

CAPE ELIZABETH TOWN COUNCIL MINUTES
Regular Meeting # 5-2010
Cape Elizabeth Town Hall
Monday, May 10, 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
Debra M. Lane		X		
Michael K. McGovern		X		

Due to laryngitis Chair Swift-Kayatta was unable to preside over the meeting. Councilor Lennon served as Chair Pro Tem.

The Pledge of Allegiance to the Flag

Town Council Reports and Correspondence

Councilor Sherman reported that the Municipal Operations Review Committee’s next meeting is Wednesday, May 19, 7:00 p.m. in the William H. Jordan Conference Room at Town Hall.

Councilor Jordan, Appointments Committee Chair, announced a vacancy on the Planning Board for an unexpired term until 12/31/2012. Interested residents may apply online at www.capeelizabeth.com. The deadline to submit applications to Debra Lane, Assistant Town Manager is Monday, May 24. The Recycling Committee will meet in workshop session with the Town Council on July 10 to discuss a Pay-Per-Throw option for trash at the Recycling Center.

Councilor Sullivan announced the first meeting of the Open Space Management Committee will be held on Tuesday, May 11 following the 7:00 p.m. meeting of the Conservation Committee in the ACP Conference Room, second floor of Town Hall.

Councilor Walsh reported that the Fort Williams Advisory Commission will meet on Thursday, May 20, 7:00 p.m. in the conference room at the Public Works Building regarding potential funding sources for Fort Williams Park.

Councilor Lennon announced that Cape Cool will be showing the movie “Trash,” a documentary relating to the disposal of trash, in the Council Chamber at Town Hall on Wednesday, May 19, 7:00 – 8:00 p.m. Refreshments will be provided at 6:30 p.m. A one-half hour discussion period will follow the movie.

Citizen Opportunity for Discussion of Items Not on the Agenda None

Town Manager's Report

Town Manager Michael McGovern remembered several residents who recently passed away. These residents volunteered in many different ways. The community remembers Robert Smith, Judy Simonds, James Jordan, John Ciraldo and Philip Harley.

Various road paving projects have begun. Three building projects are underway including Eastman Meadows, Spurwink Woods and 126 Scott Dyer Road.

Review of Minutes of Meeting held April 12, 2010

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

Ordered the Cape Elizabeth Town Council approves the minutes of Meeting #4-2010 held April 12, 2010 as presented.

(7 yes) (0 no)

Item #57-2010 Agricultural Amendments

Intro – Councilor Sherman, Chairman Ordinance Committee
Maureen O'Meara, Town Planner

Public Hearing: Agricultural Uses Proposed Amendments

Chair Pro Tem Lennon opened the public hearing for public comments at 7:53 p.m.

Carol Anne Jordan, 21 Wells Road

Ms. Jordan is a member of the Cape Farm Alliance and has worked with the various town boards and committees on the revisions. Ms. Jordan encouraged the Town Council to approve the amendments as presented.

Frank Strout, 1184 Shore Road

Mr. Strout encouraged the Town Council to approve the amendments.

After hearing no further comments, the public hearing was closed at 7:56 p.m.

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

Ordered the Cape Elizabeth Town Council approves the proposed amendments to Chapter 19 Zoning Ordinance regarding agricultural uses as presented.

(7 yes) (0 no)

See attachment.

Item# 58-2010 Inn By The Sea Licenses

Chair Pro Tem Lennon provided an opportunity for public comments. After hearing no comments the Town Council deliberation continued.

Moved by James. T. Walsh and Seconded by Jessica L. Sullivan

Ordered the Cape Elizabeth Town Council approves the renewal malt, vinous and spirituous liquor license and Special Amusement Permit for Inn By The Sea located at 40 Bowery Beach Road.

(7 yes) (0 no)

Item# 59-2010 Proposed Communications Strategy

Intro – Councilor Walsh and Manager McGovern

Chair Pro Tem Lennon provided an opportunity for public comments. After hearing no comments the Town Council discussed the draft. An item for further consideration is whether a communication strategy for the schools can be incorporated.

This item is scheduled for workshop on June 15. Residents are encouraged to contact the Town Council with their thoughts and suggestions.

Item# 46-2010 Policy Related to Downed Trees on Public Property

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

Ordered the Cape Elizabeth Town Council takes Item #46-2010 off the table from the April 12, 2010 Town Council meeting.

(7 yes) (0 no)

Intro – Manager McGovern

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

Ordered the Cape Elizabeth Town Council repeals the policy related to Downed Trees on Public Property as the key elements are already covered in the Tree Ordinance and refers to the Ordinance Committee Chapter 18 Conservation Ordinance relating to the Tree Ordinance. The Tree Ordinance should be reviewed and updated as needed. This review is to be completed in 2010.

(7 yes) (0 no)

Item# 60-2010 Alternative Energy Committee Recommendations

Intro – Chair Pro Tem Lennon, Member of the Alternative Energy Committee

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

Ordered the Cape Elizabeth Town Council acknowledges receipt of the Alternative Energy Committee's report with appreciation for their work. The recommendations will be set for an upcoming workshop.

(7 yes) (0 no)

Item# 61-2010 School Budget Validation Vote Warrant

Intro – Debra Lane, Town Clerk

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

Ordered the Cape Elizabeth Town Council approves the June 8, 2010 school budget validation vote warrant as amended.

(7 yes) (0 no)

See attachment.

Item# 62-2010 Municipal Advisory Referendum Warrant

Intro – Debra Lane, Town Clerk

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

Ordered the Cape Elizabeth Town Council approves the June 8, 2010 advisory referendum warrant on Fort Williams parking fees.

(7 yes) (0 no)

See Attachment.

Item# 63-2010 Voter Registration Appeals Board

Intro – Debra Lane, Town Clerk

Moved by James T. Walsh and Seconded by Jessica L. Sullivan

Ordered the Cape Elizabeth Town Council approves the recommendation of Town Clerk Debra Lane to appoint David J. Backer, 2 Rugosa Way to serve as the Chairman of the Registration Appeals Board. The term is effective May 10, 2010 and expires May 10, 2014.

(7 yes) (0 no)

Note: Appointments to the Registration Appeals Board have been made by the Town Committees as follows: Democratic Town Committee – James R. Wagner, 30 Hannaford Cove Road and Rebecca J. Millett, Alternate, 12 Waumbek Road. Republican Town Committee – RuthAnne Haley, 49 Brentwood Road and William H. Gross, III, Alternate, 7 Sea View Avenue. The terms are effective May 10, 2010 and expire May 10, 2013.

**Page 5 Town Council Minutes
May 10, 2010**

Item# 64-2010 Election Clerks

Intro – Debra Lane, Town Clerk

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

Ordered the Cape Elizabeth Town Council approves the recommendation of Town Clerk Debra Lane for Sharon Gower to continue as Cape Elizabeth's Election Warden and Jacqueline Coy and Debra Lane to serve as Deputy Wardens.

The Cape Elizabeth Town Council approves the following list of residents who may serve as election clerks for the Town of Cape Elizabeth in accordance with Maine statute.

Democratic

Pamela Anderson
Lillian Bates
Sandy Brown
Margaret Davenport
Rachel Davis
Janet Hannigan
Christine Iyer
Carol Anne Jordan
Nancy Marshall
William Marshall
Carol Murray
Edward Nadeau
Claudia Racki
Norma Wadman
William Wadman

Republican

Henry Adams
Scott Berry
Beverly Brooking
Deborah Bump
Marguerite Hallowell
Jane Harley
Audrey Jordan
Kathy Maxwell
Maureen McCarthy
Mary Delores Rivotto

Unenrolled Voters

Al Barthelman
Kris Murray
Teresa Olsen

(7 yes) (0 no)

**Page 6 Town Council Minutes
May 10, 2010**

Item# 65-2010 MMA Legislative Policy Committee

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

Ordered the Cape Elizabeth Town Council nominates Anne E. Swift-Kayatta to serve on the MMA Legislative Policy Committee for a two year term beginning July 2010. Anne E. Swift-Kayatta currently serves as representative.
(7 yes) (0 no)

Citizen Opportunity for Discussion of Items Not on the Agenda None

Adjournment

Moved by Jessica L. Sullivan and Seconded by James T. Walsh

Ordered the Cape Elizabeth Town Council adjourns at 8:53 p.m.
(7 yes) (0 no)

Reminder: The Tax Office and Town Clerk's Office will be closed on Election Day Tuesday, June 8. Staff will be reassigned to the polls.

Respectfully Submitted,

Debra M. Lane, Town Clerk

Upcoming Meetings

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.
Regular Town Council Meeting	June 14, 2010	7:30 p.m.
Town Council Workshop	June 15, 2010	7:30 p.m.
Town Council Workshop	July 12, 2010	6:00 p.m.
Regular Town Council Meeting	July 12, 2010	7:30 p.m.
Regular Town Council Meeting	August 9, 2010	7:30 p.m.