



Town Council Workshop and Executive Session Meeting

Wednesday, October 8, 2025 at 7:00 PM

**Town Hall Council Chambers
320 Ocean House Road**

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, live stream 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.

Remote Access Instructions: 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.

Join Zoom Meeting

<https://zoom.us/j/97933811740>

ID: 979 3381 1740

[Joining Instructions](#)

+1 646-931-3860

A. Convening of the Workshop

B. Workshop Items

- 1) School Construction project update and Advisory Committee Discussion - The

School Department will update the Council on the status of the school construction project passed by the voters in June 2025. This discussion will include a description of the newly formed School Building Committee's role in the project. A Councilor will be named to this committee at an upcoming Council meeting.

- 2) Cell Tower Consideration for 7 Littlejohn Road - The Portland Water District (PWD) was approached by a wireless infrastructure company looking to lease land in the Shore Road corridor for installation of a cell tower to improve wireless service to the area. The Town would need to create a cell tower overlay district in the zoning regulations, as well as grant setback easements on Town-owned land abutting the PWD property for a project to move forward. Property owners within 500 feet of the property were notified of the discussion this evening, and the wireless infrastructure company, Tilson, will be available for Council questions.
- 3) Sawyer Road / Sprurwink Marsh Project Discussion - At the September 8, 2025, Council Meeting, several questions were asked regarding the proposed discontinuance of Sawyer Road. Staff will present updates to Council inquiries and discuss next steps. A public hearing and a vote on the discontinuance process is scheduled for the October 15, 2025, Council Meeting.
- 4) Police Department - In-car Camera System replacement with the addition of Body-Worn Cameras - The Police Department will present a proposal to replace the existing outdated in-car camera systems with the addition of body-worn cameras.
- 5) Assessors Presentation - The Town Assessor will discuss the annual cycle of assessing property values and plans moving forward for monitoring the fair market value of properties in Cape Elizabeth.
- 6) Motion to Enter into Executive Session - The Council will enter Executive Session to discuss Union Contracts and the Town Manager's Performance Review.

C. Executive Session

- 1) Union Contracts -
- 2) Town Manager's Annual Performance Review -

D. 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.

Contact: Angela Frawley (angela.frawley@capeelizabeth.gov) (207-799-7665) | Agenda published on 00/00/2025 at 0:00 PM



**Town Council Meeting
Wednesday, October 8, 2025**

AGENDA ITEM SUMMARY

School Construction project update and Advisory Committee Discussion

Council Resource: Penny Jordan

Staff Resource: Patrick Fox, Town Manager

Background:

The School Department will update the Council on the status of the school construction project passed by the voters in June 2025. This discussion will include a description of the newly formed School Building Committee's role in the project. A Councilor will be named to this committee at an upcoming Council meeting.

Exhibit: School Building Committee Charge

Draft Motion:

Cape Elizabeth School Building Committee Charge

Purpose

The Cape Elizabeth School Building Committee is established by the Cape Elizabeth School Board as an advisory body to advise and support the School Board and School Department staff on the design and construction of the new Cape Elizabeth Middle School and the renovations to Pond Cove Elementary School.

The Committee provides the design team with feedback and guidance on all design-related decisions and will make formal recommendations to the School Board regarding financial, contractual, and schedule-related matters. Members should anticipate a multi-year commitment to this work.

Responsibilities

The primary responsibility of the Building Committee is to guide the project to successful completion by building substantial consensus on all key issues. Specific responsibilities include:

- Review proposed design changes and refinements throughout the project.
- Review building products, materials, and systems to be incorporated into the project.
- Consider value engineering options as needed to keep the project within budget.
- Develop alternate solutions, if necessary, to maintain alignment with budgetary constraints.
- Review and approve the work of any subcommittees the Committee may establish.
- Refer to the School Board any issues that:
 - Substantially alter the project's original scope,
 - Constitute a major design change, or
 - Would have a significant impact on the budget, schedule, or bonding process.
- Ensure regular communication and transparency with the School Board and the broader community.

Day-to-day project decisions will be made by the Superintendent, with guidance from the Owner's Project Manager (OPM) and architect. This structure is intended to ensure timely decisions and avoid schedule delays, especially during construction.

The Chair of the Committee will provide regular updates to the School Board at its monthly meetings.

Committee Composition

The Committee shall consist of up to **twelve (12)** members as follows:

- **Two (2)** members from the Cape Elizabeth School Board, one serving as Chair and the other as Vice-Chair.
- **One (1) member from the Cape Elizabeth Town Council**
- **Three (3) to Five (5)** community members with collective expertise in areas such as:
 - Architecture
 - Engineering
 - Construction
 - Building systems
 - Education
 - Accounting
 - Project management
- **Four (4)** school employees, appointed by the Superintendent.
- The **Superintendent** will serve as a **non-voting member** of the Committee.

Governance & Operations

- The Committee shall operate in accordance with the Maine Open Meeting Law and Public Records Law.
- The Committee will operate for the duration of the project and will cease upon conclusion of construction.
- The Committee will meet at least once a month for the duration of the project and can schedule additional meetings as needed.
- **The Committee will invite school and town staff members to participate in the committee meetings as warranted.**
- Official minutes will be recorded for all meetings and deliberations.

- The Committee shall comply with all applicable state laws and regulations governing public construction projects in Maine.
- Staff support will be coordinated through the Superintendent's office.

Interested community members and employees who wish to serve on the Building Committee shall submit a written statement expressing their interest to the School Board. All letters of interest shall be emailed or delivered to afuller@capeelizabethschools.org



AGENDA ITEM SUMMARY

Cell Tower Consideration for 7 Littlejohn Road

Council Resource: Penny Jordan

Staff Resource: Patrick Fox, Town Manager

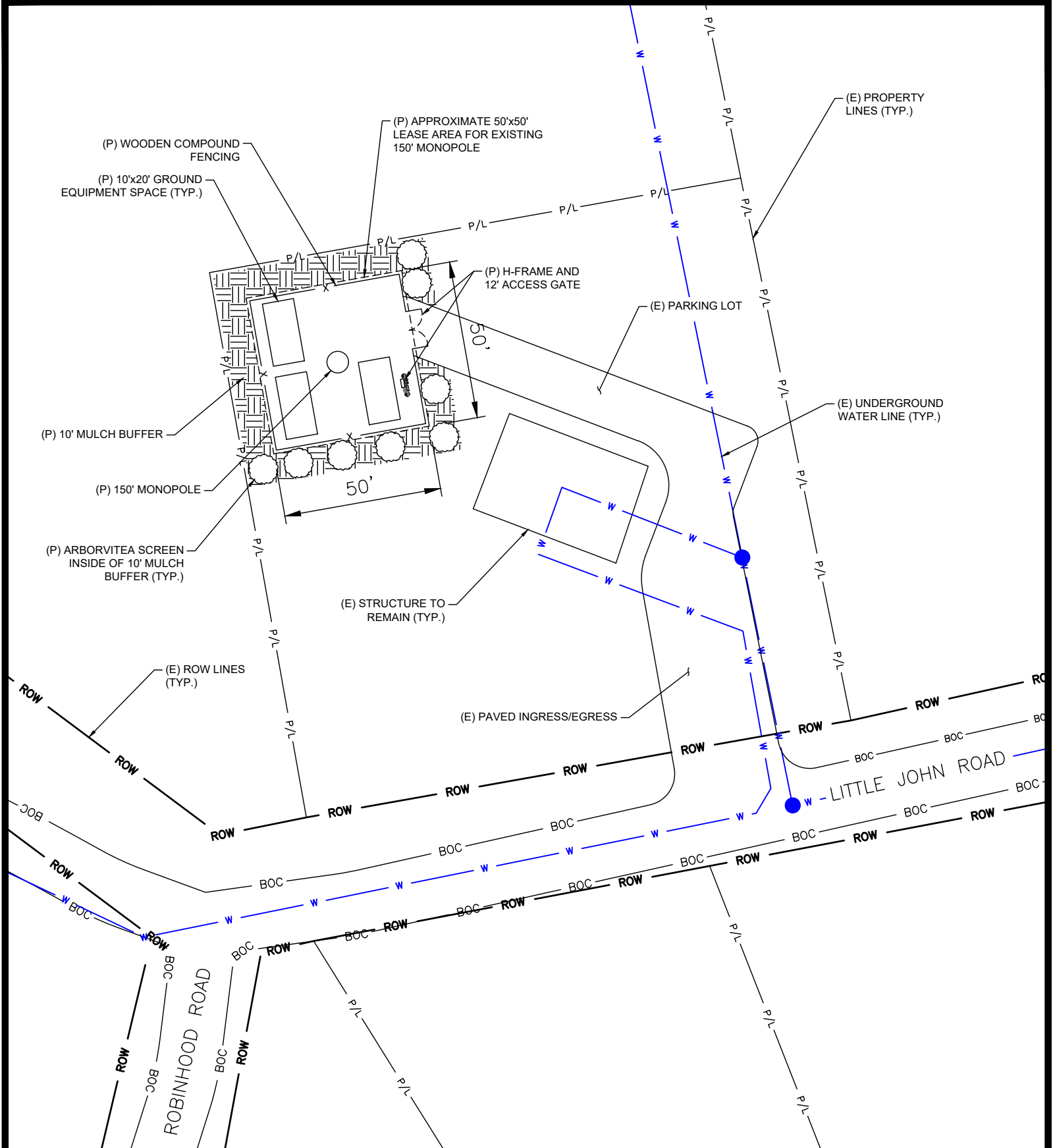
Background:

The Portland Water District (PWD) was approached by a wireless infrastructure company looking to lease land in the Shore Road corridor for installation of a cell tower to improve wireless service to the area. The Town would need to create a cell tower overlay district in the zoning regulations, as well as grant setback easements on Town-owned land abutting the PWD property for a project to move forward. Property owners within 500 feet of the property were notified of the discussion this evening, and the wireless infrastructure company, Tilson, will be available for Council questions.

Exhibit:

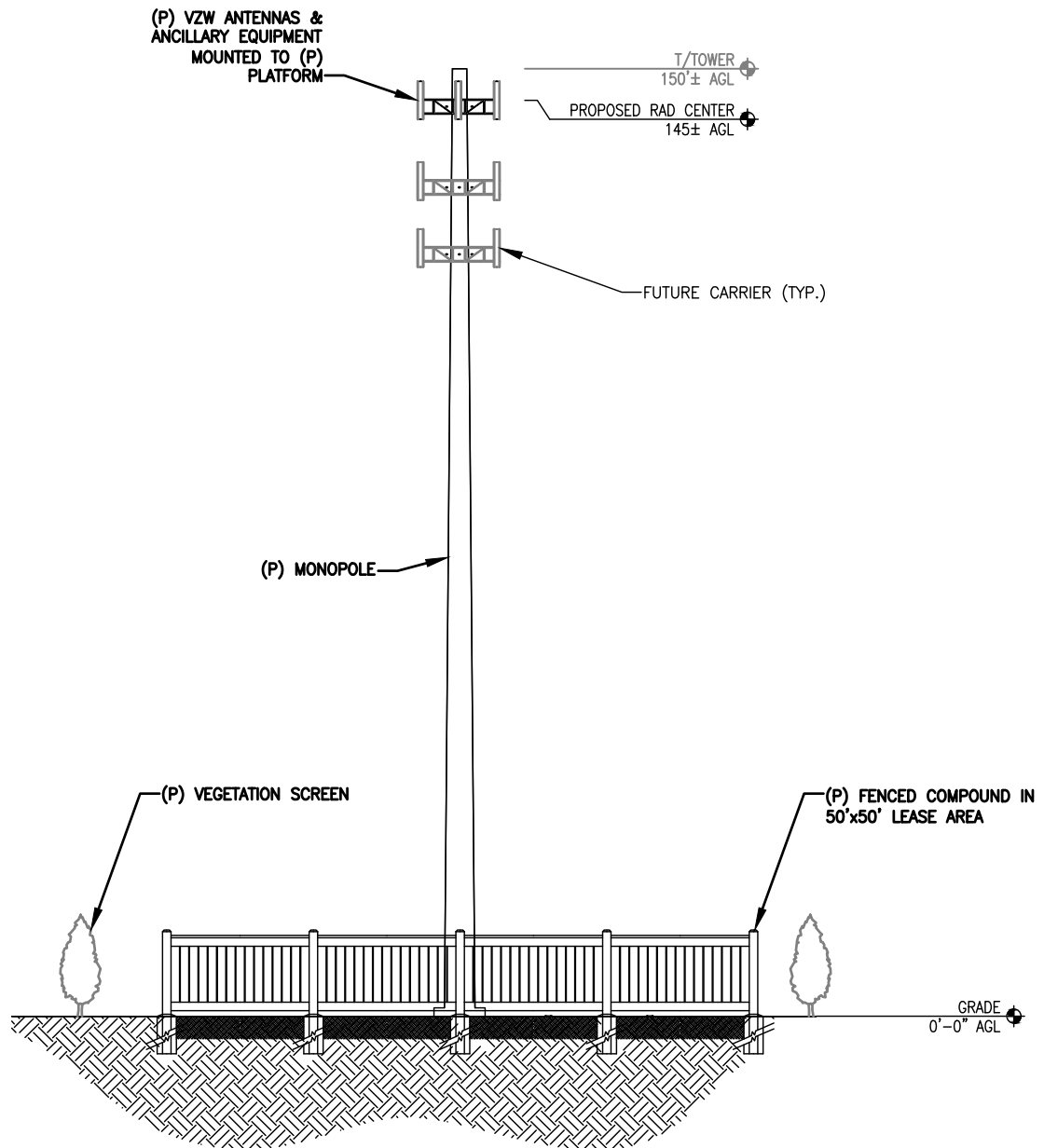
- Portland Water District Parcel Location
- Cell Tower Concept Plan

Draft Motion:



SITE PLAN

TILSON INFRASTRUCTURE	TILSON On a Mission 16 Middle Street, 4th Floor, Portland, ME 04101 T: (207) 591-6427 info@tilsontech.com tilsontech.com	CUSTOMER PROJECT INFORMATION CAPE ELIZABETH LE 7 LITTLE JOHN ROAD CAPE ELIZABETH, ME 04107 CUMBERLAND COUNTY MONOPOLE	DRAWN BY:	APPROVED BY:
			MWM	RWB
			DATE:	04/24/25
			SHEET	REV
SP-1			A	
			Page 9 of 30	



TOWER ELEVATION

TILSON
INFRASTRUCTURE

TILSON
On a Mission
16 Middle Street, 4th Floor,
Portland, ME 04101
T: (207) 591-6427
info@tilsontech.com
tilsontech.com

CUSTOMER
PROJECT INFORMATION
CAPE ELIZABETH LE
7 LITTLE JOHN ROAD
CAPE ELIZABETH, ME 04107
CUMBERLAND COUNTY
MONOPOLE

DRAWN BY:	APPROVED BY:
MWM	RWB
DATE:	04/24/25
SHEET	REV

SP-2

A





**Town Council Meeting
Wednesday, October 8, 2025**

AGENDA ITEM SUMMARY

Sawyer Road / Sprurwink Marsh Project Discussion

Council Resource: Penny Jordan

Staff Resource: Maureen O'Meara, Town Planner

Background:

At the September 8, 2025, Council Meeting, several questions were asked regarding the proposed discontinuance of Sawyer Road. Staff will present updates to Council inquiries and discuss next steps. A public hearing and a vote on the discontinuance process is scheduled for the October 15, 2025, Council Meeting.

Exhibit: Memo from Town Attorney
Questions and Answers
Minutes from Previous Council Meetings

Draft Motion:

Spurwink Marsh Restoration: Sawyer St/Rd Removal
Public Questions – *and answers*
9-30-2025

The Town has received questions regarding the Spurwink Marsh Restoration: Sawyer St/Rd Removal project. The following provides information by subject area.

1. Was Sawyer Street designed to flood?

Unlikely. No documentation has been provided to show Sawyer Street was intentionally designed to flood. Sawyer Street was not “designed” in the modern sense. Many historic roads are opportunistically constructed with the materials on hand to meet a current need. These roads often lack a proper gravel base, drainage, minimum pavement depths, etc that modern roads have in order to make them more durable over time.

The following email response was provided by MDOT:

From: Coughlan, Peter <Peter.Coughlan@maine.gov>
Date: Wed, Sep 24, 2025 at 2:58 PM
Subject: RE: Sawyer St
To: Angela Blanchette <ablanchette@scarboroughmaine.org>, Pulver, William <William.Pulver@maine.gov>, Taylor, Ron <Ron.Taylor@maine.gov>, Skelley, John <John.Skelley@maine.gov>

Yes DOT did replace the old structure with this pipe around 1964. At the time, it was a state aid road. Plans show the grade across the causeway was raised by several feet and increased going towards Cape side. That's not saying it was “designed to flood”.....or not flood. The note does mention an “extreme high tide over road of elevation 51.0”, so the final grades appear to be designed to be above that.

I would go back to what Ron said yesterday: “ *I was confirming that his understanding of the elevations on the plans appears to be correct – not that that Sawyer Road/Street was specifically designed by MDOT to flood.*”

Pete

2. Can the Sawyer St/Rd culvert be replaced with the same sized culvert currently in place? What is the cost of replacement?

Unlikely. In response to an inquiry from Ed McColl, Ron Taylor, MDOT replied on September 4th

I talked with Anne Pare about this because I am not a lawyer and she informs me that this is determined by permitting requirements of other agencies and/or the terms of programmatic agreements that MaineDOT has with some agencies.

Given the tidal restriction of the current culvert, its location in a Focus Area of Statewide Ecological Significance, the State of Maine's Climate Resilience policies and minimum stream crossing requirements, it is unlikely that replacing the current culvert with the same sized structure could obtain necessary permitting (such as from the US Army Corps of Engineers). Current tidal stream crossing rules require a culvert to be at least 1.2 bank full width of the stream channel and consideration of "Coastwise Approach" guidelines for increased cross-sectional opening sizes for a climate resilient design. Most likely, the culvert would need an open bottom to simulate a natural channel and be sized large enough to accommodate tidal flows without restriction.

In 2019, the Towns received funding for an engineering study to design and develop cost estimates to replace the culvert in a manner that did not restrict tidal flows. That study estimated the culvert project would cost in the range of \$2 million to \$5.5 million. The study did not consider road removal as an option at that time.

3. Would an overlook at the end of the discontinued portion of Sawyer Road be allowed by the Maine Natural Resource Conservation Program (MNRCP)?

Yes. In response to an inquiry by the Town of Cape Elizabeth, MNRCP Executive Director Bryan Emerson responded on September 23rd:

Thanks for the heads up. I don't see any reason why MNRCP would object to the concept of a proposed overlook. We would recommend maximizing the distance from the wetland edge as much as possible, and making sure the buffer is well vegetated with native plants, but it looks like these current designs are already taking those things into account. MNRCP has funded projects with public viewpoints in the past and as long as MNRCP funds are not used directly for these parts of the project, there shouldn't be any issues.

When you submit your final work plan that includes the full designs, I would just ask that you include the proposed overlook design with the restoration plans.

Turnarounds will be built at each dead end. The exact location of each turnaround is part of the design work included in the grant. In concept, the turnaround will be located beyond the last driveway to preserve full road access for abutting properties. The turnaround will be designed to accommodate municipal plow trucks, to minimize the length of road to be paved, and to create a vegetated buffer between the end of the road and the edge of the marsh.

4. Who owns the Sawyer St/ Rd culvert?

The Towns of Cape Elizabeth and Scarborough. The culvert is located in the Spurwink River, which is also the municipal boundary for the Towns of Cape Elizabeth and Scarborough.

 §563

Title 23: TRANSPORTATION
Part 1: STATE HIGHWAY LAW
Chapter 9: BRIDGES
Subchapter 4-A: LOCAL BRIDGES

§565

§564. Minor spans

The department has maintenance responsibility and capital responsibility for all minor spans on state aid highways, unless provided otherwise pursuant to [section 566, subsection 5](#). [PL 2001, c. 314, §2 (NEW); PL 2001, c. 314, §4 (AFF) .]

A municipality has maintenance responsibility and capital responsibility for all minor spans on town ways except as provided otherwise pursuant to [section 566, subsection 5](#). For a minor span located on a town line, the municipalities shall equally share capital responsibility unless the municipalities agree otherwise. [PL 2001, c. 314, §2 (NEW); PL 2001, c. 314, §4 (AFF) .]

Upon request by a municipality, the department shall provide limited technical advice regarding repair and capital improvement options without assuming any cost of or liability to the municipality. [PL 2001, c. 314, §2 (NEW); PL 2001, c. 314, §4 (AFF) .]

5. How does the Road Discontinuance process fit into the project?

The need to engage in a formal road discontinuance has always been part of the project grant. Specifically, the grant includes funding for the right-of-way survey that will be incorporated into the “Order of Discontinuance.” Councilors specifically noted and discussed the legal requirements for a road discontinuance process in 2022. Multiple public notifications and meetings have been held for the “Sawyer St/Rd Removal” and compliance with the State statute for road discontinuance is a legal requirement for the multi-component project.

The Town Attorney has provided the towns with advice on the process to proceed with discontinuance in accordance with state statute, dated August 28, 2025. The attorney has prepared the legal notification to abutters to the road in accordance with state statute, and is in the process of preparing the draft “Order

of Discontinuance.” Required legal notice will also be provided in accordance with state law in advance of the public hearing. Additional legal advice from the Town Attorney will be available at the October 8th meeting.

6. What impact will road removal have on properties that flood adjacent to the marsh?

When a storm or high water event results in flooding on adjacent properties, the same event also floods Sawyer St/Rd. Because the road is so low to the marsh, removal will have little change to existing flooding conditions. Marsh migration mapping is currently available. Marsh migration is expected to continue with or without Sawyer St/ Rd.

7. Why can't we do marsh restoration without removing Sawyer St/Rd?

Marsh restoration work relies on reestablishing full tidal flow to the marsh. The Sawyer St/Rd culvert is a tidal constraint, holding tidal waters on the marsh surface longer than would occur with full tidal flow. Overlong inundation is killing marsh vegetation, which then spirals into the decomposition of the plant root base, sinking of the marsh surface, and creation and expansion of megapools. Marsh restoration also relies on mitigating historic agricultural practices intended to drain the marsh surface.

MNRCP project funding is dependent on restoring full tidal flow, removing the road and road base, and work to mitigate historic agricultural practices. Without the grant, there is no funding available for Spurwink Marsh restoration at the local, state or federal level. The grant funding also includes monitoring of the marsh after restoration is complete, so baseline monitoring of existing conditions has been done and also funded in part by the grant, and in part by our project environmental partners.

8. What are the traffic impacts of closing Sawyer St/Rd?

Sawyer St/ Rd state traffic counts are about 1,100 trips a day. If the road is not available, the longest of trip detours are expected to take an additional 3 minutes. With regard to safety, there are no roads in Cape Elizabeth currently listed by the State of Maine as high crash locations. More traffic distribution information will be available for the October 8th Cape Elizabeth Town Council workshop.

9. What is the budget for the project?

The project budget, which includes environmental and engineering design, marsh restoration, road removal, turnaround construction and monitoring is

\$1.9 million dollars. Cape Elizabeth and Scarborough have each committed \$185,000 in cash match, which will be used to build the turnarounds at each dead end. The budget includes a 20% total project contingency, and an additional 10% contingency for the road removal.

Category	Total Cost
Environmental	\$425,000
Permitting	\$40,000
Road Removal and Turnaround	\$850,000
5-year Monitoring	\$280,000
Contingency	\$359,000
TOTAL BUDGET	\$1,954,000

Both towns have signed a Memorandum of Understanding to “agree to work together cooperatively as part of a project team.” Both towns have agreed in concept to amend the MOU to add a provision to proportionally share road any cost overruns that could occur during the road removal project.

10. Does the grant cover permitting costs?

Yes, the grant requires that the towns obtain necessary permitting and the costs to prepare and apply for permits has been funded by the grant. Permitting costs were estimated in the grant based on the costs for obtaining similar permits. There has also been a pre-permitting application meeting with the Department of Environmental Protection and the Army Corps of Engineers, to facilitate an efficient permit application.

The grant also funds design costs, and borings to determine the road base materials.

11. Can we convert Sawyer St/Rd to a walking path?

There is no funding to retain Sawyer St/Rd and retain it for bike and pedestrian use. The terms of the MNRCP grant require that the road be removed from the marsh. The outlook for future grant funding to construct a bicycle and pedestrian facility at this time is not optimistic. The Town of Scarborough has also indicated that it does not want to maintain infrastructure in the marsh given its other infrastructure needs.

It should be noted that there currently is a walkway across the marsh located one mile upstream of Sawyer Road, between Spurwink Ave and the School campus.

Summary of Town Council meetings



Cape Elizabeth Town Council
Minutes Monday, May 9, 2022
7:00 p.m.
Town Hall Council Chambers

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

Chairman Gabrielson convened the meeting at 7:00 p.m.

Roll Call by the Town Clerk

All members of the town council were present.

**Item #91-2022 Consideration of the Submission of a Grant Proposal Relating to the
Assessment/Preliminary Design of the Removal of a Portion of Sawyer
Road and Replacement of the Spurwink Avenue Culvert**

Moved by Nicole Boucher and Seconded by Susan A. Gillis

ORDERED, the Cape Elizabeth Town Council authorizes the submission of a grant proposal to the National Coast Resilience Fund for the assessment/preliminary design of Sawyer Street removal and replacement of the Spurwink Avenue culvert should the Town be invited to submit a full proposal following a pre-proposal. The proposed budget is \$250,000 with a \$15,000 cash match from the Town of Cape Elizabeth with the Town of Scarborough also committing a \$15,000 cash match for a total of \$30,000.

(6 yes) (0 no) (1 abstention Councilor Penelope Jordan stating too close to the issue)



Cape Elizabeth Town Council
Minutes Monday, February 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.

Item #40-2023 Consideration of Funding for a Sawyer/Spurwink March NFWF Grant Application

Town Manager Sturgis provided an update, and discussed that changes to the grant could be made to receive a better chance at grant funding.

Councilor P. Jordan expressed concerns about traffic pattern flow, and that she would like to have more information about the study.

Moved by Councilor Boucher and Seconded by Councilor Noonan

ORDERED, the Cape Elizabeth Town Council authorizes the expenditure of \$35,000, from unassigned fund balance, as a cash match for an application to the National Fish and Wildlife Foundation/National Coastal Resilience Fund for a grant to restore habitat as part of removal of the portion of Sawyer Road/Street located in the Spurwink Marsh. Said cash match is also recommended from the Town of Scarborough.

(7 yes) (0 no)



Cape Elizabeth Town Council

Minutes Monday, June 12, 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 Pro-Tem

All members of the Town Council were present except for Councilor Gretchen Noonan.

Item #86-2023 Consideration of Grant Match Funding Relating to Sawyer Road

Introduction – Maureen O’Meara, Town Planner

Moved by Timothy S. Reiniger and Seconded by Nicole Boucher

ORDERED, the Cape Elizabeth Town Council authorizes grant match funding for the Maine Natural Resource Conservation Program (MNRCP) of an amount up to \$250,000 for the continued joint effort with the Town of Scarborough to restore tidal flows on the Spurwink March through the removal of the portion of Sawyer Road/Street that sits in the marsh. Funding for the grant match would be included in the FY 2025 municipal budget. It is further ordered that staff is authorized to submit additional grant applications which may be available for this project, with sum totals remaining within the authorized level of \$250,000.

(6 yes) (0 no)



Cape Elizabeth Town Council

Minutes Monday, December 11, 2023

7:00 p.m.

Town Hall Council Chambers

Timothy S. Reiniger, Chair
Stephanie P. Anderson
Jeremy A. Gabrielson
Susan A. Gillis
Caitlin Jordan Harriman
Penelope A. Jordan
Timothy L. Thompson

The meeting was convened at 7:00 p.m. by the 2023 Chair Jeremy A. Gabrielson.

Deputy Town Clerk Angela Frawley administered the Oath of Office for the Town Council and School Board members elected on November 7, 2023

Town Council

Stephanie P. Anderson
Timothy L. Thompson

School Board

Jennifer L. McVeigh
Cynthia R. Voltz

Roll Call by the Town Clerk

All members of the Town Council were present.

Moved by Jeremy A. Gabrielson and Seconded by Susan A. Gillis

ORDERED, the Cape Elizabeth Town Council approves the consent calendar Item #3 - #5, #7 - #16, #18 - #19, #21 - #22, #25 - #26 as presented.

(7 yes) (0 no)

Item #22-2024 Request to Accept a Grant Award for the Sawyer Road/Street Culvert

ORDERED, the Cape Elizabeth Town Council accepts the Maine Natural Resource Conservation Program (MNRCP) grant in the amount of \$1,590,000 awarded to the Towns of Cape Elizabeth and Scarborough to remove the portion of Sawyer Road/Street located in the Spurwink Marsh. On June 12, 2023 the Cape Elizabeth Town Council authorized up to \$250,000 in cash match contingent upon a matching contribution from the Town of Scarborough.



Cape Elizabeth Town Council

Minutes Monday, April 8, 2024

7:00 p.m.

Town Hall Council Chambers

Timothy S. Reiniger, Chair
Stephanie P. Anderson
Jeremy A. Gabrielson
Susan A. Gillis
Caitlin Jordan Harriman
Penelope A. Jordan
Timothy L. Thompson

Chair Timothy S. Reiniger convened the meeting at 7:00 p.m.

Roll Call by the Town Clerk

All members of the Town Council were present.

Moved by Caitlin J. Harriman and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council approves Item #64-2024 – Item #69-2024 as presented.

(6 yes) (0 no)

**Item #65-2024 Consider Authorizing the Signing of an MOU with the Town of
Scarborough – MNRCP Sawyer Road Grant**

ORDERED, the Cape Elizabeth Town Council approves the Memorandum of Understanding with the Town of Scarborough for the MNRCP Sawyer Road project.

Memorandum

To: Maureen O'Meara

From: Mary Costigan

Date: September 30, 2025

Re: Discontinuance of Sawyer Road

You have asked about the legal obligations of the Town as it relates to contracts and agreements that the Town has entered into regarding the Spurwink Marsh Restoration Project (the "Project"), a key component of which is the removal of a portion of Sawyer Road. In 2022 and 2023, there were several Council meetings and authorizations leading to the submission of a grant application to the Maine Natural Resources Conservation Program ("MNRCP"). The Town was awarded the grant and the Council authorized acceptance of the grant in December of 2023, resulting in the Town signing an MNRCP Project Agreement (the "Agreement") in 2025. There are several parties to the Agreement: the regulatory entities are the Maine Department of Environmental Protection (DEP) and U.S. Army Corps of Engineers; the fund administrator is the Nature Conservancy; the Town of Cape Elizabeth is listed as the cooperating entity, as well as a landowner; and other landowners include the Town of Scarborough and the U.S. Fish and Wildlife Service (USFWS).

The Agreement, which awarded \$1,590,000 for the Project, contemplates the future removal of a portion of Sawyer Road, as well as the future removal of a portion of Sawyer Street in Scarborough. The distribution of funds will occur in stages, with more than half of the funds not becoming available until after removal of the road.

In addition to and in support of the Agreement, the Town also entered into a Memorandum of Understanding (the "MOU") with the Town of Scarborough, in which both towns agree to work cooperatively on the Project and to provide the required \$185,000 each in matching funds. The MOU acknowledges the desire of both towns to remove a portion of Sawyer Road/Street. The Council authorized the MOU in April of 2024.

To date \$90,000 in grant funding has been awarded. In furtherance of the Project, the Town has entered into contracts with Sebago Technics and Flycatcher for work related to the marsh restoration.

Both the Agreement and the MOU contemplate future removal of a portion of Sawyer Road. It is understood that removal of a public road would require the Town to comply with the statutory process for discontinuance of the road. Although all abutting landowners have been aware for some time of the removal and thus discontinuance of the road, the Town began the formal statutory process recently by mailing official notice of the Town's intention to discontinue a portion of Sawyer Road to the abutters. The next step in the process is a vote by the Council on an order of discontinuance.

I have been asked what exposure the Town has if the Council votes not to discontinue Sawyer Road and therefore not to continue with the Project. As noted above, the Town has been awarded \$90,000 in grant funds pursuant to the Agreement thus far and has entered into contracts with two entities for the Project. The Agreement contains the following enforcement provision:

In the event that the Cooperating Entity does not meet one or more of its obligations under this Agreement or in the event of dissolution of the Cooperating Entity, the DEP may exercise, in its sole discretion, any of the following remedies following written notice and thirty (30) days opportunity for the Cooperating Entity to cure the default: (a) the right to require specific performance on the part of the Cooperating Entity; and (b) any other rights or remedies available at law or in equity. In the event that the DEP exercises any of the rights available to it upon default of the Cooperating Entity, the Cooperating Entity shall reimburse the DEP for its costs of enforcement and collection, including reasonable attorney fees. These rights of enforcement do not preclude nor limit Landowners from pursuing additional enforcement options available under the law.

It has been suggested that the Agreement could be unenforceable. I respectfully disagree with that conclusion. The Agreement contemplates the future removal of the road and the road discontinuance process is entirely within the control of the Town Council. Said process begins with an initial decision by the Council to remove the road, which was made when the Council authorized the Project. The statutory process of discontinuance that follows is the method of formalizing the decision to remove the road and ensuring that any abutters negatively impacted by the decision are compensated. In this case, because no landowners are losing access to the public road, no compensation is contemplated. The discontinuance process could not have been performed ahead of the Agreement because that could have left the Town with a discontinued road and no funding for the Project. It was necessary that the Project be awarded prior to the formal discontinuance.



**Town Council Meeting
Wednesday, October 8, 2025**

AGENDA ITEM SUMMARY

Police Department - In-car Camera System replacement with the addition of Body-Worn Cameras

Council Resource: Penny Jordan

Staff Resource: Chief Paul Fenton

Background:

The Police Department will present a proposal to replace the existing outdated in-car camera systems with the addition of body-worn cameras.

Exhibit: Memo from Police Department

Draft Motion:

MEMORANDUM

To: Cape Elizabeth Town Council

From: Detective Ben Davis

Date: September 17, 2025

Subject: Implementing Axon Body Cameras and In-Car Camera Systems

The Cape Elizabeth Police Department is seeking to equip our department with Axon body-worn cameras (BWCs) and in-car camera systems. The use of body-worn and in-car cameras has become a national best practice, embraced by numerous departments across the country. These technologies are considered critical tools in modern law enforcement, offering significant benefits for both officers and the community we serve. As policing evolves, incorporating such tools is no longer optional, it is essential to uphold public trust, officer safety, and transparency.

A survey conducted in 2024 by the Maine Statistical Center at the University of Southern Maine found that 70% of law enforcement agencies in Maine are currently using BWC's. At that time, another 21% of Maine law enforcement agencies were considering the implementation of BWC's. Simply put, BWC's are becoming the industry standard, not the exception. I have attached a table outlining the current body camera usage by each department in Cumberland County.

We have engaged in meetings with representatives from Axon regarding our needs here in Cape Elizabeth. Axon is widely recognized as a leading provider of these systems, offering advanced, secure, and integrated technology solutions that can seamlessly support our department's mission. Our department is currently partnered with Axon for their Taser and evidence.com (cloud storage) products.

Based on our conversations with Axon, we believe the following products are essential to effective and transparent policing in Cape Elizabeth:

(17) Body Worn Cameras

(4) Fleet 3 In Car Cruiser Cameras

Axon Evidence (Unlimited, CJIS Compliant Cloud Storage)

Axon Technology Assurance Plan

Axon Signal

Axon Fuses

Axon Auto Transcribe

Axon Community Request

(16) Axon Evidence Pro Licenses (Required for each officer)

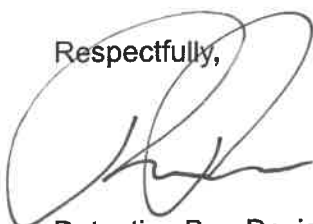
Throughout the process of researching current BWC trends, I have been in close contact with IT Coordinator Jason Lund. Jason fully supports the idea of incorporating BWC's into our department and moving on from our current Watchguard in car cameras.

Axon offers flexible financing options to help smaller police departments adopt body-worn camera programs without facing large upfront costs. Through Axon's five year payment plan, departments can spread the cost of body cameras, software, storage, and support over a multi-year contract. Axon gives the flexibility to the department to decide how they want to spread the cost out over those five years. The table below outlines the cost for the upcoming five years:

March 2026	\$2,273.78
Fiscal Year 27'	\$71,623.55
Fiscal Year 28'	\$51,159.68
Fiscal Year 29'	\$51,159.68
Fiscal Year 30'	\$51,159.68
<i>TOTAL COST</i>	<i>\$227,376.37</i>

Incorporating Axon's BWCs into our police department represents a significant step forward in enhancing transparency, accountability, and officer safety. By moving forward with this program, we are investing in tools that strengthen our connection with the community while modernizing the way we document and manage critical incidents.

Respectfully,



Detective Ben Davis

CURRENT BODY CAMERA USAGE IN CUMBERLAND COUNTY

DEPARTMENT	COMPANY	YEAR IMPLEMENTED
PORTLAND	AXON	2024
SOUTH PORTLAND	MOTOROLA	2017
FALMOUTH	AXON	2025
CUMBERLAND	AXON	2022
YARMOUTH	AXON	2025
SCARBOROUGH	AXON	2025
WESTBROOK	MOTOROLA	2022
BRUNSWICK	NONE	N/A
GORHAM	NONE	N/A
CUMBERLAND COUNTY SO	AXON	2023
FREEPORT	MOTOROLA	2025
WINDHAM	MOTOROLA	2022



**Town Council Meeting
Wednesday, October 8, 2025**

AGENDA ITEM SUMMARY

Assessors Presentation

Council Resource: Penny Jordan
Staff Resource: Nick Desjardins
Town Assessor

Background:

The Town Assessor will discuss the annual cycle of assessing property values and plans moving forward for monitoring the fair market value of properties in Cape Elizabeth.

Exhibit:

Draft Motion:



Town Council Meeting
Wednesday, October 8, 2025

AGENDA ITEM SUMMARY

Motion to Enter into Executive Session

Council Resource: Penny Jordan

Staff Resource: Patrick Fox, Town Manager

Background:

The Council will enter Executive Session to discuss Union Contracts and the Town Manager's Performance Review.

Exhibit:

Draft Motion: ORDERED, the Cape Elizabeth Town Council enters into executive session pursuant to 1 M.R.S. § 405 6. A & D. to discuss the Town Manager's Annual Performance Review and Union Contracts.