



Cape Elizabeth Town Council

Minutes February 14, 2022

7:00 p.m.

Via Zoom

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

Covid-19 Update

Public proceedings by remote access for Town Council meetings are authorized by the Town of Cape Elizabeth's Remote Participation Policy adopted August 30, 2021 and the Order Declaring a Limited Emergency adopted August 30, 2021. The Order enacted as an Emergency was extended on December 13, 2021 until March 31, 2022. The Order may be further extended by vote of the Town Council.

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

Maureen O'Meara, Town Planner

Matthew E. Sturgis, Town Manager

The Pledge of Allegiance to the Flag

Town Council Reports and Correspondence

Councilor Reiniger, MMA Legislative Policy Committee reviewed LD 1673 An Act To Create a Comprehensive Permit Process for the Construction of Affordable Housing. The governor's budget and other affordable housing bills are also being monitored.

Councilor Penelope Jordan suggested a workshop to discuss housing and food insecurity in the region. What can Cape Elizabeth do?

Finance Committee Report

Finance Chairman Boucher reviewed the financial dashboard through January 31, 2022. Revenues and expenditures are tracking as anticipated.

Citizen Opportunity for Discussion of Items Not on the Agenda

Cynthia Dill, 1227 Shore Road announced her citizen petition effort ("Plan B") to create community housing on town-owned land, which will enable the town council to put out an RFP for housing on or around the Gull Crest area.

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Town Manager's Monthly Report

Matthew E. Sturgis, Town Manager

The Recycling Committee recently completed their review and approval of the applications for bottle donation funds. The Committee approved the award of twelve applications, which totaled \$15,000.00 in funds. These funds are being distributed to community youth-related groups and will assist in financially supporting their respective programs. Funds are generated by the generosity of Cape Elizabeth residents who donate their returnable bottles at the Recycling Center.

At next month's council meeting I have Gary Best of the State Bureau of Parks and Lands coming to provide an update on the State's plans on improvements planned for Kettle Cove State Park.

Over the next two weeks, we have bid openings for both American Rescue Plan funded infrastructure projects for Kettle Cove and Shore and Surf Road, and for the Willow Brook culvert replacement project. All three projects garnered good interest.

The Winter Carnival fireworks display was very well attended on February 5th. The Town received a nice thank you email from Tony Wagner of the South Portland / Cape Elizabeth Rotary, and provided an uplifting moment this winter. Our Public Works Department cleared the snow and slush from the prior day's storm to accommodate visitors, and Chris Cutter our Park Coordinator closely worked with Rotary at the event.

Finally, Tax Assessor Clint Swett sent a revaluation reminder out with the recently mailed second half tax bills, as the assessment update will begin this spring.

Review of Draft Minutes of the Meeting held on January 10, 2022

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

ORDERED, the Cape Elizabeth Town Council approves the minutes of the meeting held on January 10, 2022 as written.

(7 yes) (0 no)

Consent Calendar – Item #44-2022 – Item #47-2022

Item #47-2022 was removed from the consent calendar.

Moved by Timothy S. Reiniger and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council approves the consent calendar Item #44-2022 – Item #46-2022 as follows.

(7 yes) (0 no)

Item #44-2022 Transfer of Budget Appropriation for Sidewalk CIP Projects

ORDERED, the Cape Elizabeth Town Council authorizes \$60,000 of budgeted appropriations to be transferred out of CIP Project 2000-4014 Sidewalk Repairs & Improvements and into CIP Project 2000-5338 Sidewalk Segment 7 and 8 MDOT Grant.

Item #45-2022 Transfer of Additional Funding for Sidewalk CIP Projects

ORDERED, the Cape Elizabeth Town Council approves the transfer of funds in the amount of \$95,525.00 from the closed CIP projects; Library Improvements (2030-4052) \$77,198.00 and Communications Tower (2000-5421) \$18,057 into the CIP project Sidewalk Segments 7 and 8 MDOT Grant (2000-5338). Any unused portion will carry forward to the next fiscal year and will lessen the impact of the FY 2023 budget on the tax rate.

Item #46-2022 Acceptance of Byrne Grant for the Police Department

ORDERED, the Cape Elizabeth Town Council approves and appropriates \$114.00 for an award from the Edward Byrne Memorial Justice Assistance Grant, which is overseen by the Windham Police Department for the purchase of a Nightfox 110R Widescreen Night Vision Binocular and a 2-pack Micro Center 32 GN Flash Memory Card. The grant period is January 1, 2022 to September 30, 2022.

Item #47-2022 Appointment to the Personnel Appeals Board

Councilor Noonan disclosed Malvina Rau is her mother; therefore, she is abstaining from discussion and voting on the item. No objections were raised by the council.

Moved by Nicole Boucher and Seconded by Penelope A. Jordan

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the Appointments Committee to appoint the following residents to serve on the Personnel Appeals Board as presented. Said terms are effective immediately.
(6 yes) (0 no) (1 abstention Councilor Noonan)

Malvina Rau, 12 Canterbury Way
For a term to expire 12/31/2023

Philip J. Moss, 35 Maxwell Woods Drive
For a term to expire 12/31/2024

Item #48-2022 Cape Community Arena Group (CCAG)

Introduction – Jay Brandeis, CCAG

CCAG is hoping for authorization this evening to move forward to the Planning Board to meet informally to gather information for the planning board process and for a vote on the MOU on March 14.

Public Comment

Cynthia Dill, 1227 Shore Road loves the idea of the ice rink – take into account the “Plan B” citizen petition.

Julie Furt, 14 Running Tide Road, member of CCAG said the project is not for a special interest group; it is an asset for the community (teams, community skate). The use must counter balance with the financial aspect.

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

ORDERED, the Cape Elizabeth Town Council authorizes permission for the Cape Community Arena Group (CCAG) to get into the Planning Board queue and meet informally with the Planning Board to gather requirements for their process.

(5 yes) (2 no Councilors Boucher and Noonan)

Item #49-2022 Housing Diversity Study RFP – Reissue

Introduction – Maureen O’Meara, Town Planner

Public Comment

Cynthia Dill, 1227 Shore Road said the study should be pushed out until after the November 2022 referendum to see the results of how the community feels.

Kevin Justh, 9 Spruce Lane said the study is called out in the Comprehensive Plan as a need. Keep in mind in this market it takes twice as long for reports to be produced, at twice the cost. The study is an investment in planning – a generational benefit.

Moved by Nicole Boucher and Seconded by Gretchen R. Noonan

ORDERED, the Cape Elizabeth Town Council authorizes the issuance of a revised Housing Diversity Study RFP with a due date of March 11, 2022, with funding of up to \$50,000.00 from the unassigned fund balance.

(5 yes) (2 no Councilors Gillis and Reiniger)

Item #50-2022 Spurwink Avenue Culvert Feasibility Study Funding

Introduction – Maureen O’Meara, Town Planner

Chairman Gabrielson disclosed in his profession he works on tidal crossings. He has a working relationship with WellsNERR, however his vote will not be impacted. No objections were raised by the council.

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

ORDERED, the Cape Elizabeth Town Council endorses the inclusion of the Spurwink Avenue culvert on the list of priority projects submitted by the Wells National Estuarine Research Reserve to the Maine Coastal Program for the southern Maine region.

(7 yes) (0 no)

Item #51-2022 Town Council Goals

Moved by Gretchen R. Noonan and Seconded by Susan A. Gillis

ORDERED, the Cape Elizabeth Town Council approves the 2022 Town Council Goals as amended.

(7 yes) (0 no)

See list below.

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Page 4 – Change Education and Continuous Learning heading to Information Governance

Page 4 Infrastructure

First bullet – delete the last word, ~~aspects~~

Second bullet – change the first word from ~~Evaluate~~ to Develop

Page 5 Infrastructure

Third heading bullet should read –Plan for succession and near term and long term needs of Fire and Rescue services. ~~both near and long term.~~

Page 6 Fiscal Responsibility & Economic Opportunity

Second heading – strike ~~List business on town website.~~ Add – Meet with businesses to discuss and understand their needs

Page 7 Natural & Cultural Resources

First heading, first bullet should read – Understand neighborhood needs ~~vs.~~ and the impact of tourism

Second heading – delete third bullet that is already included in the second bullet – ~~Develop a “Don’t Trash Cape” campaign to rid the streets, paths and open spaces of litter~~

Item #52-2022 Spurwink Church – Amendment to Provisions for Use

Introduction – Mr. Sturgis

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

ORDERED, the Cape Elizabeth Town Council approves the proposed amendments to the Provisions for Use of the Spurwink Church to reflect the new protocols for reservations through Community Services.

(7 yes) (0 no)

See attachment.

Item #53-2022 Proposed Funding of Technology Equipment in the Council Chambers

Introduction – Mr. Sturgis

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

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the town manager to expend \$66,050.12 for equipment in the council chambers, which will enable the technology for hybrid meetings and improvements to the sound system. In addition, the town council appropriates \$16,050.12 from identified savings in the current year’s capital improvement budget and \$50,000.00 from the town’s unassigned fund balance, transferring the funds to account 2030-4040.

(6 yes) (1 no Councilor Noonan)

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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

Adjournment

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

ORDERED, the Cape Elizabeth Town Council adjourns at 9:27 p.m.

(7 yes) (0 no)

Respectfully Submitted,

Debra M. Lane, Town Clerk

PROVISIONS for USE of the SPURWINK CHURCH

Revised February 14, 2022

Rental Fees:

Resident *	\$ 300.00
Non-Resident *	\$ 400.00
Church Showing	\$ 40.00

The Spurwink Church in Cape Elizabeth is on the National Register of Historic Places. To preserve its special character, the Town of Cape Elizabeth has adopted the following for its use.

To obtain the resident rate for a wedding, the bride, groom, or parent of either the bride or groom must currently live in Cape Elizabeth. To obtain the resident rate for a funeral or memorial service, the deceased must have once resided in Cape Elizabeth. To obtain the resident rate for a christening, the child, or a parent of the child must currently live in Cape Elizabeth.

Because of inadequate heating, the building will be available for public use only from May 1st through October 31st. During October, all weddings, rehearsals and other events must begin no later than 6:00 p.m.

The capacity of the church is 150 persons maximum. This level shall not be exceeded due to fire safety regulations.

When the number of guests exceeds 25, except for funerals/memorial services, a rehearsal is required to review the rules and regulations to be adhered to for the use of the Church.

Payment in full for use of the Spurwink Church must be received in advance of the rental. Reservations and payments are through Cape Elizabeth Community Services. The reservation form and payment must be returned within ten (10) days of a tentative hold on the date/time to secure the date and time of rental. After the ten-day period, the reservation is considered null, void and cancelled.

*\$50.00 will be refunded after use of the Church has been completed and a report of any damage or lack of damage has been reported to Cape Elizabeth Community Services.

A \$40.00 charge will be assessed at the time of any showing of the church and is payable to the Town of Cape Elizabeth at the time of showing unless the charge was paid to Community Services in advance. For those who rent the church, one showing is included in the rental fee.

Reservations will be approved in writing by Cape Elizabeth Community Services and a copy returned to the renter. Any requested changes to the original reservation must be made in writing to Community Services. Approval or denial of changes will be at the discretion of Community Services. Approved changes will be in writing and a copy returned to the renter. If a change is unable to be accommodated, Community Services will submit the denial to the renter in writing.

Cancellation of the church reservation will result in the forfeiture of the \$50.00 security deposit if cancelled 6 months or more prior to the reservation date. If a church reservation is cancelled less than 6 months of the reservation date, all rental fees and security deposit will be forfeited.

The Town of Cape Elizabeth may cancel reservations due to unforeseen circumstances, events, or conditions or if the Town is unable to provide access to the church for any reason. In the case of a cancellation initiated by the Town, all reservation and deposit monies will be refunded. By completing the reservation form, the reserving parties are agreeing and acknowledging that in the case of a cancellation initiated by the Town, the Town will not be responsible for any consequential damages or any damages or expenses of any kind other than the return of the reserving parties' reservation and deposit monies.

Rentals shall be scheduled for 2-hour intervals. The church will be opened one hour ahead of the scheduled start time of the event and closed 1 hour after the scheduled start time of the event. For example, if the scheduled start time is 1:00 p.m. the church will open at 12:00 p.m. and close at 2:00 p.m. The church must be cleaned and clear of attendees and vendors by the time the church closes.

Rehearsals shall be scheduled for 1-hour so they must begin promptly at the scheduled start time. For example, if the scheduled start time is 5:00 p.m. the church will be available 5:00 – 6:00 p.m.

If there is more than one event scheduled on the same day, the opening time of the second scheduled event shall not be less than 1-hour within the closing time of the first. For example, if the first event begins at 1:00 p.m. the second event cannot be scheduled to begin earlier than 4:00 p.m.

Event #1 Event Begins at 1:00 p.m.
Church Opens 12:00 p.m.
Event Begins 1:00 p.m.
Church Closes 2:00 p.m.

Event #2 Begins at 4:00 p.m.
Church Opens 3:00 p.m.
Event Begins 4:00 p.m.
Church Closes 5:00 p.m.

All flowers and possessions must be removed within the scheduled time period and automobiles removed from the church parking area. Please remember that there are other weddings and functions scheduled that same day.

To maintain its non-denominational character, no regular services by any religious group will be approved.

Flowers or other decorations may not be hung from or against the walls or windows, nor may any nails be used anywhere in the building. Furniture may be moved only with the permission of a Town representative and only a Town representative may ring the bell.

Burning candles and smoking are not permitted due to fire regulations. Confetti, rice, birdseed, flower petals (live or artificial) or any similar material may not be used in or near the church. Flowers or any material (live or artificial) may not be thrown in the aisle of the church. No food or beverage, alcoholic or otherwise, may be consumed in or near the church, or in the parking area.

Receiving lines may not take place outside the church due to nearby traffic.

Parking for events shall be in the lot across the street from the church. Parking in front of the church, along side of Route 77, on the grassy area and in the cemetery is restricted; however, the bride's vehicle or funeral vehicle may be parked in front of the church.

A representative of the Town of Cape Elizabeth will be present at all events to assist those using the Spurwink Church, to answer any questions about the Church, and to insure compliance with the above regulations.

It is requested that parties renting the Spurwink Church call Cape Elizabeth Community Services at 207-799-2868 two weeks before their scheduled event to confirm times and dates.

Organists:

Shirley Curry	883-2320
Sylvia Infantine	774-8078
Gail Parker	799-1417