

**CAPE ELIZABETH TOWN COUNCIL AGENDA**  
**Regular Meeting # 1-2013**  
**Cape Elizabeth Town Hall**  
**Monday, December 10, 2012**  
**7:00 p.m.**

The meeting will be convened by Councilor David S. Sherman, Jr.

**Roll Call by the Town Clerk**

Frank J. Governali	Term Expires 12/2013	<a href="mailto:frank.governali@capeelizabeth.org">frank.governali@capeelizabeth.org</a>
Caitlin R. Jordan	Term Expires 12/2013	<a href="mailto:caitlin.jordan@capeelizabeth.org">caitlin.jordan@capeelizabeth.org</a>
Katharine N. Ray	Term Expires 12/2014	<a href="mailto:retbank@maine.rr.com">retbank@maine.rr.com</a>
David S. Sherman, Jr.	Term Expires 12/2014	<a href="mailto:dsherman@dwmlaw.com">dsherman@dwmlaw.com</a>
Jessica L. Sullivan	Term Expires 12/2015	<a href="mailto:jsullivan08@maine.rr.com">jsullivan08@maine.rr.com</a>
James R. "Jamie" Wagner	Term Expires 12/2015	<a href="mailto:jamiewagnerlaw@gmail.com">jamiewagnerlaw@gmail.com</a>
James T. Walsh	Term Expires 12/2015	<a href="mailto:jim.walsh@capeelizabeth.org">jim.walsh@capeelizabeth.org</a>

**Oaths of Office Administered by the Town Clerk**

Officials Elected November 6, 2012

**Cape Elizabeth School Board**

For Three Year Terms to Expire on December 14, 2015

*John R. Christie, III*  
*David C. Hillman*  
*Mary K. Williams-Hewitt*

**Cape Elizabeth Town Council**

For Three Year Terms to Expire on December 14, 2015

*Jessica L. Sullivan*  
*Jamie Wagner*  
*James T. Walsh*

**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 Trails Maintenance Activities during 2012](#)

Review of [Draft Town Council Minutes- November 14, 2012](#)

**Item# 1-2013 Election of a Town Council Chair for Council Year 2013**

James T. Walsh

On this and the other items relating to council organization, the names listed are the persons who appeared to be the consensus choices at the Town Council caucus.

- Item# 2-2013**      [Proposed Town Council Rules for 2013](#)  
Adoption is recommended.
- Item# 3-2013**      **Appointment of the Finance Committee**  
Frank J. Governali as chairman and the Council as a whole to serve as the finance committee
- Item# 4-2013**      **Appointment of an Ordinance Committee**  
Katharine N. Ray as chairman and David S. Sherman, Jr. and Jessica L. Sullivan as members
- Item# 5-2013**      **Appointment of an Appointments Committee**  
Jessica L. Sullivan as chairman and Frank J. Governali, Caitlin R. Jordan and Jamie Wagner as members (Council rules provide that each council member shall serve on either the Appointments Committee or the Ordinance Committee and the Council Chairman shall be an ex-officio member of both committees)
- Consent Agenda**  
Items # **6-15** will be considered en bloc. The council chair will entertain a single motion to approve Items # 6-15. Any councilor may request for any item to be removed from the consent list and be separately voted.
- Item# 6-2013**      **Appointment of Representatives to ecomaine Board of Directors**  
David S. Sherman, Jr. and Michael K. McGovern for terms to expire on December 31, 2013
- Item# 7-2013**      **Appointment of Representative to Greater Portland Council of Governments Executive Committee**  
James T. Walsh
- Item# 8-2013**      **Appointment of Representative and Alternate to Greater Portland Council of Governments General Assembly**  
James T. Walsh  
Caitlin R. Jordan, Alternate
- Item# 9-2013**      **Appointment of Representative to PACTS Policy Committee**  
Michael K. McGovern
- Item# 10-2013**      **Appointment of Representative to MMA Legislative Policy Committee and MMA Convention Delegate**  
Katharine N. Ray
- Item# 11-2013**      **Appointment of Representative to Thomas Memorial Library Foundation**  
Jessica L. Sullivan
- Item# 12-2013**      **Appointment of Representative to Greater Portland Economic Development Corporation**  
Jamie Wagner

**Item# 13-2013****Appointment of Registrar of Voters**

State law (Title 21-A Section 101.2) requires the municipal officers to appoint a qualified registrar by January 1st of each odd-numbered year. The appointment is for 2 years and until a successor is appointed and sworn. Currently Debra Lane is the registrar with a term expiring January 1, 2013. The town manager recommends Debra M. Lane for a new term as registrar to expire on January 1, 2015.

**Item# 14-2013****Designation of Town Council Liaisons to Boards and Commissions for 2013**

The responsibility of a **Town Council Liaison** in 2013 includes the following:

- Continue a dialogue regarding strengthening opportunities for public knowledge of board activities.
- Assist in monitoring progress on town council goals related to a committee's activity.
- Serve as a communication conduit between the board and the council

A liaison is not a committee member and does not participate in any votes.

**Board**

Community Services Advisory Commission  
 Conservation Commission  
 Fort Williams Advisory Commission  
 Local Legislative Delegation  
 Planning Board  
 Recycling Committee  
 Riverside Memorial Cemetery Trustees  
 Thomas Memorial Library Trustees  
 Zoning Board of Appeals  
 School Board  
 Family Fun Day Volunteers

**2013 Town Council Liaison**

Frank J. Governali  
 Jamie Wagner  
 James T. Walsh  
 James T. Walsh and Jamie Wagner  
 Katherine N. Ray  
 Caitlin R. Jordan  
 Frank J. Governali  
 Jessica L. Sullivan  
 David S. Sherman, Jr.  
 Katherine N. Ray  
 Jamie Wagner

**Item# 15-2013****Schedule of Council Meetings for 2013**

The following dates are the planned dates for Council meetings in 2013. Please check the meeting schedule at [www.capeelizabeth.com](http://www.capeelizabeth.com) for updates and specific agendas.

	<b>Regular Meeting</b>	<b>Workshop Meeting</b>	<b>Other</b>
January	7	10	January 2nd-Workshop with School Board
February	11	4	
March	11	4	18 and 20- Budget Workshop
April	8		10 and 11- Budget Workshops Public Hearing on the 29th
May	13	8	
June	10	4	
July	8		
August	12		
September	9	5	
October	16 (Wednesday)	7	7 (As part of Workshop)
November	13 (Wednesday)	6 (Caucus)	
December	9	2	

**Public Hearing      Personnel Code Proposed Amendment**

**Item# 16-2013      Personnel Code Proposed Amendment**

The Personnel Code provides that the Town of Cape Elizabeth offers regular employees a section 125 flexible spending account plan for health related spending and dependent care. The federal rules for such plans are changing effective January 1, 2013 whereby the annual maximum of medical reimbursement for an individual is \$2,500 and will thereafter be indexed for inflation. The town personnel code presently permits up to \$3,000.

The following amendment to Sec 3-2-11 of the Personnel Code is proposed:

Sec 3-2-11

**(a)      Section 125 Plan**

The Town of Cape Elizabeth offers a Section 125 Plan reimbursement account through Horace Mann Insurance. ~~Maine School Management Association~~. The Town may choose another provider at its option. Medical expense reimbursement accounts are limited to the maximum permitted under federal law. \$3000 per year. Dependent care reimbursement accounts are limited to \$5,000 per calendar year per family but may be lower if the maximum allowed by federal law is less than \$5,000. The enrollment period for this program occurs once annually or on the initial hire date. (Rev. Eff. 01/10/11)

**Public Hearing      General Assistance Annual Update**

**Item# 17-2013      Annual Update of General Assistance Appendices**

Each year the town is asked by the state to update annual general assistance appendices.

**Item# 18-2013      Purpoodock Club Annual Beverage Licenses**

Draft Motion: 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.

**Item# 19-2013      Annual Acceptance of Gifts to the Town**

Draft Motion: Ordered the Cape Elizabeth Town Council accepts with gratitude gifts given to the Town of Cape Elizabeth during 2012.

**Item# 20-2013      Boundary Surveys Report from the Ordinance Committee**

Draft Motion: Ordered the Cape Elizabeth Town Council sets a public hearing for Monday, January 7, 2013 at 7:00 p.m. at the Cape Elizabeth Town Hall on proposed amendments to the Zoning Ordinance which would establish standards on instances when the code enforcement officer shall require standard boundary surveys as part of building permit applications

**Item# 21-2013      Proposed Amendments to the Sign Ordinance**

Draft Motion: Ordered the Cape Elizabeth Town Council sets a public hearing for Monday, January 7, 2013 at 7:00 p.m. at the Cape Elizabeth Town Hall on proposed amendments to the Sign Ordinance.

**Item# 22-2013**      [Miscellaneous Offenses Ordinance Amendments](#)

Draft Motion: Ordered the Cape Elizabeth Town Council sets a public hearing for Monday, January 7, 2013 at 7:00 p.m. at the Cape Elizabeth Town Hall on proposed amendments to the Miscellaneous Offenses Ordinance.

**Item# 23-2013**      **Proposed Short Term Rentals Permit Fee**

Draft Motion: Ordered the Cape Elizabeth Town Council in conformance with Sec 19-8-14 C. 2 of the Zoning Ordinance hereby sets an annual fee for short term rental permits of \$50.00 per unit rented.

**Item# 24-2013**      **Building Permit Notifications**

Draft Motion: Ordered the Cape Elizabeth Town Council hereby requests the Ordinance Committee to review notification issues upon the issuance of building permits.

**Item# 25-2013**      **Property Tax Relief Programs**

Draft Motion: Ordered the Cape Elizabeth Town Council hereby requests the Ordinance Committee to review programs relating to property tax relief.

**Item# 26-2013**      [Appointments Committee Report](#)

The Appointments Committee recommends the following appointments to boards and commissions:

*Italics* denotes new appointment, all others are reappointments

**Board of Assessment Review**

*John McAnuff*                      65 Stonybrook Road                      *Term Expires 12/21/2015*

**Conservation Commission**

Marti Blair                      3 Cedar Ledge Road                      Term Expires 12/31/2015

Mitch Wacksman                      9 Bayberry Lane                      Term Expires 12/31/2015

**Fort Williams Advisory Commission**

*Gregg Frame*                      4 Dermot Drive                      *Term Expires 12/31/2015*

Erin Grady                      2 Emerald Way                      Term Expires 12/31/2015

**Personnel Appeals Board**

Dawn M. Harmon                      9 Blueberry Road                      Term Expires 12/31/2015

**Planning Board**

Liza Quinn                      24 Ocean View Road                      Term Expires 12/31/2015

Carol Anne Jordan                      21 Wells Road                      Term Expires 12/31/2015

Victoria Volent                      58 Cottage Farms Road                      Term Expires 12/31/2015

**Recycling Committee**

Jamie Garvin                      76 Oakhurst Road                      Term Expires 12/31/2015

Jessica D. Simpson                      3 Manter Street                      Term Expires 12/31/2015

**Riverside Cemetery Trustees**

Jessie Timberlake                      19 Hunts Point Road                      Term Expires 12/31/2015

**Thomas Memorial Library Trustees**

Judith McManamy                      6 Champion Road                      Term Expires 12/31/2015

Lee Rutty                      1 Birchwood Road                      Term Expires 12/31/2015

**Zoning Board of Appeals**

Barry D. Hoffman                      291 Spurwink Avenue                      Term Expires 12/31/2015

*Matthew Caton*                      88A Two Lights Road                      *Term Expires 12/31/2015*

Thank you to Christopher C. Lynch who has served the maximum number of terms on the Board of Assessment Review, to Daniel S. Chase who has served the maximum number of

years on the Fort Williams Advisory Commission and to David Johnson who did not seek reappointment to the Zoning Board of Appeals.

Thank you to Wyman Briggs, Frank Governali, Ted Hawkes, Peter Ingraham, Alan Lishness, David Whitten and Chairman Bill Slack for their service as members of the Alternative Energy Committee. The committee was appointed on October 10, 2007 and is completing their work effective December 31, 2012. Thank you to Ernie MacVane and Greg Marles for staffing the committee.

Thank you to Richard Bauman, Carol Ann Jordan, Caitlin Jordan, Jessica Sullivan, Frank Governali, Wayne A. Brooking, Jr., Craig Cooper, Bo Norris, Chris Franklin and Chairman John Greene for their service as members of the Future Open Space Preservation Committee. The committee was appointed in early 2011 and is completing its work effective December 31, 2012. Thank you to Maureen O'Meara for staffing the committee.

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

### **Adjournment**

### **[Link to November 30, 2012 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.