

CAPE ELIZABETH TOWN COUNCIL AGENDA
Regular Meeting # 6-2013
Cape Elizabeth Town Hall
Monday, March 11, 2013
7:00 p.m.

Roll Call by the Town Clerk

James T. Walsh, Chair	Term Expires 12/2015	jim.walsh@capeelizabeth.org
Frank J. Governali	Term Expires 12/2013	frank.governali@capeelizabeth.org
Caitlin R. Jordan	Term Expires 12/2013	caitlin.jordan@capeelizabeth.org
Katharine N. Ray	Term Expires 12/2014	retbank@maine.rr.com
David S. Sherman, Jr.	Term Expires 12/2014	dsherman@dwmlaw.com
Jessica L. Sullivan	Term Expires 12/2015	jsullivan08@maine.rr.com
James R. "Jamie" Wagner	Term Expires 12/2015	jamiewagnerlaw@gmail.com

The Pledge of Allegiance to the Flag
Town Council Reports and Correspondence
Monthly Financial Update
Citizen Opportunity for Discussion of Items Not on the Agenda
Town Manager's Report

Review of Minutes
[February 11, 2013](#)
[March 4, 2013](#)

Public Hearing Proposed Amendment to the Boards and Commissions Ordinance

Item# 43-2013 Proposed Amendment to the Boards and Commissions Ordinance
The Community Services Advisory Commission is currently established by local ordinance and the commission is made up of appointees of the council and the school board. As the community services program has evolved over the years and as the administration of the program is now fully in the school department, it is not in keeping with the responsibility of the school board for care and management of the schools for the program's oversight to be determined by the council through local ordinance. It is therefore proposed to delete the language in the Boards and Commissions ordinance referencing the commission thus leaving to the school board to determine how any oversight is to occur.

~~**Article VI. Community Services Advisory Commission.**~~

~~**Sec. 4-6-1. Membership.** The Community Services Advisory Commission shall consist of seven Cape Elizabeth residents. The Town Council shall appoint three members and the Cape Elizabeth School Board shall appoint four. Appointments shall be for staggered three year terms and no person shall serve more than two full consecutive terms. Any vacancy shall be filled for the remainder of the term by the original appointing body.~~

~~**Sec. 4-6-2. Duties and Responsibilities.** The duties and responsibilities of the Commission shall be as follows:~~

- ~~(a) To represent the needs and issues of total community education services.~~

- ~~(b) To adopt policies to govern the recreation and adult education program, subject to specific disapproval of such policies by a resolution adopted by either the Town Council or the School Board.~~
- ~~(c) To recommend an annual budget for the community recreation program to the School Board and the Town Council.~~
- ~~(d) To recommend a candidate for Community Services Director to the School Board. Review of candidates shall be conducted in accordance with procedures adopted by the Commission and the Superintendent of Schools.~~
- ~~(e) To review athletic field use and make recommendations on fields maintenance and use to the Town Council and municipal staff.~~

Renumber as needed

Public Hearing Proposed Amendment # 2 to the Boards and Commissions Ordinance

Item# 44-2013 Proposed Board and Commissions Ordinance Amendment

The Personnel Code provides in Sec 3-1-10 (b) that the Personnel Appeals Board may hear any appeal of a disciplinary action other than a reprimand from any full time employee.

The Board and Commissions Ordinance in Section 4-7-3 limits the right to appeal to the Personnel Appeals Board to full time members of the police department and as may be provided in any collective bargaining agreement that may confer such jurisdiction.

To remove this inconsistency, it is recommended to amend the Boards and Commissions Ordinance as follows:

Sec. 4-7-3. Duties and Responsibilities of the Board. The duties and responsibilities of the Board shall be to consider and decide disciplinary appeals ~~by full-time members of the Police Department,~~ as provided for in Sec. 3-1-10 of the Personnel Code and in any collective bargaining agreement that may confer such jurisdiction.

Item# 45-2013 Budget Referrals

It is recommended to refer the proposed municipal and general fund budgets for FY 2014 to the finance committee and to request the Finance Committee to review the proposed school budget upon its receipt from the school board.

Item# 46-2013 Fort Williams Park Group Use Request From the American Cancer Society

The American Cancer Society is requesting the use of Fort Williams Park on Sunday, October 20, 2013 for their Making Strides Against Breast Cancer walk. Approval is recommended by The Fort Williams Advisory Commission.

Making Strides Against Breast Cancer is a walk that brings the community together to honor those with breast cancer, remember those we have lost, and create a world where no one has to face this disease. The funds raised help people get well, stay well, find cures, and fight back to end breast cancer.

We anticipate approximately 1500 participants associated with this event. Promotion will be through the event Web site, posters, and local media.

We will need to set up starting at about 7:00 AM and clean-up will be complete by 2:00 PM. Walk registration will be from approximately 9:00 – 11:00 AM with a 11:00 start for the walk.

The walk route will be about 3 miles in the park. This route is to be determined and could be a loop that participants walk 2-3 times for a total of about three miles. Event volunteers will be stationed along the walk route. We request the use of the picnic shelter and electricity to set up a PA system. We request permission to set up a small stage (risers) and will need an area in the park to set up one or two tents and up to six 10 x 10 canopies for event registration, information, services, etc. Porto-johns will be rented by the American Cancer Society – the number and location will meet requirements for park use. The American Cancer Society will provide trash bags and receptacles/dumpster and event organizers will remove trash in abiding by Carry In-Carry out Policy.

Parking will be needed for about 650-700 cars. Event organizers will provide/post parking signs as needed for park use. Event volunteers will be stationed to help park cars. The American Cancer Society will hire police assistance for the registration area and if needed to assist with parking or walk route.

We have budgeted limited funds for this event and ask that, if possible, some or all of the applicable fees for park use be waived.

Item# 47-2013 Tobacco Use

The Personnel Advisory Committee made up by representatives of every municipal department is recommending a proposed change to the Personnel Code to extend our smoking policy to apply to all tobacco products. The specific concern is the use of chewing tobacco.

Sec 3-1-18 ~~Smoking~~ Tobacco Use

The Town of Cape Elizabeth maintains a ~~smoke~~ tobacco free environment for its employees and visitors to municipal facilities. There is no ~~smoking~~ tobacco use permitted in any municipal building or in any municipal vehicle. . Employees and other visitors shall not ~~smoke~~ utilize tobacco products at any entranceway to any building. Employees may use their regular breaks for smoking and are not entitled to additional breaks.

Item# 48-2013 Definition of Normal High Water Line of Coastal Waters

It is recommended to refer to the planning board a [request](#) submitted to the town manager by the code enforcement officer recommending a clarification of the term “normal high water line of coastal waters” contained in the zoning ordinance.

Citizen Opportunity for Discussion of Items Not on the Agenda

Item# 49-2013 Police Negotiations and Manager Evaluation

It is proposed to enter executive session in accordance with 1 MRSA §405 6 A. and D. to discuss with the town manager the status of collective bargaining with the Cape Elizabeth Police Professional Association and to return to public session for possible action. The town council will also complete the annual evaluation of the town manager during the executive session.

Adjournment

[Link to Monthly Financial Update](#)

The Finance Committee will meet following the town council meeting to begin review of the proposed Fiscal Year 2014 budget.

Public Participation at Town Council Meetings

After an item has been introduced, any person wishing to address the council shall signify a desire to speak by raising their hand or by approaching the lectern. When recognized by the chairman, the speaker shall give his or her name and address or name and local affiliation, if the affiliation is relevant, prior to making other comments. All remarks should be addressed to the Town Council. Comments shall be limited to three minutes per person; however, the time may be extended by majority vote of councilors present. For agenda items that are not formally advertised public hearings, the time for public comments is limited to 15 minutes per agenda item. This time may be extended by a majority of the Town Council. The chairman may decline to recognize any person who has already spoken on the same agenda item and may call on speakers in a manner so as to balance debate. Once the Council has begun its deliberations on an item, no person shall be permitted to address the Council on such item.

Speaking at the meeting on topics not on the agenda at regular Council meetings

Persons wishing to address the Council on an issue or concern local in nature not appearing on the agenda may do so at a regular Town Council meeting before the town manager's report and/or after the disposition of all items appearing on the agenda. Any person wishing to address the Council shall signify a desire to speak by raising their hand or by approaching the lectern. When recognized by the chairman, the speaker shall give his or her name and address or name and local affiliation if the local affiliation Council. Comments in each comment period shall be limited to three minutes per person and 15 minutes total; however, the time may be extended by majority vote of councilors present.

Decorum

Persons present at Council meetings shall not applaud or otherwise express approval or disapproval of any statements made or actions taken at such meeting. Persons at Council meetings may only address the Town Council after being recognized by the chairman.