out-of-State Company - Still Photography \$1,500.00 \$1,500.00

Per Day, Out-of-State Company - Motion Photography \$1,750.00 \$2,000.00

"Company" is defined as the client, not the production company

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

**Tour Van, Tour Bus & Trolley Fees**

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Commercially-Operated Passenger Tour Vans	\$20.00/visit	\$25.00/visit
Commercially-Operated Passenger Tour Vans - 30 Visits+	\$500/van/seas.	\$550/van/seas.
Tour/Cruise Ship Buses	\$40.00/visit	50.00 <del>\$55.00</del> /visit
Fee if pre-approved billing and promotion of PHL	\$35.00/visit	45.00 <del>\$50.00</del> /visit
Trolleys - 30 Visits+	\$1,500/season	\$1,700/season
<b>Wedding Ceremonies</b>	\$150.00	\$175.00
<b>Special Group Use Fees</b>		
Beach to Beacon Race - Annual Use Fee*	\$25,000.00	\$25,000.00

\*Effective through (and including) the 2018 race event

**Item # 52 -2016 Zoning Violation**

Intro – Mr. McGovern

Present – John Turcotte, Attorney Representing Mr. & Mrs. Joys  
Cheryl & Scott Joys

Moved by Patricia K. Grennon and Seconded by Caitlin R. Jordan

ORDERED, the Cape Elizabeth Town Council authorizes approves the variance for the setback violation of the property at 10 Star Road as requested by the property owners Cheryl & Scott Joys and further authorizes the town manager to work with the town attorney to draft a consent agreement to provide for the property owners to pay all of the town’s legal and filing costs for the consent agreement and provide payment to the town recognizing the seriousness of the setback violation.  
(7 yes) (0 no)

**Item # 53 -2016 Gift Acceptance**

Moved by Patricia K. Grennon and Seconded by Katharine N. Ray

ORDERED, the Cape Elizabeth Town Council accepts the gift of \$570,069.71 from the Thomas Memorial Library Foundation for library furnishings, shelving, technology, the outdoor garden and other amenities for the new Thomas Memorial Library.

BE IT FURTHER ORDERED, the Cape Elizabeth Town Council accepts this gift with gratitude to all those who supported the library capital campaign through individual giving and though volunteer efforts.  
(7 yes) (0 no)

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**Item #54-2016 Recommendation for Citizen Communications and Outreach**

Intro – Councilor Grennon

Moved by Patricia K. Grennon and Seconded by Caitlin R. Jordan

ORDERED, the Cape Elizabeth Town Council schedules two events for 2016; May/June community forum and September community roundtable soliciting input for goal-setting.

(7 yes) (0 no)

**Citizen Opportunity for Discussion of Items Not on the Agenda**

None

**Item # 55-2016 Executive Session to Review Land Acquisition/Disposition Matters and to review an Application for a Hardship Abatement of Property Taxes**

Moved by Jessica L. Sullivan and Seconded by Sara W. Lennon

ORDERED, the Cape Elizabeth Town Council enters into executive session at 8:02 p.m. in conformance with 1 MRSA §405 6 C and F;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute; (in this instance a review of a hardship tax abatement request made under 36 MRSA § 841 ).

(7 yes) (0 no)

Moved by Jessica L. Sullivan and Seconded by Patricia K. Grennon

ORDERED, the Cape Elizabeth Town Council exits executive session and reenters public session at 9:35 p.m.

(7 yes) (0 no)

Moved by Katharine N. Ray and Seconded by Sara W. Lennon

ORDERED, the Cape Elizabeth Town Council denies the request for a hardship abatement of property taxes as there are other options available.

(7 yes) (0 no)

**Adjournment**

Moved by Jessica L. Sullivan and Seconded by Patricia K. Grennon

ORDERED, the Cape Elizabeth Town Council adjourns at 9:37 p.m.

(7 yes) (0 no)

Respectfully Submitted,

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Debra M. Lane, Town Clerk