



## **Cape Elizabeth Town Council**

**Minutes Monday, November 8, 2021**

**7:00 p.m.**

**Town Hall Council Chambers**

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

The meeting was convened at 7:00 p.m. by Chairman Garvin.

### **Roll Call by the Town Clerk**

All members of the town council were present except Councilors Nicole Boucher and Caitlin Jordan.

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**

Chairman Garvin thanked Councilors Deveraux and Gabrielson for their service. Councilor Gabrielson was reelected on November 2. Councilor Deveraux did not seek reelection. Both councilors were presented a personally engraved town chair which is presented to councilors following their first full term of service.

Councilor Penelope Jordan presented Chairman Garvin a gift representing his service as chairman for 2021. Additionally Chairman Garvin received a gift in recognition for his six years on the town council; he did not seek reelection.

Chairman Garvin offered the following remarks.

Tonight is the final regular meeting for three of us whose terms expire next month. Councilor Deveraux and Councilor Gabrielson are marking the conclusion of their first terms, and I'd like to take this opportunity to thank them both for their contributions to the council and the community.

Valerie was still a relative newcomer to Cape when she was elected in 2018. She had been active as a volunteer in the schools and other community organizations, but took the chance to become more involved in helping to shape the overall direction of the town by running for a council seat. During her tenure she has twice served as Chair of the Appointments Committee, guiding the important process of reviewing and selecting citizens to our town boards and committees. She has also brought empathy and compassion to her role as a member of the Thomas Jordan Trust Grants Committee, serving our neighbors in need. And she has voiced an important and critical point of view

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regarding the town's finances and need to balance competing priorities, specifically during our annual budget process.

Jeremy is like so many of the more and more Cape graduates that have boomeranged back to town to raise their own families, and then gotten deeply involved in the community. Based on his professional and personal background, he brought a strong conservationist perspective to the council, as exemplified by his important and just concluded stint working with the Fort Williams Park Committee on the recent update to the Park's Master Plan. Among his other council assignments, Jeremy has also been notable for his engagement at a regional level with the Greater Portland Council of Government's General Assembly and its Metro Coalition group. And this past year he led the important work on the annual budget as the chairman of the finance committee.

Valerie, while you'll be joining me among the ranks of former councilors, it seems — for now, at least — that Jeremy's work will continue on.

Jeremy — I, for one, am thankful for your willingness to continue to serve, and I think the citizens will continue to benefit from your thoughtful and considered approach to the issues and your openness to listening to a range of opinions before reaching a conclusion.

I know my fellow councilors and fellow Capers join me in thanking you both for the commitment and service you have given to our town, and in recognition of that, I am pleased to present you both with the traditional commemorative chairs, engraved with the seal of the Town of Cape Elizabeth, and personalized for each of you. I hope this will proudly adorn a living room or office, and bring you both fond memories of these last three years.

Would you all please join me in a round of applause for Councilor Deveraux and Councilor Gabrielson.

As my time as a town councilor draws to a close in the next few weeks, there are a few things I would like to say and a number of people I'd like to thank.

I've made note a number of times before that I am not from Cape Elizabeth originally, nor from Maine for that matter. But as many people from away like to say, I got here as soon as I could. And I've now lived in this town for nearly 20 years, by far longer than anywhere else in my life. I don't mean to sound saccharine when I say it, but this place is truly in my soul, and there is no place else I could imagine being. And to that end, serving on the town council for the last six years has been one of the greatest honors of my life. Having the chance to give back to this community that has given me so much has meant more to me than I could have ever imagined.

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Over the course of my two terms, I've had the chance to be joined up here by 13 other individuals. I would like to say thank you to my current colleagues Nicole Boucher, Valerie Deveraux, Jeremy Gabrielson, Caitlin Jordan, Penny Jordan, and Gretchen Noonan, as well as past colleagues Patty Grennon, Sara Lennon, Molly MacAuslan, Kathy Ray, Jessica Sullivan, Valerie Adams, and Chris Straw. Serving in elected office, even local municipal government like this, is oftentimes a thankless task, and sadly one being made even more so of late. I commend each and every one of my fellow councilors, past and present, for their willingness to serve the community with dedication and in good faith, and I extend that to all of the members of the school board I've had the chance to work with over the years as well.

There are also some past councilors with whom I did not serve, but whose experience and advice I have valued immensely over the years. Thank you to Anne Swift-Kayatta, Mary Ann Lynch, Jim Rowe, Jim Walsh, and most especially my friend Joe Groff.

No list of gratitude would be complete without sharing my sincere appreciation for all of the Town of Cape Elizabeth staff and personnel. We are so fortunate to have such a professional and dedicated group of people working here. In particular, thank you to Matt Sturgis and all of the department heads; thank you to former Town Manager Mike McGovern and Former Public Works Director Bob Malley; and thank you from the bottom of my heart to Assistant Town Manager and Town Clerk Debra Lane. Deb, you truly are the engine that makes this town run, and we are so very fortunate to have you.

One of the most frequent things people say to me in regard to the council is what a sacrifice of time it must be. Sure, we have a lot of meetings, some occasional late nights, and there is a lot of work in between. But the real sacrifice is made by our families and friends, who graciously grant us the time to fulfill our commitment. I would not have been able to do this for the last six years without the support and selflessness of my family — my boys Teddy and Charlie, and my saint of a wife Emily — and I will be forever grateful to them.

It has been a privilege to serve the citizens of Cape Elizabeth on this body, one that I have enjoyed tremendously and will truly miss. I will leave the council gratified with the work we have done and with the satisfaction of having made some small difference in moving our community forward. I have great confidence in my fellow councilors whose terms continue, and in the people of this amazing community, and I wish you all well.

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**Report from the Code Enforcement Officer – Progress Report on Short Term  
Rental Permits**

**Public Comment**

Tom Murley, 133 Two Lights Road neighbors are monitoring homes in the neighborhood. Look at the web for more details. There is a need for more enforcement.

Tim Hebda, 55 Richmond Terrace noticing a trend downward in the neighborhood. Neighbors will continue to monitor activity and report to the town however neighbors shouldn't have to. Some rental owners are moving away from web-based platforms to advertise so they aren't as easy to identify.

**Town of Cape Elizabeth  
Short Term Rental Report  
November 8, 2021**

On May 12, 2021, the Cape Elizabeth Town Council adopted new regulations for Short Term Rentals. This report is intended to be a summary of how things went for the first season of rentals. Enforcement of the ordinance began July 1, 2021.

A total of **30 properties** received short term rental permits under the new ordinance. The following is a breakdown of the 30 based on the type of rental:

- 13** Primary Residence Unhosted
- 8** Primary Residence Hosted
- 6** Short Term Rental Adjacent
- 3** Seven Acre Plus Short Term Rental

**Background:**

In 2020, 35 properties received Short Term Rental Permits. Hosted rentals were not required to have permits. Renting twice per year also did not require a permit. It was estimated that we had 120 short term rental being advertised. It can be assumed that roughly 20-30 of these were legally renting without a permit. This means in 2020 there were 55-65 properties advertising short term rentals without a permit.

**2021:**

In July, Harmari, the company we hired to help enforce Short Term Rentals, identified 20 properties advertising Short Term Rentals without a permit. I mailed them all a letter. Several of them called and said they weren't renting but were unable to pull their advertisement down. A few others said they didn't know about the new ordinance and would discontinue renting. A few others applied for and received permits.

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In October, Harmari identified 12 properties advertising, 3 of which have received reviews from renters. Two of them had one confirmed renter and the other had five (based on reviews).

**Issues to watch:**

1. There were a few Short Term Rentals that slipped through the cracks. It's difficult to react immediately because peak STR season is also my busiest time of year from a building permit perspective. I am working on ways to better streamline things with Harmari so that it takes less time for me to react.
2. Several complaints I received could not be verified by Harmari, presumably because the renters stopped using the internet for their rentals. There were 2 or 3 of these and one of them received a Notice of Violation and agreed to stop renting.
3. There were probably 3 or 4 that may have deserved a Notice of Violation but I wasn't able to move fast enough. I will communicate with these people over the winter to let them know that their activity will not slip by in 2022.
4. In the first year of a new ordinance, there is always a certain amount of non-compliance. As time goes on, education and enforcement cause these numbers to drop.

**Recommendations:**

In my opinion the changes to the Short Term Rental Ordinance have been successful. The overall number of rentals are down significantly. The amount of non-compliance is down significantly. The number of complaints are down and none of the complaints were for disturbing behavior. The amount of staff time to support the ordinance is less than previous years. The amount of non-compliance is less than I expected.

Respectfully Submitted,

Benjamin McDougal  
Code Enforcement Officer

**Finance Committee Report**

Councilor Gabrielson, Finance Committee Chairman reviewed the financial dashboard ending October 31, 2021.

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

Maureen Clancy, 3 Hemlock Hill Road said the location of meetings with general assistance applicants should be located other than at the police station as some applicants may be uncomfortable with the location.

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Cynthia Dill, 1227 Shore Road thanked Debra Lane and election staff for certifying the signatures on the citizen's petition. All actions related to Dunham Court should halt until after the referendum vote.

**Town Manager's Monthly Report – Matthew E. Sturgis**  
Report and Goal Update

As the Council year is coming to a close, this is an opportunity to review the Town Council goals for the past year, and to check in on the status of initiatives and projects undertaken in the past 8 months. The Council Goals are organized under a strategic map developed last spring, with the pillars of the map being infrastructure, education and continuous learning, fiscal responsibility and economic opportunity, healthy and diverse community, and natural and cultural resources. Within each pillar there were goals and objectives identified. This memo will provide an update to the status of identified goals.

**Infrastructure:**

**Stay current with capital improvement projects.** This is ongoing, with planning and engineering continuing on the Willow Brook culvert replacement project advancing, with grant funding secured. The communications tower project is near completion, improving communications for public safety and public works. Engine 2 replacement is on order and under construction, Kettle Cove drainage project engineering continues, with plans for collaboration with Portland Water District water line replacement ongoing. Paving improvements have been ongoing through the late summer; with phase one of Mitchell Road complete and new pavement in the Oakhurst neighborhood. The new bucket loader purchase came in under budget, and is ordered. Finally, Shore Road construction and improvements continues with engineering and planning underway.

**Define problem areas, potential solutions, and quick wins for cellular coverage in Town.** The wireless infrastructure market augmentation study request for proposals has been sent out, with anticipated returns on Friday, November 5<sup>th</sup>. This study will seek professional consulting assistance to evaluate existing wireless service and develop alternatives for the Town to financially participate in augmenting market driven network expansion.

**Address traffic and parking challenges.** Town Center traffic study was performed, with the report and recommendations provided to the council with a workshop with Tom Errico from TY Lin.

**Create climate action goals. Complete solar project at Recycling Facility, LED street lamp installation, and EV charging stations.** Solar project continues in planning stages, as encore has run into cost challenges for materials, and we are in the process of reviewing the terms of the initial agreement. Street lamp conversion and installation

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project will begin the week of November 15, 2021. EV charging stations are underway, with installation work beginning in November at Community Services and early spring at Fort Williams Park.

**Provide reliable public and emergency services.** Chief Gleeson updated the council on the 5 to 10 year plans / strategy for Fire / Rescue services during the FY2022 budget process.

**Education and Continuous Learning:**

**Support programming and services for citizens.** Ongoing library programming for a variety of interests and ages. Community Services programming has expanded to provide learning and experience opportunities for multiple ages.

**Ensure citizens have access and opportunity for feedback and engagement.** The ability to implement virtual meetings and hybrid format meetings is currently underway with three requests for proposals out with expected return December 1<sup>st</sup>.

**Natural and Cultural Resources**

**Protect access to Town resources and assets.** The Fort Williams Master Plan is complete and on this evening's agenda for adoption.

**Preserve the natural resources of Cape Elizabeth.** Willow Brook culvert replacement is in engineering and on track. Storm water management is ongoing, with Kettle Cove and Surf Road drainage projects identified as prime projects for use of ARPA funds.

**Ongoing initiatives**

**Equip employees with the training and resources they need to deliver high-quality services to the Town.**

**Collaborate with regional partners.**

**Leverage the work and recommendations of Town committees.**

All concepts are incorporated in operations. Additionally, the objectives identified in **Fiscal Responsibility and Economic Opportunity and Healthy and Diverse Community** are ongoing. Financial decisions are made with the impact to the municipal tax base and rate strongly considered. Where cooperative purchasing and resource sharing opportunities present themselves, the Town takes advantage. Prime examples are in purchasing salt for winter roads and regional analysis of cable television contract are two recent examples.

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This document aims to show the progress made over the past eight months since the council adopted this new goal and objective format. Staff has been fully aware of these goals, and has incorporated them into daily operations.

**Public Comment**

John Voltz, 33 Philip Road goals still lack specificity. More reporting and specificity is needed. How far along and what is the process to achieve the goals.

Town Clerk Debra Lane announced a recount of the November 2, 2021 town council race, requested by candidate Victoria Volent, on Thursday, November 11. Counters will gather at 7:45 a.m. with the recount scheduled to start at 8:00 a.m. in the Council Chambers at Town Hall.

**Review of Draft Minutes of the meeting held on October 13, 2021**

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

ORDERED, the Cape Elizabeth Town Council approves the minutes of the meeting held on October 13, 2021 as written.

(5 yes) (0 no)

**Item #151-2021      Acceptance of Bid from the City of Westbrook to Purchase  
Two Police Vehicles**

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

ORDERED, the Cape Elizabeth Town Council authorizes the sale of a 2018 and a 2019 Ford Explorer Police Interceptor to the City of Westbrook on an AS IS basis for the total purchase price of \$20,000.

(4 yes) (1 no Councilor Deveraux)

**Item #152-2021      Consideration of Adopting the Fort Williams Master Plan  
Update 2021**

Present – Kathy Raftice Director of Fort Williams Park and Jim Kerney, Chairman Fort Williams Park Committee

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

ORDERED, the Cape Elizabeth Town Council adopts the Fort Williams Park Master Plan Update 2021 (draft dated 10/1/2021) as recommended by the Fort Williams Park Committee. The town council thanks the Fort Williams Park Committee, stakeholders and citizens for their work and input during the review of the master plan.

(5 yes) (0 no)



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**Item #153-2021 Proposed Fort Williams Park Fee Changes**

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

ORDERED, the Cape Elizabeth Town Council approves the recommended fee changes for Fort Williams Park as recommended by majority vote of the Fort Williams Park Committee on October 21, 2021. The proposed fees are effective on January 1, 2022.  
(5 yes) (0 no)

Fort Williams Park Fees      Effective 12/1/2016 **Proposed Fees 11 2021**

<b>Rental Locations</b>	<b>Picnic Shelter</b>	<b>Ship Cove</b>		<b>Band Stand</b>	<b>Stone Gazebo</b>
<b>Cape Elizabeth Residents</b>					
Full Day (Non Business)	160	85		\$15/hr	\$15/hr
Half Day (Non Business) (AM or PM)	80	55			
Half Day (Non Business) PM After Labor Day	55	45			
<b>Non Residents or 501c3</b>					
Full Day (Non Business)	<del>340</del> 360	<del>160</del> 185		<del>\$20/hr</del> \$30/hr	<del>\$20/hr</del> \$30/hr
Half Day (Non Business) (AM or PM)	<del>155</del> 180	<del>40</del> 55			
Half Day (Non Business) PM After Labor Day	<del>130</del> 150	<del>65</del> 75			
<b>Businesses &amp; Groups (For Profit)</b>					
Full Day	<del>450</del> 520	<del>240</del> 245		<del>\$20/hr</del> \$30/hr	<del>\$20/hr</del> \$30/hr
Half Day (AM or PM)	<del>225</del> 260	<del>40</del> 55			
Half Day PM After Labor Day	<del>200</del> 230	<del>80</del> 90			
<b>Security Deposit for Rental Bookings</b>	<del>50</del> 75	<del>50</del> 75		\$75.00	\$75.00
Half Day Rentals – AM reservations start at sunset with departure no later than 1:30 p.m.					
PM reservations start at 3:00 p.m. with departure no later than sunset*					
*PM reservations after Labor Day will be at a reduced rate due to the earlier sunset.					

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<b>Area Fee (Added to Group Use Fee) for use of Battery Knoll, The Meadow, The Green, Parade Grounds, etc.</b>				
Full Day	<del>700</del> 800			
Half Day	<del>500</del> 575			
<b>Security Deposit for All Area Fees</b>	<del>250</del> 300			
<b>Surcharge for Group Uses approved to serve alcohol</b>	<del>500</del> 600			
<b>Group Use Fees</b>				
<b>Events that are people intensive</b>	\$5/person			
<b>Events that are vehicle intensive</b>	\$10/vehicle			
<b>Location Fee (Photography and Filming)</b>	ME HQ'd	Non-ME HQ		
Single Event, Single Site, 2hr max – Still Photography	<del>250</del> 300	<del>500</del> 600		
Per Day – Still Photography	<del>750</del> 900	<del>1500</del> 1800		
Per Day – Motion Photography including Drones	<del>1000</del> 1200	<del>2000</del> 2500		
For any filming activity that has a significant impact on the public's enjoyment of the Park, a special fee must be negotiated with the Town Manager or his/her designee.				
<b>Wedding &amp; Partnership Ceremonies</b>	<del>175</del> 250			
If the Picnic Shelter is reserved in conjunction with a ceremony, there will be no ceremony fee.				

**Item #154-2021      Proposed Order Adopting the Second Amendment Town Center TIF and Development Program**

Present – Alyssa Tibbetts, Attorney Representing the Town

**Public Comment**

Florence Braff, 69 Hannaford Cove Road would like to see electric vehicle charging stations, heat pumps and solar panels built into the project. Concerned about the town giving land away for parking.

John Voltz, 33 Philip Road favors the TIF.

Polly Wilcox, 17 Cape Woods Drive wait to vote on the TIF until after the referendum.

Curtis Kelly, 374 Mitchell Road enemy of a TIF is inflation. Is inflation factored in?

Kevin Justh, 9 Spruce Lane approve the TIF at this meeting – the work has been done. This project is needed housing for the town's workforce.

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Tim Thompson, 6 Pine Ridge Road respect the citizen's petition – don't vote now.

Cynthia Dill, 1227 Shore Road can't imagine voting on the TIF on a project with no site plan review, pending a referendum vote. Table the TIF vote until after the referendum.

David Glaser, 48 Wildwood Drive continue the process to approve the TIF. The results of the citizen's referendum may favor the amendments.

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

ORDERED, the Cape Elizabeth Town Council tables voting on the Second Amendment Town Center TIF and Development Program until the meeting after the citizen's referendum vote takes place.

(3 yes) (2 no Councilors Gabrielson and Garvin)

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

ORDERED, the Cape Elizabeth Town Council tables indefinitely the vote on the Second Amendment Town Center TIF and Development Program.

(3 yes) (2 no Councilors Garvin and Penelope Jordan)

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

ORDERED, the Cape Elizabeth Town Council approves the Second Amendment Town Center TIF and Development Program as presented.

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

ORDERED, the Cape Elizabeth Town Council tables indefinitely the vote on the Second Amendment Town Center TIF and Development Program.

(5 yes) (0 no)

**Item #155-2021      Draft Housing Diversity Study RFP**

**Public Comment**

Kevin Justh, 9 Spruce Lane favors the RFP and encourages the 7/2022 to be moved up and include progress reports. The report should be able to be done within 3-4 months.

Chairman Garvin clarified an updated draft changes the deadline to 5/15/2022.

Tim Thompson, 6 Pine Ridge Road council needs more feedback from citizens, neighborhoods, surveys as this document will be a guiding light moving forward.

Cynthia Dill, 1227 Shore Road table the hiring of a consultant until after the referendum. The results of the referendum will be a huge statement in where we are going. We have resources within town of citizens for a citizens committee who could hire a consultant.

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John Voltz, 33 Philip Road the due date should be sooner. Needs to be expeditious. What are the realistic options instead of just the ideas? Getting the information to the public is important to begin to see what the options are for affordable housing.

Curtis Kelly, 374 Mitchell Road is there a body of work we can look at, perhaps from the town planner. The referendum will show the will of the public so we can move forward.

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

ORDERED, the Cape Elizabeth Town Council approves the Request for Proposals Housing Diversity Study draft dated 11/8/2021 with citizen input welcome as the council moves through each stage.

(5 yes) (0 no)

See attachment.

**Item #156-2021      Consideration of the Planning Board's Recommendation  
Relating to Wireless Amendments**

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

ORDERED, the Cape Elizabeth Town Council sets to public hearing on Monday, December 13, 2021 at 7:00 p.m. at the Cape Elizabeth Town Hall the planning board's recommendations to amend Chapter 19 Zoning Ordinance relating to wireless amendments, draft dated 10-19-2021.

(5 yes) (0 no)

**Item #157-2021      Citizens Petition – Cape Elizabeth Citizen Petition to Send  
Town Center Affordable Housing Amendments to Referendum**

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

ORDERED, the Cape Elizabeth Town Council acknowledges receipt of the report of the Town Clerk following certification of a sufficient number of signatures and sets to public hearing on Wednesday, December 1, 2021 at 7:00 p.m. at the Cape Elizabeth Town Hall or via Zoom a citizens petition entitled **Cape Elizabeth Citizen Petition to Send Town Center Affordable Housing Amendments to Referendum** pursuant to The Council-Manager Charter Article VIII Initiative and Referendum Sec. 1. Petition for overrule of ordinance.

(5 yes) (0 no)

**Item #158-2021      Request from Councilor Deveraux to Review Parking Along  
Shore Road**

Councilor Deveraux disclosed her residence at 587 Shore Road is in close proximity to the parking problems along Shore Road.

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Introduction – Councilor Deveraux explained the problems on Shore Road caused by overflow parking from vehicles trying to access Casino Beach.

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

ORDERED, the Cape Elizabeth Town Council refers to workshop parking along Shore Road in the vicinity of vehicles accessing Casino Beach.

(5 yes) (0 no)

**Item #159-2021      Authorization of the American Rescue Act Funding Resolution  
and Spending Plan**

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

ORDERED, the Cape Elizabeth Town Council adopts the proposed American Rescue Plan Act Funding Resolution and proposed use of funds spending plan as follows. It is further ordered the Town Clerk sign the Resolution on behalf of the Town Council.

(5 yes) (0 no)

Town of Cape Elizabeth Resolution  
American Rescue Plan Act Funding

WHEREAS, the American Rescue Plan Act will authorize federal funding for the Town of Cape Elizabeth in the amount of approximately \$982,600; and

WHEREAS, there are four authorized spending categories including: 1. COVID-19 related or negative economic impact; 2. Revenue loss restoration; 3. Premium pay options; and 4. Water, sewer, and broadband infrastructure; and

WHEREAS, the Town Manager is offering a proposed spending plan to the Town Council on November 8, 2021, with an opportunity for public input; and

WHEREAS, all expenditures shall be complete by December 31, 2024.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CAPE ELIZABETH ASSEMBLED THIS 8TH DAY OF NOVEMBER, 2021  
THAT:

1. The Town Council generally accepts the proposed spending plan, attached hereto as Appendix A; and
2. The Town Council acknowledges that the proposed spending plan is subject to change based upon the evolution of the pandemic, emerging needs, regional and statewide collaborations; and
3. No expenditures other than those that have already been encumbered shall occur without the approval of the Town Council.

Attest: Debra M. Lane, Town Clerk

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**Appendix A**

American Rescue Plan Act of 2021  
Proposed Use of Funds/Project List

**Infrastructure:**

Kettle Cove Drainage Project, in collaboration with Portland Water District \$400,000  
Surf Road Stormwater Management Project: \$475,000

**COVID Impact/Response:**

~~Allocation to IT infrastructure to upgrade CETV and Town Council Chambers to enable virtual/hybrid meetings \$13,600~~

**Premium Pay:** Compensation Adjustment Fire/EMS first responders \$94,000 plus an additional \$13,600 that was initially proposed to be used for IT infrastructure upgrades to CETV and the Town Council Chambers now be used toward premium pay for Fire/EMS first responders with amounts to be determined by the fire chief in consultation with the town manager.

**Citizens may at this point in the meeting raise any topic that is not on the agenda that pertains to Cape Elizabeth local government.**

Curtis Kelly, 374 Mitchell Road thank you for your service.

**Adjournment**

Moved by Penelope A. Jordan and Seconded by Jeremy A. Gabrielson  
ORDERED, the Cape Elizabeth Town Council adjourns at 9:48 p.m.  
(5 yes) (0 no)

Respectfully Submitted,

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Debra M. Lane, Town Clerk

## Attachment Item #155-2021

### **Town of Cape Elizabeth, Maine Request for Proposals Housing Diversity Study** (Issued November xx, 2021, due **January 7, 2022**)

#### Introduction

The Town of Cape Elizabeth, Maine (pop. 9,534), [www.capeelizabeth.com](http://www.capeelizabeth.com), located within the Greater Portland Maine metropolitan area, seeks professional consulting assistance to perform a Housing Diversity Study to assess current housing conditions and recommend actions to create affordable housing.

#### Description of Work

The 2019 Cape Elizabeth Comprehensive Plan includes a recommendation to conduct a Housing Diversity Study. The study should evaluate current housing costs, needs, impacts on services and other relevant elements in the town *and* recommend actions to create more affordable and attainable housing opportunities in the Town of Cape Elizabeth. The study should provide a wide range of options for the town to consider.

#### Scope of Work

The Town is requesting a proposal based on the following Tasks and deliverables. Proposals should be based on Tasks 1-3, however, supplemental recommendations may also be included. Each Task should be completed in one month, after which the consultant will present Task results to the Town Council and solicit input to guide the direction for the next task. The consultant will prepare a report for each Task, in digital form suitable for posting online, at least 7 days before the Town Council meeting. Town staff will be available to coordinate with consultant, including managing meeting logistics.

**Task 1: Data Package:** The consultant will collect and package housing data on current housing inventory, occupancy, diversity of units and affordability in the Town of Cape Elizabeth and comparison communities. Most of this data is available in the 2019 Comprehensive Plan, however, use of 2020 US Census data should be the primary source to the extent possible. The proposal should identify the housing data elements recommended for the study. (Estimated completion deadline February 18, 2022)

**Task 2: Specific housing creation goals:** The consultant will draft specific affordable housing creation goals, which shall include a targeted total number of affordable housing homes to create over the next 10 years, and may also include types of housing, size of housing units (bedrooms), split of rental/ownership housing and range of affordability (50%-120% of area median income). (Estimated completion deadline March 25, 2022)

Task 3: a. **Land Use changes:** The consultant will recommend land use regulations to align town development requirements with affordable housing targets.

Recommendations should be wide ranging and potentially include affordable housing creation methods not currently in use in the Town. Recommendations should align with available affordable housing funding programs, reflect the limited amount of land available for development and ready availability of infrastructure.

b. **Other municipal actions:** The consultant will recommend other affordable housing production actions, including but not limited to use of municipal land or town purchase of land for development of affordable housing and transfer payments to service center communities to create affordable housing. (Estimated completion May 6<sup>th</sup>)

Proposal contents: The proposal shall include:

1. The proposer shall lay out a workplan responding to the scope of work.
2. The principal doing the work, as well as any partnering firms or entities, should be identified, with contact information, and their qualifications provided. Three references shall be provided.
3. The proposer shall indicate that they have sufficient time to dedicate to the Housing Diversity Study and to complete work to be performed no later than **May 15, 2022**, unless extended by the Town of Cape Elizabeth.
4. The proposer shall provide examples of similar completed work (links are preferred).
5. Cost to perform the project.

### Funding

\$20,000 will be made available for this project, and may be adjusted at the discretion of the Cape Elizabeth Town Council.

Evaluation of Proposals: The Town of Cape Elizabeth will review proposals and selected proposers may be asked to schedule an interview. In evaluating the proposals, the following may be considered:

1. The quality of the proposal in responding to the scope of work.
2. The ability, capacity, and skill of the bidder to perform the contract,
3. Whether the bidder can perform the contract promptly, without delay or interference;
4. The quality of performance of previous contracts or services;
5. The number and scope of conditions attached to the proposal;
6. In the event of proposals of equal quality and service, preference may be given to a local vendor.
7. Assuming notification of a successful proposal by January 21, 2022, when will work commence.



Proposal submission deadline: **January 7, 2022**

Submission: One digital copy and one paper copy of the proposal shall be submitted to:

Maureen O'Meara, Town Planner  
320 Ocean House Rd  
Cape Elizabeth, ME 04107  
207-799-0115  
Maureen.omeara@capeelizabeth.org