

CAPE ELIZABETH TOWN COUNCIL MEETING
Regular Meeting # 13-03-04
Monday, February 9, 2004
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 Representative	Schuyler Armstrong	X
Student Representative	Brean Flynn	X
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 Roberts wanted to thank the employees at the recycling center for their quick response to a fire in the dumpster. He also wanted to mention that forty years ago today the Beatles landed in the US for the first time.

Councilor Fritz wanted to report that the Boards and Commissions orientation last week was a great success. The turnout was great, and thanks to Debra Lane for organizing the event, everything went smoothly. Anything you want to know about the Boards and Commissions is on our website.

Councilor Swift-Kayatta reported that the Council had their first finance committee meeting on January 22, 2004. The expenditure target for the Municipal side is 5.8%, and for the School side 8.1%, which includes the new building projects. She said they were just beginning the process, and the committee encourages the citizens to give their input.

Chairman Lynch recognized the clerk and all Town employees for their services at the CE Democratic caucus on Sunday.

Councilor Mowles wanted to remind citizens of the Republican caucus at SMCC on Saturday, February 28th.

Town Clerk Coy announced that there would be a municipal election on Tuesday, May 4, 2004.

There are two seats available for Town Council and two seats available for School Board.

Nomination papers are available in the Clerk's office beginning tomorrow. They have to be back to the clerk by March 19, 2004.

Town Manager's Report

Manager McGovern announced that resident James Murray, Jr. passed away on February 6, 2004. He was a former Town selectman, School Board member, and led and participated in many Cape Elizabeth programs. Mr. McGovern sends his condolences to his wife, Marge, and four children. He will be greatly missed.

Mr. McGovern also announced that the Carol Palesky petitions have been certified by the State, and that her proposition, if passed in the November election, will change Town government as we know it. It will reduce our Town's budget by 9 Million Dollars, and there would be challenging consequences.

Cape Elizabeth Fire Department responded to frozen pipes at the Methodist church. There happened to be a church supper that night, and before the clean-up had been completed, the Fire Department had started making plans for the supper to be held at our Fire station. Gerry Murray opened the kitchen; the crew set up the meeting room for the dinner and saved the day.

The manager also announced that Naomi Tomney was retiring after 15 years of service. She has been the Municipal Agent for the State for excise taxes for most of her tenure here. She will be missed by all. Her retirement has set off a change of events in the Administration office. Jackie Coy, who has been Town Clerk for almost a year wants to move back to her former position as Deputy clerk. Discussion with all the tax office staff prompted the following changes: Terry Olsen will become Municipal Agent, Deborah Bump will be the RV Agent, and Jackie Coy will be the Deputy Clerk.

Mr. McGovern wanted to wish Dr. Tom Forcella, our school superintendent, best wishes on his move to Connecticut. His new position starts July 1.

Minutes of Meeting # 11-03-04 held January 12, 2004

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

Ordered the Cape Elizabeth Town Council accepts the minutes of meeting #11-03-04 held January 12, 2004.

(7 yes)(0 no)

Minutes of Special Meeting # 12-03-04 held January 22, 2004

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

Ordered the Cape Elizabeth Town Council accepts the minutes of the Special Meeting held January 22, 2004.

(7 yes)(0 no)

Citizens' Discussion of Items not on the Agenda - None

Item # 95-03-04 Public hearing and action on proposed changes to the Traffic Ordinance

Public Hearing was opened at 7:46 p.m. Having no speakers, the Public Hearing was closed.

Moved by D. Backer and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council accepts the changes to the Traffic Ordinance with amendments. (See attachment A)

(7 yes)(0 no)

Item # 96-03-04 Receipt of a report from the Conservation Commission on access to Great Pond

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

Ordered the Cape Elizabeth Town Council accepts receipt of a report from the Conservation Commission on access to Great Pond and refers it to workshop on February 12, 2004.

(7 yes)(0 no)

Item # 97-03-04 Receipt of a report from the Planning Board recommending a "Tower Overlay District" be located in the area of Route 77 near Sprague Hall. A public hearing may be set for March 8, 2004.

Mr. Ed Shaw of LLC International, working for US Cellular, gave a presentation and answered questions.

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

Ordered the Cape Elizabeth Town Council accepts receipt of a report from the Planning Board recommending a Tower Overlay District be located in the area of Route 77 near Sprague Hall, and set a Public Hearing for March 8, 2004 for citizens to provide input for Tower Overlay, not restricting the input to the Route 77 area.

(6 yes)(1 no) C.Fritz

Item # 98-03-04 Action on proposal to amend the charge of the school building committee to permit the filling of vacancies

Moved by C. Fritz and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council amends the charge of the school building committee to permit the filling of vacancies.

(7 yes)(0 no)

Item # 99-03-04 Action on request from PACTS to confirm that the PACTS region within Cape Elizabeth shall be unchanged from that which has been in place since 1994

Manager Michael McGovern gave overview.

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

Ordered the Cape Elizabeth Town Council confirms that the PACTS region within Cape Elizabeth shall be unchanged from that which has been in place since 1994.

(7 yes)(0 no)

Item # 100-03-04 Request to approve a pole location on Penny Lane approximately 130' southerly of Gladys Road

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

Ordered the Cape Elizabeth Town Council approves a pole location on Penny Lane approximately 130' southerly of Gladys Road.

(7 yes)(0 no)

Item # 101-03-04 Recommendation from the town manager recommending an alewife harvesting plan

Moved by M. Lynch and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council adopts an alewife harvesting plan with amendment.
(See attachment B) (7 yes)(0 no)

Item # 102-03-04 Request from citizen to prohibit the parking of certain trucks within residential areas and subdivisions unless coincident with necessary services such as construction or delivery of goods.

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

Ordered the Cape Elizabeth Town Council refers to the Ordinance Committee the request from a citizen to prohibit the parking of certain trucks within residential areas and subdivisions unless coincident with necessary services such as construction or delivery of goods.
(7 yes)(0 no)

Citizens Discussion of Items not on the Agenda -None

Item # 103-03-04 Request to enter executive session to complete the annual evaluation of the town manager

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

Ordered the Cape Elizabeth Town Council enters executive session at 9:30 p.m.
(7 yes)(0 no)

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

Ordered the Cape Elizabeth Town Council exits executive session at 9:40 p.m.

Adjournment

Moved by J. McGinty and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council adjourns at 9:45 p.m.
(7 yes)(0 no)

**TOWN OF CAPE ELIZABETH
ALEWIFE REGULATIONS**

(AttachmentB)

Regulations for the taking of alewives shall be as follows:

A minimum unobstructed opening of two feet (2') shall be maintained at all times between the riverbank and the downstream end of the weir.

The maximum mesh size of wire, twine, or other material used in the weir shall not exceed one inch by one inch (1" x 1").

There shall be a 72-hour weekly closed season on alewives from sunrise each Thursday morning until sunrise the following Sunday morning. During the closed season, a natural unobstructed opening of shall be maintained in the upstream and downstream end of the trap to allow for the escape of spawning alewives and other migratory fish.

All migratory fish such as salmon, shad, or other species except alewives and blueback herring which enter the trap, shall be removed and allowed to pass upstream.

Fishing operations shall cease and all fishing gear obstructing the passage of fish shall be removed from the fishing waters not later than June 5.

The total landings in pounds or bushels and value of the catch shall be made available to the Maine Department of Marine Resources and/or National Marine Fisheries Service on request by these agencies.

The town manager shall grant harvesting rights with preference being given to commercial fishermen and to landowners abutting any stream where the harvesting is to occur. No one may enter upon the land of another for the purpose of harvesting alewives except with permission of the landowner.