



Regular Town Council Meeting

Monday, November 14, 2022 at 7:00 pm

Town Hall Council Chambers

Live on CETV

1. **Convening of the Meeting**

Town Council Chair Jeremy A. Gabrielson

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

Jeremy A. Gabrielson, Chair
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 Chair Nicole Boucher**

Attachments:

- Financial Dashboard 10 31 2022
- Appropriation Control October 2022
- Expense Distribution October 2022
- Revenue Control October 2022
- Revenue Distribution October 2022

6. **Report - CEO Ben McDougal STR's**

7. **Report - Jay Reynolds Pesticides**

Attachments:

- Pesticides Discussion Presentation
- Pesticides Ordinance Survey
- Pesticides Ordinance Committee Minutes
- Pesticide and Fertilizer Information Falmouth
- Pesticide and Fertilizer Information South Portland

8. **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.

9. **Town Manager's Monthly Report - Matthew E. Sturgis**

10. **Review of Draft Minutes**

October 12, 2022

Attachments:

- Town Council Minutes October 12, 2022

11. **Consent Calendar Item #150-2022 - Item #153-2022**

The consent calendar provides for Item #150-2022 - Item #153-2022 to be considered en bloc. Any town councilor may ask for any item to be considered separately. At the discretion of the chair, 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 #150-2022 - Item #153-2022

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 #150-2022 - Item #153-2022 as presented.

12. **Item #150-2022 Acceptance of Cape Care Grant**

The Town Manager is recommending the acceptance of a Cape Care ARPA grant award in the amount of \$39,501.60 and to appropriate the funds into department 0639-Cape Care ARPA. The grant provides funds in two categories: Wage Supplement Program and Provider Transition. A memo dated November 3, 2022 outlines the grant.

Draft Motion

ORDERED, the Cape Elizabeth Town Council accepts and appropriates to Department 0639-Cape Care ARPA a grant award of \$39,501.60 from the American Rescue Plan Act of 2021 administered by the Maine Department of Health and Human Services for the period of October 1, 2022 through May 31, 2023.

Attachments:

- Cape Care Grant ARPA

13. **Item #151-2022 Acceptance of Distracted Driving Grant for the Police Department**

The Town Manager is recommending the acceptance of a Distracted Driving Enforcement grant in the amount of \$5,000 from the Maine Bureau of Highway Safety and to appropriate funds into the Police Department 0210-1010 Special Assignments. A memo dated November 3, 2022 outlines the grant.

Draft Motion

ORDERED, the Cape Elizabeth Town Council accepts and appropriates to Police Department 0210-1010 Special Assignments, a grant award of \$5,000 from the Maine Bureau of Highway Safety, administering NHTSA funding for the Distracted Driving Enforcement campaign.

Attachments:

- Memo TM PD Distracted Driving Grant 11 03 2022
- PD Distracted Driving Grant

14. **Item #152-2022 Acceptance of Click it or Ticket Grant for the Police Department**

The Town Manager is recommending the acceptance of a grant award for a Click It or Ticket grant in the amount of \$5,000 from the Maine Bureau of Highway Safety and to appropriate funds into the Police Department 0210-1010 Special Assignments. A memo dated November 3, 2022 outlines the grant.

Draft Motion

ORDERED, the Cape Elizabeth Town Council accepts and appropriates to Police Department 0210-1010 Special Assignments, a grant award of \$5,000 from the Maine Bureau of Highway Safety, administering NHTSA funding for the National Click It or Ticket campaign.

Attachments:

- Memo TM PD Click It or Ticket Grant 11 03 2022
- PD Click It or Ticket Grant

15. **Item #153-2022 Acceptance of MMA Safety Grant for the Public Works Department**

The Town of Cape Elizabeth Public Works Department has been awarded a MMA Safety Grant - Ed MacDonald Safety Enhancement Grant for the purchase of the flammables safety cabinet for an amount not to exceed \$1,809.24. Town Manager Matthew Sturgis and Public Works Director Jay Reynolds recommend approval.

Draft Motion

ORDERED, the Cape Elizabeth Town Council accepts the MMA Safety Grant - Ed MacDonald Safety Enhancement Grant for the purchase of the flammables safety cabinet for the Public Works Department for an amount not to exceed \$1,809.24. The grant period is until October 1, 2023.

Attachments:

- MMA Safety Grant

16. **Public Hearing - General Assistance Appendices**

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.

On October 12, 2022 the Town Council set to public hearing proposed General Assistance Maximums, Appendices A - G for October 1, 2022 - September 30, 2023 and the new Recovery Residence Housing Maximums.

The Town Council will consider adopting the appendices, excluding Appendix C Housing Maximums.

Attachments:

- GA Maximums Reference Sheet Cumberland County 2022-2023
- GA Maximums Appendices A, B, D, E, F, G, Recovery Residences 2022-2023
- GA Maximums Appendix C 2022-2023

17. **Item #154-2022 General Assistance Appendices**

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.

Draft Motion

ORDERED, the Cape Elizabeth Town Council adopts the General Assistance Maximums, Appendices A, B, D-G and the new Recovery Residence Housing Maximums for October 1, 2022 - September 30, 2023.

18. **Item #155-2022 Consider Revisions to Library Policies as Recommended by the Thomas Memorial Library Committee**

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 Thomas Memorial Library Committee has completed a review of the library policies. On March 3, May 26 and October 27, the committee members present at each meeting unanimously approved the recommended revisions.

Circulation Policy
Meeting Room Policy
Confidentiality Policy
Community Information Area Policy
Displays & Exhibits Policy

The Town Council may consider approval or if further review is needed, table to an upcoming meeting or schedule a workshop.

Attachments:

- Memo TML Dir Policy Updates 11 02 2022
- TML Policy Updates 03 03 2022 Meeting
- TML Policy Updates 05 26 2022 Meeting
- TML Policy Updates 10 27 2022 Meeting

19. **Item #156-2022 Consider Adopting a Campaign Reports Town Ordinance**

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.

Councilor Boucher has requested this item for consideration. The town council would have to vote 90 days before a referendum election.

Adopting a Campaign Reports Town Ordinance.

Sample language of a Campaign Reports & Finances Ordinance:

Reports by political action committees and ballot question committees.

A. Pursuant to 30-A M.R.S.A. § 2502(2), Cape Elizabeth adopts and shall be governed by Title 21-A, Chapter 13, Subchapter 4 (21-A M.R.S.A. §§ 1051 — 1063), as it may be amended.

B. Registrations and campaign finance reports submitted in accordance with 21-A M.R.S.A. §§ 1051-1063, as it may be amended, shall be filed with the Town Clerk, not the State Commission on Governmental Ethics and Election Practices.

C. Pursuant to 30-A M.R.S.A. § 2502(3), as it may be amended, the Town shall keep said registrations and reports for eight years.

<https://legislature.maine.gov/statutes/30-A/title30-Asec2502.html>

Draft Motion

ORDERED, the Cape Elizabeth Town Council refers to ordinance committee consideration of adopting a Campaign Reports Town Ordinance.

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20. **Item #157-2022 Consider Ending the Non-Profit Status of the Museum and Gift Shop at Portland Head Light**

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 will consider referring to workshop ending the non-profit status of the Museum and Gift Shop at the Portland Head Light and incorporating it into the Town operations.

Draft Motion

ORDERED, the Cape Elizabeth Town Council refers to workshop ending the non-profit status of the Museum and Gift Shop at the Portland Head Light and incorporating it into the Town operations.

21. **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.

22. **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.