



## Regular Town Council Meeting

Monday, June 14, 2021 at 7:00 pm

via Zoom

Please click the link below to join the webinar:

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## **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 The section is repealed 30 days after the termination of the state of emergency.

### **1. Convening of the Meeting**

Town Council Chairman James M. "Jamie" Garvin

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

James M. "Jamie" Garvin, Chairman

Nicole Boucher

Valerie J. Deveraux

Jeremy A. Gabrielson

Caitlin R. Jordan

Penelope A. Jordan

Gretchen R. Noonan

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

### **4. Town Council Reports and Correspondence**

### **5. Finance Committee Report**

### **6. 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.

### **7. Presentation - Town Center Traffic Study**

Tom Errico of T.Y. Lin will present the Town Center Transportation Study dated June 2020. On July 13, 2020 the town council referred the study to workshop.

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

### **9. Review of Draft Minutes on May 3, 2021 (Special) and May 10, 2021.**

### **10. Consent Calendar Item #91-2021 - Item #94-2021**

The consent calendar provides for Item #91-2021 - Item #94-2021 to be considered en

bloc. Any town councilor may ask for any item to be considered separately. At the discretion of the chairman, any item removed from the consent calendar may be considered before or after the consideration of the items remaining on the consent calendar.

Opportunity for Public Comment Item #91-2021 - Item #94-2021. (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 approves Item #91-2021 - Item #94-2021 as presented.

**11. Item #91-2021 Acceptance of the Ed MacDonald Safety Enhancement Grant for the Public Works Department**

The Public Works Department has received an award of \$867.10 from the Ed MacDonald Safety Enhancement Grant for the purchase of a set of "dump loks." The Maine Municipal Association Workers Compensation Fund provides for the grant and covers 2/3 of the purchase costs. The remaining portion is the Town's responsibility and will be paid from the Public Works Department's operating budget. The total cost for the safety equipment is approximately \$1400.00.

Finance Director John Quartararo has provided a memo describing the grant.

**Draft Motion**

ORDERED, the Cape Elizabeth Town Council accepts and appropriates an award of \$867.10 from the Maine Municipal Association Workers Compensation Fund's Ed MacDonald Safety Enhancement Grant towards the purchase of a set of "dump loks." The grant will pay 2/3 of the purchase costs to the maximum of the grant award. The Public Works Department's operating budget is responsible for the local share. The grant period is May 1, 2021 to May 1, 2022.

**12. Item #92-2021 Consideration of Recommended Amendments to the Purchasing Policy and Establishing a Policy to Ensure Certain Policies are Reviewed on a Regular Basis**

At the May 5, 2021 workshop, Finance Director John Quartararo provided an overview of recommended changes to the purchasing policy. It was also suggested to create a policy to ensure certain policies are updated on a regular basis. Both items were referred to the June 7 workshop for further discussion.

Following the June 7 workshop discussion, the draft policies are provided for town council consideration.

Memos have been provided by Finance Director John Quartararo.

**Draft Motion**

ORDERED, the Cape Elizabeth Town Council approves the recommended changes to the Purchasing Procedure policy and establishes a Policy Concerning the Distribution and Review of Town Policies, effective immediately. The next review date for both policies is June 14, 2026.

**13. Item #93-2021 Short-Term Borrowing for School Project**

For reference, below is the School Construction Bond Order item approved on April 12, 2021.

Item #65-2021 School Construction Bond Order

Moved by Jeremy A. Gabrielson and Seconded by Gretchen R. Noonan

ORDERED, the Cape Elizabeth Town Council authorizes a bond order in the amount of \$300,000 for funds to be utilized the pay for the development of a concept design for the construction of the Pond Cove/Middle School as prepared by the Town's bond counsel. The amount borrowed would be repaid by either the issuance of a bond or a larger bond that would be authorized by referendum. The School Department, through the school budget would be responsible for repaying the debt holder.

(5 yes) (2 no Councilors Deveraux and Penelope Jordan)

The School Department is requesting the Town Council authorize financing in the amount of \$300,000 for the cost of the concept design for new construction of the Pond Cove/Middle School.

**Draft Motion**

ORDERED, the Cape Elizabeth Town Council approves short-term financing of \$300,000 for the School Department's School Concept Project per the Policy Short-Term Financing of Bonded Capital Projects adopted May 10, 2021 and the following additional policy requirements:

1. Project name – School Concept Project
2. Sponsor – Cape Elizabeth School department
3. The use of the Towns cash resources will not have a detrimental impact on the Town's Finances.
4. The request of \$300,000 does not exceed the policy limit of \$500,000.
5. The maturity date for this authorization is one-year from the date of approval, subject

to additional extensions per the policy.

6. The estimated date of issuance of the permanent financing is dependent upon the anticipated referendum in June 2022.

a. If the referendum is approved the short-term financing would be paid off by a bond anticipation note for the bond amount approved by the referendum.

b. If the referendum is not approved, the authorized \$300,000 in bonds would be issued during the summer of 2022.

**14. Item #94-2021 Recommended Amendments to the Thomas Memorial Library Policies**

On May 10, 2021 the town council referred to workshop recommendations from the Thomas Memorial Library Committee to amend certain policies including General Use Policy, Food & Beverage Policy, Computer Use and Internet Policy and Safe Child & Vulnerable Adults Policy.

The town council reviewed the recommendations in workshop session on June 7, 2021.

**Draft Motion**

ORDERED, the Cape Elizabeth Town Council approves the recommendations from the Thomas Memorial Library Committee to amend and/or establish the following policies including General Use Policy, Food & Beverage Policy, Computer Use and Internet Policy and Safe Child & Vulnerable Adults Policy, effective immediately.

**15. Item #95-2021 Recommendation from the Ordinance Committee Relating to a New Standing Committee - Diversity, Equity and Inclusion 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.

On April 12, 2021 the town council referred to the ordinance committee a recommendation from the Ad-Hoc Civil Rights Committee to establish a standing committee.

The ordinance committee met on May 19, 2021 and voted 3-0 to recommend an amendment to Chapter 4 Boards and Committees to establish a standing 7-member committee: Sec. 4-1-7 D. Diversity, Equity and Inclusion Committee.

**Draft Motion**

ORDERED, the Cape Elizabeth Town Council sets to public hearing on Monday, July 12, 2021 at 7:00 p.m. a recommendation from the ordinance committee to amend Chapter

4 Boards and Committees to establish a standing 7-member committee: Sec. 4-1-7 D. Diversity, Equity and Inclusion Committee.

**16. Item #96-2021 Fort Williams Park Master Plan Recommendations Overview**

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 Fort Williams Park Committee will provide an overview of the draft Master Plan Update recommendations. The committee is seeking input from the town council, on this section, before the final master plan update draft is presented for consideration.

**Draft Motion**

ORDERED, the Cape Elizabeth Town Council refers to workshop the draft Master Plan Update recommendations.

**17. Item #97-2021 Recommendation from the Ordinance Committee Relating to Town Center Affordable Housing Amendments**

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 February 8, 2021 the town council referred to the planning board development of Town Center Affordable Housing Amendments. The amendments should preserve Town Center requirements to the extent feasible while also permitting an affordable housing project that provides a substantial public benefit. Recommended amendments should be returned to the town council by April 30, 2021.

On April 20, 2021 the planning board voted amendments Option 1 by a 4-2 vote.

On May 10, 2021 the town council referred to the the ordinance committee for review and report back to the town council Town Center Affordable Housing Amendments as recommended by the planning board.

The ordinance committee met on May 19, 2021 and by a vote 3-0 recommends Town Center Affordable Housing Amendments to the town council.

The town council will determine next steps which may include one of the following; schedule a public hearing, refer to workshop or refer back to the ordinance committee.

**18. Item #98-2021 Consideration of a Collective Bargaining Agreement Between the Town of Cape Elizabeth and the Cape Elizabeth Police Benevolent Association**

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.

After negotiating with the CEPBA, the town manager is recommending approval of a collective bargaining agreement starting July 1, 2021.

**Draft Motion**

ORDERED, the Cape Elizabeth Town Council approves the collective bargaining agreement between the Town of Cape Elizabeth and the Cape Elizabeth Police Benevolent Association effective July 1, 2021 - June 30, 2024 and the Memorandum of Agreement as presented.

**19. 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.

**20. Adjournment**

**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.

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Contact: Debra Lane (debra.lane@capeelizabeth.org (207-799-7665) | Agenda published on 06/10/2021 at 2:16 PM