



Cape Elizabeth Town Council Agenda

Monday, December 10, 2018

7:00 p.m. Council Chambers

Cape Elizabeth Town Hall

Valerie J. Deveraux
Jeremy A. Gabrielson
James M. "Jamie" Garvin
Caitlin R. Jordan
Penelope A. Jordan
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 of the Meeting by Christopher M. Straw

Administration of Oaths by the Town Clerk Debra M. Lane

Oaths of Office for Elected Officials Elected on November 6, 2018

Cape Elizabeth Town Council

*Valerie J. Deveraux
Jeremy A. Gabrielson
James M. "Jamie" Garvin*

Cape Elizabeth School Board

*Heather W. Altenburg
Laura E. DeNino
Elizabeth K. Scifres*

For Reference – Link to List of [Selectmen](#) and [Town Council](#) Members

Roll Call by the Town Clerk

The Pledge of Allegiance to the Flag

Item# 1-2019 Election of Town Council Chairman

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

The caucus recommends James M. “Jamie” Garvin.

On this and the other items relating to council organization, the names listed are the persons who appeared to be the consensus choices at the town council caucus held on November 13, 2018.

Town Council Reports and Correspondence

Presentation

Kevin Roche, CEO ecomaine

Link to [Annual Report](#)

Item #2-2019 Confirmation of Police Chief

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

After nearly 40 years on the Cape Elizabeth Police Department, and the last 18 years as chief, Chief Neil Williams is retiring.

Town Manager Matthew Sturgis has appointed Cape Elizabeth Police Department Sergeant Paul W. Fenton to serve as the Town’s 8th Police Chief. Sgt. Fenton has served the department since January 28, 1997. The town manager with the assistance of a committee conducted a search for the next police chief.

Council-Manager Charter Article III Sec. 1.1.

1. Appointments by town manager; removals. Appoint and remove, both subject to approval of the council, the town clerk, town treasurer, police chief, fire chief, public works director and other department heads and prescribe their duties. The town manager shall also have the power to appoint the local health officer, and the manager shall act as health officer in the event of incapacity or absence of the local health officer.

Proposed Motion:

ORDERED, the Cape Elizabeth Town Council confirms the town manager’s appointment of Paul W. Fenton to serve as Police Chief of the Town of Cape Elizabeth effective December 11, 2018.

Finance Committee Report

[Dashboard](#) and Financial Reports as of 11/30/2018

[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 November 14, 2018 meeting.

Link to [Results](#) of Caucus Held November 13, 2018

Opportunity for Public Comment on Item ##3-16 (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)

Item# 3-2019 Adoption of Town Council [Rules](#)

Item# 4-2019 Appointment of the Finance Committee

Christopher M. Straw as chairman and the Council as a whole to serve as the finance committee.

Item# 5-2019 Appointment of Ordinance Committee

Penelope A. Jordan as chairman and Caitlin R. Jordan and Valerie A. Randall as members.

Item# 6-2019 Appointment of an Appointments Committee

Valerie J. Deveraux as chairman and Jeremy A. Gabrielson and Christopher M. Straw as members.

Consent Agenda

Items ## 7-16 will be considered en bloc. The council chairman will entertain a single motion to approve Items # #7-16. Any councilor may request for any item to be removed from the consent list and be separately voted.

Item# 7-2019 Appointment of Representatives to ecomaine Board of Directors

James M. "Jamie" Garvin and Matthew E. Sturgis for terms to expire on December 31, 2021.

Item# 8-2019 Appointment of Representative to Greater Portland Council of General Assembly, Metro Coalition and Executive Committee

Jeremy A. Gabrielson, General Assembly and Metro Coalition
Matthew E. Sturgis, Executive Committee

Item# 9-2019 Appointment of Representative to PACTS Policy Committee

Matthew E. Sturgis

Item# 10-2019 Appointment of Representative to MMA Legislative Policy Committee and MMA Convention Delegate

Valerie A. Randall for a term until December 2020.

Item# 11-2019 Appointment of Representative to Thomas Memorial Library Foundation

Jeremy A. Gabrielson

Item# 12-2019 Appointment of Representative to Greater Portland Economic Development Corporation

Valerie A. Randall

Item# 13-2019 Appointment of Representative to Portland Jetport Noise Advisory Committee

Penelope A. Jordan

Item# 14-2019 Appointment of Representatives to Thomas Jordan Grants Subcommittee

Valerie J. Deveraux to 12/2021

Previously appointed:

Caitlin R. Jordan to 12/2020

Penelope A. Jordan to 12/2019

Item# 15-2019 Appointment of Vice Chair of Museum at Portland Head Light

Christopher M. Straw

Council Chairman James M. “Jamie” Garvin is chairman per the by-laws.

Item #16-2019 Continued Service on Comprehensive Plan Committee

The council caucus confirmed the continued service on the comprehensive plan committee:

Penelope A. Jordan

Sara W. Lennon

Item #17-2019 Appointment of Fair Hearing Officer

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

Article VII of the General Assistance Ordinance requires the municipal officers to appoint a fair hearing authority (FHA) that will determine, based on all the evidence presented at the fair hearing, whether the claimant(s) were eligible to receive assistance at the time they applied for general assistance. The FHA is charged with the responsibility of ensuring that general assistance is administered in accordance with the state law and local ordinance.

It is recommended David S. Sherman be reappointed to serve a second term as the fair hearing officer until December 31, 2021.

Item #18-2019 Appointment of Registrar of Voters

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

Title 21-A §101 2. Appointment requires the municipal officers to appoint a qualified registrar of voters by January 1st of each odd-numbered year. The registrar shall serve for 2 years and until a successor is appointed and sworn.

It is recommended to reappoint Debra M. Lane to serve as Registrar of Voters for a term to expire January 1, 2021 and until a successor is appointed and sworn.

Item# 19-2019 [Code of Ethics](#)

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

Town Council Rules provide that each council member will annually sign an attestation that they have read and understand the Code of Ethics for the Town Council.

Item# 20-2019 Schedule of Council Meetings for 2019

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 recommended to approve the following regular, special and workshop meeting dates for the council year 2019. Council meetings and workshops are included in the meetings calendar on the town's website. Any changes including date, time and place will be noted on the calendar.

Links to 2019 [Meeting](#) Schedule and [Budget](#) Review Schedule for FY 2020

Regular and Special meetings

December 10, 2018 (Regular Meeting and Organizational Meeting for 2019)
January 14, 2019
February 11, 2019
March 11, 2019
April 8, 2019 (Regular Meeting and Opportunity for Budget Public Comments)
May 6, 2019 (Special Council Meeting – Budget Public Hearing)
May 13, 2019 (Regular Meeting and Vote on the FY 2020 Budget)
June 10, 2019
July 8, 2019
August 12, 2019
September 9, 2019
October 16, 2019 (Wednesday)
November 13, 2019 (Wednesday)
December 9, 2019 (Regular Meeting and Organizational Meeting for 2020)

Workshop

December 19, 2018 (Council Goals and FOAA)
January 16, 2019
February 4, 2019
March 20 and 21, 2019 (Budget Workshops)
April 24* and 25, 2019 (Budget Workshops)
May 8, 2018

June 3, 2019

September 4, 2019
October 2, 2019
November 14, 2019 (Organizational Caucus for 2020)
December 11, 2019 (Council Goals and FOAA)

**4/24/2019 Budget presentation from the School Board*

Item# 21-2019

Appointments to Boards and Committees

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

The Appointments Committee recommends the following appointments to boards and committees with new terms beginning January 1, 2019.

Board	Current Member	Recommendation	Address	Term Expires
Board Assessment Review	John McAnuff	John McAnuff	65 Stonybrook Road	12/31/2021
Community Services	VACANT	Andrea Ernst	12 Bayberry Lane	12/31/2021
Community Services	Debbie Butterworth	Jill Palmore	39 Stonegate Road	12/31/2021
Community Services	Terri Patterson	Terri Patterson	15 Surf Road	12/31/2021
Conservation Committee	Jeremy Gabrielson	Bruce V. Moore#	1108 Sawyer Road	12/31/2020
Conservation Committee	Marti Blair*	Emily Helliessen Day	11 Hamlin Street	12/31/2021
Conservation Committee	Mitch Wacksman	Mitch Wacksman*	9 Bayberry Lane	12/31/2021
Firing Range Committee	Town Council Appointed 12/12/2016			
Fort Williams Park	Jim Kerney	Jim Kerney	1015 Shore Road	12/31/2021
Fort Williams Park	Mark D. Russell	Mark D. Russell	8 Sweet Fern Road	12/31/2021
Personnel Appeals Board	Dawn M. Harmon	Dawn M. Harmon*	17 Fieldstone Road	12/31/2021
Planning Board	Carol Anne Jordan	Carol Anne Jordan*	21 Wells Road	12/31/2021
Planning Board	Jonathan Sahrbeck	Jonathan Sahrbeck	60 Longfellow Drive	12/31/2021
Planning Board	Victoria Volent*	Daniel A. Bodenski	304 Mitchell Road	12/31/2021
Recycling Committee	Matthew Faulkner	Matthew Faulkner	61 Beach Bluff Terrace	12/31/2021
Recycling Committee	Aubrey Miller	Aubrey Miller	2 Pine Ridge Road	12/31/2021
Riverside Cemetery	Jessie Timberlake*	Wayne A. Brooking, Jr.	223 Two Lights Road	12/31/2021
TML Committee	Sigrid Olson	John DiPalazzo#	79 Oakhurst Road	12/31/2020
TML Committee	Becky Fernald	Becky Fernald	313 Mitchell Road	12/31/2021
TML Committee	Kathleen Kent	Kathleen Kent	74 Wells Road	12/31/2021
Board of Zoning Appeals	VACANT	Colin P. Powers#	44 Spurwink Avenue	12/31/2020
Board of Zoning Appeals	Matthew Caton	Matthew Caton*	15 Hannaford Cove Road	12/31/2021
Board of Zoning Appeals	Aaron Mosher	Aaron Mosher	6 Leighton Farm Road	12/31/2021
(NEW)				
Energy Committee		Carrie Gilbert	32 Aster Lane	12/31/2019
Energy Committee		Richard A. Parker	17 Southwell Road	12/31/2019
Energy Committee		Jennifer A. Healy	79 Oakhurst Road	12/31/2020
Energy Committee		Sam Lipman	39 Hunts Point Road	12/31/2020
Energy Committee		Sam Milton	18 Crescent View Avenue	12/31/2021
Energy Committee		Thomas S. Murley	133 Two Lights Road	12/31/2021
Energy Committee		Barbara Toomey	22 Woodcrest Road	12/31/2021

Item# 22-2019 Bird Dog Roadhouse [License](#)

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 to approve the annual malt, vinous, and spirituous licenses for Cape Hospitality Group DBA Bird Dog Roadhouse at 517 Ocean House Road.

Proposed Motion:

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

Item #23-2019 Senior Tax Relief [Ordinance](#)

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

One of the town council goals for 2018 is to explore the creation and implementation of a senior citizen property tax relief program.

Tax Assessor Clinton Swett provided reports relating to a senior tax relief program at the April 9, 2018 council meeting and May 1, 2018 council workshop.

On September 10, 2018 the town council referred the senior property tax relief program to the ordinance committee.

The ordinance committee reviewed the senior tax relief ordinance at the November 1 and November 13, 2018 meetings. At the November 13th meeting the ordinance committee voted (2-0) to recommend the ordinance to the town council for consideration.

It is in order for the town council to set the draft senior tax relief ordinance to public hearing on Monday, January 14, 2019 at 7:00 p.m. at the Cape Elizabeth Town Hall.

Item #24-2019 Land [Donation](#) at 44 Spurwink Avenue

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

Colin Powers, 44 Spurwink Avenue has offered to donate a portion of the property at 44 Spurwink Avenue. The land is wetland abutting Trout Brook and land already owned by the town.

The conservation committee discussed the possible donation at the November 19, 2018 meeting. The conservation committee voted (4-0) that the town council consider acceptance of the land to be donated in the area of 44 Spurwink Avenue abutting town land, noting that a survey and title work may need to be done.

Item #25-2019 Sawyer Road Culvert [Study](#)

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

On April 10, 2017 the town council authorized application for a coastal communities grant to the Maine Coastal Program to assess 16 municipal culverts.

The town council is requested to accept a Part II grant focusing on Sawyer Road to follow up a Part I grant studying 16 town culverts. The grant is in collaboration with the Town of Scarborough.

It is recommended the town council accepts the Sawyer Road Hydrology and Hydraulic Study grant in the amount of \$32,124.00. It is further recommended the town council formally acknowledge the Culvert Assessment grant in the amount of \$17,000.

Item #26-2019 [Update](#) on the Comprehensive Plan Review Process

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

The comprehensive plan committee has completed the draft comprehensive plan. The town council should decide the process going forward.

It is recommended the town council set the comprehensive plan review process to workshop on Wednesday, December 19, 2018. The workshop is scheduled to begin at 6:00 p.m.

Item #27-2019 [Application to Planning Board](#) – Resource Protection Permit

The town manager is recommending the town council authorize an application to the planning board for a resource protection permit for Phase II of the Scott Dyer Road reconstruction project between Patricia Drive and Spurwink Avenue.

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

Item# 28-2019 Acceptance of Annual [Gifts](#) and Donations

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 Gift List

It is proposed to accept gifts/donations received in 2018 with appreciation.

Item #29-2018 **[Finance Director](#)**

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

During the FY 2019 budget deliberations a new position of finance director was discussed. It was a consensus of the town council at the July 16, 2018 workshop for the town manager to proceed in reviewing the position and creating a job description.

The town manager will present a draft job description and funding recommendation for council consideration.

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

