

CAPE ELIZABETH TOWN COUNCIL MINUTES

Regular Meeting # 1-2007
Monday, December 11, 2006
7:30 p.m.

Oaths of Office Administered by the Town Clerk

Cape Elizabeth School Board: Karen B. Burke, Peter H. Cotter and Kevin P. Sweeney
Cape Elizabeth Town Council: David J. Backer, Sara W. Lennon and James S. Rowe

Roll Call by the Town Clerk

Paul J. McKenney	5 Katahdin Road	899-0045	12/2007	PRESENT
David J. Backer	2 Rugosa Way	253-0529	12/2009	PRESENT
Cynthia Dill	1227 Shore Road	767-7197	12/2008	PRESENT
Sara W. Lennon	54 Cranbrook Drive	741-5139	12/2009	PRESENT
Mary Ann Lynch	2 Olde Colony Lane	232-1048	12/2007	PRESENT
James S. Rowe	127 Oakhurst Road	799-5825	12/2009	PRESENT
Anne E. Swift-Kayatta	14 Stone Bridge Road	767-5754	12/2008	PRESENT
Town Manager Michael McGovern				PRESENT
Town Clerk April D. Cohen-Tracy				PRESENT

Pledge of Allegiance to the Flag

Minutes of Meeting # 16-2006 held November 13, 2006

MOTION: P. McKenney

SECOND: C. Dill

VOTE: 7-0

COMMENTS: Councilors Lynch, Swift-Kayatta and Backer all had suggested changes to the minutes for the final record.

Ordered that the Cape Elizabeth Town council accept the minutes with suggested changes being made by Town Clerk for the final record.

Reports and Correspondence

Council Dill told the public that she had just finished her orientation in Augusta for her new seat in the Legislature. She wanted to thank the voters and said she looked forward to her new role representing Cape Elizabeth.

Town Manager's Report

Citizens Discussion of Items Not on the Agenda

Item# 1-2007 Election of a Town Council Chairman for Council Year 2006

Paul J. McKenney

On this and the other items relating to Council organization, the names listed are the persons who appeared to be the consensus choices at the Town Council caucus.

MOTION: M. Lynch

SECOND: A. Swift-Kayatta

VOTE: 7-0

COMMENTS: Incoming Chairman McKenney presented Chairman Backer with a plaque for his time served as Council Chairman and gave a speech to thank him for his time and great leadership. In return, Chairman Backer thanked everyone in the public and the council for helping him with such a great year.

Ordered that the Cape Elizabeth Town Council elect Councilor Paul J. McKenney as the Chairman for the Cape Elizabeth Town Council for the council year 2007.

Item# 2-2007 **Adoption of Town Council Rules**
Adoption is recommended.
MOTION: A. Swift-Kayatta
SECOND: C. Dill
VOTE: 7-0

Ordered that the Cape Elizabeth Town Council accept the Town Council Rules for the 2007 council year.

Item# 3-2007 **Appointment of the Finance Committee**
Mary Ann Lynch as Chairman and the Council as a whole to serve as the Finance Committee
MOTION: D. Backer
SECOND: A. Swift-Kayatta
VOTE: 7-0

Ordered that the Cape Elizabeth Town Council appoint Mary Ann Lynch as Chairman and the Council as a whole to serve on the finance committee for the 2007 council year.

Item# 4-2007 **Appointment of an Ordinance Committee**
James S. Rowe as Chairman and Cynthia Dill and Sara Lennon as members
MOTION: S. Lennon
SECOND: C. Dill
VOTE: 7-0

Ordered that the Cape Elizabeth Town Council appoint James S. Rowe as Chairman of the Ordinance Committee and Cynthia Dill and Sara Lennon as members for the 2007 council year.

Item# 5-2007 **Appointment of an Appointments Committee**
Anne E. Swift-Kayatta as Chairman and David J. Backer and Mary Ann Lynch as members
MOTION: C. Dill
SECOND: A. Swift-Kayatta
VOTE: 7-0

Ordered that the Cape Elizabeth Town Council appoint Anne E. Swift Kayatta as Chairman of the Appointments Committee and David J. Backer and Mary Ann Lynch members for the 2007 council year.

Item# 6-2007 **Appointment of Representatives to ecomaine Board of Directors**
Sara W. Lennon and Michael K. McGovern
MOTION: D. Backer
SECOND: M. Lynch
VOTE: 7-0

Ordered that the Cape Elizabeth Town Council appoint Sara W. Lennon and Michael K. McGovern to the ecomaine Board of Directors for the 2007 council year.

Item# 7-2007 **Appointment of Representative to Greater Portland Council of Governments Executive Committee**
Paul J. McKenney

MOTION: A. Swift-Kayatta

SECOND: M. Lynch

VOTE: 7-0

Ordered that the Cape Elizabeth Town Council appoint Paul J. McKenney as representative to the Greater Portland Council of Governments Executive Committee for the 2007 council year.

Item# 8-2007 Appointment of Representative and Alternate to Greater Portland Council of Governments General Assembly

James S. Rowe

Cynthia Dill, Alternate

MOTION: A. Swift-Kayatta

SECOND: M. Lynch

VOTE: 7-0

Ordered that the Cape Elizabeth Town Council appoint James S. Rowe as representative, and Cynthia Dill as alternate to the Greater Portland Council of Governments General Assembly for the 2007 Council year.

Item# 9-2007 Appointment of Representative to PACTS Policy Committee

Michael K. McGovern

MOTION: J. Rowe

SECOND: M. Lynch

VOTE: 7-0

Ordered that the Cape Elizabeth Town Council appoint Michael K. McGovern as representative to the PACTS policy committee for the 2007 council year.

Item# 10-2007 Appointment of Representative to MMA Legislative Policy Committee

Cynthia Dill

MOTION: A. Swift-Kayatta

SECOND: S. Lennon

VOTE: 7-0

Ordered that the Cape Elizabeth Town Council appoint Cynthia Dill as representative to the MMA Legislative Policy committee for the 2007 council year.

Item# 11-2007 Appointment of Representative to Thomas Memorial Library Foundation

Mary Ann Lynch

MOTION: A. Swift-Kayatta

SECOND: C. Dill

VOTE: 7-0

Ordered that the Cape Elizabeth Town Council appoint Mary Ann Lynch as representative to the Thomas Memorial Library Foundation for the 2007 council year.

Item # 12-2007 Public Hearing on Proposed Amendments to Traffic Regulations

It is proposed to adopt the proposed amendments to the Traffic Regulations.

MOTION: M. Lynch

SECOND: A. Swift-Kayatta

VOTE: 7-0

Be it ordained by the Town Council of the Town of Cape Elizabeth, Maine in Town Council assembled to adopt proposed amendments to Chapter 13 of the Town Ordinances regarding Traffic Regulations.

**Item# 13-2007 Recommendation from the Appointments Committee
Appointments to Boards and Commissions**

MOTION: M. Lynch

SECOND: A. Swift-Kayatta

VOTE: 7-0

COMMENTS: Councilor Lynch gave thanks to Debra M. Lane, Assistant Town Manager, for all her assistance in organizing interviews. She also thanked former Councilor Michael Mowles and Council Swift-Kayatta for a great interview process. She then spoke of vacancies that still exist on various committees.

Councilor Swift-Kayatta also thanked Assistant Town Manager Lane for her help and Councilor Lynch for being chair and doing a great job.

Chairman McKenney also thanked Councilor Lynch.

Ordered that the Cape Elizabeth Town Council appoint all individuals recommended by the Appointments Committee to the various Town boards and commissions (see attachment).

**Item# 14-2007 Appointment of Registrar of Voters for term to expire
on January 1, 2009**

MOTION: C. Dill

SECOND: J. Rowe

VOTE: 7-0

Ordered that the Cape Elizabeth Town Council reappoint Town Clerk April D. Cohen-Tracy as Registrar of Voters until January 1, 2009.

Item# 15-2007 Acceptance of 2006 Gifts and Donations

MOTION: D. Backer

SECOND: A. Swift-Kayatta

VOTE: 7-0

COMMENTS: Town Manager McGovern thanked Assistant Town Manager Debra Lane for putting Gift List together. He also spoke of the various gifts and donations the Town was accepting and thanked the donors.

Council Dill also thanked the donors for their generosity.

Ordered that the Cape Elizabeth Town Council accept the 2006 gifts and donations made to various Town departments as presented (see attachment).

Item# 16-2007 Proposed Naming Rights Agreement for athletic field

Chairman McKenney gave a brief introduction on the history of the Hannaford family and their connection to the field at the High School. He also mentioned a couple of the donors and their contributions to the field and to the community over the years.

Councilor Dill made a motion to table this item until the public had more time to give their input on naming the field.

MOTION: C. Dill

SECOND: None

Manager McGovern suggested making the approval a conditional approval until the Cape Elizabeth School Board had a chance to formally accept the name at their next meeting

on December 12. Superintendent of Schools Alan Hawkins said the that School Board had not made any formal decisions about the name of the field; however, they did have knowledge of the possible name and showed support for that name.

MOTION: J. Rowe

SECOND: D. Backer

VOTE: 7-0

Ordered that the Cape Elizabeth Town Council conditionally approve the name of the athletic field located at the High School "Hannaford Field" until the Cape Elizabeth School Board formally approves of the name.

Item# 17-2007 Annual Special Amusement Permit for Purpoodock Club

MOTION: J. Rowe

SECOND: S. Lennon

VOTE: 7-0

Ordered that the Cape Elizabeth Town Council approve the issuance of a Special Amusement Permit for the Purpoodock Club located on Spurwink Avenue.

**Item# 18-2007 ~~Annual Malt, Vinous and Liquors Permits and
Special Amusement Permit for the Inn by the Sea property.
(Item withdrawn)~~**

**Item# 19-2007 Request for a Zoning Ordinance Amendment from
Canyon Creek Development, Inc. for the former
Viking Nursing Home property at 126 Scott Dyer Road**

Presentation by Owens McCullough of Sebago Technics regarding the companies plans to tear down the "older" section of the building and replace it with an elder apartments wing. They would also remodel the "newer" section of the building to become a new assisted living facility.

Motion was made to refer the request for a zoning ordinance amendment to the planning board for further review.

MOTION: C. Dill

SECOND: M. Lynch

VOTE: 7-0

Ordered that the Cape Elizabeth Town Council refer the request for a zoning ordinance amendment to the Planning Board for further review.

**Item# 20-2007 Update of Wastewater agreement with
Portland Water District to include Tall Pine pump station.**

Manager McGovern gave a brief introduction about the location of the Tall Pine pump station and plans for future relocation and the landscape surrounding it.

MOTION: A. Swift-Kayatta

SECOND: J. Rowe

VOTE: 7-0

Ordered that the Cape Elizabeth Town Council update the wastewater agreement with Portland Water District to include Tall Pine pump station (see attachment).

Item# 21-2007 Update of Policy of Recognition of Bereavement

Town Manager McGovern gave brief history of the current policy set forth in 1991.

MOTION: A. Swift-Kayatta

SECOND: S. Lennon

VOTE: 7-0

Ordered that the Cape Elizabeth Town Council allow the policy for recognition of bereavement be updated from its current amount of \$50 to a new amount of \$100.

Item# 22-2007 Request to enter executive session under 1 MRSA §405 6F to review a request for a tax abatement due to poverty or infirmity.

MOTION: D. Backer

SECOND: A. Swift-Kayatta

VOTE: 7-0

Ordered that the Cape Elizabeth Town Council enter into executive session to review a request for tax abatement due to poverty or infirmity at 8:34P.M.

Citizen's Discussion of Items Not on the Agenda

Motion to leave executive session and re-enter public session at 8:50P.M.

MOTION: M. Lynch

SECOND: D. Backer

VOTE: 7-0

Ordered that the Cape Elizabeth Town Council exit executive session and re-enter public session to vote on request for tax abatement.

Motion to grant tax abatement due to poverty or infirmity for the amount of \$858.59.

MOTION: A. Swift-Kayatta

SECOND: M. Lynch

VOTE: 7-0

Ordered that the Cape Elizabeth Town Council grant a tax abatement for \$859.59 due to poverty or infirmity.

Motion to adjourn meeting at 8:56P.M.

Adjournment

MOTION: M. Lynch

SECOND: S. Lennon

VOTE: 7-0

Ordered that the Cape Elizabeth Town Council adjourn from Town Council meeting #1-2007 at 8:56P.M.

A Town Council Workshop will follow to begin discussion of potential goals for 2007.

Town workshop was held in Jordan Conference Room immediately following meeting to discuss council goals for 2007. The meeting was adjourned at 10:35PM.

April D. Cohen-Tracy
Town Clerk

Draft Meeting Schedule for 2007

January	3	Town Council Workshop with School Board	Wednesday
January	8	Town Council	Monday
January	11	Council Workshop	Thursday
February	12	Town Council	Monday
February	15	Council Workshop	Thursday
March	5	Town Council	Monday
April	5	Finance Committee	Thursday
April	9	Town Council	Monday
April	12	Finance Committee	Thursday
April	25	Finance Committee with School Board	Wednesday
May	7	Budget Public Hearing and Town Council Meeting	Monday
May	14	Town Council Meeting for Budget Adoption Only	Monday
June	4	Town Council	Monday
June	14	Council Workshop	Thursday
July	9	Town Council	Monday
August	13	Town Council	Monday
September	6	Council Workshop	Thursday
September	10	Town Council	Monday
October	10	Town Council	Wednesday
October	11	Council Workshop	Thursday
November	5	Town Council	Monday
November	8	Council Workshop	Thursday
December	10	Town Council	Monday