

CAPE ELIZABETH TOWN COUNCIL MINUTES

Regular Meeting # 3-2013

Cape Elizabeth Town Hall

Monday, January 7, 2013

7:00 p.m.

Roll Call by the Town Clerk Present Absent

James T. Walsh, Chair	X	Term Expires 12/2015	jim.walsh@capeelizabeth.org
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
Debra M. Lane	X		
Michael K. McGovern	X		

The Pledge of Allegiance to the Flag

Town Council Reports and Correspondence

Councilor Sullivan reported that the Thomas Memorial Library will be the first library in Maine to provide two new services: the ability to download thousands of titles to various devices and language learning and translation of 80 languages.

Chairman Walsh thanked the fire department for clearing fire hydrants and cooperation of the public works department for the utilization of the front end loader.

Monthly Financial Update

Mr. McGovern reported revenues are on track and expenditures are higher than anticipated with the Shore Road Pathway and legal fees higher than anticipated.

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

Town Manager's Report

Mr. McGovern thanked the fire department for clearing hydrants. He also thanked and recognized those employees working through the holidays and ready to respond to the needs of the community – police, fire, rescue and public works. The new code enforcement officer will begin January 22 following a day of orientation on January 10.

Review of Minutes of December 10, 2012 Meeting

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

ORDERED, the Cape Elizabeth Town Council approves the minutes of meeting #1-2013 held December 10, 2012 as presented.

(7 yes) (0 no)

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Item# 28-2013 Proposed Amendments to the Sign Ordinance

Intro – Chairman Walsh, Immediate Past Chairman of the Ordinance Committee

Present – Maureen O’Meara, Town Planner

Public Hearing: Proposed Amendments to the Sign Ordinance

Chairman Walsh opening the hearing to public comments at 7:08 p.m.

Christopher Bond, 213 Ocean House Road is against the proposed sign ordinance. Signs are to” identify and promote businesses.” 5 square foot sign is “adequate.” Signs should remain a “residential feel” in residential neighborhoods.

Dr. Ginger Brown Johnson, 4 Ledgewood Lane and new owner of The Veterinary and Rehabilitation Center of Cape Elizabeth located at 207 Ocean House Road. Dr. Johnson is looking to erect a sign that is visible, not everyone knows where the business is. She said it’s a safety issue if someone doesn’t know where the business is and stops quick to turn in or passes the driveway and makes a u-turn on Route 77.

After hearing no further comments the hearing was closed at 7:17 p.m.

Moved by Katherine N. Ray and Seconded by David S. Sherman, Jr.

ORDERED, the Cape Elizabeth Town Council approves the proposed amendments to Chapter 21 Sign Ordinance related to size of signs for nonresidential uses located in a residential zone with frontage on an arterial and advertising signage at Plaisted Park as presented.

(7 yes) (0 no)

See attachment.

Item# 29-2013 Proposed Amendments Regarding Boundary Surveys

Intro – Chairman Walsh, Immediate Past Chairman of the Ordinance Committee

Present – Maureen O’Meara, Town Planner

Public Hearing: Proposed Amendments to the Zoning Ordinance Regarding Boundary Surveys

Chairman Walsh opening the hearing to public comments at 7:30 p.m.

After hearing no comments the hearing was closed.

Moved by David S. Sherman, Jr. and Seconded by Katherine N. Ray

ORDERED, the Cape Elizabeth Town Council approves the amendments to Chapter 19 Zoning Ordinance regarding boundary surveys.

(7 yes) (0 no)

SEC. 19-1-3. DEFINITIONS

Standard Boundary Survey: A map of a quantity of real estate prepared by a professional land surveyor registered in the State of Maine and based on (1) adequate research to support a professional opinion of boundary location, (2) field work including an inspection of the real estate and (3) the preparation of a plan, drawn to scale and including property boundary lines, easements and rights-of-way and existing structures, suitable for recording.

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SEC. 19-3-3. BUILDING PERMITS

C. Applications for Permits

All applications for Building Permits shall be submitted in writing to the Code Enforcement Officer on forms provided for the purpose. The application shall be accompanied by the following information:

1. A site plan drawn to an indicated scale and showing the location and dimensions of all buildings to be erected, the sewage disposal system, driveways and turnarounds, and abutting lot and street lines. The site plan shall accurately represent the relationship between any proposed building or structure or addition to an existing building and all property lines to demonstrate compliance with the setback requirements of this Ordinance. The applicant shall provide a Standard Boundary Survey if any of the following apply:
 - a. The Code Enforcement Officer concludes that there is doubt as to the location of a property line on the ground;
 - b. The Code Enforcement Officer cannot confirm that all setback requirements are met from the information provided; or
 - c. The building permit is requested for a building, building addition or structure valued at over \$10,000 and located less than five feet (5') from the minimum setback distance.

The Code Enforcement Officer shall have the discretion to require a standard boundary survey quality plan of only the property line(s) within the area of the proposed construction instead of a standard boundary survey of the entire property boundary.

2. Approval by the Local Plumbing Inspector of any private sewage disposal system proposal for the building, together with the plans for the approved system.
3. Information required to determine compliance with the terms and conditions for building and development in flood hazard areas as set forth under Chapter 6, Article VI, Floodplain Management Ordinance if the building is located within a flood hazard area.
4. All applications shall be signed by an owner or individual who can show evidence of right, title, or interest in the property or by an agent of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct. **(Effective October 15, 2009)**
5. Such other information as the Code Enforcement Officer may require to determine compliance with this Ordinance or the Building Code.

Item# 30-2013 Proposed Amendments to the Miscellaneous Offenses Ordinance

Intro – Chairman Walsh, Immediate Past Chairman of the Ordinance Committee

Present – Maureen O’Meara, Town Planner and Police Chief Neil Williams

Public Hearing: Proposed Amendments to the Miscellaneous Offenses Ordinance

Chairman Walsh opening the hearing to public comments at 7:39 p.m.

After hearing no comments the hearing was closed.

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

ORDERED, the Cape Elizabeth Town Council approves the amendments to Chapter 12

Miscellaneous Offenses regarding disturbing the peace.

(7 yes) (0 no)

See attachment.

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Item# 31-2013 Trout Brook Watershed Management Plan

Intro – Mr. McGovern

Present – Maureen O’Meara, Town Planner

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

ORDERED, the Cape Elizabeth Town Council adopts the Trout Brook Watershed Management Plan as presented.

(7 yes) (0 no)

Item# 32-2013 Greater Portland Economic Development Corporation Protocol

Intro – Mr. McGovern

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

ORDERED, the Cape Elizabeth Town Council adopts the Greater Portland Economic Development Corporation Protocol dated November 8, 2012 as presented.

(7 yes) (0 no)

See attachment.

Item# 33-2013 Draft Town Council Goals for 2013

Public Comments

Molly MacAuslan, 37 Park Circle thanked the town council for including the Thomas Memorial Library. She looks forward to the discussion of next steps.

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

ORDERED, the Cape Elizabeth Town Council adopts the Workplan/Goals for 2013 as presented.

(7 yes) (0 no)

**Cape Elizabeth Town Council
Workplan/Goals for 2013
Draft: December 5, 2012**

The Cape Elizabeth Town Council hereby agrees to address the following opportunities in 2013:

- The Thomas Memorial Library was the subject of a citizen vote in November 2012 which did not approve \$6.0 million for a renovation and expansion of the current facility. Most citizens who commented on the library plan indicated that some work is needed but there was insufficient support for the plan that was brought forward. In 2013, the town council will develop a process and a plan to determine the future of library services for the community.
- The Cape Elizabeth Town Center Plan was adopted in August 1993 and related zoning was approved in 1995. 2013 marks the 20th anniversary of adoption of the plan. The town council will appoint a committee to develop a new town center plan utilizing the current plan as a resource.
- The Town of Cape Elizabeth has over \$36 million dollars in capital assets whose replacement value would exceed \$100 million. The town council will work with the school board to develop a 10 year capital stewardship plan.

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- The Shore Road Pathway was completed in 2012 extending from the town center to the former main gate of Fort Williams Park. In 2013, the town council will develop and implement a plan to include pathways/sidewalks for all of Shore Road extending from the old main gate of Fort Williams Park to Preble Street.
- In May 2012, the town council adopted a new master plan for Fort Williams Park. The town council will continue to support implementation of the master plan and of the Arboretum at Fort Williams Park.
- The town government including all related entities spends approximately \$38 million each year. The finance committee chair will provide regular updates at the monthly town council meeting on issues influencing local spending and revenues.
- The town council continues to encourage effective citizen participation in local government. To further enhance participation, the town council will:
 - Approve new procedures for notification of the issuance of building permits.
 - Review the roles and responsibilities of volunteers on local boards and commissions.
 - Provide a workshop for training of board chairs on running effective meetings.
 - Strategically review all opportunities to provide effective open communication between citizens and the town government recognizing that the town's communication efforts have not kept up with evolving communication practices.
 - Ensure that items on the town council agenda relate to policy issues or governance matters needing to be before the council.
 - Review a proposed renovation of the council chamber and conference rooms to improve acoustics and space utilization.
 - Reach out to the business community recognizing the important services they are providing to local citizens.
 - Invite known interested parties to provide early input on policy issues.
- The town council in 2013 will act upon the report of the Future Open Space Preservation Committee.
- The town council in collaboration with the school board will review the report of the Facility Space Use Working Group.
- Review operations at the recycling center to ensure that it is meeting the needs of Cape Elizabeth residents and that non-residents do not utilize the services.
- Review a report to be prepared on opportunities to provide street lighting through solar energy.
- Seek to facilitate a resolution of the negotiations between the Sprague Corporation and the State of Maine regarding Crescent Beach State Park.
- Review property tax relief programs that could be made available to citizens.
- Meet with local legislators on issues of concern relating to state legislation and policies.
- Continue to review opportunities to expand the use of composting for food waste.
- Work with the town manager to make citizens better aware of the services provided by each municipal department.
- Continue to collaborate with the school board on issues of mutual concern.
- Continue to work with all community groups who seek to make Cape Elizabeth a great place to live.

Citizen Opportunity for Discussion of Items Not on the Agenda None

Item# 34-2013 Town Manager Annual Evaluation

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

ORDERED, the Cape Elizabeth Town Council in conformance with 1 MRSA §405 6 A enters into executive session to begin the annual evaluation of the town manager at 8:08 p.m.

(7 yes) (0 no)

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

ORDERED, the Cape Elizabeth Town Council exits executive session and reenters public session at 8:45 p.m.

(7 yes) (0 no)

Adjournment

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

ORDERED, the Cape Elizabeth Town Council adjourns at 8:45 p.m.

(7 yes) (0 no)

Respectfully Submitted,

Debra M. Lane, Town Clerk