



## Cape Elizabeth Town Council

Minutes Monday, July 13, 2020

7:00 p.m.

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 The section is repealed 30 days after the termination of the state of emergency.

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.

Matthew E. Sturgis, Town Manager

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

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

None

### **Finance Committee Report**

Finance Chairman Garvin provided an overview of the financial dashboard for June 2020, the end of the fiscal year. Thank you to staff for preparing the close out for FY 2020.

Mr. Sturgis noted excise exceeded budget by +2%. Thank you to the tax office staff for their hard work during the pandemic and closure of the offices to continue to provide services. Pre-audit work has begun.

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

None

**Page 2 Town Council Minutes Virtual COVID-19  
July 13, 2020**

**Town Manager's Report**

Mr. Sturgis noted the tax office and town clerk's office will be closed tomorrow, July 14 election day; staff will be relocated to work the polling place. Absentee balloting was heavy with more than 3000 absentee ballots requested. Staff is hoping to still have results available election evening.

Residents are reminded there is a survey on the town's website if they'd like to suggest names for unnamed bodies of water in Cape Elizabeth.

Thank you to departments for getting the town through the end of the fiscal year, it's been a challenge.

Thank you to residents for following the guidelines and protocols during the election for the safety of staff and the public. The town clerk's office has received a few letters of appreciation from citizens.

An application was submitted for funding through the Keep Maine Healthy program for costs incurred resulting from the pandemic for elections and education to the public for keeping safe. Funding of \$36,000 was awarded.

**Review of Draft Minutes of the Following Virtual Meetings-**

- **June 8, 2020**
- **June 15, 2020 Special Meeting**
- **June 22, 2020 Special Meeting**

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 June 8, 2020 and special meetings held on June 15 and June 22, 2020 as written.

(7 yes) (0 no)

**Item #94-2020            The Good Table Liquor License Renewal**

Councilor Caitlin Jordan disclosed here family does business with The Good Table.

Councilor Penelope Jordan disclosed The Good Table is a strong supporter of the Cape Farm Alliance and farms in Cape Elizabeth.

**Opportunity for Public Comment**

None

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

ORDERED, the Cape Elizabeth Town Council approves the renewal malt liquor (beer), wine and spirits licenses for The Good Table, Inc. located at 527 Ocean House Road as presented.

(7 yes) (0 no)

**Item #95-2020          Short-Term Rental Ordinance Amendments**

Town Planner Maureen O’Meara was online to answer questions.

**Opportunity for Public Comment**

Douglas Dransfield, 48 Richmond Terrace said the recommended ordinance allows for a property to be rented up to 15 times in a calendar year which is excessive and disruptive to neighborhoods. Recommends the number of days per year remains the same however the number of times per year that a property can be rented doesn’t exceed 4.

Penny Pollard, 3 Peabbles Point Lane said the current problems are minor represented by only a few properties. Drastic changes to the ordinance will hurt those residents who have rented their properties for years or generations without offense.

Sandra Dunham, 11 Becky’s Cove Lane, STR for 13 years, agrees with the previous speaker that the offenses are a minority of the renters. Most renters do not come to Maine for 30 days; this requirement for a 30-day rental to the same guest is unrealistic and unreasonable. What does the suggestion of terminated existing permits by 12/31/2020 mean? How did the council determine the proposed fees and why so much?

Michael Howard, 15 Rocky Point Lane has experienced the majority of STR’s in the neighborhood have been a problem, not the minority. Surprised the proposed fees aren’t higher given the cost to the town for enforcement of the ordinance. Supports the proposed ordinance as written.

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

ORDERED, the Cape Elizabeth Town Council forwards proposed amendments to the zoning ordinance relating to short-term rentals to workshop for continued discussion on Monday, July 20, 2020 at 7:00 p.m. via Zoom.

(7 yes) (0 no)

**Item #96-2020          Short-Term Rental Permit Fees**

**Opportunity for Public Comment**

None

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

ORDERED, the Cape Elizabeth Town Council amends the Town Fee Schedule as follows:

Short-Term Rental Permit	\$250.00 (effective immediately)
Short-Term Rental Permit	\$500.00 (effective January 1, 2021)

(6 yes) (1 no Councilor Straw)

**Item #97-2020            Consider Appointments Committee Recommendations Relating to a  
Diversity and Inclusion Committee**

**Opportunity for Public Comment**

Maureen Clancy, 11 Hemlock Hill Road said the proposed charge is no action-oriented. There is already a Diversity Coalition – efforts should not be duplicated by enhanced.

Moved by Caitlin R. Jordan and Seconded by Valerie J. Deveraux

ORDERED, the Cape Elizabeth Town Council forwards the recommendation of the appointments committee to create an ad hoc committee IDEAA (Inclusion, Diversity, Equity, Anti-racism and Awareness Committee) to workshop for continued discussion on Monday, July 20, 2020 at 7:00 p.m. via Zoom.

**Item #98-2020            Fort Williams Park Committee – Recommended Vendor for the Master  
Plan Update**

Jim Kerney, 1015 Shore Road, Chairman of the Fort Williams Park Committee was online to answer questions.

**Opportunity for Public Comment**

None

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

ORDERED, the Cape Elizabeth Town Council confirms the selection of the Fort Williams Park Committee to contract with Richardson & Associates of Saco, ME for the update of the Fort Williams Park Master Plan.

(7 yes) (0 no)

**Item #99-2020            Town Center Traffic Study – Refer to Workshop**

**Opportunity for Public Comment**

None

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

ORDERED, the Cape Elizabeth Town Council refers to workshop the Town Center Transportation Study dated June 2020 performed by T.Y. Lin International.

(7 yes) (0 no)

**Item #100-2020        Renewal of the Spurwink Rod & Gun Club License**

**Opportunity for Public Comment**

Mark Mayon, President of the Spurwink Rod & Gun Club at 1250 Sawyer Road  
The club now has the ability to limit members not being able to use the range on Sunday mornings. A lot of exciting things going on including an archery program and accessibility to members who need wheelchair access.

**Page 5 Town Council Minutes Virtual COVID-19  
July 13, 2020**

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

ORDERED, the Cape Elizabeth Town Council approves the 3-year renewal of the license for the Spurwink Rod and Gun Club located at 1250 Sawyer Road as presented.

(7 yes) (0 no)

**Item #101-2020      Referral to Conservation Committee Relating to Cliff House Beach Use  
and Management of Cliff House Beach**

Police Chief Fenton was online to answer questions.

**Opportunity for Public Comment**

Jesse Eaton, 20 Glen Avenue spoke of overflow issues from other beaches. No control measures to receive overflow, and address parking, speed and traffic issues which creates unsafe conditions. Suggestion to limit parking on Glen Avenue and Sea View Avenue to Cape Elizabeth residents.

Christopher Campbell, 598 Shore Road thanked the town council for working on the dog issues and now addressing crowding. The beach is now a destination beach instead of a neighborhood beach; infrastructure is strained. Looking for reasonable approaches to alleviate the strain.

Moved by Christopher M. Straw and Seconded by Jeremy A. Gabrielson

ORDERED, the Cape Elizabeth Town Council refers usage intensity at Cliff House Beach during the COVID-19 crisis along with related parking issues to the Conservation Committee with recommendations back to the town council.

(7 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

**Adjournment**

Moved by Jeremy A. Gabrielson and Seconded by Caitlin R. Jordan

ORDERED, the Cape Elizabeth Town Council adjourns at 9:50 p.m.

(7 yes) (0 no)

Respectfully Submitted,

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Matthew E. Sturgis, Clerk Pro-Tem