



## **Cape Elizabeth Town Council Minutes**

**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

### **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**

### **Town Council Reports and Correspondence**

Chairman Sullivan thanked public works for their hard work this winter.

### **Finance Committee Report**

Finance Chairman Garvin reviewed the dashboard ending 2/28/2018. Everyone is encouraged to view the school board's budget workshop held on March 8 including the overview by Senator Millett of the school funding formula.

### **Citizen Opportunity for Discussion of Items Not on the Agenda**

Benson Dana, 17 Orchard Road and members of the Cape Elizabeth Lions' Club presented the town with an AED (Automated External Defibrillator) device to be placed at the recycling center. On behalf of the citizens, the town council thanked the Lions' Club for their generous donation.

### **Town Manager's Monthly Report**

Tonight I am delivering the fiscal year 2019 budget to the council. I am looking forward to the future discussions with the council and the public regarding this budget. Next Tuesday and Wednesday evenings the council will be reviewing the budget with myself and the department heads.

To highlight the Town's budget, I would like to mention a few points:

The budget would subtract 2 cents from the tax rate or -0.4% from the municipal portion.

The budget includes all ongoing municipal departments and community services. The total combined municipal and community services budget last year was \$12,144,724. This budget proposes \$12,254,608 for an increase of \$109,884 in spending or 0.9%. This is offset with a revenue increase from sources other than the property tax of \$98,337 or 2.0%. The amount to be collected from property taxes is proposed to be \$7,222,601 which is 0.2% more than last year.

**Page 2 Town Council Minutes  
March 12, 2018**

- The budget includes a 2% average wage increase for personnel. It also includes providing for an expansion to two per diem fire personnel, improving the Town's coverage. There is an increase in the personnel cost at the recycling facility due to adjusting to the recent updates. There is also an increase in the legal budget due to upcoming anticipated lawsuits. Finally, in both the Police and Public Works budgets, there is an estimated payroll amount, as both collective bargaining units are up for negotiations of new contracts this year. Personnel related costs in total are about \$6.26 million or about 49% of the total budget.
- The budget contains significant capital item purchases in line with the planned capital improvement plan.
- There is a planned replacement of the Fire Department's ladder truck at an estimated \$1.25 million dollars and replacement of our current 15-year-old ambulance unit with a new unit at \$250,000. The purchase of the ladder truck and ambulance will be described by the Fire Chief in his budget presentation.
- Public works capital expenditures include funding for the planned phase two of the Hill Way / Scott Dyer Road reconstruction, which is planned to go out to bid in the spring of 2019. There is also the planned replacement of a dump / plow truck and a larger pickup truck.
- There is also an anticipated expenditure of \$50,000 for purchase of pay / display parking units in Fort Williams.
- It is proposed to purchase the large capital equipment items via a lease purchase arrangement, with an anticipated financing arrangement over five years at four percent interest. The ladder truck, ambulance, and dump / plow truck are all longer life items that will outlast the financing arrangements, provide expense line predictability, and lessen the impact on taxpayers.
- Offsetting these increases in capital expense is a use of the unassigned fund balance in the amount of \$500,000 toward capital improvements and continues the use of \$375,000 for against annual operating expenses. This will lower the current amount of unassigned funds, but keep the overall level of unassigned funds properly in line with the current policy.

I look forward to the upcoming budget sessions and am very glad to have the process underway.

In light of recent tragic events I held a discussion this morning with the personnel advisory committee and with department heads on emergency response, training, and preparedness. Last summer we had active shooter training with Chief Williams during the staff appreciation day, which was very well received. However, with staffing at the town office, community services, library, public works, public safety, the pool and fitness center, and other facilities, we need to have a way to get people safely out of buildings in the event of an emergency and be able to account for our personnel. This morning we had a very productive discussion with both groups, and as a result will be forming a safety committee comprised of representatives from all departments. The desire is to formulate action plans in the case of an emergency, and raise our organizational awareness of safety.

As I close, I want to take the opportunity once again to thank our public works crew for their great work on our roads, and in advance of what appears to be another large storm tomorrow. I understand that the Cape Elizabeth schools will be closed tomorrow. At this point the Town operations will be determined in the morning, any announcements regarding our operations will be posted on the website, and our local news cancellations boards.

The final thought I can share is that spring is eight days away.

Respectfully submitted,  
Matthew E Sturgis, Town Manager

**Page 3 Town Council Minutes  
March 12, 2018**

**Review of Draft Minutes of January 8, 2018 and February 12, 2018**

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

ORDERED, the Cape Elizabeth Town Council approves the minutes of the meeting held on January 8, 2018 as written.

(7 yes) (0 no)

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

ORDERED, the Cape Elizabeth Town Council approves the minutes of the meeting held on February 12, 2018 as written.

(7 yes) (0 no)

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

Intro – Mr. Sturgis

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

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the town manager to refer Chapter 7 Dogs to the conservation committee for review and recommendations for revisions to section 7-1-7.

(7 yes) (0 no)

**Item #41-2018          Recommendation to Move Food Vendor Permit Site at Fort Williams Park**

Intro – Mr. Sturgis and Robert Malley, Director of Public Works

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

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the town manager, public works director and Fort Williams Park Committee to relocate Fort Williams Park vendor permit 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 as presented.

(7 yes) (0 no)

**Item #42-2018          Request for Zone Change – Tower Overlay District**

Councilor Penelope Jordan recused herself from discussion and voting on this item.

Intro – Justin Strout, Portland, Representing the Strout Trust and Tower Specialists

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

ORDERED, the Cape Elizabeth Town Council refers 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.

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

**Page 4 Town Council Minutes  
March 12, 2018**

**Item #43-2018            Ottawa Road Combined Sewer Overflow Remediation – Funding for the  
Completion of Phase III**

Intro – Mr. Sturgis and Robert Malley

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

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the town manager to provide additional funding to complete Phase III of the Ottawa Road CSO Project and to appropriate \$290,000 from the Sewer Fund to complete the project.

(7 yes) (0 no)

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

Intro – Mr. Sturgis

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

ORDERED, the Cape Elizabeth Town Council authorizes the town manager to continue discussions with Marc Greichen and Sandra Elliott on their offer to purchase the town-owned Lot U3-92 off Ocean View Road and bring back to the town council for consideration a purchase and sale agreement with conditions as suggested by the conservation committee, the merger of the Greichen/Elliott lot with the town-owned lot and purchase price.

(7 yes) (0 no)

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

Moved by Penelope A. Jordan and Seconded by Valerie A. Randall

ORDERED, the Cape Elizabeth Town Council adopts the mission/vision statement for Fort Williams Park as presented.

(7 yes) (0 no)

**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.**

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

Councilor Straw recused himself from discussion waiting review of the code of ethics.

**Public Comment**

Jim Morra, 5 Waumbek Road said 80% of the attendees at the February 1 and 3 paper street public workshops are in favor of the council accepting Surfside Avenue and Atlantic Place.

Jodi Breau, 5 Waumbek Road referred to the petition circulated by SOS (Save Our Shoreline) favoring the acceptance of Surfside Avenue and Atlantic Place.

**Page 5 Town Council Minutes  
March 12, 2018**

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

ORDERED, the Cape Elizabeth Town Council acknowledges receipt of the draft report prepared by Good Group Decisions relating to the February 1 and 3, 2018 paper streets public workshops with thanks for their work.

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

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

Moved by Valerie A. Randall and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council refers the request of the Cape Elizabeth Land Trust for funding of Robinson Woods III, in the amount of \$281,666, to the conservation committee for review and recommendation.

(7 yes) (0 no)

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

Intro – Councilor Lennon, Chairman Appointments Committee

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

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the appointments committee to fill unexpired terms on the Fort Williams Park Committee and Planning Board as presented.

(7 yes) (0 no)

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**

Public Comment

James Rowe, 127 Oakhurst Road, President Cape Elizabeth Historical Society thanked the committee and town council for their efforts and moving forward toward a recommendation for use of the building.

Intro – Councilor Garvin, Chairman Spurwink School Reuse Committee

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

ORDERED, the Cape Elizabeth Town Council grants an extension to the Spurwink School Reuse Committee to provide a report to the town council within 60 days.

(7 yes) (0 no)

**Item #50-2018          Recycling Committee – 2018 Goals and Objectives**

Intro – Mr. Sturgis

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

ORDERED, the Cape Elizabeth Town Council acknowledges receipt of the recycling committee's 2018 goals and objectives.

(7 yes) (0 no)

**Item #51-2018          Request of the Harbors Committee to Extend the Deadline**

Intro – Councilor Caitlin Jordan, Member Harbors Committee

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

ORDERED, the Cape Elizabeth Town Council approves the request of the harbors committee to extend the deadline until April 30, 2018 in order for the committee to complete its work. The town council further approves 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.

(7 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.**

None

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

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

ORDERED, the Cape Elizabeth Town Council enters into executive session at 8:16 p.m. 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.

(7 yes) (0 no)

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

ORDERED, the Cape Elizabeth Town Council exits executive session and reenters public session at 9:43 p.m.

(7 yes) (0 no)

**Adjournment**

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

ORDERED, the Cape Elizabeth Town Council adjourns at 9:43 p.m.

(7 yes) (0 no)

Respectfully Submitted,

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Debra M. Lane, Town Clerk

