

**CAPE ELIZABETH TOWN COUNCIL MINUTES**

**Regular Meeting # 15-2007  
Wednesday, October 10, 2007  
7:30 p.m.**

**Roll Call by the Town Clerk**

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

**Manager Mike McGovern** X  
**Town Clerk Ruth Noble** X

Pledge of Allegiance to the Flag

The following minutes were approved with a spelling correction:

**Council Meeting # 14 of September 10, 2007**

**MOTION: C. Dill**

**SECOND: A. Swift-Kayatta**

**Vote: 7 in favor – 0 opposed.**

Reports and Correspondence

Chairman McKenney recognized and congratulated Councilor Swift-Kayatta for having been recently elected President of the Maine Municipal Association (MMA)

Councilor Swift-Kayatta thanked Mr. McGovern for his help and support over many years.

Councilor Rowe spoke on the goals of the newly formed Cape Elizabeth Farm Committee and announced their plan to meet formally on November 14 at Sprague Hall at 7:00 pm. All are encouraged and invited to attend.

Councilor Rowe assessed the goals of the recently formed Fire Department Strategic Planning Committee. Their next meeting is tentatively scheduled for October 25<sup>th</sup>.

Lastly, Councilor Rowe thanked Police Capt. Brent Sinclair for having organized a town employee golf tournament at the Purpoodock Club. He thanked his team all of whom enjoyed participating in the event and celebrating their victorious outcome.

Councilor Lynch reported that the Cumberland County Budget Advisory Committee is seeing more increases projected for the upcoming year, possibly as much as 10% over last year. She cited the County jail as having been deemed one of the most expensive facilities in the Nation and she is seeking answers as to why this is.

Councilor Dill responded by announcing she will be attending a Criminal Justice Summit in Augusta on October 30<sup>th</sup> and hopes this opportunity will allow her to obtain additional information on this matter.

Chairman McKenney announced he was informed this evening that the Cape Elizabeth School System received notification today that they will retain their independent status. He thanked all the Councilors and Representative Cynthia Dill for their contributing efforts and involvement in this making this happen.

Councilor Swift-Kayatta echoed her praise for Representative Dill as well and thanked her for her efforts in making all this possible for the Town and her continued vigilance going forward.

Councilor Dill announced there will be a meeting of the Design Workshop scheduled for October 27<sup>th</sup> from 8:00 am to noon at Town Hall to discuss the intersection of Shore Road and Route 77. The public is encouraged and invited to attend.

### **Town Manager's Report**

On the subject of the School notification, Mr. McGovern explained that the audit report turned up that 3.1% per pupil expenditures were less than the 4% per pupil expenditure requirement for system administration.

The Shore Road paving project has resumed as well, the traffic light project at the High School is progressing but the installation of the actual light fixture is delayed until early November.

Public Safety was acknowledged and thanked for their response to the gas leak which occurred over the weekend. Chief McGouldrick will be meeting with the PUC to communicate ongoing concerns with a hope to see an improvement in the responsiveness of Northern Utilities operations.

David Weatherbie and Joan Benoit Samuelson, representing the Beach to Beacon Board of Directors, presented a \$5000 donation to Fort Williams Park in recognition and thanks to the residents and the Town for supporting this road race and event for the past 10 years.

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

None for the period.

### **Item # 134**

#### **Adoption of Comprehensive Plan**

**MOTION: M. Lynch to remove from the table for discussion**

**SECOND: A. Swift-Kayatta**

**Vote: 7 in favor – 0 opposed.**

Discussion: Planner M. O'Meara addressed questions and concerns raised by members of the Council clarify the intent relating to the concepts of open space, wetland preservation, and increased density issues as described in the proposed ordinance.

The hard work of the Comprehensive Plan committee and Ms. O'Meara was acknowledged by Mr. McGovern and the entire Town Council.

**MOTION: M. Lynch to adopt the Comprehensive Plan as proposed.**

**SECOND: C. Dill**

**Vote: 7 in favor – 0 opposed**

**Public Hearing: Proposed Amendments to the Sign Ordinance**

Discussion: Councilor Rowe reported on the findings of the Ordinance committee and reviewed the recommendations as proposed.

Chairman McKenney opened the public hearing at 8:35pm.

No one spoke.

The public hearing was closed.

**Item # 144**

**Sign Ordinance Amendments**

Discussion: There were no objections to Councilor Dill's suggestion for several minor adjustments to the wording of paragraphs (h) and (o).

**MOTION: J. Rowe to adopt the proposed Ordinance amendments including those language changes as documented.**

**SECOND: S. Lennon**

Councilor Backer pointed out what he suggested could be a discrepancy in the definition of "permanent sign" and the corresponding timetable for which a sign is allowed. Several possible changes in the wording were discussed but no formal amendment was made.

**Vote: 6 in favor – 0 opposed – 1 abstention**

**(Councilor Backer abstained)**

**Item # 145**

**Shore Road Pathway Study Committee**

**MOTION: C. Dill to authorize the creation of this committee as proposed.**

**SECOND: M. Lynch**

**Vote: 7 in favor – 0 opposed.**

**Item # 146**  
**Picnic Shelter and Filming Fee Recommendation**

**MOTION: A. Swift-Kayatta to adopt the fee increase as recommended by the Fort Williams Advisory Commission.**

**SECOND: J. Rowe**

**Vote: 7 in favor – 0 opposed.**

**Item # 147**  
**Wellness Benefit**

**MOTION: C. Dill to adopt the clarification in the Personnel Code as proposed.**

**SECOND: D. Backer**

**Vote: 7 in favor – 0 opposed.**

**Item # 148**  
**Bed and Breakfasts**

Discussion: The Council agreed to *refer* this to the Planning Board for discussion rather than *recommend* as they did not want to give the impression that there was an endorsement of this request.

**MOTION: C. Dill to refer this item as presented to the Planning Board.**

**SECOND: J. Rowe**

**Vote: 7 in favor – 0 opposed.**

**Item # 149**  
**Election Items**

**MOTION: A. Swift-Kayatta recommended the appointment of Ruth Noble as election warden and approves the warrant for the November 6, 2007 election.**

**SECOND: D. Backer**

**Vote: 7 in favor – 0 opposed.**

**Item # 150**  
**Appointments Committee Recommendations**

**MOTION: A. Swift-Kayatta moved for the appointments of committee members to the Alternative Energy Committee as recommended by the Appointments Committee.**

**SECOND: M. Lynch**

**Vote: 7 in favor – 0 opposed.**

**MOTION: A. Swift-Kayatta to approve language changes to section #11 as recommended.**

**SECOND: M. Lynch**

**Vote: 7 in favor – 0 opposed.**

**Item #151**

**Acceptance of Loveitt Heirs parcel – Janet Jordan Addition Trust**

**MOTION: J. Rowe that the Town accept the deeds to acquire the 42.85% share of the Loveitt Heirs property from the Janet Jordan Addition Trust for the amount of \$20,448.00 as recommended.**

**SECOND: S. Lennon**

**Vote: 7 in favor – 0 opposed.**

**Citizens' discussion of items not on the agenda**

E-waste Collection Day is this Saturday, October 13<sup>th</sup>.

**Adjournment**

**MOTION: J. Rowe to adjourn.**

**SECOND: C. Dill**

**Vote: 7 in favor – 0 opposed.**

The next regular Town Council meeting is on Monday, November 5, 2007 at 7:30 p.m. The Town Council will have a workshop meeting on October 11, 2007 at 7:30 p.m. Another workshop is tentatively scheduled for November 8<sup>th</sup>. The only other remaining meeting scheduled this year is the regular Town Council meeting on Monday, December 10, 2007.

Respectfully submitted,

Ruth M. Noble  
Town Clerk