

**CAPE ELIZABETH TOWN COUNCIL MEETING**

**Regular Meeting # 4-2006  
Monday, February 13, 2006**

		<b>Present</b>	<b>Absent</b>
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
Assistant Town Manager Debra Lane		X	
Town Clerk Deborah Cabana		X	

**Pledge of Allegiance to the Flag**

**Minutes of Meeting #2-2006 held January 9, 2006 and Meeting #3-2006 held January 23, 2006.**

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

**Ordered the Cape Elizabeth Town Council approve the minutes of meeting #2-2006 held January 9, 2006, as presented.**

(7 Yes)

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

**Ordered the Cape Elizabeth Town Council approve the minutes of meeting #3-2006 held January 23, 2006, as presented.**

(7 Yes)

**Citizens Discussion of Items Not on the Agenda -**

Frederic L. Thompson expressed concern about his grandparent's former home (known as the Rines Home) located at 7 Cragmoor. The new property owners are in the process of demolishing the existing building to replace it with a new structure. He asked that Cape Elizabeth consider a historic preservation ordinance.

**Presentation of 2005 Ralph T. Gould Award to Nancy H. Miles**

*There was a reception at 7:00 p.m. in the William H. Jordan Conference Room in honor of Nancy H. Miles, the 2005 Ralph T. Gould Award recipient.*

Chairman D. Backer presented the Ralph T. Gould Award to Nancy H Miles.

**Reports and Correspondence - None**

**Town Manager's Report** – Assistant Town Manager Debra Lane noted that the Town Manager was absent from the meeting.

**Public Hearing: Citizen Petition to Amend the Zoning Ordinance  
Prohibition of Certain "Short Cut" Connectors on Local Streets**

Chairman D. Backer outlined the procedures to be adhered to during the public hearing. He invited a primary speaker (a proponent and an opponent) to give a presentation lasting no longer than 20 minutes. Others in the audience who wished to speak were requested to state their name and address and to keep their comments to a maximum of 3 minutes.

The Public Hearing opened at 7:57 p.m.

*Richard Bryant of 55 Spurwink Avenue* is the primary proponent of the proposed petition. He outlined the proposed petition and explained why he felt it was necessary.

*Lyndon Keck of 67 Field Road, Cumberland and 42 Columbus Road, Cape Elizabeth* – finished the last 5 minutes of the proponent’s presentation to the Town Council

*Jim McFarlane of 4 Belfield Road* – is the developer of Spurwink Woods. He explained why he is opposed to the proposed citizen petition.

*Philip Nedwell of 5 South Street* – supported the proposed petition. He was concerned that connecting roads were not to town standards.

*Jean Scott of 1 Stephenson Street* – supported the proposed petition. She felt that Spurwink Road had a dangerous turn.

*Peggy Hunter of 67 Columbus Road* – supported the citizens being able to vote for the referendum.

*Miranda Newman of 13 Hamlin Street* – supported the proposed petition. She was worried about her little sister and her dog.

*Joseph Jones of 46 Columbus Road* – supported the proposed petition. He was offended that he received a letter from the developers because he had signed the petition.

*Holly Hoffman of 42 Columbus Road* – supported the proposed petition. She moved from Baltimore in 1997. Families are not safe with “cut throughs” and they damage property values.

*Sharon O’Neill of 56 Columbus Road* – supported the proposed petition. She has lived in Cape Elizabeth for 7 years. The proposed ordinance will protect the quality of life.

*Hank Andolsek of 7 Columbus Road* – supported the proposed petition because it protects his quality of life.

*Becky Fernald of – 313 Mitchell Road* – supported the proposed petition. She recently moved so that she could enjoy the safety of house on a dead-end street.

*Paul Bulger of 8 Lydon Lane* – is a business and real estate lawyer. He opposed the proposed petition. Planners believe in connectivity and the town’s policy should be based on a rational decision.

*Ann Layton of 32 Columbus* – supported the proposed petition. She felt that people should have a “choice” to live on a dead-end street.

*Frank Butterworth of 21 Mcauley Road* – supported the proposed petition.

*Lisa Cioe of 1 Stephenson Street* – supported the proposed petition. A 40 year resident in Cape Elizabeth and wants a safe street.

*Ted Foden of 23 Ivie Road* – previously lived on Columbus Road and was eager to move to his current address because of heavy traffic flow.

*Priscilla Armstrong of 18 Avon Road* – supported the proposed petition and urged the Town Council to send it to the voters.

*Tom Egan of 41 Hannaford Cove* – had also received a letter from the developer. He knew the developers and they were good people. Mr. Egan asked a few questions about the town attorney's role in reviewing the proposed petition.

The Public Hearing closed at 9:10 p.m.

**Item# 39-2006 Citizen Petition**

Town Attorney Thomas Leahy was present at the meeting to answer questions relative to his role and the proposed citizen petition.

Moved by A. Swift-Kayatta and Seconded by C. Fritz

**Ordered the Cape Elizabeth Town Council defer action on the citizen petition to the March 13, 2006 Town Council meeting.**

(7 Yes)

**Item# 40-2006 Proposed Amendment to the Zoning Ordinance-Bisected Lots**

Moved by M. Mowles and Seconded by C. Dill

**Ordered the Cape Elizabeth Town Council schedule a public hearing on Monday, March 13, 2006 at 7:30 p.m. at the Cape Elizabeth Town Hall for the proposed Zoning Ordinance amendment regarding bisected lots.**

(7 Yes)

**Items # 41-51 2006 Fort Williams Park Use Approvals**

# 41-2006 Cape Elizabeth Little League per January 3, 2006 letter

# 42-2006 Pond Cove School Field Days- June 8, 9, 12 and 13

# 43-2006 CEHS Commencement Practice- June 6 and 7

# 44-2006 CEHS Commencement- June 11

# 45-2006 Family Fun Day- June 17

# 46-2006 Portland Amateur Wireless Field Day-June 24-25

# 47-2006 Portland Symphony Orchestra- June 30

# 48-2006 TD Banknorth Beach to Beacon Setup- August 3-4

# 49-2006 9<sup>th</sup> Annual TD Banknorth Beach to Beacon 10K- August 5

# 50-2006 Monhegan Island Race Finish Line Overlook- August 12-13

# 51-2006 Engine Company One Art Show- Sept. 3- Rain date of 9/4

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

**Ordered the Cape Elizabeth Town Council consider and vote upon item ## 41-51 en bloc.**

(7 Yes)

Moved by M. Mowles and Seconded by C. Fritz

**Ordered the Cape Elizabeth Town Council approve item ## 41-51 as proposed.**

(7 Yes)

**Item # 52-2006 Cape Nordic Ski Update**

Members from the Cape Nordic (Muzzy Barton, David Roberts, and Peter Dunfey) made a presentation to the Town Council, offering groomed cross country trails at Gull Crest.

Jack Roberts, Chairman of the Cape Elizabeth Snowmobile Club, was present at the meeting to answer questions relative to this proposal and snowmobiles.

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

**Ordered the Cape Elizabeth Town Council authorize the Cape Nordic Ski Club to flag the trails for possible development at Gull Crest.**

(7 Yes)

**Item # 53-2006 Approval of Town Council Goals**

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

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

(7 Yes)

**Item # 54-2006 Appointments Committee Report**

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

**Ordered the Cape Elizabeth Town Council appoints Sarah Beard Buckley to serve on the Arts Commission.**

(7 Yes)

**Item # 55-2006 Mooring Permits**

Moved by M. Mowles and Seconded by C. Fritz

**Ordered the Cape Elizabeth Town Council refer to the Ordinance Committee a review of the timeframe for the validity of mooring permits.**

(7 Yes)

**Item # 56-2006 Capital Improvement Plan 2007-2011**

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

**Ordered the Cape Elizabeth Town Council acknowledge receipt of the proposed capital improvement plan for 2007-2011.**

(7 Yes)

**Item # 57-2006 Cumberland County Community Development Block Grant**  
Moved by M. A. Lynch and Seconded by P. McKenney  
**Ordered the Cape Elizabeth Town Council endorse the proposal of Cumberland County to become an entitlement recipient of Community Development Block Grants.**

(6 Yes) (1 No – C. Fritz)

**Item # 58-2006 Alewife Regulations**  
Moved by C. Fritz and Seconded by P. McKenney  
**Ordered the Cape Elizabeth Town Council adopt the 2006 alewife regulations so that the Town of Cape Elizabeth may retain the Town's alewife fishing rights.**

(7 Yes)

**Item # 59-2006 Sewer Project Funding Application**  
Moved by P. McKenney and Seconded by A. Swift-Kayatta  
**Ordered the Cape Elizabeth Town Council authorize the Town Manager to make an application to the Maine Municipal Bond Bank for the \$5.4 million financing of the sewer rehabilitation project with an estimated 65% of the amount from the State Revolving Loan Fund loan and with 35% from the spring 2006 issuance of the Maine Municipal Bond Bank.**

(7 Yes)

**Item # 60-2006 Rescue Fees**  
Moved by M. A. Lynch and Seconded by P. McKenney  
**Ordered the Cape Elizabeth Town Council adopt the rescue fees to be in conformance with the Medicare allowed rates.**

(7 Yes)

**Item # 61-2006 Dispatcher Report**  
Moved by A. Swift-Kayatta and P. McKenney  
**Ordered the Cape Elizabeth Town Council acknowledge receipt of the report regarding dispatcher consolidation with South Portland and Scarborough and request the Town Manger to make a recommendation on the consolidation study after consulting with the other communities and with the police and fire chiefs.**

(7 Yes)

**Item # 62-2006          Lightning Report**

Moved by M. Mowles and Seconded by P. McKenney

**Ordered the Cape Elizabeth Town Council acknowledge receipt of the report regarding lightning strikes on the Town's telephone system.**

(7 Yes)

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

**Whereas it is expected to cost \$110,000 to remediate lightning grounding issues with the town communication system, and whereas the Town Manager has presented the Town Council with an organized plan to remediate the grounding issues in two phases, Ordered the Cape Elizabeth Town Council authorizes the Town Manager to spend an amount of money not to exceed \$70,000 surplus funds from FY2006 or from the undesignated funds balance, as needed, to address communication system grounding issues at the Town Center Fire Station, the Community Center, the Police Station and the Town Hall, and that the additional funds expected to amount up to \$40,000 to remediate issues at the Thomas Memorial Library, the Public Works Garage and the Transfer Station, to be considered through the FY2007 budget process.**

(7 Yes)

**Citizen's Discussion of Items Not on the Agenda - None**

**Item# 63-2006          Executive Session**

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

**Ordered the Cape Elizabeth Town Council approve suspending the Town Council Rules to discuss Item # 63-2006 after 11:00 p. m.**

(7 Yes)

Moved by A. Swift-Kayatta and Seconded by 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 11:02 p.m.**

(7 Yes)

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

**Ordered the Cape Elizabeth Town Council exit executive session at 11:34 p.m.**

(7 Yes)

**Adjournment:**

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

**Ordered the Cape Elizabeth Town Council adjourn at 11:34 p.m.**

(7 Yes)

Respectfully submitted,

Deborah S. Cabana  
Town Clerk