



Regular Town Council Meeting

Monday, September 13, 2021 at 7:00 pm

Middle School Cafetorium - 14 Scott Dyer Road

The meeting will not be broadcast live however it will be recorded. The recording will be posted to the town's website.

1. Convening of the Meeting

Town Council Chairman James M. "Jamie" Garvin

2. Roll Call by the Town Clerk

James M. "Jamie" Garvin, Chairman

Nicole Boucher

Valerie J. Deveraux

Jeremy A. Gabrielson

Caitlin R. Jordan

Penelope A. Jordan

Gretchen R. Noonan

3. The Pledge of Allegiance to the Flag

4. Presentation - Ralph Gould Award

5. Town Council Reports and Correspondence

6. Finance Committee Report

Councilor Gabrielson, Finance Committee Chair

7. 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 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

Matthew E. Sturgis, Town Manager

9. Review of Draft Minutes: Meeting held on August 9, 2021 and Special Meeting held on August 30, 2021

Attachments:

- **Town Council Minutes August 9, 2021** (Town_Council_Minutes_August_9__2021.pdf)
- **Town Council Minutes August 30, 2021 Special** (Town_Council_Minutes_August_30__2021_Special.pdf)

10. Consent Calendar Item #128-2021 - Item #130-2021

The consent calendar provides for Item #128-2021 - Item #130-2021 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 #128-2021 - Item #130-2021. (Limited to 15 minutes; 3 minutes per person. Time may be extended by majority vote of the councilors present.) 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 Item #128-2021 - Item #130-2021 as presented.

11. Item #128-2021 Recommendation to Set to Public Hearing - General Assistance Ordinance & Appendices

It is recommended the town council set to public hearing the General Assistance Model Ordinance (9/2021) and Appendices (A-I) as recommended by the Maine Municipal Association effective October 1, 2021 - September 30, 2022.

Draft Motion

ORDERED, the Cape Elizabeth Town Council sets to public hearing on Wednesday, October 13, 2021 at the Cape Elizabeth Town Hall the General Assistance Model Ordinance (9/2021) and Appendices (A-I) as recommended by the Maine Municipal Association effective October 1, 2021 - September 30, 2022.

Attachments:

- **GA Model Ordinance MMA Revised 09 2021 with Appendices** (GA_Model_Ordinance_MMA_Revised_09_2021.pdf)
- **GA Appendices A - I Revised 09 2021** (GA_2021_Appendices_A_-_I_Revised_09_2021.pdf)

12. Item #129-2021 Maine State Library Grant

The Thomas Memorial Library has received an award of \$2,500.00 from the American Rescue Plan Act of 2021 (ARPA) to enhance the library's collection of eBooks and eAudiobooks.

Finance Director John Quartararo has provided a memo relating to the grant.

Draft Motion

ORDERED, the Cape Elizabeth Town Council accepts and appropriates a grant award of \$2,500.00 account 0725-4280 from the American Rescue Plan Act of 2021 (ARPA) as administered by the federal Institute of Museum and Library Services (IMLS) through the Maine State Library (IMLS grant number CFDA 45.310). The funds will be used to enhance the Thomas Memorial Library's collection of eBooks and eAudiobooks. There is no match requirement. The final report is due to the Maine State Library by December 31, 2021.

Attachments:

- **Memo Finance Director Re: Maine State Library Grant 08 25 2021** (Memo_Finance_Director_Maine_State_Library_Grant_08_25_2021.PDF)

13. Item #130-2021 Municipal Election Warrant - November 2, 2021

It is recommended the town council sign the warrant for the municipal election to be held on Tuesday, November 2, 2021 at the Cape Elizabeth High School.

Draft Motion

ORDERED, the Cape Elizabeth Town Council approves the Municipal Election Warrant for Tuesday, November 2, 2021 at the Cape Elizabeth High School. The polls are open 7:00 a.m. to 8:00 p.m.

TOWN OF CAPE ELIZABETH

MUNICIPAL ELECTION
WARRANT

TUESDAY, NOVEMBER 2, 2021

County of Cumberland, ss.

To Paul W. Fenton, a constable of Cape Elizabeth. You are hereby directed to notify the voters of Cape Elizabeth of the election described in the warrant.

Voting for three members of the Town Council to serve a three-year term until December 9, 2024.

Voting for three members of the School Board to serve a three-year term until December 9, 2024.

Election to be held on Tuesday, November 2, 2021, at the Cape Elizabeth High School.

Polls open at 7:00 a.m. and Close at 8:00 p.m.

Absentee Ballot Processing:

Prior to Election Day absentee ballots will be processed at Town Hall in accordance with 21-A M.R.S. §760 which permits such processing up to seven days prior to the election. Questions regarding dates and times should be directed to the Town Clerk.

Absentee ballots will be processed on Election Day, on the hour every hour beginning at 7:00 a.m. until close. The Cape Elizabeth Town Democratic Committee, the Cape Elizabeth Town Republican Committee, and the State Green Independent Party have been notified, in writing, of the absentee balloting process.

The Registrar of Voters is available to accept new registrations and corrections to the voter list. The Registrar can be reached at Town Hall 799-7665. The Registrar is also available on Election Day at the polls 7:00 a.m. – 8:00 p.m. Proof of residency and identity is required.

Municipal Officers of Cape Elizabeth, Maine

Dated at Cape Elizabeth this 13th day of September 2021.

Attachments:

- **Municipal Election Warrant - November 2, 2021** (Warrant_Municipal_November_2__2021_to_TC.pdf)

- 14. Item #131-2021 Request for Fundraising Approval - Cape Community Arena**
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 chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

The Cape Community Ice Rink (CCIR) is seeking town council approval to begin fundraising efforts for the proposed Cape Community Arena (CCA) project.

Attachments:

- **Letter Requesting Fundraising Approval - Cape Community Arena 08 31 2021** (Letter_Requesting_Fundraising_-_Cape_Community_Arena_08_31_2021.pdf)

15. Public Hearing - Town Center Affordable Housing Amendments

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

Attachments:

- **Town Center Affordable Housing Amendments 08 03 2021** (TC_Aff_Hsg_Amdts_8-3-2021.pdf)

16. Item #132-2021 Town Center Affordable Housing Amendments

On July 12, 2021 the town council set the Town Center Affordable Housing amendments to public hearing on September 13. An additional workshop was held on August 2.

On August 9 the council voted to clarify the version of the amendments for public hearing which is the draft dated August 3, 2021 (following the 8/2 workshop discussion).

It is anticipated a vote will not occur before the October council meeting. Additional workshops may be scheduled.

17. Item #133-2021 Set to Public Hearing - Proposed Tax Increment Financing District (TIF) for the Dunham Court Project

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

On August 9, 2021 the town council voted to refer to workshop consideration of amending the current Tax Increment Financing District (TIF) in the town center. The Dunham Court project developer, Szanton Company is requesting an affordable housing TIF be provided as one piece of the project funding.

The workshop was held on September 8 which provided an opportunity to better understand TIF's and the proposal from the Szanton Company. The town council provided direction to move amending the TIF to public hearing on October 13 which includes modifying the current TIF district, authorizing the use of the TIF funds, determining the % of revenue to be retained by the town and the length of the TIF. In addition the council will seek public input for Scenario Three of the Szanton Company proposal as outlined in the Szanton Company memo dated August 31, 2021 Re: Tax

Increment Financing Proposal. Staff will prepare the documents for the public hearing. Any substantive changes following the public hearing will require another public hearing prior to council action.

Draft Motion

ORDERED, the Cape Elizabeth Town Council sets to public hearing proposed amendments to the Town Center Tax Increment Financing District (TIF) for Wednesday, October 13, 2021 at 7:00 p.m. at the Cape Elizabeth Town Hall. In the event the location of the meeting changes, the change will be announced on the town's website in advance of the meeting. A change could occur to allow for better social distancing.

Attachments:

- **TIF Staff Memo O'Meara, Tibbetts 09 03 2021** (TIF_Staff_Memo_OMeara_Tibbetts_09-03-2021.pdf)
- **TIF Proposal Szanton Company 08 31 2021** (TIF_Proposal_Szanton_Co._08_31-2021.pdf)

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

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 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.