

**CAPE ELIZABETH TOWN COUNCIL MINUTES**

**Regular Meeting # 4-2012  
Cape Elizabeth Town Hall  
Monday, March 12, 2012  
7:00 p.m.**

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

**The Pledge of Allegiance to the Flag**

**Town Council Reports and Correspondence**

On January 26 Chairman Lennon attended a breakfast and awards ceremony held to thank employers who support and hire Guardsmen, Reservists and Veterans.

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

Jodie Jordan, 83 Old Ocean House Road asked what is the council going to do about a referendum on the Thomas Memorial Library project.

**Review of Draft Minutes of February 13, 2012 Meeting**

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

ORDERED, the Cape Elizabeth Town Council approves the minutes of Meeting #4-2012 held February 13, 2012 as written.

(7 yes) (0 no)

**Item # 49-2012      FY 2013 Proposed Municipal Budget**

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

ORDERED, the Cape Elizabeth Town Council refers the proposed FY 2013 municipal budget and special funds budgets to the finance committee.

(7 yes) (0 no)

**Item # 50-2012      Riverside Cemetery Master Plan Update**

Present – Jessie Timberlake, Chairman Riverside Memorial Cemetery Trustees

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

ORDERED, the Cape Elizabeth Town Council sets to public hearing for Monday, April 9, 2012 at 7:00 p.m. at Town Hall the proposed Riverside Cemetery Master Plan Update dated December 2011.

(7 yes) (0 no)

**Item # 51-2012 Fire Department Insurance Services Office Review**

Fire Chief Peter Gleeson provided an overview of the recent review of the Cape Elizabeth Fire Department by the Insurance Services Office.

**Item # 52-2012 Capital Improvement Planning Coordination**

Councilor Governali updated the town council on a recent meeting with school officials regarding coordinated capital improvement planning.

**Item # 53-2012 Future Open Space Committee Charge**

Intro – Councilor Governali, Town Council Representative of FOSP

Moved by Frank J. Governali and Seconded by Caitlin R. Jordan

ORDERED, the Cape Elizabeth Town Council approves the request of the Future Open Space Committee to amend the committee charge as presented.

(7 yes) (0 no)

**Future Open Space Preservation Committee (FOSP)**

(Approved by the Town Council December 13, 2010

Revised June 13, 2011 and March 12, 2012)

**Introduction**

The Cape Elizabeth Town Council has decided that the Recreation and Open Space chapter recommendations of the Comprehensive Plan should be implemented before further implementation of the Land Use Chapter. In order to implement these recommendations using a public process that (1) is consistent with the Town Council Communication Strategy, (2) incorporates the Cape Farm Alliance and the Cape Elizabeth Land Trust and (3) respects private property rights, the Town Council is creating the Future Open Space Preservation Committee (FOSP).

**Committee Structure**

The Future Open Space Preservation Committee (FOSP) shall consist of ten members. The Town Council, following a recommendation from the Appointments Committee, shall appoint three citizens that shall be broadly representative of the entire community. The Town Council shall designate two Town Councilors and a member of the Ordinance Committee to serve on the committee. The Conservation Commission and Planning Board shall each designate one person representative of their bodies to serve on the committee. The Town Council also requests the Cape Farm Alliance and Cape Elizabeth Land Trust to designate one representative from each of their organizations to serve on the committee. The committee shall appoint its own chair and secretary. The Town Manager shall designate a principal staff person for the committee. It is also anticipated that a consultant specializing in public survey and open space funding will be retained by the Town for specific projects that will be used by the committee.

**Committee Charge**

1. FOSP shall coordinate with the Cape Farm Alliance (CFA) and the Cape Elizabeth Land Trust (CELT) and solicit from them any information, inventories, etc. regarding future open space preservation priorities.
2. FOSP shall supervise a professional, statistically relevant telephone survey of town residents identifying priorities ~~for specific parcels~~ for open space preservation and preferred methods of funding.
3. FOSP shall prepare for the Town Manager's approval a Request for Proposals (RFP) for a consultant to:

Conduct an analysis of the costs and benefits to the town budget of development versus retention of open space. The analysis should draw on state and national resources to conduct this study. The objective is to determine the cost and benefits to taxpayers of housing growth versus the preservation of undeveloped land.

FOSP shall then review and make recommendations regarding the consultant's report.

4. FOSP shall conduct a public workshop with the CFA and CELT focusing on actions that both protect open space and promote sustainable farming, without constraining farmers' opportunities and infringing on private property rights.
5. FOSP shall develop "rural areas" and "open space" definitions for the Town of Cape Elizabeth. The committee shall consider (1) state law, (2) farmers' flexibility in using land on a long term basis, (3) the impact on other significant land owners, and (4) residents' priority in protecting rural areas.
6. ~~FOSP shall identify specific key parcels of land in town that are of the highest priority. A comprehensive review of vacant lands in Cape Elizabeth should be undertaken to determine which areas exhibit the most important habitat features, recreational opportunities and whose preservation would help to ensure the town retains its rural character, including large undeveloped areas, agricultural uses of the land and scenic vistas~~ recommend a process/mechanism for evaluating open space opportunities and proactive acquisition identification, including but not limited to identifying criteria for open space priorities and a party or parties responsible for making open space recommendations to the Town Council.
7. FOSP shall develop a range of tools and approaches to preserve/protect/enhance critical parcels. These tools should be expansive and include innovative approaches that have been successfully employed nationwide, including zoning, outright land purchases, elimination of incentives for development in critical parcels, methods by which land can be purchases in private/public partnerships, and any other creative approaches other towns have taken. At the same time, all of the approaches that are considered and recommended have to avoid infringement on personal property rights.
8. FOSP shall prepare, for Town Council discussion, an evaluation of the financial resources necessary to achieve the strategic conservation priorities identified. Financial resources may include, but are not limited to, funding by town taxpayers, individual donations (land or dollars), donations and grants through CELT as well as State and Federal conservation funding programs.
9. FOSP as part of its work shall include a thorough review of growth areas, including a review of the definition of growth areas, and the areas designated as growth areas within the context of expected growth, all within its review of open space. This review shall include a meeting or meetings where public comment is solicited at the determination of the Future Open Space Preservation Committee.
10. FOSP shall prepare a final report summarizing its work and submit it to the Town Council.

### **Resources**

The Town Council authorizes funding of \$25,000 for the cost/benefit/funding consultant and other miscellaneous committee expenses including the cost of the public opinion survey

### **Completion of FOSP work**

All work of the committee shall be completed by December, 31, 2012. A progress report shall be provided to the Town Council six months after the committee begins to meet. In addition, FOSP is encouraged to provide recommendations to the Town Council as individual items are completed.

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

Penny Jordan, Wells Road encouraged the town council to seek citizen input for the Thomas Memorial Library project by setting a referendum for a citizen vote as stated in the council goals for this year.

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Mr. McGovern gave an update of the Shore Road Pathway project. The town continues to work collaboratively with federal and state agencies. The tentative schedule is the advertise bids by April 5, open bids April 26, award the bid week of May 1 and begin work May 14. No work will be done during Beach to Beacon.

**Note:** The agenda included an item for a hardship abatement request however the application was not received.

**Adjournment**

Moved by David S. Sherman, Jr. and Seconded by Frank J. Governali  
ORDERED, the Cape Elizabeth Town Council adjourns at 7:31 p.m.  
(7 yes) (0 no)

**Immediately following the regular meeting the town council adjourned to the William H. Jordan Conference Room in workshop format to discuss the public engagement timeline for the proposed Thomas Memorial Library project.**

**Chairman Lennon adjourned the workshop at 8:54 p.m.**

Respectfully Submitted,

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Debra M. Lane, Town Clerk