



Regular Town Council Meeting

Monday, January 11, 2021 at 7:00 pm

Please click the link below to join the webinar:

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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

Jeremy A. Gabrielson, Chairman Finance Committee

Review of Financial Dashboard and Reports Ending December 31, 2020.

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. Town Manager's Monthly Report

Matthew E. Sturgis, Town Manager

8. Review of Draft Minutes of the Meeting Held on December 14, 2020.

9. Consent Calendar Item #31-2021 - Item #33-2021

The consent calendar provides for Item #31-2021 - Item #33-2021 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 #31-2021 - Item #33-2021. (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 #31-2021 - Item #33-2021 as presented.

10. Item #31-2021 Authorization of the Establishment of a Special Purpose Fund for the Thomas Memorial Library

Finance Director John Quartararo is recommending the establishment of a special purpose fund at the Thomas Memorial Library for the annual donations for The Maryellen Coles Children's Book Fund and acceptance of the initial donation of \$1,000.

Draft Motion:

ORDERED, the Cape Elizabeth Town Council authorizes the finance director to establish The Maryellen Coles Children's Book Fund within Fund 46-Thomas Memorial Library Fund and authorizes acceptance of a \$1,000 donation, with appreciation, to establish the fund, anticipating annual additions to the fund.

11. Item #32-2021 Authorization of Transfer Funds- Account Series 0640 - 0660

Finance Director John Quartararo is recommending revamping of the budgets for accounts within the 600 series, proposing the following:

New division - 0330 Parks and Grounds.

New CIP Project - Greenbelt Trail Improvements within 0715

0645 Fort Williams Park - Move control of budget to Community Services

Draft Motion:

ORDERED, the Cape Elizabeth Town Council approves the following revamping of the town budget.

\$584,457 of the approved FY 2021 budget from the following divisions; Parks (0640), School Grounds (0641) Fort Williams Park (0645) and Trees (0660) be transferred to a new division (0330) Parks and Grounds under control of the Public Works Department. \$24,400 of the approved FY 2021 budget from (0640) be transferred to a new CIP project within (0715) titled Greenbelt Trail Improvements under control of the Town Planner with the advice of the Conservation Committee.

\$123,643 remaining in division (0645) Fort Williams Park be under the control of Community Services.

12. Item #33-2021 Fort Williams Park Uses 2021

On December 17, 2020 the Fort William Park Committee voted (6 - 0) to authorize the use of Fort Williams Park for 2021 as indicated in the draft motion.

Draft Motion:

ORDERED, the Cape Elizabeth Town Council approves the recommendations of the Fort Williams Park Committee for the following uses of Fort Williams Park in 2021 as presented.

Cape Elizabeth Little League - Seasonal Use

Cape Elizabeth High School Graduation - Sunday, 6/6/2021

Family Fun Day - Saturday, 6/12/2021, Rain date Sunday, 6/13/2021

Friends of Fort Williams Garden Tour - Saturday, 7/17/2021

Beach to Beach 10K Road Race - 8/2/2021 - 8/7/2021 (pending confirmation whether the race will be held in 2021)

Making Strides Cancer Walk, Sunday, 10/17/2021

13. Item #34-2021 Short Term Rental Amendments/Comprehensive Plan Amendment Recommendations

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 13, 2020 and August 10, 2020 the town council referred to the planning board review of the short term rental amendments and a request to amend the 2019 Comprehensive Plan recommendation #86.

The planning board held workshops on August 4, September 22, October 6 and November 4, 2020. A public hearing was held on November 17, 2020. The planning board has provided draft amendments and consensus comments to further revise the amendments.

On December 14, 2020 the town council referred the planning board recommendations and further discussion on short term rentals and a revision to Recommendation #86 to a workshop on January 6, 2021. At the workshop, it was a consensus to place an item on the January 11 council agenda to set a public hearing on February 8, 2021. It is anticipated that the council will vote no earlier than March 8. When an ordinance is passed, the effective date of the ordinance will be determined.

Draft Motion:

ORDERED, the Cape Elizabeth Town Council sets to public hearing on Monday, February 8, 2021 at 7:00 p.m. via Zoom short term rental amendments.

14. Item #35-2021 Comprehensive Plan Recommendations

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.

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a workshop on January 6, 2021. At the workshop, it was a consensus to place an item on the January 11 council agenda to set public hearings on February 8, 2021. It is anticipated that the council will vote on the recommendations no earlier than March 8. When an ordinance is passed, the effective date of the ordinance will be determined.

Replace Recommendation #86:

Streamline administrative tracking of short-term rental activity by requiring a permit, without expanding regulatory requirements, for operating a homestay or short-term rental of two weeks per year or less.

Adopt new Recommendation #86:

Restrict Short Term Rentals (STR) to protect the peaceful quiet enjoyment of neighborhoods and preserve housing stock. Limited STR activity associated with primary residency, or in lower density portions of town, may be allowed within a permit structure that allows tracking of activity and funding for enforcement.

Draft Motion:

ORDERED, the Cape Elizabeth Town Council sets to public hearing on Monday, February 8, 2021 at 7:00 p.m. via Zoom a revision to Recommendation #86 of the 2019 Comprehensive Plan.

15. Item #36-2021 Planning Board Recommendation Relating to Fence 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.

At the November 9, 2020 town council meeting, the council referred fence amendments to the planning board for review and recommendations.

The planning board reviewed fence amendments at the December 1, 2020 workshop. On December 15 a public hearing was held and the planning board voted (7-0) to refer amendments to the zoning ordinance relating to fences to the town council.

Draft Motion:

ORDERED, the Cape Elizabeth Town Council sets a public hearing on Monday, February 8, 2021 at 7:00 p.m. via Zoom relating to recommended fence regulations within

16. Item #37-2021 Planning Board Recommendation Relating to Town Farm District Parking Amendment

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.

At the November 9, 2020 town council meeting, the council referred recommendations of the ordinance committee to allow parking as a permitted use in the Town Farm District to the planning board for review and recommendations.

The planning board reviewed the ordinance committee recommendation at the December 1, 2020 workshop. On December 15 a public hearing was held and the planning board voted (7-0) to refer amendments to the zoning ordinance relating to the Town Farm District Parking Amendments to the town council.

Draft Motion:

ORDERED, the Cape Elizabeth Town Council sets to public hearing on Monday, February 8, 2021 at 7:00 p.m. via Zoom recommended Town Farm District parking amendments to Chapter 19 Zoning Ordinance.

17. Item #38-2021 Ordinance Committee Recommendation Relating to the Supervision of the Bottle Shed Located at the Recycling Center

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.

At the October 14, 2020 town council meeting, the council referred to the ordinance committee consideration of amendment Chapter 4 Boards and Committees to add the responsibility of recommending the allocation of funds received from the proceeds at the Bottle Shed to the recycling committee with a recommendation back to the town council.

The ordinance committee reviewed the recommendation on December 17, 2020 and voted (3-0) to amend Chapter 4 Boards and Committees to direct the recycling committee to prepare a written protocol for the operation of the Bottle Shed and disbursement of proceeds.

Draft Motion:

ORDERED, the Cape Elizabeth Town Council sets to public hearing on Monday, February 8, 2021 at 7:00 p.m. via Zoom a recommendation to amend Chapter 4 Boards and Committees Sec. 4-1-7 H. Recycling Committee to include in the committee's duties establishing polices to manage the Bottle Shed located at the Recycling Center and determine charitable disbursements.

18. Item #39-2021 Ordinance Committee Recommendation Relating to Traffic Ordinance Parking Amendments to Kettle Cove at Crescent Beach and Sea View Avenue/Glen Avenue

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 September 14, 2020 the town council referred to the ordinance committee review of Chapter 13 Traffic Regulations, Section 13-3-9 and 13-2-4 to consider amending the ordinance to allow

non-commercial watercraft launching at the boat launch near the entrance to Kettle Cove at the end of Crescent Beach as an allowed use.

On November 9, 2020 the town council referred to the ordinance committee the recommendations of the conservation committee regarding usage intensity and parking issues related to Cliff House Beach.

The ordinance committee discussed both amendments on October 26, November 19 and December 17. On December 17, 2020 the ordinance committee voted (3-0) to recommend amendments to Chapter 13 Traffic Ordinance.

Draft Motion:

ORDERED, the Cape Elizabeth Town Council refers to workshop recommended amendments to Chapter 13 Traffic Ordinance relating to Kettle Cove at Crescent Beach and Sea View Avenue/Glen Avenue.

19. Item #40-2021 Ordinance Committee Recommendation Relating to Daycare Regulations

Opportunity for Public Comment Item. (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 October 14, 2020 the town council referred to the ordinance committee for review and recommendation the site plan review process to assess whether there should be a modified review process for childcare facilities and related businesses based on business size and impact.

The ordinance committee reviewed the regulations on November 19 and December 17. On December 17, 2020 the ordinance committee voted (3-) that no change to existing daycare regulations be made.

Draft Motion:

ORDERED, the Cape Elizabeth Town Council acknowledges receipt of the ordinance committee report to recommend no change to the existing day care regulations.

20. Item #41-2021 Appointments Committee Recommendations

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.

During the annual appointments process a number of vacancies were not filled due to a lack of applications. These positions were re-advertised and the appointments committee conducted additional interviews.

Of the four remains vacancies, applications were received for three of the committees. A vacancy remains on the Personnel Advisory Committee. The appointments committee will continue to seek applicants.

Draft Motion:

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the appointments committee to fill the following vacancies. The terms are effective immediately. Terms expire December 31, 2023.

Board of Assessment Review

Anne S. Richmond, 54 Wildwood Drive

Fort Williams Park Committee

Jon Dienstag, 18 Fessenden Road

21. 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.

22. 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.

Contact: Debra Lane (debra.lane@capeelizabeth.org) (207-799-7665) | Agenda published on 01/07/2021 at 1:23 PM