



Cape Elizabeth Town Council Minutes

Wednesday, October 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 Valerie A. Adams.

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 The section is repealed 30 days after the termination of the state of emergency.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

Matthew E. Sturgis, Town Manager & Clerk Pro-Tem

The Pledge of Allegiance to the Flag

Presentation of the Ralph T. Gould Award

Chairman Adams presented the Ralph T. Gould Award to Robert C. Malley for his outstanding citizenship and service to the town. Bob served the community at the Public Works Department for 40+ years. On behalf of the community, the Town Council thanks Bob for his service and dedication to the community.

Town Council Reports and Correspondence

Councilor Deveraux reported that the second meeting of the Ad-Hoc Civil Rights Committee will meet tomorrow evening at 7:00 p.m. via Zoom. Interested citizens are encouraged to watch the meeting.

Councilor Penelope Jordan noted on 10/20 the Planning Board will set short term rentals to public hearing for 11/17. Correspondence has been received relating to the hours of early voting and the status of opening the Thomas Memorial Library. The manager will update on both topics.

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Mr. Sturgis provided an update of the Thomas Memorial Library's programming, review of staffing and offering of services during the pandemic. Further updates will be provided.

**Finance Committee Report
Dashboard and Financial Reports as of September 30, 2020**

Finance Chairman Garvin reviewed the revenues and expenditures. The town manager is asked to confirm the revenues for the Portland Head Light to make certain the report reflects the amounts approved in the budget. Weren't the projections lower given anticipated less traffic through the gift shop.

The audit should be completed in the next few weeks. The completed audit will be presented to the town council and school board in a joint workshop.

The next subcommittee of the town council and school board chairmen and finance chairmen will be hold on October 22 at 9:00 a.m. via Zoom.

Citizen Opportunity for Discussion of Items Not on the Agenda

Jim Morra, 5 Waumbek Road asked what happened from last week's workshop to this evening not including a vote on paper streets? Accept the paper streets and work with the abutters and neighbors to make it as less obtrusive as possible.

Sarah MacColl, 4 Avon Road noted a letter to the town council asking that the current council accept the paper streets. Take a vote next month to accept the paper streets.

Mary Ann Lynch, 2 Olde Colony Lane encouraged the town council to accept the paper streets. Requests the opening of the library, for public browsing, with public health measures – other communities have done so. If the administration doesn't open the library, the council should schedule a public meeting to discuss it.

George Morse, 1148 Shore Road disappointed the current council isn't voting on the paper streets – unfair to new members. Don't kick it down the road. Urging a vote on the November meeting agenda to include a simple walking path and town willing to visit with abutters for input.

Jodi Breau, 5 Waumbek Road who is going to explain tonight why the paper streets aren't on tonight's agenda?

John Bechard, 7 Winslow Place adding hours to in-person voting. People who work would like weekend hours. For safety many don't want to vote on election day. Weekends and after work.

Priscilla Armstrong, 18 Avon Road urge the town council to place the vote on paper streets on the November agenda. Volunteer to work with the abutters and town committee to build a path.

George Foley, 9 Pilot Point Road agreed with speakers on paper streets. Harassment from abutters has not stopped. Put the vote on the next agenda – vote on by current council.

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Review of Draft Minutes of the Following Virtual Meetings

- **September 14, 2020**
- **September 28, 2020 Special Meeting**

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

ORDERED, the Cape Elizabeth Town Council approves the minutes of the virtual meetings held on September 14, 2020 and the special meeting on September 28, 2020 as written.

(7 yes) (0 no)

Town Manager's Report

Over the past couple of days, the Town has received requests for expanded in-person absentee voting. In response to those requests we have added an additional hour and a half per day, with the new hours being Monday through Friday, 8 am to 11:30 am, then 1:15 to 3:30 pm. This is a change from the original hours of 9 to 11:30 am and 1:15 to 3 pm. The desire is that this will meet the demand for those who prefer to vote absentee in person instead of via the mail, in-person drop off, or our newly installed vote drop box.

This schedule allows a half hour in the morning for elections staff to set up for voters, and continue processing submitted ballots from the prior day. With the 11:30 end to the morning session, this allows staff to assist those in line at that time to also vote prior to noon. The one-hour break at noon allows elections staff to have an opportunity to have lunch, return by 1, set up for the afternoon, and then assist voters until 3:30. This also gives those still in line the opportunity to vote similar to the morning, prior to the building closing at 4 pm for the day.

Finally, on October 30, the last day for absentee voting in person, the Town Hall will be able to assist voters from 8 to 11:30 am, and then from 1:15 to 5:00 pm.

As of close of business today, the Town has sent out close to 5,000 absentee ballots. Of those 5,000, in excess of 2,000 of those absentee ballots have been returned to the Town in the first week. Of those returned, over 1,900 were returned by the newly installed drop box in front of Town Hall. 130 have voted in person (an average of 33 per day), with the remainder choosing to hand them to an elections worker at the front door. Voters have apparently embraced the drop box option as safe, secure, and socially distant option. And this option is one we encourage as the safest way to vote in this age of COVID-19. It has been encouraging to watch voters taking "selfies" with the drop box over the past few days.

With an estimated number of 6,500 to 7,000 voters, it is estimated that when voting is complete, 80 plus percent of voters will have voted by the absentee process, with the majority employing the drop box option, and if the current trend continues we anticipate roughly 400 voters will choose the in person option, or roughly 7 to 8 percent of registered voters.

It is the steadfast desire to provide all who wish to vote every opportunity to exercise their right to vote, and based on Cape Elizabeth's strong tradition of high percentage of voter turnout, it is our desire that adding the additional time daily will increase the voter's options.

Respectfully submitted,

Matthew Sturgis
Town Manager

Public Hearing Tacos Y Tequila Liquor License

Chairman Adams opened the public hearing at 8:18 p.m.
After hearing no comments, the public hearing was closed.

Item #127-2020 Tacos Y Tequila Liquor License

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

ORDERED, the Cape Elizabeth Town Council after having held a public hearing approves the new malt liquor, wine and spirits license for Tacos Y Tequila Cape Elizabeth Inc. located at 517 Ocean House Road as presented.

(7 yes) (0 no)

Public Hearing General Assistance Appendices

Chairman Adams opened the public hearing at 8:21 p.m.
After hearing no comments, the public hearing was closed.

Item #128-2020 General Assistance Appendices

Moved by James M. Garvin and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council after having held a public hearing approves the General Assistance Ordinance Appendices (A-H) as recommended by the Maine Municipal Association effective October 1, 2020 – September 30, 2021.

Moved by Valerie A. Adams and Seconded by Christopher M. Straw

ORDERED, the Cape Elizabeth Town Council amends the motion to approve the General Assistance Ordinance Appendices (A-H) with the exclusion of Appendix C.

(7 yes) (0 no)

Original Motion as Amended: (7 yes) (0 no)

Item #129-2020 Request for a Speed Limit Reduction on Wood Road, Ivie Road, Rocky Hill Road, High Bluff Road and Glenden Road

Councilor Garvin recused himself from discussion and voting on this item to avoid a potential perceived bias due to the proximity of the roads and relationships with some of the principals bringing the matter forward.

Public Comment

Randy Blake, 2 Ivie Road said the neighborhood has demonstrated the need to lower the speed to 15 mph. The configuration of the road, hills, limited width and sight distance warrants the lower speed. The neighbors have worked with the town manager, police chief and DOT. According to DOT the town can post a narrow roads/advisory speed limit sign. The neighbors request the sign at 15 mph.

Erik Johansson, 2 Rocky Hill Road 15 mph is wise. Most drive under 15 mph except an occasional out of townner. Have witnessed near-misses.

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Hilary Mitchell, 6 Rocky Hill Road supports the lowering of the speed limit to 15 mph. Since the pandemic there has been an uptick in traffic such as delivery drivers unfamiliar with the neighborhood not realizing 25 mph is still too fast.

Questions were answered by Mr. Sturgis and Chief Fenton.

It was a consensus of the six voting councilors to direct the town manager to work with DOT, police department and public works to post the narrow roads/advisory 15 mph speed limit signs. In addition, staff is encouraged to determine whether any other roads/neighborhood meeting the narrow road definition may have similar concerns.

Item #130-2020 Consider Issuing a Request for Proposals for Legal Services

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

ORDERED, the Cape Elizabeth Town Council authorizes issuance of a request for proposals for general legal services for the Town which is in line with the town council goals to bid contracted services to determine competitiveness of rates.

(7 yes) (0 no)

Item #131-2020 Request to Revisit Zoning Regulations Related to Child Care Facilities and Similar Businesses

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

ORDERED, the Cape Elizabeth Town Council refers to the ordinance committee for review and recommendation the site plan review process to assess whether there should be a modified review process based on business size and impact.

(7 yes) (0 no)

Item #132-2020 Review of Town Fee Schedule

One of the goals (Fiscal Management) of the town council is to review the town fee schedule.

It was a consensus of the town council that the item be scheduled for a future workshop.

Item #133-2020 Acceptance of a Grant for Enforcing Underage Drinking Laws – Dirigo Safety, LLC

Present – Chief Fenton

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

ORDERED, the Cape Elizabeth Town Council accepts and appropriates a \$1,000.00 award from the Enforcing Underage Drinking Laws grant, which is made and overseen by Dirigo Safety, LLC. The grant period is September 8, 2020 to June 20, 2021.

(7 yes) (0 no)

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Item #134-2020 Approval of the Transfer of Forfeiture Assets

Present – Chief Fenton

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

ORDERED, the Cape Elizabeth Town Council grants approval pursuant to 15 M.R.S. §5824(3) & §5826(6) to transfer forfeited assets in the case State of Maine v. Kenneth Jules LaFlamme, Defendant; And \$2,000 U.S. Currency, Defendant(s) In Rem.
(7 yes) (0 no)

Item #135-2020 Discuss the Formal Creation of a Bottle Shed Committee

Moved by James M. Garvin and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council refers to the ordinance committee consideration of amending Chapter 4 Boards and Committees to add the responsibility of recommending the allocation of funds received from the proceeds at the Bottle Shed to the recycling committee with a recommendation back to the town council.
(7 yes) (0 no)

Item #136-2020 Discussion of Best Practices for 2020 Halloween Activities

Introduction – Mr. Sturgis

Information has been provided as a guideline for residents to be creative while socially distancing to celebrate Halloween.

Community Services is holding an event on October 30 providing a safe alternative to families. Interested residents are encouraged to go to the community services website for more details.

Item #137-2020 Town Council Vacancy

Chairman Adams announced she will be stepping down from the town council effective November 5, 2020 as she will be moving out of town.

Moved by Valerie A. Adams and Seconded by James M. Garvin

ORDERED, the Cape Elizabeth Town Council declares a vacancy on the town council with the resignation of Valerie A. Adams effective November 5, 2020 with the position being filled at the November 3, 2020 election. Finance Chairman Garvin shall serve as chairman pro-tem per the Town Council Rules Article IV Miscellaneous Provisions Section 3.
(7 yes) (0 no)

Item #138-2020 Corporate Resolution to open a deposit account at Machias Savings Bank.

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

ORDERED, the Cape Elizabeth Town Council authorizes the opening of a new deposit account at Machias Savings Bank, and adopts the proposed corporate resolution.
(7 yes) (0 no)
See attachment.

Item #139-2020 Authorization to Enter into a Lease Option agreement with encore Renewable Energy at the landfill site at the Cape Elizabeth Recycling Facility.

Introduction – Mr. Sturgis

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

ORDERED, the Cape Elizabeth Town Council tables Item #139-2020 pending the final draft of the lease option with encore Renewable Energy.

(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

Item #140-2020 Executive Session- Request for Hardship/Poverty Tax Abatement

Moved by James M. Garvin and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council enters into executive session at 9:46 p.m. in conformance with 1 MRS §405 6 F to consider a request for an abatement of property taxes based on hardship or poverty.

(7 yes) (0 no)

Moved by James M. Garvin and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council exits executive session and reenters public session at 9:58 p.m.

(7 yes) (0 no)

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

ORDERED, the Cape Elizabeth Town Council denies the request for an abatement of property taxes.

(7 yes) (0 no)

Adjournment

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

ORDERED, the Cape Elizabeth Town Council adjourns at 10:00 p.m.

(7 yes) (0 no)

Respectfully Submitted,

Matthew E. Sturgis, Clerk Pro-Tem