

**CAPE ELIZABETH TOWN COUNCIL MINUTES**

Regular Meeting # 10-2013

Cape Elizabeth Town Hall

Monday, May 13, 2013

7:00 p.m.

**Roll Call by the Town Clerk 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**

Councilor Sullivan reported the Library Planning Committee held their third meeting today. Future meetings include tours of local libraries.

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

**Town Manager’s Report**

Mr. McGovern provided an overview of the various department projects, activities, programming, retirements, and board and commission updates.

Debra Lane reported on the school budget validation referendum polling hours for Tuesday, May 14.

**Review of Minutes**

**April 8, 2013**

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

ORDERED, the Cape Elizabeth Town Council approves the minutes of meeting #7-2013 held April 8, 2013 as presented.

(7 yes) (0 no)

**April 11, 2013**

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

ORDERED, the Cape Elizabeth Town Council approves the minutes of special meeting #8-2013 held April 11, 2013 as presented.

(7 yes) (0 no)

**May 13, 2013**

**April 29, 2013**

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

ORDERED, the Cape Elizabeth Town Council approves the minutes of special meeting #9-2013 held April 29, 2013 as presented.

(7 yes) (0 no)

**Item# 79-2013 Inn by the Sea Annual License Renewals**

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

ORDERED, the Cape Elizabeth Town Council, having invited public comment on Monday, May 13, 2013 does hereby approve the annual renewal of malt, vinous and spirituous licenses and the special amusement permit for the Inn by the Sea, LLC located at 40 Bowery Beach Road.

(7 yes) (0 no)

**Item# 80-2013 The Local Buzz Annual License Renewals**

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

ORDERED, the Cape Elizabeth accepts the recusal of Councilor Wagner to participate in discussion and voting on Item #80-2013 due to his ownership of The Local Buzz.

(7 yes) (0 no)

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

ORDERED, the Cape Elizabeth Town Council, having invited public comment on Monday, May 13, 2013 does hereby approve the annual renewal of malt, vinous and spirituous licenses and the special amusement permit for the Cape Café, LLC- the Local Buzz located at 327 Ocean House Road.

(6 yes) (0 no) (1 recusal Councilor Wagner)

**Item# 81-2013 Appointments Committee Recommendation**

Intro – Councilor Sullivan, Chairman Appointments Committee

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

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the Appointments Committee to appoint Jim Tasse, 30 Cliff Avenue to fulfill an unexpired term on the Conservation Commission for a term to expire December 31, 2013. This appointment is effective immediately.

(7 yes) (0 no)

**May 13, 2013**

**Item# 82-2013      Voter Registration Appeals Board**

Intro – Debra Lane, Town Clerk

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

ORDERED, the Cape Elizabeth Town Council confirms the nominations to the Registration Appeals Board from the Democratic Town Committee to nominate Nolan L. Reichl, 1 Rock Crest Drive and alternate Karen M. Hessel, 45 Wildwood Drive and from the Republican Town Committee to nominate Martin J. Sheehan, 18 Star Road and alternate Janet M. Staples, 27 Trundy Road.

The terms are effective immediately for terms to expire May 13, 2016.

(7 yes) (0 no)

**Item# 83-2013      Miniature Golf Request in BA Zone**

Carl Dittrich, 500 Ocean House Road explained his concept for a miniature golf course in the BA Zone - 9 holes, 50'x50', no lights, no music, natural setting.

Moved by Caitlin J. Jordan and Seconded by James R. Wagner

ORDERED, the Cape Elizabeth Town Council refers to the Planning Board a request from Carl Dittrich permitting miniature golf courses in the BA Zone.

(3 yes) (4 no Councilors Sullivan, Ray, Sherman and Walsh)

**Item# 84-2013      Day Camps**

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

ORDERED, the Cape Elizabeth Town Council refers to the Ordinance Committee recommendations from the Planning Board relating to proposed amendments to Chapter 19 Zoning Ordinance which will allow summer day camps and further sets those changes to public hearing on Monday, June 10, 2013 at 7:00 p.m. at the Cape Elizabeth Town Hall.

(7 yes) (0 no)

**Item# 85-2013      Proposed Amendments to the Subdivision Ordinance**

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

ORDERED, the Cape Elizabeth Town Council sets to public hearing Ordinance Committee recommendations for proposed amendments to Chapter 16 Subdivision Ordinance replacement ordinance for Monday, June 10, 2013 at 7:00 p.m. at the Cape Elizabeth Town Hall.

(7 yes) (0 no)

**May 13, 2013**

**Item# 86-2013 Proposed Amendments Related to Responsibilities of the Conservation Commission**

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

ORDERED, the Cape Elizabeth Town Council sets to public hearing Ordinance Committee recommendations for proposed amendments to Chapter 4 Boards and Commissions Article V related to responsibilities of the Conservation Commission for Monday, June 10, 2013 at 7:00 p.m. at Cape Elizabeth Town Hall.

(7 yes) (0 no)

**Item# 87-2013 Renewal Lease for Building 326 at Fort Williams Park**

Present – Greg Marles, Director of Facilities and Transportation

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

ORDERED, the Cape Elizabeth Town Council approves the proposed lease with Behavioral Health Resources, Inc. for a three year lease of space at Building # 326 at Fort Williams Park as presented.

(7 yes) (0 no)

See attachment.

**Item# 88-2013 Shore Road Sidewalk Estimate**

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

ORDERED, the Cape Elizabeth Town Council authorizes the allocation of up to \$107,000 from the unallocated general fund balance for new sidewalks between the two Fort Williams Park entrances and between Cottage Lane and Surf Road thus providing a sidewalk or pathway on all of Shore Road from Preble Street to Shore Road.

(7 yes) (0 no)

**Item# 89-2013 Proposed Ordinance Committee Review of Vendor Sales at Fort Williams Park**

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

ORDERED, the Cape Elizabeth Town Council refers to the Ordinance Committee a review of ordinance issues relating to supervision of vendor locations at Fort Williams Park. The review shall include participation from representatives of the Fort Williams Advisory Commission.

(7 yes) (0 no)

**May 13, 2013**

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

Dr. Eric Frehm, 64 Cross Hill Road asked if the town council is able to limit the noise levels at the Spurwink Rod and Gun Club.

After discussion it was decided to schedule, at an upcoming workshop, an update on the Spurwink Rod and Gun Club.

Following the meeting Greg Marles will provide an update to the town council regarding possible replacement of the dais with tables. Tables will allow flexibility of setting the council chamber for meetings and workshops. The tables will be pre-wired for power and microphones.

**Adjournment**

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

ORDERED, the Cape Elizabeth Town Council adjourns at 8:15p.m.

(7 yes) (0 no)

Respectfully Submitted,

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Debra M. Lane, Town Clerk