

CAPE ELIZABETH TOWN COUNCIL MINUTES
Regular Meeting # 11-2009
Cape Elizabeth Town Hall
Monday, June 8, 2009
7:30 p.m.

Roll Call by the Town Clerk

		Present	Absent	
James S. Rowe, Chairman	127 Oakhurst Road	X		799-7467 12/2009
David J. Backer	2 Rugosa Way	X		253-0529 12/2009
Penelope A. Jordan	349 Fowler Road	X		671-5341 12/2010
Sara W. Lennon	54 Cranbrook Drive	X		741-5139 12/2009
Paul J. McKenney	5 Katahdin Road		X	899-0045 12/2010
David S. Sherman, Jr.	74 Hunts Point Road	X		749-2668 12/2011
Anne E. Swift-Kayatta	14 Stone Bridge Road	X		767-5754 12/2011
Michael K. McGovern, Town Manager		X		
Debra M. Lane, Town Clerk		X		

The Pledge of Allegiance to the Flag

Town Council Reports and Correspondence

Councilor Jordan reported that the Cape Elizabeth Farm Alliance will be holding the first annual Strawberry Festival June 26 and June 27. Event advertising can be found in flyers distributed around town, local newspapers and www.capeelizabethfarms.com.

Chairman Rowe reported on the following:

May 21, 2009 – The Track & Field was named for long time athletic director Keith Weatherbie.

May 25, 2009 - Memorial Day Parade – Thank you to Jim Cox for his long time service as chairman and thank you to new chairman Jim Huebener for organizing this successful event. Congratulations to the Cape Elizabeth Land Trust for the recent completion of the outdoor classroom and playground at the elementary school.

June 6, 2009 – The Fire Department Appreciation Night was held at the newly renovated Purpoodock Club. Thank you to all of the fire department personnel for their service.

Congratulations to Gerry Murray for 50 years of service.

The Greater Portland Council of Governments will hold its annual meeting on June 18. The Cape Elizabeth Alternative Energy Committee will be recognized for its efforts.

Town Clerk Debra Lane read a letter from Paul J. McKenney. Councilor McKenney announced he will resign from the Town Council effective December 2009. “My reason for resigning is that my military and civilian schedule for 2010 will conflict with numerous council meetings.” Chairman Rowe thanked Councilor McKenney for his years of service and dedication to the community. Councilor McKenney’s seat will be advertised along with the 3 other town council and school board seats. Nomination papers for the November 3 election will be available July 27. The deadline to submit nomination papers is September 4.

Town Manager's Report

Cape Elizabeth recently hosted the Cumberland County Snowplow Rodeo. Among the 22 teams were 3 teams from the Cape Elizabeth Public Works Department. Cape Elizabeth finished 2, 3 and 5. Congratulations!

Cape Elizabeth Police Officer Rory Diffin graduated May 22, 2009 from the Maine Criminal Justice Academy. He received the Academic Proficiency Award for obtaining the highest academic score in his class. Officer Diffin's total academic score of 98.86 was the highest score ever for a cadet in the basic law enforcement class.

Detective Paul Fenton has been recognized by the U.S. Attorneys Office for his coordinated efforts in an investigation regarding stolen checks worth \$17,000.

Community Liaison Officer Mark Dorval has received a commendation from the South Portland Police Department for his efforts in a joint Prescription Drug Drop Off.

Congratulations to all of the officers, the police department and Chief Neil Williams.

Manager McGovern announced this is the last televised meeting of the fiscal year and scheduled for the end of the fiscal year is the consolidation of dispatch services with the City of Portland. The four dispatchers will be transitioning to other positions. Mr. McGovern thanked the dispatchers for their years of service and dedication to the community. He also recognized their professionalism and dedication (personally and professionally) over the last several months as the consolidation has been considered.

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

Review of Minutes of Meeting held May 11, 2009

Moved by Councilor Swift-Kayatta and Seconded by Councilor Backer

Ordered the Cape Elizabeth Town Council approves the minutes of meeting #9-2009 held May 11, 2009 as presented.

(6 yes) (0 no)

Item #103-2009 Public Hearing- Solid Waste Ordinance

Intro – Manager McGovern

Present – Robert Malley, Director of Public Works

Chairman Rowe opened the public hearing at 7:46 p.m.

Christopher Straw, 597 Shore Road

Mr. Straw witnessed a resident placing materials in the hopper that should have been in the recycling bins. He encourages the adoption of the proposed revisions to ensure materials are properly placed for recycling.

After hearing no further comments, the hearing was closed at 8:47 p.m.

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Moved by Councilor Swift-Kayatta and Seconded by Councilor Lennon

Ordered the Cape Elizabeth Town Council adopts the proposed revisions to the Health and Sanitation Ordinance providing for a substitute Article II relating to solid waste and recycling as presented.

(6 yes) (0 no)

See attachment.

Moved by Councilor Sherman and Seconded by Councilor Swift-Kayatta to remove Item #97-2009 from the table. Said item was tabled May 11, 2009.

(6 yes) (0 no)

Item# 97-2009 Zoning Ordinance Amendments and Zoning Map

Intro – Councilor Lennon, Ordinance Committee Chairman

Present – Maureen O’Meara, Town Planner

Chairman Rowe provided an opportunity for public comment per the Town Council Rules.

David Freeman, 3 Charles Road

Mr. Freeman restated his objection to the rezoning of 553 Shore Road. He shared his observances at a recent yard sale at 553 Shore Road.

Emily Materson, 2 Charles Road

Mrs. Materson restated her objection to the rezoning of 553 Shore Road.

Peggy McGehee, Attorney for Jane Waning Nicholas and David Sanford

Ms. McGehee stated this zone change “will isolate” 551 Shore Road, she cautioned against “spot zoning.”

David Sanford, 1 Charles Road

Mr. Sanford restated his objection to the rezoning of 553 Shore Road and asked that the town council consider his proposal of an “overlay transition zone.”

Thomas Federle, Attorney for Lee Wilson

Mr. Federle supports the proposed changes.

Item #97-A Zoning Map – Proposed Changes – Southern

Moved by Councilor Sherman and Seconded by Councilor Lennon

WHEREAS, the Cape Elizabeth Comprehensive Plan dated October 10, 2007, as amended, recommended a review of the zoning regulations affecting the BA District, a revision of the BA District regulations to create neighborhood scale commercial areas and more mixed use of residential and commercial, and if necessary, to develop separate standards that are tailored to the two distinct BA Districts; and

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WHEREAS, consistent with the requirements of the Zoning Ordinance, the Planning Board has reviewed proposed changes to the Zoning Ordinance text and Map affecting the BA District and has made recommendations to the Town Council; and

WHEREAS, the Town Council has held workshops and public hearings in regard to proposed amendments to the Zoning Ordinance text and Map affecting the BA District; and

WHEREAS, Section 19-10-3 of the Zoning Ordinance allows the Town Council to approve amendments to the Zoning Ordinance provided certain procedures are followed, and the amendments are consistent with the Town's Comprehensive Plan and with the purpose of the Zoning Ordinance set forth in Section 19-1-2 thereof; and

WHEREAS, the Town Council finds that the attached amendments to the Zoning Ordinance text and Map affecting the BA District are consistent with the Comprehensive Plan and the purpose of the Zoning Ordinance;

ORDERED, that the attached amendments to the Route 77 Zoning BA District Map are hereby approved.
(6 yes) (0 no)

Item #97-B Zoning Map - Proposed Change - 553 Shore Road

Moved by Councilor Sherman and Seconded by Councilor Lennon

WHEREAS, the Cape Elizabeth Comprehensive Plan dated October 10, 2007, as amended, recommended a review of the zoning regulations affecting the BA District, a revision of the BA District regulations to create neighborhood scale commercial areas and more mixed use of residential and commercial, and if necessary, to develop separate standards that are tailored to the two distinct BA Districts; and

WHEREAS, consistent with the requirements of the Zoning Ordinance, the Planning Board has reviewed proposed changes to the Zoning Ordinance text and Map affecting the BA District and has made recommendations to the Town Council; and

WHEREAS, the Town Council has held workshops and public hearings in regard to proposed amendments to the Zoning Ordinance text and Map affecting the BA District; and

WHEREAS, Section 19-10-3 of the Zoning Ordinance allows the Town Council to approve amendments to the Zoning Ordinance provided certain procedures are followed, and the amendments are consistent with the Town's Comprehensive Plan and with the purpose of the Zoning Ordinance set forth in Section 19-1-2 thereof; and

WHEREAS, the Town Council finds that the attached amendments to the Zoning Ordinance text and Map affecting the BA District are consistent with the Comprehensive Plan and the purpose of the Zoning Ordinance;

ORDERED, that the attached amendments to the Shore Road Zoning BA District Map are hereby approved.
(4 yes) (2 no Councilor Backer, Chairman Rowe)

Item #97-C Zoning Ordinance Proposed Amendments

WHEREAS, the Cape Elizabeth Comprehensive Plan dated October 10, 2007, as amended, recommended a review of the zoning regulations affecting the BA District, a revision of the BA District regulations to create neighborhood scale commercial areas and more mixed use of residential and commercial, and if necessary, to develop separate standards that are tailored to the two distinct BA Districts; and

WHEREAS, consistent with the requirements of the Zoning Ordinance, the Planning Board has reviewed proposed changes to the Zoning Ordinance text and Map affecting the BA District and has made recommendations to the Town Council; and

WHEREAS, the Town Council has held workshops and public hearings in regard to proposed amendments to the Zoning Ordinance text and Map affecting the BA District; and

WHEREAS, Section 19-10-3 of the Zoning Ordinance allows the Town Council to approve amendments to the Zoning Ordinance provided certain procedures are followed, and the amendments are consistent with the Town's Comprehensive Plan and with the purpose of the Zoning Ordinance set forth in Section 19-1-2 thereof; and

WHEREAS, the Town Council finds that the attached amendments to the Zoning Ordinance text and Map affecting the BA District are consistent with the Comprehensive Plan and the purpose of the Zoning Ordinance;

ORDERED, that the attached amendments to the Zoning Ordinance text affecting the BA District are hereby approved.

(4 yes) (2 no Councilor Backer, Chairman Rowe)

See attachment.

Item# 104-2009 Inn by the Sea Property Liquor Licenses

Moved by Councilor Swift-Kayatta and Seconded by Councilor Sherman

Ordered the Cape Elizabeth Town Council approves the renewal of the malt, spirituous and vinous liquor license and special amusement permit for the Inn By The Sea, LLC located at 40 Bowery Beach Road.

(6 yes) (0 no)

Item# 105-2009 Good Table Restaurant Liquor Licenses

Present – Anthony Kostopoulos

Moved by Councilor Lennon and Seconded by Councilor Jordan

Ordered the Cape Elizabeth Town Council approves the renewal malt, spirituous and vinous liquor license for The Good Table located at 527 Ocean House Road.

(6 yes) (0 no)

Item# 106-2009 US Conference of Mayors Climate Protection Agreement

Intro – Carol Hubbard, 14 Valley Road - Cool Cape Community
Joan Sax, Member Cool Communities

Moved by Councilor Swift-Kayatta and Seconded by Councilor Jordan

Ordered the Cape Elizabeth Town Council endorses the US Conference of Mayors Climate Protection Agreement and requests the town manager to provide an annual update on actions being taken by the Town related to the agreement.

(6 yes) (0 no)

Chairman Rowe signed the agreement on behalf of the town.
See attachment.

Item# 107-2009 Report of the Communications Policies Working Group

Intro – Councilor Swift-Kayatta, Chairman Communications Policies Working Group

Moved by Councilor Swift-Kayatta and Seconded by Councilor Sherman

Ordered the Cape Elizabeth Town Council acknowledges receipt of the Communications Policies Working Group.

(6 yes) (0 no)

Item# 108-2009 CETV Guidelines

Moved by Councilor Swift-Kayatta and Seconded by Councilor Lennon

Ordered the Cape Elizabeth Town Council adopts the proposed CETV draft guidelines as proposed by the Communications Policies Working Group as presented.

(6 yes) (0 no)

See attachment.

Item# 109-2009 Web site Guidelines

Moved by Councilor Swift-Kayatta and Seconded by Councilor Sherman

Ordered the Cape Elizabeth Town Council adopts the web site draft guidelines as presented.

(6 yes) (0 no)

See attachment.

Item# 110-2009 Administrative Code

Intro – Manager McGovern

Moved by Councilor Sherman and Seconded by Councilor Lennon

Ordered the Cape Elizabeth Town Council postpones Item #110-2009 to revise the Administrative Code until the July 13, 2009 Town Council Meeting.

(6 yes) (0 no)

This item will be added to the June 15, 2009 workshop at 7:00 p.m.

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Item# 111-2009 Year End Transfers

Intro – Manager McGovern

Moved by Councilor Swift-Kayatta and Seconded by Councilor Lennon

Ordered the Cape Elizabeth Town Council approves the following revised appropriations:

Recommended Revised Department Appropriations

	Original	Proposed	
Elections	\$ 17,436	\$ 28,000	(6 Elections)
Employee Benefits	\$854,200	\$884,577	(Workers Comp)
Pool	\$322,432	\$330,000	(Pool Maintenance)
Fitness Center	\$ -	\$ 68,440	(Covered by revenues)
Capital Outlay (6 yes) (0 no)		\$ 75,000	(Ice Storm Damage- Reimbursed and Energy)

Item# 112-2009 Pay Classification Plan- 2010

Moved by Councilor Swift-Kayatta and Seconded by Councilor Lennon

Ordered the Cape Elizabeth Town Council approves the following Pay Classification Plan for fiscal year 2010. Said amounts are revised 2% from FY 2009.

(6 yes) (0 no)

See attachment.

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

Adjournment

Moved by Councilor Swift-Kayatta and Seconded by Councilor Sherman

Ordered the Cape Elizabeth Town Council adjourns at 9:43 p.m.

(6 yes) (0 no)

Respectfully Submitted,

Debra M. Lane, Town Clerk

Future Meetings/Events

June 15, 2009 Workshop Tentative Agenda – Meeting to Begin at 7:00 p.m.

Administrative Code

Shore Road Pathway Committee Report

Goddard Mansion Report

Council Goal Status Report

July 13, 2009 Town Council Meeting

August 10, 2009 Town Council Meeting