

CAPE ELIZABETH TOWN COUNCIL MINUTES

Regular Meeting # 17-2008
Cape Elizabeth Town Hall
Wednesday, October 15, 2008
7:30 p.m.

Roll Call by the Town Clerk

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

The Pledge of Allegiance to the Flag

Minutes of Meeting: September 8, 2008

Moved by Councilor McKenney and Seconded by Councilor Backer

Ordered the Cape Elizabeth Town Council approves the minutes of the September 8, 2008 Town Council Meeting as amended.

(6 yes) (0 no)

Reports and Correspondence

Councilor Dill announced the State of Maine's educational effort regarding ways for Maine residents to save energy and prepare their homes for the winter. Those in need of assistance are encouraged to call 211 for a list of state-wide agencies and resources.

Chairman Lynch thanked the residents, town council, town manager and staff for the pleasure to serve. Ms. Lynch has resigned effective October 18, 2008 to take a job with the Maine judiciary system. The judiciary's code of ethics prohibits employees from holding public office.

Councilor Rowe presented Chairman Lynch with the outgoing chairman's plaque and thanked her for her service.

Town Manager's Report

Manager McGovern thanked Chairman Lynch for her service.

Citizens' Discussion of Items Not on the Agenda

None

Public Hearing Sewer Rates

Intro – Manager McGovern

Chairman Lynch opened the public hearing at 7:46 p.m. After hearing no comments, the public hearing was closed.

Item # 129-2008 Sewer Rates

Moved by Councilor Backer and Seconded by Councilor McKenney

(6 yes) (0 no)

**Town of Cape Elizabeth, Maine
Sewer Rates
Proposed Effective January 1, 2009, 2010 and 2011**

ORDERED, that the Cape Elizabeth Town Council, pursuant to Sec. 15-1-11 of the Town Ordinances, does hereby revise and adopt the following Sewer Service Charge and Schedule:

A. The following user charge shall be effective for the first bill issued after the indicated date for all buildings within the Town of Cape Elizabeth connected to the public sanitary sewers of the Town:

Effective January 1, 2009

\$ 34.84 Up to 100 cubic feet of monthly measured water usage

\$ 4.56 Each additional 100 cubic feet, or fraction thereof, of monthly measured usage

Effective January 1, 2010

\$ 36.25 Up to 100 cubic feet of monthly measured water usage

\$ 4.75 Each additional 100 cubic feet, or fraction thereof, of monthly measured usage

Effective January 1, 2011

\$ 37.70 Up to 100 cubic feet of monthly measured water usage

\$ 4.95 Each additional 100 cubic feet, or fraction thereof, of monthly measured usage

The sewer service charge shall be applied directly for each water meter in place and for every structure attached to the municipal sewer.

B. Sewer Connection Fee

Effective January 1, 2010 Connection Fee Increases from \$3,500 to \$4,000

Pursuant to Sec. 15-1-6 (b) and 15-1-6 (c) of the Town Ordinances, the connection fee, including inspection and start-up assessment, shall be as follows: \$4,000 for each unit to be served by the municipal sewer system with said fee to be paid prior to any connection to said system.

C. **ORDERED**, in accordance with Sec. 15-1-11 (c) of the Sewage Ordinance, interest for past-due sewage charges shall be assessed beginning twenty-five (25) days after date of billing at the same interest rate as is charged for past due taxes.

Public Hearing Miscellaneous Fees

Chairman Lynch opened the public hearing at 7:50 p.m. After hearing no comments, the public hearing was closed.

Item # 130-2008 Miscellaneous Fees

Moved by Councilor Rowe and Seconded by Councilor Dill

Ordered the Cape Elizabeth Town Council approves the following miscellaneous fees as presented, effective November 11, 2008.

(6 yes) (0 no)

	Current	Proposed
Notary Public or Dedimus Justice Services	\$ 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
Electrical Wiring Permit		
1-10 Light, Receptacle & Switch Outlets	\$ 25	\$ 25
11-24 Light, Receptacle & Switch Outlets	\$ 50	\$ 50
Over 25, Receptacle/Switch outlet	\$ 75	\$ 100
1-24 Light, Receptacle & Switch Outlets	\$ 25	
25-50 Light, Receptacle & Switch Outlets	\$ 50	
Over 50, Receptacle/Switch outlet	\$ 75	
Service/Alterations 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
Space Heater	\$ 25	
Heating - Minimum Fee	\$ 50	\$ 50
Heating -Secondary Unit except wood stove inspection is free		\$ 50
Refrigeration, Air Conditioning	\$ 25	\$ 50
Licenses & Permits		
Health Permit (under 5,000 sq. ft.)	\$ 25	\$ 50
Over 5000 sq. ft.	\$ 50	\$ 100
Liquor License Full or Part-Time	None	\$ 10
Catering Permits		\$ 25
Parade or Race Permit to Benefit Charity	\$ 100	\$ 25
Special Amusement or Dancing Permit	\$ 10	\$10
Planning Board Fees		
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
Plumbing Permit (Internal) 4 Fixtures Min. State	\$ 12	\$ 40
(Internal 1-3 fixtures)	\$ 24	\$ 40
(\$6.00 each additional fixture)	\$ 6	\$ 8
Subsurface Wastewater Disposal	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	Free Online
Subdivision Ordinance	\$ 10	\$	20	Free Online
Sign Ordinance	\$ 2	\$	5	Free Online
Comprehensive Plan	\$ 10	\$	40	Free Online
Fort Williams Master Plan	\$ 10	\$	40	Free Online
Greenbelt Plan	\$ 10	\$	20	Free Online
Street Opening Charges				
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	
Note: A minimum of 3 square yard fee will be charged for all street and sidewalk openings				

Item # 131-2008 Smoking at Fort Williams Park

Moved by Councilor Dill and Seconded by Councilor Lennon

Be it ordained by the Cape Elizabeth Town Council to amend Chapter 12 Miscellaneous Offenses to prohibit smoking at Fort Williams Park.
(3 yes) (3 no D. Backer, P. McKenney, J. Rowe)

The motion fails due to a tie vote.

It is the consensus of the Town Council for the Town Manager to work with the Director of Public Works for signage at the playground, bus drop off and playing fields, discouraging smoking.

Item # 132-2008 Bed and Breakfasts

Moved by Councilor Rowe and Seconded by Councilor Dill

Ordered the Cape Elizabeth Town Council refers to the Ordinance Committee the Planning Board's recommendation regarding the citizen initiated proposal to permit bed and breakfasts within Cape Elizabeth.
(6 yes) (0 no)

Item # 133-2008 Town Center Intersection

Chairman Lynch provided an opportunity for public comment.

Linda Johnson, 1235 Shore Road

Mrs. Johnson encouraged the council to hold a public hearing so that residents, particularly adjacent neighbors will have the opportunity to comment.

Moved by Councilor Rowe and Seconded by Councilor McKenney

Ordered the Cape Elizabeth Town Council sets a public hearing for Monday, November 10, 2008 at 7:30 p.m. at Town Hall on the proposed Town Center intersection project.

(6 yes) (0 no)

Item # 134-2008 Special Election

Intro – Manager McGovern

Moved by Councilor Backer and Seconded by Councilor McKenney

Ordered the Cape Elizabeth Town Council schedules a special election on Tuesday, January 27, 2009 to fill a vacancy on the Town Council for a term extending to December 13, 2010 and to fill a vacancy on the Portland Water District Trustees for a term extending to November 3, 2009. The council authorizes the signing of the warrant to call for the election at the Cape Elizabeth High School, polls open at 7:00 a.m. and close at 8:00 p.m.

(6 yes) (0 no)

Item # 135-2008 Election of a Town Council Chairman

Moved by Councilor Backer and Seconded by Councilor Dill

Ordered the Cape Elizabeth Town Council elects Councilor James S. Rowe to serve as Chairman to serve from October 18, 2008 to December 8, 2008.

(6 yes) (0 no)

Item # 136-2008 Annual Approval of General Assistance Appendices

Moved by Councilor Dill and Seconded by Councilor McKenney

Ordered the Cape Elizabeth Town Council sets to public hearing for Monday, November 10, 2008 at 7:30 p.m. at Town Hall proposed appendices to the general assistance ordinance.

(6 yes) (0 no)

Item # 137-2008 Town Clerk and Registrar of Voters

Intro – Manager McGovern

Mr. McGovern reported that Ruth Noble has submitted her resignation and the town wishes her well.

Moved by Councilor Rowe and Seconded by Councilor McKenney

Ordered the Cape Elizabeth Town Council approves the recommendation of the Town Manager to appoint Debra M. Lane as Cape Elizabeth Town Clerk. The Town Council also appoints Debra M. Lane as Registrar of Voters through January 1, 2009 and for a successor term through January 1, 2011.

(6 yes) (0 no)

Citizens Discussion of Items not on the Agenda

Shawn Tamir, 1 Crescent View Avenue

Mr. Tamir provided background on the purchase of the property, renovations and desire for a town ordinance to allow bed and breakfasts. Mr. Tamir notes he will continue to follow the process for a bed and breakfasts ordinance in Cape Elizabeth.

Adjournment

Moved by Councilor McKenney and Seconded by Councilor Lennon

Ordered the Cape Elizabeth Town Council adjourns at 8:35 p.m.

(6 yes) (0 no)

Respectfully Submitted,

Debra M. Lane, Town Clerk

Future Meetings:

Town Council Workshop: October 16, 2008- Annual Audit and Other Topics

Town Council Meeting: November 10, 2008

Town Council Workshop: November 20, 2008

Town Council Meeting: December 8, 2008 (First meeting of new council year)