



## Cape Elizabeth Town Council

Workshop 7:00 p.m.

Notes

Wednesday, May 5, 2021

Zoom Online

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

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

*Due to a widespread Spectrum outage, the workshop was rescheduled from Monday, April 5.*

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 The section is repealed 30 days after the termination of the state of emergency.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

All members of the town council were present.

Debra Lane, Town Clerk  
Maureen O'Meara, Town Planner  
John Quartararo, Finance Director  
Matthew Sturgis, Town Manager

### 1. Recommended Policy Relating to Short-Term Financing of Bonded Capital Projects

Finance Director John Quartararo is recommending a policy relating to short-term financing of bonded capital projects. The town council discussed the recommendation on April 12 and referred to workshop for further discussion. Mr. Quartararo is presenting an amended draft based on the discussion.

Discussion Topics:

- The purpose of a project will be stated in the bond order.
- The type of projects financed by this policy will be determined by the town council as the council approves the projects and bond orders.
- Will this be the norm or the exception? This policy adds another financing option and will be used at the discretion of the town council.
- Is there a default clause if the funds aren't paid back?
- Does this type of financing effect the town's bond rating? No. The borrowing is from the town savings and paid back monthly.
- How many projects can be financed through this method at one time?
- Sections B and C – The affirmative statement should not be made by the same person (town manager or finance director) who requested the financing.
- Section D – The semi-colon should be a period.
- Section I 4 – The period should be a semi-colon.
- The approval date will be noted.

Based on the discussion, Mr. Quartararo will provide an amended draft for the May 10 council meeting for action.

## **2. Recommended Policy Updates to Purchasing Procedure and Fund Balance Procedure**

### **Fund Balance**

Staff has taken the opportunity throughout this year's budget review process to review finance-related documents and policies.

Finance Director John Quartararo provided an overview of the recommended changes to the fund balance policy.

The primary change is a target balance equal to 12.50% (increased from 8.33%) of annual general fund operating revenues for the most recent fiscal year.

A minor change is noted in the Museum at Portland Head Light Fund section to correct 25% to 25.00% in the second paragraph.

The town council will consider the policy on May 10.

### **Purchasing Procedure**

Finance Director John Quartararo provided an overview of the recommended changes to the purchasing procedure.

The amendments suggest increasing the amount of the purchase before the RFP process is triggered. A person's use of a credit card will be revoked if misused. A section is added to identify who has the authority to enter into contracts on behalf of the town.

It was suggested to create a policy to ensure policies are updated on a regular basis, and that copies of the policies are provided to town councilors and department heads.

Discussion Topics:

- Section II C. – Requires a copy of the purchase order to be given to the vendor. What about online purchases?
- For online purchases, should there be a requirement to obtain quotes (comparison-shopping) for better pricing?
- What is the difference between the lowest best and lowest responsible bid? The lowest responsible ensures that all the requirements of the bid are met.
- Who is authorized to use credit cards?
- In addition to the description of the purchase, is the purpose stated?
- The town manager should have authority to revoke the use of a credit card.
- Should the threshold of when the purchase of an item be approved by the town council be a set amount? Approval by the town council ensures the purchasing policy was followed, RFP (if required), award to lowest responsible bid.
- It was suggested a maximum amount be set for the reimbursement of sales tax e.g. \$10.00. There are several ways to purchase without the use of one's personal credit card.
- Are protocols being met when a department head emails the town manager for approval of a purchase?

The town council will continue the discussion at the June 7 workshop.

### **3. Discussion of Upcoming Capital Items**

The discussion of upcoming capital items began during the finance committee

The town council asked for a schedule of debt and when the debt will be retired. The town manager outlined some of the upcoming capital items.

The council will meet in workshop session with the school board to discuss capital items, bond debt and timing of upcoming capital expenses.

### **4. Pesticide Regulations**

On November 9, 2020, the town council referred the recommendation of the ordinance committee relating to pesticide regulations to a future workshop.

#### **Public Comment**

Patricia Wasserman, 3 Running Tide Road thanked the town council for considering the issue. Recommends aligning an ordinance to the City of South Portland's, not Falmouth. Concerned about the general population and what is going on around us. The town should identify products being used (residential and commercial) and educate the public.

Councilor Penny Jordan provided an overview of the ordinance committee's work. The committee leaned toward the Falmouth ordinance, which engages the community, identifies products being used (registry) and has an educational component.

Discussion Topics:

- How big is the problem?
- What is the problem we are trying to solve?
- Fertilizer should also be included.
- Where do we begin? Start with the town. Public works has been using an organic program, when applicable, for several years.
- Another Yardscaping presentation may be helpful. Work with partners from Casco Bay Estuary etc.
- An education component is important.
- Consider commercial and residential use.

**5. Conservation Committee Recommendation Relating to Water Body Naming**

On March 8, 2021, the town council referred the recommendation of the conservation committee relating to water body naming to workshop.

Town Planner Maureen O'Meara provided an overview.

The town council agreed a review by the Ad-Hoc Civil Rights Committee would be in order.

Public Comment

Patricia Wasserman encourages everyone to put their name on the list with the state to receive notice when pesticides are applied in your neighborhood. You would be surprised.

**Adjournment**

The workshop adjourned without objection at 9:36 p.m.

Respectfully Submitted,

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Debra M. Lane, Town Clerk

