



Cape Elizabeth Town Council

Minutes Wednesday, November 4, 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

Present

All members of the town council were present.

Debra Lane, Town Clerk

Michael McGovern, Town Manager

Town Council Reports and Correspondence

Appointments Committee Chairman MacAuslan reminded residents applications for standing boards and commissions are due to the town clerk by Friday, November 6.

The Town Council recognized outgoing councilors Jamie Wagner and Jim Walsh. Councilor Jordan and Councilor Sullivan, respectively, provided an overview of the accomplishments of each councilor. Chairman Ray presented a framed print and thanked each of them for their service.

Congratulations to Jessica Sullivan, Jamie Garvin and Sara Lennon on their election to the town council. The two new councilors will take office December 14.

Finance Committee Report

Finance Committee Chairman Walsh reviewed the expenses and revenues to date. The dashboard is also available for public review.

Citizen Opportunity for Discussion of Items Not on the Agenda

None

Town Manager's Monthly Report

Mr. McGovern recognized and thanked the 250th Anniversary Committee for their work which wrapped up on November 1st with a celebration at Inn By The Sea. The committee has provided a variety of activities during the last year and brought members of the community together.

Thank you to Debra Lane, Town Clerk and the election staff for their work on the November 3rd.

Review of Draft Minutes of October 14, 2015 meeting.

Moved by Martha MacAuslan and Seconded by James T. Walsh

ORDERED, the Cape Elizabeth Town Council approves the minutes of the meeting held October 14, 2015 as written.

(7 yes) (0 no)

Item #126-2015 Public Hearing: Special Events Ordinance Provisions and Related Zoning Overlay Map

Consideration of Special Events Ordinance provisions and related zoning overlay map.

Chairman Ray opened the public hearing at 7:29 p.m.

After hearing no comments the hearing was closed.

Intro – Councilor Wagner, Ordinance Committee Chairman

Moved by James R. Wagner and Seconded by Patricia K. Grennon

ORDERED, the Cape Elizabeth Town Council approves the proposed amendment to Chapter 19 Zoning Ordinance to create a Special Event Facility Overlay District and an amendment to the Official Zoning Map to create the first Special Event Facility Overlay District as presented.

(7 yes) (0 no)

Item # 127-2015 Rescue Coverage Update from Fire Chief

Intro – Mr. McGovern

Present – Fire Chief Peter Gleeson

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

ORDERED, the Cape Elizabeth Town Council approves the recommendation from the Fire Chief to expand to having one paramedic or advanced EMT on duty 24 hours a day, 7 days a week at the town center fire station. It is so authorized that the rescue fund budget for FY 2016 be increased from the current \$340,177 to \$375,000 and that an additional \$25,000 be appropriated to account 715 (capital improvements) from the general fund unassigned fund balance to improve the quarters for overnight personnel as presented.

(7 yes) (0 no)

Item # 128-2015 Pickleball

Intro – Mr. McGovern

Moved by James T. Walsh and Seconded by Patricia K. Grennon

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the Fort Williams Advisory Commission to review the use of all town courts, including those in Fort Williams Park, and develop a plan to accommodate both pickleball and tennis in the community. The Council further approves the recommendation of the Town Manager to form an ad hoc committee to include two representatives of the Fort Williams Advisory Commission and two representatives of the Community Services Advisory Commission and report back to the town council with a recommendation by March 1, 2016.

(7 yes) (0 no)

Item # 129-2015 Report on Dectron Humidity Control Unit at Donald Richards Community Pool

Intro – Mr. McGovern

Moved by Martha MacAuslan and Seconded by James T. Walsh

ORDERED, the Cape Elizabeth Town Council refers to a future workshop with the School Board a report and its recommendations of the engineering study of potential replacement of the dectron unit at the Donald Richards Community Pool at an estimated cost for a new unit and related engineering of \$603,641.

(7 yes) (0 no)

Item # 130-2015 Report of the Solid Waste and Recycling Long Term Planning Committee

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

ORDERED, the Cape Elizabeth Town Council sets to public hearing on Monday, January 4, 2016 at 7:00 p.m. at the Cape Elizabeth Town Hall the Report of the Solid Waste and Recycling Long Range Planning Committee.

(7 yes) (0 no)

Item # 131-2015 Town Council Goals for 2015

The town council reviewed the progress on goals. No action was taken.

Item # 132-2015 Citizen Input on the Goddard Mansion

Moved by Jessica L. Sullivan and Seconded by Martha MacAuslan

ORDERED, the Cape Elizabeth Town Council following the tax bill survey in which 793 responses were received adopts the following policy on the Goddard Mansion.

(7 yes) (0 no)

The Goddard mansion at Fort Williams Park has been repaired many times after two fires in the 1980's. The interior frame structure was removed and the walls have been capped and partially sealed. In 2009, the council voted to seal off access to make the building as safe as possible while still maintaining the façade for historical appreciation. The town council affirms that the Goddard Mansion should continue to be stabilized in a safe manner.

Item # 133-2015 Citizen Input on the old Thomas Memorial Library/Spurwink School

Moved by James T. Walsh and Seconded by Patricia K. Grennon

ORDERED, the Cape Elizabeth Town Council following the tax bill survey in which 807 responses were received hereby requests the town manager to inquire to all municipal departments and to the school department on potential public uses on the Spurwink School and to report back to the town council at the December council meeting.

(7 yes) (0 no)

Item # 134-2015 Citizen Input on the Town Center Intersection

Moved by Patricia K. Grennon and Seconded by Martha MacAuslan

ORDERED, the Cape Elizabeth Town Council following the 2015 tax bill survey in which 799 responses were received indicates that a plurality of citizens do not believe the town center intersection at Route 77/Scott Dyer Road and Shore Road is in need of attention that would warrant spending any money on it. Therefore, the council will take no action to study options to improve the intersection but will continue to review (at no municipal cost) changes impacting traffic at the intersection and pedestrian issues in conjunction with reviewing pedestrian safety opportunities throughout the town center area.

(7 yes) (0 no)

Item # 135-2015 Appointments Committee Report and Follow-Up to Citizen Roundtables

Presentation – Councilor Grennon, Member Appointments Committee

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

ORDERED, the Cape Elizabeth Town Council acknowledges receipt of the Appointments Committee findings from the citizen roundtables held September 17, 2015.

(7 yes) (0 no)

Item # 136-2015 Appointments Committee Report on Timeline for Goal Setting for Council and Boards

Intro – Councilor Grennon, Member Appointments Committee

Moved by Caitlin R. Jordan and Seconded by James T. Walsh

ORDERED, the Cape Elizabeth Town Council requests the town manager to send a letter to all board and commission members seeking input for the council's goal setting process with a response by December 1st and to refer the timeline for goal setting to a future workshop.

(7 yes) (0 no)

Item # 137-2015 Appointments Committee Report on Letter to be Utilized in Orientation

Intro – Councilor MacAuslan, Chairman Ordinance Committee

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

ORDERED, the Cape Elizabeth Town Council approves the draft letter to be utilized in orientation for the council and for members of boards in commissions relating to Maine's public access law as presented.

(7 yes) (0 no)

See attached.

Citizen Opportunity for Discussion of Items Not on the Agenda
None

Adjournment

Moved and Seconded by Councilors Wagner and Walsh

ORDERED, the Cape Elizabeth Town Council adjourns at 9:09 p.m.
(7 yes) (0 no)

Respectfully Submitted,

Debra M. Lane, Town Clerk

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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,