

## CAPE ELIZABETH TOWN COUNCIL MINUTES

**Regular Meeting # 5-2008**

**Monday, February 11, 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	X
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

**Town Manager Michael McGovern**

**X**

**Town Clerk Ruth Noble**

**X**

Pledge of Allegiance to the Flag

**Review of Minutes of Meeting # 4 held January 15, 2008.**

**MOTION: D. Backer to approve.**

**SECOND: P. McKenney.**

**VOTE: 7 in favor – 0 opposed.**

### **Reports and Correspondence**

Councilor Rowe reviewed the 7 core principals as set forth by the Sports Done Right committee.

Councilor Dill reported on the success of the Democratic Party Caucus which was held the previous day and thanked citizens and participants for their involvement.

Councilor Lennon pointed out also that the Cape Elizabeth Democratic Party Caucus was mentioned in the New York Times.

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

Mr. McGovern was pleased to announce that the Spurwink Avenue road project was started today and is expected to proceed without delay as weather improves.

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

None for the period.

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

**MOTION: C. Dill to remove this item from the table.**

**SECOND: A. Swift-Kayatta.**

**VOTE: 7 in favor – 0 opposed.**

**MOTION: C. Dill to postpone this item indefinitely.**

**SECOND: J. Rowe.**

**VOTE: 7 in favor – 0 opposed.**

**Item # 36-2008            Ocean House Pizza-Renewal of Restaurant Malt and Vinous License**

**MOTION: P. McKenney to approve the renewal of license.**

**SECOND: S. Lennon.**

**VOTE: 7 in favor – 0 opposed.**

**Item # 37-2008            Request for Pole Locations on Shore Road near Old Colony Lane**

Discussion: After expressing her concern that relocating poles could interfere with future projects, Chairman Lynch made the following motion:

**MOTION: M. Lynch to approve the Verizon request provided #1, that the Town Manager confirms that these poles are located north of the pond outlet and #2, that if the poles need to be relocated because of the future Shore Road path, that Verizon and its successor, Fairpoint, and CMP will pay for the relocation.**

**SECOND: D. Backer**

**VOTE: 7 in favor – 0 opposed.**

**Item # 38-2008            Communication from Cape Elizabeth School Board**

**MOTION: P. McKenney hereby approves the addition of bleachers at Hannaford Field per the written proposal and drawings submitted to the Hannaford Field Committee by Gallivan Brothers. Up to 50% of the estimated cost but not more than \$150,000 shall be provided by the Town of Cape Elizabeth upon the receipt of privately raised matching funds. No municipal funds may be expended and no contract shall be signed for construction until the Town is in receipt of matching funds to cover the balance of the full estimated cost of the project (\$315,000) the Town share of \$150,000 shall be added to the 2008 bond issue approved last year and the Town Manager shall contact bond counsel to prepare an amended bond resolution to be reviewed at the March regular Town Council meeting. The Town share shall be amortized in the municipal budget over a 20 year period.**

**SECOND: C. Dill**

Discussion: The following Citizens spoke in support of the proposal:

Ted Foden, 23 Ivie Road

M. Ott, 15 Rock Crest

J. Shedd, 6 Linwood St

B. Homa, Rock Crest Dr.

B. Raymond, 44 Brentwood

S. Pinette, 9 Grant Ridge Rd

J. Bump, 6 Woodcrest Rd

M. Ott, Rock Crest Dr.

P. Michaud, 28 Old Fort Rd,

J. Bump, Woodcrest Rd,  
M. Palmer, 7 Pilot Point Rd  
J. Thibodeau, 21 Salt Spray Lane  
B. Danielson, 14 Reef Rd  
J. Smith, 26 Manter St  
K. Phinney, 30 Valley Rd

**MOTION to amend: A. Swift-Kayatta to refer this item to the Finance Committee for discussion during the upcoming budget process.**

**SECOND: J. Rowe**

**VOTE on amendment: 2 in favor – 5 opposed (Backer, Dill, Lennon, Lynch, McKenney)**

Mr. McGovern pointed out a change in the amortization schedule.

**VOTE on original motion: 5 in favor – 2 opposed (Rowe, Swift-Kayatta)**

Chairman Lynch called for a 2 minute recess at 8:50pm.

**Item # 39-2008 Fort Williams Park- Municipal and School Use Requests**

**MOTION: J. Rowe to approve the following requests for use of Fort Williams Park:**

- A. Cape Elizabeth High School Graduation- Sunday, June 8, 2008 2 p.m. Ceremony**
- B. CEHS Graduation Practices - June 4, 5 and 6, 2008**
- C. Family Fun Day- June 14, 2008 with a rain date of June 21, 2008**
- D. CEFD Engine One Company Art Show, August 31, 2008 with a rain date of September 1, 2008**

**SECOND: C. Dill**

**VOTE: 7 in favor – 0 opposed.**

**Item # 40-2008 Fort Williams Park- Other Requests**

**MOTION: P. McKenney to approve the following requests for use of Fort Williams Park:**

- A. Cape Elizabeth Little League per December 17, 2007 letter**
- B. Boy Scout Troop One Camporee- May 16-18, 2008 per October 30, 2007 letter**
- C. New England Chapter of International Society of Arboriculture Tree Climbing Competition- June 7, 2008 with a rain date of June 14, 2008**
- D. Portland Amateur Wireless Field Day- June 28-29, 2008**
- E. Portland Symphony Orchestra – June 29, 2008**
- F. TD Banknorth Beach to Beacon 10K Road Race- August 2, 2008**
- G. Road Race Set-up- July 30, 31 and August 1, 2008**
- H. Portland Yacht Club Monhegan Race Observation Point- August 9-10, 2008**

**SECOND: D. Backer**

**VOTE: 7 in favor – 0 opposed.**

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

None for the period.

**Item # 41-2008          Executive Session**

**MOTION: M. Lynch to enter executive session at 9:00pm in accordance with 1 MRSA §405 6 A, C & D to continue the annual evaluation of the town manager, to discuss land acquisition/disposition issues, and to review the status of collective bargaining.**

**SECOND: C. Dill**

**VOTE: 7 in favor – 0 opposed.**

**MOTION: D. Backer to return to public session at 10:20pm.**

**SECOND: J. Rowe**

**VOTE: 7 in favor – 0 opposed.**

**Adjournment - 10:20pm.**

**MOTION: D. Backer**

**SECOND: J. Rowe**

**VOTE: 7 in favor – 0 opposed.**

Respectfully submitted,

Ruth M. Noble  
Town Clerk