



## Cape Elizabeth Town Council Agenda

Monday, September 14, 2020

7:00 p.m.

Zoom Online

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/94864605734>

Or iPhone one-tap :

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

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Webinar ID: 948 6460 5734

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### *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 The section is repealed 30 days after the termination of the state of emergency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 by the Chairman at 7:00 p.m.**

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

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

### **Town Council Reports and Correspondence**

### **Finance Committee Report**

### **Dashboard and Financial Reports as of August 31, 2020**

### **[Appropriation Control](#)**

### **[Expense Distribution](#)**

### **[Revenue Control](#)**

### **[Revenue Distribution](#)**

**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.

### **Town Manager's Report**

### **Review of Draft Minutes of the Following Virtual Meetings**

- **[August 10, 2020](#)**

### **Item #118-2020      General Assistance Appendices**

**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](#)** – Recommended Appendices (A-H)

**[Link](#)** – G.A. Ordinance including recommended appendices

It is recommended the town council set to public hearing the General Assistance Ordinance Appendices (A-H) as recommended by the Maine Municipal Association effective October 1, 2020 – September 30, 2021.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council sets to public hearing on Wednesday, October 14, 2020 at 7:00 p.m. via Zoom the General Assistance Ordinance Appendices (A-H) as recommended by the Maine Municipal Association effective October 1, 2020 – September 30, 2021.

**Item #119-2020      Appointments Committee Recommendations to the Ad-Hoc Civil Rights 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](#) – Ad-Hoc Civil Rights Committee Purpose and Charge and Applications

On July 20, 2020 the town council approved the ad-hoc Civil Rights Committee. The committee structure includes seven citizens appointed by the town council, one town councilor (non-voting ex-officio member) and up to two student representatives from CEHS and/or CEMS (non-voting members).

The appointments committee conducted interviews and recommends the following appointments.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council approves the recommendations of the appointments committee to appoint the following seven citizens and a non-voting student representative to the newly-formed ad-hoc Civil Rights Committee.

Keyla Alston-Griffin, 24 Ridge Road  
Dheeraj Khare, 29 Trundy Road  
Kimberly Monaghan, 6 Russet Lane  
Paul Seidman, 21 Oakview Drive  
Jim Sparks, 14 Woodcrest Road  
Melanie Thomas, 6 Starboard Drive  
Rafina Young, 1020 Sawyer Road

Miriam Esch Levanos, Student CEHS

**Item #120-2020      Willow Brook Culvert Grant**

**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](#) – Memo from the Town Planner

Town Planner Maureen O’Meara has provided a memo requesting authorization to submit a grant application to replace the Willow Brook culvert.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council authorizes town staff to submit a grant application for the replacement of the Willow Brook culvert for a total project cost of \$365,000, of which the town will provide a \$75,000 cash match.

**Item #121-2020      Refer to Ordinance Committee Non-Commercial Use of the Boat Launch Near the Entrance to Kettle Cove at the end of Crescent Beach**

**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](#) – Memo from the Town Manager

Town Manager Matthew Sturgis has provided a memo relating to the non-commercial use of the boat launch near the entrance to Kettle Cove at the end of Crescent Beach. Chapter 13 Traffic Regulations, Section 13-3-9 and 13-2-4 prohibits non-commercial parking and activities at that launch.

It is recommended the town council forward this matter to the ordinance committee for review to consider non-commercial watercraft launching as an allowed use.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council refers to the ordinance committee review of Chapter 13 Traffic Regulations, Section 13-3-9 and 13-2-4 to consider amending the ordinance to allow non-commercial watercraft launching at the boat launch near the entrance to Kettle Cove at the end of Crescent Beach as an allowed use.

**Item #122-2020      Refer to Workshop Paper Streets**

**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.

On August 10, 2020 the town council received an update from the town's attorney relating to paper street sections of Surfside Avenue and the recent decision from the Maine Supreme Judicial Court Pilot Point, LLC et al. v. Town of Cape Elizabeth. Several residents have asked about next steps. The town council will consider referring the matter to workshop session on Wednesday, October 7 at 7:00 p.m. via Zoom.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council sets to workshop on Wednesday, October 7, 2020 at 7:00 p.m. via Zoom the paper street sections of Surfside Avenue.

**Item #123-2020      Parking on the Town Farm Parcel**

**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](#) – Memo from the Town Manager

[Link](#) – Town Farm Parking Area Map

Town Manager Matthew Sturgis has provided a memo relating to the small parking area on the Town Farm across from the wastewater treatment facility. Although the parking area has existed for 20+ years, parking is prohibited in the Town Farm District, Chapter 19 Zoning Ordinance, Section 19-6-10.

It is recommended the town council forward this matter to the ordinance committee for review to amend the ordinance to allow the long-standing parking use on the Town Farm across from the wastewater treatment facility.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council refers to the ordinance committee for review Chapter 19 Zoning Ordinance Section 19-6-10 relating to amending the ordinance to allow the long-standing parking use on the Town Farm across from the wastewater treatment facility.

**Item #124-2020      Municipal Election Warrant**

**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.

The municipal election for town council, school board and Portland Water District Trustee will be held on Tuesday, November 3, 2020. It is in order for the town council to approve the warrant. The town clerk is authorized to sign the warrant on behalf of the town council. The town clerk will provide a brief election update.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council approves the municipal election warrant for Tuesday, November 3, 2020 as presented.

**TOWN OF CAPE ELIZABETH**

**MUNICIPAL ELECTION  
WARRANT**

**TUESDAY, NOVEMBER 3, 2020**

**County of Cumberland, ss.**

**To Paul W. Fenton, a constable of Cape Elizabeth. You are hereby directed to notify the voters of Cape Elizabeth of the election described in the warrant.**

Voting for two members of the Town Council to serve a three-year term until December 11, 2023.

Voting for two members of the School Board to serve a three-year term until December 11, 2023.

Voting for one member to serve a five-year term on the Portland Water District Board of Trustees.

Election to be held on Tuesday, November 3, 2020, at the Cape Elizabeth High School Gymnasium.

Polls open at 7:00 a.m. and Close at 8:00 p.m.

**Absentee Ballot Processing:**

Prior to Election Day absentee ballots will be processed at Town Hall in accordance with 21-A M.R.S. §760-B (1) as suspended and modified in the Governor’s Executive Order dated August 26, 2020 to permit such processing up to seven days prior to the election. Questions regarding dates and times should be directed to the Town Clerk.

Absentee ballots will be processed on Election Day, on the hour every hour beginning at 7:00 a.m. until close. The Cape Elizabeth Town Democratic Committee, the Cape Elizabeth Town Republican Committee, and the State Green Independent Party have been notified, in writing, of the absentee ballot process.

The Registrar of Voters is available to accept new registrations and corrections to the voter list. The Registrar can be reached at Town Hall 799-7665. The Registrar is also available on Election Day at the polls 7:00 a.m. – 8:00 p.m. Proof of residency and identity is required.

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Municipal Officers of Cape Elizabeth, Maine  
Dated at Cape Elizabeth this 14<sup>th</sup> day of September 2020.

**Item #125-2020      Discussion – Ralph T. Gould Award**

**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.

The town council will discuss possible recipients for the Ralph T. Gould Award.

**Ralph T. Gould Award  
Recipients**

This award, established in 1986, was named for the late Ralph Gould to recognize his community service and subsequently to recognize those who provide community service in the same spirit as Ralph Gould.

The list below contains the name of the past recipients of the Ralph Gould Award.

|      |                                          |
|------|------------------------------------------|
| 1986 | Ralph T. Gould                           |
| 1987 | George W. "Bill" Orcutt                  |
| 1988 | Judith C. Simonds                        |
| 1989 | E. Irving Chappell                       |
| 1991 | Richard B. O'Donnell                     |
| 1992 | Henry C. Adams                           |
| 1993 | Loretta A. Pond                          |
| 1994 | Alice H. Rand<br>Peter W. Rand, M.D.     |
| 1995 | John J. Civile                           |
| 1996 | Wendy S. Derzawiec<br>Ellen Z. Van Fleet |
| 1998 | William H. Jordan, Sr.                   |
| 1999 | Leland P. Murray, Jr.                    |
| 2000 | Nancy N. Masterton                       |
| 2001 | Gilbert S. Jordan                        |
| 2002 | Evelyn M. Cox<br>James F. Cox            |
| 2003 | Charles F. Wilson                        |
| 2005 | Nancy H. Miles                           |
| 2007 | Carolyn M. Fritz                         |
| 2009 | Michael T. Ott                           |
| 2011 | Anne E. Swift-Kayatta                    |
| 2012 | John D. Mitchell                         |
| 2013 | Michael A. Duddy                         |
| 2014 | David B. Weatherbie                      |
| 2016 | Norman R. Jordan, Jr.                    |
| 2017 | Michael K. McGovern                      |
| 2019 | Timothy L. & Nancy E. 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.** (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**