



CAPE ELIZABETH TOWN COUNCIL MINUTES
Regular Meeting # 1-01-02
June 11, 2001
7:30 p.m.

Anne E. Swift-Kayatta	14 Stone Bridge Road	767-5754	6/2002
Henry N. Berry III	110 Two Lights Rd.	799-6500	6/2003
Penelope P. Carson	36 Trundy Road	799-8029	6/2003
Carolyn M. Fritz	1 Stirrup Road	767-3737	6/2003
Mary Ann Lynch	2 Olde Colony Lane	741-2709	6/2004
John W. McGinty	86 Brentwood Road	767-0139	6/2004
John E. "Jack" Roberts, Jr.	185 Fowler Road	767-4526	6/2002

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 \$90.00. 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)

Item # 1-01/02

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)

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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. The town manager is authorized to apply for on behalf of the Town of Cape Elizabeth, an application to the State of Maine for federal Land and Water Conservation Fund monies for \$25,000 for improvements to the Scott Dyer Road playground adjacent to the Cape Elizabeth Middle School, and to enter into the Land and Water Conservation Fund Project Agreement.

Further Ordered:

This is to certify that the Cape Elizabeth Town Council hereby authorizes the town manager to make application for financial assistance under the provisions of the Land and Water Conservation Fund Act, Public Law 88-578 for development of the Scott Dyer Road playground.

This further certifies that the Town of Cape Elizabeth is familiar with the terms and conditions of the Land and Water Conservation Fund Project Agreement, revision dated March 1978 and hereby authorizes the town manager to enter into said agreement between the Town of Cape Elizabeth and the State of Maine upon federal approval of the above identified project.

This further certifies that the Town of Cape Elizabeth has been legally constituted and is responsible for planning and carrying out the municipal recreation program; and the continued operation and maintenance of the completed project in accordance with the terms and conditions of the Land and Water Conservation Fund Project Agreement.

And this further certifies that except for the financial assistance requested by this project application, no financial assistance has been applied for, given, or promised under any other State or Federal Program.
(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.

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Workshops Monday, July 2, 2001 6:00PM Town Hall
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. **This workshop will be rescheduled as at least three members of the Conservation Commission will be unable to attend and as the number of agenda items is increasing.**

Debra M. Lane, Town Clerk