



CAPE ELIZABETH TOWN COUNCIL MINUTES

Regular Meeting # 5-02-03

Wednesday, October 9, 2002

7:30 p.m.

Roll Call By The Town Clerk

Present Absent

Jack Roberts, Chairman	185 Fowler Road	X	767-4526	6/2005
Henry N. Berry III	110 Two Lights Rd.	X	799-6500	6/2003
Penelope P. Carson	36 Trundy Road	X	799-8029	6/2003
Carol Fritz	1 Stirrup Road	X	767-3737	6/2003
MaryAnn Lynch	2 Olde Colony Lane	X	767-5788	6/2004
John W. McGinty	86 Brentwood Road	X	767-0139	6/2004
Anne E. Swift-Kayatta	14 Stone Bridge Road	X	767-5754	6/2005
Michael K. McGovern, Town Manager		X		
Debra M. Lane, Town Clerk		X		
Student Representatives				
Rhiannon Gill		X		
Alex Weaver				X

Pledge of Allegiance to the Flag

Reports and Correspondence

Councilor Berry congratulated Anne Swift-Kayatta on her election to the MMA Executive Committee.

Councilor Lynch reported that the School Building Committee continues to review the proposed school project, however they have yet to finish their review. Recommendations will be forwarded to the School Board then to the Town Council. Property Revaluation Process – residents are reminded if they choose not to allow the assessor inside to review their property, they have waived their right to appeal the assessor's valuation.

Chairman Roberts welcomed Student Representative Rhiannon Gill. Congratulations to the Church of the Nazarene on their 30th year anniversary. A recent letter from FEMA indicates the town is in compliance with flood plain regulations. Thank you to Bruce Smith for his efforts.

Election

Debra Lane reminded residents of the upcoming General and Referendum Election to be held on Tuesday, November 5. Residents of Cape Elizabeth vote at the High School gymnasium. Polls are open at 7:00AM and close at 8:00PM. Absentee ballots are now available. Proof of residency and identity is required to register to voter. Residents may register anytime up and including the day of the election.

Town Manager's Report

Michael McGovern thanked the residents for their understanding during the recent pool shut down. Thank you to Lisa Petrucelli, Bernie Shannon and the Portland Water District Chemist for their work to re-open the pool.

Citizens' Discussion of Items not on the Agenda

Carl Pearson, 8 Russet Lane, former member of the Town Center Planning Committee
Mr. Pearson encouraged the Town Council to revisit the town center ordinance. It is "unfair of new business to bear the cost of new sidewalks." Reference – Planning Board recommendation/request of Dr. Johnson, owner of 1226 Shore Road, to build sidewalks adjacent to 1226 Shore Road. The town needs "a cohesive plan for sidewalks."

Minutes of Meeting # 4-02-03 held September 9, 2002

Moved by M. Lynch and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council approves the minutes of Meeting #4-02/03 held September 9, 2002 as written.

(7 yes) (0 no)

Item #23-02-03 (tabled 08/12/2002 and 9/9/02)

Moved by J. McGinty and Seconded by P. Carson

Ordered the Cape Elizabeth Town Council removes ITEM #23-02/03 from the table.
(7 yes) (0 no)

Present Jack Kennealy, 16 High View Road
 Paul Thelin, Attorney for Thomas Pinansky

Both parties have signed the agreement. Upon Town Council approval the Order of Vacation is filed at the Registry of Deeds.

Moved by P. Carson and Seconded by A. Swift-Kayatta

Ordered the Cape Elizabeth Town Council adopts the Agreement As To Mutual Restrictions and Covenants, regarding a proposed vacation of a portion of Bay View Road, as agreed upon by John P. & Rose M. Kennealy, signed 10/9/2002, and Thomas P. Pinansky, signed 10/1/2002. Said documents shall be forwarded to the Town Attorney for filing.
(7 yes) (0 no)

See attachment.

Request from Chairman Roberts to reconsider Item # 43-02-03

Item # 43-02-03

Moved by A. Swift-Kayatta and Seconded by M. Lynch

Ordered the Cape Elizabeth Town Council reconsiders ITEM #43-02/03 a request from Dr. Craig E. Johnson for an extension of the sewer line on Shore Road to provide sewer service to 1226 Shore Road.
(7 yes) (0 no)

Present Dr. Johnson
 David Griffin, Chairman Planning Board
 Maureen O'Meara, Town Planner

Intro – Manager McGovern

Moved by H. Berry and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council approves the request of Dr. Craig E. Johnson to extend the sewer line and connect 1226 Shore Road. The project to be funded from the sewer fund.

(6 yes) (1 no C. Fritz)

Item # 45-02-03

Present David Griffin, Chairman Planning Board
Maureen O'Meara, Town Planner

Moved by H. Berry and Seconded by M. Lynch

Ordered the Cape Elizabeth Town Council refers ITEM #45-02/03, regarding the acceptance of donations of pedestrian easements from Graham and Susan Pillsbury and Louise Sullivan of pedestrian easements from the Highlands trail to Two Lights Road, to the first available date for a special meeting.

(7 yes) (0 no)

Note: The intent is for the Grantors to review the Easement Deed for language regarding the prohibition of ATV's. It is believed the intent is to prohibit, however the Town Council would like to give the Grantors the opportunity to have the language added. The Town Council does have the authority to approve such prohibitions by ordinance.

Item # 46-02-03

Intro – Maureen O'Meara, Town Planner

Moved by H. Berry and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council acknowledges receipt of a report from the Planning Board recommending an amendment to the zoning ordinance in order to clarify how the open space requirements are applied to subdivisions in multiple zoning districts and refers the item to the Ordinance Committee.

(7 yes) (0 no)

Item # 47-02-03

Councilor Fritz abstained from discussion and voting on this item as she is a stockholder in the Purpoodock Club.

Intro – Manager McGovern

Moved by M. Lynch and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council acknowledges receipt of a report from the Planning board of proposed amendments to the zoning ordinance regarding golf courses and refers the item to the Ordinance Committee.

(6 yes) (0 no) (1 abstention C. Fritz)

Item # 48-02-03

Councilor Fritz abstained from discussion and voting on this item as she is a stockholder in the Purpoodock Club.

Moved by P. Carson and Seconded by M. Lynch

Ordered the Cape Elizabeth Town Council approves the annual renewals of the liquor license and special amusement permit for the Purpoodock Club, 300 Spurwink Avenue as presented.

(6 yes) (0 no) (1 abstention C. Fritz)

Item # 49-02-03

Intro – Councilor Lynch

Moved by A. Swift-Kayatta and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council approves the Cape Elizabeth Town Council Resolution regarding a proposed tax reform initiative.

(7 yes) (0 no)

See attachment.

Item # 50-02-03

Moved by P. Carson and Seconded by M. Lynch

Ordered the Cape Elizabeth Town Council approves Anne Swift-Kayatta to serve as the voting delegate to the Maine Municipal Association's Annual Meeting.

(7 yes) (0 no)

Moved by P. Carson and Seconded by M. Lynch

Ordered the Cape Elizabeth Town Council approves Jack Roberts to serve as the alternate voting delegate to the Maine Municipal Association's Annual Meeting.

(7 yes) (0 no)

Item # 51-02-03

Intro – Manager McGovern

Moved by P. Carson and Seconded by M. Lynch

Ordered the Cape Elizabeth Town Council approves the proposed amendment to the provisions for the use of the Spurwink Church as presented. Language added to paragraph 4 to read: The reservation form and payment must be returned within ten (10) days to secure the date and time of rental. After the ten-day period, the reservation will be considered null and void and available.

(7 yes) (0 no)

See attachment.

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Item # 52-02-03

Intro – Robert Stier, 9 Rock Crest Drive Member of the Thomas Memorial Library Trustees

Moved by A. Swift-Kayatta and Seconded by P. Carson

Ordered the Cape Elizabeth Town Council acknowledges receipt of the report from the Thomas Memorial Library Trustees and approves the proposed amendments to the library policy manual as presented.

(7 yes) (0 no)

See attachment.

Moved by H. Berry and Seconded by M. Lynch

Ordered the Cape Elizabeth Town Council suspends the **Rules of the Cape Elizabeth Town Council** to take ITEM ##54 & 55 out of order.

(7 yes) (0 no)

Present Steve Dow, Member of the Redeemer Lutheran Church

Moved by M. Lynch and Seconded by A. Swift-Kayatta

Ordered the Cape Elizabeth Town Council approves ITEM ##54 & 55 as presented:

Item #54-02-03

Request from the Shore Acres Neighborhood Association for a B.Y.O.B. Function permit to be held October 22, 2002 at St. Bart's Parish Hall 8 Two Lights Road 6-9PM.

Item #55-02-03

Request from the Redeemer Lutheran Church-LCMS for an Application for License For Incorporated Civic Organization to be held October 20, 2002 at Redeemer Lutheran Church 126 Spurwink Avenue 11:30AM-3PM.

(7 yes) (0 no)

Manager McGovern requested a clarification regarding the fees for reference material photocopies.

It was a consensus of the Town Council to affirm Town Council action regarding fees for photocopies. A photocopy is \$.25 per page except \$.05 per page is charged for reference material obtained at the library. The interpretation of the definition of reference material is at the discretion of the staff at the Thomas Memorial Library.

Citizens' Discussion of Items Not On The Agenda

Student Representative Rhiannon Gill of 89 Fowler Road provided a report to the Town Council regarding activities and events at the high school.

Item # 53-02-03

Moved by H. Berry and Seconded by A. Swift-Kayatta

Ordered the Cape Elizabeth Town Council enters into executive session to discuss land disposition/acquisition matters at 9:21PM. The items to be discussed are a town-owned lot on High View Road and the potential availability of land on Fowler Road for access to the Gullcrest Property.

(7 yes) (0 no)

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

Ordered the Cape Elizabeth Town Council exits executive session and reenters public session at 10:18PM.

(7 yes) (0 no)

Adjournment

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

Ordered the Cape Elizabeth Town Council adjourns at 10:18PM.

(7 yes) (0 no)

Debra M. Lane, Town Clerk

Future Meetings

Day	Date	Primary Topic	Also Invited
Thursday	October 10, 2002	Gull Crest Master Plan and /Budget Update	Conservation Comm & Planning Board
Wednesday	November 13, 2002	Regular Town Council Meeting	
Thursday	November 14, 2002	Town Center	Planning Board
Monday	December 9, 2002	Regular Town Council Meeting	
Thursday	December 12, 2002	Hold for Workshop	