IV. Role of Responsible Parties

General oversight, maintenance, monitoring and restoration of town open space will be conducted by multiple existing departments and groups within the Town of Cape Elizabeth municipal structure. Management of Town Open Space will be most successful if the appropriate individuals and groups are clear about their role and the role of other parties. Below is a summary of the role of individual groups.

Town Council

The Town Charter states as follows:

The Town Council may acquire property for any Town purpose, in fee simple or nay lesser interest or estate, by purchase, gift, devise, lease or condemnation and may sell, lease, mortgage, hold, manage and control such property as the Town’s interest may require.

As the holder of the property interest of the Town, the Town Council determines policies for uses of municipal property including but not limited to responses to private encroachments to public open space. Town Council authority is sometimes limited by deed restrictions. The Town Council directs staff, through the Town Manager, to implement its decisions. Town Council decisions are made during public meetings at which the public may provide comment.

Town Manager

The Town Charter states as follows:

The Town Manager is the administrative head of the Town and is responsible to the Town Council for the administration of all departments and for the implementation of Town Council decisions.

As part of the annual budget process, the Town Manager communicates with the Conservation Commission on open space issues including asking the Commission for recommendations for funding for acquisition and for stewardship of open space. In the event of encroachments on town property, the Town Manager implements adopted policies and coordinates the Town response.

Conservation Commission

The Conservation Commission is an advisory 7-member board appointed by the Town Council. It is the steward of the greenbelt trail system and provides advice to the Town Council on all town open space, except for Fort Williams Park. The Conservation Commission prepares, for Town Council consideration, policy documents, and recommended updates for the greenbelt plan and for master plans for other open space/conservation lands. Annually, the Conservation Commission reviews the condition of greenbelt trails and identifies needed improvements. It recommends to the Town Manager funding needs for the acquisition and stewardship of open space.

All volunteer efforts to alter greenbelt trails or open space are reviewed by the Commission. Activities that fall within policies already adopted by the Town Council may be approved by the Conservation Commission. Project proposals that are not within the previously approved Town Council policies are reviewed by the Conservation Commission which then provides a recommendation for Town Council consideration.

The Conservation Commission also responds to Town Council requests for recommendations.

Town Planner

The Town Planner reports to the Town Manager and provides staff support to the Conservation, Planning and other committees as assigned.

The Town Planner maintains and updates records of the Town’s open space including copies of all deeds and master plans and where possible provides these documents online on the municipal website. The Town Planner also provides mapping using the Town Geographic Information System (GIS).

The Town Planner meets with volunteers and guides them through the Conservation Commission meeting/review process.

The Planner implements decisions of the Conservation Commission, including purchase of materials and contract labor for greenbelt trail work, preparation of policy documents, recommendations and other duties as required.

The Planner coordinates with the Public Works Department on greenbelt trail maintenance and collects information regarding possible encroachments on public land, including arranging for a surveyor to identify property lines.

Public Works Department

The Public Works Department performs the bulk of greenbelt trail maintenance, including annual maintenance per the Conservation Commission Annual maintenance plan. Maintenance primarily involves vegetation mowing and cutting to keep trails open. The Public Works Department provides support to volunteer trail maintenance efforts, such as the delivery of materials to trail sites and the removal of debris placed next to the road. Public Works also plows parking lots associated with open space parcels.

Code Enforcement Officer

The Code Enforcement Officer reports to the Town Manager and regularly conducts field inspections. In the course of inspections, the Code Enforcement Officer may notice potential encroachments on town owned land, which he will report to the Town Manager for further investigation.

Private Property Owners

All town owned open space abuts privately owned land. Private property owners may act as volunteer monitors of town owned land and report any damage to trails or open space to the Town Planner or other town employee. Private property owners who experience trespassers on their property from town open space may also report these activities to the Town Planner, who will bring it to the Conservation Commission to address. Private property owners should not make any alterations to town owned land without obtaining permission from the Conservation Commission. If, however, a tree falls blocking a greenbelt trail, a private property owner may remove the tree from the trail only without permission and with the thanks of the Conservation Commission. Private property owners have requested permission to remove invasive species, which has been granted, and have also volunteered to conduct vegetation trimming on nearby trails, which is appreciated by the Conservation Commission.

Other Stakeholders

The Conservation Commission has sometimes been contacted by non-resident trail users, student volunteers or other groups. The Conservation Commission welcomes volunteer efforts. These groups should meet with the Conservation Commission before making any alteration to Town open space.