



Regular Town Council Meeting

Monday, March 14, 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

Finance Committee Chairman Nicole Boucher

Attachments:

- **Appropriation Control February 2022** (Appropriation_Control_February_2022.pdf)
- **Expense Distribution February 2022** (Expense_Distribution_February_2022.pdf)
- **Revenue Control February 2022** (Revenue_Control_February_2022.pdf)
- **Revenue Distribution February 2022** (Revenue_Distribution_February_2022.pdf)

6. Update on the State of Maine's Plans on Improvements for Kettle Cove State Park

Gary Best - Maine Bureau of Parks and Lands

7. Update from Dr. Christopher Record, Superintendent on the Status of the School Building Project

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

February 14, 2022

Attachments:

- **Town Council Minutes February 14, 2022** (Town_Council_Minutes_February_14__2022_Virtual_COVID-19.pdf)

11. Consent Calendar Item #54-2022 - Item #57-2022

The consent calendar provides for Item #54-2022 - Item #57-2022 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 #54-2022 - Item #57-2022 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 approves the consent calendar Item #54-2022 - Item #57-2022 as presented.

12. Item #54-2022 Request for Uses at Fort Williams Park - 2022

The Fort Williams Park Committee met on January 20, 2022. The committee voted unanimously (7-0) to approve various use requests.

Draft Motion

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the Fort Williams Park Committee for the following uses at Fort Williams Park, as presented.

Cape Elizabeth Little League - 2022 Season

Opening 3/19/2022 (Field consideration)

Walk to Cure Arthritis Walk - Saturday, May 28, 2022

Cape Elizabeth High School Graduation - Sunday, June 12, 2022

Family Fun Day - Saturday, June 18, 2022

Making Strides Against Cancer Walk - Sunday, October 16, 2022

Attachments:

- **FWPC Minutes January 20, 2022 Draft** (FWPC_Minutes_January_20__2022_Draft.pdf)

13. Item #55-2022 Receipt of Audit Results FY 2021

The town council and school board met in workshop session on February 16, 2022 to review the results of FY 2021 audit results prepared by Runyon Kersteen Ouellette. No material weaknesses, no significant deficiencies and no compliance findings were report.

Finance Director John Quartararo has provided a memo dated March 1, 2022.

Draft Motion:

ORDERED, the Cape Elizabeth Town Council acknowledges receipt of the results of the FY 2021 Annual Financial Statements ending June 30, 2021 and accompanying reports prepared by Runyon Kersteen Ouellette.

Attachments:

- **FY 2021 Uniform Guidance** (FY_2021_Uniform_Guidance.pdf)
- **FY 2021 Financial Statements** (FY_2021_Financial_Statements.pdf)
- **FY 2021 School Department Financial Statements** (FY_2021_School_Department_Financial_Statements.pdf)
- **FY 2021 SAS-Letter** (FY_2021_SAS-Letter.pdf)
- **FY 2021 Statement-of-Assurance** (FY_2021_Statement-of-Assurance.pdf)

14. Item #56-2022 Interaccount Transfer - Assessing Software Contract

To move the revaluation project forward, the town manager has signed an assessing software contract in the amount of \$20,000. The finance director has outlined an interaccount transfer to pay for the software. Originally the request for funding would have appeared in the FY 2023 budget.

Draft Motion

ORDERED, the Cape Elizabeth Town Council authorizes the following interaccount transfer to pay for assessing software needed for the revaluation project:
\$5,100.00 from 0170-1032 (Employee Benefits: Vacation-Sick Accruals)

\$14,140.00 from 0170-1033 (Employee Benefits: Salary-Wage Adjustments)

\$760.00 from 0120-2062 (ACP: Misc. Contracts)

and the transfer in of \$20,000.00 to 0120-2067 (ACP: Contract Svc: Assessor Software).

Attachments:

- **Memo Finance Director Interaccount Transfer for Assessing Software 02 15 2022** (Memo_Finance_Director_Interaccount_Transfer_for_Assessor_Software_02_15_2022.pdf)

15. Item #57-2022 Transfer of Budget Appropriation for the Revaluation Project

The Tax Assessor has requested \$144,000 in the FY 2023 budget for the revaluation.

The project can be funded in the current year's budget by transferring funds from other projects.

Finance Director John Quartararo has provided a memo explaining the request for the transfer.

Draft Motion

ORDERED, the Cape Elizabeth Town Council authorizes that \$99,000 of funds in account 2000-5102 Kettle Cove Boat Launch Relocation Project and \$45,000 from 2030-4052 Library Improvements Project be transferred to 2090-4117 Tax Revaluation Project for a total transfer of \$144,000 to fund the revaluation project. The unexpended balance at June 30, 2022 will automatically carry forward into FY 2023.

Attachments:

- **Memo Finance Director Transfer of Budget Appropriation for Revaluation Project 03 01 2022** (Memo_Finance_Director_Transfer_Funding_for_Revaluation_03_01_2022.pdf)

16. Public Hearing - Request for New Liquor License - Tostones Cafe

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.

Adaime & Rea LLC, DBA Tostones Cafe 337 Ocean House Road is seeking a new malt liquor (beer), wine and spirits restaurant liquor license. State law requires a public hearing for a new liquor license application. The public hearing must be published in the newspaper 3 consecutive days with the business paying for the ad.

The public hearing has been noticed and the town has been reimbursed for the

newspaper ad.

No objections have been raised by the fire chief, police chief and code enforcement officer.

Attachments:

- **Tostones Cafe Liquor License Application** (Tostones_Cafe_Liquor_License_Application.pdf)

**17. Item #58-2022 Request for New Liquor License - Tostones Cafe
Draft Motion**

ORDERED, the Cape Elizabeth Town Council following a public hearing does hereby approve the request of Adaime & Rea LLC DBA Tostones Cafe located at 337 Ocean House Road for a new restaurant malt liquor (beer), wine and spirits liquor license as presented.

18. Item #59-2022 Review of the Proposed Memorandum of Understanding Between the Town of Cape Elizabeth and Cape Community Arena Group
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 Community Arena Group provided an update to the town council at the January 10, 2022 meeting. Further discussion regarding the proposed project and memorandum of understanding occurred at the meetings/workshops on February 7, February 14 and March 7.

A draft MOU has been reviewed by legal counsel for the Town and CCAG. The council will consider the proposed agreement.

19. Item #60-2022 Refer the Task of Drafting the Charge for the Ad Hoc Affordable Housing Committee to the Appointments 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.

No proposals for a Housing Diversity Study RFP due 1/7/2022 were submitted. At a workshop on February 7, the council directed staff to reissue the RFP and tasked the Appointments Committee with drafting an ad hoc committee charge. On February 14 the town council authorized the issuance of a revised RFP with a due date of March 11.

At a workshop on March 7, the council had an opportunity to provide input into the charge for the ad hoc affordable housing committee.

Draft Motion

ORDERED, the Cape Elizabeth Town Council tasks the Appointments Committee to draft a charge for an ad hoc affordable housing committee for council review and action.

20. Item #61-2022 Consideration to Refer Parking on Reef Road to the Ordinance 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.

Councilor Penelope Jordan has requested this item.

The town council will consider whether to refer to the ordinance committee parking concerns on Reef Road caused by visitors to Trundy Beach. This is in response to a resident request. See attached emails.

Attachments:

- **Correspondence Emails - Reef Road Parking** (Correspondence_-_Reef_Road_Parking.pdf)

21. Item #62-2022 Refer the FY 2023 Municipal Budget to the Finance 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.

Finance Committee Review Schedule

Monday, March 21 6:00 p.m. (Accounts 100.200,400,500,710)

Thursday, March 24 6:00 p.m. (Accounts 300,600-635,640-670 and Special Funds)

Monday, April 25 6:00 p.m. (School Budget Presentation from School Board)

Tuesday, April 26 6:00 p.m. (Wrap-Up, if needed)

Monday, May 9 7:00 p.m. (Regular Town Council Meeting - Budget Public Hearing)

Monday, May 16 7:00 p.m. (Special Town Council Meeting - Vote on the FY 23 Budget)

Draft Motion:

ORDERED, the Cape Elizabeth Town Council refers the proposed town manager's municipal budget for

FY 2023 (July 1, 2022 – June 30, 2023) to the finance committee for review.

Attachments:

- **Town Manager's Proposed FY 2023 Municipal Budget** (Town_Manager_s_Proposed_FY_2023_Municipal_Budget.pdf)

22. Item #63-2022 Consideration of Extending the Limited Emergency for Remote Meetings

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.

At a special meeting held on August 30, 2021 the town council approved a remote participation policy. In addition, due to COVID-19, a limited emergency was approved until October 15, 2021 and subsequently amended October 13, 2021 extending the emergency until December 31, 2021, allowing the town council and boards and committees to meet remotely effective immediately during the limited emergency (provided boards approve the remote participation policy). Remote meetings remain in force until the emergency is amended or rescinded. On December 13, 2021 the council extended the limited emergency until March 31, 2022.

The town council will consider whether to extend the limited emergency for remote meetings.

Attachments:

- **Order Declaring a Limited Emergency Amended 12 13 2021** (Order_Declaring_a_Limited_Emergency_Amended_12-13-2021__To_allow_for_remote_meetings_.pdf)

23. Item #64-2022 Enter into Executive Session to Consider a Property Tax Abatement

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 pursuant to 1 M.R.S. Section 405 6F considers a request for a property tax abatement due to hardship or poverty.

Attachments:

- **Abatement Procedure Title 36 Section 841 2. Hardship or poverty** (Abatem

24. 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.

25. 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.

