



## Cape Elizabeth Town Council Meeting

### Minutes

Wednesday, March 25, 2020 6:00 p.m.

### Zoom Online Special Meeting

Valerie A. Adams, Chairman  
Valerie J. Deveraux  
Jeremy A. Gabrielson  
James M. "Jamie" Garvin  
Caitlin R. Jordan  
Penelope A. Jordan  
Christopher M. Straw

**The special meeting via Zoom, an online video and audio conferencing platform, was convened at 6:00 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 The section is repealed 30 days after the termination of the state of emergency.

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

All members of the town council were online.

Staff members online included:

Police Chief Paul Fenton

Fire Chief Peter Gleeson

Debra Lane, Town Clerk

Robert Malley, Director of Public Works

Matthew Sturgis, Town Manager

#### **1. Opportunity for public comment for items not on agenda**

None

#### **2. Social Distancing Reminder – Town Manager Sturgis**

Mr. Sturgis urged the public to follow state and federal directives to social distance, avoid gatherings, wash hands and stay at home unless going out for essential services or food.

Playground equipment is not being sanitized so they should not be used.

The closure of Crescent Beach, Two Lights and Kettle Cove is the decision of the State of Maine as they are state facilities.

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As of now, Fort Williams Park remains open. Some of the parking lots have been closed to reduce the number of people in the park at one time. Social distances should be adhered to. Town staff will monitor the activity.

Councilor Garvin advised residents to be cautious of birthday parades; social distancing should be adhered to.

Public Comment

Anne Carney, 21 Angell Point Road observes that social distancing is being observed at Kettle Cove and Crescent Beach.

Terri Patterson, 15 Surf Road observes that social distancing is being observed at Crescent Beach and although more difficult at Robinson Woods.

John Voltz, 33 Philip Road has participated in birthday parades and is concerned about parents and kids getting out of vehicles and being too close.

Chairman Adams reminded the public to observe social distancing inside too e.g. CVS and IGA.

**3. Emergency restrictions order on non-essential businesses**

**Item #53-2020 – In order to track council actions, item numbers have been assigned to council actions during special meetings.**

Council-Manager Charter Article II Sec. 12 Emergency Ordinances requires a vote of 5 members of the town council to pass emergency ordinances.

As drafted, the order does not include shelter in place. It does include a ban on short-term rentals and prohibits inside restaurant dining but allows take-out and curbside pick-up.

Public Comment

Tyler Patterson, 15 Surf Road said Fort Williams should remain open for taxpayers.

John Voltz, 33 Philip Road encouraged the town council to consider a shelter in place ordinance similar to Portland. The sooner the better the outcome.

Jerry Kneller, 18 Ivie Road supports limited access to Fort Williams for Cape Elizabeth residents. Commercial traffic in Fort Williams should be banned for the season.

The town council discussed amendments to the draft ordinance including striking hotels from the essential list, clarifying that agriculture (which includes horticulture) is considered an essential business and since the town doesn't have trash collection, public works operations would be considered essential.

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

ORDERED, the Cape Elizabeth Town Council amends the draft ordinance Emergency Regulation: Prohibitions on Businesses last paragraph as follows:

It is hereby encouraged, but not specifically regulated, that all citizens or visitors of the Town of Cape Elizabeth take all necessary steps to care for themselves and prevent the spread of COVID-19. Such steps include eliminating all unnecessary gatherings, unnecessary travel, and all social events, and remaining at a distance of 6 feet from one another in public spaces, including outdoors. All residents of, temporary residents, and visitors to the Town of Cape Elizabeth are strongly urged to remain in their residence or place of abode except to access COVID-19 essential goods and services, exercise, and dog walking. Such steps will only benefit the health and welfare of the citizens of the Town of Cape Elizabeth and help protect us all. Thank you for all the sacrifices that you have made so far. We look forward to getting through this together.

(6 yes) (1 no Councilor Garvin)

Moved by Christopher M. Straw and Seconded by Caitlin R. Jordan

ORDERED, the Cape Elizabeth Town Council amends the draft ordinance to include the following three amendments as follows:

**Exhibit A**  
**Essential Businesses Organizations**

3. Food cultivation and processing, including farming, livestock, agriculture, and fishing;

22. Government facilities, agencies, and services needed to ensure the continuing operation of the government and provide for the public health, safety and welfare, including but not limited to police, fire, EMS, code enforcement, and trash collection-public works operations;

~~27. Hotels and other places of accommodation, except to the extent that said hotels and places of accommodation include bars, restaurants, meeting facilities, and other facilities required to be closed by City or State emergency proclamation, including but not limited to section 2 of this Regulation.~~

(6 yes) (1 no Councilor Garvin)

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

ORDERED, the Cape Elizabeth Town Council adopts the original Emergency Regulation: Prohibitions on Businesses as amended.

(6 yes) (1 no Councilor Garvin)

**4. Current Status of Town Operation – Town Manager Sturgis**

**5. Projected Operating Schedule Until April 27, 2020**

Mr. Sturgis reported that town hall is closed to the public until April 13 however is available Monday, Wednesday and Friday, 10-2 to answer phone calls and process the mail. Community Services, Thomas Memorial Library, pool and fitness is closed until April 27 to mirror the school schedule. The annual pool maintenance generally scheduled in August will be conducted in April hoping to avoid closure in August. The closure will also be used to clean and maintain the fitness center. The recycling center is open regular hours. The town has contacted the appropriate state agencies to ensure best practices are used at the recycling center.

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Chief Paul Fenton, Chief Peter Gleeson and Public Works Director Malley provided an update of their respective departments operations during this time of emergency.

**6. Projected budget impact, current and FY2021 – Town Manager Sturgis**

The finance committee review of the town budget will be held on April 8 and April 9 via the Zoom platform.

The town manager, finance director and department heads are reviewing the budget to reflect new forecasts/predictions on what impacts this emergency may have on next year's budget.

**7. Deferral of property tax interest payments to June 1, 2020**

**Item #54-2020 - In order to track council actions, item numbers have been assigned to council actions during special meetings.**

The due date for the second half FY 2020 real estate taxes is April 1, 2020. Although the due date remains 4/1, the council considered postponing the start of interest to help those taxpayers impacted by businesses shutting down due to COVID-19.

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

ORDERED, the Cape Elizabeth Town Council defers the collection of interest on property taxes to June 1, 2020 with the intent of helping taxpayers impacted by the outbreak of the coronavirus COVID-19.

(7 yes) (0 no)

**8. Update on police department actions in assistance to senior citizens**

Chief Paul Fenton provided an update on the police department efforts to connect with senior citizens to ensure they have the services they need.

**9. Election process update for June 9, 2020**

Town Clerk Debra Lane reported that municipal clerks await information from the Maine Secretary of State relating to the June 9 primary election. Cape Elizabeth is scheduled to hold the vote on the school budget on the same date.

**10. Opportunity for public comment**

None

The town council has received an update from Tax Assessor Clinton Swett that the revaluation has been postponed until the spring of 2021. Mr. Swett will continue to work on the project however visits to homes have been postponed.

**Adjournment**

Moved by Jeremy A. Gabrielson and Seconded by Penelope A. Jordan  
ORDERED, the Cape Elizabeth Town Council adjourned at 8:48 p.m.  
(7 yes) (0 no)

Respectfully Submitted,

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Debra M. Lane, Town Clerk