



CAPE ELIZABETH TOWN COUNCIL MINUTES

Regular Meeting # 9-02-03

Monday, December 9, 2002

7:30 p.m.

Present Absent

John E. "Jack" Roberts, Jr., Chairman	185 Fowler Road	X	767-4526	6/2005
Henry N. Berry III	110 Two Lights Road	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
MaryAnn Lynch	2 Olde Colony Lane	X	767-5788	6/2004
John W. McGinty	86 Brentwood Road	X	767-0139	6/2004
Anne E. Swift-Kayatta (Arrived 7:38PM)	14 Stone Bridge Road	X	767-5754	6/2005

Student Representatives

Rhiannon Gill

X

Alex Weaver

X

Michael K. McGovern

X

Debra M. Lane

X

Pledge of Allegiance to the Flag

Roll Call by the Town Clerk

Reports and Correspondence

Councilor Fritz congratulated Cape Elizabeth High School Sophomore Henry Kramer on his recent piano competition. Henry has a great future in music.

Councilor McGinty reported on the final budget as recommended by a majority of the Cumberland County Budget Advisory Committee members. Councilors McGinty and Berry did not vote on the budget as recommended. The budget calls for a 5.6% tax increase. The budget is now being considered by the County Commissioners. Cape Elizabeth's portion is estimated to increase \$60,000, for a total county budget of \$820,000. Thank you to Michael McGovern for his effort to lobby for a reduced county budget. Mr. McGovern made specific suggestions for reductions.

Councilor Berry expressed his desire for broader representation on the county commissioners – increase the number of commissioners. Another suggested recommendation is for the budget advisory committee to have more authority than advisory.

Chairman Roberts asked the chairman of the Community Services Advisory Commission to report on the new facility. Councilor Roberts attended the most recent meeting of the Commission.

Cory Kuhl, Chairman Community Services Advisory Commission
Present – Sue Weatherbie, Director of Community Services

Mrs. Kuhl provided the Town Council with a use of facility calendar for a week in October. The calendar is to illustrate typical uses of the building. Community Services continues to serve residents from kindergarten to seniors. The new facility is a tremendous asset for community services programming, meeting space, storage, and childcare.

Town Manager's Report

Town Council Meetings:

Wednesday, December 11 7:00PM
Meeting with South Portland City Council at South Portland City Hall Re: PACTS

Thursday, December 12 7:30PM
Workshop at Cape Elizabeth Town Hall Re: Town Hall Lot

Congratulations to Town Planner Maureen O'Meara on the birth of her daughter. She was born on November 27.

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

Minutes of Meetings # 7-02-03 held November 13, 2002 and # 8-02-03 held November 25, 2002

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

Ordered the Cape Elizabeth Town Council approves the minutes of Meeting #7-02/03 held November 13, 2002 and Special Meeting #8-02/03 held November 25, 2002 as written.

(7 yes) (0 no)

Item # 59-02-03 Public Hearing on Gull Crest Master Trail Plan

Intro – Mike Duddy, Chairman Conservation Commission

Chairman Roberts opened the public hearing at 8:09PM.

Ogden Williams, 5 Beach Bluff Terrace

Mr. Williams expressed his support of the master plan. He also thanked the Town Council and Conservation Commission for their foresight. Mr. Williams is eager to volunteer.

Michael Mowles, 423 Ocean House Road

Mr. Mowles offered the assistance of the Boy Scouts. Creating these trails is an excellent Eagle Scout project.

David Weatherbie, 3 Manter Street

Mr. Weatherbie said the plan is “exciting and reasonable.” He is interested in the ability for track and skiing – school activities.

Sarah MacColl, 4 Avon Road

Mrs. MacColl congratulated the Town Council on their foresight. This property offers the opportunity for off-road walking, running, biking as was identified as a need in the Pedals and Pedestrians Committee report of several years ago.

John Upton, 4 Julie Ann Lane

Can there be a “broader use” of the property? Mr. Upton suggests 8-10 foot wide trails on 3-5 kilometers, suitable for Nordic skiing.

David Wing, 80 Oakhurst Road

A portion of the property should be widened to accommodate skiers. Mr. Wing’s experience with trail maintenance and skiing suggests 8-12 feet. There is a group of mountain bikers who may be interested in assisting in the maintenance of trails.

Muzzy Barton, 3 Gordon’s Lane

Could a portion of the trails, 5-7 kilometers, be designed for skiing? Mr. Barton suggests that a professional be hired to design Nordic trails. As a ski coach, this group will offer volunteer service on the trails.

After hearing no further comments, the hearing was closed at 8:27PM.

Moved by H. Berry and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council adopts the proposed master plan for trails on the Gull Crest property and authorizes permitting to proceed.

(7 yes) (0 no)

Note: The Conservation Commission will be working with members of the ski and track teams to further discuss potential opportunities for suitable areas of the trails for competitive track and ski events.

Item # 60-02-03

**Public Hearing on Proposed Appendices to the
General Assistance Ordinance**

Chairman Roberts opened the public hearing at 8:44PM.

After hearing no comments, the hearing was closed.

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

Ordered the Cape Elizabeth Town Council approves the proposed appendices to the General Assistance Ordinance as presented.

(7 yes) (0 no)

Note: A copy of the appendices is filed with the Town Clerk.

**Item # 61-02-03 Liquor Licenses and Special Amusement Permits for
the Inn by the Sea Property**

Moved by J. McGinty and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council approves the renewal malt, spirituous and vinous liquor licenses and special amusement permit for the Inn by the Sea property, HMH Limited partnership and the Fort Fairfield Yacht Club, as presented.

(7 yes) (0 no)

**Item # 62-02-03 BYOB Permit- Society for Creative Anachronism at
St. Bartholomew's Church**

Present- Michael D. Mowles, Jr. Applicant

Moved by P. Carson and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council approves the Application For A B.Y.O.B. Function for Society for Creative Anachronism on January 18, 2003 (snow date January 19, 2003) at St. Bartholomew's Church from 1:00PM to 12:00AM.

Be if further ordered that the Town Manager, or his designee, report back to the Town Council a process for application of such licenses.

(6 yes) (1 no M. Lynch)

Item # 63-02-03 Appointments Committee Report

Intro – P. Carson, Chairman Appointments Committee

Moved by P. Carson and Seconded by H. Berry

Ordered the Cape Elizabeth Town Council acknowledges receipt of a report from Appointments Committee and approves the recommendations to fill vacancies on town boards and commissions as presented. Said terms to expire January 1, 2006.

Alan Marcuse	5 Tote Road	Arts Commission
Susan Low	60 Woodland Road Apt F-2	Arts Commission
David B. Scheffler	12 Pheasant Hill Road	Board of Assessment Review
Robert Chatfield	22 Beacon Lane	Community Services Advisory Commission
Catherine Fairbanks	82 Ocean House Road	Community Services Advisory Commission
Colleen Graves	4 Meadowview Lane	Community Services Advisory Commission
Julie Franklin	130 Oakhurst Road	Conservation Commission
Jonah Rosenfield	243 Spurwink Avenue	Conservation Commission
Tina Harnden	13 Rocky Hill Road	Fort Williams Advisory Commission
John Snowden	3 Hampton Road	Fort Williams Advisory Commission
Robert Packer	21 Hunts Point Road	Personnel Appeals Board
Peter Hatem	18 Crescent View Avenue	Planning Board
Peter Ingraham	58 Hunts Point Road	Recycling Committee
Sarah Choi	3 Starboard Drive	Recycling Committee

Jessie M. Timberlake	19 Hunts Point Road	Riverside Memorial Cemetery Trustees
Deena Mayo Bruns	114 Two Lights Road	Thomas Memorial Library Trustees
Carol Ann Olsen	33 Thrasher Road	Thomas Memorial Library Trustees
Marie Wyzykoski	1 Geldert Lane	Thomas Memorial Library Trustees
Ed Nadeau	9 Apple Tree Lane	Thomas Memorial Library Trustees
Joseph Guglielmetti	12 Olde Fort Road	Zoning Board of Appeals
Gib Mendelson	20 Beacon Lane	Zoning Board of Appeals

Reappointments:

Charles McCarthy	12 Stonybrook Road	Fort Williams Advisory Commission
John Ciraldo	17 Ivie Road	Planning Board
Darren McLellan	35 Alewife Cove Road	Recycling Committee

(7 yes) (0 no)

Item # 64-02-03 Appointment of Registrar of Voters

Moved by P. Carson and Seconded by M. Lynch

Ordered the Cape Elizabeth Town Council reappoints Debra M. Lane to serve a new two-year term as Registrar of Voters. A term to expire January 1, 2005.

(7 yes) (0 no)

**Item # 65-02-03 Ordinance Committee Report
Regarding Golf Courses**

Intro – Councilor McGinty, Chairman Ordinance Committee

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

Ordered the Cape Elizabeth Town Council sets to public hearing on Monday, January 13, 2003, at 7:30 p.m. at the Cape Elizabeth Town Hall proposed amendments to the Zoning Ordinance relating to golf courses.

(7 yes) (0 no)

**Item # 66-02-03 Ordinance Committee Report
Regarding Open Space Standards**

Intro – Councilor McGinty, Chairman Ordinance Committee

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

Ordered the Cape Elizabeth Town Council sets to public hearing on Monday, January 13, 2003, at 7:30 p.m. at the Cape Elizabeth Town Hall on proposed amendments to the Zoning Ordinance clarifying how the open space standard is applied to proposed subdivisions in multiple zoning districts.

(7 yes) (0 no)

**Item # 67-02-03 Appointment of representative to Greater Portland
Council of Governments Executive Committee**

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

Ordered the Cape Elizabeth Town Council confirms the consensus at a Town Council workshop to appoint Henry Berry III as the Town's representative to the Greater Portland Council of Government's Executive Committee.

(7 yes) (0 no)

Note: Councilor Berry replaces Councilor Swift-Kayatta. Councilor Swift-Kayatta, as a member of MMA, has a conflict with meeting dates of GPCOG. MMA and GPCOG meet at the same time.

**Item # 68-02-03 Acceptance of Gifts Received Since
December 1, 2001**

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

Ordered the Cape Elizabeth Town Council accepts, with great appreciation, gifts received by the Town since December 1, 2001 as presented.

(7 yes) (0 no)

Note: A copy of the gift/donation list is on file with the Town Clerk.

Citizens' Discussion of Items Not on the Agenda NONE

Adjournment

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

Ordered the Cape Elizabeth Town Council adjourns at 9:17PM.

(7 yes) (0 no)

Debra M. Lane, Town Clerk

Next Meeting: Council Workshop- Thursday, December 12, 2002 at 7:30 p.m.
Next Regular Meeting: Monday, January 13, 2003 at 7:30 p.m.