

CAPE ELIZABETH TOWN COUNCIL AGENDA
Regular Meeting # 13-2012
Cape Elizabeth Town Hall
Wednesday, November 14, 2012
7:00 p.m.

Roll Call by the Town Clerk

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

Review of [Draft Minutes of October 10, 2012 Town Council Meeting](#)

Public Hearing: [Proposal](#) to Amend the Zoning Ordinance Regarding Short Term Rentals

Item# 130-2012 [Proposed Amendments to Zoning Ordinance Regarding Short Term Rentals](#)

**PROPOSED MOTION TO ADOPT
SHORT TERM RENTALS ORDINANCE PROVISIONS**

WHEREAS, short term rentals to third parties by owners of residential properties in Cape Elizabeth has in numerous cases caused issues to surrounding neighbors that are not commonly presented when such properties are occupied by owners, negatively impacting the residential character of surrounding neighborhoods; and

WHEREAS, the Town's Ordinance Committee and Planning Board have conducted many meetings with interested parties on this issue; and

WHEREAS, the greatest negative impacts from short term rentals are from those properties on lots of less than 30,000 square feet and where the short term rentals are for shorter durations; and

WHEREAS, the Town Council finds that the negative impacts on surrounding neighbors with short term rentals appear to be less so when the property owner lives in another building on or abutting the property subject to the short term rentals; and

WHEREAS, the Town is concerned for the safety of those renters and their guests who occupy properties for short term rentals, specifically in regard to building code and septic system compliance of such properties and emergency evacuation plans; and

WHEREAS, given the Town's public safety and welfare concerns, the Town Council finds it important in enacting Short Term Rental Zoning Ordinance provisions to make them effective as to all future Short Term Rentals regardless of the date of such contracts, provided that, in doing so, such Ordinance provisions shall be applied to the maximum extent possible without thereby substantially impairing such contracts which are fully executed and in force as of the effective date of this Ordinance.

ORDERED, that Short Term Rental provisions of the Zoning Ordinance as set forth in the attached draft are hereby enacted.

Public Hearing: [Proposed Amendments to the Solid Waste Ordinance](#)

Item# 131-2012 [Proposed Amendments to the Solid Waste Ordinance](#)

Draft Motion: the town council hereby enacts the attached proposed amendments to the solid waste ordinance.

Item# 132 -2012 [Robinson Woods II](#)

Draft Motion- Ordered: The town council pursuant to its vote of June 13, 2011 hereby authorizes the town manager to provide \$350,000 to the Cape Elizabeth Land Trust at closing for its acquisition of a 63+- acre parcel known as Robinson Woods II, accepts the public access easement in the form deemed acceptable to the town attorney on October 29, 2012 and agrees to authorize the town manager to sign a third party acceptance of a conservation easement over said parcel being granted by the Cape Elizabeth land Trust to the Maine Coast Heritage Trust.

Item# 133-2012 [Future Open Space Committee Final Report](#)

Draft Motion- The town council receives the final report of the Future Open Space Committee with appreciation to the committee and to its staff and refers the report to a future town council workshop for review and discussion.

Item# 134-2012 **Fort Williams Park Group Use Fees**

The Fort Williams Advisory Committee is [recommending](#) revised group use [fees](#) . The town manager recommends the fees be approved and the Fort Williams Advisory Commission be asked for recommendations regarding the concession program for 2013 and for an evaluation of the bus/trolley program and to report back to the town council at the January meeting.

Item# 135-2012 [Driveway Easement](#)

The town council in January 2012 approved a driveway easement from 349 Ocean House Road on to the high school driveway. The minutes are unclear if the easement is for both entering and exiting. The property owner had asked for both but the article on our website states the easement is for exit only. With the issue unclear, it is appropriate for the town council to provide direction for the easement being prepared.

Item# 136-2012 [Proposed Capital Improvements Planning Committee](#)

It is proposed to establish a capital improvements planning committee.

Draft Committee Charge

Cape Elizabeth Capital Improvements Planning Committee

November 6, 2012

Committee Created

The Capital Improvement Planning Committee (CIPC) is a four-member committee. The CIPC is comprised of two members of the Town Council and two members of the School Board. The Town Council and School Board shall select their respective committee members. The Town Manager and School Superintendent may serve as an ex-officio member without the right to vote.

Committee Responsibility

The CIPC's charge of duties is as follows:

The Capital Improvement Planning Committee shall define and study all proposed capital projects and improvements involving major tangible assets and projects and maintenance expenditures.

The Committee shall consider the relative need, impact, timing and cost of these expenditures. The Committee shall prepare a long-term capital planning report, recommending a ten-year capital projects plan, schedule of capital project priorities and annual capital projects forecasting for the next five fiscal years beginning in Fiscal Year 2014, and present the report to the Town Council and School Board for their consideration.

The CIPC is an advisory committee, with authority for spending decisions residing solely in the School Board and Town Council.

Item# 137-2012 **Facility Study Report**

[Link to Large 41 Mb File](#)

It is proposed to receive the facility study report and to refer it to a future council workshop.

Item# 138-2012 [Personnel Code Amendment- Section 125 Plan Limits](#)

It is proposed to set a public hearing on Monday, December 10, 2012 at 7:00 p.m. on proposed amendments to the Personnel Code relating to new federal regulations limiting Section 125 deferrals.

Item# 139-2012 [General Assistance Annual Updates](#)

It is proposed to set a public hearing on Monday, December 10, 2012 at 7:00 p.m. on annual updates to the [appendices](#) to the General Assistance Ordinance.

Item# 140-2012 [Project Canopy Grant Application](#)

It is proposed to authorize a grant application for a Project Canopy grant.

Item# 141-2012 [Maine Right to Know Law Update](#)

It is proposed to appoint a local public information officer to be responsible for adherence to requests for public information.

Citizen Opportunity for Discussion of Items Not on the Agenda

Adjournment

[Link to Monthly Financial Report](#)

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.