



## Cape Elizabeth Town Council Special Meeting

**Agenda Monday, July 20, 2020**

**Following a Workshop at 7:00 p.m.**

**Zoom Online Meeting**

Valerie A. Adams, Chairman  
Valerie J. Deveraux  
Jeremy A. Gabrielson  
James M. "Jamie" Garvin  
Caitlin R. Jordan  
Penelope A. Jordan  
Christopher M. Straw

Please click the link below to join the webinar:

<https://zoom.us/j/92081700608>

Or iPhone one-tap :

US: +13126266799,,92081700608# or +16468769923,,92081700608#

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 646 876 9923 or +1 301 715 8592 or +1 253 215 8782 or  
+1 346 248 7799 or +1 408 638 0968 or +1 669 900 6833

Webinar ID: 920 8170 0608

International numbers available: <https://zoom.us/u/acjhkrFGu>

### **COVID-19 Update**

In response to the recent outbreak of Coronavirus Disease 2019 (COVID-19) the Governor signed [LD 2167, An Act To Implement Provisions Necessary to the Health, Welfare and Safety of the Citizens of Maine in Response to the COVID-19 Public Health Emergency](#), which is now PL 2019, c. 617.

Part G enacts Title 1, section 403-A, Public proceedings through remote access during declaration of state of emergency due to COVID-19. It authorizes conducting public proceedings through telephonic, video, electronic or other similar means of remote participation with specific conditions. The section is repealed 30 days after the termination of the state of emergency

### **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.

### **Convening of the Meeting**

### **The Pledge of Allegiance to the Flag**

### **Roll Call by the Town Clerk**

**Citizen Opportunity for Discussion of Items Not on the Agenda (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)** Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

### **Item #102-2020      Recommendation from the Energy Committee Relating to a Landfill Solar Project**

**Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)** Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

[Link](#) – Energy Committee Draft Minutes July 16, 2020

[Link](#) – Energy Committee Meeting Materials July 16, 2020

The town council and energy committee met in workshop session on June 1, 2020 to review the RFP for a Landfill Solar Project. It was agreed the committee would continue to review the shortlist based on workshop discussion and bring back a recommendation to the town council on a preferred vendor. The council will vote on whether to enter into negotiations and formalize an agreement.

The energy committee met on July 16 and voted (6 – 0) to recommend the town pursue a contract with Encore at a 20-year fixed rate with an escalator PPA.

### **Draft Motion:**

ORDERED, the Cape Elizabeth Town Council authorizes the Town Manager to enter into negotiations with Encore Renewable Energy for the installation of a solar power installation at the Cape Elizabeth Recycling Center former landfill site a recommended by the energy committee.

**Item #103-2020      Short-Term Rental Ordinance**

**Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)** Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

[Link](#) - Short-Term Rental Ordinance Amendments

On May 11, 2020 the town council referred to workshop proposed revisions to the zoning ordinance relating to short-term rentals as recommended by the ordinance committee. Subsequent workshops and meetings were held on June 1, June 18 and July 13.

The town council will meet in workshop session immediately prior to the special meeting. It is anticipated the council will forward recommendations to the planning board for review.

**Draft Motion:**

Moved by and Seconded by

ORDERED, the Cape Elizabeth Town Council forwards proposed amendments to the zoning ordinance relating to short-term rentals to the planning board for review with a report back to the town council.

**Item #104-2020      Appointments Committee Recommendation Relating to a Diversity and Inclusion Committee**

**Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)** Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

[Link](#) – Appointments Committee Recommendation

Reference to Chapter 4 Boards and Committees

**SEC. 4-1-8. Ad Hoc Committees.** Committees formed by the Town Council to complete defined tasks and then be disbanded are ad hoc committees. The Town Council may create an ad hoc committee as needed. When creating an ad hoc committee, the Town Council shall adopt a committee charge that includes the name, composition, and purpose of the committee, tasks to be completed, a deadline for completion of committee work (which may be extended by the Town Council), and direction to the Town Manager to assign staff support as needed. Ad hoc committees shall perform their duties in compliance with Sec. 4-1-5, Operation of Boards and 3 Committees.

On June 22, 2020 the town council referred to the appointments committee the task of drafting a charge and composition of a diversity and inclusion committee for town council review and action.

The appointments committee met on June 29 and drafted a recommendation for town council review to create an ad-hoc committee IDEAA (Inclusion, Diversity, Equity, Anti-racism and Awareness Committee) reporting back to the town council within 12 months. The town council discussed the recommendation at the July 13 meeting.

The town council will meet in workshop session immediately prior to the special meeting. The council will consider creating an ad-hoc committee.

**Draft Motion:**

Moved by and Seconded by

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the appointments committee to create an ad hoc committee IDEAA (Inclusion, Diversity, Equity, Anti-racism and Awareness Committee) reporting back to the town council within 12 months.

**Item #105-2020 Confirmation of the Appointment of a Public Works Director**

**Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)** Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

In 1978 Robert Malley started plowing snow part-time for the town before being hired full time as an equipment operator in September 1979. In 1986 town manager Michael McGovern took a chance on a relatively “new” addition to the crew in a leadership role promoting Bob to Director. Bob took the oath of office on March 21, 1986 by the late, long-time town clerk Natalie B. Libby.

In a letter to the town manager dated February 16, 2020, Bob announced his retirement after more than 40 years of service.

During the last several weeks an interview team has reviewed applications and conducted interviews with interested applicants.

Town Manager Matthew Sturgis is pleased to announce the hiring of Jay Reynolds of Old Orchard Beach as the new Director of Public Works effective August 10, 2020. Mr. Reynolds brings to the town 25+ years of experience with public works operations.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council confirms the recommendation of Town Manager Matthew Sturgis of the hiring of Jay Reynolds as the Director of Public Works effective August 10, 2020.

**Item #106-2020 Relocation of the War Veteran’s Monument**

**Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)** Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

Site work continues on the Ocean House Common Village Green development located on the lot adjacent to town hall on the north side. The development includes a village green along Ocean House Road for the enjoyment of the public. New trees, plantings and hardscape are being installed.

It is recommended by the Planning Board approval to install a flag pole and relocate the War Veteran’s Monument currently located on the Scott Dyer Road side of Pond Cove Elementary. It is intended the village green will be the new site for the annual Memorial Day activities.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council authorizes the relocation of the War Veteran’s Monument to the newly created Village Green beside the Town Hall.

**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 a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

## **Adjournment**