

CAPE ELIZABETH TOWN COUNCIL MINUTES
Regular Meeting # 16-2009
Cape Elizabeth Town Hall
Wednesday, October 14, 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

On behalf of the Town Council, Chairman Rowe expressed condolences to Henry Adams on the recent death of his wife Barbara Adams. Mrs. Adams served the community as an election clerk for almost 25 years. Together Mr. & Mrs. Adams volunteered countless hours on elections, church events and at Mercy Hospital. Mrs. Adams passed away October 3, 2009 at 85 years of age.

Councilor Swift-Kayatta reported on the Maine Municipal Association’s Annual Convention held October 7 and 8 at the Augusta Civic Center. Information from the conference will be shared with the council. This conference is a great opportunity to learn and to share ideas with municipalities from across the state.

Councilor Sherman reported that the Municipal Operations Review Committee has met twice. More information will become available as the committee continues its work. Councilors Swift-Kayatta, Backer, Sherman and former Town Councilor Jean Ginn Marvin recently participated at the Fall Fest as judges to the pie contest, a great community event.

Chairman Rowe encouraged interested residents to attend the Arboretum Walk at Fort Williams Park on Wednesday, October 15. The walk will be presented by Arborist Rick Churchill beginning at 2:00 p.m. at the Picnic Shelter.

Citizen Opportunity for Discussion of Items Not on the Agenda None

Town Manager’s Report

Manager McGovern shared his thoughts about the passing of Barbara Adams. Mrs. Adams was a familiar face during elections. She was a friend to the staff at Town Hall and will be greatly missed. Our thoughts and prayers go to Henry and his family.

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Congratulations to the Friends of the Thomas Memorial Library for a successful Book and Bake sale held last week. The Friends raised approximately \$12,000 to benefit the library.

The Medication Collection Project will be held on Saturday, October 17 10-2 at the Town Center Fire Station. This drop off provides residents a way to safely dispose of unwanted or expired medications. Medications should be kept in their original bottles and labels for collection.

During September and the first two weeks in October, the Gift Shop at Portland Head Light experienced record sales primarily due to the number of tour buses and buses from cruise ships visiting Portland. The average in September was \$4,000 per day. The Museum has also done very well. Thank you to the staff and volunteers for their hard work during this busy season.

Review of Minutes of Meeting held September 14, 2009

Moved by David S. Sherman, Jr. and Seconded by Paul J. McKenney

Ordered the Cape Elizabeth Town Council approves the minutes of Meeting #15-2009 held September 14, 2009 as amended. A typographical error was noted on page 1, Reports and Correspondence Councilor McKenney “recently road around town” changed to “recently rode around town.”

(7 yes) (0 no)

**Item #137-2009 Liquor License Renewal – Purpoodock Club
Public Comments: Liquor License Renewal**

Applicant: The Purpoodock Club

Business: The Purpoodock Club

Address: 300 Spurwink Avenue

License: Golf Club Malt, Vinous and Spirituous and Special Amusement Permit

Current License Expires: November 1, 2009

Chairman Rowe provided an opportunity for public comments. After hearing no comment the Chairman asked for a motion.

For purposes of full disclosure Councilors Swift-Kayatta, Sherman and Rowe announced they are members of Purpoodock Club. There were no objections expressed by the council for these councilors to discuss and vote on this item.

Moved by Paul J. McKenney and Seconded by David J. Backer

Ordered the Cape Elizabeth Town Council approves the renewal Golf Club malt, vinous and spirituous liquor license and Special Amusement Permit for the Purpoodock Club at 300 Spurwink Avenue as presented.

(7 yes) (0 no)

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**Item# 138-2009 General Assistance Appendices
Public Hearing: Revised General Assistance Appendices**

Chairman Rowe opened the public hearing at 7:48 p.m.
After hearing no comments the hearing was closed.

Moved by Anne E. Swift-Kayatta and Seconded by David S. Sherman, Jr.
Ordered the Cape Elizabeth Town Council adopts the recommended General Assistance Appendices (A, B and C) (October 1, 2009 – October 1, 2010 as updated by the Maine Municipal Association.

(7 yes) (0 no)
See attachment.

Item# 139-2009 Zoning Ordinance Amendments-Town Center Zone

Moved by David S. Sherman, Jr. and Seconded by Anne E. Swift-Kayatta
Ordered the Cape Elizabeth Town Council refers to the Ordinance Committee recommended Planning Board amendments to the Zoning Ordinance relating to the density of buildings in the town center zone.

(7 yes) (0 no)

Item# 140-2009 Traffic Ordinance

Intro – Councilor Lennon, Chairman Ordinance Committee

Moved by David J. Backer and Seconded by Paul J. McKenney
Ordered the Cape Elizabeth Town Council sets to public hearing recommendations of the Ordinance Committee related to amendments to Chapter 13 Traffic Regulations for Monday, November 9, 2009 at 7:30 p.m. at the Cape Elizabeth Town Hall.

(7 yes) (0 no)

Item# 141-2009 Town Center Pedestrian Safety Committee

Intro – Councilor Lennon, Member Town Center Pedestrian Safety Committee

Moved by David S. Sherman, Jr. and Seconded by Paul J. McKenney
Ordered the Cape Elizabeth Town Council approves the recommendations of the Town Center Pedestrian Safety Committee for the continuation of current pedestrian safety measures.

To install a solar powered pedestrian crossing signal at the cross walk between Key Bank and the Coldwell Banker office at an estimated cost of \$21,000 with funds to be allocated from the town center improvements portion of the 2008 municipal bond.

To paint crosswalks in both the spring and fall at an estimated annual budget impact of \$2,000.

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To continue road stanchions, pictographic signs at the ends of each crosswalk and flags for pedestrians at an estimated annual budget impact of \$750.00.

The Town Council further thanks the committee for their service and discharges them from their responsibilities.

(7 yes) (0 no)

Item# 142-2009 Concession Stand

Intro – Alan Thibeault, Representing Various High School Outdoor Sport Booster Organizations

Moved by Anne W. Swift-Kayatta and Seconded by David S. Sherman, Jr.

Ordered the Cape Elizabeth Town Council authorizes the application to amend the approved site plan for the school grounds for the installation of a concession stand at Hannaford Field with all costs to be privately funded.

(7 yes) (0 no)

Item# 143-2009 Conservation Land near Leighton Farms Subdivision

Moved by David S. Sherman, Jr. and Seconded by Sara W. Lennon

Ordered the Cape Elizabeth Town Council tables Item #143-2009 to the November 9, 2009 Town Council meeting.

(7 yes) (0 no)

Item# 144-2009 Thomas Memorial Library Study Committee

Intro – Chairman Rowe

Moved by Anne E. Swift-Kayatta and Seconded by Sara W. Lennon

Ordered the Cape Elizabeth Town Council thanks the Thomas Memorial Library Study Committee for their service in planning for the future of library services for the Town of Cape Elizabeth and discharges them from their responsibilities and further requests the Thomas Memorial Library Trustees to assume responsibility for library planning efforts following direction from the Cape Elizabeth Town Council to be provided early in 2010.

(7 yes) (0 no)

Item# 145-2009 Excise Tax Ballot Question

Intro – Councilor Swift-Kayatta – Sponsor of the Resolution

Moved by Anne E. Swift-Kayatta and Seconded by James S. Rowe

Ordered the Cape Elizabeth Town Council endorses a resolution entitled **Resolution indicating Town Council Opposition to the November 2009 Ballot Question Seeking to Amend the Automobile Excise Tax** as amended.

(7 yes) (0 no)

See attachment.

Item# 146-2009 TABOR II Ballot Question

Intro – Councilor Swift-Kayatta – Sponsor of the Resolution

Moved by Anne E. Swift-Kayatta and Seconded by Penelope A. Jordan

Ordered the Cape Elizabeth Town Council endorses a resolution entitled **Resolve, Indicating the Opposition of the Cape Elizabeth Town Council to the November 2009 Ballot Question Seeking to Modify Current State Law on Tax and Expenditure Limitations on State and Local Government** as amended.

(7 yes) (0 no)

See attachment.

Item# 147-2009 November Election Warrant

Moved by David S. Sherman, Jr. and Seconded by Sara W. Lennon

Ordered the Cape Elizabeth Town Council approves the warrant for the November 3, 2009 Municipal and Portland Water District Board of Trustees as presented.

(7 yes) (0 no)

See attachment

Item# 148-2009 Gorham Savings Bank

Intro – Manager McGovern

Moved by Anne W. Swift-Kayatta and Seconded by Paul. J. McKenney

Ordered the Cape Elizabeth Town Council adopts the pro forma resolution in order to permit the Town to make deposits at Gorham Savings Bank.

(7 yes) (0 no)

See attachment.

Citizen Opportunity for Discussion of Items Not on the Agenda None

Thank you to Camera Operator Taryn Bianchin for her service to Cape Elizabeth. Taryn's last broadcast is this evening as she will be moving from the area. Good luck Taryn.

Applications for camera operator are now being accepted. Letters of interest should be directed to the Town Manager.

Thank you to Police Officer Chris Burgess for his service to the residents of Cape Elizabeth. Officer Burgess is leaving for a position with the Westbrook Police Department. Applications for this position are available through the Police Department. Good luck Officer Burgess.

Adjournment

Moved by Paul J. McKenney and Seconded by Anne E. Swift-Kayatta
Ordered the Cape Elizabeth Town Council adjourns at 8:56 p.m.

Respectfully Submitted,

Debra M. Lane, Town Clerk

Future Meetings: See the calendar at www.capeelizabeth.com for updates.

Arboretum Walk: Wednesday, October 15, 2009 at 2:00 p.m.
Fort Williams Park Picnic Shelter

Town Council Workshop and Finance Committee: Thursday, October 15, 2009 at 7:30 p.m.
Town Hall William H. Jordan Conference Room

Candidate's Nights Sponsored by the High School Advanced Placement Government Class:
Monday, October 19, 2009 6:00 – 8:00 p.m. School Board Candidates
Wednesday, October 21, 2009 6:00 – 8:00 p.m. Town Council Candidates
Town Hall Council Chamber

Town Council Meeting: Monday, November 9, 2009 at 7:30 p.m.
Town Hall Council Chamber

Town Council Workshop: Thursday, November 12, 2009 at 7:30 p.m.
Town Hall William H. Jordan Conference Room