



## Cape Elizabeth Town Council Minutes

Monday, December 12, 2016

7:00 p.m.

Cape Elizabeth Town Hall

James M. "Jamie" Garvin  
Patricia K. Grennon  
Caitlin R. Jordan  
Penelope A. Jordan  
Sara W. Lennon  
Katharine N. Ray  
Jessica L. Sullivan

The meeting convened at 7:00 p.m. by Town Councilor Jessica Sullivan (Longest Current Serving Member).

**Pledge of Allegiance to the Flag**

**Administration of Oaths by Town Clerk Debra M. Lane**

**Cape Elizabeth Town Council**

*Caitlin R. Jordan*

*Penelope A. Jordan*

**Cape Elizabeth School Board**

*Kimberly L. Carr*

*Susana Measelle Hubbs*

**Roll Call by the Town Clerk**

All members of the town council were present.

Debra M. Lane, Town Clerk

Michael K. McGovern, Town Manager

**Item# 1-2017 Election of Town Council Chair**

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

ORDERED, the Cape Elizabeth Town Council elects James M. "Jamie" Garvin to serve as Town Council Chairman for 2017.

(7 yes) (0 no)

**Item #1A-2017 Special Recognition**

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

ORDERED, the Cape Elizabeth Town Council votes to install a plaque in the council chambers to read as follows:

"This Room is dedicated to Michael K. McGovern in honor of his dedicated service to the citizens of Cape Elizabeth as Town Manager from May 1985 to December 2016."

(7 yes) (0 no)

Thank you to Michael for his professionalism, dedication and 38 years of service!

Senator Rebecca Millett and Representative Kim Monaghan presented Michael McGovern with a Legislative Sentiment in recognition of his years of service.

**Page 2 Town Council Minutes  
December 12, 2016**

**Town Council Reports and Correspondence**

None

**Finance Committee Report**

Mr. McGovern reported the recent bond ratings; Moody's AA1 and Standard and Poor's AAA.

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

None

**Town Manager's Monthly Report**

Mr. McGovern gave his final town manager's report. A copy of the report is available online.

Chairman Garvin thanked Patty Grennon and Debra Lane for organizing the open house held in Michael McGovern's honor on December 6. Congratulations to Sara Lennon, organizers and participants in the CEHS TEDx program.

**Review of Draft Minutes of November 14, 2016 meeting.**

Moved by Jessica L. Sullivan and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council approves the minutes of the meeting held on November 14, 2016 as written.

(7 yes) (0 no)

**Item# 2-2017            Adoption of Town Council Rules**

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

ORDERED, the Cape Elizabeth Town Council approves the Town Council Rules as presented.

(7 yes) (0 no)

**Item# 3-2017            Appointment of the Finance Committee**

Moved by Caitlin R. Jordan and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council elects Jessica L. Sullivan as chairman and the Council as a whole to serve as the finance committee.

(7 yes) (0 no)

**Item# 4-2017            Appointment of an Ordinance Committee**

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

ORDERED, the Cape Elizabeth Town Council elects Patricia K. Grennon as chairman and Caitlin R. Jordan and Katharine N. Ray as members of the ordinance committee.

(7 yes) (0 no)

**Item# 5-2017            Appointment of an Appointments Committee**

Moved by Caitlin R. Jordan and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council elects Sara W. Lennon as chairman and Penelope A. Jordan and Jessica L. Sullivan as members of the appointments committee.

(7 yes) (0 no)

**Page 3 Town Council Minutes  
December 12, 2016**

**Consent Agenda**

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

ORDERED, the Cape Elizabeth Town Council votes to consider ITEM ##6-17 en bloc and approves as presented.

(7 yes) (0 no)

**Item# 6-2017 Appointment of Representatives to ecomaine Board of Directors**

James M. "Jamie" Garvin and the town manager or a designee of the town manager for terms to expire on December 31, 2018.

**Item# 7-2017 Appointment of Representative to Greater Portland Council of Governments General Assembly and Metro Coalition**

Jessica L. Sullivan

**Item# 8-2017 Appointment of Representative to PACTS Policy Committee**

Town Manager or a designee of the town manager

**Item# 9-2017 Appointment of Representative to MMA Legislative Policy Committee and MMA Convention Delegate**

Penelope A. Jordan

**Item# 10-2017 Appointment of Representative to Thomas Memorial Library Foundation**

James M. "Jamie" Garvin

**Item# 11-2017 Appointment of Representative to Greater Portland Economic Development Corporation**

Penelope A. Jordan

**Item# 12-2017 Appointment of Representative to Portland Jetport Noise Advisory Committee**

James M. "Jamie" Garvin

**Item# 13-2017 Appointment of Representatives to Thomas Jordan Grants Subcommittee**

Caitlin R. Jordan to 12/17

Patricia K. Grennon to 12/18

Jessica L. Sullivan to 12/19

**Item# 14-2017 Appointment of Vice Chair of Museum at Portland Head Light**

Jessica L. Sullivan

Council Chair James M. "Jamie" Garvin is chair per the by-laws.

**Item# 15-2017 Designation of Town Council Liaisons to Boards and Commissions for 2017**

To remove town council liaisons to advisory and quasi judicial town boards and committees in 2017.

**Item# 16-2017 Code of Ethics**

The Cape Elizabeth Town Council signs an attestation they have read and understand the Council Code of Ethics as provided for in the Town Council Rules.

**Page 4 Town Council Minutes  
December 12, 2016**

**Item# 17-2017          Schedule of Council Meetings for 2017**

To approve the following regular meeting dates for the council year 2017:

*Regular meetings*

- December 12, 2016
- January 9, 2017
- February 13, 2017
- March 13, 2017
- April 10, 2017
- May 8, 2017
- June 12, 2017
- July 10, 2017
- August 14, 2017
- September 11, 2017
- October 11, 2017
- November 13, 2017
- December 11, 2017

**Item# 18-2017          Appointments to Boards and Committees**

Intro – Councilor Grennon, Chair 2016 Appointments Committee

Citizen Comments

Ed Perry, 10 Pine Ridge Road stated he is “disappointed that no member of the fishing community was appointed when though several applied.”

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

ORDERED, the Cape Elizabeth Town Council appoints the following citizens to various boards and committees as recommended by the Appointments Committee with new terms beginning January 1, 2017.

(7 yes) (0 no)

<b>Board</b>	<b>Recommendation</b>	<b>Address</b>	<b>TermExpires</b>
<b>Board of Assessment Review</b>	David B. Scheffler	12 Pheasant Hill Road	12/31/2019
<b>Community Services Committee</b>	Amy Lombardo	11 Leighton Farms Road	12/31/2019
<b>Community Services Committee</b>	Sarah MacColl	4 Avon Road	12/31/2019
<b>Ad-Hoc</b>			
<b>Comprehensive Plan Committee</b>	Elizabeth Goodspeed	59 Belfield Road	12/31/2018
<b>Comprehensive Plan Committee</b>	Harvey Rosenfeld	9 Glen Avenue	12/31/2018
<b>Comprehensive Plan Committee</b>	Stephen Rees	23 Cross Hill Road	12/31/2018
<b>Comprehensive Plan Committee</b>	Peter Curry	8 Stonybrook Road	12/31/2018
<b>Comprehensive Plan Committee</b>	Timothy Thompson	6 Pine Ridge Road	12/31/2018

Conservation Committee	Robert G. Pettitt	2 Katahdin Road	12/31/2019
Conservation Committee	Zach Matzkin*	77 Scott Dyer Road	12/31/2019
Conservation Committee	Jim Tasse	30 Cliff Avenue	12/31/2019
<b>3 Year Staggered Terms</b>			
Firing Range Committee	Town Council		
Firing Range Committee			
Firing Range Committee			
Firing Range Committee			
Firing Range Committee			
<b>Fort Williams Park Committee</b>	Donald E. Clark	618 Shore Road	12/31/2019
<b>Fort Williams Park Committee</b>	James T. Walsh	23 Rock Crest Drive	12/31/2019
<b>Ad-Hoc</b>			
Harbors Committee	James Casey	1 Village Lane	12/31/2017
Harbors Committee	Stephen Culver	116 Two Lights Road	12/31/2017
Harbors Committee	Susan Farady	40 Longfellow Drive	12/31/2017
<b>Personnel Appeals Board</b>	Leonard Cole	11 Fieldstone Road	12/31/2019
<b>Planning Board</b>	James H. Huebener	13 Kettle Cove Road	12/31/2019
<b>Planning Board</b>	Henry Steinberg*	13 Hunts Point Road	12/31/2019
<b>Recycling Committee</b>	Vacant		12/31/2019
<b>Recycling Committee</b>	Kara Lavender Law	31 McAuley Road	12/31/2019
<b>Recycling Committee</b>	Vacant		12/31/2019
<b>Riverside Cemetery Committee</b>	Sharon Smarc	84 Oakhurst Road	12/31/2019
<b>Thomas Memorial Library Committee</b>	Sara Hirshon	22 Pilot Point Road	12/31/2019
<b>Thomas Memorial Library Committee</b>	Jason O'Brien	349 Fowler Road	12/31/2019
<b>Thomas Memorial Library Committee</b>	Meg Baxter	59 Wood Road	12/31/2019
<b>Board of Zoning Appeals</b>	John K. Craford	97 Stonybrook Road	12/31/2019
<b>Board of Zoning Appeals</b>	Michael Tadem-		
<b>Board of Zoning Appeals</b>	Wielandt	26 Woodcrest Road	12/31/2019
<b>Board of Zoning Appeals</b>	Michael F. Vaillancourt	55 Stonybrook Road	12/31/2019

\*Termed Out

#Serving unexpired term

**Item# 19-2017**

**Purpoodock Club Licenses**

Disclosure-Jessica Sullivan is a member of the Purpoodock Club.

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

ORDERED, the Cape Elizabeth Town Council approves the renewal malt, vinous, and spirituous licenses and the mobile service bar license and special amusement permit for the Purpoodock Club located at 300 Spurwink Avenue.

(7 yes) (0 no)

**Page 5 Town Council Minutes December 12, 2016**

**Page 6 Town Council Minutes  
December 12, 2016**

**Item# 20-2017 Rudy's of the Cape Licenses**

Disclosure-The family of Caitlin Jordan does business with Rudy's.

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

ORDERED, the Cape Elizabeth Town Council approves the renewal malt, vinous, and spirituous licenses for the Rudy's of the Cape located at 517 Ocean House Road.

(7 yes) (0 no)

**Item# 21-2017 Acceptance of Annual Gifts**

Intro – Debra Lane

Disclosure-Katharine Ray is a member of Rotary however is not on the Board.

Moved by Jessica L. Sullivan and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council accepts gifts received in 2016 with appreciation.

(7 yes) (0 no)

**Item #22-2017 Draft Sign Ordinance**

Intro – Councilor Jordan, Chair 2016 Ordinance Committee

Present – Maureen O'Meara, Town Planner

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

ORDERED, the Cape Elizabeth Town Council sets to public hearing recommendations from the ordinance committee on proposed changes to Chapter 21 Signs for Monday, January 9, 2017 at 7:00 p.m. at the Cape Elizabeth Town Hall.

(7 yes) (0 no)

**Item #23-2017 Town Center Potential Sidewalk Grant**

Intro – Maureen O'Meara, Town Planner

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

ORDERED, the Cape Elizabeth Town Council authorizes an application to PACTS for a sidewalk grant for the town center area.

(7 yes) (0 no)

**Item #24-2017 Complete Streets Draft Policy**

Intro – Maureen O'Meara, Town Planner

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

ORDERED, the Cape Elizabeth Town Council sets to public hearing on Monday, January 9, 2017 at 7:00 p.m. at the Cape Elizabeth Town Hall a proposed complete streets policy.

(7 yes) (0 no)

**Page 7 Town Council Minutes  
December 12, 2016**

Note: A briefing on the complete streets policy was suggested to gain a better understanding of the policy. Maureen O'Meara will schedule the session.

**Item #25-2017          Acceptance of Easement**

Disclosure-Jamie Garvin lives adjacent to the property.

Present

Maureen O'Meara, Town Planner

Jim Tasse, Chairman Conservation Committee

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

ORDERED, the Cape Elizabeth Town Council accepts with sincere appreciation a conservation easement from Dale Bryant on land adjacent to Rock Wall Lane as presented.

(7 yes) (0 no)

**Item #26-2017          Acceptance of License from Canterbury at the Cape Condominium Association**

Present

Maureen O'Meara, Town Planner

Jim Tasse, Chairman Conservation Committee

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

ORDERED, the Cape Elizabeth Town Council accepts with sincere appreciation a conservation license from the Canterbury at the Cape Condominium Association as presented.

(7 yes) (0 no)

**Item #27-2017          Recycling Committee Recommendation**

Present – Robert Malley, Director of Public Works

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

ORDERED, the Cape Elizabeth Town Council votes to recuse Caitlin Jordan and Penelope Jordan from discussion and voting on this item regarding the ban on single use plastic bags in retail establishments. The families of both Councilors own retail establishments in Cape Elizabeth that may be impacted by decisions relating to this matter.

(7 yes) (0 no)

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

ORDERED, the Cape Elizabeth Town Council refers to the ordinance committee a recommendation from the Recycling Committee regarding the ban on single use plastic bags in retail establishments.

(5 yes) (0 no)

**Page 8 Town Council Minutes  
December 12, 2016**

**Item #28-2017      Proposed Emergency Moratorium on Non Medical Marijuana Retail Establishments**

Intro – Councilor Grennon

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

ORDERED, the Cape Elizabeth Town Council adopts a moratorium, see below, in order to study the impacts of the recent vote regarding retail sales of marijuana and to refer the issue to the ordinance committee for further study.

(7 yes) (0 no)

WHEREAS, a ballot initiative to legalize, regulate, and tax marijuana for non-medicinal purposes – known as the “Marijuana Legalization Act” and proposed to be codified in the Maine Revised Statutes as Chapter 417 of Title 7 (hereinafter “the Act”) – was the subject of a state-wide referendum election on November 8, 2016, the results of which are currently the subject of a recount;

WHEREAS, the Act would authorize municipalities to regulate the number, location, and operation of various types of retail marijuana businesses (identified in more detail in the Act and hereinafter referred to as “retail marijuana businesses”) or to prohibit the operation of such businesses within their jurisdictions;

WHEREAS, the Act will not limit the privileges or rights afforded by the Maine Medical Use of Marijuana Act (codified at 22 M.R.S. §§ 2421 to 2430-B) to qualifying patients, primary caregivers, or registered dispensaries, including cultivation facilities;

WHEREAS, the possible location of retail marijuana businesses in the Town of Cape Elizabeth raises legitimate and substantial questions and concerns about the impact of such facilities on the Town, including the compatibility of retail marijuana businesses within existing residential neighborhoods and near the Town’s public buildings and other facilities (including schools and playgrounds), the possibility of illicit sales of marijuana, the security of retail marijuana businesses, and associated criminal activity that may target retail marijuana businesses;

WHEREAS, the Town of Cape Elizabeth does not currently have in place any regulations pertaining to retail marijuana businesses and has not had an opportunity to assess whether it intends to allow the operation of such businesses within its jurisdiction and, if so, what regulations would be appropriate;

WHEREAS, the Town of Cape Elizabeth’s existing ordinances do not provide an adequate mechanism to regulate retail marijuana businesses and are inadequate to prevent the potential for serious public harm from the establishment and operation of retail marijuana businesses;

WHEREAS, the Town of Cape Elizabeth needs a reasonable amount of time to study the land use implications of retail marijuana businesses, decide whether it wishes to permit the operation of such businesses within its jurisdiction, and, if so, to develop reasonable regulations governing their number, location, and operation;

WHEREAS, during the period of this Moratorium, the Town of Cape Elizabeth will work on developing appropriate land use regulations concerning retail marijuana businesses, to the extent the Town intends to permit the operation of such businesses within its jurisdiction; and,

WHEREAS, based on the considerations outlined above, the lack of any extant Town of Cape Elizabeth regulation of retail marijuana businesses constitutes, in the judgment of the Council, an emergency affecting life, health, property, or the public peace;

NOW THEREFORE, pursuant to the authority granted by 30-A M.R.S. § 4356 and the authority granted to the Council under Town Charter Section 12, the Town of Cape Elizabeth, acting through a vote of at least 5 members of the Town Council, hereby enacts the following Emergency Ordinance establishing a moratorium on the location, establishment, operation, or licensing of retail marijuana businesses for a period of ninety (90) days from the date the Ordinance is enacted or until a non-emergency ordinance is enacted based on the procedures set forth in Section 11 of the Town Charter that expressly repeals the Emergency Ordinance:



**Page 9 Town Council Minutes  
December 12, 2016**

**Section 1 Definitions**

As used in this Ordinance, the following terms have the following meanings:

“Marijuana”: as defined in State Administrative Rules (10-144 CMR Chapter 122), § 1.17, “Marijuana.”

“Retail Marijuana Businesses”: retail marijuana social clubs and retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities, as those terms are defined by the Act to be codified at 7 M.R.S. § 2442(35, 36, 38, 39, 40 and 41).

**Section 2 Authority**

This Emergency Ordinance is adopted pursuant to the enabling provisions of Article VIII, part 2, section 1 of the Maine Constitution, the provisions of 30-A M.R.S. § 2101, et seq. (Home Rule), 30-A M.R.S § 3001, et seq. (Ordinance Power), 30-A M.R.S § 4356 (Moratoria) § 1B (Necessity) and § 2 (Definite Term), and Cape Elizabeth Town Charter Section 12.

**Section 3 Applicability**

This moratorium shall apply to Retail Marijuana Businesses, as defined above, which are proposed to be located within the Town of Cape Elizabeth on or after the effective date of the Emergency Ordinance.

**Section 4 Marijuana-related Facilities Prohibited During Moratorium**

No person, business, or organization shall locate, establish, or operate a Retail Marijuana Businesses within the Town of Cape Elizabeth during the period this Emergency Ordinance is in effect.

**Section 5 Applications not to be Accepted or Acted Upon**

During the period this Emergency Ordinance is in effect, no officer, board, body, agency, agent, official, or employee of the Town of Cape Elizabeth shall accept, process, or act upon any application for any approval related to the location, establishment, or operation of a Retail Marijuana Businesses.

**Section 6 Conflicts with Other Ordinances**

The provisions of this Emergency Ordinance supersede any conflicting provisions of the Town of Cape Elizabeth’s Ordinances.

**Section 7 Enforcement, Violation and Penalties**

This Emergency Ordinance shall be enforced by the Town of Cape Elizabeth Code Enforcement Officer. Any person who violates any of the provisions of this Emergency Ordinance be subject to civil penalties and other remedies as provided in 30-A M.R.S. § 4452.

**Section 8 Severability**

Should any section or provision of this Emergency Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of the Emergency Ordinance.

**Section 9 Effective Date**

This Emergency Ordinance takes effect immediately upon adoption and shall apply, to the maximum extent permitted by law but subject to the severance clause above, to all proceedings, applications and petitions not pending as of the enactment date. This Ordinance shall expire at the end of the 90<sup>th</sup> day after its adoption, unless earlier extended, repealed or modified by the Town of Cape Elizabeth.

**Item #29-2017 Hazard Mitigation Plan**

Intro – Mr. McGovern

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

ORDERED, the Cape Elizabeth Town Council adopts the proposed updated Hazard Mitigation Plan as presented.

(7 yes) (0 no)

**Item #30-2017 Fort Williams Park Capital Fund New Proposed Allocations**

Intro – Robert Malley, Director of Public Works

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

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the Fort Williams Park Committee for the expenditure of \$84,500 from the Fort Williams Capital Fund Budget (0865) approving four projects within the Park as outlined below. Said projects are anticipated to be completed by June 1, 2017.

(7 yes) (0 no)

**Powers Road Guardrail Replacement – \$21,000**

The wooden guardrail along the entrance road is starting to succumb to the elements. Several of the posts and rails are showing signs of rot. A majority of the guardrail was installed in 1998, followed by a 100' extension 2011 on the westerly (or main entrance end). It is proposed to replace it with a similar type of material.

**Wheatley Road Guardrail - \$8,500**

There is a significant drop-off for about 230' on the northerly side of Wheatley Road, or the road that leads up to the overflow parking area by the former fire station. With the opening of Children's Garden, we are now encouraging Garden visitors to park in the overflow area, which has increased the amount of vehicles now transiting the roadway. A wooden guardrail (similar to that along the entrance road) is proposed to be installed to provide a safety barrier.

**Replacement of Perimeter Fencing - \$35,000**

Much of the wire fabric perimeter fencing along Shore Road has been replaced with a fabricated aluminum fence. It is more aesthetically pleasing and has enhanced the Park's appearance, especially at the main entrance. It is proposed to continue the replacement from the current terminus just north of the main entrance to the rear of the Surf Road properties. The funds proposed would also include replacing the two gates at the Chapel Road entrance.

**Overflow Parking Area (Near former Fire Station) Sidewalk Removal - \$20,000**

There is an existing sidewalk along the southwest edge of the Overflow Parking area. It borders the location of the former bleachers and extends past the Children's Garden. The walk was originally made of concrete but was paved over several years ago. The pavement is in poor condition and there are several trip hazards along the surface. It was also recently identified as being a safety issue by a Loss Control Consultant from the MMA Risk Pool. At this time, it is proposed to remove the walk and restore the disturbed area with loam and seed. The Committee would then undertake a comprehensive study of pedestrian needs and walkways in the Park.

**Item #31-2017          Next Phase of Combined Sewer Overflow Mitigation Project**

Intro – Robert Malley, Director of Public Works

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

ORDERED, the Cape Elizabeth Town Council authorizes the expenditure of \$320,000 from the sewer fund to accomplish the separation of sanitary flow from other flows that are now part of the Ottawa Road combined sewer overflow.

(7 yes) (0 no)

**Item #32-2017          Closeout of Community Services Fund**

Intro – Mr. McGovern

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

ORDERED, the Cape Elizabeth Town Council authorizes the closing of the Community Services Fund by absorbing the \$32,485 deficit into the general fund. Said fund is closed as the Community Services program on July 1, 2016 became a municipal department and its finances are part of the municipal budget within the general fund.

(7 yes) (0 no)

**Item #33-2017 Cape Care Playground**

Intro – Mr. McGovern

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

ORDERED, the Cape Elizabeth Town Council authorizes the allocation of \$25,000 from the unassigned fund balance to complete the Cape Care Playground project at the Cape Elizabeth High School. Said funds are in addition to the already approved funding of the project for \$50,000.  
(7 yes) (0 no)

**Item #34-2017 Access to Crescent Beach for Watercraft**

Intro – Manager McGovern

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

ORDERED, the Cape Elizabeth Town Council authorizes the town manager to write to the state park director asking for a dialogue on potentially moving the town's rights to the former location. This issue would then be further explored by the harbors committee and the town manager.  
(7 yes) (0 no)

**Item #35-2017 Edward Jones Office Lease Renewal for Five Years**

Disclosure – Mr. McGovern is an Edward Jones client.

Intro – Mr. McGovern

Moved by Caitlin R. Jordan and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council authorizes the town manager to sign a new lease with Edward Jones extending the lease for another five years beginning February 29, 2017 and authorizes the expenditure of up to \$15,500 from the unassigned fund balance for improvements and updates to the building at 343 Ocean House Road as presented.  
(7 yes) (0 no)

**Item #36-2017 Capital Stewardship Plan**

Intro – Mr. McGovern

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

ORDERED, the Cape Elizabeth Town Council acknowledges receipt of the capital stewardship plan extending to 2027.  
(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

**Page 12 Town Council Minutes  
December 12, 2016**

**Item# 37-2017          Executive Session on Poverty Abatement Request**

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

ORDERED, the Cape Elizabeth Town Council in conformance with 1 M.R.S.A. §405 6 F enters into executive session at 9:05 p.m. to review a request for a poverty abatement.

(7 yes) (0 no)

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

ORDERED, the Cape Elizabeth Town Council exits executive session and reenters public session at 9:22 p.m.

(7 yes) (0 no)

Moved by Jessica L. Sullivan and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council votes to deny the request for a poverty abatement since there is the ability to procure other resources.

(7 yes) (0 no)

**Adjournment**

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

ORDERED, the Cape Elizabeth Town Council adjourns at 9:23 p.m.

(7 yes) (0 no)

Respectfully Submitted,

\_\_\_\_\_)\_\_\_\_\_  
Debra M. Lane, Town Clerk