



Cape Elizabeth Town Council

Monday, August 12, 2019 DRAFT Minutes

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 7:00 p.m. by Town Council Chairman James M. "Jamie" Garvin.

Roll Call by the Town Clerk

All members of the town council were present.

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

The Pledge of Allegiance to the Flag

Town Council Reports and Correspondence

Councilor Penelope Jordan asked if the town manager had followed up with the code enforcement officer relating to short term rentals as discussed by members of the Richmond Terrace neighborhood on July 8. CEO Ben McDougal will be reporting to the town council within the next couple of months. Jim Rowe, President Cape Elizabeth Historical Preservation Society contacted the town council to see if the town will be participating in celebrating the State of Maine Bicentennial. The town council will discuss at a future workshop.

Councilor Gabrielson reported the GPCOG Metro Coalition will be meeting tomorrow to discuss the housing needs for the asylum seekers that were placed at the Portland Expo. The deadline for the availability of the Expo is nearing. Town Manager Sturgis will be attending the meeting.

Chairman Garvin reported he has received a couple of comments from citizens relating to traffic and parking for the Beach to Beacon Road Race. Although the town has no role in the logistics, concerns will be forwarded to the organizers. The town council has also received communications from a resident.

Finance Committee Report

Councilor Straw, Finance Committee Chairman reviewed the dashboard and monthly reports. The Current Year % of Budget column needs to be updated. Gross pay and display revenues will be replaced with net revenues.

Citizen Opportunity for Discussion of Items Not on the Agenda

Bill Goodykoontz, 55 Cross Hill Road said he sent an email to the town council relating to the Shore Road/Route 77 intersection however has not received a response. He asked the status of a review of the Route 77/Scott Dyer Road/Shore Road intersection to improve safety.

**Page 2 Town Council Minutes
August 12, 2019**

Jim Sparks, 14 Woodcrest Road and Mohammad Nasir Shir, 41 Ocean House Road, representing Cape Diversity Coalition provided a letter to the town council signed by 9 members thanking the town council for the \$5,000 contributions to both the Preble Street Resource Center and Opportunity Alliance approved on July 8. Suggestions for future contributions is to let citizens know so they have an opportunity to match the funds.

Town Manager's Monthly Report

As we close in on the end of summer, there are many items to report on.

Scott Dyer Road construction will be wrapping up work on Phase two this week, with safety improvements, drainage improvements, and an improved travel surface. The one caution I will raise is be careful of increased speed due to the new pavement.

Tax Assessor Clinton Swett committed taxes, and the 2019-2020 tax bills are coming this week. The positive news to report is the new mil rate is \$19.68, and it is eight cents less than anticipated. Tax due dates will be October 1, 2019 and April 1, 2020, with an interest rate for late payments of 9%, as set by the Legislature.

The Town Offices will be closed this Thursday, August 15 for the full day as staff will perform annual training. The focus is on customer service and mandatory sexual harassment training. Later in the morning the annual employee appreciation day and service awards luncheon will take place at the Fort.

The Thomas Memorial Library will be closed August 31 for the day as a deep cleaning of the facility will take place with all of the carpets being cleaned and will require some time to dry.

I am meeting this week with Josef Chalot and representatives from the Cape Elizabeth Historical Preservation Society to review proposed updates and renovations to the Spurwink School building, working to advance this project.

Staff is finalizing its preparations for the annual audit, which will begin August 26, with the auditors planning to be here for the week.

On July 22 the paper streets case was argued in the Business Court, with two counts under consideration. The Town prevailed in the first count due to the Court finding the claim of adverse possession as unsupported. In the second count the Court found the argument as unripe, as the Town has only extended its incipient rights of dedication. On Friday, August 9th initial filings for appealing this decision to the Law Court were filed.

Readers may notice a new function of the financial dashboard, information on the revenues from pay and display parking. This month it shows the gross revenues, while next month it will provide the net proceeds after expenses. One will note gross revenues for the month of July as \$122,670.

Finally, I have been participating in a local work group of GPCOG communities investigating the conversion to LED street lights. We recently interviewed four providers of such lighting and it makes excellent business sense to continue investigating the cost savings and pay / back options. I will have more to report as these discussions continue.

**Page 3 Town Council Minutes
August 12, 2019**

Chairman Garvin thanked the volunteers, organizers and participants for another successful Beach to Beacon 10K Road Race.

Review of Draft Minutes of the meeting held on July 8, 2019 for the executive session and regular meeting.

Moved by Valerie A. Randall and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council approved the minutes of the regular meeting and executive session held on July 8, 2019 as presented.

(6 yes) (0 no)

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

Councilor Penelope Jordan recused herself from discussion and voting on this item as she is an owner of 19 Wells Road.

Chairman Garvin disclosed his son is a seasonal employee of Jordan's Farm.

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

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.

(5 yes) (0 no) (1 recusal Councilor Penelope Jordan)

Public Hearing Proposed Amendments to Chapter 7 Dogs

Chairman Garvin opened the public hearing at 7:27 p.m.

Roger Caouette, 357 Fowler Road said dogs should be considered as part of the family. With all the restrictions, he no longer feels welcome. Restrictions are on everyone including those who are responsible dog owners. The public hearing should have taken place in September when residents return from vacation.

Roger Rioux, 5 Bridlepath Way (dog owner) said athletic fields should be off limits for the health of the field and humans. What is the category of the multipurpose field at Fort Williams? This field should also be off limits to dogs. Except for service dogs, voice control is non-existent. Perhaps off leash in gated areas in Fort Williams Park can be considered in the future.

Bill Goodykoontz, 55 Cross Hill Road doesn't understand why children and dogs can't play on the same field. Some dogs are under voice control.

Roger Rioux clarified his point that dogs and children can play together however dogs should be off limits on athletic fields for health reasons.

Tom Meyers, 4 Sea View Avenue said there is great wisdom in the way the categories were developed. Has the town council received any other comments?

After hearing no further comments, the hearing was closed at 7:40 p.m.

Page 4 Town Council Minutes
August 12, 2019

Councilor Caitlin Jordan arrived at 7:46 p.m.

Item #125-2019 Proposed Amendments to Chapter 7 Dogs

Present – Maureen O’Meara, Town Planner

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

ORDERED, the Cape Elizabeth Town Council tables Item #125-2019 Proposed Amendments to Chapter 7 Dogs to September 9, 2019, anticipating a vote. The proposed ordinance amendments and the property management designations will be voted on separately.

(7 yes) (0 no)

Councilors Straw and Deveraux have ministerial changes that will be incorporated into the draft and available prior to the public hearing.

Item #126-2019 Request to Amend Sewer Service Area – 38 Broad Cove Road

Present – Maureen O’Meara, Town Planner

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

ORDERED, the Cape Elizabeth Town Council sets to public hearing on Monday, September 9, 2019 at 7:00 p.m. at the Cape Elizabeth Town Hall a request by Randall Weill and Catherine Coughlin for an extension of the sewer service area at 38 Broad Cove Road and recommendation of the planning board.

(7 yes) (0 no)

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

Present – Maureen O’Meara, Town Planner

Moved by Valerie A. Randall and Seconded by Penelope A. Jordan

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.

(7 yes) (0 no)

Item #128-2019 Proposed Carry Forward Balances

Present – John Quartararo, Finance Director

Mr. Quartararo provided an updated Department 0715 Capital Projects and Equipment carry forward recommendation.

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

ORDERED, the Cape Elizabeth Town Council approves the following carry forward balances from fiscal year 2019 into fiscal year 2020 as follows:

(7 yes) (0 no)

Page 5 Town Council Minutes
August 12, 2019

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 \$ 2,701,179 of FY 2019 Capital Projects and Equipment budget balances into FY 2020:

	Carry Forward	Adjust	Adjust Carry Forward
a. 715-4004 – Cruiser Replacement	\$ 7,500		\$ 7,500
b. 715-4009 – Roadway & Drainage Improve	111,772	91,364	203,136
c. 715-4013 – Sidewalk Improvements	125,000		125,000
d. 715-4052 – Library Building Improvements	77,998		77,998
e. 715-4107 – Dump Truck – transfer to 715-4009	13,000		13,000
f. 715-4127 – Pool Repaid & Improvements	48,400		48,400
g. 715-4131 – Town Center Building Repairs	35,500		35,500
h. 715-4143 – Public Works Building Repairs	60,500		60,500
i. 715-4147 – PD Security Upgrades	6,200		6,200
j. 715-5236 – Police Radios	5,000		5,000
k. 715-5251 CC Rental Building Repairs	5,300		5,300
l. 715-5286 – FW Firehouse Brick Work	8,000		8,000
m. 715-5310 – Town Hall Main Stairwell Update	45,400		45,400
n. 715-5316 – Comprehensive Plan	6,935		6,935
o. 715-5317 – Park Furnace Replacement	3,931		3,931
p. 715-5318 – FWP Building Painting	18,900		18,900
q. 715-5319 - FWP Building Roof & Siding	21,300		21,300
r. 715-5323 – CSVCS Washroom & Lighting	40,800		40,800
s. 715-5324 – Spurwink River Boardwalk	37,000		37,000
t. 715-5325 – Hill Way/Scott Dyer Phase 2	782,699		782,699
u. 715-5333 – FW Bldg 326 Improvements	10,000		10,000
v. 715-5334 – FW Bldg 95 Exterior Painting	1,200		1,200
w. 715-5335 – Pay & Display transfer to 715-4009	50,000		50,000
x. 715-5337 – Culvert Assessment	4,980		4,980
y. 715-5400 – Ladder Truck	1,060,000		1,060,000
z. 715-5410 – FWP Central Lot Project	30,000		30,000
TOTAL	\$ 2,609,815	91,364	<u>2,701,179</u>

**Page 6 Town Council Minutes
August 12, 2019**

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

Councilor Valerie Deveraux recused herself as she has worked with the recommended recipient on the playground project.

Moved by Caitlin R. Jordan and Seconded by Jeremy A. Gabrielson

ORDERD, the Cape Elizabeth Town Council nominates the Pond Cove Parents Association Playground Committee as a 2019 Spirit of America Award recipient.

(6 yes) (0 no) (1 recusal Councilor Deveraux)

Item #130-2019 MMA Voting Ballot

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

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

(7 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 8:00 p.m.

(7 yes) (0 no)

Respectfully Submitted,

Debra M. Lane, Town Clerk