



Regular Town Council Meeting

Monday, April 13, 2020 at 7:00 pm

Access to the meeting is available as identified below:

Please click the link below to join the webinar: <https://zoom.us/j/390043720>

By Telephone: +1 646 876 9923 or +1 312 626 6799

Webinar ID: 390 043 720

Agenda

Zoom Online Meeting

2020 Town Council

Valerie A. Adams, Chairman

Valerie J. Deveraux

Jeremy A. Gabrielson

James M. Garvin

Caitlin R. Jordan

Penelope A. Jordan

Christopher M. Straw

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 The section is repealed 30 days after the termination of the state of emergency.

1. Convening of the Meeting

Town Council Chairman Valerie A. Adams

2. Roll Call by the Town Clerk

3. The Pledge of Allegiance to the Flag

4. Town Council Reports and Correspondence

5. Finance Committee Report

Attachments:

- Financial Dashboard (Financial_Dashboard_March_2020.pdf)
- Appropriation Control March 2020 (Appropriation_Control_March_2020.pdf)
- Expense Distribution March 2020 (Expense_Distribution_March_2020.pdf)
- Revenue Control March 2020 (Revenue_Control_March_2020.pdf)
- Revenue Distribution March 2020 (Revenue_Distribution_March_2020.pdf)

6. Citizen Opportunity for Discussion of Items Not on the Agenda

Limited to 15 minutes; 3 minutes per person. 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 pertinent.

7. Town Manager's Monthly Report

8. Review of Draft Minutes of the Meeting Held on March 9, 2020 and Special Virtual Meeting Held on March 25, 2020

Attachments:

- Town Council Draft Minutes March 9, 2020 (Town_Council_Minutes_March_9__2020.pdf)
- Town Council Draft Minutes March 25, 2020 Virtual Special Meeting (Town_Council_Minutes_March_25__2020_Virtual_Special_Meeting_COVID-19.doc)

9. Public Hearing - Consider Ordinance Committee Recommendation - Short-Term Rental Permit Moratorium

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.

10. Item #57-2020 Consider Ordinance Committee Recommendation - Short-Term Rental Permit Moratorium

On October 16, 2019 the town council referred to the ordinance committee a review of short-term rental (STR) regulations. The ordinance committee has met 7 times to review ordinance amendments.

On February 26, 2020 the ordinance committee voted 3-0 to recommend to the town council that a moratorium be adopted banning the issuance of **new** short term rental permits (as they are required under the current ordinance requirements) after June 1, 2020. Renewal of short-term rental permits that are current would still be allowed.

At the March 9, 2020 town council meeting, the council voted to set a public hearing on adopting a moratorium banning any new short-term permits after June 1, 2020. The proposed moratorium would be for 180 days, effective June 1, 2020.

Attachments:

- Moratoria Information (Moratoria_information.pdf)
- Ordinance Committee Memo dated February 28, 2020 (Ord_Comm_STR_moratorium_memo_dated_February_28__2020.docx)

11. Item #58-2020 Expressive Vendor Policy - Fort Williams Park

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. 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.

Due to safety concerns, on February 13, 2020 the Fort Williams Park Committee reviewed the location of expressive vendors at Fort Williams Park. Recent changes to the central parking lot now makes the current location adjacent to a heavily traveled roadway, bordering the sidewalk and grass area. The committee noted the master plan will address the location.

The Committee voted unanimously 6-0 to recommend moving expressive vendors at Fort Williams Park further north from the current location on the peninsula away from the corner and crosswalk.

Draft Motion

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the Fort Williams Park Committee to move expressive vendors at Fort Williams Park further north from the current location on the peninsula away from the corner and crosswalk.

Attachments:

- FWPC Minutes February 13, 2020 (FWPC_Meeting_Minutes_-_February_13__2020.pdf)

12. Item #59-2020 Opportunity for Public Comments on the FY 2021 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.

The town council welcomes public comment on the fiscal year 2021 budget. Two municipal budget workshops have been held. This is another opportunity for public comment early in the budget process. The public hearing on the budget (town and school) will be held at a special meeting on May 6.

13. Item #60-2020 Appointment of Election Clerks and Warden

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. 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.

Per state law, municipal officers of each municipality shall appoint election clerks no later than May 1st of the even-numbered years to serve at the polling place. An election clerk holds office for 2 years from the date of appointment and until a successor is appointed and qualified. Duties include checking voters at the incoming list, overseeing the ballot box, counting ballots and other duties as needed.

In a town, with the approval of municipal officers, the clerk of the municipality shall appoint a warden and may appoint one or more deputy wardens to assist in the duties on election day. Duties include maintaining order of the polling place and enforcing election laws, supervising election officials and other duties as needed.

The town clerk recommends approval of the following draft motion.

Draft Motion

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the Town Clerk for Carol Anne Jordan to serve as warden and James Walsh and Debra Lane to serve as deputy wardens and until successors are sworn.

IT IS FURTHER ORDERED: The Cape Elizabeth Town Council approves the following list of residents who may be considered to serve as election clerks for the Town of Cape Elizabeth for a period of 2 years and until successors are sworn.

Democrat

Edna Chace, Janice Chapman, Margaret Davenport, Michael Efron, Sheila Heatley, Karen Kerrigan, Becky Malley, Rebecca Obenhaus, Gail Perkins, Thomas Perkins, Jessica Proctor, James Walsh, Kathleen Walsh

Republican

Scott Berry, Kathy Cotter, Debra Harney, John Olsen, Linda Winker

Unenrolled

Teresa Olsen, Martha Parowski, James Rowe

14. Item #61-2020 Consideration of Compensation for First Responders

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. 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.

The town council was updated on the town's response to COVID-19 at the workshop held on April 8. It was a consensus to consider compensation for first responders.

15. Item #62-2020 Acceptance of Police Department Grant

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. 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.

The finance director is recommending the town council accept the Edward Byrne Memorial Justice Assistance Grant in the amount of \$720.00 for the purchase of a Patrol Block Ballistic Shield and training. The grant, overseen by the Windham Police Department, is a reimbursement grant. Any costs over and above the \$720.00 are the responsibility of the town. The grant period is January 1, 2020 to September 30, 2021.

Draft Motion

ORDERED, the Cape Elizabeth Town Council, accepts and appropriates a \$720.00 grant from the Edward Byrne Memorial Justice Assistance Grant, which is overseen by the Windham Police Department, for a grant period of January 1, 2020 to September 30, 2021.

Attachments:

- PD Grant Edward Byrne Memorial Justice Assistance (Police_Grant_Edward_Byrne_Memorial_Justice_Assistance.pdf)

Executive Session

16. Item #63-2020 Requests for Hardship Abatements

Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. 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.

Two requests have been received from taxpayers requesting consideration of hardship tax abatements.

Draft Motion

ORDERED, the Cape Elizabeth Town Council enters into executive session pursuant to 1 MRS §405 6 F to consider two requests for hardship tax abatements.

- 17. 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 majority 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 pertinent.**

18. Adjournment

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.