

**CAPE ELIZABETH TOWN COUNCIL AGENDA**  
**Regular Meeting # 8-2011**  
**Cape Elizabeth Town Hall**  
**Monday, May 9, 2011**  
**7:30 p.m.**

**Roll Call by the Town Clerk**

<b>David S. Sherman, Jr., Chair</b>	<b>Term Expires 12/2011</b>	<a href="mailto:dsherman@dwmlaw.com">dsherman@dwmlaw.com</a>
<b>Frank J. Governali</b>	<b>Term Expires 12/2013</b>	<a href="mailto:frank.governali@capeelizabeth.org">frank.governali@capeelizabeth.org</a>
<b>Caitlin R. Jordan</b>	<b>Term Expires 12/2013</b>	<a href="mailto:caitlin.jordan@capeelizabeth.org">caitlin.jordan@capeelizabeth.org</a>
<b>Sara W. Lennon</b>	<b>Term Expires 12/2012</b>	<a href="mailto:slennon@maine.rr.com">slennon@maine.rr.com</a>
<b>Jessica L. Sullivan</b>	<b>Term Expires 12/2012</b>	<a href="mailto:jsullivan08@maine.rr.com">jsullivan08@maine.rr.com</a>
<b>Anne E. Swift-Kayatta</b>	<b>Term Expires 12/2011</b>	<a href="mailto:aeskay@maine.rr.com">aeskay@maine.rr.com</a>
<b>James T. Walsh</b>	<b>Term Expires 12/2012</b>	<a href="mailto:james.walsh@capeelizabeth.org">james.walsh@capeelizabeth.org</a>

**The Pledge of Allegiance to the Flag**  
**Town Council Reports and Correspondence**  
**Citizen Opportunity for Discussion of Items Not on the Agenda**  
**Town Manager’s Report**

**Revaluation Update- Assessor Matthew Sturgis**

**Review of Minutes of April [11](#) and April [25](#) , 2011 Meetings**

**Item# 88-2011 Shore Road Pathway**

We recently receive notice that the Shore Road Pathway has received a grant of \$729,000 as part of “Quality Community Programs” of the Maine Department of Transportation. This grant requires a 20% match of the total project value.

The MDOT total value of the project was estimated at \$936,691 in 2010. The local required match is \$207,691. Including contingency, a total budget of \$1,030,000 is recommended for the project.

The amounts available for the \$1.03 million project cost may be as follows:

MDOT Grant	\$729,000
Town Center Sidewalk Account	60,000
Balance Remaining of July 2010 Funding	26,000
PACTS Credit Program	40,000
Projected Local Donations from SAFE	<u>100,000</u>
Subtotal	\$955,000

The above pays for the entire estimated cost of the project, but it is \$75,000 short of the amount needed after including a contingency of \$93,309. (10% of Construction Value)

In 2007, the Town Council established the Infrastructure Improvement Fund for improvements to municipal infrastructure. This account is funded with a 30% surcharge on building permit income thus no property tax dollars are part of the fund. The fund now has a projected balance of \$105,000 on June 30, 2011. It is proposed to fund the \$75,000 needed for contingency from the

Infrastructure Improvement Fund. If the contingency is not fully needed, the balance of funds remaining will revert to the Infrastructure Improvement Fund.

**Draft Recommendation**

Ordered: The Town Council hereby accepts the \$729,000 Maine Department of Transportation grant for the Shore Road Pathway, gratefully acknowledges and accepts the donation of \$100,000 in private donations collected by Safe Access for Everyone and approves the project funding as follows:

MDOT Grant	\$729,000
Town Center Sidewalk Account	60,000
Balance Remaining of July 2010 Funding	26,000
PACTS Credit Program	40,000
Projected Local Donations from SAFE	100,000
Infrastructure Improvement Fund	<u>75,000</u>
Subtotal	\$1,030,000

The Council hereby appropriates \$75,000 from the Infrastructure Improvement Fund to be credited to the project account. Any local balance left in the fund that is not needed for the project or for the project match shall revert after project closeout to the Infrastructure Improvement Fund. The Town Manager is authorized to locally administer the project working with the Maine Department of Transportation including all acts necessary to complete the project within the total authorized amount.

**Item# 89-2011 [Inn by the Sea Liquor License and Special Amusement Permit](#)**

It is recommended to approve the annual malt, vinous and spirituous license for the Inn by The Sea at 40 Bowery Beach Road and also the special amusement permit for dancing and entertainment.

**Item# 90-2011 [Appointments Committee Recommendation](#)**

It is recommended to appoint Jessica D. Simpson to the Recycling Committee for a term extending to December 31, 2012.

**Item# 91-2011 [Fort Williams Park Use Requests](#)**

USCG Aids to Navigation Team Change of Command Ceremony	July 15, 2011
Arthritis Foundation Walk	September 25, 2011

**Item# 92-2011 [Town Center Review Report Update](#)**

Councilor Sullivan will update the Town Council on the Town Center review.

**Item# 93-2011 [Central Maine Power Easement](#)**

As part of the update of the Spurwink Avenue Treatment Plant and pump station, Central Maine Power needs easements on municipal property.

**Item# 94-2011 [Community Services Advisory Commission Work Plan](#)**

It is recommended to receive the 2011 work plan for the Community Services Advisory Commission.

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

**Item # 95-2011 Executive Session Request**

It is recommended that the Town Council, in conformance with 1MRSA §405 6 C enter executive session to discuss land acquisition/disposition issues

[April 30, 2011 Financial Reports](#)

**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 Council. 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.