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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
Mary Ann Lynch	6/2004	2 Olde Colony Lane
John (Jack) E. Roberts Jr.	6/2002	185 Fowler Road
John W. McGinty	6/2004	86 Brentwood Road
Penelope P. Carson	6/2000	36 Trundy Road

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Agenda

CAPE ELIZABETH TOWN COUNCIL AGENDA

Regular Meeting # 1-01-02

June 11, 2001

7:30 p.m.

Swearing- in of Councilors- elect Mary Ann Lynch and John W. McGinty

Swearing in of School Board Members- elect Jennifer DeSena and Marie Prager

Roll Call by the Town Clerk

Pledge of Allegiance to the Flag

Recognition of Town Hall Centennial

Reports and Correspondence

Town Manager's Report

Citizens' Discussion of Items Not on the Agenda

Minutes of Meeting # 15-00-01 held May 14, 2001 and #16-00-01 held June 4, 2001

Item # 1

Election of a Town Council Chairman for 2001-2002

Anne E. Swift-Kayatta

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

Jack Roberts as Chairman and the Council as a whole to serve as the Finance Committee

Item # 4

Appointment of an Ordinance Committee Carol Fritz, Mary Ann Lynch and John McGinty

Item # 5

Appointment of an Appointments Committee Henry Berry, Penelope Carson and Jack Roberts

Item # 6

Election of Representative to Maine Municipal Association Legislative Policy Committee

Mary Ann Lynch

Item # 7

Appointment of Representative and Alternate to RWS, Inc. Board of Directors Carol Fritz as Representative and Henry Berry as the Alternate

Item # 8

Appointment of Representative to Greater Portland Council of Governments Executive Committee

Mary Ann Lynch

Item # 9

Appointment of Representative and Alternate to Greater Portland

Council of Governments General Assembly

John McGinty, 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

Receipt of Draft Cape Elizabeth Greenbelt Plan and proposed referral to a Council Workshop

It is proposed for the Town Council to acknowledge receipt of the report with appreciation to the Conservation Commission and to refer the report to a workshop to be scheduled at a later date.

Item # 13

Receipt and possible action on revised report of the Playground Study Committee

A revised report is included in the town council packet.

Item # 14

Receipt of report of the Planning Board on a proposed amendment to the zoning ordinance regarding conditional uses in the BA District Zone

It is recommended that after an opportunity for discussion that the proposed amendment should be tabled indefinitely.

Item # 15

Action to consider the approval of a revised FY 2001 appropriation for the Department of Public Works.

The town manager recommends the appropriation for the Public Works Department for Fiscal Year 2001 be revised from \$795,852 to \$845,852. This is due primarily to winter and fuel related costs. \$20,000 of the increase is offset by a grant from the Federal Emergency Management Agency for the March snowstorms.

Item # 16

Action to consider the proposed final enactment of the state school subsidy. The Maine Legislature approved a state school subsidy to the Town of Cape Elizabeth in the amount of \$2,493,757. At the time the Fiscal Year 2002 general fund budget was adopted last month, the amount we believed we would be receiving was \$2,440,989 or a difference of \$52,768. The town manager recommends the \$52,768 be placed in a reserve fund for support of the Fiscal Year 2003 school budget. This year as the result of the Maine Legislature, we had an expected \$436,480 loss in state school subsidy reduced to a loss of only \$41,358. We have a grim outlook for the Maine Legislature to continue to provide the cushion to the extent that enabled this additional \$395,122.

Item # 17

Action on proposed lease renewal of Building #326 at Fort Williams Park to Drug Rehabilitation, Inc. (Day One). The five year lease provides for a monthly lease of \$2,520 indexed to the annual adjustment to the local property tax rate. The base amount in the first year represents a 20% increase from the final year of the expiring lease. The lessee continues to absorb utility costs etc.

Item # 18

Action on bids for the Broad Cove Road reconstruction project. The town manager recommends a bid award to Dearborn Brothers. Inc. based on the memorandum included in the town council packet. The proposed budget for the project also includes contingency and construction inspection.

Item # 19

Action to agree to accept a proposed deed rider in order to implement the affordable housing provisions for the Whale Back Ridge subdivision.

This is a revised agreement.

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.

DRAFT MINUTES OF June 11, 2001 COUNCIL MEETING

Regular Meeting # 1-01-02

June 11, 2001

7:30 p.m.

ROLL CALL BY THE TOWN CLERK

Councilor	Term Expires	Address	Telephone	Present	Absent
Henry Berry	6/2003	110 Two Lights Road	799-6500	X	
Ann E. Swift-Kayatta	6/2002	14 Stone Bridge Road	767-5754	X	
Carol Fritz	6/2003	1 Stirrup Road	767-3737	X	
Mary Ann Lynch	6/2004	2 Olde Colony Lane	741-2709	X	
John E. "Jack" Roberts	6/2002	185 Fowler Road	767-4526	X	
John W. McGinty	6/2004	86 Brentwood Road	767-0139	X	
Penelope P. Carson	6/2003	36 Trundy Road	799-8029	X	

TOWN STAFF

Michael McGovern	X
Debra Lane	X

Swearing in of Councilors-Elect Mary Ann Lynch and John W. McGinty

Swearing in of School Board Members-Elect Jennifer DeSena and Marie Prager

Roll Call by the Town Clerk

Pledge of Allegiance to the Flag

Recognition of Town Hall Centennial

Chairman Carson read the following:

The Cape Elizabeth Town Hall reaches the centennial of its dedication on June 19th. While other municipal buildings have seen great changes in recent years, the town hall remains a local

landmark whose exterior has changed little over recent decades. Citizens from 1901 would still recognize the Doric columns, the front porch, the cupola and much of the façade on Ocean House Road.

Cape Elizabeth had separated from South Portland in 1895 and soon thereafter a debate began on the necessity of having a Town Hall. In 1900, it was voted to build a new town hall and Portland architect Frederick A. Tompson drew up the plans for the sum of \$90,000. Land had been acquired from the Robinson family. William Murray and Son provided the low bid of \$4,005.19. Other expenses for grading, furnishings and out buildings brought the total expense up to \$5,002.43. The foundation and grading was provided by farmers from throughout the town under the supervision of Albert Hannaford. Hannaford also served on the building committee along with P.W. Harry and Charles Jordan, Michael and Frank Peabbles, C.E. Staples, a Mr. Pollard and William Murray.

The dedication ceremony according to the diary of Elizabeth Murray began with a prayer and music by the Bowery Beach Orchestra. It continued with a long speech from the Hon. William Henry Clifford and then the Rev. Mr. Lawton advised everyone to forget their differences and be proud of the new town hall. A letter was read from a General Cruft offering a bell for the Town Hall (it is now in the Spurwink Church). After a flag raising, a sextet sang the Star Spangled Banner, Yankee Doodle and America. The Portland Daily Press described the town hall as it was nearing completion as follows, "Taking it all in all it is a perfect country town house with which the people are much pleased.."

The town hall was greatly expanded in 1948 with the present Council chamber and wings added. After classrooms were abandoned in the early 1970's, the building was renovated in 1977 and 1978 with the School Superintendent's office moving upstairs. In 1995, an elevator was installed.

The building should continue to serve the town's office needs for many decades to come.

Councilor Henry N. Berry, III played on the piano, the Star Spangled Banner, Yankee Doodle and America. The same three songs that residents 100 years ago sang to celebrate the completion of their new town hall.

Reports and Correspondence

Councilor Roberts thanked Robert Malley for placing the town line sign on Ocean House Road, which clarifies the new homes being built, are in South Portland.

Councilor Swift-Kayatta thanked town and school employees for their efforts during graduation at Fort Williams Park on June 10. She also recognized High School Principal Pete Dawson. Mr.

Dawson has accepted an administrative position out of the country. Thanks to volunteers of Project Graduation.

Councilor McGinty thanked Jim Murray for his organization of the Memorial Day Parade

Councilor Fritz reminded Cape seniors that RWS annually awards a \$1000 scholarship. This year Councilor Fritz presented the scholarship to a student attending Freeport High School.

Town Manager's Report

Manager McGovern thanked Jim Murray for his continued efforts and organization of the Memorial Day Parade. It is estimated the crowd was the largest to date. Thanks to Public Works, Debra Lane and other departments for their assistance.

Citizens' Discussion of Items Not on the Agenda

Minutes of Meeting # 15-00-01 held May 14, 2001 and #16-00-01 held June 4, 2001

Moved by H. Berry and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council approves the minutes of meeting #15-00/01 held May 14, 2001 and Special meeting #16-00/01 held June 4, 2001 as written.

(7 yes) (0 no)

Chairman Carson thanked the citizens and Council for their support during her two terms as Town Council Chairman.

Moved by J. Roberts and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council elects Anne E. Swift-Kayatta to serve as Town Council Chairman for 2001-2002.

(7 yes) (0 no)

Chairman Swift-Kayatta thanked the Town Council and citizens for their support.

Chairman Swift-Kayatta thanked Penelope P. Carson for her service. Mrs. Carson was presented the past chairmen's plaque and roses.

Item # 2-01/02

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)

It was a consensus of the Town Council to vote on ITEM ##3-10 enblock.

Moved by H. Berry and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council approves the following appointments:

Item # 3-01/02

Ordered the Cape Elizabeth Town Council appoints John E. Roberts, Jr. to serve as Chairman of the Finance Committee and the Council as a whole to serve as the Finance Committee.

Item # 4-01/02

Ordered the Cape Elizabeth Town Council appoints Carolyn M. Fritz, Mary Ann Lynch and John W. McGinty to serve as the Ordinance Committee.

Item # 5-01/02

Ordered the Cape Elizabeth Town Council appoints Henry N. Berry, III, Penelope P. Carson, and Jack E. Roberts to serve as the Appointments Committee.

Item # 6-01/02

Ordered the Cape Elizabeth Town Council elects Mary Ann Lynch to serve as Representative to Maine Municipal Association Legislative Policy Committee and Carolyn M. Fritz as the Alternate.

Item # 7-01/02

Ordered the Cape Elizabeth Town Council appoints Carolyn M. Fritz as Representative to the RWS, Inc. Board of Directors and Henry N. Berry, II as the Alternate.

Item # 8-01/02

Ordered the Cape Elizabeth Town Council appoints Mary Ann Lynch to serve as Representative to the Greater Portland Council of Governments Executive Committee.

Item # 9-01/02

Ordered the Cape Elizabeth Town Council appoints John W. McGinty as Representative to the Greater Portland Council of Governments General Assembly and John E. Roberts, Jr. as the Alternate.

Item # 10-01/02

Ordered the Cape Elizabeth Town Council appoints Michael K. McGovern to serve as Representative of PACTS Policy

Committee.

(7 yes) (0 no)

Item # 11-01/02

Intro - Manager McGovern

Present - Anthony Kostopoulos, Owner

Moved by J. Roberts and Seconded by J. McGinty

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

(7 yes) (0 no)

Item # 12-01/02

Intro - Dan Chase, Chairman Conservation Commission

Moved by H. Berry and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council acknowledges receipt of the draft report Town of Cape Elizabeth 2001 Greenbelt Plan, with appreciation to the Conservation Commission, and refers the draft to a workshop, to be scheduled at a later date.

(7 yes) (0 no)

Item # 13-01/02

Present Pat Carroll, Carroll Associates Landscape Architects

Intro - Tina Harnden, Cape Elizabeth Playground Committee

Present - Laura Briggs, a resident assisting the committee

The Town Council was presented with a revised cost estimate for all three playgrounds for a total project cost of \$478,727.

Moved by J. Roberts and Seconded by P. Carson

Ordered the Cape Elizabeth Town Council acknowledges receipt of the revised Cape Elizabeth Playground Study Committee Report dated June 4, 2001, and authorizes the use of the municipal bond funds of \$150,000 for Phases 1 & 2 of the Pond Cove and Middle School playgrounds, contingent upon receipt or commitment of funds for the balance of the projected project cost from other bonafide sources.

(7 yes) (0 no)

Item # 14-01/02

Intro - Manager McGovern

Present Maureen O'Meara, Town Planner

David Griffin, Chairman Planning Board

Moved by H. Berry and Seconded by M. Lynch no action dismissed

Ordered the Cape Elizabeth Town Council dismisses without action a request for a zoning ordinance amendment from residents at 1 Charles Road to the Business A District that would prohibit a nonresidential and conditional use on the same lot.

(6 yes) (1 no C. Fritz)

Item # 15-01/02

Intro - Manager McGovern

Moved by J. Roberts and Seconded by P. Carson

Ordered the Cape Elizabeth Town Council approves the recommendation of Manager McGovern to revise the FY 2001 appropriation for the Department of Public Works from \$795,852 to \$845,852, as presented.

(7 yes) (0 no)

Note: This is due primarily to winter and fuel related costs. \$20,000 of the increase is offset by a grant from the Federal Emergency Management Agency for the March snowstorms.

Item # 16-01/02

Moved by P.Carson and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council accepts the final state school subsidy in the amount of \$2,493,757. At the time the Fiscal Year 2002 general fund budget was adopted on May 14, 2001, the amount the town believed to be receiving was \$2,440,989 or a difference of \$52,768. This year as the result of the Maine Legislature, the town had an expected \$436,480 loss in state school subsidy reduced to a loss of only \$41,358. The Town has a grim outlook for the Maine Legislature to continue to provide the cushion to the extent that enabled this additional \$395,122. It is further ordered to accept the recommendation of Manager McGovern to place the \$52,768 in a reserve fund for support of the Fiscal Year 2003 school budget.

(7 yes) (0 no)

Item # 17-01/02

Moved by P. Carson and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council approves the lease renewal of Building #326 at Fort Williams Park to Drug Rehabilitation, Inc. (Day One), as amended. The five-year lease commencing on October 1, 2001 and ending with September 30, 2006, provides for a monthly lease of \$2,520 indexed to the annual adjustment to the local property tax rate. Utility costs etc., are at the cost of the lessee.

(7 yes) (0 no)

See attached amended copy.

Item # 18-01/02

Intro - Manager McGovern

Moved by P. Carson and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council hereby authorizes for the Broad Cove reconstruction project the amount of \$539,000 with \$415,000 in previously appropriated funds and the balance of \$124,000 is hereby appropriated from the undesignated fund balance. An additional \$65,704 is approved for the sanitary sewer installation, ½ to be appropriated from the sewer fund ½ to be appropriated from undesignated fund balance. Furthermore, the Town Manager is authorized to award the bid to Dearborn Brothers Construction, Inc of Buxton and to conditionally accept drainage easements required for the project.

(7 yes) (0 no)

Item # 19-01/02

Moved by P. Carson and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council agrees to accept a proposed deed rider entitled Cape Elizabeth Affordable Housing Deed Rider, as amended to include language on page 2 ..by the State Planning Office or the Greater Portland Council of Governments or some other state or regional agency which publishes such data., in order to implement the affordable housing provisions for the Whale Back Ridge subdivision.

(7 yes) (0 no)

Citizens Discussion of Items Not On The Agenda

Moved by P. Carson and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council adjourns at 9:10PM.

(7 yes) (0 no)

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.

Workshops Monday, July 2, 2001 6:00PM

Location - To Be Announced - Dinner will be served.

2000 Census

Town Council Goals

Ralph Gould Award

Community Garden - Suggestion from Councilor Fritz

Monday, July 9, 2001 8:30PM (following the Town Council meeting)

Conservation Commission - Greenbelt draft report

Debra M. Lane, Town Clerk

POLICIES

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