

CAPE ELIZABETH TOWN COUNCIL MINUTES

Regular Meeting # 5-2007

Monday, April 9, 2007

7:30 p.m.

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
Manager Michael McGovern				PRESENT
Town Clerk April D. Tracy				PRESENT

Pledge of Allegiance to the Flag

Minutes of Meeting # 4-2007 held March 5, 2007

MOTION: M. Lynch

SECOND: A. Swift-Kayatta

VOTE: 7-0

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

Reports and Correspondence

Councilor Swift-Kayatta gave a brief update about the recent National League of Cities Conference that she attended in Washington D.C. She was there to represent the Maine Municipal Association and the Town of Cape Elizabeth. She welcomed all questions that the public may have about her trip.

Councilor McKenney thanked the Cape Elizabeth Recycling Committee for all their hard work. He said they are doing a great job educating the Cape Elizabeth citizens about the benefits of recycling.

Town Manager's Report

2006 Town Report is now available.

Assessor Matthew Sturgis presented an update on the potential for a revaluation.

Spurwink Avenue paving, along with the light at the intersection of Shore Road , Route 77 & Scott Dyer Road will be delayed due to MDOT funding issues. Councilor Swift-Kayatta asked if there would still be enough time in this construction year to do these projects. Manager McGovern said he thought the bids for these jobs would be pushed to the 2008 bid year; however, he did not think we would be in any threat of having the job completely cut from the bid list.

Expiration of the cable television franchise is coming up. Councilor Rowe asked if different communities expire at different times of the year or even in different years. Manager McGovern told him that the contracts for other towns all vary in the renewal process. The Town is researching ownership of the 18 acres behind Sherwood Forest. Town has interest in property for conservation purposes.

Manager McGovern thanked all the departments involved with helping out with the snow storm on April 5th. He reminded the community of the curbside brush pick up and the waiver of brush fees at the recycling center for storm related brush. He also asked that Cape residents use the 767-CAPE phone number to inquire about power outages or school cancellations. A lot of phone calls came into dispatch at the police station. The fire

department alone had nearly 100 calls that day, so the dispatchers need to be available to answer emergency calls. This number will also be going out with all the tax bills in the fall as an insert.

Citizens Discussion of Items Not on the Agenda

None

Item# 62-2007 Consideration of the transfer of the Special Amusement Permit for the Inn by the Sea property to the Inn by the Sea.

(The permit was previously held by a leasee.)

MOTION: A. Swift-Kayatta

SECOND: J. Rowe

VOTE: 7-0

Ordered that the Cape Elizabeth Town Council approve the transfer of the Special Amusement Permit from Susan Legge Events to the Inn by the Sea.

Item# 63-2007 Public hearing and possible vote regarding proposed amendments to the ordinances drafted in response to the Town Council referral of a request for changes to accommodate an eldercare facility

Councilor Rowe gave a brief introduction of the ordinance including a small history and what the changes would include. The ordinance committee met on March 16th and voted 3-0 in favor of the changes. Town Planner Maureen O'Meara also gave a description of how the ordinance will read and how it would affect single family homes and commercial dwellings. Councilor Backer wanted to make the point of saying that he was not opposed to the ordinance but did not see why it should have different affects on single family homes as oppose to commercial buildings. Councilor Lynch noted that it was not a special ordinance for commercial properties, but that it was showing that the town understood there was a need for eldercare facilities. She also wanted to make people aware that this new building would be hooking into the sewer. Noting the benefits to the environment and also noting the proximity of this building to a wetland area.

MOTION: J. Rowe

SECOND: C. Dill

VOTE: 7-0

Be it ordained by the Town Council of the Town of Cape Elizabeth, Maine, in Town Council assembled approve the proposed amendments to the ordinance drafted to accommodate an eldercare facility.

Item# 64-2007 Public hearing and possible vote on the proposed Traffic Calming policy

Councilor Dill gave a brief background on the Road Safety working group. She noted that they had received about 45 correspondences from members of the community, had one site walk, 1 public forum, 9 meetings and a few articles in the Cape Courier. The next meeting that will be on April 27th at 8:45AM in the Jordan Conference room at Town Hall.

Town Planner Maureen O'Meara gave a background on the types of categories that roads fall into; however, she stated that it is possible for one road to have two classifications.

Richard Berman, a member of the Road Safety working group noted the different types of measures that could be taken to improve our road safety and also described the flow chart that is included in the Traffic Calming Policy.

Police Chief Neil Williams spoke about spring and fall being the times of year when people will start complaining about speeding. He also said that when designing the policy the group tried to craft a policy that is as fair as possible.

CITIZEN DISCUSSION:

Gary Beckwith, Oakwood Road

Mr. Beckwith said he has lived in Town for a very long time and is an avid walker and biker. He thinks it is very important for the Town to educate the driving and walking public and there should be on going enforcement and education available. Manager McGovern said the policy could be approved tonight; however, if need be it could be altered later.

Councilor Lynch thanked Cynthia and the committee for doing such a great job and also wanted to ask if stop signs and were considered a physical measure, because if they were, the town would not be able to put them in the new town center. Councilor Dill answered that question by saying that the plan does not limit or diminish what the council can and cannot do. So if the council wanted to put stop signs in, they could. Councilor Backer also acknowledged the letter that the council received from David Plimpton and Mary Esposito, noting that they could not attend the meeting this evening. Motion was made to approve the Traffic Calming policy with amendment made by Councilor Dill on page one.

MOTION: C. Dill

SECOND: A. Swift-Kayatta

VOTE: 7-0

Ordered that the Cape Elizabeth Town Council accept the Traffic Calming policy as amended.

Item# 65-2007 Receipt of annual benchmark study

Manager McGovern went over the 2007 Benchmark Study giving brief explanations. Councilor Dill asked if the state was paying 17.7% and Manager McGovern said yes in 2005/2006. Councilor Swift-Kayatta spoke of Governor Baldacci's interests in Cape Elizabeth's "One Town" theory.

MOTION: A. Swift-Kayatta

SECOND: C. Dill

VOTE: 7-0

Ordered that the Cape Elizabeth Town Council accept the annual 2007 Benchmark Study prepared by the Town Manager.

Item# 66-2007 Approval of 2007 Dog Warrant

Town Clerk April Tracy gave brief introduction.

MOTION: M. Lynch

SECOND: S. Lennon

VOTE: 7-0

Ordered that the Cape Elizabeth Town Council approve the 2007 Dog Warrant.

Item# 67-2007 Approval of lease renewal for Town Hall space for the Cape Courier of Cape Elizabeth

Manager McGovern gave a brief history of the lease with the Cape Courier at Town Hall.

MOTION: S. Lennon

SECOND: M. Lynch

VOTE: 7-0

Ordered that the Cape Elizabeth Town Council approve the lease renewal for the Town Hall space for the Cape Courier.

Citizen's Discussion of Items Not on the Agenda

None

Adjournment

MOTION: A. Swift-Kayatta

SECOND: J. Rowe

VOTE: 7-0

TIME: 9:44P.M

Ordered that the Cape Elizabeth Town Council adjourn from meeting # 5-2007 at 9:44P.M.

Respectfully submitted,

April D. Tracy
Town Clerk