



Cape Elizabeth Town Council

Minutes Monday, January 11, 2021

7:00 p.m.

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 meeting via Zoom, an online video and audio conferencing platform, was convened at 7:00 p.m. by Chairman 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 The section is repealed 30 days after the termination of the state of emergency.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.

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

The Pledge of Allegiance to the Flag

Chairman Garvin provided the following remarks:

Before we move on to our regular agenda, I want to take just a few moments to reflect on the events that occurred in Washington last week. Like so many, we were shocked, appalled, and deeply saddened watching the violent and anti-democratic acts that transpired. To see a riotous mob – some clearly espousing extremist, racist, and anti-Semitic views – occupy the Capitol seeking to interrupt the democratic process and attempt to overturn the results of a free and fair election was something few could imagine, even amidst the hyper-partisan environment that envelops the nation and our government today.

First and foremost, we grieve for the lives lost and those who were injured; we are grateful for the heroic actions of many that prevented more tragic and potentially catastrophic outcomes; and we were encouraged to see the work of the Congress continue unabated once order had been restored.

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What happened last week has been universally condemned, and we unequivocally join in that response. I also wanted to offer an additional and more personal perspective. Just an hour or so after the Capitol building had been cleared and secured, the Town Council met for its regularly scheduled workshop. On the agenda were the updates to the short-term rental ordinance we've been working on for the last number of months – something that, while clearly on a completely different level, has generated a fair amount disagreement and tension among our community and us as councilors. It struck me that evening – and Councilor Deveraux referred to it in the moment – what a stark contrast and juxtaposition it was to what we had witnessed earlier in the day. We all take tremendous pride in serving the community as town councilors. We strive to model civic leadership and civil discourse. Even when we disagree, we do so with respect and a foundational trust that each person's opinion and position is rooted in facts and a desire to do what they think is right on behalf of the citizens.

It may sound naïve to think that how we conduct our business here can have any impact amidst the turmoil and turbulent times like the ones we find ourselves in. But it is the very least we can do, and so it is in that spirit that we as a council reaffirm our commitment to our values and hope that even in some small way, it can make a difference.

Town Council Reports and Correspondence

Councilor Noonan reported she met with Nate Perry, Cape Elizabeth Fisherman's Alliance, per his request. Mr. Perry reviewed the history of the boat launch and water access at Kettle Cove.

Finance Committee Report

Finance Chairman Jeremy Gabrielson reviewed the financial dashboard and reports through December 31, 2020.

Opportunity for Public Comment of Items Not on the Agenda

None

Town Manager's Monthly Report

Matthew E. Sturgis, Town Manager

The Town departments are all working on the Fiscal Year 2022 Municipal Budget.

I am happy to report that our police department and emergency medical services personnel have received the first round of the COVID vaccine. We anticipate they will be receiving the second shot of the two phase vaccination within the prescribed window.

Last week I received confirmation that the Town was successful in pursuing the electric vehicle charging station grants through Efficiency Maine. Both grants are for up to \$16,000 or 80% of the cost of the project if not in excess of \$16,000. We will plan on including these two stations in the upcoming Capital plan.

We have completed all of the agreement language regarding the solar installation project, and encore renewable energy is working on the next phase of the project, planning to go to the Planning Board.

Speaking of solar power, the Energy Committee will be having a community conversation through the Thomas Memorial Library on January 25 at 6:30 p.m. on community solar projects.

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The Communications Tower project is advancing, with a pre-bid meeting this Thursday morning. We have received our Planning Board approval, as well as DEP review and approval.

Finally, this Thursday evening the Town Engineer, Steve Harding, Public Works Director, Jay Reynolds, and I will be hosting a meeting to discuss the preliminary design work on the Kettle Cove watercraft launch. This is a product of the planning grant the Town received, and we have notified the abutters and posted the meeting. It is anticipated to have a final presentation prepared for the council at your February 1st workshop.

Review of Draft Minutes of the Meeting Held on December 14, 2020

Moved by Nicole Boucher and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council approves the minutes of the virtual meeting held on December 14, 2020 as written.

(7 yes) (0 no)

**Item# 31-2021 Authorization of the Establishment of a Special Purpose Fund for the
Thomas Memorial Library**

Introduction – Mr. Sturgis

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

ORDERED, the Cape Elizabeth Town Council authorizes the finance director to establish The Maryellen Coles Children's Book Fund within Fund 46 – Thomas Memorial Library Fund and authorizes acceptance of a \$1,000 donation, with appreciation, to establish the fund, anticipating annual additions to the fund.

(7 yes) (0 no)

Item# 32-2021 Authorization of Transfer Funds – Account Series 0640 – 0660

Finance Director John Quartararo logged onto the meeting however was unable to connect to audio.

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

ORDERED, the Cape Elizabeth Town Council tables Item #32-2021 to the February 8, 2021 town council meeting in order for the finance director to be available to answer questions.

(7 yes) (0 no)

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Item# 33-2021 Fort Williams Park Uses 2021

Moved by Gretchen R. Noonan and Seconded by Jeremy A. Gabrielson

ORDERED, the Cape Elizabeth Town Council approves the recommendations of the Fort Williams Park Committee for the following uses of Fort Williams Park in 2021 as follows, provided gatherings are permitted within the State guidelines during the state of emergency due to COVID-19.

(7 yes) (0 no)

Cape Elizabeth Little League – Seasonal Use

Cape Elizabeth High School Graduation – Sunday, 6/6/2021

Family Fun Day – Saturday, 6/12/2021, Rain date Sunday, 6/13/2021

Friends of Fort Williams Garden Tour – Saturday, 7/17/2021

Beach to Beach 10K Road Race – 8/2/2021 – 8/7/2021 (pending confirmation whether the race will be held in 2021)

Making Strides Cancer Walk – Sunday, 10/17/2021

Item #34-2021 Short Term Rental Amendments/Comprehensive Plan Amendment Recommendations

Deborah King, 125 Old Ocean House Road asked if the amendments were ready for public hearing. Last minute changes seem premature to send to the public. If there is a restriction to not allow more than one rental within a 7-day period how will this be enforced and tracked by the code officer and police department.

David Parisi, 503 Ocean House Road asked what is the purpose of limiting rentals within a 7-day period. What is the difference if a neighbor has children and multiple cars going in and out? The limit will cut rentals for the year in half and we may not be able to rent any longer.

Scott Rockwell, 115 Old Ocean House Road said we don't know how many are hosted vs unhosted. This information should be available and included through the third-party tracking system.

Craig Cooper, 150 Ocean House Road stated he appreciates watching democracy work at the council level rather than what is happening in Washington, D.C. and the recent chaos at the Capitol.

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

ORDERED, the Cape Elizabeth Town Council sets to public hearing on Monday, February 8, 2021 at 7:00 p.m. via Zoom short term rental amendments latest draft dated 1/7/2021.

(7 yes) (0 no)

Item #35-2021 Comprehensive Plan Amendment Recommendations

Moved by Penelope A. Jordan and Seconded by Gretchen R. Noonan

ORDERED, the Cape Elizabeth Town Council sets to public hearing on Monday, February 8, 2021 at 7:00p.m. via Zoom a revision to the 2019 Comprehensive Plan Recommendation #86.

(7 yes) (0 no)

#86 Restrict Short Term Rentals (STR) to protect the peaceful quiet enjoyment of neighborhoods and preserve housing stock. Limited STR activity associated with primary residency, or in lower density portions of town, may be allowed within a permit structure that allows tracking of activity and funding for enforcement.

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Chairman Garvin suggested Item #36-2021 - #38-2021 be considered en bloc. Hearing no objections
Chairman Garvin called for public comment.

Public Comment

Tim Trachimowicz, 1 Granite Ridge Road, Chairman Recycling Committee said the committee is pleased to be involved in the process of disbursing proceeds from the Bottle Shed. The task is a perfect fit for the committee.

Moved by Nicole Boucher and Seconded by Valerie J. Deveraux

ORDERED, the Cape Elizabeth Town Council approves Item #36-2021 – Item #38-2021 as presented.

(7 yes) (0 no)

Item #36-2021 Planning Board Recommendations Relating to Fence Amendments

ORDERED, the Cape Elizabeth Town Council sets a public hearing on Monday, February 8, 2021 at 7:00 p.m. via Zoom relating to recommended fence regulations within Chapter 19 Zoning Ordinance.

**Item #37-2021 Planning Board Recommendation Relating to Town Farm District
Parking Amendment**

ORDERED, the Cape Elizabeth Town Council sets to public hearing on Monday, February 8, 2021 at 7:00p.m. via Zoom recommended Town Farm District parking amendments within Chapter 19 Zoning Ordinance.

**Item #38-2021 Ordinance Committee Recommendation Relating to the Supervision of the
Bottle Shed Located at the Recycling Center**

ORDERED, the Cape Elizabeth Town Council sets to public hearing on Monday, February 8, 2021 at 7:00 p.m. via Zoom a recommendation to amend Chapter 4 Boards and Committees Sec. 4-1-7 H. Recycling Committee to include in the committee’s duties establishing polices to manage the Bottle Shed located at the Recycling Center and determine charitable disbursements.

**Item #39-2021 Ordinance Committee Recommendation Relating to Traffic Ordinance
Parking Amendments to Kettle Cove at Crescent Beach and Sea View
Avenue/Glen Avenue**

Public Comment

Tom Mikulka, 4 Mountain View Road thanked the council for their work addressing dogs on Cliff House Beach. This summer there was overuse of the beach and issues with parking. Some neighbors have avoided the beach due to overcrowding. He looks forward to the workshop to discuss parking restrictions.

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

ORDERED, the Cape Elizabeth Town Council refers to the February 1, 2021 workshop recommended amendments to Chapter 13 Traffic Ordinance relating to Kettle Cove at Crescent Beach and Sea View Avenue/Glen Avenue.

(7 yes) (0 no)

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Item #40-2021

Moved by Gretchen R. Noonan and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council acknowledges receipt of the ordinance committee report to recommend no change to the existing day care regulations.
(7 yes) (0 no)

Item #41-2021 Appointments Committee Recommendations

Introduction – Appointments Chairman Nicole Boucher

Moved by Nicole Boucher and Seconded by Valerie J. Deveraux

ORDERED, the Cape Elizabeth Town Council approves the recommendations of the appointments committee to fill the following vacancies. The terms are effective immediately. Terms expire December 31, 2023.
(7 yes) (0 no)

Board of Assessment Review

Anne S. Richmond, 54 Wildwood Drive

Fort Williams Park Committee

Jon Dienstag, 18 Fessenden Road

Recycling Committee

Stephanie Austin, 1 Cedar Ledge Road

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

Town Manager Sturgis reminded the public of the goals workshop to be held tomorrow evening (1/12) at 7:00 p.m. via Zoom.

The Town Manager confirmed the availability of the town council to schedule a joint workshop with the school board to review the FY 2020 audit on Wednesday, February 10 at 7:00 p.m. via Zoom.

Adjournment

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

ORDERED, the Cape Elizabeth Town Council adjourns at 8:17 p.m.
(7 yes) (0 no)

Respectfully Submitted,

Debra M. Lane, Town Clerk