

**CAPE ELIZABETH TOWN COUNCIL MEETING**  
**Regular Meeting # 26-04-05**  
**Monday, November 14, 2005 @ 7:30 p.m.**  
**Caucus of 2006 Town Council Scheduled for 6:45 p.m.**

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

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

**Presentations** – Chairman A. Swift-Kayatta made presentations recognizing the state championship for the following teams:

1. Cape Elizabeth High School Golf Team
2. Cape Elizabeth High School Girls Cross Country Team
3. Cape Elizabeth High School Boys Cross Country Team

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

Moved by P. McKenney and Seconded by J. Roberts

**Ordered the Cape Elizabeth Town Council approve the minutes of meeting # 25-04-05 held October 19, 2005, as presented.**

(7 Yes)

**Reports and Correspondence**

*Councilor C. Fritz* – recently attended the 20<sup>th</sup> anniversary celebration of the Cape Elizabeth Land Trust. She noted that 565 acres have been preserved over the 20 years of the Land Trust's existence.

*Councilor M. Mowles* – also attended the CELT 20<sup>th</sup> anniversary celebration. He stated that a founding member award was given to Councilor Carol Fritz. Councilor Mowles confirmed that Cape Elizabeth would be hosting (in the town council chambers) the Cumberland County Budget Public Hearing on December 1, 2005 at 7:00 p.m.

*Chairman A. Swift-Kayatta* – thanked the town clerk and the election officials for the well-run election. She thanked the citizens for their support to re-elect her again to serve on the Town Council. She also congratulated councilor-elect, Cynthia Dill. Chairman Swift-Kayatta commended the several accomplishments made by Jack Roberts Jr. who will be leaving the town council after serving 6 ½ years.

*Councilor J. Roberts* – thanked Chairman A. Swift-Kayatta and stated that it was an honor and a privilege to serve on the Town Council.

**Town Manager's Report –**

Manager McGovern reviewed the following Town Council Goals:

**Cape Elizabeth Town Council Goals  
July 1, 2004—December 31, 2005  
November 1, 2005 Progress Report**

1. **Ensure that quality services and programs are maintained with as minimal impact as possible on the property tax rate.**
  - a. Continue quarterly reviews of expenditures and revenues by the Finance Committee. *Done and Ongoing*
  - b. Set targets for any adjustment in the FY 2006 tax rate prior to budget submissions. *Target was set and adhered to*
  - c. Communicate to the Cumberland County commissioners, to state decision makers, and to other cities and towns the need to restrain future growth of the county budget. *Communication is Ongoing*
  - d. Review and use as a resource an updated and expanded study, which benchmarks the costs of municipal and school services with other communities. *Benchmark study was completed and was used as a resource*
  - e. Meet with chief elected and appointed officials in surrounding communities to discuss opportunities for regional cooperation and possible expenditure savings. *Meetings have been ongoing. Animal control was undertaken with South Portland. PSAPs will merge. Dispatcher study underway.*
  - f. Apply additional net state revenue resulting from Question 1 vote toward property tax relief. *This was done as part of the annual budget adoption.*
  - g. Explore opportunities to raise additional revenue at Fort Williams Park. *Fort Williams Advisory Commission reviewed fee option and held workshop with Town Council*
  - h. Plan for possible impact of Palesky tax cap: citizen education and implementation plan. *Citizen committee was formed and much work was done here in Cape Elizabeth and by Council Chairman, other Councilors, and citizens*
  - i. Review all of the special funds to determine the adequacy of their revenue and their long-term expenditure needs. *Sewer fees were adjusted and other funds were reviewed.*
2. **Increase opportunities for interaction of the Town Council with boards and commissions.**
  - a. Conduct an annual orientation for all board and commission members. *Done*
  - b. Participate in a workshop with the Planning Board to review whether an update the comprehensive plan is needed, and if so, how. *Done and Comprehensive Planning Committee was formed and is meeting.*
  - c. Participate in a workshop with the Conservation Commission to review progress on the greenbelt and to discuss priorities. *Workshop scheduled*
  - d. Have a council member attend at least one meeting of each board and commission. *Ongoing*
3. **Continue implementation of the master plan for the Gull Crest trails.**  
*Grant Received and work is continuing. Bridge constructed across Spurwink River.*
4. **Explore ways to reduce long- and short-term waste handling costs in CE.**
  - a. Review restructuring/financial proposals for RWS. *Reviewed and adopted.*
  - b. Review waste handling processes. *Reviewed*
5. **Review list of town-owned properties for possible sales. Realize at least \$75,000 in revenue from the sale of town property.**  
*Nearly \$500,000 in property sales realized since goal adopted.*
6. **Explore options for providing employee retirement.** *Ongoing*

**Citizens Discussion of Items Not on the Agenda: None**

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

The Public Hearing opened at 8:01 p.m.

The Public Hearing closed at 8:02 p.m.

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

Manager McGovern explained that the proposed amendment to Chapter 4 of the Code of Ordinances is relating to the duties and responsibilities of the Board of Trustees of Thomas Memorial Library and to replace the current Section 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.*

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

**Ordered the Cape Elizabeth Town Council approve the proposed amendments to the Code of Ordinances, as presented.**

(7 Yes)

**Public Hearing Updated General Assistance Ordinance and Appendices**

The Public Hearing opened at 8:03 p.m.

The Public Hearing closed at 8:03 p.m.

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

Moved by C. Fritz and Seconded by J. Roberts

**Ordered the Cape Elizabeth Town Council approve the updated General Assistance Ordinance and Appendices including the removal of housing maximums with the retention of overall maximums.**

(7 Yes)

Moved by A. Swift-Kayatta and Seconded by P. McKenney

**Ordered the Cape Elizabeth Town Council approve discussion on Item ## 228-04-05 and 229-04-05 at the same time.**

(7 Yes)

\* Many citizens from each neighborhood were present at the Town Council meeting. Although Item ##228-04-05 and 229-04-05 were not public hearings, citizens were given an opportunity to speak to each Item.

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

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

**Ordered the Cape Elizabeth Town Council table indefinitely Item # 228-04-05.**

(6 Yes) (1 No – M. Mowles)

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

Moved by P. McKenney and Seconded by C. Fritz

**Ordered the Cape Elizabeth Town Council table indefinitely Item # 229-04-05.**

(7 Yes)

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

\* Jeff and Courtney Thoreck of 44 Murray Drive were present at the meeting. Mr. Thoreck stated he felt that a 4-way stop at the intersection of Murray Drive and Ramble Road was a necessity for safety reasons.

Manager McGovern stated that a petition had been received 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 concurred that a four way stop would be a safety improvement. They also recommended that the intersection of Murray Drive and Philip Road be a four-way stop intersection.

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

**Ordered the Cape Elizabeth Town Council approve a four-way stop intersection at Murray Drive and Ramble Road and a four-way stop intersection at Murray Drive and Philip Road.**

(7 Yes)

**Item # 231-04-05      Appointments Committee Report**

Councilor M. Mowles read the list of the individuals that the Appointments Committee is recommending for the various boards and commissions.

Moved by M. Mowles and Seconded by J. Roberts

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

<b>Board</b>	<b>FirstName</b>	<b>LastName</b>	<b>New Appointee</b>	<b>TermExpires</b>
Arts Commission	Pamela	Stevens	<b>Lina Newhouser</b>	12/31/08
Arts Commission	Alan	Marcuse	<b>Suzan Backer</b>	12/31/08
Conservation Commission	Julie	Franklin	<b>Richard Bauman</b>	12/31/08
Conservation Commission	Jonah	Rosenfield	<b>Jonah Rosenfield</b>	12/31/08
Fort Williams Advisory Commission	Tina	Harnden	<b>Tina Harnden</b>	12/31/08
Fort Williams Advisory Commission	Charles	McCarthy *	<b>Maureen McCarthy</b>	12/31/08
Fort Williams Advisory Commission	John	Snowden	<b>Jim Rowe</b>	12/31/08
Personnel Appeals Board	Robert	Packer	<b>Robert Packer</b>	12/31/08
Planning Board	John	Ciraldo	<b>John Siegfried</b>	12/31/08
Planning Board	Peter	Hatem	<b>Peter Hatem</b>	12/31/08
Riverside Memorial Cemetery Trustees	Frank	Leavitt	<b>Frank Leavitt</b>	<b>12/31/06</b>
Riverside Memorial Cemetery Trustees	Jessie M.	Timberlake	<b>Jessie M. Timberlake</b>	12/31/08
Thomas Memorial Library Trustees	Nancy	McGlynn (#Bruns)	<b>Evan Roth</b>	12/31/08
Thomas Memorial Library Trustees	Carol Ann	Olsen	<b>Carol Ann Olsen</b>	12/31/08
Thomas Memorial Library Trustees	<b>VACANT</b>	Wyzykowski	<b>Nancy Marshall</b>	<b>12/31/07</b>

*Riverside Memorial Cemetery Trustees - In order to properly staggered the terms, the recommendation is for Frank Leavitt to serve until 12/31/2006.*

*Next year Mr. Leavitt may request his second three year term.*

*Thomas Memorial Library Trustees - It is recommended that Nancy Marshall serve the unexpired term of Marie Wyzykowski until 12/31/2007.*

**(7 Yes)**

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**Citizen’s Discussion of Items Not on the Agenda: - None**

**Adjournment:**

Moved by P. McKenney and Seconded by D. Backer

**Ordered the Cape Elizabeth Town Council adjourn at 9:40 p.m.**

**(7 Yes)**

Respectfully submitted,

Deborah S. Cabana  
Town Clerk