



Cape Elizabeth Town Council

Minutes Monday, June 10, 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.

Kristie D. Bradbury, Finance Director
Debra M. Lane, Assistant Town Clerk
Michael K. McGovern, Interim Town Manager
Jay Reynolds, Director of Public Works

The Pledge of Allegiance to the Flag

Town Council Reports and Correspondence

Councilor Penelope Jordan reported on her recent attendance at the Greater Portland Council of Government's annual meeting and summit. GPCOG is offering their services to member communities – service of the town's choice.

Chair Reiniger thanked Mark Fleming, Curtis Kelly, Cape Elizabeth Lions' Club and Family Fun Day volunteers for a successful event.

Councilor Gabrielson announced his wife has recently accepted a position with the Thomas Memorial Library and therefore will be recusing himself on the library budget and various library issues.

Finance Committee Report

Interim Manager McGovern thanked the volunteers for Family Fun Day and Memorial Day. He noted the town's Capital Stewardship Plan, Capital Improvement Plan, roadway and drainage reports and other documents guiding the town in fiscal and project planning. The election is Tuesday, June 11 at the Cape Elizabeth High School Cafeteria. Polls are open 7:00 a.m. close 8:00 p.m. Thank you to the election staff for their efforts.

Presentations

United Way of Southern Maine

United Way representatives Dan Coyne and Jared Gay gave an overview of the population ALICE (Asset Limited Income Constrained Employed) and statistics on the impact of Cape Elizabeth residents.

Basketball Project – Cape Hoops

Meredith Beauregard, Cape Hoops provided a summary of the group's ideas and request for further review and actions for a new basketball court. Mr. McGovern will meet with staff and Cape Hoops and report back to the council.

Citizens Opportunity for Discussion of Items Not on the Agenda

Michael Hussey, 162 Two Lights Road, member of the School Building Advisory Committee, nominee to the Ad Hoc Privacy Advisory Committee

Town Manager's Report

Michael K. McGovern, Interim Town Manager

A written report was provided in advance of the meeting.

The Town Council, the SBAC and the Cape Courier have received many letters and emails critical that the Town has not done any capital planning or provided for stewardship of municipal infrastructure. Like many issues in the community, this dialogue is driven by local social media sites that have no fact checking and serve as an echo chamber for distortion.

On June 5th, while looking for another document, I came across the "Cape Elizabeth Capital Stewardship Plan for 2017-2026." This document, submitted to the Town Council in September 2015, was a successor to annual five year capital improvement plans that had been prepared every year since 1977. It provided for \$17,029,020 in spending funded from bonds, the annual budget and three special fund budgets. The Town has also had long range roadway and drainage capital plans for decades. I found on our municipal website the FY 2017-2021 Roadway and Drainage Plan. A look at the Town Manager Matt Sturgis' s proposed budget dated March 1, 2024 contains 30 pages under the heading of "FY 2024-FY 2034 Capital Investment Plan." Every municipal budget since the early 1970's has contained a capital investment plan. The 1972 Comprehensive Plan, successor Comprehensive Plans, the sewer infrastructure plans from the 70's and 80's, Fort Williams studies, recreational facility assessments, a greenbelt plan and countless other long term plans have been prepared and mostly implemented. Every Town Council since 1967, six Town Managers, department heads, staff and consultants and countless volunteer citizen committees have spent thousands and thousands of hours planning and implementing long term capital infrastructure needs of the Town.

Most, but not all, of the recommendations in the dozens of prior plans have been implemented. Some were not done because of changes in and new priorities by the elected officials, citizen opposition and lack of funding. Funding challenges have been dealt with through a tax increment finance district in the town center, a town infrastructure fund that captures income from permit fees, a Fort Williams Park capital fund utilizing fees generated within the park, citizen contributions for the library, playgrounds and Hannaford Field, sewer user fees, Portland Head Light Gift shop sales, bond issues and funds from each year's municipal and special funds budgets.

As a result of the vision of many, financial sacrifices by citizens, grants, innovative financing and solid planning, the town enjoys a new library, a safer Recycling Center, extensive preservation of Town open space, an amazing greenbelt and extensive array of outdoor athletic infrastructure, improved roads, bike paths and pedestrian improvements, a world class park, equipment to maintain

our roads and parks, new fire trucks, a new rescue vehicle, regular replacements of police cruisers, an updated street lighting system, and so much more. We provide stewardship for the iconic

Page 3 Town Council Minutes
May 13, 2024

Portland Head Light, the historically significant Spurwink Church, all of our municipal buildings and for underground infrastructure that no sees but is cared for.

As the community addresses the school infrastructure, we cannot ignore the aging Town Hall and community center, the condition of Shore Road near South Portland, the Town Center intersection the work needed to address climate change, technology upgrades, equipment needs, old sewers and the buildings which were built or upgraded 25 years ago. We must also continue to evaluate and update our capital needs each year. All of this will need to be addressed in a way that does not overburden our taxpayers while providing needed stewardship.

Respectfully Submitted,
Michael K. McGovern

Review of Draft Minutes

May 6, 2024 – Special Meeting

May 13, 2024 – Regular Meeting

Moved by Stephanie P. Anderson and Seconded by Susan A. Gillis

ORDERED, the Cape Elizabeth Town Council approves the minutes from the meeting held on May 13, 2024 and special meeting on May 6, 2024 as written.
(7 yes) (0 no)

Consent Calendar Item #107-2024 – Item #108-2024

Item #109-2024 was removed from the consent calendar.

Councilor Harriman disclosed her family does business with the Inn by the Sea.

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

ORDERED, the Cape Elizabeth Town Council approves Item #107-2024 and Item #108-2024 as presented.
(7 yes) (0 no)

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

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.

Item #108-20204 Consider a Request to Apply for a Grant from the Maine Department of Transportation

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.

Page 3 Town Council Minutes
June 10, 2024

Item #109-2024 Acceptance of Bequest to the Thomas Memorial Library from the Estate of Barbara Orlowski

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

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.

(6 yes) (0 no) (1 abstention Councilor Gabrielson)

Public Hearing ADU Amendments

Chair Reiniger opened the public hearing at 7:55 p.m.

After hearing no comments, the hearing was closed.

Item #110-2024 Consider Recommendations from the Planning Board Relating to ADU Amendments

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

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).

(7 yes) (0 no)

Public Hearing Outdoor Storage Amendments

Chair Reiniger opened the public hearing at 7:58 p.m.

Michael Friedland, 287 Ocean House Road

After hearing no further comments, the hearing was closed at 8:00 p.m.

Item #111-2024 Consider Recommendations from the Ordinance Committee Relating to Outdoor Storage Amendments

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

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.

(7 yes) (0 no)

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

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

ORDERED, the Cape Elizabeth Town Council schedules 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.
(7 yes) (0 no)

Page 5 Town Council Minutes
June 10, 2024

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

Moved by Susan A. Gillis and Seconded by Stephanie P. Anderson

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

(7 yes) (0 no)

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

Moved by Susan A. Gillis and Seconded by Stephanie P. Anderson

ORDERED, the Cape Elizabeth Town Council approves the Town Manager's draft School Building Project Process Going Forward and Protocols striking the last sentence in the first section:

Process:

~~If a project is successfully approved, the Town Council and School Board will consider terms of reference for a building committee to be created in early 2025.~~

Moved by Susan A. Gillis and Seconded by Stephanie P. Anderson

ORDERED, the Cape Elizabeth Town Council amends the motion to add the following language at the end of paragraph 5 in the first section:

Process:

To ensure the health and safety of our students and staff, the Town Council intends to put forth a bond referendum amount sufficient, at a minimum, to cover the costs of building deficiencies, critically needed repairs, and necessary security upgrades at all three schools, as reported by Harriman Architects and the School Building Advisory Committee.

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

Original Motion as Amended: (5 yes) (2 no Councilors Harriman and Jordan)
See attachment.

Note: The Town Manager clarified that the second sentence in the Status of the Polling Consultant reads; The Town Manager will write a letter of appreciation to the firm.

Page 6 Town Council Minutes
June 10, 2024

Item #115-2024

Moved by Jeremy A. Gabrielson and Seconded by Penelope A. Jordan

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 (1023000)	\$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

(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.

John Voltz, 33 Philip Road

Adjournment

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

ORDERED, the Cape Elizabeth Town Council adjourns at 9:10 p.m.

(7 yes) (0 no)

Respectfully Submitted,

Debra M. Lane, Assistant Town Clerk

Attachment Item #114-2024 June 10, 2024

School Building Project

Process Going Forward and Protocols

Approved by Town Council on 10 June 2024

Process

The following is a draft of process and protocols going forward in the next few months as the School Building project is considered.

The School Building Advisory Committee has presented final oral reports to both the School Board and the Town Council. They have completed their original charge and the committee will be sunsetted on 30 June 2024. The Town Council Chair will write a letter on behalf of the Town Council thanking the co-chairs and the members for their exhaustive work over the last 18 months.

The section of the Town website devoted to the proposed project and the work of the committee will be rebranded as the "School Building Project Updates." All current materials on the site will be kept fully intact. The commenting function will be disabled although all prior comments will remain. Citizens wishing to send comments to the Town Council or School Board may continue to utilize the function to do so that is already on their websites. They may also reach out as they feel comfortable doing so. Updates will be provided on the website and will be cleared by either the Superintendent of Schools or the Town Manager. Each may act independently to provide updates.

The Town Council will have a joint workshop with the School Board for a collegial discussion prior to the end of June. The exact format will be determined by the two chairs. They will jointly agree on a date after consultation with their elected officials and it will be announced at least one week in advance. The architects and the construction manager will be invited to attend as resources.

The Town Council will conduct a deliberative discussion at their July 8th meeting with an expectation that they will decide an option to set for public hearing on 12 August 2024. Following 8 July, the bond counsel will be asked to draft proposed motions to be ready in time for circulation prior to the public hearing. The Town Council will have a final vote to decide what to place on the ballot on 19 August 2024. Among the materials from the bond counsel will be the draft ballot question and the financial disclosure items also needed on the ballot.

To ensure the health and safety of our students and staff, the Town Council intends to put forth a bond referendum amount sufficient, at a minimum, to cover the costs of building deficiencies, critically needed repairs, and necessary security upgrades at all three schools, as reported by Harriman Architects and the School Building Advisory Committee.

The Town Clerk will prepare a draft election warrant for consideration on 19 August 2024. A public hearing is not required for the warrant itself.

Protocols

The Town Manager will continue to manage the budget for the project.

He had authorized the Superintendent to continue to utilize the paid consultants during the deliberations of the School Board with funding from the project account. The blanket authorization will

sunset on 30 June. Requests to expend additional funds beyond 30 June will be addressed on a case by case basis.

Contact with the Architects and the Construction Manager

The Superintendent of Schools will be the contact point for construction and project scope related questions. All requests for information to either the architects or to the construction manager will be channeled through the Superintendent or his designee. The Superintendent will keep the Manager updated on any budget implications.

Contact with the Bond Counsel

The Bond Counsel for the Project is the law firm of Pierce Atwood and more specifically James Saffian. The Town Manager or his designee (the Town Finance Director) will be the sole contact with the bond counsel. Any desire for any information to and from the Bond Counsel will be channeled through the Town Manager or the Town Finance Director.

Contact with the Financial Advisor

The Financial Advisor for the project is Joseph Cuetara. Any desire for any information to and from the Financial Advisor will be through the Town Manager or his designee except that the Bond Counsel will also have direct authorized access to the Financial Advisor. The Town Manager will ask the Financial Advisor to structure the financing as has been recommended by the School Building Advisory Committee.

Status of the Polling Consultant

Portland Research Group has completed the scope of work in their agreement with the Town. The Town Manager will write a letter of appreciation to the firm.

Future Town Mailing on the Project

The Town will not do a mailing to citizens on the project from this point on carrying through to the vote of the citizens. It is anticipated that private groups may do so.

Project Budget Updates

The Town Manager will prepare a monthly update on the project budget and it will be circulated to the Superintendent of Schools, the Town Council and to the project website. The Superintendent will circulate it to school officials.