



Cape Elizabeth Town Council Agenda

Monday, July 8, 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

Public Participation at Town Council Meetings

After an item has been introduced, any person wishing to address the council shall signify a desire to speak by raising their hand or by approaching the lectern. When recognized by the chairman, the speaker shall give his or her name and address or name and local affiliation, if the affiliation is relevant, prior to making other comments. All remarks should be addressed to the Town Council. Comments shall be limited to three minutes per person; however, the time may be extended by majority vote of councilors present. For agenda items that are not formally advertised public hearings, the time for public comments is limited to 15 minutes per agenda item. This time may be extended by a majority of the Town Council. The chairman may decline to recognize any person who has already spoken on the same agenda item and may call on speakers in a manner so as to balance debate. Once the Council has begun its deliberations on an item, no person shall be permitted to address the Council on such item.

Speaking at the meeting on topics not on the agenda at regular Council meetings

Persons wishing to address the Council on an issue or concern local in nature not appearing on the agenda may do so at a regular Town Council meeting before the town manager's report and/or after the disposition of all items appearing on the agenda. Any person wishing to address the Council shall signify a desire to speak by raising their hand or by approaching the lectern. When recognized by the chairman, the speaker shall give his or her name and address or name and local affiliation if the local affiliation is pertinent. Comments in each comment period shall be limited to three minutes per person and 15 minutes total; however, the time may be extended by majority vote of councilors present.

Decorum

Persons present at Council meetings shall not applaud or otherwise express approval or disapproval of any statements made or actions taken at such meeting. Persons at Council meetings may only address the Town Council after being recognized by the chairman.

Convening of the Meeting by Town Council Chairman James M. "Jamie" Garvin

Roll Call by the Town Clerk

The Pledge of Allegiance to the Flag

Town Council Reports and Correspondence

Finance Committee Report

[Dashboard](#) and Financial Reports as of 6/30/2019

[Appropriation Control](#)

[Expense Distribution](#)

[Revenue Control](#)

[Revenue Distribution](#)

Citizen Opportunity for Discussion of Items Not on the Agenda

Town Manager's Monthly Report

Review of Draft [Minutes](#) of the meeting held on June 10, 2019.

Presentations

Peter Monroe & Nina Trowbridge - HR 763 Energy Innovation and Carbon Dividend Act.

Consent Agenda

The town council may consider Item #116-2019 & #117-2019 en bloc.

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)

Item #117-2019 The Good Table Liquor [License](#)

The Good Table located at 527 Ocean House Road is seeking a renewal restaurant malt, vinous and spirituous liquor license. No concerns have been reported by police, fire and code enforcement.

Item #118-2019 CAG Pizza, Inc. DBA Ocean House of Pizza Liquor [License](#)

CAG Pizza, Inc. DBA Ocean House Pizza located at 337 Ocean House Road is seeking a renewal restaurant malt, vinous and spirituous liquor license. No concerns have been reported by police, fire and code enforcement.

Draft Motion

ORDERED, the Cape Elizabeth Town Council approves the consent agenda Item #116-2019 The Good Table liquor license and Item #117-2019 CAG Pizza, Inc. DBA Ocean House of Pizza liquor license as presented.

Item #105-2019 Tabled from June 10, 2019

Draft Motion:

ORDERED, the Cape Elizabeth Town Council takes Item #105-2019 off the table.

Public Hearing [Draft](#) Comprehensive Plan

Comments shall be limited to three minutes per person; however, the time may be extended by majority vote of councilors present.

Item #105-2019 Draft Comprehensive Plan

The town council acknowledged receipt of the draft 2019 Comprehensive Plan and approved the review schedule on February 11, 2019.

The town council held four workshops on the draft comprehensive plan; May 8, May 15, May 22 and June 12, 2019.

Public hearings for June 10 and July 8 were set on May 13 and June 10, 2019 respectively.

It is anticipated the town council will vote on the draft comprehensive plan.

Item #119-2019 Proposed Amendments to Chapter 7 Dogs

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)

[Link](#) - Ordinance Committee Memo Dated June 20, 2019

[Link](#) – Chapter 7 Dogs – Proposed Amendments

[Link](#) – Property Management Category Designation Draft

[Link](#) – School Campus Property Management Location Map

[Link](#) – Dog Ordinance Property Information Map – For Informational Purposes Only

On March 12, 2018 the town council referred to the conservation committee review of the dog ordinance. In a memo to the town council dated October 18, 2018 the conservation committee provided options on the scope of ordinance review. The town council voted on November 14, 2018 to direct the conservation committee to conduct a full review of the ordinance.

At the April 9, 2019 meeting the conservation committee voted (5-0) to recommend amendments to the dog ordinance.

On May 13, 2019 the town council referred amendments to the dog ordinance to the ordinance committee.

The ordinance committee reviewed the amendments on May 28 and June 17. At the June 17 meeting the ordinance committee recommended (3-0) amendments to the town council.

The ordinance committee also recommends the town council discuss the presence of dogs on athletic fields. The ordinance committee notes that the town fee schedule needs to be amended to add an impoundment fee.

The town council may refer to workshop, refer back to the ordinance committee or set a public hearing on the proposed amendments to the dog ordinance, Dog-School Campus Map and Property Management Category Designation. In order to provide time for staff review, it is suggested the town fee schedule be considered at the August 12 town council meeting.

Item #120-2019 [Request](#) to Amend Sewer Service Area – 38 Broad Cove Road

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)

Randall Weill and Catherine Coughlin are requesting an extension of the sewer service area at 38 Broad Cove Road.

It is recommended the town council refer the request to the planning board for review and recommendation as required in Section 15-1-4 (i). It is anticipated that the planning board would have its' recommendation by the end of August so that the town council could hold a public hearing in September.

Draft Motion

ORDERED, the Cape Elizabeth Town Council refers to the planning board, pursuant to Section 15-1-4 (i), a request from Randall Weill and Catherine Coughlin to extend the sewer service area to include 38 Broad Cove Road and that a public hearing be held on Monday, September 9, 2019 at 7:00 p.m. at the Cape Elizabeth Town Hall.

Item #121-2019 Memorandum of Understanding for the Maine Reciprocal Borrowing Pilot – Maine State Library

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)

On June 20, 2019 the Thomas Memorial Library Committee voted (7-0) to recommend the town enter into a pilot program where patrons of participating libraries would have reciprocal borrowing privileges at other participating libraries.

Draft Motion

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the Thomas Memorial Library Committee to enter into a statewide reciprocal borrowing program, through the Maine State Library, and authorize the town manager to sign the Memorandum of Understanding for the Maine Reciprocal Borrow Pilot for a 12-month duration of the pilot until August 31, 2020 as presented.

Item #122-2019 Discussion of Regional Efforts for Individuals and Families Seeking Asylum

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)

During the last few weeks the town council and citizens have been apprised of regional efforts to help those individuals and families arriving in Portland seeking asylum. The town council will be updated on any additional information.

Item #123-2019 Amendment and Extension of Lease to Portland Water District for the Wastewater Treatment Facility on Spurwink Avenue

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)

The Town of Cape Elizabeth and Portland Water District (PWD) entered into a lease agreement dated May 1, 1985 for the lease of the Waste Treatment Facility on Spurwink Avenue to expire May 1, 2025. The lease was amended on May 10, 2017 to expand the area leased by PWD.

PWD is performing improvements on the site. Funding requires PWD to have an interest in the property for at least as long as the financing is outstanding – 20 years. A Second Amendment to Lease is now being proposed to extend the lease 30 years to May 1, 2055 and to amend the annual installments paid to the town.

Michael Hill, Moneghan Leahy has reviewed the lease and found the language to be acceptable.

Draft Motioin

ORDERED, the Cape Elizabeth Town Council extends and amends the lease with the Portland Water District entitled Second Amendment to Lease for the Wastewater Treatment Facility on Spurwink Avenue as presented.

Citizens may at this point in the meeting raise any topic that is not on the agenda that pertains To Cape Elizabeth local government.

Adjournment