



Cape Elizabeth Town Council Minutes

Monday, January 8, 2018

7:00 p.m.

Cape Elizabeth Town Hall

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

Roll Call by the Town Clerk

All members of the town council were present except Councilor Caitlin Jordan and Councilor Penelope Jordan.

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

The Pledge of Allegiance to the Flag

Town Council Reports and Correspondence

Councilor Lennon reminded residents of the Comprehensive Plan public forum on Thursday, January 25 at 7:00 p.m. in the Council Chambers.

Chairman Sullivan thanked the public works crew for their hard work during tough winter conditions the past few weeks. Two public workshops on paper streets have been scheduled; Thursday, 2/1 at 7:00 p.m. and Saturday, 2/3 at 10:00 a.m. Both sessions will be held at the Town Center Fire Station. Thank you to Webmaster Wendy Derzawiec for adding the "How do I" section to the website. During the recent goal setting workshop the council expressed desire to ease the use of the website with a FAQ/How Do I section.

Finance Committee Report

Finance Chairman Garvin and Town Manager Sturgis reviewed the financial report and dashboard as of 12/31/2017.

Citizen Opportunity for Discussion of Items Not on the Agenda

None

Town Manager's Monthly Report Update on the Park Manager Position

Town Manager's Report
January 8, 2018

The close of the year was extremely busy at the tax collection department with the recent changes to income tax laws. With the adjustment of itemized deductions, specific to local and state taxes paid, there was an end of the year rush by many residents to pay the second half tax amounts due in April in order to have this amount included in their 2017 itemized deductions on federal income taxes. To provide perspective, last December the town received just under \$130,000, while this year December showed a receivable of over \$2.85 million in payments. I would like to take the opportunity to thank Debra Lane and her tax collection staff for processing this tremendous increase in volume, which was focused mainly in the last two weeks of December.

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Additionally, recognition and thanks should be extended to the public works crews, who have had a challenging three weeks. The recent storms could not have had more difficult timing in regards to the Christmas holiday, with icing and two significant snowfalls. The crew has performed extremely well and I am grateful for their efforts.

Finally, based on the discussion at the council goal setting session, a desire to have a segment of the website set up where inquiring minds can find answers to frequently asked questions. In following up on this goal, I reached out to our webmaster, Wendy Derzawiec to see what could be done. The result was to have a new tab created on the website titled "How do I", where a significant amount of topics are identified, and answers, or links to areas which provide answers are shown. The desire is that this will provide a good resource for residents and other information seekers. Thank you to Wendy for getting this accomplished quickly, as well as providing an introductory story on the website for this new feature as well.

Respectfully submitted,

Matthew E. Sturgis
Town Manager

Mr. Sturgis also reported that he has decided to combine the position of Director of Community Services and Park Manager – title to be determined. The position has been posted internally and interviews will be held on Thursday. A draft job description has been created and will be adjusted as needed.

Review of Draft Minutes of December 11, 2017

Moved by James M. Garvin and Seconded by Valerie A. Randall

ORDERED, the Cape Elizabeth Town Council approves the minutes of the meeting held on December 11, 2017 as amended in Item #24-2017.

(5 yes) (0 no)

Excerpt from Item #2017 12/11/2017

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 ~~request her~~ recusal relating to Item #24-2018.

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

Item #30-2018 Change to the Off-Leash Area in Fort Williams Park

Intro – Mr. Sturgis

Present – Robert Malley, Director of Public Works and Police Chief Neil Williams

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

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the ordinance committee and Fort Williams Park Committee to adopt the change to the existing delineation of the off-leash area in Fort Williams Park, Chapter 7 Dogs Section 7-1-7 Dogs to be Restrained on Municipal Property including the change approved by the town council on 12/11/2017.

(4 yes) (1 no Councilor Sullivan)

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.*

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. Further clarification is needed for policies relating to Gull Crest and other town-owned properties; inventory of town-owned property and boundary issues if there are any. Does the availability of receptacles for picking up after dogs at Fort Williams Park violate the policy of carry in/carry-out trash?

It was a consensus of the town council to request the town manager to provide recommendations to address issues that have been raised. The town manager will report back to the town council at the February 12 meeting; referral to the ordinance committee is anticipated.

Item #31-2018 Request to Apply for Resource Protection Permit for Construction of Boardwalk – Cross Hill Neighborhood

Intro – Mr. Sturgis

Moved by James M. Garvin and Seconded by Christopher M. Straw

ORDERED, the Cape Elizabeth Town Council authorizes the town manager to apply for a Resource Protection Permit to the Planning Board to construct up to 600' of boardwalk in the Cross Hill neighborhood north of Tiger Lily Lane as presented.

(5 yes) (0 no)

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Item #32-2018 Early Budget Guidance Fiscal Year 2019

The town manager and department heads are in the midst of preparing recommended municipal budgets for fiscal year 2019. This is an opportunity for the town council to provide early budget guidance. No action will be taken.

During the discussion councilors mentioned the opportunity for capital items/deferred maintenance to be paid from the unassigned fund balance. The audit workshop, prior to the council meeting, identified that the unassigned fund balance has increased over the past couple of years due to revenues exceeding budget and expenditures within/less than budget.

There was a general consensus to request of the town manager that there be consideration of an increase to taxes not to exceed the 2%. The latest CPIU as of 11/2017 is 2.1%.

The recently completed survey by the Comp Plan Committee may be a resource for the council to review the priorities of citizens as identified in the survey.

Item #33-2018 Request to Purchase Lot

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

ORDERED, the Cape Elizabeth Town Council authorizes 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. Such action is identified in the Real Estate Acquisition/Disposition Policy.

(5 yes) (0 no)

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

Adjournment

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

ORDERED, the Cape Elizabeth Town Council adjourns at 8:12 p.m.

(5 yes) (0 no)

Respectfully Submitted,

Debra M. Lane, Town Clerk