



## **Cape Elizabeth Town Council Agenda**

**Monday, September 9, 2019**

**7:00 p.m. Council Chambers**

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

**Cape Elizabeth Town Hall**

### **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**

### **Presentation – Ralph T. Gould Award for Outstanding Citizenship**

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

### **Presentation by the Friends of Casco Bay**

Mary Cerullo will provide an overview of BayScaping, an education program on environmentally friendly lawn care. Mrs. Cerullo is responsible for the publications, public relations, and educational outreach for Friends of Casco Bay. She developed their *Casco Bay Curriculum* for teachers, creating classroom activities on the local effects of climate change. Mrs. Cerullo also works with communities on BayScaping and will provide residents with information on environmentally-friendly lawn care.

**Finance Committee Report  
Dashboard and Financial Reports as of 8/31/2019**

[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 August 12, 2019.

**Public Hearing      Request to Amend Sewer Service Area – 38 Broad Cove Road**

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

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

[Link](#) – Planning Board Recommendation

**Item #131-2019      Request to Amend Sewer Service Area – 38 Broad Cove Road**

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, on August 12 the town council set the request to public hearing on September 9.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council takes Item #125-2019 Proposed Amendments to Chapter 7 Dogs off the table from August 12, 2019.

**Item #125-2019      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](#) – Dog Ordinance Revisions Memo (Town Planner) 08-30-2019

[Link](#) – Chapter 7 Dogs – Proposed Amendments 08-29-2019

[Link](#) – Property Management Category Designation Draft 08-29-2019

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.

A public hearing was held on August 12 and the town council voted to table to vote the item to September 9.

**Item #132-2019      Greenbelt License – 15 Silva Drive**

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

Last year the conservation committee began working with Bruce Sahrbeck to reopen a casual trail that had been closed on his property located at 15 Silva Drive. This trail is a popular link between the town's Winnick Woods property and CELT's Dyer Hutchinson easement to the north and the town's Cross Hill open space to the south.

Representatives of the conservation committee and town staff walked the trail with the Sahrbeck family on December 5, 2018. On August 13, 2019 the conservation committee unanimously voted to recommend the town council approve the license.

This is the second license agreement expanding the town greenbelt. The first, provided by the Canterbury on the Cape Condominium Association, was approved by the town council on December 12, 2016.

**Item #133-2019      Recommended Inter-fund Transfers and Bond Counsel Order for the Lease/Purchase of Equipment**

**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 following inter-fund transfers to the General Fund for the FY 2020 CIP Projects, such amounts to be appropriated from the respective fund balances:

a. Ambulance/Rescue Fund (Fund 75)	\$ 55,000.00
b. Fort Williams Park CIP Fund (Fund 65)	110,000.00
c. Portland Head Light Fund (Fund 70)	100,000.00
d. Library Bond Projects Fund (Fund 86)	<u>46,112.17</u>
e. Total Inter-fund transfers authorized	<u>\$ 311,112.17</u>

- B. Authorize the following lease purchase agreement with TD Equipment Finance, Inc. for equipment for the Public Works Department including a mower and front-end loader.

Vote Authorizing Lease Purchase Agreement  
with TD Equipment Finance, Inc.

Be it hereby voted by the Cape Elizabeth Town Council as follows:

VOTED: That the Town Council hereby authorizes the Town Manager for and on behalf of the Town to execute and deliver a municipal lease purchase agreement with TD Equipment Finance, Inc. in the amount of \$255,000, and bearing interest at the rate of 2.09% per annum, to lease finance a John Deere mower and a front-end loader, for the Town, with a term of not more than 5 years (the "Lease Agreement"), which Lease Agreement shall be in such form and contain such terms and conditions, not inconsistent herewith, as may be approved by the Town Manager, such approval to be conclusively evidenced by his execution thereof; provided that any obligation of the Town to make lease payments pursuant to such agreement shall be subject to annual appropriation approved by the Town as part of its annual budget.

VOTED: That the Town Manager is authorized to negotiate, execute, and deliver such other documents and certificates as may be necessary or appropriate in connection with the Lease Agreement which documents and certificates shall be in such form and contain such terms and conditions, not inconsistent herewith, as may be approved by the Town Manager, such approval to be conclusively evidenced by his or her execution thereof.

VOTED: That the Town Manager be and hereby is authorized and directed to covenant and certify on behalf of the Town that no part of the proceeds of the Lease Agreement, or the vehicles leased thereunder, shall be used directly or indirectly in any manner that would cause such Lease Agreement to be a "private activity bond" or an "arbitrage bond" within the meaning of Section 141 or Section 148 of the Internal Revenue Code of 1986, as amended.

VOTED: That to the extent available under Section 265(b)(2) of the Code, with the advice of Bond Counsel, the Lease Agreement may be designated by the Town Manager as a "qualified tax exempt obligation".

VOTED: That the Town Manager and the other proper officials of the Town (the "Authorized Representatives") be and hereby are authorized and empowered in its name and on its behalf to do or cause to be done all such acts and things as may be necessary or desirable in order to effect the execution and delivery of the Lease Agreement in accordance with these votes.

VOTED: That all prior actions of the Town in effectuating the Lease Agreement are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the Lease Agreement.

- C. Authorize the appropriation of \$225,000 of anticipated lease/purchase proceeds for the purchase of a front-end loader (715-4023) at \$178,000 and a rotary mower (715-5038) at \$47,000, both of which are included in the approved 2020 CIP Budget.
- D. Authorize the transfer of \$50,000 from CIP Project 715-4023 (front-end loader) and \$15,000 from project 715-5038 (rotary mower) to Debt Service – Lease Payment, account 710-5012 for the payment of the first year buy-down of the lease/purchase agreement.
- E. Authorize the appropriation of \$1,111,907.83 from the General Fund Unassigned Fund Balance for approved 2020 CIP Projects.
- F. Accept and appropriate a grant of \$1,000 from Dirigo Safety, LLC for enforcement of underage drinking laws during the period July 1, 2019 to June 30, 2020.

**Item #134-2019      State of Maine Bicentennial Celebration**

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

Inquiry by the town manager to see if the town council supports the establishment of an ad hoc Maine Bicentennial Committee to explore possible ways for the town to participate in the celebration of the bicentennial of the State of Maine.

If the town council supports the establishment of an ad hoc committee, the town manager will provide a committee charge for town council review in October.

**Item #135-2019      Energy Committee Update – Set to Workshop**

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

The newly-formed energy committee has been meeting since March 2019. The committee would like to update the town council on their work. It is recommended the town council meet with the energy committee in workshop session on October 2, 2019.

**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**