



Cape Elizabeth Town Council Minutes

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

The meeting was convened at 7:00 p.m. by Town Council Chairman Jessica L. Sullivan.

The Pledge of Allegiance to the Flag

Roll Call by the Town Clerk

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

Town Council Reports and Correspondence

Chairman Sullivan thanked Debra Lane and the election staff for their work during the June 12 primary and school budget elections.

Councilor Lennon provided an update on the comprehensive plan committee. The committee is currently reviewing the land use chapter. The final public forum will be held in October – date to be determined.

Councilor Garvin spoke about contamination in the silver bullets. Approximately one-half of the silver bullets pulled from the town hall location are contaminated with materials that are not recyclable. ecomaine is not charging communities however that could change. Residents are urged to review the list of recyclable materials and for more information download the app from ecomaine.

Finance Committee Report

Councilor Garvin, finance committee chairman and Mr. Sturgis reviewed the dashboard.

Citizen Opportunity for Discussion of Items Not on the Agenda

Rebecca Little, 4 South Street read portions of the document emailed to the town council entitled, "Petition to the Cape Elizabeth Town Council to Prevent Traffic From Entering Our Private Roads From the Public Road and to Support the Reinstallation of Our Private Gate."

Julie Munz, 5 South Street stated I am here for a personal safety issue for my 7-year-old son who has severe epilepsy. The home was purchased on a dead end street for his protection. The gate provides environmental control and limits traffic; it never should have come down. Requests the town council to protect us and put reinstallation of the gate on the agenda.

Josh Nappi, 7 Stephenson Street supports reinstallation of the gate.

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Henry Steinberg, 13 Hunts Point Road referred to a letter he sent to the town council stating removal of the gate will endanger the child. He believes the wrong decision was made by the planning board. Planning board, town council and zoning board are not professional board members and they generally go with what they consider is advice from the experts. The town council should consider an ombudsman in helping to resolve the matter.

Jim Fisher, Northeast Civil Solutions has been asked by a group of individuals who live on South Street to address the council. The biggest issue for the residents of South Street is until litigation is settled that a gate or chain with a Knox box be placed to restrict public vehicular traffic. Requests the town council to put the issue of the reinstallation of the gate on the agenda.

Marisa Ihara, 2 Stephenson Street has two young children (5 & 7) and is concerned about the increase in traffic since the gate has come down. Supports reinstallation of the gate.

Jessika Matheis, 2 Stephenson Street has two young children (5 & 6) and with the gate being down the 7-year-old is no longer allowed to ride her bike with her friends within the neighborhood because of the severe increase in traffic and no sidewalks or shoulders. Supports reinstallation of the gate.

Chairman Sullivan stated because of pending litigation the councilors will not be commenting.

John Wall, Monaghan Leahy provided an overview of the pending litigation of the planning board's decision relating to the 8 Aster Lane project. It is Mr. Wall's understanding the parties involved may be trying to resolve the issue. Mr. Wall stated the town should let the court process continue.

Town Manager's Monthly Report

The new fiscal year began on July 1. The Town Office was closed on the afternoon of June 29, and this allowed the business office and staff to perform their year-end closing duties, which was very successful and allowed the operations to open without any challenges July 2. I want to extend my appreciation to the tax office and business office for their efforts in a successful year end and beginning.

As the fiscal year concluded it is also important to note that the Town committed \$30.5 million dollars in property taxes, and as of this morning had collected all but just over \$70,000. This is from roughly 4,500 properties in Cape Elizabeth. I would like to extend an appreciation to Debra Lane and her tax office staff for their excellent efforts in processing this incredible volume, and to the tax payers for their diligence as well.

Over the past few months the news has featured stories on the collapsing recycled materials market, as China has tightened its standards on what is acceptable or not. This changing market has driven ecomaine to perform a higher level of scrutiny on what is received in single stream recycling and in turn it is informing member towns of the level of contamination in their recycled materials. Contamination is items in the recycling that are not considered recyclable to the market. This would include plastic bags, metals, household waste, and other materials. We have received our data on contamination and these reports bring good and bad news. The good news is that recycled materials at the recycling center generally run from 0 to 5 percent contamination, with the primary contaminant there being plastic bags. The bad news is that the silver bullets behind Town Hall show consistent contamination in the 10 to 20 plus percent range. The recent report indicated such items as metal yard décor, tarps, and two wake boards. Cape Elizabeth is not the only community facing challenges in the unmonitored recycling drop offs, as other towns face similar challenges. I would like to request that people who do chose to recycle at the silver bullets behind Town Hall use them for recycling only and not for other forms of waste.

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At the present time the Town is not being charged for contaminated recycling loads as we are an owner-member community of ecomaine, while other towns are being assessed a per ton fee based on levels of contamination. Eventually this non-fee relationship will change if the contamination trend continues and the recycling market does not improve. Some steps that can help us improve are to not recycle plastic bags, and if you do store recyclables in plastic bags, please empty the contents as recycling and then dispose of the bags as household waste. This is a changing environment and many people are attempting to do their best by recycling items that no longer have a home, so if you do have any question or doubt if an item is recyclable, it is best to dispose of as household waste.

On a final note, I would like to recognize and congratulate Community Services Director Kathy Raftice and Library Director Kyle Neugebauer on completion of the leadership academy recently completed at SMCC. This was a seven-week professional development course that was attended by staff members from South Portland, Cumberland County Government, Yarmouth, Scarborough, Falmouth, and other surrounding communities.

Respectfully submitted,

Matthew E. Sturgis, CMA
Town Manager

Review of Draft Minutes of June 11, 2018

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

ORDERED, the Cape Elizabeth Town Council approves the minutes of the meeting held on June 11, 2018 as presented.

(6 yes) (0 no)

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

ORDERED, the Cape Elizabeth Town Council takes Item #100-2018 off the table from June 11, 2018.

(6 yes) (0 no)

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

Prior to the meeting Chairman Sullivan provided recommended edits.

Moved by Caitlin R. Jordan and Seconded by Christopher M. Straw

ORDERED, the Cape Elizabeth Town Council refers consideration of a standing renewable energy committee back to the ordinance committee for further review.

(6 yes) (0 no)

Item #105-2018 Ocean House Pizza – Liquor License Renewal

Introduction – Debra Lane, Town Clerk

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

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.

(6 yes) (0 no)

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

Presentation & Introduction – Lynn Shaffer, President Fort Williams Park Foundation, 650 Shore Road
James McCain, Arboretum Director

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

ORDERED, the Cape Elizabeth Town Council approves the request of the Fort Williams Park Foundation to change the Foundation’s by-laws to eliminate Article IX, Amendments, Section 1(d) which reads, “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.”
(6 yes) (0 no)

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

Presentation & Introduction – Lynn Shaffer, President Fort Williams Park Foundation, 650 Shore Road
James McCain, Arboretum Director

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

ORDERED, the Cape Elizabeth Town Council approves the continued, multi-year (FY 2019 – FY 2022) ecological restoration of the Cliff Walk Landscape project (phase IV of the Arboretum Project) including interpretive signage, plant labels, invasive plant control and native plant communities as presented, with monthly updates to the Fort Williams Park Committee. Future plans and projects with Fort Williams Park will continue to be reviewed and approved by the town council.
(6 yes) (0 no)
See attachment.

Item #108-2018 Conservation Committee Recommendation – Cliff House Beach Interim Management

Introduction – Jeremy Gabrielson, Chairman Conservation Committee, 5 Rocky Knoll Road

Public Comment

Tom Meyers, 4 Sea View Avenue appreciates the kinder, gentler approach to the conservation committee’s proposed sign at Cliff House Beach however he believes it should be considered groomed and/or regularly maintained municipal property and therefore requiring by ordinance dogs on leash or tether. Recommends definitive language on the sign.

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

ORDERED, the Cape Elizabeth Town Council suspends the Town Council Rules extending Mr. Meyers public comments an additional 3 minutes.
(4 yes) (2 no Councilors Garvin and Sullivan)

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Tom Ward, 611 Shore Road stated Cliff House Beach has become like a dog park. The sign should reflect the current ordinance requiring dogs on leash within groomed or maintained municipal property. Recommends reviewing what other towns have done to prevent dogs on the beach during peak hours.

John Holdridge, 2 Glen Avenue (5 years) said he has noticed a change in the number of people visiting the beach. Concerned that changes in South Portland's dog beach laws have caused more dog owners to visit Cliff House Beach. Not advocating for absolute control of dogs or uncontrol of dogs. Recommends continuing work on the issue – look at both sides. Likes the conservation committee's soft approach and suggestions of good behavior.

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

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the conservation committee for an interim management approach to the Cliff House Beach until further work is completed regarding the dog ordinance and approves signage to be installed at Cliff House Beach as amended.

(6 yes) (0 no)

**Town of Cape Elizabeth
Cliff House Beach**

Attention beach users

This is a small beach and good behavior on the part of all users is necessary for a positive beach experience. To that end, the Town of Cape Elizabeth requests:

- Be considerate of ALL users.
- Dogs should be under control.
- Removal all waste (including dog waste).
- Leave the beach cleaner than you found it.
- Consider walking or biking to the beach.

The Town of Cape Elizabeth is currently reviewing beach management policies. If you observe inappropriate behavior or have suggestions, please let us know. Thank you for your help in managing this waterfront resource.

Town of Cape Elizabeth Conservation Committee

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

Present – Maureen O'Meara, Town Planner

Introduction – Josef Chalot, Vice Chairman Planning Board, 12 Channel View Road

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

ORDERED, the Cape Elizabeth Town Council sets to public hearing on Monday, August 13, 2018 at 7:00 p.m. at the Cape Elizabeth Town Hall the planning board's recommendation of the request of Tower Specialists, Inc. 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. 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.

(6 yes) (0 no)

Item #110-2018 Collective Bargaining Agreement – Cape Elizabeth Police Benevolent Association

Introduction – Mr. Sturgis

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

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.

(6yes) (0 no)

Item #111-2018 Collective Bargaining Agreement – Teamsters Local Union No. 340

Introduction – Mr. Sturgis

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

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.

(6 yes) (0 no)

Item #112-2018 Year End Budget Shortfalls

Introduction – Mr. Sturgis

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

ORDERED, the Cape Elizabeth Town Council approves the town manager's additional appropriations as recommended.

(6 yes) (0 no)

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

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Item #113-2018 Proposed Carry Forward Balances

Introduction – Mr. Sturgis

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

ORDERED, the Cape Elizabeth Town Council approves the town manager's recommended carry forward balances be applied as of July 1, 2018.

(6 yes) (0 no)

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

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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.

None

Adjournment

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

ORDERED, the Cape Elizabeth Town Council adjourns at 9:14 p.m.

(6 yes) (0 no)

Respectfully Submitted,

Debra M. Lane, Town Clerk