



## **Cape Elizabeth Town Council**

**Minutes Monday, January 4, 2016**

**7:00 p.m.**

**Cape Elizabeth Town Hall**

Martha "Molly" MacAuslan, Chair  
James M. "Jamie" Garvin  
Patricia K. Grennon  
Caitlin R. Jordan  
Sara W. Lennon  
Katharine N. Ray  
Jessica L. Sullivan

The meeting was convened at 7:00 p.m. by Town Council Chair Molly MacAuslan.

### **Roll Call by the Town Clerk**

Present

All members of the town council were present.

Debra M. Lane, Town Clerk

Michael K. McGovern, Town Manager

### **The Pledge of Allegiance to the Flag**

### **Town Council Reports and Correspondence**

Councilor Jordan, Ordinance Committee Chair reported the next meeting will be held on January 19 at 1:30 p.m.

Councilor Grennon, Appointments Committee Chair reported the Boards & Commissions Orientation will be held January 28 at the CEHS Cafeteria. 6:00 p.m. Pizza and Salad 6:30-7:30 p.m. Orientation.

### **Citizen Opportunity for Discussion of Items Not on the Agenda**

None

### **Town Manager's Monthly Report**

Public Safety Clerk Ed Hunt celebrated his 42<sup>nd</sup> year with the town on 12/31/2015. Ed is the longest serving municipal employee. Congratulations Ed.

Town Librarian Jay Scherma is retiring 1/22/2016 after 20 years of service. Thank you Jay for your service and best of luck in your retirement.

The Thomas Memorial Library is closed, anticipating opening of the new library February 4<sup>th</sup>.

Chair MacAuslan thanked Jay Scherma for his service and wished him well. Also mentioned was 12/4/2015 Forecaster article on Michael McGovern and his service to Rotary International.

### **Review of Draft Minutes of December 14, 2015**

Moved by Patricia K. Grennon and Seconded by Jessica L. Sullivan

ORDERED, the Cape Elizabeth Town Council approves the minutes of the meeting held on December 14, 2015 as written.

(7 yes) (0 no)

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**Item #25-2016**

**Public Hearing      Report of the Solid Waste and Recycling Long Range Planning  
Committee**

Present

Committee Members William Brownell, Anne Swift-Kayatta, Chuck Wilson

Robert Malley, Director of Public Works

Woodard & Curran – Megan McDevitt and Randy Tome

Intro – Councilor Sullivan, Chairman Solid Waste and Recycling Long Range Planning Committee

Chair MacAuslan opened the public hearing at 7:12 p.m.

Carolyn Vetro – 25 Merrimac Place, Swap Shop Volunteer expressed concern about vehicular traffic entering the swap shop from the wrong direction and safety of children and pedestrians crossing in that area.

Scott Clark – 6 Brentwood Road expressed concern about the municipal carbon footprint. Was there consideration of curbside pick up to avoid numerous vehicles traveling to the recycling center? Was there consideration to help seniors dump their trash?

Joan Schmitz - 10 Sweet Fern Road, Swap Shop Volunteer asked for plywood to help stabilize shelves and supports for tables in the swap shop.

Kara Law – 31 McAuley Road supports the plan and thanked the committee for their work.

Peter Frye – 27 Southwell Road supports the plan and thanked the committee for their work including looking at alternatives and building efficiencies into the plan.

After hearing no further comments the hearing was closed at 7:21 p.m.

Moved by Jessica L. Sullivan and Seconded by James M. Garvin

ORDERD, the Cape Elizabeth Town Council adopts the recommended concept for the recommended improvements of the recycling center property and equipment and to request the town manager to work with bond counsel and the town attorney to develop a ballot issue for June 2016 providing for the authorization of \$1.4 million to implement the concept. Apart from the ballot issue, the bond issue draft motion should also include funding of \$600,000 to update the humidity and chlorination systems at the Donald Richards Community Pool. The portion of the bond for the recycling center is to be amortized over 20 years and the portion for the pool over 10 years. The town manager is to provide said draft motions for town council consideration at the February 8, 2016 town council meeting.

Moved by Jessica L. Sullivan and Seconded by James M. Garvin

ORDERED, the Cape Elizabeth Town Council amends the motion to delete the references to the humidity and chlorination systems at the Donald Richards Community Pool as follows:

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ORDERD, the Cape Elizabeth Town Council adopts the recommended concept for the recommended improvements of the recycling center property and equipment and to request the town manager to work with bond counsel and the town attorney to develop a ballot issue for June 2016 providing for the authorization of \$1.4 million to implement the concept. ~~Apert from the ballot issue, the bond issue draft motion should also include funding of \$600,000 to update the humidity and chlorination systems at the Donald Richards Community Pool.~~ The portion of the bond for the recycling center is to be amortized over 20 years ~~and the portion for the pool over 10 years.~~ The town manager is to provide said draft motions for town council consideration at the February 8, 2016 town council meeting.

(7 yes) (0 no)

Original Motion as Amended (6 yes) (1 no Councilor Jordan)

**Item # 26-2016      Proposed Zoning Amendment Relating to a Village Green**

Intro – Councilor Jordan, Ordinance Committee Chair

Moved by Caitlin R. Jordan and Seconded by Jessica L. Sullivan

ORDERED, the Cape Elizabeth Town Council sets to public hearing on Monday, February 8, 2016 at 7:00 p.m. at the Cape Elizabeth Town Hall the recommendations of the Ordinance Committee for proposed amendments to Chapter 19 Zoning Ordinance related to the village green zoning amendment as presented.

(7 yes) (0 no)

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**Item # 27-2016      Consideration of Town Council Goals for 2016**

Moved by Patricia K. Grennon and Seconded by Sara W. Lennon

ORDERED, the Cape Elizabeth Town Council adopts the Town Council Goals for 2016 as presented.

(7 yes) (0 no)

***Communication and Outreach***

Conduct a citizen survey that benchmarks responses from other communities with Cape Elizabeth's responses.  
Provide regular updates to citizens via email.  
Continue and expand citizen roundtables to gather citizen input and to encourage a dialogue as part of these roundtables  
Enhance board training and board goals setting .  
Enhance communication with the school board with a meeting early in 2016.  
Clarify roles and responsibilities for council review of the school budget.  
Collaborate with local organizations seeking to enhance community livability including the Cape Elizabeth Land Trust the Cape Elizabeth Education Foundation, the Fort Williams Park Foundation, the Thomas Memorial Library Foundation and the Cape Farm Alliance.  
Update the website for Portland Head Light.  
Recognize a citizen with the Ralph Gould Award  
Engage with the State of Maine on issues relating to the state parks.

***Budget and Finance***

Clarify roles and responsibilities for council review of the school budget.  
Provide a hold harmless provision in the adopted annual budget if the state school subsidy should fall short of the budgeted amount.  
Review opportunities to provide additional revenue at Fort Williams Park.  
Review revenues from sources other than the property tax.  
Utilize a business model to review goals including looking at their costs, both direct and indirect and how costs will be paid for.  
Seek opportunities for personnel sharing with neighboring communities.

***Ordinances and Policies***

Develop a plan to update the Town's Comprehensive Plan  
Take action on recommendations of the Senior Citizens Advisory Committee  
Review with the Cape Elizabeth School Board the Community Services Program and its oversight.  
Review the boards and commissions ordinance reviewing the terms of reference for all committees  
Consider a plan for 100% cell coverage for the community.  
Review all policies relating to archery hunting in the community.  
Update the sign ordinance.  
Update the Harbors Report originally prepared in the late 1980s.  
Receive a report on the firing range permit for the Spurwink Rod and Gun Club  
Review obstacles that detract from businesses locating in the town center zone.

***Sustainability***

Receive a report showing missing links in the cross town greenbelt trail and detailing other significant links to neighborhoods.  
Review all uses of the greenbelt trail.  
Consider allowing horses to use the greenbelt trails at all times.  
Consider banning the use of all pesticides on town owned property.  
Review renewable energy options including solar energy with a committee of interested citizens.  
Consider banning all single use plastic bags in retail establishments.  
Receive information on the use of aquaculture in our coastal waters.

***Facilities and Property***

Schedule a citizen vote on the report of the Solid Waste and Recycling Long Range Planning Committee.  
Approve a plan to improve humidity control and update the chlorination system at the Donald Richards Community Pool.  
Review and approve a conceptual plan for the bleacher area of Fort Williams Park.  
Improve the pedestrian experience in the town center looking at speed limits, lighting and crosswalks.  
Develop a plan to improve pedestrian access on Scott Dyer Road and to Fowler Road.  
Develop a plan to beautify the town center including plantings, banners and other low cost initiatives.  
Approve a plan for reuse of the former library building.  
Develop a plan for the improvement of Hill Way.  
Resolve in 2016 which paper streets shall be extended for an additional 20 years.

**Item # 28-2016 Proposed Creation of Alternative Energy Committee**

Intro – Councilor Grennon

Moved by Patricia K. Grennon and Seconded by Caitlin R. Jordan

ORDERED, the Cape Elizabeth Town Council creates the Alternative Energy Committee and adopts the charge and budget as presented.

**Cape Elizabeth Alternative Energy Committee  
Purpose and Charge**

**Committee Structure**

The Cape Elizabeth Alternative Energy Committee will consist of five citizens appointed by the town council utilizing its appointments committee process. The committee shall elect its own chair and a secretary. Any vacancy on the committee after the initial appointees have first met shall be filled by the town council chair after consultation with the appointments committee chair. The facilities manager shall serve as a non-voting ex-officio member of the committee and shall provide staff services to the committee. No one on the committee shall have a personal financial interest in any proposal.

**Committee Purpose**

The committee shall explore opportunities to provide alternative energy to municipal and school buildings and vehicles. This includes a look at utilization of town and school land and buildings for solar energy opportunities. Its work product shall be a report to the town council providing specific proposals and cost estimates. Any proposals with cost impacts shall include the cost to implement as well as projected costs savings.

**Duration of Committee**

The committee shall continue in existence until December 31, 2016 unless its term is extended by the town council.

**Funding and Staff Resources Needed**

The town council will make available \$10,000 for the town manager to consider authorizing any technical reviews requested by the committee and for any costs relating to report writing, legal review and miscellaneous committee expenses. The anticipated staff time for the committee is 44 hours. This consists of six meetings at four hours each including preparation time and 16 hours of miscellaneous activity related to the work of the committee for the principal staff liaison and 10 hours for the town manager. In addition, the town council will spend an estimated two hours each reviewing the committee report for a total of 14 hours. The committee members will be anticipated to spend approximately 28 hours each for a total of 140 hours. It is not known if school board time will be needed. This will depend on the direction of the committee.

**Summary**

\$10,000 cash expense  
50 hours staff time  
14 hours council time  
140 hours volunteer time

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Moved by Jessica L. Sullivan and Seconded by Sara W. Lennon

ORDERED, the Cape Elizabeth Town Council amends the motion **Committee Purpose** to read as follows:

**Committee Purpose**

The committee shall explore opportunities to provide alternative energy to municipal and school buildings and vehicles. This includes a look at utilization of town and school land and buildings for solar energy opportunities. Its work product shall be a report to the town council providing specific proposals and cost estimates. Any proposals with cost impacts shall include the cost to implement as well as projected costs savings. , future energy cost projections based on future projections of electricity, oil and propane prices, and a risks section which identifies and quantifies all risks associated with the use, lease, rental or financing of a system including operation, performance, maintenance, guarantees, indemnities (including taxes and changes to Tax Law and/or Net Metering) and credit (vendors and financing parties).

(4 yes) (3 no Councilors Jordan, Lennon and MacAuslan)

Moved by Caitlin R. Jordan and Seconded by Patricia K. Grennon

ORDERED, the Cape Elizabeth Town Council further amends the motion **Committee Purpose** to add the words “such as” as follows:

**Committee Purpose**

The committee shall explore opportunities to provide alternative energy to municipal and school buildings and vehicles. This includes a look at utilization of town and school land and buildings for solar energy opportunities. Its work product shall be a report to the town council providing specific proposals and cost estimates. Any proposals with cost impacts shall include the cost to implement **as well as such as** projected costs savings. , future energy cost projections based on future projections of electricity, oil and propane prices, and a risks section which identifies and quantifies all risks associated with the use, lease, rental or financing of a system including operation, performance, maintenance, guarantees, indemnities (including taxes and changes to Tax Law and/or Net Metering) and credit (vendors and financing parties).

(0 yes) (7 no Councilors Garvin, Grennon, Jordan, Lennon, MacAuslan, Ray, Sullivan)

Moved by Sara W. Lennon and Seconded by Caitlin R. Jordan

ORDERED, the Cape Elizabeth Town Council further amends the motion **Committee Purpose** to delete the words “based on future projections of electricity, oil and propane prices,” as follows:

**Committee Purpose**

The committee shall explore opportunities to provide alternative energy to municipal and school buildings and vehicles. This includes a look at utilization of town and school land and buildings for solar energy opportunities. Its work product shall be a report to the town council providing specific proposals and cost estimates. Any proposals with cost impacts shall include the cost to implement **as well as such as** projected costs savings. , future energy cost projections ~~based on future projections of electricity, oil and propane prices,~~ and a risks section which identifies and quantifies all risks associated with the use, lease, rental or financing of a system including operation, performance, maintenance, guarantees, indemnities (including taxes and changes to Tax Law and/or Net Metering) and credit (vendors and financing parties).

Amendment/Motion as Amended (7 yes) (0 no)

**Item # 29-2016 Process for Town Council's Review and a Public Vote on the School Board's Recommended Budget**

Intro – Mr. McGovern

Moved by Katharine N. Ray and Seconded by Patricia K. Grennon

ORDERED, the Cape Elizabeth Town Council refers to council workshop on Thursday, January 7, 2016 a draft outline clarifying the town council's role in reviewing the school budget for a potential presentation to the school board at a workshop to be scheduled.

(7 yes) (0 no)

**Item # 30 -2016 Recommendations from the Town Manager**

Intro – Mr. McGovern

Moved by Patricia K. Grennon and Seconded by Katharine N. Ray

ORDERED, the Cape Elizabeth Town Council refers to workshop on Thursday, January 7, 2016 the recommendation from the town manager regarding the administration of the community services program, the proposals from the senior citizens advisory committee and the proposed reuse of what is about to be the former library building.

(7 yes) (0 no)

**Item # 31 -2016 Archery Hunting in Cape Elizabeth**

Intro – Councilor Lennon

Moved by Sara W. Lennon and Seconded by Patricia K. Grennon

ORDERED, the Cape Elizabeth Town Council refers to workshop on Thursday, January 7, 2016 a discussion of rules regarding archery on municipal property and throughout the town.

(7 yes) (0 no)

**Citizen Opportunity for Discussion of Items Not on the Agenda**

None

The council recessed at 8:30 p.m. to convene a meeting of the Board of Directors of the Museum at Portland Head Light.

The council returned to regular session at 8:35 p.m.

**Item # 32 -2016 Annual Evaluation of the Town Manager**

Moved by Katharine N. Ray and Seconded by Sara W. Lennon

ORDERED, the Cape Elizabeth Town Council in conformance with 1 MRSA §405 6 A. hereby enters into executive session at 8:36 p.m. to begin the annual evaluation process for the town manager.

(7 yes) (0 no)

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Moved by Caitlin R. Jordan and Seconded by Patricia K. Grennon

ORDERED, the Cape Elizabeth Town Council exits executive session and reenters public session at 9:25 p.m.

(7 yes) (0 no)

**Adjournment**

Moved by Patricia K. Grennon and Seconded by Caitlin R. Jordan

ORDERED, the Cape Elizabeth Town Council adjourns at 9:26 p.m.

(7 yes) (0 no)

Respectfully Submitted,

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Debra M. Lane, Town Clerk