

**Town of Cape Elizabeth  
Ordinance Committee Minutes **DRAFT****

January 19, 2016

1:05 p.m., Town Hall

Present: Caitlin Jordan, Chair  
Sarah Lennon

Staff: Maureen O'Meara, Town Planner

The minutes of the December 17, 2015 minutes were approved.

Public Comment

No members of the public were in attendance. Councilor Garvin was present and invited to join the committee discussion.

Board and Commission Ordinance

Councilor Jordan initiated discussion and wished she had made a list at Town Council discussions over the last 3 months.

Councilor Lennon asked why the Town Council had turfed this to the Ordinance Committee? She noted complaints from citizens that the quality of committee minutes had been uneven and the committee should designate a secretary.

Councilor Garvin recommends that the staff liaison prepare the minutes. Councilor Jordan agreed that this would leave committee members free to participate.

Councilor Garvin said most committees designate a secretary. Councilor Jordan offered that the problem is mostly with ad hoc committees where note taking rotated. You can't take minutes and participate on the committee. Councilor Garvin said note taking was a deterrent for volunteers to be on a committee.

Councilor Lennon asked if all committees have a staff liaison? Councilor Garvin said they do. Most staff are responsible for two committees. We also need to consider the additional responsibility for a staff person. The collective discussion, including the town manager, concluded that if we are going to standardize the minutes, it made sense for them to be done by the staff person. Councilors Jordan and Lennon agreed.

The committee then discussed confusion regarding the terms "commission" and "committee." It was suggested that commissions are standing and committees are ad hoc, but the Recycling Committee is a standing committee.

Councilor Jordan suggested that the Recycling Committee became a standing committee at some point. A standing committee is a board or commission.

Councilor Garvin offered that a board had decision-making authority, such as the Personnel Appeals Board, Planning Board, Zoning Board of Appeals. A commission should be short-term and committee be standing.

Councilor Jordan noted the reference to the Board of Zoning Appeals and the Zoning Board. The terms should be made consistent with the Charter.

Councilor Lennon suggested thinking about this conceptually and perhaps in three different categories, with different guidelines. The boards are the most formal and most legally driven, so there is not a lot of flexibility there. They are guided by a staff person. Committees have more autonomy. They are less council driven.

Councilor Garvin stated that whether a board or committee, all have staff, all have a charge and all are advisory and serve at the pleasure of the Town Council. Boards are decision-making bodies authorized with quasi-judicial authority. The public confusion is that all committees and commissions are advisory.

Councilor Jordan summarized that boards are decision-based, committees are long-term and advisory and commissions are short term.

The committee noted that some boards may be referenced in the town charter, so we will need to look at that. Councilor Garvin noted that the Board of Assessment Review is referenced in the charter and the charter authorizes the Town Council to create boards and commissions. The committee agreed that language reconciliation between charter and ordinance should be done.

Councilors noted that some existing committees are not listed in the Board and Commission Ordinance. For example, the Recycling Committee is on the town standing committee list, but not specifically called out in the Board and Commission Ordinance.

There was agreement that committee names, such as the Riverside Memorial Cemetery Trustees/Memorial Park should be made consistent with the ordinance and committee list.

Councilor Garvin noted that the cemetery and library committees are outliers that were organized differently.

Councilor Lennon said the Town Council wasn't that clear on exactly what they wanted us to do. Councilor Jordan clarified that we are to do a general review. Councilor Lennon said we should have language in front of us about everything, read through them, and adjust as needed.

Councilor Jordan noted that a list of all committees be provided for the next meeting. New committees may not include the Senior Citizen committee because there was discussion about making them part of the Community Services Committee, perhaps a panel advising Community services.

Councilor Sullivan arrived at 1:30 p.m. She asked if the minutes had already been approved.

Councilor Jordan said the meeting started at 1:00. Councilor Sullivan stated the town website and minutes say the meeting starts at 1:30.

Councilor Jordan apologized and said everyone was here at 1:00, so we started. Councilor Sullivan asked that she be called next time.

Councilors Jordan and Lennon reviewed what has been discussed.

Councilor Sullivan would like to change almost all to committee, so there would be standing boards and committees. She likes referring to temporary committees as ad hoc.

The committee discussed the need to review the charter and Councilor Sullivan mentioned that the library and perhaps the cemetery may have separate charters which also need to be reviewed. Staff will provide copies of any charters for next meeting.

Councilor Sullivan would also like to change, if we allowed, "trustees" to committee. Some potential volunteers were reluctant to be appointed because "trustee" implied an expectation to make donations.

Councilor Sullivan summarized her research into definitions of committee and commission. Most definitions treat them the same, but Merriam Webster had a more weighty definition for commission, so she supports using only "committee."

There was general agreement to use "committee." Staff will review state law references to Conservation Commission to make sure this change will work.

The committee discussed how the senior citizen perspective will be incorporated into the Community Services Committee, now that the department will be changed to a municipal department.

The committee discussed the number of members on committees. Most committees have seven members, however some boards have 3 and the ad hoc committee memberships vary, such as the comp plan committee and the FOSP committee.

The committee discussed if any new committees are needed. It was observed that it was typical for ad hoc committees to be formed and then disband when they completed their charge. The committee identified existing committees and the staff people assigned to each.

Councilor Lennon questioned the composition of a committee. We need to be aware that people can be contentious and try to pick people who represent the community. People self-select by applying. Councilor Sullivan agreed that it is a function of who applies. The Appointments Committee does a good job interviewing people and trying to select people who can work with others.

Councilor Lennon asked if the committee should touch on how specific a charge should be? It depends on the Town Council and can't be written into the ordinance.

Councilor Jordan asked if every committee has bylaws? Should we have one uniform bylaw for all committees? The ordinance requires that committees prepare goals and budget recommendations every year. If that is not happening, we should clean up the ordinance or make it a standard.

Councilor Sullivan said that standing boards and committees have some uniform rules they share, such as public engagement and right to know.

The committee agreed to obtain and review all committee bylaws. The committee agreed to look at common areas.

The committee discussed if committees prepare goals. The sense is that most committees do some goal setting.

Councilor Sullivan would like standard language for committees that makes clear that volunteers are uncompensated. She would also like standardized FOAA requirements and a clear statement that committees are advisory to the Town Council. Councilor Lennon noted that sometimes a board may be advisory as well.

Councilor Sullivan said that some committees do not need to meet every month. When they meet too often, there is a risk they will exceed their charge. There was general discussion about how often committees, such as the Recycling Committee, meet. Generally, the committee agreed that the Town Council should not dictate a schedule, but meetings should be commensurate with the level of work. The ordinance language about "shall meet" should be revised.

Another provision that should be looked at is the vacancies on the library trustees, when the trustees may make a recommendation. All committee appointments should go through the Town Council Appointments Committee process.

Staff will obtain all related committee documents for next meeting.

The committee asked about new committees. Councilor Lennon asked if the comp plan committee would be part of this effort. Councilor Jordan explained that a plan for the comp plan will be done this year to create an ad hoc committee next year.

Councilor Sullivan would like to review the descriptions of all the committees. The committee discussed a new way to review tax appeals through the Board of Assessment Review. This will need to be vetted with the Tax Assessor, and state statutes will also need to be reviewed.

Staff was asked to send a list of all committees, and any document regarding the committee.

Councilor Lennon would like to ask the Town Council for input at the next meeting. Councilor Jordan noted that input had already been solicited.

#### Next meeting

The next meeting will be held on Tuesday, February 23rd, from 1:30 - 3:00 pm.

#### Public Comment

No members of the public were in attendance.

The meeting adjourned at 2:30 p.m.

Submitted by Maureen O'Meara, Town Planner