



Regular Town Council Meeting

Monday, August 12, 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://cmtv.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: 97445211001

(US) +1 646-931-3860

[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. Presentation - Cape Elizabeth Police Department Accreditation

The Town of Cape Elizabeth is honored that the Cape Elizabeth Police Department has received accreditation through the Maine Law Enforcement Accreditation Program (MLEAP). The accreditation program is undertaken by less than one-quarter of Maine's approximately 130 law enforcement agencies. Although the process started prior to COVID, the last two years the Department has worked rigorously to reach this milestone.

Mike Tracy, Executive Director of the Maine Chiefs of Police Association will formally present the accreditation to Chief Paul Fenton and Sergeant Rory Benjamin, representing the Cape Elizabeth Police Department.

The press release announcing the accreditation and Cape Elizabeth Police Department Assessment dated June 10, 2024 is provided.

Attachments:

- [CEPD MLEAP Press Release](#)
- [CEPD MLEAP Final Assessment 06 10 2024](#)

5. Town Council Reports and Correspondence

6. Finance Committee Report
Finance Chair Timothy L. Thompson

Attachments:

- [Dashboard July 31, 2024](#)
- [Financial Memo July 2024](#)
- [Town Revenue Report 07 31 2024](#)
- [Town Expenditure Report 07 31 2024](#)

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

Interim Town Manager Michael K. McGovern

Attachments:

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

9. Review of Draft Minutes

July 8, 2024 Regular Meeting

July 16, 2024 Workshop Notes

July 24, 2024 Workshop Notes

July 25, 2024 Workshop Notes

July 29, 2024 Special Meeting

Workshop notes are being approved as there were motions to go into executive session, as allowed by Town Council Rules.

Attachments:

- [Town Council Minutes July 8, 2024](#)
- [Town Council Workshop Notes July 16, 2024](#)
- [Town Council Workshop Notes July 24, 2024](#)
- [Town Council Workshop Notes July 25, 2024](#)
- [Special Town Council Minutes July 29, 2024](#)

Introduction to Item #128A-2024 & #128B-2024, Item #129A-2024 & #129B-2024, Item #130A-2024 & #130B-2024

A public hearing was held on July 29, 2024 relating to bond amounts for the school project: \$42M and \$89.9M. Additionally set to public hearing was \$4.8M for costs for the 1934 building to prepare for continuous, separate use of the structure.

The Town Council will consider bond amount(s) and authorization of expenditures for solar panels to enhance the new Cape Elizabeth Middle School in the form of gifts and grants, for a referendum vote on November 5, 2024, with direction in preparation for the election warrant to be voted on at a special meeting on August 19. Bond Counsel Jim Saffian will be present to provide an overview of the procedure and answer questions.

10. Item #128A-2024 & #128B-2024 Proposed School Construction Project and Submitting to Referendum \$94.7M

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.

Item #128A-2024 - Project Order

Draft Motion

Vote Authorizing Expenditures of up to \$94,700,000 (Plus Bond Premium and Investment Earnings) for a Critically Needed New Middle School and for Other Critically Needed Building Repairs and Renovations and Safety Upgrades to Pond Cove Elementary School and Cape Elizabeth High School, and the 1934 Building on the Cape Elizabeth Middle School Campus, and Authorizing Issuance of the Town's General Obligation Bonds Therefor, Subject to the Specified Condition.

Item #128B-2024 - Referendum Order

Draft Motion

Order Submitting School Construction Project to Referendum Vote.

Attachments:

- [Memo Saffian Procedure for 2024 School Project Orders 08 06 2024](#)
- [School Construction Project Bond Order \\$94.7M](#)
- [School Construction Project Referendum Order \\$94.7M](#)

11. Item #129A-2024 and Item #129B-2024 Proposed School Renovation Project and Submitting to Referendum \$42M

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.

Item #129A-2024 - Project Order

Draft Motion

Vote Authorizing Expenditures of up to \$42,000,000 (Plus Bond Premium and Investment Earnings) for Critically Needed Building Repairs and Renovations and Safety Upgrades to Pond Cove Elementary School, Cape Elizabeth Middle School, and Cape Elizabeth High School and Authorizing Issuance of the Town's General Obligation Bonds Therefor, Subject to the Specified Condition.

Item #129B-2024 - Referendum Order

Draft Motion

Order Submitting School Renovation Project to Referendum Vote.

Attachments:

- [Memo Saffian Procedure for 2024 School Project Orders 08 06 2024](#)
- [School Renovation Project Bond Order \\$42M](#)
- [School Renovation Project Referendum Order \\$42M](#)

12. Item #130A-2024 and Item #130B-2024 Proposed Solar Panel Project to Enhance the New Cape Elizabeth Middle School and Submitting to Referendum \$1.65M

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.

Item #130A-2024 - Project Order

Draft Motion

Vote Authorizing Expenditures of up to \$1,650,000 in the form of Gifts and Grants to pay for Solar Panels to Enhance the New Cape Elizabeth Middle School.

Item #130B-2024 - Referendum Order

Draft Motion

Order Submitting Solar Panels Project to Referendum Vote.

Attachments:

- [Memo Saffian Procedure for 2024 School Project Orders 08 06 2024](#)
- [School Solar Panel Project for the New Middle School \\$1.65M](#)
- [School Solar Panel Project Referendum Order \\$1.65M](#)

13. Item #131-2024 Consideration of a Memorandum of Understanding with the Cape Community Arena Group for the Hockey Rink at Gull Crest

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.

At the July 8, 2024 Town Council meeting, the Town Council provided proposed terms for a successor MOU with the Cape Community Arena Group for a new two year agreement for the facility at the Gull Crest Property.

Interim Town Manager Michael McGovern has been working with members of the CCAG. Town Attorney Mary Costigan has prepared a draft of the agreement which contains all of the terms agreed to by the Town Council. The CCAG has indicated they will sign the agreement as drafted. Public Works Director Jay Reynolds has also provided comment.

Draft Motion

ORDERED, the Cape Elizabeth Town Council authorizes the Interim Town Manager to sign a proposed Memorandum of Agreement with the Cape Community Arena Group to supersede the prior MOU entered into on September 28, 2022.

Attachments:

- [Memo McGovern Hockey Rink MOU 08 05 2024](#)

14. Item #132-2024 Consider Referring to the Planning Board Requested Zoning Ordinance Amendments to the Town Center

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.

John Mitchell, Mitchell & Associates on behalf of Bob Gaudreau of HardyPond Development Company is requesting proposed zoning amendments to the Town Center District. HardyPond Development Company has an option to purchase Lots 3 & 4 in Ocean House Common, adjacent to the Town Hall. The proposal for Center Court is for 33 residential unit apartments consisting of 55 plus older population. To achieve the proposed residential program, six zoning amendments to the Town Center District are required.

Draft Motion

ORDERED, the Cape Elizabeth Town Council pursuant to [SEC. 19-10-3. AMENDMENTS](#) refers to the Planning Board requested zoning amendments to the Town Center District requested by HardyPond Development Company.

Attachments:

- [Memo McGovern Zoning Change Request Procedure 08 01 2024](#)
- [Center Court Zoning 08 12 2024](#)
- [Memo Mitchell Center Court Request Zoning Ordinance Amendments 07 31 2024](#)

15. Item #133-2024 Consider a Recommendation from the Conservation Committee Relating to the Disposition of Town Owned Real Estate - Map U20 Lot 40 Stephenson Street

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 February 12, 2024, the Town Council initiated the process to sell a vacant lot on Stephenson Street (Map U29 Lot 40) following an offer from James Steinberg, 4 South Street to purchase the property. The lot was foreclosed on January 9, 2003 due to unpaid real estate taxes. Per the Real Estate Acquisition/Disposition Policy, the matter was referred to the Conservation Committee.

In a memo dated March 27, 2024, the Conservation Committee recommended (7-0) the Town not sell the property and that it be kept in its natural state.

Draft Motion

ORDERED, the Cape Elizabeth Town Council accepts the recommendation of the Conservation Committee and declines to offer for sale the lot on Stephenson Street, Map U20 Lot 40.

Attachments:

- [Memo McGovern Abutter Request to Purchase Lot Map U29 Lot 40, 08 05 2024](#)

16. Item #134-2024 Approval of Funding for a Traffic Engineering Study Relating to Parking of the 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.

At the July 8, 2024 meeting, the Town Council voted (7-0) to authorize the request of the Ordinance Committee for a traffic engineering study of the streets adjacent to Shore Road near Cliff House Beach. The estimate for the work is \$37,300. While the recommendation is to appropriate \$30,000, staff will define reduction in the scope of the estimate to reduce the cost to \$30,000.

Draft Motion

ORDERED, the Cape Elizabeth Town Council appropriates \$30,000 from the undesignated fund balance for a parking evaluation in the Cliff House Beach Area.

Attachments:

- [Memo McGovern Cliff House Beach Area Parking Evaluation 08 05 2024](#)

17. Item #135-2024 Recommendation Relating to a Traffic Calming Pilot Program

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 Michael McGovern is recommending a pilot program relating to traffic calming following many concerns the Town Council has received regarding traffic speeds on roads in Cape Elizabeth.

[Traffic Calming Policy 2007](#)

Draft Motion

ORDERED, the Cape Elizabeth Town Council hereby directs the Town Manager to work with key department heads to develop proposed speed calming measures in Cape Elizabeth neighborhoods consistent with the outline dated August 2, 2024 prepared by the Interim Town Manager. The Town Manager is to report back to the Town Council with specific recommendations including budgetary estimates no later than the December 2024 Town Council meeting.

Attachments:

- [Draft Proposal McGovern for Traffic Calming Pilot Program 08 02 2024](#)

18. Item #136-2024 Consider Authorizing the Police Department to Apply for an MMA Risk Reduction Grant

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 Police Department is requesting authorization to apply for a grant through the Maine Municipal Association for a Risk Reduction grant for the purchase and installation of a security camera.

Draft Motion

ORDERED, the Cape Elizabeth Town Council authorizes the Cape Elizabeth Police Department to apply to the Maine Municipal Association for a Risk Reduction Grant for the purchase and installation of a security camera for an amount up to \$3,000.00

Attachments:

- [Memo Sgt. Benjamin MMA Risk Reduction Grant 08 06 2024](#)

19. Item #137-2024 MMA Annual Ballot

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 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 pertinent, 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.

Annually member municipalities of the Maine Municipal Association have the opportunity to vote in the election of the proposed Vice President and Executive Committee members. MMA's Nominating Committee is recommending the following slate of officers:

Vice President

Justin Poirier, Town Manager, Town of Monmouth

Executive Committee

David Cyr, Town Manager, Town of Frenchville

Michele Varuolo Cole, Selectperson, Town of Bethel

Matthew Garside, Town Manager, Town of Poland

Draft Motion

ORDERED, the Cape Elizabeth Town Council authorizes the Town Manager to sign the Maine Municipal Association's annual voting ballot to elect the proposed 2025 slate of nominees as recommended by the Maine Municipal Association's Nominating Committee:

Vice President - 1 Year Term

Justin Poirier, Town Manager, Town of Monmouth

Executive Committee - 3 Year Term

David Cyr, Town Manager, Town of Frenchville

Michele Varuolo Cole, Selectperson, Town of Bethel

Matthew Garside, Town Manager, Town of Poland

Attachments:

- [MMA Annual Ballot](#)

20. 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.

21. 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 addressing 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.