

CAPE ELIZABETH TOWN COUNCIL MEETING
Regular Meeting # 21-04-05
Monday, June 13, 2005

		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	*	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

* *Councilor P. McKenney* was absent due to annual training in the Army Reserves.

Pledge of Allegiance to the Flag

Presentation to State Champion Boy's Track Team

Councilor M. A. Lynch presented a proclamation from the Town Council to the Boy's Track Team.

1984 Gold Medal Olympic Champion Joan Benoit Samuelson – was at the meeting and congratulated the Boy's Track Team for their accomplishments.

Minutes of Meeting # 19-04-05 and #20-04-05 held May 9th and 11th 2005

Moved by M. A. Lynch and Seconded by D. Backer

Ordered the Cape Elizabeth Town Council approve the minutes of meeting ## 19-04-05 and 20-04-05 held May 9th and May 11th 2005.

Councilor C. Fritz requested that her statement be amended on page 1.

(6 Yes)

Reports and Correspondence

Councilor M. Mowles – reminded everyone of the Family Fun Day scheduled for this Saturday, June 18th.

Councilor M. A. Lynch commented on two items.

1. The new Comprehensive Planning Committee has had their first meeting. The second meeting will be this Thursday (June 16th) at 7:00 p.m. in the Jordan Conference Room.
2. The School Building Committee had a great report. The construction at Pond Cove has been completed and the cost was under budget. The high school is 60% complete at this time. There remain items that were not included in the initial budget. She anticipated that the Town Council would be asked to allow the extra monies that were saved from the Pond Cove project be used for the completion of the unbudgeted High School projects. She suggested that the Town Council tour the High School.

Councilor J. Roberts – stated that about 35 volunteers attended Trails Day last Saturday. He thanked everyone involved.

Chairman A. Swift-Kayatta added a few comments.

1. She noted that Councilor P. McKenney was not at the meeting because he was attending an annual training in the Army Reserves. In the event that citizens might try to contact Councilor McKenney, she wanted them to be aware that he would not be returning until June 26th. She thanked Councilor McKenney for his service to our country.
2. She congratulated the graduating senior class and thanked the Public Works Department and the Police Department for their assistance with the graduation.
3. She noted that Interim Superintendent Bob Lyman would be leaving at the end of this month. She appreciated what he has done for the town, especially his expertise with the high school building project.
4. The new Superintendent of Schools, Alan Hawkins, will be starting July 1st. Chairman A. Swift-Kayatta welcomed him to the Town of Cape Elizabeth.

Town Manager's Report

Manager M. McGovern highlighted a list of activities and accomplishments made over the last month. (Copy attached to the official minutes)

Citizens Discussion of Items Not on the Agenda: None

Item # 181-04-05 BA Wetlands Amendment Public Hearing and Possible Action.

Councilor J. Roberts gave an overview of this proposed BA Wetlands Amendment.

Town Planner Maureen O'Meara was present to answer questions.

Councilor D. Backer requested that he be recused from voting on this item, as he felt this item is a possible conflict of interest.

Moved by M. A. Lynch and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council recuse Councilor D. Backer from voting on Item #181-04-05.

(4 Yes) (1 No – M. Mowles)

The Public Hearing opened at 7:54 p.m.

- *Mary Page of 172 Two Lights Road* is the owner of the Two Lights General Store. She and her husband have requested that this amendment be approved so that they could clean up the property and debris that has accumulated over the last 30 years. They are not anticipating that they will be doing new construction or extending the existing business. She passed around photos of the area that they hoped to clear.

- *Gail Schmader of 511 Ocean House Road* is an abutter to the proposed area. She asked the Town Council to carefully consider this request before making a permanent change. She suggested that a variance might be granted to allow the owners of the Two Lights Store to clean up their property.
 - *Carl Best of 12 Pond View Road* stated that Cape Elizabeth has a history of protecting the wetlands. He was concerned that this amendment would set a precedent for future developments and projects. He suggested that the Council wait on making a decision until the Comprehensive Planning Committee had completed their study.
- The Public Hearing closed at 8:00 p.m.

Moved by J. Roberts and Seconded by M. A. Lynch

Ordered the Cape Elizabeth Town Council approve the proposed BA Wetlands amendment.

Moved by M. Mowles and Seconded by M. A. Lynch

Ordered the Cape Elizabeth Town Council table Item #181-04-05 until the next regularly scheduled Town Council meeting on July 11, 2005.

(3 Yes) (2 No – J. Roberts and C. Fritz)

Item # 182-04-05 Storm Water Ordinance Public Hearing and Possible Action.

Public Works Director Bob Malley was present at the meeting to answer questions.

The Public Hearing opened at 8:16 p.m.

The Public Hearing closed at 8:16 p.m.

Moved by J. Roberts and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council approve the proposed changes to the Storm Water Ordinance.

(5 Yes) (1 No – M. A. Lynch)

Item # 183-04-05 ECO Maine Interlocal Solid Waste Agreement

Item # 184-04-05 ECO Maine Corporation

Item # 185-04-05 ECO Maine Waste Handling Agreement

Item # 186-04-05 ECO Maine Board of Directors

Finance Director of Regional Waste Systems Rocco Marzelli was present at the meeting to answer questions.

Moved by C. Fritz and Seconded by M. Mowles

Ordered the Cape Elizabeth Town Council refer Item ## 183-04-05 through 186-04-05 to a Special Town Council Workshop to be held prior to the next regular Town Council meeting on July 11, 2005.

(6 Yes)

**Item # 187-04-05 The Good Table, Inc. 527 Ocean House Road
Renewal Application - Restaurant Malt, Spirituous and Vinous
Liquor License**

Public Comment – none

Moved by M. Mowles and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council approves the liquor license renewal application for The Good Table, Inc.

(6 Yes)

Item # 188-04-05 Coastal Waters and Harbors Ordinance

Councilor D. Backer gave an overview of the proposed amendments to the Coastal Waters and Harbors Ordinance.

Moved by D. Backer and Seconded by M. Mowles

Ordered the Cape Elizabeth Town Council set a public hearing for July 11, 2005 at 7:30 p.m. on the proposed amendments to the Coastal Waters and Harbor Ordinance.

(6 Yes)

Item # 189-04-05 Land Acquisition/Disposition Policy

Moved by J. Roberts and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council table item # 189-04-05 until the next regularly scheduled Town Council meeting to be held on July 11, 2005 at 7:30 p.m. and set a public hearing on the proposed Land Acquisition/Disposition Policy at this same meeting.

(5 Yes) (1 No – M. Mowles)

Item # 190-04-05 Smoking Policy - No Action was taken on Item # 190-04-05.

Item # 191-04-05 Year End Budget Transfers

Moved by M. A. Lynch and Seconded by M. Mowles

Ordered the Cape Elizabeth Town Council hereby consents to the following departments exceeding their original appropriations to the total amount indicated Pursuant to Article V, Section 6 of the Council-Manager Charter of the Town of Cape Elizabeth:

<u>Insurance</u>	<u>\$ 76,500</u>
<u>Employee Benefits</u>	<u>\$785,000</u>
<u>Police</u>	<u>\$888,178</u>
<u>Public Works</u>	<u>\$877,944</u>
<u>Town Hall</u>	<u>\$ 19,200</u>
<u>Town Center Fire Station</u>	<u>\$ 19,100</u>
<u>Cape Cottage Fire Station</u>	<u>\$ 4,400</u>
<u>Trees</u>	<u>\$ 19,998</u>

(6 Yes)

Item # 192-04-05 Town Council Goals

Moved by M. Mowles and Seconded by D. Backer

Ordered the Cape Elizabeth Town Council accept the revised Town Council Goals as presented. (Copy attached to the official minutes)

(6 Yes)

Item # 193-04-05 Negotiations with Police Association

Moved by M. A. Lynch and Seconded M. Mowles

Ordered the Cape Elizabeth Town Council in accordance with 1 MRSA Sec. § 405 Paragraph 6D, enter into executive session to discuss negotiations with the Cape Elizabeth Police Benevolent Association at 9:16 p.m.

(6 Yes)

Moved by M. A. Lynch and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council exit executive session at 10:12 p.m.

(6 Yes)

Citizens Discussion of Items Not on the Agenda: None

Adjournment

Moved by M. A. Lynch and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council adjourn at 10:13 p.m.

(6 Yes)

Respectfully submitted,

Deborah S. Cabana
Town Clerk