



## Cape Elizabeth Town Council Minutes

**DRAFT 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

**The meeting was convened at 7:00 p.m. by Councilor Christopher M. Straw.**

**Town Clerk Debra M. Lane administered the oaths of office to the following 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*

### **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**

### **Item# 1-2019 Election of Town Council Chairman**

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

ORDERED, the Cape Elizabeth Town Council elects James M. "Jamie" Garvin to serve as the chairman of the Cape Elizabeth Town Council for 2019.

(7 yes) (0 no)

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

Councilor Penelope Jordan encourages residents to stay engaged in the next steps of the review of the draft comprehensive plan.

Chairman Garvin welcomed new councilors Valerie Deveraux and Jeremy Gabrielson. The next meeting of the School Needs Assessment Committee will be held in early January (1/9/2019).

### **Presentation**

Kevin Roche, CEO ecomaine

Mr. Roche provided an overview of ecomaine and recycling and reuse trends.

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**Item #2-2019 Confirmation of Police Chief**

Introduction – Mr. Sturgis

Present  
Chief Williams  
Chief Fenton

Public Comment

Jonathan Sahrbeck, 60 Longfellow Drive and representing the Cumberland County District Attorney's Office endorses the confirmation of Chief Fenton.

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

ORDERED, the Cape Elizabeth Town Council confirms Town Manager Matthew Sturgis' appointment of Paul W. Fenton to serve as Police Chief of the Town of Cape Elizabeth effective December 11, 2018.

(7 yes) (0 no)

**Finance Committee Report**

Finance Chairman Christopher Straw and Mr. Sturgis reviewed the dashboard ending November 30, 2018.

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

Greg Gordon, 110 Two Lights Road and representing Destinations North America asked the town council to reconsider the motor coach fees at Fort Williams Park approved on November 14, 2018. The 300% increase will be a hardship and was not budgeted. The town needs to do a better job in communicating fee increases – in time for companies to budget.

Charlotte Rosenthal, 457 Mitchell Road and representing the Greater Portland Archangel Committee thanked the town for the \$100.00 contribution to the photo exhibit now being displayed in Yarmouth. The photo exhibit would be a nice display for the Thomas Memorial Library. Hopefully students from Cape Elizabeth will participate in the trip to Russia planned for April 2020.

**Town Manager's Monthly Report**

In light of the size of this evening's agenda, I will attempt to be brief in my remarks. I would like to take the opportunity to wish all happy holidays. Also I would like to note that the Town Office and Town operations will be closed on Christmas Eve for the day. The Town will have normal hours on New Year's Eve.

I would also like to take the opportunity to congratulate the newly elected and re-elected council members. I look forward to working with you in the coming year and setting the goals for the next year.

Work continues on the request for proposals for pay and display parking, and I am collaborating with Jim Kerney from the Fort Williams Park Committee on finalizing the RFP.

I have met with local architect Joseph Chalot on the Spurwink School re-use, and will be meeting with Jim Rowe next week in moving this subject forward.

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The new winter / spring programming brochure from Community Services is out, with strong programming offerings for all ages.

And finally, the new ambulance was delivered to the Fire and Rescue Department and is having the final equipment and radio installations being made.

**Review of Draft Minutes of November 14, 2018 meeting.**

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

ORDERED, the Cape Elizabeth Town Council approves the minutes of the meeting held on November 14, 2018 as written.

(7 yes) (0 no)

**Item# 3-2019                    Adoption of Town Council Rules**

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

ORDERED, the Cape Elizabeth Town Council approves the Town Council Rules as presented.

(7 yes) (0 no)

See attachment.

**Item# 4-2019                    Appointment of the Finance Committee**

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

ORDERED, the Cape Elizabeth Town Council elects Christopher M. Straw as chairman and the Council as a whole to serve as the finance committee for 2019.

(7 yes) (0 no)

**Item# 5-2019                    Appointment of Ordinance Committee**

Moved by Caitlin R. Jordan and Seconded by Valerie J. Deveraux

ORDERED, the Cape Elizabeth Town Council elects Penelope A. Jordan as chairman and Caitlin R. Jordan and Valerie A. Randall to serve as members of the ordinance committee for 2019.

(7 yes) (0 no)

**Item# 6-2019                    Appointment of an Appointments Committee**

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

ORDERED, the Cape Elizabeth Town Council elects Valerie J. Deveraux as chairman and Jeremy A. Gabrielson and Christopher M. Straw to serve as members of the appointments committee for 2019.

(7 yes) (0 no)

**Consent Agenda**

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

ORDERED, the Cape Elizabeth Town Council approves Item ##7-16 as presented.

(7 yes) (0 no)

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**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**

Penelope A. Jordan  
Sara W. Lennon

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**Item #17-2019 Appointment of Fair Hearing Officer**

Moved by Valerie J. Deveraux and Seconded by Christopher M. Straw

ORDERED, the Cape Elizabeth Town Council reappoints David S. Sherman to serve a second term as the fair hearing officer until December 31, 2021.

(7 yes) (0 no)

**Item #18-2019 Appointment of Registrar of Voters**

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

ORDERED, the Cape Elizabeth Town Council reappoints 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.

(7 yes) (0 no)

**Item# 19-2019 Code of Ethics**

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

ORDERED, the Cape Elizabeth Town Council adopts the Code of Ethics for the Town Council and that each council member sign an attestation that they have read and understand the code of ethics.

(7 yes) (0 no)

See attachment.

**Item# 20-2019 Schedule of Council Meetings for 2019**

Moved by Valerie J. Deveraux and Seconded by Caitlin R. Jordan

ORDERED, the Cape Elizabeth Town Council approves the following regular, special and workshop meeting dates for the 2019 council year. Any changes including date, time and place will be noted on the town's website calendar.

(7 yes) (0 no)

**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

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**Item# 21-2019      Appointments to Boards and Committees**

Introduction – Chairman Garvin, member of the 2018 appointments committee

Councilor Penelope Jordan disclosed her sister, Carol Anne Jordan, is being recommended to be reappointed to the planning board.

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

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the appointments committee to appoint the following citizens to boards and committees, as presented, except for recommendations to the planning board. New terms begin January 1, 2019.

(7 yes) (0 no)

Moved by Caitlin R. Jordan and Seconded by Valerie J. Deveraux

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the appointments committee to appoint the following citizens to the planning board, as presented. New terms begin January 1, 2019.

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

<b>Board</b>	<b>Current Member</b>	<b>Recommendation</b>	<b>Address</b>	<b>Term Expires</b>
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 Helliesen 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**

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

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.

(7 yes) (0 no)

**Item #23-2019            Senior Tax Relief Ordinance**

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

ORDERED, the Cape Elizabeth Town Council sets to public hearing on Monday, January 14, 2019 at 7:00 p.m. at the Cape Elizabeth Town Hall the draft senior tax relief ordinance.

(7 yes) (0 no)

**Item #24-2019            Land Donation at 44 Spurwink Avenue**

Introduction – Mr. Sturgis

Moved by Christopher M. Straw and Seconded by Jeremy A. Gabrielson

ORDERED, the Cape Elizabeth Town Council directs the town manager to work with Mr. Powers to provide a meets and bounds description of the proposed land donation at 44 Spurwink Avenue, clarification of the offer including any associated costs and report back to the town council.

(7 yes) (0 no)

**Item #25-2019            Sawyer Road Culvert Study**

Present – Maureen O’Meara, Town Planner

Introduction – Mr. Sturgis

Moved by Valerie A. Randall and Seconded by Valerie J. Deveraux

ORDERED, the Cape Elizabeth Town Council accepts the Sawyer Road Hydrology and Hydraulic Study grant in the amount of \$32,124.00 and formally acknowledges the Culvert Assessment grant in the amount of \$17,000 as presented.

(7 yes) (0 no)

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**Item #26-2019          Update on the Comprehensive Plan Review Process**

Present – Maureen O’Meara, Town Planner

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

ORDERED, the Cape Elizabeth Town Council sets to workshop on Wednesday, December 19, 2018 at 6:00 p.m. the comprehensive plan review process.

(7 yes) (0 no)

**Item #27-2019          Application to Planning Board – Resource Protection Permit**

Present – Maureen O’Meara, Town Planner

Introduction – Mr. Sturgis

Moved by Valerie J. Deveraux and Seconded by Valerie A. Randall

ORDERED, the Cape Elizabeth Town Council authorizes 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 as presented.

(7 yes) (0 no)

**Item# 28-2019          Acceptance of Annual Gifts and Donations**

Moved by Valerie J. Deveraux and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council accepts gifts/donations received in 2018 with appreciation.

(7 yes) (0 no)

See attachment.

**Item #29-2019          Finance Director**

Introduction – Mr. Sturgis

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

ORDERED, the Cape Elizabeth Town Council authorizes the town manager to proceed with the new position of finance director and that a funding recommendation be presented to the town council at the January 14, 2019 meeting.

(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

**Adjournment**

Moved by Jeremy A. Gabrielson and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council adjourns at 8:46 p.m.

(7 yes) (0 no)



