

# CAPE ELIZABETH TOWN COUNCIL MINUTES

Regular Meeting # 4-2008

Tuesday, January 15, 2008

7:30 p.m.

## Roll Call by the Town Clerk

					Present
Mary Ann Lynch, Chairman	2 Olde Colony Lane	232-1048	12/2010	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	absent	
Paul J. McKenney	5 Katahdin Road	899-0045	12/2010	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	

Acting Town Manager Matthew Sturgis

X

Town Clerk Ruth Noble

X

\*\*Councilor Lennon arrived at 7:32pm.

Pledge of Allegiance to the Flag

Review of Minutes of Meeting # 1, 2 and 3 held December 10, 2007, December 17, 2007 and January 9, 2008.

**MOTION: D. Backer to approve meeting minutes of December 10, 2007 with a noted correction to item #17-2008.**

**SECOND: A. Swift-Kayatta**

**VOTE: 7 in favor – 0 opposed**

**MOTION: P. McKenney to approve meeting minutes of December 17, 2007 with a noted correction to item #25-2008.**

**SECOND: J. Rowe**

**VOTE: 7 in favor – 0 opposed**

**MOTION: A. Swift-Kayatta to approve meeting minutes of January 9, 2008 as amended.**

**SECOND: P. McKenney**

**VOTE: 7 in favor – 0 opposed**

Reports and Correspondence

Councilor Dill reported that the Finance Authority of Maine is holding College Goal Sunday on January 27<sup>th</sup> at USM, which offers free assistance to High School students who need help preparing financial aid applications.

Participation is encouraged as Cumberland County prepares to Caucus for Presidential nominees in February. Republicans will gather the 1st, 2nd and 3<sup>rd</sup>, Democrats on the 10th.

Councilor Rowe announced the dates of three upcoming meetings:  
Spurwink Meeting House Preservation Committee meets January 17th  
Sports Done Right Committee meets January 28th  
Cape Elizabeth Farm Committee meets January 30th

On behalf of the Town Council, Mr. Rowe extended condolences to the family of Rick Madden and the entire school community, a long time guidance councilor at the Middle School and has passed away after battling illness for an extended time.

Town Manager's Report

None for the period.

Citizens Discussion of Items Not on the Agenda

None for the period.

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

**MOTION: A. Swift-Kayatta to remove this item from the table.**

**SECOND: D. Backer**

**VOTE: 7 in favor – 0 opposed**

**MOTION: D. Backer to approve the proposed Cable Television Franchise Agreement as presented in the packet.**

**SECOND: P. McKenney**

**AMENDED MOTION: D. Backer included language to approve the list of equipment provided under separate cover (electronically).**

**SECOND: P. McKenney**

**VOTE: 7 in favor – 0 opposed**

**Item # 27-2008          Inn by the Sea, LLC Special Amusement Permit**

**MOTION: J. Rowe to grant the permit subject to the issuance of an occupancy permit after the renovation project is completed.**

**SECOND: A. Swift-Kayatta**

**VOTE: 7 in favor – 0 opposed**

**Item # 28-2008          Inn by the Sea, Restaurant, Hotel Malt, Spirituous and Vinous License**

**MOTION: A. Swift-Kayatta to grant the permit subject to the issuance of an occupancy permit after the renovation project is completed.**

**SECOND: J. Rowe**

**VOTE: 7 in favor – 0 opposed**

**Item # 29-2008          Conservation Committee Recommendation Use of Trail Funds**

**MOTION: P. McKenney recommended approval of the town managers recommended allocation (as outlined on page 2 of the agenda).**

Discussion: Councilor Swift-Kayatta asked to be provided with information on the balance of what is in the land acquisition account. She also requested the location of the maintenance shed.

R. Bauman, Commission Chairman, explained with regard to the location of the shed, there was a casual offer from the Public Works Director to allow space within the complex for storage of acquired equipment.

**SECOND: A. Swift-Kayatta**

**VOTE: 7 in favor – 0 opposed**

**Item # 30-2008          Conservation Commission Recommendation- Gift of Lot**

**MOTION: J. Rowe to table this item until the next Council meeting, at the request of the landowner.**

**SECOND: A. Swift-Kayatta**

**VOTE: 7 in favor – 0 opposed**

**Item # 31-2008          Planning Board Recommendation- Residential Windmills**

**MOTION: C. Dill to refer language to the Ordinance Committee as recommended.**

**SECOND: S. Lennon**

Discussion: There was an expressed hope that available member(s) of the Alternate Energy Committee would attend related Ordinance Committee meetings.

**VOTE: 7 in favor – 0 opposed**

**Item # 32-2008          Assessor Recommendation to Defer Revaluation**

Discussion: Town Assessor M. Sturgis detailed the primary reasons for recommending that a property revaluation be deferred for a term of at least one year. Mr. Sturgis took questions from the Council.

**MOTION: A. Swift-Kayatta that the Town Council accept the recommendation as outlined in the packet.**

**SECOND: C. Dill**

**VOTE: 7 in favor – 0 opposed**

**Item # 33-2008      Town Manager Recommendation Re: Regional Dispatching**

**MOTION: A. Swift-Kayatta to accept the Town Manager's recommendations as outlined in the packet.**

**SECOND: P. McKenney**

**VOTE: 7 in favor – 0 opposed**

**Item # 34-2008      Appointments Committee Recommendation**

**MOTION: A. Swift-Kayatta to appoint the following list\* of citizens to serve on boards and commissions as recommended by the Appointments Committee.**

**SECOND: P. McKenney**

**VOTE: 7 in favor – 0 opposed**

\*list of appointed citizens included with the packet.

Citizens Discussion of Items Not on the Agenda

None for the period.

**Item # 35-2008      Executive Session**

**MOTION: A. Swift-Kayatta enter executive session in accordance with 1 MRSA §405 6 A to continue the annual evaluation of the town manager.**

**SECOND: D. Backer**

**VOTE: 7 in favor – 0 opposed**

**Adjournment - 9:20 pm**

**MOTION: A. Swift-Kayatta**

**SECOND: J. Rowe**

**VOTE: 7 in favor – 0 opposed**

The next regular meeting of the Town Council is on Monday, February 11, 2008 at 7:30 p.m.

The next Town Council workshop is on Thursday, February 14, 2008 at 7:30 p.m.

The regular March Town Council meeting will be on Monday, March 3, 2008.

The Finance Committee will meet on March 25, 26 and on April 1 and 9 at 7:30 p.m.

The April regular meeting is on April 14, 2008.

Respectfully submitted,

Ruth M. Noble  
Town Clerk