



## Regular Town Council Meeting

Monday, January 9, 2023 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

Councilor Nicole Boucher, Finance Committee Chair

#### Attachments:

- [Financial Dashboard 12 31 2022](#)
- [Appropriation Control December 2022](#)
- [Expense Distribution December 2022](#)
- [Revenue Control December 2022](#)
- [Revenue Distribution December 2022](#)

### 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 chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent.

### 7. Town Manager's Monthly Report

Matthew E. Sturgis

#### Attachments:

- [Town Manager's Report 01 09 2023](#)

### 8. Review of Draft Minutes

December 12, 2022 Regular Meeting

#### Attachments:

- [Town Council Minutes December 12, 2022](#)

### 9. Item #27-2023 School Building Advisory Committee Draft Charge

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 chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent.

At the workshop on January 3, 2023 the Town Council and School Board discussed the committee charge for the ad-hoc School Building Advisory Committee, Draft #4. Both boards discussed the charge at their respective meetings in December.

Both boards will vote on the committee charge at their respective regular meetings in January.

#### Draft Motion

ORDERED, the Cape Elizabeth Town Council approves the ad-hoc School Building Advisory Committee charge as presented in Draft #5 following the Town Council and School Board discussion on January 3, 2023.

#### Attachments:

- [SBAC Draft #5 01 03 2023](#)

### 10. Item #28-2023 Appointment of Town Council Members to the School Building Advisory 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 chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent.

The School Building Advisory Committee consists of nine members; two members from the Town Council and two members from the School Board and five public members. The Town Council will consider their two appointments to the committee.

### 11. Item #29-2023 Property Tax Assistance Program Report

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 chair, the speaker shall give their 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.

The report, prepared by Town Assessor Clinton Swett, was submitted to the Town Council prior to December 31. The council will acknowledge receipt of the report. Mr. Swett will be present to answer any questions.

#### Draft Motion

ORDERED, the Cape Elizabeth Town Council acknowledges receipt of the report from the tax assessor relating to the 2023 property tax assistance program as required by Chapter 27 Property Tax Assistance Ordinance Sec. 9 Annual Report to the Town Council.

#### Attachments:

- [2023 Property Tax Assistance Program Report](#)
- [For Informational Purposes - 2023 Senior Tax LD 290 Freeze Program Report](#)

### 12. Item #30-2023 Request for Zoning Amendment

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 chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent.

The Town has received a request for a zoning amendment from Stefan Rurak, 11 Spruce Lane in accordance with Sec. 19-10-3 of the Zoning Ordinance to include cottage industry manufacturing in the RA District.

The recommended action is for the Town Council to consider the request and if they desire refer it to the Ordinance Committee for review and recommendations.

#### Attachments:

- [Memo Stefan Rurak, 11 Spruce Lane](#)

### 13. Item #31-2023 Remote Participation Policy

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 chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent.

The Town Council met in workshop session on January 3, 2023 and discussed possible changes to the Remote Participation Policy adopted August 30, 2021. Based on council discussion, the Town Clerk has provided a memo and draft changes for consideration. It is recommended a public hearing be scheduled for February 13, 2023.

#### Draft Motion

ORDERED, the Cape Elizabeth Town Council sets to public hearing on Monday, February 13, 2023 at 7:00 p.m. at the Cape Elizabeth Town Hall recommended changes to the Remote Participation Policy.

#### Attachments:

- [Memo Town Clerk Remote Participation Policy 01 04 2023](#)
- [Draft Remote Participation Policy Changes 01 04 2023](#)
- [Memo Town Attorney Remote Participation Policy 01 04 2023](#)

### 14. Item #32-2023 Continue the Annual Evaluation of the Town Manager and Employment Contract

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 chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent.

#### Draft Motion

ORDERED, the Cape Elizabeth Town Council enters into executive session pursuant to 1 M.R.S. §405 6. A. to continue discussions of the Town Manager's annual evaluation, and the employment contract which runs through January 29, 2023.

### 15. 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 chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent.

### 16. 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 chair, the speaker shall give their 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 chair 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 chair, the speaker shall give their 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 chair.