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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.)

David J. Backer , chairman	12/2006	2 Rugosa Way
Anne Swift-Kayatta	12/2008	14 Stone Bridge Road
Carol Fritz	12/2006	1 Stirrup Road
Mary Ann Lynch	12/2007	2 Olde Colony Lane
Cynthia Dill	12/2008	1227 Shore Road
Paul J. McKenney	12/2007	5 Katahdin Road
Michael D. Mowles, Jr.	12/2006	423 Ocean House Road

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Draft Agenda

CAPE ELIZABETH TOWN COUNCIL AGENDA

Regular Meeting # 2-2006

Monday, January 9, 2006

7:30 p.m.

Roll Call by the Town Clerk

Pledge of Allegiance to the Flag

Minutes of Meeting # 1-2006 held December 12, 2005

Reports and Correspondence

Town Manager's Report

Citizens Discussion of Items Not on the Agenda

Item# 32-2006 Winnick Woods Master Plan Public Hearing

The Town Council will hold a public hearing and will consider adoption of the Draft Plan.

Item# 33-2006 Proposed Amendment to the Zoning Ordinance-Bisected Lots

It is recommended that the proposed amendment be referred to the Ordinance Committee.

Item# 34-2006 16 Beacon Lane- Consent Agreement

It is recommended that the Town Manager be authorized to sign a consent agreement permitting an existing second floor to remain as is at 16 Beacon Lane. The second floor, constructed by a prior owner in 2000, violates the front setback by up to 3 feet. The property owner is proposed to be responsible for the cost of Town legal work required in the drafting of the consent agreement.

Item# 35-2006 Personnel Code Amendments

The staff is recommending language regarding workplace violence and compliance with the Uniformed Services Employment and Reemployment Rights Act of 1994.

Item# 36-2006 Update of Spurwink Church Regulations and Fees

Technical amendments are being recommended for the Spurwink Church Use Regulations. It is also recommended that the event use fees be \$200 for residents and \$300 for non-residents.

Item# 37-2006 Executive Sessions

It is recommended that the Town Council in conformance with

1 MRSA, §405 Paragraph A and D enter executive session for the purpose of beginning the annual evaluation of the town manager and to discuss labor contracts.

Following the executive sessions, the Town Council may have a workshop discussion to discuss the annual presentation of the Ralph Gould Award.

Citizen's Discussion of Items Not on the Agenda

Adjournment

January and February 2006 Town Council Meetings/Events

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Town of Cape Elizabeth

Town Council Workshop Agenda

Thursday, January 12, 2006

7:30 p.m.

Cape Elizabeth Town Hall

I. Town Council Goals for 2006 (click here to view 2005 goals progress report)

II County as CDBG Eligible Applicant

III. Manager Report on Capital Improvement Program

IV. Sewer Rehabilitation Program Update

V. Other

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DRAFT MINUTES

CAPE ELIZABETH TOWN COUNCIL MEETING

Regular Meeting # 1-2006

Monday, December 12, 2005 7:30 p.m.

Oaths of Office Administered by the Town Clerk

Cape Elizabeth School Board: Katharine N. Ray and Linda Winker

Cape Elizabeth Town Council: Cynthia Dill and Anne E. Swift-Kayatta

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	12/2008	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	
Cynthia Dill	12/2008	1227 Shore 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

Manager Michael McGovern X

Town Clerk Deborah Cabana X

Roll Call by the Town Clerk

Pledge of Allegiance to the Flag

Minutes of Meeting # 26-04-05 held November 14, 2005

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

Ordered the Cape Elizabeth Town Council approve the minutes of meeting # 26-04-05 held November 14, 2005, as presented.

(7 Yes)

Reports and Correspondence

Councilor M. Mowles - stated that the Cumberland County Budget hearing scheduled in Cape Elizabeth on December 1st has been cancelled.

Town Manager's Report

Manager McGovern - stated that Harry Dean of the Public Works Department would be retiring after nearly 25 years of service.

Citizens Discussion of Items Not on the Agenda: None

Item# 1-2006 Election of a Town Council Chairman for Council Year 2006

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

Ordered the Cape Elizabeth Town Council appoint David J. Backer is Chairman of the Cape Elizabeth Town Council for year 2006.

(7 Yes)

Chairman David Backer made a presentation to outgoing Chairman Anne E. Swift-Kayatta, acknowledging her leadership and accomplishments during the last year.

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December 12, 2005

Item ## 2 through 11-2006

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

Ordered the Cape Elizabeth Town Council consider Item ## 2 through 11-2006 enbloc.

(7 Yes)

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

Ordered the Cape Elizabeth Town Council approve Item ## 2 through 11-2006 as set forth in the agenda.

Item# 2-2006 Adoption of Town Council Rules

A few typographical corrections were made to the Town Council Rules. A copy will be attached to the official minutes.

Item# 3-2006 Appointment of the Finance Committee

Paul J. McKenney as Chairman and the Council as a whole to serve as the Finance Committee

Item# 4-2006 Appointment of an Ordinance Committee

Carol Fritz as Chairman and Cynthia Dill and

Mary Ann Lynch as members

Item# 5-2006 Appointment of an Appointments Committee

Mary Ann Lynch as Chairman and Michael D. Mowles, Jr. and Anne E. Swift-Kayatta as members

Item# 6-2006 Appointment of Representatives to RWS Board of Directors

Carolyn M. Fritz and Michael K. McGovern

Item# 7-2006 Appointment of Representative to Greater Portland Council of Governments Executive Committee

Paul J. McKenney

Item# 8-2006 Appointment of Representative and Alternate to Greater Portland Council of Governments General Assembly

Michael D. Mowles, Jr.

Cynthia Dill, Alternate

Item# 9-2006 Appointment of Representative to PACTS Policy Committee

Michael K. McGovern

Item# 10-2006 Appointment of Representative to MMA Legislative Policy Committee

Anne E. Swift-Kayatta

Item# 11-2006 Appointment of Representative to Thomas Memorial Library Foundation

David J. Backer

(7 Yes)

December 12, 2005

Item# 12-2006 Inn by the Sea Annual Licenses

Moved by M. Mowles and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council approve the request for the annual malt, spirituous and vinous license and for a Special Amusement Permit for dancing and entertainment for Susan T. Legge, Fort Fairfield Yacht Club d/b/a Susan Legge Events, Inc., Inn by the Sea, HMH Limited Partnership at 40 Bowery Beach Road.

(7 Yes)

Item# 13-2006 Nordic Ski Request

Members from the Cape Nordic (Hillary Egan, Muzzy Barton, David Roberts, and Peter Dunfey) made a presentation to the Town Council, offering groomed cross country trails at Gull Crest.

Moved by A.E. Swift-Kayatta and Seconded by M. Mowles

Ordered the Cape Elizabeth Town Council refer the Nordic Ski Request to the Town Manager to report back to the Town Council at the February 13, 2006 meeting.

(7 Yes)

Item# 14-2006 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 M.A. Lynch

Ordered the Cape Elizabeth Town Council approve the recommendations of the Appointments Committee, as presented. (Copy of the list is attached to the official minutes.)

(7 Yes)

Item# 15-2006 Winnick Woods Master Plan

Moved by C. Fritz and Seconded by A.E. Swift-Kayatta

Ordered the Cape Elizabeth Town Council schedule a public hearing on Monday, January 9, 2006 at 7:30 p.m. at the Town Hall regarding the proposed Winnick Woods master plan.

(7 Yes)

Item# 16-2006 DEP Modification Request

Moved by A.E. Swift-Kayatta and Seconded by M. Mowles

Ordered the Cape Elizabeth Town Council authorize an application to the Maine Department of Environmental Protection to permit the temporary use of Jordan Farm Road for the duration of the 2006 construction project which will reconstruct and place

new sewers in Winding Way and Running Tide Road. Four additional local restrictions to include: 1) allow construction vehicles only; and 2) permit use of individuals on Running Tide Road, Winding Way, and Masefield Terrace only when Winding Way has significant construction activity; and 3) available for emergency vehicles only; and 4) not open at all on weekends except for emergency vehicles.

(7 Yes)

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December 12, 2005

Item # 17-2006 Little League Lions Field Dugout Request

Moved by M. Mowles and Seconded by P. McKenney

Ordered the Cape Elizabeth Town Council authorize the Town to apply to the Cape Elizabeth Planning Board for permits and approvals necessary to replace the dugouts at Lions Fields - permitting cost to be paid by the Town.

(7 Yes)

Item# 18-2006 Acceptance of Gifts

Moved by A.E. Swift-Kayatta and Seconded by M. Mowles

Ordered the Cape Elizabeth Town Council accept the gifts and bequests donated to the various town departments.

(7 Yes)

Item ## 19 through 28-2006

Moved by M. Mowles and Seconded by P. McKenney

Ordered the Cape Elizabeth Town Council consider Item ## 19 through 28-2006 enbloc.

(7 Yes)

Moved by M. Mowles and Seconded by P. McKenney

Ordered the Cape Elizabeth Town Council accept Item ## 19 through 28-2006 as set forth in the agenda.

Item# 19-2006 Acceptance of Open Space at Autumn Tides Subdivision

It is proposed to accept by warranty deed the gift of 1.01 acres of open space with conservation restrictions from Wyley Enterprises, LLC. The open space is part of the Autumn Tides Subdivision.

Item# 20-2006 Acceptance of Autumn Tides Road

It is proposed to accept by warranty deed the parcel of land known as Autumn Tides Road as drawn on a plan entitled "Final Subdivision Plan of Autumn Tides Subdivision" as recorded in the Cumberland County Registry of Deeds in Plan Book

Item# 21-2006 Acceptance of Drainage Easement

It is proposed to accept a drainage easement deed from Abram Wilmot as shown on the plan entitled "Grover Acres Subdivision Grover Road Cape Elizabeth Maine by Mitchell and Associates." Said deed already recorded at Book 22466, Page 279-280 at the Cumberland County Registry of Deeds.

Item# 22-2006 Acceptance of Drainage Easement

It is proposed to accept a drainage easement deed from Stephen M. Murray as shown on the plan entitled "Grover Acres Subdivision Grover Road Cape Elizabeth Maine by Mitchell and Associates." Said deed already recorded at Book 22466, Page 281-282 at the Cumberland County Registry of Deeds.

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December 12, 2005

Item# 23-2006 Acceptance of Drainage Easement

It is proposed to accept a drainage easement deed from Leland P. Murray, III as shown on the plan entitled "Grover Acres Subdivision Grover Road Cape Elizabeth Maine by Mitchell and Associates." Said deed already recorded at Book 22466, Page 283-284 at the Cumberland County Registry of Deeds.

Item# 24-2006 Acceptance of Flowage Easement

It is proposed to accept a flowage easement deed from Carol A. Murray as shown on the plan entitled "Grover Acres Subdivision Grover Road Cape Elizabeth Maine by Mitchell and Associates." Said deed already recorded at Book 22552, Page 334 at the Cumberland County Registry of Deeds.

Item# 25-2006 Acceptance of Deed for Grover Road Turnaround

It is proposed to accept an easement deed from Stephen M. Murray as shown on the plan entitled "Grover Acres Subdivision Grover Road Cape Elizabeth Maine by Mitchell and Associates." Said easement provides a turnaround on the southeasterly corner of Lot 11. Said deed already recorded in Book 22466, Pages 285-287 at the Cumberland County Registry of Deeds.

Item# 26-2006 Acceptance of Grover Road- Extended Portion

It is proposed to accept by quit claim deed from Stephen M. Murray, Leland P. Murray, III and Kristine G. Murray the parcel of land known as Grover Road as drawn on a plan entitled "Grover Acres Subdivision" as recorded in the Cumberland County Registry of Deeds in Plan Book 205, Page 307.

Item# 27-2006 Acceptance of Hamlin Street Drainage Easement

It is proposed to accept a drainage easement from Cloutier Construction adjacent to Hamlin Street as depicted on the approved Amended Subdivision Plan, Hamlin Street Subdivision dated 4/30/2004 as finally amended, by Pinkham and Greer for Cloutier Construction.

Item# 28-2006 Acceptance of Hamlin Street and Dermot Drive

It is proposed to accept by warranty deed that area shown as Hamlin Street and Dermot Drive as depicted on the approved Amended Subdivision Plan, Hamlin Street Subdivision dated 4/30/2004 as finally amended, by Pinkham and Greer for Cloutier Construction.

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

Item# 29-2006 Acceptance of Portion of Stephenson Street

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

Ordered the Cape Elizabeth Town Council accept that portion of Stephenson Street extending from Spurwink Avenue to Hamlin Street.

(7 Yes)

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December 12, 2005

Item# 30-2006 Personnel Code Amendments

Assistant Town Manager Debra Lane was available to explain this item and answer questions.

Moved by M. Mowles and Seconded by P. McKenney

Ordered the Cape Elizabeth Town Council approve the amendment to Article 1 Section 3-1-1 (a) to read: "The Town shall employ, without discrimination as to race, color, creed, religion, sex, national origin, adult age, marital status, potential affiliation, physical or mental disability, status as a whistleblower, sexual orientation or any . . ."

(7 Yes)

Moved by M. Mowles and Seconded by C. Fritz

Ordered the Cape Elizabeth Town Council approve the amendment to Article 1 Section 3-1-15 to read: "The Town provides optional payroll deductions for banks and credit unions and for an annual combined charitable appeal for umbrella organizations in accordance with a Town Council adopted policy. Direct deposit of payroll checks is also available. Payroll deductions and direct deposit shall be authorized in writing by each employee."

(7 Yes)

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

Ordered the Cape Elizabeth Town Council approve the amendment to Article II Section 3-2-6(b), third paragraph to read: "The Town may require medical certification to support a request for leave because of a serious health condition. No more than 12 weeks of unpaid family leave shall be permitted in any rolling 12-month period. The employee . . ."

A.E. Swift-Kayatta called the question

(6 Yes) (1 No - M. Mowles)

The main motion approved.

(4 Yes) (3 No - M. Mowles, C. Dill & D. Backer)

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

Ordered the Cape Elizabeth Town Council approve the amendment to Article II Section 3-2-10(a), second paragraph to read: "The Town pays 100% of the cost of the premium for those with single coverage. Effective July 1, 2007 the town will pay 90% of the cost of the premium for those with single coverage. The Town pays . . ."

(7 Yes)

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

Ordered, the Cape Elizabeth Town Council approve the amendments to Article II Section 3-2-10(b). to read: "The Town of Cape Elizabeth offers a Section 125 Plan reimbursement account through Maine School Management Association. The Town may choose another provider at its option. Medical expense reimbursement accounts are limited to \$3,000 per year. Dependent care . . ."

(7 Yes)

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December 12, 2005

Item# 31-2006 PACTS Reallocation

Moved by P. McKenney and Seconded by M. Mowles

Ordered the Cape Elizabeth Town Council authorize the Town Manager to request PACTS to authorize a project to replace the paving surface on Spurwink Avenue from just northerly of the Spurwink Church to Deer Run Road. The new paving surface is to consist of a foam emulsion layer and a bituminous layer and is to include four-foot shoulders on both sides of the road. The funds for the project will require the de-allocation of a project to pave a portion of Shore Road.

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

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

Adjournment:

Moved by A.E. Swift-Kayatta and Seconded by M. Mowles

Ordered the Cape Elizabeth Town Council adjourn at 10:26 p.m.

(7 Yes)

Respectfully submitted,

Deborah S. Cabana

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MEETINGS SCHEDULE

2006 Draft Schedule of Meetings

January	5	Thursday	Finance Committee Workshop with School Board	Dinner 6:30 p.m., Meeting 7:30 p.m.	Town Center Fire Station
	9	Monday	Regular Meeting	7:30 p.m.	Town Council Chamber
	12	Thursday	Council Workshop	7:30 p.m.	William H. Jordan Conference Room
	23	Monday	Save for Possible Workshop	7:30 p.m.	William H. Jordan Conference Room
	30	Monday	Board and Commission Orientation	6:00 p.m.	High School Cafeteria
February	9	Thursday	Council Workshop	7:30 p.m.	William H. Jordan Conference Room
	13	Monday	Regular Meeting		Town Council Chamber
March	13	Monday	Regular Meeting	7:30 p.m.	Town Council Chamber
	13	Monday	Council Workshop	6:30 p.m.	William H. Jordan Conference Room
April	4	Tuesday	Finance Committee	7:30 p.m.	William H. Jordan Conference Room
	6	Thursday	Finance Committee	7:30 p.m.	William H. Jordan Conference Room
	10	Monday	Regular Meeting	7:30 p.m.	Town Council Chamber
	13	Thursday	Finance Committee with School Board	7:30 p.m.	Town Council Chamber
	26	Wednesday	Public Hearing on Proposed Budget	7:30 p.m.	Town Council Chamber
					Town

May	15	Monday	Regular Meeting/Planned Budget Adoption	7:30 p.m.	Council Chamber
	16	Tuesday	Council Workshop	7:30 p.m.	William H. Jordan Conference Room
June	12	Monday	Regular Meeting	7:30 p.m.	Town Council Chamber
	22	Thursday	Council Workshop	7:30 p.m.	William H. Jordan Conference Room
July	10	Monday	Regular Meeting-Light Agenda	7:30 p.m.	Town Council Chamber
August	14	Monday	Regular Meeting	7:30 p.m.	Town Council Chamber
	14	Monday	Council Workshop	TBD	William H. Jordan Conference Room
September	11	Monday	Regular Meeting	7:30 p.m.	Town Council Chamber
	14	Thursday	Council Workshop	7:30 p.m.	William H. Jordan Conference Room
October	11	Wednesday	Regular Meeting	7:30 p.m.	Town Council Chamber
	12	Thursday	Council Workshop	7:30 p.m.	William H. Jordan Conference Room
November	9	Thursday	Council Workshop	7:30 p.m.	William H. Jordan Conference Room
	13	Monday	Caucus of 2007 Town Council	6:30 p.m.	William H. Jordan Conference Room
	13	Monday	Regular Meeting	7:30 p.m.	Town Council Chamber
	30	Thursday	Appointments Committee Interviews		
December	2	Saturday	Appointments Committee Interviews		
	11	Monday	Regular Meeting/First Meeting of Council Year	7:30 p.m.	Town Council Chamber

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