



Cape Elizabeth Town Council Agenda

Monday, July 9, 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.

Convening by Town Council Chairman Jessica L. Sullivan

The Pledge of Allegiance to the Flag

Roll Call by the Town Clerk

Town Council Reports and Correspondence

Finance Committee Report

[Dashboard](#) and Financial Reports as of 6/30/2018

[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 June 11, 2018

Item #100-2018 Consideration of a Standing Renewable Energy Committee

[Link](#) to Ordinance Committee Recommendation

Tabled from June 11, 2018

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)

This item was tabled from the June 11, 2018 town council meeting. The ordinance committee's recommended draft changes are within the packet.

The town council will review the recommendation and determine next steps. Proposed ordinance changes require a public hearing.

Item #105-2018 Ocean House Pizza – [Liquor License](#) Renewal

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)

Ocean House Pizza at 337 Ocean House Road is requesting approval of the renewal malt and vinous liquor license.

The application has been reviewed by police, fire and code enforcement. There are no concerns to report relating to the application.

Proposed Draft Motion

ORDERED, the Cape Elizabeth Town Council approves the renewal malt and vinous liquor license for CAG Pizza, Inc. DBA Ocean House Pizza located at 337 Ocean House Road as presented.

Item #106-2018 [Request](#) from the Fort Williams Park Foundation for a Change to the By-Laws

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)

The Fort Williams Park Foundation is seeking town council approval to change the Foundation's by-laws Article IX, Amendments, Section 1(d).

Article IX, Amendments, Section 1(d)

No proposed amendment, alteration, or repeal of these By-Laws, or any provision thereof, shall become effective unless and until approved by the Cape Elizabeth Town Council.

Proposed Change:

Eliminate the Article IX Section 1(d) requirement for town council approval of any change to the by-laws.

The town council will review the request. Members of the Fort Williams Park Foundation will be present to answer questions.

Item #107-2018 [Request](#) from the Fort Williams Park Foundation – Approve the Continued, Multi-Year Ecological restoration of the Cliff Walk Landscape Project at Fort Williams Park

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)

Members of the Fort Williams Park Foundation will be present to provide an update of the Cliff Walk Landscape project (phase IV of the Arboretum Project), answer questions relating to the request of the Foundation to continue the multi-year ecological restoration of the site, and provide a current project budget and forecast for the next several years of restoration work.

The town council approved the 2017 projects of the Fort Williams Park Foundation on August 14, 2017 for improvements to the Cliff Walk. The council also voted that future plans and projects be reviewed and approved by the town council.

The town council will review the request of the Fort Williams Park Foundation.

Item #108-2018 Conservation Committee [Recommendation](#) – Cliff House Beach Interim Management

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)

The conservation committee is recommending an interim management approach to the Cliff House Beach until further work is completed regarding the dog ordinance.

The town council will review the recommendation and determine next steps, which may include adopting the recommendation.

Item #109-2018 14 Strout Road Tower Overlay District Map Amendment

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)

[Link](#) to Planning Board Recommendation

On March 12, 2018 the town council referred the request of Tower Specialists, Inc. to the planning board for review and recommendation for 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.

At the June 25, 2018 meeting the planning board made the following recommendation:
BE IT ORDERED that, based on the plans and facts presented, the Planning Board recommends the 14 Strout Rd Tower Overlay District Zoning Amendment Phase 1 and Phase 2, with the stipulation that the Phase 2 zoning boundary will take effect after the Crowne Castle tower has been removed and not replaced and the property owner provides to the Town of Cape Elizabeth written notification confirming that the tower has been removed and not replaced no later than April 1, 2020.

The town council will review the recommendation and determine next steps. Proposed zoning map changes require a public hearing.

Item #110-2018 Collective Bargaining [Agreement](#) – Cape Elizabeth Police Benevolent Association

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)

The town manager, with town council guidance, on behalf of the Town has been negotiating a collective bargaining agreement between the town and the Cape Elizabeth Police Benevolent Association.

The draft contract is presented for town council review and action. The members of the Association have agreed to the terms.

Proposed Draft Motion

ORDERED, the Cape Elizabeth Town Council approves the three-year collective bargaining agreement between the Town of Cape Elizabeth and the Cape Elizabeth Police Benevolent Association for a term July 1, 2018 – June 30, 2021 as presented.

Item #111-2018 Collective Bargaining [Agreement](#) – Teamsters Local Union No. 340

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)

The town manager, with town council guidance, on behalf of the Town has been negotiating a collective bargaining agreement between the town and the Teamsters Local Union No. 340 representing public works employees.

The draft contract is presented for town council review and action. The members of the Teamsters have agreed to the terms.

Proposed Draft Motion

ORDERED, the Cape Elizabeth Town Council approves the three-year collective bargaining agreement between the Town of Cape Elizabeth and the Teamsters Local Union No. 340 for a term July 1, 2018 – June 30, 2021 as presented.

Item #112-2018 Year End Budget Shortfalls

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)

The overall budget is healthy with the end of the fiscal year on June 30. The charter provides that no department is permitted to exceed its budget without council authorization.

The following additional appropriation is recommended.

Recommended Additional Appropriation:

135 Legal and Audit	\$48,000
160 Insurance	\$5,000
320 Recycling and Refuse Disposal	\$24,000
634 Fitness Center	\$3,300
635 Richards Pool Programs	\$11,000

637 Community Services Youth Prog.	\$10,500
638 Community Services Cape Care	\$18,500
710 Intergovernmental Assessments	\$155

Item #113-2018 Proposed Carry Forward Balances

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)

It is proposed the following carry forward balances be applied as of July 1, 2018.

		2018
General Fund Assigned Fund Balances		
1102008	Training	\$ 1,800
1102016	Records Preservation	\$ 1,500
1102088	Computer Maintenance	\$ 1,800
1102009	Conferences and Meetings	\$ 1,900
1202011	GIS Improvements	\$ 20,000
1202019	Code Enforcement Software	\$ 8,500
1805010	Debt Service	\$ 85,041
2102033	Radio / Pager Maintenance	\$ 2,000
2301002	Fire Department Part Time Payroll	\$ 20,000
3102039	Pavement Markings	\$ 24,500
5205053	Family Fun Day	\$ 2,500
5302034	Equipment Maintenance	\$ 4,500
6002035	Building Maintenance	\$ 19,000
6212035	Community Center Maintenance	\$ 6,000
6213006	Community Center Building Supplies	\$ 1,100
6214001	Community Center Outlay	\$ 81,000
6222035	Richards Pool Maintenance	\$ 25,000
6404114	Greenbelt Trails Maintenance	\$ 18,300
6452019	Fort Williams Park Tree Planting and Maintenance	\$ 4,300
6452035	Fort Williams Park Building Repairs	\$ 20,000
6452036	Fort Williams Park Stone Wall Repairs	\$ 9,000
6602010	Tree Professional Services	\$ 30,000
7154004	Police Cruiser Replacement	\$ 7,391
7154009	Roadway and Drainage Repairs	\$ 205,500
7154013	Sidewalk Improvements	\$ 89,500
7154052	Original Library Building	\$ 95,000
7154111	Town Hall Meeting Spaces/Office Spaces Plan	\$ 102,540
7154127	Pool Repairs and Improvements	\$ 63,800
7154131	Town Center Building Repairs	\$ 50,000
7154143	Public Works Building Repairs	\$ 95,993
7154147	Police Department Security Upgrades	\$ 6,200
7155236	Police Radios	\$ 5,000
7155251	Community Center Rental Building Repairs	\$ 13,691
7155287	Police Department Computer Replacements	\$ 5,000
7155310	Town Hall Main Stairwell Upgrade	\$ 61,500
7155316	2019 Comprehensive Plan	\$ 15,022
7155317	Park Building Furnace Replacement	\$ 6,800
7155318	Fort Williams Park Building Painting	\$ 18,981
7155319	Fort Williams Park Building Roof and Siding	\$ 21,300
7155321	Spurwink Church ADA Repairs	\$ 5,500

7155322	Portland Head Light Heat Pump / Gift Shop	\$	32,500
7155323	Community Services Washroom and Lighting	\$	40,800
7155324	Spurwink River Boardwalk	\$	37,000
7155325	Hill Way and Scott Dyer Road Improvements	\$	250,720
7254454	Pollack Brook Bridge	\$	12,118
8154016	Ottawa Road Phase 3	\$	115,145
8654031	Fort Williams Overflow Parking ADA	\$	15,000
8702035	Portland Head Light Building Maintenance	\$	5,800
	General Fund Total	\$	1,765,542

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