



Cape Elizabeth Town Council Agenda

Monday, January 14, 2019

6:00 p.m. Executive Session-Jordan Conference Room

7:00 p.m. Council Chambers

Cape Elizabeth Town Hall

James M. "Jamie" Garvin
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

The town council will vote to go into executive session at 6:00 p.m. in the Jordan Conference Room. The remainder of the agenda will not start prior to 7:00 p.m. in the council chamber.

Item #30-2019

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

Proposed Motion:

ORDERED, the Cape Elizabeth Town Council enters into executive session in conformance with 1 M.R.S.A §405 6 E to discuss with Attorney Durward Parkinson ongoing litigation, legal rights and duties of the town council related to the Surfside Avenue paper street.

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 12/31/2018

[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 December 10, 2018.

Public Hearing Senior Tax Relief [Ordinance](#)

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

Item #31-2019 Senior Tax Relief Ordinance

One of the town council goals for 2018 was to explore the creation and implementation of a senior citizen property tax relief program.

Tax Assessor Clinton Swett provided reports relating to a senior tax relief program at the April 9, 2018 council meeting and May 1, 2018 council workshop.

On September 10, 2018 the town council referred the senior property tax relief program to the ordinance committee. The ordinance committee reviewed the ordinance on November 1 and November 13th voting to recommend the ordinance to the town council for consideration.

On December 10, 2018 the town council voted to set a public hearing on January 14, 2019.

Following the public hearing it is anticipated the town council will take action on the recommended ordinance.

Item #32-2019 Citizen [Petition](#) – Petition for Enactment of Ordinance to Limit Disposition of Shoreline Access Real Estate

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

On January 2, 2019 a citizens' petition was submitted to the town clerk by Save Our Shoreline Access Coalition (SOS) entitled [Petition for Enactment of Ordinance to Limit Disposition of Shoreline Access Real Estate](#) to amend Chapter 18 Conservation to add a new article VII.

The petition was submitted pursuant to the Town of Cape Elizabeth, Maine Council-Manager Charter Article VIII Initiative and Referendum Sec. 3 Petition for Enactment of Ordinance

Sec. 3. Petition for enactment of ordinance. Subject to the provisions of Section 1, not less than 10% of the registered voters of the town may at any time petition over their personal signatures for the enactment of any proposed lawful ordinance by filing such petition including the complete text of such ordinance with the town clerk. The council shall call a public hearing to be held within 30 days from the date of filing of such petition with the town clerk and shall, within 30 days after said public hearing, designate a time and place for the purpose of submitting to a referendum vote the question of adopting such ordinance, unless prior to the referendum vote, such ordinance shall be enacted by the council. Such ordinance shall take effect on the 10th day after the conclusion of such referendum provided a majority of those voting thereon shall have voted in the affirmative.

Any such proposed ordinance shall be examined by the town attorney before being submitted to referendum. The town attorney is authorized to correct the form of such proposed ordinance for the purpose of avoiding repetitions, illegalities and unconstitutional provisions and to assure accuracy in its text and references and clearness and preciseness in its phraseology, but the attorney shall not materially change its meaning and effect.

Pursuant to Article VIII Sec. 3 the council shall call a public hearing within 30 days from the date of filing such petition. It is recommended the town council set to public hearing on Wednesday, January 23, 2019 at 7:00 p.m. at the Cape Elizabeth Town Hall the citizen petition submitted January 2, 2019.

No action will be taken at the public hearing. Pursuant to town council rules, comments shall be limited to three minutes per person; however, the time may be extended by majority vote of councilors present.

Draft Motion:

ORDERED, the Cape Elizabeth Town Council pursuant to the Town of Cape Elizabeth, Maine Council-Manager Charter Article VIII Sec. 3 sets to public hearing on Wednesday, January 23, 2019 at 7:00 p.m. at the Cape Elizabeth Town Hall the citizen petition submitted January 2, 2019 entitled Petition for Enactment of Ordinance to Limit Disposition of Shoreline Access Real Estate.

Item #33-2019 Fort Williams Group Use [Requests](#)

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

The Fort Williams Park Committee approved (6-0) the following group use requests at the meeting held on October 18, 2018. The committee recommends the town council approve the requests as presented.

National Trooper's Coalition Picnic

Thursday, September 12, 2019

10:00 a.m. – 7:00 p.m.

Location: Children's Garden/Overflow Parking area

Fees: Group Use Fee \$700.00 full day + \$500.00 surcharge to serve alcoholic beverages

If parking fees go into effect participants will be responsible for paying to park.

Walk to Cure Arthritis

Sunday, June 2, 2019

7:30 a.m. Set Up Participants Arrive 11:00 a.m.

Location: Picnic Shelter (all day)

Fee: \$700 full day

Draft Motion:

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

National Trooper's Coalition Picnic
Thursday, September 12, 2019 10:00 a.m. – 7:00 p.m.

Walk to Cure Arthritis
Sunday, June 2, 2019 All Day

**Item #34-2019 Review of Proposal to Construct Pedestrian and Parking Lot
Improvements Within Fort Williams Park**

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

On October 10, 2018 the town council approved recommendations 1-4 as proposed by the Fort Williams Park Committee in the May 3, 2018 report relating to commercial van, bus and vehicle traffic at Fort Williams Park.

- 1) Eliminate commercial van and bus traffic from Captain Strout Circle (CSC) with the exception of trolleys and local senior citizen vans (which do not offload passengers). Provide signage at the four way stop to facilitate the change as well as appropriate placement of informational signage throughout the park.
- 2) Improve the bus parking logistics in 'central parking' to allow easy and safe parking, enhanced drop off/and loading and to support ADA compliant access to and from Portland Head Light.
- 3) Enhance the walkways by improving drainage (south and west of CSC) and by providing a stable (paved) surface for the safety of FWP patrons.
- 4) Deploy benches and railings as needed between central parking and PHL (southwest of CSC).

The town council will review a proposal to construct pedestrian and parking lot improvements in Fort Williams Park resulting from the October 10, 2018 vote.

**Item #35-2019 Statement of Policy – Boards and Committees
Review of Policy Barring the Appointment of Town Employees from
Serving on Standing Boards and Committees**

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 recent annual appointments process a resident and full time employee of the town applied for a committee and was notified of the town's policy relating to employees serving on standing boards and committees.

The Statement of Policy Appointments to Standing Boards and Committees Amended September 11, 2017 states:

9. Employees of the Town of Cape Elizabeth may not serve on standing boards and committees, except by ex-officio appointment. This limitation does not apply to individuals who are hired by the Town to serve as temporary election workers or wardens, occasional instructors in the Community Services programs, or volunteer fire, rescue, and fire-police personnel. Such individuals may serve on a board or committee unrelated to their work for the town.

Councilor Christopher Straw has requested a review of section #9.

The town council will consider a review of the Statement of Policy Appointments to Standing Boards and Committees section #9. Possible action includes forwarding the review to the appointments committee or to a town council workshop for review.

Item #36-2019 Update on the Reuse of the Spurwink School

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

On May 14, 2018 the town council referred the recommendation of the Spurwink School Reuse Committee to locate the Cape Elizabeth Historical Preservation Society in the Spurwink School to workshop which was held on June 5th.

On June 11, 2018 the town council directed the town manager to begin further review of cost estimates, possible funding sources, and arrangements with the Cape Elizabeth Historic Preservation Society.

The town manager will provide an update and possible next steps.

Item #37-2019 Fund Transfer for Legal Services

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 financial report at the December 10, 2018 town council meeting, the town manager reported that 99.97% of legal services had already been expended and would need to be adjusted. To that point \$50,336 of the legal cost was related to the Surfside Avenue paper street lawsuit.

The original amount approved for legal services was \$75,000. It is anticipated an additional \$60,000 will be needed to pay for legal costs through the fiscal year end June 30, 2019.

Recommended Motion:

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the town manager to transfer funds from unassigned surplus to 0135-2010 Legal Services in the amount of \$60,000 to pay for legal costs through the fiscal year ending June 30, 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

