

# CAPE ELIZABETH TOWN COUNCIL MINUTES

## Regular Meeting # 11-03-04

Monday, January 12, 2004

7:30 p.m.

### PRESENT

Mary Ann Lynch, Chairman	2 Olde Colony Lane	X	767-5788	6/2004
David J. Backer	2 Rugosa Way	X	799-2397	6/2006
Carolyn M. Fritz	1 Stirrup Road	X	767-3737	6/2006
John W. McGinty	86 Brentwood Road	X	767-0139	6/2004
Michael D. Mowles, Jr.	423 Ocean House Road	X	741-2552	6/2006
John E. "Jack" Roberts, Jr	185 Fowler Road	X	767-4526	6/2005
Anne E. Swift-Kayatta	14 Stone Bridge Road	X	767-5754	6/2005

Student Representatives:	Schuyler Armstrong	X
	Brean Flynn	X
Town Manager Michael McGovern		X
Town Clerk Jacqueline Coy		X

### Roll Call by the Town Clerk

### Pledge of Allegiance to the Flag

### Reports and Correspondence

Councilor Fritz reported that there would be an orientation for all the Boards and Commissions on January 28, 2004, 6 p.m. at the Middle School Cafetorium. All new and current members have been invited.

Chairman Lynch announced that she attended a building committee meeting for the High School and Pond Cove School renovation projects. She said they are progressing on schedule. The committee will be putting bids out this spring for the projects.

Councilor Swift-Kayatta announced that we are beginning the FY2005 budget cycle. It is going to be a challenging budget, and the residents are being asked to input their ideas and feelings. The citizens need to be involved more than ever this year, where monies are so tight.

### Town Manager's Report

The council has authorized two agreements: The first is the Purchase and Sale Agreement with ISIS, LLC Development for the property at 316 Ocean House Road. The agreement has been signed and the Town is holding the first escrow payment. The second is the Interlocal agreement with Engine One of Cape Elizabeth and Willard Square Fire Department in South Portland. The manager attended the annual meeting of the Willard Square Department along with Engine One. Captain Wilson and Engine One were recognized and received crystal paperweights.

### Minutes of Meeting # 9-03-04 held December 8, 2003

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

Ordered the Cape Elizabeth Town Council accepts the Minutes of Meeting #9-03-04 held December 8, 2003.

(7 yes)(0 no)

**Minutes of Meeting # 10-03-04 held December 15, 2003**

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

Ordered the Cape Elizabeth Town Council accepts the Minutes of Meeting #10-03-04 held December 15, 2003.

(6 yes)(0 no) Abstain: D. Backer (not in attendance)

**Citizens' Discussion of Items not on the Agenda**

Brean Flynn, Student Representative, thanked the Councilors for adopting the emergency ordinance that opened Jordan Way to traffic and fixing the traffic problem on route 77.

Councilor Mowles acknowledged that we had Boy Scouts in the audience working on their citizenship merit badges.

**Citizen Forum on the Upcoming Budget Process**

Rebecca Millett – 12 Waumbek Road – very appreciative for all the support in the school projects. She understands the sensitivity for the budget process, and would like to see the school administration and Town Council to be proactive to get the State to change the State formula for school funding, and asked if anyone was working on this issue.

Mary Townsend – 5 Pearl Street – wants to make sure that all information gets to the Public, and to keep the lines of communication open for everyone.

**Item # 92-03-04            Receipt of a report from the town manager with various benchmarks  
(item # taken out of order)**

Manager McGovern gave a power point presentation and explained the importance of the community knowing the facts.

Councilor Backer asked if the Town could increase the dialog on the website by letting residents talk and all could see and reply, as well as e-mail and phone calls.

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

Ordered the Cape Elizabeth Town Council accepts receipt of the report with various benchmarks and refers the benchmark report to the Finance committee as part of the budget.

(7 yes)(0 no)

**Item # 85-03-04            Acceptance of Leighton Farms Road and adjacent conservation land.**

Manager McGovern gave overview.

Moved by J. Roberts and Seconded by M. Mowles

Ordered the Cape Elizabeth Town Council accepts the Leighton Farms Road and adjacent conservation land subject to a condition recommended by the town attorney relating to access by municipal vehicles being included..

(7 yes)(0 no)

**Item # 86-03-04            Acceptance for further study of the Town Center Intersection Improvement Study**

Moved by J. McGinty and Seconded by M. Mowles

Ordered the Cape Elizabeth Town Council takes receipt for further study of the Town Center Intersection Improvement Study in a workshop

(7 yes)(0 no)

**Item # 87-03-04            Receipt of proposal from the Ordinance Committee recommending proposed changes to the Traffic Ordinance and scheduling of a public hearing for February 9, 2004.**

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

Ordered the Cape Elizabeth Town Council accepts receipt of proposal from the Ordinance Committee recommending proposed changes to the Traffic Ordinance and scheduling of a public hearing for Monday, February 9, 2004, at the regular Town Council meeting in the Town Council chambers.

(7 yes)(0 no)

**Item # 88-03-04            Recommendation from the town manager suggesting the town adopt an alewife harvesting plan in lieu of an alewife ordinance**

Councilor Backer gave summary.

Moved by D. Backer and Seconded by M. Mowles

Ordered the Cape Elizabeth Town Council recommends the town manager to create an alewife harvesting plan in lieu of an alewife ordinance.

(7 yes)(0 no)

**Item # 89-03-04            Report from the Fort Williams Advisory Commission recommending approval of certain uses of Fort Williams Park in 2004**

- a. MS Society Walk: April 18, 2004
- b. Little League Season
- c. CEHS Graduation on June 6, 2004
- d. Portland Amateur Wireless on June 26 and 27, 2004
- e. Portland Symphony Orchestra on July 2, 2004
- f. Peoples Beach to Beacon Road Race- Setup on 7/29 through 8/1 race
- g. Portland Yacht Club on August 7 & 8, 2004
- h. Engine One Company Art Show on September 5, 2004
- i. Downeast Classic Car Show on September 12, 2004 (Rain date of September 19, 2004)
- j. American Cancer Society Breast Cancer Walk on October 17, 2004

Moved by C. Fritz and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council accepts the report from the Fort Williams Advisory Commission approving certain uses of Fort Williams Park in 2004:

MS Society Walk: April 18, 2004

Little League Season

CEHS Graduation on June 6, 2004

Portland Amateur Wireless on June 26 and 27, 2004

Portland Symphony Orchestra on July 2, 2004

Peoples Beach to Beacon Road Race- Setup on 7/29 through 8/1- race

Portland Yacht Club on August 7 & 8, 2004

Engine One Company Art Show on September 5, 2004

Downeast Classic Car Show on September 12, 2004 (Rain date of September 19, 2004)

American Cancer Society Breast Cancer Walk on October 17, 2004

(7 yes)(0 no)

**Item # 90-03-04      Receipt of report from the Conservation Commission regarding town owned lots**

Moved by C. Fritz and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council accepts receipt of report from the Conservation Commission regarding town owned lots, and refers the report to a future workshop meeting.

(7 yes)(0 no)

**Item # 91-03-04      Receipt of the 2005-2009 recommended Capital Improvement Plan**

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

Ordered the Cape Elizabeth Town Council accepts receipt of the 2005-2009 Capital Improvement Plan and refers the plan to the Finance Committee as a part of the budget process.

(7 yes)(0 no)

Councilor Swift-Kayatta announced that there would be a Finance Committee workshop on Thursday, January 22, 2004 in the William Jordan Conference Room at 7:30 p.m. to discuss budget targets. The Finance Committee will also be meeting on the following dates: April 1, April 5, April 6, April 14, 2004 and possibly April 28, 2004 if necessary.

**Citizens Discussion of Items Not on the Agenda - None**

**Item # 93-03-04            Request to enter executive session to begin the annual evaluation of the town manager**

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

Ordered the Cape Elizabeth Town Council enters executive session to begin the annual evaluation of the town manager at 8:40 p.m.

(7 yes)(0 no)

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

Ordered the Cape Elizabeth Town Council to exit executive session at 9:45 p.m.

(7 yes)(0 no)

**Adjournment**

Moved by J. Roberts and Seconded by M. Mowles

Ordered the Cape Elizabeth Town Council adjourns at 9:50 p.m.

(7 yes)(0 no)

Respectfully submitted,

Jacqueline N. Coy  
Town Clerk