

**CAPE ELIZABETH TOWN COUNCIL MINUTES**  
**Regular Meeting # 16-2008**  
**Cape Elizabeth Town Hall**  
**Monday, September 8, 2008**  
**7:30 p.m.**

**Roll Call by the Town Clerk**

					Present
Mary Ann Lynch, Chairman	2 Olde Colony Lane	232-1048	12/2010		x
David J. Backer	2 Rugosa Way	253-0529	12/2009		x
Cynthia Dill	1227 Shore Road	767-7197	12/2008		x
Sara W. Lennon	54 Cranbrook Drive	741-5139	12/2009		x
Paul J. McKenney	5 Katahdin Road	899-0045	12/2010		x
James S. Rowe	127 Oakhurst Road	799-5825	12/2009		x
Anne E. Swift-Kayatta	14 Stone Bridge Road	767-5754	12/2008		x

Town Manager Michael McGovern  
Town Clerk Ruth Noble

x  
x

**Minutes of Previous Meetings:**

It was moved by Anne E. Swift-Kayatta and Seconded by James S. Rowe and unanimously voted to approve the minutes of the Town Council meetings held on August 11, and 18, 2008

**Item # 119-2008      Residential Windmills**

It was moved by Cynthia Dill and seconded by Anne E. Swift-Kayatta and voted 5-2 (Lynch and Backer opposed) to approve amendments to Chapter 19 of the Revised Code of Ordinances relating to residential wind energy systems as contained in a draft dated August 29, 2008, a copy of which is appended to these minutes.

**Public Hearing: Proposed Amendments to the Miscellaneous Offenses Ordinance**

Chairman Lynch opened the public hearing and there were no public comments.

**Item # 120-2008      Proposed Amendments to Miscellaneous Offences Ordinance**

It was moved by James S. Rowe and seconded by Cynthia Dill and unanimously voted to refer the smoking provisions proposal for Fort Williams Park to the Fort Williams Advisory Commission for review and comment.

It was moved by Mary Ann Lynch and seconded by Sara W. Lennon and unanimously voted to adopt the remaining revisions amending Chapter 12 of the Revised Code of Ordinances, a copy of which is appended to these minutes.

**Public Hearing: Proposed Amendments to Floodplain Management Ordinance**

Chairman Lynch opened and closed the public hearing which had no public comment.

**Item # 121-2008      Proposed Amendments to Floodplain Management Ordinance**

It was moved by David Backer and seconded by Anne E. Swift-Kayatta and unanimously voted to amend the floodplain management provisions of Charter 6 of the Revised Official Code of Ordinances as provided in the attached appendix.

**Item # 122-2008      Alternative Energy Committee Progress Report**

The Alternative Energy Committee provided a progress report on their work to date.

It is moved by James S. Rowe and Seconded by Paul J. McKenney and unanimously voted to:

- A. Amend the committee charge so that it shall continue in existence until December 31, 2010.
- B. Appropriate \$40,000 from the overlay account to assist the committee with technical resources including energy audits for school and municipal buildings.

**Item # 123-2008      Energy Use Update**

The town manager provided a report to the Town Council on the impact of current energy prices on the municipal budget. The report identifies a projected shortfall in energy related accounts of \$44,000. The report also identifies \$54,000 in areas where the budget can be adjusted to accommodate the projected shortfall.

It was moved by Paul J. McKenney and seconded by James S. Rowe and unanimously voted to:

- A. Appropriate \$10,000 to the general assistance account for the purpose of helping general assistance eligible needy citizens with fuel bills and household costs. This increases the general assistance budget from \$6,000 to \$16,000.
- B. Authorize the town manager to contract with PROP to have a PROP social worker on site in Cape Elizabeth one full day every week to assist citizens with applications for general assistance, fuel assistance and Thomas Jordan Fund assistance, and to provide referral assistance to citizens. The annualized cost of \$15,000 shall be half borne by the Town with the remaining half to be funded from a potential grant from the Thomas Jordan Fund. \$7,500 is appropriated to the general assistance account for this purpose raising this account to a total appropriation of \$23,500.

**Item # 124-2008      Proposed Amendments to Town Ways Ordinance**

It was moved by Cynthia Dill and seconded by Sara W. Lennon and unanimously voted to refer proposed amendments to the Town Ways Ordinance to the Ordinance Committee.

### Item # 125-2008 Sewer Rates

The town manager proposed to adjust sewer rates on January 1, 2009, 2010 and 2011 by 4% each year to pay for needed upgrades to the wastewater treatment plant on Spurwink Avenue. He also proposed to raise the sewer connection fee by \$500 on January 1, 2010 to \$4,000.

It was moved by Anne E. Swift- Kayatta and seconded by James S. Rowe and unanimously voted to schedule a public hearing on these proposals on Wednesday, October 15, 2008 at 7:30 p.m. at the Cape Elizabeth Town Hall.

### Item # 126-2008 Miscellaneous Fees

One of the goals of the Town Council this year is to review the Town fee structure to ensure that fees are in line with actual costs. It was moved by James S. Rowe and seconded by David J. Backer and unanimously voted to schedule a public hearing be scheduled for this proposal on Wednesday, October 15, 2008 at 7:30 p.m. at the Cape Elizabeth Town Hall.

	Current	Proposed
<b>Notary Public or Dedimus Justice Services</b>	\$ 3	\$ 5
Town Residents Only: First use per year --no charge.	\$ 0	\$ 0
Sign Permit	\$ 25	\$25.00 per sign
Flood Hazard Development Permit	\$ 100	\$ 150
<b>Electrical Wiring Permit</b>		
1-10 Light, Receptacle & Switch Outlets	\$ 25	\$ 25
11-24 Light, Receptacle & Switch Outlets	\$ 50	\$ 50
Over 25, Receptacle/Switch outlet	\$ 75	\$ 100
<del>1-24 Light, Receptacle &amp; Switch Outlets</del>	<del>\$ 25</del>	
<del>25-50 Light, Receptacle &amp; Switch Outlets</del>	<del>\$ 50</del>	
<del>Over 50, Receptacle/Switch outlet</del>	<del>\$ 75</del>	
<b>Service/Alterations</b> New, Addition, Alteration		
100, 200, 3-phase (each)	\$ 25	\$ 50
Each Additional Meter, Sub-Panel .	\$ 25	\$ 50
Over 400 amps (Each 200 amps or fraction)	\$ 5	
New Individual Circuits for Range, Heater, Hot Water Heater, Washing Machine, Dishwasher, Dryer, Disposal and Water Space Heater	\$ 5	\$15.00 each
<del>Space Heater</del>	<del>\$ 25</del>	
Heating - Minimum Fee	\$ 50	\$ 50
Heating -Secondary Unit		\$ 50
Refrigeration, Air Conditioning	\$ 25	\$ 50

#### Licenses & Permits

<b>Health Permit</b> (under 5,000 sq. ft.)	\$ 25	\$ 50
Over 5000 sq. ft.	\$ 50	\$ 100
Liquor License Full or Part-Time	None	\$ 10
<b>Catering Permits</b>		\$ 25
Parade or Race Permit to Benefit Charity	\$ 100	\$ 25
Special Amusement or Dancing Permit	\$ 10	\$10

<b>Planning Board Fees</b>				
Subdivision Application Per Lot/Unit	\$	125	\$	200
Private Access Waiver Application	\$	200	\$	300
Amendments to Adopted Plans or Conditions	\$	200	\$	300
Wetlands Alteration Permit Application	\$	200	\$	300
Site Plan Review	\$	200	\$	400
Removal of Earth Materials Permit Application	\$	200	\$	300
<b>Plumbing Permit (Internal) 4 Fixtures</b> Min. State	\$	12	\$	40
<b>(Internal 1-3 fixtures)</b>	\$	24	\$	40
(\$6.00 each additional fixture)	\$	6	\$	8
<b>Subsurface Wastewater Disposal</b>				
Varies				
Engineered system without variance	\$	200	\$	300
Engineered system with variance	\$	220	\$	320
Separate Laundry Disposal Field	\$	35	\$	50
Disposal Field (Engineered System, w/o variance	\$	150	\$	250
Disposal Field (Engineered System, with variance	\$	170	\$	270
Treatment Tank (Non-engineered)	\$	50	\$	75
" " (Engineered)	\$	80	\$	100
Zoning Ordinance	\$	20	\$	25
Subdivision Ordinance	\$	10	\$	20
Sign Ordinance	\$	2	\$	5
Comprehensive Plan	\$	10	\$	40
Fort Williams Master Plan	\$	10	\$	40
Greenbelt Plan	\$	10	\$	20
<b>Street Opening Charges</b>				
Street Opening Permit Fee	\$	30	\$	50
Driveway Entrance Permit Fee	\$	25	\$	45
Bituminous Concrete Surface (sq. yd.)	\$	50	\$	55
Milling of Bituminous Concrete Surface (10 sq. yd. min.)			\$	35
Bituminous Treated Surface or Shoulder (sq. yd.)	\$	25	\$	30
Portland Cement Sidewalk or Driveway (sq. yd.)	\$	40	\$	65
Bituminous Concrete Sidewalk or Driveway (sq. yd.)	\$	20	\$	55
Bituminous Concrete Curbing (L.F.)	\$	8	\$	20
Granite Curbing, Removal or Realignment (L.F.)	\$	20	\$	35
<b>Note:</b> A minimum of 3 square yard fee will be charged for all street and sidewalk openings				
				Free Online Free Online Free Online Free Online Free Online

**Item # 127-2008      Town Council Rules**

A committee consisting of Chairman Lynch, Councilor Rowe and Councilor McKenney met to review the Town Council Rules. It was moved by Anne E. Swift-Kayata and seconded by Paul J. McKenney and unanimously voted to refer this item to a Town Council workshop.

**Item # 128-2008      Warrant for November Election**

It was moved by Mary Ann Lynch and seconded by Sara W. Lennon and unanimously voted to approve the warrant and election details for the November 4, 2008 municipal and general election.

**Citizens Discussion of Items not on the Agenda**

None for the period.

Moved by David J. Backer and seconded by Sara W. Lennon and unanimously voted to adjourn.

Respectfully submitted,

Michael K. McGovern  
Clerk Pro-tem