

CAPE ELIZABETH TOWN COUNCIL MINUTES
Regular Meeting # 4-2010
Cape Elizabeth Town Hall
Monday, April 12, 2010
7:30 p.m.

Roll Call by the Town Clerk		Present	Absent	
Anne E. Swift-Kayatta, Chair	14 Stone Bridge Road	X	767-5754	12/2011
Frank J. Governali	18 Old Ocean House Road	X	799-5842	12/2010
Penelope A. Jordan	349 Fowler Road	X	671-5341	12/2010
Sara W. Lennon	54 Cranbrook Drive	X	741-5139	12/2012
David S. Sherman, Jr.	74 Hunts Point Road	X	749-2668	12/2011
Jessica L. Sullivan	38 Cranbrook Drive	X	774-0115	12/2012
James T. Walsh	23 Rock Crest Drive	X	799-6730	12/2012
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 Walsh reported on the Fort Williams Advisory Commission’s April 15 meeting. A facilitator will lead the discussion on potential revenue ideas for Fort Williams Park. A draft Communications Strategy dated April 12, 2010 is available for review by the Town Council and the public. Residents are encouraged to read the draft and provide comment.

Councilor Jordan congratulated the Cape Elizabeth High School Environmental Club for recently receiving the *eco-Excellence Award*, presented by ecomaine for composting and recycling efforts.

Councilor Sherman reported that the Municipal Operations Review Committee continues to work. The report deadline to the Town Council is July 1, 2010. The next meeting of MORC is April 15.

Councilor Lennon met on March 19 with Carol Hubbard, Cool Communities. The committee hopes to work with the CEHS Environmental Club. More information will be forthcoming on an anti-idling campaign and presentation of the movie *Trash*.

Chair Swift-Kayatta attended the MORC public input session held on March 10. Thank you to the Public Works Department for their efforts on the debris clean up for the March storm.

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

Town Manager’s Report **None**

April 12, 2010

Review of Minutes of Meeting held March 8, 2010

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

Ordered the Cape Elizabeth Town Council approves the minutes of Meeting #3-2010 held March 8, 2010 as presented.

(7 yes) (0 no)

Item# 42-2010

**Public Hearing: Zoning Ordinance Amendments
 Town Center Density**

Intro – Councilor Sherman, Ordinance Committee Chairman

Present – Maureen O’Meara, Town Planner

Chair Swift-Kayatta opened the public hearing at 7:53 p.m.

After hearing no public comments the public hearing was closed.

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

Ordered the Cape Elizabeth Town Council approves the proposed amendments to Chapter 19 Zoning Ordinance Town Center District relating to density as presented.

(5 yes) (2 no Councilor Governali and Councilor Lennon)

See attachment.

Item# 43-2010 Agricultural Uses Proposed Amendments

Intro – Councilor Sherman, Ordinance Committee Chairman

Present – Maureen O’Meara, Town Planner

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

Ordered the Cape Elizabeth Town Council acknowledges receipt of the Ordinance Committee report and sets to public hearing on Monday, May 10, 2010 at 7:30 p.m. at the Cape Elizabeth Town Hall proposed amendments to Chapter 19 Zoning Ordinance relating to agricultural uses.

(7 yes) (0 no)

Item# 44-2010 Municipal Open Space-Management Plan

Intro – Councilor Sullivan

Present – Maureen O’Meara, Town Planner

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

Ordered the Cape Elizabeth Town Council approves the draft Town Council Authorization Open Space and Greenbelt Management Committee charge as amended.

(7 yes) (0 no)

See attachment.

April 12, 2010

Item# 45-2010 New Boat Storage Racks at Great Pond

Intro – Manager McGovern

Present – Maureen O’Meara, Town Planner

Moved by Jessica L. Sullivan and Seconded by Sara W. Lennon

Ordered the Cape Elizabeth Town Council approves an annual fee of \$20.00 for a boat storage permit for use of the racks at Great Pond with the proceeds to be placed in a general ledger account which may be drawn upon the Town Manager for expenses related to the boat storage program. Any balance in the account shall be carried over from year to year. Thank you to the Conservation Commission for their volunteer service in leading the effort to construct the racks.

(7 yes) (0 no)

Item# 46-2010 Downed Tree Policy on Municipal Property

Intro – Manager McGovern

Present – Maureen O’Meara, Town Planner

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

Ordered the Cape Elizabeth Town Council adopts the draft revised policy regarding the handling of downed trees on municipal property.

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

Ordered the Cape Elizabeth Town Council tables this item to the May 10, 2010 Town Council Meeting. A revised draft will be available for consideration.

(7 yes) (0 no)

Item# 47-2010 Alewife Regulations

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

Ordered the Cape Elizabeth Town Council approves the Alewife Regulations for 2010 as presented.

(7 yes) (0 no)

See attachment.

Item# 48-2010 Battery Blair

Present – Charles Wilson, Fort Williams Advisory Commission

Lois Carlson, Fort Williams Charitable Foundation

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

Ordered the Cape Elizabeth Town Council authorizes the Fort Williams Advisory Commission to request private funding for a study of Battery Blair at Fort Williams Park.

(7 yes) (0 no)

April 12, 2010

Item# 49-2010 Revaluation/Equalization

Presentation – Matthew Sturgis, Town Assessor

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

Ordered the Cape Elizabeth Town Council acknowledges receipt of the report of Matthew Sturgis, Town Assessor and approves the process, as outlined by the Town Assessor, to begin a revaluation program with the new valuation totals to be utilized with the taxes due beginning in October 2011.

(7 yes) (0 no)

Item# 50-2010 Cross Walk from Broad Cove Road to Rudys

Intro – Manager McGovern

Present – Maureen O’Meara, Town Planner

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

Ordered the Cape Elizabeth Town Council authorizes town staff to request MDOT to reduce the speed limit from 40 to 35 mph in the area from Old Ocean House Road to the Inn By The Sea. The Planning Board is requiring the owner of Rudys to place a crosswalk across Route 77 from Broad Cove Road. MDOT does not allow crosswalks in areas where the speed limit is in excess of 35 mph.

(7 yes) (0 no)

Item# 51-2010 Voting Process

Debra Lane, Town Clerk presented a report to the Town Council regarding the complicated absentee and regular voting process for the June 8th elections. Residents are encouraged, if they are available, to vote at the polls on June 8. Absentee ballots for the Primary, State Referendum and Special Municipal Referendum elections are available approximately 30 days prior to the election. The school budget validation absentee ballots are available the day following the Town Council vote on the budget scheduled for May 25, 2010.

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

Ordered the Cape Elizabeth Town Council takes Item #55 Berry Estate Easement Deed-Hannaford Cove Road out of order as this is the final item for the Town Planner this evening.

(7 yes) (0 no)

April 12, 2010

Item# 55-2010 Berry Estate Easement Deed- Hannaford Cove Road

Present – Maureen O’Meara, Town Planner

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

Ordered the Cape Elizabeth Town Council accepts the offer for an easement (for the road and related drainage appurtenances) for the portion of Hannaford Cove Road that exists on the land of the Estate of Henry N. Berry, III from the Personal Representative Henry N. Berry, IV and thanks Henry N. Berry, IV for the offer of the easement.

(7 yes) (0 no)

See attachment.

Item# 52-2010 Municipal Financial Benchmarks 2009

Intro – Manager McGovern

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

Ordered the Cape Elizabeth Town Council acknowledges receipt of the municipal financial benchmarks study based on the audited June 30, 2009 financial statements as prepared and presented by Michael McGovern, Town Manager.

(7 yes) (0 no)

Item# 53-2010 Quarterly Financial Reports

Intro – Manager McGovern

Moved by Sara W. Lennon and Seconded by Frank J. Governali

Ordered the Cape Elizabeth Town Council acknowledges receipt of the quarterly review of the municipal financial reports as prepared and presented by Michael McGovern, Town Manager. The Town is in very good shape at the end of the third quarter. General fund revenues are anticipated to exceed budgeted levels on June 30, 2010 by approximately \$227,000. Expenditures will be at least \$230,000 below budgeted levels. The light winter saved an estimated \$85,000.

(7 yes) (0 no)

Item# 54-2010 Appointments Committee Report

Intro – Councilor Jordan, Appointments Committee Chair

Moved by Penelope A. Jordan and Seconded by Sara W. Lennon

Ordered the Cape Elizabeth Town Council approves the recommendation of the Appointments Committee to fill the vacancy on the Personnel Appeals Board by William H. Marshall, 10 Wildwood Drive to serve a three year term until December 31, 2012. The term is effective immediately.

(7 yes) (0 no)

Citizen Opportunity for Discussion of Items Not on the Agenda None

April 12, 2010

Item# 56-2010 Executive Session Request

Moved by David S. Sherman, Jr. and Seconded by Frank J. Governali

Ordered the Cape Elizabeth Town Council enters into executive session, 1 MRSA §405 6 D, to discuss the status of collective bargaining for a successor agreement with Local 340 of the Teamsters representing public works staff at 10:26 p.m.

(7 yes) (0 no)

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

Ordered the Cape Elizabeth Town Council exits executive session and reenters public session at 10:55 p.m.

(7 yes) (0 no)

Adjournment

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

Ordered the Cape Elizabeth Town Council adjourns at 10:55 p.m.

(7 yes) (0 no)

Respectfully Submitted,

Debra M. Lane, Town Clerk

Upcoming Meetings

Finance Committee with School Board	May 6, 2010	7:30 p.m.
Regular Town Council Meeting	May 10, 2010	7:30 p.m.
Finance Committee with School Board	May 13, 2010	7:30 p.m.
Special Town Council Meeting	May 13, 2010-	Following Finance Committee
Town Council Meeting-Budget Public Hearing	May 24, 2010	7:30 p.m.
Special Town Council Meeting-Budget Vote	May 25, 2010	7:30 p.m.