

**CAPE ELIZABETH TOWN COUNCIL AGENDA**  
**Regular Meeting # 7-2013**  
**Cape Elizabeth Town Hall**  
**Monday, April 8, 2013**  
**7:00 p.m.**

**Roll Call by the Town Clerk**

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

**The Pledge of Allegiance to the Flag**  
**Town Council Reports and Correspondence**  
**Monthly Financial Update**  
**Citizen Opportunity for Discussion of Items Not on the Agenda**  
**Town Manager's Report**

**Review of Minutes**  
[March 11, 2013](#)

**Item# 50-2013      Proposal [Regarding Building Permit Issuance Notifications](#)**

At the March 7, 2013 meeting, the Ordinance Committee voted 3-0 to recommend [proposed](#) amendments to the Zoning Ordinance to require public notice of building permits.

The Ordinance Committee discussed building permit notification at three meetings where public comment was also received. Required public notice is targeted to instances where controversy is most common, which is exterior expansions close to the property line or the shoreline. While the committee considered exempting very small expansions, there was also a desire to minimize staff time needed to determine when a notice is required, so no exemption for very small additions is included in the final draft. The committee did exempt building permits that were part of a Planning Board or Zoning Board approval as those processes have separate noticing requirements.

Staff estimated that 65-70 building permits might trigger a notice and that 5-6 notices would be generated for each permit. Notices would be generated with the existing mapping system maintained by the town for all notices. No recommendation to pass the cost of noticing onto the permit holder is recommended.

It is recommended to refer this issue to the planning board.

**Item# 51-2013      Proposed [Amendments to Subdivision Ordinance](#)**

The planning board has completed their extensive review of the subdivision ordinance. It is recommended to thank the planning board for their work and to refer the proposed amendments to the ordinance committee.

**Item# 52-2013**      [Library Building Use Policy](#)

The library trustees have recommended some technical amendments to the library building use policy. It is recommended the revised policy be adopted.

**Item# 53-2013**      [Proposal to Eliminate Most Library Overdue Materials Fines](#)

The library trustees are recommending that the Town Council accept proposed modifications to the Circulation Policy. The primary recommendation is to eliminate overdue fines for the TML collection, while still keeping the damage and lost item policies in place. Interlibrary loans will still have late fees associated with them. [Experience at Other Libraries](#) and [Trustees Estimated Impact on Municipal Budget](#)

**Item# 54-2013**      [Appointments Committee Recommendations](#)

The appointments committee is recommending citizens to serve on boards and commissions.

**Item# 55-2013**      [Charles Road Sewer Rehabilitation Project](#)

It is recommended to approve the use of up to \$450,000 from the sewer fund for replacement of sewers on Charles Road and for related road improvements and to allocate up to \$50,000 from the infrastructure improvement fund for the same project. If the project is below budget, funds shall be proportionally spent from the two funds.

**Item# 56-2013**      [Successor Lease for Building # 324 at Fort Williams Park](#)

It is proposed to approve a lease to Family Crisis Shelter Services for Building # 324 at Fort Williams Park. The administrative office of FCS has been in the building for about 20 years.

Effective	April 1, 2013	\$1313.00 per month
	April 1, 2014	\$1352.00 per month
	April 1, 2015	\$1392.00 per month
	April 1, 2016	\$1434.00 per month
	April 1, 2017	\$1477.00 per month

**Item# 57-2013**      [Appropriations Request](#)

Article V. Sec 6. of the Council-Manager Charter of the Town of Cape Elizabeth provides: *The gross appropriation for each department may not be exceeded except by consent of the council.*

As of this date, the balance in the legal and audit department 135 is minus \$11,252.66. This is made up by a positive balance in the audit line of \$6,300 and a deficit in the legal services line of \$17,552.66. The original appropriation for this department was \$55,000. The audit line will be fully spent as prework is done on the audit for FY 2013 prior to July 1<sup>st</sup>.

Legal services have been overspent due to a handful of legal actions against the Town of Cape Elizabeth relating to issues that have been before the zoning board. I believe that the original appropriation for legal services of \$25,000 will likely end up with about \$62,000 in costs by June 30, 2013 as several cases are still pending. It is recommended to \$37,000 from the unallocated fund balance to the Legal and Audit Services account. (1352010)

	<b>Budget</b>	<b>Spent to Date</b>	<b>Projected</b>	<b>Projected Need</b>
Legal Services	\$25,000.00	\$ 42,555.66	\$62,000.00	\$ 37,000.00
Audit Services	\$30,000.00	\$ 23,700.00	\$30,000.00	\$ -
Total	\$55,000.00	\$ 66,255.66	\$92,000.00	\$ 37,000.00

The general assistance account was budgeted at \$28,600. To date, \$27,115 has been expended for an average of \$9,000 per quarter. It is recommended to appropriate \$9,000 to the general assistance account. (4105101)

	<b>Budget</b>	<b>Spent to Date</b>	<b>Projected</b>	<b>Projected Need</b>
General Assistance	\$28,600.00	\$ 27,114.99	\$36,000.00	\$ 9,000.00

**Item# 58-2013** [Annual Renewal of River Herring Rights](#)

It is proposed to approve the annual renewal of river herring (alewife) rights.

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

**Item# 59-2013** Request for Executive Session

It is recommended the Town Council in conformance with 1 MRSA §405 6 C enter executive session to discuss a land acquisition matter, more specifically to give guidance to the town manager, who with the town attorney, is in negotiations with a party for the town to purchase the last 2.67% ownership share not currently held by the town of the 18 acre Loveitt Woods parcel.

**Adjournment**

[Link to Monthly Financial Reports](#)

### **Public Participation at Town Council Meetings**

After an item has been introduced, any person wishing to address the council shall signify a desire to speak by raising their hand or by approaching the lectern. When recognized by the chairman, the speaker shall give his or her name and address or name and local affiliation, if the affiliation is relevant, prior to making other comments. All remarks should be addressed to the Town Council. Comments shall be limited to three minutes per person; however, the time may be extended by majority vote of councilors present. For agenda items that are not formally advertised public hearings, the time for public comments is limited to 15 minutes per agenda item. This time may be extended by a majority of the Town Council. The chairman may decline to recognize any person who has already spoken on the same agenda item and may call on speakers in a manner so as to balance debate. Once the Council has begun its deliberations on an item, no person shall be permitted to address the Council on such item.

### **Speaking at the meeting on topics not on the agenda at regular Council meetings**

Persons wishing to address the Council on an issue or concern local in nature not appearing on the agenda may do so at a regular Town Council meeting before the town manager's report and/or after the disposition of all items appearing on the agenda. Any person wishing to address the Council shall signify a desire to speak by raising their hand or by approaching the lectern. When recognized by the chairman, the speaker shall give his or her name and address or name and local affiliation if the local affiliation Council. Comments in each comment period shall be limited to three minutes per person and 15 minutes total; however, the time may be extended by majority vote of councilors present.

### **Decorum**

Persons present at Council meetings shall not applaud or otherwise express approval or disapproval of any statements made or actions taken at such meeting. Persons at Council meetings may only address the Town Council after being recognized by the chairman.