



CAPE ELIZABETH TOWN COUNCIL MINUTES
Regular Meeting # 15-00/01
April 9, 2001
7:30 p.m.

Roll Call by the Town Clerk

Present Absent

Penelope P. Carson, Chairman	36 Trundy Road	799-8029	6/2000	X
Henry N. Berry III	110 Two Lights Rd.	799-6500	6/2000	X
Carolyn M. Fritz	1 Stirrup Road	767-3737	6/2000	X
John W. McGinty	86 Brentwood Road	767-0139	6/2001	X
John E. "Jack" Roberts, Jr.	185 Fowler Road	767-4526	6/2002	X
Anne E. Swift-Kayatta	14 Stone Bridge Road	767-5754	6/2002	X
Ruth E. McCleery Watson	7 Winding Way	799-3559	6/2001	X

Student Representatives

Jamie Cluchey				X
Kristin Elia			X	
Michael McGovern			X	
Debra Lane			X	

Pledge of Allegiance to the Flag

Reports and Correspondence

Councilor Berry received a call from a resident concerned about the proposed "Diner" in the Town Center – April Fools! (The Cape Courier)

Councilor Roberts – Playground Study Committee continues to meet.

Town Manager's Report

Citizens' Discussion of Items Not on the Agenda

Minutes of Meeting # 14-00-01, held March 14, 2001

Moved by H. Berry and Seconded by R. Watson

Ordered the Cape Elizabeth Town Council approves the minutes of Meeting #14-00/01 held March 14, 2001 as written.

(7 yes) (0 no)

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Item # 84-00-01

Present – Dwight Ely, Assistant Principal CEHS – Mr. Ely favors the idea. The suggested senior parking lot site will be presented to the Administration and School Board.

Intro – Michael Solak, CEHS Senior

Mr. Solak represented skateboard enthusiasts. The students are proposing to construct a skateboard park as their Senior Transition Project. STP is a 3-week program. The students are committed to completing the project if it extends beyond the 3-week period. Recycled wood from the Transfer Station will be used. Materials will be paid by donations and fund raising efforts.

Moved by J. McGinty and Seconded by R. Watson

Ordered the Cape Elizabeth Town Council approves the request from CEHS students to construct and place a portable skateboard park in the senior parking lot at CEHS, contingent on an affirmative vote of the School Board. The site is subject to change, if deemed necessary.

(7 yes) (0 no)

Item # 85-00-01

Intro – Chairman Carson

Presentation – Michael Hill, Town Attorney

Historical overview pre-1997 and result of 1999 technical amendments.

Presentation – David Griffin, Chairman Planning Board

Reviewed the report, dated March 29, 2001, of the Planning Board.

Chairman Carson asked for comments from Paul Vose, original petitioner to the Planning Board, and a representative from S.P.A.C.E.

Marguerite Prentice, 18 Ocean Avenue – Mrs. Prentice asked the Town Council to consider the ordinance and value to the Town as the ordinance is now. Set aside what has “unraveled,” and consider the ordinance as written.

Paul Vose, 21 Linwood Street – Mr. Vose asked the Town Council to “unravel” the situation. “People’s rights were taken unintentionally, without notice.” Mr. Vose gave an overview of his review of material and documents. He has spoken with those involved during ZORC, including board members and councilors. He cited the May 15, 1996 document overview of the proposed zoning ordinance. This document was distributed at a public forum regarding proposed changes. No mention was made of a change to this section of the ordinance.

Moved by H. Berry and Seconded by A. Swift-Kayatta

Ordered the Cape Elizabeth Town Council acknowledges receipt of a report from the Planning Board on proposed amendments Re: Non-Conforming Lots dated March 29, 2001.

(7 yes) (0 no)

Moved by H. Berry and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council sets to workshop the non-conforming lot issue for April 30 and May 3, if needed. Workshops will commence at 7:30PM at Town Hall.

(7 yes) (0 no)

Item # 86-00-01

Intro – Steve Harding, Town Engineer

Present – Robert Malley, Director Public Works

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

Ordered the Cape Elizabeth Town Council acknowledges a report from the Town Engineer re: Fowler Road reclamation, from Route 77 to Route 77, and approves the scope of the project as outlined in the 3/20/01 memo Fowler Road Improvements Project and authorizes the Town Manager to sign documents to effect project.

(7 yes) (0 no)

Item # 87-00-01

Present – Robert Malley, Director Public Works

Moved by J. McGinty and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council approves the events at Fort Williams Park as presented.

- ◆ Pond Cove Elementary School Field Days: Week of June 4th.
- ◆ Peoples Beach to Beacon Road Race: Event August 4th, Setup begins August 2nd.
- ◆ Pond Cove Parents Association Vidbel's Old Tyme Circus: August 13th.

(7 yes) (0 no)

Item # 88-00-01

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

Ordered the Cape Elizabeth Town Council approves the request to provide in-kind services (equipment for a two-day period), for a composting grant for paper waste and clean sheetrock.

(7 yes) (0 no)

Item # 89-00-01 Intro – Debra Lane, Town Clerk

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

Ordered the Cape Elizabeth Town Council approves the May 1, 2001 Municipal Election warrant.

(7 yes) (0 no)

Item # 90-00-01

Intro – Manager McGovern

Moved by H. Berry and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council accepts a \$2,500 Rural Community Fire Protection grant. The grant specifies the use for Nomex, backpack pumps, hand tools, portable radios, hose and other wild land fire fighting equipment.

(7 yes) (0 no)

Item # 91-00-01

Moved by H. Berry and Seconded by A. Swift-Kayatta

Ordered the Cape Elizabeth Town Council authorizes the town manager to sign a quit-claim deed to Larry and Donna Williams for property that was formerly R04- Lot 59E(Sawyer Road), but is now clarified to be in South Portland as a result of the recent boundary perambulation.

(7 yes) (0 no)

Item # 92-00-01

Moved by J. McGinty and Seconded by R. Watson

Ordered the Cape Elizabeth Town Council approves a utility location permit from the Portland Water District for an 8” water main under Old Ocean House Road at Whale Back Way.

(7 yes) (0 no)

Item # 93-00-01

Intro- Councilor Swift-Kayatta, Chairman Finance Committee

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

Ordered the Cape Elizabeth Town Council receives the report of the Finance Committee and sets to public hearing on Monday, May 14, 2001 at 7:30P.M. at the Cape Elizabeth Town Hall the recommended Fiscal Year 2002 Budget for the General Fund with expenditures of \$22,494,278 and revenues of \$6,848,051 and with net to taxation of \$15,646,228 and an estimated tax rate of \$21.70 per thousand valuation.

(7 yes) (0 no)

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

Ordered the Cape Elizabeth Town Council votes to take ITEM ##94-00/01 – 100-00/01 en bloc.

(7 yes) (0 no)

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

Ordered the Cape Elizabeth Town Council approves the following:

Item # 94-00-01

Ordered the Cape Elizabeth Town Council receives the report of the Finance Committee and sets to public hearing on Monday, May 14, 2001 at 7:30P.M. at the Cape Elizabeth Town Hall the recommended Fiscal Year 2002 Budget for the Sewer Fund with expenditures of \$1,349,971 and revenues of \$1,350,000.

Item # 95-00-01

Ordered the Cape Elizabeth Town Council receives the report of the Finance Committee and sets to public hearing on Monday, May 14, 2001 at 7:30P.M. at the Cape Elizabeth Town Hall the recommended Fiscal Year 2002 Budget for the Riverside Memorial Cemetery Fund with expenditures of \$35,212 and revenues of \$48,500.

Item # 96-00-01

Ordered the Cape Elizabeth Town Council receives the report of the Finance Committee and sets to public hearing on Monday, May 14, 2001 at 7:30P.M. at the Cape Elizabeth Town Hall the recommended Fiscal Year 2002 Budget for the Spurwink Church Fund with expenditures of \$6,500 and revenues of \$11,000.

Item # 97-00-01

Ordered the Cape Elizabeth Town Council receives the report of the Finance Committee and sets to public hearing on Monday, May 14, 2001 at 7:30P.M. at the Cape Elizabeth Town Hall the recommended Fiscal Year 2002 Budget for the Fort Williams Park Capital Fund with expenditures of \$51,500 and revenues of \$52,850.

Item # 98-00-01

Ordered the Cape Elizabeth Town Council receives the report of the Finance Committee and sets to public hearing on Monday, May 14, 2001 at 7:30P.M. at the Cape Elizabeth Town Hall the recommended Fiscal Year 2002 Budget for the Thomas Jordan Fund with expenditures of \$40,000 and revenues of \$45,000.

Item # 99-00-01

Ordered the Cape Elizabeth Town Council receives the report of the Finance Committee and sets to public hearing on Monday, May 14, 2001 at 7:30P.M. at the Cape Elizabeth Town Hall the recommended Fiscal Year 2002 Budget for the Rescue Fund with expenditures of \$94,947 and revenues of \$120,000 with the balance of revenues over expenditures to be retained in the Rescue Equipment Replacement Account.

Item #100-00/01

Ordered the Cape Elizabeth Town Council receives the report of the Finance Committee and sets to public hearing on Monday, May 14, 2001 at 7:30P.M. at the Cape Elizabeth Town Hall the recommended Fiscal Year 2002 Budget for the Museum at Portland Head Light Fund with expenditures of \$417,259 and revenues of \$520,600.

(7 yes) (0 no)

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Citizen's Discussion of Items Not on the Agenda

The Community Center Committee will meet April 12, 2001 at 7:30PM.

Moved by A. Swift-Kayatta and Seconded by H. Berry
Ordered the Cape Elizabeth Town Council adjourns at 9:25PM
(7 yes) (0 no)

Debra M. Lane, Town Clerk