



## Cape Elizabeth Town Council

**DRAFT Minutes Monday, February 11, 2019**

**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 by Town Council Chairman James M. "Jamie" Garvin.**

### **Roll Call by the Town Clerk**

All members of the town council were present except Councilor Randall.

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

### **The Pledge of Allegiance to the Flag**

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

#### **Finance Committee Report**

Councilor Straw, Chairman Finance Committee encouraged citizens to review Governor Mills budget. The budget is proposed to provide 2.5% of revenue sharing instead of 5%.

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

None

#### **Presentation – Raise the Floor Coalition**

Nancy Cronin, Town of Fayette Selectman  
Mark Robinson, Town of Fayette Town Manager

Ms. Cronin and Mr. Robinson presented the efforts of the Raise the Floor Coalition and asked for the town council's support; Cape Elizabeth is considered a minimum receiver. The coalition is not asking for the ESP formula to be changed rather they are advocating for towns considered minimum receivers to receive a minimum of no less than 15%. There are 120 towns considered minimum receivers; so far 30 have joined the coalition. Support may include reaching out to Senator Millett and other representatives asking for their support and financial support toward the lobbying effort.

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

#### **Review of Draft Minutes of January 14, 2019 and Special Meeting January 23, 2019.**

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 14, 2019 and the special meeting held on January 23, 2019 as written.

(6 yes) (0 no)

**Item #39-2019            Citizen Petition – Petition for Enactment of Ordinance to Limit  
Disposition of Shoreline Access Real Estate**

Present – Michael Hill, Monaghan Leahy

Public Comment

Richard Bryant, 55 Spurwink Avenue and attorney representing the Save Our Shoreline Access Coalition, encouraged the town council to adopt the ordinance rather than to send to referendum. Citizens have voiced their support and a referendum would most likely pass.

Jim Morra, 5 Waumbek Road encouraged the town council to approve the ordinance. Citizens have supported the ordinance by signing the petition and voicing their support at the recent public hearing; there was no opposition at the public hearing.

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

ORDERED, the Cape Elizabeth Town Council adopts the amendments to Chapter 18 Conservation to add a new article VII as proposed by the citizens' petition submitted to the town clerk on January 2, 2019 by Save Our Shoreline Access Coalition (SOS) entitled Petition for Enactment of Ordinance to Limit Disposition of Shoreline Access Real Estate.

(5 yes) (1 no Chairman Garvin)

Article VII: Disposition of Shoreland Access Real Estate

Sec. 18-7-1 Any sale, release, transfer, conveyance or other disposition by the Town of an interest in real estate (whether held in fee, via easement, as incipient rights of dedication, or otherwise) providing direct or indirect access to shoreland areas and the retention of which by the Town has been recommended by the Conservation Committee, Fort Williams Park Committee, Comprehensive Plan Committee, Planning Board, or other duly authorized committee appointed by the Town Council, shall not be sold, released, transferred, conveyed or otherwise disposed of inconsistent with the recommendation of such committee or board except by either a vote of at least seventy percent (70%) of the Town Council members eligible to vote, or following submission to a public referendum which approves such disposition by majority vote. It shall be within the discretion of a majority of the Town Council to refer the matter to a public referendum.

Notwithstanding 1 M.R.S.A. §302, this provision shall apply to any proceeding involving the disposition by the Town of an interest in real estate not fully consummated prior to January 2, 2019.

**Item #40-2019            Thomas Memorial Library Donation**

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

ORDERED, the Cape Elizabeth Town Council accepts with gratitude a \$2,000 donation from William and Joan Schmitz, Mount Kisco, NY to the Thomas Memorial Library as a remembrance to their grandchildren who live in Cape Elizabeth. The funds will be used for a bench with the balance of the funds to be used for the purchase of books for the Children's Library. Other donated library funds may be used for additional installation costs such as a concrete pad. The bench will be located just outside of the existing Children's Garden.

(6 yes) (0 no)

**Item #41-2019            To Consider Funding Participation for the Pond Cove Elementary School  
Playground Project**

At the January 16, 2019 workshop Councilor Deveraux disclosed she may be involved with the project as a compensated artist. It was a consensus of the town council that Councilor Deveraux be recused from discussion and voting on this item.

Presentation – Lauren Glennon, 3 Garden Circle, Pond Cove Playground Committee

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

ORDERED, the Cape Elizabeth Town Council approves the funding of \$50,000 to the Pond Cove Playground project as presented from the unassigned fund balance, and up to an additional \$50,000 matching grant by the end of the fiscal year ending June 30, 2019.

(5 yes) (1 recusal Councilor Deveraux)

**Item #42-2019            Receipt of Comprehensive Plan**

Present – Maureen O’Meara, Town Planner

Introduction – Tim Thompson, Chairman Comprehensive Plan Committee

Mr. Thompson thanked each member of the committee for their time and contributions. He also thanked town staff, department heads, Maureen O’Meara, Hiromi Doliver and Judy Colby-George for their time, expertise and professionalism.

ORDERED, the Cape Elizabeth Town Council acknowledges receipt of the draft Comprehensive Plan 2019 as recommended (9-0) by the Comprehensive Plan 2019 Committee with thanks to the committee for their work. In addition, the comprehensive plan review schedule is approved as presented.

(6 yes) (0 no)

See attachment.

**Item #43-2019            Fort Williams Park – 2019 Group Use Requests**

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

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the Fort Williams Park Committee to approve the following 2019 group use requests at Fort Williams Park as presented.

(6 yes) (0 no)

Cape Elizabeth High School Graduation  
Sunday, June 9

Cape Elizabeth Family Fun Day  
Saturday, June 15 (Rain date, Sunday, June 16)

Cape Elizabeth Little League  
2019 Season – Opening April 1, 2019

Beach to Beacon 10K Road Race  
Tuesday, July 30 – Saturday, August 3

**Item #44-2019            Review of Funding for the Construction for Pedestrian and Parking Lot Improvements Within Fort Williams Park**

Overview – Mr. Sturgis

The town manager is in the process of obtaining requests for proposals for the pedestrian and central parking lot improvements within Fort Williams Park.

It is anticipated the town manager will have the results and a recommendation to the town council at the March 11 council meeting. The funding recommendation will be to fund the project 75% from the Portland Head Light fund and 25% from the Fort Williams Park fund.

**Item #45-2019            Commercial Bus Fees at Fort Williams Park**

Present – Kathy Raftice, Director of Community Services and Fort Williams Park  
Jim Kerney, Member Fort Williams Park Committee

Public Comment

Chris Rackmyre, Maine Tour Connection requested the town council review the 2019 motor coach fees and reduce the fee to \$75.00 per visit as recommended by the Fort Williams Park Committee.

Shannon O'Meara, 18 Ivie Road spoke on behalf of she and her husband Jerry Kneller stating the fees at Fort Williams are too low. Taxpayers aren't being considered when the financial burden is placed on the taxpayer. Recommends a \$5.00 per person fee. If fees are able to sustain the cost at Fort Williams, additional funds can assist with other needs of the town.

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

ORDERED, the Cape Elizabeth Town Council amends the 2019 commercial fees at Fort Williams Park approved November 14, 2018 to change the motor coach fee to \$75.00 per visit and \$70.00 per visit volume discount as originally recommended by the Fort Williams Park Committee.  
(2 yes) (4 no Councilors Deveraux, Gabrielson, C. Jordan, and Straw)

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

ORDERED, the Cape Elizabeth Town Council amends the 2019 commercial fees at Fort Williams Park approved November 14, 2018 to change the motor coach fee to \$100.00 per visit and \$90.00 per visit volume discount.  
(4 yes) (2 no Councilors Deveraux and Straw)

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**Item #46-2019 Pay and Display Parking at Fort Williams Park  
Item #47-2019 Chapter 13 Traffic Regulations at Fort Williams Park**

Present – Kathy Raffice, Director of Community Services and Fort Williams Park  
Jim Kerney, Member Fort Williams Park Committee

Introduction – Mr. Sturgis

Chairman Garvin announced following discussion of Item ##46 & 47 he will entertain a motion related to both items.

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

ORDERED, the Cape Elizabeth Town Council refers Item #46-2019 Pay and Display Parking at Fort Williams Park and Item #47-2019 Chapter 13 Traffic Regulations at Fort Williams Park to workshop.  
(6 yes) (0 no)

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

ORDERED, the Cape Elizabeth Town Council sets to workshop Pay and Display Parking and Chapter 13 Traffic Regulations at Fort Williams Park on Monday, March 18, 2019 at 6:00 p.m.  
(6 yes) (0 no)

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

ORDERED, the Cape Elizabeth Town Council tables Chapter 13 Traffic Regulations at Fort Williams Park to public hearing on Monday, April 8, 2019 at 7:00 p.m. at the Cape Elizabeth Town Hall.  
(6 yes) (0 no)

**Item #48-2019 Update on the Reuse of the Spurwink School**

Introduction – Mr. Sturgis

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

ORDERED, the Cape Elizabeth Town Council authorizes the town manager to enter into a contract for services agreement with Josef Chalot to provide cost estimates for the renovation to the Spurwink School for an amount not to exceed \$12,000 paid from the undesignated fund balance.  
(6 yes) (0 no)

**Item #49-2019 PACTS Grant – Town Center Sidewalk Improvements**

Present – Maureen O'Meara, Town Planner

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

ORDERED, the Cape Elizabeth Town Council accepts the \$450,000 PACTS grant for town center sidewalk improvements with the town's 25% match to be funded by the Town Center TIF account.  
(6 yes) (0 no)

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**Item #50-2019      Town Council Goals 2019**

Public Comment

Nate Perry, Representing the Cape Elizabeth Fishermen's Alliance, encouraged the town council to act on two specific recommendations from the Harbors Report; access repair and easement onto Crescent Beach and secure an easement to the current commercial access at Kettle Cove.

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

ORDERED, the Cape Elizabeth Town Council adopts the 2019 goals as presented.

(6 yes) (0 no)

See attachment.

**Item #51-2019      Regional Voice Committee for GPCOG**

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

ORDERED, the Cape Elizabeth Town Council appoints Chairman Jamie Garvin to serve on the Regional Voice Committee for GPCOG. Chairman Garvin will be submitted to the GPCOG Executive Committee for confirmation.

(6 yes) (0 no)

**Item #52-2019      Alternate for Maine Municipal Association**

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

ORDERED, the Cape Elizabeth Town Council appoints Councilor Penelope Jordan and Town Manger Matthew Sturgis to serve as alternates on the MMA Legislative Policy Committee and Convention Delegate.

(6 yes) (0 no)

**Item #53-2019      Annual Evaluation of the Town Manager**

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

ORDERED, the Cape Elizabeth Town Council enters into executive session at 9:33 p.m. in conformance with 1 MRSA §405 6 A to begin the annual evaluation of the town manager.

(6 yes) (0 no)

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

ORDERED, the Cape Elizabeth Town Council exits executive session and reenters public session at 9:47 p.m.

(6 yes) (0 no)

**Adjournment**

Moved by Caitlin R. Jordan and Seconded by Christopher M. Straw  
ORDERED, the Cape Elizabeth Town Council adjourns at 9:47 p.m.  
(6 yes) (0 no)

Respectfully Submitted,

Debra M. Lane, Town Clerk

## 2019 Comprehensive Plan Review Schedule

### Introduction

At the December 19, 2018 Town Council workshop, the Town Council discussed the process it will use to review the draft comprehensive plan. The draft Future Land Use Plan will be submitted for draft review to the Maine Department of Agriculture, Conservation and Forestry in January, 2019 and the entire plan will be submitted for formal review after adoption.

### Schedule

<b>Wednesday, May 8th 6 pm-9pm</b>	Town Council workshop (Comprehensive Plan Committee invited to attend): Review plan pgs. 6-194 covering Public Participation Summary, Population and Demographics, Economy, Transportation, Housing, Public Facilities and Services, Fiscal Capacity and Capital Investment Plan, Natural Resources, Agricultural and Forest Resources, Marine Resources, Water Resources, Historic and Archeological Resources.
<b>Monday, May 13th</b>	Town Council meeting: Town Council schedules comprehensive plan public hearing for June 10, 2019.
<b>Wednesday, May 15th 6pm-9pm</b>	Town Council workshop (Comprehensive Plan Committee invited to attend): Review plan pgs. 195-287, 4-5 covering Existing Land Use, Recreation and Open Space, Future Land Use Plan, Regional Coordination Plan, Implementation and Evaluation of Recommendations, Appendices 1 and 2, Vision Statement, Executive Summary
<b>Wednesday, May 22nd 6pm-9pm</b>	Town Council workshop: Town Council discussion of entire plan/finalize revisions.
<b>Wednesday, May 29th</b>	Town Council revised comprehensive plan posted to town website
<b>Monday, June 10th</b>	Town Council meeting: Public Hearing
<b>Monday, July 8th</b>	Town Council meeting: Consider vote for adoption
<b>Wednesday, September 4th</b>	Town Council workshop: Review implementation plan



## **Cape Elizabeth Town Council 2019 Goals Approved February 11, 2019**

### **1. Effective Leadership**

*We will provide leadership for the community by enhancing good governance aspects such as transparency, accountability and integrity, and ensuring strong management structures.*

#### **Potential Implementation Opportunities**

- Work with the town manager to commit to the development and implementation of services that address community needs, always keeping the One Town concept in mind.
- Encourage the town manager to continually evaluate optimal organization/structure of departments and utilization of staff, along with ongoing succession planning and professional development in all departments.
- Continue to examine opportunities to share services and resources with other communities and regional organizations.
- More actively advocate for Cape Elizabeth with state legislators and others groups focused on promoting issues and interests of importance to our community.
- Demonstrate through action adherence to the town council rules and Code of Ethics.

### **2. Sustainable Community**

*We are committed to a sustainable future and implementation of policies and projects to improve the social, economic, and environmental wellbeing of the community.*

#### **Potential Implementation Opportunities**

- Oversee review and final acceptance of the updated Comprehensive Plan, and begin implementation of recommendations.
- Initiate work on a strategy for how the town will address and respond to issues associated with climate change, including setting measurable, time-based goals.
- Review funding mechanisms for land preservation and for the stewardship of the town's open spaces.
- Support opportunities to enhance the community's diversity.
- Consider crafting a coastal access plan, including both public access and specific access for commercial fishermen as outlined in recommendations from the 2018 Harbors Committee report.

### **3. Fiscal Management**

*We will develop budgets and manage finances in a way that balances the established priorities of the town with economic realities, in alignment with public policy, financial oversight, and operational accountability.*

- Maintain a spirit of openness and transparency while being fully accountable to the public for the town's fiscal activities.
- Ensure that any new goal or program is reviewed with business model principles.
- Review all town funding sources, seeking opportunities to optimize existing revenues while also identifying areas of potential new revenues.
- Work with the town manager and new finance director to evaluate potential new strategic planning, financial planning, and budgeting processes.
- Monitor and evaluate the new senior citizen tax relief program.
- Take advantage of budget and/or service-level efficiencies gained from cooperative purchasing and resource sharing with neighboring towns, cities, and other regional entities.
- Pending approval of the Comprehensive Plan, consider appropriate ways to support economic development and revitalization opportunities, specifically in the town center area.

### **4. Engaged Citizens**

*We will improve and expand communications with citizens and other stakeholders.*

#### **Potential Implementation Opportunities**

- Continue public forums on specific issues and topics of interest to members of the community.
- Explore new ways to solicit public input including citizen surveys.
- Develop new communications tools and better leverage existing ones to disseminate information to the public, including the creation of a monthly email newsletter from town hall.
- Continue with standardized response protocol for citizen inquiries and communications, and considering formalizing as policy.

### **5. Effective Boards and Committees**

*We will work with advisory boards and committees to ensure strong focus and alignment of priorities.*

#### **Potential Implementation Opportunities**

- Conduct an annual orientation and information session for all boards and committees. Ensure standardized agenda format, including public comment opportunities, are being utilized.
- Request each board and committee to present annual goals and work plans by March 31. Council to provide direction to committees on conceptual basis, while respecting each committee's freedom to recommend solutions.

- Implement a system of reporting to enhance communication between the council and committees, including potential regular updates at monthly workshops or regular meetings.
- Recognize the service of the town's volunteers.

## **6. Improved Infrastructure, Facilities, Public Safety, and Services**

*We will continue to improve and enhance municipal infrastructure, facilities, public safety, and delivery of services.*

### **Potential Implementation Opportunities**

- Continue to make traffic safety improvements throughout town, as well as continue to review issues with tourism related traffic in specific areas and work with public safety and public works to develop mitigation initiatives.
- Work with the town manager and fire/rescue chief on the development of a long-range plan for continued delivery of services.
- Work with the Fort Williams Park Committee to continually review the mission, vision and financial sustainability of Fort Williams Park. Once the Comprehensive Plan is approved, begin work to update the Fort Williams Park master plan. Continue to assess/adjust current revenue sources and evaluate opportunities for new ones.
- Continue to provide programming and services through Community Services that focus on all demographics within the community, notably the growing senior citizen population.
- Move forward with plans for reuse of the former Spurwink School building.
- Encourage projects throughout town that create and improve walkability for residents.
- Improve access for commercial and recreational watercraft in the Kettle Cove/Crescent Beach area, as detailed in the 2018 Harbors Committee recommendations.
- Explore / improve cellular and telecommunications infrastructure and explore related revenue opportunities.