

# CAPE ELIZABETH TOWN COUNCIL MEETING

Regular Meeting # 25-04-05  
Wednesday, October 19, 2005

		7:30 p.m.	Present	Absent
Anne E. Swift-Kayatta, Chairman	14 Stone Bridge Road	X	767-5754	12/2005
David J. Backer	2 Rugosa Way	X	772-5845 ext 122	12/2006
Carolyn M. Fritz	1 Stirrup Road	X	767-3737	12/2006
Mary Ann Lynch	2 Olde Colony Lane	X	232-1048	12/2007
Paul J. McKenney	5 Katahdin Road	X	899-0045	12/2007
Michael D. Mowles, Jr.	423 Ocean House Road	X	741-2552	12/2006
John E. "Jack" Roberts, Jr.	185 Fowler Road	X	767-4526	12/2005

Manager Michael McGovern X  
Town Clerk Deborah Cabana X  
Roll Call by the Town Clerk  
Pledge of Allegiance to the Flag

## Remembrance of William H. Jordan, Sr. 1923-2005

Chairman Swift-Kayatta, on behalf of the Town Council and residents of Cape Elizabeth, spoke about Mr. Jordan and offered her condolences to the family. There was a moment of silence.

## Minutes of Meeting # 24-04-05 held September 12, 2005

Chairman Swift-Kayatta requested that the sentences under Item 207-04-05 be amended to state: "Members from the Fort Williams Advisory Commission were present at the meeting. Also, Joel Russ of the Fort Williams Charitable Foundation was present and spoke at the meeting."

Moved by C. Fritz and Seconded by J. Roberts

**Ordered the Cape Elizabeth Town Council approve the minutes of meeting # 24-04-05 held September 12, 2005, as amended.**

(7 Yes)

## Reports and Correspondence

*Councilor P. McKenney* – Vice President of the GPCOG, recently attended a meeting. There were three goals discussed for the coming year.

1. A comprehensive plan for the GPCOG.
2. Align the economic development district with the GPCOG boundaries.
3. Work with member communities to enhance the value of the GPCOG to become a more valuable resource.

*Councilor M. Mowles* – is a member of the Cumberland County Budget Advisory Committee. He reported that the county manager is proposing a 2% tax increase. Also, he hoped to be able to host one of the regional budget meetings in the Cape Elizabeth Town Council chambers.

*Councilor M. A. Lynch* – reminded the public about the Red Cross blood drive to be held on October 29<sup>th</sup> from 7:00 a.m. to noon at St. Bartholomew Church.

*Chairman A. Swift-Kayatta* – attended the MMA annual meeting. She also reported that the Land Trust held another successful fall festival on September 25<sup>th</sup>. She and several other Town Councilors were judges for a pie contest.

### **Town Manager's Report**

*Manager McGovern* commented on two items:

1. He has spoken with the Supt. of Schools regarding potential risks of the high school driveway, as requested by Councilor M. Mowles. Mr. McGovern stated that corrections would be made to address this issue.
2. He stated that on June 20<sup>th</sup> an application was submitted to D.O.T. regarding the light at the high school entrance. He had been assured by D.O.T. that a report would be received by the end of the week.

**Citizens Discussion of Items Not on the Agenda:** None

### **Item # 213-04-05 Accord with Thomas Memorial Library Foundation**

Jay Scherma (Director of the Library), Ed Nadeau (Secretary of Thomas Memorial Board of Trustees) and Robert Stier (President of the Thomas Memorial Library Foundation) were present at the meeting.

Councilor D. Backer disclosed that he is a member of the Thomas Memorial Charitable Foundation. The Town Council did not feel that Councilor Backer's membership was a conflict of interest; therefore, he could vote on the proposed accord.

Moved by P. McKenney and Seconded M. Mowles

**Ordered the Cape Elizabeth Town Council approve the proposed accord with the Thomas Memorial Library Foundation as follows:**

***Accord Between the Thomas Memorial Library Foundation and the Town of Cape Elizabeth***

***The Thomas Memorial Library Foundation ("Foundation") was established in 2005 to provide financial and other support to the Thomas Memorial Library (TML) in Cape Elizabeth, Maine. The Thomas Memorial Library is owned by the Town of Cape Elizabeth ("Town") and is under the direction of the Cape Elizabeth Town Council ("Council") pursuant to the Council-Manager Charter of Cape Elizabeth, Maine. The TML is operated pursuant to ordinances and policies adopted by the Council.***

***The Council welcomes private financial and other support for the Thomas Memorial Library including but not limited to support from the Thomas Memorial Library Foundation.***

***All funds donated to the Thomas Memorial Library Foundation are the property of the Foundation. The Foundation may offer funds to the Town from time to time. All funds offered to the Town as conditional gifts shall be accepted or not accepted by the Council in conformance with 30-A MRSA § 5654 et seq.***

***The Town will continue to accept donations for the TML that are not channeled through the Foundation. All donations received at the TML presented either in person, by mail or by electronic means shall be deemed as donations to the TML and not to the Foundation unless the donor(s) specifically reference the Foundation.***

When asked questions about gifts to the TML, TML staff shall provide a brochure to potential donors providing the options of giving directly to the TML and/or to the Foundation. Any such brochure shall be approved by the TML Director and the Cape Elizabeth Town Manager.

The Foundation may utilize space at the TML with the permission of the Library Director. Information on the Foundation may be included in TML publications and on the TML website at the discretion of the Library Director. Foundation use of the Town website (the home page) is at the discretion of the Town Manager.

The Foundation shall annually provide a copy of its annual financial statement to the Town Treasurer. The Town Treasurer may make the report available to the public.

Any member of the Cape Elizabeth Town Council serving on the Foundation Board of Directors shall be nominated to serve by the Cape Elizabeth Town Council.

(6 Yes) – (1 No - J. Roberts)

**Item # 214-04-05 Proposed Amendments to Chapter 4 of the Code of Ordinances**

Moved by D. Backer and Seconded P. McKenney

**Ordered the Cape Elizabeth Town Council set a public hearing on Monday, November 14, 2005 at 7:30 p.m. at the Cape Elizabeth Town Hall on proposed amendments to the Revised Official Code of the Town of Cape Elizabeth relating to the duties and responsibilities of the Board of Trustees of Thomas Memorial Library, which replaces the current Sec. 4-3-1 with the following test:**

Sec. 4-3-1. Duties and Responsibilities. The duties and responsibilities of the Board of Trustees of the Thomas Memorial Library shall be as follows:

- (a) To advise the Library Director on issues of concern to library patrons including issues relating to the collection, the services, the programs and the facilities of the Thomas Memorial Library.
- (b) To advise the Town Council on matters relating to the library and especially relating to its long term needs.
- (c) To work cooperatively with groups that seek to assist the library. The Board of Trustees of the Thomas Memorial Library may upon request make recommendations of individuals to serve on independent boards whose purpose is to support the library, but may not make any appointments to independent boards.
- (d) To perform other responsibilities that may be requested by the Town Council.

(7 Yes)

**Item # 215-04-05 Purpoodock Club Annual Licenses**

**Public Comment – none**

Councilor C. Fritz and Chairman A. Swift-Kayatta both stated that they were members of the Purpoodock Club and requested that they be recused from voting. The other Town Councilors did not feel it was necessary for them to be recused solely because they were members.

Moved by M. A. Lynch and Seconded by M. Mowles

**Ordered the Cape Elizabeth Town Council approve the Malt, Spirituous and Vinous licenses for the Purpoodock Club.**

**(5-Yes) (2 Abstain - C. Fritz, A. Swift-Kayatta)**

**Item # 216-04-05 ECO Maine Interlocal Solid Waste Agreement and Waste Handling Agreement**

Moved by C. Fritz and Seconded by J. Roberts

**Ordered the Cape Elizabeth Town Council authorize the Town of Cape Elizabeth adopt the RWS successor organization's, "ECO Maine Interlocal Solid Waste Agreement" and further authorize the Town Manager to sign the proposed Waste Handling Agreement.**

**(7 Yes)**

**Item # 217-04-05 ECO Maine Corporation**

Moved by C. Fritz and Seconded by D. Backer

**Ordered the Cape Elizabeth Town Council authorize the formation of a non-capital stock nonprofit corporation under the provisions of Title 13-B and Title 38, Section 1304-B (5) of the Maine Revised Statutes, the name of such corporation to be "ECO Maine," to operate a regional solid waste management system pursuant to the provisions of the said ECO Maine Interlocal Solid Waste Agreement.**

**(7 Yes)**

**Item # 218-04-05 ECO Maine Board of Directors**

Moved by C. Fritz and Seconded by M. Mowles

**Ordered the Cape Elizabeth Town Council appoint the Town Manager to the second seat on the ECO Maine Board of Directors and voting rights to be divided equally between the two members.**

**(7 Yes)**

**Item # 219-04-05 Grant Acceptance**

Moved by P. McKenney and Seconded by M. Mowles

**Ordered the Cape Elizabeth Town Council accept with gratitude a grant for \$118,750 from the US Fire Administration of the Department of Homeland Security to replace our Service 4 Fire Truck. The 5% local match of \$6,250 shall be included as part of the proposed Fiscal Year 2006 Fire Department budget.**

(7 Yes)

**Item # 220-04-05 Proposed Expansion of the RB District off Sawyer Road**

Joel Fitzpatrick, developer who is proposing an expansion of the RB Zoning District, was present and spoke at the meeting.

Moved by D. Backer and Seconded by J. Roberts

**Ordered the Cape Elizabeth Town Council refer the proposed expansion of the RB District off Sawyer Road to the Planning Board and to a Town Council workshop.**

(7 Yes)

**Item # 221-04-05 Winnick Woods Master Plan**

Moved by J. Roberts and Seconded by M. Mowles

**Ordered the Cape Elizabeth Town Council receive and refer the proposed Winnick Woods Master Plan to the Planning Board and to a Town Council workshop.**

(7 Yes)

**Item # 222-04-05 Municipal Election Warrant for November 8, 2005**

Moved by C. Fritz and Seconded by M. A. Lynch

**Ordered the Cape Elizabeth Town Council approve the warrant for the November 8, 2005 municipal election.**

(7 Yes)

**Item # 223-04-05 Warden for November 8, 2005 Election**

Moved by M.A. Lynch and Seconded by M. Mowles

**Ordered the Cape Elizabeth Town Council appoint Sharon J. Gower as the warden and Deborah S. Cabana as the deputy warden for the November 8, 2005 municipal election.**

(7 Yes)

**Item # 224-04-05 Updated General Assistance Ordinance and Appendices**

Moved by M.A. Lynch and Seconded by C. Fritz

**Ordered the Cape Elizabeth Town Council set a public hearing on the proposed adoption of the Maine Municipal Association recommended General Assistance Ordinance and appendices for Monday, November 14, 2005 at 7:30 p.m. at the Cape Elizabeth Town Hall with proper notice thereof.**

(7 yes)

**Citizens Discussion of Items Not on the Agenda: None**

**Item # 225-04-05 Negotiations with Police Association**

Moved by P. McKenney and Seconded M. Mowles

**Ordered the Cape Elizabeth Town Council in accordance with 1 MRSA Sec. § 405 Paragraph 6D, enter into executive session to discuss negotiations with the Cape Elizabeth Police Benevolent Association at 8:28 p.m.**

(7 Yes)

Moved by M. A. Lynch and Seconded by D. Backer

**Ordered the Cape Elizabeth Town Council exit executive session at 9:00 p.m.**

(7 Yes)

**Adjournment:**

Moved by M.A. Lynch and Seconded by P. McKenney

**Ordered the Cape Elizabeth Town Council adjourn at 9:10 p.m.**

(7 Yes)

Respectfully submitted,

Deborah S. Cabana  
Town Clerk