



Cape Elizabeth Town Council Agenda

Monday, February 10, 2020

7:00 p.m. Council Chambers

Cape Elizabeth Town Hall

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

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 Town Council Chairman Valerie A. Adams

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 1/31/2020

[Appropriation Control](#)

[Expense Distribution](#)

[Revenue Control](#)

[Revenue Distribution](#)

Citizen Opportunity for Discussion of Items Not on the Agenda

Town Manager's Monthly [Report](#)

Review of [Draft](#) Minutes of the meeting held on January 13, 2020.

Item #30-2020 Bird Dog Roadhouse Liquor [License](#)

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)

Cape Hospitality Group, LLC DBA Bird Dog Roadhouse is requesting a renewal liquor license at 517 Ocean House Road.

Draft Motion:

ORDERED, the Cape Elizabeth Town Council approves the malt liquor, wine and spirits liquor license for Cape Hospitality Group, LLC DBA Bird Dog Roadhouse located at 517 Ocean House Road.

Item #31-2020 Town Center [Sidewalk](#) – Segment #1

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)

Stephen Harding, Town Engineer will be present to provide an overview of the project.

The Town will be constructing 3 sections of sidewalks in the town center in 2020 and 2022. Town Center Sidewalk Segment 1 is proposed for construction in 2020. Segment 1 is located on the northern end of the town center, on the east side of Ocean House Road, extending from Cumberland Farms to the Methodist Church. The sidewalks are being designed to match the Town Center standard.

This project is a PACTS Municipal Partnership Initiative (MPI) Agreement between MaineDOT, the Town of Cape Elizabeth and PACTS.

Draft Motion:

ORDERED, the Cape Elizabeth Town Council accepts and appropriates the \$90,000 grant from the Portland Area Comprehensive Transportation System – Municipal Partnership Initiative Agreement for the period August 20, 2019 through 2024 for the Town Center Sidewalk – Segment 1 project with the remaining local share to be included in the Fiscal Year 2021 budget.

Item #32-2020 Fort Williams Group Uses

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)

[Link](#) – Fort Williams Park Committee Draft Minutes January 16, 2020

On January 16, 2020 the Fort Williams Park Committee voted 6-0 on the following group uses at Fort Williams Park for 2020.

**At the direction of the town council, the Fort Williams Park Committee reviewed the group use fee for Beach to Beacon. The fee has been \$25,000 per year however after a lengthy discussion with representation by members of the Beach to Beacon board, the FWPC voted 6-0 to increase the fee to \$27,500. The fee will be revisited in March for years after 2020.

Draft Motion:

ORDERED, the Cape Elizabeth Town Council approves the following 2020 group uses and fees for Fort Williams Park and recommended 6-0 by the Fort Williams Park Committee on January 16, 2020 as presented.

Cape Elizabeth Little League
2020 Season (Opening 3/24/2020)

Walk to Cure Arthritis Walk
Saturday, May 30, 2020

Cape Elizabeth High School Graduation
Sunday, June 7, 2020

Cape Elizabeth Family Fun Day
Saturday, June 13, 2020 (Rain date June 14)

Beach to Beacon 10K Road Race
Tuesday, July 28 – Saturday, August 1, 2020
Group Use Fee - \$27,500**

Item #33-2020 Appointments Committee Recommendations

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)

The town council's appointments committee is recommending the following appointments to various town boards and committees. The vacancies were readvertised as they were not filled during the annual appointments process.

Draft Motion:

ORDERED, the Cape Elizabeth Town Council approves the recommendations of the appointments committee to fill vacancies on town boards and committees. Said terms are effective immediately.

Conservation Committee

Corinne Ketcham, 37 Stone Drive
Unexpired term until December 31, 2020

Christophe-Heijn de Vries, 14 Sweet Fern Road
3-Year term until December 31, 2022

Recycling Committee

Bruce Rayner, 309 Fowler Road
3-Year term until December 31, 2022

Item #34-2020 Review of Wetland Regulations

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)

[Link](#) – Suzanne McGinn’s Correspondence

Recommendation #48 of the Comprehensive Plan-
Review and update the Resource Protection Permit standards to emphasize avoidance and minimization of wetland alterations.

Suzanne McGinn emailed the town council on January 25, 2020 asking the town council to consider stricter local wetland restrictions for development in Cape Elizabeth where vernal pools are present. Ms. McGinn’s request to review stricter wetland regulations is consistent with Recommendation #48 of the 2019 Comprehensive Plan.

The town council will consider whether to refer Recommendation #48 of the 2019 Comprehensive Plan to the ordinance committee for review.

Item #35-2020 [Write-Offs](#) of Uncollectible Real Estate Tax Liens

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)

The finance director is recommending the write-off of uncollectible real estate tax liens from 1981 – 2016 for an amount of \$16,713.15.

Draft Motion:

ORDERED, the Cape Elizabeth Town Council authorizes the Town Treasurer to write-off \$16,713.15 in real estate tax liens representing 22 properties for the period 1981 through 2016 as one property’s liens having been satisfied and discharged but not taken off the books; one property’s tax liens were based on an improper assessment for property outside of the Town and should have been taken off the books; eight tax lots being fractional ownership of a single lot that the Town took possession of and should have been released from the tax records; and 12 properties having been abandoned and which the Town took possession of and should have released the tax liens from the tax records. The map/lots and tax lien amounts are as follows:

U54-017-C-000	\$3,758.57
R04-059-E-000	106.92
R01-002-A-000	70.44
R01-002-D-000	676.26
R01-002-E-000	405.77
R01-002-F-000	676.26
R01-002-G-000	120.44
R01-002-H-000	270.49
R01-002-I-000	270.49
R01-002-J-000	270.49
U19-007-000-000	723.28
U23-002-B-000	457.82
U43-035-000-000	1,948.40

U03-096-000-000	142.62
U20-007-C-000	161.60
U29-029-000-000	2,059.48
U29-029-000-000	712.47
U30-007-000-000	1,244.89
U42-001-027-000	680.26
U29-029-A-000	563.28
R04-009-000-000	1,147.29
U29-040-000-000	245.63
Total	\$16,713.15

Item #36-2020 Hardscape Improvements at Portland Head Light

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)

[Link](#) – Memo from Mitchell & Associates

On October 16, 2019, Item #143-2019, the town council authorized the funding of hardscaping pedestrian improvements at Portland Head Light in an amount not to exceed \$90,000 to be provided by the Portland Head Light Fund. The improvements were sent to bid, and the bids received were greater than the estimated \$90,000. The town manager is recommending \$40,000 be transferred from the unassigned fund balance to the Portland Head Light Fund to pay for the difference in the cost of the project and professional services related to the design, project administration, construction administration, and site inspections.

Draft Motion:

ORDERED, the Cape Elizabeth Town Council authorizes the transfer of \$40,000 from the unassigned fund balance to the Portland Head Light Fund to pay for the difference in cost of the previously authorized \$90,000 on October 16, 2019 and professional services related to the design, project administration, construction administration and site inspections.

Item #37-2020 Fee Schedule

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)

At the town council goal setting workshop on February 3, the council discussed including a review of the fee schedule in the 2020 goals.

Draft Motion:

ORDERED, the Cape Elizabeth Town Council refers the town fee schedule to a future workshop.

Item #38-2020 Annual Evaluation of the Town Manager

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)

The town council will begin the annual evaluation of the town manager.

Draft Motion:

ORDERED, the Cape Elizabeth Town Council enters into executive session pursuant to 1 MRS §405 6 A to begin the annual evaluation of the town manager.

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

Adjournment