



Regular Town Council Meeting

Monday, September 9, 2024 at 7:00 pm

Town Hall Council Chambers

Live on CETV/Hybrid Meeting

Hybrid Meeting - Members of the Public May Participate Remotely During Public Comment Opportunities
To view the meeting livestream: <https://cstv.capeelizabeth.org/> and push watch in the upper right hand corner

Live broadcast on CETV, livestream and remote participation are offered as a convenience when the technology is available and operational in the given meeting space. If the technology is not available or in the event there is a disruption in service and the communication can't be restored the expectation is the meeting will continue.

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1. Convening of the Meeting

Town Council Chair Timothy S. Reiniger

2. Roll Call by the Town Clerk

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

3. The Pledge of Allegiance to the Flag

4. Town Council Reports and Correspondence

Attachments:

- [Preliminary Estimate of School Bond Tax Impacts](#)

5. Finance Committee Report

Finance Chair Timothy L. Thompson

Attachments:

- [Financial Memo August 2024](#)
- [Dashboard as of August 31, 2024](#)
- [Town Revenue Report 08 31 2024](#)
- [Town Expenditure Report 08 31 2024](#)

6. Limited Opportunity for Discussion of Items Not on the Agenda

Committed to 15 minutes; 3 minutes per person. Time may be extended by majority vote of the councilors present.

When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent.

A member of the public wishing to speak via remote access must click on the Zoom link or call and use the Raise Hand function. When connecting by phone, dial *9 to Raise Hand and the same to Lower Hand. Please mute the microphone and turn off the video until you are invited to speak. When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent. After speaking, to view the remainder of the meeting exit Zoom and return to the CETV Livestream or CETV cable Channel 3.

7. Town Manager's Monthly Report

Interim Town Manager Michael K. McGovern

8. Review of Draft Minutes

August 12, 2024 Regular Meeting
August 19, 2024 Special Meeting
August 22, 2024 Workshop

Attachments:

- [Town Council Minutes August 12, 2024](#)
- [Special Town Council Minutes August 19, 2024](#)
- [Town Council Workshop Notes August 22, 2024](#)

9. Public Hearing - Recommended Amendments to Chapter 27 Property Tax Assistance Ordinance

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

When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent.

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At a special meeting on August 19, 2024, the Town Council voted (6-0) to schedule a public hearing relating to the Ordinance Committee recommendations to Chapter 27 Property Tax Assistance Ordinance for senior tax relief.

Attachments:

- [Memo McGovern Financial Impact of Expanded Senior Tax Relief Payments 09 04 2024](#)
- [Memo Ordinance Committee Senior Tax Ordinance Amendments 08 21 2024](#)
- [Draft: Senior Tax Ordinance Program Amendments 08 07 2024](#)

10. Item #144-2024 Recommended Amendments to Chapter 27 Property Tax Assistance Ordinance

If the Town Council votes to expand the property tax assistance program, a separate vote will be required to fund the program. Interim Town Manager McGovern has provided a memo relating to funding.

Draft Motion

ORDERED, the Cape Elizabeth Town Council following a public hearing, approves the recommendation of the Ordinance Committee to amend Chapter 27 Property Tax Assistance Ordinance for senior tax relief.

Draft Motion

ORDERED, the Cape Elizabeth Town Council, following the amendments to Chapter 27 Property Tax Assistance Ordinance, does hereby appropriate additional funding in FY 2025 in the amount of \$192,900 from Unassigned Fund Balance. The estimated cost of the expanded program is \$300,00 from the original budget of \$107,100.

Attachments:

- [Memo Ordinance Committee Senior Tax Ordinance Amendments 08 21 2024](#)
- [Draft: Senior Tax Ordinance Program Amendments 08 07 2024](#)
- [Memo McGovern Financial Impact of Expanded Senior Tax Relief Payments 09 04 2024](#)

11. Item #145-2024 Recommendation from Sebago Technics Relating to the Town Center Intersection

Opportunity for Public Comment. Limited to 15 minutes; 3 minutes per person. Time may be extended by majority vote of the councilors present.

When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent.

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[2024 Town Council Infrastructure Goal](#): Implement engineering for improvements to Town Center intersection, including funding.

Sebago Technics was retained to complete the realignment project per the recommendations in the 2020 TY Lin Study.

3/11/2024 Presentation by Sebago Technics
7/8/2024 Acknowledge receipt of the Town Center Intersection Improvement report by Sebago Technics
8/21/2024 Public Forum
9/9/2024 Town Council vote

In addition to the meeting materials, please find two links also related to the project.

[Link](#) to March 11, 2024 Town Council Presentation, Discussion and Public Comment

[Link](#) to July 8, 2024 Town Council Presentation, Discussion and Public Comment

The Town Council has the option to move forward to next steps with one of the 4 options or they may choose to not proceed with the project.

Attachments:

- [Memo Reynolds Town Center Intersection Project 08 29 2024](#)
- [Town Center Intersection Project Survey Results as of August 29, 2024](#)
- [Town Center Intersection Project Public Forum Notes 08 21 2024](#)
- [Town Center Intersection Project Presentation 07 08 2024](#)
- [Town Center Intersection Concept Plans 05 21 2024](#)
- [Town Center Intersection Technical Memorandum from Sebago Technics 05 21 2024](#)
- [Town Center Intersection Project Presentation 03 11 2024](#)

12. Vote to Take Item #142-2024 and Item #143-2024 Off the Table from September 4, 2024

At the Special Meeting on September 4, 2024, the council voted to table Item #142-2024 and Item #143-2024.

Draft Motion

ORDERED, the Cape Elizabeth Town Council votes to take Item #142-2024 Appointment of a New Town Manager and Item #143-2024 Town Manager Appointment to PACTS off the table from the Special Meeting on September 4, 2024.

13. Item #142-2024 Appointment of a New Town Manager

Opportunity for Public Comment. Limited to 15 minutes; 3 minutes per person. Time may be extended by majority vote of the councilors present.

When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent.

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The Cape Elizabeth Town Council has conducted a search for a new town manager following the resignation of Matthew E. Sturgis. Mr. Sturgis accepted the position of town manager with the town of Cumberland.

Former long-term town manager Michael K. McGovern has served as interim since May 8, 2024.

Don Gerrish, Eaton Peabody has assisted the council in the search.

The Town Council is pleased to announce the appointment of Patrick W. Fox, as Town Manager. The appointment is effective October 7, 2024.

The Town Manager also serves as the Tax Collector and Treasurer.

Draft Motion

ORDERED, the Cape Elizabeth Town Council appoints Patrick W. Fox as Town Manager and approves a 3-year contract, as presented, with a starting annual salary of \$160,000. In addition Patrick W. Fox is appointed to serve as the town treasurer and tax collector during this contract period. Mr. Fox's duties will begin on October 7, 2024.

Attachments:

- [Press Release 09 05 2024](#)
- [Fox Resume](#)
- [Fox Employment Agreement 09 09 2024](#)
- [Fox Photo](#)

14. Item #143-2024 Town Manager Appointment to PACTS and GPCOG General Assembly

Opportunity for Public Comment. Limited to 15 minutes; 3 minutes per person. Time may be extended by majority vote of the councilors present.

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Following the announcement of a new town manager, the council will consider the following appointments. Annual appointments will be considered at the organizational meeting of the 2025 council in December.

Previously on May 13, 2024, Public Works Director Jay Reynolds was appointed to serve on the ecomaine Board of Directors, alternate for the Town of Cape Elizabeth, replacing Matthew Sturgis.

The PACTS appointment will replace Mr. Sturgis.

The GPCOG appointment is the town's second appointment to the General Assembly. Councilor Jordan serves as the other representative.

Draft Motion

ORDERED, the Cape Elizabeth Town Council appoints Patrick W. Fox, Town Manager to serve on the PACTS Policy Committee and GPCOG's General Assembly, effective October 7, 2024.

15. Item #146-2024 Consider a Recommendation from the Fort Williams Park Committee to Increase Fees at Fort Williams Park

Opportunity for Public Comment. Limited to 15 minutes; 3 minutes per person. Time may be extended by majority vote of the councilors present.

When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent.

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The Fort Williams Park Committee is recommending fee increases at Fort Williams Park. In addition the committee is recommending Pay & Display fees be charged year round. Increases are effective January 1, 2025.

Draft Motion

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the Fort Williams Park Committee to increase fees and Pay & Display fees be charged year round. Fees increases are effective January 1, 2025.

Attachments:

- [Memo Rafitce FWP Fee Increase 08 28 2024](#)
- [Draft Proposal for FWP Fee Increases 09 09 2024](#)
- [FWPC Minutes 03 19 2024](#)
- [FWPC Minutes 06 20 2024](#)

16. Item #147-2024 Consider a Conservation Easement on Two Lights Road from Richard & Louise Sullivan

Opportunity for Public Comment. Limited to 15 minutes; 3 minutes per person. Time may be extended by majority vote of the councilors present.

When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent.

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Richard and Louise Sullivan, 72 Two Lights Road would like to offer a conservation easement. The property is immediately adjacent to existing town owned open space.

See the memo from Town Planner Maureen O'Meara.

Draft Motion

ORDERED, the Cape Elizabeth Town Council refers to the Conservation Committee offer by Richard and Louise Sullivan to donate a conservation easement on a portion of the lot located at 72 Two Lights Road.

Attachments:

- [Memo O'Meara 72 Two Lights Road Open Space Easement Donation 09 03 2024](#)

17. Item #148-2024 Consider a Recommendation from the Ordinance Committee Relating to an ADU Status Report

Opportunity for Public Comment. Limited to 15 minutes; 3 minutes per person. Time may be extended by majority vote of the councilors present.

When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent.

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On July 23, 2024, the Ordinance Committee voted (3-0) to request an ADU status report from Code Enforcement.

Draft Motion

ORDERED, the Cape Elizabeth Town Council requests the Town Manager obtain from Code Enforcement an ADU (Accessory Dwelling Units) status report. The report should include how many ADU permits have been issued this year, and how many may not have been issued because of regulatory barriers.

Attachments:

- [Memo Ordinance Committee Request for ADU Status Report 08 21 2024](#)

18. Item #149-2024 Request from Chair Reiniger to Refer to Workshop Contract Zoning in the Town Center District

Opportunity for Public Comment. Limited to 15 minutes; 3 minutes per person. Time may be extended by majority vote of the councilors present.

When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent.

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Chair Reiniger is requesting referral to the October 9 council workshop proposed authorization for contract zoning in the Town Center District.

Draft Motion

ORDERED, the Cape Elizabeth Town Council refers to workshop on October 9, 2024 a proposal from Chair Reiniger relating to express authorization for contract zoning in the Town Center District.

Attachments:

- [Memo Reiniger Request for Workshop Contract Zoning Town Center District 08 29 2924](#)
- [Reiniger Draft Contract Zoning Town Center District 08 29 2024](#)

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

Limited to 15 minutes; 3 minutes per person. Time may be extended by majority vote of the councilors present.

When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent.

A member of the public wishing to speak via remote access must click on the Zoom link or call and use the Raise Hand function. When connecting by phone, dial *9 to Raise Hand and the same to Lower Hand. Please mute the microphone and turn off the video until you are invited to speak. When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent. After speaking, to view the remainder of the meeting exit Zoom and return to the CETV Livestream or CETV cable Channel 3.

20. Adjournment

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 chair, the speaker shall give their name and address or name and local affiliation, if the affiliation is relevant, prior to making other comments.

A member of the public wishing to speak via remote access must click on the Zoom link or call and follow the procedures stated at the top of the agenda. When recognized by the chair, the speaker shall give their name and address or name and local affiliation, if the affiliation is relevant, prior to making other comments. After speaking, to view the remainder of the meeting exit Zoom and return to the CETV Livestream or CETV cable Channel 3.

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 chair 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 chair, the speaker shall give their name and address or name and local affiliation, if the affiliation is relevant, prior to making other comments.

A member of the public wishing to speak via remote access must click on the Zoom link or call and follow the procedures stated at the top of the agenda. When recognized by the chair, the speaker shall give their name and address or name and local affiliation, if the affiliation is relevant, prior to making other comments. After speaking, to view the remainder of the meeting exit Zoom and return to the CETV Livestream or CETV cable Channel 3.

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 chair.