



Regular Town Council Meeting

Monday, February 14, 2022 at 7:00 pm

via Zoom

Please click the link below to join the webinar:

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to lower your hand.

COVID-19 Update

Public proceedings by remote access for Town Council meetings are authorized by the Town of Cape Elizabeth's Remote Participation Policy adopted August 30, 2021 and the Order Declaring a Limited Emergency adopted August 30, 2021. The Order enacted as an Emergency was extended on December 13, 2021 until March 31, 2022. The Order may be further extended by vote of the Town Council.

1. Convening of the Meeting

Town Council Chairman Jeremy A. Gabrielson

2. Roll Call by the Town Clerk

Jeremy A. Gabrielson, Chairman

Nicole Boucher

Susan A. Gillis

Caitlin R. Jordan

Penelope A. Jordan

Gretchen R. Noonan

Timothy S. Reiniger

3. The Pledge of Allegiance to the Flag

4. Town Council Reports and Correspondence

5. Finance Committee Report

Finance Chairman Nicole Boucher

Attachments:

- **Appropriation Control January 2022** (Appropriation_Control_January_2022.pdf)
- **Expense Distribution January 2022** (Expense_Distribution_January_2022.pdf)
- **Revenue Control January 2022** (Revenue_Control_January_2022.pdf)
- **Revenue Distribution January 2022** (Revenue_Distribution_January_2022.pdf)

6. 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.

7. Town Manager's Monthly Report

Matthew E. Sturgis

8. Review of Draft Minutes

January 10, 2022

Attachments:

- **Town Council Minutes January 10, 2022** (Town_Council_Minutes_January_10_2022.pdf)

9. Consent Calendar Item #44-2022 - Item #47-2022

The consent calendar provides for Item #44-2022 - Item #47-2022 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.

Consent Agenda Item #44-2022 - Item #47-2022 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.

Draft Motion

ORDERED, the Cape Elizabeth Town Council approves the consent calendar Item #44-2022 - Item #47-2022 as presented.

10. Item #44-2022 Transfer of Budget Appropriation for Sidewalk CIP Projects

Jay Reynolds, Director of Public Works is requesting a \$60,000 transfer in budgeted appropriations from the Sidewalk Repair and Improvements Account (2000-4014) to the CIP project account for Sidewalk Segments 7 and 8 (2000-5338).

As noted in the January 20, 2022 memo from John Quartararo, Finance Director this transfer will allow the unspent budget in 2000-5338 to be carried forward into FY 2023 when the work will be accomplished.

Draft Motion

ORDERED, the Cape Elizabeth Town Council authorizes \$60,000 of budgeted appropriations to be transferred out of CIP Project 2000-4014 Sidewalk Repairs & Improvements and into CIP Project 2000-5338 Sidewalk Segment 7 and 8 MDOT Grant.

Attachments:

- **Memo Finance Director Re: Transfer of Budget Appropriation for Sidewalk CIP Projects 01 20 2022** (Memo_Finance_Director_CIP_Sidewalk_Projects_Transfer_01_20_2022.pdf)

11. Item #45-2022 Transfer of Additional Funding for Sidewalk CIP Projects

On January 10, 2022 the town council approved the closing out of CIP projects; Library Improvement Project for \$77,198.00 and the Communications Tower Project for \$18,057.00. The funds were not budgeted at that time.

John Quartararo, Finance Director is recommending (memo dated 1/21/2022) the transfer of those funds totaling \$95,525 to the Sidewalk Segments 7 and 8 projects.

Draft Motion

ORDERED, the Cape Elizabeth Town Council approves the transfer of funds in the amount of \$95,525.00 from the closed CIP projects; Library Improvements (2030-4052) \$77,198.00 and Communications Tower (2000-5421) \$18,057 into the CIP project Sidewalk Segments 7 and 8 MDOT Grant (2000-5338). Any unused portion will carry forward to the next fiscal year and will lessen the impact of the FY 2023 budget on the tax rate.

Attachments:

- **Memo Finance Director Re: CIP Sidewalk Segments 7 & 8 Additional Funding 01 21 2022** (Memo_Finance_Director_CIP_Sidewalk_Project_Additional_Funding_01_21_2022.pdf)

12. Item #46-2022 Acceptance of Byrne Grant for the Police Department

Finance Director John Quartararo has provided a memo dated January 26, 2022 relating to the recommended approval of the Edward Byrne Memorial Justice Assistance Grant for the Police Department in the amount of \$114.00 for the purchase of a Nightfox 110R Widescreen Night Vision Binocular and a 2-pack Micro Center 32 GN Flash Memory Card.

Draft Motion

ORDERED, the Cape Elizabeth Town Council approves and appropriates \$114.00 for an award from the Edward Byrne Memorial Justice Assistance Grant which is overseen by the Windham Police Department for the purchase of a Nightfox 110R Widescreen Night Vision Binocular and a 2-pack Micro Center 32 GN Flash Memory Card. The grant period is January 1, 2022 to September 30, 2022.

Attachments:

- **Memo Finance Director Re: Byrne Grant for the Police Department 01 26 2022** (Memo_Finance_Director_Byrne_Grant_PD_01_26_2022.pdf)

13. Item #47-2022 Appointment to the Personnel Appeals Board

The Personnel Appeals Board consists of three members. The board considers appeals as provided for in Chapter 3 Personnel Code and any collective bargaining agreement that may confer such jurisdiction.

During the annual appointments process last fall, the two vacancies were not filled due to a lack of candidates. The vacancies were re-advertised and applications were received.

Draft Motion

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the Appointments Committee to appoint the following residents to serve on the Personnel Appeals Board as presented. Said terms are effective immediately.

Malvina Rau, 12 Canterbury Way
For a term to expire 12/31/2023

Philip J. Moss, 35 Maxwell Woods Drive
For a term to expire 12/31/2024

Attachments:

- **Appointments Committee Recommendations - Personnel Appeals Board** (Appointments_Committee_Recommendations_PAB.pdf)

14. Item #48-2022 Cape Community Arena Group (CCAG)

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 Cape Community Arena Group provided an update to the town council at the January 10, 2022 meeting. The council further discussed the proposal at the February 7 workshop including a proposed Memorandum of Understanding (MOU) from CCAG.

Based on the February 7 workshop discussion, the town's attorney is amending the MOU for council consideration. The revised document will be reviewed in March.

The council will discuss next steps.

15. Item #49-2022 Housing Diversity Study RFP - Reissue

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.

No proposals were submitted for the Housing Diversity Study RFP due 1/7/2022. The town council discussed next steps at the February 7, 2022 workshop. Staff was directed to reissue the RFP.

Draft Motion

ORDERED, the Cape Elizabeth Town Council authorizes the issuance of an amended Housing Diversity Study RFP with a due date of March 11, 2022.

Attachments:

- **Draft Housing Diversity Study RFP 02 10 2022** (Draft_Housing_Diversity_Study_RFP_2-10-2022.pdf)

16. Item #50-2022 Spurwink Avenue Culvert Feasibility Study Funding

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.

Maureen O'Meara, Town Planner has outlined in a memo dated January 28, 2022 that the Wells National Estuarine Research Reserve (NWERR) is offering to include the Spurwink Avenue culvert in a funding request to be submitted to the Maine Coastal Program.

Prior collaborations between the Town and NWERR include funding assistance for the Cape Elizabeth Culvert and Habitat Assessment Study in 2019. In addition NWERR assisted in obtaining funding for the study of the Sawyer Road culvert and funds to replace the Willow Brook culvert.

Draft Motion

ORDERED, the Cape Elizabeth Town Council endorses the inclusion of the Spurwink Avenue culvert on the list of priority projects submitted by the Wells National Estuarine Research Reserve to the Maine Coastal Program for the southern Maine region.

Attachments:

- **Memo Town Planner Re: Spurwink Ave Culvert Feasibility Study Funding 01 28 2022** (Memo_Town_Planner_Spurwink_Ave_Culvert_Study_Funding_01_28_2022.pdf)
- **NWERR Funding Request for the Spurwink Ave Culvert 01 25 2022** (Spurwink_Ave_Culvert_Funding_NWERR_01_25_2022.pdf)

17. Item #51-2022 Town Council Goals

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 has reviewed the 2022 goals in workshop sessions on December 15, 2021, January 5 and February 7, 2022.

Draft Motion

ORDERED, the Cape Elizabeth Town Council approves the 2022 town council goals.

18. Item #52-2022 Spurwink Church - Amendment to Provisions for Use

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 amendments to the Provisions for Use for the Spurwink Church. The amendments outline the new protocol for reservations through Community Services.

Draft Motion

ORDERED, the Cape Elizabeth Town Council approves the proposed amendments to the Provisions for Use of the Spurwink Church to reflect the new protocols for reservations through Community Services.

Attachments:

- **Spurwink Church Memo 02 01 2022** (Spurwink_Church_Memo_to_Town_Council_02_01_2022.pdf)
- **Spurwink Church Provisions for Use Draft 02 01 2022** (Spurwink_Church_Provisions_for_Use_of_02_01_2022_DRAFT.pdf)

19. Item #53-2022 Proposed Funding of Technology Equipment in the Council Chambers

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 December 13, 2021 and January 10, 2022 the town manager provided updates on the results of an RFP for equipment in the council chambers which would enable the technology for hybrid meetings and improvements to the sound system. The cost of the project is \$66,050.12.

Draft Motion

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the town manager to expend \$66,050.12 from identified savings in the current year capital improvement budget for equipment in the council chambers which will enable the technology for hybrid meetings and improvements to the sound system.

20. 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.

21. 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.