

# CAPE ELIZABETH TOWN COUNCIL AGENDA

Regular Meeting # 8-04-05

Monday, December 13, 2004

7:30 p.m.

Present

Absent

Anne E. Swift-Kayatta, Chairman	14 Stone Bridge Road	X	767-5754	12/2005
David J. Backer	2 Rugosa Way	X	799-2397	12/2006
Carolyn M. Fritz	1 Stirrup Road	X	767-3737	12/2006
Mary Ann Lynch	2 Olde Colony Lane	X	767-5788	12/2007
Michael D. Mowles, Jr.	423 Ocean House Road	X	741-2552	12/2006
John E. "Jack" Roberts, Jr.	185 Fowler Road	X	767-4526	12/2005

Manager Michael McGovern

X

Town Clerk Deborah Cabana

X

Roll Call by the Town Clerk

Pledge of Allegiance to the Flag

Reports and Correspondence- None

## Town Manager's Report

Manager McGovern noted that new Town of Cape Elizabeth Council-Manager Charters have been printed, and are available. The new copies reflect the recent amendments, which were approved by the voters at the November 2, 2004 election. He noted that the Gull Crest Master Plan is also available. A draft schedule for Town Council workshops and regular meetings (as a result of the recent election that extends the council terms for six additional months) were provided to the council. The meeting dates will be confirmed once everyone has had an opportunity to check his or her schedules.

Citizens' Discussion of Items not on the Agenda –None

Minutes of Meeting #6-04-05 held November 8, 2004 and Meeting #7-04-05 held November 10, 2004

Moved by M. Lynch and Seconded by J. Roberts

**Ordered the Cape Elizabeth Town Council approve the minutes of meeting #6-04-05 held November 8, 2004 and the minutes of meeting # 7-04-05 held November 10, 2004.**

(6 Yes)

## Item # 72-04-05 Public Hearing and Possible Action on Amendments to the Traffic Ordinance

Councilor J. Roberts explained that the proposed amendments to the Traffic Ordinance include penalties for traffic infractions including a recommendation to permit the use of immobilization devices (commonly referred to as a boot).

The Public Hearing opened at 7:43 p.m.

- *Brian Zavodni-Sjoquist- 11 Old Sea Point Road* - asked what was the amount of outstanding traffic violations/parking issues?

The Public Hearing closed at 7:45 p.m.

Chief Neil Williams explained that this proposed amendment was initially considered as a means to increase revenues. He answered that unpaid parking fees are about \$3,900.

Moved by D. Backer and Seconded by J. Roberts

**Ordered the Cape Elizabeth Town Council approve the proposed amendments to the Traffic Ordinance, as presented.**

Moved by M. Lynch and Seconded by M. Mowles

**Ordered the Cape Elizabeth Town Council amend Article II, Section 13-2-6(d) of the proposed Traffic Ordinance by changing the date of December 31, 2002 to December 13, 2004.**

(2 Yes - M. Lynch and M. Mowles) (4 No)

Moved by C. Fritz

**Ordered the Cape Elizabeth Town Council amend the proposed Traffic Ordinance by requiring that a letter of warning be sent to every person who has two outstanding violations.**

No "second" to this motion – Motion fails

**Ordered the Cape Elizabeth Town Council approve the main motion.**

(4 Yes) (2 No – M. Mowles and M. Lynch)

**Item # 73-04-05 Public Hearing and Possible Action on BB Zone Front Setback**

Councilor J. Roberts explained that the proposed amendments to the Zoning Ordinance would reduce the front setback in the BB District from 100' to 50'.

The Public Hearing opened at 8:03 p.m.

The Public Hearing closed at 8:03 p.m.

Moved by J. Roberts and Seconded by M. Mowles

**Ordered the Cape Elizabeth Town Council amend the Zoning Ordinance to reduce the front setback in the BB District from 100' to 50'.**

(6 Yes)

**Item # 74-04-05 Ordinance Committee Recommendation**

Councilor J. Roberts explained that the Ordinance Committee is recommending a public hearing be set on proposed amendments to the zoning ordinance regarding the BB District and an amendment to the zoning map. The amendments include rezoning the gravel pit on Fowler Road from the RA District to the BB district and expanding the BB District to make earthwork activities a permitted use.

Town Planner Maureen O'Meara was available to explain this item and answer questions.

Moved by J. Roberts and Seconded by M. Lynch

**Ordered the Cape Elizabeth Town Council schedule a public hearing for Wednesday, January 12, 2005 at 7:30 p.m. on proposed amendments to the Zoning Ordinance regarding the BB District and an amendment to the zoning map.**

(6 Yes)

**Item # 75-04-05 Ordinance Committee Recommendation**

Councilor J. Roberts explained that the Ordinance Committee is recommending a public hearing be set on proposed amendments to the zoning ordinance, which would define the term “multifamily” and add multifamily as a permitted use in the BA District.

Moved by J. Roberts and Seconded by M. Mowles

**Ordered the Cape Elizabeth Town Council schedule a public hearing for Wednesday, January 12, 2005 at 7:30 p.m. on proposed amendments to the Zoning Ordinance, which would define the term “multifamily” and add multifamily as a permitted use in the BA District.**

(6 Yes)

**Item # 76-04-05 Appointments Committee Recommendation**

Councilor M. Mowles read the list of the individuals that the Appointments Committee is recommending for the various boards and commissions.

Moved by M. Mowles and Seconded by C. Fritz

**Ordered the Cape Elizabeth Town Council approve the recommendations of the Appointments Committee, as presented.** (Copy of the list is attached.)

(6 Yes)

**Item # 77-04-05 Registrar of Voters**

Moved by C Fritz and Seconded by M. Lynch

**Ordered the Cape Elizabeth Town Council approve the appointment of Deborah S. Cabana to serve as Registrar of Voters for the Town of Cape Elizabeth for a term until January 1, 2007.**

(6 Yes)

**Item # 78-04-05 Special Election Warrant**

Moved by C Fritz and Seconded by M. Mowles

**Ordered the Cape Elizabeth Town Council approve the Special Election Municipal Warrant for January 11, 2005, as presented.** (Copy attached)

(6 Yes)

**Item # 79-04-05      Special Election Warden**

Moved by M. Mowles and Seconded by J. Roberts

**Ordered the Cape Elizabeth Town Council appoint Deborah S. Cabana, Town Clerk, to serve as Warden for the January 11, 2005 Special Election.**

**(6 Yes)**

**Item # 80-04-05      Riverside Cemetery Rules**

Town Clerk Deborah Cabana explained the proposed amendments to the rules of the cemetery changing the amount of payment if the Town reacquires a burial right from a burial right deed owner. The Trustees proposed that the last paragraph of Section 1 of the Riverside Memorial Cemetery Rules and Regulations be amended to read:

Sale of lots by the lot owner to any other person or entity is prohibited. However, the Town may purchase unused lots from an owner who no longer requires the space, subject to the approval of the Board of Trustees. The price paid by the Town will be the original price paid to the Town for the lot(s) but not more than seventy-five percent of the current selling price of lots in the cemetery.

Moved by M. Mowles and Seconded by C. Fritz

**Ordered the Cape Elizabeth Town Council approve the proposed amendments to the Riverside Cemetery Rules, as presented.**

**(6 Yes)**

**Item # 81-04-05      Acceptance of Gifts and Bequests**

Assistant Town Manager Debra Lane was available to explain this item and answer questions.

Moved by M. Lynch and Seconded by M. Mowles

**Ordered the Cape Elizabeth Town Council accept the gifts and bequests donated to the various town departments.**

**(6 Yes)**

**Item # 82-04-05      Fort Williams Park Forestry Report**

Moved by C. Fritz and Seconded by J. Roberts

**Ordered the Cape Elizabeth Town Council acknowledge receipt of the report from the Fort Williams Advisory Commission with appreciation to the Fort Williams Advisory Commission.**

**(6 Yes)**

**Item # 83-04-05      Public Safety Answering Point**

Town Manager Michael McGovern gave a brief presentation about the ongoing discussions with South Portland and Scarborough regarding establishing a joint public safety answering point.

**No action was taken**

**Item # 84-04-05      Report from the Town Attorney re: Town Owned Lots**

Town Manager Michael McGovern explained the report from the Town Attorney regarding town-owned lots.

Moved by M. Mowles and Seconded by C. Fritz

**Ordered the Cape Elizabeth Town Council table item #84-04-05 until the January 12, 2005 regular town council meeting.**

**(6 Yes)**

**Citizens Discussion of Items Not on the Agenda- None**

**Adjournment**

Moved by D. Backer and Seconded by M. Lynch

**Ordered the Cape Elizabeth Town Council adjourn at 9:10 p.m.**

**(6 Yes)**

Respectfully submitted,

Deborah S. Cabana  
Town Clerk