



## Cape Elizabeth Town Council Minutes

Monday, June 13, 2016

7:00 p.m.

Cape Elizabeth Town Hall

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

### Convening by Town Council Chair Molly MacAuslan

The meeting was called to order at 7:00 p.m. by Clerk Pro-Tem Michael McGovern

Michael McGovern explained that the Council Chair was absent and the Finance Chair who customarily chairs meetings in the absence of the Council Chair was also absent. The town clerk was absent due to election preparation for the June 14<sup>th</sup>, 2016 election.

He asked for nominations for a chair pro tem for this meeting. Councilor Grennon moved and Councilor Garvin seconded the nomination of Councilor Sullivan as chair pro-tem for this meeting. There were no other nominations and Council Sullivan was approved by voice vote as the chair pro-tem. Chair Pro-Tem Sullivan then presided over the remainder of the meeting.

### Roll Call by the Town Clerk Pro-Tem

Present: Councilors Garvin, Grennon, Jordan, Lennon and Sullivan

Absent: Chair MacAuslan and Councilor Ray

Staff Present: Town Manager McGovern

Staff Absent: Town Clerk Lane

### Town Council Reports and Correspondence

Councilor Garvin updated the council on the work of the Spurwink School Reuse Committee. The committee has issued a request for information from parties interested in securing use of the building. They will be meeting to review the materials that are submitted in response to the request for information.

### Finance Committee Report: Link to [Monthly Financial Report](#)

The town manager reviewed the information that is updated monthly on the town's website. He also said that the town remains in good shape as we near the end of the fiscal year.

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

Jim Morra of Waumbek Lane expressed concern that the Zoning Board of Appeals routinely agrees with the code enforcement officer on appeal matters. In 18 of 20 recent cases they have agreed with the codes officer. He also said that 4 appeals to court had resulted in reversals by the courts of decisions where the codes officer decisions had been sustained by the zoning board of appeals. He expressed concern that there are too many attorneys on the Zoning Board of Appeals and that citizens are entitled to a fairer process.

### Town Manager's Monthly Report

The town manager responded to Mr. Morra's points indicating that the fact that the ZBA mostly agreed with the code enforcement officer is an indication that the codes officer is doing a good job. He said that the court decisions had not been a reversal of any decision that was made by the ZBA, instead the courts had remanded

the various cases back to the town where they felt that there was insufficient material to support findings of fact or that more findings of fact were required to support a decision.

The town manager thanked those who had prepared for Memorial Day and encouraged citizens to attend Family Fun Day on June 18<sup>th</sup>.

**Review of Draft Minutes of [May 9, 2016](#) and [May 19, 2016](#) meetings.**

**It was moved by Councilor Grennon and seconded by Council Lennon** to approve the minutes as drafted for the May 9, 2016 town council meeting. The motion was approved **5-0**.

**It was moved by Councilor Lennon and seconded by Council Grennon** to approve the minutes as drafted for the May 19, 2016 town council meeting. The motion was approved **5-0**.

### **Public Hearing regarding Parking on Surf Road**

**Chair pro-tem Sullivan opened the public hearing at 7:20 p.m.**

Fran Minden of 5 Surf Road expressed concern with being able to back out of driveways if the proposal is enacted.

Jane Reynolds of 16 Surf Road is concerned with all the activity on Cottage Lane. She fears that the proposal will bring more of the Cottage Lane problems to Surf Road. The town should continue to post no parking for special events.

Alec Bruce of 5 Cottage Lane noted that Surf Road is narrower than Cottage Lane. He is concerned about access for emergency vehicles.

Chair Pro-Tem Sullivan closed the public hearing at 7:28 p.m.

Chief of Police Neil Williams provided an overview of the issue.

Council Garvin disclosed that he is a dues paying member of the Cape Cottage Beach Association. No one raised any concern that that might be a conflict of interest.

### **Item #85-2016          Parking on Surf Road**

**It was moved by Councilor Lennon, seconded by Councilor Jordan and voted 5-0** to approve the following amendment to the Traffic Regulations of the Town of Cape Elizabeth:

**Sec. 13-2-3. No Parking at Any Time.** There shall be no parking at any time:

q. ~~On either side of Surf Road northerly from 60 feet northerly of Keyes Lane to the terminus of Surf Road at Garden Circle and~~ On the southeasterly side of Surf Road beginning at Shore Road and extending to Garden Circle and on either side of Surf Road northerly from 60 feet northerly of Keyes Lane to the terminus of Surf Road at Garden Circle

All other sections unchanged.

### **Item #86-2016          [The Good Table Annual Licenses](#)**

The town manager provided a brief introduction indicating that a survey of applicable municipal departments disclosed no reasons why the licenses should be denied.

Councilor Jordan disclosed that her farming business makes sales to the Good Table Restaurant. No one raised a concern that this might constitute a conflict of interest.

**It was moved by Council Grennon, seconded by Council Lennon and voted 5-0** that the town council approve the annual malt, vinous and spirituous licenses for the Good Table at 537 Ocean House Road.

**Item #87-2016**      [The Local Buzz Annual Licenses](#)

The town manager provided a brief introduction indicating that a survey of applicable municipal departments disclosed no reasons why the licenses should be denied.

**It was moved by Council Lennon, seconded by Council Grennon and voted 5-0** that the town council approve the annual malt and vinous licenses for the Local Buzz at 327 Ocean House Road.

**Item #88-2016**      **Thomas Memorial Library Policy Updates**

**It was moved By Councilor Garvin and seconded by Councilor Grennon and voted 5-0** to table item # 88-2-16.

**Item #89-2016**      [Cape Elizabeth Land Trust request for Donation to Assist in Purchase of Glew Property near Jewett Road](#)

The Cape Elizabeth Land Trust has asked for a donation to assist with their purchase of the Glew property which is a 22.8 acre parcel abutting town easements near Great Pond and the Jewett Road neighborhood. [Link to Survey](#) The Conservation Commission is recommending a \$75,000 donation from the Land Acquisition Fund and certain other [provisions](#).

**It was moved by Councilor Jordan and seconded by Councilor Lennon and voted 5-0** to conditionally approve a \$75,000 donation to the Cape Elizabeth Land Trust from the Land Acquisition Fund pending the outcome of negotiations between the Land Trust and the Town with the town attorney representing the town in said negotiations.

**Item #90-2016**      [Approval of Quit-Claim Deed](#)

**It was moved by Councilor Grennon and seconded by Councilor Lennon and voted 5-0** to authorize the town manager to execute a quit claim deed for property at 6 Pine Point Road to the estate of William Lowell. All back taxes have been paid.

**Item #91-2016**      [Update of Ordinances Relating to Boards and Commissions](#)

The ordinance committee has completed its work reviewing all of the provisions relating to the town's boards and commissions and is recommending a replacement Chapter 4 of the Code of Ordinances establishing boards and committees and revised sections of Chapter 18 which is the Conservation Ordinance and Chapter 24 which is the Shooting Range Ordinance.

**It was moved by Council Jordan and seconded by Councilor Lennon and voted 5-0** that the proposed amendments be referred to a public hearing on July 11, 2016 at 7:00 p.m. at the Cape Elizabeth Town Hall and that the other recommendations made by the committee to be referred to the earliest possible workshop.

**Item #92-2016          Community Services Program Transition**

The community services program will be transitioning from the school department to a municipal department on July 1, 2016.

**It was moved by Councilor Garvin and seconded by Councilor Lennon and voted 5-0** that the Personnel Code be amended in Appendix A to provide that the Community Services Director and the Aquatics Director be salaried positions and that the Administrative Code be amended as shown below:

**Article 1.                  Municipal Departments**

- Sec. 2-1-1.          General Provisions**
- Sec. 2-1-2.          Administrative Services Department**
- Sec. 2-1-3.          Assessment Department**
- Sec. 2-1-4.          Building and Inspection Department**
- Sec. 2-1-5.          Fire Department**
- Sec. 2-1-6.          Thomas Memorial Library**
- Sec. 2-1-7          Planning Department**
- Sec. 2-1-8.          Police Department**
- Sec. 2-1-9.          Public Works Department**
- Sec. 2-1-10          Community Services Department**

(d) Municipal Departments Established. The administrative service of the Town shall consist of the following departments and the department heads shall be known by the titles shown:

- |   |                                    |
|---|------------------------------------|
| 1. Administrative Services              | Town Clerk                         |
| 2. Assessment                           | Assessor                           |
| 3. Building & Inspection                | Code Enforcement Officer           |
| 4. Fire                                 | Fire Chief                         |
| 5. Thomas Memorial Library              | Library Director                   |
| 6. Planning                             | Town Planner                       |
| 7. Police                               | Chief of Police                    |
| 8. Public Works                         | Director of Public Works           |
| <u>9. Community Services Department</u> | <u>Community Services Director</u> |

**Sec. 2-1-10. Community Services Department**

(a) Department Staff. The Community Services Department shall consist of the Community Services Director, and such other level of staffing as may be recommended by the Town Manager and approved by the Town Council.

(b) Function. The Community Services Department shall perform the following functions:

1. Plan, implement, evaluate and promote a comprehensive program of recreational, educational, cultural and social activities as well as enrichment opportunities for citizens of all ages.

2. Promote the general fitness of the community through aquatics programs at the Donald Richards Community Pool, operation of a fitness center, and through providing classes and activities that are exercise related.

3. Provide day care and preschool services in the community center.

4. Provide a comprehensive program of activities and support for senior citizens.

5. Provide support and coordination in the use of municipal and school facilities for community groups.

6. Represent non-school interests in issues involving athletic field use and coordinate with the school athletic director and public works director on field use issues.

7. Provide staff assistance to the Community Services Committee.

8. Maintain a close liaison with the school department on the use of school facilities and on adult education opportunities.

9. Perform all other related functions as required.

**It was moved by Councilor Garvin and seconded by Councilor Lennon and voted 5-0** to create and appoint effective July 1, 2016 an ad hoc Community Services Committee to continue in the interim as an ad hoc committee until the new boards and commissions ordinance is adopted with the following responsibilities for the committee which mirror those proposed by the ordinance committee:

Community Services Committee

1. Membership. The Community Services Committee shall consist of seven (7) members.

2. Purpose. The purpose of the Community Services Committee is to advocate for versatile community programs offering educational, cultural, recreational and social enrichment opportunities.

3. Duties. The Community Services Committee shall have the following duties and responsibilities:

- a. Perform regular outreach efforts to assess satisfaction with current programming and identify unmet needs.
- b. Advise the Community Services Director on issues of interest that relate to the programming offered by the Community Services Department.

The terms of the Community Services Committee were confirmed as part of this vote as follows:

Trish Brigham 34 Rock Crest Drive Term Expires Dec 31, 2018  
Debbie Butterworth 21 McAuley Road Term Expires Dec 31, 2018  
Amy Lombardo 11 Leighton Farms Road Term Expires Dec 31, 2016  
Sarah MacColl 4 Avon Road Term Expires Dec 31, 2016  
Terri Patterson 15 Surf Road Term Expires Dec 31, 2018  
Tara Simopoulos 19 Salt Spray Lane Term Expires Dec 31, 2017  
Joseph Whalen 3 Wainwright Drive Term Expires Dec 31, 2017

**Item #93-2016**      **[Eastman Meadows Affordable Housing](#)**

**It was moved by Council Grennon and seconded by Councilor Lennon and voted 5-0:**

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the town manager to waive the town's right to purchase two affordable housing units at Eastman Meadows that have remained unsold for some time. The two units could be sold to non-qualified buyers at market rates with any excess over \$395,022 for each unit to be provided to the town for other affordable housing.

**Item# 94-2016**      **Year End Budget Shortfalls**

**It was moved by Councilor Lennon and seconded by Councilor Grennon and voted 5-0 to approve the following revised appropriations for Fiscal Year 2016:**

410 Human Services	Revise Appropriation from \$52,607 to \$80,000
600 Facilities Management	Revise Appropriation from \$212,345 to \$225,000

Citizens may at this point in the meeting raise any topic that is not on the agenda that pertains to Cape Elizabeth local government. No one spoke.

**Adjournment**

**It was moved to Councilor Garvin and seconded by Councilor Grennon and voted 5-0 to adjourn at 8:20 p.m.**

Respectfully Submitted,



Michael K. McGovern  
Clerk Pro Tem