

CAPE ELIZABETH TOWN COUNCIL AGENDA
Regular Meeting # 9-2007
Monday, June 4, 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	ABSENT
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
Michael McGovern, Town Manager				PRESENT
April D. Tracy, Town Clerk				PRESENT

Pledge of Allegiance to the Flag

Review of Minutes for May 7 and 14, 2007 meetings

MOTION: M. Lynch

SECOND: D. Backer

VOTE: 6-0

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

Presentation of a Proclamation from Maine's 123rd Legislature by Chairman McKenney to the Cape Elizabeth K-6 Chess Club for the State Championship win.

Reports and Correspondence

Councilor Rowe thanked Jim Cox for putting together such a great Memorial Day celebration. Councilor McKenney said he was also honored to be a part of the festivities. He made the public aware of the State's consolidation plan. He noted that if the state passed this plan, the Cape Elizabeth School Department would join with the South Portland School Department. This would eliminate the "One Town" concept and would also not be cost effective for the Town. Councilor Swift-Kayatta told the citizens that if they had concerns about the consolidation that they should contact their legislatures and the contact information is on the Town's website.

Town Manager's Report (See Attached)

Citizens Discussion of Items Not on the Agenda

None

Item # 91 Hannaford Field Committee

It is proposed to adopt a committee charge for a committee to review any proposed additional changes to Hannaford Field.

Introduction given by Manager McGovern.

Councilor Swift-Kayatta asked for clarification on the differences between option "A" and "B".

Motion was made by Councilor Backer to approve of option “B” and was seconded by Councilor Lynch; however, she felt it was important to include someone from the Elizabeth Park neighborhood to be on the committee.

Councilor Backer said he would amend his original motion to include the member from the Elizabeth Park neighborhood.

Manager McGovern also made it clear that all proposals would go to the School Board first for approval, then to the Town Council.

VOTE: 6-0

Ordered that the Cape Elizabeth Town Council adopt a charge for the Hannaford Field Committee as outlined in Option “B” with the addition of an Elizabeth Park resident to the committee.

Item # 92 Turf Field Committee

It is proposed to sunset the earlier Turf Field Committee and to thank the committee for their exceptional work.

Manager McGovern suggested making a motion to table this issue since this would negate item #91.

MOTION: S. Lennon

SECOND: J. Rowe

VOTE: 6-0

Ordered that the Cape Elizabeth Town Council table item #92 indefinitely.

Item # 93 Trout Brook Watershed Management Plan

It is proposed to authorize staff and the Planning Board to work collaboratively with the City Of South Portland on a management plan for the Trout Brook watershed.

Introduction given by Manager McGovern.

MOTION: A. Swift-Kayatta

SECOND: S. Lennon

VOTE: 6-0

Ordered that the Cape Elizabeth Town Council authorize staff and the Planning Board to work collaboratively with the City of South Portland on a management plan for the Trout Brook watershed.

Item # 94 Construction Code Amendments

The Ordinance Committee has reviewed proposed amendments to Chapter 6 of the Code of Ordinances. It is proposed to accept the report of the Ordinance Committee and to set a public hearing for Monday, July 9, 2007 at 7:30 p.m. at the Cape Elizabeth Town Hall on the proposed changes.

An introduction to item numbers 94, 95 and 96 was given by Councilor Rowe.

Motion was made to accept the reports for item numbers 94, 95 and 96 and set them for public hearing on July 9, 2007.

MOTION: J. Rowe

SECOND: A. Swift-Kayatta

VOTE: 6-0

Ordered that the Cape Elizabeth Town Council accept the reports on the Construction Code, Fire Prevention Code and Sewer Ordinance and set a public hearing date for July 9, 2007 at 7:30P.M in the Town Hall Council Chambers.

Item # 95 Fire Prevention Code Amendments

The Ordinance Committee has reviewed proposed amendments to Chapter 8 of the Code of Ordinances. It is proposed to accept the report of the Ordinance Committee and to set a public hearing for Monday, July 9, 2007 at 7:30 p.m. at the Cape Elizabeth Town Hall on the proposed changes.

Item # 96 Sewer Ordinance Amendments

The Ordinance Committee has reviewed proposed amendments to Chapter 15 of the Code of Ordinances. It is proposed to accept the report of the Ordinance Committee and to set a public hearing for Monday, July 9, 2007 at 7:30 p.m. at the Cape Elizabeth Town Hall on the proposed changes.

Item # 97 Carry Forward Balances

It is proposed to approve carry forward balances to be continued into FY 2008. Otherwise, the appropriations would lapse.

Introduction was given by Manager McGovern.

MOTION: D. Backer

SECOND: J. Rowe

VOTE: 6-0

Ordered that the Cape Elizabeth Town Council approve of the carry forward balances to be continued into FY 2008.

Item # 98 Year End Transfers

The Town Charter provides that the budget for each department shall not be exceeded except by consent of the council. Each fiscal year before the last town council meeting, the various accounts are reviewed and recommendations are made on which departments may need additional appropriations in order to close out the year with positive balances in each department.

The entire budget is well within the budget.

The following revised FY 2007 appropriations are recommended.

Department 135 Legal and Audit

Original Appropriation \$63,500

Recommended Revised Appropriation \$71,000

The \$7,500 additional needed is due to the cost of fact finding for the police collective bargaining agreement.

Department 160 Insurance

Original Appropriation \$74,284

Recommended Revised Appropriation \$79,000

The premium for our insurance coverage increased from \$72,466 last year to \$78,507 this year. We anticipated a lower increase. \$82,000 has been budgeted for FY 2008.

Department 180 Debt Service

Original Appropriation \$1,069,510

Recommended Revised Appropriation \$1,069,755

The account is overspent by \$245.

Department 410 Human Services

Original Appropriation \$26,733

Recommended Revised Appropriation \$40,000

Last year we spent \$2,100 on general assistance and \$1,518 the year before. So far this year we have spent \$15,314.

Introduction given by Manager McGovern.

MOTION: M. Lynch

SECOND: A. Swift-Kayatta

VOTE: 6-0

Ordered that the Cape Elizabeth Town Council approve of the Year End Transfers as outlined above.

Item # 99 Appointments Committee Recommendation

A report is anticipated from the Appointments Committee recommending citizens to fill vacancies.

Introduction given by Councilor Swift-Kayatta.

MOTION: A. Swift-Kayatta

SECOND: M. Lynch

VOTE: 6-0

Ordered that the Cape Elizabeth Town Council approve of the recommended appointments to the various Town boards and commissions.

Item # 100 Use of Community Center Lower Level

It is proposed to begin to use the lower level of the community center for active uses instead of the current usage solely for storage. The fire chief has signed off on the use.

Introduction given by Manager McGovern

MOTION: A. Swift-Kayatta

SECOND: S. Lennon

VOTE: 6-0

Ordered that the Cape Elizabeth Town Council approve the use of the lower level of the community center for activities instead of the current usage solely for storage.

Item # 101 Acceptance of Release Deeds from the Heirs of Dorothy Scott

The Town Council has been aware of the efforts to acquire the property interests of the Loveitt Heirs for the 18+- acres of land behind Sherwood Forest. We have received release deeds from the heirs of Dorothy Scott for an apparent 1/14th interest. It is proposed to accept these release deeds with appreciation to Norman Scott and Lois F. Richard.

It is also proposed to offer to all apparent heirs who offer their interests in the property a proportionate share of the assessed value with the funds to be expended from the land acquisition fund. The total assessed value is \$46,000. For example, a 1/14th interest would amount to \$3285.71. Preliminary correspondences from some other parties have indicated a willingness to deed over their rights provided all parties are treated the same. It is likely that the full interest will not be able to be obtained as some of the lines of inheritance appear to have been extinguished and at least one party has thus far indicated a reluctance to offer their interest.

Introduction given by Manager McGovern.

Motion was made to accept the release of the heirs from Dorothy Scott; however, Councilor Lynch requested that a further discussion on the acquisition of the property be discussed in executive session.

Motion to accept heirs from Dorothy Scott.

MOTION: M. Lynch

SECOND: A. Swift-Kayatta

VOTE: 6-0

Motion was then made to discuss the acquisition of more land within the parcel in executive session in accordance with 1 MRSA §405 Para 6 C.

MOTION: M. Lynch

SECOND: A. Swift-Kayatta

VOTE: 6-0

Ordered that the Cape Elizabeth Town Council accept the release of heirs from Dorothy Scott and discuss the further accusation of land in executive session in accordance with 1 MRSA §405 Para 6 C.

Item # 102 Proposed Executive Session

A policy adopted by the town council many years ago provides that when any parcel in the town center becomes available that abuts town property, the town manager shall bring the availability to the attention of the town council. The home at 7 Holman Road next to the Thomas Memorial Library is for sale. It is proposed to enter executive session in accordance with 1 MRSA §405 Para 6 C.

§405. Executive sessions

3. Procedure for calling of executive sessions. Executive sessions may be called only by a public, recorded vote of 3/5 of the members, present and voting, of such bodies or agencies.

4. Motion contents. A motion to go into executive session must indicate the precise nature of the business of the executive session and include a citation of one or more sources of statutory or other authority that permits an executive session for that business. Failure to state all authorities justifying the executive session does not constitute a violation of this subchapter if one or more of the authorities are accurately cited in the motion. An inaccurate citation of authority for an executive session does not violate this subchapter if valid authority that permits the executive session exists and the failure to cite the valid authority was inadvertent.

6. Permitted deliberation. Deliberations may be conducted in executive sessions on the following matters and no others: (Other paragraphs not applicable omitted)
C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

MOTION: M. Lynch

SECOND: D. Backer

VOTE: 6-0

TIME: 8:33P.M

Ordered that the Cape Elizabeth Town Council exit public session to enter executive session in accordance with 1 MRSA §405 Para 6 C.

Citizens' discussion of items not on the agenda

None

Motion was made to leave executive session.

MOTION: M. Lynch

SECOND: S. Lennon

VOTE: 6-0

TIME: 9:30P.M

Motion was made to authorize the Town Manager to spend up to \$30,000 to acquire fractional interest in the Loveitt Heirs parcel located behind Sherwood Forest.

MOTION: A. Swift-Kayatta

SECOND: S. Lennon

VOTE: 6-0

Ordered that the Cape Elizabeth Town Council authorize the Town Manager to spend up to \$30,000 to acquire fractional interest in the Loveitt Heirs parcel located behind Sherwood Forest.

Motion to adjourn meeting # 9-2007.

MOTION: J. Rowe

SECOND: M. Lynch

VOTE: 6-0

TIME: 9:33P.M

Ordered that the Cape Elizabeth Town Council adjourn council meeting #9-2007.

Workshop: It is proposed to have a town council workshop following the town council meeting to review the progress on town council goals for 2007.