



## **Cape Elizabeth Town Council**

**DRAFT Minutes Monday, July 12, 2021**

**7:00 p.m.**

**Town Hall – Council Chambers**

James M. "Jamie" Garvin, Chairman  
Nicole Boucher  
Valerie J. Deveraux  
Jeremy A. Gabrielson  
Caitlin R. Jordan  
Penelope A. Jordan  
Gretchen R. Noonan

The meeting was convened at 7:00 p.m. by Chairman Garvin.

### **Roll Call by the Town Clerk**

All members of the town council were present.

Rachel Davis, Director of the Thomas Memorial Library  
Chief Peter Gleeson, Fire Department  
Debra M. Lane, Town Clerk  
Jay Reynolds, Director of Public Works  
Matthew E. Sturgis, Town Manager

### **The Pledge of Allegiance to the Flag**

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

Councilor Penelope Jordan recognized former long-time (30 years) math teacher and swim coach Donald L. Richards. Mr. Richards was a great teacher and coach. To recognize his contributions to the community, the pool at the high school is named the Donald L. Richards Community Pool. Mr. Richards passed away July 4, 2021 at the age of 83.

### **Finance Committee Report**

The fiscal year ended on June 30. Next month financial reports will be provided for June and July.

### **Citizen Opportunity for Discussion of Items Not on the Agenda**

None

### **Town Manager's Monthly Report**

Matthew E. Sturgis

The fiscal year 2021 ended June 30<sup>th</sup> and the Town is in the process of finalizing its financial reporting for that year. Next month I will have a double report on the financial position of the year closed and the first month of the new fiscal year.

The communications tower project beside the recycling center is progressing, and you will note that the tower will begin going up over the next couple of weeks. The tower will vastly improve our communications once complete for police, fire, and public works.

**Page 2 Town Council Minutes  
July 13, 2021**

Revision Energy prevailed in the electric vehicle request for proposals, and will be installing a four car charging station at Fort Williams and a four car station at the Community Services building this summer. Both stations will require users to pay for the service, and we are excited for their installation as they represent part of the council goals on climate action.

Summer camp at Community Services is in full swing, with 160 campers of all ages taking part in this year's offering.

The summer reading program at Thomas Memorial Library recently began with a high level of interest. Interesting statistic for Thomas Memorial Library, we have the fifth highest volume of circulation across the library consortium, which is comprised of 60 libraries across the state. The TML had 7,820 items in circulation, following only South Portland Scarborough, Falmouth, and Brunswick. With a significant difference in population between the lower circulation communities.

Volume is increasing steadily at Fort Williams, with parking revenues increasing monthly as the weather improves and the season comes into full swing. Each week has shown growth, with the most recent week booking gross receipts of just under \$31,000.

Finally, thank you to Chairman Garvin for his eloquent remarks during the recent visit by First Lady Jill Biden. Additional thanks to Assistant Manager Debra Lane, Police Chief Fenton, Community Services Director Kathy Raftice, Public Works Director Jay Reynolds, and their staffs for assisting in making the visit a success.

**Review of Draft Minutes of the meetings held on June 14, 2021 and Special Meetings on June 7, 2021 and June 22, 2021**

Moved by Penelope A. Jordan and Seconded by Gretchen R. Noonan

ORDERED, the Cape Elizabeth Town Council approves the minutes of the meetings held on June 14, 2021, June 7, 2021 and June 22, 2021 with the correction of a typographical error on June 7, Item #90-2021; the second vote should read re-enters public session.  
(7 yes) (0 no)

**Public Hearing            Establishment of a New Standing Committee –  
Diversity, Equity and Inclusion Committee**

Chairman Garvin opened the public hearing at 7:14 p.m.

Jeanette Guglielmetti, 12 Old Fort Road said a recent Cape Facebook POD is requesting signatures in support of a DEI task force. DEI is trigger words mixed in with critical race theory. Requests the item be tabled and the Ad-hoc Civil Rights Committee survey citizens and hold a public hearing to understand how the community feels about the matter.

**Page 3 Town Council Minutes  
July 12, 2021**

Maureen Clancy, 11 Hemlock Hill Road supports creating a standing committee.

Tom Dunham, 11 Becky's Cove Lane opposes creating a standing committee.

Melanie Thomas, 6 Starboard Drive Member of the Ad-hoc Civil Rights Committee supports a standing committee to continue the work.

John Voltz, 33 Philip Road supports creating a standing committee.

After hearing no further comments the hearing was closed at 7:24 p.m.

**Item #100-2021 Recommendation from the Ordinance Committee Relating to a New Standing Committee – Diversity, Equity and Inclusion Committee**

Moved by Nicole Boucher and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council following a public hearing on July 12, 2021 does hereby amend Chapter 4 Boards and Committees to establish a 7-member standing committee; Sec. 4-1-7 D. Diversity, Equity and Inclusion Committee. Standing members will be appointed through the annual appointments process with terms beginning January 1, 2022. Initially terms will be staggered 1, 2, and 3 years; full terms expiring 3 years from appointment.

SEC. 4-1-7. Establishment of Standing Boards and Committees.

D. Diversity, Equity and Inclusion Committee

1. Membership. The Diversity, Equity and Inclusion Committee shall consist of seven (7) members. In addition, the committee may invite two student representatives from Cape Elizabeth High School and/or Cape Elizabeth Middle School to be non-voting representatives.
2. Purpose. The purpose of the Diversity, Equity and Inclusion Committee shall be to serve as a bridge between town government and the community to celebrate and advocate for diversity, equity and inclusion.
3. Duties.
  - a. Advise and recommend to the Town Council policies and practices to promote diversity, equity and inclusion. This shall include but not be limited to review of policies and practices of town departments to promote anti-racism, equity and inclusion.
  - b. Educate the community by developing programs, events and initiatives to promote diversity, inclusion awareness and anti-racism and provide ongoing guidance on approaches for training town officials and employees in order to eliminate explicit and implicit bias.
  - c. Elevate community awareness and engagement by creating tools such as surveys in order to better understand community view and concerns about diversity, equity and inclusion and campaigns that promote Cape Elizabeth as a town that is a welcoming and respectful place to live, work and visit.

(7 yes) (0 no)

**Page 4 Town Council Minutes  
July 12, 2021**

**Consent Calendar Item #101-2021 – Item #103-2021**

Councilors Caitlin Jordan and Penelope Jordan disclosed they do business with The Good Table and The Good Table is a supporter of local farms and Cape Farm Alliance.

Present – Chief Peter Gleeson and Public Works Director Jay Reynolds

Moved by Jeremy A. Gabrielson and Seconded by Gretchen R. Noonan

ORDERED, the Cape Elizabeth Town Council approves Item #101-2021, #102-2021, and #103-2021 as presented.

(7 yes) (0 no)

**Item #101-20201      The Good Table Liquor License Renewal**

ORDERED, the Cape Elizabeth Town Council approves the renewal malt liquor (beer), wine, and spirits license for Good Table, Inc. located at 527 Ocean House Road as presented.

**Item #102-2021      Purchase of a Loader/Backhoe for the Public Works Department**

ORDERED, the Cape Elizabeth Town Council awards the bid to Milton Cat for a Caterpillar 420 backhoe/loader in the amount of \$108,900.00. Said bid process and award of bid is pursuant to the Town of Cape Elizabeth Purchasing Procedure policy amended June 14, 2021.

**Item #103-2021      Purchase of a New Pumper for the Fire Department**

ORDERED, the Cape Elizabeth Town Council awards the bid to Greenwood Emergency Vehicles for a new pumper in the amount of \$630,000.00. Said bid process and award of bid is pursuant to the Town of Cape Elizabeth Purchasing Procedure policy amended June 14, 2021.

**Item #104-2021      Recommended Amendments to the Thomas Memorial Library Policies**

Present – Rachel Davis, Director of the Thomas Memorial Library

ORDERED, the Cape Elizabeth Town Council approves the recommendation from the Thomas Memorial Library Committee to amend certain policies including General Use Policy, Food & Beverage Policy, Computer Use and Internet Policy and Safe Child & Vulnerable Adults Policy as presented, draft dated July 6, 2021 with the addition of the word telephone in the Safe Child & Vulnerable Adults Policy – Safe Child Policy bullet #7 last sentence, “A free public telephone is available in the lobby for general use.”

**Page 5 Town Council Minutes  
July 12, 2021**

The policies are effective immediately.  
(7 yes) (0 no)  
See attachment.

**Item #105-2021      Water Body Naming Project**

2019 Comprehensive Plan  
Recommendation #72 Assign names to significant unnamed bodies of water and streams

The town council requested the conservation committee to review and suggest names for unnamed bodies of water. The recommendations were then reviewed by the Ad-Hoc Civil Rights Committee. The Ad-hoc Civil Rights Committee found five proposed names to be potentially problematic; S12 Ziggy Stream, S27 Hicks Beck, S29 Rebels Run, S53 Nigawes and P10 Saunkskwak.

It was a consensus of the town council to request staff to provide potential names for the five bodies of water and to bring the item back to the council at a future meeting for action on all of the recommendations.

**Item #106-2021      Town Center Affordable Housing Amendments**

Public Comment

Maureen Clancy, 11 Hemlock Hill Road said it's time for Cape Elizabeth to add affordable housing to the town. We must be part of the solution. Cape Elizabeth is behind in meeting the need.

Kristen Martin, Szanton Co. clarified misinformation about the request for zoning changes and why they are needed.

Melanie Thomas, 6 Starboard Drive stated I wouldn't be here if it wasn't for affordable housing. Look what it would mean for 49+ people to have the opportunity. Looking for Cape Elizabeth to do better re: diversity.

Tony Armstrong, 32 Lawson Road favors the project and a committee to study affordable housing. Don't hold up the project waiting for a committee.

John Voltz, 33 Philip Road said the project has crystalized the housing problem. Look at the project as an opportunity to understand the cost of affordable housing. Doing nothing is a cost. Do nothing and you wait another 50 years.

Pauline Wilcox, 17 Cape Woods Drive encourages citizens to focus on what is happening in Cape Elizabeth. Talk to each other to understand our differences.

**Page 6 Town Council Minutes  
July 12, 2021**

Suzanne McGinn, 1180 Shore Road said if Cape Elizabeth wants affordable housing create an affordable housing masterplan. Update the Comprehensive Plan housing data. Current zoning ordinances are not working and should be strengthened to be effective.

Nathan Szanton, Szanton Co. stated the change for zoning is only within the Town Center District. Will be happy to assist with a task force but not at the same time as a project.

Moved by Penelope A. Jordan and Seconded by Caitlin R. Jordan

ORDERED, the Cape Elizabeth Town Council sets to public hearing on Monday, September 13, 2021 at 7:00 p.m. at the Cape Elizabeth Town Hall a recommendation from the ordinance committee relating to Town Center Affordable Housing amendments. The proposed amendments are included in a memo from the ordinance committee dated May 26, 2021. It is anticipated a vote on the amendments would not be held earlier than the October council meeting.

(7 yes) (0 no)

Note: In addition a workshop will be held prior to the public hearing, and possibly after, to provide the town council additional opportunity to review the specific amendments.

Moved by Jeremy A. Gabrielson and Seconded by Nicole Boucher

ORDERED, the Cape Elizabeth Town Council refers to workshop Recommendation #83 of the 2019 Comprehensive Plan with consideration to establish an ad-hoc committee/task force regarding affordable housing.

(7 yes) (0 no)

83. Undertake a Housing Diversity Study that evaluates current housing costs, needs, impacts on services and other relevant elements and recommends actions to create more affordable opportunities for seniors to downsize, and for young adults and young families to move to Cape 260 Elizabeth. At a minimum, options to evaluate should include incentives to create permanently affordable housing and municipal purchase of land for construction of affordable housing, and coordination of regional efforts with the Metro Coalition.

**Item #107-2021      Planning Board Recommendation to Amend Chapter 19  
Zoning Ordinance Relating to the Size of High Tunnel/Greenhouse Agricultural  
Buildings**

Due to the subject of the request, Councilors Caitlin Jordan and Penelope Jordan have abstained from discussion and voting on this item due to a conflict of interest.

Moved by Valerie J. Deveraux and Seconded by Jeremy A. Gabrielson

ORDERED, the Cape Elizabeth Town Council sets to public hearing on Monday, August 9, 2021 at 7:00 p.m. at the Cape Elizabeth Town Hall a recommendation from the planning board to amend Chapter 19 Zoning Ordinance 19-9-2 c. relating to the size of

**Page 7 Town Council Minutes  
July 12, 2021**

high tunnel/greenhouse agricultural buildings to increase the building footprint from 2,000 to 3,000 sq. ft. in size.  
(5 yes) (0 no) (2 abstentions Councilor Caitlin Jordan and Councilor Penelope Jordan)

**Item #108-2021      Proposed Amendments to Chapter 19 Zoning Ordinance  
Relating to Wireless Amendments**

Introduction – Ordinance Committee Chairman Penelope Jordan

Moved by Caitlin R. Jordan and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council refers to the planning board for review and report back recommendations from the ordinance committee to amend Chapter 19 Zoning Ordinance relating to wireless amendments.  
(7 yes) (0 no)

**Item #109-2021      Request for Review of Food Trucks within the Town Center  
District**

Introduction – Councilor Boucher

Moved by Caitlin R. Jordan and Seconded by Nicole Boucher

ORDERED, the Cape Elizabeth Town Council refers to workshop a request from Councilor Boucher to review food trucks within the Town Center District.  
(7 yes) (0 no)

**Item #110-2021      Tax Acquired Property Review (Map U01 Lot 77)**

After discussion, no action was taken. The council may revisit the item at their discretion particularly if future ordinance amendments change the allowable use of such lots.

**Item #111-2021      Recommendation to Refer to Workshop Remote Participation  
Policy for Boards**

Public Comment

John Voltz, 33 Philip Road, Member of the Energy Committee encouraged the town council to adopt a policy allowing remote participation for board members when permitted by the new law.

Moved by Nicole Boucher and Seconded by Jeremy A. Gabrielson

ORDERED, the Cape Elizabeth Town Council refers to workshop consideration of a policy to allow board members remote participation for meetings, when allowed by law.  
(7 yes) (0 no)

**Page 8 Town Council Minutes  
July 12, 2021**

**Citizens may at this point in the meeting raise any topic that is not on the agenda that pertains to Cape Elizabeth local government.**

John Voltz, 33 Philip Road said when addressing housing you need to look in total and be realistic in what you want. Rather see us in front of, rather than behind the problem.

Moved by Caitlin R. Jordan and Seconded by Penelope A. Jordan  
ORDERED, the Cape Elizabeth Town Council adjourns at 9:08 p.m.  
(7 yes) (0 no)

Respectfully Submitted,

---

Debra M. Lane, Town Clerk



## Attachment Item #104-2021

### Thomas Memorial Library Policy Manual Food and Beverage Policy

#### Purpose

The Thomas Memorial Library strives to create a welcoming, clean and comfortable environment for all to enjoy. Consistent with this goal, food and beverages are allowed in the library on a limited basis and should be consumed in a considerate and responsible manner. Food and beverages pose a potential risk to library collections, equipment, and furnishings, in addition to presenting a burden to custodial staff when they are not properly disposed of. In order to protect our resources and facilities from damage, we ask that visitors act responsibly when consuming food and beverages in the library. To meet this goal, the library has adopted the following specific guidelines for the consumption of food and beverages inside of the building.

- Library visitors must:
  - Immediately report spills to staff
  - Discard food and beverages refuse in trash containers
  - Leave all areas clean for use by others
- Consumption of food is **limited to pre-packaged snacks or wrapped items that are consumed by an individual. Inside the library is not an appropriate place to enjoy full meals.** Hot, smelly or messy foods such as pizza, burgers, and fries, are not allowed.
- Please be courteous to fellow visitors and avoid eating foods with common allergens and/or strong odors.
- Beverages are allowed if they are in a spill-proof cup, container with a secure lid, a can, or plastic bottle with a screw top. Open containers are not allowed.
- No alcoholic beverages are allowed in the library.
- If visitors' food or beverage consumption is disruptive to others, they will be asked to remove it from the library.
- No take-out meals or food deliveries are allowed, unless part of an official library-sponsored event.
- Food and beverages are permissible for special functions in library meeting rooms as authorized by the Library Director. Rules for food and beverages are detailed under the library's Meeting Room Policy.
- Certain areas of the library may be designated as "No Food or Beverages" zones.
- Food and beverages are not permitted while using library computers, printers, photocopiers, or other electrical equipment.
- Unattended food and beverages openly displayed in public areas will be discarded by staff.
- Library visitors are liable for any damage to library materials or equipment caused by their food or beverages.
- Visitors violating this policy will be asked to remove their food and beverages from the library.

## **Staff**

Food and beverages are allowed in staff areas and staff offices; cooked food with a strong odor should be consumed in the staff kitchen only. Beverages in closed containers are allowed when not left in public view at the public service desks. Snacks are not allowed at the public service desks.

## **Public Health Situations**

In the event of a public health situation that impacts safe use of the Library building by the public, food and beverages may be temporarily banned in accordance with protocols issued by appropriate governing authorities (municipalities and/or governing boards) with the health and safety of library staff and visitors as the primary objective.

**Voted for recommendation of approval by the TML Committee on:** April 29, 2021

**Adopted by the Town Council:** July 12, 2021

**Policy Review:** This policy shall be reviewed at least every 2 years

## **Attachment Item #104-2021**

### **Thomas Memorial Library Policy Manual Computer Use and Internet Policy**

#### **Purpose**

The Thomas Memorial Library is pleased to provide public use computers, as well as free public internet access in order to ensure universal access to this vast and vital source of information and communication. This policy exists in order to ensure the fair and reasonable use of library computers and internet resources. By accessing the internet using library network connections, or by accessing the internet inside library facilities using other public or private wireless networks, visitors agree to all terms and conditions expressed in this policy.

The internet and online environment consists of information on a wide range of topics, provided by millions of individuals and organizations around the world. Library visitors are advised to exercise judgement and discrimination when evaluating the usefulness and reliability of material found on the internet. Not all information available on the internet is accurate, complete, up-to-date, lawful, or philosophically acceptable to all individuals. The library has no control over the information found on the internet, and cannot be held responsible for its content.

The library assumes no responsibility and shall have no liability for any direct, indirect or consequential damages arising from providing computer and internet access to the public. In addition, visitors are responsible for:

- Any consequences that arise from unlawful or prohibited activities while using library equipment.
- Saving their own work on a mobile storage device such as a flash drive.
- Evaluating the accuracy of the material found on the internet.

#### **General Procedures**

- The library provides internet access in two ways: public computer stations and an unsecured wireless network available to visitors with their own wireless devices. This policy applies to the use of each of these services.
- Computers are available from the time the library opens until 15 minutes before closing.
- Computers include USB ports for using flash drives. Visitors may bring their own flash drives to save their files. Files saved to a library computer's desktop are automatically deleted when the computer is restarted.
- Security measures have been taken to prevent the unintentional or intentional changing of operating system or software settings.
- Computer use is limited to 2 sessions of 60 minutes per day. Sessions may be extended by permission should the computers be available; if there is a queue for use, visitors will be expected to relinquish their computer when their time limit is reached.

- Should visitors wish to use sound on any computer or wireless device, headphones are required.
- Black & white printing is available for a fee. The library does not offer color printing services.
- Limited scanning services are free; but library staff cannot assist with extensive scanning needs.
- All copying and scanning using library equipment must comply with copyright laws.
- Library staff's availability to help visitors with basic computer use is limited. Additionally, library staff may not have knowledge of all library computer programs, nor will they be familiar with how to use all websites. Library staff can assist as time and staffing permits, but visitors must have basic computer skills and are encouraged to attend one of the library's instructional technology programs to further their technology literacy skills.
- Basic word processing software is available on each public desktop computer. Staff can offer a visitor general help with word processing, but cannot help compose personal documents or research papers.

### **Children (minors under the age of 13)**

Children under the age of 13 are allowed to use the computers located in the Children's Room. As with other library materials, access or restriction of a child on the internet is the parent or guardian's responsibility. It is recommended that parents and guardians both supervise their children's use of the internet and discuss safe internet practices with their children. The library does not act *in loco parentis* (in the place or role of a parent or guardian) regarding the supervision or restriction of children's use of the computers or the internet.

- Parents or caregivers of minor children are expected to supervise their child's computer and internet sessions. Library computers in the Children's Room are solely for use by children up to and including age 12.
- Parents or guardians are solely responsible for what their children access via the internet.
- Parents are cautioned that unsupervised children may see things that the parent finds objectionable.
- Children should be accompanied by a parent or caregiver or should be provided with parental guidelines for internet use.
- Library staff are not responsible for determining what is acceptable for children, but may intervene if a child violates general policies or procedures.

**Teens (minors 13 - 18 years old)**

Teens may use the computers in the Adult Department, with the understanding that library employees do not assume the role of a parent or caregiver in determining what is and is not acceptable to view. Again, staff may intervene if a minor violates general policies or procedures.

**Conduct**

The computer and internet resources offered by the library are to be used in accordance with principles of respect for other visitors of the network and equipment. Therefore, visitors may not:

- Attempt to access or tamper with settings or files on the hard disk by modifying, deleting or in any way altering them.
- Unplug, remove, or otherwise modify library equipment.
- Use software other than that provided and installed by the library.
- Make unauthorized entry into other networks or systems, or in any other way violate computer system security.
- Violate the privacy of others, harass other visitors, or send harassing or threatening messages
- Display sexually or violently graphic material on the computer screen; this is considered offensive behavior, and is a violation of Thomas Memorial Library's General Use Policy.
- Refuse to leave a computer after being suspended or asked to leave.
- Disrupt or obstruct the work of others.
- Use a cell phone for extended conversations while at the public computers.
- Play audio without headphones while at the public computers.
- Bring food or drink near the public computers or the public computing desks.

**Safety and Privacy**

Library visitors are warned that the internet is not a secure medium and that privacy of email and other communications is not guaranteed. Though the library employs antivirus software, it cannot guarantee that its server or any web site accessed by internet visitors is free of viruses or other harmful components. Visitors should assume that their information may not be private. The library is not liable for the loss or compromise of confidential or sensitive information or for any and all damages resulting from that loss or compromise.

It is solely the responsibility of the wireless device owner/visitor to provide antivirus protection, and to configure personal equipment with appropriate security settings to control access from other wireless devices within library facilities and the internet itself. Wireless visitors assume all risks in this regard.

## Freedom of Access

The library adheres to the American Library Association's policy statement *Access to Electronic Information, Services, and Networks: An Interpretation of the library Bill of Rights*, which supports the right of individuals to choose Library materials for themselves, including those in electronic formats. As such, the library does not monitor and has no control over or responsibility for the information accessed through the internet.

The library must balance the goal of supporting intellectual access with that of maintaining a welcoming environment. Unless a visitor is viewing material that is harmful or obscene, staff will not interfere with a visitor's right to privacy. Equally, in the case that a visitor's use of the internet, computers, and/or devices interferes with the ability of the library to provide a welcoming environment for the public, they may be asked to change their behavior.

## CIPA Filtering

Thomas Memorial Library provides Internet access through our affiliation with the Maine School and Library Network (MSLN).

*To continue to receive funding for Internet access through the Federal E-rate program as administered by Network Maine for the Maine School and Library Network (MSLN) the library is required to: (a) prevent visitor access over its computer network to, or transmission of, inappropriate material via Internet, electronic mail, or other forms of direct electronic communications; (b) prevent unauthorized access and other unlawful online activity; (c) prevent unauthorized online disclosure, use, or dissemination of personal identification information of minors; and (d) comply with the Children's Internet Protection Act [Pub. L. No. 106-554 and 47 USC 254(h)].*

Key terms are as defined in the **Children's Internet Protection Act** (see **Appendix B.**)

## Access to Inappropriate Material

To the extent practical, technology protection measures (or "internet filters") shall be used to block or filter Internet, or other forms of electronic communications, access to inappropriate information.

Specifically, as required by the **Children's Internet Protection Act**, blocking shall be applied to visual depictions of material deemed obscene or child pornography, or to any material deemed harmful to minors.

Subject to staff supervision, technology protection measures may be disabled for adults or, in the case of minors, minimized only for bona fide research or other lawful purposes.

### **Inappropriate Network Usage**

To the extent practical, steps shall be taken to promote the safety and security of visitors of the Thomas Memorial Library online computer network when using electronic mail, chat rooms, instant messaging, and other forms of direct electronic communications.

Specifically, as required by the **Children's Internet Protection Act**, prevention of inappropriate network usage includes: (a) unauthorized access, including so-called 'hacking,' and other unlawful activities; and (b) unauthorized disclosure, use, and dissemination of personal identification information regarding minors.

### **Legality**

Use of the library's internet and equipment for transmission, dissemination, and/or duplication of information is regulated under various state and federal laws. The library expects all visitors to comply with such laws, including but not limited to those related to copyright, computer hacking, and child pornography. Laws governing the use of the library's public internet computers and networks include, but are not limited to the following (see **Appendix B** complete text.)

- Children's Internet Protection Act (CIPA)
- Computer Fraud and Abuse Act (CFAA)
- Digital Millennium Copyright Act (DMCA)

### **Violation**

Violation of this policy or the library Use Guidelines Policy may result in suspension or revocation of library privileges. Use of the computers for illegal activity may also be subject to prosecution by the appropriate authorities.

**Adopted by TML Committee on:** April 29, 2021

**Adopted by the Town Council:** July 12, 2021

**Policy Review:** This policy shall be reviewed at least every 2 years

## **Attachment Item #104-2021**

### **Thomas Memorial Library Policy Manual General Use Policy**

#### **Purpose**

Thomas Memorial Library provides access to all through its collections, programs, facilities and resources. We strive to serve our visitors effectively by providing a welcoming and safe environment. At the same time we ask that visitors help us to maintain an atmosphere that is conducive to inquiry, exploration, and community engagement by following these guidelines.

Entering the library constitutes an implicit acceptance of these guidelines and an acknowledgement of the right of library staff to take any action they see fit while interpreting these guidelines for the safety and enjoyment of all visitors and staff. Library staff are expected to treat visitors with courtesy, dignity, and respect. Similarly, library visitors are expected to behave in a manner such that their actions do not interfere with the functions of the library or with the convenience and comfort of other visitors.

The library is open for specific and designated civic, educational and cultural uses, including reading, studying, writing, participating in scheduled library programs, and using library materials. We welcome everyone to:

- Read, work, study, and enjoy our environment within the limits of its intended use.
- Feel safe and respected while using the library.
- Find curated materials of interest to the community, in good condition, and access to accurate and relevant sources of information through our resources.
- Attend library programs and events.

No individual may engage in inappropriate conduct on the premises of the library, when using library facilities, or when participating in library programs (virtual or in-person).

#### **Intellectual Freedom**

The staff and administration of Thomas Memorial Library support the principles of intellectual freedom. The library endorses unrestricted First Amendment freedoms for all its visitors. The library imposes no restrictions on visitor access to constitutionally protected information.

We uphold the principles of intellectual freedom and resist all efforts to censor library resources. We respect, within the limits of the law, each Library visitor's right to privacy and confidentiality with regard to information sought or received and resources consulted, acquired, or transmitted.



For more information, see **Appendix A: ALA Library Bill of Rights, ALA Freedom to Read Statement, ALA Freedom to View Statement, ALA Office of Intellectual Freedom.**

## **Enforcement**

Failure to follow these guidelines will result in the following actions:

- Behaviors will be addressed as outlined in the Progressive Action Matrix.
- Library visiting privileges may be suspended for an extended time period at the discretion of the Library Director.
- Library staff may call local law enforcement to provide assistance in enforcing these guidelines. Illegal activity in the library may result in arrest and/or prosecution in addition to suspension of library privileges.
- Visitors who return to the library before a suspension has ended may be charged with trespassing.

## **Additional Information**

- In case of an emergency, promptly follow all library staff instructions.
- Illegal activity of any kind will be reported immediately to law enforcement.
- In any situation involving the safety of children or vulnerable adults, and specifically whenever the parent or caregiver or police are contacted, staff will complete an Incident Report.

## **Prohibited Conduct and Activities**

In consideration of all library visitors and staff, the following activities are not allowed:

- Leaving a vulnerable adult or a child under the age of 13 unattended. For more details, **Safe Child and Vulnerable Adults Policy.**
- Attending a program for children, or using a designated children's computer without being accompanied by a child (0 to 12.)
- Using the designated teen area during posted teen hours or attending a program for teens, without being accompanied by a teen (13-17) or without a demonstrated need to access the teen collection.
- No food or drink is allowed at computer stations. Computers are located in public areas and shared by people of all ages and backgrounds. Visitors are expected to use library computers in a responsible and courteous manner. For more details, refer to the **Computer Use and Internet Policy.**
- Viewing or displaying inappropriate, sexually explicit, or illegal material in the library. For more details, refer to the **Computer Use and Internet Policy.**

- Disturbing others by talking loudly or with other noisy activity.
- Failure to use headphones when listening to audio on any electronic devices.
- Engaging in extended conversations using a cell phone except in designated areas.
- Sleeping—as a safety precaution sleeping individuals will be awakened.
- Eating—except in the designated areas, or food provided at library-sponsored events. Eating on the floor is not allowed. For more details, refer to the **Food and Beverage Policy**.
- Drinking—except for covered beverages in the designated areas, or beverages provided at library sponsored events. For more details, refer to the Food & Beverages Policy.
- Presenting offensive and pervasive odor or odors that may make the use of the library difficult for others.
- Entering the library without shoes or adequate clothing.
- Bringing in animals other than service animals recognized under *Titles II and III of the Americans with Disabilities Act (ADA)*.
- Leaving pets unattended and/or unleashed in outdoor areas near the library, including but not limited to entryways, pathways, lawns, and outdoor seating areas.
- Bringing carts, bicycles, scooters, or similar items into the library or leaving them at the entrance--except when the vehicle is: used by disabled people or is used to carry an infant/child.
- Congregating in groups on the floor of the library, except in the baby/toddler area or during baby/toddler programming, where developmentally appropriate play occurs. Older children, teens, and adults will be asked to utilize the many seating options available.
- Blocking aisles, shelves or any thoroughfare with personal items, or leaving items unattended at any time--except to use the restroom for a reasonable amount of time.
- Putting feet on library furniture, rearranging the furniture or using the furniture for other than its intended purpose.
- Viewing or displaying inappropriate, sexually explicit, or illegal material in the library. For more details, refer to the **Computer Use and Internet Policy**
- Selling, soliciting or using illegal drugs on library premises.
- Consuming alcohol in the library building.
- Soliciting money, donations or signatures, or the distribution or posting of any printed material without library approval. (See **Bulletin Board Policy**)
- Smoking, or using tobacco products and other controlled substances, including using electronic and smoke-free cigarettes (vaping) inside or within 50 feet of the library building.
- Vandalizing library facilities, equipment or materials.

- Removing library materials from the building without checking them out.
- Engaging in sexual conduct or lewd behavior.

### Progressive Action Matrix for Addressing Prohibited Behaviors

Type	Examples of Behaviors	Library Response <i>First Occurrence</i>	Library Response <i>Second Occurrence</i>	Library Response <i>Repeat Occurrences</i>
<b>Emergency Incident</b>	Threat of physical violence to visitors or staff.  Accessing illegal material on the internet (e.g., child pornography).  Other violations of law.	Call Police.  Obtain Police Report.  File Incident Report.  Ban for one year.	Call Police.  Obtain Police Report.  File Incident Report.  Extend ban as determined by Library Director.	Call Police.  Obtain Police Report.  File Incident Report.  Extend ban as determined by Library Director.
<b>Serious Incident</b>	Harassment of library visitors or staff.  Unsafe or hazardous behavior.	Call Police.  Obtain Police Report.  File Incident Report.  Ban visitor 90 days.	Call Police.  Obtain Police Report.  File Incident Report.  Ban for one year.	Call Police.  Obtain Police Report.  File Incident Report.  Extend ban as determined by Library Director.
<b>Disruptive Behavior</b>	Violations of this policy that are not prohibited by law and do not create an immediate threat or unsafe condition, e.g., cell phone use, eating or drinking, loitering.	Give oral warning citing policy.	Provide a written copy of policy.  Management level staff will ask the visitor to leave the building for the day.  File Incident Report.	Ban visitor for 30 days.  File Incident Report.  Subsequent violations, ban determined by Library Director.

Type	Examples of Behaviors	Library Response <i>First Occurrence</i>	Library Response <i>Second Occurrence</i>	Library Response <i>Repeat Occurrences</i>
<b>Unattended Children or Vulnerable Adults</b>	<p>Parent or guardian who is not staying with a child under the age of 13.</p> <p>Child under age of 13 who is left alone at the library by parent or guardian.</p> <p>Vulnerable Adult left alone by caregiver.</p>	<p>Give oral warning citing policy.</p> <p>Explain policy to the caregiver.</p> <p>Monitor for compliance.</p>	<p>Provide a written copy of policy.</p> <p>Management level staff will ask visitor to leave the building for the day.</p> <p>File Incident Report.</p>	<p>Ban visitor 30 days.</p> <p>File Incident Report.</p> <p>Subsequent violations, ban determined by Library Director.</p>
<b>Violation of Acceptable Use Policy for the internet</b>	Violations of Library Computer & Internet Use Policy.	<p>Give oral warning citing policy.</p> <p>Monitor for compliance.</p>	<p>Provide a written copy of policy.</p> <p>Visitor's computer session is terminated.</p> <p>File Incident Report.</p>	<p>Visitor is barred from computer and internet use for 30 days upon review by Library Director.</p> <p>File Incident Report. Director may reinstate internet access before fulfillment of 30 days.</p>

**Voted for recommendation of approval by the TML Committee on:** April 29, 2021

**Adopted by the Town Council:** July 12, 2021

**Policy Review:** This policy shall be reviewed at least every 2 years

## **Attachment Item #104-2021**

### **Thomas Memorial Library Policy Manual Safe Child and Vulnerable Adults Policy**

#### **Purpose**

The Thomas Memorial Library strives to provide a comfortable, safe and welcoming environment for children of all ages. The library is a public building, with staff trained to provide public library services, including programs and resources offered to make the library enticing to children and to help them develop a love of reading, offer access to educational resources, and developmentally appropriate programming. However, busy public buildings are not secure places for children to be left alone.

Appropriate library behavior (as outlined in the *General Use Policy*) is expected of all library patrons, regardless of age. It is important for everyone to have the appropriate supervision and support to enjoy the library, particularly in regards to the safety of children, as well as vulnerable adults. The *Safe Child and Vulnerable Adults Policy* clarifies additional ways that safety is maintained in regards to use of the library.

Disruptive behavior (as outlined in the *General Use Policy*) is grounds for being asked to leave the library at the discretion of the library staff. Regardless of age, behavior is considered disruptive when it disturbs the normal use of the library by other patrons, interferes with the staff in the performance of their duties, or endangers the well-being of anyone, including oneself.

#### **Definitions**

*An unattended child is defined as:*

- A child who is not accompanied by a parent, legal guardian, custodian or caregiver age sixteen (16) or older;
- A child who is eleven (11) or twelve (12) years old who remains in the library for an extended period of time, defined as more than sixty (60) minutes.
- A child between the ages of thirteen (13) and (16) who is using the library independently, but is not picked up by closing time and needs assistance procuring transportation;
- A child under the age of eighteen (18) who appears to need staff help beyond assistance with normal library service, and is not accompanied by a parent, legal guardian, custodian or caregiver age 18 or older

*A vulnerable adult is defined as:*

- An adult who is unable to reasonably care for himself/herself in an emergency situation. This includes adults who are mentally or physically challenged and who need staff help beyond assistance with normal library services and are not under the direct supervision of a parent, legal guardian or caregiver.
- An adult not picked up by closing time who is in need of assistance in procuring transportation.
- 

### **Safe Child Policy**

Children of all ages are encouraged to attend age-appropriate library programs, browse for recreational reading, and use the library facility for studying and recreational reading. Parents and guardians are asked to work with library staff to assure that the library experience is safe and positive for children and all library users by adhering to the principles and guidelines outlined in this policy.

- The Thomas Memorial Library is a public municipal facility, not a school facility. Library staff, unlike teachers and school employees, are not authorized or mandated to act *in loco parentis* (in place of the parent.) Children using the library are not supervised or attended to as they would be in a school setting. The library is not an appropriate place for children to stay unattended for extended periods of time, including after school while waiting for a caregiver to pick them up. See the chart entitled “Levels of Supervision Required” for guidelines for specific ages.
- Library staff cannot monitor who comes and goes from the library building. If a parent or caregiver does not want their child to leave the library unattended, that child should not be left in the library alone.
- If a child is too young to be left at home alone for an extended period of time, that child is too young to be left in the library unattended. Library staff cannot assume responsibility for children’s safety and comfort when they are unattended.
- The library is not equipped—nor is it the library’s role—to provide long-or short-term childcare. The responsibility for the care, safety, and behavior of children lies with their parents or caregivers, both within the library building and on library grounds.

- Children, or persons of any age, should not play, run or otherwise act in an unsafe manner in the library's parking lot area. As with all behavior, inappropriate use of the parking lot area and the library grounds is the responsibility of parents/caregivers.
- Staff does not monitor the arrival or departure of any child from a program or the building and cannot report on their whereabouts.
- For the safety and privacy of patrons, Thomas Memorial Library will not disclose over the phone that a particular person is in the library, nor will staff seek out a particular patron at the request of a caller. Exceptions may be made at the discretion of library staff in the case of an emergency. However, parents of minors should make arrangements with their minor child in advance of their library visit on how to stay in communication with them. A free public telephone is available in the lobby for general use.
- All minors must also have the phone number of a parent/caregiver who may be contacted in an emergency. The library Director will send a follow-up letter to the parent(s) documenting any incident where a child is left alone, not picked up on time or where the child created a problem and library staff could not reach a parent or guardian.
- Parents are responsible for the safety of their children who may visit the Cumberland Farms or other area establishments to purchase snacks, candy, or soda; children and parents should be aware of the kinds of food and beverages that are allowed inside the library, as outlined in the **Food and Beverage Policy**.
- Library staff may not transport children to any location, even by request of the parent/caregiver.

## Levels of Supervision Required

Age of Child	Support and Supervision
Under 6	Must be directly supervised by a parent or responsible caregiver age 16 and over at all times while in the library.
Ages 6 - 8	May enjoy the children's room while parents or caregivers briefly visit other areas of the library, but the parent or caregiver must remain in the library. A child may attend a program in the program room by him/herself; however, the parent/caregiver must be ready to meet that child promptly when the program ends or have made arrangements clear with the child regarding leaving the library with a designated caregiver. Library staff cannot monitor children to ensure they leave with the proper caregiver.
Ages 9 to 10	May enjoy any part of the library while parents or caregivers visit other areas of the library, but the parent or caregiver must remain in the building.
Ages 11 - 12	Are welcome to use the library unattended for limited periods of time, up to sixty (60) minutes, provided they demonstrate purposeful intent to use library resources, and that their behavior is not disruptive to other patrons or library staff. Children are subject to the same rules of behavior as other patrons and the same consequences, including being asked to leave the building and/or premises. Continued inappropriate behavior will result in the requirement that they be attended by a parent or legal guardian.



Ages 13 and up	May be left unattended, providing they understand and follow library rules and observe proper conduct. Children are subject to the same rules of behavior as other patrons and the same consequences, including being asked to leave the building and/or premises. Continued inappropriate behavior will result in the requirement that they be attended by a parent or legal guardian.
----------------	--

### **Vulnerable Adults Policy**

- Vulnerable adults who can understand and follow the **General Use Policy** and who can care for themselves are welcomed to be in the library unattended. They should have contact information for someone who can assist them in an emergency.
- Adults 18 years of age or older who are functionally, mentally, or physically unable to reasonably care for themselves in an emergency situation should not be left alone or unattended in the library, including at library programs.
- Any adult who is unable to provide for their own personal care needs and/or manage their own behavior without caregiver assistance should not be left in the library without a responsible caregiver.
- Any adult who needs help from staff beyond assistance with normal library services should not be left in the library without a responsible caregiver.
- Regardless of cognitive ability/developmental age, a vulnerable adult cannot be left alone in the children's department or teen area.
- Any time vulnerable adults are left unattended in the library, staff will attempt to discuss this policy with the caregiver.
- Library staff may not transport vulnerable adults to any location, even by request of the caregiver.

### **General Emergencies**

- During library hours, when staff believe that the safety of an unattended child or vulnerable adult is in doubt, library staff will attempt to contact the caregiver before calling 911.
- In the case of an immediate safety concern, staff will contact 911 immediately and then attempt to contact the caregiver.

## At Closing

- Library employees will notify the library Supervisor on duty of any unattended child or vulnerable adult still present in the library 10 minutes prior to closing.
- Staff will help contact a parent, guardian, or caregiver for a ride.
- If an unattended child under 16 without means of transportation or a vulnerable person of any age has not successfully contacted a parent, guardian, or caregiver at closing or that caregiver has not arrived by closing, staff will contact the police at the non-emergency number.

## Procedures Regarding Unattended Children and Vulnerable Adults

Who is Unattended	Procedure
Child under age 6	<p>A small child who is left unattended and is frightened should be taken to the children's area and comforted while another staff member tries to find the child's caregiver. When the responsible caregiver is located, our policy should be explained.</p> <p><i>Supervisor:</i> If a child under the age of 6 continues to be left unattended by a caregiver in the building and has been approached by staff, a paper copy of the policy will be presented and the child and caregiver will be asked to leave the library for the day by an appropriate supervisory staff member.</p>
Child ages 6-9	<p>Child will be approached by staff to determine if a caregiver is present. If not, the caregiver will be notified by supervisory staff by phone that it is unacceptable to leave a child of this age unattended at the library, and the policy will be explained.</p> <p>If the child continues to be left at the library unattended, the Director will be notified and will notify police.</p>
Child 10-years old or younger	<p>If a child 10 years old or younger is left unattended and the responsible caregiver cannot be located within a 15 minute search by library staff or contacted by phone, the police will be called by a supervisory staff member. Staff will not transport children under any circumstances.</p>

Child 11 - 12	If a child 11 - 12 years old has been in the library for an extended period of time and is upset, in need of supervision or assistance, or disruptive to others, staff will ask the child to contact a parent or caregiver using their own phone or public phone for assistance, or will ask for contact information to do so themselves. If a responsible caregiver cannot be contacted within 15 minutes, the police will be called by a supervisory staff member.
Children under 16 at closing	Unattended children should be asked 15 minutes before closing if they have a ride. After the library closes, the age of the child should determine whether or not to contact police. If police are called, 2 staff members should stay with the child until their arrival.
Vulnerable adults	In the event that a staff member has concern for the safety of a vulnerable adult who does not appear to have someone to assist them or has concern for the safety, security, and wellbeing of the general public or library property because of actions by or behavior of a vulnerable adult, the following actions will be taken: staff will attempt to locate a caregiver to advise them of the policy and level of supervision and support required; supervisory staff will be notified and will provide any further follow up, presenting a copy of the written policy. If no such person is available or if the situation warrants immediate action, the police department will be called to assist.

## Follow Up

After normal procedures have been followed, especially if repeated incidents occur or an incident report is filed, a letter will be sent by the Library Director directly to caregivers stressing the library's concern for the safety of unattended children and the importance of developing alternative care options. Similarly, a letter will be sent to managing programs or group homes if there are concerns about the safety of vulnerable adults. Repeated violations of the policy will result in further action (please see the **General Use Policy**.)

## Staff Scripts

This language provides guidance for staff in situations where a child is left unattended:

*Child under age 6, caregiver in building:* The library is a very busy place and our staff cannot be responsible for keeping an eye on your child. It's really not safe for them to be out of your sight for any amount of time, we ask that you please enjoy the library together at all times.

*Child under the age of 11 who arrives unattended, contacting caregiver by phone:* This is \_\_\_\_\_ from the library. Your child \_\_\_\_\_ is here with us. The library is a very busy place and our staff cannot be responsible for keeping an eye on your child. It's just not safe for him/her to be here alone. Now, our policy is that children 10 and under must be accompanied in the library by a parent or guardian. Will someone be able to come join them at the library or pick them up?

*Child 11 - 12 years old who remains unattended in the library for an extended period of time and needs supervision or intervention, contacting caregiver by phone:* This is \_\_\_\_\_ from the library. Your child \_\_\_\_\_ has been here for an extended period of time and seems to have reached the point of needing some supervision. The library is a very busy place and our staff cannot be responsible for keeping an eye on your child. Our policy is that children between the ages of 10 and 13 should not be left alone in the library beyond an age-appropriate amount of time, usually a benchmark of about 60 minutes. Your child has been here for \_\_\_\_\_ amount of time and is in need of \_\_\_\_\_ assistance. Will someone be able to come join them at the library or pick them up?

*Approaching an unattended child:* Hi! How are you? Can I help you find anything? Is there an adult here with you today? Could you help me find them so I can remind them of some rules to keep everyone safe at the library? Thanks!

**Revised:** April 14, 2021

**Voted for recommendation of approval by the TML Committee on:** April 29, 2021

**Adopted by the Town Council:** July 12, 2021

**Policy Review:** This policy shall be reviewed at least every 2 years