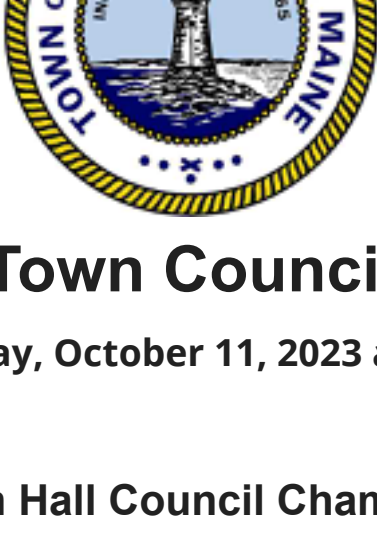




Regular Town Council Meeting

Wednesday, October 11, 2023 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://cetv.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.

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1. Convening of the Meeting

Town Council Chair Jeremy A. Gabrielson

2. Roll Call by the Town Clerk

Jeremy A. Gabrielson, Chair
Nicole Boucher
Susan A. Gillis
Caitlin R. Jordan
Penelope A. Jordan
Gretchen R. Noonan
Timothy S. Reiniger

3. The Pledge of Allegiance to the Flag

7. Town Manager's Monthly Report

Finance Chair Nicole Boucher

Attachments:

- [September 2023 Expenditure Report](#)
- [September 2023 Expenditure Detail](#)
- [September 2023 Vendor List](#)
- [September 2023 Revenue Report](#)
- [September 2023 Revenue Detail](#)

6. Public 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

Matthew E. Sturgis, Town Manager

Attachments:

- [Town Manager's Report 10 11 2023](#)

8. Review of Draft Minutes

Regular Meeting - September 11, 2023

Attachments:

- [Town Council Minutes September 11, 2023](#)

9. Consent Calendar Item #121-2023 - Item #124-2023

The consent calendar provides for Item #121-2023 - Item #124-2023 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 #121-2023 - Item #124-2023 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 #121-2023 - Item #124-2023 as presented.

10. Item #121-2023 Well, LLC DBA The Well at Jordan's Farm Liquor License Renewal

Jason Williams, Well LLC, DBA The Well at Jordan's Farm, 19 Wells Road is seeking approval of a renewal liquor license for malt liquor(beer), wine and spirits.

After review, no concerns have been reported by the Police Chief, Fire Chief and Code Enforcement Officer.

Draft Motion

ORDERED, the Cape Elizabeth Town Council approves the liquor license renewal (malt liquor(beer), wine and spirits) for Well, LLC, DBA The Well at Jordan's Farm, 19 Wells Road.

Attachments:

- [Well LLC](#)

11. Item #122-2023 Good Table, LLC Liquor License Renewal

The Good Table is seeking a renewal malt liquor(beer), wine and spirits liquor license.

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

Draft Motion

ORDERED, the Cape Elizabeth Town Council approves the renewal malt liquor(beer), wine and spirits liquor license for Good Table, LLC located at 529 Ocean House Road.

Attachments:

- [Good Table, LLC](#)

12. Item #123-2023 Acceptance of the Click It or Ticket Grant

Finance Director Kristie Bradbury is recommending acceptance of a National Highway Traffic Safety Administration Click It or Ticket Grant. See memo dated October 5, 2023.

Draft Motion

ORDERED, the Cape Elizabeth Town Council accepts and appropriates the grant award of \$5,000 from the Maine Bureau of Highway Safety, administering NHTSA (National Highway Traffic Safety Administration) funding for the National Click It or Ticket campaign.

Attachments:

- [Memo Finance Director Click It or Ticket Grant 10 05 2023](#)

13. Item #124-2023 Acceptance of the Distracted Driving Grant

Finance Director Kristie Bradbury is recommending acceptance of a National Highway Traffic Safety Administration Distracted Driving grant. See memo dated October 5, 2023.

Draft Motion

ORDERED, the Cape Elizabeth Town Council accepts and appropriates the grant award of \$5,000 from the Maine Bureau of Highway Safety, administering NHTSA (National Highway Traffic Safety Administration) funding for the Distracted Driving Enforcement campaign.

Attachments:

- [Memo Finance Director Distracted Driving Grant 10 05 2023](#)

14. Item #125-2023 Acknowledge Receipt of the Housing Diversity Study Committee Status Report July-September 2023

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 September 11, 2023, the Town Council extended the HDSC's final report deadline to December 31, 2023.

Draft Motion

ORDERED, the Cape Elizabeth Town Council acknowledges receipt of the status report of the Housing Diversity Study Committee July - September 2023.

Attachments:

- [HDSC Status Report July - September 2023](#)

15. Public Hearing - General Assistance Appendices

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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16. Item #126-2023 General Assistance Appendices

New General Assistance maximums have been announced for October 1, 2023 - September 30, 2024. A public hearing was scheduled on September 11, 2023 for October 11, 2023 to consider adopting the appendices A-H and the Recovery Residence Housing Maximums.

It is anticipated Appendix C Housing Maximums will not be adopted as in prior years.

Draft Motion

ORDERED, the Cape Elizabeth Town Council following a public hearing on October 11, 2023 does hereby adopt the proposed General Assistance Maximums, Appendices A, B, D - H for October 1, 2023 - September 30, 2024 and the Recovery Residence Housing Maximums.

Attachments:

- [GA Food Maximums Comparison 2023 to 2024](#)
- [2023-2024 GA Maximums Appendix A](#)
- [2023-2024 GA Maximums Appendix B](#)
- [2023-2024 GA Maximums Appendices D, E, F](#)
- [2023-2024 GA Maximums Appendix G](#)
- [2023-2024 GA Maximums Appendix H](#)
- [2023-2024 GA Maximums Recovery Residences](#)

17. Item #127-2023 Recommendation from the School Building Advisory Committee Regarding Architectural Design Services

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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The SBAC is recommending the hiring of Harriman as the architectural design team for the school project. It is in order for the Town Council and School Board to vote on the recommendation at their respective meetings in October.

The latest update from the SBAC to the Town Council and School Board was a workshop session held on October 4, 2023.

Draft Motion

ORDERED, the Cape Elizabeth Town Council approves the unanimous recommendation of the School Building Advisory Committee to contract with Harriman as the architectural design team for the school project. It is Further Ordered, the Superintendent and Town Manager negotiate said contract and authorize the Town Manager to sign the contract for services. The recommendation will also be voted on by the School Board.

Attachments:

- [Harriman Presentation 09 21 2023](#)

18. Item #128-2023 Recommendation from the School Building Advisory Committee Regarding Communication Services

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 SBAC is recommending the hiring of CESO Communications as the communication consultant for the school project. It is in order for the Town Council and School Board to vote on at their respective meetings in October.

Draft Motion

ORDERED, the Cape Elizabeth Town Council approves the unanimous recommendation of the School Building Advisory Committee to contract with CESO Communications as the communication consultant for the school project. It is further Ordered, the Superintendent and Town Manager negotiate said contract and authorize the Town Manager to sign the contract for services. The recommendation will also be voted on by the School Board.

Attachments:

- [CESO Communications 09 28 2023](#)
- [CESO Communications 10 02 2023](#)

19. Item #129-2023 Proposed Amendments to the Zoning Ordinance Relating to Outdoor Storage and Display

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 Attorney Mary Costigan will be present to introduce proposed amendments to the Zoning Ordinance relating to outdoor storage and display. The proposed amendments are related to the Lumbrey settlement discussion.

Draft Motion

ORDERED, the Cape Elizabeth Town Council refers to the Ordinance Committee proposed amendments to Chapter 19 Zoning Ordinance relating to outdoor storage and display.

Attachments:

- [Proposed Amendments Zoning Ordinance Outdoor Storage and Display 10 03 2023 Costigan](#)

20. Vote to Remove Item #116-2023 From the Table - Request from the Cape Arena Group Regarding Electricity Expenses

ORDERED, the Cape Elizabeth Town Council removes Item #116-2023 off the table from September 11, 2023.

Excerpt from the September 11, 2023 Draft Minutes

Moved by Jeremy A. Gabrielson and Seconded by Gretchen R. Noonan

ORDERED, the Cape Elizabeth Town Council tables the motion to the October 11, 2023 Town

Council meeting pending additional information regarding the operation and expense of the ice arena.

(7 yes) (0 no)

21. Item #116-2023 Request from the Cape Arena Group Regarding Electricity Expenses

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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This item was tabled from September 11, 2023. The memo submitted for the September meeting is attached.

Town Manager Matthew Sturgis will provide an overview outing the CAG's request for the Town to assume the electricity charges for the community ice arena.

Attachments:

- [Memo Town Manager CAG Request 09 11 2023](#)

22. Item #130-2023 Ordinance Committee Status Report and Next Step Recommendations Relating to LD 2003

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 Ordinance Committee has submitted a status report relating to their review of the LD 2003 amendments, see memo dated September 21, 2023. Comments from Town Attorney Mary Costigan are also attached as part of the Ordinance Committee report.

Recommendations from the Ordinance Committee include scheduling a public hearing for November 13, scheduling a council workshop on November 1 (or thereabouts) and that a vote be considered on November 13 following the public hearing.

Draft Motion

ORDERED, the Cape Elizabeth Town Council schedules a public hearing on Monday, November 13, 2023 at 7:00 p.m. at the Cape Elizabeth Town Hall 320 Ocean House Road relating to LD 2003 amendments as proposed by the Ordinance Committee with the anticipation of a vote that same evening following the public hearing. It is further ordered a Town Council workshop be scheduled on or about November 1 to review said proposed amendments.

Attachments:

- [Memo Ordinance Committee LD 2003 Amendments Status Report 09 21 2023](#)
- [M Costigan Comments Required LD 2003 Amendments](#)

23. Item #131-2023 Request from Councilor Reiniger to Refer LD 2003 Policy Issues to the Housing Diversity Study Committee and Alternate LD 2003 Zoning Amendments 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.

Councilor Reiniger has requested **1)** referral of a list of LD 2003 policy issues to the Housing Diversity Study Committee with written comment back to the Town Council prior to the November 13, 2023 Town Council meeting **2)** referral to the Ordinance Committee proposed alternate LD 2003 zoning amendments that reflect the minimum legally required changes. See email from Councilor Reiniger dated September 29, 2023.

Attachments:

- [Councilor Reiniger Email 09 29 2023](#)
- [LD 2003 Policy Issues for HDSC Reiniger 09 29 2023](#)
- [Min Zoning Amendments LD 2003 Reiniger 09 29 2023](#)

24. Item #132-2023 Vote to Amend the Minutes Item #66-2023 held May 8, 2023 Relating to Stormwater Amendments

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 May 8, 2023 meeting, the Town Council voted to adopt a package of stormwater amendments. The amendments package included amendments to Chapter 25 Stormwater Ordinance, Chapter 16 Subdivision Ordinance and Chapter 19 Zoning Ordinance, however the motion referenced Chapter 25 only.

See the Town Clerk's memo dated September 27, 2023.

The Town Clerk recommends the following motion to clarify the intent and vote of the Town Council. **The added text is in bold.**

Draft Motion

ORDERED, the Cape Elizabeth Town Council amends Item #66-2023 held on May 8, 2023 to read as follows:

Public Hearing Proposed Stormwater Amendments

Chair Gabrielson opened the public hearing at 7:15 p.m.

After hearing no comments, the public hearing was closed.

Item #66-2023 Proposed Stormwater Amendments

Maureen O'Meara, Town Planner

Jay Reynolds, Director of Public Works

Kristie Rabasca, Integrated Environmental Engineering

Moved by Nicole Boucher and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council having held a public hearing on Monday, May 8, 2023 does hereby approve the proposed **stormwater** amendments to Chapter 25 Stormwater **Ordinance, Chapter 16 Subdivision Ordinance and Chapter 19 Zoning Ordinance** as recommended by the Planning Board, draft dated February 14, 2023.

(5 yes) (0 no)

Attachments:

- [Memo Town Clerk Stormwater Amendments Vote Clarification 09 27 2023](#)
- [Stormwater Amendments Draft 02 14 2023](#)
- [Memo Ordinance Committee Re: Stormwater Amendments 12 01 2022](#)

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.