

CAPE ELIZABETH TOWN COUNCIL

MINUTES

MEETING

MEETING # 1-99/00

June 14, 1999

7:30 P.M.

Joseph H. Groff, III, Outgoing Chairman opened the meeting.

**Swearing in - Town Council Members-Elect Anne E. Swift-Kayatta and John E. Robert, Jr.
School Board Members-Elect George H. Entwistle, III and James S. Rowe**

ROLL CALL BY THE TOWN CLERK		PRESENT	ABSENT	
Henry N. Berry, III	110 Two Lights Rd.	X	799-6500	6/2000
Penelope P. Carson	36 Trundy Road	X	799-8029	6/2000
Carolyn M. Fritz	9 Hunt Club Woods	X	767-3737	6/2000
John W. McGinty	65 Starboard Drive	X	767-0139	6/2001
Anne E. Swift-Kayatta	14 Stone Bridge Road	X	767-5754	6/2002
John E. "Jack" Roberts, Jr.	185 Fowler Road	X	767-4526	6/2002
Ruth E. McCleery Watson	7 Winding Way	X	799-3559	6/2001

Student Representatives Faherty and Martin were absent.

Pledge of Allegiance to the Flag

Joseph Groff thanked the community for the opportunity to serve during the past three years, and thanked the employees for their service to Cape Elizabeth.

Presentations

Past Chairman Plaques were presented to:

David Cyr - Pool Building Committee

Tom Laprade - Telecommunications Facilities Task Force

Mark Wilcox, Planning Board

1999 Boys Lacrosse State Championship

Citizen's Discussion of Items Not On The Agenda

Council Reports and Correspondence

Councilor Fritz congratulated the Cape Elizabeth Land Trust on the trail built at Hobstone. Cape Elizabeth's Hazardous Waste Collection Day was held on May 22, 1999. The event was a success. A total of 286 cars dropped off material, 270 were Cape Elizabeth residents.

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Councilor Berry gave an update on the May 25, 1999 meeting of the Facilities 2000 Committee, in the absence of the Town Manager. A copy of the Report of the Corrections Officer Wage & Salary Review Committee dated May 20, 1999 is available in the office of the Town Clerk.

Councilor Swift-Kayatta reported on the June 8, 1999 meeting of the Greater Portland Council of Governments. As attendance is low at executive committee meetings, a 7 member steering committee has been formed to make recommendations.

Councilor Roberts asked for a moment of silence in memory of John Civile.

Town Manager Update

In the absence of the Manager McGovern, Acting Town Manager Lane gave the following report.

John J. Civile died unexpectedly Wednesday, June 9. John volunteered 40+ hours for the Cape Elizabeth Fire Department. He will be remembered for his impeccable record keeping, file system and keeping track of supplies. John joined the CEFD & Rescue in 1960. His is a past Captain of the Rescue. He was appointed Deputy Fire Chief in 1987. John was awarded the 1995 Ralph Gould Award for his community service. The Town of Cape Elizabeth's thoughts and prayers are with John's wife Barbara, his daughters Susan and Caroline, his grandchildren and sisters. The work he did for the Town is greatly appreciated. He will be missed by everyone, particularly his fellow firefighters.

Thank you to the organizers and participants of the Memorial Day Parade and Open House. Once again, Jim Murray did an outstanding job organizing the event.

Moved by H. Berry and Seconded by Swift-Kayatta

Ordered the Cape Elizabeth Town Council approves the minutes of Meeting #15-98/99 held May 10, 1999 as written.

(7 yes) (0 no)

ITEM #1-99/00 Moved by C. Fritz and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council elects Penelope P. Carson to serve as Town Council Chairman for the 1999-2000 year.

Moved by H. Berry and Seconded by J. McGinty

Ordered nominations for Town Council Chairman cease.

(7 yes) (0 no)

Original Motion: (7 yes) (0 no)

Chairman Carson presented Past Chairman Groff a plaque commemorating his year as Chairman.

ITEM #2-99/00 Moved by J. McGinty and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council approves the **Rules of the Cape Elizabeth Town Council** as presented.

(7 yes) (0 no)

Moved by H. Berry and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council approves ITEM ##3-10 as presented:

ITEM #3-99/00 Finance Committee, Ruth Watson, Chairman
Town Council as a whole to serve as Finance Committee

ITEM #4-99/00 Ordinance Committee, Carol Fritz, Chairman
John McGinty and Henry Berry, Members

ITEM #5-99/00 Appointments Committee, Anne Swift-Kayatta, Chairman
John Roberts and Ruth Watson, Members

ITEM #6-99/00 MMA Legislative Policy Committee
Ruth Watson

ITEM #7-99/00 RWS, Inc. Board of Directors
Carol Fritz, Representative
Anne Swift-Kayatta, Alternate

ITEM #8-99/00 GPCOG Executive Committee
Anne Swift-Kayatta

ITEM #9-99/00 GPCOG General Assembly
Carol Fritz, Representative
John Roberts, Alternate

ITEM #10-99/00 PACTS Policy Committee
Michael McGovern

(7 yes) (0 no)

ITEM #11-99/00 Intro - Debra Lane, Town Clerk

Moved by R. Watson and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council approves the renewal malt, spirituous, and vinous liquor license for The Good Table, Inc. 527 Ocean House Road.

(7 yes) (0 no)

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ITEM #12-99/00 Present - Pauline Aportria, Business Manager

Note: The minutes approved by the Town Council on May 10, 1999 ITEM #132-98/99 required the School Board to file with the Town Clerk by May 27, 1999, an amended budget with changes in revenues and/or expenditures amounting to a net reduction of \$70,000. The amended budget was received in the office of the Town Clerk on May 27, 1999. The following item reflects the School Board filing and final legislative action on the school subsidy.

Moved by R. Watson and Seconded by H. Berry

Ordered, the Cape Elizabeth Town Council, having held a public hearing on Monday, May 10, 1999, does hereby amend the May 10, 1999 adoption of the General Fund Budget for Fiscal Year 2000 to provide for gross expenditures of \$20,084,722 and gross revenues of \$6,260,790 and with the amount of **\$13,823,932** to be raised from taxation, and does further fix Tuesday, October 5, 1999, and Tuesday, April 4, 2000, as the dates upon each of which one-half of such tax is due and payable, with interest to accrue upon taxes due and unpaid after each such date at the rate of ten percent (10%) per annum. In accordance with 36 M.R.S.A. Section 506, the Tax Collector and Town Treasurer are authorized to accept prepayment of taxes not yet committed or prior to any due date and pay no interest thereon. In accordance with 36 M.R.S.A. Section 506-A, a taxpayer who pays an amount in excess of that finally assessed shall be repaid the amount of overpayment plus interest from the date of overpayment at the annual rate of 6.0% annum.

Ordered, the following amounts are hereby fixed as the gross appropriation for each department and agency for Fiscal Year 2000:

Education	\$12,962,572
Community Services	583,012
110 Administration	402,199
120 Assessing	122,175
121 Codes	72,580
125 Planning	73,056
130 Town Council	22,137
135 Legal and Audit	68,800
140 Elections	9,935
150 Boards and Commissions	31,080
160 Insurance	41,600
170 Employee Benefits	14,000
180 Debt Service	355,581
210 Police Department	802,319
215 Animal Control	33,080
220 Dispatching	239,749
225 WETeam	8,508
230 Fire Department	191,175
235 Rescue Unit	15,808
240 Misc. Public Protection	149,900
250 Emergency Preparedness	3,827
310 Public Works Department	750,012
320 Refuse Disposal	503,659
410 Human Services	31,900
510 Library	338,878
520 Contributions	13,450
530 Public Information	30,742
600 Facilities Management	64,372
610 Town Hall	20,752
615 Community Center	2,855
616 Rental Units	5,000
630 Public Safety Building	14,900
635 Engine One Station	4,700
640 Parks	24,006
641 School Grounds	79,567
645 Fort Williams Maintenance	90,356
655 Community Pool Expenditures	208,149
660 Trees	22,603
710 Intergovernmental Assessments	542,928

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715 Capital Projects	681,500
875 Facilities 2000 Initiative	451,300
Total	\$20,084,722

Ordered, the Cape Elizabeth Town Council hereby accepts the categories of funds listed below as provided by the State of Maine:

Category	Estimated Amount
Revenue Sharing	\$680,000
General Assistance	3,000
Veterans Exemption Reimbursement	11,500
Tree Growth Reimbursement	3,000
Local Road Assistance	75,000
Library Per Capita Grant	1,470
Snowmobile Registration Funds	450
Other State Funds	?
Homestead Tax Relief (100% to Taxpayers)	?
Adult Education Subsidy	\$30,000
State Education Subsidy	2,512,105
Title IA	30,000
Title VI	11,000
Title II	7,000
Local Entitlement	110,000
Drug Free Grant	12,000

In addition the State of Maine directly assumes the cost for the employer share of teacher retirement.

Ordered: The Town Manager is hereby authorized to sign leases for a municipal vehicle and for a photocopier for the police department with copies of said leases to be provided to the Town Council.

Ordered, the Cape Elizabeth Town Council hereby appropriates from the Foundation Allocation for school purposes the sum of \$ 8,425,655.61 and the Town of Cape Elizabeth raises as the local share of the Foundation Allocation the sum of \$6,109,719.08.

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Ordered, the Cape Elizabeth Town Council hereby raises in additional local education funds under the provisions of 20-A MRSA, Sec 15614, the sum of \$4,003,435.92.

Ordered, the Cape Elizabeth Town Council hereby authorizes the expenditure for the Fiscal Year beginning July 1, 1999, and ending on June 30, 2000, from the Foundation Allocation, the Debt Service Allocation, unexpended balances, local appropriations, State Subsidy and other receipts for the support of schools the sum of \$12,962,572.

Ordered, the Cape Elizabeth Town Council hereby appropriates for Adult Education, the sum of \$132,302.07 and the Town of Cape Elizabeth raises as the local share the sum of \$39,302.07.

Ordered, the Cape Elizabeth Town Council hereby appropriates for School Debt Service, the sum of \$1,055,087 and the Town of Cape Elizabeth raises as the local share the sum of \$1,055,087.

(7 yes) (0 no)

ITEM #13-99/00 Intro - Councilor McGinty, Ordinance Committee
Present - Maureen O'Meara, Town Planner

Moved by J. McGinty and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council sets to public hearing on Monday, July 12, 1999, at 7:30PM at Town Hall updates of the Fire Protection and Prevention Ordinance, the Construction Ordinance and the Zoning Ordinance.

(7 yes) (0 no)

ITEM #14-99/00 Intro - Robert Harrison, Chairman Conservation Commission
Present - Maureen O'Meara
Peter Rand, 1222 Shore Road

Moved by J. McGinty and Seconded by R. Watson

Ordered the Cape Elizabeth Town Council acknowledges receipt of the Conservation Commission's recommended changes to an approved grant for boardwalk construction at Great Pond and requests the Town Manager to research implementation of the Commission's recommendations, and schedule a workshop.

(7 yes) (0 no)

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ITEM #15-99/00 Intro - Councilors Berry and Watson, Appointments Committee

Moved by J. McGinty and Seconded by A. Swift-Kayatta

Ordered the Cape Elizabeth Town Council approves the recommendation of the Appointments Committee to revise the charge to the Fort Williams Charitable Trust Study Committee, as presented, and to approve the following 9 appointments:

Jack Kennealy
Penelope Schwartz
Peter Montano
John Sears
Jeff Van Fleet
Richard Kurtz
Cindy Landrigan
Brigitte Lehner Kingsbury
Janet McLaughlin

(7 yes) (0 no)

Note: See Attachment.

ITEM #16-99/00 Intro - Councilor Berry, Chairman Historic Preservation Study Committee
Present - Maureen O'Meara

Moved by H. Berry and Seconded by R. Watson

Ordered the Cape Elizabeth Town Council approves the request of the Historic Preservation Study Committee to extend the service period of the Committee until December 31, 1999 and to allocate previously appropriated funds in the amount of \$5,000 from the Planning Board special studies account for an Historic Architectural Evaluation.

(7 yes) (0 no)

Citizen's Discussion of Items Not On The Agenda

The Town Council chose to convene the Boards of the Thomas Jordan Trust and Museum at Portland Head Light prior to voting and action on ITEM #17-99/00.

**Cape Elizabeth Town Council In Their Capacity As Trustees
For The Thomas Jordan Trust
June 14, 1999**

Minutes

8:45PM

Present Chairman Carson
Councilors Berry, Fritz, McGinty, Roberts, Swift-Kayatta, Watson

Debra Lane

Moved by C. Fritz and Seconded by J. McGinty to elect Penelope P. Carson to serve as Chairman of the Thomas Jordan Trustees.

(7 yes) (0 no)

Moved by C. Fritz and Seconded by R. Watson to elect John W. McGinty to serve as Vice Chairman of the Thomas Jordan Trustees.

(7 yes) (0 no)

Moved by C. Fritz and Seconded by A. Swift-Kayatta to appoint the following to the Thomas Jordan Grants Subcommittee:

J. McGinty to 6/01

J. Roberts to 6/02

R. Watson to 6/00

(7 yes) (0 no)

Moved by C. Fritz and Seconded by J. McGinty to authorize the Town Manager to consult with an investment advisor regarding investment of 50% of the Trust assets and for the investment advisor to make a recommendation to the Trustees regarding the investment of Trust assets.

(7 yes) (0 no)

Moved by J. McGinty and Seconded by A. Swift-Kayatta to adjourn the Thomas Jordan Trustees at 8:48PM.

(7 yes) (0 no)

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**Board of Directors of the Museum at Portland Head Light
June 14, 1999**

Minutes

Present Chairman Carson
Councilors Berry, Fritz, McGinty, Roberts, Swift-Kayatta, Watson

Cheryl Parker - Director Museum at Portland Head Light
Debra Lane

Moved by C. Fritz and Seconded by R. Watson to convene the Board of Directors at 8:49PM.
(7 yes) (0 no)

Moved by J. McGinty and Seconded by H. Berry to elect the following slate of officers:

President of the Museum Corporation	Penelope Carson
Vice-President	Henry Berry
Secretary	Cheryl Parker
Assistant Secretary	Debra Lane
Treasurer	Michael McGovern
Assistant Treasurer	Barbara Ray

(7 yes) (0 no)

Cheryl Parker reported on the projected revenue/expenditure projections for the end of the 1999 fiscal year.

Moved by J. McGinty and Seconded by R. Watson to adjourn the Board of Directors at 8:53PM.
(7 yes) (0 no)

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ITEM #17-99/00 Moved by J. McGinty and Seconded by H. Berry
Ordered the Cape Elizabeth Town Council enter into executive session to discuss land acquisition/disposition at 8:53PM.
(7 yes) (0 no)

Moved by J. McGinty and Seconded by H. Berry
Ordered the Cape Elizabeth Town Council exits executive session and reenters public session at 9:03PM.
(7 yes) (0 no)

Moved by A. Swift-Kayatta and Seconded by R. Watson
Ordered the Cape Elizabeth Town Council approves the sale of 11 Park Circle as presented and authorizes the Town Manager to sign the appropriate documents on behalf of the Town.
(7 yes) (0 no)

Moved by H. Berry and Seconded by C. Fritz
Ordered the Cape Elizabeth Town Council adjourns at 9:05PM.
(7 yes) (0 no)

A workshop on the Facilities 2000 project will precede the Council meeting at 6:00PM on Monday, July 12, 1999.

Debra M. Lane, Town Clerk

