



Cape Elizabeth Town Council Minutes

Monday, June 12, 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 at 7:00 p.m. by Town Councilor Chairman James M. "Jamie" Garvin.

Pledge of Allegiance to the Flag

Roll Call by the Town Clerk

All members of the town council were present.

Matthew E. Sturgis, Town Manager

Town Council Reports and Correspondence

Councilor Patricia Grennon reported the Ordinance Committee would be meeting June 13, 2017 at noon.

Councilor Sara Lennon reminded the public to vote tomorrow (June 13, 2017).

Councilor Penelope Jordan reported that the Strawberry Festival will be held on June 23 and 24.

Councilor Jessica Sullivan reported that she will be assisting on homelessness issues in collaboration with Greater Portland Council of Governments.

Finance Committee Report

Finance Chair Sullivan reviewed the dashboard ending 5/31/2017, and inquired on the status of the Police Department overtime, as well as what the primary concentration of legal expenses have focused on. Mr. Sturgis updated the Council on the Police Department overtime, with the primary drivers being one Family Medical Leave Act officer out due to a birth in his family, and two officer injuries. However, the overall budget expenditure for the department will be at approximately 88% for the year. On the legal expense question, Mr. Sturgis explained since the beginning of the year the concentration of expenses have been focused on the legalization of marijuana issue related to the Town's ordinances and to Zoning Board of Appeals issues.

Citizen Opportunity for Discussion of Items Not on the Agenda

None

Town Manager's Monthly Report

Please remember to vote tomorrow, voting will be held in the High School gymnasium. Polls open at 7 am and close at 8 pm. Voting will be held on the school budget, a single bond issue by the State, and also to vote on filling the vacant Portland water district position.

I attended the recent Greater Portland Council of Governments annual meeting. I concluded my final year of a two year term as President. The event was well attended, with plenary sessions on legalized marijuana, the opiate epidemic, complete streets, and other planning related issues.

I have met with representatives from the Maine Department of Agriculture, Conservation, and Forestry regarding the public launch at Kettle Cove. We share a common interest in finding a solution to the currently challenging public launch area on Kettle Cove Road. The original idea is to move the launch area approximately 50 yards north of where it currently sits. I have reported this information back to the Harbors Committee, whom I met with last Thursday. Additionally, I have extended an invitation to the State's representatives to the next Harbors Committee meeting on June 29th.

Finally, as we approach the end of our fiscal year on June 30th, our forecasted revenues are arriving in excess of anticipated amounts, while our expenditures are in line to slightly below anticipated amounts. In July's Council agenda I will be bringing in the amounts that will be requested to be carried forward into the next fiscal year.

Respectfully submitted,

Matthew E. Sturgis, CMA
Town Manager

Review of Draft Minutes of May 8, 2017 and May 15, 2017

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

ORDERED, the Cape Elizabeth Town Council approves the minutes of the meetings held on May 8, 2017 and May 15, 2017 as written.

(7 yes) (0 no)

Public Hearing – Proposed Amendments to Chapter 24 Shooting Range Ordinance

Chairman Garvin opened the public hearing at 7:13 p.m.

Tammy Walter of 1095 Sawyer Road spoke in support of the proposed amendments. She felt the issue has been well discussed and reviewed, and that the amendments are a sound solution for all.

Eric Stephanus of 2 Tiger Lily Lane had a question on design regarding shot containment. His opinion is that this section needed further clarification, and also stated that any design for a facility must be done by an experienced design firm and it is not the role of the Code Officer to review this.

Cathy Klein of 66 Cross Hill Road stated that the ordinance needs a provision mandating inspection for construction is performed during the three year renewal period.

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Mark Mayone, Spurwink Rod and Gun Club stated that the designs are not as much of a specialty as they once were, and the designs are industry known. Mr. Mayone also stated that the shooting range has been very successful in sound containment as well, and that the same standard will be maintained if / when the 50 and 100 yard ranges are brought in.

Councilor Sara Lennon asked Mr. Mayone how he knew if the 50 and 100 yard ranges would be ok?

Mr. Mayone replied as it is the same format of baffling as in the design for the 25 yard range.

Councilor Sara Lennon asked why not use a certified inspector for any review?

Mr. Mayone replied that it was cost prohibitive. Experts from away are not always needed, when there are perfectly qualified people here to perform the inspections.

Ed Nadeau of 9 Apple Tree Lane stated that he thought sound containment was improved, and the ordinance should do all it takes to have shot containment.

After hearing no further comments the hearing was closed at 7:25 p.m.

Item #92-2017 Proposed Amendments to Chapter 24 Shooting Range Ordinance

Intro Ordinance Chair Patricia K. Grennon

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

ORDERED, the Cape Elizabeth Town Council approves the amendments to Chapter 24 Shooting Range Ordinance as presented.

(7 yes) (0 no)

Item #93-2017 The Good Table – Request for Renewal Liquor Licenses

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

ORDERED, the Cape Elizabeth Town Council approves the request of The Good Table located at 527 Ocean House Road for the renewal of the malt, vinous and spirituous liquor license as presented.

(7 yes) (0 no)

Item #94-2017 The Local Buzz – Request for Renewal Liquor License and Special Amusement Permit

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

ORDERED, the Cape Elizabeth Town Council approves the request of The Local Buzz located at 327 Ocean House Road for the renewal of the malt and vinous liquor license and special amusement permit as presented.

(7 yes) (0 no)

Item #95-2017 Maxwell Woods Multi-plex Project – Request for Conditional Municipal Acceptance of Open Space and Town Roadway

Councilors Caitlin R. Jordan and Penelope A. Jordan both stated that they are friends with the Bamfords, who are a co-applicant in this project. There were no formal objections stated or raised to their participation in the discussion by the Council.

Intro – Owens McCullough of Sebago Technics presented the request for condition municipal acceptance of open space and a Town roadway on behalf of Maxwell Woods, LLC. In his presentation he explained the areas that are to be donated to the Town as open space as part of the project's approval, detailed the road location and layout, and discussed a 2.07 acre portion of land to be preserved via an agricultural easement granted to the Town.

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

ORDERED, the Cape Elizabeth Town Council approves the request for conditional acceptance of the open space and town roadway for the Maxwell Woods multi-plex project as presented.
(6 yes) (1 no, Councilor Sara W. Lennon)

Item #96-2017 Vote Authorizing Printer/Photocopier Lease Purchase Agreement

Intro Mr. Sturgis explained this item is on the agenda to approve a lease purchase agreement for the Town and Schools. The intent is to replace the current printers and copiers throughout the organization, eliminating costly ink-jet printers, enabling regular and color scanning, and replacing the current aging fleet of copiers and printers.

Catherine Messmer, Business Manager discussed the details of the lease purchase agreement.

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

ORDERED, the Cape Elizabeth Town Council authorizes the town manager to sign a lease purchase agreement with Biddeford Savings for printers and photocopiers for town departments as presented.
(7 yes) (0 no)

TOWN OF CAPE ELIZABETH, MAINE
Vote Authorizing Printer / Photocopier Lease Purchase Agreement
with Biddeford Savings Bank

Be it hereby voted by the Cape Elizabeth Town Council as follows:

VOTED: That the Town Council hereby authorizes the Town Manager for and on behalf of the Town to execute and deliver a municipal lease purchase agreement with Biddeford Savings Bank in the amount of \$46,343.40 and bearing interest at the rate of 2.66% per annum, to lease finance printers and photocopiers for the Town, with a term of not more than 5 years (the "Town Lease Agreement"), which Town Lease Agreement shall be in such form and contain such terms and conditions, not inconsistent herewith, as may be approved by the Town Manager, such approval to be conclusively evidenced by his execution thereof.

VOTED: That the Town Manager is authorized to negotiate, execute, and deliver such other documents and certificates as may be necessary or appropriate in connection with the Town Lease Agreement which documents and certificates shall be in such form and contain such terms and conditions, not inconsistent herewith, as may be approved by the Town Manager, such approval to be conclusively evidenced by his or her execution thereof.

VOTED: That the Town Manager be and hereby is authorized and directed to covenant and certify on behalf of the Town that no part of the proceeds of the Town Lease Agreement, or the improvements financed therewith, shall be used directly or indirectly in any manner that would cause such Town Lease Agreement to be a "private activity bond" or an "arbitrage bond" within the meaning of Section 141 or Section 148 of the Internal Revenue Code of 1986, as amended.

VOTED: That to the extent available under Section 265(b)(2) of the Code, with the advice of Bond Counsel, the Town Lease Agreement may be designated as "qualified tax exempt obligations".

VOTED: That the Town Manager and the other proper officials of the Town (the "Authorized Representatives") be and hereby are authorized and empowered in its name and on its behalf to do or cause to be done all such acts and things as may be necessary or desirable in order to effect the execution and delivery of the Town Lease Agreement in accordance with these votes.

VOTED: That all prior actions of the Town in effectuating the Town Lease Agreement are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the Town Lease Agreement.

Item #97-2017 Resolve Welcoming All People

Intro – Chairman Garvin introduced the item, explaining that this is the third occasion the Council is discussing the resolve, with one Council meeting, one workshop, and this evening's meeting all considering the resolve.

Councilor Katharine N. Ray clarified for all in attendance that the Town Council Rules state there shall be no applause, and thanked those in attendance for coming.

Walden Morton read a letter in support of the resolution.

Anne Clark stated she is in support of the resolution, and noted that this is a community and school issue. We should be decent and kind to others and provide care and protection.

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Paul Seidman spoke in support of the Cape Diversity Coalition (CDC) version of the resolve. Mr. Seidman stated that the Council comments were considered and placed within their revised resolve, and he supports the one that speaks to those affected the most.

Jamie Wagner spoke in support of the resolution. Mr. Wagner counsels those seeking asylum, and has an understanding of the issue. Mr. Wagner thanked all for their efforts, and supports the CDC version more, and that the resolve should be easy to pass.

Reverend Timothy Boggs thanked the Council for their work. Rev. Boggs values the dignity of all people. The question for the Council is who is hurt and how can you help? This resolve will aid in that process.

Maureen Clancy stated that the resolve is brought in as a recognition of the current times we live in. People cannot ignore the issue of equal treatment. Ms. Clancy discussed the difference between being equal and equality. Being equal is all having shoes, while equality is having shoes that fit. The intent of the resolution is to balance the equation.

Nasir Shir stated that he is looking for the moral support of the Council. Mr. Shir explained that a number of incidents have led to this resolution.

Tom Mikulka asked the Council to think about where and how the resolve will be seen ten years from now, and think about what the intention of this resolve is to cure.

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

ORDERED, the Cape Elizabeth Town Council approves the Resolve Welcoming All People provided by the Cape Diversity Coalition; the version dated June 6, 2017.
(5 yes) (2 no, Councilors Sullivan and Ray)

Item #98-2017 Approval of the Placement of a Sculpture at the Thomas Memorial Library

Intro – Mr. Sturgis introduced the item by describing the location desired to place a donated sculpture at the Thomas Memorial Library. He explained that any changes that are to take place on a Town facility must be approved by Council. The proposed location of the sculpture was reviewed by the Planning Board Chair and approved as a change to the site plan.

Librarian Kyle Neugebauer also described the physical location of the sculpture and what the sculpture would look like, referencing the submitted item documentation.

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

ORDERED, the Cape Elizabeth Town Council approves the placement of the sculpture gifted from the Thomas Memorial Library Foundation at the Thomas Memorial Library to the grassy area between the handicap parking spots and the brick patio by the Scott Dyer Road entrance door as recommended.
(7 yes) (0 no)

Item #99-2017 Year End Budget Shortfalls

Intro – Mr. Sturgis explained that this is an end of the year function with the intention to ensure that the Community Services Youth Program would not exceed its approved appropriation for Fiscal Year 2017.

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

ORDERED, the Cape Elizabeth Town Council approves the recommended additional appropriation for the 2017 fiscal year as presented.

(7 yes) (0 no)

637 Community Services Youth Program Revise Appropriation from \$401,715 to \$411,715

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 Sara W. Lennon and Seconded by Caitlin R. Jordan

ORDERED, the Cape Elizabeth Town Council adjourns at 9:28 p.m.

(7 yes) (0 no)

Respectfully Submitted,

Matthew E. Sturgis, Note Taker