



Regular Town Council Meeting

Monday, May 8, 2023 at 7:00 pm

Town Hall Council Chambers

Live on CETV/Hybrid Meeting

Hybrid Meeting - Members of the Public May Participate Remotely During Public Comment Opportunities

To view the meeting livestream: <https://cetv.capeelizabeth.org/> and push watch in the upper right hand corner.

Remote participation is offered as a convenience. In the event there is a disruption in service and the communication can't be restored the expectation is the meeting will continue.

Zoom Meeting
ID: 98416573901

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Enter First and Last Name

To offer comments during public comment opportunities. When the chair introduces the opportunity for public comments for an item you wish to speak to, click the Zoom link or call and use the Raise Hand function. When connecting by phone, dial *9 to Raise Hand and the same to Lower Hand. Please mute your microphone and turn off the video until you are invited to speak. First and last name must appear to be recognized. Attendees will be invited to speak for 3 minutes. After speaking, to view the remainder of the meeting, exit Zoom and return to the CETV Livestream or CETV cable Channel 3.

1. Convening of the Meeting

Town Council Chair Jeremy A. Gabrielson

2. Roll Call by the Town Clerk

Jeremy A. Gabrielson, Chair
Nicole Boucher
Susan A. Gillis
Caitlin R. Jordan
Penelope A. Jordan
Gretchen R. Noonan
Timothy S. Reiniger

3. The Pledge of Allegiance to the Flag

4. Town Council Reports and Correspondence

5. Finance Committee Report

Councilor Nicole Boucher, Finance Committee Chair

Attachments:

- [Financial Dashboard April 30, 2023](#)
- [Appropriation Control April 2023](#)
- [Expense Distribution April 2023](#)
- [Revenue Control April 2023](#)
- [Revenue Distribution April 2023](#)

6. Citizen Opportunity for Discussion of Items Not on the Agenda

Limited to 15 minutes; 3 minutes per person. Time may be extended by majority vote of the councilors present.

When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent.

A member of the public wishing to speak via remote access must click on the Zoom link or call and use the Raise Hand function. When connecting by phone, dial *9 to Raise Hand and the same to Lower Hand. Please mute the microphone and turn off the video until you are invited to speak. When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent. After speaking, to view the remainder of the meeting exit Zoom and return to the CETV Livestream or CETV cable Channel 3.

7. Town Manager's Monthly Report - Matthew E. Sturgis

Mr. Sturgis will announce new department hours for the Town Hall, Recycling Center and Public Works Department effective July 1, 2023. The change has been presented to the town council in workshop sessions. It is recommended the town council ratify the change by consensus.

Attachments:

- [Town Operating Hours Change Eff 07 01 2023](#)

8. Review of Draft Minutes

April 10, 2023 Regular Meeting
April 25, 2023 Special Meeting

Attachments:

- [Town Council Minutes April 10, 2023](#)
- [Town Council Minutes April 25, 2023 Special](#)

9. Public Hearing - Proposed Stormwater Amendments

Comments shall be limited to three minutes per person; however, the time may be extended by majority vote of councilors present.

When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent.

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On August 8, 2022 the Town Council referred to the Ordinance Committee development of Stormwater Ordinance amendments required by the General Permit for Stormwater Discharges. Following a recommendation from the Ordinance Committee, on December 12, 2022 the Town Council forwarded amendments to the Planning Board.

On March 21, 2023, the Planning Board voted (6-0) to forward stormwater amendments to the Town Council for consideration. On April 8 the Town Council voted to schedule a public hearing for May 8.

Attachments:

- [Chapter 25 Stormwater Amendments Draft 02 14 2023](#)
- [Memo Planning Board Stormwater Amendments 03 24 2023](#)

10. Item #66-2023 Proposed Stormwater Amendments

Draft Motion

ORDERED, the Cape Elizabeth Town Council having held a public hearing on May 8, 2023 does hereby approve the proposed amendments to Chapter 25 Stormwater as recommended by the Planning Board, draft dated February 14, 2023.

11. Public Hearing - Fiscal Year 2024 General Fund and Special Revenue Funds Budgets

Comments shall be limited to three minutes per person; however, the time may be extended by majority vote of councilors present.

When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent.

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Attachments:

- [FY 2024 General Fund Proforma 04 26 2023](#)
- [FY 2024 Proposed Municipal Budget](#)
- [FY 2024 Proposed School Department Budget](#)
- [FY 2024 Special Revenue Funds Proforma 05 01 2023](#)
- [Tax Rate Breakdown by Percentage FY 20 - FY 24](#)

12. Item #67-2023 Fiscal Year 2024 General Fund Budget - Motion to Schedule Vote

Draft Motion

ORDERED, the Cape Elizabeth Town Council having held a public hearing on May 8, 2023 does hereby schedule a vote on the proposed fiscal year 2024 General Fund Budget (municipal and school) for the Town of Cape Elizabeth, Maine for Monday, May 15, 2023 at 7:00 p.m. at the Cape Elizabeth Town Hall with proposed Town expenditures of \$20,501,521 and revenues of \$10,568,140 and School expenses of \$34,170,000 and revenues of \$3,597,711. (See attached proforma)

Attachments:

- [FY 2024 General Fund Proforma 04 26 2023](#)
- [FY 2024 General Fund Revenues, Expenses, CIP 04 27 2023](#)

13. Item #68-2023 Fiscal Year 2024 Special Revenue Funds Budget - Motion to Approve

ORDERED, the Cape Elizabeth Town Council having held a public hearing on May 8, 2023 does hereby adopt the Special Revenue Funds Budgets for Fiscal Year 2024, as follows: estimated expenditures of \$4,126,254; estimated revenues of \$3,591,294, transfers from the General Fund of \$229,066 and the estimated use of fund balances totaling \$305,894 and hereby adopts the following expenditure and revenue budgets for each fund as follows, as presented. (See attached proforma to be included in the minutes.)

Attachments:

- [FY 2024 Special Revenue Funds Budgets Proforma 05 01 2023](#)

14. Item #69-2023 Audit Results for FY 2022

Opportunity for Public Comment. Limited to 15 minutes; 3 minutes per person. Time may be extended by majority vote of the councilors present.

When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent.

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The Town Council and School Board met in workshop session on May 3, 2023 to review the results of FY 2022 audit results prepared by Ruyon Kersteen Ouellette.

Draft Motion:

ORDERED, the Cape Elizabeth Town Council acknowledges receipt of the results of the FY 2022 Annual Financial Statements ending June 30, 2022 and accompanying reports prepared by Ruyon Kersteen Ouellette.

Attachments:

- [FY 2022 Audit Presentation RKO 05 03 2023](#)
- [Cape Elizabeth Uniform Guidance 06 30 2022](#)
- [Cape Elizabeth Statement of Assurance 06 30 2022](#)
- [Cape Elizabeth SAS Letter 06 30 2022](#)
- [Cape Elizabeth Financial Statements 06 30 2022](#)
- [Cape Elizabeth School Department Financial Statements 06 30 2022](#)

15. Item #70-2023 Report from the Energy Committee Relating to a Climate Action Plan

Opportunity for Public Comment. Limited to 15 minutes; 3 minutes per person. Time may be extended by majority vote of the councilors present.

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Excerpt February 13, 2023 Town Council Minutes

Item #41-2023 Consideration of Tasking the Energy Committee in Proposing Steps Toward Determining Climate Action Goals
Public Comment

John Voltz, 33 Philip Road supports the recommendation.

Moved by Councilor Boucher and Seconded by Councilor Noonan

ORDERED, the Cape Elizabeth Town Council tasks the Energy Committee to perform a review of Maine Won't Wait, the State of Maine's climate action plan and make recommendations to the Cape Elizabeth Town Council on a Town climate action plan. Additionally, to encourage coordination where applicable with other Town boards and committees regarding implementation of climate change initiatives.

(7 yes) (0 no)

On February 13, 2023 the Town Council tasked the Energy Committee in proposing steps toward climate action goals. Energy Committee Member Sam Milton will be present to provide an overview of the Energy Committee's recommendation to hire GPCOG for climate action planning.

Planning services - \$40,000

If the Town Council votes to move forward with the recommendation to hire GPCOG, at a subsequent meeting the Town Manager will recommending funding sources for the project.

Draft Motion

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the Energy Committee to authorize the Town Manager to sign a contract with the Greater Portland Council of Governments for the Cape Elizabeth Climate Action Planning Proposal dated March 8, 2023. Said funding of \$40,000 will be approved at a subsequent meeting.

Attachments:

- [Energy Committee Milton Email 05 02 2023](#)
- [GPCOG Climate Action Planning Proposal 03 08 2023](#)
- [Energy Committee Minutes March 30, 2023](#)
- [Energy Committee Minutes April 27, 2023](#)

16. Item #71-2023 Proposed Amendment to the Dog Ordinance

Opportunity for Public Comment. Limited to 15 minutes; 3 minutes per person. Time may be extended by majority vote of the councilors present.

When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent.

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Police Chief Fenton has provided a recommendation from the Animal Control Officer Maggie Maxwell to amend Chapter 7 Dog Ordinance to amend the first violation provision of the ordinance to streamline the process.

Draft Motion

ORDERED, the Cape Elizabeth Town Council refers to the Ordinance Committee a recommendation from the Animal Control Officer to amend Chapter 7 Dog Ordinance Sec. 7-1-7 Management of Dogs on Municipal Property (e) 1) to streamline the process.

Attachments:

- [Memo Chief Fenton Amendment to Chapter 7 Dog Ordinance](#)
- [Proposed Amendment to Chapter 7 Dog Ordinance 05 08 2023](#)

17. Item #72-2023 Motion to Reconsider - Item #62-2023 4/10/2023 Entitled Request from Councilor Reiniger to Fund a Site Feasibility Study for Affordable Housing Development Purposes at Gull Crest

Opportunity for Public Comment. Limited to 15 minutes; 3 minutes per person. Time may be extended by majority vote of the councilors present.

When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent.

A member of the public wishing to speak via remote access must click on the Zoom link or call and use the Raise Hand function. When connecting by phone, dial *9 to Raise Hand and the same to Lower Hand. Please mute the microphone and turn off the video until you are invited to speak. When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent. After speaking, to view the remainder of the meeting exit Zoom and return to the CETV Livestream or CETV cable Channel 3.

Excerpt from Town Council Rules Sec. 3 Rules of order and debate

After a vote is taken, it shall be in order for any member who voted on the prevailing side of a vote to have a reconsideration thereof at the same, or the next stated meeting, but not afterwards; and when a motion of reconsideration is decided, that vote shall not be reconsidered.

Councilor Boucher, who voted on the prevailing side, has requested a reconsideration of Item #62-2023 held April 10, 2023.

Excerpt - Town Council Minutes April 10, 2023

Item #62-2023 Request from Councilor Reiniger to Fund a Site Feasibility Study for Affordable Housing Development Purposes at Gull Crest

Moved by Timothy S. Reiniger and Seconded by Caitlin R. Jordan

ORDERED, the Cape Elizabeth Town Council authorizes funding, not to exceed \$100,000, for a site feasibility study for affordable housing development purposes at the town-owned Gull Crest property located on the side across from Colonial Village.

(6 yes) (0 no)

18. 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 majority vote of the councilors present.

When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent.

A member of the public wishing to speak via remote access must click on the Zoom link or call and use the Raise Hand function. When connecting by phone, dial *9 to Raise Hand and the same to Lower Hand. Please mute the microphone and turn off the video until you are invited to speak. When recognized by the chair, the speaker shall give their name and address or local affiliation, if the affiliation is pertinent. After speaking, to view the remainder of the meeting exit Zoom and return to the CETV Livestream or CETV cable Channel 3.

19. 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 addressing the lectern. When recognized by the chair, the speaker shall give their name and address or name and local affiliation, if the affiliation is relevant, prior to making other comments.

A member of the public wishing to speak via remote access must click on the Zoom link or call and follow the procedures stated at the top of the agenda. When recognized by the chair, the speaker shall give their name and address or name and local affiliation, if the affiliation is relevant, prior to making other comments. After speaking, to view the remainder of the meeting exit Zoom and return to the CETV Livestream or CETV cable Channel 3.

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 chair may decline to debate anyone 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 chair, the speaker shall give their name and address or name and local affiliation, if the affiliation is relevant, prior to making other comments.

A member of the public wishing to speak via remote access must click on the Zoom link or call and follow the procedures stated at the top of the agenda. When recognized by the chair, the speaker shall give their name and address or name and local affiliation, if the affiliation is relevant, prior to making other comments. After speaking, to view the remainder of the meeting exit Zoom and return to the CETV Livestream or CETV cable Channel 3.

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 chair.