

# CAPE ELIZABETH TOWN COUNCIL MEETING

Regular Meeting # 9-04-05

Wednesday, January 12, 2005

7:30 p.m.

Present

Absent

			Present	Absent
Anne E. Swift-Kayatta, Chairman	14 Stone Bridge Road	X	767-5754	12/2005
David J. Backer	2 Rugosa Way	X	772-5845 ext 122	12/2006
Carolyn M. Fritz	1 Stirrup Road	X	767-3737	12/2006
Mary Ann Lynch	2 Olde Colony Lane	X	232-1048	12/2007
Paul J. McKenney	5 Katahdin Road	X	899-0045	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

**Oath of Office to Newly Elected Town Council Member** - Paul J. McKenney was sworn into office by Town Clerk Deborah Cabana.

**Manager Michael McGovern** X

**Town Clerk Deborah Cabana** X

**Roll Call by the Town Clerk**

**Pledge of Allegiance to the Flag**

## Reports and Correspondence

*Councilor J. Roberts* extended "get well" wishes to Alan Westberry.

*Chairman A. Swift-Kayatta* recently attended a luncheon in honor of Al Barthelman. He, as do the rest of the Ft. Williams Advisory Commission, deserves our thanks and recognition for all he has done to preserve the Fort.

*Town Clerk D. Cabana* reminded the public that annual dog licenses were due.

## Town Manager's Report

*Manager McGovern* read excerpts from an article he had been asked to write for the Cape Elizabeth/South Portland Chamber of Commerce.

## Citizens' Discussion of Items not on the Agenda

*Phyllis Coggeshall*- of the Cape Elizabeth Land Trust, requested that the Town Council approve \$70,000 from the proceeds of the recent sale of town owned property at 316 Ocean House Road, to be given to the Cape Elizabeth Land Trust.

## Minutes of Meeting #8-04-05 held December 13, 2004

Moved by M. Lynch and Seconded by D. Backer

**Ordered the Cape Elizabeth Town Council approve the minutes of meeting #8-04-05 held December 13, 2004.**

(6 Yes) (1 Abstain – P. McKenney)

**Item # 85-04-05 Inn by the Sea –Malt, Spirituous and Vinous License  
Special Amusement Permit**

**Public Comment – none**

Moved by M. Lynch and Seconded by M. Mowles

**Ordered the Cape Elizabeth Town Council approve the annual Malt, Spirituous and Vinous License and the Special Amusement Permit for the Inn by the Sea .**

(7 Yes)

**Item # 86-04-05 Public Hearing BB District Amendments**

Councilor J. Roberts explained the proposed amendments to the BB District of the Zoning Ordinance and the amendments to the BB District of the Zoning Map. The amendments include rezoning the gravel pit from the RA District to the BB District and expanding the BB District to make earthwork operations a permitted use. Three definitions have been added to the Zoning Ordinance. The purpose statement for the BB District has been replaced. Earthwork has been added as a permitted use and minimum lot size and setbacks have been created. The Zoning Map will also be amended to create a new BB District adjacent to the Town Center and off of Fowler Road.

The Public Hearing opened at 7:49 p.m.

- *Paul Woods of 20 Running Tide Road* – spoke in favor of the proposed amendments.

The Public Hearing closed at 7:52 p.m.

Moved by J. Roberts and Seconded by D. Backer

**Ordered the Cape Elizabeth Town Council approve the proposed amendments to the BB District of the Zoning Ordinance and the proposed amendments to the BB District of the Zoning Map.**

(7 Yes)

**Item # 87-04-05 Public Hearing: BA District Amendments**

Councilor J. Roberts explained the proposed amendments add “Multifamily” to the definitions section of the Zoning Ordinance and explicitly adds multifamily as a permitted use in the RA District.

The Public Hearing opened at 7:53 p.m.

- *Joel Fitzpatrick, builder* – spoke in favor of the proposed amendments.
- *Mary Page of 172 Two Lights Road* – felt this would help small business in this area.

The Public Hearing closed at 7:55 p.m.

Moved by J. Roberts and Seconded by M. Lynch

**Ordered the Cape Elizabeth Town Council approve the proposed amendments to the Zoning Ordinance which would define the term “multifamily” and add multifamily as a permitted use in the BA District.**

(7 Yes)

**Item # 88-04-05 General Assistance Ordinance**

The Public Hearing opened at 7:56 p.m.

The Public Hearing closed at 7:56 p.m.

Moved by M. Lynch and Seconded by C. Fritz

**Ordered the Cape Elizabeth Town Council approve the proposed amendments to the General Assistance Ordinance including the removal of housing maximums with the retention of overall maximums.**

(7 Yes)

**Item # 89-04-05 Grant Application**

Moved by C. Fritz and Seconded by M. Mowles

**Ordered the Cape Elizabeth Town Council authorize a grant application to the Maine Bureau of Parks and Lands for a grant from the Recreational Trails Program in order to continue work on the Gull Crest Trail Master Plan.**

(7 Yes)

**Item # 90-04-05 Grant Allocation**

Moved by C. Fritz and Seconded by J. Roberts

**Ordered the Cape Elizabeth Town Council authorize the town manager to submit a proposed use plan to the Maine Emergency Management Agency for the 2004 Homeland Security Grant and the 2004 Law Enforcement Grant, as proposed.**

(7 Yes)

**Item # 91-04-05 Proceeds from Sale of 316 Ocean House Road**

Moved by C. Fritz and Seconded by J. Roberts

**Ordered the Cape Elizabeth Town Council table item #91 until the end of the meeting, after consideration of item #95.**

(7 Yes)

**Item # 92-04-05 Vacancies**

Moved by J. Roberts and Seconded by C. Fritz

**Ordered the Cape Elizabeth Town Council appoint Paul J. McKenney to serve as a member on the Ordinance Committee, GPCOG Executive Committee, and the Thomas Jordan Grants Committee until 12/2005. The terms of Councilor Backer and Councilor Fritz on the Thomas Jordan Grants Subcommittee expire 12/2006 and 12/2007 respectively.**

(7 Yes)

**Item # 93-04-05 Quit Claim Deed**

Moved by M. Mowles and Seconded by C. Fritz

**Ordered the Cape Elizabeth Town Council authorize the town manager to execute a quitclaim deed to Ross B. and Maureen A. Lonsdale for property at 115 Old Ocean House Road.**

(7 Yes)

**Item # 94-04-05 Rescue fees**

Fire Chief McGouldrick was available to answer questions regarding this proposal.

Moved by J. Roberts and Seconded by P. McKenney

**Ordered the Cape Elizabeth Town Council approve the new Rescue fees as proposed.**

(7 Yes)

**Item # 95-04-05      USS Eagle Memorial Marker**

Moved by J. Roberts and Seconded by M. Mowles

**Ordered the Cape Elizabeth Town Council approve the USS Eagle Memorial Marker at Fort Williams Park.**

(7 Yes)

**Item # 91-04-05      Proceeds from Sale of 316 Ocean House Road**

Moved by M. Mowles and Seconded by J. Roberts

**Ordered the Cape Elizabeth Town Council recess the Town Council and meet as the Finance Committee.**

(7 Yes)

Moved by M. Lynch and Seconded by M. Mowles

**Ordered the Cape Elizabeth Town Council reconvene the Town Council meeting.**

(7 Yes)

- *Chris Franklin of 130 Oakhurst Road, member of the Cape Elizabeth Land Trust – requested the Town Council to approve providing funds to the Land Trust. He explained the process used by the Land Trust members in obtaining property for preservation.*

Moved by M. Lynch and Seconded by C. Fritz

**Ordered the Cape Elizabeth Town Council authorize \$40,000 from the proceeds of the sale of 316 Ocean House Road to the Cape Elizabeth Land Trust.**

Moved by M. Mowles

**Ordered the Cape Elizabeth Town Council amend the motion to authorize \$20,000 from the proceeds of the sale of 316 Ocean House Road to the Cape Elizabeth Land Trust.**

**Motion Failed for lack of a second**

**Ordered the Cape Elizabeth Town Council approves the main motion as proposed.**

(4 Yes) (3 No – A. Swift Kayatta, J. Roberts, M. Mowles)

Moved by P. McKenney and Seconded by M. Mowles

**Ordered the Cape Elizabeth Town Council authorize \$75,000 from the proceeds of the sale of 316 Ocean House Road for property tax relief (included in FY 2005 Budget).**

(7 Yes)

Moved by P. McKenney and Seconded by M. Mowles

**Ordered the Cape Elizabeth Town Council authorize \$9,000 from the proceeds of the sale of 316 Ocean House Road for legal and other expenses (credit to account 1352010).**

(5 Yes) (2 No – C. Fritz, M. Lynch)

Moved by P. McKenney and Seconded by M. Mowles

**Ordered the Cape Elizabeth Town Council will consider approving the remaining proposed \$99,000 from the proceeds of the sale of 316 Ocean House Road.**

(4 Yes) (3 No – A. Swift Kayatta, C. Fritz, M. Lynch)

Moved by P. McKenney and seconded by M. Mowles

**Ordered the Cape Elizabeth Town Council approve the remaining proposed \$99,000 from the proceeds of the sale of 316 Ocean House Road as follows:**

<b><u>Replace Temperature/humidity control unit for historic records</u></b>	<b><u>\$20,000</u></b>
<b><u>Family Fun Day</u></b>	<b><u>9,000</u></b>
<b><u>Reclapboarding of rear of Town Hall (other sides done in 1999)</u></b>	<b><u>16,000</u></b>
<b><u>Library painting and building repair</u></b>	<b><u>15,000</u></b>
<b><u>Fire door work</u></b>	<b><u>12,000</u></b>
<b><u>Comprehensive Planning Committee</u></b>	<b><u>12,000</u></b>
<b><u>Voter mailings/public information</u></b>	<b><u>6,000</u></b>
<b><u>Rental Units at Fort Williams Park -Building Repair</u></b>	<b><u>9,000</u></b>
<b><u>Total</u></b>	<b><u>\$99,000</u></b>

(2 Yes – J. Roberts, P. McKenney) (5 No)

*Councilor J. Roberts left the meeting at 11:35 p.m.*

Moved by P. McKenney and Seconded by M. Mowles

**Ordered the Cape Elizabeth Town Council authorize \$20,000 from the proceeds of the sale of 316 Ocean House Road to replace a temperature/humidity control unit for historic records.**

(4 Yes) (2 No – C. Fritz, M. Lynch)

Moved by M Mowles and Seconded by P. McKenney

**Ordered the Cape Elizabeth Town Council authorize \$9,000 from the proceeds of the sale of 316 Ocean House Road for Family Fun Day.**

(2 Yes – M. Mowles, P. McKenney) (4 No)

Moved by P. McKenney and Seconded by M. Mowles

**Ordered the Cape Elizabeth Town Council authorize \$16,000 from the proceeds of the sale of 316 Ocean House Road for reclapboarding the rear of Town Hall.**

(4 Yes) (2 No – C. Fritz, M. Lynch)

Moved by P. McKenney and Seconded by D. Backer

**Ordered the Cape Elizabeth Town Council authorize \$15,000 from the proceeds of the sale of 316 Ocean House Road for library painting and building repair.**

**(4 Yes) (2 No – C. Fritz, M. Lynch)**

Moved by M. Lynch and Seconded by M. Mowles

**Ordered the Cape Elizabeth Town Council authorize \$12,000 from the proceeds of the sale of 316 Ocean House Road for fire door work at Cape Cottage Fire Station.**

**(5 Yes) (1 No – C. Fritz)**

Moved by P. McKenney and Seconded by M. Mowles

**Ordered the Cape Elizabeth Town Council authorize \$12,000 from the proceeds of the sale of 316 Ocean House Road for comprehensive planning committee.**

**(4 Yes) (2 No – C. Fritz, M. Lynch)**

Moved by P. McKenney and Seconded by M. Mowles

**Ordered the Cape Elizabeth Town Council authorize \$6,000 from the proceeds of the sale of 316 Ocean House Road for voter mailings/public information.**

**(4 Yes) (2 No – C. Fritz, M. Lynch)**

Moved by M. Lynch and Seconded by D. Backer

**Ordered the Cape Elizabeth Town Council authorize \$9,000 from the proceeds of the sale of 316 Ocean House Road for rental units at Fort Williams Park-building repair.**

**(6 Yes)**

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

**Item # 96-04-05 Executive Session**

Council Rules prohibit consideration of new items after 11:00 p.m. Therefore, Item #96-04-05 will be considered at a future Town Council Meeting.

**Adjournment**

**Moved by D. Backer and Seconded by M. Mowles**

**Ordered the Cape Elizabeth Town Council adjourn at 12:02 a.m.**

**(6 Yes)**

Respectfully submitted,

Deborah S. Cabana  
Town Clerk