

CAPE ELIZABETH TOWN COUNCIL MINUTES
Regular Meeting # 11-2007
Monday, July 9, 2007
7:30 p.m.

Roll Call by the Town Clerk

Paul J. McKenney, Chairman	5 Katahdin Road	899-0045	12/2007	ABSENT
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

Michael McGovern, Town Manager

April D. Tracy, Town Clerk

Pledge of Allegiance to the Flag

Review of Minutes of Meetings # 9 and # 10 held June 4, and June 14, 2007

Motion to approve minutes from June 4, 2007 with changes noted by town councilors.

MOTION: A. Swift-Kayatta

SECOND: D. Backer

VOTE: 6-0

Ordered that the Cape Elizabeth Town Council approve of the minutes from the June 4, 2007 council meeting with the Town Clerk making changes for the final record.

Motion to approve minutes from June 14, 2007.

MOTION: A. Swift-Kayatta

SECOND: C. Dill

VOTE: 6-0

Ordered that the Cape Elizabeth Town Council approve of the minutes from the June 14, 2007 council meeting with the Town Clerk making changes for the final record.

Proclamation presented by Councilor Dill to Town Planner, Maureen O'Meara from the State of Maine. Mike Pulsifer, of the Conservation Commission, also thanked Maureen for all the hard work she does for the Town.

Reports and Correspondence

Councilor Rowe mentioned that among the council's goals for this year is to have a councilor attend at least one meeting of each board and commission. He recently attended a Fort Williams Advisory Commission and a Community Services Advisory Commission meeting and thanked each group for all the service they provide. He was also able to attend a meeting for the Greater Portland Council of Governments where Councilor McKenney was sworn in as President.

Town Manager's Report

Town Manager McGovern congratulated Town Planner Maureen O'Meara on her award and also thanked Councilor Dill for her nice presentation. He noted that this would be the last meeting for Town Clerk April Tracy and he thanked her for all her work over the last year. Manager McGovern then gave a brief construction update for the various projects that are taking place over the town.

Councilor Dill thanked the councilors who helped her draw up a section of the school consolidation plan that address high achieving schools.

Councilor Lynch then noted that there will be a forum with the School Board on Tuesday July 9, 2007 at 7:30 PM in the council chambers to discuss the phases of consolidation.

Citizens Discussion of Items Not on the Agenda

None

Public Hearings:

Introduction was given by Councilor Rowe.
Proposed Amendments to the Construction Code
Proposed Amendments to the Fire Prevention Code
Proposed Amendments to the Sewerage Ordinance

Item # 104

Proposed Amendments to the Construction Code

MOTION: J. Rowe

SECOND: D. Backer

VOTE: 6-0

Be it ordained by the Town Council of the Town of Cape Elizabeth, Maine, in Town Council assembled July 9, 2007 that the proposed amendments to the Construction, Fire Prevention and Sewerage ordinances be approved.

Item # 105

Proposed Amendments to the Fire Prevention Code

See Item # 104

Item # 106

Proposed Amendments to the Sewerage Ordinance

See Item # 104

Item # 107

Priority Project Report from the Fort Williams Advisory Commission

Introduction given by Chuck Wilson, chair of the Fort Williams Advisory Commission and Joel Russ, the chair of the Fort Williams Charitable Fund.

MOTION: A. Swift-Kayatta

SECOND: J. Rowe

VOTE: 6-0

Ordered that the Cape Elizabeth Town Council acknowledge receipt of the report from the Fort Williams Advisory Commission and the Town Council expresses appreciation to the Fort Williams Advisory Commission.

Item # 108

Proposed Policy for the naming of facilities on school grounds

Introduction given by Manager McGovern.

MOTION: C. Dill

SECOND: A. Swift-Kayatta

VOTE: 6-0

Ordered that the Cape Elizabeth Town Council adopt the naming of facilities policy in the same form and with the same language as adopted by the school board on May 8, 2007.

Item # 109

School Board proposal to designate Middle School athletic field as “Rey E. Moulton Athletic Field.”

Introduction by Manager McGovern.

MOTION: D. Backer

SECOND: A. Swift-Kayatta

VOTE: 6-0

Ordered that the Cape Elizabeth Town Council designate the Middle School athletic Field as the “Rey E. Moulton Athletic Field”.

Item # 110

Proposed new Comprehensive Plan

MOTION: A. Swift-Kayatta

SECOND: J. Rowe

VOTE: 6-0

Ordered that the Cape Elizabeth Town Council set for Public Hearing on September 10, 2007 at 7:30 PM in the Council Chambers at Town Hall the proposed new Comprehensive Plan

Item # 111

Proposed policy relating to the removal of trees on town owned land

Introduction by Town Planner, Maureen O’Meara.

MOTION: A. Swift-Kayatta

SECOND: C. Dill

VOTE: 6-0

Ordered that the Cape Elizabeth Town Council accept the policy relating to the removal of trees on town owned land with changes made to item #2.

Item # 112

Proposed process to develop a Cape Elizabeth Agricultural Profile

Introduction given by Manager McGovern.

MOTION: C. Dill

SECOND: A. Swift-Kayatta

VOTE: 6-0

Ordered that the Cape Elizabeth Town Council table this item to the September 10, 2007 town council meeting.

Item # 113

Purchase of 7 Holman Road

Introduction by Manager McGovern.

MOTION: A. Swift-Kayatta

SECOND: C. Dill

VOTE: 6-0

Ordered that the Cape Elizabeth Town Council authorize the Town Manager to purchase the property located at 7 Holman Road with a purchase price of \$305,000. [The funds for](#)

the purchase and related legal and survey expenses and 2007-2008 utilities and maintenance costs of an estimated \$15,000 are hereby appropriated from the undesignated fund balance. It is further voted that the town council inquire through the Trustees of the Thomas Memorial Library to the Thomas Memorial Library Foundation on their interest in assisting the Town in developing a concept study for a future expansion of the Thomas Memorial Library.

Item # 114

Acceptance of open space at Cross Hill

MOTION: J. Rowe

SECOND: A. Swift-Kayatta

VOTE: 6-0

Ordered that the Cape Elizabeth Town Council accept approximately 34,927 feet of open space at Cross Hill near its intersection with Wells Road.

Item # 115

Acceptance of an access right of way and related rights to the extension of Bigelow Way

Description of property given by Town Planner Maureen O'Meara.

MOTION: C. Dill

SECOND: S. Lennon

VOTE: 6-0

Ordered that the Cape Elizabeth Town Council accept as access right of way and related right to the extension of Bigelow Way.

Item # 116

Approval of the annual liquor licenses for the Good Table restaurant.

MOTION: A. Swift-Kayatta

SECOND: S. Lennon

VOTE: 6-0

Ordered that the Cape Elizabeth Town Council approve the annual liquor license for the Good Table Restaurant.

Item # 117

Consideration of the report of the Road Safety Working Group

Introduction by Councilor Dill and Manager McGovern.

MOTION: C. Dill

SECOND: A. Swift-Kayatta

VOTE: 6-0

Ordered that the Cape Elizabeth Town Council set October 11, 2007 as a workshop to discuss the report of the Road Safety Working Group.

Item # 118

Fire/ Police Unit

Introduction by Manager McGovern.

MOTION: J. Rowe

SECOND: A. Swift-Kayatta

VOTE: 6-0

Ordered that the Cape Elizabeth Town Council votes that the Cape Elizabeth Fire/Police Unit now be part of the Cape Elizabeth Fire Department instead of the Police Department.

Item # 119

Repair of Storm Damage to Cliff House Beach

Introduction by Manager McGovern.

Tom Meyers, Sea View Ave

Mr. Meyers encouraged the council to take advantage of FEMA funds.

Tom Mikulka, 4 Mountain View Road

Mr. Mikulka thanked the town for its support. He said that the beach was very important to the neighborhood and that many neighbors had come together already to help clean up the beach.

MOTION: A. Swift-Kayatta

SECOND: J. Rowe

VOTE: 6-0

Ordered that the Cape Elizabeth Town Council authorize the Town Manager to spend up to \$49,000 for repair related to storm damages to the town owned Cliff House Beach with an estimated 75% of the construction cost to be reimbursed by the Federal Emergency Management Agency.

Item # 120

Appointment to Spurwink Meeting House Preservation Committee

The Appointments Committee recommends the appointment of Katherine N. Ray.

Intro by Councilor Swift-Kayatta.

MOTION: A. Swift-Kayatta

SECOND: D. Backer

VOTE: 6-0

Ordered that the Cape Elizabeth Town Council appoint Katherine N. Ray to the Spurwink Meeting House Preservation Committee.

Item # 121

Spurwink Avenue Temporary Construction Easements, Slope and Drainage easement

It had been recommended that the town council note the Maine Department of Transportation's offer of \$6,400 for easements necessary for the upcoming paving work on Spurwink Avenue.

Introduction by Manager McGovern.

Council chose to take no action with this item.

Citizens' discussion of items not on the agenda

None.

Adjournment

MOTION: D. Backer

SECOND: A. Swift-Kayatta

VOTE: 6-0

TIME: 9:15P.M