



## Cape Elizabeth Town Council

**DRAFT Minutes 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

**The meeting via Zoom, an online video and audio conferencing platform, was convened at 7:00 p.m. by Town Council Pro-Tem Chairman James M. Garvin.**

In response to the recent outbreak of Coronavirus Disease 2019 (COVID-19) Governor Mills 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 The section is repealed 30 days after the termination of the state of emergency.

The Cape Elizabeth Town Council will meet as necessary to continue the town's work via an online platform as allowed by State authorization during the state of emergency due to COVID-19. The platform will allow for public comment as outlined in the Town Council Rules. The public is reminded they should continue to provide questions and comments to the town council relating to business of the town via email or mailing correspondence to their attention to town hall.

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

All members of the town council were present except Chairman Adams.

Debra M. Lane, Town Clerk  
John Quartararo, Finance Director  
Matthew E. Sturgis, Town Manager

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

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

Chairman Pro-Tem Garvin offered the following comments.

We're so incredibly fortunate to live here in Cape Elizabeth, for so many reasons. And often times, this community – for better or for worse, and sometimes both – shelters us from so much that is happening in the world around us. But we cannot and should not hide from what is unfolding today. The past two weeks have seen tension building and turmoil boiling over across our country, amidst the backdrop of a global health crisis the likes of which none of us has ever experienced before.

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Yesterday, dozens and dozens of members of this community came together with a message of hope and unity. I want to thank the organizers – Michelle Oliver and Cassie Nedwell and many others – for their efforts to peacefully and responsibly bring together people in person – and virtually via live stream – to hear personal stories and testimonials about racism and inequality in our society. I also want to thank Town Manager Matt Sturgis, Superintendent Donna Wolfrom, Police Chief Paul Fenton, Cumberland County District Attorney Jonathan Sahrbeck, along with numerous other town staff for their quick response to help facilitate with a venue and guidelines for a safe demonstration.

I'm also looking forward to tomorrow evening's community conversation on Zoom to hear more from Chief Fenton in response to a number of recent questions he's received about his department's policies, training, and equipment. I appreciate and commend all of the officers of our department for their professionalism and community-focused approach to their public safety and service work, the very best of which we've seen in recent weeks as they've delivered food and assisted in many other ways those in need in our community during the COVID-19 emergency.

There is also a student-led event planned for Wednesday evening. I hope it is marked by the same peaceful and productive expression of views that we saw yesterday.

These are the important conversations we need to be having right now, providing invaluable opportunities for many of us whose experience has been vastly different than many who are raising their voices, to listen carefully and learn, and hopefully where meaningful change will be seeded and begin to grow.

It may not always seem like it as we go about our lives in Cape – one of the whitest towns in one of the whitest states – but the harsh reality is there are some people in our very own community that have not always felt the same sense of freedom and equality that I have been so privileged to enjoy. To make good on our country's founding promise, that all men are created equal, we need to be better. We ALL need to do better – in whatever way, big or small – to make that promise a reality for every person, regardless of race, religion, creed, gender, preference, country of origin, or place in society. This is not someone else's problem in some other place outside of our bubble that doesn't affect us. We all need to be part of the solution.

And as elected officials, I believe we have an obligation to listen, learn, and act, so that we may do our part to create a more just and equitable society for all.

Councilor Penelope Jordan commented that needed change is bigger than the police department and everyone should look to make changes that are needed.

**Finance Committee Report**

Finance Committee Chairman Garvin reviewed the financial dashboard and reported on a recent meeting with local leaders and representatives from the congressional delegation discussing aid to towns/cities resulting from COVID-19. The pre-audit for FY 2020 has begun with Runyon Kersteen Ouellette.

Mr. Sturgis will be on a call June 9 with local leaders and Senator Collins relating to funding for towns/cities resulting from COVID-19.

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**Citizen Opportunity for Discussion of Items Not on the Agenda**  
None

**Town Manager's Report – Matthew Sturgis**

The town council has met several times over recent weeks and has been updated as events occur, meetings and workshops will continue as needed.

Residents are encouraged to request an absentee ballot now if they wish to participate in the July 14 election. Ballots will be mailed when they come in; ballots will also be returned by mail. Absentee ballot requests for November will be available 3 months prior to the election; ballots will be available approximately 30 days prior to the election.

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

- **May 11, 2020**
- **May 18, 2020 Special Meeting**
- **May 27, 2020 Special Meeting**

Moved by Penelope A. Jordan and Seconded by Valerie J. Deveraux

ORDERED, the Cape Elizabeth Town Council approves the minutes of virtual meetings held on May 11, May 18 and May 27, 2020 as written with a spelling correction to Item #84-2020 May 27, 2020:

- Affirm dogs within Fort Williams will be ~~retrained~~ restrained by leash at all times.

(6 yes) (0 no)

**Public Hearing      Fiscal Year 2021 School Budget**

Present Online-

School Board Members Heather Altenburg, Elizabeth Scifres and Superintendent Wolfrom

Introduction – Superintendent Wolfrom provided an overview of the challenges COVID-19 has presented. At this time, it is unknown whether school will return in the fall. The scenarios are students return to school which is the preference, a continuation of remote learning or a hybrid. Consideration will be given to split sessions, additional bus runs, and needed safety precautions e.g. .personal protective equipment. The school board is not seeking additional funding and would work any needed changes within the recommended budget.

Chairman Pro-Tem Garvin opened the public hearing at 7:44 p.m.

Eric Taylor, 15 Roundabout Lane thanked the school board and superintendent for their work and keeping the community informed. COVID-19 is a public health issue for the entire town. Don't ask teachers to give up cost of living increases as they are essential workers.

Mary Ann Lynch, 2 Olde Colony Lane thanked the town council and school board for their work on the budget. The school budget needs to be reduced to recognize the impact of COVID-19- it's not business as usual.

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Eric Taylor said the requirements/mandates of schools have changed over time. Can't directly compare enrollment to the budget.

Heather Altenburg, 31 Olde Colony Lane, member of the School Board said there are new enrollment projections which will be discussed at the school board meeting tomorrow evening. The new projection increases enrollment by 3 students. The school budget is not based on business as usual.

Michelle Boyer, 333 Fowler Road asked when the school anticipates hearing from the Governor on school openings. No decisions from the state is challenging.

Jessica Sullivan, 441 Mitchell Road echoes the comments of Mary Ann Lynch. Commends the town for reducing the municipal budget. Again the municipal budget is cut so the school budget can remain the same. This is the year to honor the one-town concept. The school budget needs to be reworked.

Kimberly Carr, 19 Rockcrest Drive, member of the School Board said this is the time for the one-town concept when the municipal budget is reduced to support the school budget and minimize tax impact.

After hearing no further comments, the public hearing was closed at 8:10 p.m.

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

Councilor Straw disclosed his wife is on the school board.

Moved by Jeremy A. Gabrielson and Seconded by Penelope A. Jordan

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.

(6 yes) (0 no)

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

Public Comment

Jim Kerney, 1015 Shore Road, member Fort Williams Park Committee has spoken with many people who favor reverting the dog regulations in Fort Williams Park back prior to the emergency order. Fort Williams provides a safe environment.

Bill Goodykoontz, 55 Cross Hill Road asked what happened to the off-leash area. No relevance to health and safety of dogs being on leash in all areas of Fort Williams Park. It was clarified that the council wasn't considering permanently requiring dogs on leash in all areas rather they are considering reverting regulations relating to dogs back prior to the emergency order.

Diane Armstrong, 2 Waverly Road said dog owners do a good job social distancing so it shouldn't be a concern in the off-leash area of Fort Williams Park.

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Theresa Fox, 14 Farm Hill Road said dogs need an open area to run off-leash.

Janine Cary, 36 Brentwood Road supports the off-leash area of Fort Williams Park.

Moved by Penelope A. Jordan and Seconded by Caitlin R. Jordan

ORDERED, the Cape Elizabeth Town Council amends the Emergency Order dated May 27, 2020 effective immediately to remove the requirement that dogs within Fort Williams Park be restrained by leash at all times.

(5 yes) (1 no Councilor Straw)

See attachment.

3. Effective June 1, 2020 Fort Williams Park will be open to vehicular traffic. ~~Dogs within Fort Williams will be restrained by leash at all times.~~ Wearing of masks or facial coverings is encouraged.

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

Councilor Straw disclosed that depending on how the regulations are presented, he may have a lot that may be affected.

Introduction – Councilor Penelope Jordan Chairman Ordinance Committee

Moved by Jeremy A. Gabrielson and Seconded by Valerie J. Deveraux

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

(6 yes) (0 no)

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

Introduction – John Quartararo, Finance Director

Moved by Penelope A. Jordan and Seconded by Valerie J. Deveraux

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

(6 yes) (0 no)

**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**

**Item #89-2020 Governor’s Executive Order Relating to Vehicle Registrations**

Introduction – John Quartararo Finance Director

Moved by Valerie J. Deveraux and Seconded by Penelope A. Jordan

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.

(6 yes) (0 no)

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

None

**Adjournment**

Moved by Jeremy A. Gabrielson and Seconded by Valerie J. Deveraux

ORDERED, the Cape Elizabeth Town Council adjourns at 9:18 p.m.

(6 yes) (0 no)

Respectfully Submitted,

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Debra M. Lane, Town Clerk

Approved by the Cape Elizabeth Town Council June 8, 2020

**AMENDMENT TO EMERGENCY REGULATION OF THE  
CAPE ELIZABETH TOWN COUNCIL DATED MARCH 25, 2020**

**ORDERED, that the Emergency Regulation: Prohibition on  
Businesses, approved by the Cape Elizabeth Town Council on  
March 25, 2020, amended April 1, 2020, April 28, 2020,  
May 27, 2020 and June 8, 2020, is hereby amended as follows; and**

WHEREAS, the Town of Cape Elizabeth hereby declares that a public health emergency necessitating swift action exists in response to the COVID-19 outbreak;

WHEREAS, at this time, guidance from the President of the United States, the Governor of State of Maine, and the Center for Disease Control, urge the public to practice social distancing and not attend events where ten or more people will be gathered;

WHEREAS, said outbreak continues to emerge and spread, so that the number of cases of COVID-19 in Maine as of April 28, 2020 is 1,040;

WHEREAS, health officials have now confirmed 466 cases of COVID-19 in Cumberland County with 67 hospitalizations and 24 deaths; and

WHEREAS, the risk of community spread throughout Cumberland County and Cape Elizabeth impacts the life, health and safety of the public and public health is imperiled by the person-to-person spread of COVID-19;

The Town Council of Cape Elizabeth, pursuant to its authority in Article II, Section 12 of the Cape Elizabeth Council-Manager Charter, hereby declare a state of emergency and issue the following regulations, effective June 9, 2020 at 12:01 a.m. with an expiration date of June 30, 2020 at 6:00 PM, unless otherwise extended by Council Order:

1. A civil state of emergency continues to exist within the Town of Cape Elizabeth.
2. Short term rentals, inclusive of homestays operated by private individuals shall not operate while this Order remains in effect.

3. Effective June 1, 2020 Fort Williams Park will be open to vehicular traffic. Wearing of masks or facial coverings is encouraged.

4. Violation of or failure to comply with the Order is punishable by a fine of \$500.00.

WHEREAS, the Governor has issued new guidance on restarting Maine's economy, the council finds the following measures to be consistent with phase one of that plan. It is hereby encouraged, but not specifically regulated, that all citizens or visitors of the Town of Cape Elizabeth take all necessary steps to care for themselves and prevent the spread of COVID-19. Such steps will only benefit the health and welfare of the citizens of the Town of Cape Elizabeth and help protect us all. Thank you for all the sacrifices that you have made so far. We look forward to getting through this together.

Dated at Cape Elizabeth, ME this 8th day of June 2020.