

CAPE ELIZABETH TOWN COUNCIL MEETING

Regular Meeting # 2-2006

Monday, January 9, 2006 7:30 p.m.

		Present	Absent
David J. Backer, Chairman	2 Rugosa Way	X	772-5845 ext 122 12/2006
Cynthia Dill	1227 Shore Road	X	767-7197 12/2008
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
Anne E. Swift-Kayatta	14 Stone Bridge Road	X	767-5754 12/2008

Manager Michael McGovern X
Town Clerk Deborah Cabana X
Roll Call by the Town Clerk
Pledge of Allegiance to the Flag

Minutes of Meeting # 1-2006 held December 12, 2005

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

Ordered the Cape Elizabeth Town Council approve the minutes of meeting # 1-2006 held December 12, 2005, as presented.

(7 Yes)

Reports and Correspondence

Councilor M. Mowles – expressed concern with the current mooring ordinance and distributed material to the Town Councilors. He stated that he would be requesting that this issue be added to a future town council agenda for consideration.

Town Manager’s Report

Manager McGovern – had received questions about the status of the construction to the property formerly owned by the Town located at 316 Ocean House Road. He noted that site plan construction must be substantially complete by the end of this calendar year.

There have been several articles in the local papers regarding the on-going police negotiations. Manager McGovern explained the process of the negotiations, the status of the current negotiations, and discussed statements made in recent media articles. He also provided written answers to questions that had been posed by Councilor A. Swift-Kayatta.

Citizens Discussion of Items Not on the Agenda: None

Item# 32-2006 Winnick Woods Master Plan Public Hearing

Town Planner O’ Meara and Chairman of the Conservation Commission John Herrick were present at the meeting to answer questions.

The Public Hearing opened at 7:48 p.m.

- *Janice Chapman of 1108 Sawyer Road* stated that she and her husband had offered a few changes to the proposed plan and were very happy with the current plan.

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

Councilor M.A. Lynch had understood that this item is to adopt the Master Plan only. The Town Council is still waiting for information on the legal implications of designating a New England Cottontail habitat. Approval with respect to the habitat would require additional Town Council consideration and action. Manager McGovern confirmed that Councilor Lynch understood accurately.

Moved by C. Fritz and Seconded by M. Mowles

Ordered the Cape Elizabeth Town Council approve the Winnick Woods Master Plan as proposed.

(7 Yes)

Item# 33-2006 Proposed Amendment to the Zoning Ordinance-Bisected Lots

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

Ordered the Cape Elizabeth Town Council refer the proposed amendment to the Zoning Ordinance-Bisected Lots to the Ordinance Committee.

(7 Yes)

Item# 34-2006 16 Beacon Lane - Consent Agreement

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

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

Ordered the Cape Elizabeth Town Council recuse Councilor M. Mowles from voting on Item #34-2006.

(6 Yes) (1 Abstention – M. Mowles)

Moved by M.A. Lynch and Seconded by P. McKenney

Ordered the Cape Elizabeth Town Council authorize the Town Manager to sign a consent agreement permitting an exiting second floor to remain as is at 16 Beach Lane. The property owner would be responsible for the cost of the Town legal work required in the drafting of the consent agreement.

(6 Yes)

Item# 35-2006 Personnel Code Amendments

Moved by M. Mowles and Seconded by P. McKenney

Ordered the Cape Elizabeth Town Council table Item # 35-2006 until legal counsel can completely review the Code.

(7 Yes)

Item# 36-2006 Update of Spurwink Church Regulations and Fees

Assistant Town Manager Debra Lane and Spurwink Church Representative Janet Hannigan were present at the meeting to answer questions.

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

Ordered the Cape Elizabeth Town Council approve the proposed amendments to the Spurwink Church Regulations and Fees.

(7 Yes)

Citizens Discussion of Items Not on the Agenda:

- *Anne Pokras of 79 Bowery Beach Road* – offered recommendations for slowing traffic down.

Item# 37-2006 Executive Sessions

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

Ordered the Cape Elizabeth Town Council in accordance with 1 MRSA Sec. § 405 Paragraph A and D, enter into executive for the purpose of beginning the annual evaluation of the town manager and to discuss labor contracts at 8:17 p.m.

(7 Yes)

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

Ordered the Cape Elizabeth Town Council exit executive session at 9:30 p.m.

(6* Yes)

** Councilor M. Mowles had already left the executive session.*

Following the executive session, the Town Council conducted a workshop to discuss the annual presentation of the Ralph Gould Award.

Adjournment:

Moved by P. McKenney and Seconded by M. A. Lynch

Ordered the Cape Elizabeth Town Council adjourn at 9:55 p.m.

(6 Yes)

Respectfully submitted,

Deborah S. Cabana
Town Clerk