

CAPE ELIZABETH TOWN COUNCIL MINUTES
Regular Meeting # 2-2014
Cape Elizabeth Town Hall
Monday, January 6, 2014
7:00 p.m.

Roll Call by the Town Clerk Present Absent

Jessica L. Sullivan	X	Term Expires 12/2015	jsullivan08@maine.rr.com
Caitlin R. Jordan	X	Term Expires 12/2016	caitlin.jordan@capeelizabeth.org
Molly MacAuslan	X	Term Expires 12/2016	mmacauslan@gmail.com
Katharine N. Ray	X	Term Expires 12/2014	retbank@maine.rr.com
David S. Sherman, Jr.	X	Term Expires 12/2014	dsherman@dwmlaw.com
James R. "Jamie" Wagner	X	Term Expires 12/2015	jamiewagnerlaw@gmail.com
James T. Walsh	X	Term Expires 12/2015	jim.walsh@capeelizabeth.org

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

The Pledge of Allegiance to the Flag

Ralph Gould Award Presentation: Michael A. Duddy

Chairman Sullivan presented Michael Duddy, 11 Crescent View Avenue, with the Ralph Gould Award for outstanding citizenship. Mr. Duddy is known for his volunteer efforts with youth sports, St. Bartholomew's and the Conservation Commission. Mr. Duddy's family was present for the presentation.

Town Council Reports and Correspondence

Councilors Sherman and Wagner attending the Town Center Plan Committee meeting earlier in the evening, 4-6p.m. The next meeting is scheduled for 2/10/2014.

Chairman Sullivan acknowledged and thanked the public works department for their work during the storms; the Lions' Club for providing food baskets to residents for the holidays; two citizens for donating funds to the local fuel assistance account.

Finance Committee Report

Councilor Walsh, Chairman Finance Committee provided an overview of the finance committee's workshop on January 29. Items include current year to date status of the budget; town manager's overview of the fiscal year 2015 budget process; joint meeting with the school board to discuss the request of a \$1.75M bond.

Citizen Opportunity for Discussion of Items Not on the Agenda None

Town Clerk Debra Lane announced the town is seeking its oldest resident to be presented with the Boston Post Cane. Information, guidelines and nominations are available at www.capeelizabeth.com. The deadline is February 14, 2014.

**Page 2 Town Council Minutes
January 6, 2014**

Town Manager's Monthly Report

Town Manager Michael McGovern announced the following retirements; Eric Ahlsen, 29 years Public Works Department and Pauline Aportria, 16 years School Business Manager. The town thanks Eric and Pauline for their hard work and wishes them well in their retirement.

Ed Hunt celebrated his 40th anniversary with the police department. Ed is currently the longest serving municipal or school employee. He is the longest serving full time municipal employee (excluding firefighters).

Review of Draft Minutes of December 9, 2013 meeting.

Moved by David S. Sherman, Jr. and Seconded by James R. Wagner

ORDERED, the Cape Elizabeth Town Council approves the minutes of Meeting #1-2014 held December 9, 2013 as written.

(7 yes) (0 no)

Item# 34-2014 Proposed Update to the Greenbelt Plan

Chairman Sullivan provided an opportunity for public comment.

Robert Stier, 9 Rock Crest Drive has provided numerous correspondences to the town council regarding the Surfside Avenue issue. He recommends the town not proceed until it is known whether the town has legal access and rights over the paper street and refer the issue back to the conservation commission.

Sara Lennon, 34 Cranbrook Drive asked a series of questions including whether anyone would like a trail through their yard.

Steven Sutton, 10 Pilot Point Road moved to Cape Elizabeth 6 years ago with accessibility to trails in mind. The Surfside trail should be available for everyone to enjoy

Susan Murray Guerette, 2 Katahdin Road favors the Surfside trail for the good of the community for now and the future.

Maynard Murphy, 24 Pilot Point Road thanked the town council and conservation commission for their efforts and encouraged the town council to approve the greenbelt report including the Surfside trail.

Moved by Katharine N. Ray and Seconded by James T. Walsh

ORDERED, the Cape Elizabeth Town Council approves the **Resolution Adopting 2013 Greenbelt Plan** as presented.

**Page 3 Town Council Minutes
January 6, 2014**

Moved James R. Wagner and Seconded by Caitlin R. Jordan

ORDERED, the Cape Elizabeth Town Council amends the motion to delete the Surfside Avenue trail from the 2013 Greenbelt Plan.

(2 yes) (5 no Councilors MacAuslan, Ray, Sherman, Sullivan, Walsh)

Original Motion:

(5 yes) (0 2 no Councilors Jordan and Wagner)

TOWN OF CAPE ELIZABETH

RESOLUTION ADOPTING 2013 GREENBELT PLAN

WHEREAS, the Town Council finds as follows:

1. The 2007 Comprehensive Plan strongly supports preservation of open space and the greenbelt trails network. Statistically valid surveys conducted in 2005 and 2012 demonstrate that open space and greenbelt trails are highly valued by Cape Elizabeth residents.
2. The Town has a long history of greenbelt planning dating back to the 1977 greenbelt plan, followed by plans in 1988 and 2001. The 2013 Greenbelt Plan estimates 24.5 miles of current greenbelt trails.
3. The “Complete Streets” national transportation policy advocates a design approach whereby transportation infrastructure provides safe travel for all modes including those walking, bicycling, and driving automobiles. These policies are supported in the Town’s road standards and the Comprehensive Plan. Many communities have streets where only pedestrian traffic is allowed.
4. All town greenbelt plans have included a map of potential greenbelt trails depicted on public and private property. Potential trails described within the 2013 Greenbelt Plan are intended as conceptual locations and will only be placed on private property with the willing consent of the property owner.
5. In 1996, the Town of Cape Elizabeth prepared the report “Inventory and Evaluation of Paper Streets in Cape Elizabeth, Maine.” The Town Council subsequently adopted and recorded a motion in the Cumberland County Registry of Deeds on September 11, 1997, in Book 13317, Page 151 which extends for a period of 20 years all proposed, unaccepted ways except those denoted on tax maps as U-7-1, U-7-2, U-7-3, U-7-4, a portion of U-7-5, U-29-2 and U-29-5.
6. A report to the Town Council dated December 2, 2013 depicts numerous examples where town greenbelt trails are currently located in paper streets. There is an estimated 2,500 linear feet of greenbelt trails currently located within paper streets, often providing the only connection for a neighborhood to adjacent, town owned open space. Several paper streets are also identified as potential future locations for greenbelt trails and serve as important connections to larger open space parcels.
7. In connection with the Shore Acres neighborhood, the Town Council engaged in a thorough street vacation process in 1991 (Bayview Road), 2002 (Bayview Road) and 2004 (Katahdin Road extension and a portion of Waumbek Road). Since 1971 the Town has retained its rights in all paper streets and would only release such rights using the street vacation process.
8. Surfside Avenue and many other paper streets are shown on town assessing maps independently of adjacent lots. The assessed value of the lots on Pilot Point Rd abutting Surfside Avenue are discounted from full value waterfront lots because of the presence of the paper street.

**Page 4 Town Council Minutes
January 6, 2014**

9. At the time the Shore Acres subdivision was recorded in 1911, it was common practice for streets to accommodate pedestrian traffic as well as a variety of vehicles. Motor vehicles were not common at that time.
10. There has been extensive discussion and review of the 2013 Greenbelt Plan. The Conservation Commission held fourteen meetings on the subject. These meetings included two public forums, special meetings with the Cape Farm Alliance and the Riverside Cemetery Trustees. The Town Council held six meetings including two workshops, a site walk at Surfside Avenue, and a public hearing on December 9, 2013.
11. Following adoption of the 2013 Greenbelt Plan, the Council intends to review and consider a separate resolution formally accepting all paper streets within which Greenbelt trails are located.

NOW, THEREFORE, pursuant to Article II, Section 3 of the Council-Manager Charter of the

Town of Cape Elizabeth, the Council hereby adopts the 2013 Greenbelt Plan by a vote of **5** in favor and **2** opposed.

Item# 35-2014 Review and Action on Draft Town Council Goals for 2014

Moved by James T. Walsh and Seconded by Martha MacAuslan

ORDERED, the Cape Elizabeth Town Council approves the **Cape Elizabeth Town Council Goals 2014** with the following amendment:

- The town council will consider opportunities to maintain e-mail lists for informing specific citizens or groups of citizens of local issues.

(7 yes) (0 no)

Moved by Caitlin R. Jordan and Seconded by David S. Sherman, Jr.

ORDERED, the Cape Elizabeth Town Council approves the goals for 2014 as amended with the additional amendment:

- The town council will evaluate opportunities to enhance access to Crescent Beach and Kettle Cove for commercial fishermen.

(7 yes) (0 no)

**Cape Elizabeth Town Council Goals
2014**

The Cape Elizabeth Town Council commits to the following goals for calendar year 2014:

Thomas Memorial Library

- A bond referendum will be scheduled for November 4, 2014 on a clearly defined proposal from the library building committee.
- A fundraising mechanism will be established to raise funds needed for furnishings and technology.
- The town council will review the current policy for naming opportunities for the library and for other facilities
- The town will formalize its relationship with the Cape Elizabeth Historical Preservation Society.
- A plan to accommodate space for the Cape Elizabeth Historical Preservation Society will be reviewed.
- Plans will be developed for the repurposing of the original Spurwink School section of the Thomas Memorial Library.

Page 5 Town Council Minutes January 6, 2014

Policy Reviews

- The town center planning committee will complete its work and the town council will review its recommendations.
- The town council will take action on the proposed ordinance relating to outdoor shooting ranges.
- The town council will evaluate the impacts of the short term rentals ordinance provisions adopted in 2012.
- The town council will consider and vote upon the recommendations contained in the greenbelt plan update proposed by the conservation commission.
- The town council will review the process that occurred for updating the greenbelt plan.
- The town council will review an update on the policies emanating from the 2011 facility space use working group.
- The town council will review policies relating to the use of email and texting during town council meetings.
- The town council will evaluate policies and procedures to plan for continued aging of the community's population.

Community Engagement

- The town council will establish an advisory committee consisting of citizens aged 55+ to have dialogues on how the town can best serve its retirement age citizens.
- The town council will continue discussions and cooperation with community groups such as the Cape Business Alliance, the Cape Farm Alliance, the Cape Elizabeth Land Trust, the Cape Elizabeth Education Foundation and other groups which seek to positively impact the community.
- The town council will enhance use of social media.
- The town council will consider additional opportunities for community engagement.
- The town council will review with community members past engagement with the community on issues which were contentious to evaluate lessons to be learned as issues are discussed in the future.
- The town council will continue to support an active webpage.
- The town council will consider opportunities to maintain e-mail lists for informing specific citizens or groups of citizens of local issues.
- The town council will continue orientation of boards and commissions in order to facilitate their focus on community engagement.
- The town council will continue to collaborate with the school board on issues of mutual concern.
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Community Improvement

- The town council will evaluate opportunities to enhance access to Crescent Beach and Kettle Cove for commercial fishermen.
- The town council will update the capital stewardship plan.
- The town council will continue to support implementation of the Fort Williams Park master plan and of the arboretum at Fort Williams Park.

Other

- A committee will be convened to plan Cape Elizabeth's 250th anniversary of its incorporation.
- The town council will meet with legislators on issues of concern to Cape Elizabeth residents.
- The town will continue to review opportunities for food composting.
- The finance committee chair will provide monthly updates at the regular town council meeting.
- The finance committee will meet with the town manager to review and discuss the outlook for the municipal budget early in 2014.
- The town council will present a Ralph Gould award early in 2014 and plan for a presentation in early 2015.
- The town council will evaluate its external professional service providers including legal and audit services.
- The town council will update the procedures for the annual evaluation of the town manager.
- The town council will review procedures for training related to the Maine Freedom of Access Act and for determining conflicts of interest under 30-A MRSA §2605

**Page 6 Town Council Minutes
January 6, 2014**

Item# 36-2014 Senior Citizens Advisory Commission

Moved by David S. Sherman, Jr. and Seconded by Katharine N. Ray

ORDERED, the Cape Elizabeth Town Council approves the creation of a Senior Citizens Advisory Commission and the proposed commission charge as amended.

(7 yes) (0 no)

Senior Citizens Advisory Commission

There is hereby created the Cape Elizabeth Senior Citizens Advisory Commission. The commission shall consist of up to seven (7) citizens nominated by the appointments committee and approved by the town council. The town council chairman will appoint a liaison to the commission and the town manager will appoint a staff liaison.

The commission shall advise the town council on issues facing the over 60 population of the community. They shall provide regular updates to the council and shall prepare a written report to be submitted by December 31, 2014 providing observations and recommendations for consideration by the council. Within the report, the commission shall recommend whether or not a continuing senior citizens advisory commission shall be appointed for succeeding years.

The committee will have no budget but any minor miscellaneous expenses shall be provided through existing appropriations.

Citizen Opportunity for Discussion of Items Not on the Agenda None

Item# 37-2014 Town Manager's Annual Evaluation

Moved by James R. Wagner and Seconded by James T. Walsh

ORDERED, the Cape Elizabeth Town Council in conformance with 1 MRSA §405 6 A. hereby enters into executive session at 8:05 p.m. to begin the annual evaluation process for the town manager.

(7 yes) (0 no)

Moved by James R. Wagner and Seconded by James T. Walsh

ORDERED, the Cape Elizabeth Town Council exits executive session and reenters public session at 9:38 p.m.

(7 yes) (0 no)

**Page 7 Town Council Minutes
January 6, 2014**

Adjournment

Moved by James R. Wagner and Seconded by James T. Walsh
ORDERED, the Cape Elizabeth Town Council adjourns at 9:38 p.m.
(7 yes) (0 no)

Respectfully Submitted,

Debra M. Lane, Town Clerk

The next scheduled town council meeting is February 11, 2014.

The town council will have a finance committee meeting on January 29, 2014. The agenda for this workshop meeting will be to review fiscal results for the first six months of the fiscal year, to discuss budget goals for FY 2015, and to review with school board representatives their recent proposal to borrow fund for school facility improvements. Annexed to this meeting will be a town council workshop to discuss a work plan to accomplish 2014 council goals.