

TOWN OF CAPE ELIZABETH

TOWN COUNCIL MEETING MINUTES

**MEETING #5-96/97
AUGUST 12, 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

PRESENTATIONS

Lindsay Lewis, Longfellow Drive, was recognized by the Town Council as being named Maine's MVP for Girls' Soccer.

RWS Representative Irv Chappell presented Chairman McLaughlin with a T-shirt from RWS in recognition of Cape's recycling efforts.

REPORTS AND CORRESPONDENCE

Councilor Jordan reported that Lester Jordan, Irv Chappell, Manager McGovern and Mr. Jordan recently attended the annual meeting of RWS. Irv Chappell was elected to serve as Treasurer.

Councilor Linnell recently attended a meeting in Omaha, Nebraska as Maine's Representative to the NLC Energy and Natural Resources Committee.

Councilor Reid explained, due to a back injury, she would be standing (moving about) during the meeting.

Councilor Coggeshall has been named by Chairman McLaughlin to serve on the steering committee for the South Portland/Portland Bridge Opening Ceremony.

Chairman McLaughlin-

*Assessor Gerald Daigle has set the tax rate at \$18.56. Due dates are 10/4/96 and 4/4/97.

*Upcoming joint workshops with the Planning Board re: ZORC report - 8/26, 9/3, 9/18

*Following the July Town Council meeting, an informal working group was formed to discuss passive recreation(ballfield issue) - report is due back for the September Town Council meeting.

*Residents should note work continues on the "closure" of the Transfer Station.

*Thank you to residents for your patience as the access points to Town Hall have been recently renovated for safety.

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Moved by W. Linnell and Seconded by P. Coggeshall to approve the Minutes of Meeting #4-96/97 held July 8, 1996 as written.

(7 yes) (0 no)

CITIZENS' DISCUSSION OF ITEMS NOT ON THE AGENDA

Howard Littlefield, 6 Lawson Road - Requested that the Town Council consider one-way traffic on Scott Dyer to Hill Way(filter traffic onto Ocean House from Hill Way), in order to address traffic approaching Route 77 at Ocean House/Shore Road.

CONSENT AGENDA

Moved by W. Linnell and Seconded by J. McGinty
Ordered the Cape Elizabeth Town Council approves the Consent Agenda for ITEM ##44, 45 & 47 as presented.

(7 yes) (no)

ITEM #44-96/97 Acceptance of \$67,188 in Local Road Assistance Funds from MDOT for the fiscal year beginning July 1, 1996.

ITEM #45-96/97 Acceptance of \$9,864 in Paving Funds from MDOT for the fiscal year beginning July 1, 1996 to be allocated to the Roadway/drainage Improvement Account.

ITEM #47-96/97 Approves the recommendation of the Fort Williams Advisory Commission for the use of Fort Williams Park from the New Hampshire Pyrotechnics Association(L.P. Murray) on September 21, 1996 as presented including conditions. No blasting/shots except from 6 PM to 9 PM and all publicity is to be approved by the Town Manager.

ITEM #46 was removed from the Consent Agenda for discussion.

ITEM #46-96/97 Moved by P. Coggeshall and Seconded by R. Reid
Ordered the Cape Elizabeth Town Council accepts the donation of \$4,500 from the South Portland-Cape Elizabeth Rotary Club for landscaping improvements at the Joan Benoit Samuelson sculpture as presented.

(6 yes) (1 no W. Jordan)

***PUBLIC HEARING PEDALS AND PEDESTRIANS COMMITTEE REPORT
SHORE ROAD AND TWO LIGHTS ROAD BIKEWAY FACILITIES***

Present - Sarah MacColl and Robert BaRoss, Co-Chairmen P2 Committee
Robert Faunce, Consultant

Intro - Sarah MacColl

Chairman McLaughlin opened the hearing to public comments at 8:04 p.m.

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Neil Williams, 53 Longfellow Drive - Mr. Williams expressed his concern regarding the "lack of publicity" on the P2 recommendation for a multi use trail from Scott Dyer Road to the High School. Mr. Williams "really doesn't have a problem" as the trail exists now-"I would like to see the proposed area remain natural, with more frequent maintenance by the Public Works Dept. Mr. Williams "vehemently" opposed paved paths which encourage skateboards, bicyclists, in-line skaters and any mode of transportation "known to man." If the trail is modified, the Town Council should consider a fence for property owners.

Susan Berry, 110 Two Lights Road - Opposed to Two Lights bikeway. Taxes and debt needs to be "under control" before monies are expended on these types of projects. Mrs. Berry is concerned about her property as the 60 year old trees abut the proposed project.

Henry Berry, 110 Two Lights Road - Resident since 4/7/1961. Opposed to Two Lights bikeway. A four foot paved way would encourage more traffic at higher rates of speed. Cruiser with radar and road signs are more effective. Concerned about taking of property and trees which provide privacy and protection to his home from the weather.

Thomas Egan, 41 Hannaford Cove Road - Favors safety, however can't support the Two Lights recommendation. Mr. Egan suggests that the Town Council go back to the P2 Committee and ask for "graphic" terms of a design to determine the impact the abutters.

Bob Shuman, 16 Delano Park - The Town is "divided" on the issue, a "deadlock." Now is not the time to make a change.

Tom Allen, 47 Longfellow Drive - Mr. Allen agrees with Neil Williams. A paved way would increase traffic and party goers. Why spend the money for something which already exists?

Carol Fritz, 9 Hunt Club Woods - Mrs. Fritz "generally agrees with the P2 Committee's recommendations." However minimize the impact to abutters. For instance, is it

necessary to have a four foot paved way on Two Lights?-consider 2 feet. Opposed to Shore Road bikeway.

Nancy Sears, 17 Linwood Street - Opposed to Shore Road bikeway.

Anne Van Lonkhuyzen, 1009 Shore Road - Concurs with P2 recommendation not to construct bikeway on Shore Road. Suggestion - limit commercial traffic.

Ruth Pitzele, 24 Olde Fort Road - Opposed to Shore Road bikeway - don't destroy the unique beauty.

Steve Barber, 72 Sunnybank Road - Favors Two Lights bikeway for safety. Compromise with abutters.

Alice Rand, 1222 Shore Road - Mrs. Rand's bedroom sits 50 feet from Shore Road. Opposed to Shore Road bikeway - will devalue properties and disturb the scenic beauty.

Peggy Farnsworth, 211 Two Lights Road - Opposed to Two Lights bikeway. Don't take property from long term residents.

Wayne Brooking, 208 Two Lights Road - Opposed to Two Lights bikeway.

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Richard Mahoney, 27 Fowler Road - Opposed to Shore Road bikeway. Four foot payment on both sides would create "two additional highways."

Mary McDonough, 1107 Shore Road - Opposed to Shore Road bikeway. Commercial traffic(and speed) needs to stop.

Joanne Schnell, 214 Spurwink Avenue - No need to improve current roads.

Mark Woodward, 96 Wells Road - Creating more pavement is contrary to what everyone is out to enjoy - roads are "adequate the way they are."

Howard Littlefield, 6 Lawson Road - Mr. Littlefield suggests that the 2 feet, already on Shore Road, should be paved. Shore Road needs improvement for safety. All "major roads" in Town should have a 2 foot paved way when improved.

Peter Rich, 7 Smugglers Cove Road - Favors bikeway on Shore Road - encourages other modes of transportation besides vehicles.

Randy Blake, 2 Ivie Road, President CE Land Trust - Was not aware, until today, about the proposed multi use trail off Scott Dyer. Land Trust would like to be appraised of the discussions. Does not favor a paved way for such a trail.

Bob Harrison, 42 High View Road - P2 Member. Mr. Harrison signed an opinion letter along with several members of the P2 Committee dated July 24, 1996(enclosed in packet). Mr. Harrison noted that P2 did not suggest alternatives for Shore Road to address safety conditions - this needs to be considered.

Dexter Hunneman, 1218 Shore Road - 46 years. Opposed to Shore Road bikeway - would benefit small minority of bicyclists.

Steve Simonds, 18 Brentwood Road - P2 Member. Safety on Shore Road is still a concern. P2 suggested no solutions. Mr. Simonds urges the Town Council to negotiate with MDOT for minimum requirements to participate in the grant.

Frank Potenzo, 8 Ivie Road - 38 years. The Town Council is "going around in circles." Keep Shore Road and Two Lights the way they are. Utilize money for other purposes.

Marion Guthrie, 8 Delano Park - 21 years. Opposed to bikeways - money should be spent on "more pressing priorities" e.g. public safety building.

Kimberly Moody, 22 Lawson Road - New resident. Favors Shore Road bikeway and sidewalks for the safety of children, and ecologically safe.

After hearing no further comments, the public hearing was closed at 9:11 p.m.

Anne Van Lonkhuyzen - Suggested constructing the proposed sidewalk near Dyer Pond Road, within Fort Williams Park along Shore Road.

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ITEM ##48, 49, 50-96/97 Moved by R. Reid and Seconded by W. Linnell

Ordered the Cape Elizabeth Town Council refers to the Wednesday, August 28 Workshop the Pedals and Pedestrians Committee Report, the proposed Shore Road and Two Lights Road bikeway facilities. It is anticipated that a public hearing and final vote on these issues will be held at the Monday, September 9, 1996 Town Council Meeting.

(7 yes) (0 no)

ITEM #51-96/97 Intro - Manager McGovern

Moved by W. Jordan and Seconded by W. Linnell

Ordered the Cape Elizabeth Town Council acknowledges receipt of the Inventory and Evaluation of Paper Streets in Cape Elizabeth, Maine Final Report dated August 1, 1996 prepared by the Greater Portland Council of Government and sets the report to a future workshop - date to be determined.

(7 yes) (0 no)

Note: The Town Council requested that the utility companies be contacted regarding this report prior to the workshop.

ITEM #52-96/97 Moved by J. McGinty and Seconded by P. Coggeshall

Ordered the Cape Elizabeth Town Council acknowledges receipt of the Thomas Memorial Library Trustees Mission Statement and 5 Year Plan and sets the item to the Monday, September 23 Workshop.

(7 yes) (0 no)

ITEM #53-96/97 Intro - Manager McGovern

Moved by R. Reid and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council tables ITEM #53-96/97 regarding setting a public hearing on Playing Field issues to the Wednesday, August 28 Workshop. It is anticipated that following the workshop and receipt of Planning Board comments, a public hearing will be scheduled for Monday, September 9, 1996. Playing field issues include the proposed use of Fort Williams Park and Lions' Field, the expenditure of up to \$150,000 and potential financing e.g. acceptance of funds generated from fees from athletic groups.

(7 yes) (0 no)

ITEM #54-96/97 Moved by J. Groff and Seconded by P. Coggeshall

Ordered the Cape Elizabeth Town Council accepts a grant in the amount of \$4130.00 from the Department of Public Safety Bureau of Highway Safety for the 1996 OUI Emphasis Subgrants as presented.

(7 yes) (0 no)

ITEM #55-96/97 Intro - Debra Lane, Town Clerk

Consensus of the Town Council to table the item until the end of the meeting in order for the Town Manager to provide clarification of the statute regarding procedural provisions for charter amendments.

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Moved by J. McLaughlin and Seconded by P. Coggeshall

Ordered the Cape Elizabeth Town Council takes ITEM ##56 & 57-96/97 out of order per the addendum to the agenda.

(7 yes) (0 no)

ITEM #56-96/97 Moved by P. Coggeshall and Seconded by W. Jordan

Ordered the Cape Elizabeth Town Council approves the request from NYNEX to place a new pole on Sawyer Road - from approximately 2640' southerly of the South Portland/Cape Elizabeth Town Line, one pole, as presented.

(7 yes) (0 no)

Note: The application was made due to drop wire hanging too low over Sawyer Road at Pole 156.

Moved by W. Jordan and Seconded by W. Linnell

Ordered the Cape Elizabeth Town Council takes ITEM #55-96/97 from the table.

(7 yes) (0 no)

ITEM #55-96/97 Moved by W. Linnell and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council sets ITEM #55-96/97 to workshop on Wednesday, August 28 at 7:30 p.m. at Town Hall regarding the recommendation from the Town Clerk to place a charter amendment on the November ballot to change the municipal election date from May to November. The Town Clerk is directed to provide specific language to the Town Council at the August 28 workshop. It is anticipated that a public hearing, regarding placing the item on the ballot, will be set for the Monday, September 9 Town Council Meeting.

(7 yes) (0 no)

ITEM #57-96/97 Intro - Manager McGovern

Moved by P. Coggeshall and Seconded by J. McGinty

Ordered the Cape Elizabeth Town Council sets to public hearing on Monday, September 9, 1996 at 7:30 p.m. at Town Hall the purchase of a lot next to the Thomas Memorial Library in the amount of \$35,900.

(7 yes) (0 no)

CITIZENS' DISCUSSION OF ITEMS NOT ON THE AGENDA

Chairman McLaughlin adjourned the meeting at 10:38 p.m.

Debra M. Lane, CMC
Town Clerk

