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TOWN COUNCIL MEMBERS

Henry Berry	6/2000	110 Two Lights Road
Anne Swift-Kayatta	6/2002	14 Stone Bridge Road
Carol Fritz	6/2000	1 Stirrup Road
Ruth McCleery Watson	6/2001	7 Winding Way
John (Jack) E. Roberts Jr.	6/2002	185 Fowler Road
John W. McGinty	6/2001	86 Brentwood Road
Penelope P. Carson	6/2000	36 Trundy Road

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Agendas

DRAFT CAPE ELIZABETH TOWN COUNCIL AGENDA

Cape Elizabeth Town Council Agenda

June 12, 2000

7:30 p.m.

Town Hall

Swearing- in of Councilors-elect Penelope P. Carson, Henry N. Berry III and Carolyn Fritz.

Swearing in of School Board Members-elect Elaine S. Moloney, Kevin P. Sweeney and Susan K. Steinman

Roll Call by the Town Clerk

Pledge of Allegiance to the Flag

Presentations

Reports and Correspondence

Town Manager's Report

Citizens' Discussion of Items Not on the Agenda

Minutes of Meeting # 14-99-00 held May 8, 2000

Item # 1

Election of a Town Council Chairman for 2000-1001

Penelope P. Carson

On this and the other items relating to Council organization, the name(s) listed is/are the person(s) who appeared to be the consensus choice(s) at the Town Council caucus.

Item # 2

Adoption of Town Council Rules

Adoption is recommended.

Item # 3

Appointment of the Finance Committee

Anne E. Swift Kayatta as Chairman and the Council as a whole to serve as the Finance Committee

Item # 4

Appointment of an Ordinance Committee

Henry N. Berry III, Chairman

Carol Fritz and John McGinty, Members

Item # 5

Appointment of an Appointments Committee

John E. Roberts, Jr., Chairman

Anne E. Swift-Kayatta, Member

Ruth E. McCleery Watson, Member

Item # 6

Election of Representative to Maine Municipal Association
Legislative Policy Committee

Ruth E. McCleery Watson

Item # 7

Appointment of Representative and Alternate to RWS, Inc.
Board of Directors

Carol Fritz as Representative and Anne E. Swift-Kayatta as the
Alternate

Item # 8

Appointment of Representative to Greater Portland Council of Governments Executive Committee

Anne E. Swift-Kayatta

Item # 9

Appointment of Representative and Alternate to Greater Portland Council of

Governments

General Assembly

Carol Fritz, Representative

John E. Roberts, Jr., Alternate

Item # 10

Appointment of Representative to PACTS Policy Committee

Michael McGovern

Item # 11

Public comment and action upon renewal of malt, spirituous and vinous liquor license for the Good Table, Inc. at 527 Ocean House Road.

Approval is recommended

Item # 12

Action recommending a public hearing on proposed amendments to the Zoning Ordinance relating to establishing a practical difficulty standard for certain variance requests.

A public hearing is recommended for July 10, 2000 at 7:30 p.m. at the Town Hall.

Item # 13

Action to set a public hearing on proposed changes to rescue services in the community including the establishment of fees.

A public hearing is recommended for July 10, 2000 at 7:30 p.m. at the Town Hall.

Item # 14

Action to consider confirmation of the town manager's appointment of Neil R. Williams as the new chief of police.

Item # 15

Action to consider the approval of certain year end transfers.

Item # 16

Action to consider approval of certain balances to be carried forward at the end of the fiscal year.

Item # 17

Action to consider the submittal of projects to be considered by PACTS for funding in the next PACTS Transportation Improvement Program.

Item # 18

Action to consider proposed funding of town expenses relating to OpSail 2000.

Adjournment

Following the Town Council Meeting, the Boards of the Thomas Jordan Trust and the Museum at Portland Head Light will meet briefly to conduct their annual elections of officers. The boards are composed of the members of the Town Council.

Cape Elizabeth Town Council

Workshop Agenda

May 22, 2000

William H. Jordan Conference Room

Cape Elizabeth Town Hall

The Town Council will gather at 6:00 p.m. for pizza.

- 6:30 p.m. The Town Council will hold its annual caucus to discuss Town Council organization for the new Town Council year commencing in June.
- 7:00 p.m. Council discussion on proposed amendment to the Zoning Ordinance which would provide for a practical difficulty standard for reviewing certain variance requests.
- 7:45 p.m. Review of Report of the Fort Williams Charitable Trust Study Committee

The time indicated is approximate.

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DRAFT MINUTES OF May 8, 2000 COUNCIL MEETING

MEETING # 14-99/00

May 8, 2000

7:30 P.M.

ROLL CALL BY THE TOWN CLERK

Councilor	Term Expires	Address	Telephone	Present	Absent
Henry Berry	6/2000	110 Two Lights Road	799-6500	X	
Ann E. Swift-Kayatta	6/2002	14 Stone Bridge Road	767-5754	X	
Carol Fritz	6/2000	1 Stirrup Road	767-3737	X	
Ruth McCleery Watson	6/2001	7 Winding Way	799-3559	X	
John E. "Jack" Roberts	6/2002	185 Fowler Road	767-4526	X	
John W. McGinty	6/2001	86 Brentwood Road	767-0139	X	
Penelope P. Carson	6/2000	36 Trundy Road	799-8029	X	

STUDENT REPRESENTATIVES-

Rebecca Boulos	X
Andrew Rowe	X

Pledge of Allegiance to the Flag

Presentations- Eagle Scouts

Andrew Clough

Matthew Barnes

Reports and Correspondence

Councilor Fritz announced the RWS Dedication to the Modernization of the Recycling Facility. The event will be held

on Wednesday, May 24 4-6PM.

Councilor Watson reviewed the constitutional amendments and citizen's initiatives that will appear on the November ballot.

Town Manager's Report

Retirements:

David Cousins, Transfer Facility

Bruce Kempton, Parks Foreman

David Pickering, Chief of Police

Bob Malley gave an overview of the new public works facility, under construction at Gull Crest Farm.

Bids will be opened this week for the temporary Dispatch Center.

The Planning Board approved the new fire and police facilities.

Citizens' Discussion of Items Not on the Agenda

Minutes of Meetings # 12 held April 10, 2000 and # 13 held April 12, 2000

Moved by H. Berry and Seconded by R. Watson

Ordered the Cape Elizabeth Town Council approves the Minutes of Meeting #12-99/00 held April 10, 2000 and Meeting #13-99/00 held April 12, 2000 as written.

(7 yes) (0 no)

Item # 122-99/00

Public Hearing and Consideration of Adoption of the Annual Municipal, School and County Budget

Chairman Carson opened the public hearing at 7:47PM.

After hearing no comments, the public hearing was closed.

Intro - Manager McGovern

The recommended tax increase is .44 per or 2.23%. The State has confirmed the Town will receive the state subsidy at the same level as last year. However the Town will lose approximately \$45,000 from the circuit breaker program for the Portland Arts and Technology School.

Thanks to everyone for their cooperation.

Moved by R. Watson and Seconded by J. Roberts

Ordered, the Cape Elizabeth Town Council, having held a public hearing on Monday, May 8, 2000, does hereby adopt the Municipal Budget for Fiscal Year 2001 with gross expenditures of \$21,446,298 and gross revenues of \$6,971,781 and with the amount of \$14,474,517 to be raised from taxation, and does further fix Tuesday, October 3, 2000, and Tuesday, April 3, 2001, 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.

If the Town receives an additional \$45,000(+/-) for the Portland Arts and Technology School prior to the Assessor setting the tax rate, this amount shall reduce the amount that would have been otherwise set for the tax rate.

Ordered, the following amounts are hereby fixed as the gross appropriation for each department and agency for Fiscal Year 2001:

Education	\$13,617,956
Community Services	607,532
110 Administration	444,541
120 Assessing	126,086
121 Codes	75,453
125 Planning	88,586
130 Town Council	22,137
135 Legal and Audit	68,000
140 Elections	9,615
150 Boards and Commissions	30,635
160 Insurance	41,600
170 Employee Benefits	19,000
180 Debt Service	1,039,059
210 Police Department	835,700
215 Animal Control	34,190

220 Dispatching	236,918
225 WETeam	11,341
230 Fire Department	216,872
235 Rescue Unit	17,300
240 Misc. Public Protection	148,512
250 Emergency Preparedness	2,043
310 Public Works Department	795,852
320 Refuse Disposal	569,824
410 Human Services	32,433
510 Library	358,556
520 Contributions	13,450
530 Public Information	30,773
600 Facilities Management	66,446
610 Town Hall	25,092
615 Community Center	2,700
616 Rental Units	5,000
630 Public Safety Building	15,100
635 Engine One Station	4,850
640 Parks	25,017
641 School Grounds	81,885
645 Fort Williams Maintenance	97,865
655 Community Pool Expenditures	315,177
660 Trees	17,676
710 Intergovernmental	579,491
715 Capital Projects	716,035
Total	\$21,446,298

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

Category	Estimated Amount
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Revenue Sharing \$810,000

General Assistance 2,000

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 ?

Adult Education Subsidy \$25,456

State Education Subsidy 2,535,115

Title IA 33,000

Title VI 12,000

Title II 8,000

Local Entitlement 145,000

Drug Free Grant 10,000

Title VI- Class Size Reduction 22,000

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

Ordered, the Cape Elizabeth Town Council hereby appropriates from the Foundation Allocation for school purposes the sum of \$ 9,098,147.42 and the Town of Cape Elizabeth raises as the local share of the Foundation Allocation the sum of \$6,735,985.60.

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 \$2,907,365.40.

Ordered, the Cape Elizabeth Town Council hereby authorizes the expenditure for the Fiscal Year beginning July 1, 2000, and ending on June 30, 2001, 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 \$13,617,956

Ordered, the Cape Elizabeth Town Council hereby appropriates for Adult Education, the sum of \$127,822.83 and the Town of

Cape Elizabeth raises as the local share the sum of \$45,366.83.

Ordered, the Cape Elizabeth Town Council hereby appropriates for School Debt Service, the sum of \$1,025,057 and the Town of Cape Elizabeth raises as the local share the sum of \$1,025,057.

(6 yes) (1 no J. McGinty)

Chairman Carson opened the following public hearings for public comment at 8:17PM.

After hearing no comments, the hearings were closed.

Public Hearing and Consideration of Proposed Sewer Fund Budget

Public Hearing and Consideration of Proposed Riverside Cemetery Fund Budget

Public Hearing and Consideration of Proposed Museum at Portland Head Light Fund Budget

Public Hearing and Consideration of Proposed Spurwink Church Fund Budget

Public Hearing and Consideration of Proposed Museum at Fort Williams Park Capital Fund Budget

Public Hearing and Consideration of Thomas Jordan Trust Fund Budget

Moved by J. McGinty and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council approves ITEM ##123-128 as presented.

Item #123-99/00

Ordered, the Cape Elizabeth Town Council, having held a public hearing on Monday, May 8, 2000, does hereby adopt the Fiscal Year 2001 Budget for the Sewer Fund with expenditures of \$1,535,155 and gross revenues of \$1,535,155

Item #124-99/00

Ordered, the Cape Elizabeth Town Council, having held a public hearing on Monday, May 8, 2000, does hereby adopt the Fiscal Year 2001 Budget for the Riverside Cemetery Fund with expenditures of \$ 30,051 and gross revenues of \$41,000.

Item #125-99/00

Ordered, the Cape Elizabeth Town Council, having held a public hearing on Monday, May 8, 2000, does hereby adopt the Fiscal Year 2001 Budget for the Portland Head Light Fund with expenditures of \$433,182 and gross revenues of \$515,400.

Item #126-99/00

Ordered, the Cape Elizabeth Town Council, having held a public hearing on Monday, May 8, 2000, does hereby adopt the Fiscal Year 2001 Budget for the Spurwink Church Fund with expenditures of \$ 6,500 and gross revenues of \$11,000.

Item #127-99/00

Ordered, the Cape Elizabeth Town Council, having held a public hearing on Monday, May 8, 2000, does hereby adopt the Fiscal Year 2001 Budget for the Fort Williams Park Capital Fund with expenditures of \$ 43,000 and revenues of \$48,954.

Item #128-99/00

Ordered, the Cape Elizabeth Town Council, having held a public hearing on Monday, May 8, 2000, does hereby adopt the Fiscal Year 2001 Budget for the Thomas Jordan Trust with expenditures of \$40,000 and revenues of \$45,000.

(7 yes) (0 no)

Item # 129-99/00 Intro - Councilor Berry, Chairman Historic Preservation Study Committee

Moved by C. Fritz and Seconded by A. Swift-Kayatta

Ordered the Cape Elizabeth Town Council acknowledges receipt of the Report of the Cape Elizabeth Historic Preservation Study Committee and sets the report to a workshop. The workshop date to be determined.

(7 yes) (0 no)

Item # 130-99/00 Present Paul Vose, Petitioner

Tom Tinsman, 89 Sunnybank Road

Marguerite Prentice, 18 Ocean Avenue

Jim Haddow, Counsel for Ms Prentice

Councilor Watson asked for a Town Council consent regarding her abstention from voting on this item as Mrs. Watson works in the same office as Tom Tinsman. The Town Council let Councilor Watson decide. Councilor Watson decided to abstain from voting on this item.

Tom Tinsman gave a history on the lot as he sold the lot to Paul Vose in 1996. Mr. Tinsman stated the lot was buildable prior to the revised zoning ordinance in 1997.

Mr. Haddow encouraged the Town Council to dismiss the request for the amendment stating that it is not consistent with

town policy.

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

Ordered the Cape Elizabeth Town Council sends to the Planning Board for their recommendation a request from Paul Vose to amend the Zoning Ordinance to permit construction on certain lots, which received a state minimum lot size waiver and a local public access waiver prior to August 11, 1999.

(5 yes) (1 no C. Fritz) (1 Abstention R. Watson)

Item # 131-99/00 Moved by A. Swift-Kayatta and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council sets the opening hours for the June 13, 2000 Primary for 7:00AM.

Item # 132-99/00 Intro - Manager McGovern

Moved by R. Watson and Seconded by A. Swift-Kayatta

Ordered the Cape Elizabeth Town Council approves the proposed acceptance of a utility easement for the Tides Edge Road area drainage project, provided the property owner, John M. Robinson, signs the easement. Mr. Robinson is out of the country until May 15, 2000.

(7 yes) (0 no)

Item # 133-99/00 Intro - Councilor Swift-Kayatta, Chairman Appointments Committee

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

Ordered the Cape Elizabeth Town Council approves the recommendation from the Appointments Committee for the following appointments:

Peter Rich 7 Smugglers Cove Road Term to expire 1/1/2001
Recycling

Michael Tranfaglia 6 Evergreen Circle Term to expire 1/1/2003
Family Fun Day

(7 yes) (0 no)

Citizens Discussion of Items Not on the Agenda

Councilor Roberts The Roberts Family recently hosted a resident from the Republic of Georgia, formerly part of the Soviet Union.

The program, through Project Harmony, taught the free enterprise market system.

Recess 8:47PM Workshop to review the strategic plan of the rescue unit.

Workshop Adjournment 10:20PM.

Item # 134-99/00 Moved by H. Berry and Seconded by R. Watson

Ordered the Cape Elizabeth Town Council enters into executive session to receive an update from the town manager on collective bargaining negotiations with Local 340 of the Teamsters representing public works personnel and with the Cape Elizabeth Police Benevolent Association representing police personnel.

(7 yes) (0 no)

Moved by R. Watson and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council exits executive session and reenters public session at 10:37PM.

(7 yes) (0 no)

Moved by H. Berry and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council adjourns at 10:40PM.

(7 yes) (0 no)

Workshop: Monday, May 22

6:00PM Dinner

6:30PM Organizational Meeting - Annual Caucus

7:00PM Town Council discussion on proposed amendment to the Zoning Ordinance, which would provide for a practical difficulty standard for reviewing certain variance requests.

7:45PM Review of Report of the Fort Williams Charitable Trust Study Committee.

Times are approximate.

Debra M. Lane, Town Clerk

Debra M. Lane, Town Clerk

SCHEDULE OF MEETINGS

The Town Council meets on the second Monday of each month at 7:30 p.m. and on Wednesdays when there is a Monday

holiday.

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POLICIES

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