

**CAPE ELIZABETH TOWN COUNCIL MINUTES**

**Regular Meeting # 2-2012**

**Cape Elizabeth Town Hall**

**Monday, January 9, 2012**

**7:00 p.m.**

**Roll Call by the Town Clerk**

**Present Absent**

<b>Sara W. Lennon, Chairman</b>	<b>Term Expires</b>	<b>X</b>	<b>12/2012</b>	<a href="mailto:slennon@maine.rr.com">slennon@maine.rr.com</a>
<b>Frank J. Governali</b>	<b>Term Expires</b>	<b>X</b>	<b>12/2013</b>	<a href="mailto:frank.governali@capeelizabeth.org">frank.governali@capeelizabeth.org</a>
<b>Caitlin R. Jordan</b>	<b>Term Expires</b>	<b>X</b>	<b>12/2013</b>	<a href="mailto:caitlin.jordan@capeelizabeth.org">caitlin.jordan@capeelizabeth.org</a>
<b>Katharine N. Ray</b>	<b>Term Expires</b>	<b>X</b>	<b>12/2014</b>	<a href="mailto:katharine.rav@capeelizabeth.org">katharine.rav@capeelizabeth.org</a>
<b>David S. Sherman, Jr.</b>	<b>Term Expires</b>	<b>X</b>	<b>12/2014</b>	<a href="mailto:dsherman@dwmlaw.com">dsherman@dwmlaw.com</a>
<b>Jessica L. Sullivan</b>	<b>Term Expires</b>	<b>X</b>	<b>12/2012</b>	<a href="mailto:jsullivan08@maine.rr.com">jsullivan08@maine.rr.com</a>
<b>James T. Walsh</b>	<b>Term Expires</b>	<b>X</b>	<b>12/2012</b>	<a href="mailto:jim.walsh@capeelizabeth.org">jim.walsh@capeelizabeth.org</a>
<b>Michael K. McGovern, Town Manager</b>		<b>X</b>		
<b>Debra M. Lane, Town Clerk</b>		<b>X</b>		

**The Pledge of Allegiance to the Flag**

**Town Council Reports and Correspondence**

Councilor Walsh reminded citizens of the Ordinance Committee meeting on Wednesday, January 11 at 8:00 a.m. in the William H. Jordan Conference Room at Town Hall re: short term rental units.

Councilor Sullivan noted that a vacancy remains on the Zoning Board of Appeals. Applications are being accepted through January 13; interviews will be held January 17. Interested citizens may apply online at [www.capeelizabeth.com](http://www.capeelizabeth.com) or contact the Town Clerk's Office. The library fundraising feasibility report will be presented to the joint meeting of the Thomas Memorial Library Trustees and TML Foundation Thursday, January 12 at 7:00 p.m. at the library.

Councilor Governali remembered Richard B. Dalbeck. Mr. Dalbeck was very involved in the community with many organizations, St. Alban's Church and municipal government. He served on the town council 1992-1995. Mr. Dalbeck passed away December 20, 2011 at the age of 82.

Chairman Lennon read a letter from Kennedy Lane praising Robert Malley, Director of Public Works for his professionalism and work on behalf of the citizens.

**Citizen Opportunity for Discussion of Items Not on the Agenda** None

**Town Manager's Report**

Manager McGovern thanked Councilor Governali for his comments on Dick Dalbeck. Work has just been completed on the interior painting of the tower at Portland Head Light. The annual worker's compensation experience rating was received and there was not a municipal lost work claim in 2+ years as of 12/31/2011. The per diem rescue coverage began January 1, 2012.

**Review of Draft Minutes of December 12, 2011 Meeting**

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

Ordered the Cape Elizabeth Town Council approves the minutes of Meeting #1-2012 held December 12, 2011 as presented.

(7 yes) (0 no)

**Item # 26-2012      Sewer Rates**

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

Ordered the Cape Elizabeth Town Council sets to public hearing proposed sewer user fees for Monday, February 13, 2012 at 7:00 p.m. at the Cape Elizabeth Town Hall.

(7 yes) (0 no)

**Item # 27-2012      349 Ocean House Road Easement**

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

Ordered the Cape Elizabeth Town Council approves an access and utility easement from 349 Ocean House Road to the Cape Elizabeth High School driveway with a lump sum payment of \$5,000 to be credited to the Cape Elizabeth School Department. Said easement shall be in such form acceptable to the town attorney.

(7 yes) (0 no)

**Item # 28-2012      Storage Space Lease at Building #326 at Fort Williams Park**

Present – Greg Marles, Director of Facilities

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

Ordered the Cape Elizabeth Town Council approves a lease of storage space at Fort Williams Park to Behavioral Health Resources, Inc. for \$37.00 per month amending an existing lease to rent additional space in Building # 326.

(7 yes) (0 no)

**Item # 29-2012      Fort Williams Park Master Plan**

Present – Bill Brownell, Fort Williams Advisory Commission

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

Ordered the Cape Elizabeth Town Council sets a public hearing on proposed revisions to the Fort Williams Park Master Plan for Monday, February 13, 2012 at 7:00 p.m. at the Cape Elizabeth Town Hall.

(7 yes) (0 no)

**Item # 30-2012 Fort Williams Park 2012 Vendor Program**

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

Ordered the Cape Elizabeth Town Council approves the 2012 Fort Williams Park vendor program as recommended by the Fort Williams Advisory Commission as presented.

(7 yes) (0 no)

**Item # 31-2012 Motor Coach Fee Update**

Manager McGovern provided a progress report on the implementation of the new motor coach and trolley fees for Fort Williams Park. One specific opportunity is to offer a \$5.00 discount to any vendor bringing in at least 100 buses per year and who agrees to provide the Town a certificate of insurance listing the Town as an additional insured and agrees to work with us on monthly billings. Town staff is continuing to work with the industry to reduce the town's collection costs and to provide great hospitality to the visitors.

No action was taken and Mr. McGovern said a formal proposal will be made to the Town Council after meeting with additional industry representatives.

**Item # 32-2012 Capital Stewardship Plan**

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

Ordered the Cape Elizabeth Town Council acknowledges receipt of the FY 2013-2022 Capital Stewardship Plan as presented.

(7 yes) (0 no)

**Citizen Opportunity for Discussion of Items Not on the Agenda** None

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

Ordered the Cape Elizabeth Town Council enters executive session at 7:20 p.m. for Item ##33 – 36 in conformance with appropriate statutes as follows:

**Item # 33-2012 Town Manager Annual Evaluation**

In conformance with 1 MRSA §405 6 A to begin the annual evaluation of the town manager.

**Item # 34-2012 Collective Bargaining**

In conformance with 1 MRSA §405 6 D to discuss with the town manager a renewal collective bargaining agreement with Local 340 of the Teamsters representing public works employees.

**Item # 35-2012 Land Acquisition/Disposition/Discussion of Rule 80B Appeal**

In conformance with 1MRSA §405 6 C to discuss with the town manager a Rule 80B appeal of a recent Planning Board decision regarding the acquisition of a greenbelt easement from the Golden Ridge LLC.

**Item # 36-2012 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 yes) (0 no)

**Page 4 Town Council Minutes**  
**January 9, 2012**

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

Ordered the Cape Elizabeth Town Council exits executive session and reenters public session at 9:00 p.m.

(7 yes) (0 no)

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

Ordered the Cape Elizabeth Town Council denies the request for a poverty abatement due to the lack of immediate threat of foreclosure.

(7 yes) (0 no)

**Adjournment**

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

Ordered the Cape Elizabeth Town Council adjourns at 9:00 p.m.

(7 yes) (0 no)

Respectfully Submitted,

---

Debra M. Lane, Town Clerk