

**CAPE ELIZABETH TOWN COUNCIL MINUTES**  
**Regular Meeting # 2-2009**  
**Cape Elizabeth Town Hall**  
**Monday, January 12, 2009**  
**7:30 p.m.**

**Roll Call by the Town Clerk**

		Present	Absent		
<b>James S. Rowe, Chairman</b>	<b>127 Oakhurst Road</b>	<b>X</b>		<b>799-5825</b>	<b>12/2009</b>
<b>David J. Backer</b>	<b>2 Rugosa Way</b>	<b>X</b>		<b>253-0529</b>	<b>12/2009</b>
<b>Sara W. Lennon</b>	<b>54 Cranbrook Drive</b>	<b>X</b>		<b>741-5139</b>	<b>12/2009</b>
<b>Paul J. McKenney</b>	<b>5 Katahdin Road</b>	<b>X</b>		<b>899-0045</b>	<b>12/2010</b>
<b>David S. Sherman, Jr.</b>	<b>74 Hunts Point Road</b>	<b>X</b>		<b>749-2668</b>	<b>12/2011</b>
<b>Anne E. Swift-Kayatta</b>	<b>14 Stone Bridge Road</b>	<b>X</b>		<b>767-5754</b>	<b>12/2011</b>
<b>Vacant</b>	<b>1/27/09 Special Election</b>			<b>xxx-xxxx</b>	<b>12/2010</b>
<b>Michael K. McGovern, Town Manager</b>		<b>X</b>			
<b>Debra M. Lane, Town Clerk</b>		<b>X</b>			

**The Pledge of Allegiance to the Flag**

**Town Council Reports and Correspondence**

Chairman Rowe thanked everyone for their thoughts and prayers during the recent loss of his mother.

Former long time resident Louis A. Winnick (July 9, 1913 – December 16, 2008) passed away. Mr. Winnick is the father of Alice Larrea who donated a portion of land off Sawyer Road named “Winnick Woods.” Winnick Woods was dedicated in September 2008 as a trail system.

Councilor Swift-Kayatta reminded residents of the joint town council/school board public forum regarding the budget scheduled for Wednesday, January 21, 2009 7:00 p.m. in the council chamber at town hall. Residents are asked to comment on potential revenue enhancements, priorities for services and what the proper level for a property tax rate is.

**Citizen Opportunity for Discussion of Items Not on the Agenda - None**

**Town Manager’s Report**

Manager McGovern read an email from a citizen thanking the public works employee who moved her children’s toys before plowing. The resident thanked the employee for his attention to detail. Review and discussion continues for the possible consolidation of dispatch services with the county or another community.

**Presentation**

The presentation by Cape Cool has been postponed to the February 9, 2009 meeting.

**Review of Minutes of Meeting held on December 8, 2008**

Consideration of the December 8, 2008 minutes have been deferred until the February 9, 2009 meeting.

**Public Hearing: Recycling Center Hours**

Chairman Rowe opened the public hearing at 7:40 p.m. After hearing no comments, the hearing was closed.

**Item# 28-2009      Recycling Center Hours**

Moved by Councilor Backer and Seconded by Councilor Swift-Kayatta

Ordered the Cape Elizabeth Town Council authorizes the change of hours of the recycling center effective February 1, 2009 as recommended to:

Monday: 10 a.m. to 7:00 p.m.  
Wednesday, Friday and Saturday: 8:00 a.m.-5:00 p.m.  
Sunday, Tuesday and Thursday: Closed

This schedule will eliminate 2 hours on Wednesday evening and 8 a.m. to 5 p.m. on Thursdays.

(6 yes) (0 no)

**Item# 29-2009      Rezoning Request**

Moved by Councilor Backer and Seconded by Councilor Swift-Kayatta

Ordered the Cape Elizabeth Town Council refers to the planning board the request of Jane Waning Nicholas to rezone 551 Shore Road from the BA zone to a residential zone.

(6 yes) (0 no)

**Item# 30-2009      School Budget Curtailment**

Intro – Councilor Swift-Kayatta, Chairman Finance Committee

Moved by Councilor Swift-Kayatta and Seconded by Councilor McKenney

Ordered the Cape Elizabeth Town Council authorizes a transfer of up to \$200,000 from the town undesignated surplus to the school undesignated surplus; however, the transferred amount will not be more than 50% of the amount of the GPA curtailment amount for school year 2008-09.

(4 yes) (2 no Councilor Lennon and Councilor Sherman)

Note: Councilor Sherman and Councilor Lennon asked the record to reflect they voted no expressing concern on the 50% limitation.

**Item# 31-2009      2007-2008 Bond Issue Update**

Intro – Councilor Swift-Kayatta, Chairman Finance Committee

Chairman Rowe asked for public comments

Mary Ann Lynch, 2 Olde Colony Lane

Ms. Lynch expressed her continued support for the town center intersection project. She urged the council to “put the light to bid before you kill the project.”

Rick Fontana, 14 Valley Road

Mr. Fontana said “a lot of money is being spent on the high school parking lot. The parking lots should be left gravel and muddy so the kids won’t drive to school.”

Bob Barton, 8 Woods Knoll Drive

Mr. Barton thanked the council for looking at alternative ways to spend the bond money.

Moved by Councilor Swift-Kayatta and Seconded by Councilor Sherman

Ordered the Cape Elizabeth Town Council approves the following allocation of the bond proceeds remaining as of December 31, 2008:

1. Take advantage of bidding opportunities and repair the Spurwink Church with a total project cost of approximately \$425,000.
  2. Continue to give the school board full flexibility for directing the \$73,821 in remaining funds in the school allocation.
  3. Pay the retainage on the bleacher project.
  4. Pay obligations for the greenbelt portion of the bond, but do not commit to any other greenbelt projects with bond proceeds.
  5. Spend up to \$500,000 for maintaining road and parking lot infrastructure.
  6. The balance of approximately \$300,000 is to be frozen and shall be used for capital purposes recommended by the town manager and approved by the town council.
- (6 yes) (0 no)

**Item# 32-2009      Alternative Energy Committee Report**

Present/Presentation – Bill Slack, Chairman Alternative Energy Committee

Members Wyman Briggs

Alan Lishness

Moved by Chairman Rowe and Seconded by Councilor Swift-Kayatta

Ordered the Cape Elizabeth Town Council acknowledges receipt of the report of the alternative energy committee dated December 31, 2008 and refers the report to a workshop (The workshop date to be determined). The council thanks the committee for their work.  
(6 yes) (0 no)

**Item# 33-2009      Appointments Committee Recommendation**

Moved by Councilor McKenney and Seconded by Councilor Swift-Kayatta

Ordered the Cape Elizabeth Town Council approves the recommendation of the appointments committee to appoint Chris Gebhart, 98 Fowler Road to the Arts Commission. The term is effective immediately and expires December 31, 2011.

(6 yes) (0 no)

**Item# 34-2009      Ordinance Committee Recommendation**

Intro – Councilor Lennon, Chairman Ordinance Committee

Moved by Councilor Lennon and Seconded by Councilor Sherman

Ordered the Cape Elizabeth Town Council sets to public hearing on Monday, February 9, 2009 at 7:30 p.m. at the Cape Elizabeth Town Hall recommendations of the ordinance committee to amend the zoning ordinance regarding bed and breakfasts.

(6 yes) (0 no)

**Item# 35-2009      Recycling Working Group Report**

Intro – Councilor Swift-Kayatta, Member of the Recycling Working Group

Moved by Councilor Swift-Kayatta and Seconded by Councilor McKenney

Ordered the Cape Elizabeth Town Council sets to public hearing on Monday, February 9, 2009 at 7:30 p.m. at the Cape Elizabeth Town Hall recommendations of the recycling working group including a recommendation to not implement pay per bag and not provide curbside pickup.

(6 yes) (0 no)

**Item# 36-2009      Fort Williams Park Group Use Requests for 2009**

Moved by Councilor Backer and Seconded by Councilor McKenney

Ordered the Cape Elizabeth Town Council approves the Fort Williams Park group use request for 2009 as presented.

- Cape Elizabeth Little League- per November 18<sup>th</sup> letter
- Family Fun Day; June 13 and rain date of June 20
- CEHS Graduation: June 14 and earlier practices per November 13<sup>th</sup> letter
- Portland Amateur Wireless Association on June 27 and 28 per October 24<sup>th</sup> letter
- TD Banknorth 12<sup>th</sup> Annual 10K Beach to Beacon Road Race on August 1<sup>st</sup> and setup beginning July 28<sup>th</sup>
- Portland Yacht Club: August 7-9<sup>th</sup> for observation post for 2009 Monhegan Race. Request includes overnight use.
- CEFD Engine Company One Labor Day Weekend Art Show on September 6 with a rain date of September 7.

(6 yes) (0 no)

**Item# 37-2009      Renewal of Compost Agreement**

Present – Carol Anne Jordan, Spokesman for the Jordan Family  
Penny Jordan

Intro – Manager McGovern

Moved by Councilor McKenney and Seconded by Councilor Swift-Kayatta

Ordered the Cape Elizabeth Town Council authorizes the town manager to renew the agreement with the William H. Jordan Farm LLC for the management and handling of compost material at the Recycling Center until February 21, 2015 as amended.

See attachment.

(6 yes) (0 no)

**Item# 38-2009      Proposed Town Council Working Group**

Intro – Chairman Rowe

Moved by Councilor Swift-Kayatta and Seconded by Councilor McKenney

Ordered the Cape Elizabeth Town Council establishes the “2009 Communications Policies Working Group” to view CETV guidelines, to consider more effective use of e-mail communication with citizens and to conduct an evaluation of the municipal website to ensure that it remains one of the premier municipal websites in Maine. The ad hoc working group will consist of three council members appointed by the chairman.

(6 yes) (0 no)

Chairman Rowe appoints Councilor Swift-Kayatta, Chairman and members Councilor Sherman and Chairman Rowe.

See attachment.

**Citizen Opportunity for Discussion of Items Not on the Agenda - None**

**Item# 39-2009      Annual Evaluation of the Town Manager**

Moved by Councilor McKenney and Seconded by Councilor Swift-Kayatta

Ordered the Cape Elizabeth Town Council enters executive session at 9:48 p.m. in accordance with 1 MRSA §405 6 A to begin the annual evaluation of the town manager.

(6 yes) (0 no)

Moved by Councilor Swift-Kayatta and Seconded by Councilor McKenney

Ordered the Cape Elizabeth Town Council exits executive session and reenters public session at 10:20 p.m.

(6 yes) (0 no)

**Adjournment**

Moved by Councilor Swift-Kayatta and Seconded by Councilor McKenney  
Ordered the Cape Elizabeth Town Council adjourns at 10:20 p.m.  
(6 yes) (0 no)

Respectfully Submitted,

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Debra M. Lane, Town Clerk

**Upcoming Meetings**

January 15, 2009 8:00 a.m.	Ordinance Committee- 2nd Floor-Town Hall
January 21, 2009 7:00 p.m.	Forum on FY 2010 Budget- Council Chamber
January 22, 2009 7:00 p.m.	Board and Commission Orientation-Council Chamber
January 28, 2009 7:00 p.m.	Workshop with School Board –CEHS Cafeteria
February 5, 2009 7:30 p.m.	Town Council Workshop – Town Hall
February 9, 2009 7:30 p.m.	Regular Town Council Meeting-Council Chamber