

Approved by the Town Council 9/12/2016

**Cape Elizabeth Comprehensive Plan Committee
Purpose and Charge**

Committee Structure

The Cape Elizabeth Comprehensive Plan Committee will consist of nine citizens appointed by the town council. Five of the citizens shall be appointed by the town council utilizing its appointments committee process. The town council shall appoint two members from among the members of the town council. The school board and the planning board shall each nominate one of their members to serve. The committee shall elect its own chair and vice chair. Any vacancy on the committee after the initial appointees have first met shall be filled by the town council. The members who serve on the town council, school board and planning board shall continue to serve on the committee beyond their service on their board as long as they remain residents of the town and are willing and able to serve. The town planner is the principal staff liaison to the committee.

Committee Purpose

The committee shall develop a new comprehensive plan for town council consideration that meets the review standards of the Maine Growth Management Act.

A citizen survey shall be conducted as part of the committee's outreach to the community. This survey shall be a component of a public participation plan to be developed by the committee early in its deliberations.

Duration of Committee

The committee shall submit its recommended plan to the town council by December 31, 2018 and shall continue to serve until the council completes consideration of the proposed plan.

Funding and Staff Resources Needed

The town council is appropriating \$55,000 for the work of the committee. This is to cover the cost of citizen surveys, a public participation consultant, specialized consulting services, data development assistance, part time staff to assist with minutes, legal reviews, printing, mapping services and other costs. The procurement of goods and services shall be consistent with the town's purchasing policies and procedures.

The anticipated staff time excluding the part time minutes secretary for the committee is 720 hours. This consists of 30 meetings at 20 hours each including preparation time for the principal staff liaison and 120 hours for the town manager. In addition, the town council will spend an estimated 20 hours each reviewing the committee report for a total of 140 hours. The committee members will be anticipated to spend approximately 200

hours each for a total of 1,800 hours. It is not known if school board time will be needed. This will depend on the direction of the committee.

Summary

\$55,000 cash expense

720 hours staff time

140 hours council time

1,800 hours volunteer time

Approved by the Town Council
October 5, 2016

Harbors Committee Charge

Committee Purpose

The Town of Cape Elizabeth last conducted a major review of its harbors in the late 1980's with nearly 30 years having passed since the last review of how our coastal water resources are serving our fishing, aquaculture and recreational boating needs, it is an opportune time to review issues relating to our harbors.

The committee shall:

- Review the Town's Coastal Waters and Harbor Ordinance and recommend any changes it deems desirable to the town council.
- Meet with state officials to determine options for boat access in the Kettle Cove/Crescent Beach State Park area and develop a long range plan for access.
- Update the maps utilized by the harbormaster showing potential locations for moorings.
- Inventory public water access.
- Consider such other related matters as the town council may request.

Committee Structure

The Harbors Committee shall consist of five persons. Two members shall be members of the town council chosen by the council. The town council, following a recommendation from the appointments committee, shall appoint three citizens. The committee shall appoint its own chair.

Committee Resources

Funds for the committee's work in the amount of \$15,000 are hereby appropriated from the unassigned fund balance. This shall fund a consultant to work with the committee who has expertise in issues relating to municipal harbors and boat access and shall fund expenses for mapping.

Committee Timeline

The committee shall first meet after January 2017 after appointments have been completed. The committee will complete its work with a report to the Town Council by December 31, 2017.

MEMORANDUM

TO: Cape Elizabeth Town Council
FROM: Peter Curry, Planning Board Chair
DATE: October 19, 2016
SUBJECT: Planning Board representative to the Comprehensive Plan Committee

At the October 18, 2016 meeting of the Planning Board unanimously recommended Victoria Volent to be the Planning Board representative to the Comprehensive Plan Committee to be formed by the Town Council. Victoria has demonstrated both skill and interest in both collecting and analyzing large quantities of data, as well as a depth of knowledge in good planning practices, which make her well suited to the work of the Comprehensive Plan Committee.

1
2 Effective August 10, 2016
3 Repeal CHAPTER 4, BOARDS AND COMMISSIONS and replace with

4
5 CHAPTER 4,
6 BOARDS AND COMMITTEES
7

8 **SEC. 4-1-1. Establishment.** The Town Council shall have the authority to form boards
9 and committees as are required by statute, by town charter and ordinances adopted
10 thereunder, and by Town Council vote as it shall deem necessary from time to time. The
11 Town Council shall establish a charge and duties for each board and committee, as
12 described below or, in the case of future boards and committees, at the time the board
13 or committee is created. Except when boards and committees are designated by statute
14 with authority independent of the Town Council, all boards and committees shall be
15 advisory to the Town Council. The Town Manager shall assign staff support to boards
16 and commissions as appropriate.
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18 **SEC. 4-1-2. Appointment.** Board and committee members shall be appointed by vote of
19 the Town Council. The Town Council shall consider board and committee
20 appointments recommended by the Appointments Committee. The Town Council may
21 forego the Appointments Committee process if the appointment is time-sensitive, is
22 related to unique subject matter, or the committee charge designates representatives
23 from existing committees. The Town Council may select a sitting board or committee
24 member to serve another term, but there should be no expectation of reappointment.
25

26 **SEC. 4-1-3. Removal and Vacancies.** Board and Committee members may be removed
27 by a vote of the Town Council for cause shown. When a Board or committee member
28 resigns prior to the end of the term, the Appointments Committee shall recommend a
29 replacement for the portion of the unexpired term.
30

31 **SEC. 4-1-4. Additional Town Council appointments.** The Town Council designates
32 itself to perform the duties of the following boards. The membership and terms of these
33 boards shall be the membership and terms of the Town Council.
34

- 35 A. Board of Trustees of the Thomas Memorial Library
36
37 B. Board of Trustees of the Riverside Memorial Cemetery
38
39 C. Board of Directors of the Museum at Portland Head Light
40
41 D. Board of Trustees of the Thomas Jordan Trust
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1 **SEC. 4-1-5. Operations of all Boards and Committees.** All boards and committees shall
2 perform their duties in compliance with the following provisions.

3
4 A. Chair. Every board and committee shall elect or have designated by the Town
5 Council a Chair of the board or committee. The chair shall be responsible for
6 conducting meetings, for making reports to the Town Council upon request, and
7 for coordinating with town staff meeting logistics. The chair shall serve for one
8 calendar year on a standing board or committee or for the set duration of an ad
9 hoc committee. A standing board or committee chair shall not serve more than
10 two (2) consecutive years as chair. The chair shall be a full participating and
11 voting member of the board or committee.

12
13 B. Quorum. Board and committee meetings shall only begin when a quorum is
14 present. A quorum is more than fifty percent (50%) of the total board or
15 committee membership. Meetings sponsored by a board or committee when no
16 vote will be taken are not required to have a quorum and may include, but are
17 not limited to, site walks and public information meetings.

18
19 C. Public Participation. Boards and committees shall conduct all business in
20 compliance with the spirit and letter of the Maine Freedom of Access Act, as may
21 be amended, and Town Council policy. Compliance shall include, but not be
22 limited, to the following:

- 23
24 1. Agenda. Every meeting of a board or committee shall have an agenda that
25 includes the name of the committee holding the meeting, date, time, and
26 place of the meeting, subject areas to be discussed at the meeting, and the
27 public participation allowed at the meeting.
- 28
29 2. Announcement. Board and committee meetings shall be announced in ample
30 time to allow public attendance, by posting on the town website and other
31 methods as appropriate. A meeting agenda shall be available prior to the
32 meeting. Board and committee meeting supplemental materials shall also be
33 available for the public to review at a designated town office.
- 34
35 3. Minutes. Minutes of all board and committee meetings shall be prepared by
36 staff and posted to the town website. Minutes shall include the name of the
37 board or committee meeting, date, time and place of the meeting, board and
38 committee members present and a summary of any votes taken. The name
39 and address of members of the public who speak at the meeting, including a
40 brief summary of their comments, shall also be included. Board and
41 committee minutes shall be reviewed and adopted at the next meeting, except
42 for the last meeting of ad-hoc committees, when the minutes shall be
43 reviewed and approved by the board or committee chair.

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2 4. Public Access. All board and committee meetings shall be open to the public
3 to attend. No board or committee business shall be conducted by board or
4 committee members outside of board or committee meetings. Individual
5 board or committee members may communicate with staff, and the board or
6 committee chair is expected to communicate with staff. Communications
7 relevant to board or committee business must be shared at the next meeting.
8 Nothing in this provision shall prohibit a board or committee from holding
9 an Executive Session as provided under state statute.

10
11 5. Public comment. Except as specified in board or committee bylaws, public
12 comment shall be allowed at every board and committee meeting. Boards and
13 committees shall also limit oral public comment at meetings to assure
14 completion of assigned duties. Boards and committees shall adopt public
15 participation rules, using the Town Council's rules of public participation as
16 guidance, and shall include public participation rules on each meeting
17 agenda. Written public comments shall be directed to the board or committee
18 staff, and staff shall distribute the comments to the board or committee
19 members and shall also keep a copy in the public file. Any written comments,
20 including email, received by a board or committee member regarding board
21 or committee business shall be forwarded to staff for distribution to all
22 members and added to the public file.

23
24 D. Conflict of Interest. Board and committee members should avoid both actual and
25 perceived conflicts of interest and bias. Determinations of conflict of interest
26 and/or bias shall be determined in accordance with state statute. Board and
27 committee members shall also be guided by the Code of Ethics for the Town
28 Council.

29
30 **SEC. 4-1-6. Standing Boards and Committees.** Boards and committees with ongoing
31 responsibilities and duties are considered standing boards and committees. Except
32 where specifically designated by statute and/or town ordinance with authority
33 independent of the Town Council, standing boards and committees are advisory to the
34 Town Council.

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36 A. Composition. A standing board or committee shall be composed of a defined
37 number of members who are residents of the town, unless otherwise specified in
38 the board or committee description. Board and committee members shall be
39 appointed for staggered, three (3) year terms expiring on December 31st. A board
40 or committee member's service during an unexpired term shall not be included
41 in any term limit. Board and committee members shall be volunteers without
42 compensation.

1 B. Responsibilities. All standing boards and committees shall perform the following
2 duties:

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- 4 1. Bylaws. If any board or committee promulgates bylaws in addition to the
5 provisions in Sec. 4-1-5, Operations of Boards and Committees, bylaws,
6 including amendments, must be submitted to the Town Council for approval.
7
 - 8 2. Meetings. Boards and committees shall meet as needed commensurate with
9 their duties and responsibilities. When a board or committee will be meeting
10 several times a year, an effort shall be made to establish a regular meeting
11 schedule for the year to be posted on the town website.
12
 - 13 3. Vacancy. All boards and committees shall notify the Town Clerk of any
14 vacancy (not related to the end of a term) on the board or committee.
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16 C. Upon Request Responsibilities. All standing boards and committees shall
17 perform the following duties, and any other assigned tasks, upon Town Council
18 request.

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- 20 1. Goals. All boards and committees shall develop annual goals for submission
21 to the Town Council.
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- 23 2. Budget. All boards and committees shall submit to the town manager
24 funding requirements for the next fiscal year.
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- 26 3. Year end report. All boards and committees shall provide a calendar year end
27 report.
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29 **SEC. 4-1-7. Establishment of Standing Boards and Committees.** The following
30 standing boards and committees are established. The Town Council shall appoint
31 members with staggered terms of 3 years. Board and committee members are limited to
32 serve no more than 3 consecutive terms without a break in membership. In addition to
33 the responsibilities described below, boards and committees shall provide
34 recommendations and policy changes as the Town Council may require from time to
35 time.
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37 A. Board of Assessment Review

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- 39 1. Membership. The Board of Assessment Review shall consist of three
40 members (3).
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- 1 2. Purpose. The purpose of the Board of Assessment Review shall be to
2 comply with the statutes of the State of Maine in the establishment of
3 assessments for the purpose of taxation.
4
5 3. Duties. The Board of Assessment Review shall have the power to:
6
7 a. Review, on complaint of property owner, and revise assessments
8 for the purpose of taxation of real and personal property within the
9 town limits made by the town assessor.
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11 b. Administer oaths.
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13 c. Take testimony.
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15 d. Hold hearings.
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17 e. Adopt regulations regarding the procedure of assessment review
18 not inconsistent with statutory provisions.
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20 f. Hear an appeal of a decision of the Town Council relating to
21 applications for abatement of local property taxes.

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23 B. Community Services Committee

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25 1. Membership. The Community Services Committee shall consist of seven
26 (7) members.
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28 2. Purpose. The purpose of the Community Services Committee shall be to
29 advocate for versatile community programs offering educational, cultural,
30 recreational and social enrichment opportunities.
31
32 3. Duties. The Community Services Committee shall have the following
33 duties and responsibilities:
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35 a. Perform regular outreach efforts to assess satisfaction with current
36 programming and identify unmet needs.
37
38 b. Advise the Community Services Director on issues of interest that
39 relate to the programming offered by the Community Services
40 Department.

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42 C. Conservation Committee
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- 1 1. Membership. The Conservation Committee shall consist of seven (7)
2 members.
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- 4 2. Purpose. The purpose of the Conservation Committee shall be to act in
5 the role of conservation commission as described in the statutes of the
6 State of Maine, to be the steward of the Cape Elizabeth Greenbelt, and to
7 advise on wetland and natural resource issues.
- 8
- 9 3. Duties. The Conservation Committee shall have the following duties and
10 responsibilities:
 - 11 a. Act as Steward of Town open space as described in the
12 Conservation Ordinance, Chapter 18, Article V, Open Space
13 Management.
 - 14 b. Advise the Planning Board in the review of open space set aside as
15 part of Subdivision Review, Subdivision Ordinance, Chapter 16,
16 and in the review of Resource Protection Permits, Zoning
17 Ordinance, Chapter 19.
 - 18 c. Administer the Open Space Evaluation and Preservation Program,
19 Chapter 18.
 - 20 d. Prepare the Greenbelt Plan for Town Council consideration.

26 D. Firing Range Committee

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- 28 1. Membership. The Firing Range Committee shall consist of five (5)
29 members.
- 30
- 31 2. Purpose. The purpose of the Firing Range Committee shall be to make
32 recommendations to the Town Council regarding licensing of shooting
33 ranges as conferred in the Shooting Range Ordinance, Chapter 24.
- 34
- 35 3. Duties. The Firing Range Committee shall have the following duties:
 - 36 a. Review license applications and inspect firing ranges in accordance
37 with the Shooting Range Ordinance, Chapter 24.
 - 38 b. Recommend rules and regulations for shooting ranges for Town
39 Council consideration.
 - 40 c. Review complaints.
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2 E. Fort Williams Park Committee
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- 4 1. Membership. The Fort Williams Park Committee shall consist of seven (7)
5 members.
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7 2. Purpose. The purpose of the Fort Williams Park Committee shall be to
8 advise the Town Council on policies for Fort Williams Park.
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10 3. Duties. The Fort Williams Park Committee shall have the following duties:
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12 a. Recommend policies regarding use of the park.
13
14 b. Prepare or update a master plan or special reports for park
15 improvements.
16
17 c. Review any special event proposed for Fort Williams Park in
18 accordance with the current Group Use Policy.
19

20 F. Personnel Appeals Board
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- 22 1. Membership. The Personnel Appeals Board shall consist of three (3)
23 members.
24
25 2. Purpose. The purpose of the Personnel Appeals Board shall be to consider
26 appeals as provided for in the Personnel Code, Chapter 3, and any
27 collective bargaining agreement that may confer such jurisdiction.
28
29 3. Duties. The Personnel Appeals Board shall have the following duties and
30 responsibilities:
31
32 a. Hold hearings as provided for in the Personnel Code, Chapter 3.
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34 b. Hold hearings as provided for in collective bargaining agreements
35 when jurisdiction has been conferred.
36

37 G. Planning Board
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- 39 1. Membership. The Planning Board shall consist of seven (7) members.
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41 2. Purpose. The purpose of the Planning Board shall be to advocate that
42 development of private and public property be done in an orderly manner
43 that protects the public health, safety and welfare.

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3. Duties. The Planning Board shall have the following duties:
 - a. 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.
 - b. Advise the Town Council in the amendment of the Zoning and Subdivision Ordinances, and other ordinances upon request.
 - c. Advise the Town Council, upon request, on short and long-term planning policies.
 - d. Advise the Town Planner on planning procedures and public participation efforts.

18 H. Recycling Committee

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1. Membership. The Recycling Committee shall consist of seven (7) members.
 2. Purpose. The purpose of the Recycling Committee shall be to promote recycling of solid waste in the community, provide environmental stewardship and protect the environment.
 3. Duties. The Recycling Committee shall have the following duties:
 - a. Recommend policies that increase reuse and recycling in the community and promote environmental stewardship.
 - b. Conduct public education and promotional efforts to increase recycling.
 - c. Monitor recycling trends and changes in the solid waste industry.

37 I. Riverside Cemetery Committee

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1. Membership. The Riverside Cemetery Committee shall consist of three (3) members.
 2. Purpose. The purpose of the Riverside Cemetery Committee shall be to advise the Town Council on policies of Riverside Memorial Park.

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3. Duties. The Riverside Cemetery Committee shall have the following duties and responsibilities:

- a. Administer management policies that preserve the park as a respectful place for burial of town residents.
- b. Monitor and manage capacity needs of the cemetery.
- c. Prepare and update the master plan.

J. Thomas Memorial Library Committee

1. Membership. The Thomas Memorial Library Committee shall consist of seven (7) members.

2. Purpose. The purpose of the Thomas Memorial Library Committee shall be to advocate for a library that provides a wide range of services and enrichment opportunities for the community.

3. Duties. The Thomas Memorial Library Committee shall have the following duties and responsibilities:

- a. Advise the Library Director on matters of the library, such as the collection, services, programs, facilities, and policies.
- b. Work cooperatively with groups that seek to assist the library. Committee members may, upon request, serve on independent boards whose purpose is to support the library.

K. Board of Zoning Appeals

1. Membership. The Board of Zoning Appeals shall consist of seven (7) members.

2. Purpose. The purpose of the Board of Zoning Appeals shall be to provide property owners an opportunity to seek relief from the provisions of the Zoning Ordinance, as required by the statutes of the state of Maine, or the decision of the Code Enforcement Officer.

3. Duties. The Board of Zoning Appeals shall have the following duties and responsibilities:

- a. Exercise and perform such rights, powers, and duties as are conferred or imposed under the provisions of the statutes and the Zoning Ordinance, Chapter 19, and as the same may from time to time hereafter be amended.
- b. Consider appeals, applications for special permits, and interpretations of the Sewer Ordinance, Chapter 15 and the Stormwater Ordinance, Chapter 25.

SEC. 4-1-8. Ad Hoc Committees. Committees formed by the Town Council to complete defined tasks and then be disbanded are ad hoc committees. The Town Council may create an ad hoc committee as needed. When creating an ad hoc committee, the Town Council shall adopt a committee charge that includes the name, composition, and purpose of the committee, tasks to be completed, a deadline for completion of committee work (which may be extended by the Town Council), and direction to the Town Manager to assign staff support as needed. Ad hoc committees shall perform their duties in compliance with Sec. 4-1-5, Operation of Boards and Committees.