

**CAPE ELIZABETH TOWN COUNCIL MINUTES**  
**Regular Meeting # 3-2010**  
**Cape Elizabeth Town Hall**  
**Monday, February 8, 2010**  
**7:30 p.m.**

<b>Roll Call by the Town Clerk</b>		<b>Present</b>	<b>Absent</b>	
<b>Anne E. Swift-Kayatta, Chair</b>	<b>14 Stone Bridge Road</b>	<b>X</b>	<b>767-5754</b>	<b>12/2011</b>
<b>Frank J. Governali</b>	<b>18 Old Ocean House Road</b>	<b>X</b>	<b>799-5842</b>	<b>12/2010</b>
<b>Penelope A. Jordan</b>	<b>349 Fowler Road</b>	<b>X</b>	<b>671-5341</b>	<b>12/2010</b>
<b>Sara W. Lennon</b>	<b>54 Cranbrook Drive</b>	<b>X</b>	<b>741-5139</b>	<b>12/2012</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>Jessica L. Sullivan</b>	<b>38 Cranbrook Drive</b>	<b>X</b>	<b>774-0115</b>	<b>12/2012</b>
<b>James T. Walsh</b>	<b>23 Rock Crest Drive</b>	<b>X</b>	<b>799-6730</b>	<b>12/2012</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**

Chair Swift-Kayatta thanked the members Town boards and commissions who were present at the February 1 Joint Workshop with the Town Council. Thank you to Councilor Penny Jordan and Town Clerk Debra Lane for organizing the event. Packet materials for the workshop can be viewed at [www.capeelizabeth.com](http://www.capeelizabeth.com).

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

**Town Manager's Report**                      None

**Review of Minutes of Meeting held January 11, 2010**

Moved by David S. Sherman, Jr. and Seconded by Penelope A. Jordan

Ordered the Cape Elizabeth Town Council approves the minutes of Meeting #2-2010 held January 11, 2010 as presented.

(7 yes) (0 no)

**Item# 26-2010**

**Public Hearing:            Restaurant Malt and Vinous License Application**  
**Special Amusement Permit**  
**Cape Café LLC, 327 Ocean House Road (Shopping Center)**

Chair Swift-Kayatta opened the public hearing at 7:33 p.m.

James Wagner, Applicant

Mr. Wagner explained the concept and operation of the Cape Café.

After hearing no further comments the public hearing was closed at 7:39 p.m.

**February 8, 2010**

Moved by David S. Sherman, Jr. and Seconded by Penelope A. Jordan

Ordered the Cape Elizabeth Town Council approves the new malt and vinous liquor license and Special Amusement Permit for Cape Café DBA Cape Café, LLC located at 327 Ocean House Road (Shopping Center) as presented.

(7 yes) (0 no)

**Item# 27-2010 Fort Williams Park Revenues**

Moved by James T. Walsh and Seconded by Frank J. Governali

Ordered the Cape Elizabeth Town Council thanks the Fort Williams Advisory Commission for their report to provide self-sufficiency for Fort Williams Park.

The Cape Elizabeth Town Council agrees that Fort Williams Park should remain free of any entry charges.

The Cape Elizabeth Town Council agrees to establish the Fort Williams Park Special Revenue Fund which shall absorb the assets of the Fort Williams Park Capital Fund and which shall account for all revenues and expenditures generated within Fort Williams Park excluding funds generated on the Portland Head Light property. The Fort Williams Park Special Revenue Fund budget shall be handled in the same manner as all other municipal general revenue funds. All revenue generated within Fort Williams Park shall be utilized for uses within Fort Williams Park including maintenance, operations, capital needs and allocation of overhead in support of the same.

(7 yes) (0 no)

Moved by James T. Walsh and Seconded by Sara W. Lennon

Ordered effective April 1, 2011, and continuing thereafter each year April 1 to November 1, vehicles parked at Fort Williams Park shall be subject to the following fee schedule:

Daily Parking	\$5.00	To be collected through Pay-Display units
Resident Annual Parking	\$10.00	To be purchased at several locations
Non-Resident Annual Parking	\$20.00	To be purchased at several locations

These fees shall not apply to those parking primarily to attend scheduled sporting events on athletic fields. The daily fee will not be collected for the annual graduation ceremony for Cape Elizabeth High School, nor for Family Fun Day or the Engine One Art Show.

Moved by Penelope A. Jordan and Seconded by Jessica L. Sullivan

Ordered the Cape Elizabeth Town Council amends the motion to remove the Resident Annual Parking fee of \$10.00.

(3 yes) (4 no Councilors Governali, Lennon, Sherman, Walsh)

Moved by Sara W. Lennon and Seconded by James T. Walsh

Ordered the Cape Elizabeth Town Council amends the original motion to set a Resident and Non-Resident Annual Parking fee of \$25.00.

(2 yes) (5 no Chair Swift-Kayatta, Councilors Governali, Jordan, Sherman, Sullivan)

**February 8, 2010**

Original Motion

(5 yes) (2 no Councilors Jordan and Sullivan)

Moved by James T. Walsh and Seconded by Frank J. Governali

Ordered the daily parking fee for renters of the picnic shelter may be collected as part of the rental of the shelter at the option of the renting party. The Fort Williams Advisory Commission shall propose a fee schedule beginning in 2011 to accommodate this option.

The parking fee for special events may be adjusted as part of the fee for a special event during the approval process for the special event.

(6 yes) (1 no Councilor Jordan)

Moved by James T. Walsh and Seconded by Sara W. Lennon

Ordered the Cape Elizabeth Town Council sets to an advisory referendum the implementation of pay display parking on the same date as the initial vote to validate the school budget with the ballot question:

***Would you favor the Town establishing a 'pay/display' parking program for Fort Williams Park?***

(5 yes) (2 no Councilors Lennon and Walsh)

Moved by James T. Walsh and Seconded by Penelope A. Jordan

Ordered effective April 1, 2011, and continuing thereafter each year April 1 to November 1, the Town shall collect fees from the estimated 800 buses visiting Fort Williams Park. This includes fees from tour buses, camp and recreation buses. The Town Manager shall meet with bus tour representatives and shall propose fees to the Town Council no later than July 15, 2010. The fees shall be similar to those recommended by the Fort Williams Advisory Commission but may provide for package plans for frequent visitors.

The Town Council hereby requests the Fort Williams Advisory Commission to continue to explore income potential from concessions, special events, new park uses and from other suggestions from citizens. The Town Council shall receive a report on these suggestions by December 31, 2010.

(7 yes) (0 no)

**Item# 28-2010      Ordinance Committee Report**

Present – Robert Malley, Director of Public Works

Intro – Councilor Sherman, Chairman Ordinance Committee

Moved by David S. Sherman, Jr. and Seconded by Jessica L. Sullivan

Ordered the Cape Elizabeth Town Council sets to public hearing on Monday, March 8, 2010 at 7:30 p.m. at the Cape Elizabeth Town Hall on proposed ordinance provisions relating to post construction stormwater management plans.

(7 yes) (0 no)

**February 8, 2010**

**Item# 29-2010      Appointments Committee Report**

Intro – Councilor Jordan, Chair Appointments Committee  
The vacant position on the Personnel Appeals Board will be advertised and a recommendation will be forthcoming to the Town Council following the appointments process.

Moved by David S. Sherman, Jr. and Seconded by Jessica L. Sullivan  
Ordered the Cape Elizabeth Town Council acknowledges receipt of the Appointments Committee report.  
(7 yes) (0 no)

**Item# 30-2010      Pole Location Permit**

Intro – Manager McGovern

Moved by David S. Sherman, Jr. and Seconded by James T. Walsh  
Ordered the Cape Elizabeth Town Council approves the request from Central Maine Power Company and Fairpoint Communication to approve the placement of a pole location on Thompson Road at its intersection with Shore Road as presented.  
(7 yes) (0 no)

**Item# 31-2010      Cape Courier Lease**

Intro – Manager McGovern

Moved by Sara W. Lennon and Seconded by Penelope A. Jordan  
Ordered the Cape Elizabeth Town Council extends the terms of the current lease with The Cape Courier, a not for profit newspaper, for space at the Town Hall with the new lease expiring on March 31, 2012, as presented.  
(7 yes) (0 no)  
See attachment.

**February 8, 2010**

**Item# 32-2010 Fort Williams Park 2010 Use Requests**

Present – Robert Malley, Director of Public Works

Moved by Sara W. Lennon and Seconded by James T. Walsh

Ordered the Cape Elizabeth Town Council approves the recommendations of the Fort Williams Advisory Commission for the following group uses of Fort Williams Park in 2010.

Cape Elizabeth Little League- May through July  
Cape Elizabeth High School Commencement- June 13  
CEHS Commencement Rehearsals on June 9, 10 and 11  
Cape Elizabeth Family Fun Day- June 12 with rain date of June 19  
Portland Amateur Wireless Association- June 26 and 27  
TD Bank Beach to Beacon 10K Road Race- August 7  
Road Race Setup- August 2-6  
Monhegan Race Observation Post- August 6-8  
CEFD Engine One Art Show- September 5 and rain date of Sept. 6.

(7 yes) (0 no)

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

**Item# 33-2010 Requested Executive Session**

Moved by Sara W. Lennon and Seconded by James T. Walsh

Ordered the Cape Elizabeth Town Council enters into executive session in accordance with 1 MRSA §405 to discuss the annual evaluation of the Town Manager at 8:46 p.m.

(7 yes) (0 no)

Moved by David S. Sherman, Jr. and Seconded by James T. Walsh

Ordered the Cape Elizabeth Town Council exits executive session and reenters public session at 9:26 p.m.

(7 yes) (0 no)

**Adjournment**

Moved by David S. Sherman, Jr. and Seconded by James T. Walsh

Ordered the Cape Elizabeth Town Council adjourns at 9:26 p.m.

(7 yes) (0 no)

Respectfully Submitted,

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Debra M. Lane, Town Clerk

Note: The regular meeting was following by a workshop to continue the discussion of promoting recycling and review of the budget schedule.