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TOWN COUNCIL MEMBERS

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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

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Agenda

CAPE ELIZABETH TOWN COUNCIL AGENDA

Regular Meeting # 1-04-05

Monday, June 14, 2004

7:30 p.m.

Oaths of Office Administered by the Town Clerk

Cape Elizabeth School Board: Patricia G. Brigham, Rebecca J. Millett

Cape Elizabeth Town Council: Mary Ann Lynch, John W. McGinty

Roll Call by the Town Clerk

Pledge of Allegiance to the Flag

Reports and Correspondence

Presentations - Fort Williams Charitable Foundation

2004 Volunteer of the Year - American Hiking Society

Town Manager's Report

Citizens' Discussion of Items not on the Agenda

Minutes of Meeting #19-03-04 Held May 10, 2004

Minutes of Special Meeting #20-03-04 Held June 3, 2004

Item# 1-04-05 Election of a Town Council Chairman for 2004-2005

Anne E. Swift-Kayatta

On this and the other items relating to Council organization, the name(s) listed is/are the person(s) who appeared to be the consensus choice(s) at the Town Council caucus.

Item# 2-04-05 Adoption of Town Council Rules

Adoption is recommended.

Item# 3-04-05 Appointment of the Finance Committee

David J. Backer as Chairman and the Council as a whole to serve as the Finance Committee

Item# 4-04-05 Appointment of an Ordinance Committee

John W. McGinty as Chairman and David J. Backer and John E. (Jack) Roberts, Jr. as members

Item# 5-04-05 Appointment of an Appointments Committee

Michael D. Mowles, Jr. as Chairman and Carolyn M. Fritz and Mary Ann Lynch as members

Item# 6-04-05 Appointment of Representative and Alternate to RWS, Inc. Board of Directors

Carolyn M. Fritz as Representative and Mary Ann Lynch as the Alternate

Item# 7-04-05 Appointment of Representative to Greater Portland Council of Governments Executive Committee

John W. McGinty

Item# 8-04-05 Appointment of Representative and Alternate to Greater Portland Council of Governments General Assembly

Carolyn M. Fritz, Representative

John E. (Jack) Roberts, Jr., Alternate

Item# 9-04-05 Appointment of Representative to PACTS Policy Committee

Michael K. McGovern

Item# 10-04-05 Public Comment - An opportunity for public comment precedes the vote of a liquor license renewal

The Good Table, Inc. 527 Ocean House Road

Renewal Application - Restaurant Malt, Spirituous and Vinous Liquor License

Item# 11-04-05 Report from the Planning Board-

Designation of a Tower Overlay District on the Portland Water District Water Tower Site Located at 11 Avon Road (Map U12 Lot 12) - Shore Acres Tower Overlay District

Item# 12-04-05 Consideration of a Recommendation from the Conservation Commission for the Town Council to Amend The Original Approval Expanding the Greenbelt Trail in the Highlands Neighborhood - St. Bartholomew's Easement Extension

Item# 13-04-05 Consideration of Gull Crest Master Plan DEP Permit Easements

Item# 14-04-05 To Consider a Request from Residents of Fenway Road to Repeal the Ordinance Involving Parking on Fenway Road

Item# 15-04-05 To Consider Referring a Non-Storm Water Discharge Ordinance to the Ordinance Committee

Item# 16-04-05 Acceptance of a Grant for the ThermoVision SCOUT- Department Of The Army, United States Army Electronic Proving Ground (EPG)

Item# 17-04-05 Consideration of a Recommendation from Chief Williams for the Town of Cape Elizabeth To Contract With the City of South Portland for Animal Control Coverage Until

December 31, 2004

Item# 18-04-05 Approval of an Identification System Policy

Item# 19-04-05 Request from the DownEast Region, Porsche Club of America to Utilize Fort Williams Park on Sunday, May 22, 2005

Item# 20-04-05 Appointment of Deborah S. Cabana to Serve as

General Assistance Administrator

Item# 21-04-05 Request to approve year-end transfers

Item# 22-04-05 Recommendation of the Appointments Committee to fill a vacancy on the Recycling Committee and Thomas Memorial Library Trustees

Citizens Discussion of Items Not on the Agenda

Adjournment

Following the adjournment, the Town Council will meet as the Trustees of the Thomas Jordan Trust to appoint new members to the Grants Subcommittee.

Following the Thomas Jordan Trustees Meeting, the Town Council will meet as the Board of Directors of the Museum at Portland Head Light for the annual election of officers.

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DRAFT MINUTES

CAPE ELIZABETH TOWN COUNCIL MEETING

Regular Meeting # 19-03-04

Monday, May 10, 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	767-0139	X	

Road

Michael D. 6/2006 423 Ocean 741-2552 X
Mowles,
Jr. House
Road

TOWN STAFF

Michael
McGovern, X
Town
Manager

Deborah
Cabana, X
Town
Clerk

Student Representatives

Schuyler X
Armstrong

Brean X
Flynn

Roll Call by the Town Clerk

Pledge of Allegiance to the Flag

Reports and Correspondence

Councilor Roberts thanked the election workers and those who voted at the municipal election on May 4th. He congratulated the two new School Board members, Rebecca Millett and Patricia Brigham, and Councilors Lynch and McGinty on being re-elected.

Councilor McGinty thanked the voters for their support.

Chairman Lynch stated that it was a privilege to serve the Town as Town Councilor and thanked voters for their support. She also commented that she and other Councilors recently attended an appreciation dinner in honor of Cape Elizabeth's Fire and Rescue volunteers.

Councilor Swift-Kayatta reminded the public of the upcoming June 8th special municipal election and the state primaries and referenda election. She asked that voters be informed of the candidates/issues and encouraged them to vote.

Councilor Backer discussed the upcoming "MMA" referendum questioned and renewed his pledge that any increase realized by passage of this proposal would be used to decrease the budget.

Town Manager's Report

Manager Michael McGovern indicated he had no report.

Darren McLellan, Chairman of the Recycling Committee stated that the prices of recycled products are "up" and emphasized that this is good time for the public to get involved and recycle. He reminded the public that Saturday is hazardous waste collection at the Recycling Center. The Cape Elizabeth Recycling Committee is also offering home compost bins for Cape Elizabeth residents.

Citizens' Discussion of Items not on the Agenda - None

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May 10, 2004

Minutes of Meeting #16-03-04 held April 12, 2004, Minutes of Special Meeting #17-03-04 held April 14, 2004, Minutes of Special Meeting #18-03-04 held April 28, 2004

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

Ordered the Cape Elizabeth Town Council approve the minutes of meetings #16-03-04 held April 12, 2004, # 17-03-04 held April 14, 2004, and # 18-03-04 held April 28, 2004.

(7 yes) (0 no)

Public Hearing on the Budget: The Public Hearing opened at: 7:47 PM.

- Nathan Speckman - 18 Jewett Road - is a high school student. He shared how much it has meant to him to be involved in the Theatre during his four years of high school. He understood that the budget for the Theatre would be decreased by 1/3 if the total amount requested by the School Board were not approved. He requested that the Council not reduce the school budget amount initially requested.
- Gail Atkins - 1189 Shore Road - requested that the Council increase the school budget and specifically was concerned about Latin being offered at the high school.
- Thomas Egan - 41 Hannaford Cove Road - requested that the Council increase the school budget or look more closely at potential revenue sources (such as Fort Williams) so that students would not have to pay a sports participation fee.
- Brian Hansen - 4 Brook Road - suggested that the anticipated \$70,000 for the Jordan Land Trust be given to the schools instead.
- Hillary Egan - 41 Hannaford Cove Road - was concerned about the cuts to the athletic budget and requested that the school budget be increased.

The Public Hearing closed at 8:21 PM

Councilor Swift-Mayatta, Chairman of the Finance Committee, gave a report from the Finance Committee regarding the budget procedure. She thanked everyone involved in the cooperation and participation of the budget process.

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

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

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:

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Education \$16,555,861

Community Services 891,097

County Government 857,238

11110 Administration 458,475

12120 Assessing/Codes/Planning 277,261

13130 Town Council 4,100

13135 Legal and Audit 58,000

14140 Elections 8,972

15150 Boards and Commissions 15,833
16160 Insurance 69,500
17170 Employee Benefits 748,600
18180 Debt Service 1,120,208
21210 Police Department 830,783
21215 Animal Control 32,154
22220 Dispatching 234,524
22225 WETeam 21,027
23230 Fire Department 231,772
24240 Misc. Public Protection 147,265
25250 Emergency Preparedness 2,000
31310 Public Works Department 799,188
32320 Refuse Disposal 822,934
41410 Human Services 30,833
51510 Library 345,130
52520 Contributions 450
53530 Public Information 33,799
60600 Facilities Management 127,261
61610 Town Hall 17,500
61615 Library Building 19,650
62620 Town Center Fire Station 10,700
63630 Police Station 29,000
63635 Cape Cottage Fire Station 3,300
64640 Parks 40,213
64641 School Grounds 99,880
64645 Fort Williams Maintenance 107,998
65655 Richards Poll/Fitness Center 381,273
66660 Trees 15,998
71710 Intergovernmental 19,768

71715 Capital Projects 551,073

ToTotal \$26,065,566

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May 10, 2004

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 less than the appropriated funds, then the appropriation shall be lowered to an equivalent level.

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

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May 10, 2004

Moved by A. Swift-Kayatta and seconded by C. Fritz to vote items #143-3-04 through item #149-03-04 en bloc.

(7 yes) (0 no)

Items #143-03-04 through #149-03-04 en bloc.

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

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 items #143-03-04 through item 149-03-04.

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

(7 yes) (0 no)

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May 10, 2004

Item #150-03-04. Acceptance of Grants

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

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

(7 yes) (0 no)

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

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

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.

(7 yes) (0 no)

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

Moved by M. Mowles and Seconded by C. Fritz

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

(7 yes) (0 no)

Item #153-03-04 School Building Project Issues

Moved by C. Fritz and Seconded by D. Backer

Ordered: The Cape Elizabeth Town Council hereby approves the selection of Payton Construction as the construction manager for the High school renovation project

(7 yes) (0 no)

Moved by M. Lynch and Seconded by M. Mowles

Ordered: The Cape Elizabeth Town Council amends the building committee charge to return to the original charge.

(7 yes) (0 no)

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Item #154-03-04 Small Alewife Brook Lot

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

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.

(4 yes) (3 no) J. Roberts, D. Backer and M. Lynch

Item #155-03-04 Appointment of Warden

Chairman Lynch thanked Henry C. Adams for his dedication to the Town of Cape Elizabeth and noted his 20 years of service as Warden for over 50 elections. Mr. Adams is a school board candidate at the special election and cannot serve as Warden.

Moved by J. Roberts and Seconded by M. Mowles

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.

(7 yes) (0 no)

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

Moved by J. McGinty and Seconded by J. Roberts

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

(7 yes) (0 no)

Citizen's 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 9:30 p.m.

(7 yes) (0 no)

Upcoming Meetings

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

Respectfully submitted,

Deborah S. Cabana

Town Clerk

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CAPE ELIZABETH TOWN COUNCIL MEETING

Special Meeting #20-03-04

Thursday, June 3, 2004

7:30 a.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

Pledge of Allegiance to the Flag

Item #157-03-04 Award of Bid- Kindergarten Wing

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

Ordered: The Cape Elizabeth Town Council hereby approves the award of a bid to Langford & Low, Inc. in the amount of \$1,102,299 for an addition to the Pond Cove Elementary School.

(7 yes) (0 no)

Item #158-03-04 Football Boosters Raffle

Moved by M. Mowles and Seconded by J. Roberts

Ordered: The Cape Elizabeth Town Council hereby approves the request to sell "games of chance" as proposed by the Cape Elizabeth Football Boosters.

(7 yes) (0 no)

Adjournment

Moved by J. Roberts and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council adjourns at 7:50 a.m.

(7 yes) (0 no)

Respectfully submitted,

Deborah S. Cabana

Town Clerk

MEETINGS SCHEDULE

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