

# CAPE ELIZABETH TOWN COUNCIL MEETING

## Regular Meeting # 16-03-04

Monday, April 11, 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	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

Manager Michael McGovern

X

Town Clerk Deborah Cabana

X

Roll Call by the Town Clerk

Pledge of Allegiance to the Flag

Chairman A. Swift-Kayatta presented a proclamation to the Boys Ice Hockey Team and the Girls Nordic Team, recognizing their recent State Championships.

State Representative Connie Goldman noted that each team was mentioned in the Legislative Special Sentiment Calendar and presented each team with a Sentiment.

**Reports and Correspondence - None**

**Town Manager's Report - None**

**Minutes of Meetings #13, 14 and 15-04-05 held March 14, 16 and 30 respectively.**

Moved by M. Lynch and Seconded by C. Fritz

**Ordered the Cape Elizabeth Town Council approve the minutes of Meetings # 13, 14 and 15-04-05 held March 14, 16 and 30 respectively**

(7 Yes)

**Public Hearing: Sewer Rehabilitation Plan with Related Road Improvements**

The public hearing opened at 7:50 p.m.

The public hearing closed at 7:50 p.m.

**Item #137-04-05 Sewer Rehabilitation Report and Road Improvements**

Moved by P. McKenney and Seconded M. Lynch

**Ordered the Cape Elizabeth Town Council approve the \$5.4 million proposal as outlined in the January 2005 "Cape Elizabeth Sanitary Sewer System Rehabilitation Plan prepared by Oest Associates in conjunction with the Cape Elizabeth Public Works Department" and authorize work with bond counsel to prepare a formal bond resolution to be presented for town council consideration at the May 9, 2005 town council meeting and further authorize work to begin as soon as possible on repairs to the "sagging" sewer pipe extending from Route 77 to the Tall Pine Road pump station with the estimated \$70,000 cost to be paid through the eventual bond proceeds and that work begin immediately as well on final design of the full project so that most major components can be completed during the 2006 construction season.**

(7 Yes)

**Public Hearing: Athletic Field Signage**

The Public Hearing opened at 7:59 p.m.

- *John Thibodeau, of 21 Salt Spray Lane* – is the Chair of Cape Elizabeth Little League. He stated that he was remiss for not meeting with the neighbors of Plaisted Park before requesting this proposed change to the sign ordinance. Mr. Thibodeau, asked that the Council consider tabling this item until the Little League had an opportunity to discuss this proposal with the neighbors.

The Public Hearing closed at 8:04 p.m.

**Item #138-04-05 Athletic Field Signage**

Moved by M. Mowles and Seconded by J. Roberts

**Ordered the Cape Elizabeth Town Council table Item #138-04-05 until the May 9, 2005 Town Council Meeting in order to discuss this item at a workshop.**

(2 Yes – M. Mowles, J. Roberts) (5 No)

Moved by D. Backer and Seconded by J. Roberts

**Ordered the Cape Elizabeth Town Council table Item #138-04-05 until the May 9, 2005 Town Council Meeting.**

(2 Yes – D. Backer, J. Roberts) (5 No)

Moved by M. Lynch and Seconded by M. Mowles

**Ordered the Cape Elizabeth Town Council approve the proposed amendment to the sign ordinance with the exception of Plaisted Park in the proposed language.**

(6 Yes) (1 No – J. Roberts)

**Item #139-04-05 Fort Williams Park Dedication**

Moved by M. Lynch and Seconded by M. Mowles

**Ordered the Cape Elizabeth Town council table Item #138-04-05 in order to discuss this item in a workshop.**

(7 Yes)

**Item #140-04-05 Land Trust Request to Use Gull Crest Property**

Moved by C. Fritz and Seconded by M. Lynch

**Ordered the Cape Elizabeth Town Council approve the Land Trust Request to use Gull Crest Property on September 25, 2005 for tethered balloon rides and a community gathering.**

(7 Yes)

**Item #141-04-05 Appointments Committee Recommendation**

Moved by M. Mowles and Seconded by M. Lynch

**Ordered the Cape Elizabeth Town Council approve the appointments committee recommendation to amend the charge for the Comprehensive Planning Committee to provide for 12 members instead of the current 11 and the extra member to be a citizen member.**

(7 Yes)

**Item #142-04-05      Appointments Committee Recommendation**  
Moved by M. Mowles and Seconded by M. Lynch  
**Ordered the Cape Elizabeth Town Council appoints Christopher Lynch to the Board of Assessment Review for an unexpired term until 12/31/2006.**  
(7 Yes)

**Item #143-04-05      Appointments Committee Recommendation**  
Moved by M. Mowles and Seconded by C. Fritz  
**Ordered the Cape Elizabeth Town Council appoints Julia Beckett, Robert A. Dodd, Leland P. “Skip” Murray, III, Marybeth Richardson and Frank S. Strout to the 2005 Comprehensive Planning Committee.**  
(7 Yes)

**Item #144-04-05      Appointments Committee Recommendation**  
Moved by M. Mowles and Seconded by M. Lynch  
**Ordered the Cape Elizabeth Town Council appoints Jane Beckwith, Daniel Chase, Darren McLellan, R. Bruce Munger, Elizabeth B. Peterson, Ann R. Strout and Millicent Vetterlein to the Spurwink Church Study Committee.**  
(7 Yes)

**Item #145-04-05      Undersized Lots**  
Moved by Councilor C. Fritz and Seconded by D. Backer  
**Ordered the Cape Elizabeth Town Council table indefinitely the pending consideration of undersized lots and recommends that the new comprehensive planning Committee review this issue as part of their deliberations.**  
(6 Yes) (1 No - M. Mowles)

**Item #146-04-05      Cumberland County Hazard Mitigation Plan**  
Moved by J. Roberts and Seconded by C. Fritz  
**Ordered the Cape Elizabeth Town Council approve the Cumberland County Mitigation Plan as proposed by the Cumberland County Emergency Management Agency.** (A copy of the plan is attached to the official minutes.)  
(7 Yes)

**Item #147-04-05      Returned Check Policy**  
Moved by D. Backer and Seconded by C. Fritz  
**Ordered the Cape Elizabeth Town Council table item #147-04-05 until the May 9, 2005 Town Council Meeting.**  
(7 Yes)

**Item #148-04-05 Land Acquisition Disposition Process**

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

**Ordered the Cape Elizabeth Town Council authorizes the town council chairman to create an ad hoc working group to develop a draft policy relating to the acquisition and disposition of municipal property.**

**(6 Yes) (1 No – M. Mowles)**

**Item #149-04-05 Sale of Portion of Lot behind Grover Road**

Moved by C. Fritz and Seconded by J. Roberts

**Ordered the Cape Elizabeth Town Council table item #149-04-05 indefinitely.**

**(6 Yes) (1 No – M. Mowles)**

**Citizens' Discussion of Items not on the Agenda - None**

**Item #150-04-05 Sale of Portion of South Street Lots**

Moved by M. Lynch and Seconded by M. Mowles

**Ordered the Cape Elizabeth Town Council in accordance with 1 MRSA Sec. §405 Paragraphs 6C and 6E enter into executive session to consult with Attorney Michael Hill the disposition of publicly owned property at 9:20 p.m..**

**(7 Yes)**

Moved by M. Lynch and Seconded by M. Mowles

**Ordered the Cape Elizabeth Town Council exit executive session at 9:55 p.m.**

**(7 Yes)**

Moved by M. Lynch and Seconded by M. Mowles

**Ordered the Cape Elizabeth Town Council return to the public session at 9:56 p.m.**

**(7 Yes)**

Moved by D. Backer and Seconded by M. Mowles

**Ordered the Cape Elizabeth Town Council in accordance with 1-MRSA Sec. §405 Paragraphs 6C and 6E re-enter into executive session to consult with Attorney Michael Hill the disposition of publicly owned property at 10:08 p.m.**

**(7 Yes)**

Moved by P. McKenney and Seconded by M. Mowles

**Ordered the Cape Elizabeth Town Council exit executive session at 10:40 p.m.**

**(7 Yes)**

Moved by P. McKenney and Seconded by M. Mowles

**Ordered the Cape Elizabeth Town Council return to the public session at 10:42 p.m.**

**(7 Yes)**

Intro by Attorney Michael Hill. (See attached comments)

Moved by C. Fritz and Seconded by D. Backer

**Ordered the Cape Elizabeth Town Council accept the offer of Jim McFarlane for the South Street lots by quit-claim deed for the sale price of \$225,000 and to authorize the Town Manager to sign the purchase and sales agreement and to sign all necessary papers to complete the closing.**

(7 Yes)

Moved by D. Backer and Seconded by M. Mowles

**Ordered the Cape Elizabeth Town Council adjourn at 10:48 p.m.**

(7 Yes)

Respectfully submitted,

Deborah S. Cabana  
Town Clerk