



Cape Elizabeth Town Council

DRAFT Minutes Monday, December 14, 2020

7:00 p.m.

Zoom Online

Nicole Boucher
Valerie J. Deveraux
Jeremy A. Gabrielson
James M. "Jamie" Garvin
Caitlin R. Jordan
Penelope A. Jordan
Gretchen R. Noonan

The meeting via Zoom, an online video and audio conferencing platform, was convened at 7:00 p.m. by Town Councilor Jeremy A. Gabrielson.

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 The section is repealed 30 days after the termination of the state of emergency.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

Introduction of Newly-Elected Town Councilors and School Board Members

Town Council

Nicole Boucher
Gretchen R. Noonan

School Board

Jennifer L. McVeigh
Cynthia R. Voltz

On November 3, 2020 town council and school board members were elected for three-year terms beginning December 14, 2020. Earlier in the day members met individually with Town Clerk Debra Lane to take the Oath of Office.

Newly-elected School Board Members Jennifer McVeigh and Cynthia Voltz joined the meeting for introductions.

Roll Call by the Town Clerk

All members of the town council were present.

Debra M. Lane, Town Clerk
Matthew E. Sturgis, Town Manager

The Pledge of Allegiance to the Flag

**Page 2 Town Council Minutes Virtual
December 14, 2020**

Item# 1-2021 Election of Town Council Chairman

Moved by Penelope A. Jordan and Seconded by Gretchen R. Noonan

ORDERED, the Cape Elizabeth Town Council elects James M. “Jamie” Garvin to serve as chairman for 2021.

(7 yes) (0 no)

Chairman Garvin congratulated and introduced the newly-elected town council and school board members.

Town Council Reports and Correspondence

Councilor Deveraux congratulated the newly-elected town council and school board members. She also noted the award recently received by the TD Beach to Beach 10K Road Race.

Councilor Penelope Jordan welcomed several new businesses to town including The Lumbery, Tacos & Tequila and .Co.

Finance Committee Report

Finance Chairman Jeremy Gabrielson reviewed the financial dashboard and reports through November 30, 2020.

Opportunity for Public Comment of Items Not on the Agenda

None

Town Manager’s Monthly Report

Matthew E. Sturgis, Town Manager

Our battle against COVID 19 continues, as recent reports have shown increases in the positive cases, while last week Cumberland County was officially placed on the watch list by the Maine CDC. With that information in mind, and some limited exposures within our operations, our plan is to maintain our current hours and protocols. Our operations have a flow chart of managing exposure, testing decision points, and direction on when to quarantine and when it is safe to return. This is with the express desire to keep our operations open and staff and customers safe. Our plan is to continue business with Town Hall services by appointment, curbside operations at the Thomas Memorial Library, as well as other Town operations altered in response to the pandemic.

The Governor’s most recent executive order regarding masks will result in new signage at Fort Williams Park to remind on the executive order for mask wearing. This is not to say people are not trying hard and doing their part, just to remind visitors of this requirement.

Departments are working on the annual budget, with capital planning and crafting of operational budgets underway. The annual audit is in its final stages and we should be receiving the final product shortly, with a joint workshop with the school board to review the document in a January workshop.

The Kettle Cove watercraft launch improvements study was completed by Sebago Technics. Our next step in this process is to hold a neighborhood meeting and share the initial recommendations with the neighborhood and other interested parties, scheduled for January 14th at 7:00 pm. Following this meeting the study and its recommendations will be submitted to the council for review at the February 1, 2021 Council Workshop. The goal is to apply for Land and Water Conservation Fund

**Page 3 Town Council Minutes Virtual
December 14, 2020**

grant funding this spring. The State is firmly in support of this proposal, and we anticipate we will be receiving the easement language from them in late January.

The Village Green project was inspected Thanksgiving week by the Town Planner, Engineer, Public Works Director, and myself. There are a few details that need completion, and we anticipate the acceptance of the property will be on the January council agenda.

Finally, I would like to receive guidance from the council on holiday closures. Both Christmas and New Year's Day are on Friday this year, with a number of towns and the City of Portland closing on both Christmas and New Year's Eves. This is partly as a gift of time to employees for service in this challenging year and as a way to limit exposure during this viral surge. I would like to follow the same suit, but wanted to ask the council for your blessing.

On behalf of Town staff, I would like to wish all a safe, happy, and above all, a healthy holiday season.

Review of Draft Minutes of the Following Virtual Meetings –

- **October 14, 2020**
- **November 9, 2020**

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

ORDERED, the Cape Elizabeth Town Council approves the virtual meetings held October 14, 2020 and November 9, 2020 as written.

(7 yes) (0 no)

Item# 2-2021 Adoption of Town Council Rules

Moved by Gretchen R. Noonan and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council approves the Town Council Rules as presented.

(7 yes) (0 no)

Consent Calendar – Item #3-2021 – Item #16-2021

Draft Motion

ORDERED, the Cape Elizabeth Town Council approves the consent calendar Item #3-2021 – Item #16-2021 to appoint town council members to serve on various boards and committees as proposed by the caucus held on November 10, 2020.

(7 yes) (0 no)

Item# 3-2021 Appointment of the Finance Committee

Jeremy A. Gabrielson as chairman and the Council as a whole to serve as the finance committee.

Item# 4-2021 Appointment of Ordinance Committee

Penelope A. Jordan as chairman and Jeremy A. Gabrielson and Caitlin R. Jordan as members.

**Page 4 Town Council Minutes Virtual
December 14, 2020**

Item# 5-2021 Appointment of an Appointments Committee

Nicole Boucher as chairman and Valerie J. Deveraux and Gretchen R. Noonan as members.

Item# 6-2021 Appointment of Representative to Greater Portland Council of Governments General Assembly, Metro Coalition, Regional Voice Committee and Executive Committee

Jeremy A. Gabrielson, General Assembly and Metro Coalition
James M. “Jamie” Garvin, Regional Voice Committee
Matthew E. Sturgis, Executive Committee

Item# 7-2021 Appointment of Representative to PACTS Policy Committee

Matthew E. Sturgis

Item# 8-2021 Appointment of Representative to MMA Legislative Policy Committee and MMA Convention Delegate

Penelope A. Jordan for a term until December 2021.

Item# 9-2021 Appointment of Representative to Thomas Memorial Library Foundation

Gretchen R. Noonan

Item# 10-2021 Appointment of Representative to Portland Jetport Noise Advisory Committee

Penelope A. Jordan

Item# 11-2021 Appointment of Representatives to Thomas Jordan Grants Subcommittee

Caitlin R. Jordan to 12/2023

Previously appointed:

Valerie J. Deveraux to 12/2021

Penelope A. Jordan to 12/2022

Item# 12-2021 Appointment of Vice Chair of Museum at Portland Head Light

Jeremy A. Gabrielson
Council Chairman James M. “Jamie” Garvin is chairman per the by-laws.

Item #13-2021 Maine Bicentennial Celebration Committee – Ad-Hoc

Caitlin R. Jordan

Item #14-2021 Fort Williams Master Planning

Jeremy A. Gabrielson

**Page 5 Town Council Minutes Virtual
December 14, 2020**

Item #15-2021 School Building Committee

Nicole Boucher
Valerie J. Deveraux

Item #16-2021 Civil Rights Ad-Hoc Committee

Valerie J. Deveraux

Item# 17-2021 Code of Ethics

Town Council Rules provide that each council member will annually sign an attestation that they have read and understand the Code of Ethics for the Town Council.

All seven town councilors acknowledged receipt and understanding of the Code of Ethics.

The Town Clerk will arrange signing by each council member.

Item# 18-2021 Schedule of Council Meetings for 2021

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

ORDERED, the Cape Elizabeth Town Council approves the 2021 meeting schedule and FY 2022 budget review schedule as presented.

(7 yes) (0 no)

		Regular Meeting	Workshop Meeting	
2020	December		16	Workshop – Council Goals Discussion & FOAA
2021	January	11	6	
			20	Joint Workshop with School Board
2021	February	8	1	
2021	March	8	15, 18	Workshops are Budget Review Sessions (Beginning at 6:00 p.m.)
2021	April	12	26, 27	Workshops are Budget Review Sessions (Beginning at 6:00 p.m.) <i>School Budget presentation on 4/26</i>
2021	May	3		Special Council Meeting – FY 2022 Budget Public Hearing
		10	5	May 10 Regular Council Meeting and Vote on the FY 2022 Budget
2021	June	14	7	
2021	July	12		
2021	August	9		
2021	September	13	8	
2021	October	13	6	Regular Council Meeting (Wednesday after the Monday Holiday)
2021	November	8		Regular Council Meeting
			9	Annual Town Council Organization Caucus for 2022
				Schedule Orientation of New Council Members
				Review of 2022 Meetings & FY 2023 Budget Calendars
2021	December	13	15	Workshop – Council Goals and Discussion & FOAA

**Page 6 Town Council Minutes Virtual
December 14, 2020**

Item #19-2021 Purpoodock Club Liquor Licenses

Councilor Penelope Jordan and Councilor Caitlin Jordan disclosed that the Purpoodock Club is a strong support of the Cape Farm Alliance.

Tony Decker, Director of Club Operations for the Purpoodock Club was online to answer questions.

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

ORDERED, the Cape Elizabeth Town Council approves the special amusement permit, malt, vinous and spirituous license, and mobile service bar for the Purpoodock Club located at 300 Spurwink Avenue as presented.

(7 yes) (0 no)

Item# 20-2021 Annual Appointments to Boards and Committees

Introduction – Appointments Committee Chairman Valerie Deveraux

Moved by Valerie J. Deveraux and Seconded by Gretchen R. Noonan

ORDERED, the Cape Elizabeth Town Council approves the recommendations of the Appointments Committee to appoint citizens to boards and committees as presented. New terms begin January 1, 2021.

(7 yes) (0 no)

Board	Current Member	Term Expires	Recommendation	Address
Board of Assessment Review	Michael R. Connell*	12/31/2020		
Community Services	Jonathan Mortimer	12/31/2023	Jonathan Mortimer	160 Mitchell Road
Community Services	Tara Simpoloulos	12/31/2023	Tara Simpoloulos*	19 Salt Spray Lane
Conservation Committee	Corinne Ketcham	12/31/2023	Corinne Ketcham	37 Stone Drive
Conservation Committee	Bruce V. Moore	12/31/2023	Bruce V. Moore	1108 Sawyer Road
Energy Committee	John Voltz	12/31/2023	John Voltz	33 Philip Road
Energy Committee	Sam Lipman	12/31/2023	Sam Lipman	39 Hunts Point Road
Fort Williams Park Committee	Suzanne McGinn	12/31/2023	Suzanne McGinn*	1180 Shore Road
Fort Williams Park Committee	Doreen Johnson Theriault	12/31/2023	Doreen Johnson Theriault	8 Hunts Point Road
Fort Williams Park Committee	James T. Walsh	12/31/2020		
Personnel Appeals Board	Patricia Rzeszutko	12/31/2020		
Planning Board	Josef Chalatz*	12/31/2023	Mary Ann Lynch	2 Olde Colony Lane
Planning Board	Peter L. Curry*	12/31/2023	Alton Palmer	618 Shore Road
Recycling Committee	Nicole Boucher	12/31/2020		
Recycling Committee	Jennifer H. MacDonald	12/31/2023	Jennifer H. MacDonald*	5 Olde Colony Lane
Riverside Cemetery Committee	April Powell	12/31/2023	April Powell	231 Fowler Road
Thomas Memorial Library Committee	Megan Cotter	12/31/2023	Megan Cotter	5 Thrasher Road
Thomas Memorial Library Committee	John DiPalazzo	12/31/2023	John DiPalazzo	79 Oakhurst Road
Zoning Appeals,	Kevin Justh	12/31/2023	Kevin Justh	9 Spruce Lane

Board of				
Zoning Appeals, Board of	Colin P. Powers	12/31/2023	Colin P. Powers	44 Spurwink Avenue

***Termed Out**

Item 21-2021 Appointment of Registrar of Voters

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

ORDERED, the Cape Elizabeth Town Council reappoints Debra M. Lane to serve as Registrar of Voters for a term to expire January 1, 2023 and until a successor is appointed and sworn.

(7 yes) (0 no)

Item #22-2021 Short Term Rental Amendments/Comprehensive Plan Amendment Recommendations

Deborah King, 125 Old Ocean House Road asked if there is a better program with better information to track short term rentals.

John Voltz, 33 Philip Road offered language to change Recommendation #86.

Craig Cooper, 150 Ocean House Road questioned whether short term rentals should be voted on during the pandemic. Has everyone had an opportunity to comment? What happens with 2021 contracts?

Scott Rockwell, 115 Old Ocean House Road, STR host (homestay) recommends a review of homestays – not all hosts have companies that manage the property, clean etc. As the recommended ordinance is written, many will have to close.

Josef Chalot, 12 Channel View Road, Chairman Planning Board reviewed the planning board’s recommendations.

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

ORDERED, the Cape Elizabeth Town Council refers short term rental amendments to a workshop on January 6, 2021 at 7:00 p.m. via Zoom to continue discussion.

(7 yes) (0 no)

Item #23-2021 Comprehensive Plan Amendment Recommendations

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

ORDERED, the Cape Elizabeth Town Council refers the revision to the 2019 Comprehensive Plan Recommendation #86 to a workshop on January 6, 2021 at 7:00 p.m. via Zoom to continue discussion.

(7 yes) (0 no)

#86 Restrict Short Term Rentals (STR) to protect the peaceful quiet enjoyment of neighborhoods and preserve housing stock. Limited STR activity associated with primary residency, or in lower density portions of town, may be allowed within a permit structure that allows tracking of activity and funding for enforcement.

Item #24-2021 Fort Williams Park Committee Recommendation to Continue Pay and Display

Jim Kerney, 1015 Shore Road, Chairman Fort Williams Park Committee reviewed the committee's recommendation.

Moved by Gretchen R. Noonan and Seconded by Valerie J. Deveraux

ORDERED, the Cape Elizabeth Town Council approves the recommendation from the Fort Williams Park Committee to continue the pay and display parking program at Fort Williams Park from April 1, 2021 – November 15, 2021.

(7 yes) (0 no)

Item #25-2021 Fort Williams Park Committee Recommendation for a Concert Series

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

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the Fort Williams Park Committee to approve a music in the park series sponsored by Cape Elizabeth Community Services entitled Sounds by the Sea at Fort Williams Park.

(7 yes) (0 no)

Item #26-2021 Maine Bureau of Highway Safety Impaired Driving Enforcement Grant

Moved by Jeremy A. Gabrielson and Seconded by Caitlin R. Jordan

ORDERED, the Cape Elizabeth Town Council accepts and appropriates a grant award of \$1954.88 from the Maine Bureau of Highway Safety Impaired Driving Enforcement Grant to account 0725-4453. The grant will reimburse staff costs during enforcement operations. Any match requirements will be met through the police department's operating budget, as allowed by the terms of the grant. The grant period of December 18, 2020 to September 6, 2021.

Item #27-2021 Property Tax Assistance Program Report

Town Assessor Clinton Swett presented the report.

Moved by Nicole Boucher and Seconded by Gretchen R. Noonan

ORDERED, the Cape Elizabeth Town Council acknowledges receipt of the report from the tax assessor relating to the 2021 property tax assistance program as required by Chapter 27 Property Tax Assistance Ordinance Sec. 9 Annual Report to the Town Council.

(7 yes) (0 no)

Item #28-2021 Willow Brook Culvert Replacement Grant

Town Planner Maureen O'Meara provided an overview.

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

ORDERED, the Cape Elizabeth Town Council accepts the grant for the Willow Brook Culvert Replacement Project from the Maine Natural Resource Conservation Program (MNRCP) in the amount of \$343,281 conditional upon the completion of a tidal study with the results presented to MNRCP.

(7 yes) (0 no)

**Page 9 Town Council Minutes Virtual
December 14, 2020**

Item #29-2021 Standard Easement Deed – Central Maine Power & Verizon

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

ORDERED, the Cape Elizabeth Town Council grants a standard utility easement to Central Maine Power Company and Verizon New England, Inc. at the communications tower site located on Dennison Drive and authorizes the town manager to sign on behalf of the town.

(7 yes) (0 no)

Item# 30-2021 Acceptance of Annual Gifts and Donations

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

ORDERED, the Cape Elizabeth Town Council accepts gifts and donations received in 2020 with appreciation.

(7 yes) (0 no)

Local Fuel Assistance

12/31/2019 Gregory Walsh & Louise Valati	\$ 450.00
1/8/2020 Jessie Timberlake	\$1000.00

Museum at Portland Head Light 2020

Ethan Fogg	\$600.00
Donation Box at the Museum	\$925.00
Donation in Memory of Larry Allen	\$100.00

Cape Elizabeth Garden Club

Wreaths for Municipal Buildings

Thomas Memorial Library

Date	Donor	Amount
2/9/2020	Brian Lauritis and Beth Colombo	\$ 825.00
3/6/2020	TMLF	\$ 5,000.00
3/20/2020	Michael and Camille Vande Berg	\$ 400.00
4/17/2020	Darthea Libby	\$73,282.42
5/9/2020	Sabine Hanks	\$ 100.00
8/10/2020	Lions' Club	\$ 25.92
9/9/2020	DB Commerce	\$ 52.92
9/9/2020	DB Commerce	\$ 253.56
9/23/2020	Frances Dyer Estate	\$51,170.29
10/6/2020	TMLF	\$ 5,000.00
10/7/2020	James Zimpritch	\$ 1,000.00
11/16/2020	Carrie Michaelis	\$ 1000.00

**Page 10 Town Council Minutes Virtual
December 14, 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.

None

Adjournment

Moved by Caitlin R. Jordan and Seconded by Jeremy A. Gabrielson
ORDERED, the Cape Elizabeth Town Council adjourns at 9:13 p.m.
(7 yes) (0 no)

Respectfully Submitted,

Debra M. Lane, Town Clerk