

CAPE ELIZABETH TOWN COUNCIL AGENDA

Regular Meeting # 16-2007

Monday, November 5, 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 with a dollar amount correction noted on item #151.

Council Meeting # 15 of October 10, 2007

MOTION: D. Backer

SECOND: J. Rowe

Vote: 7 in favor – 0 opposed.

Reports and Correspondence

Councilor Rowe spoke on his recent attendance of the first “Sports Done Right” committee and explained the intent of the program and the goals for this town.

The strategic planning group for the Volunteer Emergency Services committee, in an effort to be proactive, continues to meet and assess options to address an approaching critical shortage of volunteers.

As well, he attended the first meeting of the Alternative Energy Committee and spoke to the wealth of expertise and energy these committee members possess.

Lastly, the Cape Elizabeth Farm Committee will meet for the first time November 14th at 7:00pm at Sprague Hall and Councilor Rowe invited all to take part.

Councilor Lynch was reminded recently that area farms are enjoying a long growing season and local farm stands still have plenty of produce available for sale.

Also, as a reminder, the Winnick Woods trail system offers additional miles of new trails created this fall by the Conservation Commission and she encouraged the public to visit the area and enjoy the trails.

Councilor Lynch reported that, although the Cumberland County budget was adopted last week by the Budget Advisory Commission, she herself did not vote in favor of passage and described several sections of the budget which raised objections.

Response to the completed Shore Road paving project has been extremely favorable and she shared positive feedback and commended the Town Manager and all town employees who were involved with the successful project.

Lastly, as a member of the School Board Wellness Committee, she announced November 15th is “Walk or Ride to School Day” as a way of encouraging physical activity and asked for added public awareness on that day.

Councilor Dill reminded everyone that Tuesday November 6th is Election Day and encouraged voters to turn out.

She reported on the success of the Town Center Intersection workshop held last Saturday and thanked many that attended which included citizens, town employees, committee members and councilors.

Councilor Swift-Kayatta encouraged Maine citizens with thoughts or ideas on the ongoing topics of tax relief and the economy to contact their legislators as discussions are ongoing.

Councilor Backer has found the Town Council information on the website to be useful and accessible and acknowledged those responsible for making it available.

He also responded publicly to a letter in the Cape Courier that suggests Town officials are unresponsive to citizens concerns and expressed concern that these comments are inconsistent with his experience. He encouraged any citizen who feels they are not being heard to their satisfaction that they should bring those concerns to the attention of the Town Manager or Council.

Chairman McKenney responded to Councilor Backer’s comments as well and listed the various methods made available to the public to discuss any issue or voice any concern in many different formats.

Town Manager’s Report

On the subject of the Town Center Intersection workshop held recently, Mr. McGovern spoke on the news accounts that arose from that meeting and upon review of the different suggestions and cost issues that were presented an announcement will be forthcoming to announce a date for the next follow-up Council workshop.

As for the Spurwink Avenue road project, the latest news is that MDOT has notified Public Works that they will begin seeking bids this Wednesday and bids will be accepted for a period of 3 weeks. As an informational item, the entire cost of the Shore Road paving project was slightly under \$250,000.

Citizens Discussion of Items Not on the Agenda

None for the period.

Item # 135 (Tabled on September 10, 2007) Adoption of Stormwater Improvement Fee

MOTION: M. Lynch to remove from the table.

SECOND: A. Swift-Kayatta

Vote: 7 in favor – 0 opposed.

Discussion: Town Planner M. O’Meara answered questions relating to this item as well as the next agenda item, and provided a brief review of the revisions outlined in the packet.

MOTION: A. Swift-Kayatta to adopt the stormwater improvement fee plan as proposed in the memo by the town planner dated July 31, 2007.

SECOND: J. Rowe

Discussion: Councilor Backer stated he is inclined to vote against this item as he remains unconvinced of the rationale which would impose a new fee on development outside the Trout Brook Watershed.

Further discussion from Councilors concluded the intent is to support the adoption of proposed fees for reasons that ranged from directing growth to protecting the environment.

Councilor Lynch added for the record that she does not agree with the administration of funds to include the ongoing street sweeping program.

Vote: 5 in favor – 2 opposed. (Councilor Backer, Councilor Dill opposed)

Item # 136

**Trout Brook Watershed Community Fee Utilization Plan
(Tabled on September 10, 2007)**

MOTION: M. Lynch to remove from the table.

SECOND: A. Swift-Kayatta

Vote: 7 in favor – 0 opposed.

MOTION: A. Swift-Kayatta to adopt the Trout Brook watershed community fee utilization plan as proposed in a memorandum from the town planner dated August 1, 2007.

SECOND: C. Dill

Vote: 7 in favor – 0 opposed.

Item # 151

Request to Change the Name of the Northerly end of Shipwreck Cove Road back to the original Peabbles Cove Road

MOTION: M. Lynch to accept the request to Change the Name of the Northerly end of Shipwreck Cove Road back to the original Peabbles Cove Road, thereby assigning house numbers 21, 26 and 28 Shipwreck Cove road to newly assigned numbers on Peabbles Cove Road.

SECOND: C. Dill

Vote: 7 in favor – 0 opposed.

Item # 152

Request to Name Tributary of the Spurwink River as “Dyer Brook”

MOTION: M. Lynch to accept the request to name the tributary of the Spurwink River as “Dyer Brook” as set forth in the packet.

SECOND: J. Rowe

Vote: 7 in favor – 0 opposed.

Item # 153

Thomas Memorial Library Study Committee

MOTION: A. Swift-Kayatta to approve the creation of a Thomas Memorial Library Study Committee as proposed.

SECOND: C. Dill

Discussion: Library Director J. Scherma introduced the proposal with a specific focus on the critical space needs in controlled conditions for the preservation of archives.

Vote: 7 in favor – 0 opposed.

Item # 154

General Assistance Ordinance Update

MOTION: C. Dill to adopt the annual amendments to the General Assistance Ordinance as proposed by the Maine Municipal Association.

SECOND: A. Swift-Kayatta

Vote: 7 in favor – 0 opposed.

Item # 155

Status of Annual Town Council Goals

MOTION: J. Rowe to acknowledge receipt of a report on the status of the Town Council’s 2007 goals.

SECOND: D. Backer

Discussion: Council and Manager McGovern were extremely pleased with the progress made and recognized the combined group effort is what has made their impressive progress possible.

Vote: 7 in favor – 0 opposed.

**Item # 156
Cable Television Franchise Renewal**

MOTION: A. Swift-Kayatta to schedule a public hearing for the December 10, 2007 Town Council meeting on the proposed cable television franchise agreement with Time Warner Entertainment Company, L.P. dba Time Warner Cable New England, as proposed.

SECOND: D. Backer

Vote: 7 in favor – 0 opposed.

**Item # 157
Pole Location Request from Verizon New England and Central Maine Power**

MOTION: A. Swift-Kayatta to approve the telephone pole location on Trundy Road 247' southwesterly of Reef Road.

SECOND: S. Lennon

Discussion: At the suggestion of Councilor Backer, it was agreed there would be an effort to contact the affected property owner prior to final authorization.

Vote: 7 in favor – 0 opposed.

Citizens' discussion of items not on the agenda

None for the period.

Adjournment – 8:55pm.

MOTION: A. Swift-Kayatta

SECOND: C. Dill

Vote: 7 in favor – 0 opposed.

The November 5, 2007 meeting is the last scheduled meeting of the 2007 Town Council. It is proposed to hold a caucus of the 2008 Town Council on November 8, 2007. The next Town Council meeting is on Monday, December 10, 2007 at which time the Town Council will formally reconstitute itself for 2008.

Councilor Swift-Kayatta encouraged people to apply for one of the many openings on the boards and commissions.

Councilor Lynch reminded those interested in applying for the Shore Road Path Committee must be aware of the November 16th deadline.

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Respectfully submitted,

Ruth M. Noble
Town Clerk