



## **Cape Elizabeth Town Council Minutes**

**Monday, April 8, 2019**

**7:00 p.m. Council Chambers**

**Cape Elizabeth Town Hall**

**James M. "Jamie" Garvin, Chairman**  
**Valerie J. Deveraux**  
**Jeremy A. Gabrielson**  
**Caitlin R. Jordan**  
**Penelope A. Jordan**  
**Valerie A. Randall**  
**Christopher M. Straw**

**The meeting was convened at 7:00 p.m. by Town Council Chairman James M. "Jamie" Garvin.**

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

All members of the town council were present.

Matthew E. Sturgis, Town Manager

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

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

Councilor Deveraux reported on the April 5 meeting of the PACTS Project Advisory Committee meeting which has begun a review of the vision of transportation for Southern Maine in the next 18 months. Further information will be provided as the committee continues to meet.

Councilor Randall, Delegate to MMA Legislative Policy Committee will continue to monitor bills of interest to Cape Elizabeth. If residents have input, they should contact Councilor Randall.

### **Finance Committee Report**

Councilor Straw, Chairman of the Finance Committee reported on the March 20 and 21 municipal budget review workshops and the financial reports and dashboard through March 31. The next budget workshops will be held on April 24 and 25. Two unknowns, as of now, is revenue sharing and school funding.

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

Bruce Flaherty, President of Maine Spirit of America provided an overview of the Spirit of America recognition program for volunteerism. The deadline for the town council to nominate an individual/group/organization to be recognized at the upcoming Cumberland County ceremony is June 30.

### **Town Manager's Monthly Report**

Unfortunately, I will begin my report with informing the council of the passing of John Craford, a member of the Zoning Board of Appeals. We would like to thank him for his service and extend our sympathies to his family.

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For three weeks in March the Tax Collector / Town Clerk office area was under construction for long planned renovation work. That work is now complete and our staff is back in place. I would like to thank our citizens for their patience and willingness to perform their transactions in the temporary collection area during the project. I would also like to thank Debra Lane and the tax office staff, our facilities department, and our technology department for assisting in the project. Zachau Construction did a great job in completing this renovation work.

The Cape Elizabeth Police Department has had a busy spring, with a very well attended Coffee with a Cop event at C-Salt, with future events being planned. The prescription drug take back event is planned for April 27, 2019 from 10 am until 2 pm at the Cape Elizabeth Police Department, however if that date and time does not work for a person, the Department is able to receive unwanted prescription medications Monday through Friday 8 am to 4 pm.

On this evening's agenda is the Coastal Waters and Harbor Ordinance update, which is a result of the good work of the Harbor Committee. On next month's agenda there will be a request of the council to grant permission to pursue a Shore and Harbor Planning Grant, which would provide grant funding for "planning and design of facilities and improvements for public and working access." Funding cannot be used for construction and will require a 25 percent match. We will have expanded details in this request next month, but I wanted to update the council on work being performed to move forward with recommended actions from the Harbor Committee report.

Respectfully submitted,

Matthew E. Sturgis  
Town Manager

**Review of Draft Minutes of March 11, 2019 and Special Meeting held March 18, 2019.**

Moved by Valerie A. Randall and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council approves the minutes of the meeting held on March 11, 2019 and special meeting on March 18, 2019 as written.

(7 yes) (0 no)

**Public Hearing            Chapter 10 Coastal Waters and Harbor Ordinance Proposed Amendments**

Chairman Garvin opened the public hearing at 7:15 p.m.  
After hearing no comments, the hearing was closed at 7:16 p.m.

**Item #63-2019            Chapter 10 Coastal Waters and Harbor Ordinance Proposed Amendments**

Introduction - Councilor Penelope Jordan, Chairman Ordinance Committee

Moved by Penelope A. Jordan and Seconded by Caitlin R. Jordan

ORDERED, the Cape Elizabeth Town Council approves the recommendations of the ordinance committee to adopt the proposed amendments to Chapter 10 Coastal Waters and Harbor Ordinance as presented.

(7 yes) (0 no)

See attachment.

**Public Hearing Chapter 13 Traffic Regulations at Fort Williams Park**

Chairman Garvin opened the public hearing at 7:17 p.m.  
After hearing no comments, the hearing was closed at 7:18 p.m.

**Item #64-2019 Chapter 13 Traffic Regulations at Fort Williams Park**

Introduction – Councilor Penelope Jordan, Chairman Ordinance Committee

Moved by Penelope A. Jordan and Seconded by Caitlin R. Jordan

ORDERED, the Cape Elizabeth Town Council approves the recommendations of the ordinance committee to adopt proposed amendments to Chapter 13 Traffic Regulations at Fort Williams Park as presented.

(7 yes) (0 no)

See attachment.

**Item #65-2019 Opportunity for Public Comments on FY 2020 Budget**

This is an opportunity for citizens to comment on the FY 202 proposed budget. No action will be taken.

Nate Perry, Cape Elizabeth Fishermen's Alliance is requesting the town council to consider funds necessary to create the access onto Crescent Beach.

Citizens are encouraged to contact the town council with their opinions relating to the budget.

Upcoming budget workshops; April 24 and 25. Budget public hearing; May 6. Budget adoption; May 13.

**Item #66-2019 Culvert and Habitat Assessment Study**

Town Planner Maureen O'Meara and Public Works Director Robert Malley provided an overview of the Culvert and Habitat Assessment Study.

Moved by Valerie J. Deveraux and Seconded by Jeremy A. Gabrielson

ORDERED, the Cape Elizabeth Town Council acknowledges receipt of the Cape Elizabeth Culvert and Habitat Assessment Study dated March 22, 2019 with thanks to staff and the team for their work on the project.

(7 yes) (0 no)

**Item #67-2019 Update to Rescue Fees**

Chief Gleeson provided an overview of the recommendation to update rescue fees.

Moved by Penelope A. Jordan and Seconded by Jeremy A. Gabrielson

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the Town Manager and Fire Chief to adopt rescue fees, last updated February 2015, as presented effective May 1, 2019.

(7 yes) (0 no)

	<b>Current Fee</b>	<b>Proposed Fee (Per Run)</b>
Basic Life Support	\$600.00	\$ 700.00
Advanced Life Support	\$900.00	\$1,000.00
Advanced Life Support 2	\$900.00	\$1,200.00
Mileage Per Loaded Mile	\$ 14.00	\$ 18.00

**Item #68-2019 Chapter 13 Traffic Regulations – Enforcement of Parking Fees at Fort Williams Park**

Moved by Valerie A. Randall and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council refers to the ordinance committee Chapter 13 Traffic Regulations to review and report back to the town council provisions in the ordinance to allow an agent or designee of the town to enforce parking fees at Fort Williams Park.

(7 yes) (0 no)

**Item #69-2019 Statement of Policy for Revenues Received from Parking Fees at Fort Williams Park**

Moved by Valerie A. Randall and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council refers a draft statement of policy relating to revenues received from parking fees at Fort Williams Park to the April 25, 2019 workshop.

(7 yes) (0 no)

“Revenues generated by the pay and display parking program at Fort Williams Park will be primarily employed in offsetting the following: the operational expenses of Fort Williams Park, long term capital needs of the Town, and general municipal operating expenses.”

**Item #70-2019 Pay and Display Parking at Fort Williams Park**

Moved by Penelope A. Jordan and Seconded by Valerie A. Deveraux

ORDERED, the Cape Elizabeth Town Council sets to public hearing charging parking fees, through a pay and display program, at Fort Williams Park on Monday, May 6, 2019 at 7:00 p.m. at the Cape Elizabeth Town Hall. It is anticipated the vote will be held on May 13, 2019.

(7 yes) (0 no)

**Item #71-2019 Easement Deed – 51 Ocean House Road**

Introduction – Mr. Sturgis

Moved by Valerie A. Randall and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council approves an easement deed from Maxwell Cove, LLC for property located at 51 Ocean House Road as presented.

(7 yes) (0 no)

See attachment.

**Item #72-2019 Statement of Policy – Boards and Committees Barring the Appointment of Town Employees from Serving on Standing Boards and Committees**

Introduction – Councilor Deveraux

Moved by Valerie J. Deveraux and Seconded by Valerie A. Randall

ORDERED, the Cape Elizabeth Town Council approves the amendments to the Statement of Policy – Appointments to Standing Boards and Committees with the grammatical change to #3 as presented. (7 yes) (0 no)

**TOWN of CAPE ELIZABETH**

**STATEMENT of POLICY**

**APPOINTMENTS to STANDING BOARDS & COMMITTEES**

~~Amended September 11, 2017~~  
DRAFT March 1, 2019

The Cape Elizabeth Town Council believes that its citizens are best served through a high degree of citizen participation in their government. One important opportunity for participation is through appointments to Town boards and committees. Our standing boards and committees perform many vital functions in providing for the public health, safety and welfare. As these functions are so important, it is advisable to have citizens serving on boards who have varied expertise and who represent a broad cross section of our community. It is also advisable to have turnover on boards to ensure as extensive participation as is possible and to encourage new ideas and new approaches to come forward. These views are the basis for the following statement of policy:

1. Only residents of the Town of Cape Elizabeth shall serve on standing or ad hoc boards and committees.
2. The Appointments Committee shall annually advertise all expiring terms on standing boards and committees. The advertising shall include notice in the Cape Courier, on the Town's website and on the Town's Cable Access Station.
3. The Appointments Committee shall seek to meet with all prospective appointees in order to discuss special qualifications, expertise and interest of applicants. The Appointments Committee shall also consider personal and/or professional affiliations which that may cause an actual or perceived conflict of interest as they make appointments to boards or committees. The Town Council may forgo the Appointments Committee process pursuant to Chapter 4 Boards and Committees 4-1-2.
4. The Appointments Committee shall review attendance records to ensure that citizens seeking reappointment have been active members. Attendance records shall be maintained for each standing board and committee. Staff members shall be responsible to ensure the maintenance of attendance records. Issues relating to non-attendance of a board member shall be reported to the Town Manager by the staff member.
5. Citizens may serve on only one standing board or committee at one time, ~~unless they represent a particular board.~~
6. Minutes of all board and committee meetings shall be prepared by staff. The Town will provide paid secretarial assistance only for regular meetings of the Zoning and Planning Boards.
7. Members of the Planning Board may not concurrently serve as members of the governing board of the Cape Elizabeth Land Trust.
8. The Town Council, as the appointive authority, reserves the right to collectively and individually use whatever additional factors it deems appropriate in considering the appointment or reappointment of a citizen to a town board or committee.
9. A schedule of board and committee meetings shall be provided to the Town Clerk. Following each meeting, minutes shall be provided to the Town Clerk. Electronic transmittal of minutes is requested.

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10. Employees of the Town of Cape Elizabeth may ~~not~~ serve on standing boards and committees, unrelated to their work for the town, except by ex-officio appointment, those boards which are quasi-judicial. This limitation does not apply to individuals who are hired by the Town to serve as temporary election workers or wardens, occasional instructors in the Community Services programs, or volunteer fire, rescue, and fire police personnel. Such individuals may serve on a board or committee unrelated to their work for the town.

**Item #73-2019          Group Uses at Fort Williams Park**

Moved by Valerie A. Randall and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council approves the following group uses at Fort Williams Park as recommended by the Fort Williams Park Committee as presented.

(7 yes) (0 no)

Additional Request from Beach to Beacon

Thursday, August 1, 2019 – Welcome Gathering for Elite Athlete’s and Families

5:00 – 7:00 p.m. (tent will already have been erected)

50-60 people, Light food and alcohol

FWPC (5-0)

Portland Yacht Club - Monhegan Island Race Finish

Saturday, August 10 – Monday, August 12, 2019 (early morning)

(PYC will hire police for overnight)

FWPC (5-0)

American Cancer Society – Breast Cancer Walk

Sunday, October 20, 2019

7:00 a.m. – 12:00 p.m.

FWPC (4-0) (1 recusal Russell)

**Item #74-2019          School Budget Validation Referendum Election Warrant**

Moved by Caitlin R. Jordan and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council approves the warrant for the school budget validation referendum election warrant as presented.

(7 yes) (0 no)

**TOWN OF CAPE ELIZABETH  
SCHOOL BUDGET VALIDATION REFERENDUM**

**Tuesday, June 11, 2019**

**County of Cumberland, ss.**

**To Paul W. Fenton, a constable of Cape Elizabeth. You are hereby directed to notify the voters of Cape Elizabeth of the election described in the warrant.**

**SCHOOL BUDGET QUESTIONS**

**School Budget Validation Referendum**

Do you favor approving the Town of Cape Elizabeth school budget for the upcoming school year that was adopted at the latest school budget meeting of the Town Council?

Yes

No

**The following is a non-binding expression of opinion for the consideration of the School Board and Town Council.**

I find the school budget adopted at the May 13, 2019 Town Council's school budget meeting to be:

---- TOO HIGH

---- ACCEPTABLE

---- TOO LOW

**School Budget Validation Referendum Process**

Do you wish to continue the budget validation referendum process in Cape Elizabeth for an additional three years?

Yes

No

**Informational Note**

A "YES" vote will require Cape Elizabeth to continue to conduct a referendum to validate its annual school budget for the next three years.

A "NO" vote will discontinue the budget validation referendum for a least three years and provide instead that the annual school budget shall be finally adopted at a meeting of the Town Council.

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Election to be held on Tuesday, June 11, 2019, at the Cape Elizabeth High School Gymnasium.

Polls open at 7:00 a.m. and Close at 8:00 p.m.

**Absentee Ballot Processing:**

Absentee ballots will be processed on Election Day, on the hour every hour until close, beginning at 7:00 a.m. The Cape Elizabeth Town Democratic Committee, the Cape Elizabeth Town Republican Committee, and State Green Independent Party have also been notified, in writing, of the absentee ballot process.

The Registrar of Voters is available to accept new registrations and corrections to the voter list on Election Day at the polls and prior to Election Day at Town Hall, 320 Ocean House Road. Town Hall is open Mondays 7:30 a.m. - 5:00 p.m. and Tuesday - Friday, 7:30 a.m. - 4:00 p.m. Proof of residency and identity is required.

**Citizens may at this point in the meeting raise any topic that is not on the agenda that pertains To Cape Elizabeth local government.**

None

**Item #75-2019            Executive Session-**  
**Request for Hardship/Poverty Tax Abatement**  
**Annual Evaluation of the Town Manager**

Moved by Valerie A. Randall and Seconded by Valerie J. Deveraux

ORDERED, the Cape Elizabeth Town Council enters into executive session at 8:18 p.m. in conformance with 1 MRS §405 6 F to consider a request for an abatement of property taxes based on hardship or poverty and 1 MRS §405 6 A to continue the annual evaluation of the town manager.  
(7 yes) (0 no)

Moved by Caitlin R. Jordan and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council exits executive session and reenters public session at 9:00 p.m.  
(7 yes) (0 no)

Moved by Caitlin R. Jordan and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council approves the request for a hardship/poverty tax abatement in the amount of \$2204.42.  
(7 yes) (0 no)

**Adjournment**

Moved by Catlin R. Jordan and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council adjourns at 9:03 p.m.  
(7 yes) (0 no)

Respectfully Submitted,

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Matthew E. Sturgis, Clerk Pro-Tem