



CAPE ELIZABETH TOWN COUNCIL MINUTES
Regular Meeting # 10-02-03
Monday, January 13, 2003
7:30 p.m.

		Present	Absent	
John E. "Jack" Roberts, Jr., Chairman	185 Fowler Road	X	767-4526	6/2005
Henry N. Berry III	110 Two Lights Road	X	799-6500	6/2003
Penelope P. Carson	36 Trundy Road	X	799-8029	6/2003
Carolyn M. Fritz	1 Stirrup Road	X	767-3737	6/2003
Mary Ann 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

Student Representatives

Rhiannon Gill	X
Alex Weaver	X

Michael K. McGovern	X
Debra M. Lane	X

Pledge of Allegiance to the Flag

Roll Call by the Town Clerk

Presentation of Ralph T. Gould Award to James and Evelyn Cox

Chairman Roberts presented James and Evelyn Cox with the 2002 Ralph T. Gould Award.

Reports and Correspondence

Councilor Lynch announced the January 21 workshop with the School Board
Re: presentation of proposed school projects.

Councilor Berry reminded citizens that dog licenses are due annually January 1st. A \$5.00 per dog late fee will be assessed beginning with dog licensed after January 31st.

Chairman Roberts Announcements

- Congratulations to Carl E. Hagmann, 11 Bowery Beach Road, on his Eagle Scout award.
- Condolences to Harry Proudman, CATV Coordinator, on the loss of his wife Val. Mrs. Proudman passed away December 25.
- Congratulations to Assessor Matthew Sturgis and his wife Amy, on the birth of their first child Liza Jane. Liza Jane was born December 25.

- Robert Leeman, Animal Control Officer/Utility Officer retired on January 10. Congratulations Bob.
- Thank you to Robert Malley and the entire Public Works crew for their terrific job during the recent snowstorms.
- Chairman Roberts attended the recent meetings of the Conservation Commission and Arts Commission.

Town Manager's Report

On behalf of the citizens of Cape Elizabeth, thank you to the entire Public Works crew for their snowplowing efforts during the recent storms. Great job!

Town Clerk Debra Lane reiterated Councilor Berry's reminder that dog licenses are now due. Dogs licensed after January 31st will be charged a \$5.00 per dog late fee.

Citizens' Discussion of Items not on the Agenda NONE

Minutes of Meeting # 9-02-03 held December 9, 2002

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

Ordered the Cape Elizabeth Town Council approves the minutes of Meeting #9-02/03 held December 9, 2002 as amended. A correction was noted on page 1 of the draft minutes. CEHS Sophomore Henry Kramer was congratulated on his recent piano ~~recital~~ competition.

(7 yes) (0 no)

Item # 69-02-03 Public Hearing on Golf Course and Golf Related Activities Zoning Amendments

Intro – Councilor McGinty, Chairman Ordinance Committee

Moved by P. Carson and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council approves the abstention of Councilor Fritz from discussion and voting on this item, as she is a stockholder of the Purpoodock Club.

(7 yes) (0 no)

Chairman Roberts opened the hearing to public comments at 7:45PM.

Tom Meschinelli, 6 Philip Road, Member of Purpoodock Club, Chairman of the Purpoodock Club Long-Range Planning Committee

Mr. Meschinelli favors the proposed amendments. Approval of the amendments provides future options for the Purpoodock Club.

John Greene, Manager of the Sprague Corporation

Mr. Greene favors the proposed amendments. The amendments provide options (another use of land) for larger landowners.

Craig Cooper, Owner of Rainbow Construction, 150 Ocean House Road,
Member of Purpoodock Club

Mr. Cooper favors the proposed amendments as it provides options for large landowners.

After hearing no further comments, the hearing was closed at 7:49PM.

Councilor McGinty noted an email received from Mr. Keller, 291 Spurwink Avenue. Mr. Keller opposes the proposed amendments calling the proposal "spot zoning" concentrating on the vacant parcel owned by the Purpoodock Club.

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

Be it ordained by the Town Council of the Town of Cape Elizabeth, Maine, in Town Council assembled to amend Chapter 19 Zoning Ordinance golf course zoning amendment as presented. Said amended sections to include Sec. 19-1-3 Definitions, Sec. 19-6-1 Residence A District (RA), Sec. 19-6-2 Residence B District (RB).

(6 yes) (0 no)

See attachment.

Note: The Ordinance Committee agreed to review the language in the Golf Course Related Activities definition, "which is located on a lot under common ownership with a lot where a golf course is located."

**Item # 70-02-03 Public Hearing on Open Space Zoning
Amendment – Relating to Density Standards in
Overlapping Districts**

Intro – Councilor McGinty, Chairman Ordinance Committee

Chairman Roberts opened the public hearing at 8:01PM.

After hearing no comments, the hearing was closed at 8:01PM.

Moved by C. Fritz and Seconded by P. Carson

Be it ordained by the Town Council of the Town of Cape Elizabeth, Maine, in Town Council assembled to amend Chapter 19 Zoning Ordinance open space zoning amendment as presented. Said amended section Sec. 19-7-2 Open Space Zoning C. Dimensional Standards 1. Density.

(7 yes) (0 no)

See attachment.

Item # 71-02-03

Approval Process for Various State Licenses

Intro – Debra Lane, Town Clerk

Moved by H. Berry and Seconded by P. Carson

Ordered the Cape Elizabeth Town Council approves the policy named Approval of Various State Liquor Licenses as amended.

Approval of Various State Liquor Licenses

One-Day/One Time Events

State law requires liquor license permits for various one-day/one time events. Prior to submission to the appropriate state agency, applications may require the approval of the municipal officers.

- If an event requires a liquor license, as determined by state statutes, it is the responsibility of the group, organization, individual person or association of persons, to be herein referred to as the **applicant**, to obtain the application from the appropriate state agency.
- It is the responsibility of the **applicant** to be apprised of, and conform to, all statutes, ordinances policies and procedures relating to the issuance of the license.
- The Town Council authorizes the Town Clerk or Deputy Town Clerk, as agent/on behalf of the Town Council, to sign various one-day/one time event liquor license applications e.g. Application for a B.Y.O.B. Function (Bring Your Own Bottle), Application for License for Incorporated Civic Organization.
- The application must be submitted to the Town within sufficient time to allow for a 5 business day processing period. It is the responsibility of the **applicant** to submit the application to the appropriate state agency within the time period required by statute.
- Prior to approval by the Town Clerk, the Police Chief, Fire Chief and Code Enforcement Officer shall review the application. If concerns or objections are stated, then the Town Council will consider the application at a regularly scheduled meeting.
- ~~If a resident(s) or another member(s) of the public opposes the approval of the application, then the Town Council will consider the application at a regularly scheduled meeting.~~

Beano, Bingo or Other Games Of Chance

State law requires permits for various events for beano, bingo or other games of chance. Prior to submission to the appropriate state agency, applications may require the approval of the municipal officers.

- If an event requires a permit, as determined by state statutes, it is the responsibility of the group, organization, individual person or association of persons, to be herein referred to as the **applicant**, to obtain the application from the appropriate state agency.
- It is the responsibility of the **applicant** to be apprised of, and conform to, all statutes, ordinances policies and procedures relating to the issuance of the license.
- The Town Council shall consider applications for beano, bingo and other games of chance. Applications to operate beano, bingo or other games of chance shall be considered by the Town Council at a regularly scheduled meeting.
- The application must be submitted to the Town within sufficient time to allow for processing. The Town Council meets once per month. The deadline for submission of materials to place an item on a Town Council agenda is the first business day of each month. It is the responsibility of the **applicant** to submit the application to the appropriate state agency within the time period required by statute.
- Prior to approval by the Town Council, the Police Chief, Fire Chief and Code Enforcement Officer shall review the application. Concerns or objections shall be reported to the Town Council.
- ~~○ If a resident(s) or another member(s) of the public opposes the approval of the application, such concerns or objections shall be reported to the Town Council.~~

Catered Function by Qualified Catering Organization Catering Privileges Off Premises

The Town Council affirms that the Town Clerk or Deputy Town Clerk, as agent/on behalf of the Town Council, is authorized to sign catered function by qualified catering organization, off premises catering applications, and the like. This authorization dates back prior to 1986.

Annual Liquor Licenses & Special Amusement Permits

Please refer to the Cape Elizabeth Code of Ordinances Chapter 5
Commercial Licenses and Permits.

(7 yes) (0 no)

**Item # 72-02-03 Request From Councilor Berry to Consider New
Copying Fees at the Thomas Memorial Library**

Intro – Councilor Berry
Jay Scherma, Director Thomas Memorial Library

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

Ordered the Cape Elizabeth Town Council amends the copying fees at the Thomas Memorial Library as recommended by Jay Scherma, Director as follows:

\$.15 single-sided copy (regardless of size)

\$.25 duplex copy (regardless of size)

Reference Materials – First 10 copies at no charge, \$.05 per sheet thereafter.

(7 yes) (0 no)

Item # 73-02-03 Appointments Committee Report

Intro – Councilor Carson, Chairman Appointments Committee

Moved by P. Carson and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council acknowledges receipt of the Appointments Committee report and approves the recommendation to re-appoint Steven D. LaPlante to the Zoning Board of Appeals and to re-appoint Frank Leavitt to the Riverside Memorial Cemetery Trustees. Said terms to expire January 1, 2006.

(7 yes) (0 no)

Note: These reappointments were omitted from the annual appointments voted on at the December 9, 2002 meeting.

Item # 74-02-03 Riverside Cemetery Burial Fees

Intro – Debra Lane, Town Clerk

Moved by P. Carson and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council approves the following fees for the 2003 burial season at Riverside Memorial Cemetery, as presented:

Regular Burial Weekday	\$425
Regular Burial Saturday & Holiday	\$450
Cremation Weekday	\$275
Cremation Saturday & Holiday	\$300
Placement of foundation	\$.40 per square inch

(7 yes) (0 no)

Item # 75-02-03 Spurwink Church Use Provisions

Intro – Michael McGovern, Town Manager

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

Ordered the Cape Elizabeth Town Council approves an amendment to the Provisions for Use of the Spurwink Church, as presented:

For non-residents, the security deposit and full rental fee will be non-refundable if cancelled six months or less prior to reservation date. Otherwise, there will be a \$100 charge for cancellation of the church reservation.

(7 yes) (0 no)

See attachment.

Item # 76-02-03 Proposed Change in Personnel Code

Intro – Michael McGovern, Town Manager

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

Ordered the Cape Elizabeth Town Council approves the proposed change in Chapter 3 Personnel Code as follows:

Sec. 3-1-1. Employment

(a) Equal Employment Opportunity

The Town shall employ, without discrimination as to race, color, creed, religion, sex, national origin, adult age, marital status, political affiliation, or any other non merit factor, the best qualified persons who are available at the salary levels established for Town employment, first preference being given always to citizens of Cape Elizabeth, all factors being equal. In order to ensure confidence in Town personnel practices, the following relatives of any employee are disqualified from employment, promotion or transfer within the same department: spouse, parent, son, daughter, grandchild, grandparent, brother, sister or the spouses of any of them. The above disqualification shall not apply to volunteer and part-time personnel who do not work a set schedule. ~~within the Cape Elizabeth Fire Department, to Town personnel employed prior to adoption of this section, nor during a storm emergency.~~ [Revised eff.

6/22/82]

(7 yes) (0 no)

Item # 77-02-03 Maine Department of Transportation Route 77 Project

Intro – Michael McGovern, Town Manager

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

Ordered the Cape Elizabeth Town Council approves the agreement with the Maine Department of Transportation regarding operations of construction equipment for the Route 77 paving project due to occur in the Spring of 2003, as presented.

(7 yes) (0 no)

See attachment.

Item # 78-02-03 Receipt of Capital Improvement Plan for FY 2004-2008

Intro – Michael McGovern, Town Manager

Moved by A. Swift-Kayatta and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council acknowledges receipt of the CIP for FY 2004 – FY 2008.

(7 yes) (0 no)

Note: A copy is on file in the Town Clerk's records.

Item # 79-02-03 Receipt of Benchmark Study

Intro – Michael McGovern, Town Manager

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

Ordered the Cape Elizabeth Town Council acknowledges receipt of the Town of Cape Elizabeth Financial Benchmarks Year 2000 Data Prepared December 2002.

(7 yes) (0 no)

Note: A copy if on file in the Town Clerk's records.

Citizens' Discussion of Items Not on the Agenda NONE

Item # 80-02-03 Consideration of Entering Executive Session to Begin the Annual Evaluation of the Town Manager

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

Ordered the Cape Elizabeth Town Council enters executive session at 8:54PM to begin the annual evaluation of the town manager.

(7 yes) (0 no)

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

Ordered the Cape Elizabeth Town Council exits executive session and reenters public session at 9:40PM.

(7 yes) (0 no)

Adjournment

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

Ordered the Cape Elizabeth Town Council adjourns at 9:40PM.

(7 yes) (0 no)

Debra M. Lane, Town Clerk

Next Meetings:

Town Council Workshop

Thursday, January 16, 2003 at 7:30 p.m. at Town Hall

Re: Lot next to Town Hall, discussion of upcoming budget process

Town Council Workshop with School Board

Tuesday, January 21, 2003 at 7:30 p.m. at the Community Center

Re: Discuss proposed school building projects

Town Council Workshop with School Board

Thursday, January 30, 2003 at 6:00 p.m. at the Community Center

Re: Fiscal Issues

Next Regular Town Council Meeting

Monday, February 10, 2003 at 7:30 p.m. at Town Hall

Tentative – Reschedule Regular March Town Council Meeting from Monday, March 10 to Wednesday, March 12, 2003 at 7:30PM at Town Hall