



## **Cape Elizabeth Town Council Agenda**

**Wednesday, November 13, 2019**

**7:00 p.m. Council Chambers**

**Cape Elizabeth Town Hall**

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

### **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 Town Council Chairman James M. "Jamie" Garvin**

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

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

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

### **Finance Committee Report**

**Dashboard and Financial Reports as of 10/31/2019**

### **[Appropriation Control](#)**

### **[Expense Distribution](#)**

### **[Revenue Control](#)**

### **[Revenue Distribution](#)**

### **Citizen Opportunity for Discussion of Items Not on the Agenda**

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

Review of [Draft](#) Minutes of the meeting held on October 16, 2019.

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.**

Item #154-2019      General Assistance Appendices

On October 16, 2019 the town council set the General Assistance Ordinance Appendices (A-F and H) as recommended by the Maine Municipal Association to public hearing for this evening.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council approves the General Assistance Ordinance Appendices (A-F and H) as recommended by the Maine Municipal Association effective October 1, 2019 – September 30, 2020.

Item #155-2019      Purpoodock Club [Licenses](#)

**Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)**

The Purpoodock Club is seeking approval of the annual liquor license, special amusement permit and auxiliary license for a mobile service bar. No concerns have been reported by police, fire and code enforcement.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council approves the malt, vinous, and spirituous licenses, mobile service bar license and special amusement permit for the Purpoodock Club located at 300 Spurwink Avenue as presented.

Item #156-2019      Proposed Commercial Vehicle Fees at Fort Williams Park

**Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)**

During the commercial vehicle rate change discussions on February 11, 2019, it was recommended the town council provide advance notice of rate changes so that coach companies and others can plan accordingly.

The Fort Williams Park Committee is recommending commercial vehicle fees for Fort Williams Park for the next three years; 2020, 2021, and 2022.

On October 16, 2019 the town council set the proposal to workshop with the Fort Williams Park Committee on November 6, anticipating a vote this evening.

Item #157-2019      Town Center [Tax Increment](#) Financing District

**Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)**

Town Assessor Clint Swett will be present to provide an overview of the recommended technical revisions to the Town Center Infrastructure Improvement Tax Increment Financing District (“TIF”).

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council sets to public hearing on Monday, December 9, 2019 at 7:00 p.m. at the Cape Elizabeth Town Hall the recommended technical revisions to the Town Center Infrastructure Improvement Tax Increment Financing District (“TIF”).

**Item #158-2019 State of Maine Bicentennial Celebration [Committee](#)**

**Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)**

On September 9, 2019 the town council established an ad hoc Maine Bicentennial Celebration Committee and on October 16 approved the charge which includes the appointment of two citizens, one town council member, one school board member and one appointee of the Cape Elizabeth Historical Preservation Society.

The CEHPS is appointing John F. (Jack) Boyce, 11 Ocean View Road.

The first round of resident interviews has been completed. The appointments committee recommends Anne K. Hewes. It is anticipated a second nominee will be presented at the December council meeting.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the appointments committee to appoint Anne K. Hewes, 429 Mitchell Road to the ad hoc Maine Bicentennial Celebration Committee.

**Item #159-2019 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.)**

Councilor Straw has requested a review of the Bottle Shed Committee including composition and appointments to the committee and distribution of funds.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council refers to workshop a discussion of the Bottle Shed Committee including composition, appointments and distribution of funds.

**Item #160-2019 Personnel Code – Town Employees Mileage Reimbursement**

**Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)**

The town manager is recommending the mileage reimbursement for town employees be the same rate allowed by the Internal Revenue Service.

Currently the mileage rate set by the State of Maine for reimbursing state employees is \$.44 and the rate allowed by the Internal Revenue Service is \$.58.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the town manager to amend Chapter 3 Personnel Code to reimburse town employees who use their vehicle for approved municipal purposes at the rate set by the Internal Revenue Service.

Sec. 3-1-16 Mileage Reimbursement The town shall reimburse employees who use their vehicles for approved municipal purposes at the rate set by the ~~State of Maine for reimbursing state employees~~ Internal Revenue Service. Any employee with a municipal vehicle or with a set monthly mileage allowance shall annually provide a report to the town on use of the vehicle or mileage stipend so that the town may properly report any private use to the Internal Revenue Service.

**Item #161-2019 Corporate Resolution to open a brokerage account at TD Wealth, Private Client and Corporate Resolution to maintain banking relationship with TD Bank**

The requirement to have a vote of the Town Council authorizing the opening of a new account at TD Private Client Wealth, LLC is the federal statutory response to the Enron scandal from 2001. The purpose is to ensure that the governing body is aware and responsible for the Town's banking relationships.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council authorizes the opening of a new account at TD Private Client Wealth, LLC, and adopts the proposed corporate resolution.

**Item #162-2019 Corporate Resolution to maintain banking relationship at TD Bank**

The requirement to have a vote of the Town Council authorizing the opening of a new account and maintaining the banking relationship at TD Bank, NA is the federal statutory response to the Enron scandal from 2001.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council authorizes the opening of a new account and maintaining the banking relationship at TD Bank, NA, and adopts the proposed corporate resolution.

**Item #163-2019 Executive Session – Town Manager's Contract**

**Opportunity for Public Comment (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)**

The town council will meet in executive session to continue discussion of the town manager's contract which expires January 29, 2020. The town council began discussions at the special meeting held on November 6.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council enters into executive session pursuant to 1 MRS §405 6A to discuss the town manager's contract which expires January 29, 2020.

**Citizens may at this point in the meeting raise any topic that is not on the agenda that pertains To Cape Elizabeth local government.**

**Adjournment**