

CAPE ELIZABETH TOWN COUNCIL MINUTES
Regular Meeting # 11-2010
Cape Elizabeth Town Hall
Monday, August 9, 2010

7:40 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, Town Clerk		X		
Michael K. McGovern, Town Manager		X		

The Pledge of Allegiance to the Flag

Town Council Reports and Correspondence

Councilor Sullivan attended the August 5 meeting of the Thomas Memorial Library Foundation. Councilor Sullivan and Manager McGovern will attend the meeting of the Thomas Memorial Library Trustees on September 16 re: dialogue on next steps for the library project.

Councilor Jordan announced the ecomaine Open House to be held on September 25, 2010 8:30 – 11:30 a.m.

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

Debra Lane, Town Clerk announced the availability of nomination papers for Town Council, School Board and Portland Water District Trustees. Information is available online or by contacting the Town Clerk. The deadline to submit nomination papers is 4:00 p.m. Friday, September 3, 2010.

Town Manager’s Report

Manager McGovern introduced his report **Fort Williams Park Looking Towards 50 Years of Municipal Ownership**. The report includes a summary of recommendations as the town moves towards its 50th anniversary of municipal ownership on December 1, 2014. The report also provides an opportunity for thoughts prior to the council workshop with the Fort Williams Advisory Commission on October 4th. A copy of the report is available on the town’s website at www.capeelizabeth.com.

The Manager also thanked everyone, public safety, town departments and volunteers, for their efforts on the Beach to Beach 10K Road Race. Over 700 runners from Cape Elizabeth participated in the event.

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Review of Minutes of Meeting held July 12, 2010

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

Ordered the Cape Elizabeth Town Council approves the minutes of Meeting 10-2010 held July 12, 2010 as presented.

(6 yes) (0 no)

Item# 98-2010 Rooster Review Process

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

Ordered the Cape Elizabeth Town Council refers the rooster topic to the Planning Board. Although the topic was referred to the Ordinance Committee in July it now appears the issue may be addressed within the Zoning Ordinance.

(6 yes) (0 no)

Item# 99-2010 Tree Ordinance

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

Ordered the Cape Elizabeth Town Council schedules a public hearing on the Tree Ordinance (Chapter 18 Conservation Article III) for September 13, 2010 at 7:30 p.m. at the Cape Elizabeth Town Hall. The proposed amendments were accepted from the Ordinance Committee last month and a public hearing needs to be set before final adoption.

(6 yes) (0 no)

Item# 100-2010 Town Council Rules- Proposed Amendments

Intro – Manager McGovern

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

Ordered the Cape Elizabeth Town Council approves the proposed amendments to the Town Council Rules to implement changes consistent with the communications strategy adopted last month as presented.

(6 yes) (0 no)

See attachment.

Item# 101-2010 Pay Per Throw

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

Ordered the Cape Elizabeth Town Council sets a public hearing for Monday, September 13, 2010 at 7:30 p.m. at the Cape Elizabeth Town Hall on the potential of a pay per throw system for solid waste.

(6 yes) (0 no)

Thank you to Robert Malley, Penelope Jordan, Frank Governali and the members of the Recycling Committee for their work on this issue.

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Item# 102-2010 Appointments Committee Report

Intro – Councilor Jordan, Chair Appointments Committee

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

Ordered the Cape Elizabeth Town Council approves the recommendations of the Appointments Committee to fill the following vacancies as presented.

Community Services Advisory Commission

Unexpired term until 12/31/2010 Michael J. Connor 4 Hemlock Hill Road

Unexpired term until 12/31/2011 Nikki Dresser 921 Shore Road

Recycling Committee

Unexpired term until 12/31/2012 Jamie Garvin 76 Oakhurst Road

Thomas Memorial Library Trustees

Unexpired term until 12/31/2010 Ken Piper 3 Birch Knolls

Unexpired term until 12/31/2011 Kate Mitchell 4 Elmwood Road

(6 yes) (0 no)

Item# 103-2010 Pole Location- Dermot Drive

Intro – Manager McGovern

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

Ordered the Cape Elizabeth Town Council approves the request from Central Maine Power Company for a pole location on Dermot Drive (corner of South Street and Dermot Drive) as requested.

(6 yes) (0 no)

Item# 104-2010 Annual MMA Ballot

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

Ordered the Cape Elizabeth Town Council votes the Maine Municipal Association Election of MMA Vice President & Executive Committee Members as follows:

Directors – 3 Year Term

Proposed by MMA Nominating Committee:

Michelle Beal, City Manager, City of Ellsworth

Marston Lovell, Councilor, City of Saco

Robert Yandow, Town Manager, Town of York

Vice-President – 1 Year Term

Nominated by Petition:

Clint Deschene, Town Manager, Town of Hermon

(6 yes) (0 no)

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Citizen Opportunity for Discussion of Items Not on the Agenda None

Councilor Sullivan reminded the public of the Open Space Management Committee meeting on August 10 following the 7:00 p.m. meeting of the Conservation Commission in the second floor ACP Conference Room at Town Hall. The committee will begin to outline a management plan.

Councilor Sullivan asked if there has been, or could be, a discussion with Beach to Beacon regarding charging fees for the benefit of Fort Williams Park. Manager McGovern stated he has already talked with David Weatherbie, Chairman Beach to Beacon and will be meeting with him to discuss provisions of the Group Use Policy of Fort Williams and how it may impact events including Beach to Beacon. Other fund raising opportunities may be possible following the race. Amendments to the Group Use Policy including fees are approved by the Town Council with input from the Fort Williams Advisory Commission.

Item# 105-2010 Request for Hardship Abatement

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

Ordered the Cape Elizabeth Town Council enters into executive session at 8:23 p.m. to discuss a request for an abatement of property taxes by reason of infirmity or poverty pursuant to 36 MRSA §841 2.G.

(6 yes) (0 no)

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

Ordered the Cape Elizabeth Town Council exits executive session and reenters public session at 8:46 p.m.

(6 yes) (0 no)

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

Ordered the Cape Elizabeth Town Council denies the request for an abatement of property taxes as other assets may be available to apply to the taxes.

(6 yes) (0 no)

Adjournment

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

Ordered the Cape Elizabeth Town Council adjourns at 8:47 p.m.

(6 yes) (0 no)

Respectfully Submitted,

Debra M. Lane, Town Clerk

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Upcoming Meetings

Town Council Workshop Re: Land Use	September 7, 2010	7:30 p.m.
Regular Town Council Meeting	September 13, 2010	7:30 p.m.
Finance Committee Meeting Re: Audit Presentation	October 4, 2010	7:00 p.m.
Town Council Workshop Re: Fort Williams Park	October 4, 2010	7:30 p.m.
Regular Town Council Meeting	October 13, 2010	7:30 p.m.
Town Council Workshop Re: Pending Issues	November 1, 2010	7:30 p.m.
Regular Town Council Meeting	November 8, 2010	7:30 p.m.
Town Council Workshop Re: Council goal setting	December 6, 2010	7:30 p.m.
Regular Town Council Meeting	December 13, 2010	7:30 p.m.