

[Council Members](#)

Agendas -- [December 8, 2003](#)

[Special Meeting December 15, 2003](#)

Draft Minutes -- [November 10, 2003](#)

[Meetings Schedule](#) (as of 10/30/03)

[Policies](#)

TOWN COUNCIL MEMBERS

David J. Backer	6/2006	2 Rugosa Way
Anne Swift-Kayatta	6/2005	14 Stone Bridge Road
Carol Fritz	6/2006	1 Stirrup Road
Mary Ann Lynch , chairman	6/2004	2 Olde Colony Lane
John (Jack) E. Roberts Jr.	6/2005	185 Fowler Road
John W. McGinty	6/2004	86 Brentwood Road
Michael D. Mowles, Jr.	6/2006	423 Ocean House Road

[Return to top](#)

Agenda

CAPE ELIZABETH TOWN COUNCIL AGENDA

Regular Meeting # 9-03-04

Monday, December 8, 2003

7:30 p.m.

Roll Call by the Town Clerk

Pledge of Allegiance to the Flag

Reports and Correspondence

Town Manager's Report

Minutes of Meeting # 8-03-04 held November 10, 2003

Citizens' Discussion of Items not on the Agenda

Item # 62-03-04 Action to authorize the town manager to sign a purchase and sale agreement for the sale of 316 Ocean House Road. (tabled 11/10/2003)

Item # 75-03-04 Public hearing and action on annual liquor licenses for the Inn by the Sea

Item # 76-03-04 Report from the Appointments Committee

recommending changes to the Policy for Appointments to Standing Boards and Commissions

Item # 77-03-04 Report from the Appointments Committee recommending citizens to serve on boards and commissions

Item # 78-03-04 Report from the Fort Williams Advisory Commission recommending amendments to the policy governing group uses at Fort Williams Park

Item # 79-03-04 Report from the fire chief regarding regionalization initiatives with the City of South Portland.

Item # 80-03-04 Report from the town clerk recommending the purchase of a second Accuvote optical scanner

Item # 81-03-04 Report from the assistant town manager recommending the acceptance of gifts received since the December 2002 town council meeting.

Item # 82-03-04 Request from the Cape Elizabeth Land Trust to assist with the preservation of the Jordan Farm on Wells Road

Item # 83-03-04 Request from the town manager to have the planning board review issues relating to the adequacy of the current tower overlay zones in meeting cellular phone coverage requirements and public safety communication needs

Citizens Discussion of Items Not on the Agenda

Adjournment: Following the meeting, the council will have a brief workshop to review the status of council goals.

CAPE ELIZABETH TOWN COUNCIL AGENDA

Special Meeting # 10-03-04

Monday, December 15, 2003

7:30 a.m.

Item # 84-03-04 Request from the town council chairman to adopt an emergency ordinance that would have the effect of re-opening Jordan Way to traffic entering Cape Elizabeth High School prior to the daily opening of school.

Proposed enactment showing sections to be eliminated with cross throughs and sections proposed for addition underlined:

Sec. 13-7-4. Vehicle Travel Restriction. Within the School Complex, registered motor vehicles are restricted to the roadways. Vehicles are prohibited from utilizing Jordan Way for access to and egress from the School Complex except for emergency vehicles ~~and~~ or except in accordance with a traffic

plan approved in writing by the town manager for the purpose of relieving traffic entering the school complex. Snowmobiles on the school complex shall be restricted to those areas immediately adjacent to the Spurwink Marsh. ~~and unregistered motorbikes, mopeds and minibikes are prohibited.~~ Unregistered motor vehicles are prohibited on the School Complex.

An enactment clause is being prepared for consideration at the town council meeting.

Adjournment

DRAFT MINUTES

CAPE ELIZABETH TOWN COUNCIL MINUTES

Regular Meeting # 8-03-04

Monday, November 10, 2003

7:30 p.m.

ROLL CALL BY THE TOWN CLERK

Councilor	Term Expires	Address	Telephone	Present	Absent
David J. Backer	6/2006	2 Rugosa Way	799-2397	X	
Ann E. Swift-Kayatta	6/2005	14 Stone Bridge Road	767-5754	X	
Carol Fritz	6/2006	1 Stirrup Road	767-3737	X	
Mary Ann Lynch	6/2004	2 Olde Colony Lane	741-2709	X	
John E. "Jack" Roberts	6/2005	185 Fowler Road	767-4526	X	
John W. McGinty	6/2004	86 Brentwood Road	767-0139	X	
Michael D. Mowles, Jr.	6/2006	423 Ocean House Road	741-2552	X	

TOWN STAFF

Michael McGovern	X
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Jacqueline N. Coy	X
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Student Representatives

Schuyler Armstrong	X
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Brean Flynn	X
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Roll Call by the Town Clerk

Pledge of Allegiance to the Flag

Reports and Correspondence

Chairman Lynch and Town Clerk Coy both thanked everyone involved in the election, and what a great turnout we had.

Councilor Fritz stated that the Appointments committee has extended the deadline for applications for Boards and Commissions until November 14.

Councilor Swift-Kayatta congratulated Katharine Ray and Richard West for their new positions on the school board.

Councilor McGinty thanked everyone for their support for the Cumberland County Charter Commission election.

Town Manager's Report

Manager McGovern thanked citizens and staff for the election. He acknowledged the passing of the two new school referenda, which will make improvements and additions in the high school and the Pond Cove elementary school. He also thanked the Public Works Department on their near completion of the fall heavy item pickup.

Minutes of Meeting # 7-03-04 held October 15, 2003

Moved by A. Swift-Kayatta and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council approves the minutes of Meeting # 7-03-04 held October 15, 2003 as written.

(7 yes)(0 no)

Citizens' Discussion of Items not on the Agenda - None

Item # 59-03-04 Public hearing and possible action on various amendments to chapters 15, 16, 17 and 19 of the Revised Official Code of the Town of Cape Elizabeth

Chairman Lynch opened the Public hearing at 7:50 p.m. Having no speakers, the public hearing was closed.

Councilor Backer thanked Councilors McGinty and Swift-Kayatta for working through all the amendments in the ordinances.

Moved by D. Backer and Seconded by A. Swift-Kayatta to adopt the recommended amendments to Sections 15, 16, 17 & 19

Councilor Fritz suggested an amendment to consider the Fort Williams item (Sec. 19-6-8) as a separate item.

Moved by D. Backer and Seconded by A. Swift-Kayatta

Ordered the Cape Elizabeth Town Council pull out Section 19-6-8 relating to Fort Williams Park as a separate item.

(6 yes)(1 no) J. Roberts

Moved by C. Fritz and Seconded by M. Lynch

Ordered the Cape Elizabeth Town Council not to adopt the proposed changes in Section 19-6-8 of the Zoning Ordinance.

(1 yes)(6 no) D. Backer, A. Swift-Kayatta, M. Lynch, J. McGinty, M. Mowles, J. Roberts

Moved by D. Backer and Seconded by M. Lynch

Ordered the Cape Elizabeth Town Council to change Section 19-7-4-C-4-c to read 180 days.

(4 yes)(3 no) A. Swift-Kayatta, J. Roberts, M. Lynch

Moved by M. Mowles and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council to change Section 19-6-8-B-1 to show the new Master Plan of Fort Williams date as October 2003.

(7 yes)(0 no)

The question was moved by A. Swift-Kayatta.

Ordered the Cape Elizabeth Town Council adopts various amendments to Chapters 15, 16, 17, & 19 of the Revised Official Code of the Town of Cape Elizabeth with amendments.

(7 yes)(0 no)

Item # 60-03-04 Public hearing and possible action on proposed amendment to the sewer service area map

Chairman Lynch opened the Public Hearing at 8:15 p.m. Having no speakers, the public hearing was closed.

Moved by A. Swift-Kayatta and Seconded by J. Roberts

Moved by C. Fritz and Seconded by M. Mowles

Ordered the Cape Elizabeth Town Council to table the proposed amendment to the sewer service map.

(2 yes)(5 no) D. Backer, M. Lynch, J. McGinty, J. Roberts, A. Swift-Kayatta

Ordered the Cape Elizabeth Town Council adopts the proposed amendment to the sewer service area map.

(6 yes)(1 no) C. Fritz

Item # 61-03-04 Public hearing and possible action on proposed amendment to the zoning map removing 1222 Shore Road from the town center zone and placing it in the RA zone.

Chairman Lynch opened the Public Hearing at 8:40 p.m.. Having no speakers, the public hearing was closed.

Moved by J. McGinty and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council amends the zoning map to remove 1222 Shore Road from the town center zone and placing it in the RA zone.

(7 yes)(0 no)

Item # 62-03-04 Public comments and possible action on authorizing the town manager to sign a purchase and sale agreement for the sale of 316 Ocean House Road.

Sam Townsend, 7 Fieldstone Road, Cape Elizabeth read a letter that he sent to the Council by e-mail earlier in the day stating he was confused and upset by the process, and he thinks the bidding process should be opened again.

Paul Woods, Isis Development, LLC, stated that the projects were similar but not the same. He also said that the Town Center District was very restrictive, and he was complying with the rules.

Councilor Backer said he had spoken to Richard Berman, a resident who could not be at the meeting, but would like to say that Mr. Berman's sentiments were the same as Mr. Townsend's.

Manager McGovern reviewed the process and accepts all comments, and said that the exact provisions of the purchase and sale agreement were not complete.

Moved by A. Swift-Kayatta and Seconded by D. Backer

Ordered the Cape Elizabeth Town Council tables item # 62-03-04 until a purchase and sale agreement is complete.

(7 yes)(0 no)

Item # 63-03-04 Public hearing and possible action on various amendments to Chapter 11 (the solid waste provisions) of the Revised Official Code of the Town of Cape Elizabeth

Chairman Lynch opened the Public Hearing at 9:00 p.m. Having no speakers, the Public Hearing was closed.

Moved by D. Backer and Seconded by A. Swift-Kayatta

Ordered the Cape Elizabeth Town Council adopts the various amendments to Chapter 11(the solid waste provisions) of the Revised Official Code of the Town of Cape Elizabeth.

(6 yes)(1 no) M. Mowles

Item # 64-03-04 Public hearing and possible action on proposed amendments to the General Assistance Ordinance including the removal of housing maximums with the retention of an overall maximum.

Chairman Lynch opened the Public Hearing at 9:07 p.m. Having no speakers, the Public Hearing was closed.

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

Ordered the Cape Elizabeth Town Council to adopt the proposed amendments to the General Assistance Ordinance including the removal of housing maximums with the retention of an overall maximum.

(7 yes)(0)

Item # 65-03-04 Consideration of approval of the date of Sunday, August 1, 2004 for the People's Beach to Beacon 10K road race.

Moved by J. McGinty and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council approves the date of Sunday, August 1, 2004 for the Peoples Beach to Beacon 10K road race.

(7 yes)(0 no)

Item # 66-03-04 Consideration of acceptance of the Gertrude Royles bequest to the Cape Elizabeth Rescue and an authorization to purchase a replacement rescue vehicle

Manager McGovern gave an overview of the bequest.

Moved by M. Mowles and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council accepts with gratitude the Gertrude Royles bequest to the Cape Elizabeth Rescue and authorizes a purchase of a replacement rescue vehicle.

(7 yes)(0 no)

Item # 67-03-04 Consideration of authorizing the town manager to award a bid for a replacement of a 33 year old fire pumper and for the town manager to sign a lease purchase agreement in the form prepared by the lessor and as approved by the town attorney.

Manager McGovern gave overview.

Moved by J. Roberts and Seconded by A. Swift-Kayatta

Ordered the Cape Elizabeth Town Council authorizes the Town Manager to award a bid for a replacement of a 33 year old fire pumper and for the Town Manager sign a lease purchase agreement in the form prepared by the lessor as approved by the Town Attorney.

(7 yes)(0 no)

Item # 68-03-04 Consideration of authorizing the town manager to sign various deeds and documents prepared by the town attorney involving property swaps relating to the Moore/Chapman property at 1108 Sawyer Road, and land owned by Alice Larrea and the Town of Cape Elizabeth in the same vicinity which will result in the existing Moore/Chapman residence being on their property and the Town and Larrea owning the same equivalent acreage as present.

Moved by J. McGinty and Seconded by M. Mowles

Ordered the Cape Elizabeth Town Council authorizes the Town Manager to sign various deeds and documents prepared by the Town Attorney involving property swaps relating to the Moore/Chapman property at 1108 Sawyer Road, and land owned by Alice Larrea and the Town of Cape Elizabeth in the same vicinity, which will result in the existing Moore/Chapman residence being on their property and the Town and Larrea owning the same equivalent acreage as present.

(7 yes)(0 no)

Item # 69-03-04 Consideration of the acceptance of a bequest from Gertrude Royles to the Thomas Memorial Library and an authorization to utilize the bequest as outlined in a September 18, 2003 letter from the Library Director outlining the desires of the Board of Trustees of the Thomas Memorial Library

Moved by J. Roberts and Seconded by A. Swift-Kayatta

Ordered the Cape Elizabeth Town Council accepts with gratitude a bequest from Gertrude Royles to the Thomas Memorial Library and authorizes to utilize the bequest as outlined in a September 18, 2003 letter from the Library Director outlining the desires of the Board of Trustees of the Thomas Memorial

Library.

(7 yes)(0 no)

Item # 70-03-04 Considering of authorizing a temporary library amnesty program as recommended by the Board of Trustees of the Thomas Memorial Library with food proceeds to be donated to the South Portland Food pantry.

Moved by M. Mowles and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council authorizes a temporary library amnesty program as recommended by the Board of Trustees of the Thomas Memorial Library with food proceeds to be donated to the South Portland Food pantry from 11/12/03 to 11/22/03.

(7 yes)(0 no)

Item # 71-03-04 Consideration of referring to the Ordinance Committee proposed amendments to the traffic regulations

Moved by A. Swift-Kayatta and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council refers to the Ordinance committee proposed amendments to the traffic regulations.

(7 yes)(0 no)

Item # 72-03-04 Consideration of authorizing the town manager to submit paperwork for utilization of an approved homeland security first responder grant for a portacount system, a cascade air system, personnel accountability software and an employee identification card system

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

Ordered the Cape Elizabeth Town Council authorizes the Town Manager to submit paperwork for utilization of an approved homeland security first responder grant for a portacount system, a cascade air system, personnel accountability software and an employee identification card system.

(7 yes)(0 no)

Item # 73-03-04 Consideration of authorizing the town hall and the Thomas Memorial Library to be closed on Friday, December 26, 2003.

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

Ordered the Cape Elizabeth Town Council authorizes the town hall and the Thomas Memorial Library to be closed on Friday, December 26, 2003.

(7 yes)(0 no)

Item # 74-03-04 Consideration of a revised policy for the use of meeting and assembly spaces.

Assistant Manager Debra Lane gave summary.

Moved by J. Roberts and Seconded by A. Swift-Kayatta

Ordered the Cape Elizabeth Town Council approves a revised policy for the use of meeting and assembly spaces.

(7 yes)(0 no)

Citizens Discussion of Items Not on the Agenda

Councilor Mowles announced that he and Councilor McGinty are on the Cumberland County Budget Advisory Committee. They will be meeting on Tuesday, November 18, 2003 at the Scarborough town hall.

Councilor Roberts wishes everyone a great Veteran's Day.

Adjournment

Moved by A. Swift-Kayatta and Seconded by D. Backer

Ordered the Cape Elizabeth Town Council adjourns at 9:18 p.m.

Respectfully submitted,

Jacqueline N. Coy

Town Clerk

MEETINGS SCHEDULE

Summary of Upcoming Town Council and Council Committee Meetings as of 10/30/2003

November 3, 6, 13 and 19 -- Appointments Committee Interviews for Boards and Commissions, Town Manager's Office. Deadline for applications is October 27, 2003

November 20, 2003 Town Council 7:30 p.m. Regular Monthly Council Workshop

December 8, 2003 Town Council 7:30 p.m. Regular Monthly Council Meeting

December 11, 2003 Town Council 7:30 p.m. Regular Monthly Council Workshop

January 22, 2004 Town Council 7:30 p.m. Regular Monthly Council Workshop

February 26, 2004 Town Council 7:30 p.m. Regular Monthly
Council Workshop

[Return to top](#)

POLICIES

[Return to top](#)