

## **Regular Town Council Meeting**

Monday, December 14, 2020 at 7:00 p.m.

Via Zoom Videconferencing

### **1. Convening of the Meeting**

Jeremy A. Gabrielson

**Introduction of Newly-Elected Town Councilors and School Board Members** On November 3, 2020 town council and school board members were elected for three-year terms beginning December 14, 2020. Earlier in the day, members met individually with Town Clerk Debra Lane to take the Oath of Office.

#### **Town Council**

Nicole Boucher

Gretchen R. Noonan

#### **School Board**

Jennifer L. McVeigh

Cynthia R. Voltz

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

Nicole Boucher

Valerie J. Deveraux

Jeremy A. Gabrielson

James M. "Jamie" Garvin

Caitlin R. Jordan

Penelope A. Jordan

Gretchen R. Noonan

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

### **4. Item #1-2021 Election of Town Council Chairman**

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the

speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

The caucus recommends James M. "Jamie" Garvin.

On this and the other items relating to council organization, the names listed are the persons who appeared to be the consensus choices at the town council caucus held on November 10, 2020.

Draft Motion:

ORDERED, the Cape Elizabeth Town Council elects James M. "Jamie" Garvin to serve as chairman for 2021.

## **5. Town Council Reports and Correspondence**

## **6. Finance Committee Report**

Review of Financial Dashboard and Reports Ending November 30, 2020

### **Attachments:**

[Financial Dashboard November 30, 2020](#)  
[Appropriation Control](#)  
[Expense Distribution](#)  
[Revenue Control](#)  
[Revenue Distribution](#)

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

(Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting.

When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

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

## **9. Review of Draft Minutes for the Virtual Meetings Held On**

## **October 14, 2020 and November 9, 2020**

### **Attachments:**

[Town Council Minutes October 14, 2020](#)

[Town Council Minutes November 9, 2020](#)

### **10. Item #2-2021 Adoption of Town Council Rules**

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

The town council will review the rules for the conduct of meetings. Any town councilor may propose any changes or additions for council review and action.

### **Attachments:**

[Town Council Rules](#)

**Consent Calendar Item #3-2021 - #16-2021** The consent calendar provides for Item #3-2021 - #16-2021 to be considered en bloc. Any town councilor may ask for any item to be considered separately. At the discretion of the chairman, any item removed from the consent calendar may be considered before or after the consideration of the items remaining on the consent calendar.

Opportunity for Public Comment Item #3-2021 - #16-2021 (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

Draft Motion:

ORDERED, the Cape Elizabeth Town Council approves the consent calendar Item #3-2021 - #16-2021 to appoint town council members to

serve on various boards and committees as proposed by the caucus held on November 10, 2020.

**11. Item #3-2021 Appointment of Finance Committee**

Jeremy A. Gabrielson as chairman and the Council as a whole to serve as the finance committee.

**12. Item #4-2021 Appointment of the Ordinance Committee**

Penelope A. Jordan as chairman and Jeremy A. Gabrielson and Caitlin R. Jordan as members.

**13. Item #5-2021 Appointment of an Appointments Committee**

Nicole Boucher as chairman and Valerie J. Deveraux and Gretchen R. Noonan as members.

**14. Item #6-2021 Appointment of Representative to the Greater Portland Council of Governments General Assembly, Metro Coalition, Regional Voice Committee and Executive Committee**

Jeremy A. Gabrielson, General Assembly and Metro Coalition  
James M. "Jamie" Garvin, Regional Voice Committee  
Matthew E. Sturgis, Executive Committee

**15. Item #7-2021 Appointment of Representative to PACTS Policy Committee**

Matthew E. Sturgis

**16. Item #8-2021 Appointment of Representative to MMA Legislative Policy Committee and MMA Convention Delegate**

Penelope A. Jordan for a term until December 2021.

**17. Item #9-2021 Appointment of Representative to the Thomas Memorial Library Foundation**

Gretchen R. Noonan

**18. Item #10-2021 Appointment of Representative to the Portland Jetport Noise Advisory Committee**

Penelope A. Jordan

**19. Item #11-2021 Appointment of Representatives to the Thomas Jordan Grants Subcommittee**

Caitlin R. Jordan to 12/2023

Previously appointed:

Valerie J. Deveraux to 12/2021

Penelope A. Jordan to 12/2022

**20. Item #12-2021 Appointment of the Vice Chairman of the Museum at Portland Head Light**

Jeremy A. Gabrielson

Council Chairman James M. "Jamie" Garvin is chairman per the by-laws.

**21. Item #13-2021 Maine Bicentennial Celebration Committee - Ad-Hoc**

Caitlin R. Jordan

**22. Item #14-2021 Fort Williams Master Planning**

Jeremy A. Gabrielson

**23. Item #15-2021 School Building Committee**

Nicole Boucher

Valerie J. Deveraux

**24. Item #16-2021 Civil Rights Committee - Ad-Hoc**

Valerie J. Deveraux

**25. Item #17-2021 Code of Ethics**

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

Town Council Rules provide that each council member will annually sign an attestation that they have read and understand the Code of Ethics for the Town Council. Any town councilor may propose any changes or additions for council review and action.

The Town Clerk will arrange signing by each council member.

**Attachments:**

[Town Council Code of Ethics](#)

**26. Item #18-2021 Schedule of Council Meetings for 2021**

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

The proposed meeting and workshop dates were reviewed at the November 10, 2020 caucus. Council meetings and workshops are included in the meetings calendar on the town's website. Any changes or additions including date, time and place will be noted on the calendar.

Meetings and workshops will be held virtually until otherwise noted.

Draft Motion:

ORDERED, the Cape Elizabeth Town Council approves the 2021 meeting schedule and FY 2022 budget review schedule as presented.

**Attachments:**

[Town Council Budget Schedule FY 2022](#)

[Town Council Meeting Schedule 2021](#)

## **27. Item #19-2021 Purpoodock Club Liquor Licenses**

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

The Purpoodock Club is requesting approval of the annual special amusement permit and malt, vinous and spirituous license, and mobile service bar.

No concerns have been raised by police, fire and code enforcement.

Draft Motion:

ORDERED, the Cape Elizabeth Town Council approves the special amusement permit and malt, vinous and spirituous license, and mobile service bar for the Purpoodock Club located at 300 Spurwink Avenue as presented.

**Attachments:**

[Purpoodock Club Licenses](#)

## **28. Item #20-2021 Annual Appointments to Boards and Committees**

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

wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

The Appointments Committee recommends the following appointments to boards and committees.

Several vacancies are still available. The deadline to submit applications is Wednesday, December 23 at 4:00p.m.

Draft Motion:

ORDERED, the Cape Elizabeth Town Council approves the recommendations of the Appointments Committee to appoint citizens to boards and committees. New terms begin on January 1, 2021.

**Attachments:**

[Board Worksheet Amended](#)

[Board and Committee 2021 Recommended Appointments](#)

**29. Item #21-2021 Appointment of Registrar of Voters**

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

21-A MRS §101 2. Appointment. The municipal officers of each municipality shall appoint in writing

a qualified registrar of voters by January 1st of each odd-numbered year., The registrar shall serve for

2 years and until a successor is appointed and sworn. The municipal clerk may be appointed to serve

as registrar, but the term of the clerk has no effect on the term of the registrar. If the clerk if not



appointed to serve as registrar, the clerk must be appointed by the registrar to serve as a deputy

registrar and has the same authority as the registrar to make determinations of voter eligibility and to

perform the duties of voter registration as provided in this Title.

Currently Debra Lane serves as the registrar.

Draft Motion:

ORDERED, the Cape Elizabeth Town Council reappoints Debra M. Lane to serve as Registrar of Voters for a term to expire January 1, 2023 and until a successor is appointed and sworn.

### **30. Item #22-2021 Short Term Rental Amendments/**

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

On July 13, 2020 and August 10, 2020 the town council referred to the planning board review of the short term rental amendments and a request to amend the 2019 Comprehensive Plan recommendation #86.

The planning board held workshops on August 4, September 22, October 6 and November 4, 2020. A public hearing was held on November 17, 2020.

The planning board has provided draft amendments to the short term rental ordinance and offers consensus comments to further revise the amendments.

#### **Attachments:**

[PB Memo 11-18-2020 STR/Comp Plan Amendments](#)

[STR Amendments PB 11-17-2020](#)

[STR Amendments Transition Memo 11 19 2020](#)**Comprehensive**

### **31. Item #23-2021 Comprehensive Plan Amendment Recommendations**

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

In conjunction with Item #21-2021 the planning board (7-0) recommends the following revision to the 2019 Comprehensive Plan to replace Recommendation #86 with the following:

#86 Restrict Short Term Rentals (STR) to protect the peaceful quiet enjoyment of neighborhoods and preserve housing stock. Limited STR activity associated with primary residency, or in lower density portions of town, may be allowed within a permit structure that allows tracking of activity and funding for enforcement.

#### **Attachments:**

[PB Memo 11-18-2020 STR/Comp Plan Amendments](#)

### **32. Item #24-2021 Fort Williams Park Committee Recommendation to Continue Pay and Display**

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

On May 13, 2019 the town council voted to implement a pay and display parking program at Fort Williams Park.

The Fort Williams Park Committee voted 5-0 on November 19, 2020 to recommend the town council continue the program from April 1, 2021 -

November 15, 2021.

Draft Motion:

ORDERED, the Cape Elizabeth Town Council approves the recommendation from the Fort Williams Park Committee to continue the pay and display parking program at Fort Williams Park from April 1, 2021 - November 15, 2021.

**Attachments:**

[FWPC Draft Minutes November 19, 2020](#)

### **33. Item #25-2021 Fort Williams Park Committee Recommendation for a Concert Series**

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

The Fort Williams Park Committee voted 6-0 on November 19, 2020 to recommend the town council approve a music in the park series sponsored by Cape Elizabeth Community Services entitled Sounds by the Sea at Fort Williams Park.

Draft Motion:

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the Fort Williams Park Committee to approve a music in the park series sponsored by Cape Elizabeth Community Services entitled Sounds by the Sea at Fort Williams Park.

**Attachments:**

[FWPC Draft Minutes November 19, 2020](#)

[FWPC Draft Sounds by the Sea at Fort Williams Park](#)

### **34. Item #26-2021 Maine Bureau of Highway Safety Impaired**

## **Driving Enforcement Grant**

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

On November 19, 2020 Chief Fenton was notified of an award of up to \$1954.88 from the Maine Bureau of Highway Safety Impaired Driving Enforcement Grant aka Drive Sober Or Get Pulled Over. The grant will reimburse staff costs during the enforcement operations. Any match requirements will be met through the police department's operating budget as allowed by the terms of the grant.

Finance Director John Quartararo recommends the following motion.

Draft Motion:

ORDERED, the Cape Elizabeth Town Council accepts and appropriates a grant award of \$1954.88 from the Maine Bureau of Highway Safety Impaired Driving Enforcement Grant to account 0725-4453. The grant will reimburse staff costs during enforcement operations. Any match requirements will be met through the police department's operating budget, as allowed by the terms of the grant. The grant period of December 18, 2020 to September 6, 2021.

## **Attachments:**

Memo - Finance Director Re: BHS Impaired Driving Enforcement Grant

## **35. Item #27-2021 Property Tax Assistance Program Report**

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

On January 14, 2019 the town council adopted Chapter 27 Property Tax

Assistance Ordinance. The ordinance requires the tax assessor to submit a report to the town council annually no later than December 31st.

#### Sec. 9. Annual Report to the Town Council

The Tax Assessor shall report in writing to the Town Council no later than December 31st of each year the projected payments, number of eligible applicants requesting assistance for the program fund, and any surplus or shortage of program funds as described in Sec. 3.

Draft Motion:

ORDERED, the Cape Elizabeth Town Council acknowledges receipt of the report from the tax assessor relating to the 2021 property tax assistance program as required by Chapter 27 Property Tax Assistance Ordinance Sec. 9 Annual Report to the Town Council.

#### **Attachments:**

[2021 Property Tax Assistance Program Report](#)

#### **36. Item #28-2021 Willow Brook Culvert Replacement Grant**

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

The Town of Cape Elizabeth has been awarded a grant of up to \$343,281 to replace culverts in Willow Brook. The grant is provided by the Maine Natural Resources Conservation Program.

As a condition of the grant, the town will conduct a tidal study (\$7,000) that will be used to size the width of the culvert.

The Town Council has previously authorized a \$75,000 cash match as part of the grant application.

Staff recommends the town council accept the grant. The town council may also want to formally program the \$75,000 into next year's budget.

Draft Motion:

ORDERED, the Cape Elizabeth Town Council accepts the grant for the Willow Brook Culvert Replacement Project from the Maine Natural Resource Conservation Program (MNRCP) in the amount of \$343,281 conditional upon the completion of a tidal study with the results presented to MNRCP.

**Attachments:**

[Willow Brook Culvert Replacement Grant](#)

### **37. Item #29-2021 Standard Easement Deed - Central Maine Power & Verizon**

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

The town manager is recommending granting a standard utility easement to Central Maine Power and Verizon that would allow them to run power and phone lines to the communications tower site on Dennison Drive.

Draft Motion:

ORDERED, the Cape Elizabeth Town Council grants a standard utility easement to Central Maine Power Company and Verizon New England, Inc. at the communications tower site located on Dennison Drive and authorizes the town manager to sign on behalf of the town.

**Attachments:**

[Standard Easement Deed](#)

### **38. Item #30-2021 Acceptance of Annual Gifts and Donations**

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

It is proposed to accept gifts/donations received in 2020.

Draft Motion:

ORDERED, the Cape Elizabeth Town Council accepts gifts and donations received in 2020 with appreciation.

**Attachments:**

[Gifts 2020](#)

**39. 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 a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

**40. 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 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.

Contact: Debra Lane (debra.lane@capeelizabeth.org (207-799-7665) | Agenda published on 12/09/2020 at 2:47 PM