

CAPE ELIZABETH TOWN COUNCIL MINUTES

**Regular Meeting # 14-2007
Monday, September 10, 2007
7:30 p.m.**

Roll Call by the Town Clerk

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

Manager Mike McGovern X
Town Clerk Ruth Noble X

Pledge of Allegiance to the Flag

The following minutes were approved:

Council meeting # 12 of August 13, 2007

Moved: M. Lynch

Second: J. Rowe

Vote: 6 in favor – 0 opposed – 1 abstention

(Councilor Swift-Kayatta abstained from the vote due to her absence from that meeting).

Council meeting # 13 of August 27, 2007

Moved: M. Lynch

Second: C. Dill

Vote: 7 in favor – 0 opposed.

Reports and Correspondence

Chairman McKenney announced the Council is in receipt of a number of emails regarding the Comprehensive Plan and thanked everyone for their input to date.

Councilor Lynch announced the Cumberland County Manager is proposing an increase of 8.21% in the draft budget; she will continue to keep the public informed. She serves on the County Budget Advisory Committee.

Town Manager's Report

Mr. McGovern welcomed Town Clerk Ruth Noble and thanked Acting Town Clerk Jackie Coy who performed an excellent job while serving in the interim.

Police Officer Nick Rich was congratulated for being named officer of the Year by Chief Williams and was recognized for the service he provides the community.

Mr. McGovern congratulated John Swinehart who was recently recognized by the Town for having served 25 years as a dispatcher.

A.H. Grover of North Yarmouth has been awarded the bid for the installation of a traffic signal at the entrance to the High School which is expected to be complete within the next 6 weeks.

The road repairs on Shore Road to the entrance of Fort Williams will begin on Sept. 24.

Citizens Discussion of Items Not on the Agenda

C. Dittrich, 500 Ocean House Road, pointed out the Town currently lacks a provision allowing the existence of Bed and Breakfast operations and encouraged consideration of a zone change which would allow for this type of venture in permitted zones.

W. Roos, 36 Kettle Cove Rd, advocated for the inclusion of some language that would encourage the use of alternative energy as a method to provide power throughout Town. Mr. Roos received assurance by Council members that this is an area that is given consideration and is addressed within the language of the proposed Plan.

Public Hearing: Proposed 2007 Comprehensive Plan

Chairman McKenney outlined the procedures to be adhered to during the public hearing.

The public hearing was opened at 7:45pm.

T. Darling, 35 McAuley Road, Vice Pres. of CELT, expressed concern on behalf of members of the Land Trust and the potential impact on land preservation and maintenance of rural character and wetlands. He presented several suggestions on how to implement funding of future strategic land purchases as opportunities become available.

B. Schenkel, Chair Comp Plan committee, gave an overview of the involvement behind the 2 year draft process and introduced committee members.

G. Alznauer, 25 Killdeer Rd, said the plan over all is well written but expressed concerns that rural development exceeds the intent of the public opinion survey which will therefore affect services and taxes. He also pointed out the promotion of connectivity which he recalls goes against the intent of the vote.

L. Wilson, 82 Two Lights Rd, said she has attended many of the committee meetings and she supports the plan.

D. Clay, 3 Misty Lane, read a prepared statement listing areas of specific concern in which the draft plan differs from the outcome of the public opinion survey citing increased density, reduced lot sizes and the elimination of height limitations for certain types of construction.

R. Fontana, 14 Valley Rd, does not feel the plan responds to the outcome of the public survey and would like to see a proposal closer to that of the Cape Elizabeth Land Trust to allow for future land preservation opportunities.

P. Jordan, Jordan's Farm, proposed the formation of an advisory committee consisting of farmers and citizens for the purpose of identifying the future of the business of farming in this community.

L. Clough, 57 Stonybrook Rd, spoke on the importance of land preservation and encourages the town to commit to setting aside financial resources to fund future land purchases. The Council is urged to take their time deciding on a long-term, binding plan.

T. Egan, 41 Hannaford Cove Rd, does not want to see developers given the impression the town is relaxing their standards with regard to increasing density to satisfy affordable housing requirements. He suggested some thought be given to increasing the number of required housing units but disbursing the projects rather than confining them to one district. Lastly, he raised the suggestion that some possible incentive such as a tax abatement, could be set in place that would encourage private citizens to purchase open space land and donate it to the Town.

C. Hubbard, 14 Valley Road, expressed safety concerns with larger developments and asked for thought to be given to the installation of sidewalks.

The public hearing was closed at 8:35pm.

Item # 134
Adoption of Comprehensive Plan

MOTION: M. Lynch to table this item until the next regular Council meeting of October 10th.

SECOND: C. Dill

Vote: 7 in favor- 0 opposed.

Public Hearing: Stormwater Improvement Fee

M. O'Meara, Planner, presented the proposed fee plan and answered questions.

Chairman McKenney opened the public hearing at 8:45pm.

L. Clough, 57 Stonybrook Rd, expressed concern that fees will be imposed on development projects outside of the identified area while questioning the fairness of this proposal.

O. McCullough, Civil Engineer, spoke in support of the impact fee system which he and his client, Wiley Enterprises, agree is a way of providing a level of predictability for the developer which helps reduce the risk, resulting in better projects.

R. Fontana, 14 Valley Rd, opposes the proposed fee schedule and listed several reasons he feels could potentially have far-reaching negative environmental impacts while at the same time, allowing developers an advantage.

The public hearing was closed at 8: 55 pm.

Item # 135

Adoption of Stormwater Improvement Fee

Moved to adopt the stormwater improvement fee plan as proposed in a memorandum from the town planner dated July 31, 2007.

MOTION: A. Swift-Kayatta

SECOND: J. Rowe

Discussion: M. O'Meara was asked to return to the podium to answer additional questions and clarify the concept of the proposed fee plan.

M. O'Meara addressed concerns raised by Councilor Dill, that the implementation of added fees creating the impression that the Town is discouraging development outside of the water shed.

Councilor Lennon referred to recent correspondence received from the DEP and feels the approval of proposed fees and feels the need for further discussion and review of the Comprehensive Plan.

Councilor Lynch agreed with the comments made by Councilor Lennon and suggested this item be tabled until more is known. She is wary of anything that resembles an impact fee and the effect those added costs have on affordability to those of moderate income.

Mr. McGovern encouraged a short-term tabling motion and that this proposal is looked at in conjunction with the Comprehensive Plan

****Councilor A. Swift-Kayatta withdrew her previous motion.**

MOTION: M. Lynch to table this item until the Council meeting of November 5th.

SECOND: C. Dill

Vote: 7 in favor- 0 opposed.

M. O'Meara received commendation by the Council for the excellent work she does.

Public Hearing: Trout Brook Watershed Community Fee Utilization Plan

Chairman McKenney opened the public hearing at 9:40pm.

J. Fitzpatrick, Wiley Associates, hopes for a Council decision on the fee plan within 6 months as he is currently working on a development project in that area.

O. McCullough, Engineer, explained his client's construction project allows him some options as to which Municipality would stand to benefit if the fee plan were to be implemented by the time he is ready to begin work on the site.

P. Cotter, 21 Ocean House Rd, abuts Trout Brook, does not feel there has been proper enforcement of zoning along the Trout Brook and inconsistencies have deemed his property unlivable.

R. Fontana, 14 Valley Rd, feels the Town could do a better job for citizens such as Mr. Cotter and other residents who live near streams.

The public hearing was closed at 9:50pm.

Item # 136

Trout Brook Watershed Community Fee Utilization Plan

It is proposed to adopt the Trout Brook watershed community fee utilization plan as proposed in a memorandum from the town planner dated August 1, 2007.

MOTION: C. Dill to table this item until the meeting of November 5th in the interest of remaining consistent with item #135

SECOND: D. Backer

Vote: 6 in favor- 1 opposed (Councilor Rowe opposed)

MOTION: M. Lynch to reconsider the tabling motion for the purpose of changing the date.

SECOND: A. Swift-Kayatta

Vote: 7 in favor- 0 opposed.

MOTION: J. Rowe to table this item until the meeting of October 10th.

SECOND: P. McKenney

Vote: 3 in favor- 4 opposed. (Backer, Dill, Lennon, Lynch opposed)

MOTION: M. Lynch to table this item until the meeting of November 5th.

SECOND: C. Dill

Vote: 7 in favor- 0 opposed.

Item # 137

Sign Ordinance

Discussion: Councilor Rowe reviewed the origin of these recommendations.

MOTION: J. Rowe to set a public hearing for the next regular Council meeting on Wednesday, October 10th, 2007 at 7:30pm.

SECOND: C. Dill

Vote: 7 in favor- 0 opposed.

Item # 138

Agricultural Profile

This item was tabled from the July meeting.

Discussion: Mr. McGovern spoke to his recommendation which is to enact a volunteer advisory committee to study this item and report back to the Council with their findings. This committee would meet without staff assistance which then eliminates an expense to tax payers.

Councilor Rowe suggested a collaboration of farmers and fishermen with Town Council support and he will volunteer as a facilitator.

MOTION: J. Rowe to establish a volunteer citizens work group with Councilor Rowe named as facilitator.

SECOND: C. Dill

Vote: 7 in favor- 0 opposed.

Item # 139

Garage Sales

A citizen has asked the Town Council to review the possibility of limiting the number of garage sales held by a resident per year. It is recommended that this item be referred to the Planning Board as it could involve an amendment to the zoning ordinance.

Discussion: Mr. McGovern explained this was brought forward by a concerned citizen but there is currently a sign ordinance proposal for which the Council has scheduled a public hearing for October 10th.

MOTION: C. Dill to refer this item as recommended.

SECOND: M. Lynch

Vote: 7 in favor- 0 opposed.

Item # 140

Sewer Rehabilitation Project Final Report

It is recommended that the report be received.

MOTION: C. Dill to receive the report.

SECOND: M. Lynch

Vote: 7 in favor- 0 opposed.

Item # 141

Tax Abatement to Correct Error

The Tax Assessor is recommending an abatement of \$389.46 to Roberta and Julien Barber for property at 2 Canter Lane. The land was assessed for the wrong amount of acreage after a recent sale of this lot from part of a larger lot.

Discussion: Mr. McGovern explained this abatement of FY 2006-2007 requires Council approval. The abatement for the current tax year has already occurred.

MOTION: M. Lynch
SECOND: C. Dill
Vote: 7 in favor – 0 opposed.

Item # 142

Maine Municipal Association Convention Voting Credentials

It is recommended that Councilor Anne E. Swift-Kayatta be Cape Elizabeth's voting delegate to the Maine Municipal Association Convention.

Discussion: Councilor Dill said she will serve as alternate.

MOTION: C. Dill
SECOND: M. Lynch
Vote: 7 in favor- 0 opposed.

Item # 143

Request to Purchase Lot

We have received a request from Marc Greichen and Sandra Elliott to purchase Lot U3-92 off Ocean View Road for \$15,000. The assessed value of the lot is \$55,900. It is recommended that the offer be rejected and not be referred to the Conservation Commission and to a full municipal review.

Discussion: Councilors Lynch and Swift-Kayatta agreed that the offer should be rejected but would reconsider another offer from the interested parties if one were presented. This could potentially mean suspending the rules of order if the request is brought forward before the end of the year.

MOTION: A. Swift-Kayatta to accept the recommendation to reject the offer.
SECOND: S. Lennon
Vote: 7 in favor – 0 opposed.

Citizens' discussion of items not on the agenda

None for the period.

Adjournment – 10:25pm.

MOVED: D. Backer
SECONDED: C. Dill
Vote: 7 in favor – 0 opposed.

The next Town Council meeting is on Wednesday, October 10, 2007 at 7:30 p.m.
The Town Council will have workshop meetings on September 11 and 17, 2007