

CAPE ELIZABETH TOWN COUNCIL MINUTES
Regular Meeting # 15-2013
Cape Elizabeth Town Hall
Monday, September 9, 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 Sherman attended the Brentwood neighborhood's 10th Whifflepalooza on August 24th. Steve and Jean Lavallee host the 12-hour wiffleball game. The event raises funds for the children's section of the Thomas Memorial Library.

Councilors Sullivan and Governali reported on the progress of the Library Planning Committee. In a continued effort to obtain feedback, insight and points of view of citizens, a survey will be available beginning September 12. Citizens interested in taking the survey will have the option to complete a survey online or paper copy.

Chairman Walsh reported on a letter the town council received today regarding the decision to eliminate senior citizen discounts at Community Services and Donald Richards' Pool. Russell Packett, Director of Community Services has already responded explaining the reasoning of providing a fair and equitable system for all membership categories. Eliminating rates for one category escalates prices in others. A scholarship system is in place to help residents in financial need who want to participate in community services activities.

The Town Center Plan Committee will next meet at 4:00 p.m. Monday, October 7 in the Technology Conference Room at Town Hall.

Key Bank, 1234 Shore Road, will be closing on December 6.

Finance Committee Report

Councilor Governali continues to work with Michael Moore on the capital improvement plans for the town and school. The chairmen and finance chairmen of the two boards will meet tomorrow morning preparing for the meeting of both boards on September 25.

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Citizen Opportunity for Discussion of Items Not on the Agenda None

Town Manager's Report

Mr. McGovern reported on the activities, projects and personnel updates of the town departments.

Over 500 participated in the summer reading program. The Thomas Memorial Library has been named at Family Place Library, one of 250 in the country, focusing on literacy.

Chief Neil Williams has announced the following promotions – Sergeant Paul Fenton, Detective Mark Dorval and Community Liaison Officer David Galvin. A prescription drug drop off will take place on October 26.

The Charles Road project is almost done. The Shore Road sidewalk project near the entrance to Fort Williams is complete. Exterior fencing at Fort Williams Park is nearly complete. A culvert on Spurwink Avenue near Purpoodock Drive will be replaced on September 18. There will be disruption to traffic that day.

The ladder truck has been refurbished at a cost of approximately \$70,000. 10 new members have been added to the fire call company; six from CEHS, four from SMCC.

The Town Center Committee forum will be held on October 17, 7:00 p.m. Town Hall Council Chamber.

The next regular meeting of the town council is Monday, October 7.

The town's employee recognition luncheon was held August 15. 17 employees received service recognitions.

Review of Draft Minutes: August 12, 2013

Moved by Katharine N. Ray and Seconded by Frank J. Governali

ORDERED, the Cape Elizabeth Town Council approves the minutes of Meeting #14-2013 held August 12, 2013 as presented.

(6 yes) (0 no)

Item# 117-2013 Building Permit Issuance Notification Procedures

Public Hearing: Building Permit Issuance Notification Procedures

Chairman Walsh opened the hearing for public comments at 7:20 p.m. After hearing no comments the hearing was closed.

Present – Ben McDougal, Code Enforcement Officer

Intro – Councilor Ray, Chair Ordinance Committee

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

ORDERED, the Cape Elizabeth Town Council amends Chapter 19 Zoning Ordinance relating to the building permit issuance notification procedure for the issuance of certain building permits (19-3-3 D).

(6 yes) (0 no)

D. Action on Applications

1. Within seven (7) working days of the filing of an application for a Building Permit involving a single family residence or fifteen (15) working days for permits involving other uses, the Code Enforcement Officer shall approve, deny, or refer such application to the appropriate body. The decision of the Code Enforcement Officer shall be in writing citing the provisions of the Ordinance that apply and communicated directly to the applicant. One copy of the decision shall be filed in the Code Enforcement Officer's office. If the proposed activity requires site plan review in accordance with Article IX, Site Plan Review, the Code Enforcement Officer shall refer the applicant to the Town Planner. If a Conditional Use permit is required, the Code Enforcement Officer shall refer the applicant to the Zoning Board of Appeals and provide a copy of the decision to the Board.
2. A public notice shall be mailed upon issuance of any building permit that includes any of the following items. A public notice shall not be required if the building permit is for construction pursuant to a Planning Board or Zoning Board of Appeals approval.
 - a. Any expansion of a structure or new structure located within ten (10) feet of the minimum setback; and
 - b. Any expansion of a structure or new structure within 125' of the normal high water line;
3. When notice to abutters is required, the Code Enforcement Officer shall cause notice to be given by mail to the owners, as currently listed by the Town Tax Assessor, of all properties within 50' of the proposed project property line boundary within five (5) days of building permit issuance. Such notice shall include the address and map-lot number where the construction authorized by the building permit is located, a general description of the proposed construction, the setback of the construction from the nearest property line, the appeal period, and instructions on how to obtain additional information regarding the building permit. The Code Enforcement Officer shall also keep a public notice record that includes the notice and a list of the mailing addresses used.

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Item #118-2013 Trout Brook Grant Application

Present – Maureen O’Meara, Town Planner
Patrick Marass and Christopher Baldwin, Cumberland County Soil & Water Conservation

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

ORDERED, the Cape Elizabeth Town Council authorizes the Town Manager to apply for a Sec 319 grant for the Trout Brook area. The grant requires a 40% cash match. The Town of Cape Elizabeth proposes to use \$22,000 of the Trout Brook Community Fee Utilization Program (CFUP). Additional funding of up to \$10,000 from the Equestrian Center and \$7,000 in in-kind match.
(6 yes) (0 no)

Councilor Jordan arrived 7:52 p.m.

Item# 119-2013 Minor Modification to Sewer Easement Behind Rudy’s

Intro – Mr. McGovern

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

ORDERED, the Cape Elizabeth Town Council authorizes a minor amendment to the sewer easement behind Rudy’s provided the Planning Board also agrees to modify the easement area.
(7 yes) (0 no)

Item# 120-2013 Request for Amendment Extending Use of Sandwich Board Signs

Intro – Mr. McGovern

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

ORDERED, the Cape Elizabeth Town Council refers to the Ordinance Committee a request from Janice Stockson, owner of Shore Things, to extend the use of sandwich board signs along with other business signage provisions.
(7 yes) (0 no)

Item #121-2013 Outdoor Shooting Range

Councilor Wagner stepped down during the discussion and voting on this item based on the town council’s vote on September 5, 2013 to recuse Mr. Wagner from this item.

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

ORDERED, the Cape Elizabeth Town Council retains Kenneth Cole of Jensen Baird to assist in the development of potential ordinance amendments relating to outdoor shooting ranges with a report back to the Town Council by December 2, 2013.
(6 yes) (0 no) (1 recusal Councilor Wagner)

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Item# 122-2013 Library Space Planning

Intro – Molly MacAuslan, Chair Library Planning Committee

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

ORDERED, the Cape Elizabeth Town Council authorizes the Town Manager to spend an amount not to exceed \$20,000 to continue development of plans for space for library services. Said funds to be expended from the previously appropriated balances in account 0715-4052 Library Building Improvements.

(7 yes) (0 no)

Item# 123-2013 Solar Street Lighting Update

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

ORDERED, the Cape Elizabeth Town Council acknowledges receipt of the Solar Street Lighting update from Chief Neil Williams dated September 4, 2013. Chief Williams oversees the street lighting program for the town.

(7 yes) (0 no)

Item# 124-2013 Combined Sewer Overflow Permit Public Hearing

Intro – Mr. McGovern

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

ORDERED, the Cape Elizabeth Town Council sets to public hearing on Monday, October 7, 2013 at 7:00 p.m. at the Cape Elizabeth Town Hall on the general permit for the combined sewer overflow near Ottawa Road at the South Portland line.

(7 yes) (0 no)

Citizens Discussion of Items Not on the Agenda None

Item# 125-2013 Requested Executive Session

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

ORDERED, the Cape Elizabeth Town Council enters into executive session at 8:24 p.m. to discuss a personnel matter in conformance with 1 MRSA §405 6 A.

(7 yes) (0 no)

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

ORDERED, the Cape Elizabeth Town Council exits executive session and reenters public session at 8:50 p.m.

(7 yes) (0 no)

Adjournment

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

ORDERED, the Cape Elizabeth Town Council adjourns at 8:51 p.m.

(7 yes) (0 no)

Respectfully Submitted,

Debra M. Lane, Town Clerk