



Cape Elizabeth Town Council Minutes

DRAFT Monday, December 11, 2017

7:00 p.m.

Cape Elizabeth Town Hall

James M. "Jamie" Garvin
Caitlin R. Jordan
Penelope A. Jordan
Sara W. Lennon
Valerie A. Randall
Christopher M. Straw
Jessica L. Sullivan

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

Administration of Oaths by Town Clerk Debra M. Lane

Town Councilors-Elect and School Board Members-Elect were present to take the oath of office.

Town Council

Valerie A. Randall
Christopher M. Straw

School Board

Mohammad N. Shir
Hope E. Straw

Roll Call by the Town Clerk

All members of the town council were present.

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

The Pledge of Allegiance to the Flag

Item# 1-2018 Election of Town Council Chair

Moved by Christopher M. Straw and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council elects Jessica L. Sullivan to serve as the town council chairman for 2018.

(7 yes) (0 no)

Recognition of Outgoing Chairman James M. "Jamie" Garvin

Chairman Sullivan presented outgoing chairman Jamie Garvin with a mantle clock commemorating his year as chairman.

Item #2-2018 Conflict of Interest – Spouses Serving on the Town Council and School Board Simultaneously

Request for Recusal – Councilor Straw is requesting to be recused as this item relates to questions he has asked to be discussed.

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

ORDERED, the Cape Elizabeth Town Council having heard the request of Councilor Straw to be recused the town council votes to recuse Mr. Straw from discussion and voting on Item #2-2018. (6 yes) (0 no) (1 recusal Councilor Straw)

Intro – Mr. Sturgis

Is a person disqualified to serve as a member of the Town Council if the person's spouse simultaneously serves on the Cape Elizabeth School Board?

If the person is not disqualified, may the person participate, deliberate and vote, with the town council when the school board presents its' annual budget?

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

ORDERED, the Cape Elizabeth Town Council acknowledges receipt of the advice from Thomas Leahy, Town Attorney; see letter dated November 9, 2017, and proceeds as advised. The town council will consider whether there appears to be a conflict regarding Mr. Straw's participating in the deliberation and voting on the school budget at the time the school budget is presented. (6 yes) (0 no) (1 recusal Councilor Straw)

Town Council Reports and Correspondence

Councilor Garvin reported the next meeting of the Spurwink School Reuse Committee will be held on Monday, December 18 at 7:00 p.m. at the Town Hall.

Councilor Penelope Jordan continues to encourage citizens to participate in the comprehensive planning process. Online questions can be answered at www.capeelizabeth.com,

Finance Committee Report

Mr. Sturgis reviewed the dashboard through 11/30/2017. The FY 2017 audit will be reviewed at the town council workshop at 6:00 p.m., Monday, January 8, 2018.

Citizen Opportunity for Discussion of Items Not on the Agenda

Chris McCarthy, 9 Salt Spray Lane is disappointed with the 11/6 vote relating to plastic bags. He encourages the town to be more progressive and require all businesses to participate.

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Town Manager's Monthly Report

Town Manager's Report
December 11, 2017

Happy holidays to Cape Elizabeth residents. The season is truly upon us, and the New Year is just around the corner. One of the lovely items that signify the season is the placement of holiday wreaths on the Town buildings, and I would like to say thank you to the Cape Elizabeth Garden Club for providing these annually.

I do have sad news to report for a great loss to the community with the passing of Sherri Gower, who passed away a week and a half ago. Sherri volunteered in many capacities for the Town since 1986, and was our elections warden since 2004. She will be missed.

Recently we have had a couple of off leash aggressive dog incidents at the Gull Crest parcel. In following up on these incidents I was speaking with Chief Williams, and a review of the ordinance indicates that the legal off leash areas in Town, as designated by the ordinance are at Fort Williams, Lions Field (except the ball field), and the poor farm parcel on Spurwink (across from the wastewater treatment facility). Please be advised that the Gull Crest parcel is an on-leash area. Public Works will be erecting signs reminding patrons of this shortly.

Also, as the year comes to a close, a reminder to please renew your dog license at the Clerk's office.

Finally, thank you to the Public Works Department for clearing the streets as the winter season began on Saturday night.

Review of Draft Minutes of November 6, 2017 meeting.

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

ORDERED, the Cape Elizabeth Town Council approves the minutes of the meeting held on November 6, 2017 as written.

(7 yes) (0 no)

Item# 3-2018 Adoption of Town Council Rules

Moved by Christopher M. Straw and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council amends the Town Council Rules as follows:

**Article I
Scheduling of Meetings**

Section I Regular Meetings

...The date and/or location of any regular meeting may be changed by an order or resolve passed at a previous regular meeting upon the vote of five members of the council, ...

**ARTICLE III
Participation at Meetings and Conduct of Meetings**

Section 6. Conflict of interest Each Town Council member shall disclose any actual potential or apparent conflict of interest immediately after the chairman introduces an item. The council member shall briefly explain their reason why they believe they may have an actual, potential or apparent conflict of interest. After reviewing applicable statutes and the Code of Ethics for the Town Council the ~~The~~ balance of the remaining Town Council members not alleged to have a conflict after reviewing applicable statutes shall by majority vote determine if the member has a conflict. If any member of the Town Council believes that another member has a ~~statutory conflict of interest~~ an actual, potential or apparent conflict of interest they may raise a point of order at any time and the Town Council shall immediately suspend business to resolve the issue. If any member discovers part way into a discussion that they ~~may~~ have an actual, potential or

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apparent conflict of interest, the council member may raise a point of order and the Town Council shall immediately suspend business to resolve the issue. All resolutions of conflict of interest issues shall be by majority vote of the remaining Town Council members and after citing applicable statutory provisions. If the same issue is to be discussed at subsequent meetings, the recusal need not be revoted. The chairman will announce to those present the previous decision to recuse the council member.

Moved by James M. Garvin and Seconded by Caitlin R. Jordan

ORDERED, the Cape Elizabeth Town Council tables Item #3-2018 to the January 8, 2018 town council meeting.

(6 yes) (1 no Councilor Straw)

Moved by Sara W. Lennon and Seconded by Christopher M. Straw

ORDERED, the Cape Elizabeth Town Council reinstates the 2017 Town Council Rules.

(7 yes) (0 no)

See attachment.

Item# 4-2018 Appointment of the Finance Committee

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

ORDERED, the Cape Elizabeth Town Council elects James M. "Jamie" Garvin as chairman and the Council as a whole to serve as the finance committee.

(6 yes) (1 no Councilor Straw)

Item# 5-2018 Appointment of Ordinance Committee

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

ORDERED, the Cape Elizabeth Town Council elects Penelope A. Jordan as chairman and Caitlin R. Jordan and Valerie A. Randall as members of the ordinance committee.

(7 yes) (0 no)

Item# 6-2018 Appointment of an Appointments Committee

Moved by Valerie A. Randall and Seconded by Caitlin R. Jordan

ORDERED, the Cape Elizabeth Town Council elects Sara W. Lennon as chairman and James M. "Jamie" Garvin and Christopher M. Straw as members of the appointments committee.

(6 yes) (1 no Councilor Straw)

Consent Agenda

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

ORDERED, the Cape Elizabeth Town Council votes Item ##7-16 en bloc.

Councilor Straw requested to divide the question to separate Item #16 from the bloc.

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

ORDERED, the Cape Elizabeth Town Council approves Item ##7-15 as presented.

(7 yes) (0 no)

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Item# 7-2018 Appointment of Representatives to ecomaine Board of Directors

James M. "Jamie" Garvin and Matthew E. Sturgis for terms to expire on December 31, 2018.

Item# 8-2018 Appointment of Representative to Greater Portland Council of General Assembly, Metro Coalition and Executive Committee

Jessica L. Sullivan, General Assembly and Metro Coalition
Matthew E. Sturgis, Executive Committee

Item# 9-2018 Appointment of Representative to PACTS Policy Committee

Matthew E. Sturgis

Item# 10-2018 Appointment of Representative to MMA Legislative Policy Committee and MMA Convention Delegate

Christopher M. Straw for a term until December 2018.

Item# 11-2018 Appointment of Representative to Thomas Memorial Library Foundation

James M. "Jamie" Garvin

Item# 12-2018 Appointment of Representative to Greater Portland Economic Development Corporation

Valerie A. Randall

Item# 13-2018 Appointment of Representative to Portland Jetport Noise Advisory Committee

Sara W. Lennon

Item# 14-2018 Appointment of Representatives to Thomas Jordan Grants Subcommittee

Caitlin R. Jordan to 12/2020
Penelope A. Jordan to 12/2019
Sara W. Lennon to 12/2018

Item# 15-2018 Appointment of Vice Chair of Museum at Portland Head Light

James M. "Jamie" Garvin
Council Chairman Jessica L. Sullivan is chairman per the by-laws.

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Item #16-2018 Continued Service on Comprehensive Plan Committee and Harbors Committee

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

ORDERED, the Cape Elizabeth Town Council approves the continued service to the Comprehensive Plan Committee and Harbors Committee as presented.

Comprehensive Plan Committee

Penelope A. Jordan
Sara W. Lennon

Harbors Committee

Caitlin R. Jordan
Katharine N. Ray, Former Town Councilor

(7 yes) (0 no)

Item# 17-2018 Code of Ethics

Moved by Caitlin R. Jordan and Seconded by James M. Garvin

ORDERED, the Cape Elizabeth Town Council approves the Code of Ethics for the Town Council as presented followed by the signing of the attestation that the town council members have read and understand the Code.

(7 yes) (0 no)

See attachment.

Item# 18-2018 Schedule of Council Meetings for 2018

Moved by Sara W. Lennon and Seconded by Valerie A. Randall

ORDERED, the Cape Elizabeth Town Council approves the meeting, workshop and FY 2019 budget schedules as presented. Any changes including date, time and place will be noted in advance on the town's website calendar.

(7 yes) (0 no)

Regular and Special meetings

December 11, 2017 (Regular Meeting and Organizational Meeting for 2018)
January 8, 2018
February 12, 2018
March 12, 2018
April 9, 2018 (Regular Meeting and Opportunity for Budget Public Comments)
May 7, 2018 (Special Council Meeting – Budget Public Hearing)
May 14, 2018 (Regular Meeting and Vote on the FY 2019 Budget)
June 11, 2018
July 9, 2018
August 13, 2018
September 10, 2018
October 10, 2018 (Wednesday)
November 14, 2018 (Wednesday)
December 10, 2018 (Regular Meeting and Organizational Meeting for 2019)

Workshop

December 14, 2017 (Council Goals and FOAA)
January 17, 2018
February 6, 2018
March 20 and 21, 2018 (Budget Workshops)
April 24* and 25, 2018 (Budget Workshops)
May 1, 2018
June 5, 2018
September 6, 2018
October 2, 2018
November 13, 2018 (Organizational Caucus for 2019)
December 13, 2018 (Council Goals and FOAA)

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Public Hearing Change to the Off-Leash Area in Fort Williams Park

Chairman Sullivan opened the public hearing at 8:12 p.m.

Heidi Hansen, 313 Fowler Road supports the change however is concerned about enforcement. Discussion is needed whether dogs are allowed on any athletic fields in town. Clarification is needed whether dogs are allowed leashed or unleashed at Gull Crest. Should the last sentence of the proposed language read, Unleashed dogs are prohibited on the Multi-Purpose Athletic Field from April 1st to November 1st.

Roger Rioux, 5 Bridlepath Way is concerned about enforcement and advocates for the prohibition of all dogs (leashed or not) on all athletic fields at all times.

After hearing no further comments the hearing was closed at 8:19 p.m.

Item #19-2018 Change to the Off-Leash Area in Fort Williams Park

Present – Robert Malley, Director of Public Works
Mark Russell, Chairman Fort Williams Park Committee

Moved by Caitlin R. Jordan and Seconded by Christopher M. Straw

ORDERED, the Cape Elizabeth Town Council amends the last sentence of the recommended language to Sec. 7-1-7 (b) Dogs to be Restrained on Municipal Property and defers the vote until the January 8, 2018 town council meeting.

Sec. 7-1-7 Dogs to be Restrained on Municipal Property

(a) Any dog within the boundaries of a groomed and/or regularly maintained municipal property including, but not limited to, Fort Williams Park, public roads, municipal sidewalks and athletic fields, will be walked on a leash or tether at all times. The person accompanying the dog in these situations is required to collect any feces dropped by the animal and dispose of same in an area where it will not likely be encountered by any persons. The Cape Elizabeth Poor Farm, Lions' Field excluding the Little League field, and a 20 acre portion of Fort Williams Park Southerly of Humphreys Road (as defined in paragraph (b) ~~(the road fronting the Parks Maintenance Building) and extending along a line to the rear of the long garages at the rear of Officers Row buildings, (but excluding the fields immediately south of Portland Head Light and in front of Battery Blair)~~) are not considered to be groomed and/or regularly maintained for purposes of this ordinance.

(b) The Unleashed Dog Area in Fort Williams Park (encompassing the Multi-Purpose Field) is defined as an area abutting the Southerly edge of the Central Parking Lot and extending westerly along the Southerly side of the Heavy Equipment Storage Building, continuing Westerly directly behind the long garages at the rear of the Officers Row buildings to Harrison Road; continuing on (and including) Merriman Road along the northerly border of Delano Park to the water's edge; then extending northerly along the shoreline turning westerly across "The Green" to the southern end of Battery Blair; turning northerly then westerly back to the Southerly edge of the Central Parking Lot (as referenced on the Unleashed Dog Area Map dated (insert date)). Unleashed dogs are prohibited on the Multi-Purpose Athletic Field from April 1st to November 1st.

(6 yes) (1 no Councilor Penelope Jordan)

Item #20-2018 Fort Williams Park Food Vending Sites Recommended Changes

Present – Robert Malley, Director of Public Works
Mark Russell, Chairman Fort Williams Park Committee

Intro – Mr. Sturgis

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

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the Fort Williams Park Committee to change the minimum bid and site sizes for the Fort Williams Park Vending Site requirements as follows:

(7 yes) (0 no)

Vendor Permit Fee

4/1/2018 – 11/18/2018

			<u>Recommended Change</u>
Permit 1	Site A – PHL South	Minimum Bid \$4000 to	<u>\$2,000</u>
Permit 2	Site B – PHL North*	Minimum Bid \$4000 to	<u>\$4,500</u>
Permit 3	Site C – Channel Overlook*	Minimum Bid \$4000 to	<u>\$4,500</u>
Permit 4	Site D – Ship Cove	Minimum Bid \$3000 to	<u>\$2,000</u>

**Includes Power*

Concession Site Size

Concession unit square footage limitations for each site:

		<u>Recommended Change</u>
Site A	90 sq. ft. to	<u>50 sq. ft.</u>
Site B	90 sq. ft. to	<u>90 sq. ft.</u>
Site C	90 sq. ft. to	<u>90 sq. ft.</u>
Site D	90 sq. ft. to	<u>50 sq. ft.</u>

Item #21-2018 Request from the Cape Elizabeth Land Trust for Funds for Robinson Woods III

Disclosures - Jamie Garvin, Sara Lennon and Christopher Straw have been past contributors to the Cape Elizabeth Land Trust.

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

ORDERED, the Cape Elizabeth Town Council having heard the disclosure of a possible appearance of a conflict of interest from Councilor Straw votes to not recuse Mr. Straw from discussion and voting on Item #21-2018.

(6 yes) (0 no) (1 recusal Councilor Straw)

Moved by Caitlin R. Jordan and Seconded by Valerie A. Randall

ORDERED, the Cape Elizabeth Town Council having heard the disclosure of a possible appearance of a conflict of interest from Councilor Lennon votes to not recuse Ms. Lennon from discussion and voting on Item #21-2018.

(6 yes) (0 no) (1 recusal Councilor Lennon)

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

ORDERED, the Cape Elizabeth Town Council having heard the disclosure of a possible appearance of a conflict if interest from Councilor Garvin votes to not recuse Mr. Garvin from discussion and voting on Item #21-2018.

(5 yes) (0 no) (1 recusal Councilor Garvin) (Councilor Lennon stepped out of the room)

Moved by James M. Garvin and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council having heard the disclosure of a possible appearance of a conflict of interest from Councilor Caitlin Jordan votes to not recuse Ms. Jordan from discussion and voting on Item #21-2018.

(5 yes) (0 no) (1 recusal Councilor Caitlin Jordan) (Councilor Lennon stepped out of the room)

Moved by Caitlin R. Jordan and Seconded by Valerie A. Randall

ORDERED, the Cape Elizabeth Town Council refers the request from the Cape Elizabeth Land Trust for funding to assist with the purchase of 51.9 acres abutting the Robinson Woods Preserve to a future workshop.

(7 yes) (0 no)

**Item #22-2018 Consideration of Authorizing Funds to Enter into an Agreement with
Good Group Decisions to Moderate Paper Streets Discussion**

Disclosures – Sara Lennon and Christopher Straw have friends, acquaintances or professional relationships with residents of Surfside Avenue.

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

ORDERED, the Cape Elizabeth Town Council having heard the disclosure of a possible appearance of a conflict of interest from Councilor Straw votes to not recuse Mr. Straw from discussion and voting on Item #22-2018.

(6 yes) (0 no) (1 recusal Councilor Straw)

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

ORDERED, the Cape Elizabeth Town Council having heard the disclosure of a possible appearance of a conflict of interest from Councilor Lennon votes to not recuse Ms. Lennon from discussion and voting on Item #22-2018.

(5 yes) (1 no Councilor Straw) (1 abstention Councilor Lennon)

Intro – Mr. Sturgis

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Public Comments

Sheila Mayberry, 35 Trundy Road wants to clarify the use of the definition that the forum is not a mediation session.

Nicole McCarthy, 9 Salt Spray Lane said Lighthouse Point Road should be included in the paper streets discussion.

Deborah Murphy, 24 Pilot Point Road encourages the council to be clear of the desired outcomes of the sessions. She agrees Lighthouse Point Road should be included in the discussion.

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

ORDERED, the Cape Elizabeth Town Council authorizes the town manager to enter into an agreement with Good Group Decisions to moderate discussions related to paper streets (Atlantic Place, Surfside Avenue and Lighthouse Point Road) as presented. It is further ordered the town council authorize the expenditure of up to \$2,506 from account 0150-2081 (Special Committees) to fund the recommendation.

(7 yes) (0 no)

Item# 23-2018 Appointments to Boards and Committees

Intro – Councilor Lennon, Appointments Committee

Disclosure – Councilor Penelope Jordan stated she may have an appearance of a conflict of interest relating to the appointment of citizens to the planning board as an item before the planning board relates to property she co-owns at 19 Wells Road.

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

ORDERED, the Cape Elizabeth Town Council approves the recommendations of the Appointments Committee to appoint citizens to various town boards and committees except the Planning Board as presented. New terms begin on January 1, 2018.

Moved by Christopher M. Straw and Seconded by Valerie A. Randall

ORDERED, the Cape Elizabeth Town Council amends the motion to remove the recommendation to appoint Timothy Lunney to the Board of Zoning Appeals.

(6 yes) (1 no Councilor Lennon)

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

Moved by James M. Garvin and Seconded by Sara W. Lennon

ORDERED, the Cape Elizabeth Town Council having heard the disclosure of a possible appearance of a conflict of interest from Councilor Penelope Jordan votes to recuse Ms. Jordan from discussion and voting on appointments to the Planning Board and the appointment of Timothy Lunney to the Board of Zoning Appeals.

(6 yes) (0 no) (1 recusal Councilor Penelope Jordan)

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Moved by Caitlin R. Jordan and Seconded by Valerie A. Randall

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the Appointments Committee to appoint Josef Chalut, Peter Curry and John Thibodeau to the Planning Board as presented.

(6 yes) (0 no) (1 recusal Councilor Penelope Jordan)

Moved by James M. Garvin and Seconded by Sara W. Lennon

ORDERED, the Cape Elizabeth Town Council votes to suspend the Town Council Rules to take up new items after 10:00 p.m.

(7 yes) (0 no)

Moved by Caitlin R. Jordan and Seconded by James M. Garvin

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the Appointments Committee to appoint Timothy Lunney to the Board of Zoning Appeals as presented.

(7 yes) (0 no)

Board	FirstName	LastName	TermExpires	Recommendation	Address	TermExpires
Board of Assessment Review	Michael R.	Connell	12/31/2017	Michael R. Connell	6 Gladys Road	12/31/2020
Community Services Committee	Tara	Simpoloulos	12/31/2017	Tara Simpoloulos	19 Salt Spray Lane	12/31/2020
Community Services Committee	Joseph	Whalen	12/31/2017	Jonathan Mortimer	160 Mitchell Road	12/31/2020
Conservation Committee	Mark	Fleming	12/31/2017	Mark Fleming	54 Hunts Point Road	12/31/2020
Conservation Committee	Jeremy	Gabrielson	12/31/2017	Jeremy Gabrielson	5 Rocky Knoll Road	12/31/2020
Firing Range Committee	Town Council		Appointed	12/12/2016		
Fort Williams Park Committee	Joseph	Kozlowski	12/31/2017	Joseph Kozlowski	31 Park Circle	12/31/2020
Fort Williams Park Committee	Suzanne	McGinn	12/31/2017	Suzanne McGinn	1180 Shore Road	12/31/2020
Fort Williams Park Committee	Chris	Straw	12/31/2017	Doreen Johnson Theriahult	8 Hunts Point Road	12/31/2020
Personnel Appeals Board	Patricia	Rzeszutko	12/31/2017	Patricia Rzeszutko	6 Waumbek Road	12/31/2020
Planning Board	Josef	Chalut	12/31/2017	Josef Chalut	12 Channel View Road	12/31/2020
Planning Board	Peter L.	Curry	12/31/2017	Peter L. Curry	8 Stonybrook Road	12/31/2020
	Henry	Steinberg	12/31/2019	John C. Thibodeau	21 Salt Spray Lane	12/31/2019
Recycling Committee	Tracy Jennifer	Floyd	12/31/2017	Nicole Boucher Jennifer H.	14 Grover Road	12/31/2020
Recycling Committee	H.	MacDonald	12/31/2017	MacDonald	5 Olde Colony Lane	12/31/2020
Riverside Cemetery Committee	Gerald B.	Sherry*	12/31/2017	April Powell	231 Fowler Road	12/31/2020
Thomas Memorial Library Committee	Gil	Brennan Bassett	12/31/2017	Megan Cotter	5 Thrasher Road	12/31/2020
Thomas Memorial Library Committee	Julia	Schwerin	12/31/2017	Sigrid Olson	12 Ocean View Road	12/31/2020
	Deborah	Peck	12/31/2018	Kathleen Kent	74 Wells Road	12/31/2018

Board of Zoning Appeals	Josh	Carver	12/31/2017	Kevin Justh	9 Spruce Lane	12/31/2020
Board of Zoning Appeals	Stanley	Wisniewski	12/31/2017	Timothy Lunny	52 Richmond Terrace	12/31/2020

*Termed Out

Item# 24-2017 Purpoodock Club Licenses

Disclosures – Jessica Sullivan and Jamie Garvin’s in-laws are members of the Purpoodock Club.

Councilor Garvin – Chairman Pro-Tem

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

ORDERED, the Cape Elizabeth Town Council having heard the disclosure of a possible appearance of a conflict of interest from Councilor Sullivan votes to not request her to rerecusal relating to Item #24-2018.

(6 yes) (0 no) (1 abstention Councilor Sullivan)

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

ORDERED, the Cape Elizabeth Town Council having heard the disclosure of a possible appearance of a conflict of interest from Councilor Garvin votes to not recuse Mr. Garvin from discussion and voting on Item #24-2018.

(6 yes) (0 no) (1 abstention Councilor Garvin)

Disclosure – Caitlin Jordan does occasional business with the Purpoodock Club.

Moved by Sara W. Lennon and Seconded by Valerie A. Randall

ORDERED, the Cape Elizabeth Town Council having heard the disclosure of a possible appearance of a conflict of interest from Councilor Caitlin Jordan votes to not recuse Ms. Jordan from discussion and voting on Item #24-2018.

(6 yes) (0 no) (1 abstention Councilor Caitlin Jordan)

Moved by Caitlin R. Jordan and Seconded by James M. Garvin

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

(7 yes) (0 no)

Item# 25-2017 Bird Dog Roadhouse License

Disclosure – Caitlin Jordan does occasional business with Bird Dog Roadhouse.

Moved by James M. Garvin and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council having heard the disclosure of a possible appearance of a conflict of interest from Councilor Caitlin Jordan votes to not recuse Ms. Jordan from discussion and voting on Item #25-2018.

(6 yes) (0 no) (1 abstention Councilor Caitlin Jordan)

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

ORDERED, the Cape Elizabeth Town Council approves the renewal annual malt, vinous, and spirituous licenses for Cape Hospitality Group DBA Bird Dog Roadhouse at 517 Ocean House Road as presented.

(7 yes) (0 no)

Item# 26-2017 Acceptance of Annual Gifts and Donations

Intro – Mr. Sturgis

Moved by James M. Garvin and Seconded by Sara W. Lennon

ORDERED, the Cape Elizabeth Town Council accepts the gifts/donations received in 2017 with appreciation.

(7 yes) (0 no)

Item #27-2018 Consideration of a Standing Renewable Energy Committee

Intro – Councilor Caitlin Jordan, Ordinance Committee

Moved by James M. Garvin and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council refers the recommendation of the ad-hoc Alternative Energy Committee to create a standing renewal energy committee back to the ordinance committee for further review of purpose, objectives and whether such a committee should be combined with the recycling committee.

(7 yes) (0 no)

Item #28-2018 Request of the Harbors Committee to Extend the Deadline

Intro – Councilor Caitlin Jordan, Member Harbors Committee

Moved by Caitlin R. Jordan and Seconded by James M. Garvin

ORDERED, the Cape Elizabeth Town Council approves the request of the Harbors Committee to extend the expiration of the Harbors Committee term to March 31, 2018. It is further ordered the town council approve the transfer of \$5,000 from the Undesignated Fund Balance to 0715-5313 (Harbors Committee) to cover the additional expenses of the extended deadline.

(7 yes) (0 no)

Item #29-2018 Executive Session – Request for Poverty Tax Abatement

Citizens may at this point in the meeting raise any topic that is not on the agenda that pertains to Cape Elizabeth local government.

Tim Thompson, 6 Pine Ridge Road, Chairman Comprehensive Planning Committee encouraged the town council to allow Peter Curry to continue to serve on the Planning Board and Comprehensive Plan Committee concurrently. Peter was appointed as a citizen member of the Comp Plan Committee. The Committee is 11 months into its work and gaining momentum. Peter is an invaluable member.

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Moved by Caitlin R. Jordan and Seconded by James M. Garvin

ORDERED, the Cape Elizabeth Town Council votes to enter into executive session at 10:40 p.m. in conformance with 1 MRSA §405 6 F to review a request for a poverty tax abatement.

(7 yes) (0 no)

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

ORDERED, the Cape Elizabeth Town Council votes to exit executive session and reenters public session at 10:56 p.m.

(7 yes) (0 no)

Moved by James M. Garvin and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council denies the request for a poverty tax abatement due to available resources.

(7 yes) (0 no)

Adjournment

Moved by Caitlin R. Jordan and Seconded by Valerie A. Randall

ORDERED, the Cape Elizabeth Town Council adjourns at 11:00 p.m.

(7 yes) (0 no)

Respectfully Submitted,

Debra M. Lane, Town Clerk

Attachment Item #3-2018 December 11, 2017

Town of Cape Elizabeth

Town Council Rules

Approved December 11, 2017

Article I Scheduling of Meetings

Section 1. Regular meetings Regular meetings of the Cape Elizabeth Town Council are held in the Town Hall at 7:00 p.m., on the second Monday of each calendar month. When the meeting date falls on a holiday, the regular meeting is held on the following Wednesday, at the same time and place. The date and/or location of any regular meeting may be changed by an order or resolve passed at a previous meeting upon the vote of five members of the council, provided, however, that any change in date will still provide for one regular meeting in each month. Any meeting may be postponed by the chairman due to severe inclement weather. The chairman shall reschedule the meeting to the earliest possible date.

Section 2. Special meetings Special meetings may be called by the chairman, and in case of the chairman's absence, disability, or refusal, special meetings may be called by three members of the Town Council. Notice of such meeting shall be served in person, electronically by e-mail, by telephone communication directly to the Town Council member or left at the residence of each member of the Town Council at least 48 hours before the time for holding said special meeting, unless all members of the council sign a waiver of said notice. An e-mail notice shall not serve as the sole notice unless prior to the meeting the recipient acknowledges receipt of the e-mail. The call for said special meeting shall set forth the matters to be acted upon and nothing else shall be considered at such special meeting.

Article II Agenda and Meeting Preparation

Section 1. Deadline to submit materials No item shall be in order for action at any meeting of the Town Council unless such item shall be filed in the office of the town clerk on or before noon of the first business day of the month for the regular meeting of the Town Council, and before noon of the business day prior to the day of any other meeting.

Section 2. Agenda preparation The town manager, with the advice and consent of the chairman shall prepare the agenda, which shall include the order of business. Any Town Council member or the town manager may sponsor items to be included in the agenda. The agenda may include reports from municipal boards and commissions that recommend Town Council action. Unless otherwise provided by ordinance, items submitted from citizens or others for inclusion in the agenda must be sponsored by a Town Council member or by the town manager. Sponsorship of an agenda item by the town manager or by a Town Council member shall not be deemed to be support on the merits of the sponsored item.

Section 3. Consent calendar The agenda may include a consent calendar providing for multiple items to be considered en bloc. When any item is included as part of a proposed consent calendar, any Town Council member may ask for any item to be considered separately. At the discretion of the chairman, any item removed from the consent calendar may be considered before or after the consideration of the items remaining on the consent calendar.

Section 4. Agenda order The order of the agenda for meetings shall be as follows:

Convening by the Chairman

Roll Call by the Town Clerk

The Pledge of Allegiance to the Flag

Presentations of any Town Council Recognitions

Town Council Reports and Correspondence

Other Reports on the Advance Agenda not Requiring Council Action

Citizens Discussion of Items Not on the Agenda-1st Opportunity

Town Manager's Report

Review of Minutes of Previous Meetings

Public Hearings
Agenda Items
Citizens Discussion of Items Not on the Agenda-Second Opportunity
Agenda Items Requiring Executive Sessions
Adjournment

Following any public hearing the Town Council shall consider the subject of the public hearing prior to moving forward to any additional item on the agenda.

Section 5. Agenda distribution The agenda shall be distributed to the members of the Council and made available to the public by the Wednesday preceding the date of the regular Council meeting and as soon as possible before a time set for any other meeting. Agendas shall be posted on the municipal website concurrent with distribution to the Town Council. Background material on issues before the Town Council shall be submitted electronically whenever feasible. Background material available electronically shall be posted on the municipal website unless the material relates to an item to be reviewed in non-public session.

Section 6. No new items after 10:00 p.m. No new item may be taken up for consideration at a Town Council meeting after 10:00 p.m.

Section 7. If meeting does not have a quorum If a meeting is adjourned because of the lack of a quorum, at least 24 hours notice of the time and place of holding another meeting shall be given to all members who are not present at the meeting from which adjournment is taken, unless such absent members sign a waiver of said notice.

Section 8. Electronic presentations Any person desiring to include as part of a presentation any material that requires projection shall provide the presentation to the town clerk by noon of the date of any meeting so that the presentation may be preloaded and ready to project. A copy of the presentation will also be maintained as a public record.

Article III Participation at Meetings and Conduct of Meetings

Section 1. Types of meetings. The Town Council meets in either business meeting format or workshop meeting format.

Section 2. Workshop Meetings The purpose of a workshop meeting is primarily for council dialogue involving reports and proposals from council members, committees and staff that may be considered at later Town Council meetings. The Town Council may give guidance to the chairman and to staff at workshop meetings but no decisions may be made that require formal votes. Notwithstanding the prior sentence, the Town Council may vote on procedural motions at a workshop meeting to determine a conflict of interest, to enter into executive session and to adjourn. Prior to Town Council discussion on any item, members of the public may speak on each agenda item for not more than three minutes each and up to a total of 15 minutes. If there are more speakers than the time available, the chairman may allocate the speaking time in order to balance the debate. The public participation portion shall conclude when the Town Council begins its discussions.

Section 3. Rules of order and debate The chairman presides over all meetings of the Town Council. No one shall speak until recognized by the chairman. When speaking, the member shall respectfully address the chairman, confine discussion to the question under debate, and avoid personalities. No member speaking shall be interrupted by another, but by a call to order, to correct a mistake or by the chairman if there are technical issues with sound or video equipment.

The chairman shall preserve decorum and order, may speak to points of order in preference to other members, and shall decide all questions of order subject to an appeal to the council by motion regularly seconded, and no other business shall be in order until a question on appeal is decided.

The chairman or a designee of the chairman shall summarize every item on the agenda following its reading by title.

The chairman shall call for and declare all votes, but if any member doubts a vote, the chairman shall cause a return of the members voting in the affirmative and in the negative without debate. When a roll call is taken, the roll is called in alphabetical order, except that the chairman shall be the final member to vote.

Every motion shall be reduced to writing, if the chairman shall so direct.

Any member may require the division of a question.

When a question is under debate, the chairman shall receive no motion but to:

- (1) adjourn
- (2) lay on the table
- (3) postpone to a day certain
- (4) refer to a committee or some administrative official
- (5) amend
- (6) postpone indefinitely, or
- (7) move the previous question

Motions shall have precedence in the order written above.

The chairman shall consider a motion to adjourn as always in order except on immediate repetition; and that motion, and the motion to lay on the table, or to take from the table, shall be decided without debate.

A motion for referral to a committee or administrative official, until it is decided, shall preclude all amendments of the main question.

All questions relating to priority of business to be acted upon shall be decided without debate.

In all cases where the parliamentary proceedings are not determined by the foregoing rules and orders, "Robert's Rules of Order", latest edition, shall be taken as authority to decide the course of proceedings.

After a vote is taken, it shall be in order for any member who voted on the prevailing side of a vote to have a reconsideration thereof at the same, or the next stated meeting, but not afterwards; and when a motion of reconsideration is decided, that vote shall not be reconsidered.

Upon the motion for the previous question being made and seconded, the chairman shall put the question in the following form: "Shall the main question be now put?" And all debate upon the main question shall be suspended until the motion for the previous question shall be decided. After the adoption of said motion for the previous question by a majority vote, the sense of the council shall be forthwith taken upon all pending amendments, and then upon the main question.

No debate shall be allowed on a motion for the previous question. Neither is it susceptible of amendment. All questions or order arising incidentally thereon must be decided without discussion whether appeal be had from the chair or not.

Section 4. Public Participation at Regular Town Council Meetings The public is welcome to participate at Town Council business meetings. The participation may take the following forms:

a. Participation at a public hearing and on other agenda items

After an item has been introduced, any person wishing to address the council shall signify a desire to speak by raising his or her hand or by approaching the lectern. When recognized by the chairman, the speaker shall give his or her name and address or name and local affiliation, if the affiliation is relevant, prior to making other comments. All remarks should be addressed to the Town Council. Comments shall be limited to three minutes per person; however, the time may be extended by majority vote of councilors present. For agenda items that are not formally advertised public hearings, the chairman or a majority of the Town Council may limit the total time of public comments to 15 minutes per agenda item.

This time may be extended by a majority of the Town Council. The chairman may decline to recognize any person who has already spoken on the same agenda item. Once the council has begun its deliberations on an item, no person shall be permitted to address the council on such item.

If the Town Council has previously held within ninety days a public hearing on a similar item, the chairman or a council majority may limit or dispense with public comment at subsequent meetings when the item is considered.

b. Speaking at the meeting on topics not on the agenda

Persons wishing to address the council on an issue or concern local in nature not appearing on the agenda may do so before the town manager's report and/or after the disposition of all items appearing on the agenda.

Any person wishing to address the council shall signify a desire to speak by raising his or her hand or by approaching the lectern. When recognized by the chairman, the speaker shall give his or her name and address or name and local affiliation if the local affiliation is relevant prior to making other comments. All remarks should be addressed to the Town Council. Comments in each comment period shall be limited to three minutes per person and 15 minutes total; however, the time may be extended by majority vote of councilors present.

Issues raised during the non-agenda item comment period may be immediately responded to with brief answers by the chairman or by the town manager. After each comment period, the chairman will indicate that each person who did not receive an immediate response will receive a follow-up response no later than one week from the meeting. Copies of responses will be provided to all Town Council members.

Section 5. Decorum Persons present at council meetings and workshop meetings shall not applaud or otherwise express approval or disapproval of any statements made or actions taken at such meeting. Persons at business meetings may only address the Town Council after being recognized by the chairman and only at the lectern.

Section 6. Conflict of interest Each Town Council member shall disclose any potential conflict of interest immediately after the chairman introduces an item. The council member shall briefly explain their reason why they believe they may have a conflict of interest. The balance of the Town Council members after reviewing applicable statutes shall by majority vote determine if the member has a conflict. If any member of the Town Council believes that another member has a statutory conflict of interest, they may raise a point of order at any time and the Town Council shall immediately suspend business to resolve the issue. If any member discovers part way into a discussion that they may have a conflict of interest, the council member may raise a point of order and the Town Council shall immediately suspend business to resolve the issue. All resolutions of conflict of interest issues shall be by majority vote of the remaining Town Council members and after citing applicable statutory provisions. If the same issue is to be discussed at subsequent meetings, the recusal need not be revoked. The chairman will announce to those present the previous decision to recuse the council member.

Section 7. Members must vote Unless a Town Council member has been recused from voting for reason of conflict of interest, the Town Council member must vote when the yeas and nays are called.

Section 8. Suspension of rules The rules shall not be dispensed with or suspended unless five of the members of the council consent thereto. No rule or order shall be amended or repealed without notice, in writing, being given at the preceding meeting.

Article IV Miscellaneous Provisions

Section 1. Committees At the commencement of the council year, or as soon thereafter as possible, there shall be chosen the following committees, each committee to consist of such members of the council as the Town Council may designate:

1. Finance Committee
2. Appointments Committee
3. Ordinance Committee

The members of the council to serve on the appointments committee and ordinance committee shall be chosen by the council by a majority vote. All members of the council shall serve on the finance committee. Each member of the council, other than the chairman, shall serve on either the appointments committee or the ordinance committee, and the chairman shall be ex-officio a member of all standing committees. The chairperson of each of the Finance Committee, the Appointments Committee and the Ordinance Committee shall also be chosen by the full council by majority vote.

Section 2. When votes are effective All Town Council votes are effective immediately except that ordinance adoptions and amendments are effective as provided in the municipal charter.

Section 3. Chairman In the absence of the chairman, the finance committee chairperson shall assume the responsibilities of the chairman. If both are absent, the remaining council members shall choose a chairman pro-tem who shall have the responsibilities of the chairman. The "chairman" each year may ask that the position instead be referred to as "Town Council Chair," "Town Council Chairwoman," or "Town Council Chairperson." The Town Council shall respect the wishes of the incumbent chairman.

Section 4. Orientation Between the annual municipal election and the 2nd Monday in December, the current chairman assisted by the town manager shall organize an orientation session for any newly elected councilors and any continuing councilors who may wish to attend.

Section 5. Partisanship "The Council-Manager Charter of the Town of Cape Elizabeth" provides that elections for Town Council shall be conducted on a non-partisan basis and without party designations on the election ballot. To retain the non-partisan nature of the council, council members and others are asked to refrain from making statements announcing political party events or making other comments of a political partisan nature.

Section 6. Technology The Town Council utilizes technology to enable more access to local government. The use of messaging technology during Town Council meetings shall be limited to ensure that Town Council deliberations are conducted openly.

**Attachment Item #17-2018
December 11, 2017**

**Town of Cape Elizabeth
Attestation
Code of Ethics for the Town Council**

I, Debra M. Lane, Town Clerk certify that the 2018 members of the Cape Elizabeth Town Council have received a copy of the Code of Ethics for the Town Council, see attached.

Debra M. Lane, Town Clerk

We, the members of the 2018 Cape Elizabeth Town Council, attest that we have read and understand the provisions of the Code of Ethics for the Town Council, as adopted October 6, 2014.

Dated this 11th day of December 2017.

James M. Garvin

Caitlin R. Jordan

Penelope A. Jordan

Sara W. Lennon

Valerie A. Randall

Christopher M. Straw

Jessica L. Sullivan

Witnessed by:

Debra M. Lane, Town Clerk

**Approved by the Town Council
October 6, 2014**

**Town of Cape Elizabeth
Code of Ethics for the Town Council**

Statement of Policy

The proper operation of the government of the Town of Cape Elizabeth (hereinafter "Town") requires that elected members of the Town Council (hereinafter "Councilors") be fair, impartial and responsive to the needs of the people they serve and to each other in the performance of their functions and duties; that decisions and policy be made in proper channels of the Town's governmental structure; that public office not be used for personal gain, family gain, or third party gain; and that Councilors shall maintain a standard of ethical conduct that will inspire public confidence in the integrity of the Town's government. In recognition of these goals, this Code of Ethics is hereby adopted as the standard of ethical conduct for the Town Council.

Section 1. Title

This policy shall be known as the Code of Ethics for the Cape Elizabeth Town Council.

Section 2. Legal Standards

It is the duty of every Councilor to support the Constitution of the United States and the Constitution of the State of Maine. There are also certain provisions of the general statutes of the State of Maine, which, while not set forth herein, should be considered an integral part of this Code of Ethics. Accordingly, the provisions of the following sections of the general statutes of the State of Maine, as they may be amended, are incorporated into this Code of Ethics by reference to the extent applicable:

17 MRSA § 3104 Conflict of Interest; Purchases by the State
17-A MRSA § 456 Tampering with Public Records or Information
17-A MRSA § 602 Bribery in Official and Political Matters
17-A MRSA § 603 Improper Influence
17-A MRSA § 604 Improper Compensation for Past Action
17-A MRSA § 605 Improper Gifts to Public Servants
17-A MRSA § 606 Improper Compensation for Services
17-A MRSA § 607 Purchase of Public Office
17-A MRSA § 608 Official Oppression
17-A MRSA § 609 Misuse of Information
17-A MRSA § 903 Misuse of Entrusted Property
30-A MRSA § 2605 Conflicts of Interest
30-A MRSA § 5122 Interest of Public Officials, Trustees or Employees

Section 3. Conflicts of Interest

All Councilors must be fair and impartial in carrying out their duties and responsibilities. All Councilors must ensure that their official actions are not intended to create actual or the potential for personal or financial gain, either directly or indirectly, for themselves, family members, personal friends or third parties. Any actual or potential conflicts between personal interests (financial, personal relationships, or otherwise) and Town business must be fully disclosed in a timely fashion to the Town Council. If the Town Council determines that a conflict of interest does exist, then the Councilor must recuse him/herself from officially participating in any discussion or decision-making action on the issue.

Examples of conflicts of interest include but are not limited to:

- (a) personal investments in, or possible financial gain from, companies or businesses that contract with the Town;
- (b) family members or personal friends who work for a company or business that contracts with the Town;
- (c) recommending a company or service provider in which the Councilor has a financial interest while acting in his/her official capacity;
- (d) soliciting or receiving money, donations or gifts; or
- (e) discussing and voting (except Town wide votes) on Town ordinances, policies, or plans that directly or indirectly result in financial benefit to the Councilor, personal friends, or the Councilor's employer, provided the employer is not the Town.

If a Councilor has accepted money or other consideration from a citizen, group of citizens, business or other entity that has an interest in an issue before the Town Council, and if such money or other consideration was received by the Councilor within a twelve-month period prior to Council taking any action on the issue in question, that Councilor should not participate in deliberations relating to that issue. This prohibition shall not apply to the sale of consumer goods or services at fair retail value.

This conflict of interest provision does not prohibit a Councilor from acting as a private citizen, outside of any official duties.

Section 4. Gifts and/or Gratuities

The conduct of public business shall be free of any influence arising from gifts, favors, donations, or special privileges. It is the obligation of every Councilor to refuse personal gifts, favors, donations or special privileges in every instance where favor or special privilege would not have been extended but for the position of such Councilor; where there exists a reasonable belief that the giver's interests are likely to be affected by the actions of the Councilor; or where the gift is or may reasonably be considered to be designed to influence the actions of the Councilor.

Section 5. Appearance of Conflict of Interest and Improper Influence.

Councilors should conduct their official and personal affairs in such a manner as to avoid any appearance of conflict of interest and/or improper influence in the performance of their official duties. No Councilor shall seek personal or financial advantage by means of his/her public office, nor by his or her actions create the appearance of personal or financial advantage, or the appearance of personal or financial advantage on the part of relatives, personal friends or third parties having some affiliation with that Councilor. Councilors shall not directly or indirectly solicit any gift, gratuity or donation, or accept or receive any such gift if it could be reasonably inferred or expected that the gift was intended to influence them in the performance of their official duties or the gift or gratuity was intended to serve as a reward for any official action on their part.

To the extent any Councilor believes that there is the appearance of a conflict, the best course of action is to disclose the facts and circumstances giving rise to the alleged conflict and to determine what, if any, steps should be taken to address it.

Section 6. Representing Third Party Interest Before Town Agencies

No Councilor shall either appear on behalf of any third party interest before the Council or any Town board, commission or other agency (individually, "agency"; collectively, "agencies"), or represent a third party interest in any action, proceeding, or litigation in which the Town or one of its agencies is a party, without explicitly stating that he/she is appearing as a citizen or representative of a citizen as opposed to a member of the Council. Nothing herein shall prohibit a Councilor, on behalf of a constituent in the course of his or her duties as a representative of the electorate, or any Councilor, on behalf of his or her personal interest, from appearing before a Town agency. Notwithstanding the provisions of this Section 6, a Councilor may appear before an agency in his/her capacity as a Councilor while acting on behalf of the Town.

Section 7. Bias

If a Councilor believes that he/she is biased for or against an individual or entity that has a matter pending before the Council, and the Councilor believes that such bias will interfere with his/her ability to make a fair and impartial decision, then he/she shall recuse himself from officially participating in any discussion or decision-making action on the issue.

Section 8. Standards of Conduct

The following specific standards of conduct further the policies and goals set forth in this Code of Ethics:

- A. Councilors shall take reasonable steps to preserve written communications in order to comply with Maine's "right to know" laws and, more specifically, a request made pursuant to the Freedom of Access Act ("FOAA"). To that end, Councilors shall preserve incoming and outgoing emails or other written communications that are subject to FOAA either (i) on their own computers or filing system or (ii) by copying them to a Town-designated computer account, so that these communications are preserved and readily available in the event of a FOAA request.
- B. Councilors should conduct public business in as transparent a manner as possible. Although one-on-one conversations or meetings are legally permissible, to the extent information is exchanged that would be of value to the entire Council, such information should be shared at a public meeting.

- C. Councilors shall annually provide a list of any gifts received in the immediate prior year having a value of \$100 or greater, from any person or entity within the Town or having a matter pending before the Council, other than family members or close personal friends. In addition, if a person, business or other entity organized an event that benefitted the Councilor or his/her family or a related business in an amount of \$100 or more, the Councilor shall disclose the name of such person or entity. These disclosures shall be filed with the Town Clerk. For purposes of this section, "gifts" include payments made to a Councilor that exceed the fair market value of any goods or services provided in return.
- D. All Councilors shall be required to attest that they have read and understand this Code of Ethics and will comply with its provisions at the first meeting of the Council each year.

Section 9. Enforcement

All Councilors shall comply with this Code of Ethics. If any member of the Town Council believes that a violation has occurred or if a conflict of interest exists, he/she shall report the matter to the Town Clerk, who shall distribute the report to the Town Council. Pursuant to the Town Charter, the Town Council shall be the judge of whether any violation of this Code of Ethics has occurred and shall determine the appropriate remedy or response.

Section 10. Authority

The Town Council adopts this Code of Ethics pursuant to 30-A MRS 2605(7).

Section 11. Applicability

This policy shall apply to all members of the Cape Elizabeth Town Council.

Section 12. Effective Date

This policy shall become effective October 6, 2014.

Section 13. Amendment

This policy may be amended or revised by a majority vote of the Town Council.

Section 14. Severability

If any provision of this policy is found to be unenforceable or invalid, the remaining provisions shall remain in full force and effect.

Section 15. Conflict with other Policies, Ordinances, or Jurisdictions

Whenever a provision of this Code of Ethics conflicts with or is inconsistent with another provision of this Code, or conflicts with or is inconsistent with the Town Charter, any Town Ordinance, state statute or regulation, or any other applicable law, the more restrictive provision shall apply.

**Attachment Item #26-2018
December 11, 2017**

Local Fuel Assistance

1/11/2017 0725-4227 Jessie Timberlake \$1000.00

Cape Elizabeth Garden Club
Wreaths for Municipal Buildings

Planting of Trees R0326
5/15/2017 Cape Community Garden \$300.00

Police Department R0611
6/19/2017 Sprague Family, the P.W. Sprague Memorial Foundation
For the purchase of equipment \$500.00
11/28/2017 Anne K. Hill \$250.00

Community Services
12/2016 P.W. Sprague Memorial Foundation \$5000.00
Cape Care Program – Landscape Architectural Design of the new playground

Museum at Portland Head Light
Donation Box in the Museum \$2200.00
April through November 2017
United States Lighthouse Society \$200.00
Stanford University \$200.00

Family Fun Day
South Portland House of Pizza \$100.00
10 Gift Certificates @\$10/per were donated. The gift certificates were provided to the parade color guard.

Thomas Memorial Library

Date	Name of Donor	Donation Type	Amount
6/29/2017	anonymous	In - Kind	
6/29/2017	Elaine Fitts	Financial	\$ 0.01
6/29/2017	Didn't give name	Financial	\$ 0.10
6/29/2017	Cape Elizabeth Swap Shop (Beth-Volunteer)	In - Kind	
6/30/2017	Kelly Pietrzak	In - Kind	
6/30/2017	Beth Cary	In - Kind	
6/30/2017	Judy Lessard	Financial	\$ 0.15
7/3/2017	Lincoln Center	In - Kind	
7/11/2017	Anonymous	In - Kind	
7/11/2017	Karen Hiser	In - Kind	
7/12/2017	John Sullivan	In - Kind	
7/13/2017	Elaine Fitts	Financial	\$ 0.05
7/14/2017	Thomas Memorial Library Foundation	Financial	\$ 2,000.00
7/15/2017	Aurora Cobb	Financial	\$ 0.45
7/20/2017	Not given	Financial	\$ 3.35
7/25/2017	Paula Harris	In - Kind	

7/27/2017	Cindy Schlaepher	Financial	\$ 10.00
7/31/2017	Caroline Vetro	In - Kind	
7/31/2017	Elizabeth Thurston	Financial	\$ 10.00
8/3/2017	Rachel Davis	In - Kind	
8/3/2017	Not given	Financial	\$ 0.05
8/10/2017	Beth Cary/Swap Shop	In - Kind	
8/10/2017	Don Roy	In - Kind	
8/14/2017	Unknown	Financial	\$ 0.10
8/14/2017	Marilyn Rundlet	In - Kind	
8/22/2017	Not Given	Financial	\$ 0.05
8/22/2017	Not Given	Financial	\$ 0.15
8/23/2017	Anonymous	In - Kind	
9/6/2017	anonymous	In - Kind	
9/11/2017	Paddy Clark	In - Kind	
9/12/2017	Anonymous	In - Kind	
9/13/2017	Barbara and Joe Schenkel	In - Kind	
9/21/2017	Lucille Sgaglione	In - Kind	
9/26/2017	Jennifer Evans	In - Kind	
9/28/2017	Rachel Davis	In - Kind	
10/2/2017	Maria Richard	In - Kind	
10/2/2017	Blackstone Publishing	In - Kind	
10/6/2017	Camden Conference	Financial	\$ 400.00
10/12/2017	James Schwartz	In - Kind	
10/20/2017	Thomas Memorial Library Foundation	Financial	\$ 6,000.00
11/4/2017	anonymous - book drop	In - Kind	
11/11/2017	Anonymous	In - Kind	

