

DRAFT #1

December 18, 2015

Dear Board and Commission Member:

You are cordially invited to attend the *Town of Cape Elizabeth's Board and Commission Orientation*. The event will be held on DATE, TIME, AND LOCATION.

Municipal standing and ad-hoc boards are encouraged to attend. Members of the town council will be leading the discussions as outlined in the enclosed agenda.

A reception will begin at 6:30 p.m. Refreshments will be provided.

In order to plan for the event, we ask for your response. Responses should be directed to Debra Lane, Assistant Town Manager at debra.lane@capeelizabeth.org or by calling 799-7665. Your response is requested no later than DATE.

Please mark your calendars for DATE/TIME. We hope to see you there!

Thank you for your service to Cape Elizabeth.

Sincerely yours,

Molly MacAuslan, Chairman
Town Council

Enclosure

DRAFT #1 (Agenda based on 2014 orientation)

Town of Cape Elizabeth
Board and Commission Orientation
Agenda
Date, Time, Place

Welcome and Introductions

Town Council Goals

Board and Commission Role in Policy Development

The Budget Process

Citizen Engagement and the Right to Know Law

The Appointments Process

How to Handle the Press

Staff Support to Boards and Commissions

Administrative Issues

Examples of Recent Successful Activities of Boards and Commissions

Riverside Cemetery Master Plan

Library Outreach Effort

Fort Williams Park Master Plan

Advocacy for Trail Maintenance

Outreach and Advocacy on Recycling

Regulations of Properties Rented for Short Terms

Questions

Closing Comments

DRAFT #2

December 18, 2015

Dear Board and Commission Member:

You are cordially invited to attend the *Town of Cape Elizabeth's Board and Commission Orientation*. The event will be held on DATE, TIME, AND LOCATION.

Municipal standing and ad-hoc boards are encouraged to attend. Members of the town council and staff will be leading the discussions as outlined in the enclosed agenda.

The Town would like to thank you and recognize your service by inviting you to a reception beginning at 6:30 p.m. Dinner/refreshments will be provided.

This evening is an opportunity for new appointees and current board members to gather. The focus of this year's training is to disseminate important information to help you in your role as a member of a board or commission.

In order to plan for the event, we ask for your response. Responses should be directed to Debra Lane, Assistant Town Manager at debra.lane@capeelizabeth.org or by calling 799-7665. Your response is requested no later than DATE.

Please mark your calendars for DATE/TIME. We hope to see you there!

Thank you for your service to Cape Elizabeth.

Sincerely yours,

Molly MacAuslan, Chairman
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Enclosure

DRAFT #2

Town of Cape Elizabeth Board and Commission Orientation Agenda Date, Time, Place

Welcome, Introductions

Thank you and recognition of service.

Review of Organizational Chart

How boards and commissions fit into the overall organization.

Maine's Freedom of Access Act (FOAA)

As a representative of the town, what board members need to know regarding public records and public proceedings?

Conflicts of Interest

What if a board member has a conflict of interest, perceived or otherwise with a matter pending before the board?

Expectations, Roles and Responsibilities

Review the policy and responsibility documents.

Administrative Issues

Provide guidance for record keeping e.g. agendas and minutes.

www.capeelizabeth.com

Review the town's website for board and commission information etc.

Town Council Updates/Hot Topics?

Sample topics include the budget, review of council goals, appointments process, citizen outreach.

Board Updates?

- a) Provide each board 1-2 minutes for updates, goals for 2016
- b) Select 2-3 boards for update e.g. Library Building Committee, Solid Waste & Recycling Long Range Planning Committee, Conservation Commission trail updates, Senior Citizen Advisory Committee

Questions

Closing Comments

To All Cape Elizabeth Board, Commission and Committee Members:

Welcome, and thank you for your commitment to the Town of Cape Elizabeth – we value your service! We have a variety of boards and commissions advising the Town Council and staff on a number of ideas, plans, and opportunities for our community. The Town Council encourages citizen engagement and participation and strives to fill these boards and commissions with a diverse group of individuals representing a wide range of opinions, life and work experiences, willing to share their time and talent.

The Council has provided this memorandum to help you to understand your role within the board or commission you serve on, to ensure your board/commission operates effectively and efficiently, and to ensure all members comply with legal requirements. We hope you'll find it useful and encourage you to reach out to your board/commission chair, the Council chair, or the Town Manager if you have any specific questions.

Public's Right to Know

In order for the public's business to be conducted in public, we all must follow certain protocols and legal requirements. Convenience, avoidance of embarrassment and conflict, informality and simplicity can lead to avoidance or circumvention of the public's right to know as it is spelled out in both Maine statute (FOIA) and Federal law (FOAA). However, the public always has the right to hear and see why actions and recommendations are being formulated; therefore, the law requires public notice for a meeting of a body or agency consisting of 3 or more persons. This requirement and structure allows for public attendance and in some cases public participation.

While emails are of course allowed between individual board/commission members, no actions may be taken and no votes held in this format, nor should any matters of a substantive nature be discussed. Remember, while it may be convenient for you, this sort of discussion defeats the intent of the public's right to know laws and must be avoided. Additionally, any emails discussing any business related to the town or committee proceedings are subject to FOIA requests and must be made available upon such request. All emails discussing town business should be copied to file@capeelizabeth.org.

Board & Committee Roles and Responsibilities

Finally, we all serve together for the good of the community and the following points will help us all work together most efficiently and effectively.

Attendance at Meetings

As with any volunteer organization, regular attendance by all members is necessary for the board or commission's operations. Of course we all have occasional scheduling conflicts, but if you find that you're unable to make meetings on a regular basis please work with your board/commission chair and you may need to consider resigning and making room for another volunteer in your place.

Effective Group Communication

Disagreements between board/commission members may occasionally happen, and this can often lead to a better result in the long-term outcome of the work of the group. When such disagreements lead to ineffective and unproductive group dynamics, an outside mediator may be available to resolve such disputes. Please speak to your chair if you think this would be helpful.

Finally, please be aware that according to the Town Charter, the Council always has the ability to remove uncooperative board/commission members. We of course hope this will not be necessary!

We hope this information is useful, and we hope that you enjoy your time serving in the role on the board or commission for which you've volunteered. Please don't hesitate to ask if you have any questions, and again, thank you for helping make Cape Elizabeth the community it is.

Sincerely,

Town of Cape Elizabeth Boards and Commissions

Staff Assignments

Board of Assessment Review	Town Assessor
Conservation Commission	Town Planner
Fort Williams Advisory Commission	Director of Public Works
Personnel Appeals Board	Chief of Police
Planning Board	Town Planner
Recycling Committee	Director of Public Works
Riverside Memorial Cemetery Trustees	Town Clerk
Thomas Memorial Library Trustees	Director of Thomas Memorial Library
Zoning Board of Appeals	Code Enforcement Officer

Town of Cape Elizabeth
Boards & Commissions
Descriptions
Updated September 25, 2014

Board of Assessment Review

- Three member board
- Quasi-judicial
- Staggered three-year terms
- Meets in the event a decision of the Town Assessor is appealed

Responsibilities include the hearing of appeals of decisions of the Town Assessor. The Board follows state statutes in making decisions. Interpretation of these statutes required.

Conservation Commission

- Seven member board
- Staggered three-year terms
- Commission meets at 7:00 pm on the second Tuesday of every month, plus occasional meetings as needed
- Commission meets in the ACP Conference Room, Town Hall
- Trail walks are scheduled monthly, with additional site visits as needed

Responsibilities include planning, construction and maintenance of trails, hosting Trails Day, and advising the Planning Board and the Town Council on conservation issues.

Fort Williams Advisory Commission

- Seven member board
- Staggered three-year terms
- Commission meets at 7:00 pm on the third Thursday of each month, except July or August
- Commission meets at the Public Works Facility on Cooper Drive

Responsibilities include review of use requests, the annual budget document, and advises the Town Council on Fort Williams Park policy issues.

Personnel Appeals Board

- Three member board
- Quasi-judicial
- Staggered three-year terms
- Meets in the event an employee files an appeal of a disciplinary action

Planning Board

- Seven member board
- Quasi-judicial
- Staggered three-year terms
- Board meets at 7:00 pm on the third Tuesday of every month
- Board meets in the Town Council Chamber, Town Hall
- Board workshop meets at 7:00 pm on the first Tuesday of every month
- Board workshop meets in the William H. Jordan Conference Room, Town Hall
- Site walks for proposed developments are scheduled as needed on Saturday mornings or weekday evenings in the summer.

Responsibilities include review of proposed development, such as residential subdivision, commercial structures, changes of use, and wetland alterations, in accordance with local regulations. Also provides comments on proposed ordinance amendments.

Recycling Committee

- Seven member board
- Staggered three-year terms
- Committee meets at 7:00 pm on the 1st Thursday of each month.
- Committee meets at the Public Works Facility on Cooper Drive

Reviews and recommends policy and operations-related changes to the recycling efforts at the town's Recycling Center. Promotes and educates the public in recycling efforts.

Riverside Memorial Cemetery Trustees

- Three member board
- Staggered three-year terms
- Trustees meet on an as-needed basis. Late afternoon meetings are preferred.
- Trustees meet at Town Hall

The Board of Trustees advises the town council on policies, rules and operations of the cemetery. The Trustees consider and propose long-range planning of cemetery expansion. Sale of lots to non-residents, buy-backs of lots and appeals of rules and regulations are considered by the Trustees.

Board of Trustees of the Thomas Memorial Library

- Seven member board
- Staggered three-year terms
- Trustees meet at 6:30 pm on the third Thursday of each month, except August
- Trustees meet at the Thomas Memorial Library

The Trustees advise the Director of the Thomas Memorial Library of library needs and on the quality and scope of the services provided by the Thomas Memorial Library. They advocate for adequate support and assist in the formulation of policy.

Zoning Board

- Seven member board
- Quasi-judicial
- Staggered three-year terms
- Board meets at 7:00 pm on the fourth Tuesday of every month
- Board meets in the Town Council Chamber, Town Hall
- Board workshop and site walks are scheduled as needed

Responsibilities include appeal of decisions of the code enforcement officer/building inspector, granting variances to the Zoning Ordinance, approving conditional use permits and multi-unit conversions. Board follows Zoning Ordinance and other state and local statutes in making decisions. Interpretation of these ordinances and statutes required.

**TOWN of CAPE ELIZABETH
STATEMENT of POLICY
APPOINTMENTS to STANDING BOARDS & COMMISSIONS**

Amended November 8, 2010

The Cape Elizabeth Town Council believes that 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 commissions. Our standing boards and commissions 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. The Appointments Committee shall annually advertise all expiring terms on standing boards and commissions. The advertising shall include notice in the Cape Courier, on the Town's website and on the Town's Cable Access Station.
2. The Appointments Committee shall seek to meet with all prospective appointees in order to discuss special qualifications, expertise and interest of applicants.
3. 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 commission. 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.
4. A citizen may serve up to two full consecutive terms as a regular member of a standing board or commission, except the Trustees of the Riverside Cemetery, and members of the Planning Board, Zoning Board of Appeals and the Conservation Commission may serve up to three consecutive terms. Reappointment to that same board or commission may then occur only after a one-year period of non-service on that board or commission. Provided, however, despite the term limitations of this paragraph, for good cause shown the Town Council may appoint a board or commission member for an additional one year.

5. Citizens may serve on only one standing board or commission at one time unless they represent a particular board in an ex-officio capacity.
6. Chairmen of boards and commissions shall not serve more than two consecutive one-year terms as Chairman.
7. The secretary of each board and commission shall be elected from among the membership. The Town provides paid secretarial assistance only for regular meetings of the Zoning and Planning Boards.
8. Members of the Planning Board may not concurrently serve as members of the governing board of the Cape Elizabeth Land Trust.
9. 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 commission.
10. A schedule of board and commission meetings shall be provided to the Town Clerk. Immediately following each meeting, minutes shall be provided to the Town Clerk. Electronic transmittal of minutes is requested.
11. Employees of the Town of Cape Elizabeth may not serve on standing boards and commissions, except by ex-officio appointment. 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 commission unrelated to their work for the town.

Responsibility of and for Boards and Commissions
Adopted December 12, 1988
Amended December 8, 2003

On December 12, 1988, the Cape Elizabeth Town Council adopted the following outline of responsibilities of and for Boards and Commissions. Any reference to "Boards" shall also include Commissions and Committees.

Town Council Responsibility

1. Create and dissolve Boards.
2. Determine Board responsibilities.
3. Appoint members of Boards upon recommendation of the Appointments Committee unless expressed authorization is given to another appointing authority.
4. Review and adopt Board budgets.
5. Determine town manager and board chairman responsibility vis a vis Boards.
6. Adopt Board by-laws.
7. Oversee policy direction of Boards.
8. General orientation for Board members.

Town Manager Responsibility

1. Resolve non-policy citizen complaints regarding Boards.
2. Prepare Board budgets after consultation with board chairman.
3. Convene Board meetings, in cooperation with staff assigned to the Board, if inactive Boards.
4. Assign staff to Boards when within budgets and when needed.
5. Secure professional services for Boards when within budget and when town manager agrees that such services are needed.
6. Inform the Town Council Chairman of chronic non-attendance by any Board member.
7. In cooperation with staff assigned to Board, assess training needs of Board members.

Assistant Town Manager Responsibility

1. Assist Appointments Committee with administrative details of the appointments process.
2. Maintain list of Board members and terms for the town record, public view and distribution.
3. Inform town manager and Appointments Committee of Board vacancies throughout the year.
4. Assist Appointments Committee with Board orientation.
5. Maintain electronic lists and documents when possible.

Town Clerk Responsibility

1. Maintain record of Board meeting schedule.
2. Provide public notice of Board meetings.
3. Retain minutes of Board meetings for the town record, public view and distribution.

Staff Member Responsibility

1. Schedule regular meetings of the Board.
2. Provide Board with meeting schedule, agenda and packet material.
3. Ensure public notice of meetings and workshops. Provide meeting schedules and/or agendas to the town clerk for public notice and public review.
4. Ensure meeting minutes are provided to the town clerk immediately following each meeting. Meeting minutes are maintained for the town record, public view and distribution.
5. Ensure the maintenance of attendance records.
6. Report issues relating to non-attendance of a Board member to the town manager.
7. Electronically transmit Board schedules, agendas and minutes.
8. When applicable, review annual budget request with Board members.
9. In cooperation with the town manager, assess training needs of Board members.
10. Inform assistant town manager and town manager of vacancies. Written resignations are requested.
11. Direct questions regarding potential conflict of interest with a Board member to the town manager.

Board Members Responsibility

1. Regularly attend Board meetings. Notify staff member and/or Board chairman, in advance, if Board member is unable to attend a meeting.
2. Observe the provisions of the Council-Manager Charter and ordinances of the Town of Cape Elizabeth and statutes of the State of Maine and faithfully discharge the duties of the office to which the Board member is appointed.
3. Follow the spirit and the letter of the Maine Right To Know Law. Board meetings must be publicized. The public has a right to attend meetings and receive Board correspondence and packet information, unless otherwise expressed by state statute.
4. Attend appropriate orientation and training sessions.
5. Respect the views of other Board members.
6. Differentiate between personal views and Board policy in order to avoid confusion by the public.
7. Reveal any potential conflict of interest to the staff member and Board chairman prior to discussion and voting on the issue. Board members shall abstain from discussion and voting on any item deemed to be a conflict of interest.
8. Direct concerns to the Board chairman. In the absence of the Board chairman, direct concerns to the staff member.
9. Board chairman: Ensure the maintenance of attendance records; ensure minutes are provided to the staff member, Board and town clerk immediately following each meeting; minutes shall be provided electronically; schedule meetings; provide public notification of each meeting; notify staff member of potential conflicts of interest, non-attendance by Board members, Board resignations and other concerns, questions and issues.