



Cape Elizabeth Town Council

Minutes Monday, December 9, 2024

7:00 p.m.

Town Hall Council Chambers

Penelope A. Jordan, Chair
Stephanie P. Anderson
Caitlin J. Harriman
Jonathan T. Sahrbeck
Elizabeth K. Scifres
Andrew B. Swayze
Timothy L. Thompson

Councilor Caitlin Harriman convened the meeting at 7:00 p.m.

Introduction of Town Councilors and School Board Members Elected on November 5, 2024

Town Clerk Angela Frawley administered the Oath of Office.

Town Council

Jonathan T. Sahrbeck
Elizabeth K. Scifres
Andrew B. Swayze

School Board

Christopher H. Boniakowski
Peter Joy S. Engel
Lee B. Schroeder

Roll Call by the Town Clerk Angela S. Frawley, Town Clerk

All members of the Town Council were present.

Patrick W. Fox, Town Manager
Angela S. Frawley, Town Clerk
Debra M. Lane, Assistant Town Clerk
Maureen O'Meara, Town Planner

The Pledge of Allegiance to the Flag

Item #1-2025 Election of the Town Council Chair

Moved by Stephanie P. Anderson and Seconded by Elizabeth K. Scifres

ORDERED, the Cape Elizabeth Town Council elects Penelope A. Jordan to serve as Town Council Chair for 2025.

(7 yes) (0 no)

Town Council Reports and Correspondence

Councilor Thompson serves on the Cumberland County Budget Committee. The Committee is working through next year's budget. It is anticipated Cape Elizabeth's share will increase from \$1.9M to +\$2.0M. Councilor Thompson will keep the council updated.

Chair Jordan stated over the weekend a now former councilor sent correspondence to a Cape Elizabeth business, signed as a member of the council, however the councilor was not authorized to do so.

Finance Committee Report – November 2024

2024 Finance Chair Thompson reviewed the dashboard and reported there is nothing new to report at this time.

Page 2 Town Council Minutes
December 9, 2024

Citizens Opportunity for Discussion of Items Not on the Agenda
None

Town Manager's Report
Patrick W. Fox, Town Manager

Projects, Plans and Studies:

- Business Outreach Initiative – GPCOG staff has been contacting businesses over the past few weeks to gather initial information and inform them of the upcoming Business Forum which will be held at Town Hall on Wednesday, December 18, 6-8 p.m. Further information is available on the Town website.

Councilor Requests and Follow ups:

Accessory Dwelling Unit (ADU) activity since ordinance amendments in July 2024

- There have been 12 ADU permits issued since July. These are a mix of new build and existing structures, both attached and detached (3 new and 5 existing attached, 2 new and 2 existing detached). There have also been six inquiries regarding ADU's by residents that have not formally submitted application.

Senior Property Tax Relief Program

- Preliminary numbers indicate there were over 240 approved applications with over \$280,000 in benefits to be distributed.
- Council will see a final report from Staff by the end of December.

Bids, Events and Special Announcements:

- Upcoming bids in January include the Town Center Intersection Improvement construction. Project activity is anticipated to occur between May and September 2025 once a contractor is selected.
- With the holidays quickly approaching, I wanted to let everyone know that the Town Offices will be closing at noon on December 24. The library, pool, fitness center, and transfer station hours may be modified on December 24 and December 31. Those hours will be posted on the website this week or next.

Manager Remarks:

Welcome to the new Councilors. Your willingness to serve a Council term on behalf of your fellow community members is greatly appreciated. I'm looking forward to the upcoming goal setting, budget process, and reaching several milestones and achievements together throughout the year.

Review of Draft Minutes
November 13, 2024 – Regular Meeting

Moved by Stephanie P. Anderson and Seconded by Timothy L. Thompson

ORDERED, the Cape Elizabeth Town Council approves the minutes of the meeting held on November 13, 2024 as written.

(7 yes) (0 no)

Item #2-2025 Adoption of the Town Council Rules

Moved by Timothy L. Thompson and Seconded by Stephanie P. Anderson

ORDERED, the Cape Elizabeth Town Council approves the Town Council Rules for 2025.

(7 yes) (0 no)

Item #3-2025 Code of Ethics

Moved by Jonathan T. Sahrbeck and Seconded by Andrew B. Swayze

ORDERED, the Cape Elizabeth Town Council approves the Code of Ethics for 2025 with the signatures of the Town Council to be placed on file.

(7 yes) (0 no)

Note: The Code of Ethics will be discussed at the December 16 workshop which will include further discussion on Section 9 Enforcement.

Consent Calendar Item #4-2025 – Item #16-2025

Public Comment

Kevin Justh, 9 Spruce Lane

Moved by Caitlin J. Harriman and Seconded by Stephanie P. Anderson

ORDERED, the Cape Elizabeth Town Council approves the consent calendar Item #4-2025 – Item #16-2025 as presented.

(7 yes) (0 no)

Item #4-2025 Appointment of the Finance Committee

ORDERED, the Cape Elizabeth Town Council elects Elizabeth K. Scifres as Finance Committee Chair and the Council as a whole to serve as the Finance Committee.

Item #5-2025 Appointment of the Ordinance Committee

ORDERED, the Cape Elizabeth Town Council elects Caitlin J. Harriman Ordinance Committee Chair and Stephanie P. Anderson and Jonathan T. Sahrbeck as members.

Item #6-2025 Appointment of the Appointments Committee

ORDERED, the Cape Elizabeth Town Council elects Timothy L. Thompson Appointments Committee Chair and Elizabeth K. Scifres and Andrew B. Swayze as members.

Item #7-2025 Appointment to the Thomas Jordan Grants Subcommittee

ORDERED, the Cape Elizabeth Town Council appoints Andrew B. Swayze to serve on the Thomas Jordan Grants Subcommittee for a term to expire 12/2027.

Item #8-2025 Appointment of a Representative to the MMA Legislative Policy Committee and Convention Delegate

ORDERED, the Cape Elizabeth Town Council appoints Timothy L. Thompson to serve as a Representative to the MMA Legislative Policy Committee and Convention Delegate.

Item #9-2025 Appointment of a Representative to the ecomaine Board and Alternate

ORDERED, the Cape Elizabeth Town Council appoints Timothy L. Thompson to serve as a Representative to the ecomaine Board for a term to expire 12/2027 and Jay Reynolds as Alternate.

**Page 4 Town Council Minutes
December 9, 2024**

Item #10-2025 Appointment of a Representative to the PACTS Policy Committee

ORDERED, the Cape Elizabeth Town Council appoints Patrick W. Fox as a Representative to serve on the PACTS Policy Committee.

Item #11-2025 Appointment of a Representative to the GPCOG General Assembly and METRO Coalition

ORDERED, the Cape Elizabeth Town Council appoints Penelope A. Jordan to serve as a Representative to the GPCOG General Assembly and METRO Coalition.

Item #12-2025 Appointment of the Vice Chair of the Museum at Portland Head Light

ORDERED, the Cape Elizabeth Town Council elects Elizabeth K. Scifres to serve as Vice Chair of the Museum at Portland Head Light. Note: The Council Chair serves as chair per the bylaws.

Item #13-2025 Appointment of a Representative to the Thomas Memorial Library Foundation

ORDERED, the Cape Elizabeth Town Council appoints Stephanie P. Anderson to serve as Representative to the Thomas Memorial Library Foundation.

Item #14-2025 Appointment of a Representative to the Portland Jetport Noise Abatement Committee

ORDERED, the Cape Elizabeth Town Council appoints Andrew B. Swayze to serve as a Representative to the Portland Jetport Noise Abatement Committee.

Item #15-2025 Town Council 2025 Meeting Schedule and Budget Review for FY 2026.

ORDERED, the Cape Elizabeth Town Council approves the 2025 meeting and workshop schedule and the FY 2026 budget review schedule as presented. Changes and additions will be scheduled as deemed necessary.

		Regular Meeting	Workshop Meeting	
2024	December	9		Regular Council Meeting – Organizational Meeting for 2025
			12	Joint Workshop with the School Board (6:00 p.m.)
			16	Workshop – Council Goals and Discussion of FOAA
2025	January	13	15	
			8	Joint Workshop with the School Board (7:00 p.m.)
2025	February	10	3	
2025	March	10	17, 20	Workshops are Budget Review Sessions (6:00 p.m.)
2025	April	14	28, 29	Workshops are Budget Review Sessions (6:00 p.m.)
2025	May	5		Special Council Meeting and Public Hearing on the FY 2026 Budget
		12	7	May 12 Regular Council Meeting – Vote on the FY 2026 Budget
2025	June	9	2	
2025	July	14		
2025	August	11		
2025	September	8	3	
2025	October	15	8	Regular Council Meeting (Wednesday after Monday holiday)
2025	November	10		
			12	Annual Town Council Organizational Caucus for 2026
				Schedule Orientation of New Council Members
				Review of 2026 Meetings and FY 2027 Budget Calendars
2025	December	8		Regular Council Meeting – Organizational Meeting for 2025
			10	Workshop-Council Goals and Discussion & FOAA

**Page 5 Town Council Minutes
December 9, 2024**

Budget Submittal Dates	FY 2026	
Draft Municipal Department Budgets due to Town Manager	Thursday, January 16, 2025	Not a meeting
Manager's Recommended Municipal Budget Delivered to Town Council	Monday, March 3, 2025	Not a meeting
School Board's Recommended Budget Delivered to Town Council	Monday, April 14, 2025	Not a meeting
<i>Per Charter due to town manager at least 75 days before beginning of the budget year.</i>		
Meetings During Budget Review Period		
Regular March Town Council Meeting	Monday, March 10, 2025	
Finance Committee Review of Accounts 100,200,400,500,710	Monday, March 17, 2025	6:00 p.m. Televised
Finance Committee Review of Municipal 300,600-635,640-670 and Special Funds	Thursday, March 20, 2025	6:00 p.m. Televised
Regular Town Council Meeting Including Opportunity for Budget Public Comments	Monday, April 14, 2025	
School Vacation Week	<i>April 18 – April 25</i>	
Finance Committee School Budget Presentation from School Board	Monday, April 28, 2025	6:00 p.m. Televised
Finance Committee Wrap-up (if needed)	Tuesday, April 29, 2025	6:00 p.m. Televised
Special Town Council Meeting – Public Hearing on the FY 2026 Budget	Monday, May 5, 2025	
Town Council Meeting – Vote on the FY 2026 Budget	Monday, May 12, 2025	
School Budget Validation Vote		
Citizen Vote on Town Council Adopted School Budget	Tuesday, June 10, 2025	

Page 6 Town Council Minutes
December 9, 2024

Item #16-2025 Acceptance of Gifts and Donations for 2024

ORDERED, the Cape Elizabeth Town Council accepts the various gifts and donations for 2024 with appreciation to all of the donors.

Fire Department	Scholarships/Donations		
David & Jackie Allen	\$100.00	Nancy Hawes	\$100.00
Paul & Elizabeth Wade	\$100.00	Robert & Brenda Gabrielson	\$100.00
Youness & Sarah Zahnouni	\$100.00	Anton Wagner	\$75.00
Anonymous	\$100.00	Mark & Cathy Gandolfo	\$100.00
Jeff & Linda Gabrielson	\$1,000.00		
Community Services			
1/17/2024 Ms. Wendell Bruss	\$2,000.00	5/24/2024 Ms. Wendell Bruss	\$300.00
11/24/2024 Anne Hill	\$200.00		
Museum at Portland Head Light		Fort Williams Park	
Donation Boxes	\$5,002.00	Donation Boxes	\$3,664.92
Cape Elizabeth Garden Club	Wreaths for the Spurwink Church		
Thomas Memorial Library			
12/20/2023 Abigail Sanborn & Scott Balcomb	\$30.00	12/24/2023 Cynthia Lamberton	\$200.00
12/28/2023 Chase Family Fund	\$2,000.00	1/9/2024 Anonymous	\$500.00
1/22/2024 Anonymous	\$10.00	2/6/2024 TML Foundation	\$5,000.00
2/22/2024 Anonymous	\$2,000.00	4/2/2024 Anonymous	\$4.00
4/24/2024 Anonymous	\$5.00	5/30/2024 Cynthia Guertin	\$25.00
6/20/2024 Perry & Elaine Clark	\$50.00	6/27/2024 TML Foundation	\$5,000.00
6/27/2024 Anonymous	\$75.00	9/16/2024 TML Foundation	\$5,000.00
11/20/24 D. Russell & Mary M. Arnold	\$500.00	11/25/2024 TML Foundation	\$5,000.00
11/25/2024 SP/CE Rotary Club	\$500.00	11/25/2024 Gail Atkins	\$199.71
11/30/2024 Russell & Elizabeth Leonard	\$100.00		

**Page 7 Town Council Minutes
December 9, 2024**

Item #17-2025 Consider the Renewal Liquor License for The Well LLC

Chair Jordan recused herself from discussion and voting on the item as she is a co-owner of the property at 19 Wells Road. Councilor Harriman acted as Chair Pro-Tem.

Moved by Jonathan T. Sahrbeck and Seconded by Elizabeth K. Scifres

ORDERED, the Cape Elizabeth Town Council approves the renewal liquor license (Beer, Wine & Spirit) for The Well LLC, The Well at Jordan's Farm located at 19 Wells Road as presented.
(6 yes) (0 no) (1 recusal Chair Jordan)

Item #18-2025 Annual Appointments to Boards and Committees

Moved by Caitlin J. Harriman and Seconded by Jonathan T. Sahrbeck

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the 2024 Appointments Committee to appoint residents to various boards and committees as presented. New terms are effective January 1, 2025.
(7 yes) (0 no)

Board	Name	Address	Term Expires	
Board of Assessment Review	John C. Thibodeau	21 Salt Spray Lane	12/31/2027	Reappointment
Board of Zoning Appeals	Adam Foster-Webster	41 Woodland Road	12/31/2027	Reappointment
Board of Zoning Appeals	Gretchen Noonan	2 Woodcrest Road	12/31/2027	Appointment
Community Services Committee	Andrea Ernst*	12 Bayberry Lane	12/31/2027	Reappointment
Community Services Committee	Jill Palmore*	39 Stonegate Road	12/31/2027	Reappointment
Community Services Committee	Debbie Grew	14 Olde Fort Road	12/31/2027	Appointment
Conservation Committee	Mitch Wacksman	9 Bayberry Lane	12/31/2025	Appointment
Conservation Committee	Emily Helliesen Day*	11 Hamlin Street	12/31/2027	Reappointment
Conservation Committee	Matthew Grymek	48 Spurwink Avenue	12/31/2027	Appointment
Diversity, Equity and Inclusion Committee	Kara L. Law	31 McAuley Road	12/31/2025	Appointment
Diversity, Equity and Inclusion Committee	Monica Malcomson	61 Hunter Place	12/31/2027	Reappointment
Diversity, Equity and Inclusion Committee	Christina P. McAnuff	65 Stonybrook Place	12/31/2027	Reappointment
Energy Committee	Nikolaas Dietschi	2 Park Circle	12/31/2027	Reappointment
Energy Committee	David Kane	39 Trundy Road	12/31/2027	Reappointment
Energy Committee	Sam Milton*	18 Crescent View Avenue	12/31/2027	Reappointment
Fort Williams Park Committee	Jim Kerney*	1015 Shore Road	12/31/2027	Reappointment
Fort Williams Park Committee	Dennis Leiner	5 Wood Road	12/31/2027	Appointment
Personnel Appeals Board	Philip J. Moss	35 Maxwell Woods Drive	12/31/2027	Reappointment
Planning Board	Daniel A. Bodenski*	60 Woodland Road Apt. D-6	12/31/2027	Reappointment
Planning Board	Matthew Caton	15 Hannaford Cove Road	12/31/2027	Reappointment
Planning Board	Natalie Burns	33 Cottage Farms Road	12/31/2027	Appointment
Recycling Committee	VACANT		12/31/2027	
Recycling Committee	Jenna Pfueller	42 Longfellow Drive	12/31/2027	Reappointment
Riverside Cemetery Committee	Wayne A. Brooking, Jr.*	223 Two Lights Road	12/31/2027	Reappointment
Thomas Memorial Library Committee	Tim Hebda	55 Richmond Terrace	12/31/2027	Reappointment
Thomas Memorial Library Committee	Scott Mazuzan	270 Fowler Road	12/31/2027	Appointment
*Serving third consecutive term				
New appointments effective	January 1, 2025			

Item #19-2025 Consider Conditional Municipal Approval for Blue Meadow

Public Comment
Kevin Justh, 9 Spruce Lane

Moved by Stephanie P. Anderson and Seconded by Caitlin J. Harriman

ORDERED, the Cape Elizabeth Town Council approves the request of Robert Barrett (BRKR, LLC) for Conditional Municipal Approval on two items relating to the Blue Meadow development project that will be submitted for acceptance at a later date. See draft subdivision plan L-2. 1. A 20-foot-wide sewer easement through Open Space Area A. 2. 3.97 acres of dedicated open space.
(7 yes) (0 no)

Item #20-2025 Consider Planning Board Recommendation Regarding Town Center Amendments

Moved by Caitlin J. Harriman and Seconded by Jonathan T. Sahrbeck

ORDERED, the Cape Elizabeth Town Council acknowledges receipt from the Planning Board recommendations relating to Town Center Amendments 2024.
(7 yes) (0 no)

Note: The Ordinance Committee will be scheduling a meeting to discuss the Planning Board recommendations as the council already referred the item to the Ordinance Committee following receipt of the Planning Board recommendation.

Vote to Remove Item #133-2024 Off the Table from August 19, 2024

Moved by Caitlin J. Harriman and Seconded by Andrew B. Swayze

ORDERED, the Cape Elizabeth Town Council takes Item #133-2024, Consider a Recommendation from the Conservation Committee Relating to the Disposition of Town Owned Real Estate - Map U29 Lot 40 Stephenson Street, off the table from August 19, 2024.
(7 yes) (0 no)

Item #133-2024 Recommendation from the Conservation Committee Regarding the Disposition of U29 Lot 40 South Street Lot

Present – Emily Day, Member of the Conservation Committee

Moved by Stephanie P. Anderson and Seconded by Caitlin J. Harriman

ORDERED, the Cape Elizabeth Town Council retains the town-owned lot Map U29 Lot 40, Stephenson Street (South Street lot) as recommended by the Conservation Committee.
(7 yes) (0 no)

Item #21-2025 Consider Referring Supplemental LD 2003 Amendments to the Planning Board

Public Comment

Kevin Justh, 9 Spruce Lane

Moved by Jonathan T. Sahrbeck and Seconded by Elizabeth K. Scifres

ORDERED, the Cape Elizabeth Town Council refers to the Planning Board Supplemental LD 2003 amendments to Chapter 19 Zoning Ordinance (as outlined in the December 2, 2024 memo), based on LD 2003 amendments adopted on November 13, 2023.

(6 yes) (1 no Councilor Thompson)

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

None

Item #22-2025 Executive Session Relating to Personnel Matters

Moved by Caitlin J. Harriman and Seconded by Elizabeth K. Scifres

ORDERED, the Cape Elizabeth Town Council enters into executive session at 8:17 p.m. pursuant to 1 M.R.S. §405 6. A. to discuss with the Town Manager guidance relating to employment and compensation of the recruitment of employees for vacant positions.

(7 yes) (0 no)

Moved by Andrew B. Swayze and Seconded by Caitlin J. Harriman

ORDERED, the Cape Elizabeth Town Council exits executive session and reenters public session at 9:38 p.m.

(7 yes) (0 no)

Adjournment

Moved by Andrew B. Swayze and Seconded by Caitlin J. Harriman

ORDERED, the Cape Elizabeth Town Council adjourns at 9:38 p.m.

(7 yes) (0 no)

Respectfully Submitted,

Debra M. Lane, Assistant Town Clerk