

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

May 19, 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 April 7, 2016 meeting were approved with one amendment.

Public Comment

Bill Marshall, 10 Wildwood Dr, was in attendance and had no comment.

Shooting Range Ordinance

The committee agreed to start with the Shooting Range ordinance amendment revising the composition of the Firing Range Committee.

Councilor Lennon asked about the numbers of members on committees.

Councilor Sullivan suggested the committee discuss a change for all committees to reduce the membership to 5. Sometimes there are not enough volunteers to fill committee positions.

Councilor Jordan mentioned the non-quasi judicial committees. The members said they could reduce the numbers by attrition. Councilor Lennon suggested some committees have a problem with attendance and with 5 members, you have to be there. Councilor Sullivan observed that 5 is still an odd number and a quorum would be 3.

They questioned if the Conservation Commission would be reduced to 5. This committee needs manpower. Councilor Jordan said people can still volunteer to help even if they are not a member. Councilors noted the seasonal public works employee working on town trails. Ms. O'Meara stated that Conservation Commission members still do a lot of field work, even with the routine maintenance done by Public Works. For example, this weekend Conservation Commission members are installing signs on the Cross Town Trail. Councilor Jordan suggested there could be a "Friends of the Conservation Commission" group that is not appointed.

Councilor Lennon expressed concern with turning volunteers away and suggested we could hear from the Appointments Committee and then appoint 5 or 7 members. Councilor Sullivan expressed concern that reducing to 5 members would be a problem for the Conservation Commission. Ms. O'Meara noted that not all 7 Conservation Commission members do field work, and individual members bring their own talents. Councilor Jordan asked if other people assisted the Conservation Commission. Ms. O'Meara said that the general volunteer list almost never generates help, but that the two most active commissioners also recruit volunteers for trail work events.

Councilor Lennon noted the Community Services Committee is going to include a senior component. If there is a senior group, there will be a lot of volunteers if the committee is 7. Councilor Sullivan said that some committees don't need 7 members, with an exception for the Conservation Commission. Councilor Jordan described that if you have a committee of 7 and only 5 volunteer, you can leave it at 5, but if you have a committee of 5 and more volunteer, you cannot appoint 7. Councilor Lennon would like all committees to be consistent with either 5 or 7 members. The committee noted that existing committees are either 3, 5 or 7 members. Councilor Lennon stated that if all the other committees are 7, then the Firing Range Committee should be 7. The committee also agreed that some committees do not meet monthly and do not need to meet monthly. Because the Firing Range Committee will be a committee that does not regularly, it seems appropriate to leave it at 5 members.

The committee agreed to pass on a recommendation to the Town Council to consider reduction of committee members to 5 in the future.

The committee reviewed the composition of the Firing Range Committee. The committee again emphasized the need for Firing Range Committee members to not be biased, and that is the task of the Appointments Committee for all recommendations.

Councilor Jordan observed that the Firing Range Committee is hard to be on because of educating the members to apply the ordinance. You have to be prepared to review a new application, even though the renewal of a license won't be as much work. Councilor Lennon noted that expertise will be brought in to support the committee's work. Councilor Sullivan suggested that other issues of the Shooting Range Ordinance will be forwarded to the Ordinance Committee after the Town Council has reviewed the ordinance. She also noted that Code Enforcement will assist the committee.

The committee agreed to remove the ex officio member appointments of the Police Chief and the Code Enforcement Officer. This is consistent with the membership of other town committees. The committee expressed a desire to keep the Police Chief and Code Enforcement Officer involved with the Firing Range Committee, but it is up to the town manager to assign staff. Committee members may want to adjust the Shooting

Range Ordinance to create a more formal role for the Code Enforcement Officer. The committee agreed to leave Sec. 24-10-2 as Reserved.

### Conservation Ordinance

The principal change is to move the Open Space Evaluation and Preservation Program from the Board and Commission Ordinance to the Conservation Ordinance. Committee members supported changing the program from "annually" to "periodically."

### Board and Committee Ordinance

Councilor Sullivan had several overall ideas she would like to discuss. In addition to the reducing committee membership to 5, she wants to make sure all committee documents are updated (including the website) with the new purpose statements. She emphasized a policy role for committees rather than an operations role. The committee agreed that these ideas should be forwarded to the Town Council as a companion recommendation that includes implementation of the new ordinance. Once the new language is approved, updates can be handed off to the webmaster.

Councilor Lennon commented that if the committees are not involved in operations, then the town council liaison should also be more hands-off. Liaisons should not attend every meeting. She would support eliminating the town council liaisons so that committees are truly advisory. Councilor Jordan explained her understanding that liaisons would be available if a question arose. She would not put town councilors on committees.

The committee agreed that the purpose statements should be consistently using "shall be" rather than "is."

Councilor Sullivan would like to consider more specificity in the removal of members from a committee. The committee agreed to add that members should not have an expectation of reappointment. They did not agree to add that any member may be removed for conviction of a felony or misdemeanor. Members can be removed "for cause" which should include convictions as the Town Council may determine.

Councilor Sullivan raised the issue of residency, which may be difficult for families in transition. The ordinance requires that committee members shall be town residents. In general, committee members are residents but there have been non-resident committee members on the Firing Range Committee and the Future Open Space Preservation Committee. The committee agreed to leave the draft with no added language on residency.

The committee used the board and committee chart to review the purpose statements and made changes. They added "review complaints" to the Shooting Range Ordinance, noting that the Police Department would *receive* complaints. All agreed to remove the budget task from the Fort Williams Park Committee. They also agreed to add to the implementation list a revision to the board of the Thomas Memorial Library Trustees to reduce the effective number of town councilors that would end up on the board as a result of the new Board and Committee Ordinance.

#### Next Meeting

The next meeting will be held on Thursday, June 2, 2016 from 1:30 to 3:15 p.m.

#### Public Comment

Bill Marshall, 10 Wildwood Dr - He thanked the committee for its work.

The meeting adjourned at 3:15 p.m.