

CHAPTER 4
BOARDS & COMMISSIONS

[Amended Eff. 12/14/2005, 4/11/2013 and 7/10/2013]

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Article I. General Provisions.

Sec. 4-1-1. Standing Boards and Commissions. The Town shall have such standing boards and commissions as are required by statute., the town charter and ordinances adopted thereunder, the composition and function of which shall be in accordance with all applicable provisions of such statutes, charter and ordinances. Such boards and commissions shall be the statutory Board of Voter Registration, the charter Board of Assessment Review, the Board of Zoning Appeals (Chapter 19, Zoning Ordinance), and such other bodies as may from time to time be required by statute or charter, and the boards and commissions set forth in this Chapter, as it may be amended by ordinance hereafter. The Town Manager shall work closely with all such bodies in the areas within their jurisdictions.

Sec. 4-1-2. Ad Hoc Committees. The Town Council may also by majority vote establish ad hoc committees, which shall be appointed for a definite period and which shall be given a defined charge.

Sec. 4-1-3. By - Laws. All boards, commissions and committees shall promulgate by-laws governing the conduct of their business, which shall include the annual election of a chairman; such by-laws shall not conflict with any Town ordinance or state statute, and shall be effective upon approval by the Town Council.

Sec. 4-1-4. Conflict of Interest. No member of any board, commission or committee shall introduce, speak or vote on any motion or issue in which he has a conflict of interest, direct or indirect. The criteria and procedures for determining the existence of such conflict shall be included in the by-laws of each such body.

Sec. 4-1-5. Public Proceedings. Each board, commission or committee shall keep accurate minutes which shall give public notice of its public proceedings, shall permit public attendance at the same, shall make a written record of every denial or conditional approval of any type of permit requested of it, with the reasons therefor, and shall otherwise comply with the Freedom of Access Law, R.S. 1964, T. 1, Sec. 401 ff.

Sec. 4-1-6 Goals and Budget. Every February, each board, commission and committee shall submit goals and financial needs to the Town Manager to be forwarded to the Town Council with the annual municipal budget.

Article II. Board of Trustees of Riverside Memorial Park. [Estab. c. 1945.]

Sec. 4-2-1. Appointment. The Board of Trustees of Riverside Memorial Park shall consist of three residents of Cape Elizabeth as trustees, each to be appointed by the Town Council, for a period of three years. The Board shall advise and consult with the Town Council and Town Manager concerning the policies and operation of Riverside Memorial Park.

Sec. 4-2-2. Vacancies. In the case of resignation or decease of a trustee, the Town Council shall appoint his successor to serve the balance of his term.

Sec. 4-2-3. Regulations. The regulations as to the operation and maintenance of the Park shall be established by the Town Council.

Sec. 4-2-4. Responsibility for Funds. The treasurer of the Town of Cape Elizabeth shall receive and account for all funds collected by the Trustees, and shall make payments from these funds on orders signed by the Town Council.

Sec. 4-2-5. Investment of Funds. The Town Council shall be responsible for the investment of such a portion of these funds as are segregated for perpetual care of the areas thus established as being under perpetual care.

Article III. Board of Trustees of the Thomas Memorial Library. [Estab. c. 1919.]

Sec. 4-3-1. Duties and Responsibilities. The duties and responsibilities of the Board of Trustees of the Thomas Memorial Library shall be as follows: [Amended Eff. 12/14/2005]

- (a) To advise the Library Director on issues of concern to library patrons including issues relating to the collection, the services, the programs and the facilities of the Thomas Memorial Library. [Amended Eff. 12/14/2005]
- (b) To advise the Town Council on matters relating to the library and especially relating to its long term needs. [Amended Eff. 12/14/2005]
- (c) To work cooperatively with groups that seek to assist the library. The Board of Trustees of the Thomas Memorial Library may upon request make recommendations of individuals to serve on independent boards whose purpose is to support the library, but may not make any appointments to independent boards. [Amended Eff. 12/14/2005]
- (d) To perform other responsibilities that may be requested by the Town Council. [Amended Eff. 12/14/2005]

Sec. 4-3-2. Membership. The Board shall consist of seven trustees, appointed by the Town Council, one of whom may be a member of the Town Council. Trustees shall serve for a term of three years with terms to expire on January 1, and no trustee shall serve more than two consecutive terms. Any vacancy occurring on the Board of Trustees shall be filled for the unexpired term by the Town Council. Initial appointments and in filling vacancies, the recommendations of the Board shall receive due consideration.

Article IV. Planning Board.

Sec. 4-4-1. Planning Board. The Planning Board, heretofore established by vote of the qualified electors in the annual town meeting of May 28, 1951, shall be governed by and shall exercise and perform such rights, powers, and duties as are conferred or imposed under the provisions of the statutes, local ordinances, and regulations thereunder, and as the same may from time to time hereafter be amended.

Sec. 4-4-2. Membership. The Planning Board shall consist of seven (7) members who shall be residents of the Town and who shall not be salaried officials of the Town. The members shall serve without pay and shall be appointed by the Town Council to serve for staggered three (3) year terms expiring on January 1. [Amended effective 10/8/1986, 4/11/1990 and. 12/14/1994.]

Article V. Conservation Commission.

Sec. 4-5-1. Establishment. The Cape Elizabeth Conservation Commission, established by vote of the Town Council on April 26, 1971, shall be governed by and shall exercise and perform such rights, powers and duties as may be conferred or imposed under the provisions of the Maine Revised Statutes Annotated (including 30 M.R.S.A., Sec. 3851), and other duties further defined in Sec. 4-5-3 below. [Amended Eff. 7/10/2013].

Sec. 4-5-2. Membership. The commission shall be comprised of seven (7) members, residents of the town appointed by the Town Council, who shall serve without compensation for staggered three (3) year terms. Any vacancy shall be filled by appointment by the Town Council for the duration of the unexpired term. [Amended Eff. 4/11/1990].

Sec. 4-5-3. Duties and Responsibilities. [Amended Eff. 4/11/1990 and 7/10/2013].
The duties and responsibilities of the Conservation Commission shall be as follows:

- (a) Stewardship of Town open space as described in the Conservation Ordinance, Chapter 18, Article V, Open Space Management;
- (b) Advisory to the Planning Board in the review of open space set aside as part of Subdivision Review, Subdivision Ordinance, Chapter 16, and in the review of Resource Protection Permits, Zoning Ordinance, Chapter 19;
- (c) Administration of the Open Space Evaluation and Preservation Program;
- (d) Preparation of the Greenbelt Plan for Town Council consideration; and
- (e) Other duties as assigned by the Town Council.

Sec. 4-5-4. Open Space Evaluation and Preservation Program. The purpose of the open space evaluation and preservation program is to establish an ongoing, standardized effort for identifying, evaluating and recommending additions to the Town's inventory of preserved open spaces. The program shall be conducted by the Conservation Commission with updates at each stage to the Town Manager. [Amended Eff. 7/10/2013].

- (a) Identification and Evaluation. The Conservation Commission shall periodically, which shall be no less than annually, undertake a review of existing open space and consider areas or specific parcels that may be desirable additions to the Town open space system.
- (b) Open Space Evaluation Criteria. The Commission shall focus on land that meets open space criteria adopted by the Town Council. The evaluation process shall include a public participation component that invites suggestions and input from all members of the public and stakeholders. If specific parcels held in private ownership are under consideration, the Conservation Commission shall endeavor to meet with the property owner prior to making a recommendation. In the absence of criteria adopted by the Town Council, the following criteria shall be used:
1. Agriculture - undeveloped lands used for agriculture.
 2. Greenbelt trails and recreation areas -land identified in the current Greenbelt Plan.
 3. Wildlife habitat - undeveloped lands that provide a habitat for wildlife as identified by the State of Maine such as the Beginning with Habitat information and field verified.
 4. Other - significant scenic, cultural and/or unique properties identified by the Town Council.
- (c) Recommendation. At the completion of its evaluation, the Conservation Commission shall forward its open space recommendations to the Town Council. Recommendations shall include a description of how the evaluation criteria has been met and any other factors.

Article VI. Personnel Appeals Board. [Amended Eff. 6/22/1982 and 4/11/2013.]

Sec. 4-7-1. Board Created. There is hereby created a Personnel Appeals Board which shall consist of three members appointed by the Town Council from the qualified electors of the Town of Cape Elizabeth for terms of three years each, except that of those first appointed, one shall be appointed for a term of one year, one shall be appointed for a term of two years, and one shall be appointed for a term of three years,. Vacancies shall be filled by the Town Council for the unexpired term. No member of the Board shall have been an employee of the Town in any capacity at any time.

Sec. 4-7-2. Organization of Board. The Board shall elect one of its members to act as Chairman and one of its members to act as Secretary of the Board. Two members of the Board shall constitute a quorum for the holding of hearings and the transaction of any business of the Board.

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 as provided for in Sec. 3-1-10 of the Personnel Code and in any collective bargaining agreement that may confer such jurisdiction.

Sec. 4-7-4. Meetings of the Board. Meetings of the Board may be called at any time by the chairman or, in his absence from the Town or disability, by either of the other members, or at

any time by the Town Manager. Meetings shall be held as may be required by the procedures established under Sec. 3-1-10 of the Personnel Code and at such other times as the chairman may deem advisable.

Article VII. Fort Williams Advisory Commission

Sec. 4-8-1. Commission Created. There is hereby created a Fort Williams Advisory Commission which shall consist of seven members appointed by the Town Council from the qualified electors of the Town of Cape Elizabeth for terms of three years each, except that the initial members shall be the existing members of the Fort Williams Advisory Committee whose terms on the Fort Williams Advisory Commission shall expire on the dates when their terms were due to expire on the aforesaid committee.

Sec. 4-8-2. Organization of Commission. The Commission shall elect one of its members to act as Chairman and one of its members to act as Secretary.

Sec. 4-8-3 Duties and Responsibilities of the Commission. The duties and responsibilities of the Commission shall be as follows:

- (a) To review any proposed new use or structure within Fort Williams Park.
- (b) To review and make recommendations to the Town Council on any special event proposed for Fort Williams Park.
- (c) To prepare, with the Town Manager and Director of Public Works, special reports relating to Fort Williams Park maintenance, policies and uses.
- (d) To recommend policies regarding Fort Williams Park to the Town Council for consideration.
- (e) To perform other responsibilities as may be requested by the Town Council.