

# CAPE ELIZABETH TOWN COUNCIL MINUTES`

Regular Meeting # 5-2012

Cape Elizabeth Town Hall

Monday, April 9, 2012

7:00 p.m.

## Roll Call by the Town Clerk Present Absent

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.ray@capeelizabeth.org">katharine.ray@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

Councilor Walsh congratulated the South Portland-Cape Elizabeth Rotary for 50 years of service. The anniversary celebration was held at a dinner March 30. Congratulations to Wells Road resident Penny Jordan for receiving the Paul Harris Fellow Award.

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

## Town Manager's Report

## Review of Draft Minutes of March 12, 2012 Meeting

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

ORDERED, the Cape Elizabeth Town Council approves the minutes of Meeting #4-2012 held March 12, 2012 as presented.

(7 yes) (0 no)

## Item # 55-2012 Riverside Cemetery Master Plan Update

## Public Hearing: Riverside Cemetery Master Plan Update

Intro – Jessie Timberlake, Riverside Memorial Cemetery Trustee Chairman

Present – Beverly Brooking and Gerald Sherry, Trustees

7:03 p.m.

Chairman Lennon opened the hearing for public comment.

After hearing no comments the hearing was closed.

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

ORDERED, the Cape Elizabeth Town Council approves the Riverside Memorial Cemetery Master Plan Update December 2011 as presented and assigns \$45,000 from the general fund to complete the stone wall section on Route 77.

(7 yes) (0 no)

**Item # 56-2012 Riverside Cemetery Fees**

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

ORDERED, the Cape Elizabeth Town Council approves the proposed fees and fee schedule as presented.

(7 yes) (0 no)

**Proposed Riverside Memorial Cemetery Fees**

**Burial Fees:**

Internments: \$600.00 Full size burial  
\$425.00 Cremation burial  
\$150.00 Additional fee charged for Saturday and Holidays

Disinterment: \$1300.00 Full size internal relocation  
\$ 650.00 Full size disinterment with relocation to another cemetery  
\$ 875.00 Cremation internal relocation  
\$ 450.00 Cremation disinterment with relocation to another cemetery

Foundation Placement: ~~\$.80~~ \$.95 per square inch (*Effective immediately*)

**Lot Fees:**

~~\$650.00~~ \$750.00 Full size lot\*  
~~\$300.00~~ \$400.00 Cremation lot\*

*\*Effective September 1, 2012.*

**Item # 57-2012 Fort Williams Park 2012 Group Use Requests**

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

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the Fort Williams Advisory Commission to approve the following group use requests for 2012.

(7 yes) (0 no)

TD Beach to Beacon 10K: August 4<sup>th</sup> with setup beginning July 31<sup>st</sup>  
Engine One Labor Day Weekend Art Show: September 2<sup>nd</sup> with rain date of September 3<sup>rd</sup>.

Family Fun Day: June 16, 2012

CEHS Graduation: June 10<sup>th</sup> with rehearsals beginning June 6<sup>th</sup>.

Cape Elizabeth Little League: Field use April through July as in past years.

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**Item # 58-2012 Fort Williams Park Master Plan Review Process**

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

ORDERED, the Cape Elizabeth Town Council sets to public hearing the Fort Williams Park Master Plan Review Process for Monday, May 14, 2012 at 7:00 p.m. at the Cape Elizabeth Town Hall.  
(7 yes) (0 no)

**Item # 59-2012 Additional Lease for Building 326 at Fort Williams Park**

Intro – Mr. McGovern

The town council is also asked to consider approving a two year lease agreement with Stroudwater Boat Works, LLC for office space at 343 Ocean House Road; year one \$3,000, year two \$3,300.

Greg Marles, Director of Facilities has done a great job securing leases for the town's rental properties.

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

ORDERED, the Cape Elizabeth Town Council authorizes the town manager to sign a lease with Carol Monroe for 640 square feet for a chiropractic office within Building 326 at Fort Williams Park and Stroudwater Boat Works, LLC for office space at 343 Ocean House Road as presented.  
(7 yes) (0 no)  
See attachment.

**Item # 60-2012 Gun Club Safety Letter**

7:19 p.m.

Chairman Lennon provided an opportunity for public comments.

James R. Wagner, representing "certain concerned citizens of Cape Elizabeth," reviewed his letter to the town council dated March 24, 2012.

Mark Mayon, President of Spurwink Rod and Gun Club, reviewed his letter to the town council dated March 29, 2012.

Ben Black, former Cape Elizabeth resident, member Spurwink Rod and Gun Club, taught his children safe gun handling, "long history, in late 80's early 90's no problem, in early 90's people came in and didn't want the rifle range there," members are "trying to keep things safe."

Mark Membrino, 1 Cardinal Lane, "my house was struck by a bullet it was found not planted," "if you look at Google maps the range aims at my house of course there is stuff in between."

James Wagner, follow up on Mr. Membrino's statement, "the police report that covered that incident stated it was their belief the bullet came from the gun club."

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Mark Mayon answered Chairman Lennon's question of what types of firearms are used at the gun club, (reference Mr. Membrino) "there is no means or way of knowing the bullet came from the club, safety is #1 and comes up at every meeting, members continue to improve on safety every year."

Michael Wescott, Member and Secretary Spurwink Rod and Gun Club, doesn't believe the club falls under the term new use of the range with junior shooting. The club bylaws state the support of junior shooting, junior sportsmanship and conservation and the future of fishing and shooting sports. "Bringing in youth groups to compete with other schools has always been a position of the club."

7:35 p.m.

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

ORDERED, the Cape Elizabeth Town Council refers to a town council workshop a letter requesting the town to review safety issues at outdoor shooting ranges.

(7 yes) (0 no)

**Item # 61-2012      Library Project Public Engagement Process**

7:45 p.m.

Chairman Lennon provided an opportunity for public comments.

Philip Kaminsky, 8 Gladys Road, stated the town council and town manager are not being "ethically responsible" by not sending the library project to a citizen vote. "The entire voting public of Cape Elizabeth should have the right to vote on the library and what they are willing to pay for the planning, design, construction, bond interest and future maintenance." The schedule should be shortened to allow for citizens to petition council action and get the project on the November 2012 ballot or the council should send the question to referendum as stated in the goals.

Mary Kiernan, 1 Wentworth Road, encouraged the town council to put the library project on the November 2012 ballot as stated in the town council goals, believes in "representative government for day to day operations not for multi-year, multi-million dollar capital needs."

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

ORDERED, the Cape Elizabeth Town Council accepts the proposed Thomas Memorial Library public engagement process as presented.

(5 yes) (2 no Councilors Governali and Jordan)

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**It Public Engagement Timeline  
Thomas Memorial Library and Cultural Center**

In the coming months, the town council will make a key decision on the future of library services for our citizens: whether or not to move forward with plans for construction of a new library and cultural center at the present library site.

Specifically, on October 10, 2012, a council vote will take place on the following:

Endorsement of a project with a scope similar to that presented to the town council last year.

The creation and appointment of a building committee for the project.

A commitment to borrow funds for hiring an architectural/construction firm to design final plans for the library in calendar year 2013, and concurrently, a commitment to borrow funds in Fiscal Year 2015 to construct the project. Construction could begin as early as July 2014.

A determination of the extent to which private support will be needed for the project and how that private support will be obtained.

Prior to undertaking such an important series of votes, the town council and library trustees will seek extensive public engagement to collaboratively enhance the quality of the new building and programs.

The public engagement should occur over the next six months and should:

Be a collaborative effort led by the Trustees of the Thomas Memorial Library and should articulate a vision for a community-wide, multi-use space where citizens gather to enjoy technology, reading, conversation and cultural events.

Include meetings with key community groups such as the school board, the parent's associations, community services, the historical society, service clubs, CEEF, CELT, the Cape Business Alliance and other groups.

Offer multiple opportunities for citizens to discuss their vision for the library, including public forums in the library and in gatherings in neighborhoods.

On September 17, 2012, the town council will hold a public hearing separate from the regular town council meeting to solicit public comment on the library's future.

On October 10, 2012, the town council will vote on whether to move ahead with the planning and construction of a library and cultural center that has grown out of the previous 6 months of citizen conversation, input, and consensus and the data from four years of studies.

**Item # 62-2012      Report from the Ordinance Committee**

Intro – Councilor Walsh, Chairman Ordinance Committee

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

ORDERED, the Cape Elizabeth Town Council sets to public hearing for Monday, May 14, 2012 on a proposed new chapter in the Conservation Ordinance relating to open space management.

(7 yes) (0 no)

**Item # 63-2012 Request from the Ordinance Committee**

Intro – Councilor Walsh, Chairman Ordinance Committee

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

ORDERED, the Cape Elizabeth Town Council refers the recommendation of the Ordinance Committee to review the current Zoning Ordinance provisions regarding property boundary surveys and prepare a recommendation for Town Council consideration that minimizes future setback violations.

(7 yes) (0 no)

**Item # 64-2012 Appointments Committee Recommendation**

Intro – Councilor Sullivan, Chairman Appointments Committee

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

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the Appointments Committee to appoint Joanna B. Tourangeau, 36 Trundy Road, to fill an unexpired a term on the Zoning Board of Appeals effective immediately and to expire on December 31, 2013.

(7 yes) (0 no)

**Item # 65-2012 Town Computer Network Backup Server**

Intro – Mr. McGovern

Moved by Katharine N. Ray and Seconded by James T. Walsh

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the town manager to purchase a town computer network backup server and to assign \$26,000 from the general fund for the expenditure as presented.

(7 yes) (0 no)

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

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

ORDERED, the Cape Elizabeth Town Council enters into executive session at 8:32 p.m. as follows:

**Item # 66-2012 Hardship Abatement Request**

In conformance with 1 MRSA §405 6 F to review an application for a hardship abatement.

**Item # 67-2012 Collective Bargaining**

In conformance with 1 MRSA §405 6 D to review with the town manager the status of a successor agreement with Local 340 of the Teamsters representing public works staff.

(7 yes) (0 no)

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

ORDERED, the Cape Elizabeth Town Council exits executive session and reenters public session at 8:44 p.m.  
(7 yes) (0 no)

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

ORDERED, the Cape Elizabeth Town Council authorizes the request for a hardship abatement for property taxes in the amount of \$1832.22.  
(7 yes) (0 no)

**Upcoming Meetings**

Wednesday, April 11 – Finance Committee Workshop – School Budget  
Monday, April 23 – Town Council Special Meeting – Budget Public Hearing  
Monday, May 14 – Town Council Meeting – Final Vote on the Budget

**Adjournment**

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

ORDERED, the Cape Elizabeth Town Council adjourns at 8:47 p.m.  
(7 yes) (0 no)

Respectfully Submitted,

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Debra M. Lane, Town Clerk