



CAPE ELIZABETH TOWN COUNCIL MINUTES
Regular Meeting # 6-01-02
Wednesday, November 14, 2001
7:30 p.m.

Roll Call by the Town Clerk

Present Absent

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

Pledge of Allegiance to the Flag

Presentations

The Town Council signed a proclamation in recognition of Veteran's Day Week and in support of the residents and former residents of Cape Elizabeth now serving in all branches of the military including the Coast Guard and in reserve units. Kevin Sweeney, resident and School Board member, will be forwarding copies of the signed proclamation to Cape Elizabeth residents serving in the military. A list is being compiled.

Reports and Correspondence

Councilor Roberts attended the Conservation Commission meeting last evening. A Council goal is to have a representative at as many board and commission meetings as possible. Councilor Robert's personal goal is to attend as many board and commission meetings as his schedule allows as well.

Councilor Fritz reported on several forums she has attended re: state laws regarding property taxes, unfunded mandates, revenue sharing and school funding. Chairman Swift-Kayatta and Councilor Berry have also attended some of the forums.

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Councilor McGinty reported that public hearings regarding the Cumberland County budget are being held throughout the region. The Advisory Committee will make its recommendation on December 5. The County Commissioners are expected to make their final decision on December 10.

Councilor Berry expressed his disappointment regarding the County budget increase. "The Commissioners not holding the line. Services received by Cape Elizabeth are not increasing 22%."

Chairman Swift-Kayatta thanked Debra Lane, Henry Adams and the election workers for their work on November 6. Congratulations to Public Works on a successful Fall Heavy Item Pickup.

Town Manager's Report

*County Discussion Follow Up – The 22% increase, will increase Cape Elizabeth's share by \$140,000. By comparison, the new police station will impact next years budget by \$68,000.

*Congratulations to Debra Lane. The Maine Town & City Clerks Association named Debra Clerk of the Year last month at their annual meeting in Augusta.

*Two former town employees have passed away. Virginia Murray served as Town Treasurer, for six years, during the late 1970's. John Henchey served as Town Manager from 1978 to 1985. The Town appreciates the service to the community and contributions these individuals provided to Cape Elizabeth. Our thoughts and prayers are with the families.

Citizens' Discussion of Items Not on the Agenda

Henry Berry commented on current debt service compared to 1992, as reported in the latest audit report.

Minutes of Meeting # 5-01/02 held October 10, 2001

Moved by H Berry and Seconded by M. Lynch

Ordered the Cape Elizabeth Town Council approves the minutes of Meeting #5-01/02 held October 10, 2001 as written.

(6 yes) (0 no)

Item # 45-01/02

Chairman Swift-Kayatta opened the public hearing at 7:53PM.

After hearing no comments, the public hearing was closed at 7:53PM.

Moved by J. McGinty and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council approves the General Assistance Ordinance Appendixes A-C 2001-2002 as recommended by the Maine Municipal Association, as presented.

(6 yes) (0 no)

See attachment.

Items # 46-53-01/02

Road Acceptances as Shown on the Approved Plans

Item # 46-01/02 Moved by M. Lynch and Seconded by J. Roberts
Ordered the Cape Elizabeth Town Council accepts Whaleback Way (off Old Ocean House Road) as shown on the approved plans.
(5 yes) (1 no H. Berry)

Item # 47-01/02 Moved by J. Roberts and Seconded by M. Lynch
Ordered the Cape Elizabeth Town Council accepts Abaco Drive (near Hemlock Hill Road) as shown on the approved plans.
(6 yes) (0 no)

Moved by M. Lynch and Seconded by J. Roberts
Ordered the Cape Elizabeth Town Council votes to act upon Item # #48-53 as a group. The Town Council further accepts the following roads as shown on the approved plans:

- Item # 48-01/02** Chesterwood Road (Cross Hill)
 - Item # 49-01/02** Tiger Lily Lane (Cross Hill)
 - Item # 50-01/02** Hawthorn Road (Cross Hill)
 - Item # 51-01/02** Cross Hill Road (Remaining Portion)
 - Item # 52-01/02** Peppergrass Road (Cross Hill)
 - Item # 53-01/02** Steeplebush Road (Cross Hill)
- (6 yes) (0 no)

See attachment.

Open Space Acceptances Near Abaco Drive and Whaleback Way

Moved by J. Roberts and Seconded by M. Lynch
Ordered the Cape Elizabeth Town Council votes to act upon Item # #54 & 55 as a group. The Town Council further accepts the following open spaces as presented:

- Item # 54-01/02** Whaleback Ridge Subdivision
 - Item # 55-01/02** Hemlock Hill Subdivision
- (6 yes) (0 no)

See Attachment.

Item # 56-01/02 **Intro – Manager McGovern**
Moved by H. Berry and Seconded by J. McGinty
Ordered the Cape Elizabeth Town Council acknowledges receipt of a report from the Town Manager dated October 26, 2001 entitled Roadway and Drainage Improvements Budget.
(6 yes) (0 no)

See Attachment.

Item # 57-01/02 Intro – Manager McGovern

Moved by H. Berry and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council tables ITEM #57-01/02 regarding proposed amendments to the Personnel Code to the December 10, 2001 Town Council meeting.
(6 yes) (0 no)

Item # 58-01/02 Intro – Councilor Berry, Chairman Appointments Committee

Moved by H. Berry and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council approves the recommendation of the Appointments Committee to amend the Statement of Policy Appointments to Standing Boards and Commissions as follows:

1. ...The advertising shall include notice in the Cape Courier, and on the Town's website, and the local cable access station.
9. The Town Council, as the appointive authority, reserves the right to collectively and individually use whatever additional factors they deem appropriate in considering the appointment or reappointment of a citizen to a town board or commission.

(6 yes) (0 no)

See attachment.

Item # 59-01/02 Moved by M. Lynch and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council approves the recommendation of the Fort Williams Advisory Commission to approve the request to utilize Fort Williams Park on September 8, 2002 with a rain date of September 15, 2002 for the DownEast Car Show.
(6 yes) (0 no)

Item # 60-01/02 Intro – Manager McGovern

Moved by H. Berry and Seconded by M. Lynch

Ordered the Cape Elizabeth Town Council sets to public hearing on Monday, December 10, 2001 at 7:30PM at Town Hall proposed amendments to the Zoning Ordinance relating to annual permits for the removal of earth materials.

Moved by C. Fritz and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council tables ITEM #60-01/02 to the December 10, 2001 Town Council meeting.
(6 yes) (0 no)

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Item # 61-01/02 Intro - Councilor Lynch, Chairman Ordinance Committee
Moved by C. Fritz and Seconded by M. Lynch

Ordered the Cape Elizabeth Town Council acknowledges receipt of the report from the Ordinance Committee and sets to public hearing on Monday, December 10, 2001 at 7:30PM at Town Hall public comments on changes that may be considered in the list of properties on the Town's historic properties list.

(4 yes) (2 no J. Roberts and J. McGinty)

Citizens Discussion of Items Not on the Agenda

Adjournment

Moved by H., Berry and Seconded by M. Lynch

Ordered the Cape Elizabeth Town Council adjourns at 8:38PM.

(6 yes) (0 no)

Following the Town Council meeting, the Town Council discussed the status of the Community Center project. The written report from the Community Center Planning Committee was received this evening, just prior to the Town Council meeting. Two dates have been suggested for a workshop: Monday, November 26 at 7:30PM or Tuesday, November 20 at 6:00PM. Sue Weatherbie, or a representative from Community Services, SMART, Gil Jordan and members of the planning committee will be invited. The discussion ended at 8:50PM.

Debra M. Lane, Town Clerk