



Cape Elizabeth Town Council Minutes

DRAFT Monday, January 14, 2019

6:00 p.m. Executive Session-Jordan Conference Room

7:00 p.m. Council Chambers

Cape Elizabeth Town Hall

James M. "Jamie" Garvin, Chairman
Valerie J. Deveraux
Jeremy A. Gabrielson
Caitlin R. Jordan
Penelope A. Jordan
Valerie A. Randall
Christopher M. Straw

The meeting was convened at 6:04 p.m. by Town Council Chairman James M. "Jamie" Garvin.

Item #30-2019

Moved by Jeremy A. Gabrielson and Seconded by Valerie J. Deveraux

ORDERED, the Cape Elizabeth Town Council enters into executive session at 6:04 p.m. in conformance with 1 M.R.S.A §405 6 E to discuss with Attorney Durward Parkinson ongoing litigation, legal rights and duties of the town council related to the Surfside Avenue paper street.
(5 yes) (0 no)

Councilor Caitlin Jordan arrived at 6:07 p.m.

Moved by Valerie A. Randall and Seconded by Jeremy A. Gabrielson

ORDERED, the Cape Elizabeth Town Council exits executive session and reenters public session at 6:39 p.m.
(6 yes) (0 no)

The remainder of the meeting resumed at 7:00 p.m.

Roll Call by the Town Clerk

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

Debra M. Lane, Town Clerk

Matthew E. Sturgis, Town Manager

The Pledge of Allegiance to the Flag

Town Council Reports and Correspondence

Councilor Deveraux reported she and Chairman Garvin attended the TEDx event at the high school. Congratulations to all for a successful event.

Chairman Garvin reported he and Councilor Deveraux serve on the School Needs Assessment Committee. The committee unanimously voted to recommend to the school board that an item be brought forward to the upcoming budget to include a needs assessment for all three schools.

Finance Committee Report

Councilor Straw, Chairman Finance Committee presented the dashboard as of 12/31/2018.

Citizen Opportunity for Discussion of Items Not on the Agenda

None

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Monthly Report - Town Manager Matthew Sturgis

Winter is underway, and our public works crews have faced some challenging situations with the past two storms being directly in commute times in the morning. The crew is working hard at maintaining our roadways, and we also are anticipating delivery of a new plow truck at the start of February.

We have been requested to host a joint meeting between Cape Elizabeth, South Portland, and Portland for PACTS and GPCOG to discuss top priority regional transportation projects PACTS should advance for planning and funding, as well as GPCOG's policy advocacy priorities.

We are looking for a date that many council members from each town can work with.

Work commenced today on the cutting of invasive plants at Fort Williams. This is a project in collaboration with the Friends of Fort Williams, and is anticipated to be all week. We have staff in the park directing patrons to keep a safe distance from where the work is being performed, as it needs a 300-foot radius from the machinery to be safe.

I have received good interest in the Finance Director position, and am reviewing the applicants and moving the hiring process forward.

The Town received one participant in the pay and display parking request for proposals. Three entities showed interest in the process, and we received one response. I am in the process of reviewing the response and following up with questions to the firm. I will have a recommendation prepared for next month's council meeting, and it is anticipated the ordinance work will be complete at that time as well for a full package on pay and display parking for the council to begin considering next month.

Finally, the Town office will be closed this Monday, January 21 as we observe Martin Luther King Jr. Day.

Review of Draft Minutes of December 10, 2018

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 December 10, 2018 as written.

(6 yes) (0 no)

Public Hearing Senior Tax Relief Ordinance

Chairman Garvin opened the public hearing at 7:08 p.m.

Lois Morrill, 20 Ledgewood Lane thanked the ordinance committee for their work and is pleased that the town is thinking about seniors.

After hearing no further comments, the hearing was closed at 7:09 p.m.

Item #31-2019 Senior Tax Relief Ordinance

Overview - Tax Assessor Clinton Swett

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

ORDERED, the Cape Elizabeth Town Council approves the recommendations of the ordinance committee to adopt a Property Tax Assistance Ordinance as presented.

(5 yes) (1 no Councilor Straw)

See attachment.

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**Item #32-2019 Citizen Petition – Petition for Enactment of Ordinance to Limit
Disposition of Shoreline Access Real Estate**

Public Comment

Colette Howe, 17 High View Road, representing the Save Our Shoreline Access Coalition thanked the town for their assistance during this process.

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

ORDERED, the Cape Elizabeth Town Council pursuant to the Town of Cape Elizabeth, Maine Council-Manager Charter Article VIII Sec. 3 sets to public hearing on Wednesday, January 23, 2019 at 7:00 p.m. at the Cape Elizabeth Town Hall the citizen petition submitted January 2, 2019 entitled Petition for Enactment of Ordinance to Limit Disposition of Shoreline Access Real Estate.

(6 yes) (0 no)

Item #33-2019 Fort Williams Group Use Requests

Introduction – Mr. Sturgis

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

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the Fort Williams Park Committee to approve two group use requests as presented.

(6 yes) (0 no)

National Trooper’s Coalition Picnic

Thursday, September 12, 2019

10:00 a.m. – 7:00 p.m.

Walk to Cure Arthritis

Sunday, June 2, 2019

All Day

**Item #34-2019 Review of Proposal to Construct Pedestrian and Parking Lot
Improvements Within Fort Williams Park**

Introduction – Mr. Sturgis

Overview – Robert Metcalf, Mitchell & Associates

Moved by Jeremy A. Gabrielson and Seconded by Valerie A. Randall

ORDERED, the Cape Elizabeth Town Council authorizes the town manager to submit a request for proposals for site and drainage improvements at Fort Williams Park as a result of eliminating commercial van and bus traffic from Captain Strout Circle including improvements in “central parking,” and enhanced pedestrian walkways leading to the lighthouse. The town manager will report back to the town council with recommended funding.

(5 yes) (1 no Councilor Straw)

**Item #35-2019 Statement of Policy – Boards and Committees
Review of Policy Barring the Appointment of Town Employees from
Serving on Standing Boards and Committees**

Introduction – Councilor Straw

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

ORDERED, the Cape Elizabeth Town Council refers the Statement of Policy Appointments to Standing Boards and Committees section #9 to a town council workshop for review.

(6 yes) (0 no)

9. Employees of the Town of Cape Elizabeth may not serve on standing boards and committees, except by ex-officio appointment. This limitation does not apply to individuals who are hired by the Town to serve as temporary election workers or wardens, occasional instructors in the Community Services programs, or volunteer fire, rescue, and fire-police personnel. Such individuals may serve on a board or committee unrelated to their work for the town.

Item #36-2019 Update on the Reuse of the Spurwink School

Mr. Sturgis provided an update on the reuse of the Spurwink School and discussions with Jim Rowe, Cape Elizabeth Historical Preservation Society. The town council will review a proposal from the town manager at the February council meeting relating to funding an architect to determine the cost of renovating the building.

Item #37-2019 Fund Transfer for Legal Services

Public Comment

Jim Morra, 5 Waumbek Road supports the additional funding for legal services relating to the Surfside Avenue paper street lawsuit.

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

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the town manager to transfer funds from unassigned surplus to 0135-2010 Legal Services in the amount of \$80,000 to pay for legal costs through the fiscal year ending June 30, 2019.

(6 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 Caitlin R. Jordan and Seconded by Valerie A. Randall

ORDERED, the Cape Elizabeth Town Council adjourns at 8:14 p.m.

(6 yes) (0 no)

Respectfully Submitted,

Debra M. Lane, Town Clerk

