

PIC Meeting of September 23, 2015, 6:30 PM MacVane Community Center

In Attendance: Mary Anne Mitchell, Timmi Sellers, Lisa Penalver, Howard Pedlikin (late). **Excused:** Kathleen Hayward **Absent, unexcused:** Amory Baker

I. Call to order: Chair Mitchell called the meeting to order at 6:40.

II. Roll Call: Mary Anne Mitchell, Timmi Sellers, Lisa Penalver, Timothy Wyant
Public in Attendance at start of Meeting: 4

III. Approval of Meeting Minutes:

Sellers moved to approve the minutes from the July 22, 2015 meeting, Penalver seconded, motion passed unanimously.

IV. Speaker

Chair Mitchell introduced **Sasha Salzberg**, a volunteer from the Portland Society for Architecture (PSA) who came out to Peaks to speak about the upcoming community forum at USM on October 3rd: **The Challenge of Change: Are We Loving Portland to Death?**

The forum, hosted by Creative Portland, **the GRowsmart Maine** and PSA, and will be free and open to the public. Sasha brought registration forms, but anyone interested may register online: www.bit.ly/ChallengeOfChange or call (207) 370-4784. Or you may register at 9:30 AM on October 3rd, at the USM Abromson Center. The forum is from 9:30 AM to 4:30 PM.

The forum will begin with a keynote speaker, the Mayor of Asheville, N.C., who will discuss how her city and others have coped with growth issues. This will be followed by a panel discussion and Q&A session: "Portland Today in the Context of the Changing Economy". A food truck lunch will be followed by breakout panels discussing "Building Portland-Strategies for Growth" and "Impacts of Growth: Positive and Negative".

The forum will culminate with a roundtable of Portland mayoral and Council candidates listening to participants who may both comment and ask questions. Sasha commented that she hopes that this forum will inform the mayoral debate.

Chair Mitchell asked if the forum was going to be recorded, and Sasha responded that they were looking for funding to be able to do this. Sellers asked why the title about Loving Portland to Death. Sasha responded that it might be interpreted in different ways, and that was the purpose, to stimulate debate. It might mean that Portland has become so popular that people will pay anything to move and live here. It also might mean that people love it so much that they refuse to look at the possibility of change.

The Council and audience thanked Sasha for coming out to Peaks to speak.

Later in the meeting, **Penalver made a motion to support the "Challenge of Change" conference with a donation of \$250.00. Sellers seconded, and the motion passed unanimously.** The Council hoped that the donation could be used to support a video recording of the forum. The donation will also allow the PIC to have a presence there. They will be mentioned in the program, and could even have a table to showcase how Peaks is coping with change.

V. Old Business

CBL Bike tickets

Free CBL bike tickets are now available (one per month) from the library via PIC. With the cooperation of the Librarian, Priscilla Webster, there is now a written policy. Sellers will post this information on the bulletin boards.

CBL tickets for commuting college students:

\$2,000 has been budgeted to help ferry ticket costs for year-round, permanent resident full-time students at either a two-year or four-year college. Council members will get more details on both advertising and past usage of this offer.

VI. Committee Reports

Safety Committee

The Cadet: Penalver reported that thanks to some recent donations, the Cadet is now paid for through the Columbus Day weekend. Cadet has been working on Fridays, Saturdays and Sundays, and most reports are favorable: she is both diplomatic and effective, with few exceptions.

There was some discussion that since Mondays are very busy, we might want to consider the Cadet for that day as well, but no action was taken (would required additional funds).

Golf Carts: Tim Murphy, a member of the Safety Committee, reported in more detail on golf cart safety issues. He has discussed his findings and suggested changes with Mike Murray and with interested folks on both Great and Little Diamond who are having the same problems. He presented a detailed outline of both the current ordinance regarding golf carts, and his recommendations for increased safety. *(See attached- at the end of these Minutes.)*

Council members will study the recommendations before taking action.

Boat washed up Backshore: Mitchell reported on the boat which washed up on the rocks and eventually, despite efforts to pull it back into the water, broke up. In discussion, it was learned that the DEP was called, as well as the Coast Guard (which did respond), but DEP did nothing as there was no fuel involved.

The safety concerns: Illegal burning and large amounts of trash/wreckage remaining on shore, including toxic materials. Primarily regarding the burning of the parts of the boat, which was done without permit, and released toxic smoke into the neighborhood. *(Residents can log in to SeeClickFix online to “vote” that this be cleaned up!)*

FIRE: Since fire is a very real danger on Peaks, Penalver suggested that the police be asked to follow up on all fires (by assuring permits or fining scofflaws) and that we advise islanders again to call **911** or the non-emergency number: **207-874-8575** when they see a fire, so that infractions may be recorded. *Action Item: Peñalver will inquire with Island fire Dept. to see if any fines were imposed for this illegal fire – and if not, why not*

Bikes in racks: There is now an ordinance in place requiring bike users/owners to move their bikes from the public racks after a certain time. The Safety Committee will follow through to see if the ordinance is being followed. *Action Item: Peñalver will inquire with Island Public Works and request that abandoned bikes be tagged and removed.*

Old Boats on beach beside Ferry Dock: Sellers has been investigating what to do about the two old boats which have rested, unused for years, on the beach beside the public dock. They are a hazard and safety issue since many people now use that beach and children climb on and around them. The owners no longer live on Peaks.

Peñalver reported that the City's island liaison, Mike Murray suggested that PIC make a recommendation to City Council that a specific City Ordinance be enacted to restrict this specific Peaks Island beach's berths to winter months only (Oct 15--April 15, perhaps), paid-permit required; limited to vessel owners who are year-round residents of Peaks, and that the owner be able to show it to be a working vessel (not recreational). Non-complying vessels will incur significant fines.

Zoning Committee

Accessory dwellings: Sellers reported that on September 29, the Portland Planning Board will discuss Peaks' request to be able to have accessory dwellings. She added that concerns and questions about this may be sent to "Tyler" at tnn@portlandmaine.gov —Tyler Norod , Housing Planner, 482-5028

Open Access and Paper Streets: Tim Murphy has been collecting –and posting on NextDoor site–information on Peaks' subdivisions and paper streets. He explained that in 2017, the City of Portland is obligated to make a ruling/decision about the paper roads on Peaks Island: to either “accept” them (which, in some cases, will mean maintenance, plowing, etc.) or “vacate” them, allowing the abutting property owners to absorb them, as some appear to have done already. It behooves Islanders to study the situation and be a part of the solution. The Committee (Murphy, Sellers, Hayward and John Kiely) has been walking the Island and taking a look at some areas, especially some which are in contention regarding public access vs. privatization.

A meeting about zoning issues with the City: Sellers has spoken with Jeff Levine, Portland Director of Urban Planning and Development about Peaks zoning issues. She would like to have a meeting with him and other Portland officials **on Peaks** to discuss such issues as the Portland Comprehensive Plan, the Peaks Comprehensive Plan, accessory dwelling, paper streets, etc. She would like to have it sometime this fall, before the holidays. (Stuart “Tuck” O’Brien—new City planning director)

Environmental Committee

Mitchell reported that Peaks now has three Big Belly trashcans (although not in front of the ice cream store), as well as doggie bag dispensers. TREES: Mitchell reported that numerous public street trees came down/ were removed/stumps ground down on Island Ave, but City states that there is no money to replant. She suggested that people might consider a memorial TREE for their loved ones, instead of a memorial bench. She also suggested that there appears to be a need for more public toilets; *Concern: the number is slated to be reduced as part of the Peaks Library renovation (to accommodate increased size of handicapped stalls); these restrooms are used year round.* The Environmental Committee should make concerns/needs known. Committee is working on a poster for the CBL terminal to suggest how visitors can best use and protect Peaks' public spaces.

Skateboard Park

There was no report from the Committee, but Mitchell reported that the old skateboard area on Brackett had been dismantled.

External Committees:

Island Institute Report

Mitchell mentioned that 3 different non-profit organizations had shared an Island Institute Scholar this summer; PILP, PEAT and Lisa Lockhart. Olivia Mantsch, intern, worked primarily on mapping and removing invasive species on the island.

Island Energy Conference on Nov. 6: <http://www.islandinstitute.org/2015iec>

Maine Island Coalition

Mitchell provided a description on this committee run by the Island Institute providing legislative updates and Island updates. Each meeting has a focus. For example, the last meeting focused on open space on Islands. In August, Ann Whitman, former PILP member, attended the meeting in Rockland. She provided the Maine Island Coalition with info on the number of acres on Peaks fall under conservation protection. She also outlined how this land is being managed and how it was acquired.

Portland City Manager's Neighborhood Meeting

Mitchell reported that now that we have a City Manager (**Jon Jennings**). There will be a meeting of this committee on October 20 in Rm 209 in City Hall, and Mitchell will attend.

VI New Business

Portland Protectors (PP): As noted in a handout addressed to Portland Councilor David Marshall, Portland Protectors is asking for PIC support for an ordinance they have proposed to ban the sale of synthetic land care pesticides within the city of Portland, unless they are approved by the Organic Material Review Institute or the USDA National Organic Program. After a brief discussion, **Penalver made a motion that PIC support the ordinance submitted by PP to David Marshall. Sellers seconded the motion, and it passed unanimously.**

Candidates Night: Penalver is working on finding a time when candidates can come. A Saturday morning at the Community Room has been suggested for a Saturday MORNING meeting, and she is investigating the feasibility of this.

Stormwater Credit: A City representative will attend the next PIC meeting, scheduled for October 28, to discuss this issue with the community.

Paper Streets: Tim Murphy continued the discussion on paper streets, and added:

- * Up to 70% of Peaks Island streets may be on paper, only.
- * Between 1898 and 1925, the City only accepted Island Avenue, but gradually more streets were accepted.
- * There is no such thing as legal "adverse possession" of paper streets, although many are adjacent to people's homes and they are being used.
- * Tim has access to what is believed to be the best map available showing the paper streets. He may put it on NextDoor (file is too big for posting on the Eisenberg list), but ideally would like to see it on a website. (The City's? A new website for PIC? Discussion needed)
- * The purpose of doing this is to show how much public land and public access we actually have. It should be protected for future generations.
- * It's important to begin to present what we have learned to the Island., as the reality may differ from what some property owners are currently assuming.

VII Public input

PROBLEM: Overly large buses on Peaks roads: An audience member brought up the issue of the huge buses (including a Greyhound bus) being brought to the Island this summer in conjunction with the many weddings celebrated out here. Incidents were described of buses blocking traffic, overnight parking, and buses driving all around the Island via the Backshore, creating dangerous situations with walkers, bikers and golf carts, not to mention cars. Peaks narrow roads are not appropriate/safe for such large, heavy vehicles.

It was pointed out that ordinances do **exist** to keep buses off most streets in certain areas. It was suggested that a cap be put on the size of the bus allowed on the Island. Mitchell said that she would talk to the people involved with weddings at the Club (most buses went there), but PIC will also look into a possible ordinance for Peaks which would limit bus size. This needs to be done now, so that it can be in effect by next wedding season.

INDIVIDUAL COUNCILOR ACTION ITEMS

- Free Bike tickets: there is now a written policy. Sellers will post this information on the bulletin boards.
- Penalver will follow-up with Public Services about abandoned BIKES.
- Penalver will follow-up with Fire Dept & Police about illegal fires.
- Mitchell will follow through with Mike Murray to find out how PIC and Island residents can be notified (in a timely manner) of City meetings concerning relevant zoning changes.
- Sellers will follow through with Mike Murray to determine what may be causing the sewage smell in the area between the Sewage Treatment Plant and the Peaks Island House. (Outcome?)
- Paper roads and Public rights-of-way —MAP is available— Zoning Committee is investigating best way to
- make this available to islanders
- Sellers will post the Nonemergency Number around the Island.
POLICE Non-Emergency Number: 207-874-8575.
- Murph/Safety Committee will look into existing ordinances that regulate/limit the size of vehicles on Island roads

NEXT PIC MEETING: Weds Oct 28, 2015, 6:30 pm

Stormwater Credit: A City representative will attend the next PIC meeting, scheduled for October 28, to discuss this issue with the community.

—NEXT PAGE Proposed Golf Cart Ordinance—

Proposed Golf Cart Ordinance Sept 2015

Presented by the Peaks Island Safety Committee of the Peaks Island Council: members (Lisa Penalver , VP, PIC and islanders Tim “Murp” Murphy and John Kiely)

The current ordinance Sec 28-185 states:

(a) the operator must be over the age of twenty-one (21) or possess a valid drivers license to operate a motor vehicle

(b) Such golf carts shall be operated only in daylight, not earlier than one-half hour before sunrise and not later than one-half hour after sundown, unless equipped with and utilizing suitable headlights and taillights as determined by the police department; shall keep to the extreme right of the roadway; shall not exceed a speed of ten (10) miles per hour; and shall obey all traffic laws applicable to motor vehicles.

(c) Each golf cart shall be equipped with an auditory warning device, a visual safety flag on a whip antenna of at least six(6) feet in height; slow vehicle markings, and display a sticker on the cart showing annual registration with the city.

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the proposed REVISED Golf Cart Ordinance for Peaks Island:

(a) the operator must be over the age of twenty-one (21) or possess a full, unrestricted, valid U.S. State or Territory drivers license to operate a motor vehicle. There shall be no person(s) or animal(s) on the drivers lap as per **Title 29-A: MOTOR VEHICLES HEADING: PL 1993, C. 683, PT. A, §2 (NEW); PT. B, §5 (AFF), Chapter 19: OPERATION HEADING: PL 1993, C. 683, PT. A, §2 (NEW); PT. B, §5 (AFF), Subchapter 2: VIOLATIONS HEADING: PL 1993, C. 683, PT. A, §2 (NEW); PT. B, §5 (AFF), §2118. Failure to maintain control of a motor vehicle**

(b) Such golf carts shall be operated only in daylight, but not earlier than one-half hour before sunrise and not later than one-half hour after sundown, unless equipped with and utilizing suitable and proper headlights as per **Maine Revised Statutes Title 29-A: MOTOR VEHICLES HEADING: PL 1993, c. 683, Pt. A, §2 (new); Pt. B, §5 (aff), Chapter 17: EQUIPMENT HEADING: PL 1993, c. 683, Pt. A, §2 (new); Pt. B, §5**

(aff), §1904, HEADLIGHTS and Maine Revised Statutes Title 29-A: MOTOR VEHICLES HEADING: PL 1993, c. 683, Pt. A, §2 (new); Pt. B, §5 (aff), Chapter 17: EQUIPMENT HEADING: PL 1993, c. 683, Pt. A, §2 (new); Pt. B, §5 (aff), §1905, REARLIGHTS ; shall move to the extreme right of the roadway when impeding faster traffic; shall not exceed a speed of ten (10) miles per hour; shall use proper turn signaling as per Title 29-A: MOTOR VEHICLES HEADING: PL 1993, C. 683, PT. A, §2 (NEW); PT. B, §5 (AFF), Chapter 19: OPERATION HEADING: PL 1993, C. 683, PT. A, §2 (NEW); PT. B, §5 (AFF), Subchapter 1: RULES OF THE ROAD HEADING: PL 1993, C. 683, PT. A, §2 (NEW); PT. B, §5 (AFF), §2071. Turning and signals;

and shall obey all traffic laws applicable to motor vehicles. (See note 2)

- (c) Each golf cart shall be equipped with:
(see note 3 below)
1. an auditory warning device, ie. a horn
 2. a visual safety flag on a whip antenna of at least six(6) feet in height and a triangular slow vehicle markings OR 1 in. reflective tape with alternating red and white pattern placed along the front, rear, and sides of the roof line of the vehicle
 3. A rear view as per **Title 29-A Chapter 17 §1913. Mirrors, paragraph 1, Mirrors Required.**
 4. a display a sticker on the cart showing the current annual registration with the city.

Note 1 - We have so many people renting carts, we only want 21-yr-olds or those with an unrestricted license - no permits!! Distracted driving law also includes ‘no lap babies’ (driver’s lap) or animals, or there is a ticket.

Note 2 - the police department shouldn't be determining headlight, taillights, and turn signals. We should be using the Maine revised statutes. Also, we should keep the 10 MPH as the Police can't use radar until 15mph so why change it??

Note 3 - I added a horn, a rear view or side view mirror, and allowed an alternate marking of red/white safety tape on the roofline. if your cart

has no roof, then you must have a slow vehicle triangle AND a 6' foot flag.

In the meantime, we should begin requesting that the current city ordinance be enforced beginning 11/1/2015