

CAPE ELIZABETH TOWN COUNCIL MINUTES
Regular Meeting # 1-2012
Cape Elizabeth Town Hall
Monday, December 12, 2011
7:00 p.m.

Oaths of Office Administered by the Town Clerk

Officials Elected November 8, 2011

Cape Elizabeth School Board

For Three Year Terms to Expire on December 8, 2014

Joanna L. Morrissey

Elizabeth K. Scifres

For Two Year Term to Expire on December 9, 2013

Mary E. Townsend

Cape Elizabeth Town Council

For Three Year Terms to Expire on December 8, 2014

Katharine N. Ray

David S. Sherman, Jr.

Roll Call by the Town Clerk

Present Absent

Sara W. Lennon, Chairman	Term Expires 12/2012	X	slennon@maine.rr.com
Frank J. Governali	Term Expires 12/2013	X	frank.governali@capeelizabeth.org
Caitlin R. Jordan	Term Expires 12/2013	X	caitlin.jordan@capeelizabeth.org
Katharine N. Ray	Term Expires 12/2014	X	katharine.ray@capeelizabeth.org
David S. Sherman, Jr.	Term Expires 12/2014	X	dsherman@dwmlaw.com
Jessica L. Sullivan	Term Expires 12/2012	X	jsullivan08@maine.rr.com
James T. Walsh	Term Expires 12/2012	X	jim.walsh@capeelizabeth.org

The Pledge of Allegiance to the Flag

Town Council Reports and Correspondence

Councilor Walsh commented on the recent memo from Public Works Director Bob Malley regarding the maintenance to the greenbelt trails by Brendan Sweeney. The council approved funding in this fiscal year for additional work on the greenbelt. The council thanks Brendan for his work.

Citizen Opportunity for Discussion of Items Not on the Agenda None

Town Manager's Report None

Review of Draft Minutes of November 14, 2011 Meeting

Moved by Jessica L. Sullivan and Seconded by James T. Walsh

Ordered the Cape Elizabeth Town Council approves the minutes of Meeting #15-2011 held November 14, 2011 as presented.

(7 yes) (0 no)

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Item# 1-2012 Election of a Town Council Chair for Council Year 2012

Moved by Frank J. Governali and Seconded by Caitlin R. Jordan
Ordered the Cape Elizabeth Town Council elects Sara W. Lennon to serve as the Town Council Chairman for Council Year 2012.
(6 yes) (1 no Councilor Sullivan)

Chairman Lennon presented an outgoing chairman plaque to David S. Sherman, Jr.

Item# 2-2012 Town Council Rules for 2012

Moved by James T. Walsh and Seconded by David S. Sherman, Jr.
Ordered the Cape Elizabeth Town Council adopts the Town Council Rules for 2012 as amended changing the start time of meetings and workshops to 7:00 p.m.
(7 yes) (0 no)

Item #3-2012 - #15-2012

Moved by David S. Sherman, Jr. and Seconded by James T. Walsh
Ordered the Cape Elizabeth Town Council votes to consider Item ##3-15 en bloc.
(7 yes) (0 no)

Moved by David S. Sherman, Jr. and Seconded by James T. Walsh
Ordered the Cape Elizabeth Town Council approves the following appointments as presented.
(7 yes) (0 no)

Item# 3-2012 Appointment of the Finance Committee

Frank J. Governali as chairman and the Council as a whole to serve as the Finance Committee.

Item# 4-2012 Appointment of an Ordinance Committee

James T. Walsh as chairman and Katharine N. Ray and David S. Sherman, Jr. as members of the Ordinance Committee.

Item# 5-2012 Appointment of an Appointments Committee

Jessica L. Sullivan as chairman and Frank J. Governali and Caitlin R. Jordan as members of the Appointments Committee.

Item# 6-2012 Appointment of Representatives to ecomaine Board of Directors

David S. Sherman, Jr. and Michael K. McGovern to the ecomaine Board of Directors for terms to expire on December 31, 2013.

Item# 7-2012 Appointment of Representative to Greater Portland Council of Governments Executive Committee

James T. Walsh to the Greater Portland Council of Governments Executive Committee.

Item# 8-2012 Appointment of Representative and Alternate to Greater Portland Council of Governments General Assembly

Sara W. Lennon and Caitlin R. Jordan, Alternate to the Greater Portland Council of Governments General Assembly.

Item# 9-2012 Appointment of Representative to PACTS Policy Committee

Michael K. McGovern to PACTS Policy Committee.

Item# 10-2012 Appointment of Representative to MMA Legislative Policy Committee and MMA Convention Delegate

Katharine N. Ray to the MMA Legislative Policy Committee and MMA Convention Delegate.

Item# 11-2012 Appointment of Representative to Thomas Memorial Library Foundation

Jessica L. Sullivan to the Thomas Memorial Library Foundation.

Item# 12-2012 Appointment of Representative to Alternative Energy Committee

Frank J. Governali to the Alternative Energy Committee.

Item# 13-2012 Appointment of Representative to Greater Portland Economic Development Corporation

Michael K. McGovern to the Greater Portland Economic Development Corporation.

Item# 14-2012 Appointment of Continuing Representatives to Future Open Space Preservation Committee

Frank J. Governali, Caitlin R. Jordan and Jessica L. Sullivan to continue on the Future Open Space Preservation Committee.

Item# 15-2012 Designation of Town Council Liaisons to Boards and Commissions for 2012

Town Council Liaisons to boards and commissions for 2012.

The responsibility of a **Town Council liaison** in 2012 is as follows:

Facilitate two way communication regarding the Town Council goal relating to work plans.
Continue a dialogue regarding strengthening opportunities for public knowledge of board activities.

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Assist in the evaluation of practices to enhance effective public participation at board meetings.
Assist in monitoring progress on Town Council goals related to a committee's activity.
A liaison is not a committee member and does not participate in any votes.

Board	2012 Town Council Liaison
Board of Assessment Review	Caitlin R. Jordan
Community Services Advisory Commission	Sara W. Lennon
Conservation Commission	Jessica L. Sullivan
Fort Williams Advisory Commission	James T. Walsh
Local Legislative Delegation	Sara W. Lennon and Frank J. Governali
Personnel Appeals Board	David S. Sherman, Jr.
Planning Board	David S. Sherman, Jr.
Recycling Committee	Caitlin R. Jordan
Riverside Memorial Cemetery Trustees	Frank J. Governali
Thomas Memorial Library Trustees	Jessica L. Sullivan
Zoning Board of Appeals	James T. Walsh
Fair Hearing Officer	Katharine N. Ray
School Board	Sara W. Lennon
Family Fun Day Volunteers	David S. Sherman, Jr.

**Item# 16-2012 Notice of Proposed Meeting Schedule for 2012
All Meetings Begin at 7:00 p.m. Except for Nov 14 Caucus**

Moved by James T. Walsh and Seconded by David S. Sherman, Jr.
Ordered the Cape Elizabeth Town Council approves the following meeting schedule for 2012 as presented.
(7 yes) (0 no)

	Regular Meeting	Workshop Meeting	Finance Committee
January	9	11	11 (As part of Workshop)
February	13	6	
March	12	5	
April	9 and 26		2,4,9,11,12,26
May	14		
June	11	4	
July	9		
August	13		
September	10	5	
October	10 (Wednesday)	1	1 (As part of Workshop)
November	14 (Wednesday)	14 (Caucus)	
December	10	3	

Item# 17-2012 Notice of Proposed Budget Review Schedule

Moved by David S. Sherman, Jr. and Seconded by James T. Walsh

Ordered the Cape Elizabeth Town Council approves the following budget review schedule for fiscal year 2013 as presented.

(7 yes) (0 no)

Budget Review Meetings

Finance Committee Review of Accounts 100, 200, 400, 500, 600-635	Monday, April 2, 2012
Finance Committee Review of Municipal 300 and 640-660 and Special Funds	Wednesday, April 4, 2012
Finance Committee Wrapup of Municipal Budget 6 p.m. (if needed)	Monday, April 9, 2012
Regular Town Council Meeting Including Opportunity for Budget Public Comments	Monday, April 9, 2012
Regular School Board Meeting (This is listed for informational purposes)	Tuesday, April 10, 2012
Finance Committee School Budget Presentation from School Board 7:30 p.m.	Wednesday, April 11, 2012
Finance Committee Wrapup	Thursday, April 12, 2012
Set Budget for Public Hearing	Thursday, April 12, 2012
Budget Public Hearing	Thursday, April 26, 2012
Town Council Final School Budget Meeting Vote	Thursday, April 26, 2012

School Budget Validation Vote

Citizen Vote on Town Council Adopted School Budget	Tuesday, June 12, 2012
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Item# 18-2012 Appointments Committee Recommendations

Board	Recommendation	Address	TermExpires
Board of Assessment Review	Michael R. Connell	6 Gladys Road	12/31/2014
Community Services Advisory Commission	Nikki Dresser	921 Shore Road	12/31/2014
Conservation Commission	Mitch Wacksman	9 Bayberry Lane	12/31/2012
Conservation Commission	Richard Bauman	56 Cross Hill Road	12/31/2014
Conservation Commission	John J. Plainensek	16 Arrow Point Road	12/31/2014
Fort Williams Advisory Commission	William Brownell	9 Cedar Ledge Road	12/31/2014
Fort Williams Advisory Commission	Donald L. Head	12 Heron Point	12/31/2014
Fort Williams Advisory Commission	William E. Nickerson	7 Mountain View Road	12/31/2014
Personnel Appeals Board	Roger A. Bishop	10 Leighton Farm Road	12/31/2014
Planning Board	Josef Chalot	12 Channel View Road	12/31/2014
Planning Board	Peter L. Curry	8 Stonybrook Road	12/31/2014
Recycling Committee	David C. Ernst	4 Fox Hill Road	12/31/2014
Recycling Committee	John J. Kane	6 Cape Woods Drive	12/31/2014
Riverside Memorial Cemetery Trustees	Gerald B. Sherry	19 Starboard Drive	12/31/2014
Thomas Memorial Library Trustees	Judith McManamy	6 Champion Road	12/31/2012
Thomas Memorial Library Trustees	Blaine S. Grimes	2 Park Circle	12/31/2014
Thomas Memorial Library Trustees	Julia Bassett-Schwerin	6 Cottage Lane #2	12/31/2014
Zoning Board of Appeals	Barry D. Hoffman	291 Spurwink Avenue	12/31/2012
Zoning Board of Appeals	Josh Carver	40 Stonybrook Road	12/31/2014
Zoning Board of Appeals	John C. Thibodeau	21 Salt Spray Lane	12/31/2014
<i>New appointments are effective 1/1/2012 unless otherwise noted.</i>			
<i>Mitch Wacksman, Judith McManamy and Barry Hoffman are effective upon appointment.</i>			

Intro – Councilor Sullivan, Appointments Committee Chair

Moved by Jessica L. Sullivan and Seconded by Frank J. Governali

Ordered the Cape Elizabeth Town Council approves the recommendations of the Appointments Committee for appointments to various boards and commissions as presented.

(7 yes) (0 no)

Applications to the Zoning Board of Appeals to fill an expired term until December 31, 2013 are being accepted. Deadline for applications is December 23, 2011. FMI www.capeelizabeth.com.

Item# 19-2012 Purpoodock Club Renewal Licenses for Malt, Vinous, Spirituous and Special Amusement Permit.

Present – Robyn Violette, Purpoodock Club Manager

Moved by Frank J. Governali and Seconded by Jessica L. Sullivan

Ordered the Cape Elizabeth Town Council approves the malt, vinous, spirituous liquor license and Special Amusement Permit for the Purpoodock Club 300 Spurwink Avenue as presented.

(7 yes) (0 no)

Item # 20-2012 Annual Acceptance of Gifts

Moved by David S. Sherman, Jr. and Seconded by Frank J. Governali

Ordered the Cape Elizabeth Town Council accepts with appreciation gifts received by the Town since December 2010.

(7 yes) (0 no)

Item # 21-2012 Open Space Management Committee Report

Moved by Jessica L. Sullivan and Seconded by David S. Sherman, Jr.

Ordered the Cape Elizabeth Town Council refers to the Ordinance Committee a review of the proposed policies in the Open Space Management Committee Report for possible inclusion in the Code of Ordinances.

(7 yes) (0 no)

Item # 22-2012 Alternative Energy Committee

Moved by Frank J. Governali and Seconded by James T. Walsh

Ordered the Cape Elizabeth Town Council extends the term of the Alternative Energy Committee from December 31, 2011 to December 31, 2012.

(7 yes) (0 no)

Item # 23-2012 Update of the Subdivision Ordinance

Moved by David S. Sherman, Jr. and Seconded by James T. Walsh

Ordered the Cape Elizabeth Town Council refers to the Planning Board responsibility for developing proposed amendments to the subdivision ordinance as recommended in the Comprehensive Plan.

(7 yes) (0 no)

Citizen Opportunity for Discussion of Items Not on the Agenda None

Moved by David S. Sherman, Jr. and Seconded by James T. Walsh

Ordered the Cape Elizabeth Town Council enters into executive session at 7:21 p.m. as follows.

Item # 24-2012 Land Acquisition Disposition Matter

In conformance with 1 MRSA §405 6 C to discuss a land acquisition/disposition matter regarding a request for a driveway exit from 349 Ocean House Road onto the CEHS driveway exit road.

Present - Michael and Stephanie Concannon, 3 Harriman Farm Road

Mr. Concannon presented an overview of the plans for 349 Ocean House Road; he and his wife have signed a contract to purchase the property for a gourmet deli.

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Item # 25-2012 Property Tax Abatement Request Due to Infirmary or Poverty

In conformance with 1 MRSA §405 6 F to review a request for a poverty abatement.

7:27 p.m.

(7 yes) (0 no)

Moved by David S. Sherman, Jr. and Seconded by James T. Walsh

Ordered the Cape Elizabeth Town Council exits executive session and reenters public session at 8:01 p.m.

(7 yes) (0 no)

Moved by David S. Sherman, Jr. and Seconded by Katharine N. Ray

Ordered the Cape Elizabeth Town Council grants a property tax abatement due to infirmity or poverty in the amount of \$1206.05.

(7 yes) (0 no)

Adjournment

Moved by Jessica L. Sullivan and Seconded by James T. Walsh

Ordered the Cape Elizabeth Town Council adjourns at 8:01 p.m.

(7 yes) (0 no)

Respectfully Submitted,

Debra M. Lane, Town Clerk