



Cape Elizabeth Town Council Agenda

Monday, August 12, 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 7/31/2019

[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 July 8, 2019 for the [executive session](#) and [regular](#) meeting.

Item #124-2019 Well LLC DBA The Well at Jordan's Farm Liquor [License](#)

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

The Well at Jordan' Farm, 19 Wells 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 renewal restaurant malt, vinous and spirituous liquor license for Well LLC DBA The Well at Jordan's Farm, 19 Wells Road as presented.

Public Hearing Proposed Amendments to Chapter 7 Dogs

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

Item #125-2019 Proposed Amendments to Chapter 7 Dogs

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

On July 8, 2019 the town council set the proposed amendments which include all athletic fields as Category 1 No dogs (none) on the Property Management Category Designation to public hearing on August 12, anticipating a vote on September 9.

Item #126-2019 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.)

[Link](#) – Request to Amend Sewer Service Area

[Link](#) – Town Planner’s Memo Dated July 31, 2019

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

On July 8, 2019 the town council referred the request to the planning board pursuant to Section 15-1-4 (i).

On July 16, 2019 Mr. Weill appeared before the planning board. At the workshop the planning board voted to hold a public hearing on August 20, 2019.

In anticipation of a planning board vote on August 20, the town council may want to consider scheduling a public hearing on September 9.

Item #127-2019 Acceptance of Shore and Harbor Planning Grant Award

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

[Link](#) – Service Contract and Sebago Technics Proposal Dated March 8, 2019 Re: Kettle Cove Road Boat Launch – Surveying and Engineering Support Services

In the spring of 2019 grants were made available through the Shore and Harbor Planning Grant Program, which is managed by the Maine Coastal Program, Department of Marine Resources for the planning and design of facilities and improvements for public and working access; funding cannot be used for construction.

The Harbors Committee Report dated April 30, 2018 included a recommendation to establish a new public boat access at the end of Kettle Cove Road. The new public boat access would be relocated to a historical boat launching facility further northwest off Kettle Cove Road.

On May 6, 2019 the town council authorized staff to apply for the grants. The grant program caps awards at \$30,000 and requires a minimum 25% match, which can be a cash and/or in-kind match. The Shore and Harbor Planning Grant review committee has recommended a grant award of \$13,750 for the Kettle Cove Access Grant project.

Draft Motion

ORDERED, the Cape Elizabeth Town Council accepts the \$13,750 grant award from the Shore and Harbor Planning Grant Program for the Kettle Cove Access Grant project and authorizes the town manager to sign the service contract as presented.

Item #128-2019 **Proposed Carry Forward Balances**

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

Draft Motion:

A. Authorize the carrying forward \$ 209,400 of FY 2019 General Fund operating department budget balances into FY 2020:

a. 110 – Administration	\$ 18,000
b. 120 – Assessing/Codes/Planning	19,500
c. 140 – Elections	3,000
d. 170 – Employee Benefits	10,000
e. 210 – Police	4,000
f. 310 – Public Works	10,000
g. 520 – Contributions	10,000
h. 530 – Public Information	5,000
i. 621 – Community Service Building	40,000
j. 622 – Richards Pool Building	10,000
k. 640 – Parks	7,500
l. 641 – School Grounds	18,400
m. 645 – Fort Williams Park	49,000
n. 660 – Trees	5,000
TOTAL	<u>\$ 209,400</u>

B. Authorize the carrying forward \$ 2,440,015 of FY 2019 Capital Projects and Equipment budget balances into FY 2020:

a. 715-4004 – Cruiser Replacement	\$ 7,500
b. 715-4009 – Roadway & Drainage Improve	111,772
c. 715-4013 – Sidewalk Improvements	125,000
d. 715-4052 – Library Building Improvements	77,998
e. 715-4107 – Dump Truck – transfer to 715-4009	13,000
f. 715-4127 – Pool Repaid & Improvements	48,400
g. 715-4131 – Town Center Building Repairs	35,500
h. 715-4143 – Public Works Building Repairs	60,500
i. 715-4147 – PD Security Upgrades	6,200
j. 715-5236 – Police Radios	5,000
k. 715-5251 CC Rental Building Repairs	5,300
l. 715-5286 – FW Firehouse Brick Work	8,000
m. 715-5310 – Town Hall Main Stairwell Update	45,400
n. 715-5316 – Comprehensive Plan	6,935
o. 715-5317 – Park Furnace Replacement	3,931
p. 715-5318 – FWP Building Painting	18,900
q. 715-5319 - FWP Building Roof & Siding	21,300
r. 715-5323 – CSVCS Washroom & Lighting	40,800
s. 715-5324 – Spurwink River Boardwalk	37,000
t. 715-5325 – Hill Way/Scott Dyer Phase 2	782,699
u. 715-5333 – FW Bldg 326 Improvements	10,000
v. 715-5334 – FW Bldg 95 Exterior Painting	1,200
w. 715-5335 – Pay & Display transfer to 715-4009	50,000
x. 715-5337 – Culvert Assessment	4,980

y. 715-5400 – Ladder Truck	1,060,000
z. 715-5410 – FWP Central lot transfer to 715-4009	25,000
aa. 715-5410 – FWP Central lot transfer to 310-2039	<u>5,000</u>
TOTAL	<u>\$ 2,440,015</u>

C. Authorize the carrying forward \$ 9,500 of FY 2019 Grants and Gifts budget balances into FY 2020:

a. 725-4227 – Fuel Donation Account	\$ 3,500
b. 725-4460 – Sawyer Road Culvert Study	<u>6,000</u>
TOTAL	<u>\$ 9,500</u>

D. Authorize the carrying forward \$ 10,000 of FY 2019 Ambulance/Rescue Fund budget balances into FY 2020 for minor equipment (735-3005).

E. Authorize the carrying forward \$ 77,500 of FY 2019 Sewer Fund budget balances into FY 2020 budget for Ottawa Road CSO (815-4016).

F. Authorize the carrying forward \$ 4,300 of FY 2019 Riverside Cemetery budget balances into FY 2020 budget for Outlay (860-4001).

G. Authorize the carrying forward \$ 35,000 of FY 2019 Fort Williams Park Capital Improvement Fund budget balances into FY 2020:

a. 865-4016 – Interpretive Signs Replace	\$ 8,000
b. 865-4021 – Pedestrian Improvements	12,000
c. 865-4031 – Overflow Parking ADA Parking	<u>15,000</u>
TOTAL	<u>\$ 35,000</u>

H. Authorize the continuing appropriation of \$100,000 Sidewalk – MDOT Route 77 (715-5338) which is being funded by a \$75,000 grant through Maine Department of Transportation which have yet to be received and \$25,000 of local funds which have yet to be appropriated. This authorization shall continue until the project is completed or is abandoned.

I. Ordered that appropriations for capital improvement projects shall continue beyond the fiscal year in which the funds are initially appropriated by the Town Council or any subsequent appropriations until the project is completed or abandoned. The CIP appropriations shall not lapse at fiscal year-end requiring carry forward authorization.

J. Ordered that appropriations for grant projects shall continue beyond the fiscal year in which the fund are initially appropriated by the Town Council or any subsequent appropriations until the grant project is completed or abandoned. The grant appropriations shall not lapse at fiscal year-end requiring carry forward authorization.

Item #129-2019 Spirit of America Award

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

The Spirit of America Award was created by the Spirit of America Foundation to encourage volunteerism in communities. On April 8, 2019, Bruce Flaherty, President of Maine Spirit of America provided an overview of the recognition program for volunteerism and announced that nominations were available.

The Town Manager is recommending to the Town Council to award the 2019 Spirit of America Award to the Pond Cove Parents Association Playground Committee.

This committee has worked tirelessly to raise donations, mobilize volunteers, and facilitate the planning and design of the renovations of the Pond Cove Elementary School Playground. These dedicated committee members along with Town and School staff are great examples of the power and success of volunteerism.

Item #130-2019 MMA Voting [Ballot](#)

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

Each year member municipalities have an opportunity to vote on the election of the proposed MMA Vice President and municipal officials to serve on the MMA Executive Committee. The MMA Nominating Committee completed the task of interviewing and qualifying officials interested in serving in these capacities and put forth a slate of officers for 2020.

Draft Motion

ORDERED, the Cape Elizabeth Town Council approves the MMA Voting Ballot for 2020 as proposed.

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