



## **Cape Elizabeth Town Council**

**DRAFT Minutes Monday, July 11, 2022**

**7:00 p.m.**

**Town Hall Council Chambers**

Jeremy A. Gabrielson, Chairman  
Nicole Boucher  
Susan A. Gillis  
Caitlin R. Jordan  
Penelope A. Jordan  
Gretchen R. Noonan  
Timothy S. Reiniger

Chairman Gabrielson convened the meeting at 7:00 p.m.

### **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**

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

Chair Gabrielson announced items of interest on upcoming council agendas. The Shore Road project referendum vote may be scheduled for 11/2022, or next year. The next workshop of the Housing Diversity Study is 8/8, and if needed for additional discussion 8/22. The School Board is hosting meetings relating to the school project on 7/12, 7/13 and 7/14. A joint workshop of the Town Council and School Board will be held on 7/26.

Councilor Gillis asked about an attorney's opinion relating to LD #2003. What will Cape Elizabeth's baseline be?

Councilor Noonan addressed claims in the letter to the Courier written by Councilor Reiniger related to LD #2003.

Councilor Boucher asked for an update relating to the solar project.

Councilor Penelope Jordan announced the next meeting of the Ordinance Committee on 7/18 to interview applicants responding to the RFP for staff support to the Ad-Hoc Housing Diversity Study Committee.

Councilor Boucher announced the Appointments Committee meeting dates to interview applicants for the Ad-Hoc Housing Diversity Study Committee. The interviews will be held on 7/14 and 7/18 beginning at 6:00 p.m. in the Lower Level Conference Room at Town Hall.

### **Finance Committee Report – Finance Chair Nicole Boucher**

Review of the dashboard ending 6/30/2022.

**Citizen Opportunity for Discussion of Items Not on the Agenda**

John Voltz, 33 Philip Road asked for an update on the technology for hybrid meetings. He also followed up on the recent email sent to the council from the Energy Committee with recommendations relating to the solar project.

Chris Straw, 597 Shore Road asked about bids for reoccurring services to ensure good services for a fair price. When was the last time the town put out competitive bidding for town attorney?

Senator Anne Carney, 21 Angel Point Road followed up on the 6/29 Bureau of Parks & Lands public forum related to waterfront access at Kettle Cove. The state will continue to take comments until 7/14/2022 [jim.vogel@maine.gov](mailto:jim.vogel@maine.gov). Senator Carney and Representative Millett are following the issue.

Jamie Garvin, 76 Oakhurst Road noted the Code of Ethics signed annually by the members of the town council. Concerned about the upcoming interviews of the Appointments Committee for the Ad-Hoc Housing Diversity Study Committee. Before elected, Councilors Gillis and Reiniger were actively engaged in the citizen petition that will appear on the ballot in November. No less than 5 applicants also participated in that effort therefore Councilors Gillis and Reiniger should recuse themselves from all procedural items regarding the appointments of this committee or at the least be excluded from portions of the interviews and voting on these individuals.

Mr. Sturgis noted an update on the solar project will be provided on August 8.

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

The Beach to Beach 10K Road Race will be held on Saturday, 8/6.

Cumberland County is accepting nominations for the Finance Committee (2-year term). Interested councilors should contact the town manager for more information.

Fort Williams Park will close at 1:00 p.m. on Thursday, 7/14. Fort Williams Park will be the site for an event for the National Governors Association semiannual meeting.

LD #290 An Act To Stabilize Property Taxes for Individuals 65 Years of Age or Older Who Own a Homestead for at Least 10 Years passed in the recent legislative session. Information will be posted on the town's website as it becomes available. It is anticipated applications will become available in the fall; application deadline 12/1/2022.

**Review of Draft Minutes**

June 13, 2022

Moved by Gretchen R. Noonan and Seconded by Timothy S. Reiniger

ORDERED, the Cape Elizabeth Town Council approves the minutes of the meeting held on June 13, 2022 as written.

(7 yes) (0 no)

**Consent Calendar Item #103-2022 – Item #107-2022**

Councilor Penelope Jordan and Councilor Caitlin Jordan disclosed their businesses work with the Inn by the Sea and The Good Table.

Moved by Timothy S. Reiniger and Seconded by Susan A. Gillis

ORDERED, the Cape Elizabeth Town Council approves the Consent Calendar Item #103-2022 – Item #107-2022 as presented.

(7 yes) (0 no)

**Item #103-2022      Inn by the Sea Liquor License and Special Amusement Permit**

ORDERED, the Cape Elizabeth Town Council approves the malt liquor (beer), wine and spirits on-premises license and special amusement permit for Inn by the Sea, LLC located at 40 Bowery Beach Road.

**Item #104-2022      The Good Table Liquor License**

ORDERED, the Cape Elizabeth Town Council approves the malt liquor (beer), wine and spirits restaurant license for Good Table, LLC located at 527 Ocean House Road.

**Item #105-2022      Update to Chapter 3 Personnel Code**

ORDERED, the Cape Elizabeth Town Council amends Chapter 3 Personnel Code Sec. 3-2-9 Retirement and Disability (c) to reflect the approved change to increase the employee and employer's contribution to the defined contribution plan 401A from 7% to 8% of gross wages.

**Sec. 3-2-9 Retirement and Disability**

**(c) Defined Contribution Plan**

The Town of Cape Elizabeth became a participant in the ICMA Retirement Corporation, Sec. 401A Money Purchase Plan in 1990. The Town will match effective on the employment date regular employees' contributions at 7 8% of gross wages level with employee's contributions to be paid through payroll deductions. Employees are fully responsible for any fees assessed to participants by the Plan and are responsible for choosing from among a number of investment options for the balances in their accounts. The withdrawal of funds is in accordance with federal regulations. Employees who participate in the MainePERS are not eligible for this defined contribution plan. (Rev. Eff. 01/10/11) (Rev. Eff. 7/11/2022)

Part-time employees who work a regular weekly schedule of 15 or more hours per week on a year-round basis are eligible for this program.

**Item #106-2022      Recommendation from the Appointments Committee to Fill a Vacancy on the Conservation Committee**

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the Appointments Committee to appoint Stacey Dietsch, 2 Park Circle to serve the unexpired term on the Conservation Committee until 12/31/2022. Said term is effective immediately.

**Item #107-2022      Appointment of Registration Appeals Board Chair**

ORDERED, the Cape Elizabeth Town Council confirms the nomination of the Town Clerk to appoint Anne E. Swift-Kayatta, 14 Stone Bridge Road to serve as the Chair of the Registration Appeals Board for a term until July 11, 2026 and until a successor is sworn.

**Item #108-2022      Presentation – Safe in Maine Fund**

Belinda Ray, GPCOG Director of Strategic Partnerships presented an overview of the Safe in Maine Fund. GPCOG has launched a campaign to raise \$1.5M from private and public donations. The goal is to raise the funds within 6 months. Member communities will be asked to consider a donation.

**Public Comment**

Chris Straw, 597 Shore Road encouraged donating funds equally to all that need housing.

John Voltz, 33 Philip Road said don't think you can spread funds equally or nothing gets done. Donate to a program that you think will work. Housing is a regional problem.

It was a consensus to include an item on the August 8 agenda to consider a donation to the Safe in Maine Fund. A list of similar past donations is requested.

**Item #109-2022      Presentation – Fiscal Review in Anticipation of Potential Borrowing**

Joe Cuetara, Moors & Cabot presented an overview of the town's financial status in anticipation of potential borrowing.

A summary of Mr. Cuetara's comments are posted on the town's website.

**Item #110-2022      Shore Road Rehabilitation Project Update/Preliminary Design**

Present –

Nikki Conant, Project Designer – Sebago Technics

Stephen Harding, Town Engineer

Maureen O'Meara, Town Planner

Jay Reynolds, Director of Public Works

Introduction – Mr. Sturgis

Review – Nikki Conant

**Public Comment**

Chris Straw, 597 Shore Road said crosswalk should be at Cottage Farms Road, without a flashing sign. Proposed additional parking would not be used by residents and therefore not help them.

Hope Straw, 597 Shore Road addressed proposed parking spaces at Cottage Farms Road/Island View Road – from previous comments this wasn't something that residents want. The intent isn't for additional parking but rather pedestrian and bike friendly.

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Tom Ward, 611 Shore Road initially thought alternate plan for parking spaces in the Cottage Farms Road/Island View Road area would help parking. Yesterday 32 cars were parked in the area for 14 proposed spaces. The problem is the area accessing the beach, not in the business area. Whatever the plan is, it must address the beach cars. The only fire hydrant in the area is adjacent to a parking space.

Ray Clark, Owner of Cape Elizabeth Service Center, 560 Shore Road asked for further review of the main entrances to his business. The proposed narrowing of the openings is problematic.

Maureen McCarthy, 16 Stonybrook Road said current businesses already use the existing parking across the street from the Cookie Jar – additional spaces will not help the Cookie Jar.

Donna Piscopo, Owner of the Cookie Jar 554 Shore Road said the main concern is losing parking in the front of the building – exiting cars onto Preble Street is using the neighbor's driveway which shouldn't be their responsibility to provide the exit. Robinson Wood's users back onto Shore Road. Where would employees park?

Debbie Peck, 21 Cottage Farms Road favors a flashing sign at the Cottage Farms Road crosswalk. The situation is dangerous in front to the Cookie Jar with cars backing out onto Shore Road – often times drivers do not see pedestrians or bicyclists.

Richard Armstrong, 2 Waverly Road asked to see the alternate design for the Cookie Jar to confirm what the alternate would propose.

Susan Dubuque, 586 Shore Road likes the proposed changes to the intersection at Preble Street. Safety measures are needed during construction. Concerned about storm water – what is the plan?

Helaine Hornby, 635 Shore Road asked why there are proposed sidewalks on both sides.

Nat Jordan, 6 Robinhood Road suggested building the road to accommodate alternatives modes of transportation e.g. bicycles. Where will the car go to park at the beach? If the parking spaces are full, cars will have to move on. Doesn't feel safe on a bike near the Cookie Jar.

Moved by Gretchen R. Noonan and Seconded by Timothy S. Reiniger

ORDERED, the Cape Elizabeth Town Council suspends the Town Council Rules to take up new items after 10:00 p.m.  
(7 yes) (0 no)

**Item #111-2022      Request to Consider a Parking License Agreement & Construct Parking Behind Town Hall**

Greg Shinberg provided an overview of his proposal.

**Public Comment**

Jamie Garvin, 76 Oakhurst Road has no concern about the project. Unfortunately this shines a light on the lost opportunity from the squashing of the Dunham Court project however this is a predictable outcome that there is not going to be another affordable housing project.

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Moved by Penelope A. Jordan and Seconded by Susan A. Gillis

ORDERED, the Cape Elizabeth Town Council refers to workshop (9/2022) a request by Greg Shinberg for a parking license agreement and allowance to construct parking behind Town Hall for preliminary plans to construct condominiums on lots 3 & 4 in Ocean House Common.

(7 yes) (0 no)

**Item #112-2022          Consideration of Agreement Between the Town of Cape Elizabeth and the Cape Elizabeth Historical Preservation Society**

Introduction – Mr. Sturgis

Bob Dodd, President Cape Elizabeth Historical Preservation Society thanked the Town for the opportunity for the new location and provided an overview of the CEHPS's plan for a history center and Fort Williams museum.

Moved by Jeremy A. Gabrielson and Seconded by Timothy S. Reiniger

ORDERED, the Cape Elizabeth Town Council authorizes the Town Manager to sign an Agreement Between the Town of Cape Elizabeth and the Cape Elizabeth Historical Preservation Society to include the Bachelor Officers' Quarters Occupancy Agreement and Records Management Agreement as presented.

(7 yes) (0 no)

See attachment.

**Item #113-2022          Report of the Certification of the Citizen Petition to Create Community Housing – Plan B**

Public Comment

Jamie Garvin, 76 Oakhurst Road is happy to see the petition did not receive the necessary number of signatures. If you want to see substantial progress towards creating affordable housing in Cape Elizabeth you have the opportunity by affirming the vote (5-2) of the town council from last fall on the November ballot.

Moved by Nicole Boucher and Seconded by Gretchen R. Noonan

ORDERED, the Cape Elizabeth Town Council acknowledges receipt of the report from the Town Clerk dated June 29, 2022 outlining the certification of the Citizen Petition to Create Community Housing - Plan B which failed to meet the required number of signatures of registered voters, per the Council-Manager Charter, to move the petition to public hearing and referendum vote. No further action is needed.

(7 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

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**Adjournment**

Moved by Nicole Boucher and Seconded by Timothy R. Reiniger  
ORDERED, the Cape Elizabeth Town Council adjourns at 10:22 p.m.  
(7 yes) (0 no)

Respectfully Submitted,

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Debra M. Lane, Town Clerk