



## **Cape Elizabeth Town Council Minutes**

**Monday, March 14, 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 Martha MacAuslan.**

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

All members of the town council were presented.

Debra M. Lane, Town Clerk  
Michael K. McGovern, Town Manager

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

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

Chair MacAuslan reviewed a memo from the school board updating citizens on the superintendent's search; updates are available on the school's website. Jim Walsh, 23 Rock Crest Drive has been named by Chair MacAuslan as a member to the Spurwink School Committee. This ad-hoc committee will review potential uses for the building for town council consideration. Due to mud, sections of the Gullcrest and Stonegate trails are closed except to pedestrians; updates are available on the town's website.

Councilor Grennon announced the subcommittee meeting of Councilors Garvin, Grennon and Lennon to review the town council goal for continuing and expanding citizen roundtables. The meeting will be held on Monday, April 4 at 4:30 p.m. in the Jordan Conference Room at Town Hall.

Councilor Ray, Finance Chair announced the start of the review of the municipal budget beginning on Monday, March 21 at 7:00 p.m. Budget workshops will be held in the Lower Level Conference Room at Town Hall. The budget schedule is available at [www.capeelizabeth.com](http://www.capeelizabeth.com).

### **Finance Committee Report**

Mr. McGovern reviewed the town's finances to date and mentioned the upcoming review of the municipal budget.

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

Tammy Walter, 1095 Sawyer Road, President of the Spurwink Rod & Gun Club clarified that neither she nor Mark Mayone initiated LD 1500 An Act to Protect and Promote Access to Sport Shooting Ranges, "the bill came to us." She is "proud of the support" they have given the bill. In the future the club intends to open the 50 and 100 yard ranges adhering to the shooting range ordinance and license. They have been "good neighbors and intend to continue to do so."

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Eric Stephanus, 2 Tiger Lily Lane stated LD 1500 “strips a municipality’s ability to regulate their own affairs and conflicts with the firing range ordinance.” Mr. Mayone’s support of the legislation is a “conflict of interest since the bill would undermine the ordinance.” A review of the composition and function of the firing range committee is requested to ensure the committee “effectively discharges its duties without being subverted by its own members.”

Mark Mayone, Spurwink Rod & Gun Club said the club recently was notified of the change of tax status and will be receiving a tax bill of \$4,200. The club asked the tax assessor for emails relating to the tax status of which there were 80 emails. The club found two emails “disturbing.” The emails from Sara Lennon asked if the club should be taxed and if so shouldn’t they be paying for the past 60 years. The club asks for Sara Lennon to be “recused from any dealings with the Spurwink Rod & Gun Club.”

Councilor Lennon responded the emails were sent before she was elected to the town council, if deemed appropriate she will get off the committee and perhaps Mr. Mayone should as well to have “non-bias” citizens serve. It is fair that the club pays property taxes and some of the posts on the personal Facebook page were posted several years ago.

**Town Manager’s Monthly Report**

Mr. McGovern reported that Ben McDougal, Code Enforcement Officer provided a report dated 3/1/2016 on the status of the Spurwink Rod & Gun Club as requested by a town council goal.

The ordinance committee is currently reviewing the board and commission ordinance. The make up of the firing range ordinance will be included in the discussion.

Dick Grotton and Stephen Peters, long-standing members of the Rescue have resigned; both are moving to Scarborough. The Town recognizes their many years of dedication and thanks them for their service.

The Town sends thoughts and prayers to the family of John C. Malley who passed away 3/4/2016 at the age of 90. Mr. Malley, a former long-time resident, served as a Soil Conservationist for the U.S. Soil Conservation Service and was instrumental in the 1970’s and 1980’s in assisting local farmers. He later worked on land application of bio solids and septic system design. Mr. Malley is the father of Public Works Director Robert Malley.

**Review of Draft Minutes of February 8, 2016**

Moved by Jessica L. Sullivan and Seconded by Katharine N. Ray

ORDERED, the Cape Elizabeth Town Council approves the minutes of the meeting held on February 8, 2016 as written.

(7 yes) (0 no)

**Item # 46 -2016      Harbormaster Services**

Intro – Mr. McGovern

Present – Chief Neil Williams

Public Comment

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Tom Dunham, 11 Becky's Cove Lane asked for consideration of a local person to be named harbormaster; someone with local knowledge of the shore. Mr. Dunham holds a mooring permit.

Jodie Jordan, 83 Old Ocean House Road encouraged someone local to be named harbormaster. Before the vote, mooring permit holders should have an opportunity to meet with the potential harbormaster to ask questions.

Ed Perry, 10 Pine Ridge Road agreed with the two previous speakers, local knowledge is a benefit for a harbormaster. Input from the mooring permit holders would be beneficial before a final vote.

Moved by Katharine N. Ray and Seconded by Jessica L. Sullivan

ORDERED, the Cape Elizabeth Town Council approves the inter-local agreement with the Town of Scarborough for harbormaster services as presented.

(7 yes) (0 no)

See attachment.

Clarification – Per the Coastal Waters and Harbor Ordinance the Harbor Master is appointed by the Chief of Police subject to approval of the Town Manager.

A meeting will be held on Wednesday, March 23 at 5:00 p.m. in the Police Station for mooring permit holders. Chief Williams will lead the discussion to update mooring holders on the program and hear concerns. The Scarborough Harbor Master will be present.

**Item # 47 -2016      Appointments Committee Report**

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

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the Appointments Committee to appoint the following five citizens to serve on the ad-hoc Cape Elizabeth Alternative Energy Committee 2016 for a term to expire 12/31/2016 as presented.

(7 yes) (0 no)

Wes Doane	14 Eastman Road
James V. Masi	242 Spurwink Avenue
Laurenz Schmidt	3 Hunts Point Road
Julia Bassett Schwerin	35 Trundy Road
Richard W. (Rick) Smith	17 Cross Hill Road

**Item # 48 -2016      Proposed Municipal Budget**

Intro – Mr. McGovern

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

ORDERED, the Cape Elizabeth Town Council refers to the Finance Committee the proposed Fiscal Year 2017 municipal budget.

(7 yes) (0 no)

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**Item # 49 -2016      Proposed Personnel Code Amendment**

Intro – Mr. McGovern

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

ORDERED, the Cape Elizabeth Town Council approves the proposed revisions to Chapter 3 Personnel Code that would limit the health insurance buyout if employees are covered by another insurance policy provided by the town or school department as presented.

(7 yes) (0 no)

See attachment.

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

None

**Item # 50-2016      Annual Evaluation of the Town Manager and Collective Bargaining**

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

ORDERED, the Cape Elizabeth Town Council in conformance with 1 MRSA §405 6 A. hereby enters into executive session at 8:13 p.m. to continue the annual evaluation process for the town manager and in conformance with in conformance with 1 MRSA §405 6 D. to discuss with the town manager collective bargaining with Local 340 of the Teamsters representing public works employees.

(7 yes) (0 no)

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

ORDERED, the Cape Elizabeth Town Council exits executive session and reenters public session at 9:10 p.m.

(7 yes) (0 no)

**Adjournment**

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

ORDERED, the Cape Elizabeth Town Council adjourns at 9:10 p.m.

(7yes) (0 no)

Respectfully Submitted,

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Debra M. Lane, Town Clerk