

**CAPE ELIZABETH TOWN COUNCIL AGENDA**  
**Regular Meeting # 8-2012**  
**Cape Elizabeth Town Hall**  
**Monday, June 11, 2012**  
**7:00 p.m.**

**Roll Call by the Town Clerk**

<b>Sara W. Lennon, Chairman</b>	<b>Term Expires 12/2012</b>	<a href="mailto:slennon@maine.rr.com">slennon@maine.rr.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>Katharine N. Ray</b>	<b>Term Expires 12/2014</b>	<a href="mailto:retbank@maine.rr.com">retbank@maine.rr.com</a>
<b>David S. Sherman, Jr.</b>	<b>Term Expires 12/2014</b>	<a href="mailto:dsherman@dwmlaw.com">dsherman@dwmlaw.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>James T. Walsh</b>	<b>Term Expires 12/2012</b>	<a href="mailto:jim.walsh@capeelizabeth.org">jim.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**

[Link](#) to Draft Minutes of May 14, 2012 Meeting and Index of Material for June 11, 2012 Meeting

**Item# 94 -2012 Proposed Citizen Vote on Library Project**

The town council will consider approving the draft question below for submission to the voters on November 6, 2012.

*Shall the Town of Cape Elizabeth borrow \$6.0 million to fund a new Thomas Memorial Library and Cultural Center and accept private donations to assist with the project?*

**Yes**

**No**

[Link to Spreadsheet with All Debt Obligations](#)  
[Link to Draft Amortization Schedule for Borrowing \\$6.0 million](#)

**Item# 95 -2012 Proposed [Charter Amendment](#)**

[Link to Town Attorney May 2012 Letter on Charter Amendment Process](#)

It is proposed to set a public hearing for Monday, July 9, 2012 at 7:00 p.m. at the Cape Elizabeth Town Hall on proposed amendments to the Council-Manager Charter of the Town of Cape Elizabeth. The charter amendment would require an automatic citizen vote on most single capital expenditures of a value exceeding \$1.0 million. Currently 10% of registered voters may petition for a vote to override an action of the council exceeding .05% of the state valuation which would currently amount to \$855,375. If the council votes to submit the proposed charter amendment to the voters, the vote would occur on November 6, 2012. The full language is at the above link. The section below is the key proposal.

**Sec. 2. Referendum for approval of certain capital expenditures.** Any vote by the council for a single capital expenditure of town funds or a single capital improvement, not arising from a fire or other casualty loss nor arising from a federal or state mandate, the total cost of which exceeds One Million Dollars (\$1,000,000), whether as a separate vote or included in the approved annual budget, shall be submitted to a referendum vote at a time designated by the council. Pending action by referendum, the referred vote, or budget item, shall be suspended from going into operation until it has received an affirmative vote of the majority of voters voting on said question. This section shall not apply to the refinancing of previously authorized debt.

### **General Assistance Program Limits Public Hearing**

**Item# 96-2012**      [Annual Adoption of General Assistance Limits](#)

Ordered: The Cape Elizabeth Town Council approves the annual general assistance limits attached as an appendix to the minutes of this meeting

**Item# 97 -2012**      [The Local Buzz Annual Licenses](#)

Ordered: The Cape Elizabeth Town Council approved the application of the Cape Café LLC dba The Local Buzz, LLC for renewal of their malt, vinous and spirituous licenses and special amusement permit for the business at 327 Ocean House Road.

**Item# 98-2012**      [Town Ways Ordinance](#)

Ordered: The Cape Elizabeth Town Council refers to the Ordinance Committee a proposed amendment to Chapter 17 of the Code of Ordinances and also requests the committee to conduct a general review of Chapter 17.

**Sec. 17-2-1. Entrance Permit Required.** No owner of property abutting upon any public way within the Town shall construct, cause or permit to be constructed, altered or relocated, any driveway, entrance, or approach or other improvement within the right-of way of such road or extending from such road onto his property except in accordance with an entrance permit issued upon his application to the Director of Public Works and except for the bona fide purpose of securing access to his/her property and not for the purpose of parking or servicing vehicles within such right-of-way. Decisions of the Director of Public Works are appealable to the ~~Town Council~~. [Zoning Board of Appeals](#). A permit fee established by the Town Council shall be paid for each permit. [Amended Eff. 1/11/95 and 01/07/09]

**Item# 99-2012**      [Solid Waste Ordinance](#)

Ordered: The Cape Elizabeth Town Council refers to the Ordinance Committee proposed amendments to Chapter 11, Article II of the Code of Ordinances and also requests the committee to conduct a general review of Chapter 11, Article II.

**Item# 100-2012**      [Public Works Collective Bargaining Agreement 2012-2014](#)

Ordered: The Cape Elizabeth Town Council approves the proposed collective bargaining agreement with Local 340 of the Teamsters representing certain public works employees.

Note: The draft agreement provides a 3% COLA adjustment on July 1, 2012 and an adjustment on July 1, 2013 of the CPI-U for the 12 months ended December 31, 2012 but not to exceed 3%. It also requires all paychecks to be direct deposited effective July 1, 2013. It provides public works employees compensatory time off if the town hall should close for more than four hours due to a winter storm event.

**Item# 101-2012**      [Acceptance of Regional Domestic Violence Grant](#)

Ordered: The Cape Elizabeth Town Council accepts a Community Development Block Grant through Cumberland County to partner with Family Crisis Services with the Cape Elizabeth Police Department being the lead agency for continuing the supplemental domestic violence victim assistance program.

**Item# 102-2012**      [Annual Auditor Appointment](#)

Ordered: The Cape Elizabeth Town Council approves the audit engagement with Runyon Kersteen Ouellette per the June 1, 2012 draft letter of engagement.

**Item# 103-2012**      [Cape Courier Space Lease](#)

Ordered: The Cape Elizabeth Town Council approves the updated lease with the Cape Courier for space at the Cape Elizabeth Town Hall.

**Item# 104-2012**      **Carry Forward Balances**

Ordered: The Cape Elizabeth Town Council approves the following balances to be part of the assigned fund balance on June 30, 2012:

<b>General Fund Assigned Fund Balances</b>		
1102016	Records Preservation	\$ 4,579
1202011	GIS Improvements	\$ 12,189
2104002	Police Department Donations	\$ 10,528
3102039	Public Works Pavement Markings	\$ 16,542
5104001	Library Project	\$ 87,267
5205053	Family Fun Day	\$ 2,000
6452019	Fort Williams Park Tree Planting	\$ 5,407
6452035	Fort Williams Park Building Repair	\$ 12,445
7154004	Police Cruiser Replacement	\$ 30,539
7154009	Roadway and Drainage Repairs	\$ 250,210
7154013	Sidewalk Improvements	\$ 22,443
7154052	Library Building Improvements	\$ 39,516
7154111	Town Hall Meeting Spaces/Office Spaces Plan	\$ 25,000
7154114	Election Equipment	\$ 16,000
7154131	Town Center Building Repairs	\$ 13,643
7155226	Shore Road Path	\$ 272,879
7254227	Fuel Donation Account	\$ 6,752
7154243	Cemetery Stonewall	\$ 45,000
	Robinson Woods Phase II Easement Acquisition	\$ 200,000
	Capital Needs Planning	\$ 30,000
	Budgeted Use of Undesignated Surplus	\$ 350,000
		\$ 1,452,939
<b>Sewer Fund Assigned Fund Balance</b>		
	Starboard Drive Repairs	\$ 100,000
<b>Infrastructure Fund Assigned Fund Balance</b>		
	Trout Brook	\$ 25,000
<b>Land Acquisition Fund Assigned Fund Balance</b>		
	Robinson Woods Phase II Easement Acquisition	\$ 150,000

**Item# 105-2012      Year End Transfers**

Ordered: The Cape Elizabeth Town Council approves, in accordance with Article 5, Sec 8 of the Council-Manager Charter, the following transfers between departments:

Increase Appropriations for the following:

**210**    Police Department    To \$1,180,000 from \$1,171,241  
Extra overtime costs have been incurred due to an employee injured on the job.

**410**    Human Services    To \$54,000 from \$46,000  
General assistance costs are currently near budget.

**655**    Richards Pool    To \$322,970 from \$316,970  
Pool revenues have exceeded last year's amount by over \$50,000 with costs projected to be just a bit over budget.

Decrease Appropriation for the following:

**310**    Public Works    To \$1,064,629 from \$1,087,629  
The public works budget has savings due to the light winter

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

**Adjournment**

**[Link to Monthly Financial Reports](#)**

**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.