



## Cape Elizabeth Town Council Agenda

Monday, June 8, 2020

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/94367511016>

Or iPhone one-tap :

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Or Telephone:

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

US: +1 646 876 9923 or +1 301 715 8592 or +1 312 626 6799 or +1 253 215 8782 or  
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Webinar ID: 943 6751 1016

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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 The section is repealed 30 days after the termination of the state of emergency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**

### **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 May 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-**

- **[May 11, 2020](#)**
- **[May 18, 2020](#) Special Meeting**
- **[May 27, 2020](#) Special Meeting**

### **Public Hearing      Fiscal Year 2021 School Budget**

### **[Link](#) to School Budget**

### **[Link](#) to School Budget Tax Implications**

**[Link](#) to Proforma** – Based on the municipal budget approved May 27, 2020 and the proposed School Board school department budget.

**Comments shall be limited to three minutes per person; however, the time may be extended by majority vote of councilors present.** 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 relevant.

**Item #85-2020      Fiscal Year 2021 School Budget**

On May 27, 2020 the town council voted to hold a public hearing on June 8 relating to the fiscal year 2021 school budget. The council will vote on the school budget June 15 with the validation election on July 14.

**Draft Motion**

Moved by and Seconded by

ORDERED, The Cape Elizabeth Town Council following the public hearing does hereby schedule a vote on the fiscal year 2021 School Department Budget for the Town of Cape Elizabeth, Maine for Monday, June 15, 2020 at 7:00 p.m. via the virtual Zoom platform. The School Board's recommended budget is proposed expenditures of \$28,490,012 and estimates revenues of \$2,218,949; 3.79% change from FY 2020.

**Item #86-2020      Town Emergency Order Expiring June 30, 2020 at 6:00 p.m.**

[Link](#) to Emergency Order

**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 March 25, 2020 the town council passed an emergency ordinance relating to a prohibition on businesses during the public health emergency. Subsequently the emergency ordinance was amended on April 1, April 28 and May 27. The emergency order expires June 30, 2020 at 6:00 p.m.

Based on resident feedback, Councilor Garvin has requested town council discussion on the requirement for dogs within Fort Williams Park to be restrained by leash at all times.

**Item #87-2020      Ordinance Committee Recommendation – Non-Conforming Lots**

[Link](#) to Ordinance Committee Memo – Nonconforming lots/setbacks amendments

**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 Comprehensive Plan was adopted on July 8, 2019. A workshop was held on September 24, 2019 relating to implementation steps for the recommendations as outlined in the comprehensive plan. It was a consensus of the town council to begin assigning tasks so that committees and staff could begin working on and scheduling recommendations into the work load understanding some tasks will take more time than others.

The town council referred to the ordinance committee recommendations #30 and #82. The ordinance committee reviewed the recommendations as a pair because they both relate to nonconforming lots. The committee recommends the proposed amendments be reviewed by the town council in workshop session prior to referral to the planning board.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council refers the ordinance committee recommendations relating to nonconforming lots and setback amendments of the zoning ordinance to workshop.

**Item #88-2020 CIP Interproject Transfers**

[Link](#) to CIP Interproject Transfers Memo

**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.

Finance Director John Quartararo is recommending the town council authorize capital improvement project interproject transfers. The transfers are between the operating budget for Fort Williams Park and between capital improvement projects.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council authorizes the following transfers from the FY 2020 budget for approved FY 2021 CIP projects as follows:

**Transfers Out:**

<b>0645-2035</b>	Fort Williams Building Repair	(\$ 29,000.00)
<b>0715-4026</b>	Public Works Radio Tower	(\$ 5,000.00)
<b>0715-4136</b>	Mower Deck Replacement	(\$ 12,500.00)
<b>0715-5323</b>	Community Services Washroom & Lighting	(\$ 34,000.00)
<b>0715-5235</b>	Scott Dyer Road – Phase 2	(\$110,000.00)

**Total Transfers Out: (\$190,500.00)**

**Transfers In:**

<b>0715-5251</b>	Community Services Kitchen	\$ 20,000.00
<b>0715-5308</b>	Rotary Mower Replacement	\$ 12,500.00
<b>0715-5339</b>	Scott Dyer Road MDOT Paving Match	\$ 110,000.00
<b>0715-5421</b>	Communications Tower	\$ 5,000.00
<b>0715-5422</b>	Community Services Utility Vehicle	\$ 14,000.00
<b>0715-5433</b>	Fort Williams Park Bldg#324 – Building Repair	\$ 29,000.00

**Total Transfers In: \$190,500.00**

[Link](#) to Executive Order 53-A FY19/20

**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. Due to the COVID-19 pandemic, Governor Mills has issued various executive orders following the state of emergency on March 15, 2020. On May 26, 2020 the Governor issued Executive Order 53-A FY 19/20 authorizing municipalities to establish a deadline for registering vehicles purchased or transferred for which a registration has expired if the municipality can accept payments online, by mail, by telephone or in the municipal office.

Although the Tax Office has been processing registrations by mail and assisting residents with online re-registrations throughout the emergency period, time is needed to process the volume of vehicle registrations including re-registrations, new purchases and transfers.

Finance Director John Quartararo recommends the town council approve the following order.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council establishes a deadline of July 31, 2020 for the re-registration of all expired vehicle registrations and the registration of purchased and transferred vehicles for residents of Cape Elizabeth per Governor Mills' Executive Order 53-A FY 19/20 issued May 26, 2020.

**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**