



## **Cape Elizabeth Town Council Minutes**

**Monday, July 13, 2015**

**7:00 p.m.**

**Cape Elizabeth Town Hall**

Katharine N. Ray, Chairman  
Patricia K. Grennon  
Caitlin R. Jordan  
Molly MacAuslan  
Jessica L. Sullivan  
Jamie Wagner  
James T. Walsh

**The meeting was convened at 7:00 p.m. by Town Council Chairman Katharine N. Ray.**

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

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

6 members present

Absent - Councilor Walsh

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

None

### **Finance Committee Report**

Preliminary reports indicate a very good 2015 fiscal year. Excise tax collected in 6/2015 was the highest month ever. The Portland Head Light also had a good year, +\$11,000 over last year.

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

None

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

Mr. McGovern reported the library project is going well, paving projects have begun, the town is preparing for three large events; Tall Ships, 250<sup>th</sup> Anniversary Committee Night at the Light and Beach to Beach 10K Road Race.

### **Review of Draft Minutes of the June 15, 2015 meeting.**

Moved by Jessica L. Sullivan and Seconded by Martha MacAuslan

ORDERED, the Cape Elizabeth Town Council approves the amended minutes of the meeting held June 15, 2015 as noted by Councilor Grennon.

(6 yes) (0 no)

Item #80-2015 Library Use Policy

Rules of Conduct

2<sup>nd</sup> Sentence –

...and no phone zones shall be established...

Public Access Computers

5<sup>th</sup> Paragraph-

...to make duplicates at fifteen (15) cents per page.

**Item # 86-2015      Recommendation from the Firing Range Committee**

Present – Sgt. Paul Fenton, staff to the Firing Range Committee

Chairman Ray opened the item for public comment.

Ed Nadeau, 9 Apple Tree Lane

Mr. Nadeau mentioned the letter submitted by Cathy Kline requesting the town council defer a public hearing pending the results and review of the safety evaluation.

Tammy Walter, 1095 Sawyer Road, President of the Spurwink Rod & Gun Club

Ms. Walter stated the modifications made to the Club during the last year of \$38,000 and recently an additional \$22,000 in updates to the range and clubhouse.

Mark Mayon, Spurwink Rod & Gun Club

Mr. Mayon said the Club is proud to be part of the history of Cape Elizabeth. Renovations are 60% complete and should be finished within 3 years.

Intro – Councilor Jordan, Chairman Firing Range Committee presented an overview of the 7 findings and 4 recommendations of the firing range committee.

Moved by Caitlin R. Jordan and Seconded by Martha MacAuslan

ORDERED, the Cape Elizabeth Town Council acknowledges receipt of the Firing Range Committee report and refers to public hearing the Firing Range Committee's recommendation and findings relating to the permit of the Spurwink Rod and Gun Club for Monday, September 14, 2015 at 7:00 p.m. at the Cape Elizabeth Town Hall.

(6 yes) (0 no)

Note: It is anticipated the safety evaluation will be complete by the end of the week. The town council would like to schedule a meeting with the evaluator in order to review the report and ask questions prior to the public hearing. Sgt. Fenton will check on the availability of the evaluator for the 8/10 council meeting.

Findings

- 1) By a vote of 4 to 1, we find that as designed the Spurwink Rod and Gun Club meets the requirement for Shot Containment set forth in the ordinance, further supporter by the written range rules.
- 2) By a vote of 4-1, that the surface danger zone is contained within the boundary lines of the facility.
- 3) By a vote of 3-2, we find that when the range is used as intended it would appear to have 100% shot containment.
- 4) By a vote of 4-1, we find that the club is exempt from the 65 dBA section of the ordinance, due to the 30-A M.R.S.A. 3011, meaning that the municipality cannot limit noise, as the club appears to meet the definition of section 3011.
- 5) By a vote of 5-0, we find that the Spurwink Rod and Club qualifies under the ordinance as an existing shooting range, therefore the sections of the ordnance exempting existing ranges apply.
- 6) By a vote of 5-0, we find that the Spurwink Rod and Gun Club as adequate security and control of ingress and egress with a coded pad lock.
- 7) By a vote of 5-0, we find that the Spurwink Rod and Gun Club has an adequate EPA Lead Management Plan, consisting of four parts including record keeping with annual review.

## Recommendation

- 1) By vote of 5-0, we recommend that the Town Council ask the independent safe evaluator if he could comment on the design phasing plans and how they will have shot containment.
- 2) By a vote of 4-1, we recommend that the Town Council ask the independent safety evaluator about the design of the club compared to the standards of the NRA, as well as their phasing design.
- 3) By a vote of 3-2, we recommend that the Town Council consider changing the hours of operation of Shooting Ranges on the weekends.
- 4) By a vote of 5-0, we recommend that the Town Council review and compare the liability insurance requirement to other local range standards.

With these Findings and Recommendations we the Shooting Range Committee, move for action on the application that the

Application go to the Town Council with the Recommendation that the application be APPROVED, by a vote of 4-1.

## **Item # 87-2015      Report of the Senior Citizens Advisory Committee**

Intro – Brett Seekins, Chairman Senior Citizens Advisory Commission

Moved by Jessica L. Sullivan and Seconded by Patricia K. Grennon

ORDERED, the Cape Elizabeth town council acknowledges receipt of the Senior Citizens Advisory Committee's report and thanks the committee for its considerable work and refers the recommendations to a town council workshop to be scheduled.

(6 yes) (0 no)

## **Item # 88-2015      Proposed Special Events Ordinance Provisions**

Intro – Peter Curry, Chairman Planning Board

Chairman Ray opened the item for public comment.

Julie Sprague, 7 Odyssey Lane

Ms. Sprague asked for an explanation of the reasoning for the ordinance as she is concerned about government stepping into private land ownership.

Mr. McGovern provided an overview.

Moved by Martha MacAuslan and Seconded by Patricia K. Grennon

ORDERED, the Cape Elizabeth Town Council refers the proposed special events ordinance provisions to the ordinance committee for review and a recommendation back to the town council.

(6 yes) (0 no)

See Attachment.

## **Item # 89-2015      Thomas Memorial Library Electronic Use Policy**

Intro – Councilor Grennon, Liaison to the Thomas Memorial Library Trustees

Moved by Patricia K. Grennon and Seconded by Martha MacAuslan

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the Thomas Memorial Library Trustees for an amendment to the Library Electronic Use Policy as presented.

(6 yes) (0 no)

See Attachment.

**Item # 90-2015      Center Line on Fort Williams Park Entrance Road**

Councilor Sullivan requested the item on the agenda on behalf of Dr. Winthrop MacLaughlin

Dr. MacLaughlin was present to explain his request for a center line. He is concerned about the safety of vehicles and pedestrians along the narrow, windy entrance road. He has had a couple of near accidents because of drivers not paying attention to the road.

Staff does not support the request as it doesn't meet the standards for MUCTD. If a center line was installed it may force drivers closer to the sidewalk which there is not separation from the road and sidewalk.

Mr. McGovern suggested a longer term review of the road and sidewalk through the Fort Williams Advisory Commission.

The council agreed to ask the FWAC to consider looking at the roadway and how a separation of road and sidewalks may be accomplished.

The council thanked Dr. MacLaughlin for his suggestion.

**Item # 91-2015      Update on Council Goal Related to Mediation**

Intro – Councilor Jordan

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

ORDERED, the Cape Elizabeth Town Council acknowledges receipt of the Mediation Work Group report and approves the implementation of the 4 recommendations as presented.

(6 yes) (0 no)

- 1) That resources (posters, brochures) be made available to the public at such places as, the library, the police station, neighborhood associations, schools, and places of faith, to list a few, that would create awareness of the availability of mediation services.
- 2) Add a link to the towns website to Volunteers of American and Opportunity Alliance under a mediation heading as services available to our citizens
- 3) Take advantage of the offer by the Directors of Volunteers of America and Opportunity Alliance to come and talk with the department heads about the mediation services currently available as well as their referral process.
- 4) Request a new practice by the police, code enforcement and other applicable departments, in which they begin referring those they feel could benefit from mediation to either Volunteers of American or Opportunity Alliance.

**Item # 92-2015      Fee Updates**

Intro – Mr. McGovern

Moved by Jessica L. Sullivan and Seconded by Patricia K. Grennon

ORDERED, the Cape Elizabeth Town Council approves the proposed amendments to the municipal fee schedule as presented effective September 1, 2015 except for sewer fees to be effective March 1, 2016.

(6 yes) (0 no)

See attachment.

**Item # 93-2015      Carry Forward Amounts**

Intro – Mr. McGovern

Moved by Martha MacAuslan and Seconded by Jessica L. Sullivan

ORDERED, the Cape Elizabeth Town Council approves the following carry forward balances into fiscal year 2016 as presented.

(6 yes) (0 no)

		2015
<b>General Fund Assigned Fund Balances</b>		
1102016	Records Preservation	\$ 4,845
1202011	App Geo Implementation	\$ 15,335
5205053	Family Fun Day	\$ 9,000
5205053	250th Anniversary Committee	\$ 15,000
6452036	Fort Williams Park Stone Wall Repairs	\$ 30,986
7154004	Police Cruiser Replacement	\$ 16,178
7154009	Roadway and Drainage Repairs	\$ 400,748
7154013	Sidewalk Improvements	\$ 48,620
7154052	Library Project-Original Library Building	\$ 74,238
7154111	Town Hall Meeting Spaces/Office Spaces Plan	\$ 75,000
7155263	Extrication Tool	\$ 25,000
7155276	Athletic Field Electrical	\$ 8,900
7155283	Recycling Center Study	\$ 25,000
7254227	Fuel Donation Account	\$ 2,968
7154052	Library Generator Transfer Switch	\$ 15,000
7154052	Former Library Planning and Renovation	\$ 150,000
7155284	Front End Loader Replacement	\$ 50,000
715xxx	Richards Pool Study	\$ 17,000
	Budgeted Use of Undesignated Surplus	\$ 352,000
		\$ 1,335,818
<b>Infrastructure Fund Assigned Fund Balance</b>		
7504008	Trout Brook	\$ 25,000
755	<b>Library Project</b>	June 30 Balance

**Item # 94-2015      Mitigation Work on Combined Sewer Overflow**

Present – Robert Malley, Director of Public Works

Intro – Mr. McGovern

Moved by Jessica L. Sullivan and Seconded by Patricia K. Grennon

ORDERED, the Cape Elizabeth Town council approves the recommendation of the town manager to allocate \$350,000 within the sewer user fund for mitigating the combined sewer overflow at Ottawa Road as presented.

(6 yes) (0 no)

**Item # 95-2015      Lease Amendment for Spurwink Road Pump Station**

Present – Paul Rodriguez, Senior Project Manager, Portland Water District

Intro – Mr. McGovern

Moved by Patricia K. Grennon and Seconded by Caitlin R. Jordan

ORDERED, the Cape Elizabeth Town Council approves the request of the Portland Water District for a lease amendment for a drainage line at their pump station on Spurwink Avenue across from the treatment plant and authorizes the town manager to sign the lease as presented.

(6 yes) (0 no)

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

Councilor MacAuslan asked about cell coverage. Mr. McGovern said the court decision (Verizon vs Town of Cape Elizabeth) is due by the end of August 2015. The council will continue to be apprised of the matter.

**Adjournment**

Moved by James R. Wagner and Seconded by Jessica L. Sullivan

ORDERED, the Cape Elizabeth Town Council adjourns at 8:16 p.m.

(6 yes) (0 no)

Respectfully Submitted,

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Debra M. Lane, Town Clerk