



Regular Town Council Meeting

Monday, January 8, 2024 at 7:00 pm

Town Hall Council Chambers

Live on CETV/Hybrid Meeting

Hybrid Meeting - Members of the Public May Participate Remotely During Public Comment Opportunities

To view the meeting livestream: <https://cstv.capeelizabeth.org/> and push watch in the upper right hand corner

Live broadcast on CETV, livestream and remote participation are offered as a convenience when the technology is available and operational in the given meeting space. If the technology is not available or in the event there is a disruption in service and the communication can't be restored the expectation is the meeting will continue.

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- 1. Convening of the Meeting**
Town Council Chair Timothy S. Reiniger

- 2. Roll Call by the Town Clerk**
Timothy S. Reiniger, Chair
Stephanie P. Anderson
Jeremy A. Gabrielson
Susan A. Gillis
Caitlin Jordan Harriman
Penelope A. Jordan
Timothy L. Thompson

- 3. The Pledge of Allegiance to the Flag**

- 4. Town Council Reports and Correspondence**

- 5. Finance Committee Report**
Finance Committee Chair Timothy L. Thompson

Attachments:

- [Financial Report 01 08 2024](#)
- [Town Expenditure Report 12/2023](#)
- [Town Revenue Report 12/2023](#)

- 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.

A member of the public wishing to speak via remote access must click on the Zoom link or call and use the Raise Hand function. When connecting by phone, dial *9 to Raise Hand and the same to Lower Hand. Please mute the microphone and turn off the video until you are invited to speak. When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent. After speaking, to view the remainder of the meeting exit Zoom and return to the CETV Livestream or CETV cable Channel 3.

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

Attachments:

- [Town Manager's Report 01 08 2024](#)

- 8. Review of Draft Minutes**

December 11, 2023 Regular Meeting

Attachments:

- [Town Council Minutes December 11, 2023](#)

- 9. Consent Calendar Item #33-2024 - Item #35-2024**

The consent calendar provides for Item #33-2024 - Item #35-2024 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 #33-2024 - Item #35-2024

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.

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Draft Motion

ORDERED, the Cape Elizabeth Town Council approves the consent calendar Item #33-2024 - Item #35-2024 as presented.

- 10. Item #33-2024 Recommendation of the Fort Williams Park Committee - South Portland/Cape Elizabeth Rotary Fireworks at Fort Williams Park on March 2, 2024**

The South Portland/Cape Elizabeth Rotary Club is requesting use of Fort Williams Park for "SpringFest" fireworks on Saturday, March 2, 2024 with a rain date of Sunday, March 3. On December 19, 2023 the Fort Williams Park Committee voted (7-0) to approve the request as presented.

Draft Motion

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the Fort Williams Park Committee for use of Fort Williams Park for the South Portland/Cape Elizabeth "SpringFest" fireworks on Saturday, March 2, 2024 with a rain date of March 3, as presented.

Attachments:

- [FWPC Minutes 12 19 2023 Draft](#)
- [Rotary SpringFest Fireworks Request 11 15 2023](#)

- 11. Item #34-2023 Consider Referral to the Ordinance Committee Relating to Information Governance Goals**
Chair Reiniger has requested this item for the agenda.

Referral to the Ordinance Committee the following proposed ordinances relating to the information governance goals:

- Create a citizen surveillance technology review committee
- Regulation of surveillance technology in public places (going beyond facial recognition technology)
- Ensuring privacy protections in the use of digital identity wallets.

Draft Motion

ORDERED, the Cape Elizabeth Town Council refers to the Ordinance Committee consideration of

- Create a citizen surveillance technology review committee
- Regulation of surveillance technology in public places (going beyond facial recognition technology)
- Ensuring privacy protections in the use of digital identity wallets.

Attachments:

- [Chair Reiniger Email 01 02 2024](#)
- [Reiniger Draft Privacy Protections in the Use of Digital Identity Wallets](#)
- [Reiniger Draft Restrictions on the Use of Surveillance Technology in Public Places](#)
- [Reiniger Draft Surveillance Technology Oversight Committee](#)

- 12. Item #35-2024 Proposed Conservation Ordinance Events Amendment**

On June 12, 2023 the Town Council referred to the Ordinance Committee a recommendation of the Conservation Committee to amend Chapter 18 Conservation Ordinance relating to event provisions.

On November 1, 2023, the Ordinance Committee voted (3-0) to recommend Conservation Ordinance amendments to the Town Council.

On December 11, 2023, the Town Council voted (7-0) to set a public hearing for January 8, 2024. Inadvertently the public noticing was not posted. To ensure publication requirements it is recommended the public hearing be scheduled for February 12.

Draft Motion

ORDERED, the Cape Elizabeth Town Council sets to public hearing on Monday, February 12, 2024 at 7:00 p.m. at the Cape Elizabeth Town Hall amendments to Chapter 18 Conservation Ordinance relating to event amendments that require only Conservation Committee review and allow revenue from some events as recommended by the Ordinance Committee.

Attachments:

- [Conservation Ordinance Events Amendment 11 1 2023](#)
- [Memo Ordinance Committee Conservation Ordinance Events Amendment 11 9 2023](#)

- 13. Motion to Take Off the Table from December 11, 2023 - Public Hearing and Item #28-2024 Proposed Amendments to Chapter 19 Zoning Ordinance Relating to Home Business Amendments**

Due to the late hour at the December 11, 2023 meeting, the Town Council voted (7-0) to table the public hearing and Item #28-2024 to January 8, 2024.

Draft Motion

ORDERED, the Cape Elizabeth Town Council takes the Public Hearing and Item #28-2024 off the table from December 11, 2023 on proposed amendments to Chapter 19 Zoning Ordinance relating to Home Business amendments.

- 14. Public Hearing - Proposed Amendments to Chapter 19 Zoning Ordinance Relating to Home Business 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 chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent.

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Attachments:

- [Memo Planning Board Home Business Amendments 10 24 2023](#)
- [Home Business Amendments 10 03 2023](#)

- 15. Item #28-2024 Proposed Amendments to Chapter 19 Zoning Ordinance Relating to Home Business Amendments**

On September 11, 2023, the Town Council referred to the Planning Board Home Business amendments developed by the Ordinance Committee. The Planning Board reviewed the amendments at a workshop on October 3. Following a public hearing on October 16, the Planning Board voted (7-0) to forward recommendations to the Town Council.

On November 13, 2023 the Town Council scheduled a public hearing for December 11 however due to the late hour the item was tabled to January 8, 2024.

Draft Motion

ORDERED, the Cape Elizabeth Town Council following a public hearing on January 8, 2024 does hereby approve the proposed amendments to Chapter 19 Zoning Ordinance relating to Home Business amendments as recommended by the Planning Board.

Attachments:

- [Memo Planning Board Home Business Amendments 10 24 2023](#)
- [Home Business Amendments 10 03 2023](#)

- 16. Item #36-2024 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.

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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.

Town Assessor Clinton Swett will be present to review the report and answer any questions. It is in order for the council to acknowledge receipt of the report.

Draft Motion

ORDERED, the Cape Elizabeth Town Council acknowledges receipt of the report from the Town Assessor relating to the 2024 property tax assistance program as required by Chapter 27 Property Tax Assistance Ordinance Sec. 9 Annual Report to the Town Council.

Attachments:

- [2024 Senior Tax Relief Program Report 12 28 2023](#)

- 17. Item #37-2024 Acknowledge Receipt of the Report from the Ad-Hoc Housing Diversity Study 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.

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The charge for the Ad-Hoc Housing Diversity Study Committee was approved by the Town Council on May 9, 2022.

Committee Purpose

In connection with Recommendation #83 of the 2019 Comprehensive Plan, the Cape Elizabeth Town Council wishes to form the Housing Diversity Study Committee, a temporary advisory ad-hoc committee, to further research housing needs and issues as perceived by the residents of Cape Elizabeth.

Following the appointment of the seven committee members in August 2022, the first meeting was held on October 11, 2022. With the final report due to the council on September 30, 2023, the council approved a request from the committee to extend the deadline for the final report to December 31, 2023.

On December 28, 2023, the Ad-Hoc Housing Diversity Study Committee voted (7-0) to accept the final report. It is in order for the Town Council to acknowledge receipt of the report.

Draft Motion

ORDERED, the Cape Elizabeth Town Council acknowledges receipt of the Ad-Hoc Housing Diversity Study Committee Final Report 2023 with appreciation to the committee members for their work.

Attachments:

- [Final HDSC Report 2023](#)

- 18. Item #38-2024 Consideration of a Resolution to Join the Community Resilience Partnership**

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.

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The Town Council will consider joining the [Community Resilience Partnership](#), a program of the Maine Governor's Office of Policy Innovation and the Future. The Town is working with GPCOG on a climate action planning process. Passage of the resolution is a step required before the Town can become eligible for grant funding.

On November 30, 2023, the Member of Committee voted in favor of the resolution.

See email from Sam Milton, the Energy Committee dated December 1, 2023.

Draft Motion

ORDERED, the Cape Elizabeth Town Council approves the resolution to join the Community Resilience Partnership.

Attachments:

- [Resolution Community Resilience Partnership](#)
- [Energy Committee Minutes 11 30 2023](#)
- [Email Sam Milton 12 1 2023](#)

- 19. Item #39-2024 Enter into Executive Session to Begin Discussion of the Town Manager's Annual Evaluation**

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 Rules Article III Section 2. Workshop Meetings provides for the Town Council to vote on procedural motions at a workshop meeting to determine a conflict of interest, to enter into executive session and to adjourn.

The Town Council will begin the annual evaluation of the Town Manager.

Draft Motion

ORDERED, the Cape Elizabeth Town Council enters into executive session pursuant to 1 M.R.S. §405 6. A. to begin discussions of the Town Manager's annual evaluation.

- 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 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.

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- 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 chair, the speaker shall give their name and address or name and local affiliation, if the affiliation is relevant, prior to making other comments.

A member of the public wishing to speak via remote access must click on the Zoom link or call and follow the procedures stated at the top of the agenda. 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. After speaking, to view the remainder of the meeting exit Zoom and return to the CETV Livestream or CETV cable Channel 3.

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 affiliation is relevant, prior to making other comments.

A member of the public wishing to speak via remote access must click on the Zoom link or call and follow the procedures stated at the top of the agenda. 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. After speaking, to view the remainder of the meeting exit Zoom and return to the CETV Livestream or CETV cable Channel 3.

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.