



Cape Elizabeth Town Council Minutes

Monday, July 11, 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

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

Roll Call by the Town Clerk

All members of the town council were present.

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

Pledge Allegiance to the Flag

Town Council Reports and Correspondence

Councilor Jordan announced the next meeting of the Ordinance Committee is Thursday, 7/14 at 1:30 p.m. in the Lower Level Conference Room at Town Hall.

Councilor Garvin announced the next meeting of the Spurwink School Reuse Committee is Friday, 7/15 at 8:00 a.m. in the Community Room at the Community Center. Note: The meeting was rescheduled for Thursday, 7/14, same time and place.

Finance Committee Report

Mr. McGovern said the town is in the process of working with the auditors and closing out the fiscal year 2016. He also reviewed a report he prepared listing the various revenue sources for all of the departments.

Citizen Opportunity for Discussion of Items Not on the Agenda

None

Town Manager's Monthly Report – Mr. McGovern

Community Services officially transitioned to a town department on July 1. Everything is going well. Preparations are underway for the Beach to Beacon Road Race.

Review of Draft Minutes of June 13, 2016 meeting.

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

ORDERED, the Cape Elizabeth Town Council approves the minutes of the meeting held on June 13, 2016 as written.

(5 yes) (0 no) (2 abstentions Councilors MacAuslan and Ray- absent from meeting)

**#95-2016 Public Hearing Regarding Proposed Changes to Boards and Commissions
Proposed Changes to Ordinances Regarding Boards and Commissions**

Intro – Councilor Jordan, Chairman Ordinance Committee

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Chair MacAuslan opened the public hearing for public comments at 7:07 p.m.

Ruth Anne Haley, 49 Brentwood Road, Chairman Thomas Memorial Library Trustees
Mrs. Haley expressed concern about the name change and process. The opportunity to provide input ahead of time would have been appreciated. The lack of respect for volunteers and the good work they have done is disappointing. In the State of Maine library volunteers are known as trustees. Why are the duties of the secretary being given to the staff person? Is the staff person required to attend meetings? Need to clarify Sec. 4-1-4. What is the role of the town council as Trustees?

Deborah Peck, 21 Cottage Farms Road, Member Thomas Memorial Library Trustees
Ms Peck expressed several concerns. Eliminating town council liaisons. The liaison provides an opportunity to share information between the trustees and the council. Decreasing the number of members on various committees. The bigger picture seems to be a way to limit public input. The name change diminishes the differences between the committees. Some committees meet once a year or quarterly whereas others meet monthly and are vary involved in the mission of those committees.

George Morse, 1148 Shore Road, Vice President Thomas Memorial Library Foundation
Mr. Morse asked if anything is being done with the Foundation – referring to Sec. 4-1-4.

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

ORDERED, the Cape Elizabeth Town Council repeals Chapter 4 of the Revised Code of Ordinances and replaces it with the adoption of the new Chapter 4 Boards and Commissions and further adopts the proposed changes to Chapter 24 Shooting Range Ordinance and proposed changes to Chapter 18 Conservation Ordinance as presented.

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

ORDERED, the Cape Elizabeth Town Council amends the motion to exempt the Thomas Memorial Library Trustees from the name change.

(2 yes) (5 no Councilors Garvin, Jordan, Lennon, Ray and Sullivan)

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

ORDERED, the Cape Elizabeth Town Council refers Chapter 24 Shooting Range to the ordinance committee for review.

(7 yes) (0 no)

Original Motion: (7 yes) (0 no)

See attachment.

Item #96-2016 Proposed Technical Amendments

Intro – Mr. McGovern

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

ORDERED, the Cape Elizabeth Town Council refers to the ordinance committee, with recommendations back to the town council, recommendations from the planning board for proposed technical amendments to the Revised Code of Ordinances including Chapter 16 Subdivision Ordinance, Chapter 18 Conservation Ordinance, Chapter 19 Zoning Ordinance and a new Chapter 25 Stormwater Ordinance.

(7 yes) (0 no)

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Item #97-2016 Pickleball and Tennis

Intro – Mr. McGovern

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

ORDERED, the Cape Elizabeth Town Council adopts the recommendation of the Tennis-Pickleball Ad Hoc Committee for the following four short-term solutions as a pilot program and refers the suggested long-term solution to the town manager for consideration in the capital improvement stewardship program.

(7 yes) (0 no)

Pilot Program – Short-term Solutions

- *The lower courts at Fort Williams will be reserved primarily for tennis M/W/F until 11 am.*
- *The lower courts at Fort Williams will be reserved primarily for pickle ball Tu/Th until 11 am*
- *That signage will be added to the courts to convey the above expectations*
- *That when the lower courts get repainted this summer that the pickle ball lines be placed on the tennis court with such a color to help minimize confusion (see USTA suggestion of similar color to court only shaded)*

Long-term solution

- *Rehab the existing basketball court near the upper tennis court. This would mean enlarging the fence area around both courts and creating a new tennis court in place of the old basketball court and lining the new court for pickle ball. This would in essence create 4 multi-use courts (4 tennis, 8 pickle ball).*

Item #98-2016 Cape Elizabeth Land Trust Request for Donation to Assist in the Purchase of the Glew Property near Jewett Road

Intro – Mr. McGovern

The town council last month conditionally approved 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 the negotiations.

Moved by Caitlin R. Jordan and Seconded by James M. Garvin

ORDERED, the Cape Elizabeth Town Council approves the proposed Declaration of Covenants and Restrictions Great Pond Preserve II Cape Elizabeth, Cumberland County, Maine as written and accepts the Public Access Easement Great Pond Preserve II Cape Elizabeth Land Trust, Inc. as drafted by R. Danielson dated 7/8/2016 for the Cape Elizabeth Land Trust.

Public Comments

Anne Carney, 21 Angell Point Road, President CELT

Ms Carney reviewed the public access easement and the difference between the easements drafted by R. Danielson representing CELT and T. Leahy representing the Town of Cape Elizabeth.

Cindy Krum, Executive Director of the Cape Elizabeth Land Trust

Ms Krum thanked the town council for their consideration and last month's vote to donate \$75,000 towards the purchase of the Glew property.

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The town council discussed the possible conflict or perceived conflict of interest of Councilor Jordan. Section 1.1.D of the Declaration states: Declarant may allow permissive use of the existing farm track by motorized farm vehicles for agricultural purposes. This section refers to a farm road used by Alewife Farm that winds around two trees a few feet onto the Glew property alongside the Alewife Farm property. Councilor Jordan stated the farm is owned by her parents and there is no financial gain for use of the farm road. The farm road could be moved onto the farm property.

The town council voted to not ask Councilor Jordan to recuse herself from voting on this item. Councilors Ray and Sullivan opposed.

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

ORDERED, the Cape Elizabeth removes from the Declaration Section 1.1.D Declarant may allow permissive use of the existing farm track by motorized farm vehicles for agricultural purposes. (3 yes) (4 no Councilors Garvin, Grennon, Jordan and Lennon)

Original Motion: (4 yes) (3 no Councilors MacAuslan, Ray and Sullivan)
See attachment.

Item #99-2016 Thomas Memorial Library Operational Procedures Amendment Process

Intro – Mr. McGovern

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

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the town manager that the department head of the Thomas Memorial Library prescribe departmental regulations subject to the approval of the town manager and that library trustees' advice should also be sought on any proposed amendments to the library procedures manual prior to the amendments being submitted to the town manager.

Public Comments

Deborah Peck asked for clarification when referring to trustees in the various documents. When referring to trustees is the reference to the town council or the committee? The council is encouraged to review and revise the charter to be transparent and reflect what is going on.

Ruth Anne Haley said she is confused about the proposed language in the new boards and commissions' ordinance. A vote to revise the town charter should be taken to reflect what is going on. New bylaws will have to be written to reflect the changes.

Vote: (7 yes) (0 no)

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Intro – Mr. McGovern

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

ORDERED, the Cape Elizabeth Town Council suspends the Town Council Rules to take Item #101-2016 out of order
(7 yes) (0 no)

Item #101-2016 Pole Location Approval Request

Moved by Caitlin R. Jordan and Seconded by James M. Garvin

ORDERED, the Cape Elizabeth Town Council approves the pole location request from FairPoint Communications for a pole location on Shore Road 550 feet southeasterly of Dyer Pond Road as presented.
(7 yes) (0 no)

Item #100-2016 Pole Location Approval Process

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

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the town manager that pursuant to 35A MRSA §2503 para 21, the town council designate the director of public works as their designee as the local licensing authority for the approval of pole locations as provided for in 35A MRSA §2503 and that the council designates itself as the review board as provided for in 35A MRSA §2503 para 13 C 1.
(7 yes) (0 no)

Item #102-2016 Proposed Carry Forward Balances

Intro – Mr. McGovern

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

ORDERED, the Cape Elizabeth Town Council approves the following carry forward balances to be applied as of July 1, 2016 as presented.
(7 yes) (0 no)

		2016
	General Fund Assigned Fund Balances	
1102016	Records Preservation	\$ 4,000
1202011	App Geo Implementation	\$ 23,000
1202019	Code Enforcement Software	\$ 12,500
5205053	Family Fun Day	\$ 9,500
5205053	250th Anniversary Committee/Town Center Enhancements	\$ 10,000
6404114	Greenbelt Trails Maintenance	\$ 1,800
6452036	Fort Williams Park Stone Wall Repairs	\$ 12,000
7154004	Police Cruiser Replacement	\$ 20,000
7154009	Roadway and Drainage Repairs	\$ 325,000
7154013	Sidewalk Improvements	\$ 72,000
7154052	Original Library Building	\$ 150,000
7154111	Town Hall Meeting Spaces/Office Spaces Plan	\$ 125,000
7254227	Fuel Donation Account	\$ 4,300
	Community Services Miscellaneous Supplies	\$ 15,000
	PreSchool Playground Equipment Replacement	\$ 50,000
	Pool Rust and Mold Stainless Steel Changeover	\$ 50,000
	Winter Moth Tree Removal and Replacement	\$ 50,000
	Budgeted Use of Undesignated Surplus	\$ 352,000
	General Fund Total	\$ 1,286,100
755	Library Project	\$ 57,228

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Item #103-2016 Election Clerk Appointments

Intro – Debra Lane, Town Clerk

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

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the Town Clerk for Sharon Gower to continue as Warden and Victoria Gilman and Debra Lane to serve as Deputy Wardens and until successors are sworn. It is further ordered, the Cape Elizabeth Town Council approves the following list of residents who may be considered to serve as election clerks for the Town of Cape Elizabeth for a period of 2 years and until successors are sworn.

(7 yes) (0 no)

Democrat

Lillian Bates
Edna Chace
Janice Chapman
Margaret Davenport
Sheila Heatley
Susan Johnston
Carol Anne Jordan
Karen Kerrigan
Carol Murray
Claudia Racki
Antionietta Sweeney
Meagan Winker

Republican

Henry Adams
Scott Berry
Beverly Brooking
Kathy Cotter
Jackie Coy
Marguerite Hallowell
Debra Harney
Kathy Maxwell
James Walsh
Linda Winker

Unenrolled Voters

Kris Murray
Teresa Olsen
James Rowe

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Mr. McGovern asked that the town council consider the Maine Municipal Association's voting ballot for the election of vice president and executive committee members. Candidates are running unopposed.

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

ORDERED, the Cape Elizabeth Town Council authorizes the town clerk on behalf of the town council to cast the ballot for MMA vice president and three executive committee members as presented.

(7 yes) (0 no)

Citizens may at this point in the meeting raise any topic that is not on the agenda that pertains to Cape Elizabeth local government.

None

Adjournment

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

ORDERED, the Cape Elizabeth Town Council adjourns at 9:20 p.m.

(7 yes) (0 no)

Respectfully Submitted,

Debra M. Lane, Town Clerk