



Cape Elizabeth Town Council Minutes

Monday, July 14, 2014 - 7:00 p.m.

Cape Elizabeth Town Hall

Jessica L. Sullivan, Chairman
Caitlin R. Jordan
Molly MacAuslan
Katharine N. Ray
David S. Sherman, Jr.
Jamie Wagner
James T. Walsh

The meeting was convened by the Town Council Chairman Jessica Sullivan at 7:00 p.m.

Roll Call by the Town Clerk Pro-tem- All present except Councilor MacAuslan

The Pledge of Allegiance to the Flag was led by Chairman Sullivan

Town Council Reports and Correspondence- None

Finance Committee Report –None

Citizen Opportunity for Discussion of Items Not on the Agenda

Barbara Powers, Chair of the 250th anniversary committee presented an update on a full year of planned celebrations.

Town Manager's Monthly Report

The town manager congratulated and thanked deputy town clerk Jacqueline Coy on her August 1, 2014 retirement and 27 years of service to the Town of Cape Elizabeth.

He also recognized the passing of Richard D. Hewes who had served on the Cape Elizabeth School Board, as speaker of the Maine House of Representatives, as a state senator and as a county commissioner.

Review of Draft Minutes of Previous Meetings

June 9, 2014 Moved by J Walsh and seconded by K Ray to approve the minutes as drafted. Voted 6-0

June 16, 2014 Moved by J Walsh and seconded by K Ray to approve the minutes as drafted. Voted 6-0

Public Hearing: Number of Seats Permitted in a Restaurant in a BA Zone

Chairman Sullivan invited public comments; there were none and the public hearing was closed.

Item # 94 Number of Restaurant Seats in a BA Zone

Moved by K Ray and seconded by J Walsh to adopt the amendment to the zoning ordinance providing that restaurants in the BA zone may have up to 100 seats. Voted 6-0

SEC. 19-6-5. BUSINESS DISTRICT A (BA)

D. Standards

1. Performance Standards

g. Restaurant, including delicatessen, ice cream parlor, and sit down restaurant, size shall be limited to no more than 10080 seats.

Public Hearing: Rudy's Liquor Licenses and Special Amusement Permit [Application](#)

Chairman Sullivan invited public comments; there were none and the public hearing was closed.

Item # 95 Rudy's Liquor Licenses and Special Amusement Permit [Application](#)

Moved by D. Sherman and seconded by J. Walsh to recommend to the Maine Bureau of Alcoholic Beverages approval of a malt, spirituous and vinous license for Cape Elizabeth Hospitality Group, LLC, dba Rudy's of the Cape located at 517 Ocean House Road and to approve the special amusement permit. **Voted 6-0**

Public Hearing: [General Assistance Appendices](#)

Chairman Sullivan invited public comments; there were none and the public hearing was closed.

Item # 96 [General Assistance Appendices](#)

Moved by J. Walsh and seconded by D. Sherman to approve Appendix "A" and "B" as recommended by the Maine Municipal Association as the total overall maximums and food maximums for the administration of the general assistance program. **Voted 6-0**

Item # 97 [Normal High Water Mark Report from the Ordinance Committee](#)

Ordinance Committee Chair Katharine Ray introduced this item and gave a report from the ordinance committee. The town planner then provided a presentation showing the relative effects of the proposed language. Chairman Sullivan also provided a review of the timeline thus far for review of this proposal. Members of the public then commenting were Deb and Maynard Murphy of Pilot Point Road, Shelia Mayberry of Trundy Road, and Richard Bryant of Spurwink Avenue. All expressed concerns that the proposal reduces the protection of the shoreland area and they asked for more council review.

The council discussed whether or not a council workshop should occur on the proposal and there was a consensus to defer a decision on whether or not to have a workshop until after the public hearing.

Moved by K Ray and seconded by J Walsh to set a public hearing on the proposal for Monday, August 11, 2014 at 7:00 p.m. at the Cape Elizabeth Town Hall with proper notices thereof. **Voted 6-0**

Item # 98 Naming Recognitions within and on the grounds of the Thomas Memorial Library

The Library Building Committee has recommended opportunities for naming recognitions on the library grounds and within the library. Frank Governali, a member of the Library Building Committee presented the proposal. **Moved by K. Ray and seconded by J. Wagner** to approve the proposal as presented and to have the adopted proposal included as an appendix to the official minutes. **Voted 6-0**

[PDF of Recommendation](#) [Word Version](#)

Item # 99 [Review of Process for Greenbelt Plan Update Completed in January 2014](#)

Councilor Wagner on behalf of himself and Councilor Jordan presented a [report](#) reviewing the process undertaken to update the greenbelt plan.

Robert Stier of Rock Crest Drive commented that the town should not propose any public use of private property.

Moved by **D. Sherman** and seconded by **J. Walsh** to receive the report. **Voted 6-0.** Moved by **J. Walsh** and seconded by **J. Wagner** that a future workshop is also to consider observations on the public engagement process for other recent proposals and projects. **Voted 6-0**

Item # 100 [Coastal Zone Management Program Grant Application](#)

Moved by **J. Walsh** and seconded by **D. Sherman** to approve the submittal of a grant application to the Maine Department of Agriculture, Conservation, and Forestry to update the 1995 town center storm water management program. **Voted 6-0**

Item # 101 [Deadline for Review of Land Use Amendments](#)

The town council chair presented a recommendation that the council request the planning board to submit by January 2015 its recommendations on proposed amendments to the zoning ordinance arising from the land use chapter of the 2007 Town of Cape Elizabeth Comprehensive Plan. **Moved by J. Walsh** and seconded by **K. Ray** and so voted to make the request as proposed. **6-0**

Item # 102 [Tax Increment Finance Districts Presentation](#)

The town manager made a [presentation](#) on tax increment finance districts particularly referencing the proposal in the recently submitted town center plan. **Moved by D. Sherman** and seconded by **J. Wagner** to request staff to prepare a draft TIF application and to have a public hearing on it at the September regular council meeting. **Voted 6-0**

Item # 103 [Five Year Financial Forecast](#)

The town manager presented a five year financial forecast. The presentational was informational only and no vote was taken.

Item # 104 **Proposed Revised Carry Forward Balances**

Moved by **J. Walsh** and seconded by **K Ray** to approve the following carry forward balances for FY 2014. **Voted 6-0**

	General Fund Assigned Fund Balances	Revised July 2 2014	
1102016	Records Preservation	\$	5,346
1202011	App Geo Implementation	\$	8,165
2104002	Police Department Donations	\$	1,877
5205053	Family Fun Day	\$	9,635
5205053	250th Anniversary Committee	\$	15,000
6452019	Fort Williams Park Tree Planting	\$	6,030
7154004	Police Cruiser Replacement	\$	22,650
7154009	Roadway and Drainage Repairs	\$	113,005
7154009	Roadway and Drainage Projects (May 12th Vote)	\$	329,900
7154013	Sidewalk Improvements	\$	48,919
7154024	Town Hall Exterior Repair	\$	-
7154052	Library Project-Original Library Building	\$	106,337
7154111	Town Hall Meeting Spaces/Office Spaces Plan	\$	25,000
7154131	Town Center Building Repairs	\$	-
7154147	Police Exterior Door Replacement and Separation	\$	22,095
7155263	Extrication Tool	\$	25,000
7155265	Town Hall Electrical System	\$	97,095
7155267	Gull Crest Building Repairs	\$	-
7155269	2014 Bond Refinancing Fees and Expenses	\$	17,825
7254227	Fuel Donation Account	\$	3,687
	Budgeted Use of Undesignated Surplus	\$	352,000
		\$	1,209,566
	Infrastructure Fund Assigned Fund Balance		
7504008	Trout Brook	\$	25,000

Item # 105 Draft Policy for E-mail Notifications

Moved by D. Sherman and seconded by C. Jordan to approve a policy for email notifications which shall be included as an appendix to the official minutes. **Voted 6-0**

Item # 106 Updated Resolution with TD Bank and Peoples United Bank.

Scott Wyman began work on June 30, 2014 as the new school business manager. The school business manager position has always had check signing and other financial authority although the treasurer is the chief signer of checks. **Moved by J. Walsh and seconded by J Wagner** to approve amended resolutions with these banks in order to add Scott Wyman as an approved town agent . **Voted 6-0**

Citizens Discussion of Items Not on the Agenda- None

Item # 107 Update on Collective bargaining negotiations with the Teamsters representing Public Works employees.

Moved by D. Sherman and seconded by J Wagner to enter into executive session to discuss the status of collective bargaining for a successor agreement with Local 340 of the Teamsters representing public works staff. (1 MRSA §405 6 D.) **Voted 6-0**

The town council entered executive session at 9:18 p.m.

At 9:30 p.m., it was **moved by D. Sherman and seconded by K. Ray** to return to public session. **Voted 6-0**

Adjournment

At 9:31 p.m., it was moved by **D. Sherman and seconded by K. Ray** to adjourn. **Voted 6-0**

Respectfully submitted:

Michael K. McGovern, Town Clerk Pro-tem