

Town of Cape Elizabeth
DRAFT Ordinance Committee Minutes

March 24, 2016

1:30 p.m., Town Hall

Present: Caitlin Jordan, Chair
Sara Lennon
Jessica Sullivan

Staff: Maureen O'Meara, Town Planner

Councilor Jordan called the meeting to order. The minutes of the February 23, 2016 meeting were approved without amendment.

Public Comment

Eric Stephanus, 2 Tiger Lily Ln - He would like the membership of the Firing Range Committee changed. The gun club representative should be changed to an ex-officio member because it is a conflict of interest and a violation of the Board and Commission Ordinance. He noted the influence of the gun club representative (Mr. Mayone) asserting that the club was safe, when the LaRosa Report concluded it was not safe. He also would not require a certified firearms instructor because Mr. Macisso did not speak and he prefers members who represent the community.

Mark Mayone, Spurwink Rod and Gun Club - He supports keeping the Firing Range Committee composition the same because it is reckless for people with little knowledge to have input. He noted that Officer Macisso did provide input on the thirty aught 6.

Board and Commission Ordinance

The committee began review of a new draft ordinance and agreed to start at the beginning of the draft and move through it. Councilor Jordan asked Ms. O'Meara to introduce her memo. The committee agreed the overall streamlined format was good.

Sec. 4-1-1. This section clearly states that all committees are advisory to the Town Council. Committee members agreed, after discussion, that "advisory" is clear.

Sec. 4-1-2. The committee discussed how much of the Appointments Committee process they wanted to formalize into ordinance. They agreed to preserve flexibility and rely on the Appointments Committee policies to lay out the process in detail and not include more information in the ordinance.

Sec. 4-1-3. This section is mostly new and replaces the individual committee descriptions on how to fill vacancies. The committee found it acceptable.

Sec. 4-1-4. This section has been created as a bridge between the boards created in the charter and the Town Council. The section designates the Town Council as "trustees" and then new committees will be created as advisory to the Town Council. Committee members want to be sure that the Riverside Cemetery Trustees and the Library Trustees understand that they will be retained with new committee names. Councilor Sullivan wants to flag the first sentence for town attorney review.

Sec. 4-1-5. This section is intended as a generic "bylaw" for all committees so that each committee will not need to adopt bylaws unless they want something tailored to their committee.

The committee agreed this was a suitable substitute for bylaws. They do not want to require a "vice-chair" and will delete secretary. The committee agreed not to reference town council liaison in the ordinance, but to include some recommendation on town council liaison as a companion recommendation to the town council.

The committee asked for a provision for a quorum to be added. Councilor Jordan was concerned there were no specific times that an agenda be announced, be posted. Councilor Sullivan suggested this be covered in town policies, that town policies are referenced. There was also concern that some flexibility be retained.

The committee agreed to state that minutes will be prepared by staff. Provisions under Public Access and Public Comment were acceptable.

Committee members discussed the Conflict of Interest provision. There was discussion and concern about what a conflict of interest or bias is and the wording of the ordinance draft. Councilor Sullivan referenced the Town Council Code of Ethics policy. Councilor Lennon stated this topic is fraught with problems and questioned how committees police themselves. Ms. O'Meara provided examples of possible conflict of interest or bias and how a committee has handled it. The committee agreed the provision needs work and we should seek advice from the town attorney.

Sec. 4-1-6. This applies to standing committees. The committee agreed membership by town employees is covered under town council policies and that membership terms will expire on December 31st.

Sec. B Responsibilities should be revised to delete "upon request" under each item. Councilor MacAuslan was recognized. She would like boards and committees to provide year-end reports, which coordinates with the Appointments Committee recommendation to also create goals. The committee agreed that the section will be

separated into two sections, one of which will be mandatory and one of which will be upon request of the Town Council.

Sec. 4-1-7. This section is the new format for creating all boards and committees. Committee members liked the new format.

The committee discussed the 2 or 3 term limit. The Planning Board, Zoning Board, Conservation Commission and Riverside Cemetery Trustees are allowed 3 terms. There was general agreement that the Planning Board and Zoning Board longer limit of 3 terms was reasonable given the level of knowledge required, but other committees could be limited to 2 terms.

The committee asked about the reappointment process and Councilor MacAuslan was recognized. She said the process varied, but last year all reappointees were re-interviewed. She found the interview valuable for returning members because they had to think about why they want to be reappointed and not just a rubber stamp. There are occasions when the Appointments Committee has not had enough applicants and she would support the added flexibility of allowing 3 terms. The committee noted the desirability to also have new people and expanded community involvement. Councilor Lennon prefers consistency. Councilors Jordan and Lennon would support a 3 term limit for all boards and committees, and Councilor Sullivan will think about it more.

The committee began review each committee description. They agreed the format creating each committee was appropriate. They reviewed each committee as follows.

Board of Assessment Review. The committee would like confirmation from the town assessor that the board duties are by state statute. The headings under duties will be deleted. More formatting for consistency will be needed in the next draft.

Community Services Committee. The committee agreed that the standard community member process would be used to appoint committee members, with no special designation. Under purpose, the committee deleted references to facilities and programming. The committee wants the purpose to be similar to the Fort Williams and Library committee purpose statements. Duties were revised to refer to programming instead of the catalog.

The committee ended discussion due to a lack of time. Staff will add comments collected from committee staff to the next draft.

Next meeting

The committee scheduled their next meeting for Thursday, April 7th, from 1:30 -3:15 when they will continue review of the draft (page 4).

Public Comment

Mark Mayone, Spurwink Rod and Gun Club - He thanked the committee for its work.

Eric Stephanus, 2 Tiger Lily Ln - He also found the meeting interesting, "almost as good as Cspan."

The meeting adjourned at 3:20 p.m.