

CAPE ELIZABETH TOWN COUNCIL MEETING

Regular Meeting # 13-04-05

Monday, March 14, 2005

	7:30 p.m.		Present	Absent
Anne E. Swift-Kayatta, Chairman	14 Stone Bridge Road	X	767-5754	12/2005
David J. Backer	2 Rugosa Way	X	772-5845 ext 122	12/2006
Carolyn M. Fritz	1 Stirrup Road	X	767-3737	12/2006
Mary Ann Lynch	2 Olde Colony Lane	X	232-1048	12/2007
Paul J. McKenney	5 Katahdin Road	X	899-0045	12/2007
Michael D. Mowles, Jr.	423 Ocean House Road	X	741-2552	12/2006
John E. "Jack" Roberts, Jr.	185 Fowler Road	X	767-4526	12/2005

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 J. Roberts wished the high school hockey team good luck at the game tonight in Lewiston.

Town Manager's Report

Manager McGovern informed the Council of projected expenses (due to the excess amount of winter storms), which he anticipates to be \$74,000 over budget.

Citizens' Discussion of Items not on the Agenda - None

Minutes of Meeting #11-04-05 held February 14, 2005 and #12-04-05 held February 16, 2005

Moved by J. Roberts and Seconded by D. Backer

Ordered the Cape Elizabeth Town Council approve the minutes of meeting #11-04-05 held February 14, 2005 and #12-04-05 held February 16, 2005

(7 Yes)

Item # 126-04-05 Receipt of Proposed Fiscal Year 2006 Budget

Manager McGovern gave a brief presentation of the overall Municipal and School Budget.

Moved by C. Fritz and Seconded by M. Mowles

Ordered the Cape Elizabeth Town Council acknowledge receipt of the proposed Fiscal Year 2006 municipal budget and special funds budget and refer the budgets to the finance committee.

(7 Yes)

Item # 127-04-05 Appointments Committee

Councilor M. Mowles read the list of the individuals that the Appointments Committee is recommending for the Arts Commission as follows:

Pamela Steven	An unexpired term until December 31, 2005
Stephen Popp	A term to expire December 31, 2007
Sara Lennon	A term to expire December 31, 2007

Moved by M. Mowles and Seconded by M. Lynch

Ordered the Cape Elizabeth Town Council approve the recommendations of the Appointments Committee, as presented.

(7 Yes)

Item # 128-04-05 2005 Dog Warrant

Moved by M. Mowles and Seconded by P. McKenney

Ordered the Cape Elizabeth Town Council approve the 2005 dog warrant

(6 Yes) (1 No – J. Roberts)

Item # 129-04-05 Animal Control Agreement with South Portland

Moved by M. Lynch and Seconded by M. Mowles

Ordered the Cape Elizabeth Town Council approve a continuation of the Interlocal agreement with South Portland for the services of an animal control officer.

(7 Yes)

Item # 130-04-05 Proceeds from Sale of Property

Town of Cape Elizabeth

Use of Proceeds from the Sale of Property

The Town of Cape Elizabeth occasionally sells property owned by the town, which property has been acquired as the result of a gift, a purchase or a foreclosure. The sales may be in the form of property transfers or the sale of an easement. This policy is intended to provide guidance to the town council on the use of proceeds from such sales of property and/or easements.

Use of Proceeds from the Sale of Property or Property Rights Acquired through Foreclosure

Proceeds shall first be applied to meet the tax obligation of the property including all taxes, interests and costs, then to meet the costs of the sale of the property including attorney's fees, appraisal and survey costs, registry fees, any broker commissions and other costs specifically related to the sale of the property.

Any net proceeds in excess of the above costs shall be equally divided between the Land Acquisition Fund and the General Fund.

Use of Proceeds from the Sale of Property or Property Rights Acquired other than through Foreclosure.

Proceeds shall first be applied to meet the costs of the sale of the property including attorney's fees, appraisal and survey costs, registry fees, any broker commissions and other costs specifically related to the sale of the property.

Any net proceeds in excess of the above costs shall be equally divided between the Land Acquisition Fund and the General Fund.

Use of Proceeds from the Sale of Property with Improved Structure when Successor Structure will be Constructed

Whenever any property is sold with an improved structure and the town is building a successor replacement structure on other land, the proceeds shall first be applied to meet the costs of the sale of the property including attorney's fees, appraisal and survey costs, registry fees, any broker commissions and other costs specifically related to the sale of the property.

Any net proceeds in excess of the above costs shall be used 100% for the acquisition of land and for construction of the successor structure.

Moved by P. McKenney and Seconded by M. Mowles

Ordered the Cape Elizabeth Town Council approve the policy for the proceeds from sale of property as proposed.

(7 Yes)

Item # 131-04-05 Sewer Rehabilitation Report

Moved by M. Lynch and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council set a public hearing for April 11, 2005 on the proposed plan to rehabilitate certain Cape Elizabeth sewers at an estimated cost of \$5.4 million.

(7 Yes)

Item # 132-04-05 Little League Signage

Moved by M. Mowles and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council set a public hearing for April 11, 2005 on proposed amendments to the sign ordinance to apply consistent policies for advertising signage on the outside fences at Lions Field, Holman Field, Plaisted Park, the High School Soccer Field and any other athletic fields with fencing around it.

(7 Yes)

Item # 133-04-05 Harbor Ordinance Amendments

Moved by P. McKenney and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council refer the proposed amendments of the Harbor Ordinance to the Ordinance Committee.

(7 Yes)

Item # 134-04-05 Sale of Portion of Lot behind Grover Road

Moved by M. Lynch and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council table item #134-04-05 until the Special Town Council Meeting on March 16, 2005.

(7 Yes)

Item # 135-04-05 Agreement with Local 340 of the Teamsters Representing Certain Cape Elizabeth Public Works Employees

Moved by P. McKenney and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council ratify the proposed agreement with Local 340 of the Teamsters Representing Certain Cape Elizabeth Public Works Employees.

(7 Yes)

Citizens Discussion of Items Not on the Agenda- None

Adjournment

Moved by M. Mowles and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council adjourn at 8:29 p.m.

(7 Yes)

Respectfully submitted,

Deborah S. Cabana
Town Clerk