



Regular Town Council Meeting

Wednesday, October 12, 2022 at 7:00 pm

Live on CETV

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**

4. **Town Council Reports and Correspondence**

5. **Finance Committee Report**

Councilor Boucher, Finance Committee Chair

Attachments:

- [Financial Dashboard 08 31 2022](#)
- [Financial Dashboard 09 30 2022](#)
- [Appropriation Control September 2022](#)
- [Expense Distribution September 2022](#)
- [Revenue Control September 2022](#)
- [Revenue Distribution September 2022](#)

6. **Update on School Project - Dr. Christopher Record**

7. **Report - Chief Peter Gleeson**

Attachments:

- [Memo Fire Chief Fire Department Comparisons 10 05 2022](#)

8. **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 chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

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

Matthew E. Sturgis, Town Manager

10. **Review of Draft Minutes**

September 12, 2022

Attachments:

- [Town Council Minutes September 12, 2022](#)

11. **Consent Calendar Item #143-2022 - Item #145-2022**

The consent calendar provides for Item #143-2022 - Item #145-2022 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 #143-2022 - Item #145-2022

Limited to 15 minutes; 3 minutes per person. Time may be extended by majority vote of the councilors present. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

Draft Motion

ORDERED, the Cape Elizabeth Town Council approves the consent calendar Item #143-2022 - Item #145-2022 as presented.

12. **Item #143-2022 Liquor License Renewal - Well, LLC DBA The Well at Jordan's Farm**

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](#)

13. **Item #144-2022 Acknowledge Receipt of the Housing Diversity Study Final Report**

On April 11, 2022 the Town Council approved the recommendation of the Ordinance Committee to authorize the Town Manager to sign a contract with Camoin Associates, Saratoga Springs, NY for a Housing Diversity Study with a completion date of 8/30/2022.

The study included three tasks with a review by the town council following each task.

Task 1 Housing Data Package - May 23

Task 2 Housing Creation Goals - June 27

Task 3 Strategy Development - September 7

The individual task reports have been combined into one final report. It is in order for the town council to acknowledge receipt of the final report.

Draft Motion

ORDERED, the Cape Elizabeth Town Council acknowledges receipt of the Housing Diversity Study final report dated September 2022.

Attachments:

- [Housing Diversity Study Final Report 09 2022](#)
- [Infographics HDS 09 15 2022](#)

14. **Item #145-2022 Appointments to the Registration Appeals Board**

Pursuant to M.R.S. Title 21-A §103

In a city or town that has a population of 5,000 or more, if a person is aggrieved by the decision of the registrar of voters to cancel that person's registration in the central voter registration system or to reject that person's voter registration application, that person may appeal in writing to the registration appeals board. The appeal must be filed within 30 days after receipt of notice of the registrar's decision.

The registration appeals board consists of 3 members who must be appointed as follows: The municipal committee of each of the major political parties shall nominate one member, who must be enrolled in the party of the municipal committee that nominates the member, and the municipal officers shall appoint the persons nominated by the municipal committees and the 3rd member must be nominated by the clerk of the municipality and appointed by the municipal officers. When a municipal committee nominates a member to the registration appeals board, it shall also nominate an alternate board member, who serves if the member nominated by the municipal committee is or becomes unable to serve. The municipal clerk may not serve as a member or alternate member of the registration appeals board.

Term of office. Each member nominated by the municipal committees of the major political parties and appointed to the board shall serve for 3 years and until the member's successor is appointed and sworn. The member nominated by the clerk of the municipality and appointed to the board shall serve for 4 years and until that member's successor is appointed and sworn.

Anne E. Swift-Kayatta was appointed by the Town Council on July 11, 2022 to serve as the 3rd member and chair of the board.

Democratic Nominees

Karen M. Hessel, 45 Wildwood Drive
Stephanie L. Korupp, 26 Hunts Point Road (Alternate)

Republican Nominees

Timothy L. Thompson, 6 Pine Ridge Road
Nancy E. Thompson, 6 Pine Ridge Road (Alternate)

Draft Motion

ORDERED, the Cape Elizabeth Town Council appoints the following nominees to the Registration Appeals Board. Said terms are effective October 16, 2022 and expire October 16, 2025.

Democratic Nominees

Stephanie L. Korupp, 26 Hunts Point Road
Karen M. Hessel, 45 Wildwood Drive (Alternate)

Republican Nominees

Timothy L. Thompson, 6 Pine Ridge Road
Nancy E. Thompson, 6 Pine Ridge Road (Alternate)

15. **Item #146-2022 General Assistance Appendices - Set to Public Hearing**

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 chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

New General Assistance maximums have been announced for October 1, 2022 - September 30, 2023. It is in order to schedule a public hearing to consider adopting the appendices A-G and the new Recovery Residence Housing Maximums.

The Town Council discussed the ordinance at a workshop on October 5. It is anticipated Appendix C Housing Maximums will not be adopted as in the prior few years.

Draft Motion

ORDERED, the Cape Elizabeth Town Council sets to public hearing on Monday, November 14, 2022 at 7:00 p.m. at the Cape Elizabeth Town Hall 320 Ocean House Road the proposed General Assistance Maximums, Appendices A - G for October 1, 2022 - September 30, 2023 and the new Recovery Residence Housing Maximums.

Attachments:

- [GA Maximums Reference Sheet Cumberland County 2022-2023](#)
- [GA Appendices A 2022-2023](#)
- [GA Appendices B 2022-2023](#)
- [GA Appendices C](#)
- [GA Appendices D E F 2022-2023](#)
- [GA Appendices G 2022-2023](#)
- [GA Recovery Residences 2022-2023](#)

16. **Item #147-2022 Amendment to the Fee Schedule - Food Truck Special Use Permit**

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 chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

On September 12, 2022 the Town Council approved amendments to Chapter 19 Zoning Ordinance (19-7-14) relating to food truck amendments. 19-7-14. B 2 a. refers to an application fee to be submitted with the Food Truck special use application form.

The Town Manager has provided a memo outlining a recommendation of establishing a fee of \$120.00 per application, per calendar year, and per location in the event that one operator has multiple locations. The fee would be reviewing annually with the fee schedule during the budget process.

Draft Motion

ORDERED, the Cape Elizabeth Town Council amends the Fee Schedule to establish a Food Truck Special Use Permit of \$120.00 per application, per calendar year, and per location in the event the operator has multiple locations.

Attachments:

- [Memo Town Manager Food Truck Fee 10 06 2022](#)
- [Fee Schedule 07 01 2022](#)

17. **Item #148-2022 Referral of LD 2003 Amendments to Workshop**

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 chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

On June 13, 2022 the Town Council referred to the Ordinance Committee preparation of ordinance amendments to implement LD 2003, "An Act to Implement the Recommendations of the Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions." LD 2003 land use requirements take effect July 1, 2023.

LD 2003 was discussed at Ordinance Committee meetings on July 18, August 10 and September 14, 2022.

By consensus the Ordinance Committee unanimously recommends that the Town Council review LD 2003 amendments at a workshop. In addition the committee recommends forwarding the amendments to the Planning Board and Ad-Hoc Housing Diversity Committee for comments and report back to the Town Council.

Draft Motion

ORDERED, the Cape Elizabeth Town Council refers amendments as to Chapter 19 Zoning Ordinance relating to LD 2003 to a Town Council workshop. In addition comments are requested by the Planning Board and Ad-Hoc Housing Diversity Study Committee reporting back to the Town Council by XXX.

Attachments:

- [Memo Ordinance Committee LD 2003 Amendments 09 26 2022](#)
- [LD 2003 Zoning Ordinance Amendments 09 20 2022](#)
- [ADU Reform Webinar Memo 07 15 2022](#)
- [LD 2003 Enacted 04 27 2022](#)

18. **Item #149-2022 Executive Session - Consideration of Property Tax Abatement Due to Hardship**

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 chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

Draft Motion

ORDERED, the Cape Elizabeth Town Council enters executive session pursuant to 1 M.R.S. §405 6 F. to consider a request for the abatement of property taxes due to hardship.

19. **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 chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

20. **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 chairman, the speaker shall give his or her name and address or name and local affiliation, if the affiliation is relevant, prior to making other comments. 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 chairman 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 chairman, the speaker shall give his or her name and address or name and local affiliation if the local affiliation is pertinent. 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 chairman.