

[Council Members](#)

Agendas -- [May 10, 2004](#)

Draft Minutes -- [April 12, 2004](#)

Special meeting [April 14, 2004](#)

Special meeting [April 28, 2004](#)

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

[Policies](#)

TOWN COUNCIL MEMBERS

(E-mails and letters sent to local officials are almost always public records. Limited exceptions may be found in the Maine statutes. The local media and other interested parties have from time to time asked for copies of e-mails and mailed correspondence. In sending an e-mail to any elected or appointed town official or school official, you should have no expectation of privacy.)

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 # 19-03-04

Monday, May 10, 2004

7:30 p.m.

Pledge of Allegiance

Citizens' Discussion of Items Not on the Agenda

Approval of Minutes of Previous Meetings

DRAFT MOTIONS on budget items are based on amounts set for public hearings

Item # 142-03-04 Municipal, School, Community Services and
County Budgets

Ordered, the Cape Elizabeth Town Council, having held a public hearing on Monday, May 10, 2004, does hereby adopt the General Fund Budget for Fiscal Year 2005 with gross expenditures of \$26,065,566 and gross revenues of \$6,470,761 and with the amount of \$19,594,805 to be raised from taxation, and to fix Tuesday, October 5, 2004, and Tuesday, April 5, 2005, as the dates upon each of which one-half of such tax is due and payable, with interest to accrue upon taxes due and unpaid after each such date at the rate of six and one half percent (6.5%) per annum. In accordance with 36 M.R.S.A. Section 506, the Tax Collector and Town Treasurer are authorized to accept prepayment or decline prepayment of taxes not yet committed or prior to any due date and pay no interest thereon. In accordance with 36 M.R.S.A. Section 506-A, a taxpayer who pays an amount accepted by the tax collector and town treasurer in excess of that finally assessed shall be repaid the amount of overpayment plus interest from the date of overpayment at the minimum annual rate per annum set by the State of Maine.

Ordered, the following amounts are hereby fixed as the gross appropriation for each department and agency for Fiscal Year 2005:

Education \$16,555,861

Community Services 891,097

County Government 857,238

110 Administration 458,475

120 Assessing/Codes/Planning 277,261

130 Town Council 4,100

135 Legal and Audit 58,000

140 Elections 8,972

150 Boards and Commissions 15,833

160 Insurance 69,500

170 Employee Benefits 748,600

180 Debt Service 1,120,208

210 Police Department 830,783

215 Animal Control 32,154

220 Dispatching 234,524

225 WETeam 21,027
230 Fire Department 231,772
240 Misc. Public Protection 147,265
250 Emergency Preparedness 2,000
310 Public Works Department 799,188
320 Refuse Disposal 822,934
410 Human Services 30,833
510 Library 345,130
520 Contributions 450
530 Public Information 33,799
600 Facilities Management 127,261
610 Town Hall 17,500
615 Library Building 19,650
620 Town Center Fire Station 10,700
630 Police Station 29,000
635 Cape Cottage Fire Station 3,300
640 Parks 40,213
641 School Grounds 99,880
645 Fort Williams Maintenance 107,998
655 Richards Poll/Fitness Center 381,273
660 Trees 15,998
710 Intergovernmental 19,768
715 Capital Projects 551,073
Total \$26,065,566

Ordered, the Cape Elizabeth Town Council hereby accepts the categories of funds listed below as provided by the State of Maine:

Category Estimated Amount
Revenue Sharing 725,000
General Assistance 2,000

Veterans Exemption Reimbursement 10,500

Tree Growth Reimbursement 3,000

Local Road Assistance 92,000

Other State Funds ?

Homestead Tax Relief As established by Maine Legislature

Adult Education Subsidy 27,000

State Education Subsidy 1,831,434

Title IA 90,000

Title V 12,000

Title II A 52,000

Local Entitlement 330,234

Title IV A 7,189

Title II D 3,500

In addition the State of Maine directly assumes the cost for the employer share of teacher retirement. The estimated amount is \$1,536,297.

Ordered, the Cape Elizabeth Town Council hereby appropriates from the Foundation Allocation for school purposes the sum of \$10,851,044.70 and the Town of Cape Elizabeth raises as the local share of the Foundation Allocation the sum of \$9,019,610.64.

Ordered, the Cape Elizabeth Town Council hereby raises in additional local education funds under the provisions of 20-A MRSA, Sec 15614, the sum of \$4,030,034.36

Ordered, the Cape Elizabeth Town Council hereby authorizes the expenditure for the Fiscal Year beginning July 1, 2004, and ending on June 30, 2005, from the Foundation Allocation, the Debt Service Allocation, unexpended balances, local appropriations, State Subsidy and other receipts for the support of schools the sum of \$16,555,861

Ordered, the Cape Elizabeth Town Council hereby appropriates for Adult Education, the sum of \$195,523 and the Town of Cape Elizabeth raises as the local share, the sum of \$68,902.74

Ordered, the Cape Elizabeth Town Council hereby appropriates for School Debt Service, the sum of \$1,324,052 and the Town of Cape Elizabeth raises as the local share the sum of \$1,324,052

Ordered, the Cape Elizabeth Town Council hereby appropriates, in addition to the school budget amounting to \$16,555,861, the sum of \$1,046,923, said amount being the estimated amount expected to be received as revenues from the school lunch program, Title 1A, Title IIA, Title IID, Title IVA, Title V and Local Entitlement Funds. If the actual revenues shall be more or less than the appropriated funds, then the appropriation shall be automatically adjusted to an equivalent level.

Item # 143-03-04 Sewer Fund Budget

Ordered, the Cape Elizabeth Town Council, having held a public hearing on Monday, May 10, 2004, does hereby adopt the Fiscal Year 2005 Budget for the Sewer Fund with expenditures of \$1,395,626 and gross revenues of \$1,394,000

Item # 144-03-04 Riverside Cemetery Fund Budget

Ordered, the Cape Elizabeth Town Council having held a public hearing on Monday, May 10, 2004, does hereby adopt the Fiscal Year 2005 Budget for the Riverside Cemetery Fund with expenditures of \$ 43,535 and gross revenues of \$49,400.

Item # 145-03-04 Museum at Portland Head Light Fund Budget

Ordered, the Cape Elizabeth Town Council, having held a public hearing on Monday, May 10, 2004, does hereby adopt the Fiscal Year 2005 Budget for the Portland Head Light Fund with expenditures of \$484,750 and gross revenues of \$536,700.

Item # 146-03-04 Spurwink Church Fund Budget

Ordered, the Cape Elizabeth Town Council having held a public hearing on Monday, May 10, 2004, does hereby adopt the Fiscal Year 2005 Budget for the Spurwink Church Fund with expenditures of \$ 17,890 and gross revenues of \$13,300.

Item # 147-03-04 Fort Williams Park Capital Fund Budget

Ordered, the Cape Elizabeth Town Council having held a public hearing on Monday, May 10, 2004, does hereby adopt the Fiscal Year 2005 Budget for the Fort Williams Park Capital Fund with expenditures of \$ 82,780 and revenues of \$59,780.

Item # 148-03-04 Thomas Jordan Trust Fund Budget

Ordered, the Cape Elizabeth Town Council having held a public hearing on Monday, May 10, 2004, does hereby adopt the Fiscal Year 2005 Budget for the Thomas Jordan Trust with expenditures of \$20,000 and revenues of \$12,000.

Item # 149-03-04 Rescue Fund Budget

Ordered, the Cape Elizabeth Town Council having held a public hearing on Monday, May 10, 2004, does hereby adopt the Fiscal

Year 2005 Budget for the Rescue Fund with expenditures of \$147,290 and revenues of \$140,000

Item # 150-03-04. Acceptance of Grants

Ordered, the Cape Elizabeth Town Council hereby accepts the following grants pursuant to the indicated conditions:

- a.) Homeland Security Grant Program \$71,850.74 with exact uses to be approved at a later date by the town council
- b.) Law Enforcement Terrorism Prevention Program \$36,758.81 with exact uses to be approved at a later date by the town council
- c.) Seat Belt Enforcement Project Grant for three radar units
- d.) FY 2003 Supplemental State Homeland Security Grant, \$134,627 for the uses listed in the April 26, 2004 letter from Maine Emergency Management Agency Director Arthur W. Cleaves to Chief of Police Neil R. Williams
- e.) \$11,000 from the Fort Williams Foundation for an engineering study of the Goddard Mansion and for repairs to the Goddard Mansion

Item # 151-03-04. Authorization of Grant Application

Ordered the Cape Elizabeth Town Council hereby approves a grant application to the Maine Library of Geographic Information Board for a \$10,000 grant to upgrade parcel maps.

Item # 152-03-04. Approval of Fort Williams Park Uses

Ordered, the Town Council approves the following uses of Fort Williams Park

- a) Family Fun Day, June 19, 2004 with a rain date of June 26th.
- b) USCG Change of Command Ceremony: July 23, 2004
- c) Haunted Lighthouses Ghost Walks: October 9 and 23rd after hours

Item # 153-03-04 School Building Project Issues

Ordered: The Cape Elizabeth Town Council hereby approves the selection of Payton Construction as the construction manager for the High school renovation project and amends the building committee charge to return to the original charge.

Item # 154-03-04 Small Alewife Brook Lot

Ordered: The Cape Elizabeth Town Council pursuant to a recommendation from the Conservation Commission requests the Portland Water District to transfer a small lot adjacent to Alewife Brook at Old Ocean House Road to the Town of Cape Elizabeth

for the amount of \$2,500 which shall be an expense to the greenbelt account, a revenue to the sewer fund and a donation from the sewer fund back to the greenbelt account thus having zero net cost to the town.

Item # 155-03-04 Appointment of Warden

Ordered: The Cape Elizabeth Town Council pursuant to a recommendation from the Town Clerk hereby appoints Sharon J. Gower as the Election Warden for the Town of Cape Elizabeth for calendar year 2004.

Item # 156-03-04 Settlement Ram's Head Partners, LLC v. Town of Cape Elizabeth

Ordered: The Cape Elizabeth Town Council hereby authorizes the town manager to sign a settlement agreement with Ram's Head Partners, LLC in the matter of Ram's Head Partners LLC. v. Town of Cape Elizabeth .

Citizen's Discussion of Items Not on the Agenda

Adjournment

Upcoming Meetings

A caucus of the 2004-2005 Town Council will precede the Town Council meeting on May 10, 2004 at 7:00 p.m.

The Memorial Day Parade is May 31, 2004 and the Council invited to assemble at 8:45 a.m. at Fowler Rd. and Route 77.

The first meeting of 2004-2005 Town Council: June 14, 2004 7:30 p.m.

DRAFT MINUTES

CAPE ELIZABETH TOWN COUNCIL MEETING

Regular Meeting # 16-03-04

Monday, April 12, 2004

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, Town Manager				X
-----------------------------------	--	--	--	---

Deborah Cabana, Town Clerk				X
-------------------------------	--	--	--	---

Student Representatives

Schuyler Armstrong				X
--------------------	--	--	--	---

Brean Flynn				X
-------------	--	--	--	---

Roll Call by the Town Clerk

Councilor D. Backer arrived at 7:32 p.m.

Councilor M. Mowles arrived at 7:36 p.m.

Pledge of Allegiance to the Flag

Reports and Correspondence

Councilor Swift-Kayatta noted that the Finance Committee had conducted three budget hearings, two of which were televised. She reminded the public that the Finance Committee would meet this Wednesday at 7:30 p.m. to consider the school budget. This meeting will be televised.

Town Manager's Report

Manager Michael McGovern indicated he had no report.

Presentation to Girl's Class A State Championship Swim and Diving Team

Chairman Lynch made a presentation to the swim team captain, Kerry Kertes and members of the Swim and Diving Team.

Minutes of Meeting # 14-03-04 held March 8, 2004

Minutes of Meeting # 15-03-04 held March 18, 2004

Councilor C. Fritz requested that the minutes of March 18, 2004 be amended to reflect that "Councilor C. Fritz arrived at 7:20 p.m." *due to scheduling of simultaneous meeting at RWS.

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

Ordered the Cape Elizabeth Town Council approve the minutes of meeting #14-03-04 held March 8, 2004 and the minutes of meeting #15-03-04 held March 18, 2004, as amended.

(7 yes) (0 no)

Citizens' Discussion of Items not on the Agenda - None

Item # 105-03-04 (Tabled March 8, 2004) Issues relating to cellular coverage and public safety communications and action on a recommendation for a proposed "Tower Overlay District" in the area of Route 77 near Sprague Hall.

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

Ordered the Cape Elizabeth Town Council remove item #105-03-04 Issues relating to cellular coverage and public safety communications and action on a recommendation for a proposed "Tower Overlay District" in the area of Route 77 near Sprague Hall from the table.

(7 yes) (0 no)

Moved by D. Backer and Seconded by M. Mowles

Ordered the Cape Elizabeth Town Council not approve the creation of a tower overlay district as shown on the maps prepared by the Planning Office dated February 4, 2004 and April 7, 2004, but does encourage the Sprague Corporation and interested cellular parties to review in the coming weeks the creation of a tower overlay district in the vicinity of the so called "ridge" in the area of Bowery Beach road/Fowler Road/Charles E. Jordan Road.

(6 yes) (1 no) J. McGinty

Moved by C. Fritz and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council request the Town

Manager to gather the following updated information on cell phone technology to provide cell phone service and meeting public safety needs:

- A selection of wireless communication ordinances from Maine and elsewhere that provide cell phone service through "stealth" technology.
- Comprehensive information and examples on "stealth" techniques including benefits and disadvantages.
- A contour map of Cape Elizabeth.
- Structures in Cape Elizabeth (public and private) that could be used as alternatives to new cell towers to relay signals.

And report back to the Town Council for a workshop.

(7 yes) (0 no)

Item# 118-03-04 Public Hearing and consideration of a recommendation from the ordinance committee to prohibit parking on the southwesterly side of Fenway Road.

Public Hearing opened at: 7:58 p.m.

- John Herrick - Chairman of the Conservation Commission - reminded the Town Council that residents of this area who attended a public forum, conducted by the Conservation Commission, expressed that they were in favor of parking on one side of Fenway Road.
- Fred Brown - 16 Fenway Road - questioned if the proposed amendment were approved, how would the ordinance be enforced? He was concerned that there be access for emergency vehicles and suggested that the southwesterly side of Fenway Road be posted "No Parking."
- Diane Joyce - 2 Fenway Road - noted that this road is very busy with just the people who live on Fenway Road. There are only 16 homes and a lot of children on this "dead-end street." She invited Councilors to visit the area.
- Jim Sullivan - 1 Fenway Road - noted that he had submitted a letter from Frank Fulhan to the Town Council. Mr. Sullivan hoped that the proposed amendment was not approved because he believed the residential area would become a "parking lot."
- Sandra Brown - 16 Fenway Road - circulated pictures she had taken this winter of the snowmobile use in the area. She was frustrated that people park on Fenway Road and permit their dogs to run loose.

The Public Hearing closed at: 8:07 p.m.

Moved by D. Backer and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council approve the recommendation from the Ordinance Committee to prohibit parking on the southwesterly side of Fenway Road.

(5 yes) (2 no) J. Roberts and M. Mowles

Item # 112-03-04 (Tabled March 18, 2004) Action upon a request from the School Building Committee to hire Payton Construction Co. Corp. as the construction manager for the high school project.

Moved by A. Swift-Kayatta and J. McGinty

Ordered the Cape Elizabeth Town Council remove item #112-03-04 Action upon a request from the School Building Committee to hire Payton Construction Co. Corp. as the construction manager for the high school project from the table.

(7 yes) (0 no)

Members of the Council expressed concern about the Town Council approving this contract prior to the Building Committee approving the contract.

Moved by M. Lynch and Seconded by M. Mowles

Ordered the Cape Elizabeth Town Council table item #112-03-04 until the Special Town Council meeting of April 14, 2004 at 7:00 p.m.

(7 yes) (0 no)

Item # 119-03-04 Action to call a special municipal election on Tuesday, June 8, 2004 concurrent with the state primary to fill a vacancy on the Cape Elizabeth School Board.

TOWN OF CAPE ELIZABETH

MUNICIPAL SPECIAL ELECTION

WARRANT

TUESDAY, JUNE 8, 2004

County of Cumberland, ss.

To Neil R. Williams, a constable of Cape Elizabeth. You are hereby directed to notify the voters of Cape Elizabeth of the election described in the warrant.

Voting for one member of the School Board to serve an unexpired term until June 13, 2005.

Election to be held on Tuesday, June 8, 2004, at the Cape

Elizabeth High School gymnasium.

Polls open at 7:00AM and close at 8:00PM. Absentee ballots may be processed at the following times: 7:00 AM, 10:00 AM, 2:00 PM, 6:00 PM and 8:00 PM (Pursuant to M.R.S.A. Title 21-A Section 759 sub 7). The Cape Elizabeth Town Democratic Committee, the Cape Elizabeth Town Republican Committee and the Green Independent Party have been notified, in writing, of the absentee ballot process. The Registrar of Voters is available to accept new registrations and corrections to the voter list at Town Hall, 320 Ocean House Road. Town Hall is open Mondays 7:30AM - 5:00PM, and Tuesday - Friday, 7:30AM - 4:00PM. Proof of residency and identity is required.

Moved by M. Mowles and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council approve the warrant for a special election to fill a vacancy on the Cape Elizabeth School Board caused by the resignations of Richard West. Nomination papers will be available from Tuesday, April 13, 2004 until May 5, 2004 at 4:00 p.m.

The Town Council expressed appreciation to Richard West for his service to the Cape Elizabeth School Board and hoped that he would consider serving on other committees in the future.

(7 yes) (0 no)

Item # 120-03-04 Action to approve the warrant for the May 4, 2004 municipal election and action to appoint the election warden and the deputy warden for calendar year 2004.

TOWN OF CAPE ELIZABETH

MUNICIPAL ELECTION

WARRANT

TUESDAY, MAY 4, 2004

County of Cumberland, ss.

To Neil R. Williams, a constable of Cape Elizabeth. You are hereby directed to notify the voters of Cape Elizabeth of the election described in the warrant.

Voting for two members of the Town Council to serve a term until June 11, 2007.

Voting for two members of the School Board to serve a term until June 11, 2007.

Election to be held on Tuesday, May 4, 2004, at the Cape Elizabeth High School gymnasium.

Polls open at 7:00AM and close at 8:00PM. Absentee ballots may be processed at the following times: 7:00 AM, 10:00 AM, 2:00 PM, 6:00 PM and 8:00 PM (Pursuant to M.R.S.A. Title 21-A Section 759 sub 7). The Cape Elizabeth Town Democratic Committee, the Cape Elizabeth Town Republican Committee and the Green Independent Party have been notified, in writing, of the absentee ballot process. The Registrar of Voters is available to accept new registrations and corrections to the voter list at Town Hall, 320 Ocean House Road. Town Hall is open Mondays 7:30AM - 5:00PM, and

Tuesday - Friday, 7:30AM - 4:00PM. Proof of residency and identity is required.

Moved by J. McGinty and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council approve the Municipal Warrant for May 4, 2004. Polls open at 7:00AM and close at 8:00PM. It is further ordered to approve Town Clerk Cabana's appointment of Henry C. Adams as Election Warden and Deborah S. Cabana as Deputy Warden for calendar year 2004.

(7 yes) (0 no)

Item # 121-03-04 Action to appoint Deborah S. Cabana as the new Registrar of Voters.

Moved by C. Fritz and Seconded by D. Backer

Ordered the Cape Elizabeth Town Council appoint Deborah S. Cabana as Registrar of Voter for the Town of Cape Elizabeth for a term until January 1, 2005.

(7 yes) (0 no)

Item # 122-03-04 Action to approve the list of election clerks as submitted by the political parties following their recent caucuses.

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

Ordered the Cape Elizabeth Town Council appoint the following election clerks as presented. Terms to expire May 1, 2006.

Election Clerk Nominations - Democrats

Rebecca Millett

Mary Townsend

Frances Stone

Lorraine Staszko

Judith Simonds

Karen Dunfey

Anna Davis

June C. Berry

Mary Jane Mullen

Norma Wadman

Pamela Anderson

Mark Russell

Election Clerk Nominations - Republican

Barbara Adams

Jane Harley

Audrey Jordan

Marguerite Hallowell

Mary Rivotto

Frances Mitchell

Evelyn Strom

Elizabeth Berry

(7 yes) (0 no)

Item # 123-03-04 Action to approve the annual dog warrant.

Moved by C. Fritz and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council approve the 2004 Municipal Warrant For Prosecuting Unlicensed Dog Owners-Keeper, as presented.

Moved by M. Mowles and Seconded by D. Backer

To amend the motion by allowing a 72-hour "grace period" for unlicensed dog owners/keepers of the \$25.00 warrant fee.

Motion Fails (2 yes) (5 no) C. Lynch, C. Fritz, J. McGinty, J. Roberts and A. Swift-Kayatta

The main motion carries (5 yes) (2 no) M. Mowles and D. Backer

Item # 124-03-04 Action upon a recommendation from the appointments committee to fill a vacancy on the zoning board of appeals.

Moved by C. Fritz and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council approve the Appointments Committee recommendation to appoint Leonard M. Gulino of 5 Park Circle to the Zoning Board of Appeals. Mr. Gulino will fill the unexpired term of Jack Kennealy until December 31, 2004.

(7 yes) (0 no)

Item # 125-03-04 Action upon a report from the town manager regarding consolidating public safety dispatching with the City of South Portland.

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

Ordered the Cape Elizabeth Town Council accept the recommendations of the Police Chief, Fire Chief and the Town Manager to not consolidate public safety dispatching with the City of South Portland and to retain the local dispatch center in Cape Elizabeth.

Chairman Lynch pointed out that the summary of savings would be minimal. The average taxpayer would save an estimated \$8.37 cents per year or less than two tenths of one percent of their estimated FY 2005 average tax bill of \$4,282.00.

(7 yes) (0 no)

Item # 126-03-04 Action upon a report from the town manager recommending that a workshop agenda item be scheduled at a later date on the possible sale of certain town owned land.

Moved by C. Mowles and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council schedule a workshop agenda at a later date on the possible sale of certain town owned land.

(7 yes) (0 no)

Item # 127-03-04 Action upon a recommendation emanating from a council workshop regarding the possible installation of a traffic signal and other improvements at the entrance road to Cape Elizabeth High School.

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

Ordered the Cape Elizabeth Town Council hereby approves an application to PACTS for a new traffic signal and related improvements (Engineer's estimated cost of \$168,000) at the intersection of Ocean House Road and the entrance to Cape Elizabeth High School. If the project is approved by PACTS and is included in the Biennial Transportation Improvement Program (BTIP) the local share shall be allocated from the Town

Roadway Drainage Improvement account.

If the project is not approved in the next PACTS BTIP, the cost of the traffic light and other improvements shall be bonded as an amendment to the calendar year 2005 school bond with the cost to re-paid through the municipal budget over the succeeding five years. A formal resolution authorizing the bond amendment is to be approved by the town council prior to the bond issuance; or

If the school project should receive bids under budget and the entire project is under budget, the town council would look favorably upon a recommendation from the school building committee recommending that the signal and other improvements be paid for in total or in part through unspent allocations within the school bond. If this latter option occurs, the portion of the cost of the light and other improvements shall be incorporated into the bonds previously authorized and the amortization of the cost shall be in the school budget. Any amount bonded in excess of the original authorization shall be amortized for a period of not more than five years and shall be repaid through appropriations in the municipal budget.

If the citizens of the State of Maine should approve any limitation upon communities to levy taxes or to authorize bonds, this vote shall be automatically revoked and the town council will consider options available to Cape Elizabeth.

(5 yes) (2 no) C. Fritz and J. McGinty

Item # 128-03-04 Action upon a recommendation from the ordinance committee recommending that no action be taken regarding a citizen request to regulate certain activities by commercial vehicles in residential neighborhoods.

Moved by D. Backer and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council approve the recommendation from the Ordinance Committee recommending that no action be taken regarding a citizen request to regulate certain activities by commercial vehicles in residential neighborhoods.

(7 yes) (0 no)

Item # 129-03-04 Action to refer to the Planning Board a request to amend the zoning ordinance to provide that undeveloped space on a subdivision plan could be designated as being for future development.

Moved by C. Fritz and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council allow Councilor D. Backer to recuse himself from this item due to a potential conflict of interest.

(6 yes) (0 no)

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

Ordered the Cape Elizabeth Town Council refer to the Planning Board a request to amend the zoning ordinance to provide that undeveloped space on a subdivision plan could be designated as being for future development.

Town Planner Maureen O'Meara was present at the meeting to answer questions and gave a brief overview of this proposal.

(5 yes) (1 no) C. Fritz

Item # 130-03-04 Action to refer to the Planning Board a request to amend the zoning ordinance to provide that mixed-use developments may occur in the Business District A. (the BA zone).

Moved by J. Roberts and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council refer to the Planning Board a request to amend the zoning ordinance to provide that mixed use developments may occur in the Business District A (the BA zone).

Town Planner Maureen O'Meara was present at the meeting to answer questions and gave a brief overview of this proposal.

(5 yes) (2 no) M. Mowles and C. Fritz

Item # 131-03-04 Action on a recommendation from the Riverside Cemetery Trustees to adjust fees.

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

Ordered the Cape Elizabeth Town Council approve the proposed recommendation from the Riverside Cemetery Trustees to adjust lot prices, burial fees and foundation fees at the Riverside Memorial Cemetery.

(7 yes) (0 no)

Item # 132-03-04 Action on a recommendation from the Riverside Cemetery Trustees to close the cemetery for burials on Labor Day and Thanksgiving Day.

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

Ordered the Cape Elizabeth Town Council approve the recommendation from the Riverside Cemetery Trustees to close the cemetery for burial on Labor Day and Thanksgiving Day.

(7 yes) (0 no)

Item # 133-03-04 Action upon a recommendation from the public

works director to request PACTS to review for possible funding the installation of a traffic signal at Route 77, Scott Dyer Road and Shore Road.

Moved by D. Backer and Seconded by M. Mowles

Ordered the Cape Elizabeth Town Council approve the recommendation from the public works director to request PACTS to review for possible funding the installation of a traffic signal at Route 77, Scott Dyer Road and Shore Road.

Public Works Director Robert Malley was present to answer questions and gave a brief explanation of this proposal.

(4 yes) (3 no) C. Fritz, J. McGinty and A. Swift-Kayatta

Item # 134-03-04 Action upon a recommendation from the public works director to request PACTS to review for possible funding the full depth reconstruction of Spurwink Avenue from the Spurwink Church to the entrance to the Purpoodock Club.

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

Ordered the Cape Elizabeth Town Council approve the recommendation from the public works director to requests PACTS to review for possible funding the full depth reconstruction of Spurwink Avenue from the Spurwink Church to the entrance to the Purpoodock Club.

Public Works Director Robert Malley was present to answer questions and gave a brief explanation of this proposal.

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

To amend the motion to explore expanding the paved shoulder to accommodate pedestrian traffic access.

The amendment carries (7 yes) (0 no)

The main motion as amended carries (7 yes) (0 no)

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

Ordered the Cape Elizabeth Town Council to suspend the Town Council rules to take up an item out of order.

(7 yes) (0 no)

Item # 135-03-04 Action to amend the charge of the School Building Committee.

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

Ordered the Cape Elizabeth Town Council amend the current charge of the School Building Committee as follows: "The School Building Committee shall remain in existence beyond the

award of bids, and shall work in conjunction with the School Superintendent in seeing both the Pond Cove addition and the High School renovation through to substantial completion, as defined in the respective construction documents for each project. All change orders to the scope of the work, in excess of \$20,000 and not of an emergency nature, shall be approved by the Building Committee."

(7 yes) (0 no)

Citizens Discussion of Items Not on the Agenda - None

Adjournment

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

Ordered the Cape Elizabeth Town Council adjourn at 10:37 p.m.

(7 yes) (0 no)

Respectfully submitted,

Deborah S. Cabana

Town Clerk

CAPE ELIZABETH TOWN COUNCIL MEETING

Special Meeting # 17-03-04

Wednesday, April 14, 2004

7:00 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, Manager				X
---------------------------	--	--	--	---

Deborah Cabana, Town Clerk				X
----------------------------	--	--	--	---

Student Representatives

Schuyler Armstrong				X
--------------------	--	--	--	---

Brean Flynn				X
-------------	--	--	--	---

Roll Call by the Town Clerk

Pledge of Allegiance to the Flag

Item # 112-03-04 Tabled from 03/08/2004, 03/18/2004 and 04/12/2004

Action upon a request from the School Building Committee to hire Payton Construction Co. Corp. as the construction manager for the high school project.

Moved by J. McGinty and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council remove item #112-03-04 Action upon a request from the School Building Committee to hire Payton Construction Co. Corp. as the construction manager for the high school project from the table.

(6 yes) (1 no) M. Mowles

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

Ordered the Cape Elizabeth Town Council enter executive session for the purposes of seeking advise from Counsel Robert P. Nadeau of Drummond, Woodsum & MacMahon at 7:12 p.m.

(7 yes)(0 no)

Moved by J. McGinty and seconded by C. Fritz

Ordered the Cape Elizabeth Town Council exit executive session

at 7:59 p.m.

(7 yes)(0 no)

Moved by D. Backer and seconded by M. Mowles

Ordered the Cape Elizabeth Town Council table indefinitely a request from the School Building Committee to hire Payton Construction Co. Corp. as the construction manager for the high school project.

(7 yes)(0 no)

Adjournment

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

Ordered the Cape Elizabeth Town Council adjourn at 8:00 p.m.

(7 yes) (0 no)

Respectfully submitted,

Deborah S. Cabana

Town Clerk

[Return to top](#)

CAPE ELIZABETH TOWN COUNCIL MEETING

Special Meeting # 18-03-04

Wednesday, April 28, 2004

Following Town Council Finance Committee Meeting

Which begins at 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, Manager				X
---------------------------------	--	--	--	---

Deborah Cabana, Town Clerk				X
-------------------------------------	--	--	--	---

Student Representatives

Schuyler Armstrong				X
-----------------------	--	--	--	---

Brean Flynn				X
----------------	--	--	--	---

Pledge of Allegiance to the Flag

Finance Chairman Anne Swift-Kayatta thanked the School and Town staff for all their help throughout the budget process.

It was the consensus by the Town Council to vote item #135-03-04 separately and to vote items #136-03-04 through #142-03-04 en bloc.

Item # 135-03-04

Receipt of the report of the Finance Committee on the proposed Fiscal Year 2005 General Fund Budget and setting of a public hearing for Monday, May 10, 2004 at 7:30 p.m. at the Cape Elizabeth Town Hall.

Moved by Councilor Swift-Kayatta and Seconded by Councilor Backer

Ordered the Cape Elizabeth Town Council set for public hearing on Monday, May 10, 2004 at 7:30 p.m. at the Cape Elizabeth Town Hall the recommended Fiscal Year 2005 Budget for the General Fund with expenditures of \$26,065,566 and revenues of \$6,470,761 and with net to taxation of \$19,594,805 and an estimated tax rate increase of 7.96%.

(6 Yes) (1 No) Councilor McGinty

Items # 136-03-04 through #142-03-04 en bloc

Moved by Councilor Swift-Kayatta and Seconded by Councilor Mowles

Ordered the Cape Elizabeth Town Council acknowledges receipt of the reports on the proposed Fiscal Year 2005 for the following budgets and send to public hearing on Monday, May 10, 2004 at 7:30 p.m. at the Cape Elizabeth Town Hall:

Items # 136-03-04

Sewer Fund with expenditures of \$1,395,626 and revenues of \$1,394,000.

Item # 137-03-04

Riverside Cemetery Fund with expenditures of \$43,535 and revenues of \$49,400.

Item # 138-03-04

Spurwink Church Fund with expenditures of \$17,890 and revenues of \$13,300.

Item # 139-03-04

Fort Williams Park Capital Fund with expenditures of \$82,780 and revenues of \$59,780.

Item # 140-03-04

Thomas Jordan Fund with expenditures of \$20,000 and revenues of \$12,000.

Item # 141-03-04

Rescue Fund with expenditures of \$147,290 and revenues of \$140,000.

Item # 142-03-04

Museum at Portland Head Light Fund with expenditures of \$484,750 and revenues of \$526,700.

(7 Yes) (0 No)

Adjournment

Moved by Councilor Fritz and Seconded by Councilor McGinty

Ordered the Cape Elizabeth Town Council adjourn at 10:05 p.m.

(7 Yes) (0 No)

Respectfully submitted;

Deborah S. Cabana

Town Clerk

[Return to top](#)

MEETINGS SCHEDULE

[Return to top](#)

POLICIES

[Return to top](#)