



## **Cape Elizabeth Town Council Agenda**

**Monday, December 9, 2019**

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

**Cape Elizabeth Town Hall**

Valerie A. Adams  
Valerie J. Deveraux  
Jeremy A. Gabrielson  
James M. "Jamie" Garvin  
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 James. M. "Jamie" Garvin**

### **Administration of Oaths by the Town Clerk Debra M. Lane**

### ***Oaths of Office for Elected Officials Elected on November 5, 2019***

#### **Cape Elizabeth Town Council**

*Caitlin R. Jordan*

*Penelope A. Jordan*

#### **Cape Elizabeth School Board**

*Kimberly L. Carr*

*Philip R. Saucier*

For Reference – Link to List of [Selectmen](#) and [Town Council](#) Members

Roll Call by the Town Clerk

The Pledge of Allegiance to the Flag

Item# 1-2020            Election of Town Council Chairman

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

The caucus recommends Valerie A. Adams.

On this and the other items relating to council organization, the names listed are the persons who appeared to be the consensus choices at the town council caucus held on November 14, 2019.

**Town Council Reports and Correspondence**

**Finance Committee Report**

[Dashboard](#) and Financial Reports as of 11/30/2019

[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 [Special](#) Meeting held November 6, 2019 and the [Regular](#) Meeting held November 13, 2019.

Link to [Results](#) of Caucus Held November 14, 2019

Item# 2-2020            Adoption of Town Council [Rules](#)

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

Item# 3-2020            Appointment of the Finance Committee

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

James M. "Jamie" Garvin as chairman and the Council as a whole to serve as the finance committee.

**Item# 4-2020            Appointment of Ordinance Committee**

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

Penelope A. Jordan as chairman and James M. “Jamie” Garvin and Christopher M. Straw as members.

**Item# 5-2020            Appointment of an Appointments Committee**

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

Valerie J. Deveraux as chairman and Jeremy A. Gabrielson and Caitlin R. Jordan as members.

**Consent Agenda**

**Opportunity for Public Comment on Item #6 - #17 (Limited to 15 minutes; 3 minutes per person. Time may be extended by a majority of the town council.)**

Items ## 6 - 17 will be considered en bloc. The council chairman will entertain a single motion to approve Items # #6 - 17. Any councilor may request for any item to be removed from the consent list and be separately voted.

**Item# 6-2020            Appointment of Representatives to ecomaine Board of Directors**

James M. “Jamie” Garvin and Matthew E. Sturgis for terms to expire on December 31, 2021.

**Item# 7-2020            Appointment of Representative to Greater Portland Council of Governments General Assembly, Metro Coalition, Regional Voice Committee and Executive Committee**

Jeremy A. Gabrielson, General Assembly and Metro Coalition  
James M. “Jamie” Garvin, Regional Voice Committee  
Matthew E. Sturgis, Executive Committee

**Item# 8-2020            Appointment of Representative to PACTS Policy Committee**

Matthew E. Sturgis

**Item# 9-2020            Appointment of Representative to MMA Legislative Policy Committee and MMA Convention Delegate**

James M. “Jamie” Garvin for a term until December 2020.

**Item# 10-2020           Appointment of Representative to Thomas Memorial Library Foundation**

Jeremy A. Gabrielson

**Item# 11-2020      Appointment of Representative to Greater Portland Economic Development Corporation**

Christopher M. Straw

**Item# 12-2020      Appointment of Representative to Portland Jetport Noise Advisory Committee**

Penelope A. Jordan

**Item# 13-2020      Appointment of Representatives to Thomas Jordan Grants Subcommittee**

Penelope A. Jordan to 12/2022

Previously appointed:

Valerie J. Deveraux to 12/2021

Caitlin R. Jordan to 12/2020

**Item# 14-2020      Appointment of Vice Chair of Museum at Portland Head Light**

James M. “Jamie” Garvin

Council Chairman Valerie A. Adams is chairman per the by-laws.

**Item #15-2020      Maine Bicentennial Celebration Committee – Ad-Hoc**

Caitlin R. Jordan

**Item #16-2020      Fort Williams Master Planning**

Jeremy A. Gabrielson

**Item #17-2020      School Building Committee**

Valerie A. Adams and James M. “Jamie” Garvin were nominated at the October 16, 2019 town council meeting.

**Item# 18-2020      [Code](#) of Ethics**

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

Town Council Rules provide that each council member will annually sign an attestation that they have read and understand the Code of Ethics for the Town Council.

**Item# 19-2020      Schedule of Council Meetings for 2020**

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

It is recommended to approve the following regular, special and workshop meeting dates for the council year 2020. Council meetings and workshops are included in the meetings calendar on the town’s website. Any changes including date, time and place will be noted on the calendar.

## Links to 2020 [Meeting](#) Schedule and [Budget](#) Review Schedule for FY 2021

### *Regular and Special meetings*

December 9, 2019 (Regular Meeting and Organizational Meeting for 2020)  
 January 13, 2020  
 February 10, 2020  
 March 9, 2020  
 April 13, 2020 (Regular Meeting and Opportunity for Budget Public Comments)  
 May 4, 2020 (Special Council Meeting – Budget Public Hearing)  
 May 11, 2020 (Regular Meeting and Vote on the FY 2021 Budget)  
 June 8, 2020  
 July 13, 2020  
 August 10, 2020  
 September 14, 2020  
 October 14, 2020 (Wednesday)  
 November 9, 2020  
 December 14, 2020 (Regular Meeting and Organizational Meeting for 2021)

### *Workshop*

December 11, 2019 (Council Goals and FOAA)  
 January 15, 2020  
 February 3, 2020  
 March 18 and 19, 2020 (Budget Workshops)  
 April \*27 and 28, 2020 (Budget Workshops)  
 May 6, 2020  
 June 1, 2020  
 September 9, 2020  
 October 7, 2020  
 November 10, 2020 (Organizational Caucus for 2021)  
 December 16, 2020 (Council Goals and FOAA)

*\*4/27/2020 Budget presentation from the School Board*

### **Item# 20-2020**      [Appointments](#) to Boards and Committees

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

The Appointments Committee recommends the following appointments to boards and committees with new terms beginning January 1, 2020.

Board	FirstName	LastName	TermExpires	Recommendation	Address
Bd Assessment Review	David B.	Scheffler	12/31/2022	David B. Scheffler	12 Pheasant Hill Road
CS Committee	Amy	Lombardo	12/31/2022	Amy Lombardo	11 Leighton Farms Road
CS Committee	Sarah	MacColl	12/31/2022	Sarah MacColl*	4 Avon Road
Conservation Committee	Zach	Matzkin*	12/31/2022	Matthew Craig	6 Farm Hill Road
Conservation Committee	Robert G.	Petitt	12/31/2022		
Conservation Committee	Jim	Tasse	12/31/2022	Jim Tasse*	30 Cliff Avenue
<b>Conservation Committee</b>	<b>Philip</b>	<b>Saucier</b>	<b>12/31/2020</b>		
Energy Committee	Carrie	Gilbert	12/31/2022	Carrie Gilbert	32 Aster Lane
Energy Committee	Richard A.	Parker	12/31/2022	Richard A. Parker	17 Southwell Road
Firing Range Committee	Town Council		Appointed		12/12/2016
FWP Committee	Kenneth D.	Pierce	12/31/2022	Kenneth D. Pierce	35 Oakhurst Road
FWP Committee	James T.	Walsh	12/31/2022	Lauren Springer	4 Cottage Lane
FWP Committee	VACANT		12/31/2020	James T. Walsh#	53 Wildwood Drive
Personnel Appeals Board	Leonard	Cole	12/31/2022	Leonard Cole	11 Fieldstone Road
Planning Board	Andrew T.	Gilbert	12/31/2022	Andrew T. Gilbert	32 Aster Lane
Planning Board	James H.	Huebener	12/31/2022	James H. Huebener	13 Kettle Cove Road

Recycling Committee	Kara Lavender	Law	12/31/2022	Kara Lavender Law	31 McAuley Road
Recycling Committee	Chelsea K.	Torrey	12/31/2022		
Recycling Committee	Tim	Trachimowicz	12/31/2022	Tim Trachimowicz	1 Granite Ridge Road
Riverside Committee	Sharon	Smarc	12/31/2022	Sharon Smarc*	84 Oakhurst Road
TML Committee	Sara	Hirshon	12/31/2022	Sara Hirshon	22 Pilot Point Road
TML Committee	Gwyneth	Maguire	12/31/2022	Tim Blackstone	8 Wabun Road
TML Committee	Jason	O'Brien	12/31/2022	Jason O'Brien	349 Fowler Road
Board of Zoning Appeals	Joseph	Barbieri	12/31/2022	Joseph Barbieri	3 Harriman Farm Road
Board of Zoning Appeals	Michael	Tadema- Wielandt	12/31/2022	Michael Tadema-Wielandt	26 Woodcrest Road
Board of Zoning Appeals	Michael F.	Vaillancourt	12/31/2022	Michael F. Vaillancourt*	55 Stonybrook Road
Maine Bicentennial Committee - Ad Hoc			12/31/2020	Wayne Brooking, Jr.	223 Two Lights Road

#Recommended to serve unexpired term

\*Termed Out

## **Public Hearing      Town Center Tax Increment Financing [District](#)**

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

### **Item #21-2020      Town Center Tax Increment Financing District**

On November 13, 2019 Town Assessor Clint Swett presented an overview of the recommended technical revisions to the Town Center Infrastructure Improvement Tax Increment Financing District (“TIF”). The town council set a public hearing for this evening.

#### **Draft Motion:**

ORDERED, the Cape Elizabeth Town Council approves the recommended technical revisions to the Town Center Infrastructure Improvement Tax Increment Financing District (“TIF”) as presented.

### **Item #22-2020      Property Tax Assistance Program [Report](#)**

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

On January 14, 2019 the town council adopted Chapter 27 Property Tax Assistance Ordinance. The ordinance requires the tax assessor to submit a report to the town council annually no later than December 31<sup>st</sup>.

#### **Sec. 9. Annual Report to the Town Council**

The Tax Assessor shall report in writing to the Town Council no later than December 31<sup>st</sup> of each year the projected payments, number of eligible applicants requesting assistance for the program fund, and any surplus or shortage of program funds as described in Sec. 3.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council acknowledges receipt of the report from the tax assessor relating to the 2019 property tax assistance program as required by Chapter 27 Property Tax Assistance Ordinance Sec. 9 Annual Report to the Town Council.

**Item #23-2020      Ocean House Common**

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

Three documents have been drafted between the Town of Cape Elizabeth and Dr. David Jacobson for the Ocean House Common development at 326 Ocean House Road.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council authorizes the town manager to grant a parking license agreement, a cross access easement, and a drainage easement with Dr. David Jacobson for Ocean House Common as reviewed by and deemed acceptable by the town attorney.

**Item #24-2020      Request for Acceptance of Aster Lane and Open Space**

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

Cottage Brook, LLC and Maxwell Woods, LLC are requesting acceptance of Aster Lane and open space associated with the Cottage Brook and Maxwell Woods Condominium Developments.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council accepts the fully constructed small section of Aster Lane and conditionally accepts the larger section of Aster Lane and open spaces A, B and the agricultural open space, subject to the following conditions, and authorizes the town manager to sign deeds associated with this order which have been reviewed by and deemed acceptable by the town attorney.

Conditions of Acceptance:

1. Monumentation to be set.
2. Sewer manholes/catch-basins, drainage manholes to be raised to finish payment at time of finish pavement.
3. Catch-basin and drainage structures to be inspected and cleaned, if needed.
4. As-builts of roadway to be completed in spring once finish pavement is installed. Attached are progress as-builts.
5. Pavement joint between surface and base paving winterized.
6. Culvert outlet from pond to have riprap modified to provide better discharge. Coordinate with engineer.
7. Inspection of trails in the spring of 2020 after snow and ice cover melt.

**Item #25-2020      [Request](#) for Memorial and Event at Fort Williams Park Commemorating the USS Eagle 56**

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

During World War II, on April 23, 1945, the USS Eagle 56 was sunk by a German submarine about five miles off the coast of Cape Elizabeth. 49 sailors were killed in action; 13 survived. A memorial is currently located at Fort Williams Park to the right of the lighthouse, when facing the water, between the two binoculars.

On November 21, 2019 Steve Lyons, Cape Elizabeth, and Paul Lawton, Naval Historian presented a request to the Fort Williams Park Committee to replace the USS Eagle 56 memorial with a new granite monument at the same location. The monument will list the names of the sailors onboard noting those who were killed in action; family members will cover the cost. In addition, they requested approval for a 75<sup>th</sup> anniversary commemoration at the memorial on Saturday, May 2, 2020, 12:00 p.m. – 1:00 p.m. The Fort Williams Park Committee approved the recommendations 5-0.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the Fort Williams Park Committee to replace the memorial at Fort Williams Park commemorating the USS Eagle 56 with a granite monument listing the names of the sailors onboard and to approve a 75<sup>th</sup> anniversary remembrance on Saturday, May 2, 2020, 12:00 p.m. – 1:00 p.m. at the memorial as presented. Said monument to be paid for by family members.

**Item# 26-2020      Acceptance of Annual [Gifts](#) and Donations**

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

It is proposed to accept gifts/donations received in 2019.

**Draft Motion:**

ORDERED, the Cape Elizabeth Town Council accepts gifts and donations received in 2019 with appreciation.

**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**