



# **Regular Town Council Meeting**

**Monday, April 11, 2022 at 7:00 pm**

**Town Hall Council Chambers**

**Live on CETV**

**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**

**Attachments:**

- **Appropriation Control March 2022** (Appropriation\_Control\_March\_2022.pdf)
- **Expense Distribution March 2022** (Expense\_Distribution\_March\_2022.pdf)
- **Revenue Control March 2022** (Revenue\_Control\_March\_2022.pdf)
- **Revenue Distribution March 2022** (Revenue\_Distribution\_March\_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 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.

**7. Town Manager's Monthly Report**

**8. Review of Draft Minutes**

March 14, 2022 Regular Meeting

March 16, 2022 Special Meeting

**Attachments:**

- **Town Council Minutes March 14, 2022** (Town\_Council\_Minutes\_March\_14\_\_2022.pdf)
- **Town Council Minutes Special Meeting March 16, 2022** (Town\_Council\_Minutes\_March\_16\_\_2022\_Special\_Meeting\_Virtual\_COVID-19.pdf)

**9. Consent Calendar Item #66-2022 - Item #71-2022**

The consent calendar provides for Item #66-2022 - Item #71-2022 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.

Opportunity for Public Comment. Consent Agenda Item #66-2022 - Item #71-2022 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 the consent calendar Item #66-2022 - Item #71-2022 as presented.

**10. Item #66-2022 School Budget Validation Referendum Election Warrant**

The town clerk recommends approval of the following motion.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council approves the School Budget Validation Referendum Election Warrant for June 14, 2022 as presented.

**Attachments:**

- **Warrant - School Budget Election June 14, 2022** (Warrant\_School\_Budget\_June\_14\_\_2022\_to\_TC.pdf)

**11. Item #67-2022 Appointment of Election Wardens and Clerks**

Pursuant to state law (Title 21-A Section 501) in a town, with the approval of municipal officers, the clerk of the municipality shall appoint a warden and may appoint one or more deputy wardens to assist in the duties on election day. If the clerk appoints another person as warden, the clerk may serve as deputy warden. Duties include maintaining order of the polling place, enforcing election laws, supervising election officials, designating a location at the voting place for persons collecting signatures and other duties as needed.

Pursuant to state law (Title 21-A Section 503-A), municipal officers of each municipality

shall appoint election clerks no later than May 1st of the even-numbered years to serve at the polling place. An election clerk holds office for 2 years from the date of appointment and until a successor is appointed and qualified. Duties include checking voters at the incoming list, overseeing the ballot box, counting ballots and other duties as needed.

Nominations for election clerks may be submitted by the municipal, county or state committees of the parties, by the municipal clerk or by any registered voter in the municipality or county.

The town clerk recommends approval of the following motion.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the Town Clerk to appoint the following who may be considered to serve the Town of Cape Elizabeth as election wardens, and who may also serve as deputy wardens. Said appointments are effective immediately and until successors are sworn.

Christian Cutter

Carol Anne Jordan

Debra Lane

Kathy Maxwell

Thomas Perkins

James Walsh

IT IS FURTHER ORDERED: The Cape Elizabeth Town Council approves the following who may be considered to serve the Town of Cape Elizabeth as election clerks for a period of 2 years and until successors are sworn.

**Democrat**

Lynne Beasley, Richard Bellafiore, Donna Benson, Jodi Breau, Janice Chapman, Kathy Cotter, Anne E. Cranshaw, Katherine E. Crosson, Ann L. Elderkin, Jennifer Falk, Ann C. Kaplan, Maureen Lonsdale, Ross B. Lonsdale, Lyndah Hastings, Sheila Heatley, Carol Anne Jordan, Donna Lamberth, Barbara Lamson, Kara Law, Katherine Lydon, Karen Kerrigan, Becky Malley, Sarah D. Muscat, Gail Perkins, Thomas Perkins, Jessica Proctor, Timothy E. Queeney, Harvey R. Rosenfeld, Eric E. Sharpe, Heather Stone, Thomas Stoughton, Elizabeth A. Sullivan, John K. Sullivan, Karen A. Suprenant, Michelle Tham, Carmen Weatherbie, Rachel Weinstein, Patrick Winker

**Republican**

Stephanie Anderson, Lois Bamford, John Beckey, Scott Berry, Annie Christy, Susan Gillis, Donna Goodspeed, Brent Graham, Jeanette Guglielmetti, Debra Harney, Beverly Lane

Hoffman, Nina Morrissette, Pietrina Owen, Al Romano, James Rowe, James Walsh, Kathleen Walsh, Tammy Walter, Polly Wilcox, Linda Winker

Unenrolled

Elise Bridge, Christian Cutter, Carolyn Gray, Teresa Olsen, Carmen Weatherbie

**Attachments:**

- **Memo Town Clerk Election Warden and Clerk Appointments 04 01 2022** (Election\_Clerk\_Appointments\_04\_01\_2022.pdf)

**12. Item #68-2022 Recommendation of the Appointments Committee - Board Vacancies**

Two board members have submitted resignations:

Melanie Thomas, Diversity, Equity and Inclusion Committee  
Effective April 1, 2022

Mary Ann Lynch, Planning Board  
Effective March 15, 2022 at midnight

The Appointments Committee met on March 30, 2022 to review applications from the recent annual appointments process. The Town Council will consider a recommendation from the Appointments Committee to fill the vacancies.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the Appointments Committee to appoint the following residents to serve unexpired terms, effective immediately.

Diversity, Equity and Inclusion Committee  
To fill an unexpired term until 12/31/2022  
Mary Mitchell Friedman, 36 Surf Road

Planning Board  
To fill an unexpired term until 12/31/2023  
Derek M. LaVallee, 15 Old Fort Road

**Attachments:**

- **Appointments Committee Recommendation 04 11 2022** (Appts\_Committee\_Recommendation\_04\_11\_2022.pdf)

### **13. Item #69-2022 Wireless Infrastructure Market Augmentation (Wima) Report**

On December 13, 2021 the Town Council authorized the Ordinance Committee to have oversight of the Wireless Infrastructure Market Augmentation (Wima) study.

A report was received from Steven Webster, Wireless Expertise, LLC and reviewed at the following meetings: January 12, February 9 and March 30, 2022.

On March 30, 2022 the Ordinance Committee voted 3-0 to accept the Wima report from Steven Webster, Wireless Expertise, LLC and refer the study to the Town Council.

#### **Draft Motion:**

ORDERED, the Cape Elizabeth Town Council refers to workshop on Wednesday, April 20, 2022 at 7:00 p.m. at the Cape Elizabeth Town Hall a presentation from Wireless Expertise, LLC relating to the Wireless Infrastructure Market Augmentation (Wima) report and to discuss next steps for implementation.

#### **Attachments:**

- **Memo Ordinance Committee Wima Study 04 01 2022** (Memo\_Ord\_Comm\_Wi ma\_Study\_04\_01\_2022.pdf)
- **Wima Study - Wireless Expertise, LLC** (Wima\_Report\_Wireless\_Expertise\_\_LLC\_03\_09\_2022.pdf)

### **14. Item #70-2022 Ordinance Committee Recommendation - Food Trucks**

On October 12, 2021 the Town Council referred to the Ordinance Committee consideration of food truck regulations.

The topic was discussed at the following meetings: November 17 and December 8, 2021, January 12, January 26, February 9 and March 30, 2022.

On March 30, 2022 the Ordinance Committee voted 3-0 to recommend food truck amendments to the Town Council.

#### **Draft Motion:**

ORDERED, the Cape Elizabeth Town Council refers the recommendation of the Ordinance Committee relating to food truck regulations to the Planning Board for review and report back to the council.

#### **Attachments:**

- **Memo Ordinance Committee Food Truck Amendments 04 01 2022** (Memo\_Ord\_Comm\_Food\_Truck\_Amendments\_04\_01\_2022.pdf)
- **Monaghan Leahy Letter Relating to Food Trucks 03 11 2022** (Monaghan\_Le ahay\_Letter\_Food\_Trucks\_03\_11\_2022.pdf)

- **Proposed Food Truck Amendments 03 31 2022** (Food\_Truck\_Amendments\_03\_31\_2022.pdf)

**15. Item #71-2022 Ordinance Committee Recommendation - Technical Amendments**

On January 10, 2022 the Town Council referred the Technical Amendments package, as recommended by the Planning Board, to the Ordinance Committee for review.

The amendments were reviewed on January 26, February 9 and March 30, 2022.

On March 30, 2022 the Ordinance Committee voted 3-0 to refer proposed Technical Amendments to the Town Council.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council refers the recommendation of the Ordinance Committee relating to proposed Technical Amendments to public hearing on Monday, May 9, 2022 at 7:00 p.m. at the Cape Elizabeth Town Hall.

**Attachments:**

- **Memo Ordinance Committee Technical Amendments 04 01 2022** (Memo\_Ord\_Comm\_Technical\_Amendments\_04\_01\_2022.pdf)
- **Proposed Technical Amendments 04 01 2022** (Technical\_Amendments\_4-1-2022.pdf)
- **Previous Memo from Planning Board Describing Amendments 12 22 2021** (PB\_to\_TC\_Tech\_Amdts\_12-22-2021.pdf)

**16. Item #72-2022 Opportunity for Public Comments Relating to the FY 2023 Budget**

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 town council welcomes public comment on the FY 2023 budget. Two budget workshops on the municipal budget have already been held. This is another opportunity for public comment early in the budget process. The school board will present the school budget on April 25. The budget public hearing will be held on May 9. The town council will vote on the special revenue funds on May 9 and the general fund on May 16.

**Attachments:**

- **FY 2023 Proposed Municipal Budget** (FY\_2023\_Proposed\_Municipal\_Budget.pdf )

**17. Item #73-2022 Recommendation of the Ordinance Committee - Selection of a Consultant for the Housing Diversity Study**

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 February 14, 2022 the town council authorized the reissuance of an amended Housing Diversity Study RFP as no proposals were received from the initial RFP due 1/7/2022. The deadline for the reissued RFP was March 11, 2022 and seven proposals were received. At a special meeting on March 16, 2022 the town council referred selection of a consultant to the ordinance committee with a recommendation back to the town council by April 1.

The ordinance committee met on March 23 and is recommending the selection of Camoin Associates.

The town council will consider the recommendation. Funding (\$50,000) was established previously by the council in the CIP, account 2090-4161.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the Ordinance Committee and authorizes the Town Manager to sign a contract with Camoin Associates, Saratoga Springs, NY for a Housing Diversity Study in the amount of \$45,000 to be paid from account 2090-4161 with a completion date of 8/30/2022 as presented.

**Attachments:**

- **Memo Ordinance Committee HDS Consultant Recommendation 03 24 2022** (Memo\_Ordinance\_Committee\_HDS\_Consultant\_03\_24\_2022.pdf)
- **HDS Proposal Camoin Associates** (HDS\_Proposal\_Camoin\_Associates.pdf)

**18. Item #74-2022 School Revolving Renovation Fund (SRRF) Bond Order - Projects at Pond Cove, Middle School and High School**

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 School Board voted on February 8, 2022 (6-0) to request that the Town Council approve the financing and authorize a bond order for 10 separate projects at the three schools through the SRRF Program in the amount of \$1,161,082. The State of Maine will

forgive 30% or \$348,325. The balance of funds in the amount of \$812,757 is repayable over 10 years at a zero interest rate. The first installment of \$81,276 will be payable in FY 2024.

The town council reviewed the request at a workshop on April 4, 2022.

The town council will consider the request and authorizing a bond order. Due to the length of the order it was referenced by title on the agenda, however if approved the bond order, in its entirety, will be included in the meeting minutes.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council approves the request of the School Board to approve the financing of 10 separate projects at the three schools through the SRRF Program and authorize a bond order for \$1,161,082. The State of Maine will forgive 30% or \$348,325. The balance of funds in the amount of \$812,757 is repayable over 10 years at a zero interest rate. The first installment of \$81,276 will be payable in FY 2024. Said bond order as entitled and attached:

TOWN OF CAPE ELIZABETH, MAINE

Vote authorizing expenditures of up to \$1,161,082

for school renovations

and the issuance of bonds therefore

**Attachments:**

- **Bond Order SRRF** (Bond\_Order\_SRRF\_Fund.pdf)
- **Memo Finance Director SRRF Bond Order 03 30 2022** (Memo\_Finance\_Director\_SRRF\_Bond\_Order\_03\_30\_2022.pdf)

**19. Item #75-2022 School Construction Bond Order - Schematic Design for New Construction of Pond Cove/Middle School**

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 School Board voted on March 8, 2022 (6-0) to request that the Town Council authorize the bonding of up to \$650,000 with an approved bond order to enable the Town to issue short-term financing of the school building project pending a referendum vote on November 8, 2022. The intent is to finance the full cost of the schematic design for the new construction of Pond Cove/Middle School. The amount would be in addition to the \$300,000 bond order approved April 12, 2021 for the building concept design.

The town council reviewed the request at the workshop on April 4, 2022.



The town council will consider the request and authorizing a bond order. Due to the length of the order it was referenced by title on the agenda, however if approved the bond order, in its entirety, will be included in the meeting minutes.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council approves the request of the School Board to authorize the bonding of up to \$650,000 with an approved bond order to enable the Town to issue short-term financing of the school building project pending a referendum vote on the project on November 8, 2022 to finance the full cost of the schematic design for the new construction of Pond Cove/Middle School. Said bond order as entitled and attached:

TOWN OF CAPE ELIZABETH, MAINE

Vote authorizing expenditures of up to \$650,000

for cost of final design for New Elementary School/Middle School Project  
and the issuance of bonds therefore

**Attachments:**

- **Bond Order School Construction(Schematic Design)** (Bond\_Order\_Schematic\_Design.pdf)
- **Memo Finance Director School Construction Bond Order 03 30 2022** (Memo\_Finance\_Director\_School\_Construction\_Bond\_Order\_03\_30\_2022.pdf)

**20. Item #76-2022 Consideration of a Request from the Cape Elizabeth Little League - Site Plan Amendment to Lions' Field**

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 Elizabeth Little League is requesting permission to apply to the Planning Board for a site plan amendment to the Lions' Field upper baseball field for the installation of lights.

If approved by the Planning Board, the Town would subsequently consider accepting the lights and installation of the lights as a gift to the Town.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council grants permission to the Cape Elizabeth Little League to apply to the Planning Board for a site plan amendment to the Lions' Field upper basement field for the installation of lights. It is further ordered the Town will subsequently considering accepting the lights and installation of the lights as a gift

to the Town at a future council meeting.

**Attachments:**

- **Cape Elizabeth Little League Request for Site Plan Review - Installation of Lights 04 01 2022** (CELL\_Requet\_for\_Site\_Plan\_Review\_04\_01\_2022.pdf)

**21. Item #77-2022 Consideration of a Consent Agreement - 207 Ocean House Road**

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 Town Attorney has negotiated a Consent Agreement on behalf of the Town with the owner of 207 Ocean House Road, G&G Partners, LLC and recommends the Town enters into the agreement. The landowner, its successors and any future owners as well as any lessees, shall be allowed to continue using the property as a veterinary clinic without it being an accessory use to a single-family residence. Currently the Veterinary and Rehabilitation Center of Cape Elizabeth is located at 207 Ocean House Road.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council authorizes the Town Manager to sign the Consent Agreement with G&G Partners, LLC relating to property at 207 Ocean House Road allowing the landowner, its successors and any future owners as well as any lessees, to continue using the property as a veterinary clinic without it being an accessory use to a single-family residence.

**Attachments:**

- **207 Ocean House Road** (207\_Ocean\_House\_Road.pdf)

**22. Item #78-2022 Consideration of a Request from Otelco Communications for an Easement**

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.

CRC Communications, LLC DBA Otelco is requesting the Town grant a 20' x 20' easement on the Town Hall parcel for the location of broadband/telecommunications equipment and permission to apply to the Planning Board for a site plan amendment.

If approved by the Planning Board, the Town would subsequently consider granting the

easement and accepting \$15,000 in exchange for the easement.

In the event the equipment is removed and the easement is no longer needed, the easement would extinguish.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council grants permission to CRC Communications, LLC DBA Otelco to apply to the Planning Board for a site plan amendment to the Town Hall parcel for the location of broadband/telecommunications equipment. It is further ordered the Town Council will subsequently consider granting a 20' x 20' easement for the equipment and accept \$15,000 in exchange at a future council meeting.

**Attachments:**

- **Otelco Proposal** (OTELCO\_Proposal.pdf)
- **Otelco Easement Agreement** (OTELCO\_Easement\_Agreement.pdf)

**23. 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.

**24. 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.