

CAPE ELIZABETH TOWN COUNCIL MEETING

Regular Meeting # 11-2006

Monday, June 12, 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
Acting Town Manager, Debra Lane		X	
Town Clerk Deborah Cabana		X	
Pledge of Allegiance to the Flag			

Minutes of Meeting # 10-2006 held May 15, 2006

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

Ordered, the Cape Elizabeth Town Council to approve the Minutes of Meeting #10-2006 held May 15, 2006, as provided.

(7 Yes)

Reports and Correspondence

Councilor M.A. Lynch –

1. Comprehensive Planning Committee will conduct a public forum at Town Hall at 7:00 p.m. on June 15, 2006.
2. Thanked all those who were involved in making the high school graduation successful.

Councilor D. Backer –

1. Congratulated Councilor Anne Swift-Kayatta who has been nominated as a candidate to serve as Vice President of the MMA Executive Committee.

Acting Town Manager's Report:

1. Thanked those who were involved in making the Memorial Day Parade successful.
2. Reminded that Family Fun Day would be held this Saturday, June 17th.
3. Commented that the Spurwink Church Study Committee has been meeting throughout the last year and she anticipated that the committee would be making a presentation to the Council at their next regular meeting.

Citizens Discussion of Items Not on the Agenda

Item # 115-2006 911 Calls Answering Point

Police Chief Neil Williams was available at the meeting. He explained that the MPUC is requiring the elimination of most local 911 centers. The working operational group will need to submit a report to the MPUC before July 1st.

Moved by P. McKenney and Seconded by C. Fritz

Ordered, the Cape Elizabeth Town Council to seek Maine Public Utilities Commission approval to have emergency 911 calls handled at South Portland dispatch at a cost of \$1.00 per capita annually and to authorize a staff working group of the chiefs of police, the fire chiefs, and two dispatchers from South Portland and two from Cape Elizabeth to review the options for full consolidation between the two communities of the dispatch function.

(7 Yes)

Item # 116-2006 Good Table Annual Licenses

Moved by C. Fritz and Seconded by M. Mowles

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

(7 Yes)

Item # 117-2006 Nordic Ski Proposal

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

ORDERED: The Town Council to approve Cape Nordic proceeding with Phase 1 subject to the following conditions:

1. **Completion of the preliminary engineering assessment to include, among other relevant engineering information deemed appropriate by Oest and the Town Manager, identification of wetlands, if any; identification of the need for storm water and erosion control, and recommended methods for addressing the same, which assessment shall be paid for by the Cape Nordic Committee;**
2. **Receipt of any necessary MDEP and town permits as may be required by law;**
3. **Present to the Town Manager for his concurrence evidence of sufficient funds to complete the phase 1 project;**
4. **Completion of the work, at Cape Nordic's expense, including the cost of obtaining permits, in accordance with the Oest engineering assessment, the conditions of any permits that may be required, and the "bulleted" standards contained on pages 5-6 of the June 5, 2006 Conservation Commission Memorandum, excluding the "stone dust or comparable material" standard; and**
5. **Cape Nordic may not exclude other users from the trail more than 5 days each winter.**

(7 Yes)

Moved by D. Backer and Seconded by P. McKenney

Ordered, the Cape Elizabeth Town Council to direct the Town Manager or his designee, upon completion of the Phase 1 preliminary engineering assessment, to request that the town engineer, Oest Associates, prepare a preliminary engineering assessment of the portion of the proposed competitive Nordic ski trail in Gull Crest recommended by the Cape Nordic Ski group and referred to as Phase 2, with the preliminary engineering assessment to include, among any other relevant information deemed appropriate by Oest Associates, identification of wetlands, if any, identification of needs for storm water and erosion control, and recommended methods for addressing needed storm water and erosion control, including placement of culverts, use of filter fabric, seeding with grasses and recommended base layers. Before Oest Associates prepares the preliminary engineering assessment of the Phase 2 trail, Oest Associates shall submit a bid price to the Town Manager and the Town Manager shall present the bid price to the Cape Nordic Ski group, which group shall advance the necessary funds to the Town before the Town Manager authorizes Oest Associates to proceed with the work.

(7 Yes)

Item # 118-2006 Kids Turf Proposal

Moved by C. Dill and Seconded by M. Mowles

Ordered the Cape Elizabeth Town Council to approve the request of the citizen group “Kids Turf” to begin fund raising for the proposed placement of an artificial turf surface and related facilities on the athletic field located behind the Cape Elizabeth High School.

Ordered the Cape Elizabeth Town Council to approve the placement of a temporary fund raising sign in accordance with applicable town ordinances. Location of the sign shall be determined by the Town Manager and/or his designees, in cooperation with the citizen group “Kids Turf.”

Ordered the Cape Elizabeth Town Council to approve the creation of an ad hoc committee known as the Turf Field Committee, as follows:

(7 Yes)

Committee Purpose and Charge

The Cape Elizabeth School Board and the Town Council, respectively, have approved and authorized a citizen group known as Kids’ Turf to raise funds to construct an artificial turf field on the recently reconstructed field behind the Cape Elizabeth High School.

In furtherance of the School Board’s and Town Council’s mutual goal of supporting the installation and construction of the turf field, the School Board and the Town Council have agreed to establish a Turf Field Committee with the following responsibilities:

- Work with the Kids’ Turf citizen group to develop a construction and permit plan acceptable to the Cape Elizabeth School Board and the Cape Elizabeth Town Council.
- Develop a plan for determining the amount of funds needed to construct the turf field, how the funds for the turf field are to be held and how expenses will be paid and present that plan to the School Board and Town Council for approval.
- Develop a plan addressing the issues of possible naming of the field or portions thereof and present that plan to the Town Council for approval.
- Recommend to the superintendent of schools an appropriate company or companies to provide and construct the turf field.
- Develop a plan for raising and securing sufficient funds for replacement of the turf field at the end of its anticipated useful life and to determine how these funds are to be managed and disbursed and present that plan to the School Board and Town Council for approval.
- Develop a plan for operation, maintenance and use of the turf field through the school department and Community Services and present that plan to the School Board and Town Council for approval.

Committee Structure

The Cape Elizabeth Turf Field Committee shall consist of nine people. The Town Council and the School Board chairmen shall each designate two members from their respective Board or Council whose terms on the Turf Field Committee shall continue until the turf field is completed or the Committee is otherwise disbanded. The chairmen shall also jointly appoint five citizens to serve on the Turf Field Committee. The superintendent of schools and the town manager shall serve as non-voting ex-officio members of the Committee. Other school or town staff members may be invited by the superintendent of schools or the town manager to participate in Committee meetings and in any working group that may be created as part of the Committee's fulfillment of its function. Any vacancy on the Committee after its first meeting shall be filled as follows: the chairman of the School Board shall fill any vacancy caused by a departing School Board member, the chairman of the Town Council shall fill any vacancy caused by a departing Town Council member, and the chairmen shall jointly fill any vacancy caused by a departing citizen member. A School Board member or Town Councilor whose term as an elected member of the School Board or Town Council expires after their appointment to the Turf Field Committee shall not be required to withdraw from the Committee.

An advisory committee shall be composed of members of the Kids Turf citizen group and of employees of the town as may be appointed jointly from time to time by the chairmen of the School Board and the Town Council. The advisory committee shall not have voting privileges.

Duration of Committee

The Committee shall continue in existence until its work is completed or for a period not to exceed eighteen months, whichever ever occurs first, unless its term is continued beyond eighteen months by joint approval of the School Board and Town Council. If at any time the Committee determines that appropriate funds are not likely to be raised to install and construct the turf field, the Committee shall report that information to the School Board and Town Council with the Committee's recommendation for what further action, if any, should be taken.

Project Resources and Administration

The budget for the turf field project shall consist of:

1. The finances raised by the Kids Turf citizen group for the turf field; and
2. The monies raised to fund the replacement of the turf field at the end of its anticipated useful life.

All finances shall be managed according to School Board and Town guidelines and in accordance with Maine law.

Unless otherwise expressly authorized by the School Board and the Town Council, no work shall be commenced on the installation or construction of the turf field until all funds needed for the installation and construction have been raised by the Kids Turf citizen group and the School Board and Town Council have approved the recommendations and plans submitted by the Turf Field Committee.

Item # 119-2006 Fort Williams Park Pay Display Working Group Report
Moved by M. Mowles and Seconded by C. Dill
Ordered, the Cape Elizabeth Town Council to acknowledge receipt of the Fort Williams Park Pay Display Working Group Report.
(7 Yes)

Moved by M. Mowles and Seconded by M.A. Lynch
Ordered, the Cape Elizabeth Town Council to set a public hearing on the Fort Williams Park Pay Display proposal for the August 14, 2006 Town Council Meeting.
(6 Yes) (1 No – C. Fritz)

Moved by A. Swift-Kayatta and Seconded by M. Mowles
Ordered, the Cape Elizabeth Town Council to schedule a workshop agenda to consider the Fort Williams Park Pay Display proposal for June 22, 2006.
(6 Yes) (1 No – C. Fritz)

Item # 120-2006 Year-End Revised Appropriations
Moved by M.A. Lynch and Seconded by C. Fritz
Ordered, the Cape Elizabeth Town Council to approve the Year-End revised appropriations as follows:

<u>Insurance</u>	<u>Department 160</u>	<u>\$ 966</u>	<u>(22% increase in costs over two years)</u>
<u>Library Building</u>	<u>Department 615</u>	<u>\$1,000</u>	<u>(Heating Costs)</u>
<u>Police Station</u>	<u>Department 630</u>	<u>\$2,000</u>	<u>(Heating Costs)</u>

(7 Yes)

Citizen's Discussion of Items Not on the Agenda - none

Adjournment:
Moved by M. Mowles and Seconded by A. Swift-Kayatta
Ordered the Cape Elizabeth Town Council to adjourn at 8:55 p.m.
(7 Yes)

A True Copy Attest:

Town Clerk
Minutes approved by the Cape Elizabeth Town Council on July 10, 2006