



Cape Elizabeth Town Council

Minutes Wednesday, October 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

6 Members of the town council were present; Councilor Penelope Jordan left at 8:10 p.m.
Councilor Grennon was absent.

Debra M. Lane, Town Clerk
Matthew E. Sturgis, Town Manager

Item #128-2017 Executive Session

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

ORDERED, the Cape Elizabeth Town Council in conformance with 1 MRSA §405 6 E enters into executive session at 7:02 p.m.; "Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage" specifically to paper streets.
(6 yes) (0 no)

Councilor Penelope Jordan left at 8:10 p.m.

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

ORDERED, the Cape Elizabeth Town Council exits executive session and re-enters public session at 8:12 p.m.
(5 yes) (0 no)

Town Council Reports and Correspondence

Announcement of November Town Council Meeting Dates

Regular Meeting – Monday November 6, 7:00 p.m. Town Hall - Council Chamber
2018 Council Caucus – Monday, November 13, 7:00 p.m. Town Hall - Jordan Conference Room

Finance Committee Report

Councilor Sullivan and Mr. Sturgis provided an overview of the financial statements. They also reported on the Metro Coalition meeting on October 9. A benchmark survey of the various communities is forthcoming and there is a preliminary review of a regional fire training facility. Councilor Sullivan will attend the next meeting of the Cumberland County Finance Committee on October 12.

Councilor Lennon encouraged citizens to participate in the online chat regarding questions from the comprehensive plan committee.

Chairman Garvin announced candidates' night on October 12 at 7:00 p.m. in the council chamber. The event is sponsored by CEHS civics classes supervised by Teacher Ted Jordan.

Citizen Opportunity for Discussion of Items Not on the Agenda

None

Town Manager's Monthly Report

Town Manager's Report
October 11, 2017

Progress continues with municipal projects in Town.

The Hill Way and Scott Dyer Road reconstruction and water line project continues, with an estimated completion date of the start of November. Paving has begun on Hill Way, with installation of granite and concrete curbing beginning today, and the shaping and installation of sidewalks progressing well. There are some traffic challenges on Scott Dyer Road this week at school pick up and drop off times due to the occasional reduction to one lane as the curbing is installed. We apologize for any delays, however all of those involved in the project are working towards completion.

The Police Department is planning a drug drop off at the Police Station on October 28, 2017 from 10 am to 2 pm. If you have out of date or out of use prescriptions, please take advantage of this opportunity.

First half property taxes were due on October 2, 2017. Collections are tracking extremely well, and payments are still coming in.

The new wet team boat has arrived in Portland, and is being outfitted at Portland Yacht Services. It should be deployed shortly.

I will be sending a letter to the Department of Agriculture, Conservation and Forestry on reaching a cooperative agreement with the State regarding a relocation of the public boat launch at Kettle Cove. This is in pursuit of the Harbor's Committee's charge of a long range plan for access.

Finally, I would like to mention the passing of Audrey Jordan, who was involved in many aspects of the Cape Elizabeth community as a volunteer and Town employee. Our condolences go out to the family.

Respectfully submitted,

Matthew E Sturgis, CMA
Town Manager

Review of Draft Minutes of September 11, 2017

Moved by Katharine N. Ray and Seconded by Caitlin R. Jordan

ORDERED, the Cape Elizabeth Town Council approves the minutes of the meeting held on September 11, 2017 as written.

(5 yes) (0 no)

Public Hearing Domestic Fowl Amendments
Chapter 12 Miscellaneous Offenses

Intro – Chairman Garvin

The public hearing was opened at 8:34 p.m.

Scott Irving, 27 Crescent View Avenue said he has bees. The recommendation opens up “an undefined list.” He recommended the item be sent back to the ordinance committee to determine what type of animals the ordinance intends to cover.

After hearing no further questions the hearing was closed at 8:37 p.m.

Item #129-2017 Domestic Fowl Amendments

Moved by Katharine N. Ray and Seconded by Caitlin R. Jordan

ORDERED, the Cape Elizabeth Town Council approves the recommended changes to Chapter 12 Miscellaneous Offenses Sec. 12-1-2. Animal Control to read as follows:

Sec. 12-1-2. Animal Control

No owner or person having charge of any animal shall turn such animal into, or permit the same to go at large in any street, highway or public place with the town, or onto private property without the permission of the property owner. For the purposes of this section, “animal” shall not include dogs, which are regulated under Chapter 7 of the Ordinance.

(5 yes) (0 no)

Public Hearing General Assistance Appendices

Intro – Mr. Sturgis

The public hearing was opened at 8:47 p.m.

After hearing no comments the hearing was closed.

Item #130-2017 General Assistance Appendices

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

ORDERED, the Cape Elizabeth Town Council adopts the recommended Maine Municipal Association’s General Assistance Ordinance Appendix (A – D) effective October 1, 2017 – September 30, 2018.

(5 yes) (0 no)

Item #131-2017 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 – Kara Lavendar Law, Recycling Committee

Intro – Chairman Garvin

Moved by Sara W. Lennon and Seconded by Katharine N. Ray

ORDERED, the Cape Elizabeth Town Council sets to public hearing on Monday, November 6, 2017 at 7:00 p.m. at the Cape Elizabeth Town Hall proposed amendments to Chapter 11 Health and Sanitation to ban polystyrene foam, except for perishable food shipment and in an emergency and to regulate single use carryout bags with a \$.05 charge per single use carryout bags for all retail stores. This charge does not apply to “bags on a roll” typically used for produce and meats.
(4 yes) (0 no) (1 recusal Councilor Caitlin Jordan)

Item #132-2017 Request to Rezone 27 Fowler Road

Intro – Carol Anne Jordan, Chairman Planning Board

Public Comments

Nelle Hanig, 2 Great Pond Drive encouraged the council to “keep Fowler Road residential.” She is concerned about safety, an increased number of trucks, and violations that have not been remedied.

Brad Pearson, Owner of Anything Goes (Applicant) said there would be no large scale trucks. Why should there be limits on my business when there is no limit to the size or number of trucks next door. Satisfying violations can be contingent upon the rezone.

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

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the Planning Board to not recommend the request from Bradley C. Pearson, the owner of Anything Goes, to rezone the property at 27 Fowler Road (Map U20 Lot 10) from Residence A (RA) to Business B (BB) in order to relocate and run the business from this location.
(5 yes) (0 no)

Item #133-2017 Recommendation to Change the Existing Delineation of the Off-Leash Area in Fort Williams Park

Present – Mark Russell, Chairman Fort Williams Park Committee

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

ORDERED, the Cape Elizabeth Town Council refers the recommendation from the Fort Williams Park Committee to change the existing delineation of the off-leash area in Fort Williams Park, Chapter 7 Dogs Section 7-1-7 Dogs to be Restrained on Municipal Property to the ordinance committee for review and recommendation.
(5 yes) (0 no)

Item #134-2017 Consideration of a Standing Renewable Energy Committee

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

ORDERED, the Cape Elizabeth Town Council refers the recommendation of the ad-hoc Alternative Energy Committee to create a standing renewal energy committee to the ordinance committee for review and recommendation.
(5 yes) (0 no)

Item #135-2017 2018 Walk to Cure Arthritis

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 to approve a request for a 2018 Walk to Cure Arthritis on Sunday, June 3, 2018 with the following contingencies:

\$ 5.00/per registrant
\$500.00 Area Fee
Total Walkers Not to Exceed 500
Applicable Picnic Shelter Fees (if available)

(5 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

It was a consensus to schedule a workshop for Monday, October 30 at 7:00 p.m. to continue the discussion of paper streets (Lighthouse Point Road, Surfside Avenue and Atlantic Place) anticipating potential recommended action at the November regular meeting.

Adjournment

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

ORDERED, the Cape Elizabeth Town Council adjourns at 9:39 p.m.

(5 yes) (0 no)

Respectfully Submitted,

Debra M. Lane, Town Clerk