

CAPE ELIZABETH TOWN COUNCIL MINUTES

Regular Meeting # 2-2007

Monday, January 8, 2007

7:30 p.m.

The Town Council had a workshop at 7:00 p.m. to review the draft council goals for 2007.

Roll Call by the Town Clerk

Paul J. McKenney, Chairman	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 # 1-2007 held December 11, 2006

MOTION: A. Swift-Kayatta

SECOND: M. Lynch

VOTE: 7-0

COMMENTS: Councilor Lynch asked that the wording on item #19-2007 be changed. Ordered that the Cape Elizabeth Town Council accept the minutes with suggested changes being made by Town Clerk for final record.

Reports and Correspondence

Councilor Rowe wanted to let the public know that he attended the Cumberland County Overview Committee meeting on December 13, 2006 and if anyone had any questions to feel free to contact him.

Councilor Dill wanted the public to know that she was appointed to the Judiciary Committee in the Legislature and if anyone had any questions regarding her appointment or any other bills going before the Legislature to please give her a call.

Town Manager's Report (which will consist of a Trail work update from the Conservation Commission and Town Planner)

Intro by Town Planner Maureen O'Meara, followed by a slide show.

Councilor Lynch said that she uses the trails daily and thanked the Town Planner and the Conservation Commission for all their hard work.

Councilor Swift-Kayatta wanted to personally recognize and thank the two Eagle Scouts, Nicholas Quatrano and Randy Hobbs, who volunteered their time to help build a couple of the bridges. She also thanked the Town Planner and Public Works for their hard work.

Councilor Dill also wanted to thank everyone for their hard work.

Councilor McKenney said that he is proud to be apart of such a great community because of projects like this.

Citizens Discussion of Items Not on the Agenda None

**Item# 23-2007 Annual Malt, Vinous and Liquors Permits and
Special Amusement Permit for the Inn by the Sea Property.**

MOTION: M. Lynch

SECOND: A. Swift-Kayatta

VOTE: 7-0

Ordered that the Cape Elizabeth Town Council approve the Annual Malt, Vinous and Liquors Permits and Special Amusement Permit for the Inn by the Sea.

Item# 24-2007 Update on Hannaford Field Kids Turf Project.

MOTION: M. Lynch

SECOND: A. Swift-Kayatta

VOTE: 7-0

Ordered, the Cape Elizabeth Town Council hereby authorizes the town manager to sign an agreement to have a monofilament tuft field installed at Hannaford Field subject to the following provisions:

- The town manager shall first receive a recommendation from the superintendent of schools recommending a specific vendor.
- Prior to signing the agreement, the town manager shall receive a certified check for 90% of the value of the contract.
- The balance of the 10% of the contract shall be received no later than June 27, 2007. No work shall be commenced on new improvements to the field which are not necessary to complete this phase of the work until the full 100% value of the contract is received by the town manager.
- The scoreboard installation cost shall be privately funded.
- Approximately \$9,000 in further engineering costs including construction administration shall be privately funded.
- The soccer goals and safety nets shall be funded by the Cape Elizabeth School Department (\$5,000) and by booster clubs (\$6,000).
- The Town Manager shall purchase, with Municipal funds, a sweeper and groomer from existing appropriations at an estimated cost of \$4,300.
- It is understood that Town of Cape Elizabeth shall comply with any required permits from the Maine Department of Environmental Protection regarding storm water treatment and detention and if this cost shall exceed \$20,000 then further Town Council approval shall be required. Up to \$20,000 may be expended from the existing appropriation in the roadway/drainage account.
- The installation of the field shall necessitate an annual maintenance agreement costing \$5,900 each year. Such funding shall be included in the town manager's recommended budget each year.
- No funding is provided for an additional fence of approximately 8' in height that may be advisable for security purposes and the superintendent of schools may include funding for such a fence in a future school budget.
- It is understood that total pledges now equal \$620,000 and the known costs of the privately funded aspects of the project to be paid with cash raised by the Kids Turf group now equals an estimated \$606,700.
- It is understood that the value of the top soil to be removed from the existing field is calculated in to the bid for the project so the top soil will therefore belong to the contractor doing the work.

Item# 25-2007 Proposed Acceptance of Blueberry Road, Fernwood Lane and Red Oak Drive, two open space parcels and drainage and pedestrian easements in the Blueberry Ridge Subdivision.

Councilor Rowe wanted to make it known that his company had a working relationship with Joseph Frustaci, the developer of Blueberry Ridge, and had supplied a great deal of sheetrock for this project and wanted to know if he should abstain from voting on this item. (See Attached)

MOTION FOR RECUSAL: M. Lynch

SECOND: A. Swift-Kayatta

VOTE: 6-0

Ordered that the Cape Elizabeth Town Council recuse Council James Rowe from discussion and voting on this item.

Intro by Manager McGovern.

MOTION: D. Backer

SECOND: C. Dill

VOTE: 6-0

Ordered that the Cape Elizabeth Town Council hereby accepts the roads, open space, drainage easements, and pedestrian easements as shown on the final plan of the Blueberry Ridge Subdivision dated October 25, 2001 including Blueberry Road, Fernwood Lane and Red Oak Drive.

This acceptance is conditioned upon the developer Joseph Frustaci agreeing in writing no later than February 1, 2007 that all items in the December 22, 2006 punch list will be fully completed no later than June 1, 2007 and receipt of a written acknowledgment no later than February 1, 2007 from Joseph Frustaci that items # 1 and 4 in said punch list will be completed prior to the issuance of occupancy permits for lots 12, 14 and 15.

Item# 26-2007 Proposed Amendment to Town Council Rules relating to approval of meeting dates.

Intro by Council Swift-Kayatta.

MOTION: A. Swift-Kayatta

SECOND: J. Rowe

VOTE: 7-0

Ordered that the Cape Elizabeth Town Council accept the proposed amendment to the Town Council Rules as follows:

Regular Meetings

Section 1. Effective January 1, 1968, the regular meetings of the Town Council shall be held in the Town Hall at 7:30 p.m., current time, on the second Monday of each calendar month. When said day falls on a holiday or an Election Day, the regular meeting shall be held on the following Wednesday, at the same time and place. The date and/or location of any regular meeting may be changed by an order or resolve passed at ~~the~~ a previous meeting upon the vote of five members of the Council, provided, however, that said change in date will still provide for one regular meeting in each month.

Item# 27-2007 Approval of Proposed 2007 Meeting Dates.

2007

January	8	Town Council	Monday
January	11	Council Workshop with Fort Williams Advisory Commission and Fort Williams Charitable Foundation	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

MOTION: A. Swift-Kayatta

SECOND: D. Backer

VOTE: 7-0

Ordered that the Cape Elizabeth Town Council approve of the proposed meeting dates for 2007.

Item# 28-2007 Report from Appointments Committee regarding vacancies on boards and commissions.

Appointments Chairman Councilor Swift-Kayatta recommended the appointments of Randy Clark to the Conservation Commission and Michael Vaillancourt as Fair Hearing Officer. She also wanted to let people know that the Appointments Committee will be conducting interviews on January 16th; however, there are still positions that need to be filled. Council Swift-Kayatta also wanted to thank everyone who applied, and Assistant Town Manager Debra Lane and Councilors Lynch and Backer for all their help.

MOTION: A. Swift-Kayatta

SECOND: D. Backer

VOTE: 7-0

Ordered that the Cape Elizabeth Town Council approve the appointments of Randy Clark, 177 Fowler Road, to the Conservation Commission and Michael Vaillancourt, 55 Stonybrook Road, as Fair Hearing Officer for terms to expire December 31, 2009.

Item# 29-2007 Consideration of Annual Town Council Goals.

MOTION: J. Rowe

SECOND: S. Lennon

VOTE: 7-0

Ordered that the Cape Elizabeth Town Council approve of the Town Council goals as discussed in the Council Workshop prior to the regular Town Council meeting this evening. (See Attached)

Item# 30-2007 Proposed adjustment in building permit fees.

Intro by Manager McGovern.

Motion was made to refer this item to the Finance Committee for further review.

MOTION: M. Lynch

SECOND: A. Swift-Kayatta

VOTE: 7-0

Ordered that the Cape Elizabeth Town Council refer the proposed adjustment in building permit fees to the Finance Committee for further review.

Item# 31-2007 Proposed agreement with City of South Portland relating to Public Safety Answering Point (PSAP)

Manager McGovern gave a brief introduction about the proposed agreement. He also wanted to thank the Police and Fire Chiefs from South Portland and Cape Elizabeth, as well as Jim Gailey, Assistant City Manager of South Portland, for all their help through out the consolidation process.

Motion was made subject to indemnification recommended by the Town Attorney.

MOTION: C. Dill

SECOND: S. Lennon

VOTE: 7-0

COMMENTS: Councilor Swift-Kayatta wanted to make the citizens aware that this was a state mandated program, not something that the Town of Cape Elizabeth was implementing on their own. She also wanted to make everyone aware the costs of this program and that there would be no local savings. Ordered that the Cape Elizabeth Town Council accept the agreement with the City of South Portland relating to the Public Safety Answering Point. (See Attached)

Item# 32-2007 Proposed extension to Edward Jones lease of space at Community Center office building

Motion was made to discuss this item in Executive Session under 1 MRSA §405.

MOTION: D. Backer

SECOND: A. Swift-Kayatta

VOTE: 7-0

Citizen's Discussion of Items Not on the Agenda

Debra Sampson 59 Edgewood Road

Mrs. Sampson had questions for the council in regards to the potential access restrictions on her road by South Portland. She wanted to know, if it did get blocked off, would her address remain on Edgewood Road or would she then become Red Oak Drive? She also had concerns about Public Safety apparatus having access to her home. And, if the road does get blocked, how will the town make 'our side' look appealing. Manager McGovern responded to Mrs. Sampson by saying that Cape Elizabeth Police Chief Neil Williams is working with the two Cape Elizabeth residents on Edgewood Drive and that the South Portland City Council has the ultimate say as to what happens on that road.

Item# 33-2007 Request to enter executive session under 1 MRSA §405 to begin the annual evaluation of the town manager.

MOTION: M. Lynch

SECOND: A. Swift-Kayatta

VOTE: 7-0

TIME: 8:34 P,M

Ordered that the Cape Elizabeth Town Council enter into executive session under 1 M RSA §405 to discuss the Edward Jones Lease at Community Center office building and to begin the annual evaluation of the Town Manager.

Motion was made at 9:35 P.M to leave executive session.

MOTION: D. Backer

SECOND: C. Dill

VOTE: 7-0

Ordered that the Cape Elizabeth Town Council leave executive session and re-enter public session to vote on the lease agreement with Edward Jones at the Community Center office building.

Motion was made to approve the Edward Jones Lease agreement.

MOTION: M. Lynch

SECOND: A. Swift-Kayatta

VOTE: 7-0

Ordered that the Cape Elizabeth Town Council approve the Edward Jones lease and to authorize the Town Manager, or his designee, to enter into a lease in substantially the form presented. (See Attached)

Motion was made at 9:38 P.M to adjourn meeting.

MOTION: D. Backer

SECOND: S. Lennon

VOTE: 7-0

Ordered that the Cape Elizabeth Town Council adjourn from Town Council meeting #2-2007.

Adjournment

TIME: 9:38 P.M