

**CAPE ELIZABETH TOWN COUNCIL MINUTES**

**Regular Meeting # 4-2007**

**Monday, March 5, 2007**

**7:30 p.m.**

**Roll Call by the Town Clerk**

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

**Pledge of Allegiance to the Flag**

**Minutes of Meeting # 3-2007 held February 12, 2007**

**MOTION:** A. Swift-Kayatta

**SECOND:** J. Rowe

**VOTE:** 6-0

**COMMENTS:** Councilor Lynch added that a motion was made to go into recess at the end of last meeting.

**NOTE:** Councilor Dill was not present for vote on acceptance of minutes.

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

**Reports and Correspondence**

Councilor Rowe acknowledged the many e-mails he had received from the public regarding the Comprehensive plan. He appreciates all the citizen contact he receives and encourages it.

**Councilor Dill arrived at 7:33P.M.**

**Town Manager's Report**

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

**Jane Boulos, 60 Edgewood Road**

Ms. Boulos thanked the Town Manager and the public safety officers for their continued support against the barrier on Edgewood Road and asked that the Town remember how South Portland acted during this situation when doing business with them in the future. Manager McGovern gave a brief history of the Edgewood Road/Dana Park neighborhood. Manager McGovern does not agree with the action that has been decided by the South Portland City Council; however, he will continue to work with the South Portland City Manager on this issue.

**Debra Sampson, 59 Edgewood Road**

Ms. Sampson thanked the council for the hard work and effort to keep their street open. She knew when she bought her house on Edgewood that the area next to her home would be developed some day, but did not realize how much it was going to affect her living

environment and also her property value. She wanted to let the council know that she cannot continue this fight on her own and is looking to the council for their continued support.

**Dan Maguire, 59 Edgewood Road**

Thanked Town Manager for his involvement and asks the Town Council to step up and get involved.

**Item# 37-2007      Consideration of the renewal of the malt and vinous licenses for Ocean House Pizza at 337 Ocean House Road**

**MOTION:** A. Swift-Kayatta

**SECOND:** S. Lennon

**VOTE:** 7-0

Ordered that the Cape Elizabeth Town Council renew the malt and vinous licenses for Ocean House Pizza at 337 Ocean House Road.

**Item# 38-2007      Report from the Planning Board regarding proposed amendments to the ordinances drafted in response to the Town Council referral of a request for changes to accommodate an eldercare facility**

Motion was made to send the proposed amendments to the Ordinance Committee and to have them report back to the Council at the April 9<sup>th</sup> Council meeting and also set a public hearing for that date.

**MOTION:** D. Backer

**SECOND:** A. Swift-Kayatta

**VOTE:** 7-0

Ordered that the Cape Elizabeth Town Council send the proposed ordinance changes to the Ordinance Committee for feedback for the April 9<sup>th</sup> Council meeting and to set a Public Hearing for Monday April 9, 2007 at the Cape Elizabeth Town Hall with proper notice thereof.

**Item# 39-2007      Report from the Comprehensive Planning Commission recommending a new comprehensive plan**

Barbara Schenkel, chairman of the Comprehensive Plan Committee, thanked the selection committee for putting together such a great group of people. Everyone was willing to work hard, were serious and motivated and worked well together. She also thanked Town Planner Maureen O'Meara for all her hard work and being such a great Planner. Ms. Schenkel said that the committee wanted to work with the community so that the needs and the desires of the Town could be met.

Motion was made to convey Council gratitude to the Comprehensive Plan Committee and refer the plan to a future workshop, with the Cape Elizabeth Planning Board.

**MOTION:** M. Lynch

**SECOND:** J. Rowe

**VOTE:** 7-0

Ordered that the Cape Elizabeth Town Council refer the Comprehensive Plan to a joint workshop with the Planning Board.

**Item# 40-2007      Report from the Roadway Safety Working Group recommending a Traffic Calming policy**

Councilor Dill thanked everyone on the committee for all their hard work and the public for all their input.

**MOTION:** C. Dill

**SECOND:** M. Lynch

**VOTE: 7-0**

Ordered that the Cape Elizabeth Town Council schedule an April 9, 2007 Public Hearing at 7:30P.M at the Cape Elizabeth Town Hall with proper notice thereof on the proposed traffic calming policy.

**Item# 41-2007 Request from Wyley Enterprises, LLC for a sewer service area extension on Eastman Road to include Map R4 Lot 18**

Manager McGovern gave a brief introduction about the project, noting that the developer, Joel Fitzpatrick, and the project manager from Sebago Technics Owens McCullough were in the audience for questions. He said that the planning board has not made a formal vote regarding the sewer yet; however, it was discussed at the last workshop and they unanimously support the proposal.

Owens McCullough gave a small presentation about the location of the parcel and what the proposed development would be. He stated that the parcel of land has been purchased by Mr. Fitzpatrick and that they have met with the Town Planner, the Planning Board and Bob Malley.

Councilor Dill asked when the neighbors would be notified of the project. Town Planner Maureen O'Meara said they already had been notified in February. They will also be notified several times throughout the development process. She also noted the potential for neighbors to be able to hook into this new sewer line. However, this is in very early talks and the cost for this has not been determined yet. The Town Manager noted that there would be no requirement for the neighbors to tie in, it would only be provided as an option for them.

Councilor Lynch added that if a resident was hooked up to sewer it would be less expensive for them and friendlier to the environment.

**MOTION:** C. Dill

**SECOND:** M. Lynch

**VOTE:** 7-0

Ordered that the Cape Elizabeth Town Council approve the proposal for sewer extension on Eastman Road and on amendment to the sewer service area map and considers it in conformity with the current and the proposed comprehensive plan.

**Item# 42-2007 Request from citizen group seeking to raise funds for new dugouts at Holman Field and Capano Field and for the Town to receive the funds**

Councilor Rowe spoke about benches at Holman Field and said that an offer from his company to provide the concrete blocks still stands.

Manager McGovern said that private groups have had tremendous success in raising money the last few years in Town.

**MOTION:** J. Rowe

**SECOND:** M. Lynch

**VOTE:** 7-0

Ordered that the Cape Elizabeth Town Council authorize the Town Manager to establish a fund to accept donations for four new high school dugouts and to expend the funds once the monies are received for the completion of all four dugouts.

**Item# 43-2007 Request from the town manager to establish a Spurwink Meeting House Preservation Committee**

Manager gave a brief introduction and noted some of the needed repairs and a potential cost of \$300,000. Committee should be in place by June and should keep in mind that weddings have probably been scheduled for the summer of 2008. Committee

may consist mostly of members that were on the study committee and a couple of council members.

**MOTION:** A. Swift-Kayatta

**SECOND:** C. Dill

**VOTE:** 7-0

Ordered that the Cape Elizabeth Town Council approve the request from the Town Manager to establish a Spurwink Meeting House Preservation Committee.

**Item# 44-2007      Request from the Fort Williams Advisory Commission to approve the use of Fort Williams Park for Cape Elizabeth Little League 2007 activities as outlined in a December 8, 2006 letter from Cape Elizabeth Little League President Mark Hare #44-52**

Motion was made to vote on item numbers 44-52 as one, except number 45.

**MOTION:** M. Lynch

**SECOND:** C. Dill

**VOTE:** 7-0

Ordered that the Cape Elizabeth Town Council vote on item numbers 42-52 as en bloc, except for item # 45.

Motion was made to approve of all event requests at Fort Williams Park.

**MOTION:** M. Lynch

**SECOND:** A. Swift-Kayatta

**VOTE:** 7-0

Ordered that the Cape Elizabeth Town Council accept all event requests for Fort Williams Park.

**Item# 45-2007      Request from the Fort Williams Advisory Commission to approve the use of Fort Williams Park for the annual field days of the Pond Cove Elementary School on June 4, 5, 6 and 7, 2007 per the letter dated January 19, 2007 from Pond Cove teacher David H. Shields Jr.**

Motion was made to approve the dates of the field days as June 11-14 from 9AM 11AM.

**MOTION:** M. Lynch

**SECOND:** A. Swift-Kayatta

**VOTE:** 7-0

Ordered that the Cape Elizabeth Town Council accept the request from the Fort Williams Advisory Commission to approve use of Fort Williams Park for the annual field days of the Pond Cove Elementary School on June 11-14.

**Item# 46-2007      Request from the Fort Williams Advisory Commission to approve the use of Fort Williams Park for practices and the commencement ceremony for the Cape Elizabeth High School Class of 2007 as outlined in the letter dated October 12, 2006 from CEHS Assistant Principal Troy Henninger**

**Item# 47-2007      Request from the Fort Williams Advisory Commission to approve the use of Fort Williams Park for Family Fun Day on June 16,**

2007 or the rain date of June 23, 2007 as outlined in the e-mail dated January 25, 2007 from Family Fun Day Chair Steve Culver

**Item# 48-2007** Request from the Fort Williams Advisory Commission to approve the use of Fort Williams Park for the Portland Amateur Wireless Association Field Day on June 23-24, 2007 as outlined in a letter from Peter S. Eastman.

**Item# 49-2007** Request from the Fort Williams Advisory Commission to approve the use of Fort Williams Park for the Portland Symphony Orchestra Independence Pops Concert on Friday, June 29, 2007 as outlined in a letter dated December 5, 2006 from PSO Executive Director Ari Solotoff

**Item# 50-2007** Request from the Fort Williams Advisory Commission to approve the use of Fort Williams Park for the 10<sup>th</sup> annual TD Banknorth Beach to Beacon Road Race beginning with setup on August 1, 2007 and through the Saturday, August 4, 2007 race as outlined in a letter dated December 5, 2006 from Race Director Dave McGillivray

**Item# 51-2007** Request from the Fort Williams Advisory Commission to approve the use of Fort Williams Park for the Portland Yacht Club to establish a finish line command post for the annual Monhegan Sail Boat race on August 11 and 12, 2007 as outlined in a letter dated December 11, 2006 from PYC Yacht Vice Commodore Chuck Sanders

**Item# 52-2007** Request from the Fort Williams Advisory Commission to approve the use of Fort Williams Park for the Engine One annual Labor Day Art Show on Sunday, September 2, 2007 with a rain date of Monday, September 3, 2007 as outlined in a letter dated December 4, 2006 from Engine One Captain Ron O'Brien

**Item# 53-2007** Receipt of the town manager's proposed Fiscal Year 2008 municipal budget for referral to the Town Council Finance Committee

Motion was made to vote on item numbers 53-61 as one.

**MOTION:** M. Lynch

**SECOND:** A. Swift-Kayatta

**VOTE:** 7-0

Ordered that the Cape Elizabeth Town Council vote on item numbers 53-61 as en bloc.

Motion was made to refer item numbers 53-61 to the Town Council Finance Committee.

**MOTION:** M. Lynch

**SECOND:** A. Swift-Kayatta

**VOTE:** 7-0

Ordered that the Cape Elizabeth Town Council refer items numbered 53-61 to the Town Council Finance Committee.

- Item# 54-2007**      **Receipt of the town manager’s proposed Fiscal Year 2008 rescue fund budget for referral to the Town Council Finance Committee**
- Item# 55-2007**      **Receipt of the town manager’s proposed Fiscal Year 2008 sewer fund budget for referral to the Town Council Finance Committee**
- Item# 56-2007**      **Receipt of the town manager’s proposed Fiscal Year 2008 Spurwink Meeting House fund budget for referral to the Town Council Finance Committee**
- Item# 57-2007**      **Receipt of the town manager’s proposed Fiscal Year 2008 Riverside Cemetery fund budget for referral to the Town Council Finance Committee**
- Item# 58-2007**      **Receipt of the Cumberland County Commissioners adopted 2007 county budget for referral to the Town Council Finance Committee to be included in the FY 2008 general fund budget**
- Item# 59-2007**      **Receipt of the town manager’s proposed Fiscal Year 2008 Fort Williams Capital Fund budget for referral to the Town Council Finance Committee**
- Item# 60-2007**      **Receipt of the town manager’s proposed Fiscal Year 2008 Portland Head Light fund budget for referral to the Town Council Finance Committee**
- Item# 61-2007**      **Receipt of the town manager’s proposed Fiscal Year 2008 Thomas Jordan Fund budget for referral to the Town Council Finance Committee**

**Citizen’s Discussion of Items Not on the Agenda**

Councilor Dill wanted to thank William Kayatta for testifying in front of the State Legislature for funding for legal services for under privileged Mainers.

Motion was made to adjourn at 8:34P.M.

**MOTION:** D. Backer

**SECOND:** M. Lynch

**VOTE:** 7-0

Ordered that the Cape Elizabeth Town Council adjourn meeting # 4-2007 at 8:34P.M.