



## **Cape Elizabeth Town Council**

**Minutes Monday, February 10, 2020**

**7:00 p.m. Council Chambers**

**Cape Elizabeth Town Hall**

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 was convened at 7:00 p.m. by Town Council Chairman Valerie A. Adams.**

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

All members of the town council were present except Councilor Caitlin Jordan and Councilor Penelope Jordan.

Debra M. Lane, Town Clerk  
Matthew E. Sturgis, Town Manager

### **The Pledge of Allegiance to the Flag**

### **Town Council Reports and Correspondence**

Councilor Gabrielson reported on the GPCOG Metro Regional Coalition's recent tour of supportive housing in Portland. Regional solutions to the housing crisis are ongoing.

Councilor Garvin last week attended the MMA's Legislative Policy Committee meeting. Submissions to ecomaine's Upcycling 2020 Challenge is March 13. Artists interested in the Recycling is a Work of Art 2020 (painting silver bullets) have until March 6 to apply.

### **Finance Committee Report**

Finance Chairman Garvin reviewed the dashboard as of January 31, 2020. On January 29 the town council and school board met with the auditors to discuss the FY 2019 audit results. The audit results were favorable with no significant deficiencies to report. Town council and school board leadership continues to meet; the recent topic was the upcoming budget. The town budget review is March 18 and March 19. These budget sessions will be broadcast live on CETV.

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

None

### **Town Manager's Monthly Report**

To begin the Manager's report this evening I would like to recognize Officers Ben Davis and Ryan Wagner, who recently received the lifesaving award from Maine Association of Police at their annual banquet. Officers Davis and Wagner took actions last spring to save the life of a gentleman that was unconscious in an attempted suicide. The officers responded and provided medical care to the individual until paramedics arrived on scene. The gentleman had travelled to Maine from out of State with the intention of taking his life, but due to their efforts was saved, treated at a local hospital and released. Both officers have our gratitude, and with their advanced training help make a difference. Congratulations to both on their recent honor.

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Officer Davis is present this evening.

Speaking of our police department, next week at the Thomas Memorial Library officers will be hosting a Cupcake with a Cop. The event will be free and at 1:30 p.m. on February 20<sup>th</sup>.

The Town currently has two requests for proposals open. The first is for the proposed solar power project at the recycling center, and proposals are due by March 6, 2020. The RFP is available on the Town website. The second request for proposals is for the Ship's Cove mobile food vendor site at Fort Williams Park. Bids will be accepted until February 20, 2020 at 2 p.m.

Applications for the 2020 Great Pond boat storage lottery may be submitted starting February 17<sup>th</sup>, and are accepted until March 13<sup>th</sup>, with the drawing to be held March 16<sup>th</sup>. There are 32 permits available and this is a very popular lottery.

Tina Sweeney of the Tax Office has retired and we would like to wish her well in her next chapter of life. The Town is accepting applicants for this position, and may contact our Finance Director, John Quartararo for more information.

The council, school board, myself, and both the Finance Director and school Business Manager met in workshop with the auditors on January 29<sup>th</sup> to receive the annual audit results. The results were well received and there were no deficiencies or critical statements. The audit reports will be on the upcoming council agenda for formal acceptance.

Finally, all departments are working on our annual budget, which will be delivered to the council on or before March 6<sup>th</sup>.

Respectfully submitted,

Matthew E. Sturgis  
Town Manager

**Review of Draft Minutes of the meeting held on January 13, 2020.**

Moved by Valerie J. Deveraux and Seconded by Christopher M. Straw

ORDERED, the Cape Elizabeth Town Council approves the minutes of the meeting held on January 13, 2020 as written.

(5 yes) (0 no)

**Item #30-2020      Bird Dog Roadhouse Liquor License**

Present – Helen Muther, Cape Hospitality Group, LLC

Moved by James M. Garvin and Seconded by Jeremy A. Gabrielson

ORDERED, the Cape Elizabeth Town Council approves the malt liquor, wine and spirits liquor license for Cape Hospitality Group, LLC DBA Bird Dog Roadhouse located at 517 Ocean House Road as presented.

(5 yes) (0 no)

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**Item #31-2020          Town Center Sidewalk – Segment #1**

Introduction – Mr. Sturgis

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

ORDERED, the Cape Elizabeth Town Council accepts and appropriates the \$90,000 grant from the Portland Area Comprehensive Transportation System – Municipal Partnership Initiative Agreement for the period August 20, 2019 through 2024 for the Town Center Sidewalk – Segment 1 project with the remaining local share to be included in the Fiscal Year 2021 budget.

(5 yes) (0 no)

**Item #32-2020          Fort Williams Group Uses**

Present – Kathy Raftice, Director of Community Services & Fort Williams Park  
Chris Cutter, Park Coordinator

Moved by Jeremy A. Gabrielson and Seconded James M. Garvin

ORDERED, the Cape Elizabeth Town Council approves the following 2020 group uses and fees for Fort Williams Park as recommended 6-0 by the Fort Williams Park Committee on January 16, 2020 as presented.

Cape Elizabeth Little League  
2020 Season (Opening 3/24/2020)

Walk to Cure Arthritis Walk  
Saturday, May 30, 2020

Cape Elizabeth High School Graduation  
Sunday, June 7, 2020

Cape Elizabeth Family Fun Day  
Saturday, June 13, 2020 (Rain date June 14)

Beach to Beacon 10K Road Race  
Tuesday, July 28 – Saturday, August 1, 2020  
Group Use Fee - \$27,500

(3 yes) (2 no Councilors Deveraux and Straw)

*Motion fails absent at least 4 votes required for passage of the order per Council-Manager Charter Article II Sec. 10.*

Moved by Christopher M. Straw and Seconded by Valerie J. Deveraux

ORDERED, the Cape Elizabeth Town Council approves the following 2020 group uses for Fort Williams Park as recommended 6-0 by the Fort Williams Park Committee on January 16, 2020 as presented.

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Cape Elizabeth Little League  
2020 Season (Opening 3/24/2020)

Walk to Cure Arthritis Walk  
Saturday, May 30, 2020

Cape Elizabeth High School Graduation  
Sunday, June 7, 2020

Cape Elizabeth Family Fun Day  
Saturday, June 13, 2020 (Rain date June 14)

(5 yes) (0 no)

Moved by Valerie J. Deveraux and Seconded by Christopher M. Straw

ORDERED, the Cape Elizabeth Town Council refers to the Fort Williams Park Committee further review of the group use fees for the Beach to Beacon 10K Road Race with a recommendation back to the town council.

(5 yes) (0 no)

**Item #33-2020          Appointments Committee Recommendations**

Councilor Garvin disclosed he is friends with the Ketcham family.

Moved by Valerie J. Deveraux and Seconded by Christopher M. Straw

ORDERED, the Cape Elizabeth Town Council approves the recommendations of the appointments committee to fill vacancies on town boards and committees. Said terms are effective immediately.

Conservation Committee

Corinne Ketcham, 37 Stone Drive  
Unexpired term until December 31, 2020

Christophe-Heijn de Vries, 14 Sweet Fern Road  
3-Year term until December 31, 2022

Recycling Committee

Bruce Rayner, 309 Fowler Road  
3-Year term until December 31, 2022

(5 yes) (0 no)

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**Item #34-2020          Review of Wetland Regulations**

Public Comment -

Suzanne McGinn, 1180 Shore Road thanked the town council for considering protection of vernal pools and retaining the rural character of Cape Elizabeth.

Moved by James M. Garvin and Seconded by Valerie J. Deveraux

ORDERED, the Cape Elizabeth Town Council refers to the ordinance committee review of Recommendation #48 of the Comprehensive Plan- Review and update the Resource Protection Permit standards to emphasize avoidance and minimization of wetland alterations.

(5 yes) (0 no)

**Item #35-2020          Write-Offs of Uncollectible Real Estate Tax Liens**

Present – John Quartararo, Finance Director

Moved by Valerie J. Deveraux and Seconded by James M. Garvin

ORDERED, the Cape Elizabeth Town Council authorizes the Town Treasurer to write-off \$16,713.15 in real estate tax liens representing 22 properties for the period 1981 through 2016 as one property's liens having been satisfied and discharged but not taken off the books; one property's tax liens were based on an improper assessment for property outside of the Town and should have been taken off the books; eight tax lots being fractional ownership of a single lot that the Town took possession of and should have been released from the tax records; and 12 properties having been abandoned and which the Town took possession of and should have released the tax liens from the tax records. The map/lots and tax lien amounts are as follows:

U54-017-C-000	\$3,758.57
R04-059-E-000	106.92
R01-002-A-000	70.44
R01-002-D-000	676.26
R01-002-E-000	405.77
R01-002-F-000	676.26
R01-002-G-000	120.44
R01-002-H-000	270.49
R01-002-I-000	270.49
R01-002-J-000	270.49
U19-007-000-000	723.28
U23-002-B-000	457.82
U43-035-000-000	1,948.40
U03-096-000-000	142.62
U20-007-C-000	161.60
U29-029-000-000	2,059.48
U29-029-000-000	712.47
U30-007-000-000	1,244.89
U42-001-027-000	680.26

U29-029-A-000	563.28
R04-009-000-000	1,147.29
U29-040-000-000	245.63
<b>Total</b>	<b>\$16,713.15</b>

(5 yes) (0 no)

**Item #36-2020          Hardscape Improvements at Portland Head Light**

Introduction – Mr. Sturgis

Moved by James M. Garvin and Seconded by Christopher M. Straw

ORDERED, the Cape Elizabeth Town Council authorizes the transfer of \$40,000 from the unassigned fund balance to the Portland Head Light Fund to pay for the difference in cost of the previously authorized \$90,000 on October 16, 2019 and professional services related to the design, project administration, construction administration and site inspections.

(5 yes) (0 no)

**Item #37-2020          Fee Schedule**

Moved by Christopher M. Straw and Seconded by Valerie J. Deveraux

ORDERED, the Cape Elizabeth Town Council refers the town fee schedule to a future workshop.

(5 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 #38-2020          Annual Evaluation of the Town Manager**

Moved by Valerie J. Deveraux and Seconded by Christopher M. Straw

ORDERED, the Cape Elizabeth Town Council enters into executive session at 8:10 p.m. pursuant to 1 MRS §405 6 A to begin the annual evaluation of the town manager.

(5 yes) (0 no)

Moved by Jeremy A. Gabrielson and Seconded by James M. Garvin

ORDERED, the Cape Elizabeth Town Council exits executive session and reenters public session at 8:25 p.m.

(5 yes) (0 no)

**Adjournment**

Moved by Jeremy A. Gabrielson and Seconded by James M. Garvin

ORDERED, the Cape Elizabeth Town Council adjourns at 8:25 p.m.

(5 yes) (0 no)

Respectfully Submitted,

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Debra M. Lane, Town Clerk

