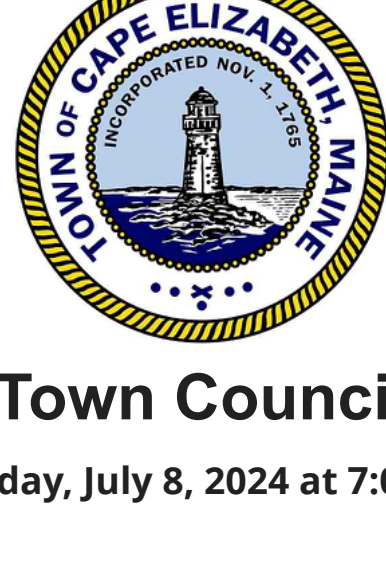




Regular Town Council Meeting

Monday, July 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.

Join Zoom Meeting
ID: 91448020589
(US) +1 309-205-3325

[Join Zoom Meeting](#)

1. Convening of the Meeting
Town Council Chair Timothy S. Reinger

2. Roll Call by the Town Clerk
Timothy S. Reinger, 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:

- [Finance Report June 2024](#)
- [Financial Dashboard 06 30 2024](#)
- [Town Revenue Report 06 30 2024](#)
- [Town Expenditure Report 06 30 2024](#)

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
Michael K. McGovern, Interim Town Manager

8. Review of Draft Minutes
June 10, 2024 - Regular Meeting

Attachments:

- [Town Council Minutes June 10, 2024](#)

9. Consent Calendar Item #116-2024 - Item #117-2024
The consent calendar provides for Item #116-2024 - Item #117-2024 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 #116-2024 - Item #117-2024
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 #116-2024 - Item #117-2024 as presented.

10. Item #116-2024 Consider the Acceptance of the 2024 Project Canopy Grant
On April 8, 2024, the Town Council authorized 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.

Public Works Director Jay Reynolds was notified June 26, 2024 that the Town has been approved for the grant.

Draft Motion
ORDERED, the Cape Elizabeth Town Council accepts the grant funds of \$10,000 through Maine's 2024 Project Canopy Grant Program for tree maintenance.

Attachments:

- [Memo Reynolds Project Canopy Grant Acceptance 06 27 2024](#)
- [2024 Project Canopy Grant Award Letter 06 26 2024](#)

11. Item #117-2024 Acknowledge Receipt of the 2024 Annual Inspection for the Spurwink Rod & Gun Club
Pursuant to Sec. 24-6-1
ARTICLE VI. LICENSE ADMINISTRATION
SEC. 24-6-1 ANNUAL INSPECTION
A licensed shooting range facility shall be inspected by the Town's Police Department at least once during a calendar year for compliance with the license and general protection of public safety. The code enforcement officer may also attend the inspection.

Chief Paul Fenton and Code Enforcement Officer Ben McDougal were joined on June 24, 2024 by Spurwink Rod & Gun President Mark Mayone for the annual inspection. Chief Fenton has submitted the report dated June 24, 2024. No concerns were found by either Chief Fenton or CEO Ben McDougal.

The Town Council approved the 3-year license renewal of the Spurwink Rod & Gun Club on [July 17, 2023](#).

Draft Motion
ORDERED, the Cape Elizabeth Town Council acknowledges receipt of the 2024 Annual Inspection of the Spurwink Rod & Gun Club located at 1250 Sawyer Road.

Attachments:

- [2024 Annual Inspection Spurwink Rod & Gun Club](#)
- [Chapter 24 Shooting Range Ordinance](#)

12. Public Hearing - Amendments to Chapter 13 Traffic Regulations Relating to Dyer Pond Road
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:

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

13. Item #118-2024 Consider Amendments to Chapter 13 Traffic Regulations Relating to Dyer Pond Road
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.

On June 10, 2024, the Town Council scheduled a public hearing for July 8.

Draft Motion
ORDERED, the Cape Elizabeth Town Council following a public hearing on Monday, July 8, 2024 does hereby adopt proposed amendments to Chapter 13 Traffic Regulations relating to parking on Dyer Pond Road. It is further ordered the Town Manager direct the Public Works Department to construct the designated parking area.

Attachments:

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

14. Item #119-2024 Consider a Request from Chair Reinger to Schedule a Public Hearing for a Bond Amount of \$42M for the School Project
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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Chair Reinger is requesting consideration of scheduling a public hearing on Monday, July 29, 2024 for a school project bond referendum in the amount of \$42M.

Attachments:

- [Memo Chair Reinger 07 01 2024](#)
- [Reinger Draft Expenditure Authorization](#)
- [Reinger Draft Order Approving Referendum](#)
- [Reinger Draft Warrant on School Expenditures](#)

15. Item #120-2024 Consider a Resolution from the School Board to Put Forward the Middle Ground School Project Design With a Total Cost of \$89.9M
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.

On July 1, 2024, the School Board approved a resolution to put forward to a referendum a proposed school project design with a total bond amount of \$89.9M.

The council will consider scheduling a public hearing on Monday, July 29, 2024 for a school project bond referendum in the amount of \$89.9M.

Attachments:

- [Sciffes Memo School Building Resolution 07 02 2024](#)
- [School Board Resolution Regarding School Construction Referendum 07 01 2024](#)
- [Harriman Presentation to School Board 07 01 2024](#)
- [Weeks - School Board Presentation 07 01 2024 CIP Maintenance-Repair Projects](#)
- [Clarification from Construction Mgr on 30's Building Estimate 07 08 2024](#)
- [ROM Estimate 1934 Building](#)
- [Legal Opinion Distinct Separation Project, __CIP Maintenance Repair Budget Lines](#)

16. Item #121-2024 Report on Town Center Intersection Alternatives 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 chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent.

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2024 Town Council Goal
Implement engineering for improvements to Town Center intersection, including funding.

Sebago Technics was retained to complete the realignment project per the recommendations in the 2020 TV Lin Study.

Nikki Conant, Sebag Technics will provide an overview of the report. Following the update to the council, Sebag Technics will lead a public forum on Wednesday, August 21, 2024 at 6:00 p.m. in the Town Hall Lower Level Conference Room. Recommendations will be presented to the council for a vote on September 9.

Draft Motion
ORDERED, the Cape Elizabeth Town Council acknowledges receipt of the Town Center Intersection Improvements report by Sebag Technics. Sebag Technics will lead a public forum on August 21, 2024 at 6:00 p.m. at the Cape Elizabeth Town Hall. Recommendations will be forwarded to the council for a vote on September 9.

Attachments:

- [Town Center Intersection Public Meeting Presentation 2024-07-08](#)
- [Town Center Intersection Technical Memorandum to Town 2024-05-21](#)
- [Town Center Intersection Concept Plans 2024-05-21](#)

17. Vote to Take Item #59-2024 Off the Table from March 11, 2024
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 voted to table Item #59-2024 Request from Councilor Thompson Regarding Legal Fee Reimbursement to the Lumbury for June 10. The item was not on the June agenda due to the uncertainty of whether Councilor Thompson would be in attendance. The item must be removed from the table prior to discussion and action.

18. Item #59-2024 Request from Councilor Thompson Regarding Legal Fee Reimbursement to the Lumbury
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.

On March 11, 2024, the Town Council considered a request from Councilor Thompson to reimburse Michael Friedland, Lumbury for legal fees incurred during a recent lawsuit. The request is legal fees of \$9,500 and time dedicated to rectifying this matter to a minimum of \$1,500 for a total request of \$11,000.

In a memo dated June 15, 2024, Interim Town Manager McGovern outlined two options for council consideration.

Draft Motion
Option 1
ORDERED, the Cape Elizabeth Town Council hereby approves a carry forward balance and enforces the payment of \$xxxx to reimburse the Lumbury \$xxxx for legal and other expenses incurred as the result of a town enforcement action.

Option 2
ORDERED, the Cape Elizabeth Town Council tables indefinitely the proposal to reimburse the Lumbury for legal and other expenses incurred as the result of a town enforcement action.

Attachments:

- [Memo McGovern Lumbury Legal Expenses 06 15 2024](#)
- [Memo Reinger 07 05 2024 Lumbury Background](#)

19. Item #122-2024 Expiration of Hockey Rink Memorandum of Understanding and Guidance on Renovation
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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In 2022, in two successive Memoranda of Understanding, the Cape Elizabeth Town Council and the Cape Community Area Group agreed for the CCAG to construct an ice arena on municipal property at Gull Crest. The original MOU's provided for two years of operation, it now time to consider a successor agreement.

In a memo dated June 24, 2024, Interim Town Manager McGovern has outlined a proposal for consideration of a successor MOU with the final draft being submitted to the Town Council for approval.

Draft Motion
ORDERED, the Cape Elizabeth Town Council requests the town manager to work with the Cape Community Group on a successor agreement for the ice arena at Gull Crest with the final draft of the Memorandum of Understanding being submitted to the Town Council for approval.

Attachments:

- [Memo McGovern Hockey Arena Draft 06 24 2024](#)

20. Item #123-2024 Update on Outdoor Basketball Court
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 June 10, 2024, Cape HOOPS presented a request for an outdoor basketball court. Following further review, Interim Town Manager McGovern has provided options for consideration. See memo dated June 26, 2024.

Draft Motion
A
ORDERED, the Cape Elizabeth Town Council delays action until after the November 2024 school project referendum vote relating to a new outdoor basketball court.

B
ORDERED the Cape Elizabeth Town Council zeros in on one potential site, reconfirms costs and permitting issues and financing options for a new outdoor basketball court.

Attachments:

- [Memo McGovern Outdoor Basketball Court 06 26 2024](#)

21. Item #124-2024 Consider a Recommendation from the Ordinance Committee for a Traffic Engineer Parking Study on Streets Adjacent to Shore Road Near Cliff House Beach
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.

On May 13, 2024, the Town Council referred to the Ordinance Committee parking uses generated by access to Cliff House Beach. The Ordinance Committee held meetings on June 6 and June 27. On June 27, the Ordinance Committee voted (3-0) to request that a Traffic Engineering study be done of the streets adjacent to Shore Road area near Cliff House Beach on the assumption that parking on Shore Road would be eliminated to look at parking and safety issues on those streets and report back to the Town Council.

Draft Motion
ORDERED, the Cape Elizabeth Town Council authorizes the request of the Ordinance Committee for a Traffic Engineering study of the streets adjacent to Shore Road area near Cliff House Beach.

Attachments:

- [Memo Package Ordinance Committee Traffic Engineer Study 07 01 2024](#)

22. Item #125-2024 Consider a Proposal to Update the Senior Tax Relief Program for Referral 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 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.

2024 Town Council Goal
Review tax relief for seniors' program for possible eligibility and benefit expansion

Chapter 27 Property Tax Assistance Ordinance was adopted January 14, 2019. There have been no changes in the eligibility requirements nor the benefits granted since the initial adoption.

Interim Town Manager McGovern has outlined recommendations for discussion. Referral to the Ordinance Committee is recommended. See memo dated June 15, 2024.

Draft Motion
ORDERED, the Cape Elizabeth Town Council refers to the Ordinance Committee Chapter 27 Property Tax Assistance Ordinance to review possible changes to the ordinance.

Attachments:

- [Memo McGovern Senior Tax Relief Draft 06 15 2024](#)

23. Item #126-2024 Consider an Update of the Town Administrative Code to Set in Motion Hiring of IT Coordinator and Public Communications Coordinator
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.

Interim Town Manager McGovern is recommending amendments to Chapter 2 Administrative Code. The amendments update the Code putting into motion two new positions that are funding beginning in FY 2025 for an IT Coordinator and Public Communications Coordinator, adds the Finance Director which wasn't added when the position was established, updates the Assistant Town Manager, eliminates positions in which responsibilities have been merged as part of other positions, updates the Fire Department Sec. 2-1-5 and proposes changes to the purchasing procedure. See memo dated June 24, 2024.

The Administrative Code is not an ordinance. Any amendments to the code as well as the Personnel Code are generally not referred to the Ordinance Committee nor are they subject to a public hearing. Amendments are effective upon approval, unless otherwise stated.

Draft Motion
ORDERED, the Cape Elizabeth Town Council approves the proposed amendments to update Chapter 2 Administrative Code as recommended by the Interim Town Manager. Among the updates these set into motion the hiring of an IT Coordinator and Public Communications Coordinator approved in the FY 2025 budget. Said changes are effective immediately.

Attachments:

- [Memo McGovern Update to Administrative Code Draft 06 24 2024](#)

24. Item #127-2024 Enter into Executive Session to Discuss Land Acquisition/Disposition Matters
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.

Draft Motion
ORDERED, the Cape Elizabeth Town Council enters executive session pursuant to 1 M.R.S. § 405 (6)(C) to discuss land acquisition/disposition matters.

25. 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.

26. 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.