



Cape Elizabeth Town Council Agenda

Monday, March 12, 2018

7:00 p.m. Cape Elizabeth Town Hall

Council Chambers

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

Public Participation at Town Council Meetings

After an item has been introduced, any person wishing to address the council shall signify a desire to speak by raising their 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 time for public comments is limited 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 and may call on speakers in a manner so as to balance debate. Once the Council has begun its deliberations on an item, no person shall be permitted to address the Council on such item.

Speaking at the meeting on topics not on the agenda at regular Council meetings

Persons wishing to address the Council on an issue or concern local in nature not appearing on the agenda may do so at a regular Town Council meeting 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 their 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 pertinent. 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.

Decorum

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

Roll Call by the Town Clerk

The Pledge of Allegiance to the Flag

Town Council Reports and Correspondence

Finance Committee Report and [Dashboard](#)

[Appropriation Control](#)

[Expense Distribution](#)

[Revenue Control](#)

[Revenue Distribution](#)

Citizen Opportunity for Discussion of Items Not on the Agenda

Town Manager's Monthly Report

Review of Draft Minutes of [January 8, 2018](#) and [February 12, 2018](#)

Item #40-2018 Dogs to be Restrained on Municipal Property

[Link](#) to Town Manager's Memo

On January 8, 2018 the town council approved amendments to Chapter 7 Dogs Section 7-1-7 to be Retrained on Municipal Property to change the existing delineation of the off-leash area in Fort Williams Park.

During the discussions of the off-leash areas there has been mention of an overall question of whether dogs should be allowed on any athletic field, no matter what time of the year, leashed or unleashed and further clarification is needed for policies relating to other town-owned property e.g. Gull Crest.

It was a consensus of the town council to request the town manager to provide recommendations to address issues that have been raised.

It is the town manager's recommendation that Chapter 7 Dogs be referred to the conservation committee for review and recommendations for revisions to section 7-1-7.

Item #41-2018 [Recommendation](#) to Move Food Vendor Permit Site at Fort Williams Park

The town council will review the recommendation of staff and the Fort Williams Park Committee to relocate concession Site A to the left of Captain Strout Circle adjacent to Site B, to increase the site size from 50' sq. ft. to 90 sq. ft. and to remove the former Site A. Increasing the size of the site will better accommodate interested vendors. The intent is for the change to take place for this season, and if necessary, review after the season ends.

It is recommended the town council approve the staff recommendation to the vendor permit site changes to Site A as presented.

Item #42-2018 [Request](#) for Zone Change – Tower Overlay District

Tower Specialists, Inc. (Justin Strout) is requesting a zone change for the existing Tower Overlay District encompassing the entire parcel at 14 Strout Road, Map R05 Lot 024 and a small portion of 341 Spurwink Avenue Map R05 Lot 029. Mr. Strout has paid the \$100.00 ordinance change fee.

It is recommended the town council refer the request to the planning board for review and recommendation.

Item #43-2018 [Ottawa Road](#) Combined Sewer Overflow Remediation – Funding for the Completion of Phase III

Director of Public Works Robert Malley has provided a detailed update relating to the Ottawa Road Combined Sewer Overflow (CSO) Remediation Phase III project as outlined in the Ottawa Road CSO Master Plan dated December 2013.

Phase III is the removal of illicit connections from homes (approximately 40) identified as having illicit connections to the sanitary system. Given the complexity and cost of removals, in December 2016 the town council voted to assume the costs of removal of \$320,000.

The production and procurement of construction easements has taken more time, coordination and expense than originally envisioned.

The town manager is requesting additional funding to complete Phase III of the Ottawa Road CSO Project. It is recommended the town council approve the recommendation of the town manager to appropriate \$290,000 from the Sewer Fund to complete the project.

**Item #44-2018 Conservation Committee [Recommendation](#) – Town Owned Lot
Map U03 Lot 092**

[Link](#) to Real Estate Acquisition/Disposition Policy

On January 8, 2018 the town council authorized the town manager to consider the offer from Marc Greichen and Sandra Elliott to purchase Lot U3-92 off Ocean View Road for \$35,000 and to refer the request for purchase to the conservation committee for review.

The conservation committee met on February 13, 2018 and voted 7-0 to make the following recommendation to the town council.

The Conservation Committee recommends that the town owned lot U3-92 not be sold to preserve options for future greenbelt connectivity and neighborhood open space. If the lot is sold, the Conservation Committee recommends that a 15' wide easement be retained on the southeast corner and the proceeds of the sale be placed in the land acquisition fund.

Item #45-2018 Draft Mission/Vision Statement for Fort Williams Park

A goal of the town council for 2018 is to “Work with the Fort Williams Park Committee to review the mission, vision and financial sustainability of Fort Williams Park.” The town council met with the Fort Williams Park Committee on February 5 to discuss the mission/vision of the park. This statement will help to guide the council in future decisions.

At the March 5 town council workshop, the council drafted the following mission/vision statement.

Mission / Vision Statement for Fort Williams Park

The town’s vision for Fort Williams Park is to provide a safe, high quality space for Cape Elizabeth citizens and visitors to enjoy. We will protect and maintain access to the park’s historic elements and natural beauty for this and all future generations, and optimize the town’s stewardship by managing the park through financially and ecologically sustainable practices.

It is recommended the town council review the draft mission/vision statement for Fort Williams Park. The town council may adopt, edit, refer to a future workshop or meeting for further review.

**Item #46-2018 [Draft Report](#)– Paper Streets Public Workshops Prepared by Good Group
Decisions**

It is recommended the town council acknowledge receipt of the draft report prepared by Good Group Decisions relating to the February 1 and 3, 2018 paper streets public workshops.

Item #47-2018 Funding Request from the Cape Elizabeth Land Trust for the Purchase of Robinson Woods III

[Link](#) to CELT Request dated February 20, 2018

On December 11, 2017 the town council referred 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. CELT is requesting 1/3 or \$281,666 of the purchase price from the town.

At the workshop on March 5, 2018 the Cape Elizabeth Land Trust presented their request.

It is in order for the town council to refer the request of the Cape Elizabeth Land Trust for funding of Robinson Woods III to the conservation committee for review and recommendation.

**Item #48-2018 [Recommendation](#) of the Appointments Committee
Vacancies – Fort Williams Park Committee and Planning Board**

The appointments committee recommends the following appointments to fill unexpired terms on the Fort Williams Park Committee and Planning Board.

Fort Williams Park Committee to fill an unexpired term, effective immediately, until 12/31/2019.
Kenneth D. Pierce, 35 Oakhurst Road

Planning Board to fill an unexpired term, effective immediately, until 12/31/2019.
Andrew T. Gilbert, 32 Aster Lane

Item #49-2018 Update – Spurwink School Building

Councilor Garvin, Chairman of the Spurwink School Reuse Committee will provide an update relating to the work of the committee. Possible action is to extend the deadline for the report from the committee.

Item #50-2018 Recycling Committee – 2018 [Goals](#) and Objectives

One of the 2018 goals of the town council is for boards and committees to present their goals and work plans for the year.

It is recommended the town council acknowledge receipt of the recycling committee's 2018 goals and objectives.

Item #51-2018 [Request](#) of the Harbors Committee to Extend the Deadline

On December 10, 2017 the town council approved the request of the harbors committee for a three-month extension until March 31, 2018 in order for the committee to complete its work. The committee is requesting an additional one-month extension.

It is recommended the town council approve the request of the harbors committee to extend the deadline until April 30, 2018 in order for the committee to complete its work. It is further recommended the town council approve the recommendation of the town manager to transfer \$2,500 from the Undesignated Fund Balance to 0715-5313 (Harbors Committee) to cover the additional expenses of the extended deadline.

Item #52-2018 Executive Sessions – Discussion of Collective Bargaining Agreements and Annual Evaluation of the Town Manager

[Link](#) to Cape Elizabeth Benevolent Association Contract - Expires 6/30/2018

[Link](#) to Teamsters Union Local #340 Contract - Expires 6/30/2018

Collective bargaining agreements, Cape Elizabeth Benevolent Association (police employees) and Teamsters Union Local #340 (public works employees) expire 6/30/2018. In preparation for bargaining, the town manager would like to meet with the town council to receive direction.

Town Manager Matthew Sturgis has completed his first year as town manager. The town council will begin the annual evaluation of the town manager.

Draft Motion: ORDERED, the Cape Elizabeth Town Council enters into executive session in conformance with 1 MRSA §405 6 A to begin the annual evaluation of the town manager and 1 MRSA §405 6 D to receive direction relating to collective bargaining agreements with the Cape Elizabeth Benevolent Association and Teamsters Union Local #340.

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

Adjournment