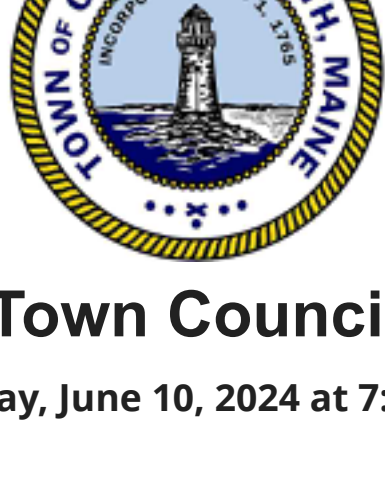




Regular Town Council Meeting

Monday, June 10, 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.

Join Zoom Meeting
ID: 93480562972

(US) +1-309-205-3325

[Join Zoom Meeting](#)

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**

Attachments:

- [Financial Memo May 2024](#)
- [Financial Dashboard 05 31 2024](#)
- [Town Revenue Report 05 31 2024](#)
- [Town Expenditure Report 05 31 2024](#)

6. **Presentations**
United Way of Southern Maine - 10 minute presentation, 5 minute discussion
Representatives of the United Way of Southern Maine will present information regarding the population [ALICE \(Asset Limited Income Constrained Employed\)](#).

Basketball Project - 10 minute presentation, 5 minute discussion
Representatives from Cape Hoops will present ideas for a new basketball court.

Attachments:

- [Memo Cape Hoops 06 10 2024](#)
- [Photos](#)
- [Basketball Fence Estimate Bagdasarian](#)
- [Town Hall Overlay](#)
- [Proposal REVISED Paving and Striping](#)
- [Proposal Paving and Striping](#)

7. **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.

8. **Town Manager's Monthly Report**

Michael K. McGovern, Interim Town Manager

Attachments:

- [Interim Town Manager's Report 06 10 2024](#)

9. **Review of Draft Minutes**

May 6, 2024 - Special Meeting
May 13, 2024 - Regular Meeting

Attachments:

- [Special Town Council Meeting Minutes May 6, 2024](#)
- [Town Council Minutes May 13, 2024](#)

10. **Consent Calendar Item #107-2024 - Item #109-2024**
The consent calendar provides for Item #107-2024 - Item #109-2024 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 #107-2024 - Item #109-2024

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 #107-2024 - Item #109-2024 as presented.

11. **Item #107-2024 Inn by the Sea Special Amusement Permit and Liquor License Renewal**

Inn By The Sea has submitted the special amusement permit and renewal liquor license.

No concerns have been raised by fire, police and code enforcement.

Draft Motion

ORDERED, the Cape Elizabeth Town Council approves the special amusement permit and renewal liquor license (malt liquor(beer), wine and spirits) for Inn by the Sea, LLC located at 40 Bowery Beach Road.

Attachments:

- [Inn by the Sea Licenses 06 10 2024](#)

12. **Item #108-2024 Consider a Request to Apply for a Grant from the Maine Department of Transportation**
Public Works Director Jay Reynolds is requesting authorization for Town staff to submit a grant application through the Maine Department of Transportation's "Maine Infrastructure Adaptation Fund". The grant would be utilized to help supplement the Town's cost to replace the storm drain outfall on Casino Beach. The grant program provides up to \$4,000,000 for construction costs and requires a 5-percent local match. Existing budgeted funds would be utilized for the Town's obligated match. Applications are due on or before July 1, 2024.

Draft Motion

ORDERED, the Cape Elizabeth Town Council authorizes Town staff to secure a grant application through the Maine Department of Transportation's "Maine Infrastructure Adaptation Fund" for the Casino Beach Outfall Replacement Project with an estimated \$427,500 grant application.

Attachments:

- [Memo Reynolds Grant Application Casino Beach Outfall 05 22 2024](#)

13. **Item #109-2024 Acceptance of Bequest to the Thomas Memorial Library from the Estate of Barbara Orlowski**
The Thomas Memorial Library received a donation from the Estate of Barbara Orlowski in the amount of \$53,872.07 for library uses.

See Finance Director Memo dated June 3, 2024.

Draft Motion

ORDERED, the Cape Elizabeth Town Council accepts a gift in the amount of \$53,872.07 from the Estate of Barbara Orlowski for use by the Thomas Memorial Library, and appropriates these funds into Fund 44 - Library Fund - Library TMLF Gifts. The Town accepts this gift with appreciation to Ms. Orlowski.

Attachments:

- [Memo Finance Director Orlowski Bequest 06 03 2024](#)

14. **Public Hearing - ADU 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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On April 8, 2024, the Town Council referred to the Planning Board Accessory Dwelling Unit (ADU) Amendments.

On April 16, 2024, the Planning Board voted (5-0) to recommend ADU amendments to the Town Council for consideration.

The Town Council scheduled the public hearing on May 13, 2024 for June 10.

Attachments:

- [Memo Planning Board ADU Amendments 04 17 2024](#)
- [Proposed ADU Amendments 04 17 2024](#)

15. **Item #110-2024 Consider Recommendations from the Planning Board Relating to ADU Amendments**
Draft Motion

ORDERED, the Cape Elizabeth Town Council following a public hearing on Monday, June 10, 2024 does hereby approve the recommendations from the Planning Board to amend Chapter 19 Zoning Ordinance relating to Accessory Dwelling Units (ADU).

Attachments:

- [Memo Planning Board ADU Amendments 04 17 2024](#)
- [Proposed ADU Amendments 04 17 2024](#)

16. **Public Hearing - Outdoor Storage 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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On February 12, 2024, the Town Council referred to the Planning Board Outdoor Storage Amendments to the Town Center and Business A Districts in the Zoning Ordinance. The amendments were drafted by Town Attorney Mary Costigan in collaboration with legal counsel representing 287 Ocean House Road.

The Planning Board reviewed the proposed outdoor storage amendments at workshops and meetings on March 5, April 2 and April 16, 2024. On April 16, 2024, the Planning Board voted (4-1) to not recommend their Outdoor Storage Amendments to the Town Council.

The Town Council voted on May 13, 2024 to schedule a public hearing on June 10. The amendments for public hearing were drafted by Town Attorney Mary Costigan and recommended by the Ordinance Committee (draft dated 1/29/2024).

Attachments:

- [Memo Planning Board Outdoor Storage Amendments 04 17 2024](#)
- [Proposed Outdoor Storage Amendments 01 29 2024](#)
- [Town Center Existing Conditions Survey 03 27 2024](#)
- [BA District](#)

17. **Item #111-2024 Consider Recommendations from the Ordinance Committee Relating to Outdoor Storage Amendments**
Draft Motion

ORDERED, the Cape Elizabeth Town Council following a public hearing on June 10, 2024 does hereby approve the recommendations from the Ordinance Committee to amend Chapter 19 Zoning Ordinance relating to relating to Outdoor Storage Amendments.

Attachments:

- [Memo Planning Board Outdoor Storage Amendments 04 17 2024](#)
- [Proposed Outdoor Storage Amendments 01 29 2024](#)
- [Town Center Existing Conditions Survey 03 27 2024](#)
- [BA District](#)

18. **Item #112-2024 Consider Recommendations from the Ordinance Committee Relating to Parking Restrictions on Dyer Pond Road**

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 [August 14, 2023](#) the Town Council referred to the Ordinance Committee on-street regulations with a report back to the Town Council.

The Ordinance Committee held four meetings relating to parking on Dyer Pond Road. On May 8, 2024, the Ordinance Committee voted (3-0) to amend the Traffic Ordinance to regulate parking on Dyer Pond Road. Following adoption of the amendments, the committee further recommends the town manager direct the Public Works Department to construct the designated parking area.

Draft Motion

ORDERED, the Cape Elizabeth Town Council scheduling a public hearing on Monday, July 8, 2024 at 7:00 p.m. at the Cape Elizabeth Town Hall 320 Ocean House Road on proposed amendments to Chapter 13 Traffic Regulations relating to parking on Dyer Pond Road.

Attachments:

- [Ordinance Committee Package Traffic Ordinance Amendments Dyer Pond Road 05 29 2024](#)

19. **Item #113-2024 Consider a Recommendation from the Appointments Committee Relating to Appointments to the Ad Hoc Privacy 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.

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On March 11, 2024, the Town Council approved the charge for the Ad Hoc Privacy Advisory Committee. The membership consists of five (5) members to be selected by the Town Council. The term shall be two (2) years.

The Appointments Committee held interviews on May 15, May 16 and May 28, 2024. The Committee recommends the following appointments.

Draft Motion

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the Appointments Committee to appoint five (5) citizens to serve on the Ad Hoc Privacy Advisory Committee. Terms shall be two (2) years.

Michael Hussey 162 Two Lights Road
Curtis Kelly 374 Mitchell Road
Greg Reid 19 Salt Spray Lane
Al Romano 4 Fernwood Lane
Jon Stanley 15 Stonybrook Road

Attachments:

- [Ad Hoc Privacy Advisory Committee Charge](#)
- [Recommendations for Ad Hoc Privacy Advisory Committee 06 10 2024](#)

20. **Item #114-2024 Consider School Building Project Process Going Forward and Protocols**

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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Town Manager McGovern has drafted a process going forward and protocols for the school building project for Town Council discussion and consideration.

Attachments:

- [Draft School Building Project Process Going Forward and Protocols](#)

21. **Item #115-2024 Carry Forward Balances from FY 2024 to FY 2025**

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.

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.

The Finance Director has provided recommended operating budget carry forward balances from FY 2024 to FY 2025.

See memo.
Draft Motion
ORDERED, the Cape Elizabeth Town Council authorizes the following estimated General Fund departmental balances be carried forward from FY 2024 to FY 2025 :
1. Administration (1011000) \$7,776.40
2. ACP (1012000) \$20,000.00
3. Elections (1014000) \$9,000.00
4. Boards and Commissions (1015000) \$20,000.00
5. Police (10121000) \$45,000.00
6. Fire (10230000) \$112,229.06
7. Library (1031000) \$5,700.00
8. Public Works (1025000) \$34,450.00
9. Parks (1025200) \$90,000.00
Total General Fund Balances \$344,155.46

Attachments:

- [Memo Finance Director Carry Forward Balances FY 2024 to FY 2025 06 05 2024](#)
- [FY 2024 Carry Forward Balances](#)

22. **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.

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.

23. **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 as to decline 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.