

TOWN OF CAPE ELIZABETH

TOWN COUNCIL MEETING MINUTES

MEETING #4-96/97

JULY 8, 1996

7:30 P.M.

ROLL CALL BY THE TOWN CLERK PRESENT ABSENT

Janet L. McLaughlin, Chairman		X
Phyllis C. Coggeshall	X	
Joseph H. Groff, III		X
William H. Jordan		X
William S. Linnell, II		X
John W. McGinty		X
Rosemary A. Reid		X

PLEDGE OF ALLEGIANCE TO THE FLAG

CITIZENS' DISCUSSION OF ITEMS ON THE AGENDA

REPORTS AND CORRESPONDENCE

Councilor Reid reported that the Pool Study Committee interim report has been submitted to the Town Council.

Chairman McLaughlin reported on the following-

- *Town Employee Recognition Picnic was held on June 25.
- *US Dept. of Agriculture is proposing to convey a 12 acre parcel of land at the intersection of Sawyer Road and Fickett Street to the US Fish and Wildlife Service. Questions or comments should be received by July 19, 1996.
- *6/30/96 - dedication of benches by the pond at Fort Williams were dedicated in the memory of Ronald Fritz.
- *7/11/96 - caucus for the Cumberland County Budget Advisory Committee
- *7/10/96 - 7:00 p.m. Town Hall cafeteria Town Council/Planning Board workshop re: zoning ordinance rewrite

Moved by R. Reid and Seconded by W. Linnell to accept the minutes of Meeting #1-96/97 held June 10, 1996, Meeting #2-96/97 held June 24, 1996 and Meeting #3-96/97 held June 25, 1996 as written.

(7 yes) (0 no)

CONSENT AGENDA

ITEM #29-96/97 Moved by J. McGinty and Seconded by R. Reid

Ordered the Cape Elizabeth Town Council approves the renewal malt, vinous and spirituous liquor license for The Good Table, Inc. as presented.

ITEM #30-96/97

Ordered the Cape Elizabeth Town Council approves Public Safety Day at Fort Williams Park on October 12, 1996 as presented.

(7 yes) (0 no)

Page 2 Minutes July 8, 1996

CABLE TELEVISION IN THE SCHOOLS

ITEM #31-96/97 Intro - James Ray, CEHS
Grace Myers, CATV Advisory Committee

Moved by R. Reid and Seconded by P. Coggeshall

Ordered the Cape Elizabeth Town Council approves the recommendation from the CATV Advisory Committee to allocate \$7,000 in franchise fee income to enable the School Department to purchase equipment for a video technology program as presented.

(7 yes) (0 no)

PUBLIC HEARING PLAYING FIELDS AT FORT WILLIAMS PARK AND LIONS' FIELD

Present - Steve Harding - OEST Associates

Intro. - Chairman McLaughlin - Ms McLaughlin reviewed the grounds rules and explained the format for the public hearing. Proponents and opponents have approx. 10 minutes to address the Town Council. Other speakers have approx. 1 minute.

Chairman McLaughlin opened the public hearing to comments at 8:10 p.m.

Proponents-

Dan Fisher, 2 Pheasant Hill Road - Mr. Fisher encouraged the Town Council to approve additional ballfields. Fisher indicated that due to the number of participants, additional fields are needed particularly for practice during tournament time. He explained that the proposal is a "compromise" from the proposal 1 year ago, the proposal is "less optimum" than the prior proposal, and that fund raising momentum is gone. However the proponents would like to see the Town Council continue the process to construct additional ballfields - the proponents will assist whenever possible.

Jon Chapman, 77 Hillcrest Road, President CE LL - Mr. Chapman indicated that he supports the location and funding, "in general." The advocates are "willing to do what we can do to pay for it." Little League is willing to contribute a portion of registration fees - approx. \$6,000 per year. Chapman also said that there are "fund raising challenges" to raise money for two separate fields.

Roy Dunfey, 23 Columbus Road, Director of Fields Casco Bay Soccer - Mr. Dunfey said that the proposal is "a step forward" from what was. "The momentum for fund raising is gone." Dunfey asked that #9 Condition be amended to clarify that priority is given to Cape Elizabeth youth.

Marion Guthrie, 8 Delano Park - Mrs. Guthrie thanked the Town Council for "being included in the process." The issue "goes beyond the neighborhood," it is a "land use issue." The proposal is a good compromise however the Town Council must help the people that use the field in a passive way.

Page 3 Minutes July 8, 1996

Opponents -

Richard Berman, Shore Road - Mr. Berman represented residents that were not proponents

or opponents, but they are "consensus building" - approx. 30 residents. The concern is the fields *and* passive recreation use of the land. There is a need for passive recreation as the community "gets older." The group is looking for compromise to "bring the community back together." The Town Council is "heading in the right direction."

The consensus building group met with proponents to discuss the issues. The group has drafted some conditions based upon the need for fields *and* passive recreation.

Michael Roy, 51 Hillcrest Road, Director of Fields CE LL - Dr. Roy congratulated the consensus building group for devising conditions for a "shared use."

Emily Matterson, 2 Charles Road - Opposed to fields at Fort Williams Park.

Elizabeth Carroll, 23 Meadow Way - Mrs. Carroll asked how many acres have been designated for passive recreation at Fort Williams Park.

Barbara Durgin, 73 Starboard Drive - Likes the history of the Fort "the way it is now." Be careful. Consider an athletic park(at another location).

Edward Matterson, 2 Charles Road, 30 yr. resident - "Leave the Fort the way it is" - need the original sense of history. Why was the public hearing not publicized?

Mark Millar, 23 Fowler Road, 16 yr. resident - The proposed multi-purpose field is not "mutually exclusive" - there are other uses.

Carol Haas, 6 Locksley Road - An "organized field is asking Town residents to give up their daily routine." Ms Haas supports the consensus plan.

Ruth Pitzele, 24 Olde Fort Road - "A park, is a park, is a park." The noise will attract people. A variety of sports may alleviate the need for fields. Consider Lions' Field

and the Transfer Station property.

Ken Johnson, 12 Orchid Road, 16 yr. resident - The multi-purpose field would not be "mutually exclusive" - baseball, walking, dogs can use field.

Carol Fritz, Hunt Club Woods - Mrs. Fritz urged the Town Council to approve the conditions recommended by the compromise group. Town Council should change the name of the field to indicate the use - e.g. soccer/lacrosse, so that future Town Councils and Fort Williams Committees would know the intended use(s).

Steve Goldstein, 44 High View Road - In favor of fields where ever they can "squeeze in."

Anne Van Lonkhuyzen, 1009 Shore Road - Opposed to fields, not enough "quiet space" - plan ahead for a complex.

Betty Crane, 2 Wabun Road - In favor of the compromise group - has been opposed to fields.

John Brady, 12 Spoonrift Lane - The compromise/consensus is good.

Page 4 Minutes July 8, 1996

Tim Thompson, Pine Ridge Road - Glad to see the compromise - "we are way behind."

Karen Dunfey, 23 Columbus Road - Urge Town Council to move forward ASAP. Proponents can work - not just financial assistance.

Marion Guthrie, 8 Delano Park - "Vision contains wisdom, know when to stop."

Michael Roy, 51 Hillcrest Road - Need to move forward ASAP to allow rest time for the fields.

Barbara Durgin, 73 Starboard Drive - Will citizens get a vote? What is the process?

After hearing no further comments, the hearing was closed at 9:32 p.m.

ITEM #32-96/97 Moved by R. Reid and Seconded by W. Jordan
Ordered the Cape Elizabeth Town Council approves the proposed motion regarding playing field sites as presented - see attachment.

Moved by P. Coggeshall and Seconded by R. Reid

to amend ITEM #32-96/97 to read as follows:
Be it further ordered: that the Cape Elizabeth Town Council approves the proposed Multi-Purpose Playing Field in Fort Williams Park(Park) in the approximate location set forth in Alternate 4, excluding the Little League Field shown on said plan, for Fort Williams Park of the "Youth Recreational Ballfield Study" as prepared by

Oest Associates in May 1996, based upon the following findings and subject to the following conditions:

(7 yes) (0 no)

Moved by J. Groff and Seconded by J. McGinty

to amend ITEM #32-96/97 to read as follows: **Conditions**

9. ...It is the intent that the field shall be for Cape Elizabeth youth. Any scheduled activity using the fields shall have at least one team sponsored for and including Cape Elizabeth youth. ...

(7 yes) (0 no)

Vote on Original Motion as amended: (7 yes) (0 no)

ITEM #33-96/97

Bob Dodd, 6 Locksley Road- Mr. Dodd indicated that the compromise group has discussed fund raising for the compromise portion, if approved.

Moved by W. Linnell and Seconded by R. Reid

Ordered the Cape Elizabeth Town Council accepts 100% responsibility for any legal expenses that may occur by result of the fields vote and the Town will expend matching funds of up to \$150,000 for fields construction upon adequate assurances that the fields will be completed as designed.

(7 yes) (0 no)

Page 5 Minutes July 8, 1996

ITEM ##34&35-96/97

Moved by J. McGinty and Seconded by P. Coggeshall

Ordered the Cape Elizabeth Town Council tables ITEM ##34&35-96/97 until the September 9, 1996 Town Council Meeting. The items relate to reauthorization for town to accept private funds for playing fields and authorization to design playing fields.

(7 yes) (0 no)

FORT WILLIAMS PARK USE REQUESTS

ITEM #36-96/97 Intro. - Nancy Sears, Fort Williams Advisory Commission

Moved by P. Coggeshall and Seconded by R. Reid

Ordered the Cape Elizabeth Town Council approves the recommendation of the Fort Williams Advisory Commission for the Maine Office of Tourism for QVC to broadcast at Fort Williams Park on September 14, 1996 as presented.

(7 yes) (0 no)

ITEM #37-96/97

Intro. - Manager McGovern

Present - Nancy Sears, Fort Williams Advisory Commission

Moved by J. Groff and Seconded by W. Linnell

Ordered the Cape Elizabeth Town Council authorizes the planning to continue for the Cliff Walk Concept as presented.

(7 yes) (0 no)

ADDITIONAL ITEMS

ITEM #38-96/97

Moved by R. Reid and Seconded by W. Linnell

Ordered the Cape Elizabeth Town Council sets to public hearing on Monday, August 12, 1996 at 7:30 p.m. at Town Hall the Pedals and Pedestrians Final Report dated May 31, 1996.

(7 yes) (0 no)

ITEM #39-96/97

Moved by P. Coggeshall and Seconded by W. Linnell

Ordered the Cape Elizabeth Town Council sets to public hearing on Monday, August 12, 1996 at 7:30 p.m. at Town Hall the recommendations of the Pedals and Pedestrians Committee regarding the Shore Road Bikeway.

(7 yes) (0 no)

ITEM #40-96/97

Moved by P. Coggeshall and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council sets to public hearing on Monday, August 12, 1996 at 7:30 p.m. at Town Hall the recommendations of the Pedals and Pedestrians Committee regarding the Two Lights Road Bikeway.

(7 yes) (0 no)

Page 6 Minutes July 8, 1996

TOWN COUNCIL GOALS

ITEM #41-96/97

Moved by W. Linnell and Seconded by P. Coggeshall

Ordered the Cape Elizabeth Town Council adopts the Cape Elizabeth Town Council Goals for 1996-1997 as presented.

(7 yes) (0 no)

See attachment.

ITEM #42-96/97

Moved by J. McGinty and Seconded by W. Linnell

Ordered the Cape Elizabeth Town Council requests that the Community Services Advisory Commission develop a comprehensive long range recreation plan for Cape Elizabeth, to be reported back to the Town Council.

(7 yes) (0 no)

Moved by W. Jordan and Seconded by W. Linnell to take ITEM #43-96/97 out of order.

(7 yes) (0 no)

ITEM #43-96/97 Intro. - Councilor Reid, Chairman Appointments Committee

Moved by R. Reid and Seconded by W. Jordan

Ordered the Cape Elizabeth Town Council appoints Daniel Fisher, 2 Pheasant Hill Road, to serve the unexpired term of Joseph Groff on the Fort Williams Advisory Commission. A term to expire January 1, 1999.

(7 yes) (0 no)

CITIZENS' DISCUSSION OF ITEMS NOT ON THE AGENDA

Moved by W. Linnell and Seconded by P. Coggeshall to adjourn at 10:55 p.m.

(7 yes) (0 no)

Debra M. Lane, CMC
Town Clerk