

CAPE ELIZABETH TOWN COUNCIL MEETING
Regular Meeting # 5-04-05
Wednesday, October 13, 2004
7:30 p.m.

		Present	Absent	
Anne E. Swift-Kayatta, Chairman	14 Stone Bridge Road	X	767-5754	6/2005
David J. Backer	2 Rugosa Way	X	799-2397	6/2006
Carolyn M. Fritz	1 Stirrup Road	X	767-3737	6/2006
Mary Ann Lynch	2 Olde Colony Lane	X	767-5788	6/2007
John W. McGinty	86 Brentwood Road	X	767-0139	6/2007
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

Manager Michael McGovern X
Town Clerk Deborah Cabana X
Roll Call by the Town Clerk
Pledge of Allegiance to the Flag

Reports and Correspondence

Councilor M. Mowles had been asked and wanted to clarify that even though he is running for state legislature and, if elected, he would still continue to serve on the Cape Elizabeth Town Council. He also wanted the public to know that candidate's night would be broadcast on the local CATV access channel on October 27th at 7:00 p.m.

Councilor J. McGinty attended the Cumberland County Budget Advisory Committee. He stated that the budget process has begun and the current budget reflects an average increase of 2.9% for municipalities.

Chairman A. Swift-Kayatta attended the Maine Municipal Convention. The major topic of discussion was the Palesky Tax Cap initiative and the potential impact on municipalities. She also attended a session on Maine "Right to Know" Law. Finally, Chairman Swift-Kayatta stated that she has been meeting with the Chairman of the School Board and they are communicating well together in anticipation of the up-coming budget process.

Town Manager's Report

Manager McGovern stated that the recent Friends of the Library annual book and bake sale made over \$10,000. Also, the Cape Elizabeth Rescue Unit recently received a bequest of \$51,000.

Citizens' Discussion of Items not on the Agenda – None

Minutes of Meeting #4-04-05 held September 13, 2004

Moved by J. Roberts and Seconded by M. Lynch

Chairman Swift-Kayatta asked that a vote of (7 Yes) be added after the motion on item #52-04-05.

Ordered the Cape Elizabeth Town Council approve the minutes of meeting #4-04-05 held September 13, 2004.

(7 Yes)

**Item # 56-04-05 Purpoodock Club Annual Licenses
Public Comment – none**

Councilor C. Fritz requested that she be recused from voting on this item, as she is a member of the Club.

Moved by M. Lynch and Seconded by M. Mowles

Ordered the Cape Elizabeth Town Council recuse Councilor C. Fritz from voting on item #56-04-05.

(7 Yes)

Moved by M. Lynch and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council approves the Malt, Spirituous and Vinous licenses for the Purpoodock Club.

(6-Yes) (1 Abstain - C. Fritz)

Item # 57-04-05 Request to refer item to the Ordinance Committee

Town Planner Maureen O'Meara was available to explain this item and answer questions.

Moved by M. Mowles and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council refers Item #57-04-05 to the Ordinance Committee concerning amendments to the Zoning Ordinance, which would permit multi-family dwellings in the BA District.

(6 Yes) (1 No – C. Fritz)

Item # 58-04-05 Request to refer item to the Ordinance Committee

Town Planner Maureen O'Meara was available to explain this item and answer questions.

Moved by M. Mowles and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council refers Item #58-04-05 to the Ordinance Committee concerning certain amendments to the Zoning Ordinance relating to the BB District. The amendments would convert the Murray gravel pit on Fowler Road from the RA District to the BB District and make earthwork operations a permitted use in the BB District.

(7 Yes)

Item # 59-04-05 Request to refer item to the Planning Board

Town Planner Maureen O'Meara was available to explain this item and answer questions.

Moved by M. Lynch and Seconded by M. Mowles

Ordered the Cape Elizabeth Town Council refers Item #59-04-05 to the Planning Board concerning an amendment to the Zoning Ordinance to reduce the wetland buffer on all properties within the BA District from 250 feet to 100 feet.

(5 Yes) (2 No – C. Fritz and J. Roberts)

Item # 60-04-05 Report from the Ordinance Committee

Councilor D. Backer reminded the Council that, due to a potential conflict of interest, he has abstained from voting on this issue at previous Town Council and Ordinance Committee meetings.

Moved by J. McGinty and Seconded by M. Mowles

Ordered the Cape Elizabeth Town Council sets a public hearing for Monday, November 8, 2004 at 7:30 p.m. on a proposed amendment to the Zoning Ordinance regarding open space provisions in phased developments.

(6 Yes) (1 Abstain – D. Backer)

Item # 61-04-05 Report from the Ordinance Committee

Moved by J. McGinty and Seconded by M. Lynch

Ordered the Cape Elizabeth Town Council returns the proposed amendments to the Traffic Ordinance regarding penalties for traffic infractions including a recommendation to permit the use of impoundment devised (Denver boot) for further review.

(7 Yes)

Item # 62-04-05 Request from a citizen to amend the sewer service map to include 54 Shipwreck Cove

Moved by M. Lynch and Seconded by D. Backer

Ordered the Cape Elizabeth Town Council approves the request from a citizen to amend the sewer service map to include 54 Shipwreck Cove Road and 3 Oak Knoll Road.

(7 Yes)

Item # 63-04-05 Request to refer item to the Planning Board

Moved by M. Mowles and Seconded by D. Backer

Ordered the Cape Elizabeth Town Council refers to the Planning Board a request to amend the Zoning Ordinance to permit construction of single-family homes on lots smaller than 10,000 square feet in sewer areas.

(6 Yes) (1 No – C. Fritz)

Item # 64-04-05 Request to adopt a policy relating to the general fund undesignated fund balance

Moved by M. Lynch and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council tables Item #64-04-05 until the November 8, 2004 Town Council Meeting.

(7 Yes)

Item # 64-04-05 Goddard Mansion Report

Moved by D. Backer and Seconded by M. Lynch

Ordered the Cape Elizabeth Town Council receives the Goddard Mansion Report.
(7 Yes)

Moved by M. Mowles and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council authorized the immediate safety issues to be addressed using previously allocated funds (up to \$25,000) from the Fort Williams Capital Fund.

(7 Yes)

Moved by J. McGinty and Seconded by M. Lynch

Ordered by the Cape Elizabeth Town Council to refer the Goddard Mansion report to a future workshop for further discussion and review.

(7 Yes)

Citizens' Discussion of Items not on the Agenda – None

Adjournment

Moved by D. Backer and Seconded by M. Lynch

Ordered the Cape Elizabeth Town Council adjourn at 8:39 p.m.
(7 Yes)

Respectfully submitted,

Deborah S. Cabana
Town Clerk