



Regular Town Council Meeting

Wednesday, November 13, 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://cetv.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

Recognition of Outgoing Council Members

5. Finance Committee Report

Finance Chair Timothy L. Thompson

Attachments:

- [Financial Memo October 2024](#)
- [Dashboard October 2024](#)
- [Town Revenue Report 10 31 2024](#)
- [Town Expenditure Report 10 31 2024](#)

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

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.

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7. Town Manager's Monthly Report

Patrick W. Fox

8. Review of Draft Minutes

October 16, 2024 - Regular Meeting
October 28, 2024 - Special Meeting

Attachments:

- [Town Council Minutes October 16, 2024](#)
- [Special Town Council Minutes October 28, 2024](#)

9. Public Hearing General Assistance Ordinance and Appendices Updates

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

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A few changes have been made to the General Assistance MMA Model Ordinance since the council last adopted the ordinance in 2021. The Town's GA Administrator Paige Kombakis has provided the comparison of changes. It is also time to review the annual GA Appendices.

On October 16, 2024 the Town Council scheduled for public hearing on November 13 adoption of the General Assistance Ordinance (9/2024) and Appendices (A,B, D-H and Recovery Residences) October 1, 2024 - September 30, 2025). The last few years the council has not adopted Appendix C Housing Maximums.

Attachments:

- [GA Ordinance Changes 2021-2024 Kombakis](#)
- [GA Maximum Reference Sheets 2024-2025](#)
- [GA Appendices A,B,C-H, Recovery Residences 2024-2025](#)
- [GA Ordinance 2024 Clean Copy](#)
- [GA Ordinance 2024 Redline](#)
- [For Reference - GA Appendix C Housing Maximums 2024-2025](#)

10. Item #160-2024 General Assistance Ordinance and Appendices Updates

Draft Motion

ORDERED, the Cape Elizabeth Town Council adopts the General Assistance Ordinance (9/2024) and Appendices (A,B, D-H and Recovery Residences) October 1, 2024 - September 30, 2025.

Attachments:

- [GA Ordinance Changes 2021-2024 Kombakis](#)
- [GA Maximum Reference Sheets 2024-2025](#)
- [GA Appendices A,B,C-H, Recovery Residences 2024-2025](#)
- [GA Ordinance 2024 Clean Copy](#)
- [GA Ordinance 2024 Redline](#)
- [For Reference - GA Appendix C Housing Maximums 2024-2025](#)

11. Item #161-2024 Consideration of a Food Truck Special Use Permit for the Cape Community Arena Group

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 Community Arena Group is seeking approval of a Food Truck Special Use Permit (Sec. 19-7-14) for skate sessions at Gull Crest for dates in December 2024 to February 2025.

During staff review, it was confirmed with CAG that they are responsible for trash and food collection.

Draft Motion

ORDERED, the Cape Elizabeth Town Council approves the request of the Cape Community Arena Group, as required by Sec. 19-7-14, for 1-2 food trucks for skate sessions at Gull Crest for the following dates, and for the times as requested on the application.

12/12-12/14, 12/20, 12/30-12/31/2024

1/1, 1/11-1/12, 1/20, 1/24, 1/31/2025

2/2, 2/7-2/9, 2/14, 2/21, 2/28/2025

Attachments:

- [CCAG Food Truck Special Use Permit 2024-2025](#)
- [CCAG Food Truck Location 2024-2025](#)
- [Sec. 19-7-14 Food Trucks](#)

12. Item #162-2024 Presentation of the Gull Crest Methane Gas Study 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 February 12, 2024, the Cape Elizabeth Town Council authorized the Town Manager to hire a qualified firm to investigate the potential impacts associated with landfill gas migration and other issues related to nearby landfill that may affect the development of a housing development and to identify mitigation measures that may need to be implemented, for an amount not to exceed \$40,000 from the Undesignated Fund Balance.

Sebago Technics and Arcadis consulting firms will be present to provide a summary of the final reports.

Draft Motion

ORDERED, the Cape Elizabeth Town Council acknowledges receipt of the Arcadis Landfill Soil Gas Sampling Report dated September 20, 2024.

Attachments:

- [Gull Crest Property Soil Testing Summary.31October2024](#)
- [Landfill Soil Gas Sampling Report - Arcadis 09 20 2024](#)
- [Gull Crest PFAs Final Report eurofins 08 02 2024](#)
- [Gull Crest Affordable Feasibility Report July 2023 Sebago Technics](#)

Vote to Take Item #159-2024 (Revocable License Agreement for Cookie Jar Parking Spaces) Off the Table from October 28, 2024

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 October 28, 2024 the Town Council voted to table Item #159-2024. The item must be removed from the table prior to discussion and action.

Draft Motion

ORDERED, the Cape Elizabeth Town Council takes Item #159-2024 Consider Revocable License Agreement for Cookie Jar Parking Spaces off the table from the Special Meeting on October 28, 2024.

13. Item #159-2024 Consider Revocable License Agreement for Cookie Jar Parking Spaces

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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At the Special Meeting on October 28, 2024 the Town Council voted (5-2) to table this item until November 13.

There are four parking spaces shown on a site plan amendment application before the planning board by the Cookie Jar. These spaces, though historically used for parking, are shown to extend into the Town right of way on the site plan. The Town Council, not the Planning Board, can consider an encroachment license for the portion of these parking spaces that extend into the Town right of way. All other aspects of compliance with current ordinances are still under review by the [Planning Board](#).

Attachments:

- [Draft Reiniger Cookie Jar Encroachment License 10 24 2024](#)
- [Draft Costigan Cookie Jar Encroachment License](#)
- [Draft Costigan Cookie Jar Encroachment License Redlined](#)
- [Exhibit A](#)
- [Cookie Jar Site Plan 1999](#)

14. Item #163-2024 Consideration of a Workplace Lactation Policy for the Thomas Memorial Library

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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On October 10, 2024, the Thomas Memorial Library Committee voted (6-0) to recommend a workplace lactation policy based on a template provided by the Maine Breastfeeding Coalition.

Draft Motion

ORDERED, the Cape Elizabeth Town Council approves the new workplace Thomas Memorial Library Lactation Policy as recommended by the Thomas Memorial Library Committee.

Attachments:

- [Memo Davis TML Workplace Lactation Policy 10 31 2024](#)
- [Draft TML Lactation Policy 10 03 2024](#)
- [TML Minutes 10 10 2024](#)

15. Item #164-2024 Consider Awarding the National Fish and Wildlife Foundation Grant for Design of the Replacement Culvert on Spurwink Avenue

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 National Fish and Wildlife Foundation (NFWF) has approved a \$122,360.00 grant for the Town of Cape Elizabeth with a cash match of \$11,000.00 to design a replacement for the Spurwink Avenue culvert located on the Spurwink River.

Draft Motion

ORDERED, the Cape Elizabeth Town Council accepts the grant from the National Fish and Wildlife Foundation for the Town of Cape Elizabeth to design a replacement for the Spurwink Avenue culvert located on the Spurwink River. Said grant is in the amount of \$122,360.00 with a matching grant from the Town in the amount of \$11,000.00 to be funded by the Unassigned Fund Balance.

Attachments:

- [Memo OMeara TC NFWF Grant 10 17 2024](#)

16. Item #165-2024 Confirmation of the IT Coordinator

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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Council-Manager Charter Article III Town Manager Sec. 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.

During the Fiscal Year 2025 budget process, Council approved the creation of an IT Coordinator position to lead and oversee all municipal information technology operations.

Patrick Fox, Town Manager, is recommending the appointment of Jason Lund as the town's first IT Coordinator. Jason has been serving the Cape Elizabeth School and Town IT needs since 1999. The hiring committee reviewed internal and external applicants for this position and confidently selected Jason as the right candidate to move the Town forward fostering innovation, collaboration, and continuous improvement.

Draft Motion

ORDERED, the Cape Elizabeth Town Council affirms the Town Manager's appointment of Jason Lund to serve as IT Coordinator for the Town of Cape Elizabeth effective November 25, 2024.

17. Item #166-2024 Discussion Regarding Filling the Position of Town Assessor

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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Council-Manager Charter (excerpt)

Article II Town Council

Sec. 3. Enumeration of powers. Without limitation of the foregoing, the council shall have the power to:

1. Appointments; removal. Appoint, and remove for cause after hearing, the town manager and a town assessor. Appoint a town attorney or attorneys, who shall serve at the will of the council. Appoint, and remove for cause after hearing, the members of the board of assessment review, the planning board, and the board of zoning appeals which shall have such powers and perform such duties as are provided by the statutes of the State of Maine. Appoint, and remove for cause after hearing, trustees of the Thomas Memorial Library and the Riverside Cemetery, and determine the length of their terms.

Town Assessor Clint Swett announced his resignation effective October 17, 2024. Mr. Swett has accepted the position of Assessor for the Town of Cumberland.

Pursuant to the Council-Manager Charter, the Town Council appoints the Town Assessor. Town Manager Patrick Fox is recommending a hiring committee to assist the Town Council in the search for a town assessor. The recommendation includes the appointment of one town councilor to serve on the hiring committee.

Draft Motion

ORDERED, the Cape Elizabeth Town Council directs the Town Manager to oversee a hiring committee comprised of one Councilor and up to 2 other staff members to review applications and perform preliminary interviews for the position of Town Assessor. The full Council will interview the final two candidates in Executive Session following a recommendation from the hiring committee. Furthermore, the Council appointment to the hiring committee will be Councilor _____.

18. 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.

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19. 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 not in nature at regular Council meetings 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 or 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.