

Town Manager's Report **None**

Citizens' Discussion of Items not on the Agenda **None**

Minutes of Meeting # 2-02-03

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

Ordered the Cape Elizabeth Town Council approves the minutes of Meeting #2-02/03 held July 8, 2002 as written.

(7 yes) (0 no)

Item # 23-02-03

Intro – Manager McGovern
Chairman Roberts invited public comment.

Jack Kennealy, 16 High View Road

Mr. Kennealy and his wife are concerned about the potential for building on the Pinansky lot, which may have an adverse effect on their property. Mr. Kennealy is uncertain whether #3 of the vacation order will stand. He prefers a private deed restriction.

Paul Thelin, Attorney Representing Thomas Pinansky

Mr. Pinansky agrees with the Order as presented. At this time there are no plans to build or renovate. Mr. Thelin is hesitant about a private deed restriction.

Questions raised:

- If the Order as drafted is challenged, would the vacation be reverted back to the Town?
- If the vacation is approved, will lot #133 become a buildable lot?
- Can the town impose the restriction as drafted in #3 of the proposed Order?

Moved by H. Berry and Seconded by M. Lynch

Ordered the Cape Elizabeth Town Council tables ITEM #23-02/02.

(6 yes) (1 no A. Swift-Kayatta)

Moved by H. Berry and Seconded by M. Lynch

Ordered the Cape Elizabeth Town Council reconsiders ITEM #23-02/03.

(7 yes) (0 no)

Moved by H. Berry and Seconded by M. Lynch

Ordered the Cape Elizabeth Town Council tables ITEM #23-02/03 a proposed vacation of a portion of Bay View Road to the September 9, 2002 Town Council meeting in order for Mr. Pinansky and Mr. Kennealy to further discuss the issue and for the questions to be posed to the town attorney.

(7 yes) (0 no)

See attachment.

Item # 24-02-03

Intro – Manager McGovern

Present – David J. Jones, Attorney for Kevin & Lisa Huttman

Moved by P. Carson and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council approves the proposed Complaint Under Rule 80K For Land Use Enforcement and Consent Decree and Court Order regarding a setback violation at 10 Prout Place for property owned by Kevin & Lisa Huttman and sets \$1000 as a civil penalty.

(7 yes) (0 no)

See attachment.

Item # 25-02-03

Intro – Manager McGovern

Present – Peter Anastos

Moved by A. Swift-Kayatta and Seconded by M. Lynch

Ordered the Cape Elizabeth Town Council in conformance with Sec 15-1-7 hereby permits an amendment to the Sewer Service Area Map to include Lots U23-1, U23-5 and U23-5-1 having found adding these lots includes a property with a malfunctioning septic system and that there is sufficient capacity in the Southern Cape Elizabeth wastewater treatment facility.

(6 yes) (1 no C. Fritz)

Item # 26-02-03

Intro – Manager McGovern

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

Ordered the Cape Elizabeth Town Council refers a request of the town manager to review issues relating to sewer extensions to the Planning Board with a report back to the Town Council by January 31, 2003.

(6 yes) (1 no C. Fritz)

Item # 27-01-02

Chairman Roberts invited Mr. Keller to comment.

Mr. Keller, 291 Spurwink Avenue

Mr. Keller wasn't notified, however he is concerned about including this definition in the RB zone for the Club's land located across the street from the entrance to the Purpoodock Club. "The RB would allow any type of golf course activity including swimming pools, maintenance buildings, putting greens etc." Is this spot zoning? What effect will it have on a residential zone?

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

Ordered the Cape Elizabeth Town Council approves the abstention of Councilor Fritz from voting on this item, as she is a shareholder of Purpoodock Club.

(7 yes) (0 no)

Moved by M. Lynch and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council refers back to the Planning Board the proposed inclusion of golf course as a permitted use in the RA *and* RB zone with proper noticing to abutters and concerns of Mr. Keller.

(7 yes) (0 no)

Item # 28-02-03 Moved by A. Swift-Kayatta and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council acknowledges receipt of the master plan for the Gull Crest trails from the Conservation Commission. A workshop will be scheduled with the Conservation Commission.

(7 yes) (0 no)

Item # 29-02-03 Moved by A. Swift-Kayatta and Seconded by M. Lynch

Ordered the Cape Elizabeth Town Council approves the recommendation of the Trustees of the Thomas Memorial Library to amend the Displays and Exhibits Policy as proposed in the June 20, 2002 draft.

(7 yes) (0 no)

See attachment.

Item # 30-02-03

Intro – Manager McGovern

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

Ordered the Cape Elizabeth Town Council authorizes the town manager to sign the proposed agreement with ASCAP (American Society of Composers, Authors and Publishers) for the right to perform copyrighted music in municipal activities.

(2 yes) (5 no H. Berry, C. Fritz, M. Lynch, J. McGinty, J. Roberts)

Item # 31-02-03 Moved by J. McGinty and Seconded by M. Lynch

Ordered the Cape Elizabeth Town Council approves the recommendation of the town assessor to grant an abatement (to correct an error) for Map U50 Lot 007 account #G0171R, James & Suzanne Gannon, in the amount of \$117.74 for fiscal year 2001 and \$115.19 for fiscal year 2000.

(6 yes) (1 no J. Roberts)

Item # 32-02-03 **Receipt of the assessor's annual valuation report**

Moved by P. Carson and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council acknowledges receipt of the annual valuation report for fiscal year 2003 prepared by Town Assessor Matthew Sturgis dated August 1, 2002.

(7 yes) (0 no)

Item # 33-02-03

Intro – Manager McGovern

Moved by J. McGinty and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council adopts the following policy for flags being lowered to half-staff:

All requests to the Governor of the State of Maine for the United States flag or the State of Maine flag to be flown at half-staff throughout Cape Elizabeth or on all municipal property shall be made by the Town Council Chairman or by a majority of the Town Council.

For any specific location(s), on municipal property, the town manager may request the Governor of Maine to authorize the flag to be lowered to half-staff on the day of the funeral in honor of any individual for whom the town manager believes the honor is appropriate. The superintendent of schools may similarly make such a request for school properties.

(2 yes) (5 no H. Berry, P. Carson, C. Fritz, M. Lynch, A. Swift-Kayatta)

Item # 34-02-03 Moved by A. Swift-Kayatta and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council approves the Cape Elizabeth Town Council Goals July 1, 2002 – June 30, 2003 as presented.

(6 yes) (1 no H. Berry)

See attachment.

Item # 35-02-03 Moved by A. Swift-Kayatta and Seconded by M. Lynch

Be it ordained by the Town Council of the Town of Cape Elizabeth, Maine, in Town Council assembled to approve the following revision to the smoking policy Sec. 3-1-16:

Sec. 3-1-16. Smoking Policy

The Town of Cape Elizabeth maintains a smoke free environment for its employees and visitors to municipal facilities. There is no smoking in any municipal building.

Employees and other visitors shall not smoke at any entrance to any building. Employees may use their regular breaks for smoking and are not entitled to any additional breaks.

(7 yes) (0 no)

Item # 36-02-03 Moved by J. McGinty and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council authorizes the town clerk to cast one ballot for the slate of officers as presented for the election of the 2003 MMA Executive Committee and Officers.

(7 yes) (0 no)

Item # 37-02-03 Moved by M. Lynch and Seconded by A. Swift-Kayatta
Ordered the Cape Elizabeth Town Council having held a public hearing on Tuesday, May 28, 2002, and having adopted on May 28, 2002 the Fiscal Year 2003 Budget for the Riverside Cemetery Fund with expenditures of \$21,476 and gross revenues of \$42,000, does now hereby correct the adoption to provide that the correct expenditure authorization is \$35,166. It is noted that the line item budget as reviewed prior to May 28, 2002 contained amounts totaling \$35,166, but an error resulted in an incorrect total having been adopted.

(7 yes) (0 no)

Item # 38-02-03

Intro – Manager McGovern

Moved by P. Carson and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council acknowledges receipt of the report from the town manager on the status of the community center project and approves the installation of cedar clapboards at a total estimate of \$33,161.

(7 yes) (0 no)

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

Ordered the Cape Elizabeth Town Council enters into executive session at 10:08PM to discuss a new collective bargaining agreement with Local 340 of the Teamsters for a new contract with our public works employees and a new collective bargaining agreement with Cape Elizabeth Police Benevolent Association for a new contract with our police and dispatch employees.

(7 yes) (0 no)

Moved by M. Lynch and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council exits executive session and reenters public session at 10:36PM.

(7 yes) (0 no)

Item #39-02/03 Moved by M. Lynch and Seconded by A. Swift-Kayatta
Ordered the Cape Elizabeth Town Council approves as proposed, a new collective bargaining agreement with Local 340 of the Teamsters for a new contract with our public works employees for a period from July 1, 2002 – June 30, 2005.

(7 yes) (0 no)

See attachment.

Item # 40-02-03 Moved by M. Lynch and Seconded by A. Swift-Kayatta
Ordered the Cape Elizabeth Town Council approves as proposed, a new collective bargaining agreement with Cape Elizabeth Police Benevolent Association for a new contract with our police and dispatch employees for a period from July 1, 2002 – June 30, 2005.

(7 yes) (0 no)

See attachment.

Councilor Lynch departed.

Item # 41-02-03 Moved by A. Swift-Kayatta and Seconded by H. Berry
Ordered the Cape Elizabeth Town Council schedules the following workshops and reschedules the regular October Town Council meeting as follows:

Thursday, September 12, 2002	Practical Difficulty Standard With the Zoning Board of Appeals
Wednesday, October 9, 2002	Regular Town Council Meeting
Thursday, October 10, 2002	Gull Crest Master Plan With the Conservation Commission Invitation to the Planning Board
Thursday, November 14, 2002	Town Center Discussion With the Planning Board

(6 yes) (0 no)

Citizens Discussion of Items Not On The Agenda

Adjournment

Moved by J. McGinty and Seconded by H. Berry
Ordered the Cape Elizabeth Town Council adjourns at 10:55PM
(6 yes) (0 no)

Debra M. Lane, Town Clerk