

CAPE ELIZABETH TOWN COUNCIL AGENDA

**Regular Meeting # 16-2006
Monday, November 13, 2006
7:30 p.m.**

The meeting will be preceded at 7:00 p.m. by a caucus of the new Town Council.

David J. Backer, Chairman	2 Rugosa Way	253-0529	12/2006 PRESENT
Cynthia Dill	1227 Shore Road	767-7197	12/2008 PRESENT
Carolyn M. Fritz	1 Stirrup Road	767-3737	12/2006 PRESENT
Mary Ann Lynch	2 Olde Colony Lane	232-1048	12/2007 PRESENT
Paul J. McKenney	5 Katahdin Road	899-0045	12/2007 PRESENT
Michael D. Mowles, Jr.	423 Ocean House Road	741-2552	12/2006 PRESENT
Anne E. Swift-Kayatta	14 Stone Bridge Road	767-5754	12/2008 PRESENT
Manager McGovern			PRESENT
Town Clerk April D. Cohen-Tracy			PRESENT

Roll Call by the Town Clerk

Pledge of Allegiance to the Flag

Minutes of Meetings # 15-2006 held October 12, 2006

MOVED: M. Mowles

SECOND: P. McKenney

VOTE: 5-0-2 (Backer & Swift-Kayatta abstaining for not receiving minutes)

Reports and Correspondence

Councilor Mowles congratulates Councilor Dill for her election to House of Representatives and gives an update on the Cumberland County Budget Advisory Committee.

Councilor Backer also congratulated Councilor Dill and also welcomed newly elected Councilors James Rowe and Sara Lennon who were present in the audience.

Town Manager's Report

Town Manager directed Town Clerk Cohen-Tracy to give an update on the November 7th election went. She thanked her election clerks and the voters and read a small memo regarding the tabulation of votes.

Councilor Backer thanked Councilor Mowles and Fritz for the work on the council.

Citizens Discussion of Items Not on the Agenda

Fred Prince, 2 Rocky Hill Road

Mr. Prince gave all the councilors and the Town Manager a brick from an old building at Fort Williams. He spoke on the vote regarding the Fort and other ways to raise money for the Town to lower taxes. For example, windmills for power and perhaps a Vietnam memorial at Fort Williams.

Item # 153-2006 Public Hearing on Proposed Amendments to Traffic Regulations

After the public hearing, it will not be possible to finally approve this item as the hearing was not advertised in the Portland Press Herald 7 days before the hearing. It is recommended to set a new hearing for Monday, December 11, 2006 at 7:30 p.m. at the Cape Elizabeth Town Hall.

MOVED: A. Swift-Kayatta

SECOND: M. Mowles

VOTE 7-0

Ordered that the Cape Elizabeth Town Council set a Public Hearing for Monday, December 11, 2006 regarding proposed amendments to Traffic Regulations.

Item # 154-2006 Proposed \$1.00 monthly sewer rate adjustment to customers with submeters

**Town of Cape Elizabeth, Maine
Sewer Rates**

Adopted April 26, 2006

With Proposed \$1.00 Surcharge for Submeter Customers to be Effective January 1, 2007

ORDERED, that the Cape Elizabeth Town Council, pursuant to Sec. 15-1-11 of the Town Ordinances, does hereby revise and adopt the following Sewer Service Charge and Schedule:

A. The following user charge shall be effective for the first bill issued after the indicated date for all buildings within the Town of Cape Elizabeth connected to the public sanitary sewers of the Town:

Effective July 1, 2006

\$32.50 Up to 100 cubic feet of monthly measured water usage

\$4.25 Each additional 100 cubic feet, or fraction thereof, of monthly measured usage

Effective July 1, 2007

\$33.50 Up to 100 cubic feet of monthly measured water usage

\$4.38 Each additional 100 cubic feet, or fraction thereof, of monthly measured usage

Effective January 1, 2007

\$1.00 Monthly surcharge for customers with submeters

The sewer service charge shall be applied directly for each water meter in place and for every structure attached to the municipal sewer.

No changes in sections B and C.

Manager gave a brief overview on the history of this item.

PUBLIC DISCUSSION:

Herb Dennison, 63 Spurwink Avenue.

Mr. Dennison encouraged the council to vote against this. He would also like the opportunity to pre pay for these new fees.

MOVED: M. Lynch

SECOND: P. McKenney

VOTE: 7-0

Ordered that the Cape Elizabeth Town Council to assess a monthly surcharge until December 31, 2008 for customers with submeters to off set the retro fitting of the submeters.

Item # 155-2006 Review of Progress Report and Procedural Recommendations from the Traffic Calming/Road Safety Working Group

The group would like an extension to March 2007 and would like to be involved in the design process for the town center intersection.

MOVED: M. Mowles

SECOND: M. Lynch

VOTE: 7-0

COMMENTS: Manager McGovern will draft a report to group regarding intersection input.

Ordered that the Cape Elizabeth Town Council allow the extension of the Traffic Calming/Road Safety Working Group to extend their term and continue meeting until March of 2007 and Town Manager will draft a memo regarding the involvement of the committee in the planning of the intersection at Scott Dyer Road, Ocean House Road and Shore Road.

**Item # 156-2006 Approval of New Collective Bargaining Agreement with
Cape Elizabeth Police Benevolent Association**

MOVED: M. Mowles

SECOND: A. Swift-Kayatta

VOTE: 7-0

Ordered that the Cape Elizabeth Town Council approve the new Collective Bargaining Agreement with the Cape Elizabeth Police Benevolent Association.

**Item # 157-2006 Approval of Renewal of Annual Malt Vinous and Spirituous
License for Purpoodock Golf Club**

Motion was made by Councilor Fritz to abstain from voting because she was a share holder in Purpoodock Club. That was voted against 6-0 to include Councilor Fritz in the vote

MOVED: M. Lynch

SECOND: M. Mowles

VOTE: 7-0

Ordered that the Cape Elizabeth Town Council approve the renewal of the annual malt vinous and spirituous license for the Purpoodock Golf Club.

**Item # 158-2006 Review of Recommendation from Fort Williams Advisory
Commission regarding proposed benches near Portland Head Light**

Ellen Nadeau, a member of the Fort Williams Advisory Commission, spoke briefly on the fundraising efforts for the Park.

MOVED: M. Lynch

SECOND: M. Mowles

VOTE: 7-0

Ordered that the Cape Elizabeth Town Council approve of the recommendations from the Fort Williams Advisory Commission regarding the proposed benches with a price tag no less than \$6,000 for rectangular benches and \$8,000 for curved benches near Portland Head Light.

**Item # 159-2006 Proposed Utility Pole Location on Spurwink Avenue at intersection of
Pheasant Hill Road**

MOVED: M. Mowles

SECOND: P. McKenney

VOTE: 7-0

Ordered that the Cape Elizabeth Town Council approve the placement of a utility pole to be located on Spurwink Avenue at the intersection of Pheasant Hill Road.

Item # 160-2006 Annual Approval of General Assistance Program Maximums

It is proposed to adopt the overall maximums for general assistance for the Portland HMFA as recommended by the Maine Department of Human Services. The maximums shown in Appendices B and C are adopted as guidelines for the general assistance administrator.

MOVED: M. Lynch

SECONDS: M. Mowles

VOTE: 7-0

Ordered that the Cape Elizabeth Town Council approve the General Assistance Program maximums.

Item # 161-2006 Citizen Vote on Pay/Display Vote

On November 7, 2006, the citizens of Cape Elizabeth voted in an advisory referendum to reject by a vote of 3145 to 1951 the proposed pay/display system for Fort Williams Park. It is proposed that the Council, consistent with the citizen advisory referendum vote, reject the adoption of a pay/display parking fee for Fort Williams Park.

MOVED: M. Lynch

SECOND: A. Swift-Kayatta

VOTE: 7-0

Ordered that the Cape Elizabeth Town Council accept the citizen vote regarding the Pay/Display question on the November 7, 2006 ballot.

Citizen's Discussion of Items Not on the Agenda

Manager McGovern thanked Councilor Mowles and Councilor Fritz for their time on the council. Councilor Fritz thanked the public and the council for letting her serve for the last 9 years and reviewed the highlights of the projects accomplished in her time on the Council.

Adjournment

MOVED: M. Lynch

SECOND: C. Dill

COMMENTS: 7-0

Ordered that the Cape Elizabeth Town Council adjourn from Town Council meeting at 8:59P.M.

Upcoming Meetings:

Town Council Meeting: Monday, December 11, 2006 at 7:30 p.m.