



## Cape Elizabeth Town Council Agenda

Wednesday, October 14, 2020

7:00 p.m.

Zoom Online

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

### *COVID-19 Update*

In response to the recent outbreak of Coronavirus Disease 2019 (COVID-19) the Governor 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 The section is repealed 30 days after the termination of the state of emergency.

Please click the link below to join the webinar:

<https://zoom.us/j/99249833610>

Or iPhone one-tap :

US: +13017158592,,99249833610# or +13126266799,,99249833610#

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Dial(for higher quality, dial a number based on your current location):

US: +1 301 715 8592 or +1 312 626 6799 or +1 646 876 9923 or +1 408 638 0968 or +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799

Webinar ID: 992 4983 3610

International numbers available: <https://zoom.us/u/acaHRMU3uf>

### **Public Participation at Town Council Meetings**

After an item has been introduced, any person wishing to address the council shall signify a desire to speak by raising their hand or by approaching the lectern. When recognized by the chairman, the speaker shall give his or her name and address or name and local affiliation, if the affiliation is relevant, prior to making other comments. All remarks should be addressed to the Town Council. Comments shall be limited to three minutes per person; however, the time may be extended by majority vote of councilors present. For agenda items that are not formally advertised public hearings, the time for public comments is limited to 15 minutes per agenda item. This time may be extended by a majority of the Town Council. The chairman may decline to recognize any person who has already spoken on the same agenda item and may call on speakers in a manner so as to balance debate. Once the Council has begun its deliberations on an item, no person shall be permitted to address the Council on such item.

### **Speaking at the meeting on topics not on the agenda at regular Council meetings**

Persons wishing to address the Council on an issue or concern local in nature not appearing on the agenda may do so at a regular Town Council meeting before the town manager's report and/or after the disposition of all items appearing on the agenda. Any person wishing to address the Council shall signify a desire to speak by raising their hand or by approaching the lectern. When recognized by the chairman, the speaker shall give his or her name and address or name and local affiliation if the local affiliation is pertinent. Comments in each

comment period shall be limited to three minutes per person and 15 minutes total; however, the time may be extended by majority vote of councilors present.

### **Decorum**

Persons present at Council meetings shall not applaud or otherwise express approval or disapproval of any statements made or actions taken at such meeting. Persons at Council meetings may only address the Town Council after being recognized by the chairman.

### **Convening of the Meeting by the Chairman at 7:00 p.m.**

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

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

### **Presentation of the Ralph T. Gould Award**

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

### **Finance Committee Report**

### **Dashboard and Financial Reports as of September 30, 2020**

### **Appropriation Control**

### **Expense Distribution**

### **Revenue Control**

### **Revenue Distribution**

**Citizen Opportunity for Discussion of Items Not on the Agenda** (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

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

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

- **September 14, 2020**
- **September 28, 2020 Special Meeting**

### **Public Hearing      Tacos Y Tequila Liquor License**

Comments shall be limited to three minutes per person; however, the time may be extended by majority vote of councilors present. Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is relevant.

**Item #127-2020      Tacos Y Tequila Liquor License**

A new on-premises malt liquor, wine and spirits license has been submitted for approval from Tacos Y Tequila Cape Elizabeth Inc. located at 517 Ocean House Road.

A public hearing has been duly noticed in the Press Herald and posted at Town Hall, in compliance with state law and the town ordinance Chapter 5 Commercial Licenses and Permits.

No concerns have been raised by the police chief, fire chief and code enforcement officer.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council after having held a public hearing approves the new malt liquor, wine and spirits license for Tacos Y Tequila Cape Elizabeth Inc. located at 517 Ocean House Road as presented.

**Public Hearing      General Assistance Appendices**

Comments shall be limited to three minutes per person; however, the time may be extended by majority vote of councilors present. Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is relevant.

**Item #128-2020      General Assistance Appendices**

On September 14, 2020 the town council set to public hearing the General Assistance Ordinance Appendices (A-H) as recommended by the Maine Municipal Association effective October 1, 2020 – September 30, 2021.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council after having held a public hearing approves the General Assistance Ordinance Appendices (A-H) as recommended by the Maine Municipal Association effective October 1, 2020 – September 30, 2021.

**Item #129-2020      Request for a Speed Limit Reduction on Wood Road, Ivie Road, Rocky Hill Road, High Bluff Road and Glenden Road**

**Opportunity for Public Comment** (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

The town council has received a request from residents for a reduction in the speed limits on streets located in the Oakhurst neighborhood from the standard 25 mph to 15 mph.

**Item #130-2020      Consider Issuing a Request for Proposals for Legal Services**

**Opportunity for Public Comment** (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

One of the goals (Fiscal Management) of the town council is to bid contracted services to determine competitiveness of rates.

Fiscal Management We will develop budgets and manage finances in a way that balances the established priorities of the town with economic realities, in alignment with public policy, financial oversight, and operational accountability.

- Put out to bid contracted services to determine competitiveness of rates;

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council authorizes issuance of a request for proposals for legal services for the Town which is in line with the town council goals to bid contracted services to determine competitiveness of rates.

**Item #131-2020 Request to Revisit Zoning Regulations Related to Child Care Facilities and Similar Businesses**

**Opportunity for Public Comment** (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

The council has received an email raising an issue regarding the regulation of child care facilities.

The town council will discuss this correspondence and determine if the regulation of this and similar businesses that are currently subject to site plan review should be referred to the Ordinance Committee for review and recommendation.

**Item #132-2020 Review of Town Fee Schedule**

**Opportunity for Public Comment** (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

One of the goals (Fiscal Management) of the town council is to review the town fee schedule.

Fiscal Management We will develop budgets and manage finances in a way that balances the established priorities of the town with economic realities, in alignment with public policy, financial oversight, and operational accountability.

- Implement routine review of town fee schedules;

The town council will discuss the Town's Fee Schedule and determine the time table of an annual review.

**Item #133-2020 Acceptance of a Grant for Enforcing Underage Drinking Laws – Dirigo Safety, LLC**

**Opportunity for Public Comment** (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council accepts and appropriates a \$1,000.00 award from the Enforcing Underage Drinking Laws grant, which is made and overseen by Dirigo Safety, LLC. The grant period is September 8, 2020 to June 20, 2021.

**Item #134-2020      Approval of the Transfer of Forfeiture Assets**

**Opportunity for Public Comment** (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

The State of Maine Office of the Attorney General has notified Chief Paul Fenton that a forfeitable item may be transferred to the Town of Cape Elizabeth if approved by the municipal officers.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council grants approval pursuant to 15 M.R.S. §5824(3) & §5826(6) to transfer forfeited assets in the case State of Maine v. Kenneth Jules LaFlamme, Defendant; And \$2,000 U.S. Currency, Defendant(s) In Rem.

**Item #135-2020      Discuss the Formal Creation of a Bottle Shed Committee**

**Opportunity for Public Comment** (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

Currently two members of the community and a staff person serve on the ad-hoc Bottle Shed Committee. The committee reviews options for the allocation of proceeds from bottles and cans collected at the Bottle Shed. Funds are intended to benefit Cape Elizabeth-based not-for-profit and non-profit service clubs and organizations that benefit the youth of Cape Elizabeth.

Annually applications are accepted from organizations to apply for funding. Organizations must be based in Cape Elizabeth and provide the organization's tax identification number and a W-9.

The town council will discuss creating a standing committee which will require an amendment to Chapter 4 Boards and Committees.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council refers to the appointments committee drafting a charge and composition for a standing Bottle Shed Committee reporting back to the town council for further review and action.

**Item #136-2020      Discussion of Best Practices for 2020 Halloween Activities**

**Opportunity for Public Comment** (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

The town council will discuss and possible act on recommendations for best practices for 2020 Halloween activities in light of the COVID-19 pandemic concerns.

**Item #137-2020      Town Council Vacancy**

**Opportunity for Public Comment** (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

Chairman Valerie Adams is stepping down from the town council as she is moving out of town; her term was to expire December 14, 2020.

The Council-Manager Charter Article II Town Council Sec. 2 Qualifications provides that in the event a vacancy occurs less than 6 months prior to the next regular municipal election, the vacancy may be filled by a special election for the unexpired portion of the term. Since Ms. Adams' term was to expire December 14, 2020, nominations for the position have already been submitted for the November 3, 2020 municipal election.

It is in order for the town council to declare a vacancy with the position already being filled at the November 3, 2020 election.

The Town Council Rules Article IV Miscellaneous Provisions Section 3. Chairman state in the absence of the chairman, the finance committee chairperson shall assume the responsibilities of the chairman.

**Item #138-2020      Corporate Resolution to open a deposit account at Machias Savings Bank.**

**Opportunity for Public Comment** (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

This is an action to establish a banking relationship with Machias Savings Bank. This is relating to the recent request for proposals for expiring certificate of deposits. After receiving five different responses, Machias Savings Bank was the apparent high bidder, with rates provided for six month certificate of deposit at 0.25% and twelve months at 0.35%.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council authorizes the opening of a new deposit account at Machias Savings Bank, and adopts the proposed corporate resolution.

**Item #139-2020      Authorization to Enter into a Lease Option agreement with encore Renewable Energy at the landfill site at the Cape Elizabeth Recycling Facility.**

**Opportunity for Public Comment** (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

On July 20,2020, the town council authorized the Town Manager to enter into negotiations with Encore Renewable Energy for the installation of a solar power installation at the Cape Elizabeth Recycling Center former landfill site as recommended by the energy committee. Over the past two months the Town Manager and the Town Attorney have negotiated the first step in this process for the council to consider, and that is the lease option agreement.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council authorizes the Town Manager to enter into the 2-year Lease Option Agreement (the “Option”) now, and further authorize you to enter into a 25-year Site Lease Agreement (the “Ground Lease”) in substantially the same form as attached to the Option, in the event that Encore Redevelopment LLC (“Encore”) exercises its Option, all subject to final review and approval by the Town Manager and Town Attorney. The Option gives Encore the right to extend the Option for an additional year upon payment of \$1,000. The Ground Lease gives Encore the right to extend the term of the Ground Lease for two (2) five year terms.

**Item #140-2020      Executive Session- Request for Hardship/Poverty Tax Abatement**

**Opportunity for Public Comment** (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council enters into executive session in conformance with 1 MRS §405 6 F to consider a request for an abatement of property taxes based on hardship or poverty.

**Citizens may at this point in the meeting raise any topic that is not on the agenda that pertains to Cape Elizabeth local government.** (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.) Persons wishing to address the council shall indicate their desire using the Raise Hand function of the Zoom meeting. When recognized by the chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

**Adjournment**