

CAPE ELIZABETH TOWN COUNCIL AGENDA
Regular Meeting # 10-2011
Cape Elizabeth Town Hall
Monday, July 11, 2011
7:30 p.m.

Roll Call by the Town Clerk

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

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

Update on Maine PUC Decision on Smart Meters

Review of Minutes of [June 13, 2011 Meeting](#)

Item # 102-2011 Councilor Swift-Kayatta has asked for reconsideration of Item #102-2011 Councilors Jordan, Sullivan and Walsh also signed the request.

Moved by Anne E. Swift-Kayatta and Seconded by James T. Walsh

Ordered the Cape Elizabeth Town Council does hereby allocate \$150,000 from the Land Acquisition Fund and \$200,000 from the proposed bond anticipated to be authorized in Item # 101-2011, with the funds to be placed in an account committed for a partnership with the Cape Elizabeth Land Trust (CELT) for CELT's planned acquisition of 63 +/- acres of land known as Robinson Woods II. The total municipal donation of \$350,000 may be expended by the Town Manager at the time the property is acquired provided the Town of Cape Elizabeth receives a public access easement in a form acceptable to the Town Attorney and the Town Council and provided that all other funds needed by CELT for the acquisition are obtained. If the property is not acquired in conformance with the May 2011 purchase and sale agreement between CELT and the Robinson Family, LLC, the \$350,000 shall become unassigned within the Town of Cape Elizabeth Land Acquisition Fund. In addition, the Town Council respectfully requests the Cape Elizabeth Land Trust to work with the town to explore alternatives to move the Shore Road path inward into Robinson Woods I. (7 yes) (0 no)

Item # 111-2011 [Aster Lane and Cottage Brook Phase 1A Acceptance](#)

Phase IA of the Cottage Brook Subdivision is now ready for acceptance. This includes a portion of Aster Lane and related open space. It is recommended that the acceptance be conditional upon deeds acceptable to the Town Attorney for both the open space and the road and upon the installation of a light pole per the plans and receipt of the as-built drawings. Aster Lane is off Spurwink Avenue near the South Portland line. Turn on to Stephenson Street, take a right on Hamlin and then a left onto Dermot. Aster Lane is part of the former South Street is the first phase of what was once known as the Spurwink Woods subdivision.

Item # 112-2011 [Open Space Management Committee Deadline Extension](#)

The Open Space and Greenbelt Management Committee is requesting an extension of time to submit the Management Report. The committee had intended to submit its draft report by the June 30, 2011 deadline. Recent comments provided by the Town Manager need to be addressed by the full committee, however. The committee believes it will be able to address the comments and submit a final draft for Town Council consideration no later than September 30, 2011.

Item # 113-2011 [Website Video Opportunity](#)

The Town has an opportunity to have a professional company endorsed by the National League of Cities and the US Mayors Association provide professional quality videos for our web site at no cost to the Town. The agreement would be for three years and the videos would be paid for by sponsors whose links show up as part of the frame of the videos.

Item # 114-2011 [Pole Location Permit on Spurwink Avenue](#)

As part of the upgrade now occurring at the Spurwink Treatment plant, the Portland Water District has been working with FairPoint Communications on a new location for a utility pole.

Item # 115-2011 [374 Mitchell Road Driveway Easement Request](#)

Early Bird LLC is requesting an easement deed to allow a portion of the driveway of 374 Mitchell Road to extend out to the right of way of Stonegate Road. This is the lot that once had a driveway extending to Stonegate Road and was the subject of litigation earlier this year. The parties to the litigation involving the first driveway permit have indicated approval of the Town granting the requested easement. [Draft Language for Easement Sketch](#) The property has a closing scheduled for July 13th.

Item # 116-2011 [Hardship Abatement Requests](#)

Two property owners have asked for an abatement of property taxes by reason of infirmity or poverty. Pursuant to 36 MRSA §841 2.G applications are confidential and hearings and reviews on any such requests are held in executive session. The decision is made in public but without disclosing the identity of the applicant. [Link to Related Statute](#)

Citizen Opportunity for Discussion of Items Not on the Agenda

[Financial Summaries June 30 2011](#)

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.