

**CAPE ELIZABETH TOWN COUNCIL MEETING**  
**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  
Cape Elizabeth Town Council: Mary Ann Lynch, John W. McGinty

		Present	Absent	
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

Assistant Town Manager Debra Lane X  
Town Clerk Deborah Cabana X

**Roll Call by the Town Clerk**

\* Due to a family emergency, Councilor Roberts arrived at the meeting at 8:12 p.m.

**Pledge of Allegiance to the Flag**

**Reports and Correspondence**

Councilor McGinty recently attended a meeting at the Greater Portland Council of Governments and noted that there will be a 5% reduction of dues for Cape Elizabeth.

Chairman Lynch thanked the Student Representatives (Schuyler Armstrong and Brean Flynn) for their participation on the Cape Elizabeth Town Council during the previous year.

**Presentations – Fort Williams Charitable Foundation**

On behalf of the Fort Williams Charitable Foundation, President Clint Blood and Past President Jeff Van Fleet, presented the Town of Cape Elizabeth with a check for the amount of \$11,000.

**2004 Volunteer of the Year - American Hiking Society**

Chairman Lynch highlighted the reasons why Mike Duddy, past Chair of the Conservation Commission, was awarded the 2004 Volunteer of the Year from the American Hiking Society.

**Town Manager’s Report**

Assistant Town Manager, Debra Lane, stated that the recent landscaping at the Thomas Memorial Library was the benefit of grant awarded to the Cape Elizabeth Garden Club. Ms. Lane reminded the public of the upcoming Family Fun Day, scheduled for Saturday, June 17<sup>th</sup> (rain-date is June 26<sup>th</sup>).

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

David Sawyer, a South Portland resident, commented on a few things that he felt the Council should know regarding the Maine Supreme Court's recent remand of the Planning Board's approval of the Blueberry Ridge Subdivision.

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

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

Councilor D. Backer requested that his statement be amended on page 1.

Ordered the Cape Elizabeth Town Council approve the minutes of meeting #19-03-04, held May 10, 2004.

(6 Yes)

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

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

Ordered the Cape Elizabeth Town Council approve the minutes of meeting #20-03-04, held June 3, 2004.

(6 Yes)

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

**Moved by J. McGinty and Seconded by D. Backer**

Ordered the Cape Elizabeth Town Council that Anne E. Swift-Kayatta is Chairman of the Cape Elizabeth Town Council for year 2004-2005.

(6 Yes)

Chairman Swift-Kayatta made a presentation to outgoing Chairman Mary Ann Lynch, acknowledging her accomplishments during the last year.

Chairman Swift-Kayatta anticipated that some of the challenges that the Council would face this coming year were property taxes and the successful completion of the school building projects. She looked forward to working together with other board and committees (specifically the School Board and the new Superintendent of Schools).

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

**Moved by C. Fritz and Seconded by M. Lynch**

Ordered the Cape Elizabeth Town Council to adopt the Rules of the Cape Elizabeth Town Council, as presented.

(6 Yes)

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

**Moved by M. Lynch and Seconded by C. Fritz**

Ordered the Cape Elizabeth Town Council that David J. Backer is Chairman of the Cape Elizabeth Finance Committee and that the Council as a whole will serve as the Town of Cape Elizabeth Finance Committee for the year 2004-2005.

(6 Yes)

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

**Moved by C. Fritz and Seconded by M. Lynch**

Ordered the Cape Elizabeth Town Council that John W. McGinty is Chairman of the Town of Cape Elizabeth Ordinance Committee and David J. Backer and John E. (Jack) Roberts, Jr. will serve as members of said committee.

(6 Yes)

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

**Moved by D. Backer and Seconded by J. McGinty**

Ordered the Cape Elizabeth Town Council that Michael D. Mowles, Jr. is Chairman of the Town of Cape Elizabeth Appointments Committee and Carolyn M. Fritz and Mary Ann Lynch will serve as members of said committee.

(6 Yes)

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

**Moved by J. McGinty and Seconded by M. Mowles**

Ordered the Cape Elizabeth Town Council that Carolyn M. Fritz is the Town of Cape Elizabeth Representative to RWS, Inc. and that Mary Ann Lynch will serve as the Alternate of said committee.

(6 Yes)

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

**Moved by D. Backer and Seconded by M. Lynch**

Ordered the Cape Elizabeth Town Council that John W. McGinty is the Town of Cape Elizabeth Representative to Greater Portland Council of Governments Executive Committee.

(6 Yes)

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

**Moved by M. Lynch and Seconded by J. McGinty**

Ordered the Cape Elizabeth Town Council that Carolyn M. Fritz is the Town of Cape Elizabeth Representative to Greater Portland Council of Governments General Assembly and that John E. (Jack) Roberts, Jr. will serve as the Alternate of said assembly.

(6 Yes)

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

**Moved by C. Fritz and Seconded by M. Lynch**

Ordered the Cape Elizabeth Town Council that Michael K. McGovern is the Town of Cape Elizabeth Representative to the PACTS Polity Committee.

(6 Yes)

**Item# 10-04-05            The Good Table, Inc. 527 Ocean House Road  
Renewal Application - Restaurant Malt, Spirituous and Vinous  
Liquor License**

**Public Comment – none**

**Moved by M. Mowles and Seconded by J. McGinty**

Ordered the Cape Elizabeth Town Council approves the liquor license renewal application for The Good Table, Inc.

(6 Yes)

**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**

**Moved by M. Lynch and Seconded by D. Backer**

Ordered the Cape Elizabeth Town Council table item #11-04-05 until the arrival of Councilor J. Roberts.

(6 Yes)

**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**

\* Councilor J. Roberts joined the Town Council at 8:12 p.m.

Maureen O’Meara, Town Planner, gave a brief presentation of this item.

**Moved by M. Lynch and Seconded by D. Backer**

Ordered the Cape Elizabeth Town approve the recommendation from the Conservation Commission to amend the original approval expanding the Greenbelt Trail in the Highlands Neighborhood – St. Bartholomew’s Easement Extension, to permit clearing a pedestrian easement on the Mullins property.

(7 Yes)

**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**

**Moved by M. Lynch and Seconded by D. Backer**

Ordered the Cape Elizabeth Town Council remove item #11-04-05 from the table.

(7 Yes)

Maureen O’Meara, Town Planner, was present to answer questions regarding this item.

**Moved by M. Mowles and Seconded by C. Fritz**

Ordered the Cape Elizabeth Town Council referred item #11-04-05 to the Council workshop scheduled on Wednesday, June 16, 004.

(7 Yes)

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

Maureen O’Meara, Town Planner, gave a presentation of this proposal.

John Herrick, chair of the Conservation Commission and Mike Duddy, past chair of the Conservation Commission, was available to answer questions regarding this item.

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

Ordered the Cape Elizabeth Town Council approve Gull Crest Master Plan DEP Permit Easements for Gull Crest and Town Farm East.

(4 Yes) (3 No) – M. Lynch, J. McGinty and M. Mowles

**Item# 14-04-05      To Consider a Request from Residents of Fenway Road to Repeal the Ordinance Involving Parking on Fenway Road**  
**Moved by J. McGinty and Seconded by C. Fritz**  
Ordered the Cape Elizabeth Town Council set a public hearing on July 12, 2004 for the purposes of repealing the recent amendment to the Traffic Regulations Ordinance pertaining to parking prohibitions on Fenway Road (Section 13-2-3-q).  
(7 Yes)

**Item# 15-04-05      To Consider Referring a Non-Storm Water Discharge Ordinance to the Ordinance Committee**  
**Moved by J. Roberts and Seconded by M. Lynch**  
Ordered the Cape Elizabeth Town Council refer a Non-Storm Water Discharge Ordinance to the Ordinance Committee.  
(7 Yes)

**Item# 16-04-05      Acceptance of a Grant for the Thermo Vision SCOUT- Department Of The Army, United States Army Electronic Proving Ground (EPG)**  
**Moved by M Lynch and Seconded by J. McGinty**  
Ordered the Cape Elizabeth Town Council accept the Grant for the Thermo Vision SCOUT Department of the Army, United States Army Electronic Proving Ground (EPG).  
(7 Yes)

**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**  
**Moved by J. McGinty and Seconded by C. Fritz**  
Ordered the Cape Elizabeth Town Council authorize the Town Manager to sign a contract with the City of South Portland for Animal Control Coverage until December 31, 2004.  
(7 Yes)

**Item# 18-04-05      Approval of an Identification System Policy**  
**Moved by J Roberts and Seconded by M. Lynch**  
Ordered the Cape Elizabeth Town Council approve the Identification System Policy as proposed.  
(7 Yes)

**Item# 19-04-05 Request from the DownEast Region, Porsche Club of America to Utilize Fort Williams Park on Sunday, May 22, 2005**  
**Moved by J McGinty and Seconded by J. Roberts**

Ordered the Cape Elizabeth Town Council approve the request from the DownEast Region, Porsche Club of America to Utilize Fort Williams Park on Sunday, May 22, 2005.

(7 Yes)

**Item# 20-04-05 Appointment of Deborah S. Cabana to Serve as General Assistance Administrator**

**Moved by J McGinty and Seconded by M. Lynch**

Ordered the Cape Elizabeth Town Council approve the appointment of Deborah S. Cabana to serve as General Assistance Administrator.

(7 Yes)

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

**Moved by J McGinty and Seconded by M. Mowles**

Ordered the Cape Elizabeth Town Council approve the year-end transfers as proposed.

(7 Yes)

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

**Moved by C. Fritz and Seconded by J. McGinty**

Ordered the Cape Elizabeth Town Council approve the appointment of Russ Peirce to the Recycling Committee for an unexpired term to expire 12/31/2004.

(7 Yes)

**Citizens' Discussion of Items not on the Agenda – None**

**Moved by J. Roberts and Seconded by M. Lynch**

Ordered the Cape Elizabeth Town Council to reconsider item #13-04-05.

(5 Yes) (2 No) C. Fritz and A. Swift Kayatta

**Moved by J. Roberts and Seconded by M. Mowles**

Ordered the Cape Elizabeth Town Council table item #13-04-05 until July 12, 2004 for purposes of obtaining more information; the cost of the appeal and the likelihood of the success of the appeal.

(7 Yes)

**Adjournment**

**Moved by M. Lynch and Seconded by D. Backer**

Ordered the Cape Elizabeth Town Council adjourn at 10:25 p.m.

(7 Yes)

**Respectfully submitted,**

**Deborah S. Cabana  
Town Clerk**

Following the adjournment, the Town Council met 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 met as the Board of Directors of the Museum at Portland Head Light for the annual election of officers.