

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

The meeting was convened by Debra M. Lane, Town Clerk

Roll Call by the Town Clerk Present Absent

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

Oaths of Office Administered by the Town Clerk

Cape Elizabeth Town Council

For Three Year Terms to Expire on December 14, 2015

Jessica L. Sullivan

Jamie Wagner

James T. Walsh

Cape Elizabeth School Board

For Three Year Terms to Expire on December 14, 2015

John R. Christie, III

David C. Hillman

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

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

ORDERED, the Cape Elizabeth Town Council elects James T. Walsh to serve as the Town Council Chair for Council Year 2013.

(6 yes) (0 no)

The Pledge of Allegiance to the Flag

Town Council Reports and Correspondence

Councilor Sullivan acknowledged the efforts of the Conservation Commission and wished them continued success. Ms. Sullivan will be coming off as council liaison.

Citizen Opportunity for Discussion of Items Not on the Agenda None

Town Manager's Report

Mr. McGovern updated the council on the trails maintenance activities during 2012. The trail program has greatly improved in the two years that the town has maintained the trails through public

**Page 2 Town Council Minutes
December 10, 2012**

works. Thank you to Bob Malley, Director of Public Works and Brendan Sweeney, Public Works staff for their work.

Review of Draft Town Council Minutes – November 14, 2012

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

ORDERED, the Cape Elizabeth Town Council approves the minutes of meeting #13-2012 held November 14, 2012 as presented.

(6 yes) (0 no)

Item# 2-2013 Proposed Town Council Rules for 2013

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

ORDERED, the Cape Elizabeth Town Council approves the Town Council Rules for 2013 as presented.

(6 yes) (0 no)

Item# 3-2013 Appointment of the Finance Committee

Moved by Jessica L. Sullivan and Seconded by Caitlin R. Jordan

ORDERED, the Cape Elizabeth Town Council elects Frank J. Governali as chairman and the Council as a whole to serve as the finance committee.

(6 yes) (0 no)

Item# 4-2013 Appointment of an Ordinance Committee

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

ORDERED, the Cape Elizabeth Town Council elects Katharine N. Ray as chairman and David S. Sherman, Jr. and Jessica L. Sullivan as members of the ordinance committee.

(6 yes) (0 no)

Item# 5-2013 Appointment of an Appointments Committee

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

ORDERED, the Cape Elizabeth Town Council elects Jessica L. Sullivan as chairman and Frank J. Governali, Caitlin R. Jordan and Jamie Wagner as members of the appointments committee.

(6 yes) (0 no)

The oath of office was administered by the town clerk to School Board Member Mary K. Williams-Hewitt.

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

ORDERED, the Cape Elizabeth Town Council votes Item ##6-15 en bloc and approves items as presented.

(6 yes) (0 no)

**Page 3 Town Council Minutes
December 10, 2012**

- 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**
Debra M. Lane for a new term to expire January 1, 2015.

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

Board	2013 Town Council Liaison
Community Services Advisory Commission	Frank J. Governali
Conservation Commission	Jamie Wagner
Fort Williams Advisory Commission	James T. Walsh
Local Legislative Delegation	James T. Walsh and Jamie Wagner
Planning Board	Katherine N. Ray
Recycling Committee	Caitlin R. Jordan
Riverside Memorial Cemetery Trustees	Frank J. Governali
Thomas Memorial Library Trustees	Jessica L. Sullivan
Zoning Board of Appeals	David S. Sherman, Jr.
School Board	Katherine N. Ray
Family Fun Day Volunteers	Jamie Wagner

Item# 15-2013 Schedule of Council Meetings for 2013

	Regular Meeting	Workshop Meeting	Other
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	

Item #16-2013 Personnel Code Proposed Amendment

Public Hearing Personnel Code Proposed Amendment

Chairman Walsh opened the hearing to public comments at 7:17 p.m.
After hearing no comments the hearing was closed.

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

ORDERED, the Cape Elizabeth Town Council approves the proposed amendment to Chapter 3 Personnel Code related to section 125 flexible spending accounts plans, as presented.
(6 yes) (0 no)

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)

Item #17-2012 Annual Update of General Assistance Appendices

Public Hearing General Assistance Annual Update

Chairman Walsh opened the hearing to public comments at 7:18 p.m.
After hearing no comments the hearing was closed.

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

ORDERED, the Cape Elizabeth Town Council approves the annual update of the general assistance appendices as presented.

(6 yes) (0 no)

Item# 18-2013 Purpoodock Club Annual Beverage Licenses

Present – Robyn Violette, Manager Purpoodock Club

No public comments.

Moved by Katharine N. Ray and Seconded by Jessica L. Sullivan

ORDERED, the Cape Elizabeth Town Council approves the renewal malt, vinous, spirituous liquor license and Special Amusement Permit for the Purpoodock Club, 300 Spurwink Avenue as presented.

(6 yes) (0 no)

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

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

ORDERED, the Cape Elizabeth Town Council accepts with gratitude gifts given to the Town of Cape Elizabeth during 2012.

(6 yes) (0 no)

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

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

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.

(6 yes) (0 no)

Item# 21-2013 Proposed Amendments to the Sign Ordinance

Moved by Jessica L. Sullivan and Seconded by Caitlin R. Jordan

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.

(6 yes) (0 no)

Public Comments

Christopher Bond, 213 Ocean House Road commented that business-sized signs should not be allowed in residential neighborhoods.

Ben Morrill, 981 Shore Road asked about signs in Plaisted Park, the town hasn't been "over-commercialized." Mr. Morrill agrees with the comments of Mr. Bond.

Item# 22-2013 Miscellaneous Offenses Ordinance Amendments

Moved by Katharine N. Ray and Seconded by Frank J. Governali

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.

(6 yes) (0 no)

Item# 23-2013 Proposed Short Term Rentals Permit Fee

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

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.

(5 yes) (1 no Councilor Jordan)

Item# 24-2013 Building Permit Notifications

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

ORDERED, the Cape Elizabeth Town Council hereby requests the Ordinance Committee to review notification issues upon the issuance of building permits.

(6 yes) (0 no)

Item# 25-2013 Property Tax Relief Programs

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

ORDERED, the Cape Elizabeth Town Council hereby requests the Ordinance Committee to review programs relating to property tax relief.

(6 yes) (0 no)

Item# 26-2013 Appointments Committee Report

Intro – Councilor Sullivan, Chair Appointments Committee

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

ORDERED, the Cape Elizabeth Town Council approves the recommendations of the Appointments Committee to appoint citizens to boards and commissions as presented. New terms are effective January 1, 2013.

(6 yes) (0 no)

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

**Page 7 Town Council Minutes
December 10, 2012**

Fort Williams Advisory Commission

<i>Gregg Frame</i>	<i>4 Dermot Drive</i>	<i>Term Expires 12/31/2015</i>
Erin Grady	2 Emerald Way	Term Expires 12/31/2015

Personnel Appeals Board

Dawn M. Harmon	9 Blueberry Road	Term Expires 12/31/2015
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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
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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
<i>Matthew Caton</i>	<i>88A Two Lights Road</i>	<i>Term Expires 12/31/2015</i>

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.

**Page 8 Town Council Minutes
December 10, 2012**

Goals – A copy of the draft goals for 2013 have been distributed to the town council, following the workshop discussion. Any additions, corrections or changes should be submitted to the town manager. The council will vote on the goals at the January 7, 2013 meeting.

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

Adjournment

Moved by Frank J. Governali and Seconded by Jessica L. Sullivan
ORDERED, the Cape Elizabeth Town Council adjourns at 7:46 p.m.
(6 yes) (0 no)

Respectfully Submitted,

Debra M. Lane, Town Clerk