

CAPE ELIZABETH TOWN COUNCIL MINUTES
Regular Meeting # 16-2013
Cape Elizabeth Town Hall
Monday, October 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

Finance Committee Report

Citizen Opportunity for Discussion of Items Not on the Agenda

Dennis Moreau, Westbrook and Susan Love, Falmouth invited the town council and interested residents in celebrating the 25th anniversary with the sister cities and Archangel. The celebration will be held on Monday, November 18, 4:00 p.m. at the Westbrook Middle School Cafeteria.

Town Manager's Monthly Report

Debra Lane highlighted the Town Manager's report, available on the town's website, and added the following:

Conservation Commission's Trail Work Day – Saturday, October 19, 9:00 a.m., Eastman Meadows trail.

Ordinance Committee – Thursday, October 10, 8:00 a.m., Town Hall Jordan Conference Room
 Re: amendments to the business sign ordinance to allow sandwich board signs, without time limitations.

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Review of Draft Minutes: September 9, 2013

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

ORDERED, the Cape Elizabeth Town Council approves the minutes of meeting #15-2013 held September 9, 2013 as written.

(7 yes) (0 no)

Item# 125-2013 Ottawa Road Combined Sewer Overflow Permit

Public Hearing Ottawa Road Combined Sewer Overflow Permit

Intro – Robert Malley, Director of Public Works

Presentation – Chris Dwinal and Kattie Collins, Wright-Pierce

Chairman Walsh opened the hearing to public comments at 7:26 p.m.

After hearing no comments the hearing was closed.

The public hearing, with proper notice, is a requirement of the permitting process. No council action is required this evening. It is anticipated the town council will vote to approve the plan at the November 6 council meeting. Financing options will also be discussed at a future date.

Item# 126-2013 2013 Draft Greenbelt Plan

Intro – Councilor Wagner, Liaison to the Conservation Commission

Garvan Donegan, Chairman Conservation Commission

Present – Maureen O’Meara, Town Planner, Marti Blair, Conservation Commission

It was decided to provide the public comment segment following a motion by the town council.

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

ORDERED, the Cape Elizabeth Town Council acknowledges receipt of the 2013 Draft Greenbelt Plan.

Chairman Walsh asked for public comment as provided in the town council rules, limited to 15 minutes.

Penny Jordan, Owner William H. Jordan Farm, agrees with the public hearing as the next step. This will “provide an opportunity to address the process.” She stated if a property owner has asked to be removed from a plan (even a conceptual plan); their property should be removed immediately. What is the policy if someone walks off a trail onto an abutting private property? Who is responsible if someone gets hurt?

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Stewart Wooden, 33 Pilot Point Road, stated trail #23 (Surfside Avenue) should not be built. Taxpayer money should not be spent to create a new trail; the neighbors already have access to the water.

Connie Pacillo, 3 Reef Road, spoke in favor of adding Surfside to the greenbelt trail. Don't let the threat of litigation threaten a vote or the process.

Richard Bryant, 55 Spurwink Avenue, supports the open process of the Conservation Commission and the Town Council. It is important to keep long term views in mind, with "incremental" additions to trails without taking by eminent domain.

Marshall Goldman, 27 Pilot Point Road, said if trail #23 is built it would be "devastating." There is a neighborhood dispute over the paper streets. The town needs facts, what is the reason for paper streets and what are the legalities? The town is encouraged to "develop an independent set of facts."

The town council discussed possible next steps; take a site walk of trail #23, meet with the conservation commission to understand the rationale of the recommendations and obtain legal determinations from the town attorney regarding some of the questions including paper streets.

(7 yes) (0 no)

Item# 127-2013 Election Warrant

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

ORDERED, the Cape Elizabeth Town Council approves the election warrant for the municipal election to be held on November 5, 2013 as presented.

(7 yes) (0 no)

**TOWN OF CAPE ELIZABETH
MUNICIPAL ELECTION
WARRANT
TUESDAY, NOVEMBER 5, 2013**

County of Cumberland, ss.

To Neil R. Williams, a constable of Cape Elizabeth. You are hereby directed to notify the voters of Cape Elizabeth of the election described in the warrant.

Voting for two members of the Town Council to serve a three year term until December 12, 2016.

Voting for two members of the School Board to serve a three year term until December 12, 2016.

Election to be held on Tuesday, November 5, 2013, at the Cape Elizabeth High School Gymnasium.

Polls open at 7:00 a.m. and Close at 8:00 p.m.

Absentee Ballot Processing:

Absentee ballots will be processed at 9:00 a.m. Monday, November 4, 2013 in the William H. Jordan Conference Room at Town Hall. If requested, inspection time is 9:00 - 10:00 a.m.

Absentee ballots will be processed on Election Day, on the hour every hour until close, beginning at 7:00 a.m. The Cape Elizabeth Town Democratic Committee, the Cape Elizabeth Town Republican Committee and State Green Independent Party have also been notified, in writing, of the absentee ballot process.

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The Registrar of Voters is available to accept new registrations and corrections to the voter list at Town Hall, 320 Ocean House Road. Town Hall is open Mondays 7:30 a.m. - 5:00 p.m. and Tuesday - Friday, 7:30 a.m. - 4:00 p.m. Proof of residency and identity is required.

Municipal Officers of Cape Elizabeth, Maine
Dated at Cape Elizabeth this 7th day of October 2013.

A true copy. Attest: _____ Constable

 Attest: _____ Town Clerk

The warrant and specimen ballots shall be posted at least 7 days prior to the election.

Item# 128-2013 General Assistance Ordinance

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

ORDERED, the Cape Elizabeth Town Council sets to public hearing on Wednesday, November 6, 2013 at 7:00 p.m. at the Cape Elizabeth Town Hall the model general assistance ordinance as provided by the Maine Municipal Association.

(7 yes) (0 no)

Item# 129-2013 Capital Improvement Plan

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

ORDERED, the Cape Elizabeth Town Council acknowledges receipt of the **Cape Elizabeth Combined CIP Summary** with thanks to Finance Chairs Frank Governali and Michael Moore for all of their work on the plan.

(7 yes) (0 no)

Citizens Discussion of Items Not on the Agenda

Adjournment

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

ORDERED, the Cape Elizabeth Town Council adjourns at 8:18 p.m.

(7 yes) (0 no)

Respectfully Submitted,

Debra M. Lane, Town Clerk

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Upcoming Meetings

Wednesday, October 16	Town Council Workshop (Tentative)
Wednesday, November 6	Caucus & Town Council Meeting
Wednesday, November 13	Town Council Workshop
Monday, December 2	Town Council Workshop
Monday, December 9	Town Council Meeting