

CAPE ELIZABETH TOWN COUNCIL MINUTES

Regular Meeting # 17-2009

Cape Elizabeth Town Hall

Monday, November 9, 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

Chairman Rowe thanked Debra Lane, Town Clerk and the election staff for their hard work during the November 3 election. He also acknowledged all of the Town Council and School Board candidates for running. Congratulations to the newly-elected Town Council and School Board members. The new members will take office on December 14, 2009.

Appointments Committee Chairman Paul McKenney thanked the residents who have applied for vacancies on the various boards and commissions. The Appointments Committee is conducting interviews and their recommendations will be voted on by the Town Council on December 14, 2009.

Chairman Rowe and Councilors Backer and McKenney thanked the citizens, Town Councilors, Town Manager and staff for their support during their years of service on the Town Council.

Councilor Swift-Kayatta thanked Chairman Rowe and Councilors Backer and McKenney for their service. A clock was presented to Chairman Rowe acknowledging his year as Town Council Chairman.

2009 Ralph Gould Award

Michael T. Ott has been honored as the 2009 recipient of the Ralph Gould Award. Mr. Ott was instrumental in the fundraising effort for the turf field at Hannaford Field. Mr. Ott and his family recently moved from Cape Elizabeth. Councilor-Elect Jim Walsh will be delivering the clock that has been engraved in Mr. Ott's honor as he was unable to return to Cape Elizabeth for the presentation. A permanent plaque hangs in the Town Council Chamber at Town Hall listing all of the recipients.

November 9, 2009

Citizen Opportunity for Discussion of Items Not on the Agenda None

Town Manager's Report

Manager McGovern thanked Councilors Backer and McKenney for their service to Cape Elizabeth. He also thanked Chairman Rowe for his service and his leadership during the challenging times of this past year.

Review of Minutes of Meeting held October 14, 2009

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

Ordered the Cape Elizabeth Town Council approves the minutes of Meeting #16-2009 held October 14, 2009 as presented.

(7 yes) (0 no)

Item# 149-2009

Public Hearing: Proposed Amendments to the Traffic Ordinance

Intro – Councilor Lennon, Chairman Ordinance Committee
Chief Neil Williams

Chairman Rowe opened the hearing to public comments at 8:10 p.m.

Sandra Farris, 21 Cottage Lane Requested clarification of parking near her driveway.

Terri Patterson, 15 Surf Road Requested review of parking on Surf Road due to potential spill over from those trying to access Casino Beach.

Jane Reynolds, 16 Surf Road Requested review of parking on Surf Road due to potential spill over from those trying to access Casino Beach.

Mandy Garmey, 1 Garden Lane Thank you to the Town Council and Town staff for addressing parking in the area. Parking has been a concern for years. How will the Town enforce the new regulations?

Mylan Cohen, 21 Surf Road Supports this as a first step to address parking concerns in the area. Thank you to the Town Council for considering the changes.

After hearing no further comments, the hearing was closed at 8:24 p.m.

Chief Williams addressed the question of why there are no recommendations for limiting parking on Surf Road. He explained that the department has not received any complaints on Surf Road. Rather than posting at this time, his recommendation is to wait to see if this becomes a problem and then address it at the time.

November 9, 2009

Moved by Sara W. Lennon and Seconded by David J. Backer

Ordered the Cape Elizabeth Town Council approves the recommendations to Chapter 13 Traffic Regulations as presented.

(7 yes) (0 no)

See attachment.

**Item# 143-2009 Conservation Land near Leighton Farms Subdivision
Tabled 10/14/2009**

Intro – Manager McGovern

Present – Phil O’Hearn, 8 Leighton Farms Road

Mr. O’Hearn requests no action of the town to allow him to maintain the town’s open space as he does now.

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

Ordered the Cape Elizabeth Town Council removes this item from the table from October 14, 2009.

(7 yes) (0 no)

Brian Rayback, 5 Leighton Farms Road Requests the Town Council to allow Mr. O’Hearn to maintain the open space as an easy and open access. Who will maintain the property if the O’Hearns’ do not?

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

Ordered the Cape Elizabeth Town Council denies the appeal of Mr. O’Hearn.

Chairman Rowe opened the item to public comments.

Jean Bishop, 10 Leighton Farms Road Supports the cut through as is.

David Herzer, 7 Leighton Farms Road Supports the cut through as is.

Aaron Mosher, 6 Leighton Farms Road Supports the cut through as is.

(7 yes) (0 no)

Item# 150-2009 Proposed Revised Fees for Picnic Shelter and Bandstand Use

Present – Dan Chase, Chairman Fort Williams Advisory Commission

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

Ordered the Cape Elizabeth Town Council approves the recommendation of the Fort Williams Advisory Commission to revise the fees for use of the picnic shelter, bandstand and gazebo at Fort Williams Park as presented.

(7 yes) (0 no)

See attachment.

November 9, 2009

Citizen Opportunity for Discussion of Items Not on the Agenda None

Adjournment

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

Ordered the Cape Elizabeth Town Council adjourns at 9:38 p.m.

(7 yes) (0 no)

Respectfully Submitted,

Debra M. Lane, Town Clerk

The 2010 Town Council caucus was convened at 9:40 p.m. Results of the caucus will be voted on by the Town Council at the December 14, 2009 meeting.

The Town Council workshop scheduled for November 12, 2009 is cancelled.

Regular Town Council Meeting: Monday, December 14, 2009 7:30 p.m.

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