

CAPE ELIZABETH TOWN COUNCIL MINUTES

**Regular Meeting # 8-2012
Cape Elizabeth Town Hall
Monday, June 11, 2012
7:00 p.m.**

Roll Call by the Town Clerk Pro-tem Michael McGovern

Sara W. Lennon, Chairman	Present
Frank J. Governali	Present
Caitlin R. Jordan	Present
Katharine N. Ray	Present
David S. Sherman, Jr.	Present
Jessica L. Sullivan	Present
James T. Walsh	Present

Town Clerk Debra Lane was absent as she was setting up the polls for the June 12th primary.

The Pledge of Allegiance to the Flag

Town Council Reports and Correspondence

David Sherman said that the planning board would be having a public hearing on the short term rental issue on June 19, 2012.

Caitlin Jordan announced that the strawberry festival is scheduled for June 30th.

Jessica Sullivan congratulated Jay Scherma on being named the Maine Outstanding Librarian of the Year.

Citizen Opportunity for Discussion of Items Not on the Agenda

None

Town Manager's Report

The town manager noted the passing of Kenneth Maxwell, a long time volunteer firefighter and the owner of Maxwell's farms. He also said the town hall tax office and clerk's office would be closed during primary day.

Minutes of May 14, 2012 Meeting

Moved by David Sherman and seconded by Jessica Sullivan to approve the minutes of the May 14, 2012 meeting as presented. **Voted 7-0**

Item# 94 -2012 Proposed Citizen Vote on Library Project

Moved by Jessica Sullivan and seconded by James Walsh to submit to the voters a question on the November 6, 2012 ballot. After town council discussion, the following language was agreed upon:

Shall the Town of Cape Elizabeth borrow up to \$6.0 million to fund a new Thomas Memorial Library and accept private donations to assist with the project?

Yes

No

Motion Voted 7-0

Item# 95 -2012 **Proposed [Charter Amendment](#)**

Moved by David Sherman and seconded by Caitlin Jordan to set a public hearing for Monday, July 9, 2012 at 7:00 p.m. at the Cape Elizabeth Town Hall on proposed amendments to the Council-Manager Charter of the Town of Cape Elizabeth relating to citizen votes on larger capital expenditures. **Voted 7-0**

General Assistance Program Limits Public Hearing

No citizens commented.

Item# 96-2012 **[Annual Adoption of General Assistance Limits](#)**

Moved by Jessica Sullivan and seconded by David Sherman Ordered: The Cape Elizabeth Town Council approves the annual general assistance limits attached as an appendix to the minutes of this meeting. **Voted 7-0**

Item# 97 -2012 **[The Local Buzz Annual Licenses](#)**

Moved by James Walsh and seconded by Caitlin Jordan Ordered: The Cape Elizabeth Town Council approves the application of the Cape Café LLC dba The Local Buzz, LLC for renewal of their malt, vinous and spirituous licenses and special amusement permit for the business at 327 Ocean House Road. **Voted 7-0**

Item# 98-2012 **[Town Ways Ordinance](#)**

Moved by David Sherman and seconded by James Walsh Ordered: The Cape Elizabeth Town Council refers to the Ordinance Committee a proposed amendment to Chapter 17 of the Code of Ordinances and also requests the committee to conduct a general review of Chapter 17. **Voted 7-0**

Sec. 17-2-1. Entrance Permit Required. No owner of property abutting upon any public way within the Town shall construct, cause or permit to be constructed, altered or relocated, any driveway, entrance, or approach or other improvement within the right-of way of such road or extending from such road onto his property except in accordance with an entrance permit issued upon his application to the Director of Public Works and except for the bona fide purpose of securing access to his/her property and not for the purpose of parking or servicing vehicles within such right-of-way. Decisions of the Director of Public Works are appealable to the ~~Town Council~~. Zoning Board of Appeals. A permit fee established by the Town Council shall be paid for each permit. [Amended Eff. 1/11/95 and 01/07/09]

Item# 99-2012 **[Solid Waste Ordinance](#)**

Moved by James Walsh and seconded by Jessica Sullivan Ordered: The Cape Elizabeth Town Council refers to the Ordinance Committee proposed amendments to Chapter 11, Article II of the Code of Ordinances and also requests the committee to conduct a general review of Chapter 11, Article II. **Voted 7-0**

Item# 100-2012 [Public Works Collective Bargaining Agreement 2012-2014](#)
Moved by Frank Governali and seconded by David Sherman Ordered: The Cape Elizabeth Town Council approves the proposed collective bargaining agreement with Local 340 of the Teamsters representing certain public works employees. **Voted 6-1 (Sullivan)**

Note: The draft agreement provides a 3% COLA adjustment on July 1, 2012 and an adjustment on July 1, 2013 of the CPI-U for the 12 months ended December 31, 2012 but not to exceed 3%. It also requires all paychecks to be direct deposited effective July 1, 2013. It provides public works employees compensatory time off if the town hall should close for more than four hours due to a winter storm event.

Item# 101-2012 [Acceptance of Regional Domestic Violence Grant](#)
Moved by Frank Governali and seconded by David Sherman Ordered: The Cape Elizabeth Town Council accepts a \$50,260 Community Development Block Grant through Cumberland County to partner with Family Crisis Services with the Cape Elizabeth Police Department being the lead agency for continuing the supplemental domestic violence victim assistance program. **Voted 7-0**

Item# 102-2012 [Annual Auditor Appointment](#)
Moved by Frank Governali and seconded by James Walsh Ordered: The Cape Elizabeth Town Council approves the audit engagement with Runyon Kersteen Ouellette per the June 1, 2012 draft letter of engagement. **Voted 7-0**

Item# 103-2012 [Cape Courier Space Lease](#)
Moved by Jessica Sullivan and seconded by David Sherman Ordered: The Cape Elizabeth Town Council approves the updated lease with the Cape Courier for space at the Cape Elizabeth Town Hall. **Voted 7-0**

Item# 104-2012 **Carry Forward Balances**
Moved by David Sherman and seconded by Frank Governali Ordered: The Cape Elizabeth Town Council approves the following balances to be part of the assigned fund balance on June 30, 2012:

General Fund Assigned Fund Balances		
1102016	Records Preservation	\$ 4,579
1202011	GIS Improvements	\$ 12,189
2104002	Police Department Donations	\$ 10,528
3102039	Public Works Pavement Markings	\$ 16,542
5104001	Library Project	\$ 87,267
5205053	Family Fun Day	\$ 2,000
6452019	Fort Williams Park Tree Planting	\$ 5,407
6452035	Fort Williams Park Building Repair	\$ 12,445
7154004	Police Cruiser Replacement	\$ 30,539
7154009	Roadway and Drainage Repairs	\$ 250,210
7154013	Sidewalk Improvements	\$ 22,443
7154052	Library Building Improvements	\$ 39,516
7154111	Town Hall Meeting Spaces/Office Spaces Plan	\$ 25,000
7154114	Election Equipment	\$ 16,000
7154131	Town Center Building Repairs	\$ 13,643
7155226	Shore Road Path	\$ 272,879
7254227	Fuel Donation Account	\$ 6,752
7154243	Cemetery Stonewall	\$ 45,000
	Robinson Woods Phase II Easement Acquisition	\$ 200,000
	Capital Needs Planning	\$ 30,000
	Budgeted Use of Undesignated Surplus	\$ 350,000
		\$ 1,452,939
Sewer Fund Assigned Fund Balance		
	Starboard Drive Repairs	\$ 100,000
Infrastructure Fund Assigned Fund Balance		
	Trout Brook	\$ 25,000
Land Acquisition Fund Assigned Fund Balance		
	Robinson Woods Phase II Easement Acquisition	\$ 150,000

Voted 7-0

Item# 105-2012 Year End Transfers

Moved by Frank Governali and seconded by James Walsh Ordered: The Cape Elizabeth Town Council approves, in accordance with Article 5, Sec 8 of the Council-Manager Charter, the following transfers between departments:

Increase Appropriations for the following:

210 Police Department To \$1,180,000 from \$1,171,241

410 Human Services To \$54,000 from \$46,000

655 Richards Pool To \$374,970 from \$316,970

Decrease Appropriation for the following:

310 Public Works To \$1,012,629 from \$1,087,629

The public works budget has savings due to the light winter

Voted 7-0

Citizen Opportunity for Discussion of Items Not on the Agenda

None

Moved by Frank Governali and seconded by David Sherman to adjourn. Voted 7-0 at 8:10 p.m.

Respectfully submitted,

Michael K. McGovern
Town Clerk Pro tem