

CAPE ELIZABETH TOWN COUNCIL MINUTES

Regular Meeting # 9-03-04

Monday, December 8, 2003

7:30 p.m.

Present

Mary Ann Lynch, Chairman	2 Olde Colony Lane	X	767-5788	6/2004
David J. Backer	2 Rugosa Way	X	799-2397	6/2006
Carolyn M. Fritz	1 Stirrup Road	X	767-3737	6/2006
John W. McGinty	86 Brentwood Road	X	767-0139	6/2004
Michael D. Mowles, Jr.	423 Ocean House Road	X	741-2552	6/2006
John E. "Jack" Roberts, Jr	185 Fowler Road	X	767-4526	6/2005
Anne E. Swift-Kayatta	14 Stone Bridge Road	X	767-5754	6/2005

Student Representatives

Schuyler Armstrong	X
Brean Flynn	X
Town Manager- Michael McGovern	X
Town Clerk- Jacqueline Coy	X

Roll Call by the Town Clerk

Pledge of Allegiance to the Flag

Reports and Correspondence

Councilor McGinty attended the Cumberland County Advisory Committee's final meeting. They said there would be a 2.67% county increase in taxes in Cape Elizabeth. There is an \$80,000 incoming budget for the Cumberland County Charter Commission. They have also organized a Public Relations program to get the Charter Commission going again.

Councilor Roberts attended the Cumberland County Committee meeting after the November 4, 2003 election. He said it was too soon to put the Charter Commission question back on the next ballot. He also stated that he was disappointed that the two new school board members, Richard West and Katharine Ray, were not sworn in at the Town Council meeting, and they did not get the proper welcome.

Chairman Lynch read a letter from the High School Parents' Association regarding the unsafe traffic situation at the High School. The town just had a traffic study done. When the results are in at the end of this week, both the results and this letter will be sent to the Planning Board for a solution.

Town Manager's Report

Mr. McGovern wanted to wish everyone Happy Holidays, and he thanked the Public Works Department for their outstanding cleanup during the first snowstorm last weekend.

Minutes of Meeting # 8-03-04 held November 10, 2003

Moved by A. Swift-Kayatta and Seconded by D. Backer

Ordered the Cape Elizabeth accepts the minutes of meeting #8-03-04 held November 10, 2003 as written.

(7 yes)(0 no)

Citizens' Discussion of Items not on the Agenda -None

Item # 62-03-04 Action to authorize the town manager to sign a purchase and sale agreement for the sale of 316 Ocean House Road. (tabled 11/10/2003)

Moved by D. Backer and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council tables item # 62-03-04 until the end of this meeting and discuss it in Executive session.

(7 yes)(0 no)

Item # 75-03-04 Public hearing and action on annual liquor licenses for the Inn by the Sea

Public Hearing opened at 7:40 p.m. No one spoke and the public hearing closed.

Moved by M. Mowles and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council approves the annual malt, spirituous, and vinous licenses for the Inn By The Sea.

(7 yes)(0 no)

Item # 76-03-04 Report from the Appointments Committee recommending changes to the Policy for Appointments to Standing Boards and Commissions

Councilor Fritz gave overview of the changes. Councilor Backer wanted a friendly amendment to paragraph 4 to say, "Provided, however, despite the term limitations of this paragraph, for good cause shown the Town Council may appoint a board or commission member for an additional one year".

Moved by C. Fritz and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council approves the changes to the Statement of Policy Appointments to Standing Boards and Commissions as amended and the report of Responsibility of and for Boards and Commissions.

(7 yes)(0 no)

Item # 77-03-04 Report from the Appointments Committee recommending citizens to serve on boards and commissions

Councilor Fritz thanked the Appointments Committee, Assistant Town Manager, Debra Lane, and all the residents involved in the appointment process.

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

Ordered the Cape Elizabeth Town Council approves the following appointments to standing boards and commissions, and the appointment of the Fair Hearing Officer. The annual appointments are effective January 1, 2004. Unless otherwise noted, terms expire December 31, 2006.

Fair Hearing Officer: Henry N. Berry, III
A term to expire December 31, 2006

Board of Assessment Review: David Griffin(expires 12/31/2004)

Arts Commission: Ann Dittrich(expires 12/31/04), Christine A. Morgan, Marlee Hill

Conservation Commission: Carole Haas, David Sterling

Fort Williams Advisory Commission: Chet Rock, Steve Parkhurst

Personnel Appeals Board: Peter A. Howe

Planning Board: Andy Charles, David Griffin, David Sherman

Recycling Committee: Louise Sullivan, Jeff VanFleet

Thomas Memorial Library Trustees: Patricia Bredenberg, Robert Stier

Zoning Board of Appeals: Michael Tranfaglia

Note: The School Board has reappointed Sharon Roberts and Judy Rowe to the Community Services Advisory Commission. Terms to expire December 31, 2006.

A vacancy remains on the Recycling Committee, an unexpired term until December 31, 2004. interested citizens may apply on the website, or contact Debra Lane, Assistant Town Manager for an application.

(7 yes)(0 no)

Item # 78-03-04 Report from the Fort Williams Advisory Commission recommending amendments to the policy governing group uses at Fort Williams Park

Alan Bartheleman was here to answer questions.

Moved by J. McGinty and Seconded by D. Backer

Ordered the Cape Elizabeth Town Council accepts amendments to the policy governing group uses at Fort Williams Park.

(7 yes)(0 no)

Item # 79-03-04 Report from the fire chief regarding regionalization initiatives with the City of South Portland.

Chief McGouldrick gave report.

Moved by D. Backer and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council accepts the regionalization initiatives as presented with the City of South Portland, and authorizes the Town Manager to sign an Interlocal Agreement with the City of South Portland.

(7 yes)(0 no)

Item # 80-03-04 Report from the town clerk recommending the purchase of a second Accuvote optical scanner

Town Clerk Coy gave report on why the Accuvote optical scanner is needed at elections.

Moved by M. Mowles and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council approves the purchase of a second Accu-vote Optical Scanner with the cost to be paid through the existing appropriation of Town Hall computer upgrade account.

(7 yes)(0 no)

Item # 81-03-04 Report from the assistant town manager recommending the acceptance of gifts received since the December 2002 town council meeting.

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

Ordered the Cape Elizabeth Town Council accepts the gifts received since the December 2002 Town Council meeting.

(7 yes)(0 no)

Item # 82-03-04 Request from the Cape Elizabeth Land Trust to assist with the preservation of the Jordan Farm on Wells Road

Moved by J. Roberts and Seconded by M. Mowles

Ordered the Cape Elizabeth Town Council refers to the Finance Committee the request from the Cape Elizabeth Land Trust to assist with the preservation of the Jordan Farm on Wells Road.

(7 yes)(0 no)

Item # 83-03-04 Request from the town manager to have the planning board review issues relating to the adequacy of the current tower overlay zones in meeting cellular phone coverage requirements and public safety communication needs

Moved by J. Roberts and Seconded by M. Mowles

Ordered the Cape Elizabeth Town Council has the Planning Board and the Fort Williams Advisory Commission review issues relating to the adequacy of the Current tower overlay zones in meeting cellular phone coverage requirements and public safety communication needs.

(7 yes)(0 no)

Citizens Discussion of Items Not on the Agenda

Schuyler Armstrong, Student Representative stated, as a driver to the high school, that there is a strong need for a solution to the traffic problem on route 77.

Item #62-03-04

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

Ordered the Cape Elizabeth Town Council takes #62-03-04 off the table.

(7 yes)(0 no)

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

Ordered the Cape Elizabeth Town Council enters Executive Session at 8:40 p.m. to discuss a purchase and sale agreement with the Town Attorney, Tom Leahy, for the property at 316 Ocean House Road.

(7 yes)(0 no)

Moved by D. Backer and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council leaves Executive Session at 9:15 p.m.

(7 yes)(0 no)

Item #62-03-04 Action to authorize the town manager to sign a purchase and sale agreement for the sale of 316 Ocean House Road.

Moved by D. Backer and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council authorizes the Town Manager to execute a purchase and sale agreement as submitted to the Town Manager and the Town Attorney on December 3, 2003, and as revised that date: further to authorize the Town Manager to approve and execute a shared parking agreement with ISIS Development, LLC: and further to authorize the Town Manager to execute all appropriate documents to close the transaction including a deed, all subject to approval of the Town Attorney.

(7 yes)(0 no)

Adjournment

Moved by M. Mowles and Seconded by D. Backer

Ordered the Cape Elizabeth Town Council adjourns at 9:22 p.m.

(7 yes)(0 no)

Respectfully Submitted,

Jacqueline N. Coy
Town Clerk