



Cape Elizabeth Town Council

DRAFT Minutes Monday, April 8, 2024

7:00 p.m.

Town Hall Council Chambers

Timothy S. Reiniger, Chair
Stephanie P. Anderson
Jeremy A. Gabrielson
Susan A. Gillis
Caitlin Jordan Harriman
Penelope A. Jordan
Timothy L. Thompson

Chair Timothy S. Reiniger convened the meeting at 7:00 p.m.

Roll Call by the Town Clerk

All members of the Town Council were present.

Debra M. Lane, Assistant Town Clerk
Matthew E. Sturgis, Town Manager

The Pledge of Allegiance to the Flag

Town Council Reports and Correspondence

Councilor Penelope Jordan reported on the SBAC. A survey is in the mail to residents and available online. The deadline to submit the survey is April 22. The next public forum is Wednesday, April 10 at 6:00 p.m. (rescheduled from 4/4).

Councilor Gillis is concerned about the lack of a budget for the school project.

Finance Committee Report

Finance Chair Timothy Thompson

An overview of the finance report and dashboard was presented.

Citizens Opportunity for Discussion of Items Not on the Agenda

Polly Wilcox, 17 Cape Woods Drive

Town Manager's Report

Matthew E. Sturgis

Curbside pickup of brush from the recent storm has begun. Public Works, with the assistance of three private contractors, will pick up for the next week. Brush must be curbside by April 8.

Breaking away from a mooring off Peaks Island, a damaged boat landed on Cliff House Beach. The owner of the boat is responsible for the cleanup however if they do not, the Coast Guard will take over. The police and fire departments are working with the Coast Guard. Anyone around the debris should use caution.

The methane study is underway for the Gull Crest property. The results should be available for the June council workshop.

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Review of Draft Minutes

March 11, 2024 - Regular Meeting

April 1, 2024 - Special Meeting

Moved by Stephanie P. Anderson and Seconded by Caitlin J. Harriman

ORDERED, the Cape Elizabeth Town Council approves the minutes from the meeting held on March 11, 2024 as written.

(6 yes) (0 no)

Moved by Stephanie P. Anderson and Seconded by Caitlin J. Harriman

ORDERED, the Cape Elizabeth Town Council approves the minutes from the special meeting held on April 1, 2024 as written.

(6 yes) (0 no)

Consent Calendar Item #64-2024 – Item #70-2024

Councilor Jordan requested Item #70-2024 be removed from the consent calendar.

Public Comment

Cynthia Dill, 1227 Shore Road

Moved by Caitlin J. Harriman and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council approves Item #64-2024 – Item #69-2024 as presented.

(6 yes) (0 no)

Item #64-2024 Consider Renewal Liquor License and Special Amusement Permit for Tostones Café

ORDERED, the Cape Elizabeth Town Council approves the renewal liquor license (malt liquor (beer), wine and spirits) and special amusement permit for Adaime & Rea LLC DBA Tostones Cafe located at 337 Ocean House Road.

Item #65-2024 Consider Authorizing the Signing of an MOU with the Town of Scarborough – MNRCP Sawyer Road Grant

ORDERED, the Cape Elizabeth Town Council approves the Memorandum of Understanding with the Town of Scarborough for the MNRCP Sawyer Road project.

Item #66-2024 Consider Authorizing a Grant from the Maine Department of Agriculture, Conservation and Forestry for Tree Maintenance

ORDERED, the Cape Elizabeth Town Council authorizes Town staff to secure a grant application through Maine's 2024 Project Canopy Grant Program for tree maintenance for an estimated \$10,000 grant application.

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Item #67-2024 Consider a Renewal License with the Canterbury at the Cape Condominium Association

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the Conservation Committee to accept with sincere appreciation the Trail License Agreement with Canterbury at the Cape Condominium Association for a period of ten (10) years, or until such sooner time as the License is revoked by the Licensor, in its sole discretion, or surrendered by Licensee.

Item #68-2024 Consider Referring a Draft Vision/Directional Statement for Housing to Workshop

ORDERED, the Cape Elizabeth Town Council refers to workshop a draft vision/directional statement to guide implementation of housing in Cape Elizabeth.

Item #69-2024 Consider Recommendation from the Appointments Committee Regarding Vacancies on the Board of Assessment Review and the Diversity, Equity and Inclusion Committee

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the Appointments Committee to appoint the following citizens to serve on various boards. Said terms are effective immediately.

Board of Assessment Review A term until 12/31/2026

Jim Walsh, 53 Wildwood Drive (unexpired term of Douglas McFadd)

Diversity, Equity and Inclusion Committee A term until 12/31/2026

Nancy DellaMattera, 8 Blueberry Road (unexpired term of Valerie Franks)

Item #70-2024 Appointment of Election Wardens and Clerks

Councilor Jordan has recused herself from discussion and voting on this item as her sister is nominated.

Moved by Caitlin J. Harriman and Seconded by Stephanie P. Anderson

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
Thomas Perkins
James Walsh
Jessica Proctor
Melissa Newsome

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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

Jodi Breau, Margaret Deslaurier, Sheila Heatley, Carol Anne Jordan, Donna Lamberth, Barbara Lamson, Becky Malley, Hope S. McCarthy, Gail Perkins, Thomas Perkins, Jessica Proctor, Heather L. Stone, Tom Stoughton, Kathy Cotter

Republican

Lois Bamford, Wayne Brooking, Kathy Maxwell, Scott Berry, Debra Harney, James Rowe, James Walsh, Linda Winker

Unenrolled

Christian Cutter, Jennifer Falk, Carolyn Gray, James Walsh, Martha Parowski, Carmen Weatherbie

(6 yes) (0 no) (1 recusal Jordan)

Councilor Gabrielson arrived at 7:38 p.m.

Public Hearing Process Submission Amendments

Chair Reiniger opened the public hearing at 7:39 p.m.

Jonathan Sahrbeck, 60 Longfellow Drive, Planning Board Chair

After hearing no further comments, the hearing was closed at 7:41 p.m.

Item #71-2024 Consider Proposed Process Submission Amendments

Moved by Stephanie P. Anderson and Seconded by Jeremy A. Gabrielson

ORDERED, the Cape Elizabeth Town Council following a public hearing on Monday, April 8, 2024 does hereby approve Process Submission Amendments in Chapter 19 Zoning Ordinance, Chapter 16 Subdivision Ordinance and the Planning Board Rules as presented.

(7 yes) (0 no)

Item #72-2024 Opportunity for Public Comments Relating to the FY 2025 Budget

Andy Patten, 1 Warbler Drive

Item #73-2024 Request from Councilor Anderson to Consider a Donation to Project Graduation 2024

Councilor Anderson reported Project Graduation had met or were about to meet their fundraising goal therefore she is requesting the item be withdrawn from the agenda. The committee is encouraged to apply for the Returnable Bottle Shed Grants through the Recycling Committee.

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Item #74-2024 Consider Scheduling a Public Hearing on the Pesticide Ordinance Amendments

Public Comment

Richard Bryant, 55 Spurwink Avenue

Moved by Stephanie P. Anderson and Seconded by Jeremy A. Gabrielson

ORDERED, the Cape Elizabeth Town Council sets to public hearing on Monday, May 13, 2024 at 7:00 p.m. at the Cape Elizabeth Town Hall 320 Ocean House Road proposed amendments to Chapter 28 Residential Pesticide Use Ordinance as recommended by the Ordinance Committee.
(7 yes) (0 no)

Item #75-2024 Consider Scheduling a Public Hearing to Update the Floodplain Management Ordinance

Moved by Jeremy A. Gabrielson and Seconded by Stephanie P. Anderson

ORDERED, the Cape Elizabeth Town Council sets to public hearing on Monday, May 13, 2024 at 7:00 p.m. at the Cape Elizabeth Town Hall 320 Ocean House Road to repeal and replace the Floodplain Management Ordinance and floodplain maps with updates as recommended by the Ordinance Committee.
(7 yes) (0 no)

Item #76-2024 Consider Referring ADU Amendments to the Planning Board

Moved by Stephanie P. Anderson and Seconded by Caitlin J. Harriman

ORDERED, the Cape Elizabeth Town Council refers the 2024 ADU amendments recommended by the Ordinance Committee to the Planning Board for review and report back to the council.
(7 yes) (0 no)

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**Item #77-2024 Request from Councilor Gillis to Consider Placing a Non-Binding
Referendum on the November 5, 2024 Ballot Re: Affordable Housing
Referendum Question**

Public Comment

Cynthia Dill, 1227 Shore Road
Francis Walsh, 51 Starboard Drive

Moved by Susan A. Gillis and Seconded by Timothy L. Thompson

ORDERED, the Cape Elizabeth Town Council refers to public hearing on Monday, May 13, 2024 at 7:00 p.m. at the Cape Elizabeth Town Hall 320 Ocean House Road consideration to add a non-binding referendum question to the November 5, 2024 ballot as follows:

NON-BINDING REFERENDUM QUESTION ON GULL CREST HOUSING

Do you support the Town of Cape Elizabeth making available 22 acres of Gull Crest between the transfer station and the Spurwink River for the purpose of creating an affordable housing development that will comply with state and local zoning laws?

For purposes of this question, "affordable housing development" means:

- A. For rental housing, a development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs, and
- B. For owned housing, a development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs.

(5 yes) (2 no Councilors Harriman and Jordan)

Item #78-2024 School Budget Validation Referendum Warrant

Moved by Jeremy A. Gabrielson and Seconded by Stephanie P. Anderson

ORDERED, the Cape Elizabeth Town Council approves the School Budget Validation Referendum Election Warrant for Tuesday, June 11, 2024. Said election will be held at the Cape Elizabeth High School. Polls open at 7:00 a.m. and close at 8:00 p.m.

(7 yes) (0 no)

See attachment.

**Item #79-2024 Consider Appointing the Town Council as the Search Committee for a
New Town Manager**

Moved by Caitlin J. Harriman and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council designates the Town Council as a whole as the search committee for a new town manager.

(7 yes) (0 no)

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Item #80-2024 Consider Approving a Request for Proposals to Hire a Search Consultant for a New Town Manager

Moved by Caitlin J. Harriman and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council approves an RFP for a consultant to assist with the search for a new town manager. Proposals are due no later than 2:00 p.m. on Monday, April 22, 2024.
(7 yes) (0 no)

Item #81-2024 Enter into Executive Session to Discuss the Hiring and Contract for an Acting Town Manager and Request of a Hardship Property Tax Abatement

Moved by Jeremy A. Gabrielson and Seconded by Caitlin J. Harriman

ORDERED, the Cape Elizabeth Town Council enters executive session at 8:45 p.m. pursuant to 1 M.R.S. § 405 (6)(A) to discuss the hiring and contract for an acting town manager and 1 M.R.S. §405(6)(F) to discuss a request for a hardship property tax abatement.
(7 yes) (0 no)

Moved by Caitlin J. Harriman and Seconded by Jeremy A. Gabrielson

ORDERED, the Cape Elizabeth Town Council exits executive session and reenters public session at 9:10 p.m.
(7 yes) (0 no)

Item #82-2024 Consider the Appointment and Contract for an Acting Town Manager

Moved by Caitlin J. Harriman and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council approves the appointment of Michael K. McGovern to serve as Interim Town Manager and further approves the Interim Town Manager Agreement commencing 5/8/2024 as presented.
(7 yes) (0 no)

Item #83-2024 Consider a Request for a Hardship Property Tax Abatement

Moved by Stephanie P. Anderson and Seconded by Jeremy A. Gabrielson

ORDERED, the Cape Elizabeth Town Council denies the request for a hardship property tax abatement.
(7 yes) (0 no)

Citizens may at this point in the meeting raise any topic that is not on the agenda that pertains to Cape Elizabeth local government.

Tim Dew, 56 Stonegate Road
Polly Wilcox, 17 Cape Woods Drive

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Adjournment

Moved by Caitlin J. Harriman and Seconded by Jeremy A. Gabrielson
ORDERED, the Cape Elizabeth Town Council adjourns at 9:20 p.m.
(7 yes) (0 no)

Respectfully Submitted,

Debra M. Lane, Assistant Town Clerk

**TOWN OF CAPE ELIZABETH
SCHOOL BUDGET VALIDATION REFERENDUM WARRANT
Tuesday, June 11, 2024**

County of Cumberland, ss.

To Paul W. Fenton, a constable of Cape Elizabeth. You are hereby directed to notify the voters of Cape Elizabeth of the election described in the warrant.

SCHOOL BUDGET QUESTIONS

School Budget Referendum

Do you favor approving the Town of Cape Elizabeth school budget for the upcoming school year that was adopted at the latest school budget meeting of the Town Council?

YES

☐

NO

☐

The following is a non-binding expression of opinion for the consideration of the School Board and Town Council.

I find the school budget adopted at the May 13, 2024 Special Town Council meeting to be:

☐

Too High

☐

Acceptable

☐

Too Low

Election to be held on Tuesday, June 11, 2024 at the Cape Elizabeth High School.

Polls open at 7:00 a.m. and close at 8:00 p.m.

Absentee Ballot Processing:

Pursuant to Title 21-A M.R.S. §760-B 1, a municipality may opt to process absentee ballots beginning on the 7th day immediately prior to election day at the times designated by the clerk between the hours of 9:00 a.m. and 9:00 p.m. except that if an inspection is requested pursuant to Title 21-A M.R.S. §760-B 3. It is the intent of the Town Clerk to process absentee ballots prior to Election Day as allowed by law. Please contact the Town Clerk at 207-799-7665 for the schedule.

Absentee ballots will be processed at the polls on Election Day, on the hour every hour until close, beginning at 7:00 a.m. The Cape Elizabeth Democratic Town Committee, the Cape Elizabeth Republican Town Committee, the State Libertarian Party, the State Green Independent Party, and the State No Labels Party have been notified, in writing, of the absentee ballot process.

The Registrar of Voters is available to accept new registrations and corrections to the voter list on Election Day at the polls and prior to Election Day at the Town Clerk's Office. Questions should be directed to the Registrar of Voters at 207-799-7665. Proof of identity and Cape Elizabeth residency and proof of corrections (if applicable) is required.

_____	_____	_____
_____	_____	_____

Municipal Officers of Cape Elizabeth, Maine
Dated at Cape Elizabeth this 8th day of April 2024

A true copy.

Attest: _____
Constable

Attest: _____
Town Clerk

The warrant and specimen ballots shall be posted at least 7 days prior to the election.