

# CAPE ELIZABETH TOWN COUNCIL MINUTES

Regular Meeting # 7-2013

Cape Elizabeth Town Hall

Monday, April 8, 2013

7:00 p.m.

## Roll Call by the Town Clerk Present Absent

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

## The Pledge of Allegiance to the Flag

## Town Council Reports and Correspondence

Councilors Governali reminded residents of the first meeting of the Library Planning Committee to be held on Friday, April 12, 9:30-11:30 a.m. at the Thomas Memorial Library.

## Monthly Financial Update

Finance Chairman Governali provided a graphic depicting bond financing, grants and annual CIP spending since 2000 and he reviewed the budget schedule.

## Town Manager's Report

Mr. McGovern reviewed the fiscal year 2014 budget pro forma, the Loveitt Heirs parcel, announced the Sunday hours for yard and leaf waste and the program to apply for building permits is now available online at [www.capeelizabeth.com](http://www.capeelizabeth.com).

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

## Review of Minutes

### March 11, 2013

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

ORDERED, the Cape Elizabeth Town Council approves the minutes of Meeting #6-2013 held March 11, 2013 as written.

(7 yes) (0 no)

## Item# 50-2013          Proposal Regarding Building Permit Issuance Notifications

Intro – Councilor Ray, Chairman Ordinance Committee

Public comments -

Sheila Mayberry, 30 Trundy Road said “citizens are enforcing the code,” and must know when a permit is issued in order to appeal if necessary. The proposed 50’ notification is “too limited.”

Jim Morra, 5 Waumbek Road favors a notification process with notification of more than 50’, perhaps 200’.

Deborah Murphy, 24 Pilot Point Road thanked the ordinance committee, codes officer and town planner for their work on this issue. Ms. Murphy supports a wider range of notification however does not know what that number is.

Sheila Mayberry asked for consistency in the notification process across all boards, planning board, zoning board etc.

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

ORDERED, the Cape Elizabeth Town Council refers the issue of building permit issuance notifications to the Planning Board.

(7 yes) (0 no)

**Item# 51-2013      Proposed Amendments to Subdivision Ordinance**

Present – Victoria Volent, Chairman Planning Board

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

ORDERED, the Cape Elizabeth Town Council thanks the Planning Board for their work and refers proposed amendments to the subdivision ordinance to the Ordinance Committee.

(7 yes) (0 no)

**Item# 52-2013      Library Building Use Policy**

Present – Jay Scherma, Director Thomas Memorial Library

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

ORDERED, the Cape Elizabeth Town Council approves the recommendations of the Thomas Memorial Library Trustees to amend the Building Use Policy as presented.

(7 yes) (0 no)

See attachment.

**Item# 53-2013      Proposal to Eliminate Most Library Overdue Materials Fines**

Present – Jay Scherma, Director Thomas Memorial Library

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

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the Thomas Memorial Library Trustees to modify the Circulation Policy to eliminate overdue fines while still keeping the damage and lost item policies as presented. The Interlibrary loans will still have late fees associated with them. The effective date of the change will be determined following discussion by staff however no later than July 1, 2013.

(7 yes) (0 no)

See attachment.

**Item# 54-2013      Appointments Committee Recommendations**

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

ORDERED, the Cape Elizabeth Town Council approves the recommendations of the Appointments Committee to appoint the following residents to serve on the Town Center Plan Committee 2013 as presented.

Stephanie Carver	40 Stonybrook Road
Diane Hessler	17 Canterbury Way
Skip Murray	20 Grover Road
Stephen Parkhurst	21 Oakhurst Road
Lee Rutty	1 Birchwood Road

(7 yes) (0 no)

**Item# 55-2013      Charles Road Sewer Rehabilitation Project**

Intro – Mr. McGovern

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

ORDERED, the Cape Elizabeth Town Council approves 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.

(7 yes) (0 no)

**Item# 56-2013      Successor Lease for Building #324 at Fort Williams Park**

Intro – Mr. McGovern

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

ORDERED, the Cape Elizabeth Town Council approves a lease to Family Crisis Shelter Services for Building # 324 at Fort Williams Park as presented.

(7 yes) (0 no)

See attachment.

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**

Intro – Manager McGovern

Moved by James R. Wagner and Seconded by David S. Sherman, Jr.

ORDERED, the Cape Elizabeth Town Council authorizes the sum of \$37,000 be transferred from the unallocated fund balance to the Legal and Audit Services account (0135-2010) and the sum of \$9,000 be transferred from the unallocated fund balance to the General Assistance account (0410-5101) in order to appropriate projected needs in the two accounts through June 30, 2013.

(7 yes) (0 no)

	<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

	<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**

Intro – Mr. McGovern

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

ORDERED, the Cape Elizabeth Town Council approves the annual renewal of river herring (alewife) rights as presented.

(7 yes) (0 no)

See attachment.

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

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

Moved by David S. Sherman and Seconded by James R. Wagner

ORDERED, the Cape Elizabeth Town Council enters into executive session at 8:15 p.m. in conformance with 1 MRSA §405 6 C 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.

(7 yes) (0 no)

Moved by David S. Sherman, Jr. and Seconded by Caitlin R. Jordan

ORDERED, the Cape Elizabeth Town Council exits executive session and reenters public session at 8:29 p.m.

(7 yes) (0 no)

### **Adjournment**

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

ORDERED, the Cape Elizabeth Town Council adjourns at 8:31 p.m.

(7 yes) (0 no)

Respectfully Submitted,

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Debra M. Lane, Town Clerk