

August 12, 2013

The town sends its condolences to the family of Bruce Kempton who passed away August 8. Bruce worked for the town for over 30 years. He was the first parks foreman and after his retirement worked part time at the recycling center for 5 years.

The town hall and library will be closed this Thursday, August 15 for the annual employee training and recognition luncheon.

Tax bills are being mailed this week with due dates of 10/1/2013 and 4/1/2014.

Review of Draft Minutes: July 8, 2013 and July 30, 2013

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

ORDERED, the Cape Elizabeth Town Council approves the minutes of Meeting #12-2013 held July 8, 2013 as written.

(5 yes) (0 no) (1 abstention Councilor Sullivan)

Councilor Sullivan was absent from the July 8 meeting.

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

ORDERED, the Cape Elizabeth Town Council approves the minutes of Special Meeting #13-2013 held July 30, 2013 as written.

(6 yes) (0 no)

Item# 104-2013 Ocean House Pizza Malt and Vinous Renewal Application

Chairman Walsh provided an opportunity for public comment however none was offered.

Present – Mrs. Gikas, representing Ocean House Pizza

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

ORDERED, the Cape Elizabeth Town Council hereby approves the renewal malt and vinous license for C.A.G. Pizza, Inc. dba Ocean House Pizza at 337 Ocean House Road as presented.

(6 yes) (0 no)

Item# 98-2013 Proposed Vending Regulations for Fort Williams Park

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

ORDERED, the Cape Elizabeth Town Council removes Item #98-2013 off the table from July 8, 2013.

(6 yes) (0 no)

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

ORDERED, the Cape Elizabeth Town Council approves the proposed rules and regulations for the vending of expressive matter at Fort Williams Park effective August 19, 2013. The draft dated July 31, 2013.

(6 yes) (0 no)

See attachment.

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Item# 105-2013 Building Permit Issuance Notification Procedure

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

ORDERED, the Cape Elizabeth Town Council sets to public hearing for Monday, September 9, 2013 at 7:00 p.m. at Cape Elizabeth Town Hall a proposed amendment to the Zoning Ordinance regarding the procedure for notifying neighbors of the issuance of certain building permits. The proposed amendments are to Sec 19-3-3 D.

(6 yes) (0 no)

See attachment.

Item# 106-2013 Request to Permit 100 Seats in Restaurants in the BA Zone

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

ORDERED, the Cape Elizabeth Town Council refers to the Planning Board for review a request from the Good Table Restaurant to permit restaurants in the BA Zone to have 100 seats. Sec 19-6-5. D.1.g currently states that restaurants are limited to no more than 80 seats in the BA zone.

(6 yes) (0 no)

Item# 107-2013 Pavement Management Study Report

Present – Robert Malley, Director of Public Works

Presentation - Tom Gorrill of Gorrill Palmer Consulting Engineers, Inc.

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

ORDERED, the Cape Elizabeth Town Council acknowledges receipt of the Pavement Management Report dated July 22, 2013 prepared by Gorrill-Palmer Consulting Engineers, Inc.

(6 yes) (0 no)

Item# 108-2013 Road Repair Priorities FY 2014-2019

Intro – Robert Malley, Director of Public Works

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

ORDERED, the Cape Elizabeth Town Council acknowledges receipt of the proposed priorities for roadway and drainage project for the current and next five fiscal years.

(6 yes) (0 no)

See attachment.

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Item# 109-2013 Capital Stewardship Plan

Intro – Mr. McGovern

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

ORDERED, the Cape Elizabeth Town Council acknowledges receipt of the 10 year Capital Stewardship Plan FY 2015 – 2024 dated August 1, 2013.

(6 yes) (0 no)

Item# 110-2013 Potential Land Donation of Lot U29-31B

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

ORDERED, the Cape Elizabeth Town Council approves the recommendation of the Conservation Commission to accept a donation of a small lot northwesterly of Stephenson Street off Spurwink Avenue near the South Portland line (Map U29 Lot 31B) from the estate of Cynthia Rice. The current assessed value is \$4,700.

(6 yes) (0 no)

Item# 111-2013 Thomas Jordan Fund

Intro – Mr. McGovern

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

ORDERED, the Cape Elizabeth Town Council acknowledges receipt of the report of Town Manager McGovern regarding the finances of the Thomas Jordan Fund.

(6 yes) (0 no)

Item# 112-2013 Pay Classification Plan 2013-2014

Intro – Mr., McGovern

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

ORDERED, the Cape Elizabeth Town Council adopts the Pay Classification Plan 2013-2014 for non-union employees as presented. The adjustment is 2%.

(6 yes) (0 no)

See attachment.

Item# 113-2013 General Assistance Update

Public Hearing

Chairman Walsh opened the hearing to public comments at 8:53 p.m.
After hearing no comments the hearing was closed.

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

ORDERED, the Cape Elizabeth Town Council adopts the amendments to the General Assistance Ordinance and Appendices (A) taking effect 7/1/13 – 6/30/14 and Appendices (B – E) taking effect on 10/1/2013 – 9/30/14 as presented.

(6 yes) (0 no)

Item# 114-2013 MMA Annual Ballot

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

ORDERED, the Cape Elizabeth Town Council authorizes the Town Clerk to cast the annual ballot for officers of the Maine Municipal Association as designated on the slate and approve Councilor Ray to serve as Cape Elizabeth's voting delegate to the annual meeting.

(6 yes) (0 no)

Item# 115-2013 Future Council Meetings

Intro – Mr. McGovern

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

ORDERED, the Cape Elizabeth Town Council adopts the recommended schedule of council workshops and regular meetings for 2013 as follows.

- August 12, 2013 Town Council Regular Meeting
- September 5, 2013 Town Council Workshop
- September 9, 2013 Town Council Regular Meeting
- October 7, 2013 Town Council Regular Meeting
- October 16, 2013 Town Council Workshop
- November 6, 2013 Caucus of 2015 Council and Regular Town Council Meeting
- November 13, 2013 Town Council Workshop (2014 and 2015 Council Invited)
- December 2, 2013 Town Council Workshop (2015 Council)
- December 9, 2013 Town Council First Regular Meeting of 2015 Council

(6 yes) (0 no)

Town Clerk Debra Lane reminded residents that nomination papers are available for town council and school board. The deadline to file is 4:00 p.m. Friday, September 6.

Citizens Discussion of Items Not on the Agenda **None**

Item# 116-2013 Requested Executive Session

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

ORDERED, the Cape Elizabeth Town Council enters into executive session at 8:59 p.m. to discuss a personnel matter in conformance with 1 M.R.S.A. §405 6 A and to review an application for a poverty abatement in conformance with 1 M.R.S.A. §405 6 F.

(6 yes) (0 no)

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

ORDERED, the Cape Elizabeth Town Council exits executive session and reenters public session at 9:45 p.m.

(6 yes) (0 no)

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

ORDERED the Cape Elizabeth Town Council approves the request for a poverty tax abatement in the amount of \$2845.74.

(6 yes) (0 no)

Adjournment

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

ORDERED, the Cape Elizabeth Town Council adjourns at 9:48 p.m.

(6 yes) (0 no)

Respectfully Submitted,

Debra M. Lane, Town Clerk