

Councilor Berry attended an emotional naturalization ceremony last Friday. Mr. Berry would like to discuss the town's doing business with Key Bank.

Town Manager's Report

Manager McGovern gave an update on the building projects. It is estimated that \$300,000 will remain in surplus following the closeout of the projects.

Citizens' Discussion of Items not on the Agenda

Moved by P. Carson and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council approves the minutes of Special Meeting #16-01/02 held May 28, 2002 as presented.

(7 yes) (0 no)

Item # 1-02-03 Moved by M. Lynch and Seconded by P. Carson

Ordered the Cape Elizabeth Town Council elects John E. "Jack" Roberts, Jr. to serve as Town Council Chairman for 2002-2003.

(7 yes) (0 no)

Item # 2-02-03 Moved by H. Berry and Seconded by P. Carson

Ordered the Cape Elizabeth Town Council adopts the **Rules of the Cape Elizabeth Town Council** as presented.

(7 yes) (0 no)

Item # 3-02-03 Moved by J. McGinty and Seconded by A. Swift-Kayatta

Ordered the Cape Elizabeth Town Council appoints Mary Ann Lynch to serve as the Chairman of the Finance Committee for the 2002-2003 year, and the Town Council as a whole to serve as the Finance Committee.

(7 yes) (0 no)

Item # 4-02-03 Moved by A. Swift-Kayatta and Seconded by M. Lynch

Ordered the Cape Elizabeth Town Council appoints John W. McGinty to serve as the Chairman of the Ordinance Committee for the 2002-2003 year, and Mary Ann Lynch and Anne E. Swift-Kayatta to serve as members.

(7 yes) (0 no)

Item # 5-02-03 Moved by A. Swift-Kayatta and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council appoints Penelope P. Carson to serve as the Chairman of the Appointments Committee for the 2002-2003 year, and Carolyn M. Fritz and Henry N. Berry III to serve as members.

(7 yes) (0 no)

Item # 6-02-03 Moved by C. Fritz and Seconded by A. Swift-Kayatta
Ordered the Cape Elizabeth Town Council elects Mary Ann Lynch to serve as the Representative to the Maine Municipal Association's Legislative Policy Committee.
(7 yes) (0 no)

Item # 7-02-03 Moved by A. Swift-Kayatta and Seconded by P. Carson
Ordered the Cape Elizabeth Town Council appoints Carolyn M. Fritz to serve as Representative to RWS, Inc. Board of Directors and Henry N. Berry III to serve as alternate.
(7 yes) (0 no)

Item # 8-02-03 Moved by M. Lynch and Seconded by H. Berry
Ordered the Cape Elizabeth Town Council appoints Anne E. Swift-Kayatta to serve as Representative to the Greater Portland Council of Governments Executive Committee.
(7 yes) (0 no)

Item # 9-02-03 Moved by C. Fritz and Seconded by P. Carson
Ordered the Cape Elizabeth Town Council appoints John W. McGinty to serve as Representative to the Greater Portland Council of Governments General Assembly and Anne E. Swift-Kayatta to serve as alternate.
(7 yes) (0 no)

Item # 10-02-03 Moved by H. Berry and Seconded by A. Swift-Kayatta
Ordered the Cape Elizabeth Town Council appoints Michael K. McGovern to serve as Representative to PACTS Policy Committee.
(7 yes) (0 no)

Item # 11-02-03

Present – Joseph Frustaci, Developer
 David Kamila, Land Use Consultants for Joe Frustaci

Moved by A. Swift-Kayatta and Seconded by H. Berry
Ordered the Cape Elizabeth Town Council approves the request from Chairman Roberts to recuse himself from discussion and voting on this item to avoid any perceived conflict due to his employment by the City of South Portland.
(7 yes) (0 no)

Page 4 Minutes
June 10, 2002

Chairman Pro-Tem Lynch

Intro – Manager McGovern

Moved by P. Carson and Seconded by A. Swift-Kayatta

Ordered the Cape Elizabeth Town Council approves conditional acceptance of proposed open space, the detention pond and roads at Blueberry Ridge Subdivision provided all such facilities are built and deeded to the town in conformance with the Planning Board's final approved plan for the subdivision. Additionally the easement indicated between lots 5 & 6 shall be clarified, and the letter dated June 10, 2002 sent by Costas and Lisa Flocatoulas be forwarded to the Planning Board in order for their concerns to be addressed.

(5 yes) (1 no H. Berry)

Swearing-In of School Board Member- Elect

Kathleen F. Walsh

Item # 12-02-03

Intro – Manager McGovern

Chairman Roberts provided the public an opportunity to comment on this issue.

Dennis Flavin, 395 Ocean House Road

Mr. & Mrs. Flavin have brought this issue before the Town Council due to numerous disturbances at their home and the unsightly look of "The Rock."

Dan Shevenell – 2 Moonshadow Lane, CEHS Class President

"The Rock" may be an appropriate outlet for expression e.g. the tribute following September 11th. Cape Elizabeth "lacks tradition." Don't blame other mischievous behavior around town on the painting of the rock.

Ann Flavin, 395 Ocean House Road

"The Rock" wasn't painted when the house was purchased. Graffiti wasn't an issue in previous communities. "We can't take more harassment."

Frank Strout, 1184 Shore Road

"The Rock" has served as a message center for sports, social events etc. There must be a solution without the elimination of painting the rock.

Page 5 Minutes
June 10, 2002

Dan Shevenell – Removal of the rock may create more harassment. Suggestion: form a committee including students to oversee the site. Take away senior privileges if rules are broken.

Dennis Flavin – Painters of the rock include South Portland and Cheverus students.

Jamie Strout – Asked to see the pictures provided by Mr. & Mrs. Flavin.

Ann Flavin – Don't punish all kids for the actions of some.

Moved by P. Carson and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council refers rock graffiti to a workshop.

(7 yes) (0 no)

Item # 13-02-03

Intro – Manager McGovern

Moved by H. Berry and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council authorizes the Town Manager to sign the proposed lease of 343 Ocean House Road (Rear of Farmhouse) to Jeff McClellan, Cape Mortgage for approximately 320 s.f. of office space for a term of 5 years per the terms and conditions as set forth in the proposed lease, as presented.

(7 yes) (0 no)

Item # 14-02-03

Intro – Manager McGovern

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

Ordered the Cape Elizabeth Town Council approves the proposed balances to be carried forward after June 30, 2002, as presented.

(7 yes) (0 no)

See attachment.

Item # 15-02-03

Intro – Councilor Berry

Moved by H. Berry and Seconded by P. Carson

Ordered the Cape Elizabeth Town Council approves the recommendation of the Appointments Committee to appoint Frank G. Leavitt to serve on the Riverside Memorial Cemetery Trustees.

Moved by H. Berry and Seconded by P. Carson

Ordered the Cape Elizabeth Town Council refers to the July meeting the recommended appointments to the committee charged with reviewing the services at the Transfer Station.

(7 yes) (0 no)

9:30PM

Item # 16-02-03 Moved by A. Swift-Kayatta and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council approves the request from the town manager to enter into executive session to discuss the status of contract negotiations with the Cape Elizabeth Police Benevolent Association and with Local 340 of the International Brotherhood of Teamsters.

(7 yes) (0 no)

Moved by J. McGinty and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council exits executive session and reenters public session at 10:06PM.

(7 yes) (0 no)

Moved by M. Lynch and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council approves the proposed collective bargaining agreement, as presented, with the Cape Elizabeth Police Benevolent Association.

(7 yes) (0 no)

Moved by H. Berry and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council adjourns at 10:07PM.

(7 yes) (0 no)

Debra M. Lane, Town Clerk

Town Council Meeting July 8, 2002 7:30PM
(Following the regular meeting, the annual meetings of the Museum at Portland Head Light and Thomas Jordan Trust will be held)

Town Council Workshop July 11, 2002 7:30PM
(Rock painting, goals, possible Ralph Gould Award recipients)