



## **Cape Elizabeth Town Council**

**Minutes Monday, April 10, 2017**

**7:00 p.m.**

**Cape Elizabeth Town Hall**

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

**The meeting was convened by Town Councilor Chairman James M. "Jamie" Garvin at 7:00 p.m.**

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

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

All members of the town council were present.

Debra M. Lane, Town Clerk

Matthew E. Sturgis, Town Manager

### **Dedication of the Council Chambers to Michael K. McGovern**

Michael K. McGovern, former town manager was present in honor of the dedication of the council chambers in recognition his years of service to the community.

### **Presentation of the Ralph T. Gould Award**

The Ralph T. Gould Award was presented to Michael K. McGovern in the spirit of outstanding citizenship in which the award is given.

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

Councilor Grennon, Ordinance Committee Chairman announced the next meeting of the ordinance committee on Tuesday, 4/11, 12-1:30 p.m. in the lower level conference room of town hall. Items to be discussed include shooting range ordinance technical amendments and the legalization of marijuana and the possible implications.

Councilor Penelope Jordan, member of the comprehensive plan committee updated citizens on the progress of the committee. A consultant to assist with public participation has been selected. The committee will also hire a public opinion consultant to assist for example with a survey. Citizens are encouraged to follow the committee's work and provide input and suggestions.

Chairman Garvin announced the Spurwink School Reuse Committee will meet again soon to continue the discussion of the possible use(s) for the building.

### **Finance Committee Report**

Councilor Sullivan, Finance Committee Chairman reviewed the dashboard. A notable difference in revenue is the receipt of +\$140,000 or \$10,000 less than projected for the cable franchise fee. The fee is based on the cable company's gross annual revenue. Mr. Sturgis continues to follow up with Charter Communications to obtain an explanation of the reduced revenue and confirm whether more funds are due to the town.

**Page 2 Town Council Minutes**  
**April 10, 2017**

Councilor Sullivan asked for a consensus of the town council if they were in agreement that the 4/25 budget workshop with the school board should be recorded (video taped or live – details to be confirmed). This workshop may be considered the most important financial meeting of the year and citizens may want the opportunity to view the discussion.

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

None

**Town Manager's Monthly Report**

**Review of Draft Minutes of March 13, 2017**

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 March 13, 2017 as written.

(7 yes) (0 no)

**Item #60-2017          Opportunity for Public Comments on the Fiscal Year 2018 Budget**

In an effort to provide public input on the budget throughout the process, citizens were provided an opportunity to provide comments to the town council.

No members of the public spoke.

**Item # 61-2017          Inn By The Sea Licenses**

Councilor Caitlin Jordan disclosed her family does business with Inn By The Sea.

Moved by Patricia K. Grennon and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council approves the renewal malt, spirituous and vinous liquor licenses and special amusement permit for Inn By The Sea located at 40 Bowery Beach Road as presented.

(7 yes) (0 no)

**Public Hearing – The Well, LLC Qualified Catering Application**

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

ORDERED, the Cape Elizabeth Town Council approves the request from Councilor Penelope A. Jordan to recuse herself from discussion and voting on this item as she is one of the property owners of 21 Wells Road.

(6 yes) (0 no)

Chairman Garvin opened the public hearing at 7:24 p.m.  
After hearing no comments the public hearing was closed.

**Page 3 Town Council Minutes**  
**April 10, 2017**

**Item #62-2017            The Well, LLC Qualified Catering Application**

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

ORDERED, the Cape Elizabeth Town Council approves the request of The Well, LLC/Jason Williams for a qualified catering application for The Well at Jordan's Farm, 21 Wells Road. This is a new application and required for catering with liquor on and off-premise.  
(6 yes) (0 no)

**Item #63-2017            Town Council Resolve on Welcoming all People**

Intro – Representatives of Cape Diversity Coalition Susana Measelle Hubbs, 18 Belfield Road and Jim Sparks, 14 Woodcrest Road. Also answering questions was Superintendent Howard Colter.

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

ORDERED, the Cape Elizabeth Town Council adopts the proposed Welcoming all People resolution as presented.

Moved by Penelope A. Jordan and Seconded by Katharine N. Ray

ORDERED, the Cape Elizabeth Town Council defers voting on the Welcoming all People resolution and refers the proposed resolution to workshop for further review, anticipating a recommendation back to the town council.  
(7 yes) (0 no)

Original Motion as Amended: (7 yes) (0 no)

Note: The item will be discussed at the 5/1 workshop.

**Item #64-2017            Recommendation - Comprehensive Plan Committee Vacancy**

Intro – Councilor Lennon, Appointments Committee Chairman

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

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the appointments committee to appoint Kevin Guimond, 170 Ocean House Road to serve the term vacated by Stephen Rees on the Comprehensive Plan Committee effective immediately.  
(7 yes) (0 no)

**Item #65-2017            Amendment to the Charge of the Harbors Committee**

Intro – Mr. Sturgis

Moved by Sara W. Lennon and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the town manager to amend the charge for the harbors committee inserting the fifth bullet as follows:

- Assist the comprehensive plan committee with the marine resources section of the comprehensive plan.

(7 yes) (0 no)

See attachment.

**Page 4 Town Council Minutes**  
**April 10, 2017**

**Item #66-2017          Request for Extension – Paper Street Technical Study Extension**

Intro – Chairman Garvin

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

ORDERED, the Cape Elizabeth Town Council approves the request of the conservation committee to extend the deadline to complete the paper street technical study of Surfside Avenue (U12-15), Atlantic Place (U12-8) and Lighthouse Point Road (U15-1) to June 30, 2017.  
(7 yes) (0 no)

**Item #67-2017          Commercial Lease Agreement - Building 326 Fort Williams Park**

Intro – Mr. Sturgis

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

ORDERED, the Cape Elizabeth Town Council approves the proposed lease agreement for Building 326 in Fort Williams Park with Behavioral Health Resources for a three-year term commencing June 1, 2017 and ending May 31, 2020 with the option for a two-year renewal as presented.  
(7 yes) (0 no)

**Item #68-2017          Authorization for Culvert Assessment Grant**

Intro – Mr. Sturgis

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

ORDERED, the Cape Elizabeth Town Council authorizes an application for a Coastal Zone Management Grant to perform a culvert assessment as presented.  
(7 yes) (0 no)

**Item #69-2017          Accessory Structures Amendment**

Intro – Councilor Grennon, Ordinance Committee Chairman

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

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the ordinance committee to accept the planning board recommendation to take no action related to the use of accessory structures for overnight accommodations.  
(7 yes) (0 no)

**Item-70-2017          Recycling Committee Goals**

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

ORDERED, the Cape Elizabeth Town Council acknowledges receipt of the recycling committee's 2017 goals.  
(7 yes) (0 no)

**Page 5 Town Council Minutes**  
**April 10, 2017**

**Item #71-2017          Municipal Election Warrant – June 13, 2017**

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

ORDERED, the Cape Elizabeth Town Council approves the warrant for the June 13, 2017 school budget validation referendum and Portland Water District Trustee elections 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

Chairman Garvin thanked Matthew Sturgis and Debra Lane for coordinating the board and committee forum on 4/5.

**Adjournment**

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

ORDERED, the Cape Elizabeth Town Council adjourns at 8:25 p.m.

(7 yes) (0 no)

Respectfully Submitted,

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Debra M. Lane, Town Clerk

**Page 6 Town Council Minutes**  
**April 10, 2017**

Town Manager's Report

April 10, 2017

The past month was very busy, with the budget being one of the primary focuses of the month, with two budget workshops being held March 21 and 22<sup>nd</sup>. The end result to this point is a municipal budget with a 1.4% increase in spending, and a 2.5% net increase, or an \$0.11 increase in the tax rate for municipal services. This would equate to a \$33 increase for a \$300,000 home.

The next budget related item is a workshop with the School Board on April 25<sup>th</sup>, when the Council and School Board meet to receive and review the school budget.

On March 24<sup>th</sup> I had the opportunity to attend the Manager's Interchange in Bangor. The program was specifically centered on the legalization of marijuana and the impacts and changes coming forward. The keynote speaker was the former manager of Frisco, Colorado. There were also speakers related directly to the legal questions and issues that towns will face with their ordinances. I am planning on sharing with the Ordinance Review Committee.

On April 3 the second half property tax bills were due, and in between March 30 and April 4 \$11,079,000 was collected. At the present time the Town has collected 96% of the original property tax commitment of \$29.6 million dollars. My appreciation goes to Debra Lane and her staff in the tax collections department.

Today, Community Services received delivery of their new mini bus. This new bus has capacity for 14 riders, is handicapped accessible, and will be a great benefit to senior programming and small group trips.

On April 29, 2017, residents will be allowed to bring in their unused and unwanted prescriptions and over-the-counter medications to the Cape Elizabeth Police Department from 10:00AM-2:00PM for disposal. Residents should take advantage of this opportunity to clean their medicine cabinets and dispose of the unwanted medications in a safe and environmentally friendly manner. For more information contact Officer David Galvan at 767-3323 EXT. 208.

**Item #65-2017 Attachment**

Approved by the Town Council  
October 5, 2016  
Amended April 10, 2017

**Harbors Committee**  
**Charge**

**Committee Purpose**

The Town of Cape Elizabeth last conducted a major review of its harbors in the late 1980's with nearly 30 years having passed since the last review of how our coastal water resources are serving our fishing, aquaculture and recreational boating needs, it is an opportune time to review issues relating to our harbors.

The committee shall:

- Review the Town's Coastal Waters and Harbor Ordinance and recommend any changes it deems desirable to the town council.
- Meet with state officials to determine options for boat access in the Kettle Cove/Crescent Beach State Park area and develop a long range plan for access.
- Update the maps utilized by the harbormaster showing potential locations for moorings.
- Inventory public water access.
- Assist the comprehensive plan committee with the marine resources section of the comprehensive plan.
- Consider such other related matters as the town council may request.

**Committee Structure**

The Harbors Committee shall consist of five persons. Two members shall be members of the town council chosen by the council. The town council, following a recommendation from the appointments committee, shall appoint three citizens. The committee shall appoint its own chair.

**Committee Resources**

Funds for the committee's work in the amount of \$15,000 are hereby appropriated from the unassigned fund balance. This shall fund a consultant to work with the committee who has expertise in issues relating to municipal harbors and boat access and shall fund expenses for mapping.

**Committee Timeline**

The committee shall first meet after January 2017 after appointments have been completed. The committee will complete its work with a report to the Town Council by December 31, 2017.