



Cape Elizabeth Town Council

DRAFT Minutes

Monday, September 14, 2020 7:00 p.m.

Zoom Online

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 Chairman Pro-Tem 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 The section is repealed 30 days after the termination of the state of emergency.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 Valerie Adams.

Debra M. Lane, Town Clerk
Maureen O'Meara, Town Planner
Matthew E. Sturgis, Town Manager

The Pledge of Allegiance to the Flag

Town Council Reports and Correspondence

Councilor Penelope Jordan noted the planning board will hold a workshop on September 22 relating to short-term rentals. Residents are encouraged to forward their comments to the board. Applications for the 2021 Senior Tax Relief Program are available; applications are due November 15, 2020.

Councilor Gabrielson reported that he and Town Manager Sturgis attended the recent virtual GPCOG Metro Coalition meeting. Topics remaining on the agenda are housing, response to COVID and racial inequity learning about what other communities are doing.

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Finance Committee Report

Finance Committee Chairman Garvin reviewed the dashboard and financial statements as of August 31st.

Mr. Sturgis noted the increase of building permit revenue to date which are approximately 50% higher than this time last year.

Citizen Opportunity for Discussion of Items Not on the Agenda

None

Town Manager's Report

Applications for the Senior Citizen Tax Relief program are now available.

The Tax Assessor mailed out 200 application packets last week to prior recipients and people who have requested applications last year. The program has a maximum benefit of \$500 for Cape Elizabeth residents, 65 or older, have lived in their home for ten years, either own or rent, and have an annual household income of \$60,000 or less.

Applications are available on the Town's website or by calling 799-1619 and requesting one be mailed to you.

Recycling Center fees resumed on September 8.

Fees for disposal of leaf and yard waste, brush, and other demolition materials at the recycling center were suspended in March due to concerns of the pandemic. This was primarily due to attempting to minimize exposure of staff and patrons. Over the past months materials have been installed to provide protection such as Plexiglas shields and other personal protective equipment for staff, and now we are able to conduct transactions.

Public Works Director Jay Reynolds is working on a re-opening plan for the swap shop and for returnable bottles. I am afraid I misspoke last month that we would be able to receive returnable bottles and cans, as our partner firm is experiencing staff shortages and is unable to provide that service at this time. We are exploring other options and should have a solution shortly.

Automatic CPR device makes a difference.

Fire Chief Gleeson has provided me with a letter of thanks the Fire and Rescue Department received from the mother of a 35-year-old man who suffered a heart attack recently when visiting Cape Elizabeth. The Town's Paramedics and Emergency Medical Technicians responded within 5 minutes of the call, and employed the Town's Lucas Device, an auto CPR device, which provided the treatment that was essential in saving this young man. The Chief and I wanted to thank the council for the support you provide the department with equipment such as this, which made the difference between life and death. It is great to be able to share a positive ending to what could have been a tragedy.

Respectfully submitted,

Matthew E. Sturgis
Town Manager

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Chairman Pro-Tem Garvin congratulated Officer David Galvin one of the recipients celebrating the Month of Heroes for September from the Trauma Intervention Program (TIP) through Maine Behavioral Healthcare.

On September 5, Helen Elizabeth Jordan Tarling of Cape Elizabeth and South Portland passed away at the age of 103. Mrs. Tarling graduated from CEHS in 1934.

On August 27, John (Jack) Paul Kennealy of Cape Elizabeth passed away at the age of 79. Jack was a noted fine arts photographer and active community volunteer.

Review of Draft Minutes of the Following Virtual Meetings

- **August 10, 2020**

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

ORDERED, the Cape Elizabeth Town Council approves the minutes of the virtual meeting held on August 10, 2020 as written.

(6 yes) (0 no)

Item #118-2020 General Assistance Appendices

Moved by Christopher M. Straw and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council sets to public hearing on Wednesday, October 14, 2020 at 7:00 p.m. via Zoom the General Assistance Ordinance Appendices (A-H) as recommended by the Maine Municipal Association effective October 1, 2020 – September 30, 2021.

(6 yes) (0 no)

**Item #119-2020 Appointments Committee Recommendations to the Ad-Hoc
Civil Rights Committee**

Introduction – Councilor Deveraux, Appointments Committee Chairman

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

ORDERED, the Cape Elizabeth Town Council approves the recommendations of the appointments committee to appoint the following seven citizens and a non-voting student representative to the newly-formed ad-hoc Civil Rights Committee as presented.

Keyla Alston-Griffin, 24 Ridge Road
Dheeraj Khare, 29 Trundy Road
Kimberly Monaghan, 6 Russet Lane
Paul Seidman, 21 Oakview Drive
Jim Sparks, 14 Woodcrest Road
Melanie Thomas, 6 Starboard Drive
Rafina Young, 1020 Sawyer Road

Miriam Esch Levanos, Student CEHS

(6 yes) (0 no)

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Moved by Christopher M. Straw and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council appoints Councilor Valerie J. Deveraux to serve as the town council representative serving as a non-voting ex-officio member of the ad-hoc Civil Rights Committee.

(6 yes) (0 no)

Item #120-2020 Willow Brook Culvert Grant

Introduction – Maureen O’Meara, Town Planner

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

ORDERED, the Cape Elizabeth Town Council authorizes town staff to submit a grant application for the replacement of the Willow Brook culvert for a total project cost of \$460,701, of which the town will provide \$75,000 as a cash match.

(6 yes) (0 no)

Item #121-2020 Refer to Ordinance Committee Non-Commercial Use of the Boat Launch Near the Entrance to Kettle Cove at the end of Crescent Beach

Introduction – Mr. Sturgis

Public Comment –

Jim Morra, 5 Waumbek Road is in favor of the change which aligns with the Harbors Committee report.

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

ORDERED, the Cape Elizabeth Town Council refers to the ordinance committee review of Chapter 13 Traffic Regulations, Section 13-3-9 and 13-2-4 to consider amending the ordinance to allow non-commercial watercraft launching at the boat launch near the entrance to Kettle Cove at the end of Crescent Beach as an allowed use.

(6 yes) (0 no)

Item #122-2020 Refer to Workshop Paper Streets

Public Comment –

Anita Petitt, 8 Katahdin Road thanked the town council for their efforts relating to the paper street lawsuit and asked the town council to move the matter forward, finish the job the community supports.

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

ORDERED, the Cape Elizabeth Town Council sets to workshop on Wednesday, October 7, 2020 at 7:00 p.m. via Zoom the paper street sections of Surfside Avenue.

(6 yes) (0 no)

Item #123-2020 Parking on the Town Farm Parcel

Introduction – Mr. Sturgis

Moved by Penelope A. Jordan and Seconded by Christopher M. Straw

ORDERED, the Cape Elizabeth Town Council refers to the ordinance committee for review Chapter 19 Zoning Ordinance Section 19-6-10 relating to amending the ordinance to allow the long-standing parking use on the Town Farm across from the wastewater treatment facility.

(6 yes) (0 no)

Item #124-2020 Municipal Election Warrant

Introduction & Election Update – Town Clerk Debra Lane

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

ORDERED, the Cape Elizabeth Town Council approves the municipal election warrant for Tuesday, November 3, 2020 as presented.

(6 yes) (0 no)

TOWN OF CAPE ELIZABETH

**MUNICIPAL ELECTION
WARRANT**

TUESDAY, NOVEMBER 3, 2020

County of Cumberland, ss.

To Paul W. Fenton, a constable of Cape Elizabeth. You are hereby directed to notify the voters of Cape Elizabeth of the election described in the warrant.

Voting for two members of the Town Council to serve a three-year term until December 11, 2023.

Voting for two members of the School Board to serve a three-year term until December 11, 2023.

Voting for one member to serve a five-year term on the Portland Water District Board of Trustees.

Election to be held on Tuesday, November 3, 2020, at the Cape Elizabeth High School Gymnasium.

Polls open at 7:00 a.m. and Close at 8:00 p.m.

Absentee Ballot Processing:

Prior to Election Day absentee ballots will be processed at Town Hall in accordance with 21-A M.R.S. §760-B (1) as suspended and modified in the Governor's Executive Order dated August 26, 2020 to permit such processing up to seven days prior to the election. Questions regarding dates and times should be directed to the Town Clerk.

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Absentee ballots will be processed on Election Day, on the hour every hour beginning at 7:00 a.m. until close. The Cape Elizabeth Town Democratic Committee, the Cape Elizabeth Town Republican Committee, and the State Green Independent Party have been notified, in writing, of the absentee ballot process.

The Registrar of Voters is available to accept new registrations and corrections to the voter list. The Registrar can be reached at Town Hall 799-7665. The Registrar is also available on Election Day at the polls 7:00 a.m. – 8:00 p.m. Proof of residency and identity is required.

Municipal Officers of Cape Elizabeth, Maine
Dated at Cape Elizabeth this 14th day of September 2020.

Item #125-2020 Discussion – Ralph T. Gould Award

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

ORDERED, the Cape Elizabeth Town Council will award the 2020 Ralph T. Gould Award for outstanding citizenship to Robert C. Malley, 183 Fowler Road, former Director of Public Works.
(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.

George Foley, 9 Pilot Point Road missed the earlier discussion and asked the town council to move forward to accept the Surf Side Avenue paper street.

John Christie, 6 Albion Road encouraged the town to provide in person absentee balloting at town hall.

Adjournment

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

ORDERED, the Cape Elizabeth Town Council adjourns at 8:28 p.m.
(6 yes) (0 no)

Respectfully Submitted,

Debra M. Lane, Town Clerk