

**CAPE ELIZABETH TOWN COUNCIL MINUTES**  
**Regular Meeting # 1-2008**  
**Monday, December 10, 2007**  
**7:30 p.m.**

**Oaths of Office Administered by the Town Clerk**  
**Cape Elizabeth School Board: Patricia Brigham, Jack Kennealy, and Rebecca Millett**  
**Cape Elizabeth Town Council: Mary Ann Lynch and Paul J. McKenney**

**Roll Call by the Town Clerk**

				<b>Present</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>12/2010</b>	<b>X</b>
<b>Paul J. McKenney</b>	<b>5 Katahdin Road</b>	<b>899-0045</b>	<b>12/2010</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>

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

**Pledge of Allegiance to the Flag**

Councilor McKenney presented the Ralph T. Gould Award to recipient Carol Fritz, who has served the community actively and successfully for over 30 years.

The following minutes were approved with a correction to the vote on item 2007- 135, as requested by Councilor Dill:

**Council Meeting # 16-2007 of November 5, 2007**

**MOTION: D. Backer**

**SECOND: A. Swift-Kayatta**

**Vote: 7 in favor – 0 opposed.**

**Reports and Correspondence**

Councilor Rowe reported that the last two Cape Elizabeth Farm Committee meetings have been well attended and several focus groups have been formed from within. The next scheduled meeting is set for December 19<sup>th</sup> at 7:00pm at the Community Center.

The Volunteer Emergency Service Committee will soon be ready to present its findings and recommendations to the Town Council in the form of a report. Special thanks to Donny Carroll of Southern Maine Emergency Medical Services for facilitating the last meeting.

Sports Done Right Committee is making good progress and will meet again on January 9th.

At request of Chairman, McKenney, Councilor Rowe represented the Cape Elizabeth Town Council by attending the South Portland Mayoral Inauguration Ceremony last week and expressed enthusiasm with a continued collaborative working relationship going forward.

Councilor Dill encourages attendance at the December 17<sup>th</sup> Route 77/Shore Road Intersection Design workshop scheduled for 7:30pm, and anticipates updated information from MDOT and the Town Manager.

Councilor Lennon expressed her enthusiasm to be working as a member of the Alternative Energy Committee and read a brief explanation of the purpose and charge of the committee for the public interest.

Councilor Rowe congratulated Councilors McKenney and Lynch for their reelection to the Town Council.

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

Mr. McGovern spoke on several personnel issues:  
The recent passing of Constance "Connie" Murray who contributed significantly to the Town during her lifetime.  
With Fire Chief Phil McGouldrick's upcoming retirement, he will soon be disclosing plans for an application process.  
Police Officer Vaughn Dyer's retirement on December 1<sup>st</sup> following 32 years of service  
Laura Palanza, ACP Office Manager, has recently left employment and he wishes her well and thanks her for her service.  
A special note of thanks to Debra Lane who helped organize the reception this evening for Carol Fritz prior to the Award presentation

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

None for the period.

**Item# 1-2008                    Election of a Town Council Chairman for Council Year 2008**  
Mary Ann Lynch

**MOTION: A. Swift-Kayatta**  
**SECOND: J. Rowe**  
**Vote: 7 in favor – 0 opposed.**

Incoming Council Chairman Lynch presented Councilor McKenney with a plaque and spoke of the many significant and professional contributions he made while serving a term as Chairman of the Town Council.

**Item# 2-2008                    Adoption of Town Council Rules**

**MOTION TO ADOPT: A. Swift-Kayatta**  
**SECOND: S. Lennon**  
**Vote: 7 in favor – 0 opposed.**

**Item# 3-2008            Appointment of the Finance Committee**  
James S. Rowe as Chairman and the Council as a whole to serve as  
the Finance Committee

**MOTION: P. McKenney**  
**SECOND: D. Backer**  
**Vote: 7 in favor – 0 opposed.**

**Item# 4-2008            Appointment of an Ordinance Committee**  
Cynthia Dill as Chairman and Sara W. Lennon and James S. Rowe  
as members

**MOTION: S. Lennon**  
**SECOND: P. McKenney**  
**Vote: 7 in favor – 0 opposed.**

**Item# 5-2008            Appointment of an Appointments Committee**  
Anne E. Swift-Kayatta as Chairman and David J. Backer and Paul  
J. McKenney as members

**MOTION: C. Dill**  
**SECOND: J. Rowe**  
**Vote: 7 in favor – 0 opposed.**

**Item# 6-2008            Appointment of Representatives to ecomaine Board of  
Directors**  
Mary Ann Lynch and Michael K. McGovern

**MOTION: A. Swift-Kayatta**  
**SECOND: D. Backer**  
**Vote: 7 in favor – 0 opposed.**

**Item# 7-2008            Appointment of Representative to Greater Portland Council of  
Governments Executive Committee**  
Paul J. McKenney

**MOTION: J. Rowe**  
**SECOND: A. Swift-Kayatta**  
**Vote: 7 in favor – 0 opposed.**

**Item# 8-2008            Appointment of Representative and Alternate to Greater  
Portland Council of Governments General Assembly**  
James S. Rowe  
David J. Backer, Alternate

**MOTION: P. McKenney**  
**SECOND: A. Swift-Kayatta**  
**Vote: 7 in favor – 0 opposed.**

**Item# 9-2008**            **Appointment of Representative to PACTS Policy Committee**  
Michael K. McGovern

**MOTION: C. Dill**  
**SECOND: A. Swift-Kayatta**  
**Vote: 7 in favor – 0 opposed.**

**Item# 10-2008**            **Appointment of Representative to MMA Legislative Policy Committee**  
Anne E. Swift-Kayatta

**MOTION: J. Rowe**  
**SECOND: S. Lennon**  
**Vote: 7 in favor – 0 opposed.**

**Item# 11-2008**            **Appointment of Representative to Thomas Memorial Library Foundation**  
David J. Backer

**MOTION: A. Swift-Kayatta**  
**SECOND: J. Rowe**  
**Vote: 7 in favor – 0 opposed.**

**Item# 12-2008**            **Appointment of Representative to Thomas Memorial Library Study Committee**  
Anne E. Swift-Kayatta

**MOTION: S. Lennon**  
**SECOND: C. Dill**  
**Vote: 7 in favor – 0 opposed.**

**Item# 13-2008**            **Appointment of Representative to Alternative Energy Committee**  
Sara W. Lennon

**MOTION: C. Dill**  
**SECOND: P. McKenney**  
**Vote: 7 in favor – 0 opposed.**

**Item# 14-2008**            **Appointment of Representative to Shore Road Pathway Study Committee**  
Cynthia Dill

**MOTION: A. Swift-Kayatta**  
**SECOND: J. Rowe**  
**Vote: 7 in favor – 0 opposed.**

**Item# 15-2008          Appointment of Representative to Thomas Memorial Library  
Foundation  
David J. Backer**

\*\*\*This item was withdrawn – duplicate of item #11

**Public Hearing on Proposed Cable Television Franchise Agreement**

Chairman Lynch opened the public hearing at 8:10pm.

No one spoke

The public hearing was closed.

**Item # 16-2008          Proposed Cable Television Franchise Agreement**

Discussion: Mr. McGovern recommends tabling this item until the next regular meeting of Jan. 14<sup>th</sup>, 2008 pending a response from TWC to several questions raised through the Town's attorney, which remain currently unanswered.

**MOTION: D. Backer to table this item until the next regular meeting of Jan. 14<sup>th</sup>.**

**SECOND: P. McKenney**

**Vote: 7 in favor – 0 opposed.**

**Item# 17-2008          Annual Special Amusement Permit and Club License for  
Purpoodock Club**

**MOTION TO APPROVE: P. McKenney**

**SECOND: J. Rowe**

Discussion: It was pointed out that Chief Williams had disclosed a part-time seasonal working relationship with the Purpoodock Club. Councilors Swift-Kayatta and Rowe disclosed their membership as well.

**Vote: 7 in favor – 0 opposed.**

**Item# 18-2008          Recommendation from the Appointments Committee  
Appointments to Boards and Commissions**

**MOTION: A. Swift-Kayatta**

**SECOND: J. Rowe**

**Vote: 7 in favor – 0 opposed.**

**Item# 19-2008          Acceptance of 2007 Gifts and Donations**

**MOTION TO ACCEPT: D. Backer**  
**SECOND: A. Swift-Kayatta**  
**Vote: 7 in favor – 0 opposed.**

**Item# 20-2008      Recommendation from the Planning Board Regarding Garage Sales**

**MOTION TO APPROVE RECOMMENDATION: A. Swift-Kayatta**  
**SECOND: P. McKenney**  
**Vote: 7 in favor – 0 opposed.**

**Item# 21-2008      Renewal of Lease for Family Crisis Services for Building # 324 at Fort Williams Park**

**MOTION TO RENEW: J. Rowe**  
**SECOND: D. Backer**  
**Vote: 7 in favor – 0 opposed.**

**Item# 22-2008      Town Council Meeting Dates for 2008**  
The Town Council Rules provide that the regular monthly Town Council meeting shall be held on the second Monday of each month except on Monday holidays when the meeting shall be held the following Wednesday. The regular monthly meeting may be changed by vote of the Town Council at a previous meeting. It is proposed for the regular monthly meeting in March 2008 to be held on the first Monday of the month which is March 3, 2008. This proposed change to accommodate a member of the Town Council who will be unable to attend on March 10 due to other municipal commitments.

**Citizen's Discussion of Items Not on the Agenda**

Mr. McGovern reported on the status of the installation of a traffic light at the High School as well as the bid process for the Spurink Ave reconstruction project.

**Adjournment – 8:40pm.**

**MOTION: P. McKenney**  
**SECOND: A. Swift-Kayatta**  
**Vote: 7 in favor – 0 opposed.**

Respectfully submitted,

Ruth M. Noble  
Town Clerk