



Cape Elizabeth Town Council Minutes

Monday, September 11, 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

Present – 6 Members

Absent – Councilor Lennon

Debra M. Lane, Town Clerk

Matthew E. Sturgis, Town Manager

A moment of silence was led by Chairman Garvin in remembrance of the events on September 11, 2001.

Town Council Reports and Correspondence

Councilor Sullivan gave an update on the work of the GPCOG Metro Coalition and her presentation on homelessness. Councilor Sullivan has been elected to the Cumberland County Finance Committee.

Councilor Penelope Jordan encouraged citizens to participate in the online discussion to provide feedback for the comprehensive plan committee.

The town council will meet in workshop session with the Fort Williams Park Committee on Monday, September 18 at 7:00 p.m. at Town Hall to discuss various matters relating to Fort Williams Park.

Finance Committee Report

Councilor Sullivan reviewed the dashboard as of 8/31. Mr. Sturgis provided additional information including an update on the cable franchise payment. The town is awaiting final payment and may contact the town's attorney to assist in the matter.

Citizen Opportunity for Discussion of Items Not on the Agenda

None

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Town Manager's Monthly Report

Town Manager's Report
September 11, 2017

As we transition from summer to fall, new programming is beginning at Community Services and the Thomas Memorial Library. Please refer to the Town's website for more information.

The Hill Way / Scott Dyer project is progressing. Substantial work is underway this week on Hill Way. Please be advised that now that school is in session, morning traffic is facing some challenges so please leave some additional time for getting through this section of Town.

In today's mail the Town received a dividend check from the Maine Municipal Association in the amount of \$16,875 as a result of our good loss experience and loss prevention programs. This is as a result of a low loss ratio in the MMA Workers Compensation Fund and in the MMA Property and Casualty Pool. This is a direct result of our successful risk management activities and good loss experience.

The comprehensive planning committee has mailed out a survey to all condominium owners in Cape Elizabeth. This is the first of a number of surveys to be performed. They were mailed out last week, and the planning department is already receiving a good return rate.

I would like to take a moment to remember the lives lost on September 11, 2001 (9/11). Our country was forever changed as a result of the tragic events that took place that day. Our military has been fighting the war on terror ever since, and we want to thank them and all of our first responders, firefighters, police officers, and the many other groups/organizations protecting us and our way of life.

Respectfully submitted,

Matthew Sturgis
Town Manager

Presentation – Winter Moths

Todd Robbins, Tree Warden reviewed winter moths and the problems in Cape Elizabeth. He provided an overview of various management options and native genus trees that should be used in future plantings.

Residents are encouraged to contact Mr. Robbins with questions and report problems. This evening's presentation, contact email and a fillable form available as a "Hot Topic" on the town's website was recommended.

Review of Draft Minutes of August 14, 2017

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

ORDERED, the Cape Elizabeth Town Council approves the minutes of the meeting held on August 14, 2017 with the amendment to Item #112-2017 changing (6 yes) (0 no) (1 ~~abstention~~ Councilor Penelope Jordan) to (6 yes) (0 no) (1 recusal Councilor Penelope Jordan) (6 yes) (0 no).

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Item #121-2017 Domestic Fowl Amendments

Intro – Councilor Grennon, Chairman Ordinance Committee

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

ORDERED, the Cape Elizabeth Town Council sets to public hearing amendments to regulate domestic fowl, Chapter 12 Miscellaneous Offenses, to Wednesday, October 11, 2017 at 7:00 p.m. at the Cape Elizabeth Town Hall.

(6 yes (0 no)

Item #122-2017 Polystyrene Foam and Plastic Bag Ordinances

Councilors Penelope & Caitlin Jordan were recused from discussion and voting on this topic at the 12/12/2016 town council meeting.

Present – Robert Malley, Director of Public Works
Kara Lavender Law, Chairman Recycling Committee

Intro – Councilor Grennon, Chairman Ordinance Committee

Public Comment –

Caitlin Jordan, 83 Old Ocean House Road posed questions regarding the food establishment definitions. If the ordinance is trying to exempt fish and farm markets the language is unclear.

Penelope Jordan, 21 Wells Road asked whether one-time vendors coming into town would have to adhere to the proposed regulations. Why do the ordinances address food stores and food vendors and not other types of retail establishments?

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

ORDERED, the Cape Elizabeth Town Council refers the proposed ordinance regarding polystyrene foam and plastic bags to the ordinance committee for further review.

(4 yes) (0 no) (2 recusals Councilor Caitlin Jordan, Councilor Penelope Jordan)

Item #123-2017 General Assistance Appendices

Intro – Mr. Sturgis

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

ORDERED, the Cape Elizabeth Town Council refers to public hearing the General Assistance Ordinance Appendix (A – D) as recommended by the Maine Municipal Association effective October 1, 2017 – September 30, 2018 to Wednesday, October 11, 2017 at 7:00 p.m. at the Cape Elizabeth Town Hall.

(6 yes) (0 no)

Item #124-2017 Provisions for Use of the Spurwink Church

Intro – Mr. Sturgis

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

ORDERED, the Cape Elizabeth Town Council approves the proposed changes as recommended by the town manager with the amendment of the last paragraph on page 3 to strike the name of the town representative.

(6 yes) (0 no)

See attachment.

Item #125-2017 Updates to Board and Committee Supplemental Documents

Intro – Mr. Sturgis

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

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the town manager to amend the Statement of Policy Appointments to Standing Boards and Committees as amended to change the references of commission to committee in section #9 and #11.

It is further ORDERED to discontinue the use of the document Responsibility of and for Boards and Commissions to avoid redundancy with Chapter 4 Boards and Committees.

(6 yes) (0 no)

See attachment.

Item #126-2017 Municipal Election Warrant

Intro – Mr. Sturgis

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

ORDERED, the Cape Elizabeth Town Council approves the municipal election for town council and school board to be held on Tuesday, November 7, 2017.

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

Item #127-2017 Town Manager Evaluation

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

ORDERED, the Cape Elizabeth Town Council enters into execution session at 8:49 p.m. to continue the 6-month evaluation of the town manager in conformance with 1 MRSA §405 6 A.

(6 yes) (0 no)

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

ORDERED, the Cape Elizabeth Town Council exits executive session and reenters public session at 9:50 p.m.

(6 yes) (0 no)

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Adjournment

Moved by Patricia K. Grennon and Seconded by Penelope A. Jordan
ORDERED, the Cape Elizabeth Town Council adjourns at 9:51 p.m.
(6 yes) (0 no)

Respectfully Submitted,

Debra M. Lane, Town Clerk

PROVISIONS for USE of the SPURWINK CHURCH

Revised ~~September 1, 2015~~ September 1, 2017

Rental Fees:

Resident	\$ 250.00
Non-Resident	\$ 350.00
Security Deposit *(Refundable)	\$ 50.00
Parking Attendant (Required for 75+ attendees)	\$ 50.00
Church Showing	\$ 35.00 <u>\$40.00</u>

The Spurwink Church in Cape Elizabeth is on the National Register of Historic Places. To preserve its special character, the Town of Cape Elizabeth has adopted the following for its use.

To obtain the resident rate for a wedding, the bride, groom, or parent of either the bride or groom must currently live in Cape Elizabeth. To obtain the resident rate for a funeral or memorial service, the deceased must have once resided in Cape Elizabeth. To obtain the resident rate for a christening, the child, or a parent of the child must currently live in Cape Elizabeth.

Because of inadequate heating, the building will be available for public use only from May 1st through October 31st. During October, all weddings, rehearsals and other events must begin no later than 6:00 p.m.

The capacity of the church is 150 persons maximum. This level shall not be exceeded due to fire safety regulations.

When the number of guests exceeds 25, a rehearsal is required to review the rules and regulations to be adhered to for the use of the Church.

Payment in full (rental fee and security deposit) for use of the Spurwink Church must be received at the time of rental. Checks should be made payable to the Town of Cape Elizabeth. ~~A security deposit of \$50.00 must be paid at the same time as the rental fee(s).~~ The reservation form and payment must be returned within ten (10) days to secure the date and time of rental. After the ten-day period, the reservation will be considered null, void and cancelled.

*The security deposit will be refunded after the church use has been completed and a report of any damage or lack of damage, to the Town Manager's Office has been received.

A ~~\$35.00~~ \$40.00 charge will be assessed at the time of any showing of the church and is payable to the Church Greeter Coordinator at the time of showing.

Reservations will be approved in writing by the Church Coordinator and a copy returned to the renter. Any requested changes to the original reservation must be made in writing to the Church Coordinator. Approval or denial of changes will be at the discretion of the Church Coordinator. Approved changes will be in writing and a copy returned to the renter. If a change is unable to be accommodated, the Church Coordinator will submit the denial to the renter in writing.

Cancellation of the church reservation will result in the forfeiture of the \$50.00 security deposit if cancelled 6 months or more prior to the reservation date. If a church reservation is cancelled less than 6 months of the reservation date, all rental fees and security deposit will be forfeited.

The Town may cancel reservations due to unforeseen circumstances, events, or conditions or if the Town is unable to provide access to the church for any reason. In the case of a cancellation initiated by the Town, all reservation and deposit monies will be refunded. By completing the reservation form, the reserving parties are agreeing and acknowledging that in the case of a cancellation initiated by the Town, the Town will not be responsible for any consequential damages or any damages or expenses of any kind other than the return of the reserving parties' reservation and deposit monies.

~~Events shall be scheduled for at 2-hour intervals. The church will be opened one hour ahead of any scheduled event.~~

Rentals shall be scheduled for 2-hour intervals. The church will be opened one hour ahead of the scheduled start time of the event and closed 1 hour after the scheduled start time of the event. For example, if the scheduled start time is 1:00 p.m. the church will open at 12:00 p.m. and close at 2:00 p.m. The church must be cleaned and clear of attendees and vendors by the time the church closes.

Rehearsals shall be scheduled for 1-hour ~~at 1-hour interval~~ so they must begin promptly at the scheduled start time ~~hour~~. For example, if the scheduled start time is 5:00 p.m. the church will be available 5:00 - 6:00 p.m.

If there is more than one event scheduled on the same day, the opening time of the second scheduled event shall not be less than 1-hour within the closing time of the first. For example, if the first event begins at 1:00 p.m. the second event can not be scheduled to begin earlier than 4:00 p.m.

<u>Event #1 Event Begins at 1:00 p.m.</u>	<u>Event #2 Begins at 4:00 p.m.</u>
<u>Church Opens 12:00 p.m.</u>	<u>Church Opens 3:00 p.m.</u>
<u>Event Begins 1:00 p.m.</u>	<u>Event Begins 4:00 p.m.</u>
<u>Church Closes 2:00 p.m.</u>	<u>Church Closes 5:00 p.m.</u>

To maintain its non-denominational character, no regular services by any religious group will be approved.

All flowers and possessions must be removed within the scheduled time period and automobiles removed from the church parking area. Please remember that there are other weddings and functions scheduled that same day.

Flowers or other decorations may not be hung from or against the walls or windows, nor may any nails be used anywhere in the building. Furniture may be moved only with the permission of a Town representative and only a Town representative may ring the bell.

Burning candles and smoking are not permitted due to fire regulations. Confetti, rice, birdseed, ~~rose~~ flower petals (live or artificial) or any similar material may not be used in or near the church. Flowers or any material (live or artificial) may not be thrown in the aisle of the church. No food or beverage, alcoholic or otherwise, may be consumed.

Receiving lines may not take place outside the church due to nearby traffic.

Parking for events shall be in the lot across the street from the church. Parking in front of the church, along side of Route 77, on the grassy area and in the cemetery is restricted; however, the bride's vehicle or funeral vehicle may be parked in front of the church.

A representative of the Town of Cape Elizabeth will be present at all events to assist those using the Church, to answer any questions about the Church, and insure compliance with the above regulations.

It is requested that parties renting the Spurwink Church call the Town Representative, ~~Theresa Hannigan, at (207) 767-6587~~ one week two weeks before their scheduled event to confirm times and dates.

Organists:

Shirley Curry	883-2320
Sylvia Infantine	774-8078
Gail Parker	799-1417

TOWN of CAPE ELIZABETH
STATEMENT of POLICY
APPOINTMENTS to STANDING BOARDS & ~~COMMISSIONS~~ COMMITTEES

~~Amended November 8, 2010~~
August 2017

The Cape Elizabeth Town Council believes that citizens are best served through a high degree of citizen participation in their government. One important opportunity for participation is through appointments to Town boards and ~~commissions~~ committees. Our standing boards and ~~commissions~~ committees perform many vital functions in providing for the public health, safety and welfare. As these functions are so important, it is advisable to have citizens serving on boards who have varied expertise and who represent a broad cross section of our community. It is also advisable to have turnover on boards to ensure as extensive participation as is possible and to encourage new ideas and new approaches to come forward. These views are the basis for the following statement of policy:

1. The Appointments Committee shall annually advertise all expiring terms on standing boards and ~~commissions~~ committees. The advertising shall include notice in the Cape Courier, on the Town's website and on the Town's Cable Access Station.
2. The Appointments Committee shall seek to meet with all prospective appointees in order to discuss special qualifications, expertise and interest of applicants. The Town Council may forgo the Appointments Committee process pursuant to Chapter 4 Boards and Committees 4-1-2.
3. The Appointments Committee shall review attendance records to ensure that citizens seeking reappointment have been active members. Attendance records shall be maintained for each standing board and ~~commission~~ committee. Staff members shall be responsible to ensure the maintenance of attendance records. Issues relating to non-attendance of a board member shall be reported to the Town Manager by the staff member.
4. ~~A citizen may serve up to two full consecutive terms as a regular member of a standing board or commission, except the Trustees of the Riverside Cemetery, and members of the Planning Board, Zoning Board of Appeals and the Conservation Commission may serve up to three consecutive terms. Reappointment to that same board or commission may then occur only after a one year period of non-service on that board or commission. Provided, however, despite the term limitations of this paragraph, for good cause shown the Town Council may appoint a board or commission member for an additional one year.~~
5. Citizens may serve on only one standing board or committee at one time unless they represent a particular board.
6. ~~Chairmen of boards and commissions shall not serve more than two consecutive one year terms as Chairman.~~
7. ~~The secretary of each board and commission shall be elected from among the membership. Minutes of all board and committee meetings shall be prepared by staff however~~ The Town will provides paid secretarial assistance only for regular meetings of the Zoning and Planning Boards.
8. Members of the Planning Board may not concurrently serve as members of the governing board of the Cape Elizabeth Land Trust.

9. The Town Council, as the appointive authority, reserves the right to collectively and individually use whatever additional factors it deems appropriate in considering the appointment or reappointment of a citizen to a town board or ~~commission~~ committee.

10. A schedule of board and committee meetings shall be provided to the Town Clerk. Following each meeting, minutes shall be provided to the Town Clerk. Electronic transmittal of minutes is requested.

11. Employees of the Town of Cape Elizabeth may not serve on standing boards and ~~commissions~~ committees, except by ex-officio appointment. This limitation does not apply to individuals who are hired by the Town to serve as temporary election workers or wardens, occasional instructors in the Community Services programs, or volunteer fire, rescue, and fire-police personnel. Such individuals may serve on a board or ~~commission~~ committee unrelated to their work for the town.