

CAPE ELIZABETH TOWN COUNCIL MINUTES

Regular Meeting # 22-04-05

Monday, July 11, 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

The Town Council met at the new entrance at the rear of the Cape Elizabeth High School at 4:45 p.m. for a tour of the new construction. The Council recessed for dinner at approximately 5:30 p.m. At 6:45 p.m. the Town Council conducted a workshop to discuss RWS Reorganization. The regular meeting began at 7:30 p.m.

Manager Michael McGovern

X

Town Clerk Deborah Cabana

X

Pledge of Allegiance to the Flag

Presentations

Clint Blood and Glenn Israel, President and Vice Chairman respectively, of the Fort Williams Charitable Foundation – presented two checks (\$9500 and \$810) to the Town on behalf of the Foundation.

Minutes of Meeting # 21-04-05 held June 13, 2005

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

Ordered the Cape Elizabeth Town Council approve the minutes of meeting # 21-04-05 held June 13th 2005.

(7 Yes)

Reports and Correspondence

Councilor J. Roberts – noted the recent Portland Symphony Orchestra event over the July 4th weekend. He also attended a recent COG meeting where Cape Elizabeth residents Tina Harnden, Lisa Morris and Lisa Silverman received a volunteer award for their efforts with the Fort Williams Playground.

Chairman A. Swift-Kayatta – welcomed Alan Hawkins, the new Superintendent of Schools, who was attending the Town Council meeting.

Councilor M. Mowles – thanked everyone who participated with the Family Fun Day. He noted that although the fireworks had to be cancelled due to inclement weather, that he hoped citizens would have an opportunity to enjoy the fireworks at next year's event.

Town Manager's Report – None

Citizens Discussion of Items Not on the Agenda: None

On the Table

Item # 181-04-05 BA Wetlands Amendment

Moved by J. Roberts and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council removed Item # 181-04-05 from the table.
(5 Yes) (1 No – M. Mowles)- (1 Abstain – D. Backer)

Councilor D. Backer requested that he be recused from voting on this item, as he felt this item is a possible conflict of interest.

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

Ordered the Cape Elizabeth Town Council recuse Councilor D. Backer from voting on Item #181-04-05.

(6 Yes) (1 No – M. Mowles)

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

Ordered the Cape Elizabeth Town Council approve the proposed BA Wetlands amendment.

(3 Yes) (3 No – J. Roberts, C. Fritz, A. Swift-Kayatta) – MOTION FAILS

- Item # 183-04-05 ECO Maine Interlocal Solid Waste Agreement**
- Item # 184-04-05 ECO Maine Corporation**
- Item # 185-04-05 ECO Maine Waste Handling Agreement**
- Item # 186-04-05 ECO Maine Board of Directors**

General Manager of Regional Waste Systems Kevin Roche was present at the meeting to answer questions.

Moved By C. Fritz and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council removed Item ## 183-04-05 through 186-04-05 from the table.

(5 Yes) (2 No – M. Mowles and M. A. Lynch)

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

Ordered the Cape Elizabeth Town Council table Item ## 183-04-05 through 185-04-05 until the regular Town Council meeting in October 2005.

(7 Yes)

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

Ordered the Cape Elizabeth Town Council appoint Carol Fritz to serve as the Cape Elizabeth member on the ECO Maine Board of Directors.

(5 Yes) (1No – M. Mowles)

Item # 189-04-05 Land Acquisition/Disposition Policy

Moved By J. Roberts and Seconded by P. McKenney

Ordered the Cape Elizabeth Town Council removed Item # 189-04-05 from the table.
(6 Yes) (1 No – M. Mowles)

The Public Hearing opened at 8:25 p.m.

The Public Hearing closed at 8:26 p.m.

Moved by J. Roberts and Seconded by D. Backer

Ordered the Cape Elizabeth Town Council adopt the proposed Land Acquisition/Disposition Policy.

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

Ordered the Cape Elizabeth Town Council amend the proposed Land Acquisition/Disposition Policy by replacing the number “14” with the number “30” in two sections (III-A-5d and III-C-1d) of the policy. (Copy attached to the Official Minutes)

(7 Yes)

Ordered the Cape Elizabeth Town Council adopt the proposed Land Acquisition/Disposition Policy as amended.

(7 Yes)

New Business

Item # 194-04-05 Public Hearing - Coastal Waters and Harbors Ordinance

Councilor D. Backer gave an overview of the proposed amendments to the Coastal Waters and Harbors Ordinance.

Harbor Master Roger Long and Chief of Police Neil Williams were present at the meeting to answer questions.

The Public Hearing opened at 8:45 p.m.

The Public Hearing closed at 8:45 p.m.

Moved by P. McKenney and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council approve the proposed changes to the Coastal Waters and Harbors Ordinance, as presented. (Copy attached to the Official Minutes)

(7 Yes)

Item # 195-04-05 School Project Funds

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

Ordered the Cape Elizabeth Town Council transfer the remaining balance in the Pond Cove School Addition account to the high school project so that the school building committee may consider funding original project components and needed furnishings that were deferred until it could be assured that the overall school project would be completed within budget.

(7 Yes)

Item # 196-04-05 School Athletic Field Lights

James Croft of 56 Stonegate Road gave an overview of the proposed project. A representative from MUSCO LIGHTING was available to answer questions.

Moved by M Mowles and Seconded by P. McKenney

Ordered the Cape Elizabeth Town Council authorize an application to the Planning Board for the proposed lights for the Cape Elizabeth High School lower school athletic field.

(7 Yes)

Item # 197-04-05 Library Trust Fund Use Authorization

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

Ordered the Cape Elizabeth Town Council authorize the expenditure of \$6,500 for shelving and furniture for the Thomas Memorial Library with \$3,850 from the Marion Chase Fund and \$2,650 from the Barbara Chase Fund.

(7 Yes)

Item # 198-04-05 Acceptance of Grant for Regional Tactical Team

Moved by P. McKenney and Seconded by J. Roberts

Ordered the Cape Elizabeth Town Council accept \$5,173 in FY2004 Law Enforcement Terrorism Prevention Funds as part of Cape Elizabeth's participation in the South Portland Tactical Team.

(7 Yes)

Item # 199-04-05 Carry Forward Balances

Moved by P. McKenney and Seconded by M. Mowles

Ordered the Cape Elizabeth Town Council approve the proposed balances to be carried forward. (See table below)

(6 Yes) (1 No – C. Fritz)

2104002 & R0611	Police Donation Fund	\$ 16,530
7155103	High School Dugout Fund	\$ 3,650
R0503	Library Gifts	\$ 3,940
7200104	Thermal Imaging Camera Fund	\$ 4,129
7154004	Cruiser Replacement	\$ 5,063
7154052	Thomas Memorial Library Improvements	\$ 19,350
7154111	Town Hall Windows	\$ 9,600
1202011	GIS Grant Match	\$ 9,200
7155213	Shore Road Light-Local Share	\$ 52,500
7155214	Shore Road Overlay- Local Share	\$ 70,785
7155252	Sawyer Road Overlay-Local Share	\$ 25,740
7200110	Cape Cottage Fire Station Door	\$ 12,000
7200111	Comprehensive Planning Commission	\$ 20,000
		\$252,487
	Other	
	Use of Surplus-Succeeding Year	\$210,000
	Prepaid Community Services Summer Program	
	All Library GL Accounts/Donation Accounts	
	All Development Escrow Accounts	
		\$462,487

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

Ordered the Cape Elizabeth Town Council suspend the rules to take an item out of order.

(7 yes)

Item 201-04-05 MMA Ballot for Executive Committee Officers

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

Ordered the Cape Elizabeth Town Council approves the MMA Ballot for Executive Committee Officers as proposed.

(7 Yes)

Citizen’s Discussion of Items Not on the Agenda – None

Item # 200-04-05 Negotiations with Police Association

Moved by M. A. Lynch 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 9:46 p.m.

(7 Yes)

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

Ordered the Cape Elizabeth Town Council exit executive session at 10:14 p.m.

(7 Yes)

Adjournment

Moved by P. McKenney and Seconded by M. Mowles

Ordered the Cape Elizabeth Town Council adjourn at 10:15 p.m.

(7 Yes)

Respectfully submitted,

Deborah S. Cabana
Town Clerk