



## **Cape Elizabeth Town Council Agenda**

**Monday, March 9, 2020**

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

**Cape Elizabeth Town Hall**

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

### **Public Participation at Town Council Meetings**

After an item has been introduced, any person wishing to address the council shall signify a desire to speak by raising their hand or by approaching the lectern. When recognized by the chairman, the speaker shall give his or her name and address or name and local affiliation, if the affiliation is relevant, prior to making other comments. All remarks should be addressed to the Town Council. Comments shall be limited to three minutes per person; however, the time may be extended by majority vote of councilors present. For agenda items that are not formally advertised public hearings, the time for public comments is limited to 15 minutes per agenda item. This time may be extended by a majority of the Town Council. The chairman may decline to recognize any person who has already spoken on the same agenda item and may call on speakers in a manner so as to balance debate. Once the Council has begun its deliberations on an item, no person shall be permitted to address the Council on such item.

### **Speaking at the meeting on topics not on the agenda at regular Council meetings**

Persons wishing to address the Council on an issue or concern local in nature not appearing on the agenda may do so at a regular Town Council meeting before the town manager's report and/or after the disposition of all items appearing on the agenda. Any person wishing to address the Council shall signify a desire to speak by raising their hand or by approaching the lectern. When recognized by the chairman, the speaker shall give his or her name and address or name and local affiliation if the local affiliation is pertinent. Comments in each comment period shall be limited to three minutes per person and 15 minutes total; however, the time may be extended by majority vote of councilors present.

### **Decorum**

Persons present at Council meetings shall not applaud or otherwise express approval or disapproval of any statements made or actions taken at such meeting. Persons at Council meetings may only address the Town Council after being recognized by the chairman.

### **Convening of the Meeting by Town Council Chairman Valerie A. Adams**

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

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

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

### **Revaluation Update**

Town Assessor Clinton Swett will provide an overview and status of the upcoming revaluation.

[Link](#) – Memo from Clinton Swett

[Link](#) – 2020 Revaluation Overview

**Finance Committee Report**  
**Dashboard and Financial Reports as of 2/29/2020**

[Appropriation Control](#)  
[Expense Distribution](#)  
[Revenue Control](#)  
[Revenue Distribution](#)

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

**Town Manager's [Monthly Report](#)**

**Review of [Draft](#) Minutes of the meeting held on February 10, 2020.**

**Item #39-2020          Confirmation of Director of the Thomas Memorial Library**

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

On February 13, 2020 Town Manager Matthew Sturgis announced the appointment of Rachel Q. Davis as Director of the Thomas Memorial Library. Mrs. Davis, Assistant Library Director and Youth Services Librarian has served the library since 1993. She has served as interim director since Kyle Neugebauer left the position on January 24.

Council-Manager Charter Article III Sec. 1.1.

1. Appointments by town manager; removals. Appoint and remove, both subject to approval of the council, the town clerk, town treasurer, police chief, fire chief, public works director and other department heads and prescribe their duties. The town manager shall also have the power to appoint the local health officer, and the manager shall act as health officer in the event of incapacity or absence of the local health officer.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council confirms the town manager's appointment of Rachel Q. Davis to serve as the Director of the Thomas Memorial Library effective immediately.

**Item #40-2020          Fort Williams [Group Use](#) – Beach to Beacon**

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

On January 16, 2020 the Fort Williams Park Committee voted 6-0 on various group uses at Fort Williams Park for 2020 including the Beach to Beach 10K Road Race Tuesday, July 28 – Saturday, August 1, 2020 with a group use fee of \$27,500. The fee will be revisited in March for years after 2020.

On February 10, 2020 the town council voted to refer back to the Fort Williams Park Committee group use fees for the Beach to Beacon 10K Road Race with a recommendation back to the town council.

At the direction of the town council, on February 13, 2020 the Fort Williams Park Committee revisited the Beach to Beach group use fee. The committee unanimously (6 – 0) approved recommending back to the town council a 2020 group use fee of \$27,500 and coming back later in the year to discuss years going forward.

**Item #41-2020      [Group Use](#) Request Making Strides Walk at Fort Williams Park**

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

On February 13, 2020 the Fort Williams Park Committee unanimously approved (6 – 0) the American Cancer Society, Making Strides Walk on Sunday, October 18, 2020 with a group use fee of \$700.00.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the Fort Williams Park Committee to approve the group use for Fort Williams Park for the American Cancer Society, Making Strides Walk on Sunday, October 18, 2020 with a group use fee of \$700.00 as presented.

**Item #42-2020      Consideration of [Memorial Bench Fee](#) at Fort Williams Park**

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

On February 13, 2020 the Fort Williams Park Committee unanimously approved (6 – 0) recommending a memorial bench fee of \$1500.00 per bench. Currently there are 11 benches available for memorials.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the Fort Williams Park Committee to set the memorial bench fee for memorials at Fort Williams Park at \$1500.00 per bench.

**Item #43-2020      Consider Ordinance Committee Recommendation – Short Term Rental Permit Moratorium**

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

[Link](#) – Ordinance Committee Memo dated February 28, 2020

[Link](#) – Moratoria Information

On October 16, 2019 the town council referred to the ordinance committee a review of short term rental (STR) regulations. The ordinance committee has met 7 times to review ordinance amendments.

On February 26, 2020 the ordinance committee voted 3 – 0 to recommend to the town council that a moratorium be adopted banning the issuance of *new* short term rental permits (as they are required under the current ordinance requirements) after June 1, 2020. Renewal of short term rental permits that are current would still be allowed.

The town council will consider setting a public hearing on adopting a moratorium banning any new short term rentals after June 1, 2020. The proposed moratorium would be for 180 days, effective June 1, 2020.

**Item #44-2020            Receipt of Audit Results FY 2019**

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

[Link](#) – Town of Cape Elizabeth Annual Financial Report as of June 30, 2019

[Link](#) – Town of Cape Elizabeth SAS Letter as of June 30, 2019

[Link](#) – Town of Cape Elizabeth Statement of Assurance as of June 30, 2019

[Link](#) – Town of Cape Elizabeth Yellow Book as of June 30, 2019

[Link](#) – Statement of Assurance School Department as of June 30, 2019

[Link](#) – School Department Financial Statements as of June 30, 2019

The town council and school board met in workshop session on January 29, 2020 to review the results of FY 2019 audit results prepared by Runyon Kersteen Ouellette. The boards also had the opportunity to ask questions.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council acknowledges receipt of the results of the FY 2019 audit ending June 30, 2019 as prepared by Runyon Kersteen Ouellette as presented.

**Item #45-2020            [Vote](#) Authorizing Expenditures for School Renovations**

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

The Department of Education notified Superintendent Wolfrom in a letter dated January 31, 2020 that the town has been awarded funding through the School Revolving Renovation Fund to finance expenditures of up to \$390,429 for renovations to Pond Cove Elementary, Middle School and High School.

Bond Counsel Jim Saffian has prepared a vote for town council consideration to obtain a loan through the Maine Municipal Bond Bank’s School Revolving Renovation Fund under the Maine School Facilities Finance Program in an amount not to exceed \$390,429 of which the town anticipates that 30% (estimated \$117,129) will be forgiven and the town will be obligated to repay 70% of the balance of the loan (estimated \$273,300).

**Draft Motion:**

TOWN OF CAPE ELIZABETH, MAINE

Vote authorizing expenditures of up to \$390,429  
for school renovations  
and the issuance of bonds therefore

**WHEREAS**, the Town desires to obtain a loan through the Maine Municipal Bond Bank’s (the “Bond Bank”) School Revolving Renovation Fund (“SRRF”) under the Maine School Facilities Finance Program to finance renovations to Pond Cove Elementary School, the Middle School and the High School; and

**WHEREAS**, the Town expects to enter into a loan agreement with the Bond Bank in an amount not to exceed \$390,429, of which the Town anticipates that 30% of said loan (estimated to be \$117,129) will be forgiven and that the Town will be obligated to repay the 70% balance of said loan (estimated to be \$273,300);

**NOW, THEREFORE,**

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

VOTED: That the Town be authorized to expend up to \$390,429 to fund the costs of the following school renovations and improvements (including costs of issuance, capitalized interest, and any other costs related or ancillary thereto) (referred to as the “Projects”):

**Amount Description**

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\$ 12,706	Pond Cove Elementary – Emergency Plumbing Fixtures
\$ 52,135	Middle School – Emergency Plumbing Fixtures
\$325,588	High School – Emergency Plumbing Fixtures / HVAC / Roof / Intercom and Public Address System

VOTED: In order to provide funds for the Projects, the Treasurer be and hereby is authorized to borrow up to \$390,429 in the name of and on behalf of the Town and that to effect such borrowing, the Treasurer be and hereby is authorized to enter into a loan agreement between the Town and the Bond Bank, such loan agreement to contain the usual and customary terms as it required by the Bond Bank under its SRRF program, such loan to be in the amount not to exceed \$390,429, of which 30% (estimated to be \$117,129) is expected be forgiven and 70% (estimated to be \$273,300) is expected to be repaid under the terms of the SRRF program (the “SRRF Loan”), such SRRF Loan to be evidenced by the Town’s general obligation bonds in the amount to be repaid under said SRRF program (anticipated to be an amount not to exceed \$273,300), the proceeds of which loan are hereby appropriated to fund the costs of the Projects.

VOTED: The loan agreement and the bonds shall be signed by the Treasurer, countersigned by the Chairman of the Town Council and attested by the Town Clerk, all in the name of and on behalf of the Town.

VOTED: The form, maturity, interest rate, terms and other details of said bonds and loan agreement shall be as determined by the Treasurer and the Chairman of the Town Council by their execution thereof, not inconsistent herewith, but the bonds or lease shall have a final maturity not later than 5.5 years from their date of issuance or effective date, as applicable.

VOTED: That the Treasurer, Chairman of the Town Council and Clerk and other proper officials of the Town be, and hereby are authorized and empowered in its name and on its behalf to do or cause to be done all such acts and things, not inconsistent herewith, as may be necessary or desirable in order to effect the issuance, sale and delivery of the bonds or loan agreement hereinabove authorized.

VOTED: That if any of the officers or officials of the Town who have signed or sealed the bonds or loan agreement shall cease to be such officer or official before the bonds or loan agreement so signed and sealed shall be have been actually authenticated or delivered by the Town, such bonds or loan agreement nevertheless may be authenticated, issued, delivered and implemented with the same force and effect as though the person or persons who signed or sealed such bonds or loan agreement had not ceased to be such officer or official; and also any such bonds or loan agreement may be signed and sealed on behalf of the Town by those persons who, at the actual date of execution, shall be the proper officers or officials of the Town, although at the nominal date of such execution, any such person shall not have been such officer or official.

VOTED: That if the Treasurer, Chairman of the Town Council or Clerk are for any reason unavailable to approve and execute the bonds or loan agreement of any other documents necessary or convenient to the issuance, execution and delivery of the bonds or loan agreement, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, be and hereby is authorized to act for such official with the same force and effect as if such official had performed such act.

**Item #46-2020      Acceptance of Police Department Grant**

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

The finance director is recommending the town council accept a grant in the amount of \$6,356.00 from the Maine Bureau of Highway Safety for the Click It or Ticket program. The grant has a match requirement of \$1,589.00 that the police department will meet through educational programs at the High School, Middle School and Family Fun Day.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council accepts and appropriates a \$6,356.00 grant from the Maine Bureau of Highway Safety for the Click It or Ticket program through the Cape Elizabeth Police Department for the period of March 1, 2020 to August 31, 2020.

**Item #47-2020      Write-Offs of Uncollectible Sewer Liens/Receivable**

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

The finance director is recommending the write-off of uncollectible sewer liens from 1989 – 1994 for an amount of \$1,290.23 and a sewer receivable from 2014 for an amount of \$359.62.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council authorizes the Town Treasurer to write-off \$1,290.23 in sewer liens from 1989 – 1994 for property at U29 029 000 000 as the Town foreclosed on unpaid tax liens and took possession of the property and a \$359.62 sewer receivable for property at U29 051 D 000 as the mortgage holder foreclosed on the property and subsequently sold it without collecting the sewer bill due as of December 2013.

**Item #48-2020      FY 2021 Municipal Budget**

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

The town manager will present an overview of the proposed manager's budget for FY 2021. The finance committee will review the municipal budget on March 16 and March 19. The school budget will be reviewed on April 27. If needed, a budget wrap up session will be held on April 28. These budget workshops will be held in the council chambers at town hall and will be televised live on CETV.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council refers the proposed manager's municipal budget for FY 2021 (July 1, 2020 – June 30, 2021) to the finance committee for review.

**Item #49-2020      Town Council 2020 [Goals](#)**

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

The town council has met twice (1/15/2020, 2/3/2020) to review goals for 2020. The town council will review the latest draft. The council may adopt, edit or refer to workshop for further review.

**Item #50-2020      Cooperative [Agreement](#) with the City of South Portland  
Relating to Snow Removal/Vehicle Turnaround Routes on Local Streets**

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

The Town of Cape Elizabeth and City of South Portland have been working together on a cooperative agreement relating to access on town and city streets for the purposes of snow removal and vehicle turnaround routes. The streets sharing the common boundary line included in the agreement are Edgewood Road/Red Oak Drive, Stone Drive and Cliff Avenue. The town's attorney has reviewed and approved the agreement.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council authorizes the town manager to sign the Cooperative Agreement between the City of South Portland and Town of Cape Elizabeth related to snow removal/vehicle turnaround routes on Edgewood Road/Red Oak Drive, Stone Drive and Cliff Avenue as reviewed the town attorney.

**Item #51-2020      [Refer](#) Health and Sanitation Ordinance to Recycling Committee Relating to Single Use of Disposable Bags and Certain Disposable Food Service Containers**

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

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council refers to the Recycling Committee a recommendation on review, revision, or repeal based on recently enacted State laws relating to single use disposable bags and certain disposable food service containers.

**Item #52-2020      Annual Evaluation of the Town Manager**

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

The town council met in executive session on February 10, 2020 to begin the evaluation of the town manager.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council enters into executive session pursuant to 1 MRS §405 6 A to continue the annual evaluation of the town manager.

**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**

