



Cape Elizabeth Town Council

Minutes Monday, December 11, 2023

7:00 p.m.

Town Hall Council Chambers

Timothy S. Reiniger, Chair
Stephanie P. Anderson
Jeremy A. Gabrielson
Susan A. Gillis
Caitlin Jordan Harriman
Penelope A. Jordan
Timothy L. Thompson

The meeting was convened at 7:00 p.m. by the 2023 Chair Jeremy A. Gabrielson.

Deputy Town Clerk Angela Frawley administered the Oath of Office for the Town Council and School Board members elected on November 7, 2023

Town Council

Stephanie P. Anderson
Timothy L. Thompson

School Board

Jennifer L. McVeigh
Cynthia R. Voltz

Roll Call by the Town Clerk

All members of the Town Council were present.

Angela F. Frawley, Deputy Town Clerk
Mary Costigan, Town Attorney
Matthew E. Sturgis, Town Manager

The Pledge of Allegiance to the Flag

Item #1-2024 Election of the Town Council Chair

Moved by Timothy L. Thompson and Seconded by Stephanie P. Anderson

ORDERED, the Cape Elizabeth Town Council elects Timothy S. Reiniger to serve as Town Council Chair for 2024.

(4 yes) (3 no Councilors Gabrielson, Harriman and Jordan)

Town Council Reports and Correspondence

Councilor Penelope Jordan reported on the SBAC's work. New website coming soon: cebuildingproject.com. Citizens are encouraged to view the public forums to keep informed. The school department is working on the educational plan to help determine the facility needs. The committee is working toward a scenario development for a recommended approach to the project and financial plan/recommendation to fund the project. The public is encouraged to remain engaged.

Finance Committee Report

Town Manager Matthew Sturgis reviewed the expenses and revenues through November 30. The dashboard, highlighting key financial information and status reports, should return in January.

Report – Casino Beach Outfall Study

Town Engineer Stephen Harding presented the Casino Beach Outfall Study.

Citizens Opportunity for Discussion of Items Not on the Agenda

Gretchen Noonan, 2 Woodcrest Road
Cynthia Dill, 1227 Shore Road
Mike Friedland, 287 Ocean House Road
Cherie Gustafson, 25 Jewett Road
John Voltz, 33 Philip Road
Eliza Matheson, 270 Fowler Road
Kevin Justh, 9 Spruce Lane
Jenny Smith-Brock, 7 Tall Pine Road
Elizabeth Biermann, 19 Trundy Road

Town Manager's Report

Matthew E. Sturgis

November 30 the Climate Action Plan workshop was held at the Thomas Memorial Library, and was a very well attended event, with an estimated 60 to 70 attendees. This process will continue as the Climate Action Plan is crafted with the Energy Committee and our consultants from Greater Portland Council of Governments. Next month's council agenda will have a resolution for the council to act on joining the community resilience partnership.

The solar energy installation project at the capped landfill received approval last week from the Department of Environmental Protection, which is a major step in advancing the project, as the permit approval process is an extensive and time consuming item. The next steps will be to ensure all conditions of approval are satisfied, and the permitting process, material acquisition, and other elements of construction are organized and scheduled.

The tree lighting ceremony was held on Friday, December 8, and was well attended. This event is sponsored by the Cape Courier.

The Cape Ice Arena held its season opening event last Thursday, December 7, and it was a well-attended evening, with the hope of another successful season.

The Town Finance Director and myself have been providing assistance to the School Building Advisory Committee as general staff support and specialized finance related support, specifically working at the advancement of a comprehensive capital planning document for the Town's financial planning and budget process.

The Housing Diversity Study Committee is scheduled to provide their report out from their committee at next month's council meeting, as confirmed by the committee chair.

As we enter the holiday season the Town facilities will be closed on December 25 and January 1, please check the Town website for any other holiday closures.

As we swiftly approach the end of the calendar year, I wanted to take the opportunity to wish all a happy holiday season and a healthy and happy new year.

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Review of Draft Minutes

November 13, 2023 Regular Meeting

Moved by Susan A. Gillis and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council approves the minutes of the meeting held on November 13, 2023 as written.

(7 yes) (0 no)

Item #2-2024 Adoption of the Town Council Rules

Public Comment

Kevin Justh, 9 Spruce Lane

Moved by Jeremy A. Gabrielson and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council approves the Town Council Rules for 2024.

(7 yes) (0 no)

Note: The Remote Participation Policy will be reviewed in January.

Consent Calendar Item #3-2024 – Item #27-2024

Public Comments

Gretchen Noonan, 2 Woodcrest Road

Kevin Justh, 9 Spruce Lane

Elizabeth Biermann, 19 Trundy Road

Patrick Cotter, 5 Thrasher Road and SBAC Member

Corinne Bell, 5 Orchard Road and SBAC Member

Caitlin Sweet, 13 Overlook Lane, School Board and SBAC Member

Cherie Gustafson, 25 Jewett Road

Melanie Tennyson, 6 Carriage Hill Road

Jenna Pfueller, 42 Longfellow Drive

Eliza Matheson, 270 Fowler Road

John Voltz, 33 Philip Road

Becky Brosnan, 7 Patricia Drive

Mary Ann Lynch, 2 Olde Colony Lane

Aglae Shaw, 8 Woodcrest Road

Katherine Kerkam, 3 Franklin Circle

Cadyn Digiovanni, 297 Fowler Road

Jon Dienstag 18 Smugglers Cove Road

Tammy Walter, 1095 Sawyer Road

Nicole Boucher, 14 Grover Road

Cynthia Dill, 1227 Shore Road

The following items were pulled from the Consent Calendar to be voted on individually; Item #6, #17, #20, #23, #24, and #27

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Moved by Jeremy A. Gabrielson and Seconded by Susan A. Gillis

ORDERED, the Cape Elizabeth Town Council approves the consent calendar Item #3 - #5, #7 - #16, #18 - #19, #21 - #22, #25 - #26 as presented.

(7 yes) (0 no)

Item #3-2024 Appointment of the Finance Committee

ORDERED, the Cape Elizabeth Town Council elects Timothy L. Thompson as Finance Committee Chair and the Council as a whole to serve as the Finance Committee.

Item #4-2023 Appointment of the Ordinance Committee

ORDERED, the Cape Elizabeth Town Council elects Stephanie P. Anderson Ordinance Committee Chair and Councilors Caitlin Jordan Harriman and Timothy L. Thompson as members.

Item #5-2023 Appointment of the Appointments Committee

ORDERED, the Cape Elizabeth Town Council elects Susan A. Gillis Appointments Committee Chair and Jeremy A. Gabrielson and Penelope A. Jordan as members.

Item #7-2024 Appointment of Representative to the Greater Portland Council of Governments General Assembly, Metro Coalition and Executive Committee

ORDERED, the Cape Elizabeth Town Council elects Penelope A. Jordan to the Greater Portland Council of Governments General Assembly and Metro Coalition and Matthew E. Sturgis to the Executive Committee.

Item #8-2024 Appointment of a Representative to the PACTS Policy Committee

ORDERED, the Cape Elizabeth Town Council elects Matthew E. Sturgis to serve on the PACTS Policy Committee.

Item #9-2023 Appointment of a Representative to the MMA Legislative Policy Committee and MMA Convention Delegation

ORDERED, the Cape Elizabeth Town Council elects Timothy S. Reiniger to serve as Representative to the MMA Legislative Policy Committee and MMA Convention Delegate for a term until 12/2024.

Item #10-2024 Appointment of a Representative to the Thomas Memorial Library Foundation

ORDERED, the Cape Elizabeth Town Council elects Susan A. Gillis to serve as Representative to the Thomas Memorial Library Foundation.

Item #11-2024 Appointment of a Representative to the Portland Jetport Noise Advisory Committee

ORDERED, the Cape Elizabeth Town Council elects Susan A. Gillis to serve as Representative to the Portland Jetport Noise Advisory Committee.

Item #12-2023 Appointment of a Representative to the Thomas Jordan Grants Subcommittee

ORDERED, the Cape Elizabeth Town Council elects Caitlin Jordan Harriman to serve as a Representative to the Thomas Jordan Grants Subcommittee for a term until 12/2026.

Already Appointed:

Susan A. Gillis to 12/2024

Penelope A. Jordan to 12/2025

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Item #13-2024 Appointment of the Vice Chair of the Museum at Portland Head Light
ORDERED, the Cape Elizabeth Town Council elects Timothy L. Thompson to serve a Vice Chair of the Museum at Portland Head Light.

Council Chair Timothy S. Reiniger serves as chair per the by-laws.

Item #14-2024 Appointment to the ecomaine Board of Directors
ORDERED, the Cape Elizabeth Town Council elects Jeremy A. Gabrielson to the ecomaine Board of Directors for a term until 12/2024 and Matthew E. Sturgis as Alternate.

Item #15-2024 Code of Ethics
ORDERED, the Cape Elizabeth Town Council approves the Code of Ethics for 2024 with the signatures of the Town Council to be placed on file.

Item #16-2024 Schedule of the 2024 Town Council Meetings and Budget Review Schedule for FY 2025
ORDERED, the Cape Elizabeth Town Council approves the 2024 meeting schedule and the FY 2025 budget review schedule as presented.

2024 Meetings		Regular Meeting	Workshop	
2024	January	8	3	
2024	January		17	Joint Workshop with the School Board
2024	February	12	5	
2024	March	11	18, 21	Workshops are Budget Reviews 6pm
2024	April	8	22, 23	Workshops are Budget Reviews 6pm
2024	May	6		Special Meeting & Public Hearing FY25 Budget
2024	May	13	8	May 13 Vote on the FY25 Budget
2024	June	10	3	
2024	July	8		
2024	August	12		
2024	September	9	4	
2024	October	16	9	Regular Meeting (Wednesday)
2024	November	13		Regular Meeting (Wednesday)
2024	November		14	2025 Caucus
2024	December	9		Regular Meeting- Organizational Meeting for 2025
2024	December		11	FOAA Training & Council Goals

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Budget Review Schedule FY25		
Draft Municipal Department Budgets to the Town Manager	Friday, January 19, 2024	Not a meeting
Manager's Recommended Municipal Budget to the Town Council	Friday, March 1, 2024	Not a meeting
School Board Recommended Budget Delivered to Town Council	Monday, April 15, 2024	Not a meeting
Meetings During Budget Review Period		
Regular March Town Council Meeting	Monday, March 11, 2024	
Finance Committee	Monday, March 18, 2024	6:00 p.m. Televised
Finance Committee	Thursday, March 21, 2024	6:00 p.m. Televised
Regular Town Council Meeting & Opportunity for Budget Public Comments	Monday, April 8, 2024	
Finance Committee School Budget Presentation from School Board	Monday, April 22, 2024	6:00 p.m. Televised
Finance Committee Wrap Up (if needed)	Tuesday, April 23, 2024	6:00 p.m. Televised
Special Town Council Meeting & Public Hearing FY 2025 Budget	Monday, May 6, 2024	
Town Council Meeting – Vote on the FY 2025 Budget	Monday, May 13, 2024	
Citizen Vote on Town Council Adopted School Budget	Tuesday, June 11, 2024	

Item #18-2024 Proposed Conservation Ordinance Events Amendment

ORDERED, the Cape Elizabeth Town Council sets to public hearing on Monday, January 8, 2024 at 7:00 p.m. at the Cape Elizabeth Town Hall amendments to Chapter 18 Conservation Ordinance relating to event amendments that require only Conservation Committee review and allow revenue from some events as recommended by the Ordinance Committee.

Item #19-2024 Consideration of a Food Truck Special Use Permit for the Cape Community Arena Group

ORDERED, the Cape Elizabeth Town Council approves the request of the Cape Community Arena Group for 1-2 food trucks, as required by Sec. 19-7-14, for skate sessions for the following dates, and for the times as requested on the application. 12/15-12/16, 12/22-12/23, 12/27-12/28 and 12/29-12/30/2023 1/5-1/6, 1/12-1/13, 1/19-1/20, 1/26-1/28, 2/2-2/3, 2/9-2/11, 2/16-2/17, 2/23-2/24 and 3/1-3/3/2024.

Item #21-2024 Request to Apply for a Grant from the Maine Department of Transportation

ORDERED, the Cape Elizabeth Town Council authorizes Town staff to secure a grant application through the Maine Department of Transportation's Municipal Stream Crossing Program for the Mitchell Road Culvert Replacement Project for an estimated \$200,000 grant application. The initial project estimates are \$400,000 to \$500,000 with the balance to be requested in the FY 2026 Town Capital Improvement Plan (CIP).

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Item #22-2024 Request to Accept a Grant Award for the Sawyer Road/Street Culvert
ORDERED, the Cape Elizabeth Town Council accepts the Maine Natural Resource Conservation Program (MNRCP) grant in the amount of \$1,590,000 awarded to the Towns of Cape Elizabeth and Scarborough to remove the portion of Sawyer Road/Street located in the Spurwink Marsh. On June 12, 2023 the Cape Elizabeth Town Council authorized up to \$250,000 in cash match contingent upon a matching contribution from the Town of Scarborough.

Item #25-2024 Recommended Amendment to the Fee Schedule for an Internal Plumbing Administrative Fee and Home Occupation Permits

ORDERED, the Cape Elizabeth Town Council amends the Fee Schedule to add a \$50.00 Home Occupation Permit Fee and a \$20.00 Internal Plumbing Permit Administrative Fee as recommended by the Code Enforcement Officer, effective immediately.

Item #26-2024 Acceptance of Gifts and Donations for 2023

ORDERED, the Cape Elizabeth Town Council accepts with gratitude various donations, monetary and in-kind, received throughout 2023.

Gifts for 2023		
12/2022	Greater Portland NEMBA (New England Mountain Bike Association)	\$ 250.00
Local Fuel Assistance		
1/12/2023	Jessie Timberlake	\$ 1000.00
3/20/2023	Walsh Family Fund	\$ 500.00
Police Department		
1/27/2023	Jean Sanderson	\$ 500.00
6/16/2023	Marian Chamberlain	\$ 300.00
Fire Department		
6/2/2023	Town of Cape Elizabeth (In memory of Janet Hannigan)	\$ 100.00
7/5/2023	In memory of Janet Hannigan	\$ 435.00
Julia Hannigan, Mary Ann Lynch, Judith & Thomas Meschinelli	Arlen Davis, Stanford Family Trust, Mona Leavitt, Peter & Judith Rumery	Fryeburg Academy – Teacher’s Association
7/20/2023	Robert & Barbara Brown – In memory of Janet Hannigan	\$ 100.00
WETeam		
8/14/2023	Casco Bay Boats	\$ 1000.00
8/14/2023	Harold Hodgdon	\$ 200.00
9/18/2023	William D. Stressenger, Jr.	\$ 200.00
Museum at Portland Head Light	Donation Boxes	\$ 3987.00
Cape Elizabeth Garden Club	Wreaths for Municipal Buildings	
Thomas Memorial Library		
1/3/2023	LilliAnn Dittmer	\$ 50.00
1/9/2023	Michael & Camille Vande Berg	\$ 500.00

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3/30/2023	Anonymous Donor	\$ 50.00
4/10/2023	Estate of Joanne Leete	\$10,000.00
4/14/2023	Audrey Rolio	\$ 20.00
4/22/2023	Anonymous Donor	\$ 40.00
5/5/2023	American Library Association (part of a grant previously accepted by the Town Council)	\$ 2500.00
6/19/2023	Karthyn & Isaac Judd	\$ 36.00
7/19/2023	TML Foundation	\$ 5000.00
8/24/2023	TML Foundation	\$ 4000.00
9/30/2023	Sherron & Robert Small	\$ 605.00
11/22/2023	TML Foundation	\$ 5000.00
11/30/2023	Russell & Elizabeth Leonard	\$ 100.00
TML In-Kind Donations		
Books	Anonymous	Approx. Value \$225.00
Books	Boo Walker	Approx. Value \$85.00
Puzzles	Anonymous	Approx. Value \$100.00

Item #6-2024 Appointments of Timothy L. Thompson and Stephanie P. Anderson to the School Building Advisory Committee

Moved by Jeremy A. Gabrielson and Seconded by Caitlin J. Harriman

ORDERED, the Cape Elizabeth Town Council elects Stephanie P. Anderson and Penelope A. Jordan to serve on the School Building Advisory Committee.

Moved by Stephanie P. Anderson and Seconded by Susan A. Gillis

ORDERED, the Cape Elizabeth Town Council tables Item #6-2024 until January 8, 2024.
(4 yes) (3 no Councilors Gabrielson, Harriman and Jordan)

Item #17-2024 Renewal Liquor License - Tacos Y Tequila

Moved by Caitlin J. Harriman and Seconded by Stephanie P. Anderson

ORDERED, the Cape Elizabeth Town Council approves the renewal malt liquor (beer), wine and spirits license for Tacos Y Tequila Cape Elizabeth, Inc. located at 517 Ocean House Road.
(7 yes) (0 no)

Item #20-2024 Consideration to Post for Sale One Surplus Fire Truck - 1995 Ferrata Fire Apparatus

Moved by Jeremy A. Gabrielson and Seconded by Stephanie P. Anderson

ORDERED, the Cape Elizabeth Town Council approves the recommendation of Town Manager Matthew Sturgis and Fire Chief Steven Young to post for sale the 1995 Ferrata Fire Apparatus 1250 GPM Midship Pump with 1000 gallon water tank for a minimum bid of \$12,500.00.
(7 yes) (0 no)

Item #23-2024 Request from the Fort Williams Park Committee to Reallocate Funds for Stairway Projects

Present-

Jim Kerney, 1011 Shore Road, Member of the Fort Williams Park Committee
Kathy Raftice, Director of Community Services and Fort Williams Park

Moved by Jeremy A. Gabrielson and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the Fort Williams Park Committee to reallocate \$50,000 from Stonewalls/Central Parking Wall project and \$70,500 from Portland Head Light Fund to the FY 2023 budget for the Flagpole stairway (\$15,000) and Picnic Shelter stairway (\$17,500) which will provide the total estimated cost of the projects of \$153,000.00.
(7 yes) (0 no)

Item #24-2024 Request from the Fort Williams Park Committee to Reallocate Funds for the Pickleball Courts

Present-

Jim Kerney, 1011 Shore Road, Member of the Fort Williams Park Committee
Kathy Raftice, Director of Community Services and Fort Williams Park

Moved by Jeremy A. Gabrielson and Seconded by Caitlin J. Harriman

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the Fort Williams Park Committee to reallocate unutilized funds from the Ship Cove Platform Project of \$16,000, Goddard Mansion Feasibility Funding of \$35,000 and \$37,000 from the Battery Blair Project to the FY 2024 Pickleball Courts Project of \$147,500 which will provide the total estimated cost of the project of \$235,500.00.
(7 yes) (0 no)

Item #27-2024 Request for the Town Assessor to Abate Taxes for 16 Surf Road

Mr. Sturgis provided an overview of the request and added that interest is due back to the taxpayer for the overpayment of taxes during the three years of the requested abatement period.

Moved by Jeremy A. Gabrielson and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council approves the recommendation of Town Assessor Clinton Swett to abate 3 years of real estate taxes and interest on the overpayment for a total of \$8797.44 for the property at 16 Surf Road, Map U05 Lot 59 owned by Joshua P. Rosenberg & Alexandra D. Furth in order to correct the record as follows:
(7 yes) (0 no)

The amount of said abatements is \$8156.89:

FY 2020 \$2649.36

FY 2021 \$2694.58

FY 2022 \$2812.95

The amount due to the taxpayer for interest due from the overpayment is \$640.55 with interest accruing at 5% for FY 2020, 2% for FY 2021 and 1% for FY 2022.

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Moved by Caitlin J. Harriman and Seconded by Susan A. Gillis

ORDERED, the Cape Elizabeth Town Council suspends the **Town Council Rules** to take Item #30-2024 out of order.

(7 yes) (0 no)

Item #30-2024 Request from Councilor Susan Gillis to Reconsider Item #133-2023
Consideration of Proposed Amendments to the Zoning Ordinance Relating to LD 2003 held
November 13, 2023

Public Comment

Nat Jordan, 6 Robinhood Road
Cynthia Dill, 1227 Shore Road
Myndilee Wong, 299 Mitchell Road
John Voltz, 33 Philip Road
Gretchen Noonan, 2 Woodcrest Road
Eliza Matheson, 270 Fowler Road
Elizabeth Biermann, 19 Trundy Road
Jamie Garvin, 76 Oakhurst Road
Jenna Smith-Brock, 7 Tall Pine Road
Meighan Rock, 6 Wabun Road
Cadyn Digiovanni, 297 Fowler Road
Aglae Shaw, 8 Woodcrest Road
Becky Brosnan, 7 Patricia Drive
George Rowe, Portland
Jessica Sullivan, 441 Mitchell Road
Nicole Boucher, 14 Grover Road
Tim Dew, 56 Stonegate Road
Kristina Justh, 9 Spruce Lane
Cherie Gustafson, 25 Jewett Road

Moved by Susan A. Gillis and Seconded by Timothy L. Thompson

ORDERED, the Cape Elizabeth Town Council reconsiders Item #133-2023 Consideration of Proposed Amendments to the Zoning Ordinance Relating to LD 2003 held November 13, 2023 with said item passing by a vote of (6 yes) (1 no Councilor Reiniger), see below except from the minutes. (4 yes) (3 no Councilors Gabrielson, Harriman and Jordan)

Item #133-2023

Moved by Nicole Boucher and Seconded by Penelope Jordan

ORDERED, the Cape Elizabeth Town Council following a public hearing on Monday, November 13, 2023 does hereby approve the proposed amendments to Chapter 19 Zoning Ordinance relating to LD 2003 amendments as proposed by the Ordinance Committee.

Moved by Timothy S. Reiniger and Seconded by Susan A. Gillis

ORDERED, the Cape Elizabeth Town Council amends the motion to approve the proposed amendments to Chapter 19 Zoning Ordinance relating to LD 2003 amendments as drafted by Councilor Reiniger dated September 29, 2023.

(1 yes) (6 no Councilors Boucher, Gabrielson, C. Jordan, P. Jordan, Noonan and Reiniger)

Original Motion: (6 yes) (1 no Councilor Reiniger)

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Moved by Caitlin J. Harriman and Seconded by Stephanie P. Anderson

ORDERED, the Cape Elizabeth Town Council revives Item #133-2023 to approve the proposed amendments to Chapter 19 Zoning Ordinance relating to LD 2003 amendments as proposed by the Ordinance Committee.

Moved by Timothy L. Thompson and Seconded by Susan A. Gillis

ORDERED, the Cape Elizabeth Town Council amends the motion with the alternate version of LD 2003 amendments as drafted by Chair Reiniger dated September 29, 2023.

(4 yes) (3 no Councilors Gabrielson, Harriman and Jordan)

Moved by Stephanie P. Anderson and Seconded by Caitlin J. Harriman

ORDERED, the Cape Elizabeth Town Council amends the motion to change the size of an ADU from 600 sq. ft. to 800 sq. ft. as referenced in Sec. 19-7-5 B. 6.

(5 yes) (2 no Councilors Gabrielson and Reiniger)

Original Motion as Amended: (4 yes) (3 no Councilors Gabrielson, Harriman and Jordan)

Moved by Caitlin J. Harriman and Seconded by Jeremy A. Gabrielson

ORDERED, the Cape Elizabeth Town Council suspends the **Town Council Rules** to take up new items after 10:00 p.m.

(7 yes) (0 no)

Motion to Take Item #137-2023 Off the Table from November 13, 2023

Moved by Jeremy A. Gabrielson and Seconded by Caitlin J. Harriman

ORDERED, the Cape Elizabeth Town Council takes Item #137-2023 from November 13, 2023 off the table.

Item #137-2023 Consider Acknowledging Enactment by Voters to Adopt a Cape Elizabeth Residential Pesticide Use Ordinance and Adoption of the Ordinance

Moved by Jeremy A. Gabrielson and Seconded by Susan A. Gillis

ORDERED, the Cape Elizabeth Town Council acknowledges the enactment by the voters of Cape Elizabeth on November 7, 2023 adopting a Cape Elizabeth Residential Pesticide Use Ordinance.

Following the enactment by voters, It is Further Ordered the Cape Elizabeth Town Council adopts the Ordinance effective December 12, 2023, pursuant to the Town Charter Article VIII Sec. 3. In addition, the Town will file any required notices with the Maine Board of Pesticides Control.

(7 yes) (0 no)

Item #31-2024 Affirm the Appointment of Town Clerk

Moved by Caitlin J. Harriman and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council affirms the Town Manager's appointment of Angela S. Frawley to serve as Town Clerk for the Town of Cape Elizabeth effective January 1, 2024.

(7 yes) (0 no)

Item #32-2024 Appointment of the Registrar of Voters

Moved by Caitlin J. Harriman and Seconded by Jeremy A. Gabrielson

ORDERED, the Cape Elizabeth Town Council appoints Angela S. Frawley to serve as Registrar of Voters for a term to begin on January 1, 2024 and to expire January 1, 2025 until a successor is sworn.

(7 yes) (0 no)

Moved by Jeremy A. Gabrielson and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council tables to January 8, 2024 the Public Hearing and Item #28-2024 Proposed Amendments to Chapter 19 Zoning Ordinance Relating to Home Business Amendments and Item #29-2024 Annual Appointments to Various Town Boards and Committees.

(7 yes) (0 no)

Moved by Caitlin J. Harriman and Seconded by Jeremy A. Gabrielson

ORDERED, the Cape Elizabeth Town Council tables to January 8, 2024 Motion to Refer the Draft LD 2003 Submitted by Chair Reiniger to the Planning Board and Motion to Amend (Rescind) an Item Previously Adopted in the Form of a Substitute Amendment Pertaining to Item #133-2023 held on November 13, 2023.

(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.

Kevin Justh, 9 Spruce Lane

Moved by Caitlin J. Harriman and Seconded by Susan A. Gillis

ORDERED, the Cape Elizabeth Town Council takes off the table from an earlier vote Item #29-2024 Annual Appointments to Various Town Boards and Committees.

(7 yes) (0 no)

Item #29-2024 Annual Appointments to Various Town Boards and Committees

Moved by Caitlin J. Harriman and Seconded by Jeremy A. Gabrielson

ORDERED, the Cape Elizabeth Town Council approves the recommendations of the Appointments Committee to appoint residents to serve on various town boards and committees as presented.

(7 yes) (0 no)

Unless otherwise noted, terms are effective January 1, 2024.

Board	Recommended Appointment	Address	Term Expires
Board of Assessment Review	Douglas McFadd	25 Broad Cove Road	12/31/2026
Board of Zoning Appeals	Kevin Justh	9 Spruce Lane	12/31/2026
Board of Zoning Appeals	Colin P. Powers	44 Spurwink Avenue	12/31/2026
Community Services Committee	Rebecca Bryant	5 Fernwood Lane	12/31/2025 (unexpired term-effective immediately)
Community Services Committee	Meg Rogers	91 Spurwink Avenue	12/31/2026
Community Services Committee	Megan Roy	10 Oakwood Road	12/31/2026

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Conservation Committee	Corinne Ketcham	37 Stone Drive	12/31/2026
Conservation Committee	Bruce V. Moore	1108 Sawyer Road	12/31/2026
Diversity, Equity & Inclusion Committee	Anne Belden	56 Stonybrook Road	12/31/2025 (unexpired term-effective immediately)
Diversity, Equity & Inclusion Committee	Valerie Franks	3 Lindenwood Lane	12/31/2026
Diversity, Equity & Inclusion Committee	Sarah Elizabeth Clinton	198 Ocean House Road	12/31/2026
Diversity, Equity & Inclusion Committee	Heather Drake	8 Linwood Street	12/31/2026
Energy Committee	Rosalie Blenkhorn	52 Brentwood Road	12/31/2026
Energy Committee	Vince Faherty	10 Whale Back Way	12/31/2026
Fort Williams Park Committee	Curtis Kelly	374 Mitchell Road	12/31/2026
Fort Williams Park Committee	Terrance (Terry) Bagley	57 Wells Road	12/31/2026
Fort Williams Park Committee	Doreen Johnson Theriault	8 Hunts Point Road	12/31/2026
Personnel Appeals Board	Alison Whitmer Tumas	412 Pulpit Rock Road	12/31/2026
Planning Board	Derek M. LaVallee	15 Olde Fort Road	12/31/2026
Planning Board	Alton Palmer	618 Shore Road	12/31/2026
Recycling Committee	Stephanie Austin	1 Cedar Ledge Road	12/31/2026
Recycling Committee	Nina Trowbridge	14 Leighton Farm Road	12/31/2026
Riverside Cemetery Committee	Diane Brakeley	37 Stonegate Road	12/31/2026
Thomas Memorial Library Committee	Reed Dyer	20 Woodcrest Road	12/31/2026
Thomas Memorial Library Committee	Griff Gilbert	5 Star Road	12/31/2026

Continuation of public comment

Victoria Volent, 33 Cottage Farms Road
Nat Jordan, 6 Robinhood Lane

Moved by Jeremy A. Gabrielson and Seconded by Caitlin P. Harriman

ORDERED, the Cape Elizabeth Town Council takes off the table from an earlier vote Item #6-2024 Appointments of Timothy L. Thompson and Stephanie P. Anderson to the School Building Advisory Committee.

Item #6-2024 Appointments of Timothy L. Thompson and Stephanie P. Anderson to the School Building Advisory Committee

Moved by and Seconded by

ORDERED, the Cape Elizabeth Town Council elects Timothy L. Thompson to serve on the School Building Advisory Committee, replacing outgoing Councilor Gretchen Noonan. Penelope A. Jordan will continue as Chair of the SBAC per Chapter 4 Boards and Committees for the set duration of the ad hoc committee.

(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.

Adjournment

Moved by Caitlin J. Harriman and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council adjourns at 12:05 a.m. 12/12/2023.

(7 yes) (0 no)

Respectfully Submitted,

Debra M. Lane, Town Clerk

Notes taken from CETV livestream.

Attachment Item #2-2024 December 11, 2023

Town of Cape Elizabeth
2024 Town Council Rules
Approved December 11, 2023

Article I Scheduling of Meetings

Section 1. Regular meetings Regular meetings of the Cape Elizabeth Town Council are held in the Town Hall at 7:00 p.m., on the second Monday of each calendar month. When the meeting date falls on a holiday, the regular meeting is held on the following Wednesday, at the same time and place. The date and/or location of any regular meeting may be changed by an order or resolve passed at a previous meeting upon the vote of five members of the council, provided, however, that any change in date will still provide for one regular meeting in each month. Any meeting may be postponed by the chairperson due to severe inclement weather. The chairperson shall reschedule the meeting to the earliest possible date.

Section 2. Special meetings Special meetings may be called by the chairperson, and in case of the chairperson's absence, disability, or refusal, special meetings may be called by three members of the Town Council. Notice of such meeting shall be served in person, electronically by e-mail, by telephone communication directly to the Town Council member or left at the residence of each member of the Town Council at least 48 hours before the time for holding said special meeting, unless all members of the council sign a waiver of said notice. An e-mail notice shall not serve as the sole notice unless prior to the meeting the recipient acknowledges receipt of the e-mail. The call for said special meeting shall set forth the matters to be acted upon and nothing else shall be considered at such special meeting.

Article II Agenda and Meeting Preparation

Section 1. Deadline to submit materials No item shall be in order for action at any meeting of the Town Council unless such item shall be filed in the office of the town clerk on or before noon of the first business day of the month for the regular meeting of the Town Council, and before noon of the business day prior to the day of any other meeting.

Section 2. Agenda preparation The town manager, with the advice and consent of the chairperson shall prepare the agenda, which shall include the order of business. Any Town Council member or the town manager may sponsor items to be included in the agenda. The agenda may include reports from municipal boards and commissions that recommend Town Council action. Unless otherwise provided by ordinance, items submitted from citizens or others for inclusion in the agenda must be sponsored by a Town Council member or by the town manager. Sponsorship of an agenda item by the town manager or by a Town Council member shall not be deemed to be support on the merits of the sponsored item.

Section 3. Consent calendar The agenda may include a consent calendar providing for multiple items to be considered en bloc. When any item is included as part of a proposed consent calendar, any Town Council member may ask for any item to be considered separately. At the discretion of the chairperson, any item removed from the consent calendar may be considered before or after the consideration of the items remaining on the consent calendar.

Section 4. Agenda order The order of the agenda for meetings shall be as follows:

Convening by the Chairperson
Roll Call by the Town Clerk
The Pledge of Allegiance to the Flag
Presentations of any Town Council Recognitions
Town Council Reports and Correspondence
Other Reports on the Advance Agenda not Requiring Council Action
Citizens Discussion of Items Not on the Agenda-1st Opportunity
Town Manager's Report
Review of Minutes of Previous Meetings
Public Hearings
Agenda Items
Citizens Discussion of Items Not on the Agenda-Second Opportunity
Agenda Items Requiring Executive Sessions
Adjournment

Following any public hearing the Town Council shall consider the subject of the public hearing prior to moving forward to any additional item on the agenda.

Section 5. Agenda distribution The agenda shall be distributed to the members of the Council and made available to the public by the Wednesday preceding the date of the regular Council meeting and as soon as possible before a time set for any other meeting. Agendas shall be posted on the municipal website concurrent with distribution to the Town Council. Background material on issues before the Town Council shall be submitted electronically whenever feasible. Background material available electronically shall be posted on the municipal website unless the material relates to an item to be reviewed in non-public session.

Section 6. No new items after 10:00 p.m. No new item may be taken up for consideration at a Town Council meeting after 10:00 p.m.

Section 7. If meeting does not have a quorum If a meeting is adjourned because of the lack of a quorum, at least 24 hours notice of the time and place of holding another meeting shall be given to all members who are not present at the meeting from which adjournment is taken, unless such absent members sign a waiver of said notice.

Section 8. Electronic presentations Any person desiring to include as part of a presentation any material that requires projection shall provide the presentation to the town clerk by noon of the date of any meeting so that the presentation may be preloaded and ready to project. A copy of the presentation will also be maintained as a public record.

Article III Participation at Meetings and Conduct of Meetings

Section 1. Types of meetings. The Town Council meets in either business meeting format or workshop meeting format.

Section 2. Workshop Meetings The purpose of a workshop meeting is primarily for council dialogue involving reports and proposals from council members, committees and staff that may be considered at later Town Council meetings. The Town Council may give guidance to the chairperson and to staff at workshop meetings but no decisions may be made that require formal votes. Notwithstanding the prior sentence, the Town Council may vote on procedural motions at a workshop meeting to determine a conflict of

interest, to enter into executive session and to adjourn. Prior to Town Council discussion on any item, members of the public may speak on each agenda item for not more than three minutes each and up to a total of 15 minutes. If there are more speakers than the time available, the chairperson may allocate the speaking time in order to balance the debate. The public participation portion shall conclude when the Town Council begins its discussions.

Section 3. Rules of order and debate The chairperson presides over all meetings of the Town Council. No one shall speak until recognized by the chairperson. When speaking, the member shall respectfully address the chairperson, confine discussion to the question under debate, and avoid personalities. No member speaking shall be interrupted by another, but by a call to order, to correct a mistake or by the chairperson if there are technical issues with sound or video equipment.

The chairperson shall preserve decorum and order, may speak to points of order in preference to other members, and shall decide all questions of order subject to an appeal to the council by motion regularly seconded, and no other business shall be in order until a question on appeal is decided.

The chairperson or a designee of the chairperson shall summarize every item on the agenda following its reading by title.

The chairperson shall call for and declare all votes, but if any member doubts a vote, the chairperson shall cause a return of the members voting in the affirmative and in the negative without debate. When a roll call is taken, the roll is called in alphabetical order, except that the chairperson shall be the final member to vote.

Every motion shall be reduced to writing, if the chairperson shall so direct.

Any member may require the division of a question.

When a question is under debate, the chairperson shall receive no motion but to:

- (1) adjourn
- (2) lay on the table
- (3) postpone to a day certain
- (4) refer to a committee or some administrative official
- (5) amend
- (6) postpone indefinitely, or
- (7) move the previous question

Motions shall have precedence in the order written above.

The chairperson shall consider a motion to adjourn as always in order except on immediate repetition; and that motion, and the motion to lay on the table, or to take from the table, shall be decided without debate.

A motion for referral to a committee or administrative official, until it is decided, shall preclude all amendments of the main question.

All questions relating to priority of business to be acted upon shall be decided without debate.

In all cases where the parliamentary proceedings are not determined by the foregoing rules and orders, "Robert's Rules of Order," latest edition, shall be taken as authority to decide the course of proceedings.

After a vote is taken, it shall be in order for any member who voted on the prevailing side of a vote to have a reconsideration thereof at the same, or the next stated meeting, but not afterwards; and when a motion of reconsideration is decided, that vote shall not be reconsidered.

Upon the motion for the previous question being made and seconded, the chairperson shall put the question in the following form: "Shall the main question be now put?" And all debate upon the main question shall be suspended until the motion for the previous question shall be decided. After the adoption of said motion for the previous question by a majority vote, the sense of the council shall be forthwith taken upon all pending amendments, and then upon the main question.

No debate shall be allowed on a motion for the previous question. Neither is it susceptible of amendment. All questions or order arising incidentally thereon must be decided without discussion whether appeal be had from the chair or not.

Section 4. Public Participation at Regular Town Council Meetings The public is welcome to participate at Town Council business meetings. The participation may take the following forms:

a. Participation at a public hearing and on other agenda items

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 chairperson, the speaker shall give their 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 chairperson or a majority of the Town Council may limit the total time of public comments to 15 minutes per agenda item. This time may be extended by a majority of the Town Council. The chairperson may decline to recognize any person who has already spoken on the same agenda item. Once the council has begun its deliberations on an item, no person shall be permitted to address the council on such item.

If the Town Council has previously held within ninety days a public hearing on a similar item, the chairperson or a council majority may limit or dispense with public comment at subsequent meetings when the item is considered.

b. Speaking at the meeting on topics not on the agenda

Persons wishing to address the council on an issue or concern local in nature not appearing on the agenda may do so 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 chairperson, the speaker shall give their name and address or name and local affiliation if the local affiliation is relevant prior to making other comments. All remarks should be addressed to the Town

Council. 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.

Issues raised during the non-agenda item comment period may be immediately responded to with brief answers by the chairperson or by the town manager. After each comment period, the chairperson will indicate that each person who did not receive an immediate response will receive a follow-up response no later than one week from the meeting. Copies of responses will be provided to all Town Council members.

Section 5. Decorum Persons present at council meetings and workshop meetings shall not applaud or otherwise express approval or disapproval of any statements made or actions taken at such meeting. Persons at business meetings may only address the Town Council after being recognized by the chairperson and only at the lectern.

Section 6. Conflict of interest Each Town Council member shall disclose any potential conflict of interest immediately after the chairperson introduces an item. The council member shall briefly explain their reason why they believe they may have a conflict of interest. The balance of the Town Council members after reviewing applicable statutes may by majority vote determine if the member has a conflict. If any member of the Town Council believes that another member has a statutory conflict of interest, they may raise a point of order at any time and the Town Council shall immediately suspend business to resolve the issue. If any member discovers part way into a discussion that they may have a conflict of interest, the council member may raise a point of order and the Town Council shall immediately suspend business to resolve the issue. All resolutions of conflict of interest issues may be by majority vote of the remaining Town Council members and after citing applicable statutory provisions. If the same issue is to be discussed at subsequent meetings, the recusal need not be revoted. The chairperson will announce to those present the previous decision to recuse the council member.

Section 7. Members must vote Unless a Town Council member has been recused from voting for reason of conflict of interest, the Town Council member must vote when the yeas and nays are called.

Section 8. Suspension of rules The rules shall not be dispensed with or suspended unless five of the members of the council consent thereto. No rule or order shall be amended or repealed without notice, in writing, being given at the preceding meeting.

Article IV Miscellaneous Provisions

Section 1. Committees At the commencement of the council year, or as soon thereafter as possible, there shall be chosen the following committees, each committee to consist of such members of the council as the Town Council may designate:

1. Finance Committee
2. Appointments Committee
3. Ordinance Committee

The members of the council to serve on the appointments committee and ordinance committee shall be chosen by the council by a majority vote. All members of the council shall serve on the finance committee. Each member of the council, other than the chairperson, shall serve on either the appointments committee or the ordinance committee, and the chairperson shall be ex-officio a member of all standing committees.

The chairperson of each of the Finance Committee, the Appointments Committee and the Ordinance Committee shall also be chosen by the full council by majority vote.

Section 2. When votes are effective All Town Council votes are effective immediately except that ordinance adoptions and amendments are effective as provided in the municipal charter.

Section 3. Chairperson In the absence of the chairperson, the finance committee chairperson shall assume the responsibilities of the chairperson. If both are absent, the remaining council members shall choose a chairperson pro-tem who shall have the responsibilities of the chairperson. The "chairperson" each year may ask that the position instead be referred to as "Town Council Chair," "Town Council Chairwoman," or "Town Council Chairperson." The Town Council shall respect the wishes of the incumbent chairperson.

Section 4. Orientation Between the annual municipal election and the 2nd Monday in December, the current chairperson assisted by the town manager shall organize an orientation session for any newly elected councilors and any continuing councilors who may wish to attend.

Section 5. Partisanship "The Council-Manager Charter of the Town of Cape Elizabeth" provides that elections for Town Council shall be conducted on a non-partisan basis and without party designations on the election ballot. To retain the non-partisan nature of the council, council members and others are asked to refrain from making statements announcing political party events or making other comments of a political partisan nature.

Section 6. Technology The Town Council utilizes technology to enable more access to local government. The use of messaging technology during Town Council meetings shall be limited to ensure that Town Council deliberations are conducted openly.

Revised: 12/10/1979, 5/14/1985, 12/9/1985, 2/8/1988, 5/25/1988, 10/11/1989, 6/10/1991, 12/9/1991, 6/9/2003, 12/11/2006, 1/8/2007, 8/9/2010, 12/12/2011, 12/9/2013, 4/9/2018, 9/12/2022

Attachment Item #15-2024 December 11, 2023

Approved by the Town Council
October 6, 2014, Revised April 9, 2018

Town of Cape Elizabeth

Code of Ethics for the Town Council

Statement of Policy

The proper operation of the government of the Town of Cape Elizabeth (hereinafter "Town") requires that elected members of the Town Council (hereinafter "Councilors") be fair, impartial and responsive to the needs of the people they serve and to each other in the performance of their functions and duties; that decisions and policies be made in proper channels of the Town's governmental structure; that public office not be used for personal gain, family gain, or third party gain; and that Councilors shall maintain a standard of ethical conduct that will inspire public confidence in the integrity of the Town's government. In recognition of these goals, this Code of Ethics is hereby adopted as the standard of ethical conduct for the Town Council.

Section 1. Title

This policy shall be known as the Code of Ethics for the Cape Elizabeth Town Council.

Section 2. Legal Standards

It is the duty of every Councilor to support the Constitution of the United States and the Constitution of the State of Maine. There are also certain provisions of the general statutes of the State of Maine, which, while not set forth herein, should be considered an integral part of this Code of Ethics. Accordingly, the provisions of the following sections of the general statutes of the State of Maine, as they may be amended, are incorporated into this Code of Ethics by reference to the extent applicable:

- 17 MRSA § 3104 Conflict of Interest; Purchases by the State
- 17-A MRSA § 456 Tampering with Public Records or Information
- 17-A MRSA § 602 Bribery in Official and Political Matters
- 17-A MRSA § 603 Improper Influence
- 17-A MRSA § 604 Improper Compensation for Past Action
- 17-A MRSA § 605 Improper Gifts to Public Servants
- 17-A MRSA § 606 Improper Compensation for Services
- 17-A MRSA § 607 Purchase of Public Office
- 17-A MRSA § 608 Official Oppression
- 17-A MRSA § 609 Misuse of Information
- 17-A MRSA § 903 Misuse of Entrusted Property
- 30-A MRSA § 2605 Conflicts of Interest
- 30-A MRSA § 5122 Interest of Public Officials, Trustees or Employees

Section 3. Conflicts of Interest

All Councilors must be fair and impartial in carrying out their duties and responsibilities. All Councilors must ensure that their official actions are not intended to create actual or the potential for personal or financial gain, either directly or indirectly, for themselves, family members, personal friends, or other related parties. Any actual or potential conflicts between personal interests (financial, personal relationships, or otherwise) and Town business must be fully disclosed in a timely fashion to the Town Council. If the Town Council determines that an actual conflict of interest does exist, then the Councilor shall be recused from officially participating in any discussion or decision-making action on the issue.

If a Councilor has accepted money or other consideration from a citizen, group of citizens, business or other entity that has an interest in an issue before the Town Council, and if such money or other consideration was received by the Councilor within a twelve-month period prior to Council taking any action on the issue in question, that Councilor should not participate in deliberations relating to that issue. This prohibition shall not apply to the sale of consumer goods or services at fair retail value. This conflict of interest provision does not prohibit a Councilor from acting as a private citizen, outside of any official duties.

Section 4. Gifts and/or Gratuities

The conduct of public business shall be free of any influence arising from gifts, favors, donations, or special privileges. It is the obligation of every Councilor to refuse personal gifts, favors, donations or special privileges in every instance where favor or special privilege would not have been extended but for the position of such Councilor; where there exists a reasonable belief that the giver's interests are likely to be affected by the actions of the Councilor; or where the gift is or may reasonably be considered to be designed to influence the actions of the Councilor.

Section 5. Appearance of Conflict of Interest and Improper Influence.

Councilors should conduct their official and personal affairs in such a manner as to avoid any appearance of conflict of interest and/or improper influence in the performance of their official duties. No Councilor shall seek personal or financial advantage by means of his/her public office, nor by his or her actions create the appearance of personal or financial advantage, or the appearance of personal or financial advantage on the part of relatives, personal friends or third parties having some affiliation with that Councilor. Councilors shall not directly or indirectly solicit any gift, gratuity or donation, or accept or receive any such gift if it could be reasonably inferred or expected that the gift

was intended to influence them in the performance of their official duties or the gift or gratuity was intended to serve as a reward for any official action on their part.

To the extent any Councilor believes that there is the appearance of a conflict, the Councilor shall disclose the facts and circumstances giving rise to the possible conflict and to determine what, if any, steps should be taken to address it.

Section 6. Representing Third Party Interests Before Town Agencies

No Councilor shall either appear on behalf of any third party interest before the Council or any Town board, commission or other agency (individually, “agency”, collectively, “agencies”), or represent a third party interest in any action, proceeding, or litigation in which the Town or one of its agencies is a party, without explicitly stating that he/she is appearing as a citizen or representative of a citizen as opposed to as a member of the Council. Nothing herein shall prohibit a Councilor, on behalf of a constituent in the course of his or her duties as a representative of the electorate, or any Councilor, on behalf of his or her personal interest, from appearing before a Town agency. Notwithstanding the provisions of this Section 6, a Councilor may appear before an agency in his/her capacity as a Councilor while acting on behalf of the Town.

Section 7. Bias

If a Councilor believes that he/she is biased for or against an individual or entity that has a matter pending before the Council, and the Councilor believes that such bias will interfere with his/her ability to make a fair and impartial decision, then he/she shall recuse himself/herself from participating in any discussion or decision-making action on this issue.

Section 8. Standards of Conduct

The following specific standards of conduct further the policies and goals set forth in this Code of Ethics:

- A. Councilors shall take reasonable steps to preserve written communications in order to comply with Maine’s “right to know” laws and, more specifically, a request made pursuant to the Freedom of Access Act (“FOAA”). To that end, Councilors shall preserve incoming and outgoing emails or other written communications that are subject to FOAA either (i) on their own computers or filing system or (ii) by copying them to a Town-designated computer account, so that these communications are preserved and readily available in the event of a FOAA request.

- B. Councilors should conduct public business in as transparent a manner as possible. Although one-on-one conversations or meetings are legally permissible if not used to defeat the purpose of FOIA, to the extent information is exchanged that would be of value to the entire Council, such information should be shared at a public meeting.
- C. Councilors shall annually provide a list of any gifts received in the immediate prior year having a value of \$100 or greater, from any person or entity within the Town or having a matter pending before the Council, other than family members or close personal friends. In addition, if a person, business or other entity organized an event that benefitted the Councilor or his/her family or a related business in an amount of \$100 or more, the Councilor shall disclose the name of such person or entity. These disclosures shall be filed with the Town Clerk. For purposes of this section, "gifts" include payments made to a Councilor that exceed the fair market value of any goods or services provided in return.
- D. All Councilors shall be required to attest that they have read and understand this Code of Ethics and will comply with its provisions at the first meeting of the Council each year.

Section 9. Enforcement

All Councilors shall comply with this Code of Ethics. If any member of the Town Council believes that a violation has occurred or if a conflict of interest exists, he/she shall report the matter to the Town Clerk, who shall distribute the report to the Town Council. Pursuant to the Town Charter, the Town Council shall be the judge of whether any violation of this Code of Ethics has occurred and shall determine the appropriate remedy or response.

Section 10. Authority

The Town Council adopts this Code of Ethics pursuant to 30-A MRS 2605(7).

Section 11. Applicability

This policy shall apply to all members of the Cape Elizabeth Town Council.

Section 12. Effective Date

This policy was adopted effective October 6, 2014 and revised April 9, 2018.

Section 13. Amendment

This policy may be amended or revised by a majority vote of the Town Council.

Section 14. Severability

If any provision of this policy is found to be unenforceable or invalid, the remaining provisions shall remain in full force and effect.

Section 15. Conflict with other Policies, Ordinances, or Jurisdictions

Whenever a provision of this Code of Ethics conflicts with or is inconsistent with another provision of this Code, or conflicts with or is inconsistent with the Town Charter, any Town Ordinance, state statute or regulation, or any other applicable law, the more restrictive provision shall apply.