

CAPE ELIZABETH TOWN COUNCIL MINUTES

Regular Meeting # 02-00/01

July 10, 2000

7:30 p.m.

Roll Call by the Town Clerk

Present Absent

Student Representatives

Penelope P. Carson, Chairman	36 Trundy Road	799-8029	6/2000	X
Henry N. Berry III	110 Two Lights Rd.	799-6500	6/2000	X
Carolyn M. Fritz	9 Hunt Club Road	767-3737	6/2000	X
John W. McGinty	86 Brentwood Road	767-0139	6/2001	X
John E. "Jack" Roberts, Jr.	185 Fowler Road	767-4526	6/2002	X
Anne E. Swift-Kayatta	14 Stone Bridge Road	767-5754	6/2002	X
Ruth E. McCleery Watson	7 Winding Way	799-3559	6/2001	X

Jamie Cluchey

X

Kristin Elia

X

Michael McGovern

X

Debra Lane

X

Pledge of Allegiance to the Flag

Presentations

Sheena Burnell and Devany Carroll were present to receive a Town Council Resolution commending the heroism of Sheena Burnell in saving the life of Devany Carroll. The incident occurred on June 22, 2000 at Maiden Cove.

Reports and Correspondence

Councilor Swift-Kayatta reported on the GCOG Annual Meeting held on June 22. Councilors Roberts, Fritz and Berry also attended. Congratulations to the Cape Elizabeth Police Benevolent Association on the June 21 Retirement Reception for Police Chief David W. Pickering.

Town Manager's Report

Michael Hill, Town Attorney updated the Town Council on recent issues involving the Planning Board and Zoning Board of Appeals (ZBA). The Planning Board decision was upheld in Superior Court regarding the proposed restaurant at the Scout House. A recent ZBA decision, regarding a garage addition to the property of Mr. & Mrs. Caputo, is notable as the decision changes the way the ZBA has decided cases of non-conforming sections of the ordinance.

Citizens' Discussion of Items Not on the Agenda

Minutes of Meeting # 1-00-01 held June 12, 2000

Moved by H. Berry and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council approves the minutes of Meeting #1-00/01 held June 12, 2000 as written.

(7 yes) (0 no)

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Item # 19-00/01 **Public Hearing** **Amendments to the Zoning Ordinance Relating To Establishing A Practical Difficulty Standard For Certain Variance Requests**

Intro - Michael Hill, Town Attorney

Chairman Carson opened the hearing for public comments at 7:47PM.
After hearing no comments, the public hearing was closed.

Moved by A. Swift-Kayatta and Seconded by J. Roberts

Be it Ordained by the Town Council of the Town of Cape Elizabeth, Maine, in Town Council assembled that the amendments to the Zoning Ordinance relating to establishing a practical difficulty standard for certain variance requests are approved as proposed in the January 3, 2000 Memorandum to the Cape Elizabeth Town Council from the Ordinance Committee.

(5 yes) (2 no H. Berry, C. Fritz)

See attachment.

Item # 20-00/01 **Public Hearing** **Proposed Changes For Rescue Services In Cape Elizabeth Including The Establishment of Fees**

Intro - Manager McGovern

Present - Chief McGouldrick
Rescue Captain Cox

Chairman Carson opened the public hearing to public comments at 8:19PM.

Patrick Cotter, 21 Ocean House Road Rescue Member

Mr. Cotter stated it is unfair to the City of South Portland that Cape Elizabeth relies on the City for paramedic coverage. He also stated it is unfair to an EMT when a paramedic is not available. A paramedic "can directly affect the outcome of a person's health care."

Greg Toot, 40 High View Road Rescue Member

The basic structure of the rescue "works well as is." Mr. Toot asked the Town Council to consider and assess what will happen to the level of care if a decision is made, or if a decision is not. How will a decision effect the recruitment and retention of paramedics and the community service that the rescue provides? Mr. Toot is "optimistic that the strategies defined in the plan will work." Build on the existing structure and enhance the service.

Kevin Guimond, 170 Ocean House Road Employed by City of South Portland
Paramedic

The Town needs to "provide the best service for my family." Mr. Guimond supports the report. "Let's enhance the quality we already have."

Dan Brown, 258 Mitchell Road Paramedic

Paramedics need to be employed and paid on a shift basis. The proposal needs more work. Fees are on the low side.

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Dr. George Higgins, 22 Stonegate Road Chief of Emergency Medicine at Maine Medical Center

Dr. Higgins suggests that it is best to get the patient to the hospital ASAP. What can the Town do to encourage wellness - e.g. immunization at the nursing care facilitates, house checks on the elderly, helmets on kids. Is it appropriate to charge insurance companies, yes. Is it fair to compensate rescue members, yes. The Town Council should perhaps consider staffing at the paramedic level at high volume times. Perhaps the Town should pay South Portland for their assistance.

Dick Grotton, 7 Ivie Road Rescue Member, Former Rescue Captain

Mr. Grotton expressed his interest in not losing the aspect of the volunteerism of the rescue, the willingness of the members to serve the community. Get the patient to the hospital ASAP. The Town needs constant/basic training for new EMT's.

Mark Stultz, 416 Mitchell Road Employed by City of Westbrook Rescue Member

Mr. Stultz feels the report is "on track." The Town Council should revisit the pay scale for paramedics and the staffing levels.

Scot Maddox, 481 Mitchell Road Employed by City of Portland Paramedic

Mr. Maddox encouraged the Town Council to have paramedic coverage available. He supports the elements of the proposal.

Jim Murray, 34 Peabbles Cove Former Rescue Captain Deputy Fire Chief

Mr. Murray supports paramedic coverage. The Town Council needs to look at the intermediate EMT level. With the changes in the law, can the intermediate level better support the Town's needs? The rescue has 8-10 members at the intermediate level. If the Town charges for service, will the donations decrease?

Mark Stultz clarified the new law allowing intermediate level EMT's to give 5 drugs, with limits - e.g. the EMT must call for medical control.

Evelyn Cox, Sawyer Road Rescue Captain

Mrs. Cox thanked everyone who spoke in support of the rescue.

After hearing no further comments, the public hearing was closed at 9:05PM.

Chairman Carson outlined three major components of the report; fees for service, pay for rescue members, and paramedic coverage.

Moved by J. McGinty and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council agrees to vote separately on the three elements of the report; fees for service, pay for rescue members, and paramedic coverage/pay.

(3 yes) (4 no P. Carson, J. Roberts, A. Swift-Kayatta, R. Watson)

Moved by A. Swift-Kayatta and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council adopts the implementation strategy as outlined in the Implementation Plan For The Rescue Company's Strategic Direction Dated March 1, 2000 to become effective October 1, 2000, including the amendment that paramedics transporting a patient to the hospital shall receive \$50 per call.

(7 yes) (0 no)

A copy of the report is filed with the Town Clerk.

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Item # 18-00/01 (tabled June 12, 2000)

Intro - Manager McGovern

Present - Chief Williams, Robert Malley

Moved by J. McGinty and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council takes ITEM #18-00/01 off the table from the June 12, 2000 meeting.

(7 yes) (0 no)

Moved by R. Watson and Seconded by A. Swift-Kayatta

Ordered the Cape Elizabeth Town Council approves the request from the Town Manager to provide \$10,000 to be appropriated from the undesignated fund balance to pay for local costs related to the OpSail 2000 event to be held in Greater Portland July 28 - July 31, 2000.

(7 yes) (0 no)

Item # 21-00/01 Present- Robert Malley
Jon Chapman, 77 Hillcrest Road

Moved by J. Roberts and Seconded by A. Swift-Kayatta

Ordered the Cape Elizabeth Town Council acknowledges receipt of a report from the Town Engineer regarding the proposed project to place dugouts at Holman Field and Capano Fields and authorizes up to \$6,610 for the cost of the path design and for permitting.

(7 yes) (0 no)

Item # 22-00/01 Intro - Manager McGovern
Present - Chief Williams

Moved by R. Watson and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council approves the request from all the residents of the proposed Sparrow Lane to change the name of their road to Harriman Farm Road, and to approve a request from the residents of the private drive of the proposed Berry Lane to change the name of their road to Beach Rose Lane.

(7 yes) (0 no)

Item # 23-00/01 Intro - Manager McGovern

Moved by H. Berry and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council authorizes the Town Manager to sign a quitclaim deed to Michael & Christine Butler to clear a title of a property that did not have a properly discharged lien back in the late 1950's. (U29- Lot 46)

(7 yes) (0 no)

See attachment.

Citizens Discussion of Items Not on the Agenda

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Present - Robert Malley, Chief Williams

Item # 24-00/01 Moved by A. Swift Kayatta and Seconded by R. Watson
Ordered the Cape Elizabeth Town Council enters into executive session at 10:58PM to review proposed collective bargaining agreements with the Cape Elizabeth Benevolent Association representing police officers, sergeants, the head dispatcher and dispatchers, and with Local 340 of the Teamsters representing certain public works employees.

(7 yes) (0 no)

Moved by H. Berry and Seconded by R. Watson
Ordered the Cape Elizabeth Town Council exits executive session and reenters public session at 11:31PM.

(7 yes) (0 no)

Chairman Carson excused herself regarding the vote on the Cape Elizabeth Benevolent Association's contract, as Ms Carson's son is a patrolman, and the contract considers wages.

Item # 25-00/01 Moved by R. Watson and Seconded by J. McGinty
Ordered the Cape Elizabeth Town Council approves the proposed Agreement Between The Town of Cape Elizabeth, Maine and The Cape Elizabeth Police Benevolent Association, dated July 1, 2000 - June 30, 2002, representing police officers, sergeants, the head dispatcher and dispatchers as presented.

(6 yes) (0 no) (1 abstention)

Item # 26-00/01 Moved by H. Berry and Seconded by A. Swift-Kayatta
Ordered the Cape Elizabeth Town Council tables until a subsequent Town Council meeting, ITEM #26-00/01 regarding the consideration of a proposed collective bargaining agreement with Local 340 of the Teamsters representing certain public works employees, as the Teamsters have not voted on the contract.

(7 yes) (0 no)

Adjournment

Moved by R. Watson and Seconded by A. Swift-Kayatta
Ordered the Cape Elizabeth Town Council adjourns at 11:40PM.

(7 yes) (0 no)

Note: On Tuesday, July 11, 2000 at 6:00 p.m., the Boards of the Thomas Jordan Trust and the Museum at Portland Head Light will meet at the Snow Squall in South Portland to conduct their annual meetings. After dinner, at approximately 7:00 p.m., the business portion of the evening will begin. The Boards of the Thomas Jordan Trust and the Museum at Portland Head Light are composed of the members of the Town Council.

The Town Council will also be discussing their goals for the year as part of a workshop following the above annual meetings. They may also discuss potential recipients of the Ralph Gould Award for the year 2000. The two annual meetings and the workshop are all public meetings and all are at the Snow Squall.

Debra M. Lane, Town Clerk

Minutes approved August 14, 2000 as amended from draft.