



Cape Elizabeth Town Council

Minutes Monday, November 13, 2023

7:00 p.m.

Town Hall Council Chambers

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

The meeting was convened at 7:00 p.m. by Chair Jeremy A. Gabrielson.

Roll Call by the Town Clerk

All members of the Town Council were present.

Mary Costigan, Town Attorney
Debra M. Lane, Town Clerk
Maureen O'Meara, Town Planner
Matthew E. Sturgis, Town Manager

The Pledge of Allegiance to the Flag

Town Council Reports and Correspondence

Chair Gabrielson thanked election staff for their work during last week's election. Congratulations to newly-elected council members Stephanie Anderson and Tim Thompson and the incumbents to the School Board Jennifer McVeigh and Cynthia Voltz. The Chair recognized and thanked Councilors Nicole Boucher and Gretchen Noonan for their service; this is their last regular meeting.

Councilor Penelope Jordan reported on the SBAC's work. Public forums will be held on November 16 and November 30. Visioning sessions will be held on November 20 and November 27. Citizens are encouraged to review the information on the town's website to keep informed of the progress of the committee.

Finance Committee Report

Finance Chair Nicole Boucher noted Community Services is at 55% of anticipated revenue, parking revenue at Fort Williams Park is behind however could be made up prior to the end of the fiscal year. Portland Head Light revenues are 112% of anticipated revenue with time still left before the end of the fiscal year. Expenses are trending as anticipated to date.

Report – Short Term Rentals

Assistant Code Enforcement Office Jake Deslandes provided an overview of short term rentals. A total of 13 properties were found to be in violation. All violations were corrected by either applying for a permit, removing the listing or changing to long term rentals. The council asked for a follow up report indicating the locations of the violations.

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Citizen Opportunity for Discussion of Items Not on the Agenda

Aglae Shaw, 8 Woodcrest Road
Michelle Boyer, 333 Fowler Road
Pietrina Owen, 98 Spurwink Avenue
Eliza Matheson, 270 Fowler Road
Cassie Nedwell, 5 Farm Hill Road
Jim Sparks, 14 Woodcrest Road
Melanie Tennyson, 6 Carriage Hill Road
Mark Mayon, 1095 Sawyer Road, Spurwink Rod Gun Club
Meighan Rock, 6 Wabun Road
Mary Ann Lynch, 2 Olde Colony Lane
John Lewis, 51 Murray Drive

Review of Draft Minutes
October 11, 2023 Regular Meeting

Moved by Gretchen R. Noonan and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council approves the minutes of the meeting held on October 11, 2023 as written.
(7 yes) (0 no)

Public Hearing Proposed Amendments to the Zoning Ordinance Relating to LD 2003

Chair Gabrielson opened the public hearing at 7:53 p.m.

Jessica Sullivan, 441 Mitchell Road
Eliza Matheson, 270 Fowler Road
Katherine Kerkam, 3 Franklin Circle
Pietrina Owen, 98 Spurwink Avenue
Scott Lewis, 96 Stonybrook Road
Cherie Gustafson, 25 Jewett Road
Melanie Tennyson, 6 Carriage Hill Road
Tammy Walter, 1095 Sawyer Road
Katie Reeves, 997 Shore Road
Daniel Harriman, 21 Kettle Cove Road
Tim Dew, 56 Stonegate Road
Frank Morang, 17 Kettle Cove Road

After hearing no further comments, the hearing was closed at 8:27 p.m.

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**Item #133-2023 Consideration of Proposed Amendments to the Zoning Ordinance
Relating to LD 2003**

Moved by Nicole Boucher and Seconded by Penelope Jordan

ORDERED, the Cape Elizabeth Town Council following a public hearing on Monday, November 13, 2023 does hereby approve the proposed amendments to Chapter 19 Zoning Ordinance relating to LD 2003 amendments as proposed by the Ordinance Committee.

Moved by Timothy S. Reiniger and Seconded by Susan A. Gillis

ORDERED, the Cape Elizabeth Town Council amends the motion to approve the proposed amendments to Chapter 19 Zoning Ordinance relating to LD 2003 amendments as drafted by Councilor Reiniger dated September 29, 2023.

(1 yes) (6 no Councilors Boucher, Gabrielson, C. Jordan, P. Jordan, Noonan and Reiniger)

Original Motion: (6 yes) (1 no Councilor Reiniger)

**Item #134-2023 Request from Councilor Reiniger to Dismiss the Lawsuit Against The
Lumbery**

Public Comment

Mike Friedland, 287 Ocean House Road, An Owner of The Lumbery

Moved by Timothy S. Reiniger and Seconded by Susan A. Gillis

ORDERED, the Cape Elizabeth Town Council proceeds with the dismissal of the lawsuit against The Lumbery without prejudice.

(7 yes) (0 no)

Item #135-20203 Proposed Home Business Amendments

Moved by Penelope A. Jordan and Seconded by Caitlin R. Jordan

ORDERED, the Cape Elizabeth Town Council sets to public hearing on Monday, December 11, 2023 at 7:00 p.m. at the Cape Elizabeth Town Hall amendments to Chapter 19 Zoning Ordinance relating to proposed home business amendments as recommended by the Planning Board.

(7 yes) (0 no)

Item #136-2023 Proposed Project Submission Amendments to the Planning Board

Public Comments

Mike Friedland, 287 Ocean House Road, An Owner of The Lumbery

Moved by Penelope A. Jordan and Seconded by Caitlin R. Jordan

ORDERED, the Cape Elizabeth Town Council refers to the Ordinance Committee Project Submission Amendments to Chapter 19 Zoning Ordinance, Chapter 16 Subdivision Ordinance, and the Planning Board Rules as recommended by the Planning Board.

(7 yes) (0 no)

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Item #137-2023 Consider Acknowledging Enactment by Voters to Adopt a Cape Elizabeth Residential Pesticide Use Ordinance and Adoption of the Ordinance

Moved by Timothy S Reiniger and Seconded by Nicole Boucher

ORDERED, the Cape Elizabeth Town Council tables Item #137-2023 to December 11, 2023.
(7 yes) (0 no)

Item #138-2023 Proposed Carry Forward Balances

Moved by Nicole Boucher and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council approves and authorizes a total of \$365,400.00 to be carry forward from the FY 2023 budget to the FY 2024 budget as recommended by Finance Director Kristie Bradbury.

For total amounts –
General Fund \$361,180.00
Riverside Cemetery Perpetual Care Fund \$4,220.00

(7 yes) (0 no)

Administration

- | | | |
|--------------------------------------|-----------------|-------------|
| • 0110-2009 Conferences and Meetings | \$ 1,000.00 | |
| • 0110-2016 Records Preservation | <u>8,000.00</u> | \$ 9,000.00 |

Assessing/Codes/Planning

- | | | |
|---------------------------------|-----------------|-------------|
| • 0120-2011 GIS Improvements | \$ 4,140.00 | |
| • 0120-2018 Planning Consultant | <u>3,218.00</u> | \$ 7,358.00 |

Legal and Audit

- | | | |
|----------------------------|--------------------|-------------|
| • 0135-2010 Legal Services | \$ <u>4,000.00</u> | \$ 4,000.00 |
|----------------------------|--------------------|-------------|

Elections

- | | | |
|-------------------------------|-----------------|--------------|
| • 0140-1002 Part Time Payroll | \$ 15,000.00 | |
| • 0140-2005 Postage | 1,000.00 | |
| • 0140-2021 Equipment Rental | <u>5,000.00</u> | \$ 21,000.00 |

Boards and Commissions

- | | | |
|--------------------------------|--------------------|-------------|
| • 0150-2081 Special Committees | \$ <u>4,000.00</u> | \$ 4,000.00 |
|--------------------------------|--------------------|-------------|

Debt Service

- | | | |
|----------------------------|---------------------|--------------|
| • 0180-5012 Capital Leases | \$ <u>40,000.00</u> | \$ 40,000.00 |
|----------------------------|---------------------|--------------|

Police

- | | | |
|-------------------------------|------------------|--------------|
| • 0210-1001 Full Time Payroll | \$ 19,000.00 | |
| • 0210-1003 Overtime | 48,000.00 | |
| • 0210-2008 Training | 38,000.00 | |
| • 0210-3005 Minor Equipment | <u>30,000.00</u> | \$135,000.00 |

Dispatch

- | | | |
|-----------------------------|--------------------|-------------|
| • 0220-2010 Contracted PSAP | \$ <u>4,800.00</u> | \$ 4,800.00 |
|-----------------------------|--------------------|-------------|

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Fire

• 0230-2033 Radios	\$ 25,000.00	
• 0230-3004 Uniforms	3,000.00	
• 0230-3005 Minor Equipment	550.00	
• 0230-3006 Misc. Supplies	<u>3,650.00</u>	\$ 32,200.00

Public Works

• 0310-2039 Pavement Markings	\$ <u>33,822.00</u>	\$ 33,822.00
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Parks & Grounds

• 0330-2035 Building Repair – FWP	\$ 30,000.00	
• 0330-2036 Stonewall Repair – FWP	<u>40,000.00</u>	\$ 70,000.00

TOTAL - GENERAL FUND **\$ 361,180.00**

Riverside Cemetery Perpetual Care

• 0860-2032 Marker Repairs	\$ 1,105.00	
• 0860-2036 Stonewall Repairs	<u>3,115.00</u>	

TOTAL RIVERSIDE CEMETERY – PERPETUAL CARE **\$ 4,220.00**

GRAND TOTAL CARRY FORWARD AMOUNTS **\$ 365,400.00**

Citizens may at this point in the meeting raise any topic that is not on the agenda that pertains to Cape Elizabeth local government.

Pietrina Owen, 98 Spurwink Avenue
Eliza Matheson, 270 Fowler Road
Daniel Harriman, 21 Kettle Cove Road
Cynthia Dill, 1227 Shore Road
Tim Thompson, 6 Pine Ridge Road

Adjournment

Moved by Caitlin R. Jordan and Seconded by Timothy S. Reiniger
ORDERED, the Cape Elizabeth Town Council adjourns at 10:01 p.m.
(7 yes) (0 no)

Respectfully Submitted,

Debra M. Lane, Town Clerk