



Regular Town Council Meeting

Monday, June 13, 2022 at 7:00 pm

Live on CETV

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

Ordinance Chair Penelope Jordan will provide an update on the Reef Road Parking Evaluation Proposal.

5. Finance Committee Report

Councilor Nicole Boucher, Finance Committee Chair

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 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

May 9, 2022

May 16, 2022 Special

May 19, 2022 Special

9. Item #95-2022 Consideration of Wima2 RFP to Retain Assistance with the Implementation of the Wima Study

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 chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

On May 9, 2022 the town council referred to the ordinance committee the task of drafting a Wima2 RFP to retain an expert/consultant to assist in the process of accessing next steps and options toward the implementation of improving cellular coverage in Cape Elizabeth as outlined in the report by Steven Webster, Wireless Expertise, LLC dated March 9, 2022. In addition, a supplemental appropriation in the amount of \$50,000 was approved from excess revenues in account R0398 - State Revenue Sharing within the current fiscal year FY 2022.

The Ordinance Committee voted (3-0) On May 11 to refer the RFP for council consideration.

Draft Motion

ORDERED, the Cape Elizabeth Town Council approves the Request for Proposals Wireless Infrastructure Market Augmentation (Wima2) as drafted by the Ordinance Committee to retain assistance with the implementation of the Wima study.

10. Item #96-2022 Housing Diversity Study Committee Consultant (Staff Support) RFP Recommendation

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 chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

On May 16, 2022, the Town Council referred to the Ordinance Committee development of an RFP for an Ad-Hoc Housing Diversity Study Committee consultant to provide staff support to the committee.

The Ordinance Committee voted (2-0) on May 25 to recommend a proposed RFP. In addition, the Ordinance Committee voted (2-0) to recommend the committee review proposals received and recommend the selection of a consultant to the Town Council.

Draft Motion

ORDERED, the Cape Elizabeth Town Council approves the Request for Proposals Ad-Hoc Housing Diversity Study Committee Consultant as drafted by the Ordinance Committee. In addition the Ordinance Committee is tasked with reviewing proposals received and recommending a consultant to the Town Council for consideration.

11. Item #97-2022 Supplemental Appropriation for the Housing Diversity Study Committee Budget

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 chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

The Ad-Hoc Housing Diversity Study Committee charge was approved by the Town Council on May 9, 2022. The charge included a committee budget of \$45,000.

Finance Director John Quartararo has provided a memo outlining the funds to cover the budget.

Draft Motion

ORDERED, the Cape Elizabeth Town Council appropriates \$45,000 for project 2090-4163 XXX from excess revenues in account R0398 - State Revenue Sharing.

12. Item #98-2022 Referral of the Development of Ordinance Amendments That Implement LD 2003

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 chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

LD 2003 Passed to be Enacted by the Maine Legislature 4/25/2022 and signed by Governor Mills 4/27/2022.

LD 2003, An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions, requires that certain local zoning provisions be in place for affordable housing by July 1, 2023. Given that the town typically needs 6 months to 1 year to process ordinance amendments, staff has been asked to prepare for Town Council consideration a referral to develop amendments to the Ordinance Committee or Planning Board.

The Town Planner has prepared a memo.

Draft Motion

ORDERED, the Cape Elizabeth Town Council refers to the (Ordinance Committee or Planning Board) development of ordinance amendments that implement LD 2003.

13. Item #99-2022 Referral to the Diversity, Equity & Inclusion Committee

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 chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

Chair Gabrielson has requested this item on the agenda to consider referring to the Diversity, Equity & Inclusion Committee a review of the Town Council Rules as it relates to gender language with a report back to the Town Council for consideration.

14. Item #100-2022 Nomination of Spirit of America Award Recipient

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 chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

The Spirit of America Award was created by the Spirit of America Foundation to encourage volunteerism in communities. The recognition program provides an award for volunteers. An individual, group or organization may be recognized.

Past Nominations:

2019 Pond Cove Parents Association Playground Committee

2021 Community Ice Rink Organizers (Sam and Maureen Sezak, Chris and Melissa Hooper, Jay and Kate Brandeis)

Bruce Flaherty, President of Maine Spirit of America is requesting a nomination for the award.

Town Manager Matthew Sturgis is recommending the nomination of James H. "Jim" Huebener for the 2022 Spirit of America Award.

Memorial Day Parade Chairman - 2009 - present

Planning Board #2006 - 4/2011, 2016 - present

Hockey Coach - CEMS (4 years) and Casco Bay Hockey (12 years)

Beach to Beacon Volunteer - 9 years

Wayside Soup Kitchen Coordinator - 1 year

Retired Mechanical Engineer

Marine Corps

Jim and his wife Elizabeth reside at 13 Kettle Cove Road.

15. Item #101-2022 Correction of Minutes - Item #64-2022 March 14, 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 chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

The Town Council approved a property tax abatement (7-0) on March 14, 2022, Item #64-2022. During the abatement process it was discovered the amount of the abatement stated on the minutes was incorrect; the first two numbers were transposed. The correct amount of the abatement is \$3238.56 (not \$2338.56).

Draft Motion

ORDERED, the Cape Elizabeth Town Council corrects the minutes from March 14, 2022, Item #64-2022 Enter into Executive Session to Consider A Property Tax Abatement to accurately reflect the amount of the abatement due to a transposition of numbers to \$3238.56 (from \$2338.56).

16. Item #102-2022 Meeting of the Museum at Portland Head Light Board of Directors

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 chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

17. 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 chairman, the speaker shall give his or her name and address or local affiliation, if the affiliation is pertinent.

18. 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.