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**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.)*

<a href="#">David J. Backer</a>	12/2006	2 Rugosa Way
<a href="#">Anne Swift-Kayatta</a> , chairman	12/2005	14 Stone Bridge Road
<a href="#">Carol Fritz</a>	12/2006	1 Stirrup Road
<a href="#">Mary Ann Lynch</a>	12/2007	2 Olde Colony Lane
<a href="#">John (Jack) E. Roberts Jr.</a>	12/2005	185 Fowler Road
<a href="#">Paul J. McKenney</a>	12/2007	5 Katahdin Road
<a href="#">Michael D. Mowles, Jr.</a>	12/2006	423 Ocean House Road

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**Draft Agenda**

CAPE ELIZABETH TOWN COUNCIL AGENDA

Regular Meeting # 11-04-05

Monday, February 14, 2005

7:30 p.m.

Roll Call by the Town Clerk

Pledge of Allegiance to the Flag

Reports and Correspondence

## Town Manager's Report

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

Minutes of Meeting #9-04-05 held January 12, 2005 and #10-04-05 held January 23, 2005

Public Hearing: Malt and Vinous License for Two Lights Enterprises, Inc d/b/a Ocean House of Pizza at 337 Ocean House Road

Item # 97-04-05 Malt and Vinous License for Two Lights Enterprises

This is a new application for a malt and vinous license from the new owner of the small restaurant at Pond Cove Shopping Center.

Item # 98-04-05 Transfer of Compost Operation

For the last four years the compost operation at the Cape Elizabeth Recycling Center has been operated by CE Compost. It is proposed to transfer the compost operation to the management of William H. Jordan Farm, LLC.

Item # 99-04-05 Stretcher, Stair Chair and Radios for New Rescue

In 2003, the Rescue received a generous bequest of \$108,750 from Gertrude Royles. A new rescue was recently purchased for \$126,985. The Rescue Company is requesting \$9,947 for a stretcher, a stair chair and radios related to the new rescue. After the purchase of the new rescue and the requested items, the town rescue fund will have a fund balance of just under \$100,000.

Item # 100-04-05 Alewife Fishing Rights for 2005

Each year the Maine Department of Marine Resources requires municipalities with alewife fishing rights to take action to retain the rights. It is proposed to retain the rights with the same provisions as in 2004.

Item # 101-04-05 Charge to New Comprehensive Planning Committee

The town planner has prepared a draft charge for the new comprehensive planning committee for town council consideration.

Item # 102-04-05 Spurwink Church Study Committee

The town manager has prepared a draft charge for a proposed Spurwink Church Study Committee.

Item # 103-04-05 Undersized Lots

The planning board has provided a recommendation to the town council regarding undersized lots. It is recommended that this item

be referred to the ordinance committee.

Item # 104-04-05 BA District Wetlands Amendment

The planning board has provided a recommendation to the town council regarding the BA District wetlands regulations. It is recommended that this item be referred to the ordinance committee.

Fort Williams Park Use Requests

Item # 105-04-05 Cape Elizabeth Little League

Item # 106-04-05 Approval of MS Walk for April 10, 2005

Item # 107-04-05 Approval of High School graduation on June 12, 2005

Item # 108-04-05 Portland Amateur Wireless on June 25-26, 2005

Item # 109-04-05 Portland Symphony Orchestra on July, 2, 2005

Item # 110-04-05 QVC on July 15, 2005 (Setup on July 14, 2005)

Item # 111-04-05 Portland Yacht Club on August 13-14, 2005

Item # 112-04-05 Engine One Art Show on September 4, 2005 (the 5th if rain)

All of the Fort Williams Park use requests are recommended for approval by the Fort Williams Advisory Commission per the conditions contained in the notes of their meetings and per Fort Williams Park use policies.

Item # 113-04-05 Capital Improvement Plan for FY 2006-2010

It is recommended that the town council acknowledge receipt of the proposed Town of Cape Elizabeth Capital Improvement Plan for FY 2006-2010.

Item # 114-04-05 Cape Elizabeth Sanitary Sewer System Rehabilitation Plan

It is recommended that the town council acknowledge receipt of the proposed Town of Cape Elizabeth Sanitary Sewer Rehabilitation Plan and refer the plan to the February 16, 2005 council workshop.

Item # 115-04-05 PACTS Funding of Shore Road/Route 77/Scott Dyer Road Intersection Pedestrian Improvements and Signalization

It is recommended that the Cape Elizabeth Town Council indicate to PACTS its endorsement of the PACTS plan to commit \$297,500 in federal and state funds to pedestrian improvements and signalization of the Route 77/Shore Road/Scott Dyer Road intersection and to commit \$52,500 as the 15% local match from

the Roadway Drainage account. (7154009)

Item # 116-04-05 PACTS Funding of Shore Road Shim and Overlay

It is recommended that the Cape Elizabeth Town Council indicate to PACTS its endorsement of the PACTS plan to commit \$401,115 in federal and state funds to shim and overlay Shore Road from Fort Williams Park to Route 77 and to commit \$70,785 as the 15% local match from the Roadway Drainage account. (7154009)

Item # 117-04-05 PACTS Funding of Sawyer Road Shim and Overlay

It is recommended that the Cape Elizabeth Town Council indicate to PACTS its endorsement of the PACTS plan to commit \$145,860 in federal and state funds to shim and overlay Sawyer Road from Fickett Street to Eastman Road and to commit \$25,740 as the 15% local match from the Roadway Drainage account. (7154009)

Item # 118-04-05 PACTS Funding of Spurwink Avenue PACTS Project

It is recommended that the Cape Elizabeth Town Council indicate to PACTS its endorsement of the PACTS plan to commit \$753,100 in federal and state funds to provide a pm wrap (preventative maintenance overlay) and to commit \$132,900 as the 15% local match from the Roadway Drainage account. (7154009)

Item # 119-04-05 Approval of Allocation of Account 7154009

It is recommended that the Cape Elizabeth Town Council indicate to staff its approval of the allocation of previously appropriated funds amounting to \$70,960 for the regular paving program and for minor paving and drainage projects.

Item # 120-04-05 Budget Target

It is recommended that the Cape Elizabeth Town Council endorse the recommendation of the Town Council Finance Committee to set certain budget targets for Fiscal Year 2006.

Item # 121-04-05 Sign Ordinance

It is recommended that the Cape Elizabeth Town Council refer to the Ordinance Committee responsibility of reviewing the sign ordinance specifically for the purpose of clarifying certain language relating to political signs and for any other changes that the committee may recommend.

Item # 122-04-05 Paper Streets

It is recommended that the Cape Elizabeth Town Council authorize the town manager to work with the town attorney to prepare a draft council order to abandon paper streets on Ocean View Road

between Lots U3-91 and U3-92 and on Stonybrook Road on both sides of Lot U3-125.

## Citizens Discussion of Items Not on the Agenda

### Item # 123-04-05 Executive Session

It is recommended that the town council in accordance with

1 MRSA Sec. § 405 Paragraphs 6A, 6C and 6D enter into executive session to continue the annual evaluation of the town manager, to discuss upcoming negotiations with the Cape Elizabeth Police Benevolent Association and with Local 340 of the Teamsters and to discuss the disposition of publicly owned property said property being those properties discussed publicly at the December 13, 2004 town council meeting.

## Adjournment

The next council meeting is a workshop on February 16, 2005 at 7:30 p.m. The next regular town council meeting is on Monday, March 14, 2005 at 7:30 p.m.

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## **Finance Committee**

**Thursday, Feb. 3, 2005**

**William H. Jordan Conference Room, Town Hall**

The agenda will be a follow-up from the Monday January 24, 2005 public forums and will specifically include a discussion of the consumer price index.

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## **Town Council Workshop**

**Wednesday, Feb. 16, 2005**

**7:30 p.m.**

**William H. Jordan Conference Room, Town Hall**

The purpose of the workshop is to discuss the proposed sewer rehabilitation program and to receive an update from the town manager on the Maine PUC decision regarding consolidation of Public Safety Answering Points. (PSAPS).

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## **DRAFT MINUTES**

CAPE ELIZABETH TOWN COUNCIL MEETING

Regular Meeting # 8-04-05  
Wednesday, January 12, 2005  
7:30 p.m.

ROLL CALL BY THE TOWN CLERK

Councilor	Term Expires	Address	Telephone	Present	Absent
David J. Backer	12/2006	2 Rugosa Way	799-2397	X	
Ann E. Swift-Kayatta	12/2005	14 Stone Bridge Road	767-5754	X	
Carol Fritz	12/2006	1 Stirrup Road	767-3737	X	
Mary Ann Lynch	12/2007	2 Olde Colony Lane	741-2709	X	
John E. "Jack" Roberts	12/2005	185 Fowler Road	767-4526	X	
Paul J. McKenney	12/2007	5 Katahdin Road	899-0045	X	
Michael D. Mowles, Jr.	12/2006	423 Ocean House Road	741-2552	X	

TOWN STAFF

Manager Michael McGovern	X
Deborah Cabana, Town Clerk	X

Oath of Office to Newly Elected Town Council Member - Paul J. McKenney was sworn into office by Town Clerk Deborah Cabana.

Roll Call by the Town Clerk

Pledge of Allegiance to the Flag

Reports and Correspondence

Councilor J. Roberts extended "get well" wishes to Alan Westberry.

Chairman A. Swift-Kayatta recently attended a luncheon in honor of Al Barthelman. He, as do the rest of the Ft. Williams Advisory Commission, deserves our thanks and recognition for all he has done to preserve the Fort.

Town Clerk D. Cabana reminded the public that annual dog licenses were due.

#### Town Manager's Report

Manager McGovern read excerpts from an article he had been asked to write for the Cape Elizabeth/South Portland Chamber of Commerce.

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

Phyllis Coggeshall- of the Cape Elizabeth Land Trust, requested that the Town Council approve \$70,000 from the proceeds of the recent sale of town owned property at 316 Ocean House Road, to be given to the Cape Elizabeth Land Trust.

#### Minutes of Meeting #8-04-05 held December 13, 2004

Moved by M. Lynch and Seconded by D. Backer

Ordered the Cape Elizabeth Town Council approve the minutes of meeting #8-04-05 held December 13, 2004.

(6 Yes) (1 Abstain - P. McKenney)

Item # 85-04-05 Inn by the Sea -Malt, Spirituous and Vinous License

Special Amusement Permit

Public Comment - none

Moved by M. Lynch and Seconded by M. Mowles

Ordered the Cape Elizabeth Town Council approve the annual Malt, Spirituous and Vinous License and the Special Amusement Permit for the Inn by the Sea .

(7 Yes)

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January 12, 2005

Item # 86-04-05 Public Hearing BB District Amendments

Councilor J. Roberts explained the proposed amendments to the BB District of the Zoning Ordinance and the amendments to the BB District of the Zoning Map. The amendments include rezoning the gravel pit from the RA District to the BB District and

expanding the BB District to make earthwork operations a permitted use. Three definitions have been added to the Zoning Ordinance. The purpose statement for the BB District has been replaced. Earthwork has been added as a permitted use and minimum lot size and setbacks have been created. The Zoning Map will also be amended to create a new BB District adjacent to the Town Center and off of Fowler Road.

The Public Hearing opened at 7:49 p.m.

· Paul Woods of 20 Running Tide Road - spoke in favor of the proposed amendments.

The Public Hearing closed at 7:52 p.m.

Moved by J. Roberts and Seconded by D. Backer

Ordered the Cape Elizabeth Town Council approve the proposed amendments to the BB District of the Zoning Ordinance and the proposed amendments to the BB District of the Zoning Map.

(7 Yes)

Item # 87-04-05 Public Hearing: BA District Amendments

Councilor J. Roberts explained the proposed amendments add "Multifamily" to the definitions section of the Zoning Ordinance and explicitly adds multifamily as a permitted use in the RA District.

The Public Hearing opened at 7:53 p.m.

· Joel Fitzpatrick, builder - spoke in favor of the proposed amendments.

· Mary Page of 172 Two Lights Road - felt this would help small business in this area.

The Public Hearing closed at 7:55 p.m.

Moved by J. Roberts and Seconded by M. Lynch

Ordered the Cape Elizabeth Town Council approve the proposed amendments to the Zoning Ordinance which would define the term "multifamily" and add multifamily as a permitted use in the BA District.

(7 Yes)

Item # 88-04-05 General Assistance Ordinance

The Public Hearing opened at 7:56 p.m.

The Public Hearing closed at 7:56 p.m.

Moved by M. Lynch and Seconded by C. Fritz



Ordered the Cape Elizabeth Town Council approve the proposed amendments to the General Assistance Ordinance including the removal of housing maximums with the retention of overall maximums.

(7 Yes)

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Item # 89-04-05 Grant Application

Moved by C. Fritz and Seconded by M. Mowles

Ordered the Cape Elizabeth Town Council authorize a grant application to the Maine Bureau of Parks and Lands for a grant from the Recreational Trails Program in order to continue work on the Gull Crest Trail Master Plan.

(7 Yes)

Item # 90-04-05 Grant Allocation

Moved by C. Fritz and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council authorize the town manager to submit a proposed use plan to the Maine Emergency Management Agency for the 2004 Homeland Security Grant and the 2004 Law Enforcement Grant, as proposed.

(7 Yes)

Item # 91-04-05 Proceeds from Sale of 316 Ocean House Road

Moved by C. Fritz and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council table item #91 until the end of the meeting, after consideration of item #95.

(7 Yes)

Item # 92-04-05 Vacancies

Moved by J. Roberts and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council appoint Paul J. McKenney to serve as a member on the Ordinance Committee, GPCOG Executive Committee, and the Thomas Jordan Grants Committee until 12/2005. The terms of Councilor Backer and Councilor Fritz on the Thomas Jordan Grants Subcommittee expire 12/2006 and 12/2007 respectively.

(7 Yes)

Item # 93-04-05 Quit Claim Deed

Moved by M. Mowles and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council authorize the town manager to execute a quitclaim deed to Ross B. and Maureen A. Lonsdale for property at 115 Old Ocean House Road.

(7 Yes)

Item # 94-04-05 Rescue fees

Fire Chief McGouldrick was available to answer questions regarding this proposal.

Moved by J. Roberts and Seconded by P. McKenney

Ordered the Cape Elizabeth Town Council approve the new Rescue fees as proposed.

(7 Yes)

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Item # 95-04-05 USS Eagle Memorial Marker

Moved by J. Roberts and Seconded by M. Mowles

Ordered the Cape Elizabeth Town Council approve the USS Eagle Memorial Marker at Fort Williams Park.

(7 Yes)

Item # 91-04-05 Proceeds from Sale of 316 Ocean House Road

Moved by M. Mowles and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council recess the Town Council and meet as the Finance Committee.

(7 Yes)

Moved by M. Lynch and Seconded by M. Mowles

Ordered the Cape Elizabeth Town Council reconvene the Town Council meeting.

(7 Yes)

· Chris Franklin of 130 Oakhurst Road, member of the Cape Elizabeth Land Trust - requested the Town Council to approve providing funds to the Land Trust. He explained the process used by the Land Trust members in obtaining property for preservation.

Moved by M. Lynch and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council authorize \$40,000 from the proceeds of the sale of 316 Ocean House Road to the Cape Elizabeth Land Trust.

Moved by M. Mowles

Ordered the Cape Elizabeth Town Council amend the motion to authorize \$20,000 from the proceeds of the sale of 316 Ocean House Road to the Cape Elizabeth Land Trust.

Motion Failed for lack of a second

Ordered the Cape Elizabeth Town Council approves the main motion as proposed.

(4 Yes) (3 No - A. Swift Kayatta, J. Roberts, M. Mowles)

Moved by P. McKenney and Seconded by M. Mowles

Ordered the Cape Elizabeth Town Council authorize \$75,000 from the proceeds of the sale of 316 Ocean House Road for property tax relief (included in FY 2005 Budget).

(7 Yes)

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Moved by P. McKenney and Seconded by M. Mowles

Ordered the Cape Elizabeth Town Council authorize \$9,000 from the proceeds of the sale of 316 Ocean House Road for legal and other expenses (credit to account 1352010).

(5 Yes) (2 No - C. Fritz, M. Lynch)

Moved by P. McKenney and Seconded by M. Mowles

Ordered the Cape Elizabeth Town Council will consider approving the remaining proposed \$99,000 from the proceeds of the sale of 316 Ocean House Road.

(4 Yes) (3 No - A. Swift Kayatta, C. Fritz, M. Lynch)

Moved by P. McKenney and seconded by M. Mowles

Ordered the Cape Elizabeth Town Council approve the remaining proposed \$99,000 from the proceeds of the sale of 316 Ocean House Road as follows:

Replace Temperature/humidity control unit for historic records  
\$20,000

Family Fun Day 9,000

Reclapboarding of rear of Town Hall (other sides done in 1999)  
16,000

Library painting and building repair 15,000

Fire door work 12,000

Comprehensive Planning Committee 12,000

Voter mailings/public information 6,000

Rental Units at Fort Williams Park -Building Repair 9,000

Total \$99,000

(2 Yes - J. Roberts, P. McKenney) (5 No)

Councilor J. Roberts left the meeting at 11:35 p.m.

Moved by P. McKenney and Seconded by M. Mowles

Ordered the Cape Elizabeth Town Council authorize \$20,000 from the proceeds of the sale of 316 Ocean House Road to replace a temperature/humidity control unit for historic records.

(4 Yes) (2 No - C. Fritz, M. Lynch)

Moved by M Mowles and Seconded by P. McKenney

Ordered the Cape Elizabeth Town Council authorize \$9,000 from the proceeds of the sale of 316 Ocean House Road for Family Fun Day.

(2 Yes - M. Mowles, P. McKenney) (4 No)

Moved by P. McKenney and Seconded by M. Mowles

Ordered the Cape Elizabeth Town Council authorize \$16,000 from the proceeds of the sale of 316 Ocean House Road for reclapboarding the rear of Town Hall.

(4 Yes) (2 No - C. Fritz, M. Lynch)

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Moved by P. McKenney and Seconded by D. Backer

Ordered the Cape Elizabeth Town Council authorize \$15,000 from the proceeds of the sale of 316 Ocean House Road for library painting and building repair.

(4 Yes) (2 No - C. Fritz, M. Lynch)

Moved by M. Lynch and Seconded by M. Mowles

Ordered the Cape Elizabeth Town Council authorize \$12,000 from the proceeds of the sale of 316 Ocean House Road for fire door work at Cape Cottage Fire Station.

(5 Yes) (1 No - C. Fritz)

Moved by P. McKenney and Seconded by M. Mowles

Ordered the Cape Elizabeth Town Council authorize \$12,000 from the proceeds of the sale of 316 Ocean House Road for comprehensive planning committee.

(4 Yes) (2 No - C. Fritz, M. Lynch)

Moved by P. McKenney and Seconded by M. Mowles

Ordered the Cape Elizabeth Town Council authorize \$6,000 from the proceeds of the sale of 316 Ocean House Road for voter mailings/public information.

(4 Yes) (2 No - C. Fritz, M. Lynch)

Moved by M. Lynch and Seconded by D. Backer

Ordered the Cape Elizabeth Town Council authorize \$9,000 from the proceeds of the sale of 316 Ocean House Road for rental units at Fort Williams Park-building repair.

(6 Yes)

Citizens Discussion of Items Not on the Agenda: - None

Item # 96-04-05 Executive Session

Council Rules prohibit consideration of new items after 11:00 p.m. Therefore, Item #96-04-05 will be considered at a future Town Council Meeting.

Adjournment

Moved by D. Backer and Seconded by M. Mowles

Ordered the Cape Elizabeth Town Council adjourn at 12:02 a.m.

(6 Yes)

Respectfully submitted,

Deborah S. Cabana

Town Clerk

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# CAPE ELIZABETH TOWN COUNCIL MEETING

Special Meeting # 10-04-05

Monday, January 24, 2005

## ROLL CALL BY THE TOWN CLERK

Councilor	Term Expires	Address	Telephone	Present	Absent
David J. Backer	12/2006	2 Rugosa Way	799-2397	X	
Ann E. Swift-Kayatta	12/2005	14 Stone Bridge Road	767-5754	X	
Carol Fritz	12/2006	1 Stirrup Road	767-3737	X	
Mary Ann Lynch	12/2007	2 Olde Colony Lane	741-2709	X	
John E. "Jack" Roberts	12/2005	185 Fowler Road	767-4526	X**	
Paul J. McKenney	12/2007	5 Katahdin Road	899-0045	X	
Michael D. Mowles, Jr.	12/2006	423 Ocean House Road	741-2552	X*	

## TOWN STAFF

Manager Michael McGovern	X
Deborah Cabana, Town Clerk	X

Council Chairman Anne E. Swift-Kayatta convened the meeting at 3:42 p.m.

Roll Call by the Town Clerk

Pledge of Allegiance to the Flag

Item # 96-04-05 Executive Session

Moved by M. Lynch and Seconded D. Backer

Ordered the Cape Elizabeth Town Council in accordance with 1 MRSA Sec. § 405 Paragraphs 6A, 6C and 6D enter into executive session to begin the annual evaluation of the town manager, to discuss upcoming negotiations with the Cape Elizabeth Police Benevolent Association and with Local 340 of the Teamsters and to discuss the disposition of publicly owned property said property being those properties discussed publicly at the December 13, 2004 town council meeting.

(5 Yes)

\* Councilor M. Mowles arrived at 3:48 p.m.

\*\* Councilor J. Roberts arrived at 4:11 p.m.

Moved by M. Lynch and Seconded C. Fritz

Ordered the Cape Elizabeth Town Council exit executive session at 5:28 p.m.

(7 Yes)

Adjournment

Moved by M. Lynch and Seconded by M. Mowles

Ordered the Cape Elizabeth Town Council adjourn at 5:32 p.m.

(7 Yes)

Respectfully submitted,

Deborah S. Cabana

Town Clerk

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## **MEETINGS SCHEDULE**

Cape Elizabeth Town Council Meetings

2005 Council Year

### **January**

**4** Workshop with School Board

Swear in to Extended Terms

**11** Special Town Council Election

**12** Regular Meeting- (Wednesday)

**24** Public Forum on Budget Issues

**26 Board & Commission Orientation**

**February**

**3** Finance Committee

**14** Regular Meeting

**16** Council Workshop

**March**

**14** Regular Meeting

**16** Council Workshop

**30** Finance Committee

**April**

**4** Finance Committee

**6** Finance Committee

**11** Regular Meeting

**13** Finance Committee

**25** Finance Committee

**May**

**9** Regular Meeting

**11** Council Workshop

**June**

**13** Regular Meeting

**15** Council Workshop

**July**

**11** Regular Meeting

**August**

**8** Regular Meeting

**11** Council Workshop

**September**

**12** Regular Meeting



**14** Council Workshop

**October**

**12** Regular Meeting

Workshop ( TBD)

**November**

**8** Council Election Date

**14** Regular Meeting

**16** Council Workshop

**December**

**12** New Council Year Begins

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