

[Council Members](#)

Agendas -- [November 14, 2005 meeting](#)

[November 28, 2005 meeting with School Board](#)

Draft Minutes -- [October 19, 2005](#)

[Meetings Schedule](#)

TOWN COUNCIL MEMBERS

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

[Return to top](#)

Draft Agenda

CAPE ELIZABETH TOWN COUNCIL AGENDA

Regular Meeting # 26-04-05

Monday, November 14, 2005 @ 7:30 p.m.

Caucus of 2006 Town Council Scheduled for 6:45 p.m.

Roll Call by the Town Clerk

Pledge of Allegiance to the Flag

Presentations

Minutes of Meeting # 25-04-05 held October 19, 2005

Reports and Correspondence

Town Council Goal Status Update

Town Manager's Report

Citizens Discussion of Items Not on the Agenda

Public Hearing: Proposed Changes to Chapter 4 of the Code of Ordinances

Item # 226-04-05 Proposed Amendments to Chapter 4 of the Code of Ordinances

It is proposed to amend Revised Official Code of the Town of Cape Elizabeth relating to the duties and responsibilities of the Board of Trustees of Thomas Memorial Library and to replace the current Sec. 4-3-1 with the following text:

Sec, 4-3-1. Duties and Responsibilities. The duties and responsibilities of the Board of Trustees of the Thomas Memorial Library shall be as follows:

(a) To advise the Library Director on issues of concern to library patrons including issues relating to the collection, the services, the programs and the facilities of the Thomas Memorial Library.

(b) To advise the Town Council on matters relating to the library and especially relating to its long term needs.

(c) To work cooperatively with groups that seek to assist the library. The Board of Trustees of the Thomas Memorial Library may upon request make recommendations of individuals to serve on independent boards whose purpose is to support the library, but may not make any appointments to independent boards.

(d) To perform other responsibilities that may be requested by the Town Council.

Public Hearing Updated General Assistance Ordinance and Appendices

Item # 227-04-05 Updated General Assistance Ordinance and Appendices

It is recommended that the Town Council adopt the Maine Municipal Association recommended General Assistance Ordinance and appendices with the exception that the Town shall abide by the overall maximums, and not by the housing maximums.

Item # 228-04-05 Stonybrook Road Paper Street and Town Owned Lot

The Planning Board has recommended that the Town Council vacate the westerly paper street aside Map U3-125 with the condition that the abutting Town owned lot U3-125 be encumbered by a permanent conservation easement prior to the vacation. If the Town Council is in agreement with the Planning Board recommendation, no vacation may occur until after a formal public hearing. It is recommended that a hearing be set for Monday, January 9, 2006 at 7:30 p.m. at Cape Elizabeth Town Hall with proper notice thereof. It is also suggested that the Town Council request the Town Manager to meet with the Cape Elizabeth Land Trust regarding their interest in accepting a conservation easement, and that if there is interest, that an easement be prepared for consideration at the January 9, 2006 Town Council meeting.

The Planning Board recommends the paper street easterly of Lot U3-125 not be vacated. The Town Manager recommends that a public hearing be set for January 9, 2006 at 7:30 p.m. at the Cape Elizabeth Town Hall on the potential vacation of the easterly paper street.

Item # 229-04-05 Ocean View Road Paper Streets and Town Owned Lot

The Planning Board has recommended that the Town Council vacate the paper street easterly of the abutting Town owned lot U3-92 and that a 15 foot wide pedestrian easement be reserved from the front lot line to the rear lot line on the Town owned lot including the paper street should the Town owned lot be sold. If the Town Council is in agreement with the Planning Board recommendation, no vacation may occur until after a formal public hearing. It is recommended that a hearing be set for Monday, January 9, 2006 at 7:30 p.m. at Cape Elizabeth Town Hall with proper notice thereof. It is also recommended by the Town Manager that that the Town Council request the Town Manager to commence the process of consideration of selling Lot U3-92 adhering to the Land Acquisition and Disposition Policy. The potential sale of the lot is also recommended to be referred to the Conservation Commission per the aforementioned policy.

Item # 230-04-05 Stop Signs on Murray Drive

The Town Council has received a petition requesting that the Murray Drive and Ramble Road intersection be a four way stop intersection. The Town Manager, Chief of Police and Director of Public Works concur that a four way stop would be a safety improvement. We also recommend that the intersection of Murray Drive and Philip Road be a four way stop intersection.

Item # 231-04-05 Appointments Committee Report

The Town Council Appointments Committee is expected to recommend citizens for vacancies on boards and commissions.

Citizen's Discussion of Items Not on the Agenda

Adjournment

Monday, December 12, 2005: 7:30 P.M. Regular Town Council Meeting and 1st Meeting of New Council Year

Wednesday, December 14, 2005: Possible Town Council Workshop meeting

[Return to top](#)

Town of Cape Elizabeth

School Board and Town Council Workshop Agenda

Monday, November 28, 2005

7:30 p.m.

Cape Elizabeth Town Hall

I. Team building Icebreaker - David Backer and Anne Belden

II. Overview of current collaborative efforts between town and schools - Alan Hawkins and Mike McGovern

III. Discussion Items - facilitated by Alan Hawkins and Mike McGovern

· Public Forums during budget time

· Internal process for building a budget - How does the school do it? How does the town do it? What are some of this year's challenges?

IV. Closing Activity - David Backer and Anne Belden

[Return to top](#)

DRAFT MINUTES

CAPE ELIZABETH TOWN COUNCIL MEETING

Regular Meeting # 25-04-05

Wednesday, October 19, 2005

ROLL CALL BY THE TOWN CLERK

Councilor	Term Expires	Address	Telephone	Present	Absent
David J.	12/2006	2 Rugosa	799-2397	X	

Backer		Way		
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

Roll Call by the Town Clerk

Pledge of Allegiance to the Flag

Remembrance of William H. Jordan, Sr. 1923-2005

Chairman Swift-Kayatta, on behalf of the Town Council and residents of Cape Elizabeth, spoke about Mr. Jordan and offered her condolences to the family. There was a moment of silence.

Minutes of Meeting # 24-04-05 held September 12, 2005

Chairman Swift-Kayatta requested that the sentences under Item 207-04-05 be amended to state: "Members from the Fort Williams Advisory Commission were present at the meeting. Also, Joel Russ of the Fort Williams Charitable Foundation was present and spoke at the meeting."

Moved by C. Fritz and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council approve the minutes of meeting # 24-04-05 held September 12, 2005, as amended.

(7 Yes)

Reports and Correspondence

Councilor P. McKenney - Vice President of the GPCOG, recently attended a meeting. There were three goals discussed for the coming year.

1. A comprehensive plan for the GPCOG.
2. Align the economic development district with the GPCOG boundaries.
3. Work with member communities to enhance the value of the GPCOG to become a more valuable resource.

Councilor M. Mowles - is a member of the Cumberland County Budget Advisory Committee. He reported that the county manager is proposing a 2% tax increase. Also, he hoped to be able to host one of the regional budget meetings in the Cape Elizabeth Town Council chambers.

Councilor M. A. Lynch - reminded the public about the Red Cross blood drive to be held on October 29th from 7:00 a.m. to noon at St. Bartholomew Church.

Chairman A. Swift-Kayatta - attended the MMA annual meeting. She also reported that the Land Trust held another successful fall festival on September 25th. She and several other Town Councilors were judges for a pie contest.

Town Council Minutes - Page 2

October 19, 2005

Town Manager's Report

Manager McGovern commented on two items:

1. He has spoken with the Supt. of Schools regarding potential risks of the high school driveway, as requested by Councilor M. Mowles. Mr. McGovern stated that corrections would be made to address this issue.
2. He stated that on June 20th. an application was submitted to D.O.T. regarding the light at the high school entrance. He had been assured by D.O.T. that a report would be received by the end of the week.

Citizens Discussion of Items Not on the Agenda: None

Item # 213-04-05 Accord with Thomas Memorial Library Foundation

Jay Scherma (Director of the Library), Ed Nadeau (Secretary of

Thomas Memorial Board of Trustees) and Robert Stier (President of the Thomas Memorial Library Foundation) were present at the meeting.

Councilor D. Backer disclosed that he is a member of the Thomas Memorial Charitable Foundation. The Town Council did not feel that Councilor Backer's membership was a conflict of interest; therefore, he could vote on the proposed accord.

Moved by P. McKenney and Seconded M. Mowles

Ordered the Cape Elizabeth Town Council approve the proposed accord with the Thomas Memorial Library Foundation as follows:

Accord Between the Thomas Memorial Library Foundation and the Town of Cape Elizabeth

The Thomas Memorial Library Foundation ("Foundation") was established in 2005 to provide financial and other support to the Thomas Memorial Library (TML) in Cape Elizabeth, Maine. The Thomas Memorial Library is owned by the Town of Cape Elizabeth ("Town") and is under the direction of the Cape Elizabeth Town Council ("Council") pursuant to the Council-Manager Charter of Cape Elizabeth, Maine. The TML is operated pursuant to ordinances and policies adopted by the Council.

The Council welcomes private financial and other support for the Thomas Memorial Library including but not limited to support from the Thomas Memorial Library Foundation.

All funds donated to the Thomas Memorial Library Foundation are the property of the Foundation. The Foundation may offer funds to the Town from time to time. All funds offered to the Town as conditional gifts shall be accepted or not accepted by the Council in conformance with 30-A MRSA § 5654 et seq.

The Town will continue to accept donations for the TML that are not channeled through the Foundation. All donations received at the TML presented either in person, by mail or by electronic means shall be deemed as donations to the TML and not to the Foundation unless the donor(s) specifically reference the Foundation.

Town Council Minutes - Page 3

October 19, 2005

When asked questions about gifts to the TML, TML staff shall provide a brochure to potential donors providing the options of giving directly to the TML and/or to the Foundation. Any such brochure shall be approved by the TML Director and the Cape Elizabeth Town Manager.

The Foundation may utilize space at the TML with the permission of the Library Director. Information on the Foundation may be

included in TML publications and on the TML website at the discretion of the Library Director. Foundation use of the Town website (the home page) is at the discretion of the Town Manager.

The Foundation shall annually provide a copy of its annual financial statement to the Town Treasurer. The Town Treasurer may make the report available to the public.

Any member of the Cape Elizabeth Town Council serving on the Foundation Board of Directors shall be nominated to serve by the Cape Elizabeth Town Council.

(6 Yes) - (1 No - J. Roberts)

Item # 214-04-05 Proposed Amendments to Chapter 4 of the Code of Ordinances

Moved by D. Backer and Seconded P. McKenney

Ordered the Cape Elizabeth Town Council set a public hearing on Monday, November 14, 2005 at 7:30 p.m. at the Cape Elizabeth Town Hall on proposed amendments to the Revised Official Code of the Town of Cape Elizabeth relating to the duties and responsibilities of the Board of Trustees of Thomas Memorial Library, which replaces the current Sec. 4-3-1 with the following test:

Sec. 4-3-1. Duties and Responsibilities. The duties and responsibilities of the Board of Trustees of the Thomas Memorial Library shall be as follows:

- (a) To advise the Library Director on issues of concern to library patrons including issues relating to the collection, the services, the programs and the facilities of the Thomas Memorial Library.
- (b) To advise the Town Council on matters relating to the library and especially relating to its long term needs.
- (c) To work cooperatively with groups that seek to assist the library. The Board of Trustees of the Thomas Memorial Library may upon request make recommendations of individuals to serve on independent boards whose purpose is to support the library, but may not make any appointments to independent boards.
- (d) To perform other responsibilities that may be requested by the Town Council.

(7 Yes)

Town Council Minutes - Page 4

October 19, 2005

Item # 215-04-05 Purpoodock Club Annual Licenses

Public Comment - none

Councilor C. Fritz and Chairman A. Swift-Kayatta both stated that they were members of the Purpoodock Club and requested that they be recused from voting. The other Town Councilors did not feel it was necessary for them to be recused solely because they were members.

Moved by M. A. Lynch and Seconded by M. Mowles

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

(5-Yes) (2 Abstain - C. Fritz, A. Swift-Kayatta)

Item # 216-04-05 ECO Maine Interlocal Solid Waste Agreement and

Waste Handling Agreement

Moved by C. Fritz and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council authorize the Town of Cape Elizabeth adopt the RWS successor organization's, "ECO Maine Interlocal Solid Waste Agreement" and further authorize the Town Manager to sign the proposed Waste Handling Agreement.

(7 Yes)

Item # 217-04-05 ECO Maine Corporation

Moved by C. Fritz and Seconded by D. Backer

Ordered the Cape Elizabeth Town Council authorize the formation of a non-capital stock nonprofit corporation under the provisions of Title 13-B and Title 38, Section 1304-B (5) of the Maine Revised Statutes, the name of such corporation to be "ECO Maine," to operate a regional solid waste management system pursuant to the provisions of the said ECO Maine Interlocal Solid Waste Agreement.

(7 Yes)

Item # 218-04-05 ECO Maine Board of Directors

Moved by C. Fritz and Seconded by M. Mowles

Ordered the Cape Elizabeth Town Council appoint the Town Manager to the second seat on the ECO Maine Board of Directors and voting rights to be divided equally between the two members.

(7 Yes)

Town Council Minutes - Page 5

October 19, 2005

Item # 219-04-05 Grant Acceptance

Moved by P. McKenney and Seconded by M. Mowles

Ordered the Cape Elizabeth Town Council accept with gratitude a grant for \$118,750 from the US Fire Administration of the Department of Homeland Security to replace our Service 4 Fire Truck. The 5% local match of \$6,250 shall be included as part of the proposed Fiscal Year 2006 Fire Department budget.

(7 Yes)

Item # 220-04-05 Proposed Expansion of the RB District off Sawyer Road

Joel Fitzpatrick, developer who is proposing an expansion of the RB Zoning District, was present and spoke at the meeting.

Moved by D. Backer and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council refer the proposed expansion of the RB District off Sawyer Road to the Planning Board and to a Town Council workshop.

(7 Yes)

Item # 221-04-05 Winnick Woods Master Plan

Moved by J. Roberts and Seconded by M. Mowles

Ordered the Cape Elizabeth Town Council receive and refer the proposed Winnick Woods Master Plan to the Planning Board and to a Town Council workshop.

(7 Yes)

Item # 222-04-05 Municipal Election Warrant for November 8, 2005

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

Ordered the Cape Elizabeth Town Council approve the warrant for the November 8, 2005 municipal election.

(7 Yes)

Item # 223-04-05 Warden for November 8, 2005 Election

Moved by M.A. Lynch and Seconded by M. Mowles

Ordered the Cape Elizabeth Town Council appoint Sharon J. Gower as the warden and Deborah S. Cabana as the deputy warden for the November 8, 2005 municipal election.

(7 Yes)

October 19, 2005

Item # 224-04-05 Updated General Assistance Ordinance and Appendices

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

Ordered the Cape Elizabeth Town Council set a public hearing on the proposed adoption of the Maine Municipal Association recommended General Assistance Ordinance and appendices for Monday, November 14, 2005 at 7:30 p.m. at the Cape Elizabeth Town Hall with proper notice thereof.

(7 yes)

Citizens Discussion of Items Not on the Agenda: None

Item # 225-04-05 Negotiations with Police Association

Moved by P. McKenney and Seconded M. Mowles

Ordered the Cape Elizabeth Town Council in accordance with 1 MRSA Sec. § 405 Paragraph 6D, enter into executive session to discuss negotiations with the Cape Elizabeth Police Benevolent Association at 8:28 p.m.

(7 Yes)

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

Ordered the Cape Elizabeth Town Council exit executive session at 9:00 p.m.

(7 Yes)

Adjournment:

Moved by M.A. Lynch and Seconded by P. McKenney

Ordered the Cape Elizabeth Town Council adjourn at 9:10 p.m.

(7 Yes)

Respectfully submitted,

Deborah S. Cabana

Town Clerk

[Return to top](#)

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 Workshop, Finance Committee, Budget Hearing

May

9 Regular Meeting

11 Council Workshop

June

13 Regular Meeting

15 Council Workshop (canceled)

July

11 Regular Meeting

14 Council Workshop

August

8 Regular Meeting

11 Council Workshop

September

12 Regular Meeting

14 Council Workshop. 7 p.m., Topics: RWS and Thomas Memorial Library Foundation

October

12 Regular Meeting

20 Workshop Topics: Special funds, Thomas Jordan Trust, meet with auditors

26 Workshop Topic: Fort Williams fees

November

8 Council Election Date

14 Regular Meeting

December

12 New Council Year Begins

[Return to top](#)