

**Town of Cape Elizabeth  
Ordinance Committee Minutes**

February 23, 2016

1:30 p.m., Town Hall

Present: Caitlin Jordan, Chair  
Sara Lennon  
Jessica Sullivan

Staff: Michael McGovern, Town Manager  
Maureen O'Meara, Town Planner

The minutes of the January 19, 2016 meeting were approved with a spelling correction.

Public Comment

No members of the public were present. Councilor MacAuslan was present as an observer.

Board and Commission Ordinance

Councilor Jordan began with a question about the legal status of committee names and if they can be changed. Committee names included in the charter cannot be changed without a charter amendment. Mr. McGovern referred to the charter references to trustees and suggested that the Town Council is functionally the trustees. Councilor Sullivan noted that the "trustee" implies financial obligations, which does not fit the current committee's role. The committee agreed to move forward with all trustees in the charter to be recognized as the town council and that appointed boards would be committees. It was noted that the Conservation Commission is a term used statewide and perhaps should not be changed to "committee," but the Ordinance Committee would like that name revised as well.

The committee moved through a review of the committee list included in the meeting package. Councilor Lennon questioned if we should keep the Firing Range Committee. Councilor Jordan pointed out that we have a separate ordinance creating that committee and need to keep the committee. Councilor Lennon questioned if there was a bigger picture issue raised by the Town Council. Councilor Jordan responded that the Town Council will review the composition of the Firing Range Committee, which is not before this committee at this time. Committee members agreed to hold on that for now.

Councilor Jordan noted that the descriptions of various committees are not uniform. Some explicitly say advisory and some do not. Mr. McGovern suggested that the word

"advisory" be removed from all committee names and that advisory be added to descriptions in the ordinance. The committee agreed.

The committee agreed to add the Community Services Committee to the ordinance, with 7 members and staggered terms. The committee agreed this should be a standing committee. They discussed various methods to make sure the committee addressed needs of seniors. The committee agreed, with suggestions from Mr. McGovern, that the committee should conduct a minimum of 2 focus group meetings a year. The focus groups should feature user groups such as seniors, pre-schoolers, pool users, etc. The committee should be required to conduct "regular outreach efforts."

Councilor Jordan referenced the 3 sets of bylaws in the meeting materials. Should there be a uniform bylaw for all committees? Councilor Sullivan noted there may be no reason to change the existing bylaws. Councilor Jordan does not want to change the Planning Board and Zoning Board bylaws, but would like consistency in bylaws. Councilor Sullivan suggested generic policies, such as for public engagement. Councilor Lennon liked one generic bylaw and then the committee can focus on the committee descriptions. Mr. McGovern suggested that staff develop a template for the committee to review, which was accepted by the committee.

The committee reviewed the Conservation Commission duties. Ms. O'Meara confirmed that the commission performs all the duties listed, but that the evaluation task is problematic. The committee and Councilor MacAuslan want to keep the evaluation of open space task, but suggested the time frame be changed from "annually" to every 3-5 years. Staff was tasked to make the revisions and bring them back to the committee.

Mr. McGovern asked if the Conservation Commission reviews Resource Protection Permits? Ms. O'Meara confirmed they review all RP permits and proposed open space donations included in new development and provide a recommendation to the Planning Board within the standard review schedule.

The committee moved to the Conservation Ordinance, Chapter 18, which describes many of the Conservation Commission duties. The Conservation Ordinance will need to be revised to refer to the Conservation "Committee."

Councilor Jordan noted there was insufficient time left to review the whole ordinance. Mr. McGovern suggested that staff prepare draft amendments to the Board and Commission Ordinance for the committee to review. It was agreed that staff would create a format and draft for committee review. The draft will include a description of the Community Services Committee and the Recycling Committee.

For the next meeting, staff will prepare a format, include the number and makeup of committees, create a template for bylaws and draft changes to the Evaluation of Open

space duties. There was a question regarding providing direction to staff and Councilor Jordan said staff should take direction from the Ordinance Committee's discussion.

Councilor Lennon questioned why there is a Firing Range Committee? It would be less political to have the Town Council vote. Councilor Jordan said that is not part of today's discussion. Councilor Sullivan would like the final recommendations from the Ordinance Committee to include the Firing Range Committee. She also has some ideas for changes.

#### Next meeting

The next meeting will be held on Thursday, March 24th, from 1:30 to 3:30 p.m.

#### Public Comment

No members of the public were in attendance.

The meeting adjourned at 2:54 p.m.